Zero Tolerance Policy for Human Trafficking and Related Activities

For Executive Branch Agencies

Issued by the Human Resources Division

Commonwealth of Massachusetts

4/17/18

1. INTRODUCTION

Executive Order 568 establishes a zero tolerance policy for Human Trafficking and Related Activities. The Executive Order applies to all state agencies subject to the Governor’s control. The Human Resources Division (HRD) has been charged with issuing a policy that will apply to all full-time or part-time employees employed by agencies subject to the Executive Order.

II. DEFINITIONS

1. Related Prohibited Activities:

* Soliciting or procuring commercial sex, as defined by M.G.L. c. 265, § 49, regardless of whether such conduct is during work hours and regardless of whether such conduct occurs within Massachusetts
* Viewing/searching online advertisements for commercial sex, either during work hours or using state resources (including computers, cell phones and tablets)
* Visiting any venue that provides erotic and / or sexually explicit entertainment during work hours or while traveling for work purposes
* Paying for sexual activity in violation of M.G.L. c. 272, § 53A(b), either within or outside the workplace

1. Human Trafficking includes:
2. Labor trafficking**,** including the recruitment, enticement, harboring, transportation, provision, or obtaining by any means of a person for labor or services through the use of force, fraud, or coercion, or for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Examples include but are not limited to:

* Forced labor, domestic servitude or debt bondage in workplaces such as restaurants, bars, nail salons and factories
* Domestic workers employed to provide housekeeping or childcare services who are paid low or no wages under the threat of deportation
* Women lured to the United States and/or into or within Massachusetts by promises to marry who are then coerced to work

1. Sex trafficking, including the recruitment, enticement, harboring, transportation, provision, or obtaining by any means of a person to engage in a commercial sexual act.

Examples include but are not limited to:

* Individuals lured into this country and/or into or within Massachusetts with false promises of legitimate work, only to be forced into the sex industry
* Runaways or homeless individuals forced to trade sex for a place to sleep
* Individuals baited into prostitution by a person of trust

1. Sex trafficking of a minor, including the recruitment, enticement, harboring, transportation, provision, or obtaining by any means of a child under the age of 18 to engage in a commercial sexual act.

* Any minor under the age of 18 who is induced to perform commercial sex acts is a victim of human trafficking, regardless of whether he or she is forced or coerced.

III. General provisions

The Commonwealth has a zero tolerance policy for Human Trafficking and Related Activities in and outside of the workplace. Employees shall refrain from engaging in, promoting or otherwise benefitting from Human Trafficking and Related Activities. In addition, employees are prohibited from utilizing any state resources in furtherance of Human Trafficking and Related Activities. For purposes of this policy, the term “Human Trafficking and Related Activities” shall mean any activity prohibited by M.G.L. c. 265, §§ 50-51, or any related state or federal law.

IV. Procedures or instructions

* All agencies shall immediately investigate any allegation of an employee’s engagement in, promotion or benefit from Human Trafficking and Related Activities.
* Agencies must follow existing provisions in collective bargaining agreements when disciplining individuals found to have engaged in conduct in violation of this policy.
* Agencies are encouraged to consult with appropriate legal staff and human resource/labor relations directors for guidance in these matters.
* Employees who violate this policy by utilizing work resources, including work time or facilities, to engage in Human Trafficking and Related Activities may be disciplined up to and including termination.
* In addition, upon a judicial finding of probable cause that an employee has committed a criminal act constituting Human Trafficking and Related Activities as defined in this policy, and subject to any applicable provisions of collective bargaining agreements, an employee may be disciplined up to and including termination, regardless of whether such criminal act occurred in or near the workplace.
* A judicial finding of probable cause may include a determination by an appropriate judicial officer or an indictment.
* As with all other such actions, disciplinary actions taken against those who engage in Human Trafficking and Related Activities will become part of their work history and will be considered when selecting employees for promotion, new work assignments and other types of personnel actions.

V. Roles and responsibilities

HRD**:**

* Issue and keep current a statewide policy addressing Human Trafficking and Related Activities
* Assist agency personnel in understanding how to effectively implement the statewide Zero Tolerance Policy for Human Trafficking and Related Activities

Agencies:

* Ensure that the Zero Tolerance Policy for Human Trafficking and Related Activities is adopted and implemented
* Review existing personnel policies and procedures and revise them as necessary to ensure they are consistent with this policy
* Ensure that each employee receives:
* A copy of this policy and Executive Order No. 568
* Notification of any changes to the policy as soon as administratively possible
* Strongly encourage employees to report behavior occurring in the workplace which they believe to constitute Human Trafficking and Related Activities
* Determine the nature of disciplinary action to be taken against employees who engage in or benefit from Human Trafficking and Related Activities.

Employees:

* Ensure that they do not participate in any form of Human Trafficking and Related Activities either within or outside the workplace
* Cooperate in the investigation of alleged Human Trafficking and Related Activities by providing information they possess concerning such matters
* Wherever practicable, report behavior in the workplace which they believe to be Human Trafficking and Related Activities to their supervisor, or to the police when appropriate

VI. RELATED POLICIES OR RESOURCES

Executive Order 568

22 U.S.C. § 7102

Chapter 178 of the Acts of 2011

Massachusetts Interagency Human Trafficking Policy Task Force Finding and Recommendations, August 19, 2013

VII.Document History

| **Date Issued** | **Action** | **Effective Date**  ***(Version Change)*** | **Next Review Date** |
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