

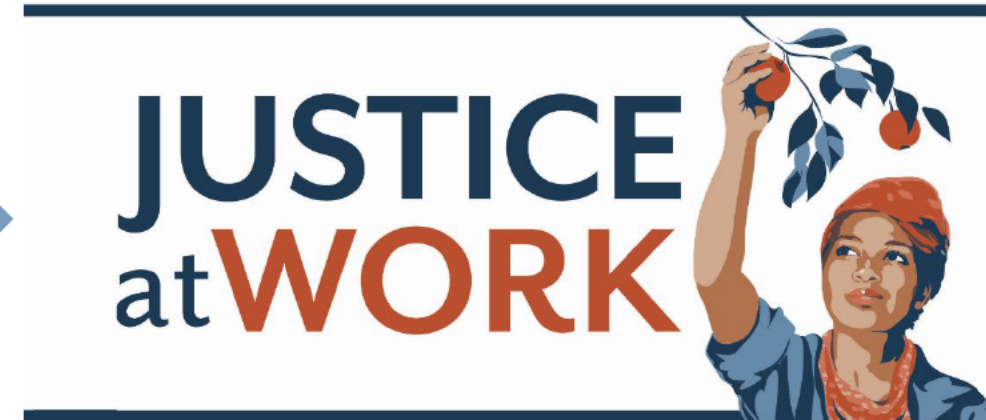
Legal Perspectives on Labor Trafficking

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CHELSEA EDWARDS
2019 RURAL HUMAN
TRAFFICKING SUMMIT

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Still providing
free legal aid, community education,
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Identifying Labor Trafficking


VULNERABLE WORKER POPULATIONS
OCCUPATIONAL HEALTH HAZARDS

Definition: “Victim of a Severe Form of Trafficking in Persons”

SEX TRAFFICKING

- **(1)** recruited, harbored, transported, provided, obtained, patronized, or solicited for a
- **(2)** commercial sex act
- **(3)** induced by force, fraud, or coercion, *or* in which the person induced to perform such an act has not attained 18 years of age

FORCED LABOR

- (1)** recruited, harbored, transported, provided, or obtained for
 - (2)** labor or services
 - (3)** by force fraud, or coercion
 - (4)** For the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery
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Applying the Model for Labor Trafficking

Act	Means	Purpose
<p>Recruiting:</p> <ul style="list-style-type: none">• Recruited in home country to travel to the U.S. via guestworker visa <p>Obtaining:</p> <ul style="list-style-type: none">• Hired in United States, without work authorization	<p>Fraud:</p> <ul style="list-style-type: none">• Promises re: wages, housing• Promises re: immigration status <p>Coercion:</p> <ul style="list-style-type: none">• Threats of Serious Harm• Violent behavior• Blacklisting• False accusations• Withholding pay to compel work• Verbal abuse & humiliation• Isolation / control of activities <p>Abuse of Legal Process:</p> <ul style="list-style-type: none">• Threats to call police/ICE• Threats to sue	<p>Involuntary Servitude:</p> <ul style="list-style-type: none">• Very long hours• Significant amounts of unpaid labor• Lack of access to bathrooms and adequate food and water• Dangerous working conditions• Untreated injuries• <i>Feels compelled to keep coming back</i>

Populations at Risk

- Temporary Visa Holders
 - H-2A & H-2B guest worker programs
 - E.g. Landscaping, Agriculture, Carnivals
 - Prevalence of debt bondage and recruitment fees
 - Inability of visa recipients to change employers
- Undocumented immigrants
 - Limited immigration & employment options
 - E.g. Domestic servants, Restaurants, Snow Removal
- Victims of domestic violence
- Homeless youth

Occupational Health Hazards

Environmental Hazards

- Pesticides
- Exposure to elements
- Housing Conditions

Injuries

- Chronic pain
- Denial of workers comp benefits

Assault & Harassment

Lack of Accommodations

- Disabilities, Pregnancy
- Sick Leave
- Bathroom Breaks



Screening for Labor Trafficking

- Useful questions:
 - Have you ever been injured at work? Did you receive medical treatment?
 - What are your housing conditions like?
 - What is your work schedule like? Do you get breaks?
 - Do you owe money to your employer?
 - Has an employer ever made you feel that they would call immigration officials if you did something they didn't like?
 - Has an employer promised you legal immigration status?
- Note:
 - Who is in the room
 - Who is interpreting

Civil Remedies

IMMIGRATION RELIEF

CIVIL LITIGATION

T Visa Requirements

- **Victim** of Severe Form of Trafficking in Persons
- Physically present in the United States **on account of** the trafficking
- (*If 18 or older*) Has complied with any reasonable requests for **assistance in investigating** or prosecuting traffickers
 - Does not require certification like U Visa
- Would suffer **extreme hardship** involving unusual and severe harm upon removal from the United States

Civil Litigation

- Victims have a civil right of action under the Trafficking Victims Protection Reauthorization Act of 2003 (Federal) and Act 105 (State)
 - Allow victims to bring civil claims for monetary damages in federal court
 - May sue person/entity that subjects victim to forced labor and/or those who financially benefit from participation
- 299 cases filed within the first fifteen years of the TVPA's enactment
- The majority of suits (91%) involve allegations of forced labor
- 57% of suits have been brought by foreign-born plaintiffs with lawful immigration status
- Top labor sectors: domestic work, agriculture, food service & hospitality

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**Refer to us by having clients call us directly
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