

Sample Human Trafficking Compliance Plan Finally Released

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This week, the Department of State (“State”), Verité, and other global NGOs, unveiled a sample human trafficking compliance plan and online resource to help contractors comply with the FAR’s anti-human trafficking rule (the “Rule”). As we have [previously summarized](#), the Rule requires contractors to implement a compliance plan for contracts exceeding \$500,000 that are for non-COTS goods or services acquired outside the United States. Because the final Rule included few specifics on compliance plan requirements, contractors have sought guidance regarding their responsibilities to implement a plan and perform supply chain due diligence. The recently-released sample compliance plan and other web-based tools at ResponsibleSourcingTool.org appear to provide some guidance.

The long-awaited sample compliance plan largely tracks the requirements for a compliance plan in the Rule. For instance, it provides sample language discussing a contractor’s recruitment and wage plan, employee grievance process, and housing plan. In addition, it anticipates that contractors will engage third parties in the country of performance to provide auditing and housing management services. Although the sample compliance plan provides insight into the type of document contracting officers may expect when reviewing compliance plans, it does not provide significant guidance regarding performing supply chain due diligence.

To assist contractors performing supply chain due diligence, ResponsibleSourcingTool.org contains nine additional tools:

- Sample Code of Conduct
- Recruitment and Employment Benchmarks
- Sample Vendor Agreement
- Evaluating Labor Recruitment Candidates
- Sample Supplier Self-Assessment
- Monitoring Labor Recruiters
- Migrant Worker Interviews
- Sample Supply Chain Assurance Program
- Risk Management Process Flow Tool

When releasing these tools, Verité explained that they are not meant to be used in a cafeteria-style manner, but instead must all be implemented to perform successful supply-chain management. However, implementing each of these tools may not be feasible or necessary in all circumstances. For instance, if a supply chain does not involve migrant workers or if a contractor prohibits the use of labor recruiters, some of these tools may not be helpful. That said, when circumstances are appropriate for their use, the tools could be very helpful. For instance, when vetting subcontractors and recruiters, contractors may use the tool for Evaluating Recruitment Candidates, which contains criteria and questions for screening and evaluating labor recruitment candidates.

Although the sample compliance plan and additional tools provide guidance on the *type* of activities that may be performed to satisfy the Rule's due diligence requirement, significant questions remain regarding the *extent* of activity that is required under the rule. Until the government provides additional guidance, contractors will likely be required to use their best judgment under their particular circumstance to assess the extent of diligence that is appropriate.

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