



# Prevention of Sexual Exploitation, Abuse and Harassment Policy

## Policy Statement

As a development and humanitarian organisation, TAI focuses on those most vulnerable and marginalised in development and disaster contexts. In the capacity that we serve, we are equipped with resources and services which we bring to the community for their relief and development. This power differential and subsequent vulnerabilities in the communities in which we serve increases the risk of exploitation, abuse and harassment. As a Christian organisation, we are called to be “good stewards” of the resources given to us, as well as to protect and bring justice to the people who have “no voice”. Furthermore, we are committed to the ACFID Code of Conduct along with other key sector standards and regulations. In addition to the imbalance of power between workers and beneficiaries, we also acknowledge the imbalance in power between men and women, ability and disability, ethnic and Indigenous status, religion, gender identity and sexual orientation, age, health and poverty.

TAI is committed to preventing sexual exploitation, abuse and harassment (defined below) by our TAI Representatives and Implementing Partners. As TAI is committed to non-discriminatory and respectful behaviour, all forms of misconduct are considered unacceptable.

TAI has zero tolerance towards abuse and exploitation of adults who engage with our programs and personnel. Whilst this policy applies to all adults, it aims to particularly reflect TAI’s commitment to safeguarding vulnerable individuals. It is our responsibility to ensure that adults are not deliberately or unknowingly placed in situations which make them easily susceptible to Sexual Exploitation, Abuse and Harassment (“SEAH”) by TAI Representative and Implementing Partners. TAI is thus committed to ensuring that safeguarding measures are embedded, accessible and clearly communicated to all TAI Representatives.

Our Child Safe Policy and procedures are relevant to any matters relating to children.

TAI has a commitment to operating within a survivor-centric approach and will respect the wishes and dignity of the survivor and consider the need for counselling. As an organisation we respect the privacy of people who may be impacted by this Policy and will endeavour to uphold confidentiality, unless a person is at risk of harm to themselves or others.

## Scope and Purpose

This policy is applicable to all TAI Representatives. Our Implementing Partners, who have direct contact with the community and beneficiaries, are required to implement this policy through development of their own policy and practices.

This policy aims to develop an organisation wide culture of increased awareness of SEAH, including strategies of risk mitigation. The policy endeavours to ensure the implementation of principles and practices which prevent SEAH in the TAI workplace, our partner organisations and the communities we seek to serve.

TAI is committed to the following seven core principles<sup>1</sup> on protection from sexual exploitation, abuse and harassment (“PSEAH”):

1. Sexual exploitation and abuse by TAI Representatives constitute acts of gross misconduct and substantiated allegations are grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of the majority or the locally recognised age of consent. Mistaken belief in the age of the child is not a defence.
3. Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour by TAI Representatives is prohibited. This includes the exchange of assistance that is due to program participation.
4. Sexual relationships between TAI Representatives/Implementing Partner staff and program participants, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of TAI. For this reason, sexual relationships between TAI Representatives and program participants are prohibited and must be reported in accordance with TAI’s CS and SEAH Allegation Management Procedure. Sexual relationships between Implementing Partner staff and program participants, are strongly discouraged. To protect against exploitation and abuse in cases where there is a sexual relationship between Implementing Partner staff and program participants, a conflict of interest must be declared.
5. When a TAI Representative has concerns or suspicions regarding SEAH by a fellow worker, whether in TAI or a partner organisation/community, he or she must immediately report such concerns via the reporting mechanisms as outlined within this policy. As this applies to TAI Representatives who have concerns regarding alleged perpetrators of SEAH, in cases where a victim or a survivor has a concern, they may control whether incidents against them are reported.
6. TAI Representatives are obliged to create and maintain an environment that prevents SEAH and promotes the implementation of this Policy. TAI managers at all levels have responsibilities to support and develop systems which maintain this environment.
7. TAI Representatives are prohibited from engaging with commercial sex workers or engaging in prostitution of any form whilst on a work trip (including travel time, field visits and leisure time) and representing TAI, even if commercial sex work is legalised in that country. This kind of conduct goes against our organisational values as per the TAI Code of Conduct and any such conduct, as substantiated, will constitute grounds for disciplinary measures including summary dismissal, under TAI’s relevant policies or discontinuation of partnership/funding under relevant MOUs and partnership/funding agreements.

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<sup>1</sup> Six of the Core Principles are from the UN Secretary-General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13). These have been modified to suit TAI’s purposes.

## Policy Objectives

The objectives of this policy are:

- Promote appropriate standards of conduct with respect to SEAH through consistent and intentional awareness raising and training
- Implement increased and ongoing capacity and awareness raising strategies to ensure that all TAI Representatives and Implementing Partner staff know their rights and responsibilities regarding PSEAH alongside other key policies (as per the Related Policies and Procedures section below) which must work in tandem with this.
- Create and maintain an environment which is free from workplace sexual harassment and promotes the implementation of relevant codes of conduct and behavioural standards.
- Prevent the SEAH of adults, including vulnerable adults, who interact/engage with TAI Representatives and/or Implementing Partner staff during the course of our work.
- Encourage the reporting of behaviours which breach this policy and related policies, notably the EEO, Anti-Discrimination, Harassment and Bullying, and Child Safe policies.
- Continuously socialise and train TAI Representatives on complaints handling and whistleblowing policies and procedures based on the principles of procedural fairness, ensuring all complaints are managed in a sensitive, fair, timely and confidential manner as appropriate.
- Ensure protection from any victimisation or reprisals for the complainant and the whistle blowers.

## Policy in Practice

### Governance and Leadership

Safeguarding and PSEAH matters are reported to TAI's Senior Leadership Team and Board via the Compliance Report, which is tabled three times per year or more frequently if required. Safeguarding is identified as one of the organisations key risk categories and is regularly reported via the Risk Framework Report to the Senior Leadership Team, Board Finance and Risk Committee, and Transform Aid International Board.

### Recruitment and Engagement

TAI has a robust recruitment and screening process to minimise the risk of recruiting a person who poses an unacceptable risk of engaging in sexual harassment, sexual exploitation and abuse.

Procedures include:

- Applicants will be requested to disclose whether they have had a substantiated SEAH claim made against them in Australia or overseas in the Job Application Form or Consultant Agreement.
- Behavioural interview questions pertaining to sexual harassment and abuse may be used to determine the full history of past behaviours, beliefs, attitudes, motivations, and values of applicants regarding working with children and vulnerable adults.



- A minimum of two verbal reference checks will be conducted, which include questions related to the applicant's general conduct, and where relevant questions related to concerns about a candidate's conduct when working or interacting with children and/or vulnerable adults in the context of sexual harassment, sexual exploitation and abuse. One reference must be from the person's current or most recent employer.
- Signed Safeguarding Code of Conduct required prior to commencement of their engagement.
- National Criminal History Check for each country in which the applicant has lived for 12 months or longer over the last 5 years, and for the individual's countries of citizenship\*;
- Working with Children Check\*\*
- Human Resources in consultation with the Safeguarding Committee will develop a detailed induction program highlighting expected behaviours generally, and specifically pertaining to sexual harassment in the workplace, child protection and safeguarding and the prevention of sexual exploitation and abuse of children and vulnerable adults.
- Consultants and Contractor screening includes National Criminal History Checks and WWCC (where applicable). Relevant policies (including PSEAH) are provided and the Safeguarding Code of Conduct must be signed prior to commencement of their engagement.

TAI Representatives are responsible for reporting a change in their circumstances to TAI management by reporting any current criminal or civil court proceedings relating to harassment, exploitation and abuse. All employment, volunteer and consultant contracts must contain provisions for disciplinary actions up to and including dismissal for any person who breaches our Child Safe and PSEAH policies and procedures.

\*A statutory declaration (criminal declaration form) that outlines efforts made to obtain a foreign police check, and that discloses any charges and spent convictions related to child protection, may be accepted in lieu.

\*\* WWCC or equivalent will be undertaken as allowed by legislation.

### Increasing Awareness of PSEAH Obligations Under the Policy

- TAI's focal person is the Chair of the Safeguarding Committee, who provides a key role in raising awareness on PSEAH organisationally, alongside the Safeguarding Committee.
- The Safeguarding Committee will increase awareness of PSEAH among TAI Representatives through providing ongoing education and training, technical advice, collaboration with all programs and departments, and day to day guidance. This will be conducted in line with TAI's commitment to communicating expected staff behaviours.
- Training as set out in the training agenda is mandatory.
- All TAI representatives will receive PSEAH training as part of orientation and induction, refresher training, and job-specific training as required.
- Each department will ensure the requirements are both understood and met by their stakeholders (consultants, contractors, supporters and Implementing Partners) during the yearly cycle and provide the necessary training and support so that those requirements are met.

### Supporter Engagement with and visits to Project (Locations, Personnel and Beneficiaries)

TAI recognises the need to implement specific guidelines to manage SEAH risks when allowing supporters to engage with international programs. TAI proactively manages these risks by requesting National Criminal History Checks and WWCCs. All supporters who visit international projects must follow and sign the Safeguarding Code of Conduct and will receive adequate briefing by a suitable TAI Representatives pertaining to appropriate supportive behaviour and engagement both prior to and during visits.

### Reporting, Complaints Handling and Resolution within TAI

All TAI Representatives must report any concerns they have for the safety or wellbeing of adults in relation to sexual harassment, exploitation and abuse as per the Child Safe and SEAH Allegation Management Procedure. Reports related to children should be made as per the same Child Safe and SEAH Allegation Management Procedure. (Or as per the Grievance Policy or Whistleblowing Policy if appropriate).

TAI commits to:

- treating all concerns raised seriously and ensuring that all parties will be treated fairly.
- meeting country, state or territory specific legislative requirements.
- treating victims/survivors with dignity and respect, and ensure that their needs are prioritised in the actions that the organisation takes to handle the incident. This may include involving them in decision making, providing them with comprehensive information, protecting their privacy and confidentiality, not discriminating, and considering needs for counselling.

Any person who intentionally makes a false allegation or malicious allegation will face disciplinary action.

Further, in the case of concerns of any alleged incident of SEAH against adults, related to the delivery of DFAT business, then TAI must also notify DFAT using the DFAT Sexual Exploitation, Abuse and Harassment Incident Notification Form. This notification must be made within two working days of any alleged incident of SEAH or within five working days of any alleged incident of policy non-compliance.

Partners, participants and communities involved in TAI funded activities must be informed on how to raise a concern about the safety or wellbeing of someone in threat or undergoing SEAH through a functional community-based complaints procedure linked to the TAI based complaints mechanism.

The following measures can be applied for any TAI Representative who breaches the PSEAH Policy and/or Safeguarding Statement:

- Meet to discuss the breach and offer an opportunity for the subject to provide their account of the situation.
- Performance management.
- Further education on this Policy, the Child Safe Policy, and the Safeguarding Code of Conduct.
- Formal warning and monitoring of progress against recommendations.
- Transfer to other duties.



- Suspension of the subject pending investigation.
- Internal investigation report to the Police.
- Termination of employment.
- The above measures will apply alongside any criminal investigation where relevant.

### Compliance by the Implementing Partners

TAI acknowledges that a significant portion of its risk profile in relation to SEAH occurs within our international programs portfolio and includes risks relating to our implementing partner organisations and representatives.

TAI's Implementing Partners are required to have PSEAH practice which meets the principles and standards as set out in this Policy. This may include the development of their own equivalent policy, or integration into existing safeguarding policy frameworks and codes of conduct.

TAI will not knowingly engage in partnerships with any individual or organisation that pose an unacceptable risk to children and adults, or that do not meet TAI's child protection and PSEAH compliance standards.

International Program Coordinators (IPCs) are responsible for supporting Implementing Partners to implement locally-relevant PSEAH policies and practices. This includes but is not limited to:

- Regular review of Implementing Partners policies, codes of conduct and compliance.
- Development and review of adequate safeguarding risk assessments, incorporating considerations of risks of SEAH for vulnerable adults.
- Ensuring regular training of partner personnel on PSEAH - including policy implementations, responsibilities and standards of behaviour.
- Monitor implementation of partner policies and practices in relation to PSEAH during partner and project visits, and other monitoring activities.
- Socialisation of reporting mechanisms and minimum expectations, and ensuring such mechanisms are shared with participants and other relevant stakeholders. This includes ensuring that Implementing Partners are aware of their reporting obligations under the TAI Child Safe and SEAH Allegation Management Procedure.
- Encouraging the development of a referral network for provision of legal and psychological aid to the victims of PSEAH.

The TAI IP Safeguarding Advisor will ensure regular review and oversight of PSEAH practice across the portfolio, including through compliance checks, training for IP staff and connection to sector best practice and technical networks.

## **Responsibilities**

Responsibility for this Policy lies with the Chief Financial Officer, including implementation except as otherwise stipulated in this Policy.

This policy will be available to all TAI Representatives on TAI's Policies and Procedures SharePoint site.

This policy will be reviewed every three years, or sooner as required.



## Definitions

- **Child:** A child is a person under the age of 18, irrespective of who is counted as child (based on age) in their local country.<sup>2</sup>
- **Complainant:** The person who raises the complaint. This may or may not be the alleged victim in the matter.
- **Confidentiality:** refers to the protection of personal information. TAI will endeavour to upkeep confidentiality when dealing with concerns, issues and suspected cases, unless a person is at risk of harm to themselves or others.
- **Perpetrator:** this is a person who has been proven to have committed the SEAH.
- **Safeguarding:** Preventative measures we put in place to ensure our organisation, Implementing Partner organisations and project activities do not cause harm (e.g. policies and procedures)
- **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 a child is considered 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:** 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.
- **Subject:** This is the person against whom the allegation of SEAH or Sexual harassment has been brought on by the complainant and is the focus of the investigation.
- **Survivor:** Another term used to refer to a victim. While victim is used as a legal term, the term survivor refers to having undergone psychological and or physical trauma and is indicative of someone who needs psychological and social support.
- **Survivor-centric:** is an approach which ensures that survivors' rights and needs are first and foremost, it prioritises the rights and wishes of the survivor. This approach encourages safety, trust and support and ensures the survivor be treated with dignity and respect instead of being exposed to victim-blaming attitudes.

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<sup>2</sup> Definition of child from the InterAgency Standing Committee (IASC) Guidelines to implement Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and non-UN Personnel, March 2013.



- **TAI Representatives:** This term covers TAI activities and TAI funded activities, including TAI subsidiaries, whether in Australia or overseas and includes the following:
  1. TAI employees
  2. TAI volunteers
  3. TAI interns and work experience students
  4. TAI Board members
  5. Individual contractors and consultants working for TAI
  6. Supporters of TAI and TAI's subsidiaries
- **Transactional sex:** The exchange of money, employment, goods, services or other benefit for sex, including sexual favours.
- **Victim:** Once proven to be true or correct, the complainant who has alleged having been sexually exploited, abused or harassed can be referred to as the victim.
- **Vulnerable adults:** Vulnerable adults are people over the age of 18 who may be placed in a position of vulnerability and inability to care for themselves or protect themselves from any harm or exploitation. Individuals could be vulnerable to PSEAH due to their: gender, race, ethnicity, religious identity, mental or physical health, disability, sexual orientation, economic or social status, or being located in disaster or conflict prone regions.

## Related Policies and Procedures

This Policy should be read in conjunction with the following:

- Safeguarding Code of Conduct
- Child Safe Policy
- Child Safe and SEAH Allegation Management Procedure
- Code of Conduct
- Project Agreements for International Programs
- Memorandum of Understanding for International Programs

## Document Control Information

Prevention of Sexual Exploitation, Abuse and Harassment Policy	
Owner	Director of Finance and Operations
Master Copy	Policy QA Coordinator
Date created	29/10/2018
Date last reviewed	05/06/2023
Approved by Director of Finance and Operations	27/11/2023
Approved by Executive	30/10/2019
Approved by Board	29/11/2019
Date next Review	05/06/2025

Date	Version	Revision Description	Reviewed / Updated by
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29/10/2018	1	Created	Grants Administration and Strategic Initiatives Coordinator
30/10/2019	2	Updated	Policy QA Coordinator; Associate Director Strategic Relations; Human Resources Manager; International Program Coordinator (Safeguarding Officer)
27/09/2022	3	minor update to reflect current governance and leadership practice (review date not changed, full review still required)	Compliance and Risk Manager
05/06/2023	4	Reviewed and updated	Safeguarding Committee (led by Compliance and Risk Manager, IP Manager – Safeguarding Advisor)