

Prevention of Sexual Exploitation and Abuse (PSEA) Policy

Nehru Foundation for Development –Centre
for Health Education Training and Nutrition
Awareness (NFD-CHETNA)

Why are we here?

To develop an understanding on

- Sexual harassment
- Sexual abuse
- Sexual exploitation

Why we are going through this training, *why us.*

- The work we do here at NFD CHETNA makes us social workers and as social workers, we are expected to uphold the highest standards of personal and professional conduct at all times to protect beneficiaries of assistance.
- If any kind of Sexual Exploitation and/or Abuse is done by us, it violates the principles upon which social action is based.
- We are part of the aid community and when we take part in SEA, we fail to protect the foundation of social action. Such an act jeopardizes the identities of assistance agencies and contradicts the values of social workers.

NFD CHETNA and PSEA

- All NFD CHETNA employees and related personnel are required to behave irreproachably with the program beneficiaries or members of the community, using particular care with the most vulnerable classes: minors, women, the elderly and social outcasts. NFD CHETNA commits to create a zero-tolerance organizational culture against complacency and impunity.
- NFD CHETNA management staff and other related personnel must be familiar with and enforce this policy, being proactive in overseeing their team.
- Through the Protection from Sexual Exploitation and Abuse Policy, NFD CHETNA clearly expresses its determination to prevent and combat sexual exploitation and abuse of beneficiaries and members of the community by NFD CHETNA employee and all related personnel.

Protection against Sexual Exploitation and Abuse

[Definitions from Secretary-General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse, ST/SGB/2003/13, 9 October 2003]



Sexual exploitation : 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.

Sexual abuse : the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

6 Core Principles relating to SEA

1

SEA constitute **acts of gross misconduct** and are **grounds for termination** of employment

No second chances

2

Sexual activity with children (< 18 years) is **prohibited**

No sex with children

3

Exchange of **money, employment, goods or services for sex** is **prohibited**, including hiring sex workers

Don't hire/bribe for sex

4

Any **sexual relationship with beneficiaries** that involves improper use of position is **prohibited**

No sex with beneficiaries

5

Humanitarian workers are obligated to **report any concerns regarding SEA** by fellow workers

Always report SEA

6

Humanitarian workers are obliged to **create and maintain an environment which prevents SEA**

Discourage SEA around you

Source: Inter Agency Standing Committee (IASC) Six Core Principles Relating to Sexual Exploitation and Abuse (12 September 2019)

CAN SOMEONE ELSE MAKE THE COMPLAINT?



No retaliation



Potential risk reporting



Whistle blowers



Anonymous complaints



Mandatory reporting

Understanding SE, SA, SH better

Sexual Exploitation (SE) & Sexual Abuse (SA)

- Complaint can be against anyone employed by your organization
- Applicable in virtual & physical space
- Complaints can be filed by the community/ beneficiaries
- Age agnostic & gender neutral
- Investigation & redressal through the PSEA FP, policy based mechanism, POSH provisions and under UN protocols
- For children: mandatory reporting under the POCSO Act, 2012
- Mandatory reporting under UN protocols

Sexual Harassment (SH)

- Complaint can be against anyone employed by your organization or employed by any other organization
- Complaints can be filed by an “aggrieved woman” who may or may not be employed by your organization
- Posh Law-IC
- A court of law can be approached as well
- Annual Report to DO

Sexual Harassment at Workplace

**Derives power from
POSH Act**

'Aggrieved Woman'

Respondent - Person

**POSH Internal
Committee**

Prevention of Sexual Exploitation & Abuse

UN Mandate

**Anyone from the
community can
complain**

**Employee of the
UN or partner
organisation**

**To anyone in the
organisation**

**Appointed
Focal point**

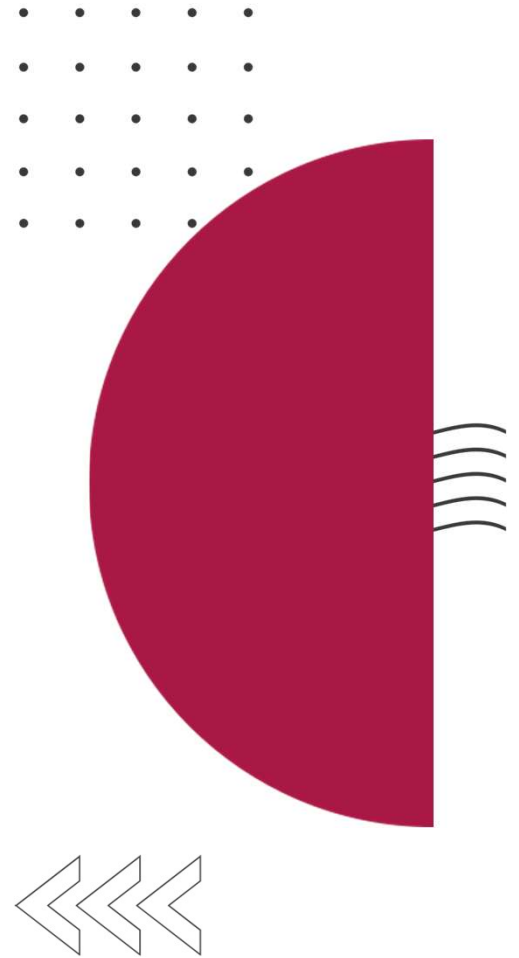
**PO and External
Member of the IC**

Child Safeguarding

**POCSO makes
reporting of CSA
mandatory**

**Children/ their
parent on their
behalf**

**Who can be
the focal
point and
what is their
role?**



Role of PSEA

FP

- Training and implementation of PSEA in the organization
- Ensuring that PSEA finds its way into the annual reports
- Receiving complaints from the staff/ community
- In case of a UN project, ensure that complaint is forwarded to the UN Project Manager
- Timely completion of cases
- Referrals and Victim Assistance

Scope of the PSEA at NFD CHETNA

This policy addresses all NFD CHETNA employees and related management, including:

- Governing Council Members and NFD CHETNA Management;
- All the employees and collaborators in all NFD CHETNA structures and projects;
- Non NFD CHETNA entities and their employees and individuals who have entered into partnership, committees, associations of any sort – including their members and staff – supported, financially or otherwise, by NFD CHETNA ;
- Consultants and other freelance persons who act on behalf of NFD CHETNA on the basis of service contracts;
- All persons acting voluntarily on behalf of NFD CHETNA;
- All the other people not included in the above mentioned categories who have signed a contract with NFD CHETNA.

The principles set forth in this policy apply all times, during and outside the office hours and during the periods of leave, with no exceptions.

Policy Statement

- *SEA are a violation of NFD CHETNA Ethical Code and NFD CHETNA Code of Conduct.*
- *NFD CHETNA does not tolerate any form of sexual exploitation and abuse, as well as bullying and a range of non-sexual abuse of power perpetrated by NFD CHETNA employee and related personnel against any individual regardless of age, gender, sexuality, disability, religion or ethnic origin.*
- *NFD CHETNA commits to do all the needful for preventing programmes having any negative effects such as SEA by NFD CHETNA employee and relate personnel against beneficiaries and members of the community. NFD CHETNA takes seriously all the complaints and concerns about sexual exploitation and abuse and it initiates rigours investigation of complaints that indicates a possible violation of this policy, NFD CHETNA Code of Conduct and NFD CHETNA Ethical Code.*

Core Principles

1. Sexual exploitation and abuse by NFD CHETNA employee and related personnel constitute acts of gross misconduct and are therefore grounds for disciplinary actions and/or termination of employment contract within the applicable and current regulations;
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 and in no way shall ignorance of the age of the person be accepted as a justification.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries;
4. Where NFD CHETNA employee and related personnel develops concerns or suspicions regarding sexual abuse or by a fellow worker, whether the individual works for NFD CHETNA or for other organization, partners, suppliers or other related stakeholders, he or she must report such concerns through the means and tools available within the Organization.
5. The Supervisory Body must be informed about all the concerns and suspicions, including rumours in good faith arisen about sexual exploitation and abuse;
6. All NFD CHETNA staff members, whatever their levels are obliged to create and maintain an environment that prevent sexual exploitation and abuse and promotes the implementation of the Code of conduct and Ethical Code. When appropriate, NFD CHETNA ensures to report for criminal prosecution and legal action to the competent authority in accordance with the applicable law and evaluates to take out proceedings as a civil damaged party.

Commitment Towards the Policy

One: **To prevent and mitigate the risk of sexual exploitation and abuse by NFD CHETNA employee and related personnel**

- Managers and Human Resource team must ensure robust recruitment screening process for all the personnel, particularly for person who will have any direct or indirect contact with children;
- A Code of Conduct that establishes, at a minimum, the obligation all the employees and collaborators not to exploit, abuse or otherwise discriminate against people is in place and duly known to the intended recipients;
- The Ethical Code is published on the internet site and is distributed and duly known to everyone who collaborates in any way with NFD CHETNA. The Ethical Code contains the mission, the vision, the declaration of values and principles, the set of rights, duties and responsibilities that it holds with whoever collaborates with NFD CHETNA or benefits from its projects or programs;
- NFD CHETNA employee and related personnel are completely aware of the Core Principles contained in this Policy, and the related principles included in NFD CHETNA Staff Code of Conduct, Ethical Code.

Two: To identify and act upon potential or actual sexual exploitation and abuse by staff in a timely and systematic manner. In order to do so

- NFD CHETNA ensures to set protocols to process complaints of sexual exploitation and abuse in a timely manner, including the immediate suspension of the alleged perpetrator from all the activities with a direct impact on beneficiaries and communities until the investigation is ended;
- NFD CHETNA ensures to set protocols to properly inform the appropriate authority which is responsible for conducting investigations for sexual exploitation and abuse allegations in respect of national and foreign legislation;
- NFD CHETNA ensures that beneficiaries and members of the community know to whom they should report and what sort of assistance they can expect to receive. All potential and actual survivors of SEA must be fully informed about how the complaint mechanism works, including the reporting process;
- Complainants and survivors have the right to receive feedback on the development and outcome of their case, and the CHM will make every effort to maintain lines of communication;
- NFD CHETNA ensures to take appropriate disciplinary actions including immediate termination of employment and referral for criminal prosecution and legal action, where appropriate, against the person who committed sexual exploitation and abuse, in accordance with the national law reporting and responding system;
- NFD CHETNA 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 investigation or by external investigation. NFD CHETNA undertakes to provide assistance, psychosocial counselling, medical treatment, legal assistance to any victims of sexual exploitation and abuse, if identified as not specious, unfounded or false, perpetrated by one of its staff members or related personnel;
- NFD CHETNA is responsible to ensure that all the thirdly party, included partners and suppliers are committed to respect the principles included in the SEA Policy, in addition to those explained in NFD CHETNA Ethical Code and Code of Conduct.

Raising A Complaint or Concern - PSEA

You have the responsibility to report any suspicion or concern of SEA. Any individual can raise a concern/complaint to NFD CHETNA about an incident they have experienced, witnessed, or heard about concerning any NFD CHETNA staff member or partner (suppliers, partners, contractor, etc.) without fear of retribution.

NFD CHETNA Employees and Related Personnel must not investigate allegations or suspicions themselves.

1. Reporting Channels

- Anyone (including NFD CHETNA's beneficiaries) can raise a concern or make a complaint to NFD CHETNA about something they have experienced or witnessed without fear of retribution. NFD CHETNA has formed a compliant committee comprising of three members including two non NFD CHETNA members. Employees can also choose to raise concerns with their team members.

2. Confidentiality

- Complaints can be made anonymously. Every effort will be made to maintain confidentiality throughout the complaints process. Information that identifies individuals involved in a complaint will be limited to essential personnel and will not be shared further without obtaining the informed consent of those involved, except if someone's life is at risk, a child is at risk, or as required by law in consultation with legal counsel and where safe to do so. Non-identifying information will be shared as per reporting requirements. Staff involved in the complaints process will be made aware of the importance of maintaining confidentiality and may be asked to sign a confidentiality agreement. Employees who breach confidentiality may be subject to disciplinary action up to and including termination of employment, and others who work with NFD CHETNA may have their relationship with NFD CHETNA terminated. In some cases, such breaches may constitute breaking the law.

3. Retaliation against Complainants, Survivors and Witnesses

- NFD CHETNA will take action against anyone, whether they are the subject of a complaint or not, who seek or carry out retaliatory action against complainants, survivors or other witnesses. Employees may be subject to disciplinary action, up to and including termination of employment. Others who work with NFD CHETNA may have their relationship with NFD CHETNA terminated.

4. Complaints about NFD CHETNA's Partners

- Where NFD CHETNA receives a complaint about a partner organisation, NFD CHETNA will expect the partner to respond safely, quickly and appropriately. NFD CHETNA will assist the partner to ascertain its reporting obligations. Where appropriate, NFD CHETNA will work with the partner to address the issue through an appropriate independent investigation. If the outcome is that abuse has occurred, ongoing work with the partner cannot involve the individual(s) concerned. If there is reason to believe that an allegation of abuse has been dealt with inappropriately by a partner, then they risk will take necessary action of ending the relationship (including networks and consortia).

5. Receiving Complaints about External Organisations/Bodies

- Safeguarding complaints raised to NFD CHETNA about other organisations/bodies should be referred to the affiliate safeguarding teams, who will report cases to the relevant organisations involved where safe to do so, as well as local PSEA working groups, networks, and/or the charity commission/police/donors where appropriate and safe to do so. NFD CHETNA will not investigate cases related to other organisations, but does have an obligation to report.

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013





Prevention:

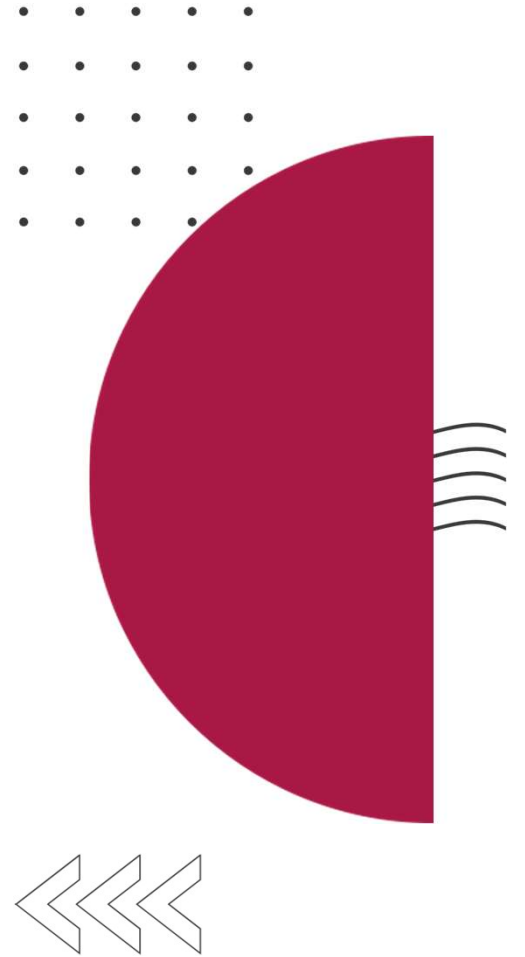


Prohibition:



Redressal:

What is sexual harassment?



Any *unwelcome* sexually determined behaviour

Physical contact

A demand or request for sexual favours

Sexually colored remarks (in-person/online forums)

Showing pornography

Physical, verbal, non-verbal conduct of sexual nature

The two categories

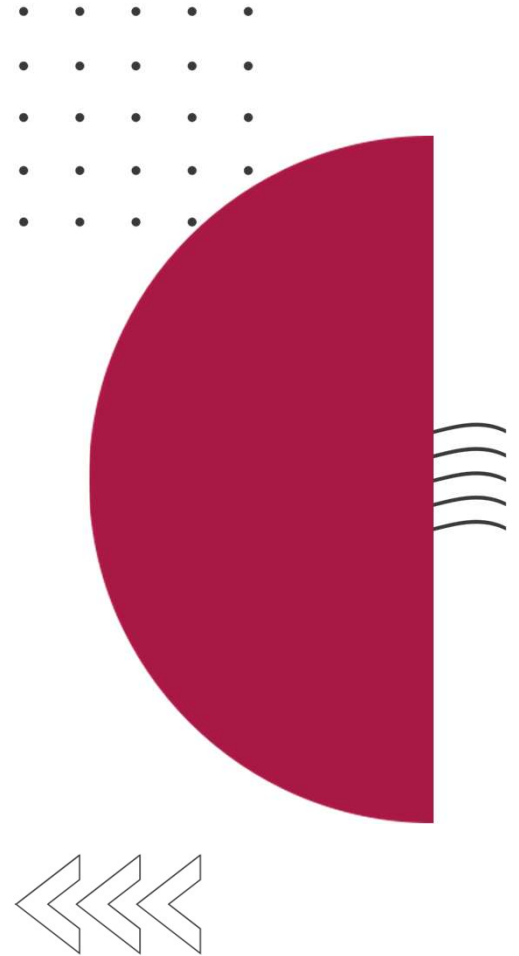


Quid pro quo



Hostile work
environment

Consent



HOW DO I KNOW IT IS WHAT IT IS?

SEXUAL in nature

IMPACT
not
INTENT

UNWELCOME

SUBJECTIVE

Duty of the employer

- Provide **safe working environment** including safety from persons coming into contact at the workplace
- By a written order constitute an “**Internal Committee**” (IC)
- Formulate and disseminate an **Internal Policy**
- **Display clearly the penal consequences of Sexual Harassment & contact details of the IC**
- Organize **awareness workshops and programmes** at regular intervals

Who is an **employee**?

Regular, temporary, ad-hoc

Direct employment or via agent/contractor

Probationer/apprentice/intern

Express/implied terms of employment

With or without remuneration/voluntary participation

Any Question/s?

Thank You