

HOUSE BILL REPORT

SHB 1651

As Passed House:
March 10, 2015

Title: An act relating to human trafficking definitions.

Brief Description: Concerning definitions related to human trafficking.

Sponsors: House Committee on Labor (originally sponsored by Representatives Ryu, Goodman, Rodne, Griffey, Van Werven, Wylie, Moscoso, Ormsby and Santos).

Brief History:

Committee Activity:

Labor: 2/16/15, 2/19/15 [DPS].

Floor Activity:

Passed House: 3/10/15, 97-0.

Brief Summary of Substitute Bill

- Defines "human trafficking" and other terms for purposes of disclosures to foreign workers.

HOUSE COMMITTEE ON LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; G. Hunt, Assistant Ranking Minority Member; McCabe, Moeller and Ormsby.

Staff: Joan Elgee (786-7106).

Background:

Legislation enacted in 2009 and 2010 requires domestic employers of foreign workers and international labor recruitment agencies to provide disclosure statements to foreign workers referred to or hired by a Washington employer. The disclosure statement is not required in certain circumstances.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The disclosure statement must:

- be in English or, if the worker is not fluent or literate in English, another language that is understood by the worker;
- state that the foreign worker may be considered an employee under state law and subject to laws on overtime and work hours;
- is subject to state worker health and safety laws, and may be eligible for workers' compensation and unemployment insurance;
- include itemized listings of the agency's fees and the employer's intended deductions from pay for food and housing;
- state that the foreign worker has the right to control the worker's travel and labor documents at all times, with some exceptions; and
- include a list of services or a hotline a foreign worker may contact if he or she thinks he or she may be a victim of trafficking.

The Department of Labor and Industries (Department) has authority to and has posted a model disclosure form on its website. The Department must also integrate information on assisting human trafficking victims in posters and brochures, which must include the toll-free number of National Human Trafficking Resource Center.

An employer or agency that fails to provide the disclosure statement is civilly liable to the foreign worker.

"Domestic employers of foreign workers" are persons residing in the state who recruit or employ a foreign worker to perform work in the state. International labor recruitment agencies are entities that do business in the United States and offer employment referral services involving foreign workers by acting as intermediaries between employers and foreign workers. Foreign workers are persons who come to the state based on an offer of employment and hold a nonimmigrant visa for temporary employment.

Summary of Substitute Bill:

Definitions are added for purposes of human trafficking provisions. "Work" or "service" means all types of work, whether or not legal. "Human trafficking" or "trafficking" is an act conducted for the purposes of exploitation, including forced labor, by particular means, for example, by threat of use of force or other forms of coercion, abduction, or fraud or deception. "Forced labor" means all work or service which is exacted from any person under the menace of any penalty and is not voluntary. "Menace of any penalty" means all forms of criminal sanctions and other forms of coercion, including threats, violence, retention of identity documents, confinement, nonpayment or illegal deduction of wages, or debt bondage.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill just adds to the definition of trafficking. There is a huge misconception. Trafficking is not just sex trafficking. It includes forced labor and debt bondage.

(Opposed) The language conflates trafficking with adult consensual sex. Don't take away sex work as an option. Friends of sex workers could be arrested as traffickers. Underlying human rights violations are not being addressed. The definition is too vague. "Abuse of position" might apply to a spouse and someone might be "vulnerable" because they are homeless. The legislation will affect the transgender community. Law enforcement is not a good tool for addressing the problem. Transgender women are harassed by the police and face discrimination.

Persons Testifying: (In support) Velma Veloria.

(Opposed) Holly Matthews, Sex Workers Outreach Project; and Tobi Hill-Meyer and Alexis Green, Gender Justice League.

Persons Signed In To Testify But Not Testifying: None.