

LABOR TRAFFICKING IN CALIFORNIA

Introduction

Although abolition and the eradication of slavery occurred centuries ago, human trafficking—also referred to as modern-day slavery—continues to thrive as a market today. Human trafficking has received more attention in recent years, but most of the media, efforts, and funding combating these human rights violations are specifically directed at sex trafficking and its victims.¹ In fact, the International Labor Organization and U.S. Government Accountability Office estimate that approximately 32-34% of trafficking victims fall under labor trafficking.¹ In a destination country like the U.S. to which 18,000 to 20,000 persons are estimated to be trafficked, 1/3 are predicted to be labor trafficking victims.¹ These conservative estimates may not even begin to portray the scope of the problem due to the clandestine nature of human trafficking, underreporting of the crime, and unwillingness of victims to come forward due to various reasons.²

Trafficking is thought as something that occurs “over there” in developing countries, not in the United States.¹ This is a misconception. Labor trafficking is happening and it is happening in California where 26% of federal human trafficking cases were based.³ These human rights violations must be addressed and its victims need the resources to protect their rights and their well being.

What is labor trafficking and what does it look like?

Labor trafficking is defined as a subset of human trafficking, which is defined by the U.N. as:

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion[...] for the purpose

of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”⁴

This can be distilled into:

- (1) **The act**—recruitment, transportation, transfer, harboring, or receipt of persons
- (2) **The means**—use of force, threats, coercion, fraud deception, abuse of power
- (3) **The purpose**—exploitation including sexual labor, servitude, removal of organs.

Labor trafficking can arise in the forms of servitude, debt bondage, peonage, and slavery.¹ Common sectors of labor that these victims are forced into include domestic service (27.7%), agriculture (10.4%), sweatshop or factory work (4.8%), and restaurant and hotel work (3.8%).²

Who is vulnerable and why?

It appears that migration and human trafficking go hand-in-hand. As globalization has increased opportunities for migrants in different countries, so too have the opportunities increased for traffickers to exploit these individuals.² For this reason, it follows that labor trafficking flourishes in areas with large immigrant populations, much like California.²

Vulnerabilities to Recruitment

Many immigrants come to California, and the United States in general, in search of job opportunities. Consequently, promises of employment from unknown traffickers are very enticing. Often times, recruiters gain the trust of victims because they are from the same country of origin or village.² The harsher the conditions of the country

of origin and the individuals' lives, the more likely individuals are to take a chance and accept the traffickers' offers of better pay, more opportunities, and a better life. Although American citizens can also be in positions of vulnerability due to their social circumstances and own desperation, the victims of labor trafficking are overwhelmingly migrants as seen in the demographic information from a study in California from 2004-2005 by the Human Rights Center of UC Berkeley. Of the 554 individuals estimated in forced labor by the study, 94.6% were expected to be foreign-born.² The methodology of this study included the review of newspaper articles from 1998 and on, telephone surveys of service providers, a review of reports, interviews with key informants, and four case studies of labor trafficking in California. This limits the study in its ability to extrapolate and estimate a very reliable estimate of the prevalence of labor trafficking, but underscores the problem with underreporting of this issue and highlights the need for policies and standards that make it easier to monitor and report labor trafficking.

Vulnerabilities to Exploitation and Complacency

Migrants are exceptionally vulnerable to traffickers' tactics to control and exploit victims. One of the main tactics of control surrounds migrants' lack of the proper immigrant documents. Even migrants in possession of these documents have them stolen and destroyed by their traffickers.² As a result, undocumented immigrants have very little incentive to come forward or seek help from authorities and other organization due to fear of deportation. Traffickers are known to use this fear to keep their victims under control; they are told they will get into problems with Immigration and Customs Enforcement (ICE) for entering and being in the country illegally.² As a result, many

victims do not spend time outside of where they work, stay, and/or are forcibly kept.

Furthermore, victims become very dependent on their traffickers because they are new to a foreign country where they often do not know others, do not speak the language, do not know what resources they have, or who can help them get out of their situation.⁴

Unfortunately, many labor trafficking victims are not aware that they have rights that would protect them from deportation and provide them with social services under the Trafficking Victims Protection Act (TVPA). Informing labor trafficking victims of their rights and resources is very difficult because of the physical and mental isolation created by their traffickers and the cultural and language isolation they face as migrants in a foreign land.

Health Implications

Aside from the health implications faced by all migrants, labor trafficking victims face further health consequences due to the experiences of being trafficked and working in substandard conditions.

Health Consequences of Transit

The mode in which victims are transported affect their health. For more clandestine border crossings, which are common coming into California, victims are concealed in containers, cargo, or hidden compartments of vehicles.² Consequently, victims suffer lack of breathable air, nutrition, and water as well as physical injury and death.⁵ The harsh conditions of the deserts where many victims are smuggled are also known to cause death.⁵

Longer journeys made across the ocean from Asia have health risks associated with overcrowding, unsanitary conditions, and infectious diseases.⁵

Health Consequences of Exploitation

Once in the country of destination, many labor trafficking victims suffer from their unforgiving work environments and acquire health problems. These victims suffer from communicable diseases such as TB, as is associated with other migrant populations.⁵ Additionally, migrants face new problems with non-communicable diseases. Studies have shown that there are higher rates of heart disease and diabetes associated with migrant status.⁵ Furthermore, victims are more likely to suffer from substance abuse either because their trafficker has coerced them into doing drugs or because it is a coping mechanism to deal with their extreme circumstances.⁵ Labor trafficking victims are also face with occupational illness (due to the fact that there is little adherence to occupational health regulations in their environment), sexual abuse, violence, psychosocial illness, poverty, and isolation.⁵

Long Term Health Consequences

Victims of labor trafficking face the health risk all prisoners do if incarcerated, the health risk of deportation if their country of origin does not have the resources they need, the effects on health of poverty and marginalization, the health consequences of being re-trafficked, and also premature death due to lack of access to suitable health care and use of unregulated “back street” medical care.⁵

Policy Implications and Recommendations

On the federal level, the TVPA aims to help human trafficking victims by granting visas and access to legal and social resources. However, enforcement must occur on the state-level in order to end this large and growing business. In order for California to begin addressing this issue, we could begin by:

- Training police officers and health care providers to identify labor trafficking

- Implementing policies that Increase prosecution and punishment of traffickers
- Working to provide comprehensive shelters and networks for labor trafficking victims that need legal, social, medical, and mental health resources

Outside Links to Learn More

For more information about labor trafficking in California, you can visit

- ❖ californiaagainstsavery.org
- ❖ polarisproject.org/state-map/california



POLARIS PROJECT
IMAGINE FREEDOM

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