

Climate-induced Exploitation: Workers' rights and protections on a heated planet

Denise Brennan, Kathleen Kim, and Julia Jackson

Abstract

This article envisions new approaches to worker protections on a heated planet. As worksites become increasingly hazardous, legal frameworks that regulate workplace standards as well as provide protections for forced labourers do not account—as of yet—for the heightened risks they face due to climate change. The article calls for the re-evaluation of the socio-legal dimensions of forced labour as climate-altered working conditions worsen. It focuses on three under-examined populations who labour in sectors exceptionally burdened by the climate catastrophe in the United States: undocumented migrants, H-2A and H-2B visa recipients, and incarcerated and formerly incarcerated individuals. These workers labour through excruciatingly hot temperatures, dismal air quality, and toxic pesticides often with no protective gear or water or shade breaks. They also do 'disaster work' by preparing for and cleaning up after fires, hurricanes, and floods. The authors consider if the worst of worsening working conditions constitute forced labour and conclude by outlining protections and remedies that workers have been demanding.

Keywords: climate emergency, worker exploitation, forced labour, prison labour, undocumented migrants, disaster workers, extreme heat, United States

Suggested citation: D Brennan, K Kim, and J Jackson, 'Climate-induced Exploitation: Workers' rights and protections on a heated planet', *Anti-Trafficking Review*, issue 25, 2025, pp. 31-51, <https://doi.org/10.14197/atr.201225253>

Introduction

This article envisions new approaches to worker protections on a heated planet. It brings together the otherwise often siloed conversations among migrant, labour, anti-trafficking, prison, and environmental justice movements to outline how climate change exacerbates workplace precarity across labour sectors. Workers exposed to both immediate dangers and long-term health risks from climate change labour in industries that rely on their disposability. This reality amplifies

the systematic inequities in public and private institutions that grow out of a history of racial capitalism in the United States.¹ Climate-induced workplace hazards heighten the urgency for increased worker legal protections. We focus on three under-examined worker populations who operate with truncated rights while filling gaps in labour sectors exceptionally burdened by climate catastrophe: undocumented migrants, H-2A and H-2B visa recipients, and incarcerated and formerly incarcerated individuals.²

These vulnerable worker populations experience exploitation, including forced labour (human trafficking) abuses. They toil in excruciatingly hot temperatures, dismal air quality, and amidst toxic pesticides often with no protective gear or water or shade breaks. Those who are undocumented have limited income-earning opportunities and thus little choice but to accept jobs in labour sectors rife with rampant exploitation.³ Those with H-2A and H-2B guest worker visas are similarly constrained since their visas have no job portability—meaning, if they were to leave an exploitative employer they would be out of status. They also depend on their employers to secure future visas.⁴ An organiser in Sonoma County, California, captured this precarity by describing the guestworker programme as ‘trafficking-adjacent’: ‘It’s rife with abuses. And there are more opportunities than ever since the program is growing. Everyone knows you have to pay a recruiter in Mexico. And then they may have to pay supervisors here a case of beer. They don’t ask for more breaks or complain about *any* conditions because then they might not be invited back. They get blacklisted.’ Incarcerated persons face a different form of coercion. As a captive workforce, they are coerced by the carceral system to ‘accept’ unpaid or low-paid and often dangerous work, including fighting wildfires.

¹ N Leong, ‘Racial Capitalism’, *Harvard Law Review*, vol. 126, issue 8, 2013, pp. 2151–2226; C J Robinson, *Black Marxism: The Making of the Black Radical Tradition*, 3rd ed., University of North Carolina Press, Chapel Hill, 2020.

² The H2 guestworker programme, originally enacted by the *Immigration and Nationality Act* of 1952 and amended by the *Immigration Reform and Control Act* of 1986 (IRCA), created two classes of guestworker visas: H-2A visas for agricultural workers and H-2B visas for non-agricultural workers.

³ J Gordon, *Suburban Sweatshops: The Fight for Immigrant Rights*, Harvard University Press, 2007; S B Horton, *They Leave Their Kidneys in the Fields: Illness, Injury and Illegality among U.S. Farmworkers*, University of California Press, Oakland, 2016; S M Holmes, *Fresh Fruit, Broken Bodies: Migrant Farmworkers in the United States*, 5th print, University of California Press, Berkeley, 2014; N De Genova, *Working the Boundaries: Race, Space, and ‘Illegality’ in Mexican Chicago*, Duke University Press, Durham, 2005; A Stuesse, *Scratching out a Living: Latinos, Race, and Work in the Deep South*, University of California Press, Oakland, 2016; P Kwong, *Forbidden Workers: Illegal Chinese Immigrants and American Labor*, The New Press, New York, 1997.

⁴ M Bauer and M Stewart, ‘Close to Slavery: Guestworker Programs in the United States’, Southern Poverty Law Center, 19 February 2013, <https://www.splcenter.org/resources/reports/close-slavery-guestworker-programs-united-states>.

Once released, parole conditions continue to coerce many formerly incarcerated individuals into ‘accepting’ exploitative work.⁵

These three types of workers—undocumented workers, those who are ‘out of status’ because they exited the jobs tied to their visas, and formerly incarcerated individuals—now also comprise a large part of a new kind of workforce: disaster workers. Disaster work, a new climate-created form of labour, involves preparing for fires, hurricanes, and floods through such tasks as sandbagging and boarding up buildings as well as cleaning up and rebuilding after. Workers are often exposed to extreme weather and work-site dangers without proper training or gear. Their disposability crystallises the racist exploitation at the heart of racial capitalism.

As worksites become increasingly hazardous, legal frameworks that regulate workplace standards as well as provide protections for forced labourers do not account—as of yet—for the heightened risks they face due to climate change.⁶ This article calls for the re-evaluation of the socio-legal dimensions of forced labour as climate-altered living and working conditions worsen.⁷ It is a kind of flare, a call to begin building new labour protections needed to keep pace with ever-increasing climate-generated dangers. Its analysis works within a ‘critical mobilisation’ framework, a term that derives from the related disciplines of critical race, feminist, and intersectional studies to apply modes of analysis that seek to dismantle systems of oppression by mobilising support for movements toward progressive change. Such an intersectional lens is necessary, as abolitionist geographer Ruth Wilson Gilmore explains: ‘For anybody who is caught up in the systems that are shaped by extractive capitalism and organized violence, there is a cumulative and compounded effect on their persons and their lives.’⁸ Since exploitation and racial animus have shaped the carceral regimes that undocumented migrants, H-2A and H-2B visa recipients, and incarcerated and formerly incarcerated individuals navigate, the article points to the importance of building ‘coalitional power’ between the climate and decarceration movements

⁵ B Western, *Homeward: Life in the Year after Prison*, Russell Sage Foundation, 2018.

⁶ S Lerner, *Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the United States*, MIT Press, Boston, 2010.

⁷ R D Bullard and B Wright, *The Wrong Complexion for Protection: How the Government Response to Disaster Endangers African American Communities*, NYU Press, New York, 2012; M Méndez, G Flores-Haro, and L Zucker, ‘The (In)Visible Victims of Disaster: Understanding the Vulnerability of Undocumented Latino/a and Indigenous Immigrants’, *Geoforum*, vol. 116, 2020, pp. 50–62, <https://doi.org/10.1016/j.geoforum.2020.07.007>; D E Taylor, *Toxic Communities: Environmental Racism, Industrial Pollution, and Residential Mobility*, NYU Press, New York, 2014.

⁸ K Hayes, ‘Ruth Wilson Gilmore on Abolition, the Climate Crisis and What Must Be Done’, *Truthout*, 14 April 2022, <https://truthout.org/audio/ruth-wilson-gilmore-on-abolition-the-climate-crisis-and-what-must-be-done>.

to ‘avoid both carceral and ecological catastrophe.’⁹

The article draws from a number of sources, including ethnographic interviews (by Brennan), legal advocacy and scholarship (Kim), and media interviews (Jackson) on migration, border policing, worker exploitation, trafficking, and climate change. More specifically, Denise Brennan is an anthropologist who has interviewed hundreds of trafficked persons and other exploited undocumented individuals for multiple book projects spanning over twenty years, including the first scholarly book on life after trafficking.¹⁰ This article draws from interviews she has been conducting over the past four years in agricultural and other vulnerable worker communities on how climate change is altering their labour conditions. Unless there is a citation, quotes by workers, organisers, attorneys, and health professionals are from ethnographic interviews. As a Fellow at the Harvard Radcliffe Institute in 2025–26, she is currently writing a book on the themes explored in this article as well as in this special issue of *Anti-Trafficking Review*, co-guest edited with Sallie Yea. Kathleen Kim, a legal scholar, has represented a broad range of immigrant trafficked workers for over twenty years, including some of the workers trafficked from India on H-2B visas to provide forced labour for Signal International, LLC (Signal) in the aftermath of Hurricane Katrina. The Signal case has become well known as the largest labour trafficking case to date in US history.¹¹ This case marked a rapidly growing trend of forced labour responders to subsequent climate disasters, as well as a movement to advance the rights of disaster relief workers.¹² The third author, Julia Jackson, a former student of and research assistant for Brennan, is a student at Harvard Divinity School. She also writes scripts for a popular environmental podcast that centres community-based knowledge and action.

⁹ B Story and S J Prins, ‘A Green New Deal for Decarceration’, *Jacobin*, 28 August 2019, retrieved 27 August 2025, <https://jacobin.com/2019/08/green-new-deal-decarceration-environment-prison-incarceration>.

¹⁰ D Brennan, *Life Interrupted: Trafficking into Forced Labor in the United States*, Duke University Press, Durham, 2014.

¹¹ David *et al.* v. Signal Int’l LLC *et al.*, No. 2:2008cv01220 (E.D. La. filed Mar. 10, 2008).

¹² Organiser Saket Soni—one of the founders of the New Orleans Workers’ Center for Racial Justice in the wake of Hurricane Katrina—recently launched Resilience Force, a membership-based organisation that supports workers who rebuild after disasters. Their goal is to create ‘a stable, well-paid, million-strong corps that can do year-round climate adaptation and preparation, as well as rebuild after storms’. Resilience Force is also ‘working to rewrite the rules of recovery’ such that ‘the billions we spend after disasters don’t deepen inequality, but become an engine of racial and economic equity’. N.a., ‘Resilience Force’, Resilience Force, n.d., retrieved 15 September 2023, <https://www.resilienceforce.org>.

Following this Introduction, the article proceeds in the following manner. Part II addresses the concept of racial capitalism by examining the United States' history of racialised labour policies and practices. This section also explains the current socio-legal understanding of coercion in the context of forced labour and human trafficking. Against this backdrop, Part III analyses the convergence of climate change with racial capitalism and its deleterious effects on workers at its frontlines. It examines the Signal case that arose out of post-Hurricane Katrina disaster relief efforts and involved the largest class of trafficked workers to date in US history. This case marked a rapidly growing trend of forced labour responders to subsequent climate disasters, as well as a movement to advance the rights of this 'Resilience Workforce'. Part IV examines the persistence of forced labour in US history and its present-day usage in workplaces such as agriculture with intolerable conditions caused by climate change, as well as in climate disaster relief work. The pervasiveness of forced prison labour in wildfire fighting captures the racist extraction and exploitation that undergirds racial capitalism. Part V draws on ethnographic data in farm working communities and asks if climate-induced hazardous working conditions—such as extreme heat, smoke, and fire—amount to forced labour conditions. Part VI considers responses to the harms inflicted upon the worker groups discussed in the previous parts. It suggests a redesign of the socio-legal structures that relegate workers to forced labour conditions in climate change-stricken work environments. Part VII concludes with a call to action to de-silo migrant, labour, anti-trafficking, prison, and environmental justice movements.

Part II: Racialised and Coerced Labour

The growth of the United States' political and economic infrastructure has relied on the dispossession of Indigenous peoples' lands, the transatlantic slave trade, labour exploitation of migrants of colour, and hyper-policing and mass incarceration of (documented and undocumented) people of colour.¹³ The racist ideologies underpinning an economy to benefit whiteness while dehumanising, commodifying, and subordinating non-whiteness did not end with the Thirteenth

¹³ R Dunbar-Ortiz, *Not 'A Nation of Immigrants': Settler Colonialism, White Supremacy, and a History of Erasure and Exclusion*, Beacon Press, New York, 2021; W Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market*, Harvard University Press, Cambridge, 2009; P Butler, *Chokehold: Policing Black Men*, The New Press, New York, 2017; A Das, 'Inclusive Immigrant Justice: Racial Animus and the Origins of Crime-Based Deportation', *UC Davis Law Review*, vol. 52, 2018, pp. 171–195; D Kunstler, *Passaic: The True Story of One Man's Journey through American Immigration, Detention and Deportation*, 1st ed., Tamalpais Publishing, Sausalito, 2014; D Kanstroom, *Aftermath: Deportation Law and the New American Diaspora*, Oxford University Press, New York, 2012.

Amendment of the US Constitution.¹⁴ Black Codes sustained the racial caste system entrenched by antebellum chattel slavery through the criminalisation of harmless everyday conduct such as ‘loitering’ and ‘vagrancy’.¹⁵ These crimes subjected newly freed slaves to criminal punishment in the form of hard labour and convict leasing. Indentured migrant workers of colour fulfilled labour demands during the Reconstruction era. Growing populations of Asian and Latino workers initiated the first US immigration laws. Explicitly exclusionary based on race and gender, these laws limited the rights of migrant workers to prevent their long-term residency in the United States.¹⁶

The H-2 guestworker programme created two classes of guestworker visas: H-2A visas for agricultural workers and H-2B visas for non-agricultural workers. The temporary nature of these visas along with their lack of job portability and weak worker protections has been abused by bad faith employers who have subjected guestworkers to extreme labour exploitation, including forced labour.¹⁷

Except for immigration laws enacted to meet temporary labour demands, US borders largely restricted the entry and long-term residence of workers of colour until the passage of the 1965 *Immigration and Nationality Act*. This Act was passed along with several other civil rights statutes and repealed some of the most overtly racist immigration exclusions.¹⁸

¹⁴ US Constitution, amend. XIII (‘Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.’); M Goodwin, ‘The Thirteenth Amendment: Modern Slavery, Capitalism, and Mass Incarceration’, *Cornell Law Review*, vol. 104, issue 4, 2019, pp. 899–990.

¹⁵ Black Codes ensured the continued subordination of freed slaves through an expanding penal system that criminalised ordinary behaviour based on racial identity and forced ‘violators’ of these laws into unpaid work. W E B Du Bois, *Black Reconstruction in America: 1860–1880*, 1st ed., The Free Press, New York, 1998; S E Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas*, Harvard University Press, 2003; E P Oberholtzer, *A History of the United States Since the Civil War: 1865–68*, Macmillan, New York, 1917.

¹⁶ *Page Act* of 1875; *Chinese Exclusion Act* of 1882 (denying the re-entry of lawful Chinese (and other Asian) migrant workers and permitting their deportation); *Illegal Entry Act* of 1929 (targeting Latino workers for deportation); the Bracero Program provided Mexican workers with border-crossing cards to work in the United States without workplace protections or a path to legal residence.

¹⁷ Brennan; Southern Poverty Law Center; M L Ontiveros, *Noncitizen Immigrant Labor and the Thirteenth Amendment: Challenging Guest Worker Programs*, University of San Francisco Law Research Paper No. 2010–15, 2007.

¹⁸ The 1965 *Hart-Cellar Act* abolished the quota system.

By the time the *Immigration Reform and Control Act* (IRCA) was enacted in 1986, the undocumented population in the United States had grown into the millions and comprised a significant subset of the country's labour force. While the IRCA provided a pathway to citizenship for approximately five million undocumented individuals residing in the United States, it also increased immigration enforcement measures against future undocumented workers by designating workplaces sites for immigration enforcement. The IRCA made it unlawful for employers to knowingly hire undocumented workers, thereby creating the perverse effect of elevating employer dominance over workers. Employers could feign ignorance of a worker's undocumented status until the worker challenged workplace violations. Employers could then function as de facto immigration officers, proxies to the US immigration surveillance state, by threatening to deport or fire workers who resisted their demands. Even in the absence of an employer's threatening conduct, the IRCA's criminalisation of unauthorised work created inherently coercive conditions that compel workers' submission to labour abuses.¹⁹

Present-day Thirteenth Amendment-related law and policy resides largely in the context of human trafficking.²⁰ The *Trafficking Victims Protection Act* (TVPA), enacted in 2000 through Section Two of the Thirteenth Amendment, prohibits forced labour through coercive means that threaten a worker with 'serious harm', including psychological, financial, and reputational harm.²¹ It recognises a fulsome range of coercive power dynamics that may prevent a worker from freely quitting an exploitative work situation. By giving legal significance to the psychological and sociological factors that facilitate forced labour, the TVPA captures the complex reality of trafficking. Yet, its implementation has drawn significant critique because of divergent interpretations of coercion that prevent trafficked workers from accessing the TVPA's protections and benefits, and in other instances, criminalise these workers. Even though non-overt forms of coercion qualify workers for T visas, the reality of proving coercion can be challenging.²²

¹⁹ J J Lee, 'Redefining the Legality of Undocumented Work', *California Law Review*, vol. 106, 2018, pp. 1617–1656, <https://doi.org/10.15779/Z38TH8BN20>; K Kim, 'Beyond Coercion', *UCLA Law Review*, vol. 62, 2015, pp. 1558–1584; Ontiveros; R J Garcia, 'Ghost Workers in an Interconnected World: Going Beyond the Dichotomies of Domestic Immigration and Labor Laws', *University of Michigan Journal of Law Reform*, vol. 36, 2003, pp. 737–765, <https://doi.org/10.36646/mjlr.36.4.ghost>.

²⁰ K Kim, 'The Thirteenth Amendment and Human Trafficking: Lessons & Limitations', *Georgia State University Law Review*, vol. 36, issue 4, 2019–2020, pp. 1005–1025.

²¹ K Kim, 'The Coercion of Trafficked Workers', *Iowa Law Review*, vol. 96, 2011, pp. 409–474.

²² As legal scholar Dina Haynes quips: 'Unless the victim is "rescued" or found chained to a bed in a brothel, she will be forever unable to establish that her traffickers ultimately had something more "severe" and "exploitative" in mind' since "the victim bears the burden of proving her traffickers' intent to exploit her.'" D F Haynes, '(Not) Found

There are multiple ways in which employers pressure workers to labour through dangerous conditions—and to stay quiet about abuses. Far from spectacularised images of trafficking that depict shackles, locked rooms, and guards with guns, labour coercion is usually invisible, such as threats of deportation. Kim refers to human trafficking as ‘the most recent manifestation of unfree labor’, characterised by ‘subtle power dynamics that do not involve physical force, but [are] nonetheless debilitating’.²³ A worker’s background, including their migration status, interacts with ‘subtle methods of control’ to constrain workers’ freedom to quit.²⁴ Remaining in exploitative and dangerous jobs can be understood in terms of ‘tactics and strategy, not consent or resignation’.²⁵ Political scientist Lukes’s description of ‘willing’ and ‘unwilling’ ‘compliance to domination’ as not mutually exclusive helps explain why workers might stay in abusive conditions.²⁶ Kim refers to this phenomenon as ‘situational coercion’.²⁷ The situational coercion framework applies a holistic analysis of coercion in legal cases that arise under the TVPA. The objective and subjective components of coercion are assessed by considering the totality of the circumstances of working conditions, including the worker’s vulnerabilities as well as extreme imbalances in power between the worker and their employer. This sociological and legal examination of the workplace yields more accurate determinations of working conditions that may be so severe that they amount to forced labour.²⁸ The situational coercion framework recognises that the lived experiences of trafficked workers are unique and diverse, yet the workplaces in which they labour exhibit objectively identifiable conditions sufficient to establish forced labour violations under the TVPA.

This policy backdrop sets the context for the foregoing examination of undocumented workers, guestworkers, and incarcerated and formerly incarcerated workers who labour under climate-induced life-threatening conditions or provide climate disaster relief. These workers are also highly vulnerable to coercive circumstances that amount to forced labour. The interaction of climate-endangered workplaces with forced labour sheds new light on the socio-legal

Chained to a Bed in a Brothel: Conceptual, Legal, and Procedural Failures to Fulfill the Promise of the Trafficking Victims Protection Act’, *Georgetown Immigration Law Journal*, vol. 21, 2007, pp. 337–381, p. 360.

²³ K Kim, ‘Psychological Coercion in the Context of Modern-Day Involuntary Labor: Revisiting *United States v. Kozminski* and Understanding Human Trafficking’, *University of Toledo Law Review*, vol. 38, no. 3, 2007, pp. 941–972.

²⁴ Kim, 2011, p. 461.

²⁵ Brennan, p. 86.

²⁶ S Lukes, *Power: A Radical View*, 2nd ed., [Reprint], Palgrave Macmillan, Houndmills, 2006, p. 150.

²⁷ Kim, 2011.

²⁸ *Ibid.*, p. 473.

dimensions of coercion sufficient to establish forced labour. A critical argument this article advances is that forced labour in climate-endangered workplaces is far from incidental. This raises an important consideration—whether these workplaces may be considered presumptively coercive. If so, workers who labour in them urgently require protective interventions.

Part III: Climate Disaster and Trafficked Relief Workers

The interaction of climate change with racial capitalism has aggravated systemic harms against workers who have been traditionally subjected to egregious working conditions. This part explores the exploitation of undocumented workers and guestworkers that occurred during post-Hurricane Katrina relief efforts. Hurricane Katrina led to widespread devastation, particularly in New Orleans. A surge in demand for labour to rebuild the area led to numerous incidents of human trafficking.²⁹ Drawn to the Gulf Coast with promises of high wages and steady work, migrant workers instead discovered highly exploitive situations, including complete loss of agency to employers/traffickers who demanded worker compliance with unconscionable working conditions through a range of coercive means such as threats of harm, financial ruin, and deportation. Numerous lawsuits filed against companies for unfair labour practices during the Katrina reconstruction underscore the heightened risk for labour exploitation inherent in responses to climate disasters. As emergency management professor Samantha Montano describes, climate change is a ‘threat multiplier’ that dramatically intensifies society’s existing vulnerabilities.³⁰ Applying Montano’s concept to the interaction of climate change with racial capitalism points to the enormity of harms that result when two complex systems of entrenched destruction collide.

The most prominent human trafficking case to emerge out of Hurricane Katrina’s rebuilding phase involved approximately 500 H-2B construction workers from India subjected to forced labour by their employer, Signal International, LLC (Signal).³¹ Workers who escaped initiated a class action lawsuit against Signal. While a federal court denied class certification of the 500 workers, eleven separate lawsuits proceeded on behalf of approximately 250 workers. The Equal Employment Opportunity Commission (EEOC) also filed suit on

²⁹ J Browne-Dianis *et al.*, *And Injustice for All: Workers’ Lives in the Reconstruction of New Orleans*, New Orleans Workers’ Center for Racial Justice, 2010, pp. 47–49; L McCallum, ‘Reflections from the Field: Disparate Responses to Labour Exploitation in Post-Katrina Louisiana’, *Anti-Trafficking Review*, issue 15, 2020, pp. 21–41, <https://doi.org/10.14197/atr.201220152>.

³⁰ S Montano, *Disasterology: Dispatches from the Frontlines of the Climate Crisis*, Park Row Books, Toronto, 2021.

³¹ *David et al. v. Signal Int’l LLC et al.*, 2008.

behalf of almost all of the H-2B workers from India because of Signal's overtly discriminatory conduct against these workers based on their race and national origin.³²

The combination of these lawsuits exposed the horrendous conditions that the workers experienced. Signal, which provided construction services to the Gulf Coast oil and gas industry, recruited H-2B workers in India with advertisements that falsely promised legal permanent residency for hired employees and their families. Workers paid up to USD 20,000 in recruitment fees to Signal, which they raised through private loans and the sale of personal property in India. Once they arrived at Signal's labour camps in Pascagoula, Mississippi, and Orange, Texas, the workers learnt that Signal would be taking automatic deductions from their salary for food and accommodations. The food was inedible and the living conditions—uninhabitable, overcrowded, and unsanitary, causing many workers to become ill. Guards at the labour camps monitored and frequently searched workers. And unlike their American counterparts, Signal required the Indian workers to toil in the dirtiest and most dangerous parts of the oil rigs they were reconstructing. When the workers from India began to complain about these conditions and inquire about Signal's promise to provide permanent residency, they received threats of retaliation and deportation. The threats of deportation intensified because Signal had allowed the workers' H-2B visas to expire, leaving them undocumented.³³

Almost ten years after the first lawsuit against Signal was filed, the plaintiff workers overwhelmingly prevailed against Signal. In one case, the jury awarded plaintiffs USD 14,100,000 in damages, finding that Signal had trafficked the workers into forced labour. In the related EEOC case, Signal was ordered to pay USD 5 million to 476 workers. Signal's CEO also issued an apology for the company's conduct.

The workers who escaped Signal's work camps and bravely sought justice in the civil court system exemplify the potential power that trafficked plaintiffs might exercise against their traffickers, especially when government enforcement agencies ignore forced labour abuses enacted by corporations like Signal.³⁴ Still, struggles with the civil justice system reveal deep biases against claims brought by migrant workers of colour, who, even if mistreated by their employers, are perceived as voluntarily sacrificing their self-determination to undertake risky and degrading work. Immigration and criminal laws that constrain the choices of these workers reinforce this false perception. Further, the neglect of government agencies mandated to intervene and protect these workers contribute to the

³² *EEOC v. Signal International, LLC*, 2014.

³³ S Soni, *The Great Escape: A True Story of Forced Labor and Immigrant Dreams in America*, 1st ed., Algonquin Books of Chapel Hill, Chapel Hill, 2023.

³⁴ *Ibid.*

persistence of systems that keep these workers subordinated.³⁵

In spite of the racialised labour hierarchy that subjected the Signal workers to forced labour, the workers succeeded in catalysing a movement to empower disaster workers. Signal workers alongside grassroots advocacy groups, civil rights and pro bono attorneys, and immigrant and workers' rights organisations, formed the Resilience Workforce, an organisation that heralds disaster workers as the workforce—the 'white blood cells'—that 'helps us come home after climate disaster' yet 'face appalling conditions and widespread exploitation'.³⁶

Part IV: Exploiting Carceral Labour to Address Climate Change's Dangers

The historic and persistent systems of racialised labour exploitation have taken advantage of the United States' growing prison industry. For example, incarcerated individuals are coerced to participate in 'voluntary work programmes', through threats of solitary confinement, restrictions against contact with outside support, and threats of disciplinary action. Some courts have held that such coercive means might violate the Thirteenth Amendment and the TVPA's forced labour statute in the immigration detention context.³⁷ A handful of similar claims have been raised against forced labour practices in criminal detention, where some courts have regarded forced labour in detention settings as akin to human trafficking and therefore unlawful under the TVPA and the Thirteenth Amendment.³⁸ These cases raise an obvious tension within the Thirteenth Amendment's promise to abolish involuntary servitude, 'except for punishment of a crime'.³⁹

³⁵ K Kim, 'The Trafficked Worker as Private Attorney General: A Model for Enforcing the Civil Rights of Undocumented Workers', *University of Chicago Legal Forum*, vol. 2009, issue 1, 2015, pp. 247–316.

³⁶ N.a., 'Who We Are', Resilience Force, n.d., retrieved 2 October 2025, <https://www.resilienceforce.org/our-team>.

³⁷ *Barrientos v. CoreCivic, Inc.*, 2020.

³⁸ A Levy, *Fact Sheet: Human Trafficking & Forced Labor in For-profit Detention Facilities*, The Human Trafficking Legal Center, 2018.

³⁹ The abolition of chattel slavery 'coincided with the birth of the modern penitentiary' to maintain a system of labour extraction and control over Black bodies (E Hinton and D Cook, 'The Mass Criminalization of Black Americans: A Historical Overview', *Annual Review of Criminology*, vol. 4, issue 1, 2021, pp. 261–286, <https://doi.org/10.1146/annurev-criminol-060520-033306>). As noted above, Black Codes ensured an immediate solution to the high demand for no- to low-wage labour after the Thirteenth Amendment's ratification (Goodwin; see also P Wallenstein, 'Slavery Under the Thirteenth Amendment: Race and the Law of Crime and Punishment in the Post-Civil War South', *Louisiana Law Review*, vol. 77, no. 1, 2016, pp. 1–20). Newly enacted

The Thirteenth Amendment's criminal punishment exception has been broadly construed to permit the continuing subjugation of prison labourers. Such broad application of the criminal punishment exception has been contested by constitutional law scholars who have thoroughly studied the intent and meaning of the Thirteenth Amendment.⁴⁰ Nonetheless, they too agree that forced labour as a form of convict leasing persists in today's prison industrial complex.⁴¹

Presently, approximately 30,000 inmates toil in the agricultural industry under forced labour conditions.⁴² The US Department of Justice reports that 27% of public prisons require their inhabitants to participate in farming and agricultural work programmes.⁴³ Those incarcerated in public prisons are considered wards of the state and therefore not employees entitled to the protection of workplace laws such as the *Fair Labor Standards Act* (FLSA) and the *Occupational Safety and Health Act* (OSH Act). Private prisons overtly operate to maximise their profits. The percentage of persons incarcerated in private prisons increased by 47% in the last two decades.⁴⁴ The two largest private prison corporations, Core Civic and GEO Group, had a total revenue of USD 3.5 billion in 2015.⁴⁵ These corporations generate revenue from their prison population through government-funded contracts and by profiting off the individuals they keep captive. In the private prison context, courts have excluded incarcerated workers from the employment protections afforded by the FLSA, OSH Act, Title VII, and the *National Labor Relations Act*.⁴⁶ As a result, private prisons can get away with paying little to no

offenses for 'vagrancy' and 'loitering' criminalised freed slaves and authorised courts to require inmates to perform hard labour to 'work out their sentences' (*Ibid.*). Former plantation owners could also 'lease' inmates from the state and force them to work on their property (J Browne, 'Rooted in Slavery: Prison Labor Exploitation', *Race, Poverty & the Environment*, vol. 14, no. 1, 2007, pp. 42–44). In 1878, almost 91% of Georgia inmates subject to convict leasing were Black (*Ibid.*, p. 42).

⁴⁰ J G Pope, 'Labor's Constitution of Freedom', *The Yale Law Journal*, vol. 106, issue 4, 1997, pp. 941–1031, <https://doi.org/10.2307/797148>.

⁴¹ Goodwin.

⁴² Percentage is based on ACLU analysis of the raw survey data. A Prashar, 'Prison Labor or Modern Day Slavery?', *Business Casual Podcast*, 25 August 2020; United States Bureau of Justice Statistics (BJS), 'Survey of Prison Inmates, United States, 2016 (ICPSR 37692) [Version 4]', *BJS*, 2021, <https://doi.org/10.3886/ICPSR37692.v4>.

⁴³ *Ibid.*

⁴⁴ M A Hallett, *Private Prisons in America: A Critical Race Perspective*, University of Illinois Press, Urbana, 2006; R W Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*, University of California Press, Berkeley, 2007.

⁴⁵ K Gotsch and V Basti, *Capitalizing on Mass Incarceration: U.S. Growth in Private Prisons*, The Sentencing Project, 2018.

⁴⁶ M J Lang, 'The Search for a Workable Standard for When Fair Labor Standards Act Coverage Should Be Extended to Prisoner Workers', *University of Pennsylvania Journal*

wages for the labour of incarcerated people. Private prisons further maximise their profits by keeping staffing costs low and forcing inmates to perform the work to upkeep the prisons such as cooking food, cleaning, and carrying out repairs and maintenance. These prisons also generate revenue from contracting out prison labour. Widely known businesses, including 3M, Starbucks, and Whole Foods, purchase the goods produced by prison labourers who typically earn only one dollar per day of work.⁴⁷ In California, incarcerated individuals fight wildfires with only three weeks of training and earn eight to fifteen cents an hour while their civilian counterparts receive three to four years of training and earn over USD 40 per hour.⁴⁸

A recent report provides a comprehensive study of the pervasiveness of forced prison labour and its use in response to climate disasters. After Hurricane Irma swept through Florida, hundreds of incarcerated workers provided relief labour without pay. In Texas, incarcerated workers prepared for Hurricane Harvey by filling sandbags and were ‘forced to work in the storm’s path while people outside prisons were evacuated’.⁴⁹ The report also notes the widespread use of incarcerated workers to fight wildfires for little to no pay in fourteen other states.⁵⁰

Part V: Agricultural Workers, Climate Catastrophe, and Emergency Governance

Entangled systems and policies steeped in racial capitalism erode worker power and protect employers. This section examines how these power imbalances intensify in the midst of climate-induced disasters and outlines the various tactics that agricultural employers, in particular, use to coerce workers into labouring in extreme conditions.

of Business Law, vol. 5, issue 2, 2002, pp. 191–208; K Goad, ‘Columbia University and Incarcerated Worker Labor Unions under the National Labor Relations Act’, *Cornell Law Review*, vol. 103, issue 1, 2017, pp. 177–204.

⁴⁷ R McDowell and M Mason, ‘Cheap Labor Means Prisons Still Turn a Profit, Even during a Pandemic’, *PBS*, 8 May 2020, <https://www.pbs.org/newshour/economy/cheap-labor-means-prisons-still-turn-a-profit-even-during-a-pandemic>.

⁴⁸ J Lowe, ‘What Does California Owe Its Incarcerated Firefighters?’, *The Atlantic*, 27 July 2021, <https://www.theatlantic.com/politics/archive/2021/07/california-inmate-firefighters/619567>.

⁴⁹ American Civil Liberties Union (ACLU) and Global Human Rights Clinic (GHRC), *Captive Labor: Exploitation of Incarcerated Workers*, ACLU and The University of Chicago Law School Global Human Rights Clinic, 2022, <https://www.aclu.org/wp-content/uploads/legal-documents/2022-06-15-captivelaborresearchreport.pdf>.

⁵⁰ *Ibid.*, p. 31.

In agriculture, growers place far more value on crops—and have more systems in place to protect them—than on the people who pick them. A farmworker organiser in Sonoma described the ‘glaring’ differences between very large growers who have fire-related crop insurance and agricultural workers, of which around 50% are Indigenous, who lose their wages after fires. Insurance payouts to growers are staggering. California’s total liabilities for wine grapes was USD 1.74 billion in 2021—USD 266 million more than in 2020. Insurance companies paid USD 227 million in indemnities to California growers for fire-related crop losses. Napa County growers received USD 91.8 million in indemnities, while Sonoma County growers were paid USD 80.2 million.⁵¹ In contrast, when crops burn, farmworkers do not get paid. Securing ‘disaster pay’, consequently, is a central campaign for farmworker organisers throughout the US.

The loss of pay is devastating for farmworkers who are barely getting by. In fact, it is the key reason why workers feel compelled to continue working in climate-induced hazardous conditions. A farmworker health and safety expert likened loss of pay to a disaster in and of itself: ‘One day of missed pay can be a disaster. Especially since the work is seasonal.’ For workers paid in a piece rate system, the onus is on them to figure out how to protect themselves from extreme heat while simultaneously feeling ‘pressure to work harder and pick more.’⁵² Piece work compels workers to run, which means they often take off masks meant to protect them from wildfire smoke—as well as from COVID-19—as they gasp for breath.

Anything that impinges on maximising productivity, including water and shade breaks, is discouraged. Despite medical evidence and the Occupational Safety and Health Administration’s (OSHA) recommendation that employers alter working conditions during hot weather, only four states—California, Oregon, Colorado, and Washington—have mandated protections for outdoor workers.⁵³ Even with these mandates, workers still feel pressure to keep working. A farmworker health and safety expert explained that there are many disincentives for workers to take any kind of breaks: ‘Workers know their employers [and] they know they can’t trust them. They know that their employers do whatever it takes to extract more labour.’ Moreover, there can be a lack of shaded areas, bathrooms, and enough

⁵¹ K Todorov, ‘Crop Insurance Premiums Did Not Change in 2021, but May Increase in 2022, USDA Says’, *Wine Business*, 5 August 2021, https://www.winebusiness.com/news/article/249750/subscribe_dnl.

⁵² M Sainato, ‘Big Business Lobbies against Heat Protections for Workers as US Boils’, *The Guardian*, 31 July 2023, <https://www.theguardian.com/environment/2023/jul/31/heat-protections-workers-big-business-lobbies>.

⁵³ N.a., ‘Farmworker Advocates Call on Congress to Protect Workers from Dangerous Heat’, *Farmworker Justice*, 22 September 2022, <https://stage.farmworkerjustice.org/blog-post/farmworker-advocates-call-on-congress-to-protect-workers-from-dangerous-heat>.

cold water for the whole day. Lack of rest, shade, and water are exactly how people develop heat stroke. The health and safety expert explained, ‘Effects of heat stress are not seen immediately. They are cumulative. Breaks are critical.’ These cumulative effects are well documented in medical journals. Not having enough water one day, for example, can lead to illness a few days later.⁵⁴ Even when workers are told they can leave when the heat or smoke gets severe, an organiser explained that ‘the pressures remain to stay.’ She noted that workers’ ‘immigration status, combined with racism, creates a power imbalance. The workers don’t feel they can complain. And they must keep working to feed their families. They feel trapped.’ Nor do workers find co-ethnic solidarity with supervisors. ‘Even if supervisors are Hispanic and used to be farmworkers themselves’, the health and safety expert explained, ‘they always are going to follow employer instructions’ which creates ‘a shield’ for employer liability.

During disasters, an emergency governance regime takes over that suspends the few protections low-wage workers might have.⁵⁵ In the midst of raging fires and mandated evacuation, for example, localities often issue ‘access passes’ to agricultural workers.⁵⁶ Growers also pressure workers to sign liability waivers. While these waivers—and fire insurance—protect growers, workers risk heat exhaustion, exposure to toxins, and the terror of encroaching fire and emergency evacuation.⁵⁷ They take this risk in large part out of fear of being reported to the Immigration and Customs Enforcement (ICE) agency. This fear of deportation also leads them to eschew government assistance after their own losses to fire or floods. An attorney in Northern California recounted, for example, how agricultural workers slept on beaches after a fire ravaged their community because they feared that ICE would arrest them in shelters.

⁵⁴ Agricultural workers are at least 35 times more likely to die of heat than other workers. See M El Khayat *et al.*, ‘Impacts of Climate Change and Heat Stress on Farmworkers’ Health: A Scoping Review’, *Frontiers in Public Health*, vol. 10, 2022, pp. 1–18, <https://doi.org/10.3389/fpubh.2022.782811>.

⁵⁵ V Adams, *Markets of Sorrow, Labors of Faith: New Orleans in the Wake of Katrina*, Duke University Press, Durham, 2013.

⁵⁶ A Brown, ‘In California’s Wine Country, Undocumented Grape Pickers Forced to Work in Fire Evacuation Zones’, *The Intercept*, 6 September 2020, <https://theintercept.com/2020/09/06/california-fires-undocumented-farm-workers/>; W Carruthers, ‘Sonoma County Evacuation Zone Waiver Program Sparks Labor Concerns’, *Bohemian*, 27 August 2020, <https://bohemian.com/sonoma-county-evacuation-zone-waiver-program-sparks-labor-concerns-1>.

⁵⁷ Kristen Simmons writes about breathing in spaces contaminated through colonialism. See K Simmons, ‘Settler Atmospheric’, *Society for Cultural Anthropology*, 20 November 2017, <https://culanth.org/fieldsights/settler-atmospherics>.

Another form of coercion is rounding up workers from shelters during mandatory evacuations. Even though growers might tell their workers they do not have to work in an active wildfire evacuation zone, when they send vans to pick them up, many workers perceive that they cannot say no. An organiser in Northern California wine country explained: 'It's not really a choice. They were being forced to pick when smoke and fire were everywhere.'

With the system stacked against secure and dignified work, worker organisers are building worker empowerment through trainings on keeping safe through heatwaves, wildfires, and use of pesticides in the fields and near their homes. There has been successful organising on language justice, after alerts during wildfires in Northern California wine country in 2017 were only in English. There has also been success at winning disaster pay at some vineyards. At a community picnic/celebration in a large county park in Sonoma, awards were given out to a number of worker organisers to cheers of the intergenerational crowd. Seeing their fellow farmworkers taking action, their chants of 'Si se puede!' ['Yes, it can be done!'] were materialised. Waving banners about disaster pay, dignified work, and the climate crisis, the attendees were determined to take on chronic mistreatment.

The current system is untenable, including for the growers. While Denise was on a Zoom call with an organiser, he received a text alert about a fire in Napa. He elaborated: 'This happens all the time. And it's inevitable there will be more fires. These are cascading issues, so we are seeing more organising among workers.' They are pushing companies to pay hazard pay not just when there are evacuation orders because of nearby fires, but also when fire far away makes the air quality unhealthy. As the organiser in Napa explained, 'When the AQI [air quality index] is over 150, workers should receive time and a half. This raises conversations about wealthy white men sending Indigenous workers into unhealthy conditions. Without their work, the entire industry will collapse. Disaster pay must be a standard. Otherwise, the wine industry will go belly up.'

Part VI: Considerations

Inspired by abolitionist thinkers like Ruth Wilson Gilmore who prescribes a 'politics of care', we outline questions and actions for building a care-forward world.⁵⁸ Her maxim, 'where life is precious, life is precious' models value of all lives, even as philosopher Judith Butler observes that some lives are treated as more 'grievable' than others.⁵⁹ Questions about the value of human life loom

⁵⁸ R W Gilmore, *Abolition Geography: Essays towards Liberation*, Verso, New York, 2022.

⁵⁹ J Butler, *Frames of War: When Is Life Grievable?*, Verso, London, 2016; M Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, The New Press, New York, 2010.

over the task of identifying working conditions that are too dangerous for anyone to endure.⁶⁰ But importantly, ‘lives cannot be apprehended as injured or lost’ if they are not first ‘apprehended as living’.⁶¹ In the scorching hot summer of 2023, Texas Governor Greg Abbott’s ban on water breaks for workers exemplifies Butler’s point. This rank ordering of some lives over others has been taken up, in particular, by scholars studying Black life. Building on Katherine McKittrick’s notion of ‘breathless numbers’ and Albert Camus’s idea of ‘cruel mathematics’, Africana Studies scholar Bedour Alagraa considers the threshold between life and death as ‘the arithmetic logic applied to both the preservation and loss of life’.⁶² Over the past centuries, such calculations have been differentially applied, with Brown, Black, and Indigenous persons deemed expendable and replaceable—as less human than white persons.⁶³ The planet has also suffered. Like centuries of genocidal treatment of humans, this era of extreme harm to non-humans is not new. As geographer Kathryn Yusoff notes, ‘the Anthropocene might seem to offer a dystopic future that laments the end of the world, but imperialism and ongoing (settler) colonialisms have been ending worlds for as long as they have been in existence.’⁶⁴

Militarised border policing, prisons, and climate change are disasters. Decarceration, including the elimination of prisons and immigrant detention centres, must be part of the environmental justice movement.⁶⁵ Legal scholar Allegra McLeod writes about both as ‘public safety’ issues that threaten ‘new life-sustaining institutions and collective structures that improve human well-being’.

⁶⁰ Writing about the death of a farmworker, journalist Jeff Goodell declares the obvious: ‘the simple truth is that in twenty-first century America, nobody should be doing physical labor in an open field when it’s 107 degrees’. See J Goodell, *The Heat Will Kill You First: Life and Death on a Scorched Planet*, 1st ed., Little, Brown and Company, New York, 2023, p. 173. OSHA has guidance on workers’ rights to refuse ‘dangerous work’. See United States Occupational Safety and Health Administration (OSHA), ‘Workers’ Right to Refuse Dangerous Work’, OSHA, n.d., <https://www.osha.gov/workers/right-to-refuse>.

⁶¹ Butler. Mexican writer Cristina Rivera Garza describes states that lack ‘a political acknowledgement of the human body and its individual subjectivity’ as ‘viscerless states’. See C Rivera Garza, *Grieving: Dispatches from a Wounded Country*, 1st ed., Feminist Press, New York, 2020, p. 175.

⁶² B Alagraa, ‘The Interminable Catastrophe’, *Offshoot Journal*, 1 March 2021, <https://offshootjournal.org/the-interminable-catastrophe>.

⁶³ Alagraa explicitly ties today’s climate catastrophe to the ‘repeating structure’ of ‘racial slavery and plantation modes of production’ that began with the ‘New World colonial encounter(s)’.

⁶⁴ K Yusoff, *A Billion Black Anthropocenes or None*, University of Minnesota Press, Minneapolis, 2018.

⁶⁵ C C García Hernández, *Migrating to Prison: America’s Obsession with Locking up Immigrants*, The New Press, New York, 2019.

For abolitionists, ‘meaningful’ public safety requires ending the fossil fuel-driven economy ‘characterized by vast racialized inequality and held in place by penal bureaucracy’ to instead move towards ‘new regenerative economic, social, and ecological systems.’⁶⁶

Philosopher Olúfẹ̀mí O. Táíwò similarly offers a ‘blueprint for just worldmaking’.⁶⁷ He created graphs to show how today’s climate catastrophe is inextricably tied to centuries of racialised violence, labour extraction, and patterns of accumulation by charting the relationship between climate change vulnerability and colonial history. Unsurprisingly, places with a history of colonisation are abundantly more vulnerable to climate change. Táíwò uses this vulnerability index to advance reparation claims since ‘in our era, climate justice and reparations are the same project: climate crisis arises from the same political history as racial injustice and presents a challenge of the same scale and scope.’⁶⁸

As immigration, labour, and carceral regimes create and sustain a hierarchical valuation of human life, this article urges greater attention to the kinds of protections that need to be in place to preserve workers’ lives when facing climate-induced dangers. Such protections call for policy measures that provide immediate remedies for these workers, such as disaster pay, permanent residence visas and pathways to citizenship for migrant workers, and basic workplace protections for incarcerated workers. In addition, the racialised labour extraction that has harmed the victims and survivors among these work groups demands reparations. Finally, policy measures should seek to dismantle the systems that keep these workers subordinated, by holding government actors accountable for their roles in facilitating forced labour in industries that are rampant with abuse.

In developing strategies that can effectively protect these workers and prevent future abuses against them, critical examination of the industries that exploit them require the following considerations: 1) Is harm to workers in these industries, such as agriculture, an inevitability, and if so, how should harm be measured and mitigated, especially when these workplace harms are exacerbated by climate change? 2) Does the distinction between workers subjected to labour exploitation versus forced labour have any sociological or legal significance in the context of workplaces with climate-induced life-threatening working conditions? 3) Does climate change create inherently coercive workplaces for the workers discussed

⁶⁶ A McLeod, ‘Abolition and Environmental Justice’, *UCLA Law Review*, vol. 69, issue 6, 2023, pp. 1536–1575.

⁶⁷ Táíwò suggests a series of ‘targets and tactics’ that, among others, include global climate funding taxing tax havens, and fossil fuel divestment.

⁶⁸ O O Táíwò, *Reconsidering Reparations: Worldmaking in the Case of Climate Crisis. Philosophy of Race Series*, Oxford University Press, New York, 2022, p. 147.

in this article, given the dangers of extreme heat, toxic smoke, and fire on the frontlines that these workers are pressured to endure by the systems of power that constrain them?

We now turn to steps workers can take to protect themselves and employers can deploy to create safe and dignified worksites. We also consider the role of the government and the health sector in keeping workers safe. The *Asunción Valdivia Heat Illness and Fatality Prevention Act*, named after a farmworker who died of heatstroke in California in 2004 after picking grapes for ten straight hours in 105°F (40.5°C), was first introduced in the US House of Representatives in 2019 and continues its run through the House and the Senate.⁶⁹ If passed, the bill would be the first federal law related to outdoor and indoor heat exposure.⁷⁰ It is not difficult to protect against heat-related illnesses, as Elizabeth Strater from the United Farm Workers union made clear: ‘It’s enraging, in a slow and violent way, to think about how heat death is entirely preventable. It doesn’t take cutting-edge technologies, or expensive machinery. It takes shade and cool water and rest. That is all.’⁷¹ As Physicians Sorenson and Garcia-Trabanino suggest: ‘We may have now reached a physiological limit, in terms of heat exposure, at which acclimatization and behavioral modifications can no longer overcome the biologic stressors of unsafe working conditions and environmental exposures in these hot spot communities.’ Heat extremes are exacerbating known diseases and producing new ones such as chronic kidney disease of unknown origin (CKDu).⁷² In a call to action to fellow medical professionals on the frontlines of the ‘new era of climate-health crises’, they urge cross-sectoral research and its dissemination not just to clinicians but also decision-makers working on immigration. They also advocate for physicians to work with local and global governmental and nongovernmental institutions. ‘If we become active stakeholders, we can shape

⁶⁹ Farmworker Justice Alliance, ‘Fact Sheet: Legislation Would Provide Farmworkers Protection from Heat’, Farmworker Justice Alliance, July 2023, https://stage.farmworkerjustice.org/wp-content/uploads/2023/07/Heat-Stress-Bill-Fact-Sheet_2023-2.pdf.

⁷⁰ The White House, ‘Fact Sheet: President Biden Announces New Actions to Protect Workers and Communities from Extreme Heat’, The White House, 27 July 2023, <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2023/07/27/fact-sheet-president-biden-to-announce-new-actions-to-protect-workers-and-communities-from-extreme-heat>.

⁷¹ Goodell, p. 173.

⁷² CKDu disproportionately affects vulnerable populations: ‘By the time their disease is diagnosed, most workers are too ill to work or are excluded from the agricultural workforce because of company-mandated preemployment health screenings.’ C Sorensen and R Garcia-Trabanino, ‘A New Era of Climate Medicine — Addressing Heat-Triggered Renal Disease’, *New England Journal of Medicine*, vol. 381, no. 8, 2019, pp. 693–696, <https://doi.org/10.1056/NEJMp1907859>.

the transition to renewable energy to ameliorate changes that are detrimental to health [and] advocate for a just and equitable health-centered approach in a nonpartisan fashion.⁷³

In addition to evidence-based perspectives from climate scientists and medical professionals, the insights of other key stakeholders—such as affected workers, employers, and advocacy groups—should be collected and shared with government agencies. Stakeholder convenings can engage and educate government agencies that encounter the intersection of climate change with workplace rights such as OSHA, the Department of Labor, and the Federal Emergency Management Agency. These convenings can encourage systemic reforms across government agencies (especially those charged with immigration and criminal enforcement) that increase transparency and accountability to minimise government complicity in the exploitation and forced labour of vulnerable workers who toil in environments that have become intolerable due to climate change.

Part VII: Conclusion—Ways forward

We imagine an economy rooted in care in which workers and the environment thrive. Our current sacrificial economy, steeped in ‘grow or die’ racial capitalism, is proving fatal for the most vulnerable workers and the planet.⁷⁴ The Resilience Force, among other worker-led initiatives, models another way. Their mission to create stable and well-paid climate disaster work while ‘rewrit[ing] the rules of recovery’ is a roadmap to build ‘racial and economic equity’.⁷⁵ Tracing its origins to the Signal case, as well as other disaster-related trafficking cases, this membership-based organisation grows out of decades of exploited workers, including trafficked persons, demanding dignified and protected work. Movement builders and participants at the intersection of prison, worker, and climate justice are imagining, demanding, and creating more just worlds. Given rising planetary temperatures, law and policy must keep pace with ever-changing climate conditions.

Denise Brennan is a 2025–26 Harvard Radcliffe Fellow where she is writing a new book *Work on A Heated Planet*. She is the author of *Life Interrupted: Trafficking into Forced Labor in the United States* and is Professor and Chair of the Department of Anthropology at Georgetown University, the United States. Email: Denise.Brennan@georgetown.edu

⁷³ *Ibid.*

⁷⁴ B Sandler, ‘Grow or Die: Marxist Theories of Capitalism and the Environment’, *Rethinking Marxism*, vol. 7, issue 2, 1994, pp. 38–57, <https://doi.org/10.1080/08935699408658097>.

⁷⁵ Resilience Force, ‘Resilience Force’.

Kathleen Kim is a Professor of Law at LMU Loyola Law School, United States.
Email: kathleen.kim@lls.edu

Julia Jackson is a Master of Divinity candidate at Harvard Divinity School.
Email: jaj139@georgetown.edu