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DEPARTMENT OF LABOR

Nebraska Meatpacking Industry Workers Bill of Rights 2020 Annual Report

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December 1, 2020

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Auxiliary aids and services are available upon request to
individuals with disabilities.

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.

Pursuant to Neb. Rev. Stat. § 48-2213(2), the coordinator is required to submit a report to the members of Legislature and the Governor on or before December 1 of each year.

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. 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.

Meatpacking Operation Coordinator Procedures

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

At each visit, 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 regarding 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.

However, 2020 was a unique year and for part of the year, in person visits to meatpacking plants were suspended. During that time frame, the Coordinator actively conducted telephone inquiries. The Coordinator called line employees directly and interviewed them over the phone with typical questions asked during visits as well as new questions related to COVID.

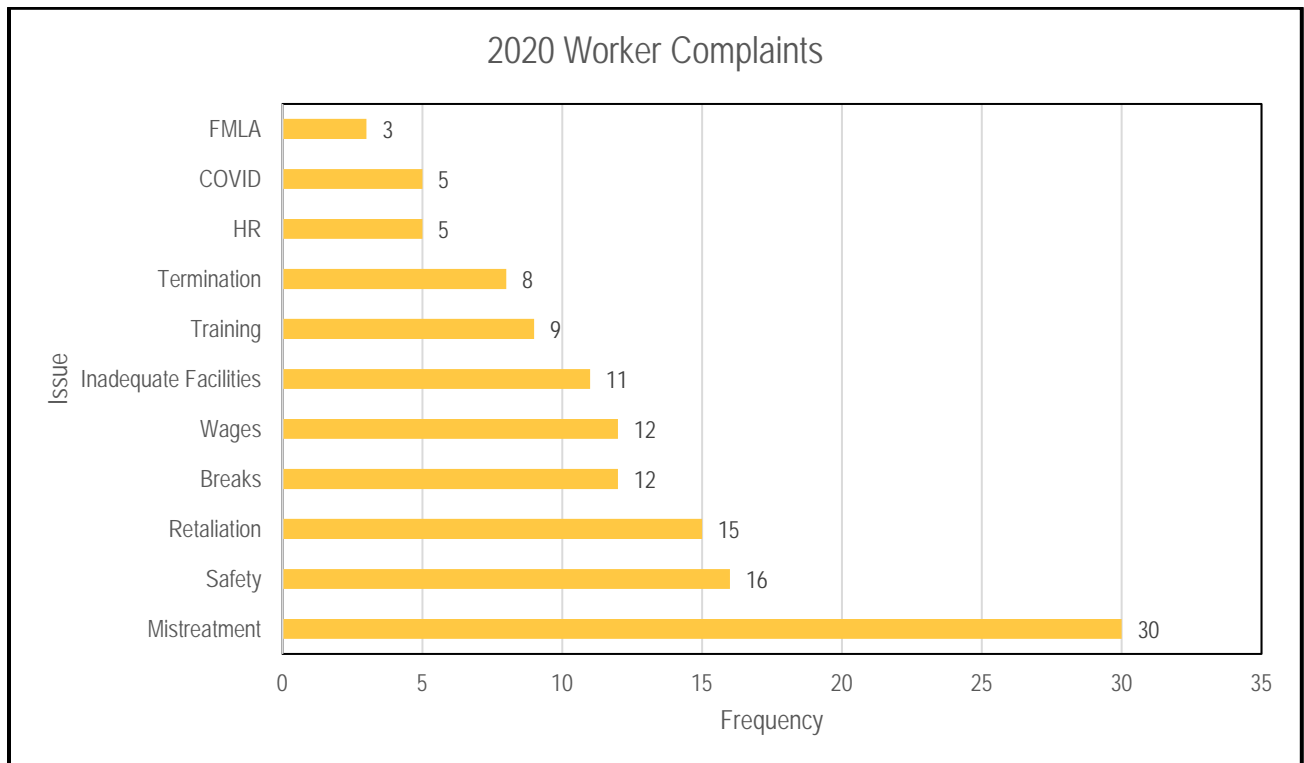
While in person operations were suspended, the Coordinator also followed up on complaints received from individuals working in meatpacking, and she reached out to businesses to conduct phone interviews. The Coordinator spoke with human resources and plant management regarding any changes being made to protect workers from the pandemic. Most facilities were already working with the Nebraska Department of Health and Human Services and had implemented measures that were recommended by the appropriate authorities, such as the Center for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA). The Coordinator does not have authority to enforce compliance with *Neb. Rev. St. §48-2213* or guidelines issued by other agencies.

2020 Activity and Findings

From December 4, 2019 until November 6, 2020 the coordinator completed 22 visits to meatpacking facilities and interviewed 174 employees.

The Coordinator also responded to 54 worker complaints and public inquiries.

The chart below, as well as the issue details following, represent complaints received through phone, email, and complaints brought up during interviews conducted during onsite visits.



Of the 174 people interviewed, the most common complaints were:

- Mistreatment: Reports related to mistreatment include:
 - Verbal abuse
 - Supervisors showing favoritism based on personal relationships
- Employee injuries and complaints of required duties that are specifically against doctor recommended restrictions
- Line speed
- Retaliation
- Lack of proper training.
- Insufficient restroom and lunch breaks
- Restroom conditions and number of toilets: Long lines to use the restrooms during breaks. Some stalls were out of service.
- Employees unaware of their rights: Many meatpacking employees are not aware of their rights.
- COVID-19 – lack of adequate protections

The Coordinator continues to work with facilities to address complaints. There have been positive outcomes, such as wrongfully terminated employees being reinstated. The Coordinator has received wage complaints, which were able to be resolved with the employee receiving all wages owed. Recommendations the Coordinator has made for various improvements at some facilities that have been implemented are included below:

- Added tables and seating to break rooms
- Production Manger will meet with supervisors and leads to evaluate training. Added a training log sheet for supervisors and leads about importance of new hire training
- Creating a “buddy system” that will add more people per shift who will concentrate on training
- Added a new window to a door that was leading to fabrication
- Added restraining barrier for workers working in an elevation higher than 4 ft to avoid falls
- Bill of Rights posters displayed
- Restroom policy that was restricting usage was modified to include no limits
- Added touchless water bottle fillers on the production floor
- Employer mistake led to a worker being unable to advance to a better job opportunity. Situation was resolved with the worker obtaining promotion.

The list above represents employers that have been willing to work with the Coordinator to make necessary changes for their employees. However, several facilities have been reluctant to respond to the Coordinator’s recommendations, or don’t respond at all. Additionally, there are numerous instances that plants are not adhering to their own policies and procedures within their handbook.

The Non-English-Speaking Workers Protection Act does not permit the Bill of Rights Coordinator to impose any consequences for noncompliance of the Meatpacking Bill of Rights.

The Coordinator continues to forward issues to OSHA, Worker’s Compensation Court, Wage and Hour Division (WHD) – U.S. Department of Labor and Nebraska Equal Opportunity Commission (NEOC).

General Recommendations

NDOL recommends the Nebraska Legislature determine the overall purpose of the Meatpacking Bill of Rights. Currently, the legislation advises employees of their rights. If the Nebraska Legislature contemplates enforcement for violations of said rights, additional legislation would be required.

It is recommended that every meatpacking facility consider creating new, or enhance existing, ergonomics programs to include stretching exercises and other measures to diminish the effects of repetitive motion injuries.

Continue efforts to promote greater awareness of the Meatpacking Workers Bill of Rights and the existence of the coordinator.