

# **POLICY ON TRAFFICKING IN PERSONS**

## **1. OVERVIEW**

The Public Health Institute (PHI) condemns all forms of trafficking in persons and is committed to mitigating the risk of trafficking in persons in all of PHI's business operations locations. As a program implementing partner of various United States federal government agencies, PHI is committed to full compliance with applicable laws, regulations, rules, and policies that prohibit trafficking in persons. Sources of anti-human trafficking law and regulation include: Executive Order 13627, "Strengthening Protections against Trafficking in Persons in Federal Contracts"; FAR subpart 22.17; FAR 52.222-50; FAR 52.222-56; and the United States Agency for International Development's (USAID) Mandatory Standard Provisions (M20) for US and international non-governmental organizations (NGOs).

## **2. APPLICABILITY**

This policy applies to all PHI Central and Program employees, consultants, PHI subcontractors/subawardees and subcontractor/subawardee employees. All employees and PI/PDs are required to comply with PHI's Trafficking in Persons policy.

Each employee is required to acknowledge being informed about and understanding the PHI Policy on Trafficking in Persons at the time of hire and, thereafter, on a continuing basis.

In addition, PHI will confirm the satisfaction of Combatting Trafficking in Persons (CTIP) trainings by signing and submitting CTIP certifications for projects as required by applicable regulations and award provisions. Upon funder request, project teams should coordinate with the point of contact for their proposal (pre-award) or grant/cooperative agreement/contract (post-award) to obtain CTIP certifications for submission.

## **3. DEFINITIONS**

*"Sex Trafficking"* means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

*"Commercial Sex Act"* means any sex act on account of which anything of value is given to or received by any person.

*"Forced Labor"* means knowingly providing or obtaining the labor or services of a person:

1. By threats of serious harm to, or physical restraint against, that person or another person;
2. By means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or
3. By means of the abuse or threatened abuse of law or the legal process.

*“Recruitment fees”* means fees of any type, including charges, costs, assessments, or other financial obligations, that are associated with the recruiting process, regardless of the time, manner, or location of imposition or collection of the fee.

*“Subcontractor/Subawardee”* means any supplier, distributor, vendor, or firm that furnishes supplies or services to or for a prime contractor or another subcontractor.

*“Subcontract/Subaward”* means any contract with a value of \$500,000 or higher entered into by a subcontractor/Subawardee to furnish supplies or services for performance of a prime contract/cooperative agreement or a subcontract/subaward.

#### **4. POLICY AND COMPLIANCE PLAN**

The following activities are prohibited:

- Engaging in any form of human trafficking
- Procuring commercial sex acts that may be directly associated with PHI, which includes during work hours, while attending off-site functions, and any time in work travel status
- Using forced labor of any kind for any reason
- Destroying, concealing, confiscating, or otherwise denying access by an employee to the employee’s identity or immigration documents, such as passports or drivers’ licenses, regardless of issuing authority
- Using misleading or fraudulent practices during the recruitment of employees or offering of employment, such as failing to disclose, in a format and language accessible to the worker, basic information or making material misrepresentations during the recruitment of employees regarding the key terms and conditions of employment, including wages and fringe benefits, the location of work, the living conditions, housing and associated costs (if employer or agent provided or arranged), any significant cost to be charged to the employee, and, if applicable, the hazardous nature of the work
- Using recruiters that do not comply with local labor laws of the country in which the recruiting takes place
- Charging recruitment fees to employees
- Failing to provide return transportation or pay for the cost of return transportation upon the end of employment:
  - For an employee who is not a national of the country in which the work is taking place and who was brought into that country for the purpose of working on a U.S. Government contract or subcontract (for portions of contracts performed outside the United States)
  - For an employee who is not a United States national and who was brought into the United States for the purpose of working on a U.S. Government contract or subcontract (for portions of contracts performed inside the United States)
- Failure to provide or arrange housing that fails to meet the host country housing and safety standards
- Failure to provide proof of employment or similar work document in writing prior to the employee departing from his or her country of origin.

Posting of Compliance Plans: PHI posts its policy on its external website.

## **4.2 ANTI-TRAFFICKING IN PERSONS COMPLIANCE PLANS FOR PROGRAMS**

To ensure compliance with the regulations applicable to federal awards, PHI has developed a template compliance plan for programs and subawardees that addresses policy requirements, reporting mechanisms, and certification procedures. Such programs are identified using federal regulatory criteria (FAR 52.222-50 Combatting Trafficking in Persons) extending requirements to any portion of a federal contract that:

1. Is for supplies, other than commercially available off-the-shelf items, acquired outside the United States, or services to be performed outside the United States; and
2. Has an estimated value that exceeds \$550,000.

PHI programs subject to federal anti-trafficking certification requirements will liaise with their respective Grants & Contracts Specialists to review the compliance plan and seek additional guidance on Program-specific needs, if any. The template compliance plans can be found on the intranet.

## **4.3 REPORTING REQUIREMENTS**

In addition to reporting suspected, observed, or confirmed trafficking related activities, PHI Personnel should refer victims and survivors of trafficking in persons to local medical, psycho-social, and legal services, where available, and seek additional support from country-specific counter-trafficking organizations by consulting <https://globalmodernslavery.org>.

Additional referral options include:

- The Global Human Trafficking Hotline at +1-844-888-3733 or [help@befree.org](mailto:help@befree.org)
- (Inside the U.S. only) The National Human Trafficking Hotline: 1-888-373-7888 or by texting HELP to 233733 (BEFREE) If PHI receives any credible information regarding a violation listed in this policy, we must immediately notify our funder AO and the USAID Office of the Inspector General; and must fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

## **5. POLICY VIOLATIONS**

Failure to comply with this policy could result in disciplinary action up to and including, but not limited to termination of employment. For PHI subcontractors/subawardees, agents, vendors and their employees, non-compliance could result in remediation up to, including, but not limited to immediate termination of subcontract/ subawardees and/or agreement.