

166.11

## ARTICLE 13

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### AGRICULTURAL WORKER WELLNESS

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Section 1. [179.911] OMBUDSPERSON FOR THE SAFETY, HEALTH, AND

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WELL-BEING OF AGRICULTURAL AND FOOD PROCESSING WORKERS.

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Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have

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the meanings given.

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(b) "Agricultural work" is defined broadly to include but is not limited to farming in all

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its branches including dairy work; field production, cultivation, growing, and harvesting of

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any agricultural or horticultural commodity; and raising livestock, bees, fur-bearing animals,

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and poultry.

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(c) "Food processing" has the meaning given in section 181.635, subdivision 1, paragraph

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(d). For the purposes of this section and section 179.912, food processing also includes

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meatpacking and poultry processing.

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Subd. 2. Appointment. The governor shall appoint an ombudsperson for the safety,

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health, and well-being of agricultural and food processing workers. The ombudsperson shall

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serve in the unclassified service to assist agricultural and food processing workers with

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housing, workplace safety, fair labor standards, and other challenges. The ombudsperson

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must be selected without regard to the person's political affiliation. The ombudsperson shall

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serve a term of four years, which may be renewed, and may be removed prior to the end of

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the term for just cause.

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Subd. 3. Qualifications. The ombudsperson must be highly competent and qualified to

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analyze questions of law, administration, and public policy regarding the safety, health, and

167.1 well-being of agricultural and food processing workers. The ombudsperson must have  
167.2 knowledge and experience in the fields of workplace safety, housing, and fair labor standards.  
167.3 The ombudsperson must be familiar with governmental entities and their roles, interpretation  
167.4 of laws and regulations, record keeping, report writing, public speaking, and management.  
167.5 In addition, the ombudsperson must have experience working with agricultural and food  
167.6 processing workers and must be knowledgeable about the needs and experiences of those  
167.7 communities. No individual may serve as the ombudsperson for the safety, health, and  
167.8 well-being of agricultural and food processing workers while running for or holding any  
167.9 other public office. The ombudsperson must speak fluently in a language in addition to  
167.10 English that is commonly used by agricultural and food processing workers.

167.11 Subd. 4. **Duties.** (a) The ombudsperson's duties shall include but are not limited to the  
167.12 following:

167.13 (1) creating and collecting educational materials in relevant languages to orient  
167.14 agricultural and food processing workers about their rights under Minnesota laws and rules  
167.15 and state services available to them;

167.16 (2) outreach to agricultural and food processing stakeholders, including workers and  
167.17 employers, to inform them of the services of the office in order to support workers in  
167.18 navigating their concerns;

167.19 (3) acting as a member of the Minnesota Migrant Services Consortium and having a  
167.20 formal relationship with any other relevant and appropriate state committees, work groups,  
167.21 or task forces engaged in work related to agricultural and food processing workers;

167.22 (4) coordinating across state agencies to develop strategies to better assist agricultural  
167.23 and food processing workers;

167.24 (5) providing recommendations to state agencies for coordinated communication strategies  
167.25 to promote workplace safety, adequate housing, fair labor standards, and other issues for  
167.26 agricultural and food processing workers;

167.27 (6) offering accessible methods of contact, including telephone, text, and virtual  
167.28 communication platforms, to answer questions, receive complaints, and discuss agency  
167.29 actions with agricultural stakeholders; and

167.30 (7) addressing complaints and requests for assistance related to workplace safety, housing,  
167.31 labor standards, and other concerns by supporting agricultural stakeholders in navigating  
167.32 regulatory authorities.

168.1 (b) The ombudsperson must report to the commissioner annually by December 31 on  
168.2 the services provided by the ombudsperson to agricultural and food processing workers,  
168.3 including the number of stakeholders served and the activities of the ombudsperson in  
168.4 carrying out the duties under this section. The commissioner shall determine the form of  
168.5 the report and may specify additional reporting requirements.

168.6 Subd. 5. **Complaints.** The ombudsperson may receive a complaint from any source  
168.7 concerning an action of an agency, facility, or program. After completing a review, the  
168.8 ombudsperson shall inform the complainant, agency, facility, or program.

168.9 Subd. 6. **Access to records.** (a) The ombudsperson or designee, excluding volunteers,  
168.10 has access to any data of a state agency necessary for the discharge of the ombudsperson's  
168.11 duties, including records classified as confidential data on individuals or private data on  
168.12 individuals under chapter 13 or any other law. The ombudsperson's data request must relate  
168.13 to a specific case and is subject to section 13.03, subdivision 4. If the data concerns an  
168.14 individual, the ombudsperson or designee shall first obtain the individual's consent. If the  
168.15 individual is unable to consent and has no parent or legal guardian, the ombudsperson's or  
168.16 designee's access to the data is authorized by this section.

168.17 (b) The ombudsperson and designee must adhere to chapter 13 and must not disseminate  
168.18 any private or confidential data on individuals unless specifically authorized by state, local,  
168.19 or federal law or pursuant to a court order.

168.20 Subd. 7. **Staff support.** The ombudsperson may appoint and compensate out of available  
168.21 funds a confidential secretary in the unclassified service as authorized by law. The  
168.22 ombudsperson and the ombudsperson's full-time staff are members of the Minnesota State  
168.23 Retirement Association. The ombudsperson may delegate to staff members any authority  
168.24 or duties of the office, except the duty to provide reports to the governor, commissioner, or  
168.25 legislature.

168.26 Subd. 8. **Independence of action.** In carrying out the duties under this section, the  
168.27 ombudsperson may provide testimony to the legislature, make periodic reports to the  
168.28 legislature, and address areas of concern to agricultural and food processing workers.

168.29 Subd. 9. **Civil actions.** The ombudsperson and designees are not civilly liable for any  
168.30 action taken under this section if the action was taken in good faith, was within the scope  
168.31 of the ombudsperson's authority, and did not constitute willful or reckless misconduct.

168.32 Subd. 10. **Posting.** (a) The commissioners of labor and industry, employment and  
168.33 economic development, health, administration, and human rights shall post on their  
168.34 departments' websites the mailing address, e-mail address, and telephone number for the

169.1 ombudsperson's office. The commissioners shall provide agricultural stakeholders with the  
169.2 mailing address, e-mail address, and telephone number of the ombudsperson's office upon  
169.3 request. Departmental programs or contractors providing services to agricultural stakeholders  
169.4 must provide those stakeholders with the mailing address, e-mail address, and telephone  
169.5 number of the ombudsperson's office upon request.

169.6 (b) The ombudsperson must approve all postings and notices required by the departments  
169.7 and counties under this subdivision.

169.8 **Sec. 2. [179.912] AGRICULTURAL WORKER WELLNESS COMMITTEE.**

169.9 Subdivision 1. **Agricultural Worker Wellness Committee established.** The Agricultural  
169.10 Worker Wellness Committee is established to carry out the work of the committee established  
169.11 by the governor's Executive Order No. 21-14. The commissioner of labor and industry shall  
169.12 hire two full-time equivalent staff to support the committee.

169.13 Subd. 2. **Definitions.** For the purposes of this section:

169.14 (1) "food processing" and "agricultural work" have the meanings given under section  
169.15 179.911, subdivision 1; and

169.16 (2) "musculoskeletal disorders" includes carpal tunnel syndrome, tendinitis, rotator cuff  
169.17 injuries, trigger finger, epicondylitis, muscle strains, and lower back injuries.

169.18 Subd. 3. **Membership.** (a) The committee shall consist of up to 21 voting members who  
169.19 shall serve three-year terms including, at a minimum:

169.20 (1) the commissioners of labor and industry, employment and economic development,  
169.21 agriculture, health, and housing finance, or their designees; and

169.22 (2) the following members appointed by the governor:

169.23 (i) one representative from the Migrant Services Consortium;

169.24 (ii) three representatives of agricultural employers;

169.25 (iii) three at-large representatives from geographic regions of the state dependent on the  
169.26 agricultural sector;

169.27 (iv) three representatives of community-based organizations with expertise in agricultural  
169.28 workers and communities;

169.29 (v) three union representatives; and

169.30 (vi) three representatives of local public health.

170.1 (b) Other commissioners or their designees not named in paragraph (a), clause (1), may  
170.2 serve on the board as nonvoting members.

170.3 Subd. 4. **Membership terms; compensation.** (a) The governor shall make initial  
170.4 appointments to the board by October 1, 2022. Initial appointees shall serve staggered terms  
170.5 of three years or as determined by the secretary of state.

170.6 (b) Members shall be compensated as provided in section 15.0575, subdivision 3.

170.7 Subd. 5. **Chairs; other officers.** The commissioners of agriculture and labor and industry  
170.8 or their designees shall serve as co-chairs of the committee. The committee may elect other  
170.9 officers as necessary from its members.

170.10 Subd. 6. **Committee responsibilities.** The committee shall:

170.11 (1) analyze and recommend policies to address housing, workplace safety, including the  
170.12 reduction and prevention of musculoskeletal disorders, and fair labor issues faced by migrant,  
170.13 food processing, and meatpacking agricultural workers;

170.14 (2) serve as an ongoing forum for the stakeholder groups represented on the committee  
170.15 and coordinate state, local, and private partners' collaborative work to maintain a healthy  
170.16 and equitable agricultural and food processing industry which is foundational to Minnesota's  
170.17 economy; and

170.18 (3) coordinate and support pandemic response and public health and safety initiatives,  
170.19 including ergonomic hazard and risk prevention, as they affect agricultural and food  
170.20 processing workers in upcoming growing, harvesting, and processing seasons.

170.21 Subd. 7. **Central inventory of reports and analyses on agricultural and food**  
170.22 **processing workers.** Within available appropriations and in collaboration with stakeholders,  
170.23 the committee shall work to establish a central inventory of data reports and analyses  
170.24 regarding agricultural and food processing workers, including demographic information  
170.25 and definitions of agricultural and food processing workers to help policymakers in state  
170.26 and local government agencies, stakeholders, and the public to understand the population  
170.27 needs and assets and to advance state and local initiatives.

170.28 Subd. 8. **Report to legislature and governor.** The committee shall present to the  
170.29 governor and chairs and ranking minority members of the legislative committees with  
170.30 jurisdiction over labor and agriculture an annual work plan and report regarding its  
170.31 accomplishments. Measurements of success must include tracking:

170.32 (1) stakeholder engagement;

- 171.1 (2) efficient and effective response to a pandemic or other disruptions of growing,  
171.2 harvesting, and processing seasons;
- 171.3 (3) increased coordination among governmental, employer, and advocacy organizations  
171.4 connected to the agricultural and food processing industry; and
- 171.5 (4) advancement of recommendations that strengthen the industry, including but not  
171.6 limited to procedures to identify and eliminate ergonomic hazards and contributing risk  
171.7 factors.