

● **MINIMUM FAIR WAGE LAW (*MIGRANT WORKER COMPULSORY HEALTH INSURANCE*)**

*STATUTORY CITATION:* Mass. Gen. Laws Ch. 151, § 2B

*GENERAL SUMMARY:* The Minimum Fair Wage Law includes a provision requiring certain agricultural employers to provide health insurance to migrant farmworkers in their employ. A migrant farmworker is defined in the law as an employee (other than a worker covered by a family medical plan, or a secondary- or post-secondary student) who seasonally travels between states for purposes of employment and who lives in employer-provided labor housing.

*SPECIFIC TERMS AND CONDITIONS:* Every agricultural employer in Massachusetts who employs and furnishes housing to a migrant farmworker not under a government-approved employment contract must, after 10 days of employment, provide the worker with health insurance covering hospitalization, hospital services and supplies, X-ray examination, surgical fees, and in-hospital physicians' fees. The law authorizes the employer to withhold from the worker's wages up to 40 percent of the insurance premium, with the employer required to pay at least 60 percent of the total cost. For any week during which such a policy is in effect, and during which the worker is disabled and unable to work or the employer fails to withhold the worker's weekly share of the insurance cost, the employer is liable for payment of the entire premium for that week.

*ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Massachusetts Department of Labor Standards, Boston, Massachusetts 02114 (617-626-6952)*. As part of its wider responsibility and authority under the Minimum Fair Wage Law, the Department may enter any place of employment and inspect the employer's records to assure compliance with the compulsory health insurance provision. A migrant farmworker who is living in a housing facility provided by the employer, has been on the job for more than 10 days, and has reason to believe he or she is not covered by a required health insurance policy should contact the Department.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.