

Massachusetts Interagency
Human Trafficking Policy
Task Force

LABOR TRAFFICKING
SUB-COMMITTEE



FINDINGS AND RECOMMENDATIONS

October 2014

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Message from the Chair

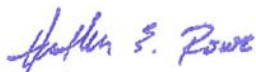
On behalf of the Labor Trafficking sub-committee of the Massachusetts Interagency Human Trafficking Policy Task Force, I am pleased to present this report of findings and recommendations for your consideration. Labor trafficking is a covert activity which conceals its operation through systematic isolation of the victims or multi-tiered supply chains that go unchecked. It may also be thinly veiled enough in order to pass for normal as consumers go about their daily business. Labor trafficking is modern day slavery. For the traffickers, it is profitable. The International Labor Organization (ILO) estimates that forced labor in the private economy generates \$51 billion in illegal profits per year. For the victims, it is ruinous. Their lives, their livelihood, their freedom—the very nature of their being, is ravaged by merciless greed.

With the passage of Chapter 178 of the Acts of 2011, Massachusetts took a stand to end human trafficking in our state. Under the leadership of Attorney General Martha Coakley, the interagency task force formed to examine all aspects of the scourge of trafficking and to issue a report of findings and recommendations in August of 2013, has provided a roadmap for how Massachusetts can more effectively thwart the activity and address the needs of survivors. As part of the recommendations made by the interagency task force, a distinct labor trafficking sub-committee was formed and charged with compiling information and recommendations to address labor trafficking specifically.

The recommendations included herein reflect a collaborative process by the members of the sub-committee representing both government and non-governmental organizations. Just as the August 2013 report of the full task force focused on victim services, demand reduction, data collection and sharing, training and education, and public awareness, so too does our report on labor trafficking, in hopes that the recommendations can be implemented alongside those that are already underway which focus on addressing sex trafficking.

Thank you for the opportunity to work with such a dedicated and talented group of individuals and for providing us an opportunity to learn from experts who have been studying the issue, raising awareness, exposing this scourge, and assisting victims. It is our hope that our recommendations will lead to the eradication of labor trafficking in our Commonwealth.

Sincerely,



Heather Rowe
Director, Department of Labor Standards

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Executive Summary

On November 21, 2011, Governor Deval Patrick signed into law House Bill 3808, *An Act Relative to the Commercial Exploitation of People*. The law took effect February 19, 2012. The Law established new crimes of human trafficking for sexual servitude and forced labor, enticement of a child by means of electronic communication, and organ trafficking; increased penalties for existing crimes; instituted requirements for reporting of trafficking victims by mandated reporters; provided a safe harbor provision for child victims; established a trust fund for victims of trafficking to which forfeited assets from trafficking offenses will be deposited; and mandated an inter-agency task force on human trafficking.

The Massachusetts Interagency Human Trafficking Policy Task Force (Task Force) chaired by Massachusetts Attorney General Martha Coakley and consisting of nineteen members representing government, law enforcement, academia, service providers, legal services, and advocacy, convened on February 29, 2012. Chapter 178 of the Acts of 2011 directs the Task Force to:

(x) submit a report of its findings and recommendations to the clerks of the senate and house of representatives who shall forward the report to the chairs of the joint committee on the judiciary not later than 18 months after the effective date of this act. The Task Force shall determine if subsequent reports are necessary in order to properly address human trafficking.

On August 19, 2013, Attorney General Coakley released a report of the findings and recommendations of the Task Force. Recommendations were made according to broad subject areas from sub-committees which focused on particular aspects of human trafficking:

- Victim Services
- Demand Reduction
- Data Collection and Information Sharing
- Education and Training
- Public Awareness

The report provided a road map for Massachusetts to address human trafficking by identifying achievable goals that would be effective in combatting the scourge of trafficking. One of the findings from the Task Force was that a group should specifically be formed to study the issue of labor trafficking and consider making recommendations to the Task Force Chair for potential inclusion as an addendum to the Task Force report. (See Appendix A)

On January 16, 2014, the Labor Trafficking Sub-Committee of the Human Trafficking Policy Task Force was formed and met seven times since its formation. Members of the sub-committee include:

- Deb Bercovitch, Chief of the Human Trafficking Unit, Office of the Attorney General
- Drew Cahill, Assistant Attorney General, Office of the Attorney General
- Shawn Croke, Investigator, Division of Professional Licensure
- Julie Dahlstrom, Managing Attorney, Ascentria Care Alliance (formerly Lutheran Social Services of New England) and the Boston University School of Law Human Trafficking Clinic
- Lydia Edwards, Equal Justice Works Fellow, Greater Boston Legal Services
- Kristen Gordon, Director of Human Trafficking Policy, Programming, and Education, Office of the Attorney General

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- Diego Low, Executive Director, Metrowest Worker Center
- Mirna Montano, Organizer, Massachusetts Coalition for Occupational Safety & Health
- Audrey Richardson, Senior Attorney, Greater Boston Legal Services
- Heather Rowe (Chair), Director, Department of Labor Standards, Joint Task Force on the Underground Economy and Employee Misclassification
- Georgia Simpson-May, Director, Office of Health Equity, Department of Public Health

Administrative and research assistance for the committee was provided by:

- Melissa Butts, Program Coordinator, Joint Task Force on the Underground Economy and Employee Misclassification
- Christina Wescott, Management Analyst, Department of Labor Standards

The committee members engaged the following experts to assist us in understanding the different aspects of labor trafficking:

- Ernesto Archila, Senior Policy Advisor, Office of the Assistant Secretary for Policy, U.S. Department of Labor
- Amy Farrell, Ph.D., School of Criminology and Criminal Justice, Northeastern University
- Shawn MacDonald, Ph.D., Director of Programs and Research, Verité
- Casie-Lee Miller, Case Worker, Ascentria Care Alliance (formerly Lutheran Social Services of New England)
- Quinn Sandor Kepes, Program Manager, Verité
- Scott Santoro, Program Manager, Strategic Training Development, Federal Law Enforcement Center, Department of Homeland Security, *Blue Campaign*
- James Sauer, Special Agent, United States Department of State
- United States Department of State *Trafficking in Persons Seminar* April 11, 2014
 - David Hall, Special Agent in Charge, Diplomatic Security Service, Boston
 - Marcy C. Ellison, United States Department of State, Office to Combat Trafficking in Persons
 - Bradley Myles, Executive Director and CEO, Polaris Project
 - Audrey Roofeh, Training and Technical Assistance Coordinator, Polaris Project
 - John A. Freeman, Supervisory Special Agent/Criminal Fraud Investigations
 - Susan Geary, Director of the Office of Exchange Coordination and Compliance
 - Ron Koch, Law Enforcement Coordinator, Bureau of Educational and Cultural Affairs
 - Peter DiMarzio, Victim Assistance Specialist, Homeland Security Investigations

Below is a summary of the recommendations by the sub-committee:

Victim Services

It is imperative that services to be made available to ensure protection from traffickers and ensure a successful transition from enslavement to liberation, where tools are provided that will enable survivors to stabilize, then lead healthy, productive lives.

- Ensure funding to create worker-led programs;
- Create a bridge between law enforcement and community organizations;
- Facilitate access to federally-funded and state benefits;

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- Grant rights to immigration status;
- Provide greater access to legal services;
- Heighten greater awareness that help is available;
- Promote employment and training resources.

Demand Reduction

Demand for cheap and unpaid labor will continue to rise until there are more comprehensive laws in place that focus on the employer and the transparency of their supply chains. Additionally, traffickers who believe they will not be caught due to the fact that their workers are hidden from public view or are hiding in plain sight will continue to engage in their criminal behavior because it is a low-risk, high-profit scheme. Demand reduction is key to eliminating labor trafficking.

- Require state vendors to have a supply chain audit process;
- Enact a legislative mandate to require greater accountability and transparency in outsourcing and subcontracting for businesses with a certain dollar threshold in sales and/or within certain industries where labor trafficking is known to occur;
- Promote supply chain audits, fair hiring, and responsible recruitment processes for all Massachusetts businesses;
- Require employers that house their employees to register with the state through enactment of a new labor standards law.

Data Collection and Information Sharing

Data collection and information sharing are important for combatting labor trafficking. Yet, data in this area are lacking. Labor trafficking is not discussed or even studied as much as sex trafficking, but it needs to be considered a priority to address. Consequently, data collection processes and information sharing need to be examined.

- Establish, as recommended by the Massachusetts Interagency Human Trafficking Policy Task Force for human trafficking in general, a definition of labor trafficking for data collection purposes not replacing the legal definition;
- Draft model protocols and screening tools to guide the victim identification process;
- Map the state to identify where labor trafficking is more likely to be occurring;
- Establish a system or protocol for keeping track of referrals;
- Amend the Office of the Attorney General's Wage Violation Complaint form;
- Develop a joint task force or policy with the federal government to share visa holder information regarding Massachusetts visa holders.

Education and Training

A consistent message about labor trafficking is not in place across the Commonwealth, and it is essential that key concepts are delivered to various audiences depending upon how they may come face-to-face with a labor trafficking situation. Law enforcement, first responders, medical personnel, social service providers, schools, parents, teachers, community and faith based organizations, as well as consumers, do not share a similar view of what labor trafficking is, how to recognize its signs, and what actions to take if red flags present

themselves.

- Devise a state-specific list of trainings and trainers that can be offered;
- Mandate labor trafficking awareness and response training where professionals may interact with victims;
- Use appropriate language for trainings and educational efforts.

Public Awareness

A pragmatic public awareness campaign concerning the reality of labor trafficking in Massachusetts includes informing the general public of what labor trafficking is, acknowledging its existence and any indicators of prevalence within the Commonwealth, how to recognize suspicious indicators, and how to make a report. A common misconception is that labor trafficking exists outside of one's own city or town, while in reality it is more ubiquitous than one may assume.

- Mandate, as California, Hawaii, New Mexico, Texas, Virginia, and Washington have done, posting of information about human trafficking at certain businesses and public areas;
- Require all employment, placement, and staffing agencies that place au pairs, domestic workers, farm workers, and other industries at risk of labor trafficking to provide to the worker a list of trafficking signs and contact information for assistance;
- Raise awareness at major transportation hubs in Massachusetts such as Logan International Airport as well as all other airports, bus depots, subways, and boat docks;
- Produce general awareness videos modeled after the Department of Homeland Security general awareness videos for all local access cable television stations in Massachusetts communities to broadcast;
- Engage multiple ethnic media outlets in Massachusetts by running newspaper and radio advertisements aimed at potential victims of forced labor;
- Develop and maintain a web portal for online resources;
- Identify a state agency to lead the public awareness campaign;
- Create a "Welcome to Massachusetts - Know your Rights" card in multiple languages that visa-holders arriving in Massachusetts would be given.

Labor Trafficking In Massachusetts

Overview

In accordance with *An Act Relative to the Commercial Exploitation of People*, it is a crime in Massachusetts to subject or attempt to subject, recruit, harbor, entice, transport into or provide any person for forced services, or to benefit financially or receive anything of value as a result of said actions. Under the law, “forced services,” are services performed or provided by a person that are obtained or maintained by another person who: (i) causes or threatens to cause serious harm to any person; (ii) physically restrains or threatens to physically restrain another person; (iii) abuses or threatens to abuse the law or legal process; (iv) knowingly destroys, conceals, removes, confiscates or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; (v) engages in extortion; or (vi) causes or threatens to cause financial harm to any person. The task force acknowledges that there is interplay between the federal and state definitions of human trafficking given federal and state law enforcement that may be involved in a trafficking situation. Massachusetts’ definition of “forced services” is more broad than that of the definitions of “involuntary servitude” and “severe forms of trafficking in persons” under the federal Victims of Trafficking and Violence Protection Act of 2000. Under Massachusetts’ law, force, fraud, or coercion is not required to be established to meet a “trafficking” threshold, whereas federal law requires at least one of those elements. This legal nuance is important for all those in Massachusetts who are dealing with the issue of labor trafficking. It can make the difference in identifying a victim, building a case against a trafficker, obtaining services, and raising public awareness.

It is not known how many trafficked persons or how many trafficking operations for forced labor exist in Massachusetts. According to state statistics compiled by the Polaris Project, 1,606 human trafficking-related calls with reference or correlation to Massachusetts were received by the National Human Trafficking Resource Center (NHTRC) between December 7, 2007 and August 1, 2014. While this is certainly not determinative of the scope of the problem, it is one of few data elements that exist to indicate levels of activity on a specific state basis. Worldwide it is estimated that, at any given time, there are 20.9 million people worldwide that are victims of forced labor.¹ According to a recent report from the Freedom Network, 73% of the persons it served were trafficked for forced labor.² Across Massachusetts, many individuals work in industries where they are vulnerable to exploitation. This susceptibility is undoubtedly increased due to the parallels identified between trafficking and industries that operate in the underground economy.³ In 2011, Governor Deval Patrick highlighted that the underground economy, “exploits vulnerable workers and deprives them of legal benefits and protections.”⁴ The industries that may operate in the underground economy and in which labor trafficking is known to occur include but are not limited to: domestic labor, agriculture, mining, construction, landscaping, forestry, day labor sites, manufacturing, fishing, door-to-door sales, food and drink service, nail salons, entertainment, tourism, canning, disaster cleanup, elder care, and pan-handling.

¹ Verité forced labor Human Trafficking webpage <http://www.verite.org/forced-labor>

² Freedom Network Member Report: A Closer Look at Human Trafficking Across the United States (2010-2012) <http://freedomnetworkusa.org/tag/labor-trafficking-sex-trafficking/>

³ MA Interagency Human Trafficking Policy Task Force Findings and Recommendations (August 2013) <http://www.mass.gov/ago/docs/ihttf/ihttf-findings.pdf> p. 16

⁴ Executive Order 499: Governor Deval Patrick established a Joint Enforcement Task Force on the Underground Economy and Employee Misclassification (2011)

<http://www.mass.gov/governor/legislationexecorder/executiveorder/executive-order-no-499.html>

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Labor trafficking occurs among adults and children, foreign-born, and U.S. citizens. It is widely known, however, that immigrant workers are at a higher risk for labor trafficking victimization due to fear of deportation, the ability of a perpetrator to use one's status as a leverage point, and a lack of understanding of one's rights as a worker regardless of documented status. In 2012, the Immigrant Learning Center released a study examining the impact large industries in Massachusetts have on immigrant workers and the concentration of this demographic within these industries: accommodations and food services (10.5%); health care and social assistance (15.6%); manufacturing (13.6%); and retail (9.6%).⁵ Additionally, the report indicates, "Immigrants are much more highly concentrated in occupations that require little education such as building and grounds cleaning and maintenance (3.13%), production (2.24%), health care support (1.74%), food preparation and serving (1.67%), and farming, fishing, and forestry (1.43%)," further emphasizing the industries where abuse and exploitation may take place.⁶ Where poverty, instability, and inequality exist, labor trafficking can thrive.

Challenges Unique to Labor Trafficking

Identifying signs that indicate labor trafficking can be difficult, making it a particularly challenging issue for law enforcement, government agencies, non-governmental organizations, and members of the public alike. There are many factors involved that obfuscate reality, making it difficult to pinpoint a forced labor situation. Weighing various factors such as the demographics and vulnerability of a particular group, the business relationships between worker and employer, and the level of transparency within a business' supply chain can reveal labor trafficking.

Not only is it difficult to actually identify a trafficking situation on its surface, getting victims to come forward to confirm suspicions is also a significant challenge. A culture of fear is established by the employer in order to intimidate workers and exercise complete control over the workers' environment. Additionally, workers may not recognize that they are victims of a crime. Enslaved workers may just believe that they are in a "bad situation" or are just working for a particularly demanding boss, and they may have no idea that what is happening to them is not "just the way it is" because of their particular circumstance. Traffickers often use tactics such as geographically moving people around and keeping them isolated so that they do not have an opportunity to become familiar with their surroundings. This scheme is especially employed in sales crew work which often requires frequent travel. This disorientation keeps the worker confused, vulnerable, and unable to tether any contact with someone outside of the world created by the trafficker and his/her operation. Many times, the nature of the job allows for extreme isolation, such as domestic service, where the worker is not allowed to leave the premises, or agricultural work where the setting may be so rural that there is virtually no chance of contact with an "outsider" for miles.

One of the major challenges that law enforcement and community organizations face involves the difference between the state and federal definitions of labor trafficking. The state definition is broader than the federal definition and the lack of cognizance regarding this can create missed opportunities of services that may be provided for a labor trafficking victim. A lack of awareness among law enforcement, government agencies, social service agencies, health care organizations as well as the general public also contributes to the difficulty in casting light onto the shadows of enslavement. Whereas commercial sex activities have a long legal history and where those activities are recognizable and widely known as illegal or illicit, there is nothing inherently illegal or alarming about work. For this reason, traffickers are often able to maintain a façade of legitimacy, going about their business transacting with consumers who go about theirs. For this reason, public and

⁵ Alan Clayton-Matthews & Paul Watanabe, *The Immigrant Learning Center, Massachusetts Immigrants by the Numbers, Second Edition: Demographic Characteristics and Economic Footprint*, May 2012, at 32, available at <http://www.ilctr.org/wp-content/uploads/2013/05/ILC-Mass-Immigrants-by-the-Numbers-2nd-ed.pdf>

⁶ *Id.*

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professional awareness is crucial to recognizing when a veneer is covering an acute situation for a worker and a very serious criminal enterprise.

Victims of labor trafficking have unique challenges. While both domestic and international victims have immediate needs for safety, housing, basic necessities, and medical care, they many have different needs in terms of legal assistance, job training, life skills training, and family reunification. The legalities associated with victims who are undocumented or who have overstayed visas (a dynamic often purposefully crafted by a trafficker in order to further trap a victim) are complex. The U.S. Department of Health and Human Services is responsible for certifying international victims of trafficking once they have been identified.⁷ Once received, this certification provides the person with necessary documentation allowing for eligibility for special visa and refugee benefits and services.⁸ However, advocates report that it is often a cumbersome and difficult process for victims to receive Health and Human Services certification, especially in human trafficking cases when an adult is a victim.

An additional challenge that victims of labor trafficking face relates to workplace disputes being categorized as contract negotiation issues or wage and hour violations, as opposed to, labor trafficking victimization. For example, in the case of visa fraud, where a contract may be written in two different languages and provide for different rights, the issue may be viewed as a contract dispute and not visa fraud warranting trafficking prosecution.

Risk Factors for Labor Trafficking

Just as the industries in which labor trafficking occurs are varied, so are the risk factors for persons who fall victim to this crime. While there is no profile of a typical trafficked person, it is known that trafficking thrives on perpetrators being able to exploit persons with vulnerabilities such as language barriers, socioeconomic circumstance, worker status, debt, lack of employment opportunities, and societal exposure to crime, addiction, and past abuse. False promises of opportunity and hope can lure persons looking for a better life for themselves or their families into a complex web of involuntary servitude. Workers who are geographically, linguistically, or culturally isolated, such as domestic and agricultural workers, are particularly vulnerable. Those workers housed on the same premises as their employment are especially at-risk and easily hidden by labor traffickers. Increased seclusion yields decreased outside exposure, creating opportunities for employers to confiscate identification, making it nearly impossible for workers to escape especially if they are in the United States with a visa, have temporary status, or are undocumented. In these cases, employers have complete control over their workers. (See Appendix B for list of U.S. Visas)

A particularly cautionary note for Massachusetts is that Massachusetts has the third-highest number of J-1 visa workers (16,900) of any state in the U.S., following New York (29,598) and California (31,122).⁹ By definition, a J-1 visa is a U.S. non-immigrant visa issued to visitors taking part in programs of culture exchange, including work and study based programs.¹⁰ According to the U.S. Department of State's 2013 Trafficking in Persons Report, "Individuals who entered the United States with and without legal status have been identified as trafficking victims, including participants in visa programs for temporary workers who filled

⁷ Human Trafficking Into and Within the United States: A Review of the Literature. (August 2009) <http://aspe.hhs.gov/hsp/07/humantrafficking/LitRev/> p. 12.

⁸ Id.

⁹ U.S. Department of State, J-1 Visa Exchange Visitor Program, Facts and Figures, Data by State, 2012 participants. <http://j1visa.state.gov/basics/facts-and-figures/>

¹⁰ U.S. Department of State, J-1 Visa Exchange Visitor Program, Visa Basics. <http://j1visa.state.gov/basics/>

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labor needs in many [industries].”¹¹ The report further notes, “NGOs noted vulnerabilities in the J-1 Summer Work Travel Program that can potentially facilitate human trafficking, including wage theft, discrimination, and illegal recruitment practices.”¹²

Furthermore, increasingly complex employment relationships and supply chains within many companies can create an environment in which labor trafficking takes place. In 2014, the Migration Policy Institute published an article written by Meghan Benton that further describes the supply chain issue. Benton states, “Complex employment relationships and long supply chains multiply the opportunities for law breaking and increase the ease with which illegal practices can be concealed.”¹³ There is a strong correlation between the growth in outsourcing and subcontracting and the opportunities for labor trafficking. In an effort to reduce labor trafficking and exploitation, the state of California has taken action against current and potential perpetrators, and in 2010, passed the California Transparency in Supply Chains Act, which took effect on January 1, 2012.¹⁴ This act requires companies with \$100 million or more in sales to disclose the following on company websites: how they are monitoring working conditions in their supply chain, how their suppliers conform to the labor code of conduct of the company, and what is being done to address illegal or forbidden practices.

According to the Polaris Project’s 2013 State Ratings on Human Trafficking Laws, at the present time, Massachusetts is one of 32 states in the United States that has received a Tier 1 rating and has “...passed significant laws to combat human trafficking, and should continue to take additional steps to improve and implement its laws.”¹⁵ Although Massachusetts has strengthened human trafficking laws and enforcement, more work is still necessary. Many states have instituted various requirements and programs aimed at combatting human trafficking. Massachusetts, with its rich history in labor issues, has always been a place for insightful and spirited ideas. We look to the successes of other states, efforts by the federal government, and insights from non-governmental organizations and academia, in an effort to eliminate the atrocity of forced labor.

¹¹ U.S. Department of State Trafficking in Persons Report 2013, *United States*, p. 397.

<http://www.state.gov/j/tip/rls/tiprpt/2013/>

¹² *Ibid.*, p. 401.

¹³ Benton, Meghan, *Spheres of Exploitation: Thwarting Actors Who Profit from Illegal Labor, Domestic, Servitude, and Sex Work*, January 2014. Migration Policy Institute.

<http://www.migrationpolicy.org/research/migration-exploitation-illegal-labor-domestic-servitude-sex> p. 4

¹⁴ California Transparency in Supply Chains Act (2010) <http://www.fairlabor.org/report/2010-california-transparency-supply-chains-act>

¹⁵ Polaris Project’s 2013 State Ratings on Human Trafficking Laws- Tier 1 rating <http://www.polarisproject.org/what-we-do/policy-advocacy/national-policy/state-ratings-on-human-trafficking-laws>

Recommendations

Victim Services

The availability of services for victims is crucial to survivors of labor trafficking. Without accessible and appropriate victim services, those afflicted may not be able to, “effectively exit trafficking and are at an extremely high risk of being re-victimized.”¹⁶ It is imperative that services be made available to victims to ensure protection from traffickers. Services also need to ensure a successful transition from enslavement to liberation, and tools have to be provided that will enable survivors to stabilize, and then lead healthy, productive lives.

Survivors of labor trafficking have different needs than those of sex trafficked persons. Many services for sex-trafficked victims are offshoots of domestic violence services. In particular, housing for males is often problematic if the only available housing services are those through domestic violence shelters. The Freedom Network notes that, “...we have had to develop relationships with local landlords and other housing providers in order to obtain housing for male clients. Often our male clients find a room to rent through friends or family. They are forced to be resourceful in this area as housing services are very limited.”¹⁷

As a result of meeting and speaking with an array of experts in the field of combating human trafficking, the Labor Trafficking Sub-Committee has identified the following victim service needs:

- Basic necessities including food, housing, clothing, personal products for both the short and long term;
- Legal services - attorneys experienced and well-versed in human trafficking cases, specifically, labor trafficking
- Case management - a social worker should be immediately assigned to a victim of labor trafficking;
- Mental health services / trauma recovery- these are key elements in showing injury or harm for U-visa applicants;
- Work authorization - many victims of labor trafficking have debt that needs to be paid and/or families that need the wages they expect.
- Documentation and Temporary Relief- many victims of trafficking are granted visas (for example A3, B1) that are connected to a specific employer. As a result, if the worker leaves his or her employer for any reason, the worker becomes undocumented. A worker may have left his or her employer due to abuse, violence, non-payment, etc. Victim services and law enforcement need to be aware that the terms of some visas create added pressure for a worker to stay in a forced labor situation. These dynamics may also help to explain why some survivors stay so long in their situation.

Below are examples of established organizations that can assist labor trafficking victims. This is in no way an exhaustive list of every agency available in the Commonwealth that may provide services; however, these organizations are known to committee members and have worked closely with committee members in various capacities.

¹⁶ MA Interagency Human Trafficking Policy Task Force Findings and Recommendations (August 2013) <http://www.mass.gov/ago/docs/ihttf/ihttf-findings.pdf> p. 19

¹⁷ Freedom Network Member Report (2014) <http://freedomnetworkusa.org/wp-content/uploads/2014/07/Member-Report-20141.pdf>

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Existing legal and social service organizations that offer services to labor trafficking victims:

- Amirah- provides comprehensive services including housing, medical therapy, vocational training and survivor peers support. They are connected to the Human Trafficking Listserv hotline and therefore receive intake from the entire country but are based in Boston.¹⁸
- Ascentria Care Alliance (formerly Lutheran Social Services of New England) – provides legal and social services to noncitizen victims of labor and sex trafficking throughout Massachusetts. Through case management, advocacy, and legal representation, Ascentria Care Alliance seeks to remove the barriers faced by survivors –adults and minors- when leaving exploitation.¹⁹
- Greater Boston Legal Services- provides immigration and labor-related legal services to those victimized by labor trafficking and others who have experienced violations of workplace rights; provides legal support to community-based organizations that advocate and organize for immigrants’ and workers’ rights.²⁰
- International Institute of New England- gives support to refugees and immigrants to assist them in becoming active participants in the social, political, and economic aspects of life in America.²¹
- MataHari- provides culturally competent, trauma informed, and survivor-centered case management and a healing support community. This organization develops the leadership of women impacted by exploitation to seek life-long healing through transforming their lives and community.²²
- Massachusetts Coalition of Occupational Safety and Health (MassCOSH)- organizes and trains workers to protect themselves against abusive work conditions. Such centers also support collective action by workers and provide a space for workers to express and address their common grievances.²³
- MIRA-The Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA) is the largest organization in New England promoting the rights and integration of immigrants and refugees. We serve the Commonwealth’s one million foreign-born residents with policy analysis and advocacy, institutional organizing, training and leadership development, and strategic communications. The Coalition involves an active membership of over 130 organizations, including community-based groups, social service organizations, ethnic associations, schools, refugee resettlement agencies, health centers and hospitals, religious institutions, unions, and law firms, as well as thousands of individual members, contributors, and allies.²⁴

Massachusetts Worker Centers:

- Brazilian Immigrant Center’s Domestic Worker Law and Policy Clinic- offers free legal support and services to those victimized by labor trafficking and helps to connect survivors to state and federal agencies.²⁵
- Brazilian Women’s Group - Founded by a group of women interested in discussing the issues of being an immigrant woman from Brazil in this country, the goals of the Group are

¹⁸ Amirah <http://www.amirahboston.org/>

¹⁹ Ascentria Care Alliance <http://www.ascentria.org/>

²⁰ Greater Boston Legal Services <http://www.gblls.org/>

²¹ International Institute of New England <http://iine.us/about-us/>

²² MataHari <http://eyeoftheday.org/>

²³ Massachusetts Coalition of Occupational Safety and Health <http://www.masscosh.org/>

²⁴ The Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA) <http://www.miracoalition.org/>

²⁵ Brazilian Immigrant Center <http://www.braziliancenter.org/>

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to provide support to the Brazilian families living in Greater Boston; to be an information vehicle to the community; to help the community in their search for solutions to their problems; to promote Brazilian cultural activities for the community.²⁶

- Centro Comunitario de Trabajadores- a not-for-profit tax-exempt organization that works with the Central American immigrant community in the greater New-Bedford area. The center provides information to their workers about rights in the workplace and tools protect those rights. ²⁷
- Centro Presente Worker Center- a Latin American immigration organization that empowers the Latin American immigrant community of Massachusetts to fight for their immigrant rights and for economic and social justice. ²⁸
- Chelsea Collaborative Worker Center- an organization dedicated to the needs of the community of Chelsea through community organizing and education. ²⁹
- Chinese Progressive Association- a grassroots community organization which strives for equality of the Chinese community in Massachusetts. The organization works to improve the living and working conditions of Chinese Americans. ³⁰
- MassCOSH Worker Center- an immigrant worker center that provides immigrants a safe place to speak up about workplace abuse and violations. Here, immigrant workers can seek out training to know their rights and protect themselves from further abuse in their workplace. ³¹
- Metrowest Worker Center- a worker-led program that is available throughout the Commonwealth. This initiative identifies exploited workers and trafficking survivors to support them to receive a just wage and support to redress labor exploitation. ³²
- Western MassCOSH- an organization that provides training and educational programs, health and legal assistance, advocacy, and policy action. ³³

State government programs:

- Massachusetts Department of Transitional Assistance- manages all state-funded emergency programs including food assistance, cash assistance, and certain employment services for eligible participants.
- Massachusetts Office of the Attorney General- the Victims of Violent Crime Compensation Fund can provide financial assistance to eligible victims, and the Fair Labor Division works to achieve a level playing field for the Commonwealth's workers and employers.
- Department of Housing and Community Development – provides housing support for qualified individuals.
- Office of Refugee and Immigration –promotes the full participation of refugees and immigrants as self-sufficient individuals and families in the economic, social, and civic life of Massachusetts.

Although these services exist, service providers indicate that these services are underfunded and lack capacity to serve labor trafficking cases involving a large number of victims. It is often difficult for their clients to

²⁶ City of Boston.Gov <http://www.cityofboston.gov/newbostonians/directory/info.aspx?id=17>

²⁷ Centro Comunitario de Trabajadores <http://cct-newbedford.org/>

²⁸ Centro Presente Worker Center <http://www.cpresente.org/what-we-do/community-organizing>

²⁹ Chelsea Collaborative Worker Center <http://chelseacollab.org/>

³⁰ Chinese Progressive Association <http://cpaboston.org/>

³¹ MassCOSH Worker Center <http://www.masscosh.org/what-we-do/initiatives/immigrant-worker-center>

³² Metrowest Worker Center <http://www.mwc-casa.org/about-us.html>

³³ Western MassCOSH <http://wmasscosh.org/>

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qualify for, or obtain access and prioritization to many of the programs offered.³⁴ The eligibility of labor trafficking survivors may be affected as a result of past convictions, lack of previous housing, and/or immigration status.³⁵

The following have been identified as challenges that existing victim service providers encounter:

- There are very few agencies that cater specifically to labor trafficking victims and existing services are limited due to funding constraints.
- All funding (federal, state) is limited and unstable, and as a result, the existing funding is generally used to aid victims with only basic necessities (food, housing, clothing, and personal products), thereby creating a lack of long-term services, including life and employment skills that are necessary to avoid re-victimization. Examples of these long-term services include: legal services, case management, mental health services, and work authorization assistance.
- Existing programs are not effectively staffed to meet the needs of survivors.
- There are not as many services offered outside of the City of Boston and surrounding neighborhoods. Western Massachusetts does not have as many locations that offer assistance. The agriculture industry is prevalent in this region and unemployment can be higher than in other parts of the state. Many workers in Western Massachusetts are classified with a low socioeconomic status and are vulnerable to labor trafficking situations. More victim services locations may create an opportunity for a victim of labor trafficking to come forward. At the present time, those services that do exist outside of Boston do not have the personnel capacity or resources readily available if there is a significant increase in victims coming forward as a result of raised awareness through public awareness campaigns.
- Housing availability is exceedingly minimal.
- There exists a gap in services available to males³⁶ and this committee is unaware of any male-only services that exist in Massachusetts.

The Labor Trafficking Sub-Committee recognizes the need for effective labor trafficking victim services and stresses the necessity for more comprehensive programs and funding. Below is a list of recommendations:

- ***Ensure funding to create worker-led programs.*** Worker-led programs “are recognized as effective in organizing workers, promoting collective change, and advocating for workers’ rights. Workers who are victimized through labor exploitation and abuse often fear stepping forward because of the risk of retaliation, deportation, or termination. Worker-led initiatives are successful for building trust within communities in order to educate workers about their rights and to encourage workers to speak openly about any abuse.”³⁷ This creates an environment where victims become less afraid to speak up about their trafficking situation. One feasible example of a worker-led initiative would be a survivor focus group that helps to advise a task force on outreach, prevention, and locating victims.
- ***Create a bridge between law enforcement and community organizations.*** The relationships between law enforcement and community groups must be strengthened in order for community groups to feel supported by and trust their local law enforcement. In order to increase communication, law enforcement should show presence and participation in community meetings and events. As a result of stronger relationships, victims of labor trafficking who may have negative stigmas associated with law enforcement, may come forward about their victimization as trust in law enforcement is created.

³⁴ MA Interagency Human Trafficking Policy Task Force Findings and Recommendations (August 2013)

<http://www.mass.gov/ago/docs/ihttf/ihttf-findings.pdf> p. 22

³⁵ Id.

³⁶ Ibid., p. 23

³⁷ Ibid., p. 25

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- **Facilitate access to federally-funded and state benefits.** Provide a fast-track to benefits such as: Massachusetts Transitional Aid to Families with Dependent Children (TAFDC), Massachusetts Supplemental Nutrition Program (SNAP), Massachusetts Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Head Start (for children of trafficking survivors), Massachusetts Low Income Home Energy Assistance Program (LIHEAP), MassHealth Children's Health Insurance Program, and MassHealth Medicaid. The U.S. Department of Health and Human Services is the authorized agency that certifies adult foreign victims of human trafficking. This certification allows access to federally funded benefits and services to the same extent as refugees. Trafficking victims who are U.S. citizens or Lawful Permanent Residents do not need Certification or Letters of Eligibility to be eligible for similar benefits and services.³⁸ New York and California have enacted legislation that provides trafficking victims with access to state-funded benefits prior to receipt of their federal certification.³⁹
- **Grant rights to immigration status.** For foreign-born victims, one of the main deterrents to leaving a trafficking situation is the fear of deportation and a lack of income. Many victims do not seek help because they are indebted to their employer and/or need the income to survive or support family members. There are existing immigration benefits for victims of labor trafficking, such as T or U visas, but it is helpful that victims receive certification from law enforcement to qualify. There needs to be greater cooperation by state and local law enforcement working with the federal government to regulate granting of Continued Presence (CP) for victims. It is essential that qualifying certifying agencies (such as law enforcement) receive training about and issue certification when they identify victims of labor trafficking. (See training section for more information.)
- **Provide greater access to legal services.** Foreign-born victims of labor trafficking may be eligible for CP status and/or a special T or U visa, among other forms of relief. CP allows a trafficked victim to remain in the U.S. for one year and to work legally while an investigation or prosecution of one's trafficker is underway. A T visa allows a foreign victim of human trafficking to remain in the United States for up to four years. For some victims of human trafficking related crimes, a U-visa may be available through certification from a law enforcement agency. Victims of trafficking are unlikely to know of the legal recourses they have, which is why it is critical that they be connected with legal services. Currently, there is not one permanent, full-time, full-funded attorney in Massachusetts who is providing legal representation and advice to immigrant victims of labor trafficking. As a result, there is a great need for legal services and trained legal professionals to assist labor trafficking victims in obtaining services. Further funding is needed within the existing programs to ensure that victims can receive access to justice.
- **Heighten greater awareness that help is available.** There is a clear need for more information dissemination about resources that are available to help victims. Dissemination of the National Human Trafficking Resource Center's (NHTRC) hotline should be achieved through multiple means which are discussed later in this report within the recommendations on public awareness. The Polaris Project / NHTRC hotline referral system connects human trafficking victims with services necessary to leave a trafficking situation, including case management, emergency shelter, legal services, and counseling.⁴⁰
- **Promote employment and training resources.** Service providers should be aware of and promote the use of existing employment and training resources. While these are not specifically targeted to survivors of trafficking, they may be helpful in assisting people to find employment. American Job Centers (or

³⁸ U.S. Department of Health and Human Services. Services Available to Victims of Human Trafficking: A Resource Guide for Social Service Providers. (2012) http://www.acf.hhs.gov/sites/default/files/orr/trafficking-services_0.pdf p.8

³⁹ Ibid., p. 5.

⁴⁰ <http://www.polarisproject.org/what-we-do/national-human-trafficking-hotline/the-nhtrc/our-services>

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AJCs) provide free help to job seekers for a variety of career and employment-related needs. More than 2,500 AJCs, funded by the U.S. Department of Labor's Employment and Training Administration, are located throughout the United States. Information on these services can be found at the following sites: <http://www.servicelocator.org>; <http://www.jobcenter.usa.gov> ; <http://www.careeronestop.org>; <http://www.mynextmove.org>; <http://www.myskillsmyfuture.org>

Demand Reduction

Demand for cheap and unpaid labor will continue to rise until there are more comprehensive laws in place that focus on the employer and the transparency of their supply chains. Additionally, traffickers who believe they will not be caught due to the fact that their workers are hidden from public view or are hiding in plain sight will continue to engage in their criminal behavior because it is a low-risk, high-profit scheme. Demand reduction is key to eliminating labor trafficking.

According to the Polaris Project, demand for labor trafficking stems from a market for cheap labor and the low risk that traffickers will be caught.⁴¹ Labor trafficking will continue to exist “when the community is unaware of this issue, when government and community institutions are not trained to respond, when there are ineffective or dormant laws to address the crime, when safety nets for victims do not exist, and when law enforcement does not investigate and prosecute the crime.”⁴² Another reason why demand thrives is due to the high profits that are an “incentive for labor traffickers to maximize revenue with minimal production costs.”⁴³ Consumers create a demand, and finding cheap or no-cost ways to produce or serve entices traffickers to commit crimes that many times go unnoticed.⁴⁴ The Polaris Project asserts, “By changing purchasing choices and asking questions about how our products were made, consumers have the power to reduce these types of demand and help stop human trafficking.”⁴⁵

As Polaris recognizes, “All 50 states and D.C. have provisions specifically criminalizing labor trafficking through involuntary servitude or similar human trafficking statutes,”⁴⁶ which is an essential step toward reducing and eliminating labor trafficking. The U.S. Department of State notes that, “While federal law applies across the United States, state laws form the basis of the majority of criminal actions, making adoption of state anti-trafficking laws key to institutionalizing concepts of compelled service for rank-and-file local police officers.”⁴⁷ With a solid law in place in Massachusetts, the Commonwealth needs to be certain to publicize its enforcement of trafficking cases to serve as a deterrent. Additionally, businesses and organizations of all sizes should be encouraged to audit their supply chains. According to the U.S. Department of Labor, “In order to effectively combat the risks of child labor and forced labor in your operations and global supply chains, you should have a comprehensive and transparent social compliance system in place.”⁴⁸

⁴¹ Polaris Project overview regarding why human trafficking exists <http://www.polarisproject.org/human-trafficking/overview/why-trafficking-exists>

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Polaris Project Policy Advocacy <http://www.polarisproject.org/what-we-do/policy-advocacy/prosecuting-traffickers/combating-labor-trafficking>

⁴⁷ U.S. Department of State Trafficking in Persons Report 2013, *United States* <http://www.state.gov/j/tip/rls/tiprpt/2013/> p. 399.

⁴⁸ U.S. Department of Labor, Bureau of International Labor Affairs, *Reducing Child Labor and Forced Labor, A Toolkit for Responsible Businesses.* <http://www.dol.gov/ilab/child-forced-labor/>

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The Labor Trafficking Sub-Committee recognizes the need for demand reduction of forced labor and stresses the responsibility of both businesses and consumers to be aware of their business relationships. With the increase in outsourcing and sub-contracting, more mainstream businesses are insulating themselves from knowledge of, and responsibility for, the employment practices of their contractors and staffing agencies who are providing the labor, creating the potential for loss of transparency and accountability. Below is a list of recommendations:

- **Require state vendors to have a supply chain audit process.** The Commonwealth could work to eliminate the financial incentive for forced labor by revising state contracts to require approved vendors with whom the state does business, to have a supply chain audit process. As previously mentioned, in 2010, California signed the *California Transparency in Supply Chains Act*, which required companies with \$100 million or more in sales to disclose their supply chain processes. According to the U.S. Department of Labor, “it is estimated that the reporting requirement will impact about 3,200 companies headquartered in California or doing business in the state.”⁴⁹ Massachusetts should create a similar supply chain transparency act to require that more companies review their supply chain methods. A clean supply chain is necessary to reduce demand. As part of the requirement, the Commonwealth should mandate that vendors seeking state contracts attest that they do not contribute to labor trafficking, and attest that they have a supply chain audit process in place and in use. The attestation should be accompanied by language stating that failure to utilize their supply chain audit program shall render the business ineligible to bid on state-funded projects and shall render any contract with a state entity null and void. As a purchaser of billions of dollars in goods and services annually, the Commonwealth could make a significant impact in reducing the financial benefit for traffickers of forced labor.
- **Enact a legislative mandate to require greater accountability and transparency in outsourcing and subcontracting for businesses with a certain dollar threshold in sales and/or within certain industries where labor trafficking is known to occur.** As a result of this mandate, supply chains could be tracked more easily, providing avenues to curb labor trafficking.
- **Promote supply chain audits, fair hiring, and responsible recruitment processes for all Massachusetts businesses.** The Massachusetts business portal at <http://www.mass.gov/portal/business/> should encourage all businesses to have a social compliance system as part of standard operating procedure. The U.S. Department of Labor has a toolkit to assist businesses that may not have a system. Linking to this toolkit would be an effective way to encourage businesses to adopt a practice that would have an impact to reduce labor trafficking. Likewise, connecting to resources such as Verité’s Fair Hiring Toolkit and their Responsible Recruitment best practices would assist companies in assessing their operational risks and best procurement practices.
- **Require employers that house their employees to register with the state through enactment of a new labor standards law.** Registration would require proof of written contract (if domestic worker); proof of workers’ compensation; proof of sanitary living conditions; contact person, address, phone number, and a registration fee. Fees generated through this program could help to offset administrative program costs, fund enforcement efforts, and fund labor trafficking victim services.

Data Collection and Information Sharing

⁴⁹ United States Department of Labor California Transparency in Supply Chains Act <http://www.dol.gov/ilab/child-forced-labor/California-Transparency-in-Supply-Chains-Act.htm>

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Data collection and information sharing are important for combatting labor trafficking. Yet, data in this area are lacking. As the *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017* notes, “Data collection and evidence-based research are sorely needed to inform federal, state, territorial, tribal, local, and nongovernmental organization service provision. Current statistics on human trafficking are limited. Additionally, vulnerable populations and men and boys are often under-identified as victims, further driving unreliable statistics.”⁵⁰ Data are needed for Massachusetts with regard to numbers and rates of the occurrence of labor trafficking as well as the areas where labor trafficking in the state might occur.

Having the capability to review data and share information across state and victim service agencies that directly assist victims of labor trafficking is critical to identifying victims and ensuring they receive appropriate services to impede further victimization. However, if victims are not properly identified, services may not match their needs, and re-victimization may occur. “Consequently, the identification of victims directly and indirectly leads to the identification of trafficking perpetrators or enterprises and human trafficking situations.”⁵¹ It is critical to align methods of data collection across the Commonwealth of Massachusetts.

At the present time, data collection and information sharing of labor trafficking is not a streamlined process and is “largely uncoordinated” throughout the state.⁵² The agencies that serve most victims, including: law enforcement, social service and victim service providers, rely heavily on victims to self-identify. Furthermore, a cohesive intake process for the screening of human trafficking and more specifically labor trafficking, does not exist across the board. Moreover, “practitioners and agencies, such as educators, public health officials, medical practitioners, and community and faith-based organizations that presently come into contact with victims of human trafficking, do not have the training or screening tools to help identify human trafficking victims.”⁵³ As a result of the lack of uniformity in training and screening tools offered statewide to all service professionals, it is likely that labor trafficking is under-identified in Massachusetts.⁵⁴

Although law enforcement agencies do not have a streamlined and shared labor trafficking data collection system, there are some processes in place. “Currently in Massachusetts, the Boston Police Department, Massachusetts State Police, and Suffolk District Attorney’s Office all have systems to collect information on human trafficking victims. The data collection systems are not integrated, and information about potential victims or suspects is shared informally and generally on a case-by-case basis. The Boston Police Department, Massachusetts State Police, and other law enforcement agencies in the state capture the information about human trafficking incidents, suspects, and victims in traditional records management systems. However, there are generally no specific flags or designations within these systems to identify human trafficking incidents or arrests.”⁵⁵

In contrast to law enforcement agencies, state information gathering is “less routine.”⁵⁶ Some agencies collect human trafficking data while others classify it under another category. To illustrate this, “regulatory agencies, such as the Division of Professional Licensure, do not regularly track human trafficking activity, but do collect the information in other fields, including unprofessional conduct. State government agencies like the Department of Children and Families and the Department of Probation may collect information on human

⁵⁰ Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017, p. 7.

<http://www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf>

⁵¹ MA Interagency Human Trafficking Policy Task Force Findings and Recommendations (August 2013)

<http://www.mass.gov/ago/docs/ihttf/ihttf-findings.pdf> p. 37

⁵² Id.

⁵³ MA Interagency Human Trafficking Policy Task Force Findings and Recommendations (August 2013)

<http://www.mass.gov/ago/docs/ihttf/ihttf-findings.pdf> pgs. 37-38

⁵⁴ Ibid. p. 38

⁵⁵ Id.

⁵⁶ Id.

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trafficking in individual client records, but there are no specific designations for this information within their regular client information systems.”⁵⁷

There are similar challenges associated with victim service providers data collection processes. “While some providers collect information on both current human trafficking victims and potential victims, others that service victims with sensitive legal issues (e.g. immigration) or are connected with government entities, face restrictions on collecting information that will be shared outside the particular provider.”⁵⁸

On the federal level in Massachusetts, “data on human trafficking is collected by the Federal Bureau of Investigation, Department of Homeland Security, and the U.S. Attorney’s Office. There is one major caveat—the data collected is not routinely shared across federal agencies and is not shared with state and local enforcement except in specific situations.”⁵⁹

As a result of the mismatch between data collection and sharing, the lack of transparency between law enforcement, state and federal agencies, and victim service providers, is concerning. Data collection is also affected by the lack of agreement regarding the definition of human trafficking and more specifically, labor trafficking. Labor trafficking is not discussed or even studied as much as sex trafficking, but it needs to be considered a priority to address. Consequently, data collection processes and information sharing need to be examined.

The Labor Trafficking Sub-Committee recognizes the need for effective data collection and information sharing so that resources can be allocated in the most efficient and consequential ways. Below is a list of recommendations:

- ***Establish, as recommended by the Massachusetts Interagency Human Trafficking Policy Task Force for human trafficking in general, a definition of labor trafficking for data collection purposes not replacing the legal definition.*** This will help guide agencies and providers that work with labor trafficking victims to effectively collect labor trafficking data and ultimately share this data. (See Appendix C)
- ***Draft model protocols and screening tools to guide the victim identification process.*** Utilize the Polaris Project’s *Comprehensive Human Trafficking Assessment* document and tailor as needed for Massachusetts to create screening tools for various agencies and providers. (See Appendix D)
- ***Map the state to identify where labor trafficking is more likely to be occurring.*** A mapping project would take into account industries, major employers, geography, and population demographics which are known to be elements where labor trafficking is likely to occur. This project could be done in partnership with one of the area’s many institutions of higher learning. Students, under the direction of a recognized expert researcher(s), could review the major employers and industries in each region across the state and ask the following questions regarding each region: What are the vulnerabilities that exist? What types of low wage jobs exist? How many exist? How many of these workers hold visas? How many are likely to hold visas? Utilization of our renowned colleges and universities to assist the Commonwealth in identification of areas more at risk for labor trafficking would be highly beneficial to the state getting a deeper understanding of where and how resources should be funneled.

⁵⁷ Id.

⁵⁸ Id.

⁵⁹ Id.

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- **Establish a system or protocol for keeping track of referrals.** Any organization or entity which refers suspected labor trafficking activity to law enforcement or the NHTRC should put a policy in place that tracks the specifics of those referrals so that a better baseline of data can begin to be established for Massachusetts. A database that tracks labor trafficking cases should be created and housed in a specific state agency and data info-sharing with Memoranda of Understanding (MOU) between agencies should be developed and formalized.
- **Amend the Office of the Attorney General's Wage Violation Complaint form** to include boxes for complainants to check such as: a) Were you free to leave your job? b) Did you live at your employer's home? c) Did your employer take your passport or documents? d) Were you given a written contract that was not followed? e) Did your employer promise you immigration status or documents? f) Has your employer taken your passport or visa, threatened to contact immigration authorities, or threatened your family in Massachusetts or abroad? g) Did you/are you working to pay off a debt or to pay for your travel to the United States? h) Did you ever have a day off from work? i) What agency or person recruited you for your employment? These additional questions could help the Attorney General's Office to begin to screen cases and filter for trafficking. Many non-profit organizations use these questions on an intake form for their own intake/interview procedures.
- **Develop a joint task force or policy with the federal government to share visa-holder information regarding Massachusetts visa holders.** Sharing this information could assist Massachusetts in determining how many visa holders are in the state and at work. This cooperation could evolve into a program to ensure safety of those workers and would help to facilitate the registration of employers as well.

Education and Training

At the present time, law enforcement, first responders, medical personnel, social service providers, schools, parents, teachers, community, and faith based organizations, as well as consumers do not share a similar view of what labor trafficking is, how to recognize its signs, and what actions to take if red flags present themselves. A consistent message about labor trafficking is not in place across the Commonwealth, and it is essential that key concepts are delivered to various audiences depending upon how they may come face-to-face with a labor trafficking situation.

Although there have been major changes in the last decade with regard to training and awareness of human trafficking, labor trafficking, specifically, is not discussed or examined nearly as much as sex trafficking. A 2013 National Institute of Justice article entitled, *The Prevalence of Labor Trafficking in the United States*, commented, "...researchers found that police and prosecutors were commonly unfamiliar with labor laws and regulations and lacked the infrastructure to identify instances of labor trafficking in various workplace settings. Empirical research follows the same tendency to focus on sex trafficking. In an NIJ-funded bibliography of research literature on human trafficking, researchers found that the majority of articles addressed sex trafficking. Indeed, out of 39 articles, only four dealt with trafficking for labor exploitation or domestic servitude."⁶⁰

⁶⁰ National Institute of Justice, NIJ Journal no. 271, "The Prevalence of Labor Trafficking in the United States," February, 2013. <http://www.nij.gov/journals/271/Pages/anti-human-trafficking-us.aspx>. Primary source Goździak, Elżbieta M., and Micah N. Bump, "Data and Research on Human Trafficking: Bibliography of Research-Based Literature" (pdf, 59 pages), Final report to the National Institute of Justice, grant number 2007-VT-BX-K002, October 2008, NCJ 224392, p. 7.

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It is essential that education and training become a multi-agency state effort to combat forced labor. Currently, “there are no human trafficking requirements for schools, law enforcement, first responders, or medical providers, and there is no systematic training plan for these entities.”⁶¹ Any training that is acquired through these agencies is “offered as a result of grant funding or specific requests.”⁶² Schools, parents, students, law enforcement, first responders, medical and healthcare providers, and community and faith based organizations as well as the general public must be given the necessary education and training, as appropriate, regarding labor trafficking. Many training resources exist, which could be tailored to Massachusetts with relative ease. Federal agency trainings from the Department of Homeland Security’s Blue Campaign as well as trainings from the Polaris Project are readily available.

The Labor Trafficking Sub-Committee recognizes the need for greater education and training aimed at both professionals who may encounter victims in their line of work, as well as the general public. The training must educate the audience on recognizing the signs of a forced labor situation and what to do once it is suspected. Below is a list of recommendations:

- ***Devise a state-specific list of trainings and trainers that can be offered.*** Much exists already in the way of existing trainings and trainers; more is being developed on a continual basis. A one-stop shop of training resources should be developed, where resources are catalogued and which clearly identify their intended audiences (i.e. law enforcement, health care providers, schools, general public, etc.). This information should reside on a dedicated webpage under the Office of the Attorney General’s existing Human Trafficking Initiative page.
- ***Mandate labor trafficking awareness and response training where professionals may interact with victims.*** The sub-committee recommends the following for each group:
 - School personnel at all levels can be keys to uncovering labor trafficking due to their daily interactions with students. Many times, students begin to feel comfortable with their superiors in the school setting and share personal stories of their current situations at home or work. School personnel need to be prepared to react appropriately if signs of labor trafficking exist, and need to understand the steps to take to ensure safety for the student and his/her family members. It is also recommended that students and parents are provided educational resource materials to understand the warning signs of labor trafficking victimization. Schools could distribute a pamphlet about labor trafficking in their yearly “Welcome Back” materials distributed each year.
 - All state employees in Massachusetts should receive awareness training. Similar to other mandatory trainings, labor trafficking awareness and education should be implemented throughout the state for existing employees and new hires as part of job orientations. A majority of state employees interact with the public in some capacity on a daily basis and it would be beneficial for them to have guidelines to follow in the event warning signs of victimization are evident.
 - Investigators, inspectors, compliance officers, and various enforcement personnel for a variety of state and local regulations also play a key role in identifying victims of forced labor. Wage and hour law inspectors and local health inspectors, for example, are in and out of workplaces daily. The U.S. Department of Labor mandates training for its wage and hour investigators and is currently in the process of updating their training program. Cohesive

⁶¹ MA Interagency Human Trafficking Policy Task Force Findings and Recommendations (August 2013) <http://www.mass.gov/ago/docs/ihttf/ihttf-findings.pdf> p. 45

⁶² Id.

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and centralized trainings for state and local investigators should be developed and required by the applicable agency.

- Individuals that work for economic development-related organizations such as chambers of commerce and workforce investment boards should receive training. An information and awareness-based webinar should be created by the state, and subsequently viewed during a board meeting or as part of the orientation process.
- State and local law enforcement personnel should receive awareness and action training. There may be areas where there is a lack of awareness of the most recent trafficking statute and how best to approach labor trafficking cases. In addition, law enforcement does not have a shared understanding of what the Human Trafficking Victim Trust Fund is and its benefits to survivors of labor trafficking.⁶³ At the federal level, the Federal Law Enforcement Training Center, "...has developed a free interactive computer-based training system for federal, state, and local law enforcement officers. The training has been certified by Peace Officers Standard and Training in eight states and has the potential to reach 200,000 law enforcement officers annually."⁶⁴ Massachusetts law enforcement could utilize this service and build upon the training to tailor it to Massachusetts-specific details and needs.

Labor trafficking education and training should be built into existing law enforcement training. These trainings should be mandated not only at the beginning of service, but throughout the careers of law enforcement personnel so that they receive the most up-to-date information about the law and the best practices that should be implemented upon case exposure. Law enforcement could partner with victim services organizations to perform yearly trainings about new statistics and to identify hotspot locations where labor trafficking exists and where perpetrators can be found. In general, the Labor Trafficking Sub-Committee advocates for in-person training performed by local experts in the community where feasible.

Labor trafficking victims who may not have legal status in the United States are at extreme risk of being trafficked. Law enforcement needs to know the immigration benefits to which labor trafficking victims may have access. If law enforcement knows of these benefits, it may encourage victims to come forward about their victimization. As previously mentioned, the three types of immigration benefits available are: T visa, U visa, and CP. A T visa is used for human trafficking victims that grants access for victims to remain and work in the United States for four years. A U visa allows victims of a variety of crimes, including human trafficking, to also remain and work in the United States for four years. Finally, CP is a temporary status in the United States, granting human trafficking victims the right to stay in the United States during an investigation and the right to work in the United States for one year. Victims of labor trafficking with temporary immigration status have the possibility of renewing their status on a case-by-case basis.⁶⁵

- Awareness needs to be expanded for medical, healthcare, and social service providers so they can identify and treat victims of labor trafficking. It is highly likely these professionals come

⁶³ MA Interagency Human Trafficking Policy Task Force Findings and Recommendations (August 2013) <http://www.mass.gov/ago/docs/ihttf/ihttf-findings.pdf> p. 49

⁶⁴ Department of Homeland Security, Blue Campaign <http://www.ice.gov/news/library/factsheets/hst-blue-campaign.htm>

⁶⁵ U.S. Citizenship and Immigration Services' tools for law enforcement <http://www.uscis.gov/tools/resources/information-law-enforcement-agencies-and-judges>

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into contact with victims. Social service providers that should receive training and education include: state government agencies such as Department of Children and Families, Youth Services, Mental Health; health care and medical providers such as hospitals, urgent care treatment centers, community health centers, mobile clinics, and first-responders. For example, the SOAR to Health and Wellness Training Pilot program is an initiative that was launched in September 2013 through the US Department of Health and Human Services Administration for Children and Families to “help health care providers *Stop, Observe, Ask, and Respond* to human trafficking.”⁶⁶ In fact, Massachusetts General Hospital is part of a handful of hospitals nationwide participating in this pilot training program which began in September 2014.

- Community and faith-based organizations play key roles in identifying victims of trafficking. After meeting and speaking with experts in the field of human trafficking, it was recognized that many victims are provided the opportunity by their employer to attend faith-based services. Over time, members of an organization may recognize the fact that someone is never seen out in the community other than at a weekly service or gathering. If organizations are provided with awareness and resources, they may be able to expose a victim of enslavement and get that information into the hands of law enforcement who can take action.
- Postal and delivery workers, transportation workers, toll workers, and airport personnel should also receive awareness training and know what to do if they suspect a trafficking situation.
- ***Use appropriate language for trainings and educational efforts.*** Language used in trainings regarding labor trafficking should be consistent, reflect realities of survivors, and should not sensationalize, minimize the issue, or criminalize the survivors by using terminology such as “illegal” to describe someone who is undocumented.⁶⁷

Public Awareness

A pragmatic public awareness campaign concerning the reality of labor trafficking in Massachusetts includes informing the general public of what labor trafficking is; acknowledging its existence and any indicators of prevalence within the Commonwealth; how to recognize suspicious indicators; and how to make a report. A common misconception is that labor trafficking exists outside of one’s own city or town, while in reality it is more ubiquitous than one may assume. By increasing awareness and education of labor trafficking among the general public, consumers, employers, and persons coming into U.S. on visas, cases may get recognized more easily and demand may be reduced because supply would not be as readily available.

Currently at the federal level, the U.S. Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE) and the U.S. Department of Health and Human Services through the Office for Refugee Resettlement and Administration for Children and Families are responsible for human trafficking public awareness campaigns and education. In June 2013, the Department of Homeland Security launched the Blue Campaign to create a cohesive approach to combatting human trafficking that “strives to protect the

⁶⁶U.S. Department of Health and Human Services and Administration for Children and Families SOAR to Health and Wellness Training <http://www.acf.hhs.gov/programs/endtrafficking/initiatives/soar>

⁶⁷ MA Interagency Human Trafficking Policy Task Force Findings and Recommendations (August 2013) <http://www.mass.gov/ago/docs/ihttf/ihttf-findings.pdf> p. 46

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basic rights of freedom and to bring those who exploit human lives to justice.”⁶⁸ The Blue Campaign’s outreach initiatives include materials produced by ICE such as wallet-size indicator cards and brochures for law enforcement regarding CP and temporary immigration status eligibility guidelines. Other materials include educational pamphlets designed for specific target audiences such as community and faith-based groups, law enforcement, and members of the judicial system.⁶⁹ The Administration for Children and Families has a website dedicated to raising awareness and linking to resources including victim services.⁷⁰ Washington State has formed the Washington Anti-Trafficking Response Network (WARN) which has developed materials raising labor trafficking awareness in its own state.⁷¹ As with education and training, there appears to be a plethora of public awareness materials which have already been developed and can be put into use here in the Commonwealth.

The Labor Trafficking Sub-Committee recognizes the need for greater public awareness of labor trafficking. Reports from the public about suspicious activity are critical to locating forced labor activities. Efforts should be made to educate the public about looking at situations with a clear lens and how to report suspect activities. Below is a list of recommendations:

- ***Mandate, as California, Hawaii, New Mexico, Texas, Virginia, and Washington have done, posting of information about human trafficking at certain businesses and public areas.*** Six states have each enacted laws requiring that notice is posted stating the illegal nature of forced labor or services and where to report suspect activities or reach out for help. Some of the locations which the laws cover are: highway rest stop areas, bus terminals, adult entertainment establishments, businesses which have liquor licenses, and emergency rooms.
- ***Require all employment, placement, and staffing agencies that place au pairs, domestic workers, farm workers, and other industries at risk of labor trafficking to provide to the worker a list of trafficking signs and contact information for assistance.*** The state could develop this document and through legislative mandate, require that it be given in hand to workers.
- ***Raise awareness at major transportation hubs in Massachusetts such as Logan International Airport as well as all other airports, bus depots, subways, and boat docks.*** Government agencies and non-profit organizations could partner with MassPort, all of the state’s airports, and the MBTA, to have them run public announcements at kiosks, food and beverage stations, restrooms, and other spaces within the transit stations to raise awareness about trafficking—how to recognize it, report it, or ask for help. Public service announcements on televisions located at gates throughout Logan Airport could be broadcast as well.
- ***Produce general awareness videos modeled after the Department of Homeland Security general awareness videos for all local access cable television stations in Massachusetts communities to broadcast.***⁷² Awareness videos should be accompanied by a letter and/or statement from the Attorney General describing the importance of raising awareness of this issue.

⁶⁸ Department of Homeland Security, Blue Campaign. <https://www.dhs.gov/blue-campaign/what-is-blue-campaign>

⁶⁹ Department of Homeland Security, Blue Campaign. End Human Trafficking webpage. <http://www.dhs.gov/end-human-trafficking>. A link to resources: <http://www.dhs.gov/blue-campaign/share-resources> and awareness training: <http://www.dhs.gov/awareness-training>

⁷⁰ End Trafficking webpage. An initiative of the Administration for Children and Families. <http://www.acf.hhs.gov/programs/endtrafficking>

⁷¹ Washington Anti-Trafficking Response Network webpage: <http://www.warn-trafficking.org/>

⁷² Suggested videos: http://www.ice.gov/news/galleries/videos/ht_psa_full.htm
<https://www.dhs.gov/blog/2013/01/11/hidden-plain-sight>

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- **Engage multiple ethnic media outlets in Massachusetts by running newspaper and radio advertisements aimed at potential victims of forced labor.** U.S. Immigration and Customs Enforcement (ICE) deployed a newspaper campaign that appeared in foreign language and ethnic newspapers in twenty-five cities with a Homeland Security Investigations presence. Languages included: Spanish, Korean, Chinese, and Thai. The advertisement also appeared in many English language newspapers that targeted Haitian, Indian, Filipino, and Asian-Pacific Islander communities. In total, the human trafficking advertisement ran in sixty-four different newspapers, reaching more than 2.7 million people per issue.⁷³ Such a campaign could be modeled in Massachusetts by focusing on at-risk target segments.
- **Develop and maintain a web portal for online resources.** State government or a non-profit should maintain a web portal for online resources where the public can easily access information regarding labor trafficking and where help can be found if victimization occurs. The committee believes that more information made available to the public will yield increased awareness and exposure to this easily camouflaged crime.
- **Identify a state agency to lead the public awareness campaign.** As a dual effort, the Office of the Attorney General and the Department of Labor Standards could take the lead on coordinating the public awareness campaign for the state.
- **Create a “Welcome to Massachusetts - Know your Rights” card in multiple languages that visa-holders arriving in Massachusetts would be given.** The card would have basic information about trafficking and how to obtain help. If the identities of certain newly granted visa-holders could be made known to state government or non-governmental organizations partnered in a joint effort, the information could be mailed to those persons prior to their arrival in state. The state could also coordinate this information with local consulates so that they have these awareness materials.

Implementation Plan

In order to effectuate the implementation of any recommendations, the Labor Trafficking Sub-Committee recommends the following plan for implementation:

- **Create implementation teams** for each subject area that focus on the particular aspects of labor trafficking within this report. Current members of the Labor Trafficking Sub-Committee and other subject matter experts should be invited to participate in the implementation teams as appropriate. Geographic diversity and representation should be considered when naming team members. The teams should be charged with evaluating and prioritizing recommendations based on identifying existing and needed resources; where needed resources could be sought; identifying required partners, and next steps.

Victim Services Implementation Team members should include:

- Victim service providers with experience in labor trafficking
- Massachusetts Office for Victim Assistance
- Members of law enforcement
- Joint Task Force on the Underground Economy/Council on the Underground Economy

⁷³ U.S. Immigration and Customs Enforcement’s (ICE) Blue Campaign (2013)
<http://www.ice.gov/news/library/factsheets/hst-blue-campaign.htm>

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- Office of the Attorney General
- Executive Office of Health and Human Services

Demand Reduction Implementation Team members should include:

- Executive Office of Public Safety
- Purchasing officials
- Representative of economic development/employer organizations
- Members of law enforcement
- Office of the Attorney General

Data Collection and Information Sharing Implementation Team members should include:

- Members of academia
- Members of law enforcement
- Executive Office of Public Safety
- Division of Professional Licensure
- Office of the Attorney General
- Joint Task Force on the Underground Economy/Council on the Underground Economy

Education and Training Implementation Team members should include:

- Victim service providers
- Members of law enforcement
- Department of Public Health
- Joint Task Force on the Underground Economy/Council on the Underground Economy
- Department of Labor Standards

Public Awareness Implementation Team members should include:

- Office for Refugees & Immigrants
- Department of Public Health
- Massachusetts Immigration and Refugee Advocacy Coalition
- Representatives of various media sources including ethnic media outlets
- Department of Labor Standards
- Office of the Attorney General

- ***Create a standing labor trafficking task force comprised of stakeholders that convenes regularly.*** A dedicated task force is essential in order to collaborate and coordinate efforts aimed at this multi-faceted issue. Labor trafficking does not neatly reside within the realm of responsibility of any one agency, provider, department, or organization. The Department of Justice, Office of Justice Programs' Office for Victims of Crime Training and Technical Resource Center has many resources available regarding anti-trafficking efforts such as establishing a task force.⁷⁴

⁷⁴ The Department of Justice, Office of Justice Programs' Office for Victims of Crime Training and Technical Resource Center www.justice.gov/crt/crm; <https://www.ovcttac.gov/views/resources/dspResources.cfm>; <https://www.ovcttac.gov/taskforceguide/>

Appendices

Appendix A: Page 57 of the Massachusetts Interagency Human Trafficking Policy Task Force report of Findings and Recommendations

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LABOR TRAFFICKING

Chapter 178 of the Acts of 2011 directs the task force to:

“(x) submit a report of its findings and recommendations to the clerks of the senate and the house of representatives who shall forward the report to the chairs of the joint committee on the judiciary not later than 18 months after the effective date of this act. The Task Force shall determine if subsequent reports are necessary in order to properly address human trafficking.”

Labor trafficking is a complex issue and, as with human trafficking generally, an often unreported or under-reported occurrence. Given the complexities of the issue, the Task Force recommends convening a separate group to understand more about labor trafficking.

Labor trafficking victims often face cultural, language, and legal barriers that make their identification that much more difficult. While it is true that often these victims are reluctant to come forward because of the additional issues they face, it is also true that as a society they are often invisible to us. Our traditional service models are not currently equipped to identify or address English-speaking, native born victims much less understand the significance that culture and language play in indoctrination and captivity.

To look more closely at the issue of labor trafficking, the Task Force suggests a collaboration among individuals representing public and private entities, including but not limited to the following groups:

- The Secretary of Labor and Workforce Development or the Secretary’s designee;
- The Director of Massachusetts Coalition for Occupational Safety and Health (MassCOSH) or her designee;
- A representative of a nonprofit that addresses labor trafficking from the perspective of the business community appointed by the chair of the Task Force;
- A survivor of labor trafficking appointed by the chair of the Task Force;
- A labor trafficking case worker appointed by the chair of the Task Force;
- The Executive Director of the Massachusetts Office for Victim Assistance or his designee;
- The Director of the Department of Professional Licensure or the his designee;
- A representative of a group dedicated to immigrant and refugee issues appointed by the chair of the Task Force;
- A university researcher with experience in labor trafficking appointed by the chair of the Task Force; and
- The director of the Massachusetts Department of Public Health or his designee.

This group should submit any recommendations to the Director of the Task Force within 18 months of the filing of this report. Any addenda to this report based on the recommendations will be prepared and submitted to the Task Force for consideration as necessary.

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Appendix B: List of Immigrant and Non-Immigrant Visas

List of Nonimmigrant Visas ⁷⁵

Purpose of Travel	Visa Category
Athlete, amateur or professional (competing for prize money only)	B-1
Au Pair (exchange visitor)	J
Australian professional specialty	E-3
Border Crossing Card: Mexico	BCC
Business visitor	B-1
CNMI-only transitional worker	CW-1
Crewmember	D
Diplomat or foreign government official	A
Domestic employee or nanny-must be accompanying a foreign national employer	B-1
Employee of a designated international organization or NATO	G1-G5, NATO
Exchange visitor	J
Foreign military personnel stationed in the United States	A-2, NATO1-6
Foreign national with extraordinary ability in Sciences, Arts, Education, Business or Athletics	O
Free Trade Agreement (FTA) Professional: Chile, Singapore	H-1B1- Chile, H-1B1-Singapore
International cultural exchange visitor	Q
Intra-company transferee	L
Medical treatment, visitor for	B-2
Media, journalist	I
NAFTA professional worker: Mexico, Canada	TN/TD
Performing athlete, artist, entertainer	P
Physician	J, H-1B
Professor, scholar, teacher (exchange visitor)	J
Religious worker	R
Specialty occupations in fields requiring highly specialized knowledge	H-1B
Student: academic, vocational	F, M
Temporary agricultural worker	H-2A
Temporary worker performing other services or labor of a temporary or seasonal nature	H-2B
Tourism, vacation, pleasure visitor	B-2
Training in a program not primarily for employment	H-3
Treaty trader/treaty investor	E
Transiting the United States	C
Victim of Criminal Activity	U
Victim of Human Trafficking	T

Nonimmigrant (V) Visa for Spouse and Children of a Lawful Permanent Resident (LPR)	V
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List of Immigrant Visas

Immediate Relative & Family Sponsored	Visa Category
Spouse of a U.S. Citizen	IR1, CR1
Spouse of a U.S. Citizen awaiting approval of an I-130 immigrant petition	K-3
Fiancé(e) to marry U.S. Citizen & live in U.S.	K-1
Intercountry Adoption of Orphan Children by U.S. Citizens	IR3, IH3, IR4, IH4
Certain Family Members of U.S. Citizens	IR2, CR2, IR5, F1, F3, F4
Certain Family Members of Lawful Permanent Residents	F2A, F2B
Employer Sponsored- Employment	
Employment-Based Immigrants, including (preference group) : <ul style="list-style-type: none"> • Priority workers [First] • Professionals Holding Advanced Degrees and Persons of Exceptional Ability [Second] • Professionals and Other Workers [Third] • Certain Special Immigrants [Fourth] • Employment Creation/Investors [Fifth] 	E1 E2 E3, EW3 S C5, T5, R5, I5
Religious Workers	SD, SR
Iraqi and Afghan Translators/Interpreters	SI
Iraqis Who Worked for/on Behalf of the U.S. Government	SQ
Afghans Who Worked for/on Behalf of the U.S. Government	SQ
Other Immigrants	
Diversity Immigrant Visa	DV
Returning Resident	SB

⁷⁵ U.S. Department of State U.S. Visas <http://travel.state.gov/content/visas/english/general/all-visa-categories.html>

Appendix C: Draft Definitions of Human Trafficking

APPENDIX G: DRAFT DEFINITIONS OF HUMAN TRAFFICKING

The Data collection and information sharing subcommittee believes that a simple definition of human trafficking according to the Massachusetts statute is needed for data collection purposes. There is some concern that without a simple definition, law enforcement and service providers will default to the federal definition which has a higher burden. The definition of human trafficking should guide the identification of minor and adult, U.S. citizen and foreign national and sex trafficking and labor trafficking victims. The definition should also be used in making decisions about what people or incidents to report into a human trafficking information sharing/data collection systems.

The subcommittee has not developed a definition but did identify some considerations in drafting such a definition. These include the fact that:

- agencies have different needs and worldviews about trafficking,
- trafficking is at the intersection of other criminal elements and as a result trafficking crimes or victims may be classified under other crime types,
- some elements of trafficking may be subjective,
- the scope and characterization of human trafficking victimization varies,
- the Massachusetts law defines aspects of human trafficking in multiple different sections (e.g. sexual exploitation of children, trafficking for sexual servitude, trafficking for forced labor).

The group agreed that a simple and uniform definition of human trafficking may not be necessary for screening. Practitioners should use screening questions to make an initial decision that someone is a potential victim of human trafficking. A definition of human trafficking would be critical to guide entry and use of information about human trafficking incidents, victims and/or suspects in any human trafficking data collection and information sharing system.

The following elements from the definitions specified in H3808 may be useful in the development of a simple and uniform definition of human trafficking.

“Sexually exploited child” or a “child who is otherwise a human trafficking victim” is any person under the age of 18 who has been subjected to sexual exploitation because such person:

- (1) is the victim of the crime of sexual servitude pursuant to section 50 of chapter 265 or is the victim of the crime of sex trafficking as defined in 22 United States Code 7105;
- (2) engages, agrees to engage or offers to engage in sexual conduct with another person in return for a fee, in violation of subsection (a) of section 53A of chapter 272, or in exchange for food, shelter, clothing, education or care;
- (3) is a victim of the crime, whether or not prosecuted, of inducing a minor into prostitution under by section 4A of chapter 272; or
- (4) engages in common night walking or common streetwalking under section 53 of chapter 272.

Trafficking of persons for sexual servitude (Section 50a): “Whoever knowingly: (i) subjects, or attempts to subject, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography in violation of chapter 272, or causes a person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful

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pornography in violation of said chapter 272; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause”

Sex trafficking of a minor (50b): Whoever knowingly entices a child under the age of 18 years, to engage in prostitution” The term ”entice” shall mean to lure, induce, persuade, tempt, incite, solicit, coax or invite.” Enticement can be in-person or by electronic communication.

Trafficking for forced services (section 51a): “Whoever knowingly: (i) subjects, or attempts to subject, another person to forced services, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that such person will be subjected to forced services; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause.”

Organ trafficking: “Whoever: (i) recruits, entices, harbors, transports, delivers or obtains by any means, another person, intending or knowing that an organ, tissue or other body part of such person will be removed for sale, against such person’s will; or (ii) knowingly receives anything of value, directly or indirectly as a result of a violation of clause.”

Other relevant terms:

“Commercial sexual activity”, any sexual act on account of which anything of value is given, promised to or received by any person.

“Financial harm”, a detrimental position in relation to wealth, property or other monetary benefits that occurs as a result of another person’s illegal act including, but not limited to, extortion under by section 25, a violation of section 49 of chapter 271 or illegal employment contracts.

“Forced services”, services performed or provided by a person that are obtained or maintained by another person who: (i) causes or threatens to cause serious harm to any person; (ii) physically restrains or threatens to physically restrain another person; (iii) abuses or threatens to abuse the law or legal process; (iv) knowingly destroys, conceals, removes, confiscates or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; (v) engages in extortion under section 25; or (vi) causes or threatens to cause financial harm to any person.

“Services”, acts performed by a person under the supervision of or for the benefit of another including, but not limited to, commercial sexual activity and sexually-explicit performances.

“Sexually-explicit performance”, an unlawful live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

Appendix D: Draft Screening Questions

The following draft screening questions is a tool that the Labor Trafficking Task Force recommends be considered for use by law enforcement, first responders, medical practitioners, schools, victim services, community organizations, and faith based organizations to identify victims of labor trafficking. These questions were taken from the Massachusetts Interagency Human Trafficking Policy Task Force report of Findings and Recommendations (Appendix D, page 69). The Task Force recommends that the implementation teams review and agree upon a set of questions to then be implemented into protocols and education and awareness presentations for various audiences and organizations in order to solidify a cohesive victim identification plan to be used within the Commonwealth.

The Task Force recommends that the following questions be altered slightly for minors and adults and used to help guide the screening conversation:

Guiding Questions for Minors:

1. How old are you?
2. Are you in school?
 - a. If so, where do you go to school?
 - b. Do you participate in any after-school activities?
 - c. Do you go home after school?
 - d. Do you go home alone?
 - e. How do you get home? Walk, Bike, Car, Bus, Train, Boat or something else?
3. Where do you live?
 - a. Who else lives there?
 - b. Can you come and go as you please?
 - c. Have you ever tried to leave and were not allowed to?
 - d. Do you feel safe there?
4. Who would you contact in the case of an emergency?
5. Do you work?
 - a. If so, where?
 - b. Do you get paid?
 - c. How do you get paid?
 - d. How much do you get paid?
 - e. How often are you paid?
 - f. How did you find your job?
6. Has anyone ever tried to hurt you?
7. How are you feeling?
 - a. Do you need medical assistance?
 - b. Are you lonely?
 - c. Do you get to see your friends?

Guiding Questions for Adults:

1. How old are you?
2. Where do you live?
 - a. Who else lives there?
 - b. Can you come and go as you please?
 - c. Have you ever tried to leave and were not allowed to?
 - d. Do you feel safe there?
3. Do you work?
 - a. If so where?
 - b. Do you get paid?
 - c. How do you get paid?
 - d. How much do you get paid?
 - e. How often are you paid?
 - f. How did you find your job?
 - g. Do you owe anyone money because they helped find you find your job?
 - h. Have you ever been told you cannot leave your job, even if you wanted to?
4. Has anyone ever tried or threatened to hurt you?
 - a. Have you ever been physically harmed?
 - b. Has anyone threatened your family's safety?
5. Who has possession of your identification and/or travel documents?
 - a. Has anyone ever threatened to call immigration authorities or the police?
6. How are you feeling?
 - a. Do you need medical assistance?
 - b. Do you feel safe?