

Preventing Sexual Exploitation, Abuse And Harassment Policy

The mSupply Foundation

Version: 1

Status: Active

Date: 6 December 2023

Purpose

This policy is designed to ensure all mSupply Foundation (TMF) staff, contractors and other people we may be responsible for have clear guidelines that ensure that they act in a way that is free from sexual exploitation, abuse or harassment.

Scope

This policy applies to all representatives of TMF, including staff, volunteers, contractors, family members accompanying staff on travel and assignment, and any other organisations or people acting for or on behalf of TMF.

This policy applies at all times, both during work, work travel, or acting in any manner that is representing TMF.

Definitions

Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, or to use such abuse for gain.

Sexual abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Non-consensual kissing and touching that could be construed as sexual are included. All sexual activity with someone under the age of consent is considered to be sexual abuse. The age of consent shall be considered the higher of either 16 years of age or the age of consent in the country of the activity.

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.

Fraternalisation: Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position. It could include, but is not limited to, voluntary sexual behaviour, 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.

Safeguarding: Actions, policies and procedures that create and maintain protective environments to protect people from exploitation, harm and abuse of all kinds.

Policy

1: Zero tolerance of inaction

TMF defines zero tolerance as acting on every allegation in a fair and reasonable way with due regard for procedural fairness.

2: Victim needs are prioritised

Action to address sexual exploitation, abuse and harassment is to be underpinned by a “do no harm” approach prioritising the rights, needs, and wishes of the victim, while ensuring procedural fairness to all parties.

We will treat the victim with dignity and respect, involve them in decision making and provide them with comprehensive information. We will protect privacy and confidentiality, and not discriminate based on gender, age, race/ethnicity, ability, sexual orientation, or other characteristics.

Counselling and health services to assist the victim will be made available.

3: Gender inequality and other power imbalances are addressed

Inequalities based on the distinctions of worker/beneficiary; ability/disability; ethnic and Indigenous status; religion; gender identity and sexual orientation; age; health and poverty, can enable sexual exploitation, abuse and harassment (SEAH). TMF will seek to minimise gender inequality and other such factors that may create an environment that allows SEAH.

4: Share responsibility

Everyone has a responsibility to prevent SEAH and must take their safeguarding responsibilities seriously and uphold the principles of the policy. TMF will also work to support and build capacity of partners, and associates of sub-contractors/consultants, grantees and volunteers to uphold this policy.

5: Open and accountable

TMF is committed to openness and transparency and will hold ourselves to account for our commitment to preventing sexual exploitation, abuse and harassment. Our leaders will set clear expectations and take personal and organisational responsibility to create a safe and inclusive environment to ensure a culture of equity and inclusion.

Safeguarding concerns can be raised and discussed, poor practice and inappropriate behaviours can be challenged by any staff member or stakeholder. Our safeguarding measures will be regularly reviewed and strengthened to ensure we remain accountable to all TMF staff and the people and communities we work with.

Risk management

While we acknowledge that it is not possible to eliminate all risks of sexual misconduct, TMF has adopted a risk management process by which risks are identified, monitored and reasonably mitigated against in the assessment of all our activities. This includes a process by which activities are assessed to determine the level of risk for sexual misconduct.

This Policy and the TMF Code of Ethics are included in inductions, as well as communicated through internal communications, contracts and via TMF's website.

TMF will undertake a risk assessment for all partners or other organisations acting for or on behalf of TMF to identify risks, classify any high risk activities and document steps being taken to reduce sexual misconduct and fraternisation risks. The risk assessments will be undertaken before work with a partner starts, and form part of regular monitoring and be reviewed regularly.

Program partners

It is mandatory for all program partners to comply with TMF's PSEAH policy. TMF will seek the expertise of partners in terms of implementation and reporting within their specific context. TMF commits to ensuring individuals and organisations we partner with are aware of this policy and their responsibilities under the policy, including reporting requirements.

Failure to report and inaction when SEAH has occurred is grounds for termination of the contract or agreement.

TMF will support and build the capacity of partners to comply with this policy. If and when required, TMF will undertake partner capacity assessments and monitor policy compliance.

Recruitment

All potential personnel candidates (including volunteers) will be screened to verify the integrity of the applicant.

PSEAH training will form part of the induction of all new staff & contractors.

Reporting

How to report an incident of SEAH

Anyone wishing to report SEAH can notify TMF by phone, email (abu, through our website, by post, or in person.

TMF staff, volunteers and consultants can inform their any/all of the following positions: supervisor, CEO, Operations Lead, Finance Manager, TMF board members

When making a disclosure, the reporting person may do so anonymously. People are encouraged to share their identity when making a disclosure, as it will make it easier for TMF to address the disclosure, but they are not required to do so. If they do not share their identity, TMF will assess the disclosure in the same way as if they had revealed their identity. However, there may be some practical limitations in conducting the investigation.

If you or someone you know has been affected by sexual exploitation, abuse or harassment, and need assistance, you can contact one of the following in New Zealand:

- Emergency (if you or someone you know is in danger): 111
- Lifeline: 13 11 14

Incident Management

In the event of a report of SEAH or policy non-compliance, TMF management will immediately put into effect the following steps;

- escalate the report to executive management and/or the TMF board.
- undertake a prompt impartial and appropriate investigation, to determine what action, if any, should be taken in the circumstances. Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness;
- seek instructions, where required, from management/legal staff;
- report to local authorities and the reporting person as required;
- and also give due regard to the appropriateness of informing local law and judicial mechanisms where this is not a requirement.

If an expatriate is suspected, due regard must be given to the potential for extra-territorial proceedings by the expatriate's country of origin.

Any person that is included in a reported SEAH incident will be excluded from the management process of the incident.

Breach of Policy

Violation of this policy may result in responses including, but not limited to, removal from the contract, transfer of the employee to other duties or termination of employment. We will report reports of SEAH to relevant statutory bodies, clients and local authorities as required.

Implementation

The CEO, in conjunction with the TMF Leadership Team, is responsible for the administration, interpretation, and application of this policy.

Policy Compliance and Review

Any of our funding agencies may audit TMF's compliance with this policy.

TMF shall review this policy every five years, or earlier if warranted.

Assent to TMF's Preventing sexual exploitation, abuse and sexual harassment Policy

I, the undersigned, engaged by TMF acknowledge that I have read and understand the above policy, and agree that in the course of my association with TMF, I will follow these guidelines.

Employee Name:

Employee Signature:

Date:

