



# Combating Trafficking in Persons

## General Information:

<b>Section:</b>	05-05 – Additional Business Conduct Concerns	<b>Version:</b>	1.1
<b>Policy Number:</b>	05-06	<b>Effective Date:</b>	November 20, 2013
<b>Policy Contact:</b>	Tom Meadows	<b>Reference Policies:</b>	N/A
<b>Approved By:</b>	Bob Walsh		

## Objective:

Set forth Navistar’s policy on forced labor and human trafficking and the requirements of Executive Order 13627 issued 9/25/2012, as well as the proposed FAR amendments strengthening protections against trafficking in persons, available at 78 FR 59317, issued September 26, 2013, both of which are an effort to address the crime of human trafficking by setting forth the government’s zero tolerance policy regarding trafficking in persons and require affected employees to comply with it.

## Defined Terms:

“Human trafficking” means the recruitment, harboring, transportation, provision or obtaining a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery and sex trafficking. Source: Section 103 of the Trafficking Victims Protection Act of 2000.

A “commercial sex act” means “any sex act on account of which anything of value is given to or received by any person.” This would include solicitation of a prostitute but it is not clear what else may constitute a “commercial sex act” and whether it could include giving tips to exotic dancers, paying for a lap dance, paying for a bachelor’s or bachelorette’s party or purchasing pornographic materials.

Terms not specifically defined herein shall have the meanings prescribed in FAR 52.222-50.

## Policy Statements:

Navistar Defense is opposed to human trafficking and forced labor in any form. We are committed to working to mitigate the risk of human trafficking and forced labor in all aspects of our business. The US Government has a zero-tolerance policy regarding any Government employees, contractor personnel and their agents engaging in any severe form of trafficking in persons, to include sex trafficking or the recruitment, harboring, transportation, provision or obtaining of a person for labor or services through the use of force, fraud, or coercion. Navistar Defense Personnel and our agents are required to comply with the provisions contained in the proposed FAR amendments strengthening protections against trafficking in persons, available at 78 FR 59317, issued September 26, 2013 and Executive Order 13627, “*Strengthening Protections Against Trafficking in Persons in Federal Contracts*” and implementing regulations. To the extent the FAR, the Executive Order and this policy differ in their requirements, the stricter requirements must be followed.

Pursuant to the FAR, government contractors and their employees and agents directly engaged in the performance of work on a government contract who have “other than a minimal impact or involvement in contract performance” are prohibited from:

- Engaging in severe forms (i.e., using force, fraud or coercion) of trafficking in persons during the period of performance of the contract;
- Procuring commercial sex acts during the period of performance of the contract (regardless of whether the act is legal or illegal in the jurisdiction where it is procured and regardless of whether the conduct occurs during or outside working hours);
- Using forced labor in the performance of the contract;
- Destroying, concealing, confiscating, or otherwise denying access by an employee to the employee’s identity or immigration documents;
- Using misleading or fraudulent recruiting practices;
- Charging employees recruitment fees;
- Failing to pay return transportation costs for certain employees who have finished employment outside that employee’s nation of residence;
- Providing or arranging housing that fails to meet the host country housing and safety standards; and
- If required, failing to provide an employment contract, recruitment agreement or similar work document in writing in the employee’s native language and prior to the employee departing from his or her country of origin.

Any violations of the FAR, the Executive Order and/or this policy could result in disciplinary action which may include but are not limited to, an employee’s removal from the contract, reduction in benefits or termination of employment.

## **Roles and Responsibilities:**

Employees are responsible for reading, understanding and complying with this policy.

Employees should consult their Compliance Officer if they are uncertain whether a specific action would be in violation of the FAR, the Executive Order and/or this policy.

Employees may report, without fear of retaliation, any activity that violates the FAR, the Executive Order or this policy to their management, the Compliance Department, the Law Department or at Navistar's Business Abuse and Compliance hotline at 1-877-7DIALIT (1-877-734-2548) or at [tnwinc.com/webreport/default.asp](http://tnwinc.com/webreport/default.asp)

## **Revisions and Approvals:**

## **Appendices and Attachments:**

N/A