

■ FARM LABOR CONTRACTORS LAW

TERMS:

Licensing — With the exceptions noted below, no person may charge money to recruit, solicit, hire, employ, supply, transport or house migrant farmworkers in Maryland unless the person holds a valid certificate of registration issued by the state. Registered farm labor contractors must carry their certificate at all times while performing contracting activities in the state and must show the certificate to everyone they deal with in that capacity.

Exceptions — The licensing requirement does not apply to farm operators or agricultural processors who perform farm labor contracting activities exclusively for their own operations, or to anyone (other than a farm labor contractor) who has been supplied with no more than 10 migrant workers at any one time during both the current and preceding years. Likewise, the law does not apply to any person who performs farm labor contracting activity only within Maryland, only within 25 miles of the person's permanent place of residence, and for not more than 13 weeks a year.

Duties and Responsibilities —

Disclosures — Before bringing migrant farmworkers into Maryland to work, or before recruiting migrant farmworkers within the state, every farm labor contractor must give each worker a statement showing (1) the places where employment will take place and a description of the crop operations involved, (2) the terms and conditions of employment at each location, including what wage rates will be paid, who will be making payment, and when wages will be paid, (3) the transportation, housing and insurance (if any) to be provided and the costs to be charged for each such service or benefit, and (4) the existence of any strike or other labor dispute at each worksite.

Housing — If a labor contractor provides any housing for the 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.

Form of Disclosure — All information required to be provided to the workers by a labor contractor must be given in writing, in English or, as necessary and reasonable, in Spanish or any other language understandable by those workers not fluent or literate in English.

Vehicles — Farm labor contractors who use vehicles for transporting migrant agricultural workers in Maryland, or who cause vehicles to be used for that purpose, must (1) assure that each such vehicle conforms to applicable federal and state safety standards, (2) ensure that each driver has a valid and appropriate class of license to operate the vehicle, and (3) have the required level of insurance coverage against liability for injury to persons or property arising from the ownership or operation of any such vehicle.

Verification of License — It is illegal for a farm operator or any other person to use the services of a farm labor contractor unless the person first verifies that the contractor has a valid registration certificate. Furthermore, no one may use or continue to use a contractor once he or she is notified by the state enforcement agency or otherwise becomes aware that the contractor lacks a certificate or that the certificate has been suspended or revoked.

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