

## **ANTI-HUMAN TRAFFICKING COMPLIANCE PLAN**

This document sets forth Brookhaven National Laboratory's (BNL's) plan as required by Federal Acquisition Regulation (FAR) 52.222-50(h) and is required to be maintained for the duration of the performance of the contract, for any portion of the contract that is:

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

However, this Plan sets out BNL's baseline standards for anti-human trafficking compliance and applies presumptively to all BNL contracts and subcontracts.

The purpose of this Plan is to set out BNL's policies and procedures for: (1) making BNL employees aware of the conduct prohibited under BNL policy and the anti-human trafficking provisions and the actions that may be taken against employees for violations; (2) employing fair recruitment, wage and housing practices; and (3) preventing prohibited trafficking activity by suppliers, subcontractors and subrecipients, and monitoring, detecting and terminating those who engage in such activities.

### **1. BNL Anti-Human Trafficking Policy**

The United States Government has adopted a policy prohibiting human trafficking activities. In accordance with FAR 52.222-50(b), BNL, its employees, agents, and subcontractors, during the period of performance of the contract, shall not:

1. Engage in severe forms of trafficking in persons;
2. Procure commercial sex acts;
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 immigrations documents, such as passports or drivers' licenses regardless of issuing authority;
5.
  - i. Use misleading or fraudulent practices during the recruitment of employees or offering of employment, such as failing to disclose, in a format and language understood by the employee or potential employee, 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 costs to be charged to the employee or potential employee, and, if applicable, the hazardous nature of the work;
- ii. Use recruiters that do not comply with local labor laws of the country in which the recruiting takes place;
6. Charge employees or potential employees recruitment fees;
- i. 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 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, 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); except that—
  - ii. The requirements of paragraphs (b)(7)(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 (b)(7)(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. The contractor 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, the contractor shall not only offer 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 (b)(7)(ii) of this clause apply.
7. Provide or arrange housing that fails to meet the host country housing and safety standards; or
8. 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.

## **2. Recruitment and Wage Plan:**

Only the use of recruitment companies with trained employees is permitted. No recruitment fees shall be charged to the employee or potential employees and all wages must meet applicable host-country legal requirements with any variance requiring explanation.

## **3. Housing Plan:**

In situations where BNL provides housing to employees, the housing will meet host country housing and safety standards.

## **4. Subcontractors Plan:**

BNL will monitor subcontractors' conduct based upon the risk of trafficking in persons related to the product or service acquired.

1. The requirements of FAR 52.222-50 shall be included in subcontractor contracts as applicable. Subcontractors must provide BNL with a copy of its anti-trafficking compliance plan and any implementing policies when requested, and, prior to award of any subcontract subject to this provision, and annually during the performance of the contract issued including this provision, provide a certification from each subcontractor as required by FAR 52.222-50(i)(2).
2. Subcontractors must also certify that they will monitor, detect, and terminate any subcontractor or subcontractor employee engaging in prohibited activities, and after having conducted any due diligence, either certify (a) to the best of the subcontractor's knowledge and belief, neither it nor any of its agents, subcontractors, or their agents is engaged in any such activities; or (b) if abuses relating to any of the prohibited activities have been found, the subcontractor, or its lower-tier subcontractor, has taken the appropriate remedial actions.
3. Failure of subcontractors or subcontractor employees to comply with the requirements of FAR 52.222-50 may result in immediate termination of the subcontractor's contract.

## **5. Posting Plan:**

BNL will post this Plan on its Human Resources website at <https://www.bnl.gov/HR/>. BNL will also post this Plan in accordance with its posting policy at the worksite. Additional information regarding trafficking in persons is also available at the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons website at <http://www.state.gov/j/tip>.

## **6. Awareness Plan**

Any new personnel are required to complete BNL's on-line training program named "Ethical Behavior and Professional Conduct," which will include the Plan's anti-human trafficking provisions.

BNL will also train current employees on the anti-human trafficking provisions via its policy refresher course.

## **7. Reporting Requirements and Procedure:**

Any activity inconsistent with this Plan must be immediately reported without fear of retaliation to the U.S. Department of Energy Office of Inspector General Hotline online at <http://energy.gov/ig/complaint-form> or via telephone at 1 (800) 541-1625. Activity may also be reported to the U.S. State Department's Global Human Trafficking Hotline directly at 1 (844) 888-FREE or [help@befree.org](mailto:help@befree.org).

BNL shall inform the Contracting Officer and the agency Inspector General immediately upon receipt of any credible information from any source that alleges an BNL employee, subcontractor, subcontractor employee, or their agent has engaged in conduct that violates FAR 52.222-50(b) or upon any actions taken against an BNL employee, subcontractor, subcontractor employee, or their agent.

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

## **8. Disciplinary Action:**

Any violation of this Plan may result in disciplinary action, including but not limited to, removal from the contract, subcontract, or termination of employment.