

WE ARE YOUR DOL



Department  
of Labor



# RIGHTS FOR FARM WORKERS

There are many jobs on farms in New York. If you work in agriculture – whether you are a New Yorker or a migrant seasonal farm worker – you have these protections under State law:

- Hourly pay of at least the minimum wage
- Equal pay for equal work, regardless of protected class
- An individual work agreement that lists conditions of employment when hired
- Payment within seven days of the end of the work week, on an agreed-upon payday
- A wage statement with every payment that shows:
  - Name, address and phone number of the employer
  - Total hours worked during the pay period, (including work performed on day of rest at overtime rate, if necessary)
  - How you are paid (by the hour, piece or week)
  - Pay at a piece rate must show rates and pieces at each rate
  - Rates of pay (regular/overtime)
  - Gross and net pay
  - Allowances
  - Deductions
- Information and training about hazards, including pesticides
- Protection against illegal exposure to pesticides in the fields
- At least one day (24 consecutive hours) of rest in every calendar week; you may agree to voluntarily work during the day of rest provided that your employer pays you at the overtime rate
- The right to receive visitors when not working, even if the employer provides housing
- The right to take legal action against an employer if you are fired, punished or discriminated against for making a complaint against that employer
- The right to take legal action for discrimination based on:
  - Age
  - Creed
  - Disability
  - Domestic violence victim status
  - Gender identity or expression
  - Familial status
  - Lawful source of income (in housing only)
  - Marital status
  - Military status
  - National origin
  - Predisposing genetic characteristics
  - Pregnancy-related condition
  - Prior arrest or conviction record
  - Race/color
  - Sex
  - Sexual orientation
  - Retaliation for opposing unlawful discriminatory practices
- The employers failure to provide:
  - Accessible drinking water
  - Toilet and hand-washing facilities
  - Employer-provided housing that meets federal, state, or local safety and health standards
- As of January 1, 2020 the law has granted additional protections to most farmworkers in the following areas:
  - Overtime pay
  - Eligibility for Unemployment Insurance benefits
  - Workers' Compensation coverage
  - Disability Insurance Benefits
  - Paid Family Leave insurance coverage
  - The right to organize for collective bargaining free from interference, restraint or coercion of employers
  - Protection against employer discrimination or retaliation for exercising these afforded protections

**FOR QUESTIONS, ASSISTANCE OR TO CONTACT BILINGUAL FIELD STAFF IN YOUR AREA, CALL: 877-466-9757 or email [DOCE@labor.ny.gov](mailto:DOCE@labor.ny.gov)**