

U.S.

■ IMMIGRATION AND NATIONALITY ACT (*TEMPORARY AGRICULTURAL WORKERS*)

TERMS:

Assurance of Cost-Free Housing — Every employer applying for the use of foreign agricultural workers under the so-called "H-2A" program must assure that housing is available for any worker who is not able to return to his or her own home each day, at no charge to the worker. The employer's obligation to provide cost-free housing applies not only to the foreign workers admitted to the U.S. under the H-2A application (if approved), but also to those U.S. workers recruited before approval of the application, and to any U.S. workers hired by the employer afterwards to perform the same services in the same area. Furthermore, when it is common practice for growers in the local area to provide farmworkers with family-type housing, family housing must be provided to those U.S. workers recruited in connection with an H-2A job offer who request such housing for themselves and their families.

Housing Standards and Inspection — Housing facilities owned or operated by the employer must be inspected and found in conformance with the OSHA or ETA farmworker housing standards (*summarized in earlier entries, above*), or the employer's H-2A application will be denied. As an alternative, the employer may arrange to house the workers in rental units or public housing which meets local, state or federal standards, but any charges for the use of such facilities must be paid by the employer. The workers may not be charged for housing-related items furnished to them, such as bedding, and only under certain conditions may the employer require workers found responsible for damages to housing or facilities to pay for them.

ENFORCEMENT: *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072)*. The Wage and Hour Division is responsible for enforcing the required work contract — including the provision regarding free worker housing — between employers who use foreign workers under the H-2A program, and the foreign and U.S. workers recruited under the H-2A application.

Local offices of the Wage and Hour Division may be located on the agency's website, at www.dol.gov/whd/america2.htm.

SPECIAL NOTE: A person may not fire, discipline or discriminate in any way against a worker because the worker has consulted with an attorney or legal services program, filed a complaint, participated in an investigation or other enforcement action, or made use of any other right under this law. Reports of unlawful retaliation should be filed with the Wage and Hour Division.

Connecticut

■ **LANDLORD-TENANT LAWS**

TERMS: When a farmworker is living in housing provided by a farmer or other agricultural employer, and the worker fails to move out when the employment ends or is terminated, the employer must give the worker at least 3 days' written notice to leave.

If the worker has not moved out within the time period specified in the notice, the employer may take legal action to evict the worker. At the required hearing, however, the court may take the worker's needs into account and grant up to 15 days' additional time before the eviction is carried out.

ENFORCEMENT: A farmworker who is faced with immediate removal from an employer-provided housing unit may seek the protection of these provisions by consulting a private attorney or a public legal services program.

Maryland

■ FARM LABOR CONTRACTORS LAW

TERMS: Before bringing migrant farmworkers into Maryland to work, or before recruiting migrant workers within the state, a farm labor contractor must give the workers a written statement explaining the terms under which housing (if any) is to be provided to the workers, and the costs to be charged for the use of such housing.

Whenever a contractor provides housing for migrant agricultural workers, the contractor must post the terms and conditions of occupancy in a clearly visible place at the housing site throughout the time the workers are living there.

ENFORCEMENT: *Employment Standards Service Unit, Division of Labor and Industry, Maryland Department of Labor, Licensing and Regulation, Baltimore, Maryland 21201 (410-767-2357).*

Minnesota

■ STATE LABOR LAWS (*MIGRANT LABOR RECRUITMENT*)

TERMS: Every processor of fruits and vegetables that recruits and employs more than 30 migrant workers per day for more than 7 days in any calendar year must, at the time of recruitment, provide each worker with a bilingual statement indicating whether or not housing will be provided. A migrant worker is defined as an individual at least 17 years of age who travels more than 100 miles to Minnesota from some other state to perform seasonal agricultural labor in Minnesota.

Any such processor who recruits, employs and provides housing facilities to migrant workers may require a worker to move out of the housing, but only after the worker's final wages have been paid.

ENFORCEMENT: Using a private attorney or a public legal services program, a migrant farmworker affected by a violation of these provisions may file a lawsuit against the processor involved for damages and other corrective action.

New York

■ GENERAL LABOR LAWS (*FARM LABOR CAMP COMMISSARIES*)

TERMS: It is illegal for anyone to sell food, or sell or rent goods of any kind, at or in connection with a farm labor camp without first obtaining a permit to do so from the state. The permit must be displayed in plain sight at the place where the activities are conducted. A permit-holder must also keep plainly posted at the site the current prices of all goods offered, including meals. Prices charged may not exceed the posted prices.

ENFORCEMENT: *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).*

SPECIAL NOTE: An employer or labor contractor may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by this provision.