

MSFW DESK AID

* Farmwork means:

1. The cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities.
2. Raising livestock, bees, fur-bearing animals, or poultry
3. Farming fish
4. Any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations
5. Preparation for market, delivery to storage or to market or to carriers for transportation to market
6. Handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state (for the purposes of this definition, agricultural commodities means all commodities produced on a farm including crude gum (oleoresin) from a living tree)
7. Any service or activity covered under the MSPA and H-2A regulations, if identified through official DOL guidance.

For assistance contact:

José V. Ocasio
State Monitor Advocate
Department of Career Services
19 Staniford St, 1st Fl.
Boston, MA 02114
(617) 626-5587
Jose.Ocasio@MassMail.State.MA.US

Seasonal farm worker means an

1. A customer who is employed, or was employed in the past 12 months in ***farmwork***.*
2. Employed in work of a seasonal or other temporary nature
 - a. ***Seasonal***: A worker, who moves from one seasonal activity to another, while employed in farm work, is employed on a seasonal basis even though he/she may continue to be employed during a major portion of the year.
 - b. ***Temporary***: A worker is employed on a temporary basis where he/she is employed for a limited time only or work is usually viewed of short duration.
3. Is/was not required to be absent overnight from his/her permanent place of residence.
4. Non-migrant individuals who are full-time students are excluded.

Migrant farmworker means:

1. A seasonal farmworker who travels to the job site.
2. So that the worker is not reasonably able to return to his/her permanent residence within the same day.
3. Full-time students *traveling in organized groups* rather than with their families are excluded.