
PROTECTIONS AGAINST TRAFFICKING IN PERSONS

Introduction

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, sub-contractors and their agents are prohibited 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 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 that, in alignment with a set of general tools appropriate for any sector (available at:

<https://www.responsiblesourcingtool.org/workerprotection>), specifically provide guidance and assistance to companies with seafood components of their supply chains.

There are several ways to ensure a comprehensive anti-trafficking risk-management system and multiple resources to draw upon. For example, the United Nations Global Compact provides the UN Global Compact Management Model that includes a practical guide centered on effective ways to: commit, assess, define, implement, measure and communicate.¹ The Institute for Human Rights and Business (IHRB) and the Leadership Group for Responsible Recruitment outlines a six-step program: policy commitment, assess risks, integrate and act, track progress, communicate and remedy.² The U.S. Department of Labor Comply Chain system provides steps to engage stakeholders, assess risks, develop a code of conduct, communicate and train employees, suppliers and workers, monitor compliance conduct an

¹ UN Global Compact. Supply Chain Sustainability A Practical Guide for Continuous Improvement. Second Edition. 2015. https://www.unglobalcompact.org/docs/issues_doc/supply_chain/SupplyChainRep_spread.pdf

² Institute for Human Rights and Business. *Six Steps to Responsible Recruitment*. https://www.ihrb.org/uploads/member-uploads/Six_Steps_to_Responsible_Recruitment_-_Leadership_Group_for_Responsible_Recruitment.pdf.

independent review report performance, and provide remedy when necessary.³ The Verité Help Wanted Fair Hiring Toolkit, focused specifically on managing systems for responsible recruitment of migrant workers, includes information on improving codes of conduct and company policies; raising awareness and building capacity; strengthening assessments and social audits; taking corrective action and developing systems improvement plans; reporting and transparency; multi-stakeholder and multi-brand engagement; and public policy advocacy.⁴ There are other, more generic management systems that may be used in compliance approaches such as ‘Plan, Do, Check, Act.’



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Both sets of tools presented on responsiblesourcingtool.org are organized into three primary categories: Creating Strong Policies, Screening and Evaluation, and Compliance Management.

³ U.S. State Department. International Labor Affairs Bureau. *Comply Chain*. <https://www.dol.gov/ilab/complychain/>.

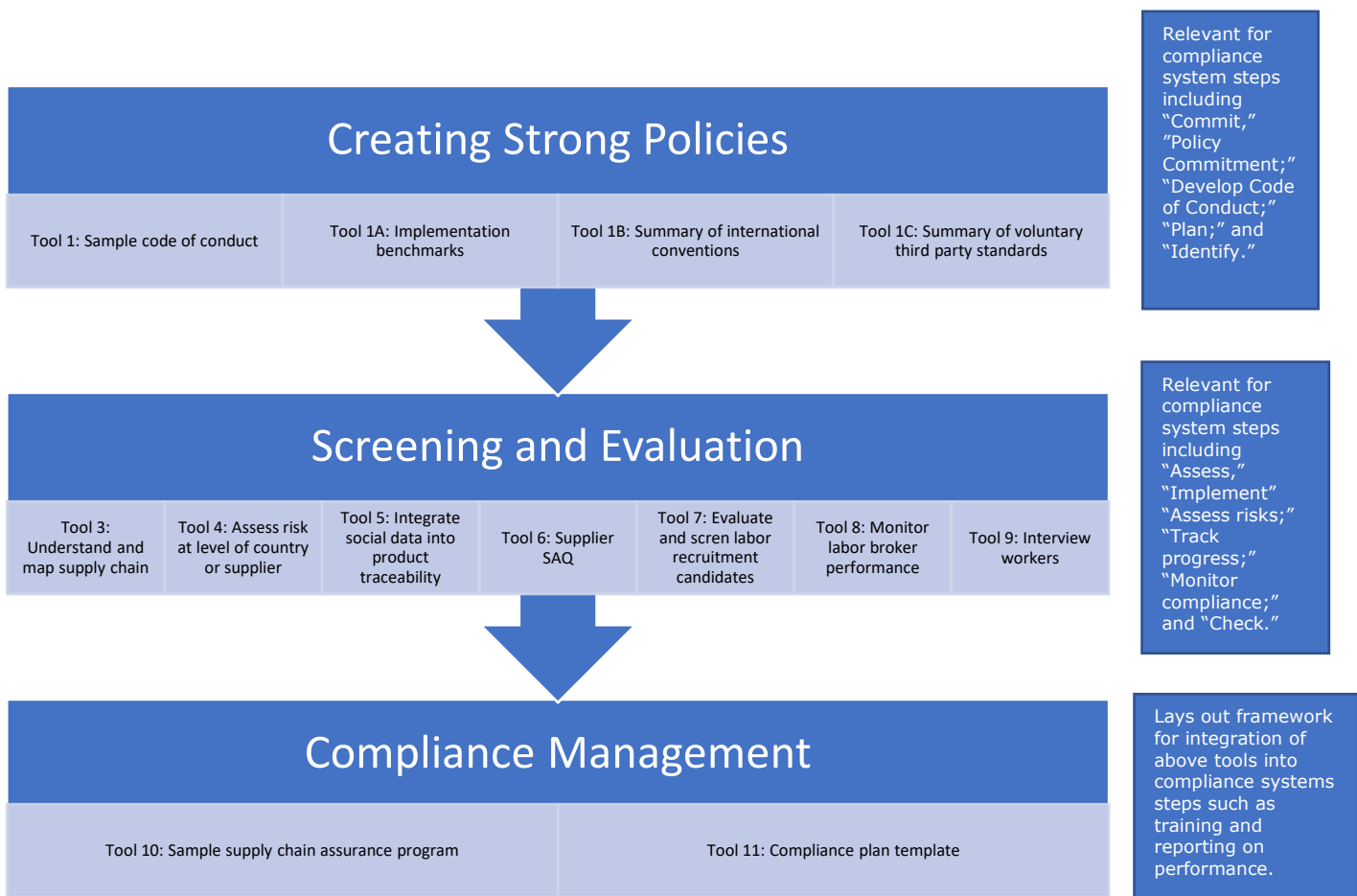
⁴ Verité. Help Wanted. Fair Hiring Toolkit. <http://helpwanted.verite.org/helpwanted/toolkit>

⁵ UN Global Compact. Supply Chain Sustainability A Practical Guide for Continuous Improvement. Second Edition. 2015. https://www.unglobalcompact.org/docs/issues_doc/supply_chain/SupplyChainRep_spread.pdf

⁶ Institute for Human Rights and Business. *Six Steps to Responsible Recruitment*. https://www.ihrb.org/uploads/member-uploads/Six_Steps_to_Responsible_Recruitment_-_Leadership_Group_for_Responsible_Recruitment.pdf.

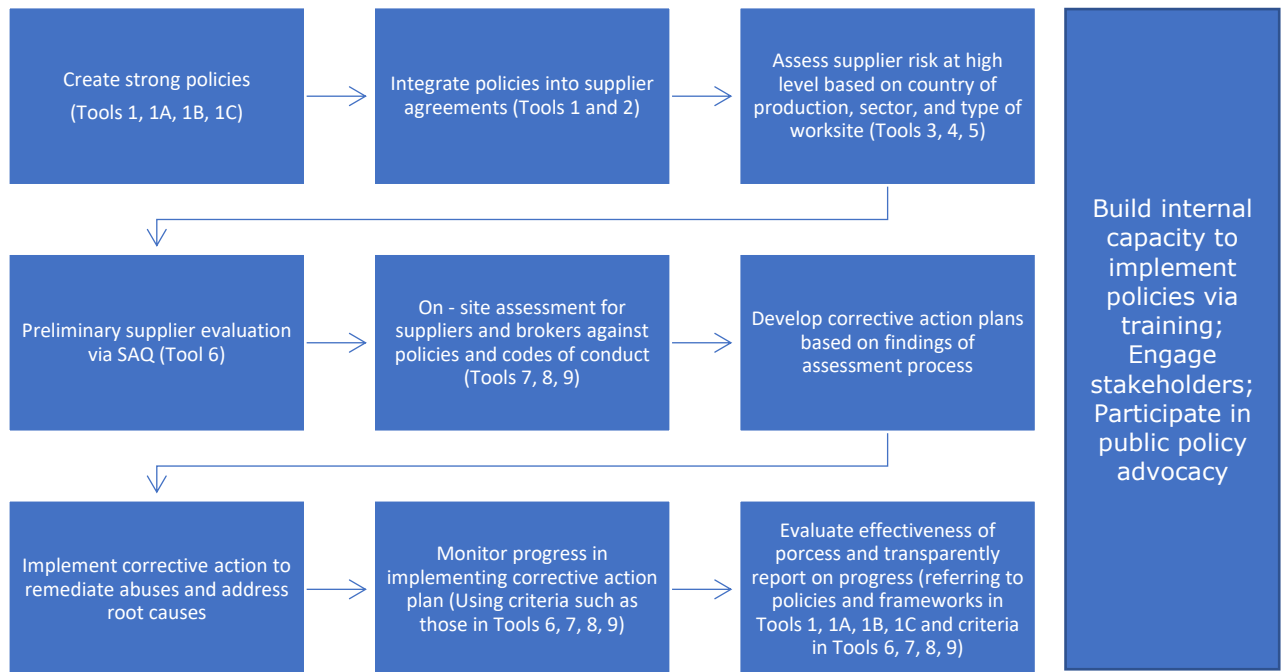
The table below shows how this set of seafood tools are clustered, and how those clusters align with the compliance program systems identified above.

The tools presented here do not include detailed guidance on compliance steps such as engaging stakeholders, training and capacity building, remediation/corrective action, or reporting on performance. The tools do underpin these components and should be used as the basis for an aligned approach. For example, all materials used for training and capacity building should be based on relevant policies and benchmarks. Findings from screening and evaluation efforts should be used to design corrective action/intervention plans. Reporting on progress should be transparent and focus on which best practice benchmarks are being met. The tools seek to reinforce processes that are “iterative and ongoing,”⁷ rather than a linear progression of discrete steps.⁸



⁷ U.S. Department of Labor Bureau of International Labor Affairs (ILAB). Comply Chain. <https://www.dol.gov/ilab/complychain/>

⁸ UN Global Compact. Supply Chain Sustainability A Practical Guide for Continuous Improvement. Second Edition. 2015. https://www.unglobalcompact.org/docs/issues_doc/supply_chain/SupplyChainRep_spread.pdf



This document describes the purpose of each tool and how it can be used with the suite of tools for company efforts to combat human trafficking.

Creating Strong Policies: These tools are intended to help companies clearly communicate expectations in all contracts and vendor agreements. Setting clear expectations in contracts and other agreements is an essential first step in changing behavior throughout supply chains. It also models expectations for how suppliers should interact with their own suppliers and labor recruiters.

Tool 1 is a sample Code of Conduct. Codes of Conduct establish basic performance expectations for subcontractors, suppliers and agents. For compliance with the Federal Acquisition Regulation: Ending Trafficking in Persons, 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. This is particularly important for complex supply chains with raw material or commodity sourcing – such as seafood – because the risk of human trafficking and other labor abuses increases in lower tiers of the supply chain.

Most of these high-level provisions can be used for companies in any sector, this suite of tools contains some additional content specific to the seafood sector. For example, it includes a suggested policy around repatriation for vessel-based workers.

Tool 1A provides benchmarks for the implementation of anti-trafficking policies laid out in Tool 1. Benchmarks can be used to evaluate the labor and human rights performance of suppliers and labor agents. Special attention has been paid in the development of this tool to the particularities of the seafood sector in some contexts such as the prevalence of informal recruitment and work and life at sea for some workers. Suggested benchmarks are aligned with relevant guidance from the International Labour Organization, particularly Work in Fishing Convention 188 (C188) which sets standards around issues such as health, safety and medical care at sea, appropriate work and rest hours while at sea, and requirements for work agreements.

Tool 1B summarizes the international conventions relevant to social conditions in the seafood sector, that, even if not ratified by individual countries, can provide additional guidance on good practice implementation benchmarks, such as those provided in Tool 1A.

Tool 1C provides examples of voluntary third-party standards relevant specifically to human trafficking in the seafood sector. These standards can be used to inform good practice in setting implementation benchmarks.

Tool 2 is a Sample “Social Responsibility Agreement,” intended to formally record the commitment of a subcontractor, supplier or agent to abide by a customer’s code of conduct and applicable legal requirements. This sample is appropriate for any type of supplier including those in the seafood sector.

Screening and Evaluation: Once strong policies are in place, companies need to assess on a regular basis the level of risk in their supply chains, both at the country of production level and at the individual supplier or labor provider level. This risk assessment can be performed by mapping and understand one’s supply chains, which is particularly crucial where supply chains are long, complex, and opaque, as is often the case in the seafood sector

Companies should also screen and monitor individual suppliers and labor brokers for compliance on a regular basis. Companies typically use social audits to assess suppliers but many auditors and company sourcing officers do not have the expertise to detect complex and hidden issues like human trafficking. The tools presented here lay out a concrete framework for monitoring suppliers, labor recruiters, and workers in the seafood sector.

Tool 3 provides guidance for mapping seafood product and labor supply chains and tracing trace the flow of product back to the original vessel or farm that harvested the fish. For some companies, it may mean tracing the suppliers of key inputs as well, thus enabling companies to see where the fish used in fishmeal was caught and processed. It also enables companies to understand where labor recruiters are being used in their supply chains. A company with a

detailed understanding of its supply chain can more accurately target more detailed risk assessments and interventions, thereby working to mitigate their risk of the worst labor abuses. After defining various types of actors in seafood supply chains, this tool provides examples of supply chain maps and guidance for collecting basic social profile information from suppliers that can be used in future risk assessment activities.

Tool 4 describes how companies can undertake risk assessment at the level of country of production or port state, country of labor supply and specific supplier, including what resources might be consulted. Because wild-capture vessels present unique challenges, the tool provides examples of potential red flags for those suppliers. Finally, the tool provides some guidance for implementers of Fishery Improvement Projects (FIPS) on how they can conduct preliminary assessments of the risk of trafficking in a given fishery and understand potential root causes.

Tool 5 provides guidance on how social data could potentially be integrated into emerging seafood product traceability systems intended to support environmental sustainability by eliminating Illegal, Unreported and Unregulated (IUU) fishing. There are several recent and current initiatives examining how social data might be integrated into systems that support seafood product traceability. The document first highlights technologies such as satellite based vessel monitoring systems. It then discusses the ways that these approaches can support monitoring for human trafficking risks as well as potential social gaps in this approach. Finally, it presents a preliminary set of Key Data Elements (KDEs) relevant to human trafficking risk that could be integrated into these approaches.

Tool 6 is a sample seafood supplier/subcontractor self-assessment questionnaire (SAQ) that will allow companies to gain preliminary insight into potential human trafficking risks in how a supplier recruits, selects and hires workers, how it works with labor brokers, and how migrant workers are managed. An Appendix with interpretive guidance for company use is provided.

Tool 7 lays out criteria for evaluating and screening individual labor recruiters to ensure that companies have enough information to have reasonable confidence that their labor recruiter will comply with all applicable legal requirements and its standards for ethical recruitment. This tool is highly aligned with the general tool for evaluating labor recruiters, but it also provides guidance on the presence of informal labor brokers which are prevalent in some segments of some seafood supply chains.

Tool 8 provides a set of criteria for monitoring labor recruiters in supply chains. Once a company has engaged a labor recruiter, regular monitoring of the recruiter's performance against the company Code of Conduct and legal requirements is essential to help ensure ongoing compliance.

Tool 9 is a guide to interviewing migrant workers, including a list of questions and potential red flags, with attention paid to the vulnerability of vessel workers. Companies can use this tool to help shape their own worker interview questionnaires, thus improving their auditors' ability to identify possible cases of abuse or recruiter-induced human trafficking at company, supplier and subcontractor facilities. The tool also includes guidance on ethically interviewing vulnerable worker populations.

With all these tools, companies are encouraged to incorporate worker input. This is particularly important regarding monitoring the behavior of suppliers and labor recruiters.

Compliance Management: The final tools provide a larger vision of how these tools fit into a comprehensive anti-trafficking system of supply chain management consisting of systematic, on-going risk identification, solution implementation and performance monitoring.

Tool 10 is a sample supply chain assurance program, which demonstrates a systems approach to combating trafficking based on the "Identify, Evaluate, Control and Monitor" approach to risk management.

Tool 11 is a compliance plan template, intended for use specifically by companies that need to demonstrate compliance with the Combating Trafficking in Persons requirements of the Federal Acquisition Regulation (FAR) and submit certifications under 52.222-50(h) and 22.1703(c).