

## **Oppose SB 244, Workers' Comp "Farm & Ranch Laborers": Don't Legislate Unconstitutional Discrimination!**

The Court of Appeals struck down the farm and ranch laborer exclusion to the Workers' Compensation Act, because it violates the NM Constitution's Equal Protection Clause. Injured farmworkers now have the same right to workers' comp benefits as all other workers in New Mexico.



**SB 244 is an attempt to legislate unconstitutional discrimination against farmworkers back into the law.  
But it doesn't solve the constitutional problem.**

- SB 244 will fail in the courts, because the Court of Appeals **already rejected as unconstitutional** the bill's cost and ease-of-administration justifications.
- The total annual cost of providing workers' comp coverage industry-wide is **less than one percent of agriculture's annual profit of over \$1 billion**. Plus, 91% of NM farms don't have to buy workers' comp insurance at all because they are small.
- Workers' comp is not harder to administer to farmworkers than other covered workers in the construction & service fields, who are also temporary and seasonal.

### **Workers' Comp Coverage for Farmworkers Benefits Everyone**

- Workers' comp coverage is affordable to farm employers, helps their employees get back to work quickly, and protects them from tort lawsuits.
- Workers' comp shifts the financial burden of medical care and lost wages from the taxpayers to an insurance company.
- Mandatory coverage will help most farmworkers in NM. Only 9% of New Mexico's farms employ the 3 or more employees required for coverage – about 1,973 farms – and they employ about 83% of all of our agricultural workers.

