

● **GENERAL LABOR LAWS (*FIELD SANITATION FOR FARM LABORERS*)**

STATUTORY CITATION: N.Y. Labor Law § 212-D

GENERAL SUMMARY: Article 7 of the state labor laws contains a provision requiring field sanitation facilities for farm hand workers, farm field workers, and farm food processing workers.

SPECIFIC TERMS AND CONDITIONS: Every grower or processor who employs or uses paid farm hand workers, farm field workers or farm food processors must provide or make available to such workers toilet and handwashing facilities, including transportation to such facilities. The toilet and handwashing facilities must be located together, within a 1/4-mile walk of most of the workers (or at the closest point accessible by motor vehicle, if the terrain makes compliance with the 1/4-mile requirement impracticable).

Where 5 or more workers are employed in one location at the same time, at least one toilet and handwashing unit must be provided at the location for every 20 workers or fraction thereof. If there are more than 20 workers in one location at the same time and at least half the workers are women, the toilets must be separated by sex and designated as such with appropriate signs.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by this provision.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Safety and Health, Worker Protection Bureau, New York State Department of Labor, Albany, New York 12240 (518-457-3518).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — Since a violation of these requirements is defined in the statute as a misdemeanor, they may also be enforced in criminal court by local prosecuting attorneys. A first offense is punishable by a fine of from \$500 to \$1,000, up to 30 days' imprisonment, or both.