

## Malaria Consortium

# Combating Trafficking in Persons: Compliance Plan

2023

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### Modern Slavery Statement

Malaria Consortium has a statement published on our website <https://www.malariaconsortium.org/governance/malaria-consortium-policies-and-procedures.htm> outlining its support to the UK Modern Slavery Act, 2015 to protect against slavery, servitude and forced or compulsory labour; and human trafficking. This includes information relating to supply chains and working with supplies and partners.

Malaria Consortium policies prohibit its employees and subcontractors and agents from:

- (1) Engaging in severe forms of trafficking in persons;
- (2) Procuring commercial sex acts;
- (3) Using forced and or trafficked labour;
- (4) 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;
- (5) (i) Using 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;  
(ii) Using recruiters that do not comply with local labor laws of the country in which the recruiting takes place;
- (6) Charging employees recruitment fees;
- (7) 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 (for portions of contracts performed outside the United States) with exceptions as specified under FAR52.222.50 (b)(7):

(8) Providing or arranging housing that fails to meet the host country housing and safety standards;  
or

(9) 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.

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## EMPLOYEE AWARENESS PROGRAM

Malaria Consortium has developed and implemented an awareness program to inform all employees about the FAR's prohibitions against trafficking-related activities described in FAR 52.222.50(b), the activities prohibited and actions that will be taken against the employee for violations. The employees are trained on;

- Code of Conduct; Malaria Consortium has a Code of Conduct in place, which is mandatory for all staff and partners to adhere to. The Code, also published on our website (URL as above) includes expected behaviours and outlines the prohibition of any sexual activity with persons (adult or child) who look to or benefit from Malaria Consortium's protection or assistance, or with any persons under the age of 18 years, commit any act of sexual exploitation, sexual abuse or sexual violence, exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This prohibition extends to engaging the services of sex trade workers. In addition, the code prohibits staff or partners to ask for, invite or accept any personal payment, service or favour from others, especially beneficiaries, vendors, suppliers, in return for performing duties assigned to the staff member by Malaria Consortium. Working for Malaria Consortium requires accepting the responsibility for safeguarding human rights, showing a commitment to working with vulnerable populations and protecting their dignity. The code requires the adherence to the UN Convention on the Universal Declaration of Human Rights.
- Safeguarding; Malaria Consortium has in place a Safeguarding Policy for Children and adults in vulnerable circumstances, fitting international standards including the United Nations Convention on the Rights of the Child. The policy outlines the organisation's commitment with laws relating to human trafficking and consequences for any violations.
- Dignity at Work, the global Procurement Policy, the expected behaviours, the consequences for violating policies and how to raise any concerns.
- Staff induction involves raising awareness of Human Trafficking and the law(s) surrounding this. All employees engaged in the delivery of USAID-funded projects are also made aware of the requirements of the Combatting Trafficking in Persons Act (NOV 2021) and the option to call or email the Global Human Trafficking Hotline. (See Whistleblowing below).
- Malaria Consortium employs a Global Safeguarding Advisor to provide guidance to existing staff on Safeguarding and Whistleblowing policies and procedures.

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## REPORTING

All Malaria Consortium employees or its suppliers, sub-contractors, and agents are encouraged to report any activity or condition that may violate the policy or the requirements of FAR 52.555-50 confidentially without retaliation.

### Whistleblowing Policy

Policy is in place and holds staff responsible for reporting any violation of the code of conduct including those linked to Trafficking in Persons.

### Complaints/Concerns

The Malaria Consortium's website contains the Whistleblowing Policy and a Complaints Notice, which outlines how people can raise any concerns via: [concern@malariaconsortium.org](mailto:concern@malariaconsortium.org)

Specifically for those working on USAID-funded programmes employees are able to contact the Global Trafficking Hotline +1-844-888-3733 (3733 typing FREE on a telephone keypad) or at its email address [help@befree.org](mailto:help@befree.org).

An independent whistleblowing service named SafeCall has also been engaged to allow staff to report outside of Malaria Consortium structures. Staff can submit reports online at <https://www.safecall.co.uk/en/file-a-report/> or call one of the in-country free numbers.

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## RECRUITMENT AND WAGE PLAN

Malaria Consortium strictly prohibits misleading or fraudulent recruiting practices during the recruitment of both local and non-local employees. All labour recruiters working for or with the organisation and its suppliers and subcontractors have committed to providing complete and accurate information to all employees regarding the assignment they are being offered.

### Use of Recruitment Agencies

Where agencies are used, the Malaria Consortium Procurement process will apply and no agency would be used where a fee is charged to a candidate. Strict conditions apply, which are monitored by our Human Resources Department.

### Reference & Security Checks

Reference checks from at least two previous employers covering the last three years of employment are carried out when hiring new staff. Malaria Consortium is a member of the Agency Misconduct Disclosure Scheme and as such are rolling out five year reference checks in all of our operating locations. Where applicable, police background checks will be conducted and/or a Criminal Record self-declaration is completed. Candidates will be required to present an ID and evidence of their right to work in a particular location and evidence of their qualifications.

All subcontractors to the organisation provide all employees with an employment offer letter/contract/employment agreement in writing, containing a detailed description of the terms and conditions of their employment where such contract is required by law or contract.

Contracts are written in the language that the employee understands and are provided to them for review and signature at least five days prior to departure from their country of origin. A housing plan, if the contractor or subcontractor intends to provide or arrange housing that ensures that the housing meets host-country housing and safety standards.

### **Wages**

Malaria Consortium payscales are reviewed on a regular basis with the support of an independent international labor market specialist to ensure that staff are paid at rates compliant with host country legal requirements.

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## **HOUSING PROVISION**

Malaria Consortium employs the majority of its staff in the locations those staff already live. Where this is the case, no housing is provided to employees by Malaria Consortium. Where staff are asked to relocate from their normal location to work by Malaria Consortium, a housing allowance is provided directly to the staff member to enable them to choose their own accommodation. In South Sudan some staff are provided with housing directly by Malaria Consortium, and this housing meets the requirements of the laws of that country.

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## **COMPLIANCE VIOLATING AND MONITORING**

In the event of the receipt of credible information from any source (including host country law enforcement) that alleges a Malaria Consortium employee, subcontractor, subcontractor employee, or their agent has engaged in conduct that violates the policy in paragraph (b) of this clause (see also 18 U.S.C. 1351, Fraud in Foreign Labor Contracting, and 52.203-13(b)(3)(i)(A), Malaria Consortium will immediately;

- Investigate the violation and notify the Contracting Officer and the agency Inspector General of the specific nature of the activity, including the remedial action taken, and
- Take appropriate corrective and preventative action up to and including the dismissal of the employees, and termination of the contracts with sub-contractors, suppliers and agents. Staff who manage subcontractors and vendor relationships will be specifically trained on how to detect the risk of trafficking and adhere to the relevant terms and conditions in the subcontracting process.

All sub-contractors are required to Cooperate fully in providing reasonable access to its facilities and staff (both inside and outside the U.S.) to allow contracting agencies and other responsible Federal agencies to conduct audits, investigations, or other actions to ascertain compliance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. chapter 78), E.O. 13627, or any other applicable law or regulation establishing restrictions on trafficking in persons, the procurement of commercial sex acts,

or the use of forced labor; and (iv) Protect all employees suspected of being victims of or witnesses to prohibited activities, prior to returning to the country from which the employee was recruited, and shall not prevent or hinder the ability of these employees from cooperating fully with Government authorities.

All subcontractors have agreed to ongoing monitoring and random auditing by Malaria Consortium or its agents for compliance with FAR 52-222-50 and the human trafficking policy. Any indication of noncompliance will be investigated, reported and addressed accordingly.

### **Sub-contracts**

Malaria Consortium includes compliance wording against Trafficking in Persons in our sub-contracts, directly passes through the requirements under USAID contracts to sub-contractors, and verifies compliance as part of ongoing performance evaluation and through audit.

Malaria Consortium includes Trafficking in Persons in its risk assessment of country programmes. These programmatic risk assessments are consolidated at country, regional and global levels and are updated quarterly, and reviewed by the Finance, Audit and Risk Committee.

## **ANNUAL CERTIFICATION REGARDING TRAFFICKING IN PERSONS**

Malaria Consortium certifies the following:

- It has implemented a compliance plan to fulfil the requirements of 48 CFR § 52.222-50
- Implemented procedures to prevent any activities relating to trafficking in persons and to monitor, detect, and terminate any agent, subcontract or subcontractor employee engaging in prohibited activities; and
- To the best of the representatives knowledge, neither the recipient nor any employee, contractor or subawardee of the applicant/recipient, nor any agent of the recipient, or of such a contractor or subawardee, is engaged in any of the activities

Signed



**James Tibenderana**  
Chief Executive  
*26<sup>th</sup> October 2023*