# AB 1362 (Kalra) provides protections to temporary immigrant workers not provided under any other Federal or State Law

SB 477 (Steinberg, 2014) was intended to apply to all foreign labor contractors (FLCs) regardless of the visa category through which they recruited foreign workers with two limited exceptions, i.e., the J-1 visa program and talent agencies. Due to a drafting error, SB 477 is currently interpreted as being limited solely to H-2B visas. Proposed Legislation intends to remedy this. As the following chart demonstrates, these provisions provide foreign workers with protections prior to employment during the recruitment stage not available under any other state or federal law.

| Requirement/Protection | State Regulation | Federal Regulation | Federal H-2A Rule | Proposed Legislation / SB 477 |
|---|---|---|---|---|
| **I. Recruiter duties toward workers** | | | | |
| Provide disclosure statement to worker at solicitation/recruitment that includes:<br>• Identity of the employer, signed copy of the work contract in worker's primary language, type of visa under which the foreign worker is to be employed, itemized list of any costs or expenses to be charged to the worker | No | No | No | ✓ |
| Additional statement provided to worker at solicitation/recruitment providing:<br>• FLR cannot charge any fees (including visa fees, processing fees, transportation fees, legal expenses, and placement fees) or any other costs to a worker<br>• No changes to terms of contract without notice<br>• Information on workers' rights under federal and state trafficking & labor laws<br>• Information on education or training requirements for the job, including any associated charges, as well as rate of pay during this period | No | No | No | ✓ |
| May not threaten or discriminate against a foreign worker or family member for the foreign worker's exercise of any right | No | No | No | ✓ |
| May not induce foreign worker to accept a job based on promises of citizenship or permanent residency in the US | No | No | No | ✓ |
| Bonding Requirements | No | No | No | ✓ |
| **II. Enforcement** | | | | |
| Civil Action by aggrieved worker | For violations of labor laws | No | No | ✓ |
| Bond Enforcement | For violations of labor laws | For violation of the H-2A regulations | No | ✓ |
| **III. Duties of Employers** | | | | |
| Must use a registered contractor | No | Only fixed site workers or those under Ag. Workers Protection Act | FLRs used by an Employer will be listed on a publicly available list maintained by the DOL but FLRs are not required to register prior to conducting recruitment activities | ✓ |
| Must provide a disclosure statement to CA Labor Dep't if using a contractor | No | No | No | ✓ |


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