

■ FARM LABOR CONTRACTOR LAW

TERMS:

Licensing — With few exceptions, no one may act as a farm labor contractor in Washington without a contractor's license issued by the state.

Bonding and Insurance — Among other requirements, the state licensing agency may not issue a license unless the applicant (1) posts a bond to ensure compliance with the farm labor contractor law, and (2) obtains a liability insurance policy covering potential injury or damage to people and property as a result of the contractor's business activities and use of any vehicles to transport workers.

Disclosures to Workers — At the time of hiring, recruiting, soliciting or supplying any worker (whichever occurs first), a farm labor contractor must give the worker a written statement showing all of the following information:

- (1) The rate of compensation to be paid and the method for calculating earnings.
- (2) The terms and conditions of any bonus to be paid.
- (3) The terms and conditions of any loan to be made to the worker.
- (4) The conditions and costs of any transportation, housing, meals, health or daycare services, or other benefits to be provided by the contractor.
- (5) The expected length of employment, the approximate start and end dates, and the crops and crop operations involved.
- (6) The terms and conditions under which the worker will be provided with clothing or equipment.
- (7) The location or locations of the job.
- (8) The name and address of the owner of all operations where the worker will be working.
- (9) The existence of any strike or labor dispute at the worksite.
- (10) The name and address of the farm labor contractor.
- (11) The existence of an arrangement with any store or other establishment at the place of employment under which the contractor is to receive a fee or other benefit from any sales by the establishment to the workers.
- (12) The name and address of the contractor's bonding company, and a statement explaining the worker's right to claim against the bond.

This information must be in English and in any other language understood by the worker if the worker does not easily read or understand English.

Pay Statements — Each time a worker is paid by or through a farm labor contractor, the contractor must provide the worker with a written statement itemizing the worker's total earnings, the amount and purpose of each deduction from pay, the number of hours worked, the rate of pay, and the number of units of production if work was done on a piece-rate basis.

Recordkeeping — Farm labor contractors are required to keep a record for each pay period showing the basis of each worker's wages, the number of piecework units performed (if paid piecework), the number of hours worked, the total earnings, the amounts withheld from wages and the purpose of each such deduction, and the amount of net pay. A copy of the record must be given to each farm operator or other user of the worker's labor, who in turn is required to keep the record for no less than 3 years after the end of the period of employment.

Prohibited Acts — Among other violations, it is illegal for anyone acting as a farm labor contractor to engage in any of the following practices:

- (1) Making a misrepresentation or false statement in an application for a license.
- (2) Giving false or misleading information concerning the availability, terms or conditions of employment.
- (3) Sending or transporting a worker to any job site where the contractor knows a strike or lockout is in progress.

ENFORCEMENT: *Employment Standards, Apprenticeship and Crime Victims Division, Washington State Department of Labor and Industries, Olympia, Washington 98504 (toll-free 866-219-7321).*

After notifying the Department of the claim, a worker affected by a violation of the farm labor contractor law may sue the contractor involved directly, using a private attorney or a public legal services program. A suit may not be filed any later than 3 years after the violation occurred.

A worker may also take legal action against the contractor's bond to recover unpaid wages or other damages, at any time within 3 years after the expiration of the bond or the contractor's license, whichever occurs first.

SPECIAL NOTE: An employer or farm 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 these provisions.

SPECIAL NOTE: A farm operator or other person who uses the services of an unlicensed farm labor contractor is legally responsible — along with the person acting as a contractor — for any damages resulting from the contractor's

