

**Emergency/Disaster Response Manual**  
**Protocols & Procedures**

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# Emergency/Disaster Response Manual Protocols & Procedures

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## OVERVIEW

Natural disasters like Hurricane Harvey can lead to increases in both labor and sex trafficking, especially among already vulnerable populations displaced by such events. As evidenced by the aftermath of Hurricane Katrina, the need to quickly rebuild damaged property and infrastructure and fill vacant service industry jobs abandoned by evacuees leads to a sudden demand for low wage workers. Unfortunately, it also opens the door for unscrupulous employers and recruiters to take advantage of foreign workers desperate for opportunities and the promise of a better life. An estimated 3,750 people were victims of labor trafficking in the Gulf Coast region in the years following Hurricane Katrina.<sup>1</sup> Natural disasters also often lead to an increase in sex trafficking, as already vulnerable populations are forced to evacuate and lose housing, and influxes of laborers during the rebuilding process increases demand for sex workers. Accordingly, it is vital that cities impacted by natural disasters respond to the crisis promptly—even as the disaster unfolds—and remain committed to combatting trafficking throughout the recovery process.

The Mayor's Office has developed a comprehensive response that not only attempts to mitigate the potential effect of Hurricane Harvey on human trafficking in Houston, but can also serve as a reference and model for future disaster responses in Houston and nationwide. This Emergency/Disaster Response Manual outlines the City's short and long-term response to Hurricane Harvey and provides recommendations for other cities combating trafficking in the wake of a natural disaster.

## SHORT-TERM RESPONSE

The Mayor's Office worked quickly to meet the immediate needs of people displaced by Hurricane Harvey, many of whom were at risk of being trafficked. The following list identifies our short-term response to the disaster.

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<sup>1</sup> Laura T. Murphy and Brian Era, *The Louisiana Human Trafficking Report*, The Modern Slavery Research Project at Loyola University (2014), available at [http://media.nola.com/crime\\_impact/other/LA%20HT%20Report%20final.pdf](http://media.nola.com/crime_impact/other/LA%20HT%20Report%20final.pdf).



- 1. Accessed dorms in primary shelters housing thousands of displaced Houstonians.**

On Sunday, August 27, 2017, Hurricane Harvey caused severe flooding in the Greater Houston area, bringing over fifty inches of rain in some areas and displacing thousands of people from their homes. The George R. Brown Convention Center (“GRB”) began housing evacuees on August 27, 2017; NRG opened on August 29, 2017. GRB was operated by the City of Houston and the American Red Cross, while NRG was managed by Harris County and BakerRipley, a Houston community development organization. Mayor Turner ensured that we had access to GRB, while former Houston mayor Annise Parker, who serves as the Senior Vice President and Chief Strategy Officer at BakerRipley, assisted us in gaining access to the dorms at NRG. Quickly gaining access to both shelters allowed us to assess the shelters’ landscape and determine how to best communicate with the thousands of evacuees housed at the two facilities. The Mayor’s Office then sent staff to both shelters and worked with volunteers to provide on-the-ground education and outreach.

- 2. Created and distributed direct outreach materials notifying shelter-based evacuees of increased trafficking risks post disaster and providing resources for potential victims.**

Communicating with shelter-based evacuees was essential to mitigating the risks of increased trafficking. To do so, we created direct outreach materials focusing within the confines of word limitations on the nexus between natural disasters and human trafficking and providing contact information for the national trafficking hotline and a local drop-in center. These materials were then distributed to evacuees in various forms.

First, we provided information about the vulnerability of displaced persons to human trafficking in the GRB newsletter distributed daily to evacuees. *See* Appendix A. This information warned about recruitment in shelters and the potential for labor trafficking as Houston rebuilds. Next, we created and displayed in the GRB hallways a PowerPoint slide that emphasized the importance of learning about human trafficking in the wake of Hurricane Harvey. *See* Appendix B. The slide explained the link between natural disasters and an increase in human trafficking and provided tangible steps for evacuees to take to avoid victimization. Finally, we created flyers in both English and Spanish which were distributed as part of our cot-to-cot outreach (discussed further below). These flyers informed evacuees about potential recruitment in shelters, advertisements for jobs that could be created by traffickers, and phone numbers to call if they needed help. *See* Appendix C.



### **3. Engaged in cot-to-cot outreach.**

Speaking directly to evacuees through cot-to-cot outreach was invaluable in raising awareness of the increased risk of trafficking created by Hurricane Harvey. To ensure that we spoke with as many evacuees as possible, we partnered with staff and volunteers from The Landing, a Houston-based non-profit organization that supports survivors of human trafficking. The Mayor's Office, Human Trafficking Division does not typically rely on volunteers, but the magnitude of this disaster necessitated it. Our partnership with The Landing allowed us to visit each cot at both shelters; at the time, approximately 1,400 evacuees were housed at GRB and 2,600 evacuees were present at NRG. Shandra Carter of Freedom Place, a non-profit organization focusing on supporting victims of child sex trafficking, and survivor advocate Rebecca Bender were instrumental in crafting our messaging. We were also supported by volunteers from United Against Human Trafficking, a Houston-based non-profit organization that focuses on spreading awareness about human trafficking. All volunteers worked to spread the City's message about the nexus between trafficking and the hurricane. The cot notes will be translated into multiple languages and formatted to do outreach more effectively. *See Appendix D.*

Several other agencies and organizations accessed the shelter dormitories to communicate directly with residents, including the Houston Housing Authority, Houston Health Department, and the City's homeless shelter transition team. Although the Mayor's Office, Human Trafficking Division considered coordinating with these groups to create multidisciplinary teams, the logistics necessitated otherwise, and we decided to access the dorms with trafficking-specific information.

Despite mobilizing as quickly as possible, the Mayor's Office was unable to engage in cot-to-cot outreach when the shelters first began receiving evacuees, and intends to focus on improving its response time in the future. In particular, we believe that we should have accessed the shelters 12-20 hours earlier when more evacuees were housed there.

### **4. Coordinated with stakeholders, NGOs, and governmental organizations in administering trafficking outreach and education.**

Hurricane Harvey created unique challenges in our efforts to mitigate human trafficking. With large portions of the city flooded, it was impossible for some City of Houston staff to report to work, and the sheer volume of evacuees challenged already strained resources. Accordingly, we turned to volunteers from the non-profit organizations listed above. Partnering with organizations with experience in the human trafficking sphere was



instrumental to raising awareness, and the flexibility and experience of these volunteers ensured that our message reached as many evacuees as possible.

Beyond our partnerships with these non-profit organizations, the Mayor’s Office, Human Trafficking Division also relied on contacts with Sanctuary for Families (“SFF”), a non-profit organization based in New York City that assists victims of domestic and gender-based violence. Lori Cohen, the Director of the Anti-Trafficking Initiative at SFF also connected us to the International Office of Migration, an inter-governmental organization focusing on migration, for guidance on a variety of issues related to the nexus between human trafficking and natural disasters.

## **LONG-TERM RESPONSE**

The trafficking risks associated with Hurricane Harvey will not recede with the water; rather, we expect these risks to rise as evacuees remain displaced for extended periods of time and construction associated with the rebuilding process begins. Accordingly, the City is committed to the following action items in its long-term response to the disaster.

### **1. Raise awareness of labor and sex trafficking as the City begins to rebuild.**

Hurricane Harvey damaged or destroyed hundreds of thousands of buildings in and around Houston. The vast majority of these structures will be rebuilt, creating a sharp increase in demand for construction and contracting services. This increases the risk of labor trafficking, and we are focused on raising awareness of this threat among those working to rebuild Houston. We are currently partnering with the consulting firm Deutser to redesign our “Watch for Traffick” construction-themed billboard to increase awareness of the high-risk nature of this industry after a natural disaster. We are also creating billboards spreading awareness about sex trafficking, as influxes of relief workers often drive up the demand for commercial sex. Once complete, we will purchase billboard space in the areas hit hardest by Hurricane Harvey to provide a visual warning to constituents.

In addition, we are creating signs spreading awareness about labor and sex trafficking to be displayed on taxi cabs throughout Houston.

### **2. Develop a corporate education program.**

Preventative education will be key to combatting trafficking during the rebuilding process. As such, we are developing a long-term corporate education program to educate businesses



about the risks of trafficking and to encourage them to ensure oversight for their contracts and outsourced projects. This program focuses on the City’s observations of trafficking post-Harvey and the lessons learned from labor trafficking case studies after Hurricane Katrina in 2005. After Hurricane Katrina, hundreds of Indian and Thai laborers, Filipino teachers, and Central and South American hotel workers were forced to pay exorbitant fees to recruiters to leave their countries and take jobs in New Orleans and surrounding areas under poor working and living conditions, with many facing constant threats of deportation from their employers and recruiters. *David, et al. v. Signal Int’l, LLC*, which resulted in a \$14 million liability judgment against the marine-services employer of the Indian workers, and other post-Katrina litigation are discussed in further detail in Appendix D. We will also create a forum to share our developed materials and presentations with consular offices so that they can provide these resources to their citizens.

In addition, we are working with the Office of Trafficking in Persons (“OTIP”), the federal agency committed to preventing human trafficking and providing services to survivors. The OTIP may increase anti-trafficking training for the Federal Emergency Management Agency (“FEMA”) workers, and has committed to providing financial support to print Spanish billboards and outreach materials.

### **3. Monitor and combat online activity which may indicate an increase in trafficking.**

We saw a sharp increase in online advertisements for sex following Hurricane Harvey, although the number dropped in the weeks after the storm. Although not all online sex ads are instances of human trafficking, they are often a proxy for it, and this sudden increase may indicate that sex trafficking is on the rise. We also saw instances of traffickers posting photographs of themselves buying supplies for their victims’ children and soliciting others to come stay with them. This information was forwarded to the Houston Police Department and authorities in neighboring Montgomery County. We will continue to monitor this online activity and work with law enforcement to identify and prosecute offenders. The City will also support additional efforts to reach buyers through online ad postings by Children at Risk, a child advocacy non-profit organization, which will educate buyers on the perils of purchasing sex.

In addition, conversations with evacuees conducted during our direct outreach at GRB and NRG indicated that potential labor traffickers are targeting high-risk individuals through Facebook advertisements. As a countermeasure, we are creating Facebook advertisements



to spread awareness about labor trafficking and provide potential victims with resources to report it in partnership with Love 146, an international child sex trafficking organization based in Connecticut.

#### **4. Issue executive order ensuring safe labor contracting practices.**

Mayor Sylvester Turner will sign an executive order ensuring that the City of Houston engages in safe labor contracting practices as it rebuilds from Hurricane Harvey. The City was preparing the executive order prior to Hurricane Harvey and expedited it after the disaster hit. The executive order will focus on raising awareness about human trafficking amongst the City's contractors and vendors, and will urge contractors working with the City to take steps to eradicate human trafficking in their supply chains.

#### **5. Continue conducting direct outreach.**

Just as we relied on direct outreach for evacuees in GRB and NRG through our cot-to-cot efforts, we will continue to engage in direct outreach with vulnerable populations in the coming months. In particular, we are partnering with the Fe y Justicia Worker Center, a non-profit organization that supports low-wage workers, to increase its day laborer outreach and education. This outreach will focus on ensuring that workers know their rights and the resources available to them, as well as educating workers on the risks of human trafficking and purchasing sex.

We are also considering adding support staff to the Fe y Justicia team to multiply the organization's outreach efforts. In addition, we are supporting The Landing's efforts to increase outreach to sex trafficking survivors. The Mayor's Office, Human Trafficking Division is also considering building capacity for additional outreach with other non-profit organizations.

#### **6. Engage stakeholders.**

We continue to work closely with the Department of Labor, Department of State, and various community-based groups to best serve populations vulnerable to human trafficking. The Department of Labor will provide labor statistics from the rebuilding process following Hurricane Katrina, allowing us to anticipate the number of laborers who will be involved in the rebuilding process and possible trafficking risk factors associated with that population. Similarly, the Department of State will provide information to the City to assist it in its





efforts to combat labor trafficking. We can then offer the corporate education program to these companies and ensure that their workers are aware of their rights and have access to resources such as the national anti-trafficking hotline. Jones Day, a global law firm with anti-trafficking initiatives in a number of countries around the world, is funding the buildout of this program.

## **RECOMMENDATIONS**

Based on our experience responding to Hurricane Harvey, we recommend the following steps to mitigate the increased trafficking risks associated with natural disasters.

### **1. When possible, prepare outreach materials prior to the disaster.**

Natural disasters often result in power outages and building damage, which can complicate the preparation of outreach materials. For example, Hurricane Harvey left City Hall inaccessible and limited our access to printers, copy machines, and other items necessary for creating outreach materials. These materials are critical to providing preventative education and outreach to evacuees, and—when possible—should be prepared in advance and maintained in both paper and electronic form.

### **2. Coordinate with shelter command centers.**

Gaining access to evacuees at shelters is the first priority in responding to any natural disaster. This displaced population is particularly vulnerable to trafficking, and the shelters themselves may be targeted by traffickers. Coordinating with shelter command centers will allow you access to the evacuees and will help you determine the best way to distribute resources.

### **3. Assess shelters for mass communication opportunities and promptly distribute information to evacuees.**

Each shelter operates differently, even when responding to the same disaster. Accordingly, you should assess shelters individually to determine the opportunities for mass communication with residents. This information should be distributed at congregation points within the shelter such as the areas in which FEMA and other social services provide support, as well as at in-take or in the cafeteria.

In response to Hurricane Harvey, we were able to provide information in the GRB daily newsletter and through a PowerPoint slide superimposed on a hallway wall near the FEMA



registration center and other monitors throughout the GRB, even on floors accessible by only City employees, relief workers, and law enforcement. Other opportunities for mass communication may be available in different shelters.

#### **4. Engage volunteers and secure access to evacuees through cot-to-cot outreach.**

Cot-to-cot outreach is vital to mitigating trafficking, and when faced with servicing thousands of evacuees, you may need to rely on volunteers in order to do so. Before engaging volunteers, confirm that the volunteers can register to volunteer at the shelter and access the evacuees. Parking, cafeteria and restroom access, and the location of a central meetup point should also be provided to volunteers. Volunteers should be informed of shelter rules and instructed to bring identification to the facility; firearms and weapons should be prohibited. Finally, volunteers should receive a brief orientation to ensure they are familiar with the shelter's layout and aware of their responsibilities.

Working with volunteer coordinators from non-profit organizations in the trafficking sphere should result in volunteers who are knowledgeable on the topic and able to relay the city's messaging effectively. Ideally, these volunteers will also speak multiple languages. Volunteers should be provided cot notes to place on unoccupied cots and should be instructed to use discretion when relaying the trafficking message around young children.

Because cot-to-cot outreach may identify victims of trafficking, it is also helpful to have access to non-disaster response shelters with space where anti-trafficking case managers can place victims and provide services. The Mayor's Office had a pre-existing relationship and confirmed with the shelters that they were fully operational and accepting clients. Other needs unrelated to trafficking may also be discovered, so volunteers should be prepared to contact the Red Cross, FEMA, and similar organizations for evacuees needing assistance. There is also a need to have access to on call social workers after the cot-to-cot outreach is completed in case suspicion of trafficking is reported to shelter staff.

Finally, as noted above, the materials distributed during cot-to-cot outreach should be prepared in advance to the extent possible. These materials should be printed in multiple languages and should provide contact information for the national trafficking hotline as well as local anti-trafficking organizations, where applicable. It is important to have multiple numbers listed in case it is not clear which organizations were impacted by the disaster.



## **5. Educate employers.**

In times of disaster, the federal government may exercise discretion to suspend the enforcement of laws designed to protect the health, safety, and wages of workers. However, doing so does not provide companies and contractors with a free pass to exploit workers for their own profits. As evidenced by the post-Katrina *Signal International* litigation, Filipino teachers litigation, and other cases described in Appendix D, corporate defendants can face millions of dollars in liability for mistreatment of workers in private or class action litigation and EEOC actions, as well as investigations by the U.S. Department of Justice. Even though some laws might be suspended, mistreated workers can still seek remedies through the Trafficking Victims Protection Act of 2000, Fair Labor Standards Act, and various state statutes and common law causes of action. Cities should work with local EEOC offices and the U.S. Attorney's office to pursue investigations of labor trafficking when applicable. Cities can pass local minimum wage ordinances to provide a baseline wage for workers, which would apply in the event federal wage protection acts such as the Davis-Bacon Act are suspended.

To address the root cause, cities should educate employers, who may consist of companies and contractors, of trafficking risks and concerns, as well as ethical business practices. Employers should thoroughly vet recruiters and immigration attorneys before retaining them to conduct searches for workers, as employers could be found jointly and severally liable for their misconduct. Companies should be aware of the amount of recruitment, travel, and visa fees foreign applicants are being charged by recruiters and should ensure that false promises of work hours and immigration status are not being made to the foreign workers. The Department of Labor considers travel and visa expenses as benefitting the employer, and they must be accounted for in ensuring that the employees' wages meet the minimum wage requirements. Finally, employers should be aware of the laws governing working and living conditions to ensure that their employees are being treated fairly.

## **6. Engage Consular offices.**

Consular offices provide a direct line to non-citizens and can be helpful partners in combatting trafficking after a disaster. The Department of Labor releases statistics identifying the countries from which laborers on HB-2 visas originate, and this data can be used to identify countries with citizens who may be particularly vulnerable to labor trafficking. Cities responding to disasters should engage these Consular offices by providing



presentations, anti-trafficking materials, and other resources to spread awareness about human trafficking.

## **7. Available Resources and Implementation**

We encourage you to visit our website at [humantraffickinghouston.org/toolkits/Disaster Response](http://humantraffickinghouston.org/toolkits/Disaster%20Response). All of the materials referenced are available for download, adaptation and use. Please note that by the time you read this, several of the initiatives mentioned will be complete and also available for download, we plan to continue to update the toolkit as additional materials are completed and available for use.



## Appendix



## Appendix A: GRB Newsletter Insert

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People that were forced to leave their homes because of Hurricane Harvey may become more vulnerable to human trafficking, both labor trafficking and/or sex trafficking. Please know that traffickers can use a person's vulnerabilities by meeting their basic needs/luring a person into a relationship and then forcing, defrauding or coercing them into selling sex. For people that will be looking for work, make sure you only accept jobs from people you trust to ensure you are paid for your work and are in control of your identification.

To report human trafficking, call the National Human Trafficking Hotline: 1 (888) 373-7888. Over 200 languages available.



## Appendix B: PowerPoint Displayed at Shelter

### Human Trafficking Awareness

#### Why is it important to learn about it now?

- **Natural disasters can make people more vulnerable to human trafficking**
  - Trafficking is the use of force, fraud or coercion (FFC) to compel a commercial sex or labor act. FFC not required if the person is 17 and under for a commercial sex act.
  - Traffickers may first try and meet their victim's basic needs, form a relationship and then make them sell sex.
  - People seeking work are also more vulnerable to labor trafficking after a natural disaster, particularly in the construction industry.
  - Try and take jobs from trusted referrals and be ware of leery job offers.
  - Make sure you get the government assistance you need so that you are not vulnerable to traffickers.
  - There is research that shows that after natural disasters, both sex and labor trafficking are on the rise.

**Call the National Trafficking Tip Hotline at 888-373-7888 with a tip or with questions! Please note, trafficking is different than smuggling.**



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## Appendix C: Cot Note [English & Spanish]

Displaced persons may be more vulnerable to predators like human traffickers. People in need of resources or jobs can be exploited. Trafficking is not always what you see on TV or the movies. People are often groomed, tricked and manipulated. Both men and women can be traffickers and trafficking victims. Here are some scenarios that should prompt you to be cautious now and in the future:

-A man approaches and says "I heard you say that you need some money. I know a way that you can make some quick cash."

-A young woman you just met says: "If you don't want to stay here, my boyfriend will take care of you. You can come stay with us."

Traffickers want to take advantage of your need for resources. Once they provide resources, they will expect you to "pay". Payment can come in the form of prostitution, stripping and pornography. It can happen to anyone but please be more cautious if you are ages 12-24.

**Also be cautious about:**

-Construction/rebuild jobs being advertised on social media or flyers over the next few months.

-Offers of work that come with housing, rental deductions, immigration assistance and/or transportation to and from work.

**To report human trafficking please call the national trafficking tip hotline 888-373-7888. You can also call The Landing for services 713-766-1111.**

Las personas desplazadas pueden ser más vulnerables a los depredadores como los traficantes de seres humanos. Las personas que necesitan recursos o empleos pueden ser explotadas. El tráfico no siempre es lo que se ve en la televisión o en las películas. A menudo las personas son arregladas, engañadas y manipuladas. Tanto los hombres como las mujeres pueden ser traficantes y víctimas de la trata. Aquí hay algunos ejemplos en los que deberían pedirle que sea cauteloso ahora y en el futuro:

-Un hombre se acerca y dice: "Te oí decir que necesitas algo de dinero. Conozco una manera de hacer dinero rápido."

-Una joven que acabas de conocer dice: "Si no quieres quedarte aquí, mi novio te cuidará. Puedes venir a quedarte con nosotros."

Los traficantes quieren aprovechar su necesidad de recursos. Una vez que proporcionan recursos, esperan que usted "pague". El pago puede venir en la forma de la prostitución, del stripping y de la pornografía. Puede suceder a cualquier persona pero por favor sea más cauteloso si usted tiene la edad de 12-24 años, puede ser más vulnerable.

**Sea también cauteloso sobre:**

-Construcción / reconstrucción de puestos de trabajo que se anuncian en los medios de comunicación social o volantes en los próximos meses.

-Ofertas de trabajo que vienen con vivienda, deducciones de alquiler, asistencia de inmigración y / o transporte hacia y desde el trabajo.

**Para reportar tráfico de personas por favor llame a la línea telefónica nacional 888-373-7888. También puede llamar a The Landing para obtener los servicios 7 13-766-1111.**





## Appendix D: Reformatted Cot Note - Disaster Response Card

The Disaster Response Palm Card is available in two versions with the following languages:

- 1) English, French, Vietnamese, Mandarin, Tagalog, and Thai
- 2) English, Spanish, Arabic, Urdu, Farsi, and Hindi

 <p><b>Call One of these Helplines for Assistance</b></p> <p><b>National Human Trafficking Hotline</b> <b>1-888-373-7888</b> <i>24 Hr Confidential Helpline</i> <i>Help is available in 200 languages</i> <b>or text HELP to BeFree (233733)</b> <i>3 pm to 11 pm</i></p> <p><b>Faith and Justice Worker Center • 713-862-8222</b> <i>Help with workers' rights, workplace issues</i></p> <p><b>Texas Workforce Commission • 1-800-252-3642</b> <i>Report worker fraud and abuse</i></p> <p><b>The Landing • 713-766-1111</b> <i>Services for those previously or currently in the sex industry</i></p> <p><b>Rescue Houston • 713-322-8000 • 24/7 Hotline</b> <i>Immediate response and rescue for those exiting the sex industry</i></p> <p>These cards are survivor-informed</p> <p>Disaster Response <span style="float: right;">English</span></p>	<p><b>Displaced Persons May be More Vulnerable to Human Trafficking</b></p> <p>People in need of resources or jobs can be exploited. Trafficking is not always what you see on TV or the movies. People are often recruited, groomed, tricked and manipulated. Both men and women can be traffickers and trafficking victims. Here are scenarios to be aware of now and in the future:</p> <ul style="list-style-type: none"><li>• False construction/rebuild jobs being advertised on social media or flyers over the next few months.</li><li>• Offers of work that come with housing, rental deductions, immigration assistance and/or transportation to and from work and turn into no pay and guarded living quarters.</li></ul> <p><b>In shelter and post shelter settings, be careful about:</b></p> <ul style="list-style-type: none"><li>• A man approaches and says "I heard you say that you need some money. I know a way that you can make some quick cash."</li><li>• A young woman you just met says: "If you don't want to stay here, my boyfriend will take care of you. You can come stay with us."</li></ul> <p>Traffickers want to take advantage of your need for work and resources. Once they provide resources, they will expect you to "pay". Payment can come in the form of forced labor, prostitution, stripping and pornography.</p> <p>Disaster Response <span style="float: right;">English</span></p>
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## Appendix E: Case Studies

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### Post-Katrina Labor Trafficking Case Studies

The extensive damage caused by Hurricane Katrina in 2005 gave rise to a sudden demand for low-wage laborers to rebuild New Orleans and fill jobs vacated by hurricane evacuees. At the time, the United States government temporarily suspended protections for workers relating to wages,<sup>2</sup> safety, and health,<sup>3</sup> as well as immigration enforcement requirements. This led to the exploitation of foreign workers by companies and recruiters.

#### *Case Study: Signal International*

In 2006, marine services company Signal International (“Signal”) utilized the government’s H-2B guest worker program to hire 500 men from India to repair damaged oil rigs and other facilities on the Gulf Coast. Signal contracted with labor recruiters and an immigration lawyer to recruit the workers. The workers paid between \$10,000 and \$20,000 in recruitment fees and other costs, with many incurring substantial debt in order to come to the United States. Many were misled into believing they would receive I-140 permanent residency visas instead of the H-2B temporary work visas they actually received. Signal eventually terminated its relationship with one of the recruiters, Global Resources, after learning that the laborers paid significantly more in fees to Global than Global admitted to Signal. When the laborers arrived, they faced living and working conditions that were unsanitary and restrictive. The men were charged \$1,050 per month to live in labor camps where over twenty men shared living quarters in a single trailer. When some men sought residence outside the camps, Signal told them they would still be charged \$35 per day. Signal also threatened workers with deportation when they complained of the conditions. Many workers became outraged and went on strike. In 2008, approximately one hundred workers left their jobs and began marches, protests, and a hunger strike in Washington, DC, capturing the attention and support of members of Congress and national workers

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<sup>2</sup> For example, President George W. Bush, citing a “national emergency” caused by Hurricane Katrina, suspended the Davis-Bacon Act, a 1931 act contractors performing on federally funded or assisted contracts to pay their laborers no less than locally prevailing wages. President Bush believed decreasing construction costs would assist communities with the rebuilding process. At the time, his decision was met with criticism from lawmakers and the AFL-CIO, which predicted exploitation of workers. See *Bush Suspends Pay Act in Areas Hit by Storm*, Washington Post (Sept. 9, 2005), available at <http://www.washingtonpost.com/wp-dyn/content/article/2005/09/08/AR2005090802037.html>; see also *Davis-Bacon and Related Acts*, U.S. Dept. of Labor, Wage and Hour Division, available at <https://www.dol.gov/whd/govcontracts/dbra.htm>.

<sup>3</sup> The Occupation Safety and Health Administration of the Department of Labor also temporarily suspended the enforcement of job safety and health standards in affected parishes.



associations. The strike ended with a rally at the U.S. Department of Justice, which began its own investigation of Signal.

Through the Southern Poverty Law Center, more than 225 laborers filed suits in federal court in 2008 against Signal, Global Resources, and the immigration lawyer, asserting violations of their rights under the Trafficking Victims Protection Act of 2000, the RICO Act, the Civil Rights Act of 1866, the Ku Klux Klan Act of 1871, the Fair Labor Standards Act, and claims for damages arising from fraud, negligent representation, and breach of contract. Seven years later, in 2015, the first of the cases went to trial, and the jury awarded the plaintiffs in that case \$14 million in damages. *David et. al. v. Signal Int'l, LLC*, No. 08-cv-1220 (E.D. La.). Signal had filed cross-claims against the recruiters and the immigration lawyer for breach of fiduciary duty, fraud, and indemnity, but the cross-claims were denied. Shortly after the jury verdict, Signal reached a \$20 million settlement with the majority of the Indian laborers whom they had brought to the United States, and Signal was forced to file for Chapter 11 bankruptcy to implement the settlement.

The EEOC filed a related action against Signal in 2011. *EEOC v. Signal Int'l LLC*, No. 2:12-cv-557 (E.D. La.). The EEOC action alleged that Signal engaged in unlawful activities, including:

- requiring the laborers to live in camps in crowded and substandard housing conditions;
- subjecting the laborers to oppressive conditions, such as providing poor quality food and subjecting them to searches and seizures;
- refusing or restricting their rights to have visitors;
- charging monetary penalties for rule violations;
- deducting in excess of \$1,000 per month from wages for food and housing; and
- limiting the laborer's freedom of movement and access to the local community.

In late 2015, the EEOC and Signal entered into a \$5 million settlement, providing further relief for the aggrieved Indian workers.

### ***Case Study: Filipino Teachers***

After Hurricane Katrina, Louisiana faced a shortage of teachers. Several school districts in Louisiana used Universal Placement Agency, a California-based recruiter, to help find teachers from the Philippines. With the assistance of Universal Placement Agency, representatives from the school districts flew to the Philippines to interview candidates. The prospect of paying jobs in the United States was enticing to many Filipinos. Thousands of applicants were interviewed in the Philippines, and less than 400 teachers were hired to fill the positions.

Universal Placement Agency then began the process of helping the hired teachers apply for H1-B visas—which permits foreign nationals with special skills to work in the United States for up to six years. Although Universal Placement Agency informed the teachers at the outset that they



would have to pay a \$5,000 nonrefundable recruitment fee, the agency did not disclose that the teachers would be required to pay to the agency a second, much larger recruitment fee, to leave the Philippines. Only after the agency had received in hand the teachers' approved visas and passports from the U.S. Embassy did it inform the teachers of the second fee. With many teachers having gone into debt after paying the initial \$5,000 fee, many gave in to Universal Placement Agency's demands, each paying the agency a total of \$16,000 in fees to secure their jobs in the United States. After arriving in the United States, some teachers complained about the high costs of their housing arrangements and complained about the agency, only to be met with repeated threats of deportation from the agency.

Through the Southern Poverty Law Center, the teachers filed a class action lawsuit in a California federal court against Universal Placement Agency, alleging violations of the Trafficking Victims Protection Act of 2000, RICO violations, violations of California's employment statutes, violations of the California Unfair Competition Law, fraud, negligent hiring, and other state and common law claims. *Mairi Nunag-Tanedo, et al., v. East Baton Rouge Parish School Board, et al., No. 8:10-cv-1172* (C.D. Cal.) (filed Aug. 5, 2010). In 2012, a jury awarded the class \$4.5 million in damages, finding that the agency had not violated the Victims of Trafficking and Violence Protection Act, but had violated the California employment and unfair competition laws and had made negligent misrepresentations to the plaintiff class. The judge further awarded \$1.3 million in attorneys' fees.

### ***Case Study: Decatur Hotels***

In 2006, a lawsuit filed by the Southern Poverty Law Center claimed that Decatur Hotels violated the Fair Labor Standards Act when the company failed to reimburse various Central and South American hotel guestworkers for the exorbitant fees each worker paid to recruiters who brought them to work in hotel jobs vacated by Katrina evacuees. The workers paid between \$3,500 and \$5,000 in fees, and many found themselves working less than 25 hours per week after being promised a minimum of 40 hours per week by the recruiters. The lawsuit claimed that after taking into account the fees paid by the workers, the workers compensation fell below minimum wage requirements.

A 2009 FLSA Bulletin clarified that the travel and visa expenses for workers under H-2B visas are primarily for the benefit of the employer, and should be accounted for in ensuring the employees are paid a prevailing wage under the FLSA.<sup>4</sup> Unfortunately for the Decatur guestworkers, a federal appeals court ultimately held that the 2009 FLSA Bulletin would not

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<sup>4</sup> Field Assistance Bulletin No. 2009-2, U.S. Department of Labor (Aug. 21, 2009), *available at* [https://www.dol.gov/whd/FieldBulletins/FieldAssistanceBulletin2009\\_2.pdf](https://www.dol.gov/whd/FieldBulletins/FieldAssistanceBulletin2009_2.pdf).



apply retroactively to their grievance. *Castellanos-Contreras v. Decatur Hotels, LLC*, 622 F.3d 393 (5th Cir. 2010).

### *Case Study: Thai Workers*

In 2007, a group of Thai workers filed a federal lawsuit against Million Express Manpower Inc., claiming the company held them captive—sometimes with guns—while the workers were transported to New Orleans to demolish flooded buildings after Katrina. The workers had previously paid \$11,000 each to obtain agricultural jobs. The workers won a nearly \$1 million default judgment against Million Express Manpower in 2009, but it appears they may not have been able to collect on the judgment due to insolvency of the company. *Asanok et al. v. Million Express Manpower, Inc. et al.*, No. 5:07-cv-48 (W.D.N.C. Oct. 24, 2009).



## Program Contacts

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The contact information presented here is for internal purposes only.

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