

● **SEASONAL FARM LABOR ACT (EQUAL PAY)**

STATUTORY CITATION: 43 Pa. Stat. § 1301.204

GENERAL SUMMARY: The Seasonal Farm Labor Act includes a provision outlawing wage discrimination on account of sex.

SPECIFIC TERMS AND CONDITIONS: No employer of seasonal farm labor may pay wages to such workers at a rate less than the rate the employer pays to workers of the opposite sex for equal work, on jobs whose performance requires equal skill, effort and responsibility, and which are performed under similar working conditions. This does not preclude payment of unequal wages pursuant to an established system which measures earnings by quantity or quality of production.

As used here, the term "seasonal farm labor" refers, in large part, to any individual employed on a seasonal or temporary basis in the planting, cultivation, harvest, sorting or packing of agricultural commodities in their unmanufactured state, as well as any person who resides in living quarters owned, leased or operated by an employer or farm labor contractor and occupied by 4 or more unrelated persons. Workers who commute daily from their permanent residence to the worksite are not regarded as seasonal farmworkers, unless transportation is furnished to such individuals by a farm labor contractor.

SPECIAL NOTES OR ADVISORIES

RETALIATION — Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a civil or criminal complaint under the Seasonal Farm Labor Act is deemed a separate violation of the Act, punishable as a criminal offense.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665).* Representatives of the Department have authority to enter an employer's place of business to inspect payroll and other employment records, to observe work operations, to question employees, and to obtain other information necessary for the enforcement of the equal pay provision in the Seasonal Farm Labor Act. At the request of a worker paid less than full wages as a result of unlawful sex discrimination, the Department may bring required legal action on the worker's behalf to collect the claim.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*