

Policy on Protection from Sexual Exploitation and Abuse (PSEA)

DOCUMENT DETAILS

Contact for enquires

If you require further information regarding this document please contact:

Contact HR
Email hr@40k.com.au

Document History

Version	Date	Changed by	Description
0.10	01/11/2020	Shruti S	Updated as per ACFID requirements
	01/11/2021		Next review before Annual Board Meeting

Scope

This policy is concerned with the Protection from Sexual Exploitation and Abuse (PSEA) of adults (18 years or over) who are directly or indirectly connected to the work of 40K. This includes direct or indirect beneficiaries of our programming, adults in the wider communities in which we work and those who come into contact with 40K implementing partners or our representatives. 40K has a “Zero Tolerance” approach to Sexual Exploitation and Abuse and does not allow any partner, supplier, sub-contractor, agent or any individual associated with 40K to engage in any form of sexual abuse or exploitation against vulnerable or other adults associated with its work. All adults have the equal right to protection regardless of any personal characteristic, including their age, gender, ability, culture, racial origin, religious belief and sexual identity. This policy applies to all persons working for or on our behalf of 40K in any capacity, including employees at all levels, directors, officers, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives, suppliers and business partners.

Approach

40K is committed to preventing the sexual exploitation and abuse of adults, including through the following means:

Awareness: Ensuring that all staff, representatives and third parties connected to 40K are aware of the high standards of behaviour and conduct expected of them to protect adults from any form of sexual abuse and exploitation in their private and working lives.

Prevention: Ensuring, through awareness and good practice, that staff and those who work with 40K minimise the risks of any form of sexual exploitation and abuse, including but by no means limited to conducting relevant vetting and background checks of staff as part of their recruitment process.

Reporting: Ensuring that all staff and those who work with 40K are clear on what steps to take where suspicions or concerns arise regarding allegations of sexual exploitation or abuse of adults in vulnerable populations where we work.

Responding: Ensuring that immediate action is taken to identify and address reports of sexual exploitation and abuse and ensure the safety and well-being of the person being sexually exploited or abused.

Definitions of Sexual Exploitation and Abuse:

Sexual Abuse	<p>The threatened or actual physical intrusion of a sexual or sexualized nature, including inappropriate touching, by force or under unequal or coercive conditions, sexual assault and rape. It may also include threatened or actual nonphysical intrusion (unwanted and/or uninvited exposure to pornography, texts, images, and so on, the sharing of images, texts and so on, demands for sexualized photographs etc.).</p>
Sexual Exploitation	<p>Any actual or attempted abuse of a position of vulnerability, differential power, trust, or dependency, for sexual or sexualized purposes. This includes the offer or promise of monetary, social, political benefits as an incentive or form of coercion.</p>
Sexual favors	<p>Any sexual or sexualized acts, in exchange for something such as money, goods, services, opportunities and so on. Also includes demands for inappropriate photographs, filming, and exposure to pornography and so on.</p>
Sexual Harassment	<p>Sexual harassment is any form of unwelcome sexual attention. It has nothing to do with mutual attraction or friendship between people, which is normal and positive. Sexual harassment involves humiliation or offence to the victim.</p> <p>Sexual harassment could be:</p> <ul style="list-style-type: none"> ● unwelcome physical touching, hugging, massaging or kissing, ● sexual or suggestive comments, jokes, taunts or name calling, ● unwelcome requests for sex, ● insinuations about a person's private or sex life, or sexual preference, ● offensive gestures or staring, ● sending SMS messages or emails without consent, ● unwelcome or uncalled for remarks or insinuations about a person's appearance, ● posting of inappropriate comments, pictures, video's or blogs on websites, or ● the display or circulating of clearly sexual material (such as photos, pin-ups, screensavers or pictures) or reading matter (such as emails, faxes, social media links or letters). <p>Sexual harassment doesn't have to be repeated or ongoing to be against the law. Some actions or remarks are so offensive that they're clearly sexual harassment, even if they're not repeated. Other incidents, such as an unwanted invitation or compliment, are probably not harassment if they are "one-offs".</p> <p>The harassment doesn't have to be deliberate. It can also occur in cases where a reasonable person would have expected that the behaviour was going to be offensive.</p> <p>Some sexual harassment matters, such as sexual assault, indecent exposure and stalking are also criminal offences.</p>

Core Policy Commitments

40K has a zero-tolerance policy towards sexual harassment, exploitation, and abuse. At 40K, we believe all people have a right to live their lives free from sexual violence and any abuse of power regardless of age, gender, sexuality, sexual orientation, disability, religion, or ethnic origin. We recognise that there are unequal power dynamics across the organisation and in relation to those we serve, and that we face risk of some people exploiting their position of power for personal gain. 40K

will not tolerate its employees, volunteers, consultants, partners, or any other representative associated with the delivery of its work carrying out any form of sexual harassment, sexual exploitation, or sexual abuse. 40K commits to supporting survivors, improving safeguarding capacity, reporting, investigating, responding to, and preventing sexual harassment and sexual exploitation and abuse.

- Sexual exploitation and abuse by 40K Employees and Related Personnel constitute acts of gross misconduct and are, therefore, grounds for termination of employment or contract/agreement. Sexual harassment by 40K Employees and Related Personnel is grounds for disciplinary action up to and including dismissal.
- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour by 40K Employees and Related Personnel is always prohibited.
- Sexual relationships between 40K Employees or Related Personnel and beneficiaries are forbidden. Given the contexts where 40K operates, such relationships may be based on inherently unequal power dynamics and may undermine the credibility and integrity of 40K's work.
- 40K Employees and Related Personnel are obliged to create and maintain an environment that prevents sexual exploitation and abuse and child abuse and promotes the implementation of this Policy. 40K members at all levels have responsibilities to support and develop systems, which maintain this environment.
- 40K will make every effort to create and maintain a safe organisational culture for all those who work for and with 40K, as well as those in the communities where 40K operates through robust prevention and response work, offering support to survivors, and holding those responsible for sexual harassment, exploitation or abuse to account.

Confidentiality of Complaint:

40K will protect the confidentiality of victims and reporters of sexual exploitation and abuse to the greatest extent possible to protect the integrity of the investigation and prevent further discrimination or harassment, or retaliation. Confidential or sensitive information obtained by any staff member during an investigation shall not be disclosed to others unless required by law. Concerns of individuals regarding confidentiality of information provided by them will be handled as sensitively as possible, and information shall not unnecessarily be disclosed to others.

Reporting and Complaints Mechanisms

40K commits to-

1. Develop an appropriate reporting mechanism for complaints with respect to SEA arising from the field and within 40K for varied end users that is sensitive to cultural, diversity and gender. The reporting mechanism will link to and build on existing structures to create one system for handling feedback and complaints.
2. Provide regular training for multiple staff members to receive reports, speak to survivors, help act as survivor advocates, effectively and efficiently process complaints.
3. Set protocols to enable transparent processing of complaints of SEA in a timely manner, including the immediate suspension of the alleged perpetrator from the activities with direct impact on communities, or staff until the investigation is concluded.
4. Adhere to the principles of survivor-centred approach by promoting confidentiality,

transparency, respect, safety, anonymity, and seek informed consent from all complainants (and the survivor where appropriate) of SEA. Additionally, ensure the protection of the victim, the complainant, and the whistle-blower of SEA after having verified and confirmed the reported facts either by internal or external investigation.

5. Take appropriate disciplinary action including immediate termination of employment and referral for criminal prosecution and legal action, where appropriate, against the person who commits SEA, in accordance with the national law's reporting and responding system. It must be ensured that there is no direct or indirect opportunity for any harm to be caused both to the survivor and the complainant.
6. Where the appropriate step is to report the complaint to the local law enforcement authorities, it must be ensured that this is compliant with the wishes of the survivor. If the survivor does not wish to pursue legal or criminal action, 40K must honour their request and try and find alternate mechanisms to support or safeguard the interests of the survivor.
7. Develop procedures which encourage people to report on concerns without fear of reprisals or victimization at the organizational and community level such as having multiple reporting channels where complaints can be raised, assure privacy and confidentiality.
8. Ensure that we have multiple channels for 40K Employees, Related Personnel, beneficiaries, and others to safely report sexual exploitation and abuse and sexual harassment. These channels should be designed in consultation with local communities and staff to ensure that they are safe and accessible.
9. Ensure that everyone who works on behalf of 40K and those we serve have information about how to access these safe reporting channels. This should include posting reporting procedures in local languages and regularly explaining these channels.
10. Provide training and information to all 40K Employees and Related Personnel, particularly focal points for receiving complaints, to ensure they understand their obligations and how to discharge their duties should they receive a complaint. A particular emphasis should be made on confidentiality.

Who to report to?

- a) Overseas: sexual exploitation and abuse and sexual harassment reports should be made to the CEO: on (+91 7022038664) – who will ask you to complete the Child Protection Incident Form and then assess the nature of the allegation
- b) In Australia: sexual exploitation and abuse and sexual harassment reports should be made to the CEO: on (+91 7022038664).

Please refer to annexure A – Reporting and Handling concerns for a diagram explaining the reporting and complaints handling process.

Related Documents

This documents is connected to other 40K policies and procedures, including:

- Complaints and Feedback Handling Policy
- 40K Risk Assessment & Management Guidelines

Annexure – A

REPORTING AND HANDLING CONCERNS

