



## FARMWORKER JUSTICE

February 26, 2020

Maryland Senate Finance Committee  
Senate Office Building, 11 Bladen St., Annapolis, Maryland 21401

### **RE: SB 742 – SUPPORT**

Dear Members of the Senate Finance Committee:

On behalf of Farmworker Justice, I am writing to express support for SB 742, “The Fair Recruitment and Transparency Act,” which would protect internationally recruited workers in Maryland from labor exploitation and trafficking.

Farmworker Justice is a national advocacy organization representing migrant and seasonal farmworkers who perform agricultural work in the United States. We seek to improve the wages, working and living conditions of all farmworkers. With respect to the H-2A temporary agricultural guestworker program, Farmworker Justice seeks to ensure that the operation of the program serves the statutory purpose of ensuring that U.S. workers are not displaced and do not suffer adverse effects in their wages or working conditions. We also seek to ensure that the program provides basic labor protections for both foreign H-2A workers and U.S. workers in corresponding employment.

The number of H-2A workers in the United States has increased dramatically in the last decade, jumping to over 250,000 positions certified in FY 2019 from approximately 85,000 positions certified in FY 2009. In Maryland, internationally recruited H-2A workers come to plant and harvest our crops and tend our livestock.

Across visa categories and industry sectors, internationally recruited workers experience similar patterns of abuse. Workers' experiences during recruitment abroad have a substantial impact on their earnings and conditions in the U.S., as well as on the U.S. workers in the labor market where the foreign workers are employed. Many foreign citizens recruited for jobs under temporary work visas are charged high recruitment fees to obtain U.S. employment. To afford those fees and transportation costs, workers often borrow money from the recruiters, frequently at high interest rates. In some cases, recruiters misrepresent the amount and conditions of work that will be available in the U.S. Upon arrival in the U.S., these indebted workers often are too fearful of losing their jobs and being deported to challenge unfair or illegal conduct. Moreover, employers regularly rely on international labor recruiters to discriminate in hiring on the basis of

gender and age. In these circumstances, U.S. workers are often viewed as insufficiently compliant and undesirable. Responsible, law-abiding employers should not suffer unfair competition from businesses that benefit from abusive international labor recruiting. When internationally recruited workers in Maryland suffer abuses, the state of Maryland suffers.

Improved protections must be put in place to ensure workers are provided accurate disclosures about the employment at the time of recruitment and to prevent fraud and misrepresentations; prevent discrimination based on age, gender and other protected categories; and ensure workers do not pay recruitment fees. While recruitment fees are prohibited in some visa programs, such as the H-2A program, they continue to be commonly charged. Workers have little incentive to come forward to report violations as they will likely lose their chance of obtaining a visa if they do so, limiting any ability to repay the debt they have accrued. Disclosure requirements, too, are frequently flaunted. Under the current H-2A program, for example, employers are supposed to provide H-2A workers with a copy of their work contract no later than when the worker applies for a visa, but this often does not happen.

Maryland SB 742 contains important provisions that would help prevent trafficking and other abuses in international labor recruitment across all visa programs in Maryland. Through a public registry of recruiters, the bill would root out bad actors and level the playing field for employers who want to do right by their workers. By requiring recruiters to provide workers with an employment contract, this bill would ensure that workers coming to Maryland are fully informed of the terms of their employment before they decide to take a job. Maryland SB 742 would help to fill the gap in legal protections that internationally recruited workers face.

By eliminating recruitment fees for work in Maryland, ensuring workers receive a contract at the time of recruitment, and banning discrimination and retaliation, this legislation would combat debt bondage, human trafficking, and other forms of labor exploitation in Maryland. This legislation is integral to ensuring that internationally recruited workers in Maryland are protected from economic exploitation and other abuses. Farmworker Justice strongly encourages you to pass SB 742. Thank you for making Maryland a place where internationally recruited workers are respected and workplaces are safe and just for all workers.

Sincerely,

Iris Figueroa  
Senior Staff Attorney  
Farmworker Justice