

Functional Area:	Human Resources	P&P No. Human Resources-14 Revision: Original Date: April 22, 2016
Title:	Human Trafficking	

1.0 Purpose:

IFES strictly prohibits the use of forced labor and Human Trafficking in all company operations and in our programs. This policy is designed to ensure that IFES has the proper protocols in place to prohibit, detect and address Human Trafficking by any IFES Representative.

2.0 Scope:

This Policy applies to all IFES regular and temporary employees, project or program partners, consultants, contractors, and interns who work at/for/with IFES (“IFES Representatives”). Country Representatives would include the senior most IFES employees in country or on the project (Chief of Party, Deputy Chief of Party, Technical Director, Advisor, and Project Manager).

3.0 Definitions:

3.1 “Trafficking in persons” or “Human Trafficking means—

The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, without limitation, coercion, debt bondage, commercial sex acts, sex trafficking, or other forms of sexual exploitation, forced labor or services, involuntary servitude and “severe forms of trafficking.”

3.2 “Coercion” means—

- 3.2.1 Threats of serious harm to or physical restraint against any person;
- 3.2.2 Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
- 3.2.3 The abuse of threatened abuse of the legal process.

3.3 “Commercial sex act” means—

Any sex act on account of which anything of value is given to or received by any person.

3.4 “Debt bondage” means—

The status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the

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liquidation of the debt or the length and nature of those services are not respectively limited and defined.

3.5 “Forced Labor” means—

Knowingly providing or obtaining the labor or services of a person—

- 3.5.1 By threats of serious harm to, or physical restraint against, that person or another person;
- 3.5.2 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
- 3.5.3 By means of the abuse threatened abuse of law or the legal process.

3.6 “Involuntary servitude” includes a condition of servitude induced by means of—

- 3.6.1 Any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such conditions, that person or another person would suffer serious harm or physical restraint; or
- 3.6.2 The abuse or threatened abuse of the legal process.

3.7 “Severe forms of trafficking” in persons means—

- 3.7.1 Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- 3.7.2 The recruitment, harboring, transportation, provision, or obtaining of 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.

3.8 “Sex trafficking” means—

The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

4.0 Code of Conduct:

4.1 IFES prohibits trafficking in persons. This includes, but is not limited to, the following trafficking-related activities:

- 4.1.1 Engaging in any form of trafficking in persons in the performance of any work;
- 4.1.2 Procuring commercial sex acts in the performance of any work;

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- 4.1.3 Using forced labor in the performance of any work;
- 4.1.4 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;
- 4.1.5 Using misleading or fraudulent practices during the recruitment of candidates/employees or offering of employment;
- 4.1.6 Using recruiters that do not comply with local labor laws of the country in which the recruiting takes place;
- 4.1.7 Charging applicants/candidates/employees recruitment fees;
- 4.1.8 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 an IFES award, contract, subaward or subcontract (for portions of contracts performed outside the United States), unless the employee is legally permitted to remain in the country of employment and chooses to do so, or if an appropriate agency has exempted this requirement;
- 4.1.9 Failing to provide return transportation or pay for the cost of return transportation upon the end of employment, for an employee who was brought in for the purpose of working on an IFES award, contract, subaward or subcontract (if the payment of such costs is required under existing temporary worker programs or pursuant to a written agreement with the employee), unless the employee is legally permitted to remain in the country of employment and chooses to do so, or if an appropriate agency has exempted this requirement;
- 4.1.10 Providing or arranging housing that fails to meet the host country housing and safety standards; and
- 4.1.11 If required by law or contracts, failing to provide an employment contract, recruitment agreement, or other required work document in writing and in a language the employee understands.

4.2 Roles and Responsibilities:

- 4.2.1 HR investigates fully all complaints of Human Trafficking and policy noncompliance involving IFES Representatives in accordance with the procedure provided below.

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- 4.2.2 HR and other relevant Country Representatives have the responsibility to notify IFES Representatives and prospective employees that IFES, in its sole discretion, and within its rights, may have comprehensive background checks performed, both domestically and internationally. Checks may include criminal searches, education verification and sex offender database search on them (to the extent possible in country).
- 4.2.3 IFES Representatives have a duty to comply with any legal requirements to report alleged trafficking in persons to the appropriate authorities.

5.0 Responsibilities:

5.1 Reporting Process

Effective reporting procedures and plans for handling allegations of misconduct enhance efforts to protect individuals from Human Trafficking. Alleged cases of Human Trafficking should be reported by the concerned individual as per the protocol listed below. The IFES HQ Human Resources and Compliance teams will decide on the appropriate steps. This may include but not be limited to notifying donor partners per donor requirements, and may also include referring the matter to the local authorities for consideration of potential criminal prosecution.

- 5.1.1 You must immediately report:
 - 5.1.1.1 Any behavior that you suspect may involve Human Trafficking, or policy noncompliance by:
 - 5.1.1.2 IFES staff /IFES Representative
 - 5.1.1.3 Personnel of an IFES funded contractor/organization
 - 5.1.1.4 Subawardee /Agent or Subawardee employee
 - 5.1.1.5 Personnel of an IFES donor
 - 5.1.1.6 Any allegation brought to your attention related to Human Trafficking or policy noncompliance by an IFES Representative.
- 5.1.2 What information do I need to provide in the report?

You should provide as much information as possible, including:

 - 5.1.2.1 Date(s) of the incident(s)
 - 5.1.2.2 Name of the organization(s) involved
 - 5.1.2.3 Alleged offenders details, name, location, role
 - 5.1.2.4 Whether local authorities have been informed
 - 5.1.2.5 If it is an IFES activity, name of the activity/project (if known)

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5.1.2.6 Any other relevant information

5.1.3 To whom should I report?

Anyone concerned or informed of allegations of Human Trafficking, or policy noncompliance, must inform his or her supervisor, the HR Director, and the Chief Compliance Officer (“CCO”). If the concerns involve such persons, IFES Representatives must report to one of the following:

5.1.3.1 Board of Directors

5.1.3.2 Chief Executive Officer

5.1.3.3 IFES Representatives may also report to the Global Human Trafficking Hotline at 1-844-888-Free and its email address at help@befree.org

5.1.4 Reporting Process

5.1.4.1 In cases of possible trafficking in persons, every effort should be made to provide the concerned individual with appropriate assistance by immediately reporting the incident. It is essential to avoid delay as inaction may place the concerned individual at further risk.

5.1.4.2 The IFES Representative will notify their supervisor, the CCO and the HR Director at IFES Headquarters who will consult and decide on an appropriate course of investigation. All complaints will be investigated promptly, under the direction of the CCO and the HR Director. The appropriate investigating individual will prepare a written report. The report will include a summary of the allegation, the results of the investigation and a recommendation for appropriate action.

5.1.4.3 Determination of the appropriate action to be taken will be decided by the HR Director, CCO, the Division VP, and the COO or CEO as needed.

5.1.4.4 An IFES Representative who has been brought under investigation by IFES or by official law enforcement authorities for Human Trafficking may have administrative action taken against them and may be suspended during the course of the investigation. The IFES Representative will be informed that charges have been made against him or her and given an opportunity to respond. At the conclusion of an investigation,

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the accused person will be informed of the results of the investigation and what action, if any, will be taken.

5.2 Disciplinary Action

IFES will immediately terminate its relationship with any IFES Representative who is proven to have engaged in trafficking in persons.

5.3 Confidentiality and Retaliation

- 5.3.1 All complaints will be kept as confidential as possible. Matters will be discussed only to the extent necessary to conduct an investigation.
- 5.3.2 Any form of retaliation against any IFES Representative for filing a complaint under this policy or for assisting in a complaint investigation is prohibited.
- 5.3.3 Any IFES Representative who reports an allegation and/or incident in good faith will not be subject to any disciplinary action if the complaint cannot be substantiated.
- 5.3.4 If after investigating a filed complaint it is determined that an IFES Representative has provided false information regarding the complaint, appropriate disciplinary action may be taken against the individual. Any IFES Representative who makes false and malicious accusations will face disciplinary action, up to and including termination of the representative's relationship with IFES.
- 5.3.5 An allegation of trafficking in persons is a serious issue. Information about a Human Trafficking incident may be shared only with people on a "need to know" basis as deemed necessary by the Chief Compliance Officer, VP Programs, Regional Director, and HR Director. Anyone given information regarding the names, identities, allegations, and/or information regarding the investigation, as outlined above is required to maintain confidentiality at all times.

6.0 Interpretations and Exceptions:

Additional information about Trafficking in Persons can be found at the Web site for the Department of State's Office to Monitor and Combat Trafficking in Persons at <http://www.state.gov/j/tip/>.

Any questions or requests for interpretation should be directed to the Director, Human Resources.