

- Developing a job description for every employee
- Writing an information sheet that spells out basic terms of employment and expectations
- Giving responsibility to the employee for specific tasks (though avoid dumping on an employee all of the least pleasant ones on the farm)



## Operating within Legal Bounds

Management of human resources on farms and ranches is no longer only about dealing with workers—if it ever was. While agricultural firms in western states exhibit as much variety in their organizations as in their products, they all operate in a legal, as well as market, environment. Relations among people who provide and procure labor to make the system run—farm business owners and operators, employees, and contractors—are subject to a large set of public rules that apply to all but are well comprehended by only a few.

The laws pertaining to farm labor management are formidable in their variety, intricacy, and flux. Agricultural employers and workers are challenged to keep up with evolving changes in the already bewildering array of mandates, restrictions, and rights. This body of law will continue to move as regulatory solutions to old and new problems are devised, implemented, interpreted, assessed, and amended. In 1994, the U.S. Commission on the Future of Worker-Management Relations noted the rapid expansion since 1960 of broadly applicable employment laws that promise assorted benefits to workers throughout the American economy. Additional legislation has reduced long-existing differences between employee protections in the farm and nonfarm sectors. Moreover, the creation of new obligations specific to agriculture has placed it among the most heavily regulated of industries.

Mostly designed to protect workers by controlling employers, agricultural employment laws have been enacted also to serve public interests in curbing unfair competition among producers and reducing social costs that stem from the labor market. They touch labor management decisions by regulating: (1) standards for particular terms or conditions of employment, such as wage rates,

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rest periods, work hours for minors, and safety measures, or (2) certain interactions between employer and employee, such as processes of hiring, establishing contractual agreements, responding to complaints, and firing. Still other laws and institutions deal with the overall labor supply or workforce development outside the employment context (e.g., public training and job search programs, health services, immigration policy).

### Coverage Varies

The rules embody various definitions and coverages, vary from state to state on many issues, and are administered by a plethora of federal and state agencies with various levels of enforcement capability and orientations to the industry. Some aspects of the employment relationship are covered by federal law, some by only state law, and some by both, in which case the higher standard—usually the state’s — applies.

Several laws require farmers to report to the government about their operations. Agricultural employers, like all others, have to regularly submit information on their payrolls and employees and to respond to various agency requests for other information. Employers are obligated to withhold, report, remit, and maintain records of mandatory payroll taxes—income tax, Social Security contributions, and unemployment insurance tax. Partial exceptions apply to employers with very small yearly payrolls, earnings of an employer’s minor children, and earnings of workers admitted to the United States through the H-2A work visa program. Specific federal requirements, current rates, forms, and particularly helpful guidance for farm employers are in Internal Revenue Service Publication 225, *Farmer’s Tax Guide*, available online and accessible from [AgHelpWanted.org](http://AgHelpWanted.org).

The prime federal law designed to protect migrant and seasonal farm workers is the Migrant and Seasonal Agricultural Worker Protection Act (MSAWPA), which sets standards for worker housing and transportation and requires agricultural employers to accurately disclose the terms and conditions of employment at time of recruitment, to maintain written payroll records, and to pay wages when due. Among the online sources of information on the MSAWPA is the U.S. Department of Labor page, also available through [AgHelpWanted.org](http://AgHelpWanted.org).

### Unlawful Discrimination

Several federal and state laws prohibit employment discrimination based on personal characteristics unrelated to job performance. The U.S. Equal Employment Opportunity Commission (EEOC) oversees and coordinates enforcement. Information about federal anti-discrimination laws can be obtained through [AgHelpWanted.org](http://AgHelpWanted.org), including: