
**Labor & Workplace Standards
Committee**

SB 5342

Brief Description: Concerning definitions related to human trafficking.

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

Brief Summary of Bill

- Defines "human trafficking" and other terms for purposes of disclosures to foreign workers.

Hearing Date: 2/18/16

Staff: Joan Elgee (786-7106).

Background:

Domestic employers of foreign workers and international labor recruitment agencies must provide disclosure statements to foreign workers referred to or hired by a Washington employer. The disclosure statement is not required in certain circumstances.

The disclosure statement must:

- be in English or, if the worker is not fluent or literate in English, another language that is understood by the worker;
- state that the foreign worker may be considered an employee under state law, is subject to state worker health and safety laws and laws on overtime and work hours, and may be eligible for workers' compensation and unemployment insurance;
- include itemized listings of the agency's fees and the employer's intended deductions from pay for food and housing;
- state that the foreign worker has the right to control the worker's travel and labor documents at all times, with some exceptions; and

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- include a list of services or a hotline a foreign worker may contact if he or she thinks he or she may be a victim of trafficking.

The Department of Labor and Industries (Department) has authority to and has posted a model disclosure form on its website. The Department must also integrate information on assisting human trafficking victims in posters and brochures, which must include the toll-free number of the National Human Trafficking Resource Center.

An employer or agency that fails to provide the disclosure statement is civilly liable to the foreign worker.

"Domestic employers of foreign workers" are persons residing in the state who recruit or employ a foreign worker to perform work in the state. International labor recruitment agencies are entities that do business in the United States and offer employment referral services involving foreign workers by acting as intermediaries between employers and foreign workers. Foreign workers are persons who come to the state based on an offer of employment and hold a nonimmigrant visa for temporary employment.

Summary of Bill:

Definitions are added for purposes of human trafficking provisions. "Work" or "service" means all types of work, whether or not legal. "Human trafficking" or "trafficking" is an act conducted for the purposes of exploitation, including forced labor, by particular means, for example, by threat of use of force or other forms of coercion, abduction, or fraud or deception, abuse of power, or abuse of position of vulnerability. "Forced labor" means all work or service which is exacted from any person under the menace of any penalty and is not voluntary. "Menace of any penalty" means all forms of criminal sanctions and other forms of coercion, including threats, violence, retention of identity documents, confinement, nonpayment or illegal deduction of wages, or debt bondage.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.