

FOR IMMEDIATE RELEASE
October 2, 2020

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Farm Worker Advocates Surprised by Governor's Veto of SB 1102 (Monning)

The California Rural Legal Assistance Foundation (CRLAF), sponsor of SB 1102, was surprised to learn that Governor Newsom has vetoed an important 'right to know' bill opposed by the state's powerful agriculture industry.

SB 1102 was written to provide the state's more than 20,000 imported H-2A program farm workers with a Spanish language notice containing key information about California labor protections on their first day of work, including mandatory disclosure of any state or federal declared disasters or emergencies in the counties where they will be working.

"To say that we were disappointed by the veto is a great understatement," stated Mark Schacht, CRLAF's Deputy Director. "We had worked with the Administration in the final days of the legislative session to resolve their concerns, and had taken numerous amendments they requested, and thought we had resolved all of the issues."

"H-2A workers enter the state under 'job orders' that often misstate or mislead workers about what California laws require," Schacht stated, "which directly leads to wage theft, oppressive housing conditions and other violations of state law." CRLAF and other rural legal services programs have successfully litigated wage theft cases against H-2A employers on behalf of farm workers who were unaware of these state protections, and we have urged the Employment Development Department to stop these deceptive job orders from being circulated. However, EDD's oversight role in the federal H-2A worker program is limited, as the Administration well knows, which led CRLAF to pursue the legislation.

"The Governor's veto message for this important bill is confused, and confusing," Schacht added. "In particular, it appears to misconstrue what is actually in the bill," Schacht stated, referring to the statement that the bill prohibits the state from revising the notice to address new laws or future court decisions. "It is difficult to square this assertion with the bill's provisions that give the state the express authority to add any information to the notice that is "material and necessary" as well as to "correct inconsistencies with current laws or regulations."

SB 1102 was supported by numerous state and national farm worker organizations and unions. Statewide grower groups opposed the bill, including wine grape growers and fresh fruit and vegetable growers who currently use the H-2A program. Opponents claimed that H-2A workers already receive the information set forth in SB 1102's notice. "The Legislature saw through these disingenuous claims," said Schacht, "and it passed the bill by substantial majorities in both houses."

more, more

Law Offices of
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While the Governor appeared to support providing this information, his veto message concludes with a directive to the state Labor Agency to develop a notice contemplated by the bill and "to make it available to H-2A employers."

"Is it reasonable to expect the same H-2A growers and Farm Labor Contractors who won't disclose this information now, and who opposed this bill, to voluntarily distribute it to their H-2A farm workers?" Schacht asked. "We think not."

"In light of this reality," he stated, "any notice developed by the Labor Agency should be required to be given to H-2A farm workers in Spanish on their first day of work, as SB 1102 would have required, and workers should have a means of enforcing this requirement if their employer fails to comply. We hope to work with the Administration to accomplish this."

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Attachments

- SB 1102 text, as enrolled (*H-2A worker notice provisions highlighted*)
- CRLAF SB 1102 Letter to Governor Requesting a Signature
- Governor's Veto Message