

SENATE BILL REPORT

2SHB 1651

As of February 23, 2016

Title: An act relating to human trafficking definitions.

Brief Description: Concerning definitions related to human trafficking.

Sponsors: House Committee on Labor & Workplace Standards (originally sponsored by Representatives Ryu, Goodman, Rodne, Griffey, Van Werven, Wylie, Moscoso, Ormsby and Santos).

Brief History: Passed House: 3/10/15, 97-0; 2/16/16, 97-0.

Committee Activity: Commerce & Labor: 3/20/15, 3/25/15 [DP]; 2/24/16.

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Susan Jones (786-7404)

Background: 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:

- 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 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;
- include an itemized listing of the agency's fees;
- state that the worker has the right to control the worker's travel and labor documents, subject to federal law; and
- 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 and posted it on its website, and also integrated information on assisting victims on human trafficking in posters and brochures.

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.

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 an A-3, G-5, NATO-7, H, J, or B-1 personal or domestic servant visa.

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.

Summary of Bill: Definitions are added to the Human Trafficking chapter:

- "Forced labor" means all work or service exacted under the menace of any penalty and to which the person has not offered himself or herself voluntarily.
- "Human trafficking" means an act conducted for the purpose 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.
- "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 but does not include requiring an employee to work overtime or to work certain hours, days, or schedules as a condition of employment or continued employment if the requirement is not prohibited under Washington state and federal laws or regulations.
- "Work or service" means all types of work, employment, or occupation, whether legal or not.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.