

## Experiences you may encounter

- If you are told that **“these jobs are only for the guestworkers”** this is a violation of the law. If an employment specialist, a field supervisor, farm owner or anyone else informs you that you may not apply, you have the right to file a complaint.
- If you are working and **receive less compensation than you are entitled**, keep track of your actual hours and call a legal aid service.
- If you are told that **by complaining** or talking about or telling someone about what happens at the farm that **you will be sent home**, there are safe ways to contact the people that can help you. A list is provided on the back of this pamphlet that includes many helpful contacts.
- If your **hours are being cut** and you are being **sent home early**, while the “contracted” employees are allowed to stay in the field and finish their days work, keep a record of this and bring the documentation to a legal services organization.

*These are only **some** of the most common infractions. If you or someone you know are experiencing these or other concerns, **please contact an agency on the back of this pamphlet to receive help.***

## Helpful Resources

### Applying for an H-2A job:

State of Michigan/LEO  
Agricultural Recruitment System  
(855) 633-2373

### Complaints related to H-2A jobs:

MIWorks! One-Stop Service Center  
(800) 285-9675  
State Complaint Specialist  
(269) 657-7014, ext. 1254 or  
Contact your local Agricultural Employment Liaison.

US. Dept. of Labor - Wage and Hour  
(616) 456-2004

### Legal Aid:

Farmworker Legal Services (Statewide)  
(800) 968-4046 (Farmworker Law Hotline)  
269-492-7190 (Office)

Michigan Immigrant Rights Center  
(Statewide)  
(800) 968-4046 (Farmworker Law Hotline)  
(734) 239-6863 (Immigration Law Hotline)

Migrant Legal Aid  
(616) 454-5055

### More Resources:

Farmworker Outreach Services  
Division / MDHHS  
(517) 230-5614  
(269) 615-6308  
**(833) 742-9832 Yes help!**

MI Department of Civil Rights  
(800) 482-3604

Telamon Corporation  
(517) 323-7002



## MIGRANT FAMILY'S GUIDE TO THE H-2A GUEST- WORKER PROGRAM

*A brief summary of the program and your rights with regards to the H-2A Program*



## Basic H-2A Processes:

The H-2A program allows agricultural employers who **experience a shortage of domestic workers** for seasonal labor to bring foreign workers into the U.S. through a **contract** to perform agricultural work on a temporary basis.<sup>1</sup>

Employers are required to engage in positive recruitment of U.S. workers, providing employment to any qualified, eligible U.S. worker who applies for the job opportunity until 50 percent of the period of the work contract has elapsed.<sup>2</sup>

The employer fills out an application that must state: “(1) there are **not sufficient able, willing, and qualified United States (U.S.) workers available** to perform the temporary and seasonal agricultural employment... (2) employment of **H-2A workers will not adversely affect the wages and working conditions of similarly employed U.S. workers.**”<sup>3</sup>

The H-2A guest-workers are **displaced from their families** during their time here where they are also disconnected from the community. Typically their stay does not exceed 10 months.<sup>4</sup>



1 Farmworker Legal Services, 2020

2 USDOL Wage & Hour Fact Sheet #26: Section H-2A of the Immigration and Nationality Act

3 U.S. Department of Labor Employment and Training, 2016

4 Southern Poverty Law Center,

## What are your rights with respect to the H-2A program?

**A domestic farmworker (you) has the right to<sup>1</sup>:**

**Any H-2A position**, unless already filled by a domestic farmworker (non-H-2A), must be filled by a domestic farmworker **BEFORE** it can be filled by a “contracted” worker.

Be hired for an H-2A position up until half way through the contract period. This is known as the “**50% contract date**”

A wage of at least **\$18.50 per hour**<sup>2</sup>.

**Housing** if you live too far to reasonably commute.

**Reimbursement for travel expenses** if you’ve completed half of the contract period, travel to worksite, and after contract ends for the trip back home.

Receive a **record like a paystub of the amount of work performed and amount paid**, including any deductions.

**Workers compensation insurance.**

*If you or someone you know has their rights violated **you have the right to make a complaint.** There are programs that **offer assistance** (see reverse side for list of agencies).*



### Why is this important to you?

*As a domestic farm worker in Michigan you will be looking for agricultural jobs. You may find that **your previous job sites have changed and may be contracting H2A guestworkers from other countries.** This brochure will provide you with **information about the H-2A program and explanations for the experiences you may have when working in Michigan.***