



My Basic Rights

In the United States, there are laws that protect agricultural and migrant workers. Your basic rights are different depending on your work contract. Even if you do not have a written contract, certain laws will protect you. Your rights sometimes depend on what you were promised when you took the job.

This lesson about your basic rights is for your information. It is not legal advice. If you have complaints, you should speak to your employer or crew leader first. If the problems continue, you can make a formal complaint.

Basic Rights: Basic rights are legal guarantees you have as a worker. Some rights are the same for all workers. Other rights depend on a workers contract. These rights say that you have a right to clean drinking water and that you must be paid for your work. They also say what you can do if your rights are not respected.

Who Gives You Your Basic Rights? At least two laws ensure that documented migrant and agricultural workers have rights. The laws are the **Migrant and Seasonal Agricultural Worker Protection Act (MSPA)** and the **Occupational Safety and Health Act (OSH Act)**. The U.S. Department of Labor enforces both of these laws.

These RIGHTS are as follows:

Written Disclosure: As a migrant and seasonal agricultural worker, your employer must tell you in writing, in your native language:

- about the work you will do
- how much you will earn (**wages**)
- where you will work
- how long you will work there (**period of employment**)
- if you will get state **workers' compensation insurance**



Earned Wage: You have the right to know how much money you will be paid. You have the right to know when you will be paid. You must be paid the agreed amount on time. The agreed amount cannot be less than the federal minimum wage.

Working Arrangement: The working arrangement is the understanding between the employer and you. It includes the requirements for pay, hours, and the kind of work you will do. An employer cannot change this arrangement without telling you and getting your permission.

Workers' Compensation Insurance: Workers' Compensation Insurance helps employees if they get hurt on the job. Each state has different rules for employers regarding workers' compensation. You have a right to know if your employer provides workers' compensation. If your employer provides workers' compensation and you are injured on the job, you have a right to make a claim without fear that you will be fired.



Vocabulary

- Basic Rights
- Written Disclosure
- Wage
- Period of Employment
- Workers' Compensation Insurance
- Working Arrangement

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Drinking Water and Toilets: Your employer must provide you with clean toilets and soap and water to wash your hands. You must be given clean drinking water with individual plastic cups, or have access to drinking fountains.

Safe Transportation: Transportation, if provided, needs to meet federal and state safety standards. The driver must have a valid driver's license and insurance.

Safe and Clean Housing: When you are offered the job, your employer must tell you if housing will be provided. You must be told the cost of the housing in advance. The housing must meet federal and state sanitary standards and in most cases must be licensed by the government.



People who work in the United States without the legal right to do so also have rights. However, they may have more difficulty receiving payment for violations.

Exception: Workers holding an H-2A Visa are not protected by MSPA. Still, if you are an H-2A worker, you should have a formal contract that describes your job requirements and expectations. You have the right to ask for a copy of the contract. You also have a right to file complaints if the agreement is not respected.

These are some of your basic rights. If your employer does not respect these rights, or if you are treated unfairly, contact your employer or:

Wage and Hour Division (WHD)
Tel: 1-866-4USWAGE (1-866-487-9243) Or Tel: 1-866-4-USA-DOL (1-866-487-2365)
8:00 A.M – 5:00 P.M. 8:00 A.M – 8:00 P.M.

Vocabulary & Definitions

Basic Rights:	A fair claim, a legal guarantee. Some examples of rights are the right to earn a wage for work you do. Another example is the right to safe working conditions.
Written Disclosure:	A document that explains what your work will be. A written disclosure usually includes the length of employment, the type of work that you will do and how much you will be paid.
Earned Wage:	Money you are paid by the hour, day, or week for the work that you do.
Period of Employment:	Time of employment, from start date to end date. For example, you will work from April 21 – August 30.
Workers Compensation Insurance:	Insurance that helps employees if they get hurt on the job. Your employer can buy it for you, but might not be required to do so.
Working Arrangement:	The understanding between the employer and worker about the expected requirements for the job.

My Basic Rights

Lesson Plan

Objective: To provide the information necessary to understand one’s basic rights as a migrant and seasonal farmworker.

Goals:

- Students will gain knowledge concerning their basic rights.
- Students will know the definition of disclosure and other important words.
- Students will create a poster demonstrating their understanding of basic rights.
- Students will role-play various scenarios depicting the respect or denial of basic rights.

Essential Questions: What are my Rights? Who should I contact if my rights are not respected?

Materials needed		Estimated time
<ul style="list-style-type: none"> • Poster board • Markers • Scenarios • Pre and Post-Assessments • Student Handout 		1 Hour
Elements	Activities	Notes
Preparation	<ul style="list-style-type: none"> • Present the topic – “My Basic Rights” Time: 10 minutes • Review the Pre-Assessment Time: 5 minutes 	<ul style="list-style-type: none"> • Have students take the Pre-Assessment. • Ask volunteers to share their answers.
Instructions	<ul style="list-style-type: none"> • Distribute and together read the student lesson, “My Basic Rights” Time: 15 minutes • Separate the student into groups of two and provide each Group with poster board and markers. Time: 10 minutes • Explain to the students that they are going to make a poster. The poster will include: The definition of a Basic right A list of basic rights Information about whom to contact if their Rights are denied. Time: 15 minutes • Separate the students into groups of two or three and distribute one scenario to each group. Time: 15 minutes 	<ul style="list-style-type: none"> • The teacher will explain the meanings if the vocabulary words, as necessary, and give examples of each word. • To begin the activity, the teacher will write a few examples of basic rights. • Students will create a poster. • Students will talk about their posters with the entire group. • Students will role-play various scenarios to determine if the basic rights are being respected. • Ask for volunteers to talk about what the people in the scenarios should do to find a solution to the problems presented.
Concept Check	<ul style="list-style-type: none"> • Students will take the Post-Assessment. Time: 10 minutes 	<ul style="list-style-type: none"> • The teacher will go over the answers and closet he lesson by living each student a list of basic rights and contact information.

Scenarios



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Scene # 1, Written Disclosure

Spanish is Miguel's language. He receives a written disclosure explaining the agreement between him and the leader of the crew. The disclosure is written in Spanish and says that he will get the federal minimum wage. The disclosure says that he will work different hours each day, depending on how the season is going. It says he will return to his home state by September of that year. Miguel travels in July with the crew and returns back to his home state on August 31st. Is the basic right to a written disclosure being respected? If not, what should Miguel do?



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Scene # 2, Earned Wages

Juan was given a written disclosure saying that he is going to get paid every other Friday. It said that he would be paid \$9.00 per hour. Juan went to work every day for three weeks with no pay. The crew leader explained to him that the land owners had not deposited the money. When Juan finally got his money, he only got paid for two weeks of work. He told the crew leader that he was missing pay. The crew leader told him that if he complained, he would be fired. Is the basic right to earned wages being respected? If not, what should Juan do?



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Scene # 3, Drinking Water and Toilets

María is working long hours with her crew. She has to wake up really early to go to work and sometimes doesn't finish her work until after dark. The crew leader gives her entire crew a large bucket of dirty water and 10 cups for them to share in the break room. They are not allowed to drink water while they are working. There is one portable toilet for about 100 workers and they can only use it during their break. Is the basic right to drinking water and toilets being respected? If not, what should María do?



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Scene # 4, Safe Transportation

Raúl is told he has to meet with his co-workers at the warehouse each morning. Then he rides with them to the fields to work. Every time he is on the bus he almost falls off his seat since the driver has to step on the brakes hard to make the bus stop. The workers tell the employer that the brakes on the bus are not working correctly, but he refuses to do anything about it. Is the basic right to safe transportation being respected? If not, what should Raúl do?



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Scene #5, Safe and Clean Housing

Esperanza was hired to travel with the crew to pick peaches. Her crew leader told her that she and her family would have a house. The crew leader said she would not need to pay any utilities or rent. When she arrived at her destination, she found that there was one small room for her and her husband and their two children. There were four beds and one bathroom for the family. There was a poster on the door saying that the housing was licensed and that Esperanza would not have to pay for their stay. Is the basic right to safe and clean housing being respected? If not, what should Esperanza do?



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Scene #6, Working Arrangement

Josefina is hired to work in the warehouse sorting corn seeds. Her employer says she is not going to have a specific work schedule for the entire season. She will know at least one week in advance at what time she is supposed to start work. When the season starts, the employer sees that he cannot tell Josefina her work start-time one week in advance, because the machines that cut the corn work at different speeds each day. The employer explains this to Josefina. The employer asks her if it would be okay to let her know her next days start-time at the end of each work day. Josefina agrees. Every time Josefina gets off work, the crew leader tells her the time she will start work the next morning. Is the basic right to a working arrangement being respected? If not, what should Josefina do?

Scenarios—Answer Key



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Scene # 1, Written Disclosure

Is the basic right to a written disclosure being respected? If not, what should Miguel do? Yes, because Miguel received the written disclosure in Spanish and it listed how much he was going to get paid and information about how long he would work. Also, Miguel returned to his home state on August 31st, before September, as he was promised.



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Scene # 2, Earned Wages

Is the basic right to earned wages being respected? If not, what should Juan do? No, because Juan was not paid for all of the hours that he worked. He was promised he would get paid every other Friday and he didn't get paid until the third week. He only got paid for two weeks. Also, Juan was threatened by the crew leader. Juan should consider contacting the Wage and Hour Division.



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Scene # 3, Drinking Water and Toilets

Is the basic right to drinking water and toilets being respected? If not, what should María do? No, because María was given dirty water to drink and she is only allowed to drink it during her break. Also, an employer cannot ask the workers to share their cups. The employer must give them individual cups. There are not enough portable toilets for all of the workers. María should first speak to her employer and if the problems continue, she can consider contacting the Wage and Hour Division.



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Scene # 4, Safe Transportation

Is the basic right to safe transportation being respected? If not, what should Raúl do? No, because Raúl is in a dangerous situation every time he gets on the bus. Since Raúl has already spoken to his employer, who doesn't want to do anything about the brakes on the bus. Raúl should consider contacting the Wage and Hour Division.



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Scene #5, Safe and Clean Housing

Is the basic right to safe and clean housing being respected? If not, what should Esperanza do? Yes, because everything that the crew leader told Esperanza is true. She arrived to her work site and housing is provided. Even though the housing is not a mansion, there are enough beds for her entire family and a bathroom. Also, the housing has a poster showing that it is licensed.



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Scene #6, Working Arrangement

Is the basic right to a working arrangement being respected? If not, what should Josefina do? Yes, because the employer had constant communication with Josefina. Every time he wanted to make a change to the work schedule, he would contact Josefina. Josefina agreed and the working arrangements were respected.



My Basic Rights

1. I have a right to know my job responsibilities before I start the job.
2. I have the right to know how much money I will be paid and the dates I will be paid.
3. I have the right to clean drinking water and toilets in the fields.
4. I have the right to safe transportation.
5. I have a right to know if housing will be provided. It must be safe and clean.
6. I have the right to expect the working arrangement will be honored.

If you have any concerns regarding your rights, you should contact your employer or crew leader. You may also contact the Wage and Hour Division for concerns regarding pay.

Contact Information

Wage and Hour Division (WHD)

Tel: 1-866-4USWAGE (1-866-487-9243)

8:00 A.M – 5:00 P.M

Tel: 1-866-4-USA-DOL (1-866-487-2365)

8:00 A.M- 8:00 P.M.

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U.S. Department of Labor
Wage and Hour Division

If you would like more information
call toll-free: **1-866-4US-WAGE**
(1-866-487-9243) or visit our web site
at www.wagehour.dol.gov

F a r m W o r k e r s

Protections for Farm Workers

Wages: Farm workers must be paid the wages promised, but never less than the federal minimum wage.

Farm workers must be provided a written statement of earnings and all deductions from pay.

Farm workers must be provided written information about their wages and working conditions in a language they can understand.

Safety and Health: Any housing or transportation provided by the employer must be safe.

Farm workers must be provided safe drinking water, toilets, and handwashing facilities at the job—and at no cost.

Farm workers must be provided a safe workplace.



1. What is a basic right?

2. List one or more basic rights your employer has to give you.

3. Does your employer have to give you clean drinking water?

4. Does your employer have to pay you on time?

5. Do you have rights if you do not have the legal right to work in the United States?



My Basic Rights
Post-Assessment

Date: _____

Name: _____

Circle the correct answer.

1. Are there laws in the US to protect migrant and farm workers?

Yes

No

2. If you are a seasonal farm worker, your employer must give you a written *disclosure*. Which of the following must be included on that paper?

a. where you will work

b. how much money you will be paid

c. what kind of work you will be doing

d. all of the above

3. Besides providing clean toilets and soap and water, what else must an employer give you?

clean
drinking
water

new
clothes

4. *Basic rights* are legal promises you have as a worker.

True

False

5. Must provided housing be safe and clean?

Yes

No

Total Correct: _____

Make a list of your basic rights and then describe them. (not scored)
