

Do I have the right to file a complaint?

Yes. As an H-2A worker you can file a complaint if any of your rights found in this brochure have been violated. Under federal law, it is illegal for your employer to retaliate against you for exercising your rights or for consulting a lawyer.

If you have questions about your rights, please call Montana Legal Services.



- **Our services are completely Free**
- **All your conversations with us are CONFIDENTIAL**
- **Visit our webpage for more information and brochures**

MontanaLawHelp.org

mtlsa.org



Montana Legal Services Association

Administrative Office:
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Helena, MT 59601

1-800-666-6899

406/442-9830 x 121

Are you an H-2A Worker?



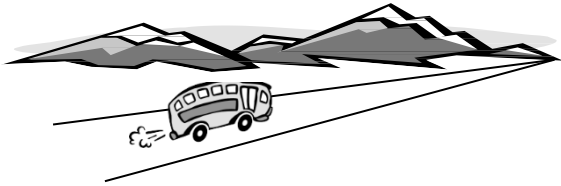
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What do I need before I come to the United States?

Your employer should have given you a copy of your contract outlining the terms and conditions of the job before coming to the United States. The contract should be in a language you can understand.

The law says it is illegal for any employer, including the recruiters in your country of origin, to charge you a fee for the job. If you have been charged any kind of fee, please contact Montana Legal Services.



Can I get reimbursed for my travel costs?

Yes. Your employer should pay all your food and transportation costs during your trip (especially if you save all your receipts). The reimbursement for travel costs should begin from your house, not the consulate or the border.

You should be reimbursed after you complete 50% of your contract, or in some cases, during your first week of work. For more information about this law, call Montana Legal Services.

Your employer must also pay your visa costs.
How much should I be paid?

In Montana in 2019, most H-2A workers must be paid at least **\$13.48 an hour**. It doesn't matter if you're paid by the piece, bucket, box, or by contract. If you feel that you are not being paid at least that much, please contact Montana Legal Services.



What other rights does my visa give me?

The H-2A visa gives you the following rights:

- Medical treatment and worker's compensation if you are injured on the job
- Free housing that meets health and safety standards
- A proper kitchen to prepare meals
- Transportation to and from your job site
- Drinking water and disposable cups at your job site
- One sink and bathroom for every 20 workers
- Personal protective equipment for use around pesticides
- The three-fourths guarantee (see the next page) ▶

What is the "three-fourths" guarantee?

Your boss should offer every worker three-fourths (75%) of the hours written into the contract. If there is not enough work or if your employer does not want to give you enough work, **your employer is still required to pay for 3/4 (75%) of the hours offered** in your contract.

For example, if your contract promises 10 weeks of work with 5 work days a week and 10 hours a day, your employer must pay you for at least 375 hours of work.

- 10 hours/day x 5 days/week x 10 weeks of work = **500 hours of work**
- 500 hours x 75% (three-fourths) = **375 hours your employer must pay you**

Don't forget to save your pay stubs to make sure you are paid for three-fourths of the hours you were promised!

