



OFFICE OF THE LEGISLATIVE AUDITOR
STATE OF MINNESOTA

EVALUATION REPORT

State Protections for Meatpacking Workers

JANUARY 2015

PROGRAM EVALUATION DIVISION

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OFFICE OF THE LEGISLATIVE AUDITOR

STATE OF MINNESOTA • James Nobles, Legislative Auditor

January 2015

Members of the Legislative Audit Commission:

Workers' advocates have frequently raised concerns about working conditions in meatpacking plants and have pressed state and federal governments to do more to protect these workers. In 2007, the Legislature passed the Packinghouse Workers Bill of Rights to address some of their concerns. Last year, the commission directed the Office of the Legislative Auditor to evaluate the effectiveness of this law.

We found that the Department of Labor and Industry has not adequately publicized the existence of the law and, as a result, some companies and workers are unaware of its requirements. However, the Packinghouse Workers Bill of Rights is limited and largely restates laws that exist elsewhere. Thus, it is unclear that greater implementation efforts would significantly alter working conditions in meatpacking plants. We make recommendations for improvements, and we also offer some options the Legislature could consider to either expand the law or use alternative strategies to achieve legislative goals.

Our evaluation was conducted by David Kirchner (manager) and Will Harrison. The Department of Labor and Industry, the Department of Employment and Economic Development, and several meatpacking companies cooperated with our evaluation, and we thank them for their assistance.

Sincerely,

A handwritten signature in black ink that reads "Jim Nobles".

James Nobles
Legislative Auditor

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Summary

A 2007 law aimed at protecting workers has been poorly publicized. But given the law's limitations, additional publicity may not affect working conditions.

Key Facts and Findings:

- Minnesota is one of the country's most active meatpacking states, with just over 12,000 workers in various meat processing jobs. (pp. 3-5)
- Meatpacking plants in Minnesota are characterized by high employee turnover and large numbers of immigrant workers. (pp. 17-20)
- Nationally, meatpacking workers have historically had higher injury rates than other manufacturing workers. But measured injury rates have declined in recent years. (p. 23)
- In Minnesota, rates of workers' compensation claims for serious injuries in meatpacking have been similar to rates in other manufacturing industries. (p. 24)
- The 2007 Legislature created the Packinghouse Workers Bill of Rights to address working conditions in meatpacking plants. (pp. 8, 51)
- The Packinghouse Workers Bill of Rights is mostly a restatement of existing laws; its major innovation was to require employers to provide certain information to workers in their "native language." (pp. 8-10)
- The Department of Labor and Industry (DLI) has not adequately publicized the existence of the Packinghouse Workers Bill of Rights. (p. 30)

- However, because the law's requirements are so limited, it is not clear that greater publicity would change working conditions in meatpacking plants. (pp. 32-33)
- Due to high injury rates, the Minnesota Occupational Safety and Health Division (MNOSHA) targets meatpacking employers for more frequent inspections. (p. 34)
- However, MNOSHA's targeting method relies on unverified data that has not included all meatpacking employers. (pp. 35-36)

Key Recommendations:

- The Legislature should more clearly define the terms "meatpacking" and "native language" in the Packinghouse Workers Bill of Rights. (p. 43)
- DLI should do more to ensure that employers know about their obligations under the Packinghouse Workers Bill of Rights. (p. 41)
- MNOSHA should adjust its method of targeting meatpacking companies for inspection to ensure all relevant employers are included. (p. 42)
- The Legislature should consider alternative approaches to achieving the goals of the Packinghouse Workers Bill of Rights; we suggest several policy options for expanding the law or putting greater resources toward implementation. (pp. 45-48)

Report Summary

Meatpacking is an important sector of Minnesota's manufacturing industry; it is one of the top ten states for turkey, hog, and cattle production. According to the Bureau of Labor Statistics, just over 12,000 Minnesota workers hold meat processing jobs.

Meatpacking work can involve intense physical labor. Many employees do repetitive work on a production line that delivers meat to them at a constant pace. Worker advocates have charged that line speeds are often too fast, leading to increased injuries.

In 2007, the Legislature adopted the Packinghouse Workers Bill of Rights. The law requires meatpacking employers to inform employees, using the employee's native language, of various federal and state laws that protect workers.

Meatpacking plants employ many immigrant workers and experience high injury rates and high employee turnover.

Many meatpacking jobs do not require English skills or formal education, and thus attract immigrant workers. The meatpacking plants that we visited employed Hispanic, African, and Asian immigrant workers. Daily communication often occurred in two or more languages.

Workers in meat processing industries have historically had high injury rates compared to other manufacturing workers. In recent years, injury rates have declined, although critics argue that available statistics do not capture all injuries.

At any given point in the past seven years, most meatpacking plants in

Minnesota had replaced more than one-fifth of their employees in the past year. Some plants have routinely experienced turnover rates over 40 percent. Constant training of new workers creates safety challenges.

The Department of Labor and Industry has not adequately publicized the Packinghouse Workers Bill of Rights.

The Department of Labor and Industry (DLI) sent out a single mailing to employers in 2007 and has done nothing to publicize the law since. Executives at two of the eight firms we visited had never heard of the law. Most workers we interviewed were also unfamiliar with the law. But the limited scope of the law calls into question whether additional actions by DLI would actually affect workers.

The Minnesota Occupational Safety and Health Division (MNOSHA) targets meatpacking firms for additional compliance inspections because of the industry's history of injuries. However, MNOSHA's list of meatpacking plants is not complete and should be supplemented with additional data.

The Legislature should address ambiguities in the law and consider alternative approaches to protecting immigrant workers facing dangerous working conditions.

The Legislature should adjust the law to more clearly define the terms "meatpacking" and "native language."

The Legislature could also choose to expand the law. Depending on legislative priorities, it could extend the law's requirements to some nonmeatpacking companies, offer incentives for best practices, or provide additional resources to DLI.

Introduction

Since the 19th century, a large manufacturing industry has supplied beef, pork, turkey, chicken, and other meats to American consumers. But the long history of the meat industry has been marked by high-profile criticisms of its labor practices. In 2007, the Legislature passed a labor protection law oriented specifically toward meat industry workers, the Packinghouse Workers Bill of Rights.

In April 2014, the Legislative Audit Commission directed the Office of the Legislative Auditor to evaluate the Packinghouse Workers Bill of Rights. To provide context for that evaluation, we expanded the project scope slightly to include other Department of Labor and Industry (DLI) programs that address working conditions in meatpacking. We asked the following questions:

- **What conditions do meatpacking workers encounter on the job?**
- **How effective are the Department of Labor and Industry's efforts to protect the rights and safety of meatpacking workers?**
- **To what extent are Minnesota's laws, particularly the Packinghouse Workers Bill of Rights, sufficient to protect workers?**

To answer these questions, we reviewed worker protection laws in Minnesota and other states and federal laws and regulations. We interviewed DLI administrators and reviewed various agency documents, reports, and publications. We requested and analyzed inspection data from the Minnesota Occupational Safety and Health Division, injury data from DLI's Workers' Compensation Division, employment data from the Labor Market Information office of the Department of Employment and Economic Development, injury and employment data from the federal Bureau of Labor Statistics, and meat processing establishment data from the United States Department of Agriculture Food Safety Inspection Service. In addition, we toured nine meatpacking plants in the state to watch workers in action. We also interviewed plant managers, safety directors, union officials, safety committee members, and other hourly workers.

Some important issues related to the meat industry and meatpacking workers were beyond the scope of our evaluation. We did not address any issues related to food safety or hygiene. We did not ask about the ethical treatment of animals. We did not attempt to determine the immigration status of any meatpacking workers, nor did we question employers in any detail about how they screen employees to assess their eligibility to work. Finally, we did not review the compliance of meatpacking plants with state laws unrelated to working conditions, such as environmental protection laws.

Chapter 1 broadly describes the meatpacking industry, the Packinghouse Workers Bill of Rights, and other legal protections that apply to all Minnesota workers. In Chapter 2, we offer a description of the environment faced by

meatpacking workers, describe the steps meatpacking companies take to promote worker health and safety, and analyze available injury data. Chapter 3 focuses on the Department of Labor and Industry's efforts to implement the Packinghouse Workers Bill of Rights and ensure acceptable working conditions. Finally, Chapter 4 presents a few recommendations and offers additional policy options that the Legislature may wish to consider.

Chapter 1: Background

Meatpacking plants have had a strong presence in Minnesota since the end of the 19th century. South Saint Paul once served as the state’s meatpacking center and was known for its stockyards and large meatpacking plants. However, nationwide changes in the meat industry led to the closure of large urban stockyards. Minnesota’s meatpacking industry is now based in small cities and rural communities, as illustrated by Exhibit 1.1.

In 2007, the Minnesota State Legislature passed the Packinghouse Workers Bill of Rights (see Appendix) in an effort to promote safe working conditions for meatpacking workers.¹ Below, we provide introductory information on meatpacking operations, an examination of the Packinghouse Workers Bill of Rights, and a look at laws protecting Minnesota workers generally.

MEATPACKING

Minnesota is one of the country’s most active meatpacking states. In 2013, Minnesota was the nation’s largest slaughterer of turkeys, 4th largest slaughterer of hogs, 9th largest slaughterer of cattle, and 24th largest slaughterer of chickens (see Exhibit 1.2). According to the Bureau of Labor Statistics, just over 12,000 Minnesota workers were classified as “slaughterers and meatpackers,” “meat, poultry, and fish cutters or trimmers,” or “butchers and meat cutters” in 2013. Minnesota currently has 33 active major meatpacking plants, listed in Exhibit 1.3.² Most of Minnesota’s major meatpacking plants process one type of animal; twelve of these plants slaughter animals on site. Some plants have fewer than 100 employees while others have more than 1,000.

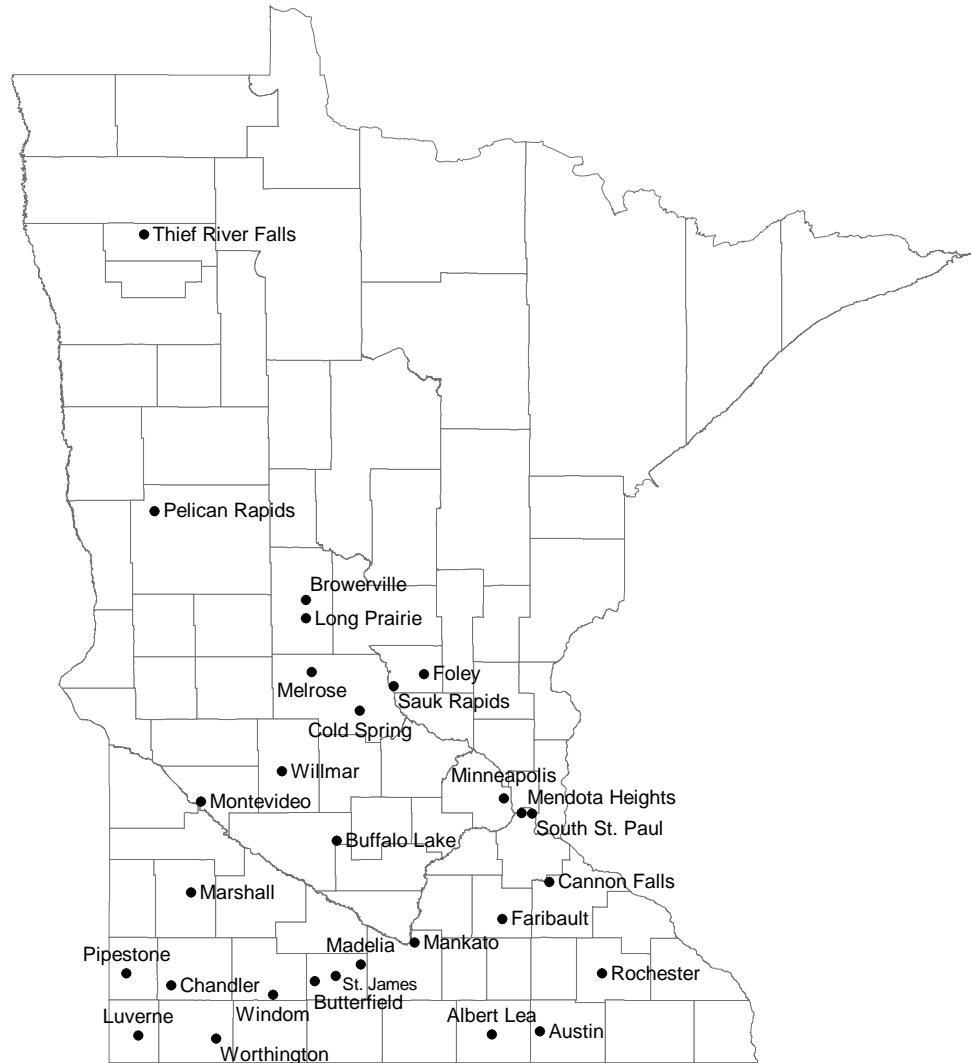
Meatpacking workers often work on large production lines where they process larger sections of meat into smaller sections of meat or into more refined products. Some workers use machines to perform their work while others use knives to cut meat by hand. Workers at 9 of the 33 major meatpacking plants in Minnesota are represented by a union.

Meatpacking plants have long been considered dangerous places to work. In addition to working with machines and sharp implements, workers face risks related to working with animals before and during their slaughter, exposure to pathogens and chemicals, and exposure to varying temperatures. High employee turnover rates can compound safety issues since employee experience is an important factor in maintaining safety. As we discuss in more detail in Chapter 2, meatpacking injury rates were more than double those in other

¹ *Minnesota Statutes* 2014, 179.86.

² Throughout the report, we use the phrase “major” meatpacking plants to distinguish larger, factory-type operations from smaller operations that have few employees. Because we used nonpublic unemployment insurance data to obtain the size of each meatpacking operation, we cannot specify the exact workforce size we used as a cutoff.

Exhibit 1.1: Locations of Major Minnesota Meatpacking Establishments, 2014



SOURCE: Office of the Legislative Auditor, analysis of data from the United States Department of Agriculture Food Safety Inspection Service and the Department of Employment and Economic Development.

manufacturing sectors for many years. In recent years, injury rates have improved, both in meatpacking and in manufacturing overall.

Nationally, the workforce in meatpacking plants has increasingly been composed of immigrants. Currently, our interviews suggested that Minnesota meatpacking workers are often Hispanic, Somali, Burmese, or Karen. Some of these workers are not fluent in English. Representatives of some meatpacking plants we visited told us they often conduct trainings and produce written materials in workers' native languages.

Exhibit 1.2: Top Ten States for Commercial Animal Slaughter by Animal, 2013

Turkeys		Hogs	
State	Animals (In Millions)	State	Animals (In Millions)
1. Minnesota	42.6	1. Iowa	29.6
2. Arkansas	34.1	2. North Carolina	11.8
3. North Carolina	27.6	3. Illinois	10.7
4. Virginia	26.2	4. Minnesota	10.4
5. Indiana	18.8	5. Indiana	8.5
6. Iowa	14.7	6. Missouri	8.5
7. California	13.1	7. Nebraska	7.6
8. Missouri	11.7	8. Oklahoma	5.4
9. Pennsylvania	6.9	9. South Dakota	4.7
10. Texas	6.7	10. Pennsylvania	2.8

Cattle		Chickens	
State	Animals (In Millions)	State	Animals (In Millions)
1. Nebraska	6.9	1. Georgia	1,239.0
2. Kansas	6.3	2. Alabama	1,003.8
3. Texas	5.9	3. Arkansas	887.5
4. Colorado	2.6	4. North Carolina	736.9
5. California	1.7	5. Mississippi	708.9
6. Wisconsin	1.6	6. Texas	614.3
7. Washington	1.1	7. Missouri	438.7
8. Pennsylvania	0.9	8. Virginia	320.9
9. Minnesota	0.8	9. Delaware	317.0
10. Utah	0.6	10. Kentucky	302.7
		24. Minnesota	48.7

SOURCE: Office of the Legislative Auditor, analysis of National Agricultural Statistical Service data.

There is no widely-accepted definition of the term “meatpacking.”

Meatpacking is a vague term. It can refer solely to slaughtering and the initial processing of animals. But it can also encompass more refined processing, including the manufacturing of items such as beef jerky, sausages, or canned goods. Sometimes the term “meatpacking” is used to include meat rendering activities that process meat byproducts into goods such as tallow, grease, and bone meal.

Exhibit 1.3: Major Minnesota Meatpackers, 2014

Name	Location	Types of Meat	Slaughter Plant	Corporate Parent
Albert Lea Select Foods	Albert Lea	Pork		(none)
Armour-Eckrich Meats	St. James	Multiple		Smithfield
Butterfield Foods	Butterfield	Chicken	Yes	Downs Food Group
Cargill Meat Solutions	Albert Lea	Multiple		Cargill
Dan's Prize	Browerville	Beef, Chicken		Hormel
Dan's Prize	Long Prairie	Beef		Hormel
Dombrowski Meats	Foley	Multiple		(none)
Ellison Meat	Pipestone	Beef, Pork, Chicken		J&B Group
Gold'n Plump Poultry	Cold Spring	Chicken	Yes	Maschhoffs
Gold'n Plump Poultry	Luverne	Chicken		Maschhoffs
Hormel	Austin	Multiple		Hormel
Huisken Meat	Sauk Rapids	Beef		Branding Iron Holdings
JBS	Worthington	Pork	Yes	JBS
Jennie-O Turkey Store	Faribault	Turkey	Yes	Hormel
Jennie-O Turkey Store	Melrose	Turkey	Yes	Hormel
Jennie-O Turkey Store	Montevideo	Turkey		Hormel
Jennie-O Turkey Store	Pelican Rapids	Turkey		Hormel
Jennie-O Turkey Store	Willmar (1)	Turkey	Yes	Hormel
Jennie-O Turkey Store	Willmar (2)	Turkey		Hormel
Link Snacks	Mankato	Multiple		Link Snacks
Lloyd's Barbecue	Mendota Heights	Multiple		Hormel
Long Prairie Packing	Long Prairie	Beef	Yes	Rosen's Diversified
Lorentz Meat Processing	Cannon Falls	Multiple		(none)
Monogram Meat Snacks	Chandler	Multiple		Monogram Foods
Northern Pride	Thief River Falls	Turkey	Yes	(none)
PM Beef	Windom	Beef	Yes	(none)
Quality Pork Processors	Austin	Pork	Yes	(none)
Rochester Meat	Rochester	Beef, Pork		Branding Iron Holdings
Stock Yards Meat Packing	South St. Paul	Multiple		US Foods
Tony Downs Foods	Madelia	Multiple		Downs Food Group
Turkey Valley Farms	Marshall	Turkey	Yes	(none)
Triple J Family Farms	Buffalo Lake	Beef	Yes	(none)
W.W. Johnson	Minneapolis	Beef		J&B Group

NOTE: Two major meatpacking plants that closed during 2014 are not included above: Dakota Premium Foods in South St. Paul and Tony Downs in St. James.

SOURCE: Office of the Legislative Auditor, analysis of data from the United States Department of Agriculture Food Safety and Inspection Service, the Department of Employment and Economic Development, and company websites.

The term “meat” also means different things in different contexts. For example, the Federal Meat Inspection Act defines meat as food products created from cattle, sheep, swine, or goats, excluding all poultry.³ The Minnesota Packers and Stockyard Act also excludes all poultry processing facilities (though it includes facilities that process ostriches and emus). But in many other contexts, “meat” includes chickens and turkeys. And one study we reviewed on meatpacking working conditions included fish processing plants.

Many commonly cited statistics about the meatpacking industry rely on the North American Industry Classification System (NAICS). NAICS codes categorize the type of work establishments perform, and identify both the specific industries and larger industrial sectors.⁴ Meatpacking is commonly defined using the NAICS classification “Animal Slaughtering and Processing.” This category is part of the manufacturing sector and has four subcategories: “Animal (except Poultry) Slaughtering,” “Meat Processed From Carcasses,” “Rendering and Meat Byproduct Processing,” and “Poultry Processing.” Animal slaughtering and processing does not include the manufacture of fish products, nor does it include the making of pet food.

However, relying on NAICS codes to define meatpacking presents some difficulties. First, although many federal and state government agencies use NAICS codes to classify establishments, no single entity assigns or approves NAICS codes. As a result, there is no uniformity across agencies in the NAICS codes used to describe the same establishment. Second, NAICS codes self-reported to some government agencies may not be public information, meaning that an agency may be unable to disclose whether it identifies a specific employer as a meatpacking operation.

Third, each business establishment is assigned to a single NAICS code, even though activities may overlap. For example, meatpacking firms must routinely clean and sterilize their work areas and meat processing machines. Although this work is a necessary part of any meatpacking operation, it is often not classified as meatpacking because many plants contract out this work to other companies. These companies’ employees are classified as janitorial services workers, although they are exposed to some of the same dangers as a meatpacking plant’s employees.

Fourth, NAICS codes do not distinguish among operations of different sizes. Very small meat processing operations with fewer than ten employees have labor situations and working conditions unlike larger plants. While such activities may reasonably be classified as “Animal Slaughtering and Processing,” these employees do not work on large assembly lines designed to produce meat products to be sold on a mass scale.

To address some of these issues, we developed our list of major Minnesota meatpacking plants (shown in Exhibit 1.3) by combining NAICS and employment information drawn from nonpublic unemployment insurance filings

³ 21 *U.S. Code*, secs. 601-695 (2013).

⁴ Establishments are specific locations operated by a company.

with public data from the United States Department of Agriculture’s Food Safety and Inspection Service (FSIS). FSIS inspects establishments that produce meat for human consumption.⁵ We did not rely solely on FSIS data because FSIS also inspects some manufacturers, such as frozen food makers, that receive meat from meatpackers and combine it with other ingredients. FSIS also releases limited data on establishment size, so we could not filter out small establishments using FSIS data alone.

Our listing focuses on larger plants that slaughter animals or process animal carcasses into food products. We excluded meat rendering operations, pet food manufacturers, and fish producers.⁶ Though we would have liked to include sanitation companies that provide services to meatpacking facilities, we did not find a source that listed all such companies active in Minnesota.

PACKINGHOUSE WORKERS BILL OF RIGHTS

In 2007, the Legislature passed the Packinghouse Workers Bill of Rights (see Appendix) to address working conditions in Minnesota’s meatpacking plants.⁷ Under the law, meatpacking employers must provide employees information about the circumstances of their employment and their rights as employees. Such information must be provided in the employee’s native language, either in writing or “person to person.”⁸ The requirements that employers communicate this information in employees’ native languages, provide job descriptions, and inform workers of their union organizing rights were new. But, as shown in Exhibit 1.4, most of the law’s other provisions restated existing protections which apply to all Minnesota workers.

The Packinghouse Workers Bill of Rights imposed two clear requirements on the Department of Labor and Industry (DLI). First, the law required that DLI “develop and implement a strategy to assist employers in providing adequate notice and education to employees of their rights.”⁹ Second, it required that DLI assign responsibility for implementing this strategy to a specific position at DLI and identify that person in printed materials.

The Packinghouse Workers Bill of Rights did not provide DLI with any additional powers to regulate meatpacking plants. It provided DLI with no enforcement authority for making sure that meatpacking plants comply. The law did not require DLI to report on its implementation activities.

⁵ FSIS inspects establishments involved in interstate commerce. Minnesota Department of Agriculture staff inspect meat processors that sell meat solely within the state.

⁶ Some large plants include rendering operations.

⁷ *Minnesota Statutes* 2014, 179.86.

⁸ *Minnesota Statutes* 2014, 179.86, subd. 3(a).

⁹ *Minnesota Statutes* 2014, 179.86, subd. 4. The law also required DLI to consult the Department of Human Rights when developing this strategy.

Exhibit 1.4: Packinghouse Workers Bill of Rights Legal Requirements

Requirement	Duplicates Existing Law?	Legal Citation	Explanation
Furnish employees with equipment to safely perform their job duties.	Yes	<i>Minnesota Statutes</i> 2014, 182.655, subd. 10(a).	Required by the Minnesota Occupational Safety and Health Act.
Provide information to employees in their native languages.	No	N/A	N/A
Describe to employees the salary and benefits plans as they relate to the employee.	Yes	<i>Minnesota Statutes</i> 2014, 181.032, 181.55, and 181.635; and <i>29 U.S. Code</i> , secs. 1021-1022 (2013).	Providing a description of employee's salary is already required by Minnesota law. Providing a description of retirement, health, life, and disability insurance is required by federal law. Meatpacking employers must provide this information to workers they recruit from out of state.
Provide employees with a job description for their position.	No	N/A	N/A
Provide employees with a description of leave policies.	Partially	<i>Minnesota Statutes</i> 2014, 181.635; and <i>29 U.S. Code</i> , secs. 2611 and 2619 (2013).	Employers with 50 or more employees are already required to notify employees of leave policies under the federal Family and Medical Leave Act. Meatpacking employers must provide information on sick leave and paid vacation to workers they recruit from out of state. The requirement to notify employees of all leave policies is new.
Provide employees with a description of the work hours and work hours policy.	Yes	<i>Minnesota Statutes</i> 2014, 181.55 and 181.635.	Minnesota law requires employers to provide employees with a written description of the "hours a day which shall constitute a regular day's work." Meatpacking employers must provide this information to workers they recruit from out of state.
Describe to employees the occupational hazards known to exist for the position.	Yes	<i>Minnesota Statutes</i> 2014, 182.653, subds. 4b, 4c, and 8; and <i>Minnesota Rules</i> , 5208.1500(C), subps. 25-28, posted January 7, 2015.	Minnesota law requires employers to notify workers of any hazardous substances, harmful physical agents, and infectious agents. Minnesota law also requires employers in certain industries, including meatpacking, to inform employees of all hazards through accident and injury reduction programs.
Inform employees of their rights to organize and bargain collectively and refrain from organizing and bargaining collectively.	No	N/A	In 2011, the National Labor Relations Board adopted a rule requiring employers to inform employees of their right to organize and bargain collectively. This rule was successfully challenged in court and has been withdrawn.
Inform employees of their right to a safe workplace.	Yes	<i>Minnesota Statutes</i> 2014, 182.653, subd. 2, and 182.658.	State law requires employers to maintain a workplace free of known hazards that can cause death or serious injury. Employers must display posters in the workplace that state this requirement.
Inform employees of their right to be free from discrimination.	Yes	<i>42 U.S. Code</i> , sec. 2000e-11 and sec. 12115 (2013); and <i>29 U.S. Code</i> , sec. 627 (2013).	Federal law requires employers to display posters notifying employees of their right to be free from discrimination.

SOURCE: Office of the Legislative Auditor, analysis of *Minnesota Statutes* 2014, 179.86, and other federal and Minnesota laws.

Minnesota's law was based on the "Governor's Meatpacking Worker Bill of Rights," a document developed by the administration of Nebraska Governor Mike Johanns in 2000.¹⁰ An abbreviated version of this document was included in a 2000 Nebraska law that created a "meatpacking industry worker rights coordinator" position within Nebraska's Department of Labor and gave this position the authority to inspect meatpacking plants and interview workers.¹¹

The Minnesota law is less detailed than the "Meatpacking Worker Bill of Rights" published by Governor Johanns but is more detailed than the version inserted into Nebraska statutes. Some elements of the Nebraska law were not carried over into the Minnesota law, such as "the right to continuing training" and "the right to adequate facilities." Additionally, Nebraska's law provided a clear definition of "meatpacking."¹²

However, Minnesota's law is more specific than the Nebraska law on some topics—Minnesota requires that employers provide employees with a job description and a description of leave policies, while the Nebraska law simply declares that workers have "the right to complete information." Similarly, the Minnesota law specifies that employers must provide certain information to workers in the employee's native language, while the Nebraska law states that workers have "the right to understand the information provided."

Importantly, the Minnesota law clearly requires that employers take certain actions. The Nebraska law, conversely, only implies that actions should be taken. The workers rights coordinator is authorized to "inspect and review the practices and procedures of meatpacking operations in the State of Nebraska as they relate to the provisions of the Governor's Nebraska Meatpacking Industry Workers Bill of Rights."¹³ The Nebraska law does not actually require that companies implement the Meatpacking Worker Bill of Rights, but instead sets up a monitoring system to see if they are doing so. The only formal requirement of employers is that they must allow the workers rights coordinator access to their work sites and employees. The Nebraska law was later folded into another law, the Non-English-Speaking Workers Protection Act, which provided additional protections to immigrant workers who were recruited from elsewhere to work in Nebraska factories.¹⁴

The Packinghouse Workers Bill of Rights built upon protections for meatpacking workers originally passed by the Legislature in 1995.¹⁵ That law (which we refer to in this report as the "meatpacking recruitment law") requires meatpacking employers to provide specific written notifications, in English and Spanish, to

¹⁰ See "Meatpacking Worker Bill of Rights," <http://www.dol.nebraska.gov/center.cfm?PRICAT=2&SUBCAT=5K&ACTION=bor>, accessed December 17, 2014. This document is not an official executive order, although it is sometimes described as one.

¹¹ *Nebraska Revised Statutes* 2014, sec. 48-2213.

¹² *Nebraska Revised Statutes* 2014, sec. 48-2208 (8).

¹³ *Nebraska Revised Statutes* 2014, sec. 48-2213 (2).

¹⁴ *Nebraska Revised Statutes* 2014, secs. 48-2207 - 48-2214.

¹⁵ *Laws of Minnesota* 1995, chapter 154.

workers whom they recruit to relocate to Minnesota from elsewhere. The law details the information that must be provided, including descriptions of the nature of the work, duration of the work, wages, working hours, employee benefits, and any transportation, relocation, or housing arrangements. The Department of Labor enforces the law and may fine employers \$200 to \$500 per violation.¹⁶

STATE PROTECTIONS FOR ALL WORKERS

Aside from the Packinghouse Workers Bill of Rights and the meatpacking recruitment law, Minnesota meatpacking workers are protected by general laws covering many aspects of an employee's working conditions, including wages paid, hours worked, safety conditions, and coverage in case of workplace injuries. Employers are required to post information about many of these laws at work sites. Below, we offer a brief summary of some of the most important of these protections.

Wages and Hours. The federal Fair Labor Standards Act governs the wages employers can pay employees.¹⁷ It sets the federal minimum wage and determines how hours worked are compensated, including determining when employees must be paid at an overtime rate. The Minnesota Fair Labor Standards Act also covers these aspects of the employment relationship.¹⁸ It applies to employees not covered under the federal Fair Labor Standards Act and supersedes federal law when Minnesota law is more favorable to employees. Employers are required to display posters describing state and federal minimum wages, applicable overtime requirements, and freedom from retaliation for reporting a possible violation.¹⁹

Minnesota law sets requirements for meal and rest breaks. Employees who work at least eight consecutive hours must be provided with a break long enough to eat a meal.²⁰ Employers are also required by law to give employees enough time within each period of four consecutive hours worked to use the restroom.²¹

Occupational Safety and Health. The Minnesota Occupational Safety and Health Act regulates the safety and health conditions workers encounter during the performance of their jobs.²² It adopts standards set forth by the federal Occupational Safety and Health Act and sets some additional standards that

¹⁶ *Minnesota Statutes* 2014, 181.635. Employees who do not receive proper notification may also bring a suit for civil damages.

¹⁷ *29 U.S. Code*, secs. 201-219 (2013). Employers not engaged in interstate commerce or whose annual gross volume of sales is less than \$500,000 are not covered by this law.

¹⁸ *Minnesota Statutes* 2014, 177.21 to 177.35.

¹⁹ *Minnesota Statutes* 2014, 177.31; and *29 CFR* sec. 516.4 (2014).

²⁰ *Minnesota Statutes* 2014, 177.254.

²¹ *Minnesota Statutes* 2014, 177.253. Minnesota law also requires employers to provide nursing mothers with reasonable time to express breast milk for their infant children and to provide employees with time away from work to vote (*Minnesota Statutes* 2014, 181.939 and 204C.04).

²² *Minnesota Statutes* 2014, 182.

exceed federal requirements.²³ These standards are enforced through inspections conducted by the Minnesota Occupational Safety and Health Division (MNOSHA). In addition, the Minnesota Occupational Safety and Health Act provides employees with certain rights. These include the right to request an inspection and the right to report potential safety violations to MNOSHA without retaliation from one's employer.²⁴ Employers are required to display posters at their work sites summarizing these protections and rights.²⁵

Workers' Compensation. Under the Minnesota Workers' Compensation Act, employers must either obtain workers' compensation insurance through an insurance company or self-insure against workers' compensation liability.²⁶ If an employee is injured, non-self-insured employers must report the injury to their insurance provider. Insurance companies and self-insured employers are required to report certain injuries to DLI, including serious injuries. Injured employees are entitled to workers' compensation benefits depending on the circumstances of their injury. Employers are required to notify employees of their rights under the Minnesota Workers' Compensation Act by displaying posters that describe these rights at work sites and by providing workers' compensation information to employees affected by a workplace injury.²⁷

Unemployment Insurance. The Minnesota Unemployment Insurance Law provides unemployment benefits to employees who have lost their job through no fault of their own and meet other eligibility requirements.²⁸ Unemployment insurance provides temporary partial wage replacement to employees who have not found suitable reemployment. Employers are required to display posters outlining employees' rights under the Minnesota Unemployment Insurance Law.²⁹

Freedom from Discrimination. Multiple federal laws provide employees with the right to be free from discrimination, including the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, and the Genetic Information Nondiscrimination Act of 2008.³⁰ The U.S. Equal Employment Opportunity Commission is mostly responsible for enforcing these laws. Employers are required by federal law to display posters notifying employees of their right to be free from discrimination based on race, color, religion, sex, national origin, disability, age, or genetics and their right to be free from retaliation for filing a

²³ 29 U.S. Code, secs. 651-678 (2013).

²⁴ Minnesota Statutes 2014, 182.654, subds. 8-9.

²⁵ Minnesota Statutes 2014, 182.658.

²⁶ Minnesota Statutes 2014, 176.

²⁷ Minnesota Statutes 2014, 176.139, and 176.231, subd. 2.

²⁸ Minnesota Statutes 2014, 268.

²⁹ Minnesota Statutes 2014, 268.068.

³⁰ 29 U.S. Code, secs. 201-206(d) (2013); 42 U.S. Code, secs. 2000a-2000e (2013); 29 U.S. Code, secs. 621-634 (2013); 42 U.S. Code, secs. 12101-12377 (2013); and 42 U.S. Code, secs. 2000ff-2000ff-11 (2013).

discrimination charge.³¹ The Minnesota Human Rights Act provides employees with further protection, making it unlawful to discriminate against employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, disability, sexual orientation, or age.³²

Unions. The National Labor Relations Act provides employees with the right to organize and bargain collectively with their employers and the right to refrain from these activities.³³ Through this act, employees can form and join unions to negotiate the conditions of their employment, including their wages, hours, and benefits. It is illegal for employers to restrain or coerce employees to prevent the exercise of these rights. For instance, employers may not prevent employees from communicating about unions during non-work time and they may not retaliate against an employee for being a member of a union.

³¹ 42 U.S. Code, sec. 20000e-10 (2013); 29 U.S. Code, sec. 627 (2013); and 42 U.S. Code, sec. 12115 (2013).

³² *Minnesota Statutes* 2014, 363A.08.

³³ 29 U.S. Code, secs. 151-169 (2013).

Chapter 2: Working Conditions

Meatpacking can involve complex industrial processes using specialized equipment and techniques. In this chapter, we describe in some detail what occurs in meat processing plants, with particular attention to the types of work carried out by hourly employees and the conditions under which they do their jobs.

Our descriptions are based primarily on our visits to nine Minnesota meatpacking plants. Because we could not visit every Minnesota meatpacking operation, our discussion is not comprehensive. We mostly visited very large plants, with only a few smaller plants for comparison. Additionally, most of our visits were to establishments where animals were slaughtered. Advocacy organizations critical of the meatpacking industry generally focus on conditions in slaughter plants, although such plants are a minority of all establishments that process meat.

Our office does not have the authority to inspect private businesses; our visits were prearranged with company management. At most plants, we were able to speak with a few hourly workers in private.¹

ENVIRONMENT

Meat processing establishments range dramatically in size, from small operations with just one or two butchers to very large factory-style operations that employ over a thousand workers. We focused primarily on larger facilities that process the meat from hundreds or thousands of animals a day. In such establishments—as is traditionally the case with factory labor—work is accomplished at a series of stations. At each station, a specific task is performed, either manually or by machine. In either case, there is a specific amount of time that is allotted for the task, and then the carcass or piece of meat is passed along to the next machine or worker for the next task.

We observed that workers who directly handled meat often worked in close quarters with one another, frequently using knives or automated cutting tools to open carcasses, split sections of meat from one another, or trim fat. Such tight working conditions meant that hazards were shared; an errant movement could just as easily injure a coworker as oneself.

In every slaughter plant we visited, animal carcasses or cuts of meat moved from one station to the next by means of a conveyor belt or a conveyor line in which the meat hung from hooks. In most instances, workers directly handling meat had little control over the pace of their work—their work pace was driven by the “line speed,” the speed at which meat came to their stations. Line speeds varied

¹ For these interviews, we asked employers to select workers who served on safety committees and workers who might provide insight into the experiences of different ethnic communities at each plant. At union plants, we also asked to speak with union representatives. Employers varied in their willingness to allow interviews and in the number of interviews they would allow.

from plant to plant, and sometimes different lines within the same plant worked at different speeds. Line speeds were faster for turkey and chickens and slower for hogs and cattle.

Because each task had to be accomplished for each piece of meat and because the flow of meat through work stations was constant, workers could not easily pause to take momentary breaks. In most of the plants we visited, managers told us that workers who wanted to step away from the line briefly (for example, to use the restroom) needed to contact a supervisor to arrange for someone else to cover their task while they were gone. Workers at two plants told us that workers were sometimes denied the ability to use the restroom while on the line. However, they reported the limitation existed in only some parts of the plant—one worker suggested the variation was mostly due to the attitudes of particular supervisors. A worker at another plant told us that workers had been denied restroom breaks in the past, but policy had changed and they could now leave the line if necessary.

We observed that the relationship between an individual's work and the speed of the line varied. Some workers had to perform the same task for every piece of meat that came down the line. Others were part of teams of workers all performing the same task, so that each person worked on every third or fourth piece of meat. Many tasks were simple and repetitive—we observed workers whose job was to make one single cut in the same place on each piece of meat, performing the same task using the same muscles hundreds of times in an hour. Other tasks were more complicated and involved several different actions with each carcass or piece of meat, or even walking back and forth between different locations.

Workers who repeat the same motions over and over again are at significant risk for repetitive stress injuries. A 2014 study by the National Institute for Occupational Safety and Health at a South Carolina chicken processing plant found that 42 percent of workers met the study's definition of carpal tunnel syndrome.² Other studies of manual labor occupations involving repeated movements have documented high percentages of workers with repetitive stress injuries.

The rate of work forced by the constantly moving line has been a major concern of advocacy groups seeking better conditions for meatpacking workers. For example, a 2012 study based on six focus-group interviews of Spanish-speaking meatpacking workers in Minnesota and Iowa highlighted line speed issues:

Most workers said that the speed of the production line is their primary concern. The fast pace of the line forces workers to rush to complete their tasks and often prevents them from attending to basic tool maintenance procedures. Working in confined spaces

² Kristin Musolin, Jessica G. Ramsey, James T. Wassell, David L. Hard, and Charles Mueller, "Evaluation of Musculoskeletal Disorders and Traumatic Injuries Among Employees at a Poultry Processing Plant," U.S. Department of Health and Human Services, Centers For Disease Control and Prevention, National Institute for Occupational Safety and Health, Report No. 2012-0125-3204 (Cincinnati, 2014).

along the rapidly moving line also leads to cuts and other injuries.³

Concerns about line speeds prompted extensive criticism of a recent United States Department of Agriculture proposal that would have allowed federal food safety inspectors to inspect poultry at a faster rate. According to the agency, the “vast majority” of the over 250,000 comments that it received on the proposal were related to effects of increased line speeds on worker health and safety.⁴ The agency eventually decided not to increase inspection speeds.

In our conversations with workers, many expressed concerns about line speeds. However, in some instances their concerns were not about the speed itself, but rather about the relationship between speed and staffing. We heard complaints that sometimes not enough workers were put on the line to handle the speed, or that the speed was not appropriately reduced on days when fewer workers came to work.

Many employees we watched did not work directly on the line, but instead did other tasks less regulated by the line speed. For example, many workers were stationed next to machines that cut or processed meat. The machines were working at the speed of the line, but the workers’ jobs were more irregular—for example, inspecting meat emerging from a machine and culling out improperly processed pieces. Some workers handled meat they took from large piles or bins. Thus, although they worked continuously, their speed was self-regulated and was not externally forced by the movement of a line. Still other workers that we observed did not work directly on meat processing tasks at all. They did maintenance or cleaning tasks, or worked with carts or forklifts to move meat from one place to another inside the plant.

Due to manufacturing and food safety practices, meatpacking plants can be uncomfortable environments. Floors are frequently wet and sometimes slippery. Temperatures are usually cold, though areas near the slaughter location can be uncomfortably hot in the summer. Some workers who work with live animals work outside or in areas exposed to the outside, and must deal with varying weather conditions. One safety professional we interviewed commented that the combination of temperatures, moisture, pressure, and chemicals in a food processing environment made his job much more difficult than his previous positions in other manufacturing environments.

WORKFORCE

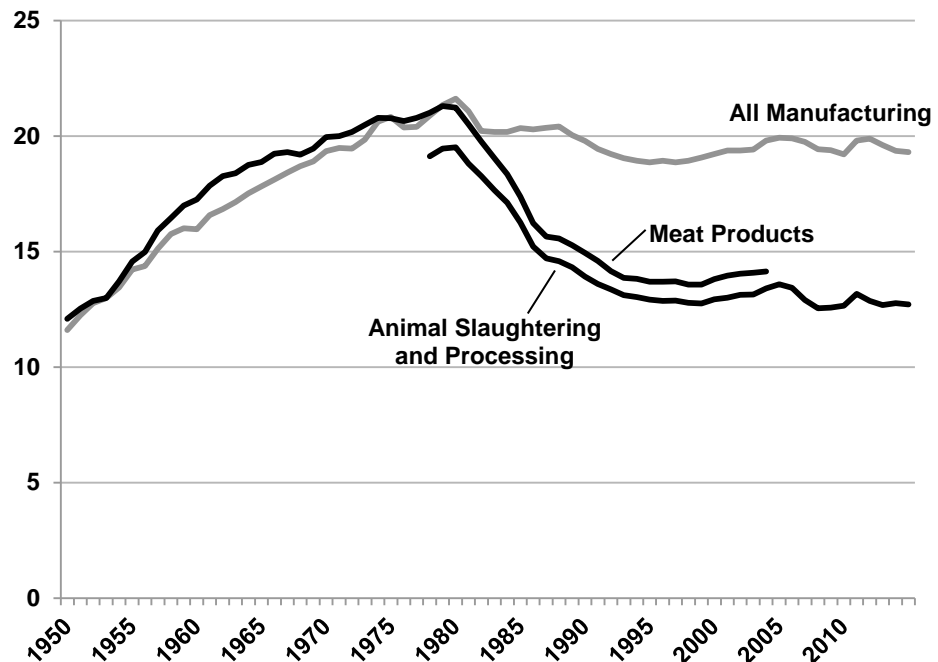
Major shifts in the organization of meatpacking work over the past several decades have led to changes in the workforces employed at many plants. Many tasks once performed by skilled workers have been automated; others have been

³ “Always Working Beyond the Capacity of Our Bodies: Meat and Poultry Processing Work Conditions and Human Rights in the Midwest,” Midwest Coalition for Human Rights, University of Minnesota Human Rights Program in the Institute of Global Studies (Minneapolis, 2012), 9.

⁴ 79 *Fed. Reg.* 49,598 (2014).

rearranged or disaggregated so that they can be performed by less skilled workers. Meatpacking companies have also increasingly located plants in rural areas instead of urban areas. The huge stockyards and slaughterhouses of Chicago, Omaha, and South St. Paul no longer exist. In conjunction with these trends, earnings over the past 40 years for American meatpacking workers have both declined with respect to inflation and in comparison to other manufacturing jobs (see Exhibit 2.1).

Exhibit 2.1: Average Hourly Wages of U.S. Workers Adjusted for Inflation, 1950-2013



NOTES: The Current Employment Statistics survey discontinued use of the “meat products” employment category in 2003. The newer “animal slaughtering and processing” category is defined slightly differently. Amounts are in 2013 dollars.

SOURCE: Office of the Legislative Auditor, analysis of data from the Current Employment Statistics survey conducted by the Bureau of Labor Statistics.

Because meatpacking jobs are often low-skilled and do not require a high school education or even a firm grasp of English, they are often attractive to immigrant workers. Meatpacking workforces have become increasingly diverse. The meatpacking plants we visited had employees from a wide range of ethnic backgrounds, including immigrants from Mexico and Latin America, eastern Africa, and south Asia. We observed posted notices in as many as three or four different languages, and plant managers told us their employees regularly used translators and translation services. Managers at one plant told us that they also made translators available to their employees for some non-work activities, such as meeting with landlords or children’s teachers. Managers told us that face-to-

face and video trainings were crucially important, since many employees did not read English well, and some could not read in their native tongues either.

Because of the large number of immigrants they employ, meatpacking plants have been frequently scrutinized by federal immigration authorities. Attempting to ascertain how many meatpacking workers in Minnesota lack proper documentation to work was beyond the scope of our evaluation. However, some managers we interviewed described losing employees (sometimes dozens at a time) as a result of enforcement actions by the federal Immigration and Naturalization Service over the past several years.

Meatpacking plants in Minnesota are constantly losing existing employees and hiring new ones.⁵ Using unemployment insurance data, we analyzed turnover rates for major Minnesota meatpackers, defining turnover rate as the percentage of employees not with the same employer a year earlier. As shown in Exhibit 2.2, in nearly every quarter from January 2009 to December 2013, over half of Minnesota's major meatpackers had turnover rates higher than 20 percent—that is, more than one-fifth of their employees had not been employed there a year earlier.⁶ For some employers, turnover rates were over 40 percent in multiple quarters during this time period. For a few plants in a few quarters, turnover rates exceeded 70 percent.

Employees working on the floor of meatpacking plants are not always employed by the plant. Many meatpacking plants subcontract with specialty cleaning companies to clean and sanitize their work spaces and equipment (usually overnight). These workers are frequently low-paid, low-skilled immigrants, encounter the same dangerous machinery, and are exposed to potentially harmful cleaning chemicals. An executive at one meatpacking plant commented that the cleaning industry is “notorious” for not following good safety practices. Also, some meatpacking plants occasionally hire temporary workers. These workers work side by side with the employees of the meatpacking companies, and meatpacking executives told us that they were treated no differently than their permanent employees.

Contracted sanitation workers and temporary workers are generally not classified as meatpacking workers in statistics gathered by government agencies. Consequently, neither sanitation workers nor temporary workers are represented in most of the exhibits in this report. An exception are the exhibits dealing with inspections by the Minnesota Occupational Safety and Health Division—because inspections are based on work location, not employment status, they would treat violations affecting temporary workers no differently than violations affecting permanent workers.

⁵ Anecdotal information suggests that high turnover is characteristic of the meatpacking industry nationwide. However, we could only measure turnover for Minnesota employers.

⁶ Our analysis excluded quarters in which meatpacking establishments had increased their overall workforce by 10 percent or more. That is, if a plant had 140 employees in one quarter and 155 employees in the corresponding quarter a year later, we did not count the new employees resulting from company growth as “turnover.”

Exhibit 2.2: Number of Major Minnesota Meatpacking Plants by Employee Turnover Rates, 2009-2013

	Under 10%	10-20%	20-30%	30-40%	Over 40%	Total Plants
2009 qtr 1	1	8	10	6	4	29
qtr 2	4	8	7	9	1	29
qtr 3	3	11	7	5	0	26
qtr 4	2	14	6	4	1	27
2010 qtr 1	4	12	6	4	1	27
qtr 2	2	10	10	3	2	27
qtr 3	2	10	9	5	2	28
qtr 4	1	15	8	4	4	32
2011 qtr 1	2	11	10	3	2	28
qtr 2	1	10	7	7	2	27
qtr 3	1	11	5	9	3	29
qtr 4	1	12	7	4	2	26
2012 qtr 1	1	10	7	4	4	26
qtr 2	1	7	10	6	1	25
qtr 3	1	12	5	6	2	26
qtr 4	0	14	8	4	2	28
2013 qtr 1	2	11	9	5	2	29
qtr 2	3	7	12	6	2	30
qtr 3	2	9	7	9	2	29
qtr 4	2	7	10	4	3	26

NOTES: We defined turnover rate as the percentage of employees not with this employer one year earlier. We defined employees as persons that earned wages at any time during a quarter. We excluded quarters in which an employer's total workforce had increased by 10 percent or more from a year earlier. That is, if a plant had 140 employees in one quarter and 155 employees in the corresponding quarter a year later, we did not count the new employees resulting from company growth as "turnover." Thus, the number of plants shown in the table may change from one quarter to the next even if the total number of plants operating did not change.

SOURCE: Office of the Legislative Auditor, analysis of data from the Department of Employment and Economic Development.

WORKER PROTECTIONS

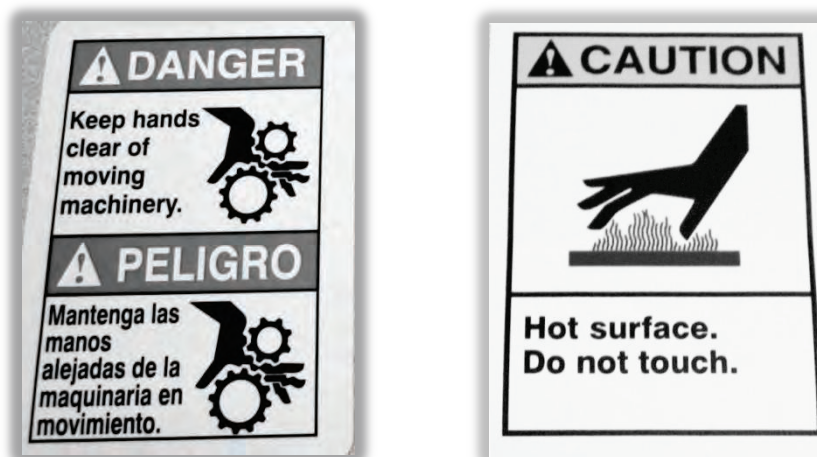
Because meatpacking employees do physically demanding, repetitive tasks in environments with sharp tools, dangerous machinery, wet floors, varying temperatures, and strong chemicals, keeping workers safe and healthy is an ongoing challenge. Workers using knives to cut sections of meat in assembly lines can suffer wounds from their own knives or from the knives of coworkers. The machines in meatpacking plants are designed to tear apart flesh, and thus are capable of causing horrifying injuries. Meatpacking workers caught in machines have suffered amputated fingers and limbs, severe burns, and crushing injuries. Many workers repeat the same motion for significant portions of their work day, causing stress that can lead to injuries such as sprains, strains, tears, and hernias. Those who work with live animals can face other hazards when animals behave unpredictably.

Every facility that we visited had a manager whose primary responsibility was to protect workers from job-related injuries and health problems. Larger plants had teams of staff devoted to safety issues. Additionally, nearly all plants we visited employed in-house nurses, who served as the first point of contact for employees with work-related injuries.

The meatpacking plants that we visited combined multiple strategies in an effort to avoid workplace injuries. Almost all the workers we observed wore some form of personal protective equipment while in the workplace. The amount of equipment varied based on the workers' jobs. Workers wielding knives or other sharp implements on the line generally wore hard hats, hair nets, safety glasses, steel mesh gloves, and often arm protectors and protective aprons as well. On the other hand, workers in loading dock areas wore less protective gear. Workers we interviewed frequently said that better personal protective equipment had been one of the most important safety improvements in recent years.

Federal rules require that machinery in work environments be fitted with physical shielding or guarding as much as possible to prevent workers' bodies or clothing from being drawn into the mechanism or otherwise injured.⁷ On our tours, we saw many instances of machines with various guarding attached so that workers could not inadvertently become caught in moving parts. Further, many workplaces posted signs on or near machinery that indicated its potential hazards to life and limb. Such signs sometimes included pictograms, so that they could be understood regardless of one's familiarity with English (for example, see Exhibit 2.3).

Exhibit 2.3: Warning Signs Incorporating Pictures



SOURCE: Courtesy of Hormel Foods Corporation.

⁷ 29 CFR, sec. 1910.212 (2014).

Due to the nature of food processing, much of the machinery must be taken apart and thoroughly cleaned at least daily. Safety managers told us that they placed great emphasis on “lockout/tagout” procedures, in which a master switch completely disables the machinery (often by disconnecting it from a power source). The switch is then locked in the “off” position so it cannot be inadvertently turned on.⁸

To limit repetitive stress injuries, many managers told us they rotated workers from one position to another throughout the day so that they did not spend the entire day doing the same task. Additionally, some repetitive tasks have been replaced or eased through the use of automation or specialized tools. For example, some heavy tools are suspended from above using spring balancers, which enable workers to use the tools without lifting their full weight.

Training workers to understand what actions can cause injuries is a vitally important part of any safety program. Many safety directors we spoke with characterized this responsibility as one of the most challenging parts of their job, primarily due to the constant hiring of new employees and the difficulties of training people in several languages. Managers we spoke with generally described at least two different forms of initial training for new hires—an orientation for all employees that outlined generally applicable safety rules (and other information) and one-on-one mentoring at the new employee’s work station.

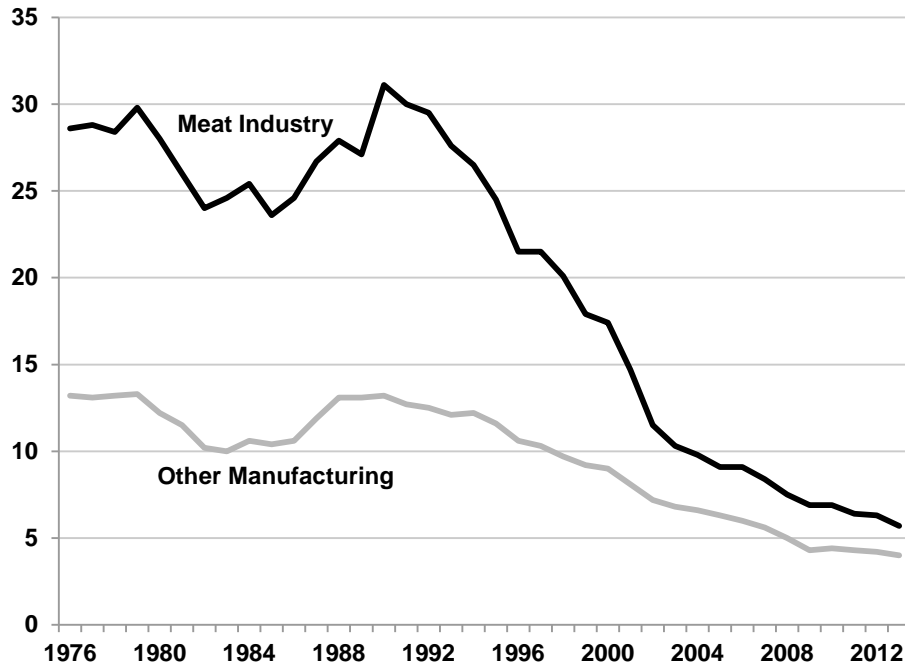
Safety directors also described ongoing efforts to monitor worker behavior to ensure that safety rules were being followed. Several described recent efforts to change older, top-down monitoring techniques to new models in which management promoted a company-wide safety culture in which fellow workers monitor one another. For example, in past monitoring environments, it would be a supervisor’s job to notice and correct a worker who walked across the plant floor with an unsheathed knife. Under newer models, fellow employees would share the responsibility for noticing and reminding the worker that knives must be sheathed when not in use. Some workers we spoke with also highlighted efforts to increase employee involvement and participation in safety efforts.

INJURIES AND WORKER HEALTH

Meatpacking has long been considered a particularly dangerous occupation within the manufacturing sector. As shown in Exhibit 2.4, injury rates for meatpacking workers were more than twice those of manufacturing workers as a whole for most of the 1970s, 1980s, and 1990s. In recent years, injury rates reported by the federal Bureau of Labor Statistics for meatpacking workers have declined, although they are still higher than manufacturing injury rates.

⁸ If the machine cannot be locked due to its nature, a “tagout” is used instead of a “lockout.” In this instance, a tag is attached to the master switch which clearly indicates that the machine must not be turned on again until appropriate safety precautions are taken.

Exhibit 2.4: Injuries and Illnesses per 100 Workers, United States, 1976-2013



NOTE: Due to changes in the way BLS collects data, injury rates after 1991 do not include fatal injuries.

SOURCE: Office of the Legislative Auditor, analysis of Bureau of Labor Statistics data.

Bureau of Labor Statistics injury data for meatpacking workers are also available on a state-by-state level. However, because the data are based on surveys sent to a sample of employers and could be based on as few as three employer responses in a state, we have somewhat less confidence in these data. That being said, Minnesota meatpacking workers had higher injury rates than meatpacking workers in other states through most of the 2000s. These rates have declined and the measured injury rate in Minnesota was below the national average in 2013.⁹

Workers' advocates have claimed that actual injury rates are higher than those reported by the Bureau of Labor Statistics. Advocates say that many injuries are not reported, either because companies suppress injury information or because workers fear that reporting injuries could jeopardize their jobs. Such claims have

⁹ We were not able to obtain OSHA injury data recorded by Minnesota companies in order to conduct our own analyses. Federal OSHA requirements, which are mirrored in Minnesota state rules, require companies to maintain a log of all injuries that meet certain criteria. Although a summary of the log must be posted in the workplace and log information must be provided to OSHA or MNOSHA upon request, the data are not routinely sent to MNOSHA. Because the data are maintained by the companies and not by a state agency, our office does not have the statutory authority to access the logs. A federal proposal that would require companies to publicly release injury data is currently under review. See *Improve Tracking of Workplace Injuries and Illnesses*, Proposed Rule, 78 *Fed. Reg.* 67,254-67,283 (2013).

been made about injuries in many industries, not just meatpacking. Nonetheless, a 2005 Government Accountability Office report observed that “OSHA, researchers, and union officials have all stated that the underreporting of injuries and illnesses is a problem in the meat and poultry industry.”¹⁰

Additionally, some have argued that the definitions of injury used by OSHA and the Bureau of Labor Statistics are incomplete. In particular, repetitive stress injuries—a particular risk for meatpacking workers—are often underreported and undercounted, according to critics. The National Institute for Occupational Safety and Health report on a South Carolina chicken processing plant observed that the plant’s rate of OSHA-recordable injuries (of all kinds) was 7 percent, far lower than the 42 percent of workers with carpal tunnel injuries observed by the researchers.¹¹ Despite these concerns, we concluded that no better data sources currently exist.¹²

To gain additional perspective on injuries in meatpacking, we analyzed workers’ compensation data for manufacturing workers, including meatpacking workers. The data we analyzed cover only more serious injuries, those where a worker misses more than three days of work due to a work-related injury or illness or receives indemnity benefits.¹³ Thus, they cannot be used to determine the total number of injuries sustained on the job by Minnesota workers. However, these data did enable us to review reported injuries from all Minnesota meatpacking firms and make comparisons between meatpacking firms and other manufacturers.

In Minnesota, the rate of workers’ compensation claims for serious injuries at major meatpacking establishments is similar to the rate for other manufacturers.

As shown in Exhibit 2.5, major Minnesota meatpackers have had slightly higher rates of workers’ compensation claims for serious injuries than other manufacturers for most of the past ten years. Though noticeable, the difference between the two groups is not large, and it has become smaller in recent years. From 2004 to 2013, major meatpacking plants averaged 1.5 claims per 100

¹⁰ Government Accountability Office, “Safety in the Meat and Poultry Industry, While Improving, Could Be Further Strengthened,” GAO-05-96 (Washington, DC, 2005), 28.

¹¹ Musolin et al., “Evaluation of Musculoskeletal Disorders,” 24.

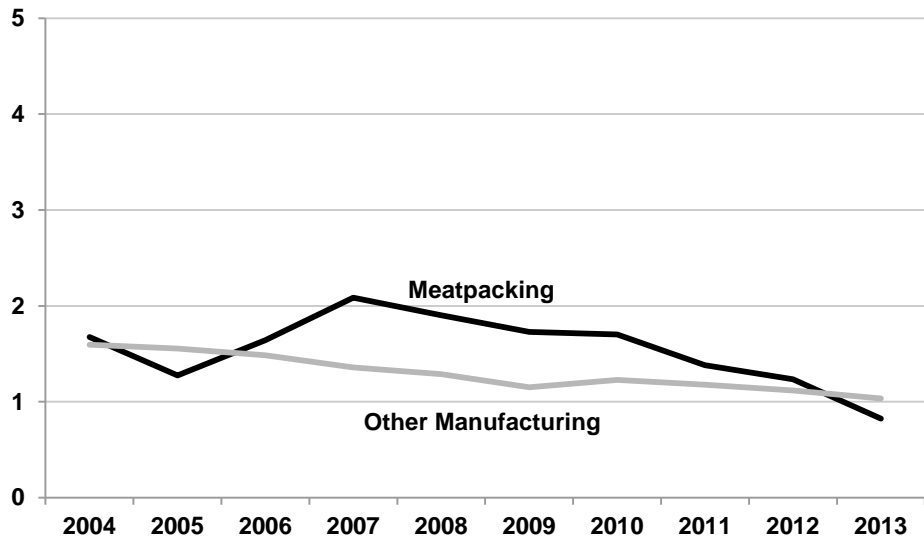
¹² For a recent discussion of Bureau of Labor Statistics-led research on the undercounting of work-related illnesses and injuries, see William J. Wiatrowski, “Examining the Completeness of Occupational Injury and Illness Data: An Update on Current Research,” *Monthly Labor Review*, June 2014, available at <http://www.bls.gov/opub/mlr/2014/article/examining-the-completeness-of-occupational-injury-and-illness-data-an-update-on-current-research.htm>, accessed January 12, 2015.

¹³ Indemnity benefits compensate injured workers for permanent disabilities or lost wages due to temporary disabilities. Though many workers receiving indemnity benefits probably also miss at least three days of work, exceptions can occur. For example, a worker’s injury could temporarily prevent the worker from doing her original job, but she may return to work within three days and do less strenuous duties at a lower rate of pay. That worker could receive indemnity benefits for the difference in wages. For more detailed information on workers’ compensation benefits and the limitations of workers’ compensation data, see Office of the Legislative Auditor, Program Evaluation Division, *Oversight of Workers’ Compensation* (St. Paul, 2009).

workers, while other manufacturers averaged 1.3 claims. Most meatpacking injuries in the workers’ compensation data we analyzed appeared to be muscular injuries. In 2012 and 2013, 26 percent of injuries to meatpacking workers leading to more than three days of lost work or an indemnity claim were classified as “soreness, pain, hurt—nonspecified injury” and another 22 percent were classified as “sprains.” Far smaller numbers were classified as “fractures” (6 percent), “bruises, contusions” (5 percent), or “cuts, lacerations” (4 percent).¹⁴

Although the workers’ compensation data we analyzed listed the type of injury, we were not able to draw conclusions about the severity of injuries without examining every case in detail. However, Exhibit 2.6 shows the percentage of serious injuries

Exhibit 2.5: Minnesota Workers’ Compensation Claims per 100 Employees, 2004-2013

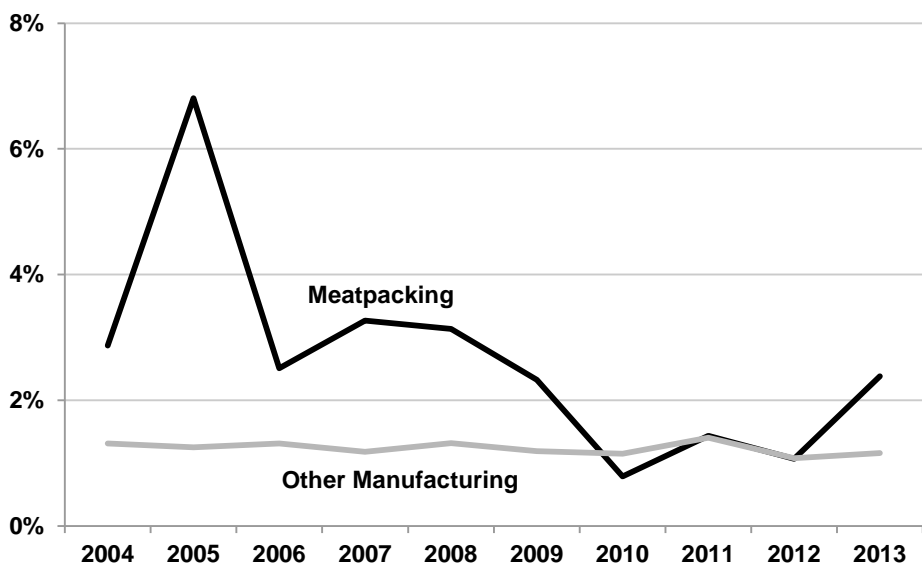


NOTES: Meatpacking claims shown above are for major meatpacking plants; we excluded smaller operations with few employees. Workers’ compensation claims are assigned to the year the injury occurred.

SOURCE: Office of the Legislative Auditor, analysis of Department of Labor and Industry Workers’ Compensation data and Department of Employment and Economic Development data.

¹⁴ We use here the categories defined within the workers’ compensation data system, which are very specific. One could combine together multiple very small categories to produce somewhat larger percentages (for example, adding “sprains, strains, tears, unspecified” at 1 percent to the “sprains” category). We report data only for 2012 and 2013 because the Department of Labor and Industry introduced revised injury categories in 2012, making it impossible to combine earlier years with later years. The most commonly reported injury types in previous years were similar to the 2012-2013 numbers.

Exhibit 2.6: Percentage of Minnesota Workers' Compensation Claims Classified as Amputations, 2004-2013



NOTES: "Amputation" is a self-reported term and could range from the loss of a fingertip to loss of a limb. Meatpacking claims shown above are for major meatpacking plants; we excluded smaller operations with few employees. Workers' compensation claims are assigned to the year the injury occurred.

SOURCE: Office of the Legislative Auditor, analysis of Department of Labor and Industry Workers' Compensation data.

classified as amputations, which we deemed more likely to be life-changing injuries in the absence of additional information. ("Amputation" is a self-reported term and could range from the loss of a fingertip to loss of a limb.)

Though we could not count severe injuries using workers' compensation data, we learned of some grievous injuries in the course of our research. For example, in 2006, a worker cleaning out a hopper at the Jennie-O Turkey Store plant in Melrose was crushed to death when a piece of machinery was incorrectly activated. In 2007, an employee of Long Prairie Packing in Long Prairie had a hand amputated while using a device that cut the horns off of cows. In 2009, a Hormel employee in Austin suffered numerous severe burns when a pipe ruptured.

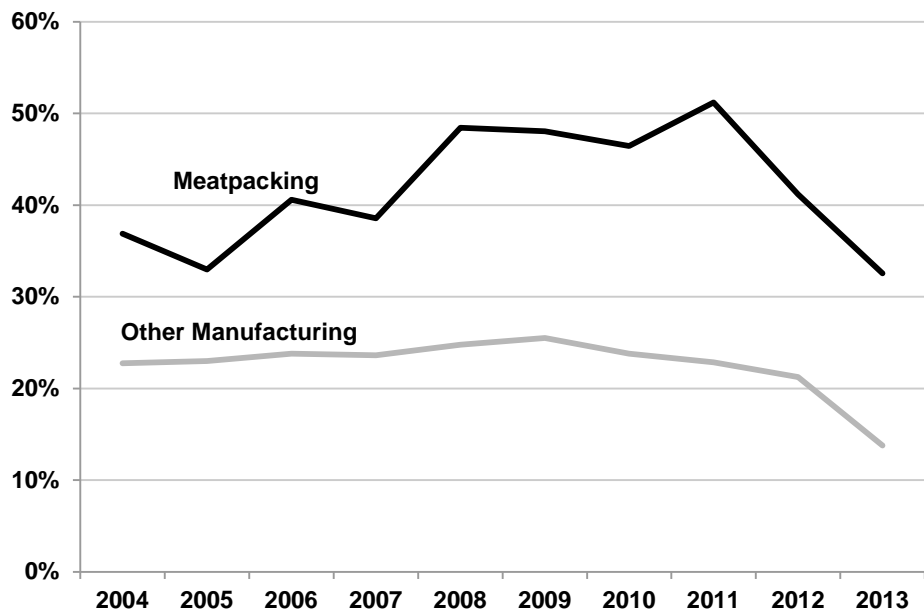
We requested additional information on all six instances reported to the Department of Labor and Industry (DLI) of meatpacking plant employees dying at work (or after transport to a hospital) from 2004 to 2013. The Melrose death was the only one of the six directly caused by an event on the plant floor. In four of the instances, the employees were incapacitated while at work due to ongoing medical issues such as cancer or heart disease. The remaining death was due to a traffic accident.

Workers’ compensation claims for serious injuries at meatpacking plants were much more likely to be disputed than claims from other manufacturing plants.

Workers’ compensation claims by meatpacking workers appear to be unusually contentious. Disputes have been filed in meatpacking workers’ compensation claims at almost double the rate in other manufacturing claims. From 2004 through 2013, 42 percent of workers’ compensation claims filed by meatpacking employees involving more than three days of lost work or indemnity claims led to disputes (see Exhibit 2.7). Other manufacturing workers’ compensation claims encountered a dispute rate of only 23 percent.

It is difficult to draw conclusions about the cause of this higher rate because DLI does not track which party files the dispute—it could be the employee, the employer, or the employer’s insurer. Further, disputes can be filed about many types of issues, including eligibility for benefits, amount of benefits, length of period the worker receives benefits, and appropriateness of medical treatment. When asked, DLI workers’ compensation administrators were unable to suggest reasons for meatpacking’s higher dispute rate.

Exhibit 2.7: Percentage of Minnesota Workers’ Compensation Claims Disputed, 2004-2013



NOTES: Meatpacking claims shown above are for major meatpacking plants; we excluded smaller operations with few employees. Claims are assigned to the year the injury occurred. Disputed claims are all claims having at least one dispute connected to them.

SOURCE: Office of the Legislative Auditor, analysis of Department of Labor and Industry Workers’ Compensation data.

Chapter 3: State Activity

In Minnesota, the Department of Labor and Industry (DLI) implements most state laws that govern the working conditions for employees of private firms. The department is responsible for assessing whether unsafe working conditions constitute a violation of state or federal laws and taking action to enforce the laws.

Below, we discuss the laws that apply to all employers and the extent to which meatpacking employers must meet standards that differ from other employers. We then examine how two offices within DLI, the Labor Standards Unit and the Occupational Safety and Health Division (MNOSHA), have carried out their responsibilities with regard to meatpacking employers.

We start, however, by noting that such an approach to evaluating the department's activities disproportionately focuses on a very small piece of a large picture. As we describe below, DLI's responsibilities with regard to meatpacking employers mostly do not differ from its responsibilities for all Minnesota employers. However, we did not examine its activities with regard to other employers, nor are meatpacking employers a representative sample of all employers, or even of all manufacturers. Thus, it would be unfair to draw conclusions about DLI's performance of its overall duties based on our findings.

LEGAL FRAMEWORK

For the most part, Minnesota's employment laws governing private employers are not industry-specific. Thus, laws covering wages, worker safety, unionization rights, unemployment insurance, tax withholding, protections from discrimination, and leave policies apply to meatpacking employers just as they apply to other employers.

This approach is similar to that used in other states. Most states' employment laws are designed to cover all workers broadly. However, many states also have a few laws oriented towards workers in a particular industry. For example, Minnesota has laws specifically addressing working conditions for nurses and corn detassellers, among other occupations.¹ As far as we are aware, only Minnesota and Nebraska have created laws specifically addressing work in the meatpacking industry.²

¹ See *Minnesota Statutes* 2014, 181.275, and 181.84.

² Some states' food safety laws contain provisions which address working conditions in meatpacking plants. For example, *Missouri Revised Statutes* 2014, 196.90, states that "Every building, room, basement, or cellar occupied or used as a bakery, confectionery, cannery, packinghouse, slaughterhouse, [or other food processing establishment]...shall be properly lighted, drained, plumbed and ventilated and conducted with strict regard to the influence of such condition upon the health of the operatives, employees, clerks or other persons therein employed, and the purity and wholesomeness of the food therein produced."

The Packinghouse Workers Bill of Rights provides some additional protections to meatpacking workers. However, it does not assign any new powers or responsibilities to DLI other than directing the agency to assist employers with implementation. Most of the rights outlined in the Packinghouse Workers Bill of Rights overlap with protections provided elsewhere in state or federal law. Since the law did not replace or change these protections, the state offices that were addressing those issues continue to do so. For issues related to salary, benefits, leave, and work hours, the implementing office is the DLI Labor Standards unit. For issues related to worker safety, the implementing office is MNOSHA.

LABOR STANDARDS

The Labor Standards unit within the Labor Standards and Apprenticeship Division of DLI encourages and enforces employer compliance with state laws regarding labor-employer relations, wages, child labor, parental leave, and employee rights. It is a relatively small unit, having in fiscal year 2014 only 9.5 full-time-equivalent employees to interact with approximately 139,000 Minnesota employers. The Labor Standards unit has been the lead office within the agency for implementing the Packinghouse Workers Bill of Rights.

DLI administrators said the Labor Standards office is guided by an expectation that nearly all Minnesota employers try their best to comply with state laws governing employment. According to these administrators, many important agency efforts involve outreach and education so that employers know what the laws are. However, the agency's activities with regard to the Packinghouse Workers Bill of Rights did not appear consistent with this stated emphasis.

The Department of Labor and Industry's actions to inform employers of their responsibilities under the Packinghouse Workers Bill of Rights have been inadequate.

The legislature viewed DLI's outreach and education efforts as an important element of the Packinghouse Workers Bill of Rights. The law directed the agency to "develop and implement a strategy to assist employers in providing adequate notice to employees."³ Given the small number of Labor Standards staff, the unit's many responsibilities, and the vast array of workplaces within its sphere of responsibility, it was appropriate for the agency to use discretion in balancing this statutory directive against its other responsibilities. Nonetheless, its inaction in response to this legislative directive is noteworthy.

In September 2007, shortly after the law took effect, the agency sent a mailing to all meat processing employers it could identify to make them aware of the new law. The mailing contained four items: (1) a cover letter, (2) a copy of the statute, (3) a sample poster explaining the law, and (4) a copy of a preexisting MNOSHA publication, "An Employer's Guide to Developing an Employee

³ *Minnesota Statutes* 2014, 179.86, subd. 4.

Right to Know Program.”⁴ The latter publication focused on the requirements of the 1983 Employee Right To Know Act, and did not directly deal with requirements of the Packinghouse Workers Bill of Rights (though there is some overlap between the two laws).⁵ In identifying recipients for the mailing, DLI focused solely on meat processing employers. It did not attempt to send mailings to temporary employment agencies or sanitation companies whose employees work in meatpacking plants.

The agency has taken no significant action since.

DLI has not sent out any reminder mailings since 2007. It has not sent copies of the mailing to meat processing plants that have opened since September 2007. It has not followed up with meat processing employers to see if they are following the requirements of the law, or even if they received the original mailing. It has not put any information regarding the Packinghouse Workers Bill of Rights on its website. It has not conducted any sort of assessment or evaluation to see whether the mailing served its purpose. Agency administrators told us that Labor Standards outreach staff do discuss the Packinghouse Bill of Rights when making presentations to relevant employers or employee groups.

Our site visits indicated that this single mailing was not sufficient to spread awareness of the law. Executives at two of the eight meatpacking employers we visited had never heard of the law or its requirements.⁶ The president of a union local knew of the law (he had lobbied for its passage) but he told us he had no idea how to file a complaint under the law. Most workers to whom we spoke did not know the law existed, though this varied from plant to plant.

Further, the information contained in the 2007 mailing to employers was incomplete and potentially misleading. The cover letter described the other materials in the mailing as “an information packet prepared for duplication and distribution to your employees.” This text strongly suggests that DLI encouraged employers to provide a copy of the packet to each employee without altering its contents. But the packet was entirely in English; simply providing a copy of it to non-English-speaking workers would not have met the requirements of the law. Further, the law does not require employers to give written notice to employees; it allows employers to convey the information “either person to person or through written materials.”⁷ As we noted in Chapter 2, several meatpacking employers we visited told us that some of their employees do not read well in any language. Neither the cover letter nor the poster included in the mailing mentioned the possibility that employers could provide oral notice to employees.

⁴ St. Paul, 2007. The most recent version of the Employer’s Guide is available on the DLI website: http://www.dli.mn.gov/OSHA/PDF/ertk_gi.pdf.

⁵ *Laws of Minnesota* 1983, chapter 316, codified in various sections of *Minnesota Statutes* 2014, 182.

⁶ As we have noted elsewhere, we visited nine meatpacking plants. We visited two plants associated with one employer.

⁷ *Minnesota Statutes* 2014, 179.86, subd. 3.

The mailing contained conflicting and confusing information regarding employers' responsibilities to translate information for employees. The Packinghouse Workers Bill of Rights requires employers to inform workers of their rights using each worker's "native language"—in fact, this requirement is one of the few new provisions of the law.⁸ Neither the cover letter, the poster, nor the Right To Know publication informed employers of this requirement, and two of these documents contained misleading information. On the poster, a small print line at the bottom stated, "This information can be provided to you in alternative formats (Braille, large print, or audiotape)." Since this sentence did not make any reference to other languages, someone reading this poster might have reasonably assumed that translations were *not* available. The publication describing the Employee Right To Know Act described *that* law's language requirements (that training and other information be provided "in a language understood by the employee").⁹ In the entire mailing, the only mention of the language requirement in the Packinghouse Workers Bill of Rights was in the text of the law itself.

Most of the 2007 mailing (34 of the 37 pages) consisted of the publication, "An Employer's Guide to Developing an Employee Right to Know Program." While the Employee Right To Know Act contains important protections for workers, it focuses almost exclusively on exposure to hazardous substances in the workplace. The prominence of this information in the mailing could have led employers and employees to conclude that the Packinghouse Workers Bill of Rights was primarily a restatement of the Employee Right to Know Act, when its reach is actually broader.

Though we did not focus our attention on the meatpacking recruitment law (see Chapter 1), we noted that DLI also has not publicized that law.¹⁰ Unlike the Packinghouse Workers Bill of Rights, the recruitment law does not mandate that DLI create a strategy to promote employer compliance. A department administrator told us that the agency was ready to respond to complaints or requests for information about the law. However, it is unclear how employees or employers would learn of the law's existence. According to DLI, it has received no complaints relating to this law in the past ten years.

However, it is unclear whether increased implementation of the Packinghouse Workers Bill of Rights would produce significant changes in meatpacking workplaces.

As we discussed in Chapter 1, the Packinghouse Workers Bill of Rights is a limited law. Many of its requirements are restatements of state and federal laws. Thus, it is not clear whether a stronger outreach effort by the Labor Standards unit would make much difference.

In our site visits, nearly all plant executives with whom we spoke said that they had made no changes to their practices as a result of the law. At one of the two

⁸ *Ibid.*

⁹ *Minnesota Rules* 5206.1700, subps. 2 and 3; and 5206.1800, subp. 3, posted June 11, 2008.

¹⁰ *Minnesota Statutes* 2014, 181.635.

companies where executives did not know of the law prior to our office's inquiry, executives said that they would not need to make any changes as a result of knowing about the law. At the other, a human resources director told us it already met the law's requirements except that it did not have job descriptions for all positions; in particular, there were no formal descriptions for some employees who moved from task to task on an as-needed basis. The company planned to develop descriptions for those workers to become compliant with the law.

As we noted above, many of the workers we spoke with were unfamiliar with the Packinghouse Workers Bill of Rights. However, once we explained the law's requirements, the workers we interviewed mostly said that their employers did notify workers about the elements required by the law. We did not meet with a random sample of employees, so it is impossible to state whether this view would have been widely shared by all workers within the plant. We note, however, that even employees who were critical of their employers regarding other issues generally had no complaints regarding notifications provided to employees.

Though the workers that we interviewed were chosen by managers, our findings with regard to notification were broadly similar to a report produced by the University of Minnesota Human Rights Program based on interviews of 51 meatpacking workers. That report stated that:

More than two-thirds (67.3 percent) of workers surveyed had not heard of the Packinghouse Workers Bill of Rights.... Despite the noticeable absence of the Bill of Rights from plants, most meatpacking workers (85 percent) surveyed were aware that they had rights more generally.¹¹

Since the passage of the Packinghouse Workers Bill of Rights, DLI has received only one complaint that a company was not following its provisions. Though the lack of complaints could indicate that most companies are fully implementing the law, we consider the lack of agency outreach to be a more likely explanation.

However, even if there were more complaints, DLI's ability to respond would be very limited. The Packinghouse Workers Bill of Rights does not give DLI any authority to investigate complaints or to penalize companies for violations.¹² In fact, the law does not require DLI to create a complaint process or to respond to complaints it receives. Additionally, because of the law's overlap with other employment laws, workers have other avenues of recourse. DLI has received only one complaint specifically tied to the Packinghouse Workers Bill of Rights., But since the law's passage, meatpacking workers and unions have filed complaints with other entities regarding rights covered by the law, such as MNOSHA and the National Labor Relations Board.

¹¹ Barbara A. Frey, Chris Strunk, and Alyssa Erickson, "Meatpacking in Minnesota: An Assessment of the Packinghouse Bill of Rights," University of Minnesota Human Rights Program (Minneapolis, 2009), 4.

¹² DLI does have the ability to penalize companies for violating the meatpacking recruitment law.

OCCUPATIONAL SAFETY AND HEALTH

The federal Occupational Safety and Health Act of 1970 led to the establishment of the Occupational Safety and Health Administration (OSHA), housed in the federal Department of Labor.¹³ OSHA seeks to assure safe and healthful working conditions for private and public sector employees in the U.S. The act encourages states to develop and operate their own occupational safety and health programs, and 21 states and Puerto Rico currently do so.¹⁴ Minnesota has had its own OSHA program (MNOSHA) since 1973. OSHA approves and monitors state plans and pays up to 50 percent of their operating costs.

Having a state OSHA plan allows Minnesota to set separate standards that equal or exceed those of the federal government. In general, Minnesota standards mirror the federal OSHA standards. However, Minnesota has chosen to adopt its own standards in some instances—for example, Minnesota uses somewhat different standards for confined spaces and “lockout/tagout” of potentially dangerous machinery in the construction industry. Minnesota also requires companies in high-risk industries to create and implement a comprehensive safety and health plan called an AWAIR program (“a workplace accident and injury reduction” program). Meatpacking is one of the industries covered by the AWAIR requirement, but Minnesota has set no state-level standards that apply specifically to meat processing beyond that.

Nearly all Minnesota employers are required to meet MNOSHA safety standards in the workplaces they manage.¹⁵ MNOSHA enforces compliance with the standards through unannounced workplace inspections. In federal fiscal year 2014 (October 2013 to September 2014), 55 MNOSHA inspectors carried out 2,554 inspections of Minnesota workplaces, many of which were partial inspections. Since there are roughly 165,000 work sites in Minnesota, the chance that any particular workplace will receive a full inspection during a given year is small.

Minnesota OSHA targets meatpacking employers for more frequent inspections than other employers because of the industry’s historically high injury rates.

Given its limited resources and the vast number of workplaces under its jurisdiction, MNOSHA must prioritize which workplaces to target for inspections. Though any workplace may be inspected at any time, MNOSHA places a higher priority on some workplaces, such as establishments that are the subject of complaints or where there have been serious injuries.

MNOSHA also prioritizes some workplaces through its “local emphasis program.” MNOSHA analyzes data on injuries at Minnesota companies using

¹³ Public Law 91-596.

¹⁴ *Ibid.*, sec. 18. Four additional states and the U.S. Virgin Islands operate programs that cover public employees only.

¹⁵ MNOSHA standards do not apply to federal government employers.

data from the Workers' Compensation program and from Minnesota employers who take part in a nationwide survey. MNOSHA uses the data to identify types of workplaces that experience higher than average injury rates. MNOSHA also consults with its field inspectors about trends they see when they are conducting their inspections.

Workplaces identified through these methods as having higher injury risks are targeted for local emphasis program inspections. In some instances, the identified patterns include all workplaces in a specific industry, such as foundries or meatpacking plants. In other instances, the patterns are characteristics that cut across industries, such as the use of a particular chemical. In most recent years, two-thirds to three-fourths of all MNOSHA inspections have been emphasis program inspections.

Meatpacking plants have been a component of MNOSHA's local emphasis program since the program's inception in 1990. In recent years, MNOSHA has expanded the meatpacking emphasis program twice. In federal fiscal year 2012, MNOSHA began doing health inspections in addition to the safety inspections it was already doing. Safety inspections mostly focus on the potential for immediate injury due to sudden events like equipment accidents or falls. Health inspections focus on short-term and long-term threats to health, such as exposure to chemicals or noise. A year after adding health inspections, MNOSHA expanded the meatpacking emphasis program again by adding outside companies contracted to clean and sanitize meatpacking workplaces to its inspection protocol.¹⁶

Currently, MNOSHA's program goal is to conduct six inspections annually at meatpacking plants beyond those that it carries out for other reasons, such as in response to a complaint. Further, though this is not formally a part of the emphasis program, our review of MNOSHA inspection data suggests that complaints about meatpacking plants are somewhat more likely to result in MNOSHA inspections than complaints about other manufacturing facilities. From 2004 through 2013, 58 percent of complaints about meatpacking firms resulted in MNOSHA inspection visits, while 50 percent of complaints from all other manufacturing companies resulted in inspections. The meatpacking emphasis program is a state initiative; there is no national meatpacking emphasis program. Thus, meatpacking plants in Minnesota are probably more likely to be inspected than plants in most other states.

Minnesota OSHA has relied on inconsistent, self-reported information to identify meatpacking establishments for targeted inspections.

To identify meatpacking establishments that might be visited as part of the local emphasis program, MNOSHA has relied on information gathered through companies' payroll data filed with the Department of Employment and Economic

¹⁶ If a meatpacking plant chosen for a local emphasis inspection contracts with an external firm for cleaning and sanitation services, that contractor's operations are added to the inspection.

Development (DEED) for unemployment insurance purposes.¹⁷ In addition to the payroll data, companies report several other pieces of information which are used for research purposes. These items include the type of industry the company is engaged in and the different locations where its employees work.¹⁸ MNOSHA has relied on these data to create its list of potential sites to visit as part of the meatpacking emphasis program.

However, these data are not needed for unemployment insurance purposes, are not verified by unemployment insurance staff, and are not intended to be used for enforcement purposes. The Labor Market Information office within DEED does some checking and correcting of this data to improve its usefulness for research, but it still relies heavily on self-reported information.

Our office reviewed the list of potential inspection sites assembled by MNOSHA using the data it received from DEED. We identified two meatpacking plants, each employing over 100 workers, which were not on this list due to inaccuracies in the data MNOSHA received from DEED. As a result, these establishments have not been scheduled for inspections through the meatpacking local emphasis program.¹⁹

More complete data sources exist that MNOSHA could use. The United States Department of Agriculture's Food Safety Inspection Service publishes on its website a list of meat- and egg-producing facilities in the United States. Because meat must be inspected to be sold and the list is derived from data submitted by inspectors, its accuracy and completeness are likely to be better than the unverified data used by MNOSHA. Both of the meatpacking plants absent in MNOSHA's listing appear on this list.

Meatpacking establishments have been cited for violating Minnesota OSHA regulations at about the same rate as other manufacturers targeted for inspection.

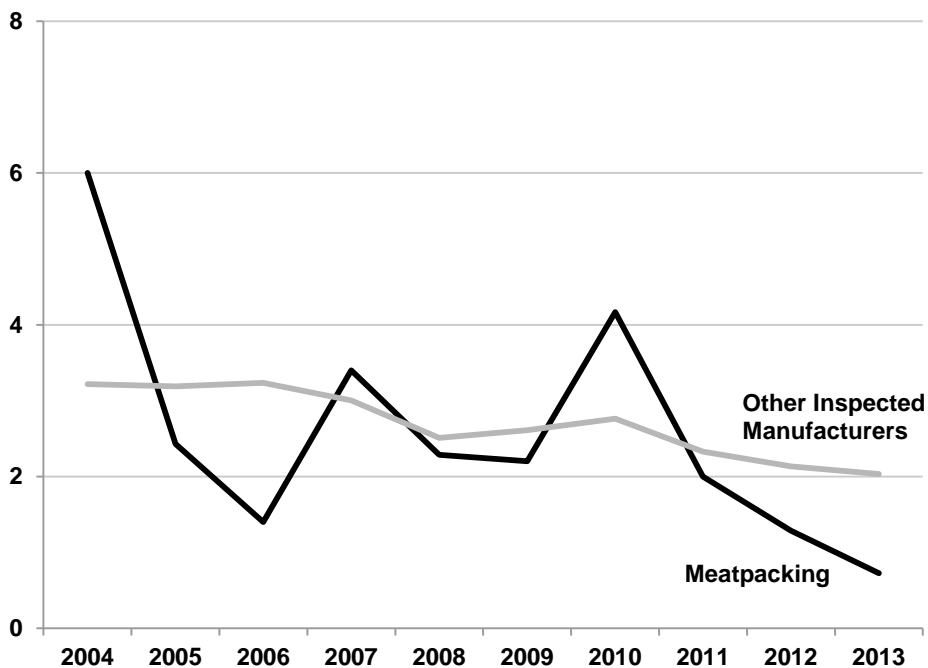
From 2004 to 2013, major meatpacking establishments visited by MNOSHA inspectors received an average of 2.6 violations per inspection. This amount was fairly similar to the 2.7 average for other manufacturing plants (see Exhibit 3.1). However, MNOSHA does not inspect companies randomly. It prioritizes companies that have higher reported rates of injuries and workers' compensation claims. It also prioritizes companies at which a serious or fatal injury occurs or for which a complaint has been lodged. Under the meatpacking emphasis program, meatpacking companies are still prioritized for inspection even if they

¹⁷ MNOSHA also uses data from a federal survey of all employers. The survey includes only a sample of employers, so MNOSHA's primary method of ensuring it has a complete list of meatpacking employers is the DEED data.

¹⁸ Companies state the type of industry they belong to using a North American Industry Classification (NAICS) code. We discussed some limitations to the use of NAICS codes in Chapter 1.

¹⁹ One of these plants has been inspected by MNOSHA for other reasons. However, despite knowing of the plant's existence, MNOSHA did not add the plant to its list of potential meatpacking emphasis inspection locations.

Exhibit 3.1: Average Number of Violations per MNOSHA Inspection, 2004-2013



NOTES: Meatpacking violations shown above are for major meatpacking plants; we excluded smaller operations with few employees. Violations are assigned to the year the inspection occurred.

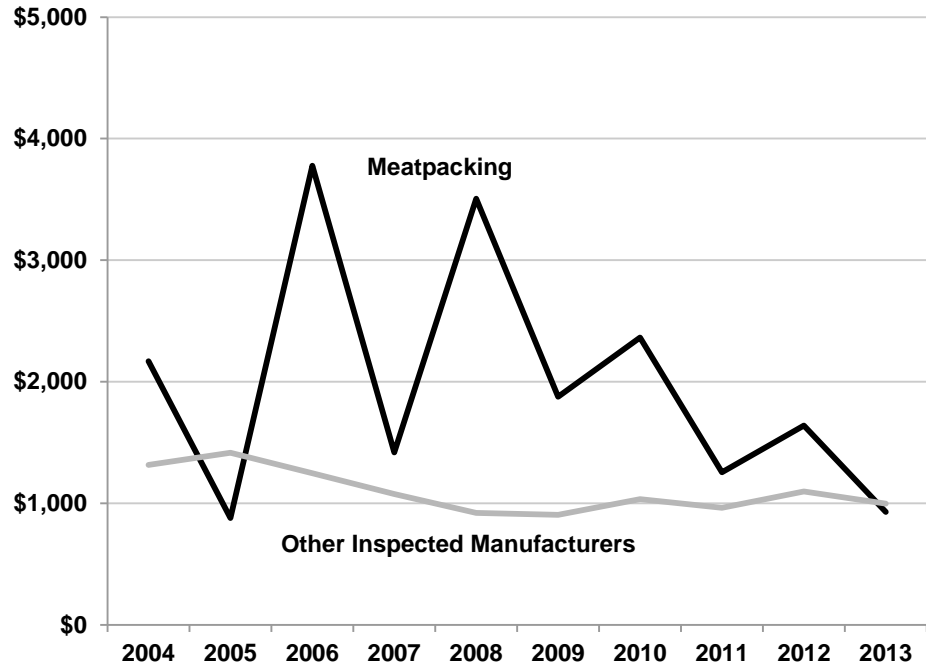
SOURCE: Office of the Legislative Auditor, analysis of Department of Labor and Industry data.

do not fall into any of these categories. Thus, meatpacking plants have citation rates about as high as manufacturers considered to be at high risk.

In most years, as Exhibit 3.2 shows, violations at major meatpacking plants led to higher penalty amounts than the violations found at other manufacturing facilities.²⁰ Penalty amounts are based, in part, on the extent of the hazard posed by the violation. The higher penalty amounts suggest that the violations found at meatpacking plants tended to pose a greater threat to worker safety than those found at other manufacturing plants. However, in recent years, the difference between meatpacking and other manufacturers has been smaller.

²⁰ The penalty amounts shown in the chart are “adjusted” penalty amounts, which are often reduced by MNOSHA based on factors unrelated to the violation itself, such as the employer’s “good faith” and its track record of resolving previous violations.

Exhibit 3.2: Average Total Penalty per OSHA Inspection, 2004-2013



NOTES: Meatpacking penalties shown above are for major meatpacking plants; we excluded smaller operations with few employees. Penalties are assigned to the year the inspection occurred. Amounts are the final amount after any resolution of disputes.

SOURCE: Office of the Legislative Auditor, analysis of Department of Labor and Industry data.

MNOSHA codes initial violations into one of four categories: nonserious, serious, willful, or repeated.²¹ Serious, willful, and repeated violations are more significant than nonserious violations and generally carry greater penalties. Serious violations (where the hazardous condition could cause a serious injury) are the most common type of violation issued by MNOSHA to all manufacturing establishments, including meatpackers. Most of the remaining violations are nonserious. Willful violations (where an employer knows that a hazardous situation that violates MNOSHA rules exists but does not abate it) and repeated violations (where an employer is cited again for the same violation within a three year period) are rare. The levels of serious, willful, and repeated violations at major meatpacking establishments have been similar to those at other manufacturing plants over the past ten years.

We compared meatpackers' inspection outcomes with foundries and nursing homes, two other industries that are also prioritized by MNOSHA's local

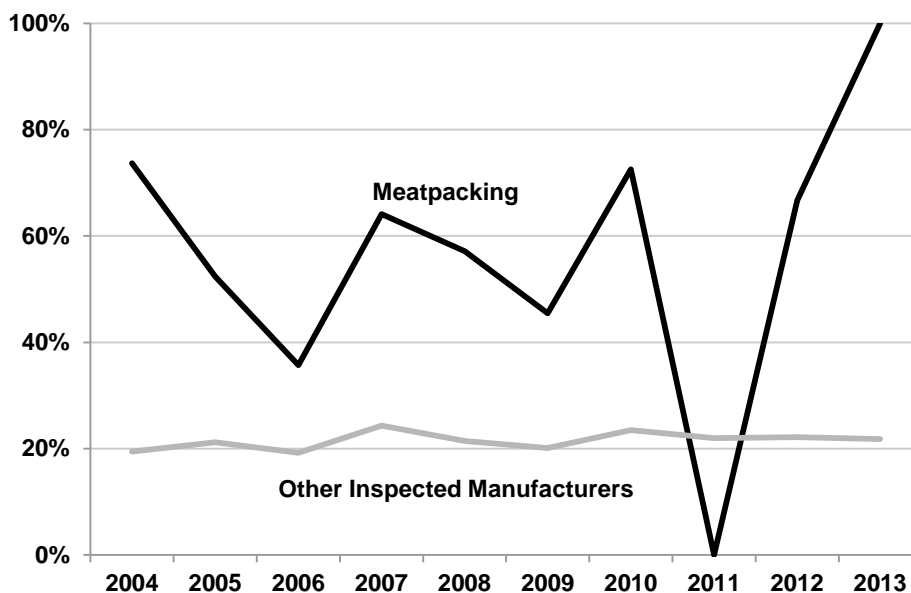
²¹ Two additional types of violations exist. "Failure to abate" violations are only issued if follow-up visits find that previous violations have not been corrected; they are never coded the first time a violation is found. A "fatality penalty" may be issued if a violation results in a fatality. This code is applied in addition to a nonserious, serious, willful, or repeated violation code.

emphasis program. Generally speaking, meatpacking establishments had similar numbers of violations, similar percentages of serious violations, and similar average penalty amounts to these two other industries.

Major meatpacking firms were much more likely to contest MNOSHA violations than other manufacturers.

Major meatpackers have consistently contested MNOSHA violation notices at a much higher rate than other manufacturers, as shown in Exhibit 3.3. In 2013, every single violation notice was contested. When asked, MNOSHA administrators said they did not know why meatpacking firms were more likely to contest citations.

Exhibit 3.3: Percentage of MNOSHA Violations Contested, 2004-2013



NOTES: Meatpacking violations shown above are for major meatpacking plants; we excluded smaller operations with few employees. Violations are assigned to the year the inspection occurred.

SOURCE: Office Of the Legislative Auditor, analysis of Department of Labor and Industry data.

Chapter 4: Recommendations and Policy Options

In this chapter, we suggest some actions that the Department of Labor and Industry (DLI) and the Legislature could take to better address working conditions in the meatpacking industry. Many of the suggestions we make to the Legislature are presented in the form of policy options. Although existing law could be strengthened with regard to meatpacking employers, we also raise some questions about the extent to which legislation and enforcement should target this particular industry.

DEPARTMENT OF LABOR AND INDUSTRY

In many ways, DLI's ability to pursue additional actions to protect meatpacking workers is limited. As we described in Chapter 3, DLI has a relatively small staff given the number of employers in the state. Further, the budgets for its Labor Standards unit and Occupational Safety and Health Division (MNOSHA) have been falling. Compared with 2009 funding levels, allocations for Labor Standards have declined 6 percent, allocations for MNOSHA's compliance unit have declined 10 percent, and allocations for MNOSHA's consultation unit have declined 13 percent after accounting for inflation. When the Legislature passed the Packinghouse Workers Bill of Rights, it did not give DLI additional resources or powers to aid in its implementation of the law. By simply adding the Packinghouse Workers Bill of Rights to the agency's responsibilities, the Legislature implicitly left the extent of its implementation to agency discretion.

However, in our view, the agency's inaction with regard to the Packinghouse Workers Bill of Rights cannot simply be justified by limited budgets and agency discretion. DLI has not adequately followed the Legislature's direction to "develop and implement a strategy to assist employers in providing adequate notice and education to employees."¹

RECOMMENDATION

The Department of Labor and Industry should do more to publicize the Packinghouse Workers Bill of Rights.

The agency can take several simple steps that would substantially increase familiarity with the Packinghouse Workers Bill of Rights.

First, DLI should repeat its mailing to employers on a regular basis, perhaps annually or every two years. Second, the mailing should provide a means for employers to reply to DLI indicating how they comply with the law's provisions.

¹ *Minnesota Statutes* 2014, 179.86, subd. 4.

There are several possibilities—the mailing could include a form to be mailed back, or could ask employers to enter information at an agency website.² Responses would confirm both that the mailing reached its intended recipients and that companies are aware of their responsibilities under the law. DLI should follow up with employers who do not respond (perhaps excluding very small firms).

Third, DLI should place information about the Packinghouse Workers Bill of Rights on its website (if possible, in several languages). Employees should be able to find out more about the law through a web search, including whom to contact at DLI to make an inquiry or complaint. Additionally, employers wishing to learn more about their responsibilities under the law should be able to find such information on the agency’s website. One of the plant executives we interviewed expressed puzzlement that he could not find out more in advance of our visit by visiting DLI’s website.

Fourth, in conjunction with efforts to increase awareness of the Packinghouse Workers Bill of Rights, DLI should also distribute information about the meatpacking recruitment law. That law applies to the same employers as the Packinghouse Bill of Rights and its requirements are related. Although that law does not require DLI to publicize its existence, it would require little additional effort to include it on the agency’s web pages and in mailings regarding the Packinghouse Workers Bill of Rights.

RECOMMENDATION

Minnesota OSHA should use additional means to identify meatpacking employers subject to its targeted inspection program.

As we discussed in Chapter 3, MNOSHA targets meatpacking employers for additional inspections through its local emphasis program. However, it identifies employers that are subject to these targeted inspections using inconsistent data. As a result, two major Minnesota meatpackers have not been identified by MNOSHA and are not part of its list of potential inspection sites. As a general rule, state agencies with enforcement authority should verify the data that they use to carry out their activities to the extent feasible. In this instance, such verification is relatively easy using publicly available data from the United States Department of Agriculture’s Food Safety Inspection Service. MNOSHA should routinely make use of this alternative source of information on meatpacking employers.

PACKINGHOUSE WORKERS BILL OF RIGHTS

Our recommendations to DLI are constrained by the limited scope of the Packinghouse Workers Bill of Rights. To the extent that the Legislature wants greater protections extended to meatpacking workers, it would need to pass additional legislation. However, we are hesitant to make recommendations for such legislation because the Legislature’s intent is unclear. We make one

² Such a response form would not need to be a heavy paperwork burden to employers; a simple checklist with space for additional comments could be sufficient.

recommendation below that the Legislature clarify current law. In the next section, we discuss various approaches the Legislature might adopt depending on what areas it deems of greatest concern.

RECOMMENDATION

The Legislature should clarify ambiguous terms in the Packinghouse Workers Bill of Rights.

There are two sections of the Packinghouse Workers Bill of Rights where adjustments in statutory language would more clearly convey the Legislature's intent.

First, the law does not adequately define the phrase “employers in the meatpacking industry.” As we discussed in Chapter 1, the word “meatpacking” has different meanings in different contexts. Leaving the term undefined makes the law's applicability ambiguous. For example, it is not clear whether companies that specialize in cleaning meat processing facilities should be governed by the law's requirements. It is also unclear whether meatpacking is intended to include all meat production processes, or only those leading to retail food products. Finally, it is unclear if the Legislature intended the law to apply to meatpacking employers of any size. The Nebraska law upon which the Minnesota law was originally patterned provides a clearer definition of its applicability—for example, it does not include sanitation workers but does include pet food manufacturers.³

Second, the law's requirement that every worker be informed of rights in the worker's “native language” should be adjusted. Some employees—for example, those who emigrated as children—may communicate in a second language as well as or even better than in their first language. The requirement that information be provided using the employee's “native” tongue is overly prescriptive and occasionally burdensome. If, for example, an employee speaks Spanish fluently but the employee's native tongue is actually an indigenous language found in their home region in Central America, it should be sufficient for the company to provide notification in Spanish. The law should allow employers to provide information in a language which the employee speaks fluently. Alternatively, the law could be adjusted to read “in an employee's native language or a language chosen by the employee.”

Similarly, our visits to meatpacking plants suggest that the language requirements of the meatpacking recruitment law—that employers provide information to relocating workers in English and Spanish—are out of date. Many immigrants currently working in Minnesota's meatpacking industry come from Africa or Asia. Further, legislators may wish to reconsider that law's requirement for written notification given some workers' inability to read.

³ *Nebraska Revised Statutes* 2014, sec. 48-2208 (8).

ADDITIONAL POLICY OPTIONS

The passage of the Packinghouse Workers Bill of Rights suggested that legislators believed some Minnesota workers could be vulnerable to mistreatment or injury because they lack familiarity with state and federal laws that protect them. The law sought to give employees tools to seek recourse if improper treatment occurred and to prompt employers to avoid improper actions in the first place.

However, we are doubtful that the law was the most direct or efficient means to accomplish broader legislative goals. We are critical of DLI's implementation of the law, but there is no guarantee that better implementation would have reduced injuries or meaningfully helped workers. As we described in Chapter 1 and Chapter 3, much of the Packinghouse Workers Bill of Rights restates requirements that are found elsewhere in federal or state law. The law provides no resources for DLI to monitor or enforce compliance.

Further, the law's focus on meatpacking ignores other industries where workers may be similarly vulnerable. Academic research has suggested that immigrant workers are more likely to work in risky professions than workers born in the United States. One study further found that among immigrants, those with limited English skills and low education levels were even more likely to work in risky jobs.⁴ However, the Packinghouse Workers Bill of Rights singles out meatpackers—it does not apply to workers in other industries with high rates of injury and large numbers of immigrant workers, such as agriculture and construction.

Lastly, the Packinghouse Workers Bill of Rights does not require employers to notify workers of all protections afforded them by law. For example, Minnesota employers must give full-time workers opportunities for meal and restroom breaks and must give parents time off of work to attend school conferences that cannot be rescheduled to nonwork hours.⁵ Minnesota employers meeting certain criteria must also establish joint management-labor safety committees in which the employee representatives are chosen by their peers.⁶ However, the Packinghouse Workers Bill of Rights does not require employers to advise workers that these laws exist.

The Legislature could pursue several different courses of action to address these limitations. We discuss some of them below without making recommendations. We avoid recommendations for several reasons. First, the Legislature's priorities are unclear—if its primary goal is to reduce injuries, its choices might be different than if its primary goal is to increase immigrant workers' familiarity with state and federal laws. Second, some of the options we present would expand the reach of the law to employers outside of the meatpacking industry.

⁴ Pia M. Orrenius and Madeline Zavodny, "Do Immigrants Work in Riskier Jobs?" *Demography* 46(3) (2009): 535-551.

⁵ *Minnesota Statutes* 2014, 177.254, and 181.9412.

⁶ *Minnesota Statutes* 2014, 182.676; and *Minnesota Rules*, 5208.0030, posted June 11, 2008.

However, our evaluation's focus on meatpacking meant that we did not look at how DLI interacts with other employers or how other employers handle similar issues. Third, we did not examine costs for any of these policy options.

- 1. Apply the protections in the Packinghouse Workers Bill of Rights to employers in other industries.** As we have noted above, meatpacking plants are not the only Minnesota employers with many immigrants in their workforces, nor are they the only employers whose employees may be exposed to dangerous working conditions. Broadening the scope of the law to include more employers could make more Minnesota workers in challenging situations aware of their rights under state and federal law.

For example, the Legislature could expand the law to cover employers who are required to create an accident reduction (AWAIR) plan.⁷ Such a requirement could increase knowledge about state and federal protections among employees in industries with high injury rates. Alternatively, the Legislature could expand the law to cover employers with significant immigrant workforces. For example, the Nebraska Meatpackers Bill of Rights is folded into a section of Nebraska state law titled the "Non-English-Speaking Workers Protection Act." The Nebraska law applies additional requirements upon employers who (1) have at least 100 employees, (2) actively recruit non-English-speaking employees residing more than 500 miles from the job location, and (3) have a workforce in which more than 10 percent of employees speak the same non-English language.⁸

However, simply expanding the coverage of the law may have limited effects unless DLI is given the resources and authority to monitor and enforce compliance.

- 2. Provide incentives for meatpacking companies (or a larger set of companies) to meet certain goals.** Governments have alternatives to regulation, monitoring, and enforcement when seeking to influence the behavior of private employers. One alternative approach is to reward companies that take positive steps.

Current examples of this approach include the Minnesota Safety and Health Achievement Recognition Program (MNSHARP) and the Minnesota Star Program (MNSTAR), both administered by MNOSHA. To participate in either program, companies must develop and maintain safety and health programs that go beyond minimum MNOSHA requirements. Participating companies are publicly recognized and

⁷ We described the AWAIR plan in Chapter 2. AWAIR plan means "a workplace accident and injury reduction" plan. Categories of employers required to create AWAIR plans are listed in *Minnesota Rules*, 5208.1500, posted January 7, 2015.

⁸ See *Nebraska Revised Statutes* 2014, secs. 48-2207 through 48-2214.

become exempt from programmed MNOSHA inspections once they meet certain criteria.⁹

MNSHARP is aimed at small, high-hazard employers. As a result, most major Minnesota meatpackers are ineligible because the program is limited to work sites with less than 250 employees. However, two smaller meat processing plants, Huisken Meat Company and Rochester Meat Company, are participants.

The MNSTAR program is open to participation by any employer, regardless of hazard levels in the employer's industry. Participation in MNSTAR requires extensive documentation and detailed paperwork; the administrator of the program noted that nearly all companies that successfully apply are large businesses that employ teams of professional safety staff. Very few companies participate—there are currently only 36 MNSTAR employers, suggesting many companies may not find the offered incentives to be worth the effort required to become eligible. Currently, there are no meatpacking companies in the program.

The Legislature could consider providing additional incentives—either to meatpacking firms only or to all companies in high-hazard industries—for voluntarily implementing best-practice safety policies. Similarly, the Legislature could provide incentives to companies with high numbers of immigrant workers who demonstrate unusual care in the treatment of their employees.

The Legislature could also promote innovative approaches to protecting worker health and safety. As we discussed in Chapter 2, meatpacking workers are at high risk for repetitive stress injuries. OSHA's required injury reports may not fully document such injuries. The Legislature could provide incentives to prompt meatpacking companies to monitor repetitive stress injuries in ways that go beyond OSHA requirements and to experiment with approaches to reduce the frequency and intensity of such injuries.

However, as with any voluntary program, benefits would only reach those workers whose companies choose to participate. Companies most likely to participate in incentive programs may be those who would treat their workers well in any case. Further, we would caution the Legislature against basing safety incentives on self-reported injury rates. Accurate reporting of injuries is vitally important; it would be unwise to create incentives that could reward underreporting.

- 3. Increase the outreach capacity of the Department of Labor and Industry.** A third option the Legislature can consider is increasing resources for DLI so that the agency can ramp up its efforts to educate employers and employees. As we recommended above, we think that

⁹ MNSHARP and MNSTAR companies may still be inspected as a result of a complaint or major workplace accident. The exemption is not indefinite; companies must continue to actively participate in the programs for the exemption to be renewed.

DLI can and should do more to distribute information about the Packinghouse Workers Bill of Rights. However, there are limits to what the agency can do with currently available resources.

The DLI Labor Standards unit currently has a single full-time outreach coordinator who works in the field making presentations to and maintaining contacts with employers, workers, and community-based organizations. Increasing the number of people in this role could increase the familiarity of Minnesota workers with state and federal protections without relying on employers to convey this information. The Legislature could increase outreach either by increasing agency funding or directing DLI to reallocate resources from other functions.

However, even doubling or tripling DLI's Labor Standards outreach staff would not be sufficient to reach all Minnesota employees. Any effort to be comprehensive must include actions by the employers themselves.

- 4. Increase the enforcement capacity of MNOSHA or DLI Labor Standards.** As we discussed above, MNOSHA's funding has declined over the past five years after accounting for inflation. As a result, the division employs fewer inspectors and visits fewer work sites than it has in the past.

Because the state has its own OSHA plan, MNOSHA is jointly funded by the state and the federal government. The federal government allocates an amount to the agency which the state must match. However, the state could contribute significantly more than its share in order to better enable the agency to keep pace with inflation. Historically, however, it has not done so. In contrast, the state has contributed much more than its required share to MNOSHA's consultation unit, which assists employers to meet MNOSHA requirements. (The required state match for the consultation unit is much smaller.)

Strengthening MNOSHA would be an indirect means to address some issues covered by the Packinghouse Workers Bill of Rights. MNOSHA's jurisdiction includes almost all Minnesota employers, and it does not pay particular attention to workplaces based on the presence of immigrants, the amount of worker turnover, or other factors not directly related to safety and health. Nonetheless, MNOSHA plays a key role within state government—its ability to make unannounced inspections at places of employment and to require companies to address potential hazards to workers is unique.

A more direct method to address working conditions in meatpacking plants would be to give the DLI Labor Standards unit greater authority or resources to monitor and enforce the requirements of the Packinghouse Workers Bill of Rights. Currently, DLI has no clear authority to require companies to demonstrate compliance, investigate complaints, or take action against companies that do not comply. There is no complaint process outlined in law or rule.

In connection with its Meatpacking Workers Bill of Rights, Nebraska created a “meatpacking industry worker rights coordinator” position within the Nebraska Department of Labor appointed directly by the Governor. The coordinator has legal authority to inspect meatpacking work sites, review selected employment records, and interview employees. However, the coordinator has no ability to sanction employers if he or she finds that they are not complying with the Meatpacking Workers Bill of Rights. Instead, the coordinator is directed to make recommendations to the Nebraska Legislature.¹⁰

If the Legislature wishes to give DLI additional enforcement authority, it may not be necessary to create a separate position to perform this function. Instead, additional enforcement authority and funding could simply be given to the Commissioner of Labor and Industry. Further, to the extent that the Legislature may choose to expand the requirements of the Packinghouse Workers Bill of Rights to workers in other industries, giving the Commissioner broad enforcement authority may be easier for the agency to implement.

5. **Make no changes beyond the recommendations above.** Remaining with the status quo is also an option. Although the Packinghouse Workers Bill of Rights will likely have limited impact even if fully implemented, we did not find that it caused problems or was burdensome for employers to comply with. If the Legislature clarifies unclear terms in the law and DLI puts into place an ongoing implementation strategy, more employers may learn about their obligations and more workers may learn about their rights.

¹⁰ *Nebraska Revised Statutes* 2014, secs. 48-2213 and 48-2214.

List of Recommendations

- The Department of Labor and Industry should do more to publicize the Packinghouse Workers Bill of Rights. ([p. 41](#))
- Minnesota OSHA should use additional means to identify meatpacking employers subject to its targeted inspection program. ([p. 42](#))
- The Legislature should clarify ambiguous terms in the Packinghouse Workers Bill of Rights. ([p. 43](#))

Appendix: Packinghouse Workers Bill of Rights

179.86 PACKINGHOUSE WORKERS BILL OF RIGHTS.

Subdivision 1. Definition. For the purpose of this section, “employer” means an employer in the meatpacking industry.

Subdivision 2. Right to adequate equipment. An employer must furnish its employees with equipment to safely perform their jobs under OSHA standards.

Subdivision 3. Information provided to employee by employer.

(a) An employer must provide an explanation in an employee’s native language of the employee's rights and duties as an employee either person to person or through written materials that, at a minimum, include:

- (1) a complete description of the salary and benefits plans as they relate to the employee;
- (2) a job description for the employee’s position;
- (3) a description of leave policies;
- (4) a description of the work hours and work hours policy; and
- (5) a description of the occupational hazards known to exist for the position.

(b) The explanation must also include information on the following employee rights as protected by state or federal law and a description of where additional information about those rights may be obtained:

- (1) the right to organize and bargain collectively and refrain from organizing and bargaining collectively;
- (2) the right to a safe workplace; and
- (3) the right to be free from discrimination.

Subdivision 4. Commissioner duties. The commissioner of labor and industry in consultation with the commissioner of human rights must develop and implement a strategy to assist employers in providing adequate notice and education to employees of their rights under this section. The commissioner shall assign the duty to implement the strategy to a specific identified position in the department. The position, along with contact information, must be included on printed materials the department prepares and distributes to carry out the commissioner’s duties under this section.

January 16, 2015

James Nobles
Legislative Auditor
Centennial Office Building
658 Cedar Street, Room 140
St. Paul, MN 55155

RE: Packinghouse Workers Bill of Rights

Dear Mr. Nobles:

Thank you for the opportunity to review and respond to the Office of Legislative Auditor's evaluation and recommendations regarding the Department of Labor and Industry's implementation of directives contained in the Packinghouse Workers Bill of Rights Act, Minn. Stat. 179.86.

Please extend my thanks to your staff for their professionalism throughout OLA's review.

DLI is committed to ensuring healthy and safe workplaces in Minnesota. Pursuant to that mission various units of DLI engage in outreach to workers to educate them about their workplace rights. In addition, the Compliance division of MN Occupational Safety and Health Administration (MNOSHA) inspects workplaces throughout the state to ensure safe working conditions and to educate employers about safety.

Every workplace injury in our state is one too many. Nevertheless, as the Report points out, in recent years meatpacking in Minnesota has seen falling injury rates.

Since 1990, MNOSHA Compliance has targeted meatpacking employers for additional inspections and requires that these companies implement a comprehensive safety and health plan through the workplace accident and injury reduction (AWAIR) program. Also, in 2013, MNOSHA Compliance expanded its meatpacking inspection program by adding employers who provide cleaning and sanitation services to the industry.

I appreciate the candor, advice, and valuable perspective the Report has provided to DLI on its work. Based upon Report's recommendations, DLI will take the following steps.

First, DLI's Labor Standards Division will disseminate information regarding the Packinghouse Worker Bill of Rights Act and Minn. Stat. §181.635 to the meatpacking industry on a bi-annual

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basis, increase its electronic communications about the Act and seek feedback to gauge industry responsiveness to these communications.

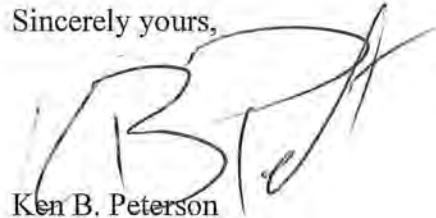
Second, the DLI's website will contain the Packinghouse Workers Bill of Rights, a sample poster explaining the Bill of Rights, the recruiting requirements of Minn. Stat. §181.635, a sample recruiting disclosure form, and related information. Multiple links will direct employees and employers to that information. Posters will be produced in several languages.

In taking these steps I note the Report's finding that because of the limited requirements of the Packinghouse Workers Bill of Rights, "it is not clear that greater publicity would lead to improved conditions in meatpacking plants." Nevertheless, at DLI we believe that additional awareness of employers of their obligations can't hurt and can only help them provide safer workplaces to their employees. I am asking the manager of DLI's Labor Standards Division, John Aiken, to direct implementation of these two steps.

Finally, starting immediately DLI's MNOSHA Compliance will utilize the US Department of Agriculture's Food Safety Inspection Services data to ensure that its list of employers in the meatpacking industry is complete. We agree that the USDA list will provide a very useful supplement to currently used sources.

Once again I appreciate the opportunity to review and comment on the Evaluation Report.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Ken B. Peterson', written over a light blue horizontal line.

Ken B. Peterson
Commissioner
Minnesota Department of Labor and Industry

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