



85 Delancey St., 2nd Fl.
New York, NY 10002
www.worthrises.org
@worthrises

April 26, 2024

Tomoya Obokata
United Nations Special Rapporteur
Contemporary Forms of Slavery

Re: Input on contemporary forms of slavery as affecting currently and formerly incarcerated people

[Worth Rises](#) is a U.S. non-profit advocacy organization working to end the exploitation of incarcerated people and their loved ones. Worth Rises leads [#EndTheException](#), a campaign to end the exception in the Thirteenth Amendment of the U.S. Constitution that allows slavery and involuntary servitude to be used “as a punishment for crime.” The campaign is part of the Abolish Slavery National Network, a national coalition fighting to abolish constitutional allowances for slavery and involuntary servitude and supported by a diverse coalition of over 90 organizations with expertise in advocating for the basic and most fundamental rights of incarcerated people.

Worth Rises, and #EndTheException, urges the Special Rapporteur on Contemporary Forms of Slavery to uphold that U.S. prison labor, by virtue of its legal foundations and functional applications, must be considered a contemporary form of slavery.

HISTORY OF PRISON LABOR IN THE U.S.

While the passage of the Thirteenth Amendment to the U.S. Constitution is celebrated as abolishing slavery in the United States in 1865, the amendment included an exception clause that allowed enslavement and involuntary servitude to persist “as a punishment for crime.”

This exception encouraged the passage of Black Codes, which were used to criminalize, round up, and incarcerate formerly enslaved Black people. Once incarcerated, states would lease incarcerated people to private corporations and individuals for their labor through a practice known as “convict leasing.” States profited from lease payments, private corporations profited from cheap forced labor, and incarcerated Black people were effectively re-enslaved. When “convict leasing” later fell out of favor with the public, states transitioned to using incarcerated people on chain gangs for public works projects.

These historical practices developed into the labor programs we see in nearly every prison in the U.S. today. More than 150 years later, people who are incarcerated and detained across U.S. are disproportionately Black and brown and forced to work for pennies an hour to no pay at all under the threat of additional punitive measures, such as the loss of family visits and solitary

confinement. In fact, many U.S. prisons are located on former slave plantations, with incarcerated people picking the same crops that enslaved people were once forced to.

TYPES OF WORK IN U.S. PRISONS

Today, [there are 800,000 people in U.S. prisons working](#). The majority work in one of three categories: facility operations and maintenance, government businesses and public works projects, and private industry.

- **Facility operations and maintenance:** Incarcerated people hold most of the jobs that keep prisons running, including food preparation, janitorial services, laundry, commissary operation, and grounds maintenance. Over 80% of incarcerated workers work in jobs in this category.
- **Government businesses and public projects:** The federal government and every state runs its own [corrections industry business](#). These businesses manufacture products and provide services for other government agencies, generally. For example, they manufacture desks for public schools, dormitory furniture for public universities, and glasses for Medicare patients. They also provide services like asbestos abatement for government buildings and call centers for government departments. These jobs are most often done on prison premises. But some incarcerated workers are also taken off premises for public infrastructure projects like street cleaning. Roughly 17% of incarcerated workers have jobs in government businesses and public projects.
- **Private industry:** Private corporations also use prison labor in a wide variety of ways. Some have factories in prison that manufacture candles. Others have call centers in prison that handle customer service. Still others use work release programs to staff their fast food restaurants. The examples are endless as a [recent investigation by the Associated Press](#) into prison farming alone revealed. Just around 3% of all incarcerated people work for private corporations.

LEGISLATIVE REGULATORY FRAMEWORKS

The overwhelming majority of incarcerated workers effectively have no labor rights. Not only have they been carved out of nearly all labor laws, either explicitly or by interpretation, including the federal Fair Labor Standards Act, but, due to the exception in the Thirteenth Amendment, they still lack the most basic legal protection against enslavement afforded to all other Americans. Further, institutional policies often prohibit incarcerated workers from organizing to advocate for labor rights.

However, a small number of incarcerated people who work for government-run businesses and private industry are afforded limited protections by the federal Prison Industry Enhancement Certification Program (PIECP), which applies only to manufacturing jobs in which the final product is sold through interstate commerce. It requires that private employers pay prevailing wage, but allows for unfettered garnishments, which are common and can be extensive. Analyzing PIECP data, we found that [59% of wages from PIECP jobs are garnished](#) for fees like “room and board.”

PRISON LABOR CONDITIONS IN THE U.S.

Conditions experienced by incarcerated workers in U.S. prison labor programs are, even in the best of cases, deeply exploitative. Most incarcerated people are required to work and refusal to do so can result in beatings, denial of contact with family, solitary confinement, and even the denial of parole. They are forced to work without wages or for abysmal wages, which are further garnished, and often in dangerous conditions.

- **Forced labor:** While many prisons claim their work programs are “voluntary,” this is disingenuous. Incarcerated workers may in some circumstances be given a degree of choice in terms of which work assignments they accept but they are punished if they refuse to work. Incarcerated people who refuse to work report facing physical violence, solitary confinement, and loss basic needs like calls to loved ones outside. Others have been [denied parole](#) on the basis of prior refusals to work. Importantly, the high cost of basic necessities in prison also coerces people to work. Items sold in prison commissaries are marked up egregiously compared to products outside, including essential items such as soap and sanitary products. For example, in [Missouri](#), a box of sanitary napkins or tampons costs roughly a month’s pay for an incarcerated worker. Under these conditions, refusing to work for any reason would cause incarcerated people severe deprivation and hardship.
- **Wages:** Incarcerated people are excluded from minimum wage and overtime protections and thus almost never paid fair wages. Most states pay incarcerated workers pennies per hour, and seven states pay them nothing at all. The average wage for the most common low-level facility operations and maintenance jobs is just [\\$0.14 per hour](#). And wages for the highest paying industry jobs that are similar to those paid free laborers are garnished excessively for room and board, court costs, and restitution, among other fees. In other words, even if a private employer has the intention of fairly paying incarcerated employees, the prison system prevents it. In the end, private use of prison labor today mimics “convict leasing.”
- **Dangerous conditions:** Most agencies that govern workplace safety have entirely delegated compliance to prisons and effectively ignored the safety of incarcerated workers. Consequently, working conditions can be dangerous and disgusting. Incarcerated workers have been [maimed](#) and even [lost their lives](#) while working. In a [recent survey](#), 70% of incarcerated workers report having received no formal job training and 64% worried about their safety while working.
- **Discrimination:** Incarcerated workers report substantial racial discrimination in the assignment of work. Black incarcerated workers are often relegated to the lowest paying and most back breaking work, such as field work in Louisiana, while white incarcerated workers are assigned the highest paying industry jobs. Again, incarcerated workers have little recourse to address such discrimination given their lack of labor rights and the limited attention of agencies.

ADVOCACY ON THE ISSUE

Since its launch, #EndTheException has successfully advocated for the introduction of the Abolition Amendment and secured over 200 bipartisan sponsors in the U.S. House and Senate. The campaign has engaged with hundreds of incarcerated people across the country and delivered over 220,000 public petitions supporting the Abolition Amendment to Congress.

However, the challenge remains that 88% of Americans do not know that there is an exception in the Thirteenth Amendment, and few know much about the harsh realities of prison labor in the U.S. Accordingly, through the campaign, we have also sought to raise awareness through groundbreaking research and powerful media. We highly recommend reviewing the following materials published by Worth Rises, other campaign partners, and the media.

- **Research**
 - [Captive Labor: Exploitation of Incarcerated Workers](#) | ACLU
 - [A Cost-Benefit Analysis: The Impact of Ending Slavery and Involuntary Servitude as Criminal Punishment and Paying Incarcerated Workers Fair Wages](#) | Edgeworth Economics
 - [Understanding the Many Forms of Prison Labor](#) / Worth Rises
 - [Work Behind Bars: Analysis of Prison Labor in the United States Based on International Labor Standards](#) | Verité
- **Media Features**
 - [Prisoners in the US are Part of a Hidden Workforce Linked to Hundreds of Popular Food Brands](#) | Associated Press
 - [How a Giant Egg Farm Made Money Off Women Prisoners in Dangerous Conditions](#) | Cosmopolitan
- **Opinions & Personal Stories**
 - [#ExceptForMe Digital Video Series](#) | #EndTheException
 - [Is Slavery Still Legal in the U.S.? Yes, Under the 13th Amendment Exception](#) | Teen Vogue
 - [Forced Prison Labor Continues to Enslave Black Americans](#) | Chicago Tribune
 - [U.S. Prison Labor is Cruel and Pointless Legalized Slavery. I Know First-Hand.](#) | The Guardian

Both in theory and practice, U.S. prison labor must be considered slavery. We urge the United Nations Special Rapporteur to investigate the legal and material conditions incarcerated workers are regularly subjected to across the U.S. Thank you for your consideration.

Regards,



Ta'Mara Hill
Director of Policy Campaigns and Government Affairs
Worth Rises