

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 425.000: RIGHTS OF VISITATION FOR MIGRANT WORKERS

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425.001: Purpose

The purpose of 105 CMR 425.000 is to protect the civil rights of Migrant Farm Workers in the Commonwealth of Massachusetts.

425.002: Authority

105 CMR 425.000 is adopted under authority of M.G.L. c. 111, §§ 3 and 128H.

425.003: Citation

105 CMR 425.000 may be known, and may be cited as 105 CMR 425.000: *Rights of Visitation for Migrant Farm Workers*.

425.020: Definitions

The Department shall mean the Department of Public Health of the Commonwealth of Massachusetts.

Farm Labor Camp shall be defined as defined in 105 CMR 420.000: *Housing and Sanitation Standards for Farm Labor Camps (State Sanitary Code, Chapter III)*.

Habitation shall be defined as defined in The Sanitary Code of the Department of Public Health.

Operator shall be defined as defined in 105 CMR 420.000 of The Sanitary Code of the Department of Public Health.

Visitor shall mean any individual or group of individuals seeking to enter a farm labor camp for the purpose of contacting or communicating with one or more workers.

425.100: Visiting Hours

(A) Workers living in quarters apart from the living quarters of the operator shall be entitled to receive visitors outside of regular working hours. Visiting hours on working days will begin after working hours or at 6:00 P.M., whichever is the earliest, and end no earlier than four hours after the end of the working day or at 10:30 P.M., whichever is the latest. On non-working days, visiting hours will be in effect from at least 10:00 A.M. to 10:30 P.M. These hours shall be deemed to be minimum standards. An operator may allow longer visiting hours if a majority of workers approve such extension.

(B) The limitation on hours in 105 CMR 425.100(A) shall not apply to the organizations, their agents, employees or representatives listed herein:

- (1) Federal, State, local or other governmental agencies, departments or boards;
- (2) Physicians, dentists, and other medical or para-medical personnel;
- (3) Priests, ministers, rabbis;

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- (4) Agencies or organizations which are funded in whole or part by governmental funds;
- (5) Recognized charitable and social agencies;
- (6) Members of the press.

425.200: Workers Right to Terminate Visit

A worker may terminate a visitation with regard to himself only. Such termination must be orally communicated to the visitor by the worker himself, and no operator may deny a visitor access to a worker prior to such communication. Such termination shall not apply to the Department.

425.300: Workers Right to a Private Visit

A worker shall have the right to receive visitors without the operator, his agents or employees being present.

425.400: Locale of Visitation

Visitation shall generally take place in the habitation quarters of the farm labor camp, but this shall not prohibit the incidental use of areas immediately adjoining such quarters.

425.500: Visitor Rights

- (A) In order for an individual or group of individuals to be regarded as a visitor, it is not required:
  - (1) That the worker or workers initiate the request for a visit.
  - (2) That the visitor secure approval of the farm labor camp operator.
- (B) An operator may ask a visitor for reasonable identification but shall not deny access on this basis.
- (C) No visitor shall be denied access solely on the basis of age, sex, race, national origin, color or religion.

425.600: Waiver of Rights Prohibited

No worker may waive his right of visitation by any form of contact provision either oral or written.

425.700: Department Access

The Department shall have access to the farm labor camp without restriction as to hours or otherwise for the purpose of ensuring the adequate protection of the workers' rights of visitation. No person shall hinder, impede or otherwise deny access to the department, its agents, employees, or authorized personnel.

425.800: Denial of Access to Salesmen

An operator may deny salesmen access to a farm labor camp, provided that:

- (A) he gains no commercial advantage, directly or indirectly, thereby; or
- (B) the salesman in question is not the only source of the product or service offered reasonably available to workers.

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425.900: Posting of Regulations

A copy of 105 CMR 425.000 printed in both Spanish and English, shall be posted in a conspicuous location in the farm labor camp.

REGULATORY AUTHORITY

105 CMR 425.000: M.G.L. c. 111, §§ 3 and 128H.

NON-TEXT PAGE