

Beyond Essential Systems

PREVENTING SEXUAL EXPLOITATION, ABUSE and HARRASSMENT POLICY

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Beyond Essential Systems (BES) has a zero-tolerance policy regarding any employees that engage in or support sexual exploitation, abuse or harassment (SEAH) of any kind.

This policy applies to all BES employees, sub-contractors/consultants, grantees and volunteers, as well as partners, and associates of sub-contractors/consultants, grantees and volunteers.

Managers are required to introduce this Policy to their staff and to be responsible for adapting the systems and processes necessary for operating effectively in line with the Policy. All staff should be aware of, understand and agree to comply with all the content and procedures contained in this document.

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 suspicions of SEAH to relevant statutory bodies, clients and local authorities as required.

1. Related Policy

This policy is intended to be read in conjunction with all other BES policies and guidelines and those policies and guidelines of our contract partners and recipient partners.

2. Purpose

BES is committed to a workplace that is free from exploitation, abuse and harassment.

All of us have a responsibility to act in an ethical and transparent way to build a respectful working culture that rejects inappropriate behaviour, and where staff, partners and communities feel supported and valued.

This policy sets out expectations and requirements for BES staff and partners to manage the risks of SEAH.

3. Scope

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

This policy applies at all times when such persons are working for, travelling or representing BES, both during and outside normal working hours.

BES program partners are also required to comply with the requirements of this policy as set out in section 7.

4. Key Definitions

This Policy uses the following descriptions of sexual exploitation, sexual abuse and sexual harassment:

- Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from 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. It covers sexual offences including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent (in the law of the host country or under Australian law [16 years], whichever is greater) is considered to be sexual abuse.
- 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.

Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.

- Fraternisation: 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.
Under DFAT PSEAH Minimum Standards, fraternisation for all non-national personnel in the field in “very high risk” areas is prohibited while engaged in the delivery of DFAT business.
- Safeguarding: Actions, policies and procedures that create and maintain protective environments to protect people from exploitation, harm and abuse of all kinds.

These definitions combine international and Australian definitions and are the definitions used by the Australian Department of Foreign Affairs and Trade (DFAT).

The following examples were adapted from IWDA’s PSEAH Policy.

Examples of acts of sexual misconduct include, but are not limited to:

- *Sexual assault (any unwanted or forced sexual act committed without consent) or threat thereof. Sexual assault can occur either against a person’s will, by force or coercion, or when a*

person is incapable of giving consent, such as when they are under duress, under the influence of drugs or alcohol. Force includes:

- *actual physical aggression, including but not limited to: rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (unwanted kissing or touching)*
 - *threats of physical aggression*
 - *emotional coercion*
 - *psychological blackmailing*
- *Forcing someone to have sex with anyone*
 - *Forcing a person to engage in prostitution or pornography or videotaping or photographing sexual acts and posting it without permission*
 - *Refusing to use safe sex practices*
 - *Alleging or threatening to allege that anyone already has a history of prostitution on legal papers*
 - *Name-calling with sexual epithets*
 - *Insisting on anything sexual, including jokes that may be uncomfortable, frightening or hurtful*
 - *Demanding sex in any context or telling someone that they or anyone else are obliged to have sex as a condition for anything.*

Examples of behaviour that could be considered sexual harassment include, but are not limited to:

- *Unwanted physical contact, sexual suggestions, or demands*
- *Making obscene or sexually suggestive remarks, insults or jokes that may cause offense*
- *Sending explicit or sexually suggestive emails*
- *Intrusive enquiries into a worker's private life.*

The most common example of fraternisation is relationships, romantic, sexual or otherwise, between people who occupy different levels of authority or power.

5. Policy Principles

The principles that underpin BES's Policy are:

Principle 1: Zero tolerance of inaction

Sexual exploitation, abuse and harassment are never acceptable. Zero tolerance is not the same as zero incidents. BES defines zero tolerance as acting on every allegation in a fair and reasonable way with due regard for procedural fairness.

Principle 2: Survivor needs are prioritised

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

This approach treats the survivor with dignity and respect, involves them in decision making and provides them with comprehensive information. It also protects privacy and confidentiality, does not discriminate based on gender, age, race/ethnicity, ability, sexual orientation, or other characteristics and considers the need for counselling and health services to assist the victim/survivor with their recovery.

Principle 3: Gender inequality and other power imbalances are addressed

Available data indicates that the majority of survivors are female and the majority of perpetrators are male. However, there are also other power imbalances at play. 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 also result in sexual exploitation, abuse and harassment. The intersection of gender with other forms of inequality can further increase the likelihood of SEAH occurring.

Principle 4: Share responsibility

Everyone working for or associated with BES’s work must be aware of and adhere to the provisions of this policy. Everyone has a responsibility to prevent SEAH and must take their safeguarding responsibilities seriously and uphold the principles of the policy. In turn, BES will work to support and build capacity of partners, and associates of sub-contractors/consultants, grantees and volunteers.

Principle 5: Open and accountable

BES are 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 challenges and addressed and our safeguarding measures will be regularly reviewed and strengthened to ensure we remain accountable to all BES staff and the people and communities we work with, ensuring they understand the essence of this policy, our commitments, how to exercise their rights and the means via which they can report.

6. Risk management

While we acknowledge that it is not possible to eliminate all risks of sexual misconduct, BES 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, and application of the DFAT PSEAH Minimum Standards where applicable.

In relation to the DFAT SEAH business/activity risk factors, BES would consider itself to be a medium risk level organisation. This means that DFAT PSEAH minimum standards 1-3 must always apply.

Activities, projects and the overall organisation will continue to have their risk level assessed regularly and DFAT PSEAH minimum standards 4-7 applied when necessary.

This Policy and the BES Code of Conduct is included in inductions, as well as communicated through internal communications, contracts and via BES's website. Those who are directly engaged in activities assessed as high risk or above, will complete additional PSEAH induction and refresher training (every 3 years).

BES will undertake a risk assessment for all partners or other organisations acting for or on behalf of BES 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 at the program design and proposal stage, form part of regular monitoring and be reviewed at regular reporting intervals. As per the DFAT PSEAH Policy, under any activities identified as Very High Risk, fraternisation is prohibited for all non-national representatives of BES operating in the country where partnership activity is taking place.

7. Program partners

It is mandatory for all program partners to comply with BES's PSEAH policy. BES will seek the expertise of partners in terms of implementation and reporting within their specific context. BES 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.

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

9. Recruitment

BES has robust human resources and recruitment procedures to assist with the targeted selection of suitable and qualified staff. BES continues to enhance and improve these processes.

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

10. Communicating the policy

BES commit to making this policy available on our website and ensuring it is accessible to all BES employees, sub-contractors/consultants, grantees and volunteers, as well as partners, and associates of sub-contractors/consultants, grantees and volunteers and the communities that we work with.

BES commit to providing induction on PSEAH for any newly engaged staff/contactors and provide training on PSEAH for all personnel and partners on a regular basis.

11. Reporting

How to report

Anyone wishing to report under this policy can notify BES using any of the following mechanisms: on the phone, via email, through our website, by post, or in person.

BES staff, volunteers and consultants can inform their supervisor within BES at any time in person or via phone, text, email or other communication. Partners and community members can also use these means contact a trusted staff member at BES.

Alternatively please email any incidents to: incident.reporting@beyondessential.com.au

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 BES to address the disclosure, but they are not required to do so. If they do not share their identity, BES 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 Australia:

- Emergency (if you or someone you know is in danger): 000
- 1800RESPECT - the National Sexual Assault, Domestic Family Violence Counselling Service: 1800 737 732
- Lifeline: 13 11 14

Incident Management

In the event of an incident of suspected SEAH or policy non-compliance, BES management will immediately put into effect internal reporting steps;

- 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 BES 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. If the accused is an Australian working internationally and the incident involves suspected SEAH, the Australian Federal Police may also be contacted.

Any person that is included in a suspected 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 suspicions of SEAH to relevant statutory bodies, clients and local authorities as required.

12. Implementation

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

13. Policy Compliance and Review

BES will monitor compliance with the policy through new and existing methods, including performance assessments and reviews.

DFAT or another government agency may audit BES ' compliance with the DFAT PSEAH Policy. Therefore, it is imperative that the Project Managers and employees are aware of their responsibilities.

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