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Labor laws and legislation

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Shapley, Allen E.

Programming needs in labor  
legislation

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# Staff Paper

## PROGRAMMING NEEDS IN LABOR LEGISLATION

Allen E. Shapley

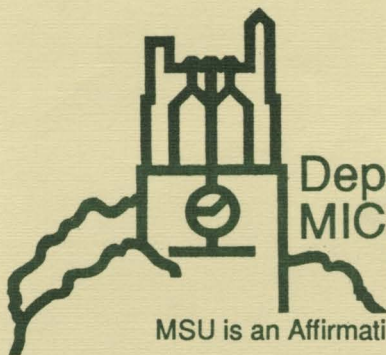
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# PROGRAMMING NEEDS IN LABOR LEGISLATION<sup>1</sup>

by

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The Cooperative Extension Services in many states provide some sort of programming in the area of labor legislation. That programming ranges from distributing to farmers information published by the various enforcement agencies to having faculty and field staff assigned to the development and execution of programs in labor legislation and other related issues. After seeing what has been done in other states and after spending limited time in labor legislation programming myself, I'd like to lift up some relevant issues and questions of priorities as a basis for our discussion to follow.

I would like to center my remarks around the following five questions or concerns.

1. Who are the relevant audiences?
2. Why does the Cooperative Extension Service need to be involved?
3. What content is needed?
4. What format or formats are most effective?
5. Who should be responsible for what programming?

There are two primary agricultural audiences that want to know about labor legislation; employers and employees. A third audience is those of us whose job it is to train the first two audiences. I will touch on them later.

The agricultural employers have been our traditional audience and most labor legislation extension programming in the country is aimed at this audience. I would suggest that employees are an equally important audience that deserve our attention.

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<sup>1</sup>Presented at the Labor Management Symposium, AAEA Meetings, Baton Rouge, Louisiana, August 1989.

In our prejudices concerning agricultural employees, we raise numerous arguments for excluding them as an audience. It is said that there are advocacy groups that already serve them. This is true but doesn't the ag employer audience also have its advocacy groups? It is said we will lose creditability with the ag employers if we educate the workers. I have not found this to be a concern among good employers. It is a concern among farmers who are consciously violating laws, among farmers that are grossly uninformed about the labor laws and among professionals that have a strong anti-labor bias. Finally, it is said that teaching ag employees is not our charge. I don't think spending time on countering that argument is necessary in this group. The ag employee audience does offer different challenges than ag employers relative to getting the message across but they are not insurmountable challenges.

The Cooperative Extension Service needs to be involved in educating ag employers and employees for a number of reasons. First, ag employers wish to avoid enforcement agencies for obvious reasons. Second, agency reps often are not aware of special treatment of agriculture under the law. For example, in one case an agency rep demanded that a forklift operator stop operating a forklift because he was not licensed. In the first place, the worker was the son of the employer and therefore exempted and in the second place, forklift operation on a farm in Michigan is exempted from the licensing law.

The third reason for CES involvement is that the special interest groups that provide information occasionally bias that information or at least include a strong message of distrust for the other audience. Finally, an important reason for our involvement is the necessity to speak to the relationship between the various laws; which rule supersedes when and if a person does this must they also do that. Agency reps are trained concerning the laws over which they have jurisdiction, they do not and should not be expected to know how the laws outside their jurisdiction work. Information relative to these relationships is one that must fall to an educational entity that bridges federal, state, and county concerns.

The program content, of course, should be the information that the two audiences want to know. The ag employers' interests center around economics. They want to avoid fines, lawyer fees and court settlements. They also want to know what, if any, protection the laws provide to the farm such as protection from civil litigation. So the ag employer asks, "which laws apply to me, how do I comply, and what can happen if I don't?"

The ag employees' primary interest is also economic, but economic relative to protection. Protection from injury or illness, from the costs associated with a work related accident, from discrimination, from loss of income, unfair wages and hours, etc., are all interests of employees. The ag employee asks, "what are the laws that protect me, what is that protection and what must I do or know to guarantee that protection?"

Because there are special cases and because providing the entire text of each law, regulation, and court case would be prohibitive and counter productive, it is essential to provide information on where the person can go for more detail. The addresses and telephone numbers of enforcement agencies are primary. Whether or not addresses and telephone numbers of support/advocacy agencies such as MLAP and Farm Bureau, and/or educational agencies such as CES are included is a decision to be made by program staff. If there are good publications available, they can be listed.

There are a number of issues relative to program format. There are questions concerning printed material and format of presentation. Also, there are important questions relative to what format for which audience.

Concerning printed material vs. presentation, I have found that both are essential to get the message across. The printed material is needed as reference, the presentation is needed to alert the audience to the printed material and to handle the special cases.

As to the format of the printed material, I have found the one bulletin for both audiences that gives simple, brief explanations about each law is most popular and most cost effective. For each law I try to answer the questions: 1) who is covered; 2) what must you do; and 3) where

to go for more information? Such a publication can be written to meet the needs of both audiences but the cost of translation and distribution to employees can be a serious challenge.

Presentation format is whatever works for you. My presentations range from a 20 minute update slot on a general program to a six hour labor legislation workshop. If I have more than one hour, I try to bring in agency people to share the podium.

Format relative to audience is a challenge. The ag employer audience responds to the traditional CES model of an educational meeting with handouts plus radio, TV, and newspaper updates. Ag employees, on the other hand, present some challenges. The migrant workers respond well to meetings at labor camps, but the presentation must be bilingual. In Michigan, we have a real shortage of bilingual staff. For migrants, I have found the most effective format is to train the employees of the support agencies (they are bilingual) and let them pass the message on. If there is mutual respect between CES staff and the support agencies staff, distortion of content will be minimized.

Ag employees in management or supervisory roles can be reached to some extent by invitation to ag employer meetings. The problem with this format is that many of these employees hesitate to ask questions about their protection or rights with their employer sitting nearby. Some of those questions will come in by phone the next day.

The groups that are hardest to reach are the full-time skilled employees and the local seasonal workers. At the same time, I have found numerous violations relative to protection of these people. We have full-time skilled milkers in Michigan on salary who make less than minimum wage. We have local seasonal workers who have no workers comp coverage, are not paid overtime where the law demands it, and are paid less than the minimum wage. These workers don't know they are being discriminated against because they've heard that the laws don't apply to ag workers. The best format I have found so far for reaching these people is the newspaper article. I will be interested in what experiences you have had with these audiences.



Finally, who should take what responsibility relative to labor legislation programming. I would like to see CES at the federal level sponsor the development of a concise publication for ag employers and employees on federal laws plus an instruction manual for CES personnel on how to assemble information concerning state labor laws and how to present the information. Such a manual would include agencies that could be contacted, and ideas on how to reach the non-traditional audiences. I also would like to see every state have at least one person who is knowledgeable in the labor laws as they pertain to ag employers and employees to answer questions, direct inquiries to the proper resource, be a liaison with agencies and an educator wherever needed. Such a person(s) can go far in saving ag employers considerable money and stress, in protecting the rights of employees, and in improving the image of agriculture as an employer.

