

### LABOR TRAFFICKING IS A WOMEN'S RIGHTS ISSUE

September 2010

Many advocates and policy makers tend to focus exclusively on sex trafficking without recognizing the vast numbers of women and girls who are labor trafficked into or within the United States. Such limited focus at the policy, legislative, and service provision levels has severe and unintended consequences on the anti-human trafficking movement and is a missed opportunity to advocate for increased rights and protections for women and girls in the workplace, particularly in the informal economy.<sup>1</sup> Labor trafficking must become an equally crucial area of concern for advocates and policy makers, particularly those focused on women's rights.

#### **Labor trafficking in the United States**

Labor trafficking occurs at the highest spectrum of abuse on a continuum of violence and exploitation in the work place and is characterized as an extreme human rights violation. Trafficked persons are often compelled through sexual, physical and/or psychological violence to perform work under slave-like conditions. Traffickers use coercive practices that create a climate of fear to prohibit people from leaving the situation. Women and girls make up an extremely high percentage of labor trafficking cases in the United States. The U.S. Department of State reported in the 2010 Trafficking in Persons report that 82% of foreign adult victims were labor trafficking victims and that 42% were women.<sup>2 3</sup>

#### **Women's work in the informal economy increases vulnerability for labor trafficking**

Women make up the majority of workers in the informal economy and are often concentrated in the most insecure types of informal employment. Occupations include, but are not limited to: domestic workers; hotel and office cleaners; elder, home-health and child-care providers; as well as farm, restaurant, and factory workers. Such jobs often lack legal recognitions and protections, and are characterized by low or irregular payment, little or no employment benefits, and unsafe working conditions. Workers in these industries are often isolated without the ability to meet other workers or unionize, limiting their ability to access workplace rights. Women's vulnerability is compounded by gender discrimination and sexual harassment. Undocumented immigrant women face an added set of risk factors. Not only are they more likely to accept greater risks when seeking employment in a resource-scarce economy, they are more likely to migrate under unsafe conditions in search for employment opportunities.<sup>4</sup> Additional barriers such as limited English-language proficiency and mistrust of law enforcement or social services make immigrant women in the United States less likely to report unsafe or exploitative working conditions. Such characteristics of women's work in the informal economy combine to create high risk factors for labor trafficking.

#### **Impacts of labor trafficking on women's health**

Women who are trafficked for labor also often experience physical, sexual and emotional trauma. These women are as equally deserving as women trafficked for commercial sex of policies and services that protect their rights and allow them to heal.

- Abuse including torture and beatings are tactics used by traffickers to intimidate and control their victims. Women trafficked for labor are often denied food, access to healthcare and subjected to poor personal hygiene standards. They are forced to work long hours under inhumane conditions that take a toll both emotionally and physically.
- Sexual and reproductive health risks affect women regardless of the type of work they were forced to do. Female labor trafficking victims are vulnerable to sexually transmitted diseases and unintended pregnancy, and experience forms of severe sexual violence including rape and forced abortions.<sup>5</sup>
- Physical and mental health symptoms for women trafficked into labor industries are both a cause and

<sup>1</sup> The informal economy consists of economic activity that generally escapes regulation by the state and, therefore, is often untaxed and lacks protection.

<sup>2</sup> Office To Monitor and Combat Trafficking in Persons, "Country Report on United States of America" in *Trafficking in Persons Report 2010*.

<sup>3</sup> Similarly, the United States Conference of Catholic Bishops (USCCB) reported in January 2010 that of the total USCCB enrolled victims across the country, 72% were labor trafficked and 57% were female.

<sup>4</sup> World Survey on the Role of Women in Development: Women's control over economic resources and access to financial resources, including microfinance. Report of the Secretary-General. June 2009, found at World Survey on the Role of Women in Development: Women's control over economic resources and access to financial resources, including microfinance.

<sup>5</sup> This trend is evidenced by the 21 service provider organizations that comprise the Freedom Network membership

consequence of post-traumatic reactions. Symptoms related to a history of trauma include anorexia, chronic fatigue, chronic headaches and pain, dizziness, emotional numbness, hostility, hyper-arousal, hyper-vigilance, lack of motivation, memory problems, poor concentration, and sleep disorders.<sup>6</sup>

- Work injuries resulting from denied access to safe working conditions include exposure to chemicals, fumes, or other occupational hazards as well as musculoskeletal disorders.

### **Sexualized labor industries fall under the labor trafficking definition**

Sex trafficking and labor trafficking cases often intersect. We know that many people are originally trafficked into sexualized labor industries such as strip clubs or are made to work as bar girls, “hostesses”, or “ballerinas” before they are forced into prostitution. Such types of forced work often fall under the legal definition of labor trafficking in the Trafficking Victims Protection Act. A focus on sex trafficking-only legislation and policies fails to address the needs of the large portion of women who are vulnerable to sex trafficking.

### **A focus on sex trafficking to the exclusion of labor trafficking harms all survivors**

Advocacy, media and law enforcement efforts focused exclusively on sex trafficking have led to:

- Hindering of outreach efforts and limiting public attention to sex trafficking only, which discourages survivors of labor trafficking who do not fit that mold from stepping forward to seek help. It also limits the public’s understanding of human trafficking, stifling public outcry against many cases.
- Sex trafficking-only services, funding and legislation that exclude remedies and redress for the majority of trafficked persons in the United States, including women and girls.
- Creating the misconception that sex trafficking victims are more “deserving” of attention and services by elevating their victimization to a higher level than labor trafficking victims. This type of approach not only hurts those who have been labor trafficked, but tends to portray women trafficked into commercial sex as helpless victims rather than resilient survivors.

### **Recommendations**

1. Ensure awareness-raising and public outreach efforts include information about labor trafficking in order to increase public understanding of the problem and improve trafficked persons’ ability to self-identify and seek help.
2. Advocate for policies, legislation and services that protect all trafficked persons by recognizing that women are trafficked into many labor industries outside of the sex industry.
3. Increase legal and regulatory protections in labor sectors targeting traditional women’s work including domestic work, health care, informal sector work, part time and contract work.
4. Expand access to independent immigration status for immigrant women without forcing them to rely on a family member’s application.
5. Protect the rights of immigrant women workers by ensuring immigration reform and federal agency policies that guarantee their access to all rights, including redress, particularly for women who are vulnerable to workplace abuse and trafficking.
6. Provide for portable work authorization for immigrant women that does not tie them to specific employers, ensuring their autonomy and ability to escape abusive situations.

*\*Although the purpose of this paper is to highlight that labor trafficking is a women’s rights issue, the Freedom Network is equally committed to advocating for more humane policies and services for trafficked men and boys.\**

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<sup>6</sup> Caring for Trafficked Persons: Guidance for Health Providers, IOM and UN GIFT, 2009, found at <[http://www.ungift.org/docs/ungift/Steering-committee/CT\\_Handbook.pdf](http://www.ungift.org/docs/ungift/Steering-committee/CT_Handbook.pdf) >