

# BE INFORMED! BE SAFE! KNOW YOUR RIGHTS! GET THE HELP YOU NEED!

During these difficult times of the coronavirus, agricultural workers have special protections. Know how these protections apply to you. Know what resources are available. Protect your family and community. Legal Aid Services of Oregon and the Oregon Law Center Farmworker Programs provide free, confidential legal help and referrals. Please note this is general information. The laws have exceptions and change frequently.

## AT WORK

Stay six feet apart from each other at all times. If your work requires that you be within six feet, your employer must implement additional protection such as providing you a cloth face covering. Wash your hands frequently.

### Your employer must:

- Provide at least one toilet and hand-washing station for every 10 workers.
- Place the toilets at the entrance to the field and not too far from where you are working.
- Clean when necessary and sanitize toilets at least 3 times per day, every day.

## WORK TRANSPORTATION

Workers must be able to sit at least 3 feet apart and wear cloth face coverings (provided by the employer).

Employer must frequently sanitize vehicle surfaces.

This applies to Farm Labor Contractors as well.

## LABOR CAMP HOUSING

Workers must not share a bunk bed unless they are from the same household.

Workers must have sufficient space and ventilation.

Housing must be regularly cleaned and sanitized.

Workers must have access to cleaning supplies, provided by the employer.

## BE SAFE AT WORK

OR-OSHA implemented temporary new field sanitation, transportation and labor camp housing regulations to protect agricultural workers during coronavirus. You have the right to file a complaint with Oregon OSHA if your employer is not in compliance.

### We help people file reports.

*If you think the employer is violating these laws or you don't feel safe, you can report the problem to your employer, safety committee or OR-OSHA (800-843-8086.) You have the option to make an anonymous or confidential complaint. It is against the law for an employer to retaliate against a worker for making a complaint.*

### Legal Aid Services of Oregon

#### Farmworker Program

503-981-5291, 503-851-9928,  
503-851-9705, 503-980-8222

#### Oregon Law Center

#### Farmworker Program

503-726-4381



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[www.oregonlawhelp.org](http://www.oregonlawhelp.org)

# COVID-19 WORKPLACE PROTECTIONS

## What rights do I have if I have COVID-19 symptoms and am seeking a diagnosis from a doctor and have to stay home from work?

You may be able to use any accrued Oregon sick leave. You also may be eligible to get paid all or part of your salary under a new federal sick leave policy for up to two weeks. Generally, this is for employees of companies with fewer than 500 workers. Some employers with less than 50 workers might be able to ask for a waiver. DOL website: [dol.gov/agencies/whd/pandemic](https://www.dol.gov/agencies/whd/pandemic)

## What rights do I have if I can't work because I have to stay home with my kids for COVID-19 related reasons?

You may be able to use any accrued Oregon sick leave. You also may be eligible to get paid part of your salary under a new federal sick leave policy for up to two weeks. Employees who have been employed for at least 30 days prior to your leave request may be eligible for an additional 10 weeks of partially paid expanded family and medical leave. Generally, this is for employees of companies with fewer than 500 workers. Some employers with less than 50 workers might be able to ask for a waiver. DOL website: [dol.gov/agencies/whd/pandemic](https://www.dol.gov/agencies/whd/pandemic)

## What are some suggestions about how to ask for these rights?

- Gather information about how the law applies to your situation – you can call us for help!
- Ask for leave calmly and say why you think the law gives you these rights.
- Keep proof about how and when you asked – witness, text, letter.
- Follow the rules – especially follow your employer's absence reporting policy to avoid giving your employer a reason to fire/discipline you for taking otherwise protected leave.

## What can I do if my employer refuses to give me the leave the law says I can get or fires me because he is mad that I asked for the leave?

It is against the law if your employer fires you or treats you differently because you asked for or used protected leave. You may have a legal claim. You may want to consult with an attorney.

## What can I do if I think I got infected by COVID-19 at work?

If you think you contracted coronavirus at work, you may be covered by Workers' Compensation benefits. Let your doctor know you think you got infected at work. To get help understanding your rights, contact the Ombudsman for Injured workers: 800-927-1271.

**Disclaimer: There are rapid changes in response to COVID-19 and exceptions to laws. This is general information as of 5/20/2020 and not legal advice. For legal advice, please consult with an attorney.**

**DURING THIS CRISIS,  
EMPLOYERS STILL  
HAVE TO FOLLOW THE  
LAW.**

**YOU HAVE THE RIGHT  
TO BE SAFE.**

**YOU HAVE THE RIGHT  
TO BE PAID THE  
CORRECT AMOUNT ON  
TIME!**

**YOU STILL HAVE THE  
RIGHT TO WORK FREE  
FROM ILLEGAL  
DISCRIMINATION AND  
ABUSE.**

If you think your employer is violating the law, you can consult with an attorney to help you figure out how the law applies to your situation and explain the options.

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# ARE YOU OUT OF WORK?

You may be eligible for unemployment benefits. To get regular unemployment benefits, you need to have sufficient past income from work and an immigration status that allows you to work. If you qualify for regular unemployment benefits, you may get an additional \$600/week through the end of July and an extra 13 weeks of benefits due to the COVID-19 crisis. Getting unemployment benefits NEVER counts in a public charge test.

## NEW COVID-19 PROTECTIONS

- Left work because your kids have no school and need your care? You may qualify for UI!
- Not working because caring for a sick family member? You may qualify for UI!
- Not working as many hours due to COVID? May qualify depending on your earnings – okay to try.
- Left work because your employer is asking you to work in violation of Governor's directive and you don't feel safe? You may qualify!

**How do I apply?** You can file on-line in English or call: 1-877-345-3484 or call any WorkSource Oregon office. [www.worksourceoregon.org/Centers](http://www.worksourceoregon.org/Centers)

If the line is busy, keep trying and ask for a call back in Spanish on-line. You can also call 503-947-1361 and leave a message asking them to mail you an application (include name, address and language). When you reach someone, let them know when you were unemployed and ask for retroactive benefits. The department may ask you follow up questions. Respond on time. Watch helpful videos: [govstatus.egov.com/ui-benefits/benefits](http://govstatus.egov.com/ui-benefits/benefits).

**What do I do after applying?** Try to search for work if you don't expect to return to your employer. Call the weekly claim line each week (starting Sunday for the previous week) 1-800-982-8920. List the efforts you made to get work or say "I am willing to seek work when the emergency ends." Keep calling weekly even if benefits have not started yet or you have problems. If you work during the week, report the hours you worked and the money you'll earn for those hours.

**What if my application is denied?** You can ask for a hearing. Usually, you must do this within 20 days. OED 877-345-3484. We can help, contact us with any questions!

## PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA)

For many people who usually do not qualify for regular unemployment benefits but are out of work because of COVID-19, there are new federal unemployment benefits called "PUA".

You may be eligible for PUA if you are:

- self-employed/independent contractor
- work for a small agricultural employer, like a dairy
- have very little work history or can't start work due to COVID-19
- disqualified from regular unemployment benefits

**HOW TO APPLY:** There is a separate application you can print and mail/fax/ email to the OR Employment Department. [Govstatus.egov.com/uibenefits/CARES](http://Govstatus.egov.com/uibenefits/CARES).

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# SPECIAL COVID-19 RELATED BENEFITS

**Many families are going through tough times. There are many community resources available to help families. Don't wait. Apply as soon as you can. Resources may be limited.**

**NONE OF THE BENEFITS LISTED ON THIS PAGE ARE CONSIDERED FOR PUBLIC CHARGE.**

## FOOD RESOURCES

For more information on WIC, food banks, child care assistance, call 211 or go to: [needfood.oregon.gov](http://needfood.oregon.gov)

**NEW BENEFIT:** Oregon families with kids who are eligible for free or reduced price school meals will get pandemic food (P-EBT) benefits. You can access these benefits through your Oregon Trail card. If your kids are not already signed up for free school lunches, apply online or at your school.

## HOUSING HELP

Oregon's governor has said that before June 30, 2020, landlords cannot give you eviction notice for non-payment of rent or "no cause." Tell your landlord if you cannot pay rent. Pay as much as you can afford. Note that rent will build up and will probably be due after June 30, 2020.

Agricultural workers with emergency housing or utility needs can apply for funds through Oregon Human Development Corporation at: 1-855-215-6158

## HEALTH BENEFITS

If you are sick or have symptoms, please seek medical assistance. Testing and hospitalization for COVID-19 are covered by the Oregon Health Plan (OHP) and CAWEM members. CAWEM is health insurance for emergency medical services only for people who would be eligible for OHP, but are not required to provide immigration info. Call 800-699-9075 for more information. USCIS says that emergency medical attention related to COVID-19 **does not** count towards public charge.

## CASH BENEFITS

**WORKER RELIEF FUND:** There are cash benefits available for Oregon residents who have been financially impacted by the COVID crisis who are **NOT** eligible for unemployment benefits or stimulus payments due to their immigration status.

**HOW TO APPLY:** Contact one of the community-based organizations as soon as possible. Be prepared to show identity and Oregon residence.

**CAUSA: 503-750-4739**

**PCUN: 503-982-0243**

*There may be other organizations in your area that are distributing funds. Please contact us for information.*

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