

# MD Essential Workers' Protection Act Passes State Legislature, Safeguarding Food and Farm Workers During Enduring Pandemic

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**ANNAPOLIS, Md.** — On the evening of April 12, the Maryland legislature gave final approval to the Maryland Essential Workers' Protection Act ([HB 581](#) / [SB 486](#)), which is a small victory for essential workers, including food and farm workers who have often been left out of Maryland workplace protections in the past. The bill, sponsored by Del. Dereck Davis (District 25) and Sen. Malcolm Augustine (District 47), creates for the first time in the pandemic mandatory and enforceable workplace safety standards and requires disclosure of positive COVID-19 cases by each worksite. However, the path to the bill's passage, which removed many critical protections, underscored that there is more work to be done.

"The Maryland Essential Workers' Protection Act is the first in a long line of protections that the Maryland legislature must afford food and farm workers, but we still have more work to do to protect struggling workers and their families," said Lily Hawkins, Maryland Organizer with Food & Water Watch. "We will not stop pushing for critical workplace protections that safeguard the vulnerable essential workers who feed us."

The passage of the Act establishes an important emergency temporary standard to safeguard workers during the current pandemic.

"Food and farmworkers should never have to choose between their paychecks and their safety," said Chloe Waterman, program manager with Friends of the Earth. "The Maryland Essential Workers' Protection Act will require Gov. Hogan to finally issue an Emergency Temporary Standard to protect these and all essential workers. Thank you to Del. Kris Valderrama and our other legislative champions for ensuring food and farmworkers have the protection they deserve."

But the Act fell short in securing the emergency temporary standard's applicability for future crises. Other critical protections the legislature failed to enact include:

- Migrant worker housing standards, necessary to ensure adequate living conditions for the extensive migrant food and farm worker population in Maryland's agricultural sector;
- Guaranteed paid sick leave;
- Bereavement leave; and
- Hazard pay.

"COVID-19 has ripped the thin veil that had previously and conveniently shielded most Americans from the sordid working conditions so many of these essential workers endure each day," says Amy Liebman, Director of the Environmental and Occupational Health Programs for the Migrant Clinicians Network. "These workers need protection in order to keep themselves, their families, and our communities safe. And our state needs to step in to ensure that the workers who put food on our tables are provided with necessary health care."

The Act will now go to Gov. Larry Hogan for his review and signature.

"Not enough has been focused on measures that protect poultry, seafood, and agricultural workers from getting COVID-19, many of whom are at heightened risk of dying from the infection," says Gwen DuBois, M.D., President of Chesapeake Physicians for Social Responsibility and Board Member of the Maryland Pesticide Education Network. "Their working, housing, and transportation conditions — and lack of paid quarantine and sick leave — make it more likely they will be exposed to, and expose others to, this highly infectious disease. We need to protect all members of our community if we want to stay healthy."

Advocates celebrate the passage of an emergency temporary standard that includes food and farm workers and look ahead to the opportunity to further safeguard the rights of essential food and farm workers under Maryland state law in future legislative sessions.

"Thousands of migrant workers arrive in Maryland on temporary work visas and face trafficking and exploitation," says Sulma Guzman, Policy Director & Legislative Counsel for Centro de los Derechos del Migrante. "We appreciate Del. Vaughn Stewart for fighting for healthier employer-provided housing and transportation for these workers and look forward to working with the General Assembly to improve conditions for Maryland's migrant workers next session."

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