



# Minnesota HUMAN TRAFFICKING TASK FORCE

## Human Trafficking & Labor Trafficking

ISSUE • RESPONSE • SOLUTION

### UNDERSTANDING HUMAN TRAFFICKING

Human trafficking is a public health, public safety and human rights violation that occurs around the world and in communities throughout Minnesota. Human trafficking includes both labor and sex trafficking, and international and domestic victims. The Minnesota Human Trafficking Task Force (MNHTTF) is working to address and prevent human trafficking through a coordinated, multidisciplinary, statewide response.

### THE ISSUE: LABOR TRAFFICKING


Labor trafficking happens in communities throughout Minnesota. Labor trafficking is driven by the demand for cheap labor and the goods and services it yields. According to the national Not For Sale campaign, the modern-day slave trade is one of the fastest growing industries in the world, enslaving more than 30 million individuals today. Labor trafficking is embedded in nearly every industry, but because of lack of transparency, we rarely know whether the cost of the food we eat, the clothes we wear, or the electronics we use is lower because of labor exploitation and trafficking.

Men and women, adults and children, citizens and immigrants all may fall victim to labor trafficking. They fall victim to false promises, undisclosed contract terms, or loans that can never be paid off. Poverty and undocumented migration status contribute to vulnerability.

The Minnesota Department of Public Safety reported that over 50 people were identified as labor trafficking victims in 2011.<sup>i</sup> Labor trafficking victims in Minnesota work in both the formal and informal employment sectors including construction, food service, agriculture, hospitality, janitorial services, manufacturing, landscaping, nail salons, begging and sales crews, domestic cleaning, childcare, and other service.

Workers in Minnesota may be victims of other forms of labor exploitation that, while falling short of the crime of labor trafficking, violate human rights. Violations include wage theft, avoidance of minimum wage requirements, manipulation of Minnesota labor laws by employers to restrict

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employee benefits, requirement of long working hours, poor and dangerous working conditions without proper safety equipment or precautions, and withholding of wages for equipment or tools.

Traffickers use a variety of means and tactics to control their victims, including physical assaults, threats of harm, shaming, threats of deportation, degradation, economic abuse, and intimidation. Traffickers count on victims to remain silent out of fear of job loss or deportation.

## **THE RESPONSE: PROTECTING VICTIMS AND HOLDING PERPETRATORS ACCOUNTABLE**

Minnesota law defines labor trafficking as:

(1) the recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, for the purpose of: (i) debt bondage or forced labor or services; (ii) slavery or practices similar to slavery; or (iii) the removal of organs through the use of coercion or intimidation; or

(2) receiving profit or anything of value, knowing or having reason to know it is derived from [labor trafficking].<sup>ii</sup>

Minnesota criminalizes unlawful conduct with respect to documents,<sup>iii</sup> defines defenses to labor trafficking,<sup>iv</sup> and creates a civil cause of action and corporate liability.<sup>v</sup>

Labor trafficking is a felony punishable by up to 30 years imprisonment and \$30,000 fine for trafficking of adults and 40 years/\$40,000 for trafficking of minors.<sup>vi</sup>

Federal law criminalizes human trafficking<sup>vii</sup> and the underlying crimes of peonage, slavery, involuntary servitude, and forced labor.<sup>viii</sup> Federal law also provides various remedies outside of prosecution including restitution and a private cause of action.



## THE SOLUTION: AWARENESS, ACCOUNTABILITY AND PREVENTION

Ending labor trafficking in Minnesota requires collective action and attention. A number of federal, state, and local agencies play a role in enforcing labor and employment laws and protecting workers from unlawful discrimination. When labor trafficking laws are broken, police and prosecutors must hold perpetrators criminally accountable.

In order to do so, law enforcement must be equipped to recognize and investigate the crime of labor trafficking.

Employers must be held accountable for ensuring their employees are treated according to the law.

Employees must have real opportunities to learn what their rights are and be able to report violations without retaliation.

Consumers must demand transparency in how products are made and in demanding safe and just conditions for all workers.

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<sup>i</sup> Minn. Dept. of Public Safety, Office of Justice Programs, Report to the Minnesota Legislature 2012, *available at* <https://dps.mn.gov/divisions/ojp/forms-documents/documents/2010%20human%20trafficking%20report-%20final.pdf>

<sup>ii</sup> Minn. Stat. 609.281, subd. 5. Minnesota passed trafficking legislation in 2005 and 2006. S.F. 1689, 84th Leg. Sess., Reg. Sess. (Minn. 2005); H.F. 4162, 84th Leg. Sess., Reg. Sess. (Minn. 2006). The 2005 law created the crime of labor trafficking, codified at Minn. Stat. 609.281 et seq.

<sup>iii</sup> Minn. Stat. 609.283.

<sup>iv</sup> Minn. Stat. 609.284.

<sup>v</sup> Minn. Stat. 609.284.

<sup>vi</sup> Minn. Stat. 609.282.

<sup>vii</sup> See 18 U.S.C. § 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor); 18 U.S.C. § 1592 (Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor).

<sup>viii</sup> See 18 U.S.C. § 1581 (Peonage); 18 U.S.C. § 1584 (Involuntary Servitude); 18 U.S.C. § 1589 (Forced Labor); 18 U.S.C. § 1546 (Visa Fraud).