



LA County Procurement Policy Paper

I. Executive Summary

- A. The County of Los Angeles. The County of Los Angeles should be a world leader in the fight against human trafficking. It should minimize forced labor and child labor in its supply chains and contracted services and be a model for other cities to follow.
- B. Procurement Power. Because of its large purchasing power, the County of Los Angeles can require its suppliers and service providers to adopt policies that will minimize forced labor in the goods and services purchased by the county. This is an opportune time to act as the Covid-19 pandemic impacted economies around the world, making vulnerable populations even more susceptible to human trafficking.
- C. Strategies. The January 2020 Office of Los Angeles City Attorney Mike Feuer: “Labor Trafficking Strategy Development” report recommended fighting labor trafficking with strategies focused on Prevention, Protection, Prosecution, Partnership and Policy. This White Paper focuses on Prevention and Legislative Policy.
- D. Solution. The County of Los Angeles should require its suppliers and vendors to meet specific anti-trafficking criteria aimed at ensuring that the County 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 County of Los Angeles supporting human trafficking.

II. Forced Labor

- A. **Forced Labor.** Laws around the world, including in the County of Los Angeles, have long criminalized using *forced labor*, a term encompassing involuntary servitude, debt bondage, and child labor. Nevertheless, forced labor is a \$150 billion per year industry worldwide and, at any given time, it is estimated to involve 27.6 million victims.¹
- B. **Human Trafficking** is defined in United States Code as the use of force, fraud, or coercion with the intention of forced labor and/or sexual exploitation. More specifically, the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S. Code § 7102), provides the following definition of forced labor: “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection

¹ International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM) Global Estimates of Modern Slavery, *Forced Labour and Forced Marriage*, September 2022, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf

to involuntary servitude, peonage, debt bondage, or slavery.” For purposes of this white paper, the term “forced labor” includes child labor.

- C. Global View: Goods tainted by the stain of forced labor in supply chains.
 - 1. Forced labor is found in virtually all industries, and has, plagued supply chains and tainted the name-brand products they help create.
 - 2. According to the Bureau of International Labor Affairs (ILAB) and the U.S. Department of Labor, at least 159 categories of goods from 78 countries sold in the United States are produced with forced labor in violation of international standards.²

III. Los Angeles’ Heightened Interest in Fighting Forced Labor.

- A. As one of the nation’s largest counties,³ the County of Los Angeles can leverage its large purchasing power to drive anti-trafficking policies in its procurement programs.
- B. Human Trafficking Victims. With its proximity to international borders, large ports of entry (both airports and seaports), large immigrant population, and extraordinarily substantial economy, the County of Los Angeles is a major hub as well as destination for trafficking victims.
- C. Historical Context.
 - 1. Industries known to use forced labor in the United States are found in the Los Angeles area including factory work, hospitality, construction and commercial cleaning services. For example, the El Monte Thai Garment Worker Case (1995) was the first recognized case of modern-day slavery (forced labor) in the U.S. happened in Los Angeles County. Individuals were recruited from rural areas in Thailand, and once they came to the United States, their passports were confiscated. They were then forced to work non-stop to “earn” their freedom.⁴ Additionally, another investigation by the U.S. Department of Labor discovered forced labor involving minors

² Office of Child Labor, Forced Labor, Human Trafficking, *2022 List of Goods Produced by Child Labor or Forced Labor*, https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2021/2022-TVPRAList-of-Goods-v3.pdf

³ [lacounty.gov, About LA County](https://lacounty.gov/government/about-lacounty/about/#:~:text=About%20LA%20County&text=It%20is%20one%20of%20the,27%20percent%20of%20California's%20population), October 22, 2023, <https://lacounty.gov/government/about-lacounty/about/#:~:text=About%20LA%20County&text=It%20is%20one%20of%20the,27%20percent%20of%20California's%20population>

⁴ Erin Blakemore, *20th Century Slavery was Hiding in Plain Sight*, July 31, 2020, <https://www.smithsonianmag.com/smithsonian-institution/20th-century-slavery-california-sweatshop-was-hiding-plain-sight-180975441/>

from Guatemala working in poultry processing companies in La Puente and the City of Industry.⁵

IV. Los Angeles Procurement Process

- A. Procurement officers in the County of Los Angeles are "responsible for the acquisition of goods and services within their respective department's delegated authority."⁶ In providing public services, the County of Los Angeles procures supplies and equipment and issues contracts for professional services and construction projects.
- B. Contracts with the County of Los Angeles fall into the following categories:⁷
1. Commodities (Supplies, equipment, and materials)
 - a. Awarding Agencies: Internal Services Department, Department of Public Health, Public Works.
 - (i) The Internal Services Department is "a general services organization that supports the County by providing a range of support services to other County departments in the areas of purchasing, contracting, facilities, information technology, and other support services, such as energy and environmental programs management, parking, and mail services."⁸
 - b. Factories & Manufacturing⁹
 - (i) Workers in food processing, clothing, and shoe manufacturing factories are especially vulnerable to labor abuse and trafficking. Labor trafficking and exploitation cases exist in a wide range of other manufacturing facilities, including factories producing electronic devices and vehicles.
 - (ii) H-2B visa holders are often victims, in addition to minors. The workers' backgrounds are much more diverse than in most other labor trafficking types, but the highest

⁵ U.S. Department of Labor, *US Department of Labor investigators found children working dangerous jobs, unlawful hours*, October 23, 2023, <https://www.dol.gov/newsroom/releases/sol/sol20231023>

⁶ Lacounty.gov, *Procurement Officers*, October 22, 2023, <https://doingbusiness.lacounty.gov/procurement-offices/>

⁷ Lacounty.gov, *Los Angeles County Solicitations*, October 22, 2023, <https://camisvr.co.la.ca.us/LACoBids/BidLookUp/OpenBidList?page=8&TextSearch=%7C%7C%7C&FieldSort=BidType&DirectionSort=Asc>

⁸ Lacounty.gov, *Internal Services Department*, October 22, 2023, <https://isd.lacounty.gov/about/>

⁹ The information in sections B(1)(b) through B(3)(f) is pulled from Polaris. Polaris, *The Typology of Modern Slavery*, 2023, <https://polarisproject.org/the-typology-of-modern-slavery/>.

concentration of workers are from Southeast Asia, Latin America, and India

2. Construction

a. Awarding Agencies: Public Works, Chief Executive Office.

(i) These contract opportunities vary substantially and include building construction, sewer work, road repair, and street lighting, to name a few. Many construction contracts include both prime contractors and subcontractors.

b. Construction

(i) Labor trafficking occurs within small contracting businesses completing tasks such as roofing, carpentry, welding, electrical work, and masonry on large commercial construction sites. For example, employers may misclassify workers as independent contractors, thus limiting their access to worker protections and benefits.

(ii) Most victims are men from Mexico, El Salvador, Honduras, and Guatemala, most of whom have H-2B visas or are undocumented. U.S. citizens have also been forced to perform construction jobs under the control of fraudulent religious organizations, unscrupulous residential and drug recovery programs, and individuals posing as landlords exploiting a victim's homelessness.

3. Commodity/Service (Legal, medical, marketing, food & beverage, janitorial, and consulting)

a. Awarding Agencies: Mental Health, Parks and Recreation, Board of Supervisors

(i) Like construction contracts, many personal services contracts offer opportunities for both prime contractors and subcontractors.

b. Commercial Cleaning Services

(i) Trafficking and labor exploitation occurs within commercial cleaning businesses that provide janitorial and housekeeping services to multiple office buildings and other commercial businesses. Though limited data is available, there is sufficient evidence that foreign national men, women, and unaccompanied children from Latin America are most susceptible to labor trafficking within

these businesses. Others are from the Philippines and the Caribbean or are U.S. citizens.

c. Landscaping

- (i) Victims of labor trafficking in landscaping are responsible for maintaining public or private grounds, gardens, and nurseries. Landscaping is the most commonly referenced type of labor trafficking and exploitation involving H-2B visa holders in cases reported to Polaris-operated hotlines. H-2B visa holders are not eligible for federally funded legal services, making it extremely difficult to secure services for victims in landscaping.
- (ii) Most cases involve men from Mexico, while some of the workers are from Guatemala or are U.S. citizens. Cases involving women and children are rare.

d. Recreational Facilities

- (i) Labor trafficking for work in recreational facilities has been reported in amusement parks, summer camps, golf courses, and community swimming pools, though it may also occur in other sectors of this industry. Positions at these facilities include lifeguards, camp counselors, ride attendants, and food vendors.
- (ii) Victims of labor exploitation tend to be young adults from countries across Eastern Europe, Latin America, the Caribbean, East and Southeast Asia, the Middle East, and even the U.S. (about one-third of trafficking cases).

e. Restaurants and Food Service

- (i) Labor trafficking within the restaurant and food industry has been documented in nearly all kinds of food service and may involve bars, buffets, taquerias, or food and ice cream trucks. People working as cooks, bus staff, and wait staff may be exploited, with traffickers often taking advantage of language barriers between exploited workers and patrons to help avoid detection.
- (ii) With this type, it can be difficult for even survivors to decipher who their primary trafficker is since the links between the smugglers, recruiters, and restaurant management are sometimes unclear and may be deliberately obfuscated by the trafficker to help avoid detection.

C. Current approximate procurement within the County of Los Angeles:

1. Total vendor count: 100,000+ active vendors.¹⁰

V. Los Angeles¹¹ procurement policies aimed at eradicating forced labor in supply chains

A. Standard Contract Between the County of Angeles and a Contractor¹²

1. Requires compliance with the County's Zero Tolerance Policy on Human Trafficking.
2. Requires the Contractor to acknowledge that the County has established a Zero Tolerance Policy on Human Trafficking which prohibits contractors from engaging in human trafficking.
3. If a Contractor or member of the Contractor's staff is convicted of a human trafficking offense, the County of Los Angeles will require the removal of the Contractor or staff member and they will not be permitted to perform services under the contract.

VI. Shortcomings of Current Approach.

A. Current Gaps in the County of Los Angeles existing policies.

1. Lack of enforcement capacity.
2. Lack of a mandatory, third-party monitoring program.
3. Lack of incentives for good actors to go beyond the required acknowledgement in the standard contract
4. Lack of clear, binding mandate covering the highest risk areas.
5. Focus on labor laws in the country of assembly/production, which may be below the standard the County of Los Angeles wishes to apply.

¹⁰ County of Los Angeles, 2023, *webVEN*, lacounty.gov, September 26, 2023, <https://camisvr.co.la.ca.us/webven/>.

¹¹ LA has made ongoing commitments to combat trafficking and voted on Sept. 15, 2020 on an ordinance to crack down on human and sex trafficking. This ordinance would direct LA County to enact its own ordinance adopting the posting requirement of Civil Code Section 52.6 (i.e. posting local and national hotline information and resources where trafficking is known to occur and where victims seek services), but is not specifically related to procurement. *See also* Labor Trafficking Strategy Development, Office of Los Angeles City Attorney, 12 (Jan. 2020) http://resourcedevelopment.net/wp-content/uploads/2020/03/LA-City-Attorney_Labor-Trafficking-Strategy-Report-FINAL_20200203_STC2_rev.pdf.

¹² Sample County of Los Angeles Contract, October 2, 2023, https://file.lacounty.gov/SDSInter/isd/dbw/1080698_Sample_RFP_Contract_and_Exhibits.pdf

6. Living procurement wage requirements only cover a few industries.
7. Does not require contractors to certify no profits are derived from forced labor.

VII. Proposed Anti-Forced Labor Program

- A. Expand the contract between the County of Los Angeles and a contractor 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 county contract or subcontract for the portion of the contract or subcontract performed outside the county.

- 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 county 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 county.
- 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 County 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 annually 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.

VIII. Strategic Implementation Suggestions

- A. Establish a clear, unambiguous mandate that contractors are able to follow.
- B. Require that all government solicitations and contracts include language prohibiting government contractors, subcontractors, and agents from using forced labor, charging employees recruitment fees, or using misleading recruitment practices.¹³
- C. Require companies seeking to contract with the County of Los Angeles to certify that no forced labor or human trafficking is or will be used in the production of their products.
- D. Require companies to create a compliance plan that seeks to prevent, identify, and address forced labor in their supply chains. To assist in the creation of those plans, the proposed bill explicitly lays out the plan's minimum requirements.
- E. Tiered rollout (i.e., start with highest risk sectors and phase in implementation of guidelines on other sectors over determined time frame).
- F. Incentivize compliance and proactive measures to address forced labor. Institute bonuses or other credits for proactive actors, e.g., contractors who participate in optional monitoring programs, contractors who implement trafficking-free provisions for goods and services not yet covered by law if a tiered-rollout is adopted.

¹³ Office of Los Angeles City Attorney Mike Feuer, *Labor Trafficking Strategy Development, January 2020*, https://rdaconsulting.com/wp-content/uploads/2020/06/LA-City-Attorney_Labor-Trafficking-Strategy-Report.pdf.

- G. Require disclosure of locations for all goods/services produced or assembled which are sold to the County of Los Angeles.

APPENDIX:

Houston, Texas “Zero Tolerance for Human Trafficking in City Service Contracts and Purchasing” Executive Order

Madison, Wisconsin General Ordinances sweat-free procurement policies

California Transparency in Supply Chains Act

California Public Contract Code § 6108 (prohibiting sweatshops)

SB 477 (labor recruiters)

Anti-trafficking provision of the Federal Acquisition Regulation (FAR)