

912 Combating Trafficking in Persons

I. Background

The United States Government has adopted a policy prohibiting trafficking in persons. World Council has adopted the zero tolerance policy for human trafficking outlined below.

II. Applicability

This Policy applies to all World Council personnel working on U.S. Government contracts, and those whose functions are associated with work on U.S. Government contracts.

III. Definitions

“Coercion” means-

- (1) Threats of serious harm to or physical restraint against any person;
- (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) The abuse or threatened abuse of the legal process.

“Commercial sex act” means any sex act on account of which anything of value is given to or received by any person.

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

“Employee” means an employee of the Contractor directly engaged in the performance of work under the contract who has other than a minimal impact or involvement in contract performance.

“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.

“Involuntary servitude” includes a condition of servitude induced by means of-

- (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
- (2) The abuse or threatened abuse of the legal process.

“Severe forms of trafficking in persons” means-

- (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
- (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.

“Sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

IV. Statement of Policy

World Council has adopted a zero tolerance policy regarding trafficking in persons. World Council, World Council employees, and the employees of subcontractors performing work for World Council, shall not:

- (1) Engage in severe forms of trafficking in persons during the period of performance of the contract;
- (2) Procure commercial sex acts during the period of performance of the contract;
- (3) Use forced labor in the performance of the contract;
- (4) Destroy, conceal, confiscate, or otherwise deny access by an employee to the employee’s identity or immigration documents, such as passports or drivers’ licenses, regardless of issuing authority;
- (5)(i) Use 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;
(ii) Use recruiters that do not comply with local labor laws of the country in which the recruiting takes place;
- (6) Charge employees recruitment fees;
- (7)(i) Fail to provide return transportation or pay for the cost of return transportation upon the end of employment-
 - (A) 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); or
 - (B) 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, if the payment of such costs is required under existing temporary worker programs or pursuant to a written agreement with the employee (for portions of contracts performed inside the United States); except that-
 - (ii) The requirements of paragraphs (b)(7)(i) of this clause shall not apply to an employee who is-
 - (A) Legally permitted to remain in the country of employment and who chooses to do so; or
 - (B) Exempted by an authorized official of the contracting agency from the requirement to provide return transportation or pay for the cost of return transportation;
 - (iii) The requirements of paragraph (b)(7)(i) of this clause are modified for a victim of trafficking in persons who is seeking victim services or legal redress in the country of employment, or for a witness in an enforcement action related to trafficking in persons. The contractor shall provide the return transportation or pay the cost of return transportation in a way that does not obstruct the victim services, legal redress, or witness activity. For example, the contractor shall not only offer return transportation to a witness at a time when the witness is still needed to testify. This paragraph does not apply when the exemptions at paragraph (b)(7)(ii) of this clause apply.

(8) Provide or arrange housing that fails to meet the host country housing and safety standards; or

(9) If required by law or contract, fail to provide an employment contract, recruitment agreement, or other required work document in writing. Such written work document shall be in a language the employee understands. If the employee must relocate to perform the work, the work document shall be provided to the employee at least five days prior to the employee relocating. The employee's work document shall include, but is not limited to, details about work description, wages, prohibition on charging recruitment fees, work location(s), 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.

V. Consequences of Violating Policy

World Council may, at its sole discretion, take the following actions against employees for violations of this policy.

- a. Remove the violating employee from work on U.S. Government contracts;
- b. Reduce the violating employees benefits; or
- c. Terminate the violating employee's employment.

VI. Subcontracting

Subcontractors must comply, where applicable, with the anti-trafficking requirements detailed at FAR § 52.222-50 and FAR § 52.222-56.

Failure to comply with the requirements of any anti-trafficking law or regulation will result in swift action by World Council, up to and including immediate termination of any subcontract with World Council, as well as potential suspension and debarment by the Government.

Pursuant to FAR 52.222-50(h) and (i), if a World Council subcontractor is required to submit a certification of compliance, it must provide World Council with a copy of its anti-trafficking compliance plan and any implementing policies when requested, and, prior to subcontract award, certify that it has implemented a compliance plan to prevent any prohibited activities in FAR 52.222-50. It must also certify that it will monitor, detect, and terminate any agent, subcontract or subcontractor employee engaging in prohibited activities, and, after having conducted due diligence, either (a) to the best of the subcontractor's knowledge and belief, neither it nor any of its agents, subcontractors, or their agents is engaged in any such activities; or (b) if abuses relating to any of the prohibited activities have been found, the subcontractor, or its lower-tier subcontractor, has taken the appropriate remedial and referral actions.

Subcontractors' compliance plans must meet the minimum requirements in FAR 52.222-50(h), and be sufficiently tailored with respect to the size and complexity of the contract under which employees will work, and to the nature and scope of the activities to be performed for the government, including the number of non-U.S. citizens expected to be employed and the risk that the contract or subcontract will involve services or supplies susceptible to trafficking in persons.

World Council will monitor subcontractors' conduct based on the risk of trafficking in persons related to the particular product or service being acquired.

Where World Council has access and it is determined appropriate, World Council will inspect for signs of trafficking in persons at the workplace, and if housing is provided, inspect the housing conditions.

Subcontractors must agree to monitor trafficking-related activities, and to inspection and audit by World Council. Any suspected activity will be investigated and reported pursuant to this plan and legal requirements.

Where World Council subcontractors are remotely located, and for lower tier subcontractors, World Council will review the plans and certifications of its subcontractors to ensure they include adequate monitoring procedures. These plans must be made available upon request

VII. Reporting

Employees may report, without fear of retaliation, activity inconsistent with this policy prohibiting human trafficking by sending an anonymous email through Whistleblower Reporting System at: <https://central.woccu.org/> or by contacting General Counsel at medwards@woccu.org.

In addition, employees may report directly via email or phone to the Global Human Trafficking Hotline as follows: Email: help@befree.org; or Phone: 1-844-888-FREE

VIII. Additional Information

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/> .