

PREVENTING SEXUAL EXPLOITATION, ABUSE & HARRASSMENT POLICY

Purpose

Transparency International Australia (TIA) has a zero-tolerance approach to sexual exploitation, abuse and harassment (SEAH). This policy outlines a commitment to ensure that:

- Effective mechanisms are in place to prevent SEAH.
- The organisation has a culture and practices where people are treated with dignity and respect, both in the workplace and in projects conducted by TIA and its implementing partner organisations.
- These practices are integrated into our workplace and in the delivery of TIA's programmes
- Procedures are in place to raise concerns or allegations, and make complaints, and
- Effective action is taken when concerns are raised or allegations are made.

Scope

This policy applies to all TIA Board Members, employees, volunteers and interns (herein referred to as TIA People). This policy also applies to contractors and consultants where they do not have a Preventing Sexual Exploitation, Abuse and Harassment (PSEAH) policy that meets TIA standards. For any incidents involving children, the Child Protection Policy and related procedures should be followed. This policy covers all other incidents for TIA People over the age of 18.

Definitions

Child or 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	The individuals engaged to perform specific services under a contract and includes: <ul style="list-style-type: none"> (a) specified personnel nominated in a head agreement with an intermediary company (the contractor) to which payment is made; or (b) if the person performing the service is the service provider, he/she is an individual contractor
Criminal record check	A check of an individual's criminal history record. In Australia, national criminal record checks are available through state and territory police departments. They take around 20 working days. The type of employment should be specified as 'overseas employment' if the person is undertaking overseas work.

	<p>Overseas, different checking procedures apply in each country and may take six weeks or longer.</p> <p>Individuals need to consent to a criminal record check and should be informed of the purpose for which the resulting police clearance certificate will be used, including sighting by DFAT</p>
Harm	<p>Any detrimental effect on a person's physical, psychological or emotional wellbeing. Harm may be caused by financial, physical or emotional abuse, neglect, and/or sexual abuse or exploitation whether intended or unintended</p>
Impact	<p>The overall long-term effect produced by a project or programme. This includes positive and negative changes produced by an investment (directly or indirectly, intended or unintended)</p>
Sexual abuse	<p>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 under Australian Capital Territory law [16 years], whichever is greater) is considered to be sexual abuse.</p>
Sexual exploitation	<p>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.</p>
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>
Survivor-centred approach	<p>Is one which prioritises the rights, needs, wishes and empowerment of survivors of sexual exploitation, abuse and harassment SEAH in both the prevention of and response to SEAH. In practice, this means that ACFID's members need to ensure that:</p> <ul style="list-style-type: none"> • Those who are affected by SEAH have accessible mechanisms to make a complaint that are designed with their needs and contexts in mind; • SEAH complaints are investigated sensitively and confidentially with primary concern for the survivor; and • Any response is both robust and sensitive to the wishes and protection of survivors.

Principles

This policy is shaped and informed by the following principles:

- A zero tolerance approach to SEAH
- A shared responsibility approach to managing risks and building a safe environment in relation to SEAH across the organisation.
- Gender equality
- Accountability and transparency
- Victim/survivor-centred
- A commitment to procedural fairness in responding to concerns or allegations of SEAH.

Responsibilities

This policy will be implemented under the supervision of the CEO of TIA Australia and supported by all managers. Their responsibilities will include:

- Overseeing the implementation of compliance standards defined under the policy;
- Promoting a culture of Preventing SEAH across the organisation;
- Identifying and managing SEAH risks across the organisation;
- Managing responses to SEAH allegations or incidents in line with reporting and referral protocols;
- External reporting in line with donor requirements

Practice

Recruitment & Screening

TIA has robust recruitment and screening processes when engaging new employees that verify the integrity of the applicant. Relevant processes conducted by TIA in recruitment include:

- Job descriptions required for all positions, which describe key selection criteria and outline tasks and accountabilities.
- Applicants required to submit details of their background such as dates and places of employment, education and other activities.
- Verbal referee checks required for all preferred candidates. This includes short- and long-term positions, volunteers on placement and consultants. The candidate's most recent employer/supervisor must be one of these referees. TIA verifies the identity of the referee and makes direct contact with each. Written references are not accepted.
- Documented criminal record checks for relevant employees conducted for each country in which the individual has lived for 12 months or longer over the last 5 years, and for the individual's countries of citizenship.
- All staff required to provide proof of identity including one of birth certificate, passport, drivers licence and relevant qualifications.
- All employees are subject to a probationary period depending on the length of the contract.

Training

All TIA People will receive training on the PSEAH policy, their responsibilities under the policy and any other associated processes as part of their induction, or as part of a yearly refresher training.

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Where necessary or requested by a partner, TIA will also conduct training with implementing partners on PSEAH and the development of a compliant and contextually relevant PSEAH policy.

In the event that any TIA person, contractor or consultant is required to work in a country or region considered to be “High Risk” under the [DFAT Smart traveller guidelines](#), then they will receive training before departing.

Incident Reporting & Investigation

TIA commits to thoroughly investigate allegations relating to SEAH based on the principles of confidentiality and procedural fairness. As specified in employee and consultant/contractor contracts, anyone covered by the scope of this policy may be suspended or be transferred to more appropriate duties if subject to an investigation. Any substantiated allegations of SEAH will be considered gross misconduct and may lead to the termination of contract.

TIA has a reporting process as part of its Child Protection Policy. The focal point for reporting is the TIA CEO. TIA has a dedicated email address and phone number for reporting any SEAH incidents. The contact details can be found in the reporting procedure (ANNEX 1).

All TIA People covered by the policy have a responsibility to report any suspected or alleged incidents of sexual exploitation, abuse or harassment or policy non-compliance. As an organisation dedicated to transparency and in line with the TIA whistleblowing policy, TI people should feel free to report any incident free of fear of reprisals.

TIA is committed to reporting alleged SEAH incidents that involve a criminal aspect to the correct local law enforcement agency where it is safe to do so and is in accordance with the wishes of the victims/survivors.

TIA commits to, wherever possible, de-identifying the victim/survivor, consistent with a survivor-centred approach.

Risk based approach

TIA is committed to safe programming and effective risk management. Although not a major focus, some work that TIA and its partners undertake is focused on community engagement. With this, there is always a possibility of inflicting unintended harm, particularly in relation to vulnerable populations. To ensure that these risks are mitigated, TIA will:

- Ensure protection and safeguarding are always considered in programme/chapter risk assessments. Both the Accountable Mining Programme risk assessment and project/chapter level risk assessments include a specific reference risk related to PSEAH and associated monitoring schedules.
- Ensure that due diligence and/or capacity assessments of partners include an assessment of partners’ implementation of key safeguarding and risk policies including the prevention of sexual exploitation, abuse and harassment. [This is a requirement under ACFID Code of Conduct Compliance Indicator 5.1.2.](#)

Code of Conduct

All TIA People sign and adhere to the TIA Code of Conduct which outlines the expected behaviour for all TIA People. Failure to align to these processes will lead to termination, and any conduct that is criminal will be reported to the relevant authorities, both in Australia and countries where TIA works, where it is safe to do so and is in accordance with the wishes of the victims/survivors.

Communication of the Policy

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As per DFAT and ACFID requirements, this Policy will be available on the TIA website. An introduction to the Policy and relevant procedures and responsibilities will be given to all current and new Board Directors, staff, contractors (if they are working in a high risk environment) and volunteers through training and induction processes.

Related Documents

This policy should be read in conjunction with:

- Child Protection Policy
- TIA Code of Conduct
- Grievance Procedure
- Accountable Mining Gender Strategy
- Terms and conditions of relevant employee contract, particularly in relation to disciplinary procedures and termination (in process of development).

Effective Date and Review

Title	Preventing Sexual Exploitation, Harassment and Abuse Policy
Version	2
Owner	Transparency International Australia
Date of Approval	
Effective date	
Review date	

ANNEX I – SEXUAL EXPLOITATION, ABUSE & HARRASSMENT REPORTING PROCEDURE

It is mandatory for all Transparency International Australia (TIA) Board Members, employees, volunteers and interns to report concerns or allegations of sexual exploitation, harassment and abuse or policy non-compliance by anyone within scope of the policy in connection with official duties or business. All reports should be made to the reporter's manager and/or the CEO. If the complaint is about the CEO, the Chairperson should be informed. This Policy may also apply to the staff of partner organisations, affiliates, contractors and consultants where they do not have a PSEAH policy that meets TIA standards.

This section outlines the reporting procedures to be followed.

What to report

Any suspicion, concern, witnessing, or disclosure of any SEAH perpetrated by a TIA Person as per the definitions of SEAH outlined in the TIA PSEAH Policy (see the definitions section of this policy) in relation to the work of TIA. If the incident involves a person under the age of 18, then the Child Protection Policy and related reporting procedures should be followed.

When to report

People falling under the scope of this policy should report any concerns, suspicions or allegations immediately, or failing this, within 24 hours.

Who to report to

All persons covered by the TIA SEAH policy are required to report any SEAH allegations or incidents to their manager and/or CEO in line with TIA's Whistleblowing Protection Policy. However, if the concern relates to conduct of the CEO it should be raised directly with the Chair of the Board, or with the Chair of the Finance & Risk Committee.

How to report

The report should be made verbally (if possible) and by completing the TIA SEAH Incident Report Form (see Annex II). Completed reports should be send to reports@transparency.org.au or made by phone on +61 422 240 084.

What happens when a report is made

The CEO, together with the Head of Programme and the Chair of the Board will meet to determine the nature of the allegation and an appropriate response. If the complaint is about the CEO, the Head of Programme or the Chair of the Board, their positions will be filled by other Board members.

The response may include:

- Conducting an internal investigation
- Referring for external investigation
- Informing external authorities in line with reporting obligations
- Referring to external social support systems
- Initiating disciplinary procedures

- Notifying DFAT or other donors if required in accordance with the PSEAH Policy.

Any investigations will be carried out by the CEO or if the complaint is about the CEO, by the Chair of the Board. If the complaint is about the Chair of the Board, an alternate board member will carry out the investigation. The investigation shall be conducted promptly and professionally, with due consideration of the interests of any person raising concerns, as well as other employees and organisation members.

The CEO/ Chair of the Board/ Board member managing the incident will complete a report using the template provided. The CEO will nominate a place to file the report, so it cannot be accessed by others, and will maintain a record of this.

Concerns will be handled confidentially. The outcomes of the reporting and any subsequent steps taken will be dependent on the severity of the allegation, and could include:

- Suspension or transfer of duties whilst being investigated
- For TIA People dismissal or termination of partnership/ relationship if report is founded
- Warnings
- Restorative practices
- Where relevant, reporting to authorities.

Confidentiality

All reporting and related information to SEAH incidents should be handled with the strictest confidence and reported to authorised people only. It is noted that reporting obligations under law and of other organisations that bind TIA, for example DFAT, must be complied with and such compliance will not be considered a breach of confidentiality.

All TIA Board members, and employees are required to maintain confidentiality with respect to allegations or matters referred to them. A breach in confidentiality can have devastating effects on the life of the person, the person's family, the person reporting and the alleged abuser. Confidentiality is critical for procedural fairness to both the alleged victims/ survivors and abusers.

ANNEX II – SEXUAL EXPLOITATION, ABUSE & HARRASSMENT INCIDENT REPORT FORM

It is mandatory for all Transparency International Australia (TIA) TIA People to report concerns or allegations of sexual exploitation, abuse and harassment during the delivery of TIA work to their manager and/or the CEO/Board member (where relevant). This report form should be used.

All incident reports must be stored securely.

Incident details

Date of incident:	
Time of incident:	
Location of incident:	
Name(s) of staff/volunteer involved:	

Please categorise the incident

Sexual Exploitation

Sexual Harassment

Sexual Abuse

Please describe the incident

When did it take place?	
Who was involved?	
What did you see?	
Other information	

For use by team/person managing the incident

Date incident report received:	
Staff member managing incident:	
Follow up actions?	

Follow-up date:	
Incident ref. number:	
Has the incident been reported to:	
Police (please specify if Australian or international)	
Donors (please specify)	
Another third party (please specify)	