

Testimony of

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Out of the Shadows: The Global Fight Against Human Trafficking

Thank you for the opportunity to present to you the Solidarity Center’s view of human trafficking from a labor perspective, and to make recommendations for effective responses to combat this modern form of slavery.

My name is Neha Misra. I am the Senior Specialist for Migration and Human Trafficking at the Solidarity Center. We are an international NGO that promotes and protects worker rights around the world, working in over 60 countries last year. The Solidarity Center is an allied organization of the American Federation of Labor – Congress of Industrial Organizations (AFL-CIO), and a member of the Alliance to End Slavery and Trafficking (ATEST). Building upon more than 20 years of experience in the areas of child labor and migrant worker exploitation, the Solidarity Center raises awareness about the prevalence and underlying causes of trafficking for labor exploitation, and strives to unite disparate forces to combat the problem. Since 2001, the Solidarity Center has implemented more than 20 programs combating human trafficking in countries such as Thailand, Indonesia, Nepal, India, Sri Lanka, Pakistan, the Philippines, Bahrain, Qatar, Kuwait, Kenya, and the Dominican Republic. These programs include initiatives that address each of the four “Ps” that have become part of the anti-trafficking paradigm: prevention, protection of victims, prosecution (or as we prefer to describe it the “rule of law”), and partnerships.

As a worker rights organization, the Solidarity Center has seen first hand how violations of worker rights and the lack of labor standards and protections for workers make them vulnerable to human trafficking. Human trafficking is a labor issue because it is often linked to various forms of labor exploitation, and it is one of the worst forms of worker abuse.

Labor Trafficking is Prevalent in Today’s Global Economy

Despite the fact that the U.S. and international definitions of trafficking clearly include slave labor, policymakers and the general public typically conflate trafficking only with forced prostitution or commercial sexual exploitation. Many anti-trafficking laws around the world punish sexual but not labor exploitation.

Examples, however, abound around the world of human trafficking thriving in the context of worker exploitation:

- When immigrant workers¹ are forced to pay high fees, often at exorbitant interest rates, to labor recruiters to work abroad, they are vulnerable to debt bondage – a modern form of slavery. This is the case for 400 Thai workers who, according to a recent U.S. Justice Department indictment, were allegedly trafficked to the United

¹ The term “migrant worker” is the internationally accepted term for a person who migrates for employment, whether temporary, seasonal, or permanent. In the United States, in everyday language, “migrant worker” refers to a seasonal or temporary worker, and “immigrant worker” refers to someone who migrates for work on a more permanent basis, or who has residency rights. I will use the common U.S. term of “immigrant worker” in my testimony modifying it slightly to refer to any person who leaves his or her country of origin to find a job abroad – whether temporary, seasonal or permanent.

States by Global Horizons Manpower under the H-2A visa program through false promises of decent work. The Thai workers “took on crushing debt to pay exorbitant recruiting fees, about \$9,500 to \$21,000. After they arrived in America, according to the indictment, their passports were taken and they were set up in shoddy housing and told that if they complained or fled they would be fired, arrested or deported.”² Millions of other workers – including for example, male Indian construction workers in Gulf countries and Vietnamese factory workers in Export Processing Zones in Taiwan – can tell a similar story.

- When buyers put pressure on suppliers all along supply chains for cut throat prices for their products, workers are the ones who are caught in the middle. This is the case for thousands of Burmese migrant workers who have been subject to forced labor and physical, emotional, and sexual intimidation in shrimp processing factories in Thailand that export to the United States. The factories rely on trafficked workers to stay within the cost structure.
- When labor laws and regulations are not implemented, monitored, or enforced – when labor inspection is weak or nonexistent – workers are vulnerable to labor trafficking. This is the case for millions of domestic workers³ and agricultural workers in the U.S. and around the world who face extreme conditions of abuse, including physical and sexual violence, confiscation of passports, illegal confinement, dangerous working conditions, and non-payment of wages. These workers are often explicitly excluded from the protection of labor laws, even when they are citizens or nationals of a country, and their work is often relegated to the informal economy where there is little labor inspection.

Trafficking for labor exploitation often goes undetected. Immigration officials may categorize immigrant workers who are trafficking victims as undocumented workers and deport them. Police and labor inspectors may view involuntary servitude or debt bondage in sectors such as agriculture, construction, manual labor, and manufacturing as mere worker rights abuses, doing little to remedy the situation.

In 2010, a slave is not necessarily a person in chains or shackles. Slavery is not simply ownership of one person over another. Modern day slavery can be much more subtle. Trafficking victims toil in factories that produce products that are exported to the United States. Trafficking victims harvest vegetables and process food that ends up on our dining room tables. They pick crops or mine minerals that are raw materials in the products we buy. They make the clothes and shoes we wear. They clean people’s homes and take care of the young, elderly and sick. They are enslaved not only through physical restraint, but also through coercion, fear, and intimidation. In today’s global economy,

² Editorial, “Forced Labor,” September 7, 2010
http://www.nytimes.com/2010/09/08/opinion/08wed2.html?_r=2

³ The term “domestic worker” refers to a person who provides services - such as childcare, cooking, and cleaning - to or within a household.

workers can be enslaved by threats of deportation, lack of viable alternatives, and especially debt.

While trafficking for labor exploitation has many facets, there are a few major trends in our globalized world that make workers particularly at risk.

The Particular Vulnerability of Immigrant Workers to Human Trafficking.

Immigrant workers are particularly vulnerable to human trafficking. In our publication *The Degradation of Work. Trafficking in Persons from a Labor Perspective: The Kenyan Experience*, the Solidarity Center explains this phenomenon:

Migration and trafficking in persons are often distinguished from one another by the notion that migration is characterized by choice and trafficking by coercion, deception, or force. But in today's global economy, migration and trafficking exist along a continuum. Men, women, and children may start out migrating for the promise of well-paid jobs and end up being coerced to work under exploitative conditions such as in sweatshops, in construction, on plantations, in domestic work, or in prostitution. Given the large numbers of workers who migrate for work globally, this peculiar vulnerability of [im]migrant workers to trafficking is significant.⁴

Unsafe migration processes and the lack of labor and other legal protections for immigrant workers make them an easy target for traffickers in the form of unscrupulous labor recruiters and employers. Immigrant workers are often explicitly excluded from the protection of labor and other laws – either because of their immigration status or because of the sector they work in (such as domestic work). Traffickers take advantage of this exclusion – and of the failure to enforce and monitor laws when they do exist – increasing the vulnerability of migrant workers to human trafficking.

Trafficking as an Inherent Vulnerability in Temporary Labor Migration Schemes⁵

It is not only undocumented immigrants who are vulnerable. Immigrant workers that travel to destination countries (such as in the U.S., Europe and the Middle East) under temporary labor programs – also sometimes referred to as guestworker, sponsorship or circular migration programs - are particularly vulnerable along a continuum of

⁴ Available at: http://www.solidaritycenter.org/files/pubs_kenyatraffickingreport.pdf

⁵ Portions of this section of the testimony have been modified from a joint submission of the Solidarity Center, the AFL-CIO, the New Orleans Workers' Center for Racial Justice (NOWCRJ), and Centro de los Derechos del Migrante (CDM) in response to the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons' (G/TIP) *Request for Information for the 2010 Trafficking in Persons Report* (Public Notice 6921).

exploitation and abuse that includes human trafficking, forced labor, debt bondage and involuntary servitude.

Temporary migration schemes are increasingly being promoted by governments around the world to fill demand for cheap labor. In practice, however, these schemes create a legalized system and structure for employers to exploit their workers, and increase workers' vulnerability to human trafficking and other forms of severe labor exploitation. This includes the U.S. H-2 visa guestworker program.

As noted in the 2008 Department of State Trafficking in Persons Report:

[T]he number of cases reported to the Department of State has raised concerns that labor trafficking is occurring within the context of this otherwise legal form of transnational labor migration. An example of this phenomenon: A worker is recruited in his hometown in a South Asian country for a two-year construction contract in a Gulf state. The labor recruiting company tells the worker that he will earn \$250 a month in addition to overtime payments for more than 40 hours worked in a week, and he will receive free room, board, medical care, and one day off per week. Upon arrival, however, the worker discovers that he is to be paid \$120 per month with no paid overtime, and deductions of \$15 a month are to be taken from his paycheck for food. He was deceived by the labor recruiter, who collaborated with the worker's Gulf state employer, and now he is exploited by the employer who has confiscated the worker's passport and threatens to turn him over to immigration authorities as an undocumented migrant if he does not continue working. Through threatened abuse of the legal process (immigration laws) the employer has coerced the migrant worker to continue his labor on terms to which the laborer did not consent. This is trafficking in persons.⁶

Experts who have studied guestworker or temporary migration programs have concluded that inherent structural flaws in such programs, coupled with weak labor standards enforcement, have created a "modern-day system of indentured servitude."⁷ These programs may result in a "rise in the incidence of unpaid wages, confiscated passports, confinement, lack of job training, and even violence against migrant workers who are legally present in a number of countries."⁸ Workers are often unable or unwilling to report violations of both criminal and civil laws as they have lost confidence in the destination government's ability to protect their rights. All too often workers are

⁶ U.S. Department of State, Trafficking in Persons Report, June 2008, available at: <http://www.state.gov/g/tip/rls/tiprpt/2008/105379.htm>

⁷ *Close to Slavery: Guestworker Programs in the United States*, Southern Poverty Law Center, available at: www.splcenter.org

⁸ International Organization for Migration, "Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study," IOM Migration Research Series (December 2003), p. 8.

punished for coming forward rather than getting the protections they deserve as victims of exploitation.⁹

Among the structural flaws of temporary or guestworker visa programs are:

- Debts incurred for recruitment, visa, travel, and extension fees prevent guestworkers from speaking up about labor violations out of fear of being sent home without having earned the money to pay off the debts.
- Structural inequalities block workers from coming forward
- Tying temporary or guestworkers visas to one particular employer, which is common in temporary labor programs, prevents them from reporting labor violations as the fear arrest, detainment and deportation
- Workers face retaliation and deportation when reporting labor violations (by both the government and employers)

The structural flaws have resulted in temporary or guest workers commonly suffering abuse and exploitation in the workplace (similar to undocumented immigrant workers), including:

- Confiscation of passports and other legal documents, which restricts freedom of movement
- Exorbitant recruitment fees; often resulting in debt bondage
- Physical and emotional abuse or violence
- Sexual harassment, abuse or violence
- Threats of deportation (if workers attempt to leave the worksite or complain about working conditions)
- Discrimination
- Intimidation
- Restrictions to the freedom of association and right to organize
- Restrictions on having visitors on the worksite
- Restriction of the freedom of movement – often workers are unable to leave fenced-off worksite by their own volition
- Dirty, unsafe, and unhealthy living conditions
- Lack of access to health or medical care
- Lack of payment or under-payment of wages
- Forced overtime
- Bait and switch schemes by which workers are offered one job and are forced to do work in a different job where the pay may be less or conditions worse

⁹ See the testimony of Founding Member and Organizer of the Alliance of Guestworkers for Dignity Daniel Castellanos, Executive Director of the New Orleans Workers' Center for Racial Justice Saket Soni, and grassroots labor leaders and former guestworkers Aby K. Raju and Miguel Angel on *The H-2B Guestworker Program and Improving the Department of Labor's Enforcement of the Rights of Guestworkers*, Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, U.S. House of Representatives, April 23, 2009.

In extreme cases, which unfortunately are all too common, the totality of the circumstances constitutes human trafficking for labor exploitation, forced labor and involuntary servitude.

Similar to immigrant workers who are excluded from most labor law protections around the world – such as domestic workers and agricultural workers – temporary or guest workers suffer due to a lack of enforcement of core labor standards. They are often denied the right to organize and join unions; labor inspections of their workplaces are rare or rife with corruption so their wage and hour and occupational safety and health rights may be violated with impunity. The structure and processes of temporary or guestworker programs around the world create vulnerabilities to coercion.

The Role of Labor Recruiters in Enabling Human Trafficking

A common theme in the trafficking of immigrant workers – both undocumented and documented – is the role of labor recruiters or employment agencies and debt as a form of bondage.

Companies and employers around the world increasingly rely on labor recruiters or employment agencies to help them find workers – through both legal and illegal channels. Employers may use labor recruiters and employment agencies to reduce their responsibility and liability for the workers they employ; often ignoring the unscrupulous tactics used by recruiters. At the same time, immigrant workers increasingly rely on employment agencies or labor recruiters to help them to find work and to migrate as they have few job opportunities at home.

Recruiters and employers have shifted the burden of recruitment and migration fees, including transportation costs, travel documents, medical tests, and housing and meal expenses during training or while in transit, to the workers themselves, reducing the costs to the employer. In order to pay these fees, which can be thousands of dollars, workers may take out loans at exorbitant interest rates or their wages may be withheld for months or even years. This has led to the modern day form of slavery called debt bondage – whereby a worker's labor is demanded as a means of repayment for a loan or other form of debt. Debt bondage is internationally recognized as a form of exploitation for trafficking in persons. Workers in debt bondage may be forced to stay at a particular job for a particular employer to pay off a debt. If the employer abuses or exploits the worker, the worker often cannot leave because of the huge debt. Although charging recruitment fees to workers may be illegal in some countries, and the practice is prohibited under international conventions, enforcement is lacking, and the practice continues to thrive, not just internationally but also in the United States.

As noted by the *New York Times* in a recent editorial:

In the abuse of legal foreign workers, the numbers vary but the methods are the same. It is slavery without shackles. Its perpetrators seldom have

to resort to violence or even threats of violence. Since workers are buried in debt before they even leave their home countries, the threat of being fired and deported is enough.

To lose a guest-worker job means irreparable harm: destitution, unpayable debt, the loss of mortgaged family land. Under these conditions, a worker will accept any abuse, live and work in squalor and do what he is told. Everyone else – the middlemen; the companies that get ‘cheap, compliant labor,’ . . . and the . . . buyers [of cheap products] subsidized by suffering – is satisfied.¹⁰

In addition to promoting debt bondage, labor recruiters commonly lie to workers about the conditions of work or who their employer will be; the types of visas they will be given; swap or replace employment contracts; and commit various other abuses of worker rights.

Trafficking in Supply Chains

Human trafficking for labor exploitation is also a problem all along supply chains. It is difficult to quantify the exact number of trafficking victims that work in global supply chains but as those supply chains reach down to smaller and smaller suppliers the chances increase that trafficking victims are part of the labor force. When employers – in the form of buyers and multi-national corporations (MNCs) – demand cheap or unrealistic pricing structures, they should not be surprised to find severe labor abuses, including slavery, in their supply chains. Similarly, when employers contract out or hire unregulated subcontracted suppliers, they should not be surprised to find that they have trafficking victims in their supply chains. When employers refuse to enforce or claim that it is too difficult to monitor adherence to core labor standards in their supply chains, they will find forced labor, debt bondage, and other severe forms of labor exploitation there.

The Solidarity Center believes that the most effective way to eliminate forced labor, debt bondage and other forms of slavery in supply chains is by empowering workers to have a voice in their workplace, and supporting their right to organize and join unions. We believe that governments, MNCs, employers, labor recruiters and others must adhere to core labor standards and respect workers’ human and labor rights in order to affect change in practices all along supply chains. The existence of MNC codes of conduct have failed to curtail trafficking practices in any number of sectors including garment/textile, agriculture, and seafood processing. There is no easy solution to this problem but we know that a key deterrent is the ability of unions and labor rights organizations to shine a light on these practices through on the ground investigations. We believe it is important that the Congress and Administration support such monitoring efforts, and the efforts of workers to monitor their own workplaces. Ultimately, workers and trade unions must be empowered to monitor supply chains because history shows that

¹⁰ Editorial, “Forced Labor,” September 7, 2010
http://www.nytimes.com/2010/09/08/opinion/08wed2.html?_r=2

abuses in the workplace only end when workers have the power to ensure that their rights in both International Labor Organization (ILO) conventions and national laws are respected.

Governments must also play a major role in eliminating slavery in supply chains. Examples abound of governments around the world reluctant to hold employers accountable for trafficking in their workplaces. Even when trafficking for labor exploitation is addressed, the labor recruiter is blamed and not the employer who perpetrates the exploitation. This lack of political will translates into ridiculously few cases of human trafficking for forced labor or other forms of severe labor exploitation from being prosecuted around the world. When cases are prosecuted, they often result in small fines and no jail time for the perpetrators – barely a deterrent for exploitative employers. A friend in the U.S. government once jokingly said to me that he thought that the U.S. government had prosecuted more cases of employers abusing Thai workers than the government of Thailand. While my friend was joking, this may in fact be true. The U.S. Department of Justice is playing an important leadership role globally, by prosecuting high profile cases, such as the Global Horizons case, that may educate other governments of trafficking of temporary workers and within supply chains. The U.S. government, however, must do more to ensure that U.S. corporations are held accountable for their practices abroad. To that end, the State Department needs to put more emphasis on site visits to suspect industries. To do this, it must expand the number of labor officers and attaches in the field, something that the Congress has called for generally but which the Department has yet to act upon in any meaningful way.

It is important to note while I have placed a strong emphasis in my testimony about the trafficking of workers who cross borders, this is not required within the definition of human trafficking. Trafficking of workers occurs within borders, and movement or transportation is not a prerequisite to this form of exploitation. Nationals or citizens of country may also be trafficked within their own country. It is the same lack of labor protections and standards that make such workers vulnerable.

Initiatives to Combat Trafficking for Labor Exploitation

Ten years after the passage of the Trafficking Victims Protection Act, the United States has emerged as a leader in raising awareness about the scope and methods of trafficking for labor exploitation. In fact, you can track the U.S. government's understanding of labor trafficking by comparing the 2001 U.S. Department of State *Trafficking in Persons Report* with the 2010 Report – the coverage of trafficking for forced labor, debt bondage and other severe forms of labor exploitation grew exponentially in each report. While continuing to keep an important focus on trafficking for commercial sexual exploitation and forced prostitution, the TIP Report does a commendable job of exposing the forces that lead to labor trafficking around the world. While we hope that the Solidarity Center (and other labor organizations) advocacy has played a role in this greater understanding exemplified in the *TIP Report*, I want to emphasize how important the *Office to Monitor and Combat Trafficking in Persons (G/TIP)*'s leadership on the issue of labor trafficking

has been for Solidarity Center's and other like-minded organizations' work around the world.

As noted by ATEST, both the U.S. Department of Labor's *List of Goods Produced by Child Labor or Forced Labor Report* and the *TIP Report* have assisted advocates like the Solidarity Center in three significant ways:

1. Leverage: U.S. "ranking" of governments' efforts to combat trafficking and forced labor has had significant positive effects. Despite the complaints from some governments, these same countries nevertheless do indeed work to achieve a higher ranking by increasing their efforts to address the problem. We have found that the threat of sanctions is a powerful tool, and the *TIP Report* designations publicize problems that governments cannot ignore, forcing them to act. The *TIP Report* even has an impact on countries that do not receive U.S. aid, such as many Gulf countries, because these rankings impact their reputations. U.S. diplomatic missions, international NGOs, and local groups have used the report as a way of engaging with potential partner governments to create and implement a roadmap for improvement—efforts that may have saved countless victims from exploitation.
2. Awareness: The *TIP Report* plays a vital role in raising awareness around the world of modern day slavery. Myths and untruths abound globally about the scope, types, and means of these severe forms of exploitation. For example, many policy and government actors see human trafficking only as an issue of forced prostitution, when in fact hundreds of thousands of immigrant workers around the world are trafficked for labor exploitation even after migrating through legal channels. By explaining these under-reported and under-addressed types of trafficking, the *TIP Report* spurs governments to face some of the often hidden forms of trafficking or slavery in their countries. It also provides members of civil society (NGOs, unions, community and faith-based groups) with a tool to advocate for reforms with governments and legitimate employers, as well as other actors. The *TIP Report* also serves as a catalyst for increased dialogue among intergovernmental actors, such as the UN Office of Drugs and Crime and the International Labor Organization, because it causes them to focus their own reporting efforts and engagement with particular countries identified in the *TIP Report*.
3. Clarity of Problem: The DOL List of Goods, while still relatively new, is having a similar effect. By simply answering the question, "Is a good produced with child labor or forced labor—yes or no?", the report has provided us with a tremendous resource to leverage governments into action, and to keep such issues from being hidden.

For example, the *TIP Report* has given the Solidarity Center leverage to engage Gulf countries on the serious problem of the trafficking of legal immigrant workers in the

region. Trafficking for labor exploitation, in sectors such as domestic work, construction, and the service industry, is a much bigger problem in countries such as Qatar, the United Arab Emirates, and Kuwait than trafficking for sexual exploitation. These countries have publicized their efforts to combat sex trafficking, but have pushed back against the notion that the challenges faced by millions of migrant workers who are vulnerable to debt bondage, forced labor and involuntary servitude should be addressed within a human trafficking framework. The Solidarity Center, with funding from the G/TIP office, has made significant strides in recent years to move this agenda forward. This would not be possible without the leadership of the G/TIP office in exposing labor trafficking through the *TIP Report*; and the input provided by organizations such as the Solidarity Center and other NGOs into the report.

The Role of Organized Labor in Combating Trafficking

Organized labor has a long history of fighting on a global scale a range of worker rights abuses, including forced labor, debt bondage, and involuntary servitude, which are the end result of trafficking in persons. As trafficking for labor exploitation is clearly a worker rights issue, trade unions and labor support organizations have an important role to play in combating it. To that end, the Solidarity Center conducts programs around the world with such partner organizations to find practical, sustainable solutions. Examples of our work include:

- In Jordan, we partnered with the Jordanian General Trade Union for Workers in Textile, Garment, and Clothing Industries (GTUTI) to organize immigrant workers in the Qualified Industrial Zones (QIZ). We assisted the GFJTU in producing materials on immigrant workers' rights in the various languages of the QIZ workers – many of whom come from Bangladesh, Nepal, Vietnam and China.
- In Indonesia, we trained government labor inspectors on the danger signs of human trafficking for labor exploitation, and focused on the importance of inspecting and monitoring migrant worker holding centers.
- In Kenya, we built the capacity of the Kenyan Union of Domestic, Hotel, Educational Institution, Hospital and Allied Workers (KUDHEIHA) in the high-tourist coastal areas to train their members in the tourist sector to recognize trafficking for sexual exploitation in their hotels, and establish a referral network to rescue victims.
- In Indonesia, Kenya, and the Dominican Republic, the Solidarity Center is helping to empower domestic workers to fight for their rights and reduce their vulnerability to forced labor and human trafficking. This includes organizing domestic workers, advocacy to include them w/in domestic labor laws, and building support for an ILO Convention on domestic worker rights.

- In the Dominican Republic, the Solidarity Center built the capacity of a Dominican construction sector union to overcome xenophobia and racism in the sector by organizing and fighting for the rights of Haitian immigrant construction workers.
- Our Asia and Middle East offices are working together on a cross regional program – bringing together activists in countries of origin and countries of destination to ensure that immigrant workers are educated regarding their rights, the prevention of trafficking, and by providing them with protection services such as legal aid (portable justice).

Recommendations for Initiatives to Combat Trafficking for Labor Exploitation

My colleague Stephanie Richard from the Coalition to Abolish Slavery and Trafficking (CAST) said to me the other day that she wanted to print T-shirts that said, “End Worker Exploitation, End Human Trafficking.” While it is a simple slogan, there is a lot of truth behind it. As the International Labor Organization (ILO) has noted, “Where labor standards are rigorously adhered to, workers are well unionized and labor laws are monitored and enforced – for all workers, indigenous or migrant – the demand for trafficked people and services is likely to be low.”

Key initiatives to combat trafficking for labor exploitation therefore include:

1. Many stakeholders in the anti-human trafficking field refer to the four Ps: prevention, protection of victims, prosecution of traffickers, and partnership as a key framework to combat the problem. The Solidarity Center believes that the third “P”, “prosecution” should actually be broadened to an “R” – the “Rule of Law.” An approach to trafficking that encompasses the rule of law broadens the scope of efforts. Rule of law creates an enabling environment that allows for initiatives that include preventive measures that may address the underlying causes of forced labor. These initiatives may include:
 - a. Reforming labor and other laws to include and protect immigrant and domestic workers. All workers – whether national or foreign, documented or undocumented – must have equal protection under the law, and receive full protection of the laws. In addition, governments and employers must recognize and enforce all ILO core labor standards, including the freedom of association and right to organize.

Equal attention must be paid not only to passing better laws, but also implementing, monitoring, and enforcing those laws.

As domestic workers are particularly vulnerable to human trafficking, the U.S. government must continue to support, and advocate to other governments to support, the planned ILO Convention on Decent Work for Domestic Workers.

- b. To that end, governments must enhance the role of labor inspectors. Labor inspectors must be engaged in and be an integral part of law enforcement initiatives to combat human trafficking. In particular, labor inspectors must be given special training to recognize the signs of human trafficking in a workplace. Governments must also ensure that there are sufficient numbers of labor inspectors.
 - c. Providing compensation to victims, including payment of withheld or back wages.
 - d. Penalizing abusive workplaces. Strengthening enforcement and penalties against employers who are found to have trafficked workers or to companies who have bought products made by slave labor. Employers must be held accountable for the abuses of their subcontractors, including labor recruiters, and for abuses in their supply chains.
2. Emphasis must be placed on safer migration processes for workers. This includes pre- and post-departure training for workers on their rights in the countries of destination. Governments have a crucial role to play in educating workers about their rights. Enforcement of labor standards depends on workers being able to report violations; they therefore have to be able to recognize violations.
3. Increased scrutiny of imports and exports to ensure goods made by slave labor are not allowed in the marketplace. This includes reviewing and re-working the role of ICE in overseas inspections. Currently, ICE must notify governments of their intent to inspect workplaces that export products to the U.S. – such notification results in the “cleansing” of these workplaces to remove any signs of trafficking or forced labor. U.S. law does not allow evidence collected by unions or non-governmental sources to be the basis for restricting the importation of products made by slave labor. This must be reformed.
4. Strict regulation of labor recruiters and employment agencies. Specifically, the elimination of recruitment fees to workers, shifting costs back to the employer. Workers should not be required to pay any fees associated with recruitment, the migration process, or placement PERIOD. Employers must be held liable for the abuses of labor recruiters that they hire. In addition, workers must have a way to ensure that a recruiter is legitimate and licensed.
5. Extending meaningful whistleblower protections to trafficked workers, which allow workers and their representatives to sue to enforce all state and federal labor and employment laws as well as the conditions in workers’ contracts without having to face deportation or removal. Ensure confidentiality so that victims can access public services as mandated by the TVPA without fear that their traffickers or another entity may find out and seek retribution.

6. Increase pressure and monitoring on states to include trafficking for labor exploitation into anti-trafficking laws and regulations, and to increase prosecutions of labor traffickers, including employers, as perpetrators of human trafficking.

Thank you again for the opportunity to testify. I welcome your questions.