



Establishing a Strong Worker Rights Framework

A Supplementary Brief to *A Presidential Agenda for Ending Modern Slavery and Human Trafficking* | 2021-2024

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About the Alliance to End Slavery and Trafficking (ATEST)

The Alliance to End Slavery and Trafficking (ATEST) is a U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and forced labor around the world. We promote lasting solutions to prevent forced labor and sex trafficking, hold perpetrators accountable, ensure justice for victims and empower survivors with tools for recovery. Our collective experience implementing programs at home and abroad gives us an unparalleled breadth and depth of expertise.

As ATEST, we are social workers, counselors, lawyers, doctors, workers' rights activists, children and youth advocates, researchers, immigrant rights protectors, human rights defenders and others. We believe in a holistic, comprehensive approach to anti-trafficking work, striving to address the needs and vulnerabilities of communities particularly at risk, including immigrants, migrant workers and refugees, LGBTQ+, children, runaway and homeless youth, communities of color, and ethnic and religious minorities. We are committed to focusing on racial and gender equity throughout our work. We promote victims' rights and access to justice and remedy, and the decriminalization of coerced and forced conduct. We insist on the separation of labor law and immigration enforcement. We take a victim-centered, trauma-informed, and worker-experience approach and center our work in a human, civil, and worker rights framework. We advocate for inclusion of survivor voices in the shaping of anti-trafficking policies and programs. We believe in consensus building, collaboration, and partnerships to support bi-partisan solutions that address the root causes of trafficking and the vulnerabilities of the populations for whom we advocate. We promote inclusive growth and sustainable development in our anti-trafficking programming and advocacy, focused on concrete actions, long-term solutions, and measurable impact.

Since its inception, ATEST has focused equally on both labor and sex trafficking. In recent years, we have witnessed back sliding and misinformation about the scope and extent of human trafficking, with the much less attention given to forced labor, and false information about the scope and underlying root causes of trafficking for sexual exploitation. We urge the new administration to engage in an awareness raising information campaign and implement meaningful policies to dispel the harm caused by this unbalanced and unsubstantiated approach.

ATEST member organizations include: Coalition to Abolish Slavery & Trafficking (CAST), Coalition of Immokalee Workers (CIW), Free the Slaves, HEAL Trafficking, Human Trafficking Institute, Humanity United Action (HUA), McCain Institute for International Leadership, National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, T'ruah: The Rabbinic Call for Human Rights, United Way Worldwide, Verité and Vital Voices Global Partnership.

INTRODUCTION

“End worker exploitation, end human trafficking.” While this phrase may seem overly simplistic, this sentiment conveys a basic truth—that human trafficking and forced labor have, at their core, violations of worker rights and lack of labor standards. The key to preventing forced labor and other forms of labor trafficking is to reduce vulnerability by providing all workers with basic rights and protections that ensure fair wages, safety, and health. Whether we consider low-wage workers in sectors such as domestic work, food processing or construction; migrant workers toiling on palm oil plantations abroad or agricultural fields in the United States; or other marginalized groups such as women and child laborers, human trafficking is a worker rights issue. Indeed, human trafficking is one of the worst forms of worker abuse.

Economic pressure and protection of worker rights are key to trafficking prevention. We must reject policies and practices that institutionalize harmful economic and business models that increase workers’ vulnerability to human trafficking such as the under-regulation of labor recruiters and unwillingness to hold companies accountable for the actions of their suppliers and contractors. Forced labor and other forms of labor trafficking can only be eliminated by monitoring and enforcing human and labor rights. This means ensuring that all workers, regardless of status, sector or nationality have agency to exercise their basic and fundamental workplace rights such as the freedom of association and right to collective bargaining, and freedom from forced overtime, unsafe working conditions, gender-based violence and harassment in the workplace, nonpayment of wages (wage theft) and discrimination.

It is no coincidence that human trafficking thrives in sectors and industries that employ large numbers of migrant or immigrant workers. Such workers are often systematically excluded from workplace protections, including the freedom of association, right to organize and collectively bargain. Migrant workers, depending on the sector and country, are often explicitly excluded from labor law protections and often face retaliation, detention and deportation for speaking out about workplace violations. Whether documented or undocumented, in a regular migration program or in irregular status, migrant workers have a particular vulnerability to human trafficking because they are often denied the ability to exercise their basic workers’ rights. And workers in sectors with low labor law protections or enforcement are also easy prey for traffickers and unscrupulous employers.

PRIORITY ISSUES

1. Leveraging existing resources through a whole-of-government approach

Addressing the underlying worker rights issues are key to human trafficking prevention. As such, ATEST urges that the Biden-Harris administration take a whole-of-government approach coordinated through a review and update of the National Strategic Action Plan (NSAP), led by the White House. The NSAP must take a comprehensive and holistic approach by ensuring that prevention is a key component. This means ensuring that key agencies like the Department of Labor's International Labor Affairs Bureau (DOL/ILAB) and Wage and Hour Division (DOL/WHd), the U.S. Agency for International Development (USAID), the Department of State's Bureau of Democracy, Human Rights and Labor (DOS/DRL), the Department of Justice (DOJ), the Department of Homeland Security's Customs and Border Protection (DHS/CBP) and Immigration and Customs Enforcement (DHS/ICE), the U.S. Trade Representative (USTR) and others are included in discussion about how to provide greater workers' rights protections for all workers in all sectors, increase enforcement of trade provisions that prohibit forced labor and strengthen labor protections, increase prosecutions for forced labor and support development efforts abroad to expand worker agency for workplace rights.

Recommendations

- The White House should promote interagency cooperation to ensure when trafficking in persons (TIP) issues are discovered, they can be properly handled by the Department of Labor (DOL), when appropriate;
- The Administration should create a Presidential Initiative on Decent Work and Inclusive Growth within the Executive Office of the President that supports a comprehensive whole-of-government approach that prioritizes the creation of quality jobs, worker rights and strong social protections for workers in the formal and informal economies. This Initiative should include a focus on all workers in the United States, including immigrant or migrant workers. As workers' rights protections are critical for trafficking prevention, this Initiative would provide a coherent and comprehensive approach to reducing the prevalence of forced labor and human trafficking in the United States. To lead the Presidential Initiative, ATEST urges the Administration to:
 - Establish a position at the National Security Council (NSC) to coordinate global economic and development policies and programs that advance the objectives of the decent work and inclusive growth agenda to further the goals related to trade and forced labor prevention in supply chains outlined elsewhere in this report; and

- Establish an NSC-led interagency group on corporate accountability that prioritizes effective implementation of international labor standards in business practices;
- The Administration should prioritize ratifying relevant International Labour Organization (ILO) conventions that set clear standards to guide policies and practices that protect workers:
 - C. 138, Minimum Age Convention;ⁱ
 - C. 87, Freedom of Association and Protection of the Right to Organize Convention;ⁱⁱ
 - C. 100, Equal Remuneration Convention;ⁱⁱⁱ
 - C. 111, Discrimination (Employment and Occupation) Convention;^{iv}
 - C. 181, Private Employment Agencies Convention;^v
 - C. 29, Forced Labour Convention;^{vi}
 - C. 105, Abolition of Forced Labour Convention;^{vii} and
 - Protocol of 2014 to the Forced Labour Convention, 1930 and Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203);^{viii}
- The White House should support DOL occupying an equal seat of authority at the table with Law Enforcement Agency (LEA) partners on human trafficking, especially in preventing and combating labor trafficking, given its expertise in engaging workers in complex systems. Additionally, civil remedies often better ensure compensation for victims, satisfy victims' desire for justice and offer a wider range of penalties that can be imposed to prevent businesses and others from engaging in trafficking in the future. Too often, DOL Wage and Hour Division (DOL/WHD) has deferred to agencies like DHS, DOJ and the FBI in anti-trafficking work when it should have equal responsibilities. DOL/WHD should clarify its expertise and commitment to this issue in a memorandum of understanding with DHS, DOJ and FBI where cases are not just referred to DOL if they are declined for criminal prosecution, but both civil and criminal remedies are considered on equal footing. Additionally, the following steps should be taken to support these efforts:
 - DOL should request the \$5 million that was initially authorized under Trafficking Victims Protection Act of 2000 (TVPA) in its fiscal year (FY) 2022 budget to fund anti-trafficking work and prepare to request additional funding in future years;
 - DOL and HHS should lead efforts that DHS has spearheaded under the Blue Campaign for outreach and prevention as both agencies have greater trust from vulnerable communities and expertise in these areas. DHS should also transfer some of the resources it uses for these efforts to HHS and DOL. DOL should make this request of DHS given its expertise in worker outreach; and
 - DOL/WHD should request additional labor inspectors. As our country looks inward at our LEA centered approach to many issues, DOL should

request to be properly staffed and resourced to combat human trafficking and other forms of labor exploitation that will prevent trafficking and should highlight its relevant and needed expertise in this arena.

2. Worker-Centered Standards for Foreign Labor Recruiters

Foreign labor contractors and recruiters facilitate the movement of workers across borders and are increasingly relied on by employers to provide the migrant workforce needed in a range of industries in the United States. Recruiters and contractors may maintain operations abroad that engage in direct recruitment and can also sometimes subcontract with other labor recruiters. While all of these entities can profit substantially from serving as intermediaries, the unscrupulous actors often do so by charging exorbitant fees for their services and forcing workers into debt bondage, falsifying documents and deceiving workers about their terms and conditions of work, all of which increase vulnerability to human trafficking. According to the ILO, global estimates for the costs of coercion are “approximately US\$21 billion, with the total amount of underpaid wages estimated to be US\$19.6 billion, and the remaining US\$1.4 billion attributed to illegal recruitment fees.”^{ix} These recruitment costs can amount to nine months or more of average monthly earnings in some recruitment corridors.

Labor recruitment fees charged to workers are banned under international labor standards and in U.S. law (22 U.S.C. § 7104). And yet, migrant workers in the United States and abroad continue to be charged illegal fees.

The contraction of the global labor market due to the COVID-19 crisis is increasing pressure on migrant workers who are forced to compete for scarce jobs. This makes them more vulnerable to paying high recruitment fees and related costs.

While regulations in the guestworker visa programs, notably H-2A and H-2B, contain elements prohibiting the charging of recruitment fees and other recruitment violations, the enforcement of these provisions is often lax. Enforcement is also severely hampered by the fact that the exploitation occurs in the origin countries, where federal agencies charged with enforcement of these programs have questioned their authority or capacity to regulate recruiters.

Recommendations

- The Administration should therefore:
 - (1) Reevaluate the legal extraterritorial authorities that agencies can claim, as regards cases (even civil cases) that have some potential element of trafficking, pursuant to 18 U.S.C. § 1596, and/or work with Congress to clarify extraterritorial scope in the context of enforcing worker protections, particularly focused on the regulation of foreign labor recruiters;

- (2) Devote additional resources to bolster enforcement of these provisions in origin countries, including the designation of resources from agencies at all levels (federal, state and local) that have a presence abroad, while supporting origin country foreign labor recruiter regulation and oversight;
 - (3) Develop policies and practices to hold all employers accountable for the actions of their recruiters, contractors, and/or subcontractors;
 - (4) Immediately initiate rulemaking to provide needed additional oversight and control of the behavior and practices of foreign labor recruiters, including the creation of administrative remedies and a bond fund for workers;
 - (5) Conduct a review to ensure that recruitment fees are prohibited across all visa categories in the United States, including in nonimmigrant work visa programs and the J-1 visa programs (au pairs, summer work travel, etc.);
 - (6) Support enactment of federal legislation providing stricter regulations, information and protection for workers, and enforcement mechanisms against fraudulent foreign labor recruiters bringing workers to the United States;
 - (7) Implement a policy across U.S. federal agencies that regardless of whether workers paid recruitment fees or reported illegal recruitment practices, they will not be denied visas; and
 - (8) Reaffirm that all U.S. Government agencies are using the ILO definition of recruitment fees and that such fees as defined by the ILO are prohibited in all visa categories in the United States.
- Department of Labor:
 - Require employers to pay all recruitment-related costs across all visa categories and implement policies where the burden is on the employer to proactively document to DOL that any foreign labor recruiter they utilize is not charging workers fees, and ensure that employers are using the ILO definition of recruitment fees;
 - Create a system where workers can easily report if they are charged fees, and access publicly available information on bad actor employers and recruiters;
 - Issue guidance clarifying that the Fair Labor Standards Act (FLSA) requires all recruitment fees across all visa categories (if paid upfront by a worker despite prohibitions on same) to be repaid in the first workweek to the extent necessary to bring wages up to the minimum. These repayments cannot take the form of loans to workers, and DOL should instead incentivize, as permitted by current law, that these repayments be made as an advance upon arrival at employment, rather than wait until the first paycheck;
 - Issue a memo to all Wage and Hour field offices reminding them of the agency's authority to enforce the FLSA with regard to any FLSA-covered

- worker, regardless of visa category, even when there is no specific regulatory authority with respect to specific visa program rules; and
- Require employers to pay a bond to use foreign labor recruiters or contractors, and allow foreign workers to access the bond for violations.
- Department of State:
 - Ensure each diplomatic mission assigns a person responsible for receiving information from workers and processing worker complaints;
 - Relay worker-reported complaints to DOL, DOJ and other relevant agencies;
 - Work with the Department of Labor to create a mechanism to respond to the information shared;
 - Coordinate with countries of origin to provide support to the workers;
 - Maintain a list of foreign labor contractors and employers that is available online and on embassy pages in official languages; and
 - Make publicly available online, on an annual basis, data disclosing the gender, country of origin and state, if available, date of birth, wage, level of training, and occupation category, disaggregated by job and by visa category.

3. Supply Chain Accountability

The United States has taken important steps in recent years to address the potential for trafficking in federal contracts. Unfortunately, much remains to be done. There is little guidance or transparency into how the trafficking-specific Federal Acquisition Regulation (FAR) rules—that went into effect nearly six years ago—are implemented and enforced.

Furthermore, there is now a widespread consensus among anti-trafficking advocates that, given the release of numerous studies demonstrating the inadequacy of corporate self-policing and multi-stakeholder initiatives, the current FAR rules are simply not strong enough to prevent human rights violations in corporate supply chains and must be significantly expanded by rulemaking and, if needed, legislation.

Currently, one of the reporting requirements of the FAR rule has resulted in unintended real-world consequences, including the canceling of audits and reduced willingness by leading companies to find and fix problems in their supply chains. Companies that undertake due diligence are likely to find issues in their supply chains and have to report them to contracting officers and agency Inspectors General, while those who opt not to examine their supply chains, in violation of the rule, are unlikely to face repercussions.

Although the rule allows contracting officers to consider a range of aggravating or extenuating factors in responding to concerns and determining liability, there remains a

lack of clarity about how these factors will be weighted by a large and overburdened workforce across many agencies, and how entities with criminal enforcement authority such as Inspectors General and DOJ will respond to cases when they come to light.

As such, until there is an effective implementation and enforcement, clarity about expectations and a clear understanding among enforcement agencies that the most compliant companies are likely to find the most violations, simply by virtue of looking, a perverse disincentive will remain in place against compliance. Additional resources must be devoted to investigating those who are underreporting the challenges we are certain exist.

In order to establish an effective implementation and enforcement regime, the capacity of the federal procurement workforce must also be significantly expanded. Contracting officers are already overburdened with requirements and lack substantive expertise on labor issues and human trafficking. While important efforts like the www.ResponsibleSourcingTool.org website can help fill some of this gap, a structure that can offer technical support needs to be set in place. We commend various Departments for moving forward with implementation of the trafficking FAR rule by developing internal policies and procedures, but there is a fundamental lack of external transparency on these gains and on what remains to be done. All federal agencies should publicly report on what policies and procedures they have in place to implement the rule, including how often the required clauses have been included in new contracts, how often problems have been identified and how they have been ameliorated.

Recommendations

- White House:
 - Pursuant to FAR Regulations 6.302-1^x and 6.302-7,^{xi} conduct a pilot in new solicitations for hand-harvested tomatoes providing an incentive for producers to certify, prior to award, that their product was produced without forced labor in compliance with the Fair Food Program, which has been proven to effectively eliminate forced labor in U.S. agriculture, where the high risk of forced labor is well-documented. If the outcome of the pilot can show that additional value is provided to the U.S. Government, the program could be expanded into future solicitations for other products for which worker-driven social responsibility programs or union-ratified collective bargaining agreements can be shown to prevent forced labor;
 - Require increased transparency regarding how the regulations have been implemented thus far by requiring agencies to publicly report on what policies and procedures they have in place to implement this rule, how often compliance plans have been included in new contracts, whether or not compliance plans submitted include effectively implemented best practices such as due diligence plans, how often problems have been

identified, including how many incidences have been reported by contractors to Inspectors General, and what standards are being used to remediate any issues;

- Work with Congress to request a Government Accountability Office (GAO) study examining domestic procurement regulations related to human trafficking, including both services and goods procurement;
 - Task the Office of Federal Procurement Policy (OFPP) with issuing new guidance requiring agencies to conduct risk assessments to identify contracts that are providing goods (including commercially available off-the-shelf items, or COTS) from high-risk regions or sectors, using the DOL List of Goods Produced by Child Labor or Forced Labor as a reference, then require those contractors to provide compliance plans including what due diligence they are undertaking to mitigate those risks;^{xii} and
 - Appoint a senior-level Labor Compliance Advisor within key agencies (including but not limited to the Department of Defense (DOD), DOS, DOL and USAID) to promote awareness of the human trafficking-related regulations and train procurement officers in reviewing contracts and compliance plans, while also providing high-level oversight and monitoring.
- Customs and Border Protection (DHS/CBP):
 - The Tariff Act of 1930 included an exemption for goods that could not be produced in sufficient quantities domestically to meet consumptive demand. This exemption has since been repealed, opening new avenues for robust enforcement of this important law that prohibits the importation of goods made with forced labor into the United States. The Administration should aggressively pursue enforcement of Section 307 of the law, in order to establish a deterrent effect and spur industry action.^{xiii} DHS/CBP should immediately initiate critical rulemaking to modernize the standards, procedures and practices for enforcement, including at a minimum:
 - 1) Greater required transparency on the status of the petition processes, requiring a detailed update on status to petitioners at three-month intervals, including public explanations of the reasoning behind decisions not to pursue a matter further;
 - 2) Clear timelines requiring expeditious processing of petitions, with initial determinations on whether to proceed to last no longer than six months after receipt of the petition, and outcomes of the process initiated no later than one year after receipt of the petition;
 - 3) Clarifying the standards for Withhold Release Orders (WROs) to align with the statute, removing requirements for enterprise level evidence;

- 4) Clarifying the process for including forced labor requirements in DHS/CBP's Customs Trade Partnership Against Terrorism (CTPAT) and Trusted Trader program, and engage civil society experts in that process; and
- 5) Clarifying all of the above with respect to their interactions with the enhanced enforcement mechanisms of the Tariff Act through the United States-Mexico-Canada Agreement (USMCA);
- Lead a comprehensive interagency process, through the National Strategic Action Plan (NSAP) and the Senior Policy Operating Group (SPOG), to better coordinate enforcement across related issue areas, including ensuring that DHS/CBP:
 - Self-initiate investigations;
 - Disclose the number of shipments being detained
 - Provide for robust consultation with civil society, including on enforcement plans for existing WROs and remediation practices for impacted workers;
 - Demand full and meaningful remediation of all forced labor indicators from the targeted foreign producer;
 - Coordinate with DHS/ICE on criminal investigations;
 - Make actions against goods made with forced labor a priority; and
 - Coordinate with DOL/ILAB on training for DHS/CBP staff on the definition and indicators of forced labor;
- In light of the current procurement requiring factories to rapidly scale up production of Personal Protective Equipment (PPE) for frontline healthcare workers during the COVID-19 pandemic, DHS/CBP should self-initiate investigations into high-risk supply chains to ensure vulnerable workers in these industries are protected from forced labor. For example, DHS/CBP has already identified certain importers of medical gloves produced in Malaysia to be tainted with forced labor. The increased global need due to the pandemic has put tremendous pressure on factories already at high risk for abusive working conditions and should be addressed simultaneously while protecting frontline healthcare and other essential workers.
- Congressional Support:
 - This Administration should aggressively pursue requiring companies to conduct due diligence to prevent forced labor in their supply chains, and provide remediation to victims when forced labor is found. To keep pace with the changing global platform, the United States must swiftly act to require companies to enact due diligence plans flowing through the entire supply chain, especially when their operations are in countries or

industries at high risk, and to ensure strict liability for companies anywhere along supply chains that can be enforced through a private right of action in the United States Courts, unless the company's due diligence plan is already sufficiently enforceable through a binding agreement with a bona fide worker organization.

4. Trafficking Prevention Through Increasing Workers' Protections

The C-TIP efforts from the U.S. Government require more investment in workers' rights to prevent workers from becoming vulnerable to exploitation. This will require interagency cooperation to ensure DOL is able to identify areas of worker vulnerability or possible violations of workers' rights. DOL Wage and Hour Division (DOL/WHD) and DOL Office of the Inspector General (DOL/OIG) inspectors are in a unique position to identify cases of forced labor in workplaces. The Employment and Training Administration (DOL/ETA) should seek to expand employment and training services for survivors of trafficking. As job opportunities decrease and disappear during the COVID-19 pandemic, new safe jobs are becoming more essential for trafficking victims.

Recommendations

- Department of Labor:
 - Grant DOL authority to investigate potential human trafficking and labor exploitation claims without the requirement to partner with another LEA;
 - Consult with the U.S. Advisory Council on Human Trafficking and community-based providers to develop and institute mandatory uniform training policies on forced labor for labor inspectors and other frontline DOL staff who may come into contact with human trafficking survivors nationwide;
 - Wage and Hour Division (DOL/WHD):
 - Enhance training efforts to better combat trafficking internally and train LEA partners on wage theft to better prevent trafficking;
 - Ensure all newly hired and current wage and hour inspectors receive comprehensive training on human trafficking, as they are the critical front line staff that may be coming into contact with victims. Training should be on both labor and sex trafficking, with a focus on forced criminality, and on the overlap between sex and labor trafficking. Wage and Hour Inspectors are well positioned to identify all forms of trafficking, not just labor trafficking and not just labor trafficking in legal industries;

- Develop a robust training program on wage theft and wage related issues, including broad awareness of the scale of wage theft compared to other forms of theft in the economy as well as how to report and respond to either potential cases of wage exploitation or potential cases of labor trafficking.^{xiv} DOL/WHD should partner with DHS as well as interested state level labor agencies to deliver these trainings to state and local law enforcement in order to raise the awareness of local police officers with regard to these issues, as a complement to training on how to identify and respond to labor and sex trafficking. These trainings could bolster and enhance the awareness and capacity of law enforcement to respond to labor trafficking, and help deter wage theft, which is an underlying factor in many labor trafficking cases;
 - Employment and Training Administration (DOL/ETA):
 - Deliver annual webinars to the Public Workforce system to raise awareness of trafficking-in-persons (TIP) issues and how to provide services in a trauma-informed manner to survivors;
 - Update guidance for employment programs on specific needs for employed survivors during the COVID-19 pandemic;
 - Update and enhance the Training and Employment Guidance Letter (TEGL) on trafficking, in order to reflect learning from the various pilot initiatives. This update should be undertaken in consultation with anti-trafficking organizations and the U.S. Advisory Council on Human Trafficking;
 - Improve Agricultural Employer awareness of exploitative labor recruiters by partnering with state-level agencies to develop a system to ensure that agricultural employers are made aware when they are engaging in a business relationship with a recruiter that has been identified as an exploitative or labor trafficking recruiter;
 - International Labor Affairs Bureau (DOL/ILAB):
 - The Administration should work with Congress to require DOL/ILAB to include not just commodities and goods but inputs produced with child or forced labor at any point in the production chain on their biennial lists. As mentioned, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018 (P.L. 115-425) suggested that DOL/ILAB include inputs made with forced labor “to the extent practicable,” but additional authorizations and appropriations are needed to make this requirement feasible. ATEST recommends DOL/ILAB:

- Expand the List of Goods Produced by Child Labor or Forced Labor to include any good produced with child or forced labor at any point in the production chain;
- Specify where in the production chain the forced or child labor occurred; and
- Support this additional mandate by requesting relevant additional resources, so as not to impact the quality of the lists by imposing significant new unfunded requirements.

5. Increase Funding for Workers' Protections and Victim Services

1. Increase funding for the International Labor Affairs Bureau:

- As mentioned above, the Administration should work with Congress to support DOL/ILAB including not just commodities and goods but also inputs produced with child or forced labor. However, this added mandate will require additional resources so as not to impact the quality of the lists by imposing significant new unfunded requirements;

2. Secure additional resources for workers' protections and victim services:

- DOL requires more funding to support its efforts to improve employment conditions for workers in the United States. By strengthening worker protections and expanding the ability for DOL to respond to worker complaints, the U.S. Government agencies involved in C-TIP efforts will be able to respond more effectively to the needs of victims and more easily prevent victimization. This Administration should:
 - Request additional funding to increase the number of DOL/WHM and DOL/OIG inspectors nationwide; and
 - Use discretionary funds under the Workforce Innovation Opportunity Act (WIOA) to fund TIP-specific employment programs in the Public Workforce system;
- Office of Disability Employment Policy (DOL/ODEP):
 - Seeking employment support through DOL/ODEP's programs can be re-traumatizing for sex and labor survivors who often need additional support due to trauma, a history of abuse, safety concerns, or employment experience different from others who commonly seek assistance from these programs. Instead of trying to coordinate programs within DOL/ODEP, DOL/ODEP should pilot funding employment specialists at anti-trafficking organizations. Referrals for employment support in that area should go to an anti-trafficking employment expert who sits in an existing anti-trafficking program that is already prepared to meet specialized needs of human trafficking survivors. Additionally, this person

will also be closely connected to DOL/ODEP's programs and can leverage these complex resources in the service area;

- Occupational Safety and Health Administration (DOL/OSHA):
 - OSHA has experienced underfunding and understaffing since its creation in the 1970s. The COVID-19 crisis has demonstrated OSHA's inability to protect workers on the front lines, even those who work in locations as overtly dangerous as slaughterhouses, but dangers to American workers have loomed large for decades. The agency needs more inspectors so that it can actually inspect all of the workplaces under its jurisdiction, and needs the power to strengthen penalties against corporations who violate laws and regulations, thereby threatening worker safety and health; and
 - Worker safety training grants aimed to raise worker awareness of health and safety issues could integrate basic awareness training about workplace rights beyond DOL/OSHA issues, as well as indicators of labor trafficking, and what to do when labor trafficking is suspected. This program would ideally be paired with additional discretionary funding to support the labor trafficking modules in order to avoid creating significant additional burden on grantees. Trainings should be undertaken in multiple languages. A light level of labor trafficking awareness could leverage the reach of these small grants without impacting their health and safety impact. The Department should seek expansion of funding to supplement this program.

POINTS OF CONTACT

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ENDNOTES

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- ^{xi} Federal Acquisition Regulation, *Public Interest*, 6 C.F.R. § 6.302-7 (2015), available at: <<https://www.acquisition.gov/far/6.302-7>>
- ^{xii} See U.S. Department of Labor, *List of Goods Produced with Child Labor or Forced Labor (2020)*, available at: <<https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>>.
- ^{xiii} Tariff Act of 1930, Pub. L. No.: 71–361, see 19 U.S.C. § 1307.
- ^{xiv} See The Economic Policy Institute, "Wage Theft is a Bigger Problem Than Other Theft—But Not Enough is Done to Protect Workers," April 2, 2014, available at: <<https://www.epi.org/publication/wage-theft-bigger-problem-theft-protect/>>