



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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HONOLULU, HAWAII 96813
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February 4, 2012

To: The Honorable John M. Mizuno, Chair, Jo Jordan, Vice Chair,
and Members of the House Committee on Human Services

The Honorable Karl Rhoads, Chair, Kyle Yamashita, Vice Chair,
and Members of the House Committee on Labor & Public Employment

Date: Monday, February 6, 2012
Time: 10:00 a.m.
Place: Conference Room 329, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 1995 Relating to Labor

I. OVERVIEW OF PROPOSED LEGISLATION

HB1995 requires DLIR to make available for certain establishments a poster that provides specific information about human trafficking, including the National Human Trafficking Resource Center hotline, and establishes penalties for violations of the posting requirement.

DLIR is supportive of efforts to combat human trafficking, however, the department feels it is not the appropriate agency to develop and disseminate posters as required in the measure—currently the department only makes required labor law posters available. DLIR is supportive of adding a poster as described in the measure for employers in the same manner as required in other labor law sections of the Hawaii Revised Statutes (HRS)

II. CURRENT LAW

Various sections of the HRS require employers to post labor law information in their establishments where employees work in conspicuous places so employees may readily observe the information.

DLIR does not provide posters unrelated to employment.

III. COMMENTS ON THE HOUSE BILL

The department notes that the measure does not contain an appropriation for the costs of developing the posters in the languages currently required under the Voting Rights Act (P.L. No. 89-110). If the department is required to develop posters in Chinese, Korean, Ilocano and Japanese, then the department requests consideration of funds to do so. Moreover, if the intent of this measure includes reaching the victims of human trafficking, who most often speak languages other than the ones required in the bill, then the department questions using the criteria contained in the Voting Rights Act.

The department questions whether the fines contained in this measure are commensurate with the failure to abide by a posting requirement. Some labor law posting requirements entail sanctions for violations including fines, others do not include sanctions. Some DLIR programs offer information via postings without a statutory requirement.

DLIR notes that currently, due to budget constraints, the department mostly makes posters available via its public website for employers and employees to print or view and supports making a poster available to employers in that same manner as prescribed in the measure.

In summary, DLIR is supportive of adding a poster as described in the measure for employers only, in the same manner as required in other labor law sections of the Hawaii Revised Statutes (HRS).



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

TESTIMONY FOR HOUSE BILL 1995, RELATING TO LABOR

House Committee on Human Services

Hon. John M. Mizuno, Chair

Hon. Jo Jordan, Vice Chair

House Committee on Labor and Public Employment

Hon. Karl Rhoads, Chair

Hon. Kyle T. Yamashita, Vice Chair

Monday, February 6, 2012, 10:00 AM

State Capitol, Conference Room 329

Honorable Chair Mizuno, Chair Rhoads and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in support of, with proposed amendments for HB 1995, relating to labor.

Last year, lawmakers passed HB 141 and HB 240, the former of which outlawed labor trafficking in the islands and the latter of which strengthened existing anti-prostitution laws by expanding witness protection for victims and targeting repeat offenders, particularly pimps and johns. Both bills were important steps in rectifying Hawaii's poor image and record with regard to anti-trafficking statutes. Significantly, these new laws focus on demand for labor and sex trafficking, signaling our state's move toward combating those most responsible for trafficking violations—pimps, johns, owners and managers of prostitution houses, and traffickers themselves—while protecting those who are most vulnerable.

The IMUAlliance lauds the State Legislature's efforts, last session. At the same time, we call upon lawmakers to continue the fight against human trafficking by hearing and advancing bills that increase services afforded to victims, especially children. To that end, the IMUAlliance strongly supports the enactment of "hotline" legislation that will require various establishments, such as hotels and hospitals, to post in a conspicuous location a poster that provides information relating to the National Human Trafficking Resource Center, including the center's hotline number.

That said, we urge your committees to consider amending this bill in the following ways. First, we encourage you to add strip clubs and massage parlors to the list of establishments

enumerated in Section 1, subsection (b), since these places are common trafficking destinations and have been investigated, in recent years, for sex trafficking and corresponding crimes. Second, we entreat you to clarify the penalty provision outlined in Section 1, subsection (e) by revising it to read: “Any establishment or any agent, employee or representative thereof, who willfully and knowingly fails, neglects or refuses to perform any act required by this section shall be fined not more than \$10,000 for each separate offense. Each date of violation shall constitute a separate offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action.”

Again, the IMUAlliance thanks you for your hard work, in 2011, to stem human trafficking on our shores. Room for improvement remains, however, and we feel that the measure in question, with proposed amendments, will consecrate last year's momentum into a concerted movement. Mahalo for the opportunity to testify in support of HB 1995.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance



The PACIFIC ALLIANCE
to STOP SLAVERY

DATE: February 3, 2012

ATTN: COMMITTEE ON HUMAN SERVICES AND
COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

COMMITTEE ON HUMAN SERVICES

Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair
Rep. Henry J.C. Aquino
Rep. Scott K. Saiki
Rep. Ty Cullen
Rep. Joseph M. Souki
Rep. Linda Ichiyama
Rep. Roy M. Takumi
Rep. Marilyn B. Lee
Rep. George R. Fontaine
Rep. Sylvia Luke
Rep. Aaron Ling Johanson

DATE: Monday, February 6, 2012

TIME: 10:00 a.m.

PLACE: Conference Room 329, State Capitol, 415 South Beretania Street

RE: TESTIMONY IN SUPPORT OF HB 1995 - RELATING TO LABOR

Requires establishments to post in a conspicuous place a poster that provides specified information relating to human trafficking and the National Human Trafficking Resource Center hotline. Defines "establishment". Establishes penalties for violations of the poster requirement.



The PACIFIC ALLIANCE
to STOP SLAVERY

Dear Committees on Human Services and Labor & Public Employment:

The Pacific Alliance to Stop Slavery (PASS) is in strong support of this bill. PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of over 7000 persons.

The Human Trafficking Resource Center and Hotline managed by the Polaris Project is one of the ways in which victims in servitude, community members wishing to report a crime, or individuals wanting to receive more resource information may call 24-hours a day to receive the help they need. Requiring establishments to post the hotline in clear view would help to get assistance to those who need it the most.

We are also aware that the Imua Alliance recommends the following amendments and PASS is in full support of these proposed changes:

“... we urge your committees to consider amending this bill in the following ways. First, we encourage you to add strip clubs and massage parlors to the list of establishments enumerated in Section 1, subsection (b), since these places are common trafficking destinations and common business foils for houses of prostitution that have been investigated, in recent years, for sex trafficking and corresponding crimes. Second, we entreat you to clarify the penalty provision outlined in Section 1, subsection (e) by revising it to read: ‘Any establishment or any agent, employee or representative thereof, who willfully and knowingly fails, neglects or refuses to perform any act required by this section shall be fined not more than \$10,000 for each separate offense. Each date of violation shall constitute a separate offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action,’ thereby applying the provisions of this bill to both businesses and their affiliated personnel.”

Thank you very much for hearing this much needed legislation.

Sincerely,

Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery

TESTIMONY

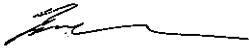
Harm Reduction Hawaii
c/o 1658 Liholiho St #205
Honolulu, HI 96822

To the House Committee on Human Services and on Labor and Employment
Regarding HB 1995 relating to posting of notices and fines
To be heard Monday February 6 at 10:00 AM in conference room 329.

Dear Senators:

Oppose this measure or remove the absurd fine please.

Sincerely:



Tracy Ryan
Executive Director, Harm Reduction Hawaii

(808) 534-1846

tracyar@hawaiiantel.net

T A D I A R I C E
CONSULTING

322 Aoioa Street Suite 601 Kailua, HI 96734
Phone (808) 262-6533

January 3, 2012

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Karl Rhoads, Chair

Rep. Kyle T. Yamashita, Vice Chair

DATE: Monday, February 06, 2012

TIME: 10:00am

PLACE: Conference Room 329, State Capitol, 415 South Beretania Street

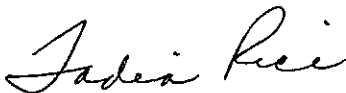
TESTIMONY IN STRONG SUPPORT OF H.B. 1995 - Relating to Labor

Dear Representative Rhoads and Committee on Labor & Public Employment:

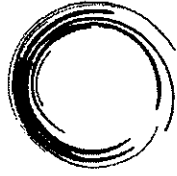
I am very proud that last year the State of Hawaii established laws that now protect the human rights of its citizens, residents, visitors, and victims from sex and labor trafficking (HB 141 and HB 240). Both bills were important steps in rectifying Hawaii's poor record and worse reputation with regard to anti-trafficking statutes. Significantly, these laws focus on demand for labor and sex trafficking, signaling our state's move toward combating those most responsible for trafficking violations by pimps, johns, owners and managers of prostitution houses, and traffickers themselves, while protecting those who are most vulnerable.

Hawaii's representatives deserve kudos for all these efforts, however lawmakers must continue their battle against human trafficking by passing bills that increase services to victims and greater awareness of the impact of trafficking. Therefore, I am offering testimony in support of HB1995 - Relating to Human Trafficking. I strongly support this bill that requires establishments to **post in a conspicuous place** a poster that provides specified information relating to human trafficking and the National Human Trafficking Resource Center hotline; and also establishes penalties for violations of the poster requirement.

Mahalo for the opportunity to testify in support of HB1995.



Tadia Rice



POLARIS PROJECT

FOR A WORLD WITHOUT SLAVERY

**TESTIMONY IN SUPPORT OF HB2234
PRESENTED TO THE HUMAN SERVICES AND LABOR COMMITTEES
FEBRUARY 5, 2012**

Mr. Chairmen and members of the Human Services and Labor Committees; on behalf of the more than 40,000 supporters of Polaris Project, thank you for providing us with an opportunity to speak about the crime of human trafficking. My name is James Dold and I serve as Policy Counsel for Polaris Project.

Polaris Project is a leading national organization dedicated to combating human trafficking within the United States by serving victims, raising public awareness, and engaging in policy advocacy at both the State and Federal level. We have been selected by the U.S. Department of Health and Human Services to be its training and technical assistance provider and have operated the National Human Trafficking Resource Center and Hotline since December 2007. During this time our human trafficking call specialists have fielded over 45,000 calls from across the nation. We have also provided victim services to more than 450 survivors of human trafficking since 2004 in our D.C. and New Jersey client service offices.

I would like to take a moment to specifically thank Representative Awana for introducing HB1995. We greatly appreciate the Hawaii Legislature's concern for and willingness to address the crime of human trafficking, a grave violation of human rights.

Human Trafficking National and Global Perspective

Human trafficking is the modern-day slavery, and it is one of the fastest growing criminal industries in the world, consisting of the subjugation, recruitment, harboring, or transportation of people for the purpose of forced labor or services or commercial sexual exploitation. Victims of human trafficking in the United States include children and adults, as well as foreign nationals and U.S. citizens.

The United States Government estimates that between 600,000 to 800,000 people are trafficked across international borders for forced labor and sexual servitude each year, 70 percent of whom are women and over 50 percent are children. This does not include those trafficked within their own countries, which is as high as 2 to 4 million persons. Of those trafficked across international borders, up to over 60,000

individuals at a minimum are trafficked into the United States each year. These numbers suggest that the actual figure for the scope of human trafficking is much higher. Experts also estimate that between 100,000 to 300,000 American children are at high risk of being trafficked within the United States for sexual exploitation each year. The State Department estimates that there are roughly 12.3 million slaves in the world today, more than at any other time in the history of the world. Another estimate, by renowned human trafficking expert Kevin Bales, puts the total number of people trapped in modern-day slavery at an estimated 27 million. Most victims suffer a horrific life in which they are repeatedly beaten, raped, starved, chained or locked up, and psychologically tortured. For many, the only way of leaving is by means of escape, rescue, suicide, or murder.

There have been trafficking investigations in all 50 States and incidence of trafficking have been reported in 91 U.S. cities. Human trafficking is a crime that thrives in secrecy and is feed by the insatiable greed of those who see human beings as a commodity to be profited off of. Globally, human trafficking generates over \$32 billion in annual revenue.

In the United States, the crime of human trafficking is so profitable that in recent years we have seen the emergence of organized criminal syndicates and street level gangs implicated in sex trafficking rings. I cannot impress upon members of the Human Services Committee enough, that human trafficking is alive and well in the United States and it affects every corner of our nation. It is also prevalent in Hawaii.

Human Trafficking in Hawaii

Every day we receive calls through the National Human Trafficking Resource Center referencing situations where women and young children are subjected to violence, coercion, and fraud in order for their pimps or traffickers to profit. While we do not know how many victims there are in Hawaii, we do know that the National Hotline has received calls referencing trafficking situations in cities throughout the state of Hawaii. Some of these calls were classified as crisis calls and tips that human trafficking was occurring in different cities, including Honolulu, Hilo, and Wakiki Beach.

In 2011, the National Hotline received 67 calls from Hawaii. Twelve of those calls were crisis calls (calls that came from victims or service providers working with victims) and another ten calls were classified as tips from community members. These numbers give us a brief window into the scope of the problem in the state of Hawaii. Because most victims don't have access to the hotline or even know that it exists, the number of potential victims in Hawaii is probably quite higher.

Human trafficking is a scourge that preys on the most vulnerable among us and exploits those who are in need of protection. And while it may be easy at times to pretend that human trafficking is not a crime that affects every day Americans, I can tell you with absolute certainty that it does. It is a crime of absolute evil.

HB 1995

HB 1995 would require certain establishments to post the National Human Trafficking Resource hotline. This bill would provide the greatest tool for victims to be able to escape their trafficking situation and for members of the public to report tips. In short, this bill will literally save lives.

In 2007, the Texas legislature passed similar legislation mandating the posting of the national hotline in all establishments that have a liquor license. Texas now tops the list of states we receive the greatest number of calls from and as a result we are able to successfully send tips to law enforcement and connect victims with service providers (a total of 3,500 nationwide). In all calls that came from Texas from December 2007 through December 2011, we know how the caller learned of the hotline in 57.5% of cases. In those cases where we knew how the caller learned of the hotline 17.5% or 409 callers learned of the hotline through posters. What is interesting to note here is that in most states the majority of callers learn of the hotline online. In Texas, however, most callers, where we can identify how they learned of the hotline, learned of it through posters.

Although we don't categorize posters in our database specifically to the requirements of the Texas law, some of our cases include notes from call specialists which specify where the caller actually saw the hotline. For instance, in some of the calls referencing posters, the call specialist indicated the caller learned of the hotline "at a club he worked at," "at a bar he was at," etc. So while we can't declare with 100% accuracy that the 409 calls referencing that the person learned of the hotline through a "Poster" was a direct result of mandatory posting, I think we can say that a sizable portion of identifiable calls received in Texas probably were.

What this data suggests is that the Hotline Posting laws work and can have tangible impact in successfully identifying victims of trafficking and allowing victims to escape their trafficking situations. All of the establishments currently listed in HB 1995 are places where trafficking victims are likely to come into contact with the poster and will have the greatest impact on their successful rescue. We would also encourage the committee to consider mandating posting of the hotline in "strip clubs" or "clubs that are commonly known for strip teasing" as there have been several human trafficking cases in the past where young girls and women have been rescued from strip clubs. In

those situations, the victims were forced to work at the club, as well as perform commercial sex acts on patrons.

Support HB1995

Therefore, we strongly ask you and other members of the Committees to vote favorably upon HB1995 and give victims a fighting chance to reach out for help. This bill will literally save lives. If you should have any questions, please feel free to call me at (202) 745-1001, ext. 132. Mahalo.

-James L. Dold, J.D.
February 5, 2012

Testimony for HUS/LAB 2/6/2012 10:00:00 AM HB1995

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Tana-Lee Rebhan-Kang
Organization: Individual
E-mail: tanalee08@yahoo.com
Submitted on: 2/3/2012

Comments:

Taxi cabs would be another excellent posting place, as both victims and johns ride in taxis.

TESTIMONY

**COMMITTEE ON HUMAN SERVICES and COMMITTEE ON LABOR & PUBLIC EMPLOYMENT
HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012**

MEASURE: HB 1995: RELATING TO LABOR
HEARING DATE: Monday, February 6, 2012
TIME: 10:00am
PLACE: Conference Room 329
State Capitol
415 South Beretania Street

Aloha...

I am writing to express my **SUPPORT FOR HB 1995**, which requires establishments to post in a conspicuous place a poster that provides specified information relating to human trafficking and the National Human Trafficking Resource Center hotline. Defines "establishment". Establishes penalties for violations of the poster requirement.

Human trafficking continues in part because of public ignorance. Victims of trafficking often do not know where to call for help. The more information we make visible, the more educated the public will be, and the more help will be available to victims.

911 is not always a reliable source of help because:

- Some "johns" are policeman
- Some policemen receive bribes from the traffickers
- Many victims are taught not to trust the police, or have had bad experiences with policemen in the past

I urge you to **PASS HB 1995**. This simple request may save the lives of countless victims.

Sincerely,
Tana-Lee Rebhan-Kang
Aiea, Hawaii

They say we can't end prostitution... DON'T BUY IT!

Testimony for HUS/LAB 2/6/2012 10:00:00 AM HB1995

Conference room: 329

Testifier position: Support

Testifier will be present: No

Submitted by: Bella K

Organization: Individual

E-mail: Bella96836@gmail.com

Submitted on: 2/4/2012

Comments:

As a citizen, I feel it is my duty to speak up against any kind of abuse against another person. It is unacceptable to hold anybody against their will. I think all employers should post a sign in their establishment. A punishment to the maximum stand of the law should be apply to owners who do not follow this notification. Thank you

Christopher D. Yanuaria
1800 East-West Road
Honolulu, HI 96822

Rep. John M. Mizuno, Chair

Rep. Jo Jordan, Vice Chair

COMMITTEE ON HUMAN SERVICES

Rep. Karl Rhoads, Chair

Rep. Kyle T. Yamashita, Vice Chair

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Monday, February 6, 2012 10:00a.m.

State Capitol, 415 South Beretania Street, Conference Room 329

RE: HB1995 RELATING TO LABOR

Requires establishments to post in a conspicuous place a poster that provides specified information relating to human trafficking and the National Human Trafficking Resource Center hotline. Defines "establishment". Establishes penalties for violations of the poster requirement.

Aloha Committee on Human Services & Public Employment:

My name is Christopher Yanuaria, a graduate student at Myron B. Thompson School of Social Work and a Hawaii resident. I am testifying in **STRONG SUPPORT OF HB1995.**

The Polaris Project's Human Trafficking Resource Center Hotline is an operating national, victim-centered, toll-free hotline that allows community members and human trafficking victims to report a crime. The Human Trafficking Resource Center provides referrals to help connect survivors of human trafficking with services, resources, general information and training and technical assistance.

Requiring establishments to post the Human Trafficking Resource Center Hotline in clear view would allow victims of this crime to get the help they need.

To this day the National Human Trafficking hotline answered more than 19,400 calls, reported more than 770 human trafficking cases to law enforcement, and helped more than 1,200 trafficking victims access services. (<http://www.polarisproject.org>)

Imua Alliance recommends the following amendments and I am in full support of these proposed changes:

“...we urge your committees to consider amending this bill in the following ways. First, we encourage you to add strip clubs and massage parlors to the list of establishments enumerated in Section 1, subsection (b), since these places are common trafficking destinations and common business foils for houses of prostitution that have been investigated, in recent years, for sex trafficking and corresponding crimes. Second, we entreat you to clarify the penalty provision outlined in Section 1, subsection (e) by revising it to read: ‘Any establishment or any agent, employee or representative thereof, who willfully and knowingly fails, neglects or refuses to perform any act required by this section shall be fined not more than \$10,000 for each separate offense. Each date of violation shall constitute a separate offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action,’ thereby applying the provisions of this bill to both businesses and their affiliated personnel.”

I urge you to please support HB1995 and the amendments proposed by Imua Alliance.

Mahalo,

Christopher D. Yanuaria