HUMANIZING THE IMPACTS OF HUMAN TRAFFICKING

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REGULATORY LABOR AND EMPLOYMENT LAWS

- Minimum wage and overtime
- Farm labor contractor and agricultural standards
- Child labor
- Protected leave
- Payment interval and recordkeeping
- Deductions laws and wage rebate
- Meal and rest breaks
- Worker compensation
- Health and safety
Status of workers and nature of violations (anecdotal only)

- Immigrant workers
  - Agriculture
  - Janitorial
  - Meat processing
  - Construction

- Non-immigrant workers
  - Food service
  - Retail
  - White collar
Barriers to enforcement

- No definition or contemplation of trafficked workers in structural scheme of labor and employment laws

- Lack of a system in place to identify trafficked workers
  - Funding

- Heavy reliance on advocacy groups to refer cases
Independent Contractors vs. Employees

- The Economic Realities Test considers six factors:
  1) The degree of control that the business has over the worker.
  2) The worker’s opportunity for profit or loss dependent on the worker’s managerial skill.
  3) The worker’s investment in equipment or material.
  4) The degree of skill required for the job.
  5) The degree of permanence of the working relationship.
  6) The degree to which the services rendered by the worker are an integral part of the business.
Case studies – Global and Brushpickers

- The Farm Labor Contractor Act, Chapter 19.30 RCW
  - Recruit, solicit, hire, employ, transport, supply for a fee
  - Bonding requirement
For more information...

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