

Canadian Society for International Health (CSIH) Policy on Protection from Sexual Exploitation and Abuse (PSEA)

Background

The objective of this document is to articulate our shared commitment to preventing sexual violence in our organization and programs by defining a framework for the way we carry out our work and set out expectations. CSIH places respect and human dignity at the centre of its mission and, as such, believes in the importance of preventing sexual violence, including sexual exploitation and abuse (SEA)¹. This Policy is informed by several important resources². This Policy applies to all CSIH employees and related personnel³.

CSIH recognizes that sexual violence is rooted in power imbalances, notably in gender inequalities, and that these elements are still present in societies around the world, including in Canada.

CSIH is a proud signatory to the Canadian Council of International Cooperation (CCIC) Leaders' Pledge and has notably committed to:

- Establishing a culture of zero tolerance to all forms of sexual misconduct in all the work that we do;
- Improving our collective ability to recognize and tackle power imbalances and gender inequalities that can enable sexual misconduct, including intersecting forms of discrimination;
- Strengthening existing organizational policies and practices to prevent and address sexual misconduct;
- Aiming to create work environments free from sexual misconduct by and of civil society organization (CSO) staff and volunteers within our organizations and the countries in which we operate;
- Support survivors/victims of sexual misconduct;
- Ensure all allegations are investigated, and that perpetrators are held to account, including through prosecution and/or dismissal where appropriate;

¹ See Annex A: Definitions.

² The following resources inform this current Policy: International Rescue Committee's Code of Conduct; European Interagency Security Forum's (EISF) guide on Managing Sexual Violence against Aid Workers; Oxfam's materials on violence and harassment available on CCIC's website; CARE's materials on sexual abuse and exploitation available on CCIC's website; CECI's Policy on the Prevention of Harassment, Exploitation and Sexual Abuse; Concordia University Policy regarding Sexual Violence; and McMaster University Sexual Violence Policy

³ "CSIH employees and related personnel" is defined to broadly include all employees of CSIH, CSIH Members, board members, volunteers, interns, international and local consultants as well as individual and corporate contractors of these entities and related personnel, such as non-CSIH entities, and their employees, and individuals who have entered into partnership, sub-grant or sub-recipient agreements with CSIH.

- Encourage greater sectoral cooperation and transparency on the development of measures aimed to prevent perpetrators of sexual misconduct from gaining re-employment within the sector;
- Benefiting from each other's experiences and strengths, and identify joint solutions, including by sharing and building knowledge and capacity around survivor/victim-centred approaches.

Employee Standards

All CSIH employees and related personnel must uphold the highest standards of personal and professional conduct. This PSEA Policy sets the minimum standards to be followed by CSIH employees and related personnel.

1. Employees will not request any service or sexual favour from participants of CSIH programs, children or others in the communities in which CSIH works in return for protection or assistance, and will not engage in sexually exploitative relationships.
2. Employees will not exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This prohibition against exchange of money for sex means CSIH employees may not engage the services of sex workers while on CSIH business, including on CSIH premises or accommodation, or while travelling to/from or attending workshops, meetings and trainings, regardless of the local or national law concerning sex work or prostitution in the country.
3. Employees are strongly discouraged from having sex or engaging in sexual activities with program participants because there is an inherent conflict of interest and potential for abuse of power in such a relationship. If an employee engages in sex or sexual activities with a program participant, the employee must disclose this conduct to his /her supervisor for appropriate guidance. Failure to report such conduct may lead to disciplinary action pursuant to CSIH's policies and procedures.
4. Employees must refrain from sexual activity with any person under the age of 18, regardless of the local age of consent, i.e. the local or national laws of the country in which the employee works. Not knowing or mistaking the age of a child is not a defence.
5. Employees will not support or take part in any form of sexual exploitative or abusive activities, including, for example, child pornography or trafficking of human beings.
6. Employees must report any concerns or suspicions they have regarding possible violations of this PSEA policy via CSIH established reporting procedures.
7. Sensitive information related to incidents of sexual exploitation and abuse whether involving colleagues, program participants or others in the communities in which CSIH works shall be shared only with enforcement authorities and CSIH agents and employees of the appropriate seniority or function who have a need to know such information.

Roles and Responsibilities

Organizational Leadership Responsibilities

The Executive Director and Board members are expected to ensure every effort is being made to prevent sexual violence from occurring, and verify that an adequate response and protective measures are implemented once they become aware of an incident by:

- ✓ Ensuring sufficient human and financial resources are available for the organization to follow through on its commitment,
- ✓ Establishing or identifying opportunities for training on prevention, mitigation, and reporting of SEA
- ✓ Ensuring the implementation of best practices in recruitment and onboarding in accordance with the PSEA,
- ✓ Ensuring protection from retaliation to individuals raising concerns or reporting incidents,
- ✓ Ensuring performance management to mitigate against the occurrence of sexual violence, including taking corrective action when needed,
- ✓ Reviewing the PSEA and its implementation on an annual basis,
- ✓ Ensuring that all volunteers, interns, employees, managers and subcontractors understand, sign and comply with the PSEA,
- ✓ Ensuring that every partner organizations either sign this Policy on PSEA, or develop or have their own Code of Conduct or PSEA that is at least as detailed/rigorous as CSIH's PSEA
- ✓ Establish or identify mechanisms for the reporting of SEA

Managers' Responsibilities

Managers have a key role to play and bear added responsibilities to:

- ✓ Ensure volunteers, interns, staff and subcontractors under their supervision are informed, and understand and comply with the Policy on PSEA.
- ✓ Set example for appropriate behaviours.
- ✓ Address concerns and respond to incidents and disclosures according to organizational standards.
- ✓ Protect individuals from retaliation.
- ✓ Use appropriate sanctions when lack of compliance is established.

Individual Responsibilities

Volunteers, interns, staff, managers, board members and subcontractors must:

- ✓ Familiarize themselves with this PSEA and uphold it.
- ✓ Make every reasonable effort to ensure and maintain an environment free of sexual violence.
- ✓ Raise concerns regarding risks or possibilities of sexual violence.
- ✓ Report incidents of sexual violence.
- ✓ Treat any information related to sexual violence with utmost confidentiality and share related information only on a "need-to-know" basis, i.e. only with designated relevant parties.

Reporting

Concerns or suspicions related to violations of the PSEA must be reported to the Organization's leadership. All reports will be kept in confidence and there will be no repercussions against the employee or complainant for making such a report.

Reports may be made to the Employees' direct supervisor or anonymously through email to: PSEA@csih.org This email address will be monitored by a designated Board member.

Every formal report will lead to investigation. If information is insufficient to start an investigation, the complaint will be documented and kept on file in a confidential manner thus allowing for a documented trace in case of further reports. Investigations will be conducted upholding principles of confidentiality, fairness, and neutrality. The supervisor or Board member may seek additional or external resources to follow through on the investigation and ensure appropriate remedial or disciplinary action is taken.

Disciplinary Action

Any violation of these standards will be considered as serious misconduct. Any proven false accusations of SEA that are made maliciously can be deemed to constitute a violation of this Policy.

SEA concerns and complaints will be investigated and will be subject to discipline, which may include termination of employment, removal from Boards or committees and possibly criminal charges, as outlined in the CSIH Employee Handbook.

Declaration of Adherence

I understand that I can significantly contribute to risk mitigation and prevention of sexual violence by translating this PSEA into actions in my work. I understand that I must uphold our collective commitments to colleagues, partners and the communities we serve by adhering to the standards of behaviour outlined in the PSEA.

I, undersigned, _____, hereby declare that I have read, understood, and will comply with this PSEA. I understand that breach of any provision of the Policy may result in disciplinary action, including termination of the contract.

SIGNATURE:

DATE:

Annex A: Definitions

Sexual exploitation refers to 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. (U.N. Secretary-General’s bulletin on protection from sexual exploitation and abuse)

Sexual abuse refers to an actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. (U.N. Secretary-General’s bulletin on protection from sexual exploitation and abuse)

Consent: Sexual activity is only legal when both parties’ consent. Consent is defined in Canada’s *Criminal Code* in s. 273.1(1), as the voluntary agreement to engage in the sexual activity in question. The law focuses on what the person was thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their consent, whether through words or conduct. Silence or passivity does not equal consent.

Sexual harassment is mostly used to define a form of workplace discrimination through a conduct or a course of vexatious comment that is known or ought reasonably to be known to be unwelcome and creates a hostile or offensive environment. The Canada Labour Code defines sexual harassment as any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation in the workplace ; or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

Protection from sexual exploitation and abuse (PSEA) is a term used by the United Nations and non-governmental community to refer to measures taken to protect vulnerable people from sexual exploitation and abuse by their own staff and associated personnel. (Source: Global Affairs Canada)

Sexual assault: Sexual assault is a legal term and constitutes a criminal offence. The Supreme Court of Canada states that the act of sexual assault does not depend solely on contact with any specific part of the human anatomy but rather the act of a sexual nature that violates the sexual integrity of an individual. It includes being exposed to pornography or behaviors of a sexual nature (without consent) or being filmed during intercourse (without consent).

Sexual misconduct is an umbrella term covering a variety of problematic behaviours of a sexual nature, including criminal and non-criminal conduct.