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DEPARTMENT OF LABOR

# **Nebraska Meatpacking Industry Workers Bill of Rights 2019 Annual Report**

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Equal Opportunity Program/Employer TDD/TTY: 800-833-7352  
Auxiliary aids and services are available upon request to  
individuals with disabilities.

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## Introduction

The position of the Meatpacking Industry Worker Rights Coordinator is established with the purpose of inspecting and reviewing the practices and procedures of meatpacking operations in the state of Nebraska, as they relate to the provisions of the Nebraska Meatpacking Industry Workers Bill of Rights, Neb. Rev. Stat. § 48-2213(2).

The Meatpacking Industry Worker Rights Coordinator's objective is to bring awareness to industry employers and workers by promoting safety and fair employment practices. The coordinator assists employers in complying with state and federal laws and refers issues to the corresponding agencies.

The coordinator shall, on or before December 1 of each year, submit a report to the members of Legislature and the Governor regarding any recommended actions the coordinator deems necessary or appropriate to provide fair treatment of workers in the meatpacking industry.

## Meatpacking Industry Workers Bill of Rights

The Nebraska Department of Labor has worked to build awareness of the Meatpacking Industry Workers Bill of Rights since its enactment in 2000. Some industry employers and employees remain unfamiliar with provisions of the act. Some employers have failed to be in compliance with the law. The coordinator continues to work to educate and inform employers and workers on the Nebraska Meatpacking Industry Workers Bill of Rights, which includes:

1. The right to organize;
2. The right to a safe workplace;
3. The right to adequate facilities and the opportunity to use them;
4. The right to complete information;
5. The right to understand the information provided;
6. The right to existing state and federal benefits and rights;
7. The right to be free from discrimination;
8. The right to continuing training, including training of supervisors;
9. The right to compensation for work performed;
10. The right to seek state help.

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## Meatpacking Operation Inspection Procedures

To ensure that employers are complying with the Meatpacking Industry Workers Bill of Rights, the coordinator performs inspections at facilities throughout the state.

As part of the inspection process, the coordinator tours the facility, which includes the production floors, locker rooms, restrooms, break rooms, poster area, nursing mothers' room, etc. During the tour, the coordinator selects employees to be interviewed privately.

After the tour is completed, the selected employees are called into a private area where they can freely express any concerns to the coordinator. Employees are asked questions in regards to their working conditions and other matters included in the Meatpacking Workers Bill of Rights. The coordinator encourages the employees to know their rights and to contact the coordinator if any issues arise in the future. The coordinator also distributes Bill of Rights' handouts, which include the coordinator's contact information.

## 2019 Inspections Activity and Findings

In 2019, the coordinator completed 46 inspections to meatpacking facilities and interviewed 252 employees. The most common issues found were:

- **Line speed:** In almost every facility, employees expressed that the speed of the line was too fast, making an already difficult job even harder and increasing injury rate and turnover.
- **Lack of proper training:** Many employees reported that new employees were pushed too quickly to do the job and that the training consisted of only observing their co-workers and then repeating the same.
- **Mistreatment:** In many facilities, the employees reported instances of favoritism, where some employees were treated better than others based on their personal relationship with a supervisor. They were also instances of intimidation, hostility, and retaliation. Many people said they are working in fear of losing their job, and they are afraid to come forward and bring many of these issues to light.
- **Gang time pay policies:** Many meatpacking facilities utilize gang time policies to determine pay for production line employees. Gang time measures the amount of time that meat products are running through a specified station on the production line. Employees are reporting that they do not believe they are being paid for all of the hours worked.
- **Restroom breaks policies:** Employees said they do not have prompt access to restrooms facilities. In many instances, employees have to find a replacement before they are allowed to use the restroom. Employees have reported that it has taken over forty-five minutes to get their requested restroom break, or they just do not get one at all.

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- Nursing mother's room: A facility was using a restroom as their only nursing mother's room. They corrected the issue after it was explained that this was not an acceptable practice. Many employees do not know their rights on this subject and some employers were not aware that they have to provide adequate space and breaks for nursing mothers.
  - Vacation Policies: Some vacation policies, including for employees under a union contract, were found to be out of compliance with the Wage Payment and Collection Act, specifically stipulating that vacation would be forfeited due to certain termination reasons. The policies were addressed with the specific facilities and corrected.
  - Restroom conditions and number of toilets: Long lines to use the restrooms during breaks. Some stalls had broken doors, lacking privacy, and others were constantly out of service, leaving even less toilets for a great number of employees to use in their short breaks.
  - Working space: Employees working very close to each other, which is particularly dangerous when they work with knives and in very fast-paced jobs.
  - Employees unaware of their rights: Many meatpacking employees are not aware of their rights. They are also very hesitant to report issues due to the fear of retaliation.

The coordinator worked with several facilities due to complaints received in regards to unsafe work conditions, wages, mistreatment, hostility, alleged sexual harassment, termination from employment, suspensions and other issues. We continue to work with the facilities to resolve disputes and employee's concerns. We have also forwarded complaints to the Occupational Safety and Health Administration (OSHA), Worker's Compensation Court, Wage and Hour Division (WHD) – U.S. Department of Labor and Nebraska Equal Opportunity Commission (NEOC).

### **General Recommendations:**

Continue efforts to promote greater awareness of the Meatpacking Workers Bill of Rights and the existence of the coordinator by increasing the number of meatpacking facilities visits and utilizing the NDOL webpage and advocacy groups.

Continue to review issues observed regarding line speed.

It is recommended that every meatpacking facility have an ergonomics program in place that includes stretching exercises and other measures to diminish the effects of repetitive motion injuries.