

## **MSPA-1**

November 3, 1983

This is in response to your letter of August 30, 1983, concerning certain provisions of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) and its implementing regulation 29 CFR 500.

You question two items appearing on Fact Sheet No. ESA-15 as being inconsistent with the requirements of MSPA and the regulations: The display of a poster setting forth the rights and protections of the workers in a conspicuous place at the job site; and MSPA standards for housing migrant workers. Fact Sheet No. ESA-15 is a non-technical general information document and should not be taken as an exact legal position. The publication will be reviewed, however, prior to any future printings, and your suggested language changes will be carefully considered.

You cite the appropriate sections of MSPA and Regulation 29 CFR 500, stating that the poster is to be displayed at the place of employment in a conspicuous place readily accessible to the worker. In this connection, you ask that we confirm that "job site" does not mean each and every field, orchard or grove. We agree, the poster is not required to be at the field. Otherwise, placing the poster where it can be readily observed by the workers during the course of a normal work day will suffice.

You correctly recognize that conditions of housing occupancy, if any, must be posted in a conspicuous place at the housing site or presented in the form of a written statement to the worker. In those instances where there are no conditions of housing occupancy, that fact should be disclosed to the workers along with other conditions of employment at the time of recruitment.

You refer also to those subsections in 500.75(f) of the regulations which set forth the information to be disclosed to the workers where there are conditions of occupancy. It is your belief that the names and addresses of the contractor, employer or association providing the housing, the individual in charge of the housing, and the mailing address and phone number where persons living in the housing facility may be reached have no bearing on the conditions under which the housing is to be occupied. While this information is not specifically indicative of "conditions" of employment, we believe it appropriate that all particulars concerning the housing be disclosed for the benefit of the workers who will occupy it. This would reasonably include identifying the provider of the housing, the person in charge, and other pertinent information.

As you know, the comment period on the regulation has passed. No comments were received regarding this aspect of the "housing condition," thus, no change was made in this element of the interim regulation. However, when the regulation is reviewed in the future, we will give consideration to your additional comments.

I am pleased to furnish this response, which I believe address[es] your concerns.

Sincerely,

William M. Otter  
Administrator