

Legal Connections



POWERED BY THE COLUMBUS BAR ASSOCIATION

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HUMAN TRAFFICKING IN OHIO SUPPLY CHAINS & LOCAL ECONOMIES

Ohio has become a national leader in the fight against human trafficking thanks to the high number of sex trafficking cases prosecuted here. The Innocence Lost Task Force in Toledo, the Central Ohio Task Force, and other law enforcement agencies across the state have prioritized child sexual exploitation cases – but what about other types of human trafficking?

Labor trafficking is so rarely identified and prosecuted that many people assume that human trafficking on U.S. soil only involves coerced sex work. Occasionally, a case surfaces that shocks the conscience and reminds us that labor trafficking is hiding in plain sight all around us. Ohioans are only just beginning to learn how to identify and address labor trafficking in our local economies. If we become national leaders in fighting this type of human trafficking as well, it will be because Ohio business leaders and consumers strategically and deliberately diverted their money from products and supply chains that do not affirmatively



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verify that they meet basic labor standards.

In 2014, I worked with the Salvation Army of Central Ohio Anti-Human Trafficking Program to provide services to Guatemalans identified as labor trafficking victims in Marion, Ohio. The call from law enforcement surprised us and, as our team sorted blankets,

soap and other material assistance for the survivors, we knew little about the facts of the case. Over the next four years, four defendants pled guilty to federal charges in a labor trafficking scheme that involved promising schooling and good jobs to Guatemalans as young as 14 years old; bringing them into the U.S., sometimes as unaccompanied minors; then forcing them to stay in uninhabitable trailers in Marion, Ohio and work 12-hour days at Trillium Farms. They were physically threatened and their paychecks were withheld to compel them to work the egg farm. Without immigration documents, victims risked deportation or detention in jail if they considered reaching out for help. They were trapped.

Similarly shocking cases, like a 2007 case where 40 Russian immigrants were forced to clean popular chain hotels throughout the Columbus area without pay, or where an Indian immigrant (who now serves on the U.S. Advisory Council on Human Trafficking) was forced to work in a Blue Ash restaurant, catch Ohio communities off guard. It makes us think – where did the eggs in my kitchen come from? Did I ever eat at that restaurant? Who cleaned my hotel room after I left? Were they paid?

The American Bar Association Corporate Social Responsibility Task Force and its Working Group on Model Business and Supplier Policies on Labor Trafficking and Child Labor recommend that businesses maintain effective communication with suppliers about labor practices. This can be as simple as checking to see if food retailers have Fair Food Agreements (like industry leaders Wal-Mart and Sodexo) or if a supplier's workers are unionized. As more labor trafficking research emerges and we learn more about the issue, the Legal Aid Society of Columbus and other community leaders have begun serving victims of wage theft and other exploitive labor practices. ■

"Congratulations and thank you to all of the recipients of the 2019 Pro Bono Awards for your service to pro bono causes: Nita Hanson, Athena Inemboldis, Vicki Jenkins, Deb Dunckerley, Ali Latif and Ice Miller LLP."

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EDUCATION & EVENTS

D&I Series - Bias Interrupters: Evaluation & Compensation
Wed., Oct. 30 • 1:30 – 4:45 p.m.
Free to attend; lunch provided

**The Skilled Advocate Series
Module 2: Discovery**
Thursday, Oct. 31 • 2 – 4 p.m.
2.0 CLE Hours (0.5 Prof. Conduct)

**Legal Practice Lab Fall
Session Five: Marketing**
Friday, Nov. 1 • 12:30 – 4 p.m.
3.0 CLE/NLT Hours

**The Lawyer's Role in
Combating Human Trafficking**
Thursday, Nov. 7 • 1:30 – 4:45 p.m.
3.0 CLE Hours

**Webinar: Document
Management Software Options**
Thursday, Nov. 7 • 2 – 3 p.m.
This event is free and exclusively for CBA members

**What the Icons of Mount Rushmore
Can Teach Us About Law (Video)**
Friday, Nov. 8 • 9 a.m. – 12 p.m.
1.5 Prof. Conduct CLE Hours

All classes listed are offered at the Columbus Bar Associations offices, 175 S. Third St. Ste. 1100. To register, call 614-221-4112 or enroll online at www.cbalaw.org.

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E-CIGARETTES: THE RIGHTS OF EMPLOYERS IN OHIO

Electronic cigarettes are everywhere, it seems. But while the industry is booming, regulation of these new devices is lagging, leaving employers to decide how they will treat vaping products.

Although e-cigarettes are routinely lumped in with traditional tobacco products for purposes of policy making, the two are, in fact, very different. Traditional cigarettes deliver nicotine by burning



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tobacco, which generates the cancer-causing chemicals we have come to associate with nicotine. Vape pens, on the other hand, work by heating a solution of nicotine and other chemicals into a vapor which is then inhaled.

Despite vaping being labeled as a safe alternative to traditional tobacco products by the World Health Organization, 18 recent deaths highlight the fact that much is still unknown about e-cigarettes. This

uncertainty has left many employers at a crossroads and has resulted in a wide range of policies.

In Ohio, the Smoke Free Workplace Act of 2006 prohibits smoking in and around work areas; however, the Act's definition of "smoking" is currently limited to tobacco products only. Thus, employers are free to permit, prohibit or limit e-cigarettes as they see fit. The Ohio State University, for example, prohibits any use of e-cigarettes by its employees, students and the public. McDonalds, on the other hand, allows e-cigarettes

without limitation. ExxonMobil takes a different approach by categorizing e-cigs the same as traditional cigarettes and allowing employees to smoke or vape in designated spaces.

For now, whether or not to accommodate e-cigarettes and the form that takes is left entirely to employers. Only a handful of states have updated their smoking laws to include vaping, but with recent concerns over the hidden dangers and appeal to young people, don't be surprised if more states follow suit and prohibit vaping in and around the workplace. ■



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November 20, 2019
1:30-4:45pm
3.0 CLE Hours

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