



PROTECTIONS AGAINST TRAFFICKING IN PERSONS

Introduction and Framing

The Federal Acquisition Regulation (FAR) “Ending Trafficking in Persons,” requires contractors to the federal government of the United States to take concrete steps to address and prevent human trafficking in their supply chains.

Specifically, contractors, subcontractors, and their agents are prohibited from trafficking in persons or trafficking-related activities, such as charging workers recruitment fees, destroying, concealing, confiscating, or otherwise denying access by an employee to their identity documents, using misleading or fraudulent recruitment practices, and procuring commercial sex, among other things. Companies with contracts performed outside of the United States and for amounts over USD 500,000 are required to submit compliance plans and to certify — prior to contract award and annually thereafter during the contract performance period — that they have implemented the specified compliance plan.

With support from the U.S. Department of State Office to Combat Trafficking in Persons, Verité has developed the following suite of tools, which build out the core set of generic tools (available at:

responsiblesourcingtool.org/workerprotection), to address the specific risks faced by companies with facilities services in their supply chains. These 13 tools take into consideration both the nature of the facilities services supply chains and the common risks to workers in the sector.

These workers are often at heightened risk for human trafficking and other serious labor rights abuses due to a variety of factors that include deceptive recruitment practices, indebtedness to labor recruiters or employers, exclusion from social and legal support mechanisms, and dependence on employers to maintain their legal status.

Unlike workers in industry sectors where the work is performed at the employer’s worksite, most facilities services employees work at one or more worksites owned and operated by a direct client of the facilities services provider (such as a factory owner) or by a tenant of the client company, typical of an office building where the building is owned by a real estate company and leased to multiple tenants. Because of this, facilities services workers may be exposed to hazards and labor rights abuses not entirely under the control of their employer, such as health

and safety hazards, harassment and abuse by client or tenant company employees, and limited freedom of movement caused by client company restrictions.

Regardless of the work environment, by far the most significant risk of human trafficking in the sector derives from the supply of labor.

All of the tools presented on responsiblesourcingtool.org are organized into three main categories:

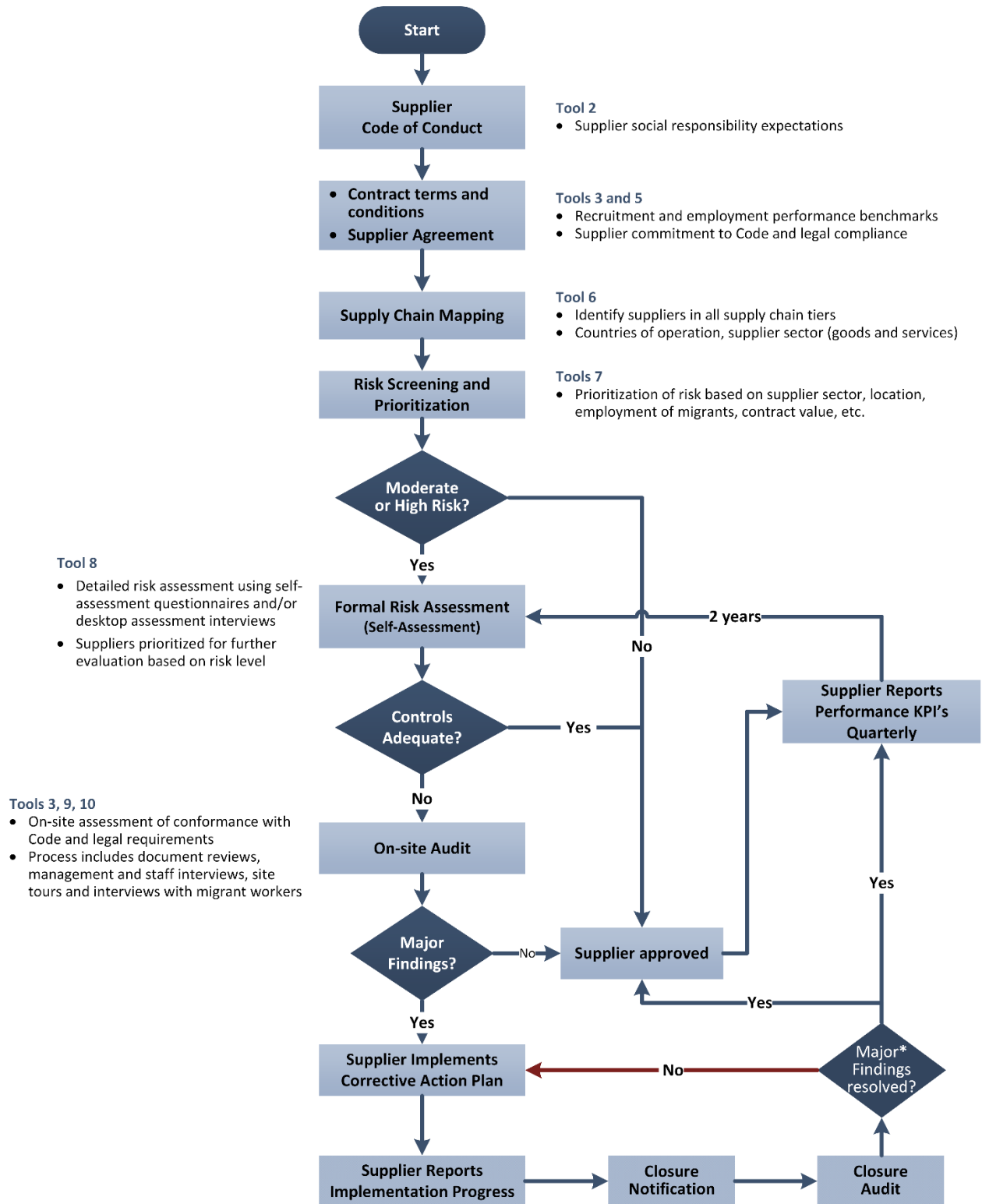
Creating Strong Policies, Screening and Evaluation, and Compliance Management (the last of which is specific to developing a FAR Compliance Plan).

In a departure from the order of the base and other sector tools, the facilities sectors tool kit starts off with an overview and sample due diligence process, which the rest of the tools would support, as illustrated in this graphic.



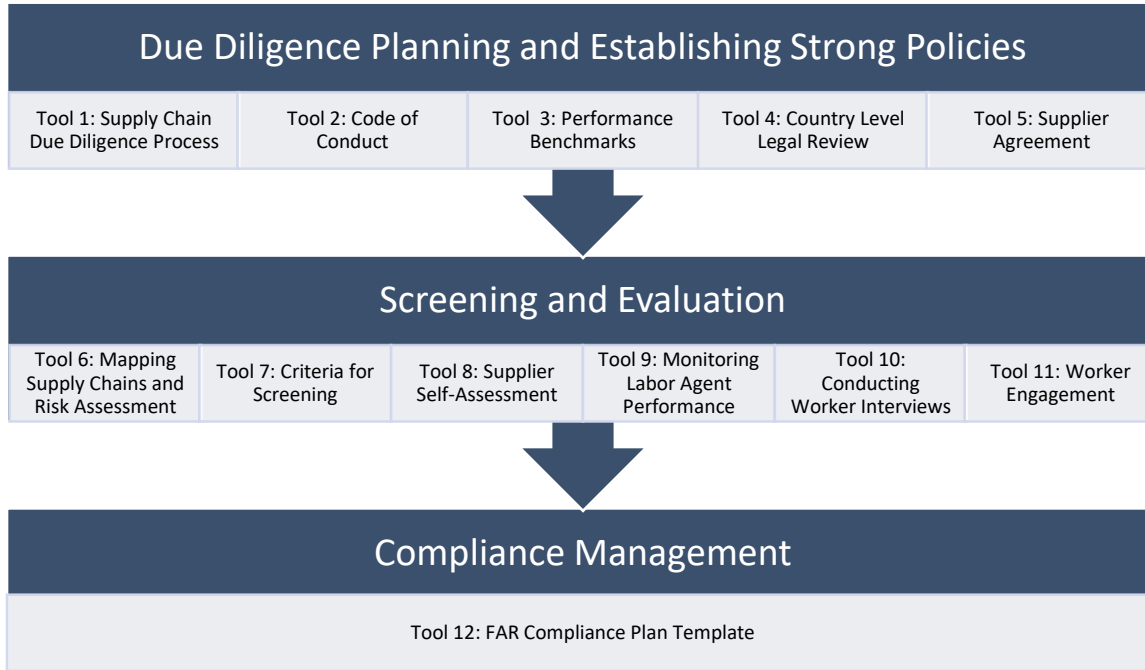
RESPONSIBLE SOURCING TOOL

Facilities Services | Introduction to Tools



*includes both Egregious and Major Findings

This table and the descriptions following show how this tool kit is organized and how the sample documents provided are intended to be used.



Due Diligence Program

Tool 1 offers a sample facilities services supply chain assurance program. This includes the processes that a company could implement to identify where there are risks of human trafficking in its supply chains; to address identified issues; to implement enduring solutions; and to monitor supplier performance over time.

Creating Strong Policies

These tools are intended to help companies establish their commitments and clearly communicate expectations to their suppliers. Setting clear expectations in contracts and other agreements is an

essential first step in changing behavior throughout supply chains. The tools also model expectations for how suppliers should interact with their own suppliers and labor agents.

Tool 2 is a sample Code of Conduct. Codes of Conduct that establishes high level performance expectations for suppliers and labor agents. For compliance with the Combating Trafficking in Persons requirements (52.222-50) of the FAR, it is critical that sourcing policies and Codes of Conduct explicitly prohibit human trafficking and set out protections for workers. Companies should work to cascade and enforce their Code of Conduct throughout

each relevant tier of their supply chain. While the high-level provisions in this sample Code of Conduct could be useful for companies in any sector, it includes specific suggested policies relevant to workers in facilities services.

Tool 3 provides benchmarks of good practice for implementing anti-trafficking policies laid out in the Code of Conduct (Tool 2.) The benchmarks can be used to evaluate the labor and human rights performance of suppliers and labor agents.

Tool 4 offers guiding questions for conducting review of country laws relevant to the prevention of human trafficking.

Tool 5 is a sample Supplier Agreement intended to detail a formal commitment of a supplier or agent to conform to a customer's code of conduct and applicable legal requirements. It can be a standalone document or included as an appendix to a contract.

Screening and Evaluation

Once strong policies are in place, companies need to regularly *assess* the level of risk in their supply chains, both at the country of production level and at the individual supplier or labor agent level. This risk assessment starts with *mapping* the company's supply chains, which is

particularly crucial where supply chains are long and opaque.

After understanding their risks, companies should carefully *screen* individual suppliers and labor agents for their ability to control these risks. After contracting, *monitoring* is needed to evaluate suppliers ongoing performance. Companies typically use social audits to assess suppliers, but often miss indicators of trafficking risk, as well as root causes.

Tool 6 provides guidance for mapping facilities services and labor supply chains as well as discussion on ways to assess the level of risk.

Tool 7 lays out criteria for screening individual labor agents based on their ability to comply with all applicable legal requirements and Code of Conduct standards for ethical recruitment.

Tool 8 is a sample facilities services supplier self-assessment questionnaire that will allow companies to gain preliminary insight into potential human trafficking risks in how a supplier recruits workers and how it manages its labor agents. An appendix with interpretive guidance for company use is included.

Tool 9 provides a set of criteria for monitoring labor agents in supply chains. Once a company has engaged a labor agent, regular monitoring of the recruiter's performance against the

company Code of Conduct and legal requirements is essential to help ensure ongoing compliance.

Tool 10 is a guide to interviewing migrant workers, including a list of questions and potential red flags. The tool can be used to strengthen a company's own worker interview questionnaires, thus improving their auditors' ability to identify possible indicators or incidents of cases of human trafficking at company or supplier facilities. The tool also includes guidance on effectively interviewing vulnerable worker populations.

Tool 11 describes various models for worker engagement, covering workplace communication, worker organization, and effective grievance mechanisms.

Compliance Management

Tool 12 is a sample template intended for use specifically by companies that need to demonstrate compliance with the Combating Trafficking in Persons requirements, section 52.222-50 (h), of the FAR.