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Introduction to Labor Issues for Beginning Farmers

There are many factors to consider before you start a new farm enterprise. Labor issues are often underemphasized in the decision-making processes of beginning farmers. It is important to consider who you will hire, where you will find help, how you will manage your employees, and what legal matters are relevant to your farm.

The purpose of this resource is to introduce you to these important labor issues as you begin planning our expanding your farm enterprise. The topics covered in this source are not all-inclusive and, after reading this tool, you should explore the topics applicable to you. This will help you make the best labor decisions for your farm. If you have any questions about labor issues or other farm start-up topics, bring them to your local Virginia Cooperative Extension office, or visit the Virginia Beginning Farmer and Rancher Coalition Program website at: www.vabeginningfarmer.org

1. Who Will You Hire?

Consider Your Own Abilities

If you are looking to begin farming or have already started, it is because you wish to be on the front line of your enterprise. Being present on your farm provides the benefit of having a real sense of what your business is doing and what changes need to be made in the future without relying on a middle person.

- Are you prepared to quit your job, cut back your hours, or add additional hours of farm work to your current schedule?
- Do you consider yourself to be an organized person, capable of keeping records of taxes, expenses, and incomes?
- Check out these resources:
 - Get help from the U.S. Small Business Administration
 - <https://www.sba.gov/content/self-employed-independent-contractors#Self-Employed>
 - Visit the Self-Employed Individuals Tax Center
 - <http://www.irs.gov/Individuals/Self-Employed>
 - Watch IRS tax videos
 - <http://www.irsvideos.gov/>
 - Learn more about health insurance
 - <https://www.healthcare.gov/apply-and-enroll/>

Talk to Your Family

A large number of farms are owned and operated by families, and bringing family members into your business could evolve your farm and home life. Whether you are working with your spouse, children, siblings, or parents, operating a family farm has the potential to build trust and a stronger sense of unity while preparing your farm to be passed to the next generation.

- Do you have the financial security to lessen your off-farm income by bringing family members to the farm?
- Does your family have good communication and problem-solving skills?
- Is your relationship with family members on the farm conflict-free?
- Read these resources:
 - Watch this video about employing family members
 - <http://www.irsvideos.gov/SmallBusinessTaxpayer/Employers/EmployingFamilyMembers>
 - Learn more about the advantages of hiring family members
 - <http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/Family-Help>
 - Learn the stressors associated with hiring family members and how to cope with them
 - <http://www.ext.colostate.edu/pubs/consumer/10217.html>

Look into Farm Workers

Farm workers can be temporary or permanent in nature. Migrant workers move from place to place to work, often to send money back to their homes and families. Seasonal workers do not move around for work, but are only employed on the farm for specific times of the year. Guest workers are noncitizens admitted to the U.S. with employment visas and return to their home countries at the end of the season. Permanent employees work year-round at the same location. Hiring non-familial workers can widen the range of tasks your farm can complete, lessen the family's workload, and open up off-farm labor opportunities for family members.

- Do you need to keep an off-farm job to cover your living expenses?
- Does your farm require more man hours than you and your family can supply?
- More resources:
 - Read these tips for hiring farm workers
 - <http://organicgrowersschool.org/organicfarming/new-users/farmer-members/faq-and-info/>
 - Learn if your worker is an independent contractor or an employee
 - <http://farmdocdaily.illinois.edu/2012/03/independent-contractor-or-empl.html>
 - Read this article about working with Hispanic workers
 - http://grounds-mag.com/mag/grounds_maintenance_bridging_culture_gap/

Consider Starting an Intern Program

Farm interns are students or trainees who work on the farm in order to gain knowledge and work experience. They are, more often than not, expected to be treated and paid like regular farm employees while working closely with a supervisor to learn common practices. Hiring an intern is an excellent way to get involved in educating the next generation of farmers and allows you to get to know a potential employee.

- Do you or another worker have the time to supervise and support an intern?
- Does your farm have a special characteristic that you could introduce to interns?
- Do you have the means to offer an educational experience to interns working for you?

- Resources to help you:
 - Learn how to design an internship program
 - <http://www.nacweb.org/internships/15-best-practices.aspx>
 - Read these tips on starting an internship program
 - <http://www.bfnmass.org/blog/offering-farm-internships>
 - Learn about internship labor issues
 - <http://www.dol.gov/whd/regs/compliance/whdfs71.htm>
 - More internship labor issues
 - <http://www.flaginc.org/wp-content/uploads/2013/05/Farm-Intern-Guide-FINAL-w-covers.pdf>

Learn if You Can Hire Volunteers

Volunteers are workers who receive no benefits from the people for whom they provide services. Strict guidelines are set in place to differentiate a volunteer from an employee. Volunteers are beneficial to non-profit farms or to farms that need extra help in order to host a charity event.

- Do you run or plan to run a non-profit farm? Is your farm going to hold charity events?
- Check out these resources:
 - Learn the difference between a volunteer and an employee
 - <http://communitylaw.org/urbanagriculturelawprojectvolunteers-employees-interns/>
 - Read about volunteer labor laws
 - <http://www.dol.gov/elaws/esa/flsa/docs/volunteers.asp>

2. What Legal Issues Will You Need to Consider?

- Do you or will you employ children on your farm?
- Do you or will you employ migrant or seasonal workers?
- Have you considered what you will need to do to keep your employees safe?
- More resources to help you:
 - Read about child labor laws
 - <http://www.dol.gov/whd/regs/compliance/childlabor102.pdf>
 - Read the OSHA Farm Fact Sheet
 - https://www.osha.gov/OshDoc/data_General_Facts/FarmFactS2.pdf
 - Learn about the Migrant and Seasonal Agricultural Worker Protection Act
 - <http://www.dol.gov/whd/mspa/index.htm>

3. What Kind of Insurance Will You Need?

- Do you have (or plan to have) more than two part-time or full-time employees?
- How about 25 employees? Or 50 employees?
- Read more resources:
 - Read more about health insurance requirements
 - <http://www.irs.gov/uac/Newsroom/Questions-and-Answers-on-Employer-Shared-Responsibility-Provisions-Under-the-Affordable-Care-Act>
 - Learn about Workers' Compensation
 - http://www.vwc.state.va.us/sites/default/files/documents/Employer-FAQs_1.pdf

4. Which Fair Labor Laws Must You Follow?

- Will you or do you currently hire workers outside of your immediate family?
- Do you know how many “days” you need each year?
- More resources:
 - Read the Fair Labor Standards Act (FLSA) Information Sheet
 - <http://www.dol.gov/whd/flsa/>
 - Learn about recordkeeping under the FLSA
 - <http://www.dol.gov/whd/regs/compliance/whdfs21.pdf>
 - Consider FLSA farm worker exemptions
 - <http://www.dol.gov/whd/regs/compliance/whdfs12.htm>

5. How Will You Manage Your Workers?

- Do you know what you need in a new hire?
- Do you feel comfortable interviewing and judging applicants to choose the best fit for your farm?
- Have you thought about how you will train new employees in farm practices and policies?
- Check out these resources:
 - Read some tips about labor management
 - <http://extension.missouri.edu/p/G700>
 - Learn more labor management tips
 - <http://foodalliance.org/resources/positive-practices-in-farm-labor-management.pdf>

6. How Will You Advertise Your Open Positions?

- Does your company have (and update) a website or social media page?
- Are there schools or colleges with agricultural programs near you?
- Do you attend any conferences related to your farm practice?
- Learn more with these resources:
 - Learn the importance of advertising
 - <http://www.wvu.edu/~agexten/hortcult/homegard/advertis.htm>
 - Read about filling a position in the farm
 - <http://ohioline.osu.edu/hrm-fact/0001.html>
 - Learn how to select the best employee
 - <http://nature.berkeley.edu/ucce50/ag-labor/7labor/02.htm>

7. What Resources Are Available to Advertise Your Farm Positions?

- Are you familiar with newspapers that run in your area?
- Do you feel comfortable finding an employee on the internet?
- Learn how to write job descriptions
 - <http://www.extension.iastate.edu/agdm/wholefarm/html/c1-74.html>



8. How Else Can You Find More Workers?

- Do your current employees have friends or family members interested in farming?
- Do you have friends interested in farming?
- Do any retired farmers in your area have children looking to learn about farming?
- Read about the importance of word of mouth advertising
 - http://www.uwex.edu/ces/farmteam/workgroup/humanresource/documents/FarmEmployeeCharacteristics_color.pdf

Choosing the best labor option for your farm is an important decision that will affect the future of your business. It is important to understand the legal issues that are associated with the type of workers you employ in order to comply with labor laws and maintain a fair labor environment. Once you know what you need from an employee, you are ready to interview, hire, and train the best employee for your business.

This document was an introduction to a large pool of topics. We encourage you to explore the topics that interest you in further detail. Your local Virginia Cooperative Extension office (www.ext.vt.edu) has a number of resources for farmers, as well as agents to answer your questions. For more information and resources directly aimed at beginning farmers, please visit the Virginia Beginning Farmer and Rancher Coalition Program: www.vabeginningfarmer.org



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