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California Employers Have Another Notice Posting Obligation—Have You Posted Your Human Trafficking Notice?

By John Kloosterman

Human trafficking is one of the 21st century's buzz phrases. There is some disagreement on exactly what human trafficking means, but regardless of precisely how it is defined, it is widely accepted as a detrimental practice that should be stopped. Accordingly, a wide variety of local, national and international governments and institutions have taken or enacted measures to address trafficking. Likewise, a number of businesses have promulgated internal self-governance policies with the aim of eradicating human trafficking from their supply chains.

California, which is often on the legislative cutting edge, has unsurprisingly been active with respect to anti-trafficking legislation. In 2010, California enacted the Transparency in Supply Chains Act, which requires some businesses to post website disclosures about their supply chain activities, including measures being taken against forced labor, which encompasses human trafficking for forced labor.

The notice must be posted by the following categories of California businesses:

1. On-sale general public premises licensees as defined in the Alcoholic Beverage Control Act;
2. Adult or sexually oriented businesses, as defined in Penal Code section 318.5(a);
3. Primary airports, as defined in 49 U.S.C. section 47102(16);
4. Intercity passenger rail or light rail stations;
5. Bus stations;
6. Truck stops, which are defined as privately owned and operated facilities providing food, fuel, shower or other sanitary facilities, and lawful overnight truck parking;
7. Emergency rooms within general acute care hospitals;
8. Urgent care centers;
9. Farm labor contractors, as defined in Labor Code section 1682(b);
10. Privately operated job recruitment centers;
11. Roadside rest areas; and
12. Establishments offering massage or bodywork services for compensation.

The notice must be posted in a conspicuous area accessible to the general public, either near the public entrance of the business or in another location where similar notices are customarily posted but in clear view of both employees and the public.

The notice must be posted in English and Spanish. In some counties (Alameda, Los Angeles, Orange, Sacramento, San Diego, San Francisco, San Mateo, and Santa Clara), the notice should also be posted in a third language that is widely spoken in that county. A list of those languages, along with model notices translated into those languages, is available from the California Attorney General at <http://oag.ca.gov/human-trafficking/sb1193/counties>. The same link provides access to the English and Spanish model notices.

The penalty for violating the human trafficking posting requirement is \$500 for a first offense and \$1,000 for each subsequent offense. The law allows enforcement by government agencies, but is silent on private enforcement.

Determining whether your company is in compliance with the new posting law is also a good opportunity to check for compliance with the rest of California's workplace posting requirements. Also, be aware that some California cities (San Francisco is an example) require that additional information be posted, above and beyond the state and federal requirements.

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