

F.Y.I.: H2B WORKERS



If you come to the United States with a temporary visa to work someplace other than a farm, you are probably an H-2B worker, not an H-2A worker. Many H-2B contract workers work at hotels, seafood canneries, construction jobs, and landscaping jobs. There are also many H-2B workers in some states who are doing forestry work. They plant pine seedlings and cut brush in the woods.

As an H-2B worker, you may be entitled to Workers' Compensation benefits if you are hurt on the job. However, some of the legal rights of an H-2B worker are different from the rights of an H-2A worker. For example, employers of H-2B workers may not have to provide a minimum work guarantee, free housing or transportation. On the other hand, forestry workers and many other H-2B workers are usually entitled to overtime pay (time and a half) for hours worked in excess of 40 hours per week. H-2B forestry workers are also protected by the federal Migrant and Seasonal Agricultural Worker Protection Act. So, be sure to find out if you have an H-2A visa or an H-2B visa and also find out what your contract provides.

