

# FACT SHEET



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## Protect Virginia Farmworkers

### Problems:

**Farmworkers in Virginia are exempt from Virginia's minimum wage law:** This means farmworkers on larger farms are only covered by the federal minimum wage (\$7.25 per hour) compared to the higher Virginia minimum. Farmworkers on small farms not covered by the federal law have no minimum wage coverage at all so some workers are paid \$5 per hour or less. Exempting farmworkers is a remnant of the Jim Crow-era state laws and should be changed.

**Farmworkers experience heat stress.** Farmworkers are subject to heat stress because of the work they do outside in Virginia's hot sun. Virginia should protect all workers from heat stress, including farmworkers.

### Policy solutions:

**Virginia's General Assembly should remove the farmworker exemption from the Virginia Minimum Wage Act.** During the 2021 General Assembly, Delegate Ward patroned a bill to repeal §40.1-28.9(A)(1), the subsection of the statute that exempts farmworkers under the Virginia Minimum Wage Act (VMWA). This bill passed the House of Delegates but did not get out of the Commerce and Labor Committee in the Senate.

**Virginia's Safety and Health Codes Board should adopt a strong heat stress standard for workers.** The Safety and Health Codes Board has agreed to develop a standard in 2021.

### Why Virginia Should Protect Farmworkers:

**Livable Wages:** Farmworkers do important and hard work. We depend upon them for our food. According to the National Agricultural Workers Survey (NAWS) "the average total income of farmworkers is between \$15,000 to \$17,499 a year for individuals and \$20,000 to \$24,999 for a family." Such wages do not allow them to have a sustainable life.

**Labor Protections:** The hands of farmworkers provide us with food supply, yet most farmworkers do not have health insurance, paid sick time, or overtime pay for long hours. Farmworkers deserve to be paid the minimum wage and protected from hot summers.

**Health Protection:** Farmworkers toil in high temperatures causing major health conditions. According to the Centers for Disease Control and Prevention, farmworkers are more likely to die from a heat-related illness than other U.S. civilian workers.

**Small Farms:** Small farms need farmworkers, especially in harvest times. Although many small farmers are struggling, their primary problems are low prices for commodities (such as milk), lack of access to mechanization, lack of access to credit, cost of land, especially near urban areas, and inability to compete with large corporate farms. A recent study of the effect of raising the minimum wage in counties and other rural areas where the new minimum is a high share of the overall typical (median) wage found positive impacts on wages, a reduction in household and child poverty rates, and no adverse effects on employment, weekly hours, or annual weeks worked.

*Sources: Farmworkers Advocacy Network, Legal Aid Justice Center, National Farm Worker Ministry, Centers for Disease Control and Prevention, Farm Worker Justice, Farm Aid, The Commonwealth Institute*