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SCREAMS HIDDEN BY CHEERS: LABOR TRAFFICKING CONCERNS AMIDST THE 2026 WORLD CUP GAMES AND BEYOND

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ABSTRACT

In 2000, Congress enacted the Trafficking Victims Protections Act. Since then, all fifty states have enacted anti-trafficking legislation to assist in the fight to eradicate the highly dangerous, clandestine crime of human trafficking. While the media portrays human trafficking in a certain light, these depictions actually make it more difficult for the general public, law enforcement, and victims themselves to identify human trafficking. Two forms of human trafficking exist: sex and labor trafficking. Although labor trafficking is equally as serious as sex trafficking, it remains widely misunderstood and largely under prosecuted. Even the federal government acknowledges the United States' lack of labor trafficking prosecutions despite its pervasiveness. Considering this, instances of human trafficking tend to increase during major events that attract large crowds, including sporting events. The recent labor exploitation atrocities that occurred in FIFA's 2022 Qatar

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World Cup Games demonstrates the rapid need for countries to address labor trafficking concerns.

Philadelphia will host part of the 2026 FIFA World Cup Games, which will be hosted jointly by sixteen cities across Canada, Mexico, and the United States. In preparation for the 2026 World Cup, Pennsylvania should use this event as a platform to increase protections for its workers, and to educate and raise awareness of labor trafficking occurring within the Commonwealth and beyond.

Accordingly, this Note proposes Pennsylvania enact new legislation to focus on eradicating labor trafficking, with special attention to the hospitality and restaurant industries, as the rise of visitors from across the United States and all over the world will likely lead to increased human rights abuses in these areas.

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INTRODUCTION

Two individuals traveled from Vietnam with hopes of a better life in the United States.¹ However, these individuals, A.V. and T.V., were unaware they would be subject to egregious exploitation upon their arrival.² Moreover, little did they suspect to be victims of labor trafficking when they met Phan, a woman who promised them citizenship through marriage and a career at her nail salon in Pennsylvania.³

Once in Pennsylvania, Phan paid for A.V. and T.V.'s nail technician licenses, and allowed them to live in her home rent-free.⁴ However, once in the U.S., Phan compelled them into "sham" marriages with her family members.⁵ Further, although Phan had not physically forced the victims to work under exploitative conditions, she "'mentally' forced them."⁶ Specifically, she manipulated them into working long hours, rarely allowed them vacation days, and in the various places they lived with Phan, forced them to complete chores such as cooking and cleaning without additional pay.⁷ Phan admitted to bringing the two victims to the United States "because they were 'poor.'"⁸ In 2009, Phan pled guilty to charges of "knowingly trafficking" individuals "with respect to involuntary servitude and forced labor."⁹ These victims were exploited through psychological coercion—a common and insidious form of coercion that modern traffickers often employ—while living with and working for Phan.¹⁰

1. See *Phan v. Bureau of Pro. & Occupational Affs.*, No. 1646 C.D. 2011, 2012 Pa. Commw. LEXIS 318, at *1–2 (Pa. Commw. Ct. May 7, 2012).

2. See *id.* at *2.

3. See *id.*

4. *Id.* at *4.

5. *Id.* at *2.

6. *Id.* at *5.

7. *Id.* at *4.

8. *Id.*

9. *Id.* at *1–2 (citing 18 U.S.C. §§ 1590, 1594).

10. See *id.* at *4–5; Kathleen Kim, *Psychological Coercion in the Context of Modern-Day Involuntary Labor: Revisiting United States v. Kozminski and Understanding Human Trafficking*, 38 U. TOL. L. REV. 941, 942–43 (2007) (describing psychological coercion as the use of "subtle methods of

Similar to A.V. and T.V., many victims of labor trafficking are subject to an array of coercive tactics employers use to “trap” victims in their employment situation.¹¹ What may be most difficult about identifying labor trafficking is that it is often “hidden in plain sight.”¹² Workers who are exploited might work in private homes or lawful businesses, making it difficult to detect and report labor exploitation and abuse.¹³ This Note will focus on the rise of labor trafficking that occurs when there is an influx of visitors at worldwide sporting events, specifically the 2026 World Cup, and the effects on the hospitality and restaurant industries—industries where forced labor tends to appear.¹⁴ As a 2026 World Cup host, Pennsylvania should pass legislation to help prevent labor trafficking and to protect workers who may be subject to such damaging exploitation.

Part I of this Note provides an overview of human trafficking, while raising questions as to why the United States lacks focus on labor trafficking. Additionally, Part I introduces the risks worldwide sporting events pose with respect to human trafficking, and what laws Pennsylvania has in place currently to mitigate trafficking risks for the 2026 World Cup. Part II then examines labor trafficking in the food service industry, and how the influx in visitors for the 2026 World Cup may exacerbate already present issues in the industry. Further, Part II examines labor trafficking concerns in the hospitality industry and analyzes the present issues being aggravated by the 2026 World Cup. Part III first discusses Connecticut’s “An Act Concerning Human Trafficking,” and how, although it implements

control” that are “less obvious” and “arguably more characteristic of human trafficking” than overt methods).

11. LITTLE HOOVER COMM’N, LABOR TRAFFICKING: STRATEGIES TO UNCOVER THIS HIDDEN CRIME 8 (2020), <https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/251/Report251.pdf> (“[L]abor trafficking happens when employers exert a level of control over the workers through force, fraud, or coercion that leaves them trapped in the situation. Labor trafficking victims frequently experience multiple forms of exploitation . . .”).

12. *Id.* at 3; see Jenifer McKim, *Advocates Say the Number of Labor Trafficking Victims Is Vastly Undercounted*, NPR (Oct. 25, 2022, 5:02 AM), <https://www.npr.org/2022/10/25/1131279303/advocates-say-the-number-of-labor-trafficking-victims-is-vastly-undercounted> [<https://perma.cc/RBA5-7J8K>].

13. LITTLE HOOVER COMM’N, *supra* note 11, at 3.

14. See *infra* Sections I.C, II.B–C.

instructive procedures to Connecticut's anti-trafficking laws, it remains insufficient in the fight against labor trafficking. Then, this Part also discusses Pennsylvania's National Human Trafficking Hotline posting requirements, and how they can be strengthened. Finally, Part III will propose legislation specific to labor trafficking that Pennsylvania should enact before the 2026 Games.

I. BACKGROUND

Human trafficking is a grievous crime that affects thousands of people each year in the United States.¹⁵ Further, countless myths exist that pervade the media, clouding people's minds of the true meaning of human trafficking.¹⁶ For example, one myth is human trafficking is primarily a foreign problem, rather than an "American problem."¹⁷ In actuality, the United States is "one of the 'top destinations' for human trafficking" occurrences.¹⁸ Other misconceptions include the belief that human trafficking requires transporting individuals across state or national borders, requires a physical restraint or violence element, is analogous to smuggling, and that the only type of human trafficking is sex trafficking.¹⁹ Unfortunately, these misconceptions "impede the ability of both the public and law enforcement to identify human trafficking," especially labor trafficking.²⁰ Moreover, the lack of understanding and detection of labor trafficking not only hinders law enforcement from rescuing victims, but also inhibits law enforcement from bringing traffickers to justice.²¹

15. *Myths, Facts, and Statistics*, POLARIS, <https://polarisproject.org/myths-facts-and-statistics/> [<https://perma.cc/Y7JF-NRZ6>].

16. *See id.*

17. Caroline A. Ross, Note, *Land of the Free, Home of the Slave: Human Trafficking Legislation in South Carolina*, 68 S.C. L. REV. 1015, 1018 (2021).

18. Jessica Szymeczek, Note, *Caught in a Bad Romance: Human Trafficking's Intimate Relationship with Legitimate Businesses*, 49 HOFSTRA L. REV. 1125, 1126 (2017).

19. Annie Smith, *The Underprosecution of Labor Trafficking*, 72 S.C. L. REV. 477, 502–03 (2020); *Myths, Facts, and Statistics*, *supra* note 15.

20. Smith, *supra* note 19, at 502–03.

21. *See* LITTLE HOOVER COMM'N, *supra* note 11, at 3.

A. *What is Human Trafficking?*

United States federal law defines human trafficking as a crime that involves exploitation of individuals by use of “force, fraud, or coercion.”²² The Trafficking Victims Protections Act of 2000 (“TVPA”) is the first all-encompassing law established to combat human trafficking.²³ In the subsequent years after its enactment, Congress has reauthorized the TVPA via the Trafficking Victims Reauthorization Act (“TVPRA”).²⁴ The TVPA supplemented existing law and provided new tools to combat trafficking under Chapter 77 of Title 18 of the U.S. Code.²⁵ Specifically, 18 U.S.C. § 1591 distinguishes sex trafficking from labor trafficking in its definition, stating that sex trafficking involves the use of “force, threats of force, fraud, or coercion” that will cause “the person to engage in a commercial sex act,” or such conduct involving persons under the age of 18.²⁶ Labor trafficking, or forced labor, includes “knowingly provid[ing] or obtain[ing] the labor or services of a person” by (1) “means of force, threats of force, physical restraint, or threats of physical restraint,” (2) means of serious harm or threats of serious harm, or (3) “means of abuse of threatened abuse of law.”²⁷ In other words, labor trafficking can be characterized as “the exploitation of an individual for [the purposes of] financial gain.”²⁸ Notably, the broad language used in the TVPA allows for human trafficking to encompass a wide array of scenarios.²⁹

22. 22 U.S.C. §§ 7102(11)(A)–(B).

23. *Federal Law, NAT'L HUM. TRAFFICKING HOTLINE* (2023), <https://humantraffickinghotline.org/en/human-trafficking/federal-law> [<https://perma.cc/VK5R-G7CT>].

24. *Id.*

25. *Involuntary Servitude, Forced Labor, and Sex Trafficking Statutes Enforced*, U.S. DEP'T OF JUST., <https://www.justice.gov/crt/involuntary-servitude-forced-labor-and-sex-trafficking-statutes-enforced> [<https://perma.cc/38QK-UD4L>] (Aug. 6, 2015).

26. 18 U.S.C. § 1591; 22 U.S.C. § 7102(11)(B) (defining “severe forms of trafficking in persons”).

27. 18 U.S.C. § 1589; *Involuntary Servitude, Forced Labor, and Sex Trafficking Statutes Enforced*, *supra*, note 25.

28. *Understanding Labor Trafficking*, HUM. TRAFFICKING CAPACITY BLDG. CTR. https://htcbc.ovc.ojp.gov/sites/g/files/xyckuh311/files/media/document/Understanding%20Labor%20Trafficking_508c.pdf [<https://perma.cc/WZL4-W432>].

29. The broad language in the TVPA allows for plaintiffs’ attorneys to “exercise greater influence in shaping the evolving meaning of human trafficking under federal law.” Julie

Although the TVPA clearly expresses the existence of two forms of trafficking, sex trafficking often dominates the attention and resources of prosecutors, the media, and law enforcement.³⁰ In part, this is because commercial sex is illegal in all fifty states, while engaging in labor is legal, making it harder to detect.³¹ Nonetheless, this dominance of sex trafficking may be detrimental to the eradication of labor trafficking because it results in fewer cases of labor trafficking being identified, less training and education focused on labor trafficking, and fewer organizational efforts working to eliminate labor trafficking.³² For instance, in 2016, out of the 241 federal trafficking cases the Justice Department prosecuted, only 13 primarily involved labor.³³

Labor trafficking occurs in two main phases: “[r]ecruitment and ongoing control during employment.”³⁴ The use of force, fraud, and coercion can take place in one or both phases.³⁵ In situations with immigrant workers or foreign nationals entering the United States on temporary visas, “fraud and coercion often occur when [these workers] are recruited [from] their home countries. . . .”³⁶ However, fraud and coercion can also occur once the workers have already entered the United States and have begun working.³⁷ The most common form of coercion

Dahlstrom, *The Elastic Meaning(s) of Human Trafficking*, 108 CALIF. L. REV. 379, 398 (2020). Human trafficking may include situations ranging from an abusive husband who coerces his spouse to work to a motel owner who knowingly sells a room to a perpetrator of sex trafficking. *Id.* at 383–84.

30. Leila Miller, *Why Labor Trafficking Is So Hard to Track*, PBS (Apr. 24, 2018) <https://www.pbs.org/wgbh/frontline/article/why-labor-trafficking-is-so-hard-to-track/> [<https://perma.cc/37VX-2BD8>]; see Smith, *supra* note 19, at 502–03.

31. LITTLE HOOVER COMM’N, *supra* note 11, at 6.

32. Smith, *supra* note 19, at 504.

33. Miller, *supra* note 30. However, data on human trafficking is often inaccurate. See *infra* notes 89–94.

34. POLARIS, HUMAN TRAFFICKING ON TEMPORARY WORK VISAS 10 (2018), <https://polaris-project.org/wp-content/uploads/2019/01/Human-Trafficking-on-Temporary-Work-Visas.pdf> [<https://perma.cc/Q8F5-F6K8>] [hereinafter POLARIS, HUMAN TRAFFICKING ON TEMPORARY WORK VISAS].

35. *Id.* Note that the use of fraud, while not expressly used in Section 1589, can be used as part of a trafficker’s coercive scheme. See 18 U.S.C. § 1589.

36. POLARIS, HUMAN TRAFFICKING ON TEMPORARY WORK VISAS, *supra* note 34.

37. *Id.*

that employers use is the deliberate withholding of wages, which compels workers to stay in an exploitative job out of fear of losing accrued earnings.³⁸

Moreover, traffickers rely on a “high reward, low risk dynamic.”³⁹ This means that, in forced labor situations, traffickers expect to retain cheap labor with little fear of punishment.⁴⁰ Additionally, traffickers use the economic principle of supply and demand.⁴¹ In the labor context, heightened consumer demand for cheaper goods motivates businesses to require cheaper labor.⁴² In turn, this compels those “at the bottom of the supply chain to exploit workers,” which can lead to a forced labor scenario.⁴³ Labor exploitation occurs when “employers deny workers their [legal] rights under labor law, such as the right to fair compensation, working hours, and conditions.”⁴⁴ Labor trafficking, which differs from labor exploitation, occurs when an employer exerts control over their workers creating a situation where workers feel compelled to continue performing the labor to avoid threatened harm.⁴⁵ Note that labor trafficking may include elements of labor exploitation, such as wage theft or poor working conditions, but the exploitation must occur through coercive means to be considered labor trafficking.⁴⁶

38. INT’L LAB. ORG., GLOBAL ESTIMATES OF MODERN SLAVERY: FORCED LABOUR AND FORCED MARRIAGE 3 (2022), https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipe/documents/publication/wcms_854733.pdf [<https://perma.cc/VG9A-58SN>] [hereinafter INT’L LAB. ORG., GLOBAL ESTIMATES].

39. Hannah Gould, *What Fuels Human Trafficking?*, UNICEF USA (Jan. 13, 2017), <https://www.unicefusa.org/stories/what-fuels-human-trafficking/31692> [<https://perma.cc/QB8Z-Y4PK>].

40. *Id.*

41. *Id.*

42. *Id.*

43. *Id.*

44. COLLEEN OWENS, MEREDITH DANK, JUSTIN BREAUX, ISELA BAÑUELOS, AMY FARRELL, REBECCA PFEFFER, KATIE BRIGHT, RYAN HEITSMITH & JACK MCDEVITT, URBAN INST., UNDERSTANDING THE ORGANIZATION, OPERATION, AND VICTIMIZATION PROCESS OF LABOR TRAFFICKING IN THE UNITED STATES 76 (2014), <https://www.urban.org/sites/default/files/publication/33821/413249-Understanding-the-Organization-Operation-and-Victimization-Process-of-Labor-Trafficking-in-the-United-States.PDF> [<https://perma.cc/4UV7-FC4C>].

45. LITTLE HOOVER COMM’N, *supra* note 11, at 8; 18 U.S.C. § 1589.

46. OWENS ET AL., *supra* note 44, at 5.

Ultimately, traffickers target those who are most vulnerable.⁴⁷ Societal norms and systemic inequalities play a role because traffickers prey upon individuals living in poverty, without legitimate job options, without educational opportunities, or looking to escape their home countries.⁴⁸ Families living in extreme poverty have a high probability of accepting precarious job offers.⁴⁹ The International Labor Organization's ("ILO") reported global estimates for 2021 indicate there were approximately 50 million people in situations of modern slavery, which encompasses forced labor, concepts linked to forced labor, and forced marriages.⁵⁰ Out of these numbers, nearly 28 million were in forced labor situations.⁵¹ These staggering numbers show how prevalent labor trafficking is globally; however, the lack of attention towards combatting labor trafficking persists.⁵²

B. Lack of Attention on Labor Trafficking

Although human trafficking includes both labor and sex trafficking, there is a lack of emphasis on labor trafficking not only in the media, but also in state programs, trainings, and funding.⁵³ Labor trafficking can appear in a wide range of networks and venues, indicating a need to examine informal activity occurring behind closed doors as well as activity out in the open.⁵⁴ In other words, both rural and urban settings require examination, as well as relationships between employers, employees, and subcontractors.⁵⁵

47. See *id.* at 6.

48. See *id.*

49. See Jamille Bigio and Haydn Welch, *As the Global Economy Melts Down, Human Trafficking Is Booming*, FOREIGN POL'Y (Aug. 10, 2020, 9:56 AM), <https://foreignpolicy.com/2020/08/10/as-the-global-economy-melts-down-human-trafficking-is-booming/> [<https://perma.cc/FKF4-5QGS>].

50. *Forced Labour, Modern Slavery and Human Trafficking*, INT'L LAB. ORG., <https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm> [<https://perma.cc/6V86-44LC>]; INT'L LAB. ORG., GLOBAL ESTIMATES, *supra* note 38, at 1.

51. *Forced Labour, Modern Slavery and Human Trafficking*, *supra* note 49.

52. See INT'L LAB. ORG., GLOBAL ESTIMATES, *supra* note 38, at 1.

53. LITTLE HOOVER COMM'N, *supra* note 11, at 6; Miller, *supra* note 30.

54. See *id.* at 13; OWENS ET AL., *supra* note 44, at 86.

55. OWENS ET AL., *supra* note 44, at 86.

While labor trafficking involves exploitation that may flow from various industries and contexts, the question remains: why the lack of attention on labor trafficking? Perhaps it is lost in part because stories of sex trafficking victims, especially child victims, can easily grasp the public's sympathy, which could increase the media's and, in turn, a prosecutor's attention to sex trafficking.⁵⁶ Its focus is also possibly lost because labor trafficking is often "hidden in plain sight."⁵⁷ Victims of labor trafficking frequently work in industries such as agriculture, construction, landscaping, health and beauty services, hospitality, and food services.⁵⁸ Worker exploitation and the possible accumulation of poor labor conditions in these industries likely go unnoticed and, thus, may never be identified as a potential trafficking crime.⁵⁹ It is also possible that because undocumented immigrants are often highly vulnerable to labor trafficking, undocumented workers may be treated as criminals rather than as victims of serious exploitation.⁶⁰ Even further, victims of labor trafficking are likely unaware that the abuse they experience is in reality a form of human trafficking that is illegal.⁶¹ There have also been suggestions that law enforcement is motivated to focus more of their attention on sex trafficking cases because sex trafficking is easier to detect, has harsher penalties, and requires less complex, time-consuming investigations than labor trafficking cases.⁶²

Overall, the United States meets the minimum standards the United Nations sets in relation to the prosecution and

56. Miller, *supra* note 30.

57. *Id.*; Smith, *supra* note 19, at 505.

58. WHITE HOUSE, THE NATIONAL PLAN TO COMBAT HUMAN TRAFFICKING 9 (Dec. 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/12/National-Action-Plan-to-Combat-Human-Trafficking.pdf>.

59. See Rana M. Jaleel, *The Wages of Human Trafficking*, 81 BROOK. L. REV. 563, 568 (2016).

60. HEATHER J. CLAWSON & NICOLE DUTCH, U.S. DEPT OF HEALTH & HUM. SERV., IDENTIFYING VICTIMS OF HUMAN TRAFFICKING: INHERENT CHALLENGES AND PROMISING STRATEGIES FROM THE FIELD 3 (2008).

61. Smith, *supra* note 19, at 503.

62. LITTLE HOOVER COMM'N, *supra* note 11, at 8.

prevention of human trafficking.⁶³ These standards require the government of a given nation to demonstrate “serious and sustained efforts” in eliminating trafficking in persons.⁶⁴ According to the U.S. Department of State’s 2023 Trafficking in Persons (“TIP”) Report, however, although the United States has made progress in its efforts to combat human trafficking generally, there is a “continued lack of progress to comprehensively address labor trafficking.”⁶⁵

For instance, state and local law enforcement are more likely to encounter situations involving labor trafficking than federal law enforcement, yet are often unable to identify labor trafficking victims.⁶⁶ In part, this is because state and local law enforcement lack sufficient training surrounding human trafficking crimes, and any existing training efforts focus mainly on sex trafficking.⁶⁷ Further, local officials often misinterpret human trafficking offenses with immigration crimes, such as human smuggling or alien harboring, causing the aforementioned myths to persist.⁶⁸ Moreover, law enforcement’s “use of traditional vice tactics,” such as responding to reports, tips, or referrals may be useful in sex trafficking cases, “but are less effective in identifying labor trafficking victimization.”⁶⁹ In a civil context, the Department of Labor’s Wage and Hour Division (“WHD”) and Occupational Safety and Health Administration (“OSHA”) oversee civil enforcement of federal labor laws.⁷⁰ These agencies partner with federal law enforcement agencies

63. Haley Christenson, Comment, *For the Game. For the World. But What About for the Workers? Evaluating FIFA’s Human Rights Policy in Relation to International Standards*, 20 SAN DIEGO INT’L L.J. 93, 107 (2018); U.S. DEP’T OF STATE, 2023 TRAFFICKING IN PERSONS REPORT: UNITED STATES (2023), <https://www.state.gov/reports/2023-trafficking-in-persons-report/united-states> [<https://perma.cc/7ZBM-639B> (hereinafter 2023 TRAFFICKING IN PERSONS REPORT: UNITED STATES)].

64. 2023 TRAFFICKING IN PERSONS REPORT: UNITED STATES, *supra* note 63.

65. *Id.*

66. Smith, *supra* note 19, at 512.

67. *Id.*; Amy Farrell, Katherine Bright, Ieke de Vries, Rebecca Pfeffer & Meredith Dank, *Policing Labor Trafficking in the United States*, 23 TRENDS IN ORGANIZED CRIME 36, 38 (2020).

68. Farrell et al., *supra* note 67, at 38.

69. *Id.*

70. *The Department of Labor’s Approach to Human Trafficking*, U.S. DEP’T OF LAB., <https://www.dol.gov/agencies/oasp/resources/trafficking/dols-approach> [<https://perma.cc/9XFu-V88D>].

surrounding identification and referral of potential trafficking situations.⁷¹ However, WHD is reportedly widely understaffed, and therefore, is likely ill-equipped to protect the growing number of vulnerable workers in this country.⁷² For example, a single WHD investigator was responsible for 175,000 temporary workers in 2018.⁷³

Moreover, recognizing labor trafficked victims poses difficulties because “[v]ictims of labor trafficking might not fit the ‘stereotypical view’ of a trafficked person.”⁷⁴ This may be because of “official perceptions of the terms ‘victim,’ ‘exploitation,’ ‘consent,’ and ‘coercion.’”⁷⁵ For example, coercion or threats of serious harm do not always involve violence; typically, it is more subtle.⁷⁶ Adequate training emphasizing these subtleties would assist in law enforcement’s ability to detect labor trafficking cases.⁷⁷ Additionally, because the majority of human trafficking prosecutions are sex trafficking claims, this creates a presumption to state agencies that the traffickers to investigate are those who exploit women and children.⁷⁸ Therefore, male workers in agriculture, food service, and construction jobs are more likely to remain undetected and uninvestigated.⁷⁹

Many individuals that fall victim to labor trafficking in the United States are undocumented individuals.⁸⁰ Although there

71. *Id.*

72. POLARIS, LABOR TRAFFICKING ON SPECIFIC TEMPORARY WORK VISAS 1, 19 (2022), <https://polarisproject.org/wp-content/uploads/2022/07/Labor-Trafficking-on-Specific-Temporary-Work-Visas-by-Polaris.pdf> [<https://perma.cc/4WR4-KHKA>] [hereinafter POLARIS, TEMPORARY WORK VISAS].

73. *Id.*

74. Alexis A. Aronowitz, *Overcoming the Challenges to Accurately Measuring the Phenomenon of Human Trafficking*, 81 REVUE INTERNATIONALE DE DROIT PÉNAL [R.I.D.P.] 493, 495 (2010) (Fr.).

75. *Id.* at 494.

76. *Id.*

77. *Id.*; Farrell et al., *supra* note 67, at 43–44.

78. Morgan Brown, *Targeting Demand: A New Approach to Curbing Human Trafficking in the United States*, 11 RICH. J. GLOB. L. & BUS. 357, 370 (2012).

79. See U.N. OFF. ON DRUGS & CRIME, GLOBAL REPORT ON TRAFFICKING IN PERSONS 25 (2022); Brown, *supra* note 78, at 370.

80. *Human Trafficking: Modern Enslavement of Immigrant Women in the United States*, ACLU, (May 31, 2017), <https://www.aclu.org/documents/human-trafficking-modern-enslavement-immigrant-women-united-states> [<https://perma.cc/FL5H-GU8Y>]. Additionally, “very little attention [is] paid to the exploitation of undocumented and immigrant people.” Norma González,

are federal provisions in place to protect workers, these protections oftentimes go unenforced, and even fewer protections exist for undocumented workers.⁸¹ This leaves undocumented workers extremely vulnerable to exploitation.⁸² Because of an individual's immigration status, there may be a general fear and mistrust of law enforcement—a reality that traffickers often use and abuse as part of their coercive schemes.⁸³ Employers rely on this fear and mistrust, and sometimes cultivate it by threatening their employees with arrest or deportation.⁸⁴ This fear and mistrust is heightened by collaboration between local law enforcement agencies and the Department of Homeland Security's Immigration and Customs Enforcement ("ICE").⁸⁵ In 2018, a study conducted by the Arizona State University's Office of Sex Trafficking Intervention Research revealed that approximately 30% of the studied labor trafficking victims were arrested alongside their traffickers, with most of the arrests occurring during ICE raids.⁸⁶

In addition to threats of arrest and deportation, some of the most common forms of coercion and control over their victims include physical isolation and abuse, threats of abuse, verbal and/or emotional abuse, and the withholding of identification documents and pay.⁸⁷ The fear of deportation looms over

The "Other" Side of Human Trafficking: Effectively Advocating for Labor Trafficking Survivors Under the Trafficking Victims Protection Act, 14 SEATTLE J. SOC. JUST. 839, 840–41 (2016).

81. González, *supra* note 80, at 841.

82. *Id.*

83. Smith, *supra* note 19, at 526.

84. Denise Brennan, *Fighting Human Trafficking Today: Moral Panics, Zombie Data, and the Seduction of Rescue*, 52 WAKE FOREST L. REV. 477, 482 (2017); Smith, *supra* note 19, at 509.

85. Smith, *supra* note 19, at 526.

86. Dominique Roe-Sepowitz, Kristen Bracy & Bandak Lul, *A Four-Year Analysis of Labor Trafficking Cases in the United States 19* (2018) https://static1.squarespace.com/static/5dc48c0b9b0fd9263b570ab6/t/5dc4e01018e28e2a844863c8/1573183508810/V9_National-Labor-Trafficking-Study.pdf [<https://perma.cc/P5RB-94T8>].

87. Smith, *supra* note 19, at 509. A 2020 study found that the most common methods of coercion are withholding pay, physical abuse, inducing or exploiting a substance dependency, threats of physical abuse, and rape or sexual violence. KYLEIGH FEEHS & ALYSSA CURRIER WHEELER, HUM. TRAFFICKING INST., 2020 FEDERAL HUMAN TRAFFICKING REPORT 46 (Lindsey Roberson ed., 2021) <https://traffickinginstitute.org/wp-content/uploads/2022/01/2020-Federal-Human-Trafficking-Report-Low-Res.pdf> [<https://perma.cc/NS57-W6T5>].

decisions undocumented immigrants make, and often leads undocumented crime victims to remain silent and vulnerable to continued exploitation and harm.⁸⁸ At the core of labor trafficking is an individual's impaired ability, or inability, to leave their exploitative circumstance.⁸⁹ Therefore, the combination of various coercive tactics employers use is often sufficient to instill enough fear in a victim to remain compliant with their trafficker.⁹⁰ This fear exploitative employers often cultivate prevents individuals, especially undocumented individuals, from self-reporting.⁹¹ Further, this fear, coupled with the possibility that victims are themselves unaware of their status as trafficking victims, leads to unreliable statistics on human trafficking cases.⁹² In other words, trafficking situations that are reported to or discovered by the National Human Trafficking Hotline "do not define the totality of human trafficking [data];" indeed, it likely depicts only a slight portion of trafficking within the United States.⁹³

Importantly, remedies exist for undocumented victims of trafficking under the TVPA.⁹⁴ The TVPA brought about the creation of a new visa, the T-Visa, available to noncitizens who

88. Pauline Portillo, Comment, *Undocumented Crime Victims: Unheard, Unnumbered, and Unprotected*, 20 ST. MARY'S L. REV. RACE & SOC. JUST. 345, 355 (2018).

89. Brennan, *supra* note 84, at 482.

90. *Id.*

91. See Glenn Kessler, *Human Trafficking Statistics: Politicians Love Them Though They Remain Imprecise*, WASH. POST (Jan. 27, 2022, 3:00 AM), <https://www.washingtonpost.com/politics/2022/01/27/human-trafficking-statistics-politicians-love-them-though-they-remain-imprecise/> [<https://perma.cc/XU7W-ZA2E>]; Portillo, *supra* note 88, at 355.

92. See Kessler, *supra* note 91.

93. *Id.*; *National Statistics*, NAT'L HUM. TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/en/statistics> [<https://perma.cc/R4ZX-XFBU>]. The National Trafficking Hotline is a 24/7, confidential, multilingual hotline for victims, survivors, and witnesses of human trafficking with a mission of connecting victims and survivors to critical support and services. *About Us*, NAT'L HUM. TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/en/about-us> [<https://perma.cc/9ALC-KLRV>].

94. 22 U.S.C. §§ 7101–15; *Questions and Answers: Victims of Human Trafficking, T Nonimmigrant Status*, U.S. CITIZENSHIP & IMMIGR. SERVS., <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-human-trafficking-t-nonimmigrant-status/questions-and-answers-victims-of-human-trafficking-t-nonimmigrant-status> [<https://perma.cc/5ATK-2EXQ>] (Aug. 21, 2023).

have fallen victim to a severe form of trafficking.⁹⁵ However, although the U.S. Department of State assesses that approximately 14,500 to 17,500 individuals are trafficked within the United States every year, law enforcement only issues up to 5,000 T-Visas each year.⁹⁶ This indicates the United States has increased some effort to providing relief to victims of human trafficking;⁹⁷ however, T-Visas are often not implemented equally for victims of labor trafficking because of community and system-wide ignorance surrounding labor exploitation.⁹⁸ Such system-wide ignorance surrounding labor exploitation is especially prevalent in the sporting events industry.

C. Human Trafficking and Prevalence in Sporting Events

The United States has heightened its efforts in the eradication of human trafficking in the past decade.⁹⁹ However, some industries require additional scrutiny because of their possible contributions to human trafficking violations.¹⁰⁰ One such industry, which is beloved both in the United States and abroad, but has an unfortunate “dark side” with links to human trafficking, is the sports industry.¹⁰¹ Although situations of

95. 8 U.S.C. § 1101(a)(15)(T)(i)(I); U.S. DEP’T OF HOMELAND SEC., U AND T VISA LAW ENFORCEMENT RESOURCE GUIDE 9 [https://www.dhs.gov/sites/default/files/publications/PM_15-](https://www.dhs.gov/sites/default/files/publications/PM_15-4344%20U%20and%20T%20Visa%20Law%20Enforcement%20Resource%20Guide%202011.pdf)

4344%20U%20and%20T%20Visa%20Law%20Enforcement%20Resource%20Guide%202011.pdf.

96. MADELINE SLOAN, POLICE EXEC. RSCH. F., T VISAS PROTECT VICTIMS OF HUMAN TRAFFICKING AND STRENGTHEN COMMUNITY RELATIONSHIPS 1–2, <https://www.policeforum.org/assets/TVisas.pdf> [<https://perma.cc/VVY8-EMTR>].

97. See 2022 *Trafficking in Persons Report: United States*, U.S. DEP’T OF STATE, <https://www.state.gov/reports/2022-trafficking-in-persons-report/united-states/> [<https://perma.cc/V285-FM3B>].

98. Sarah Betancourt, *News Report Exposes Dramatic Shortfall of Visas for Victims of Trafficking*, GBH NEWS (Dec. 7, 2022), <https://www.wgbh.org/news/national-news/2022/12/07/new-report-exposes-dramatic-shortfall-of-visas-for-victims-of-trafficking> [<https://perma.cc/BH87-U9BD>]. From 2014 to 2019, T-visa application denials increased by more than 250%, and in 2020, 42% of T-visas were denied. *Id.*

99. See 2023 *TRAFFICKING IN PERSONS REPORT: UNITED STATES*, *supra* note 63.

100. Dantam Le, *Leveraging the ILO for Human Rights and Workers’ Rights in International Sporting Events*, 42 *HASTINGS COMM’NS & ENT. L.J.* 171, 171 (2020).

101. Richard Lapchick, *The State of Human Trafficking and Sports*, ESPN (Jan. 29, 2019, 9:38 AM), https://www.espn.com/espn/story/_/id/25876477/the-rise-exposure-human-trafficking-sports-world [<https://perma.cc/E8VB-CYRG>].

trafficking occur year-round, globally—in small towns and major cities alike—these situations become more common during major sporting events.¹⁰² Because of their national and international audiences, major sporting events can serve as a platform to shed light on worldwide human rights issues and promote values and initiatives to curb such abuses.¹⁰³

However, the sporting world has often threatened rather than bolstered human rights.¹⁰⁴ For example, it has been reported that “the Super Bowl is recognized as one of the largest sex-trafficking events each year in the United States.”¹⁰⁵ The individual states which have hosted the Super Bowl have implemented anti-trafficking methods in response to these reports.¹⁰⁶ However, the anti-trafficking rhetoric implemented in response to the rise of human trafficking during worldwide sporting events has primarily focused on sex trafficking, not labor trafficking.¹⁰⁷ For example, after “tens of thousands of women and minors were trafficked” during Miami’s Super Bowl in 2010, Texas Attorney General Greg Abbott announced a plan to bring dozens of state officials to assist local law enforcement in combating sex trafficking during the 2011 Super Bowl in the Dallas-Fort Worth area.¹⁰⁸ Similarly, in 2014, New Jersey Governor Chris Christie

102. *Id.*

103. *See, e.g.,* Le, *supra* note 100, at 183 (stating that the International Olympic Committee hoped the Beijing Olympics would shed light on and improve human rights abuses in the country).

104. *Id.* at 192.

105. Abbey L. Wright, Note, *Cleaning Up the Blood, Sweat, and Tears of the Super Bowl [Sex Trade]: What Host Cities Must Do in Preparation for Major Sporting Events to Combat Sex Trafficking*, 13 VA. SPORTS & ENT. L.J. 97, 97–98 (2013); *see also* John W. Whitehead, *Sex Trafficking: There’s More to the Superbowl than Sports*, HUFFPOST, https://www.huffpost.com/entry/sex-trafficking-super-bowl_b_816618 [<https://perma.cc/XQ7Z-7YHD>] (May 25, 2011).

106. *See* Wright, *supra* note 105, at 105. For example, the Texas Human Trafficking Prevention Task Force was established in 2007 to increase awareness and eliminate demand for the types of services human trafficking may provide. *See Texas Human Trafficking Prevention Task Force*, ATT’Y GEN. OF TEX., <https://www.texasattorneygeneral.gov/human-trafficking-section/texas-human-trafficking-prevention-task-force> [<https://perma.cc/EBK5-D4EC>].

107. *See* Christenson, *supra* note 63, at 109.

108. Whitehead, *supra* note 105 (quoting Irin Carmon, *Super Bowl Sunday’s Sex Trafficking Underbelly*, JEZEBEL (Dec. 10, 2010), <https://jezebel.com/super-bowl-sundays-sex-trafficking-underbelly-5711322> [<https://perma.cc/B75V-B3J6>]); Derek Pennartz, *The Irony of the Land of the Free: How Texas Is Cleaning Up Its Human Trafficking Problem*, 12 TEX. TECH. ADMIN. L.J. 367, 368 (2011).

implemented an anti-trafficking plan in preparation for the 2014 Super Bowl at MetLife Stadium in East Rutherford, New Jersey.¹⁰⁹ More specifically, Governor Christie's plan included trainings for the transportation and hospitality industries.¹¹⁰ Again, these anti-trafficking protocols placed an emphasis on eradicating sex trafficking, without much mention of labor trafficking.¹¹¹

On an even larger scale than the Super Bowl, the FIFA World Cup attracts millions from around the world.¹¹² In 2014, over three million fans attended the World Cup in Brazil.¹¹³ In preparation, volunteers handed out leaflets around Brazilian cities to raise awareness about the dangers of human trafficking and how to spot it.¹¹⁴ However, girls from impoverished areas of Brazil reportedly began to go missing in the year prior to the FIFA World Cup, and were allegedly sex trafficked to the construction workers who were building the stadium.¹¹⁵ Although anti-trafficking efforts existed, they were not enough.¹¹⁶

109. 160 CONG. REC. E124-25 (2014) (statement of Hon. Christopher H. Smith); *Super Bowl XLVIII*, ESPN, https://www.espn.com/nfl/game/_/gameId/340202007 [<https://perma.cc/2K4E-GWBS>].

110. 160 CONG. REC. E124-25 (2014) (statement of Hon. Christopher H. Smith).

111. *See id.*; Christenson, *supra* note 63, at 109.

112. *Compare One Month On: 5 Billion Engaged with the FIFA World Cup Qatar 2022*, INSIDEFIFA (Jan. 18, 2023, 1:00 PM), <https://www.fifa.com/tournaments/mens/world-cup/qatar2022/news/one-month-on-5-billion-engaged-with-the-fifa-world-cup-qatar-2022-tm> [<https://perma.cc/8CZJ-ZUCA>] (stating that 3.4 million spectators attended the 2022 World Cup in Qatar), *with Attendance at the Super Bowl in the United States from 1967 to 2023* STATISTA (Feb. 2023), <https://www.statista.com/statistics/1362951/super-bowl-attendance/> [<https://perma.cc/K5E3-RJN>] (stating that 70,048 spectators attended the 2022 Super Bowl).

113. *Sex Trafficking at the FIFA World Cup in Brazil*, HUM. TRAFFICKING SEARCH (July 14, 2014), <http://humantraffickingsearch.org/sex-trafficking-at-the-fifa-world-cup-in-brazil/> [<https://perma.cc/HC9D-ESPN>].

114. Philip Pullella, *Nuns, Backed by Pope, Warn of Human Trafficking at World Cup*, REUTERS (May 20, 2014, 1:07 PM), <https://www.reuters.com/article/uk-soccer-world-trafficking/nuns-backed-by-pope-warn-of-human-trafficking-at-world-cup-idUKKBN0E01GW20140520> [<https://perma.cc/2RFJ-48XQ>].

115. *Sex Trafficking at the FIFA World Cup in Brazil*, *supra* note 113. *See* Kyra Gurney, *Brazil World Cup Stadium Builders Accused of Human Trafficking*, INSIGHT CRIME (June 23, 2014), <https://insightcrime.org/news/brief/brazil-world-cup-stadium-builders-accused-of-human-trafficking-slavery/> [<https://perma.cc/A4HL-RCFY>] (“One of Brazil’s largest construction companies has been accused of human trafficking and keeping workers in slave-like conditions, underscoring the pervasiveness of labor abuses among Brazilian companies.”).

116. *Sex Trafficking at the FIFA World Cup in Brazil*, *supra* note 113.

In 2018, Russia hosted over three million visitors for the World Cup.¹¹⁷ However, behind the scenes, “major exploitation of construction workers and labor abuses” took place.¹¹⁸ Laborers were not paid their wages, were forced to work in temperatures as low as negative thirteen degrees Fahrenheit, and were not given work contracts required for legal employment.¹¹⁹ Russia did not have any anti-trafficking campaigns in place before the games as other host countries have had in the past.¹²⁰

More recently, Qatar served as the host nation of the 2022 World Cup.¹²¹ While preparing for the tournament, Qatar reportedly committed human rights abuses to individuals building infrastructure for the games.¹²² Over 6,000 migrant workers died during the construction of the 2022 stadium.¹²³ Additional migrant workers likely died as well, but the exact number is unknown because Qatar declined to release this information.¹²⁴ Many of the vulnerable migrant workers were young men who suffered from “cardiac arrest or heart failure, died from work incidents,” or “died from working in temperatures averaging 122 degrees Fahrenheit.”¹²⁵ Since these reports, FIFA has failed

117. *Average and Total Attendance at FIFA Football World Cup Games from 1930 to 2018*, STATISTA (Dec. 8, 2022), <https://www.statista.com/statistics/264441/number-of-spectators-at-football-world-cups-since-1930/> [<https://perma.cc/MA9A-RMTA>].

118. *Le, supra* note 100, at 188.

119. *Id.*

120. Laura Dean, *A Stage for Human Trafficking: The World Cup in Russia*, WILSON CTR.: THE RUSSIA FILE (June 18, 2018), <https://www.wilsoncenter.org/blog-post/stage-for-human-trafficking-the-world-cup-russia> [<https://perma.cc/8SPH-5UD2>].

121. *A Ground-Breaking World Cup with a Fairy Tale Ending*, FIFA (2022), <https://www.fifa.com/fifaplus/en/articles/world-cup-qatar-2022-tournament-review-argentina-messi-mbappe-morocco-croatia-japan> [<https://perma.cc/53MK-E5NL>].

122. Todd Carney, *Looking to International Law to Solve Human Rights Issues in Sports*, 28 WILLAMETTE J. INT'L L. & DISP. RESOL. 65, 66 (2021).

123. *Le, supra* note 100, at 190; see Pete Pattison, Niamh McIntyre, Imran Mukhtar, Nikhil Eapen, Md Owasim Uddin Bhuyan, Udwab Bhuttarai & Aanya Piyari, *Revealed: 6,500 Migrant Workers Have Died in Qatar Since World Cup Awarded*, GUARDIAN (Feb. 23, 2021, 1:00 PM), <https://www.theguardian.com/global-development/2021/feb/23/revealed-migrant-worker-deaths-qatar-fifa-world-cup-2022> [<https://perma.cc/T6BW-GWVG>].

124. *Le, supra* note 100, at 190

125. *Id.*

to compensate the migrant workers and families who suffered.¹²⁶

FIFA has been under scrutiny for its failure to address the ongoing human rights abuses and cruel working conditions that occur in host countries.¹²⁷ Although FIFA has strict guidelines and lengthy processes prospective host countries must comply with to be considered, the procedures do not include addressing and enforcing the protection of human rights.¹²⁸ Moreover, the pressures of hosting this “mega-event” and of fulfilling FIFA’s requirements may create incentives for host countries to cut corners, which may increase the possibility of human rights and forced labor violations occurring.¹²⁹ Further, in many situations, FIFA is not violating the laws of the host country; accordingly, it is difficult to hold FIFA accountable.¹³⁰ Therefore, remedies available to victims depend on the host countries themselves, and, for this reason, it is important FIFA selects host countries that are committed to protecting victims of labor trafficking.¹³¹

In 2017, FIFA established a Human Rights Advisory Board.¹³² Soon after, the Board released its first Human Rights Policy in

126. *FIFA Misleading World on Remedy for Migrant Workers*, AMNESTY INT’L (Dec. 12, 2022), <https://www.amnesty.org/en/latest/news/2022/12/fifa-misleading-world-on-remedy-for-migrant-workers/> [https://perma.cc/92AF-4VDU]; *Qatar: Nepali Civil Society Groups Denounce FIFA’s Continued Dismissal of Migrant Workers’ Compensation Claims*, AMNESTY INT’L (Dec. 15, 2022), <https://www.amnesty.org/en/latest/news/2022/12/qatar-nepali-civil-society-groups-denounce-fifas-continued-dismissal-of-migrant-workers-compensation-claims/> [https://perma.cc/E2BX-TSUV].

127. *See, e.g.*, Christenson, *supra* note 63, at 120 (explaining FIFA’s human rights policy is “not specific enough to be effective” and “FIFA should rewrite their human rights policy”).

128. *See Le, supra* note 100, at 173. Countries are required to submit bids that are then evaluated by FIFA’s Bid Evaluation Task Force using a scoring system containing nine criteria. These criteria are grouped into two key sections: infrastructure criteria and cost/revenue criteria. After the task force has completed the “bid compliance” assessment, it completes an “overall risk assessment” and “technical evaluation” of each bid. FIFA, *BIDDING PROCESS FOR THE 2026 FIFA WORLD CUP™* 3–4, 6, <https://digitalhub.fifa.com/m/591adbb447dabfe7/original/eg1fnzj6q9ik5mggkwi-pdf.pdf> [https://perma.cc/9DZ9-MJGV].

129. Griffin A. Clark, Comment, *UNHRC Resolution 26/9: Is a New International “Red Card” Enough to Keep FIFA and Others Accountable?*, 22 *CHI. J. INT’L L.* 621, 636 (2022).

130. Christenson, *supra* note 63, at 115.

131. *See id.*

132. Rob Harris, *FIFA Disbanded Human Rights Board and Did Not Replace It with Independent Advisors*, SKY NEWS (Dec. 17, 2022, 5:32 AM), <https://news.sky.com/story/fifa-disbanded->

May 2017.¹³³ The policy requires host countries to comply “with human rights and labor standards provided by the[ir] governments.”¹³⁴ Further, it requires contractors constructing stadiums and completing other relevant projects in preparation for the World Cup also adhere to these standards.¹³⁵ However, when violations of these requirements occur, FIFA only requests governments communicate a commitment to making sure those harmed have remedies available to them.¹³⁶ In other words, this language indicates that a host country need not implement remedies if violations occur and does not mandate an enforcement mechanism.¹³⁷ Moreover, FIFA disbanded the human rights board in 2021, further calling into question their commitment to addressing human rights violations.¹³⁸

Looking ahead, the United States has been selected as a host country for the 2026 FIFA World Cup.¹³⁹ The 2026 World Cup will be the first time the tournament is hosted by three different countries: the United States, Canada, and Mexico.¹⁴⁰ Sixteen North American cities have been chosen to host tournament

human-rights-board-and-did-not-replace-it-with-independent-advisers-12769742 [https://perma.cc/C9EF-QA53]. Note that the Advisory Board is meant to meet twice a year, and after each meeting, recommendations to FIFA are published in a report. Board members are chosen based on their expertise and experience in matters related to human rights. *See, e.g., Independent Advisory Board of Human Rights Experts to Meet on 13 March*, FIFA (Mar. 10, 2017, 11:09 AM), <https://www.fifa.com/legal/football-regulatory/media-releases/independent-advisory-board-of-human-rights-experts-to-meet-on-13-march-2875485> [https://perma.cc/H8SU-5P68].

133. *FIFA Publishes Landmark Human Rights Policy*, FIFA (June 8, 2017, 2:59 PM), <https://www.fifa.com/about-fifa/organisation/news/fifa-publishes-landmark-human-rights-policy-2893311> [https://perma.cc/R6DU-6B7X]; *see* FIFA, *FIFA’S HUMAN RIGHTS POLICY 5* (2017) <https://digitalhub.fifa.com/m/1a876c66a3f0498d/original/kr05dqyhwr1uhqy2lh6r-pdf.pdf> [https://perma.cc/X82Z-RRY2].

134. Christenson, *supra* note 63, at 117.

135. *Id.*

136. *Id.*

137. *Id.* at 117–18.

138. Harris, *supra* note 132.

139. *FIFA Unveils Stellar Line-Up of FIFA World Cup 2026 Host Cities*, FIFA, <https://www.fifa.com/fifaplus/en/articles/fifa-unveils-stellar-line-up-of-fifa-world-cup-2026-tm-host-cities> [https://perma.cc/KG7G-LJ2F].

140. Cesar Hernandez, *World Cup 2026 Host Cities Revealed, with 11 Venues in U.S., 3 in Mexico and 2 in Canada*, ESPN (June 16, 2022, 9:02 PM), <https://www.espn.com/soccer/fifa-world-cup/story/4686699/world-cup-2026-host-cities-revealed-with-11-venues-in-us-3-in-mexico-and-2-in-canada> [https://perma.cc/394A-SEXV].

games, including Philadelphia, Pennsylvania.¹⁴¹ It is clear from FIFA's Human Rights Advisory Board and past human rights abuses occurring during the games, that host countries must begin taking steps to combat human trafficking expeditiously.¹⁴²

But, where does the United States stand with its anti-trafficking measures? Since the implementation of the TVPA in 2000, Congress introduced multiple bills in 2017, including the Human Trafficking Accountability Act and the Trafficking Survivors Relief Act.¹⁴³ In addition, local authorities participated in "sting operations" across the country in 2017 as a part of National Johns Suppression Initiative ("NJSI") to reduce human trafficking.¹⁴⁴ Since then, over 10,000 individuals either attempting to buy or sell sex have been arrested across the country as a part of NJSI's operations.¹⁴⁵ Similarly, the FBI conducted Operation Cross Country XI in 2017, focusing on the trafficking of children.¹⁴⁶ This operation led to the arrest of 120 traffickers across the country.¹⁴⁷ This demonstrates what has previously been mentioned—that there is a clear focus on sex trafficking rather than labor trafficking in anti-trafficking operations. But

141. *FIFA Unveils Stellar Line-Up of FIFA World Cup 2026 Host Cities*, *supra* note 139. Six matches will take place at Lincoln Financial Field throughout June 2026 into July 2026. Max Molski, *List of Every 2026 FIFA World Cup Match by Host City*, NBC BOSTON (Feb. 5, 2024, 12:27 PM) <https://www.nbcboston.com/news/sports/soccer/2026-fifa-world-cup-every-match-city-stadium-tickets/3269384/> [<https://perma.cc/WNV9-CWJL>].

142. *See* Christenson, *supra* note 63, at 118–19. The Advisory Board's final report was released in March 2021. *See supra* notes 117–28 and accompanying text.

143. Christenson, *supra* note 63, at 107; Human Trafficking Accountability Act, H.R. 3304, 115th Cong. (2017); Trafficking Survivors Relief Act of 2017, H.R. 459, 115th Cong. (2017).

144. Christenson, *supra* note 63, at 108.

145. Press Release, Cook Cnty. Sheriff's Off., National Sex Buyer Stings Reach 10,000 Arrests (Feb. 5, 2020), <https://www.cookcountysheriff.org/national-sex-buyer-stings-reach-10000-arrests/> [<https://perma.cc/P5WQ-K8P4>]. Pennsylvania's Upper Merion and Pittsburgh police departments participated in NJSI's seventeenth operation. *Id.*; *see The 17th National Johns Suppression Initiative Operation Nets over 370 Arrests*, VILL. L. INST. TO ADDRESS COM. SEXUAL EXPLOITATION (Feb. 18, 2019), <https://cseinstitute.org/the-17th-national-johns-suppression-initiative-operation-nets-over-370-arrests/> [<https://perma.cc/PS79-CUKZ>].

146. Erin Calabrese, Todd Miyazawa & Andrew Kozak, *84 Children Rescued, 120 Human Traffickers Arrested Across U.S., FBI Says*, NBC NEWS (Oct. 18, 2017, 11:56 PM), <https://www.nbcnews.com/news/us-news/84-children-rescued-120-human-traffickers-arrested-across-u-s-n812156> [<https://perma.cc/SY2D-GSWZ>].

147. *Id.*

where does Pennsylvania, as one of the World Cup host states in the United States, stand with its anti-trafficking provisions, currently?

D. Pennsylvania's Current Anti-Trafficking Provisions

Pennsylvania has implemented human trafficking coalitions and task forces in response to the rising harms of human trafficking.¹⁴⁸ In 2014, Pennsylvania passed Act 105, the Commonwealth's "first comprehensive human-trafficking law."¹⁴⁹ The Act outlines the defining characteristics of sex and labor trafficking and calls for a Commonwealth-wide plan to coordinate anti-trafficking initiatives.¹⁵⁰ Furthermore, the Act created a path for civil remedies that "allows survivors to sue those who participated in or profited from their victimization."¹⁵¹ Since the Act's implementation, over 700 human trafficking offenses have been filed within the state.¹⁵² In 2020, U.S. Attorney Scott Brady announced an anti-trafficking coalition directed specifically at the twenty-five counties in the Western District of Pennsylvania, called Operation T.E.N. (Trafficking Ends Now).¹⁵³ More specifically, "[o]peration T.E.N. serves as an umbrella coalition for law enforcement, community, and non-profit partners" in Pennsylvania's Western District to educate and

148. See U.S. DEP'T OF HEALTH & HUM. SERVS., PENNSYLVANIA: EFFORTS TO COMBAT HUMAN TRAFFICKING 2 (2017), https://www.acf.hhs.gov/sites/default/files/documents/otip/pennsylvania_profile_efforts_to_combat_human_trafficking.pdf.

149. 2014 Pa. Laws 105; *Cracking Down on Human Trafficking in Pennsylvania*, THE UNIFIED JUD. SYS. OF PA., (Jan. 10, 2022), <https://www.pacourts.us/news-and-statistics/news/news-detail/1050/cracking-down-on-human-trafficking-in-pennsylvania> [<https://perma.cc/6RW6-CDD4>].

150. 2014 Pa. Laws 105; SHEA M. RHODES, ACT 105: PENNSYLVANIA'S FIRST COMPREHENSIVE ANTI-TRAFFICKING LEGISLATION 1, <http://cseinstitute.org/wp-content/uploads/2016/12/Act-105-Law-on-the-Books.pdf> [<https://perma.cc/H4HN-FXT6>].

151. RHODES, *supra* note 150, at 1.

152. *Cracking Down on Human Trafficking in Pennsylvania*, *supra* note 149.

153. Press Release, U.S. Att'y Off., W. Dist. of Pa., U.S. Attorney Brady Announces Coalition Dedicated to Ending Human Trafficking (July 22, 2020), <https://www.justice.gov/usao-wdpa/pr/us-attorney-brady-announces-coalition-dedicated-ending-human-trafficking> [<https://perma.cc/XLD2-7VME>].

combine efforts to end human trafficking.¹⁵⁴ In late May 2022, Operation T.E.N. led to the indictment of an individual from Pittsburgh, whom the Commonwealth charged with two counts of sex trafficking.¹⁵⁵ Additionally, in August 2022, Pennsylvania State Attorney General Josh Shapiro announced the arrest of an individual for committing labor trafficking in Mifflin County, Pennsylvania.¹⁵⁶ The investigation revealed a woman and her boyfriend “forced minors, including foster children in their care, to work in their car detailing business without compensation.”¹⁵⁷ Although Pennsylvania generally has attempted to increase anti-trafficking efforts, again, there is a lack of emphasis on labor trafficking in these state-wide coalitions as opposed to sex trafficking.¹⁵⁸

Where does this leave Philadelphia as the city prepares to host the World Cup in 2026? As a component of the selection process for host cities, FIFA requires each host city candidate “to conduct human rights stakeholder engagement and

154. Press Release, U.S. Att’y Off., W. Dist. of Pa., Two Charged with Sex Trafficking Adult Women in Pennsylvania, Florida and Texas (May 24, 2022), <https://www.justice.gov/usao-wdpa/pr/two-charged-sex-trafficking-adult-women-pennsylvania-florida-and-texas> [<https://perma.cc/EP2B-22XM>].

155. *Id.*

156. Press Release, Pa. Off. of Att’y Gen., AG Shapiro Announces Arrest for Labor Trafficking Minors in Mifflin County (Aug. 31, 2022), <https://www.attorneygeneral.gov/taking-action/ag-shapiro-announces-arrest-for-labor-trafficking-minors-in-mifflin-county/> [<https://perma.cc/5H8G-VMHC>].

157. *Id.* Moreover, “[v]ictims slept on air mattresses at the business in the same room as [the couple] and [their] children, and food was kept in a locked refrigerator only to be eaten at designated mealtimes.” *Id.*; see also *Woman Faces Forced Child Labor Trafficking Counts*, SENTINEL (Sept. 1, 2022), <https://www.lewistownsentinel.com/news/local-news/2022/09/woman-faces-forced-labor-child-trafficking-counts/> [<https://perma.cc/RQ2R-KN4S>].

158. See *Pennsylvania Human Trafficking Task Forces*, PA. OFF. OF VICTIM SERVS., <https://pcv.pccd.pa.gov/HT/Pages/Pennsylvania-Human-Trafficking-Task-Forces.aspx> [<https://perma.cc/AGH3-MHYX>]; see also Bucks Coalition Against Trafficking, NOVA TRAINING INST., <https://novabucks.org/training-institute/> [<https://perma.cc/7YZN-XRY8>] (including an array of professional development trainings concerning human trafficking; however, the trainings primarily only delve into issues surrounding sex trafficking or sexual exploitation); see also *Human Trafficking Hits Home*, CRIME VICTIM CTR. OF ERIE CNTY., <https://cvcerie.org/newsletter/human-trafficking-hits-home/> [<https://perma.cc/6LWT-ZTG5>] (mentioning sex and drug, but not labor, trafficking in Pennsylvania); see also *Lancaster County DA’s Human Trafficking Task Force*, CRIMEWATCH (Jan. 11, 2023), <https://lancaster.crimewatchpa.com/da/11617/post/year-review-lancaster-county-das-human-trafficking-task-force> [<https://perma.cc/8ZGL-TX3J>] (discussing the Task Force’s arrests, stings, and details from 2022, all of which focused on sex trafficking or prostitution-related offenses).

produce a report outlining the stakeholder engagement process, its results, and the city's human rights plans in relation to the competition."¹⁵⁹ In this report, Philadelphia discussed their establishment of a Social Impact Council, which includes subcommittees with representatives to focus on "child rights, human trafficking, and food insecurity."¹⁶⁰ In response to the city's submission, FIFA noted Philadelphia could have strengthened its submission by more clearly describing the initial phases of the city's risk assessment of human rights issues that will emerge and materialize from the submission date until 2026.¹⁶¹ Notably, in FIFA's evaluation of the city's submission, there is not one mention of human trafficking or anti-trafficking measures the city planned to implement.¹⁶² Based on the FIFA evaluation of the city's submission, it is apparent Philadelphia overlooks the possible dangers of labor trafficking and exploitation that exist within the city.

The 2026 World Cup will take place at Lincoln Financial Field, which has hosted a number of sporting events in the past.¹⁶³ While Philadelphia's tourism numbers have consistently increased in recent years, the World Cup will likely intensify these numbers even more.¹⁶⁴ Even during the Philadelphia

159. FIFA, EVALUATION OF PHILADELPHIA'S HUMAN RIGHTS STAKEHOLDER ENGAGEMENT SUBMISSION TO FIFA 1 (2022), <https://digitalhub.fifa.com/m/76e4cdc83a283aed/original/Evaluation-of-Philadelphia-s-Human-Rights-Stakeholder-Engagement-Submission-to-FIFA.pdf>

160. *Id.* at 4.

161. *Id.*

162. *Id.* at 5.

163. *Why PHL*, PHILLYFWC26, <https://www.phillyfwc26.com/why-phl> [<https://perma.cc/T3QF-T3AS>]. In addition to Eagles home NFL games, Lincoln Financial Field has hosted numerous other major sporting events, including the 2003 Women's World Cup, the 2015 CONCACAF Gold Cup final match, and the NHL Stadium Series outdoor game between the Philadelphia Flyers and Pittsburgh Penguins. *World Cup 2026 Host Cities Confirmed: What You Need to Know About the 16 Venues*, ESPN (June 16, 2022, 6:00 PM), https://www.espn.com/soccer/story/_/id/37628821/need-know-16-venues [<https://perma.cc/YZH8-QU97>].

164. Michael Tanenbaum, *Philly Region Drew Record 45 Million Visitors, \$7.6 Billion in 2018*, PHILLY VOICE (Aug. 21, 2019), <https://www.phillyvoice.com/philadelphia-international-airport-tourism-region-record-45-million-visitors-2018/> [<https://perma.cc/G2JE-4HUD>]; Patrick Clarke, *Tourism Boost Expected for 2026 World Cup Host Cities*, TRAVEL PULSE (June 17, 2022, 11:16 AM), <https://www.travelpulse.com/news/destinations/tourism-boost-expected-for-2026-world-cup-host-cities> [<https://perma.cc/8F7W-GCXA>].

Eagles 2018 NFL Playoff run, Philadelphia hotels reportedly sold over 12,000 more hotel rooms compared to the Eagles 2017 playoff run.¹⁶⁵ Similar to the hospitality industry, the restaurant industry will have to accommodate for global visitors to provide a wide range of quality food in an efficient manner.¹⁶⁶ Notably, during the 2014 FIFA World Cup in Brazil, over 15,000 jobs were created by food and beverage operations.¹⁶⁷ This large boost in the economy may seem fruitful for Philadelphia on the surface; however, without proper regulation and legislation, labor trafficking, among other human rights violations, are highly probable.¹⁶⁸ These two industries—food service and hospitality—are likely to see a spike in these human rights violations, specifically in labor trafficking.¹⁶⁹

II. LABOR TRAFFICKING ACROSS INDUSTRIES: FOOD SERVICE AND HOSPITALITY

The restaurant and food service industry is one of the leading industries in the United States where labor trafficking is

165. See, e.g., *Super Bowl LII Champion Philadelphia Eagles Create Surge in Hotel Stays*, VISIT PHILA., (Feb. 14, 2018), <https://www.visitphilly.com/media-center/press-releases/eagles-inspire-surge-philly-hotel-stays/> [<https://perma.cc/S7PT-BSTH>]; see also Maggie Kent, *Eagles Playoff Run Brings Big Boost to Philadelphia Businesses*, ABC NEWS (Jan. 24, 2023), <https://6abc.com/philadelphia-eagles-tickets-nfc-championship-hotel-mcgillins-olde-ale-house/12728894/> [<https://perma.cc/L9EH-8GAG>] (reporting that Live! Casino and Hotel Philadelphia sold out all hotel rooms for the weekend of the Eagles playoff game against the New York Giants).

166. See ROY WEINSTEIN, PETER QUIES, RYAN SMART, JEREMY DE GRACIA & JOE HALE, *PROJECTED ECONOMIC IMPACT OF FIFA WORLD CUP 2026 COUNTY OF LOS ANGELES SUMMER 2026 6–7* (2023) https://static1.squarespace.com/static/61b53e492ea58d13b806ccb3/t/64a9001e0f3e895c59acc0d9/1688797214791/FIFA_2026_Economic_Impact_Report.pdf [<https://perma.cc/8FJQ-NW4U>].

167. *Where Is Hospitality Adding Value to Sporting Events?*, EHL INSIGHTS (Aug. 27, 2018), <https://hospitalityinsights.ehl.edu/hospitality-sporting-events> [<https://perma.cc/E2AU-ZJNK>]; see also Robert Baumann & Victor Matheson, *Mega-Events and Tourism: The Case of Brazil*, 36 *CONTEMP. ECON. POL'Y* 292, 293 (2017). A study conducted by authors Baumann and Matheson estimates that the 2014 FIFA World Cup brought in an additional one million tourists to Brazil over a two-month period, which is notable because the World Cup occurred “during typically low-tourism wether months.” *Id.* at 292, 300.

168. See Christenson, *supra* note 63, at 125–26.

169. See, e.g., Doug Gross, *Yardley Restaurant Owner Indicted on Human Trafficking Charge*, PATCH (Nov. 22, 2019, 8:37 AM) <https://patch.com/pennsylvania/yardley/yardley-restaurant-owner-indicted-human-trafficking-charge> [<https://perma.cc/RP89-5PWC>]. In 2019, a grand jury indicted a restaurant owner from Yardley, Pennsylvania on charges of human trafficking, specifically for forced labor. *Id.*

detected.¹⁷⁰ From 2007 to 2020, Polaris, a non-profit organization that combats sex and labor trafficking in North America, estimated there were 672 cases of labor trafficking and 1,448 cases of labor exploitation involving the restaurant industry.¹⁷¹ Common to other labor trafficking cases, many workers in the restaurant industry are foreign nationals.¹⁷² Notably, the number of foreign-born workers in the restaurant industry has steadily increased over the past few decades.¹⁷³ For example, in New York City, foreign-born workers in the restaurant industry jumped from 47.5% to 66.7% from 1980 to 2000.¹⁷⁴ And, immigrant workers hired in restaurants tend to work in the less-prestigious, lower-paid jobs that are hidden from customers and the public eye.¹⁷⁵ These workers often come to the United States on temporary nonimmigrant H-2B work visas.¹⁷⁶ However, although these workers are in the country legally, these temporary visas are inherently flawed.¹⁷⁷ This is because often, temporary visas are tied to a single employer.¹⁷⁸ This allows for an employer to effectively trap a worker into exploitative working

170. *Exploitation on the Menu: Labor Trafficking in the Restaurant Industry*, STOP MOD. SLAVERY, <https://stopmodernslavery.org/2021/07/exploitation-on-the-menu-labor-trafficking-in-the-restaurant-industry/> [<https://perma.cc/4K8U-V259>].

171. *Trafficking Is Also Hidden in Our Favorite Restaurant's Kitchen*, POLARIS (May 1, 2020), <https://polarisproject.org/blog/2020/05/trafficking-is-also-hidden-in-our-favorite-restaurants-kitchen/> [<https://perma.cc/VT92-RWVA>]. Polaris is a non-profit and non-governmental organization at the forefront of combating sex and labor trafficking in North America. *Id.* Polaris also operates the U.S. National Human Trafficking Hotline. *About Us*, POLARIS, <https://polarisproject.org/about-us/> [<https://perma.cc/9ALC-KLRV>].

172. *Trafficking Is Also Hidden in Our Favorite Restaurant's Kitchen*, *supra* note 171.

173. See ABEL VALENZUELA JR., NIK THEODORE, EDWIN MELÉNDEZ & ANA LUZ GONZALEZ, ON THE CORNER: DAY LABOR IN THE UNITED STATES 2 (2006), https://nlg-laboremploy-comm.org/media/documents/nlg-laboremploy-comm.org_32.pdf [<https://perma.cc/RP89-5PWC>].

174. REST. OPPORTUNITIES CTR. OF N.Y. & N.Y.C REST. INDUS. COAL., BEHIND THE KITCHEN DOOR: PERVASIVE INEQUALITY IN NEW YORK CITY'S THRIVING RESTAURANT INDUSTRY 6 (2005), https://www.campusactivism.org/server-new/uploads/behind_kitchen_door_rocnyc.pdf [<https://perma.cc/26W8-RU5Q>].

175. *See id.* at 17.

176. *Trafficking Is Also Hidden in Our Favorite Restaurant's Kitchen*, *supra* note 171; ANDORRA BRUNO, CONG. RSCH. SERV., R44849, H-2A AND H-2B TEMPORARY WORKER VISAS: POLICY AND RELATED ISSUES 1 (2023).

177. *Trafficking Is Also Hidden in Our Favorite Restaurant's Kitchen*, *supra* note 171.

178. BRUNO, *supra* note 176.

conditions.¹⁷⁹ Accordingly, many foreign-born workers are vulnerable to labor trafficking and exploitation because of their immigration status and their temporary work visas.¹⁸⁰

A. *Exploitation of the H-2 Visa Program*

Government agencies such as the Department of Labor, United States Citizenship Immigration Services, and the Department of State oversee the issuance of temporary H-2 visas.¹⁸¹ However, “[b]ecause of the complexity and . . . array of temporary work visa programs, there are no definitive numbers on how many workers are currently in the United States on such visas.”¹⁸² Under these temporary visa programs, employers may recruit and employ foreign workers to fill temporary or seasonal positions when employers identify there is a shortage of domestic workers in their given job area.¹⁸³ Foreign-born workers are eligible for two types of temporary visas intended for employment in the United States: H-2A and H-2B visas.¹⁸⁴ H-2A visas are issued to seasonal agricultural workers, while H-2B visas are issued to unskilled workers to perform nonagricultural labor or services in the United States, usually to fill a

179. *Trafficking Is Also Hidden in Our Favorite Restaurant’s Kitchen*, *supra* note 171.

180. *See id.*

181. BRUNO, *supra* note 176, at 2.

182. POLARIS, HUMAN TRAFFICKING, *supra* note 34, at 5. The lack of clarity in definitive numbers in these visa programs is in part caused by the complexity and “variable opacity” of the array of temporary work visas. *Id.* Furthermore, the total number of workers on these visas in any given year is hard to determine because some of this information is not publicly available without a Freedom of Information Act (“FOIA”) request. *Id.*

183. Eleanor G. Carr, *Search for a Round Peg: Seeking a Remedy for Recruitment Abuses in the U.S. Guest Worker Program*, 43 COLUM. J.L. & SOC. PROBS. 399, 403 (2010). Employers must obtain a labor certification from the Department of Labor verifying the lack of sufficient qualified American workers for the job. *H-2A Temporary Agricultural Program*, U.S. DEP’T OF LAB., <https://www.dol.gov/agencies/eta/foreign-labor/programs/h-2a> [<https://perma.cc/CUE2-K7TS>]; *H-2B, Temporary Labor Certification for Non-Agriculture Workers*, U.S. DEP’T OF LAB., <https://flag.dol.gov/programs/H-2B> [<https://perma.cc/TJ7C-ZFQG>].

184. BRUNO, *supra* note 176, at 2; *see also H-2A Temporary Agricultural Workers*, U.S. CITIZENSHIP & IMMIGR. SERVS., <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-2a-temporary-agricultural-workers> [<https://perma.cc/Q5CM-BXND>]; *H-2B Temporary Non-Agricultural Workers*, U.S. CITIZENSHIP & IMMIGR. SERVS., <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-2b-temporary-non-agricultural-workers> [<https://perma.cc/PUZ9-5J4X>].

peak or seasonal labor need.¹⁸⁵ As such, foreign nationals in the food service industry typically receive H-2B visas.¹⁸⁶

The temporary H-2A and H-2B work visa program for low-skilled workers inherently makes these groups more vulnerable to abuse and exploitation.¹⁸⁷ Why is this the case? The workers who come to the United States under these temporary visas come to earn money, and often leave behind loved ones in their home countries for opportunities present in the United States.¹⁸⁸ Oftentimes, workers are willing to accept risky offers by recruitment agencies for the potential to provide a better life for their families.¹⁸⁹ As such, workers often go into substantial debt to come to the United States.¹⁹⁰ These factors inherently create a “power disparity” between the employer and the worker.¹⁹¹

As mentioned, temporary work visas are tied to one single employer, so if a worker on an H-2 visa wants to leave an abusive employer, they will automatically lose their legal immigration status and may be deported.¹⁹² If a worker does choose to take the risk of leaving their employer, they must “effectively document and subsequently report his or her reasons for leaving.”¹⁹³ If they do not, their employer may report them for fleeing, making it difficult to obtain future immigration relief.¹⁹⁴ In these scenarios, it is likely that those employers will subject

185. BRUNO, *supra* note 176, at 2; *H-2B Program*, U.S. DEP’T OF LAB., <https://www.dol.gov/agencies/whd/immigration/h2b> [<https://perma.cc/W78N-5J9H>].

186. *Trafficking Is Also Hidden in Our Favorite Restaurant’s Kitchen*, *supra* note 171; see *H-2B Program*, *supra* note 185.

187. POLARIS, HUMAN TRAFFICKING ON TEMPORARY WORK VISAS, *supra* note 34, at 10.

188. *Id.*

189. See, e.g., MARY BAUER, S. POVERTY L. CTR., CLOSE TO SLAVERY: GUESTWORKER PROGRAMS IN THE UNITED STATES 12 (2007), <https://humantraffickinghotline.org/sites/default/files/Close%20to%20Slavery%20-%20SPCL.pdf> [<https://perma.cc/MQ72-RBM7>].

190. *Id.* at 9.

191. POLARIS, HUMAN TRAFFICKING ON TEMPORARY WORK VISAS, *supra* note 34, at 10.

192. *Id.*

193. *Id.* at 17.

194. *Id.* Even when employers are found liable for exploiting their workers by, for example, stealing wages, the Department of Labor still allows them to recruit foreign workers through the H-2B program. See Maurizio Guerrero, *Non-Agricultural Guest Workers See Little Justice and Protection from Predatory Employers*, PRISM (Jan. 10, 2023), <https://prismreports.org/2023/01/10/guest-h-2b-workers-predatory-employers/> [<https://perma.cc/85YD-CMMM>].

their employees to retaliation.¹⁹⁵ Moreover, except for workers in the forestry industry, H-2B workers are not entitled to federally funded legal counsel.¹⁹⁶ Accordingly, employers use threats of deportation or threats to an employee's immigration status as a coercive tactic in labor trafficking scenarios.¹⁹⁷ This tactic effectively traps workers.¹⁹⁸ Further, it reduces a worker's likelihood of fleeing exploitation, and disincentivizes workers from reporting their employer to authorities.¹⁹⁹

For Pennsylvania to be at the forefront of tackling labor trafficking in the food service industry and beyond before the 2026 World Cup, the state requires new legislation.²⁰⁰

B. *Exploitation in Food Services*

In the restaurant and food service industry, many workers face daily struggles as they try to earn a living wage while enduring unsafe working conditions and tolerating abusive management.²⁰¹ Specifically, workers in the restaurant industry earn low wages and often lack job security.²⁰² Food service employees also often face higher levels of persistent poverty and food insecurity because of low wages and prevalence of part-time positions.²⁰³ Employers are aware of these workers' reliance on

195. See Guerrero, *supra* note 194.

196. *Id.*

197. See POLARIS, HUMAN TRAFFICKING ON TEMPORARY WORK VISAS, *supra* note 36, at 4.

198. *Id.* at 14, 16.

199. See *id.* at 17.

200. See discussion *infra* Part III.

201. Frances Nguyen, *The Restaurant Industry Won't Survive if Its Workers Can't*, PRISM (Nov. 9, 2021), <https://prismreports.org/2021/11/09/the-restaurant-industry-wont-survive-if-its-workers-cant/> [<https://perma.cc/PDT9-UCST>].

202. REST. OPPORTUNITIES CTR. OF N.Y. & N.Y.C. REST. INDUS. COAL., *supra* note 174, at 39.

203. See Erin Meyer, *A Tragic Paradox: The Hungry Food Worker*, MEDIUM (Mar. 28, 2017), <https://medium.com/land-and-ladle/a-tragic-paradox-the-hungry-food-worker-eda2effa7a34> [<https://perma.cc/88HC-JVWQ>]; see also Alastair Bland, *The Stark Racial Divide in Pay for Restaurant Workers*, NPR (Oct. 22, 2015, 4:02 PM), <https://www.npr.org/sections/the-salt/2015/10/22/450863158/the-startling-racial-divide-in-pay-for-restaurant-workers> [<https://perma.cc/ZWB8-E57Q>] (observing pay disparities along racial lines within the food-service industry).

these jobs and exploit this as an avenue to control their employees.²⁰⁴

Based on a study of pervasive inequality in New York City's restaurant industry by the Restaurant Opportunities Center of New York, the workers interviewed reported being subject to retaliatory action, in the form of demotions or sudden layoffs, if workers complained about their hours or work conditions.²⁰⁵ Importantly, the majority of the workers interviewed were unaware that it was illegal for their employer to terminate them for raising concerns about workplace conditions.²⁰⁶ When workplace exploitation comes into play, studies have shown "restaurant employers who violate labor and employment laws are also more likely to violate [workplace] health and safety standards."²⁰⁷ Therefore, exploitation of food service workers may result in placing the health and safety of customers at risk.²⁰⁸

Because of the likelihood of exploitation taking place in restaurants behind closed doors, it is difficult for customers and the general public to identify if worker exploitation may rise to the level of forced labor.²⁰⁹ This highlights the importance of workers themselves having an awareness of their rights and avenues if they suspect they or someone they know may be in a labor trafficking situation.²¹⁰ In any event, labor trafficking and the exploitation of workers does not only occur in the food services industry; it is also highly prevalent in the hospitality industry.²¹¹

204. See REST. OPPORTUNITIES CTR. OF N.Y. & N.Y.C. REST. INDUS. COAL., *supra* note 174, at 16, 40.

205. *Id.* at 16.

206. *Id.*

207. *Id.* at 39.

208. *Id.*

209. See *id.* at 17, 31 (emphasizing that immigrant workers of color often work jobs in poor working conditions out of the view of the public).

210. See *Why an Increase in Victims and Survivors Contacting the Trafficking Hotline Is Meaningful*, POLARIS (Aug. 4, 2020), <https://polarisproject.org/blog/2020/08/why-an-increase-in-victims-and-survivors-contacting-the-trafficking-hotline-is-meaningful/> [<https://perma.cc/26ZM-JTRS>] ("Hearing directly from the person affected provides [trafficking resource groups] with the best information to take necessary and appropriate action.").

211. See discussion *infra* Section II.C.

C. Exploitation in the Hospitality Industry

Travel and tourism are two of “the most profitable industries in the United States,” and rank “in the [ten] highest-grossing industries [across forty-eight] states.”²¹² Hotels and motels, cornerstones of the travel and tourism industries, require labor to be performed at all hours of the day.²¹³ Accordingly, victims of labor trafficking in the hospitality industry often find themselves working extensive schedules against their will for minimal to no compensation for their efforts.²¹⁴ Victims in this industry often work as server or bell staffers, in the hotel restaurants or casinos, room attendants, front desk staffers, and, frequently, in housekeeping services.²¹⁵ Labor traffickers could include the hotel management or subcontracting labor recruiters.²¹⁶ However, if the hotel elects to hire a contractor that exploits workers through their recruitment practices, the hotel may be unaware of the abuse happening in their business.²¹⁷

As in restaurant industry, the majority of labor trafficking victims in the hospitality industry came to the United States on temporary work visas, typically the H-2B visa.²¹⁸ Note that data from the National Trafficking Hotline cannot differentiate between potential victims who are trafficked directly by hotel management and those who are trafficked by subcontractors or staffing agencies.²¹⁹ This is because the hospitality industry involves “complex staffing systems” that also include “many

212. OWENS ET AL., *supra* note 44, at 11.

213. *Id.* at 244.

214. *Hospitality*, NAT’L HUM. TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/en/labor-trafficking-venuesindustries/hospitality> [https://perma.cc/9EZD-XDJV].

215. *Id.*; POLARIS, ON-RAMPS, INTERSECTIONS, AND EXIT ROUTES: A ROADMAP FOR SYSTEMS AND INDUSTRIES TO PREVENT AND DISRUPT HUMAN TRAFFICKING 21 (2018), <https://polarisproject.org/wp-content/uploads/2018/08/A-Roadmap-for-Systems-and-Industries-to-Prevent-and-Disrupt-Human-Trafficking-Hotels-and-Motels.pdf> [https://perma.cc/23QH-WT8K] [hereinafter POLARIS, ON-RAMPS, INTERSECTIONS, AND EXIT ROUTES].

216. *Hospitality*, *supra* note 214.

217. *Id.*

218. POLARIS, ON-RAMPS, INTERSECTIONS, AND EXIT ROUTES, *supra* note 215, at 21.

219. *Id.* at 22.

labor supply chains,” making it difficult for potential victims to identify their true employer.²²⁰

For example, Sally Agaton, a H-2B visa worker who applied to work in the United States through an agency in Manila, found herself working at a hotel job that did not meet the original contract specifications she relied upon.²²¹ In other words, the recruitment agency mis-advertised job details to Agaton.²²² She accumulated a \$3,000 debt owed to the recruitment agency for her arrival, and the same agency “deducted \$300 a month from each of [her] paychecks for rent.”²²³ From the meager \$8.50 per hour she made at her hotel job, “Agaton was left with only \$50 per week to pay for food, repay her loan to the agency, and support her children back in the Philippines.”²²⁴ As discussed above, she could not leave and find employment somewhere else because her H-2B visa was tied to her specific employer.²²⁵ Thus, leaving her job would mean she would be in the country without legal status, making her even more vulnerable to exploitation, and possibly deportation.²²⁶

Traffickers conduct their business in the hospitality industry because the travel and tourism industries offer “transient atmospheres,” where individuals come and go with frequency.²²⁷ Furthermore, those working in the hospitality industry, as well as the traveling public, often believe trafficking is not taking

220. *Id.*

221. Szymeczek, *supra* note 18, at 1134–35 (2021).

222. *See id.*

223. *Id.* at 1135.

224. *Id.*

225. *Id.* at 1135.

226. *See id.*; discussion *supra* Section II.A (explaining that H-2B visas often leave immigrants vulnerable to exploitation and deportation). If deported, an individual eligible for re-entry may file an I-212 form with USCIS depending on the circumstances of their case, but the average wait time for I-212 form processing is 21.5 months and the average cost is \$930. *Form I-212, Explained*, BOUNDLESS, <https://www.boundless.com/immigration-resources/form-i212-explained/> [<https://perma.cc/WGX2-ZS77>]; *I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal*, U.S. CITIZENSHIP & IMMIGR. SERVS., <https://www.uscis.gov/i-212> [<https://perma.cc/8YAZ-XBSK>].

227. Timothy Marsh, Note, *Compulsory Corporate Social Responsibility: New York Hoteliers as Mandated Reporters of Child Sex Trafficking*, 45 HOFSTRA L. REV. 979, 981 (2017).

place at the hotels they frequent.²²⁸ The hard truth is that labor trafficking happens in every fragment of the industry, in all types of locations and at any given moment.²²⁹ At first, the hotel industry failed to implement training programs to addressing human trafficking because they refused to acknowledge their role in the issue.²³⁰ However, in recent years, hotel companies across the world have become aware of traffickers taking advantage of their businesses.²³¹ Such awareness is key, especially during the hospitality industry's hiring of workers and the industry's peak seasons.

The hospitality industry has peaks of high demand during holiday seasons, resulting in high demand for workers during these times.²³² Such an increase in demand is also likely to occur during the 2026 World Cup.²³³ In preparation for major sporting events, such as the World Cup, individuals often book accommodations several months, if not up to a year, in advance because of the large influx of international visitors to the cities hosting the event.²³⁴ During these high demand seasons, the demand for labor is also significant; thus, the industry turns to temporary employment agencies and staffing firms to assist with labor shortage issues.²³⁵

However, working with temporary employment agencies and subcontractors presents a host of different issues with

228. Elliott Mest, *5 Misconceptions About Human Trafficking in Hospitality*, HOTEL MGMT. (Jan. 24, 2018, 9:19 AM), <https://www.hotelmanagement.net/security/5-misconceptions-about-human-trafficking-hospitality> [<https://perma.cc/QE49-Z9MA>].

229. *Id.*

230. *Id.*

231. *Hotel Companies Step Up to Fight Human Trafficking*, POLARIS PROJECT (Jan. 16, 2019), <https://polarisproject.org/blog/2019/01/hotel-companies-step-up-to-fight-human-trafficking/> [<https://perma.cc/WWZ6-5JJE>].

232. *See What Seasonality Means for the Hotel Industry*, CLC LODGING (Aug. 2, 2020), <https://www.clclodging.com/news/what-seasonality-means-for-the-hotel-industry/> [<https://perma.cc/V9GA-7SVS>].

233. *See Saniya Zanjure & Dipti Mohan, Sports Tourism – A Rewarding Opportunity for Hotels*, HOSP. NET (May 30, 2022), <https://www.hospitalitynet.org/opinion/4110726.html> [<https://perma.cc/NM7Z-H3UQ>].

234. *See id.* (noting major sporting events, like the World Cup, draw millions of travelers to the host cities, ensuring a substantial increase in hotel demand, which likely requires visitors to book rooms far in advance).

235. OWENS ET AL., *supra* note 44, at 11–12.

respect to the recruitment process of these temporary workers.²³⁶ Specifically, the more “tenuous an employment relationship is, the more vulnerable workers are to abuse.”²³⁷ The lack of transparency in a worker’s employment situation allows for ample labor violations to occur, either by the employer or the subcontractor, or both.²³⁸ Often, workers who are paid through a subcontractor do not realize something is wrong, or that they are being exploited, until they see their first paycheck.²³⁹ One avenue in which exploitation occurs is in the recruitment process of workers.

D. Recruitment Process for Workers

The recruitment process of workers often enables exploitation of those workers.²⁴⁰ This exploitation often involves informal brokers and those in personal networks who deceive migrant workers into taking mis-advertised jobs.²⁴¹ Often “recruiters are usually financially incentivized to recruit as many workers as possible and there is little oversight” over the information they tell workers.²⁴² Therefore, there are ample opportunities for recruiters to spread misinformation to unsuspecting workers.²⁴³ For instance, contracts may never be given to workers until they arrive in the United States, and, if recruiters do provide contracts, they may be inaccurate or written in a language the worker does not understand.²⁴⁴ Further, a recruiter who lies to

236. See U.N. OFF. ON DRUGS AND CRIME, THE ROLE OF RECRUITMENT FEES AND ABUSIVE AND FRAUDULENT RECRUITMENT PRACTICES OF RECRUITMENT AGENCIES IN TRAFFICKING IN PERSONS 12–13 (2015), https://www.unodc.org/documents/human-trafficking/2015/Recruitment_Fees_Report-Final-22_June_2015_AG_Final.pdf [<https://perma.cc/M8GH-RDD8>].

237. POLARIS, ON-RAMPS, INTERSECTIONS, AND EXIT ROUTES, *supra* note 215, at 79.

238. *Id.*

239. See OWENS ET AL., *supra* note 44, at 85.

240. *Ethical Recruitment*, GLOB. FUND TO END MOD. SLAVERY, <https://www.gfems.org/our-work/our-approach/portfolio/ethical-recruitment/> [<https://perma.cc/D2HT-M9CJ>].

241. *Id.*

242. POLARIS, RECRUITMENT, HUMAN TRAFFICKING, AND TEMPORARY VISA WORKERS 1 (2021), <https://polarisproject.org/wp-content/uploads/2021/09/Recruitment-Human-Trafficking-and-Temporary-Visa-Workers.pdf> [<https://perma.cc/3DD7-YBY9>] [hereinafter, POLARIS, RECRUITMENT].

243. See *id.* at 2.

244. *Id.* at 1.

a worker about the details of a job, such as promised wages or hours, has engaged in fraud, which may be an indicator of labor trafficking.²⁴⁵ Charging workers high recruitment fees, although prohibited in the United States, is also pervasive among recruiters.²⁴⁶ These fees often cover costs such as passport and visa processing, medical exams, travel costs, and can reportedly amount to thousands of dollars, causing workers to take out loans.²⁴⁷ The majority of these fees go directly into the recruiter's pocket.²⁴⁸ Again, the lack of oversight of recruiters allows for their abuse of this system and workers.²⁴⁹

Many anti-trafficking regulations surrounding the hospitality industry focus on sex trafficking, perhaps because hotels and hotel chains have become one of the most common entities that sex trafficking victims sue.²⁵⁰ However, hotel industries commonly use supply chains and third-party agencies to secure workers.²⁵¹ Workers in the hospitality industry who may be subject to exploitation, which may rise to the level of labor trafficking, also deserve recognition and protection.²⁵²

For this reason, Pennsylvania needs to take precautionary measures ahead of the 2026 World Cup in Philadelphia to address the current lack of protections. New legislation in Pennsylvania, with a more specific focus on the hospitality industry, would benefit not only vulnerable workers, but also the general

245. *Id.*

246. *Id.* at 3.

247. U.N. OFF. ON DRUGS AND CRIME, *supra* note 236, at 7–9.

248. *Id.* at 8.

249. See POLARIS, RECRUITMENT, *supra* note 242, at 2.

250. Sarah Meo & Louise Shelley, *Sex Trafficking and Hotels: Why There Is a Need for Effective Corporate Social Responsibility*, GLOB. POL'Y J. (Nov. 11, 2021), <https://www.globalpolicyjournal.com/blog/11/11/2021/sex-trafficking-and-hotels-why-there-need-effective-corporate-social-responsibility> [<https://perma.cc/KP3Y-W6H3>]; LINDSEY LANE, ANGELA GRAY & ALICEN RODOLPH, HUM. TRAFFICKING INST., 2021 FEDERAL HUMAN TRAFFICKING REPORT 47 (2022), <https://traffickinginstitute.org/wp-content/uploads/2022/09/2021-Federal-Human-Trafficking-Report-WEB-1.pdf> [<https://perma.cc/C267-9X9M>] (noting that approximately 80% of new criminal sex trafficking cases in 2021 involved sex acts that occurred in hotels); see, e.g., *United States v. Bhimani*, No. 3:17-324, 2021 U.S. Dist. LEXIS 215789, at *2–3 (M.D. Pa. Nov. 8, 2021) (finding defendant guilty of managing a drug premises and sex trafficking out of an inn and motel), *aff'd* No. 22-1436, 2023 U.S. App. LEXIS 20829, at *2 (3d Cir. Aug. 10, 2023).

251. See POLARIS, ON-RAMPS, INTERSECTIONS, AND EXIT ROUTES, *supra* note 215, at 22.

252. See discussion *supra* Section II.C.

public.²⁵³ Pennsylvania should look to Connecticut, who enacted a law that could provide a valuable framework.²⁵⁴

III. PENNSYLVANIA'S NEED FOR NEW LEGISLATION

The following sections will discuss possible anti-labor trafficking improvements in the hospitality and food service industries for Pennsylvania to consider in anticipation of the 2026 World Cup in Philadelphia. The consolidation of these improvements will be presented in this Note's proposed legislation for Pennsylvania, titled the "Labor Trafficking Transparency Act."²⁵⁵

A. Using Connecticut Law as Guidance

In 2016, Connecticut successfully enacted "An Act Concerning Human Trafficking," which aims to provide police and prosecutor tools to eradicate human trafficking in hotel and motel businesses throughout Connecticut.²⁵⁶ Notably, Connecticut was the first state in the United States to pass such legislation.²⁵⁷

Connecticut created the law through collaborative efforts between lawmakers and stakeholders, including Connecticut's Trafficking in Persons Council ("TIP").²⁵⁸ Among the stated

253. See generally WORLD HEALTH ORG., UNDERSTANDING AND ADDRESSING VIOLENCE AGAINST WOMEN: HUMAN TRAFFICKING (2012) (explaining the many different sectors in which human trafficking can occur and the negative effects it can have on victims).

254. See generally 2016 Conn. Pub. Acts 16-71 § 19(a) (criminalizing persons as engaging in prostitution when they fail to reasonably take steps to prevent or end prostitution when they know it is occurring on premises which they own).

255. See *infra* Section III.D.1.

256. Jillian Gilchrest, *Connecticut Moves Toward Eradicating Human Trafficking in Hotels and Motels with New Law*, POLARIS (Aug. 5, 2016), <https://polarisproject.org/blog/2016/08/connecticut-moves-toward-eradicating-human-trafficking-in-hotels-and-motels-with-new-law/> [<https://perma.cc/LAU2-FW76>]; see 2016 Conn. Pub. Acts 16-71.

257. Gilchrest, *supra* note 265.

258. Katherine M. Forbes, Note, *Highways and Byways: Following Connecticut's Path in Creating Holistic Domestic Sex Trafficking Laws in Indiana*, 51 IND. L. REV. 499, 507 (2018). Connecticut's TIP Council is chaired by the Commission on Women, Children, and Seniors along with representatives from state agencies, law enforcement, NGOs and other diverse representatives from the public sector. JILLIAN GILCHREST, TRAFFICKING IN PERSONS COUNCIL 2016 ANNUAL REPORT 3 (2017). In 2016, TIP met five times over the year to discuss the enacted legislation, and topics related to sex trafficking. *Id.*

policy reasons behind its enactment is the fact that Connecticut's Interstate 95 ("I-95") corridor may enable sex trafficking scenarios to occur.²⁵⁹ More explicitly, the locations of hotel and motels along the I-95 corridor allow for traffickers to keep their victims sequestered from their captors.²⁶⁰ TIP Council's research also indicates trafficking occurs more readily in Connecticut because of its close proximity to New York City and Boston, both having a market for underage sex work and easily accessible to Connecticut via I-95.²⁶¹ By looking towards specific provisions of Connecticut's law as a framework, Pennsylvania could sharpen its own human trafficking law, and even make improvements that go beyond the contents of Connecticut's law.²⁶²

B. Proposed Improvements: Hospitality Industry

Pennsylvania should enact an anti-trafficking law similar to Connecticut's "An Act Concerning Human Trafficking" to provide transparency to the public, and outline instruments for the hotel and motel industry to tackle labor trafficking.²⁶³ Although the Department of Justice created a National Strategy to Combat Human Trafficking in January 2022, with specific action items targeting labor trafficking investigations and prosecutions, legislation on a state and local level is also necessary.²⁶⁴

259. Forbes, *supra* note 258, at 509; 3 *Ways a New Connecticut Law Aims to Help Eradicate Sex Trafficking*, NEW HAVEN REG. (June 1, 2016), <https://www.nhregister.com/connecticut/article/3-ways-a-new-Connecticut-law-aims-to-help-11336822.php> [https://perma.cc/XQY5-KSK2].

260. Forbes, *supra* note 258, at 509.

261. Antonia Ayres-Brown, *Checked Out*, NEW J. (Feb. 16, 2018), <https://thenewjournalatnyale.com/2018/02/checked-out/> [https://perma.cc/E59H-3CKL].

262. See discussion *infra* Section III.B.

263. 2016 Conn. Pub. Acts 16-71; see Forbes, *supra* note 258, at 502 (explaining how Connecticut's anti-trafficking law strengthens protections for victims of trafficking in the hospitality industry by requiring hotels to keep records of guests, requiring staff to complete training to identify human trafficking, and classifying sex workers under the age of eighteen as victims rather than perpetrators of prostitution).

264. See U.S. DEP'T JUST., NATIONAL STRATEGY TO COMBAT HUMAN TRAFFICKING 31 (2022). In February 2023, President Biden's Interagency Task Force to Monitor and Combat Trafficking in Persons ("PITF") met to discuss continued implementation of anti-trafficking initiatives from the Federal Government's National Action Plan to Combat Human Trafficking. Press Release, The White House, Fact Sheet: President's Interagency Task Force to Monitor and Combat Trafficking in Persons (Feb. 13, 2023), <https://www.whitehouse.gov/briefing-room/statements->

New legislation in Pennsylvania prior to the 2026 World Cup is crucial to increase the detection of human trafficking scenarios, especially labor trafficking occurring in the hospitality industry.

The Connecticut law requires all hotel and motel staff in the state to receive mandatory, ongoing trainings to assist with identifying victims and activities typically related to human trafficking.²⁶⁵ Specifically, Section 5 of the Act includes that lodging owners must “ensure that each employee of such hotel, motel, inn or similar lodging receive training at the time of hire on the (1) recognition of potential victims of human trafficking, and (2) activities commonly associated with human trafficking.”²⁶⁶ Further, the law provides owners and staff who identify potential trafficking with “concrete actions to take to deter traffickers and to connect victims to services.”²⁶⁷ Additionally, the law requires hotels and motels to keep track of all guest transactions and receipts, and requires notices to be posted “in plain view” defining human trafficking, along with contact information to the National Human Trafficking Resource Center.²⁶⁸ Section 3 of the Connecticut Statute states:

The operator of each hotel, motel, inn or similar lodging shall maintain a record-keeping system of all guest transactions and receipts. All records maintained pursuant to this section shall be retained by the operator of such hotel, motel, inn or similar lodging for not less than six months from the date of creation of the record.²⁶⁹

By focusing on ongoing trainings, public awareness, and tighter record-keeping, the legislation empowers staff and the general public to take action if a trafficking situation presents

releases/2023/02/13/fact-sheet-presidents-interagency-task-force-to-monitor-and-combat-trafficking-in-persons-2/ [https://perma.cc/YG26-3WRP].

265. 2016 Conn. Pub. Acts 16-71 § 5; Gilchrest, *supra* note 256.

266. 2016 Conn. Pub. Acts 16-71 § 5.

267. See Gilchrest, *supra* note 256; 2016 Conn. Pub. Acts 16-71 §§ 3, 10(a).

268. 2016 Conn. Pub. Acts 16-71 §§ 3, 10(a).

269. *Id.* at § 3.

itself.²⁷⁰ Because of the heightened exploitation arising from the use of subcontractors, it is highly recommended that hotel and motel owners directly hire all personnel.²⁷¹ If direct hiring is not possible, owners and management should conduct comprehensive research into subcontractors' recruitment and business practices before agreeing to work with them.²⁷² Further, owners should "require transparency" about a subcontractor's practices and "create oversight systems that enforce transparency requirements, and make it clear that abusive practices will not be tolerated."²⁷³ These precautions decrease the potential for subcontractors to provide misinformation while recruiting workers.²⁷⁴

While Connecticut's law remains instructive to hotel management and staff, it is debatable whether it targets labor trafficking to the same extent it intends to target sex trafficking.²⁷⁵ The aforementioned TIP Council meetings in 2016 focused primarily on the eradication of sex trafficking.²⁷⁶ Although the required staff trainings remain instructive, it is unclear the extent to which trainings include labor trafficking identification tools, as compared to sex trafficking.²⁷⁷ Additionally, the law does not include explicit methods to ensure lodging owners are held accountable for non-compliance.²⁷⁸ The increase in visitors during the 2026 World Cup will affect both the hospitality and food service industries in Pennsylvania because Philadelphia is

270. See Gilcrest, *supra* note 256.

271. POLARIS, ON-RAMPS, INTERSECTIONS, AND EXIT ROUTES, *supra* note 215, at 73.

272. *Id.* at 79.

273. See *id.*

274. See *id.*

275. See *3 Ways a New Connecticut Law Aims to Help Eradicate Sex Trafficking*, NEW HAVEN REG. (June 1, 2016), <https://www.nhregister.com/connecticut/article/3-ways-a-new-Connecticut-law-aims-to-help-11336822.php> [<https://perma.cc/R9CZ-GuFQ>].

276. Forbes, *supra* note 258, at 507.

277. See *id.* at 508–10.

278. See 2016 Conn. Pub. Acts 16-71 § 5 (detailing actions owners of lodgings must take to comply with the act but excluding any consequences for owners of lodgings who do not take these actions); Forbes, *supra* note 260, at 507 (explaining that the purpose of the law is to "provi[de] law enforcement and prosecutors better tools for identifying and prosecuting [human trafficking] and raising awareness").

slated as a host city,²⁷⁹ so heightened attention in new legislation is necessary to protect workers in these spaces.

C. Proposed Improvements: Food Service Industry

Pennsylvania should enact a law amending the posting requirements pursuant to the National Human Trafficking Resource Center Hotline Notification Act (“National Trafficking Notification Act”) to include National Trafficking Hotline information to be posted at all food service businesses.²⁸⁰ According to the National Trafficking Notification Act, employers that meet the definition of “establishment” under the Act must post at least one sign with the National Human Trafficking Hotline information in a clearly visible location to the public and employees.²⁸¹ Currently, Pennsylvania is one of twenty-nine states that have laws requiring information about human trafficking to be posted in certain businesses and facilities.²⁸² The current Pennsylvania law requires an establishment to post signs in English and Spanish.²⁸³ Further, Pennsylvania’s law defines “establishment” as:

A personal service establishment; (2) A drinking establishment; (3) An adult entertainment enterprise . . . providing live adult entertainment; (4) A hotel or motel found to be a drug-related nuisance . . . ; (5) An airport, train station or bus station; (6) A welcome center or rest area operated by the Department of Transportation . . . ; [and] (7) A full-service truck stop²⁸⁴

279. See *World Cup 2026 Host Cities Confirmed: What You Need to Know About the 16 Venues*, *supra* note 163.

280. See National Human Trafficking Resource Center Hotline Notification Act, 43 PA. CONS. STAT. §§ 1491, 1493 (2022).

281. *Id.* §§ 1492–93.

282. *Human Trafficking State Laws*, NAT’L CONF. OF STATE LEGISLATURES (Aug. 12, 2020), <https://www.ncsl.org/civil-and-criminal-justice/human-trafficking-state-laws> [<https://perma.cc/54UT-DN95>].

283. 43 PA. CONS. STAT. § 1493(c)(4). The law additionally requires the posting to be in any other language mandated by the Voting Rights Act of 1965. *Id.*

284. *Id.* at § 1492.

While “drinking establishment” is further defined to include “any bar, tavern or club” that “operates pursuant to an eating place retail dispenser’s license, restaurant liquor license or retail dispenser’s license”; however, establishments that operate solely as restaurants without the selling of alcohol are entirely excluded from posting requirements.²⁸⁵

The posting of the National Human Trafficking Hotline in businesses, ports of entry, and other locations of high population turnover is meaningful because it shows there is a surge of mass awareness surrounding human trafficking.²⁸⁶ “In 2019, the U.S. National Trafficking Hotline saw a nearly 20 percent increase over the previous year in victims and survivors directly reaching out for support for themselves.”²⁸⁷ Such an increase indicates victims themselves are recognizing the exploitative conditions they live in and are seeking support.²⁸⁸ In 2020, the Hotline received over 51,000 substantive tip reports.²⁸⁹ Notably, Polaris indicated that out of the thousands of alleged human trafficking victims, almost 60% were women, and nearly 50% were non-U.S. citizens.²⁹⁰ Therefore, the posting of the Hotline information has not only led to an increase in reported tips to the Hotline, but has also provided a gauge to track the increased

285. See *id.*; *Licensee Requirements to Promote Human Trafficking Resource Center Hotline*, PA. LIQUOR CONTROL BD., <https://www.lcb.pa.gov/Licensing/Topics-of-Interest/Pages/Human-Trafficking.aspx> [<https://perma.cc/QB75-7RL4>].

286. *Why an Increase in Victims and Survivors Contacting the Trafficking Hotline Is Meaningful*, *supra* note 210.

287. *Id.* Reauthorization of the TVPA in 2019 (TVPRA) included several provisions regarding the National Human Trafficking hotline number. This included a requirement that the Department of Health and Human Services post the hotline in a visible place in every federal agency or office space nationwide. THE 2019 TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT: A TOPICAL SUMMARY AND ANALYSIS OF FOUR BILLS, POLARIS PROJECT 3, 14 (2019), <https://polarisproject.org/wp-content/uploads/2020/01/Polaris-TVPRA-2019-Analysis.pdf> [<https://perma.cc/2Q9F-DF2G>].

288. See *Why an Increase in Victims and Survivors Contacting the Trafficking Hotline Is Meaningful*, *supra* note 210.

289. *National Human Trafficking Hotline Data Report*, NAT’L HUM. TRAFFICKING HOTLINE (2020), <https://humantraffickinghotline.org/sites/default/files/National%20Report%20For%202020.pdf> [<https://perma.cc/R4ZX-XFBU>].

290. Mariel Padilla, *Bipartisan Bill Would Require Human Trafficking Hotline to Be Posted in Every U.S. Port of Entry*, 19TH NEWS (Dec. 2, 2022, 11:51 AM), <https://19thnews.org/2022/12/human-trafficking-hotline-bill/> [<https://perma.cc/S3J3-VEZZ>].

awareness among victims themselves realizing their living or working situations may amount to trafficking as a result of anti-trafficking campaigns.²⁹¹

In a similar vein, New York Governor Kathy Hochul signed eight pieces of anti-trafficking related legislation in July 2022.²⁹² These new laws include legislation that requires Human Trafficking recognition training, including one that requires all New York State Liquor Authority-certified Alcohol Awareness Programs to include “a human trafficking training component.”²⁹³ Thus, this law intends to better equip bar and restaurant employees to assist and properly identify victims.²⁹⁴ However, it is unclear to what extent labor trafficking is discussed in these trainings.²⁹⁵ Pennsylvania, though, does not require any human trafficking awareness trainings to employees working in such fields.²⁹⁶

The restaurant industry is subject to high levels of human trafficking, especially labor trafficking. In 2017, the U.S. Department of Health and Human Services reported restaurants and food service as one of the top five venues of labor trafficking.²⁹⁷ In light of this report, it makes little sense for Pennsylvania to

291. *Why an Increase in Victims and Survivors Contacting the Trafficking Hotline Is Meaningful*, *supra* note 210.

292. Jeanne Tyler Moodee Lockman, *Gov. Hochul Signs 8 Bills to Provide Support, Resources for Victims of Human Trafficking*, 13 WHAM (July 20, 2022, 7:02 PM), <https://13wham.com/news/local/gov-hochul-signs-8-bills-to-provide-support-resources-for-victims-of-human-trafficking> [<https://perma.cc/6QLK-TALZ>]; *Governor Hochul Signs Legislative Package to Provide Support and Resources to Protect Victims of Human Trafficking*, N.Y. STATE (July 20, 2022), <https://www.governor.ny.gov/news/governor-hochul-signs-legislative-package-provide-support-and-resources-protect-victims-human> [<https://perma.cc/H3XM-6N3V>].

293. *Id.*

294. *See id.*

295. *See id.* (commenting on lawmakers focusing on “ending sex trafficking” and not mentioning labor trafficking explicitly); *see also* ALCO. BEV. CONT. § 17(12)(b) (leaving details of the training program up to other agencies and not mentioning labor trafficking).

296. *See* Rhodes, *supra* note 150, at 4 (noting that Pennsylvania’s anti-trafficking law passed without funding for any of its preventative and awareness measures); KAREN WIGLE WEISS, UNPACKING HUMAN TRAFFICKING 33 (2019) (“Pennsylvania does not currently have a law addressing the issue of training employees of lodging facilities concerning human trafficking,” aside from the previously mentioned unfunded statutory programs.).

297. *Pennsylvania: Efforts to Combat Human Trafficking*, U.S. DEPT OF HEALTH & HUM. SERVS., https://www.acf.hhs.gov/sites/default/files/documents/otip/pennsylvania_profile_efforts_to_combat_human_trafficking.pdf [<https://perma.cc/6CFP-MJN3>] (June 29, 2017).

include drinking establishments that serve food under the purview of the Act, yet exclude restaurants without alcohol sales.²⁹⁸ Indeed, anywhere work occurs, labor trafficking can occur, regardless of whether the establishment serves alcohol.²⁹⁹ Therefore, it is imperative Pennsylvania amend their posting requirement laws to include registered restaurants in the definition of “establishment” based on the National Trafficking Notification Act.³⁰⁰ Similarly, all Pennsylvania employers are required to post certain notices on their worksites to allow employee access to information about Pennsylvania labor laws.³⁰¹ Pennsylvania employers, including restaurants, already must post information about the minimum wage, unemployment compensation, and the Equal Pay Law on their premises.³⁰² Thus, requiring the posting of the National Trafficking Hotline in restaurants would be similar in that it would not only allow employees access to valuable information to seek assistance for those in need, it would also serve as a reminder to employees themselves who may be working under exploitative conditions about the possibility of a labor trafficking situation and what they can do to report it.³⁰³

D. Proposed Legislation for Pennsylvania

With the 2026 World Cup rapidly approaching, Pennsylvania should pass legislation not only to prevent a spike in labor trafficking during the World Cup, but also to eradicate labor

298. See generally 43 PA. CONS. STAT. § 1492 (2022) (defining “establishment” under the Pennsylvania anti-trafficking act to refer to specific types of places, not including a restaurant that does not serve alcohol).

299. CT Bar Foundation, *Hidden in Plain Sight the Faces of Labor Trafficking in Connecticut*, YOUTUBE (Oct. 7, 2021), at 22:46, <https://www.youtube.com/watch?v=pbWW16HfgZY> [<https://perma.cc/PU9Y-KTRX>].

300. See 43 PA. CONS. STAT. §§ 1492–93 (2022); *Licensee Requirements to Promote Human Trafficking Resource Center Hotline*, *supra* note 284.

301. *Mandatory Postings for Pennsylvania Employers*, PA. DEP’T OF LAB. & INDUS., <https://www.dli.pa.gov/Pages/Mandatory-Postings.aspx> [<https://perma.cc/5BQ5-QG4W>].

302. *Id.*

303. See *id.*; *Why an Increase in Victims and Survivors Contacting the Trafficking Hotline Is Meaningful*, *supra* note 210 (describing the success story of a survivor who was able to seek help herself via a trafficking hotline).

trafficking in the Commonwealth overall. Pennsylvania's existing laws, however, are insufficient because they do not adequately target labor trafficking.³⁰⁴ For example, Act 105 targets purchasers of sex and imposes criminal liability on those who solicit sex from a known trafficking victim, yet does not similarly emphasize targeting labor traffickers.³⁰⁵ Thus, Act 105 should be amended to more directly address those in demand of cheap labor. Moreover, as recently as 2022, legislation to fight sex trafficking in Pennsylvania has passed in the House of Representatives; however, similar legislation regarding labor trafficking is absent.³⁰⁶ The emphasis on sex trafficking in the media, in prosecutions, and in laws overshadows the existence of labor trafficking, even though it may be more common than sex trafficking.³⁰⁷ Likewise, while the aforementioned Connecticut law aims to aid law enforcement in identification of human trafficking in the hotel industry, it remains insufficient to eradicate labor trafficking because of its underlying focus on sex trafficking.³⁰⁸ From this, Pennsylvania should use the strengths of Connecticut's legislation, and refine it further to properly and effectively target labor trafficking in the state.

Accordingly, the following proposal intends to supplement Pennsylvania's current human trafficking legislation by

304. See P.L. 945, No. 105 (2014); see also Wendy Voet, Finally, an Anti-Sex Trafficking Law, THE INQUIRER (Aug. 11, 2014) https://www.inquirer.com/philly/opinion/20140811_Finally__an_anti-sex-trafficking_law.html?outputType=amp [<https://perma.cc/8EVQ-CBMW>] (referring to Act 105 as an "anti-sex trafficking law" emphasizing the law's focus on sex trafficking rather than labor trafficking).

305. SHEA M. RHODES, ACT 105: PENNSYLVANIA'S FIRST COMPREHENSIVE ANTI-TRAFFICKING LEGISLATION 3, <http://cseinstitute.org/wp-content/uploads/2016/12/Act-105-Law-on-the-Books.pdf> [<https://perma.cc/L6CT-7ICM>].

306. See 42 PA. CONS. STAT. § 9799.14 (2022); *Pennsylvania's Law to Fight Human Trafficking Passes House*, MYCHESCO (Oct. 26, 2022), <https://www.mychesco.com/a/news/government/pennsylvanias-law-to-fight-human-trafficking-passes-house/> [<https://perma.cc/AQY3-RL4J>] (explaining that recent legislation in Pennsylvania only places requirements on sex traffickers and those who solicit the victims of human traffickers).

307. See *supra* Section I.B. "Worldwide, experts believe there are more situations of labor trafficking than of sex trafficking." *Myths & Facts*, NAT'L HUM. TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/en/human-trafficking/myths-facts> [<https://perma.cc/XI7L-MZJV>].

308. See Allison Peters, *Checking In: How Soft Law and Corporate Social Responsibility Are Filling Governance Gaps to Combat Human Trafficking in the Global Travel and Tourism Industry*, 49 GEO. J. INT'L L. 1487, 1499–1501 (2018).

strengthening the Commonwealth's anti-labor trafficking provisions.³⁰⁹ This proposed legislation combines employer disclosure requirements with an emphasis on training and record-keeping from Connecticut's "An Act Concerning Human Trafficking."³¹⁰

1. *Text of the proposed legislation*

SECTION 1 – TITLE

This Act may be cited as "Labor Trafficking Transparency Act."

SECTION 2 – PURPOSE

The current legislation shall be enacted to promote the knowledge and understanding of labor trafficking in an effort for the state to more clearly identify labor trafficking, allowing for an increase in prosecutions by local law enforcement, and justice for victims.

SECTION 3 – DEFINITIONS³¹¹

(a) "Foreign workers" means an individual who is not a United States citizen, holds a nonimmigrant visa for temporary workers,³¹² or comes to Pennsylvania from a foreign country

309. *See supra* Section I.D.

310. 2016 Conn. Pub. Acts No. 16-71 § 5.

311. Definitions from the Washington State legislature encompassed the necessary terms for this proposed Act. Therefore, the definitions in Section 3 of this proposed Act are based on Section 19.320.010 of the Revised Code of Washington.

312. Nonimmigrant temporary worker visas include H-2A/B workers. *Temporary (Nonimmigrant) Workers*, U.S. CITIZENSHIP & IMMIGR. SERVS. (Jan. 11, 2022), <https://www.uscis.gov/working-in-the-united-states/temporary-nonimmigrant-workers> [<https://perma.cc/L4CF-SDKQ>].

based on an employment offer, whether on a temporary nonimmigrant visa or otherwise.³¹³

- (b) “Domestic employers” means any person residing in Pennsylvania who recruits or employs a foreign worker to perform job duties in the state of Pennsylvania.³¹⁴
- (c) “International labor recruitment agency” means a corporation, partnership, business, or legal entity, irrespective of whether the entity is recognized under United States law, that does business in the United States, and offers employment referral services involving citizens of a foreign country to Pennsylvanian entities engaged in the employment or recruitment of foreign workers. These agencies act as an intermediary between citizens of foreign countries and Pennsylvania employers.³¹⁵
- (d) “Trafficking” or “human trafficking” means the recruitment, transportation, abduction, harboring, transfer, sale, or receipt of persons, nationally or internationally, through use of force, fraud, or coercion, to compel individuals to provide labor or services.³¹⁶

SECTION 4 – GENERAL PROVISIONS

(a) Disclosure statements.

- (1) Domestic employers of foreign workers, which encompasses employers using subcontractors to assist in

313. See WASH. REV. CODE § 19.320.010(4) (2023). The incorporation of “whether on a temporary nonimmigrant visa or otherwise” intends to refer to the ability for the provisions of this Act to apply to undocumented workers as well as temporary nonimmigrant visa holders.

314. § 19.320.010(2).

315. § 19.320.010(6).

316. § 19.320.010(5).

recruitment, shall provide a disclosure statement to such workers who have been referred to or hired by a Pennsylvania employer;³¹⁷

(2) Disclosure statements must be provided in English or a worker's first language;³¹⁸

(3) Disclosure statements must:

A. State that the worker has the right to control his or her travel or legal documents at all times, and is not required to forfeit any of these documents to their employer or an international labor recruitment agency at any time;³¹⁹

B. Include the National Trafficking Hotline number and a list of services the worker may contact if he or she suspects they or someone they know may be a victim of trafficking;³²⁰

C. Include an itemized listing of any international labor recruitment agency fees, wherever incurred or imposed;³²¹

317. See § 19.320.020(1).

318. § 19.320.020(2)(a).

319. § 19.320.020(2)(f); see *supra* Section I.B. (discussing the importance of workers' rights to retain their identity documents).

320. See § 19.320.020(2)(f); 43 PA. CONS. STAT. § 1493(a).

321. WASH. REV. CODE § 19.320.020(2)(e) (2010); see U.N. OFF. ON DRUGS AND CRIME, *supra* note 235, at 32 (discussing how many countries have legislation that gives the government the power to regulate fees, including agency fees).

D. Include an itemized listing of deductions the employer expects to take from the worker's salary;³²²

E. Be provided at the commencement of employment and in the event that any terms and conditions of the worker's employment are altered;³²³

(4) Any domestic employer or business that does not comply with provision's disclosure requirements set forth in this section will be liable to the harmed foreign worker in a civil action. The court will award actual damages to a foreign worker who prevails in a civil action in addition to court costs and attorney's fees.³²⁴

(b) Required trainings.

(1) Domestic employers shall provide educational training programs specific to human trafficking, which must include

322. § 19.320.020(d).

323. See § 19.320.020(3).

324. See § 19.320.040. This provision should not deter undocumented workers from coming forward. Importantly, in January 2023, DHS announced a new policy that protects migrant workers who have witnessed or been victim to workplace labor violations. DHS's policy helps to assuage the rational fears undocumented workers face when deciding to report labor or workplace violations. Press Release, U.S. Dep't of Homeland Sec., DHS Announces Process Enhancements for Supporting Labor Enforcement Investigations (Jan. 13, 2023), <https://www.dhs.gov/news/2023/01/13/dhs-announces-process-enhancements-supporting-labor-enforcement-investigations> [<https://perma.cc/Z92D-EA27>]; see also Andrew Kreighbaum, Rebecca Rainey & Ellen Gilmer, *Migrant Workers Get Labor Protections Under New DHS Policy (1)*, BLOOMBERG L. (Jan. 13, 2023, 3:04 PM), <https://news.bloomberglaw.com/daily-labor-report/migrant-workers-get-protection-in-labor-cases-under-dhs-policy> [<https://perma.cc/7XKC-NWMQ>] (explaining the new DHS policy of deferred action, which provides enforcement relief for undocumented workers who "have been victims of or are participating in an investigation involving violations of labor law").

labor trafficking components.³²⁵ Trainings must:

- A. Be provided and required at the commencement of employment to all employees, including supervisors and operators of any staff;³²⁶
- B. Include video presentations that offer guidance to employees of specific industries on the recognition of potential labor trafficking situations, highlighting the subtleties of labor trafficking;³²⁷
- C. Be refreshed each year to indicate changes to relevant legislation or policies;³²⁸
- D. Be certified by the domestic employer's human resources department that each employee has completed the necessary trainings indicated by this section;³²⁹
- E. Failure to train employees pursuant to the requirements of this

325. See 2016 Conn. Pub. Acts 16-71 §§ 4-5.

326. § 5.

327. *Id.*

328. See § 4 ("The Commissioner of Children and Families and the Commissioner of Emergency Services and Public Protection shall consult with state and national hotel and lodging associations to recommend . . . [a] refresher training program for the accurate and prompt identification and reporting of suspected human trafficking.").

329. See § 5 ("The operator of each hotel, motel, inn or similar lodging shall ensure that each employee of such hotel, motel, inn or similar lodging receive training at the time of hire . . . the operator of each hotel, motel, inn or similar lodging shall certify that each employee of any such establishment has received the training prescribed by this section in each employee's personnel file.").

Section will result in a class A misdemeanor.³³⁰

(2) Employers may consult with entities including but not limited to the U.S. Department of Justice Office for Victims of Crime, Pennsylvania Department of Transportation, Pennsylvania Department of Human Services, and Pennsylvania Department of Victim Services for potential training assistance.³³¹

(c) Record keeping in hospitality services.

(1) Operators of hotels, motels, or similar lodging services shall establish and maintain an updated record keeping system of guests and visitors to the premises. Operators shall maintain the records of their respective hotels, motels, or similar lodging services; however, records may be accessed by law enforcement upon request.³³²

2. *Explanation of the proposed legislation*

The intention behind the proposed Labor Trafficking Transparency Act is to address the gap of the Commonwealth's current protections in this area. To fill the gap, this proposed legislation will provide stronger protections to foreign workers and

330. Ayres-Brown, *supra* note 261. Throughout the legislative process, the compliance section, which classified the failure to train employees as a class A misdemeanor, was cut from Connecticut's Public Act No. 16-71.

331. See *Human Trafficking*, U.S. DEP'T OF JUST., OFF. FOR VICTIMS OF CRIME, <https://ovc.ojp.gov/program/human-trafficking/training-and-technical-assistance> [<https://perma.cc/EB6N-FUG9>] (Jan. 31, 2023); *Human Trafficking*, PA. DEP'T OF TRANSP., <https://www.penndot.pa.gov/about-us/media/human-trafficking/Pages/default.aspx> [<https://perma.cc/5KYR-PUYV>]; *Training*, PA. DEP'T OF HUM. SERVS., <https://www.dhs.pa.gov/providers/Pages/Trainings.aspx> [<https://perma.cc/X7SV-JZTK>]; *Resources for Professionals*, PA. DEP'T OF VICTIM SERVS., <https://pcv.pccd.pa.gov/HT/Pages/Resources-for-Professionals.aspx> [<https://perma.cc/8F8M-RUBQ>].

332. § 3.

notify businesses and employers of their legal obligations to their workers.³³³ Portions of the proposed Act draw from the aforementioned Connecticut's "An Act Concerning Human Trafficking."³³⁴ Additionally, the legislation draws pertinent definitions from Washington's State legislature,³³⁵ which has been awarded a perfect score by Polaris in its anti-trafficking legislation.³³⁶ In concert, the proposed act intends to create a comprehensive legislation that focuses primarily on the eradication of labor trafficking.

The incorporation of disclosure statements provides clarity to workers of their rights from the moment of their initial hiring with a Pennsylvania employer.³³⁷ Importantly, section 4(a)(3)(A) of the proposed legislation intends to inform a worker that they are not required to turn over identification documents if an employer attempts to withhold such documentation for any reason or purpose.³³⁸ This is important because withholding identity documents is a common coercive tactic used by employers.³³⁹ Next, the inclusion of section 4(a)(3)(C) is important because labor recruitment agencies play a large role in facilitating the relationship between workers and

333. See *supra* notes 309–32 and accompanying text.

334. 2016 Conn. Pub. Acts 16-71.

335. WASH. REV. CODE § 19.320.010 (2009).

336. *State Ratings on Human Trafficking Laws*, POLARIS PROJECT (Sept. 1, 2014), <https://polarisproject.org/resources/state-ratings-on-human-trafficking-laws/> [<https://perma.cc/W6RX-T6T4>]. Senate Bill 6332 passed in 2010 and amended Washington's state law by requiring employers to furnish disclosure statements and informational pamphlets to foreign workers. Because of Washington's proximity to Canada, it is considered a transit state where trafficking is highly likely. An Act Relating to Human Trafficking, S.B. 6332, 2010 Leg., 2d Reg. Sess. (Wash. 2010) (enacted). The definitions contained in the Human Trafficking chapter of the Washington State Legislature's Revised Code are appropriate for the purposes of this Act because they are direct and focus on language that pertains to labor trafficking. See WASH. REV. CODE § 19.320.010. Furthermore, the disclosure section of the proposed Act draws from Washington's Revised Code given a shared objective of protecting workers who may be subject to trafficking. See § 19.320.020.

337. See *e.g.*, § 19.320.020.

338. See *supra* note 319 and accompanying text.

339. See *supra* Section I.B. (discussing the coercive tactics used by employers and the importance of workers being able to retain their identification documents).

employers.³⁴⁰ Transparency in these agencies' fees intend to prevent workers from accepting fraudulent and abusive recruitment agreements.³⁴¹ Section 4(a)(3)(D) aims to put an employee on notice of what deductions they can expect to be taken from their salary upon employment.³⁴² This provision once again points to the importance of transparency from employers, and allowing workers to see the employer's expected fees in writing so they are not surprised by an unexpected salary down the line.³⁴³ Disclosure statements provide an opportunity for employers to have more control in educating their workers and in reducing the possibility of exploitation.³⁴⁴ Furthermore, this legislation encourages employers who use subcontractors or recruitment agencies to investigate such agencies, as they must indicate their fees to employees pursuant to Section 4(a)(3)(C) of the proposed Act.³⁴⁵

The required trainings provision intends to increase visibility of labor trafficking signs for both employers and employees.³⁴⁶ Sections 4(b)(1)(A) and (B) aim to provide employers and staff with training that focus on identifying labor trafficking scenarios, allowing for a better understanding of the nuances of labor trafficking.³⁴⁷ Importantly, Section 4(b)(1)(C) specifies that trainings must be updated annually to keep employers and employees abreast of relevant state and federal policies.³⁴⁸ The language of this provision is intentionally not specific to labor trafficking laws and policies. The generality of "changes to relevant legislation or policies" is meant to suggest that policy or legislation

340. THE ROLE OF RECRUITMENT FEES AND ABUSIVE AND FRAUDULENT RECRUITMENT PRACTICES OF RECRUITMENT AGENCIES IN TRAFFICKING IN PERSONS, *supra* note 236, at 1; *see supra* note 321 and accompanying text.

341. *Supra* text accompanying note 237.

342. *Supra* text accompanying note 323.

343. *See supra* text accompanying notes 220–225.

344. *See* WASH. REV. CODE § 19.320.020 (2023); *supra* notes 319–332 and accompanying text.

345. *Supra* text accompanying note 321.

346. *Public Awareness & Training*, U.S. DEP'T OF STATE, <https://www.state.gov/humantrafficking-public-awareness-training> [<https://perma.cc/58H5-HGPP>]; *see* 2016 Conn. Pub. Acts No. 16-71 § 5.

347. *See supra* text accompanying notes 326–27.

348. *Supra* text accompanying note 328.

changes need not directly pertain to labor trafficking to be incorporated in trainings. For example, if Pennsylvania updates its minimum wage law, this may be pertinent to the understanding of labor trafficking and should, therefore, be included in trainings.³⁴⁹ Section 4(b)(1)(E) includes a compliance measure to further enforce the Act's training requirements.³⁵⁰

Lastly, the incorporation of a record keeping system in lodging spaces aims to incentivize hotel and motel operators to proactively identify trafficking red flags, and effectively apply the required trainings from provision Section 4(b)(1).³⁵¹ By combining aspects of the Connecticut and Washington laws, disclosure, and notification requirements, the proposed legislation will educate workers about their rights, allowing for an increase in awareness of exploitative labor scenarios.³⁵² Businesses and employers play a significant role in combating labor trafficking.³⁵³ Under this Act, employers must take more of an active role with their employees, for example, by notifying workers of any specific deductions that will be taken from a worker's salary.³⁵⁴ This active engagement between employers and their workers will create more transparency between them, and in turn will assist in the reduction of exploitative labor scenarios.³⁵⁵

Even with the implementation of this Act, challenges will remain. For example, Connecticut's statute failed to allocate funding for trafficking awareness trainings.³⁵⁶ Consequently, lodging providers did not necessarily prioritize this requirement.³⁵⁷ Not only would Pennsylvania need to provide adequate

349. See *The Intersection of Labor Exploitation and Labor Trafficking*, LAB'Y TO COMBAT HUM. TRAFFICKING, <https://combathumantrafficking.org/labor-trafficking/labor-trafficking/> [https://perma.cc/U8DL-9JDA] (Jan. 29, 2020).

350. See *supra* text accompanying note 330.

351. See *supra* text accompanying note 332; see also *Public Awareness & Training*, *supra* note 346.

352. See 2016 Conn. Pub. Acts 16-71 § 5; WASH. REV. CODE § 19.320.020 (2010).

353. See Jonathan Todres, *The Private Sector's Pivotal Role in Combating Human Trafficking*, 3 CAL. L. REV. CIR. 80, 86 (2012).

354. See *supra* notes 317–24 and accompanying text.

355. See Todres, *supra* note 353, at 88.

356. See Ayres-Brown, *supra* note 261.

357. *Id.*

funding for the necessary trainings to educate workers on issues surrounding labor trafficking, but the Commonwealth would have to ensure trainings effectively prepare staff members to understand their important role in combating labor trafficking.³⁵⁸ To assist with the lack of funding for required trainings, former Connecticut Governor Dannel Malloy announced a public-private partnership with organizations such as the Connecticut Lodging Association and Quinnipiac Law School.³⁵⁹ Notably, in 2017, Quinnipiac law students established the Quinnipiac Human Trafficking Prevention Project (HTPP).³⁶⁰ Students involved in HTPP created workshops to present to hotel employees across the state of Connecticut.³⁶¹ These trainings focused on instructing hospitality workers on how to identify and report signs of trafficking.³⁶² Student organizers also gathered a panel of experts, ranging from law enforcement to anti-trafficking organizations, to answer hotel employees' questions at the end of each training session.³⁶³ While stable state funding would greatly facilitate the trainings required for this proposed Act, Pennsylvania could partner with local universities and law schools to assist in providing specialized labor trafficking trainings.³⁶⁴

358. *See id.*

359. Press Release, Dannel P. Malloy, Gov. of Conn., Gov. Malloy Announces Launch of Public-Private Partnership to Help Hospitality Employees Identify Warning Signs of Human Trafficking (Jan. 18, 2017), <https://portal.ct.gov/Malloy-Archive/Press-Room/Press-Releases/2017/01-2017/Gov-Malloy-Announces-Launch-of-Partnership-to-Help-Hospitality-Employees-Identify-Human-Trafficking> [<https://perma.cc/X37E-TEAZ>].

360. Nancy Sasso Janis, *Human Trafficking Prevention Project at Quinnipiac University*, PATCH (Jan. 27, 2022, 2:53 PM), <https://patch.com/connecticut/northhaven/human-trafficking-prevention-project-quinnipiac-university> [<https://perma.cc/J4HN-U29W>].

361. *Id.*; see Ayres-Brown, *supra* note 260.

362. Melina Khan, *Law Students Recognize National Human Trafficking Prevention Month with Awareness Week*, QUINNIPIAC CHRON. (Feb. 1, 2022), <https://quchronicle.com/75627/news/law-students-recognize-national-human-trafficking-prevention-month-with-awareness-week/> [<https://perma.cc/DN7G-EFU9>].

363. *Id.*

364. For example, the Transnational Legal Clinic at University of Pennsylvania Carey Law School allows students to engage in a wide range of immigration practices, such as U and T visa representation. While students in the clinic do not provide training, they do provide representation for victims of labor trafficking and their knowledge of labor trafficking could assist Pennsylvania if it chose to partner with the university. *Transnational Legal Clinic Details*, PENN CAREY L.,

With respect to the upcoming 2026 World Cup, this legislation will better prepare Pennsylvania and its employers for labor trafficking dangers in areas, such as the hospitality and restaurant industries, which may see a spike because of the expected influx of national and international visitors.³⁶⁵

CONCLUSION

Victims of labor trafficking, such as A.V. and T.V., live in our cities, towns, and neighborhoods. Victims of labor trafficking could be working in the kitchen of your favorite restaurant. These victims may not be overt, but they are suffering. Current legislation addressing labor trafficking in Pennsylvania and in states across the country is lacking. Notably, Congress and individual states have passed anti-sex trafficking legislation as recently as 2022,³⁶⁶ but very few have passed similar legislation targeting labor trafficking.³⁶⁷ Because labor trafficking is often more difficult to detect than sex trafficking, authorities are often unable to identify labor trafficking scenarios. “Failure to prosecute labor trafficking . . . reinforces the myth that all human trafficking” encompasses only sex trafficking, leaving exploited and vulnerable workers without sufficient protections.³⁶⁸ Additionally, labor trafficking is highly prevalent in communities of color, and the current lack of attention and legislation surrounding labor trafficking is failing workers in need of

<https://www.law.upenn.edu/clinic/transnational/students.php> [https://perma.cc/G6AG-B3ND].

365. Zampure & Mohan, *supra* note 233.

366. See, e.g., Voet, *supra* note 304 (referring to Pennsylvania’s Act 105 as an “anti-sex trafficking law”); 18 U.S.C. § 1591 (criminalizing “sex trafficking of children” in inter-state commerce); Melody Hood, *California Law Enforcement Empowered to Impound Sex Buyers’ Cars*, DEMAND ABOLITION (Jan. 30, 2018), <https://www.demandabolition.org/news/california-law-enforcement-empowered-impound-sex-buyers-cars/> [https://perma.cc/944X-BZCP] (describing legislation in California that allows law enforcement to impound cars used to solicit prostitution); Human Trafficking Prevention Act of 2022, Pub. L. No. 117-301, 136 Stat. 4382 (federal law aimed at preventing human trafficking through widespread posting of the National Human Trafficking Hotline).

367. See Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, 128 Stat. 1919 (2014); 2014 Pa. Laws 105.

368. Smith, *supra* note 19, at 479.

support.³⁶⁹ Existing efforts and laws that focus on only sex trafficking can serve as a strong foundation for lawmakers to establish new legislation to address labor trafficking more specifically.

FIFA's looming 2026 World Cup will take place in Philadelphia, Pennsylvania. The likelihood of a surge in national and international visitors statewide will likely intensify human rights violations, and this should push Pennsylvania to enact legislation in an effort to address labor trafficking. Importantly, hard evidence correlating an increase in sex trafficking during worldwide sporting events remains unconfirmed, while empirical evidence links the World Cup to increases in labor trafficking.³⁷⁰ Industries such as food services and hospitality will be flooded with visitors in Philadelphia where part of the 2026 World Cup will be held, causing an increase in demand for low-wage workers during this time.

Accordingly, it is imperative Pennsylvania adopt new legislation, the Labor Trafficking Transparency Act, to be implemented before the 2026 World Cup. Current Pennsylvania law fails to adequately address labor trafficking concerns present in the Commonwealth. The Labor Trafficking Transparency Act aims to remedy this failure. Specifically, the proposed Act will allow Pennsylvania to more effectively identify labor trafficking scenarios and more actively focus on protections for labor trafficking victims, especially in the food service and hospitality industries. Regardless of whether the proposed legislation is passed by 2026, this Note serves as useful guidance for the adoption of anti-labor trafficking legislation in Pennsylvania

369. Melissa Hellmann, *Labor Trafficking Is Under More Scrutiny in Washington*, FED. WAY MIRROR (Aug. 6, 2018, 5:20 AM), <https://www.federalwaymirror.com/news/labor-trafficking-is-under-more-scrutiny-in-washington/> [<https://perma.cc/S9QL-UP6Y>].

370. Christenson, *supra* note 63, at 94; GLOB. ALL. AGAINST TRAFFIC IN WOMEN, WHAT'S THE COST OF A RUMOUR? A GUIDE TO SORTING OUT THE MYTHS AND THE FACTS ABOUT SPORTING EVENTS AND TRAFFICKING 15 (2011), <http://www.gaatw.org/publications/WhatstheCostofaRumour.11.15.2011.pdf> [<https://perma.cc/L4YT-83UW>]; see Stephanie Hepburn, *It's Not Just About Sex—Human Trafficking and Mega Sporting Events*, HUFFPOST (Feb. 13, 2017, 10:45 PM), https://www.huffpost.com/entry/its-not-just-about-sexhuman-trafficking-and-sporting_b_58a25412e4b0e172783a9fd7 [<https://perma.cc/4795-2HVD>].

because labor trafficking permeates all industries at any given time, not only major sporting events.