

From International Supply Chains to Local Consumption: Eliminating Labor Trafficking from all Companies in Washington State

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Foreword

We are delighted to have had this opportunity to lead this amazing group of students in the “From International Supply Chains to Local Consumption: Eliminating Labor Trafficking from all Companies in Washington State” Task Force.

For both of us, labor trafficking is an issue we deeply care about, and we are committed to ending these global oppressive practices. We are humbled by the students who stepped up to the challenge of learning about this issue, researching all aspects of it thoroughly, and coming up with policy recommendations and awareness generation strategies in the last three months. This has been a wonderful forum for us to examine this issue in an in-depth and inclusive way. We will not rest until we eradicate this form of global injustice against human beings.

Dr. Sutapa Basu & Ms. Bratati Ghosh

Seattle, March 2015

Executive Summary

Recent estimates suggest that there are 21 million people who are victims of human trafficking, forced labor, and slavery around the world. Of those 21 million, private individuals or enterprises exploit 19 million victims; the other 2 million are exploited by the state and rebel groups. These statistics depict the magnitude of human trafficking occurring in our world today, and show that in most instances the perpetrators are not governments, but rather outside market forces.

There is a tendency to associate human trafficking most often with sexual exploitation, and while there are 4.5 million victims of sex trafficking, it does not even begin to explain the other 16.5 million victims. Most victims of human trafficking are actually victims of labor trafficking, that is, victims of exploitative working conditions. However, we must not forget that sex trafficking and labor trafficking are not mutually exclusive, but that in most cases they overlap.

According to the International Labor Organization (ILO) the sectors prone to engage in labor trafficking include the domestic work industry, agriculture, construction, manufacturing and entertainment. Through these various sectors, over \$150 billion U.S. dollars are generated around the world in illegal profits annually. These large sums are attainable through the exploitation of human beings, many of whom are exposed to slave-like working conditions; their human rights are completely violated. The victims of labor trafficking receive little or no pay for their work and service, which allows businesses to amass large profits. Selling the products and services to consumers generates these illegal profits. Most consumers have no idea that their products and services are part of a greater industry: that of labor trafficking. The issue of labor

trafficking, however, is not specific to any one region of the world, but can be found everywhere, including in our backyard.

Washington State is a hotspot for labor trafficking due to its particular placement on the U.S. map and its diverse business landscape. The fact of the matter is, trafficked victims are being brought through our ports and are used in various sectors in our state, including agriculture, domestic servitude, hospitality, manufacturing, retail, and construction. The general public is unaware of this large-scale issue because Washington State is seen as a very progressive state and a leader in human trafficking legislation. We must make sure to uphold our positive image on the state, national, and global level by being the frontrunners in ending labor trafficking practices in Washington State and in the global supply chains of Washington State businesses.

By taking this global issue of labor trafficking and bringing it back home to Washington State, our Task Force seeks to answer the following questions in order to end this inhumane practice:

- What policies and government interventions can be put in place here in Washington State to ensure more transparent supply chains in Washington State businesses?
- How can awareness be raised on the issue?
- How can a strategic plan be developed to eliminate labor trafficking from all supply chains in Washington State businesses?

Our aim for this report is that it will lead to the creation of legislation for Washington State to combat labor trafficking practices exhibited in companies' supply chains doing business

in the State. For the purposes of this report, we have created a comprehensive definition of labor trafficking stated below:

Labor trafficking includes, but is not limited to, any form of labor that is coerced or forced, agreed upon under false pretenses, and/or employed through fear, threat or exploitative means. Any person, regardless of age, gender, race, legal status or country of origin, whose working conditions violate basic human rights as recognized by the United Nations' Universal Declaration of Human Rights and/or violate workers' rights as legislated by the United States Department of Labor, is considered a victim of labor trafficking in the United States.

This definition is the basis for our Task Force Report and we believe that it should be used as the standard definition of labor trafficking for all companies doing business in Washington State.

We seek to implement a definition that is all-encompassing and can be enforced in Washington State. This definition draws upon various existing definitions of labor trafficking but also attempts to cover all aspects of labor trafficking and innumerable cases fall under the umbrella of labor trafficking as defined here. In developing this definition we examined the forces of both economics and globalization and studied various hidden forms of labor trafficking. This, in turn, led to an understanding of the severity of the issue of labor trafficking and highlighted the underlying causes of labor trafficking.

By using the definition stated above, the proposed recommendations of this report will serve as a model for other states to follow in order to address the issue of labor trafficking on a broader scale. Washington State was the first state to pass legislation making human trafficking illegal. It is in our best interest to once again be a leader in its advancement. Therefore, our task force has developed policy recommendations that should be strongly considered in the efforts to

combat labor trafficking in Washington State. These recommendations are explained in depth in the conclusion of our report, but the main aspects from each recommendation are listed below:

- 1. Develop an anti-trafficked labor Code of Conduct, framed by an independent third party that corporations can sign as a promise to keep their supply chains clean.**
- 2. Establish a penalty and rewards system for businesses in Washington State based on whether they sign the Code of Conduct (stated in recommendation one), and uphold the practice of clean supply chains.**
- 3. Establish an extended statewide hotline for victims of trafficking that is a part of a service network which ensures that the health, social and legal needs of labor trafficking victims are met.**
- 4. We suggest a collaboration of the Washington state government both with NGOs and anti-trafficking campaigns, and with independent, third party auditing organizations that would be headed by an advisory board which evaluates the implementation, administration, and enforcement of fair labor practices.**
- 5. Facilitate seminars in schools and include education on labor trafficking as part of the mandatory social studies curriculum in Washington State middle schools and high schools.**

Acknowledgments

The 2015 Jackson School of International Studies Task Force on Labor Trafficking in Washington State would like to thank Bev Emery, Senator Jeanne Kohl Welles, Eliot Randall, Sara Curran, Greg Asbed, Judge Laura Safer Espinoza, Velma Veloria, Teresa Mosqueda, Alejandra Gonza, Anita Ramasastry and their respective organizations, and everyone else who helped make this report possible, for their unparalleled support.

Introduction

Our report addresses the existence of labor trafficking in U.S. supply chains of product and services, including companies doing business in Washington State. It proposes thoughtful policy recommendations and relevant guidelines in order to eliminate such practices. Our report is divided into six chapters, which then individually consist of various sub-sections, all pertaining to framing a comprehensive approach to eliminating labor trafficking. By creating a strong, inclusive definition and assessing practices, legislation, supply chains, awareness generation efforts, and monitoring methods associated with labor trafficking, our report portrays the importance of addressing this issue. This drives our proposed policy recommendations and strategic solutions to eradicate labor trafficking.

We begin our report by establishing the framework of human trafficking, including all forms of labor trafficking, and creating our own comprehensive definition of labor trafficking to be used throughout the report. Chapter one begins with a thorough overview of reviewing all existing definitions. These definitions are analyzed to assess if all components of labor trafficking are included. This is to ensure that our proposed definition is all-encompassing and universally applicable. To further understand the framework of labor trafficking, the chapter continues by examining the history of the issue, and the economic and globalization forces associated with it. First and foremost, we discuss Washington State's susceptibility to labor-trafficking; its geographic location and industries make it a prime location for labor trafficking. This chapter also considers the vulnerabilities of trafficked laborers through demographic profiling and statistical analysis. Finally, this chapter looks at globalization and its effects in creating both opportunities and incentives for labor trafficking. Consideration of the supply and

demand nexus and the roles of the stakeholders in labor trafficking contribute to a comprehensive understanding of this issue.

The second chapter looks at the wider scope of labor trafficking. The examination of hazardous and inhumane working conditions will provide a clearer picture of the utter violation of basic human rights suffered by victims of trafficked labor. This will depict the various forms of labor trafficking that exist in the world. The process of victimization will be analyzed, as will the key instances in which concerned individuals have the opportunity to identify and assist the victims. This chapter continues to then describe the social implications and the individual, societal, and economic costs associated with labor trafficking. Victims suffer all kinds of physical, emotional, and psychological pain. In order for them to receive effective treatments and interventions, costs are placed on the host government to provide services, which most of the time are not adequately available. We then show that there is a lack of accountability in the provision of services, and highlight the need for more comprehensive legislation in order to assist the victims of labor trafficking.

Chapter three looks at how labor trafficking has been addressed through legislation thus far, as well as how additional legal framework and policies would be pivotal in eliminating labor trafficking. The history of legislation already passed in both Washington State and the United States is reviewed through the analysis of several case studies. An examination of these case studies helps us to understand both the pros and cons of various legislative approaches. This, along with an understanding of the genesis of existing legislation, allows us to consider the loopholes and various challenges that are yet to be addressed through Washington State laws. Further in the chapter, we consider the difficulties in passing laws on labor trafficking within the

context of immigration. We emphasize the importance of addressing labor trafficking to protect the victims in Washington State, regardless of their legal status.

Chapter four examines in depth the correlation between labor trafficking and business performance. Specifically, five industries will be analyzed: retail, manufacturing, agriculture, construction, and hospitality. The focus will then be shifted to Washington State's vulnerability to labor trafficking, and the state's top industries prone to such practices. By looking at the labor practices in the industries listed, the cost-effectiveness of maintaining clean supply chains will be assessed. The comparison of profits between different companies will help us analyze the business impact of fair labor practices. This chapter will show that some business leaders are in fact making proactive efforts to clean up their supply chains, and that such a strategic stance against trafficked labor is in fact a competitive advantage for these businesses. In order to prove that clean supply chains can be a positive force for companies in Washington State, greater awareness on the issue must be generated.

Chapter five leads a discussion on awareness generation on labor trafficking. It begins with an analysis of several social movements that enacted long-term societal change. All of these movements were the product of shifting societal views and norms. In parallel, tangible changes were created through the passing of legislation that was compliant with the opinions of the public. We also examine individuals' responsibilities as conscious consumers. Both awareness of and activism around the issue of labor trafficking can be achieved through various means. The media, specifically, can be positively leveraged through several channels to spread awareness on labor trafficking in Washington State. This chapter shows that individuals have the power to make a difference, and then suggests several means through which change can be accomplished and implemented.

Chapter six offers a pragmatic approach on monitoring and enforcing clean supply chains for businesses operating in Washington State. Auditing the global supply chains of companies has been a hot topic debated between anti-human trafficking activists, legislators, and the businesses themselves. Further, corporate social responsibility is discussed with the aim of providing an incentive for businesses to implement ways to monitor their supply chains to ensure that businesses are free of trafficked labor. There are in fact several watchdog organizations and both international and transnational companies and NGOs which provide such monitoring services. This chapter examines the existing methods of monitoring, as well as emphasizing the need for cultural sensitivity and intelligent solutions, in order to create a comprehensive and effective monitoring system.

Chapter 1

Washington State Under the Microscope: Understanding Labor Trafficking Through History, Globalization, and Economics

By Zara Pollack and Irene Situ

Human trafficking is a global issue. This phenomenon involves a range of countries from the most industrialized to the least economically developed. Most of the actions taken to combat human trafficking have been focused on eliminating sex trafficking. Yet, labor trafficking is a larger sector of human trafficking, more so than sex trafficking. According to the International Labor Organization (ILO) nearly 21 million people are victims of human trafficking globally each year. Of those 21 million, over 14 million are victims of labor trafficking. The pie chart below represents the statistics of human trafficking, which shows that labor trafficking is the leading form of human trafficking. Sexual exploitation has nearly 10 million or 46% fewer victims each year than forced labor exploitation.¹¹

Figure 1. Global estimate by form of forced labour

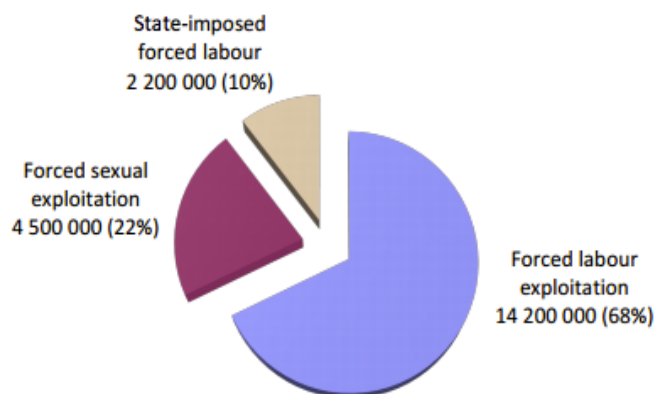


Figure 1

¹¹ International Labour Organization. “Forced labour, human trafficking, and slavery”. *International Labour Organization*, accessed January 2015. <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>.

Considering these numbers it is imperative that both human and labor trafficking are recognized and understood. To do this we must examine existing definitions and the history of labor and human trafficking. We have identified three parties, which are involved either directly or indirectly with human and labor trafficking. These parties are the victims of labor trafficking, businesses and/or corporations, and consumers. To successfully eliminate labor trafficking from the global supply chain it must first be clearly defined, and we must respond to it while keeping all perspectives in mind. The use of statistics will be essential to show the extent to which labor trafficking exists across the globe. We know that labor trafficking is a severe violation of human rights and that it is an issue worth fighting against. In order to be successful in this fight all perspectives and interests need to be understood.

Labor trafficking is a phenomenon that has only just recently received global attention. Globalization has intensified the flow of goods, capital, political and cultural influence, and movement of people across the world. Labor trafficking is closely tied to globalization and inequality, and also driven by the principles of supply and demand. Washington State is a hub for human and labor trafficking as the state has a great agriculture industry, is surrounded by an international border, and has an international port. For these reasons, we believe that only through a comprehensive study of history, globalization, and economics, labor trafficking can be understood in depth, so that appropriate steps can be taken to fight it.

Historically Analyzing Human and Labor Trafficking

By Zara Pollack

This first section will focus on current definitions and understandings of human trafficking as one industry, and use it as a basis for looking into labor trafficking as an individual

issue. By looking at current definitions, statistics, and history, this Task Force will generate a concise, clear, and expansive definition of labor trafficking that will frame our policy recommendations. By the end of this section, there will be a clear understanding of the history of human trafficking through the examination and unpacking of previous definitions and statistics. This process will assist in defining and framing labor trafficking as a specific issue, which is necessary in order to eliminate labor trafficking from the global and U.S. supply chains, and from all corporations in Washington State.

Human trafficking exists on an international level. According to the Johannes Koettle article *Human Trafficking, Modern Day Slavery, and Economic Exploitation*, “the total annual profit of transnational human trafficking is estimated at US\$32 billion.”² This profit only measures transnational human trafficking, or profits from victims that have crossed international borders. This statistic does not account for the profits from internal human trafficking of a country’s citizens (that occurs within the national borders of their respective countries). If those numbers were included, the annual profit would be much higher. This statistic shows the economic incentive for human trafficking on a global scale. Yet, in order to understand the power of this statistic, it is important to have a clear understanding of what human trafficking is. For this task force we are using Jo Goodey’s definition of human trafficking from a 2008 publication of the *Criminology & Criminal Justice* Journal. She writes: “Human trafficking encompasses labor and sexual exploitation, and its victims can include men and women, adults and children. Trafficking can manifest both within and between countries...”³ The reason this was chosen as the base definition is because it includes two important concepts. The first is: it recognizes that anyone can be susceptible to trafficking, regardless of their gender and age. Sex

² Johannes Koettl. “Human Trafficking, Modern Day Slavery, and Economic Exploitation”. The World Bank. 3-20.

³ Jo Goodey. 2008. "Human Trafficking". *Criminology & Criminal Justice*. 8 (4): 421-442.

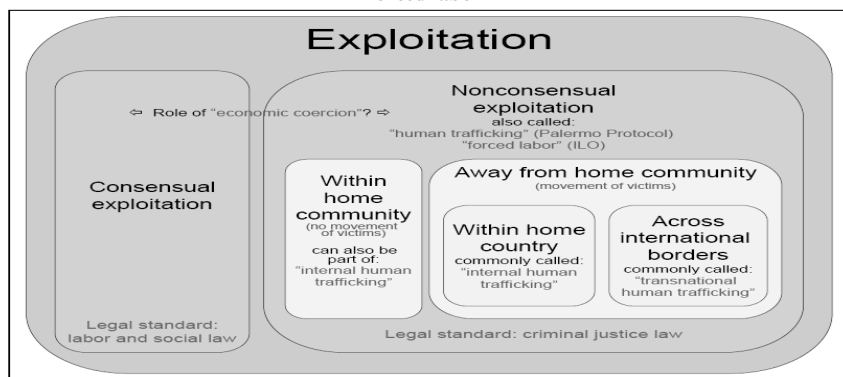
trafficking is a high-profile issue, which makes people think that it is the main form of human trafficking and that women are targeted more than men, but in reality anyone can be a victim of human trafficking. The other important point from the definition is that human trafficking is both domestic and international. Human trafficking occurs on both a national and international scale. Both are important to recognize because they require different forms of advocacy and approaches in order to fight it. Goodey goes on to define exploitation, an extremely important part of trafficking, as “using means such as fraud, force, threat and deception – [which] lies at the heart of trafficking”.⁴ This definition of exploitation is imperative to understanding trafficking, because it is what differentiates trafficking from smuggling. This chart below is a visual of how to think about and categorize exploitation:

5

2 A Framework for Discussing the Problem

The fight against human trafficking has been hampered by the lack of a common vocabulary and framework for discussing the problem. In this paper, the term exploitation is used as the overarching theme that subsumes all forms of human trafficking, slavery, forced labor, bonded labor, child labor, forced prostitution, economic exploitation, and so on. Conceptually, exploitation can take two different forms, nonconsensual and consensual. Nonconsensual forms of exploitation involve an element of coercion, fraud, or deception, whereas consensual exploitation typically results from a lack of other economic opportunities and leads to the unfair treatment of the exploited.

Figure 1: Terminology and conceptual relations of exploitation, human trafficking, and forced labor



This paper uses the term human trafficking as it is defined by international law, namely as any form of nonconsensual exploitation, independent of where it takes place – in the victim’s home community, home country, or outside of it. This definition of human trafficking is different from the public perception of human trafficking, which is related to transnational movement of victims. Even governments and international organization sometimes use the term differently. A good example is the ILO, which uses the term “forced labor” for nonconsensual

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Figure 2

⁴ Jo Goodey. 2008. "Human Trafficking". *Criminology & Criminal Justice*. 8 (4): 421-442.

⁵ International Labour Organization. “Forced labour, human trafficking, and slavery”. *International Labour Organization*, accessed January 2015. <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>.

Smuggling is categorized as “consensual”. There is a very blurry line between smuggling and trafficking, which has created many challenges in combatting human trafficking. Trafficking and smuggling differ in that smuggling is a consensual act and trafficking is non-consensual. Identifying the grey area between smuggling and trafficking is difficult, but it is crucially important in order to eliminate trafficking. The blurry line exists because in many cases smuggling can turn into trafficking, and because there are so many people involved in both processes that it is hard to identify where smuggling ends and trafficking begins. By clearly defining exploitation it is easier to identify victims of trafficking versus people who have been smuggled.

The ILO provides various statistics, which offer some perspective on the scale of the issue of human trafficking. According to the ILO, “almost 21 million people are victims of forced labor – 11.4 million women and girls and 9.5 million men and boys.”⁶ This statistic supports Goodey’s defined demographic; women are not overwhelmingly more exploited than men. The ILO also says “forced labor in the private economy generates US \$ 150 billion in illegal profits per year. Domestic work, agriculture, construction, manufacturing and entertainment are among the sectors where it is most prevalent.”⁷ These statistics include both domestic and international labor trafficking, and offer insight into the world of forced labor within the category of human trafficking. There has been a lack of recognition on the issue of labor trafficking because of the attention that high-profile stories of sex trafficking receive. However, evidence has shown that more people are victims of labor trafficking than are victims of sex trafficking annually.

⁶ Johannes Koettl. “Human Trafficking, Modern Day Slavery, and Economic Exploitation”. The World Bank. 3-20.

⁷ Johannes Koettl. “Human Trafficking, Modern Day Slavery, and Economic Exploitation”. The World Bank. 3-20.

Defining Labor Trafficking

The purpose of generating a definition of labor trafficking is so that there is a commonly accepted understanding of this complicated issue. There are several definitions of labor trafficking that already exist, which contain important aspects but are not all-encompassing. For example, according to the Washington Anti-Trafficking Response Network (WARN) labor trafficking is defined as “using force, fraud or coercion to recruit, harbor, transport, obtain or employ a person for labor or services in involuntary servitude, debt bondage or slavery.”⁸ WARN is an organization that aims to help trafficking victims in Washington State through advocacy. Their definition does not specify who can and cannot be protected, which makes it difficult for victims of labor trafficking to feel that they can get help. WARN’s definition is too general for this report. In comparison, the State Department uses a much more comprehensive definition:

*Forced labor, sometimes also referred to as labor trafficking, encompasses the range of activities – recruiting, harboring, providing, or obtaining – 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.*⁹

This definition is more descriptive than WARN’s, however this focuses more on the person forcing labor rather than the victim of forced labor, and therefore uses language that is hard to decipher.

The Global Initiative to Fight Human Trafficking breaks labor trafficking into several categories, making it easier to identify victims and narrow down the type of work that is expected in each respective category. “One form of force or coercion is the use of a bond, or

⁸ <http://www.warn-trafficking.org>.

⁹ <http://www.state.gov>.

debt, to keep a person in subjugation. This is referred to in law and policy as “bonded labour” or “debt bondage.”¹⁰ This category of labor trafficking is **bonded labor**.

The next category is **involuntary servitude**, which is: “people become trapped in involuntary servitude when they believe an attempted escape from their conditions would result in serious physical harm or the use of legal coercion, such as the threat of deportation.”¹¹

Another category is **domestic servitude**, which is when “domestic workers may be trapped in servitude through the use of force or coercion, such as physical (including sexual) or emotional abuse. Children are particularly vulnerable to domestic servitude which occurs in private homes, and is often unregulated by public authorities”.¹²

The last category is **child labor**, which includes forced labor from each of the prior categories, but the victims are children.¹³ These definitions do a decent job of laying out the different existing forms of labor trafficking. However, having one concise definition would be preferable for businesses, legislation, monitoring and awareness because there would be a clear distinction of what falls under the category of labor trafficking.

We believe that having one definition is going to be the most beneficial in order to accomplish our goal of eliminating labor trafficking from the supply chain. The definition that WARN uses is only surface level and does not reach the wide variety of people that labor trafficking affects. The State Department’s definition includes more specifics, but is still too general to be an effective definition. The Global Initiative to Fight Human Trafficking is very specific, which provides clarity to the issue, but by breaking down labor trafficking into different categories it undermines it as a large global industry. Using these three sources, our task force

¹⁰ <http://www.ungift.org/knowledgehub/en/about/trafficking-for-forced-labour.html>.

¹¹ <http://www.ungift.org/knowledgehub/en/about/trafficking-for-forced-labour.html>.

¹² <http://www.ungift.org/knowledgehub/en/about/trafficking-for-forced-labour.html>.

¹³ <http://www.ungift.org/knowledgehub/en/about/trafficking-for-forced-labour.html>.

has generated a new, comprehensive, and clear definition of labor trafficking that we believe should be the standard by which labor trafficking is understood and categorized. The definition that we have generated is as follows:

Labor trafficking includes, but is not limited to, any form of labor that is coerced or forced, agreed upon under false pretenses, and/or employed through fear, threat or exploitative means. Any person, regardless of age, gender, race, legal status, or country of origin, whose working conditions violate basic human rights as recognized by the United Nations' Universal Declaration of Human Rights¹⁴ and/or violate worker's rights as legislated by the United States Department of Labor¹⁵, is considered a victim of labor trafficking in the United States.

This definition specifically defines what labor trafficking is and who can be susceptible to becoming a victim. The report wants to make sure that labor trafficking is clearly defined so that when discussing the wider scope, laws, awareness and monitoring everyone is on the same page. This definition clearly lays out the basis for defining labor trafficking on an international and national level through existing documents and agreements produced by the United Nations (UN) and the U.S. Department of Labor. By using these two recognized entities, the elimination of trafficking can occur by leveraging and extending existing guidelines and laws. This definition also creates a standard and language for people to discuss and think about labor trafficking. Other definitions are too general or complicated. This definition is accessible to everyone.

The United Nations' Universal Declaration of Human Rights (UDHR) is an internationally recognized agreement, which defines basic human rights. Members of the UN have agreed to respect this document, and because the United States is a member of the UN, and

¹⁴ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html> [accessed 15 February 2015]

¹⁵ <http://www.dol.gov/opa/aboutdol/lawsprog.htm>.

has agreed to the terms of the UDHR, it should not be a problem to translate those agreements into laws protecting victims of labor trafficking. Also, the United States Department of Labor has clear laws explaining workers' rights, including their working conditions, wages/compensation, the maximum number of hours a person can work, and many others. Business or corporations that are violating these are unlawful employers. However, because human trafficking is such a prominent issue it is obvious that these laws and protections are not reaching all workers. By recognizing and incorporating existing laws into labor trafficking legislation there will be a reduction of forced labor.

A Glimpse into the Global Perspective

It is important to recognize that labor trafficking is both a domestic and international issue. On a global scale labor trafficking is a prevalent issue that is evident based on the following statistics:

The ILO estimates that at any given point in time, at least 12.3 million people are victims of nonconsensual exploitation (“forced labor” in ILO terminology), including child labor, bonded labor, sexual servitude and transnational human trafficking. The Asia and Pacific region combined account for at least 9.5 million (77% of total) victims of forced labor, followed by Latin America and the Caribbean with at least 1.3 million (11%) victims.¹⁶

Because labor trafficking is a global issue it is important to look at an internationally recognized definition of labor trafficking. The United Nations reports on *Guiding Principles on Business and Human Rights* and *The Corporate Responsibility to Respect Human Rights* offers

¹⁶ Johannes Koettl. “Human Trafficking, Modern Day Slavery, and Economic Exploitation”. The World Bank. 3-20.

some specific guidelines that need to be followed to ensure universal human rights. In the introduction from *The Corporate Responsibility to Respect Human Rights* it states:

*This move established the Guiding Principles as the global standard of practice that is now expected of all States and businesses with regard to business and human rights. While they do not by themselves constitute a legally binding document, the Guiding Principles elaborate on the implications of existing standards and practices for States and businesses, and include points covered variously in international and domestic law.*¹⁷

The important thing to focus on here is that they are not legally binding, which makes these recommendations much harder to enforce. Yet, this is a good framework through which the international community can view labor trafficking. And because it is important that human rights violations are recognized at an international level, it is worrisome that recommendations, like the one stated above, are not legally binding. Nonetheless, approaching human and labor trafficking on a global level presents many challenges, the most important being that there are no internationally recognized laws on what qualifies as a violation of human rights. As an industrialized and wealthy country, the U.S. can be a leader in the movement to end labor trafficking.

Framing labor trafficking is a delicate issue because of the number of people it affects. This task force seeks to frame labor trafficking in a way that protects the workers from unfair and unsafe working conditions, while also showing the benefits that businesses can reap from using a clean supply chain. The other component of this framework is the consumer. When framing labor trafficking, it is important to keep in mind all of the people that are affected by it.

¹⁷ United Nations Human Rights Office of High Commissioner. “The Corporate Responsibility to Respect Human Rights”. New York and Geneva 2012: pg. 2.

Conclusion

Of the nearly 21 million victims of human trafficking, over 14 million are victims of labor trafficking, which includes but is not limited to, work in agriculture, construction, manufacturing, and factories.¹⁸ The bulk of the research in human trafficking focuses on sexual exploitation rather than labor trafficking, which makes it difficult to find accurate and definitive information. What is evident is that labor trafficking is approximately 2/3 of the human trafficking sector and sexual exploitation is 1/3.¹⁹ Sexual exploitation is an important issue that should in no way be undermined, but for the purpose of this task force we will be focusing specifically on labor trafficking. Along with deeply examining the history of human and labor trafficking, we also look into how globalization perpetuates inequality, which has led to the large industries of human and labor trafficking. We found it important to highlight what makes Washington State a hotspot for labor trafficking, which is because of its international borders and large agricultural industry. Understanding labor trafficking is complicated, but our goal is to make understanding this complex issue easier through both analysis and clearly breaking down some of the most important aspects of human and labor trafficking.

Scale of the Issue: Globalization, Inequality, and the Demand & Supply Nexus

By Irene Situ

The rapid growth of globalization and a rise in inequality worldwide has led to an increase in labor trafficking. The period of globalization has been marked by technological

¹⁸ International Labour Organization. "Forced labour, human trafficking, and slavery". *International Labour Organization*, accessed January 2015. <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>.

¹⁹ International Labour Organization. "Forced labour, human trafficking, and slavery". *International Labour Organization*, accessed January 2015. <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>.

innovation as well as the arrival of new ideas including the establishment of free markets, which allowed for economic growth on an unprecedented scale. Globalization is the integration of political, economic, and cultural systems on the global scale between and within countries. Consequently, integration and international influence has intensified the flows of goods, financial capital, political and cultural interactions, and people from all across the world. This section seeks to examine the causes and effects of labor trafficking within the United States and, more specifically, within Washington State. We will be looking at how economic globalization in the world has accelerated labor trafficking because of the race to the bottom and policies of trade liberalization and corporate globalization. This section will also discuss how globalization has contributed to the increasing income inequality and its links with labor trafficking. Although there is difficulty in finding exact statistics on the effects of globalization, several studies have shown that this effect is built into the nature of a capitalist economy where those who are rich have advantages that enable them to stay rich, while the poor suffer from the disadvantages that keep them poor. It is important to look at the unintended effects of globalization and the history of labor trafficking in the U.S, and Washington State to understand the current trends, why it still exists, and to understand what is driving the consumer culture and demand for cheap goods produced with trafficked labor.

Washington's International Ports, Border, and Agricultural Industry

In 2003, Washington became the first state in the nation to pass anti-trafficking legislation, RCW 9A.40.100, which criminalized human trafficking, or the act of forcing another person into labor, involuntary servitude or a commercial sex act. The state was also the first to receive federal grants towards anti-trafficking efforts, which were used to better identify victims

and increase public awareness about human trafficking.²⁰ Although the law was passed in 2003, there have been very few changes since then because of a lack of awareness efforts and a lack of training for professionals. Therefore the victims were unaware that there was such a law and subsequently did not know how to actually use it to charge their abusers. As Velma Veloria, the first Filipino woman to be elected in Washington State Legislature (serving 1992-2004) explained, "...when the bill was passed, it took about a decade for the first conviction, you hear about cases but not being prosecuted in human trafficking law."²¹ Instead, abusers were getting prosecuted under the Mann Act because it was easier to secure a conviction.²²

Labor trafficking is not concentrated in a specific region or country, but rather globally. Washington State is on an international border, has an international port, and has many rural areas east of the mountains where there is a massive agricultural industry. Many victims in this state have been found in a variety of labor sectors. Even though Washington State has criminalized human trafficking, it is important for Washington State to start the initiative against labor trafficking because our state is recognized as being in a vulnerable location and a hot spot for human trafficking. Washington needs to set precedence and a model for other states to follow. It is important and beneficial for Washington to have stronger labor trafficking laws because labor trafficking is an underreported crime, and its victims are intentionally kept away from contact with anyone. Victims are trafficked into the state hoping to get a better job, but those jobs often times do not happen and, instead, they work jobs as domestic helpers, or as undocumented construction and agriculture workers.

²⁰ Lerner, Sara. "Human Trafficking: Our Legislative History." Human Trafficking: Our Legislative History. March 16, 2010. Accessed February 15, 2015. <http://www2.kuow.org/program.php?id=19523>.

²¹ Veloria , Velma. Lecture, Seattle , February 4, 2015.

²² Veloria , Velma. Lecture, Seattle , February 4, 2015

International Ports - Case Study: Stowaways in Cargo Containers

Human trafficking in the U.S. is part of a long and unpleasant history. There have been cases where victims have faced a daunting journey while being trapped inside a cargo container for two weeks in hopes of a greater opportunity in the U.S. Illegal Chinese citizens have been smuggled into the U.S. since April 1998, coming to a total of 23 known incidents. Of the 23 incidents, 8 were discovered at the Seattle/Tacoma Ports.²³ Chinese stowaways pay as much as \$70,000 to human smugglers, who are also known as snakeheads, in order to be illegally transported to the U.S. Snakeheads are people who provide the connection and resources that allow for human shipping in 40 ft. long cargo containers around the world. They are also the debt collectors of the victims who are transported to the U.S. In such cases, individuals can go from being smuggled to being a victim of labor trafficking as they are leaving their country because of economic distress and “the cultural pressures that push the young to emigrate.”²⁴ Upon arrival, many victims are forced to work long days, live in overcrowded, shared rooms with others, and work in poor conditions that may be hazardous to the health. These jobs are arranged in a way by smugglers to keep the workers indebted to them.²⁵ In the case of the illegal Chinese nationals, the prepared jobs are also low paying jobs – jobs resembling “indentured jobs” as these victims are willing to do anything to leave their agricultural economy for higher paying jobs abroad.²⁶ Little do they know that the promise of a high paying job is far from reality. After facing such an experience, victims may realize that they would have been better off staying back home, than

²³ United States. Dept. of Homeland Security. Office of Inspector General. 2007. *A review of CBP and ICE responses to recent incidents of Chinese human smuggling in maritime cargo containers*. Washington, DC: U.S. Dept. of Homeland Security, Office of Inspector General.; pg.4; "Where a Sustainable World Is Headed." About Port of Seattle Home. Accessed February 2, 2015. <http://www.portseattle.org/About/Pages/default.aspx>.

²⁴ "INS Has Trouble Keeping up with Alien Smugglers." Washington Times. January 18, 2000. Accessed February 23, 2015. <http://www.washingtontimes.com/news/2000/jan/18/20000118-010833-5517r/?page=all>.

²⁵ Zhang, Sheldon, and Ko-lin Chin. 2004. *Characteristics of Chinese Human Smugglers, Research in Brief*.; pg. 3

²⁶ Murphy, Kim. "Smuggling of Chinese Ends in a Box of Death, Squalor." Los Angeles Times. January 12, 2000. Accessed February 9, 2015. <http://articles.latimes.com/2000/jan/12/news/mn-53272>

traveling and seeking a job abroad and falling into debt.²⁷ In Washington State, there have been two cases that exemplified the risks that Chinese laborers were willing to take to reach their promised jobs.



Figure 3

In 2000, Seattle faced a disturbing case of the smuggling of 18 illegal Chinese immigrants through its ports. The Port of Seattle is the eighth most active port in the U.S., with three international container terminals.²⁸ Soft-top containers were used in the 2000 case to smuggle 18 men. There were 15 men who came out of the containers disoriented, dehydrated, and hungry. Inside there were also the bodies of three men who had died during the crossing. Of the 15 men, 7 were admitted to the Harbor View Medical Center to be treated for dehydration

²⁷ Ghosh , Bratati. Lecture, Seattle, February 2, 2015.

²⁸United States. Dept. of Homeland Security.Office of Inspector General. 2007. *A review of CBP and ICE responses to recent incidents of Chinese human smuggling in maritime cargo containers*. Washington, DC: U.S. Dept. of Homeland Security, Office of Inspector General.; pg.4; "Where a Sustainable World Is Headed." About Port of Seattle Home.Accessed February 2, 2015. <http://www.portseattle.org/About/Pages/default.aspx>.

and malnutrition. The other eight were released into the custody of the immigration services and were then deported back to China.²⁹

Then, in 2006, 22 illegal Chinese immigrants were caught entering the U.S. at the Port of Seattle. The cargo container was heavily loaded in Shanghai, China, with the individuals and daily necessities – water bottles, food, blankets, and toilet facilities. Once the cargo container arrived at the Port of Seattle, Custom Border Protections (CBP) flagged the container for a special examination. Before CBP could examine this container, the stowaways escaped the container and were later discovered by terminal security in the terminal yard. However, these men and women were in a much better state compared to the previous incident in 2000. While conditions might have been better in this situation, human smuggling in cargo containers is still occurring because of the mis-declaration of cargo. It is not just the availability of container cargos but rather it is the mis-declaration of cargo that can be used as a human trafficking tool.

Although these two cases in Seattle are not proved to be cases of labor trafficking, it can be seen that smuggling can later become labor trafficking. Great numbers of the illegal Chinese nationals that are smuggled into the U.S. are from Southern China in Guangdong, Fujian, and Zhejiang provinces where they lack resources.³⁰ They then become vulnerable to indentured servitude to their smugglers. In New York, there are over 200,000 migrants from the Fujian province; many of who are paying off fees to smugglers out of their meager wages.³¹ There are examples of smuggling that later turned to labor trafficking where these victims, in a form of

²⁹Verhovek, Sam. "Deadly Choice Of Stowaways: Ship Containers." The New York Times. January 12, 2000. Accessed February 2, 2015. <http://www.nytimes.com/2000/01/12/us/deadly-choice-of-stowaways-ship-containers.html>.

³⁰Skeldon, Ronald. "China: An Emerging Destination for Economic Migration." Migration Policy Institute. May 31, 2011. Accessed February 23, 2015. <http://www.migrationpolicy.org/article/china-emerging-destination-economic-migration>.

³¹Murphy, Kim. "Smuggling of Chinese Ends in a Box of Death, Squalor." Los Angeles Times. January 12, 2000. Accessed February 9, 2015. <http://articles.latimes.com/2000/jan/12/news/mn-53272>

indentured servitude, worked in restaurants, or were forced into prostitution and sweatshops to pay back the smugglers.³²

International Border: The Canadian

Having a 5,525-mile international border between the U.S. and Canada creates a prime opportunity for labor trafficking. The US-Canada border is known as the largest open border in the entire world.³³ Washington State's presence on this international border opens up a major gateway for transnational labor trafficking. Labor trafficking patterns in Canada are similar to those in the United States. The victims are from Eastern Europe, Asia, Latin America, and Africa, who are subject to forced labor in agriculture, construction, processing plants, restaurants, the hospitality sector, or domestic servitude, to name a few industries. Due to the fact that Washington State shares a border with Canada, it has become one of the ten human-trafficking hot spots in the country.³⁴

Below is a case of human trafficking from the U.S.-Canada border from the Report of the Washington State Task Force Against Trafficking of Persons that shows how easy it is to transport a trafficked victim:

The following example of a 15-year-old girl from the Ukraine and living in Seattle illustrates the ordeal faced by many victims who are transported from foreign countries of origin. She was trafficked by private car from her small village outside Kiev to downtown Kiev where she was taken by bus to St. Petersburg (Russian Federation).

³² Murphy, Kim. "Smuggling of Chinese Ends in a Box of Death, Squalor." Los Angeles Times. January 12, 2000. Accessed February 9, 2015. <http://articles.latimes.com/2000/jan/12/news/mn-53272>. ; Verhovek, Sam Howe. "22 Chinese Stowaways Found at Cargo Facility in Seattle." Los Angeles Times. April 6, 2006. Accessed February 9, 2015. <http://articles.latimes.com/2006/apr/06/nation/na-smuggle6>.

³³"Homeland Security."United States-Canada Joint Border Threat and Risk Assessment. August 9, 2012. Accessed February 2, 2015. <http://www.dhs.gov/united-states-canada-joint-border-threat-and-risk-assessment>.; pg. 2

³⁴"End Human Trafficking and Child Prostitution in Washington State."The Seattle Times. March 11, 2011. Accessed February 2, 2015. http://seattletimes.com/html/editorials/2014471385_edit13prostitutes.html.

From there she was trafficked by train to Moscow from where she departed by plane to Frankfurt (Germany). A train again was used to transport her from Frankfurt to Paris (France) where she was placed on a plane to Montreal (Canada). Over a period of several weeks, a variety of cars and vans were used to transport her across Canada to Vancouver and, eventually, into Portland and Seattle. She did not enter the U.S. at an established border crossing but rather, and with three other girls and their traffickers, walked across from Canada to the U.S. where a private van awaited them. At no time, was this young woman in possession of a passport or visa that would identify her as a person who could enter the U.S. legally.³⁵

According to the United States-Canada Joint Border Threat and Risk Assessment, the U.S. Department of State estimates that 14,500 to 17,500 individuals are trafficked into the US from Canada yearly.³⁶ Out of that number, 1,500-2,000 people are trafficked from Canada to Washington State each year. The level of labor trafficking is increasing.³⁷ Although there are more restrictions when it comes to crossing national borders, the shared northern border creates an environment for the movement and transportation of people, especially with Washington State having a large, open national park across the central portion of the border.³⁸ In 1994, Canada removed its visa requirement for South Korean citizens and since then 25% of Koreans purchased a one-way ticket into Canada, which leads to suspicion of underground trafficking operations.³⁹ Canada's lack of visa requirements makes it a gateway country for traffickers to

³⁵ Washington State Task Force Against Trafficking of Persons. 2004. *Human trafficking: present day slavery : the report of the Washington State Task Force Against Trafficking of Persons*. [Olympia, Wash.]: Office of Crime Victims Advocacy.; pg. 44

³⁶ "Homeland Security." United States-Canada Joint Border Threat and Risk Assessment. August 9, 2012. Accessed February 2, 2015. <http://www.dhs.gov/united-states-canada-joint-border-threat-and-risk-assessment.>; pg. 16

³⁷ "Human Trafficking: A Spotlight on Washington State." January 1, 2006. Accessed February 23, 2015. <https://csde.washington.edu/~scurran/files/HumanTraffickingSpotlightonWashingtonState.pdf>. ;pg.95

³⁸ "Human Trafficking: A Spotlight on Washington State." January 1, 2006. Accessed February 23, 2015. <https://csde.washington.edu/~scurran/files/HumanTraffickingSpotlightonWashingtonState.pdf>. ; pg.95

³⁹ "Human Trafficking: A Spotlight on Washington State." January 1, 2006. Accessed February 23, 2015. <https://csde.washington.edu/~scurran/files/HumanTraffickingSpotlightonWashingtonState.pdf>. ; pg. 96

move their victims into the U.S., and easily into Washington State because of its open space between the national borders. With easy access into Washington State, it is important to take more action to protect the victims and to prevent labor trafficking from continuing.

Washington's Agricultural Industry

The agricultural industry experiences a high rate of labor trafficking and is typically unnoticed due to lack of understanding of how trafficking works in this sector. Victims, with limited skills or opportunities, spend hours a day doing backbreaking work in fields full of pesticides and toxic chemicals that do great harm to their health. The demand for cheap, low-skilled labor draws people to jobs within the agriculture sectors. In Claudine Chastin's work, *The Nexus between Free Trade Agreements and the Trafficking of Human Beings*, she has found that "most of these jobs are perceived as degrading and dangerous and national workers are unwilling to take them."⁴⁰ Farm work is considered the second most hazardous occupation in the U.S.⁴¹ The National Center for Farmworker Health composed a fact sheet from the National Agricultural Workers Survey (NAWS) stating that 72% of all farmworkers were foreign born and 35% of farmworkers stated they could not speak English at all which results in little awareness of their workers' rights.⁴²

Washington State is a focal point for labor trafficking because of its dependency on agricultural workers. Kathleen Morris, program manager for the Washington Anti-Trafficking Response Network (WARN) says that Washington State has a high frequency for labor

⁴⁰Chastain, Claudine. 2006. "The nexus between free trade agreements and the trafficking of human beings". *Washington University Global Studies Law Review*. 5 (3): 587-610. ; pg. 5

⁴¹ Lillie, Michelle. "Child Forced Labor Part II: Agriculture in the Americas." Human Trafficking Search. July 27, 2013. Accessed February 9, 2015. <http://humantraffickingsearch.net/wp/child-forced-labor-part-ii-agriculture-in-the-americas/>.

⁴² "Migrant Demographics." National Center for Farmworker Health. Accessed February 15, 2015. <http://www.ncfh.org/docs/fs-Migrant-Demographics.pdf>.

trafficking victims because of the state's agricultural industry in Eastern Washington.⁴³ Because Washington has many areas of geographic isolation, where the agriculture industry is far from the busy cities and out of sight, it also makes social isolation possible.⁴⁴

Washington State's apples are well known and have been marketed internationally for nearly 100 years.⁴⁵ Stated on the Washington State Department of Agriculture's website, Washington has over 37,000 farms that produce a wide range of commodities, apples being the top goods producing 71% of all the apples in the nation with revenues of \$2.25 billion yearly.⁴⁶ The national statistics for the acres of apples since 2014 is 327,380 producing 11,251,200,000 pounds of apples.⁴⁷ An estimated total acreage of apples in Washington State in 2003 is about 169,000, roughly 50% of the total national acres of apples.⁴⁸ According to the U.S. General Accounting Office, it is estimated that more than 600,000 farmworkers across the country are employed illegally and about 52,000 of them work in Washington in all types of jobs.⁴⁹ In Washington's apple industry, between 12,500-13,360 workers per year are employed.⁵⁰

⁴³"Professor Analyzes Anti-Human Trafficking Movement." <http://www.com.washington.edu/2010/12/professor-analyzes-anti-human-trafficking-movement/>. December 3, 2010. Accessed February 3, 2015.

<http://www.commerce.wa.gov/Documents/OCVA-Human-Trafficking-Rept-2004.pdf>.

⁴⁴Washington State Task Force Against Trafficking of Persons. 2004. *Human trafficking: present day slavery : the report of the Washington State Task Force Against Trafficking of Persons*. [Olympia, Wash.]: Office of Crime Victims Advocacy.; pg. 43

⁴⁵ Sonnenfeld, David, Thomas Schotzko, and Raymond A. Jussaume Jr. "Globalization of the Washington Apple Industry: Its Evolution and Impacts." Accessed February 15, 2015. http://www.ijsaf.org/archive/7/sonnenfeld_etal.pdf.

⁴⁶A Look at Washington Agriculture. Accessed February 3, 2015. <http://www.agclassroom.org/kids/stats/washington.pdf> ;

"Agriculture: A Cornerstone of Washington's Economy." Agriculture in Washington State. Accessed February 3, 2015.

<http://agr.wa.gov/AgInWA>

⁴⁷ "NASS - Statistics By Subject." NASS - Statistics By Subject. Accessed February 15, 2015.

http://www.nass.usda.gov/Statistics_by_Subject/result.php?CF364134-CBD7-3F71-B91E-4DDE36314D76&or=CROPS&group=FRUIT & TREE NUTS&comm=APPLES.

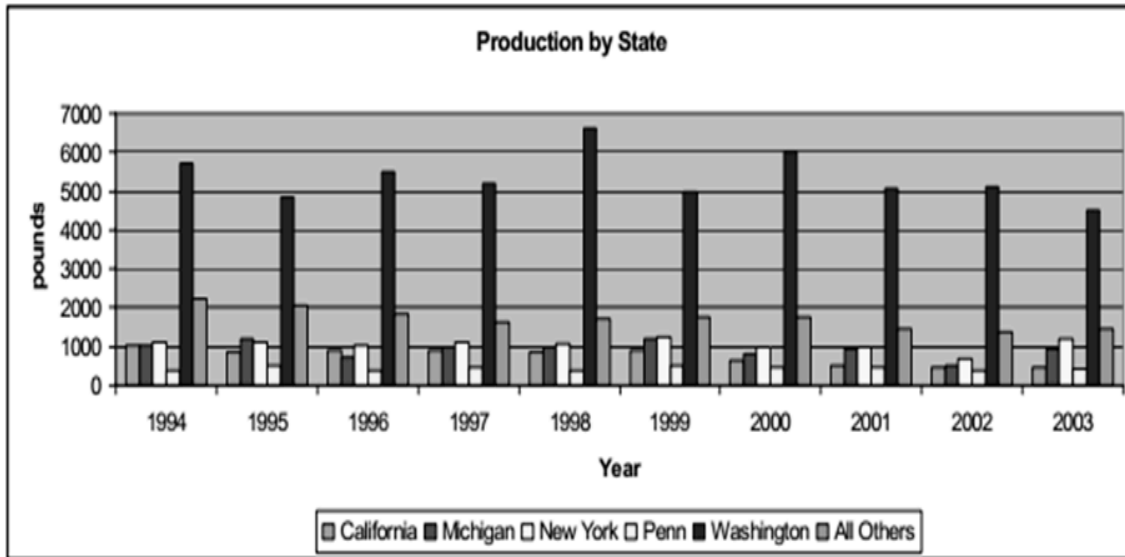
⁴⁸ Schotzko, R. Thomas, and David Granatstein. "A Brief Look at the Washington Apple Industry: Past and Present." Accessed February 15, 2015. http://www.agribusiness-mgmt.wsu.edu/agbusresearch/docs/SES04-05_BRIEF_LOOK_WAFTA.pdf.

⁴⁹ Klann, Ashley. "Washington Orchard Workers Win Class Certification in Suit Against Major Grower." Hagens Berman Law Firm News. July 14, 2004. Accessed February 15, 2015. <http://www.hbsslw.com/newsroom/washington-orchard-workers-win-class-certification-in-suit-against-major-grower>.

⁵⁰ "Human Trafficking: A Spotlight on Washington State." January 1, 2006. Accessed February 23, 2015.

<https://csde.washington.edu/~scurran/files/HumanTraffickingSpotlightonWashingtonState.pdf> ; pg.98

Figure 3: Production by Washington and other major states.



Source: USDA, NASS. Noncitrus Fruits and Nuts. Various issues.

Figure 4

The apple industry is the most labor intensive crop taking 150-190 hours of labor to grow and harvest an acre. Given the low wages, hard physical labor involved, and the harsh weather conditions, working in a tree fruit orchard are unappealing for most workers. The nature of this crop is a key reason the apple industry relies on trafficked labor.⁵¹ In the instance of a laborer in the Washington apple industry, accurate and reliable data on the number of trafficked victims is difficult to obtain. As discussed previously, the agricultural area of Washington is large enough where trafficking can easily happen and with a large population of farmworkers being either foreign born or speak no English, trafficking victims into Washington State happens frequently.

⁵¹ De Silver, Drew. "Low-paid Illegal Work Force Has Little Impact on Prices." The Seattle Times. September 19, 2006. Accessed February 15, 2015. http://seattletimes.com/html/localnews/2003265139_imprices19.html.

A Globalized View on the Issue of Labor Trafficking and the Vulnerability of its Victims

By Irene Situ

The process of economic globalization leads to labor trafficking. The human trafficking industry is organized through complex networks trafficking people both internationally and domestically. There are a few factors that drive the spread of labor trafficking which include the lack of resources in countries to support their growing population, increased demand from producers who depend more on trafficked and exploited labor to stay competitive in a global economy, and the idea that labor trafficking is a low-risk activity with high profits.⁵² Similarly, economic inequalities around the world continue to contribute to the growth of labor trafficking as poor people across the world are seeking out a source of income to support themselves and their families. This section will analyze the economic interconnections produced by globalization that are shaping contemporary labor trends, which lead to labor trafficking.

Vulnerability

Data on human trafficking victims varies. The International Labor Organizations (ILO) reports that younger children are more vulnerable to labor trafficking.⁵³ The United Nations Office on Drugs and Crimes (UNODC) released information that one in three known victims of human trafficking are children and girls make up two out of every three-child victims.⁵⁴

According to the American Civil Liberties Union (ACLU), “women and children suffer

⁵² "Human Trafficking." National Resource Center. Accessed February 14, 2015. <http://www.traffickingresourcecenter.org/type-trafficking/human-trafficking>.

⁵³ "Profits and Poverty: The Economics of Forced Labour." International Labour Organization. May 20, 2014. Accessed February 15, 2015. http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_243391/lang--en/index.htm. Pg.35

⁵⁴ "Trafficking in Children on the Increase, According to Latest UNODC Report." United Nations Office on Drugs and Crime. Accessed February 15, 2015. <http://www.unodc.org/unodc/en/frontpage/2014/November/trafficking-in-children-on-the-increase--according-to-latest-unodc-report.html?ref=fs2>.

disproportionately from trafficking” however, the ILO states that “women are generally under-represented in the labor market with results of men being more likely to be trafficked compared to women.” Although some statistics are different due to the way studies were designed, the purpose of all this information is to understand the pattern of who is more at-risk of becoming a victim of labor trafficking. There is no place in the world where children, women and men are safe from human trafficking," said UNODC Executive Director Yury Fedotov.⁵⁵

Labor trafficking happens in the shadows. Lack of awareness in the community about trafficking, government and community workers who are not trained to respond to this kind of issue, and laws that are ineffective in protecting against this crime makes trafficking a low risk activity for human traffickers.⁵⁶ Traffickers then have little fear of prosecution because people are not able to detect them and the traffickers often do not get caught. According to the National Human Trafficking Resource Center, victims are both children and adults who are induced to perform labor services through force, fraud, or coercion are considered to be victims of human trafficking. These victims are identified in all areas of the United States – cities, suburbs, and rural areas.⁵⁷ Despite the frequency of human trafficking across the globe, an astounding forty percent of countries have recorded few to no convictions against traffickers.⁵⁸ At least 152 countries of origin and 124 countries of destination have been recorded as affected by trafficking in persons.⁵⁹ More than six in ten victims have been transported across at least one national

⁵⁵ "Trafficking in Children on the Increase, According to Latest UNODC Report." United Nations Office on Drugs and Crime. Accessed February 15, 2015. <http://www.unodc.org/unodc/en/frontpage/2014/November/trafficking-in-children-on-the-increase--according-to-latest-unodc-report.html?ref=fs2>.

⁵⁶ "Why Trafficking Exists." Polaris. Accessed February 23, 2015. <http://www.polarisproject.org/component/content/article/1-national-human-trafficking-hotline/240-why-trafficking-exists->.

⁵⁷ "The Victims." National Human Trafficking Resource Center. September 25, 2014. Accessed February 15, 2015. <http://www.traffickingresourcecenter.org/what-human-trafficking/human-trafficking/victims>.

⁵⁸ Gladstone, Rick. "U.N. Report Shows an Increase in Trafficking of Children." The New York Times. November 24, 2014. Accessed February 15, 2015. <http://www.nytimes.com/2014/11/25/world/africa/un-report-shows-an-increase-in-child-trafficking.html?mabReward=RI:9&action=click&contentCollection=Fashion & Style&ion=Footer&module=>.

⁵⁹ Gladstone, Rick. "U.N. Report Shows an Increase in Trafficking of Children." The New York Times. November 24, 2014. Accessed February 15, 2015. <http://www.nytimes.com/2014/11/25/world/africa/un-report-shows-an-increase-in-child-trafficking.html?mabReward=RI:9&action=click&contentCollection=Fashion & Style&ion=Footer&module=>.

border. Victims of labor trafficking are forced to sacrifice everything to the work they do – including their labor, skills, energy, time, identities, reputations, as well as their minds and bodies. While working in harsh environments and living conditions, these trafficked victims are robbed of their basic human rights, and stripped of all dignity. However, many of these victims are motivated by the desire to provide financially for their families, and some remain in trafficked labor because of the threat and danger that is posed to their family if they leave. Some are not receiving income or are forced to pay off exorbitant debts to their traffickers for smuggling services. Victims are left in a vicious cycle of debt and exploitation.

Labor traffickers threaten victims by use of force, fraud, or coercion, as defined by the U.S. Department of Health & Human Services: Administration for Children and Families⁶⁰: Force can involve the use of physical restraint or serious physical harm. Fraud involves false promises regarding employment, wages, working conditions, or other matters. Coercion can involve threats of serious harm to or physical restraint against any person; or any action intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or the abuse or threatened abuse of the legal process.

Reported on U.S. News, Ima, a 16-year-old teenage girl from Indonesia, was smuggled and later became a victim of labor trafficking. Ima's vulnerability was her immigration status. She was told about a job opportunity as a nanny in Los Angeles that would pay her \$150 a month. To Ima, \$150 was enough to support her family back home. Upon arrival, what was promised to her has changed completely. Ima worked 18 hour work days, seven days a week and received no pay for the work done. Her employer also physically abused her. Ima was hit in the head causing her to go the hospital. Ima's employers used her immigration status as a form of

⁶⁰ "Human Trafficking Fact Sheet." Department of Health & Human Services. Accessed February 15, 2015. http://www.acf.hhs.gov/sites/default/files/orr/fact_sheet_human_trafficking_english.pdf.

coercion. She was threatened that she would be arrested if she tried to leave. Not understanding her visa status or American law, she was afraid and believed the trafficker.⁶¹

Through force, fraud, and coercion, victims are being dehumanized. Traffickers are able to manipulate and exploit their vulnerabilities and gain control over another person. Trafficking often includes mental, emotional, and sexual abuses. Traffickers use manipulative tactics such as psychosocial stressors to trap victims into staying. Labor trafficked victims are getting paid very low wages, are working long hours without rest, have little to no access to health care, and are working in conditions that often do not comply with safety regulations. These all have a directly negative impact on the physical and mental health of these victims.

Globalization: The Race to the Bottom

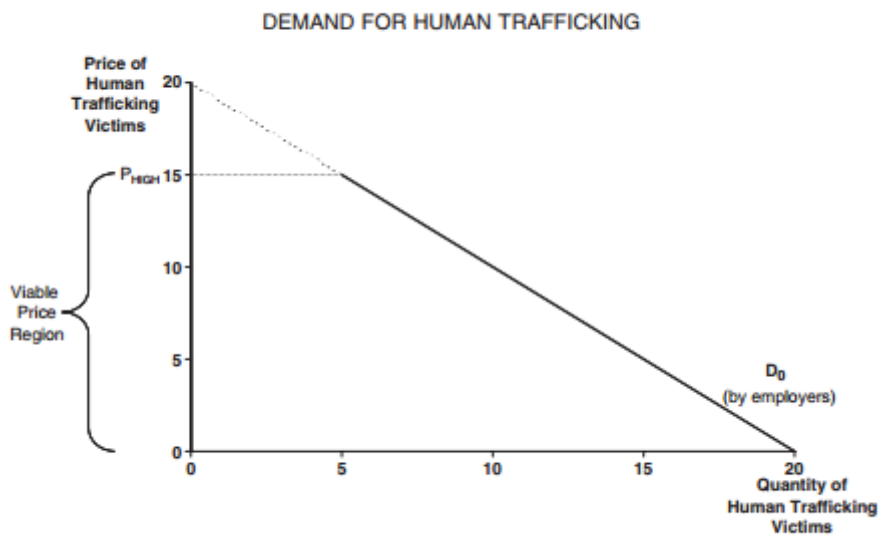


Figure 5

The world economy has globalized and this process has had profound economic changes in the world where countries are becoming increasingly interconnected. It is a phenomenon that gives rise to new industries and more jobs in developing countries but also has the unfavorable

⁶¹ Zalan, Kira. "Modern Slavery Emerges From the Shadows." US News. April 2, 2013. Accessed February 23, 2015. <http://www.usnews.com/news/articles/2013/04/02/modern-slavery-emerging-from-the-shadows>.

effect of exploiting the poor because they lack resources and infrastructure that developed countries already have. As noted in Matthew Sparke's book, *Introducing Globalization: Ties, Tensions, and Uneven Integration*, lines of dependency run in both directions, meaning countries are dependent on each other and if one country collapses, it will pull many countries down with it.⁶² The ease of movement of goods and capital inevitably leads to the race to the bottom. Developed countries have moved production overseas to lesser-developed countries where there is cheap labor, lower wages, less regulation, and poor working conditions, which inevitably leads to labor trafficking.

As claimed by Alan Tonelson, "current globalization policies have plunged a great majority of workers into a great worldwide race to the bottom, into a no-win scramble for work and livelihoods with hundreds of millions of their already impoverished counterparts across the globe."⁶³ As shown on the graph, as the price of human trafficking victims increases, there will be less numbers of trafficked victims and vice versa.

Globalization is an agent that puts individuals in lesser-developed countries at a greater risk for becoming victims of labor trafficking. Forced labor is a lucrative business that has been very rewarding for traffickers, generating around \$150 billion in annual profits.⁶⁴ As long as large economic disparities exist between developed and still developing countries, people will continue to be trafficked because of the cheap labor available, the minimal regulation in working conditions, and the low pay.⁶⁵ The lack of employment opportunities of less-developed countries

⁶² Sparke, Matthew. 2013. *Introducing globalization: Ties, Tension, and Uneven Integration*. ; pg. 3

⁶³ Tonelson, Alan. 2000. *The race to the bottom: why a worldwide worker surplus and uncontrolled free trade are sinking American living standards*. Boulder, CO: Westview Press. ; pg.15

⁶⁴ Profits and Poverty: The Economics of Forced Labour." International Labour Organization. May 20, 2014. Accessed February 15, 2015. http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_243391/lang--en/index.htm.; pg.13

⁶⁵ Chastain, Claudine. 2006. "The nexus between free trade agreements and the trafficking of human beings". *Washington University Global Studies Law Review*. 5 (3): 587-610.

sometimes pushes individuals to migrate,⁶⁶ because those who live in poverty believe there is no hope of economic advancement in their homeland, and that their chances for success abroad are higher. In a world full of trade networks, global competition forces goods to be cheaper and costs to be lower. Although slavery and servitude have been illegal for some time, laws against such practices have not stopped the exploitation of cheap labor. This race to the bottom creates the unholy demand and supply nexus because companies pay less and less, and workers will take whatever job is available.

Free Trade and Corporate Globalization

Global economic policies such as the North American Free Trade Agreement (NAFTA) and the General Agreement on Tariffs and Trade (GATT) promotes free trade, with very little state intervention and regulation of labor markets.⁶⁷ These are perceived to have a positive impact throughout the world, providing greater job opportunities, increasing the standards of living, and increasing economic growth for many. In actuality, policies of free trade have assisted the further growth of already industrialized countries and fail in progressing less developed countries, having detrimental effects on already economically disadvantaged countries.⁶⁸ Globalization has also increased the discrepancy between the rich and poor, ultimately increasing levels of poverty around the world. Free trade allows companies to move production offshore, increasing the company's profits at the expense of labor income. Since the GATT and NAFTA, the market for labor exploitation has been created due to increased economic competition in which companies use labor in low wage countries in order to obtain

⁶⁶ Shelley, Louise I. 2010. *Human trafficking: a global perspective*. Cambridge [UK]: Cambridge University Press.

⁶⁷ Schnall, Peter L., Marnie Dobson, and Ellen Rosskam. 2009. *Unhealthy work: causes, consequences, cures*. Amityville, N.Y.: Baywood Pub. Co.

⁶⁸ Basu, Sutapa. Editorial Section sec.

higher profit margins. Globalization is supposed to lead to a greater freedom and mobility for the world but it has also sowed the seeds for labor trafficking because “the practices of giant corporations cause poverty, community destabilization, discrimination, illness, and the destruction of the environment” in lesser developed countries.⁶⁹

Globalization has also paved the way for less-developed countries to be more vulnerable to labor trafficking through policies of trade liberalization and corporate globalization. This is seen in India, in the case of Monsanto, a multinational agrochemical and agricultural biotechnology corporation that controlled India’s cotton sector. According to the National Cotton Council, India is the second largest cotton grower producing 26.8 million bales a year.⁷⁰ Growing and producing cotton is one of the main sources of income for Indian farmers. Monsanto was able to get entry into the cotton seed sector with a 1988 Seed Policy imposed by the World Bank's structural adjustment policies (SAP). SAPs are assistance plans designed to reduce the country’s fiscal imbalances and require the recipient state to reform its spending policies as a condition to receive the loan. The World Bank “has pressured governments to remove barriers to the flow of money and products across borders”, which is seen in this case.⁷¹ The loan given to India was a “\$150 million loan that aimed to privatize the seed industry and open India to multinational seed corporations.”⁷² This forced India to deregulate and open up its seed sector, including cotton, to Monsanto. The traditionally-used cotton seeds were replaced by BT cotton, a genetically modified cotton. Many farmers in India switched from traditional cotton seeds to Monsanto’s seeds with the hope of being prosperous farmers with promises of good harvest and future riches. However, these farmers needed to borrow money in order to buy these

⁶⁹ Basu, Sutapa. Editorial Section sec.

⁷⁰ "Frequently Asked Questions." National Cotton Council. October 1, 2013. Accessed February 14, 2015. <http://www.cotton.org/edu/faq/>.

⁷¹ Basu, Sutapa. "NAFTA, GATT, and the Impacts of Global Economy on Third World Women." ; pg.3

⁷² "Agriculture and The World Bank." Agriculture and The World Bank. Accessed February 14, 2015. <http://www.whirledbank.org/environment/agriculture.html>.

expensive genetically modified seeds. Instead, these seeds did not produce a good harvest, which made it difficult to pay back loans and the borrowed money. Additionally, from buying new seeds every year, the genetically modified seeds failed to control pests and weeds. The BT cottonseeds could not be saved for the next season like the traditional seeds and also needed fertilizers and pesticides, which led to an increase to farm expenses.⁷³ Furthermore, the seeds are an intellectual property of Monsanto, meaning the corporation collects royalties – a sum of money paid to Monsanto for using their seeds.



Figure 6: Farmers Planting Cotton Seeds in India

As expressed by Vandana Shiva, an activist, author, and founder of the Research Foundation for Science, Technology, and Ecology, “The creation of seed monopolies, the destruction of alternatives, the collection of super profits in the form of royalties, and the increasing vulnerability of monocultures has created a context for debt, suicides, and agrarian

⁷³ Shiva, Vandana. "From Seeds of Suicide to Seeds of Hope: Why Are Indian Farmers Committing Suicide and How Can We Stop This Tragedy?" The Huffington Post. May 25, 2011. Accessed February 14, 2015. http://www.huffingtonpost.com/vandana-shiva/from-seeds-of-suicide-to_b_192419.html.

distress.”⁷⁴ Because of policies of trade liberalization and corporate globalization, farmer suicide rates have increased in India due to the massive debt incurred to purchase and produce these genetically modified seeds. Traditional seeds are no longer available; this leaves the farmers with no other option except a dependency on Monsanto’s seeds. Events like this make individuals in less developed countries more vulnerable to labor trafficking, as their options are limited. Although India is becoming the third largest world economy, a majority of people in India are still poor.⁷⁵ These farmers are forced into the industrialized global economy and as a result, communities are destroyed and the rural livelihoods of the farmers get killed off as farmers lose their jobs because of the hybrid seeds. Farmers are in a cycle of poverty, as they are paying back loans they have borrowed to purchase the genetically modified seeds.

This example suggests that it is fair to assume that the effects of globalization can create opportunities for labor trafficking as impoverished people are left with little choice but to accept jobs that may qualify as instances of forced labor. The people in these less-developed countries deserve to be protected so that they can grow to be competitive without becoming victims of labor trafficking.

Income Inequality

Although globalization has helped to deliver extraordinary progress throughout the world, it can be argued that rising inequalities in income and wealth between the rich and the poor have increased due to the class structures created by globalization. The strongest pulling factor to labor trafficking is an individual’s economic situation, which impacts the availability of

⁷⁴ "Seeds of Suicide and Slavery versus Seeds of Life and Freedom." Al Jazeera English. March 30, 2013. Accessed February 14, 2015. <http://www.aljazeera.com/indepth/opinion/2013/03/201332813553729250.html>.

⁷⁵ Worstall, Tim. "India Becoming Third Largest World Economy Is A Sign Of Failure, Not Success." Forbes. December 27, 2014. Accessed February 23, 2015. <http://www.forbes.com/sites/timworstall/2014/12/27/india-becoming-third-largest-world-economy-is-a-sign-of-failure-not-success/>.

satisfactory employment. Evidence for this is shown in the article, "*Oxfam Study Finds Richest 1% is likely to Control Half of Global Wealth by 2016*". Oxfam, an international organization that works to find solutions to poverty and injustice around the world, conducted a study about the world's total wealth and found that the wealth is increasingly concentrated among a small group of elite, also known as the richest 1%.⁷⁶ This group has increased its wealth from 44% of the world in 2009 to 48% in 2014, and the least well off, the 80% group, owns just 5.5% of the world's total wealth.⁷⁷ From the study, it was found that 85 of the richest people in the world hold the same wealth as the poorest 3.5 billion people (50%). This clearly shows that globalization does not benefit everyone and instead, income inequality is increasing.

As income inequality grows, the poor become comparatively poorer, pushing them into undesirable jobs under inhumane working conditions. Individuals are lured by the promise of higher income and accept job offers, hoping for desperately needed income. Cheap labor has played a significant role in facilitating trafficking humans and exploiting them for economic means. With no access to better employment options, poor people are more vulnerable to being trafficked victims. As stated on the International Monetary Fund website, gains from globalization are not benefited by everyone, "those with skills benefit more."⁷⁸

Big corporations that have a high demand for cheap labor capitalize on the trafficking by ultimately subjecting individuals to work under slave-like condition. Employers seek cheap and compliant laborers who will work long hours under harsh conditions⁷⁹ which further contributes to the growth of labor trafficking. This violates the Universal Declaration of Human Rights

⁷⁶Cohen, Patricia. "Oxfam Study Finds Richest 1% Is Likely to Control Half of Global Wealth by 2016." The New York Times. January 18, 2015. Accessed February 3, 2015. http://www.nytimes.com/2015/01/19/business/richest-1-percent-likely-to-control-half-of-global-wealth-by-2016-study-finds.html?_r=1.

⁷⁷"Wealth: Having It All and Wanting More." Oxfam. January 1, 2015. Accessed February 3, 2015.

http://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/ib-wealth-having-all-wanting-more-190115-en.pdf.

⁷⁸ "Issues Brief - Globalization: A Brief Overview." International Monetary Fund. May 1, 2008. Accessed February 23, 2015. <https://www.imf.org/external/np/exr/ib/2008/053008.htm>.

⁷⁹ Shelley, Louise I. 2010. *Human trafficking: a global perspective*. Cambridge [UK]: Cambridge University Press. :pg.263

where workers are granted the right to just and favorable work conditions, including safe and healthy work conditions.⁸⁰ The shift in patterns of inequality corresponds with the rise of new forms of economic globalization that have transformed labor. Reducing inequality would have real benefits for individuals who suffer from exploitation.

With 21% of the world's population living in "extreme poverty"⁸¹, those who experience inequality are silenced and often lack social capital, leaving them more vulnerable to exploitation. Corporations and political leaders are capturing authority while the ordinary people are becoming voiceless because others are able to use their resources for economic and political influence through lobbying of governments on issues and policies that affects their business interests.⁸² While both wealthy individuals and companies increase their profits, ordinary people are paying the price of their interests. The Oxfam study shows that the U.S. must build a "fairer economic and political system that values every citizen"⁸³ to reduce inequality and redistribute money and power. The result of growing inequality results in this trend, "[it] leaves the rich with so much money that they can binge on speculation, and leaves the middle class without enough money to buy the things they think they deserve, which leads them to borrow and go into debt."⁸⁴ Income inequality "in the world creates a system where those in power very easily dominate and take advantage of those people without power."⁸⁵ Globalization does not create economic equity

⁸⁰Barner, John R., David Okech, and Meghan A. Camp. "Socio-Economic Inequality, Human Trafficking, and the Global Slave Trade." MDPI. April 28, 2014. Accessed February 3, 2015. <http://www.mdpi.com/2075-4698/4/2/148/htm>.

⁸¹ Johnston, David L. "Finding Solidarity in an Unequal World (2)." Human Trustees. December 1, 2014. Accessed February 15, 2015. <http://www.humantrustees.org/blogs/religion-and-global-society/item/136-inequality-2>.

⁸²"Wealth: Having It All and Wanting More." Oxfam. January 1, 2015. Accessed February 3, 2015.

http://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/ib-wealth-having-all-wanting-more-190115-en.pdf; pg. 7

⁸³"Wealth: Having It All and Wanting More." Oxfam. January 1, 2015. Accessed February 3, 2015.

http://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/ib-wealth-having-all-wanting-more-190115-en.pdf; pg. 9

⁸⁴ Johnston, David L. "Finding Solidarity in an Unequal World (2)." Human Trustees. December 1, 2014. Accessed February 15, 2015. <http://www.humantrustees.org/blogs/religion-and-global-society/item/136-inequality-2>.

⁸⁵ Barner, John R.; Okech, David; Camp, Meghan A. 2014. "Socio-Economic Inequality, Human Trafficking, and the Global Slave Trade." *Societies* 4, no. 2: 148-160.

but rather broadens the gaps between the rich and the poor. It is important to have equitable income distribution for development and resources.

Chapter Conclusion

Due to the sensitive nature of human and labor trafficking, statistics are difficult to find and when they are found there are often many discrepancies in the numbers. However, based on the data we found, we were able to recognize some clear trends. Labor trafficking is a global issue affecting millions of people and is an industry that is generating billions of dollars in profits each year.

We hope that by providing the history of human trafficking and creating an extensive and clear definition of labor trafficking, the issue will rise in prominence. Human trafficking is a worldwide issue that can be attributed to globalization. Globalization has created systems of inequality that have led to rich countries taking advantage of destitute people in poorer countries through labor trafficking.

The relationship between the trafficker and the victim is usually marked by violence, threats of harm, and the use of force, fraud, and coercion to maintain and subjugate the victim. Labor trafficking cases are increasing and further protection is needed to provide help for the victims and to eventually stop labor trafficking. Because Washington State is a hub for labor trafficking, it is important to educate both citizens and law enforcement on the issue in order to alleviate the crisis.

This chapter has offered an educated and analytical perspective on labor trafficking that will assist in the interpretation of the rest of the report and give principle to our recommendations. Now that labor trafficking has been framed and understood, we want to shift

our focus to the wider scope of human trafficking. The forefront of our research on the wider scope focuses on what life as a victim is like and the challenges they face with regards to health, education, and societal and economic costs.



Chapter 2

The Wider Scope: The diverse embodiments of labor trafficking and the resulting societal and economic costs

By Westley Rachko & Akhmed Shukurov

The existence of labor trafficking has resulted in the victimization of millions of men, women, and children worldwide. Utilizing various case studies, the first section of this chapter will examine the broad spectrum of workplaces and situations in which labor trafficking can and does take place. Labor trafficking exists in many different forms, and the victims have different experiences including being locked up, being forced to perform work in hazardous conditions, receiving little pay, being denied access to food, coerced through debt bondage and/or physical threats and abuse.

The second section of the chapter will then analyze the process of victimization and key instances in which stakeholders, both domestic and foreign, have opportunities to identify and aid possible victims of labor trafficking. While a variety of elements factor into the continuation of labor trafficking, ill-informed stakeholders (particularly law enforcement and migration officers) on the domestic level and the lack of persistent or full-fledged efforts by stakeholders (government and corporate officials) in off-shore supply chains are two systemic issues which can be addressed.

Aside from victimhood and harsh working conditions, the third section of this chapter looks at the social implications and various costs of labor trafficking, both to individuals and communities. In terms of social implications, we will specifically examine the violation of human rights. Oftentimes, victimized individuals are socially immobile and lack social

protection of any kind, making it difficult for them to survive in a foreign country. Labor trafficking victims suffer from physical, emotional, and mental threats and other consequences of exploitation.

Not only are there costs to the victim of transnational labor trafficking, there are also costs to the host country. These costs include economic costs, entailing tangible losses such as medical care, property damage, reduced productivity, etc. There are also non-economic costs referring to non-tangible costs such as physical and mental trauma. Other types of costs include but not limited to minimum wage issues that promote illegal economies, the implementation of social programs, and government costs through subsidies to small businesses. Overall, this chapter looks to expand on the general understanding of labor trafficking - both by examining its diverse guises and through analyzing the impact it has on a global scale.

Examining both blatant and disguised instances of Labor

Trafficking

By Westley Rachko

Labor trafficking, in all shapes and forms, exists in every corner of the world to some extent. Although slavery is now illegal worldwide, it remains a pertinent issue through the existence of the underground network of human trafficking. Both in the cases of sex trafficking and labor trafficking, victims often experience appalling conditions – enduring subpar living quarters, malnourishment, and an overall disregard for human decency. Fortunately, sex trafficking has received a respectable amount of awareness, particularly in the United States. Legislation, NGOs, and advocacy campaigns have contributed in educating stakeholders and society on the reality of the issue, the identification of victims, and how it is possible to aid them

in escaping victimhood. Labor trafficking, however, has not received as much recognition, despite it being a dishearteningly immense crime in the US, and worldwide. The International Labour Organization estimates that many more trafficking victims are in forced labor, than in the commercial sex industry.⁸⁶ While we are not discounting the severity of sex trafficking, labor trafficking clearly remains a giant and hidden problem. All victims of human trafficking endure conditions that violate their rights as a human being. It is imperative that a light is cast on the situations of victims across all forms of trafficking. In order to illuminate the need for a broader understanding of labor trafficking, this section will detail the blatant and peripheral instances of labor trafficking that victims are forced to endure.

US Agriculture: the gap between public awareness and the reality on the ground

On a domestic level, human trafficking in the United States often remains completely hidden as a result of both intentional efforts to hide those trafficked, and through the sheer lack of knowledge and awareness among bystanders and consumers who encounter these victims. In 2013, the National Human Trafficking Resource hotline received reports of some variation of human trafficking in all fifty states, as well as in Washington D.C.⁸⁷ Such a statistic highlights the widespread existence of human trafficking nationwide, regardless of people’s awareness of this issue.

In January 2014, a case study titled, “When farmworkers and advocates see trafficking but law enforcement does not,” was released highlighting the agriculture industry in North

⁸⁶ International Labour Office, *Forced Labour and Human Trafficking: Estimating the Profits*. By Patrick Belser, ISBN 92-2-117304-6 (Geneva: International Labour Office, 2005), 4.

⁸⁷ Polaris Project, “Human Trafficking,” <http://www.polarisproject.org/human-trafficking/overview>.

Carolina, and the farmworkers' vulnerability to labor trafficking.⁸⁸ This study, while isolated solely to farming and interviews within North Carolina, can be utilized to exemplify issues of labor trafficking in all states that have an agricultural industry. The study involved interviews and surveys conducted across 17 counties in North Carolina by a team of researchers. These researchers contacted both farmworkers in North Carolina, as well as members of law enforcement and other stakeholders, including members of NGOs, clergy members, public health personnel, social service agencies and advocates against labor trafficking in the state. For the purpose of conciseness, this study defined labor trafficking, "conservatively, including only actual or threatened infringement of freedom of movement and actual or threatened physical violence."⁸⁹

One of the most alarming results that can be pulled from this report regards to the sheer disconnect between societal knowledge of labor trafficking in their counties and the reality of many of the farmworkers' conditions and backgrounds. The report states that when the researchers attempted to reach out to contact law enforcement, asking for interviews on the subject of labor trafficking, responses were unconcerned at best. Of the twenty sheriffs contacted, two refused to be interviewed (for undisclosed reasons) and three stated that conducting such interviews was a waste of time because no reports had been made displaying evidence of labor trafficking in their counties.⁹⁰ Equally telling, efforts to set up interviews with the Agriculture Safety and Health Bureau of North Carolina were futile, as they ceased to receive responses and could subsequently not conduct the interviews. Only eight officials, including

⁸⁸ Barrick, Kelle, Pamela K. Lattimore, Wayne J. Pitts, and Sheldon X. Zhang. 2014. "When farmworkers and advocates see trafficking but law enforcement does not: challenges in identifying labor trafficking in North Carolina". *Crime, Law and Social Change : An Interdisciplinary Journal*. 61 (2).

⁸⁹ Ibid, 209.

⁹⁰ Ibid, 208.

three sheriffs and five law enforcement staff members, agreed to participate in said interviews.⁹¹

During these interviews, one of the sheriffs stated:

*Farmworkers with more experience and autonomy are not forced to endure the harshest conditions because there seems to be enough work to go around. Farmers have a vested interest in keeping farmworkers happy. If a worker is being exploited, they can usually just leave and find work somewhere else. There is a high demand for experienced farmworkers.*⁹²

This statement clearly shows that law enforcement may not fully understand the coercive tactics used by employers to keep labor trafficked victims in their workplace. Equally, the sheriff did not seem to consider the fact that many of these farmworkers are indeed migrant workers with limited resources and knowledge of American laws and society – both necessities when seeking a new place of employment.

While law enforcement acknowledgement of labor trafficking as a legitimate issue was consistently absent, “non-law enforcement stakeholders consistently reported that labor trafficking violations are occurring in North Carolina.”⁹³ One community healthcare worker indicated remembering repeated occasions in which new groups of workers were promised pay of \$8 per hour, but ended up receiving \$6.50. Another healthcare professional explained, “Workers are normally paid for 4-5 hours less per week than worked and about \$1.50 to \$2 per hour less than promised.”⁹⁴ Most importantly, however, was the common trend among stakeholders interviewed, who did not recognize these forms of abuse as labor trafficking. Rather, stakeholders understood abuses like, for example, not being given sufficient time to eat,

⁹¹ Ibid.

⁹² Ibid, 212.

⁹³ Ibid, 210.

⁹⁴ Ibid.

drink, or use the restroom, as being more minor violations – possibly not worthy of bringing to the attention of law enforcement.⁹⁵

On the other side, the farmworkers who participated in the study were contacted in person. A total of 380 farmworkers were interviewed after being approached by researchers at residential migrant labor camps, community events, and other locations frequented by farmworkers of the counties in the study. The findings blatantly conflicted with the statements by law enforcement that labor trafficking was not an evident issue in North Carolina.⁹⁶

The “Other”: Wage Theft and Denial of Sick Leave and Medical Aid

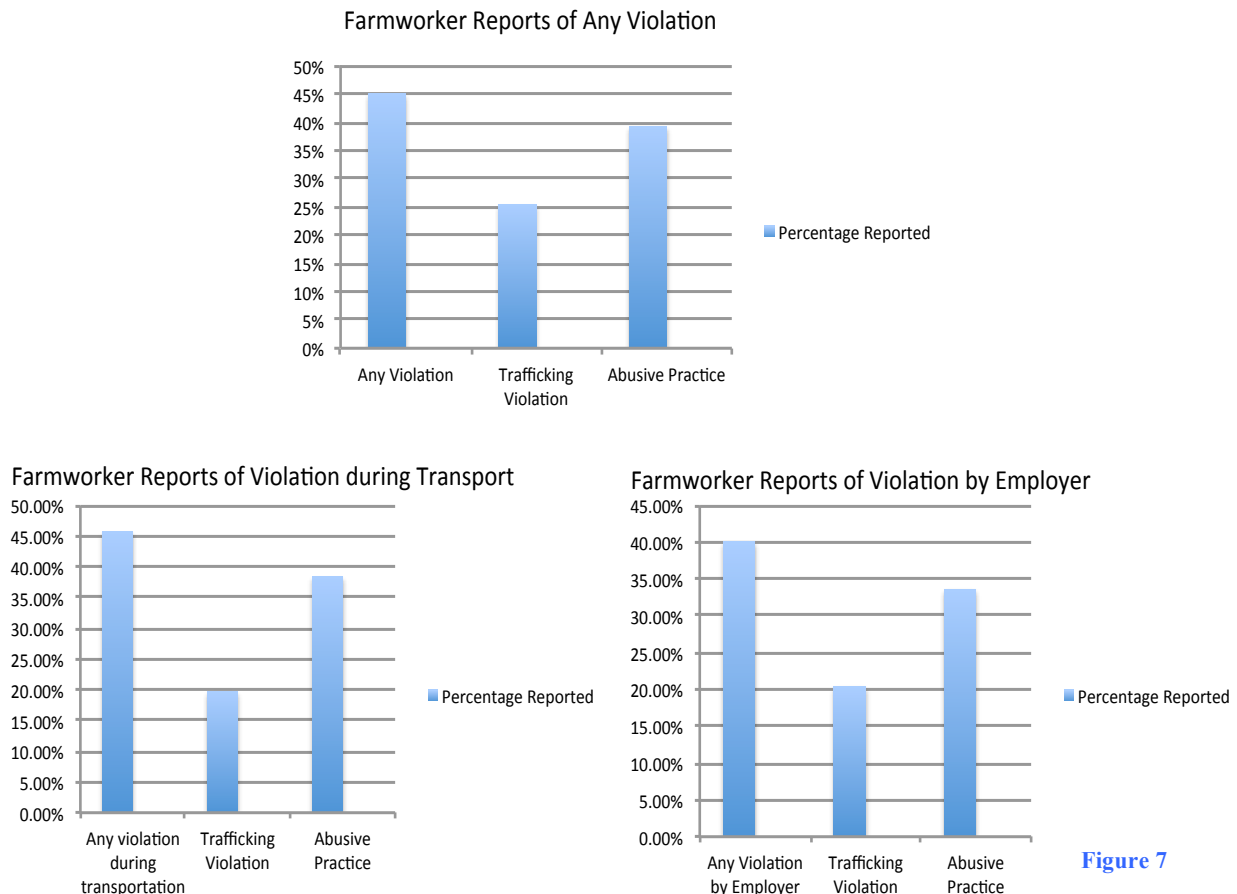


Figure 7

Of the farmworkers interviewed, 39% reported experiencing “other abuses”, which included a broader definition including “the type of work being different (from what was indicated) or the pay being less than promised.”⁹⁷ One worker from Queretaro, Mexico stated that he and four other workers did not receive promised pay at the end of the season. Instead, the worker reported the farm owner “disappearing” from the farm, leaving the migrant and his coworkers without pay.⁹⁸ Another worker from Puebla, Mexico recounted that, after he injured his wrist, his employer had refused to pay for medical care in the United States and also denied him funds to travel back to Mexico to receive aid.⁹⁹ Furthermore, illegal charges to the workers were also a reported problem. One worker interviewed claimed a \$100 deduction from his weekly paycheck – a charge explained as a cost for tools necessary to perform his job on the farm.¹⁰⁰

The varying degrees of abuse endured, be it through direct physical threats or more disguised forms such as a laborer being denied medical aid, highlight the wide range of ways in which labor trafficking is manifested. In regards specifically to the agricultural workers in North Carolina, while one quarter (still astoundingly high) of farmworkers surveyed reported instances fitting the study’s strict definition of labor trafficking, over a third of the laborers involved experienced similar struggles not fitting such a narrow scope. As previously mentioned, workers reported not receiving their full wages at the end of the season. This is considered wage theft, and is undeniably wrong, but is not officially considered a labor trafficking violation. Equally, denying sick leave or access to medical care (as was the case with the farmworker from Puebla, Mexico) are clear violations of standardized labor laws in the United States. Despite this, these

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Ibid, 210.

¹⁰⁰ Ibid, 210.

reports went completely unrecognized until workers were interviewed for the purpose of the aforementioned case study.

Migrant workers often lack both the mobility to reach out to law enforcement, and basic knowledge of their rights. Incidences - such as the worker injuring his wrist and being refused medical aid or money to travel back to Mexico, or workers being unable to locate their employer to receive payment – become much greater issues when the affected laborers are migrants, unfamiliar with the local language, ill-informed about accessible resources and lacking in knowledge of their labor rights.

Problematically, these types of issues lie in the periphery when considering the legal definition of labor trafficking. This study highlighted the marginal manifestations of labor trafficking, namely wage theft and denial of sick leave. The next section will identify other disguised forms, which remain beyond the core conceptual understanding of labor trafficking.

The case of North Carolina and the state’s extensive agricultural workforce should resonate directly with Washington State – home to 37,249 farms and 70% of the country’s apple industry.¹⁰¹ While it is impossible to identify strictly the parallels between trafficking in North Carolina and Washington State, it is easy to accept that Washington is an agricultural hub incredibly susceptible to labor trafficking.

Between 2004 and 2005, California-based farm labor contractor Global Horizons employed about 175 migrant workers from Thailand to work on farms in Washington. In 2006, the company’s license was revoked after accusations against the company for “withholding payment, failing to provide adequate living conditions, and even failing to feed the workers

¹⁰¹ "Agriculture: A Cornerstone of Washington's Economy." Washington State Department of Agriculture. Accessed February 3, 2015.

properly.”¹⁰² Global Horizons has since been found liable for such abuses, determining that the company must pay the Thai workers restitution, as well as “implement measures to prevent future abuse.”¹⁰³ Evidence of labor trafficking emerges in every state and the extent of the crime undoubtedly remains mostly hidden from the public eye.

Conned into Domestic Servitude, Trapped in WA State

In March 2012, KUOW, a radio news organization, released the story of Mary (alias) and her disturbing journey to becoming a victim of domestic servitude here in Washington. Her story is one of confusion, isolation, and manipulation as she gradually began to understand the malicious intent behind her employment. Mary was a housekeeper for a wealthy woman and her family in East Africa. Mary had children receiving public education and felt relatively comfortable in her situation there. However, her circumstances changed when Mary’s employer offered her a position in the United States, to become a housekeeper for her daughter. Mary would live and work in-house in a wealthy Seattle suburb, where she was told she would have similar responsibilities, as she was used to in East Africa. In addition, Mary was promised that her children would be enrolled in a quality boarding school in Africa, and that her employer would pay for Mary to go back home to see her children every year.

To Mary’s dismay, the following events did not play out as she was promised. Upon beginning work in America, Mary was faced with responsibilities that largely extended beyond what she was capable of. She reported being held responsible for all of the household duties – including cooking three meals a day for the family and cleaning the entire home. Mary worked

¹⁰² Lerner, Sara. "Human Trafficking: Farm Labor, Forced Labor?" KUOW. March 8, 2010. Accessed February 3, 2015.

¹⁰³ Herrera, Carla. "Global Horizons Found Liable For Thai Worker Abuse." The Huffington Post. March 24, 2014. Accessed February 22, 2015.

nearly 100 hours per week and received a grossly inadequate pay of \$70 per month. When she began to question her situation, her employers intimidated her. They sowed the seeds of fear and doubt about the American people and law enforcement, in a clear effort to keep her quiet and submissive, and to prevent Mary from seeking help. The combination of Mary's instilled fear of other people in the U.S., coupled with the coercive aggression she experienced when questioning her salary or where her children were, led Mary to remain trapped in her employment. Even Mary's attempts to learn English were discouraged by the family, who demanded that she must only speak Swahili.

Fortunately, Mary's determination, bravery, and refusal to accept the situation she was tricked into led her to eventually come into contact with a man who brought her to an anti-trafficking resource center. From there, Mary began to slowly get her life back. Her children were eventually brought to Seattle and now live with her. Mary received restitution for her subpar wages and has begun to build her life in America. Despite Mary's amazing story out of victimhood, she still remains in constant fear - of re-victimization or revenge for her actions against her employers.

The "Other": Psychological Manipulation and Emotional Abuse

Mary's experiences, both in her deal with her employer in East Africa and her time working in domestic servitude in Washington State, highlight serious instances of emotional and psychological deception. Her employer utilized the idea of a gratifying life in America and a hugely valuable education for her children as incentive to coerce Mary into agreeing to leave her home country. In the U.S., under employment of the family she was serving, Mary was manipulated into remaining complacent in her situation. Her employers frequently filled her head

with deceitful ideas about American people – ensuring that she would not attempt to further question her situation. The report mentions, “Jane and John act as though everything is perfectly fine, normal. Except when Mary complains. Then they yell. They tell her she’s lucky. They pay her bills, give her food, a bed.”¹⁰⁴ Psychological manipulation, as was the case with Mary’s experience, leads people to become fearful of their surroundings, uncertain of what is true, and, worst of all, reliant on the perpetrators to remain emotionally stable. While Mary was fearless and consistently devoted to escaping her situation, it is not difficult to imagine others in her situation succumbing to their employers - fearful of the repeated yelling and threatening.

It is not every day that a suburban family is discovered to be the perpetrators of modern-day slavery. And while it may never be possible to understand the true extent of domestic servitude nationwide, there are undoubtedly thousands of victims who remain unrecognized. Furthermore, 65% of reported domestic workers in the United States are immigrants and/or people of color¹⁰⁵.

Core to Periphery: Blatant vs. Disguised Forms of Labor Trafficking

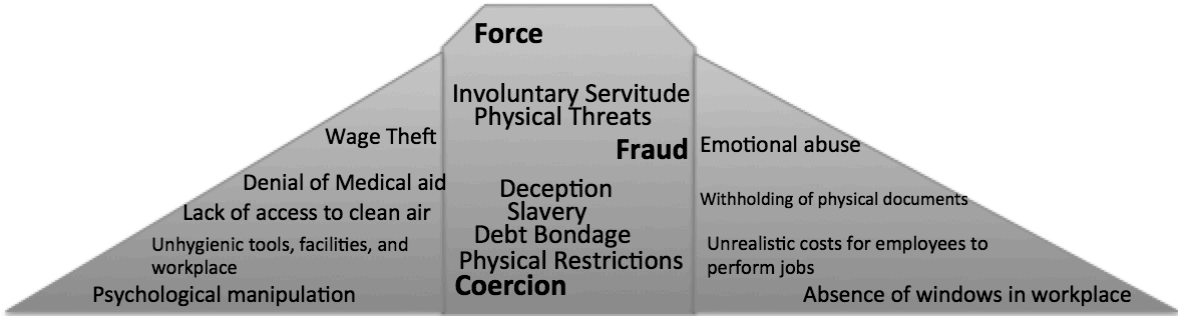


Figure 8

¹⁰⁴ Ibid.

¹⁰⁵ "Domestic Work." National Human Trafficking Resource Center. Accessed February 3, 2015. <http://www.traffickingresourcecenter.org/labor-trafficking-venuesindustries/domestic-work>.

(Above) Core vs. Peripheral Instances of Labor Trafficking. Core, or best acknowledged forms are in the middle block. Peripheral forms of labor trafficking are in the triangles.

The agriculture industry, as well as the domestic labor industry, both relate directly to Washington State – as there undoubtedly remains severe and unrecognized cases of labor trafficking in both. Furthermore, it would not be difficult to suggest the prevalence of trafficked victims across other industries in Washington State – namely hospitality, restaurant, construction, and garment work – all of which are highly susceptible to trafficking.

In both case studies discussed in this section, reports of the “other” forms of abuse, not specifically pertaining to labor trafficking, proved highly detrimental to the workers. In order to identify possible situations of victimization, it is in the interest of stakeholders to better inform themselves and others of such manifestations of labor abuse. Equally, these forms of labor trafficking, which remain on the periphery (outside of the primary, legal definition of labor trafficking) need to be better emphasized in the global understanding of the wider scope of labor trafficking in order for those in victimhood, many of whom may not understand the criminality of their situation, to become aware of their options to receive assistance.

Commonalities in Victimization and Opportunities to Identify and Aid Victims

By Westley Rachko

Both domestically and in the supply chains of outsourcing corporations, there remains a major discrepancy between the opportunity to identify possible victims of labor trafficking, and the actual realized aid of those in victimhood.

This section will look into trends in regards to the process of victimization – namely migration, as well as the recognized, but neglected, situation of child labor in the cocoa industry. We will ultimately distinguish vital opportunities for stakeholders to identify and aid victimized workers, who are uncertain of whether or not their situation violates their basic rights, or who have been entirely forced into their field of work against their will.

On the Domestic Level: Not an isolated problem, but a systemic one

Labor trafficking across all industries is perpetuated by a series of factors that make victims vulnerable and permit traffickers to perform their crime under the radar. In many cases, trafficked migrant workers come into direct contact with law enforcement and various other stakeholders, where their situation can be identified and they could be properly assisted. In a 2014 report by Urban Institute regarding labor trafficking in the United States, it was identified that as many as 71% of trafficked victims entered the U.S. via air travel.¹⁰⁶ Coincidentally, approximately 71% of trafficked victims held legal visas at the time of their entry into the United States.¹⁰⁷ This means that, according to the data collected by Urban Institute, 71% of reported victims of trafficking migrating into the U.S. encountered and were cleared by government officials. While it is impossible to suggest that migration control personnel are responsible for failing to identify all trafficked victims in their process through customs, it does highlight a major opportunity to recognize possible cases of victimhood.

¹⁰⁶ Urban Institute, *Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States*. By Colleen Owens, Meredith Dank, PhD, et al., (2014), 79.

¹⁰⁷ Ibid, 61.

Methods of Transportation

Method	Percentage
Airplane (<i>n</i> = 110)	70.9
Boat (<i>n</i> = 107)	1.9
Train (<i>n</i> = 107)	0.9
Car or van (<i>n</i> = 103)	52.4
Bus (<i>n</i> = 103)	3.9
Walking (<i>n</i> = 106)	21.7
Other (<i>n</i> = 108)	0.9

Figure 9

(Above) Report by Urban Institute regarding methods of trafficking victims migrating into the U.S.¹⁰⁸

The spotlight on the vast majority of trafficked victims entering the United States via air travel begs a look into the migration process and an examination of just how difficult it is for a migrant worker to gain approval to enter the United States. One report from a caseworker at the Urban Institute criticizes migration control, explaining:

In terms of false documents, they're not usually forged documents, they are somebody else's documents. So there is somebody else who has legitimate visas to the United States... and those documents are provided to somebody else. I would say that most of those cases are with African women... how is it that border control people after 2001, can't tell the difference between African women? There are no changes at all... Just here, we have like half a dozen probably who've come in on that way.¹⁰⁹

According to U.S. Customs and Border Protection, legitimate efforts including the training of over 42,000 CBP officers, campaigns to raise awareness among the American public, and a dedicated office to Human Trafficking Prevention have been invested in, with hopes to identify

¹⁰⁸ Ibid, 65.

¹⁰⁹ Ibid, 63.

victims and prosecute traffickers accordingly.¹¹⁰ Despite these measures, the number of trafficking victims continues to rise across the United States. In 2014, over 5,000 cases were reported, as opposed to about 1,000 cases in 2008.¹¹¹

Beyond the United States: Labor trafficking abroad and its use in the global supply chain

On September 19, 2001, an international initiative, the Harkin-Engel protocol, was set into law, illegalizing the use of child labor by cocoa manufacturers.¹¹² Since then, reports have continued to arise alluding to the trafficking and exploitation of children in the Ivory Coast. Despite the illegality of utilizing children as a source of labor, the issue clearly remains widespread.

The International Institute for Tropical Agriculture has estimated that 625,000 minors work on cocoa farms in the Ivory Coast, which is the source of approximately 40% of the world's cocoa.¹¹³ Employed children endure extremely hazardous conditions and are responsible for performing dangerous tasks, including applying pesticides, carrying heavy loads, and using a machete to open cocoa pods and clear underbrush.¹¹⁴ A 2005 report surveyed, "...One-third stated they were not free to leave their place of employment."¹¹⁵

¹¹⁰ "Human Trafficking." U.S. Customs and Border Protection. Accessed February 15, 2015. <http://www.cbp.gov/border-security/human-trafficking>.

¹¹¹ "2014 Statistics." Polaris Project. Accessed February 15, 2015. <http://www.polarisproject.org/storage/documents/2014statistics.pdf>.

¹¹² Schrage, Elliot J. and Anthony P. Ewing. 2005. "The Cocoa Industry and Child Labour." *Journal of Corporate Citizenship* no. 18: 105. *Business Source Complete*, EBSCOhost (accessed February 2, 2015).

¹¹³ *Ibid*, 109.

¹¹⁴ *Ibid*, 106-107.

¹¹⁵ *Ibid*, 106.



Figure 10: Child working on an Ivorian cocoa plantation, opening cocoa pods with a machete¹²⁰

In 2010, *The Dark Side of Chocolate*, a documentary featuring investigative journalism both in and around the Ivory Coast, showed the discrepancy between the corporate understanding of labor trafficking and the reality of forced labor within their industry. When asked about allegations of the use of child labor in cocoa plantations, Vice President of Barry Callebaut (a major cocoa manufacturer) answered, “To be honest I don’t know... if it exists it should be condemned.”¹¹⁶ The International Labour Office bans the use of child labor in the cocoa industry worldwide. Yet, trafficking can only be condemned as far as it is recognized. In Mali, investigators interviewed Idrissa Kanté, the General Secretary of the local Driver’s Union. “Children are always leaving the bus station,” he stated, referring to the children coerced and taken to the Ivory Coast. Mr. Kanté reported that between 2008 and 2009, he had rescued 150

¹¹⁶ Ibid.

children from being trafficked.¹¹⁷ Prior years' numbers had been just as significant. Furthermore, he knew that countless children were still being trafficked – victims that he could not rescue.

Coercion plays a massive role in all forms of trafficking – impoverished children promised money for their family are even more susceptible to such manipulation. “She said I would make money... I didn't earn any money,” 12-year-old trafficked victim, Mariam Marico, said in an interview.¹¹⁸ Children like Mariam have a desire to go to the Ivory Coast to work. While some do not tell their parents and spontaneously leave with a recruiter, many children are encouraged by their family to go, as they are all told that workers in the Ivory Coast receive steady pay.

There is also a clear disconnect between government knowledge of the severity of the issue and the real extent of child labor in the Ivory Coast. According to the documentary, officials seemed to believe that child labor is no longer a problem because less reports are appearing. When speaking with an official (name not mentioned) in the Ivory Coast government, the investigators were told, “People will try to do it, but what you have to understand is that even if people try to do it, it is against the law. Trafficking and child labor are against Ivorian law.”¹¹⁹ Despite this and consistent statements by officials, including the CEO of another major chocolate grinder SAF-CACAO, the investigators found several children at work on the plantations.

The documentary mentioned details in a grave and large-scale issue, which is clearly visible across the extensive cocoa industry. As was the case with the North Carolinian law enforcement (mentioned in Section 1), it seems that denying the existence of such a systemic industry-wide problem seems to be the easiest route. Government officials of the Ivory Coast, while mentioning the prior existence of child labor and labor trafficking in the cocoa industry,

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

seemingly turn a blind-eye to the actualities of the present day situation. The exploitation of children on cocoa plantations has been internationally banned since 2001, and has received consistent media coverage over the past decade.¹²⁰ CNN, for instance, has provided consistent coverage on the issue of child labor in the Ivory Coast, through their “Freedom Project.”¹²¹ In 2014, they reported that up to 1.8 million children still work within the cocoa supply chain, which produces goods sold to consumers globally.¹²²

Fortunately, after years of an industry-wide neglect of the reality of child exploitation in the cocoa industry, cocoa manufacturer Nestlé has pledged 100 million dollars over the span of 10 years, investing into its “Nestlé Cocoa Plan,” which promotes the building of local schools, environmental sustainability, and the elimination of child labor in the cocoa industry explicitly.¹²³ Despite this, without public recognition, and genuine and persistent efforts by local governments to acknowledge the issue of child labor, as well as more extensive monitoring by the corporations sourcing their cocoa from these plantations, this dire situation will continue.

Conclusion

This section sought to display the actual discrepancy between recognition of specific instances of labor trafficking (in this case, migration into the United States and child labor in the cocoa industry in the Ivory Coast) and real efforts by stakeholders to tackle the situations. By no means are we attempting to put workers of the U.S. Customs and Border Protection at fault for the extensive labor trafficking industry in the United States. Rather, we are highlighting vital

¹²⁰ "Human Trafficking." U.S. Customs and Border Protection. Accessed February 15, 2015. <http://www.cbp.gov/border-security/human-trafficking>.

¹²¹ "Chocolate's Child Slaves." The CNN Freedom Project Ending ModernDay Slavery RSS. Accessed February 15, 2015. <http://thecnnfreedomproject.blogs.cnn.com/category/chocolates-child-slaves/>.

¹²² *Cocoa-nomics*. Performed by Richard Quest. United States: CNN Freedom Project, 2014. Film.

¹²³ Ibid.

instances in which persons with the power to aid victims should do so to the fullest extent.

Through the consistent increase in awareness of issues of labor trafficking both domestically and abroad, it is our hope that such awareness can lead to better identification of victims, particularly in these recognized opportunities.

Overall Costs to Victimized Individuals and Host Societies

By Akhmed Shukurov

From the physical and psychological trauma and abuse, to the economic and social implications of unabated crime, the impact of labor trafficking on individuals and society is both destructive and detrimental on a domestic and international scale.¹²⁴ Labor trafficking is one of the largest sources of illegal income in the world and can provide companies seeking to cut corners with large monetary benefits. It is a booming global business that generates various costs not only to victims, but also to society, governments, and the environment as a whole.

With this in mind, the first part of this section will analyze the cost of labor trafficking to the individual, primarily in terms of the demand of human rights. This includes, but is not limited to, wage theft, access to education, and health-care. The second part will look at the broader social implications of labor trafficking in host countries and the demand for social services and environmental protection.

¹²⁴ "An Introduction to Human Trafficking: Vulnerability, Impact and Action." Unodc.org. January 1, 2008. Accessed January 29, 2015. http://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf.

Violation of Human rights

When a particular individual is deprived of his or her legal rights in a foreign country, there is very little choice but to abide by the demands of the employer. This is due to the fact that the majority of trafficked individuals are simply unfamiliar with the legal rights associated with their host country. One of the main barriers preventing victims from knowing these rights is a lack of fluency in the local language.¹²⁵ Not being able to express themselves, victimized individuals have nowhere to turn for guidance or support. Furthermore, if victims do attempt to complain, they risk losing their job and may even be threatened with deportation. Many have no choice but to either escape their working conditions, without any knowledge of local geography, or to comply with the requirements of their employer, many of who make promises they have no intention of keeping. Promised amenities include, but are not limited to, fair pay, bonuses, proper housing, and transportation to and from work.

While language does prove to be an important barrier, one recent case study in Georgia, entitled *Importing Foreign Teachers in DeKalb and Other Places*, emphasizes the fact that even the most literate migrant workers may be subjected to labor trafficking. According to the article, “Georgian school districts have spent at least \$52.5 million since 2010 importing foreign math, science, and special education teachers.”¹²⁶ Begum was one such teacher, brought from India, who was subjected to severe labor rights violations. She was given no pension, no tenure, and if she wanted to take a sick day, the cost of the substitute teacher came out of her pocket. Begum, along with other teachers, was further deprived of her most basic human rights by having her documents taken away and was also susceptible to emotional abuse on a daily basis.

Unfortunately, the transparency of Begum’s working conditions in the school district is limited,

¹²⁵ Ibid.

¹²⁶ He quoted something from the case study but didn’t cite it? But it should go here....

even within the case study. However, local human rights groups say “the practice comes close to labor trafficking and treats teachers like a commodity.”¹²⁷

It is evident that labor trafficking represents a restriction on human freedom, a violation of human rights, and acts contrary to “positive social mobility” or “human development”, as defined by the ILO and the United Nations Development Programme (UNDP).¹²⁸ Victims of labor trafficking often end up spending copious amounts of money for their mere survival rather than earning income and saving for a better life. In Begum’s case, instead of being able to earn money to send back home to her children, she was forced to pay for all of her own expenses out of pocket and was eventually left penniless. Begum’s case, however, is not uncommon in the realm of labor trafficking and exemplifies the extent to which some employers will go to suppress workers’ basic human rights.

Education

In addition to language fluency, traffickers tend to target vulnerable populations characterized by high rates of illiteracy and low rates of social mobility and economic opportunity. According to the 2014 ILO survey, just “being literate leads to a maximum 1.15 percentage point decrease in the probability of household members being in forced labor.”¹²⁹ The level of education an individual receives can, and more than often does, affect the likelihood of whether they will fall victim to labor trafficking. With a basic education and an average level of literacy, workers, in most instances, can enhance their bargaining power and prevent themselves

¹²⁷ Ibid.

¹²⁸ Bohning, W. R. “Gaps in Basic Workers’ Rights: Measuring International Adherence to and Implementation of the Organization’s Values With Public.” ILO Data, May 2003. Accessed January 31, 2015.

¹²⁹ Ibid

from becoming victims of labor trafficking. However, as Begum’s case illustrates, being literate does not make one immune from falling victim to labor trafficking.

While Begum was denied her human rights, the situation is often more tragic for uneducated, illiterate families operating domestically and abroad. More so, when parents are engaged in forced labor, the level of vulnerability for their children increases exponentially. In Guatemala, in 2012, “17.95% of employed children had guardians who were considered to be in forced labor.”¹³⁰ In addition to being robbed of the few educational opportunities available, trafficked children are forced to follow in the footsteps of their parents as the cycle of debt and coercion continues over generations.

Thus, it is crucial that workers from less literate professions, or those who have migrated from foreign countries, receive the proper educational training to not only understand their rights as workers, but to further empower them to recognize when such rights are being abused, and to enable them to help their children escape the cycle of poverty.

Healthcare

Victims of involuntary servitude and other forms of labor trafficking are not only denied basic human rights, but further suffer from a variety of physical and mental health problems. According to the fact sheet provided by the Office of Refugee Resettlement, victims of labor trafficking exhibit symptoms “...such as scars, headaches, hearing loss, cardiovascular/respiratory problems, limb amputation, chronic back and visual problems.”¹³¹ In addition to physical abuses, psychiatrists have documented that continuous captivity can also

¹³⁰ Ibid.

¹³¹“FACT SHEET: LABOR TRAFFICKING (English).” FACT SHEET: LABOR TRAFFICKING (English). August 6, 2012. Accessed February 1, 2015.

cause intense psychological trauma.¹³² This psychological distress is often catalyzed by the sense of terror and utter helplessness that comes when employers threaten victims of trafficking and their families. Traffickers and employers of trafficked persons will often isolate workers away from any source of information, emotional support, or material aid in order to achieve complete control over the victims.¹³³

On the availability of other services, while there have been some improvements in resource availability for providing better care to victims, specialized and rehabilitative housing is still a substantial need.¹³⁴ Also, with the number of victims increasing, “it has an effect on the social dimension, as the victims in one way or the other need assistance from the health sector.”¹³⁵ Recent studies show that these victims are often placed in homeless or domestic violence shelters, which, while helpful, are not fully equipped to meet the unique needs of labor trafficking victims. The establishment and maintenance of rehabilitation facilities, however, is costly. The Organization for Economic Co-operation and Development (OECD) estimates, “the United States spends about \$7,910 on health per person yearly.”¹³⁶ This includes public health and administration, pharmaceuticals and medical goods, ambulatory health care, hospitals/nursing homes, and other health related expenditures.

According to the enclosed table, an individual’s average expenditure on health related services is substantially higher in the United States, in all categories of care, as compared to Switzerland, Canada, Germany, France, and Japan. This means that, in the U.S. especially, it is very costly for victims who have been trafficked and/or exploited to acquire health assistance.

¹³² Shigekane, Rachel. "Rehabilitatin and Community Integration of Trafficking Survivors in the United States." Human Rights Quarterly. January 1, 2007. Accessed February 12, 2015, pg. 118
http://www.girlsthinktank.org/sites/default/files/Research_trafficking-rs-hrq.pdf.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Malinowski, Radoslaw. “Can We Afford to Tolerate Human Trafficking in Our Society?” Mafro.org. Accessed January 30, 2015.

¹³⁶ "OECD Health Statistics 2014 - OECD." OECD Health Statistics 2014 - OECD. January 1, 2014. Accessed February 15, 2015. <http://www.oecd.org/els/health-systems/health-data.htm>.

Similarly, it is also costly for healthcare providers when victims cannot afford their care and are forced apply for waivers and special programs for low-income individuals.

US health spending is much greater for all categories of care, particularly for ambulatory care and administration cost
2010 (or latest year available)

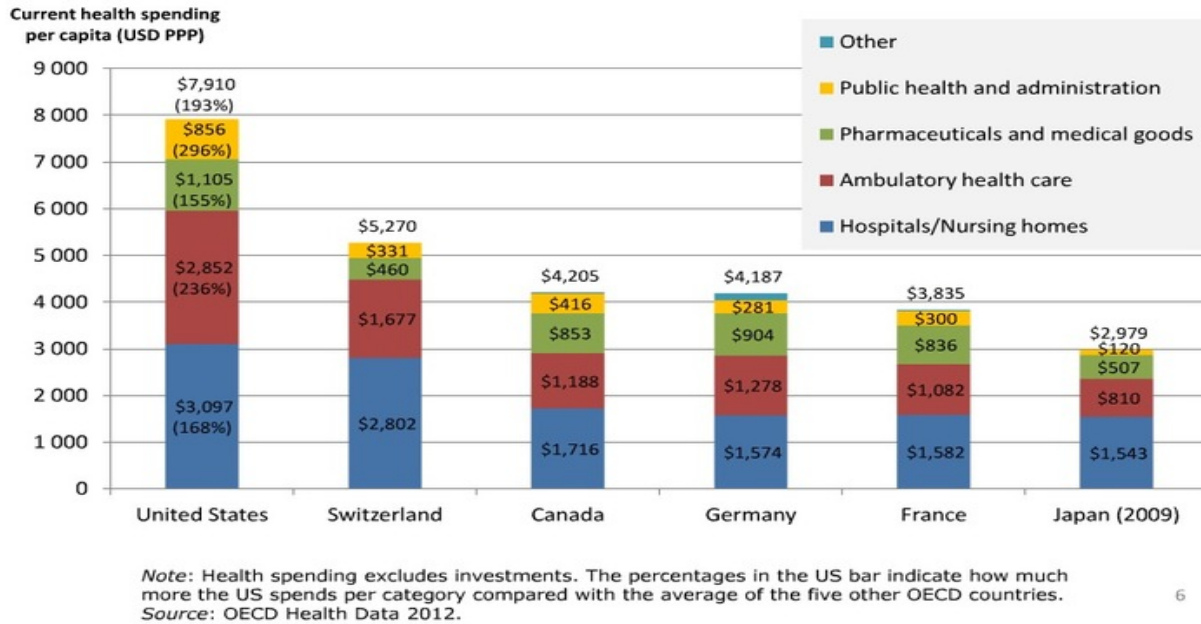


Figure 11: Table 1: OECD Health Data 2012.

Other expenses include, but are not limited to, food, shelter, clothing, and transportation.¹³⁷ Ultimately, the health spending of an average person living in the United States represents a huge financial obstacle to individuals, especially those who have been exposed to labor violations and/or labor trafficking. Therefore, in congruence with the data provided, this section argues that it is actually less costly for the government to eliminate labor trafficking than it is to spend money on addressing the aftermath of the issue.

Before victims reach any rehabilitation facilities and are able to use any of the available resources, they must be properly identified first. With the successful identification of victims, government agencies and social programs could use their resources more efficiently to help

¹³⁷ Ibid.

individuals obtain support and assistance that may help them to rebuild their lives as survivors. In the United States, for example, the U.S. Department of Health and Human Services (HHS) “enables trafficking victims who are non-U.S. citizens to receive federally funded benefits and services.”¹³⁸ However, while there exists some avenues for victims to access benefits and services (food, health care, employment assistance, etc...) the majority of victims are not aware of such programs and services. This is due to the fact that most workers are confined within their work zones and, more importantly, are often suspicious of government assistance as many migrant workers fear deportation.¹³⁹

Cost to the Individual

In addition to a lack of access to healthcare and other services, many victims of labor trafficking also suffer from wage insecurity and theft. Victims often lose much of their earnings due to wage retention, debt repayments, and underpayment of wages. In Seattle, Washington, in June of 2014, a former restaurant employee, Fernando Moreno Ruiz, “was owed more than 5,500 USD in back wages.”¹⁴⁰ Rather than being compensated for his time and labor, the owner decided to increase the restaurant’s total profits by cutting the employees’ paychecks. Being denied a basic wage, Ruiz and his fellow co-workers were unable to pay rent, electricity, and other expenses that were vital to their everyday well-being. Figure 12 illustrates the expenses of a full-time minimum wage earner in King County. According to the table, a minimum wage of \$10.54 per hour is an income that is barely enough to cover housing, food, transportation, healthcare, taxes, childcare, and other necessities. This monetary compensation is scarcely

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Abramo, Allegra. "Will Wage Theft Derail Seattle's \$15 Wage Minimum Wage Law?" *Seattle News*, August 26, 2014. Accessed February 13, 2015. <http://www.seattleweekly.com/news/954368-129/will-wage-theft-derail-seattles-15>.

enough to survive, and on top of this, trafficked workers most often make far less than the average minimum wage,

Type of Expenses	Cost of Expenses	
Housing	945.44	<p>Many exploitative employers not only fail to meet the state’s minimum wage and underpay their employees, but some do not pay their employees at all.¹⁴¹ Additionally, trafficked victims rarely, if ever, receive overtime pay. They are often forced to work off the clock, are fined large sums for their occasional “bad behavior,” and do not receive legally required breaks.</p> <p>Beyond Seattle, the National Employment Law Project released a report in 2009 claiming that, “Nearly 7 in 10 workers in</p>
Childcare	depends	
Food	280.58	
Transportation	99.00	
Health Care	113.11	
Miscellaneous	143.81	
Taxes	267.98	
	=	
Total Expenses:	1,849.92	
Total Income:	1,850.00	
Difference:	+ \$.08	

Figure 12: Monthly Income & Expenses: Average King Country Worker i.e. Self Sufficiency Standards based on minimum wage (\$10.54 p/h), in Seattle.

Chicago, New York, and Los Angeles had experienced at least one wage-related

violation.”¹⁴² This means that the labor trafficking industry continues to make huge sums of illegal profit through various workspace violations.

¹⁴¹ Ibid.

¹⁴² Bernhardt, Annette, Nik Theodore, and Victor Narro. "Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities." National Employment Law Project. January 1, 2009. Accessed February 14, 2015, pg. 49-51, <http://www.nelp.org/page/-/brokenlaws/BrokenLawsReport2009.pdf?nocdn=1>.



Failure to receive minimum wage and overtime pushes victims of labor trafficking to consider drastic measures to escape their working conditions. There are also social consequences – such as increased homelessness and unemployment – impacting the overall economy of the host country. It is evident then that until trafficked workers understand and have access to their legal rights, the issue of wage theft and the subsequent flow of illegal profits will continue.

Societal costs

Forced labor also has its own unique effect on society as a whole. Traffickers often use their profits “to sponsor other criminal activities like drug trafficking or illegal arms trade.”¹⁴³ While victims of labor trafficking generate substantial amounts of wealth over the course of their employment, they are neither paid for the work they do nor do they have any money set aside for their future retirement. Because most victims get paid under the table, their employers make fake social security cards and avoid having the workforce pay taxes. Accordingly, there is no contribution to income tax, social security, or health security funds made by most of these victims. Thus, if victims of labor trafficking lose their jobs, they have to rely on community welfare systems that they themselves have not been able to contribute to. According to the 2012 International Labor Organization survey, the total cost of forced labor to society in the United States, together with the EU, is 20.7 billion USD per year, while the global cost of forced labor is estimated at 51.2 billion USD.¹⁴⁴ These estimates include only domestic and non-domestic labor, excluding a large portion of forced sexual exploitation. In other words, labor trafficking is an economic, social, and political burden on both the individual victim, as well as the greater society.

¹⁴³ Ibid.

¹⁴⁴ “Profits and Poverty: The Economics of Forced Labour.” ILO.org. January 1, 2014. Accessed January 30, 2015. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf.

Environmental Degradation

As discussed earlier, globalization and, more specifically, the move to de-regulate international trade in the last few decades, has enabled big businesses to expand their factories overseas in search for lower costs and a greater, cheaper workforce.

According to a recent report on a Bangladeshi tannery, the environmental and public health related consequences of industrial chemicals produced by the tannery have been devastating to local populations.¹⁴⁵ This is due to the fact that big businesses, like the Bangladeshi tannery, are powerful enough to exploit hundreds of thousands of workers, enabling them to generate a plethora of hazardous chemicals without any accountability.

Cheap labor supplies, and the consequential labor violations that naturally follow, have helped Bangladeshi leather exporters become “billion dollar a year” industries.¹⁴⁶ As stated before, in 2012 alone, the ILO estimated that the “total illegal profits obtained from the use of forced labour worldwide amounted to \$150.2 USD billion per year”¹⁴⁷

Big businesses, who use their economic and political influence to violate labor laws, are more likely to further violate environmental laws in order to cut corners with often costly environmental standards. In the case of the Bangladesh Tannery, when the chemicals are processed and converted into waste, they are washed out through internal pipelines into big drains that eventually pour out into nearby rivers.¹⁴⁸ On average, billion dollar businesses like the Bangladesh Tannery discharge roughly “50-60 thousands liters of waste a day.”¹⁴⁹ This correlation between businesses trying to save money on labor and those trying to save money on

¹⁴⁵ "Bangladesh Tannery Workers Pay High Price for Cheap Fashion | Al Jazeera America." Toxic Leather: Bangladesh Tanneries Exposed. February 2, 2015. Accessed February 2, 2015. <http://america.aljazeera.com/articles/2015/2/2/bangladesh-tannery-workers-drowning-in-poverty-and-chemicals.html>.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

waste management and other chemicals, exposes another crucial cost to society: degradation of the environment.

Conclusion

As this section has clearly shown, the impact of labor trafficking is reflected in various areas and on multiple levels of society. Labor trafficking generates costs to the victimized individual by denying their rights for equal pay, education, and healthcare while further generating costs to the government by forcing them to spend money on the establishment and maintenance of rehabilitation centers, emergency rooms, welfare systems, and hospitals.

The existence of foreign and domestic businesses that are associated with labor trafficking also puts substantial pressure on societal costs as they pollute the physical environment, catalyzing exponential and immeasurable ecological costs to future generations. Thus, in conclusion, while labor trafficking continues to exist and thrive around the world, there is no avoiding the substantial social, political, and economic costs on both the individual and societal level.

Chapter Conclusion

The purpose of this chapter was to inform the reader of the vast scope of labor trafficking – the various ways in which it manifests itself and the impact it has on the world both directly and indirectly. We examined the core and peripheral embodiments of labor trafficking and instances in which victims may not even recognize the severity or illegality of their situations. Secondly, this chapter analyzed previously identified instances in which victims of labor trafficking are most likely to receive aid from stakeholders – namely during the migration

process – and the issue of corporate and governmental recognition of labor trafficking (specifically child labor) and legitimate action to improve the situation. With time, our definition of labor trafficking should be altered into an even more comprehensive definition that has better coverage and sensitivity towards the variability of victims’ situations. This includes directly referencing the peripheral forms of labor trafficking, including wage theft, psychological manipulation, emotional abuse, unrealistic costs for employees to perform their jobs, unhygienic environments, and the denial of medical aid and sick leave (among others).

The negative effects caused by labor trafficking have a much wider scope than many realize. Victimized individuals suffer from physical abuse and mental trauma. They have no job or wage security, lack access to healthcare and have no legal resources. The costs to society are extremely high as the establishment and maintenance of various healthcare and rehabilitation centers for trafficked victims is not cheap. Victims may also face long-term stress and discomfort. Aside from costs to individuals and governments, the labor trafficking industry pollutes our environment on a daily basis without any accountability for the damage. There must be measures taken to reduce the various costs and implications caused by labor trafficking, and in order to do this, laws and legislation need to be analyzed to find the loopholes in our legal system.

Chapter 3

Legislation and Laws: Creating Comprehensive Anti-Labor Trafficking Laws

By Lissan Tibebe & Rocio Nureña

Within the United States, there has been a lack of comprehensive laws, legislations, and other legal actions concerning the perpetrators of labor trafficking and the protection of the victims. The majority of the focus on human trafficking has been towards sex trafficking and therefore labor trafficking does not receive the legal attention it deserves. Although there are laws and legislation in place to protect victims, there are many gaps and loopholes that fail to fully protect their rights. Thus, these need to be revised in order to better serve and protect the needs of the victims.

Victims of labor trafficking can come from either domestic or international populations. The most vulnerable victims are children and immigrants, whether they are documented or undocumented workers. The language barriers, desire for better opportunities, and their citizenship status are major factors in what makes immigrants vulnerable to labor trafficking.

Labor trafficking in the United States is prominent across many different industries. The use of labor trafficking by businesses allows many benefits for employers. They are able to gain employees whom they can exploit, and generally, the workers are not even aware because they lack knowledge of their labor rights. It is in this situation that we see the importance of comprehensive laws and legislations in combating the complex labor trafficking industry. The ways in which we need to find legal avenues in the realm of victim safety and protection for native, foreign, documented, and undocumented populations is pivotal in ending forced labor.

This chapter will cover different aspects of laws and legislation beginning with the history in the United States, and more specifically Washington State, the gaps and loopholes within these laws and legislations, and will then take a further look at legal actions taken in order to create clean supply chains nationally and internationally.

After this assessment, the chapter will move towards analyzing the difficulties in creating and implementing laws and legislations by examining immigration and the vulnerability it brings for labor trafficking, the legal protection and resources opportunities. Lastly, we will compare the successes and failures of self-regulation and government regulation.

A Look at the History of Labor Trafficking Laws and National and International Clean Supply Chain Policies

By Lissan Tibebe

In the arena of human trafficking, laws and legislations play an important role in the protection of victims, the persecution of traffickers, and the prevention of trafficking. The fact that human trafficking is an underground industry poses an even greater challenge for governments to be able to create policies that are easily accessible to those who are being trafficked. Labor trafficking is tied to many different corporations and industries around the world which makes it difficult to penalize unethical business practices. This is due to the fact that different governments and laws have to be considered before any action can be taken against traffickers. Considering this, it is evident how difficult it is for policy makers to create comprehensive legislation at the federal, or even the state level. Labor trafficking is an issue that has no borders and affects populations all over the world.

Although there has been increased focus on labor trafficking in recent years, there is still a lack of laws and legislation in place to prevent it and punish those capitalizing on the exploitation of workers in the form of labor trafficking. This section will focus on laws and legislation at the federal and state level, in order to determine their effectiveness and execution since their implementation. In order to create future legislation in Washington, this section will examine the gaps and loopholes within these laws, while also looking at national and international administration of legislation for cleaner supply chains.

Federal Law

The 1990's were a turning point for legislation aimed at labor trafficking in the United States. A 1995 raid in El Monte, California displayed the gruesome reality of labor trafficking in the U.S. to the public. The discovery of 72 Thai garment workers, who were promised jobs in the U.S., showed that these workers were placed under conditions that mimicked slave labor. The trafficked victims arrived and soon realized they had been exploited and were forced to work 18 hour days, receive wages of less than 60 cents an hour, while being detained on a compound. If they chose to disobey, they and their families were threatened.¹⁵⁰

Then in 1997, over 60 deaf-mute Mexican workers, once again lured by the promise of a good job, were found to be forced to work 12 to 18 hour days, seven days a week, peddling trinkets in the New York City subway, while also being subjected to sexual and physical abuse.¹⁵¹ Although labor trafficking was present long before the 1990's, these two high-profile cases showed the general American public that labor trafficking was not an issue external to the

¹⁵⁰ Mary Catherine Hendrix, "Enforcing the US trafficking victims protection act in emerging markets: The challenge of affecting change in India and China." *Cornell Int'l LJ* 43 (2010): 183.

¹⁵¹ Mary Catherine Hendrix, "Enforcing the US trafficking victims protection act in emerging markets: The challenge of affecting change in India and China." *Cornell Int'l LJ* 43 (2010): 183-184.

U.S., but was happening in their own backyard. This realization pushed policy makers, at a federal level, as well as at the state level, to address and fight the issue of human trafficking as a whole, and work towards eradicating labor trafficking worldwide.

In 2000, President Bill Clinton, signed the Trafficking Victims Protection Act (TVPA) which had the goal, “to ensure just and effective punishment of traffickers, and to protect their victims.”¹⁵² “More than a century after slavery was outlawed, the TVPA represents a renewal of political action aimed at detecting and deterring modern slavery in the US.”¹⁵³ The TVPA was created following the “three P’s; structure of protection of trafficking victims, prosecution of those persons trafficking in human beings, and prevention of human trafficking.”¹⁵⁴ The TVPA established human trafficking as a federal offense and created the office to Monitor and Combat Trafficking in Persons. This office is required to annually publish the Trafficking in Person Report (TIP), which “describes and ranks the efforts of countries to combat human trafficking.”¹⁵⁵

Through the TIP reports, countries were distinguished into three different categories, Tier 1, 2, and 3. These categorizations are based on each country’s efforts to abide by the “minimum standards for the elimination of trafficking.”¹⁵⁶ Since no single country is able to instantly eliminate trafficking, the tier system categorizes the countries that completely follow the TVPA minimum standards for the elimination in Tier 1. Following that is Tier 2 which holds countries that have not fully complied with the standards but are seen to be making significant effort to reach the criteria. Lastly, Tier 3 includes countries that do not follow TVPA minimum standards

¹⁵² U.S. Department of State, Victims of Trafficking and violence Protection Act 2000. (Washington DC: United States Government Printing Office 2000). 4.

¹⁵³ Ben Atkins, Nathan R Moran, Robert D Hanser, “Human Smuggling and the International Sex Trade: An Evaluation of the Trafficking Victims Protection Act.” *Journal of Sociology Study* (2013): 27.

¹⁵⁴ Mary Catherine Hendrix, "Enforcing the US trafficking victims protection act in emerging markets: The challenge of affecting change in India and China." *Cornell Int'l LJ* 43 (2010): 184.

¹⁵⁵ “Current Federal Laws” Polaris.

¹⁵⁶ “Trafficking in Persons Report.” U.S. Department of State.

and are not showing any attempts in doing so.¹⁵⁷ Along with the classification tier system, there are also penalties for countries in the last tier. Tier 3 countries are subject to being sanctioned. “The U.S. government may withhold or withdraw non-humanitarian, non-trade-related foreign Assistance,” and there may be opposition to these countries from financial institutions such as the World Bank.¹⁵⁸

The TVPA has been reauthorized several times under the new name the Trafficking Victims Protection Reauthorization Act (TVPRA). The first reauthorization was in 2003, then again in 2005, in 2008, and lastly in 2013.

Although changes were made to the TVPRA concerning human trafficking as a whole, the only change made within the four reauthorizations that pertains specifically to labor trafficking was in 2008. In 2008, a condition was added that required all people applying for work or education-based visas to receive information on worker’s rights from the U.S.¹⁵⁹ The TVPA and its ratifications have taken big steps towards combating human trafficking, but since there is a lack of knowledge on labor trafficking as a subcategory of human trafficking, the majority of the changes have been directed towards sex trafficking. Thus, although we have seen improvements, it is clear that there is a long way to go within the legal system in order to fully combat labor trafficking.

¹⁵⁷ “Definitions and Methodology.” U.S. Department of State

¹⁵⁸ “Definitions and Methodology.” U.S. Department of State

¹⁵⁹ “Current Federal Laws” Polaris

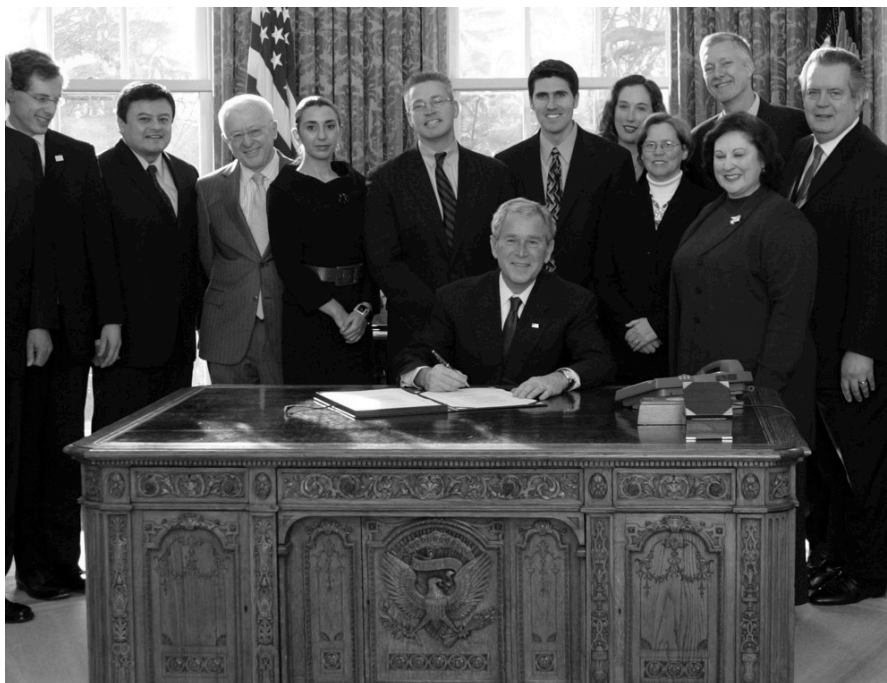


Figure 13: Activist and former President George Bush at the 2008 TVPRA signing¹⁶⁰

Prior to the signing of the TVPA, there was the Tariff Act of 1930, which prohibited the importation of goods, and merchandise that used forced or indentured labor, either wholly or partially.¹⁶¹ The 1930 Tariff Act was then amended in 2009 adding several more guidelines that referred to the importation of goods and services that used forced or indentured labor at any point in the production process. Within the 2009 Customs & Facilitation and Trade Enforcement Act, the definition of what forced labor or indentured servitude meant became more specific to adhere to the definition of labor trafficking in the TVPA of 2000. It also created penalties for companies who imported goods and merchandise made through forced labor and encouraged more supervision, international partnership, and reporting to ensure goods and merchandise made through the use of forced labor or indentured servitude would not be imported.¹⁶² The legal attention towards labor trafficking can be viewed as improving slowly through the introduction

¹⁶⁰ “TVPRA Ten Year Anniversary” North Star Blog.

¹⁶¹ “19 U.S. Code § 1307 - Convict-made goods; importation prohibited,” Cornell University Law School.

¹⁶² US Department of Homeland Security, The Customs Facilitation and Trade Enforcement Reauthorization Act of 2009 Section-by-Section Analysis of S. 1631 (Washington DC: United States Government Printing Office, 2009), 23.

of penalties and the push to create an international partnership, not only from a domestic perspective, but also from an international aspect through import and export management. Yet, there are still many areas that are vague or indirect that continues to allow labor trafficking to happen.

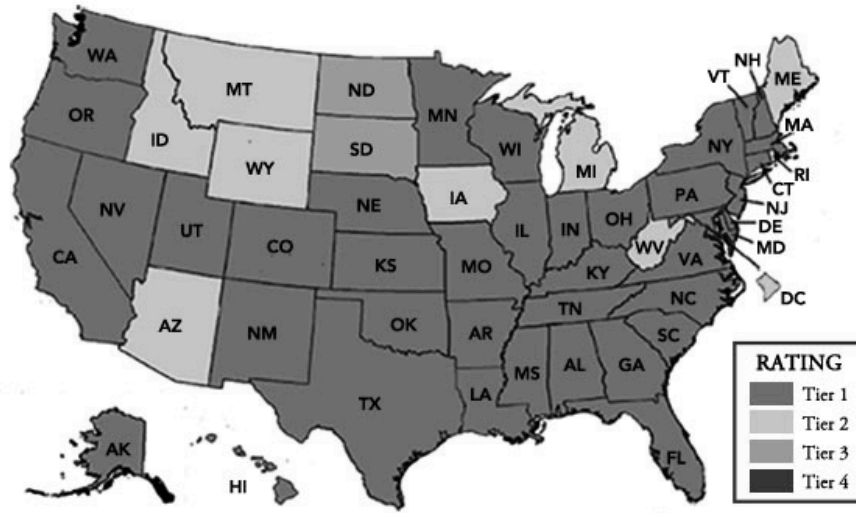
Washington State Law

Though there are overarching federal laws pertaining to labor trafficking, each state has the ability to adopt and shape them in order to better fit its needs and benefits. Washington State, in particular, has always been a leader in combating trafficking. In 2013, it was listed as second, behind New Jersey, in the top ten states with the strongest laws against human trafficking¹⁶³ and has been able to keep that position in the 2014 Polaris Projects State Ratings on Human Trafficking laws as shown below.¹⁶⁴

¹⁶³ Jessica Prois, “New Human Trafficking Laws Now Passed In 39 U.S. States: Report,” Huffington Post, July, 10, 2014.

¹⁶⁴ “2014 State Ratings on Human Trafficking Laws” Polaris.

Polaris Freedom happens now. **2014 STATE RATINGS ON HUMAN TRAFFICKING LAWS**



Perfect Score
 All categories passed
 Delaware
 New Jersey
 Washington state

Most Improved Since 2013
 Delaware (+8)
 New Hampshire (+4.5)
 Colorado (+4)
 Pennsylvania (+4)
 Utah (+4)

Figure 14

Polaris Project State ratings on human trafficking laws. Washington is one of three states that received a perfect score, meaning that the state has laws fulfilling each of the 10 categories they are judged upon. States are judged on having statutes categories ranging from sex and labor trafficking laws to training law enforcement and victim assistance statutes.

In 2003, the introduction of Bill HB 1175 established human trafficking crimes as Class A felonies in the state of Washington. It also expanded “the definition of criminal profiteering to

include the crime of trafficking.”¹⁶⁵ HB 1175 made Washington the first state in the U.S. “to criminalize trafficking and specify criminal and civil penalties.”¹⁶⁶

Washington once more became a pioneer in state policies by introducing legislation regarding the education of business officials and employees about labor trafficking. In 2009, Bill SB 5850 was enacted demanding domestic employers and international recruiters of foreign laborers, “to disclose federal and state labor laws to employees and required health professionals be provided with information to help identify human trafficking victims.”¹⁶⁷ A year later, in 2010, SB 6332 was enacted amending SB 5850 by requiring federal and state laws to be shared with native workers, along with the already required foreign workers. It also included the addition of penalties that holds the employer or recruiter, who failed to follow this law, liable in court to the foreign worker.¹⁶⁸

In 2014, SSB 6339, focusing primarily on domestic servitude, was passed. SSB 6339 classified the act of coercing someone into domestic servitude, whether or not benefits or payment are offered for the coerced labor, as a Class C felony in Washington State.¹⁶⁹ Since domestic servitude is a highly hidden subcategory of labor trafficking, this law showed that although there is much difficulty in finding victims of domestic servitude, they are not forgotten and there is punishment to those who exploit them.

Washington plays a leading role in the fight against human trafficking; however, of the more than thirty bills that have been passed in Washington from 2002 until 2014 regarding human trafficking, roughly only ten pertain to labor trafficking.¹⁷⁰ Since the majority of focus on human trafficking is geared towards sex trafficking, labor trafficking laws are not as

¹⁶⁵ House Bill 1175 (2003). Washington State Legislature.

¹⁶⁶ House Bill 1175 (2003). Washington State Legislature.

¹⁶⁷ Senate Bill 5850 (2009). Washington State Legislature.

¹⁶⁸ Senate Bill 6332 (2010). Washington State Legislature.

¹⁶⁹ Substitute Senate Bill 6339 (2014). Washington State Legislature.

¹⁷⁰ Washington State Legislature

comprehensive and robust as they could be. Even though Washington holds a well-known position in the fight against human trafficking and has a number of bills and laws in place to decrease its prominence in the state, there needs to be more attention geared towards victims of labor trafficking in order to stop human trafficking as a whole.

Gaps and Loopholes

There has been much progress at the federal and state level in combating labor trafficking. Existing legislations, task forces, bills, and laws that have been developed in an attempt to put an end to the forced labor industry address the prevention of labor trafficking. Still, within federal laws, such as the TVPA, and state laws throughout Washington, the rules are not fully comprehensive and have gaps and loopholes that can be used to evade the law. Over the years, many critics have come out to speak of the areas that are left uncovered by these laws, and the consequences that can come from the lack of comprehensiveness. It is here that we are able to analyze whether there has been significant progress in the fight against labor trafficking since the implementation of those laws and further understand what modifications should be made that can help better serve victims.

Since its enactment in 2000, the TVPA had been reauthorized a few times, each time adding more regulations in order to better challenge the practice of human trafficking and to better help serve victims of trafficking. Yet, there are many factors of the TVPA that lack comprehensiveness. Defining is a main issue concerned with human trafficking as a whole. The vague and incomprehensive definitions of human trafficking invite situations where different interpretation can be made, depending on the situational context. “The line distinguishing force and coercion from voluntariness is vague; thus interpretation of the TVPA is often subject to the

interpretation of the law enforcement officials who may have their own preconceived notions about the rights and wrongs of certain acts.”¹⁷¹ Without there being a precise, detailed definition in the law, many victims can be denied assistance or protection solely depending on the individual, law enforcement, health professional, or other assistance providers’ personal definition of what they perceive a victim of trafficking to be.

The lack of clear definitions and guidelines of what is classified as labor trafficking, or a victim of labor trafficking, creates difficulties in the process of helping victims and punishing their perpetrators. If each individual who is able to help victims is able to base a victim’s credibility on their own beliefs and personal knowledge, there is a chance that labor trafficking laws will be handled through the lens of bias and discrimination towards victims who are already facing difficulties.

Some critics also believe that the legal system only chooses to help “innocent victims,” who can be seen as victims that are more sentimentally appealing to public. Things such as status or type of trafficking portray them to be more “innocent,” while prosecutors may avoid helping undocumented immigrants and those who may have “voluntarily” come to work, although not knowing they would be trafficked.¹⁷² For example, look at these two cases: a Ukrainian sex worker who was smuggled into the country under false pretenses and an undocumented Mexican fruit picker who is receiving a lower wage than was previously promised. Although both have illegal status, due to the sympathetic reaction that sex trafficking carries with it, the Ukrainian victim would be seen as a more “innocent” victim, while the Mexican victim would not. Since this is a problem that comes from personal bias opinion on what one considers an “innocent”

¹⁷¹ Jennifer A.L. Sheldon-Sherman, “The Missing “P”: Prosecution, Prevention, Protection, and Partnership in the Trafficking Victims Protection Act.” *Penn State Law Review* 117:2 (2012): 462.

¹⁷² Jennifer A.L. Sheldon-Sherman, “The Missing “P”: Prosecution, Prevention, Protection, and Partnership in the Trafficking Victims Protection Act.” *Penn State Law Review* 117:2 (2012): 458

victim, steps need to be taken in order to prevent discrimination within the legal system beginning with a solid, well-rounded definition of what human trafficking is.

Another major concern that is seen with the TVPA is that the process seems too much like a “top heavy approach,” meaning that majority of efforts of ending labor trafficking are being focused on at the bureaucratic level and not at the level of the people or civil servants who are more likely to encounter situations of human trafficking.¹⁷³

The TVPA needs to be more focused on the training of law enforcement and health professionals because they are the people who are most acquainted with their communities and the people in them. They are the individuals who will encounter instances of human trafficking more often than a bureaucrat in Washington DC. They need to be educated on how to identify trafficking victims and also understand what they have to do in a situation where trafficking has been encountered.¹⁷⁴ While the people in higher positions should be aware of trafficking and how to assist and identify victims, the same amount of knowledge, if not more, should be taught and passed to policemen and healthcare workers, in clinics where welfare is accepted and who work with low-income populations, who would be more likely to come across the situation. Though the TVPA has made a huge impact in the fight against human trafficking, there are certain areas that are lacking. More attention needs to be put in these areas in the future in order to create comprehensive legislation that can deliver punishment to culprits, human trafficking awareness education to individuals in different disciplines who are at higher risks of encountering a human trafficking situation, and most importantly protection to victims.

¹⁷³ Jennifer A.L. Sheldon-Sherman, “The Missing “P””: Prosecution, Prevention, Protection, and Partnership in the Trafficking Victims Protection Act.” Penn State Law Review 117:2 (2012): 459-460

¹⁷⁴ Jennifer A.L. Sheldon-Sherman, “The Missing “P””: Prosecution, Prevention, Protection, and Partnership in the Trafficking Victims Protection Act.” Penn State Law Review 117:2 (2012): 459-460

National Policy on Clean Supply Chains

An important arena in the scope of labor trafficking is the supply chains within businesses and industries. The supply chain gives businesses the ability to indirectly exploit workers and evade the law or certain aspects of it. One of the main goals for this report is to produce legislation in which Washington State and businesses operating in Washington have clean supply chains and work towards ending labor trafficking. California became the first state in the United States to pass a law regarding clean supply chains for businesses and industries operating within its state borders. By exploring the way California works towards clean supply chains and the regulations they have towards maintaining them, Washington can be able to understand what policies work best, which do not, and which ones can be taken and modified in order to better fit the businesses that are active in Washington.

In September 2010, California became the first state to enact a bill towards clean supply chains. Titled “The California Transparency in Supply Chains Act of 2010,” the bill “requires retail sellers and manufacturers doing business in the state to disclose their efforts to eradicate slavery and human trafficking from their direct supply chains for tangible goods offered for sale, as specified.”¹⁷⁵ The bill only pertains to companies that make over 100 million dollars in worldwide gross receipts annually. The businesses are required to disclose their efforts in maintaining a clean supply chain on their company’s websites. They do this through public posts stating their level of engagement in numerous arenas, such as verification of their supply chain as a whole, audits of supplier in order to assess compliance, self-regulation with employees and contractors, making sure direct suppliers respect the slavery laws in the countries they conduct business in, and lastly, providing those directly working or responsible for the supply chains training on slavery and human rights. In addition to these requirements, a list must be annually

¹⁷⁵ US Department of Labor, California Transparency in Supply Chains Act of 2010, (California 2010), 2.

sent to the attorney general of California of businesses that must adhere to the Transparency Act.

¹⁷⁶ The main idea behind this is to create an atmosphere in which consumers have the ability to know how companies conduct business in relation to human rights and give consumers the power to hold companies responsible for their actions.

Though the objective of the California Transparency in Supply Chain Act of 2010 is a positive step towards ending labor trafficking, there are many flaws within it that need to be evaluated and changed in order to better accommodate Washington State legislation. One of the main dynamics that needs to change is the revenue floor. The 100 million dollar revenue excludes many smaller businesses and corporations that could be using forced labor within their supply chain. The other major flaw in the California Clean Supply Chain Transparency Act is the absence of penalties towards companies using forced labor. The Act only asks of businesses to disclose whether they are using forced labor and what they are doing to combat it if they are, but nothing more.¹⁷⁷ Meaning, if a company were to report that they were doing absolutely nothing to minimize labor trafficking within their supply chain, there would be no action taken against them because they technically did report, “to what extent, if any,” they were working to reduce labor trafficking in their supply chain.¹⁷⁸ Since there is no penalty system put in place within the California Clean Supply Chain Transparency Act, it is clear that the creation, development, and implementation of it was symbolic and will be used as a stepping stone for future legislation. Still, as great as it is that the Act exists, a penalty system is a must when creating similar legislation in Washington in order to guarantee that labor trafficking will be eliminated within the supply chain.

¹⁷⁶ US Department of Labor, California Transparency in Supply Chains Act of 2010, (California 2010), 3.

¹⁷⁷ US Department of Labor, California Transparency in Supply Chains Act of 2010, (California 2010), 3.

¹⁷⁸ US Department of Labor, California Transparency in Supply Chains Act of 2010, (California 2010), 3.

International Policy on Clean Supply Chains

In order to better establish Washington State legislation regarding clean supply chains, it is useful to observe the measures other countries have taken in order to work towards cleaner supply chains. With more people around the world focusing on labor trafficking, many countries have begun to take action in order to stop forced labor within their respective territories. They have started creating policies and legislation that work towards corporate social responsibility (CSR) and cleaner supply chains. By looking at these international preventative measures, along with the California Clean Supply Chain Transparency Act, Washington can pick and choose the areas that can be adopted into legislation and which methods would be most effective in reducing human trafficking in supply chains associated with the state.

Europe

In France, Grenelle 1 Act was enacted in 2009 and Grenelle 2 in 2010. These two acts were built upon the New Economic Regulations (NRE) Act of 2001, which promoted CSR and socially responsible investments (SRI) within the private sector by requiring companies to annually, “report about the measures taken to account for social and environmental impacts of their activities.”¹⁷⁹ The Grenelle Acts 1 and 2, following the same idea as the NRE Act, asked companies to annually report, “on how they take into account the social and environmental consequences of [their] activity and [their] social commitments in favour of sustainable development.”¹⁸⁰ The Grenelle Acts took the NRE component of CSR reporting and further asked companies to not only explain what measures they will take in taking accountability of

¹⁷⁹ Ministère des Affaires Etrangères, The French legislation on extra-financial reporting : built on consensus, (Office of the Ambassador at large for Corporate Social Responsibility 2012), 1.

¹⁸⁰ Ministère des Affaires Etrangères, The French legislation on extra-financial reporting : built on consensus, (Office of the Ambassador at large for Corporate Social Responsibility 2012), 4.

their social and environmental consequences, but how they will take those measures. These acts allow companies to report on what they deem to be relevant topics that concern their businesses.¹⁸¹ Though this may be problematic because businesses can avoid speaking on human rights issues, including labor trafficking, the acts create an alternative outlet to companies that choose to exclude certain topics. For every topic companies choose to omit within their annual report, they must include an explanation as to why they chose not to include that certain topic, which then is evaluated by an independent auditor who gives their opinion on the explanations.¹⁸²

A similar set-up occurs in Denmark under the Denmark Financial Statements Act. They have a legal requirement for companies to include a CSR report, or state that they do not have a CSR policy, with their annual management reviews.¹⁸³ Unlike France, Danish companies do not have a set list of topics they must report on, allowing them the freedom to decide which topics they view as most important for their company.¹⁸⁴ This, again, can create issues because it allows companies to avoid reporting on topics such as labor trafficking in the supply chain. If companies are avoiding the topic of labor trafficking in their reports, it is easier to get away with because, also unlike France, companies are not required to provide explanations for topics they do not cover.

¹⁸¹ Ministère des Affaires Etrangères, The French legislation on extra-financial reporting : built on consensus, (Office of the Ambassador at large for Corporate Social Responsibility 2012), 4.

¹⁸² Ministère des Affaires Etrangères, The French legislation on extra-financial reporting : built on consensus, (Office of the Ambassador at large for Corporate Social Responsibility 2012), 4.

¹⁸³ Danish Business Authority, Corporate Social Responsibility and Reporting in Denmark: Impact of the third year subject to the legal requirements for reporting on CSR in the Danish Financial Statements Act, (Danish Business Authority 2013), 14.

¹⁸⁴ Danish Business Authority, Corporate Social Responsibility and Reporting in Denmark: Impact of the third year subject to the legal requirements for reporting on CSR in the Danish Financial Statements Act, (Danish Business Authority 2013), 17.

South America

In Argentina, a certification program was established through the National Institute of Industrial Technology (INTI), a federal agency that works with over 9,000 companies throughout the country on technology related services.¹⁸⁵ Called the “Certificate of Quality,” the INTI awards these certificates to companies in the textile industry that refrain from using slave labor within their supply chains.¹⁸⁶ The INTI has four phases that include evaluations, audits, and reports that companies must go through and pass in order to receive the certificate.¹⁸⁷ An incentive pushing companies to avoid using forced labor in their supply chains is the rewards system that comes with the distribution of these certificates. Companies that are given this certificate of quality because they show that they have clean supply chains, receive the eligibility to bid on lucrative state textiles such as army clothing.¹⁸⁸ With a rewards system such as this one, companies have more of an incentive to stop using forced labor and work towards having a clean supply chain. Bolivia will soon implement a similar program as Argentina with a certification program called “Triple Seal.” The program, just as in Argentina, is put in place to encourage businesses to follow the country’s labor laws. It will be given to companies that “demonstrate the prohibition of child labour, discrimination, and forced labor across their supply chains.”¹⁸⁹

¹⁸⁵ UN Office of the High Commissioner for Human Rights, Human Trafficking & Global Supply Chains: A Background Paper, (UNHCR 2012), 9.

¹⁸⁶ Human Trafficking & Global Supply Chains (9) UN Office of the High Commissioner for Human Rights, Human Trafficking & Global Supply Chains: A Background Paper, (UNHCR 2012), 9.

¹⁸⁷ “Organismo de Certificación” Instituto Nacional de Tecnología Industrial

¹⁸⁸ UN Office of the High Commissioner for Human Rights, Human Trafficking & Global Supply Chains: A Background Paper, (UNHCR 2012), 9.

¹⁸⁹ UN Office of the High Commissioner for Human Rights, Human Trafficking & Global Supply Chains: A Background Paper, (UNHCR 2012), 9.



Figure 15 Bolivia's Triple Seal Logo¹⁹⁰

Brazil also has a system in place that, through policy action, penalizes companies within the private sector for using forced labor within their supply chains. Established in the mid-1990's by the government, the Dirty List, public records kept by the Ministry of Labour¹⁹¹, “had led to controversial yet seemingly effective name-and-shame strategy towards eliminating slavery from major industries.”¹⁹²

The Dirty List is a strategy that the country uses in order to publicly shame companies, who refuse to sign the National Slave Eradication Pact of 2005 and clean up their supply chains, to the public. These businesses range from large enterprises to smaller businesses, meaning no one is left out of feeling the humiliation from the public eye. Companies put on the Dirty List have to stay on the list for two years, during which they must work towards cleaning their supply

¹⁹⁰ “RSE” Instituto Boliviano de Comercio Exterior

¹⁹¹ UN Office of the High Commissioner for Human Rights, Human Trafficking & Global Supply Chains: A Background Paper, (UNHCR 2012), 8.

¹⁹² Annie Kelly, “Brazil's 'dirty list' names and shames companies involved in slave labour,” The Guardian, July 24, 2013.

chain. Being on the Dirty List, companies “cannot obtain credit from government and private banks and are boycotted by those who have signed up to the pact.¹⁹³” There are many obstacles that companies face once on the Dirty List, and because of this, the companies are forced to reexamine their conduct and practices in order to remove themselves from the Dirty List.

By examining different policies in place in different countries, we are able to see the positive courses of action that should somehow be incorporated into Washington State legislation and the negative aspects, which should be left out. Each of the countries had parts of their policies that can be modified and applied to Washington in order to better fight labor trafficking. With these ideas we can create legislation that can better serve Washington and help decrease, and eventually end, the existence of labor trafficking in the state.

Country	Clean Supply Chain Method
France	CSR Reporting: Businesses are asked to explain to how social and environmental consequences will be taken into account and addressed
Denmark	CSR Reporting: Asked to state CSR policies, how policies are being executed, and achievements made through CSR.
Argentina	Certification: Awarded to companies in the textile industry. Companies that receive this certificate are able to bid on lucrative state textiles.
Bolivia	Certification Program: Awarded to companies that refrain from slave labor and discrimination anywhere in their supply chain
Brazil	Public Shaming: “Dirty List:-Policy action that publicly penalizes the private sector for forced labor with supply chain. Businesses must stay on the list for 2 years where they are unable to receive credit from government or private banks.

Figure 16

It is very clear to see at both a state and federal level, there is still much more that needs to be done to combat labor trafficking. Learning from other states and countries, Washington can create comprehensive legislation that can become an example for other states to follow.

¹⁹³ Annie Kelly, “Brazil’s ‘dirty list’ names and shames companies involved in slave labour,” The Guardian, July 24, 2013.

Following in the footsteps of France and Denmark, legally requiring companies to add CSR reports to their annual reports would also encourage companies to pay attention to their supply chains and the chances of there being labor trafficking within them. Also, techniques such as public shaming, as seen with Brazil's Dirty List, can have a strong impact on companies and pressure them to not only clean up their supply chains, but do so sooner rather than later.

Furthermore, a certification system, similar to those in the South American countries, would be another way that companies can be held responsible, from a public perspective, on their use of labor trafficking in their supply chain.

Still, there are some negative aspects that should be avoided when creating legislation for Washington. Though created with good intentions, the California Clean Supply Chain Transparency Act is completely symbolic. When creating legislation in Washington, there must be penalties that can be enacted in order to ensure that businesses comply and work towards a clean supply chain. By taking these types of methods and incorporating them into a similar act as that of California, Washington will be able to reach a certain level of impactful legislation that can continue to be built upon in the future and one day become fully comprehensive anti-labor trafficking law.

There have been many laws aimed towards ending labor trafficking and cleaning up supply chains recently, but there is still more work to be done in order to better serve the victims. Of course there are many factors that add on to labor trafficking, but policies need to be put in place in order to not only prevent it from starting, but also help those who have the unfortunate fate of being involved in it. By examining the legal difficulties that come into place when serving victims, there are many things to look at such as legal status. We need to look at not only the difficulties that come with victims based on their origin, but also the challenges in

assisting them. We must work towards stopping labor trafficking from happening, but we should also put focus on the current victims of labor trafficking and what can be done in order to better serve the victims.

The Difficulty of Addressing the Issue of Labor Trafficking

By Rocio Nureña

The challenges of addressing the issues of labor trafficking are found in current non-immigrant visa provisions and the delay in addressing a solution for the undocumented population living in the U.S. today. This means that labor trafficking is being fueled in part by U.S. immigration policy, flaws in regulations and protection laws for victims of labor trafficking in Washington State and at the federal level, as well as dealing with the dilemma of self-regulation vs. government legislation in a globalized world where corporations' activities are so broad that regulation is difficult to enforce abroad or can be avoided through subcontracting. Labor trafficking, then, affects vulnerable populations and besides immigrants it can also target homeless people, drug addicts, or low paid workers.

Challenge I: Immigration

A victim of labor trafficking is not only an individual whose labor and human rights have been abused. Said victim could have an irregular immigration status in the U.S., be a victim of domestic violence, may not speak the language, be without family support in the U.S., or may hold a visa tied to an abusive employer. The different circumstances that victims find themselves in make them vulnerable to labor trafficking and unfair working conditions. The individuals who

are most susceptible to labor trafficking can be found in the immigrant community,¹⁹⁴ particularly among the undocumented immigrant populations.¹⁹⁵ This section will outline the legal aspects concerning labor trafficking victims when coming forward about their victimhood and abuse. It will explore laws that may or may not be available to them for protection, such as T and U visas. I will also include comments about the recent deportation relief through executive action that President Obama will give to individuals who had arrived to the U.S. as children, parents of U.S. citizen, and parents of legal permanent residents¹⁹⁶ and the ones left out of this executive action. Moreover, it will discuss laws that offer protection to whistleblowers involved in labor trafficking incidents regardless of their immigration status, and visas H-1B, H-2A, and H-2B that may promote labor trafficking in the U.S.

In order to eliminate the risk of immigrants falling victim to labor trafficking in the U.S. and Washington State, this section will argue for the need to extend legal protection to immigrant victims of labor trafficking at both the federal and state level regardless of legal status, and will suggest amendments to current non-immigrant visas that promote labor trafficking.

Legal workers with non-immigrant visas

Working visas in the U.S. including H-1B, H-2A, and H-2B, generally legally tie workers to one employer,¹⁹⁷ leaving them vulnerable to labor trafficking because of a lack of options. Due to the stipulations of the visas, the workers cannot change employers and their stay in the U.S. is linked to it. This means that the non-immigrant visas they hold are not portable, and this

¹⁹⁴ Seattle Times staff, *With labor suit pending, Paseo's mystery closure hard for fans to stomach*, Seattle Times (Seattle, WA), November 11, 2014. Accessed January 15, 2015,

¹⁹⁵ Zhang, Sheldon X., *Looking for a Hidden Population: Trafficking of Migrant Laborers in San Diego County*, November, 2012; p. 78

¹⁹⁶ Department of Homeland Security. *Executive Actions on Immigration*. Accessed Jan. 13, 2014, <http://www.uscis.gov/immigrationaction>

¹⁹⁷ Hepburn, Stephanie, and Rita J. Simon. 2013. *Human trafficking around the world: hidden in plain sight. Chapter 1, United States*; p. 13-14.

creates problems of its own. U.S. non-immigrant visas create opportunities for labor trafficking and those should be amended in order to end the prospects of labor trafficking in the U.S.

H-1B visas:

H-1B visas are given to high-skilled professional immigrants, who are required to hold at least a bachelor's degree. H-1B visas yearly cap is 65,000 in the U.S. This means that a worker granted an H-1B visa could only work for the employer that sponsored him/her.¹⁹⁸ The American Competitiveness in the Twenty-First Century Act of 2000 allows a change of employers only if the new employer sponsors the immigrant with another H1-B visa.¹⁹⁹ With the visa only being available if there is a sponsored employer, workers are dependent on the employer to obtain the visa and remain in the country; this can foster labor trafficking.

Given the degree of educational attainment required, H-1B visa holders tend to be more aware of their labor rights and may have the ability to avoid being victims of labor trafficking. However, recent discussion on rising or diminishing the cap²⁰⁰ of the H-1B visa shows the lack of knowledge of the negative effects among those non-immigrant workers.²⁰¹ The complaints against H1-B visas have come from native U.S. workers. They claim that companies have discriminated against them through the employment of immigrant workers, whom companies prefer to hire because they are able to pay lower wages.²⁰²

¹⁹⁸ Department of Homeland Security, U.S. Citizenship and Immigration Services, *Understanding H-1B Requirements*. Accessed February 1, 2015.

¹⁹⁹ U.S. Government Publishing Office, American Competitiveness in the Twenty-First Century, Section 105 (m) (1), *Increased Portability of H-1B status*. Accessed February 1, 2015.

²⁰⁰ Wallsten, Peter, *Visas for high-skilled workers could double under bipartisan Senate plan*. [The Washington Post](#). March 20, 2013. Accessed Jan. 31, 2015

²⁰¹ Kaste, Martin, *Who's Hiring H-1B Visa Workers? It's Not Who You Might Think: All Tech Considered*, NPR, April 3, 2013. Accessed January 31, 2015,

²⁰² Wides-Munoz, Laura; Wiseman, Paul, *Backlash stirs in US against foreign worker visas*. Yahoo News, July 6, 2014. Accessed February 1, 2015.

Whistleblower Jay Palmer, a former Infosys²⁰³ employee, sued the company for a visa-fraud scheme. Infosys was bringing workers with B1 tourist visas, instead of H-1B. Infosys was doing so in order to avoid long waits, the yearly H-1B visa cap, and to pay lower wages.²⁰⁴ Norm Matloff, a computer science professor at the University of California at Davis, suggests that H-1B workers are indeed indentured servants because they need to stick to their employers for up to six years to be sponsored for a green card. Nevertheless, companies have called this practice “loyalty.”

Moreover, companies take advantage of the stable pay they give to their H-1B visa employees. H-1B visa employees are less likely to receive any pay raises during their time of employment. As an example of taking advantage of this loophole in the law, companies, like Sun Microsystems, cover the cost for the conversion from H-1B visas to green cards if the employee commits to 4-5 years of work. This can be seen as resembling debt bondage. As Matloff suggests, those workers are being exploited as cheap and compliant labor.²⁰⁵ These cases support that many H-1B visa holders find themselves in situations similar to debt bondage and indentured servitude. Not being able to change employers for years and keeping their jobs in hopes that they will be able to receive green cards in the future, there are fewer reasons for them to make any claim against their employers.

The immediate solution to this loophole is not only incrementing, diminishing, or eliminating the annual cap number of H-1B visa holders allowed into the country, but also examining and modifying the H-1B visas holder’s mobility capabilities. If those workers have the ability to change employers then labor trafficking prospects diminish. This means that the

²⁰³ Infosys, *Contact*, Americas, United States. Accessed February 1, 2015.

²⁰⁴ Jordan, Miriam; Schectman, Joel, *U.S. Probes Companies in Wake of Infosys Case*, The Wall Street Journal, October 31, 2013. Accessed February 1, 2015,

²⁰⁵ Matloff, Norman, *On the Need for reform of the H-1B Non-immigrant Work Visa In Computer-related Occupations. A De Facto Indenture Servitude of the H-1Bs*. University of Michigan Journal of Law Reform. Summer 2003. Accessed Jan. 24, 2015.

visa should not be tied to the employer, but to the employee. That way, if an exploitative situation arises in the workplace, non-immigrant workers will have the ability to make claims against their employers and change jobs as necessary, just as any other U.S. worker is able to do.

Visas H-2A and H-2B

Visa H-2A is given to temporary agricultural workers, while H-2B visas are for temporary non-agricultural workers. Similar to the H-1B visas, these visas are also tied to the employer. Once the visa expires, the employees are expected to leave the U.S. This creates the same situation of immobility and trafficking possibilities that the H-1B visa carries. Each year, the U.S. has allowed between 183,860 to 204,577 workers under H-2A visas from 2011 to 2013, and 79,862 to 104,993 workers under visa H-2B from 2011 to 2013.²⁰⁶ The susceptibility of these workers lies in different working conditions and forms of contract.

H-2A Visa Case

In 2013 workers at Sakuma, a farm in Washington State, demanded better labor conditions and went on strike. Among other claims, Sakuma workers demanded better wages, overtime pay, better housing conditions, and an end to racist treatment. Amid this conflict, the company had asked for H-2A workers to staff the farm. Sakuma hurried to negotiate the workers claims because the federal government prohibits a company to have labor disputes while its application for H-2A workers is pending.²⁰⁷ In the end, Sakuma farmers dropped the request and decided to continue employing local workers after negotiations took place.²⁰⁸

²⁰⁶ Department of Homeland Security. Accessed January 27, 2015.

²⁰⁷ Bacon, David. *Standoff in the strawberry fields*, Al Jazeera, August 19, 2013, Accessed February 1, 2015.

²⁰⁸ Sakuma Brothers Farms, *Sakuma Brothers Farms Opts Out of Guest Worker Program*, June 2, 2014. Accessed February 1, 2015. <http://sakumafacts.com>

The most striking cases however, come from workers in isolated farms. In Colorado, surveyed farmers reported that they did not have any days off over the course of a year, were not permitted to leave the ranch, were paid less than once a month, were not allowed visitors, had no access to functioning toilets, were unable to read their employment contracts, and some



employees had their passports confiscated by the employer.²⁰⁹ However, they still came from Mexico or Central America as reported in Colorado. This is so because working under H-2A visas as herders is seen as an opportunity to improve their families' lives. Moreover, some of them have gotten into debt through the payment of recruitment fees to get the jobs.²¹⁰ This makes them less likely to complain about any mistreatment. Even if they wish to do so, their isolation due to the rural environment makes them unable to do so.²¹¹

Figure 17: Colorado herder's "toilet." Photo as shown in *Overworked and Underpaid: H-2A Herders in Colorado*, a report by the Migrant Farm Worker Division of Colorado Legal Services. Issue date: January 14, 2010.

²⁰⁹ Lee, Jennifer J.; Endres, Kyle, ed. Linda Surbaugh, *Overworked and Underpaid: H-2A Herders in Colorado*, a Report, The Migrant Farm Worker Division of Colorado Legal Services Report, January 14, 2010. Accessed January 28, 2015. p. 15.

²¹⁰ Ibid; p. 6, 9.

²¹¹ Ibid; p. 9.

H-2B Visa Case

Non-immigrant H-2B visas are given to non-agricultural workers. In 2006, some five hundred metal workers from India came to work for Signal International, an oil rig company in Mississippi. The workers were recruited through the promise of green cards and many eventually accumulated debts of up to \$20,000 from paying recruitment fees. Once they learned that the job offer would not provide them with green cards, they started complaining and organizing. The news report indicates that a representative of the company asked Immigration and Customs Enforcement for guidance on how to proceed with the workers' claims. The answer was to not give any notice, get their personal belongings and put them in a van with tickets back to India, which led to a federal suit and investigation.²¹²

Unfortunately, being sent back was not a realistic solution for those who had acquired so much debt by coming to the United States. In addition to the misleading information provided to workers about obtaining green cards, the working conditions were similar to those of labor trafficking. Workers had to pay \$1,050 per month to live in crowded spaces with few toilets, were not allowed to receive visitors, guards were deployed, and searched the workers' belongings, and they were threatened with deportation if they complained.²¹³ The workers were deceived and abused, and unfortunately, U.S. Immigration services staff were counseling Signal International to go against the laws that protected those workers as was reported in the New York Times.²¹⁴

²¹² Preston, Julia, *Suit Points to Guest Worker Program Flaws*. The New York Times, February 1, 2010. Accessed January 28, 2015.

²¹³ American Civil Liberties Union, *Indian Guestworkers Ask Federal Court To Certify Largest Human Trafficking Civil Suit In U.S. History As Class Action*, February 1, 2011. Accessed January 25, 2015.

²¹⁴ Preston, Julia, *Suit Points to Guest Worker Program Flaws*. The New York Times, February 1, 2010. Accessed January 28, 2015.

Status	Problem	Recommendation
H-1B Visa	Tied to one employer.	Visa needs to be tied to the employee.
H-2A & H-2B Visas	Tied to one employer and some are isolated.	Visas need to be tied to the employee and better labor conditions and monitoring are needed.
Undocumented	Constant fear of deportation. Not easily willing to make claims against employer.	Federal government needs to deal with the status of the undocumented population. Meanwhile states need to give them labor trafficking protection rights.

Figure 18

The Undocumented Immigrant Worker and Mixed Status Families

Undocumented immigrants may not be aware that some labor practices constitute labor trafficking. Even if they acknowledge that they are victims of labor trafficking, they may be unwilling to report the abuses because of the fear of deportation or losing a job that allows them to provide for their families. Not only has this put immigrants at risk of labor trafficking, but it also indirectly affects the well-being of their U.S. citizen children.

The perpetuation of labor trafficking is fueled in part by the fact that some immigrants are undocumented and others live in mixed status families. Given their immigration status, most are unwilling to make any claims of abuse against their employers and are hidden from both labor trafficking help organizations and from data collection.

Undocumented immigrants include both those who entered the U.S. irregularly and those whose visas have expired but who remained living in the U.S. Undocumented immigrants enter the U.S. by avoiding inspection when crossing the border and using fake identification cards at ports of entry. Other undocumented immigrants include former tourists, students, or temporal



workers who have overstayed their visas. There are approximately 11 million undocumented immigrants in the U.S. From the 11 million undocumented immigrants, the Pew Research Center estimated there were 230,000 undocumented immigrants living in Washington State in 2012. Moreover, it is estimated that 4.9% of the labor force in the state of Washington is undocumented.²¹⁵

In an effort to protect the undocumented from deportation, President Obama announced, last November 20, 2014, an executive action called Deferred Action and Parents Responsibility Act (DAPA) that would give work permits to undocumented parents of U.S. citizens and legal permanent residents. Additionally, the executive action would extend the Deferred Action for Childhood Arrival (DACA). It would include individuals that came to the U.S. before the age of sixteen and lived continuously in the U.S. since January 1, 2010. It also eliminated the maximum age requirement that was included in the 2012 DACA executive action.²¹⁶ The executive action would have benefited approximately five million undocumented immigrants. Unfortunately, on February 16, 2015, two days before extended DACA application start date, a Federal District Court in Texas ruled in favor of 26 states that are challenging the President's executive action and the program has been put on hold.²¹⁷ Therefore, undocumented workers will keep facing increased risk of labor trafficking.

²¹⁵ Pew Research Center, *Unauthorized Immigrant Total Rise in 7 States, Fall in 14* accessed Jan 13, 2015.

²¹⁶ Department of Homeland Security. *Executive Actions on Immigration*. Accessed Jan. 13, 2014,

²¹⁷ Shear, Michael D.; Preston, Julia, *Dealt Setback, Obama Puts Off Immigrant Plan*. The New York Times. February 17, 2015. Accessed February 17, 2015.

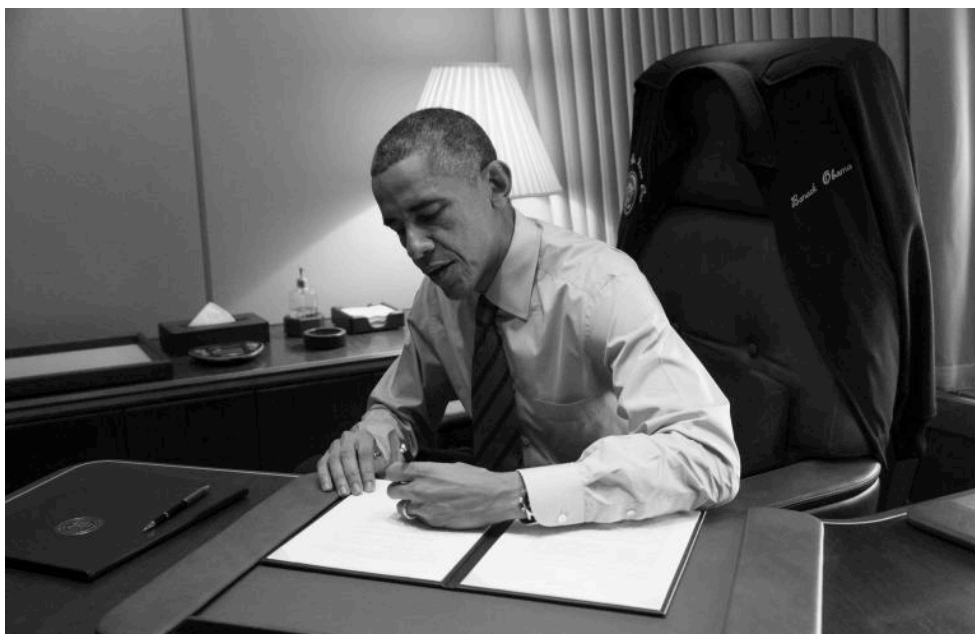


Figure 19: President Obama signing deportation relief and work permits for parents of U.S. citizens and legal permanent residents, and extending Deferred Action for Childhood Arrival (DACA), on November, 2014. Photo source: ibtimes.com (Reuters)

The challenge of dealing with labor trafficking among the undocumented population lies in the fact that they are hidden from public view. This is a challenge because without population estimates, we cannot know the real magnitude of the problem.

Newly arrived undocumented immigrants are especially vulnerable to labor trafficking practices. This is because they are willing to take any low-paying job because they immediately need to begin sending money back home, or because compared to where they came from, those low wages are acceptable to them.²¹⁸ Moreover, they might not have any other choice, but to agree to the unfair wages given to them by employers. Among these are housekeeping workers that are deceived when they are hired. For instance, they are contracted to work taking care of children but somehow end up cleaning the house while living with little food and working without breaks. That was the case of Juanita (alias), a Guatemalan immigrant working for a

²¹⁸ Hondagneu-Sotelo, Pierrette, *Doméstica, Immigrant Workers Cleaning and Caring in the Shadows of Affluence*, University of California Press (Berkeley, California), 2001; p. 65.

family in Los Angeles. Despite the bad treatment she received from her employers, she remained at the job because she needed to build up references for future employment.²¹⁹

Similar stories can be found in Washington State. Such was the case of an undocumented immigrant worker in Redmond. He was contracted to work in a pizzeria with promises to receive minimum wage payment, but ended up being paid in cash and receiving less than the minimum wage. Juan,²²⁰ a worker from Brazil, needed to send money back home to pay for his daughter's university education and to support his old mother. He was constantly threatened with deportation and told that he would be fired every time he asked his employer to be paid the minimum wage. Moreover, he would work more than forty hours a week, not being paid overtime, and the employer always retained a work week's-worth of money from Juan's salary.

Because of his bad English, Juan's employer called him "menso," which means dumb in Spanish. Payment day for Juan was the saddest day because he knew his rights were being abused and he could not do much about it. After two years in this situation and being able to save some money, Juan left the pizzeria and the employer retained more than \$200 from that last check. Juan was able to file a legal complaint against his employer thanks to a local organization. A year ago the court ruled in favor of Juan and the former employer was charged to pay him \$29,000 for wage-theft. However, since there is no time frame enforcement, he has not yet been paid. What Juan learned from his experience was that laws favor businesses and not workers. He realized that if a worker steals from a business the worker could go to jail, but if a business owner steals wages from his employees such things do not happen.

²¹⁹ Ibid; p. 66-67.

²²⁰ Not his real name.

Juan, Interview by Rocío Nureña personal interview. Seattle, Washington. Interview conducted on February 18, 2015.

Vulnerability of the Undocumented Immigrant worker



Figure 20

Fear of deportation is the risk that undocumented immigrants ponder when deciding whether or not they should make a claim against their employers. The federal government needs to deal with the status of the undocumented population because waiting to do so only allows labor trafficking to flourish. Although undocumented immigrants are, in fact, protected under anti-trafficking legislation and qualify for services and other resources, including a visa in order to stay in the country, there are few undocumented immigrants accessing these resources for fear of deportation, or lack of awareness that those resources are available to them. Besides these and as noticed in Juan's experience, there is a need to empower workers whatever their status. Furthermore, laws that protect workers from employers' retaliation are needed, as well as laws that ask for proper compensations against abuses with explicit time frames.

Mixed status families and family bonded servitude

Another way that labor trafficking is perpetuated and hidden from the rest of the population is the fact that some individuals are trafficked by their own relatives. One case that broke the news in 1988 was that of Stefan Christopher in Washington State. He was a well-educated man that even worked as a consultant for the United Nations. Nonetheless, Christopher held the relatives of his Bangladeshi wife in slave-like conditions. Christopher brought them to the U.S. with false documents and made them work in a remote farm near Oakville that had no bathroom, plumbing, or electricity.

His plan was to raise beef cattle and sell the meat to Halal stores in Seattle. The children were sexually molested and the adults were threatened and beaten. They did not speak English and were unaware of their location. Additionally, the trafficked victims were afraid of leaving the farm because the abuser told them that Americans hate Muslims and were susceptible to public hate-crimes. After one of the victims hung herself, some of the relatives were able to reach out to a neighbor who called the police. Unfortunately, some of the relatives were deported, while the wife was granted a green card. Just as the interviewed daughter realized, there is no one kind of trafficker, they do not have a stereotypical face, and trafficking can happen anywhere.²²¹

Dealing with immigration offenses is a job of the federal government. From the approximately eleven million unauthorized immigrants, four million live with their U.S. citizen children.²²² A simple scheme that seeks deportation for the parents of those children is not a feasible reality. Unfortunately, the hold on the President's executive action and discourses about

²²¹ Clarridge, Christine, *Putting a face on human trafficking*, The Seattle Times (Seattle) February 16-17, 2013. Accessed January 22, 2015. http://seattletimes.com/html/localnews/2020373166_yasmintraffickedxml.html

²²² Passel, Jeffrey S.; Cohn, D'Vera, *Chapter 1: State Unauthorized Immigrant Populations*. In *Unauthorized Immigrant Totals Rise in 7 States, Fall in 14*, Pew Research Center, <http://www.pewhispanic.org/2014/11/18/chapter-1-state-unauthorized-immigrant-populations/> Accessed February 17, 2015.

how to deal with the undocumented population is very politicized,²²³ and a clear solution is not expected in the near future. So, there is an imperative need to set state policies that could empower these populations and give them protective rights against human and labor trafficking.

Challenge II: Protection and Government Regulation Laws

Labor trafficking victims can be found in different labor sectors and labor trafficking practices are hidden in the ways businesses operate. As noted above, immigrants are vulnerable. However, U.S. natives, in addition to immigrants, can be targeted victims of labor trafficking. This section will focus on the protection of whistleblowers and victims of labor trafficking at both the state and at the federal levels. It will examine if there are any laws or legislations that pertain to the safety of both whistleblowers and victims of labor trafficking. Moreover, loopholes and gaps specifically relevant to whistleblower and victim protection will be analyzed and examined in order to make a recommendation on what can be done to better protect these victims in Washington State.

The U.S. Constitution protects individuals from government abuses, the Victims of Trafficking and Violence Protection Act of 2000 (TVPA) protects individuals from other individuals, but legislation that protects individuals against corporate or business labor abuses is insufficient. To shield and empower victims of labor trafficking, it is necessary to create and amend laws that protect workers against labor trafficking in all different types of businesses. Moreover, those laws should protect victims against retaliation and sexual harassment in the workplace.

²²³ Parker, Ashley, *Expansive House G.O.P. Immigration Bill Undercuts the President*. The New York Times, January 9, 2015. Accessed February 20, 2015.

Laws providing Services and Protection to Labor Trafficking Victims in Washington State

Modern-day slavery and Wage-Theft

Modern-day slavery still exists in the world today. In the past slaves used to carry chains, today they are ill-treated, are physically and psychologically abused, and are not paid by their employers. This new form of slavery, making an employee work while not paying the owed salary, is still a problem in Washington State that is affecting workers from different backgrounds. The Victims of Trafficking and Violence Protection Act of 2000 (TVPA), in its purposes and findings, recognizes that the trafficking of persons is not limited to sex, but also includes forced labor, violations of labor, public health, and human rights worldwide.²²⁴

From all these, violations of labor practices in Washington State are common. Violations of labor practices match modern-day slavery through wage-theft. In 2011, the city of Seattle passed bill 117143 that outlines what wage theft is and revokes the business licenses of those engaging in wage-theft. Wage-theft includes avoidance of payment for services that the employer knows are only obtained through compensation and diverts it to his or her own benefit, not paying the worker immediately or at the time agreed-upon, failing to appear to pay the worker, paying less money than the amount agreed-upon, paying with a check that is not honored by the banks or other institutions because of insufficient funds or a stop-payment order. Moreover, it also includes retaliation against the worker by either explicitly or implicitly threatening to inform the government that the worker is not in the United States legally. Intimidation and other adverse actions against the worker, as well as failure to respond within fifteen days to written demands for unpaid wages also qualify as wage-theft.²²⁵

²²⁴ U.S. Department of State. *Victims of Trafficking and Violence Protection Act of 2000*. SEC. 102. Purposes and Findings (3) (10). Accessed February 13, 2015.

²²⁵ Office of the City Clerk, *Council Bill Number 117143*. Seattle. Accessed February 3, 2015.

The story that led to the passage Seattle's wage-theft city bill was that of José.²²⁶ José was a janitor that worked for a company that cleaned movie theaters and offices in the Seattle area. José, who is from Mexico, was promised to be paid every month, but he was not paid the first month he worked. The company told him that the first payment was actually a deposit for the cleaning machinery he was using to work. At the end of the second month, José was told that the company was paid on the 20th of each month and so he needed to wait until the company received those payments so he could be paid his salary. In a rush, a staff member of the company made him sign a paper without giving him enough time to review it. The paper was written in English and he did not understand English very well. The staff member told him that by signing the paper his payment would be speeded up. The paper ended up being a contract that indicated that he was not an employee of the company but a contractor. So, he never received an employee receipt with the worked hours indicated on it.

When his first payment arrived after working there for three months, he only received the payment of one month. Every time the company moved him to clean other venues, the same case of wage-theft was practiced. That means that he was not paid the first month when cleaning a new venue. He was constantly given excuses as to why he had not been paid, excuses like forgotten checks or that the person that signed the checks was out of town. He finally decided to tell the company he would not clean one of the venues because he was not being paid for that. He then was fired and threatened.

The company owed him \$8,000 and thanks to local advocacy organizations, he was provided with counseling and a lawyer. He won his case in court that found that the company owed him \$35,000 including interests and administrative expenses. At that time there was not

²²⁶ Not his real name.

José, interview by Rocío Nureña personal interview. Seattle, Washington. Interview conducted on February 20, 2015.

such law against wage-theft and to be able to receive his winnings, he needs to engage in another legal struggle. Up to this day he has not received any payment from that company, but was a recipient of a visa U because of the constant threats he received while litigating his case.

Even with the passage of the wage-theft bill, wage-theft is a common practice in Washington State today. Last January 2015 Univisión-Seattle, a Spanish news TV broadcast, reported that farm workers in Snohomish County were not paid after they completed a farm job. The contractor just disappeared and did not pay them. U.S Golden Eagle Farms used a contractor to hire workers, paid the contractor, and the contractor did not paid the workers. This case is still developing and the workers are still not paid. Around thirty workers are complaining against the contractor who hired them.²²⁷



Figure 21 Immigrants’ demonstration. Photo source: Casa Latina, Seattle.

²²⁷ Mendez, Jaime, *Gran Robo de Salarios a latinos en Snohomis*, Univisión Seattle. Accessed February 7, 2015.

Yet, immigrant workers are not the only victims of wage-theft; this practice is also common among low-wage workers.²²⁸ In 2013 some fast-food workers claimed that they were forced to work off the clock, denied breaks, or were underpaid. That was the case of Caroline Durocher. She was underpaid while working at a Taco Bell in Seattle’s Ballard neighborhood. She estimates that she lost \$800 in wages because she was automatically clocked out an hour after closing, but she had to keep working after that time because she needed to finish cleaning the store. Additionally, Geoff Beforti, a former worker of Q’Doba, said that Q’Doba Mexican Grill in Seattle’s Capitol Hill neighborhood did not give him his final paycheck for \$150 despite repeated requests.²²⁹



Figure 22 Fast-food workers demonstration against labor practices in 2013. Photo source: Seattle Times.

The well intentioned bill against wage-theft, unfortunately still lacks enforcement. Seattle Weekly reported that Washington Labor and Industries receives between 3000 and 4000

²²⁸ Abramo, Allegra/InvestigateWest. *Will Wage Theft Derail Seattle’s \$15 Minimum-Wage Law?* Seattle Weekly. Accessed February 13, 2105.

²²⁹ Brunner, Jim, *Seattle fast-food workers file wage-theft complaints.* Seattle Times. Accessed February 11, 2015.

complaints each year from more than three million people employed in Washington State. In the same report, the assistant director of fraud prevention and labor standards does not recognize that complaints from more than three million people is a problem, but immigrant rights advocates recognize that most cases go undetected because workers fear retaliation.²³⁰ Moreover, as seen from Juan's experience, this practice is some employers' way of doing business. In Juan's case, he explained that his former employer paid only cash to his undocumented workers, and did not do so to his U.S. citizen workers. Unfortunately, there has been little accountability demanded from employers and most have not been charged with wage-theft violations because workers lack sufficient factual complaints.²³¹ Additionally, it should be noticed that when a worker clocks out of work, but continues working, such as Caroline Durocher's experience, there are just few ways to prove the claim. For instance, a provision that states that making a worker clean after work hours or making him/her come in an hour before work time to set up, should be explained and detailed as constituting working pay hours.

WA SB 5127 (2005)

This bill authorizes the creation of protocols to provide guidelines for providing social services necessary for victims of human trafficking and includes housing, health care, and employment.²³² Even though the language of the bill does not explicitly mention labor trafficking or what it is, the bill recognizes the characteristics of what constitutes labor trafficking. Things like benefitting financially or receiving anything of value when *knowingly* recruiting, harboring, transporting, providing, or obtaining by any means, another person, *knowing* that force, fraud, or

²³⁰ Abramo, Allegra/InvestigateWest. *Will Wage Theft Derail Seattle's \$15 Minimum-Wage Law?* Seattle Weekly. Accessed February 13, 2105.

²³¹ Brunner, Jim, *Seattle fast-food workers file wage-theft complaints*. Seattle Times. Accessed February 11, 2015.

²³² State of Washington. *Senate Bill 5127*. 2005. Accessed February 1, 2015.

coercion is going to be used to cause the victim to engage in forced labor or involuntary servitude is recognized as a second degree fault. However, this bill does not help to eliminate labor trafficking in the supply chain because most corporations do not monitor or acknowledge that their contractors or subcontractors might be engaging in labor trafficking. So, the problem is the word “*knowingly*” that might shield any business from any legal action against them when their contractors or subcontractors engage in labor trafficking.

WA SB 5482 (2011)

This bill authorizes existing funding to house victims of human trafficking and their families.²³³ Victims of human trafficking need protection and facilitating housing to these victims is paramount because some of them might be runaways, had been moved around by the traffickers, are not close to home, and might not have a place to go when relieved from victimhood.

WA SB 6332 (2010)

This bill added nonimmigrant workers to the list of employees who must be provided with federal and state labor laws, and established civil penalties for labor recruiters and employers who fail to do so.²³⁴ This well-intentioned bill unfortunately, although amended, leaves out workers on H-1B visas. Workers that hold H-1B visas are considered nonimmigrants because that is the name of the visa.

²³³ State of Washington. *Senate Bill 5482*. 2011. Accessed February 1, 2015.

²³⁴ State of Washington. *Senate Bill 6332*. 2010. Accessed February 1, 2015.



Protection at the Federal Level: Visas T and U for Immigrant Victims of Human Trafficking:

U-Visa

This visa is given to victims of criminal activity that have nonimmigrant status and are in the U.S. These victims have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of the criminal. Crimes include domestic violence, sexual assault, trafficking of aliens and other crimes, physical abuse related to crime, and they are willing to help authorities in investigating and prosecuting the criminal activity.²³⁵

Unfortunately, victims that could benefit from this visa may not be immediately or ever willing to collaborate with state or federal authorities because of the traumatic experiences the victim had been subjected to or for fear of reprisal by the trafficker against themselves or their family. As a result, some victims of labor trafficking may forgo this visa that may come from taking legal actions assisting police in an investigation of their traffickers. Given this possibility, the testimony of the victim should be corroborated in due time and the victim should be given immediate protection while investigations are taking place. Moreover, the victim may have suffered the abuse in transit to the U.S. and that should be valid for petition of the U visa too. This is so because victims of labor and human trafficking sometimes are moved from place to place while being trafficked.

T-Visa

This visa is given to victims of human trafficking. It protects victims of trafficking in cases like modern-day slavery where victims are lured with false promises of employment and a

²³⁵ U.S. Citizenship and Immigration Services. *Victims of Criminal Activity: U Nonimmigrant Status*. Accessed January 25, 2015.

better life. Additionally, this visa allows them to remain in the U.S. and to assist in the investigation or prosecution of human trafficking.²³⁶

This visa should be extended to victims that were abused on U.S. soil and now live abroad. As noted above, victims might be moved around while being abused in the U.S. So, some kind of remedy should be given to victims that were abused in the U.S. and now live abroad. Moreover, provision for other immigration offenses should be taken into consideration to diminish penalties to these victims.

It is recommended that protection for these trafficked victims should include: health care (physical and psychological), depending on their status they should be granted permission to stay in the U.S., and monetary assistance as well as assistance finding housing, education, and employment opportunities should be available to them.

Executive Order on Strengthening Protections Against Trafficking in Persons in Federal Contracts (E.O. 13637) of 2012

This executive action expands the scope of protections that apply to any goods or services other than public utilities. This order broadly defines sex trafficking and labor trafficking and prohibits related conduct. However, this executive order is only for those that enter into contracts with the federal government and includes subcontractors.²³⁷ The Coalition to Abolish Slavery & Trafficking (CAST) explains that the executive order requires contractors to certify that if any of their subcontractors has engaged in any trafficking-related activities, and if a violation has been found, the contractor or subcontractor shall certify that remedial and referral actions be taken.²³⁸

²³⁶ U.S. Citizenship and Immigration Services. *Victims of Human Trafficking: T Nonimmigrant Status*. Accessed January 25, 2015

²³⁷ Tri, Brittany; Young Melody, *Coalition to Abolish Slavery & Trafficking (CAST)*, June 9, 2014; p. 4

²³⁸ Tri, Brittany; Young, Melody. *Coalition to Abolish Slavery & Trafficking (CAST)*, June 9, 2014; p. 4-5.

The question that arises from this executive action is that if the federal government recognizes that it is not morally right to contract or subcontract those that do not provide fair wages or labor conditions, why is this action not extended to corporations that provide services or do businesses in Washington State? CAST does recommend, however, that a similar legislation should be made in Washington State. While this executive action has been in place only a couple of years and its outcomes are yet to be seen, it is a guiding example that could be implemented in Washington State once legislators negotiate with businesses and corporations that will be affected by this provision.

Challenge III: Self-regulation vs. Government Regulation through Legislation

The hiring of contractors abroad by U.S. corporations, where there is no enforcement or regulation of labor trafficking laws, exemplifies the global business tendencies to compete in the global arena for cheap labor. This practice puts local and foreign workers in danger of labor trafficking. Washington State needs to regulate this with legislation and penalize abusers of labor trafficking, including businesses, corporations, and individuals. Moreover, penalties should be extended to their contractors and subcontractors at home and abroad. The provision will prevent labor trafficking from moving into places where there are little to no regulations. A more detailed examination of a corporation's self-regulation policies, monitoring initiatives, and its challenges will be analyzed in chapter six.

Self-regulation is a corporate's initiative to eliminate labor and human rights abuses in their supply chain. While the U.S. has passed laws to prevent human trafficking and labor trafficking, it is a fact that the practice has not yet been ended. In Mexico, workers at a Walmart's contractor farm, Bioparques 4, are not so lucky. Workers are still lured with promises

of better payment if they work in farms and live in camps within the farms. Indigenous workers from Huatesca, Mexico were recruited to work in a Jalisco tomato farm. They were told they would earn about \$8 a day with free meals, housing, and childcare. However, the reality was very different from what they were promised. They were isolated, slept in crowded rooms, did not have access to playgrounds or schools for their children, and so the children followed their parents to work. Moreover, they needed to fill sixty buckets with tomatoes to earn the promised \$8. Some older workers, like Felipe Hernandez, who was fifty years old, could fill only thirty buckets, making only around \$3 to 4 a day. Additionally, the food they were promised was not as expected; only watery soup and sometimes beans and rice as lunch and dinner were offered in the farm's camp. Milk and eggs for their children were available at high prices they could not afford. Some others even recounted being threatened and beaten if they complained. The ones that wanted to escape did not do so because they feared losing the wages they already had earned, because they were only paid in full at the end of the seasonal work. Although that practice is barred in the Mexican law, it is a common practice in the farm export sector.²³⁹ While in January 2014, Walmart took a step into fair labor conditions to their contractors' workers by signing the Fair Food Program in Florida,²⁴⁰ by December of the same year, Los Angeles Times was reporting of the bad labor conditions in Bioparques 4 farm camps in Jalisco, Mexico. This farm provides tomatoes to not only Walmart, but also, other produce retailers in the U.S. So, even though companies engage in some fair labor practices, they can still be getting products from abusers in their supply chain.

²³⁹ Marosi, Richard. *Desperate Workers on a Mexican mega-farm: 'They treated us like slaves'*. L.A. Times (Los Angeles, California), December 10, 2014. Accessed January 12, 2015.

²⁴⁰ Coalition of Immokalee Workers, *Press Release: Coalition of Immokalee Workers Announces Walmart to Join Groundbreaking Fair Food Program*. Accessed February 14, 2015.

Slave-like conditions are replicated in other industries too, and Walmart is not the only corporate business following a fair labor trend. Costco's website indicates that since 1999 the wholesale retailer adopted a supplier Code of Conduct that prohibits certain human rights abuses. Those abuses include human trafficking, physical abuse of workers, restricting workers' freedom of movement, confiscation of passports and worker documentation, failure to pay minimum wage, forced or mandatory overtime, illegal child labor, and other aspects of worker welfare that are addressed in the Code. Furthermore, it requires suppliers to comply with local laws regarding worker's minimum wage, rest days, and overtime wages; and Costco's suppliers contractually agree to follow the Code and ensure that their sub-suppliers also comply with the Code.²⁴¹ However, this self-regulated Code of Conduct does not reach all of their contractors or sub-contractors abroad. Last June 2014, *The Guardian*, a British newspaper, after a six-month investigation, reported that large numbers of men were bought and sold like animals and held against their will on fishing boats off Thailand. They worked in the production of shrimps that were sold to global retailers, including Walmart, Costco, Carrefour, and Tesco. The workers that managed to escape from the boats indicated conditions of 20-hour shifts, regular beatings, being tortured and subjected to execution-style killings. But the abuses do not end there, some workers were at sea for years, other were offered methamphetamines to keep them working, while others were just murdered. Many of these workers were immigrants themselves from Cambodia and Burma that had paid brokers to get jobs in factories or buildings in Thailand, but ended up being sold to captains.²⁴² This example gives light to the networks employed in labor and human trafficking. It is not only contractors and subcontractors engaging in these types of abuses. Avoiding dealing with the problem in every step of the supply chain, leads to the creation of

²⁴¹ Costco. *Costco Disclosure Regarding Human Trafficking and Anti-Slavery*. Accessed February 15, 2015.

²⁴² Hodal, Kate; Lawrence, Felicity. *Revealed: Asian slave labour producing prawns for supermarkets in US, UK*. *The Guardian*, June 10, 2014. Accessed January 13, 2015.

criminal organizations that find these workers, benefit from them through recruiting fees, and later “sell” them as slaves to work in harsh conditions.

Considering these examples, and while self-regulation is a good initiative taken by corporate industries to comply with human rights, trafficking of persons, and labor abuses, it falls short in eliminating the problem in the supply chain. Legislation that could extend penalties, responsibilities, and recognition for good standing of companies needs to be included in Washington State legislation to eliminate these practices. This way impunity could be avoided and businesses, their contractors, and sub-contractors will be held accountable and responsible for abuses made domestically and abroad for products they sell in their companies.

The challenge of this provision rises from the fact that most corporations would not be willing to see responsibilities extended to its contractors because they cannot monitor or control them overseas, or that engaging in regulating subcontractors actually costs money.²⁴³ Moreover, corporations would like to see national standard regulations and not deal with State-to-State legislations.

To deal with these challenges in the state of Washington, legislators should look at the already existing self-regulation initiatives made by U.S. corporations, such as Costco and its Code of Conduct. At the negotiating table, businesses and legislators should go over the provisions that companies already had accepted and promote as good business practices, and those should be incorporated in future legislation. This is important because those provisions are something that companies already accept and promote as good labor practices. Introducing legislation that mimics the language of their own self-regulation initiatives is more likely to find support from the corporate side and be passed as legislation. Moreover, regulation that is expected to extend to contractors and subcontractors in the supply chain at home and abroad

²⁴³ Tri, Brittany; Young, Melody. *Coalition to Abolish Slavery & Trafficking (CAST)*; p. 10.

should be sensitive to cultural practices in the different countries they do business. The implementation of such regulation should be accompanied with explanations of proper labor standards and rights taught to workers before entering in contract with the company. This gives opportunity for negotiation and conversation between workers and the company to find the best working conditions. This is important to avoid future accidents in the workplace and family and social conflicts. Furthermore, it should not end there, penalties when businesses do not comply should be included and they should be proportional to the corporation's size and profits, and rewards should also be included in the legislation with tax breaks and public promotion that recognizes the corporation's steps and accomplishments in eliminating labor trafficking from their supply chains.

Conclusion

As argued throughout this section, the challenges of addressing the issues of labor trafficking are found in current non-immigrant visa provisions and the delay in addressing a solution for the undocumented population living in the U.S. today. Thus labor trafficking is fueled, in part by U.S. flaws in regulations and protection laws for victims of labor trafficking in Washington State, as well as the conflict between corporate self-regulation and government legislation in a globalized world. Labor trafficking then, affects many vulnerable populations throughout the nation.

Examining and modifying visa provisions to give the visa holder better agency is imminent. If those workers have the ability to change employers, then labor trafficking prospects diminish. This means that the visa should not be tied to the employer, but to the employee.

Moreover, although undocumented immigrants are, in fact, protected under anti-trafficking legislation and qualify for services and other resources, there are few undocumented immigrants accessing these resources for fear of deportation, or lack of awareness.

To shield and empower victims of labor trafficking, it is necessary to create and amend laws that protect workers against labor trafficking in all different types of businesses. Those laws should protect victims against retaliation and sexual harassment in the workplaces.

Finally, legislation ought to extend penalties, responsibilities, and recognition for good standing of companies needs to be included in Washington State legislation to eliminate these practices. This way impunity could be avoided in all levels of the supply chain.

Chapter Conclusion

Since the beginning of the new millennium, we can see the United States shedding more light on the hidden industry of human trafficking. At the federal level, laws have been put in place, amended, and reauthorized countless times in order to better combat this lucrative industry. Following those footsteps, states began to create their own legislation in hopes of ending labor trafficking at a state level. These types of actions have brought much attention to the topic and have helped make significant changes. The spotlight that has been put on labor trafficking has brought a sense of realization to the public that modern slavery is still occurring around the world, even more so at the hands of companies, businesses, and industries that create consumer goods. Today, all 50 states and Washington D.C. have provisions specifically criminalizing labor trafficking. Although this is a huge accomplishment and a sign of progress, there is still more that can and needs to be done in order to fully eradicate human trafficking.

Furthermore, the difficulties outlined in this section signal that in order to eliminate labor trafficking, it would require coordination from state level organizations, the federal government, and international organizations. The incorporation of laws to stop labor trafficking and help the victims of trafficking abuses needs to acknowledge the diverse characteristics and circumstances that individuals face when they are abused, the decisions they have to make which can be burdensome to themselves and their families, and how the existing laws and regulations protect them if they come forward and make claims against their abusers. Moreover, an analysis and revision of existing non-immigrant visa provisions needs to be updated to match the common goal of eliminating labor trafficking from Washington State and the nation as a whole. Self-regulation of companies engaging in labor trafficking tends to shield them from prosecution because of the many layers composed by contractors and sub-contractors these companies employ in Washington State and abroad. Seeing the many gray areas that surround labor trafficking and the complexity of it as an industry, it is clear that these challenges need to be addressed through legislation. Still, before we begin enacting laws and legislations, we need to have a better understanding of the supply chains we are working so hard to change.

Chapter 4

Supply Chain of Businesses within Washington State: Vulnerabilities, Costs of Labor Trafficking, and Clean Supply Chains

By Sydney Victor & Margaret Montgomery

Labor trafficking is a prevalent issue across all industries and at multiple levels of global and local supply chains. In efforts to combat labor trafficking, many industry leaders, that are doing business in Washington State, are making strong efforts within their supply chains to ultimately eliminate this human rights issue. The supply chain is the process of production and circulation of a product. It encompasses different sectors, each of which should be held accountable for ethical labor practices in its own sector as well as all the working conditions throughout the supply chain. The supply chain begins at the production or agricultural level. The production plants sell to manufacturing companies that sell to retailers, which then sell to consumers. These are the typical sectors that are involved in the supply chain, although in some cases industries may be omitted or added. In this chapter we will examine five industries: retail, manufacturing, agriculture, construction, and hospitality. The goal of this chapter is to demonstrate that labor trafficking is a prevalent issue across all industries as well as at multiple levels of the supply chains, and that some top businesses are making strides, that are cost-effective and ultimately beneficial for them, to regulate the issue and reduce trafficked labor locally, nationally, and internationally.

The first section of this chapter will look at Washington State's particularly high vulnerability to labor trafficking and how this vulnerability affects industries at all levels of the

supply chain. The analysis of how forced labor is used throughout global and local supply chains, with a focus on Washington State businesses, will ultimately show that these businesses are interconnected with other sectors, and that they have a responsibility to ensure that ethical labor practices are evident at all levels of the supply chain.

The second section of the chapter will focus on the practices used by industry leaders and the costs associated with maintaining clean supply chains. First, industry leaders who operate in Washington State in the five sectors, stated above, will be examined. We will use the evidence found to demonstrate that these companies, many of whom are on *Fortune* magazine's 500 list, are taking measures to both combat human trafficking and protect human rights within their firms, and also doing the same throughout their supply chain. We will use specific examples and existing efforts to discuss their motivations, and how their levels of corporate social responsibility (CSR) make them more attractive for consumers and investors alike. Because industry leaders are trendsetters it is in other businesses' best interests to follow suit and make labor trafficking a priority if they wish to remain competitive and be seen as socially responsible.

The third section will then show the costs associated with labor trafficking and will present an analysis that shows how combating labor trafficking within firms is cost effective. We will then use examples of past human rights abuses to demonstrate the negative impact they have on profitability. The conscious effort made by industry leaders to combat these violations will be more cost effective for the businesses in all of the industries throughout the global and local supply chains.

Labor Trafficking Throughout the Supply Chain

By Sydney Victor

Washington State is highly susceptible to labor trafficking both within its borders and throughout the global supply chain. This section will argue that labor trafficking is a real and present issue across all industries and at every level of the global and local supply chains, and that due to the interconnected characteristics of the industries, companies need to be held accountable for the trafficked labor used throughout all parts of the supply chain. In this section we will begin by examining the vulnerabilities of Washington State beginning with the hiring process of labor trafficking victims.

As stated in previous chapters, many of these victims are predominantly immigrants, both documented and undocumented. Victims can also be citizens of the United States; usually criminals or homeless individuals, who are looking for employment and avoiding jail, and thus become coerced to work under false pretenses.²⁴⁴ Next we will explore Washington's geographical location of bordering Canada and the Pacific Coast and why this location is an easy access for migrants to enter into the United States. Then we will look at the diverse population of cultures, ethnicities, and languages that can ultimately blend labor trafficking victims into their surroundings. Afterwards, we will look extensively at how different sectors are vulnerable to labor trafficking. In this section, the sectors will be split into five specific categories: agriculture, hospitality and leisure, construction, manufacturing, and retail. For the purpose of this report, many of the industries the Brennan Center for Justice Report dives into will be combined. This is how we will combine the industries:

²⁴⁴ Bernhardt, Annette, Siobhan McGrath, and James DeFilippis. "Unregulated Work in the Global City." *Brennan Center for Justice Report*, 2007.

Agriculture	Hospitality and leisure	Construction	Manufacturing	Retail
	Publically-Subsidized child care Domestic work	Building maintenance and security Residential construction	Food and apparel manufacturing	Groceries and supermarkets Restaurants Laundry and dry cleaning Auto repair Garages and car washes Nail and beauty salons

245

Figure 23

We will analyze how each industry operates in Washington State and in the global supply chain by looking at a number of case studies and examples from Washington State, the United States, and abroad. Finally, we will see how these industries intersect with one another and how each industry is accountable for its specific business practices along with the business practices of its suppliers and buyers.

Vulnerability of Washington State

Washington State shares a border with Canada, skirts the Pacific Ocean, is home to Seattle, a large port city, has a diversity of ethnicities and languages, and has a multitude of sectors that use and manipulate cheap labor. All of these reasons render Washington State vulnerable to labor trafficking. In many cases there is a chain of command that subcontracts out

²⁴⁵ Ibid; iv

another company to hire workers, shown in figure 4.1. In this hierarchy the employer pays a labor contractor, who employs a recruiter, who then hires the worker.

Figure 4.1: The Hiring Process

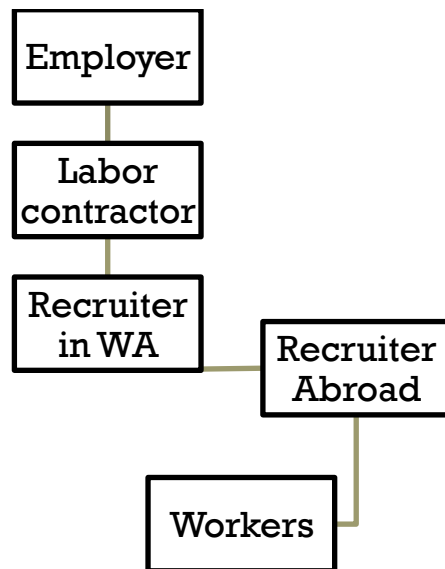


Figure 24

As mentioned more extensively in chapter three, human trafficking victims are often immigrants who are brought to the United States with promises of a better future. In these situations, the recruiter in the United States may be in contact with a different recruiter abroad, working together to transport migrants for the use of forced labor. The recruiter in the United States will contact the U.S. embassy in the other country asking for the approval of H1 work visas. The U.S. embassy, which does not have the resources to investigate all visa applications,

may approve the visas. The recruiter abroad hires workers, brings them to the United States, and forces them to engage in unethical labor practices.²⁴⁶

Geographic Location: Canada and Ports along the Pacific Ocean

Not all cases of migrant workers arriving in the United States include a viable visa; smuggling is an issue present particularly in Washington State because of its geographic location of sharing a border with Canada and being on the Pacific Coast. The State's proximity to Canada exposes it to a high risk of smuggling individuals into Washington State, who then become victims of labor trafficking.²⁴⁷ Border patrols along the Canadian-U.S. border are relatively lax compared to the Mexican-U.S. border. Crossing into the United States from Canada, a Canadian citizen is only required to show his or her passport while a Mexican citizen must go through a longer process of obtaining a travel visa.²⁴⁸ Additionally, there is only "sporadic fencing along the Canadian border," which allows people to simply walk across the border in an unfenced area unnoticed.²⁴⁹ According to Timothy Egan of *The New York Times*, "For people trying to enter the United States illegally from the north, the corridor of choice is across the border here in Northwestern Washington, much of it wild and unmanned."²⁵⁰ The extensive forests and lack of major cities near the border provide traffickers with a lower risk of being caught smuggling victims across the border.

Canada adds to the vulnerability of human trafficking in Washington State because it permits international travel without requiring a visa. In the majority of international travel,

²⁴⁶ Veloria, Velma. "Labor Trafficking in Washington State." Lecture, Seattle, February 4, 2015.

²⁴⁷ Davila, Florangel. "Washington State a Hotbed for Human Trafficking, Report Says." *The Seattle Times*, July 14, 2004. Accessed February 11, 2015. http://seattletimes.com/html/localnews/2001979041_trafficking14m.html.

²⁴⁸ Pastor, Cristina DC. "A Tale of Two Borders, Immigrants to U.S. Find Sharply Different Standards in North and South." *Feet in 2 Worlds*. July 26, 2010. Accessed February 12, 2015. <http://fi2w.org/2010/07/26/a-tale-of-two-borders-immigrants-to-u-s-find-sharply-different-standards-in-north-and-south/>.

²⁴⁹ *Ibid*

²⁵⁰ Egan, Timothy. "Easy Illegal U.S. Entry in Northwest." *New York Times*, August 7, 1997. Accessed February 12, 2015. <http://www.nytimes.com/1997/08/07/us/easy-illegal-us-entry-in-northwest.html>.

countries require foreigners to hold a travel visa when entering the destination. In entering Canada, individuals from 59 countries and territories are not required to possess a travel visa,²⁵¹ compared to persons from only 38 countries and territories that the U.S. allows to enter without a visa, if those individuals comply with all requirements of the Visa Waiver Program.²⁵² “The Visa Waiver Program allows citizens of participating countries to travel to the United States without a visa for stays of 90 days or less, when they meet all requirements,” which includes requirements to travel for reasons of tourism or business, not for reasons such as school, employment, or permanent residency.²⁵³ Traffickers trying to smuggle migrants into the United States may find that flying them to Canada before transferring them to the United States is relatively more simplistic because Canadian laws do not require travel visas to enter Canada from many countries. This visa discrepancy may heighten the potential of more undocumented migrants entering the United States through Canada rather than arriving in the United States directly from their country of origin. This leaves Washington State more likely to receive these undocumented individuals compared to other states that do not share a border with Canada.

Similarly, Washington State’s proximity to the coast allows an easy access into the State. The Port of Seattle has been used for over 100 years as a key location for international trade and travel to support Washington State tourism and commercial fishing. It is the 15th busiest port in the United States, with more than 34 million passengers entering into the State in 2013.²⁵⁴ However, not all of these arriving passengers using the port are doing so legally. Similar to the Canadian border, the Port of Seattle leaves people susceptible to be smuggled into the State, and

²⁵¹ "Countries and Territories Where Visas Are Required." Government of Canada, Citizenship and Immigration Canada, Communications Branch. January 26, 2015. Accessed February 2, 2015. <http://www.cic.gc.ca/english/visit/visas-all.asp#fnb1>.

²⁵² "Visa Waiver Program." Visa Waiver Program. Accessed February 2, 2015. <http://travel.State.gov/content/visas/english/visit/visa-waiver-program.html#reference>.

²⁵³ Ibid

²⁵⁴ "Where a Sustainable World Is Headed." About Port of Seattle Home. Accessed February 2, 2015. <http://www.portseattle.org/About/Pages/default.aspx>.

to subsequently become victims of trafficking. In 2013, King County recognized that the ports and the Canadian border make Washington State vulnerable to this issue, claiming that they will “train key staff to recognize signs of human trafficking and take action.”²⁵⁵

Ethnic Diversity

Washington State’s proximity to the coast and its many ports create a hub for diverse cultures and ethnic groups as well as for immigration. *Forbes* magazine did a study to see which neighborhoods in the United States had the highest rate of diversity, the results are shown below:

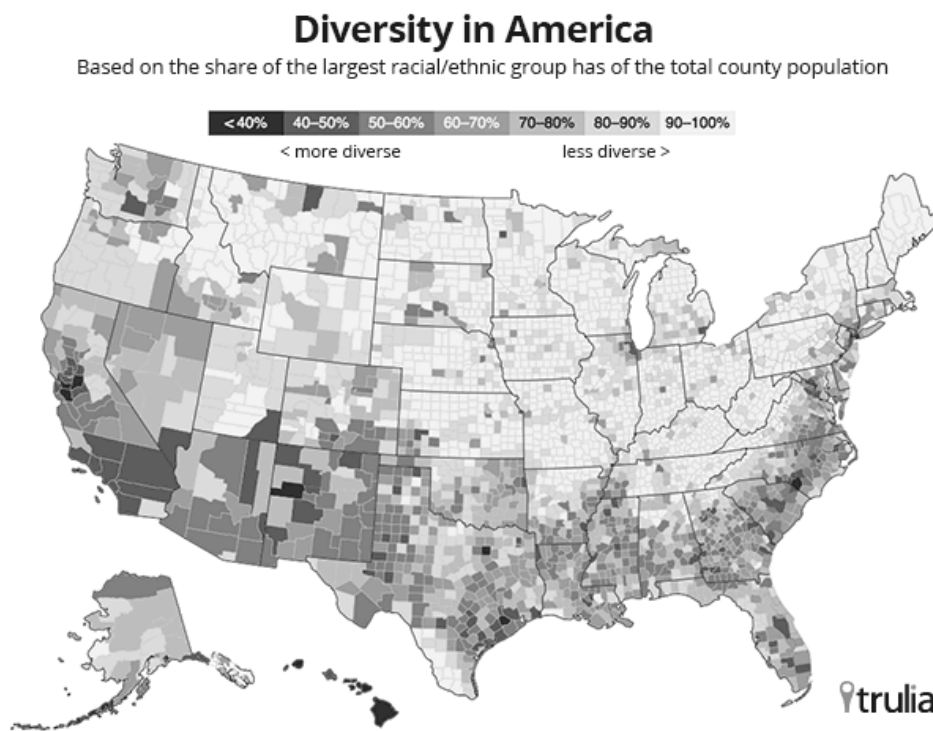


Figure 25²⁵⁶

²⁵⁵ "Help Stop Human Trafficking." Public Health - Seattle & King County. October 22, 2014. Accessed February 11, 2015. <http://www.kingcounty.gov/healthservices/health/injury/humantrafficking.aspx>.

²⁵⁶ Kolko, Jed. "America's Most Diverse Neighborhoods And Metros." *Forbes*. November 13, 2012. Accessed February 11, 2015. <http://www.forbes.com/sites/trulia/2012/11/13/finding-diversity-in-america/>.

In the study, *Forbes* “identified the country’s most diverse neighborhoods and metros using Census data on race and ethnicity.”²⁵⁷ To do this, they measured diversity in a ZIP code’s population by its largest ethnic group, where a smaller percentage of the largest group would indicate a more diverse neighborhood. For example, in San Jose, California, the largest ethnic group was 35% of the local population. Compare this to Albuquerque, New Mexico where 47% of the population was part of the largest ethnic group. In this comparison, San Jose is more diverse because the largest ethnic group is a smaller percentage of the total local population.²⁵⁸ While this graphic shows that Washington State is not the most ethnically diverse state, it is still relatively more diverse than much of the Midwest States, which can be ascribed to its vicinity to the coast.

According to the United States’ Census Bureau, 13.2% of Washington State residents have immigrated to the United States, and 18.5% of Washington State residents speak a language other than English in their homes. These statistics resemble the statistics for the nation, 12.9% and 20.7% respectively.²⁵⁹ Additionally, data from the U.S. Census Bureau, shown in figure 4.3, displays the population growth between 2010 and 2012 in Washington State by racial categories. Many various ethnic populations in the State have grown in this time frame. Since many trafficking victims are immigrants, a diverse population may create a community in which trafficked victims could blend in, unnoticed by bystanders. For traffickers, it tends to be more beneficial to confine victims in a location where the victim is overlooked or has a language barrier, making communication more difficult.

²⁵⁷ Ibid

²⁵⁸ Ibid

²⁵⁹ "QuickFacts." United States Census Bureau. January 1, 2014. Accessed February 11, 2015. <http://www.census.gov/quickfacts/table/POP645213/00,53,5363000>.

Industries

Another underlying factor making Washington State susceptible to labor trafficking is the vast array of industries that can easily manipulate workers. Industries including agriculture, hospitality, construction, manufacturing, and retail, largely rely on cheap labor to maximize profits and to keep the price of commodities low and competitive for consumers. According to the U.S. Department of Commerce Bureau of Economic Analysis, of these five sectors, manufacturing exhibits the largest percent of Washington State's 2013 GDP with 14%.²⁶⁰ Next is Retail and wholesale with 12%, followed by hospitality with 5%, construction with 4% and lastly agriculture with 3%. While these numbers may seem modest, many of these sectors are typically low paying industries, attracting more cheap and trafficked labor. Each of these industries will be explored in depth later in this section.

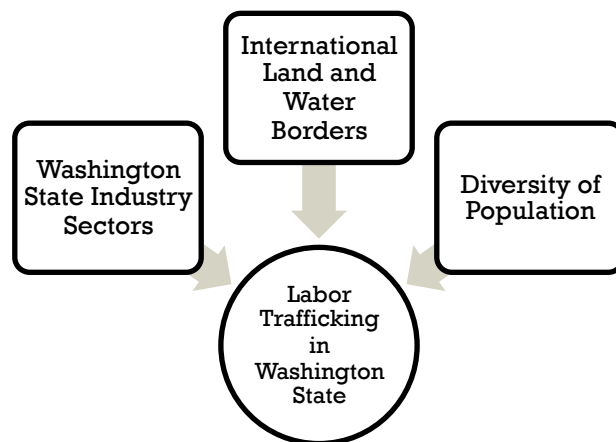


Figure 26 ²⁶¹ ²⁶²,

²⁶⁰ "Regional Data." U.S. Bureau of Economic Analysis (BEA). Accessed February 3, 2015. <http://bea.gov/iTable/iTable.cfm?reqid=70&step=1&isuri=1&acrdrn=1#reqid=70&step=10&isuri=1&7003=200&7035=-1&7004=naics&7005=3,11,12,34,35,78,81&7006=53000&7036=-1&7001=1200&7002=1&7090=70&7007=2013&7093=levels>.

²⁶¹ Ibid

GDP of Washington State by Industries in 2013

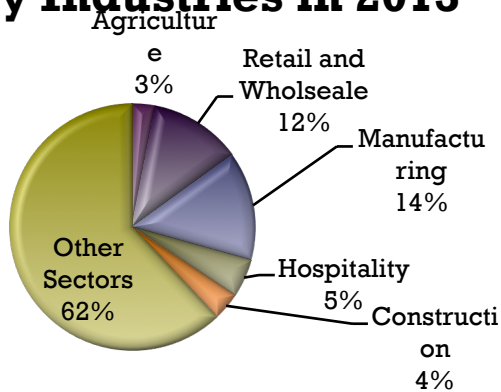


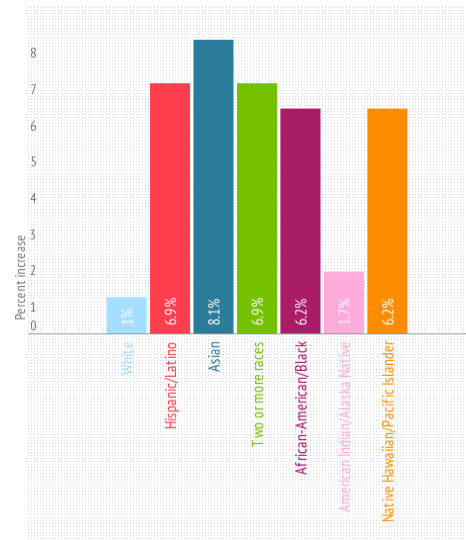
Figure 27

Seasonal Tourism

Within some industries, seasonal tourism and large events create additional vulnerabilities for labor trafficking to occur, specifically in the hospitality and construction industries. Holiday seasons and major events, such as the National Football League's Super Bowl and the International Olympics, call for a spike in cheap labor that often leads to labor trafficking.

In February 2014, Russia hosted the Winter Olympics in Sochi, a small resort town. Tens of thousands of construction workers, from Russia and abroad, were brought to this resort to transform it into a premium city with high-end hotels, newly constructed roads, and other major

Population growth, 2010-2012



Source: U.S. Census Bureau

Graphic: Gene Balk/The Seattle Times

Figure 28

²⁶² Balk, Gene. "Census: Washington Getting Less White, Older; Asians Growing Fastest in State." The Seattle Times. June 12, 2013. Accessed February 15, 2015. <http://blogs.seattletimes.com/fyi-guy/2013/06/12/census-washington-getting-less-white-older-asians-growing-fastest-in-State/>.

infrastructure, anticipating an influx of tourists during the weeks of the Olympic games.²⁶³ According to a Human Rights Watch report, “dozens of these workers suffered abuse and exploitation while employed on key Olympic venues.”²⁶⁴ Some of these violations included: non-payment or “severe delays” of wages, long working days with few breaks, withholding of passports and other documents, unstable housing, and lack of food.²⁶⁵ Additionally, hotels see a surge of customers during the Olympics causing the hospitality industry to become vulnerable to an increase of forced and unethical labor. Seasonal tourism is similar to preparation for the Olympics. There is an increase of tourists causing hotels to become busier thus needing additional workers. This heightened, sporadic, and seasonal need for low-paying workers increases the chances for migrants and other workers to fall prey to labor trafficking.

Labor Trafficking Occurring in Washington State

Agriculture

In 2013, Washington State’s agriculture industry made up 3% of the State’s economy.²⁶⁶ Agriculture in Washington State alone is a \$49 billion dollar industry²⁶⁷ that employs approximately 160,000 people on 39,000 farms.²⁶⁸ Washington State is the largest producer of apples for the United States with about 20% of its agriculture sector producing apples that make

²⁶³ "R Race to the Bottom Exploitation of Migrant Workers Ahead of Russia's 2014 Winter Olympic Games in Sochi." Human Rights Watch, 2013, 1-8.

²⁶⁴ Ibid; 1

²⁶⁵ Ibid; 1-8

²⁶⁶ "Regional Data." U.S. Bureau of Economic Analysis (BEA). Accessed February 3, 2015. <http://bea.gov/iTable/iTable.cfm?reqid=70&step=1&isuri=1&acrnd=1#reqid=70&step=10&isuri=1&7003=200&7035=-1&7004=naics&7005=3,11,12,34,35,78,81&7006=53000&7036=-1&7001=1200&7002=1&7090=70&7007=2013&7093=levels>.

²⁶⁷ "Agriculture: A Cornerstone of Washington's Economy." Agriculture in Washington State. October 8, 2014. Accessed February 2, 2015. <http://agr.wa.gov/AgInWA/>.

²⁶⁸ Lerner, Sara. "Human Trafficking: Farm Labor, Forced Labor?" Human Trafficking: Farm Labor, Forced Labor? March 18, 2010. Accessed February 2, 2015. <https://www2.kuow.org/program.php?id=19525>.

up 64% of the United States' apples supply.²⁶⁹ Of this apple production, the majority of the labor force is made up of migrant workers from Michoacán and Oaxaca, Mexico.²⁷⁰

Agriculture employment tends to be more sporadic than employment in other industries due to the seasonality of farm work. Employers will frequently rely on migrant workers with H2-A visas for the harvesting season, and as a result “workers often do not spend enough time in each community to understand local support networks, laws or services.”²⁷¹ Such social disconnect has the potential to create an environment susceptible to labor trafficking. Additionally, the rural and isolated farmlands allow for a physical disconnect between the migrant worker and much of the rest of the population. Traditionally, the employer would provide housing for the migrant worker. This practice has the ability to constrain workers on the farm by isolating them from bystanders.²⁷² While not all cases similar to this have unethical labor practices, this seclusion sets up a prime situation for labor exploitation to occur.

The first case study analyzed shows one situation of labor trafficking within the agriculture sector of Washington State. This is one story of how labor trafficking can occur within the borders of the State. Farm workers' rights advocate, Erik Nicholson, and journalist for KUOW News, Sara Lerner, show the journey of one man - we will call him Jay, although the original study does not give him a name. Throughout his journey from Mexico to Washington, Jay was “trapped, penniless, in debt, and fearing for his family's safety.”²⁷³ This feature, entitled “Human Trafficking: Farm Labor, Forced Labor?” is part of a four-part series on *Human Trafficking in Washington State*. In Jay's case, his trafficker, recruiter, and employer were all the

²⁶⁹ "Washington Economy." Economy of Washington including Washington Agriculture and Manufacturing from NETSTATE.COM. May 5, 2014. Accessed February 2, 2015. http://www.netState.com/economy/wa_economy.htm.

²⁷⁰ Beifus, Kristen. "Washington Fair Trade Coalition." Lecture, from University of Washington Law, Seattle, January 11, 2013; 8.

²⁷¹ "Agriculture." National Human Trafficking Resource Center. Accessed February 3, 2015. <http://www.traffickingresourcecenter.org/labor-trafficking-venuesindustries/agriculture>.

²⁷² Ibid

²⁷³ Lerner, Sara. "Human Trafficking: Farm Labor, Forced Labor?" Human Trafficking: Farm Labor, Forced Labor? March 18, 2010. Accessed February 2, 2015. <https://www2.kuow.org/program.php?id=19525>.

same person, however, as mentioned before, this is not always the situation. In this study, his employer offered to help Jay obtain a non-immigrant, guest worker visa, an H-2A, for a fee of \$11,000. Jay mortgaged his house in order to pay the recruiter. Oftentimes the transaction between the recruiter and the worker is a direct cash payment in the worker's home country; therefore, it is nearly impossible to track. When Jay arrived in Washington State, his employer took his passport and documents, and threatened to hurt him and his family if he was not a dedicated worker.

After Jay had worked for a few months in rural Washington earning \$1,500, his employer stopped giving him jobs and kept him under 24-hour surveillance without any food. Soon, Jay grew suspicious about his unorthodox situation. He called the only people he had contact with outside of the farm. They drove hours to rescue him and connected him with Lori Isley from Columbia Legal Services in Yakima. Isley was able to help Jay apply for a T-Visa.²⁷⁴

While not all farmworkers are being used as trafficked labor, labor trafficking is a large problem within this sector due to the lack of communication and interaction with individuals outside of the farm.²⁷⁵ Farm work is often distant from metropolitan areas. This physical isolation, paired with a migrant worker who has language and cultural barriers, creates vulnerabilities for farm workers to become victims of labor trafficking.

However, not all cases of labor trafficking require the movement across borders or the presence of linguistic and cultural differences. In one instance in Florida, labor contractor, Ronald Uzzle, recruited and supervised drug-addicted men from homeless shelters to work on potato farms. In this case, "Uzzle took advantage of the workers' drug dependencies by not

²⁷⁴ Ibid

²⁷⁵ "Agriculture." National Human Trafficking Resource Center. Accessed February 3, 2015. <http://www.traffickingresourcecenter.org/labor-trafficking-venuesindustries/agriculture>.

paying proper wages, subjecting them battered housing, and supplying them with drugs.”²⁷⁶

Uzzle and Bulls-Hit, the growing company that contracted Uzzle, were both charged in a lawsuit for violating human trafficking laws. Bulls-Hit compensated the workers for the wages that were withheld and “agreed to only use reputable, licensed labor contractors.”²⁷⁷ Additionally, Bulls-Hit agreed to pay workers directly rather than allowing a third party contractor to pass along the earnings.²⁷⁸ This second example shows a similar trajectory of labor trafficking and how not only immigrants are susceptible to forced labor, but also locals. Both examples showed evidence that the trafficker manipulated the victims with promises of a better life and kept them isolated. Although this occurred in Florida rather than Washington State, it can be inferred that a similar event is possible to occur, and most likely does occur, in Washington State given its vulnerabilities to such practices.

Differences between these two examples are depicted by the role that the trafficker played. In the first situation, Jay’s recruiter and employer were the same person and he was trafficked by his employer directly. In the second situation, the drug-addicted homeless men were trafficked by a subcontracted recruiter, who was different from the employer. This distinction explicitly shows that the culprit of trafficking can lie at the different levels in the hiring process. Furthermore, this also highlights the necessity for accountability along all parts of the hiring process. Both the recruiter and the employer benefit from cheap labor, which is one reason both should be responsible for all labor practices.

²⁷⁶ "Victory for Farmworkers: Grower Held Liable for Labor Contractor's Abuses." *Farmworker Justice News*, January 1, 2012.

²⁷⁷ Ibid

²⁷⁸ Ibid

Hospitality and Leisure

In 2013, the hospitality and leisure industry in Washington State made up 5% of the State's GDP.²⁷⁹ Similar to the agriculture industry, this industry is a vulnerable sector for trafficked labor to occur in Washington State. The process for hiring employees in this industry is comparable to agriculture where the worker may pay a recruiter to establish a job connection. Dissimilarly, the hospitality industry is not seasonal in the same way as the agriculture industry is because it does not rely on the weather for production. However, hospitality does have its peak times, such as tourism season and large national or international events, for example the Olympics or a national sports championship game.

According to the International Tourism Partnership, "government and law enforcement agencies pinpoint the hospitality industry as being high risk" for human trafficking. However, "there is no evidence to suggest that large chains or smaller independents are more at risk."²⁸⁰ They claim that the risk of forced labor increases when subcontractors hire migrant workers due to the lack of accountability and awareness from the hotel management about the treatment of these workers.²⁸¹

Frequently, victims of forced labor can be found in hotels and motels as room attendants, front desk associates, kitchen and restaurant staff, doormen, etc. Although it is more frequent for the labor recruiter, subcontracted by the hotel management, to be the primary trafficking offender, in some cases the hotel management also acts as the trafficker.²⁸²

²⁷⁹ "Regional Data." U.S. Bureau of Economic Analysis (BEA). Accessed February 3, 2015. <http://bea.gov/iTable/iTable.cfm?reqid=70&step=1&isuri=1&acrdn=1#reqid=70&step=10&isuri=1&7003=200&7035=-1&7004=naics&7005=3,11,12,34,35,78,81&7006=53000&7036=-1&7001=1200&7002=1&7090=70&7007=2013&7093=levels>.

²⁸⁰ Tuppen, Holly. "Addressing Human Trafficking in the Hospitality Industry." Green Hotelier. July 18, 2013. Accessed February 2, 2015. <http://www.greenhotelier.org/know-how-guides/addressing-human-trafficking-in-the-hospitality-industry/>.

²⁸¹ Ibid

²⁸² "Hospitality." National Human Trafficking Resource Center. Accessed February 2, 2015. <http://www.traffickingresourcecenter.org/labor-trafficking-venuesindustries/hospitality-0>.

In one instance, undocumented workers from South America were subcontracted to work as janitorial staff in a national hotel chain that has outlets in Spokane. The subcontractor, from Florida, had arranged student visas for these workers despite the fact that they were not attending a university. In Spokane, these workers were under constant surveillance, not permitted to leave their work or housing, and they were not paid for their labor.²⁸³ Similar to the agriculture examples, these South American workers were isolated and continuously watched, only interacting with others on rare occasions while working. Both the labor contractor and the hotel chain were accountable for these clear violations of labor rights because both parties profited from the unpaid labor despite the fact that the labor contractor was the main trafficker in this situation.

Construction

The construction industry is home to its own share of labor trafficking occurrences. Contributing to 4% of Washington State's GDP in 2013,²⁸⁴ labor trafficking victims in this industry can be found performing jobs such as demolishing buildings, scaffolding, and landscaping. Less frequently victims perform higher-skilled labor such as roofing, dry walling, electric work, pumping, carpentry, and painting.²⁸⁵ Similarly to the other sectors, these victims are subject to wage theft, poor safety and health regulations, and often fear deportation, as many of these victims are undocumented immigrants.

²⁸³ DuPey, Debbie. "A Survey of Human Trafficking in the Spokane Region: Conducted by the Inland Northwest Task Force on Human Trafficking." *Community Oriented Policing Services*, 2007; 12.

²⁸⁴ "Regional Data." U.S. Bureau of Economic Analysis (BEA). Accessed February 3, 2015. <http://bea.gov/iTable/iTable.cfm?reqid=70&step=1&isuri=1&acrdrn=1#reqid=70&step=10&isuri=1&7003=200&7035=-1&7004=naics&7005=3,11,12,34,35,78,81&7006=53000&7036=-1&7001=1200&7002=1&7090=70&7007=2013&7093=levels>.

²⁸⁵ Bernhardt, Annette, Siobhan McGrath, and James DeFilippis. "Unregulated Work in the Global City." *Brennan Center for Justice Report*, 2007, 75.

Many individuals find this form of work through subcontractors, similar to the other industries, where the employer hires a subcontractor to hire the employees. Others find these jobs through day labor corners and storefront employment agencies. This puts the worker under the direct supervision of the employer, making the employer solely accountable for all working conditions. It is common for job seekers to look for this type of unregulated work if they fear deportation or jail. This unregulated work is becoming more common in the construction industry due to jobs lasting for short periods of time, compared with other industries where the worker performs the same tasks day after day; for example, a janitor at a hotel or an apple picker on a farm. Construction projects tend to have a shorter duration allowing daily jobs for those trying to earn an honest living. These workers then fall into risk of being subjected to trafficking conditions. Construction day laborers often face wage theft violation because “some employers simply do not pay at all... Small fly-by-night contractors will refuse to pay workers, threatening to call immigration authorities if anyone complains, or just disappear at the end of a project without paying.”²⁸⁶ This is in addition to the contractors frequently cutting costs from poor safety and health conditions by operating with a lack of safety training, exposure to hazardous materials, and a lack of safety equipment, usually only a hardhat is given to these workers.²⁸⁷

According to Washington Anti-Trafficking Response Network (WARN), the majority of labor trafficking victims in the United States’ construction industry are males. In order to segregate them from the community, they are often housed in “garage-like storage units, prevented from speaking to family members, convinced they’ve been abandoned by their family, refused food for days on end, and ultimately threatened with being killed should they try to

²⁸⁶ Ibid 12.

²⁸⁷ Ibid 74.

escape.”²⁸⁸ Again, the trafficker uses isolation as a tactic for manipulation and control. The offender withdraws the victims keeping them away from potential allies.

Manufacturing

Washington State’s manufacturing sector was 14% of the State’s GDP in 2013.²⁸⁹ Seattle and Washington State’s other urban cities create a suitable environment to have a significant manufacturing industry. Winners of the 2014 Washington Manufacturing Awards, presented by the *Seattle Business Magazine*, included Electric Mirror, Trojan Litho, and Key Technology as the manufacturers of the year for large firms. Other winners included Kymeta Corp. for the emerging manufacturer of the year for midsize firms, Darigold for food processor of the year for large firms, and Pioneer Human Services for nonprofit manufacturing of the year.²⁹⁰ The purpose of these awards, according to *Seattle Business Magazine*, is to recognize the visible, household names of Washington State manufacturing as well as the smaller manufacturers.²⁹¹ Despite the high praise from *Seattle Business Magazine*, the manufacturing sector in Washington State is declining. Between 2001 and 2004 more than 66,000 manufacturing jobs in Washington State were moved overseas. However, moving jobs overseas potentially increases the issue of human trafficking due to relatively lax labor laws abroad.

One instance of labor trafficking in the manufacturing industry demonstrates the sweatshop conditions of a high-end clothing line, Alexander Wang. Alexander Wang is a fashion designer whose clothes sell at Nordstrom’s ranging from \$350 to more than \$1,500 for a single

²⁸⁸ "Human Trafficking in Washington State." *Washington Anti-Trafficking Response Network*.

²⁸⁹ "Regional Data." U.S. Bureau of Economic Analysis (BEA). Accessed February 3, 2015.

<http://bea.gov/iTable/iTable.cfm?reqid=70&step=1&isuri=1&acrdrn=1#reqid=70&step=10&isuri=1&7003=200&7035=-1&7004=naics&7005=3,11,12,34,35,78,81&7006=53000&7036=-1&7001=1200&7002=1&7090=70&7007=2013&7093=levels>.

²⁹⁰ "2014 Washington Manufacturing Awards." *Seattle Business Magazine*. May 1, 2014. Accessed February 4, 2015.

<http://seattlebusinessmag.com/article/2014-washington-manufacturing-awards>.

²⁹¹ *Ibid*

item.²⁹² Despite these high costs, his clothes are made in New York City's Garment District in sweatshop like conditions, forcing up to approximately 25 hours of continuous work without breaks or overtime pay. In these sweatshops, workers were kept in an unventilated and windowless section of the design firm. Worker, Wenyu Lu, was fired after complaining to management about the poor and unethical working conditions. Lu then sued Wang for \$50 million dollars with the support of other employees from the workplace.²⁹³ This specific example of labor trafficking within the manufacturing sector occurred in the Garment District in New York City, not abroad. However, portions of Wang's clothes are in fact assembled in China²⁹⁴ similar to how "much of America's cheapest garment production has moved overseas" since the 1980s.²⁹⁵

According to the National Human Trafficking Resource Center (NHTRC), in the United States most of the labor trafficking in the manufacturing sector occurs in the garment industry and in food processing plants.²⁹⁶ Workers in the garment industry generally perform jobs such as sewing, assembling, pressing, or packing apparel. In the food processing plants, the workers slaughter, preserve, can, or package the food.²⁹⁷ These jobs each have many safety concerns in addition to wage violations including wage theft, many hours without breaks, lack of food distribution, and others. Most of these victims are non-unionized immigrant workers with the shared characteristics of language and cultural differences, debt bondage, and isolation. Manufacturing factories are frequently located in larger metropolitan areas, like New York City,

²⁹² "Alexander Wang Clothing." Nordstrom. Accessed February 15, 2015. <http://shop.nordstrom.com/c/alexander-wang-womens-clothing?origin=fashionresultspreview#category=b60155822&type=category&defaultsize3=&size=&width=&color=&price=&stores=&instoreavailability=false&lastfilter=price&sizeFinderId=2&resultsmode=&segmentId=0&pa>.

²⁹³ De Jesus, Jessica, and Tabea Kay. "Ethical Style: There Are Still Sweatshops in America." GOOD Magazine. March 30, 2012. Accessed February 15, 2015. <http://magazine.good.is/articles/ethical-style-there-are-still-sweatshops-in-america>.

²⁹⁴ Ibid

²⁹⁵ Bernhardt, Annette, Siobhan McGrath, and James DeFilippis. "Unregulated Work in the Global City." *Brennan Center for Justice Report*, 2007, 77.

²⁹⁶ "Factories." National Human Trafficking Resource Center. Accessed February 5, 2015. <http://www.traffickingresourcecenter.org/labor-trafficking-venuesindustries/factories>.

²⁹⁷ Ibid

Los Angeles, and Seattle, due to the need for large warehouses for production.²⁹⁸ Although the trafficked person is physically located in a large city, he or she is usually isolated from others, not permitted to leave the job site or housing location.

Within the global manufacturing industry, about 80% of manufacturers that make clothing for American retail companies “are paying their employees wages that violate local and international labor laws.”²⁹⁹ These sweatshops are located in about 150 countries, including the United States.³⁰⁰ According to the NHTRC, the two main reasons for high demand in the manufacturing industry in the United States are low profit margins and the tiered production system.³⁰¹ United States garment factories compete with overseas manufacturers that use cheap labor to produce relatively cheap goods. The profit margins in this sector are small. In order to increase profits, companies will frequently lower wages and other costs for maintenance that then lead to unethical labor practices.

The tiered production system allows for separation between retailers and the trafficked workers. In some cases the manufacturers hire subcontractors who are directly responsible for the morality of the working conditions. While this may “fall outside the scope of retailer-manufacturer agreements governing overtime, workplace safety, discrimination/harassment, and the right to organize and bargain collectively,”³⁰² many Washington State based retailers, such as Nordstrom³⁰³ and Costco,³⁰⁴ claim that they are taking steps to ensure that their manufacturers are providing ethical labor practices. This in turn holds the manufactures accountable to warrant

²⁹⁸ Bernhardt, Annette, Siobhan McGrath, and James DeFilippis. "Unregulated Work in the Global City." *Brennan Center for Justice Report*, 2007, 77-80.

²⁹⁹ 2006 JSIS taskforce page 157

³⁰⁰ 2006 JSIS taskforce page 157

³⁰¹ "Factories." National Human Trafficking Resource Center. Accessed February 5, 2015.

<http://www.traffickingresourcecenter.org/labor-trafficking-venuesindustries/factories>.

³⁰² Ibid

³⁰³ "Nordstrom Cares: Responsible Manufacturing | Nordstrom." Nordstrom. Accessed February 16, 2015.

<http://shop.nordstrom.com/c/nordstrom-cares-responsible-manufacturing>.

³⁰⁴ "Costco Disclosure Regarding Human Trafficking and Anti-Slavery." Costco Disclosure. Accessed February 16, 2015.

<http://www.costco.com/disclosure-regarding-human-trafficking-and-anti-slavery.html>.

their subcontractors to provide goods that were not made through trafficked labor. Additionally, the low price of goods in the manufacturing sector generally benefits the retailer. This creates a direct link between the trafficked labor and the retail company, which in turn should hold the retailer accountable for labor conditions in the supply chain.

Retail

Washington State's retail industry makes up 12% of the State's GDP³⁰⁵ and 25% of the State's jobs.³⁰⁶ Washington State is home to large retail chains, including Amazon, Boeing, Costco, Microsoft, Nordstrom, along with many others. Many of the occupations that are prone to labor trafficking in this sector include cashiers, stock clerks, security guards, delivery workers, food preparers, janitors, baggers, and others. Locations including discount retail stores, often times known as 99-cent stores, ethnic retail stores, flower shops, nail salons, massage parlors, restaurants, grocery stores, laundry mats, dry cleaning stores, and many others are subject to hire labor trafficking victims. Most of these businesses are non-union making it relatively difficult for workers to collaborate for more ethical working conditions.³⁰⁷ Similar to the other industries that were discussed previously in this section, the retail sector in Washington State is vulnerable to labor trafficking. The growing diverse population and relatively easy access for immigration and smuggling allow for trafficked migrant workers to blend in with the population. Additionally, the ample retail service of both large and small businesses provides for the possibility of labor trafficking to occur.

³⁰⁵ "Regional Data." U.S. Bureau of Economic Analysis (BEA). Accessed February 3, 2015. <http://bea.gov/iTable/iTable.cfm?reqid=70&step=1&isuri=1&acrdn=1#reqid=70&step=10&isuri=1&7003=200&7035=-1&7004=naics&7005=3,11,12,34,35,78,81&7006=53000&7036=-1&7001=1200&7002=1&7090=70&7007=2013&7093=levels>.

³⁰⁶ "Home - Washington Retail Association." Washington Retail Association. Accessed February 2, 2015. <http://retailassociation.org/>.

³⁰⁷ Bernhardt, Annette, Siobhan McGrath, and James DeFilippis. "Unregulated Work in the Global City." *Brennan Center for Justice Report*, 2007.

Similar to the other sectors, the retail industry uses labor contractors to connect workers to jobs through exploitative means. Once connected, human rights violations can occur at the managerial or the recruiter level. One example of labor trafficking in the retail industry consists of bathroom attendants at “well-known restaurants” in New York City.³⁰⁸ In 2004, the New York State Attorney General’s office noted that restaurants were paying agencies to provide bathroom attendants. Rather than paying the workers an hourly wage, the bathroom attendants worked for tips. Many times the attendants were victims of wage theft, as the agencies would steal most of the tips, leaving the worker with as little as \$2.00 an hour at the end of the day. After investigations, the State Attorney General’s office found that the restaurants were liable for labor trafficking in which most of the restaurant owners agreed to hire the workers as in-house attendants rather than paying a third party recruiter agency to provide the workers.³⁰⁹ However, there was no mention of whether the restaurant owners were treating and paying the bathroom attendants with more ethical labor practices afterwards.

The retail industry has many layers between the top CEO and the workers. Accountability of working conditions lies at each level of the hierarchy because large profits, which may be partially due to cheap and exploitative labor, affect and benefit each level of employment throughout the supply chain. The hiring process is interconnected where if the subcontractor does not pay the worker providing competitive low costs to the employer, travels through the supply chain providing accountability of the violations at each level.

³⁰⁸ Bernhardt, Annette, Siobhan McGrath, and James DeFilippis. "Unregulated Work in the Global City." *Brennan Center for Justice Report*, 2007, 17.

³⁰⁹ Ibid

Labor Trafficking Occurring Abroad

The *Guardian* published an article entitled, “Revealed: Asian Slave Labour Producing Prawns for Supermarkets in U.S., U.K.”³¹⁰ This article focuses on Charoen Pokphand (CP) Foods, a company based in Thailand and the world’s largest prawn farmer, selling prawns to companies including Wal-Mart, Carrefour, Tesco, and Washington State’s own Costco. CP Foods bought much of its stock of inedible fish used to feed their prawns from suppliers who enslaved men on fishing boats off the coast of Thailand. These men were forced to work without pay and were kept on the boat for years at a time against their will. Many of those who escaped the boats explained their condition to the *Guardian* as “including 20-hour shifts, regular beatings, torture, and execution-style killings. Some were at sea for years; some were regularly offered methamphetamines to keep them going. Some had seen fellow slaves murdered in front of them.”³¹¹ This violation of ethical labor practices was committed by the boat captains who sold their product to CP Foods who then sold their prawns to companies such as Costco, bringing the issue back to Washington State.³¹²

Here, there is a similar trajectory to the violations that occur in Washington State. In this case study, migrant workers from Burma and Cambodia “paid brokers to help them find work in Thailand in factories or on building sites.”³¹³ These brokers then sold the migrant workers to boat captains for around \$375 USD. This is a similar situation to migrant workers paying recruiters to connect them with a job in Washington State that ends up being trafficked labor.

³¹⁰ Hodal, Kate, Chris Kelly, and Felicity Lawrence. "Revealed: Asian Slave Labour Producing Prawns for Supermarkets in US, UK." *The Guardian*, June 10, 2014. Accessed February 2, 2015. <http://www.theguardian.com/global-development/2014/jun/10/supermarket-prawns-thailand-produced-slave-labour>.

³¹¹ Ibid

³¹² Ibid

³¹³ Ibid

Costco said in a statement to the *Guardian* that it “would require its suppliers of Thai prawns ‘to take corrective action to police their feedstock sources.’”³¹⁴ Costco claims that they are actively working to ensure that their supply chain is clean from human trafficking, including the suppliers of their suppliers. In their disclosure regarding Human Trafficking and Anti-slavery, Costco states that: “our suppliers contractually agree to follow the Code and to ensure that their sub-suppliers also comply,”³¹⁵ ensuring that, to the best of their ability and knowledge, their global supply chain is free from human trafficking. This study is an example of how the large retail sector in Washington State has effect on the global supply chain and how it works to combat labor trafficking violations. While no company is entirely perfect in assessing that its supply chain is completely void of labor trafficking issues, Costco is one of the industry leaders that are paving the way for more accountability of the company and less trafficked labor in the supply chain.

Conclusion

Despite the level in the hiring process, all actors should be held accountable to achieve a trafficked-free supply chain. This can happen by each party ensuring that the others are providing fair, ethical, and safe work. Management staff should ensure that the subcontractor is adhering to all human right policies before agreeing to use the recruited labor, and the subcontractor should ensure the same from the management before connecting the worker with the company. The same responsibility should be enacted throughout the supply chain; each sector should be held accountable for the working conditions at their level as well as from their buyers and sellers. The interconnectedness of the hiring process and the supply chain are shown

³¹⁴ Ibid

³¹⁵ "Costco Disclosure Regarding Human Trafficking and Anti-Slavery." Costco Disclosure. Accessed February 16, 2015. <http://www.costco.com/disclosure-regarding-human-trafficking-and-anti-slavery.html>.

through the gains and profits that affect each level. If the worker is a victim of wage theft in the agriculture sector, for example, they provide competitive low cost of goods. These low cost goods are then sold to the manufacturing plants, or to retail stores, that benefit from the cheap products and thus benefit from the low paying labor in a different industry. Because of this interconnectedness and the potential for trafficked labor to be present in any of the industries, all parties should be held accountable for working conditions across the supply chain. Many industry leaders have already taken steps to provide a clean supply chain.

Industry Leaders' Efforts to Combat Labor Trafficking

By Margaret Montgomery

In a 1970 newspaper article Milton Friedman famously stated, “The social responsibility of business is to increase profits and nothing else.”³¹⁶ 45 years later this statement has changed dramatically. Today almost every large business releases some kind of sustainability report outlining its efforts to give back to communities and reduce environmental degradation. What is the most recent topic making its way into these reports? - Human trafficking.

After decades of increasing uses of forced labor, businesses are finally beginning to make efforts towards positive change. The use of forced labor is still prevalent in many supply chains for every day products, but this can change when corporations adopt standards that condemn human trafficking and protect the human rights of not only their own workers, but the workers of their suppliers as well.

The ILO cites “tripartite involvement” between consumers, corporations, and governments as a

³¹⁶ Gossling, Tobias. "The Profits of Responsibility: A Literature Study on the Financial Consequences of CSR." In *Corporate Social Responsibility and Business Performance : Theories and Evidence About Organizational Responsibility.*, 35. Cheltenham: Edward Elgar Publishing, 2011.

key factor to successfully eliminate human trafficking.³¹⁷ If businesses advertise their efforts to eliminate forced labor from their supply chains, consumers will be more educated about the issue and can choose their products based on how they were created. As long as governments do not require businesses to adhere to certain standards they will continue to produce goods using forced labor, or turn a blind eye towards the factories that supply them. Businesses can and are changing this practice by implementing monitoring programs for their supply chains and by making public statements about human rights.

This section will focus on data taken from annual reports and websites of 15 corporations across five different industries operating in Washington State. They will be analyzed on their publicly available efforts to combat labor trafficking within their company and also within their supply chains. This data will then be analyzed in order to identify trends and motivations for businesses to clean up their supply chains. The section will further explain the nature of the control that businesses have over their supply chains and the challenges facing small businesses when monitoring suppliers. The chapter will argue that trends of monitoring and supply chains are increasing and, as industry leaders adopt these practices it will be cheaper and easier for smaller businesses to follow suit.

Industry Leader Evaluation

Industry leaders have set the bar for smaller businesses for centuries. Adopting the strategies and practices of larger companies is an important and widely practiced tactic for smaller and mid-sized businesses to remain competitive and up-to-date. This case study will evaluate a group of 15 industry leader corporations in Washington State based on their adherence

³¹⁷ "The Cost of Coercion." The International Labour Organization. January 1, 2009. Accessed February 1, 2015. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_106268.pdf; 49 .

to guidelines put into place by the ILO³¹⁸ and the United Nations Guiding Principle on Business and Human Rights 15.³¹⁹ This principle states:

*In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including: a) a policy commitment to meet their responsibility to respect human rights; b) A human rights due diligence process to identify, prevent, mitigate, and account for how they address their impacts on human rights; c) Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.*³²⁰

Methods:

This case study was conducted by selecting a group of businesses, and then analyzing them based on a set of criteria to gauge their efforts, if any, in combatting labor trafficking. First five industries were selected that would be investigated based on susceptibility to incidences of labor trafficking. Using the 2006 Task Force Report on Human Trafficking agriculture, construction, retail, manufacturing, and hospitality were identified as the most important industries to investigate. Next, using a variety of sources including *Fortune's* 500 list, construction.com's toplist, and referenceusa.com, the top three businesses in each industry that operate in Washington State were selected. Next, a set of criteria based on the ILO's "Cost of Coercion" report and the UN's "Corporate Responsibility to Respect Human Rights" report was

³¹⁸ "The Cost of Coercion." The International Labour Organization. January 1, 2009. Accessed February 1, 2015. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_106268.pdf; 50 Box 4.1

³¹⁹ "The Corporate Responsibility to Respect Human Rights." Office of the High Commissioner for Human Rights. January 1, 2012. Accessed January 1, 2015. http://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf; 26-36

³²⁰ "The Guiding Principles on Business and Human Rights" Office of the High Commissioner for Human Rights. January 1, 2011. Accessed February 16, 2015; 16-17

established.³²¹ Then, using the Internet to look up policy releases, annual reports, and sustainability reports the companies were analyzed based on the criteria.

Businesses and Industries:

1. Agriculture: Darigold, Rainier Fruit Co., Ostrom's Mushrooms³²²
2. Construction: Betchel, Fluor Corps, Kiewit Corp.³²³
3. Hospitality: Marriott International, Hilton Worldwide Holdings Inc., Starwood Hotels and Resorts Worldwide³²⁴
4. Manufacturing: Apple, General Motors, Ford Motor³²⁵
5. Retail: Wal-Mart, Costco, Kroger³²⁶

Criteria:

1. Existence of a policy statement stating their responsibility to respect human rights consistent with UN standards.
2. Any information regarding efforts to combat labor trafficking, or condemning the practice of using forced labor within their company (not including their supply chain).

³²¹ "The Corporate Responsibility to Respect Human Rights." Office of the High Commissioner for Human Rights. January 1, 2012. Accessed January 1, 2015. http://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf; 26-36

³²² "U.S. Business Custom Search." ReferenceUSA. January 1, 2015. Accessed February 1, 2015. <http://www.referenceusa.com/UsBusiness/Search/Custom/e80fedd439014fb7bccfc1b6ede4e9be>.

³²³ "The 2014 ENR Top 400 Contractors." Engineering News-Record. January 1, 2014. <http://enr.construction.com/toplists/Top-Contractors/001-100.asp>.

³²⁴ "Fortune 500 2014." Fortune. January 31, 2014. Accessed February 10, 2015. <http://fortune.com/fortune500/>.

³²⁵ "Fortune 500 2014." Fortune. January 31, 2014. Accessed February 10, 2015. <http://fortune.com/fortune500/>.

³²⁶ "Fortune 500 2014." Fortune. January 31, 2014. Accessed February 10, 2015. <http://fortune.com/fortune500/>.

3. Description of activities to carry out due diligence of human rights within the company.
(Prevention, mitigation of human rights conflicts, etc.)
4. Any information regarding efforts to combat labor trafficking or condemning the practice of using forced labor within their supply chains.
5. Description of activities to carry out due diligence of human rights within supply chains.
6. Whether or not they advertised their commitment to reducing the use of forced labor.
(Gauged by involvement in human rights groups, additional efforts outside of monitoring to prevent forced labor, prominent location of human rights information on their website)

Figure 29

Sector	Business	Published a Human Rights Policy Statement	Condemn Human Trafficking Within the Company	Practice Due Diligence of Human Rights Within the Company	Condemn Human Trafficking in the Supply Chain	Practice Due Diligence of Human Rights In the Supply Chain	Advertise Commitment to Human Rights
Agriculture	Darigold	No	Yes	No	Yes	No	No
	Rainier Fruit Co.	No	No	No	No	No	No
	Ostrom's Mushrooms	No	No	No	No	No	No
Construction	Betchel Corp.	Yes	Yes	Yes	Yes	Yes	Yes
	Fluor Corp.	Yes	Yes	No	Yes	No	No
	Kiewit Construction Company	No	Yes	No	No	No	No

The findings of this study indicate that business leaders are becoming increasingly aware of the existence of labor trafficking within their supply chains, and that they are making strides to end labor trafficking not only within their businesses but also within their supply chains. Both condemning labor trafficking and publically advertising mitigation techniques are the norm of industry leaders, which was evident by seeing that over half of the businesses were compliant with four out of the five criteria.

Ten out of the fifteen businesses have a statement declaring their commitment to human rights. It is important that more and more businesses consider human rights to be a prominent issue both in regards to ethics and sustainability. After analyzing various annual reports the trends show a focus on ethics referring to financial practices and sustainability pertaining to the environment. Human rights is emerging as an important corporate issue and many businesses are in fact making these issues a priority. Many of these businesses have a verbatim adoption of the phrase “As the basis for embedding their responsibility to respect human rights, business

³⁴⁰ "Fluor's Business Conduct and Ethics Expectations for Suppliers and Contractors." Fluor. January 1, 2014. Accessed February 1, 2015. http://www.fluor.com/SiteCollectionDocuments/BRHQ056009_Supplier_Expectations.pdf.

³⁴¹ "Fluor Expects Its Third Parties to Maintain the Highest Standards of Integrity." Fluor. Accessed February 1, 2015. http://www.fluor.com/sustainability/ethics_compliance/Pages/supplier_expectations.aspx.

³⁴² "Kiewit's Code of Ethics and Business Conduct." Kiewit. January 1, 2014. Accessed January 1, 2015. http://www.kiewit.com/files/2113/8054/9770/Kiewit_Ethics_and_Code_of_Conduct.pdf.

³⁴³ "2014 Sustainability Report." Marriott. January 1, 2014. Accessed February 1, 2015. https://www.marriott.com/Multimedia/PDF/CorporateResponsibility/2014SustainRpt_FNL_Ir.pdf.

³⁴⁴ "Key Initiatives: Human Rights." Hilton Worldwide. January 1, 2014. Accessed February 1, 2015. <http://cr.hiltonworldwide.com/communities/progress.php#/communities-accordion/human-rights>.

³⁴⁵ "Global Citizenship: Sustainability Critical Areas of Focus." Starwood Hotels and Resorts. January 1, 2015. Accessed February 1, 2015. <http://www.starwoodhotels.com/corporate/about/citizenship/sustainability/focus.html>.

³⁴⁶ "Starwood Hotels and Resorts Worldwide Inc. Supplier Code of Conduct." Starwood Hotels and Resorts. Accessed February 1, 2015. https://www.starwoodhotels.com/Media/PDF/Corporate/SC_Supplier_Letter_-_Code_of_Conduct_Jan15_Final.pdf.

³⁴⁷ "Starwood Hotels and Resorts Worldwide Inc. Human Rights Policy Statement." Starwood Corporate Library. December 1, 2007. Accessed February 1, 2015. <http://library.corporate-ir.net/library/78/786/78669/items/273519/Human1207.pdf>.

³⁴⁸ "CA Supplier Act." Darigold. January 1, 2014. Accessed February 1, 2015. <http://www.darigold.com/ca-supplier-act>.

³⁴⁹ "Our Story: Our Commitment." Rainier Fruit Co. January 1, 2014. Accessed February 1, 2015. <http://rainierfruit.com/our-story/>.

³⁵⁰ "About Our Company." Ostrom's Mushroom Farm. January 1, 2013. Accessed February 1, 2015. <http://www.ostrommushrooms.com/about/>.

enterprises should express their commitment to meet this responsibility through a statement of policy,” which the UN uses in their anti-trafficking report.³⁵¹

Almost all, thirteen out of fifteen, of the businesses used in this study condemn the use of forced labor. While this is a very good sign, only nine out of the thirteen went on to elaborate on systems and strategies they use to actually carry out the goal of eliminating labor trafficking. Claiming a zero-tolerance policy is meaningless when it is not backed up by concrete plans, such as education seminars and designation of human rights departments within the company. Trafficking is difficult to combat due to its subversive nature; therefore, it is imperative that corporations create strong action plans for identifying forced labor among their ranks.

Twelve out of the fifteen businesses have condemned human trafficking not only within their own business but also throughout their supply chains. Some even went so far as to say they monitor their suppliers’ suppliers. This is excellent evidence to show that business trends are shifting, and old practices of companies blaming suppliers for instances of forced labor are no longer valid. Due to increased consumer awareness about human rights abuses and the legislation in place in California, more and more businesses are thinking about how responsibility lies throughout their supply chain.³⁵² The practices of monitoring the supply chain are daunting, but just over half (eight out of the fifteen) businesses in the case study have described methods through which they monitor and educate their suppliers about the uses of forced labor.

³⁵¹ "The Corporate Responsibility to Respect Human Rights." Office of the High Commissioner for Human Rights. January 1, 2012. Accessed January 1, 2015. http://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf; 26

³⁵² "The Cost of Coercion." The International Labour Organization. January 1, 2009. Accessed February 1, 2015. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_106268.pdf; 49 .

Analysis of Findings

The results of this study show that attention to labor trafficking at the corporate level is growing, and that it will begin to become the norm throughout all sizes of business. While most of the efforts are concentrated in the hands of larger companies, the smaller ones are making strides as well. In the study, agriculture and construction were the worst performing. These are the sectors where labor trafficking is most rampant, especially in the United States,³⁵³ and this is partially because industry leaders are not making necessary efforts to set a standard against labor violations. This may be in part because these companies were significantly smaller than those in other industries, and suggests that they do not have the capital to afford to implement such practices. The flipside of this is that all but one of the companies analyzed are private, so they also do not have the pressure from shareholders to create anti-labor trafficking policies.

Businesses are making anti-labor trafficking decisions for three primary reasons: because increasingly aware customers and shareholders are demanding it, because of the high costs of litigation and loss of brand value surrounding human rights violations, and because of laws like the California Supplier Act. While consumers put pressure on businesses to make anti-labor trafficking policies because of the human rights issue, investors and shareholders want to make sure that they are investing in legitimate businesses that are not going to be shut down or lose money through human rights violation cases.³⁵⁴

Kroger is a prime example. There is no mention of labor trafficking and human rights whatsoever in their annual report, and only a small mention of them in a section of their website

³⁵³ "Labor Trafficking in the US." Polaris Project. January 1, 2014. Accessed February 1, 2015. <http://www.polarisproject.org/human-trafficking/labor-trafficking-in-the-us>.

³⁵⁴ "The Kroger Company Human Rights Risk Assessment 2014." Intercommunity Peace and Justice Center. January 1, 2014. Accessed February 1, 2015. http://www.ipjc.org/programs/NWCRI_Kroger2014.pdf.

discussing their compliance with the California Supplier Act.³⁵⁵ In June of 2014, Kroger's shareholders sent a letter to the company demanding more transparency in their efforts around supply chain monitoring. They stated that, "we favor policies and practices that protect and enhance the value of our investments," and cited, "increasing recognition that company risks related to human rights violations, such as litigation, reputational damage, and project delays and disruptions, can adversely affect shareholder value."³⁵⁶ They demand that Kroger publish a Company-Wide Human Rights Policy and an additional human rights code, required by all suppliers to follow. This case shows that, although Kroger has complied with the California Supply Chain legislation, they still have not satisfied their investors. Possessing human rights statements and supplier codes of conduct are becoming expected of large businesses, and adopting them is important to remain competitive and a good investment option.

As more businesses develop policies to clean up their supply chains, it will be more financially feasible for small businesses to do the same thing. By copying supplier codes of conduct that have been created by larger businesses, smaller businesses can save money on the research and developmental costs required to craft their own. As more and more large companies put pressure on suppliers to get certain certifications and audits, smaller businesses will be able to demand of suppliers to show some kind of certification before deciding to set up a contract with them.

There are also increasing numbers of organizations starting up that are dedicated to making it easier for businesses to respect human rights. Among these are the Business and Human Rights Resource Center, the Institute for Human Rights and Business, and the Global

³⁵⁵ "California Transparency in Supply Chains Act of 2010." The Kroger Co. January 1, 2014. Accessed February 10, 2015. <http://www.thekrogerco.com/vendors-suppliers/california-transparency-in-supply-chains-act-of-2010>.

³⁵⁶ "The Kroger Company Human Rights Risk Assessment 2014." Intercommunity Peace and Justice Center. January 1, 2014. Accessed February 1, 2015. http://www.ipjc.org/programs/NWCRI_Kroger2014.pdf.

Business Initiative on Human Rights. These organizations help generate awareness on the issue by publishing examples of businesses that are doing both good and bad jobs of maintaining clean supply chains, and also by providing resources for businesses about the ways they can improve human rights for all their employees.

Small Business Perspective:

The difference between what small and large businesses do and are capable of doing to combat labor trafficking is enormous. Besides a lack of capital and investors to pressure them, small businesses lack crucial authority that can change the labor practices of suppliers. The accountability factor is also very different. When a garment factory in Bangladesh collapses that makes mostly clothes for H&M it is easy to point a finger in their direction, but when an asparagus farm that ships to a supplier used by 500 small restaurants is accused of labor violations there is rarely any blame placed on those restaurants.

Snappy Dragon is a small family owned restaurant in Seattle that has about a million dollars in sales annually. They receive deliveries from three different suppliers, go out and personally purchase supplies from two businesses regularly, and use an additional three suppliers on an as-needed basis. The suppliers that they purchase from are only required to submit the minimal paperwork necessary for making a purchase. With every shipment, invoices are provided stating the country of origin of the food and the date it was packaged. The produce suppliers provide regular “industry outlooks,” but never include any information about labor practices or even the farms from which they buy.

Snappy Dragon’s management had never considered that trafficked labor could be present in its supply chain until recently, due to heightened awareness of the issue. Still, in their

opinion it would be too costly and difficult to implement any monitoring system. Costs were named as the number one inhibiting factor, with lack of information coming in at a close second. The produce supplier that they use discloses no information about which farms their food comes from and the costs of investigation are beyond the restaurant's reach.

When asked what could make the process easier, management suggested a third party certification that suppliers could obtain. That way, as a business Snappy Dragon could quickly and cheaply see which suppliers had earned the certification. They seemed skeptical however that agriculture companies would be willing to submit more paperwork, and doubted the actual validity that such a certification process would bring about. Snappy Dragon claimed that the number one motivator for them to adopt a supplier certification plan would be to appeal to customers, but right now they do not think the demand is there. "There are people who won't eat a restaurant unless it's got a certification on the menu claiming everything is organic, and there isn't that kind of demand out there for labor trafficking."³⁵⁷ This shows that if there were demand from the consumers, even smaller businesses would be willing to oblige to take effective strides to eliminate labor trafficking within their supply chains.

Conclusion

As businesses move in positive directions and continue to develop efforts to eliminate trafficked labor from their supply chains, labor trafficking will be significantly reduced. The businesses are a key player in the tripartite involvement that is necessary to make real progress on the issue. The results of the industry leader case study are promising and show that due to legislation, the consequential loss of brand value following human rights abuses, and consumer

³⁵⁷ Erica Fu, Interviewed by Maggie Montgomery. February 1, 2015.

and stakeholder pressure, businesses are increasing their efforts to protect human rights. As consumer awareness grows it will be even more important that businesses can keep up with their changing preferences.

As more businesses develop strategies for keeping up clean supply chains it will become cheaper and easier for smaller businesses to do the same thing. The results of the industry leader case study are positive. While there are some sectors that are lagging behind the others it shows us that big businesses are starting to consider human rights an important issue in corporate social responsibility. Because industry leaders are the pioneers of newest trends we can expect to see an increase of businesses adopting human rights policies in the coming future.

The Real Cost of Clean Supply Chains

By Margaret Montgomery

The Human Trafficking Industry reportedly brings in a profit of \$32 billion annually. Of that \$32 billion, \$15.5 is made in industrialized countries.³⁵⁸ Many businesses shy away from requirements in place to combat labor trafficking because they worry about the costs to pay to auditors and the difficulty of maintaining clean supply chains. This section will investigate the real cost of clean supply chains, and the price to be paid if nothing is done. When businesses do not rigorously monitor their supply chains not only are they endangering the lives of their workers and perpetuating the vicious cycle of labor trafficking, they are also exposing themselves to being involved in high profile cases that will result in a loss of brand value.

The first part of this section will analyze the cost of developing anti-trafficking business practices and its impact on the overall sales and expenses of a business. It will investigate the

³⁵⁸ "11 Facts About Human Trafficking." DoSomething.org. January 1, 2014. Accessed February 1, 2015.

proportion of the budget that is devoted to implementing and updating anti-forced labor standards. It will also examine how when human rights abuses are publicized businesses incur losses, including high litigation expenses and loss of brand value.

Next this section will examine how a little increase in payments by businesses can greatly benefit workers. When workers stand up to their employers and demand even the smallest increase it can result in a huge difference for them. Lastly, the section will look into how much consumers are willing to pay for goods that are certified to be free of trafficked labor and how consumer preferences are shifting in that direction.

Costs of Maintaining Clean Supply Chains

Finding information on the costs that businesses pay to maintain clean supply chains is difficult, causing a lot of insecurities for businesses to begin using clean supply chains. If information is more readily available for businesses about the costs of switching to using clean supply chains, than more businesses would be willing to make the switch because they could budget more in advance. Existing information shows that while costs of audits are significant, businesses engaging in auditing are able to function even better than their competitors. This is because the costs that go into maintaining clean supply chains circle back to the company and their shareholders in terms of earnings per share, return on investment (ROI), and total brand value.

Costco Wholesale Case Study Background:

Costco developed a supplier code of conduct in 1990, decades before many other retailers began similar practices.³⁵⁹ This initial code of conduct dealt with their suppliers for non-food items coming out of Asia. At the time, their code of conduct was unprecedented. Costco decided to take action because high profile cases involving corporations like Nike and Adidas shed light on the realities of the conditions of factories from which the companies bought products from. In the wake of these cases, NGOs and the Academic community began to place accountability on brands and retailers for their products. Costco's Supplier Code of Conduct began to be applied to an increasing base of suppliers across other industries. Costco began to audit their companies in 1999 to make sure that they were actually complying with the code of conduct they had signed. This was initially done on a small scale and has grown widely since. In 2010 after the passage of the California Supplier Act, Costco began to conduct even more audits on their company and expanded their efforts. With such a large company and with so many suppliers, Costco faces many challenges. They do not have any formal relationships with any of the factories where their goods are made (even Kirkland Signature products). Instead, they have formal relationships with suppliers who are then responsible for selecting the factories the goods come from.³⁶⁰

Current Practices and Costs:

Costco's current system of supply chain monitoring uses third party auditors to conduct audits on their factories, and then employs a team of people in the corporate office to oversee the audit process. The audit team works closely with the buying team to stay updated on who Costco

³⁵⁹ "Costco Disclosure Regarding Human Trafficking and Anti-Slavery." Costco Wholesale. 2015. Accessed February 10, 2015. <http://www.costco.com/disclosure-regarding-human-trafficking-and-anti-slavery.html>.

³⁶⁰ Preston Witt, Interviewed by Margaret Montgomery February 11, 2015

is purchasing from. They put the suppliers and auditors in touch to arrange inspections. After the audit is complete, the team evaluates it and then makes the final decision about what Costco's actions should be.³⁶¹

The average cost of a single audit charged by the third party auditor is \$1,200 and about 2,500-3,000 audits are conducted annually. This makes the costs of audits between 3-3.6 million dollars a year. Costco does not pay this expense directly because they require suppliers to be the ones to pay the auditors. Costco winds up paying indirectly for the audits because suppliers factor in the price they paid for the audit when selling their merchandise to Costco.³⁶²

The costs of the audits are only part of the expense of maintaining clean supply chains. Other costs that need to be considered are the annual salaries of the audit team members and the research and development costs that go into developing the supplier code of conduct and keeping it current. Consider the following table of information about Costco's financial performance:

Costco Financial information (taken from the annual income statement for the fiscal year ended 08/31/2014)^{363, 364}

Numbers in millions

Figure 30

Total Revenue	Merchandise Costs	Selling, General and Admin. Expenses	Net Income	Supply Chain Audit Expense
\$112,640	\$98,458	\$10,899	\$2,058	\$3.6

Starting with the total revenue, subtracting the merchandise costs, selling general and admin expenses, and other financial expenses not noted here, will give you the net income, or the

³⁶¹ Preston Witt, Interviewed by Margaret Montgomery February 11, 2015

³⁶² Preston Witt, Interviewed by Margaret Montgomery February 11, 2015

³⁶³ "Costco Wholesale Corp." Mergent Online. January 1, 2014. Accessed February 15, 2015.

<http://www.mergentonline.com.offcampus.lib.washington.edu/companydetail.php?compnumber=16720&pagetype=synopsis>.

³⁶⁴ Preston Witt, Interviewed by Maggie Montgomery February 11, 2015



total amount of money Costco earned in the fiscal year. The supply chain audit expense is part of the merchandise expense because the suppliers charge Costco the audit that they paid as a part of Costco's merchandise cost.

As you can see, the audit expense plays a very small role in Costco's bottom line. The audit expense is equivalent to 0.0017% of their annual net income and only 0.000037% of total merchandise costs. While part of the reason for this is that Costco has such a large sales volume, it would be helpful for other businesses to know that even a large and comprehensive audit program only has minimal effects on the bottom line.

Costco Vs. Kroger

To show how better practices towards the reduction of labor trafficking manifest themselves into terms of profitability a side-by-side comparison of Costco and Kroger will be examined. These companies will be examined because they are two of the largest retailers on the market and both face challenges of having diverse inventories. They are also both in very different places with the developments of their human rights campaigns. Costco is considered an industry leader in many regards and has been praised for the scope of their monitoring program. While Kroger has existing company policies condemning the use of labor trafficking throughout their supply chain, they do not have explicit information about existing efforts to make sure their policies are being upheld. As was mentioned in the previous section, Kroger has received direct criticism from their shareholders about this and a formal letter requesting that Kroger fully disclose its efforts.

The following table illustrates the positive effect that well-developed and thorough supply-chain management techniques have on a company.

Costco and Kroger Profitability Comparison ^{365, 366, 367, 368, 369, 370, 371}

	Kroger	Costco
Net Income (millions)	\$1,632	\$2,058
Dividend Yield	.68 %	.97%
Earnings Per Share	3.26	4.85
Price Earnings Ratio	30.751	22.264
Return On Investment (operating)	18.35	19.44
Employee Satisfaction	3.7	3.2
Net Sales increase over a five year period (in millions)	\$53,023	\$78,592
Net Sales percent increase over a five year period	116%	248%
Share Price	\$72.83	\$147.10

Figure 31

As this table shows, Costco, the company with a significantly larger effort towards combating labor trafficking is more profitable in almost every way. The company has grown much faster than Kroger in the last five years. In 2009, Costco was a smaller company in terms of annual net income, and in fiscal 2014 they made \$426 million more. The fact that Costco has a higher dividend yield, earnings per share, price earnings ratio, return on investment, and share

³⁶⁵ "Costco Wholesale Corp." Mergent Online. January 1, 2014. Accessed February 15, 2015. <http://www.mergentonline.com.offcampus.lib.washington.edu/companydetail.php?compnumber=16720&pagetype=synopsis>.

³⁶⁶ "Kroger Co." Mergent Online. January 1, 2014. Accessed February 15, 2015. <http://www.mergentonline.com.offcampus.lib.washington.edu/companydetail.php?compnumber=4788&pagetype=synopsis>.

³⁶⁷ "Costco Wholesale Corp." Google Finance. January 1, 2015. Accessed February 15, 2015. <http://www.google.com/finance?cid=656865>.

³⁶⁸ "Kroger Co." Google Finance. January 1, 2015. Accessed February 15, 2015. <http://www.google.com/finance?q=kroger&ei=TPXgVKH3NoWOiwKq3YCwDA>

^{369,369} "Costco Wholesale." Indeed. January 1, 2015. Accessed February 1, 2015. <http://www.indeed.com/cmp/Costco-Wholesale/reviews>.

³⁷⁰ "The Kroger Company." Indeed. January 1, 2015. Accessed February 1, 2015. <http://www.indeed.com/cmp/The-Kroger-Company/reviews>.

³⁷¹ Miller, Ben. "Most Valuable Local Retail Brands? Amazon, Nordstrom and Costco." Puget Sounds Business Journal. April 8, 2014. Accessed February 15, 2015. <http://www.bizjournals.com/seattle/blog/techflash/2014/04/best-local-retail-brands-amazon-nordstrom-and.html>.



price shows that they are a more profitable company all-around. High numbers in these categories mean that investor confidence in Costco is higher than in Kroger. It means that not only are their stocks more popular but investors in Costco are making more money on their investments than investors are making on their investments in Kroger.

The question of whether increased CSR increases profits is an empirical one, and scholars of the subject argue both for and against this. There are instances where large investments in CSR have and have not worked out for a variety of companies. However, in recent years, the results of academic studies have begun to be dominated by those showing a positive correlation between CSR and profitability. This is most likely due to the fact that through the lens of social media and the internet, consumers are more aware than ever about what big businesses are up to. Thus, paying attention to the preferences of the public as well as shareholders is imperative to the economic success of corporations.³⁷²

Profit on Top:

There is also a philosophical argument for large corporations spending more on cleaning up their supply chains. CEOs of well-known international companies make astronomical amounts of money. For example, the CEO of Boeing received \$23.3 million last year.³⁷³ The money spent on attempting to end labor trafficking does not have to come out of a company's bottom line; it could very easily come from the salaries at the top.

³⁷² Gossling, Tobias. "The Profits of Responsibility: A Literature Study on the Financial Consequences of CSR." In *Corporate Social Responsibility and Business Performance : Theories and Evidence About Organizational Responsibility.*, 39-41. Cheltenham: Edward Elgar Publishing, 2011.

³⁷³ Lorenzetti, Laura. "These 7 Companies Spent More on CEO Pay than Federal Taxes." *Fortune*. November 19, 2014. Accessed February 1, 2015. <http://fortune.com/2014/11/19/these-7-companies-spend-more-on-ceo-pay-than-federal-taxes/>.

A recent article published by *Fortune* Magazine identified seven companies that spent more money on CEO compensation packages than they did on paying federal taxes. Two of these, Ford and General Motors, were featured in the case study in section two of this chapter. Even though these companies have solid plans in place for combatting labor trafficking they could make them stronger by spending some of the money going to their CEOs on efforts to empower their laborers.³⁷⁴

Actuely rising CEO compensation packages are part of the phenomenon. Average compensation packages for CEOs of the 30 largest American corporations have risen from \$16.7 million in 2010 to close to \$32 million today.³⁷⁵ Compare these numbers to what other people make around the world and the results are appalling. The average world GDP per capita (PPP) in 2013 was \$13,100.³⁷⁶ The American GDP per capita PPP in 2013 was \$52,800.³⁷⁷ A courtesy clerk at a Kroger supermarket working fulltime makes \$15,900 before taxes.³⁷⁸ The CEO of Kroger made \$12,753,319 in fiscal 2013.³⁷⁹ 2.8 billion people live off of less than \$730 a year.³⁸⁰

In short, this means that the average compensation package for a CEO of a large company is almost 44,000 times the amount of money close to half the people in the world survive off of each year. Those trapped in the cycle of poverty are much more likely to be trafficked. They are more likely blindly accept jobs because they are so desparate to lift

³⁷⁴ Lorenzetti, Laura. "These 7 Companies Spent More on CEO Pay than Federal Taxes." *Fortune*. November 19, 2014. Accessed February 1, 2015. <http://fortune.com/2014/11/19/these-7-companies-spend-more-on-ceo-pay-than-federal-taxes/>.

³⁷⁵ Lorenzetti, Laura. "These 7 Companies Spent More on CEO Pay than Federal Taxes." *Fortune*. November 19, 2014. Accessed February 1, 2015. <http://fortune.com/2014/11/19/these-7-companies-spend-more-on-ceo-pay-than-federal-taxes/>.

³⁷⁶ "World GDP per Capita PPP." *Index Mundi*. January 1, 2013. Accessed February 1, 2015. http://www.indexmundi.com/world/gdp_per_capita_ppp.html.

³⁷⁷ "United States GPD per Capita PPP." *Index Mundi*. January 1, 2013. Accessed February 1, 2015. http://www.indexmundi.com/united_states/gdp_per_capita_ppp.html.

³⁷⁸ "Kroger Salaries." *Glassdoor*. January 1, 2015. Accessed February 1, 2015. <http://www.glassdoor.com/Salary/Kroger-Salaries-E386.htm>.

³⁷⁹ "Kroger Co." *Salary.com*. January 1, 2013. Accessed February 1, 2015. <http://www1.salary.com/KROGER-CO-Executive-Salaries.html>.

³⁸⁰ "Resources for Speakers on Global Issues." *United Nations Resources*. January 1, 2014. Accessed February 1, 2015. <http://www.un.org/en/globalissues/briefingpapers/food/vitalstats.shtml>.

themselves into better financial positions. In some circumstances they will then become trapped in a new cycle, making no or next to no money while indirectly working for the richest people in the world. If the 30 largest American corporations paid their CEOs half of their annual salaries, and if they put the other half towards increasing workers wages at the bottom of their supply chains, there would be a dramatic improvement in the livelihood of millions of workers.

Workers:

Even smaller actions than halving CEO salaries still positively impact low-level workers profoundly. For example, through auditing, Apple has been able to ensure that workers were repaid a total of \$13 million dollars in unethical pre-payments that workers were required to pay to secure jobs.³⁸¹ Starting in 2015, Apple has banned the use of bonded labor (where workers are required to pay a fee to recruiters in order to get jobs) within its factories. Similar to Costco, Apple also requires suppliers to directly pay for their audits. After exposing the excessive hiring fees, these suppliers themselves were required to pay \$3.96 million dollars back from unfair hiring practices.³⁸²

The New York Times, as the best workplace monitoring system in the U.S, has praised the Fair Food Program. It is an organization that ensures fair labor practices among farm workers, but unlike third party monitoring organizations the farm workers regulate it themselves.³⁸³ Preceding the Fair Food Program was the Coalition for Immokalee Workers (CIW), which was founded in 1993.

³⁸¹ Hargreaves, Steve. "Big Business Fights Human Trafficking." CNN Money. April 11, 2013. Accessed February 15, 2015. <http://money.cnn.com/2013/04/05/news/economy/companies-human-trafficking/>.

³⁸² "Apple Bans "Bonded Servitude" for Factory Workers." BBC News. February 12, 2015. Accessed February 15, 2015. <http://www.bbc.com/news/technology-31438699>.

³⁸³ "The Fair Food Program." Fair Food Program. January 1, 2015. Accessed February 1, 2015. <http://www.fairfoodprogram.org/>.

Starting in 2011 the CIW developed a revolutionary program that directly connected large retailers to the laborers on tomato farms. After unsuccessful attempts to convince farm owners to provide better pay and labor conditions, farm laborers took their complaints to the top. Starting with Taco Bell, tomato pickers picketed in front of their headquarters to advertise the terrible conditions under which they were made to work. Eventually, after involving many consumers in the protests, Taco Bell agreed to sign an agreement with the CIW. 12 other large corporations have since signed this agreement.³⁸⁴

The company's signatory to the CIW's agreement tied them to a set of labor standards that they would be required to meet and pay an extra penny per pound of tomatoes that would be a line-item bonus on the pickers' paychecks.³⁸⁵ This small premium has turned into a total of \$15 million between January 2011 and October 2014 that went directly into pickers' pockets. In addition, companies in the program agreed to terminate relationships with suppliers who refuse to adhere to the new standards.³⁸⁶

The examples of Apple and the Fair Food Program show us how it is important to not only eliminate forced labor from supply chains, but also to empower workers as well. What is considered small change for a huge corporation has the power to lift an individual out of poverty. It is the responsibility of corporations to ensure the well being of all employees, even those who do not work directly for their company. It is also important to note the importance that consumers can play in helping sway the actions of businesses. More about this can be read in the following section and in chapter five of this report.

³⁸⁴ CIW Interview

³⁸⁵ "About CIW." Coalition of Immokalee Workers. January 1, 2012. Accessed February 1, 2015. <http://ciw-online.org/about/>.

³⁸⁶ Greenhouse, Steve. "In Florida Tomato Fields, A Penny Buys Progress." New York Times. April 24, 2014. Accessed February 1, 2015. http://www.nytimes.com/2014/04/25/business/in-florida-tomato-fields-a-penny-buys-progress.html?_r=1.

The Costs of Using Forced Labor:

Although companies that pay little or no attention to the conditions in which their products are created may save a little on the bottom line, they run high risks to the value of their brand and the lives of their workers. This part of the chapter will examine the catastrophic effects that publicized human rights abuses have on a company's public image by looking at two specific case studies.

Zara in Brazil 2011

In August of 2011 Zara, one of the largest clothing retailers in the world, was at the center of a human rights case involving a Brazilian factory with inhumane conditions, paying workers between 12 and 20 cents per clothing item. Zara's parent company, Inditex, denied having legal jurisdiction over the claim because a subcontractor was illegally using the factory and the company had no knowledge of it.³⁸⁷ Inditex did agree to compensate the 14 factory workers that were rescued by the Brazilian government for an undisclosed amount. The Brazilian government was unsatisfied by Inditex's response and wanted the company to take ownership over the accusation. Inditex and Zara contractor AHA, which produces 90% of Zara's products in Brazil, operated the factory. The Brazilian government claims that AHA should be considered an extension of Zara and Inditex should ultimately be charged.

Unfortunately, no such charges were ever filed. While businesses can sometimes escape legal punishment, the publicity of the campaign can be even more detrimental. Images like the one below crowded the Internet painting a negative image of Zara in the minds of consumers.

³⁸⁷ "Fashion Chain Zara Acts on Brazil Sweatshop Conditions." BBC News. August 8, 2011. Accessed February 15, 2015. <http://www.bbc.com/news/world-latin-america-14570564>.

The fashion industry is very competitive and no business can afford to have their brand associated with inhumane practices.



Figure 32³⁸⁸

United Colors of Benetton in Bangladesh 2013:

In April of 2013, a garment factory in Bangladesh collapsed killing 1,134 people and injuring hundreds more. Numerous well-known international retailers were found linked to the factory with tagged garments identifiable amid the rubble.³⁸⁹ There is some hope that the reaction this incident at Rana Plaza will be stronger than the reaction to similar cases in the past. A combination of heightened consumer awareness about the issues of forced labor and the increasing use of social media has produced a much more attentive response to the disaster at Rana Plaza. In the aftermath, many prominent retailers have signed 5-year plans that not only

³⁸⁸ "Esclavi Zara." Foco Blanco. January 1, 2013. Accessed February 1, 2015. <http://focoblanco.com.uy/wp-content/uploads/2013/04/375851-1764x700.jpg>.

³⁸⁹ "Rana Plaza Arrangement." Rana Plaza Arrangement. January 1, 2014. Accessed February 15, 2015. <http://www.ranaplaza-arrangement.org/>

outline higher standards but also require specific actions such as: publicly reporting activity, independent inspections for safety and timely repairs, and upgrades as needed within factories.³⁹⁰

The most prominent example of this is the Rana Plaza Arrangement, which is made up of government officials from Bangladesh, Bangladeshi trade unions, global brands and retailers, and NGOs. The UN's ILO sits as the nonpartisan committee leader. This arrangement is in charge of providing compensation for victims in the attack and their families.³⁹¹ Almost all of the companies who have been confirmedly linked to Rana Plaza have signed onto this accord and are making payments to victims. That is, every single one has except the United Colors of Benetton. While the bad publicity of being associated with human rights abuses is bad, ignoring them is worse. Benetton has been singled out as the lone company to refuse to pay anything towards the fund.³⁹²

Benetton has since become the center of a targeted social media and Internet campaign with pressures to pay their required share of victim compensation for Rana Plaza. Activist websites encourage consumers to tweet at them using specific hashtags.³⁹³ An online letter to Benetton's CEO asking for them to pay the requested \$5 million compensation has more than a million signatures.³⁹⁴ People are watching. All the while images of the Rana Plaza tragedy with Benetton's signature green tag logo used in their own advertisements are circulating the Internet catching the eyes of consumers.

³⁹⁰ Larson, Jenna. "A Look at Fair Trade in the Wake of Bangladesh." Triple Pundit. July 9, 2013. Accessed February 2, 2015. <http://www.triplepundit.com/2013/07/look-fair-trade-wake-bangladesh/>.

³⁹¹ "Rana Plaza Arrangement." Rana Plaza Arrangement. January 1, 2014. Accessed February 15, 2015. <http://www.ranaplaza-arrangement.org/>.

³⁹² "Our Clothing Kills." Avaaz. January 1, 2015. Accessed February 5, 2015. https://secure.avaaz.org/en/benetton_pay_up_loc/?baaRFbb&v=53252.

³⁹³ "Compensation Is Long Overdue." Clean Clothes Campaign. January 1, 2015. Accessed February 1, 2015. <http://www.cleanclothes.org/ranaplaza>.

³⁹⁴ "Our Clothing Kills." Avaaz. January 1, 2015. Accessed February 5, 2015. https://secure.avaaz.org/en/benetton_pay_up_loc/?baaRFbb&v=53252.



Figure 33

In fiscal 2011, The Benetton Group made approximately \$95,000,000 in net income. So all it would be required to pay for Rana Plaza is 5% of it's income.³⁹⁵ Even if Benetton did not feel like it could do that at once, they have had years to pay off this incredibly important compensation to the victims.

Consumer Price Preferences:

Consumer awareness about labor trafficking is growing, and consumers hold the power to make businesses change their ways. This means businesses will only feel more pressure from consumers to source responsibly. In an unpublished survey at the University of Washington, 70% of students responded they would not purchase a shirt if they found out it had been made with forced labor. A total of 93% of students said they would pay anywhere between \$1-\$6 more

³⁹⁵ "Benetton Group S.P.A." Mergent Online. January 1, 2012. Accessed February 1, 2015. <http://www.mergentonline.com.offcampus.lib.washington.edu/companydetail.php?compnumber=51666&pagetype=synopsis>.

for a shirt that was labeled to be free of trafficked labor rather than a similar shirt with no label guarantee.³⁹⁶ This survey was conducted anonymously online with a group of 83 undergraduate students at the University.

A report conducted at Harvard University using customer-buying patterns on eBay showed similar results. The report tracked bidding on polo shirts with labels saying the shirts were produced in factories that were certified by fair labor standards. Not only were these shirts bid on more often than polo shirts without the labels, eBay consumers paid an average of 45% more for the labeled shirts.³⁹⁷

Another experiment about consumer preferences was conducted in Banana Republic outlet stores. In each store a large display sign was set up advertising a women's suit. Half of the stores' signs advertised the fashionableness of the suit while the other half of the stores' signs advertised the fair labor practices used to produce the suit.

³⁹⁶ Catalyst Survey. University of Washington undergraduate students. Conducted by Margaret Montgomery. February 16, 2015

³⁹⁷ Hiscox, Michael J. "Consumer Demand for Fair Labor Standards: Evidence from a Field Experiment on eBay." Social Science Research Network. April 17, 2011. Accessed February 1, 2015. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1811788.

Fashion Message

What's new, now.
The Capri Suit.
The perfect summer suit,
right here, right now.
Slim lines, crisp linen,
ultra-flattering.
Makes a great first
impression.

Fairness Message

What's new, now.
The Socially Conscious
Capri Suit.
This suit is a part of our
commitment to
promoting fair and safe
working conditions. Feel
good about what you
wear.

Figure 34³⁹⁸

In stores with the fairness advertisement, sales of the suit were 14% higher than those with the fashion message. The study concludes “there is a substantial segment of shoppers willing to support fair labor standards by voting with their shopping dollar.”³⁹⁹ This broad consumer base is an additional motivator for businesses to clean up their supply chains. Businesses will be more willing to spend more money on cleaning up their supply chains if they are confident that there is a large enough segment of consumers who will pay a higher price for fairly produced products.

Conclusion

As this section has shown, clean supply chains for businesses are cost effective. Even the largest supply chain monitoring systems in place only cost a fraction of the business's total merchandise and production costs. These costs are easily outweighed by positive financial

³⁹⁸ "New Study Reveals Consumers Support Fair Trade With Their Shopping Dollar." Fair Trade Designs. July 19, 2012. Accessed February 23, 2015. <http://blog.fairtradedesigns.com/2012/07/19/new-study-reveals-consumers-support-fair-trade-with-their-shopping-dollar/>.

benefits that come with being viewed as socially responsible. Fighting labor trafficking throughout the supply chain does not have to affect a business's bottom line. The amount of profit redirected towards upper-level management's compensation packages could easily be diverted towards worker's salaries and factory audits. This would be a small sacrifice for a handful of CEO's to pay. Empowering workers can be done at a low cost to corporations by making sure that diverted funds go back into worker's hands. By empowering workers themselves businesses will not only be helping other people, but also themselves by taking care of their own workers.

By not maintaining clean supply chains, businesses run the risk of being associated with human rights abuses and subject to negative publicized Internet and social media campaigns. Consumers are paying increasing attention to these campaigns and are continuing to make consumer decisions based on the information they see. Things such as fair labor labels that were unheard of even in the last few years are gaining popularity and consumers are willing to pay more for these. The fact of the matter is that clean supply chains will help, not hurt, a corporate bottom line.

Chapter Conclusion

Labor trafficking in Washington State is a very real and pressing issue. Because of Washington State's geographic location it provides ample opportunity for traffickers to smuggle people over the border with Canada and in through one of the numerous large ports on Washington's coast. Washington is home to an increasingly diversifying population. The many different cultures, languages, and ethnicities that reside within the state make spotting trafficked immigrants more difficult because they blend in with the population. Washington's economy is

also heavily reliant on industries that are especially vulnerable to labor trafficking. Within the five industries discussed, (manufacturing, retail, hospitality, agriculture, and construction), labor trafficking can and does happen at all levels of the supply chain. The scale of the issue goes beyond forced labor in sweatshops abroad, and can be as far-removed from factories as a third party recruiting agency hiring for a supplier of a supplier. The complex nature of labor-trafficking means that much more than a simple solution will be necessary to eradicate it.

Corporations need to be held responsible for trafficked labor at all levels of their supply chain, not just the suppliers and factories that they directly operate with. Efforts already in place by industry leaders are setting a positive example and are making human rights statements and supplier codes of conduct a norm among large businesses. As auditing labor trafficking moves more towards becoming an industry standard, it will then become easier for smaller businesses to follow suit. Published factory reports and publicly available corporate policies on human rights are making it easier for smaller businesses to adopt similar practices.

The cost of combatting labor trafficking is difficult to fully calculate, but evidence shows that even the most developed and complex plans are only a fraction of overall merchandise expenses. Spending the money to eradicate labor trafficking is cost effective for businesses because the costs are outweighed by the benefits. Investors and consumers reward businesses that spend more money on corporate social responsibility. They make back the expenditures through stock and increased popularity of their brand. A majority of corporations keep vast amounts of their profit on top management's salaries that they simply could take out to spend more on their production costs. In fact, the businesses with the highest wage disparities between management and lowest-paid employees often have the least developed human rights plans.

Paying laborers in the production or manufacturing sectors a small amount more results in huge gains for the business as a whole.

The flipside of this is that companies who do not take careful measures to monitor their supply chains find themselves at the center of huge human rights scandals. The company not only looks bad and loses the respect of many consumers, but also must pay reparations to the victims and their families as well as potential litigation fees. With the prevalence of social media usage and the 24-hour news cycle, these human rights scandals receive unprecedented coverage. Pictures immediately plaster the Internet of the terrible factory conditions with a brand's logo splashed across the front. Not ideal public advertisement in today's increasingly competitive market.

The supply chain ends with consumers, and as long as consumers still willingly purchase goods made with forced labor then businesses will not have as strong of motivation to reform their supply chains. Awareness about the issue is the key to educating consumers to make informed and responsible consumer decisions. It is important that they are aware, not only about the way their products were produced, but also of the power that their choices have on the demand for trafficked labor.

Chapter 5

Public Awareness in Labor Trafficking: Examining the Role of the Individual in Facilitating Change and the Means by Which Awareness is Spread

By Kate Burns & Mengwei Cindy Zhang

Chapter five focuses on the importance of awareness on the issue of labor trafficking. The first part of the chapter will look at the individual's role in enacting change. From individual responsibility of the consumer to buy products from companies with clean supply chains, to engaging in advocating for labor trafficking to stop, the individual has enormous power to facilitate much needed change in regards to the exploitation of labor. While the task seems daunting, the aim of this chapter is to show that it is possible to change certain labor realities, and that in order to create that change individuals need to become aware of, and oppose, the harsh realities of labor exploitation. In order to depict the power of the individual, and subsequently the collective body, this chapter will use examples of social movements in history, which exemplify the power people have in shaping laws. The progressiveness of laws is ultimately determined by the societal shifts in norms and perceptions, something this chapter hopes to show. It is the aim of this chapter to depict the power that individuals have in enacting change and how steps can be made to eradicate labor trafficking if individuals are willing to get involved.

The second part of this chapter will focus on ways to spread awareness. With the advancements in technology, it is now possible to reach masses of people with just the click of a button, something that can certainly be utilized to spread awareness of labor trafficking to people who have thus far been unaware that such issues are occurring right here in Washington. By

capitalizing on social media sites the issue of labor trafficking can be brought to the forefront. In addition to focusing on technology's potential role in eradicating the problem, this chapter will also talk about the importance of education. Educating people will be vital to further prevent labor trafficking, and will be especially important to provide police officers and those working directly with victims of labor exploitation, tools in which to best approach those victims. In order to present the best possible means to prevent the continuing exploitation of labor, this chapter will also provide examples of the most successful campaigns aimed at changing societal perceptions, thus hopefully this campaign to end labor trafficking can implement successful practices other campaigns have had, such as the ones against sex trafficking, which have seen legal changes. This chapter's aim is ultimately to depict the importance awareness plays in solving the issue of labor trafficking.

Laws are malleable; they are continually being adjusted and constructed in order to correspond with the wishes of the people they are intended to govern. As the United States is a government by the people for the people, the constitution is set up in a way that allows for the continuous revision of laws as seen fit by the government, which derives its composition from its citizens. Because of the manner in which the United States based its government, the people are ultimately in a position of power, therefore the laws of the States must coincide with societal norms, wishes and expectations of the majority. History has shown that the progression of laws is dependent on the perceptions and norms of society, thus the aim in this chapter is show that by spreading awareness and subsequently spurring on this idea of the power of the individual, citizens have the ability to enact change in regards to the issue of labor trafficking.

The first part of this chapter will look at the individual's role in enacting change. It will turn to history in order to exemplify the power social movements have in swaying and ultimately

changing and creating laws. It will stress the importance of consumer responsibility, the need to not only be aware of the products you are buying, and subsequently the companies you are supporting, but also the necessity in holding these companies accountable for the state of their supply chains. Lastly the first part of this chapter will stress the power of the individual, exemplifying the ways in which you can get involved, and the means by which you yourself can create much needed change in regards to labor trafficking. It is the aim of this chapter to portray the power of awareness and the morality that it often brings with it in creating change in regards to social issues.

People, A Catalyst for Change: Historical Examples of the Power of the People in Enacting Social and Legal Changes

By Kate Burns

“Central to all progressive social movements is the belief that the people do not have to wait for change from the top down – that the people themselves can be catalysts for change from the bottom up.”⁴⁰⁰ History repeatedly proves this quote to be true. It shows that most social movements, and their subsequent laws, are derived from the public. Individuals sharing a common belief and moral stance come together and create an atmosphere of collective effervescence that can inevitably become too large for the government to ignore. It is in instances such as these that immense changes in social perception are created and, as a result, so too are changes in law. By looking at examples in history epitomizing this idea of the people as a

⁴⁰⁰ John Halpin, “Social Movements and Progressivism,” *American Progress*, April 2010. Accessed February 14, 2015. https://cdn.americanprogress.org/wp-content/uploads/issues/2010/04/pdf/progressive_social_movements.pdf

catalyst for change, both legally and socially, the aim in this chapter is to show how the individual has the power to bring about changes in regards to the issue of labor trafficking.

Social Movements Resulting from Shifting Societal Norms

One of the largest social movements in America's history is Women's Suffrage, an example of social change at the hands of those being oppressed. The movement was born from the efforts of women who worked tirelessly to ensure that the rights given to them were equal to their male counterparts. The movement started small and after years of advocacy garnered enough public support to ultimately ensure legal changes be made in order to adhere to the desires of the general public. On August 26, 1920 the 19th Amendment was ratified, granting women in the United States all the rights of citizenship, including the right to vote.⁴⁰¹

The success of Women's Suffrage was largely attributed to the continued efforts of many individuals to spread awareness. "No known agency of propaganda was neglected. Utilizing the avenues of communication provided by an urban environment, women's rights newspapers were established, pamphlets, campaign dodgers, essays, and articles were printed, and petitions to state legislatures and other political organizations were circulated."⁴⁰² The movement was successful in enacting change because it was able to permeate the thinking of all citizens regardless of political affiliations and economic standing. Something done so largely through the relentless advocating by individuals who were determined to have their basic rights met. Women's suffrage epitomizes the idea of the power of the people. It derived from subjects of injustice demanding change and devoting energy to making it happen. The movement is an

⁴⁰¹ "The Fight For Women's Suffrage," *History*, Accessed February 15, 2015. <http://www.history.com/topics/womens-history/the-fight-for-womens-suffrage>

⁴⁰² Howard Furer, "The American City: A Catalyst for the Women's Rights Movement," *Wisconsin Historical Society*. Accessed February 14, 2015. <http://www.jstor.org.offcampus.lib.washington.edu/stable/pdf/4634459.pdf?acceptTC=true>

indication that money is not the only commodity that brings about change, but rather it is an individual's devotion of time.

Time and energy will be major factors in combating labor trafficking. When one is unable to economically support the cause they need only to remember that the success of Women's Suffrage did not lay solely in economic donations, but rather in donations of time and energy by passionate individuals determined to change the social structure. Individuals who advocated, educated, and lobbied their way into successfully upholding the rights of all citizens and in doing so forcing legal changes.

Another example of a shift in societal norms, is that of the changing public perception of cigarettes. Since the invention of James Bonsack's cigarette making machine in 1881, smoking has been a widespread phenomena, around the world. The ubiquitous nature of cigarette smokers has however diminished significantly with the spreading awareness of the health implications associated with smoking. The rise in public awareness has resulted in a significant shift in both the societal norm of smoking as well as the public acceptance of it. The following graph depicts the decline in smokers in Washington State, with a steady decrease in numbers from 2001 to 2009.

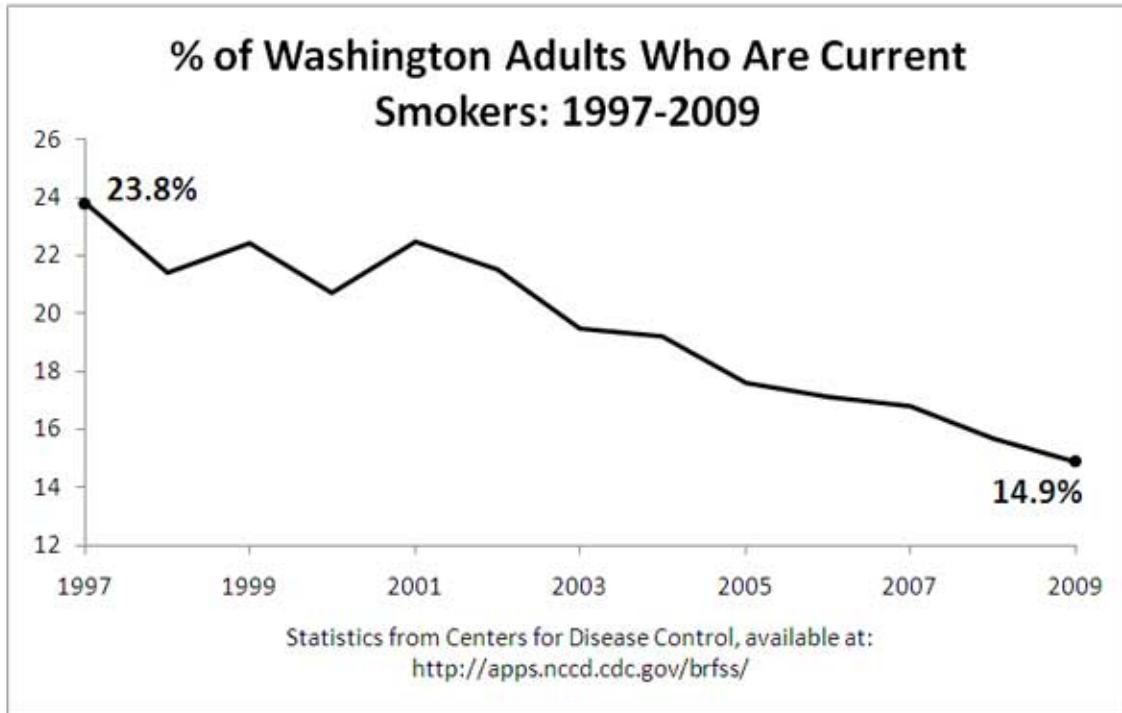


Figure 35⁴⁰³

In noting the success of public awareness, and its role as a key reason behind the shift in people’s perceptions of cigarettes, the hope is to depict the importance awareness will ultimately play in enacting changes in labor trafficking. The only way to get the people involved and demanding change is to make them aware of the issue.

In a 1990 Public Health Survey taken in Arizona, Michigan, Pennsylvania and Texas by both smokers and non-smokers, statistics showed that on average, “Survey respondents support stronger legislation, better enforcement of existing laws, and strong prevention programs in the schools.” In conclusion the survey reiterates that in each of the geographically and environmentally diverse states, “Strong public attitudes were held against tobacco use.”⁴⁰⁴

⁴⁰³ Mark Cooke, “Dollars, Sense, and No Handcuffs: Plummeting Rates Of Tobacco Use and Lessons For Drug Policy,” *American Civil Liberties Union of Washington State*, August 30, 2010. Accessed February 5, 2015. <https://aclu-wa.org/blog/dollars-sense-and-no-handcuffs-plummeting-rates-tobacco-use-and-lessons-drug-policy>

⁴⁰⁴ Steven Marcus, “Public Attitudes About Cigarette Smoking: Results From the 1990 Smoking Activity Volunteer Executed Survey” *Association Of Schools Of Public Health*, 1994. Accessed February 1, 2015. <http://www.jstor.org.offcampus.lib.washington.edu/stable/pdfplus/4597528.pdf?acceptTC=true>

Something that inevitably resulted in strong legal actions against tobacco use, a result of the need to have the laws governing the public corresponds with the social norms.

The shift away from public acceptance of smoking is largely attributed to the increased awareness of the implications tied to the use of tobacco, as well as the potential threat of second hand smoke. The anti-smoking campaigns were highly successful in essentially scaring people away from the allure of the addictive substance, a tactic that can similarly be implemented in combating labor trafficking, by scaring the consumers away from products created through the exploitation of other human beings. Many times the campaigns broadcast first hand examples of what potential risks a smoker may be faced with later in life, something generally achieved by having persons in varying degrees of failing health, a result of their smoking past, deliver the messages.

In addition to the fear factor, anti-smoking campaigns utilized the inherent nature of humans in caring what others think of them, spurring on this idea of public shaming. This campaign tactic is depicted in Elisia Cohen's research regarding successful anti-smoking advertisements. "The first persuasive health message under consideration in this study is social (normative) pressure, or messages influencing what the person believes are the significant others' opinions about the behavior. Messages that present social reasons to perform behaviors reinforce positive norms."⁴⁰⁵ This tactic can largely be tied to the idea of social stigmas, often associated with a person, whose actions differ from the perceived cultural norms, in this case smoking when it is no longer as widely accepted. Thus the advertisements actually aim to make one self-conscious of their habit and the disconnect it causes them to have with the greater public.

⁴⁰⁵ Elisia Cohen, "Anti-Smoking Media Campaign Messages: Theory and Practice," *Health Communication*, December 5, 2007. Accessed February 3, 2015. <http://www.tandfonline.com/doi/abs/10.1080/10410230701453884#.VOFcbbB4r9I>

In contrast to essentially shaming smokers, to the point that it is now often perceived as an undesirable trait in a person, advertisements were also found to be successful if they were upbeat in nature. Specifically if they were encouraging to the individual struggling to quit the habit deemed so undesirable. “Messages that provide information reinforcing that an individual has self-efficacy to execute the behavior in question, or messages that encourage action, are critical to individuals’ perceptions that they have the capacities to perform the behavior under a number of different circumstances.”⁴⁰⁶ It is in this depiction of successful campaigning that the example of declining cigarette use is representative of not only the plausible scenario of a dramatic shift in societal perception, but also in a tactic that the issue of labor trafficking should emulate in regards to advertising, self-efficacy; messages that not only alert the public of the issue, but make the public believe they can become a part of the solution. This form of advertising, would be especially beneficial to emulate in the labor trafficking campaigns, encouraging the public to get involved and reiterating the notion that the individual does have power to enact change, even when the task at hand seems daunting.

Following the success in not only spreading health awareness in regards to smoking, but also in encouraging people with the possibility of being able to kick the addiction, the societal perception of smoking completely changed, and as a result laws restricting its acceptance came to be. Seeing the success advertisements had in swaying the public’s perception on the issue, it became a necessity to prevent advertisements from convincing people to engage in the unhealthy habit of smoking. On April 1, 1970, President Nixon signed a legislation which banned cigarette ads on both television and radio. Thus, the last televised ad endorsing smoking ran on the Johnny

⁴⁰⁶ Elisia Cohen, “Anti-Smoking Media Campaign Messages: Theory and Practice,” *Health Communication*, December 5, 2007. Accessed February 3, 2015. <http://www.tandfonline.com/doi/abs/10.1080/10410230701453884#.VOFcbbB4r9I>

Carson Show on January 1, 1971⁴⁰⁷ before the legislation was implemented. In this instance a lack of awareness on the product becomes as detrimental as any increased awareness of opposing the product. Because of this it becomes imperative to question not only whether an increased awareness of labor trafficking will result in consumers demanding cleaner supply chains from companies, but also whether a restriction of advertising from companies known to use labor exploitation would affect consumption of their product. Ultimately the answer is likely yes. That is why in order to enact any real change in labor trafficking, the answer lies in both spreading awareness of the issue, as well as incentivizing companies to shift towards cleaner supply chains as a means to avoid any governmental regulations impeding on the success of their products.

Following individual awareness and shifts in public perceptions we see changes in law coming about, a result of the need to have laws coincide with the people being governed by them. Again we can turn to the example of cigarettes to see how this occurs. In subsequent years numerous laws in regards to cigarette smoking have been passed. Federal laws pertaining to the consumption of tobacco include age restrictions on the purchase, making it illegal to buy cigarettes under the age of 18. Warning labels on the risks associated with smoking, which are required in America and 45 other countries to comprise at least 50% of the packaging⁴⁰⁸ and as of recently, with the June 22, 2009 Family Smoking Prevention and Tobacco Control Act, regulation authority on manufacturing, marketing and sale of tobacco products to the US Food and Drug Administration.⁴⁰⁹ Individual states maintain control of smoking bans in regards to all public places, including bars and restaurants – Washington being one of the 28 states enacting statewide bans in public areas. In the case of cigarette smoking, it is clear that awareness lead to

⁴⁰⁷ “Nixon Signs Legislation Banning Cigarette Ads on TV and Radio,” *History*, April 1, 1970. Accessed February 3, 2015. <http://www.history.com/this-day-in-history/nixon-signs-legislation-banning-cigarette-ads-on-tv-and-radio>

⁴⁰⁸ “Tobacco Warning Labels: Evidence Of Effectiveness,” *Campaign For Tobacco Free Kids*. Accessed February 3, 2015. <http://www.tobaccofreekids.org/research/factsheets/pdf/0325.pdf>

⁴⁰⁹ “Federal Regulation of Tobacco,” *Public Health Law Center*, 2010. Accessed February 3, 2015. <http://publichealthlawcenter.org/topics/tobacco-control/federal-regulation-tobacco>

a shift in societal norms and perceptions, something that ultimately lead to a change in laws and something that hopefully can be replicated, in its own way, to enact laws to change the current issue of labor trafficking.

Labor Trafficking: A Moral Issue

In order to spur on a shift in societal perceptions surrounding labor trafficking, it is imperative to approach the issue from a social and moral standpoint. Such stances were taken to combat sex trafficking, with very positive results. Policies have been implemented and laws created in order to not only seek out and prevent individuals from capitalizing on the sexual exploitation of people, but also to protect the victims of such heinous crimes. Whereas sex trafficking is largely talked about and has seen numerous beneficial policies in government aimed to combat the issue, labor trafficking remains largely untouched. It is because of this that it would be beneficial to implement certain similar techniques in eradicating labor trafficking. The belief is that people are inherently good, therefore should they be made aware of current levels of exploitation among workers they would be apt to help as a result of their moral compass. While people are certainly economically driven, the belief is that despite this fact people have limits as to how they would like to save money. Thus, should they be made aware of how the products they are buying are created, they would buy the product of a company with a clean supply chain regardless of the extra cost. “Sweatshops are a social issue and hence it can be inferred that a consumer’s moral ideology will impact the eventual purchase decision.”⁴¹⁰

⁴¹⁰ Sanjukta Pookulangara, “University Community’s Perception of Sweatshops: A Mixed Method Data Collection,” *International Journal of Consumer Studies*, July 2011. Accessed February 1, 2015. http://uwashington.worldcat.org/offcampus.lib.washington.edu/title/university-communitys-perception-of-sweatshops-a-mixed-method-data-collection/oclc/5151929059&referer=brief_results

In order to appeal to the morality of the citizens it would be beneficial of labor trafficking campaigns to stress how the issue is occurring right here in Washington. Often it is easy to detach oneself from an issue that is happening in another region of the world, making it easier to feel as if the issue is not directly impacting your way of life. Should people become aware that labor trafficking is not only an issue in regions around the world, but is in fact a problem right here in their back yard, with Washington actually being a major hub in the United States for imported trafficked victims, they might be more apt to get involved. It is important to bring relevance of the issue to whoever the audience is.

In order to portray the heinous working environments that occur right here in The United States it would be beneficial of labor trafficking campaigns to focus a certain amount of their advertisements on companies that infringe on people's basic human rights. The fact of the matter is, whether citizens are willing to admit it or not, sweatshops are still a reality within the United States. The working definition of a sweatshop is, "Any factory or workplace in which workers are employed for long hours at low wages and under unhealthy or oppressive conditions."⁴¹¹ And while most people often associate sweatshops with large manufacturers of relatively cheap clothes, there are an immense variety of companies that fail to uphold certain workplace regulations. Alexander Wang, the famous fashion designer and creative director of Balenciaga, whose name brand garments often sell for thousands of dollars, was recently served with a \$50 million dollar lawsuit against his previous employee who claimed to have been working under unjust circumstances. Former Employee Wenyu Lu described his working environment under Wang as being comprised of grueling work schedules, often working twenty five hours continuously without a break or overtime, and being forced to work in a room lacking windows

⁴¹¹ Jessica De Jesus, "Ethical Style: There Are Still Sweatshops in America," *GOOD*, March 30, 2012. Accessed February 1, 2015. <http://magazine.good.is/articles/ethical-style-there-are-still-sweatshops-in-america>

or any sort of ventilation system.⁴¹² Lu's case is an example of how company workplace regulations are failing to be met right here within the United States, and serves as an indication that consumer awareness on certain companies is lacking.

One campaign that heavily relies on the morals of the public in order to enact social change is United Students Against Sweatshops (USAS), "The nation's largest youth-led student labor campaign organization."⁴¹³ The campaigns run by this group are literally a result of people becoming aware of an issue and being propelled to advocate against it, exemplified in the photo below that depicts University of Washington students advocating on campus. In the case of USAS relying on the morals of the public, it not only brings an audience to their plight against injustice, but actually boosts their numbers. In spreading awareness on the working conditions some employees are forced to work under, this call to action can again be created in regards to the issue of labor trafficking.

⁴¹² Jessica De Jesus, "Ethical Style: There Are Still Sweatshops in America," *GOOD*, March 30, 2012. Accessed February 1, 2015. <http://magazine.good.is/articles/ethical-style-there-are-still-sweatshops-in-america>



Figure 36 ⁴¹⁴

The power of USAS lies not only in its ability to create advocacy through awareness, but also in its ultimate infringement on a garment company's presence in college campuses. One example comes from the USAS movement against Adidas, where the student led organization aimed at cutting numerous university contracts with the athletic company should they fail to improve the working conditions of their employees in Indonesian garment factories. A movement coined "Badidas," ⁴¹⁵ an ingenious slogan to attach to the campaign, both clever and catchy, and as such successfully engaging the general public. It is campaign tactics such as this that would be useful to incorporate in the movement to clean up companies supply chains and stop labor trafficking. There must be an incentive for these transnational companies to clean up their supply chains, whether it be for good publicity to boost consumer rates, or as in the case of Adidas, simply a means to maintain pre-existing contracts the company relies on. Regardless of

⁴¹⁴ "About," *USAS*, Accessed February 1, 2015. Accessed February 1, 2015. <http://usas.org/about/>

⁴¹⁵ Monica Shattuck, "Campaign Tactics and Social Movement Outcomes: A Case Study of the United Students Against Sweatshops," *University of Michigan*, March 11, 2013. Accessed February 1, 2015. <https://www.lsa.umich.edu/UMICH/orgstudies/Home/Current%20Students/OS%20Honors/Past%20OS%20Honors%20Theses/ShattuckOSHonorsThesis.docx.pdf>

the manner in which the companies are incentivized, it is evident that the power to do so lies predominantly with the people, who control the companies' potential market base.

The future success of the movement to stop labor trafficking is intricately connected to the morality of the general public. It largely relies on the premise that should a consumer be faced with the choice to purchase a product under fair labor practices, as opposed to slave labor, the choice would undoubtedly be an easy one to make, regardless of the increase in product cost. A fact that is evidenced in the case study of 111 Banana Republic factory outlet stores and the display of their \$130 pant suit product. In the study, spanning 38 states, the experimenters created two separate versions of display signs for the product. The first version emphasized the fashion aspects of the garment, while the second version of the sign centered on how the product was made as a result of fair and safe working conditions.⁴¹⁶ The case study conclusion, "There is a substantial segment of shoppers willing to support fair labor standards by voting with their shopping dollar."⁴¹⁷ A statement evidenced by the fact that the sign emphasizing the company's commitment to fair labor practices resulted in a 14% increase both in dollar and unit sales.⁴¹⁸ This example again reiterates the fact that people, when provided insight into the products they are purchasing, will choose the one manufactured or harvested under more humane means. A fact that can be attributed to the morality of people, and the importance we place on human rights being upheld.

⁴¹⁶ "New Study Reveals Consumers Support Fair Trade With Their Shopping Dollar," *Fairtrade Designs*, July 19, 2012. Accessed February 17, 2015. <http://blog.fairtradedesigns.com/2012/07/19/new-study-reveals-consumers-support-fair-trade-with-their-shopping-dollar/>

⁴¹⁷ "New Study Reveals Consumers Support Fair Trade With Their Shopping Dollar," *Fairtrade Designs*, July 19, 2012. Accessed February 17, 2015. <http://blog.fairtradedesigns.com/2012/07/19/new-study-reveals-consumers-support-fair-trade-with-their-shopping-dollar/>

⁴¹⁸ "New Study Reveals Consumers Support Fair Trade With Their Shopping Dollar," *Fairtrade Designs*, July 19, 2012. Accessed February 17, 2015. <http://blog.fairtradedesigns.com/2012/07/19/new-study-reveals-consumers-support-fair-trade-with-their-shopping-dollar/>

Consumer Responsibility

Perhaps one of the largest ways in which awareness can affect the issue of labor trafficking is through its facilitating individual responsibility of the consumer, which would inevitably hold companies accountable for the cleanliness of their supply chains. It is the responsibility of the consumer to be knowledgeable about the products they are buying, and in turn the companies they are economically supporting. An increased awareness of the work conditions behind the products being purchased in the stores would likely result in a consumer shift towards buying from corporations with clean supply chains, further incentivizing these transnational companies to provide their employees with the working environments and wages they are deserving of. The power of solving the issue of labor trafficking lies predominantly with consumers, whom the companies market to as customers.

Thus, to enact any real change within the corporations there needs to be a shift in individuals' consumption preferences. In order to exemplify the power of transparency and the role morality plays in shaping the consumption patterns of the public, this chapter will examine the continued success of companies whose products are the result of fair labor practices and as such sell at a higher cost. This chapter will also examine the organic movement, which serves as an indication that price is not the only factor that influences a consumer's choice.

The societal shift towards a more consumer conscious population has resulted in the great success of organically produced products. Despite their higher cost of production, companies producing organic products have been successful in appealing to the consumer. Current organic sales are over \$23 million per year, with a steady annual increase, as depicted in the graph below.

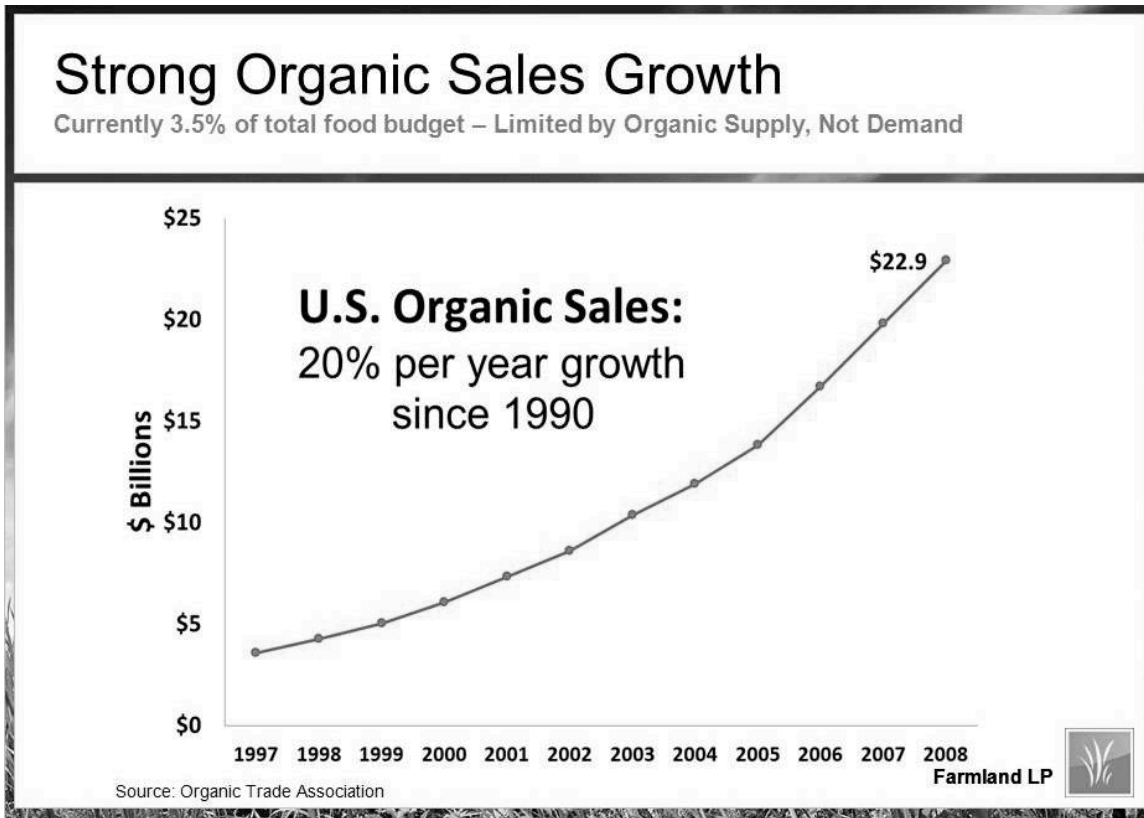


Figure 37⁴¹⁹

This is a prime example of what combatants in labor trafficking will be able to achieve by spreading awareness, conscious consumers that are willing to pay a higher price for a good produced in a cleaner way. In spreading awareness and informing the consumer of not only what the product they are buying is comprised of, but also in what manner it was manufactured or harvested, there will be not only a more conscious decision to buy healthier products, but also products produced in a more humane way. As of right now, there is a lack of knowledge on the working conditions surrounding the products that are being purchased for consumption, a problem that has resulted in a largely ignorant consumer population.

The GMO labeling movement originated in order to provide consumers more insight into the products they were purchasing for consumption, as many food items contain genetically

⁴¹⁹ Jason Bradford, "USDA Gets Behind Local Food," *FarmLand LP*, December 30, 2009. Accessed February 7, 2015. <http://www.farmlandlp.com/2009/12/usda-gets-behind-local-food/>

modified organisms. The campaign aimed at having the FDA change its policy in regards to labeling foods, in order to provide consumers the knowledge of what exactly their food is comprised of. Like many campaigns the GMO labeling, one had a slogan which most of their advertisements centered on, “Just Label It!”⁴²⁰ The campaign had numerous well-known celebrities repeat this slogan in various advertisements advocating for the labeling movement. Currently there are sixty four countries in the world that require the labeling of any genetically modified foods, the United States not being one of them.

While the campaign ultimately failed in changing the FDA regulations regarding genetically modified foods, it did lead to an enormous amount of public awareness on the issue as well as public support. Why then, did such a publically supported measure fail in passing? It’s likely that this was largely a result of companies putting enormous funds into counteractive campaigns in order to prevent a shift in labeling regulations. DuPont, the chemical corporation, put \$7.64 million dollars into anti GMO labeling campaigns, while Monsanto put more than \$8.1 million in Oregon and Colorado to prevent the labeling movement from passing.⁴²¹ The GMO labeling movement was from the beginning at a disadvantage in going against large companies with much more financial resources. In order to prevent companies lacking clean supply chains from emulating such counteractive measures this chapter would argue that should individuals hold companies accountable, they will have no choice but to clean up their supply chains. The individual, or consumer, is the one ultimately in charge, as the government and the companies adhere to the general population. Because of this it is the job of the consumer and of the public at large to hold companies to a certain level, demanding they meet basic human rights.

⁴²⁰ *Just Label It*, 2015. Accessed February 7, 2015.

http://www.justlabelit.org/?utm_source=All&utm_campaign=Ron+%26+Lisa%27s+Weekly:+We%27re+Giving+Away+a+Green+Point+Rated+Label+Certification+to+One+Lucky+Homeowner!&utm_medium=email

⁴²¹ “Big Processed Food Companies and GMO Seed Companies Spend Millions to Stop GMO Labeling,” *Health Impact News*. Accessed February 7, 2015. <http://healthimpactnews.com/2014/big-processed-food-companies-and-gmo-seed-companies-spend-millions-to-stop-gmo-labeling/>

One Washington state company that others would do well to emulate is PCC, a natural market with several locations in the Seattle area. The level of transparency PCC is founded on enables consumers to have an insight into not only the quality of the food they are ingesting, but also the labor practices behind the products. Their website provides numerous links to further investigate their company practices, includes company mottos and provides information on all products they sell. Fair labor standards are explicitly laid out through the “Learn” tab. The company specifically talks about their dedication to selling only ethically sourced chocolate, noting that they are believed to be the first grocer in the United States to do so. The company ensures such practices through mandating that all vendors, not certified by an independent third party, must sign a supplier agreement.⁴²²

In addition to outlining the source of all of their products sold, PCC also includes tools to become a conscious consumer, something that all companies should further try to facilitate. The Sound Consumer aspect of PCC is a tool specifically designed for the public, enabling the further education on where the food is coming from, and what it contains. In further providing transparency of the Co-operation, the company provides clear links to their financial statements, something that depicts the continued success of the consumer-owned and operated natural foods retailer. Looking at the 2013 financial statement in which the company’s total net worth was at \$37,865,752, one can compare the increase in total earnings from 2011 and 2012, which had respective net worth’s of \$30,620,336 and \$33,296,137.⁴²³ It is clear that despite the slightly higher cost of products sold at PCC, consumers are more than willing to pay for ethically

⁴²² “Our Product Standards,” *PCC Natural Markets*, Accessed February 17, 2015.

<http://www.pccnaturalmarkets.com/products/standards.html>

⁴²³ “Financial Statement 2013,” *PCC Natural Markets*, Accessed February 17, 2015.

<http://www.pccnaturalmarkets.com/images/about/ar/ar13.pdf>

sourced organic products. A fact that further solidifies the notion that people are morally driven and that the desire to adhere to basic human rights outweighs minute economic cuts in cost.

Awareness is necessary in combating any social issue. It is the tool in which change may be enacted as knowledge equates to power. It is therefore vital to provide the people information to help create much needed changes in regards to companies supply chains and their labor techniques. Only through rigorous campaigning will social changes and later political and legal changes come about. “By pressuring companies and educating consumers, activist groups were the fundamental vanguard fostering Fair Trade Markets because they directly politicize consumers and engage in direct forms of action to expand the market FTC products.”⁴²⁴ In order to ensure the facilitation of information, the next part of this chapter will look into specific ways in which anti-labor trafficking campaigns can utilize technology in order to further spread awareness. People can become actively involved in combating this issue; they can advocate, join NGO’s, speak out and further spread already existing means of anti-trafficking resources. The issue of labor trafficking, while certainly a daunting task to tackle, can be reduced and stopped through participation of people, something only achieved through their awareness of the problems around them.

Ways to Spread Awareness and Victim Awareness

By Mengwei Cindy Zhang

Labor trafficking in the United States can be significantly reduced, and even potentially eliminated by leveraging social media as a tool and engaging in various social movements to

⁴²⁴ Bradley Wilson, “Solidarity: Student Activism, Affective Labor, and the Fair Trade Campaign in the United States,” *Antipode*, June 2013. Accessed February February 7, 2015. http://uwashington.worldcat.org.offcampus.lib.washington.edu/title/solidarity-student-activism-affective-labor-and-the-fair-trade-campaign-in-the-united-states/oclc/5154726852&referer=brief_results

spread public awareness. We need to also create awareness communication strategies in order to set up action plans for each individual living in the society.

Through these means, this illegal form of modern day slavery may finally be stopped. This section will first begin by exploring the role of social media in regards to human trafficking, both its impact on stimulation and prevention, and how internet can be used as a tool to alert the society about the issue of labor trafficking. Secondly, it will look at the role of different non-governmental organizations (NGOs) and analyze the resources they provide for combatting human trafficking. It will also examine the various aspects of anti-trafficking campaigns and how they can effectively inform the public in combating the crime of human trafficking.

It is important to dissect the impact of social media in promoting the awareness of human trafficking among each individual that lives in the community, because the urgency to eliminate human trafficking is crucial.

The New Cyber Tool in Human Trafficking: Social Media

The easiest and most effective way to spread awareness of labor trafficking is through the use of advanced technology. Many social media sites and online applications allow people to learn new information, share ideas, and spread the word pertaining to certain issues. While this might seem as a positive innovation, there is always a downside. Traffickers use these sites and applications to find their victims and to further facilitate their crimes. Numerous traffickers are seeking and luring teens through the use of these online tools. In the United States, sex traffickers tend to use sites like Craigslist to recruit and trade children and teens. As it happens, approximately a quarter of children who were reported missing in Indonesia in 2012 were

trafficked after meeting their traffickers on Facebook.⁴²⁵ According to a study that was released in 2012, at least 1,000 juveniles were trafficked in Ohio State, and thousands more are at risk.⁴²⁶ While there are many advantages to the use of social media, it can be menacing when manipulated by groups of predators. Trafficking crimes are based on the the victims' information shared on the Internet that most traffickers exploit.

However, just as the Internet enables predatory practices by traffickers, it can also serve as a powerful mechanism in spreading awareness about labor trafficking so that people have easy access to such information.

While there are positives and negatives of the growing advanced technology nowadays, it is vital to take advantage of their positive aspects in order to address the issue of labor trafficking and to raise public awareness about it.

It is critical for us to focus on the effective standpoint of the role social media in preventing labor trafficking. Since the case of the factory collapse in Bangladesh that happened in 2013, social media has focused on labor trafficking issues like never before. Additionally, social media possesses the power to reach billions of people, and to influence the way the public frames topics of interest, whether it is popular television news channels, the internet, or newspapers, social media sources inform the public on a daily basis of what is happening around the world. It is essential to assess the best approach in which to integrate social media in our mission to change societal perception and bring about concrete change in legislation on the topic of labor trafficking.

⁴²⁵ "The New Cyber Trend in Human Trafficking: How to Stay Safe Online - MTV EXIT." MTV EXIT. November 28, 2013. Accessed February 1, 2015. <http://mtvexit.org/blog/human-trafficking-goes-cyber-stay-online/>.

⁴²⁶ Johnson, Alan. "Sex Traffickers Reach Girls via Social Media." The Columbus Dispatch. January 24, 2013. Accessed February 1, 2015. <http://www.dispatch.com/content/stories/local/2013/01/24/sex-traffickers-reach-girls-via-social-media.html>.

The role of social media continues to evolve as a prime lens to shine light onto human trafficking; it also affects the public responses of the human trafficking issue. Yet, social media portrays human trafficking in a unique light in comparison to statistical data evidence and academic research. The goal of this section is to reveal how social media portrays human trafficking to the public, in order to raise its awareness, as well as how their assumptions affect the policies and perceptions of this issue.

Using Social Media to Stop Slavery⁴²⁷

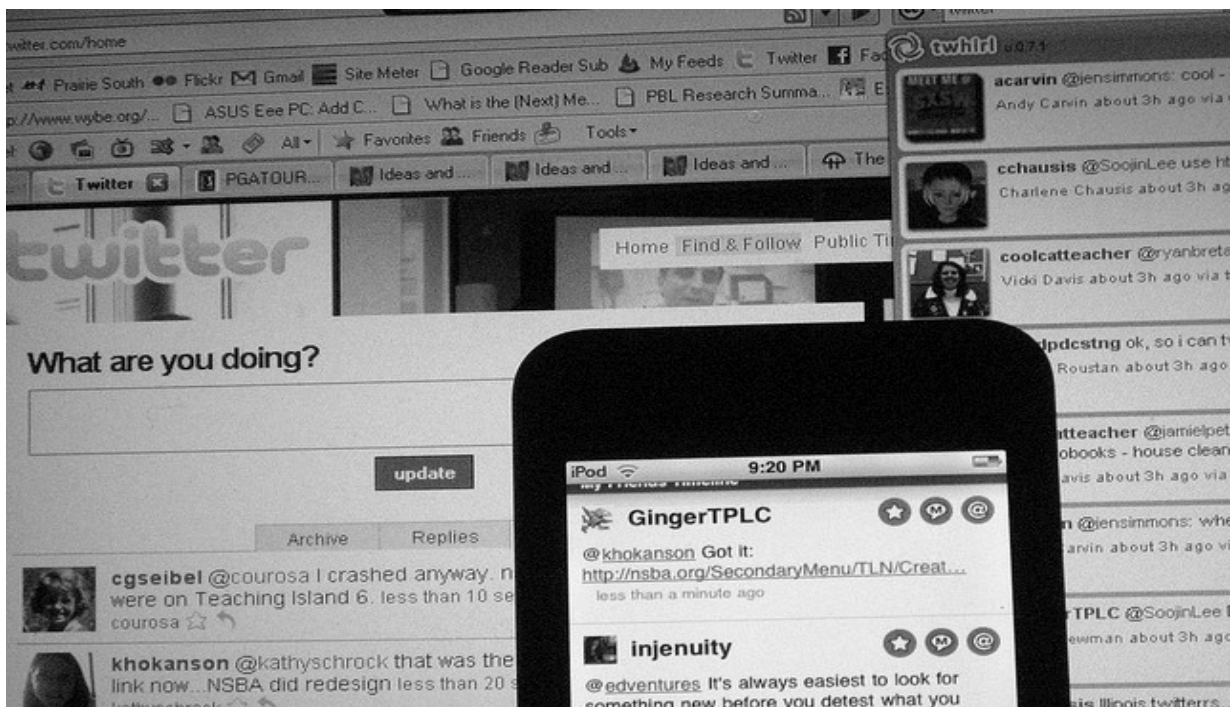


Figure 38

There are various ways of utilizing social media sites in order to raise the awareness of an issue of human trafficking. For instance, the online social networking service known as Twitter enables users to send and read 140-character messages called “tweets.” On a popular Twitter profile called “Human Trafficking Headlines,” individuals are able to follow this Twitter account

⁴²⁷ "Human Trafficking Archives - Activist Faith." Activist Faith. Accessed February 1, 2015. <http://activistfaith.org/category/human-trafficking/>.

by searching @TrafficInPeople.⁴²⁸ This is a valid communication platform that updates daily to rapidly spread the awareness of human trafficking to the public. It is estimated that there are 218 million monthly active users, and 500 million tweets are sent on a daily basis. Twitter has successfully enabled us to create and share ideas and information without barriers. In order to raise public awareness of labor trafficking quickly and effectively, individuals are can create hash tags on Twitter to set a trend in raising the awareness. For example, #labortraffickinginWAsate is a hash tag that can be used on Twitter in terms of spreading the word of labor trafficking specially in Washington State.

In addition to joining different social media sites, individuals can also connect themselves via multiple human trafficking apps, such as “Trafficking in Persons Awareness App,”⁴²⁹ an app that educates each individual about trafficking in persons (TIP). Another app called “FREE2WORK,” gauges public efforts to ensure that child and forced labor do not exist in its supply chain. An anti-trafficking app called “Redlight Traffic”⁴³⁰ is also being developed. It aims to create various tools against human trafficking by using advanced technology in order to provide actionable, real-time reporting to local authorities, to educate people and communities, and to connect and empower communities and organizations to say “NO” to human trafficking altogether. These apps are available for purchase for an affordable price or for free downloads.

Furthermore, a business-oriented social networking service, mainly used for professional networking, known as LinkedIn, offers a feature that allows people to be connected online to bring attention to the global plights of human trafficking issue. LinkedIn groups such as the Human Trafficking Foundation (HTF), Human Trafficking Abolitionist Group (HTAG), and the

⁴²⁸ Accessed February 1, 2015. <https://twitter.com/trafficinpeople>.

⁴²⁹ "3 Apps to Help You Fight Human Trafficking." Abolition 3 Apps to Help You Fight Human Trafficking Comments. February 11, 2013. Accessed February 1, 2015. <http://www.abolition.org/3-apps-to-help-you-fight-human-trafficking-2/>.

⁴³⁰ "Redlight Traffic | A World without Slavery." Redlight Traffic | A World without Slavery. Accessed February 1, 2015. <http://www.redlighttraffic.org/index.html>.

Laboratory to Combat Human Trafficking (LCHT) are all available for people to join. The growing power of social media sites has created a platform for the voice of human trafficking to be heard by the public, and through various social media channels, the issue of human trafficking has called attention to the society on many levels.

Be in the Know: Join NGOs

Besides joining a variety of social media sites to get involved in the progress of raising the awareness on labor trafficking, that social media is a tool for consumers to use, many non-governmental organizations (NGOs) allow us to become more involved in efforts aimed at reducing the issue of human trafficking by providing complimentary services to the public including trafficked victims. The sources they provide are supportive and practical. For instance, the Washington Anti-Trafficking Response Network (WARN)⁴³¹ provides direct assistance to victims of human trafficking as well as training and technical assistance for service providers and stakeholders. According to human trafficking statistics and the large number of victims identified as Hispanic, it is no surprise that WARN is also available in Spanish.



Figure 39

⁴³¹ Accessed February 1, 2015. <http://www.warn-trafficking.org/>.

This NGO enables individuals to help end this modern-day slavery by providing appropriate services, such as immediate access to food and safe housing, physical and mental health treatment, and interpretation services that are relevant to taking up the fight against the issue of human trafficking. It also provides free and confidential technical assistance to service providers and community members who have experienced or are currently working with a potential victim of human trafficking. WARN can be reached at a **24-hour hotline** 206-245-0782, it also can be found on Facebook.

An NGO known as The Polaris Project,⁴³² based in Washington D.C., impedes all conditions that allow human trafficking to thrive in our society. By cooperating with government leaders to protect victims' rights through establishing partnerships with the world's leading technology corporations, the ultimate goal is to enable the communities to identify, report, and eradicate trafficking networks. The Polaris Project acts as an innovative spirit that prioritizes victims, mainly to assist survivors in restoring their freedom while tracking down possible traffickers in operation. Individuals will have the opportunity to make a daily impact towards ending human trafficking by joining Polaris as one of their team members, or by publishing press releases at their media division.

In addition to WARN and the Polaris Project, Human Trafficking Awareness Partnerships, Inc (HTAP)²⁵ is dedicated to bringing the issue of human trafficking to the vanguard of public awareness through local community action and the sharing of resources among communities and organizations. It is an organization based in Florida State that provides primary research and disseminating information regards to human trafficking issue in order to

⁴³² "Polaris | Combating Human Trafficking and Modern-day Slavery." Polaris | Combating Human Trafficking and Modern-day Slavery. Accessed February 2, 2015. <http://www.polarisproject.org/>.

²⁵ "Human Trafficking Awareness Partnerships HTAP." HTAP RSS. Accessed February 15, 2015. <http://humantraffickingawareness.org/>.

educate and promote public awareness to communities eradicating human trafficking. According to the mission of HTAP, awareness is only the first step to end human trafficking, a hidden crime that can be fought effectively when community, law enforcement, as well as human service providers are all involved. This particular organization is available for join on Facebook, Twitter @HTAPfm, and LinkedIn.

While NGOs serve as a liaison with numerous initiatives protecting trafficking victims and raising the public awareness of human trafficking, it is also necessary for public campaigns that tackle human trafficking to expand on the effort of reducing human trafficking. There is a discrepancy between using social media and public campaigns to disseminate information of anti-trafficking in that public campaigns are more movement-oriented with the power of people that are taking actions, whereas social media serves as a technology tool for people to use via the internet to spread awareness. A strategic mix of social media, NGOs and activism can be used to increase knowledge, spread awareness and enact change on the issue of labor trafficking.

Public Awareness Campaigns: Blue Campaign & Blue Heart Campaign

This section looks at three campaigns in combating the issue of human trafficking. Each individual in the society should recognize efforts that are made to raise public awareness of the problem of human trafficking via public information campaigns.

In the case of trafficked victims, it will be beneficial that public information campaigns address basic human rights standards and make potential victims aware that trafficking is a hidden crime, that they are being victimized and that they are able to seek the protection services. Public Campaigns play an essential role in mobilizing public support and involvement to help prevent and combat the issue of labor trafficking. It obtains a responsibility to ensure that, by

taking careful and informed approaches to acceptance of advertisements, the public awareness of labor trafficking can be increased. Blue Campaign acts as a voice of the U.S. Department of Homeland Security's (DHS) efforts to combat the issue of human trafficking. This particular campaign is considered a result of a unified DHS efforts to establish an awareness-raising initiative to fight human trafficking and its impact on society.



Figure 40

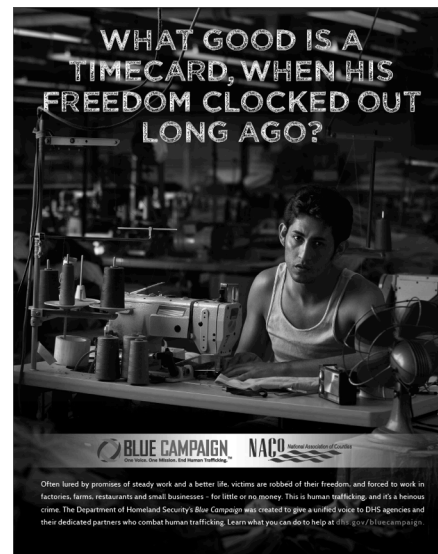


Figure 41

Posters for Blue Campaign²⁶

Additionally, Blue Heart Campaign aims to use the symbol of a blue heart for an international symbol against human trafficking, in the same vein that the red ribbon is used as an international symbol for HIV/AIDS awareness. Thus, by “wearing” the Blue Heart, it increases the awareness of human trafficking; it allows people to show solidarity with the trafficked victims. The use of the color blue represents the commitment of the United Nations in combating

²⁶ "DHS Blue Campaign." DHS Blue Campaign. Accessed February 2, 2015. <http://www.ice.gov/factsheets/dhs-blue-campaign>.

this crime against human dignity. This particular public campaign is also available in four additional languages, French, Spanish, Russian, and Portuguese.



Figure 42: Posters for Blue Heart Campaign²⁷

Besides the two blue themed anti-trafficking campaigns, Grassroots Campaigns²⁸ is known for its effectiveness since 2004 by building support for progressive candidates, parties, and cause by engaging people in political action to bring a grassroots movement that is driven by a community's politics. It is possible to apply the same method in reducing the issue of human trafficking by gathering local volunteers in various communities, such as Asian and Hispanic communities to raise the public awareness of human trafficking.

According to the United Nations Office Drugs and Crime (UNODC), anti-trafficking campaigns should focus on educating people about the true nature of this hidden crime and its consequences. It should also provide potential victims of trafficking with sufficient information about the risks of human trafficking, including health risks.²⁹ To sum up, public campaigns should be formulated in ways that will be understood by various trafficked victims through using

²⁷"United Nations Office on Drugs and Crime." Lebanon Joins the Blue Heart Campaign against Human Trafficking. Accessed February 2, 2015. <http://www.unodc.org/unodc/en/frontpage/2011/December/lebanon-joins-the-blue-heart-campaign-against-human-trafficking.html>.

²⁸"A History of Success." Accessed February 15, 2015. <http://grassrootscampaigns.com/>.

²⁹"8 Victim Assistance." In *Toolkit to Combat Trafficking in Persons*. Vienna: United Nations Office on Drugs and Crime, 2008.

educational materials in appropriate languages adapted for and relevant to the target audience.³⁰

Improve Awareness and Responses via Training, Education, and Outreach for Potential

Victims

Public awareness of labor trafficking can be improved through various methods. There are many developed programs aimed at educating the youth worker group in the U.S. about what their human rights are. Many NGOs provide a list of services in helping to educate individuals to understand the issue of labor trafficking as well as victims' identification. The goal of improving awareness and response of human trafficking through a variety of method is to educate not only the public, but especially the trafficked victims and potential victims of trafficking, because the workers are the ones whose rights are violated. Therefore, it can be understood that worker education is indispensable, without it there is no effective program. On the same note, an effective protection program should be able to guarantee workers that when they do exercise their rights, they are able to file complaint without any fear of retaliation.

For instance, the aforementioned well-known NGO based in Washington state, known as Washington Anti-Trafficking Response Network (WARN) offers additional outreach and education programs for both trafficked victims and potential victims of trafficking. Below is a list of resources of service providers in Washington State.

API Chaya ³¹	This program provides direct services to victims and survivors of domestic violence, sexual assault, and human trafficking within the Asian and Pacific Islander community members, survivors, and their families. For more information, visit www.apichaya.org .
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³⁰ "9 Prevention Trafficking in Person." In *Toolkit to Combat Trafficking in Persons*. Vienna: United Nations Office on Drugs and Crime, 2008.

³¹ Accessed February 22, 2015. <http://www.warn-trafficking.org/resources/service-providers/>.



Organization for Prostitution Survivors (OPS) ³²	This program provides non-judgmental support to survivors of prostitution and victims of sex trafficking. Email prostitutionsurvivors@gmail.com for more information.
Rare Coins Ministries ³³	This program offers support groups, mentoring, life planning, and job training to help victims become healthier individuals. For more information, visit rarecoinsministries.org .
YouthCare ³⁴	This program provides assistance service for street-involved, runaway, homeless and at-risk youth; it delivers services in a highly structured environment, with activities designed to meet both the individual and collective needs of participants. For more information, visit youthcare.org .
Crime Victim Service Centers (CVSCs) ³⁵	It has over 50 locations in Washington state; this center provides case management and victim advocacy for any victim of a crime . For more information, visit http://www.wccva.org/ .

Figure 43

Design an Awareness Communication Strategy in Order to Raise the Awareness of Labor Trafficking

Labor trafficking awareness can be distributed through various social media channels as well as campaign activism. A sample marketing distribution can be created based on the most current social media sites usage, such as Facebook, Twitter, LinkedIn, and other social media apps. It is possible to distribute labor trafficking awareness through the means of those social media tools by petitioning the government for a media distribution budget on raising the public awareness of labor trafficking, for example, \$10,000 per year. This particular fund would be allocated to improve the nowadays technology to help spreading the word of the issue of human trafficking. In addition to relying on social media as a tool to spread awareness of labor

³² Accessed February 22, 2015. <http://www.warn-trafficking.org/resources/service-providers/>.

³³ Accessed February 22, 2015. <http://www.warn-trafficking.org/resources/service-providers/>.

³⁴ Accessed February 22, 2015. <http://www.warn-trafficking.org/resources/service-providers/>.

³⁵ Accessed February 22, 2015. <http://www.warn-trafficking.org/resources/service-providers/>.



trafficking, activities such as the Ice Bucket Challenge and Tongue Twister Challenge can be adapted as creative methods to spread the word of labor trafficking. Also creating and publishing videos together with web 2.0 (World Wide Web is focused on the ability for people to collaborate, create, and share information online) can be seen as a powerful platform on a peer-to-peer level to raise the awareness of labor trafficking as well.

Furthermore, an action plan should be created under each group of different audiences. Namely, victims of trafficking, or potential victims, consumers, service providers, along with corporations and businesses. Each action plan is designed to assist the targeted audience to not only obtain a better understanding of human trafficking, but also to take action in protecting and preventing the occurrence of this modern day crime.

As a result, a graph of awareness communication strategy is created based on each action plan of different groups of audience. That being said, each group of audience should follow their action plan to form a better understanding of labor trafficking, then try to assist in the effort of raising labor trafficking awareness and prevention of labor trafficking. We shall only hope that one day labor trafficking will be eliminated through the help of spreading awareness along with secured monitoring system to prevent this hidden crime. Each individual obtains a certain responsibility of the prevention of labor trafficking. Ultimately, if we all fulfill our responsibility to assist in the best way we can to help preventing labor trafficking as well as spreading awareness of this issue by utilizing existing resources and creating methods via many platforms; together we can put an end to this modern slavery.

Conclusion

In this section, we have shown the various ways in which awareness can be spread. Through social media, especially Twitter and phone applications, and through the role of NGOs, awareness campaigns on labor trafficking can be implemented. With the rise of social media in recent decades, it has become a tool in alerting society about issues going on in the world. In addition to utilizing social media, the public can also join multiple NGOs and assist them in providing resources for combatting human trafficking. Awareness on the issue of labor trafficking is crucial for the process of eliminating this practice. For if the public is ill-informed about the realities going on both at home and abroad, very little progress can be made in combatting labor trafficking.

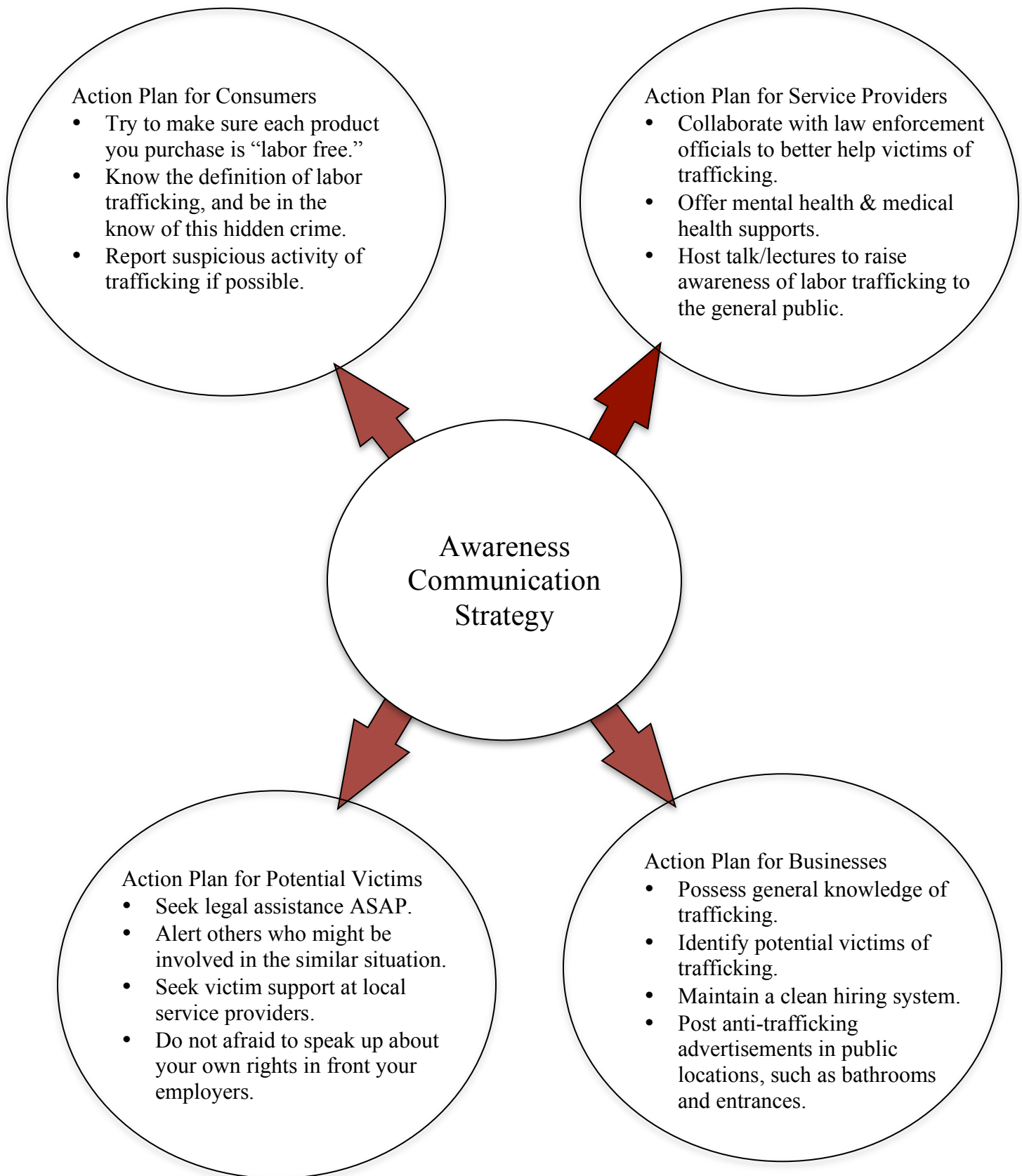


Figure 44

Chapter Conclusion

The aim of this chapter was to depict the importance public awareness plays in enacting any social change, in this instance eradicating labor trafficking. By looking to history to reiterate this idea of individual power we hope to reinforce the notion that people are who ultimately hold power in demanding cleaner supply chains from the corporations that cater to them. We further stressed the importance of playing to the morality of the public in order to spur on public support and public action and described ways in which corporations are held accountable and techniques we hope to incorporate in the movement combating labor trafficking. We went on to include numerous ways in which awareness is spread to the masses and in turn how the public can get involved. We focused predominantly on utilizing technology as a means to enact change in labor trafficking, and hope that it will continue to spread awareness on the issue and ultimately prove to play a key role in eradicating labor trafficking. But awareness alone is not enough to ensure supply chains. It is also important that corporations, in an effort to eliminate labor trafficking, are in compliance with ethical labor standards and maintain effective monitoring standards of their supply chains, which is the focus of our next chapter.

Chapter 6

The Intersection of Corporate and State Responsibility: Developing an Effective Monitoring Approach for Labor Trafficking in Washington State Supply Chains

By Alison Forsyth & Sarah Priddy

Following current efforts to increase labor trafficking awareness, companies are increasing their efforts by seeking better ways to monitor ongoing activities in their supply chains. The ability to respond to significant events in a timely fashion can be the difference between pulling ahead of, or falling behind, the competition. As the trend of social-conscious consumerism develops in the wake of non-GMO and fair-trade movements, a discussion is developing around the topic of labor trafficking. Human rights activists, policymakers, and media sources have directed attention to human trafficking for the past several decades; however, the majority of the frenzy has focused specifically on sex trafficking. As established in chapters one and two, the spectrum of human trafficking extends far past the subsection of sex trafficking; labor trafficking is a prevalent and pressing issue in today's society. While many existing venues of verification and labeling exist to ensure fairly traded products, these certification schemes do not adequately address the growing threat of labor trafficking in this increasingly interconnected world. The needs for an answer to end labor trafficking in supply chains are high, yet the solution is not so easily achieved.

The issue of monitoring lies at the heart of any conversation on human trafficking between corporations and legislators. As monitoring is a relatively recent addition into the realm

of legislation around human trafficking, the existing discourse surrounding monitoring systems on labor trafficking is scarce. However, drawing from a series of case studies, current academic dialogues, and pre-existing legislation from domestic, international, and transnational agencies, we can conclude that there are in fact tangible, effective methods Washington State can utilize to encourage and maintain clean supply chains throughout its major business contractors.

Moving forward, this chapter will review several models of monitoring that currently exist to regulate and eliminate labor trafficking in corporations' supply chains. The first section will further discuss corporate social responsibility (CSR) for both for-profit public and private companies, and will compare the success of self-regulation versus government regulation. The consecutive section will continue this discourse by further analyzing the practical application of pre-existing models of monitoring in order to evaluate the most efficient and effective model of monitoring to recommend for Washington State legislation.

Monitoring Labor Trafficking Down Supply Chains: Case Studies of Existing Corporate Models

By Alison Forsyth

Before we begin our conversation on monitoring, we must first address the question of “why” before we discuss the “how.” Questions are raised: why is monitoring necessary? Why should corporations be held accountable for human rights violations throughout their supply chains? Amidst this dialogue, we will also discuss the responsibility the government claims in regards to monitoring labor trafficking. The term corporate social responsibility is used when speaking about a corporation's efforts to reduce human rights violations and ensure that their

products were made ethically. However, CSR is an all-encompassing concept, stretching beyond the explicit terminology to programs financed by the corporation such as community development, environmental sustainability, and so on. In summary, corporate social responsibility “is a management concept whereby companies integrate social and environmental concerns in their business operations and interactions with their stakeholders.”⁴³³ To analyze CSR, academia has developed an equation to illustrate the various factors involved in corporate social responsibility.

$$\text{CSR} = f(\text{Law, Intent, Salient Information, Efficiency})$$

Figure 45⁴³⁴

In this equation, law refers to the involvement of local, state, and national regulations in concern to the corporation’s ethical practices. Intent is described as the “fixed or directed purpose, such as intent to do harm.”⁴³⁵ Salient information includes prior knowledge, such as the corporation’s pre-existing data on any labor law violations in their supply chain. Finally, efficiency is defined as the practices, or behaviors, a company adopts in order to maximize their resource efficiency. Corporate social responsibility is “generally understood as being the way through which a company achieves a balance of economic, environmental and social imperatives, while at the same time addressing the expectations of shareholders and stakeholders.”⁴³⁶ It is thus imperative to clarify the distinction between CSR and philanthropy.

⁴³³ "What Is CSR?" United Nations Industrial Development Organization. Accessed February 3, 2015. <http://www.unido.org/en/what-we-do/trade/csr/what-is-csr.html>.

⁴³⁴ Moser, Martin R. "A Framework for Analyzing Corporate Social Responsibility." *Journal of Business Ethics* 5, no. 1 (1986): 70.

⁴³⁵ Ibid., 70.

⁴³⁶ "What Is CSR?" United Nations Industrial Development Organization. Accessed February 3, 2015. <http://www.unido.org/en/what-we-do/trade/csr/what-is-csr.html>.

Philanthropic efforts may boost the general well-being of the communities where a corporation is involved in while simultaneously enhancing the company's reputation, "CSR in reality is the alignment of business operations with social values," thus enlarging the definition far beyond the boundaries of philanthropy.⁴³⁷

The UN, the ILO, and Transnational Organization's on Corporate and State Responsibility

As the mobility of capital and persons continues to grow through greater transportation methods and technology, there is an emergence of transnational bodies, both corporate and governmental, that shapes the world we live in. In today's society, the largest of these corporations may arguably be more powerful than certain nations. For example, if Walmart were a nation-state, its revenues would rank the company to the GDP of the world's 25th largest economy.⁴³⁸ However, unlike states, corporations are not subject to many of the legislative expectations of governments, including respecting the rights of citizens of their country. As most of these corporations are transnational corporations (TNCs), they have access and influence in numerous regions of the world. If the TNCs were held to the same standards as nations, they would be expected to listen to and respect the rights of the citizens in all countries they run business in.

As the global economy continues to be transformed by these large transnational corporations, several international bodies have also been materialized over the past century with the agenda of encouraging and facilitating international cooperation to protect human rights worldwide. These bodies include the United Nations, and in regards to labor trafficking, the

⁴³⁷ Joseph, Amita V. "Successful Examples of Corporate Social Responsibility." *Indian Journal of Industrial Relations* 44, no. 3 (2009): 403.

⁴³⁸ Trivett, Vincent. "25 US Mega Corporations: Where They Rank If They Were Countries." *Business Insider*. June 27, 2011. Accessed February 16, 2015. <http://www.businessinsider.com/25-corporations-bigger-tan-countries-2011-6>.

specialized UN agency – The International Labor Organization, or ILO. As the Secretary General of the United Nations Ban Ki-Moon commented at the UN Global Compact Leaders Summit in 2007, “Friends, together, we can achieve a new phase of globalization - one that creates inclusive and sustainable markets, builds development and enhances international cooperation. We each have a responsibility in moving our agenda forward.”⁴³⁹

The United Nations and the ILO regularly publish material on the intersection between state and corporate responsibility to protect human rights. In the “Guiding Principles on Business and Human Rights,” the UN frames the state’s obligation to outline the expectations for business enterprises in their respective territories and/or jurisdictions to honor and uphold human rights throughout their supply chain. The United Nations comments on how, currently, nation-states are generally not required to regulate their corporations’ activities and address any human rights violations within their operations.⁴⁴⁰ In the same document, the United Nations highlights four responsibilities as the state’s duty to protect human rights. According to the UN, states should:

- A) Enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically to assess the adequacy of such laws and address any gaps.*
- B) Ensure that other laws and policies governing the creation and ongoing operation of business enterprises, such as corporate law, do not constrain but enable business respect for human rights.*
- C) Provide effective guidance to business enterprises on how to respect human rights throughout their operations.*

⁴³⁹ "What Is CSR?" United Nations Industrial Development Program. Accessed February 16, 2015. <http://www.unido.org/en/what-we-do/trade/csr/what-is-csr.html>.

⁴⁴⁰ "Guiding Principles on Business and Human Rights." *United Nations: Human Rights*, 2011; 3-4.

D) Encourage, and where appropriate require, business enterprises to communicate how they address their human rights impacts.⁴⁴¹

Movements towards Monitoring on a National Level



Figure 46⁴⁴²

As previously discussed in chapter three, the past decade has born witness to great advancements in United States legislature in regards to human trafficking. Recently, President Barack Obama labeled the battle against human slavery as, “one of the great human rights causes of our time,” in his 2012 speech at the Clinton Global Initiative.⁴⁴³ Three significant developments by lawmakers and regulators in the U.S. have altered the corporate approach to human trafficking in recent years: 1) the California Transparency in Supply Chains Act; 2) President Barack Obama’s Executive Order, which “aimed at combating human trafficking by

⁴⁴¹ "Guiding Principles on Business and Human Rights." *United Nations: Human Rights*, 2011; 3-4.

⁴⁴² Obama, Barack. "Remarks by the President to the Clinton Global Initiative." Speech, Clinton Global Initiative Annual Meeting from Clinton Global Initiative, New York, September 25, 2012.

⁴⁴³ "Obama".

making all federal contractors comply with regulations once applicable only in defense-related settings”; and 3) the Securities and Exchange Commission (SEC) regarding conflict materials new regulations.⁴⁴⁴

Washington State was the first state to pass a bill labeling human trafficking as a crime, which has since sparked a tidal wave of bills and programs attempting to end this violation of human rights occurring in our backyards. Most recently, the proposed statutes, the California Transparency in Supply Chains Act and the proposed Business Transparency on Trafficking and Slavery Act, both focus attention on corporate efforts in addressing human trafficking. Both bills require companies to disclose their efforts to reduce human rights violations within their supply chains. The California Transparency in Supply Chains Act is evidently a step in the right direction in addressing this growing concern over labor trafficking, but the bill’s high revenue cap and lack of consequences exacerbate the bill’s ineffectiveness. In order to win the battle against human slavery, as Obama proposes, cooperation and participation will be necessary from transnational organizations, governments, corporations, and the general consumer public.

Monitoring: The Implementation of Numerical Data in the Assessment of Humanitarian Causes

As aforementioned, the issue of monitoring labor trafficking has only recently become a heavily debated topic. Increasingly, numerical tools or “indicators” are employed to assess and promote a wide spectrum of social concerns; for example, the publishing of statistics on the number of trafficking victims to raise awareness and garner attention or sympathy from legislators. This movement towards statistical analyses, as utilized by third-party audits for

⁴⁴⁴ Reider-Gordon, Mikhail, Uche Eweulukwa, Ira Feldman, Constance Wagner, and T. Markus Funk. "Corporate Social Responsibility." *The International Lawyer* 47, no. 1.

monitoring human rights abuses, has grown over the past half-century, resulting in both beneficial and detrimental contributions to the corporate sphere.

*The reliance on simplified numerical representations of complex phenomena began in strategies of national governance and economic analysis and has recently migrated to the regulation of nongovernmental organizations and human rights. The turn to indicators in the field of global governance introduces a new form of knowledge production with implications for relations of power between rich and poor nations and between governments and civil society.*⁴⁴⁵

Transnational organizations such as the ILO, the UN, faith-based NGOs such as World Vision, and national governments rely on these quantifiable indicators to direct attention and funding towards evidence-based social causes. “Indicators are a technology of not only knowledge production but also governance,” as many executive decisions within governments, corporations, and NGOs are made based off of the data’s conclusions.⁴⁴⁶ However, as the use of quantifiable data has transitioned from mainly the economic and political spheres to NGOs and humanitarian programs, it is mandatory to recognize the downfalls of this recent emphasis on evidence-based social awareness. Human rights activists tend to point out issues with insufficient data, oversimplification, and bias. Furthermore, “building a composite index of human rights performance promotes quick comparisons of countries along a scale but ignores the specificity of various human rights and conceals particular violations.”⁴⁴⁷ In the case of labor trafficking,

⁴⁴⁵ Merry, Sally Engle. "Measuring the World: Indicators, Human Rights, and Global Governance." *Current Anthropology* 52, no. 53 (2011): Web.

⁴⁴⁶ ccs

⁴⁴⁷ ccs

inadequate definitions of the instances of labor trafficking make calculating the frequency of labor trafficking incidents difficult. Similarly, the quantification of human rights abuses constrains the issues to a specific set of factors, eliminating the possibility for individual differences, and fails to acknowledge external factors and circumstances that may potentially skew the data.

This brings us to our next point, of “audit culture.” Audit technologies are theorized as instruments for new forms of governance and power, “agents for the creation of new forms of subjectivity: self-managing individuals who render themselves auditable.”⁴⁴⁸ In this way, nations are not pressured into conforming to a series of human rights laws based on “ambiguous and contextualized accounts” from case studies or specific reports that are shaped by the specific circumstances and biases of each country. “Indicators provide comparable information in numerical terms.”⁴⁴⁹ The responsibility to provide measurable information shifts the focus from a general, unenforceable standard of ethical business practices to producing and improving upon numerical data through monitoring. This increase in measurable material involving labor trafficking is seen in both transnational non-governmental organizations. This includes the International Labor Organization’s “2012 Global Estimate of Forced Labor”⁴⁵⁰ document, government-sponsored reports such as the Department of Labor’s “List of Goods Produced by Child Labor or Forced Labor” or the “Trafficking in Persons Report 2014,” and self-regulatory CSR reports conducted or paid for by the corporations themselves such as Starbucks’s Global Responsibility Reports.⁴⁵¹

448 ccs

449 ccs

⁴⁵⁰450 "ILO Global Estimate of Forced Labour 2012: Results and Methodology." International Labour Organization. June 1, 2012.

⁴⁵¹451 "Global Responsibility Report Goals & Progress 2013." Starbucks Coffee Company. January 1, 2013. Accessed February 16, 2015. <http://www.starbucks.com/responsibility/global-report>.

The relevance of indicators and the rise of audit culture in the discourse around labor trafficking is that it is necessary to acknowledge that the way human rights violations are measured is not infallible. Audits and monitoring systems are part of an ever-growing field of research, and the methodology evolves with it. This is evident in the statistics on labor trafficking cases in Washington State, that while the number of reported cases of labor trafficking was low, it is safe to assume the actual incidence of labor trafficking in Washington could be much higher due to insufficient monitoring and reporting methods. Given the drawbacks of this numerical approach to reporting humanitarian issues, it is also important to comment on how the utilization of indicators shapes the discourse and shifts the responsibility of the core issue at hand. “The use of these statistical techniques, with their aura of certainty, is producing new knowledge of the social world and new opportunities for governance through self-governance.”⁴⁵² In this way, we can begin to discuss the possibilities for corporations to report on their own efforts to eliminate labor trafficking incidents in their own supply chains, capitalizing on the advances in monitoring capabilities. Given our knowledge on how indicators shape the discourse on human rights violations, we move on to further discuss the Fair Trade system and monitoring schemes in the following case studies: Starbucks, Lipton, Walmart, and Coca-Cola.

Fair Trade’s Objectives and Role in Preventing and Abolishing Labor Trafficking

Fair Trade originated with the objective to create an alternative institutional system to the existing capitalistic market that was severely disadvantaging small farmers and producers across the globe, particularly those in developing world countries. Fair Trade “promotes an ethical

⁴⁵² Merry, Sally Engle. "Measuring the World: Indicators, Human Rights, and Global Governance." *Current Anthropology* 52, no. 53 (2011): Web.

vision that seeks to marry tangible financial rewards with development outcomes such as empowerment, capacity building, and producer participation.”⁴⁵³ This system seeks to “internalize particular social norms within the institutions of global production and trade, and thereby to promote public goals of fairness and social justice.”⁴⁵⁴ The vast majority of the system emphasizes the preservation of a ‘fair price’ for producers, although the Fair Trade system also encapsulates the principles of democratic decision-making, and social and environmental sustainability across all stages of the supply chain.⁴⁵⁵

It is notable, at this point, to recognize that while Fair Trade does not specifically focus on the issue of labor trafficking, one of the program’s main tenants is that the labor was not forced and the workers were compensated fairly based on the country’s standard wages. Fair Trade programs greatly influence the prevalence of human rights abuses within the workplace and thus the frequency of labor trafficking. United Against Human Trafficking writes that while Fair Trade does monitor forced labor, Fair Trade can lead to the prevention of slavery.⁴⁵⁶ As the majority of traffickers target impoverished communities, Fair Trade often provides these regions with alternative economic prospects so that families are not tempted to push their children into work where labor abuses may occur. “With a good job at home that provides a fair, living wage, families, farmers and other producers are less likely to leave home and put themselves at risk to traffickers.”⁴⁵⁷ For example, roughly five thousand to seven thousand girls are trafficked annually from Nepal to India, from mainly vulnerable populations where the women are sold off or disillusioned by promises of work. Fair Trade initiatives have provided these disadvantaged

⁴⁵³ Blowfield and Dolan 2010; 148.

⁴⁵⁴ "Global Responsibility Report Goals & Progress 2013." Starbucks Coffee Company. January 1, 2013. Accessed February 16, 2015. <http://www.starbucks.com/responsibility/global-report>; 5.

⁴⁵⁵ MacDonald 2007; 797.

⁴⁵⁶ "Fair Trade and Human Trafficking: What Is the Connection?" Houston Rescue and Restore Coalition. Accessed February 23, 2015. <http://www.houstonrr.org/fair-trade/fair-trade-and-human-trafficking-what-is-the-connection/>.

⁴⁵⁷ <<<

and marginalized populations in Nepal with income generating prospects and micro-lending opportunities within the Fair Trade cooperatives. In the subsequent section, we will discuss Starbucks's Fair Trade certification and ethical sourcing claims, and we will further analyze the efficacy of the corporation's CSR efforts in eliminating labor trafficking.

Case Study I: Starbucks, CAFÉ Practices Program and Fair Trade Certification Schema

The famous Seattle-born coffee mogul, Starbucks, has over twenty-one thousand stores in over sixty-five countries, and their reach continues to grow.⁴⁵⁸ Starbucks, a for-profit, public company, has received praised across the globe for their community efforts and ethical sourcing in their four decades of business. Starbucks's admirable reputation among consumers and independent monitoring companies relies heavily on their strong corporate social responsibility efforts. Starbucks is a prime example of a self-regulating company, as they are not required by Washington legislature to abide by specific laws regarding to human trafficking. The significance of the Starbucks Corporation in this case study is that many of their practices would contribute to a good model of monitoring for other businesses to copy in the State.

Starbucks's corporate social responsibility initiative encompasses three main aspects: community development, ethical sourcing, and environmental impact. Their CAFÉ Practices Program is part of their CSR approach to meet their standards for ethical sourcing, and in 2008 the company set the goal that 100% of their coffee would be ethically sourced through the CAFÉ Practices, Fairtrade, and/or other third party certification programs. By 2013, 95.3% of their coffee was ethically sourced.⁴⁵⁹

⁴⁵⁸ "Starbucks Coffee Company." Starbucks. Accessed February 16, 2015. <https://www.starbucks.com/>.

⁴⁵⁹ "Global Responsibility Report Goals & Progress 2013." Starbucks Coffee Company. January 1, 2013. Accessed February 16, 2015. <http://www.starbucks.com/responsibility/global-report>; 5.

GOAL

PROGRESS

Ensure 100% of our coffee is ethically sourced by 2015

95% of our coffee was ethically sourced in 2013 through C.A.F.E. Practices, Fairtrade or another externally audited system.

Total coffee purchases (in millions of lbs)	545	396
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Total ethically sourced coffee purchases (in millions of lbs)	509	377
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ON TRACK



Includes green coffee purchases for all Starbucks brands.

Figure 47⁴⁶⁰

The CAFÉ Practices Program aims to “institutionalize principles of social and environmental sustainability through Starbucks’s supply chain,” and the program itself is a manifestation of the company’s desire for progressive improvement of worker and producer well-being. Starbucks’ CAFÉ Practices Program was developed to address lapses of corporate social responsibility within its supply chain. The business model has two goals: “the establishment of sustainable supplies of high quality coffee to meet the company’s rapidly growing demand; [and] on the consumer side, the development of a systematic response to increasing consumer awareness and concern regarding both product ‘origins’ and social and environmental dimensions of production.”⁴⁶¹ The CAFÉ Practices Program’s CSR approaches, however, differ dynamically than those of the Fair Trade system⁴⁶².

When Starbucks first announced their partnership with the Fair Trade certifier Transfair USA and the international certification group Fairtrade Labeling Organizations International in October 2009, the roasting giant pledged to double its purchases of fair trade-certified coffee

⁴⁶⁰ "Global Responsibility Report Goals & Progress 2013." Starbucks Coffee Company. January 1, 2013. Accessed February 16, 2015. <http://www.starbucks.com/responsibility/global-report>.

⁴⁶¹ Macdonald, Kate. 2007. "Globalising justice within coffee supply chains? Fair Trade, Starbucks and the transformation of supply chain governance". *Third World Quarterly*.28 (4); 802.

⁴⁶² “” 796.

within the year. While some fair trade activists were heartened by the optimistic news of an increase in fair trade products, critics of this move remained skeptical in the corporation's actual delivery on their ethical sourcing promises. Dean Cycon of the Fair Trade company, Dean's Beans, commented, "fair trade is about transparency and accountability, but up to now Starbucks has not been either... The C.A.F.E. standards are pretty mysterious and... the company is notorious for massaging what really goes on under those standards."⁴⁶³

While Starbucks has been a global leader in the movement towards ethical sourcing, the efficacy of their practices remains in question. Over the past decade, Starbucks has aligned with various fair trade labeling initiatives to ensure their consumers that their products are ethically sourced. These alliances include, but are not limited to, schemes such as the Ethical Tea Partnership (ETP), Rainforest Alliance, Fairtrade (FLO and IFAT) and Organic (IFOAM).⁴⁶⁴ On October 28, 2008, Starbucks announced new partnerships with Transfair USA and Fairtrade Labeling Organizations International (FLO), both fair trade certifiers.⁴⁶⁵ These partnerships simultaneously spurred controversy from critics and received high praise from trade activists.

This relationship presents a common dilemma in the ever-changing world of fair trade. Initially, Fairtrade narrowed its focus on small producers, community co-ops, and eliminating the middleman between buyers and producers. The recent development of product certification has introduced sourcing from larger commercial farms, including the labor practices of plantations.⁴⁶⁶ As the label of fair trade evolves to fit a greater number of corporations, critics question whether the ethical sourcing the label implies is in reality diluted and ineffective.

⁴⁶³ "Dean's Beans - Organic and Fair Trade Coffee - www.deansbeans.com." Dean's Beans. <http://www.deansbeans.com/> (accessed March 17, 2014).

⁴⁶⁴ Blowfield, Michael E., and Catherine Dolan. 2010. "Fairtrade Facts and Fancies: What Kenyan Fairtrade Tea Tells us About Business' Role as Development Agent". *Journal of Business Ethics*. 93 (Supplement): 148.

⁴⁶⁵ Jaffee, Daniel. 2010. "Fair Trade Standards, Corporate Participation, and Social Movement Responses in the United States". *Journal of Business Ethics*. 92 (Supplement): 267.

⁴⁶⁶ Blowfield and Dolan; 149.

Starbucks's recent partnership with Transfair USA and FLO "encapsulates both the successes and dilemmas facing the growing fair trade movement in the United States."⁴⁶⁷ The disadvantages of this new trading partnership include the tight collaboration between certifiers and its licensors. This relationship might lead to conflicts of interest, meaning that certifiers have lost distance and independence from larger commercial firms and their conclusions might be tainted in efforts to maintain corporate interests. In the realm of advertising and public relations, claims of "green-washing" or "fair-washing" are common in referencing larger corporations, as the lack of transparency does not allow the public to decipher whether a corporation's CSR promises align with the realities in their supply chains. Opponents argue that companies, such as Starbucks, use fair trade dialogue to strengthen their reputation and increase popularity among consumers, while the validity of these claims remains unquestioned.

Case Study II: Starbucks and APPL - Human Rights Violations on Tea Plantations

Starbucks currently manages one of the leading players in both Indian and world tea markets, the Tata group. Tata guarantees products that are "100% locally sourced and roasted," and is widely regarded as a "leader in progressive environmental, social responsibility and occupational health and safety initiatives."⁴⁶⁸ Through investments from the World Bank's private investment branch, the International Finance Corporation (IFC), the separate company of Amalgamated Plantations Private Ltd (APPL) was established apart from its parent company, the Tata group. In 2014, the Columbia Law School published a report, "The More Things Change," following two of APPL's plantations in Assam and West Bengal. This resulted in a "detailed account of the persistence of abusive practices, and the failure to comply with the basis

⁴⁶⁷ Jaffee; 268.

⁴⁶⁸ Columbia Law School. "The More Things Change." *The World Bank, Tata, and Enduring Abuses on India's Tea Plantations*. 2014. Columbia Law School Human Rights Institute; 98.

requirements of the PLA [India's Plantations Labor Act of 1951]....⁴⁶⁹ Furthermore, the report was a critical analysis of the relationship between Tata Tea Company and APPL, and the influence transnational organizations, such as the IFC, have within the two companies in an attempt to promote healthy labor standards.⁴⁷⁰ This case study provides an appropriate example of stereotypical human rights abuses that occur within the tea sector due to APPL's outspoken commitment to corporate social responsibility and the significance of the Tata group in the tea sector.⁴⁷¹

On APPL's plantations, the researchers from "The More Things Change" case study, witnessed "dilapidated and overcrowded houses... overflowing latrines, poorly stocked medical facilities, and abandoned crèches."⁴⁷² The tea plantation workers were living in poverty, malnutrition was widespread, and the population struggled as the workers "succumb to diseases of poverty such as tuberculosis and typhoid at much higher rates than the rural poor in the villages around them."⁴⁷³ While a comprehensive list of human rights violations would require much more detail and investigation, the core issues can be summarized into the following: the denial of health care benefits, the exploitation of child labor, low wages accompanied by unjust deductions, and restrictions on workers' rights to freely participate in a fair workers' union.⁴⁷⁴ The plantations managers exercise control over their inhabitants by keeping workers enslaved to the land, through preventing employees from accumulating savings, or restricting the workers' ability to gain rights to the houses they reside in.⁴⁷⁵

⁴⁶⁹ Columbia Law School. "The More Things Change:" *The World Bank, Tata, and Enduring Abuses on India's Tea Plantations*. 2014. Columbia Law School Human Rights Institute; 5.

⁴⁷⁰ Columbia Law School. "The More Things Change:" *The World Bank, Tata, and Enduring Abuses on India's Tea Plantations*. 2014. Columbia Law School Human Rights Institute; 5.

⁴⁷¹ Forsyth, Alison. "Starbucks and CSR in the Tea Sector." Unpublished manuscript, JSIS 324, University of Washington.

⁴⁷² ¶ 9.

⁴⁷³ ¶ 9.

⁴⁷⁴ ¶ 14.

⁴⁷⁵ ¶ 11.

On the APPL plantations, audits are performed three to four times a year. Each time, the plantation staff illegally informs and preps the laborers before the audit, and the staff falsely stages the facilities to appear within the fair trade standards. During the audit, the auditors roam the premises accompanied by the management staff themselves, disallowing the workers from communicating with these external parties without risking their job security. One worker said, “If we could talk [to the auditors] face to face in the labor lines, we would be able to explain what our lives are really like. There are holes in my roof. Look at the windows on that house... There should be two doctors [for the number of people on this plantation].” But another worker interrupted, “If they came, they would come with the manager, so how would we show them anything?”⁴⁷⁶

During the audits themselves, the auditors are restricted access to the labor lines, in direct violation of the Plantations Labor Act, which states “the employer shall not deny to the public free access to those parts of the plantation where the workers are housed.”⁴⁷⁷ The Starbucks Corporation bears responsibility for these human rights violations as they “failed to identify the poor working and living conditions on the plantations.”⁴⁷⁸ In the case of the International Finance Corporation, the World Bank’s investment arm, “the IFC assumes compliance, not in the basis of independent verification, but on the basis of Tata’s reputation alone” An example of the IFC’s negligence regarding their commitment to enforcing the auditing standards would be how they assessed an entire corporation as “positive without reservation” solely off a thin record that included visits to three plantations in three days. The report was not nearly adequately extensive enough to come to the conclusion of “positive without reservation.”⁴⁷⁹ This dismissive logic

⁴⁷⁶ Columbia Law School. “*The More Things Change:*” *The World Bank, Tata, and Enduring Abuses on India’s Tea Plantations*. 2014. Columbia Law School Human Rights Institute; 68.

⁴⁷⁷ “” 69.

⁴⁷⁸ “” 98.

⁴⁷⁹ “” 13.

cultivates an environment that allows for gross violation of human rights to occur in places such as tea plantations.⁴⁸⁰

These human rights violations persist through the lack of accountability and are exacerbated in the absence of viable mechanisms of enforcement, such as unions, government aid, or effective audits. APPL's plantations in the Indian state of Assam enforce the monopoly of a largely discredited union that works mainly to impose management policy, and refuse to negotiate with any other union. The workers in Assam are required to list as union members, including paying the hefty compulsory dues deduction from their wages.⁴⁸¹ The researchers found in their investigations that not a single laborer had agreed to these terms.⁴⁸² However, the researchers do report that the plantations in West Bengal have a more positive impression of their unions, as they have witnessed improvements within their communities over the past two years under the representation of a more empowered, independent, and vocal union. Regardless, on a whole, the unions are largely ineffective in preventing labor abuses due to job insecurity and the inefficient audits.

The Indian government has addressed labor concerns through paper policies, but has sorely failed in regards to any actual physical enforcement. The *Plantations Labor Act of 1951* (PLA) defined employment relationships in the tea and coffee sector, imposing a required minimum wage and basic services such as food supplies, health care, and education. However, vast gaps in compliance persist. The PLA outlines required quarterly government inspections of tea plantations, yet no workers interviewed had ever seen a government inspector in person.⁴⁸³ Additionally, the historical and cultural contexts these plantations are constructed on correspond

⁴⁸⁰ Forsyth, Alison. "Starbucks and CSR in the Tea Sector." Unpublished manuscript, JSIS 324, University of Washington.

⁴⁸¹ Columbia Law School. "The More Things Change:" *The World Bank, Tata, and Enduring Abuses on India's Tea Plantations*. 2014. Columbia Law School Human Rights Institute; 71.

⁴⁸² "" 74.

⁴⁸³ "" 10.

directly to the mistreatment of plantation workers. Typically, plantations are built on cheap, migrant, unskilled labor. For instance, in Sri Lanka, the majority of tea plantation workers, or Tea Tamils, are marginalized within their own community of indigenous Sri Lanka Tamils and regarded as “second class citizens.”⁴⁸⁴ Another example would be in India, where the hierarchal structure of plantations is heavily rooted in the prior caste system, as demonstrated by the excessive power exercised by management and the disproportionate lack of power held by the ‘lower’ manual laborers.^{485 486}

Case Study III: Lipton and Rainforest Alliance –“Green-washing”

Regardless of the gaps of compliance within the APPL plantations, in contrast to other large international corporations, Starbucks’ efforts have undoubtedly exceeded the current industry’s norm. For example, Lipton, a brand of tea owned by the company Unilever, is currently associated with the certification group Rainforest Alliance. Rainforest Alliance has been subject to great criticism for their CSR practices. Skeptics argue that certification from Rainforest Alliance is a “less expensive way for companies to answer consumers’ concerns about sustainability than to achieve Fair Trade certification.”⁴⁸⁷ Repeatedly, Rainforest Alliance has been accused of green-washing and has recently been dubbed by the *Manchester Evening News* as a form of ‘Fairtrade lite.’ The certification for Rainforest Alliance is both less costly and less difficult to achieve, as their standards of quality are significantly lower. The use of a “Rainforest” seal on a product only requires the product to contain a minimum of 30% of

⁴⁸⁴ *Sustainability: the Dutch tea market and corporate social responsibility*. 2006. Amsterdam: SOMO; 42.

⁴⁸⁵ Columbia Law School. “*The More Things Change:*” *The World Bank, Tata, and Enduring Abuses on India’s Tea Plantations*. 2014. Columbia Law School Human Rights Institute; 71.

⁴⁸⁶ Forsyth, Alison. “Starbucks and CSR in the Tea Sector.” Unpublished manuscript, JSIS 324, University of Washington.

⁴⁸⁷ Nicholls, Alex, and Charlotte Opal. 2005. *Fair trade: market-driven ethical consumption*. London: SAGE.

certified content.⁴⁸⁸ Furthermore, the Rainforest Alliance does not offer laborers or producers minimum or guaranteed prices, as do the certification schemes Starbucks employs. Thus, they are left vulnerable to the decline and flow of market prices that might drop and leave the workers deep in poverty.

This lapse of regulation is particularly disturbing considering the recent market downfalls in the tea industry. According to the World Bank, “tea prices fell by 44% in real terms between 1970 and 2000, rising marginally between 2000 and 2004, only to fall back to 2001 levels in 2005.”⁴⁸⁹ This massive oscillation of the market tea prices negatively impacts the livelihoods of plantation workers and small-scale farmers. Without the protection and guarantee of a minimum price, when market prices fall, many workers in the tea industry are thrust into poverty without any means or institutional structures to assure financial recovery.

Case Study IV: Walmart – Community Development Projects in the Realm of CSR

The corporate Walmart website hosts an extensive list of links to different CSR projects the company is currently engaged in. Under the title of Ethical Sourcing, Walmart writes on anti-human trafficking and slavery: “To help prioritize our engagement strategy, we've consulted with key stakeholders – Free the Slaves, End Human Trafficking Now, International Labor Organization, ManPower Group, Verite and Interfaith Center on Corporate Responsibility.”⁴⁹⁰ Walmart has worked to identify three main areas to direct their efforts on human trafficking: “U.S. agriculture, aquaculture production and seafood; migrant labor in Jordan; and the

⁴⁸⁸ Wikimedia Foundation. "Rainforest Alliance." Wikipedia. http://en.wikipedia.org/wiki/Rainforest_Alliance (accessed January 17, 2015).

⁴⁸⁹ Blowfield, Michael E., and Catherine Dolan. 2010. "Fairtrade Facts and Fancies: What Kenyan Fairtrade Tea Tells us About Business' Role as Development Agent". *Journal of Business Ethics*. 93 (Supplement): 147.

⁴⁹⁰ "Ethical Sourcing." 2013 Global Responsibility Report. January 1, 2013. Accessed February 16, 2015. <http://corporate.walmart.com/microsites/global-responsibility-report-2013/antiHumanTrafficking.html>.

Sumangali Scheme (bonded labor) in India.”⁴⁹¹ However, Walmart’s section on ethical sourcing and preventing slave labor does not speak to a holistic approach to eliminating slavery or labor trafficking throughout their supply chain, and instead focuses on several specific projects they are involved in to combat human slavery.

Community development projects are common among these enhanced corporate responsibility campaigns, and the links to community development programs are present throughout the Starbucks ethical sourcing website as well as Walmart’s. However, projects such as building a school or improving road conditions rarely address the root causes of the issues prevalent in these communities. In an article on the establishment of Fair Trade practices in Kenyan tea trade, the authors write: “This is not to suggest that the community did not welcome to construction of roads, schools and health clinics provided through Fairtrade... Many farmers, for example, expressed gratitude for the projects, but stated that the projects did not necessarily reflect their priorities.”⁴⁹²

As mentioned previously, CSR programs and Fair Trade practices may boost the general standing of a community, but the attention directed towards community development programs is often a means to avoid discussing or working on larger issues – such as labor trafficking or human rights violations within the workplace. Moderate improvements in these communities may take place after the establishment of a development program; however, the laborers rarely achieve long-lasting enhancements to their livelihood as a result of these projects, since the root causes are largely overlooked.⁴⁹³ For example, one of Starbucks’ CSR approach’s greatest criticism is that the company focuses too much on these community development endeavors,

⁴⁹¹ ...

⁴⁹² Blowfield, Michael E., and Catherine Dolan. 2010. "Fairtrade Facts and Fancies: What Kenyan Fairtrade Tea Tells us About Business' Role as Development Agent". *Journal of Business Ethics*. 93 (Supplement): 164.

⁴⁹³ Macdonald, Kate. 2007. "Globalising justice within coffee supply chains? Fair Trade, Starbucks and the transformation of supply chain governance". *Third World Quarterly*. 28 (4); 804.

while the “CAFÉ Practice Program largely avoids dealing with the hardest dimension of disempowerment in plantations – the issue of freedom of association for workers.”⁴⁹⁴ This lack of attention to the origin of the problems is typically related to the fact that the core of the issues stems from the mode of production that the corporation is promoting. One method to potentially refocus corporations’ attention towards the root causes of human rights violations is through awareness campaigns and pressure from consumers. In the discussion on labor trafficking, this is where it becomes necessary for legislation to be written to encourage corporations to prevent human trafficking and require companies to be held to a standard to specifically fight labor trafficking instead of focusing on simpler community outreach campaigns.

Case Study V: Coca-Cola and the Global Business Coalition Against Human Trafficking

The renowned Coca-Cola Company has such an extensive history in the United States that it has become somewhat of a national symbol for the country. The corporation itself is a U.S.-based, multinational company with over 130,000 employees worldwide. Coca-Cola oversees 500 brands, over 3500 different beverage products, and 250 bottling companies that partner with it.⁴⁹⁵ These 250 bottling companies are largely independently owned, and many have worked closely with Coca-Cola for years. These companies bottle, manufacture, package, distribute, and deliver the product to vendors. Coca-Cola’s CSR approach “expresses an overarching concern for social and environmental sustainability”⁴⁹⁶ and their guiding principles emphasize:

The importance of responsible workplace policies and practices; the minimum requirement to comply with applicable labour (and environmental) laws and regulations;

⁴⁹⁴ “” 805.

⁴⁹⁵ "Focus Areas." GBCAT: Global Business Coalition Against Human Trafficking. Accessed February 16, 2015.

⁴⁹⁶ “”

*the explicit prohibition of forced labour and other forms of coercion and abuse in the workplace; and the expectations that suppliers will develop and implement internal business processes to ensure compliance*⁴⁹⁷.

Several years ago, in 2009, Coca-Cola began auditing its suppliers in the Middle East and the Gulf Region, which includes almost twenty independent bottling plants, and two that are owned by Coca-Cola itself. “In the first several assessments by third party auditors, it became apparent that almost all of the supplier facilities in the region were withholding the passports of migrant workers.”⁴⁹⁸ The factory owners reasoned this action by saying it safeguarded the plants against theft or robbery. Depriving these migrant workers their passports limited their mobility, “indicated a lack of consent to employment, inhibit(ed) their ability to obtain another job should they want to do so; and in some cases, even limit(ed) their access to social or health care services to which they might be entitled.”⁴⁹⁹ Recently, Washington State declared the withholding of passports by employers to be illegal, but many areas Washington businesses are involved in do not share this same regulation. Coca-Cola’s response to this audit was to implement new guidelines as of 2009, which resulted in its Supplier Guiding Principles. Coca-Cola orders ongoing monitoring, and encourages training programs with many of the supplier managers.

The incorporation of Coca-Cola is relevant in the discussion on human trafficking as Coca-Cola belongs to a greater coalition of large corporations who have aligned to battle human trafficking. The Global Business Coalition Against Human Trafficking (gBCAT) consists of many heavyweight transnational companies such as Delta, Ford, Exxon-Mobile, Coca-Cola, plus more.⁵⁰⁰ The coalition’s mission is to “mobilize the power, resources, and thought leadership of

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⁵⁰⁰ Hargreaves, Steve. “Big Business fights human trafficking.” *CNN Money*. April 5th, 2013. <http://money.cnn.com/2013/04/05/news/economy/companies-human-trafficking/>

the business community to end human trafficking, including all forms of forced labor and sex trafficking.”⁵⁰¹ The focus of the coalition is split into four parts: training and education, supply chain management and operations, sex trafficking, and communication and outreach.⁵⁰² The aforementioned example of Coca-Cola’s 2009 audit in the Gulf Region was given as a testimony to their supply chain management endeavors. As a part of the training and education portion of their approach to fight human trafficking, Delta recently began to train its employees to look for signs that identify people who are being trafficked into the airport or onto their flights.⁵⁰³ Many of the methods and suggestions the gBCAT promotes are effective means to combat human trafficking, and the coalition is an exemplary leader in the incorporation of the business sector into the fight against labor trafficking.

Conclusion

This section outlined that while many existing corporate social responsibility campaigns of major corporations such as Starbucks, Lipton, Walmart, and Coca-Cola include the framework to audit their supply chains for human rights violations, many of these corporations fall short of implementing sufficient monitoring methods to eliminate labor trafficking fully. Starbucks, often cited as a leader in the global movement towards corporate responsibility, has succeeded in making great strides towards assuring a clean supply chain; however, further external research has found that many of their audits in the tea sector have failed to effectively assess the working conditions, and human rights violations continue to persist. Companies such as Lipton align with Rainforest Alliance to ensure an ethically sourced product; however, the Rainforest label only

⁵⁰¹ GBCAT: Global Business Coalition Against Human Trafficking. Accessed February 16, 2015.

⁵⁰² GBCAT: Global Business Coalition Against Human Trafficking. Accessed February 16, 2015.

⁵⁰³ Hargreaves, Steve. “Big Business fights human trafficking.” *CNN Money*. April 5th, 2013. <http://money.cnn.com/2013/04/05/news/economy/companies-human-trafficking/>

assures that 30% of the products were produced fairly. Walmart, on the other hand, chooses to focus their efforts in combating human trafficking on specific community programs instead of addressing the larger issue at hand. Diverting attention towards these programs fails to acknowledge the systemic issue, which if addressed will lead to sustainable solutions to clean up supply chains. Lastly, Coca-Cola's alliance with the growing Global Coalition of Business Against Human Trafficking, has developed an effective approach for businesses to use in fighting human trafficking, through awareness campaigns, education, and auditing.

This diverse selection of case studies provides a glimpse into what monitoring approaches are effective, and which ones fall short. In the following section, based off of the data collected from these case studies, we will assess organizations such as the ILO and the UN, and the examples of effective non-governmental organizations working on this issue in order to effectively develop a monitoring model to prevent and eradicate labor trafficking for businesses in Washington State.

Effective Monitoring Agencies: Systems of Accountability on Multilateral Levels

By Sarah Priddy

Now that we have examined numerous case studies that show the depth and degree into which businesses may, or may not, go to regulate and monitor their own supply chains, it is important to turn to how Washington State can efficiently and tangibly enact legislation to hold businesses accountable and to regulate their specific degrees of monitoring. While there exists some state-level transparency laws, mainly the pioneering California Transparency Act, that

force businesses to publically display their efforts to eradicate human trafficking from their supply chains, such laws lack the adequate incentives to effectively monitor and eradicate labor trafficking on a long-term scale. “Lacking enforcement mechanisms and adequate monitoring by the Attorney General, the Transparency Act promotes awareness of human trafficking issues, but is unable to stop it.”⁵⁰⁴ As shown in Section I, while many businesses do make valiant efforts to promote labor-friendly codes of conduct, the Washington State Government lacks the necessary legislative language to force businesses to be accountable for the level of monitoring they decide to implement. Simply, while implementing codes of conduct can and is a progressive step towards ending labor trafficking, the key issue lies inherently with the monitoring and enforcement of such codes on multilateral levels of supply chains.

It is evident then, that an assertive, yet business friendly, monitoring agenda is vital to Washington State legislation. However, as with most proposals, this overwhelming task is easier said than done. It is evident that self-regulation alone does not adequately hold businesses accountable to their supply chains (see Chapter Six, Section I and Chapter Three, Section II), but how does Washington State regulate audits and other monitoring methods that exist solely in the private sphere? Surely Washington State does not have the resources available to monitor all major companies doing business domestically, but are there ways, on a legislative side, to shape what monitoring means to corporations doing business in this state? To answer these questions, this section will highlight the further complications in framing a model of monitoring by analyzing the intersections between transnational treaties and domestic legislation, the relative effectiveness of non-governmental agencies and other third party oversight, cultural consciousness and sensitivity in audits, and the emergence of alternative and other grassroots

⁵⁰⁴ “State and Federal Legislation on Procurement/Supply Chain Issues in Human Trafficking: Legislation Options”, Coalition to Abolish Slavery and Trafficking, 2014; pg. 5

approaches to monitoring. In exploring these topics, this section seeks to deconstruct and critically analyze pre-existing models of monitoring, on a transnational, international, and domestic scale, in order to shape the most effective, business-friendly, culturally sensitive, and legally sound recommendation for supply-chain monitoring as a component of a more comprehensive labor-trafficking policy recommendation for Washington State legislation.

Transnational Monitoring: The United Nations

Before we begin to frame and define a working model of supply-chain monitoring for Washington State, it is important to first analyze pre-existing systems of oversight that live on multiple levels. The most overarching and macro-level systems of monitoring currently in place reside under the wide umbrella of the United Nations (UN), mainly, for this section's specific purpose, the International Labor Organization (ILO). These institutions have in place specific mechanisms of monitoring for member states that may serve as an important reference in beginning to devise a model for Washington State legislation. Furthermore, the United States, as an active member of both the ILO and the United Nations Office on Drugs and Crime (UNODC), has certain obligations to comply with its ratified treaties surrounding labor trafficking that may be translated indirectly to U.S. businesses. With this in mind, this section seeks to further analyze the monitoring mechanisms employed specifically within the ILO and to briefly discuss some of the main treaties ratified by the U.S., in reference to labor trafficking. By doing so, this section will critically evaluate if and how their pre-existing systems of monitoring may influence businesses supply chains and concurrently, how Washington State can begin to shape its domestic policies.

The International Labor Organization (ILO)

The International Labor Organization was founded in 1919 as a specialized arm of the United Nations with a mandate to “promote rights at work, encourage decent employment opportunities, enhance social protection, and strengthen dialogue on work-related issues.”⁵⁰⁵ The issue of labor trafficking is at the forefront of the ILO’s standards and reflects, not only its commitment to uphold workers’ fundamental human rights, but also its recognition of human trafficking as a “leading cause of poverty and hindrance to economic development.”⁵⁰⁶ Among many proposed conventions and active dialogue, three primary ILO conventions stand out as their self-proclaimed “core” ideals, one of which the U.S. has ratified:

1. *The Abolition of Forced Labor Convention, 1957 (No. 105)*

Fundamental convention prohibiting all forms of compulsory labor. (Not ratified by the United States)

2. *Abolition of Forced Labor Convention, 1957 (105)*

Extends definition of forced labor to include coercion on a multitude of political, educational, economic, and social levels. (Ratified by the United States)

3. *Protocol of 2014 to the Forced Labor Convention, 1930 and Forced Labor*

(Supplementary Measures) Recommendations , 2014 (No. 203)

Further builds on existing ILO conventions to enhance better protection, prevention, and compensation measures to labor trafficking victims as well as to intensify efforts to eradicate labor trafficking. (Not ratified by the United States)

⁵⁰⁵ “About the ILO”, International Labor Organization, accessed Feb. 1st, 2015, <http://www.ilo.org/global/about-the-ilo/lang--en/index.htm>

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In accordance with ILO membership, the U.S. along with the other 184 members is required to actively implement the convention it ratifies. In order to regulate this participation and compliance, the ILO has a system of monitoring that regularly examines the application of standards in member states and highlights areas where they could be better applied. Specifically, the ILO employs two primary mechanisms of monitoring: the “regular” system of supervision and the “special” procedures.⁵⁰⁷

The “regular” system includes an examination by two separate ILO bodies of supervision. Every two years, the governments of member states are required to submit reports “detailing the steps they have taken in both law and practice to apply any of the eight fundamental and four priority conventions they may have ratified.”⁵⁰⁸ The Committee of Experts then makes observations and direct requests before issuing an annual general report, which includes comments about member states and their current respect for constitutional obligations under the ILO. Once published, the Tripartite Committee, made up of government, employer and worker delegates, further examines the report. After selecting a number of observations for discussion, the in-compliant government, referenced in the comments, is invited to respond before the Committee to provide information on the specific situation that is currently under observation. This ends with the Committee providing the state government with specific recommendations to remedy the problem, or may even go so far as to invite ILO missions or technical assistance to help create legislative solutions domestically.⁵⁰⁹

⁵⁰⁷ “Applying and Promoting International Labour Standards”, International Labor Organization, accessed Feb. 2nd, 2015, <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/lang--en/index.htm>

⁵⁰⁸ “”

⁵⁰⁹ “”

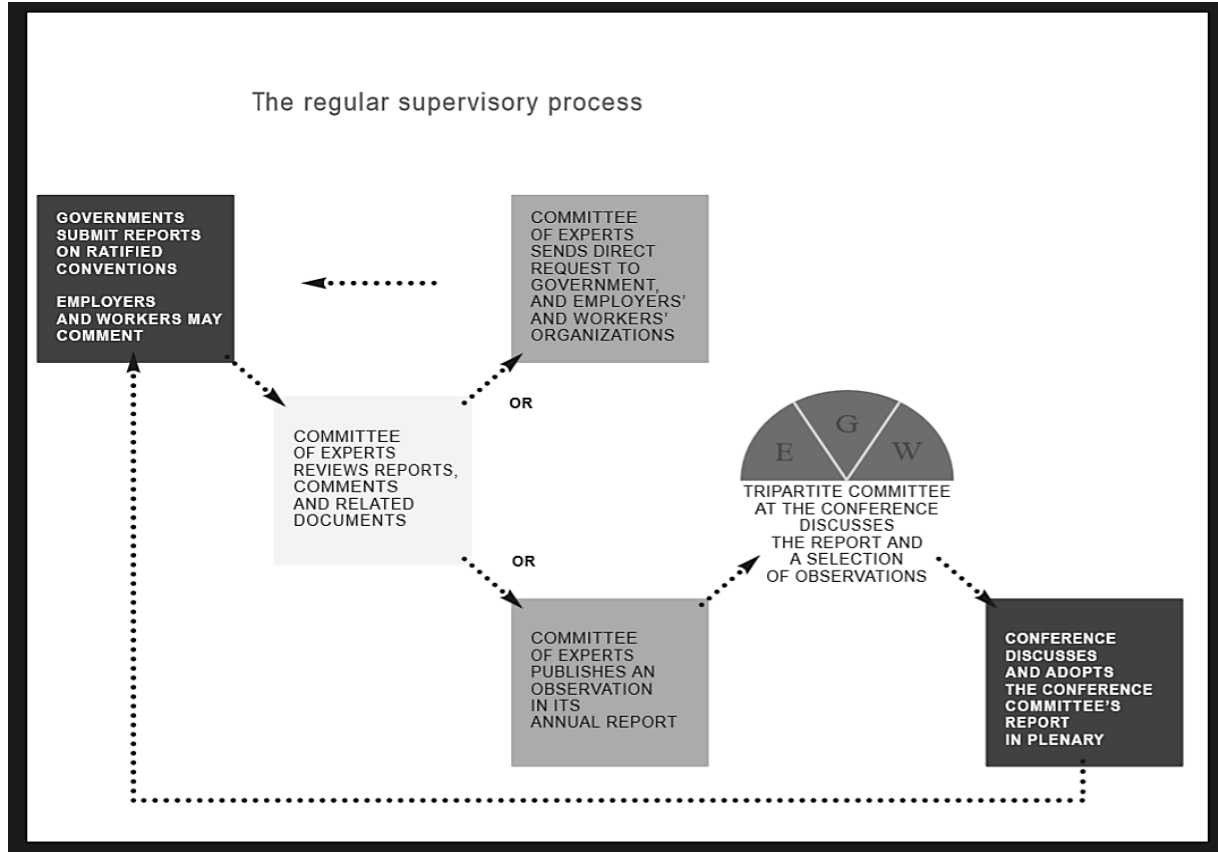


Figure 48⁵¹⁰

The second supervisory method, the special procedures, is based on a specific submission of a complaint or representation. Under the ILO constitution, a complaint may be filed against a member state for not complying with a ratified convention by another member state which has also ratified the same convention. Upon receiving the complaint, a tripartite committee of the Governing Body investigates and concludes with specific recommendations. If the country refuses to fulfill the recommendations, the ILO Governing Body may, under Article 33 of the ILO constitution, take “such action as it may deem wise and expedient to secure compliance

⁵¹⁰ The Regular Supervisory System”, image, 2007, *ILO.org*, http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-of-experts-on-the-application-of-conventions-and-recommendations/WCMS_088439/lang--en/index.htm (accessed February 10th, 2015)

therewith.”⁵¹¹ Similar to the complaint procedure, the representation system expands this further to allow for associations of workers or employees to present a representation to the ILO Governing Body against any member state which, in its view, “has failed to secure in any respect, the effectiveness observance within its jurisdiction of any Convention to which it is a party.”⁵¹² A tripartite committee of the ILO Governing Body will examine the information submitted and conclude with recommendations, although no formal investigation takes place. If the state’s response is deemed unsatisfactory, the tripartite may publish the representations and responses publically, but it is not allotted the constitutional right to enact “action” under Article 33 of the ILO constitution.

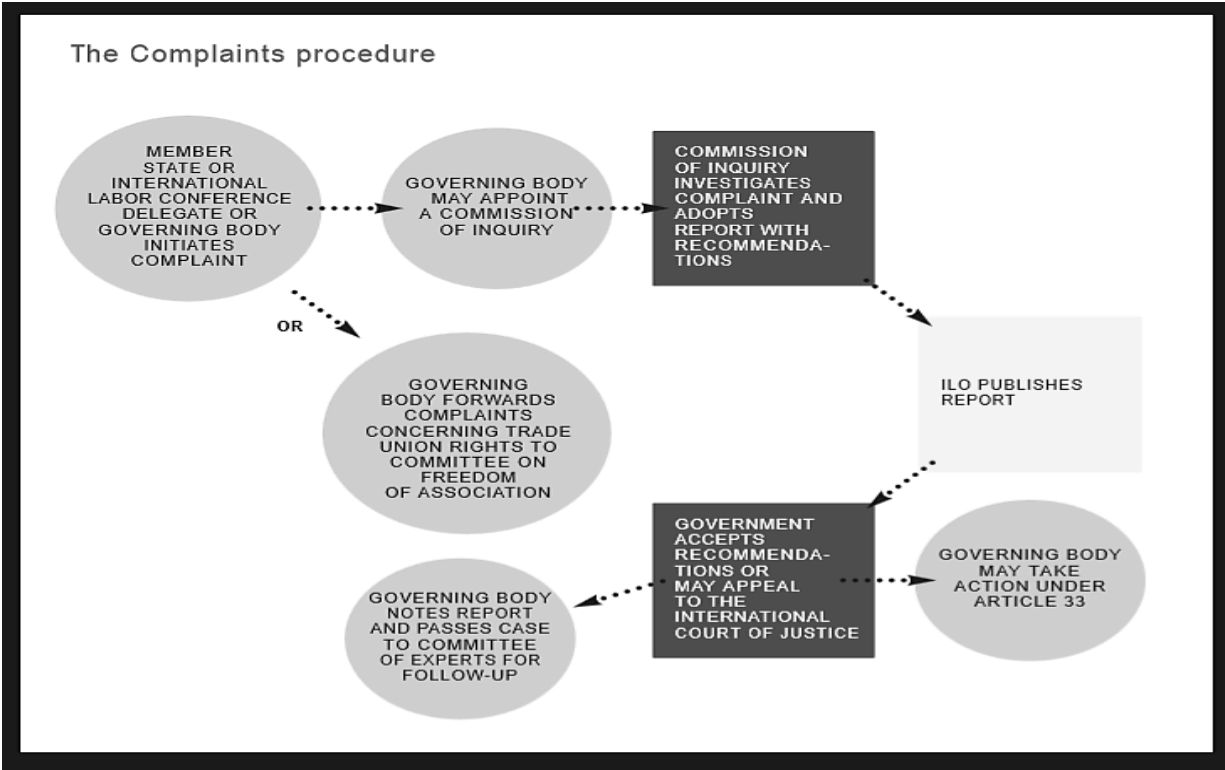


Figure 49⁵¹³

⁵¹¹ International Labour Organization, 1900, *Constitution of the International Labour Organisation and standing orders of the International Labour Conference*, Geneva: International Labour Office; Article 33.

⁵¹² “Applying and Promoting International Labour Standards”

⁵¹³ “The Complaints Procedure”, image, 2007, *ILO.org*, http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/complaints/WCMS_088451/lang--en/index.htm (accessed February 10th, 2015)



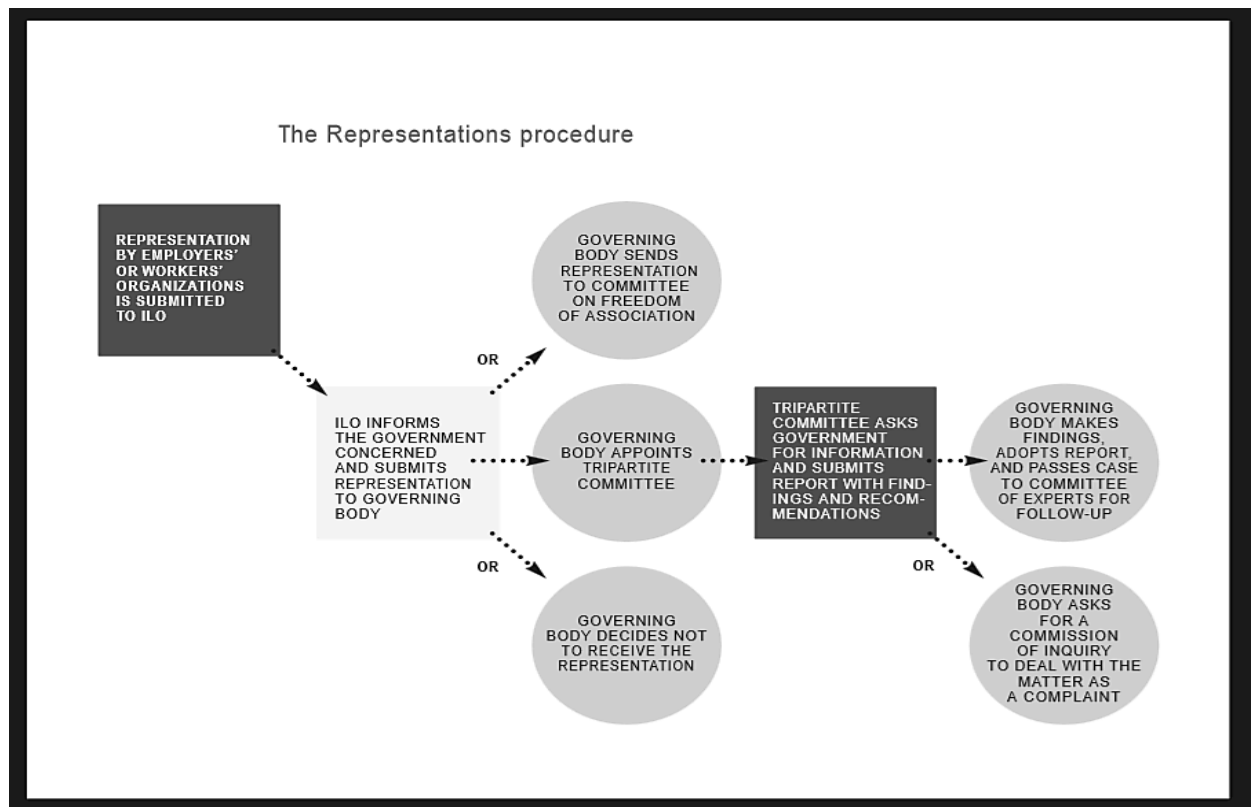


Figure 50⁵¹⁴

Since 1964, the Committee of Experts has reported over 2,300 cases of progress in which member states, upon receiving recommendation from the committee, have improved the application of ratified conventions.⁵¹⁵ One primary example can be seen in the adoption by Ecuador of a new Political Constitution further promoting women’s employment and reproductive rights in order to improve working conditions for women and ensure their access to social security systems.⁵¹⁶ However, despite the progress that the ILO monitoring agencies have made in combatting labor trafficking, the supervisory system also contains several flaws. While the system encompasses several levels of supervisory boards and advisory committees that provide the ILO with the highest level of expertise, the committees are making recommendations

⁵¹⁴ “The Representations Procedure”, image, 2007, *ILO.org*, http://www.ilo.org/global/standards/introduction-to-international-labour-standards/international-labour-standards-creation/WCMS_088445/lang--en/index.htm, (accessed February 10th, 2015)

⁵¹⁵ “Global Standards”, International Labor Organization, accessed Feb. 10th, <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/the-impact-of-the-regular-supervisory-system/lang--en/index.htm>

⁵¹⁶ “”

in reference to a report issued by the state member government itself rather than a third party representative. Although the “special procedures” might provide avenues for more “neutral” observations, only member states complaints may lead to the use of “action” under Article 33, diluting the importance of representation of worker and employer organizations. Even if Article 33 could be implemented, its enforcement is rarely used. In fact, Article 33 was invoked for the first and only time in 2000, when, after a complaint was issued, the Governing Body asked the International Labor Conference to take measures to end the practice of forced labor in Myanmar.⁵¹⁷ While implementing a comprehensive structure of checks and balances does create a very thorough investigation, the exhausting system of committees and sub-committees often pro-long the process of indictment of incompliant member countries and cannot respond quickly enough to ongoing labor trafficking violations.

Moving Forward with Legislation: The UN and Multinational Businesses Corporations

Countries who ratify internationally binding treaties with transnational institutions, such as the UN, have an obligation to comply with the standards of that treaty. However, over the last few decades, a global debate has emerged surrounding the extraterritoriality of businesses within ratified member states. While governments are held accountable to treaty standards, the question remains if businesses, doing work within ratified member countries or based in member countries, are subsequently held accountable to these same international laws. The simple answer to this question is, unfortunately, no. While enterprises should, within the framework of internationally recognized human rights, uphold international human rights obligations of the countries in which they operate in, there is no definitive international legal foundation to require compliance with treaty standards. However, as stated before, the issues of extraterritoriality

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reside in a semi-permanent gray area of international law. Thus, there are still levels of overlap that can be accounted for.

While treaties cannot regulate businesses directly, the businesses themselves are responsible for abiding by the relevant domestic laws and regulations of the country that they are doing business in, both at the manufacturing and the retail level. Legislation in turn can be dictated by treaty conventions such as the U.S. ratified “Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Woman and Children,” set forth by the UNODC.⁵¹⁸ In relation to human trafficking, this convention requires state party members to, “adopt legislation and other measures as may be necessary to establish as criminal offences.”⁵¹⁹ Thus, although the convention itself does not directly police businesses, by making labor trafficking a criminalized offense, member countries are required to implement legislation that can regulate businesses in reference to human trafficking. Furthermore, in accordance to the basic principles of human rights, set forth by the UN Declaration of Human Rights, businesses, as entities, are not exempt from being punished for violating workers’ basic human rights in the International Criminal Court.

⁵¹⁸ Centre for International Crime Prevention (United Nations), 2002, *United Nations Convention against Transnational Organized Crime and the Protocols thereto*, New York: United Nations; Article 5

⁵¹⁹ *ibid.*

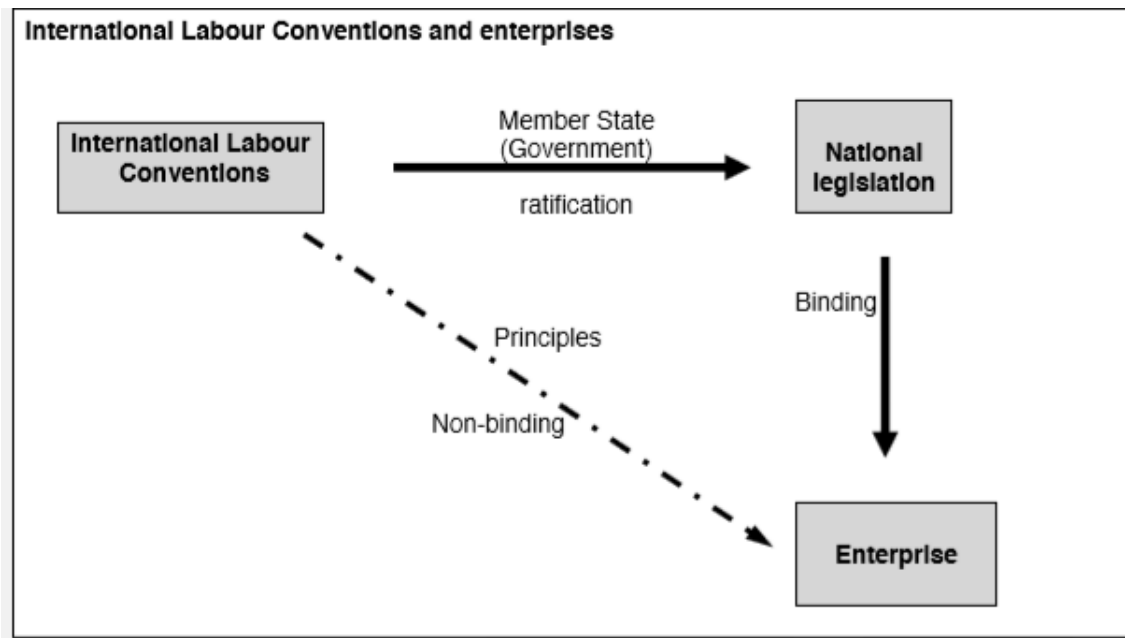


Figure 51⁵²⁰

Thus, in analyzing systems of monitoring set out by UN institutions and comprehending the relative impact these treaties have on a supply-chain level, it is evident that Washington State can learn from these structures in creating the most effective forms of monitoring through its domestic legislation. While businesses act as very different organizations than state governments, and this section does not seek to claim that the same structures of monitoring can work the same for every entity, there is still some important take away in beginning to think of how state governments can use current resources and models to help shape legislation. To begin, in addition to the businesses' own auditing system that will be supervised, there should be included a base standard of worker and human rights, centered on the UN and ILO constitution, in which the U.S. government already has a mandate to uphold. Not only will businesses be forced to emulate these rights in their auditing processes, but these rights will also serve as a foundation of reference for the government's own monitoring scheme. Furthermore, in the same

⁵²⁰ "International Labour Conventions and enterprises", image, 2006, *The ILO and Social Corporate Social Responsibility: Fact Sheet*, International Labor Organization, http://www.ilo.org/empent/Publications/WCMS_116336/lang--en/index.htm (accessed February 2nd)

way that the ILO requires member states to submit progress reports every two years, businesses should also be responsible for submitting annual reports detailing the steps they have taken to adhere to current labor trafficking legislation (see Section I for more detail) that must be examined by a designated committee or advisory group (see below in Transnational Monitoring section). If the reports are unsatisfactory, then penalization under the law can be implemented (see Chapter three). Lastly, the system of “complaints” could also be implemented on a smaller scale to allow workers organizations or employer organizations to file direct complaints against businesses participating in the Washington State economy. In receiving these complaints, an examination process would occur (discussed in length below in the Transnational Monitoring section) to investigate the allegation.

Third Party Monitoring Agencies

After discussing the models of monitoring employed by transnational legislation, we now turn to analyze the agencies that exist between the worlds of domestic and international law: the private sector of non-government organizations (NGOs), non-profit worker coalitions, and other human rights activists. These autonomous agencies, since their rapid rise to power in the latter half of the 20th century, act independently and often at a grassroots level to ensure the rights of humans both domestically and abroad. While the term “NGO” covers a wide scope of private voluntary groups, from local to global, these institutions play a key role in the fight against labor trafficking and are vital in beginning to shape how the U.S., at a federal and state level, creates and enforces legislation. Thus, this section will begin by briefly examining the actions that many of these agencies are already doing to regulate and expose labor trafficking before turning to a more specific study that examines some of the current collaborations between NGOs and

government agencies that may provide precedence and insight in creating efficient and cost-effective legislation in Washington State.

Worker Rights Consortium (WRC)

Founded in 2000, the Workers' Rights Consortium (WRC) is an independent labor rights monitoring organization that investigates working conditions in factories around the world in order to combat sweatshops and protect the rights of workers who make apparel and other products.⁵²¹ The WRC was originally created to assist California universities with the enforcement of labor rights and corporate codes of conduct, focusing mainly on apparel and other goods bearing university logos. Currently, the WRC partners with over 180 universities across the country and continues to conduct other independent, in-depth investigations to aid workers and to eradicate labor abuses in major clothing brands.⁵²² In contracting with the WRC, universities are required to not only adopt a Code of Conduct and work towards the incorporation of such code into applicable contractors, but also to provide the organization with a list of names and locations of all the factories involved in the production of their logo goods.⁵²³

Human Rights Watch (HRW)

Human Rights Watch (HRW) is an independent, non-profit, international organization that is guided by international human rights laws to monitor and defend the rights of people worldwide. HRW is made up of roughly 400 members around the world, consisting of lawyers, journalists, country experts, and academics alike. These specialists conduct fact-finding missions and investigate human rights abuses, impartially reporting on the human rights conditions in

⁵²¹ "Mission", Worker Rights Consortium, accessed Feb. 1st 2015, <http://workersrights.org/about/>

⁵²² ""

⁵²³ ""

approximately 90 countries.⁵²⁴ As an independent organization, HRW does not accept government funds “or any direct or indirect support from private funds that could compromise...objectivity and independence,” nor does it affiliate with any particular religious or political doctrine.⁵²⁵ More specifically, for the purpose of this task force, HRW has worked tirelessly in the last few decades to examine businesses’ specific role surrounding human rights, and has produced several ground breaking investigations and studies concerning labor rights abuses. Every year, HRW publishes more than 100 reports and briefings concerning human rights conditions and violations.⁵²⁶ With this extensive coverage on both a local and international scale, HRW retains massive amounts of leverage that the organization uses to meet with governments; the United Nations, regional groups, financial institutions, and corporations to press for changes in policy and practice that promote human rights and justice.⁵²⁷

The following table shows examples of other non-profit organizations dedicated to providing independent monitoring services around the world:

Figure 52

Non-Profit Independent Monitoring Groups	Brief Description
Verite	Verite provides independent monitoring services to supervise international labor rights abuses in off-shore production sites. Verite mandates that powerful institutions, particularly in the private sector, take responsibly for solving human rights problems. Verite was named Social Entrepreneur of the Year in the U.S. in 2011. Verite has partnered with the Coalition of Immokalee Workers to help provide

⁵²⁴ “”

⁵²⁵ “Who We Are”, Human Rights Watch, accessed Feb. 1st, <http://www.hrw.org/node/75136>

⁵²⁶ “”

⁵²⁷ “About Us”, Human Rights Watch, accessed Feb. 1st, <http://www.hrw.org/about>



	monitoring assistance in its Fair Foods Program. ⁵²⁸ (*See more info on the Fair Foods Program in the following section)
Fair Labor Association (FLA)	Similar to the WRC, the FLA seeks to combine the efforts of businesses, civil society organizations, and colleges to promote and protect workers’ rights around the globe. Corporations who comply with the FLA’s labor standards are subjected to unannounced factory, farm, and site visits throughout their entire supply chain. Unlike many organizations, FLA employs a web of different, regionally specific, monitoring agencies to further investigate labor violations on a sub-contractual level. ⁵²⁹
Fortify Rights	Fortify Rights is a non-profit human rights organization based in Southeast Asia and registered in the United States. It provides technical support to human rights defenders and conducts independent monitoring initiatives to expose human rights violations while simultaneously teaming up with activists to advocate for change. ⁵³⁰

Precedence for Government Collaboration with NGOs

Los Angeles Policy on Sweat-Free Procurement Policies, Ordinance 176, 291

In 1999, the City of Los Angeles decided that the city’s proprietary contracting interests were served by doing business with contractors who “made good faith to ensure that they and their subcontractors shun sweatshop practices and adhere to workplace and wage laws.”⁵³¹ In order to do this, the City invoked legislation that required all contractors to sign an affidavit

⁵²⁸ "About Us", Verite, accessed February 23, 2015. <http://www.verite.org/about>.

⁵²⁹ “Accredited Monitoring Organizations”, Fair Labor Association, accessed February 20th, 2015. <http://www.fairlabor.org/transparency/fla-accredited-monitoring-organizations>

⁵³⁰ “About Us”, Fortify Rights, accessed February 23rd, 2015, <http://www.fortifyrights.org/>

⁵³¹ City of Los Angeles, Office of Labor Standards Enforcement, Sweatfree Contracting, Los Angeles Administrative Code Chapter 10, subsection 43.



stating that they and, to the best of their knowledge their subcontractors, would comply with the City's Contractor Code of Conduct.⁵³² Although this legislation was, at its initial implementation, still extremely progressive, a key issue with any Code of Conduct arises in the succeeding monitoring and enforcement methods of said codes.

The original legislation placed the ultimate authority within the City's own Department of General Services to evaluate allegations of labor rights violations and to subsequently impose sanctions on the business in question. However, since labor violations most often occur at the subcontractor level, gaining access to subcontractor practices and providing credible evidence of violations was crucial to the ordinance's enforcement.⁵³³ Many labor rights activists and anti-sweatshop groups in Los Angeles were concerned that the state government alone could not efficiently or effectively provide the Department of General Services with that kind of information. Thus, in order to enhance enforcement, activists fought for a stronger, outside monitoring agency and eventually succeeded in persuading the Department of General Services to retain the Worker Rights Consortium as a third party monitoring agency in 2004.⁵³⁴ The Worker Rights Consortium had its first official investigation, under the contracted agreement, in 2007 to evaluate a Cambodian producer of Dickies brand clothing sold in Los Angeles.⁵³⁵ As a result of the investigation, the company not only agreed to reinstate a worker who was harassed and fired for union organizing, "but also to adopt an ant-discrimination policy related to pregnant workers, and reverse its practice of denying bathroom breaks and sick leaves."⁵³⁶

⁵³² ""

⁵³³ Cummings, Scott L., and Steven A. Boutcher, 2009, "Mobilizing local government law for low-wage workers". (Civil Rights and the Low-Wage Worker)", *University of Chicago Legal Forum*; pg. 13

⁵³⁴ Cummings, "Mobilizing local government"; pg. 20

⁵³⁵ "" pg. 21

⁵³⁶ "" pg. 19

San Francisco Policy on Sweat-Free Procurement Policies, Ordinance 223-05

One year later, in 2005, San Francisco also passed an ordinance to regulate labor trafficking associated with business contractors that adopted the same language as the L.A. ordinance for living wage standards. Similar to the L.A. ordinance, the legislation also mandated the state government to “enter into an agreement with an independent non-profit organization with expertise in monitoring and reporting on Sweatshop Labor for assistance monitoring the compliance of Contractors.”⁵³⁷ However, one of the key differences between the two pieces of legislation is evident in San Francisco’s implementation of a “Sweat-free Procurement Advisory Group.” This advisory committee is composed of individuals recommended by expert NGOs to further oversee compliance with contractors. Specifically, the Sweat free Procurement Advisory Group is tasked to consider and regulate: “(a) The amount the City and County has spent, and anticipates spending for such good; (b) Evidence of Sweatshop Labor or other conditions prohibited by this Chapter in the manufacturing, assemblage or distribution of such good; and (c) Any financial impact that targeting the good for enforcement will have on the City and County.”⁵³⁸ This advisory group was implemented in part to consolidate government officials, local experts, worker and employer delegates, and other grassroots leaders in order to promote integrative thinking and to add another vital layer of monitoring to its legislation. While the Department of General Services still has the power to evaluate allegation and impose sanctions, the advisory group can more adequately evaluate cases of labor trafficking violations due to its expertise staff and more focused concentration.

⁵³⁷ City and Council of San Francisco, Office of Labor Standards Enforcement, *Sweatfree Contracting*, San Francisco Administrative Code Chapter 12U, San Francisco, 2005, Section 12U.6, sub article B

⁵³⁸ *Sweatfree Contracting*, Section 12U.6, sub article A

Private and Public Intersections in Washington State Legislation

In attempting to implement the most effective legislation surrounding labor trafficking, it comes down to this: state governments do not have the adequate resources necessary to implement integrative monitoring schemes that can gather information and evidence on the sub-contractual level of businesses' supply chains. Constructing a government sponsored monitoring agency that could travel across the world to regulate the compliance of its contractors is simply not economically or politically possible. Therefore, it is crucial that in creating legislation for Washington State, we take advantage of pre-existing networks of monitoring that have already been implemented and tested by NGOs that specialize in human rights monitoring. This section recommends that Washington State consider extending a partnership with a domestic or international NGO, such as Human Rights Watch or Workers Rights Consortium, that will act as a third party monitoring system, in addition to other regulatory measures, to more efficiently monitor labor violations in businesses' sub-contractors and investigate specific complaints. This partnership might even include several NGOs, depending on their specific capacity or expertise in specific regions of the world. Furthermore, building off previous recommendations taken from the ILO monitoring system discussed above, Washington State should also implement an integrative Labor-Trafficking Advisory Board comprised of government officials, experts, local worker and employer representatives, and other grassroots activists. This advisory board would help to examine the annual reports submitted by the government (see Section I of Chapter Six) and act as a taskforce to provide the government with updated information on labor monitoring progress and of the relative status of its business contractors.

Cultural Consciousness and Alternative Models

The ILO stands firm in its belief that human trafficking acts as a barrier to economic development on several levels. Indeed, as shown in Chapter Two of this taskforce, labor trafficking suppresses workers' rights and limits the ability to rise out of poverty, especially in developing countries where supply chain sub-contractors often take advantage of low-wage workers. That said there has been a movement in the last decade that seeks to combat poverty through market enterprise solutions and partnerships with multinational businesses. One such organization, Full Circle Exchange, buys artisan goods from women owned cooperatives around the world and sells them to large retail markets in the U.S. through businesses like Walmart and Macys.

While this partnership, between Full Circle and a company like Walmart, seems to benefit both sides, a gray area begins to emerge as the concepts of auditing and monitoring labor trafficking in these small, rural cooperatives begin to clash with culturally and regionally specific traditions and lifestyles. This often can have devastating consequences for rural communities that cannot adhere to audit standards, purely because these standards are not applicable to their specific situation. To further elaborate on this paradox, the section will analyze a brief analysis of two complex auditing situations between Full Circle Exchange and Walmart, based on this researcher's own personal experience. This section will then conclude with a brief discussion of other alternative domestic models of regulating in the agricultural sector that have developed over the last few decades in order to further inspire the most effective legislation for Washington State.

Audits and Cultural Specificity in Haiti and Rwanda

In 2013, Walmart, in partnership with Full Circle Exchange, made two large purchases of artisan goods from two different women owned cooperatives. The first order was from Haiti, comprising of several paper beaded projects and jewelry. This cooperative worked with single mothers to provide jobs, skills training, and enrichment classes to help lift local women out of poverty and to hopefully provide them with the knowledge needed to further support themselves. Across the world, in Rwanda, a similar group of women were making hand woven baskets for Walmart's second order. This cooperative also worked predominantly with women to provide jobs and skills training by incorporating the culturally ingrained tradition of basket weaving into a means of financial security. Both of these large orders, the first of its size and kind, coincided with Walmart's new vigor in committing itself to Corporate Social Responsibility and were to be used to set a precedent for future orders of this nature. However, when the time came to audit these "factories," several issues began to develop.

The first issue that emerged in Haiti surrounded children in the work place, an auditing red flag that will usually prohibit any further relations with the factory involved. However, because these women were single mothers, and they were using this job to help propel them out of poverty, they had no place to leave their children. Thus, as these women met in the small cooperative space to make beads, most women brought along their infants and young children to watch while they made beads. Mark Priddy, CEO of Full Circle, states:

The two biggest problems that we had were 1) women breastfeeding their kids in the presence of glue that was used to make the jewelry and 2) women teaching their younger children how to make beads so they could have something to do while the mothers worked. In retrospect this could be seen as a major violation of child safety and labor

*laws, but in the case of these women, it was a cultural practice and practical need that could not be compromised in such a small work environment.*⁵³⁹

This small cooperative neither had the capacity nor space to construct a daycare. Furthermore, the female workers were very offended that they could not breastfeed their children in their place of work. When the auditors came to assess the working environment, the cooperative received an “orange” flag, which, in auditing terms, means that the monitoring agency had found moderate to severe labor violations and would have to re-evaluate the establishment in six months. The cooperative was thus put on “probation,” forcing them to miss important deadlines with Walmart, and were not able to fulfill the full order.

The second issue that emerged in Rwanda had to do with the amount of bathrooms on the property, and the posting of workers’ rights in “factory” facilities. This researcher was fortunate enough, as an intern, to be able to witness this auditing experience first hand. The first problem, the building of another bathroom, was a burden economically for the small cooperative, but was somewhat manageable given the circumstances. However, the real issue arose with the posting of Walmart’s Sub-Contractor Code of Conduct and Worker’s Rights Statement, which were required to be posted on the wall of the workplace and to be visible to all employees. The problem with this rule was that the baskets were being made in a village outside the cooperative for its initial weaving frame. That meant that the female weavers were making these baskets in their own homes, which in this specific situation, constituted as their “place of work.” There were three main concerns with this: 1) the original forms were sent in English and thus most of the women could not understand its content, 2) even when the forms were translated to Kinyarwanda, the national language, most of the women making the baskets were illiterate, and 3) a very culturally sensitive issue arose when husbands of the workers saw these “foreign”

⁵³⁹ Mark Priddy, CEO of Full Circle Exchange,

papers posted on the walls of their small huts.⁵⁴⁰ Many of the men would not allow their wives to post these laminated pieces of paper at all. When the auditors came once again to check on the status of the work environment, they had to issue it a temporary “orange” as well until they could figure out a way to remedy the problem.

Both of these examples show how well-meaning monitoring structures implemented by businesses, in the hopes of doing good, can often become a hindrance in working with sub-contractors that are outside the formal economy. But how can we remedy this newly emerging gap without creating loopholes for others to exploit? In looking back at the example in Rwanda, Walmart remedied this situation by cooperating with Partner Africa, an innovative social enterprise that specializes in providing high quality and ethical trade services. More specifically, Partner Africa implements “ethical audits, assessments, capacity building, training, and consulting services for international brands and retailers...while assisting access to international supply chains by bridging skills and standards gaps between Africa and the international community.”⁵⁴¹ Partner Africa, Full Circle Exchange, and Walmart came together and created a teaching system that would verbally explain the rights to the women residing in the villages and allow them to keep their “copy” of Walmart’s standards in a designated file in the main cooperative in the city, ready and available if they needed to access it. In Haiti, Full Circle Exchange actually sent employees out to address the women and help facilitate how to better balance the cultural importance of breastfeeding and the practice of bringing children to work, with Walmart’s standards of business. With the help of Walmart, they were able to raise enough funds for a daycare center on the work premises and eventually were able to sell their products to Walmart stores around the U.S.

⁵⁴¹ “The Way We Work”, PartnerAfrica, accessed Feb. 12th, <http://www.partnerafrica.org/about/the-way-we-work>

While examples such as this are certainly not the norm when it comes to the overall practice of supply chain monitoring, they serve as important reference points in beginning to shape an effective, integrative monitoring scheme for the years to come. Cooperatives such as these are on the rise and will continue to act as an important sector of business supply chains. Thus, Washington State must be prepared to address these concerns in implementing its own, supplementary, monitoring system. This begins by recognition by the Labor Trafficking Advisory Group (recommended in the previous section) of the “informal economy” that is comprised of small, grass-roots cooperatives such as these. In order to see this through, this section further recommends that a representative from a non-profit organization such as Partner Africa be appointed to the advisory group in order to facilitate dialogue around issues such as these when and where they appear throughout business supply chains. This would not only address the issue of cultural consciousness in monitoring, but it would open up more opportunities for small-scale cooperatives in a variety of sectors around the world.

Fair Foods Standard Council: Coalition of Immokalee Workers

The Coalition of Immokalee Workers’ (CIW) Fair Foods Program (FFP), based in Florida, is an innovative and unique partnership among farmers, farmworkers, and retail food companies that ensures comprehensive labor rights for the workers who pick fruits and vegetables on participating farms.⁵⁴² The FFP seeks to “harness the power of consumer demand to give farm-workers a voice in the decisions that affect their lives, and to eliminate the longstanding abuses that have plagued agriculture for generations.”⁵⁴³ The FFP ensures that contracted businesses and growers adhere to the following labor standards: zero tolerance of

⁵⁴² "The Fair Food Program," Fair Food Program The Fair Food Program Comments, Accessed February 12th, 2015. <http://www.fairfoodprogram.org/>.

⁵⁴³ *ibid.*

forced labor, no verbal, physical, or sexual harassment, safe work conditions, shade and clean restrooms/drinking water, the right to report abuses without fear of retaliation, and fair wages.⁵⁴⁴

However, one of the clearest reflections of the FFP's investment of time and resources in monitoring this comprehensive labor code is the development and implementation of the Fair Food Standards Council (FFSC).⁵⁴⁵

The FFSC is an independent, non-profit organization whose sole function is to monitor the compliance of the FFP. The FFSC, under the directorship of a former New York State Supreme Court Justice, uses a multi-pronged approach to monitoring and is responsible for the following: 1) auditing growers' compliance with the FFP Code and enforcing corrective action plans 2) answering an anonymous 24-hour worker complaint hotline 3) investigating and resolving complaints that arise and 4) otherwise helping growers and buyers comply with FFP's requirements.⁵⁴⁶ In addition, the FFSC further monitors the payments of the Fair Food Premium, a bonus that must be, under the FFP contract, distributed from participating buyers to participating growers. The FFSC also audits participating growers' payrolls to ensure the functionality of timekeeping systems and that the workers themselves are properly compensated. Lastly, the FFSC reviews supply chain records to ensure that participating buyers are, in compliance with their contract, exclusively sourcing Florida produce from participating growers who, according to the FFSC, are in good standings.⁵⁴⁷

One of the more unique components of the FFSC's monitoring system can be seen in its comprehensive, grass-roots system of interviewing as a component of their grander auditing scheme. The FFSC conducts interviews, with a large percentage of workers, that take place not

⁵⁴⁴ "Fair Food Standards Council," Fair Food Standards Council, Accessed February 23, 2015, <http://www.fairfoodstandards.org/>.

⁵⁴⁵ Fair Food Standards Council, 2014, *Fair Food Program 2014 Annual Report*, Coalition of Immokalee Workers, Accessed February 18th, 2015, <http://www.fairfoodstandards.org/reports.html>; pg. 11

⁵⁴⁶ "" pg. 11

⁵⁴⁷ "" pg. 10

only in the field, but also off-site, at workers' homes, on buses/cars that transport workers, and at morning pick-up stops in order to help facilitate honest, and un-restricted dialogue.⁵⁴⁸ The FFSC also conducts interviews with the management staff, from field supervisors to senior officers, in order to further motivate transparency between workers and growers. Most importantly however, unlike most monitoring agencies, the FFSC actually motivates companies to take their audits seriously. Ultimately, if growers do not cooperate, they will lose substantial business. Growers who fail to comply with the FFP's code and do not pass their audits, are no longer eligible to work with the FFP's contracted buyers, which include but are not limited to, Walmart, Chipotle, McDonalds, Whole Foods Market, Subway, Trader Joes, and Sodexo.⁵⁴⁹ The FFSC actually reviews the monthly supply chain records of its participating buyers to ensure this, thereby upholding the market incentives that drives growers' compliance.⁵⁵⁰ "Those market consequences – built into the program through CIW's Fair Food Agreements with Participating Buyers – are the heart of the program The Fair Food Program."⁵⁵¹

Monitoring programs like the FFSC are important because they illuminate ways, at a grassroots level, that businesses can be motivated to comply with fair labor standards domestically. While the majority of labor supply chains are outsourced internationally, it is important to continue to look at what we can do on a local level to ensure the adequate supervision of labor rights, especially in the agricultural sector. This is especially important in Washington State as, according to the 2012 consensus, the state's \$49 billion food and agriculture industry contributes 13% to the state's economy and employs approximately 160,000 people.⁵⁵² It is imperative then that Washington State not only set a precedent for businesses'

⁵⁴⁸ "" pg. 11

⁵⁴⁹ "Fair Food Standards Council," Fair Food Standards Council, Accessed February 23, 2015, <http://www.fairfoodstandards.org/>.

⁵⁵⁰ *Fair Food Program 2014 Annual Report*; pg. 11

⁵⁵¹ "" pg. 12

⁵⁵² "Agriculture: A Cornerstone of Washington's Economy," "Agriculture in Washington State, Accessed February

supply chains across the globe, but also in its own backyard. Thus, this section also recommends that a certain amount of worker representatives, from the local agricultural section of Washington State, be invited to the Labor Trafficking Advisory Board to help further facilitate dialogue surrounding the implementation of a program, similar to the FFP, to hold local growers and buyers accountable to the complementary labor trafficking laws.

Conclusion

After critically analyzing some of the present-day methods of monitoring application that live on multilateral levels, it is clear that implementing an effective, comprehensive, legally sound, and culturally sensitive monitoring legislation is no easy task. Monitoring labor violations on a domestic and global scale is complicated, and it requires both dedication and resources, something that is oftentimes hard to acquire in state-level politics. However, as this section has discussed in depth, if Washington State can utilize pre-existing structures of networking, legality, and supervision from agencies such as the UN and other NGOs, it is more than possible to create tangible, culturally sensitive, and cost-efficient legislation surrounding labor trafficking in labor supply chains.

Chapter Conclusion

The introduction of monitoring into the discussion surrounding labor trafficking is evident of the shift of the attitude towards this issue in recent history. Monitoring is a necessary component to eliminate the global issue of human trafficking, as without the accountability that monitoring provides the problem will persist. Movements towards monitoring are apparent on

23rd, 2015, <http://agr.wa.gov/AgInWA/>

the multinational level, through organizations such as the UN and the ILO, on the national level, evident through national legislature and increased political attention to the issue, and on a regional or local level, as Washington companies implement auditing techniques and bills combatting human trafficking are proposed. As this Chapter has established, states and corporations are both responsible in developing effective ways to address the human rights violations within their supply chain. The movement towards corporate social responsibility requires the investments and involvement of consumers, stakeholders, corporations, and governments.

After critically analyzing several business case studies in Section I, exploring important trends such as CRS, fair trade, and other integrative auditing practices, we then went on to examine pre-existing structures of monitoring, outside the realm of business corporations, in Section II to evaluate the practical implication of an integrative monitoring scheme for Washington State. Thus, with this in mind, after copious amounts of research, this Chapter recommends the following initiatives for the monitoring component of Washington State's labor trafficking legislation: 1) Require an annual report published by corporations, made available to the public, demonstrating the company's efforts in preventing human trafficking through their supply chains and documenting progress between the last publications, 2) Implement a Standard of Ethical Business Practices, in accordance with the UN and ILO constitutional standards of human rights, that business contactors must sign, 3) Include a clause within business-state contracts to allow auditors to enter business premises without prior knowledge to employers and to speak directly with employees without direct supervision or overseer, 4) Create a partnership with an independent, third-party NGO, with expertise in monitoring and reporting on labor rights violations, for assistance in monitoring compliance of business sub-contractors, and finally, 5)

Implement a Labor Trafficking Advisory Board, made up of labor representatives, grassroots leaders, and government officials alike, to investigate reports and complaints as well as to facilitate dialogue to provide materials and guidance for both the government and third party monitoring agencies.

Conclusion

Throughout this report, we have provided a comprehensive framework of labor trafficking in Washington State and in the global supply chains of companies operating here. Our research has shown that there ways in which to address this hidden issue, from awareness generation to the creation of a comprehensive solution framework. Our analysis shows that companies generate positive results by adopting an anti-labor trafficking stance. Therefore, as much as this report is pro-human rights, it is also pro-business. We strongly encourage our state legislature, Department of Commerce, all companies doing business in Washington State, and the consumers of everyday goods and services, to engage in eradicating the global malaise of labor trafficking. The recommendations generated in this task force should be leveraged to spread awareness on the issue of labor trafficking and to push for accountability mechanisms to ensure that we end this inhumane practice.

Policy Recommendations

1.) Develop an anti-trafficked labor Code of Conduct, framed by an independent third party, that corporations can sign as a promise to keep their supply chains clean.

This policy recommendation proposes an anti-trafficked labor code of conduct to be framed by an independent third-party. It should be drafted by a third-party to standardize the criteria on which each business will be evaluated. This code of conduct will consist of a human and labor rights statement that is in accordance with the United Nations and International Labor Organization standards of human rights.

It will hold businesses accountable to maintaining ethical business practices and hiring standards throughout the supply chain. Corporations will thus also be responsible for ensuring that even when they are using third-party hiring services or subcontractors, those workers are not victims of labor trafficking. The Code of Conduct will also hold businesses accountable for the supply chains of their suppliers, and ensure that their entire supply chain also engages in fair labor practices.

This Code of Conduct will not be a requirement for businesses in Washington State. Instead, it will be a pact that businesses can sign as a pledge to maintain clean supply chains. Corporations that sign or do not sign onto the Code of Conduct will be subjected to a rewards & penalty system as outlined in recommendation 2. These consequences of being on the list should incentivize businesses to sign onto the Code of Conduct and keep their supply chains clean.

Furthermore, we discussed the idea of a possible annual fee for being a certified signatory of the Code of Conduct. It can either be a set fee or one that is proportional to the size of the

business. A potential fee could also serve as another source of funding for our proposed efforts to reduce labor trafficking.

2.) Establish a Penalty (Dirty List) and Rewards (Label) System for businesses in Washington State based on whether they sign the Code of Conduct and uphold the practice of clean supply chains.

This policy recommendation seeks to establish a rewards and penalty system to encourage businesses in Washington State to maintain clean supply chains. If a corporation signs on to the Code of Conduct listed in recommendation number 1, and can produce sufficient evidence that they are adhering to fair labor standards, they will be rewarded for their efforts. Rewards can include governmental tax breaks and public acknowledgement of their successful and ethical business practices.

Another rewards proposal is a labeling system for products sold in Washington and the United States similar to the highly successful “certified organic” labeling movement. The label would be given to companies who engage in fair labor practices and maintain a clean supply chain for the goods and services that they provide to the consumer market in Washington State. Not only would this labeling system create a positive image for these companies, it would also provide consumers with a greater awareness of the products that they are purchasing. This will allow them to make more conscientious choices when it comes to patronizing certain products or brands. Working with a designer, our Task Force has created a logo can be used to signify whether a product or a brand is free from the use of forced labor. The image is attached below.



While a rewards system is an important method to eliminate labor trafficking from the supply chain of Washington State companies, it is also important to establish a penalty system. One such penalty would be a monetary one, where the illegal profits incurred from the use of trafficked labor are seized. This money can be used to support anti-labor trafficking campaigns and also fund the extended hotline that we have proposed. Another penalty to businesses will be the Washington State Dirty List. This idea comes from Brazil's Dirty List. Brazilian corporations that do not sign the National Slave Eradication Pact, promising to keep their businesses trafficked labor-free, automatically get added to the Dirty List. Our proposition for creating a



Washington State Dirty List will also act in the same way. Companies that do not sign the anti-trafficked labor Code of Conduct will be automatically added to the list. Again, leveraging best practices from the Brazilian example and from our own U.S. individual bankruptcy laws, we recommend that companies remain on the list for two years during which we propose that they cannot receive credit from private or public banks, and must show that they are making efforts to clean up their supply chains.

3.) Establish an extended statewide hotline for victims of trafficking. This would access service networks to provide health, social and legal services to labor trafficking victims.

In Washington, we have the State Department of Labor and Industries (L&I), which is an agency dedicated to ensuring worker safety, health, and security. This agency is committed to investigate any claims of labor rights violations in Washington State. Hence, the Department of Labor and Industries can extend its services to serve all victims of labor trafficking in any form, On the funding side of the equation, if we implement the penalty and rewards system proposed earlier, the confiscated money earned through trafficked labor can go towards budgeting for this safety and services infrastructure.

In the United States, we have a national human trafficking hotline serviced by the National Human Trafficking Resource Center. This hotline can be called to report any instance or suspicion of human trafficking.

Our Task Force, however, proposes to extend a hotline to be specific to Washington State. This is because people may hesitate to call a national hotline, and a state-specific hotline would be easier to integrate with our State Law Enforcement, Legal, and Healthcare & Social Services. Victims of trafficking, whistleblowers, or any other person who thinks they have witnessed labor trafficking can use this hotline. This hotline can be serviced either by an NGO or

other anti-trafficking organization that can also collaborate with the State Department of Labor and Industries, since the L&I already has expertise in investigating claims of violations of labor rights.

4.) We recommend the creation of an Anti-trafficking Advisory Board. This should include Businesses, the Department of Commerce, Department of Labor, Law Enforcement, NGOs, Academics, and Policy Makers/Legislators.

The purpose of this policy recommendation is to facilitate an ongoing dialog on eliminating labor trafficking in an inclusive environment. This can be done through collaboration with various NGOs, anti-trafficking campaigns, and third-party auditing organizations. This would be a forum to help drive awareness and create best practices. As stated in Chapter 6, partnerships between governments and third-party auditing organizations that specialize in monitoring and ensuring clean supply chains have been very effective. They are successful because the organization already specializes in monitoring and the government does not have to allocate a specific budget to this cause.

We propose that an advisory board comprised of businesses, law enforcement, the DOC, the DOL, NGOs, academics, and policy makers should head this partnership between the state government and these different organizations. This Advisory Board should have bi-annual meetings to discuss successful and/or disappointing business and labor practices and investigate claims of labor trafficking. It should evaluate the implementation, administration, and enforcement of fair labor practices. The advisory board would also serve as an outlet to educate stakeholders and raise their awareness of the reality of labor trafficking.

5.) Facilitate seminars in schools and include education on Labor Trafficking as part of the mandatory Social Studies curriculum in Washington State High Schools & Middle Schools.

Our final policy recommendation focuses on raising awareness of all communities in Washington State. Although several campaigns have been successful in raising awareness through media and published sources, education is still a fundamental way of spreading the understanding of social issues.

Our proposition is to make the issue of labor trafficking a standard and mandatory topic of social studies in Washington State high schools & middle schools. Given the prevalence of labor trafficking in Washington, it is important to educate our future generations on this growing and prominent problem. These students would have the power to change societal views and participate in social movements to eradicate all forms of Human Trafficking.

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