

FINAL BILL REPORT

SSB 6332

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Synopsis as Enacted

Brief Description: Concerning human trafficking.

Sponsors: Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Haugen, Delvin, Kline, Fraser, Stevens, Shin, Fairley and Roach).

Senate Committee on Labor, Commerce & Consumer Protection
House Committee on Commerce & Labor

Background: International labor recruitment agencies and domestic employers of foreign workers must provide a disclosure statement to foreign workers, not including those holding an H-1B visa, who have been referred to or hired by a Washington employer. The disclosure statement must: state that the worker may be considered an employee under the laws of the state of Washington; state that the worker may be subject to both state and federal laws governing overtime and work hours; include an itemized listing of any deductions the employer intends to make from the worker's pay for food and housing, including an itemized listing of the international labor recruitment agency's fees; state that the worker has the right to control his or her travel and labor documents, subject to federal law; and include a list of services or a hotline the worker may contact.

Federal law requires the United States Secretary of State to develop an informational pamphlet on the legal rights and resources available to nonimmigrant visa holders in certain employment and education-based visa categories. The pamphlet must include information on: the legal rights of nonimmigrant visa holders, including labor and employment law; the illegality of slavery and trafficking in persons; the right to report abuse without retaliation; and the right of the nonimmigrant visa holder not to relinquish possession of his or her passport. Visa applicants are required to read and understand the pamphlet before being issued a visa.

Summary: A foreign worker is defined as a person who is not a citizen of the United States, who comes to Washington State based on an offer of employment, and who holds a nonimmigrant visa for temporary visitors. The exception for H-1B visa holders is removed. International labor recruitment agencies and domestic employers of foreign workers are not required to provide the disclosure statement if the foreign worker has been provided the federal informational pamphlet. A worker is presumed to have been provided the pamphlet if

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the federal law requiring the pamphlet is in effect and the worker holds an A-3, G-5, NATO-7, H, J, or B-1 personal or domestic servant visa.

An international labor recruitment agency or domestic employer that fails to provide the disclosure statement to any foreign worker is liable to that foreign worker in a civil action. The court must award a prevailing foreign worker an amount between \$200 and \$500, or actual damages, whichever is greater. The court may also award other equitable relief. A prevailing foreign worker must be awarded court costs and attorneys' fees.

The Department of Labor and Industries (L&I) must integrate information on assisting victims on human trafficking in posters and brochures, as deemed appropriate by L&I. The toll-free telephone number of the National Human Trafficking Resource Center and the Washington State Office of Crime Victims Advocacy must be included on the posters and brochures.

Votes on Final Passage:

Senate	44	0	
House	96	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: June 10, 2010