

# PREVENTING SEXUAL EXPLOITATION, ABUSE AND HARASSMENT POLICY

**August: 2019, version 1**

## 1) INTRODUCTION

This policy sets out the commitments of Union Aid Abroad – APHEDA in relation to preventing sexual exploitation, abuse and harassment in all aspects of work.

Union Aid Abroad-APHEDA has zero tolerance of violence, exploitation, abuse and harassment in any form. We know that sexual exploitation, abuse and harassment is a risk in all organisations and for any person of any gender, especially those who are vulnerable. We acknowledge that all forms of abuse relate to the unequal power between people in society and in workplaces. Tackling this power dynamic is much more complex than simply understanding gender as binary or the inequities between genders and working for non-discrimination. Union Aid Abroad –APHEDA aspires to be an exemplary organisation in advocating and working for equality, respect, dignity and fairness for all regardless of gender, sexuality, sexual identity, colour, ability or disability, age or ethnicity, race or appearance.

This policy will apply within Union Aid Abroad – APHEDA and to its Committee of Management, employees, volunteers, consultants, contractors, partner organisations, visitors to projects or any other representatives associated with the delivery of its work. Additionally, Union Aid Abroad – APHEDA will not tolerate any of these people, or any other representatives associated with the delivery of its work, being the target or victim of sexual exploitation, abuse or harassment by others, or the perpetrator of such abuse on others.

This policy is to be read in conjunction with other policies of Union Aid Abroad – APHEDA and with the accompanying Guidance Note that will provide the process by which this policy will be managed and implemented, including the roles and responsibilities of dealing with any suspected, alleged or reported incidents.

## 2) DEFINITIONS

In this document, the term **“Union Aid Abroad – APHEDA people** “will mean the total of all employees, volunteers, contractors, consultants, members of the Committee of Management or any person who is engaged in representing APHEDA in any undertaking including study tour participants, and other visitors to projects, including DFAT personnel. The term also applies to implementing partners of Union Aid Abroad – APHEDA.

The definitions used originate from the DFAT policy dated 4 April 2019 and are accompanied by a glossary of terms which are related to this policy. The glossary is attached as Appendix A to this policy in recognition that DFAT determines the new policy and standards.

Sexual exploitation	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.
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Sexual abuse	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 non-consensual kissing and touching). All sexual activity with someone under the age of consent (in the law of the host country or in Australia under Australian Capital Territory law [16 years], whichever is greater) is considered to be sexual abuse.
Sexual harassment	A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, 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.

\*Appended to this is an extended list of definitions to be used in reading this policy.

### 3) PURPOSE OF THE POLICY

The purpose of the policy is to:

- 1) Protect all Union Aid Abroad - APHEDA people, and the people with whom we come in contact during the course of our work, from sexual exploitation, abuse and harassment.
- 2) Set out the standards of behaviour and response required of all who are engaged in representing Union Aid Abroad- APHEDA.
- 3) Ensures that Union Aid Abroad – APHEDA responds appropriately to all reported incidents, noting that failure to respond in an appropriate time and manner or a zero response is unacceptable and will constitute a breach of this policy.

### 4) SCOPE

The policy applies to all Union Aid Abroad – APHEDA people as defined above.

### 5) PRINCIPLES AND OBLIGATIONS

#### a) Zero Tolerance of inaction.

Union Aid Abroad - APHEDA has zero tolerance of any form of violence, exploitation, abuse or harassment. It is an obligation for all Union Aid Abroad – APHEDA people to participate in proactive observation and management of all aspects of work to ensure that any incidents relating to sexual exploitation, abuse or harassment are reported and acted upon in accordance with the policy.

All action under this policy will be undertaken with respect for procedural fairness and in a fair, just and reasonable manner.

#### b) Leadership by Example

Union Aid Abroad – APHEDA aspires to be an organisation that brings about positive change by its work and by working in partnership. As a global justice organisation we seek to be leaders of others in global justice and human rights. Union Aid Abroad – APHEDA people will be developed to be strong advocates of respect and dignity for all people and to challenge anti-social behaviour that undermines equality, respect and the dignity of all. Union Aid Abroad – APHEDA people are expected to demonstrate behaviour and management that are beyond reproach.

### **c) Dignity and support for Survivors/Victims**

This policy requires a clear and urgent obligation to respond to incidents and allegations relating to sexual exploitation, abuse and harassment. The priority for sensitivity and empathy for survivors or victims is paramount. This will require management to be inclusive and to ensure that priority is given to survivors' well being and safety in all aspects of decision making relating to their incident. The survivor will have the right to determine if they pursue prosecution or not without interference by Union Aid Abroad – APHEDA. At the same time, Union Aid Abroad-APHEDA retains the right to notify DFAT of the incident or allegation.

### **d) Risk Assessment**

The internal risk management procedures will be used to ensure that all aspects of work by Union Aid Abroad – APHEDA will include an assessment of the risks of sexual exploitation, abuse and harassment. This will require an assessment of these risks at all stages of Project Design, Implementation and Review.

### **e) Consequences of Investigations that result in Termination of Employment**

Any individual found to have engaged in sexual exploitation, abuse or serious harassment will be terminated from their position. This will apply to all covered by the scope of this policy. In the case of employees, an individual will not be eligible to be re employed or engaged in any capacity at any office of Union Aid Abroad – APHEDA around the world.

### **f) Code of Conduct**

All Union Aid Abroad – APHEDA people will be required to accept and sign a code of conduct and behave in accordance with it.

The code will include the following mandatory behaviours:

- 1) **Prohibition of Sexual Activity with Children:** Union Aid Abroad - APHEDA has zero tolerance for offences under the Child Protection Policy and accompanying Code of Conduct.
- 2) **Fraternalisation:** all non-national Union Aid Abroad – APHEDA people are prohibited from fraternisation while engaged in Union Aid Abroad-APHEDA business.
- 3) **Transactional Sex:** Union Aid Abroad – APHEDA people are strictly prohibited from engaging in transactional sex whilst directly involved in work of Union Aid Abroad – APHEDA in high risk areas which have been identified under the Risk Management

Process. The objective of this prohibition is strictly related to the unequal power dynamic between Union Aid Abroad – APHEDA people and those who are vulnerable because of the conditions in which they live. Where transactional sex is the means of survival for basic needs this is an exploitative arrangement.

## 6) REPORTING OBLIGATIONS

Union Aid Abroad – APHEDA commits to the requirements established in the DFAT Preventing Sexual Exploitation, Abuse and Harassment Policy, April 2019.

There are two levels of reporting required by DFAT that Union Aid Abroad – APHEDA people will comply with:

- 1) **Mandatory and immediate Reporting** The Executive Officer is required to report within *two working days* of any allegation or incidence of sexual exploitation, abuse or harassment related to any DFAT funded project.
- 2) **Mandatory** The Executive Officer is required to report within *five working days* any alleged Policy non-compliance, such as failure to adhere to the DFAT PSEAH policy minimum standards or practices.

Any individual who fails to report alleged incidents to the Executive Officer will be viewed as non-compliant with this policy.

Reporting of any incident or allegation to the Executive Officer or the Chairperson (should any allegation be against the Executive Officer) is required by all Union Aid Abroad-APHEDA people within two working days and is further detailed in the Policy Guidance. Incidents or allegations will be reported to the Committee of Management.

Reports will be made in confidence.

## 7) POLICY GUIDANCE

The Executive Officer must issue guidance under this policy, drafted on a risk assessment basis, and which establishes the processes for the detailed obligations, roles and responsibilities for managing the prevention of sexual exploitation, abuse and harassment, including but not limited to the following:

- a) Organisation-wide risk management
- b) Project risk management
- c) Periodic Assessment
- d) Human resource management
- e) Due diligence management
- f) Training
- g) Partner organisation responsibilities
- h) Project-level prevention
- i) Visitors to international programs
- j) Reporting and incident management

## 8) EXTERNAL: LEGISLATIVE AND REGULATORY FRAMEWORK

This policy has been written to reflect the legislative and regulatory requirements for our work.

These include:

- Department of Foreign Affairs and Trade (DFAT).  
**Preventing Sexual Exploitation, Abuse and Harassment (PSEAH) Policy. April 2019**  
<https://dfat.gov.au/international-relations/themes/preventing-sexual-exploitation-abuse-and-harassment/Pages/default.aspx>
- ACFID Code of Conduct <https://acfid.asn.au/content/read-code>

## 9) POLICY OWNERSHIP

- a) The policy owner is the Committee of Management.
- b) The Executive Officer has primary responsibility for ensuring compliance with this policy, with the power to sub-delegate responsibilities within Union Aid Abroad – APHEDA.

Document Control

Date	Version	Revision Description	Approved by Committee of Management (date)	Drafted/Reviewed/Updated by
August 2019	1	Original	15/8/19	Jill Biddington, Betty Hounslow, Kate Lee
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## APPENDIX A: GLOSSARY

(Drawn from DFAT Preventing Sexual Exploitation, Abuse and Harassment Policy April 2019)

AGREEMENT	A contract, grant agreement or other arrangement entered into by DFAT and a DFAT partner, whether legally binding or not.
CHILD/CHILDREN	In accordance with the United Nations Convention on the Rights of the Child, 'child' means every human being under the age of 18 unless under the law applicable to the child, majority is attained earlier. For the purposes of this Policy, DFAT considers a child to be a person under the age of 18 years.
CONTRACTOR(S)	A person or entity engaged pursuant to a contract for services. Includes: specified personnel nominated in a head agreement with an intermediary company (the contractor) to which a payment is made (although the specified personnel may themselves be employees and not independent contractors); or If the person performing the service is the service provider; he/she is an independent contractor.
DFAT PARTNER	Includes all suppliers, individuals and organisations with whom DFAT directly enters into an Agreement to deliver its objectives, including but not limited to: suppliers of goods and services contractors and service providers including consultants, advisers and other directly contracted individuals non-Government Organisations (NGO), Civil Society Organisations (CSO) grant recipients multilateral organisations partner governments and bilateral donor partners other Australian Government entities.
DFAT BUSINESS	Actions taken or work performed by a DFAT Partner pursuant to an Agreement.
DFAT STAFF	A person engaged as an employee under section 22 of the <i>Public Service Act 1999</i> as either an ongoing or non-ongoing employee, or a person engaged under a contract of employment by the Commonwealth outside of Australia. For the purposes of this Policy, Contractors are included in the definition of DFAT Staff.
DOWNSTREAM PARTNER	Suppliers, individuals and organisations who are engaged by a DFAT Partner to perform DFAT business.
FRATERNISATION	Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It could include sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.
GRANT	An arrangement for the provision of financial assistance by DFAT: under which DFAT money is to be paid to a DFAT partner; and which is intended to assist the DFAT partner to achieve its objectives, as well as to help achieve one or more DFAT policy outcomes.
MULTILATERAL PARTNER	International intergovernmental institutions with governmental membership. They include multilateral development banks, United Nations agencies and regional groupings.
PERPETRATOR	A person (or group of persons) who commits an act of SEAH or other type of crime or offence.
SEXUAL ABUSE	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 non-consensual kissing and touching. All sexual activity with someone under the age of consent <sup>1</sup> is considered to be sexual abuse).
SEXUAL EXPLOITATION	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 HARASSMENT	<p>A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, 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.</p> <p>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.</p> <p>Some examples of behaviour that may be sexual harassment include:</p> <ul style="list-style-type: none"> <li>staring or leering;</li> <li>unnecessary familiarity, such as unwelcome affection or touching;</li> <li>suggestive comments or jokes;</li> <li>insults or taunts of a sexual nature;</li> <li>intrusive questions or statements about your private life;</li> <li>displaying posters magazines or screen savers of a sexual nature;</li> <li>sending sexually explicit emails or text messages;</li> <li>inappropriate advances on social networking sites;</li> <li>accessing sexually explicit internet sites;</li> <li>requests for sex or repeated unwanted requests to go out on dates; and</li> <li>behaviour that may also be considered to be an offence under criminal law such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.</li> </ul>
TRANSACTIONAL SEX	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.
VICTIM/SURVIVOR	A person who is, or has been, sexually exploited, harassed or abused.

<sup>1</sup> Refers to age of consent requirements specified for sexual activity in the law of the host country or the age of consent under the law of the Australian Capital Territory (16 years), whichever sets the greatest age. This benchmark is applied in this policy.

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