

WHAT YOU NEED TO KNOW

A TRAINING TOOL ON LABOR TRAFFICKING



WHAT IS LABOR TRAFFICKING?

Labor trafficking is considered a severe form of trafficking in persons and is defined by the Trafficking Victims Protection Act (2000) as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery”.

TYPES OF LABOR TRAFFICKING INCLUDE:

FORCED LABOR all work or service exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily (ILO, Convention 29).

DEBT BONDAGE Includes, but is not limited to, traffickers or recruiters who unlawfully exploit an initial debt assumed, wittingly or unwittingly, as a term of employment (U.S. Dept. of State, 2017).

CHILD LABOR TRAFFICKING All forms of slavery or practices similar to slavery, such as the sale or trafficking of children, debt bondage, forced labor; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic purposes; the use, procuring or offering of a child for illicit activities; and work which is likely to harm the health, safety or morals of children (ILO, Convention 138; ILO, Convention 182).

DOMESTIC SERVITUDE Includes, but is not limited to, work in a private residence that creates unique vulnerabilities for victims. In these situations, the domestic worker is not free to leave his/her employment and is abused and underpaid, if paid at all (U.S. Dept. of State, 2017).



The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons breaks labor trafficking down to three elements:

ACT

- Recruitment
- Transportation
- Transferring
- Harboring
- Receiving

MEANS

- Force/Fraud/Coercion
- Abduction
- Threat
- Deceit
- Abuse of Power

PURPOSE

- Forced Labor
- Indentured Servitude
- Debt Bondage
- Slavery

HOW BIG IS THE PROBLEM?

According to the ILO (2017):

- 25 million people globally are victims of forced labor
- An estimated 16 million people were in forced labor in 2016
- More women than men are affected by forced labor, with 9.2 million (57.6%) female and 6.8 million (42.4%) male. Half of these men and women (51%) were in debt bondage.

The National Human Trafficking Hotline (2018):

- Collects annual statistics about the calls received for confirmed or suspected human trafficking cases in the United States.
- In 2018, 1,249 labor trafficking tips were reported and an additional 639 tips involved both sex and labor trafficking.

POLICY RELATING TO CHILD LABOR TRAFFICKING VS. CHILD SEX TRAFFICKING

Under the Victims of Trafficking and Violence Protection Act (2000), children under 18 years of age involved in commercial sex do not need to have experienced *force, fraud, or coercion* in order to be considered victims of a severe form of trafficking in persons. On the contrary for labor trafficking, children under 18 years of age in labor trafficking situations are subjected to a higher legal standard, and **must have been subject to force, fraud, or coercion** in order to be considered labor trafficking victims. This is because child employment, which under certain circumstances is permissible, only becomes trafficking when the employer uses force, fraud, and/or coercion to maintain control over the child and to cause the child to believe that he or she has no other choice but to continue with the work (Freedom Network USA, 2015). Per Owens et al. (2014), this confirms that the different requirements for child sex trafficking and child labor trafficking may be related to the ability of children to work legally in the United States in certain situations.



SMUGGLING VS. TRAFFICKING

Human smuggling, or the illegal transporting of persons across a national border, can sometimes be confused for human trafficking. This is often due to the misconception that in order for there to be human trafficking, an element of travel or geographic movement is required. In fact, transporting a person is not a necessary element of human trafficking. There are stark differences between human smuggling and human trafficking, including:



HUMAN SMUGGLING

- A crime against a country's sovereignty
- Illegal border crossing
- Element of consent
- Often transportation only
- Ends with arrival at a destination
- Can be a gateway to human trafficking

HUMAN TRAFFICKING

- A crime against a person
- Involved forced labor or commercial sex acts
- Can enter legally or illegally
- No consent
- Transportation can be an element, but it is NOT required
- Smuggling debt can be used as a means of control

During the process of human smuggling across borders, victims may be placed at greater risk for experiencing violence and exploitation, including human trafficking.

National Human Trafficking Resource Center [NHTRC] and ASU Office of Sex Trafficking Intervention Research)



RECRUITMENT & TRAFFICKING TRENDS

In a study of 125 labor trafficking arrest cases in the United States, Bracy, Lul, and Roe-Sepowitz (2019) found that in half of the cases, perpetrators promised money and wealth to recruit victims. Additionally, labor traffickers also used bait and switch tactics, or tricked victims into thinking they would be doing another job. Labor traffickers provided basic needs as a recruitment tactic, such as offering victims a place to stay or providing transportation. Labor traffickers also used debt bondage to entrap their victims by using a perceived debt against the victim as a means to force them to work in order to pay off the debt. For foreign national victims of labor trafficking, recruitment into the labor trafficking situations includes several legal channels that have been manipulated by the trafficker, such as valid ports of entry, visa programs, and employment placing agencies (Gnaedig, Kaleff, & Newlon, 2019).

OTHER RECRUITMENT TACTICS INCLUDE:

- Targeting and recruiting victims in their home countries for work in the United States.
- Recruiting of victims by labor traffickers of the same ethnicity who know cultural norms and seem safe and familiar.
- Luring the victim without explaining that they are imposing “recruitment fees” on the victim that s/he will have to use earnings to pay off.
- Offering to provide the victim with a work visa that allows them to work for only that company, and once the visa expires, using that as a means to force them to continue working as they can no longer legally work in the United States.

VULNERABILITIES AND PUSH FACTORS FOR LABOR TRAFFICKING

- Poverty
- Seasonal worker
- Forced migration - war, economic instability, class systems, political persecution
- Lack of legal status, documentation
- Lack of basic needs
- Lack of economic opportunities
- Language barriers
- Women and children
 - Women and girls account for 71% of modern slavery victims (ILO, 2016)
 - 1 in 4 victims of modern slavery are children (ILO, 2016)

A survey of 95 Texas farmworkers found:

- 25% reported having pay withheld
- 24% experienced bait and switch tactics
- 23% reported a middleperson who controls payment
- 23% reported that they were made to feel scared or unsafe
- 17% were coached to lie about age or work
- 13% reported having their documents withheld
- 12% reported that their pay goes to someone else
- 12% reported threats of violence

(Martinez de Vedia, 2018)



VICTIM CONTROL TACTICS

A study on labor exploitation in rural North Carolina found that labor traffickers used tactics such as restriction or deprivation, and threats of harm in order to coerce and control their victims (Barrick et al., 2014). A study of 554 labor trafficking cases over a ten-year period found tactics such as restriction of movement, withholding of documents, use of threats, and psychological, physical and sexual abuse to be common means of controlling the victim (Gnaedig, Kaleff, & Newlon, 2019).





CASE STUDIES: EXAMPLES OF LABOR TRAFFICKING IN THE UNITED STATES

The following case studies illustrate the process of labor trafficking in the United States, beginning from recruitment, travel to the point of destination, the act of labor exploitation, as well as the detection and intervention on behalf of the victims.

CASE STUDY 1

On July 2, 2015, three people were charged by a federal grand jury for smuggling eight victims under the age of eighteen and two adults into the United States from Guatemala to force them to work at egg farms in Ohio. The labor traffickers and their associates recruited workers as young as fourteen or fifteen from impoverished environments and falsely promised them employment, a better quality of life, and a chance to attend school in the United States. After smuggling the victims into the United States, the traffickers imposed thousands of dollars of debt on the victims, who found themselves unable to pay off the debt due to the rent and fees they were also required to pay to their captors. The traffickers forced the victims into debt bondage, ordering them to live in dilapidated trailers in Marion, Ohio and to work at physically demanding jobs at Trillium Farms. The ten victims were forced to work up to twelve hours a day cleaning chicken coops, loading and unloading crates of chickens, and de-beaking and vaccinating chickens. The traffickers withheld the victims' paychecks and threatened them with physical harm in order to compel them to work. The traffickers also used humiliation, deprivation, and other means to keep the workers under their control and entrapped in a situation of exploitation. In a letter from one of the victims, the ringleader of the trafficking group was characterized as a "very rich and powerful man in Guatemala" and as "someone you won't want to upset". The labor trafficking ringleader was reported to have billed the victims and their families up to \$15,000 or more for getting them across the border. He also often took property deeds from the families as collateral. The labor traffickers focused on recruiting victims under the age of eighteen because they thought underage victims were easier to control and would be harder workers.

CASE STUDY 2

In January 2018, Paul Carter, age 47, from Milwaukee was sentenced to federal prison for forcing multiple of young women and girls to engage in commercial sex and to perform at exotic dance clubs in Indian Reservations in Northern Wisconsin along with two other men. On October 6th, 2017 Paul pleaded guilty to four counts of sex trafficking by force, fraud, or coercion, and one count of conspiracy to commit forced labor and sex trafficking. According to documents filed in court and in connection with the defendants' guilty plea, for more than a decade from 2001 to 2013, Carter had been recruiting young women and girls to dance at clubs using false promises of money and a better life. The court documents show that Carter would also use combination of physical violence, isolation, emotional manipulation, sexual assault and threats to harm the victims' families in order exert control over the victims also to compel them to engage in commercial sexual exploitation and sexualized labor. The court records further show that Carter would repeatedly sexually assault his victims and physically assault them when they wanted to leave or asked about their wages. Carter was sentenced to 21 years in federal prison which was reduced by 3 years for the time served and his codefendants David Moore (46) and Najee Moore (22) were sentenced to 10 years imprisonment.



WHAT SECTORS DOES LABOR TRAFFICKING OCCUR IN?

The top venues or industries identified by the National Human Trafficking Hotline (2018) tips for labor trafficking in the United States included domestic servitude, agriculture/animal husbandry, traveling sales crew, restaurant/food venues, and illicit activities.

The International Labor Organization released a report in 2017 entitled, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*. Among the global forced labor cases analyzed where the type of work was known, the largest share of adults who were in forced labor were domestic workers (24%), followed by construction (18%), manufacturing (15%), and agriculture and fishing (11%) sectors (ILO, 2017).

Research throughout the United States has highlighted the significant number of agriculture workers who are experiencing labor trafficking.

A study in San Diego County found a 31% labor trafficking victimization rate among farmworkers (Zheng, 2012). A similar study in North Carolina found a 25% labor trafficking victimization rate (Barrick, 2014).



UNDERSTANDING THE MINDSET OF A VICTIM

Although still largely undetected, many (Barrick et al., 2014; ILO, 2017) speculate that labor trafficking is more prevalent than sex trafficking. Important questions include why is it so difficult to detect labor trafficking, recover labor trafficking victims, and hold labor traffickers accountable? One of the primary reasons identifying victims is so difficult, is because of the current United States societal/governmental structures and public consciousness on the issue. The following graphic provides an insightful illustration of the things that stand between a labor trafficking victim and freedom from exploitation:



(Martinez De Vedia, 2019)

Some of the person-level barriers that prevent labor trafficking victims from coming forward and seeking assistance include:

- Not identifying as a victim; the belief that s/he is required to work off a smuggling debt or recruitment fees
- Unaware of labor laws or social structure for legal remedies and victim services in the United States
- Language barrier
- Fear/distrust of law enforcement
- Fear of deportation
- No documentation - unable to prove who they are
- Fear of consequences from traffickers (violence against self or family)
- Lack of proactive outreach from law enforcement, Department of Labor, victim advocates, social service agencies



WARNING SIGNS/ INDICATORS OF LABOR TRAFFICKING: WHAT TO LOOK FOR

APPEARANCE & MANNERISMS OF WORKERS

- **Are there signs of trauma, fatigue, injuries?**
 - ✓ Malnourishment
 - ✓ Injuries from beatings, extreme weight loss in a short period of time, signs of trauma & PTSD.
- **Are they withdrawn, afraid to talk or censored?**
 - ✓ Third party that insists on interpreting

BUILDING SECURITY

- **Is it used to keep people in or out?**
 - ✓ Bars on the inside of windows (not outside), only one camera, locks only on the outside of doors and not inside, etc.

PERSON-LEVEL WARNING SIGNS

- **No health insurance/ pays cash for services**
 - ✓ When injuries occur
- **Afraid to talk to law enforcement/fear of deportation**
- **No knowledge about how to get around in a community**
 - ✓ Due to isolation & constant accompaniment

WORKING CONDITIONS

- **Do they have freedom of movement?**
 - ✓ Security intended to keep a person confined.
- **Do they live and work in the same place?**
 - ✓ Example: beds in closets
- **Do they owe a debt to their employer?**
 - ✓ Existing debt issues
 - ✓ Fees they paid to get to the US (recruitment fees) - used as debt bondage
- **Do employers have control of their documents?**
 - ✓ Lacking personal possessions and records
 - ✓ No identification documents



HOW COMMUNITIES CAN IDENTIFY AND SUPPORT LABOR TRAFFICKING VICTIMS:

• CONDUCTING OUTREACH

- Establishing an outreach team and materials
- Gaining trust of the migrant communities & providing a safe place for them to report concerns.

• PRO BONO LEGAL SERVICES

- Immigration assistance for T Visa's, Asylum Applications, etc.
- Getting continued presence approved
- Getting certifications (supplement B form) signed by law enforcement

• INTERPRETATION SERVICES

- Utilizing language line and in person interpreters

• HOUSING OPTIONS

- Create shelter services for victims of labor trafficking
- Finding housing that do not require proof of income or identifying documents for identified labor trafficking victims
- Identifying long term housing or transitional solutions while waiting for employment authorization for foreign born victims

• INVESTIGATIONS

- More trainings for law enforcement, prosecutors, and advocates to more clearly understand how to identify, provide support to victims and prosecute traffickers.

WHAT CAN I DO?

MAKE THE CALL

If you suspect someone may be a victim of labor or sex trafficking contact the **National Human Trafficking Hotline** at 1-888-3737-888 or text 233733 (Text "HELP" or "INFO") to provide information you may have. If someone is in immediate danger, call 9-1-1.



EDUCATE YOURSELF

Know where your clothes come from and what the company's labor practices are. Are your favorite brands exploiting others for cheap labor? Perhaps not intentionally, but the supply chain from the field or the mine to the store is long and companies may not be aware of the practices of every entity in the chain. Learn about the ethical practices of manufacturers at websites such as Shop Ethical (ethical.org.au) and The Art of Simple (theartofsimple.net). To gain an idea about how the purchases you make impact labor trafficking, visit Made in a Free World (slaveryfootprint.org).



PRACTICE CONSCIOUS CONSUMERISM

One of the best ways to personally combat labor trafficking is to be a conscious consumer. Be aware of the way your purchases may be contributing to the labor trafficking of others. Encourage your favorite companies to monitor labor practices in their supply chains and conduct transparent and ethical business. Use your purchasing power to put pressure on the companies who are benefitting from slave labor, and reward the companies who value transparency and freedom for all. Make the decision to purchase fair trade items or buy secondhand. To learn more about fair trade certification and how to buy fair trade items, visit Fair Trade Winds (<https://www.fairtradewinds.net/guide-fair-trade-labels/>).



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