

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 364 (Rodriguez)
Version: February 1, 2021
Hearing Date: July 13, 2021
Fiscal: Yes
Urgency: No
TSG

SUBJECT

Foreign labor contractor registration: agricultural workers

DIGEST

This bill requires most foreign labor contractors, including, but not limited to, those recruiting farmworkers abroad, to register with the California Labor Commissioner, pay a fee, post a bond, and adhere to certain standards designed to prevent exploitation.

EXECUTIVE SUMMARY

To fill needs for various types of labor in the United States, employers can sponsor temporary immigrant visas for foreign workers. Although these visa programs usually come with strict rules governing the terms and conditions under which the foreign worker will be employed, the foreign labor contractors who recruit workers for these programs on behalf of California employers operate with little oversight. Currently, only foreign labor contractors recruiting H2-B workers must register with the Labor Commissioner and comply with associated requirements. The author and sponsor of this bill allege that unscrupulous foreign labor contractors recruiting for other types of visas take advantage of this absence of oversight, lure foreign workers with false promises, and then extort money from them. To curb these abuses and bring greater accountability to the role played by foreign labor contractors, this bill would require nearly all foreign labor contractors to register with the California Labor Commissioner, pay a fee, post a bond, and adhere to certain standards designed to prevent human trafficking and exploitation.

The bill is co-sponsored by the Coalition to Abolish Slavery & Trafficking and the District Attorneys of Alameda and San Diego Counties. Support comes from labor and civil rights groups. Opposition comes from business and agricultural advocacy organizations who contend that, at least in relation to farm labor recruiters, the bill unnecessarily duplicates existing requirements. The bill passed out of the Senate Labor, Public Employment and Retirement Committee by a vote of 4-0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Directs the California Labor Commissioner to administer a program to register and supervise foreign labor contractors, but specifies that the program only applies to “nonagricultural” H-2B workers. (Bus. & Prof. Code § 9998 *et seq.*)
- 2) Defines the following terms for purposes of the registration program described in (1), above:
 - a) “foreign labor contractor” means any person who performs “foreign labor contracting activity” wholly outside of the United States;
 - b) “foreign labor contracting activity” means the paid recruitment or solicitation of a “foreign worker” who resides outside of the United States for a job in California; and
 - c) “foreign worker” means any person seeking employment who is not a United States citizen or permanent resident but who is authorized by the federal government to work in the United States on a temporary basis. (Bus. & Prof. Code § 9998.1.)
- 3) Requires any person acting as a foreign labor contractor to register with the Labor Commissioner, to pay a registration fee, and to post a surety bond based upon the foreign labor contractor’s gross receipts. (Bus. & Prof. Code § 9998.1.5.)
- 4) Requires anyone who knows or should know that they are using a foreign labor contractor to procure foreign workers to disclose that fact to the Labor Commissioner together with a declaration consenting to allow the Labor Commissioner to accept service of a summons on their behalf. (Bus. & Prof. Code § 9998.2.)
- 5) Requires foreign labor contractors to disclose specified information in writing to each foreign worker they recruit, in that worker’s primary language, including the following:
 - a) a form specified by the Labor Commissioner that informs workers about their rights, including a notice that workers cannot be forced to pay processing, placement, transportation, or legal fees, which, by law, are the responsibility of the foreign labor contractor; and
 - b) a statement informing workers of the rights and protections afforded to them under the federal Trafficking Victims Protection Act of 2000. (Bus. & Prof. Code § 9998.2.5.)
- 6) Prohibits a foreign labor contractor from engaging in certain activities, including:
 - a) making false or misleading claims about the terms and conditions of work;
 - b) recruiting minors;

- c) intimidating or in any manner discriminating against a foreign worker or a member of the foreign worker's family in retaliation for the foreign worker's exercise of a legal right under the foreign labor contractor law; or
 - d) promising workers that they will be offered an opportunity for citizenship or legal permanent residence in the United States. (Bus. & Prof. Code §§ 9998.3 to 9998.7.)
- 7) Subjects anyone who violates provisions of the foreign labor contractor's law to civil penalties and liability for damages or injunctive relief. (Bus. & Prof. Code § 9998.8.)
- 8) Establishes a program for licensing and regulating "farm labor contractors," defined as any person who, for a fee, employs workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third party, or who recruits, solicits, supplies, or hires workers on behalf of an agricultural employer and who, for a fee, provides one or more of the following services: furnishing board, lodging, or transportation for those workers; supervising, timing, checking, counting, weighing, or otherwise directing or measuring their work; or disbursing wage payments to those workers. (Lab. Code § 1682 *et seq.*)
- 9) Prohibits a person from acting as a farm labor contractor without first meeting licensing, fee, and bonding requirements established by the Labor Commissioner and authorizes the Labor Commissioner to revoke, suspend, or refuse to renew a license if the farm labor contractor fails to comply with specified state or federal laws, or has been found by a court or administrative agency to have committed sexual harassment of an employee. (Lab. Code §§ 1682 to 1694.)
- 10) Requires every licensed farm labor contractor to, among other things, make specified disclosures to employers and workers, maintain specified records, promptly pay all moneys owed to workers, conspicuously post information related to workers' rights, provide mandated training, including sexual harassment prevention training for all supervisors and farm workers, and comply with all federal law requirements, including the Migrant and Seasonal Agricultural Workers Protection Act. (Lab. Code §§ 1695 through 1695.8.)
- 11) Prohibits a farm labor contractor from making false or misleading representations concerning the terms, places, or conditions of employment, sending workers to any place where the contractor knows a strike or lockout exists without notifying the worker of this fact, or doing any act that constitutes a crime of moral turpitude. (Lab. Code § 1696.)
- 12) Establishes employment standards, under the federal Migrant and Seasonal Agricultural Worker Protection Act (MSPA), for migrant and seasonal farmworkers

related to wages, housing, transportation, disclosures and recordkeeping. The MSPA also requires farm labor contractors to register with the U.S. Department of Labor. (29 U.S.C. § 1801 *et seq.*; 29 C.F.R. Part 500.)

- 13) Authorizes, under the federal Immigration and Naturalization Act, the lawful admission of foreign workers who have no intention of abandoning their country of origin or becoming citizens or legal permanent residents in the United States. (8 U.S.C. § 1101.)
- 14) Distinguishes between foreign workers who perform agricultural labor or services of a temporary or seasonal nature (H-2A workers), and foreign workers who perform nonagricultural labor or services (H-2B workers) of a temporary or seasonal nature (H-2B workers). (8 U.S.C. § 1101(a)(15)(H).)

This bill:

- 1) Extends the foreign labor contractor provisions in existing law to all contractors of foreign labor, including farm labor contractors who contract for foreign labor, by deleting a provision that expressly limits the law's application to "nonagricultural" workers and that expressly exempts farm labor contractors.

COMMENTS

1. Background on foreign labor visas

As explained by the Senate Committee on Labor, Public Employment, and Retirement:

There are a number of circumstances under which employers may recruit foreign nationals to work in the United States with the protection of specific visas granted by the federal government on a temporary or permanent basis. Foreign nationals who are not citizens, permanent residents or refugees/asylees to the U.S. must first obtain authorization to work in the U.S. pursuant to nonimmigrant or immigrant visas. Nonimmigrant visas confer temporary status and work authorization; immigrant visas grant permanent residency status.

Most employment-based nonimmigrant visas require employer sponsorship where the employer files for a specific visa with the U.S. Citizenship and Immigration Services (USCIS) on behalf of the prospective employee. In some circumstances, U.S. Department of Labor (DOL) approval is also required to demonstrate that the foreign national will not displace U.S. workers. The following are some of the most common visa classifications under which a foreign national may temporarily work or train in the United States:

- H-1B- Specialty occupations in fields requiring highly specialized knowledge, specified fashion models, or certain services of an exceptional nature, as specified.
- H-2A- Temporary agricultural workers
- H-2B- Temporary nonagricultural workers performing other services or labor
- H-3- Trainees or special education exchange visitors
- I- Representatives of foreign media
- L-1A- Intra-company transferees (executives, managers)
- L-1B- Intra-company transferees (employees with specialized knowledge)
- O-1- Individuals with extraordinary ability or achievement in the sciences, arts, education, business, or athletics
- P-3- Foreign nationals who perform, teach, or coach a program that is culturally unique
- R-1- Temporary religious workers

According to data from the Economic Policy Institute, Policy Center, "Each year, California receives roughly 20% of the total number of temporary migrant workers employed in the United States with nonimmigrant visas, according to the U.S. Department of Homeland Security. As of 2016, this constituted over 200,000 individuals. And the number is growing. There are now close to 600,000 workers nationwide in the H-1B visa program, a visa program that is utilized by many California employers. The H-2A visa program has tripled in size from 80,000 approved jobs in fiscal year 2008 to over 257,000 in fiscal year 2019, and California recently became one of the top 5 states for H-2A employment."

2. The role of foreign labor contractors and abuses of that role

Frequently, when a California employer wishes to hire foreign workers through one of the foreign labor visa programs, the employer engages the services of a foreign labor contractor. For a fee, the foreign labor contractor then recruits foreign workers for the job on behalf of the employer. Forthright foreign labor contractors accurately describe the nature of the job for which the foreign worker is being recruited, what the compensation will be, and how things like travel to the worksite, housing, and meals will be arranged. Unscrupulous foreign labor contractors, by contrast, can take advantage of the situation to lure foreign workers with false promises and then extort money from them. For instance, according to the Coalition to Abolish Slavery & Trafficking (CAST), one of the sponsors of this bill, unethical foreign labor contractors often tell the workers they are recruiting that the worker must pay the foreign labor contractor for things like travel expenses or for processing the worker's visa, either up

front or as reimbursements from the worker's earnings. In fact, under the visa programs, such costs are the employer's obligation. Foreign workers are often willing to enter into these arrangements, Cast reports, because the foreign labor contractors exaggerate how well-compensated the jobs are or falsely imply that the workers may be able to use their work visa to immigrate to the United States permanently.

To illustrate the role that unscrupulous foreign labor contractors can play, Cast offers the following case studies drawn from its anti-human trafficking work:

- A group of 32 workers were recruited from a small town in Mexico to work in the avocado fields in California. They were promised they would work 5-6 days a week, 8 hours a day, at \$10/hour. They took out loans to receive lawful H-2A visas and pay the \$2000 recruitment fees. They traveled to the US with the understanding that their loans would be paid and they would be able to support their families. Once they got to the United States they realized things were not as represented. They worked sporadically and only for a few hours at a time. Not only were they not making enough to pay off their debts, they were incurring more debt every day for housing and food charges. When they complained or asked about finding more work, they were threatened with deportation and blacklisting in the US and Mexico. The men were afraid of having trouble with immigration authorities so they continued working even though they were verbally abused and daily threatened with deportation.
- 10 Filipino hotel workers who were fraudulently induced to come to the US on H-2B visas for work in California, Arizona and Florida. The workers were induced to take out high interest loans to pay the thousands of dollars charged by the traffickers as placement fees. They were promised a good salary, free room and board, and the chance to receive their lawful permanent residence. Once in the US, the workers were not paid what they were promised and faced high deductions for room and board. When the workers complained about their wages and attempted to seek other work, they were threatened by their employers who repeatedly told them that they would be arrested and deported if they left their jobs. Terrified, the workers knew that they had no choice but to continue to work for their traffickers against their will.
- Two Filipino workers were recruited to work in an eldercare facility in Los Angeles. The recruiter fraudulently secured P-1 visas for athletes and told the workers that it would be easy to get a different work visa once they arrived in the US. After the workers

arrived in the US they were told they each owed \$12,000 for their visas and that they had to work for the eldercare facility for 10 years. They were told that because the facility had been the one who brought them to the US, they were “owned”. They worked 24 hours a day, 7 days a week with no days off. They were often told that the police could arrest them.

3. Existing law regulates foreign labor contractors recruiting for the H2-B program

It was in an attempt to curb some of these abuses that, in 1998, California enacted the Foreign Labor Contractor Law. (AB 4554, Roybal-Allard, Ch. 1450, Stats. 1988). Under that law, anyone who, for compensation, recruited or solicited foreign workers to come to California to work temporarily had to comply with minimum standards. (Gov. Code § 9998.) Among other things, the original Foreign Labor Contractor Law obligated California employers to notify the Labor Commissioner if the employer was using a foreign labor contractor to recruit foreign workers; prohibited foreign labor contractors from making any false or misleading representations about the terms and conditions of the promised employment; prohibited foreign labor contractors from recruiting minors; required foreign labor contractors to pay the wages of anyone they recruited under false pretenses of a job offer that did not actually exist; and prohibited foreign labor contractors from retaliating or discriminating against foreign workers for exercising legal rights. (Gov. Code §§ 9998.2 – 9998.7.)

There was a major limitation on the scope of the original Foreign Labor Contractor Law, however. By its terms, the original law only applied to one category of visa: H2-B visas for “nonagricultural workers.” (Bus. & Prof. Code 9998.) The original law also expressly stated that it did not apply to a “farm labor contractor,” as that term is defined in Labor Code Section 1682, or to any employer of H-2A agricultural workers. (*Ibid.*)

Then, in 2014, California responded to further reports of foreign labor abuses by enacting SB 477 (Steinberg, Ch. 711, Stats. 2014). SB 477 strengthened the Foreign Labor Contractor Law by obligating foreign labor contractors themselves to register with the Labor Commissioner, pay a licensing fee, and post a surety bond. (Bus. & Prof. Code § 9998.1.5.) In addition, SB 477 required foreign labor contractors to make certain disclosures to workers and employers; imposed penalties on any employer who used an unregistered foreign labor contractor; expanded the remedies available to foreign workers aggrieved by a violation of the law; and extended the prohibition against retaliation to include acts of retaliation against a worker’s family members.

There is considerable dispute between the proponents and opponents of this bill as to how broadly SB 477 was meant to apply. The proponents fervently assert that SB 477 was meant to cover nearly all categories of foreign labor visa. In support of that view, they cite negotiations that led to the express exclusion from SB 477 of talent agencies who recruit foreign workers and J-1 visas that authorize persons participating in an

educational or cultural program to work while they are in the United States. (Bus. & Prof. Code § 9998.1(d).) The proponents ask why it would have made sense to mention *exclusion* of these types of foreign labor recruitment if the overall law were only applicable to H2-B visas anyway. The proponents also highlight correspondence from SB 477's author, then Senator Darrell Steinberg, confirming that his intent was to cover far more than just the recruitment of H2-B workers.

The opponents, by contrast, rest on the fact that SB 477 never removed the provision from the original Foreign Labor Contractor Law limiting its application to the recruitment of H2-B visa holders and expressly excluding farm labor contractors and recruiters of H2-A visa holders.

To date, the Labor Commission has sided with the opponents and interpreted the Foreign Labor Contractor Law as applying only to H2-B workers. By going back and striking out the provisions of the Foreign Labor Contractor Law that the Labor Commission has relied on for that conclusion, this bill would expand the application of the Foreign Labor Contractor Law to all but the talent agencies and J-1 visas that were carved out of SB 477.

4. Opposition objections

Apart from the how it might affect recruitment of agricultural workers under the H2-A guestworker program, this bill's proposed expansion of the Foreign Labor Contractor Law does not appear to be controversial. In fact, a coalition of businesses, including Nestle, Unilever, Danone, and Mars support the bill, writing: "holding employers who recruit temporary migrant workers coming to California to the same high standard is an important step forward in ensuring workers are treated with fairness, dignity and respect." That companies might support greater regulation of foreign labor contractors makes sense from a financial as well as a moral perspective: companies recruiting foreign workers may want assurance that the people recruiting for them are doing so on the level so as to avoid the potential civil or even criminal liability they might otherwise incur. (18 U.S.C. §§ 1593A, 1595(a).) The companies may also want assurance that their competitors are not able to obtain an economic advantage by skirting the law.

With regard to the recruitment of H2-A workers specifically, however, there is opposition to the bill. That opposition contends that recruitment of H2-A workers is already adequately regulated by two existing programs: the federal H2-A program itself, and California's laws requiring the registration of farm labor contractors.

- a. *Would the Foreign Labor Contractor Law duplicate federal oversight of the H2-A program?*

In its letter to the Committee, the opposition states that "H-2A visas were simply not intended to be covered by the [foreign labor contractor] program because of the lack of

necessity to do so because the H-2A visa program is already regulated by a restrictive application and enforcement program at the federal level [...]” The opponents then accurately describe elements of what employers must do to import H2-A workers:

demonstrate the need to hire an H-2A visa holder, pay the highest of the Adverse Effect Wage Rate (AEWR), the prevailing wage determined by a prevailing wage survey, or the applicable statutory minimum wage, guarantee work hours, and provide housing at no cost to the worker. [...] H-2A employees must also receive a copy of their work contract in a language that they understand.

Of these obligations, only one – the requirement to give H2-A workers a copy of their contract in a language the workers understand – arguably duplicates what this bill would require of foreign labor contractors as well. In that regard, however, the duplication hardly seems like an imposition on the recruiter: by providing the work contract in the appropriate language, the foreign labor contractor would be complying with both the federal law and this bill at once.

The opposition goes on to cite Department of Labor guidance regarding the H2-A program that states:

[H2-A] [e]mployers must comply with all applicable laws and regulations, including the prohibition against holding or confiscating workers’ passports or other immigration documents. In addition, employers must not seek or receive payment of any kind from workers for anything related to obtaining the H-2A certification, including the employer’s attorney or agent fees, the application fees, or the recruitment cost.¹

While this is reassuring with respect to H2-A *employers*, it does not speak to what the people who *recruit* workers on behalf of those employers may do or not do. It is that role – the role of foreign labor contractors – that this bill is intended to address.

Thus, while the federal government does play a major role in overseeing the H2-A program generally, it does not appear – at least from the materials provided to the Committee by the opponents – that the registration and regulation of foreign labor contractors who recruit H2-A workers to come to California, as proposed in this bill, would duplicate much of that federal oversight.

¹Fact Sheet #26: Section H-2A of the Immigration and Nationality Act (INA) (Feb. 2010) United States Department of Labor Wage and Hour Division <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs26.pdf> (as of Jul. 3, 2021) at p. 3.

The Committee may also wish to bear in mind that while federal law applies to all agricultural worksites in theory, federal inspection and enforcement is extremely rare in practice. The chances that the U.S. Department of Labor's Wage and Hour Division will investigate a farm employer in any given year are only just over one percent.² Even at these quite limited levels however, federal investigations have revealed that abusive practices remain alarmingly pervasive in the farm labor context.³

b. Would the Foreign Labor Contractor Law duplicate state oversight of farm labor contractors?

The opposition also contends that extending the Foreign Labor Contractor Law to apply to the recruitment of H2-A workers is unnecessary because California already regulates farm labor contractors. It is true that California law requires farm labor contractors to register with the Labor Commissioner, pay fees, and post a surety bond (Lab. Code § 1682 *et seq.*) Up to that point, the requirement of the existing farm labor contractor laws do match quite closely with what this bill asks of foreign labor contractors. Thus, to the degree that farm labor contractors are also engaging in the recruitment of H2-A workers abroad, these components of the two programs are at least arguably duplicative.

The rest of the requirements that this bill would impose on foreign labor contractors, however, diverge distinctly from what existing law demands of farm labor contractors. As detailed earlier in this analysis, the Foreign Labor Contractor Law addresses what happens during the recruitment process (prohibiting, for example, the charging of recruitment fees and falsely holding out the prospect of permanent immigration into the United States). The farm labor contractor law, by contrast, largely addresses what happens once the workers have already taken the job and are in California.

Among other things, the farm labor contractor law requires the farm labor contractor to register with the county agricultural commission, ensure that the workers are adequately covered by workers' compensation coverage, obtain training in the prevention of sexual harassment, assure that workers are paid appropriately, and maintain safe and healthy working conditions. (Lab. Code § 1682 *et seq.*) None of these provisions relates to what happens when the farmworker is still living abroad and weighing the decision whether or not to accept a job in California.

Thus, Cast seems to be correct in its conclusion that: "[t]he simple fact is that no provisions in California law currently address the vulnerability of migrant workers coming to California *at the point of recruitment.*"

²Costa, Martin, and Rutledge. *Federal Labor Standards Enforcement in Agriculture* (Dec. 15, 2020) Economic Policy Institute <https://www.epi.org/publication/federal-labor-standards-enforcement-in-agriculture-data-reveal-the-biggest-violators-and-raise-new-questions-about-how-to-improve-and-target-efforts-to-protect-farmworkers/> (as of Jul. 3, 2021).

³ *Ibid.*

For the same reason, even the bonding requirements that both the farm labor contractor law and the foreign labor contractor law contain are not as duplicative as they might at first appear. They insure against harms from that would emerge from abusive behavior at different stages of the process. As a result, though a California farm labor contractor who also recruits foreign workers from abroad could, under this bill, be required to put up two separate surety bonds with the Labor Commissioner, one bond would cover against harms resulting from unlawful behavior in the recruitment process, while the other bond would cover against harms arising during the work itself.

5. Prosecutors' interest in the bill

This bill is co-sponsored by the San Diego and Alameda County District Attorneys. They highlight the value of the bill for combatting human trafficking. As things stand today, when prosecutors suspect that a foreign labor contractor may be involved in human trafficking, the prosecutors sometimes have great difficulty tracking down the contractor and the contractor's relationship with California employers. Under this bill, prosecutors should have little difficulty in tracking foreign labor contractors who are registered with the Labor Commissioner and, as to those who do not register, that fact alone would constitute a legal violation that the prosecutors could use against the contractor.

6. Arguments in support of the bill

According to the author:

Internationally recruited temporary workers face common patterns of exploitation. Recent data show labor trafficking increasing within this temporary but sizable workforce. Sadly, too many workers in sectors including the agricultural industry have fallen victim to predatory contracts, forced labor, retaliation, and more. The protections that AB 364 seeks to ensure are in addition to current provisions in California law that address farm labor contracting as they cover activities exclusively involving international labor recruitment. Crucially, they provide safeguards early in the recruiting process -at the time and place of recruitment abroad- and are thus essential in preventing exploitation and trafficking.

As a sponsor of the bill, the Coalition to Abolish Slavery & Trafficking (Cast) writes:

In Cast's on-the-ground experience working with survivors in California, almost 2/3 of the foreign workers who seek Cast's services are labor trafficking victims on temporary visas. Their vulnerability to trafficking and abuse most frequently started with

false promises and debt to a fraudulent Foreign Labor Recruiter extracted in exchange for a lawful visa to come to California. (Internal citations omitted.)

As another sponsor of the bill, Alameda County District Attorney Nancy O'Malley adds:

Human trafficking is a horrific crime that is difficult for law enforcement to identify and successfully prosecute, especially those cases involving labor trafficking. [...] One of the largest areas of abuse that law enforcement has seen is when third party recruiters (FLRs) exploit and traffic foreign workers. This occurs across the state of California. The unscrupulous FLRs threaten workers with blacklisting, discrimination and other forms of retaliation, including the imposition of additional fees and violence against themselves, family members, or their home communities for reporting abuses or seeking to escape their fraudulently induced servitude.[...] AB 364 will make it easier to identify bad actors and to prosecute cases of labor trafficking in California.

7. Arguments in opposition to the bill

In opposition to the bill, coalition of 14 agricultural trade associations writes:

California's [Farm Labor Contractors] were regulated before the creation of SB 477, and in fact formed the model for that legislation. To now loop them into the foreign labor contracting regulations is nonsensical and ignores that they are already covered by pre-existing legislation. Moreover, [Farm Labor Contractors] are already subject to a host of requirements that would make such an inclusion unnecessary and duplicative.

SUPPORT

Coalition to Abolish Slavery & Trafficking (sponsor)
Alameda County District Attorney's Office (sponsor)
San Diego County District Attorney's Office (sponsor)
American Civil Liberties Union of California
Alliance to End Slavery and Trafficking
Bet Tzedek Legal Services
California Commission on the Status of Women and Girls
Centro de los Derechos del Migrante
Coalition of Immokalee Workers
CSA San Diego

Dolores Street Community Services
Economic Policy Institute Policy Center
Equal Rights Advocates
Freedom United
Free the Slaves
Free to Thrive
Eric Garcetti, Mayor, City of Los Angeles
HEAL Trafficking
Hewlett Packard Enterprise
Human Trafficking Institute
Humanity United Action
Justice in Motion
Legal Aid of Marin
Los Angeles Center for Law and Justice
Los Angeles County District Attorney's Office
McCain Institute for International Leadership
National Network for Youth
North County Lifeline
Pilipino Workers Center of Southern California
Polaris
Ruby's Place
Safe Horizon
Santa Barbara Women's Political Committee
Service Employees International Union, California State Council
Solidarity Center
Darrell Steinberg, Mayor, City of Sacramento
Sustainable Food Policy Alliance
T'ruah: The Rabbinic Call for Human Rights
United Way Worldwide
The University Corporation D.B.A. "Strength United"
Verité
Verity, Compassion, Safety, Support
Vital Voices Global Partnership
Waymakers
City of West Hollywood
Womankind
33,021 individuals

OPPOSITION

African-American Farmers of California
Agricultural Council of California
California Association of Winegrape Growers
California Chamber of Commerce

California Citrus Mutual
California Cotton Ginners & Growers Association
California Farm Bureau Federation
California Fresh Fruit Association
Family Winemakers of California
Farwest Equipment Dealers Association
Nisei Farmers League
Western Agricultural Processors Association
Western Growers Association
Western Plant Health Association

RELATED LEGISLATION

Pending Legislation: AB 857 (Kalra, 2021) requires employers of H-2A temporary agricultural guestworkers to provide a notice of California workplace rights upon hire and codifies the circumstances in which such workers must be compensated for their travel time. AB 857 is currently pending consideration before this Committee.

Prior Legislation:

AB 1913 (Kalra, 2018) was nearly identical to this bill. AB 1913 failed passage on the Assembly Floor.

SB 477 (Steinberg, Ch. 711, Stats. 2014) established a comprehensive registration and oversight process for foreign labor contractors, including enumerated protections for temporary foreign workers who are recruited to work in California.

SB 516 (Steinberg, 2013) was substantially similar to SB 477 but specified a lower contractor registration fee. In his message vetoing the bill, then-Governor Brown wrote: “[u]nfortunately, the registration and filing fees established by the bill are insufficient to support the ongoing costs of the proposed program.”

PRIOR VOTES:

Senate Labor, Public Employment and Retirement Committee (Ayes 4, Noes 0)
Assembly Floor (Ayes 53, Noes 19)
Assembly Appropriations Committee (Ayes 11, Noes 5)
Assembly Judiciary Committee (Ayes 8, Noes 2)
Assembly Labor and Employment Committee (Ayes 5, Noes 2)
