

PREVENTION OF SEXUAL EXPLOITATION, ABUSE, AND HARASSMENT POLICY (PSEAH)

Vision:

For all people to transcend the injustice, indignity, and inequality of entrenched poverty.

Mission:

To empower local changemakers to break the cycle of poverty in their communities.

1. Introduction

Action on Poverty (AOP) is an independent, secular, not for profit, non-governmental organisation (NGO). Founded in Australia in 1968, AOP was incorporated in the state of New South Wales in 1983. AOP works with partners and communities in Africa, Asia and the Pacific.

AOP is committed to supporting work that is of the highest standard, and in doing so, holds full accreditation with the Australian Government through the Department of Foreign Affairs and Trade (DFAT). AOP is a signatory to the Australian Council for International Development (ACFID) Code of Conduct which requires high standards of corporate governance, public accountability and financial management to be in place

2. Purpose

At Action on Poverty, upholding the dignity and human rights of every individual is central to our values and development work. Every person who represents Action on Poverty (AOP) is expected to reflect these values in their professional conduct wherever and with whomever they work. This is particularly important when engaging with marginalised communities and with children and vulnerable adults.

Sexual exploitation, abuse and harassment (SEAH) is a violation of human dignity and rights, and children and vulnerable adults are at particular risk of SEAH. We recognise that the nature of AOPs work places our staff, partners, consultants, and volunteers in positions of trust and authority in relation to the communities and individuals they work with. We have an obligation to uphold the highest standards of personal and professional conduct at all times, and must not abuse this trust to exploit or abuse another person.

AOP has a zero tolerance toward SEAH of vulnerable adults and, and zero tolerance of any form of child abuse. AOP takes seriously all concerns and complaints about sexual exploitation and abuse involving AOP staff, partners, consultants, and volunteers, and we promise to handle all reported incidents and concerns appropriately and with sensitivity.

This policy is accompanied by a Safeguarding Code of Conduct, which outlines requirements and procedures to assist staff and associated personnel to plan for and manage safeguarding and protection across all areas of AOPs work. It is a requirement that all staff demonstrate their commitment to the Code by signing it prior to commencement.

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3. Scope

- 3.1 This policy applies to all AOP activities.
- 3.2 This policy applies to all board members, staff, consultants, and associated personnel, as well as visitors, volunteers and interns, referred to in this policy as AOP Personnel.
- 3.3 This policy applies at all times when AOP Personnel can be considered to be representing the organization, whether during working hours or not.
- 3.4 This policy cascades and applies to AOP partners and contractors and is built into AOP contracts and agreements.

4. Associated Policies

This policy should be read in conjunction with: Access relevant policies here – [Policies - Action on Poverty - Making hope possible](#)

- AOP's Fraud policy,
- AOP's Child Protection Policy,
- AOP's Safe Workplace Policy,
- AOP's Values Ethics and Corporate Conduct Policy,
- AOP's Staff Code of Conduct, and
- AOP's Child Protection Guidelines

5. Principles

- 5.1 Upholding human rights and dignity is central to AOPs values and work, and all AOP Personnel are to reflect these values in their conduct as representatives of AOP.
- 5.2 In doing so, this policy prioritises the rights, needs and wishes of the victim/survivor, whilst ensuring procedural fairness to all parties.
- 5.3 AOP has a zero tolerance towards sexual exploitation, abuse and harassment. All concerns and complaints will be investigated.
- 5.4 Preventing sexual exploitation, abuse and harassment is a shared responsibility across AOP. It is expected that all activities and personnel in scope will actively implement this policy.
- 5.5 AOP Leaders will set clear expectations and will model and champion respectful behavior. Leaders will encourage scrutiny of their own behaviour and that of other AOP senior managers.
- 5.6 AOP Personnel are obliged to create and maintain an environment and culture that prevents sexual exploitation and abuse and all forms of child abuse, and promotes the implementation of this policy. Managers at all levels have particular responsibility to develop and enhance systems, practices and communications that maintains this environment and culture.
- 5.7 AOP recognize that an effective PSEAH policy requires us to address gender inequality and other power imbalances. All personnel are to deliver their work with respect for diversity, promoting gender equality and social inclusion.
- 5.8 AOP Personnel must immediately report concerns or suspicions regarding sexual exploitation and abuse, and child abuse by a fellow worker, whether in AOP or not.

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6. Policy Commitment

Action on Poverty commits to:

- 6.1 Create a healthy, safe and trusted workplace culture that is representative of our values
- 6.2 Develop strategies that prevent and respond to sexual exploitation and abuse, in particular recruitment and training practices, complaints mechanisms, and reporting
- 6.3 Ensure that partners incorporate this policy into their own policies and practices and abide by them
- 6.4 Inform staff and partners of the measures taken to prevent sexual exploitation and abuse, including information on making complaints, how complaints are handled, the status of investigations (while maintaining confidentiality), follow up measures taken, and assistance available to complainants and survivors.
- 6.5 Ensure that complaints mechanisms are available to communities, staff, and partners, including providing information in an appropriate language and format.
- 6.6 Provide support and assistance to survivors and complainants, including medical treatment, psychosocial support, and legal assistance as appropriate and according to the desires and needs of the survivor
- 6.7 Include SEAH in risk management processes. Processes will document controls already in place as well as any other controls required to reduce or remove SEAH Risks.
- 6.8 Undertake robust recruitment processes that, in compliance with applicable laws, prevent those with a history of sexual exploitation and abuse from being hired or deployed. This may include criminal history checks, working with children checks, verbal referees, and behavioral-based interview questions
- 6.9 Report suspected criminal activity promptly to relevant authorities for appropriate action, both in the country where the abuse occurred, and in the abuser's country of origin.
- 6.10 Protect from retaliation, to the best of AOP's ability, a person making an allegation of sexual exploitation or abuse
- 6.11 Maintain information on allegations, investigations, and outcomes of sexual exploitation and abuse in order to monitor effectiveness of strategies, report to relevant stakeholders and improve efforts to prevent and respond to sexual exploitation and abuse.

7. AOP Personnel Standards and Conduct

AOP's Safeguarding Code of Conduct provides guidance to employees, consultants, and volunteers, on the standard of conduct expected personally and professionally as a representative of AOP. These standards help guide decision making that exemplifies AOP's core values.

- 7.1 Sexual exploitation, abuse, and any form of children abuse is gross misconduct and will be treated accordingly including termination of employment and reporting to authorities.
- 7.2 Sexual activity with children (persons under the age of 18) is prohibited regardless of the local age of majority or age of consent. Mistaken belief in the age of a child is not a defense.
- 7.3 Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behavior by AOP Personnel is prohibited. This includes the exchange of assistance that is due to program participants.
- 7.4 Sexual relationships between AOP Personnel and program participants are discouraged since an

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unequal power dynamics exists.

- 7.5 Program participants, partners, and colleagues should expect the highest levels of professional conduct from AOP Personnel. Trust forms the basis of successful development work and must be protected.

AOP requires all staff and associated personnel to comply with this Policy along with its Safeguarding Code of Conduct.

Breaches of the Code of Conduct are grounds for disciplinary action, up to and including dismissal.

8. Policy Implementation

8.1 **Training and awareness:** AOP will ensure that all AOP Personnel are aware of this Policy and the Code of Conduct. The following steps will be taken to ensure proper educational support is provided:

- We will ensure that all AOP Personnel are aware of the problem of sexual exploitation, abuse and harassment in the international development sector and the steps being taken to end it.
- All AOP Personnel will sign and abide by the Safeguarding Code of Conduct.
- All AOP Personnel will have access to a copy of this Policy in a language and form that is easily accessible to them, and the policy will be made publicly available to all through the website and in every AOP office and partner organisation.
- All AOP Personnel will receive training on this policy, their obligations, and the reporting and complaints handling process at least once every three years, and within three months of commencement.
- Additional training and support will be provided by AOP as required, to ensure commitments are met.
- We will ensure that all programs/offices select a Sexual Exploitation and Abuse Focal Point to support the implementation of the Policy and be the first point of contact to receive reports on complaints and incidents.
- We will ensure that AOP Personnel are aware of their relevant Sexual Exploitation and Abuse Focal Point for the purposes of reporting a breach of this Policy or Code of Conduct.

8.2 **Recruitment:** AOP is committed to ensuring that no one is recruited to work with AOP who may pose a potential risk:

- AOP has put in place recruitment, screening and selection processes to reduce this risk. These recruitment guidelines can be found in the AOP Operations Manual in the Staff Recruitment Policy.
- AOP requires all AOP Personnel to comply with this Policy and Safeguarding Code of Conduct throughout their period of employment. Failure to do so may result in a transfer to other duties, suspension or dismissal, depending on the nature of the offense. Criminal behaviour

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will be reported to the relevant authorities.

- Contracts clearly state that adherence to the Sexual Exploitation and Abuse Policy is required, and failure to do so will lead to disciplinary consequences.

8.3 **Reporting and Response:** AOP will implement the following Reporting Process for breaches of the PSEAH Policy or the Safeguarding Code of Conduct, or when reporting a concern:

- ☐ **Mandatory Reporting:** It is mandatory for all AOP Personnel to report incidents, concerns or allegations of sexual exploitation, abuse and harassment and any breach of this Policy or the Safeguarding Code of Conduct, without exception, within 24 hours of becoming aware of the concern. These reports should be made directly to the Sexual Exploitation and Abuse Focal Point (SEAFP) or the line manager of the person making the report in the relevant office or program. In the case a report is received by a line manager, the line manager will immediately make a report to the Sexual Exploitation and Abuse Focal Point. The in-country SEAHFP will immediately inform the AOP SEAHFP in Sydney, in addition to taking the necessary measures in country.
- **Best Interest of the Survivor:** The best interests of the survivor is the primary consideration in any response. The first step is always to ensure the survivor is safe and any immediate needs are taken care of. Where it is safe to do so, and when in accordance with the wishes of victim/survivors and whistleblowers, all alleged SEAH incidents that involve a criminal aspect will be reported to relevant local law enforcement.
- **Confidentiality:** Confidentiality of reporting is ensured to protect the identity of the survivor, the whistle-blowers, and alleged perpetrators. All details of the reporting process and investigation process must be kept confidential, and only shared with relevant parties if required. Provisions will be made for the protection of the person reporting an issue or concern if they have a fear for their wellbeing, but the case must still be reported.
- **Notification:** The AOP Sexual Exploitation and Abuse Focal Point in Head Office is responsible for informing relevant stakeholders in accordance with any requirements, including with minimum reporting requirements to donors. All reports of alleged SEAH should be made to DFAT for DFAT funded projects within 24 hours using the formal notification form.
- **Integrity of Reporting Process:** Upon reporting, an investigating committee consisting of the Sexual Exploitation and Abuse Focal Point and HR in country, as well as the AOP Sexual Exploitation and Abuse Focal Point in Sydney will be called to review the report and plan the investigation.
- **Outcomes of the Investigation:** There are four potential outcomes of an investigation:
 - The incident is a **substantiated case of sexual exploitation and abuse**, as well as a **criminal behaviour**, and will be reported to the authorities and will lead to dismissal or end of contract.
 - The incident is a **substantiated case of exploitation or abuse**, as well as a breach of the AOP code of conduct, **but not a breach of the law**, and will lead to disciplinary measures ranging from further training to dismissal.

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- The case of abuse **cannot be substantiated**, upon which further action will be decided
- The allegation or suspicion is **proven to be untrue**. All those involved will be informed and if there is a suspicion the report was made with malicious intent, this will be investigated.

8.4 **Risk Management:** AOP will proactively assess and manage SEAH risks, by:

- Examining SEAH risks of each program and partnership. Programs that involve direct work with children or vulnerable adults are considered a higher risk, and therefore require more stringent and regular risk assessments and oversight, which are integrated in project development, budgeting, implementation, monitoring and evaluation.
- AOP staff will conduct a risk assessment/audit of partners and projects at the start of the collaboration and on a regular basis from then on. Partners and projects will be classified into very high, high, medium or low risk categories, based on the assessment of SEAH risks.
- Implement and document additional SEAH controls that reduce or remove risks. This process will include a determination of applicable DFAT PSEAH minimum standards.

8.5 **Working with partners:** Most of AOP's work is carried out in collaboration with partners, therefore it is vital to ensure partners commit to the same standards and take all necessary measures to ensure sexual exploitation and abuse, and any form of child abuse does not occur. In addition to risk management processes above, AOP will:

- Require that partners read and acknowledge the AOP Sexual Exploitation and Abuse Policy, sign the AOP Safeguarding Code of Conduct, and commit to put appropriate safeguarding measures in place. If a partner does not have their own policy, AOP requires that the partner develop a Sexual Exploitation and Abuse Policy or incorporate this within a safeguarding policy as part of their collaboration with AOP;

Require all partners, from the day of signing the Contract and the Code of Conduct, without exception, to report any suspected Sexual Exploitation and Abuse incidents to AOP within 24 hours, in addition to responding to the incident. Failure to do so, will result in suspension and potentially termination of any Project Agreement.

- Provide assistance and resources to partners to develop their own Policy in line with international standards and specific donor requirements as well as PSEAH training.

8.6 **Monitoring and Evaluation:** This Policy and its implementation will be monitored on an ongoing basis. Reports on implementation are included in program reports, as well as reports to the AOP Board. The policy will be reviewed at least every 3 years or after an incident to ensure that it remains relevant to the needs of AOP and its partners.

9. Acknowledgement

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- I, _____ (insert name) acknowledge that I have received, read and understood AOP's PSEAH Policy.
- I understand that disciplinary measures, legal action and/or suspension from duties may be undertaken in case of breach of the PSEAH Policy.

SIGNED BY:	WITNESSED BY:
_____	_____
(PRINT NAME)	(PRINT NAME)
_____	_____
(SIGNATURE)	(SIGNATURE)
_____	_____
(DATE)	(DATE)

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Annex 1: Definitions

Children and vulnerable adults: In accordance with the United Nations Convention on the Rights of the Child and for the purpose of this Policy (as well as the Child Protection Guidelines and Safeguarding Code of Conduct), AOP defines a child as ‘any person under the age of 18 years, regardless of whether a country’s laws recognise adulthood earlier.’

Vulnerable adults are defined as:

- Those aged over 18 and who identify themselves as unable to take care of themselves or protect themselves from harm or exploitation; or
- Those who due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts are deemed to be at risk

Child Abuse: Please refer to AOP’s Child Protection Guidelines, annex 1, for detailed definitions of the different forms of child abuse.

AOP Personnel: The term “AOP Personnel” includes all employees of AOP, board members, interns, consultants, and associated personnel, as well as visitors, volunteers, and individual or corporate contractors. This includes non-AOP entities and their employees and individuals who have entered into partnerships, sub-grant or sub-recipient agreements with AOP.

Duty of Care: is a common law concept that refers to the responsibility of the organisation to provide vulnerable people with an adequate level of protection against harm. It is the duty of the organisation to protect children and vulnerable adults from all reasonably foreseeable risk of harm.

Partners: For the purposes of this policy, partner(s) refers to any organisation or person that AOP works with to deliver services in Australia or in specific countries and has a formal Implementation Agreement in existence with AOP.

Staff: People employed by AOP on a permanent or temporary basis in Australia or overseas.

Volunteer: is a person who engages in an activity with AOP or its partners for no financial payment and is of the volunteer’s own free will and without coercion. For the purpose of this Policy, volunteer includes board members and interns as well as any visitor to one of AOP’s or its partner’s projects (including study tours, donors, and media personnel).

Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or

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trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.

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 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.

Some examples of behaviour that may be sexual harassment include:

- staring or leering;
- unnecessary familiarity, such as unwelcome affection or touching;
- suggestive comments or jokes;
- insults or taunts of a sexual nature;
- intrusive questions or statements about your private life;
- displaying posters magazines or screen savers of a sexual nature;
- sending sexually explicit emails or text messages;
- inappropriate advances on social networking sites;
- accessing sexually explicit internet sites;
- requests for sex or repeated unwanted requests to go out on dates; and
- 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.

Transactional sex: the exchange of money, employment, goods or services for sex or sexual acts), even in places where sex work is legal.

Fraternalisation: 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

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