



# FARM WORKERS IN NEW JERSEY: KNOW YOUR RIGHTS

**Here from another state for seasonal work? Live in New Jersey year-round? Have an H-2A visa? Your work rights depend on your situation – this guide can help you understand them.**

The New Jersey Department of Labor & Workforce Development (NJDOL) is committed to assisting and protecting farm workers in New Jersey, regardless of immigration status. This guide has general information that can help you understand the benefits and protections you may be eligible for, and how to get help.

NJDOL will not share any information from an investigation with any federal immigration agency, unless legally required to do so. NJDOL employees do not ask about immigration or citizenship status and serve all workers regardless of immigration status.

## **NJ Work Rights for Farm Workers:**

- Pay for all hours worked; the wage promised by your employer and no less than the State agricultural minimum wage of \$10.44/hour as of 1/1/21, regardless if you're paid by the day, week, or piece rate
- No illegal deductions; for example, broken tools, housing or transportation
- Up to 40 hours of Earned Sick Leave to care for yourself or a loved one, including for COVID-19
- You cannot be fired or punished for taking time off because you have or are thought to have COVID-19
- If employed by a crew leader, they must be registered, give you a copy of your employment terms, carry worker's compensation (or receive it from the farm), and provide safe transit in a registered/insured vehicle
- Correct employment status; workers paid off the books can be improperly denied rights and benefits

## **Make a complaint at [myworkrights.nj.gov](https://myworkrights.nj.gov) or call 609-292-2305:**

- You can ask a trusted person to help or file a complaint on your behalf; multilingual NJDOL staff can assist
- Keep track of the hours you worked, pay, and employer's contact information
- For questions, email [farms@dol.nj.gov](mailto:farms@dol.nj.gov); you can also ask a trusted person to email us on your behalf
- NJDOL can issue penalties and fines against employers that do not comply with the law

## **It is unlawful for an employer to retaliate against you for reporting violations:**

While NJDOL cannot guarantee that a worker will not experience retaliation for contacting us with a labor standards complaint, we do enforce penalties on employers who retaliate against employees, including firing or demoting an employee, or taking some other adverse employment action.

Under federal law, retaliation against workers who assert their rights is unlawful, including alerting or threatening to contact immigration authorities. Learn more at [eeoc.gov/fact-sheet-retaliation-based-exercise-workplace-rights-unlawful](https://www.eeoc.gov/fact-sheet/retaliation-based-exercise-workplace-rights-unlawful).

## **Employer or crew leader housing must be safe and healthy, per Federal law:**

Well-built and protected from wind, rain, ground dampness and fire hazards • Sleeping areas free of vermin, infectious/contagious matter • Well-ventilated rooms, clean kitchen/bathrooms, floors free of dirt/garbage

**To make a housing violation complaint call USDOL at 609-538-8310 (South NJ) or 908-317-8611 (North NJ)**

## One-Stop Career Centers in New Jersey have services for migrant seasonal farm workers:

- File a complaint about working conditions at any NJ One-Stop – find the full list at [nj.gov/labor](http://nj.gov/labor). The following One-Stops can help migrant seasonal farm workers in their native language, and provide support services, including job search and training help:
  - › **Atlantic County:** 2 South Main Street, Pleasantville, NJ 08232
  - › **Cumberland County:** 3322 College Drive, PO Box 1500, Vineland, NJ 08362
  - › **Gloucester County:** 215 Crown Point Road, Thorofare, NJ 08086
  - › **Somerset County:** 75 Veterans Memorial Drive East, Somerville, NJ 08876
- Email [msfw@dol.nj.gov](mailto:msfw@dol.nj.gov) for assistance; staff can meet you at a convenient location

## If you are an H-2A worker, or work on a farm with H-2A workers, know your rights:

A poster titled “Employee Rights Under the H-2A Program” must be posted in a conspicuous place on any farm employing H-2A workers. Reach out to NJDOL with any questions about these rights at [farms@dol.nj.gov](mailto:farms@dol.nj.gov) and our staff will assist and refer you to USDOL if needed.

## There are strict child labor laws in New Jersey for all farmers and farm workers:

No minor under age 12 may do farm or agricultural work and workers ages 12 to 16 can only do certain tasks with a special agricultural permit for limited weekly hours. Workers under 18 must get a 30-minute meal or rest break after 5 continuous hours of work.

## You may be eligible for additional benefits and protections:

- **Help if injured on the job:** learn more about Workers’ Compensation at [nj.gov/labor/wc/wc\\_index.html](http://nj.gov/labor/wc/wc_index.html) and consult a workers’ compensation attorney
- **Paid Sick Leave:** up to 40 hours of Earned Sick Leave under NJ law (employer can decide to provide 40 hours up front or worker accrues at 1 hour per 30 hours worked - see [mysickdays.nj.gov](http://mysickdays.nj.gov)), and up to 80 hours of Emergency Paid Sick Leave for coronavirus under federal law (see [dol.gov/agencies/whd/pandemic/ffcra-questions#104](http://dol.gov/agencies/whd/pandemic/ffcra-questions#104))
- **Emergency Childcare Leave:** to care for children if school/childcare is closed due to COVID-19, under federal law - learn more at [dol.gov/agencies/whd/pandemic/ffcra-questions#104](http://dol.gov/agencies/whd/pandemic/ffcra-questions#104)
- **Unemployment Insurance:** if you lose your job or work hours through no fault of your own, including certain COVID-19 situations; you must have earned a certain amount and be authorized to work in the U.S. - learn more at [www.myunemployment.nj.gov](http://www.myunemployment.nj.gov)
- **NJ Family Leave Insurance & Temporary Disability Insurance:** if you cannot work because you must care for your own or a loved one’s illness (including COVID-19) or injury, bond with a new child, or recover from pregnancy/childbirth. You must have earned a certain amount to be eligible, and the application requires a valid social security number. Learn more about these programs at [myleavebenefits.nj.gov](http://myleavebenefits.nj.gov)
- **Unpaid, job-protected family leave:** to care for a child due to a COVID-19 school closure, care for a family member with a serious health condition (including COVID-19) or bond with a new child; learn more about the NJ Family Leave Act at [njcivilrights.gov](http://njcivilrights.gov)

## Sexual harassment and discrimination are against the law in New Jersey:

- It is unlawful for your employer to make acceptance of sexual advances a condition of your employment or promotions, or to retaliate against you because you have refused such advances. It is also against the law for an employer to make unwelcome sexual comments or otherwise treat you differently based on your gender (including pregnancy), race, nationality, gender identity, and more. This law is enforced by the NJ Division on Civil Rights. Learn more and make a complaint at [njcivilrights.gov](http://njcivilrights.gov).

## Coronavirus / COVID-19 Resources:

See [covid19.nj.gov](http://covid19.nj.gov) and [nj.gov/health/cd/topics/ncov.shtml](http://nj.gov/health/cd/topics/ncov.shtml) for important information.



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