What is Labor Trafficking?

Labor trafficking occurs when an employer compels or tricks a worker into involuntary labor. It occurs most often in industries where workers are itinerant or isolated, or where the industry is fissured or illegal. Involuntary labor typically takes place in abusive conditions, such as unsafe work environments, long hours without breaks, or work without pay.

Methods of control vary from case to case. Traffickers may use violence, physical abuse, sexual assault, denial of food, water, medical care and other necessities to inflict serious bodily harm on the victim or the victim’s family and friends. Traffickers may also engage in non-physical coercion and manipulation, often threatening to report victims to immigration or law enforcement.

Youth are at an especially high risk for trafficking for several reasons. First, youth frequently lack the experience and knowledge to recognize abusive employment practices and suspicious job offers. Second, youth face challenges securing well-paid work, both because of legal restrictions and because they lack work experience and advanced education.

Victims of labor trafficking very rarely come forward on their own, both because they fear retaliation by the trafficker and because they do not know that they are victims of a crime. The fact that victims rarely report this crime makes it especially important for the people they encounter to recognize the signs of labor trafficking and know how to respond.

Who Should Use the Protocol?

Trusted organizations:
Faith communities, immigrant and minorities leaders, libraries, neighborhood centers, homeless and runaway youth organizations, schools, worker/labor organizers

Service providers and government agencies:
Law enforcement, health care, housing providers, legal aid, child protection, adult protection, county social services, labor enforcement agencies, workforce centers

Organizations where trafficking may be present:
Transit companies, code compliance inspectors, public health officials, industry-specific groups such as labor unions, and agricultural extension services
Section 1: Background provides key information for individuals and organizations wanting to understand the definitions of labor trafficking and how it occurs.

Section 2: Universal Protocol contains information that should be reviewed by anyone who may interact with victims of labor trafficking or who would like to learn more about the multiple components to a comprehensive response to labor trafficking, centered on protecting victims.

To respond effectively, all sectors must be actively involved, and communities must understand who they should contact if they suspect labor trafficking. The Universal Protocol provides an overview of which organizations and agencies may need to be involved in a response, as well as guidance on prevention, identification, confidentiality, and special considerations for victims who are minors, foreign nationals, or vulnerable adults.

Minnesota’s unique context may place a greater burden on organizations and agencies to implement the protocol guidelines. Many government services are decentralized, with elected county and city officials exerting substantial control over agency policies and practices and affecting the conduct of law enforcement, child protection, adult protection, social welfare services, education, and other sectors. This allows policies to be responsive to local conditions, but also requires organizations and agencies implementing the protocol to investigate who is best placed to serve labor trafficking victims at the local level and the process their community will follow. Section 3: Protocol Implementation Worksheet provides an easy-to-use tool to help communities plan their response to labor trafficking.

As part of the development of this protocol, there were several types of organizations and agencies that were identified as regularly interacting with – or having the potential to regularly interact with – victims of labor trafficking. Section 4: Sector-Specific Protocols includes detailed guidelines and best practices for these sectors. These chapters are designed to be used in conjunction with the Universal Protocol Section. The Sector-Specific Protocols do not include chapters for every sector that may interact with trafficking victims; all sectors should refer to the Universal Protocol for guidance.

Section 5: Recommendations includes suggested changes in law and practice for policymakers, government agencies, and funders to improve Minnesota’s response to youth victims of labor trafficking.

Section 6: Appendices provides a detailed list of federal and state statutes related to labor trafficking, a directory of Minnesota labor trafficking service providers, a list of key resources, materials for trafficking victims, and a sample of the survey that was developed to research existing services for labor trafficking victims.
Key Topics

Collaboration
Multi-disciplinary teams are recognized around the world as a best-practice response to human trafficking, and can result in increased victim reporting, cooperation, and satisfaction with services and the criminal justice system. The guidelines provide key considerations for communities creating a collaborative response to labor trafficking.

Prevention
Labor trafficking is driven by two primary factors: a population of workers vulnerable to exploitation and businesses seeking to maximize profits without taking into account the treatment of workers who perform the labor. The guidelines discuss three key prevention strategies: outreach and education in high risk communities, increased enforcement of laws against trafficking, and address root causes by reducing the demand for cheap labor and enacting policies that protect human rights for all poverty.

Identification
Connecting victims with people trained and equipped with the tools to recognize and respond to labor trafficking is essential for successful identification. Organizations should choose the level of assessment that best fits the services they provide.

Protecting and Supporting Victims
At the core of a victim-centered approach is responding to the victim’s needs and concerns. After being identified as a victim or leaving a trafficking situation, victims of labor trafficking may have many immediate needs. These needs may include: safety, victim advocacy, housing, transportation, legal services, physical and mental health care, education, and employment.

The protocol also includes best practices for work with special populations including: victims under age 18, vulnerable adults, and foreign nationals.
Offender Accountability

Labor trafficking is a crime and it frequently involves exploitative acts that violate employment laws and other civil protections. As a result, traffickers can face criminal investigations and prosecutions involving local, state, and federal law enforcement and prosecutors. In addition, government agencies that enforce employment laws can impose financial penalties and recover lost wages for victims. Victims can also file civil lawsuits for financial compensation and damages. Criminal, administrative, and civil penalties can all be pursued based on the trafficking situation. The protocol guidelines presents key considerations for anyone working with labor trafficking victims when pursuing criminal or civil justice.

Planning Tools

The protocol guidelines provide templates and checklists for organizations and communities to use when planning their response to labor trafficking.

IDENTIFY RESOURCES TO MEET VICTIM NEEDS

Call local organizations and ask if they have resources to assist victims of labor trafficking. Confirm any eligibility restrictions and determine their policies on confidentiality. Fill out the Victim Service Organization table for every organization contacted. Use that information to answer the following questions:

- How many organizations that can meet the following needs? Indicate who should be the first point of contact for each need:

  - Victim Advocacy
  - Case Management
  - Housing
  - Emergency
  - Transitional
  - Long-term Supportive
  - Permanent
  - Transportation
  - Legal Services
  - Physical Health Care
  - Mental Health Care
  - Education
  - Employment
  - Language Access

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