



COMBATING TRAFFICKING IN PERSON (TIP) POLICY
AND
COMPLIANCE PLAN

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I. PURPOSE AND CONTEXT

IMA World Health (“IMA” or the “Organization”) believes all people have the right to lead healthy and productive lives. Our vision of health, healing and well-being for all is based on the call to serve one another. The founding members of IMA, chose to be intentionally ecumenical to provide health services and to build healthy communities around the world.

This policy statement is a public affirmation that as individuals and an organization, IMA is committed to do the right thing in every aspect of our work. Our commitment to ethics and integrity has been and will continue to be a defining characteristic of our organization, and will remain at the core of our success in the future.

To that end, we expect our business partners to conduct themselves with the same standards of integrity. IMA respond to those in need overseas and currently operates in six countries in Africa, South East Asia and Caribbean. Local Staff, Partners, Beneficiaries and Communities in these countries are not immune to human trafficking and as such, IMA is committed to protecting and advancing human rights in all our program areas.

Human trafficking is a form of modern slavery -- a multi-billion dollar criminal industry that denies freedom to 20.9 million people around the world. And no matter where you live, chances are it's happening nearby. From the girl forced into prostitution at a truck stop, to the man discovered in a restaurant kitchen, stripped of his passport and held against his will. All trafficking victims share one essential experience: the loss of freedom.

Human trafficking is a \$32 Billion / year industry¹.

Double the population of New York. There is more than four times the slaves today in the world than there was in the United States in 1860².

More than a quarter are under 18. It’s heartbreaking that an estimated 26% of modern day slaves are children. 22% of modern slaves are in the Sex Industry³.

It’s happening in your backyard. Every single country deals with Human Trafficking. In the US human trafficking has been reported in all 50 states⁴.

¹ Each Year over \$32 billion is generated by human traffickers State of California Department of Justice, Office of the Attorney General. <https://oag.ca.gov/human-trafficking> – Accessed July 7, 2016

² 20 Million Enslaved International Labour Organization. “ILO 2012 global estimate of forced labour, Executive summary” – 2012

³ 26% of modern day slaves are children International Labour Organization. “ILO 2012 global estimate of forced labour, Executive summary” – 2012

⁴ Cases of human trafficking in the U.S. have been reported in all 50 states... Source: Human Trafficking of Children in the United States A Fact Sheet for Schools. Department of Education. from: http://rems.ed.gov/docs/ED_HumanTrafficking_FactSheet.pdf – Accessed October 31, 2012

Human trafficking is a global problem of epidemic proportions. Not one inhabited continent is untouched by it. Hundreds of thousands of U.S. citizens have been estimated to be at risk of commercial sexual exploitation⁵.

II. DEFINITIONS

Employee – for purposes of this policy, an employee is an individual who is engaged in the performance of an award as a direct employee, consultant, or volunteer of the recipient or any subawardees.

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

CO or AO – Contract Officer or Agreement Officer for respective federal agency, as noted in the award.

Country Leads – IMA Country Directors, Chief of Parties and or Team Leaders.

Trafficking in persons - the recruitment, transportation, transfer, harboring or receipt of persons by means of threat or use of force; or other forms of coercion, abduction, fraud, deception, the abuse of power, 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 shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant where any of the means set forth above have been used.

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

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

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 restraint; or by means of the abuse or threatened abuse of law or the legal process.

⁵ Hundreds of thousands of US Citizens Source: Human Trafficking, What Is It? from: <https://www.bloomu.edu/documents/wrc/Trafficking.pdf> – Accessed July 11, 2016

III. POLICY STATEMENT

- A. IMA World Health takes protection against trafficking, including child protection, very seriously. IMA treats others with respect and dignity, encourages diversity and diverse opinions, provides safe working conditions and promotes equal opportunity for all. In addition, the United States Government also maintains a zero tolerance policy for human trafficking. This Policy will specifically ensure IMA's compliance with US Government Policies and Regulations as far as combating trafficking in persons is concerned and other Donor's requirements to the maximum extent possible.
- B. IMA has adopted a zero tolerance policy for human trafficking and as such, IMA employees, subawardees, or subawards (at any tier) or their employees, labor recruiters, brokers, or other agents, must not:
1. Engage in trafficking in persons as defined above (section II Definition);
 2. Procure commercial sex acts;
 3. Use forced labor in the performance of the award;
 4. Directly support or advance trafficking in persons, including:
 - i. Destroying, concealing, confiscating, or otherwise denying access by an employee to the employee's identity or immigration documents;
 - ii. Failing to provide return transportation or pay for the cost of return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless
 - a. exempted from this requirement by USAID or any other federal Government agencies under the award, 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;
 - iii. 1) 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; 2) or use recruiters that do not comply with local labor laws of the country in which the recruiting takes place;
 - iv. Charging employees recruitment fees; or

- v. Providing or arranging housing that fails to meet the host country housing and safety standards, or as is recognized in the Universal Declaration of Human Rights and International Covenant on Economic, Social and Cultural Rights.
- C. Upon receipt of credible information regarding a violation listed in section b (1) – (4) above, IMA, led by the Chief Operating Officer, will immediately notify the Award’s Agreement Officer and USAID Office of the Inspector General; and will fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.
- D. IMA will include in all subawards a provision prohibiting the conduct listed in section b in 1-4 above, by the subawardees or any of their employees, or any agents. IMA will also include a provision authorizing IMA to terminate the subaward as described in section IV of this policy.

IV. DISCIPLINARY ACTION

IMA will take appropriate action against employees, subawardees and their employees and agents that violate this policy and plan, which action may include, but is not limited to, the following as applicable:

- 1) Termination of Employment;
- 2) Requiring the subawardees to remove an employee from the performance of work under the grant, contract, or cooperative agreement;
- 3) Requiring the subawardees to terminate a lower tier subaward;
- 4) Suspending payments under the subawardees agreement until such time as the subawardee has taken appropriate remedial action; or
- 5) Terminating the subawardees Agreement for default or cause, in accordance with the termination clause of agreement or requiring the Subawardees to terminate a lower tier subaward.
- 6) Refer and report the violation of Subawardee or its employee and agent to appropriate federal agency for suspension and or debarment.

V. RESPONSIBILITIES

All IMA World Health employees as defined in this policy – adherence to the policy and raise any concerns around trafficking.

Chief Operating Officer (COO) – must be informed of any issues relating to child protection/human trafficking. Upon receipt of any credible information regarding a violation, COO will immediately notify the respective Federal Agency’s AO or CO and Inspector General.

Grants, Contract & Compliance Unit (GCC) - will share responsibility of: (1) training new staff on IMA's TIP policy and that the policy is shared with all relevant offices; (2) completing and filing the required annual certification with the Agreement Officer of record; (3) Sharing IMA TIP Compliance plan with respective CO or AO for awards exceeding \$500,000 ; and (4) flowing down all TIP requirements to all subawardees and request for a compliance plan for subawards exceeding \$500,000.

The Business Development Unit – will share the responsibility, with technical support from GCC unit: (1) ensuring that counter-trafficking policies are known to third parties; (2) vetting third parties; and (3) obtaining certifications from third parties at the proposal development stage. Third parties include suppliers, consultants, subawardees, and or recruiting agents whom IMA will engage or invite to participate in new funding opportunities.

Country Leads – will share the responsibility with IMA HQ GCC Unit, ensuring that IMA compliance plan is appropriate to the size and complexity of the award and to the nature and scope of the activities, including the number of non-United States citizens expected to be employed.

VI. APPLICABILITY

IMA's TIP policy applies to all employees, including direct employees, consultants, and volunteers. It also applies to subawardees whose agreements are valued at over \$500,000.

Where applicable, IMA includes the relevant acquisition and assistance clauses in all subawardees agreements and recruiting agents as listed in section VII (References).

VII. REFERENCES

- Trafficking in Persons (April 2016) – Standard Provisions for Nongovernmental Organizations, Section M20;
- 48 CFR 52.222-50 – Combating Trafficking in Persons (January 2015);
- FAR Subpart 22.17—Combating Trafficking in Persons

VIII. COMPLIANCE PLAN

1. Purpose

IMA has established the following compliance plan in compliance with FAR subpart 22.17 and USAID Standard Provision, (M20), for U.S. Nongovernmental Organization (“Trafficking In Persons – April 2016”).

The purpose of this Plan is to set out IMA's policies and procedures for: (1) making IMA employees aware of the conduct prohibited under IMA policy on Trafficking In Person and the actions that may be taken against employees for violations; (2) employing fair

recruitment, wage and housing practices; and (3) preventing prohibited trafficking activity by subawardees, and monitoring, detecting and terminating those who engage in such activities.

2. Applicability

This Plan sets out IMA's standards to combat trafficking in persons and applies presumptively to all U.S. Government grants, contracts, cooperative agreements and subawards with an estimated value of \$500,000 or more.

3. Employee Awareness Program

All IMA employees will be required to attend a training event introducing the policy and promoting awareness of trafficking activities prior to commencing work under the contract, grant or cooperative agreement, and then again every three years. As a result of the training, attendees will be able to define trafficking in persons; identify where TIP occurs around the globe; describe the roles and motivations of parties involved in TIP; understand the legal framework governing TIP; state what USG clients expect from IMA employees to combat TIP; explain IMA's TIP compliance policy; and know the steps to prevent, recognize, and report trafficking activities. The training would be available in English as well as in French.

4. Recruitment and Wage Plan

- IMA prohibits the use of any misleading or fraudulent recruitment practices during the recruitment of employees or offering of employment to employees.
- IMA must fully and accurately disclose, in a format and language accessible to the employee, all key terms and conditions of employment, including wages and benefits, work location, living conditions, housing and associated costs, and, if applicable, the hazardous nature of the work.
- IMA prohibits the use of recruiters that do not have trained employees, or that do not comply with all labor laws of the country where the recruitment takes place.
- IMA prohibits charging recruitment fees to any employee.
- All employees are presented a written employment contract in the official language of that country.
- Employees hired in Country Offices are paid per established salary scale and fringe benefits that meet or exceed local labor law or explains any variance.
- IMA prohibits destroying, concealing, confiscating or otherwise denying any employee access to his or her identity or immigration documents.
- IMA will provide or pay the cost of return transportation at the end of employment for any employee who is not a national of the country where the work took place and was brought into that country by IMA for purposes of working on a US Government contract or award.

5. Housing Plan

In situations where IMA provides housing to employees, the housing will meet host country housing and safety standards.

6. Subawardees

All IMA Subawardees or any of their employees or any agents, must agree to comply with the combating Trafficking In Person Policy in accordance with FAR 22.17 and or USAID Standard Provisions – M20, where applicable. IMA will include in all subawards agreement a provision prohibiting the conduct described in section b (1)-(4) of IMA’s TIP Policy, by the subawardees or any of their employees, or any agents. IMA will also include a provision authorizing IMA to terminate the subaward as described in section IV of IMA TIP Policy.

Subawardees whose funding exceeds \$500,000 must provide an annual certification to IMA, confirming that they have a TIP compliance plan and that their employees received trainings on combating Trafficking in Person prior to initial performance of the agreement and annually thereafter. The certification should at minimum states the following:

(1) Subawardee has implemented a compliance plan to prevent any prohibited activities identified in paragraph c. of the clause Mandatory Provision M20, Trafficking in Persons, and to monitor, detect, and terminate any agent, or lower tier Subawards or lower tier subawardees employees engaging in prohibited activities identified at paragraph a.(1)-(4) of the clause in M20, Trafficking in Persons; and

(2) After having conducted due diligence, either:

- To the best of the Subawardees’ knowledge and belief, neither it nor any of its proposed agents, subawardees or their employees is engaged in any such activities; or
- If abuses relating to any of the prohibited activities identified in M20.a.(1)-(4) have been found, the Subawardee or proposed Subawardee has taken the appropriate remedial and referral actions.

If Subawardees fail to comply with the policy or applicable combating trafficking provisions, IMA will take appropriate action to remediate the violation and prevent future violations, including but not limited to the actions as listed in section of IV of IMA’s TIP policy.

7. Reporting

It is a priority of IMA that it and its employees act ethically and legally. It is therefore very important that any illegal activity or violations of the TIP Policy be promptly brought to the organization’s attention. All IMA employee and subawardee employees are required to report suspected trafficking-related activity to IMA, without fear of retaliation, to be contacted at 202-888-6200 or hotline@imaworldhealth.org.

IMA and Subawardees’ personnel who believe they or others have been subjected to prohibited trafficking-related activities must report the activity as outlined above, and may also contact the Global Human Trafficking Hotline at 1-844-BE-FREE or help@befree.org

IMA employees may report illegal acts or a violation of this policy anonymously. However, anonymous reports must contain enough detailed information to permit the organization to investigate.

No reprisals or disciplinary action will be taken or permitted against employees for good faith reporting or cooperating in the investigation of illegal acts or violations of this policy. It is a violation of this policy for any IMA employee to punish or conduct reprisals against another employee for making a good faith report or cooperating in the investigation of illegal acts or violations of the TIP Policy.

8. Investigation

It is IMA's policy to promptly and appropriately investigate reports of illegal activity or violations of the Combating Trafficking in Persons Policy. IMA employees must cooperate with these investigations. It is a violation of this policy for IMA employees to prevent, hinder, or delay discovery and full investigation of illegal acts or violations of this Code. To the extent practicable under the circumstances, IMA will take reasonable precautions to maintain the confidentiality of those individuals who report illegal activity or violations of this Code and of those individuals involved in the alleged improper activity, whether or not it turns out that improper acts occurred.

Upon receipt of credible information about a violation, IMA's COO will be responsible for immediately notifying the AO or CO of the respective federal agency and the Inspector General on the information received and any resulting remedial action taken.

IMA will cooperate fully with any US Government agencies responsible for any investigations, audits or corrective actions relating to combating trafficking in persons; including, but not limited to, providing timely and complete responses to document requests, and providing reasonable access to IMA's facilities and staff.

9. Posting

This policy and plan shall be posted (i) at the workplaces in HQ and Country Offices, performing work under a federal contract, grants or cooperative agreements and (ii) on IMA World Health website at www.imaworldhealth.org