

Testimony of the Human Trafficking Prevention Project The University of Baltimore School of Law

BILL NO: Senate Bill 742
TITLE: Labor and Employment – Fair Recruitment and Transparency Act
COMMITTEE: Finance
HEARING DATE: February 27, 2020
POSITION: **SUPPORT**

The incidence of known human trafficking cases involving foreign labor recruiters is increasing dramatically in the United States. While the many foreign labor recruiters behave ethically and are engaged in lawful conduct, a growing percentage are often complicit with, or directly involved in, the trafficking of workers. The Human Trafficking Prevention Project at the University of Baltimore School of Law supports Senate Bill 742 because it will enhance Maryland's ability to protect foreign workers legally entering the United States on H-2 temporary work visas from human trafficking and other human rights abuses.

Unscrupulous recruiters commonly lure foreign workers to the United States by misrepresenting the terms of the worker's employment. Recruiters frequently charge guest workers exorbitant fees to facilitate placement with U.S. employers. When workers arrive in the U.S. indebted, they remain in abusive or exploitative working conditions under debt bondage or other forms of modern slavery. Recruiters also circumvent anti-discrimination laws, defraud U.S. visa programs, weaken workplace protections for all workers, and retaliate against workers who complain about unlawful treatment.

This legislation would:

- Eliminate debt bondage by prohibiting foreign labor recruiters from charging workers any costs, fees, or expenses and requires fee repayment and hiring if a worker reports having been charged fees.
- Promote transparency and accountability by creating a public registry of licensed foreign labor recruiters, available online, which will also include names of employers, industries of recruitment, names of all persons employed by the recruiter, and locations of recruitment.
- Reduce fraud by creating a licensing requirement for foreign labor recruiters through which recruiters must disclose previous violation of laws; previous activity; operating budget and revenue; manner of recruitment; registry with any other state or government, including revocations, suspensions, and refusals to reissue; professional memberships; list of employers who have used their services over the past two years; and a history of recruitment over the past two years.
- Require employers to use licensed foreign labor recruiters, and permitting the State to revoke or suspend the license if the licensee knowingly provides fraudulent or misleading information to a foreign migrant worker.
- Require foreign labor recruiters to provide workers with a signed contract, at the time of recruitment, detailing the terms of employment, including wages due and by whom they will be paid, in the primary language of the worker.
- Prohibit discrimination and retaliation by recruiters.

- Enact a workgroup focused on studying the J-1 visa program in Maryland to determine if legal intervention is needed here, as well.

In a time when it is even more critical to provide legal safeguards for our most marginalized immigrant populations, SB 742 would make foreign-born H-2 workers less vulnerable to the crime of human trafficking by increasing the regulation of foreign labor recruiters. For these reasons, the Human Trafficking Prevention Project at the University of Baltimore School of Law supports SB 742. We respectfully urge a favorable report.