

**Protection from
Sexual Exploitation, Abuse
and Harassment - Policy
(PSEAH-Policy)**

Approved by the SWISSAID Executive Committee
on 27 November 2018

1. Purpose of this Policy

This policy sets out SWISSAID's approach to preventing and responding to sexual harassment, exploitation and abuse. It sets out:

- the principles upon which we will base our decision making and actions
- our expectations of everyone who works for and with SWISSAID
- our commitments to ensure effective action is taken when cases occur

The policy applies to all staff based in any country **at all times** during their service with SWISSAID, **both during and after working hours**. "Staff" in this policy refers to SWISSAID employees, interns, volunteers, consultants and sub-contractors.

All staff will be familiar with this policy. The policy is available in English, French, Spanish and other relevant local languages in the countries where we work. Changes to this policy will be subject to prior consultations with SWISSAID employees and approval of the SWISSAID Committee.

This Policy will be used in conjunction with relevant employment/labour law and relevant criminal laws to make decisions about how to respond to any allegations, complaints and concerns received.

2. Principles

SWISSAID believes all people have the right to live their lives free from sexual harassment and abuse, sexual violence, bullying, exploitation and any abuse of power regardless of their age, gender, sexuality, disability, religion or ethnic origin. SWISSAID will not tolerate its employees, volunteers, consultants, partners' staff or any other representatives associated with the delivery of our work carrying out any form of sexual harassment, abuse or exploitation. **Such behaviour goes against the beliefs, values and mission of our organisation.**

Sexual harassment, violence, exploitation and abuse, as well as a range of non-sexual abuses of power, take various forms and can happen to anyone, but are more likely when one person is in a position of power over another. SWISSAID recognises that this can happen in our workplaces and that as an organisation working with vulnerable populations, we face an inherent risk of some staff exploiting their positions of power.

SWISSAID's commitment is to:

- Create a safe working culture for all those whom SWISSAID serves and those working for and with us.
- Ensure that all concerns or allegations of sexual harassment, abuse or exploitation are responded to in a timely and appropriate manner and there are multiple channels through which staff and other stakeholders can raise concerns.
- Ensure zero tolerance of sexual harassment, exploitation and abuse in our organisation and in our programme through robust prevention, detection and response work, offering support to survivors and victims and holding those responsible to account.
- Always adopt a survivor-centric approach that respects the confidentiality and decision-making rights of survivors where possible and appropriate to do so.
- Build a culture where all those whom SWISSAID serves and all those who work with SWISSAID feel empowered to insist on non-discriminatory and respectful behaviour from each other, where inappropriate behaviour is not accepted, and where power is not abused.

- Be transparent about safeguarding issues occurring within SWISSAID, sensitive in our communications and open to learning and improving.
- Carry out independent and discrete investigations recognising the rights and duty of care to everyone involved, including the complainant or survivor, witnesses and the person accused.

3. Definitions

3.1. Sexual Abuse

The term “sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

3.2. Sexual Exploitation

The term “sexual exploitation” means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

3.3. Sexual Harassment

“Sexual harassment” is unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature, from the perspective of the person being harassed. It can be directed towards one person, groups of people or towards everyone and can occur as a one-off incident or be a pattern of harmful behaviour. The effect of sexual harassment is to violate the dignity of another person, and to create an intimidating, hostile, degrading, humiliating or offensive environment for them and others.

Sexual harassment can take many forms, including (but not limited to):

- Verbal comments of a sexual nature, such as remarks about an employee's appearance, questions about their sex life or offensive jokes
- Non-verbal such as displaying pornographic or explicit images, staring, sexual gestures or written comments of a sexual nature
- Physical such as unwanted physical contact, touching, and assault (this includes attempts and threats to do these things)

When addressing allegations of sexual harassment, SWISSAID is concerned with the impact of the behaviours on the complainant, not the intention of the person accused. An action or behaviour can still be considered sexual harassment even if the alleged harasser didn't intend for it to be harmful.

4. Duty to Report

Creating a safe working environment at SWISSAID is everyone's responsibility. All SWISSAID staff should report any suspicions of sexual exploitation, abuse or harassment of others (see chapter 7). This can be done verbally or in writing. It can be done without sharing details of cases where information has been shared in confidence. It is encouraged to collect and provide evidence where possible.

However, for clarity, there is no obligation for any individual to report any incident that has happened to them. This is their choice and their decision. SWISSAID will treat it with utmost respect, and based

on a signed declaration by the survivor, SWISSAID will withdraw from following the case.

Abuse may be current, recent or historical. There are no time limitations for reporting and taking action within the remit of this policy, although SWISSAID encourages that reports are made as soon as knowledge, or suspicion, of an act of harassment, exploitation or abuse occurs. Late reporting should be accompanied by justifiable reasons.

5. Support for Survivors and Victims

Support will be offered to survivors and victims. Support can include specialist psycho-social counselling, and/or access to other specialist (e.g. medical and/or legal aid) and appropriate support as needed. Survivors and victims have the right to choose if and when they would like to take up the support options available to them. Other options of support could be (eg, not exhaustive): – 1] leave 2] additional leave 3] facility to work from home for some period 4] changing the reporting authority

6. Policy Guidance

All SWISSAID staff are expected to conduct themselves in accordance with the following core policies relating to their sexual and personal conduct. This is not an exhaustive list.

6.1 Sexual Activity with Minors¹

SWISSAID strictly prohibits staff and other representatives from having sexual relationships with minors. Mistaken belief of age is no defence.

6.2. Sexual Activity with Beneficiaries

SWISSAID strictly prohibits staff, volunteers and other representatives from engaging in any form of sexual activity with SWISSAID's beneficiaries.

6.3. Sexual Activity with Staff of SWISSAID's Partners

SWISSAID's partnerships with other organisations are based on shared values and beliefs. SWISSAID strictly prohibits staff from engaging in sexual activity with staff from our partners where this is an abuse of power.

SWISSAID's policy does not prohibit staff from beginning relationships with staff of partners outside of the unequal power dynamics explained above. However, all staff engaged in or beginning relationships with staff of partners must:

- Declare their relationships to their line managers. As long as relationships are conducted appropriately, such disclosures will be treated confidentially.
- Behave professionally and conduct their relationships in a way that does not impact on SWISSAID's work.
- Ensure they do not make work decisions based on that relationship.
- Ensure that their relationships do not lead to fraudulent or corrupt behaviours.

¹ The definition used by SWISSAID is the one given in the Article 1 of the UN Convention on the Rights of the Child: "..., a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."

In case of disrespect of the above behaviour rules, it is the responsibility of management to intervene.

6.4. Buying Sex

SWISSAID does not make a judgement against individuals who sell sex in exchange for money or something else such as gifts or material support (“transactional sex”). However, in line with the *IASC Core Principles on PSEAH*, SWISSAID takes clearly a position against buying sex and prohibits their staff, volunteers and other representative from buying sex while on a work trip representing SWISSAID in order to prevent sexual exploitation and abuse from occurring and reduce reputational risks for SWISSAID.

6.5. Sexual Activity with other SWISSAID Colleagues

SWISSAID strictly prohibits staff and volunteers from having a sexual relationship with people who they line manage or supervise and, in the case of senior managers, any more junior staff in their management line.

SWISSAID’s policy does not prohibit staff from beginning relationships with each other outside of the unequal power dynamics explained above. However, all staff engaged in or beginning relationships with other staff or representatives must:

- Behave professionally and conduct their relationships in a way that does not impact on SWISSAID’s work.
- Ensure they do not make work decisions based on that relationship and declare conflicts of interest openly to their line manager. This may include staff who share responsibility for sign off on the same budget lines; or are involved in carrying out joint decision-making relating to resourcing or programme issues; or are carrying out or acting as decision makers for internal investigative processes.
- Ensure that their relationships do not lead to fraudulent or corrupt behaviours.

6.6. Specific Responsibility of the Management Committee

SWISSAID expects that the Management Committee members fulfil a particular responsibility to develop an environment in which beneficiaries, partners, volunteers, staff, contractors and other representatives know SWISSAID follows a zero tolerance approach to sexual exploitation, abuse and harassment, how they are expected to behave, how they can raise complaints and concerns, and that SWISSAID will take action when they do. The Management Committee is required to know and understand the specific laws in their country relating to sexual harassment, exploitation and abuse.

7. How to Raise a Complaint or Concern

Anyone can raise a concern or make a complaint to SWISSAID about something they have experienced, been told or witnessed. You can do this in writing and only if not possible or in addition also verbally to:

- the representative of your country office or the focal point on gender as a first entry point; beware that any complaint and concern must be forwarded to the Executive Director and the Head of Finance and Logistics in SWISSAID Switzerland
- the Executive Director of SWISSAID
- the Head of Finance and Logistics in SWISSAID Switzerland
- to E-Mail confidential@swissaid.ch. This E-Mail will inform the Head of Finance and Logistics and the Executive Director at the same time.

Anonymous complaints and concerns will be accepted, in recognition that there may be good reasons

why the complainant does not want to disclose her/his identity. However, following up and responding to such complaints will be more difficult.

If an allegation is made against you, then you should inform your manager immediately. All those accused will be treated with respect and all allegations will be treated confidentially.

8. Responding to Complaints and Concerns

SWISSAID is committed to responding to all complaints and concerns of abuse and harassment. When a complaint or concern has been received, it will be investigated as quickly as possible and within 6 weeks at the latest the allegations should be investigated. The relevant direct Manager and/or the Country Rep (unless the Manager / CR is implicated in the complaint) are tasked to deal with complaints, seeking agreement with the HQ office and keeping the Head of Finance and Logistics at HQ office and the Executive Director informed.

8.1 Confidentiality

Confidentiality will be maintained throughout the complaints process by all staff and witnesses. Staff members who breach confidentiality are subject to disciplinary action up to and including termination of employment.

Related to this, as much as possible, SWISSAID will comply with reporting obligations under local law, **when we have the victim's consent to do so**. However, if someone's life is in danger or the matter relates in any way to a minor, then independent decisions may have to be taken by SWISSAID with the support of an external lawyer / local expert in national law or by contacting the police. The decision about whether to refer to local police or statutory authorities in other cases is made by the person who it is alleged has been the subject of abuse ("the victim/survivor" - who may or may not be the complainant).

Furthermore, all complaints or reports of concern will be treated confidentially and where possible anonymously, although shared with Managers in SWISSAID Switzerland if necessary. In any case, the Executive Director and the Head of Human Resources (= Head of Finance and Logistics) at the headquarter will be informed, except if any of these are implicated in the complaint.

8.2 Prevention of Retaliation Against Complainants, Victims and Witnesses

SWISSAID will take action against any staff, volunteers or other representatives, whether they are the subject of a complaint or not, who carry out retaliatory action against complainants, victims or other witnesses. Staff who are found to do this are subject to disciplinary action, up to and including termination of employment.

8.3 Outcomes of Misconduct

Staff who are found to contravene SWISSAID's expectations of their sexual and personal conduct will be subject to disciplinary action depending on the case and may result in dismissal and referral to law enforcement. Volunteers, contractors and other representatives may have their relationship with SWISSAID terminated.

8.4 False Allegations

It is extremely rare that staff or other stakeholders raise allegations which they know to be false. If a member of staff from SWISSAID is found to have made an allegation that they knew to be false and which came out of bad intentions, they will be subject to disciplinary action, up to and including

termination of employment.

8.5 Complaints about SWISSAID's Partners

If a partner organisation receives a complaint about the conduct of their own staff, volunteers or other representatives, SWISSAID expects the partner to respond quickly and appropriately and to inform the focal point on gender or the country representative of SWISSAID about the case and how it will be handled. SWISSAID will support our partners to do this when requested. If there is reason to believe that an allegation of abuse has been dealt with inappropriately by a partner, then the latter risks withdrawal of funding or ending of the relationship (including networks and consortia).