ARTICLE II

SAFE WORKPLACES FOR MEAT AND POULTRY PROCESSING WORKERS

Section 1. [179.87] TITLE.
Sections 179.87 to 179.875 may be titled the "Safe Workplaces for Meat and Poultry Processing Workers Act."

Subdivision 1. Definitions. For purposes of sections 179.87 to 179.875, the terms in this section have the meanings given.

Subd. 2. Authorized employee representative. "Authorized employee representative" has the meaning given in section 182.651, subdivision 22.

Subd. 3. Commissioner. "Commissioner" means the commissioner of labor and industry or the commissioner's designee.

Subd. 4. Coordinator. "Coordinator" means the meatpacking industry worker rights coordinator or the coordinator's designee.

Subd. 5. Meat-processing worker. "Meat-processing worker" or "worker" means any individual who a meat-processing employer suffers or permits to work directly in contact with raw meatpacking products in a meatpacking operation, including independent contractors and persons performing work for an employer through a temporary service or staffing agency. Workers in a meatpacking operation who inspect or package meatpacking products and workers who clean, maintain, or sanitize equipment or surfaces are included in the definition of a meat-processing worker. Meat-processing worker does not include a federal, state, or local government inspector.

Subd. 6. Meatpacking operation. "Meatpacking operation" or "meat-processing employer" means a meatpacking or poultry processing site with 100 or more employees in Minnesota and a North American Industrial Classification System (NAICS) code of 311611 to 311615, except 311613. Meatpacking operation or meat-processing employer does not mean a grocery store, butcher shop, meat market, deli, restaurant, or other business preparing meatpacking products for immediate consumption or for sale in a retail establishment or otherwise directly to an end-consumer.

Subd. 7. Meatpacking products. "Meatpacking products" means meat food products and poultry food products as defined in section 31A.02, subdivision 10.

Sec. 3. [179.871] WORKER RIGHTS COORDINATOR.
(a) The commissioner must appoint a meatpacking industry worker rights coordinator in the Department of Labor and Industry and provide the coordinator with necessary office space, furniture, equipment, supplies, and assistance.

ARTICLE III

MEAT AND POULTRY PROCESSING

Section 1. [179.87] TITLE.
Sections 179.87 to 179.875 may be titled the "Safe Workplaces for Meat and Poultry Processing Workers Act."

Subdivision 1. Definitions. For purposes of sections 179.87 to 179.875, the terms in this section have the meanings given.

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Subd. 6. Meatpacking operation. "Meatpacking operation" or "meat-processing employer" means a meatpacking or poultry processing site with 100 or more employees in Minnesota and a North American Industrial Classification System code of 311611 to 311615, excluding NAICS codes 311613, 311615, and persons performing work for an employer through a temporary service or staffing agency. Workers in a meatpacking operation who inspect or package meatpacking products and workers who clean, maintain, or sanitize equipment or surfaces are included in the definition of a meat-processing worker.

Subd. 7. Meatpacking products. "Meatpacking products" means meat food products and poultry food products as defined in section 31A.02, subdivision 10.

Sec. 3. [179.8715] WORKER RIGHTS COORDINATOR.
(a) The commissioner must appoint a meatpacking industry worker rights coordinator in the Department of Labor and Industry and provide the coordinator with necessary office space, furniture, equipment, supplies, and assistance.
The commissioner must enforce sections 179.87 to 179.8757, including inspecting, reviewing, and recommending improvements to the practices and procedures of meatpacking operations in Minnesota. A meat-processing employer must grant the commissioner full access to all meatpacking operations in this state at any time that meatpacking products are being processed or meat-processing workers are on the job.

(c) No later than December 1 each year, beginning December 1, 2024, the coordinator must submit a report to the governor and the chairs and ranking minority members of the legislative committees with jurisdiction over labor. The report must include recommendations to promote better treatment of meat-processing workers. The coordinator shall also post the report on the Department of Labor and Industry’s website.

Sec. 4. [179.872] REFUSAL TO WORK UNDER DANGEROUS CONDITIONS.

A meat-processing worker has the right to refuse to work under dangerous conditions in accordance with section 182.654, subdivision 11. Pursuant to section 182.654, subdivision 11, the worker shall continue to receive pay and shall not be subject to discrimination.

Subd. 1. Administrative enforcement. The commissioner, either on the commissioner’s initiative or in response to a complaint, may inspect a meatpacking operation and subpoena records and witnesses as provided in sections 175.20, 177.27, and 182.659.

If a meat-processing employer does not comply with the commissioner’s inspection, the commissioner may seek relief as provided in this section or chapter 175 or 182.

Subd. 2. Compliance authority. The commissioner may issue a compliance order under section 177.27, subdivision 4, requiring an employer to comply with sections 179.8755, paragraphs (b) and (c); 179.8756, subdivisions 1 to 3 and 4, paragraphs (f) and (g); and 179.8757. The commissioner also has authority, pursuant to section 182.662, subdivision 1, to issue a stop work or business closure order when there is a condition or practice that could result in death or serious physical harm.

Subd. 3. Private civil action. If a meat-processing employer does not comply with a provision in sections 179.87 to 179.8757, an aggrieved worker, authorized employee representative, or other person may bring a civil action in a court of competent jurisdiction within three years of an alleged violation and, upon prevailing, must be awarded the relief provided in this section. Pursuing administrative relief is not a prerequisite for bringing a civil action.

Subd. 4. Other government enforcement. The attorney general may enforce sections 179.87 to 179.8757 under section 171.30. A city or county attorney may enforce these sections. Such law enforcement agencies may inspect meatpacking operations and subpoena records and witnesses and, where such agencies determine that a violation has occurred, may bring a civil action as provided in this section.
Subd. 5. Relief. (a) In a civil action or administrative proceeding brought to enforce sections 179.87 to 179.8757, the court or commissioner must order relief as provided in this subdivision.

(b) For any violation of sections 179.87 to 179.8757:
(1) an injunction to order compliance and restrain continued violations;
(2) payment to a prevailing worker by a meat-processing employer of reasonable costs, disbursements, and attorney fees; and
(3) a civil penalty payable to the state of not less than $100 per day per worker affected by the meat-processing employer's noncompliance with sections 179.87 to 179.8757.

(c) Any worker who brings a complaint under sections 179.87 to 179.8757 and suffers retaliation is entitled to treble damages in addition to lost pay and recovery of attorney fees and costs.

(d) Any company who is found to have retaliated against a meat-processing worker must pay a fine of up to $10,000 to the commissioner, in addition to other penalties available under law.

Subd. 6. Whistleblower enforcement; penalty distribution. (a) The relief provided in this section may be recovered through a private civil action brought on behalf of the commissioner in a court of competent jurisdiction by another individual, including an authorized employee representative, pursuant to this subdivision.

(b) The individual must give written notice to the coordinator of the specific provision or provisions of sections 179.87 to 179.8757 alleged to have been violated. The individual or representative organization may commence a civil action under this subdivision if no enforcement action is taken by the commissioner within 30 days.

(c) Civil penalties recovered pursuant to this subdivision must be distributed as follows:
(1) 70 percent to the commissioner for enforcement of sections 179.87 to 179.8757; and
(2) 30 percent to the individual or authorized employee representative.

(d) The right to bring an action under this subdivision shall not be impaired by private contract. A public enforcement action must be tried promptly, without regard to concurrent adjudication of a private claim for the same alleged violation.

Sec. 6. [179.8755] RETALIATION AGAINST EMPLOYEES AND WHISTLEBLOWERS PROHIBITED.

(a) Pursuant to section 182.669, no meat-processing employer or other person may discharge or discriminate against a worker because the employee has raised a concern about
a meatpacking operation's health and safety practices to the employer or otherwise exercised

any right authorized under sections 182.65 to 182.674,

(b) No meat-processing employer or other person may attempt to require any worker to sign a contract or other agreement that would limit or prevent the worker from disclosing information about workplace health and safety practices or hazards, or to otherwise abide by a workplace policy that would limit or prevent such disclosures. Any such agreements or policies are hereby void and unenforceable as contrary to the public policy of this state.

An employer's attempt to impose such a contract, agreement, or policy shall constitute an adverse action enforceable under section 179.875.

(c) Reporting or threatening to report a meat-processing worker's suspected citizenship or immigration status, or the suspected citizenship or immigration status of a family member related by blood, adoption, marriage, or domestic partnership, is hereby void and unenforceable as contrary to the public policy of this state.

An employer's attempt to impose such a contract, agreement, or policy shall constitute an adverse action enforceable under section 179.875.

Subd. 1. Facility committee. (a) The meat-processing employer's ergonomics program under section 182.677, subdivision 2, must be developed and implemented by a committee of individuals who are knowledgeable of the tasks and work processes performed by workers at the employer's facility. The committee must include:

(1) a certified professional ergonomist;

(2) a licensed, board-certified physician, with preference given to a physician who has specialized experience and training in occupational medicine; and

(3) at least three workers employed in the employer's facility who have completed a general industry outreach course approved by the commissioner, one of whom must be an authorized employee representative if the employer is party to a collective bargaining agreement.

(b) If it is not practicable for a certified professional ergonomist or a licensed, board-certified physician to be a member of the committee required by paragraph (b), the meatpacking employer must have their ergonomics program reviewed by a certified professional ergonomist and a licensed, board-certified physician prior to implementation of the program and annually thereafter.

Subd. 2. New task and annual safety training. (a) Meat-processing employers must provide every worker who is assigned a new task if the worker has no previous work experience with training on how to safely perform the task, the ergonomic and other hazards associated with the task, and training on the early signs and symptoms of musculoskeletal...
injuries and the procedures for reporting them. The employer must give a worker an
opportunity within 30 days of receiving the new task training to receive refresher training
on the topics covered in the new task training. The employer must provide this training in
a language and with vocabulary that the employee can understand.

(b) Meat-processing employers must provide each worker with no less than eight hours
of safety training each year. This annual training must address health and safety topics that
are relevant to the establishment and the worker’s job assignment, such as cuts, lacerations,
amputations, machine guarding, biological hazards, lockout/tagout, hazard communication,
ergonomic hazards, and personal protective equipment. At least two of the eight hours of
annual training must be on topics related to the facility’s ergonomic injury prevention
program, including the assessment of surveillance data, the ergonomic hazard prevention
and control plan, and the early signs and symptoms of musculoskeletal disorders and the
procedures for reporting them. The employer must provide this training in a language and
with vocabulary that the employee can understand.

Subd. 3. Medical services and qualifications. (a) Meat-processing employers must
ensure that:

(1) all first-aid providers, medical assistants, nurses, and physicians engaged by the
employer are licensed and perform their duties within the scope of their licensed practice;

(2) medical management of musculoskeletal disorders is under direct supervision of a
licensed physician specializing in occupational medicine who will advise on best practices
for management and prevention of work-related musculoskeletal disorders; and

(3) medical management of musculoskeletal injuries follows the most current version
of the American College of Occupational and Environmental Medicine practice guidelines.

(b) The coordinator may compile, analyze, and publish annually, either in summary or
detailed form, all reports or information obtained under sections 179.87 to 179.8757, for
management and prevention of work-related musculoskeletal disorders; and

(c) Meat-processing employers must not institute or maintain any program, policy, or
practice that discourages employees from reporting injuries, hazards, or safety standard
violations, unless the employee authorizes employee's information be shared.

Subd. 4. Pandemic protections. (a) This subdivision applies during a public health
emergency that involves airborne transmission.

(b) Meat-processing employers must maintain a radius of space around and between
each worker according to the Centers for Disease Control and Prevention guidelines unless
a nonporous barrier separates the workers. An employer may accomplish such distancing

injuries and the procedures for reporting them. The employer must give a worker an
opportunity within 30 days of receiving the new task training to receive refresher training
on the topics covered in the new task training. The employer must provide this training in
a language and with vocabulary that the employee can understand.

(b) Meat-processing employers must provide each worker with no less than eight hours
of safety training each year. This annual training must address health and safety topics that
are relevant to the establishment and the worker’s job assignment, such as cuts, lacerations,
amputations, machine guarding, biological hazards, lockout/tagout, hazard communication,
ergonomic hazards, and personal protective equipment. At least two of the eight hours of
annual training must be on topics related to the facility’s ergonomic injury prevention
program, including the assessment of surveillance data, the ergonomic hazard prevention
and control plan, and the early signs and symptoms of musculoskeletal disorders and the
procedures for reporting them. The employer must provide this training in a language and
with vocabulary that the employee can understand.

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ensure that:

(1) all first-aid providers, medical assistants, nurses, and physicians engaged by the
employer are licensed and perform their duties within the scope of their licensed practice;

(2) medical management of musculoskeletal disorders is under direct supervision of a
licensed physician specializing in occupational medicine who will advise on best practices
for management and prevention of work-related musculoskeletal disorders; and

(3) medical management of musculoskeletal injuries follows the most current version
of the American College of Occupational and Environmental Medicine practice guidelines.

(b) The coordinator may compile, analyze, and publish annually, either in summary or
detailed form, all reports or information obtained under sections 179.87 to 179.8757, for
management and prevention of work-related musculoskeletal disorders; and

(c) Meat-processing employers must not institute or maintain any program, policy, or
practice that discourages employees from reporting injuries, hazards, or safety standard
violations, unless the employee authorizes employee's information be shared.

Subd. 4. Pandemic protections. (a) This subdivision applies during a public health
emergency declared under section 12.31, subdivision 2, that involves airborne transmission.

(b) Meat-processing employers must maintain at least a six-foot radius of space around
and between each worker unless a nonporous barrier separates the workers. An employer
may accomplish such distancing by increasing physical space between workstations, slowing
(e) Meat-processing employers must clean and regularly disinfect all frequently touched surfaces in the workplace, such as workstations, training rooms, machinery controls, tools, protective garments, eating surfaces, bathrooms, showers, and other similar areas. Employers must install and maintain ventilation systems that ensure unidirectional air flow, outdoor air, and filtration in both production areas and common areas such as cafeterias and locker rooms.

(f) Meat-processing employers must provide all meat-processing workers with the ability to frequently and routinely sanitize their hands with either hand-washing or hand-sanitizing stations. The employer must ensure that restrooms have running hot and cold water and paper towels and are in sanitary condition. The employer must provide gloves to those who request them.

(g) Meat-processing employers must provide face masks to workers and make face shields available on request. Face masks, including replacement face masks, and face shields must be provided at no cost to the employee. All persons present at the meatpacking operation must wear face masks in the facility except in those parts of the facility where infection risk is low because workers work in isolation.

(h) Meat-processing employers must provide all meat-processing workers with the ability to frequently and routinely sanitize their hands with either hand-washing or hand-sanitizing stations. The employer must ensure that restrooms have running hot and cold water and paper towels and are in sanitary condition. The employer must provide gloves to those who request them.

(i) Meat-processing employers must provide training in proper use of personal protective equipment, safety procedures, and sanitation.

(j) Meat-processing employers must provide training in proper use of personal protective equipment, safety procedures, and sanitation.
available to the commissioner, and where there is a collective bargaining agreement, to the
authorized bargaining representative.

(j) Except for paragraphs (f) and (g), this section shall be enforced by the commissioner
under sections 182.66 and 182.661. A violation of this section is subject to the penalties
provided under section 182.666. Paragraphs (f) and (g) are enforceable by the commissioner
as described in section 179.875, subdivision 2.

(k) This subdivision may also be enforced as described in section 179.875, subdivisions
to 6.

Sec. 8. [179.8757] NOTIFICATION REQUIRED.

(a) Meat-processing employers must provide written information and notifications about
employee rights under section 179.87 and sections 179.87 to 179.8757 to workers in their
language of fluency at least annually. If a worker is unable to understand written information
and notifications, the employer must provide such information and notices orally in the
worker's language of fluency.

(b) The coordinator must notify covered employers of the provisions of sections 179.87
to 179.8757 and any recent updates at least annually.

c) The coordinator must place information explaining sections 179.87 to 179.8757 on
the Department of Labor and Industry's website in at least English, Spanish, and any other
language that at least ten percent of meat-processing workers communicate in fluently. The
coordinator must also make the information accessible to persons with impaired visual
acuity.

Sec. 9. Minnesota Statutes 2022, section 182.654, subdivision 11, is amended to read:

Subd. 11. Refusal to work under dangerous conditions. An employee acting in good
faith has the right to refuse to work under conditions which the employee reasonably believes
present an imminent danger of death or serious physical harm to the employee.

A reasonable belief of imminent danger of death or serious physical harm includes but
is not limited to a reasonable belief of the employee that the employee has been assigned
to work in an unsafe or unhealthful manner with a hazardous substance, harmful physical
agent or infectious agent.

An employer may not discriminate against an employee for a good faith refusal to
perform assigned tasks if the employee has requested that the employer correct the hazardous
conditions but the conditions remain uncorrected.

The entirety of this subdivision may also be enforced as described in section 179.875, subdivisions 3 to 6.

EFFECTIVE DATE. This section is effective November 1, 2023, except subdivision
4, which is effective July 1, 2023.

Sec. 10. [179.8757] NOTIFICATION REQUIRED.

(a) Meat-processing employers must provide written information and notifications about
employee rights under section 179.87 and sections 179.87 to 179.8757 to workers in their
language of fluency at least annually. If a worker is unable to understand written information
and notifications, the employer must provide such information and notices orally in the
worker's language of fluency.

(b) The coordinator must notify covered employers of the provisions of sections 179.87

to 179.8757 and any recent updates at least annually.

c) The coordinator must place information explaining sections 179.87 to 179.8757 on
the Department of Labor and Industry's website in at least English, Spanish, and any other
language that at least ten percent of meat-processing workers communicate in fluently. The
coordinator must also make the information accessible to persons with impaired visual
acuity.

EFFECTIVE DATE. This section is effective November 1, 2023.
An employee who has refused in good faith to perform assigned tasks and who has not been reassigned to other tasks by the employer shall, in addition to retaining a right to continued employment, receive pay for the tasks which would have been performed if (1) the employee requests the commissioner to inspect and determine the nature of the hazardous condition, and (2) the commissioner determines that the employee, by performing the assigned tasks, would have been placed in imminent danger of death or serious physical harm.

Additionally, an administrative law judge may order, in addition to the relief found in section 182.669:

1. reinstatement of the worker to the same position held before any adverse personnel action or to an equivalent position; reinstatement of full fringe benefits and seniority rights; and compensation for unpaid wages, benefits and other remuneration; or front pay in lieu of reinstatement; and
2. compensatory damages payable to the aggrieved worker equal to the greater of $5,000 or twice the actual damages, including unpaid wages, benefits and other remuneration; and punitive damages.