

I MINA'TRENTA NA LIHESLATURAN GUÅHAN

2009 (FIRST) Regular Session

Bill No. ^{B205-30 (LS)}
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Introduced By:

MATT RECTOR

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AN ACT TO CREATE A NEW § 1108.1 AND § 1108.2 OF 22 GCA AND TO CREATE A NEW § 1108.3 OF 22 GCA TO PROTECT GUAM'S WORKERS FROM ABUSIVE AND STOP HUMAN TRAFFICKING BY PROVIDING AN EFFECTIVE ENFORCEMENT MECHANISM FOR THE ENFORCEMENT OF LABOR REGULATIONS ON GUAM THROUGH MANDATORY WORK-PLACE INSPECTION QUOTAS AND THE CREATION OF A NEW ON-SITE INSPECTION TEAM UNDER THE AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF LABOR.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section1. Legislative Findings and Intent:

3 *I Liheslaturan Guåhan* finds that the Guam Department of Labor has not
4 preformed adequate inspections of labor sites, which has been clearly
5 illustrated by recent events involving Visa laborers living in conditions

1 amounting to slavery upon our island marching upon the Department of
2 Labor offices.

3 *I Liheslatura* further finds that many of Guam’s workers are subject to
4 abuses of their rights because the Department of Labor only provides labor
5 education seminars for companies and bosses but not for workers.

6 *I Liheslatura* further finds that the Guam Department of Labor is
7 currently failing in its mission to protect Guam’s labor force because it is
8 only reactive, waiting for a complaint as opposed to being proactive by going
9 to the worksites to interview workers.

10 *I Liheslatura* further finds that the Guam Department of Labor has an
11 unsatisfactory record of response to the complaints filed by workers.

12 It is therefore the intent of *I Liheslatura* to create a new § 1108.1 and §
13 1108.2 of 22 GCA and to create a new § 1108.3 of 22 GCA in order to
14 establish quotas and response mandates for the Guam Department of Labor in
15 regards to carrying out inspections and acting upon tips of employees and
16 other persons in regards to abuses of labor, and to provide the Department of
17 Labor with a new team necessary to carry out its organizational mission in
18 this respect.

19 **Section 2. A new § 1108.1 of 22 GCA is hereby enacted to read:**

20 **§ 1108.1 Inspection of Workplaces Quota.**

21 Notwithstanding any other provision of law, the Director of the
22 Department of Labor shall conduct a minimum of two-hundred (200)
23 inspections and investigations of different factories, plants, establishments,
24 construction sites, or other areas, work places or environments where work is
25 performed per fiscal quarter. Said inspections shall be carried out in

1 accordance with § 1108 of this Article and all other relevant provisions of
2 law.

3 **Section 3. A new § 1108.2 of 22 GCA is hereby enacted to read:**

4 **§ 1108.2 On Site Inspection Task-Force**

5 There is hereby created an on-site inspection team within the Guam
6 Department of Labor which shall consist of no more than two (2) Labor
7 Enforcement Specialist III positions, one (1) Labor Law Enforcement
8 Supervisor position, and one (1) Investigator I who shall be assigned to the
9 On-Site Inspection Team through the Office of the Attorney General of
10 Guam the expense of the Guam Department of Labor for the purpose of
11 providing support for the activities of the On Site Inspection Team,
12 organization of investigations and arrangement of and coordinating
13 additional support from the Office of the Attorney General and other Law-
14 Enforcement Agencies as necessary.

15 (a) Duties of the inspection task-force shall include but shall not be
16 limited to:

17 (1) Performing inspections of factories, plants, establishments,
18 construction sites, or other areas, work places or environments as
19 authorized representatives of the Director of the Guam
20 Department of Labor in accordance with all relevant provisions
21 of law.

22 (2) The collection and filing of information relevant to possible
23 violations of statute, regulation or law falling within the
24 jurisdiction of the Guam Department of labor and the deferring of
25 information regarding any possible criminal violations that come

1 to the attention of the team to the appropriate law-enforcement
2 agencies.

3 (3) On-Site Inspection team will be responsible for the discrete
4 interviewing of employees of said businesses and other persons
5 with information relevant to any labor violation by any employer
6 upon the Island of Guam. On-Site Inspection personnel must also
7 work closely with any necessary law-enforcement and
8 professional agencies to make any necessary accommodations to
9 ensure the safety and anonymity of employees, personnel of the
10 Department of Labor, and to protect employees interviewed from
11 repercussions during the course of performing their duties.

12 (4) On-site inspection team shall be legally obligated to report any
13 violation of law, statute or regulation witnessed during the
14 performance of duty to the appropriate agencies and shall
15 additionally have the expressed responsibility of contacting
16 necessary emergency services, law-enforcement, or medical
17 personnel in the event of an emergency situation arising or being
18 discovered by On-site Inspection Team.

19 (5) Notwithstanding any other provision of law, the manager of the
20 On-Site inspection team shall have the authority to obtain from
21 the Superior Court of Guam qualified interpreters of any Foreign
22 language necessary to the fulfillment of the responsibilities of the
23 On-site inspection team, who shall be employed temporarily in
24 the service of the Department of Labor as necessary at the
25 expense of the Guam Department of Labor, who shall

1 compensate said interpreter at a rate identical to rates of financial
2 compensation of said persons when employed in the service of
3 Guam Superior Court.

4 (6) Notwithstanding any other provision of law, the On-site
5 inspection team shall be responsible for the inspection of workers
6 barracks upon the Island of Guam. Team shall inspect ALL such
7 barracks and temporary workers living quarters upon the Island
8 of Guam at least once every thirty (30) days. Said inspections
9 shall be carried out in accordance with all provisions of law and
10 shall be conducted randomly and without prior notice to any
11 employers.

12 (7) The on-site inspection team shall be responsible for reporting
13 any suspected instances of human-trafficking or human rights
14 abuse observed during the course of their duties to the
15 appropriate Federal and local law-enforcement agencies.

16 (b) Notwithstanding any other provision of law, the Director of the
17 Department of labor shall, upon receiving a complaint from any one (1)
18 individual person regarding a violation of law, rule or regulation
19 pertaining to wages, working conditions, or other issues falling within
20 the jurisdiction of the Department, shall order the on-site inspection
21 team to conduct an inspection of the workplace(s) in question and
22 investigate to the full extent of the team's authority any employer
23 accused of violating law, rules or regulations in said complaint. The
24 Team's response to said issue is appropriate and proportional to the

1 issue at hand in the opinion of the Director of the Department of Labor
2 and Team management.

3 **Section 4. A new § 1108.3 of 22 GCA is hereby enacted to read as**
4 **follows:**

5 Notwithstanding any other provision of law, the Director of the
6 Department of Labor shall assign an investigator to each and every complaint
7 received by the Department which alleges a violation of law, rule or
8 regulation pertaining to the wages or working conditions of an employee or
9 employees upon Guam. The Department shall thoroughly investigate each
10 and every alleged complaint without exception.