



## PREVENTION AND COMBATING OF TRAFFICKING IN PERSONS POLICY

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# PREVENTION AND COMBATING OF TRAFFICKING IN PERSONS POLICY

Against the background of the dream to be an internationally recognised university in Africa, distinguished for engaged scholarship, social responsiveness and an ethic of care, the council of the North-West University (NWU) has adopted this policy on 20 June 2019 to regulate the prevention and combating of trafficking in persons.

## 1 Interpretation and application

- 1.1 This policy must be interpreted and applied in a manner consistent with the
- 1.1.1 Constitution of the Republic of South Africa, 1996
  - 1.1.2 Prevention and Combating of Trafficking in Persons Act 7 of 2013
  - 1.1.3 Prescription Act 68 of 1969
  - 1.1.4 Criminal Procedure Act 51 of 1977
  - 1.1.5 Criminal Law Amendment Act 105 of 1997
  - 1.1.6 Witness Protection Act 112 of 1998
  - 1.1.7 Prevention of Organised Crime Act 121 of 1998
  - 1.1.8 Private Security Industry Regulation Act 56 of 2001
  - 1.1.9 Immigration Act 13 of 2002
  - 1.1.10 Children's Act 38 of 2005
  - 1.1.11 Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007
  - 1.1.12 Child Justice Act 75 of 2008
- 1.2 The content of the following documents must be taken into account in the interpretation and implementation of this policy:
- 1.2.1 NWU Values Statement, and Code of Ethics
  - 1.2.2 Behavioural Policy and Behavioural Manual

## 2 Definitions

In this policy –

**“exploitation”** includes all forms of slavery or practices similar to slavery, sexual exploitation, servitude, forced labour and child labour as defined in section 1 of the Children's Act, 2005.

**“trafficking in persons”** means delivering, recruiting, transporting, transferring, harbouring, selling, exchanging, leasing or receiving another person within or across the borders of the Republic of South Africa by means of a threat of harm, the threat of use of force or other forms of coercion, the abuse of vulnerability, fraud, deception, abduction, kidnapping, the abuse of power, the direct or indirect giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person, or the direct or indirect giving or receiving of payments, compensation, rewards, benefits or any other advantage, aimed at either the person or an immediate family member of that person or any other person in close relationship to that person, for the purpose of any form or manner of exploitation.

### 3 Policy Statement

3.1 NWU students, employees, vendors, suppliers, partners and others through whom NWU conducts business including their employees, are prohibited from –

- engaging in any forms of trafficking in persons;
- procuring commercial sex acts;
- using forced labour to perform any work;
- destroying, concealing, confiscating, or otherwise denying access to an individual's identity or immigration documents;
- using misleading or fraudulent practices about the recruitment process for work on a project for the NWU in or outside South Africa, such as failing to disclose, in a format and language accessible to the potential worker, key terms and conditions of the engagement, such as wages and fringe benefits, work location, living conditions, housing costs, and any hazardous nature of the work;
- using recruiters that do not comply with local labour laws in the countries in which recruiting takes place, and
- failing, if required by law or contract, to provide an employment contract, recruitment agreement, or similar work paper in writing in the employee's native language prior to the employee departing from his or her country of origin to work on the contract in another country.

3.2 The NWU acknowledges the risk that a supply chain may involve the use of a hidden or unknown subcontractor reliant on forced labour. Although the University as a Higher Education Institution considers the risk of modern slavery to be low due to the nature of its supply chains, it takes its responsibilities to combat modern slavery seriously by promoting and adopting the following policy measures:

- the prevention, detection, and reporting of modern slavery in any part of its business or supply chains is the responsibility of all those working for the NWU or under its control;
- appropriate due diligence processes must be carried out in relation to modern slavery which may include taking into consideration the level of protection of human rights in a sector or country, the type of sector in which a service provider operates, the countries from which services are provided, the nature of relationships with suppliers, and the complexity of supply chain(s);
- risk assessment must be conducted on all supply chain lines in relation to modern slavery and any high-risk suppliers audited;
- the NWU's standard procurement and contract documentation must address anti-slavery and anti-trafficking;
- employees working in central Procurement Services must be trained to recognise the importance of these provisions;
- the NWU must encourage everyone to raise any concerns about modern slavery, using its Policy for reporting irregularities and maladministration by employees, students or by members of the public where necessary, and must support anyone who acts in good faith in this regard, and
- the NWU's recruitment, equality, and remuneration and reward policies and procedures must support its efforts to combat modern slavery and human trafficking.

3.3 The NWU is committed to provide a safe and secure environment in which to study, research, live, work and visit.

3.4 The NWU is committed to a work environment that is free from human trafficking and slavery.

3.5 The NWU opposes human trafficking, sex trafficking and forced labour, which are inherently harmful and contrary to the university's core values, and which may violate applicable foreign and South African laws, which for purposes of this policy, includes unlawful child labour.

3.6 This policy must be implemented in a manner consistent with the NWU's Code of Ethics and Conduct and its core values to protect and advance human dignity and human rights in all the university's business practices.

### 4 Scope

This policy applies to all campuses of the NWU, all its students, employees, temporary employees, contingent workers (including agency workers), casual staff, agents, independent contractors and sub

recipients performing awards, and to vendors, suppliers, partners and others through whom NWU conducts business.

## **5 Sanctions**

- 5.1 Violation of this policy must be dealt with in accordance with the applicable university policies and procedures, including disciplinary action against employees and students and termination of its relationship with an offending organization or supplier.
- 5.2 Suspected violation of the law relating to human trafficking must be reported to the appropriate law enforcement agency.

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