

PREVENTION FROM SEXUAL EXPLOITATION, ABUSE AND HARASSMENT POLICY

INTRODUCTION

HFC believes all people regardless of age, religion, race, ethnicity, indigeneity, class, caste, gender and gender identity, sexuality and sexual orientation, or socio-economic status have equal right to live their lives free from sexual violence, exploitation, abuse and harassment.

HFC aims to provide a safe and trusted environment that safeguards everyone from SEA including beneficiary communities, workers, program participants and partner organisations. HFC is committed to safeguarding the people and communities we work with and alongside. We recognise that the nature of the work that we undertake places our staff, volunteers and other representatives in positions of power and trust in relation to the people and communities accessing our programs and that there is an inherent risk of some HFC representatives exploiting their position of power for personal gain.

HFC has a no-tolerance approach to our staff, volunteers, consultants, partners or any other representatives associated with the delivery of our work carrying out any form of sexual harassment, sexual abuse or sexual exploitation.

HFC will work to prevent and respond to SEA and to foster an organisational culture that prioritises safeguarding against SEA to ensure those affected feel safe and supported to come forward and report incidents and concerns with confidence that they will be handled sensitively and appropriately.

PURPOSE AND SCOPE

Purpose

The purpose of this policy is to outline HFC's commitment to building a workplace culture that does not tolerate SEAH in any forms, and our approach to responding to any reports and incidences of SEAH we may encounter in the delivery of our work.

Scope

This policy applies to all staff members, volunteers, office bearers and other representatives of HFC, as well as donors or visitors to our programs. This policy also applies to any individuals or organisations with whom HFC enters into a partnership.

Definitions

HFC uses definitions as set out in the DFAT PSEAH Policy.

Perpetrator A person (or group of persons) who commits an act of SEAH or other type of crime or offence.

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 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, including sexual favours.

Victim/Survivor - A person who is, or has been, sexually exploited, harassed or abused.

Vulnerable Adults - Persons over the age of 18 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.

POLICY STATEMENTS

Zero tolerance of SEAH

HFC does not tolerate any actions by any person representing our program that:

- result in the sexual exploitation, abuse or harassment of a child or adult;
- help facilitate sexual exploitation, abuse or harassment; or
- result in allegations of SEAH being ignored or not acted upon.

HFC adopts the core approaches regarding SEAH as defined by the UN Secretary General (ST/SGB/2003/13)

- Sexual exploitation, sexual abuse and sexual harassment constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
- Sexual activity with children (persons under the age of 18) is prohibited by HFC regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;
- Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;
- HFC acknowledges that the nature of the work that we undertake places our staff, volunteers and other representatives in positions of power and trust in relation to the people and communities accessing our programs and that there is an inherent risk of some HFC representatives exploiting their position of power for personal gain. As such HFC prohibits sexual relationships between HFC staff, volunteers or representatives and beneficiaries of assistance.
- Where a staff member, volunteer or representative of HFC develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, they must report such concerns via the established reporting mechanisms in this policy;

Shared responsibility

The prevention of SEAH is a responsibility that must be collectively shared. All HFC staff, volunteers and representatives are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse.

Managers at all levels both in Australia and in Ethiopia have a particular responsibility to support and develop systems that maintain this environment.

This includes but is not limited to:

- Managing Director
- In-Country Representative

- Program Managers
- School Principal
- Head Teachers

Safeguarding vulnerable adults and children:

HFC recognises that some people may be at greater risk of SEAH due to circumstances outside of their control. Situations of poverty, vulnerability and discrimination as well as power inequities between genders, between HFC staff/volunteers and beneficiary communities, and within HFC itself, can create unequal power dynamics resulting in circumstances where SEAH can occur. HFC has a responsibility to ensure these power dynamics are recognised, and that all people involved with our organisation know the behaviour expected of them, and that everyone, but in particular children and vulnerable adults, feel safe to access our programs, and empowered to report any instances of SEAH.

Survivor-Centred Approach:

In keeping with our commitment to adopt a survivor-centred response and our obligations to ACFID and DFAT HFC acknowledges that as we are responsible for the action of our staff, volunteers and those who represent us, we must make every effort to ensure that any survivor of sexual exploitation or abuse is provided with the necessary means for protection and rehabilitation, even if their complaint is not covered by the scope of this policy or our organisation's services. Wherever practicable, when HFC is not able to provide the necessary support, referral to other organisations able to address these needs should be provided.

Working With Partners

HFC has an organisational capacity assessment tool which guides us in the establishment of formal partnerships. Prior to partnering HFC will assess a potential partner's capacity to uphold their PSEAH obligations. Where necessary HFC will work with and support partners to develop shared understandings of expectations of PSEAH, and robust policy and processes. HFC will make available access to ongoing training for partners, establish suitable partner agreements and monitor and resource these partnerships on an ongoing basis to ensure compliance.

Communicating this Policy:

HFC will:

- Ensure this policy and its principles are clearly communicated to all necessary staff
- Make this policy publicly available on our website.
- Ensure that all personnel and partners, are required to sign our Code of Conduct, which includes expected standards of behaviour in addition to being provided an induction on our commitment to the prevention of SEAH. This induction will include:
 - a reiteration of expected standards of conduct,
 - the consequence of failure to fulfil those standards of conduct

- how concerned parties are able to report alleged incidents of SEAH,
- and where they are able to seek further information about safeguarding across the organisation.
- Provide training on PSEAH to all HFC staff, volunteers, Board Members, partners and other representatives on a regular basis.
- Develop and disseminate communications materials about PSEAH, expected staff behaviours, and complaints processes for communities in languages and media platforms relevant to people accessing our programs.

PSEAH Focal Points

HFC has appointed two key staff members to act as Focal Points for PSEAH within our organisation. Appointing designated focal points for PSEAH is important because these people play a key role in raising awareness throughout HFC of the principles outlined in this policy and take the lead in coordinating, supporting and advising on the development and implementation of PSEAH policy and procedures.

In Australia:

Position: The Managing Director

In Ethiopia:

The In-Country Representative

Reporting

HFC acknowledges that in the first instance disclosures and reports of SEAH may be made to someone a survivor of SEAH knows well and trusts, and not necessarily to an SEAH Focal Person or member of Management. However, it is imperative that all reports of SEAH are treated with the utmost seriousness and where relevant and necessary are escalated to the relevant parties, including Management, and relevant authorities or governing bodies, such as DFAT.

Should parties wish to make an anonymous report, they can:

- (a)** send an email to info@hopeforchildren.org.au detailing the report
- (b)** telephone on +61 8 6460 4949
- (c)** address the issue in writing to

HFC Organization Australia
PO Box 919, Claremont
Western Australia, 6910

This information will be made available in a variety of formats, languages and locations, to ensure it is accessible and understandable to a range of different stakeholders.

The following procedures will be followed if HFC is notified of an allegation of child abuse by an HFC employee, volunteer, Board member, representative or other person associated with HFC and/or our programs.

Concerns or allegations involving personnel or representatives:

- The concern or allegation should be immediately brought to the notice of the Managing Director.
- If required, The Managing Director or delegate will immediately report the allegation to the relevant statutory or police authority.
- The person against whom the allegation is made may be suspended from their relationship with HFC while an investigation is conducted. (If the person is an employee, this suspension will be on full pay.) Such suspension does not imply guilt but rather protects all parties while the matter is being investigated by the relevant authority.

Substantiated cases of SEAH will lead to disciplinary action which may range from corrective action to summary dismissal, dependent on the outcome of the investigation.

Where allegations remain unsubstantiated, HFC will consider if further action is necessary to ensure the safety and protection of children and young people.

The person may also be subject to criminal prosecution under Australian law and HFC will cooperate with any such prosecution. All investigations will be handled with respect and we will observe confidentiality where possible.

If the incident has occurred outside of HFC's programs (such as a report made by a representative of HFC of an incident occurring in the local community) the matter should be referred to an external body or authority dealing with child protection matters within the relevant country.

Imperative at every stage of the reporting process are the following principles:

Confidentiality:

Confidentiality must be maintained throughout the reporting process by all people involved including staff and witnesses. Information should be de-identified wherever permissible, and should be stored securely and only be made available to people directly involved in undertaking the investigation. Parties who breach confidentiality will be subject to disciplinary action up to and including termination of engagement with HFC. In some cases, such breaches may also constitute breaking the law.

Where there are limits to confidentiality (i.e.: if a report concerns a child, or someone is at immediate risk of harm) this must be made explicit to the survivor/complainant, with an explanation about who else will have access to this information, and why

Survivor-Centred Approach

Wherever safe and practicable, any reports or investigations must be led by and respect the wishes of the survivor. In addition to being guided by the explicit wishes of the survivor, the person receiving the complaint should consider the following:

- Does the complainant/survivor have ongoing needs requiring protection or assistance?
- Is the complainant/survivor returning to an unsafe situation, or do they have immediate health and psychological needs, such as risk of transmission of disease?
- Have HFC foregrounded the agency of the survivor, ensuring any actions taken are guided by their wishes where safe and practicable, that a full explanation of any processes that will or could occur as a result of their report has been provided and that they have also been made aware of any obligations HFC has including situations where there may be a limit to confidentiality?

Responsibility To Report

All people and partners of HFC have a responsibility to report any suspected or alleged incidents of sexual exploitation, abuse or harassment or policy noncompliance. Reports will be treated with utmost seriousness, respect and confidentiality, and in accordance with HFC's Whistleblower Policy. HFC is committed to ensuring that concerned parties feel free report on concerns without fear of reprisals.

REFERENCES

Related Documents

Human Resources Policy

Whistleblowing Policy

Complaints Policy

Screening and Recruitment Policy;

Gender Policy;

and HFC Code of Conduct.

Acknowledgements

ACFID Code of Conduct

Policy Established: 2016

Policy updated: 2019