



Not In Our House: New Human Trafficking Training Requirement For California Hotels And Motels

Insights

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Human trafficking is the fastest-growing organized crime business and the third-largest criminal enterprise in the world. And lawmakers have taken notice.

The California legislature in particular has been active in passing several pieces of legislation to address and prevent human trafficking. Hospitality employers are likely already familiar with the poster requirement on the topic. Now there is a required employee training component as well. Even those hotel operators with properties outside of California will benefit by examining the new law and voluntarily implementing some of the new mandates.

New Training Requirements

Last fall, with support from the California Hotel and Lodging Association, the California legislature passed SB 970, which requires hotel and motel employers in California to provide 20 minutes of human trafficking awareness training to all employees who are “likely to interact or come into contact with victims of human trafficking.”

The training must include:

1. Definitions of “Human Trafficking” and “Commercial Exploitation of Children” (CSEC);
2. How to identify individuals most at-risk for human trafficking;
3. The difference between sex trafficking and labor trafficking in the hotel sector;
4. How to report and respond to suspected human trafficking; and
5. The contact information of appropriate agencies, including the National Trafficking Hotline toll-free number [(888) 373-7888] and text number [233733], as well as local law enforcement.

The bill requires employers to give the training by January 1, 2020; to each new employee within six months of their employment in a qualifying role; and then every two years thereafter.

What Is Human Trafficking?

Human Trafficking is the use of force, fraud, or coercion to compel a person to provide services, labor, or commercial sex against their will. Human trafficking also includes inducing a minor into commercial sex, even without force, fraud, or coercion.

Human trafficking is typically divided into two categories: sex trafficking and labor trafficking. Some situations can present a combination of both. Rather than use physical bindings to exert control, traffickers often use various psychological means to exert their control, such as intimidation, emotional abuse, isolation, various threats (to the person or their family), and “gaslighting” activities to convince their victims that the situation is normal.

Trafficking In Hotels And Motels

The hospitality industry is well-positioned to report suspected human trafficking activity. As is widely known, sex traffickers often use hotel and motel rooms as the location of the commercial sex exchange. However, labor traffickers, too, frequent hotels and motels.

For example, in one recent case, traffickers stuffed a half-dozen members of a traveling sales crew in a single hotel room. Traffickers of domestic workers may also bring their victim(s) with them when they travel as well.

Because hotel and motel staff may be some of the only people who see or interact with the victims aside from their traffickers, lawmakers and industry groups alike hope that proper training will help identify criminal activity that would otherwise fly under the radar.

Trafficking Indicators

While human trafficking can materialize in many different ways, there will be an individual exerting control to limit the freedom of another in every situation. Some signs that could indicate an individual is a victim of human trafficking include:

- They appear anxious, tense, nervous, and/or fearful;
- They exhibit signs of poor hygiene or malnourishment;
- They have few or none of their own possessions;
- They do not have control over their own identification documents;
- They are not permitted to speak on their own behalf;
- They are not allowed breaks;
- They are subject to other unusually strict working conditions; and/or
- They are subjected to verbal or physical abuse.

In order to ensure that your employees are empowered with the tools needed to eliminate human trafficking from your properties (and to comply with the new law), be sure to schedule the required training to take place by the end of this year.

If you have any questions about this or any other required employee training, reach out to your California-based Fisher Phillips attorney.

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