



Document Title :

Effective Date :

Author :

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.*

**PURPOSE:**

This policy describes FHI 360’s guiding principles with respect to combating trafficking in persons.

**SCOPE:**

This policy applies to all FHI 360 personnel worldwide, and to all FHI 360 contractors, consultants, suppliers, subcontractors, subrecipients, and their employees and agents.

**DEFINITIONS:**

1. *Commercial Sex Act* – Any sex act on account of which anything of value is given to or received by any person.
2. *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.
3. *Severe Forms of Trafficking in Persons* – (a) Recruiting, harboring, transporting, providing or obtaining a person for the purpose of a commercial sex act, where the act is induced by force, fraud or coercion, or where the person induced to perform the act is less than 18 years of age; or (b) recruiting, harboring, transporting, providing or obtaining a person for labor or services through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
4. *Sex Trafficking* – The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.
5. *Supplier* – Any FHI 360 contractor, consultant, vendor, supplier, subcontractor or subrecipient.
6. *Supplier Personnel* – Employees, consultants, volunteers, agents and other individuals authorized to act on behalf of a Supplier.

**POLICY:**

1. Statement of Policy
  - 1.1 FHI 360 is opposed to all forms of trafficking in persons and is committed to mitigating the risk of trafficking in persons 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 52.222-56 – 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

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2.1 In accordance with U.S. government policy, all FHI 360 employees, Suppliers and Supplier Personnel are strictly prohibited from:

- Engaging in Severe Forms of Trafficking in Persons (as defined above);
- Procuring Commercial Sex Acts involving victims of Sex Trafficking or arising out of or related to Sex Trafficking or other prohibited trafficking-related activity;
- Using Forced Labor in the performance of any U.S. government contract, cooperative agreement or award;
- Destroying, concealing, confiscating, or otherwise denying any employee access to his or her identity or immigration documents, such as passports or drivers' licenses;
- 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);
- Using recruiters that do not comply with the labor laws of the country where recruiting takes place;
- Charging recruitment fees to employees;
- 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 United States;
- 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 United States 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 United States;
- Providing or arranging housing that fails to meet the host country housing and safety standards; and
- 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

3.1 FHI 360 will maintain a written anti-trafficking compliance plan for all U.S. government contracts and subcontracts with an estimated value in excess of \$500,000 that are for supplies to be acquired or services to be performed outside the United States, and for all USAID awards and subawards that exceed an estimated value of \$500,000 ("Covered Agreements").

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- 3.2 The Office of General Counsel will be responsible for working with Contract Management Services, Human Resources (HR) and Purchasing to develop and maintain a written model compliance plan (“Model Compliance Plan”) setting out FHI 360’s standard processes and procedures for enforcing this policy and complying with anti-trafficking requirements as required by applicable law and regulations.
- 3.3 The Model Compliance Plan will presumptively apply to all Covered Agreements, but may need to be adapted or modified in certain cases. The FHI 360 Contracts and Grants Officer for each Covered Agreement will prompt project staff to assess the risk of trafficking activity based on factors such as the number of non-U.S. citizens to be employed and whether the services or supplies involved are susceptible to trafficking in persons, and any need to modify the Model Compliance Plan to make it appropriate to the size and complexity of the Covered Agreement and the nature and scope of the activities.
- 3.4 The Model Compliance Plan will be posted on FHI 360’s Electronic Document Management System, at all FHI 360 worksites, and on fhi360.org.

#### 4. Reporting Requirements and Procedure

- 4.1 All FHI 360 personnel, Suppliers and Supplier Personnel are required to report any suspected trafficking-related activity or violation of this policy to FHI 360. Reports may be made via FHI 360’s anonymous compliance hotline (1-800-318-7153 in the U.S., or 1-561-207-2600 internationally) or anonymous reporting website at <http://www.fhi360.org/anonreportregistry>. In addition, reports may be made to any FHI 360 supervisor, senior Country Office management, or HQ HR representative. Any FHI 360 supervisor, member of senior Country Office management, or HQ HR representative who receives such a report is required to immediately forward the report to FHI 360’s Office of Compliance and Internal Audit or Office of General Counsel.
- 4.2 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](mailto:help@befree.org).
- 4.3 Human Resources will investigate all reports of prohibited trafficking-related activity or violations of this policy and take appropriate action. The Office of Compliance and Internal Audit will make all required notifications to government agencies, as more fully set out in the Model Compliance Plan.
- 4.4 FHI 360 strictly prohibits retaliation against any FHI 360 employee who reports prohibited trafficking-related activity or other violations of this policy, or who cooperates with any internal or government investigations of such reports. Employees may do so without fear of reprisal. FHI 360 personnel who engage in any form of retaliation against those who report prohibited trafficking-related activities or other violations of this policy are subject to disciplinary action, up to and including termination of employment with FHI 360.

#### 5. Consequences of Violations

- 5.1 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.
- 5.2 If any Supplier or Supplier Personnel engages in any of the prohibited activities listed above, fails to comply with any applicable contractual language or compliance plan, fails to report suspected trafficking-related activity, or otherwise violates this policy, FHI 360 will

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take corrective action, up to and including immediate termination of any Supplier contract with FHI 360.

**RELATED DOCUMENTS:**

**1. Policies**

- N/A

**2. Standard Operating Procedures**

- N/A

**3. Appendices**

- N/A

**REFERENCES:**

1. FAR 52.222-50 – Combating Trafficking in Persons (Mar 2015)
2. FAR 52.222-56 – Certification Regarding Trafficking In Persons Compliance Plan (Mar 2015)
3. USAID’s Standard Provision M.20 regarding Trafficking In Persons (Jul 2015)

**POLICY REVISION HISTORY:**

<b>POL#</b>	<b>Date Reviewed</b>	<b>Summary of Changes</b>
POL 01029	October 2015	New Policy