

## Combating Trafficking in Persons

*Board Approved Effective Date March 16, 2021*

### Policy Statement

The Seattle Institute for Biomedical and Clinical Research (SIBCR) recognizes that trafficking in persons, and related activities, are inherently harmful, dehumanizing, and contrary to the mission and values of SIBCR.

As a federal contractor and recipient of federal grants and cooperative agreements, SIBCR is required to comply with the Federal Acquisition Regulation (FAR) 52.222-50 (January 2019) *Combating Trafficking in Persons* for federally-funded contracts and 2 CFR Part 175 *Trafficking in Persons* for federally-funded grants and cooperative agreements.

This policy covers SIBCR administered research projects and closely adheres to the requirements promulgated in FAR 52.222-50 and 2 CFR Part 175.

SIBCR employees, member investigators, agents, subcontractors and subrecipients (including subcontractor and subrecipient employees) at any tier are required to comply with this policy.

### Definitions

Agent means any individual, including a director, an officer, an employee, or an independent contractor, authorized to act on behalf of SIBCR.

Coercion means threats of serious harm to or physical restraint against any person; any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or the abuse or threatened abuse of the legal process.

Commercial Sex Act means any sex act on account of which anything of value is given to or received by any person.

Debt Bondage means the status or condition of a debtor arising from a pledge by the debtor of their personal services or of those of a person under their control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Employee means a person engaged in the performance of work under the contract, grant or cooperative agreement, whether or not compensated directly by SIBCR, who has other than a minimal impact or involvement in performance.

Forced Labor means knowingly providing or obtaining the labor or services of a person (1) by threats of serious harm to, or physical restraint against, that person or another person; (2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or (3) by means of the abuse or threatened abuse of law or legal process' or (4) labor or services obtained through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, debt bondage, peonage, or slavery.

Involuntary Servitude includes a condition of servitude induced by means of- (1) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or

continue in such conditions, that person or another person would suffer serious harm or physical restraint; or (2) the abuse or threatened abuse of the legal process.

Severe Forms of Trafficking in Persons means (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Sex trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

SIBCR Member Investigators are investigators who have staff appointments at the VA Puget Sound Health Care System (VAPSHCS) or at Mann-Grandstaff VA Medical Center and at least one SIBCR-administered VA R&D- approved project on which they serve as principal investigator. An SIBCR member investigator may also have approval for Intramural Grant Funds. The SIBCR Board of Directors appoints SIBCR member investigators.

Subcontractor means any supplier, distributor, vendor, or firm that furnishes supplies or services for SIBCR or another subcontractor furnishing supplies or services to SIBCR.

Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program.

### **Prohibited Conduct**

SIBCR employees, member investigators, agents, subcontractors and subrecipients (including subcontractor and subrecipient employees) at any tier are prohibited from:

- 1) Engaging in severe forms of trafficking in persons;
- 2) Procuring commercial sex acts;
- 3) Using forced labor;
- 4) Destroying, concealing, confiscating, or otherwise denying access by an employee to the employee's identity or immigration documents, such as passports or drivers' licenses, regardless of issuing authority;
- 5) Using misleading or fraudulent practices during the recruitment of employees or offering of employment;
- 6) Using recruiters that do not comply with local labor laws of the country in which the recruiting takes place;
- 7) Charging employees or potential employees recruitment fees;
- 8) Providing or arranging housing that fails to meet the host country housing and safety standards;
- 9) If required by law or contract, failing 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;

- 10) (i) Failing 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, grant or cooperative agreement (for portions of work performed outside the United States); or
  - B. For an employee who is not a United States national and who was brought into the United States for the purpose of working on a U.S. Government contract or subcontract, grant or cooperative agreement 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 work performed inside the United States); except that-
- (ii) The requirements of paragraphs (10)(i) of this clause shall not apply to an employee who is- (A) Legally permitted to remain in the country of employment and who chooses to do so; or (B) Exempted by an authorized official of the contracting agency from the requirement to provide return transportation or pay for the cost of return transportation;
- (iii) The requirements of paragraph (10)(i) of this clause 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. SIBCR or subcontractors/subrecipients, as applicable, 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. For example, not only offering return transportation to a witness at a time when the witness is still needed to testify. This paragraph does not apply when the exemptions at paragraph (10)(ii) of this clause apply.

## **Violations**

It is a violation of this policy for SIBCR employees, member investigators, agents, subcontractors and subrecipients (including subcontractor and subrecipient employees) to do any of the following:

- Engage in Prohibited Conduct
- Fail to report trafficking in persons or related activities in accordance with this policy, FAR 52.222-50 and 2 CFR Part 175
- Retaliate against individuals who make good faith reports of suspected wrongful conduct

## **Reporting Trafficking in Persons**

SIBCR employees, member investigators, agents, subcontractors and subrecipients (including subcontractor and subrecipient employees) are to immediately notify SIBCR if they become aware of any allegations or activities that they suspect meet the definition of or are related to trafficking in persons. Reports must be made by either contacting SIBCR Human Resources (HR) or anonymously reporting via Lighthouse Services hotline. Contact information is below:

1. SIBCR HR at [hr@sibcr.org](mailto:hr@sibcr.org) or
2. Lighthouse Services hotline [www.lighthouse-services/sibcr](http://www.lighthouse-services/sibcr) or by phone 833-401-0002

Reports may be made through the Global Human Trafficking Hotline at 1-844-888-FREE or by emailing [help@befree.org](mailto:help@befree.org) provided that reports are also made to one of the contacts listed under #1 and 2 above.

## **Enforcement**

SIBCR employees, member investigators, agents, subcontractors and subrecipients (including subcontractor and subrecipient employees) are responsible for ensuring compliance with this policy. This responsibility includes enforcement, detection of non-compliance, cooperation with audits or investigations, protection of victims and witnesses, implementation of corrective actions and the imposition of sanctions in coordination with SIBCR and VAPSHCS or MGIVAMC leadership, sponsors and federal, state and local governments, as applicable.

Sanctions may include, but are not limited to, the following:

- Removal of employee or employees from the performance of the contract(s), grant(s) or cooperative agreement(s);
- Reduction in benefits;
- Termination of employment;
- Unilateral termination of a subcontract or subaward;
- Suspension or loss of payments;
- Suspension or debarment;
- Civil or criminal penalties.

## **Notification**

SIBCR will comply with sponsor requirements, FAR 52.222-50 and 2 CFR Part 175 as applicable, for reporting any credible information it receives from any source that alleges that SIBCR employees, members, agents, subcontractors and subrecipients (including subcontractor and subrecipient employees) have engaged in conduct that violates this policy, FAR 52.222-50 and 2 CFR Part 175, as applicable.

## **Related References**

FAR 52.222-50 (January 2019)

2 CFR Part 175