



## Defense Policy

# Combating Trafficking in Persons

### General Information:

<b>Section:</b>	05-05 – Additional Business Conduct Concerns	<b>Version:</b>	1.2
<b>Policy Number:</b>	05-06	<b>Effective Date:</b>	February <u>26</u> , 2015
<b>Policy Contact:</b>	Tom Meadows	<b>Reference Policies:</b>	
<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, "*Strengthening Protections Against Trafficking in Persons in Federal Contracts*" as well as the Federal Acquisition Regulation; Ending Trafficking in Persons (48 CFR Parts 1, 2, 9, 12, 22, 42, and 52) (the "FARs") and Defense Federal Acquisition Regulation Supplement: Further Implementation of Trafficking in Persons Policy (48 CFR Parts 203, 204, 212, 222, and 252) (the "DFARs") all 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:

"Severe forms of trafficking in persons" means the recruitment, harboring, transportation, provision or obtaining of 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 (22 U.S.C. 7102).

A "commercial sex act" means "any sex act on account of which anything of value is given to or received by any person." FAR 22.1702 Terms not specifically defined herein shall have the meanings prescribed in the above referenced FARs and DFARs.

## **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. Navistar Defense employees and our agents are required to comply with the applicable provisions contained in the FARs and DFARs and Executive Order 13627. To the extent the FARs, the DFARs, the Executive Order and this policy differ in their requirements, the stricter requirements must be followed.

Pursuant to the FAR, government contractors, contractor employees, subcontractors, subcontractor employees, and their agents are prohibited from:

- Engaging in severe forms (i.e., using force, fraud or coercion) of trafficking in persons during the period of performance of a contract;
- Procuring commercial sex acts during the period of performance of a contract;
- Using forced labor in the performance of a contract;
- Destroying, concealing, confiscating, or otherwise denying access by an employee to the employee's identity or immigration documents, such as passports or drivers' licenses, regardless of issuing authority;
- Using misleading or fraudulent recruiting 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 costs to be charged to the employee, and, if applicable, the hazardous nature of the work;
- Using recruiters that do not comply with local labor laws of the country in which the recruiting takes place;
- Charging employees recruitment fees;
- Failing to provide return transportation or pay for the cost of return transportation upon the end of employment, for an employee who was not a national of the country in which the work is taking place and who was brought into that country for the purposes of working on a U.S. Government contract, subcontract or portion(s) of contracts or subcontracts performed outside the United States; or
- Failing to provide return transportation or pay for the costs of return transportation upon the end of employment, for an employee who is not a United States national and who was brought into the United States for the purpose of working on a U.S. Government contract or subcontract, if the payment of such costs is required under existing temporary worker programs or pursuant to a written agreement with the employee for portions of contracts and subcontracts performed inside the United States;

- Providing or arranging housing that fails to meet the host country housing and safety standards; or
- If required by law or contract, failing to provide an employment contract, recruitment agreement or other required work document in writing 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.

Any violations of the FARs, the DFARs, 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.

Additional information about Trafficking in Persons can be found at the website for the Department of State's Office to Monitor and Combat Trafficking in Persons at <http://www.state.gov/j/tip/>.

## 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 DFARs, the Executive Order and/or this policy.

Employees may, and have a responsibility to, report, in good faith, without fear of retaliation and subject to protection under 10 U.S.C. 2409, from reprisal for whistleblowing on trafficking in persons violations, any activity that violates the FAR, the DFARs, 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) or to the Global Human Trafficking Hotline at 1-844-888-FREE or at [help@befree.org](mailto:help@befree.org) or the Department of Defense at [www.dodig.mil/hotline/](http://www.dodig.mil/hotline/) or toll free at 800-424-9098.

## Revisions and Approvals:

Date	Version	Approver	Change Description

## **Appendices and Attachments:**