

## Prevention of Sexual Exploitation, Abuse and Harassment Policy GV18

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### Introduction

This Life is committed to the prevention of sexual exploitation, abuse and harassment with a particular focus on those who are most vulnerable.

#### 1. Purpose of policy

The purpose of the Prevention of Sexual Exploitation, Abuse and Harassment Policy (“the policy”) is to protect persons from sexual exploitation, abuse or harassment. It directly addresses issues in the aid sector at large concerning reported sexual misconduct by various agencies in a wide range of countries.

This Life understands and acknowledges that the communities we work with are often vulnerable to exploitation and abuse due to multiple factors, including:

- Frequent staff rotations in implementing agencies
- Weak institutional support from police and judicial systems for survivors of sexual misconduct
- Multiple levels of partnership and reporting, affecting oversight of individual activities
- Socio-economic disadvantages in local communities, particularly with respect to women, ethnic minorities, people living with disability, and rural communities; and
- Vulnerabilities to natural disasters and political and civil conflict.

Sexual misconduct encompasses a wide range of behaviours, including sexual abuse, exploitation, harassment and intimidation. This Life has a zero-tolerance towards sexual misconduct and makes every effort to ensure that all stakeholders engaged by and with This Life, including our partners, beneficiaries, directors, staff, volunteers and interns are protected against sexual exploitation, abuse and harassment.

### Scope

This policy applies to:

- Directors, employees, volunteers and interns of This Life
- Contractors to This Life
- Employees of This Life
- Partners of This Life
- Employees of This Life’s partners.

Hereinafter these individuals, groups and organisations are referred to as ‘This Life representatives’.

This Life commits to sharing and raising awareness of this policy with all partners via memoranda of understanding or other mechanism, and to make the information readily available to any person or organisation who may request it.

### **Additional Authority**

This policy is supported by This Life’s other safeguarding and related policies, including:

- Child Protection Policy
- Code of Conduct Policy
- Discrimination, Bully and Harassment Conduct Policy
- Equal Opportunity, Valuing Diversity and Affirmative Action Policy
- Feedback and Complaints Policy
- Whistleblower Policy
- Disciplinary Policy
- Program Management Manual

## **2. Definitions**

This Life adopts the following definitions from the Department of Foreign Affairs and Trade (DFAT), Preventing Sexual Exploitation and Harassment Policy (April 2019):

**Sexual exploitation** is any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.

**Sexual abuse** is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences including but not limited to; attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes nonconsensual kissing and touching). All sexual activity with someone under the age of consent (in the law of the host country or under Australian Capital Territory law [16 years], whichever is greater) is considered to be sexual abuse.

**Sexual harassment** is where a person makes an unwelcome sexual advance or an unwelcome request for sexual favours of another person, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.

### **Prevention of Sexual Exploitation, Abuse and Harassment Code of Conduct**

This Life has a zero-tolerance of sexual exploitation, abuse or harassment. This Code of Conduct is to be followed by all This Life representatives, at all times when working for and with This Life.

### 3. Behaviour

This Life representatives must:

- Conduct themselves in a manner that protects others from sexual misconduct at all times.
- Comply with all relevant Australian legislation and legislation of the host country, including laws intended to prevent sexual exploitation, abuse or harassment.
- Be aware of public perception and act with respect regarding cultural sensitivities as to choice of language, actions, and interactions with others.
- Report any concerns of sexual misconduct by proceeding via the processes outlined Feedback and Complaints Policy and/or Whistleblower Policy.

This Life representatives must not:

- Engage in actual or attempted abuse of individuals in a position of vulnerability, differential power or trust, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation, abuse or harassment of another.
- Engage in actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- Engage in sexual harassment, which includes but is not limited to:
  - unwelcome sexual advances;
  - requests for sexual favours;
  - verbal or physical conduct or gesture of a sexual nature; and
  - any other behaviour of a sexual nature that might be reasonably be expected or be perceived to cause offence or humiliation to another.
- Engage in sexual violence, which includes but is not limited to:
  - Unwanted sexual comments;
  - Unwanted sexual touching;
  - Aggressive sexual behaviour;
  - Attempted sexual assault;
  - Sexual assault; and
  - Rape.
- Use This Life or partner organisation facilities, personnel or resources for the purpose of arranging or facilitating access to sex workers by any person, including visitors to This Life offices or programs.

- Engage in sexual relationships with program participants or program beneficiaries, which are inherently unequal and where there is the potential for abuse of power. Such relationships undermine the credibility and integrity of This Life and its programs.

#### 4. Risk Assessment

Risk Assessments must identify areas of This Life’s work that are of higher risk and the appropriate controls required to reduce the risk. Risk factors may include:

- Personnel deployed away from their usual location/country of residence and/or to remote/rural location/s.
- Programs which facilitate interaction with individuals, especially women, who: are young adults; have a disability; are of an ethnic, indigenous, religious or sexual minority; are experiencing poverty; are sex workers; are part of families impacted by disasters; are displaced, refugees, migrants or asylum seekers; are part of female headed households; are victims/survivors of trafficking and/or other forms of sexual and gender based violence; are in contact with the law; and/or are accessing residential/shelter services.
- Circumstances where staff have access to sensitive/ confidential personal information.
- Provision of goods and/or services that may create a power imbalance, for example: services for vulnerable groups of women (eg. escaping trafficking or gender based violence); training; residential/shelter services; disability services; justice facilities; community consultation (data collection, surveying, training); and/or parenting and child protection programs
- Staff or personnel who have an actual or perceived level of authority.

#### Reporting misconduct under this policy

Incidences of suspected or alleged sexual exploitation, abuse or harassment committed by a This Life representative must be reported by proceeding via the processes outlined Feedback and Complaints Policy and/or Whistleblower Policy.

#### Assistance in languages other than English

If a person wishes to make a complaint or report but has limited English language ability, This Life will arrange for translation and the provision of interpreting services as appropriate. Copies of written translations should be made available to the person making the complaint or report.

#### Complaints handling process

When a case of suspected abuse is reported, the Executive Director and Board of Directors must be notified of the complaint. An internal investigation must be launched as appropriate.

If the complaint involves a person who is a Director of the Board, the Executive Director, or any other member staff, that person must be excluded or removed from the complaints handling process.

If the person making the complaint or report is an expatriate, and taking into consideration any legal advice received and the potential for extra-territorial proceedings conducted by judicial or other government authorities

in the expatriate's country of origin, the incident may be reported to local law enforcement authorities as required. Any decision not to refer a criminal offence to law enforcement requires the approval of the Executive Director. This will be documented in order to record the reasons for the decision.

All complaints, suspected incidences and reports of violations of the PSEAH Policy must be reported to DFAT using the Sexual Exploitation, Abuse and Harassment Notification Form and emailed to *seah.reports@dfat.gov.au*.

All reports of alleged complaints or reports of misconduct relating to the delivery of DFAT business must be reported to DFAT within two (2) working days of This Life becoming aware of the alleged incident.

All other reports of incidences of non compliance with this policy must be reported to DFAT within five (5) working days of This Life becoming aware of the incident.

The welfare and interests of the victim are of utmost concern to This Life. The privacy of the victim is to be upheld at all times, while all processes undertaken in accordance with this and all related policies are to be conducted in a manner that ensures confidentiality.

This Life will ensure that support and assistance is provided or made available to the victim, including trauma assistance, counseling and referrals to medical or other support as appropriate.

A This Life representative alleged to have perpetrated or otherwise participated in any act of sexual misconduct against another person will be temporarily suspended during the investigation. The representative will be informed of the allegations made against them and given a reasonable opportunity to respond. Assistance and support may be provided to the alleged perpetrator as appropriate.

### **Investigation and action**

The nature of an allegation, local regulations, and disclosure requirements will determine the type of investigation. This Life will take steps to ascertain initial information and if required, engage authorities including police if required.

This Life senior management will determine the appropriate person(s) to undertake an investigation, taking advice from subject matter experts as applicable and, if required, third party investigators.

Where allegations involve This Life staff they may be suspended or allocated other duties while the investigation is carried out.

At the end of the investigation, the victim and any This Life representatives alleged to have committed misconduct under this policy will be informed of the outcome of the investigation.

Disciplinary action is to be taken against This Life representatives found by the investigation to have committed misconduct under this policy or to have made false or unfounded allegations of misconduct under this policy.

All records of or relating to any investigation must remain strictly confidential, and are to be kept on file or destroyed in accordance with record-keeping protocols.

## **Confidentiality**

It is crucial all parties maintain strict confidentiality. Sharing of information, which could identify a victim or an alleged perpetrator, should be purely on a 'need to know' basis and only to those who have a legitimate need to receive the information. Unless exploitation, harassment, and abuse has actually been proved to have occurred, it must always be referred to as 'alleged'.

Documentation obtained or created as a result of investigations will be kept confidential until such time as it may be required to be handed to judicial mechanisms.

## **5. Awareness and Training**

All employees must be made aware of This Life's PSEAH policy, read and sign This Life's policies and codes of conducts, and immediately report any SEAH matters. All staff shall complete induction training on PSEAH within 45 days of their commencement and annually thereafter.

All personnel must be made aware of reporting requirements (see above).

This Life policies must be made available at all offices and project sites, including through operational manuals, posters, flyers, training, and awareness activities with communities and beneficiaries.

This Life PSEAH requirements shall be included as terms in all This Life contracts, grants, and employment agreements or manuals.

Communities involved in This Life activities should also be informed on how to raise a SEAH concern.

## **Partner organisations**

Due diligence assessments must be completed for all proposed and contracted entities of This Life. Due diligence must assess the extent the proposed organisation complies with This Life's PSEAH Policy. Where gaps are identified, additional controls may be required and/or additional capacity building and awareness activities may be needed.

## **6. Recruitment screening and on-boarding**

This Life will not employ (in any capacity, paid or unpaid) any person with a known history of abuse or violence.

For all employment positions, the following minimum standards will apply:

- safeguarding questions as standard in interview questionnaires, and in reference check questionnaires;
- proof of identification and vetting of previous employment and qualifications, particularly for positions where there is direct working with children or a higher level of contact with children; and
- completion of criminal record checks as applicable; where not available or in jurisdictions with no national child protection database a statutory declaration may suffice; additional screening may be required if this requirement cannot be satisfied.

Position assessments must be documented and retained on personnel files for audit purposes.