

FINAL BILL REPORT

E2SSB 5850

PARTIAL VETO

C 492 L 09

Synopsis as Enacted

Brief Description: Protecting workers from human trafficking violations.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Swecker, Keiser, Franklin, Kline, Hargrove, Fraser, Tom, Regala, Prentice, McAuliffe and Shin).

Senate Committee on Labor, Commerce & Consumer Protection

Senate Committee on Ways & Means

House Committee on Commerce & Labor

House Committee on General Government Appropriations

Background: Trafficking in persons is a crime in the state of Washington. A person is guilty of trafficking if the person recruits, harbors, transports, provides, or obtains by any means a person knowing that force, fraud, or coercion will be used to cause the person to engage in forced labor or involuntary servitude, or if the person benefits financially by participating in a venture that engages in any of these actions.

International matchmaking organizations are required, upon request, to disseminate background check and personal history information of a Washington State resident whose information is provided to a recruit of the organization. Violations of this requirement are considered to be violations of the Consumer Protection Act.

Summary: International labor recruitment agencies and domestic employers of foreign workers must provide a disclosure statement to foreign workers, not including those persons who hold an H-1B visa, who have been referred to or hired by a Washington employer. The disclosure statement must be provided in English or, if the worker is not literate in English, in the language understood by the worker; 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 hot line the worker may contact. The Department of Labor and Industries (L&I) may create a model disclosure form and make the form available for download off its website. Upon request, L&I must mail the form.

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.

The Office of Crime Victims Advocacy must supply the regulatory bodies that regulate physicians, psychologists, mental health counselors, marriage and family therapists, and social workers with information on methods of recognizing victims of human trafficking. The information must be culturally sensitive and include information relating to minor victims. The regulatory authority must distribute this information to its members.

Votes on Final Passage:

Senate	46	0	
House	50	48	(House amended)
Senate	37	12	(Senate concurred)

Effective: July 26, 2009

Partial Veto Summary: The Governor vetoed the provision making violations of the disclosure statement requirement subject to the Consumer Protection Act.