

	<b>DIREZIONE GENERALE</b>  <b>HEAD QUARTER</b>	<b>Signature</b>  <b>Giampaolo Silvestri</b>		<b>Norma n°.</b>  <b>DIGE 5/2018</b>
<b>Title</b>  <b>PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARRASSMENT POLICY (PSEAH)</b>		<b>Substitute</b>	<b>Level</b>  <b>2</b>	<b>Date:</b>  <b>02/08/2018</b>

## 1. Preamble

AVSI Foundation is an International Non-Governmental organisation, founded in Italy in 1972. AVSI's vision is to work for a world where every person, aware of her value and dignity, is the main protagonist of her own integral development and that of her community, even in crisis and emergency contexts.

At present, AVSI is operating in 31 countries around the world, particularly, in Africa, Latin America, Eastern Europe and the Middle East; with over 169 long term projects benefiting at least 2,600,000 persons in various sectors.

AVSI's mission is to implement cooperation projects in various sectors with a preferential focus on education, meaning that the person is accompanied towards self-discovery and recognition that the other person is a resource.

Each project is conceived of as an instrument to promote this awareness in everyone involved, has in itself a need for communicating and sharing, and creates an impact capable of generating a positive change.

In project implementation, AVSI uses the following approach:

- To start from the value of the person, who is never defined by the circumstances in which s/he lives
- To consider the person always in his/her family and community context
- To do with: accompany and let ourselves be accompanied, recognizing that we all share the same human experience
- To involve all stakeholders: encourage the participation of beneficiaries, providers, partners, donors, and the private sector
- To learn from experience and capitalize on the lessons learned.

This drives AVSI to ensure that, all individuals are cared for, protected and nurtured with interventions that enhance the protective factors and minimize the risk factors within their community, family and school environment.

This policy has been informed by and follows the IASC Six Core Principles relating to Sexual Exploitation and Abuse:

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a 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 behavior is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

The policy demonstrates a commitment to zero tolerance to sexual exploitation and abuse to beneficiaries (including children, women, girls and boys), staff and collaborators.

It is a complement to other policies which AVSI staff and management are already committed to following and enforcing at all levels including, Code of Ethics, Child Protection, and Whistleblowing Policy. Together, these policies provide staff with clear guidelines for behavior and the professional expectations of AVSI towards all employees and collaborators.

## **2. Scope of the AVSI's PSEAH Policy**

1. To ensure that the AVSI workplace is a safe environment with zero tolerance to sexual exploitation and abuse and other forms of workplace violence to beneficiaries (including children, women, girls and boys), staff and collaborators
2. To put in place safe reporting procedures for those that may be abused or suspect any form of abuse to be occurring within AVSI's workplace
3. To provide clear language, definitions and expectations of reporting as it relates to sexual exploitation, abuse and harassment in order that employees are empowered to voice related concerns or suspicions and managers are equipped with the tools needed to support and develop systems which maintain an environment that prevents abuse and deals with cases adequately.

## **3. Application**

This PSEAH Policy applies to all AVSI's staff, independent of their location, grade, type or duration of appointment, and including Temporary Appointment holders, and Interns. In its spirit and principles, this policy also applies to all AVSI's collaborators, notwithstanding their contractual or remuneration status:

i.e. individuals who have a contractual relationship with AVSI, such as temporary advisors, Special Service Agreement holders, Agreement for Performance of Work holders, consultants, and interns, as well as third party entities such as vendors, contractors or technical partners. The policy will be made public (published on AVSI's Internet Website).

#### 4. Definitions

**Sexual exploitation:** Any actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions, including but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Exploitation represents a form of coercion and violence that is detrimental to physical or mental health, development, or well-being.

**Sexual abuse:** Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activities with a child are considered as sexual abuse. "Physical intrusion" is understood to mean "sexual activity". "Sexual abuse" is a broad term, which includes a number of acts including "rape", "sexual assault", "sex with a minor", and "sexual activity with a minor" and harassment, as described below.

**Sexual harassment:** Happens where a staff member or AVSI's collaborator directly or indirectly makes sexual advances, requests for sexual intercourse or sexual favors, and other verbal or physical conduct of a sexual nature towards another member of staff, a service provider, a beneficiary. It can also include an implied or express promise of preferential treatment, or threat of detrimental treatment, being (explicitly or implicitly) made a term or condition of an individual's employment affecting such individuals' performance evaluation or progression in employment.

**Sexual harassment may include but is not limited to the following:**

- Using language written or verbal or comments of a sexual nature which are unwelcome,
- Unwelcome comments directed at an individual, based on the individual's race, color, religion, sex, pregnancy, national origin, disability, age, sexual orientation, genetic information or other characteristic, that are abusive in nature;
- Sexual innuendoes in the guise of humor to coerce sexual favors;
- Sexually degrading words, verbal abuse of a sexual nature; teasing, jokes or questions;
- Sexual remarks, flirtations, graphic or suggestive comments about a person's body, clothing or behavior;
- Patting, pinching or other unwanted touch of another's body;
- Winking, Leering or ogling;
- Uninvited letters, e-mails and telephone calls that are sexually suggestive;
- Uninvited pressure for dates;
- Unwelcome and or offensive sexual advances;
- Solicitation of sexual favors or other sexually related behavior by promise of rewards;
- Coercion of sexual activity by threat or punishment;
- The display in the workplace of sexually suggestive objects, magazines, cartoons, pictures-including nude photographs, videos or films.
- Submission to or rejection of such conduct explicitly or implicitly affects an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- Such conduct unreasonably interferes with an individual's work performance or creates an

intimidating, hostile or offensive work environment.

- Sexual activity with children (under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence.

## **5. Process for Preventing and Responding to Incidents of Alleged Sexual Exploitation, Abuse and Harassment**

### **5.1 Prevention**

#### **5.1.1 Background checks**

No offer of appointment is made by AVSI before the background check of an applicant has been completed. All applicants are required to truthfully answer standard questions concerning any existing history of criminal verdicts, questions about disciplinary measures or sanctions imposed by any existing or former employer of the applicant, and, where relevant, existing history of disciplinary sanctions imposed by disciplinary boards of professional organizations to which the applicant is or has been subject. All applicants are required to disclose any criminal record or, if relevant, record of disciplinary sanctions he or she may have, with the exception of minor traffic offences. AVSI reserves the right to withdraw any offer of employment or to terminate any contractual engagement if the applicant is found to have provided untruthful information concerning any condemnation regarding acts of SEAH.

AVSI will maintain a record of staff members found to have been convicted for acts of SEAH or who have received a disciplinary measure or sanction imposed by any existing or former employer, or by disciplinary boards of professional organizations to which the applicant is or has been subject. AVSI reserves the right to disclose information about acts of SEAH on record concerning an individual staff member if so requested by other third party in a selection process.

#### **5.1.2 Training**

The induction program will always include a training module to raise awareness and prevent sexual exploitation, abuse and harassment and ensure that all employees know how to file a complaint and feel comfortable in doing so. Training records on the topic shall be kept on employees' personal files. Such training may include: i) Provision of reading or visual materials and or arranging for a film show on the subject, all of which are instructive to employees on how to avoid situations that could lead to sexual exploitation, abuse or harassment. ii) Arrange where possible mini seminars or workshops where employees are instructed as to what kind of behavior could amount to sexual exploitation, abuse or harassment.

## 5.2 Response

### 5.2.1 Reporting Mechanism

AVSI has in place immediate and confidential reporting mechanisms as indicated in the AVSI Whistleblowing Policy for AVSI's staff members and collaborators or any other person who may have been a victim of SEAH or may have witnessed or otherwise been informed of a case of SEAH involving AVSI.

All staff members at all levels organization-wide, who have reason to believe a SEAH situation may have occurred, by a AVSI's staff or collaborator, must immediately report, as indicated in the AVSI Whistleblowing Policy, directly to the AVSI Supervisory Board, using the provided template, by e-mail at "[organismodivigilanza@avsi.org](mailto:organismodivigilanza@avsi.org)" or by ordinary mail at the following address: "Organismo di Vigilanza D.Lgs. 231 c/o Fondazione AVSI Via Legnone 4, 20158 Milano-Italia" . Template is available at [www.avsi.org](http://www.avsi.org) as well as with the AVSI Human Resource Department both at Field Office and HQ level. All reporting languages are accepted. For more information on the role and functions of the Supervisory Body, please make reference to AVSI Code of Ethics and to AVSI Organizational Management and Control Model, both available at [www.avsi.org](http://www.avsi.org)

Staff may also choose to report to their respective First or Second Supervisor, HR Manager, Country Representative or Regional Manager (Reporting Officer/s) provided, that none of those are involved in the reported case. In this case the Reporting Officer receiving the complaint will immediately report to the AVSI Supervisory Board following the AVSI Whistleblowing Policy established procedure.

AVSI enforces the reporting mechanism by assuring that;

- a) Allegations of sexual harassment shall be responded to promptly.
- b) Management will act promptly to eliminate the harassment and commence disciplinary action against the culprits. Sexual exploitation and abuse by an employee constitutes an act of gross misconduct and is therefore grounds for termination of employment.
- c) Each line manager has a responsibility to maintain the work place free of any form of sexual harassment. Managers at all levels understand and are committed to their responsibility to support and develop systems which maintain an environment that prevents abuse and promotes implementation of the organization's code of conduct. Managers will receive adequate training and support.
- d) At all times the AVSI Supervisory Board shall evaluate the report/complaint and provide immediate advise, to the reporting person, on how to proceed with the investigation according to the procedure established in the AVSI Whistleblowing Policy.

### 5.2.2 Investigation and Sanctions

AVSI will immediately initiate its own fact-finding investigation into reports of SEAH. Investigation is conducted and coordinated by the AVSI Supervisory Body. Based on the gravity of the situation and the evidence available, AVSI will refer the matter to national authorities for criminal proceedings as appropriate, and will collaborate with national authorities.

If the investigation reveals that sexual harassment did occur, disciplinary action should ensue as per Country's General Employment Agreement and/or Individual Contracts disciplinary procedure. Willful False charges shall result into disciplinary action against the accuser.

## 6. Confidentiality

AVSI Foundation will do everything to protect the privacy of individuals involved and to ensure that the complainant and the accused are treated fairly. Information about individual complaints shall be strictly confidential. Privacy Policy and Procedures are detailed at point 3) Appendix to the AVSI Whistleblowing Policy.

Confidentiality will only be waived with the express consent of the individual, unless the Reporting Officer deems it a case of clear and imminent danger to the individual in question or another person. Their name will not be revealed to the person(s) potentially implicated in the alleged wrongdoing or to any other person, unless the individual personally authorizes the disclosure of their identity. This may become a requirement in subsequent investigative processes.

## 7. Assurance Against Retaliation

Retaliation against persons who make sexual exploitation, abuse or harassment complaints or who provide information about such behavior is strictly prohibited. Retaliation could take the form of physical violence, threats and insults or blackmail or threats of blackmail against an individual who has made a claim of sexual harassment or witness. Retaliation amounts to gross misconduct and will be dealt with as per the disciplinary procedure.

## 8. Documentation

The Head of Human Resources shall document the results of any sexual harassment complaint or investigation and the disciplinary action taken. Training records should also be maintained on the employees' file.

### **SIGNATORIES TO THE AVSI FOUNDATION PREVENTION OF SEXUAL EXPLOITATION ABUSE AND HARRASSMENT POLICY (PSEAH)**

The PSEAH Policy, signed for and on behalf of AVSI Foundation

Name: \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Designation: **Country Representative**

Signed by AVSI Foundation employee/ Collaborator/partner

I, \_\_\_\_\_ hereby append my signature to, irrevocably and unconditionally agree to the terms and conditions set out in the AVSI's PSEAH Policy which I have read, understood and I commit to respect.

Signature \_\_\_\_\_ Date \_\_\_\_\_