**Field-Worker Rights**

As a migrant farmworker, you have basic protections under the law. Laws exist to make sure farmwork locations are safe places to work.

You have certain rights when doing field work. The information in this lesson is not legal advice. If you have any complaints about your workplace, you should speak to your employer or crew leader first. If problems continue, you can make a formal complaint.

**Who protects your Field-Worker Rights?**

There are two laws that make sure everyone has safe working conditions in the field. One law is called the Worker Protection Standard for Agricultural Pesticides (*WPS*). *WPS* is carried out by the U.S. Environmental Protection Agency. *WPS* helps to make sure people are not poisoned by pesticides.

The other law is called the Occupational Safety and Health Act (*OSHA*). *OSHA* is carried out by the Wage and Hour Division of the U.S. Department of Labor of the U.S. in most states. *OSHA* was created to make sure everybody has safe working conditions.

Several states have made local laws. In every case, the employer must follow the requirements that are stricter.

**What rights do I have?**

**Worker Protection Standard (WPS)**

WPS says that everybody doing farm work must receive *pesticide* trainings. WPS also says that there must be signs posted in the fields where pesticides have been sprayed. According to WPS, your employer must make sure there are no workers where the employer is applying *pesticides*. If there are workers present, pesticides cannot be sprayed.

If part of your job is to spray pesticides, your employer must:

- Provide you with:
  - Training,
  - Water, soap and towels for washing your hands, and
  - Clothes and equipment to protect you from getting contaminated by pesticides.

- Tell you:
  - How to apply the pesticides without getting contaminated,
  - The rules for labeling the pesticides, and
  - About the signs you have to post where the pesticides are sprayed.

WPS says that in the fields where pesticides are sprayed there should be signs posted that say:

- Pesticides were sprayed,
- The names of the pesticides that were sprayed,
- That nobody should enter the fields, and
- How long people should stay away from the field.

WPS tells employers what they must do in case workers are exposed to pesticides. If you or anybody gets exposed to pesticides, your employer must provide you with:

- Transportation to a medical facility immediately; and
- Information about the pesticides that you were exposed to.
Your employer should provide you with a clean toilet, hand washing facilities, and potable drinking water. Your employer should keep these facilities clean at all times. Your employer must also tell you where they are located and allow you to use them.

- **Toilet:** There must be at least one toilet for every 20 field workers. If there are men and women working, there must be separate toilets. The toilets must have toilet paper. Portable toilets are acceptable. You should be able to lock the toilets from the inside.
  
  **Be careful!** If you do not use the toilet when you need to, you may get sick.

- **Hand Washing Facilities:** There must be a place where you can wash your hands with potable water. Your employer cannot give you wet towels to wash your hands. Your employer must provide you with soap or something similar and paper towels to dry your hands. You should wash your hands several times a day, especially before and after going to the toilet and before eating and smoking.
  
  **Be careful!** If you do not wash your hands, you might get exposed to pesticides.

- **Potable drinking water:** Your employer must provide you with potable drinking water. The containers must be cleaned regularly. Your employer can provide you with disposable cups for drinking water, but you must not be asked to share them. There must be enough cups and potable water for everyone. Water fountains are okay. Large buckets with water to dip your cup are not okay.
  
  **Be careful!** If you do not drink enough water, you might suffer from heat stress.

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**When am I allowed to use the facilities?**

Toilets, hand washing facilities, and potable drinking water must be as close as possible to where you work. They must be no more than ¼ mile or a 5-minute walk away, whichever is closer. You must be allowed to use the toilet, wash your hands, and drink during your work day.

**Your employer should notify you!**

Your employer must explain to you the health hazards involved with getting infected by pesticides, not drinking enough water, not washing your hands, and not going to the toilet.

**Can I make a complaint?**

You have the right to make a complaint if you feel your field-worker rights are not being respected. You cannot be fired legally for filling a complaint. First, contact your employer. If you do not get a response or the situation does not change, contact OSHA. OSHA has a 24-hour emergency hotline at 1-800-321-OSHA (6742). The hotline does not require your name, if you do not want to give it. There are Spanish speakers available.

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**Vocabulary & Definitions**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Potable</td>
<td>Water clean enough for drinking</td>
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<tr>
<td>Hazard</td>
<td>Something dangerous</td>
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<tr>
<td>Pesticide</td>
<td>Chemicals used to kill harmful animals or plants</td>
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Objective: To teach migrant and seasonal agricultural workers:
1. Their rights when doing field work.
2. Their basic rights guaranteed under the Worker Protection Standard (WPS).
3. Their basic rights guaranteed under the Occupational Safety and Health Act (OSHA).

Goals:
- Students will learn more about the Worker Protection Standard.
- Students will learn more about the Occupational Safety and Health Act.
- Students will learn what their employer must do when spraying pesticides.
- Students will look through images and identify what must be in the field where they work.

Essential Questions: What are my rights as a field-worker? Who protects my rights as a field-worker? What must my employer do if I get exposed to pesticides? When am I allowed to go to the toilet?

<table>
<thead>
<tr>
<th>Materials needed</th>
<th>Estimated time</th>
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<tbody>
<tr>
<td>Pre and Post Assessments</td>
<td></td>
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<tr>
<td>Worksheet #1 with two large pictures and multiple small ones</td>
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</tr>
<tr>
<td>Student handout</td>
<td></td>
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<td>Glue, scissors</td>
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</tbody>
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<tr>
<th>Elements</th>
<th>Activities</th>
<th>Notes</th>
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| Preparation | • Introduce the topic – “Field-Worker Rights”  
               Time: 5 minutes         | • Have students take the Pre-Assessment.        |
|           | • Review the Pre-Assessment  
               Time: 5 minutes         | • Ask for volunteers to share their answers.    |
| Instructions | • Distribute and read together the student lesson, “Field-Worker Rights.”  
                 Time: 15 minutes      | • The teacher will explain the meanings of the bold faced words as they appear and give examples of each word. |
|           | • The teacher will distribute Worksheet.  
               Time: 25 minutes         | • Students cut the images that show what must be in the field, according to OSHA. |
|           |                                                                              | • Students will share their responses to make sure they found all of the differences. |
|           |                                                                              | • Students cut the images that show what must be in the field, according to WPS. |
|           |                                                                              | • Students will share their responses to make sure they found all of the differences. |
| Concept Check | • Students will take the Post-Assessment.  
                  Time: 5 minutes         | • The teacher will go over the answers and close the lesson by giving each student a list of basic field-worker rights and contact information. |

Suggestion: Consider using this lesson along with the “What You Need To Know About Pesticides” lesson from the For Your Health Modules.
Question #1 / Pregunta #1

Directions / Instrucciones: Cut out the images that show the items that must be in the field, according to the Occupational Safety and Health Act. Paste the images onto the field. / Recorta las imágenes que muestran las cosas que deben estar en el campo, de acuerdo con La Ley de Seguridad e Higiene Ocupacional. Pega las imágenes en el campo que se ve en la foto.
Question #2 / Pregunta #2

Directions / Instrucciones: Cut out the images that show the items that must be in the field, according to the Worker Protection Standard. Paste the images on to the field. / Recorta las imágenes que muestran las cosas que deben estar en el campo, de acuerdo a la Norma de Protección al Trabajador. Pega las imágenes en el campo de la foto.
Field Worker Rights/Los Derechos de Los Trabajadores de Campo

Activity/Actividad

Pictures for Question #1 / Imágenes para la Pregunta #1

(A) 

(B) 

(C) 

(D) 

(E) 

(F) 

(G) 

(H) 

Developed by the Illinois Migrant Education Resource Project with funding from the Solutions for Out-of-School Youth (SOSY) Migrant Education Program Consortium Incentive Grant (2012).
Field Worker Rights/Los Derechos de Los Trabajadores de Campo

Activity/Actividad

Pictures for Question #2 / Imágenes para la Pregunta #2

(A) (B) (C)

(D) (E) (F)

(G)

Directions/Instrucciones

Developed by the Illinois Migrant Education Resource Project with funding from the Solutions for Out-of-School Youth (SOSY) Migrant Education Program Consortium Incentive Grant (2012).
Field-Worker Rights — Activity Answer Key

Pictures for Question #1

A) Porta potties  
B) Water  
C) Hand soap  
D) Toilet paper  
E) Paper towels  
F) Lunch  
G) Time to use the toilet, wash your hands and drink water  
H) Time for a nap

Answer: All except (F) and (H)

Pictures for Question #2

A) Do Not Enter signs  
B) Protective clothes and equipment  
C) Hand cleaner  
D) Pesticide training  
E) Directions on applying pesticides  
F) Pesticides  
G) Rules for labeling pesticides

Answer: All except (F)
Field-Worker Rights

1. I have the right to receive pesticide trainings.

2. I have a right to use the toilet, wash my hands, and drink water when I need to.

3. I have a right to know the health hazards involved with getting exposed to pesticides.

4. I have a right to know the health hazards involved with not drinking enough water, not washing my hands, and not going to the toilet.

5. I have a right to contact OSHA if I feel that my field-worker rights are not being respected.

Contact Information:
I have a right to make a complaint if I feel that my field-worker rights are not being respected. I can contact my employer first. If that does not help, I can call the 24-hour emergency Occupational Safety and Health Act hotline. My teacher might have contact information. When calling OSHA, I can ask to speak to somebody in Spanish and I do not have to give my name if I do not want to.

OSHA Hotline:
1 (800) 321-OSHA
1 (800) 321-6742
1. How often can you go to the toilet during your work hours?

2. Your employer has to provide you with:
   a. a clean toilet
   b. handwashing facilities
   c. potable water
   d. all of the above

3. Water that is safe to drink will be marked: cold potable

4. Workers doing farm work must receive pesticide training.

5. Toilets for field workers should be:
   a. close to the field where they work
   b. have toilet paper
   c. lock from the inside
   d. all of the above

Circle the correct answer.

as often as once a day needed

Total Correct:______
1. How often can you go to the toilet during your work hours?
   - as often as needed
   - once a day

2. Your employer has to provide you with:
   - a. a clean toilet
   - b. handwashing facilities
   - c. potable water
   - d. all of the above

3. Water that is safe to drink will be marked:
   - cold
   - potable

4. Workers doing farm work must receive pesticide training.
   - True
   - False

5. Toilets for field workers should be:
   - a. close to the field where they work
   - b. have toilet paper
   - c. lock from the inside
   - d. all of the above

Total Correct:_______

What should you do if your field-worker rights are not being respected? (not scored)
________________________________________________________
________________________________________________________
________________________________________________________
________________________________________________________