

**Policy: The United States Government and the Foundation have zero-tolerance toward human trafficking-related activities. Pursuant to U.S. and Foundation policy (the “Policy”), forced, bonded (including debt bondage) or indentured labor, commercial sex, involuntary prison labor, slavery, or trafficking of persons shall not be used. This includes transporting, harboring in, recruiting, transferring, or receiving persons by means of threat, force, coercion, abduction, or fraud for labor or services. Furthermore, as required by law, and pursuant to Foundation Policy, the Foundation, its employees, and Board of Trustee members shall not:**

- 1. 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;**
- 2. 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;**
- 3. Use recruiters that do not comply with local labor laws of the country in which the recruiting takes place;**
- 4. Charge employees recruitment fees;**
- 5. Fail to provide return transportation or pay for the cost of return transportation upon the end of employment, when employees are recruited from another country;**
- 6. Provide or arrange housing that fails to meet the host country housing and safety standards;**
- 7. If required by law, fail to provide an employment contract, recruitment agreement, or other required work document in writing; and/or**
- 8. Fail to pay the agreed wages or salary specified in an employment contract, recruitment agreement or other required work document.**

### **Purpose**

This sets forth policy of The Asia Foundation (the “Foundation”) and the United States Government against trafficking in persons (“human trafficking”) as well as an overview of the Foundation’s Compliance Plan. The Policy and Plan are consistent with the Foundation’s culture of compliance and zero tolerance for unethical behavior and corruption and with our [Code of Business Ethics and Ethical Conduct](#). We maintain robust compliance and ethics programs that are aligned with our corporate values. Key elements of the Foundation’s programs include written compliance standards and procedures; ongoing employee training; regular audit evaluation and monitoring of compliance program effectiveness; a reporting process for complaints and concerns; a [Whistleblower Policy](#) to protect employees who report financial impropriety, unethical behavior, and non-compliance; corrective disciplinary actions for noncompliance; and investigation and remediation of problems. The Policy and Plan also comply with the requirements of the Federal Acquisition Regulation, Subparts 22.17 and 52.222-50.

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### **Responsibility**

Each employee and Board of Trustee member of the Foundation is responsible for ensuring compliance with this Policy.

### **Disciplinary Action**

Any violation of this Policy could result in disciplinary action, up to, and including removal from a contract, reduction in benefits, termination of a business relationship, or termination of employment.

### **Reporting**

1. Credible information regarding a potential violation of this Policy, whether by a Foundation employee, Board of Trustee member, subrecipient employee, subcontractor employee, or consultant must be reported immediately to the Executive Vice President. Credible information may also be reported through EthicsPoint, the Foundation's third party hotline, which enables employees to file confidential whistleblower reports. Information on how to file a report can be found in the [Whistleblower Policy](#).
2. Any reporting will be provided without fear of retaliation.
3. Employees aware of potential human trafficking violations may, in addition, contact the U.S. State Department's Global Human Trafficking Hotline, directly at 1-844-888-FREE (3733) or its email address at [help@befree.org](mailto:help@befree.org).

### **Compliance Plan**

The Foundation's Compliance Plan includes the following:

1. Ensure understanding and commitment from each employee and Board of Trustee member to comply with each element of the Policy. Headquarters and country offices employees are required to sign an [Anti-Trafficking Acknowledgment Form](#);
2. Conduct an awareness program through orientation, trainings, and awareness briefings as needed and through email when available.
3. Maintain a recruitment and wage plan that meets host country legal requirements. If needed, engage only recruitment companies using trained employees and prohibit charging of recruitment fees to the employee. When arranging housing for employees, the housing plan must be vetted by the country office to ensure that it meets the Foundation's and host-country's housing and safety standards;
4. Ensure subawardees or independent contractors/consultants are aware the Foundation's zero tolerance regarding trafficking, as referred in the [Compliance Guide: Anti-Trafficking](#) or [Contractor Engagement Toolkit](#), and terminate any subawardee, their employees, or independent contractors/consultants who are in violation of the eight principles as outlined in the above Policy section.
5. Promote a process that allows employees to report, without fear of retaliation, activity inconsistent with the Policy. Actively publicize the U.S. State Department's Global Human Trafficking Hotline, directly at 1-844-888-FREE (3733) and its email address at [help@befree.org](mailto:help@befree.org).
6. Guidance on complying with USAID anti-trafficking provisions:

### **Requirements**

USAID's Mandatory Standard Provision [M20. Trafficking in Persons](#) for grants and cooperative agreements, and Federal Acquisition Regulation (FAR) [52.222-50 Combating Trafficking in Persons](#) for contracts establishes the requirements and prohibited conduct.

Under its USAID funding, TAF is responsible for developing an award-specific compliance plan when the award is a grant or a cooperative agreement and the amount is over \$500,000, and when the award is a contract, and the amount is over \$550,000, and the work is performed outside of the U.S. For these awards, TAF must:

- Provide a copy of the Compliance Plan to the Agreement or Contracting Officer upon request
- Post the useful and relevant contents of the plan or related materials on its project website (if one is maintained) and at the workplace
- Submit an annual "Certification Regarding Trafficking in Persons, Implementing Title XVII of the National Defense Authorization Act for Fiscal Year 2013" to its Agreement Officer or Contracting Officer.

Sub-awardees, including grantees, implementing partners, and subcontractors falling under the above criteria, must implement a plan and submit a certification to TAF annually.