



If you have
questions call
Legal Aid NC
1-800-777-5869

(Toll Free)



**Your call
is
confidential**

If we are out of the office, leave your name,
phone number, contact information, and a brief
explanation of your problem.

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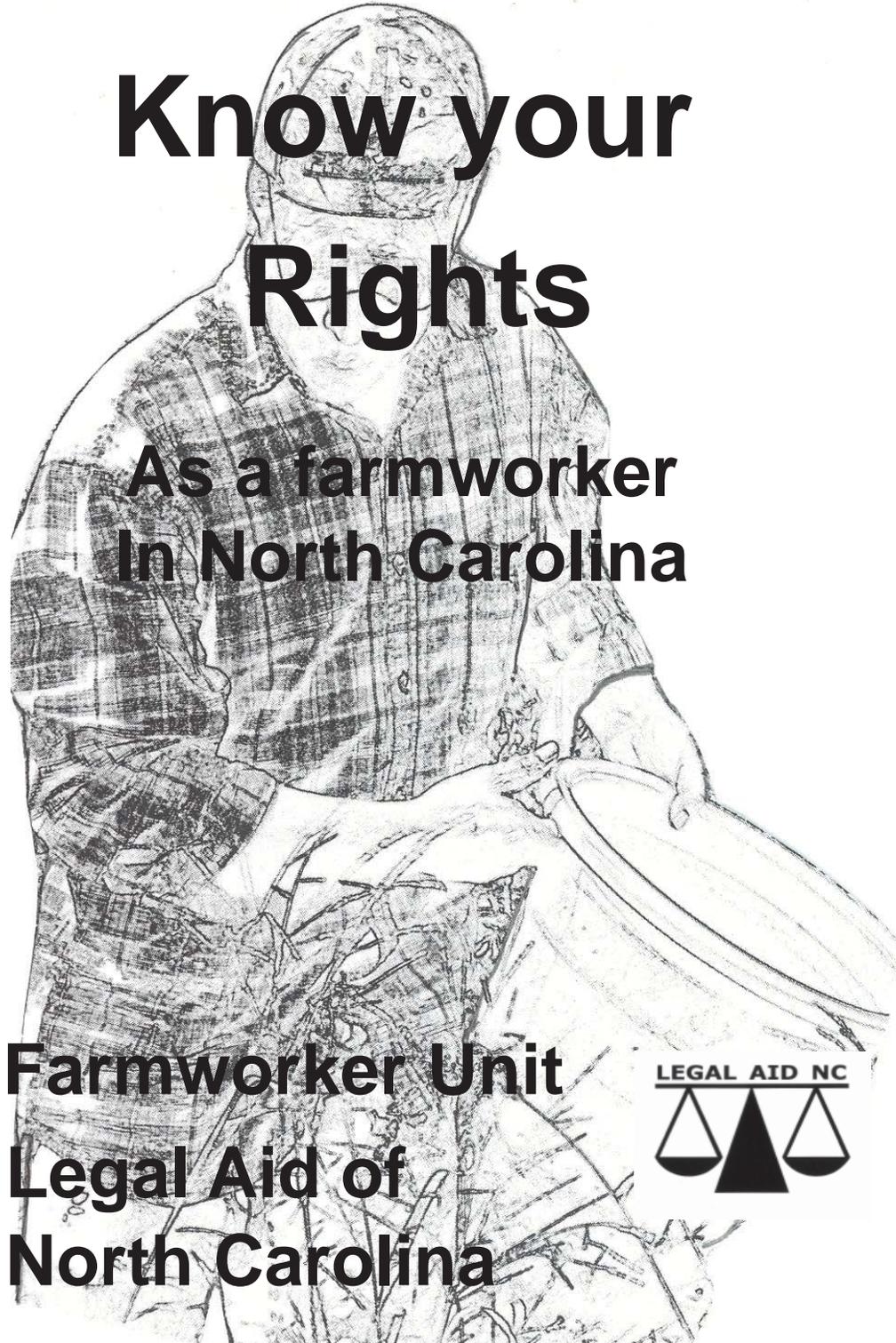
For permission to reprint this brochure please contact:

Farmworker Unit, LANC, PO Box 26626, Raleigh, NC 27611
or visit our website www.legalaidnc.org/fwu
(919) 856-2180

Know your Rights

As a farmworker In North Carolina

Farmworker Unit Legal Aid of North Carolina



Health Centers

Greene County Health Care
1-(252) 747-8162
Snow Hill, NC

Jones County Health Dept.
1-(252) 448-9111
Trenton, NC

Kinston Comm. Health Center
1-(252) 522-9800
Kinston, NC

Benson Area Medical
Center (BAMC)
1-(919) 894-2011
Benson, NC

Bladen Lakes Community
Health Center
1-(910) 862-6142
Dublin, NC

Homestead Health Center
1-(910) 285-0400
Willard, NC

Oxford Family Physicians
1-(919) 693-3972
Oxford, NC

Tri-County Community Health Center
1-(910) 567-6194
Newton Grove, NC

Carolina Pines Health Center
1-(910) 525-5515
Salemburg, NC

Duplin General Hospital
1-(910) 296-2942
Kenansville, NC

Duplin Medical Association
1-(910) 289-3027
Rose Hill, NC

Duplin Medical Association
1-(910) 293-3401
Warsaw, NC

Columbus Co. Comm. Health Services
1-(910) 641-0202
Whiteville, NC

Albemarle Reg. Health Services
1-(252) 338-4400
Elizabeth City, NC

MTW Health Department
1-(252) 793-3023
Plymouth, NC

If you have questions, please call the Farmworker Unit of Legal Aid NC
1-800-777-5869 toll free number

Welcome

Welcome!

Hello and welcome. Here in North Carolina we have a non-profit organization to help farmworkers with legal issues and questions. This organization is called The Farmworker Unit of Legal Aid of North Carolina.



You have legal rights as a worker in North Carolina. When a crewleader or an employer is not following the law, we are here to help you assert your rights.

Our services are free and confidential. We never take action if our client doesn't want to.

You are here to work, and it's important that you receive respect and good treatment at your job. You have legal protections. It's possible to assert your rights and still keep working.

Call with your questions and problems:
The Farmworker Unit of Legal Aid NC has a toll free number **1-800-777-5869**.

We hope you have a great season.



Know your Rights

Your rights as a farmworker in North Carolina

You have the right to receive a written document that describes the details and the rules of the job from the boss or contractor who offers you the job. If there is a change that does not fit with this description, you can look at this document and use it as proof of what you were promised.



The document should inform you of the following:

- ❖ Where exactly you will be working
- ❖ How much you will be paid
- ❖ When the work begins and ends
- ❖ If you will be provided with housing
- ❖ The housing arrangements
- ❖ If you will be charged for transportation to the job site
- ❖ If you will have insurance in case of an accident

You may use the calendar at the end of this booklet to record your hours, piece work, and dates of work. Then you can compare the salary you receive with your own notes of the hours you worked. If the boss, employer, contractor or crew-leader are not keeping their promises, you have the right to claim what you are owed.

Your crew leader or boss CANNOT fire you without good reason during the promised period of employment.

Health Centers

If you need health care services you can contact the closest health care center in your area. Most of these health care centers offer free transportation. Remember if it is an emergency call 911.

Vecinos Inc. Cashiers Medical Ctr.
1- (828) 399-1309
Cashiers, NC

Blue Ridge Health Services
1-(828) 692-4289
Hendersonville, NC

Farmworker Health Program
Of Ashe & Alleghany Counties
1- (336) 372-1704
Sparta, NC

Surry Co. Health Center
1-(336) 401-8573
Dobson, NC

Prospect Hill Community Health Center
1-(336) 562-3311
Prospect Hill, NC

Yancey Co. Health Dept.
1-(828) 682-6118
Burnsville, NC

Wake Co. Human Services
1-(919) 557-1069
Fuquay Varina, NC

Watauga Medical Center
1-(828) 292-0769
Boone, NC

Robeson Health Care Corp.
1-(910) 844-2667
Maxton, NC

Carolina Family Health Centers
1-(252) 243-9800
Wilson, NC

Albemarle Reg. Health Services
1-(252) 338-4400
Elizabeth City, NC

Martin, Tyrrell, Washington
Health Department
1-(252) 793-3023
Plymouth, NC

Oxford Family Physicians
1-(919) 693-3972
Oxford, NC

Carolina Family Health Ctrs.
1-(252) 443-7744
Elm City, NC

DECEMBER

Day	Start	Finish	Hours	Minus lunch break	Total of Hours Worked
1					
2					
3					
4					

Important Numbers:

US Department of Labor	(919) 790-2741
North Carolina Dept. of Labor	(800) 625-2267
NC Agriculture Safety and Health	(919) 807-2923
Employment Discrimination (EEOC)	(800) 669-4000
North Carolina Department of Agriculture	(919) 733-7366
North Carolina Industrial Commission	(919) 733-4820
NC Farmworker Project (Benson)	(919) 894-7406
Episcopal Farmworker Ministry (Newton Grove)	(910) 897-6769
Farmworker Unit of Legal Aid NC	(800) 777-5869
Immigrants Legal Assistance Project	(866) 415-1389
ESC- Employment Security Commission	(919) 733-7522
Telamon Corporation	(919)-851-6141
Care-Line: For Information on free resources	(800) 662-7030

Know your Rights

Housing

Your housing rights

Whether you rent a trailer or an apartment, or your employer provides housing for you, your employer or landlord can't throw you out without a written order from a judge. He or she also can't cut off your power, throw out your things, or physically threaten you.

You have the right to live in healthy and safe housing. By law, if the employer or the crewleader provides the housing, the housing must include:

- ❖ A refrigerator
- ❖ Wash tub (a bucket is not enough)
- ❖ Clean toilets that work
- ❖ Electricity in each room, including any outdoor bathrooms
- ❖ Bed that is off the floor
- ❖ Heating in cold weather
- ❖ Smoke detectors
- ❖ Fire extinguisher
- ❖ First Aid kit

You can file an anonymous complaint about bad housing conditions with the Department of Labor. The Department of Labor's toll free number is 1-800-625-2267. The employer will not know who filed the complaint.

It's better if a group of workers file the complaint together. The Farmworker Unit of Legal Aid NC can help you with the process.



Know your rights

Visits

The right to have visitors and to leave



You have the right to have visitors. At times people from a health clinic, from a church, or from other organizations may come visit you. It's possible that you might receive a visit from someone from our office or another legal services office to talk to you about your rights and to answer your questions. It's important to know that you have every right to have visitors if you want.

You have the right to leave the camp whenever you want to go shopping, to church or wherever you want. You also always have the right to quit your job,

Theft



Protect yourself against thieves. In the past few years, theft against farmworkers has increased. This is a big problem because you work hard to earn your money.

Take the following precautions to protect yourself:

- ❖ Ask the employer to put locks on the doors of the camp and to install a phone if you don't have one.
- ❖ Report every incident to the police and insist that they make a report.
- ❖ Dial 911 to call the police in case of an emergency.

NOVEMBER

Day	Start	Finish	Hours	Minus lunch break	Total of Hours Worked
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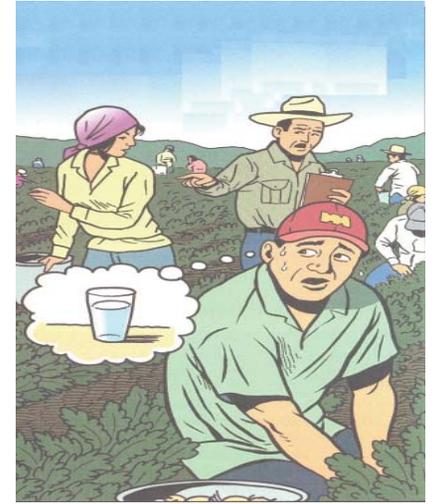
OCTOBER

Day	Start	Finish	Hours	Minus lunch break	Total of Hours Worked
1					
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Know your rights

Field Conditions

During the harvest, many farmers and supervisors make their employees work very fast. The human body can't handle this much work without a break.



There are even supervisors that charge workers for their right to take a break and get something to drink!

To stay healthy, you must take breaks and drink WATER.

You have the right to drink water when you need to. When it's hot, you should be drinking plenty of water.



Know your rights

How to protect your health in the field:

❖ Insist that you be given water to drink. This will work better if all the workers agree and you talk with the crewleader or grower together.

❖ Ignore any insults or threats from the supervisor and drink water anyway. If they try to punish you, you can make a complaint to the Department of Labor about bad working conditions.



❖ File an ANONYMOUS complaint with the Department of Labor. The farmer or supervisor won't know who made the complaint.

You can do this if your employer doesn't provide:

- ❖ Plenty of cool water
- ❖ Disposable cups
- ❖ Bathrooms in the field



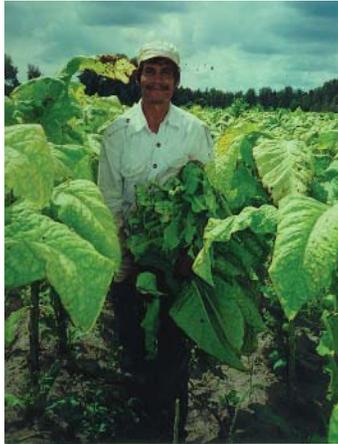
SEPTEMBER

Day	Start	Finish	Hours	Minus lunch break	Total of Hours Worked
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Preventive Measures

Prevention may be the best solution for Green Tobacco Sickness.

To reduce the absorption of nicotine through the skin, it is advisable to use clothing that will protect you, like a long sleeve shirt and cotton gloves. It's not advisable to use water resistant clothes and rubber gloves, since these increase the risk of heat stress.



When clothing gets wet from wet plants or from sweat, it's advisable to change into dry clothes for better protection.



It's important to wash clothing well and wear clean clothes every day. Also, you should avoid working in the rain.

What can I do if I have symptoms of GTS ?

Report to your supervisor or employer so he or she can take you to the doctor. You have the right to insist on getting a doctor's appointment. Remember that GTS is an occupational illness and is covered by Worker's Compensation Insurance.

JULY

Day	Start	Finish	Hours	Minus lunch break	Total of Hours Worked
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11					

JUNE

Day	Start	Finish	Hours	Minus lunch break	Total of Hours Worked
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Know your rights

It is very important that you get a diagnosis of your sickness from the doctor. Also, the doctor can help you get better faster so you can return to work.

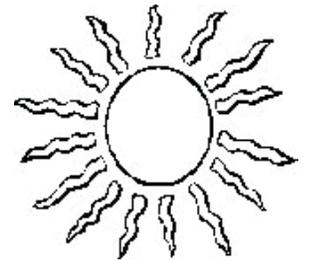
In the meantime, wash with cool water, and drink lots of fluids. Depending on the severity of your condition, the illness can last from a few hours up to three days.

Heat Stress

Each year workers get sick from the heat during the harvest. A few have died. So please, take breaks and take care of yourself!

If a fellow worker needs medical attention, don't wait until the last minute to provide first aid and take him/her to the doctor—waiting could cost him/her his/her life.

Remember that heat stress is an occupational disease and is covered by Worker's Compensation Insurance, if your grower carries insurance. For further information call the office of the Farmworker Unit of Legal Aid NC at **1-800-777-5869**.



Sweaty/Sudoroso



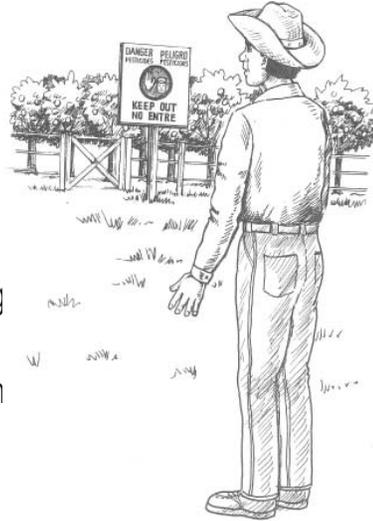
Pesticides

What is a pesticide?

Pesticides kill insects and worms.

“Pesticides” comes from the word “pest.”

Pesticides are used often, as well as other chemicals like herbicides that help in the planting and harvesting of agricultural products. Some are more toxic --or harmful--than others, but all are poisons.



What is the re-entry period?

After pesticides are applied, everyone has to wait between 12 and 72 hours to go back into the field, depending on how toxic the chemical is.



What are the symptoms of pesticide poisoning?

Short term symptoms:

- nausea
- vomiting
- chest pains
- difficulty breathing
- cough
- excessive sweating
- headache
- irritated eyes, throat or skin

- skin rash
- undilated or small pupils
- blurry vision
- muscle spasms
- excessive saliva
- weakness
- dizziness



Day	Start	Finish	Hours	Minus lunch break	Total of Hours Worked
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2					
3					
4					
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11					

APRIL

Day	Start	Finish	Hours	Minus lunch break	Total of Hours Worked
1					
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11					

Know your rights

Long term symptoms:

cancer	damage to the nervous system
sterility	blindness
memory loss	birth defects

How to protect yourself from pesticides:

- ❖ Leave the field if they are spraying while you're working.
- ❖ Ask the supervisor what chemical is being used and how it is applied. It's your right to know.
- ❖ Wash your hands often when working.
- ❖ Wear gloves when harvesting cucumbers.
- ❖ Wash your clothes every day. If there is not at least one washing machine or washing tub for every 30 workers, you can report it by making an anonymous complaint to the Department of Labor.



- ❖ If you apply or mix the chemicals you run a greater risk of getting sick eventually if you don't wear appropriate protective equipment. Make sure the supervisor gives you gloves, boots, a face mask, goggles or safety glasses, and a work suit, if necessary.

Know your rights

What to do in case of pesticide poisoning:

Get medical help as soon as possible. If it's an emergency, call 911. If you don't know of any clinic, call us and we can get you in touch with a doctor.

Find out the name of the pesticide. You have the right to ask your boss the name or you can read the label and write down the name.

Explain carefully to the doctor that you have come into contact with pesticides and get your diagnosis in writing. Your employer's insurance company may not pay if you don't make a complaint.

If you get sick from pesticides, you should be compensated for the work you miss and for your medical expenses.

How to make an anonymous pesticide complaint:



Get in touch with the Department of Labor or Legal Aid within 24 hours of the incident or **AS SOON AS POSSIBLE**.

Find out what pesticide or chemical was used.

Keep the clothing that has come into contact with the chemicals in a plastic bag and don't wash them.

WEEKLY RECORD

Weeks	Dates	Total hours	Total pay
1			
2			
3			
4			
5			
6			
7			
8			
9			

Know your rights

Timesheets



Your boss must give you a paystub that says how many hours you worked. But it's always a good idea to record your hours on your own timesheet to compare.

Here is how to use the following pages:

Weekly Chart

His first week of work, Jim worked 42 hours. He was paid \$216.30.

Weeks	Dates	Total Hours	Total pay

Calendar

Jim arrived at the tobacco field ready for work at 7:15 AM. He took a 30 minute lunch break, from 12:15—12:45. He finished working in the field at 5:15. Jim worked 9 ½ hours that day. He recorded it like this:

Day	Start	End	Worked	Minus Lunch Break	Total of hours worked

Know your rights

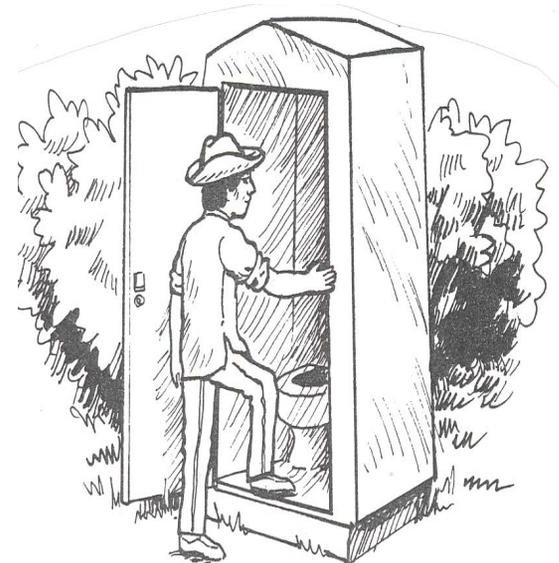
What to do if there are no toilets or handwashing facilities in the fields:

We know that many farmers and supervisors do not obey this law. However, the right to have a toilet and sink to wash hands is a basic right that must not be denied.



A sink to wash hands is very important because you can get sick from pesticides if you eat without washing your hands.

You can make an ANONYMOUS complaint to the Department of Labor. They will investigate and fine the farmer if he doesn't provide toilets and sinks.



Know your rights

In case of an Accident

In North Carolina the law says that employers that have more than 10 people working full time during the whole year must have insurance, called worker's compensation insurance, that covers them in case of an accident on the job. Also, if the employer has foreign H-2A workers, he or she has to have insurance for work-related accidents and illnesses that covers all of his or her workers.

If the employer doesn't have insurance, it's possible to file a claim against him or her for negligence, but those cases are very difficult to win.

If the employer has worker's comp insurance, the insurance company should provide the following:

- ❖ 100% of **MEDICAL COSTS**, including specialists and rehabilitation services.
- ❖ The cost of **TRANSPORTATION** to the medical appointments and the cost of any **MEDICINE**.
- ❖ Compensation for 2/3 of your lost **PAY** after one week of being out of work; and compensation for **PERMANENT** partial or total disability.



Know your rights

Your Pay: Deductions and Changes

It's illegal for your employer or crewleader to take out money from your pay for things that you have bought from him, if he or she is not authorized to sell those things. For example, your employer can't charge you for alcohol if he or she doesn't have a license to sell it.

Also, your employer can only charge the actual cost of the things that they sell you. They can't make a profit from it. For example, they can't charge you \$1 for a soda that they bought for 50 cents at the store. The employer can charge rent, but it has to be the actual cost of the housing, and it must be a reasonable price.

The employer can't deduct money for tools or other things that you need to be able to do your job. They also can't deduct for things that are for the employer's benefit. Most of the time you need the written permission of the worker to be able to make a deduction.

Your employer can make deductions from your pay for Social Security, taxes, FICA, and Medicare.



Know your rights

Your Pay

You want to make sure that you receive pay for all the hours that you work.

For example:

- ❖ If you have to wait for the tobacco leaves to dry, you have the right to be paid for that time.
- ❖ The employer can deduct the time that you eat but only if you were actually eating and your lunch break lasted 1/2 hour or more.
- ❖ If you work in a packinghouse and the machinery breaks but you cannot leave, you have the right to get paid for that time.
- ❖ Also, you should be paid for the time that you are traveling in between fields.

(However, the time that you are traveling from the camp to work is not considered work time.)

What to do if you are not compensated for all your hours:

- ❖ Keep track of the hours that you truly work. You can use the pages at the back of this book to do that, starting on page 25



Know your rights

How to protect yourself if you have an accident on the job

Immediately after the accident:

- ❖ Get medical attention as soon as possible.
- ❖ If your employer refuses to take you to the doctor, call the clinic or contact the Farmworker Unit of Legal Aid NC.
- ❖ Report the incident as soon as possible to your supervisor and to your employer.

In the clinic or hospital:

- ❖ Inform the doctor of how the accident happened, and that it was work related.
- ❖ Insist on an interpreter who speaks your language and who is not from the farm or is not the crew leader.
- ❖ Ask for a copy of the doctor's notes and for his/her written instructions.
- ❖ Ask the doctor what date you should return to work. Ask for the date in writing. So you can show it to the crewleader and/ or grower.



Know your rights

When you return to the farm:

- ❖ Follow all the doctor's instructions and go to all of your appointments. Take all of your medicine and keep all the receipts for the insurance company.
- ❖ Stop working if you feel pain again, and get medical attention as soon as possible.
- ❖ Remember that you may not receive all your benefits without the assistance of a lawyer.



What happens if my employer doesn't have insurance?

If it's an emergency, Medicaid insurance will cover it.

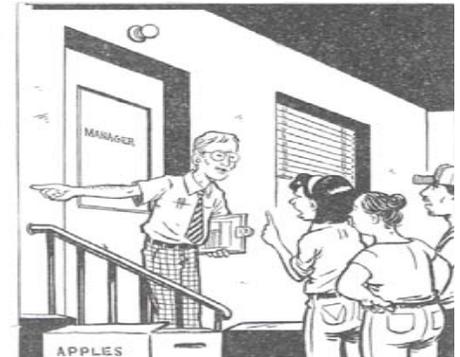
If you are in the country legally, or you are a U.S. citizen, it is possible to qualify for public benefits like Medicaid and food stamps to help when you are recuperating.



Know your rights

Your Wage

If you are working with foreign workers on the H-2A program you should be paid the same wage as they are. And you should receive the same benefits, like free housing and worker's compensation in case you are injured on the job.



If the employer or the crewleader promise you a particular wage at the beginning of the job, he or she has to pay you that wage.

For example:

When Jack was recruited, the crewleader told him he would get paid \$7.50 per hour working in a hatchery in North Carolina. But when Jack arrived to work, they only gave him \$6.00 per hour. Jack can exercise his rights and receive the promised salary of \$7.50.

Your Pay

How to make sure that you receive the correct pay:

- ❖ Keep ALL your paystubs
- ❖ Insist that your boss give you a pay stub
- ❖ Keep track of the hours you worked in the back of this book
- ❖ Compare your record of the hours you worked with your pay stub

Pay Problems

In the following pages, we provide some suggestions that may be useful to you if you want to make sure that you receive the correct pay.

If you don't receive the correct pay, under North Carolina law you have the right to sue for double the amount owed to you.

The federal law says that the farmer must keep timesheets and payroll for all employees.

Minimum Wage

By law the employer must pay you at least \$7.25 per hour. He or she can pay more than \$7.25 but never less.

It doesn't matter if you are paid by the hour or per piece; you should get paid at least \$7.25 for each hour worked.



Farmworker Unit of Legal Aid NC
1-800-777-5869

Social Services: Food stamps and Medicaid

Food stamps are like coupons or a debit card that let you get free food at the store. Medicaid is a type of free medical insurance. You can apply for these benefits at the Social Services office in the county where you live.

United States citizens have the right to receive food stamps and Medicaid, if they qualify. A permanent resident of the United States also has the right to these benefits if the permanent resident entered before August 26, 1996, is a child, or has been a permanent resident for five years or more.

Any person, whether documented or undocumented, has the right to receive emergency Medicaid. Childbirth is considered an emergency.

If the social worker tells you that you cannot receive benefits, ask for a written reason. If you have questions, please call the Farmworker Unit of Legal Aid NC toll free number **1-800-777-5869**.



Know your rights

Social security

Social security helps people of all ages, including children. It can pay monthly benefits to you and your family in case of:

Disability - If you get sick or hurt and cannot work for a year or more.

Death - When you die (benefit for your family.)

Retirement- When you retire.



How Social Security works

You earn Social Security benefits by working and paying taxes. Then when you retire or if you become disabled, you and your family can receive Social Security benefits. Also your family can receive benefits when you die.

A disability can be any medical condition that prevents you from working for one year or is terminal. This includes kidney failure.

Your boss, either the farmer or crewleader, must report your earnings to Social Security so you can get credit for your work. You do not have to report your own earnings to Social Security and your boss cannot tell you to do this.

Each time your boss pays you, he or she must give you a written statement showing when you worked and how much you were paid. It is a good idea to keep these pay stubs in a safe place. They can serve as proof of what you earned.

Know your rights

Sexual Harassment

A crewleader or a farmer should never put a worker in an uncomfortable sexual situation. For example, no one should touch you or make sexual comments to you. That is against the law in the United States. There are special protections in the law for workers who find themselves experiencing sexual pressure from the employer, a supervisor, or another worker. It doesn't matter if you are undocumented – you are still protected, and also there are special visas for victims of those crimes.



Nobody can:

- * Force you to do something against your will
- * Collect a debt with the use of threats or by forcing you to work
- * Force you to do something by making threats to harm you or your family
- * Force or pressure you to perform acts of prostitution or other sexual acts
- * Use you for any kind of sex work regardless of your age
- * Take your passport, birth certificate, or identification card in order to control you or to control your movements