

Complaint System

Addressing Farmworker Complaints

What Happened?

My place of employment is not safe.	They are paying me a stipend to perform similar work as the H-2A worker.	He said that it was different for me because I am a woman/pregnant/Mexican/etc.	The employer-provided housing I live in is substandard.
I'm being paid less than the state minimum wage.	I got hurt on the job and my employer won't help me in any way.	They said I lacked the experience needed for the job, but there was no experience requirement listed on the ETA 790.	I didn't get a referral to take a training, but my co-workers did.
They didn't pay me for the hours I worked.	The H-2A worker is allowed to work as many hours as he wants, but I'm limited.		My employer punished me for complaining.
My employer is saying inappropriate things to me.			

As an American Job Center Representative, what should I do?

- 1 Provide the [ETA Form 8429](#) to the farmworker. Assist the farmworker as necessary.
- 2 Gather contact information and all necessary information to investigate and log the complaint in the Complaint Log.
- 3 Accept the completed ETA Form 8429. Ensure the Form is signed by the complainant or his/her representative. Give the farmworker a copy of the complaint form.
- 4 Explain the importance of maintaining contact on a monthly basis. The farmworker must notify the AJC and the designated local contact if they plan to leave the area.
- 5 Refer the farmworker to the appropriate Complaint System Representative.
- 6 Offer the full range of employment and training services.



If the farmworker does not want to file a complaint, what should I do?



Treat it as an Apparent Violation.

- An Apparent Violation is what happens when you observe, have reason to believe, or are in receipt of information regarding a suspected violation of **employment-related laws** or **Wagner-Peyser Employment Service (ES) regulations** by an employer.
- Now what? Document the suspected violation on the ETA Form 8429 and refer the information to the Office Manager or the Complaint System Representative for further investigation.

What are employment-related laws and ES regulations?

Employment-Related Laws:

- Laws that relate to the employment relationship, such as those enforced by the Department of Labor's [Wage and Hour Division](#), [Occupational Safety and Health Administration](#), or by other Federal, State, or local

ES Regulations:

- The Federal regulations at 20 CFR Parts [651](#), [652](#), [653](#), [654](#), and [658](#).

What else do I need to know?

Time Limits



In all instances, complaints must be made within 2 years of the alleged violation.

The Employer is Found Guilty of Violating ES Regulations

If the complaint is against an employer and the State level investigation finds that the employer violated ES regulations, the determination shall state that the state will initiate procedures for discontinuation of services to the employer in accordance with [20 CFR 658.500](#).

Learn more about the Monitor Advocate System at www.dol.gov/agencies/eta/agriculture/monitor-advocate-system/ and join us at Agriculture Connection at <https://farmworker.workforcegps.org/>

