



Coronavirus: Know Your Rights for Agricultural Workers
Right to Payments During Covid-19
Last Updated July 28, 2020



Do I have the right to be paid if my employer requires a quarantine, if I am waiting for my COVID-19 test results, or if I test positive for COVID-19?

Possibly - The answer to this question will depend on facts specific to your situation. Here are some ways that you may be eligible for payments while you are in quarantine or otherwise prevented from working due to COVID-19:*

1. Your **contract**, your employers' disclosure statements or policies regarding the **terms and conditions** of your employment, or, if you are in a union, your **Collective Bargaining Agreement** could include payments for sick leave, short-term disability, workers' compensation, or other benefits that may cover your time off from work.
2. The Families First Coronavirus Response Act (FFCRA) requires an **employer with <500 employees** to pay up to 80 hours at employee's regular rate of pay for time off related to COVID-19. Additional information about the Act can be found [at the Department of Labor website](#). Additional information included in the DOL's [FFCRA flyer](#).
3. The Michigan Paid Sick Leave Act requires some employers to provide employees a certain amount of **paid time off required by law**. See our flyer titled *Michigan Paid Sick Time Law* for additional information.
4. **Unemployment** benefits have been expanded in Michigan to include additional workers and, for workers who don't qualify for state benefits, there are additional federal payments available to some workers. For more information, see our flyers titled [Expansion of Unemployment Benefits due to Covid-19](#) and [Non-Citizens Eligibility for Michigan Unemployment Insurance](#).
5. An **Employer using the H-2A Program** may be required to at least cover the cost for daily food and housing expenses during a mandatory 14-day quarantine, if the quarantine is required as result of having traveled to the place of employment. Also, an H-2A employer may be required to pay at least 3/4 of the wages offered in the contract. Reminder these benefits are available for both H-2A visa holders as well as workers who live in the United States and are working for an H-2A employer. For more information, see our flyer titled *Information for Workers in the United States Regarding Employers' Use of the H-2A Program*.
6. The Migrant and Seasonal Agricultural Worker Protection Act provides **monetary damages for some workers who do not receive disclosures regarding the terms and conditions** of their employment at the time of recruitment. If your employer failed to adequately inform you of required quarantine or testing requirements, you may have the right to monetary damages resulting from those conditions of employment.
7. Minimum wage laws require **employees to be paid for time spent waiting, when it is for the benefit of the employer**. If your employer is requiring you to arrive in Michigan and wait to start working, you may have the right to minimum wage payments. Information on Michigan's minimum wage requirements can be found [here](#).
8. You also may be eligible for **food stamps, Medicaid, housing assistance, and other assistance** while you are unable to work. Call your DHHS Outreach Worker to apply or the Michigan Coronavirus Hotline at 888-535-6136.

*If you would like assistance determining whether you are eligible for payments from your employer or from any of these federal or state benefits programs or you have any other legal questions, please call us at **1-800-968-4046**.



Coronavirus: Know Your Rights for Agricultural Workers Migrant Camp Rights during Covid-19

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Under [Executive Order 2020-137 in effect through November 1, 2020](#), what must camp owners and operators do to ensure safety of residents from Covid-19?

- Create a [COVID-19 preparedness and response plan](#) for camp residents.
- Follow the workplace protections in Section 1 of [Executive Order 2020-114](#), although access to the camps should not be denied to any person on the basis that it's a worksite
- [Separate beds by at least 6 feet](#) when possible & encourage sleeping head-to-toe, except in single-family housing
- Share the local health department's phone number with residents.
- Post the Michigan Coronavirus Hotline, 888-535-6136, for residents to make *confidential* complaints about unsafe conditions both in a central location and in any isolation housing
- Post the camp address both in a central location and in any isolation housing
- Post the name, phone number, and email of the camp superintendent(s) in a central location
- Request emergency contact numbers from residents.
- Follow Department of Health and Human Services infection control recommendations.

What if I test positive for COVID-19 or am suspected to have COVID-19?

Your Camp owners and operators must:

- [Arrange for evaluation by a medical provider for each camp resident suspected to have Covid-19 or confirmed to have Covid-19](#) through the local health department or federally qualified health center.
- [Report to the local health department](#), the name and address of any individual in the camp known to have or suspected of having a communicable disease
- When COVID-19 is suspected but not confirmed, [provide isolation housing](#) unless already in a one-family housing unit or in a family living unit where it is possible to effectively isolate within that unit.
- When COVID-19 is confirmed, [provide separate housing, dining, and bathroom facilities](#) from residents who are *not* COVID-19-confirmed.
- Ensure good ventilation (for example, by opening screened windows to let in fresh air) of suspected COVID-19 resident's rooms.
- Ensure that anyone who delivers food and water to isolated residents has appropriate Personal Protective Equipment (for example, a facemask/shield).
- *Questions or concerns about safety at your migrant camp? FLS and MIRC provide free and confidential legal consultations.*

If my employer requires me to be tested and I test positive for COVID-19, can my employer evict me, refuse to hire me, or fire me?

No. In Michigan, an employer or landlord may not take negative action against a worker or housing occupant based on a positive test result. An employer may tell you not to return to work until you have recovered and are cleared by the most current CDC guidelines to do so. In which case, you may be eligible for some of the benefits discussed above. The CDC guidelines for returning to work can be found [here](#).

If I get tested, will my employer find out?

Generally, health care providers may not disclose any information regarding your visits, even if you are a patient. However, because Coronavirus is a pandemic, **if you test positive**, that information may be shared and your rights from retaliation and to benefits listed above would apply. **If you test negative**, no information about your visit or testing should be shared with anybody without your written consent.

Call our Farmworker & Immigrant Worker Hotline at: 800-968-4046.

