



ERFA Prevention of Sexual Exploitation, Abuse & Harassment Policy

Policy & Procedure Owner	ERFA CEO	
Approved by	ERFA Board of Directors	
First approved	Date Approved	Next Review
9 December 2019	9 December 2019	October 2021

Abbreviations

ACFID	Australian Council for International Development
ERFA	Edmund Rice Foundation Australia
Implementing Partner/Partner	Any organisation which has an MOU / Contract with / or receives funding from ERFA
PSEAH	Prevention of Sexual Exploitation, Abuse & Harassment
SEA	Sexual Exploitation and Abuse
SEAH	Sexual Exploitation, Abuse & Harassment

Additional terms are defined in the Appendix to this Policy.

1. Scope

This policy applies to all ERFA Board Directors, staff, volunteers and contractors in Australia and overseas (**ERFA representatives**), ERFA Implementing Partners and all visitors to program sites (**Visitors**).

All ERFA representatives, Implementing Partners and Visitors are expected to comply with the principles and reporting requirements specified in this Policy both during and outside normal working hours.

2. Policy Focus

The primary focus of this PSEAH Policy is to ensure that ERFA representatives, Implementing Partners, the adults with whom Implementing Partners work in developing countries and Visitors are protected from, and do not engage in, SEAH of any adults (including adults with whom Implementing Partners work in developing countries and other ERFA representatives or representatives of Implementing Partners).

Sexual activity with children (persons under the age of 18, regardless of the legal age of majority or age of consent locally) is also prohibited under ERFA's Child Protection Policy & Procedures. Any such misconduct will be dealt with under the terms of that Policy (a copy of which can be found at www.erf.org.au/policies). It should be noted that under that Policy, a mistaken belief in the age of the child is not a defence.

3. Policy Aim

This Policy also aims to prioritise the rights, needs, wishes and empowerment of survivors of SEAH in both the prevention and response to SEAH by ensuring that:

- those who are affected by SEAH have accessible mechanisms to make a complaint that are designed with their needs and contexts in mind;
- SEAH complaints are investigated sensitively and confidentially with primary concern for the survivor; and
- any response is both robust and sensitive to the wishes and protection of survivors.

4. Statement of Commitment

ERFA's commitment to protection from SEAH is grounded in ERFA's belief in the equality and dignity of all persons.

ERFA categorically prohibits and has zero tolerance for any actions by ERFA's representatives, Implementing Partners and their representatives and Visitors that constitute SEAH.

ERFA representatives and Implementing Partners have a strict obligation to be proactive in strengthening protection from and preventing SEAH.

ERFA takes a survivor-centred approach to both the prevention of, and its response to, SEAH.

ERFA is committed to strengthening the prevention of SEAH through demonstrating effective leadership in the promotion and implementation of this Policy and challenging cultural attitudes, values and beliefs that inhibit the prevention of SEAH.

5. Principles & Responsibilities

ERFA's PSEAH Policy is underpinned by the following:

SEAH violates universally recognized international legal norms and standards. Any form of SEAH is also expressly prohibited by this Policy.

Relationships between direct program beneficiaries and ERFA representatives or Implementing Partners are usually characterised by inherently unequal power dynamics. Hence, any actual or attempted entry into a sexual relationship by any ERFA representative, Implementing Partner or their representatives with a direct program beneficiary constitutes (or will be deemed to constitute) an abuse of this power for sexual purposes and, therefore, exploitative. It undermines the credibility and integrity of the mission of ERFA and is strictly prohibited.

Where an ERFA representative or Implementing Partner develops concerns or suspicions regarding SEAH, these must be reported via the established reporting procedures (see Section 8 below).

Preventing SEAH is a shared responsibility. ERFA representatives and Implementing Partners are obliged to help create and maintain an environment that prevents SEAH. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

6. Risk Assessment and Mitigation

ERFA recognizes that there are potential risks and possibilities for inflicting unintended harm to vulnerable adults in the delivery of the programs with which ERFA is engaged, via its Implementing Partners, in developing countries. In this respect, ERFA understands that programs that involve direct work with vulnerable populations are at a higher level of risk, and therefore require more stringent risk procedures.

It is the responsibility of Implementing Partners to ensure that program policies align with ERFA policies and that program personnel are trained accordingly. ERFA Implementing Partners working

with vulnerable persons must have appropriate and adequate policies in place for PSEAH and these are to be provided to ERFA when requested.

ERFA's Implementing Partners are responsible for undertaking SEAH risk assessment as part of program design. All program Risk Management Frameworks must include identification of potential PSEAH risks. Frameworks must assess the likelihood of the identified risks occurring and the potential impacts should they occur; the mitigation strategies in place and the program personnel responsible for overseeing the implementation and monitoring of the strategies.

ERFA appraisals of funding applications and program design include partner capacity assessments with respect to key safeguarding and risk policies for PSEAH. In scheduled reporting throughout the life of a program, programs are required to report on SEAH issues and PSEAH training conducted.

With respect to ERFA representatives, it is the role of ERFA management to identify and mitigate risks relating to PSEAH.

The ERFA Board has overall responsibility for all policies including Risk Management and PSEAH Policies. According to its policy review schedule, the Board will periodically review the systems and processes in place to continually strengthen the organisation's approach to the prevention of sexual exploitation, abuse and harassment.

ERFA Implementation Partners must comply and must ensure that its representatives comply at all times with any changes to this Policy implemented by ERFA from time to time.

7. Standards of Behaviour

All ERFA representatives and implementing partner personnel are responsible for establishing and maintaining clear professional boundaries that serve to protect all persons from misunderstandings or a violation of professional relationships.

While ERFA's Code of Conduct and Child Protection Policy set out core expectations regarding respectful relationships, non-exploitative behaviours and child safeguarding, ERFA's PSEAH Policy sets out specific expectations with respect to the prevention of SEAH. Therefore, all ERFA representatives and Implementing Partner personnel are required to agree to and adhere to the following behaviour standards.

7.1 Proactive Behaviours

All ERFA representatives and Implementing Partner personnel must:

- Undertake to create and maintain a safe and trusted environment that promotes adherence to and implementation of this Policy and safeguards all persons from SEAH
- Be aware that behaviours of a sexual nature are an area of particular sensitivity, where conduct may be seen as offensive or be misinterpreted
- Be aware that behaviours of a sexual nature with program recipients are inappropriate and will be deemed to be exploitative
- Take all reasonable steps commensurate with their role to prevent, oppose and combat all SEAH
- Ensure personal conduct towards co-workers is not sexually exploitative, abusive or harassing or such that it reasonably leads to a perception of SEAH
- Immediately report any concern, suspicion or allegation of SEAH or breach of this Policy using the reporting guidelines and procedures outlined in Section 8 below
- Take responsibility for ensuring accountability and not place oneself in positions where there is a risk of SEAH allegations being made

- Treat all program beneficiaries with respect and not use language or behave towards them in a manner which is inappropriate, harassing, exploitative, abusive, sexually provocative, demeaning or culturally inappropriate
- Immediately inform one's Manager if:
 - one becomes engaged in a personal relationship which may be perceived as or deemed to be inappropriate or sexually exploitative
 - one is unsure if a relationship, where a real or perceived unequal power dynamic exists, falls into the category of SEAH

7.2 Prohibited Behaviours

ERFA representatives and Implementing Partner personnel must not:

- engage in sexual relationships with direct program beneficiaries
- exchange money, employment, goods or services, protection or assistance for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour
- engage in transactional sex in the course of ERFA business, even if legal in a particular state or country; being mindful that in circumstances of poverty, people may engage in transactional sex to generate income and meet basic survival needs
- engage in Fraternalisation with direct program beneficiaries while engaged in ERFA business
- procure sex for others or use a third party to do so
- use ERFA or Implementing Partner organisation facilities, personnel or resources for the purpose of arranging or facilitating access to sex workers by any person, including visitors to ERFA offices or Implementing Partners' program premises
- engage in sexual activity with a child under any circumstance (even in a country where the age of majority or the age of consent is lower than 18 years of age)
- participate in or support any form of SEAH activity including people trafficking and pornography
- use any communication device including computers, mobile phones, video cameras, cameras or other technology inappropriately, or to sexually exploit or harass adults or children, or access or disseminate exploitative material through any medium, including social media

8. Reporting & Investigation Procedures

8.1 Obligations

ERFA has zero tolerance of SEAH. Incidents of SEAH have potentially very serious impacts for survivors. Therefore, it is mandatory for all ERFA representatives and Implementing Partners to report concerns or allegations related to SEAH and known or suspected breaches of ERFA PSEAH Policy.

Reporting by ERFA representatives or Implementing Partner personnel of allegations of incidents of SEAH involving ERFA representatives or Implementing Partner organisations, must be conveyed within twenty four hours of becoming aware of an alleged incident.

All reports will be handled professionally, confidentially and expediently and all parties will be treated fairly, according to the principles of natural justice.

ERFA has zero tolerance of inaction in the reporting of incidents of SEAH. Failure to report incidents of SEAH could lead to disciplinary action as outlined in Section 13 of this Policy.

Because sexual exploitation and sexual abuse violate universally recognized international legal norms and standards, the duly constituted legal authorities responsible for enforcement of the law in the relevant geographical area must also be notified.

Any decision by ERFA CEO or Board Chair not to refer a matter of SEAH to law enforcement must be referred to ERFA Board of Directors for approval and must be documented in order to record the reasons for the decision.

8.2 Reporting Procedures

SEAH reports should be lodged using ERFA Child & Vulnerable Adult Safeguarding Reporting Form, which is available on ERFA website at: <https://erf.org.au/about/policies/>.

In the case of incidents of SEAH against persons under the age of 18, reference should be made to ERFA Child Protection Policy for guidance.

Providing initial reports verbally or by telephone is likely to be the swiftest means to expedite as quickly as possible appropriate interventions to ensure the safety of survivors and the provision of appropriate support. However, because evidence to support an allegation(s), if it exists, will be needed to facilitate investigations, ERFA encourages the provision of SEAH reports in writing using the above reporting form.

8.3 Reports involving ERFA representatives

- Reports alleging SEAH breaches by ERFA representatives should be made to ERFA CEO or ERFA Board Chair – see contact information below.

8.4 Reports involving Implementing Partner programs

- Reports alleging SEAH breaches by or against Implementing Partner personnel should be made to the relevant Program Manager.
- If Implementing Partner personnel wish to make a report independent of program management (if program management may be complicit) the avenues below are available.
- Program Managers must inform ERFA Programs Director of all SEAH reports received and notify local legal authorities as relevant.
- ERFA Programs Director will inform ERFA CEO of such reports received from Program Managers and will advise Program Managers to lodge a formal report with ERFA CEO using the above reporting form. ERFA CEO will inform ERFA Board of Directors of all SEAH reports.

8.5 Contact Information

- ERFA Chief Executive Officer, Bren Arkinstall – ceo@erf.org.au
PO Box 130 Virginia, Queensland, Australia 4014 / Phone: +61 7 3621 9649

Reports independent of ERFA management may be made to:

- ERFA Board Chair, Paul Gallagher – chair@erf.org.au or care of the above postal address and marked Private & Confidential

Reports independent of ERFA may be made to:

- ACFID Code of Conduct Committee – code@acfid.asn.au
Chair, ACFID Code of Conduct Committee, C/- ACFID, Private Bag 3, Deakin, ACT, Australia 2600

8.6 Anonymous Reports

ERFA's position regarding anonymous reports is set out in ERFA's Whistleblowing Policy. ERFA encourages persons making an SEAH report to put their names to allegations in order to facilitate appropriate follow-up and investigation.

8.7 Investigation Procedures

- The procedures to be followed by ERFA CEO and/or Board Chair in investigating allegations of SEAH are set out in ERFA's Whistleblowing Policy.
- All information obtained in the course of an SEAH investigation will be properly secured to prevent unauthorised access.
- Unauthorised disclosure of information relating to an SEAH investigation may result in disciplinary action, which may include dismissal.
- The procedures for the reporting of the findings of investigations, the conclusions reached and recommendations are set out in ERFA's Whistleblowing Policy.
- The report, conclusions and recommendations will be provided to ERFA Board of Directors.

9. Confidentiality, Protection of Informants & False Disclosures

ERFA's positions on confidentiality, the protection of informants and on false disclosures are set out in ERFA's Whistleblowing Policy.

10. Putting the Rights & Dignity of Survivors First

ERFA takes a survivor-centred approach to PSEAH. ERFA's priority, first and foremost, is to strengthen its support for survivors of sexual exploitation and abuse. (See ACFID Code of Conduct, Compliance Indicator 1.5.1)

All responses to reports of SEAH will be contextually, culturally and gender appropriate and reflect an understanding of local legislative frameworks.

All ERFA managers and program partners are responsible for taking appropriate action to ensure that retaliatory actions are not taken against survivors and reporters of SEAH. The sections of ERFA's Whistleblowing Policy that address whistleblower protection and whistleblower rights and obligations provide guidance on how this responsibility can be achieved.

Except where mandatory to do so, ERFA will take a survivor's wishes and safety into account when determining whether an incident should be reported to local law enforcement authorities.

ERFA's Australia-based representatives who are survivors of SEAH have access to a confidential free counselling service through Access EAP (Employee Assistance Program) (24 Hour Line: 1800 818 728).

ERFA is in process of establishing a parallel service for ERFA in-country staff and volunteers.

As far as is possible in local circumstances, ERFA expects that its Implementing Partners will provide or arrange support for survivors of SEAH. This may include assistance with medical/health treatment, counselling, referral or legal support. In-country support should be culturally appropriate.

11. Policy Implementation & Awareness Raising

ERFA will publish this PSEAH Policy on its website.

ERFA Programs Director will be responsible for overseeing the development of educational/training materials about PSEAH, expected behaviours and accessible reporting processes in appropriate languages and media for all in-country program Implementing Partners and for program beneficiaries.

Implementing Partners are responsible for ensuring that PSEAH training is provided for all program personnel and that program beneficiaries are educated about their rights and responsibilities with respect to PSEAH.

12. Recruitment of Staff & Volunteers

ERFA is committed to rigorous recruitment, selection and screening practices. This includes use of background and criminal reference checks along with targeted and objective reference checking. ERFA extends these standards to the appointment of suppliers and contractors.

ERFA standards on PSEAH, including ensuring that ERFA personnel know how to report allegations and concerns related to SEAH, are incorporated in induction materials.

ERFA requires its Implementing Partners to mirror these standards in their recruitment practices and conduct of due diligence and integrity checks in the recruitment of staff, contractors and volunteers.

13. Consequences of breach of this Policy

In line with ERFA's commitment to protecting individuals against SEAH, ERFA considers any breach of this Policy to be serious misconduct and, as such, will result in disciplinary measures being taken against any person or entity in breach. These disciplinary measures include, but are not limited to, termination of employment or engagement.

In appropriate circumstances, the offending conduct will, subject to the wishes and safety of the survivor and local legal requirements, be referred to the duly constituted legal authorities responsible for enforcement of the law in the relevant geographical area.

14. Related ERFA Documentation

- ERFA Child Protection Policy
- ERFA Child & Vulnerable Adult Safeguarding Reporting Form
- ERFA Code of Conduct
- ERFA Complaints Handling Policy
- ERFA Diversity & Inclusiveness Policy
- ERFA Gender Equality & Female Empowerment Policy
- ERFA Risk Management Framework
- ERFA Whistleblowing Policy

Appendix: Definitions

Sexual Exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including 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. This 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 relevant Australian law 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 and citizens as well as against staff and personnel.

Fraternisation: Fraternalisation refers to any relationship occurring in the course of conducting business that involves or appears to involve partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It includes sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations. Where there are significant power imbalances at play (such as gender, age, ability, authority, social and economic inequality) the potential for fraternisation to lead to exploitative transactional sex is heightened.

Harassment: Harassment of a non-sexual kind covers a wide range of behaviours of an offensive nature, including threats and demands that demean, humiliate or embarrass. A systematic pattern of harassment by an employee against another worker may subject the employer to a lawsuit for failure to protect the worker. For ERFA, the definition of Harassment broadens to include **Psychological Abuse** and **Emotional Abuse**, which are characterized by a person subjecting or exposing another person to behavior that may result in psychological trauma including anxiety, chronic depression and even PTSD. These are often associated with situations of power imbalance and abusive relationships.