

■ **MIGRANT LABOR LAW (*MIGRANT LABOR CONTRACTORS*)**

TERMS: Wisconsin's migrant labor law regulates the activities of migrant labor contractors, briefly defined as anyone (other than an employer acting on his or her own behalf) who recruits, solicits, hires or furnishes migrant workers for employment in Wisconsin. A "migrant worker" is anyone who temporarily leaves a principal residence in another state and comes to Wisconsin for not more than 10 months in a year to accept seasonal agricultural employment.

Registration — No one may operate as a migrant labor contractor without first obtaining a registration certificate from the state. Registered labor contractors must carry their certificate at all times while performing contracting activities, and must show the certificate to everyone with whom they deal in that role. Likewise, agents employed by registered contractors to assist them in contracting work must carry identification indicating their status as agents of a registered contractor.

Duties — Among other responsibilities, every migrant labor contractor and every contractor's agent is required (1) to file an official change of address within 10 days after each such change, (2) to promptly pay or deliver to the appropriate recipient anything of value entrusted to the contractor by someone else, (3) to comply with all contracts or agreements entered into, and (4) to keep and preserve prescribed records.

Prohibited Activities — Migrant labor contractors and their agents are forbidden from (1) knowingly giving a worker any false or misleading information, or failing to fully disclose any information, concerning the terms, conditions or existence of employment, (2) receiving, paying or withholding a worker's wages, except to distribute a check payable to the worker, (3) charging a worker for goods or services when the amount charged is more than the actual cost of providing the goods or services, or (4) violating the migrant labor law's recruitment and contract provisions (*see next entry*).

ENFORCEMENT: *Migrant Law Enforcement Section, Employment and Training Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-0002)*. This agency is responsible for issuing migrant contractor registration certificates, and for assuring registrants' compliance with the migrant labor law and the associated rules and regulations.

A migrant worker affected by a violation of the migrant labor law by a migrant labor contractor has a right to file suit against the contractor in civil court, using a private attorney or public legal service provider.

SPECIAL NOTE: A labor contractor may not fire, discipline or discriminate in any way against a migrant worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to unlawful retaliation may file suit against the contractor involved, using a private attorney or public legal service provider.