

EMPLOYEE RIGHTS UNDER THE H-2A PROGRAM

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

The Immigration and Nationality Act (INA) allows for the employment of temporary, non-immigrant workers in agriculture (H-2A WORKERS) only if the employment of U.S. workers would not be adversely impacted. To ensure that U.S. workers are not adversely impacted, *H-2A WORKERS*, *OTHER WORKERS* employed on an H-2A work contract or by an H-2A employer in the same agricultural work as the H-2A workers have the following rights:

DISCLOSURE

- To receive accurate, written information about the wages, hours, working conditions, and benefits of the employment being offered
- To receive this information prior to getting a visa and no later than on the first day of work
- To receive this information in a language understood by the worker

WAGES

- To be paid at least twice per month at the rate stated in the work contract
- To be informed, in writing, of all deductions (not otherwise required by law) that will be made from the worker's paycheck
- To receive an itemized, written record of deductions (pay stub) for each pay period
- To be guaranteed employment for at least 75% of the total hours promised in the work contract

TRANSPORTATION

- To be provided or, upon completion of 50 percent of the work contract period, reimbursed for reasonable costs incurred to the place of employment for transportation and subsistence (lodging incurred on the employer's behalf and meals)
- Upon completion of the work contract, to be provided or paid for return transportation and subsistence
- For workers living in employer-provided housing, to be provided transportation, at no cost to the worker, between the housing and the worksite
- All employer-provided transportation must meet applicable safety standards, be properly insured, and be operated by licensed drivers

HOUSING

- For any worker who is not reasonably able to return to his/her residence within the same day, to be provided
- Employer-provided housing must meet applicable safety standards
- Workers who live in employer-provided housing must be properly insured

ADDITIONAL PROVISIONS

Employers are prohibited from discriminating against workers on the basis of race, ethnicity, or national origin, or from interfering with, restraining, or denying workers their rights in any way or helping others do so.

Employers are also prohibited from charging workers any fees or costs for certification (such as application and recruitment fees)

- Employers MUST display this poster where employees can readily see it
- Employers MUST NOT lay off or displace similarly employed U.S. workers within 60 days of the date of need for H-2A workers
- Employers MUST hire any eligible U.S. worker who applies during the first 50 percent of the approved work contract period

We



For additional information:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

WWW.DOL.GOV/WHD

