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**SUBSTITUTE SENATE BILL 6332**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Haugen, Delvin, Kline, Fraser, Stevens, Shin, Fairley, and Roach)

READ FIRST TIME 01/25/10.

1           AN ACT Relating to human trafficking; amending RCW 19.320.010 and  
2 19.320.020; adding new sections to chapter 19.320 RCW; and prescribing  
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5           **Sec. 1.** RCW 19.320.010 and 2009 c 492 s 1 are each amended to read  
6 as follows:

7           The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9           (1) "Domestic employers of foreign workers" or "domestic employer"  
10 means a person or persons residing in the state of Washington who  
11 recruit or employ a foreign worker to perform work in Washington state.

12           (2) "Foreign worker" or "worker" means a person who is not a  
13 citizen of the United States (~~and~~), who comes to Washington state  
14 based on an offer of employment, and who holds a nonimmigrant visa for  
15 temporary visitors. (~~("Foreign worker" or "worker" does not include~~  
16 ~~persons who hold an H-1B visa and come to work in the state.)~~)

17           (3) "International labor recruitment agency" means a corporation,  
18 partnership, business, or other legal entity, whether or not organized  
19 under the laws of the United States or any state, that does business in

1 the United States and offers Washington state entities engaged in the  
2 employment or recruitment of foreign workers, employment referral  
3 services involving citizens of a foreign country or countries by acting  
4 as an intermediary between these foreign workers and Washington  
5 employers.

6 **Sec. 2.** RCW 19.320.020 and 2009 c 492 s 2 are each amended to read  
7 as follows:

8 (1) Except as provided in subsection (4) of this section, domestic  
9 employers of foreign workers and international labor recruitment  
10 agencies must provide a disclosure statement as described in this  
11 section to foreign workers who have been referred to or hired by a  
12 Washington employer on or after the effective date of this section.

13 (2) The disclosure statement must:

14 (a) Be provided in English or, if the worker is not fluent or  
15 literate in English, another language that is understood by the worker;

16 (b) State that the worker may be considered an employee under the  
17 laws of the state of Washington and is subject to state worker health  
18 and safety laws and may be eligible for workers' compensation insurance  
19 and unemployment insurance;

20 (c) State that the worker may be subject to both state and federal  
21 laws governing overtime and work hours, including the minimum wage act  
22 under chapter 49.46 RCW;

23 (d) Include an itemized listing of any deductions the employer  
24 intends to make from the worker's pay for food and housing;

25 (e) Include an itemized listing of the international labor  
26 recruitment agency's fees;

27 (f) State that the worker has the right to control over his or her  
28 travel and labor documents, including his or her visa, at all times and  
29 that the employer may not require the employee to surrender those  
30 documents to the employer or to the international labor recruitment  
31 agency while the employee is working in the United States, except as  
32 otherwise required by law or regulation or for use as supporting  
33 documentation in visa applications;

34 (g) Include a list of services or a hot line a worker may contact  
35 if he or she thinks that he or she may be a victim of trafficking.

36 (3) The department of labor and industries may create a model  
37 disclosure form and post the model form on its web site so that

1 domestic employers of foreign workers and international labor  
2 recruitment agencies may download the form, or mail the form upon  
3 request. The disclosure statement must be given to the worker no later  
4 than the date that the worker arrives at the place of employment in  
5 Washington.

6 (4) If a foreign worker has been provided an informational pamphlet  
7 developed under the William Wilberforce trafficking victims protection  
8 reauthorization act of 2008, the domestic employer or international  
9 labor recruitment agency is not required to provide the disclosure  
10 statement under this section. For the purposes of this subsection a  
11 worker is presumed to have been provided an informational pamphlet so  
12 long as the William Wilberforce trafficking victims protection  
13 reauthorization act is in effect and he or she holds an A-3, G-5, NATO-  
14 7, H, J, or B-1 personal or domestic servant visa.

15 NEW SECTION. Sec. 3. A new section is added to chapter 19.320 RCW  
16 to read as follows:

17 Any domestic employer or international labor recruitment agency  
18 which fails to complete the requirements of this chapter with respect  
19 to any foreign worker is liable to that foreign worker in a civil  
20 action by the foreign worker. The court shall award to a foreign  
21 worker who prevails in an action under this section an amount between  
22 two hundred dollars and five hundred dollars, or actual damages,  
23 whichever is greater. The court may also award other equitable relief.  
24 A foreign worker who prevails in an action under this section must be  
25 awarded court costs and attorneys' fees.

26 NEW SECTION. Sec. 4. A new section is added to chapter 19.320 RCW  
27 to read as follows:

28 The department of labor and industries shall integrate into  
29 existing posters and brochures information on assisting victims of  
30 human trafficking. Both the posters and the brochures must contain the  
31 toll-free telephone number of the national human trafficking resource  
32 center and the Washington state office of crime victims advocacy.

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