Welcome to the Webinar

We will start at:

8:00 a.m. – 9:30 a.m. Hawaii
10:00 a.m. – 11:30 a.m. Alaska
11:00 a.m. – 12:30 p.m. Pacific
12:00 p.m. – 1:30 p.m. Mountain
1:00 p.m. – 2:30 p.m. Central
2:00 p.m. – 3:30 p.m. Eastern

May 17, 2016

Your line has been muted to decrease background interference. In the chat box to the left, please share your name, organization, and location.
LABOR TRAFFICKING AND THE INTERSECTION WITH DOMESTIC VIOLENCE AND SEXUAL ASSAULT

Presented by Futures Without Violence in partnership with the U. S. Department of Justice, Office on Violence Against Women

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This project is supported by Grant No. 2011-TA-AX-K067, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.
This webinar is presented by Futures Without Violence in partnership with our faculty – Maria Jose Fletcher and Perla Flores. A portion of the content was developed by the Freedom Network Training Institute (Human Trafficking and Modern Day Slavery: Practical Tools for an Effective Response) by Ms. Fletcher who is a current member of the Freedom Network USA.
Learning Objectives

As a result of this webinar, you will be better able to:

- Define labor trafficking and recognize the importance of multidisciplinary collaborations in assisting labor trafficking survivors

- Recognize similarities and intersections between labor trafficking, sexual assault, and domestic violence
Similarities Between Domestic Violence/Sexual Assault and Labor Trafficking Survivors

- Survivors face similar barriers to leaving abusive situations and reintegrating in their community
- Survivors may have similar needs for basic services and safety planning
- Survivors may experience significant economic and financial abuse and need to create economic independence
Importance of Collaboration

Because of this intersection between domestic violence/sexual assault and labor trafficking, it is critical that domestic violence/sexual assault program staff, attorneys, law enforcement, human trafficking taskforce members, and immigrant community service providers, understand labor trafficking and collaborate to assist survivors.
Polling Question: What best describes your position?

- Attorney
- Law Enforcement Officer
- Sexual Assault Survivor Advocate
- Domestic Violence Survivor Advocate
- Human Trafficking Task Force Member
- Other
Polling Question: What best describes your knowledge of labor trafficking issues?

- No knowledge
- Basic
- Intermediate
- Advanced
- Expert
What is labor trafficking?
Trafficking Victims Protection Act (TVPA) & Reauthorizations

**Prosecution** through definition of new crimes

**Protection** provided to trafficked persons through immigration relief and other benefits—must show reasonable cooperation with law enforcement

**Prevention** through State Department reporting and overseas funding

**Partnerships** with governmental, non-governmental agencies, and public sector at the federal, state, and local level
Human Trafficking Defined

There are three categories of human trafficking victims:

1. Those under 18 involved in commercial sex acts

2. Those 18 or over involved in commercial sex acts through force, fraud or coercion

3. Those forced to perform labor and/or services in conditions of involuntary servitude, peonage, debt bondage or slavery through force, fraud or coercion

(The full text of the Victims of Trafficking and Violence Prevention Act can be found under 22 U.S.C. 7102; https://www.gpo.gov/fdsys/pkg/USCODE-2010-title22/pdf/USCODE-2010-title22-chap78.pdf)
Labor Trafficking Defined

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.

22 U.S.C. 7102(8)(B)
Minor victim of labor trafficking is defined in the TVPA as a person under the age of 18 years old, **coerced, defrauded, or forced** to work while a third party benefits from their labor.
Aesha is a 28 year old woman from India. She holds a Master’s degree in Engineering. Several months ago, Aesha moved to the US with her new husband, Robert. Prior to marrying Aesha and bringing her to the US, Robert assured her that she could pursue her career goals in the US. However, shortly after arriving in the US, Aesha discovered that Robert had a fiancée and had brought Aesha over to serve as a cook, maid, and nanny to his younger brother and parents. For several months Robert and his family emotionally and physically abused Aesha. Her day began sharply at 6 am, and often didn’t end until midnight. She had no means to return to her home country. She was also under constant surveillance from Robert or his family.
Is Aesha a victim of domestic violence/intimate partner violence?
Is Aesha a victim of labor trafficking?
Survivors of Labor Trafficking May Be:

Non-citizens
- Without legal status
- With legal status

US citizens
- From different backgrounds, not just an issue of language or nationality
- Race, class, gender, schooling, religion, culture

Men, women, children, elderly, LGBT, disabled

All ages
Three Elements Of Labor Trafficking

1. PROCESS
   - Recruitment
   - Harboring
   - Transportation
   - Provision
   - Obtaining

2. MEANS
   - by
   - Force
   - Fraud
   - Coercion

3. END
   - For the purposes of
   - Involuntary Servitude
   - Peonage
   - Debt Bondage
   - Slavery
Three Elements Of Labor Trafficking

**PROCESS**
- How and why did the person migrate/leave home or safe environment?
- How did the person find out about the job?

**MEANS**
- What happened when they arrived in the destination country/state/job site?
- What was it like when they started to work?

**END**
- Was the person paid? How much? How often?
- Did the person try to leave his/her job? What happened?
- Is the person afraid of his/her employer? Why?
Further Defining “Coercion” in Labor Trafficking Context

22 U.S.C. § 7102 “coercion” includes physical and psychological coercion

- Psychological coercion (withholding passport and/or immigration documents, threats of deportation, threats of violence against survivor or family members)

- Physical coercion (physical restraint, imprisonment, torture, rape, sexual harassment and/or assault)
What is the difference between wage theft, labor exploitation, and forced labor/trafficking?
Wage Theft

- Earning LESS than the minimum wage (federal and state)
- NOT getting paid overtime required by law
- NOT allowed to take meal breaks
- FACING employer retaliation if one complains about unfair conditions
- BUT person can walk away and seek assistance

Adapted from Slavery, Forced labor, Debt Bondage, and Human Trafficking: From Conceptional Confusion to Targeted Solutions by Ann Jordan Program on Human Trafficking and Forced Labor Center for Human Rights & Humanitarian Law
Labor Exploitation

- Sub-standard or exploitive working condition
- Unfair or low wages
- No worker compensation if injured
- Illegal deductions
- Exposed to sexual harassment and other verbal and physical violence
- Exposed to discrimination based on age, gender, sexual orientation, etc.

**BUT, person can walk away and seek assistance**

Adapted from Slavery, Forced labor, Debt Bondage, and Human Trafficking; From Conceptional Confusion to Targeted Solutions by Ann Jordan Program on Human Trafficking and Forced Labor Center for Human Rights & Humanitarian Law
Forced Labor and Trafficking

- Can include: domestic servitude, child labor, bonded labor, forced commercial sex...
- Present in many legal and illegal industries: fishing, textiles, construction, mineral, agricultural, domestic work, child and elderly care, drug trafficking, and sex industry
- Compulsory labor under force, fraud or coercion or threat
- USC and non-citizens could be targeted by traffickers
- Can NOT walk away without serious harm to self or others

Adapted from Slavery, Forced Labor, Debt Bondage, and Human Trafficking: From Conceptional Confusion to Targeted Solutions by Ann Jordan Program on Human Trafficking and Forced Labor Center for Human Rights & Humanitarian Law
A Scale...

<table>
<thead>
<tr>
<th>Forced Labor</th>
<th>Exploitation Regarding Wages and/or Working Conditions</th>
<th>Some Safety or Wage Issues</th>
<th>Fair Wages, Safe Conditions</th>
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<td>1-2</td>
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How can multi-disciplinary collaborations help identify survivors of labor trafficking?
Common Economic Sectors Where Labor Trafficking May Be Found

Survivors of labor trafficking may be found in various sectors of the economy:

- Agriculture
- Construction
- Domestic Work
- Mining
- Utilities
- Manufacturing

Source: International Labour Organization’s 2012 Global Estimate of Forced Labour
Which Law Enforcement Agencies Might Uncover A Labor Trafficking Case?

- Sheriffs Departments
- Police Departments
- Attorney General
- Department of Homeland Security
- Diplomatic Security Services
- FBI civil rights or organized crime units
- Dept. of Justice
- U.S. Attorney’s Office
- Victim Witness Coordinators
- Public Defender
- Department of Labor (US and State)
- EEOC
Who Else Might Discover a Trafficked Person?

- Domestic violence/sexual assault advocates
- Legal service providers
- Community organizations
- Good Samaritans
- Consulates or embassies
- Other trafficked persons

- Child Welfare agencies
- Faith Based organizations/churches
- Clinics/hospitals
- Private immigration or employment attorneys
- Judges
- Customers/clients
- Mental health service providers
- Homeless and youth groups
Identification Questions

Safety Issues
- Have you been physically harmed in any way?
- Has anyone threatened to harm your family if you try to leave?
- Is anyone forcing you to do anything that you do not want to do?

Living Conditions
- Where do you sleep and eat?
- Have you ever been deprived of food, water, sleep or medical care?
- Are there locks on your doors and windows so you cannot get out?
Identification Questions

Social Networks
• Can you come and go as you please?
• Can you contact your family and friends (phone or write them) when you want to?
• Can you bring friends or significant others to your house?

Origins
• Did you come to the U.S. or to this town for a specific job or purpose?
• When you got here, did you have to do work that was different from what you expected?
• Who made your travel arrangements and controlled your documents (passport, visa, identification, etc.)
Intersection with Domestic Violence

How To Distinguish “INTERSECTION” Cases:

- Must include a labor component (involuntary servitude, peonage, debt bondage, slavery)

- Labor could be in the home or at the trafficker/abuser’s business or trafficker benefits from proceeds (e.g. agricultural case, prostitution, sale of daughter)

- Some form of fraud, coercion, and/or force
Why Talk to Clients About Labor Trafficking?

Victims of labor trafficking are entitled to certain benefits. The purpose of establishing whether or not client is a labor trafficking victim is to determine her/his rights and connect them to:

- State/Federal Social Service Benefits
- Immigration Relief (U visa, T Visa, Continued Presence)
- Civil Restitution (wage theft, compensation for damages)
- Protection
- Medical Assistance
- Resources
Unique Circumstances that May Affect Labor Trafficking Survivors

- Immigration status may be connected to employer (H2A, H2B visas)
- Employer may be providing housing and may not allow the person to live off site
- Not all workers at a workplace may be enslaved
- Interview workers separately and note workplace power dynamics
Unique Needs of Domestic Violence & Sexual Assault Survivors of Labor Trafficking

- Individualized case assessment needs
- Multi-survivor cases and housing concerns
- May have employment claims and remedies requiring specialized assistance
- Under-recognized forms of trauma
- Fewer criminal law resources dedicated to labor trafficking cases
The Role of DV/SA Advocates

- Crisis Intervention
- Peer Counseling
- Safety Planning
- Ensure Basic Needs
- Gift Cards for food, gas, clothes
- Empowerment Fund for housing, medical/psychiatric needs
- Link to other providers
- Advocacy
- Transportation
- Goal Setting
- Accompaniment
- Resources & Referrals
- Advocacy

Advocate

Resources & Referrals
Crisis Intervention
Peer Counseling
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Resources & Referrals
Advocate

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Advocate
Case Management Phases

- Emergency/Crisis Phase
- Transitional/Stabilization Phase
- Long Term Support Phase
Case Management Phase I – Aesha’s Story

Crisis Intervention
First Contact up to 30 Days

- Connect to Advocate
- Ensure Basic Needs are Met (Shelter, Food, Communication)
- Safety Planning
- Food & Other Needs
- Medical and Mental Health Support
Case Management Phase II – Aesha’s Story

Transitional Support - (30 days to 8 months)

- Connect to immigration and/or employment attorney
- Transport and advocate for benefits
- Transitional Housing if Requested by Survivor
- Food & Other needs
- Community Support
Case Management Phase III – Aesha’s Story

Long Term Stability & Sustainability
(eight months up to two years)

- Receives Work Permit, Wage Restitution, Begins Job Search
- Secures Permanent Housing
- Vocational Training & ESL Classes
Take Action…

- Review and adapt intake process to identify potential domestic violence & sexual assault victims of labor trafficking
- Develop practices that address DV/SA survivor needs during the three phases of case management
- Develop and maintain relationships with governmental and non-governmental agencies to expand options for victims of labor trafficking
- Advocate for their rights and support victims of labor trafficking
Additional Resources on Labor Trafficking

- Polaris Project: [https://polarisproject.org/labor-trafficking](https://polarisproject.org/labor-trafficking)
Questions and Answers

Please take a moment to take a short evaluation regarding today’s webinar and future webinars.

https://www.surveymonkey.com/r/Ltwebeva