



## Anti-Human Trafficking Compliance Plan Kenan Foundation Asia

### Policy Goals

Kenan Foundation Asia (“**Kenan**”) has a zero-tolerance policy with respect to Human Trafficking and is committed to mitigating the risk of Human Trafficking in connection with its operations and programs.

Kenan is committed to full compliance with the U.S. Government’s laws, regulations, and policies that prohibit Human Trafficking, including Executive Order 13627, “Strengthening Protections Against Trafficking in Persons in Federal Contracts”; FAR Subpart 22.17; FAR 52.222-50; FAR 52.222-56; USAID’s Standard Provisions regarding Trafficking in Persons; and any other regulations from other agencies and governments, as applicable.

The Compliance Plan aims to set forth the expectations of all Kenan staff, sub-awardees and stakeholders and outlines the actions to be taken in the case of a breach of the policy. It is applicable for all Kenan operations in Thailand and Vietnam. Project-specific compliance plans may be created and would override this plan only in relation to the activities under the named project.

### Definition of ‘Trafficking’

“Trafficking or Trafficking in person” means the illegal trade of humans (by force or deception) for the purpose of forced labor, sexual slavery, or commercial sexual exploitation for the benefit (financial or otherwise) of the trafficker(s) or others.

### Guidelines for Anti-trafficking

The following guidelines support conformance with the Anti-Trafficking Policy by all persons within the scope of this Policy.

This Policy establishes a program that is compliant with U.S. Federal Government regulations and USAID standards. This Policy prohibits persons who fall under its scope from the following activities:

1. Engagement in any form of trafficking in persons (as defined in the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime);
2. Engaging in commercial sex acts that may be directly associated with Kenan, which includes during work hours, while attending off-site functions, and any time during work travel status;
3. Use of forced labor of any kind for any reason;
4. Acts that directly support or advance trafficking in persons, including the following acts:
  - i. Destroying, concealing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents;
  - ii. Failing to provide return transportation or pay for return transportation costs to an employee from a country outside Thailand to the country from which the employee was recruited upon the end of their employment if requested by the employee, unless they are exempted from the requirement to provide or pay for such return transportation by Kenan under this award; or the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking

enforcement action;

iii. Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment;

iv. Charging employees recruitment fees; or

v. Providing or arranging housing that fails to meet the host country housing and safety standards.

If Kenan receives any credible information or a complaint regarding a violation of this Policy, then it will immediately notify the cognizant Agreement Officer of Kenan's U.S. Government awards; and fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons. Moreover, Kenan shall comply with the other relevant sections under this Policy.

### **Applicability of the Policy**

This Policy applies to:

- Employees of Kenan including board members, permanent and temporary or fixed term staff members, interns, volunteers, and consultants.
- Kenan Suppliers: Sub-awardees (including their staff and volunteers), independent contractors, and vendors and their employees.

### **Policy Implementation**

Kenan will implement this policy through:

1. Employee acknowledgement of receipt of the Policy and related training;
2. Developing and implementing An Anti-Trafficking Compliance Plan;
3. Incident reporting;
4. All relevant Kenan contractors, consultants, vendors, suppliers, subcontractors and sub-recipients (the "Suppliers") being made to comply with the Policy together with all applicable Anti-Human Trafficking provisions.
5. All relevant Kenan Suppliers that are engaged to perform U.S. Government-funded sub-awards relating to Kenan (worth US \$500,000 or more) shall be required to develop and implement a compliance plan to prevent prohibited Human 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-relating activities, and such Suppliers must provide a copy of their compliance plan to Kenan, including any amendments thereto.
6. Prior to the award of any Supplier Contract, and on an annual basis thereafter, all relevant Kenan Suppliers must submit a certification relating to Anti-Human Trafficking measures/compliance.
7. For Suppliers 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.

### **Anti-Trafficking Compliance Plan**

Kenan will make available its anti-trafficking Compliance Plan template, when required for appropriate

U.S. Government-funded sub-awards relating to Kenan. All U.S. Government-funded sub-awards with an estimated value of US \$500,000 or more are required to complete an anti-trafficking compliance plan. The Compliance Plan is adjusted based on risk factors for trafficking due to the location, beneficiary population, complexity, size of the program, or other variable deemed appropriate and relevant.

### Policy Compliance Measures:

#### **Internally (within Kenan)**

1. The Board, management employees of Kenan must all be aware of and comply with the Anti-Trafficking Policy and its compliance measures. To this end, Kenan will post the Policy on Kenan's internal server, organizational SharePoint, and its public website. Kenan will also make available it available at all workplaces, except where the work is being performed in the field or not otherwise at a fixed location.
2. Employees of Kenan must not neglect or ignore situations when they face or doubt any act that is considered as trafficking. To this end, they must notify their supervisors or responsible persons or make a complaint through the reporting channels and thereafter cooperate with the fact-finding investigation (see details below in this Policy).
3. No employee of Kenan will suffer demotion, penalty or other adverse consequences for refusing any acts of trafficking.
4. Kenan shall communicate its Anti-Trafficking Policy and its measures, including channels of whistleblowing, complaint or recommendations within Kenan through various means such as new employee orientation, the intranet, or newsletter. This shall be done to enhance the understanding of employees and others with respect to the scope of this Policy and what it requires them to do to comply with it.
5. Kenan shall set up an internal control system as well as other organizational processes, which are relevant to Anti-Trafficking Measures.
6. Kenan shall ensure that internal control findings are communicated to responsible personnel of Kenan.
7. Kenan shall maintain documentation, sufficient appropriate evidence and record keeping procedures for audit accuracy to ensure that no record has been missed, is unexplainable or false.
8. Kenan shall set up an internal audit system involving Accounting, HR, and senior management covering activities over \$500,000 activities to ensure that it has a system that meets the objectives of the Policy and complies with the Policy's guidelines and, finally, Kenan shall provide recommendations on the improvement of processes for greater efficiency.

#### **Externally (with Relevant Suppliers)**

Employees and management of relevant Suppliers must be aware of and comply with the Anti-Trafficking Policy and its compliance measures. Relevant Suppliers are defined as paid contractors (consultants, local

implementing partners, researchers) or others providing technical expertise or a product or service that supports the project's implementation.

1. Employees of relevant Suppliers must not neglect or ignore situations when they face or doubt any act that is considered as Human Trafficking. To this end they must notify Kenan by Filing a formal complaint regarding a breach of the Anti-Human Trafficking Policy and thereafter cooperate with the fact-finding investigation (see details below in this Policy).
2. Relevant Suppliers must ensure that none of employees or contractors or other related persons will suffer demotion, penalty or other adverse consequences for refusing any acts of trafficking.
3. Relevant Suppliers must communicate Kenan's Anti-Human Trafficking Policy and its measures, including channels of whistleblowing, complaints or recommendations to its staff and contractors.
4. Relevant Suppliers shall set up an internal audit system covering any activities over \$500,000 to ensure that they have a system that meets the objectives of the Policy and complies with the Policy's guidelines.
5. Relevant Suppliers must adequately protect their employees/ contractors who come forward in good faith to report allegations of a breach of this Policy from victimization from other persons relating to the Supplier.
6. Relevant Suppliers must maintain complete confidentiality if they provide or receive information during an investigation of a breach under this Policy, they must cooperate with Kenan in good faith and not impede or undermine an investigation in any way.

### **Victimization of a Complainant**

Kenan will not tolerate an employee being victimized as a result of such employee coming forward in good faith to report allegations of a breach of this Policy. Any individual who victimizes an employee for reporting allegations of a breach of this Policy will be disciplined. In the case of Kenan staff who breach this rule they shall be disciplined in accordance with the Kenan's work rules & regulations and, in serious cases they may be dismissed from Kenan.

### **Responsibilities of Staff (of Kenan & Relevant Suppliers)**

All employees of Kenan (and its relevant Suppliers) have a responsibility to:

- Comply with this Policy; and
- Maintain complete confidentiality if they provide or receive information during an investigation of a breach under this Policy.

### **Process of Filing a formal complaint regarding a breach of the Anti-Trafficking Policy:**

Reporting of violations of this Policy should be made directly to Kenan's General Administration and HR Manager, Pornluck Chantajitpreecha <PornluckC@kenan-asia.org>, or a complainant may contact the Global Human Trafficking Hotline at 1-844-888-FREE or [help@befree.org](mailto:help@befree.org).

In addition, Policy violation reports may be made to any member of Kenan senior management, or by contacting any members of Kenan's Board of Trustees.

If a complaint is made against the GA and HR Manager, then the complaint should be submitted to the Executive Director of Kenan at richardb@kenan-asia.org. Then the Executive Director will present at the Unit Heads (President, Executive Director, Director of Marketing, F&A Senior Manager, HR and GA Manager) meeting. If one of the Unit Heads is involved, he/she will be excluded from the decision making process.

A written complaint should specify details of the Policy violation including:

1. Nature of the alleged breach of the Policy;
2. Timeline and places that the incident/breach(es) took place;
3. Witnesses if any;
4. What initial actions were done; and
5. Other relevant information or evidence to support their allegations.

### **Process Steps to be Taken Once a Policy Violation is Formally Reported**

#### **(Internally within Kenan)**

#### **Step 1 – Investigation & Decision**

An initial analysis will be made by Kenan’s HR and GA Manager (or the Executive Director) to check the plausibility of the Policy violation. If the initial analysis clearly shows that there was no violation committed, a report will be given to the Unit Heads of Kenan. The staff member that reported the incident will be given a response in writing with the reason for the findings. A report will also be filed with HR Department and it will form part of the documentation of the alleged violation. If the analysis shows, however, that a possible violation may have been made, this will be reported to the Unit Heads of Kenan who in turn will decide that a full investigation be made. In such an instance, the formal process of investigation will commence.

In the case of a formal investigation, the Unit Heads will be convened in preparation for a full investigation. If a member of the Unit Heads is involved in the complaint, he/she will be excluded from the decision making process. If the President is accused, a formal process would be overseen by the Kenan’s Executive Committee of the Board of Trustees.

The accused employee(s) (alleged to have breached this Policy) will be formally informed of the suspected violation in a Notice to Explain (NTE) with details of the allegations made against them. They will be asked to provide feedback to the Committee on Trafficking within 14 days of receiving the NTE.

After the NTE has been issued, interviews will be conducted separately by the Unit Heads (or delegated members thereof) with the staff that reported the suspected violation of the Policy, the person alleged to have breached the Policy, and when appropriate, other witnesses that can provide light in the fact finding process.

Review of documents and other types of evidence such as email, CCTV footage may be conducted by the Unit Heads (or delegated members thereof) to check pertinent information that will be helpful in the investigation & determining facts.

The findings of the investigation will be summarized in a report submitted to the Unit Heads.

The staff that reported the violation of the Policy and the person alleged to have breached the Policy will be informed of the outcome of the investigation by the Unit Heads.

A decision will then be made by the President and Executive Director of Kenan regarding whether the allegations are proven after they have conducted a review of the findings of the Unit Head.

### **Step 2 - Deciding on Disciplinary Action**

When determining the appropriate consequences as regards a proven violation of the Policy, the Unit Heads shall make the decision in compliance with the work rules of Kenan. In deciding what discipline (if any) shall be applied against a proven violator of the Policy, the Unit Heads must consider various factors including mitigating and aggravating circumstances. The key principle is that disciplinary action must be proportionate to the violation of the Policy that has taken place.

### **Step 3 - Disciplinary Action for a Proven Breach of the Policy**

The disciplinary actions for a proven breach of the Policy may range from a verbal or written warning letter, counseling, suspension including but not limited to termination of employment and termination of the relationship with Kenan for non-employees. The levels of disciplinary actions are outlined in the discipline section of the Kenan's work rules and regulations.

Serious cases where the allegations are proven that involve major trafficking and serious damage to Kenan shall result in immediate dismissal of the offender. It may also be necessary to report such incidents to relevant authorities such as the Royal Thai Police's Anti-Trafficking in Persons Division.

There are other measures that may be needed other than disciplinary sanctions to ensure staff compliance with this Policy, these include: counselling, training and reinforcement of processes and procedures.

Kenan prohibits retaliation against any employee who reports any violation of this policy or who cooperates with any investigation of such reports. Employees who engage in any retaliation or other violation will be subject to corrective action up to and including termination of employment and reporting to local authorities as appropriate. Any supplier or supplier personnel that engages in any prohibited activities, fails to report suspicious activities, or engages in retaliatory actions will also be subject to action up to and including termination of the business relationship and reporting as appropriate.

### **(Externally with Suppliers)**

#### **Step 1 – Investigation & Decision**

An initial analysis will be made by Kenan's HR and GA Manager (or the Executive Director) to check the plausibility of the Policy violation. If the initial analysis clearly shows that there was no violation committed, a report will be given to the Unit Heads of the Kenan. The complainant that reported the policy violation will be given a response in writing with the reason for the findings. If the analysis shows, however, that a possible violation may have been made, this will be reported to the Unit Heads of the Kenan who in turn will decide that a full investigation be made. In such an instance, the formal process of investigation will commence.

In the case of a formal investigation, the Unit Heads will be convened in preparation for a full investigation. If a member of the Unit Heads is involved in the complaint, he/she will be excluded from the decision making process. If the President is accused, a formal process would be overseen by the Kenan's Executive Committee of the Board of Trustees.

The Supplier shall be notified of the allegations (relating to the breach of this Policy) and given a Notice to Explain (NTE) with details of the allegations made against the Supplier or its staff/agents. The Supplier or its authorized representative will be asked to provide feedback to the Committee on Human Trafficking within 14 days of receiving the NTE.

After the NTE has been issued, interviews will be conducted separately by the Unit Heads (or delegated members thereof) with the person that reported the suspected violation of the Policy, the person alleged to have breached the Policy, and when appropriate, other witnesses that can provide light in the fact finding process. The Supplier shall cooperate with such investigation and shall use its best efforts to ensure that relevant personnel are available for the interviews and that they cooperate with investigators.

Review of documents and other types of evidence such as email, CCTV footage may be conducted by the Unit Heads (or delegated members thereof) to check pertinent information that will be helpful in the investigation & determining facts. The Supplier shall provide relevant evidence to the investigators if they should request it. The Supplier shall not (directly or indirectly) destroy, tamper with or hide relevant evidence relating to an investigation.

The findings of the investigation will be summarized in a report submitted to the Unit Heads.

The complainant that reported the violation of the Policy and the person alleged to have breached the Policy and the Supplier will be informed of the outcome of the investigation by the Unit Heads.

A decision will then be made by the President and Executive Director of the Kenan regarding whether the allegations are proven after they have conducted a review of the findings of the Unit Head.

## **Step 2 - Deciding on Disciplinary Action**

When determining the appropriate consequences to a Supplier as regards a proven violation of the Policy, the Unit Heads shall make a decision by taking into consideration various factors including whether there are any mitigating and aggravating circumstances. The key principle is that disciplinary action must be proportionate to the violation of the Policy that has taken place.

## **Step 3 - Disciplinary Action for a Proven Breach of the Policy**

The disciplinary actions for a proven breach of the Policy by a Supplier (or its staff/agent) may range from:

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;



5. Informing the Royal Thai Police's Anti Trafficking in Persons Division to inform them of the violation (if the misconduct breaches Thailand's Anti-Trafficking Law).

### **Reporting in good faith**

Staff who make a complaint are expected to keep the complaint confidential and make it in "good faith" which means the complaint must be done with honesty for the purpose of allowing the concern to be legitimately addressed.

Complaints by staff in "bad faith" such as for the purpose of making a malicious personal attack, complaints that are knowingly untrue and done for personal gain, are considered a "gross misconduct" and in the case of Kenan's staff they shall be subject to disciplinary procedures in accordance with the Kenan's work rules and regulations. In the case of staff of a relevant Supplier who makes a complaint in bad faith, Kenan shall refer the matter back to the Supplier but Kenan shall also have the right to implement the disciplinary actions under step 3 above by requiring the Supplier to remove an employee or agent from a project or terminate its relationship with any Supplier contractor, consultant, supplier, sub-contractor or sub-recipient (as the case may be). Supplier shall be solely liable for any liability that may arise if such person is removed/terminated by the Supplier.

### **Policy Commencement & Revision**

This Policy shall take effect on the effective date as stated at the beginning of this Policy document and shall be reviewed and updated as and when required by Kenan.

A handwritten signature in black ink, appearing to read 'Richard Kent'.

Executive Director, Kenan Foundation Asia

*Last revised: June 2023*