

- The employer **MUST NOT** terminate or take any other action against the worker in retaliation for filing a complaint, testifying, or exercising rights under the H-2B program.

PROTECTION FROM RETALIATION:



U.S. Department of Labor

Wage and Hour Division

This card summarizes protections afforded to U.S. workers when recruited or employed by employers using the H-2B nonimmigrant visa program.

For more information call toll-free:
1-866-4US-WAGE (1-866-487-9243)

or visit our website at

www.dol.gov/agencies/whd

H-2B
for U.S. Workers

Protections for U.S. Workers under the H-2B Program

U.S. workers recruited or employed by employers using the H-2B nonimmigrant visa program have the following protections:

RECRUITMENT OF U.S. WORKERS:

- Before employing H-2B workers, an employer **MUST** first advertise available jobs through a job order posted with the local state workforce agency and at seasonaljobs.dol.gov
- The state workforce agency **MUST** refer all qualified U.S. workers who apply for the advertised job to the H-2B employer.
- The employer **MUST** hire any eligible U.S. worker who applies for the job up until 21 days before the start of work.
- U.S. applicants may **ONLY** be rejected for lawful, job-related reasons.
- The employer **MUST** contact its U.S. workers employed in the previous year in the occupation and place of employment for which the employer is requesting H-2B workers.
- The employer **MUST** disclose the terms of the job and request that U.S. workers return.

TERMS, WAGES, AND WORKING CONDITIONS:

- The employer **MUST** offer benefits, wages, and working conditions to U.S. workers that are at least as favorable as those offered to H-2B workers.
- The employer **MUST NOT** impose any restrictions or obligations on U.S. workers that are not also imposed on H-2B workers.

(continued on reverse)