

Labor Trafficking: A Closer View of Agriculture and Domestic Work

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Polaris

Labor Trafficking Conference
Louisville, Kentucky
October 25, 2018

OUTLINE

- **Polaris – Who are we?**
- **National Hotline – Data Source**
- **Labor Trafficking in Agriculture**
- **Labor Trafficking in Domestic Work**



Polaris is a leader in the global fight to eradicate human trafficking and restore freedom to survivors.

The Polaris Model



1

Serving victims and survivors through the 24/7 National Human Trafficking Hotline, coordinating with referral partners nationwide as a national access point for trauma-informed support.

2

Building one of the largest public data sets on human trafficking in the United States, digging deeper to learn how the business of human trafficking really works, in real time.

3

Turning knowledge into action, designing targeted strategies that change entire systems tailored to specific sub-types of trafficking and specific industries.

4

Enlisting law enforcement and other public and private-sector partners, moving those strategies into the real world to support survivors, prevent and disrupt human trafficking at scale.



What is the National Hotline?

1-888-373-7888

TOLL FREE CONFIDENTIAL 24/7

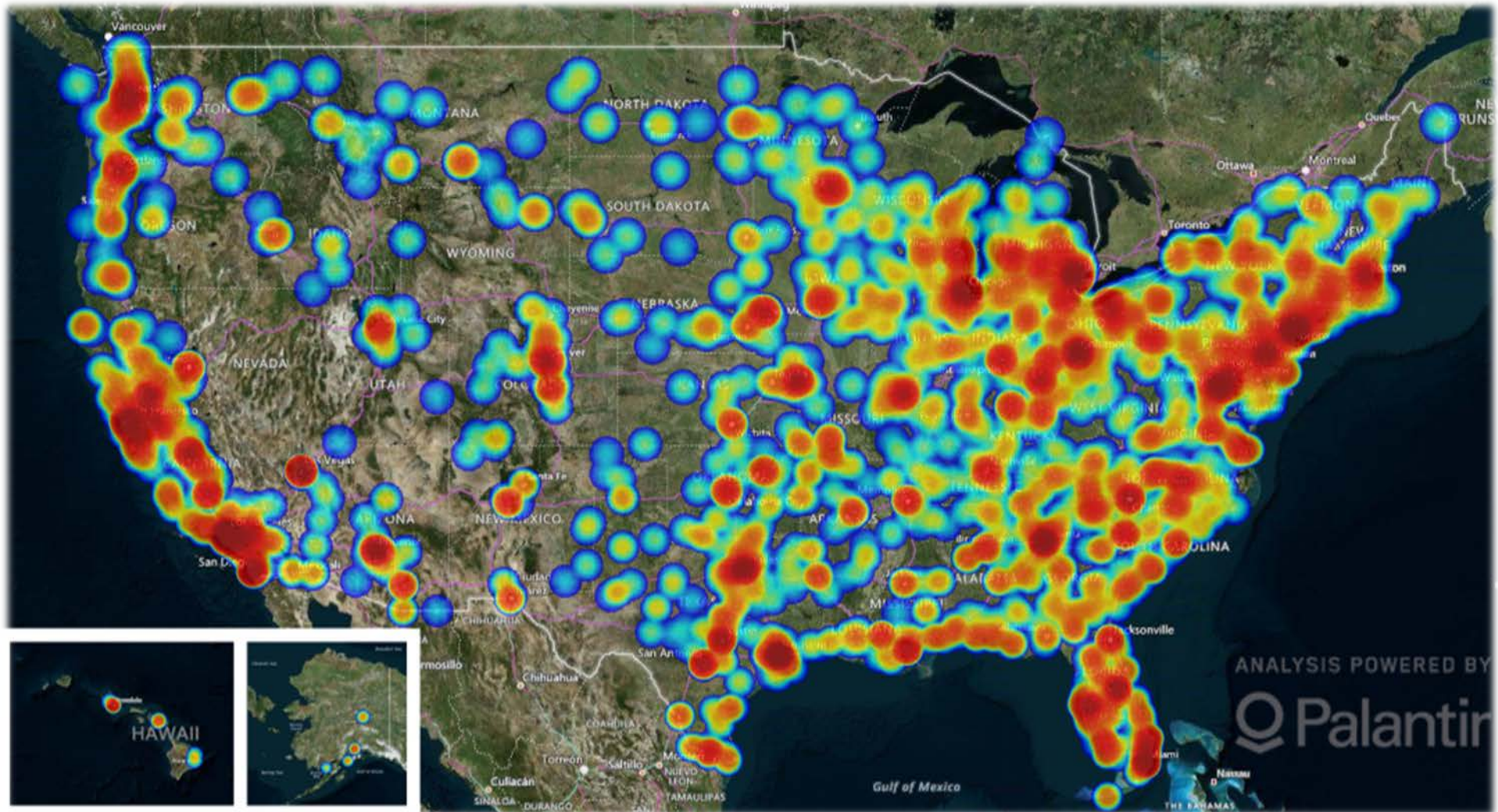
National Hotline Functions:

- Confidential crisis & tip line
- Referral & response network
- Resource for hotline data & trends

Why It Works:

- A single memorable number
- Centralized data collection & analysis
- 24/7 national coordination center
- Government support, NGO independence

Over 8,500 Human Trafficking Hotline Cases in 2017 in the U.S.



Key Statistics To Date

42,000+

HUMAN TRAFFICKING
CASES IDENTIFIED
AND RESPONDED TO

10,000+

CASES REPORTED TO
LAW ENFORCEMENT

292

REFERRAL AND
RESPONSE
PROTOCOLS

9,500+

SURVIVORS
CONTACTED THE
HOTLINE DIRECTLY

Human Trafficking in the United States

The Typology of Modern Slavery

Defining Sex and Labor Trafficking
in the United States



Escort Services
Illicit Massage, Health, & Beauty
Outdoor Solicitation
Residential
Domestic Work
Bars, Strip Clubs, & Cantinas
Pornography
Traveling Sales Crews
Restaurants & Food Service
Peddling & Begging
Agriculture & Animal Husbandry
Personal Sexual Servitude
Health & Beauty Services
Construction
Hotels & Hospitality
Landscaping
Illicit Activities
Arts & Entertainment
Commercial Cleaning Services
Factories & Manufacturing
Remote Interactive Sexual Acts
Carnivals
Forestry & Logging
Health Care
Recreational Facilities

Why Classify By Business Model?

- Alternative Classification Systems
 - Relationship to trafficker
 - Victim demographics
 - Trafficker demographics
- Explore Disruption Opportunities
- Targeting what traffickers care most about:
Their wallet

Labor Trafficking



Domestic Work



Restaurants & Food Service



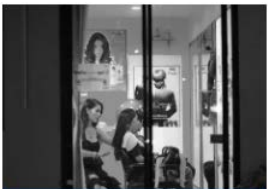
Peddling & Begging



Agriculture & Animal Husbandry



Traveling Sales Crews



Health & Beauty Services



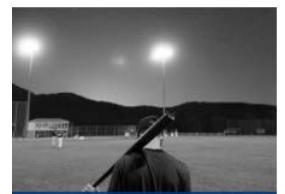
Construction



Hotels & Hospitality



Landscaping



Arts & Entertainment



Commercial Cleaning Services



Factories & Manufacturing



Carnivals



Forestry & Logging



Health Care



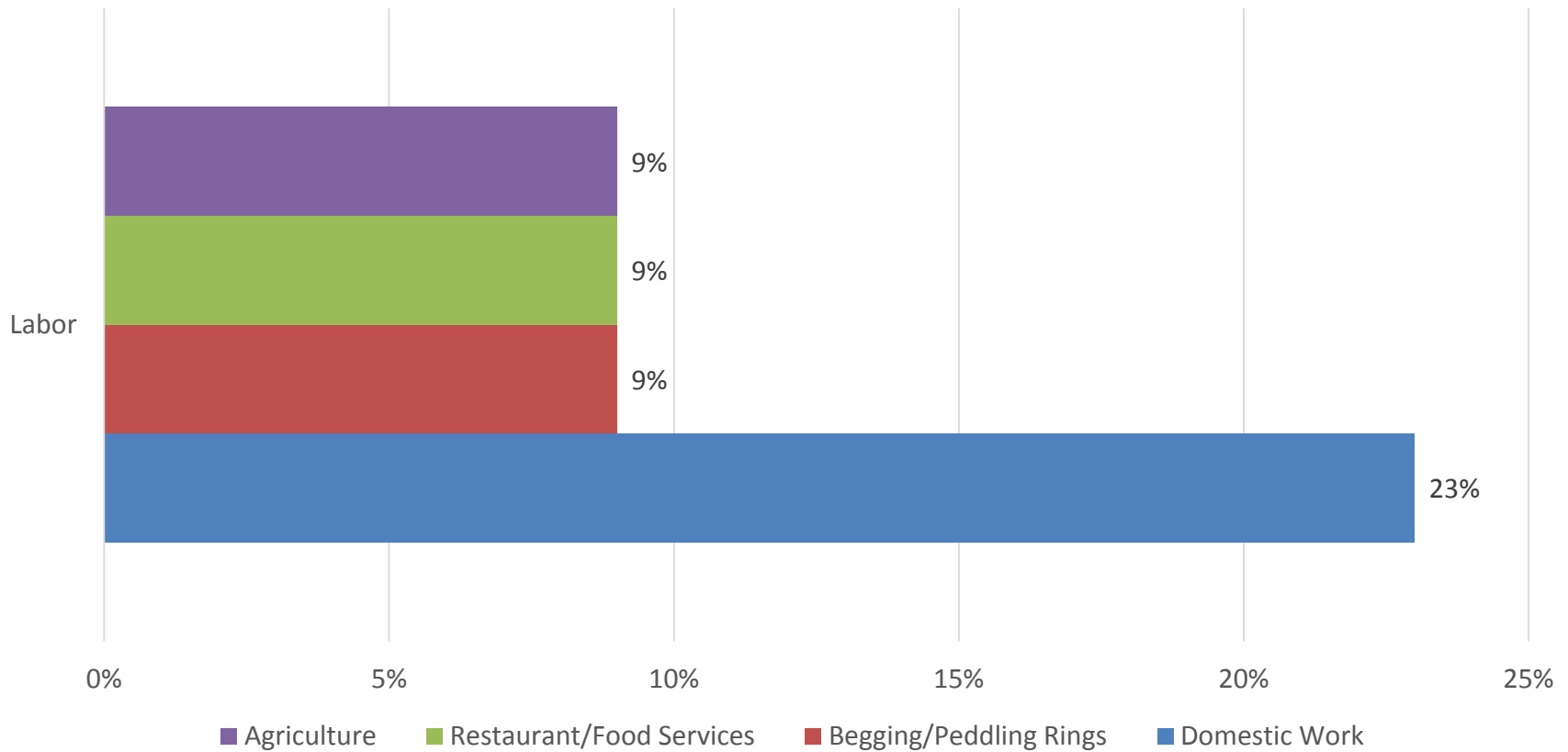
Recreational Facilities



Illicit Activities

Labor Trafficking – Top Four

National Hotline – January 2007 – December 2017





Labor Trafficking in Agriculture

David Medina

Strategic Research Analyst



AGRICULTURE

★
Polaris
Freedom happens now.

Photo: Eve Edelheit, The New York Times

Who are the Victims?

Populations Affected

Adults or minors, foreign nationals or U.S. citizens, any gender identity

Demographics

Foreign nationals, both undocumented and temporary visa holders, are particularly at risk

Vulnerabilities

Socio-economic, displacement due to disaster or conflict, prior abuse or violence,





Freedom
happens
now.



****How the H-2A Guest Worker Program
Functions as a Supply Infrastructure for
Potential Traffickers****

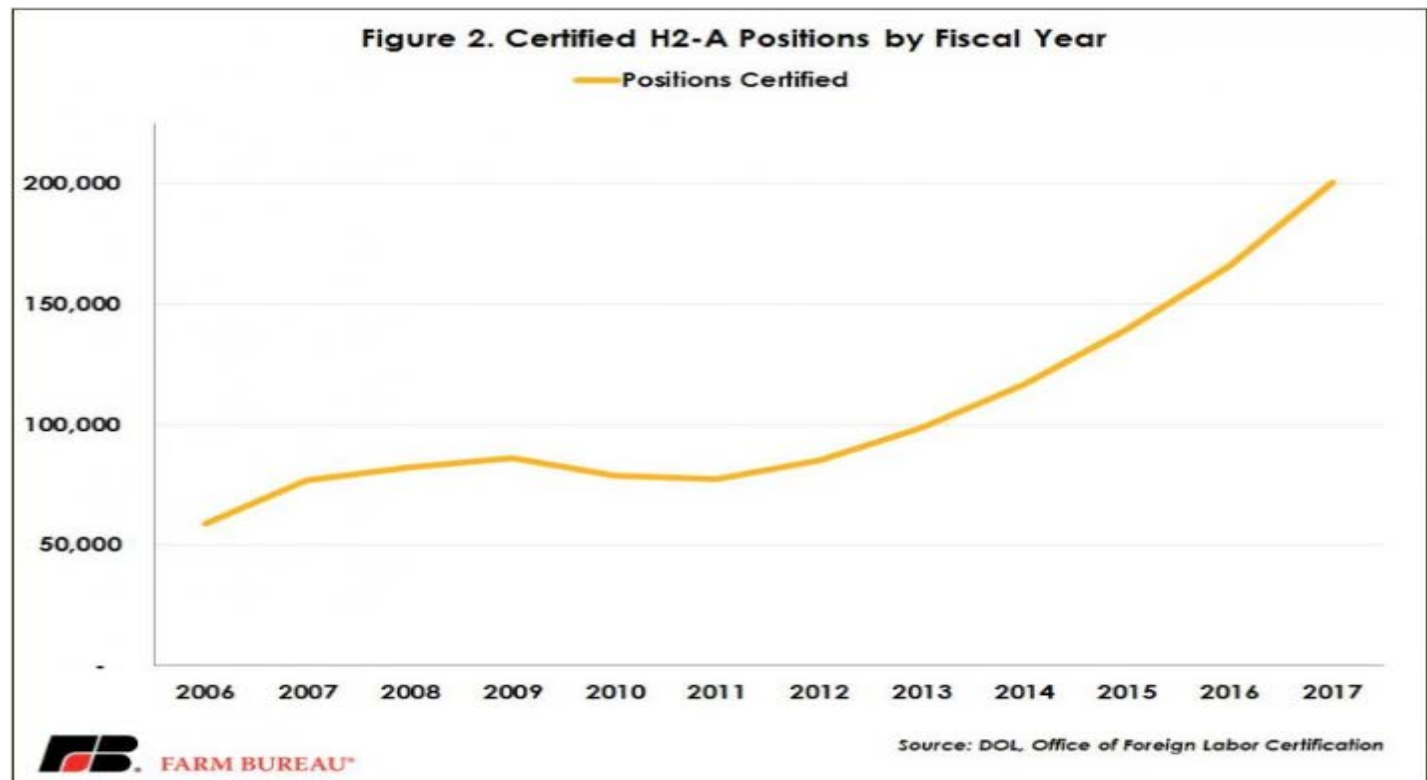
✦
Polaris

Freedom
happens
now.



H-2A: Seasonal Agricultural Worker Program

- Visas issued to foreign temporary agricultural workers to permit them to work in the U.S. legally for a single designated employer
- No annual cap
 - FY 2017: DoL certified over 200,00 H-2A positions
 - This constitutes a **21 percent increase** over FY 2016 and a **103 percent increase** over 2013.

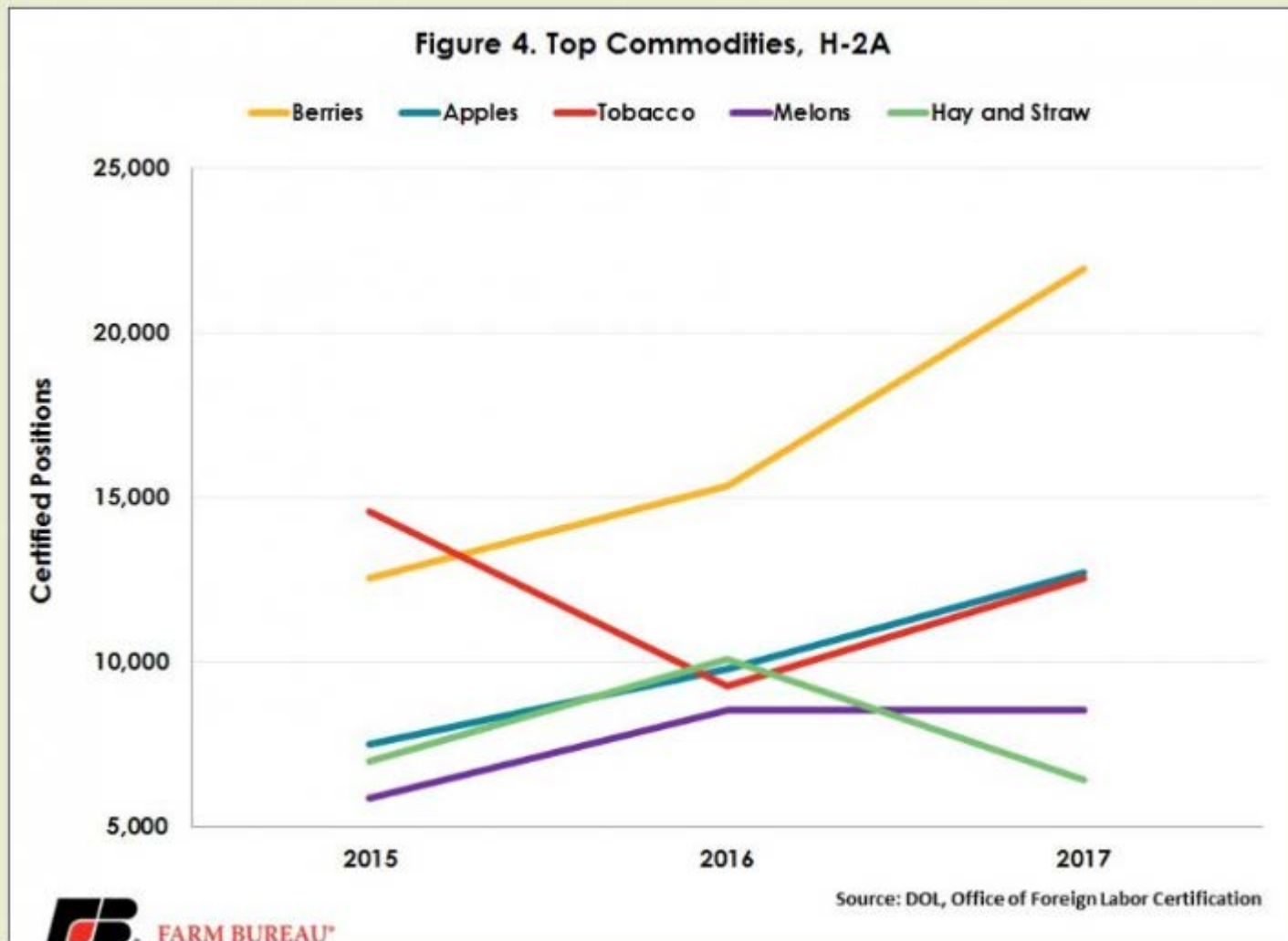




H-2A by the Numbers

- **134,368:** Number of H-2A visas issued to workers in 2016
- **14%:** Increase in H-2A jobs since 2015
- **Approximately half** of H-2A jobs in 2017 were certified in 5 states: FL, GA, NC, WA, and CA...in that order
- **Mexico** supplied **94%** of America's **H-2A** visa holders over the past five fiscal years

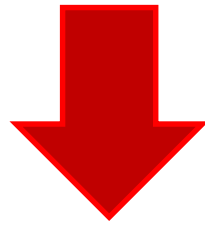
H-2A by the Numbers





Bad Actors

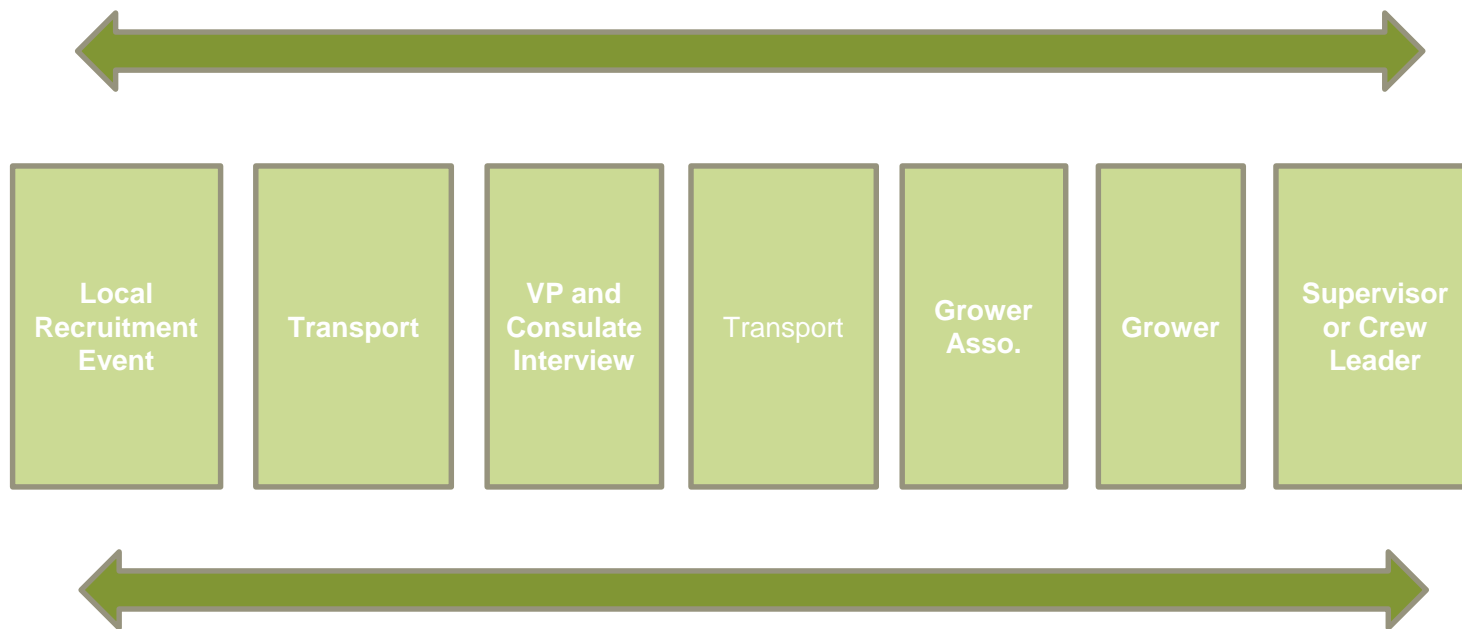
Recruiters, Recruitment Agencies, and
other agents involved in the
Labor Recruitment Supply Chain



Main contributors to **Human Trafficking**
schemes in the industry



Trafficking/Exploitation can Occur along a Continuum



**Traffickers can exploit any of these nodes along the H-2A system*

Merchants of Labor

- Recruiter agencies and their agents are the glue of the international labor market; in source countries, they control access to foreign jobs.
- They know the industry:
 - Seasons
 - Migration patterns
 - Crops
 - Employers
 - Bilingual

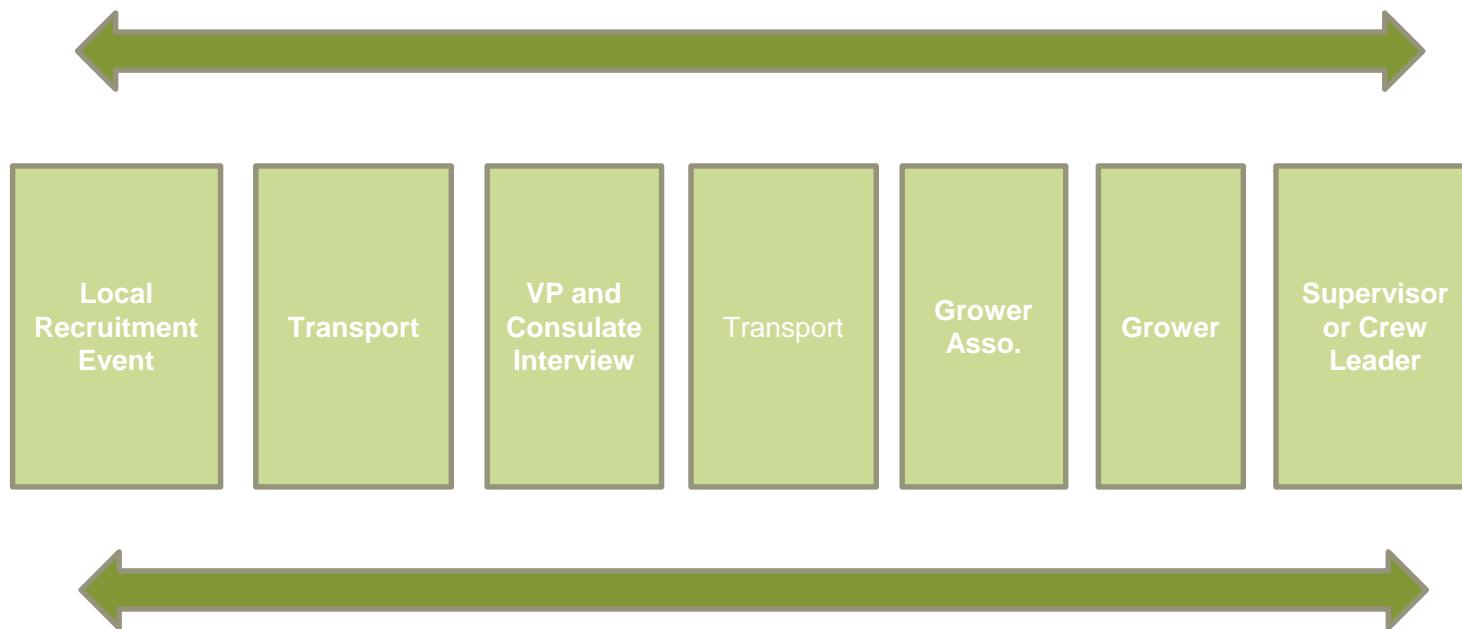




Recruitment in Source Countries

- Recruiters exploit and leverage:
 - Low education levels of potential workers
 - Lack of economic opportunities at home
 - Scarcity of information about work opportunities abroad
 - Comparatively lucrative work opportunities abroad
- Charge ***Fees*** for:
 - Access to information in localized meetings
 - Recruitment fees
 - Travel costs
 - Interest rates on loans to cover up front costs of All of the Above

Trafficking/Exploitation can Occur along a Continuum



**Traffickers can exploit any of these nodes along the H-2A system*



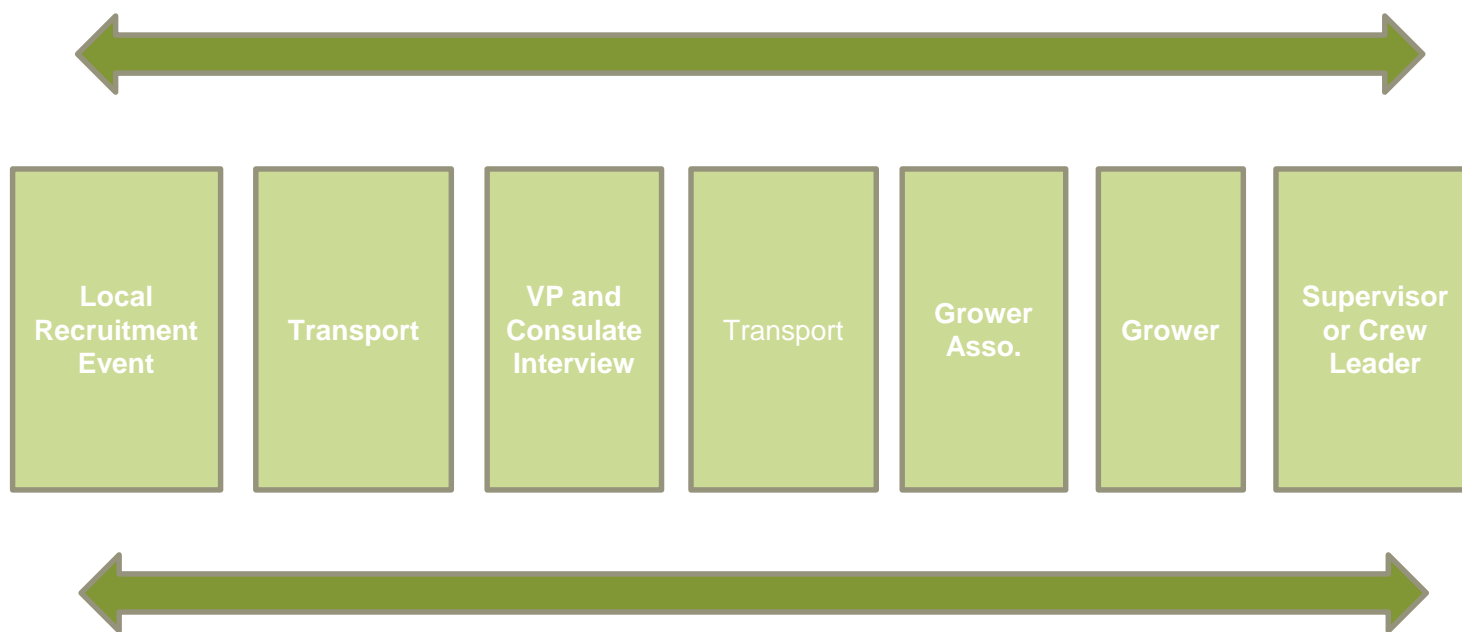
Who is doing the hiring in the US?

- **Growers Associations in the US**
 - Groups of agricultural growers organized for the purpose or facilitating labor recruitment, logistics, and business side support
 - WAFLA, NCGA, Fresh Harvest, Zirkle Fruit, Peri & Sons Farms Inc.
- Engage in Partnerships with foreign Labor Contractors:
 - Labor Recruitment Agencies, Contractors, Brokers operating abroad in labor source countries: Mexico, Guatemala, etc.:
 - CSI VP, LaborMex, Del Al Associates

Who is doing the hiring?



Trafficking/Exploitation can Occur along a Continuum



**Traffickers can exploit any of these nodes along the H-2A system*



Examples of FFC

- Threat to “Blacklist”
- Documents withheld
- Debt bondage
- Isolation
- Excessive working hours
- Denial of needs and wants
- Earnings withheld
- Fraud
- Emotional abuse





Barriers to Victim Self-Identification



Debt bondage

Shame or guilt

Isolation

False promises

Confinement

Distrust of
authority

Language
barriers

Loyalty to
trafficker

Fear of Arrest or
Deportation

Personal ID or documents
withheld

Hopelessness

Threats to loved ones or
co-workers

Lack of transportation or
controlled movement

Fear of retaliation



Polaris

Freedom
happens
now.



Taking Action



What YOU CAN Do

- Consult with your partners to unite against trafficking occurring on your farm, or among any of the growers that are members of your Associations and Organizations
- Educate and train your Supervisors, Managers, and Crew Leaders about trafficking
 - Zero Tolerance in your business
- Make sure you are not contracting labor from suspicious businesses

Publicly Available Information: Debarment Lists

- MSPA Debar List – access at www.dol.gov/whd/red/statutes/mspa_debar.htm

Wage and Hour Division (WHD)

Migrant and Seasonal Agricultural Worker Protection Act (MSPA)

Ineligible Farm Labor Contractors - March 2018

The following individuals **MAY NOT** engage in any activity as a Farm Labor Contractor (FLC) or as a Farm Labor Contractor Employee (FLCE) as defined by the Migrant and Seasonal Agricultural Worker Protection Act (MSPA). Because this list is updated on a continual basis, you may call 1-866-487-9243 to obtain current registration information. Only a person holding a valid certificate issued by the Secretary of Labor may engage in farm labor contracting activities. This list is effective as of March 1, 2018. Those names added since the last public issuance are denoted by *. A list of Registered Farm Labor Contractors can be found at <http://www.dol.gov/whd/regs/statutes/FLClist.htm>.

Revised Date: **March 1, 2018** Download Worksheet ([XLS](#)) ([CSV](#)) (Click Save button when File Download screen pops up)

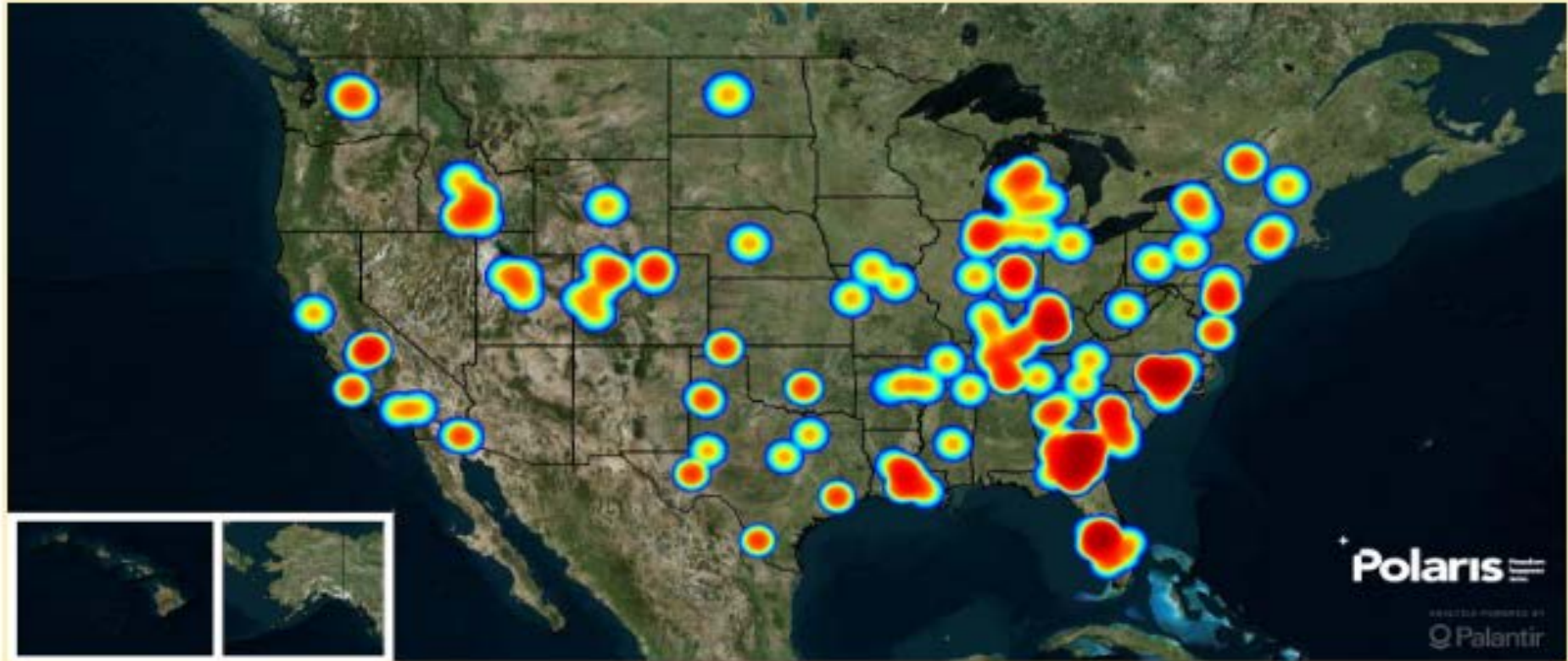
Find in results <input type="text"/>						
Name	FLC Address	City	State	Zipcode	Date of Final Order	Reason for Action
ACEVEDO-MENDOZA, Ruben	2482 Sanders Pines	Immokalee	FL	34142		
ACOSTA, Pedro Meza	640 Richard Drive	McFarland	CA	93250	06/30/2016	Knowingly made misrepresentation
ACOSTA-GONZALEZ, Ramon	P.O. Box 453	Center	CO	81125	03/01/2016	Knowingly made misrepresentation
ADAME, Adan	7970 Shoshoni Road	Hagerman	NM	88232		
ADOLPHE, Sylvia	905 NE 138 Street	Miami	FL	33161		
AGUILAR, Alejandro A.	Rt. 276 N 13th, #75	Artesia	NM	58210		
AGUILAR, Oscar M.	1110 Robin St., Lot 41	Alamo	TX	78516		
AGUILERA, Martin Sr.	1328 Mirasol Street	Eagle Pass	TX	78852		
AGUILUZ-BUENO, Guadalupe	718 Fremont St., Spc. 9	Avenal	CA	93204	04/17/2017	Knowingly made misrepresentation
AGUIRRE, Domingo	P.O. Box 3242	Florida City	FL	33034		

Publicly Available Information: Debarment Lists

- Office of Foreign Labor Certification Program Debarment List

H-2A Labor Certification Debarment List					
Employer Name	Employer Location	Start of Debarment	End of Debarment	Violation	CFR Citation
Rosalva Garcia	Dade City, Florida	July 27, 2016	June 27, 2018	Failure to respond to audit request	20 CFR §655.182(d)(1)(vi) and (e)(3)
Ruben Ruiz (DeSoto Harvesting)*	Arcadia, Florida	October 8, 2016	October 8, 2019	WHD referral	
Saxtons River Orchards, Inc.	Saxtons River, Vermont	July 9, 2016	July 8, 2018	Failure to respond to audit request	20 CFR §655.182(d)(1)(vi) and (e)(3)
Travis and Tara Lambourn	Bowman, North Dakota	December 9, 2016	December 9, 2018	Failure to respond to audit request	20 CFR §655.182(d)(1)(vi) and (e)(3)
Travis and Tara Lambourn dba Lambourn Farm*	Bowman, North Dakota	July 5, 2017	July 5, 2020	WHD referral	
Triangle J Farms	Seminole, Texas	July 21, 2016	July 20, 2018	Failure to pay or provide the required	20 CFR 655.182(d)(1)(i)
Vern Stratton Farms	Orem, Utah	September 24, 2016	September 24, 2018	Failure to respond to audit request	20 CFR §655.182(d)(1)(vi) and (e)(3)
Xavier Home	Lyons, Georgia	September 27, 2017	September 26, 2019	Failure to respond to audit request	20 CFR §655.182(d)(1)(vi) and (e)(3) (e)(3)
Yessie Davis	Ayer, Georgia	September 27, 2017	September 26, 2019	Failure to respond to	

Mapping H-2A Cases



The image above is a heat map which reflects the locations of potential trafficking cases involving H-2A visa holders reported to the National Human Trafficking Hotline from January 1, 2015 - December 31, 2017. Areas in which greater numbers of cases were reported contain more red shading. This map only reflects cases in which the location of the potential trafficking was known. Some cases may involve more than one location.



Labor Trafficking in Domestic Work

Lillian Agbeyegbe

Strategic Research Analyst



Domestic Work

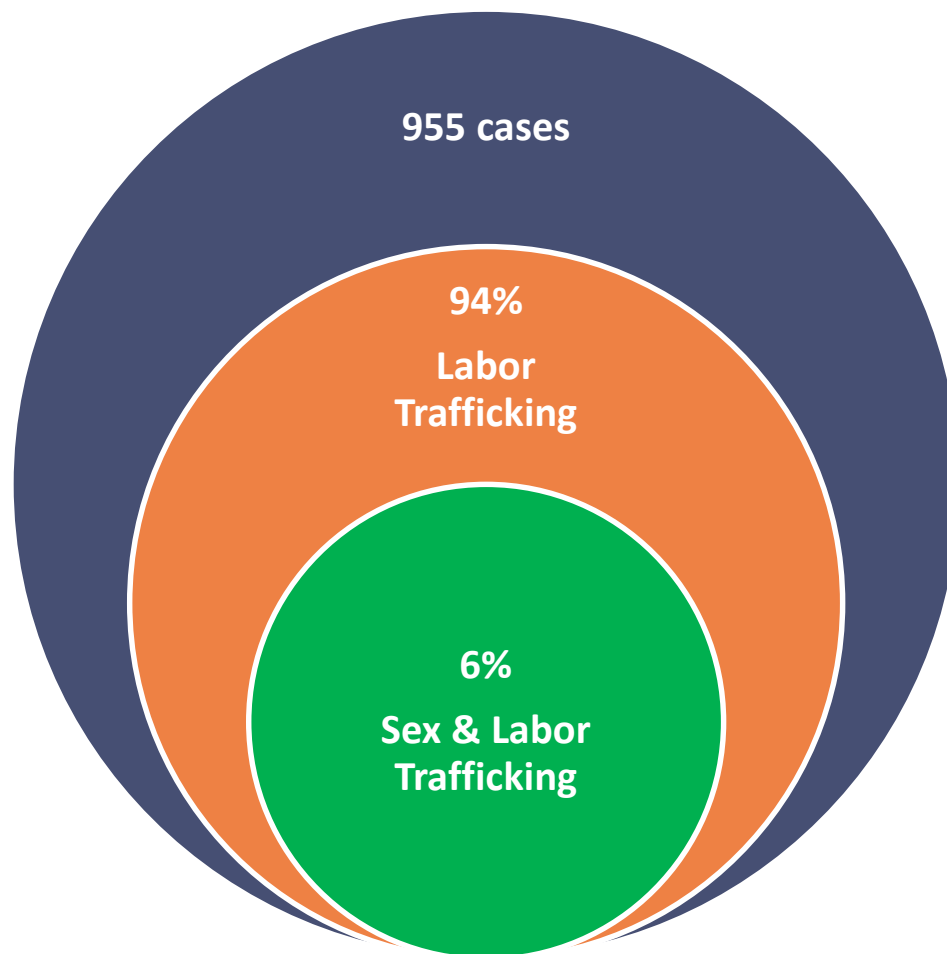


PERSON-TO-PERSON



Domestic Work Overall Data

January 2013 – December 2017

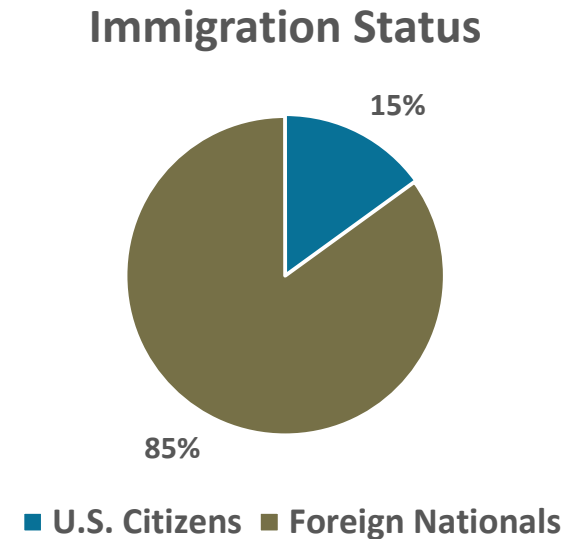
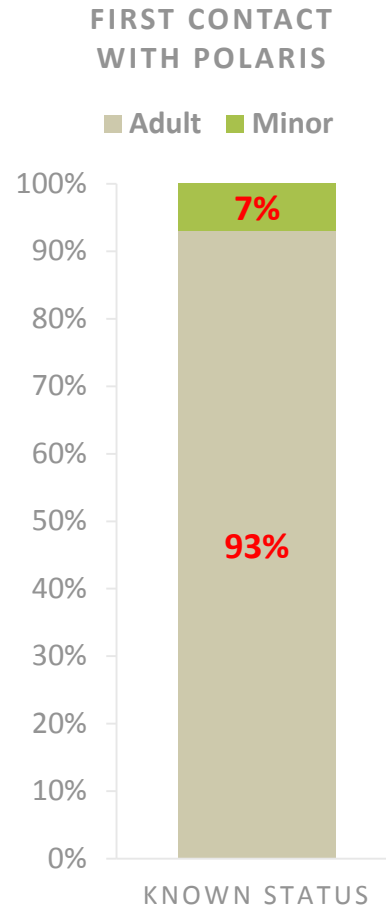
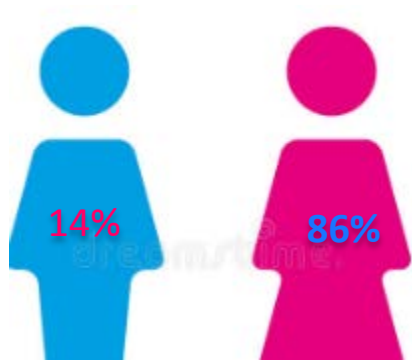




Human Trafficking of Domestic Workers – Potential Victims



Potential Victim Profile





US Domestic Worker Victims





US – Domestic Worker Victim

≡ SECTIONS

WATCHLIST >

MarketWatch

Home > Economy & Politics

Opinion: The cult next door: Debunking five misconceptions about human trafficking

By Elizabeth Hutson

Published: Sept 10, 2018 12:22 p.m. ET



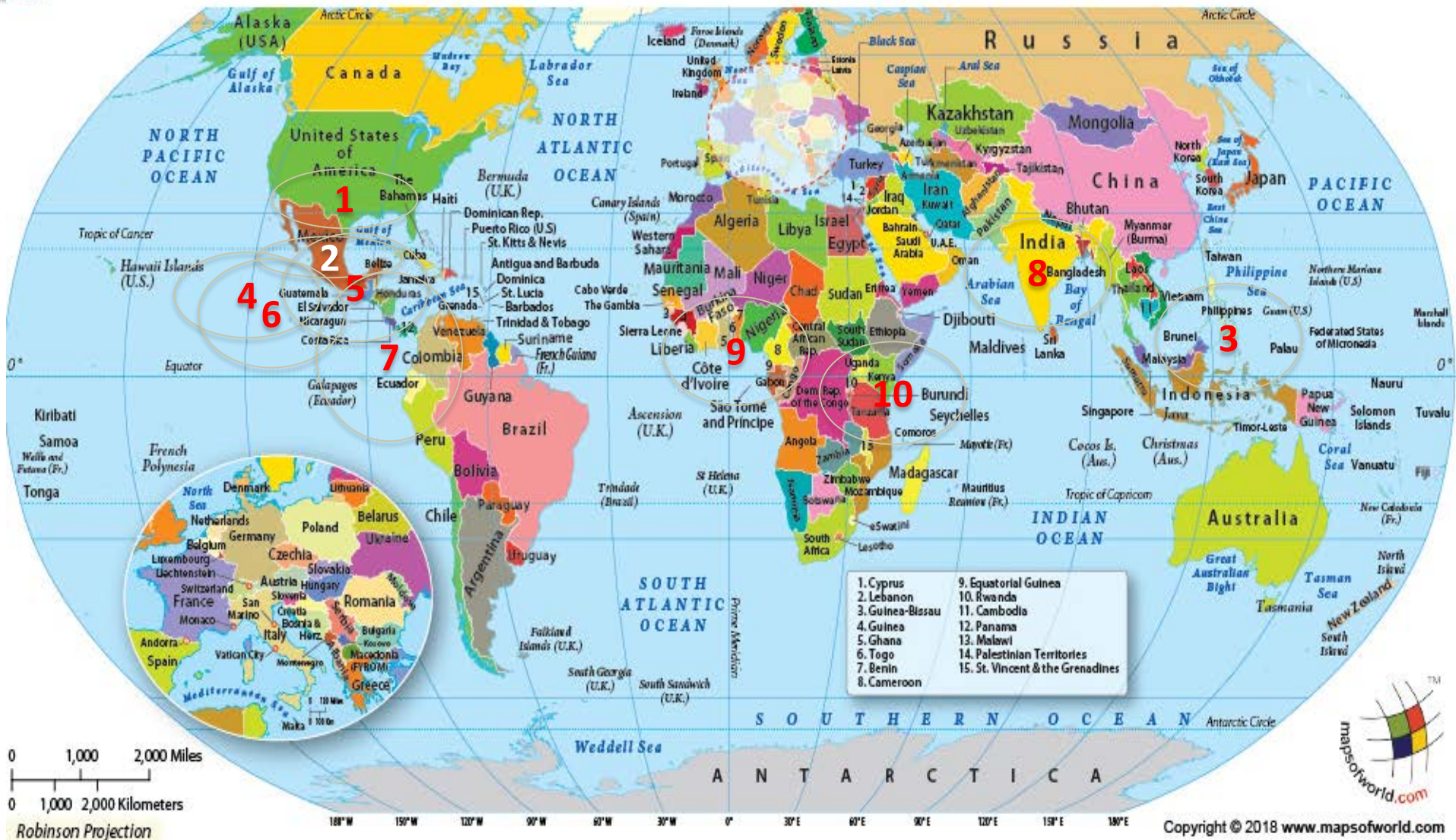
Aa

A young woman wins \$8 million judgment from the cult that enslaved her for a decade

This past May, a federal judge in Kansas awarded Kendra Ross nearly \$8 million in a human trafficking suit against a nationwide cult and its leader, Royall Jenkins. This judgment is the largest civil single-plaintiff human trafficking award in American history. In addition to the significance of the large monetary award, this case provides important precedent for forced labor cases and exposes common myths and misconceptions about human trafficking in the United States.

In her complaint, Kendra alleged that Jenkins and The Value Creators Inc. (formerly known as The United Nation of Islam), forced her to work more than 40,000 uncompensated hours from 2002 until her 2012 escape from the cult.

Top 10 Countries of Origin





Original Visa Type

Undocumented

• 200

A=3 & G- 5

• 66

K-1

• 33

F-1

• 11

H-2B

• 4



B-1

• 77

B-2

• 44

J-1

• 23

R

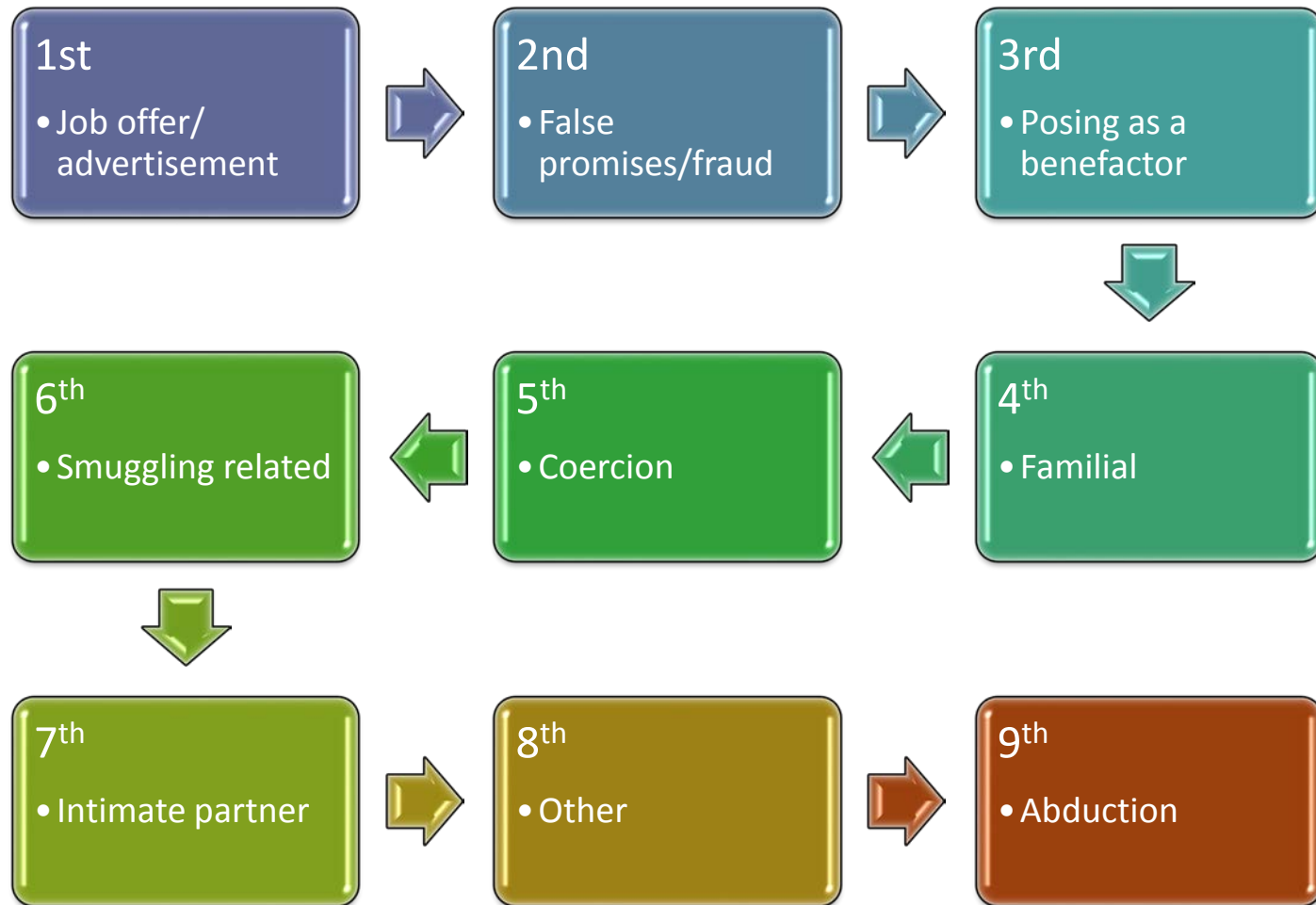
• 9

H-2A

• 3



Recruitment Methods for Potential Victims





Foreign Domestic Worker Victim

BUSINESS

Diplomats Are Getting Away With Abusing Their Children's Nannies

“The shackles introduced by this visa provide the diplomatic employer with incredible power.”

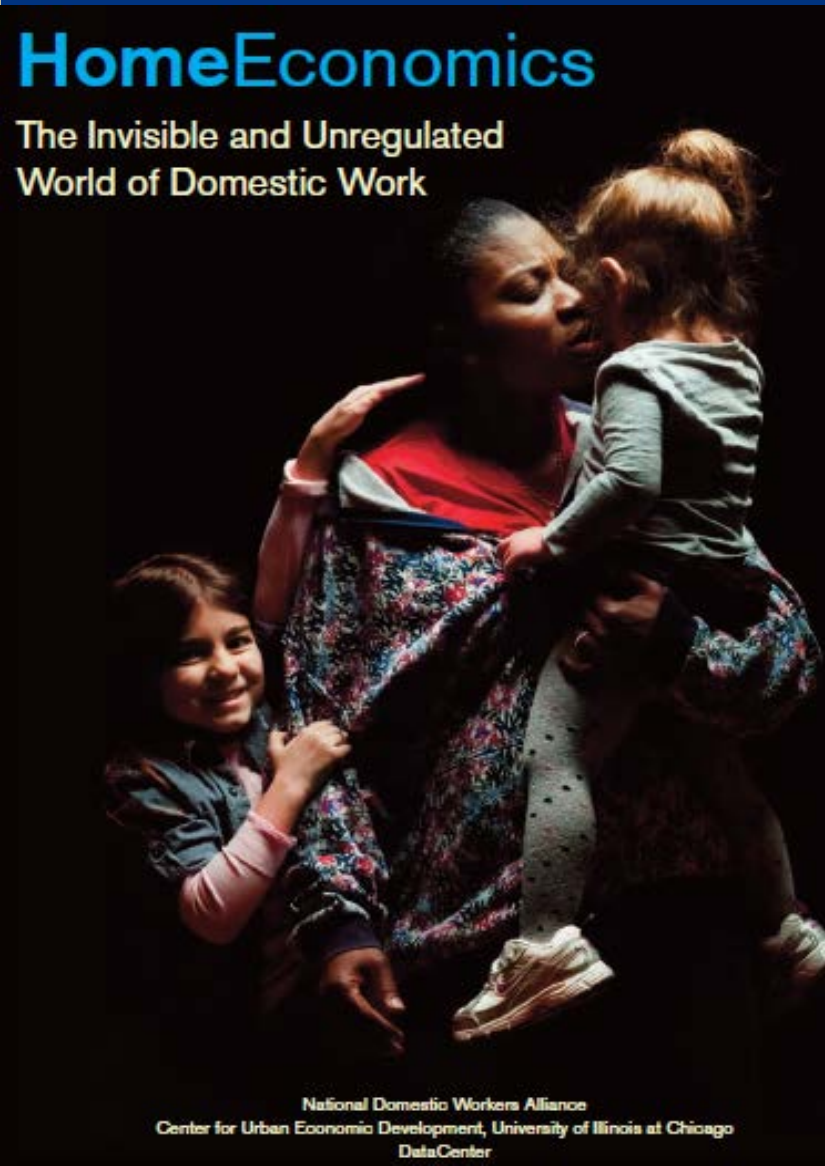
ARIEL RAMCHANDANI MAY 21, 2018



“She was working around 90 hours per week, more than double what she was supposed to, and she wasn’t getting overtime pay. Her health started to deteriorate, and she began to get headaches where it felt like her head would go numb, she told me.”

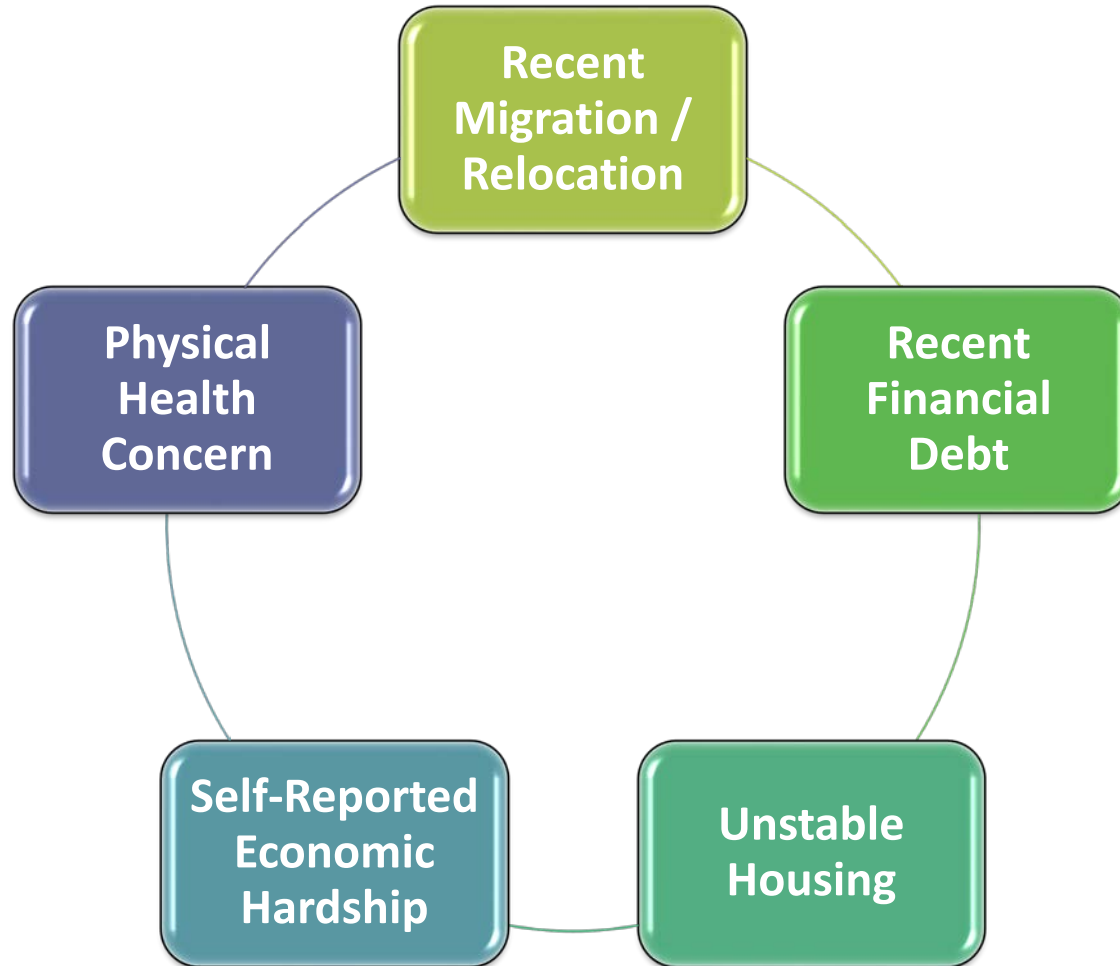
Effect on Domestic Workers

National Domestic Work Alliance (NDWA), 2012. Home Economics: The Invisible and Unregulated World of Domestic Work.





Domestic Worker Top Five Vulnerabilities



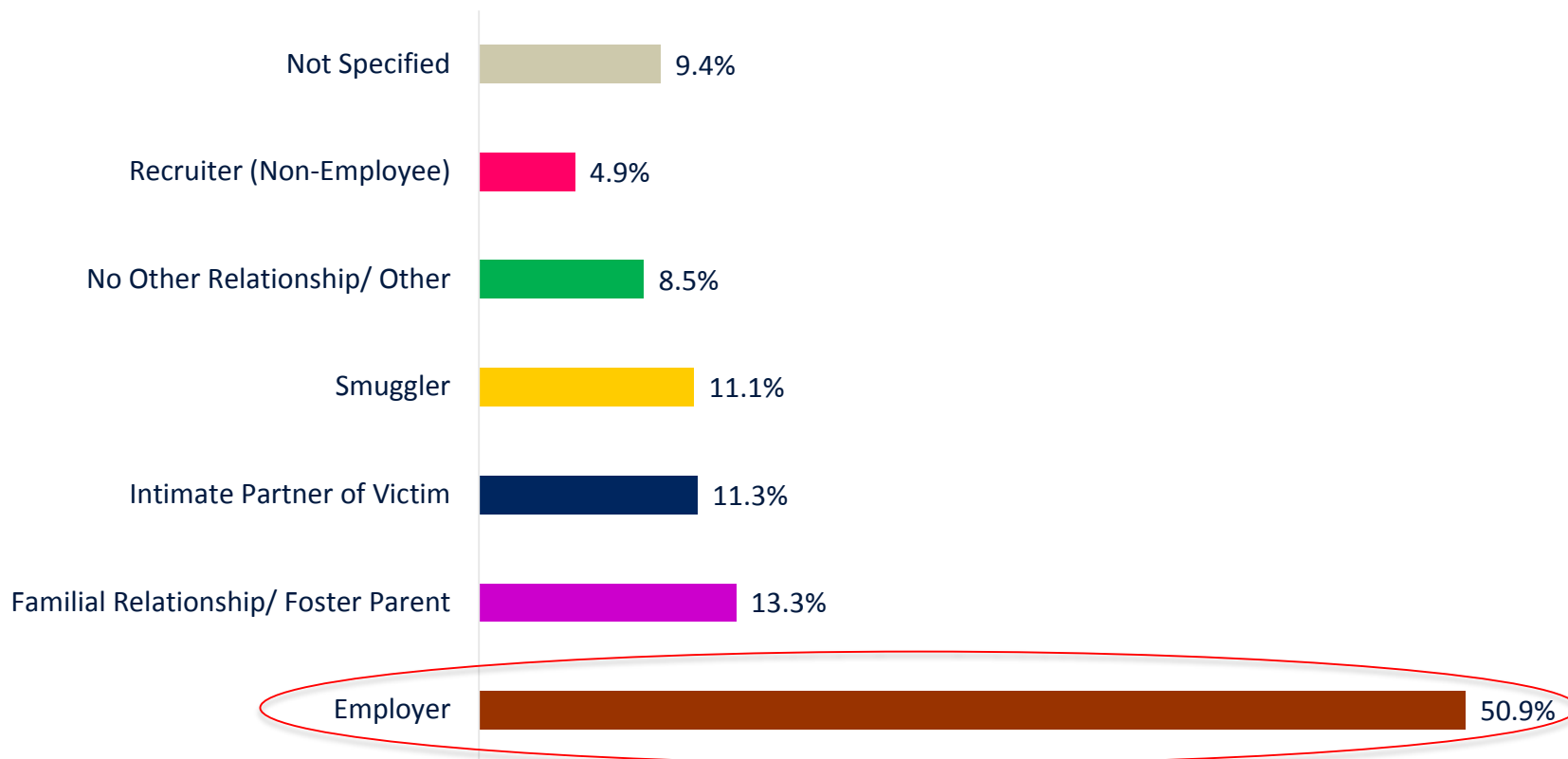


Human Trafficking of Domestic Workers – The Trafficking



Exploiter Relationship to Potential Victim for All

Potential Trafficker's Relationship to Potential Victim





Employer - Traffickers of Domestic Workers

Employers



- ☐ Diplomats
- ☐ Business people
- ☐ Two- income households
- ☐ Citizens employed abroad

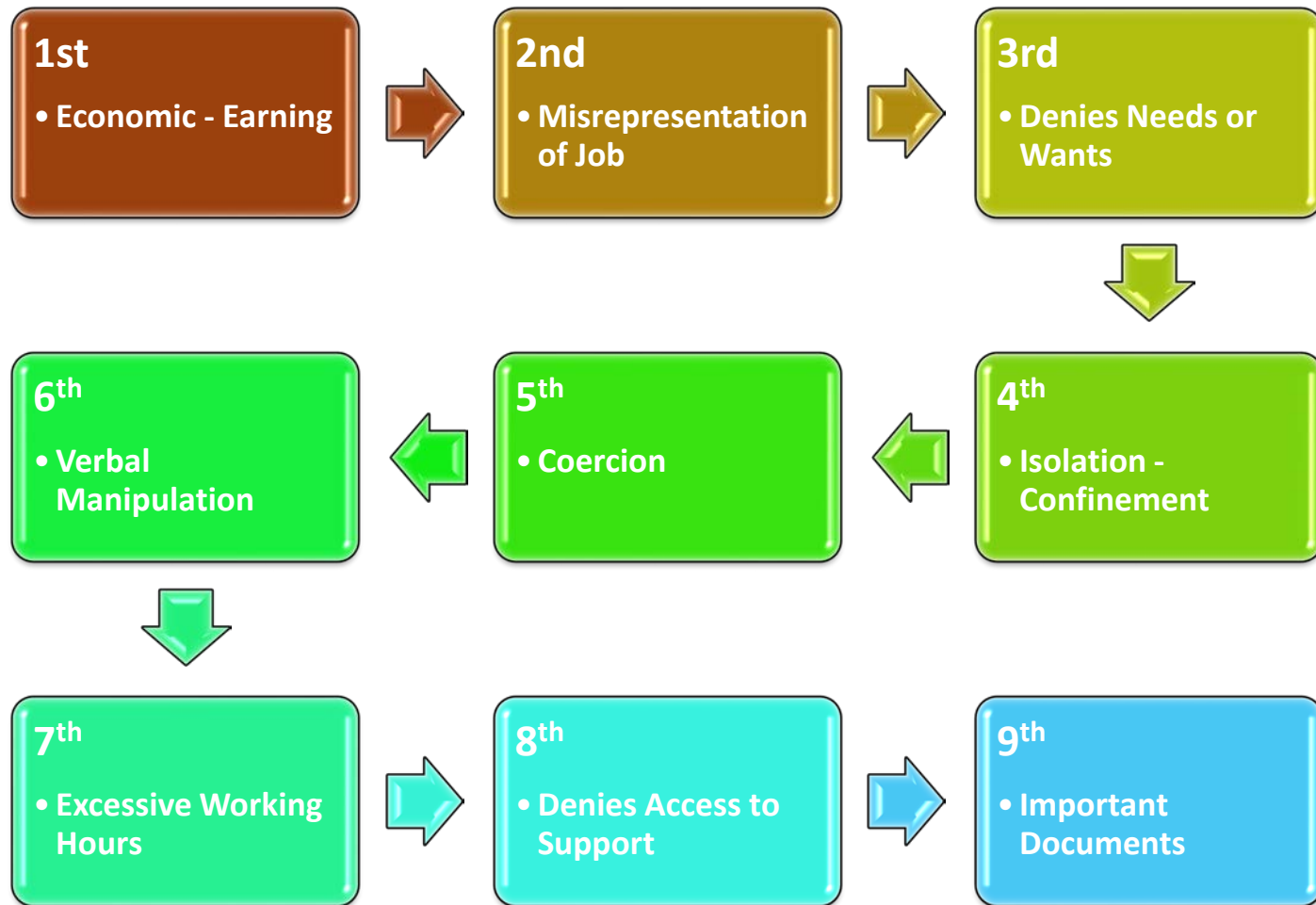
Enabling Factors



- ☐ Labor and employment laws
- ☐ Immigration policies
- ☐ Knowledge & awareness



“Slavery” Tactics – Force, Fraud or Coercion



Possible Intervention Points



Employment Related Laws

National Labor Relations Act of 1935

- Relevant Point: Rights to organize and bargain
- Currently: Excludes domestic workers

Fair Labor Standard Acts of 1938

- ***Until 1974, excluded domestic workers from minimum wage***
- Relevant Point: Overtime pay laws
- Currently: Excludes live-in domestic workers

Occupational Safety and Health Act of 1970

- Relevant Point: Guidelines for safe, hazard-free work environment
- Currently: Excludes self-employed individuals; Less than 15 employees

Title VII of the Civil Rights Act of 1964

- Relevant Point: Protection against workplace harassment and discrimination
- Currently: Excludes requires at least 15 employees



Domestic Worker Bill of Rights

Coverage

- Contracts
 - Wages
 - Hours
 - Responsibilities
- Benefits
- Protection

Current States

- 2010- NY
- 2013- CA, HI
- 2014 – MA, CT
- 2015 – OR
- 2017 – IL, NV

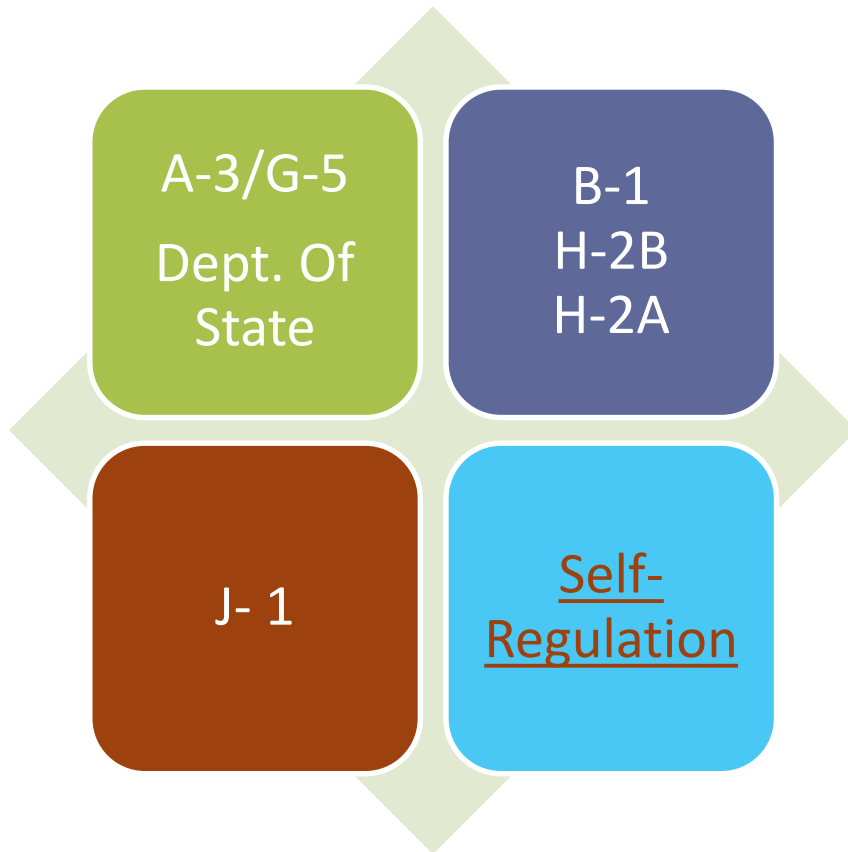
NDWA

- Federal Domestic Worker Bill of Rights



Non-Immigrant Domestic Work Visa

- VISA PORTABILITY





Education and Awareness

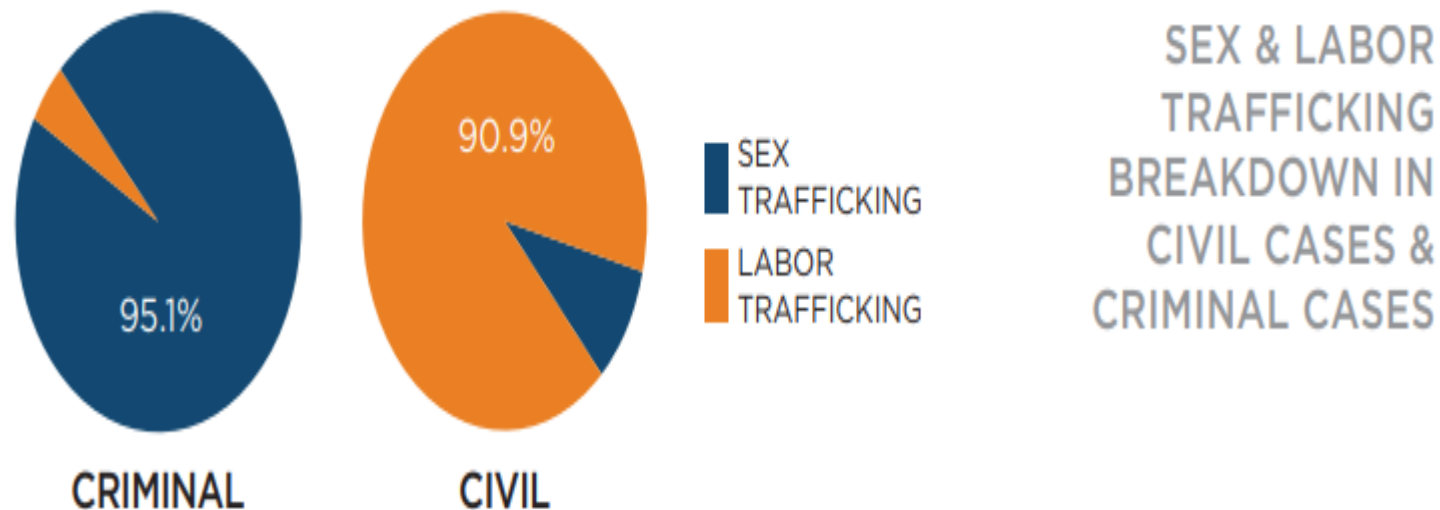




Interventions

- Offender Accountability

2017 Federal Human Trafficking Report by the Human Trafficking Institute



SEX & LABOR
TRAFFICKING
BREAKDOWN IN
CIVIL CASES &
CRIMINAL CASES



The National Human Trafficking Hotline



NATIONAL HUMAN TRAFFICKING HOTLINE

1-888-373-7888

CONFIDENTIAL

TOLL-FREE

24/7



How to Contact the National Hotline



CALL

1-888-373-7888



TEXT

"BeFree" (233733)



LIVE CHAT

humantraffickinghotline.org

24/7 • Toll free • Confidential • 200+ languages



Questions?

