



# Agricultural and Seasonal Workforce Services Advisory Committee

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## Meeting details

**Date:** Thursday, September 3, 2020

**Time:** 8:30 a.m. to 11:30 a.m.

**Location:** Skype meeting due to COVID-19

### Committee members present

- Michele Besso
- Jonathan DeVaney
- Michael Gempler
- Erik Nicholson
- Ramon Torres
- Delia Peña

### Non-voting agency representatives

- Ignacio Marquez
- Maggie Leland (for Uriel)
- Todd Phillips

### Committee members absent

- Rosalinda Guillen
- Rosella Mosby
- Uriel Iniguez

### ESD staff

- Dan Zeitlin
- Alberto Isiordia
- Norma Chavez
- Rene Maldonado
- Craig Carroll
- Tamara Johnson

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## Summary

### Meeting Recorded

This meeting was recorded and is available on <https://esd.wa.gov/newsroom/Ag-committee>

### Welcome and Introductions

Employment Security Department (ESD) Policy Director, Dan Zeitlin, welcomed everyone and asked Tamara Johnson to take roll. All committee members were present except Rosalinda Guillen, Rosella Mosby and Uriel Iniguez. Maggie Leland represented LNI in Uriel's absence.

### Agenda

Dan Zeitlin reviewed the agenda for the meeting and asked if anyone had any questions. (See Addendum I.)

### Meeting Minutes

Dan Zeitlin requested that everyone review the meeting minutes for July 30, 2020 and provide their feedback. Norma Chavez requested the call to approve the meeting minutes be postponed until the September 17, 2020 meeting due to a request to change the labeling of columns in the H-2A Application Data Report table. It was requested that ESD change the H-2A Application Data Report "Workers Requested" column title to "# of Workers Requested/Labor Certifications." The change will be made and the updated July 16, 2020 and July 30, 2020 meeting minutes will be resent to committee members for review prior to the September 17, 2020 meeting.

**H-2A Application Data Report**

Norma Chavez reported on H-2A application data.

Status of Applications	# of Applications	# of Workers Requested/ Labor Certifications*
Received/Processed	311	29,047
Commenced	284	26,182
Withdrawn	18	2,577
Impossibilities	4	235

\*The numbers reported are not reflective of the number of foreign workers that actually arrive in Washington State.

**H-2A Workers in Washington State**

Norma Chavez stated that the ASWS office is unable to provide actual number of H-2A workers in the state at this time but will continue to work to be able to provide data at the September 17, 2020 meeting. Due to the busy harvest season, employers were not able to respond to our request for information.

**ASWS Report**

The Committee continued its work on the report, namely reviewing and revising the section pertaining to domestic worker referral and verification.

**Covid-19 Update**

Maggie Leland provided an update from L&I/DOSH. (See addendum II.)

Todd Phillips provided an update from DOH.

**Action Items**

- Schedule additional meeting on October 1, 2020 - 8:30 a.m. - 11:30 a.m.

**Agenda Items for Next Meeting**

- ASWS Report 2020

**Public Comments**

None

**Adjourned**

Dan Zeitlin thanked everyone for their continued active participation and for their commitment to this work, then ended the meeting at 11:30 a.m.

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**2020 Meetings**

The next Agricultural and Seasonal Workforce Services Advisory Committee meeting is on:

- **September 17, 2020 – 8:30 a.m. to 11:30 a.m.**  
Skype meeting

ADDENDUM I



AGENDA

Agricultural and Seasonal Workforce Services (ASWS)  
Advisory Committee

Thursday, September 3, 2020 | 8:30 am – 11:30 am | SKYPE

Agenda Items

TIME	TOPIC
8:30 am	Introductions <ul style="list-style-type: none"> <li>Welcome from Dan Zeitlin, Director, ESD Policy, Data, Performance and Integrity Division &amp; Norma Chavez, Director – Agricultural and Seasonal Workforce Services</li> <li>Agenda Review</li> </ul>
8:40 am	Approval of Meeting Minutes for July 30, 2020
8:50 am	Update on FLC Applications – Norma Chavez
8:55 am	ASWS Report - Dan Zeitlin and Norma Chavez
10:00 am	Break
10:15 am	ASWS Report - Dan Zeitlin and Norma Chavez
10:50 am	COVID-19 Updates <ul style="list-style-type: none"> <li>L &amp; I</li> <li>DOH</li> </ul>
11:05 am	Closing Discussion <ul style="list-style-type: none"> <li>Discuss next agenda</li> </ul>
11:10 am	Public Comments
11:30 am	Adjourn

GROUND RULES

No side conversations | Phones on silent | Let people speak without interruption | Respect the opinion of others | Strive for understanding | Speak your mind | Strive for common ground | Assume good intent | Stay focused on task at hand and be willing to come back to the topic | Make sure everyone understands | Look out for each other | Take care of your own comfort | Ask for what you need

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ADDENDUM II



## L&I Outreach: Agriculture and COVID-19

The Department of Labor & Industries (L&I) is committed to protecting the safety and health of all Washington workers, regardless of immigration status. We provide in-person and remote outreach, education, and communication to workers in their language of preference on numerous topics, including:

- Worker rights and employment standards complaints.
- Workplace safety and health complaints.
- Access to medical care and financial help in case of occupational injury or illness.

The coronavirus (COVID-19) pandemic is disproportionately affecting Latino populations across the country, including Spanish-speaking agriculture workers in Washington. This is a summary of L&I coronavirus (COVID-19) outreach activities related to the agriculture industry.

### **Workplace Safety and Health**

L&I's Division of Occupational Safety and Health (DOSH) is producing and sharing COVID-19 prevention information for workers and employers in English and Spanish through L&I's **website** ([lni.wa.gov](http://lni.wa.gov)), GovDelivery, social media, Facebook Live events, Zoom interviews, and radio broadcasts. Examples include:

- A statewide Hazard Alert, notifying employers early in the pandemic that they are required to provide a safe and healthy workplace for employees.
- Safety guidance publications by industry.
- Fact sheets on general workplace safety requirements, including guidance on face coverings and masks.
- Basic Employee Training on COVID-19 Infection Prevention required for all employers.
- Agricultural COVID-19 Requirements training kit template in English and Spanish for employers to meet employee education requirements established by the Governor's Proclamation 20-57 and DOSH Agricultural COVID-19 Requirements.
- Other guidance and resource materials from DOSH's state and federal partners, including the Occupational Safety and Health Administration, the Centers for Disease Control and Prevention, and the Washington Department of Health.

### **Community Relations**

The L&I Office of Community Relations has **translated more than 30 COVID-19 public communication products** on safety and health (including those referenced above), paid sick leave, and workers' compensation into Spanish, Russian, Vietnamese, Korean, Chinese (Traditional, Simplified), Khmer (Cambodian), and Somali. We provide translations in other languages when requested.

The team prioritizes communication and outreach to agriculture workers. This includes sending information to the 136 organizations, radio stations, and newspapers on L&I's LEP media distribution list; posting information on L&I's English and Spanish websites; posting on social

media and messenger; conducting radio and TV interviews, and participating in conference calls with community organizations representing LEP populations several times per week.

Between March 18 and August 21, 2020, the Community Relations Office:

- Conducted 53 interviews on 18 radio stations, six Facebook Live events, and one TV interview (all in Spanish).
- Participated in regular meetings to receive feedback from key community partners, including the Agricultural and Seasonal Workforce Services Advisory Committee, Casa Latina in Seattle, the Commission on Hispanic Affairs, the Latino Civic Alliance, the Commission on Asian Pacific American Affairs, the Governor's Office of Indian Affairs, the Legislative Agriculture Workers Committee, numerous Community Health Clinics, and several other groups.
- Prepared COVID-19 messages for workers, broadcasting on 15 radio stations throughout the state in Spanish, Chinese, Russian, and Korean. Broadcasted COVID-19 ads on 15 radio stations.

### **L&I Outreach for Limited English Proficiency (LEP) Workers**

L&I has more than 175 staff members who are bilingual in English and Spanish providing direct service to limited English proficiency (LEP) customers. The staff include:

- Five safety and health outreach workers, two safety complaint call center representatives, and 12 safety and health compliance staff.
- Twenty-one workers' compensation claims staff and three health service coordinators supporting providers, workers, and employers.
- Two worker advocates, one each in Mount Vernon and Kennewick, and one provider navigator serving community health centers and injured workers in Yakima County.

### **Typical activities:**

- Host annual Agriculture Safety Days in Wenatchee and Kennewick in Spanish and English.
- Offer a free, nationally recognized, 10-hour safety training course in Spanish and English for agriculture workers and safety trainers through the Multicultural Safety and Health Outreach Program in the L&I Division of Occupational Safety and Health (DOSH). More than 850 workers have graduated from the class.
- Assist an average of 6,000 callers a month in more than 25 languages other than English. About 4,000 of the calls are in Spanish.
- Hold an average of nine outreach events a month in LEP communities, reaching approximately 15,000 people.
- Partner with medical providers and provider organizations serving Latino communities, including Sea Mar Community Health Centers and the Yakima Valley Farm Workers Clinic.
- Translate an average of 3,600 documents a month into the top eight spoken languages in Washington, as well as additional languages upon request.
- Conducted outreach to farms and farmworker labor camps where we had direct contact with over 3000 farmworkers.

**L&I contact for additional information:** [Uriel Iniguez](mailto:Uriel.Iniguez@lni.wa.gov)

([uriel.iniguez@lni.wa.gov](mailto:uriel.iniguez@lni.wa.gov)), Community Relations Director, 360-902-5411.



Washington State Department of  
Labor & Industries

## **Agriculture workplace safety & health inspections**

### **Jan. 1 through August 14, 2020**

The Department of Labor & Industries (L&I) is dedicated to protecting the safety and health of Washington workers. We provide worker and employer education, respond to workplace safety complaints, perform routine inspections, and provide onsite consultations to help employers meet their obligations to provide safe and healthy worksites.

Washington has among the strongest coronavirus prevention requirements in the country. Employers are expected to follow them to prevent transmission of the virus and protect workers.

This is a summary of L&I Division of Occupational Safety and Health (DOSH) inspections and findings related to workplace safety and health (including COVID-19) at agricultural businesses.

Although these numbers are as of August 14, L&I inspects year-round. This document will be updated regularly.

#### **Workplace safety and health inspections opened: 244**

Opened as a result of referrals and complaints: 114

Opened as a result of fatalities or hospitalizations: 20

Initiated proactively by L&I: 110

#### **Total number of inspections closed (completed): 211**

#### **Inspections where violations were found: 96**

#### **Number of inspections currently open: Approximately 33**

**Number of agricultural industry safety and health complaints:** Through August 14, there were approximately 398 safety and health complaints and referrals associated with agriculture. In many instances, there were multiple complaints involving the same employers. Approximately 200 of those complaints and referrals were associated with five fruit packing warehouses — Jack Frost, Columbia Reach, Matson, Monson, and Allan Bros. The agency opened inspections at each of these companies; no COVID-19 violations were found.

**Note:** *A call or form sent to L&I about a workplace safety and health concern is considered a complaint when it comes from an employee or an official representative of an employee. A referral is a notification about a safety and health issue from someone who is not an employee or directly related to an employee.*

<b>Reasons for inspections:</b>	2013-2019	2020 (through August 14)
Worker fatality or hospitalization	23%	8%
Complaint or a referral	33%	47%
Scheduled/L&I targeted inspection	44%	45%

**Workplace safety and health consultation**

In 2020, DOSH has performed 158 workplace safety and health consultations with agriculture employers through August 14.

Employers who want assistance with their workplace safety and health needs can **request an L&I safety consultation**. An L&I consultation visit can help employers find and fix hazards in the workplace and strengthen their safety programs. It's free and confidential.

**Worker safety and health**

L&I urges agriculture workers to make sure their employers are aware of safety and health issues on the job, and to consider filing complaints with L&I if safety hazards are not corrected.

Employee workplace safety and health complaints may be submitted to the DOSH Call Center at 1-800-423-7233, or via email to [adag235@Lni.wa.gov](mailto:adag235@Lni.wa.gov).

**L&I contacts for additional information:**

Tammy Fellin, Legislative Director, 360-704-0744 (cell), [tammy.fellin@lni.wa.gov](mailto:tammy.fellin@lni.wa.gov)

Uriel Iniguez, Community Relations Director, 360-902-5411, [uriel.iniguez@lni.wa.gov](mailto:uriel.iniguez@lni.wa.gov)

**Contact information**

Dan Zeitlin, Director of Policy, Data, Performance & Integrity Division [DZeitlin@ESD.WA.GOV](mailto:DZeitlin@ESD.WA.GOV)

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*Employment Security Department • Policy, Data, Performance and Integrity*

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