

FINAL BILL REPORT

SB 5342

C 4 L 16
Synopsis as Enacted

Brief Description: Concerning definitions related to human trafficking.

Sponsors: Senators Hasegawa, Kohl-Welles, Padden, McAuliffe, Brown, Keiser, Roach, Chase and Conway.

Senate Committee on Commerce & Labor
House Committee on Labor & Workplace Standards

Background: Under the Washington Human Trafficking laws, international labor recruitment agencies and domestic employers of foreign workers must provide a disclosure statement to foreign workers who have been referred to or hired by a Washington employer. The disclosure statement must: (1) state that the worker may be considered an employee in Washington; (2) state that the worker may be subject to both state and federal laws governing overtime and work hours; (3) include an itemized listing of any deductions the employer intends to make from the worker's pay for food and housing; (4) include an itemized listing of the agency's fees; (5) state that the worker has the right to control the worker's travel and labor documents, subject to federal law; and (6) include a list of services or a hotline the worker may contact if the person thinks the worker is a human trafficking victim. The Department of Labor and Industries created a model form, which includes information on assisting victims on human trafficking in posters and brochures.

As required under federal law, the U.S. Secretary of State developed a federal informational pamphlet on the legal rights and resources available to nonimmigrant visa holders in certain employment and education-based visa categories. International labor recruitment agencies and domestic employers of foreign workers are not required to provide the Washington disclosure statement if the foreign worker has been provided the federal informational pamphlet. A worker is presumed to have been provided the pamphlet if the federal law requiring the pamphlet is in effect and the worker holds certain personal or domestic servant visas.

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, and court costs and attorneys' fees. The court may also award other equitable relief.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary: New definitions are added to the human trafficking laws. "Menace of any penalty" is defined to mean all forms of criminal sanctions and other forms of coercion. "Forced labor" is all work exacted under the menace of any penalty and where the person has not voluntarily offered to work. "Human trafficking" is an act conducted to exploit, including forced work, by any means. Examples of means include the threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of power, or abuse of position of vulnerability. "Work or service" includes all types of legal or illegal work, employment, or occupation.

Votes on Final Passage:

Senate	49	0
House	97	0

Effective: June 9, 2016