

**LUTHERAN WORLD RELIEF (LWR) AND IMA WORLD HEALTH (IMA)
COMBATting TRAFFICKING IN PERSONS POLICY**

Owner:	Grants, Contracts & Compliance (GCC) Department	Effective:	7/15/2019
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Version:	1	Status:	Final

Approved By:

Signature: _____ Date: 15 July 2019 _____

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The Lutheran World Relief (“LWR”) and IMA World Health (“IMA”) Combating Trafficking in Persons Policy (“TIP Policy”) was adopted on July 15, 2019 in accordance with United States law on Trafficking in Persons. This policy was developed by Zaneta Kific, Senior Director Grants, Contracts, Compliance and Procurement and Lisa Williams, Contracts Director and reviewed by staff in International Programs, Finance & Administration and Human Resources.

SECTION 1 – PURPOSE AND SCOPE

PURPOSE

The LWR and IMA TIP Policy is the organizations guiding principles on trafficking in persons and describes LWRs and IMAs commitment to monitor, detect and act against any behavior that is not in accordance with the principles outlined in this policy. LWR and IMA are committed to ensuring procedures are in place to prevent employees, volunteers, interns, seconded employees, subawardees and their employees (at any tier) and any other agents working with LWR or IMA from engaging in trafficking in persons activities or engaging in acts that directly support or advance trafficking in persons. The U.S. Government has zero-tolerance regarding trafficking in persons by government contractors and award recipients. LWR and IMA comply with all applicable Combating Trafficking in Persons regulations.

SCOPE

This policy applies to all LWR and IMA employees, volunteers, interns, seconded employees, subawardees and their employees (at any tier) and any agents or other individuals working with or associated with LWR or IMA projects and communities and has been written to ensure that they conduct themselves with the highest standards of professional and personal conduct and do not engage in acts that directly support or advance trafficking in persons.

SECTION 2 – DEFINITIONS

Agent: any individual, including a director, an officer, an employee, or an independent contractor, who is authorized to act on behalf of the organization.

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

Debt bondage: the use of debt or other threats of financial harm as a form of coercion.

Forced Labor: knowingly providing or obtaining the labor or services of a person by threats of serious harm to, or physical restraint against, that person or another person; 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 restraints; or by means of abuse or threatened abuse of law or the legal process.

Labor trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, using force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Trafficking in persons: under U.S. federal law includes both sex trafficking and labor trafficking.

Sex trafficking: the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age.

Subawardees: for purposes of this policy, subawardees include subrecipients, subcontractors, consultants or suppliers.

SECTION 3 - POLICY

LWR and IMA strictly prohibit its employees, subawardees and their employees (at any tier), volunteers, interns, seconded employees, and any other agents working with or associated with LWR or IMA projects and communities from:

- 1) Engaging in any form of trafficking in persons;
- 2) Procuring commercial sex acts;
- 3) Using trafficked labor, or forced labor, at any time for any reason;
- 4) Acts that directly support or advance trafficking in persons, including the following:
 - destroying, concealing, confiscating, or otherwise denying an employee or agent access to his or her identity or immigration documents, to include passports, drivers' licenses and/or national ID cards regardless of issuing authority;
 - using misleading or fraudulent practices during the recruitment of employees or employment offering, such as failing to disclose, in a format and language accessible to the employee, basic information, or making material misrepresentations during the recruitment of employees regarding the key terms and conditions of employment, including wages and benefits, the location of work, the living conditions, housing and associated costs (if employer or agent provided or arranged), any significant costs to be charged to the employee, and, if applicable, the hazardous nature of the work;
 - using recruiters that have practices that are not in compliance with the local labor laws of the country in which the recruiting takes place;
 - charging recruitment fees to applicants, candidates or employees;
 - failing to provide return transportation or pay for return transportation costs upon the end of employment, for certain employees who are not nationals of the country in which the work is taking place and who were brought into the country, unless:
 - a) Exempted from this requirement by USAID or any other federal Government agencies under the award or contract, or
 - b) The employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action;
 - providing or arranging for housing that fails to meet the host country housing and safety standards; and
 - if required by law or by contract, failing to provide an employment contract, recruitment agreement, or other legally required work document in writing and in a language the employee understands, containing a detailed description of the

terms and conditions of employment, at least five days before an employee relocates to perform work.

SECTION 4 – COMBATting TIP ACTIONS

- LWR and IMA employees, volunteers, interns, and seconded employees are responsible for signing the “Combating TIP Policy Acknowledgement and Acceptance form” (last page of this policy document, Section 10) and in doing so agree to comply with and be bound by the policy, and any revisions, for the duration of their employment and or engagement with LWR and IMA.
- This policy is referenced in all LWR and IMA employment manuals and handbooks, and a provision is included in all subcontracts, subagreements and service agreements/contracts.
- A hard copy of this policy and relevant compliance plan can be found in a policy binder in LWR and IMA country offices and is available on the LWR and IMA SharePoint site which is available to all staff.
- Training material along with guidance for trainings are available to inform LWR and IMA staff about this TIP Policy; including, a summary of the U.S. Government’s policy prohibiting trafficking related activities, how to report a violation (anonymously or otherwise), protection from retaliation, what is meant by “good faith”, LWRs and IMAs guarantee about anti-retaliation and actions that will be taken against the individual for violations.
- The script is translated and allows the training to take place in a language each employee understands. A verbal explanation of the contents is made available upon request to individuals who are unable to read printed information.
- All new employees will receive the LWR and IMA TIP Policy at new hire orientation and will sign the Acknowledgement and Acceptance form.

SECTION 5 – PLAN FOR COMPLIANCE

- LWR and IMA developed a Combating TIP Compliance Plan, which is required under all United States government funded grants, cooperative agreements, contracts and subawards with an estimated value of the services required to be performed outside the United States that exceeds \$500,000;
- The Compliance Plan sets out LWRs and IMAs standard processes and procedures for monitoring and enforcing this TIP policy and complying with all applicable laws and regulations and will be provided to the contracting or grant officer upon request;
- The Compliance Plan will be adapted and modified for each project to ensure appropriateness based on the size and complexity of the cooperative agreement, award, subaward, contract or subcontract, risk factors for trafficking based on location, beneficiary population, the nature and scope of the activities to be performed for the government and other factors deemed appropriate and relevant;
- LWR and IMA will submit annual certifications to the contracting officer / agreement officer during performance of federally funded grants, cooperative agreements, contracts or subawards when a compliance plan was required as a part of an award;

- LWR and IMA will require subawardees who receive federal funds of \$500,000 or more to provide a copy of their Compliance Plan prepared in accordance with this policy and the Anti-Trafficking Provisions;
- LWR and IMA will require annual certifications from subawardees during performance of the subcontract or subagreement, when a compliance plan was required as a part of an award;

SECTION 6 – RESPONSIBILITIES

- **All LWR and IMA employees** are responsible for adherence to this TIP policy and for raising any concerns or reporting violations of this policy in accordance with the reporting procedures as described in Section 7 of this policy below.
- **Programs Department** - the Regional Program Manager, Country Lead or equivalent position responsible for grants (for each region) in consultation with the Grants, Contracts and Compliance (GCC) Department will:
 - adapt and modify the LWR and IMA Compliance Plan for each project to ensure appropriateness based on the size and complexity of the grant, cooperative agreement, contract or subaward, risk factors for trafficking based on location, beneficiary population, the nature and scope of the activities to be performed for the government and other factors deemed appropriate and relevant;
 - share the LWR and IMA Compliance Plan with the contracting or agreement officer for awards or contracts that exceed \$500,000 in federal funding upon request;
 - ensure all LWR and IMA subawardees and third parties working with or associated with LWR and IMA projects understand their obligations as they relate to this policy;
 - request a Compliance plan prepared in accordance with the Anti-Trafficking Provisions from subawardees who receive federal funds of \$500,000 or more;
 - submit subawardee compliance plans to the contracting or agreement officer upon request and save to HQ files;
 - request annual certifications from subawardees during performance of the subcontract or subagreement, when a compliance plan was required as a part of an award;
 - respond to all requests from the contracting or agreement officer and collaborate with Human Resources, GCC and other officials and/or departments as needed.
- **Grants, Contracts and Compliance (GCC) Department** will:
 - submit annual certifications to the contracting or agreement officer upon request during performance of federally funded awards and contracts when a compliance plan was required as a part of an award;
 - submit annual certifications from subawardees to the contracting or agreement officer upon request during performance of the subcontract or subagreement, when a compliance plan was required as a part of an award;
 - notify the respective Federal Agency's contracting officer or agreement officer and Inspector General immediately upon receipt of any credible information regarding a violation.

- train staff on LWRs and IMAs TIP policy.
- **Human Resources** will:
 - obtain and maintain executed Combating TIP Policy Acknowledgement and Acceptance forms from all new employees, consultants, volunteers, interns, and seconded employees;
 - ensure investigation into reports of violations of this policy take place

SECTION 7 – REPORTING AND INVESTIGATION

All LWR and IMA employees, and volunteers, interns, seconded employees, subawardees and their employees, and any other agents working with or associated with LWR and IMA projects and communities are obligated to report known or suspected violations of this policy without fear of retaliation. If an employee fails to report a suspected violation, she or he may be subject to disciplinary action, up to and including termination of employment.

Any activity that is inconsistent with the LWR and IMA Combating TIP Policy must be reported to the appropriate Director, Chief of Party or Regional Director who is then responsible for informing the Vice President of Human Resources.

Reports may be made directly to these individuals, to the LWR and IMA Ethics Reporting Hotline or through the web-based reporting system at, **lwr.org/inform**. Individuals may independently report concerns about violations of this policy via the LWR and IMA Ethics Reporting webpage found at: **lwr.org/inform**. For those individuals located in the United States you have the option to call toll-free 1-800-461-9330 to report a suspected violation with the help of a Convercent call center representative. For those individuals located outside of the United States, a toll-free telephone number is available in many of the countries where LWR and IMA have operations. You may also place a collect call to +1-720-514-4400. A Convercent call center representative is available to help you along with a language interpreter. The call center supports more than 300+ languages. Additional international dialing instructions can be displayed in your preferred language at **lwr.org/inform**.

LWR and IMA employees as well as the employees of subawardees who believe they or others have been subjected to prohibited anti-trafficking-related activities must report the activity as outlined above, and may also contact the Global Human Trafficking Hotline at 1-844-888-3733 (“FREE”), send an email to help@befree.org, or send a text message to 233733 (BEFREE). These resources are not connected to LWR or IMA.

Reports may be made anonymously; however, anonymous reports must contain enough detailed information to permit the organization to investigate. Anyone filing a report of a suspected violation of this policy is protected from acts of retaliation if the report was made in good faith.

Human Resources will investigate all reports of violations of this TIP policy and take necessary corrective action. Investigations will be acted upon in confidence to the maximum extent possible given legal requirements and the need to gather facts. LWR and IMA will cooperate

fully with all government and enforcement agencies to conduct assessments, investigations and will report all suspected trafficking and other violations of the law, including, where applicable, immediate disclosure to the federal agency contracting or grant officer and law enforcement.

As stated above, no person who in good faith reports a violation of this policy will be discharged, threatened, discriminated against or suffer any form of retaliation, nor will he or she suffer an adverse employment consequence because of filing a report. Any employee who retaliates against someone who has reported a violation of this policy is subject to discipline up to and including termination of employment. LWR and IMA will make an effort to protect all employees suspected of being victims of, or witnesses to, prohibited activities, and shall not prevent or hinder the ability of these employees from cooperating fully with government authorities.

Anyone filing an allegation of violation of this policy must be acting in good faith and have reasonable grounds for believing that the information disclosed indicated a violation of this policy and/or trafficking laws. Any allegations that prove to be false, or unsubstantiated, and which prove to have been made maliciously, will be viewed as a serious offense requiring disciplinary action up to and including termination of employment.

SECTION 8 – CONSEQUENCES OF VIOLATIONS

Following an investigation, LWR and IMA will take appropriate remedial and disciplinary action as it deems justified by the circumstances, possibly including termination of employment or removal from office, actions to seek restitution, disclosure to relevant legal authorities or criminal prosecution. Any LWR and IMA consultant, volunteer, intern or seconded employee who is found guilty of having violated this policy will be immediately dismissed from their engagement with LWR and IMA. LWR and IMA will follow-up with a review of any uncovered misconduct and introduce preventive measure to reduce the risk of reoccurrence.

The failure of LWR and IMA subawardees to comply with the requirements of this policy may result in: 1) requiring the subawardee to remove an individual, or individuals, from the performance of a contract, 2) requiring the subawardee to terminate the contract, 3) suspending payments until the subawardee has taken appropriate remedial action, 4) loss of award fee for the performance period in which the Government determined the subawardee non-compliance, declining to exercise available options under the federal contract, or 5) termination of the contract for default or cause or suspension or debarment.

SECTION 9 – REFERENCES

Executive Order 13627, “Strengthening Protections Against Trafficking in Persons in Federal Contracts” (dated 25 September 2012);
FAR Subpart 22.17-Combatting Trafficking in Persons;
48 FAR 52.222-50 Combating Trafficking in Persons;
FAR 52.222-56 Certification Regarding Trafficking in Persons Compliance Plan;
Title 2 CFR PART 175 Award Term for Trafficking in Persons;

USAID's Standard Provisions regarding Trafficking in Persons;
U.K. Government's Modern Slavery Act 2015
Faith Alliance against Slavery and Trafficking
Federal Anti-Trafficking Laws including the Trafficking Victims Protection Act (TVPA) of 2000
which was reauthorized through the Trafficking Victims Protection Reauthorization Act (TVPRA)
of 2003, 2005, 2008 and 2013

SECTION 10 – ACKNOWLEDGEMENT AND ACCEPTANCE

Combating Trafficking in Persons Policy

I _____ certify and acknowledge the following:

I have received a copy of the Lutheran World Relief and IMA World Health Combatting Trafficking in Persons Policy.

I understand this policy is subject to change or may be revised by the Grants, Contracts and Compliance Department.

I understand that it is my responsibility to read and comply with this policy, and any revisions, and that I am bound by the provisions contained within.

I understand that my continued employment or engagement with LWR and IMA is contingent on compliance with this policy.

Print Name: -----

Date: -----

Job Title: -----

Signature: -----