

US prison labor programs violate fundamental human rights, new report finds

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Incarcerated workers generate billions of dollars worth of goods and services annually but are paid pennies per hour without proper training or opportunity to build skills for careers after release, according to a comprehensive nationwide report released by the University of Chicago Law School's Global Human Rights Clinic and the American Civil

Liberties Union

The first-of-its-kind report, "[Captive Labor: Exploitation of Incarcerated Workers](#)," examines the use of prison [labor](#) throughout the U.S. and highlights how incarcerated workers' labor helps maintain prisons and provides vital public services. Captive Labor also calls for far-reaching reforms to ensure prison labor is truly voluntary and that incarcerated workers are paid fairly, properly trained, and able to gain transferable skills.

"As our report describes in detail, the labor conditions of incarcerated workers in many U.S. prisons violate the most fundamental human rights to life and dignity," said Clinical Prof. Claudia Flores, the director of the Global Human Rights Clinic. "In any other workplace, these conditions would be shocking and plainly unlawful. The many incarcerated workers we interviewed told us story after story of inadequate equipment and training, punishments doled out if workers refused to labor, and an overall helplessness to a government institution functioning as both jailer and boss."

Key findings include:

- Nearly two-thirds (65% percent) of incarcerated people report working behind bars—amounting to roughly 800,000 workers incarcerated in prisons.
- More than three quarters of incarcerated people surveyed (76%) report facing punishment—such as solitary confinement, denial of sentence reductions, or loss of family visitation—if they decline to work.
- Prison laborers are at the mercy of their employers. They have no control over their work assignments, are excluded from minimum wage and overtime protections, are unable to unionize, do not receive adequate training and equipment, and are denied

workplace safety guarantees despite often dangerous working conditions.

- As a result, 64% of incarcerated workers surveyed report worrying about their safety while working; 70% percent say they received no formal job training; and 70% percent report not being able to afford basic necessities like soap and phone calls with prison labor wages.
- Incarcerated workers produce at least \$2 billion in goods and \$9 billion worth of prison maintenance services annually, but this number is not closely tracked and is likely much higher.
- Yet, most states pay incarcerated workers pennies per hour for their work. Seven states (Alabama, Arkansas, Florida, Georgia, Mississippi, South Carolina, and Texas) pay nothing for the vast majority of prison work. Other states pay on average between 15 and 52 cents per hour for non-industry jobs. Prison laborers often see up to 80% of their paycheck withheld for taxes, "room and board" expenses, and court costs.
- More than 80% percent of prison laborers do general prison maintenance, which subsidizes the cost of our bloated prison system. Other tasks represent less than 10% percent of work assignments, including: public works projects (like road repair, natural disaster assistance, forestry work, and maintenance of parks, schools, and government offices); state prison industries, agricultural work, and coveted private company work assignments.

"The United States has a long, problematic history of using incarcerated workers as a source of cheap labor and to subsidize the costs of our bloated prison system," said Jennifer Turner, principal human rights researcher with the ACLU's Human Rights Program. "Incarcerated workers are stripped of even the most minimal protections against labor exploitation and abuse. They are paid pennies for their work even as they produce billions of dollars for states and the federal government. It's past

time we treat incarcerated workers with dignity. If states and the [federal government](#) can afford to incarcerate 1.2 million people, they can afford to pay them fairly for their work."

The exploitation of incarcerated workers is rooted in the "exception clause" to the 13th Amendment, which bars slavery except for people who have been convicted of crimes. In many states—and in the United States Constitution—exception clauses allow for workers in prisons to be exploited, underpaid, and excluded from workplace safety protection laws. Worse, the exception clause in the 13th Amendment disproportionately encouraged the criminalization and re-enslavement of Black people during the Jim Crow era, and we still feel the impacts of this systemic racism to this day in the disproportionate incarceration of Black and Brown community members.

To combat the exploitation of incarcerated workers, the report makes several recommendations, including:

- Ensure that all work in prisons is fully voluntary by eliminating any laws and policies that punish incarcerated people who are unable or unwilling to work.
- Allow incarcerated workers the same labor protections afforded to other workers in the United States, including minimum wage, health and safety standards, unionization, protection from discrimination, and speedy access to redress when their rights are violated.
- Institute comprehensive safety and training programs for all work assignments in correctional institutions.
- Invest in prison work programs that provide incarcerated workers with marketable skills and training that will help them to find employment after release and eliminate barriers to employment after release.
- Amend the US Constitution to abolish the 13th Amendment's

exclusion that allows slavery and involuntary servitude as punishment for a crime.

Captive Labor: Exploitation of Incarcerated Workers comes more than two years into the COVID-19 pandemic, during which incarcerated workers faced especially brutal working conditions and yet were denied early access to vaccines in 16 states. Incarcerated people were forced to produce masks, hand sanitizer, and other personal protective equipment. Others were forced to launder bed sheets and gowns from hospitals treating COVID patients, transport bodies, and dig graves. Many report being forced to continue working but not able to have visitors and having their parole date pushed back if they refuse to work. More than a third of incarcerated people have contracted COVID-19 since the pandemic started and more than 3,000 have died.

"The U.S. prison system claims to offer rehabilitation to its population, but prison labor programs do just the opposite: they degrade, dehumanize and further cripple incarcerated workers," said Mariana Olaizola Rosenblat, a UChicago lecturer in law and fellow at the Global Human Rights Clinic. "The many incarcerated workers we interviewed voiced a strong desire to engage productively in society under dignified conditions. It's time for the U.S. government and prison authorities to give them this chance, not merely rhetorically but in practice."

The Law School's Global Human Rights Clinic partners with human rights and civil rights organizations around the world to conduct investigations, develop strategies, and advocate for human rights before international, national, and local decision makers and stakeholders.

The Captive Labor report reflects the work of three generations of GHRC students, faculty and staff. From 2018 to 2022, the clinic team conducted extensive research and completed drafting of a report highlighting the violations of the human rights of incarcerated workers

in the United States. They analyzed state and federal laws, policies, and practices that result in these violations of international human rights standards, and detailed the multiple exploitative aspects of prison labor as recounted by incarcerated workers themselves. The clinic also provided a set of recommendations for federal, state and local governments, state departments of corrections, the Federal Bureau of Prisons, correctional authorities, and private companies involved in [prison](#) labor.

In addition to contributing to the drafting and research of the report, the clinic filed FOIA requests in 50 states, surveyed more than 100 [workers](#) currently behind bars in three states (Illinois, Louisiana and California), completed a fact-finding trip to Louisiana in March 2020, and conducted 65 interviews with key stakeholders including experts, formerly incarcerated individuals, representatives of advocacy organizations, academics, and leaders of reentry organizations across the country.

Provided by University of Chicago

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