

AGRICULTURAL WORKERS - KNOW YOUR RIGHTS

MINIMUM WAGE

Most agricultural workers - regardless of how they are paid - have the right to New Mexico's Minimum Wage: **\$9.00/hour.**

New Mexico's minimum wage is going up!

2021:	2022:	2023:
\$10.50 /hour	\$11.50 /hour	\$12.00/hour



Example: Your employer pays you \$1 a bin and you picked 100 bins, so your wages were \$100. But because you worked 40 hours, you should have received \$300 (40 x \$7.50 per hr). Your employer should have paid you an additional \$200 to pay you the minimum wage.

NOTE: A very small number of agricultural workers are exempt from the minimum wage. Please contact us for further information.

MINIMUM WAGE DAMAGES

Employers who violate the Minimum Wage are required to pay **three times** the amount of wages owed, **plus interest.**

PESTICIDES AT WORK

You have the right to:

- know what pesticides are being used by the employer and when it is safe to work after pesticide application
- receive official trainings in pesticides before applying them
- decontamination supplies if you come into contact with pesticides
- medical care if you become sick due to pesticides

RETALIATION PROHIBITED

It is illegal for employers to fire or discipline an employee in any way for demanding their rights, such as minimum wage, or for informing other employees of their rights, including the rights discussed in this sheet.

Important: If you are fired or disciplined for enforcing or telling someone about their rights, give us a call.

EVERYONE IS PROTECTED

Regardless of immigration status, you have the right to all of these laws and protections!



UNEMPLOYMENT BENEFITS

Many farm workers who are **not working** can receive **unemployment benefits.**

Requirements to get unemployment benefits:

- You are without a job through no fault of your own
- You are currently able to work
- You have the right to work in the U.S
- You are actively looking for work.

You can apply for benefits over the phone by calling the New Mexico Department of Workforce Solutions, Unemployment Operations Center, at **(877)-664-6984.**

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WORKING CONDITIONS

Farm owners and crew leaders are required to provide the following in the field:

- Clean and cool drinking water in areas accessible to workers
- Clean and private toilets close to workers
- Hand-washing stations
- Agricultural tools that prevent you from having to stoop, kneel, or squat



Anonymously report farmers that do not provide these working conditions!
Call NM Occupational Safety Bureau: 505- 476-8724.

WORKERS' COMPENSATION



Most farm owners with 3 or more employees must provide workers' compensation benefits to all of their workers

Anyone who works for a business covered by this law has the right to receive medical treatment to address workplace injuries and wage compensation.

ENFORCEMENT OF WAGE-RELATED RIGHTS



Workers may report to the Labor Relations Division of the N.M. Department of Workforce Solutions if their wage rights are violated. The Department of Workforce Solutions investigates workers' complaints, enforces their rights, and tries to recover the wages owed.



WHO TO CONTACT FOR MORE INFO OR FOR HELP ENFORCING YOUR RIGHTS:

Department of Workforce Solutions, Labor Relations Division
505-841-4400

El Centro de Igualdad y Derechos
505-246-1627

Somos Un Pueblo Unido
505-424-7832

NM Immigrant Law Center
505-247-1023

NM Center on Law and Poverty
505-255-2840

Ask for:
Stephanie Welch or Felipe Guevara