



# NATIONAL INSTITUTE OF JUSTICE IN SHORT

## Thirty Percent of Migrant Laborers in San Diego Experience Trafficking Violations

Human trafficking has become big business, estimated to generate billions of dollars each year by entrapping and exploiting millions of people. But there is limited information and few hard numbers about trafficking: How many people are victims of trafficking? Who are they? Under what circumstances does trafficking occur?

Fully answering these questions is difficult, because victims of human traffickers are often unable or unwilling to come forward. But law enforcement and other officials cannot solve the problem until it is better understood.

NIJ funded a study by researchers at San Diego State University to improve understanding about the nature and prevalence of labor trafficking. The study, *Looking for a Hidden Population: Trafficking of Migrant Laborers in San Diego County*, examines the experiences of 826 unauthorized Spanish-speaking workers in San Diego County, Calif., and finds that a significant number — more than 30 percent — have experienced an incident that meets the legal definition of trafficking.<sup>1,2</sup>

The study used a conservative — or narrow — interpretation of what constitutes trafficking, defining a trafficking violation as an act that involves restrictions imposed by employers on a worker's physical or communicative freedom, and/or actual or threatened assaults to a worker's physical body. Examples of labor trafficking violations include beatings, imprisonment and sexual abuse.

### Modern-day slavery

Human trafficking crimes, defined in Title 18, Chapter 77, of the U.S. Code, involve the act of compelling or coercing a person's labor, services or commercial sex acts. The statutes are rooted in the prohibition against slavery and involuntary servitude that is guaranteed by the 13th Amendment of the Constitution.

The study also looked at practices that did not rise to the level of labor trafficking but that were fraudulent, deceptive or abusive. These included wage theft and instructing workers to lie about their own or their employer's identity. A majority of the workers — 55 percent — were victims of abusive labor practices or gross exploitations.

### Methods

The study surveyed unauthorized, Spanish-speaking migrant laborers in San Diego County. The average age of the workers was 33 years. Eighty-five percent of those surveyed had less than a junior high school education. Nearly all (98 percent) were Mexican. Fewer than 30 percent were proficient in English.

The participants were identified through social networks and with the help of an advocacy group that works closely with immigrants in the area. The workers answered a questionnaire about their experiences traveling to the U.S. and during their employment here.

## Findings

Workers experienced most of the trafficking violations and abuses during their employment, rather than during their travel to the United States. Only 6 percent of those who traveled with the help of a smuggler (also called a coyote) experienced smuggler-specific trafficking violations, though approximately 20 percent did experience abuse at the hands of smugglers.

Many more migrants — 28 percent — experienced labor trafficking at the hands of employers. Of that group, 15 percent reported that their physical integrity had been threatened and 22 percent reported physical restriction or deprivation at the workplace. Approximately 49 percent experienced abusive labor practices at the hands of employers.

The report found that some sectors in which unauthorized migrant laborers are usually employed have higher rates of victimization than others. Agriculture had the lowest rate of victimization among all businesses. Construction, janitorial/cleaning and landscaping sectors had the highest rates of reported trafficking violations and labor abuses. See Exhibit 1.

**Exhibit 1. Percent of Workers Experiencing Trafficking or Abuse**

| Occupation          | Labor Trafficking Violations, % | Abusive Labor Practices, % |
|---------------------|---------------------------------|----------------------------|
| Construction        | 35                              | 63                         |
| Janitorial/cleaning | 36                              | 59                         |
| Landscaping         | 27                              | 60                         |
| Manufacturing       | 28                              | 38                         |
| Food processing     | 32                              | 51                         |
| Agriculture         | 16                              | 27                         |

The types of violations that unauthorized workers experienced also varied by occupation. For example, 20 percent of food processing workers reported threats to their physical integrity, compared with 6 percent in manufacturing. Construction workers and those in janitorial and cleaning jobs reported higher levels of restriction and deprivation (27 percent in each group) than did those in agricultural work (12 percent). See Exhibit 2.

Workers who had minimal English language skills were the most likely to be victimized by employers.

## Conclusions

The study shows that a substantial number of unauthorized, Spanish-speaking migrant laborers in San Diego have experienced labor trafficking violations and that even more have been the victims of fraudulent, deceptive or abusive labor practices.

Although it is unclear whether the findings would be similar for unauthorized workers in other parts of the country, the study suggests that labor trafficking violations and abusive labor practices may be common in areas where there is a large unauthorized workforce. Using the San Diego findings to roughly estimate national figures imply that there could be as many as 2.5 million labor trafficking victims just among unauthorized Spanish-speaking migrant laborers in the United States.

## Actions

There is still much to be learned about labor trafficking in the U.S., but the study suggests the following steps:

- Direct resources to counter labor trafficking.
- Investigate and prosecute violators.
- Develop a bridge between law enforcement and advocacy groups to build trust with migrant laborers.
- Create a public awareness campaign to include publicizing prosecutions and providing information on social services.

## Exhibit 2. Percent of Violations by Type and Occupation

| Occupation          | Threats to Physical Integrity, % | Restriction/Deprivation, % | Deception/Lies, % | Abusive/Exploitative Practices, % |
|---------------------|----------------------------------|----------------------------|-------------------|-----------------------------------|
| Agriculture         | 10                               | 12                         | 11                | 25                                |
| Construction        | 17                               | 27                         | 37                | 57                                |
| Landscaping         | 16                               | 24                         | 20                | 56                                |
| Janitorial/cleaning | 17                               | 27                         | 43                | 55                                |
| Food processing     | 20                               | 24                         | 26                | 49                                |
| Manufacturing       | 6                                | 23                         | 26                | 31                                |

### For More Information

- NIJ's human trafficking topic page, <http://nij.gov/topics/crime/human-trafficking/welcome.htm>.
- Maureen Q. McGough, "Ending Modern-Day Slavery: Using Research to Inform U.S. Anti-Human Trafficking Efforts," *NIJ Journal*, <http://www.nij.gov/nij/journals/271/anti-human-trafficking.htm>.

### Notes

1. Zhang, Sheldon X. *Looking for a Hidden Population: Trafficking of Migrant Laborers in San Diego County*. San Diego, CA: San Diego State University, 2012. Available at <https://www.ncjrs.gov/pdffiles1/nij/grants/240223.pdf>.
2. There are three main frameworks that researchers in the U.S. usually use to define labor trafficking activities: the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons; the International Labor Organization definition; and the Victims of Trafficking and Violence Protection Act of 2000. The study attempted to synthesize these three definitions, although the questionnaire aligns most closely with the U.S. government's definition.



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