



## Agricultural Policy ADVISORY ■

**MARCH 29, 2021**

### Agricultural Employers Face Increased Federal Enforcement

by [Kristi Boswell](#)

On March 25, 2021, the Department of Labor's Wage and Hour Division (WHD) [launched](#) an initiative aimed at increasing enforcement on agricultural employers. According to the release, the WHD is developing targeted outreach and education efforts to promote farmworker rights as well as "educating growers, farm labor contractors, other agricultural employers and industry stakeholders to ensure that they understand their responsibilities." The division has encouraged workers to [file a complaint](#) if a violation occurs.

This initiative also announces that the Department of Labor is taking stronger steps to enforce employer compliance with established federal labor laws. According to the department, "in fiscal year 2020, the Wage and Hour Division conducted more than 1,000 investigations in agriculture and found more than \$7 million in back wages owed to more than 11,000 workers. In its investigations, the division assessed employers with more than \$6 million in civil money penalties." The WHD has also stated it will debar for up to three years H-2A employers that do not comply with the program requirements. Stronger enforcement has been called for by farm labor as well as greater awareness toward violations carried out by farm labor contractors, one of the fastest growing sectors of farm labor employment.

To assist employers, the WHD has developed an [Agricultural Compliance Assistance Toolkit](#). The toolkit consolidates helpful information for agricultural employers, including information on the H-2A visa program, Migrant Seasonal Agricultural Worker Protection Act, and Fair Labor Standards Act, and information for registering as a farm labor contractor.

This announcement comes on the heels of President Biden [proclaiming](#) March 23, 2021 as National Agriculture Day. The action aligns not only with National Agriculture Week, but [National Farmworker Awareness Week](#), coordinated by Student Actions with Farmworkers.

[Subscribe](#) to our new Agricultural Policy advisory list to keep up with the latest trends, regulations, and policies.

This alert is published by Alston & Bird LLP to provide a summary of significant developments to our clients and friends. It is intended to be informational and does not constitute legal advice regarding any specific situation. This material may also be considered attorney advertising under court rules of certain jurisdictions.

You can subscribe to future *Agricultural Policy*, *Legislative & Public Policy*, and *Food, Drug & Device/FDA* advisories and other Alston & Bird publications by completing our [publications subscription form](#).

If you have any questions or would like additional information, please contact your Alston & Bird attorney or any of the following:

Nowell D. Berreth  
404.881.4481  
nowell.berreth@alston.com

Daniel G. Jarcho  
202.239.3254  
daniel.jarcho@alston.com

Marc J. Scheineson  
202.239.3465  
marc.scheineson@alston.com

Kristi Boswell  
202.239.3236  
kristi.boswell@alston.com

Samuel D. Jockel  
202.239.3037  
sam.jockel@alston.com

Angela M. Spivey  
404.881.7857  
angela.spivey@alston.com

Cathy L. Burgess  
202.239.3648  
cathy.burgess@alston.com

Hon. Earl Pomeroy  
202.239.3835  
earl.pomeroy@alston.com

Benjamin K. Wolf  
202.239.3035  
ben.wolf@alston.com

# ALSTON & BIRD

WWW.ALSTON.COM

© ALSTON & BIRD LLP 2021

ATLANTA: One Atlantic Center ■ 1201 West Peachtree Street ■ Atlanta, Georgia, USA, 30309-3424 ■ 404.881.7000 ■ Fax: 404.881.7777  
 BEIJING: Hanwei Plaza West Wing ■ Suite 21B2 ■ No. 7 Guanghai Road ■ Chaoyang District ■ Beijing, 100004 CN ■ +86.10.85927500  
 BRUSSELS: Level 20 Bastion Tower ■ Place du Champ de Mars ■ B-1050 Brussels, BE ■ +32 2 550 3700 ■ Fax: +32 2 550 3719  
 CHARLOTTE: One South at The Plaza ■ 101 South Tryon Street ■ Suite 4000 ■ Charlotte, North Carolina, USA, 28280-4000 ■ 704.444.1000 ■ Fax: 704.444.1111  
 DALLAS: Chase Tower ■ 2200 Ross Avenue ■ Suite 2300 ■ Dallas, Texas, USA, 75201 ■ 214.922.3400 ■ Fax: 214.922.3899  
 FORT WORTH: 3700 Hulen Street ■ Building 3 ■ Suite 150 ■ Fort Worth, Texas, USA, 76107 ■ 214.922.3400 ■ Fax: 214.922.3899  
 LONDON: 5th Floor ■ Octagon Point, St. Paul's ■ 5 Cheapside ■ London, EC2V 6AA, UK ■ +44.0.20.3823.2225  
 LOS ANGELES: 333 South Hope Street ■ 16th Floor ■ Los Angeles, California, USA, 90071-3004 ■ 213.576.1000 ■ Fax: 213.576.1100  
 NEW YORK: 90 Park Avenue ■ 15th Floor ■ New York, New York, USA, 10016-1387 ■ 212.210.9400 ■ Fax: 212.210.9444  
 RALEIGH: 555 Fayetteville Street ■ Suite 600 ■ Raleigh, North Carolina, USA, 27601-3034 ■ 919.862.2200 ■ Fax: 919.862.2260  
 SAN FRANCISCO: 560 Mission Street ■ Suite 2100 ■ San Francisco, California, USA, 94105-0912 ■ 415.243.1000 ■ Fax: 415.243.1001  
 SILICON VALLEY: 1950 University Avenue ■ Suite 430 ■ East Palo Alto, California, USA 94303 ■ 650.838.2000 ■ Fax: 650.838.2001  
 WASHINGTON, DC: The Atlantic Building ■ 950 F Street, NW ■ Washington, DC, USA, 20004-1404 ■ 202.239.3300 ■ Fax: 202.239.3333