

# SENATOR BILL MONNING

## Fact Sheet: SB 1087

### FARM LABOR CONTRACTORS

#### SUMMARY

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SB 1087 is a response to widespread reports of farm worker abuse by both licensed and unlicensed farm labor contractors. In addition to making more than a dozen changes to existing law to strengthen farm worker protections, it would amend the state Farm Labor Contractor Act to mandate sexual harassment prevention training for licensees and their supervisors, as well as require that all non-supervisory employees, including agricultural employees, also be trained at the time of hire and at least once every two years. Included in training requirements are identifying, preventing, and reporting sexual harassment in the workplace. The measure also establishes new legal authority for the Labor Commissioner to take adverse license actions against sexual predators and increases funding for the Farm Labor Contractor Enforcement and License Verification units.

#### BACKGROUND

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California's Farm Labor Contractor Act was enacted in 1951 and has been amended periodically since then to expand and extend protections for farm workers employed by unscrupulous farm labor contractor (FLC) intermediaries. Most recently, the Act was amended in 2013, Senate Bill 168 (*Chapter 715, Statutes of 2013*), to include successorship liability provisions that protect workers from deceptive business shutdowns staged by contractors to avoid payment of wages.

Although FLCs are an important component of labor supply in the industry, farm workers hired by labor contractors have often been found to be cheated out of minimum wages and overtime; denied meal, rest and heat stress recovery breaks; forced to work in unhealthy, dangerous, and substandard working conditions; and subjected to coercion and retaliatory discharge for the exercise of their rights.

Recently, farm workers have sued or brought sexual harassment claims against farm labor contractors or their supervisory employees before the Equal Employment Opportunity Commission (EEOC) for egregious instances of sexual harassment, including rape against farm worker women, who are among the most vulnerable and invisible of the state's farm worker population. Media outlets have documented the apparent widespread nature of this problem in California. (*See 'Rape in the Fields' (2013) NPR/Frontline/Center for Investigative Reporting.*) Governor Brown's administration has recently adopted regulations that require FLCs to be trained in sexual harassment laws as a condition of licensure.

#### SOLUTIONS

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SB 1087 would make several changes to existing state law regulating farm labor contractors. These changes not only include expanding FLC surety bonds and the Farmworker Remedial Account to pay out on sexual harassment damages, but also increasing criminal penalties for operating

without a valid license; expanding licensees' annual continuing education requirement to mandate one hour of sexual harassment prevention training; requiring all FLC supervisors to get two hours of such training each year; and ensuring that farm workers' paystubs contain all information about wages and deductions which protect all other California workers.

In addition, this bill would increase FLC license fees to expand funding for the Farm Labor Contractor Enforcement Unit and the Farm Labor Contractor License Verification Unit, and require FLCs to document the size of their payroll (for purposes of establishing the amount of the surety bond required to get a license).

SB 1087 also addresses a number of issues related to identifying and properly regulating the hiring and use of FLCs' supervisors, including requiring disclosure of supervisors utilized in the previous year, and mandating the licensing under federal law of all labor contractor supervisory employees (if that is required under federal law). These provisions should assist the Labor Commissioner in fully implementing last year's changes to the FLC successorship liability law.

Finally, SB 1087 also requires that the Labor Commissioner refuse to issue, or renew, an FLC's license if the licensee has withheld monies from farm workers' paychecks, but has failed to contribute them properly to the state and federal programs which authorized the withholdings (e.g., state and federal taxes).

## SUPPORT/OPPPOSITION

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### Support:

CA Rural Legal Assistance Foundation  
(Sponsor)  
American Federation of State, County and Municipal Employees  
CA Applicants' Attorneys Association  
CA Catholic Conference, Inc.  
CA Labor Federation  
CA Teamsters Public Affairs Council  
Dolores Huerta Foundation  
Food Empowerment Project  
Justice for Working People  
Roots of Change  
National Assn of Social Workers  
United Farm Workers  
Wine Institute

### Opposition:

None known.

## FOR MORE INFORMATION

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