Migrant and Seasonal Agricultural Worker Protection Act

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).

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

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.

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.

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.

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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

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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.

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
855 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