

● **LABOR AND EMPLOYMENT LAWS (*FARMWORKER CAMPS*)**

STATUTORY CITATION: Or. Rev. Stat. §§ 658.705 – 658.850

RELATED REGULATIONS: Or. Admin. R. 839-014-0020 – 839-014-0630

GENERAL SUMMARY: In part, Chapter 658 of the Oregon statutes regulates the activities of farm labor contractors in the state and includes provisions requiring, in general, that anyone who provides housing for workers recruited or employed in the production or harvesting of farm crops (1) obtain a state license as a farm labor contractor, and (2) obtain a special license endorsement to operate a farmworker camp.

SPECIFIC TERMS AND CONDITIONS

LABOR CONTRACTOR LICENSING — An operator of a farmworker camp must apply to the state Bureau of Labor and Industries for a farm labor contractor license (*see entry, Oregon — Labor Contractors & Worker Recruitment — Farm Labor Contractor Registration*).

FARMWORKER CAMP ENDORSEMENT — Once licensed, the prospective farmworker camp operator must apply to the Bureau for a license endorsement authorizing that activity. Among the requirements for receipt of a camp endorsement are these:

(1) Pay the annual license fee.

(2) File proof of financial ability to cover liabilities incurred in connection with operation as a contractor and housing operator. This obligation may be met by purchasing a surety bond or posting a cash deposit of at least \$15,000.

(3) Pass a written, closed-book examination to test the applicant's knowledge and proficiency to conduct and manage the business of a labor contractor, including lawful operation of a farmworker housing facility.

RECORDKEEPING — Farmworker camp operators are required to make and maintain for a period of 3 years records related to their housing activities. Among other information, the records must include the names and addresses of the residents of the camp, the dates of occupancy of each resident, records of any financial transactions between the operator and the residents, and records of any government-agency inspections of the camp and any citations issued.

POSTING — In an exterior area of the camp easily visible to occupants and visitors, the camp operator is required to keep conspicuously posted a notice disclosing the existence of the surety bond or deposit posted by the camp operator. The notice must indicate the amount of the bond or deposit, and note that it is conditioned on the operator's payment of all sums legally owed to any employees or camp occupants, and any damages resulting from fraud, misrepresentation or other unlawful act or omission on the endorsee's part.

ACCESS TO TELEPHONE — When employees occupy farmworker housing that is owned or controlled by the employer, the employer must ensure that the occupants have reasonable access to an operating telephone at all times for emergency use. For non-emergency private use by employees, the employer must provide employees occupying the housing with reasonable access to a telephone located within a 2-mile radius of the housing.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A farmworker camp operator may not discharge, evict or discriminate in any manner against a person because the person has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Labor Contracting Unit, Wage and Hour Division, Oregon Bureau of Labor and Industries, Salem, Oregon 97305 (503-373-1463)*. This agency administers the licensing of farm labor contractors in Oregon, including the issuance of farmworker camp operator endorsements. A person adversely affected by fraud, misrepresentation, or any other alleged violation of these provisions committed by a farmworker camp operator, may file a complaint against the camp operator and may have a claim against the operator's bond or deposit.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Affairs, Salem, Oregon 97309 (503-378-3272; toll-free 800-922-2689)*. Oregon OSHA is responsible for enforcing the safety and sanitation standards applicable to agricultural housing facilities in Oregon, as outlined in the previous entry. Any occupant of a farmworker camp who has a question or complaint about the housing itself may contact this agency.