

TYPES NOT MAPPED YET August 05, 2019 | TTR not mapped yet | Jayna Marie Rust

A government contractors' checklist for building a FAR combating-trafficking compliance plan

This checklist is for informational purposes and should not be construed as legal advice. To determine if your compliance plan or anti-trafficking policies and procedures comply with the applicable regulatory requirements, have them reviewed by a lawyer familiar with FAR 52.222-50.

A solicitation you want to respond to contains FAR 52.222-56, "Certification Regarding Trafficking in Persons Compliance Plan." After reading it, you realize you need to certify with your offer that you have implemented a compliance plan in accordance with FAR 52.222-50, "Combating Trafficking in Persons." The catch? Your company does not have a compliance plan, and you do not know where to start.

Below is a checklist that covers the basic requirements for the questions contractors ask most about developing and implementing their compliance plans: (1) what to put in the plan; (2) what to consider to make sure the plan is appropriate; and (3) what to do with the plan after it has been developed.

What to put in the plan

Per FAR 52.222-50(h)(3), every compliance plan must at a minimum cover the company's following five activities and plans for the contract

- **An awareness program** that informs employees of:
 - The Government's policy prohibiting trafficking-related activities;
 - The activities prohibited by the Government; and
 - The actions that will be taken against an employee for violations.
- **A process for employees to report** (without fear of retaliation) activity inconsistent with the policy, including a means for making available to all employees the Global Human Trafficking Hotline Contact information (1-844-888-FREE and help@befree.org).
- **A recruitment and wage plan** that:
 - Only permits the use of recruitment companies with trained employees;
 - Prohibits charging employees or potential employees for recruitment fees; and
 - Ensures that wages meet applicable host-country legal requirements or explains any variance.
- **A housing plan** that ensures housing meets host-country housing and safety standards (if contractor or subcontractor intends to provide or arrange housing).
- **Procedures** to:
 - Prevent agents and subcontractors (at all tiers and all dollar values) from engaging in trafficking in persons and trafficking-related activities, and

- Monitor, detect, and terminate any agents, subcontracts, or subcontractor employees that have engaged in trafficking or trafficking-related activities.

What to consider to make sure the plan is appropriate

Once you have a plan that meets the minimum requirements, you should ensure that it is appropriate for the potential contract. Per FAR 52.222-50(h)(2), the plan must be appropriate for the:

- Size of the contract
- Complexity of contract
- Nature and scope of activities, including
 - Number of non-U.S. citizens expected to be employed
 - Risk that the contract or subcontract will involve services or supplies susceptible to trafficking in persons

What to do with the plan after it has been developed

Per FAR 52.222-50(h)(4)(i), the compliance plan must be posted:

- At the workplace (unless work is in the field or not in a fixed location)
- To the contractor's website (unless posting is impracticable, if so, the contractor must provide the contents of the plan to each worker in writing)

In addition to the explicit requirements in FAR 52.222-50(h), a contractor should also make sure that its plan does not conflict with any other requirements of FAR 52.222-50.

To learn more about FAR 52.222-50's requirements and the activities it prohibits, tune in to our [CLE webinar](#) on August 14. The webinar will also address some best practices in designing and implementing a trafficking-compliance program.

***Jayna Marie Rust** is an associate in Thompson Coburn's Washington, D.C., office. Jayna works with large and small companies and non-profit organizations to help them understand their trafficking-related obligations under FAR 52.222-50, "Combating Trafficking in Persons," and 2 CFR 175.15. She provides extensive counseling on these obligations, working with clients on the basic compliance requirements (such as developing required employee notifications) as well as disclosures of violations of the Government's policy.*

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Jayna Marie Rust