

● FARM LABOR CONTRACTOR LAW

STATUTORY CITATION: Wash. Rev. Code §§ 19.30.010 – 19.30.902

RELATED REGULATIONS: Wash. Admin. Code Ch. 296.310

GENERAL SUMMARY: Chapter 19.30 of the Washington statutes regulates the business activities of farm labor contractors, defined as any individual, firm, association or other entity that, for a fee, recruits, solicits, employs, supplies, transports or hires agricultural workers.

SPECIFIC TERMS AND CONDITIONS

LICENSING — With few exceptions, no one may act as a farm labor contractor in Washington until a license authorizing such activity has been issued to the applicant by the state. The licensee must have the license in possession at all times while engaged in contracting services.

BONDING AND INSURANCE — Among other prerequisites, the state licensing agency may not issue a license unless the applicant (1) posts a surety bond or equivalent security to ensure compliance with the farm labor contractor law, and (2) obtains and maintains a liability insurance policy covering potential damage to persons and property arising from the contractor's business activities and ownership or operation of any vehicles used to transport farmworkers.

DISCLOSURES TO WORKERS — At the time of hiring, recruiting, soliciting or supplying any worker (whichever occurs first), a farm labor contractor is obligated to furnish the worker with a written statement containing all of the following information:

- (1) The rate of compensation to be paid and the method for computing earnings.
- (2) The terms and conditions of any bonus to be paid.
- (3) The terms and conditions of any loan made to the worker.
- (4) The conditions and costs of any transportation, housing, board, health or daycare services, or other employee benefits to be provided by the contractor.
- (5) The anticipated duration of employment, the approximate start and end dates, and the crops and crop operations involved.
- (6) The terms and conditions under which the worker will be furnished clothing or equipment.
- (7) The location or locations of the job.
- (8) The name and address of the owner of all operations where the worker will be working.
- (9) The existence of any labor dispute at the worksite.
- (10) The name and address of the farm labor contractor.
- (11) The existence of any arrangement with any store or other establishment at the place of employment under which the contractor is to receive a fee or other benefit from any sales by such establishment to the workers.
- (12) The name and address of the surety on the contractor's bond, and a statement explaining the worker's right to claim against the bond.

This disclosure must be in English and in any other language understood by the worker if the worker is not fluent or literate in English.

PAY STATEMENTS — Each time a worker is paid by or through a farm labor contractor, the contractor must provide the worker with a written statement itemizing the worker's total earnings, the amount and purpose of each deduction from pay, the number of hours worked, the rate of pay, and the number of units of production if work was done on a piece-rate basis.

RECORDKEEPING — With respect to each worker recruited, solicited, employed, supplied or hired, every farm labor contractor is required to keep a record for each pay period showing the basis on which wages are paid, the number of piecework units produced (if applicable), the number of hours worked, the total earnings, the specific sums withheld from wages and the purpose of each such deduction, and the amount of net pay. A copy of the record must be given to each farm operator or other user of the worker's labor, who in turn is required to preserve the record for no less than 3 years after the end of the period of employment.

PROHIBITED ACTS — It is illegal for anyone acting as a farm labor contractor to engage in any of the following practices:

- (1) To make a misrepresentation or false statement in an application for a license.
- (2) To give false or misleading information concerning the availability, terms or conditions of any employment.
- (3) To send or transport a worker to any job site where the contractor knows a strike or lockout is in progress.
- (4) To commit any act which constitutes a crime of moral turpitude under state law.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

LIABILITY FOR USE OF AN UNLICENSED CONTRACTOR — A farm operator or other establishment that knowingly uses the services of an unlicensed farm labor contractor is personally, jointly and severally liable with the person acting as a contractor for any damages arising from the contractor's operation.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Employment Standards, Apprenticeship and Crime Victims Division, Washington State Department of Labor and Industries, Olympia, Washington 98504 (toll-free 866-219-7321)*. The Department is responsible for licensing farm labor contractors in the state, and for monitoring their compliance with the farm labor contractor law. Not only may the Department revoke, suspend or refuse to renew the license of a contractor who engages in prohibited activities, or fails or refuses to observe the duties imposed on contractors under the law, but the Department is authorized to assess a civil money penalty of up to \$1,000 for each such infraction. Violators are also subject to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — After filing notice of a claim with the Department, anyone aggrieved by a violation of these provisions may bring suit against the contractor to recover actual losses, plus punitive damages and other relief, provided the suit is filed within 3 years after the violation occurred. A worker with a claim against a contractor may also bring suit against the contractor's surety bond, within 3 years after the date of expiration or cancellation of the bond, or the date of expiration or cancellation of the contractor's license, whichever is sooner.