

Legal Aid of North Carolina, Inc.

Presentation to the North Carolina
Human Trafficking Commission
June 29, 2023



LEGAL AID
OF NORTH CAROLINA



Who we are

Legal Aid of North Carolina is a statewide organization, providing free civil legal services to all 100 counties across NC.



What we do

We provide legal representation in civil matters that impact basic needs like safety, shelter, and economic opportunities.

OUR OFFICES

23 Offices, Serving all 100 Counties in North Carolina

Ahoskie

Bertie, Camden, Chowan, Currituck,
Dare, Gates, Halifax, Hertford,
Northampton, Pasquotank,
Perquimans

Asheville

Buncombe, Henderson, Madison,
Polk, Rutherford, Transylvania

Charlotte

Mecklenburg

Concord

Cabarrus, Stanly, Union

Durham

Caswell, Durham, Franklin, Granville,
Person, Vance, Warren

Fayetteville

Cumberland, Harnett, Sampson

Foothills

Alexander, Burke, Caldwell, Catawba,
McDowell

Gastonia

Cleveland, Gaston, Lincoln

Greensboro

Davidson, Guilford, Montgomery,
Randolph, Rockingham, Rowan

Greenville

Beaufort, Carteret, Craven, Hyde,
Jones, Martin, Pamlico, Pitt, Tyrell,
Washington

High Country

Alleghany, Ashe, Avery, Mitchell,
Watauga, Wilkes, Yancey

Pembroke

Hoke, Robeson, Scotland

Pittsboro

Alamance, Anson, Chatham, Lee,
Moore, Orange, Richmond

Raleigh

Johnston, Wake

Smoky Mountain: Murphy

Cherokee, Clay, Graham, Territory
of the Eastern Band of Cherokee
Indians

Smoky Mountain: Sylva

Cherokee, Clay, Graham, Haywood,
Jackson, Macon, Swain, Territory of
the Eastern Band of Cherokee
Indians

Wilmington

Bladen, Brunswick, Columbus,
Duplin, New Hanover, Onslow,
Pender

Wilson

Edgecombe, Greene, Lenoir, Nash,
Wayne, Wilson

Winston-Salem

Davie, Forsyth, Iredell, Stokes,
Surry, Yadkin



NC
BF

NORTH CAROLINA
BAR FOUNDATION

Hello, I am a 4ALL
Volunteer Attorney
with the North Carolina
Bar Foundation.

What is your question?

Legal Services 828.253.0406

800.367.5411

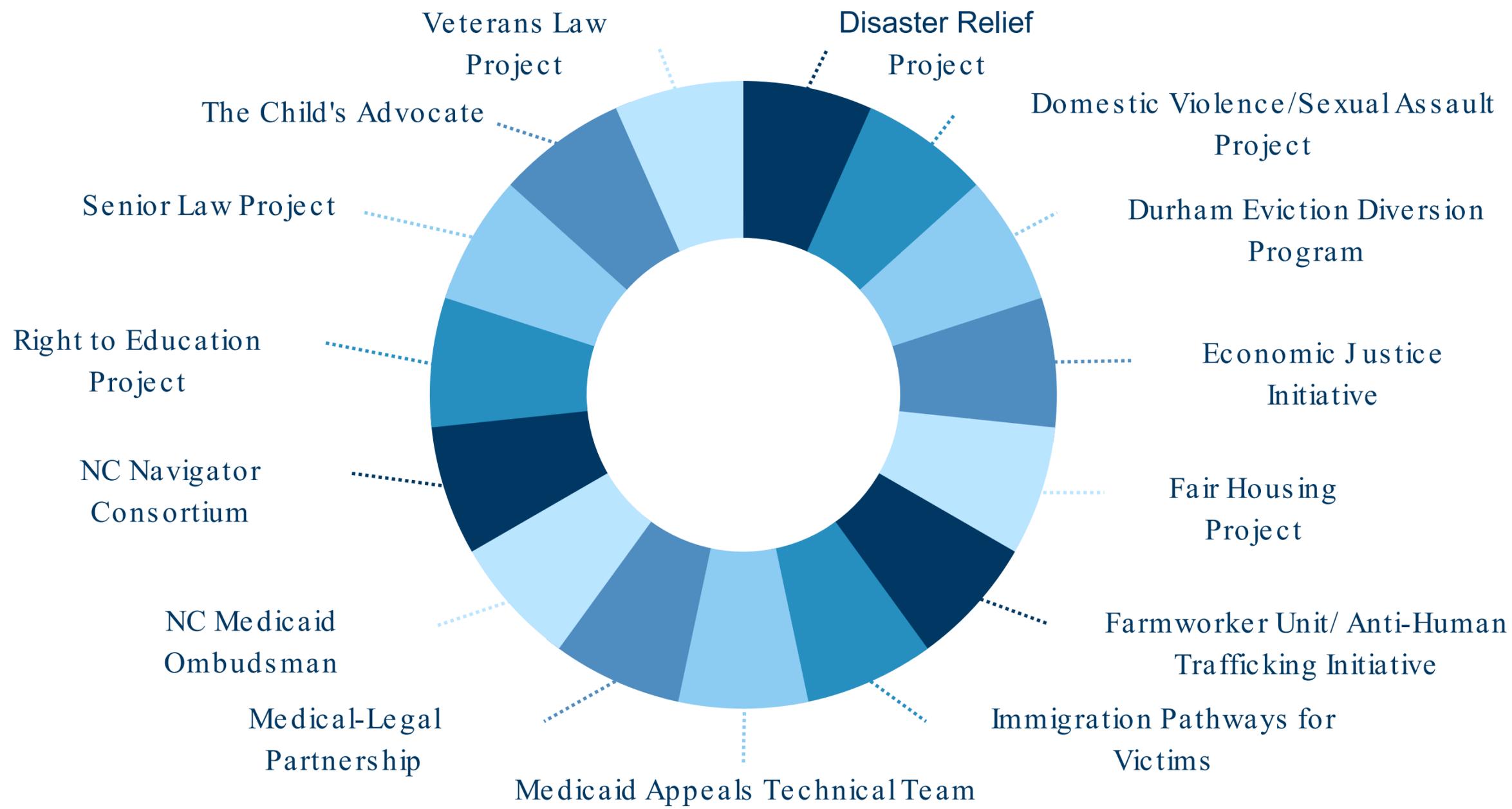
OR www.NCFindALawyer.org or
919.677.8574

219.5262 or www.legalaidnc.org

NC
BF

Ms. BETH, Esq.

Legal Aid of North Carolina is the
3rd largest law firm
in North Carolina



PRACTICE GROUPS

ANTI-HUMAN TRAFFICKING INITIATIVE

PROVIDE civil legal services to survivors of human trafficking and their families

LIAISE with state partners including NCCAHT and the NC Human Trafficking Commission and local Rapid Response Teams throughout the state to STRENGTHEN the statewide response

INQUIRIES FOR
A WIDE RANGE
OF CIVIL LEGAL
SERVICES FOR
SURVIVORS OF
TRAFFICKING

- Protective Orders (50b and 50c)
- Civil remedies under anti-human trafficking laws
- Benefits Denial Appeals
- Expunctions
- Victims' Rights
- Passport/Document Recovery
- Immigration remedies (U visas, T visas, Family Reunification, Work Authorization, ORR certification, Adjustments of Status to Permanent Residency)
- Other remedies (landlord/tenant, name change, etc.)

INITIAL
COMPLAINT
FILED IN
2021

CO-
COUNSELED
WITH NC
JUSTICE
CENTER

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

LUCIA GONZALEZ-RODRIGUEZ, AND)
NAZARIA LARA-MARTINEZ, *on behalf of*)
themselves and all other similarly situated persons)

Plaintiffs)

v.)
JOSE M. GRACIA, JOSE M. GRACIA)
HARVESTING, INC. AND GRACIA AND SONS,)
LLC,)

Defendants.)

CASE NO: 5:21-cv-406

FIRST AMENDED COMPLAINT
FOR DAMAGES, COSTS OF
LITIGATION, AND ATTORNEYS'
FEES

H-2A WORKERS & THE TEMPORARY FOREIGN AGRICULTURAL WORKER PROGRAM



Wage-Related Claims

- **Fair Labor Standards Act, U.S.C. § 206(a) *Failure to Pay the Minimum Wage***
- **Fair Labor Standards Act, 29 U.S.C. § 207 *Failure to Pay Overtime***
- **NC Wage & Hour Act, N.C. Gen. Stat. § 95-25.6 *Failure to Pay Promised Wages***



Trafficking Claims

- Trafficking Victims Protection Reauthorization Act
 - 18 U.S.C. § 1589 *Forced Labor*
 - 18 U.S.C. § 1590 *Trafficking*
 - 18 U.S.C. § 1592 *Unlawful Conduct With Respect to Documents in Furtherance of Trafficking*
 - 18 U.S.C. § 1597 *Unlawful Conduct With Respect to Documents*
- North Carolina Human Trafficking Act, N.C. Gen. Stat. § 14-43.18



COURT- APPROVED SETTLEMENT

- Defendants agreed to pay \$120,000 total but denied all liability
- \$102,500 to the Plaintiffs for alleged reimbursement of costs, back wages, liquidated damages, physical injury, emotional distress related to physical injury, and punitive damages.
- \$17,500 to Plaintiffs' attorneys for fees and expenses

3-YEAR CONSENT ORDER

SIGNAGE AT 25 MIGRANT LABOR CAMP SITES

ATTENTION EMPLOYEES:



The labor camp housing is your home and you have the right to have visitors of your choosing for lawful purposes at your housing including, but not limited to visits from:

- service providers,
- religious groups,
- attorneys,
- health care providers,
- friends, and
- relatives.

Visitors must abide by all rules and regulations applicable to those staying in the housing and may stay overnight at the housing.

If you are concerned that your employer has violated these regulations, please contact:

Legal Aid of North Carolina,
Farmworker Unit

 919-523-6665

United States Department of Labor, Wage
Hour Division

 1-866-487-9243



This poster was designed and printed by Legal Aid of North Carolina, Inc.



You are entitled to overtime pay for each week that you work as a cook, if you work more than 40 hours in a workweek. This is true even if you are paid a salary.

Your overtime rate of pay should be at least 1.5 times the H-2A wage rate.

If you are not being paid overtime, you can contact the U.S. Department of Labor, Wage and Hour Division  1-866-487-9243.



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STOP HUMAN TRAFFICKING

GET
HELP
— OR —
SHARE
A TIP

NO ONE SHOULD BE
FORCED, DECEIVED,
OR PRESSURED
INTO WORK OR
SEX ACTS.

24 / 7 CONFIDENTIAL MULTILINGUAL HOTLINE

 CALL — 1-888-373-7888

 TEXT — BEFREE (233733)

HUMANTRAFFICKINGHOTLINE.ORG



NORTH CAROLINA
HUMAN TRAFFICKING
COMMISSION

HTC.NCCOURTS.GOV

3-YEAR CONSENT ORDER

CHANGES TO EMPLOYERS' PRACTICES

- Changes to employers' personnel policies
- Prohibition on possessing/controlling workers' passports or other identification documents
- Installation of an electronic timekeeping system for camp cooks
- Payment of overtime wages to labor camp cooks
- Timely reimbursement of workers' visa and travel-related expenses

3-YEAR CONSENT ORDER

CHANGES TO EMPLOYERS' PRACTICES

- Installation of deadbolt locks on camp cooks' bedroom doors that can be locked from the inside when occupied
- Requirement to accurately disclose job description in future job orders

KEEP IN TOUCH

Caitlin Ryland
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Farmworker Unit &
Project Director,
Anti-Human Trafficking Initiative
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