POLICY REPORT · 2025

SUNITA JAIN
ANTI-TRAFFICKING INITIATIVE

# Against Criminalizing Wage Theft



Lessons from twenty years of the anti-trafficking movement's task forces, prosecutions, and survivors

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AT A GLANCE

# Twenty years of anti-trafficking task forces show what criminalizing wage theft would deliver: few cases, little recovery, and real harm

**1%**

of task-force prosecutions were for labor trafficking, the crime closest to wage theft

**66%**

of task-force suspects were Black, in jurisdictions that are 14% Black

**$119M**

in victim-services funds redirected to law enforcement since 2004

**$3B+**

in stolen wages recovered for workers through civil channels, 2017–2020

### What this report finds

- Collaborative task forces did not stop racially disparate arrests or the arrest of trafficking victims themselves, even after twenty years and sustained training.
- Task forces barely touched labor trafficking: 96% of investigations were sex-trafficking-only, and 40% of task forces never prosecuted a labor trafficking case.
- Criminal restitution was ordered in just 36% of trafficking cases where it was mandatory. Civil enforcement recovers billions.
- Criminal cases take years, cost taxpayers heavily, and reach a few hundred cases a year against roughly 40,000 civil wage claims.

### What we recommend

- Fund civil wage enforcement and worker-led community enforcement instead of prosecution.
- Measure the full costs of criminal versus civil approaches, including prison.
- Ask workers what justice means to them. Over 75% of trafficking survivors prefer alternatives to the criminal system.
- Draw a bright line against new wage theft crimes and harsher penalties.



THE BOTTOM LINE

**The anti-trafficking movement already ran this experiment. Worker advocates can learn from its results instead of repeating them.**

EXECUTIVE SUMMARY

# A popular idea with a troubling track record

**Criminalizing wage theft is a popular idea. However, twenty years of experience with human trafficking cases and data show that criminalizing wage theft is likely not only to be ineffective but also to cause further harm to the victims and vulnerable communities who suffer the most from it. Workers' rights groups, legislators, and prosecutors should therefore reconsider embracing criminalization as a response to this form of abuse.[1]**

A review of labor trafficking cases and data shows the frequent negative impacts of criminal prosecutions on victims, harms that would be avoided if existing civil enforcement systems that redress wage theft were adequately resourced. Learning from the anti-violence and anti-trafficking movements' past carceral-focused approaches, workers' rights advocates must reject intensified law-enforcement approaches to wage theft. Advocates have the greatest chance of shifting resources from failed law-enforcement efforts, and of creating new pathways for accountability, precisely for emerging crimes like wage theft that have not traditionally been prosecuted.

INTRODUCTION

## What the anti-trafficking movement can teach us about wage theft

On a continuum, forced labor and human trafficking are the most severe forms of wage theft. The vulnerabilities that expose workers to trafficking, including discrimination against women, people of color, and undocumented workers, are the same ones that expose workers to wage theft. And because labor trafficking is one of the few workplace violations that has been criminally prosecuted, advocates calling for wage theft prosecutions often hold it up as the model. The Economic Policy Institute (EPI) calls labor trafficking "a pathway for prosecutors' offices to get involved in broader worker exploitation issues."[2]

That makes the anti-trafficking record directly relevant. Since the Trafficking Victims Protection Act of 2000, prosecution has received the lion's share of time and resources, while services for survivors remain underfunded and prevention remains underexplored. This report draws on that twenty-year record to show why an increased focus on prosecuting wage theft should be reconsidered, and why workers' rights advocates, with their long history of community organizing, are exceptionally well-suited to lead a different approach.

THE DEBATE

# Arguments for and against criminalizing wage theft

Support for an increased criminal focus on wage theft rests on three main drivers.[2] Critics, and the evidence reviewed in this report, answer each of them.[3]

> *"Does prosecution of one employer deter violations by others? If so, how can such deterrence be measured, and how does it compare with that of civil enforcement?"*[2]
>
> ECONOMIC POLICY INSTITUTE, 2021

## The case for

**1 Widespread violation of workplace laws**

Wage theft is rampant. Experts calculate the enforcement gap at $15 billion per year in stolen wages, and some estimate it could reach $50 billion.

**2 Underfunded civil enforcement**

Labor enforcement agencies receive a fraction of the support given to criminal law enforcement, and proponents argue criminalization would redirect resources to these violations.

**3 Deterrence**

Proponents believe the threat of prosecution and imprisonment will discourage employers from stealing wages.

## The case against

**1 No evidence of deterrence**

Even proponents acknowledge there is no data showing that prosecuting one employer deters others. Nationally, one study found only eleven wage theft prosecutions between 2011 and 2013, odds of conviction "similar to the odds of getting hit by lightning."[4]

**2 Harm to vulnerable workers**

Proponents themselves warn that "there is the risk that criminal law enforcement against employers will ensnare workers as well," especially workers of color and immigrant workers.[4]

**3 The answer to underfunding is funding**

Prosecution does not add capacity. Wage theft prosecutions routinely depend on the same civil labor agencies.

**4 Weak restitution**

Restitution is often not ordered and, when ordered, often not paid.

**5 Scale**

The criminal system cannot handle the volume of wage theft, so it cannot create the certainty of punishment that deterrence requires.

**6 Setbacks for criminal reform**

"[T]he impulse to use criminal law for 'progressive' ends is dangerous; it serves to bolster the carceral state and all of its deep structural flaws."[3]



SECTION ONE · 01

# Lessons from human trafficking task forces

Collaborative models were supposed to make criminal enforcement safer for vulnerable communities. Two decades of evidence show they did not.

**1%**
of task-force prosecutions were for labor trafficking

**66%**
of task-force suspects were Black, in areas that are 14% Black

## Collaboration does not eliminate criminal-system harms

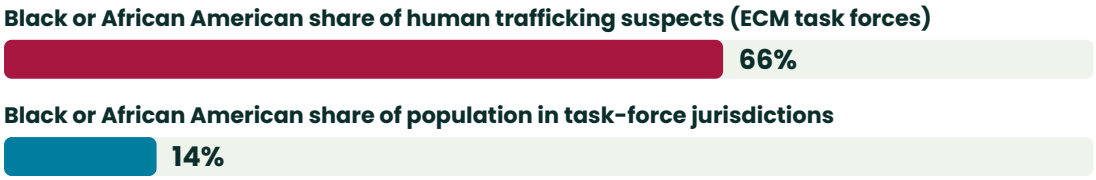
Proponents of wage theft prosecution argue that collaboration among prosecutors, worker rights groups, and labor agencies, along with dedicated units and task forces, can mitigate the well-documented harms of the criminal system for immigrant and Black and Brown communities. EPI endorses this approach, although no data supports the claim. The same justifications were used to build the federally funded Enhanced Collaborative Model (ECM) human trafficking task forces, which have operated in some form since 2004 and required a lead law enforcement agency to partner with a lead victim service provider.

A 2021 federal evaluation of ten ECM task forces, over 20% of the forty-seven then funded, found that collaboration did not eliminate racial equity concerns or the problematic treatment of victims.[5] Despite the model's dual goals, law enforcement and prosecutors "most frequently cited the overarching goal of the task force as implementing traditional criminal justice responses," meaning arrests and prosecutions. Only the victim service providers focused on survivors' goals.

> *"Task forces should be encouraged to not arrest survivors because this can lead to further trauma, negative interactions with law enforcement, and destabilization for survivors. . . . Additionally, a disproportionate number of individuals arrested for trafficking in this study were Black or African American."*[5]
>
> EVALUATORS' RECOMMENDATION, 2021 ECM EVALUATION

FIGURE 1

### Task forces arrested Black suspects at nearly five times their share of the population




Black or African American share of human trafficking suspects in the ten evaluated ECM task forces, compared with the Black or African American share of the population in the jurisdictions they cover. Race was the only suspect characteristic statistically related to arrest. Source: Adams et al., at 40, 43–44.[5]

**SURVIVORS COMMONLY ARRESTED**

"Half of the ECM task forces included in this study indicated that they may arrest a survivor as part of the investigation. Task forces who arrest survivors indicated that the practices were used as a strategy for ensuring survivor safety and leverage for cooperation in investigations. Two of the task forces indicated that individuals must identify as a victim of trafficking in order to not be arrested, released from jail, or to receive services."[5] A separate study of state prosecutions found that arresting the victim was a statistically significant predictor of prosecution.[6] In a National Survivor Network survey, 90.8% of survivors reported being arrested.[7]

**WHO IS BEING ARRESTED**

At least 63% of survivors identified by the evaluated task forces were people of color, including 41% who were Black or African American, and over half of sex trafficking survivors were under age 20. Almost 26% were noncitizens, who face immigration consequences on top of criminal ones. The victims being arrested are therefore likely to be disproportionately Black and Brown young people.[5]

### Training has not fixed the problem

Collaborative task forces have received specialized training funding since 2004. By 2008, 91% of task-force law enforcement agencies had received human trafficking training. Between FY 2015 and FY 2019, the Bureau of Justice Assistance funded just over $3.5 million in training and technical assistance for ECM task forces, and the Office for Victims of Crime added nearly $5 million more in 2020. Yet the 2021 evaluators still had to recommend the most basic training: not arresting victims and building relationships with communities of color.[5]

## Over-policing and its impact on survivors

> *"Based on literature and our qualitative and quantitative research, . . . operations are a form of over-policing that re-traumatizes victims, perpetuates systemic racism, and undermines the aims of the TVPA."*[8]
>
> USC GOULD SCHOOL OF LAW, INTERNATIONAL HUMAN RIGHTS CLINIC, 2021

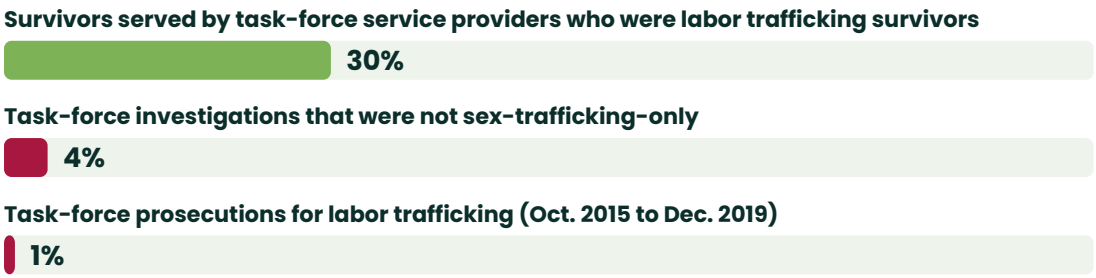
## Labor trafficking remains marginalized

Proponents argue that prosecutors can reach a wider range of workplace crimes than civil inspectors. The task force record shows the opposite. Although task forces were funded to address all forms of trafficking, 96% of their investigations were for sex trafficking only. From October 2015 to December 2019, 99% of their

prosecutions were for sex trafficking and 1% for labor trafficking, and four of the ten task forces did not prosecute a single labor trafficking case. Meanwhile, labor trafficking survivors made up 30% of the people their partner service providers served.[5]

FIGURE 2

### Labor trafficking survivors were 30% of those served, but 1% of prosecutions




Ten evaluated ECM task forces. Investigations figure reflects that 96% of reported investigations were for sex trafficking only. Source: Adams et al., at 18–20.[5]

Prosecutors from nine of the ten task forces said they had little to no experience prosecuting labor trafficking. Only 44% of task-force arrests were even premised on human trafficking charges. Law enforcement told evaluators it "lacks the proper infrastructure, expertise, or training to fully investigate labor trafficking."[5] In 2023, the Office for Victims of Crime itself acknowledged that despite "its funding, training and technical assistance, and collaboration with federal partners," labor trafficking remains "misunderstood, under-identified, underreported, and often unaddressed."[9]

LABOR TRAFFICKING EVIDENCE

"By and large, labor trafficking investigations were not prioritized by local or federal law enforcement agencies. This lack of prioritization was consistent across all study sites and across all industries in which labor trafficking occurred."[10]

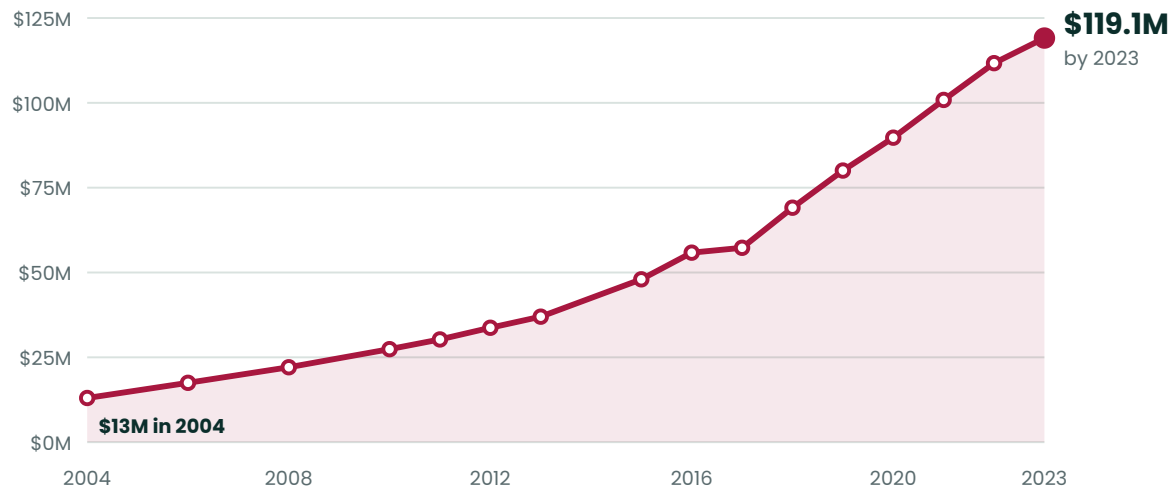
## Diverted from essential victim resources

Under the ECM model, law enforcement agencies receive money earmarked for victim services. Since 2004, law enforcement has received almost $120 million in designated victim-services funds.[11] In FY 2022 alone, $10.8 million went to fifteen state and local law enforcement agencies, about 12% of the $90 million in federal human trafficking victim-services awards, even as "funding for victim services remained inadequate to cover the high cost of providing services."[12] Over the same twenty years, the Department of

Labor and the EEOC, the agencies with the deepest workers' rights expertise, received no specialized domestic anti-trafficking funding.

FIGURE 3

## Victim-services dollars given to law enforcement for task forces grew ninefold




Cumulative victim-services funds awarded to law enforcement agencies for task forces, FY 2004–FY 2023. Total reported: $119,073,599. Source: Richard, tbl. 1, compiled from BJA and OVC solicitations and awards.[11]

> *"Advocates called on federal, state, and local governments to redirect funding from law enforcement to community-led organizations to better support Black and Brown communities."*[12]
>
> U.S. DEPARTMENT OF STATE, 2023 TRAFFICKING IN PERSONS REPORT




SECTION TWO · 02

# What these lessons mean for wage theft policy

Criminal cases tend to reach the wrong people, and they rarely put money back in workers' pockets.

**36%**
of required federal trafficking cases where restitution was ordered

**$3.24B**
in stolen wages recovered through civil channels, 2017–2020

Labor trafficking data confirms that increasing the prosecution of wage theft will neither mitigate the harm suffered by vulnerable communities nor increase deterrence.

## Criminal cases miss those most responsible

EPI itself cautions that "[c]harging only low-level supervisors may fail to punish those with real responsibility for and authority over workers' conditions."[2] Yet that is the pattern in labor trafficking prosecutions.

**FRESNO, 2018**

In a case EPI highlights as a success, a crew leader for a farm labor contractor, the "'bottom' rung of the supervisory hierarchy," was convicted of labor trafficking and sentenced to eight years in prison. The farm owners were never charged.

**OHIO EGG FARMS**

Teens were found trafficked on the egg plants of Trillium Farms, one of the nation's largest egg producers. Labor recruiters received sentences of fifteen and ten years. The company was not charged.

**SINCE 2000**

Prosecutors have charged only nine entities as traffickers, less than 1% of all defendants, while plaintiffs sue hundreds of corporations, hotels, farms, and other entities in civil court every year.[13]

## Criminal prosecution does not guarantee worker recovery

Restitution is mandatory in federal human trafficking cases, yet research "leads to the troubling conclusion that restitution is rarely awarded."[14] Advocates continue to call on prosecutors to consistently seek, and courts to consistently award, restitution, "citing concerns about both the low number of cases in which it was ordered and the low rate of payment of restitution to trafficking victims."[12]

**MANDATORY, YET RARELY ORDERED**

**From 2009 to 2012, restitution was ordered in just 36% of federal trafficking cases where it was required, totaling $11,279,009.51 over four years.[14]**

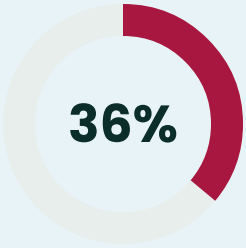
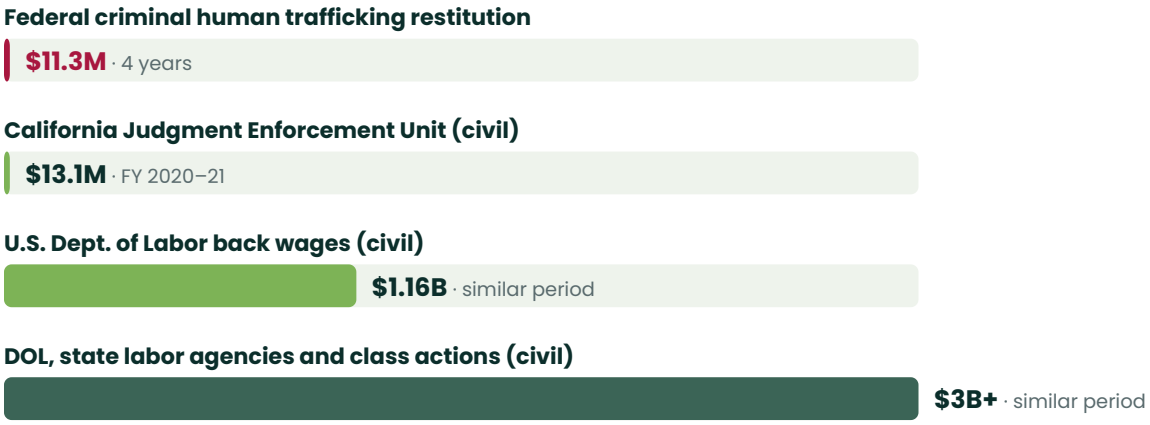


FIGURE 4

## Civil enforcement recovers hundreds of times more for workers than criminal restitution




Federal criminal human trafficking restitution ordered 2009–2012 (not necessarily collected), compared with back wages collected by the U.S. Department of Labor over a similar period ($1.156 billion) and stolen wages recovered by DOL, state agencies, and class actions from 2017 to 2020 ($3.24 billion). The California Judgment Enforcement Unit collected $13,068,238.06 in fiscal year 2020–21.[15]

KEY TAKEAWAY

**In one fiscal year, a single California civil unit collected more than all the restitution ordered, and not necessarily collected, in federal trafficking cases nationwide over four years.**

**GLOBAL HORIZONS**

The Justice Department dropped what it had called the "biggest human trafficking case in U.S. history" because it was "unable to prove the elements . . . beyond a reasonable doubt." The EEOC, using civil law in the same matter, won a judgment of over $8.1 million for 54 Thai farmworkers and has collected $4.8 million.[16]

**CIVIL · 2022**

The California Labor Commissioner reached a **$2.2 million** settlement for **317 restaurant workers**, requiring owners to apologize personally, allow a labor-law training, and post notices of tip rights.

**CIVIL · 2023**

The California Labor Commissioner reached a **$1.47 million** wage theft settlement covering **more than 300 workers**.

FIGURE 5

## In one criminal case, fewer than a third of workers recovered anything at sentencing



Rainbow Bright case, prosecuted by the California Attorney General. The Attorney General first reported $8.5 million stolen from 120 workers; only testifying workers (37, highlighted) recovered funds at sentencing, about $2 million. Source: Richard, at 1368.[17]

CASE STUDY

## Civil recovery outpaced criminal restitution in the same matter

In a Bay Area restaurant wage theft prosecution, one defendant was convicted of a felony and another of a misdemeanor, and fifty-six workers were awarded $1,006,455 in restitution. In the same matter, the Labor Commissioner's Office secured $2.6 million in compensation for the workers, more than double the criminal award.[18]




Experts with on-the-ground trafficking experience conclude that civil cases optimize recovery on survivors' own terms: more damages are available, including punitive damages, and cases proceed only when the survivor is ready. Focusing on criminal prosecution may leave fewer workers recovering less, with more trauma.



SECTION THREE · 03

# Criminal enforcement is costly, slow, and cannot scale

Prosecution and prison consume resources that could reach far more workers through civil enforcement.

**$567M**

estimated cost to imprison trafficking offenders over five years

**~21**

people per state faced trafficking convictions or prison in 2020

## Felony convictions and prison, at taxpayer expense

Proponents suggest prosecutors consider alternatives to incarceration, but the deterrence argument rests on the threat of prison. Of 291 traffickers sentenced under trafficking-specific statutes in FY 2022, more than 86% received prison sentences of five years or more.[12] When sentences are short, as in a Minnesota labor trafficking case ending in 270 days in jail, victims and advocates call them "too lenient."

In 2022, California made grand theft of wages a felony punishable by one to three years in prison, despite legislative analysts flagging "[u]nknown, potential increase[s] in state costs" and "significant workload cost pressures to the courts."[19]

**$112,691**
per person, per year, to incarcerate someone in a California state prison (FY 2020–21)

**$336,000**
for just two people convicted of wage theft and sentenced to the two-year middle term

**$229,320**
in yearly trial court costs if just 15 new cases go to trial

### Higher burdens, longer waits, smaller results

Civil wage claims are proven by a preponderance of the evidence, and when employers fail to keep records, a worker's reasonable estimate shifts the burden to the employer. Criminal cases require proof beyond a reasonable doubt, meaning harder cross-examination, longer trials, and longer waits before restitution can even be ordered.

**6+ YEARS** The Massachusetts Attorney General charged a cleaning company and its employee with labor trafficking and wage theft in 2018. After appeals, the company was finally sentenced in November 2024 to a $20,000 fine and more than $42,000 in restitution for two victims.[20]

**10 YEARS** The Rainbow Bright case was referred by the Department of Labor in 2014, filed in 2018, tried for seven months, and sentenced in 2023. Financial justice for most victims remained pending ten years after the case was identified.[17]

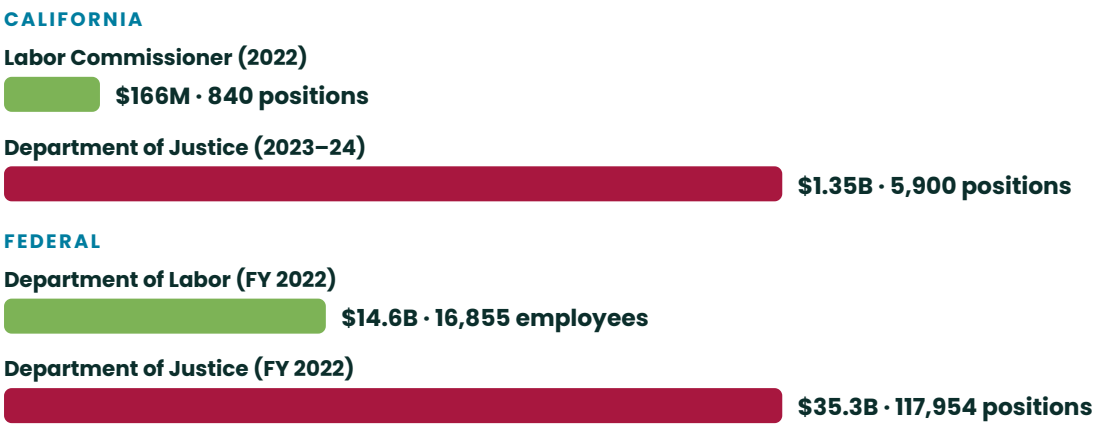
> *"[T]oday's sentencing did not recognize the level of horror that the Rainbow Bright victims experienced . . . . And after ten years of abuse and nearly five years of court proceedings, today's sentencing only put them through more trauma."*[17]
>
> CALIFORNIA ATTORNEY GENERAL ROB BONTA, 2023

### Prosecution does not add capacity; it borrows it

Criminal wage theft cases routinely depend on civil agencies. A 2018 California restaurant prosecution was jointly investigated by the Department of Industrial Relations, the Department of Insurance, the Employment Development Department, and the Franchise Tax Board.[18] And in 2024, California's underfunded labor agency granted $8.55 million to seventeen prosecutors to pursue wage theft.[21]

FIGURE 6

**Civil labor enforcement runs on a fraction of what justice agencies receive**




Budgets and staffing of civil labor enforcement agencies compared with justice agencies. California Labor Commissioner (2022) and California Department of Justice (2023–24); U.S. Department of Labor and U.S. Department of Justice (FY 2022). Source: Richard, at 1327 n.33.[22]

Incarceration costs compound the problem. In 2020, 1,564 people were in state custody for trafficking offenses.[23] At average state spending per prisoner, that is an estimated $113.5 million a year and $567.4 million over a conservative five-year sentence.[24]

**1,564**
people in state custody for trafficking offenses, 2020

**$113.5M**
estimated yearly cost to incarcerate them

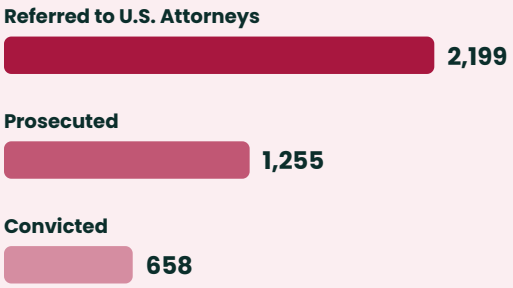
**$567.4M**
over a conservative five-year sentence

## Criminal enforcement cannot scale to deter

Deterrence depends on the certainty and swiftness of punishment, not its severity.[25] Yet twenty years after the TVPA, criminal trafficking enforcement remains tiny. In FY 2020, 2,199 people were referred to U.S. Attorneys for human trafficking, 1,255 were prosecuted, and 658 were convicted. With 389 state prison

admissions, that is about 1,047 people facing consequences nationwide, roughly 21 per state. Over the preceding decade, federal convictions rose only from 464 to 658.[23]

**HUMAN TRAFFICKING PROSECUTIONS · FY 2020**




Only about 30% of people referred were convicted.[23]

**LABOR TRAFFICKING · FY 2022**

DOJ opened **55** predominantly labor trafficking investigations, brought **7** such prosecutions, and secured **8** of its 256 trafficking convictions for labor trafficking. States reported only **294** labor trafficking cases, fewer than six per state.[12] [23]

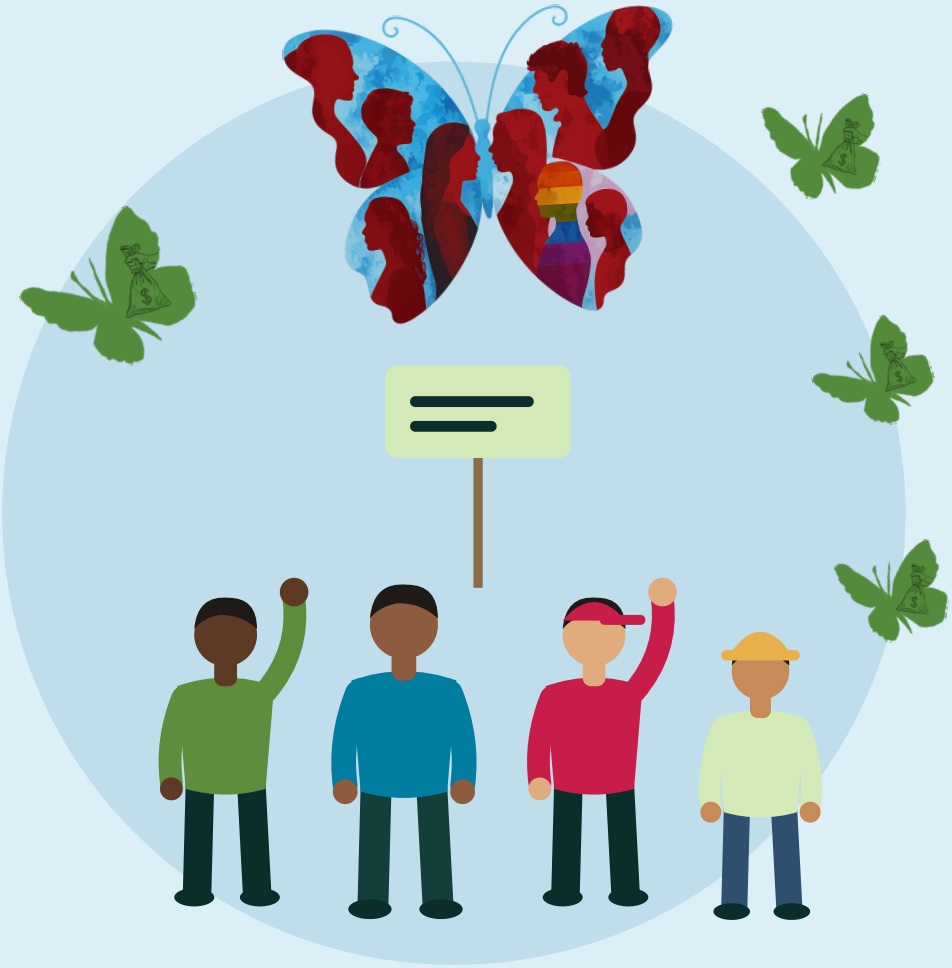
FIGURE 7

## Civil wage claims outnumber criminal labor trafficking cases more than 100 to 1




Each square represents 100 cases. Federal Wage and Hour Division cases (about 21,000 a year) plus California individual wage claims (nearly 19,000 in 2021), compared with 301 criminal labor trafficking cases reported by all states and federal agencies combined.[26]

The universe of potential defendants is vast: over 5.8 million new business applications were filed in the U.S. from January 2021 to January 2022, and California alone has about 4.2 million small businesses. A practical comparison of what civil enforcement handles today with what law enforcement has managed in labor trafficking must lead advocates to question whether more prosecution of wage theft would generate any significant deterrent effect.



SECTION FOUR · 04

# Building a worker-centered alternative

Other movements have already reckoned with carceral solutions. Worker advocates can lead the next shift.

**75%+**
of trafficking survivors prefer alternatives to incarceration

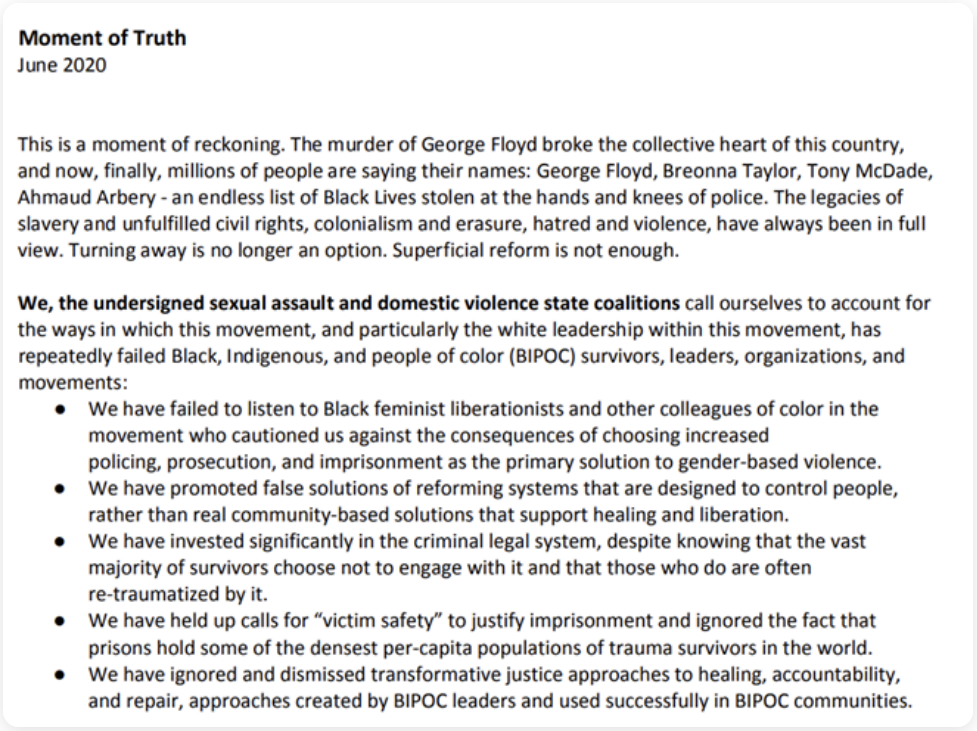
**24%**
defined justice as seeing their trafficker incarcerated

## With the best of intentions, scholars, workers' rights advocates, prosecutors, and politicians are following in the footsteps of carceral feminists, calling for more wage theft prosecutions just as anti-violence coalitions are turning away from that approach.

Like the violence against women movement of the 1980s and 1990s, some worker advocates see the criminal system's failure to treat labor violations as "serious offenses" as the problem. But instead of funding the cultural shifts and civil prevention frameworks that address root causes, these arguments reinforce carceral practices long documented to harm the very communities advocates serve.

EXHIBIT

### A moment of truth: anti-violence coalitions reckon with carceral approaches



**Moment of Truth**
June 2020

This is a moment of reckoning. The murder of George Floyd broke the collective heart of this country, and now, finally, millions of people are saying their names: George Floyd, Breonna Taylor, Tony McDade, Ahmaud Arbery - an endless list of Black Lives stolen at the hands and knees of police. The legacies of slavery and unfulfilled civil rights, colonialism and erasure, hatred and violence, have always been in full view. Turning away is no longer an option. Superficial reform is not enough.

**We, the undersigned sexual assault and domestic violence state coalitions** call ourselves to account for the ways in which this movement, and particularly the white leadership within this movement, has repeatedly failed Black, Indigenous, and people of color (BIPOC) survivors, leaders, organizations, and movements:

- We have failed to listen to Black feminist liberationists and other colleagues of color in the movement who cautioned us against the consequences of choosing increased policing, prosecution, and imprisonment as the primary solution to gender-based violence.
- We have promoted false solutions of reforming systems that are designed to control people, rather than real community-based solutions that support healing and liberation.
- We have invested significantly in the criminal legal system, despite knowing that the vast majority of survivors choose not to engage with it and that those who do are often re-traumatized by it.
- We have held up calls for "victim safety" to justify imprisonment and ignored the fact that prisons hold some of the densest per-capita populations of trauma survivors in the world.
- We have ignored and dismissed transformative justice approaches to healing, accountability, and repair, approaches created by BIPOC leaders and used successfully in BIPOC communities.

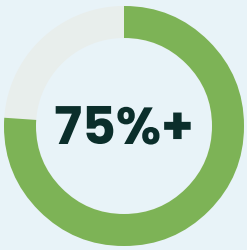
Excerpt from "Moment of Truth," a June 2020 statement in which state sexual assault and domestic violence coalitions acknowledged investing in the criminal legal system "despite knowing that the vast majority of survivors choose not to engage with it," and committed to "[i]nvest in care, not cops."[27]

Workers' rights advocates are better positioned than the anti-violence movement ever was: they already have a robust civil enforcement system to build on, and worker-led organizing has driven wage theft reform from the start.[28] EPI's own more recent work highlights "community enforcement programs" in which government agencies and worker organizations jointly fight wage theft.[29] These are the worker-driven models that deserve funding.

> *"[C]alling upon the police and prosecutors to stigmatize and punish an individual bad actor employer may come at the cost of drawing attention away from the larger structural forces that created the opportunities for wage theft in the first place."*[30]
>
> PROFESSOR STEPHEN LEE, 2014

**WHAT SURVIVORS WANT**

**Over 75% of sex and labor trafficking survivors prefer alternatives to incarceration: only 24% defined justice as seeing their trafficker incarcerated. National surveys of crime victims in 2016 and 2022 found the same.**[31]



RECOMMENDATIONS

# Recommendations for next steps

STEP 01

## Conduct comprehensive research

- Evaluate the true cost of criminal prosecutions versus civil system costs, including law enforcement investigations, civil agency support, court costs, and the cost of probation or prison sentences.
- Ask workers who suffer wage theft if they want to see their employers criminally prosecuted or if they prefer civil remedies, and listen to what workers want.
- Assess the impact on victim-witnesses' physical and mental health from their participation in criminal proceedings vs. civil proceedings.
- Research if immigrant businesses and/or businesses of color are more often criminally prosecuted for felony wage charges to determine continuing equity impacts to communities of color when utilizing the criminal system.

STEP 02

## Understand full long-term costs

- Perform a thorough assessment of criminal investigative and prosecution costs to determine if using the criminal system leverages state resources effectively and creates deterrence in the wage theft context, including costs of prison sentences.

STEP 03

## Consult crime survivors

- Engage with survivors of wage theft and other crimes to understand their preferred form of justice. Evidence-based data from sex and labor trafficking survivors show that over 75% prefer alternatives to the criminal justice system.

STEP 04

## Prioritize victims' preferences

- Implement wage theft victims' preferences as a primary goal for advocates. Conduct studies to include the voices of affected workers and determine their goals for accountability.

STEP 05

## Reconsider investment in harmful systems

- Review the experiences of the antitrafficking movement and twenty years of data to understand the harm caused by the criminal system to vulnerable communities. Redirect political energy towards ending the failed carceral approach and redistributing its resources.

STEP 06

## Invest in non-law enforcement approaches

- Advocate for resources to be invested in non-law enforcement approaches focusing on evidence-based prevention efforts through public health, community organizing, and civil enforcement, including worker-driven community enforcement partnerships. Worker rights groups, with their history of community organizing, are well-suited to lead these efforts.

STEP 07

## Reject carceral approaches

- Learn from the antiviolence movement's experience to ensure advocacy work does not "invest in cops" and take power from local communities. Worker rights advocates should coordinate a letter reaffirming investment in worker organizing, a public health approach to prevention, and community models of accountability while rejecting increased criminal prosecution of wage theft, and stop supporting new wage theft crimes or increased criminal penalties.

CONCLUSION

# Draw a bright line

## Advocates for preventing wage theft must not repeat the mistakes of carceral feminists in sexual assault, domestic violence, and sex trafficking cases.

With the best of intentions, scholars, workers' rights advocates, prosecutors, and politicians are mistakenly following in the footsteps of carceral feminists by calling for increased wage theft and labor trafficking prosecutions at exactly the time when coalitions for these groups are turning away from this approach.

Emerging crimes like wage theft, where law enforcement has no traditional role, are the best starting point for building new systems of redress. Workers' rights advocates can, and should, continue to insist that wage theft is a serious harm. But that cultural shift should fuel new systems of accountability, divestment from the carceral system, and investment in community-based approaches, not more prosecutions.



## NOTES

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