

## New Feature: Preventing Lawsuits: Farms, States, and Solutions

At H2AUSA.com, we are interested in informing our clients of the perceived disadvantages of using the H-2A program, such as the numerous lawsuits filed against H-2A employers by rural legal services and migrant advocacy groups.

We are therefore going to bring these matters to your attention, listing lawsuits and the key points and areas of contention. Here are three such lawsuits currently in the news:

- **Florida-Hardy County**-Suit filed by the Migrant Justice Project, claiming that workers were not reimbursed for all their expenses from place of recruitment in Mexico to the farm.

The Law- The law requires that all expenses that a worker incurs—including the following—be reimbursed at 50% of the season, and those expenses are from place of recruitment to the consulate and from the consulate to the farm.

- 1-Approximately ten (\$10) dollars a day food cost during the travel days
- 2-Motel cost while at the consulate
- 3-The agency in Mexico is paid, if there is one
- 4-The visa application fee
- 5-The visa fee
- 6-The I-94 fee
- 7-The cost of the passport (FL, AL, GA)

In forty-seven (47) states this is the law. However, in Florida, Georgia and Alabama, the courts have rule. In these three states expenses must be reimbursed on the first paycheck in order to bring the employees wages up to the state minimum wage.

- **Florida-Polk County**-Filed by the Migrant Justice Project. Farmer sued when he mixed H-2A and traditional workers and did not pay the traditional workers the same wages and benefits as the H-2A workers.

Solution-If a farmer employs H-2A and traditional workers, the traditional workers must be paid the same wages and benefits as the H-2A workers. They also must be offered housing and transportation, although they may decline the offer.

- **Washington-Yakima County**-Northwest Justice Project of Yakima, a nonprofit legal-aid group, and a Seattle law firm filed the lawsuit last week in U.S. District

Court in Yakima against Zirkle Fruit Co. They were sued because they did not inform returning H-2A workers that the production standards had been increased.

Solution-Make sure when interviewing workers in Mexico, that their contract includes details as regards production standards and any other information that has changed in the previous year. Make sure that the contracts are understood and signed before the workers go to the consulate.

If you do not want extraneous lawsuits directed at YOU when you use the H-2A program, call H2AUSA.com today at:  
Phone: 901-331-3091

Or E-mail: [info@h2ausa.com](mailto:info@h2ausa.com)

We are available to assist you with all your H-2A problems and disputes.  
H2AUSA.com—If you need 1 or 1,000 workers, we can help!