



Anti-Trafficking in Persons Policy

March 2018

1. Purpose

Concern strongly condemns trafficking in human beings - children, women, and men – and this policy prohibits all individuals with whom, and entities with which, Concern works from engaging in any form of trafficking in human beings. People trafficking is a criminal act that violates fundamental human rights and the inviolable dignity and integrity of the human person. Disciplinary action up to and including dismissal will be taken against anyone found to be violating any aspect of this policy.

This policy is in line with Concern's mission and work and is intended to comply with all regulatory requirements.

As the concerns of this policy are inextricably linked to the Concern Code of Conduct and its associated policies, this policy constitutes an addition to and enhancement of those policies.

2. Scope

This policy has the same application as the Concern Code of Conduct, i.e. it applies to:

- a. all Concern staff
- b. all staff of Concern partners/sub-grantee organisations and anyone working on their behalf such as consultants, contractors, volunteers, interns, or any person actively involved in the delivery of the partner's/sub-grantee's programmes
- c. anyone engaged by Concern such as consultants, contractors, volunteers, interns, or any person actively involved in a Concern programme
- d. visitors to Concern's programmes, and the accompanying dependents of Concern's international staff members

3. Description

Abuse of power has, in the past, led to many forms of exploitation within the relief and development sector. Concern condemns any form of abusive or exploitative behaviour of individuals and is committed to the protection of its programme participants¹, particularly beneficiaries, as they are the most vulnerable. Everyone included in this policy² is prohibited from engaging in trafficking in children, women, and men.

¹ For Concern, a **programme participant** is any individual associated with Concern's programmes, including: i. beneficiaries of programmes delivered by Concern or its partners; ii. members of the communities in which Concern and its partner organisations work; iii. people employed or engaged by Concern, whether national or international, full or part time, consultants, interns, contractors or volunteers, or any person actively involved in the programmes of Concern or its partner organisations; and iv. Concern's partner organisations, their staff and anyone working on their behalf.

² The staff of and anyone engaged by Concern and its partner organisations, such as consultants, contractors, volunteers, interns, or any person actively involved in Concern's programmes.

- a. To accomplish the purpose of this policy, all of those included in it:
 1. are prohibited from engaging in trafficking in children, women, or men for sexual exploitation or procurement of any commercial sex acts (even if this practice is legal in a particular jurisdiction) including but not limited to forced prostitution, child prostitution, and paedophilic pornography.
 2. shall not engage in trafficking in women and girls for purposes of forced or arranged marriages, or for any bride price schemes.
 3. are prohibited from engaging in trafficking in children, women, and men for removal of organs for the illicit organ trade or for the illicit dealing, running, or trafficking of narcotics and drugs.
 4. are prohibited from using force, fraud, or coercion to subject a child, woman, or man to forced labour, begging, or involuntary servitude.
 5. shall not obtain labour from a child, woman, or man by threats of serious harm to that person or another person.

- b. Concern prohibits employment practices relating to trafficking in human beings, including:
 1. destroying, concealing, confiscating, or otherwise denying access to an employee's identity or immigration documents.
 2. using misleading or fraudulent practices to recruit employees, such as failing to disclose key terms and conditions of employment.
 3. using recruiters who do not comply with local labour laws.
 4. charging employees recruitment fees.
 5. failing to provide transportation, unless exempted, to certain employees who are brought to a country for the purpose of working on any award, including any bilateral or multilateral government contract, grant, cooperative agreement, sub-contract, sub-grant, or other sub-agreement.
 6. providing or arranging housing that fails to meet host country housing and safety standards.
 7. failing to provide an employment contract or work document where required by law.
 8. knowingly obtaining goods or services that have been provided or produced by trafficked or forced labour.

- c. Furthermore, Concern requires:
 1. that all wages meet host country legal requirements.
 2. transparent recruitment practices that fully and accurately disclose, in a format and language accessible to the employee, all key terms and conditions of employment, including wages and benefits, living conditions, any housing or associated arrangements (where provided or organised by Concern), and significant costs to be charged to the employee.
 3. that in situations where Concern provides housing to employees, the housing will at minimum meet host country housing and safety standards.
 4. reasonable steps are taken to ensure that all partner/sub-grantee organisations, consultants, contractors, volunteers, interns, or any person actively involved in a Concern programme comply with this policy.

4. Procedures and training

All Concern staff in any programmes operated by Concern will be informed about the Concern Anti-Trafficking in Persons Policy and its trafficking related prohibitions, the reporting system, the actions that will be taken against the employee for violations, and the consequences for violating the policy.

In addition, Concern's Human Resources departments must adhere to the highest standards in the recruitment of staff, and provide detailed information to employees regarding their rights and benefits. These standards prohibit the solicitation of a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretences, representations, or promises regarding that employment, charging employees recruitment fees and providing or arranging housing that fails to meet the host country housing and safety standards.

5. Reporting mechanism, monitoring and investigations

The procedures for reporting, monitoring and investigating reported incidents are the same as those outlined in the Concern Code of Conduct.

Any person within the scope of this policy is obliged to report actual or suspected breaches and to cooperate fully with any investigation into such.

The safety of persons reporting actual or perceived breaches is a very important consideration, and one that must not be taken lightly. The organisation has an obligation to protect staff who come forward to report actual or perceived wrongdoing.

Issues reported to line management will be handled with the following safeguards:

- *Harassment or Victimisation*: Concern recognises that the decision to report a suspicion can be a difficult one to make, not least because of the fear of reprisal from those responsible for the potential malpractice. Concern, in accordance with its Human Resource policies, will not tolerate any form of harassment or victimisation, and will take all practical steps to protect those who raise an issue in good faith.
- *Confidentiality*: Concern will endeavour to protect an individual's identity when he or she raises an issue and does not want their name to be disclosed. It should be understood, however, that an investigation of any potential malpractice may need to identify the source of the information and a statement by the individual may be required as part of any evidence that is gathered in the investigation process.
- *Untrue Allegations*: Employees should be aware that if an allegation is made in good faith, but it is not confirmed by an investigation, Concern guarantees that no action will be taken against the complainant. If, however, individuals make malicious or vexatious allegations, disciplinary action up to and including dismissal will be considered against any individual making such an allegation.

If the circumstances are such that reporting a suspicion internally is inappropriate, or if the person to whom it is reported is unable to assist, the issue may alternatively be reported via the Global Human Trafficking Hotline at +1-844-888-3733 or its email address: help@befree.org.

As an organisation, Concern will fully cooperate with the regulatory agencies to conduct audits and investigations on anti-trafficking compliance.

6. Actions arising from investigations

Persons who are judged guilty of breaches of this policy may have committed gross misconduct. Such breaches will result in disciplinary action, up to and including dismissal, being taken.

In addition, where appropriate, Concern will refer significant breaches to the local law enforcement agencies with a view to initiating criminal prosecution.

7. Effective date

This policy has been approved and is in effect. It will be:

- communicated to all staff, with a clear notice indicating that it has been incorporated into the Concern Code of Conduct and its associated policies and, as such, is binding on all staff.
- communicated to all partners with a clear notice that we would strongly encourage them to apply it immediately, but that it will be formally incorporated into partner agreements as part of the Concern Code of Conduct and its associated policies at the time of the next update/revision of the agreement.

This policy has been incorporated into the Concern Code of Conduct and its associated policies and will be included as a matter of course in all future employee/consultancy contracts and partner agreements.

8. Review of this policy

In the interests of maintaining good practice, the contents of this policy will be reviewed in conjunction with the review of the Concern Code of Conduct and its associated policy documents. Responsibility for initiating any such review rests with Concern's Senior Management Team (SMT). Any changes to the policy that affect its underpinning principles or purpose will be submitted to the Board in Dublin for review and approval.