



Sally Dworak-Fisher, Attorney
Public Justice Center
1 North Charles Street, Suite 200
Baltimore, Maryland 21201
410-2325-9409, ext. 273
dworak-fishers@publicjustice.org

SB 742 - Labor and Employment - Fair Recruitment and Transparency Act
Hearing before the Senate Finance Committee, February 27, 2020

Position: SUPPORT

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization that seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. Our Workplace Justice Project aims to ensure that our state's low-wage workers receive fair and full payment for their labor and other basic protections. The PJC **supports SB 742**.

SB 742 Will Create Necessary Transparency in Guestworker Recruitment. Migrant workers apply for H-2 jobs through recruiters while still outside the US, an arrangement that allows for myriad abuses. Many workers send personal information and recruitment fees to job brokers, only to find that the job does not exist¹. Even if the posted job is legitimate, not all employers provide a written contract, leaving workers in the dark. SB 742 would require recruiters to join a public registry, a step that would foster transparency and assure potential workers that the job is legitimate and fair.

SB 742 Will Enable Guestworkers to Speak Out Against Abuse Without Fear of Retaliation. H-2 visa holders are dependent on their individual employer for their status, meaning that if they leave the job they can be subject to deportation. This leaves workers vulnerable; in cases of abuse or trafficking, workers are unlikely to stand up to their employers, due to the risk of losing not only their jobs, but also their legal status in the US². In addition to fears of deportation, many H-2 workers also incur large debts from recruitment fees, paid before even arriving in the country¹, and the need to work off their debt silences them. By banning the use of recruitment fees and protecting workers from retaliation, SB 742 bill would empower exploited workers to challenge illegal practices.

¹ *Recruitment Revealed*, Centro de los Derechos del Migrante, Feb. 2018. Available at https://cdmigrante.org/wp-content/uploads/2018/02/Recruitment_Revealed.pdf

² *Close to Slavery*, Southern Poverty Law Center, Feb. 19, 2013. Available at <https://www.splcenter.org/20130218/close-slavery-guestworker-programs-united-states#recruitment>

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

Because SB 742 represents an opportunity to protect vulnerable workers while encouraging ethical business practices in Maryland, the Public Justice Center **SUPPORTS SB 742** and requests a **FAVORABLE** report.