

POLICY TYPE: STANDARD OF CONDUCT

POLICY TITLE: SAFEGUARDING POLICY: PREVENTION OF SEXUAL EXPLOITATION & ABUSE (PSEA)

Last Updated: October 2019

Scope

For the purposes of this policy, all individuals associated with CLWR will be denoted as 'employees' and beneficiaries.

Safeguarding applies consistently and without exception across our programs, partners, CLWR affiliates and employees. It requires proactively identifying, preventing and guarding against all risks of harm, exploitation and abuse and having mature, accountable and transparent systems for response, reporting and learning when risks materialize. Those systems must be survivor-centered and also protect those accused until proven guilty.

Purpose

Safeguarding puts beneficiaries and affected persons at the center of all we do.

CLWR believes that everyone we come into contact with, regardless of age, gender identity, sexual orientation, physical and mental ability, or ethnic origin has the right to be protected from all forms of harm, abuse, neglect and exploitation. CLWR will not tolerate abuse and exploitation by employees or associated personnel. This includes harm arising from:

- The conduct of employees or personnel associated with CLWR, including implementing partner organizations, in Canada and while on international travel as part of CLWR duties,
- The design and implementation of CLWR's programs and activities

The policy lays out the commitments made by CLWR and informs employees and associated affiliates of their responsibilities in relation to safeguarding.

Definitions

Safeguarding means taking all reasonable steps to prevent harm, particularly sexual exploitation, abuse and harassment from occurring; to protect people, especially vulnerable adults and children, from that harm; and to respond appropriately when harm does occur.

This definition draws from our values and principles and shapes our culture. It pays specific attention to preventing and responding to harm from any potential, actual or attempted abuse of power, trust, or vulnerability, especially for sexual purposes.

Policy

This policy does not cover:

- Sexual violence or sexual harassment in the workplace
- Safeguarding concerns in the wider community not perpetrated by CLWR, associated personnel, or implementing partner organizations

This policy applies to:

- All employees contracted by CLWR
- Associated personnel while engaged with work or visits related to CLWR, including but not limited to the following: consultants; volunteers; contractors; employees of implementing partner organizations; and program visitors including journalists, celebrities, board members, and politicians

This policy will address the following areas of safeguarding [as appropriate]: child safeguarding, adult safeguarding, and protection from sexual exploitation and abuse.

CLWR commits to addressing safeguarding throughout its work, through the three pillars of ***prevention, reporting and response*** and adhering to the following:

1. Zero tolerance for any incidents of sexual exploitation or abuse by anyone working for or representing CLWR or involved with the implementation of CLWR programming.
2. Senior managers are expected to ensure that this policy is upheld by their employees and be proactive in seeking to ensure that anyone with whom CLWR interacts is protected from sexual exploitation and abuse.
3. CLWR employees and representatives are expected to be vigilant and to rigorously avoid any action that would suggest or imply that a sexual act might be demanded as a condition of employment, to receive funding, or for provision of any services.
4. Survivors of sexual exploitation or abuse, both actual and attempted, at the hands of a CLWR employees or representatives are encouraged to report their experience to a CLWR Supervisor, the Executive Director, or another trusted person either in person or via email (concerns@clwr.org).
5. All reports of sexual exploitation or abuse, or attempts at same, will be treated as confidential. The safety and dignity of the survivor will be of paramount importance in all investigation and resolution activities.
6. Observed incidents, suspicions, reports of, or attempts at sexual exploitation or abuse by employees or anyone representing CLWR must immediately be reported to a Supervisor, Director of Operations, or the Executive Director.
7. Any Supervisor receiving a report of suspected sexual exploitation or abuse or attempts of the same by employees or anyone representing CLWR, must immediately inform the Executive Director of the report or incident.
8. The Director of Operations or Executive Director must take action as necessary to:
 - 8.1. ensure the physical, psychological, emotional, and/or employment safety of the alleged victim of exploitation or abuse as well as of the person reporting the exploitation or abuse,
 - 8.2. ensure that the alleged perpetrator is removed from a situation where further victimization could occur,
 - 8.3. initiate an investigation into the alleged incident or pattern of behaviour, and
 - 8.4. inform government authorities as required by law, and where possible, ensuring that such a report is approved by the victim and will not perpetuate further victimization.
9. Reports of suspected sexual exploitation or abuse or attempts at same by the Executive Director should be made to the Director of Operations or other trusted senior employees.
10. If the Executive Director is implicated in a complaint of sexual exploitation or abuse, the President of the CLWR Board must be informed and must approve any proposed investigation and resolution actions.
11. CLWR will ensure that its employees, Board Directors, and anyone representing CLWR knows and understands the organizational expectations as outlined in this policy and the harassment policy. All employees and

representatives must be familiar with this policy and the CLWR *Complaint Policy & Procedures* for how to respond to observed or reported incidents or attempts at sexual exploitation or abuse.

12. CLWR will implement training and prevention mechanisms to ensure that no one is subjected to abusive or exploitative behaviour from anyone representing CLWR.
13. CLWR will not disclose the name of a complainant or an alleged harasser or offender nor the circumstances related to the complaint to any person except where disclosure is:
 - 13.1.1. Necessary to investigate the complaint or take corrective action with respect to the complaint; or
 - 13.1.2. Required by law.
14. No correspondence pertaining to the complaint shall be placed on the complainant's personal file.

Procedures

CLWR will ensure that the following procedures and measures are met:

Procedures	PSEA Measures
Policy Development and Implementation	<ul style="list-style-type: none"> • Create a policy stating clear standards of conduct, including a work plan for reporting and implementation • The policy/standards have been conveyed to current staff, including senior management and the Board, on repeated occasions (introduction and refresher trainings)
Dedicated Focal Point	<ul style="list-style-type: none"> • A dedicated employee(s) or department has the overall responsibility for development and implementation of PSEA policies and procedures. For CLWR the focal person is the Senior Program and Policy Analyst. • The focal point is required to regularly report to senior management on its process on PSEA • The focal point person or department receives ongoing training on PSEA best practices and responses
Recruitment	<ul style="list-style-type: none"> • Job ads include PSEA commitments • Gaps in employment history checked during interview • Questions related to PSEA asked during interview • At least two references taken from previous employers which include questions on candidate's conduct including adherence to participation Code of Conduct standards • A criminal record check is conducted, where possible • New employees sign contracts which include PSEA and the organization's <i>Global Code of Conduct</i>
Onboarding/Training	<ul style="list-style-type: none"> • Onboarding includes a briefing on PSEA • All employees receive an annual half-day training on PSEA – recognizing and responding to risks and concerns • Annual refresher training opportunities provided • Staff are aware that there is a CLWR <i>Whistleblower Policy</i> in place to protect reporting individuals
Performance Management	<ul style="list-style-type: none"> • Performance management discussions include understanding of PSEA and an opportunity to raise concerns

	<ul style="list-style-type: none"> • Where performance management includes working to values or competencies, these include PSEA
Whistleblowing	<ul style="list-style-type: none"> • A policy or procedure which encourages people to report on concerns without fear of reprisals.
Discipline and Grievance	<ul style="list-style-type: none"> • SEA is explicitly stated as grounds for discipline which may result in termination
Programming Guidelines	<ul style="list-style-type: none"> • Programming guidelines include identifying and mitigating risks in programs to make them safer
Partnership Agreements	<ul style="list-style-type: none"> • All contracts with partners/suppliers/contractors include clauses on PSEA • Capacity building for partners includes capacity to implement PSEA measures • Partner monitoring includes PSEA measures and SEA reports • All implementing partners communicate in detail their PSEA policies, as well as mechanisms to make a complaint
Complaints/Reporting	<ul style="list-style-type: none"> • Complaints mechanism developed to receive and respond to reports of SEA. Complaints can be made directly to concerns@clwr.org • CLWR will list steps to make a complaint and share our complaints policy on our website • Written procedures on how to make a complaint are in the employee manual for all employees to view • Standard investigation procedures will be used by the Investigator (Director of Operations) • Any Investigators (Director of Operations, Executive Director, or hired third party) will have received training on sensitive investigations such as allegations of SEA. • Substantiated complaints have resulted in either disciplinary action or contractual consequences, if not, the employer must justify why not. • CLWR will alert the Government of Canada Global Affairs department, to any reported incidents of sexual exploitation or abuse as they are received. Respecting the confidentiality of the people involved, these reports will not necessarily include names but will outline for the Committee the nature of the complaint and any investigation and resolution plans in accordance with the procedures set out in the <i>Safeguarding Policy</i>
Monitoring	<ul style="list-style-type: none"> • The CLWR Leadership Team will meet annually to ensure that the organization is making steady progress towards fully implementing PSEA policy and procedures • CLWR will review the PSEA policy and procedures every two years to ensure they are fit for purpose

**Reporting
Reporting Mechanism**

CLWR will ensure that safe, appropriate, accessible means of reporting safeguarding concerns are made available to employees. If any employees develop concerns or suspicions regarding sexual abuse or exploitation, they should report such concerns to CLWR through the reporting mechanisms.

Any employees reporting concerns or complaints in good faith through formal whistleblowing channels (or if they request it) will be protected by CLWR's *Whistleblowing Policy*.

CLWR will also accept complaints from external sources such as members of the public, partners and official bodies.

How to report a safeguarding concern

Employees who have a complaint or concern relating to safeguarding should report it immediately to their Supervisor. If the employees do not feel comfortable reporting to their Supervisor (for example if they feel that the report will not be taken seriously, or if that person is implicated in the concern) they may report to any other appropriate employee member. For example, this could be a Director or a member of the Operations Team.

Complaints can be emailed to concerns@clwr.org

CLWR is committed to treating all complaints as serious and confidential.

Response

CLWR will respond to safeguarding reports and concerns according to CLWR policy and procedure.

CLWR will apply appropriate disciplinary measures to employees found in breach of policy.

If the Investigator finds the complaint to be valid, she or he will report in writing to the Executive Director. The Executive Director will then decide what action to take and provide the parties involved with a written copy of the decision.

Corrective action for the harasser or offender includes, but are not limited to:

- A written reprimand
- Suspension, with or without pay
- Demotion
- Termination
- Notification of law enforcement

Anyone who retaliates in any way against a complainant, or complainants who report unsubstantiated complaints made in bad faith or with malice will be subject to the same penalties as a harasser or offender.

Confidentiality

It is essential that confidentiality is maintained at all stages of the process when dealing with safeguarding concerns. Information relating to the concern and subsequent case management should be shared on a need-to-know basis only and should be kept secure at all times.