

**Please contact Stephanie.Keller@mahouse.gov in Rep. Forry's office to cosponsor:
An Act Updating & Streamlining the Employment Agency Law, HD # 01899**

Lead sponsors: Rep. Linda Dorcena Forry & Sen. Jack Hart (refile with changes to H. 1797/4623 & S.680/2364).

The Problem: Massachusetts workers sent to jobs by certain temp agency employers are denied their basic rights and the promise of the American dream, often sent off to work not knowing where they are going, the type of work they will be required to do, their rate of pay --- even the name of their employer, who is often referred to by a nickname. Although they work hard and long, these workers often never receive their earned wages or are injured without compensation at hazardous worksites. Since many temporary jobs are low-wage and characterized by high turnover, these workers constitute some of the most vulnerable members of the workforce.

Similarly, businesses who do the right thing and play by the rules are undercut by employers who violate wage laws, fail to register and therefore have no oversight, and otherwise abuse their workers. The different requirements for various employment agencies causes confusion, gaps in oversight, and an uneven playing field for these businesses.

The Commonwealth's Employment Agency (EA) Law (G.L. c. 140, §§ 46A-R) currently leaves large gaps in coverage and protection, and has different requirements for similar businesses. Depending on whether an agency works to place employees in permanent or temporary positions, or whether agency fees are paid by the job applicant or the employer client, licensing, record keeping, and other requirements vary greatly.

The Solution – Reforming the Employment Agency (EA) Bill: The American dream is all about working hard and playing by the rules: for workers --- in order to support ourselves and our families; for businesses --- in order to do well by incorporating principles of honesty, fairness, and responsibility. The new EA Law will streamline provisions governing the industry, place all employment and staffing agencies on a level playing field, simplify requirements imposed by the Division of Occupational Safety (DOS), and protect workers in temporary jobs.

For Workers: The new law will require agencies to provide written notice of key details of job assignments- the name of the agency, the worksite employer, the type of work to be done, disclosure of who the employer is, wages, and the details and costs of transportation, equipment, and meals provided by the worksite employer. It also requires disclosure of how to reach DOS, the right to workers' compensation, a copy of the contract to be given to the applicant, as well as a receipt for any charges paid by the applicant.

For Businesses: Currently, employment agencies that charge fees to applicants must go through a full licensing process. Other agencies, doing essentially the same business, are exempt from the licensing requirement and must simply register to operate. Under the new EA Law, all employment and staffing agencies will be subject to the same, simplified and streamlined registration process. Employment agencies will no longer go through a hearing process before starting their business, nor will they be required to submit their forms and contracts to DOS for prior approval. The new EA law will also make it easier for businesses to transfer their registrations, eliminating the need for pre-approval of transfer and allowing a simple registration. The law will provide clearer definitions of key terms, enabling businesses to better understand their rights and responsibilities. Additionally, the new EA law will simplify record keeping requirements.

For the Commonwealth: Required annual registration fees from all employment agencies will remain in place. Additionally, a streamlined and simplified registration and enforcement process will ease the burden on DOS by eliminating the cost of unnecessary hearings and inspections allowing DOS to focus on those agencies that attempt to circumvent the law.

Endorsing organizations: Massachusetts AFL-CIO, Alliance to Develop Power (ADP), Centro Presente, CEDC Southeastern Mass, Central Mass. AFL-CIO, Chelsea Collaborative, Chinese Progressive Association, Community Labor United, Greater Boston Central Labor Council, Greater Boston Legal Services, Havurat Shalom, Immigrant Worker Center Collaborative, Interfaith Committee for Worker Justice, Jewish Labor Committee, Mass Global Action, Massachusetts Coalition for Occupational Safety and Health (MassCOSH), Massachusetts Employment Lawyers Association (MELA), Massachusetts Jobs with Justice, Merrimack Valley Central Labor Council, MetroWest Worker Center, MIRA, New England Regional Carpenters Council, Painters and Allied Trades District Council 35, North Shore Labor Council, Pioneer Valley Labor Council, Service Employees International Union (SEIU) Local 615, UAW MA State CAP Council, Western MassCOSH, and more. **For further information, please contact:** Tim Sullivan, Mass. AFL-CIO, 781/324-8250; Isabel Lopez, MassCOSH, 617/825-7233 x18; Yessenia Alfaro, Chelsea Collaborative, 617/259-6659; or Greater Boston Legal Services (Monica Halas: 617/603-1666).