

● SEASONAL FARM LABOR ACT (*FARM LABOR CONTRACTOR REGISTRATION*)

STATUTORY CITATION: 43 Pa. Stat. §§ 1301.501 – 1301.506

RELATED REGULATIONS: 34 Pa. Code §§ 31.51 – 31.58

GENERAL SUMMARY: The Seasonal Farm Labor Act includes provisions regulating the operation of farm labor contractors in Pennsylvania, by requiring that contractors register each year with the state and observe certain limitations on their business activities. In brief, the Act defines a farm labor contractor as any person who, for compensation, recruits, solicits, hires, furnishes or transports 5 or more seasonal farmworkers in any calendar year for employment in agriculture or in an agriculture-related industry.

SPECIFIC TERMS AND CONDITIONS

REGISTRATION — No one may act as a farm labor contractor unless he or she possesses or has applied for a certificate of registration from the state. Similarly, individuals who are employed by and act as agents of a registered farm labor contractor must carry identification indicating their status as contractor agents and are subject to the Act and its associated regulations to the same extent as if they were registered contractors.

RECORDKEEPING — Every farm labor contractor must make and preserve prescribed payroll records on each worker recruited, employed or supervised, including such data as the worker's name and Social Security number, total wages earned, the number of hours worked, and hourly or piecework wage rates.

PROHIBITED ACTIVITIES — Among other prohibitions enumerated in the Act, it is forbidden for anyone engaged in activities as a farm labor contractor:

(1) To knowingly give a seasonal farmworker or prospective farmworker any false or misleading information, or fail to fully disclose pertinent information, concerning the availability of work, wages, any arrangements for the furnishing of meals, housing and transportation, or other terms of employment, in order to induce the worker to accept or reject a job offer.

(2) To receive, disburse or withhold any wages or other compensation for the services of a worker except in conformity with the Act's wage payment provisions (*see entry, Pennsylvania — Wages & Hours — Wage Payment and Collection*).

(3) To charge or collect from a worker any money or other thing of value for goods or services provided by the contractor, except (a) a reasonable charge for transportation of the worker, the worker's family and their possessions between the place of residence or recruitment and a job site, or from one job site to another, and (b) a reasonable charge for meals during the term of employment or during travel periods.

(4) To fail to correctly disclose to the worker, at the time of recruitment or negotiation of any contract, the reasonable charges for transportation and meals.

(5) To sell or dispense any alcoholic beverage without a state license or permit.

SPECIAL NOTES OR ADVISORIES

RETALIATION — Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a civil or criminal complaint under the Seasonal Farm Labor Act is deemed a separate violation of the Act, punishable as a criminal offense.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665)*. In addition to administering the farm labor contractor registration process, the Department is responsible for monitoring contractors' compliance with the restrictions imposed on their conduct. In response to a complaint or other evidence of a violation of the Act, the Department may enter public or private property, inspect records, question any person, and take other investigatory action necessary to determine if a violation has, in fact, occurred. Contractors who fail to comply with any provision of the Act or the associated rules may have their registration certificate suspended or revoked and are also subject to criminal action.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.