

Labor Trafficking 101

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What is Labor Trafficking?

Per the Trafficking Victims Protection Act (TVPA)

- 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.

Process	Means	Goal
<ul style="list-style-type: none"> • Recruitment • Transportation • Transferring • Harboring • Receiving 	<ul style="list-style-type: none"> • Force/Fraud/Coercion • Abduction • Threat • Deceit • Abuse of Power 	<ul style="list-style-type: none"> • Forced Labor • Indentured Servitude • Debt Bondage • Slavery

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What is Force, Fraud and Coercion?



Force

- Kidnapping
- Physical violence
- Sexual assault
- Drugging
- Isolation



Fraud

- Providing basic needs without explaining true intention
- False Promises
- Misrepresentation of working conditions, wages, or job type



Coercion

- Blackmailing
- Debt bondage
- Threats against victim or victim's family
- Verbal and psychological abuse

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Human Trafficking vs. Human Smuggling

Human Smuggling

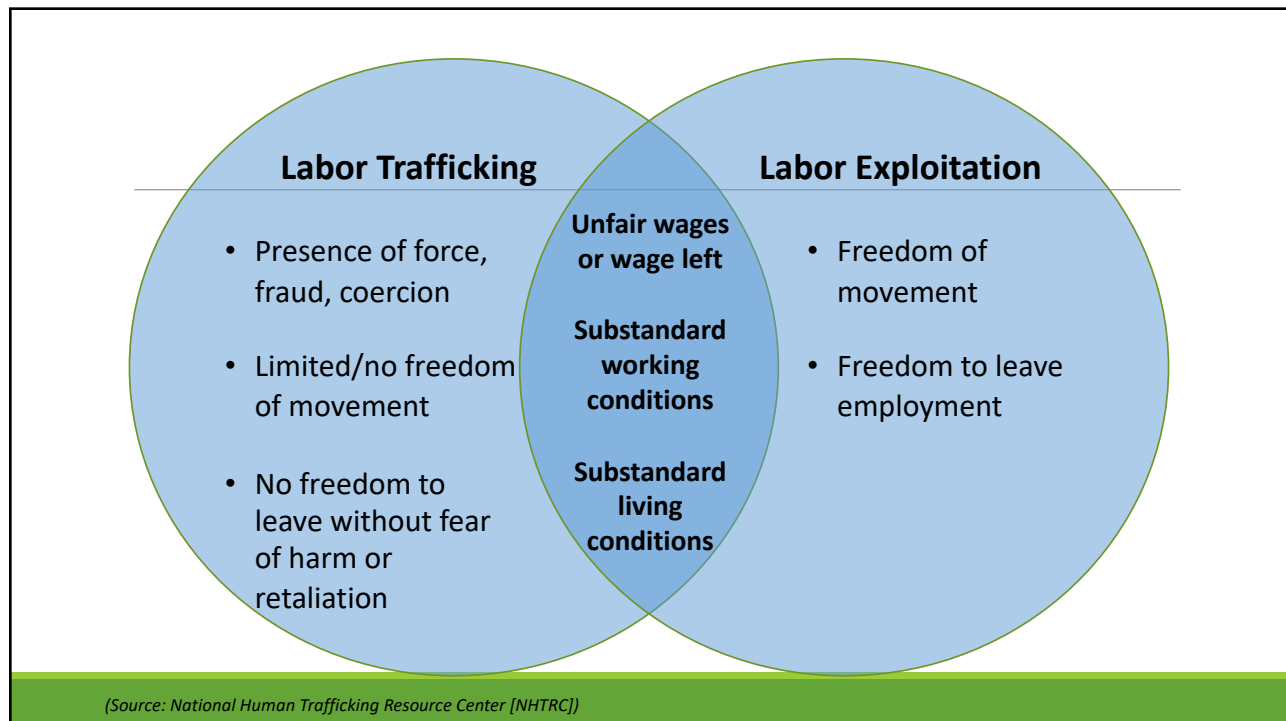
- A crime against a country's sovereignty
- Illegal border crossing
- Element of consent
- Often transportation only
- Ends with arrival at a destination
- Can be a gateway to human trafficking

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

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

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What is Labor Trafficking?

Forced Labor

Involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work.

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).

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What is Labor Trafficking?

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.

Bonded Labor or Debt Bondage/Peonage

Includes, but is not limited to, traffickers or recruiters who unlawfully exploit an initial debt assumed, wittingly or unwittingly, as a term of employment.

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Where Does Labor Trafficking Occur?

Agriculture	Domestic Servant	Restaurant/Food
Assisted Living/ Healthcare	Drugs	Selling goods (e.g., pencils)
Child Care	Magazine	Sexualized labor (e.g. strip club)
Construction	Hotel	Traveling sales crew
Factory/ Manufacturing	Petty Theft	

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Vulnerabilities

- Poverty
- Homelessness
- 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)

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Legal Loopholes for Agricultural Workers

Fair Labor Standards Act (FLSA)

- Minimum wage and overtime
- Child Labor

National Labor Relations Act (NLRA)

- Organizing and collective bargaining

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A Four-year Analysis of Labor Trafficking Cases in the United States: Exploring Characteristics and Labor Trafficking Patterns

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ABSTRACT
The scope of labor trafficking in the United States has been difficult to estimate due to a number of factors including the hidden nature of the crimes of labor trafficking. This study explores a cross-section of arrests of labor traffickers from 2013 to 2016. Arrests of 125 labor traffickers from 47 cases were analyzed. Labor trafficking arrests were found in 20 states over the four years with Texas (34.4%) having the highest percentage of arrests. Victims of labor trafficking were from 16 countries, with Mexico being the country where most victims originated. Victims experienced labor trafficking in homes (35.2%), restaurants (34.4%), hotels (8%), apartments (6.4%), agriculture fields (4.8%), and group homes (4.8%). Staffing agencies were used prominently as recruiting tools by labor traffickers and violence was often used to retain the victim in the trafficking situation. Gender differences and differences between independent labor traffickers and criminal organizations were explored. Recommendations include the need for increased trainings for law enforcement and community members to improve detection as well as the need to enhance the current level of services available to labor trafficking victims.

KEYWORDS
Labor trafficking; forced labor; labor exploitation; debt bondage; trafficking; labor trafficker

Introduction

It is difficult to estimate the global scale of labor trafficking due to the hidden nature of this egregious crime. In the United States labor trafficking is suspected to be a pervasive national problem that occurs in both rural and urban areas, with victims who are both United States citizens and migrant workers of any gender, race, and sexual orientation. The International Labor Organization (ILO) Forced Labor Convention (1930) defined forced labor, with exceptions, as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". As noted by the Joint UN Commentary (2011), much of labor trafficking occurs by manipulating legal migration channels and exploiting the vulnerabilities of persons, including migrant workers who are migrating in search of work and sustainable employment.

Due to the covert nature of labor trafficking activities, creating reliable statistics on prevalence, frequency, geography, and other nuanced factors have been difficult to develop (Clawson, Layne, & Small, 2007). Over the past decade, the Federal Bureau of Investigation (2016) has assisted in the arrest of more than 2,000 human traffickers for both sex and labor trafficking crimes, but labor trafficker-focused

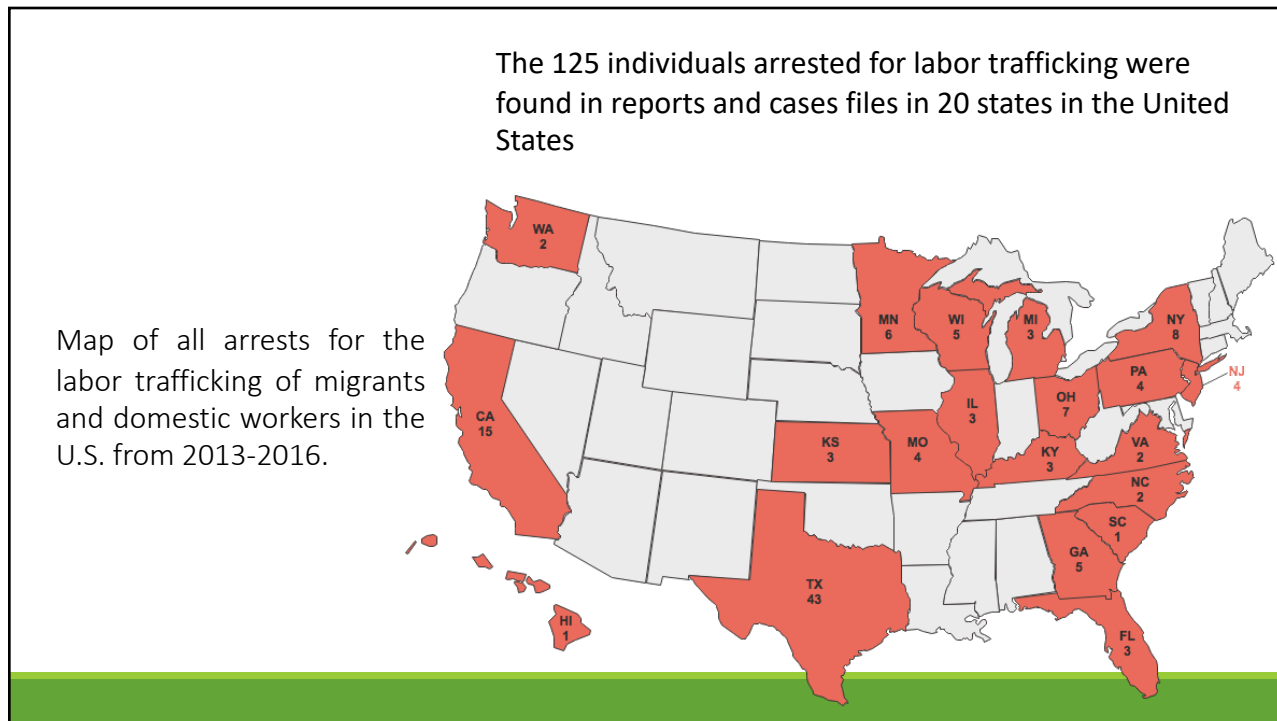
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Recruitment Tactics

Labor traffickers used staffing agencies, word of mouth, job advertisements, newspapers, and technology (email, online ads, and smartphones) to recruit victims.

Recruitment Methods	N = 125	%
Staffing agencies	42	33.6%
Online advertisement	30	24.0%
Technology	27	21.6%
Backpage.com	27	21.6%
Word of mouth	6	4.8%

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Recruitment Tactics

33.6%

 recruited victims through a **staffing agency**.

34.4%

 used **debt bondage** to force the victim into the labor trafficking situation.

49.6%

 used **promises** of money and wealth to recruit their victims.

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Recruitment Tactics

37.6%

used **promises** of goods and rewards to the victim at the time of recruitment.

62.4%

used their job position or position of **authority** to recruit the victim.

27.2%

used **bait and switch** tactics, or tricked the victim into thinking they would be doing another job at the time of recruitment.

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Control Tactics

97.6%
psychological
violence

28.8%
threats of violence

25.6%
physical force
against victim

14.4%
physical force
against victim's
family

19.2%
sexual violence

30.4%
threatened to report
victim to
immigration for
deportation

26.4%
withheld victim's
passport/visa

5.6%
threatened victim
with a firearm

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Trends

An increase over the four-year period (2013-2016) in:

- Immigrant labor trafficker involvement
- Labor traffickers involved in visa fraud
- Labor traffickers withholding the victims' passport/visa
- Labor traffickers providing their victims with shelter as a recruitment tool
- Labor traffickers exclusively victimizing only migrant workers



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Transportation

49.6% of the labor traffickers crossed state lines with their victim(s) (auto, bus, train, truck, airplane, states).



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Youth Experiences Survey (YES)

YES Study, by Year	# Reporting Labor Exploitation	% Reporting Labor Exploitation
2017 (N = 187)	60	32.1%
2018 (N = 179)	55	30.7%
2019 (N = 167)	72	43.1%
2020 (N = 81)	20	24.7%
2021 (N = 89)	21	23.6%

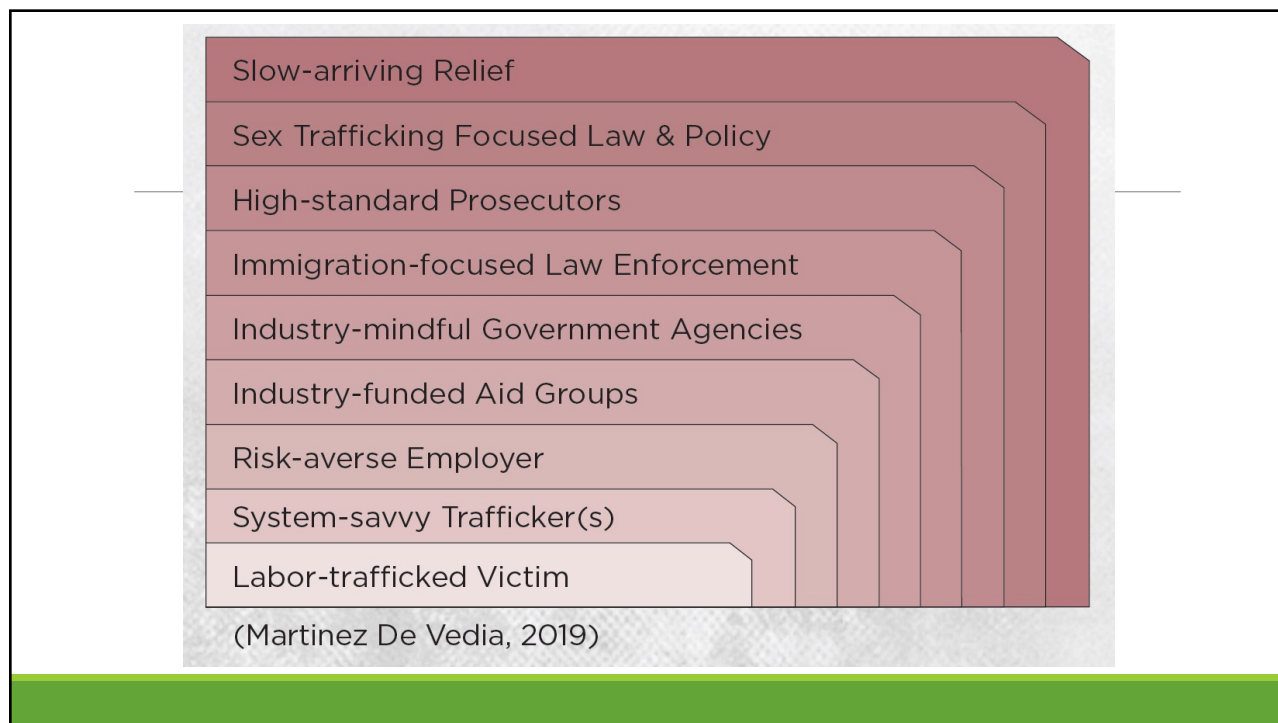
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Comparing Labor Exploited vs Non-Labor Exploited Participants

People who reported experiencing labor exploitation were significantly more likely to report:

- Self-harming behavior
- Mental health diagnoses and more than one mental health diagnosis, (including Depression, ADD/ADHD, PTSD, and Schizophrenia)
- History of suicide attempts
- A medical issue, specifically asthma, dental problems, and chronic pain
- Witnessing domestic violence in their household
- Experiencing abuse in a domestic violence relationship and being the abuser in a domestic violence relationship
- Sex trafficking victimization
- Experiencing nine out of the ten ACEs
- Experiencing four or more ACEs
- Experiencing bullying and harassment by peers
- Being expelled from school
- Affiliation with a gang
- Sexual abuse by a parent/guardian as a child (12 and under)
- Sexual abuse by a parent/guardian as an adolescent (13-17)
- Physical abuse by a parent/guardian

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Barriers to Leaving a Labor Trafficking Situation

- Isolation and unfamiliar surroundings
- Frequent moving
- Document confiscation
- Lack of financial autonomy
- Threats and fear of retaliation
- Facilitated substance addiction
- Lack of opportunity or assistance outside of “employer”
- Language barrier
- Unsure of labor rights
- Unsure of community resources and assistance available

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

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Indicators of Labor Trafficking

- Unpaid or paid very little
- Frequent movements or claims of “just visiting”
- Unaware of his/her surroundings or unable to provide a residential address
- Temporarily resides at local hotels/motels
- Provides canned or rehearsed stories
- Works long hours
- Inadequately clothed given weather, time of day, and season
- Exhibits signs of sleep deprivation, poor hygiene, physical or sexual abuse, malnourishment
- Nervousness, fear or disorientation

(Source: National Human Trafficking Resource Center [NHTRC])

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Potential Immigration Remedies

- **The Violence Against Women Act (VAWA) Self Petition** - Victim of extreme cruelty by United States Citizen (USC) or Legal Permanent Resident (LPR) spouse
- **Asylum** - Trafficked through threats that form basis of well-founded fear (defense to removal)
- **Special Immigrant Juvenile Status** - Unaccompanied minors due to abuse, neglect, or abandonment
- **Humanitarian relief for children and family members prior to filing for T Visa**


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WHAT YOU NEED TO KNOW

A TRAINING TOOL ON LABOR TRAFFICKING



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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	MEANS	PURPOSE
<ul style="list-style-type: none"> • Recruitment • Transportation • Transferring • Harboring • Receiving 	<ul style="list-style-type: none"> • Force/Fraud/Coercion • Abduction • Threat • Deceit • Abuse of Power 	<ul style="list-style-type: none"> • Forced Labor • Indentured Servitude • Debt Bondage • Slavery

If you suspect Human Trafficking, call the National Human Trafficking Hotline at 1-888-3737-888

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Thank you!



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