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DEPARTMENT OF LABOR

Nebraska Meatpacking Industry Workers Bill of Rights 2021 Annual Report

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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 the 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 Inspection Procedures

The Meatpacking Industry Worker Rights Coordinator performs inspections at meatpacking facilities throughout the state.

During inspections, the coordinator interviews the human resources manager and/or management team regarding their facility and their policies and procedures as they relate to the Bill of Rights.

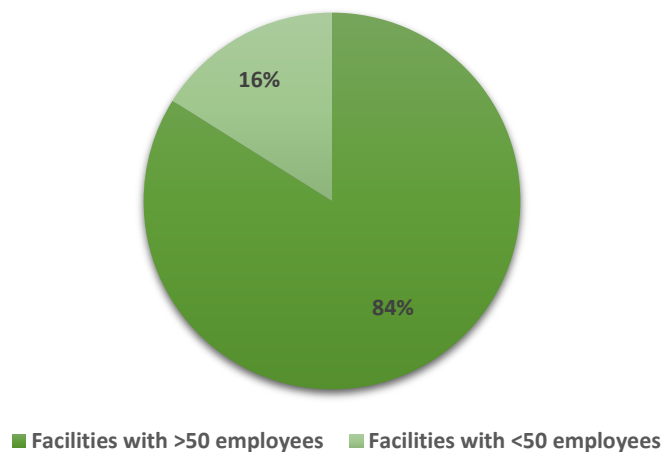
The coordinator tours the facility, which includes the production floors, locker rooms, break rooms, restrooms, poster area, nursing mothers' room, etc. During the tour, the coordinator selects employees to be interviewed privately. After the tour is completed, the coordinator interviews the employees to discuss matters related to the Bill of Rights. The coordinator also distributes handouts with the Bill of Rights, including the contact information.

After the visit, the coordinator reviews the facility's policies, completes a detailed report, forwards recommendations to the human resources representative, and refers any potential issues to the appropriate agency.

2021 Inspections Activity

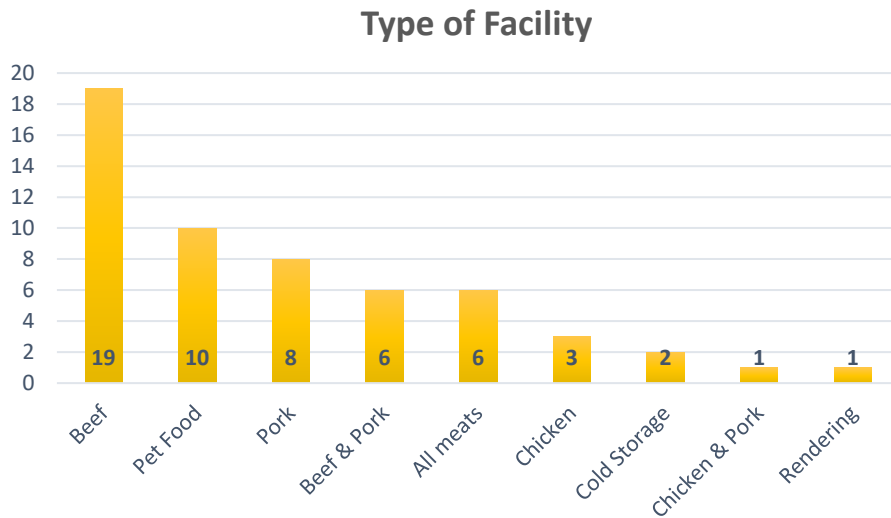
The coordinator completed 61 visits to meatpacking facilities. Fifty-two of the facilities employ over 50 workers and 9 facilities employ less than 50 workers. The facilities visited employ a combined 31,100 workers. Some of these facilities were visited more than once.

Meatpacking Facilities Visited in 2021



A total of 251 employees were interviewed during the visits at the meatpacking facilities. An average of five employees were interviewed at each facility.

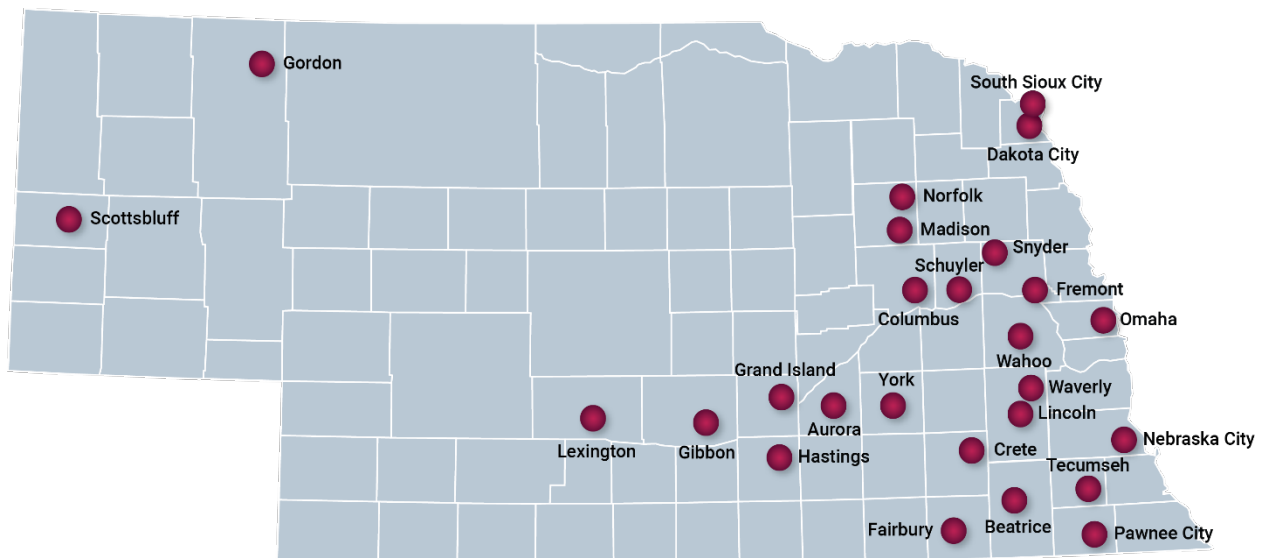
Most of the facilities visited process beef.



The most common language spoken in the facilities is Spanish. Vietnamese, Arabic, Somali, Karen, Burmese and English are some of the other languages spoken in the facilities.

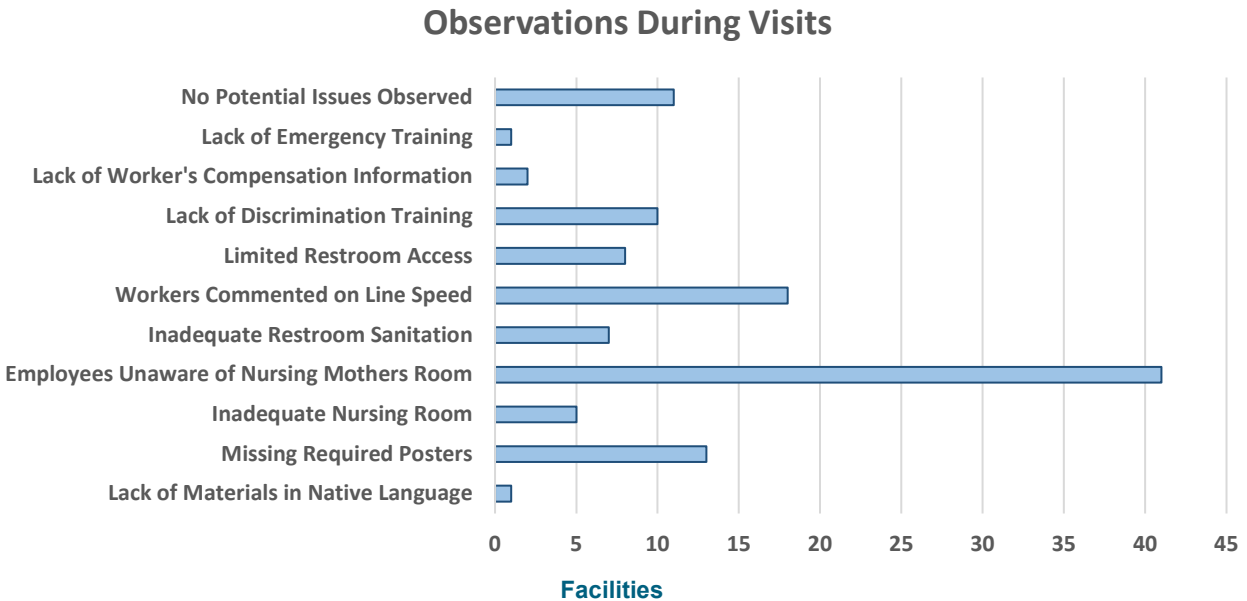
Locations

Meatpacking facilities are located throughout the state. The cities visited were: Aurora, Beatrice, Columbus, Crete, Dakota City, Fairbury, Fremont, Gibbon, Gordon, Grand Island, Hastings, Lexington, Lincoln, Madison, Nebraska City, Norfolk, Omaha, Pawnee City, South Sioux City, Schuyler, Scottsbluff, Snyder, Tecumseh, Wahoo, Waverly and York.



Observations During Visits

During the visits, it was noted that the majority of employees do not know that a nursing mother's room is available. Many employees commented on line speed, and a number of facilities did not have required posters.



The Coordinator made recommendations to employers regarding potential issues that were observed and forwarded some issues to the following agencies: Nebraska Equal Opportunity Commission, Worker's Compensation Court and OSHA.

Meatpacking Workers Complaints

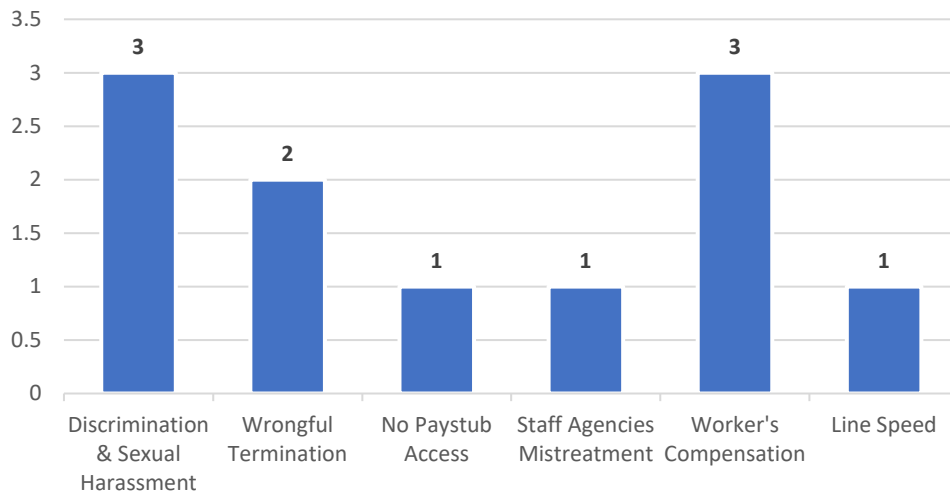
The Coordinator works with the facilities to address the complaints. There have been positive outcomes, such as wrongfully terminated employees being reinstated and the creation of new trainings for employees to learn how to access their paystubs. With other complaints, the Coordinator continues to forward issues to OSHA, Worker's Compensation Court, Wage and Hour Division (WHD) – U.S. Department of Labor and Nebraska Equal Opportunity Commission (NEOC).

Some of the employers 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 do not respond at all.

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.

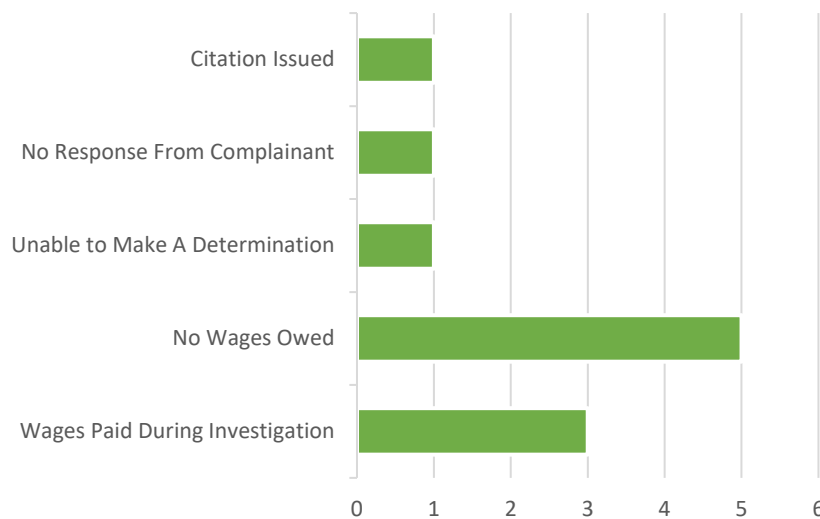
The chart below represents complaints received by the Coordinator through phone calls, emails, and interviews during onsite visits:

Complaints Received



The Coordinator received 11 wage claim cases regarding meatpacking facilities. The results of the wage claims are shown below:

Results of Wage Claims



Positive Outcomes:

- Wrongfully terminated employees were reinstated.
- Wages owed were paid to the complainants.
- Creation of employee's training for new systems were implemented.
- Employee's orientation process modified to ensure the facilities are providing all the necessary and accurate information to the new hires.

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.

Continued efforts to promote greater awareness of the Meatpacking Workers Bill of Rights and the existence of the coordinator is crucial to the program.