

● **SEASONAL FARM LABOR ACT (*HOURS OF LABOR*)**

STATUTORY CITATION: 43 Pa. Stat. § 1301.207

GENERAL SUMMARY: The wage and hour provisions of the Seasonal Farm Labor Act contain limitations on the working hours of seasonal farmworkers and guarantee such workers a right to meal or rest periods. The term "seasonal farmworker" includes 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.

SPECIFIC TERMS AND CONDITIONS

MAXIMUM HOURS — No seasonal farmworker may be compelled to work, or penalized for failing to work, for more than 6 days or more than 48 hours in any one week, or for more than 10 hours in any one day. Where a worker is employed by more than one employer on any day or in any week, the aggregate number of hours during which the individual may be required to work may not exceed 48 hours in any one week or 10 hours in any one day.

MEAL OR REST PERIODS — An employer of seasonal farm labor is prohibited from requiring a worker to work for more than 5 continuous hours without a meal or rest period of at least 30 minutes. No time span of less than a half-hour is deemed to interrupt a continuous period of work. The meal or rest break need not be treated by the employer as compensable work time.

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).* A person who has been compelled by a farm operator or other seasonal agricultural employer to work more than the prescribed maximum hours, who has been penalized for refusing to do so, or who has been denied a meal or rest period in violation of the Act, may file a complaint with the Department.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*