

# Migrant and Seasonal Agricultural Worker Protection Act

OREGON

MAY 25 1990

STATE LIBRARY

C. Seavert, T. Cross, and J. Cordero

## Purpose

The purpose of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) is to assure necessary protection for agricultural workers, employers, and associations. It establishes registration requirements for farm labor contractors and outlines standards for the hiring of agricultural workers. MSPA (pronounced MIZ-PUH) is enforced by the Employment Standards Administration (ESA, pronounced EE-SUH).

## Information to be provided

When recruiting for seasonal workers, the employer must provide the following information to workers upon request: (1) the place of employment; (2) the wage rates to be paid; (3) the crops and kinds of activities in which the worker may be employed; (4) the period of employment; (5) whether transportation, housing, or any other employment benefit is to be provided and any cost to be charged for each of them; (6) the existence of any strike or other concerted work stoppage or slowdown; and (7) the existence of any arrangement whereby the employer or farm labor contractor is to receive a commission or any benefit resulting from any sale of goods or services to the worker.

## Who must comply

These provisions are primarily oriented to agricultural employers, including agricultural associations and farm labor contractors that employ migrant and seasonal farmworkers.

## Registration of farm labor contractors

Labor contractors must apply for Farm Labor Contractor Certification *before* engaging in contracting activity. There is a separate application process for state and Federal registration. If you fall under this category, you should refer to EC 1349, *Agricultural Labor Information: Farm Labor Contractor Certification/Licensing*, for more information.

## Posted information

**Rights and protections:** Agricultural employers who employ any migrant agricultural worker shall post and maintain in a conspicuous place at the place of employment a poster provided by ESA that sets out the rights and protections for workers as required under the act.

**Housing information:** Agricultural employers who provide housing for any migrant agricultural worker must post in a conspicuous place at the site of the housing, or present a written statement to the worker, containing the following information on the terms and conditions for occupying such housing: (1) the name and address of the employer providing the housing; (2) the name and address of the individual in charge of the housing; (3) the

## Required records

Agricultural employers who hire migrant or seasonal farm workers must keep the following records for 3 years and provide an itemized statement to each employee for each pay period: (1) basis on which wages were paid (piece rate, hourly, etc.); (2) number of piece-work units earned, if paid on a piece-work basis; (3) number of hours worked; (4) total pay period earnings; (5) specific sums deducted and the purpose for each deduction; and (6) net pay.

Clark F. Seavert, Extension district agent, farm management, Timothy L. Cross, Extension agricultural economist, Oregon State University, and Johnny C. Cordero I, agricultural labor specialist, Oregon Employment Division, Department of Human Resources.



OREGON STATE UNIVERSITY EXTENSION SERVICE

OR HED/Ex8 .4049 :1354 c.3

Seavert, Clark F.

Migrant and seasonal

Agricultural Worker

Extension Circular 1354 • May 1990

mailing address and phone number where persons living in the housing facility may be reached; (4) who may live at the housing facility; (5) the charges to be made for housing; (6) the meals to be provided and the charges to be made for them; (7) the charges for utilities; and (8) any other charges or conditions of occupancy.

Employers must display posters in both Spanish and English. The agencies listed below provide posters in both languages.

---

## Definitions

**Agricultural employer** means any person who owns or operates a farm, ranch, processing establishment, cannery, gin, packing shed, or nursery, or who produces or conditions seed, and who either recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker.

**Farm labor contractor** means any person—other than an agricultural employer, an agricultural association, or an employee of an agricultural employer or agricultural association—who, for any money or other valuable consideration paid or promised to be paid, performs any *farm labor contracting activity*.

**Farm labor contracting activity** means recruiting, soliciting, hiring, employing, furnishing, or transporting any *migrant or seasonal farm worker*.

**Migrant worker** means an individual who is employed in *agricultural labor* of a seasonal or other temporary

nature, and who is required to be absent overnight from his or her permanent place of residence.

**Seasonal farm worker** means an individual who is employed in *agricultural labor* of a seasonal or other temporary nature and is not required to be absent overnight from his or her permanent place of residence.

**Agricultural labor** means work related to planting, cultivating, or harvesting operations; or work in canning, packing, ginning, processing operations, or seed conditioning and related research; or work in reforestation activities, Christmas tree harvesting, or nursery production.

---

## For more information

Posters may be obtained by contacting:

Oregon State Employment  
Division  
Employment Service Technical  
Support  
875 Union Street NE  
Salem, OR 97311  
(503) 378-8122

Additional information, posters, and MSPA brochures may be obtained through:

Employment Standards  
Administration  
Room 540, Federal Bldg.  
1220 SW Third Avenue  
Portland, OR 97204  
(503) 326-3057



---

Extension Service, Oregon State University, Corvallis, O.E. Smith, director. This publication was produced and distributed in furtherance of the Acts of Congress of May 8 and June 30, 1914. Extension work is a cooperative program of Oregon State University, the U.S. Department of Agriculture, and Oregon counties.

Oregon State University Extension Service offers educational programs, activities, and materials—without regard to race, color, national origin, sex, age, or disability—as required by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. Oregon State University Extension Service is an Equal Opportunity Employer.

ES Pub 227 (12/89)

*Oregon*  
EMPLOYMENT DIVISION  
DEPARTMENT OF HUMAN RESOURCES

The mission of the Oregon Employment Division is to improve the quality of life of Oregonians by (1) providing qualified applicants for employers; (2) assisting workers in finding suitable jobs; (3) providing unemployment insurance benefits to eligible claimants; (4) supplying labor market information, and; (5) participating in the economic development of Oregon.

---