

A New Law For Farm Labor Contractors

Written by Erik Johnson, Attorney-at-Law, Migrant Farmworkers Law Unit of Idaho Legal Aid Services & María González Mabbutt, Member, United Farmworkers of Idaho.

In 2002, Idaho's legislature passed a new law. Many individuals (and organizations) worked for many years to ensure passage of this new law. Those who are dedicated (and committed) to ensure justice and equality for Idaho's farmworkers are interested in letting farmworkers know about this new law. By doing so, the farmworkers and their families can continue to learn about their rights. We hope that farmworkers will assert their rights.

➡ **Laws (Including This One) Apply To ALL Workers – Legal And Undocumented!**

What is the new law that was passed?

The law requires farm labor contractors to obtain a license to act as farm labor contractors. In order to obtain the license, farm labor contractors are required to show proof of their worker's compensation coverage and motor vehicle insurance.

Does the law require anything else to obtain a license?

Yes, the law also requires farm labor contractors to put up a bond or other form of security.

What is the purpose of the bond?

The purpose of the bond is to insure that farmworkers can collect their wages if the farm labor contractor does NOT pay them.

Are there any other requirements for the farm labor contractors?

Yes. The law also requires farm labor contractors to do the following:

- 1) Provide in writing to the workers the terms and conditions of employment;
- 2) Provide written statements showing the wages paid and deductions made; and
- 3) Prohibits farm labor contractors from making false, misleading, or fraudulent job offers.

When does the new law take effect?

The law will go into effect during 2003.

Why do farm labor contractors need to be licensed and bonded?

Farm labor contractors act as the "middle persons" between farmers and farmworkers. Sometimes some farm labor contractors only pay farmworkers part of their wages or they fail to pay the farmworkers their wages. In many cases, it is very difficult to collect the wages in court because the farm labor contractor may NOT have any assets. Sometimes

farm labor contractors promise farmworkers a certain wage rate or amount of work, but then renege on their promises. The new law will weed out unscrupulous farm labor contractors, and enable farmers and farmworkers to choose farm labor contractors who are properly licensed and bonded.

Once the new law takes effect (during 2003) if a farmworker (or other person) knows that a farm labor contractor is NOT complying with the new law, what can the farm worker (or other person) do?

The farmworkers can file a complaint with the Idaho Department of Labor or with Idaho Legal Aid Services. The Idaho Department of Employment has 24 local offices throughout Idaho and Idaho Legal Aid Services/Migrant Farmworkers Law Unit has four (4) offices in southern Idaho as follows:

Caldwell

1104 Blaine
P.O. Box 1116
Caldwell, ID 83606
(208) 454-2591

Twin Falls

475 Polk
P.O. Box 1296
Twin Falls, ID 83301
(208) 734-7024

Pocatello

150 S. Arthur, Suite 203
P.O. Box 1785
Pocatello, ID 83204
(208) 233-0079

Idaho Falls

482 Constitution Way, Suite 101
Idaho Falls, ID 83402
(208) 524-3660

➡ **Remember:** Farmworkers have power. Farmworkers know when employers/farmers/farm labor contractors are NOT complying with laws. We encourage you to complain about farm labor contractors who are NOT complying with the laws. We hope that all of the work done by many to help with the passage of this law will benefit Idaho's farm workers.