

Minnesota Worker Safety Legislation for Meatpacking and Warehouse Industries Signed Into Law

Article By:

Brent D. Kettelkamp

Nathan T. Boone

On May 24, 2023, Governor Tim Walz signed [Senate File No. 3035](#), which, among other provisions, amends the Packinghouse Workers Bill of Rights (Minn. Stat. § 179.86), creates new meatpacking workplace safety requirements with the Safe Workplaces for Meat and Poultry Processing Workers Act, and limits the use of quotas in the “Warehouse Distribution Worker Safety” law.

Quick Hits

- The Packinghouse Workers Bill of Rights amendments require packinghouse employers to provide notice of workers’ compensation rights and creates a right to a civil cause of action for employees who do not receive that notice, or the pre-existing notice regarding pay, benefits, safety, labor, and leave rights.
- The Safe Workplaces for Meat and Poultry Processing Workers Act creates new workplace safety obligations for meatpacking employers, such as new-task and annual training requirements, safety rules for future public health emergencies, and provider training requirements for workplace medical services. The Act also creates a civil action for employees, employee representatives, or other individuals who are aggrieved by an employer’s violation of the act.
- The Warehouse Distribution Worker Safety law limits work quotas in certain warehouse distribution centers, requires notice to employees of applicable quotas, and directs the Commissioner for the Department of Labor and Industry to investigate warehouse distribution centers with high rates of injury. The legislation creates a civil action for employees for violations by employers.

Amendments to Packinghouse Workers Bill of Rights

The Minnesota Legislature originally passed the Packinghouse Workers Bill of Rights in 2007 to safeguard meatpacking employees. It expressly requires employers to furnish meatpacking employees with the equipment needed to safely perform their jobs. Specifically, employers “must provide an explanation in an employee’s native language of the employee’s rights and duties” regarding salary and benefits, job description, work hours and work hours policies, occupational

hazards, the right to organize a union or bargain collectively, “the right to a safe workplace,” and “the right to be free from discrimination.”

Senate File No. 3035 amends the Packinghouse Workers Bill of Rights to also explicitly cover poultry processing. It adds a new requirement to advise employees at the start of employment about their rights to workers’ compensation insurance coverage, the employer’s workers’ compensation insurance carrier, the carrier’s phone number, and the insurance policy number.

The legislation also requires the Department of Labor and Industry to provide a standard explanation form for use by employers in English, Spanish, and additional languages upon request.

Finally, the legislation allows employees to bring a civil action against employers for damages of \$1,000 or twice the employee’s actual damages (whichever is greater), plus costs and reasonable attorneys’ fees for violations. For intentional violations, the damage award will be \$1,400 or three times actual damages, whichever is greater. The amendment also directs the Department of Labor and Industry to levy fines of not less than \$400 and not more than \$1,000 for each violation, payable to the employee aggrieved by the violation.

Safe Workplaces for Meat and Poultry Processing Workers Act

The Safe Workplaces for Meat and Poultry Processing Workers Act was previously introduced during the 2021 legislative session. As incorporated into Senate File No. 3035, the legislation:

- creates a “meatpacking industry worker rights coordinator” within the Department of Labor and Industry who will submit a report each year to the governor and the legislature with “recommendations to promote better treatment of meat-processing workers”;
- states that “[a] meat-processing worker has the right to refuse to work under dangerous conditions” as defined in Minnesota’s occupational safety and health laws, and that workers are entitled to receive pay in such situations;
- specifically prohibits retaliation against employee whistleblowers;
- makes “reporting or threatening to report a meat-processing worker’s suspected citizenship or immigration status, or the suspected citizenship or immigration status” of the worker’s family, to a government agency due to the exercise of a right under the act an “adverse action” for establishing violations;
- creates facility committees, comprised of a certified professional ergonomist, a board-certified physician, and facility workers, to develop and implement an ergonomics program;
- institutes new-task and annual training requirements for employers;
- specifies provider training for workplace medical services;
- specifies protections workers are entitled to during a future peacetime public health emergency, such as special distance, face masks, face shields, hand sanitizing, disinfection protocols, and communication rules regarding these protections; and
- requires that employers “provide written information and notifications about employee rights” under the act “in their language of fluency at least annually,” or orally if the worker is unable to understand written information.

These provisions would apply to meatpacking operations and poultry processing sites with one hundred or more employees in Minnesota. Local butcher shops, supermarket delis, or restaurants where meat is sold directly to customers would not be affected.

The statute also creates a civil action for employees, employee representatives, or other individuals

who are aggrieved by an employer's violation of the act. The civil action must be brought within three years of the violation. The civil action (or an administrative proceeding) could result in an injunction, payment of costs and attorneys' fees, penalties of not less than \$100 per day per worker, treble (triple) damages for retaliation, lost pay, and a fine of up to \$10,000 to the commissioner of the Department of Labor and Industry.

The pandemic preparedness provisions are effective July 1, 2023. Remaining portions of the legislation are effective January 1, 2024.

Warehouse Distribution Worker Safety

The "Warehouse Distribution Worker Safety" provisions of Senate File 3035 establish worker safety requirements for warehouse distribution centers. The law applies to employers with 250 or more employees at one warehouse distribution center or a total of 1,000 or more employees at warehouse distribution centers in the state.

Employers are required to provide written notification of any quota placed on employees at the time of hire or within thirty days of the effective date of the law, and at least one working day before the quota takes effect. The written notification must be in the worker's primary language, must include how the quota is measured, and any potential adverse employment action that could result from missing the quota.

Employees are entitled to access their work speed data, including a written description of each quota and a copy of the most recent 90 days of work speed data for the requesting employee, as well as a copy of the most recent 90 days of aggregated employee work speed data for similar employees at the same work site.

The legislation prohibits quotas that interfere with compliance with required meal, rest, and restroom breaks, prayer periods, or other occupational safety and health workplace safety standards under Minnesota law.

The Department of Labor and Industry has the authority to investigate workplaces that have at least a 30 percent higher than average incidence rate for relevant North American Industry Classification System codes, based on reports to the federal Occupational Safety and Health Administration. Monthly safety meetings are required until incidence rates fall below the 30 percent-above-average threshold for two consecutive years.

Finally, the legislation creates a civil action for employees for violations by employers. A court may grant damages, an injunction, or "other equitable relief," such as reinstatement with back pay, costs, and reasonable attorneys' fees. Any civil action must be brought within a year of the date of the violation.

This law is effective August 1, 2023.

© 2024, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., All Rights Reserved.

National Law Review, Volumess XIII, Number 152

Source URL: <https://natlawreview.com/article/minnesota-worker-safety-legislation-meatpacking-and->

[warehouse-industries-signed-law](#)