



SAMPLE LA CITY PROCUREMENT POLICY MOTION

Human trafficking is the world's fastest-growing criminal enterprise and is estimated to be a \$150 billion- annual global industry.¹ A 2021 report by the U.S. Government Accountability Office highlighted that despite a zero-tolerance policy for human trafficking, trafficking of persons on U.S. government contracts persists.² As of September 2022, the Bureau of International Labor Affairs (ILAB) and the U.S. Department of Labor estimates that at least 159 categories of goods from 78 countries sold in the U.S. are produced with forced labor, in direct violation of international standards.³

Human trafficking and forced labor have no place in Los Angeles. The City of Los Angeles should be a world leader in the fight against forced labor and child labor in its supply chains and contracted services and be a model for other cities to follow. The City of Los Angeles has immense purchasing power. The City of Los Angeles alone “spends about \$4.5 billion each year on contracted goods, services and construction.”⁴ In fact, “[a]fter staff salaries, procurement is the largest category of spending by the city and serves as a major economic driver for the region.”⁵

Because of its substantial purchasing power, the City of Los Angeles can require its suppliers and service providers to adopt policies that will minimize forced labor in the goods and services it purchases. This is an opportune time to act as the Covid-19 pandemic impacted economies around the world, making vulnerable populations even more susceptible to forced labor.

Currently, some of the gaps that exist within local government include a lack of enforcement capacity, the lack of a mandatory, third-party monitoring program, and the failure to require contractors to certify that no forced labor or human trafficking is used in the production of their products.

The City of Los Angeles must work to close these gaps. Forced labor has plagued supply chains here in Los Angeles for many decades and is found in virtually all industries. In 2022, an investigation by the U.S. Department of Labor revealed that many Los Angeles-based garment workers are forced to work and not paid for their labor, which is labor trafficking.⁶

¹ U.S. Department of Homeland Security, *Countering Human Trafficking: Year in Review*, January 2022, <https://www.dhs.gov/sites/default/files/2022-02/CCHT%20Annual%20Report.pdf>

² U.S. Government Accountability Office, *Human Trafficking: DOD Should Address Weaknesses in Oversight of Contractors and Reporting of Investigations Related to Contracts*, August 4, 2021, <https://www.gao.gov/assets/gao-21-546.pdf>

³ U.S. Department of Labor, *2022 List of Goods Produced by Child Labor or Forced Labor*, September 28, 2022, <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods/>

⁴ City of Los Angeles Mayor’s Office of Economic Development, *Power of Procurement*, August 2022.

⁵ *Id.*

⁶ Anabel Munoz, *Some LA garment workers paid as little as \$1.58 per hour, US Department of Labor survey shows*, April 3, 2023, <https://abc7.com/department-of-labor-2022-survey-garment-workers-southern-california/13059956/>

The majority of the workers are women, immigrants, and people of color who are forced to work in dangerous and poor working conditions.

Such circumstances require the City of Los Angeles to take active steps to eliminate forced labor in its contracts with vendors and suppliers. For example, the City of Los Angeles should require its suppliers and vendors to meet specific anti-trafficking criteria aimed at ensuring that the City of Los Angeles does not purchase goods or services tainted by forced labor. Modeled after federal government contractor requirements, the criteria will help minimize the potential of the City of Los Angeles supporting human and labor trafficking.

I THEREFORE MOVE that the City of Los Angeles, with assistance from its respective procurement offices, to implement additional anti-trafficking criteria into the Los Angeles Municipal Code Article 17 Sweat-Free Procurement, which will help eliminate forced labor and child labor in supply chains by establishing a clear, unambiguous mandate that contractors are able to follow. For ease of reference, the proposed criteria are listed below.

- A. Expand the City of Los Angeles Contractor Code of Conduct to all suppliers and service providers; and to their subcontractors.
- B. Prohibit the following “trafficking-related” activities:
 - 1. Engaging in severe forms of trafficking in persons during the performance period of the contract
 - 2. Using forced labor in the performance of the contract.
 - 3. Destroying, concealing, confiscating, or otherwise denying access by an employee to the employee’s identity or immigration documents, including passports or drivers’ licenses, regardless of issuing authority
 - 4. Using misleading or fraudulent practices during the recruitment of employees or offering of employment, including failing to disclose, in a format and language understood by the employee or potential employee, basic information or making material misrepresentations during the recruitment of employees regarding the key terms and conditions of employment, including all of the following:
 - a. Wages and fringe benefits.
 - b. The location of work.
 - c. The living conditions, housing, and associated costs, if provided or arranged by the employer or agent.
 - d. Any significant costs to be charged to the employee or potential employee.
 - e. The hazardous nature of the work, if applicable.

5. Using recruiters that do not comply with California state labor laws and the laws of the country that the recruiting takes place
6. Charging employees or potential employees recruitment fees.
7. Failing to provide or pay for the cost of return transportation upon the end of employment, for any of the following:
 - a. An employee who is not a national of the country that the work is taking place and who was brought into that country for the purpose of working on a city contract or subcontract for the portion of the contract or subcontract performed outside the city.
 - b. An employee who is not a United States national and who was brought into the United States for the purpose of working on a city contract or subcontract, if the payment of the cost is required under existing temporary worker programs or pursuant to a written agreement with the employee for the portion of the contract and subcontract performed inside the city.
 - c. The above requirements do not apply to an employee who meets one of the following criteria:
 - (i) The employee is legally permitted to remain in the country of employment and who chooses to do so.
 - (ii) The employee is exempted by an authorized official of the contracting agency, designated by a chief official of a state agency in accordance with agency procedures, from the requirement to provide or pay for the cost of return transportation.
 - d. The above requirements are also modified for a victim of trafficking in persons who is seeking victim services or legal redress in the country of employment, or for a witness in an enforcement action related to trafficking in persons. The contractor shall provide or pay the cost of return transportation in a way that does not obstruct the victim services, legal redress, or witness activity, including offering return transportation to a witness at a time that supports the witness's need to testify.
8. Providing or arranging housing that fails to meet the country of employment housing and safety standards.
9. If required by law or contract, failing to provide an employment contract, recruitment agreement, or other required work document in writing

C. Require Suppliers and Service Providers to:

1. Provide employees, and also post, a toll-free hotline telephone number to report human trafficking.
2. Obtain certification from direct suppliers that materials incorporated into goods comply with local anti-trafficking laws.
3. Provide training to employees/management with hiring and procurement responsibilities focused on mitigating supply chain risks and identifying trafficking.
4. Agree to cooperate fully in providing reasonable access to allow audits, investigations, or other actions to ascertain compliance with the City of Los Angeles] program and other anti-trafficking laws.
5. Report any human trafficking activities.
6. For contracts and subcontracts greater than [\$500,000]:
 - a. Compliance plan required (relevant parts posted) to prevent any trafficking in persons activities.
 - b. Implement procedures to prevent prohibited activities.
 - c. Each contractor/subcontractor must certify it has the compliance plan, and that neither it nor any of its subcontractors has engaged in any such activities; or, if abuses found, the contractor/subcontractor has taken the appropriate remedial and referral actions
 - d. A signed Certification under penalty of perjury along with a copy of the compliance plan must be submitted at the time a contractor/subcontractor is putting for a bid on a contract with Los Angeles City.

I THEREFORE MOVE that the City of Los Angeles strongly encourage the Port of Los Angeles, the Los Angeles Department of Water and Power, and the Los Angeles World Airports to adopt a similar anti-trafficking procurement policy.

FOR MORE INFORMATION

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