



### Work Tools

- Your employer must provide your work tools at no cost to you.



### Your H-2A Visa and Passport

- Your passport and visa are your own documents and no one can take them away without your authorization.

### Retaliation and Discrimination

- Your employer should not threaten, fire, or discriminate against you for demanding your legal rights.

Additional information may be found at:

# LawHelp.org/SC

South Carolina's guide to free legal resources

## 1-888-720-2320

Calls from the USA

- After dialing, the phone will ring, and a recorded message will play in English, then repeat in Spanish.
- After that press 2176, 2178, or 2168.
- If no one answers, a different recorded message will play in English and Spanish.
- Wait for the tone before speaking.
- Leave a name, a telephone number and a brief message, speak clearly and slowly.
- Hang up the phone when finished.

## 001-800-681-1587

Toll free calls from Mexico

If you had problems with your H-2A contract, and were sent to Mexico without justification, call us at the number listed above. The call is completely free of charge. You have rights, but if you don't claim and/or exercise them they are worthless!

This brochure was prepared by South Carolina Legal Services and is provided as a public service.

Copyright retained by  
South Carolina Legal Services

Printed June 2011



South Carolina  
**BAR FOUNDATION**  
Lawyers Sustaining Justice



### South Carolina Legal Services

*Balancing the Scales of Justice*

# H-2A

## Your Legal Rights as Contracted Temporary Agricultural Workers with H-2A Visas

### 1-888-720-2320 Calls From the USA

### 001-800-681-1587 Toll free calls from México (Instructions for calling at the end.)

e-mail: [migrant@sclegal.org](mailto:migrant@sclegal.org)

Our services are free,  
if you qualify

## South Carolina Legal Services: Migrant Division for Agricultural Workers

As an agricultural worker, contracted with an H-2A visa, you have rights under state and federal laws in South Carolina.

Our Division fights for justice in the workplace for agricultural workers. All our services are completely free, if you qualify.

Call us with questions about your rights as agricultural workers with H-2A Visas. All conversations are confidential.



### Su Contrato H-2A

- Your employer must give you a copy of your work contract before your first day of work.
- The contract must be written in your native language.
- You should not sign any paper that is not written in your native language, or that you can't read and understand completely.



### Your Reimbursements

- Your employer must reimburse you for the cost of:
  - o The H-2A Visa
  - o Your travel (roundtrip)
  - o Border crossing
  - o Food and lodging during your travels.
- Your employer must reimburse you in your first check.

### Pay Stubs

- Every pay check, for every pay period, should have a pay stub which contains:
  - o The dates of days worked
  - o The hours worked and wage per hour
  - o The piece rate and the quantity of pieces picked.
  - o Any deductions.
  - o Your name and the company's name.
- Save your pay stub, record your own hours and compare them! Does your pay stub account for all the hours you worked?

### Housing

- Housing must comply with federal standards enforced by OSHA, and must contain:
  - o A clean place to bathe and cook
  - o Hot and cold water
  - o A place to put your personal belongings
  - o A bed that is, a minimum of, twelve inches off the ground
  - o In cold weather, heat



### Water and Sanitation

- Your employer must give you cold drinking water in the fields and disposable cups to drink from.
- Your employer must provide sanitary restrooms and sufficient water to wash your hands with soap in the field.
- You should wash your hands with soap before eating, smoking, or using the restrooms to protect yourself against dangerous pesticides being sprayed on the plants.
- Your employer must give you time to drink water, use the restroom, and wash your hands.