

KNOW YOUR RIGHTS

Agricultural Worker Health and Safety Protections

ALL agricultural workplaces in New Mexico **must practice social distancing and hygiene measures**, such as

- 1) providing 6 feet of distance between individuals when possible;
- 2) avoiding person-to-person contact;
- 3) making handwashing available to employees;
- 4) cleaning and sanitizing daily;
- 5) screening employees daily for COVID-19 symptoms before they enter the workplace; and
- 6) requiring all employees, vendors, and customers to wear face coverings.



Right to a Safe Workplace

All agricultural workers, including dairy workers, in New Mexico have the right to a safe workplace. Workers have these rights regardless of their immigration status.

- Employers must provide their employees with workplaces that are free of known hazards that could seriously harm their employees.
- Employers must evaluate potential hazards and determine whether personal protective equipment (PPE) is needed to protect employees. If PPE is needed, the employer must have employees use PPE that fits properly and will protect them from known hazards. Employers must provide employees with PPE at **no cost**.
- Employers must provide bathrooms that are clean and sanitary and have adequate hot and cold running water, soap or other cleaner, and towels or air dryers.
- Employers must provide official trainings on pesticides, decontamination supplies, and medical care if someone becomes sick due to pesticide exposure. Employers must provide adequate PPE for those applying pesticides, and must let employees know when it is safe to return to work after pesticide application.



Protection from Retaliation

Employers cannot retaliate against workers for advocating for their or others' health and safety rights.

If you believe that you contracted COVID-19 at work, you may be eligible for medical treatment and lost wages through **workers' compensation**. Notify your employer as soon as possible. For more information, call the Workers' Compensation Administration at 1-866-967-5667.

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Right to Refuse Dangerous Work

Agricultural workers, including dairy workers, have the **right to refuse dangerous work** if:

- they ask their employer to eliminate the danger, and the employer ignores the request;
- they genuinely believe there is an imminent danger;
- a reasonable person would agree that there is a real danger of death or serious injury; AND
- there is not enough time to correct the situation through regular enforcement channels, such as requesting an OSHB inspection



Most Agricultural Workers Have Additional Protections

Unless the business has workers doing hand-labor in the field, the following protections do not apply to workers at dairies, livestock operations, canning facilities, or packing houses.*

Employers must provide bathrooms that are clean, private, and sanitary, and hand-washing stations that are close to bathrooms and have sanitary water, soap or other cleaner, and towels. Both bathrooms and hand-washing stations must be easily accessible, and employees must have reasonable opportunities to use these facilities throughout the workday.



Employers must provide drinkable water at no cost to employees that is covered and kept cool in locations easily accessible to all employees, and must provide single-use drinking cups or water fountains.

Enforcement

If your employer has violated health and safety measures or your legal rights, you can complain to the **NM Occupational Health and Safety Bureau (OSHB)**:

- Call (505)-476-8700 and ask for a compliance officer OR
- Email Complaints.OSHA@state.nm.us

Workers have the right to make their complaint **confidential**. If a worker requests this, OSHB will withhold the worker's name from the employer.

Workers who experience retaliation have **30 days** to submit a complaint to OHSB. All other complaints must be made within six months.

Besides complaining to OSHB, you can report any business that is not implementing social distancing, hygiene measures, or other worker safety protections by emailing NMSP.COVID19@state.nm.us or calling your local law enforcement's non-emergency phone number.

Finally, you can complain to the **NM Attorney General's Office** by calling 1-844-255-9210.

* You may contact us if you have any questions about whether you are covered by these protections.