

# AB 857 (Kalra) – SUPPORT



To: Members, Assembly Labor and Employment Committee  
Re: AB 857 (Kalra/Durazo) — **SUPPORT**

We write in strong support of AB 857 and urge that you vote AYE on the bill when it is before the committee. AB 857 closely tracks last session's SB 1102 (Monning), which passed the Assembly 52-18.

Last year, more than 25,000 foreign H-2A farm workers were imported for work in California agriculture. Many have never worked in California before and speak little or no English. Despite being afforded substantial state law housing, labor, health and safety and other legal protections, few of these workers know anything about those rights and are regularly subjected to wage theft, oppressive housing conditions and unsafe working conditions.

AB 857 provides all H-2A farm workers with a short, comprehensive summary of California's key labor, housing, health and safety and other laws that exceed federal H-2A protections, and which are not otherwise disclosed to them in writing on their first day of work in Spanish. The purpose of AB 857 is to provide these vulnerable farm workers with a timely, informative notice that allows them to independently determine whether their employer is complying with applicable California laws.

For example, nothing in the federal H-2A contract given to workers by their employer requires this specific state law information to be disclosed in writing on their first day of work in California:

- Whether a national or state emergency or disaster has been declared in the county where they will work;
- How to determine, every year between now and 2025, the proper phase-in overtime rate they're entitled to receive each year, for H-2A employees of both small and large employers;
- That they are entitled to a paid rest period of 10 minutes for each 4 hours worked;
- That they may not be charged for meals not taken;
- That they're entitled to travel time compensation at their regular rate of pay for time spent while being transported by the employer or its agents from the housing provided by the employer to the employer's worksite(s) when the H-2A workers i) have no personal vehicle; ii) cannot take public transportation; and iii) have no real other option than to take the employer's transportation;
- That they have rights as tenants while residing in the employer's housing, and can receive guests of their choosing, and shall not be subjected to unannounced searches of their homes;
- That they are entitled to receive training in sexual harassment prevention and how to report it;
- That they have the right to toilets, hand washing facilities and cool, potable water at each work site;
- That they are entitled to be trained in recognizing and preventing heat illness during high heat work periods;
- That if they are exposed to pesticides they have to be promptly transported to a medical facility;
- That if they work between sunset and sunrise, they have the right to headlamps, reflective garments or to be provided other lighting, as well as have a daily briefing at each worksite and,
- That if injured they have a right to be given a workers' compensation claim form within one day.

These are just some of the significant California substantive legal rights described in AB 857 that must be disclosed in writing to ALL H-2A farm workers on their first day of work, in Spanish, and if requested, in English.

For all the foregoing reasons, we strongly support AB 857. For more information, contact Mark Schacht at 510-812-5399 or email@markschacht.com

Respectfully submitted,

California Rural Legal Assistance Foundation (Sponsor)  
California Alliance for Retired Americans  
California Employment Lawyers Association  
California Immigrant Policy Center  
California Labor Federation  
California Teamsters Public Affairs Council  
Central Coast Alliance United for a Sustainable Economy  
Centro de los Derechos del Migrante  
Consumer Attorneys of California  
Equal Rights Advocates  
Farmworker Justice  
Worksafe

cc: Assembly Member Kalra