

Compliance Plan for Combating Trafficking In Persons ("Compliance Plan")

Contractor: The University of Hawai'i ("UH")

Sponsor Award Number:

Principal Investigator:

Project Title:

Background:

Federal Acquisition Regulations (FAR) 52.222-50, *Combating Trafficking in Persons* (MARCH 2015), require that UH have a Compliance Plan when certain contracting conditions enumerated under 52.222-50(h)(1) apply. A Compliance Plan must be maintained for the duration of the performance of the contract, for any portion of the contract that is:

1. For supplies, other than commercially available off-the-shelf items, acquired outside the United States, or services to be performed outside the United States; and
2. Has an estimated value that exceeds \$500,000.

The United States ("U.S.") Government has adopted a policy prohibiting trafficking in persons. UH, its employees, and their agents shall not:

1. Engage in severe forms of trafficking in persons during the period of performance of the contract;
2. Procure commercial sex acts during the period of performance of the contract;
3. Use forced labor in the performance of the contract;
4. Destroy, conceal, confiscate, or otherwise deny access by an employee to the employee's identity or immigration documents, such as passports or drivers' licenses, regardless of issuing authority;
5. 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;

6. Use recruiters that do not comply with local labor laws of the country in which the recruiting takes place;
7. Charge employees recruitment fees;
8. Fail to provide return transportation or pay for the cost of return transportation upon the end of employment –
 - a. For an employee who is not a national of the country in which the work is taking place and who was brought into that country for the purpose of working on a U.S. Government contract or subcontract (for portions of contracts performed outside the U.S.); or
 - b. For an employee who is not a U.S. national and who was brought into the U.S. for the purpose of working on a U.S. Government contract or subcontract, if the payment of such costs is required under existing temporary worker programs or pursuant to a written agreement with the employee (for portions of contracts performed inside the United States).

Exceptions to 8.b.:

- The requirements of paragraph 8.b shall not apply to an employee who is legally permitted to remain in the country of employment and who chooses to do so; or is exempted by an authorized official of the contracting agency from the requirement to provide return transportation or pay for the cost of return transportation. Requests for such authorizations from the contracting agency shall be coordinated by the UH Office of Research Services.
 - The requirements of paragraph 8.b are modified for a victim of trafficking in persons who is seeking victim services or legal redress in the country of employment, or for a witness in an enforcement action related to trafficking in persons. UH shall provide the return transportation or pay the cost of return transportation in a way that does not obstruct the victim services, legal redress, or witness activity. This paragraph does not apply when the preceding exception applies.
9. Provide or arrange housing that fails to meet the host country housing and safety standards;
or
 10. If required by law or contract, fail to provide an employment contract, recruitment agreement, or other required work document in writing. Such written work document shall be in a language the employee understands. If the employee must relocate to perform the work, the work document shall be provided to the employee at least five days prior to the employee relocating. The employee's work document shall include, but is not limited to, details about work description, wages, prohibition on charging recruitment fees, work location(s), living accommodations and associated costs, time off, roundtrip transportation arrangements,

grievance process, and the content of applicable laws and regulations that prohibit trafficking in persons.

[Adapted from 48 CFR § 52.222-50(b).]

UH's Compliance Plan:

1. Notification

- a. As part of a required awareness program, the Principal Investigator shall distribute this Compliance Plan to all employees working on the above-referenced project prior to performance of the project. Additional information about Trafficking in Persons can be found at the U.S. State Department's Office to Monitor and Combat Trafficking in Persons website: <http://www.state.gov/j/tip/>.
- b. Violations of this Compliance Plan may result in disciplinary actions, including but not limited to, removal from the contract, reduction in benefits, or termination of employment.
- c. Employees are encouraged to report activity that is in violation of this Compliance Plan and/or 48 CFR § 52.222-50(b) by calling the Global Human Trafficking Hotline at 1-844-888-FREE or sending an email to help@befree.org.
- d. Should violations of this Compliance Plan and/or 48 CFR § 52.222-50(b) occur, the Principal Investigator shall be responsible for informing the UH Office of Research Services (ORS) immediately and taking any remedial actions necessary. UH, through its ORS, shall inform the Contracting Officer and the agency Inspector General immediately.

2. Subaward

- a. FAR 52.222-50 shall be incorporated into any subawards resulting from the project, and Subrecipients of those subawards will receive a copy of this Compliance Plan and be bound to the same requirements as UH. Violations of this Compliance Plan and/or 48 CFR § 52.222-50(b) may result in subaward termination.

3. Recruitment and Wage Plan

- a. Check one of the following, as applicable, to the project:

Recruitment companies will not be used during the course of the project.

A recruitment company/companies will be used during the course of the project. The following describes the activities that will be undertaken to use only recruitment companies with trained employees, who prohibit charging recruitment fees to the employee, and who ensure that wages meet applicable host-country legal requirements:

4. Housing Plan

- a. Check one of the following, as applicable, to the project:

Housing will not be provided or arranged for during the course of the project.

Housing will be provided or arranged for during the course of the project. The following describes the activities that will be undertaken to ensure that housing meets host-country safety standards:

5. Certification

- a. The Principal Investigator shall furnish this Compliance Plan to the Contracting Officer upon request.
- b. Annually, by the anniversary date of this signed Compliance Plan, the Principal Investigator shall certify to ORS Compliance via email one of the following compliance statuses:
 - i. To the best of the Principal Investigator's knowledge and belief, neither the project employees nor Subrecipients have engaged in human trafficking; or
 - ii. The Principal Investigator is aware that human trafficking violations have occurred, remedial actions have been taken, and actions to prevent future violations have been taken.
- c. ORS shall report the annual status to the Contracting Officer.

Certified by:

"Principal Investigator"

Date

6. Acknowledgment and Agreement

I, _____, an employee or agent of UH working on the above referenced project, acknowledge that I have received this Compliance Plan for Combatting Trafficking in Persons and agree to comply with the requirements of FAR 52.222-50. I understand that I cannot begin work on this project until I sign and submit my agreement.

Acknowledged by:

Signed

Date