



Agriculture

Overview

Agricultural employers know that “farm to table” wouldn’t exist without a tremendous amount of work behind the scenes - and the unique workplace challenges you face require experienced counsel ready to help you along the way. We know you have many workers out in the fields or in off-site plants, and your labor availability fluctuates season to season. In addition, you’re subject to many unusual requirements other employers don’t face, from capturing “time worked” in the field and unionization efforts to worker housing and sanitation standards. Even the definition of “agriculture” varies in different states and contexts, which can change the way you can legally operate. Our team helps agricultural employers anticipate, prevent, and resolve issues you face in all of these areas so you can keep growing and fulfill the critical role you play.

Fisher Phillips lawyers have worked with agricultural employers ever since our founder, “Ike” Fisher, detoured from his family’s produce business to counsel citrus growers in the Southeastern U.S. We advise on critical issues including the Fair Labor Standards Act (FLSA), the H-2A temporary foreign agricultural worker program, the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), and the Occupational Safety and Health Act (OSHA), as well as the myriad of state and federal laws and regulations that apply to businesses in the industry. And, while our overriding objective is always to prevent disputes before they arise, we’re well prepared to defend you if they do.

Labor and employment law is all we do. We couple a deep knowledge of the sector and plaintiff-side lawyers (as well as their tactics) with the resources of a large firm, a combination that competitors simply can’t match. With offices in California, Arizona, the Pacific Northwest, Midwest, Central Plains, and throughout the Southeastern U.S., our national view is informed by a nuanced understanding of the issues affecting various regions and commodities. Because we’ve dealt with

issues and cases across the country, we're better able to reduce risk, predict outcomes, and craft winning strategies.

Members of our team work with the National Council of Agricultural Employers, the Virginia Agricultural Growers Association, the North Carolina Growers Association, the California Association of Winegrape Growers (CAWG), California Citrus Mutual, the Western Growers Association, the California League of Food Processors (CLFP), the Grower Shipper Association of Central California (GSA), the Agricultural Personnel Management Association, Western Agricultural Processors Association (WAPA), California Cotton Ginners & Growers Association, and several other state and local agricultural associations. Our lawyers routinely speak and present on issues of importance to the industry – everything from recent legislative developments to the impact of COVID-19

We represent agricultural businesses, including growers, shippers, packers, producers, contractors, ag-tech Companies, farms, dairies, ranches, greenhouses, nurseries, orchards, hatcheries, and industry associations in connection with all labor and employment law needs, including the following:

H-2A PROGRAMS

We'll help you create, comply with and defend programs that bring in foreign workers to fill temporary and/or seasonal jobs, including completing the necessary petitions, forms and certifications with the U.S. Department of Labor (DOL) and relevant state agencies. Our lawyers have extensive experience navigating the provisions of the H-2A program, the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), and the FLSA to obtain DOL authorization and working with U.S. Citizenship and Immigration Services to secure individual worker visas. We routinely handle appeals before administrative law judges and in court and have defended employers against labor trafficking allegations. We also defend employers in investigations or audits by the Department of Labor, which are common occurrences for employers in the H-2A program.

OSHA COMPLIANCE

Our lawyers understand the myriad safety challenges of farming, processing, and distribution operations and the unique regulations that apply at both the federal and state plan level. Our dedicated OSHA and FP Safety Solutions teams can help you maintain a safe and healthy working environment, create appropriate procedures to manage risk and minimize exposure, assess hazards, comply with regulations, handle abatement commitments, and prevent and manage inspections. If necessary, we'll assess and contest any citations and help negotiate favorable resolutions.

TRADITIONAL LABOR RELATIONS

We create and implement preventive labor relations programs and provide trainings, procedures and union avoidance protocols for agricultural employers of all sizes. Our lawyers regularly represent clients before the National Labor Relations Board (NLRB) and, in California, the Agricultural Labor Relations Board (ALRB). We're skilled at dealing with union organizing efforts, negotiating collective bargaining agreements, NLRB and ALRB proceedings, labor arbitrations, unfair labor relations charges, and handling and resolving business disruptions and strikes.

Our attorneys are on the forefront of legal challenges to "card check" legislation and know the tactics and practices unions use in these types of campaigns and best practices to defend your company from attack. Our attorneys are also mounting challenges to the constitutionality of state laws that rob workers of their rights to a secret ballot election and compel agreements with unions through compulsory arbitration schemes, including a federal court challenge to New York's Farm Laborers Fair Labor Practices Act.

WAGE & HOUR LITIGATION DEFENSE

Litigators on our team defend agricultural employers in single plaintiff and class action wage and hour cases in state and federal courts, as well as before the Agricultural Labor Relations Board in California. Our lawyers have unparalleled experience in California Private Attorneys General Act (PAGA) claims in the agriculture sector. We understand how to capture "time worked" and apportion wages at dispersed workplaces where few punch a clock and appreciate the unique transportation issues affecting your operations. Our team has extensive experience advising and defending actions involving state-specific wage orders (including those in California) and overtime requirements. Our firm-wide capabilities enable us to ramp up litigation whenever necessary.

Insights

EVENT

05/13/25

Ag Webinar Series | Back to Basics: Meal and Rest Periods 101

Daniela Grado Contreras, Christina Anton

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INSIGHTS

04/16/25

Agency Judges' Power at Risk Again: Family Farm Fights Back After DOL Demands \$500K for Alleged H-2A Program Violations

Rebecca Hause-Schultz, Marty Heller, Joshua H. Viau

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NEWS

04/04/25

Immigration Partner Discusses What Farming Operations Need to Know If ICE Shows Up

Cynthia J. Yarbrough

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03/11/25

Arbitration Agreement 101: Key Insights for Agricultural Employers

Rebecca Hause-Schultz, Alden J. Parker

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02/11/25

CA Agricultural Webinar Series: The Hiring Maze in Agricultural Setting

Gregory Blueford

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NEWS

02/07/25

Agriculture Industry Co-Chair Weighs in on the Farm Laborers Fair Labor Practices Act

Joshua H. Viau

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01/22/25

FP Workplace Law Forecast 2025

John M. Polson, Richard R. Meneghello

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EVENT

01/14/25

CA Agricultural Webinar Series | 2025 Legislative Update for Ag Employers

Alden J. Parker, William T. Okamoto

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EVENT

01/13/25

CA Agricultural Webinar Series | INDUSTRY ALERT: Immigration and CBP Activity In California

Rebecca Hause-Schultz, Jocelyn Campanaro

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INSIGHTS

01/03/25

Workplace Law Update: 10 Essential Items on Your January To-Do List

Lisa Nagele-Piazza

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Key Contacts



Rebecca Hause-Schultz

Partner

916.210.0391

[Email](#)



Joshua H. Viau

Co-Regional Managing Partner

404.240.4269

[Email](#)

[See all →](#)

Resources

- [Employers' Rapid Response Team for DHS Raids](#)