



WineVision Study

On

***HR Best Practices in the
Wine Community***

Project Plan Deliverable #1:

**Short Report Outlining Publicly
Available Data on Wine HR Issues**

*Respectfully Submitted
by
Sonoma State University
Wine Business Program*

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The US wine industry has always attracted bright, energetic and talented people – many brought by the lure of working in a unique industry which is close to the soil, but also creates artistic products which bring pleasure and camaraderie to a busy world. However, with increasing global competition and excess quantities of grapes world wide, the US wine community needs to focus on how to be sustainable for the long term. This includes not only economic and environmental sustainability, but an emphasis on hiring and developing employees who can provide innovative ideas to improve productivity and efficiency. With this in mind, WineVision has sponsored a research project on human resource best practices in the US wine community.

As part of this research, the first deliverable is this short report outlining publicly available data on human resource (HR) issues in the wine industry. This report has been organized into the five (5) major categories of HR practice –namely:

- 1) Compensation & Benefits
- 2) Training & Development
- 3) Employee Relations
- 4) Staffing & Recruiting
- 5) Recording Keeping & Legal Issues

In general, there appears to be some publicly available data on the first category of compensation and benefits, but less on the following four categories. The remainder of this report describes each of these areas in more detail. The reference section provides phone

numbers, contact names, and websites to follow-up with the specific HR service providers identified in this report.

Compensation & Benefits in the Wine Industry

Regarding compensation, there are four (4) major salary surveys completed for the US wine industry on an annual or bi-annual basis. These are the :1) Wine Business Monthly salary survey, for both wineries and vineyards; 2) Practical Winery & Vineyard salary survey; 3) Farm Employers Labor Service (FELS) salary and benefits survey; and 4) Western Management Association's private fee-based salary survey. Salary information on several of these is provided in tables 2 through 5 in the appendix.

In addition to the salary surveys listed above, the Chamber of Commerce in most states provides information on local wages, including wine industry related positions. In California, this information is available via the California Chamber of Commerce website for an annual fee of \$150. There are also ad hoc groups of wine industry HR professionals who occasionally come together to conduct their own regional or county salary surveys, such as the Mendocino County HR wine industry group. Finally local chapters of the Society of Human Resource Management (SHRM) -- or other similar HR groups, such as PASCO (Personnel Association of Sonoma County) -- will occasionally sponsor compensation or benefits surveys which cover all industries in their area, including the wine industry.

Benefits data are not as widely collected as salary data, though most wine industry members are willing to share benefits data openly -- whereas salary data must usually be collected via third party vendor, due to the high confidentiality of this type of data. Therefore, data on benefits will be collected as part of the interview and survey phase of this research project.

The most accessible publicly available benefits data are provided by the Farm Employers Labor Service (FELS) as part of their annual wage and benefit survey. Table 1 below outlines this information:

TABLE 1: FELS 2001 BENEFITS SURVEY

Respondent benefits offerings are as follows (% = % of workers employed in by respondents:

Benefits	Year Round	Seasonal
Medical: Employee only	42.9%	4.1%
Medical: EE & dependents	30.6%	6.1%
Vacation pay	53.1%	4.1%
Holiday pay	69.4%	28.6%
Ave # paid holidays	6	5
Pension or profit sharing	36.7%	4.1%
Housing Cost shared by employee	55.1%	30.6%
Utilities provided	46.9%	24.5%
Bonuses	71.4%	30.6%
Sick Pay benefits	28.6%	
Written employee policies	57.1%	

PASCO (Personnel Association of Sonoma County) conducted a 2001 benefits survey for all industries in Sonoma County, with about 20% of the respondents being from wineries or vineyards. Some of the corresponding benefits data they collected include: Sick days = 8; Holidays = 9.2; Vacation days = 12.7; Medical benefits for full-time employees = 90%; and Retirement savings plan = 88%.

Regarding small wineries or vineyards who do not provide health benefits for employees, one excellent new source is the **Healthy Families Program**. It is a state and federal funded health coverage program for children with family incomes above the level eligible for no cost Medi-Cal and for families below 250% of the federal income guidelines (\$36,576 for a family of

three). It includes medical, dental, and vision coverage. Monthly premiums can be as low as \$4 to \$9 per month for each child – up to \$27. The program also makes provisions for qualified immigrants. Additional information on the program can be found at www.healthyfamilies.ca.gov or by calling 1-800-880-5305.

Training & Development

In the wine industry, the major training needs fall into the three areas of safety, technical, and supervisory training. Safety training is critical in the vineyards, and required for anyone using pesticides. It is also important for employees working in wineries and on bottling lines. Technical training refers mainly to training on how to operate equipment and do the work in both vineyards and wineries. This can include anything from pruning and picking effectively to software training and cellar work. The last category of supervisory training involves teaching new supervisors and managers how to manage and motivate employees to accomplish their work in a safe and productive manner.

There are several training organizations that provide training services to the wine industry. One of the most widely used is Employment Training Panel (ETP), which is connected with the Employment Development Department (EDD). ETP provides training funds to empower workers. They also have a program called Career Ladders to the 21st Century. It is a pilot program that will give approximately \$15 million to employers across the State in specific industries who want to develop a career ladder program for their entry-level employees. The expected results of the Career Ladders program is that employers will receive funds to help train their workers, experience decreased turnover, have satisfied employees, build a career ladder that attracts workers to their business, and retain skilled workers who understand the need for life-long learning. Many local community colleges and universities also offer training in the various technical skill areas required by the wine industry. In fact, ETP often partners with them to provide the requested training.

Regarding safety training, two of the major sources offering safety training in the wine industry are OSHA and FELS. Cal OSHA Consultation Service provides assistance to employers about workplace safety and health issues. In addition, the UC Davis Agricultural Health & Safety Center website provides current health and safety issues in reference to Agriculture. SafetyLink prepares a fact sheet on what specific safety issues new employees in the wine industry must be trained on (See Table 6). In addition, there are several private training firms that offer safety training for the wine industry.

Supervisory and management training in the wine industry does not appear to be offered by any particular vendor, but generic training in this area is widely available through training agencies, consultants, FELS, and local community colleges and universities.

Employee Relations

Employee relations generally refers to how employees relate to management, and includes systems such as performance management, communications, discipline, promotion, recognition, and grievance procedures. It also covers such important aspects as work standards, work hours, overtime, and other issues which are usually documented in an Employee Handbook.

FELS provides a useful service to vineyards and wineries regarding an audit of employee relations issues, as well as the development of an Employee Handbook in both English and Spanish. Both of these services are fee-based. Other HR consulting groups will also offer to assist wineries and vineyards to write Employee Handbooks, as well as to implement performance appraisal, discipline, grievance systems, or any other employee relations services. A quick search of the Internet will produce a long list of companies which will help write Employee Handbooks from fees ranging from \$150 to \$500 (see resources list at the end of this report). The Department of Labor provides a Small Business Handbook which specifically deals with migrant and seasonal workers (See Table 7).

Finally, one excellent source of publicly available data on employee relations issues is a website entitled: www.onestophr.com. It provides free forms to implement and track most employee relations issues, including performance appraisal and discipline forms, as well as job descriptions, job analysis, employment applications, and many other useful forms.

Staffing & Recruiting

Staffing focuses on developing a long-term staffing plan for a company to insure it has talented employees for future growth and expansion; whereas recruiting is the more tactical aspect of actually advertising for and hiring employees. In the wine industry there are several professional firms that focus on recruiting exempt or salaried employees. Two of the major firms are Benchmark Consulting, based in Sonoma, and WineCountryJobs.com. In addition, many members of the wine industry use trade newsletters or journals to advertise positions, such as the Wine Industry Classifieds (WinerySite.com on the web).

For the non-exempt or hourly employees, there are several winery and vineyard labor management firms which will help supply workers on a seasonal or full-time basis. These firms maintain the labor contract and provide the necessary benefits for the employees. Many small vineyards elect to use vineyard management firms, rather than to recruit workers themselves each year.

Finally, some of the larger wineries maintain websites which include a human resources page or a job web page. These include Robert Mondavi and E.J. Gallo, which both have impressive websites that included corporate vision, environmental issues and job opportunities.

Record Keeping, Policies, & Legal Issues

Federal and state labor codes require the documentation and record-keeping of certain HR issues, such as time cards, shift work, safety training, payroll, taxes, employee disputes,

and other issues. One of the major HR legal issues for the wine industry is the use of immigrant field workers. The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) protects most migrant and seasonal agricultural workers in their interactions with farm labor contractors, agricultural employers, agricultural associations, and providers of migrant housing (see Table 7). Again, FELS appears to be a useful agency in assisting the wine industry to understand and implement programs that support compliance. Obviously there are many private legal firms and HR consulting firms that can also support this need.

A related issue in this category is the development of a Human Resource Information System (HRIS), which is a computerized system to store employee records digitally. There are several software firms that assist the wine industry with installing HRIS, including Peoplesoft, Oracle, and Abra.

Conclusion

In conclusion, it can be stated that there is not very much publicly available data regarding human resource issues in the wine industry, with the exception of some salary and benefits surveys. Except for agencies and consulting firms that provide services to the wine industry regarding staffing, recruiting, employee relations, training, and legal issues, there is not much information regarding either HR issues or best practices in this area. To date, there has been no comprehensive study of human resource issues in the wine industry.

With this in mind, the second phase of the study initiated by WineVision will be very useful in collecting data on these issues. The methodology entails conducting interviews and surveys with a representative sample of US wineries and vineyards regarding best practices and issues in the five major human resource categories. The results of this research project will be very useful in providing all members of the US wine community with data on what is working well in human resources, as well as information on programs and resources they can use to

enhance their current practices. Finally, portions of the data will be used to help develop a code of sustainable people practices.

SOURCES & REFERENCES

- ✓ California Chamber of Commerce: <http://www.calchamber.com/> or <http://www.compdatajobs.com/http://www.compdatajobs.com/> or http://www.hrcalifornia.com/Labor_Law/
- ✓ California Farm Bureau Federation: <http://www.cfbf.com/info/links.htm>
- ✓ California State Department of Industrial Relations: <http://www.dir.ca.gov/>
- ✓ Career Ladders: contact Robert Marr at (916) 654-8210
- ✓ Employee Development Department (EDD) and Employee Training Panel: <http://www.edd.ca.gov/>
- ✓ Employee Handbooks: consulting firms that will produce employee handbooks for a fee: www.bizmanuals.com/emphand.htm; www.amedsys.com/employee_handbook.html; www.paychex.com/managee/handwrit.html
- ✓ FELS Salary Survey: <http://208.186.125.6/fels.htm>
- ✓ Healthy Families (for low cost health coverage): www.healthyfamilies.ca.gov (also for other states as well)
- ✓ National Farm Bureau Federation: <http://www.fb.com/>
- ✓ One Stop HR: List of free HR forms for employee relations issues: <http://www.onestophr.com/>
- ✓ OSHA – Safety Training: <http://www.osha.gov/>
- ✓ PASCO: 707.522.0304
- ✓ Practical Winery & Vineyard Magazine and salary survey: www.practicalwinery.com
- ✓ SafetyLine: <http://www.safetyline.wa.gov.au/pagebin/hazshazd0026.htm>
- ✓ Small Business Handbook: <http://www.dol.gov/asp/programs/handbook/mspa.htm>
- ✓ Society for Human Resource Management: www.shrm.org
- ✓ UC Davis Agricultural Health & Safety Center: <http://agcenter.ucdavis.edu/agcenter/>
- ✓ US Department of Labor: <http://www.dol.gov/>
- ✓ Western Management Group Wine Industry Salary Survey: <http://www.wmgnet.com/wi/wi01.htm> or 408/358-0450 and ask for Connie Fisk
- ✓ Wine Business Monthly: www.winebusiness.com

APPENDIX

Table 2: Farm Employers Labor Service Wage Survey 2001 for Grapes

Job Title	Salary Average	Hourly Average
Supervisor	\$3965	\$18.60
Forman	\$3552	\$12.50
Shop mechanic I	\$3400	\$16.30
Shop mechanic II		\$11.00
Tractor I		\$10.00
Tractor II		\$9.25
Pruner		\$7.50
Equipment operator		\$12.40
General Labor I		\$8.75
General Labor II		\$7.75

Table 3: Wine Business Monthly Winery & Vineyard Salary Survey 2001

UNDER 10,000 CASES

JOB TITLE	AVERAGE SALARY	RANGE
Production/Winemaker	45,100	21,000 to 66,000
Assistant Winemaker	25,800	24,000 to 36,000
Enologist	None reported	None reported
Lab Manager	None reported	None reported
Lab Staff	None reported	None reported
Cellar Worker	None reported	None reported
Cellar Master	None reported	None reported
Bottling Line Worker	None reported	None reported
VP Vineyard Operation	25,400	8900 to 42,000
Viticulturist	None reported	None reported
Vineyard Manager	33,700	24,000 to 57,000
Asst. Vineyard Mgr.	26,300	20,000 to 30,000
Vineyard Mechanic	26,400	26,400
Heavy Equipment Oper	None reported	None reported
Grower Relations	None reported	None reported

10,000 to 50,000 Cases

JOB TITLE	AVERAGE SALARY	RANGE
Production/Winemaker	64,000	30,000 to 115,000
Assistant Winemaker	40,300	22,000 to 74,000
Enologist	32,600	28,000 -- 39,500
Lab Manager	None reported	None reported
Lab Staff	27,900	22,800 -- 33,000
Cellar Worker	16,700	17,000 -- 38,000
Cellar Master	35,500	24,000 -- 50,000
Bottling Line Worker	19,800	15,500 -- 27,000
VP Vineyard Operation	77,700	60,000 to 106,000
Viticulturist	None reported	None reported
Vineyard Manager	42,600	6200 to 67,000

Asst. Vineyard Mgr.	32,800	20,000 to 44,000
Vineyard Mechanic	25,700	20,300 to 33,000
Heavy Equipment Oper	26,200	18,000 to 40,000
Grower Relations	None reported	None reported

50,000 to 100,000 Cases

JOB TITLE	AVERAGE SALARY	RANGE
Production/Winemaker	81,200	42,000 to 175,000
Assistant Winemaker	51,850	26,000 -- 100,000
Enologist	39,210	30,000 -- 52,000
Lab Manager	35,260	28,000 -- 53,000
Lab Staff	26,400	19,000 -- 35,000
Cellar Worker	27,000	16,400 -- 40,000
Cellar Master	40,900	24,000 -- 60,000
Bottling Line Worker	20,100	16,400 -- 27,000
VP Vineyard Operation	67,700	32,200 to 96,000
Viticulturist	None reported	None reported
Vineyard Manager	43,600	22,000 to 70,000
Asst. Vineyard Mgr.	43,400	25,000 to 48,000
Vineyard Mechanic	24,000	20,100 to 28,000
Heavy Equipment Oper	36,800	21,000 to 40,000
Grower Relations	None reported	None reported

100,000 to 500,000 Cases

JOB TITLE	AVERAGE SALARY	RANGE
Production/Winemaker	111,000	65,000 to 264,000
Assistant Winemaker	57,300	40,000 -- 92,000
Enologist	45,200	32,200 -- 77,000
Lab Manager	35,500	30,000 -- 42,000
Lab Staff	30,500	26,000 -- 35,000
Cellar Worker	28,500	18,000 -- 30,000
Cellar Master	46,800	34,300 -- 60,000
Bottling Line Worker	20,600	13,000 -- 24,000
VP Vineyard Operation	92,500	80,000 to 105,000
Viticulturist	50,500	46,000 to 55,000
Vineyard Manager	52,300	30,000 to 75,000
Asst. Vineyard Mgr.	34,800	30,700 to 39,000
Vineyard Mechanic	30,700	24,000 to 37,500
Heavy Equipment Oper	29,300	28,000 to 30,000
Grower Relations	65,000	65,000

Over 500,000 Cases

JOB TITLE	AVERAGE SALARY	RANGE
Production/Winemaker	103,000	66,000 to 142,000
Assistant Winemaker	48,200	45,000 -- 61,400
Enologist	38,350	35,000 -- 41,700
Lab Manager	43,200	30,000 -- 57,500
Lab Staff	28,000	23,900 -- 30,500
Cellar Worker	27,700	25,000 -- 30,000
Cellar Master	48,800	36,000 -- 58,700
Bottling Line Worker	24,700	23,500 -- 25,300

VP Vineyard Operation	121,600	100,000 to 160,000
Viticulturist	53,600	53,600
Vineyard Manager	65,500	56,400 to 80,000
Asst. Vineyard Mgr.	43,000	36,000 to 50,000
Vineyard Mechanic	36,600	35,700 to 37,500
Heavy Equipment Oper	30,300	30,000 to 30,500
Grower Relations	70,500	66,300 to 74,600

Table 4: Western Management Group Wine Industry Compensation Survey

(Note: Data not available, because this is a private fee-based survey. The following 66 wineries and vineyards participated in the 2000/2001 edition submitting Total Compensation figures for over 5,616 employees in 216 benchmark positions.)

Allied Domecq Wines USA	Geyser Peak Winery
Arrowood Vineyards & Winery	Gloria Ferrer Winery
Benziger Family Winery	Groth Vineyards & Winery
Beringer Wine Estates	Gundlach-Bundschu Winery
Bogle Vineyards	Hambrecht Vineyards & Wineries
Bridalwood Winery	Handley Cellars
Buena Vista Winery	Hess Collection Winery
Buttonwood Farm Winery	Honig Cellars
Cain Vineyard & Winery	Humboldt Group/Turnbull Wine Cellars
Cakebread Cellars	J Wine Company
Camp Meeting Ridge Winery	Jackson Family Farms
Canandaigua Wine	Jordan Vineyard & Winery
Chalk Hill Winery	Joseph E Seagram & Sons/Sterling Vineyard
Chalone Wine Group	Joseph Phelps Vineyards
Chalone Wine Group/Acacia Winery	Kendall-Jackson Wine Estates
Chalone Wine Group/Carmenet Vineyard	Lambert Bridge Winery
Chalone Wine Group/Chalone Vineyard	Markham Vineyards
Chalone Wine Group/Edna Valley Vineyard	Michel-Schlumberger Fine Wine Estates
Chateau Montelena Winery	Niebaum-Coppola Estate
Clendenen Lindquist Vintners	Peter Michael Winery
Clos Du Bois Wines	Pine Ridge Winery
Clos Du Val Wine	R.H. Phillips Vineyard
Clos Pegase Winery	Ravenswood Winery
Cuvaison	Raymond Vineyard & Cellar
David Bruce Winery	Renwood Winery
Delicato Vineyards	Robert Mondavi Winery
Domaine Carneros	Rodney Strong
Domaine Chandon	Rusack Vineyards
Dry Creek Vineyard	Sanford Winery
Duckhorn Wine	Schramsberg Vineyards
E. & J. Gallo Winery	Sebastiani Vineyards
E. & J. Gallo Winery/Frei Brothers	Seghesio Family Vineyards
F. Korb & Brothers	Silver Oak Wine Cellars
Far Niente Winery	Silverado Vineyards
Ferrari Carano Vineyards & Winery	Southcorp Wines
Fess Parker Winery	Stags Leap Wine Cellars
Fetzer Vineyards	Stimson Lane Vineyards & Estates
Firestone Vineyard	Taft Street Winery
Foley Estates & Lincourt Vineyards	Trefethen Vineyards Winery
Folie A' Duex Winery	Trinchero Family Estates aka Sutter Home
Franciscan Estates	United Distillers & Vintners/Glen Ellen

Freemark Abbey Winery Frog's Leap Winery Gainey Vineyard	Viansa Winery Wine Service Cooperative Zaca Mesa Winery
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Table 5: Wine Industry Job Title Listing for Western Management Group Survey

Account Specialist	Maintenance Mechanic
Accountant 1	Maintenance Specialist – Journey
Accountant 2	Maintenance Supervisor
Accountant 3	Maintenance Worker 1
Accounting Clerk 1	Maintenance Worker 2
Accounting Clerk 2	Maintenance Worker 3
Accounting Clerk 3	Marketing Analyst
Accounts Receivable Manager	Marketing Communications Manager
Administrative Assistant	Material Handler 1
Advertising/Promotion Manager	Material Handler 2
Assistant Winemaker	Material Handler 3
Bottling Manager	Messenger/Mail Clerk
Bottling Supervisor	National Account Manager
Brand Manager	Network Support Technician
Buyer 1	Office Supervisor
Buyer 2	Order Processing Manager
Cellar Crew 1	Order Processing Supervisor
Cellar Crew 2	Order Processor 1
Cellar Supervisor	Order Processor 2
Cellarmaster	Order Processor 3
Chief Executive Officer/General Manager	Payroll Assistant 1
Chief Financial Officer	Payroll Assistant 2
Chief Operating Officer/Executive Vice President	Payroll Supervisor
Clerk 1	Personal Computer Coordinator/LAN Administrator
Clerk 2	Personal Computer Support Technician
Clerk 3	Plant Manager
Controller	Point of Sale Coordinator
Customer Service Representative	President
Database Administrator	Production Planner/Scheduler
Depletions Analyst	Programmer/Analyst
Distribution Supervisor	Programmer/Analyst Senior
Distributor Relationship Manager	Public Relations Director
Distributor Sales Representative	Public Relations Manager
Division/Regional Manager	Public Relations Specialist - Entry
E-Commerce Director	Public Relations Specialist - Intermediate
Enologist	Purchasing Assistant
Environmental Health & Safety Manager	Purchasing Clerk
Executive Chef	Purchasing Manager
Executive Secretary/Administrator	Quality Control Technician
Facilities Manager	Racker/Blender
Field Sales Representative	Receptionist 1
Financial Analyst 1	Receptionist 2
Financial Analyst 2	Recordkeeper/Inventory Analyst
Forklift Operator	Retail Operations Director
General Accounting Manager	Room Attendant/Housekeeper
General Accounting Supervisor	Secretary to CEO/President
Geographic/State/District/Area Manager	Secretary/Administrator 1
Government Compliance Administrator	Secretary/Administrator 2
Government Compliance Manager	Secretary/Administrator 3
Graphic Design	Security Guard

Graphic Design Director	Shipping/Receiving Clerk 1
Groundskeeper	Shipping/Receiving Clerk 2
Grower Relations Manager/Director	Shipping/Receiving Clerk 3
Grower Relations Representative	Special Events Coordinator
Guest House Assistant Manager	Tasting Room Assistant Manager
Guest House Manager	Tasting Room Host/Hostess
Heavy Truck/Vehicle Operator	Tasting Room Manager
Help Desk Technician	Telemarketing Representative
Hospitality Director	Tour Guide
Hospitality Manager	Traffic Manager
Hospitality Representative	Vice President Human Resources
Human Resources Director	Vice President Information Systems
Human Resources Manager	Vice President Marketing
Human Resources Representative	Vice President Marketing and Sales
Human Resources Specialist	Vice President Operations
Import/Export Coordinator	Vice President Sales
Import/Export Manager	Vineyard Manager
Information Technology Director	Vineyard Supervisor/Foreman
Information Technology Manager	Vineyard Worker 1
Inventory Control Manager	Vineyard Worker 2
Janitor/Custodian 1	Viticulturist
Janitor/Custodian 2	Warehouse Manager
Lab Technician 1	Web Designer
Lab Technician 2	Wine Club
Lab Technician 3	Winemaker
Laboratory/Quality Control Manager	Winemaking Director
Landscape Supervisor	Winery Bottling Line Worker 1
Loader/Stager	Winery Bottling Line Worker 2
Maintenance Electrician	Winery Maintenance/Construction Manager

TABLE 6: WINE INDUSTRY SAFETY INFORMATION FOR NEW EMPLOYEES

All new employees must receive adequate information, instruction and training on hazards they are exposed to in the course of their duties at the workplace, prior to commencing work. A documented safety induction process allows the employer to fulfil this duty of care required of them under the *Occupational Safety & Health Act 1984*. <http://www.safetyline.wa.gov.au/pagebin/hazshazd0026.htm>

A safety induction needs to include the following four areas.

1. Duty of Care of Employers and Employees

Employers must:

- provide and maintain a workplace where employees are not exposed to hazards;
- provide a safe system of work; safe plant and substances;
- consult with their employees on matters of safety and health, and
- provide personal protective clothing and equipment.

Employees must:

- take reasonable care for their own safety and health and that of others affected by their work;
- wear protective clothing and equipment supplied by employer;
- report hazards to their employer, and
- co-operate with their employer in regard to matters of safety and health

2. Hazards

Identify and document each hazard employees are exposed to, and measures implemented to reduce the risk of injury to employees.

eg. Electrical Hazards

Example: Employees using electrical leads and tools in wet areas at workshop are at risk of electrical shock injuries. The risk of this hazard is reduced at this workplace by:

1. The provision and maintenance of a residual current device at switchboard.
2. The regular inspection, repair and testing of electrical leads and equipment
3. Ensuring all leads are secured off the ground away from wet areas.

Other hazards in the workplace could include:

- Guarding of Machinery
- Hazardous Substances
- Forklift Operations
- Tractor Operations
- Manual Handling

3. Accident and Emergency Procedures

- What to do in the event of a fire or other emergency
- Emergency phone numbers
- Develop a diagram of the workplace showing location of exits, fire equipment, first aid equipment and emergency assembly areas.
- A documented system of injury reporting.

4. Safe Work Procedures for Hazardous Tasks

Examples of hazardous tasks include:

- Tractor Operations
Detailing maintenance and pre start checks, rules of operation and speed limit on slopes, age limit of operator, understanding of attaching 3 point linkage, PTO's, implements and guards correctly.
- Spraying of Chemicals
Instructions on safe decanting, use and spill procedures. Correct use and maintenance of PPE such as respirators, coveralls and boots. Important information can be obtained from product Material Safety Data Sheets for use in developing procedures.

Table 7: Small Business Handbook: The Migrant and Seasonal Agricultural Worker Protection Act

Who is Covered

The Migrant and Seasonal Agricultural Worker Protection Act protects most migrant and seasonal agricultural workers in their interactions with farm labor contractors, agricultural employers, agricultural associations, and providers of migrant housing. However, in certain circumstances, some farm labor contractors, agricultural employers, agricultural associations, and providers of migrant housing are exempt from MSPA under limited circumstances.

Basic Provisions/Requirements

The MSPA requires that farm labor contractors, agricultural employers, agricultural associations, and providers of migrant housing who recruit, solicit, hire, employ, furnish, transport or house agricultural workers meet certain minimum requirements in their dealings with migrant and seasonal agricultural workers. Among these requirements are:

Farm labor contractor registration: Farm labor contractors (and any employee who performs farm labor contracting functions) must register with the U.S. Department of Labor before recruiting, soliciting, hiring, employing, furnishing or transporting any migrant or seasonal agricultural worker. Agricultural employers and associations (and their employees) need not register as farm labor contractors. An agricultural employer or association using the services of a farm labor contractor must first verify the registration status of the farm labor contractor, including that the contractor is properly authorized for all activities he or she will undertake. A toll-free number (800-800-0235) is available to verify registration status.

Employment relationship: Under certain circumstances, an agricultural employer or association who utilizes the services of a farm labor contractor may be determined to be a joint employer of the agricultural workers furnished by the farm labor contractor. In joint employment situations, the agricultural employer or association is equally responsible with the farm labor contractor for compliance with employment-related MSPA obligations--such as the proper payment of wages.

Disclosure: Each migrant and seasonal day-haul worker must be given a written disclosure at the time of recruitment containing the terms and conditions of his or her employment. All seasonal workers must be provided such disclosure upon request when offered employment. The disclosure must be in the language of the worker. The employer must also post in a conspicuous place at the job site **a poster setting out the rights and protections** afforded workers by MSPA. A housing provider must post or present to each worker a statement of the terms and conditions of occupancy.

Information and Recordkeeping: Each farm labor contractor, agricultural employer or association who employs any agricultural worker must make payroll records for each worker containing the basis on which wages were paid, the number of piecework units earned, number of hours worked, total pay for each pay period, amount and reason for any deductions, and the net pay. Each worker must be provided with this itemized statement and these records must be kept and preserved by the employer for three years. If a farm labor contractor is performing the payroll function, the contractor must provide a copy of the pay records to the person to whom the workers are furnished (e.g., agricultural employer or association) and that person must keep the records for three years. No farm labor contractor, agricultural employer, or association may knowingly provide false or misleading information to a worker concerning employment or the terms and conditions of employment.

Wages, Supplies, and Working Arrangements: Each person employing agricultural workers must pay all wages owed when due. Farm labor contractors, agricultural employers and associations are prohibited from requiring workers to purchase goods or services solely from such contractor, employer or association or any person acting as an agent for such a person. In addition, no farm labor contractor, agricultural employer or association may violate the terms of the working arrangement without adequate justification.

Safety and Health of Housing: Each person who owns or controls migrant housing is responsible for ensuring that the facility complies with the substantive Federal and State safety and health standards covering that housing. Migrant housing may not be occupied until it has been inspected and certified to meet applicable safety and health standards. The certification of occupancy must be posted at the site.

Transportation Safety: Each vehicle used, or caused to be used, to transport agricultural workers must be properly insured, operated by a properly licensed driver, and meet Federal and State safety standards.

Employer Protections: Farm labor contractors must comply with the terms of any written agreement they enter into with an agricultural employer or association.

Enforcement: The Wage and Hour Division of the U.S. Department of Labor enforces MSPA . During a MSPA investigation Wage and Hour investigators may enter and inspect premises (including vehicles and housing), review and transcribe payroll and other records, and interview employers and employees.

Assistance Available

Copies of Wage and Hour publications may be obtained by contacting the nearest office of the **Wage and Hour Division** listed in most telephone directories under U. S. Government, Department of Labor. Information about farm labor contractor applications can be obtained from the nearest State employment service office or any **Wage and Hour Division offices**.