



LC 3773: Improving Oregon's Response to Labor Trafficking

Background:

Labor trafficking is a form of human trafficking.¹ It includes the use of threats and coercion to force a person to work against their will, often with nominal or no pay or debt bondage and inhumane conditions. It arises in many contexts, including domestic servitude, restaurant work, factory work and construction. In recent years, labor trafficking in the agricultural context – especially at illegal marijuana operations – has grown significantly in rural parts of our state.

Labor trafficking is hard to investigate and identify because traffickers often threaten violence or retribution, or tell their victims that they will be deported or that authorities will not believe them. Even when a victim of labor trafficking is identified, they often disappear before someone can help. According to the Oregon Criminal Justice Commission, there have been very few successful prosecutions of labor trafficking in Oregon.²

Because this is such a complex problem, Attorney General Ellen Rosenblum formed a Labor Trafficking Task Force in 2020 to study and make recommendations to improve Oregon's response to labor trafficking. The task force includes legislators, advocates and service providers, state and federal law enforcement and prosecutors, numerous state agencies, and consulates from several countries. The task force worked diligently over the last two years to study policy recommendations and develop a set of proposals that will help us support victims and survivors of labor trafficking and hold traffickers accountable for their crimes.

¹ Labor trafficking is a form of human trafficking. Human trafficking includes both sex trafficking and labor trafficking, but public awareness, policy efforts and resource investments have primarily focused on sex trafficking. Labor trafficking is less understood and harder to detect but is a significant problem happening and in all corners of our state.

² Under the relevant state crimes of Involuntary Servitude in the First and Second Degrees, anywhere in Oregon.

Proposal:

The task force's recommendations include:

- **Updating Oregon's criminal labor trafficking laws.** These laws have been on the books since 2007, but they are underutilized and need to be strengthened. In particular, the conduct that qualifies as labor trafficking under Oregon's criminal laws is too narrow, and it doesn't account for many of the ways we know labor trafficking victims are coerced into providing their labor and services. The task force bill will expand our laws to make sure they cover labor trafficking involving debt bondage, controlling access to a controlled substance, fraud, threatening to withhold the necessities of life from a person's children, and exploiting power dynamics based on age, disability and immigration status. It will also right-size our criminal penalties for labor trafficking crimes involving child victims by creating a sentencing enhancement.
- **Expanding victim and survivor protections.** This includes protections for victims who are charged with a crime for engaging in services they were forced to perform by their traffickers. In addition, on the civil law side of things, we do have laws on the books that allow a labor trafficking survivor to sue their trafficker, but the statute of limitations needs to be lengthened and must take into account the fact that the trafficking needs to end, and the survivor needs to get to safety and to a place in their life where they feel secure and able to file a lawsuit against their trafficker. The task force also supports the extension of a program the legislature created to improve the ability for immigrant victims to obtain U-Visas. That program just ended, but we've heard it is so valuable that a separate bill supported by the task force (SB 597) was introduced to revive and continue it.
- **Training state agency employees.** Frontline workers at various state agencies encounter human trafficking victims, but without proper training, they often do not know how to identify trafficking, how to respond in an effective and trauma-informed manner, and who to call for help. The task force bill will require that these agency employees undergo a yearly human trafficking training to be developed by the Oregon Department of Justice. Note that the Department of Public Safety Standards & Training (DPSST) already provides human trafficking training to law enforcement in collaboration with DOJ.

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