



Empowering North Carolina's
DEPARTMENT OF LABOR to

Protect Working Families

During the COVID-19 Pandemic
and Beyond

January 2021

Executive Summary

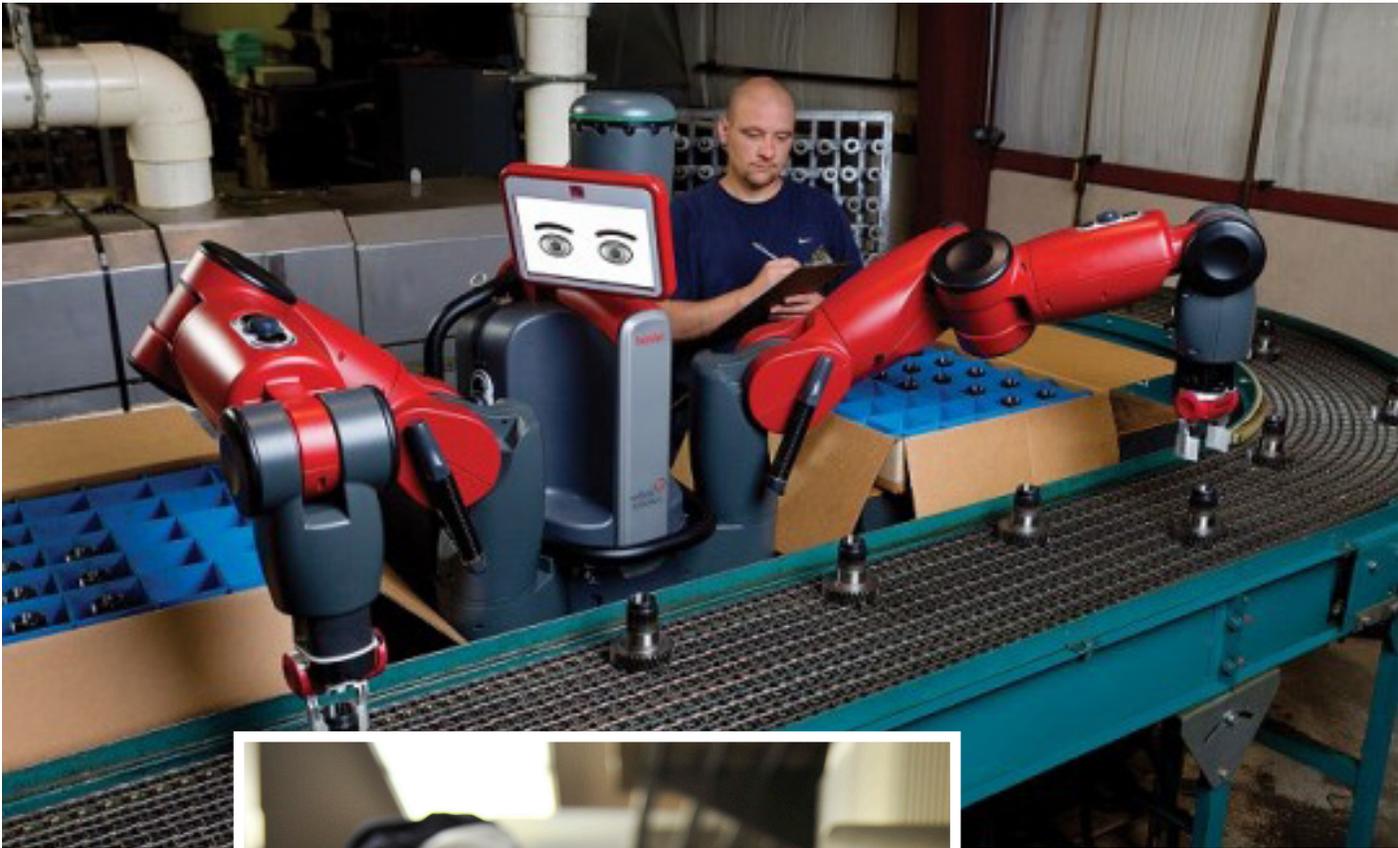
North Carolina's Department of Labor (NCDOL) is one of the most important agencies in state government for protecting public health during the pandemic and promoting a strong and fair economy for all North Carolinians. In recent years, however – and especially during the COVID-19 crisis – the Department has not been achieving its mission. As the pandemic has worsened, the NCDOL has failed to take the type of strong actions that labor agencies in other states have taken to protect workers and the economy. With Josh Dobson taking office as North Carolina's new Labor Commissioner in 2021, NCDOL has an opportunity to modernize its systems and take proactive steps to more effectively protect the state's workers, responsible employers, and the economy during the pandemic and beyond.

The Department and its new Commissioner share the critical task of ensuring that all of North Carolina's workers benefit from a fully inclusive and just recovery, particularly frontline workers and workers of color who have borne the brunt of COVID-19 health risks, pandemic-related unemployment, and generations of systemic discrimination and occupational segregation. By centering these and other historically marginalized workers in its pursuit of its mission in 2021 and beyond, NCDOL will ensure the betterment of the lives and livelihoods of all of the state's workers.

This roadmap outlines recommendations for updating and improving NCDOL's effectiveness in its critical mission areas of ensuring that: North Carolinians have safe and healthy workplaces; workers receive the pay they are legally owed; responsible businesses are not forced to compete with law-breakers; workers who speak up for their rights do not experience retaliation; and migrant workers have access to safe housing.

It recommends that NCDOL:

- 1. Rebuild the Department's capacity with adequate staffing and funding; training and new complaint systems; increased bilingual capacity; and enhanced transparency.**
- 2. Protect worker health and safety during the pandemic and beyond by acting quickly to adopt a COVID-19 emergency temporary standard (ETS), followed by a permanent infectious disease standard, and an ergonomics standard; investigating existing COVID-19 complaints and setting priorities for investigations; improving education of employers and employees; and boosting penalties.**
- 3. Crack down on wage theft and misclassification by updating guidance and regulations; developing a strategic enforcement plan; using all available enforcement tools; and fighting misclassification, non-compete agreements, and no-poaching requirements.**
- 4. Strengthen protections for North Carolina workers under the Retaliatory Employment Discrimination Act (REDA) by launching an enforcement and public education initiative; extending the deadline for complaints; clarifying protection against immigration-based retaliation; providing comprehensive data; and supporting legislation to strengthen REDA.**
- 5. Protect workers' right to organize by updating NCDOL's workplace rights notice, and supporting legislation to authorize public sector collective bargaining and the repeal of right-to-work.**
- 6. Protect migrant workers by improving enforcement of migrant housing standards and supporting strengthened standards.**



Rebuild the North Carolina Department of Labor (NCDOL) with Adequate Staffing & Funding

The power of job training

North Carolina's Department of Labor (NCDOL) is the state agency charged with ensuring that working North Carolinians do not put their health and lives at risk when they go to work, that they receive the wages that they are promised, and that they are not subject to retaliation if they speak up for their rights. But after years of neglect and disinvestment, NCDOL no longer has the staffing it needs to fulfill its obligations – particularly given the scale of the state's rapidly growing workforce. A key step for restoring the agency to its mission of effectively protecting the state's workers must be to rebuild it with adequate staffing, training, and funding.

► *Recommended Administrative Actions:*

- ◎ **Quickly hire to fill vacancies in Occupational Safety and Health Division staffing:** Currently in NCDOL's Occupational Safety and Health (OSH) division there are a large number of vacancies: at least 19 vacancies and only 90 inspectors, according to the most recent federal OSHA evaluation. As a first step for rebuilding NCDOL, the commissioner should quickly hire to fill these authorized positions. Under current staffing levels, it would take 92 years to inspect all workplaces.
- ◎ **Provide training to agency staff:** As detailed below, in recent years NCDOL has closed many complaints without investigation and has rarely initiated investigation or enforcement activities without a complaint. In order for the agency to rebuild an effective enforcement program – and to begin using the key best practices detailed below in this agenda, such as proactive enforcement, and coordination with community organization partners – it will be necessary to provide training to agency staff. The Rutgers University Center for Innovation in Worker Organization specializes in providing such training on labor standards enforcement for agency staff. It has worked with labor agencies across the United States and could be a resource for the NCDOL.
- ◎ **Review and update worker complaint systems:** Callers should be able to reach a live person after business hours. Online forms should be available for all complaints and should allow the complainant to download a copy of the completed form after it is submitted.
- ◎ **Make all materials and systems available in high-demand languages and hire more bilingual staff:** Though the NCDOL has telephone intake operators who speak Spanish, it needs a clear policy and procedure (communicated to the public) about how it will provide meaningful access to services to all Limited English Proficient (LEP) persons. The Department should conduct a language needs assessment and make changes to come into compliance with Title VI of the Civil Rights Act of 1964. Among other needs, NCDOL must translate vital documents and offer language assistance to LEP persons for critically important activities. The Department should

hire more bilingual inspectors and compliance officers so that these staff members do not have to rely on interpreters when interviewing workers.

- ◎ **Increase transparency and accountability:** The NCDOL should maintain and regularly publish data on inquiries and complaints received, and which complaints it investigates and/or for which it conducts an investigation. Data on citations, back wages assessed, fines or back wages collected, contested cases, and cases pursued in court should be made available, as should all data related to worker fatalities in North Carolina, whether or not the fatality has been investigated or the worksite was inspected by NCDOL.

► **Recommended Legislative Actions:**

- ◎ **Seek budget authorization to raise inspectors' salaries and to hire enough Occupational Safety and Health Division inspectors to meet OSHA-recommended staffing levels:** NCDOL does not have sufficient OSHA inspectors for the number of workplaces in the state and has difficulty hiring inspectors because it does not offer a salary that is competitive with the private market. The low salaries make it especially difficult to attract and hire bilingual staff. The NCDOL should advocate for a budget increase to allow it to hire more inspectors to meet OSHA-recommended staffing levels. The Department should also advocate for increased funding to allow it to raise salaries for inspectors to a competitive level so that it can more easily hire an adequate number of inspectors, especially those who are bilingual.
- ◎ **Seek budget authorization for similar salary increases and expanded staffing in other enforcement units:** Salaries for investigators in NCDOL's Wage and Hour and Workplace Discrimination Bureaus are similarly uncompetitively low and staffing levels have not remotely kept pace with the size of North Carolina's rapidly growing workforce, which has doubled in the last 45 years. NCDOL should advocate for increased funding to allow it to make pay levels competitive and hire more investigators to meet the needs of the state's much larger workforce.

Protect Worker Health and Safety During the Pandemic and Beyond

North Carolina workers are facing unprecedented health and safety threats during the pandemic. But the NCDOL has been unresponsive to the flood of worker complaints it has received related to COVID-19 protections – and has failed to issue any rules for employers. In order to protect workers at risk, the Department must quickly enact a temporary emergency standard to protect workers during the pandemic and vigorously investigate COVID-related OSHA complaints.

NCDOL must improve upon existing targeted education and enforcement programs and create new initiatives to protect high risk employees. The Department should use state funding to expand the scope of its investigations and inspections, especially where fatalities and hospitalizations

occur. By actively cooperating with other state agencies, NCDOL can enhance its ability to identify and investigate employers that are misclassifying their employees and attempting to escape responsibility for following health and safety laws (since companies only have to provide a safe and healthy workplace for employees, not for independent contractors). Additional training and guidance for workers, inspectors, and employers, stronger policies and procedures related to the classification of and issuance of penalties, and support for legislation to better protect workers and enhance enforcement options should also be priorities for the new Labor Commissioner.

► **Recommended Administrative Actions:**

- ◎ **Adopt a COVID-19 emergency temporary standard (ETS):** If federal OSHA adopts a COVID-19 Emergency Temporary Standard (ETS), NCDOL should immediately act to adopt it. If for any reason the next administration does NOT quickly adopt a COVID-19 ETS, then NCDOL should adopt its own as was proposed to the Department in a petition by a group of worker organizations on October 12, 2020.
- ◎ **Adopt a permanent infectious disease standard:** The NCDOL should move quickly to adopt a permanent infectious disease standard, as it likely can do so more rapidly than federal OSHA will be able to.
- ◎ **Adopt an ergonomics standard:** NCDOL should revisit past efforts to promulgate an ergonomics standard to protect meatpacking and other workers from repetitive motion disorders.
- ◎ **Restart OSHA enforcement in response to formal complaints:** During the pandemic this past year, the agency refused to do inspections in response to over 1,000 worker complaints they received. NCDOL should review this flood of complaints that came in during the pandemic that it closed without inspection and should immediately begin conducting on-site inspections in instances where workers have gotten sick from COVID-19 and the complaint alleges the company has failed to protect workers. The Department should also set up a hotline for workers to report COVID-related health and safety concerns. It should prioritize COVID-19 and other serious hazards in larger establishments; improve the handling of retaliation complaints; and provide the public with a transparent database of how many complaints they receive and how many are settled, found to have merit or dismissed.
- ◎ **Set priorities for investigations:** The NCDOL should review existing special



emphasis inspection programs and create new ones to ensure an increased number of investigations of high-risk industries (such as meatpacking and poultry) and set priorities for future proactive and data-driven enforcement efforts.

- ⦿ **Use state funds to expand OSHA enforcement to workers and workplaces not traditionally covered, such as small farms and misclassified independent contractors:** NCDOL can and should use state funds to investigate small farms for OSHA violations, especially for workplace death and catastrophe inspections. The Department should also use state funds to inspect low-risk industries involving fatalities or hospitalization of two or more employees. NCDOL should investigate fatalities involving independent contractors when the circumstances indicate that the supposed independent contractors were actually employees, and should actively coordinate efforts with the Employee Misclassification Section of the NC Industrial Commission.
- ⦿ **Improve COVID-19 and emergency information for employers and employees:** NCDOL should issue guidance to employers and employees regarding workplace protections during a state of emergency, such as a hurricane or pandemic. Such guidance should also make it clear that worker complaints related to COVID-19 are protected by the Retaliatory Employment Discrimination Act and publicize these rights and the complaint process to workers.
- ⦿ **Make penalties meaningful:** The NCDOL should review its processes and guidance to ensure that it will issue willful violations against bad actor employers when warranted. They should also examine and tighten policies on negotiating with employers to lower penalties, and on the classification of violations (serious, repeat, etc.) and penalty assessment.

▶ **Recommended Legislative Actions:**

- ⦿ **Support legislation to maximize penalties and provide new remedies:** NCDOL should support legislation to provide a private right of action to workers who work in unsafe work environments and to increase penalties.
- ⦿ **Support legislation for essential worker recognition pay:** In the event of new state or local shutdown orders, NCDOL should advocate for additional pay for employees who continue to perform essential work.
- ⦿ **Support legislation to ensure workers are aware of their rights:** The NCDOL should urge the legislature to pass a requirement that employers provide new hires a printed copy of the Department's "know your rights" poster, and mandate that employees be provided another copy each year with their W-2.

Crack Down on Wage Theft and Misclassification by Reinvigorating Wage and Hour Enforcement

North Carolina workers experience high rates of wage theft, especially in certain industries such as construction. Many of these same industries routinely misclassify employees as independent contractors, allowing them to avoid paying overtime, covering those workers on worker's compensation policies, and paying unemployment insurance premiums. Yet in recent years the Wage and Hour Bureau has engaged in little meaningful enforcement.

NCDOL needs to overhaul and modernize its wage enforcement systems, adopting a strategic enforcement approach and, for misclassification, should create a strategic enforcement strategy in cooperation with other state agencies to root out misclassifying employers and collect back wages owed to workers. NCDOL should also advocate for and support legislative proposals that could benefit working people, such as increasing the state minimum wage, providing recognition pay to essential workers, removing exemptions from state wage and hour law, and ensuring workers have access to paid leave.

► **Recommended Administrative Actions:**

- ◎ **Publish updated guidance and regulations:** NCDOL should review and strengthen wage and hour regulations and guidance, taking into account recent changes to interpretations of federal wage and hour law.
- ◎ **Develop a strategic enforcement plan:** NCDOL's system for receiving complaints must be flexible enough to meet the needs of North Carolina's varied workforce. While complaint-driven investigations are critical, it is also important that the department examine data and set out a comprehensive, proactive enforcement agenda that sets priorities, examines and uses all enforcement tools at the department's disposal, enhances outreach, and regularly evaluates its enforcement system and makes changes to improve it. NCDOL should create and pursue a strategic enforcement plan that targets industries with high reports of wage theft and partners with community organizations to identify bad actors. In order to hold itself accountable, NCDOL should regularly release information about the number, type, and result of its investigations, as well as the complaints it receives and does not investigate.
- ◎ **Adopt a Strategic Enforcement Approach That Includes Partnering with Community Organizations:** NCDOL should adopt a strategic enforcement approach that includes: proactive enforcement targeting problem industries and actors at the top of industry structures; partnering with community groups and worker organizations to improve effectiveness; and establishing a community advisory committee of worker organizations to advise the agency on enforcement programs. NCDOL should pursue funding to support community groups connected to workers in key industries that can refer potential wage theft, misclassification, and health and safety cases to the department.

- ◎ **Use all available enforcement tools:** NCDOL needs to make use of all the enforcement options at its disposal. For example, they should assess back wages against all joint employers, not just the employer issuing the paycheck. They should pursue liquidated damages when they make a finding of back wages owed, and they should work with the Attorney General to determine priorities for litigation. NCDOL should also accept claims during the entire two-year statute of limitations period. They should explore creating a volunteer attorney program where small wage cases can be referred.
- ◎ **Vigorously investigate potential misclassification and coordinate with other agencies:** The NCDOL should actively partner with other state agencies to create a misclassification taskforce to conduct proactive investigations of industries with high rates of misclassification, respond to worker complaints, and assess back wages and other penalties. It should coordinate with state tax authorities to identify concentrations of 1099 employment in industries where such workers should typically qualify as employees and pursue enforcement. It should routinely investigate for wage and hour violations any company that is the subject of a complaint to the Employee Classification Section, and should pursue targeted enforcement in industries where misclassification is common.
- ◎ **Launch an initiative to educate employers and employees on proper employee classification:** Some employers may misclassify employees out of ignorance, and many employees are unaware that they should be classified differently. The NCDOL should carry out a proactive educational campaign to inform employers and workers about misclassification.
- ◎ **Work with the Attorney General to combat non-compete agreements and no-poaching requirements:** The growing use of non-compete agreements in low-wage industries unfairly restricts workers' ability to find new employment after leaving a job. Similarly, corporations' imposition of no-poaching requirements on franchisees restricts free competition and locks workers in low-paying jobs. There is growing bi-partisan recognition that non-compete agreements and no-poaching requirements for franchisors are abusive and anti-competitive. NCDOL should help to protect low-wage workers whose employment options are limited by non-compete agreements and non-poaching requirements by joining with the state Attorney General's office to document the scope of the problem and to challenge them under North Carolina's laws prohibiting unfair restraints of trade.

► **Recommended Legislative Actions:**

- ◎ **Support legislation to ensure workers earn a living wage and have quality jobs:** The NCDOL should urge the legislature to raise the state's minimum wage to \$15 an hour and eliminate the tipped wage; update North Carolina's minimum wage and overtime to remove exemptions (including exemptions for agricultural and domestic workers, people with disabilities, and youth workers, and narrowing the supervisory/managerial exemption); support legislation to provide job-protected family and paid sick leave; advocate for essential worker recognition pay during

a state of emergency; require paid rest breaks; and support local governments' ability to pass living wage measures.

- ◎ **Urge the state legislature to provide relief for misclassified workers:** The NCDOL should support efforts to pass legislation supporting misclassified workers that includes a private right of action and penalties for employers that misclassify their employees; gives occupational licensing boards the authority to revoke, suspend, or deny licenses because of misclassification; and makes misclassifying employers ineligible for government contracts.

Strengthen Retaliation Protections for North Carolina Workers

Retaliation and threats of retaliation against workers who exercise their workplace rights prevent workers and agencies like NCDOL from enforcing important protections. Retaliation harms good employers that play by the rules by allowing lawbreakers to operate at an unfair advantage. Yet since North Carolina's Retaliatory Employment Discrimination Act (REDA) passed in 1992, the agency has not brought a single case on behalf of a worker despite receiving more than 10,000 employee complaints of retaliation. Similarly, over the past nine years, out of thousands of retaliation complaints, NCDOL issued only 127 right-to-sue letters to employees – effectively rejecting the overwhelming majority of complaints with little or no investigation. A recent comparison of retaliation protection laws across all 50 states in the U.S. shows that REDA's protections lag behind a number of states and fail to incorporate established best practices. The NCDOL needs to launch a serious new initiative to begin enforcing REDA – and should also advocate in the legislature to strengthen it.

► **Recommended Administrative Actions:**

- ◎ **Launch a REDA enforcement and public education initiative:** NCDOL's Workplace Discrimination Bureau should launch a new effort to begin enforcing this important worker protection, which is especially crucial during the pandemic. Using a strategic enforcement approach as detailed above, NCDOL should train staff on enforcement, launch a public education campaign to inform workers of their rights under REDA, partner with worker and community groups, and adopt protocols for screening and investigating new complaints.
- ◎ **Extend the deadline for retaliation complaints:** Currently, REDA requires workers to file a retaliation complaint with NCDOL within 180 days of the violation. Workers, particularly those in low-wage industries, often do not know their legal rights or how to enforce them. Workers who experience retaliation during the COVID-19 crisis, such as a demotion or reduction of hours or pay, may also be even less likely to file a complaint alleging employer misconduct for fear of losing their job in a period of extremely high unemployment. NCDOL should assess whether it may toll the 180-day deadline for workers through administrative action. The agency could also consider asking the Governor to exercise his emergency authority to suspend the 180-day deadline during the pandemic.

- ◎ **Clarify protection for immigration-based retaliation:** Workers in low-wage industries who are foreign-born face disproportionately higher rates of wage theft along with the threat of immigration-based retaliation. NCDOL should interpret the terms “discriminate” and “retaliatory action” under REDA to include immigration-based retaliation. The recent amendment to New York’s retaliation statute to accomplish this could serve as a model.
- ◎ **Ensure REDA coverage for all internal complaints resulting in retaliation:** Courts in North Carolina recognize at least some types of internal complaints as protected activity under REDA. NCDOL should clarify through rulemaking that all complaints, formal or informal, to supervisors and managers merit REDA protection to help workers and employers better comply with and benefit from REDA.
- ◎ **Clarify that wage discussions are protected from retaliation:** The NCDOL should clarify through rules that employee discussion of wages is protected activity and that REDA covers retaliation against employees engaging in such discussions.
- ◎ **Provide comprehensive data on the number of COVID-related retaliation complaints:** The Workplace Discrimination Bureau and NC OSH Division should report the number of COVID-related retaliation complaints each agency received in 2020 and detail how many complaints were dismissed, how many resolved and settled, how many were found to have merit, and how many were docketed for investigation.

► **Recommended Legislative Actions:**

- ◎ **Eliminate the administrative investigation requirement:** REDA currently requires workers to file an agency complaint and receive a right to sue letter prior to filing a retaliation lawsuit. Given the rampant nature of retaliation and NCDOL’s limited resources, the Department should support the elimination of the administrative exhaustion requirement.
- ◎ **Make punitive damages available under REDA:** REDA currently provides only for certain compensatory damages for workers harmed by retaliation. But some workers may not be eligible for a meaningful amount of (or any) compensatory damages. Punitive damages would ensure that REDA creates a significant deterrent for all employers and that all workers have access to a meaningful remedy given the risks and costs associated with bringing a retaliation complaint. NCDOL should pursue a legislative amendment to REDA that would allow workers to recover meaningful punitive damages in addition to compensatory damages.
- ◎ **Create an administrative adjudication process:** NCDOL should consider asking the state legislature to give the Labor Commissioner the authority to investigate and adjudicate complaints administratively. Through an administrative adjudication process, the Commissioner could issue enforceable orders, impose fines, and secure meaningful remedies for workers while still providing employers with an opportunity for judicial review.
- ◎ **Provide for compensatory damages and willfulness:** REDA currently provides that the court can only award treble damages if it finds that an employee was

injured by a willful violation. NCDOL should seek an amendment to ensure that all workers receive at least double damages if they experience retaliation, due to the significant financial and emotional costs and risks involved in reporting retaliation and participating in an investigation, with treble damages if the violation is willful.

- ⦿ **Presumption of retaliation:** By adopting a presumption of retaliation standard, a worker would not need to carry the initial burden of proof. Instead, it would be presumed that any adverse or discriminatory action taken against the worker within a certain period of time after the worker engages in protected activity is retaliatory. Notably, courts already often consider temporal proximity an important factor in adjudicating retaliation cases. Arizona, New Jersey, California, and Washington, D.C., in addition to various localities, have legislatively adopted this type of presumption under their retaliation laws. NCDOL should advocate for a legislative change adopting this standard.
- ⦿ **Mandatory evacuations:** NCDOL has issued guidance stating it is lawful for employers to fire employees who do not come to work when the Governor has asked people to stay off the roads, or when there is a mandatory hurricane evacuation. The Department should support legislation prohibiting retaliation against employees who participate in mandatory evacuations due to weather or natural disasters.

Protect Workers' Right to Organize

When workers are able to organize freely and join a union, they, their families, and their communities see immediate benefits in the form of living wages, stronger health and safety protections, and a smaller racial and gender wage gap. However, NCDOL's current mandatory workplace poster discourages workers from exercising these important rights. The Department should overhaul the poster and should also support legislation to authorize public sector workers to bargain collectively, repeal right-to-work, and replace at-will employment with "just cause" employment protections.

▶ **Recommended Administrative Actions:**

- ⦿ **Replace workplace "Right to Work" notices in the NCDOL poster with a workplace organizing rights notice:** The Department should delete the unnecessary "Right to Work" information from its mandatory posters and replace it with an explanation of workers' right to choose to join a union free from retaliation.

▶ **Recommended Legislative Actions:**

- ⦿ **Support legislation to authorize public sector workers to bargain collectively:** North Carolina's ban on public sector collective bargaining has harmed public workers' ability to make gains in pay and working conditions. The NCDOL should support a repeal of the ban.
- ⦿ **Support repeal of right to work:** North Carolina's "Right to Work" law allows

employees to benefit from the presence of a union in the workplace without paying their fair share. NCDOL should advocate for an end to this law and support unions as a way to improve wages and working conditions across the state.

- ⦿ **Support legislation to replace employment at will with a just cause employment standard:** To ensure that workers are not fired for frivolous reasons, the NCDOL should encourage legislation to replace employment at will with a just cause employment standard.
- ⦿ **Urge the state legislature to require disclosure of demographic information:** Requiring regular reporting of employee race, gender, pay, and other demographic information by employers doing business in North Carolina would enhance worker organizing and help to highlight potential discrimination. NCDOL should encourage the NC General Assembly to require such disclosure.

Protect Migrant Workers by Improving Migrant Housing Standards and Enforcement

NCDOL's Agricultural Safety and Health Bureau (ASH) has historically had a commitment to employing bilingual inspectors and working closely with farmworker organizations to identify problems. The COVID-19 pandemic and recent hurricanes, however, have highlighted some of NCDOL's weaknesses with respect to protecting farmworkers during times of disaster.

► **Recommended Administrative Actions:**

- ⦿ **Improve transparency:** NCDOL should return to its previous practice of publishing addresses, GPS coordinates, and directions to migrant labor camps on the Department's website.
- ⦿ **Expansively interpret the Migrant Housing Act:** NCDOL should use its statutory power to declare housing uninhabitable when warranted and should promulgate a rule regarding the criteria for invoking that provision. Where housing or field sanitation may be controlled by more than one entity, NCDOL should cite all parties responsible for the conditions.
- ⦿ **Ensure workers are protected from COVID-19 transmission in migrant housing:** The NCDOL should cease issuing migrant housing permits where housing providers cannot provide basic COVID-19 protections. They should also regularly review the temporary emergency housing certification process to ensure it is not being used to circumvent pre-occupancy inspections in non-emergency situations. NCDOL should promulgate a rule specifying that housing is uninhabitable where separate facilities are not provided for COVID-exposed and COVID-infected workers. Where housing providers cannot demonstrate the ability to provide quarantine or isolation housing (or to access it elsewhere), the Department should not issue a pre-occupancy certificate.

- ◎ **Improve the safety of workers in migrant housing during a natural disaster:** NCDOL should issue guidance for housing providers related to hurricane evacuations and disaster planning, including a directive that employers shall not interfere with mandatory evacuations. They should coordinate with Emergency Management Services to assist with evacuation of employees from migrant labor camps and other employer-provided housing (e.g., H-2B) during hurricanes. The Department should provide written information to migrant housing providers and workers about the prevention and eradication of mold in migrant housing, and promulgate rules protecting workers from mold in migrant housing and prohibiting outhouses in areas prone to flooding.
- ◎ **Enhance the requirements for participation in the Gold Star Grower program:** NCDOL should add additional requirements for growers to earn the Gold Star Grower designation and receive a reprieve from inspections. Such added requirements should include additional toilets and showers, privacy barriers in bathrooms, locks on doors and windows, washing machines, and indoor plumbing.

▶ **Recommended Legislative Actions:**

- ◎ **Support additional migrant housing protections:** The NCDOL should support legislation expanding requirements for migrant housing for farmworkers, including the very basic accommodations noted above: more toilets and showers, privacy barriers for toilets and showers, locks on doors and windows, washing machines, and outlawing outhouses.
- ◎ **Protect child farmworkers:** Agriculture is one of North Carolina's most dangerous industries, yet federal protections for children working in agriculture are minimal. NCDOL should advocate to remove the exemption for agriculture from North Carolina's youth employment law.



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