

## CEP Magazine – June 2020 California's new human trafficking legislation requires higher employee training standards

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By Matt Friedman

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Over the past five years, the issue of human trafficking—both forced prostitution and forced labor—has continued to become more relevant to a full range of private sector companies. Once considered a public sector issue—with most of the emphasis on government, United Nations, and nongovernmental organizations (NGO) responses—the private sector is shifting toward the fight against human trafficking in industries like banking/finance, manufacturing, retail, technology, and hospitality. This article focuses on the new legislation in California that mandates that the hospitality, transport, and other related businesses train their staff and post public notifications of compliance.

### An overview

On January 1, 2020, a portion of new legislation related to human trafficking was enacted in California that obligates companies operating in the hospitality, transportation, healthcare, and adult entertainment sectors to offer training and notice posting. This new requirement falls under SB 970, which includes additional text within the California Government Code at Cal. Gov. Code § 12950.3 and amended the Fair Employment and Housing Act.<sup>[1]</sup> The legislation is a continuation of a trend within the US to encourage private sector businesses to raise awareness, educate the community, and provide viable responses.

As part of this new legislation, hotel and motel businesses are required to offer at least 20 minutes of training to their employees. The objective is to raise awareness among employees who are more likely to observe victims of human trafficking, including front desk operators, cleaners, doormen, and concierges. The training is required to be done within the first six months of 2020 and must include the following components:

- The definitions of human trafficking and commercial exploitation of children,
- A description of how a person can identify victims or those who may be at risk,
- An explanation of the difference between forced labor and sex trafficking,
- Guidance on the role of hospitality employees in reporting and responding to human trafficking, and
- A summary of how to contact appropriate agencies.

This training must also be provided to new employees within the first six months of their employment and be repeated every two years. Businesses that do not comply with this requirement will receive an order from the Department of Fair Employment and Housing.

In addition, the State of California also approved AB 2034, which amends Section 52.6 of the California Civil Code<sup>[2]</sup> that requires specific businesses to post human trafficking compliant notices in an obvious location in multiple languages. The post must be in a location where it can be clearly seen by employees and the general

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public. The main businesses under this directive include venues where alcohol is available; hotels, motels, and bed-and-breakfasts; adult or sexually oriented businesses; primary airports; intercity passenger rail or light rail stations; bus stations; privately owned truck stops; emergency rooms within hospitals; urgent care centers; farm labor contractors; privately operated job recruitment centers; and roadside rest areas.

AB 2034 also requires that employees receive training similar to SB 970, including:

- The definition of human trafficking (both sex trafficking and labor trafficking),
- Myths and misconceptions about human trafficking,
- Physical and mental signs to be aware of that may indicate that human trafficking is occurring,
- Guidance on how to identify individuals who are most at risk for human trafficking, and
- Guidance on how to report human trafficking to the appropriate agencies and protocols for reporting human trafficking when on the job.

Businesses that do not comply will receive civil penalties, including fines.

While this legislation is for California, similar legislation is also being considered in Iowa, Massachusetts, New York, South Dakota, and Vermont. Across the country, six states already have training requirements. An additional 28 states have notice-posting requirements. Most of these states require that the human trafficking notices be posted in hotels and motels, places of public transportation like bus stations, and at adult-oriented businesses.

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