



Kenan Foundation Asia

Anti-Trafficking Compliance Plan

Background and Purpose

Kenan Foundation Asia (“Kenan”) has developed this Anti-Trafficking Compliance Plan (“Compliance Plan”) in accordance with the U.S. Government’s zero-tolerance policy regarding trafficking in persons by government contractors and award recipients, as set out in FAR Subpart 22.17 and 52.222-50(h), and in USAID Standard Provision M20 for U.S. Nongovernmental Organizations (“Anti-Trafficking Provisions”).

The purpose of this Compliance Plan is to set out Kenan’s program requirements and procedures for:

1. Making Kenan’s employees aware of the conduct prohibited under Kenan’s Anti-Trafficking Policy and the Anti-Trafficking Provisions and the actions that may be taken against Kenan’s staff for violations;
2. Employing fair recruitment, wage and housing practices; and
3. Preventing prohibited trafficking activity by Kenan’s suppliers, and monitoring, detecting and terminating those who engage in such activities.

Scope

This Compliance Plan sets out Kenan’s baseline standards for anti-trafficking compliance and applies presumptively to all U.S. Government contracts, subcontracts, cooperative agreements, awards and sub-awards. For all contracts and awards, Kenan’s technical manager must examine each one individually to assess the risk of trafficking activity, based on factors such as the number of non-U.S. citizens to be employed and whether the contract or award will involve services or supplies susceptible to trafficking in persons. Project staff must adapt or modify the Compliance Plan as necessary to ensure that it is appropriate according to the size and complexity of the contract or award and the nature and scope of the activities to be performed.

Employee awareness program

Kenan has adopted a policy on Combating Trafficking in Persons (the “Policy”) that reflects the Anti-Trafficking Provisions’ that prohibit trafficking-related activities. The Policy describes the actions Kenan may take against employees and suppliers who violate the Policy, and sets out the procedure for reporting and investigating Policy violations.

Kenan has posted the Policy on Kenan’s organizational SharePoint, where it can be accessed by all Kenan personnel at any time. All new Kenan staff are required to acknowledge that they have familiarized themselves with Kenan’s policies. On-boarding and refresher training sessions on ethics policies, including the Anti-Trafficking Policy, are provided as-needed and on an ongoing basis under Kenan’s online training program.



Recruitment and Wage Plan

- Kenan prohibits the use of any misleading or fraudulent recruitment practices during the recruitment of employees or the offering of employment to employees. Kenan must fully and accurately disclose to its employees (in a format and language that is accessible to the employees) all key terms and conditions of their employment, including wages and benefits, work location, living conditions, housing and associated costs (where provided or arranged by Kenan), significant costs to be charged to the employee, and, if applicable, the hazardous nature of the work.
- Kenan prohibits the use of recruiters that do not have trained employees, or that do not comply with all labor laws of the country where the recruitment process takes place.
- Kenan prohibits charging recruitment fees to any individual employee.
- Kenan will pay wages to its employees that meet the legal requirements which apply in the country where they are employed, or it will otherwise explain any variance.
- Where required by law or contract, Kenan will provide to every employee an employment contract, service agreement or other required work document, written in a language that the employee understands, which contains all required information regarding the terms of conditions of their employment, which may include, by way of example 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 person. If an employee must relocate to perform their work, then Kenan will provide the required work document(s) at least five (5) days prior to their relocation.
- Kenan prohibits destroying, concealing, confiscating or otherwise denying any employee access to his or her identity or immigration documents.
- Kenan will provide or pay the cost of return transportation at the end of employment for any employee who is not a national of the country where the work took place and was brought into that country by Kenan for purposes of working on a Covered Agreement.

Housing Plan

If/when Kenan provides or arranging for housing facilities to employees, the housing will meet host country housing and safety standards.

Supplier Compliance

All Kenan contractors, consultants, suppliers, sub-contractors and sub-recipients (the “Suppliers”) must agree to comply with the Policy together with all applicable Anti-Trafficking Provisions. Kenan will include language to that effect in all Supplier contracts, sub-contracts and sub-agreements (the “Supplier Contracts”), this shall include inserting FAR 52.222-50, FAR 52.222-56 and USAID Standard Provisions where applicable.

All Kenan Suppliers that are engaged to perform under Covered Agreements with a Contract value above \$25,000 must develop and implement a compliance plan to prevent prohibited trafficking-related



activities which includes monitoring, detecting and terminating any of their contractors, consultants, suppliers, sub-contractors or sub-recipients that engage in prohibited trafficking-related activities, and such Suppliers must provide a copy of their compliance plan to Kenan, including any amendments thereto.

The Supplier's compliance plan must meet the minimum requirements in the Anti-Trafficking Provisions and be appropriate according to the size and complexity of the contract, sub-contract or sub-agreement with Kenan and the nature of the activities to be performed under it.

Prior to the award of any Supplier Contract, and on an annual basis thereafter, all Kenan Suppliers must submit a certification to Kenan which confirms the following:

1. That the Supplier has implemented a compliance plan and has complied with its compliance plan; and
2. That after conducting due diligence, to the best of the Supplier's knowledge and belief, neither it nor any of its employees, contractors, consultants, suppliers, sub-contractors, sub-recipients or their employees, have engaged in any prohibited trafficking-related activities, or if any abuses relating to prohibited trafficking-related activities have been found, then the Supplier has taken appropriate remedial and referral actions which including promptly notifying Kenan thereof.

For Suppliers and Supplier Contracts that may be more susceptible to trafficking-related activities, Kenan may, in situations where it has direct access, inspect the Supplier's workplace or any housing provided by the Supplier for signs of trafficking-related activities. In lower-risk situations, and in situations where the Supplier is remote, Kenan will review the plans and certifications of the Suppliers to ensure they include adequate monitoring procedures and reporting mechanisms.

If any Supplier fails to comply with the Policy, applicable contractual language in the Supplier Contract, or applicable Anti-Trafficking Provisions, then Kenan will take appropriate action to remediate the violation and prevent future violations, including, but not limited to:

1. Requiring the Supplier to remove an employee or agent from a project;
2. Requiring the Supplier to terminate its relationship with any Supplier contractor, consultant, supplier, sub-contractor or sub-recipient;
3. Suspending payments to the Supplier until the violation(s) is/are remedied;
4. Terminating the Supplier Contract for cause with immediate effect.

Reporting requirements and procedures

All Kenan staff, Suppliers and Supplier Personnel are required to promptly report any trafficking activity or violation of Kenan's Anti-Trafficking Policy to Kenan. Reports may be made on a confidential basis reporting to Kenan's GA and HR Manager by calling +662-260-0380 ext. 209, or contacting the Global Human Trafficking Hotline at 1-844-888-FREE or emailing help@befree.org.

In addition, reports may be made to any member of Kenan senior management, or by contacting any members of Kenan's Board of Trustees. Any Kenan senior manager, or members of Kenan's Board of Trustees who receives such a report is required to immediately inform the GA and HR Manager or Executive Director who will present the report at the Unit Heads (President, Executive Director, F&A Senior Manager, GA and HR Manager) meeting. If one of the Unit Heads is involved, he/she will be



excluded from the decision making process. Kenan will investigate all reports of prohibited trafficking-related activity or non-compliance with this Compliance Plan and take appropriate action. In addition, the Unit Heads will make all required disclosures as set forth in its Compliance Plan.

Kenan strictly prohibits retaliation against any Kenan staff who report Prohibited Activities or other violations of this Policy. Kenan staff who engage in retaliation against those who report Prohibited Activities or other Policy violations are subject to disciplinary action, up to and including termination.

Investigations

If Kenan receives credible information from an employee report or any other source alleging prohibited trafficking-related activity, the Unit Heads will conduct an investigation and report its findings and determine what, if any, remedial action is appropriate. The Unit Heads will also monitor Kenan management's implementation of such remedial action.

The Unit Heads will be responsible for immediately notifying the contracting officer and the appropriate agency Inspector General of the information received and any resulting remedial action taken.

Kenan will cooperate fully with any U.S. Government agencies responsible for any investigations, audits or corrective actions relating to trafficking in persons, including, but not limited to, providing timely and complete responses to document requests, and providing reasonable access to Kenan facilities and staff.

Kenan will 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 will not prevent or hinder these employees from cooperating fully with US government authorities.

External Process on Reporting the Trafficking

If Kenan's Unit Heads determine that reported activity constitutes trafficking activity or a violation of Kenan's Anti-Trafficking Policy and the Committee suspects that such trafficking activity is an offense under the anti-trafficking law, then Kenan will contact the Anti Trafficking in Persons Division in the Royal Thai Police to inform them of the matter.

Posting

Kenan will post this Compliance Plan on Kenan's organizational SharePoint. Kenan will also make available this Compliance Plan at all workplaces, except where the work is being performed in the field or not otherwise at a fixed location.

A handwritten signature in black ink, appearing to read 'Richard R. Kenan', is written over a dotted line.

Executive Director, Kenan Foundation Asia