

The Seasonal Worker Solidarity Act

A New Model Work Visa Program that Empowers Workers and Lifts Standards for All

The current system of temporary guest worker visas is fundamentally flawed and needs a more rights-based, pro-worker approach. The Solidarity Act creates a new framework for work visas that prevents discrimination and displacement, elevates labor standards, responds to real labor market needs, ends captive employment, respects family unity, ensures access to justice, and affords migrant workers a path to citizenship. This chart outlines some of the serious problems that pervade the H-2B seasonal, non-agricultural visa program in its current form, and explains how the Solidarity Act will improve conditions for all workers.

The reality today	The future under the Solidarity Act
H-2B employers intentionally bypass available U.S. workers for seasonal jobs	Requires enhanced nationwide recruitment of US-based workers Creates an online jobs database so workers can apply directly for positions Prohibits unnecessary experience requirements and background checks that are not legally required for the position Engages unions in the search for available workers
Employers underpay H-2B workers and use the program to undercut local workers and competitors	Mandates prevailing wages and payment for all hours promised in H-2B contracts Allocates visas to employers who pay the highest wages and treat their workers well Prevents collusion through private wage surveys
Labor recruiters mislead H-2B workers and charge them high fees	Bans charging workers fees that lead to debt bondage Holds employers accountable for recruitment abuses Allows workers to verify the legitimacy of job offers through multi-lingual online database
H-2B visas tie workers to a single employer who controls their fate	Puts workers in control of their visas Allows a period of up to 60 days unemployment so workers can search for a new approved position
Seasonal workers are separated from their families and can't apply for citizenship	Offers workers and their families a path to citizenship after 18 months of H-2B employment Allows returning workers who have done at least 3 years of H-2B work to adjust to LPR status immediately
Employers abuse and retaliate against seasonal workers, threatening deportation	Extends protective visas to workers who exercise their right to organize collectively or file claims Gives workers access to justice and legal services
Employers rarely face consequences for violating regulations and workers' rights, and continue using the H-2B program	Bars employers who commit labor abuses from program Charges employers fees to fund effective auditing and enforcement by the Department of Labor
Employers discriminate by recruiting workers based on country of origin, age and gender	Creates an H-2B Equal Opportunity Advocate position within DOL to address issues of diversity Increases auditing of hiring practices
Visa issuance is random and high volume employers get a large share of visas	Caps at 100 the visas that can go to a single employer Issues visas quarterly and prioritizes employers with high labor standards who hire returning workers
Employers use the H-2B program to make work more precarious	Prevents misuse of temporary visas for permanent jobs by narrowing the definition of seasonal to 7 months Reduces fissioning by barring third party employers

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What are H-2B Visas?

The H-2B visa program allows employers to hire foreign nationals for work in temporary, seasonal nonagricultural jobs. The program rules are promulgated jointly by DHS and DOL. Last year, nearly 100,000 H-2B visas were issued; the majority were issued to workers from Mexico (74%), and remaining visas went to workers from Jamaica, Guatemala, South Africa, and a wide range of other countries. While the H-2B program could play a helpful role to the U.S. economy in times of labor scarcity, there are fundamental flaws in the structure and oversight of the program that enable exploitation, discrimination and displacement of U.S. and migrant workers alike. These abuses are widespread and well documented.¹ Rather than suspending this program, now is the time for constructive reform.

Top 20 H-2B Occupations (2021)

Occupation	# Jobs Certified
Landscaping and Groundskeeping Workers	68,174
Meat, Poultry, and Fish Cutters and Trimmers	17,754
Forest and Conservation Workers	14,414
Maids and Housekeeping Cleaners	11,948
Amusement and Recreation Attendants	11,615
Laborers, Freight and Movers	4,701
Cooks, Restaurant	4,686
Waiters and Waitresses	4,647
Construction Laborers	3,498
Nonfarm Animal Caretakers	2,237
Total top 10	143,674
Total H-2B certifications, all occupations	181,451
Top 10 percentage of total	79%

Top 10 States with the Most H-2B Employees (2021)

Texas, Florida, Alaska, Louisiana, Colorado, Pennsylvania, North Carolina, Oregon, Michigan, and Ohio

Top 10 H-2B Employers (2021)

Employer Name	# Jobs Certified
Trident Seafoods Corporation	3,712
BrightView Landscapes, LLC	3,179
OBI Seafoods, Inc.	2,706
Rotolo Consultants, Inc.	2,088
Progressive Solutions, LLC	1,805
Silver Bay Seafoods, LLC	1,650
Vivint, Inc.	1,400
Westward Seafoods, Inc	1,259
Superior Forestry Service, Inc.	1,097
ABC Professional Tree Services., Inc.	1,046
Genuine Builders, Inc.	1,037

¹ <https://www.splcenter.org/20130218/close-slavery-guestworker-programs-united-states>,
<https://www.epi.org/publication/h2b-temporary-foreign-worker-program-for-labor-shortages-or-cheap-temporary-labor/>

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