



Legislative Building
Olympia, WA 98504-0482

Washington State Legislature

Phone: (360) 786-7550
FAX: (360) 786-1999

April 15, 2020

Governor Jay Inslee
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

RE: Protect Washington's farmworkers

Dear Governor Inslee:

We have heard overwhelmingly from farmworkers and those who advocate for farmworkers about their concerns during the coronavirus pandemic. You have proclaimed agriculture as an essential industry, and farmworkers as essential workers, but farmworkers need unique protections to safely work during this pandemic. Their often-vulnerable place in our society also requires focused economic relief.

We respectfully urge you to protect farmworkers with the following steps which will provide certainty for both growers and farmworkers.

- Adopt emergency rules proposed by farmworker advocates that address the realities of farm work during the pandemic.
- Order Department of Health to require full compliance with all proposed emergency rules and re-inspect previously licensed housing to ensure compliance.
- Ensure that after health care personnel have adequate personal protective equipment (PPE) and sanitation supplies, and that farmworkers receive priority for future distribution of PPE and sanitation supplies, especially during harvest season.
- Require Employment Security Department to reject applications for H-2A workers unless the applicants comply with the emergency regulations regarding housing, workplace safety, transportation, and employment standards.
- Focus inspections on compliance with emergency regulations.
- Actively enforce existing sanitation regulations.
- Regularly report metrics regarding inspections and enforcement results.

Additionally, we urge you to take the following steps to provide focused and immediate economic relief for farmworkers.

- Require agricultural workers have access to the state-required paid sick leave without the 90-day waiting period. Consider requiring employers to front-load a certain number of hours, rather than requiring workers to accrue time at the rate of one hour per 40 hours worked. Many agricultural producers in our state are excluded from the new federal requirements for up to 80 hours of paid sick leave. Allowing seasonal agricultural workers to access the state-required sick leave will help keep this essential workforce healthy and minimize the spread of the virus by workers who are financially unable to take days off.
-

- Expand childcare assistance to include essential farmworkers.
- Provide economic resources specifically for undocumented agricultural workers, such as unemployment payments or disaster cash assistance.
- Require employers to inform laid-off workers if the layoff is due to the pandemic, and expand the permissible uses of sick leave to include times when employers shut down voluntarily due to COVID exposure. Under our existing state sick leave law, individuals can use leave if their workplace was shut down by a public official for a public health reason. Consequently, employers are currently allowed to and incentivized to avoid telling anyone (current employees or health officials) that there have been confirmed cases in their workplaces. This is dangerous to public health and potentially deprives workers of paid sick leave benefits.

We understand the tremendous challenges you face in responding to the coronavirus crisis. As we work together to reopen our economy and communities, we must first ensure that existing essential workers have the supplies and enforceable safety regulations they need. Clear and enforceable safety protections and access to economic relief will help the hardworking people helping to put food on our tables.

Sincerely,



Senator Karen Keiser
Chair, Labor & Commerce Committee



Representative Mike Sells
Chair, Labor & Workplace Standards Committee



Senator John McCoy
Majority Caucus Chair



Representative Debra Lekanoff



Senator Christine Rolfes



Representative Mia Gregerson



Senator Rebecca Saldana

Cc: Mr. Joel Sacks, Director, Department of Labor and Industries
Dr. John Wiesman, Secretary, Department of Health
