



## **AGRICULTURAL WORKER JUSTICE ACT**

### *SEC. 1. SHORT TITLE*

Agricultural Worker Justice Act

### *SEC. 2. TABLE OF CONTENTS*

## **TITLE I—FAIR USDA PROCUREMENT AND CONTRACTING**

### *SEC. 101. DEFINITIONS.*

### *SEC. 102. FOOD WORKER PAY INCREASE*

Prohibits the Department of Agriculture (USDA) from purchasing food produced by workers who are paid less than the prevailing wage for their locality. This standard would apply to meat, meat food product, poultry, poultry food product, and processed food workers.

Directs the Department of Labor (DOL) to use local wages and benefits for food production workers along with local collective bargaining agreements to establish a regional prevailing wage. No prevailing rate established will supersede a worker's wages and benefits agreed to in a collective bargaining agreement.

### *SEC. 103. PROHIBITION ON STOCK BUYBACKS WHILE RECEIVING USDA FUNDS*

Prohibits any company awarded a contract or which receives funding from USDA from repurchasing stocks, paying dividends, or making other capital distributions.

### *SEC. 104. PROMOTION OF ECONOMIC SECURITY AND WORKPLACE ACCOUNTABILITY*

Requires companies competing for contracts with USDA to disclose labor and worker safety infractions by the company itself as well as by any of their contractors in the preceding three years. Requires the DOL to prepare a list of companies that are ineligible for USDA contracts for that year based on serious, repeated, or pervasive violations of labor laws or failure to complete any corrective measures.

USDA may not solicit a contract from any entity on the list or conduct an inspection pursuant to the Federal Meat Inspection Act or the Poultry Products Inspection Act for any facility owned or controlled by an entity on the list.

Establishes strong enforcement measures against entities that knowingly fail to make a disclosure.

*SEC. 105. WAIVER TO PURCHASE FOREIGN COMMODITIES OR PRODUCTS*

Strengthens "Buy American" requirements under the National School Lunch Program by requiring school districts to purchase domestically sourced products for in-school meals.

*SEC. 106. AUTHORIZATION OF LOCAL FOOD PURCHASE ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.*

Permanently authorizes the Local Food Purchase Assistance Cooperative Agreement Program (LFPA). LFPA funds states and tribes to purchase food produced locally by underserved producers. The food will serve feeding programs, including food banks, schools, and organizations that reach underserved communities.

*SEC. 107. REPORT REGARDING GRANT RECIPIENTS*

Requires USDA to distribute an annual report that is available to the public. The report details the entities and subcontractors that receive USDA dollars (including through a contract, subcontract, subsidy, loan, or grant).

**TITLE II- PROTECTING AMERICA'S MEATPACKING WORKERS**

*SEC. 201. FINDINGS.*

*SEC. 202. DEFINITIONS.*

***Subtitle A—Reforms to Protect Meat and Poultry Processing Workers***  
***PART 1—DEPARTMENT OF AGRICULTURE***

*SEC. 211 RULE ON INCREASED LINE SPEEDS AT MEAT AND POULTRY ESTABLISHMENTS.*

Prevents USDA from issuing a line speed waiver unless meat and poultry plants agree to a USDA inspection which shows that an increase in line speeds will not adversely impact worker safety. Inspections must include (1) an ergonomic analysis of all jobs which may experience an increase in working pace; (2) an assessment of rates of musculoskeletal disorders among workers; (3) steps the establishment is taking to mitigate those disorders; and (4) a review of the impact of any proposed line speed increases on the pace of work.

***PART 2—FAIR ATTENDANCE POLICIES***

*SEC. 221. DEFINITIONS.*

*SEC. 222. REQUIREMENTS FOR EMPLOYERS RELATING TO NO FAULT ATTENDANCE POLICIES OR ATTENDANCE SYSTEMS.*

Outlines specific requirements that establishments holding a no fault attendance policy must follow, such as distributing the policy to workers in a timely fashion and in writing. The no fault attendance policy must also explicitly state that employees will be excused from work under certain conditions such as medical emergencies without facing disciplinary action and provide a reasonable amount of detail about all Federal, State, and local laws that provide legally protected leave.

*SEC. 223. REMEDIES AND ENFORCEMENT.*

Provides civil action powers, remedies, and procedures per section 107 of the Family and Medical Leave Act of 1993 to any person alleging an unlawful employment practice; outlines penalties covered establishments will face if engaging in such practices.

*SEC. 224. RULEMAKING.*

Requires the USDA to collaborate with the Equal Employment Opportunity Commission and the heads of other relevant Federal agencies to issue regulations to carry out this subtitle within 2 years of the date of enactment of this act.

*SEC. 225. RELATIONSHIP TO OTHER LAWS.*

Establishes that nothing in the current bill should serve to invalidate or limit other Federal or State laws that provide leave rights to employees.

***PART 3—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REFORMS***

*SEC. 231. DEFINITIONS.*

*SEC. 232. ENSURING COMPLIANCE WITH EMPLOYEE RIGHTS TO USE TOILET FACILITIES AT COVERED ESTABLISHMENTS.*

Requires the DOL to verify that meat and poultry plants are allowing employees to leave their workstations to use a toilet facility when needed and without punishment. Requires that employees are not restricted from using said facilities by factors such as inadequate facilities, waiting lists, or requiring employees to sign out or get a key in order to use facilities.

*SEC. 233. OCCUPATIONAL SAFETY AND HEALTH STANDARDS TO PROTECT EMPLOYEES IN COVERED ESTABLISHMENTS.*

Requires the DOL to propose and finalize a standard for ergonomic program management, which should include information on hazard identification and control, employee training on

occupational risk factors including musculoskeletal disorders, and medical management. Requires the DOL to propose and finalize a standard to protect employees from delays in medical treatment referrals following a workplace injury or illness. Authorizes appropriations to carry out this section.

*SEC. 234. PERMANENT REGIONAL EMPHASIS INSPECTION PROGRAM; EXPANDING INSPECTIONS.*

Requires the DOL to implement a regional emphasis inspection program for meat and poultry plants which will cover multiple aspects of worker safety including amputation hazards, ergonomics, hazards related to line speeds, bathroom breaks, use of certain antimicrobials, and temperatures of work sites. Allows inspections to be expanded to all areas of the meat or poultry plant when information is presented regarding additional possible dangers.

*SEC. 235. REPRESENTATIVES DURING PHYSICAL INSPECTIONS.*

Requires the DOL to publish a regulation allowing meat or poultry plant employees the ability to authorize a representative, who may be a member of a worker-based community group, to accompany physical inspections.

*SEC. 236. ENHANCED PROTECTIONS FROM RETALIATION.*

Strengthens existing protections against retaliation from employers when employees refuse to perform work duties under conditions of reasonable apprehension. Sets up a system wherein employees may file a complaint in the event retaliation has occurred; outlines the process by which complaints will be reviewed.

*SEC. 237. REGULATIONS TO RESTORE A COLUMN ON REQUIRED RECORDS OF WORK-RELATED MUSCULOSKELETAL DISORDERS.*

Requires the DOL to issue a final rule on occupational injury and illness reporting.

*SEC. 238. FUNDING FOR ADDITIONAL OSHA INSPECTORS.*

Appropriates \$60,000,000 for the hiring of inspectors to carry out the requirements listed in this bill.

*SEC. 239. OSHA REPORTING.*

Requires the DOL to establish a standardized reporting process for use during pandemics, which will require meat or poultry plants to report the number of employees who have become ill, their racial demographics, and their employment status; further requires that this information be made publicly available.

*SEC. 240. PRIVATE RIGHT OF ACTION.*

Provides a private right of action for individuals harmed by meat or poultry plants' failure to comply with the OSH Act, subsequent regulations, or this Act.

*SEC. 241. INJUNCTION PROCEEDINGS.*

Provides employees at an establishment where the DOL has filed an action to get an injunction to stop an imminent danger the right to intervene in that action as a matter of right.

***PART 4- SAVINGS PROVISION***

*SEC. 251. SAVINGS PROVISION.*

States that nothing in this title diminishes rights, privileges, or remedies available to employees under the law or under a collective bargaining agreement.

***Subtitle B—GAO Reports***

*SEC. 261. REVIEW AND REPORT ON RACIAL AND ETHNIC DISPARITIES IN MEAT AND POULTRY PROCESSING.*

Requires the Government Accountability Office (GAO) to conduct and submit a report to Congress containing a review of impacts to meat and poultry plant workers and the use of temporary workers, incarcerated workers, undocumented workers, and workers from the H-2B nonimmigrant program or any refugee program in meat and poultry plants.

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