

Document Title : **Combating Trafficking in Persons**

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Approval Statement : *Electronic signatures and signature dates of those individuals who prepared and approved this document are maintained in the FHI 360 Enterprise Document Management System database.*

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PURPOSE:

To set out FHI 360’s guiding principles with respect to combating Trafficking in Persons.

SCOPE:

This policy applies to all FHI 360 Personnel worldwide, and to Suppliers and Supplier Personnel to the extent set out below.

DEFINITIONS:

1. *Commercial Sex Act* – Any sex act on account of which anything of value is given to or received by any person.
2. *FHI 360 Personnel* – FHI 360 employees, officers, members of its Board of Directors, interns and fellows (paid or unpaid), volunteers, agents, and other individuals authorized to act on behalf of FHI 360.
3. *Forced Labor* – Knowingly providing or obtaining the labor or services of a person by express or implied threats of serious harm to, or physical restraint against, that person or another person.
4. *Supplier* – Any FHI 360 contractor, consultant, vendor, supplier, subcontractor or subrecipient.
5. *Supplier Personnel* – A Supplier’s employees, consultants, interns and fellows (paid or unpaid) volunteers, agents and other individuals authorized to act on Supplier’s behalf.
6. *Trafficking in Persons (TIP)* –
 - a. The recruitment, harboring, transportation, provision, obtaining, or receipt of a person through the use of force, fraud, coercion, or abuse of power for purposes of commercial sex acts, prostitution, or other forms of sexual exploitation.
 - b. The recruitment, harboring, transportation, provision, obtaining, or receipt of a person through the use of force, fraud, coercion, or abuse of power for the purpose of subjection to involuntary servitude, peonage, debt bondage, forced labor or services, slavery or practices similar to slavery.
 - c. The recruitment, harboring, transportation, provision, obtaining, or receipt of a person who has not yet attained the age of 18 for any of the purposes listed above, whether or not through the use of force, fraud, coercion, or abuse of power.

POLICY:

1. Statement of Policy
 - 1.1. FHI 360 is opposed to all forms of TIP and is committed to mitigating the risk of TIP in connection with its operations and programs.
 - 1.2. It is the policy of FHI 360 to comply fully with the U.S. government’s laws, regulations and policies prohibiting Trafficking in Persons by government contractors and award recipients, including, but not limited to, FAR Subpart 22.17; FAR § 52.222-50 – Combating Trafficking in Persons; FAR § 52.222-

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56 – Certification Regarding Trafficking in Persons Compliance Plan; and USAID’s Standard Provisions regarding Trafficking In Persons, as more fully set forth in this policy.

2. Prohibited Activities

- 2.1. In accordance with U.S. government policy, all FHI 360 Personnel, Suppliers and Supplier Personnel are strictly prohibited from:
 - 2.1.1. Engaging in any form of Trafficking in Persons (as defined above);
 - 2.1.2. Procuring a Commercial Sex Act during the period of a U.S. government contract, cooperative agreement, or award;
 - 2.1.3. Using Forced Labor in the performance of any U.S. government contract, cooperative agreement or award;
 - 2.1.4. Destroying, concealing, confiscating, or otherwise denying any employee access to his or her identity or immigration documents, such as passports or drivers’ licenses;
 - 2.1.5. Using misleading or fraudulent recruiting practices during the recruitment of employees or offering of employment to employees, such as failing to disclose (in a format and language accessible to the employee) or making material misrepresentations about the key terms and conditions of employment, including wage and benefits, work location, living conditions, housing and associated costs (if provided or arranged by FHI 360 or the Supplier), significant costs to be charged to the employee, and the hazardous nature of the work (where applicable);
 - 2.1.6. Using recruiters that do not comply with the labor laws of the country where recruiting takes place;
 - 2.1.7. Charging recruitment fees to employees;
 - 2.1.8. Failing to provide or pay the cost of return transportation at the end of employment for an employee who is not a national of the country where the work took place and was brought into that country for purposes of working on a U.S. government contract or award performed outside the U.S.;
 - 2.1.9. Failing to provide or pay the cost of return transportation at the end of employment for a employee who is not a U.S. national and was brought into the U.S. for the purpose of working on a U.S. government contract or award, if payment of such costs is required under existing temporary work programs or pursuant to a written agreement with the employee for portions of contracts and awards performed outside the U.S.;
 - 2.1.10. Providing or arranging housing that fails to meet the host country housing and safety standards; and
 - 2.1.11. If required by law or contract, failing to provide an employment contract, recruitment agreement or other required work document, written in a language the employee understands, that includes details about work description, wages, prohibition on charging recruitment fees, work location, living accommodations and associated costs, time off, roundtrip transportation arrangements, grievance process, and the content of applicable laws and regulations that prohibit trafficking in persons. If the employee must relocate to perform the work, the work document must be provided to the employee at least five days prior to relocation.

3. Compliance Plans and Certifications Required for Certain Projects

- 3.1. FHI 360 will maintain written anti-trafficking compliance plans for all U.S. government contracts and subcontracts and all USAID awards and subawards that: (a) are for supplies to be acquired or services to be performed outside the U.S., and (b) have an estimated value that exceeds \$500,000 (referred to collectively in this policy as "CPR Projects"). Compliance plans must include all elements required by the applicable regulation or standard provision and must be appropriate to the size and complexity of

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the contract or award, and to the nature and scope of the activities to be performed, including the number of non-U.S. citizens expected to be employed and the risk that the CPR project will involve services or supplies susceptible to Trafficking in Persons.

- 3.2. Compliance plans will be posted on FHI 360’s Enterprise Document Management System (EDMS), at all relevant CPR Project worksites, and on fhi360.org.
- 3.3. FHI 360 will submit certifications for CPR Projects as required by applicable regulations and contractual provisions.

4. Reporting Requirements and Procedure

- 4.1. All FHI 360 Personnel, Suppliers and Supplier Personnel who observe, suspect, or receive allegations of trafficking-related activity, or any other conduct prohibited by this policy, are required to report the conduct immediately, either orally or in writing, by contacting one of the following:
 - 4.1.1. Their immediate supervisor, or, if the conduct involves the immediate supervisor, any other supervisor within their department;
 - 4.1.2. Their local Human Resources (HR) representative or regional or departmental HR Partner;
 - 4.1.3. The Director of HR Partnering Useetha Rhodes URhodes@fhi360.org or Chief Human Resources Officer Pam Myers PMyers@fhi360.org; or
 - 4.1.4. The Office of Compliance and Internal Audit (OCIA) via email at Compliance@fhi360.org.
 - 4.1.5. OCIA’s Ethics and Compliance Hotline (1-800-461-9330 in the US, and +1-720-514-4400 outside the US)
 - 4.1.6. OCIA’s reporting website either with your name or anonymously (<http://www.fhi360.org/anonreportregistry>).
 - 4.1.6.1. Anonymous reports are generally more difficult to investigate due to limited information. FHI 360 Personnel are urged to provide as much detailed information as possible about the conduct, including, if possible, identifying people who were involved or who witnessed the conduct, so long as this will not put the persons identified at risk of immediate harm.
- 4.2. FHI 360 Personnel who are supervisors or hold a position at director level or above are required to promptly, within 24 hours, notify Office of Compliance and Internal Audit (OCIA) or the Office of General Counsel, of any actual or suspected Trafficking in Persons or other violation of this policy that is reported to them, or that they observe or otherwise become aware of. Failure to do so is a violation of this policy and could lead to disciplinary action, up to and including immediate separation of employment.
- 4.3. FHI 360 Personnel and Supplier Personnel who believe they or others have been subjected to prohibited trafficking-related activities may report the activity as outlined above, or may contact the Global Human Trafficking Hotline at 1-844-888-FREE or help@befree.org.
- 4.4. OCIA will investigate all reports of prohibited trafficking-related activity or violations of this policy, take appropriate action, and make any required notifications to government agencies.

5. Non-Retaliation

- 5.1. FHI 360 has a separate policy prohibiting retaliation (Open Door and Non-Retaliation POL 03004). FHI 360 strictly prohibits any retaliation against FHI Personnel who complain about TIP, trafficking-related activity, or other violations of this policy or related procedures, or who participate in any internal or government TIP investigation.
- 5.2. Retaliation occurs when someone penalizes or threatens to penalize another person for reporting or expressing an intent to report what they believe in good faith to be TIP or any other violation of this policy, assisting others in reporting TIP or policy violations, or participating in investigations under this policy.

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- 5.3. Non-retaliation protection includes all Program Participants. No Program Participant or community member will be denied participation in a program or access to aid for reporting suspected or known trafficking-related activity or participating in a TIP investigation.
 - 5.4. Suspected retaliation should be promptly reported via the reporting mechanisms set out in Section 4.
 - 5.5. FHI 360 Personnel who engage in retaliation will be subject to disciplinary action up to and including separation of employment or other relationship with FHI 360.
6. Supplier Obligations and Agreements
- 6.1. All Suppliers and Supplier Personnel must refrain from any conduct that violates this policy. FHI 360 requires that Suppliers uphold the principles of this policy and take steps to prevent Trafficking in Persons or any of the trafficking-related activities prohibited in Section 2 above by Supplier Personnel. Failure to do so may result in termination of Supplier's contractual relationship with FHI 360.
 - 6.2. FHI 360 requires that all Suppliers and Supplier Personnel cooperate fully with investigations of policy violations and provide truthful information to investigators.
 - 6.3. For Supplier contracts and subcontracts subject to the requirements of FAR § 52.222-50 that: (a) are for goods to be acquired or services to be performed outside the U.S., and (b) have an estimated value exceeding \$500,000, FHI 360 will require Suppliers to maintain a written compliance plan and submit periodic certifications in accordance with such requirements, and include appropriate language to that effect in all such Supplier contracts.
7. Consequences of Violations
- 7.1. FHI 360 Personnel who engage in any of the prohibited activities listed above, fail to comply with any applicable compliance plan, fail to report suspected trafficking-related activity or forward a report of suspected trafficking-related activity, or otherwise violate this policy will be subject to disciplinary action, up to and including immediate termination of employment or other relationship with FHI 360.
 - 7.1.1. FHI 360 may take legal action when required, against FHI 360 Personnel who have been found to commit trafficking-related violations, including referral to the relevant authorities for appropriate action, including criminal prosecution, in all relevant jurisdictions.
 - 7.2. If any Suppliers or Supplier Personnel engage in any of the prohibited activities listed above, fail to comply with any applicable contractual language or compliance plan, fail to report suspected trafficking-related activity, or otherwise violate this policy, FHI 360 will take corrective action, up to and including immediate termination of any Supplier contract with FHI 360. Further, FHI 360 may pursue any contractual or other legal or equitable remedies that may be available.

RELATED DOCUMENTS:

1. Policies

- POL 03004 - Open Door and Non-Retaliation

2. Standard Operating Procedures

- N/A

3. Appendices

- APX 01029_01 : Model Anti-Trafficking Compliance Plan

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REFERENCES:

1. FAR Subpart 22.17 – Combating Trafficking in Persons (Jan 2015)
2. FAR 52.222-50 – Combating Trafficking in Persons (Mar 2015)
3. FAR 52.222-56 – Certification Regarding Trafficking In Persons Compliance Plan (Mar 2015)
4. USAID’s Standard Provision M.20 regarding Trafficking In Persons – US Nongovernmental Organizations (April 2016)
5. USAID's Standard Provision M.15 regarding Trafficking In Persons – Non-US Nongovernmental Organizations (April 2016)

POLICY REVISION HISTORY:

POL#	Date Reviewed (DD MMM YYYY)	Summary of Changes
POL 01029	October 2015	New Policy
POL 01029	16 June 2017	Updated Prohibited Activities terminology, clarified investigation responsibility, and added appendix reference
POL 01029	4 JUN 2019	Updated definitions of Supplier and Supplier Personnel. Clarified expectations of Supplier conduct and their obligations. Adjusted language regarding Compliance Plans to match FAR.