

FLOOR ALERT -- SUPPORT AB 1913

Myths v. Facts: Support AB 1913 to Fight Trafficking and Exploitation

INTRODUCTION: In 2014, California legislators passed SB 477 (Steinberg), a bill to protect internationally recruited workers from debt bondage, contract fraud, retaliation, indentured servitude, and trafficking. After considering the bill's protection of an estimated 130,000 internationally recruited workers across visa categories and industry sectors, Gov. Brown signed the bill into law. During the law's implementation, the Division of Labor Standards Enforcement (DLSE) interpreted the law as codified as applying only to H-2B workers -- a tiny fraction of those workers SB 477 was intended to protect from exploitation and trafficking. AB 1913 is a technical fix that would effectuate SB 477's original intent by striking the language where the bill was enrolled, the language that resulted in DLSE's interpretation limiting the legislation's scope.

The agricultural industry has recently circulated its opposition to the AB 1913, but this opposition is misplaced and ill-informed. Let's set the record straight on AB 1913.

MYTH #1: The intent of SB 477 was not to cover H-2A workers.

FACT: The intent of SB 477 was to cover all visa categories and industry sectors except those explicitly carved out of the law through amendments, namely, J-1 visa recruiters and talent agents. According to the SB 477's author, former Sen. Darrell Steinberg and current Mayor of Sacramento, "The legislative intent of SB 477 was to cover all temporary foreign workers coming to California through the foreign labor recruitment process on a wide range of visa categories including H-2A workers. The bill was never intended to be limited to coverage of just H-2B workers." If the bill's intent had been to cover H-2B workers alone, there would have been no reason to carve J-1s out of the bill's protections.

MYTH #2: The H-2A program is already regulated by the U.S. Department of Labor.

FACT: Although the H-2A program does contain a ban on charging workers fees, the program does not create a mechanism for enforcing that ban. Unless there is complete transparency in the recruitment of workers, recruiters down the chain will continue to charge workers fees. A fees ban is worth very little if enforcement agencies cannot crack down on those who are charging fees. *This bill would create the much needed transparency that federal law does not provide so that workers can be protected from trafficking and abuses.*

MYTH #3: California's existing farm labor contractor licensing requirements already protect workers.

FACT: AB 1913 regulates *foreign* labor recruiters and was drafted with the full knowledge of existing farm labor contractor licensing requirements. Although some farm labor contractors may also be foreign labor recruiters, the existing farm labor licensing scheme does not capture the chain of recruitment of migrant workers. The existing program enables trafficking. Calls to the National Human Trafficking Hotline reveal that H-2A workers constitute the second largest category of reported cases of trafficking and abuse. *This bill would fight human trafficking by rooting out abusive recruiters.*

CONCLUSION: Some industry advocates would have you believe that AB 1913 would be burdensome, but the reality is that this technical fix will make California stronger. This is a bill to protect workers, but stronger workplaces mean better business in California. Use of the H-2A program is exploding in California, up from a few thousand to over 15,000 in the past few years, and we can expect the trend to continue. *California must act to ensure protections across visa categories. SUPPORT AB 1913!*