

Texas Workforce Commission Efforts against Human Trafficking Show Success—May 2018

On May 31, 2009, the 81st Texas Legislature, Regular Session (2009) passed House Bill 4009, which required the Office of the Attorney General to establish a statewide Human Trafficking Prevention Task Force and a designated coordinator at every state agency.

In August 2016, the Workforce Innovation and Opportunity Act¹ (WIOA) published updated regulations to the *Federal Register*. These updates include the following revisions to the Outreach regulations and Agricultural Outreach Plan:

Section 20 CFR 653.107(b)(7) Outreach workers must be trained in local office procedures and in the services, benefits, and protections afforded MSFWs by the ES, including training on protecting farmworkers against sexual harassment. While sexual harassment is the primary requirement, training also may include similar issues such as sexual coercion, assault, and human trafficking. Such trainings are intended to help outreach workers identify when such issues may be occurring in the fields and how to document and refer the cases to the appropriate enforcement agencies. They also must be trained in the procedure for informal resolution of complaints. The program for such training must be formulated by the State Administrator, pursuant to uniform guidelines developed by the Employment and Training Administration (ETA). The SMA must be given an opportunity to review and comment on the State's program.

With the updated WIOA regulations in hand, Mr. Francisco Cerda, the Texas State Monitor Advocate, hit the ground running. The Human Trafficking Prevention Task Force was created to provide a Human Trafficking Coordinator to each state agency. Mr. Cerda reached out to Texas Workforce Commission's (TWC) Director of the Office of Investigations and designated coordinator, Mr. Brad Ward, and to TWC's executive management to see how his office could best coordinate training and services to target human trafficking and sexual harassment in the fields for migrant and seasonal farmworkers (MSFW).

¹ <https://www.doleta.gov/wioa/>
<https://texasattorneygeneral.gov/human-trafficking>

According to a 2016 University of Texas study:

- Migrant farmworkers are a **high-risk** labor-trafficking segment of the population.
- Migrant farmworkers have a **28% victimization rate**.
- For the estimated number of migrant farmworkers who are victims of human trafficking, the estimated annual value of **wages lost** is **\$94,314,906**.

Texas Attorney General's "Be the One" Campaign

- "Be the One" is a statewide campaign to encourage everyone to **prevent, recognize, and report** possible cases of human trafficking.
- "Be the One" provides resources and training on how to **identify and report** potential cases.
- The Texas attorney general is encouraging all **327,015 state employees** to take human trafficking awareness training.
- The TWC executive branch **encourages all TWC staff** to watch "Be the One in the Fight Against Human Trafficking."

In mid-2016, the Equal Employment Opportunity Commission (EEOC) referred Ms. Kirsta Leeburg Melton, the deputy criminal chief of the Human Trafficking and Transnational/Organized Crime Unit of the Texas Office of the Attorney General (OAG), to Mr. Cerda to discuss coordinating efforts to combat human trafficking. Mr. Cerda, Mr. Ward, and Ms. Melton discussed ways to protect MSFWs, as this population is particularly vulnerable. Ms. Melton offered to provide human trafficking training to all 28 Texas Local Workforce Development Boards (Boards). EEOC would provide training on sections of Title VII of the Civil Rights Act of 1964 that are related to sexual harassment in the fields, human trafficking, and employment service and employment-related-law complaint system training to significant MSFW areas of the state. This included the role of the public workforce system in the delivery of services to victims of human trafficking.

In Program Year 2017 (PY'17), TWC further expanded training to include advocacy and civil remedies available to victims of human trafficking and sexual harassment. Texas Rio Grande Legal Aid, Inc.² (TRLA) and EEOC are working with TWC to bring training programs to the significant MSFW areas relating to human trafficking, sexual harassment in the fields, and services to victims of human trafficking.

“We have 16 coalitions to combat human trafficking in Texas. That’s pretty amazing,” Mr. Cerda said. “Our partnerships are one of a kind; it just never stops. Everybody wants to learn, be trained, wants to participate. That momentum just keeps going.” Mr. Cerda was invited to be a guest speaker at the Regional Human Trafficking Task Force meetings held in the Workforce Solutions Lower Rio Grande Valley and Workforce Solutions South Plains workforce areas. Mr. Cerda invited the Board CEOs for those workforce areas, who attended the meetings and provided an overview of the services that their Boards offer to victims of trafficking. Training focused on the role of the public workforce system in the delivery of services and referrals to victims of trafficking.

Mr. Cerda said that the goal of the training was to train TWC intake staff how to coordinate the customer-intake process with the TWC complaint system. TWC saw that there was greater need than had been realized to provide training on how to properly identify and refer cases to the appropriate outside sources or to the TWC complaint system. “We need the Workforce Center staff to think about ‘forced, fraud, and coercion’ when taking the initial complaint from the worker,” Mr. Cerda said. “We reinforced the need to ask the right questions when taking the complaint, especially when talking to those who are members of vulnerable populations and MSFWs.”

In PY'17, Mr. Cerda added two components to training: access to advocacy and access to civil remedies. By continuing to build working relationships with TRLA, OAG, and EEOC, TWC hopes to continue to shed light on the abuses suffered by MSFWs and other vulnerable populations.

² <http://www.trla.com>

On April 12, 2018, OAG notified Mr. Cerda that Backpage.com had been shut down as part of a three-jurisdiction investigation. On top of that, Backpage pled guilty to human trafficking. (On April 5, 2018, Backpage.com was seized by the federal government in partnership with various agencies, including the Texas OAG, the US Department of Justice, and the FBI.)

TWC continues to work with its partners to combat human trafficking and sexual harassment in the fields in Texas. TWC management continues to broaden education about human trafficking by including training at its annual statewide conference and workforce forums, and attendees said that they would like to have additional training on the subject. In its most recent effort to increase employee awareness of human trafficking, on April 4, 2018, the TWC executive branch sent an e-mail to all TWC employees encouraging them to watch *Be the One in the Fight Against Human Trafficking*, an hour-long video created by OAG.³

³ http://intra.twc.state.tx.us/intranet/train/html/twc_human_trafficking.html
<https://texasattorneygeneral.gov/human-trafficking>
<https://news.utexas.edu/2017/01/24/there-are-300000-victims-of-human-trafficking-in-texas>
<https://repositories.lib.utexas.edu/bitstream/handle/2152/44597/idvsa-2016-human-trafficking-by-the-numbers.pdf?sequence=2&isAllowed=y>