

● **MIGRANT LABOR LAW (*MIGRANT LABOR CONTRACTORS*)**

STATUTORY CITATION: Wis. Stat. §§ 103.90 – 103.97

RELATED REGULATIONS: Wis. Admin. Code § DWD 301.05

GENERAL SUMMARY: Among its other provisions, Wisconsin's migrant labor law regulates the activities of migrant labor contractors, generally defined as anyone (other than an employer doing so on his or her own behalf) who, for a fee or other consideration, recruits, solicits, hires or furnishes migrant workers (other than members of the contractor's immediate family) for employment in Wisconsin. In brief, the term "migrant worker" means anyone who temporarily leaves a principal place of residence in another state and comes to Wisconsin for not more than 10 months in a year to accept seasonal agricultural employment.

SPECIFIC TERMS AND CONDITIONS

REGISTRATION — It is illegal for anyone to operate as a migrant labor contractor without first obtaining a registration certificate from the state. Registered labor contractors must carry their certificate at all times while performing contracting activities, and must show the certificate to all parties with whom they intend to deal in that capacity. Likewise, agents employed by registered contractors to assist them in contracting work must carry identification indicating their status as agents of a registrant.

DUTIES — Among other responsibilities, every migrant labor contractor and every contractor's agent is required (1) to file an official change of address within 10 days after each such change, (2) to promptly pay or deliver to the persons entitled thereto all money or things of value entrusted to the contractor by third parties, (3) to comply with all contracts or agreements entered into, and (4) to keep and preserve prescribed records.

PROHIBITED ACTIVITIES — Migrant labor contractors and their agents are forbidden from (1) knowingly giving a worker any false or misleading information, or failing to fully disclose any information, concerning the terms, conditions or existence of employment, (2) receiving, disbursing or withholding a worker's wages, except to distribute a check payable to the worker, (3) charging or collecting from a worker any sum for goods or services furnished to the worker, when such sum exceeds the actual cost of providing the goods or services, or (4) violating the migrant labor law's recruitment and contract provisions (*see next entry*).

SPECIAL NOTES OR ADVISORIES

RETALIATION — An employer or labor contractor may not discharge, discipline or discriminate in any manner against a migrant worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to unlawful retaliation may file suit against the employer or contractor involved, who, in addition to any other damages, may be liable to the worker for reinstatement and accumulated back wages.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Migrant Law Enforcement Section, Employment and Training Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-0002)*. This agency is responsible for issuing migrant contractor registration certificates and for assuring registrants' compliance with the migrant labor law and the associated rules and regulations. Violation of these provisions, or any material misrepresentation or false statement in a registration application, is grounds for suspension or revocation of a migrant labor contractor's certificate, as well as assessment of a money penalty.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — Without regard to any administrative action by the Department, a migrant worker aggrieved by a violation of the migrant labor law by an employer or migrant labor contractor has a right to bring suit against the violator in civil court, using a private attorney or public legal service provider.