



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 encouraged to implement this policy through development of their own policy.

This policy aims to develop an organisation wide culture of increased awareness of SEAH, with a scope that covers the workplace, partner organisations and the communities we seek to serve.



TAI is committed to the following seven core principles¹ 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 reports of 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.

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

¹ 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.



- 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

Meetings of the Nominations and Governance Committee include safeguarding compliance as a standing agenda item. In each meeting of the Nominations and Governance Committee and Programs Performance Committee, matters of misconduct relating to sexual exploitation and abuse for the previous quarter and updates on ongoing matters are reported.

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.
- Behavioral interview questions pertaining to sexual harassment and abuse may be used to determine the full history of past behaviors, 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 Statement 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 and the Safeguarding Committee will develop a detailed induction program highlighting expected behaviors 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.

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 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 Safeguarding Officer, 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 will continue to proactively manage these risks by requesting National Criminal History Checks and WWCCs. All supporters who visit international projects must follow and sign the Safeguarding Statement and will receive adequate briefing by appropriate 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 will treat all concerns raised seriously and ensure that all parties will be treated fairly. TAI will meet country, state or territory specific legislative requirements. TAI will treat 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.

In the case of DFAT-funded projects, TAI must immediately notify the Department of Foreign Affairs and Trade (DFAT) Child Protection Compliance Section of any concerns relating to the sexual abuse or exploitation of children, or of policy non-compliance, in DFAT funded and TAI funded activities.

Further, in the case of concerns of any alleged incident of SEAH against adults, related to the delivery of DFAT business, then TAI must 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.

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, Child Safe Code of Conduct and the Safeguarding statement.
- 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 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. It is a requirement that any individuals or partner organisations engaged by TAI, report concerns, suspicions or allegations of SEAH by TAI Representatives, implementing partner staff or within TAI funded activities. Implementing partners must adhere to the Child Safe and SEAH Allegation Management Procedure which is publicised on the TAI and Baptist World Aid Australia websites.

Implementing Partners will be encouraged to have their own PSEAH policy. If that is not possible, TAI will facilitate the inclusion of the key mandates of this policy within the Implementing Partner's Code of Conduct or any relevant policy so that the standards as set by DFAT, ACFID and TAI on PSEAH would be ensured in their implementation and engagement with us as partners.

Partners will be encouraged to ensure that all Senior Personnel, Managers and Supervisors are trained effectively and understand their responsibility to proactively identify, deal with and prevent such acts or incidences from occurring across all stakeholders. They will be encouraged to regularly review the strategies, policies, procedures and tools to ensure that the policy is working effectively.



The International Programs team will integrate regular socialisation and review of key policies that ensure safeguarding and procedures around complaints handling during their monitoring visits and meeting with all key stakeholders of the partner. There will be ongoing support provided to the partners to help develop and strengthen a community-based complaints procedure. The Partners will also be encouraged to develop a referral network for providing legal and psychological aid to the victims of PSEAH.

International Program Coordinators (IPCs) are responsible for supporting Partner Agencies and the communities they work with to have a localised and simplified version of this policy and complaints handling mechanism. IPC's must also ensure that the Partner Agency has adequate and clearly defined disciplinary procedures to ensure action is taken if a complaint is received. They must facilitate the Partner Agencies to also have a referral list for the complainant and survivors of PSEAH to help with legal assistance or rehabilitation. They must ensure this policy is adequately shared with all key stakeholders throughout the project management lifecycle. IPCs are to ensure training is provided and encourage the use of this policy and complaints handling mechanism in their monitoring visits. TAI Representatives who work with communities in partner countries should also contribute by regularly monitoring that the PSEAH policy is understood and consistently do so by discussing and seeking feedback during their field visits and from the program participants.

Responsibilities

Responsibility for this Policy lies with the Director of Finance and Operations, including implementation except as otherwise stipulated in this Policy.

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

This policy will be reviewed biennially or sooner as required.

Definitions

- Safeguarding – Actions, policies and procedures that create and maintain protective environments to protect people from exploitation, abuse and harm of all kinds.
- 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.²
- 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.

² Definition of child from the InterAgency Standing Committee (IASC) Guidelines to implement Minimum and non-UN Operating Standards for Protection from Sexual Exploitation and Abuse by UN and



- 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 a child is considered 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.
- 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.
- 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.
- Complainant – The person who raises the complaint. This may or may not be the alleged victim in the matter.
- 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.
- 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.
- 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.
- Perpetrator – this is a person who has been proven to have committed the SEAH.

Related Policies and Procedures

This Policy should be read in conjunction with the following:

- Recruitment and Selection Policy
- Employee Recruitment Procedure
- Background Checking Policy
- Safeguarding Statement
- Child Safe Code of Conduct
- Child Safe Policy
- Child Safe and SEAH Allegation Management Procedure
- Code of Conduct
- EEO, Anti-Discrimination, Harassment & Bullying Policy
- Gender Policy
- Grievance Policy
- Whistleblowing Policy
- Complaints Handling Policy
- Complaints Handling Flowchart
- Disciplinary Policy
- Risk Management Framework
- Project Agreements for International Programs
- Memorandum of Understanding for International Programs

External References

Related Legislation

- Australian Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act, 1975 (Cth)
- Disability Discrimination Act, 1992 (Cth)
- Age Discrimination Act, 2004 (Cth)
- Anti-Discrimination Act 1977 NSW
- Australian Human Rights Commission Act 1986
- Equal Employment Opportunity for Women in the Workplace, 2006
- NSW Work Health Safety Act 2011



- Fair Work Act, 2009 (Cth)
- Safe Work Australia – Model Codes of Practice Document
- External Conduct Standards: [Australian Charities and Not-for-profits Commission Amendment \(2018 Measures No. 2\) Regulations 2018](#)

Age of consent/sex with minors related legislation:

- NSW, ACT - Crimes Act 1900
- NT - Criminal Code Act 1983
- QLD - Criminal Code Act 1899
- SA - Criminal Law Consolidation Act 1935
- TAS - Criminal Codes Act 1924
- VIC - Crimes Act 1958
- WA - Criminal Code Act Compilation Act 1913

Prostitution related legislation:

- NSW – Summary Offences Act 1988, Restricted Premises Act 1943
- VIC – Sex Work Act 1994
- QLD – Prostitution Act 1999, Criminal Code 1899
- WA – Prostitution Act 2000, Criminal Code Compilation Act 1913
- SA – Summary Offences Act 1953
- TAS – Sex Industry Offences Act 2005
- ACT – Prostitution Act 1992
- NT – Prostitution Regulation Act 2004

Sexual harassment is prohibited under the Sex Discrimination Act 1984 (Cth) and the Anti-Discrimination Act 1977 (NSW).

Victim Legal Services

- For children and young people in Australia - <http://www.lawstuff.org.au/lawstuff>
- Legal Aid NSW - <https://www.legalaid.nsw.gov.au>
- Legal Aid VIC - <https://www.legalaid.vic.gov.au/>
- Legal Aid SA - <http://www.lsc.sa.gov.au/>
- Legal Aid NT - <https://www.legalaid.nt.gov.au/>
- Legal Aid ACT - www.legalaidact.org.au/
- Legal Aid TAS - <https://www.legalaid.tas.gov.au/>
- Legal Aid QLD - <http://www.legalaid.qld.gov.au/Home>

Victim Psychological Services

- Lifeline – 13 11 14
- Mental Health Line – 1800 011 511
- The MindSpot Clinic – 1800 61 44 34
- Ambulance – 000
- 1800 RESPECT – 1800 737 732



- BlueKnot Foundation – 1300 657 380
- NSW – Rape Crisis and Sexual Assault Hotline – 1800 424 017
- QLD – Sexual Assault Helpline – 1800 010 120
- ACT – Canberra Rape Crisis Centre - <http://crcc.org.au/>
- VIC – Centre Against Sexual Assault (CASA) – 1800 806 292
- TAS – Southern Sexual Assault Service (SASS) – (03) 6231 1817 - <https://www.sass.org.au/>
- NT – Sexual Assault Referral Centre 24/7 – (08) 8922 6472
- SA – Yarrow Place – 1800 817 421
- WA – Sexual Assault Resource Centre 24hr Crisis Line – (08) 6458 1828

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	30/10/2019
Approved by Director of Finance and Operations	30/10/2019
Approved by Executive	30/10/2019
Endorsed by BEC	12/11/2019
Approved by Board	29/11/2019
Date next Review	29/11/2022

Date	Version	Revision Description	Reviewed / Updated by
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)

IMPORTANT INFORMATION: If this Policy is revised, please ensure that the Supporter Trip Booklet titled “Travelling with TAI” is updated to align.