

Human Trafficking

Wage and Hour Division U.S. Department of Labor

The Role of WHD in Combating Human Trafficking

Presented by:

James Kessler

Farm Labor Branch Chief

Office of Enforcement Policy



U.S. Department of Labor
Employment Standards Administration



Human Trafficking and WHD

Mission – Wage and Hour Division (WHD)

- **To promote and achieve compliance with labor standards to protect and enhance the welfare of our Nation's workforce**
- **All workers are entitled to full and fair compensation for their labor, regardless of immigration status**



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The U. S. Department of Labor combats trafficking in persons both domestically and internationally by:

- **Conducting investigations in low-wage industries**
- **Protecting workplace rights of employees**
- **Integrating trafficking into investigator training**
- **Participating in local human trafficking taskforces**
- **Providing job training services to victims or potential victims**



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Regulatory Authority

- **Fair Labor Standards Act (FLSA) of 1938, as amended**
 - **Minimum Wage**
 - **Overtime**
 - **Youth Employment**
 - **Recordkeeping**



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Regulatory Authority

- **Migrant and Seasonal Agricultural Worker Protection Act (MSPA) of 1983, as amended**
 - **Promised wages: “free and clear”**
 - **Housing standards, transportation safety**
 - **Farm Labor Contractor Registration**
 - **Traditional agriculture, reforestation**



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Regulatory Authority

- **Immigration and Nationality Act (INA) of 1952**
 - **H-1B worker protection provisions:**
Temporary specialty occupations, medical sciences, computer professionals, etc.
 - **H-2A worker protection provisions:**
Temporary agricultural workers
 - **H-2B worker protection provisions:**
Temporary non-agricultural workers



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Regulatory Authority

- **Field Sanitation Standards of the Occupational Safety and Health Act (OSHAct)**
 - Adequate supply of drinking water
 - Toilet and handwashing facilities
 - Reasonable use
 - Employee notification



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How WHD Accomplishes its Mission:

Balances Three Complementary Strategies:

- 1. Enforcement (targeted and complaint-driven)**
- 2. Compliance Assistance**
- 3. Partnerships and Collaborative Efforts**



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Statutory Authority to Conduct Investigations

- **Wage and Hour Investigators (WHI) are authorized entry to workplaces ONLY to determine compliance with statutes enforced by WHD**



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How We Investigate: “On the Ground” Every Day

- **WHD investigative scope:**
 - **WH Investigators have the authority to interview individuals and request payroll records when conducting investigations of potential wage or other WHD violations**
 - **WH Investigators can identify situations where workers may be intimidated, threatened, or held against their will**



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WHD Goals in Human Trafficking Investigations:

- **Secure the victim/employees' statutory right to compensation for work performed in the United States**
- **Determine accurate wages due in accordance with provisions within the Trafficking Victims Protection Act of 2000, Section 112(a)(2)**



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Application of WHD Expertise

- **WHD investigations apply:**
 - **Experience with low-wage, immigrant workers and industries**
 - **Familiarity with industry and business practices and trends under investigation**
 - **On-site investigations of establishments in industries where the potential for trafficking is high**



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Investigation Process

- **The WHD conducts investigations for a number of reasons, all having to do with enforcement of laws and assuring an employer's compliance**
- **Reasons are not disclosed (complaints and names of workers making them are confidential and not disclosable)**
- **Whether a complaint exists may not be disclosed**



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Interagency/Task Force Referrals

- **Referrals from WHD:**

WHD may make referrals to other agencies and social service organizations via direct liaison, or to anti-trafficking task forces

- **Other agency referrals to WHD:**

WHD can investigate labor violations even when underlying issues do not appear to rise to the level of human trafficking

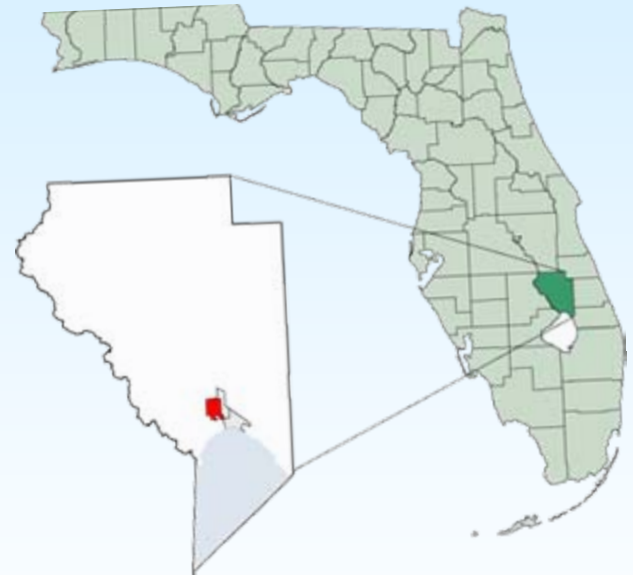


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Criminal case assistance examples:

R & A Harvesting, Inc. Juan and Ramiro Ramos

- **Contractors who supplied up to 700 workers to Florida citrus growers**
- **Sentenced to 15 years in prison for involuntary servitude and other charges**



Okeechobee, Florida (Wikipedia)



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Criminal case assistance examples:

Maria Garcia

- Farm labor contractor used threats of violence and debt to maintain control over undocumented workers in Western New York
- Indictments in 2002 among first in NY under 2000 TVPA
- Defendant pled guilty to felony of forced labor



www.health.state.ny.us



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Criminal case assistance examples:

Navarrete

- Tomato-harvesting trafficking ring in Immokalee, Florida
- Pleading to conspiracy, harboring undocumented foreigners for financial gain, possession of false documents



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Additional Resources

- **Wage and Hour Division:** www.wagehour.dol.gov
- **Youth Employment:** www.youthrules.dol.gov
- **Nationwide Toll-Free Help: Able to Translate in 150 Languages** 1-866-4-USWAGE / (1-866-487-9243)
- **Employment Law Guide:**
www.dol.gov/asp/programs/guide.htm



Thank You



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