Background

PATH has set out below its Anti-Trafficking in Persons Compliance plan (the “plan”) in accordance with the US government’s zero-tolerance policy regarding trafficking in persons by government contractors and award recipients, as set forth in the following regulations (the “anti-trafficking provisions”):

- Subparts 22.17 and 52.222-50(h) of the Federal Acquisition Regulations for contractors.
- Part 175.5–175.25 of Title 2 Code of Federal Regulations, Chapter 1 of the Office of Management and Budget’s Governmentwide Guidance for Grants and Agreements for recipients of all federal awards.

The purpose of this plan is to set out PATH policies and procedures for:

- Making PATH employees aware of the conduct prohibited under PATH policy and the anti-trafficking provisions and the actions that may be taken against employees for violations.
- Employing fair recruitment, wage, and housing practices.
- Preventing prohibited trafficking activity by suppliers, subcontractors, and subrecipients and monitoring, detecting, and terminating those who engage in such activities.

Applicability

This plan sets out PATH’s baseline standards for anti-trafficking compliance and applies to all US government funded cooperative agreements, grants, contracts, subcontracts and subawards. However, it may need to be adapted or modified for projects that are larger, more complex, or involve greater risk of trafficking activity. For all contracts and awards with an estimated value of $500,000 or more, and involve activities outside the United States, project staff must examine each one individually to assess the risk of trafficking activity based on factors such as the number of non-US citizens to be employed and whether the contract or award will involve services or supplies susceptible to trafficking in persons. Project staff must adapt or modify the plan as necessary to ensure that it is appropriate to the size and complexity of the contract or award and the nature and scope of the activities to be performed.
Awareness Program
PATH has adopted a Trafficking in Persons policy (the “policy,” see Annex A) and accompanying procedures (the “procedures,” see Annex B) that together reflect the anti-trafficking provisions prohibiting trafficking-related activities, describe the actions PATH may take against employees and agents who violate the policy, and set out the procedure for reporting and investigating policy violations. The policy is available on the PATH intranet (PATH Central) and on PATH’s external website (www.path.org) and is accessible by all employees.

The policy is also described and linked to in PATH’s Code of Ethics, Governance, and Responsibility and Principles Relating to Responsible Conduct, which are available on www.path.org.

All new employees are required to take training on the Code of Ethics, Governance, and Responsibility and Principles Relating to Responsible Conduct at the time of hire. Anti-trafficking also falls under PATH’s broader safeguarding framework. All PATH employees are required to take PATH’s Safeguarding at PATH training at the time of hire and every two years thereafter, which includes training on PATH’s Trafficking in Persons policy.

Reporting Process
All PATH personnel, suppliers (see definition below), and supplier personnel must report any suspected trafficking-related activity or violation to a PATH human resources business partner, a human resources director, the chief people and diversity officer, or the general counsel. Additionally, reports may be made to PATH’s compliance website, https://path.ethicspoint.com. The reporting website is maintained by an independent, third-party provider and allows anyone to report allegations, including anonymously. US-based employees can also report concerns by accessing a hotline phone number that has been set up specifically for PATH at 1-888-309-1559. Reports may also be made by phone to the externally maintained Global Human Trafficking Hotline at 1-844-888-FREE or by email at help@befree.org.

PATH strictly prohibits retaliation against any PATH employee who reports trafficking-related activity or other violations of this policy in good faith or who cooperates with any internal or government investigations of such reports. Employees may do so without fear of reprisal. PATH personnel who engage in any form of retaliation against those who report trafficking-related activities or other violations of the policy are subject to disciplinary action, up to and including termination of employment or contract with PATH.

Follow-up on Repeated Violations
If PATH receives a report alleging prohibited trafficking-related activity, the PATH Investigations Response Team will evaluate the report and conduct an investigation based on PATH’s allegations management process. PATH will report its findings and determine what, if any, remedial action is appropriate.

If PATH receives any credible information regarding a trafficking-related violation, PATH will immediately notify the contracting officer and the appropriate agency inspector general. PATH will fully cooperate with any federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons, including but not limited to providing timely and complete responses to document requests and reasonable access to PATH facilities and staff.

Recruitment and Wage Plan
PATH prohibits the use of any misleading or fraudulent recruitment practices during the recruitment of employees or offering of employment to employees. PATH will 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 (where provided or arranged
PATH will only permit the use of recruitment companies who employ trained employees, prohibit charging recruitment fees to the employees or potential employees, and ensure that wages meet applicable host-country legal requirements or explain any variance.

PATH prohibits destroying, concealing, confiscating, or otherwise denying any employee access to their identity or immigration documents.

PATH will provide or pay the cost of return transportation at the end of employment for any 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 the requirement to provide or pay for such return transportation by USAID 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. If, upon completion of a PATH assignment, an employee takes a job with an organization that provides relocation to a new post, PATH will have no obligation to pay the cost of relocating the employee back to the employee’s home of record.

**Housing Plan**

PATH does not provide housing for the employees or agents. But where a situation warrants such provision, PATH will ensure that the housing meets host-country housing and safety standards.

**Supplier Compliance**

All PATH contractors, consultants, vendors, suppliers, subcontractors, and subrecipients (collectively the “suppliers”) must agree to comply with the policy and all applicable anti-trafficking provisions. PATH will include language to that effect in all supplier contracts, subcontracts, and subagreements (collectively “supplier contracts”), including inserting Federal Acquisition Regulations 52.222-50, Federal Acquisition Regulations 52.222-56, and USAID Standard Provisions where applicable.

All contractors and subrecipients contracted for an amount $500,000 or greater are required to have a compliance plan to prevent prohibited trafficking-related activities and to monitor, detect, and terminate any of their contractors, consultants, suppliers, subcontractors, or subrecipients engaging in prohibited trafficking-relating activities. PATH reserves the right to request a copy of said plan from contractors and subrecipients. The supplier’s compliance plan must meet the minimum requirements in the anti-trafficking provisions and be appropriate to the size and complexity of the contract, subcontract, or subagreement with PATH and the nature of the activities to be performed under it.

Prior to the award of any supplier contract, and on an annual basis thereafter, PATH may request that all PATH suppliers must submit a certification to PATH:

- that the supplier has implemented a compliance plan and has complied with such plan.
- that after conducting due diligence, to the best of the supplier’s knowledge and belief, neither it nor any of its employees, contractors, consultants, suppliers, subcontractors, subrecipients, or their employees engaged in any prohibited trafficking-related activities, or if any abuses relating to prohibited trafficking-related activities have been found, supplier has taken appropriate remedial and referral actions.

If any supplier fails to comply with the policy or applicable anti-trafficking provisions, PATH will take appropriate action to remediate the violation and prevent future violations, including but not limited to immediately terminating the supplier contract.
Posting
PATH will post this plan and policy internally on PATH Central and externally on its public website, www.path.org. Individual PATH projects will also post the policy in PATH workplaces, except where the work is not being performed at a fixed location.

- Annex A: Trafficking in Persons Policy
- Annex B: Procedures for Trafficking in Persons Policy