



# RESPONSIBLE SOURCING TOOL

## Food and Beverage | Introduction to Tools

### 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 that, in alignment

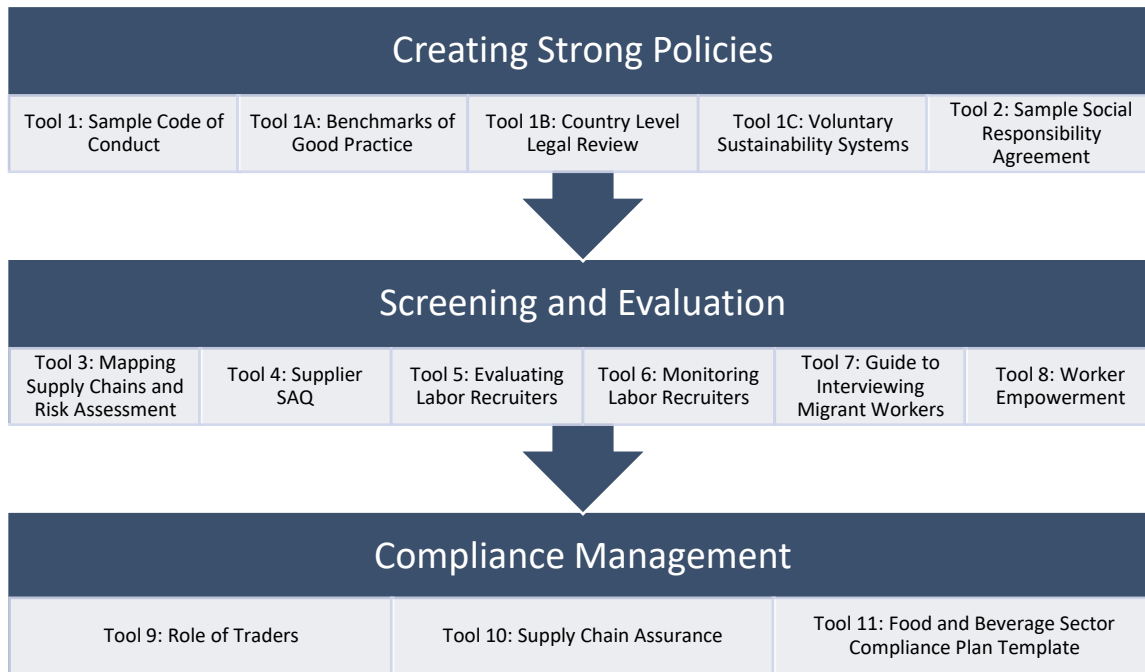
with a set of general tools appropriate for any sector (available at: [responsiblesourcingtool.org/workerprotection](https://responsiblesourcingtool.org/workerprotection)), specifically provide guidance and assistance to companies with food and beverage supply chains. These tools build on the general tools and complement the set of seafood sector specific tools by providing special considerations for the wide-ranging set of supply chain elements and associated work structures and processes, both formal and informal, that are part of the food and beverage sector, including primary producers and diverse forms of farm production; first-line handlers and processors; manufacturing and packaging; and traders and distributors.

The food and beverage sector presents a diverse set of challenges when addressing and tackling the risk of human trafficking. Increasing consolidation among food retailers, food service providers, and restaurant chains has created downward price pressure at the bottom of the supply chain which translates into an increased use of flexible, cheaper labor.<sup>1</sup> Recent editions of the U.S. Department of State’s Trafficking in Persons Report have noted evidence of human trafficking in the

agriculture sector in over 90 countries. 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. The seasonal nature of work in agriculture makes organizing and advocating for rights, livable wages, and appropriate working conditions difficult for workers as well.<sup>ii</sup> Food and beverage supply chains typically are highly complex and opaque: Raw materials like cocoa, coffee, and sugar are traded on commodities markets, making it difficult to trace products to the worksites that engage in unscrupulous labor practices and recruit labor from more vulnerable populations.

The food and beverage sector-specific tools on [responsiblesourcingtool.com](https://responsiblesourcingtool.com) have been designed to help address these challenges and provide resources for industry actors across this supply chain. The tools focus on the work involved in producing food products themselves rather than the service-oriented work of selling or serving food to consumers, however they can be used in tandem with the general tools on the website to address issues across the supply chain.

The food and beverage tools presented on [responsiblesourcingtool.org](https://responsiblesourcingtool.org) are organized into three primary categories: Creating Strong Policies, Screening and Evaluation, and Compliance Management. The following table shows how this set of food and beverage tools are organized.



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 — both common throughout the food and beverage sector — because the risk of human trafficking and other labor abuses increases in lower tiers of the 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 particular agricultural contexts and food processing worksites.

**Tool 1A** provides benchmarks of good practice 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. In this tool, special attention has been paid to diverse forms of agricultural workers, including tenants, sharecroppers, and waged workers, and to the conditions commonly found in meat processing plants. Suggested benchmarks are aligned with relevant guidance from the International Labor Organization, in particular Convention 138 which concerns child labor, Convention 110 on plantations, Recommendation 13 on Rights of Tenants and Share-croppers, as well as the General Principles and Operational Guidelines for Fair Recruitment and the Safety and Health in Agriculture Code of Practice.

**Tool 1B** offers guiding questions for providing a country-level legal review of factors relevant to the prevention of human trafficking, with special consideration paid to international standards and guidance around agricultural workplaces.

**Tool 1C** provides examples of voluntary third-party sustainability standards and offers guidance of how to assess them for

their relevance to the prevention of forced labor and human trafficking in the food and beverage sector. These standards can be used to inform good practice in setting implementation benchmarks.

**Tool 2** is a Sample Social Responsibility Agreement. The purpose of a Social Responsibility Agreement is to formally record the commitment of a subcontractor, 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 provider level. This risk assessment can be performed by mapping and understanding one's supply chains, which is particularly crucial where supply chains are long, complex, and opaque, or where products are comprised of many different commodities, each of which has its own long supply chain, as is often the case in the food and beverage sector.

Companies should 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 food and beverage sector.

**Tool 3** provides guidance for mapping food and beverage product and labor supply chains as well as guidance on associated risk assessment.

**Tool 4** is a sample food and beverage 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 5** 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 provides guidance on the presence of informal labor brokers which are prevalent in some segments of some food and beverage supply chains, particularly agricultural components.

**Tool 6** 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 7** presents a guide to interviewing migrant workers, including a list of questions and potential red flags. 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.

**Tool 8** sets out various models and frames for worker engagement, introducing and describing models for workplace communication, worker organization, and effective grievance mechanisms.

### **Compliance Management**

The tools in this section can help ensure compliance with the policies and management systems outlined above.

**Tool 9** discusses the particular role traders play in food and beverage sector supply

chains and the importance of their involvement in ensuring compliance.

**Tool 10** offers a sample food and beverage supply chain assurance program. An overview is provided of 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. The tool describes the fundamental

systems approach to risk management, known as “Identify, Evaluate, Control, and Monitor,” providing the underlying principles to follow.

**Tool 11** presents a food and beverage sector compliance plan template. This tool is intended for use specifically for companies that need to demonstrate compliance with the Combating Trafficking in Persons requirements of the Federal Acquisition Regulation (FAR).

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<sup>i</sup> Frenkel, Stephen et al. “Global supply chains in the food industry: Insights from the Asia-Pacific region.” ILO. March 2016.  
[http://www.ilo.org/wcmsp5/groups/public/---asia/--ro-bangkok/documents/publication/wcms\\_464077.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/--ro-bangkok/documents/publication/wcms_464077.pdf)

<sup>ii</sup> Frenkel, Stephen et al. “Global supply chains in the food industry: Insights from the Asia-Pacific region.” ILO. March 2016.  
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