

# Preventing Sexual Exploitation, Abuse and Harassment Policy (includes Bullying) (April 2021)



Transparency International NZ (TINZ) does not tolerate sexual exploitation, abuse, or harassment (SEAH) of any kind and is committed to promoting a culture where people are treated with dignity and respect, both in the workplace and in programmes conducted or coordinated by TINZ.

This policy explains what we class as sexual exploitation, bullying and harassment and how concerns of this nature are investigated and dealt with.

**Policy Owner:** Chair, Personnel Committee, Director Brendon Wilson

**Policy Champion:** Ethics Committee.

**Version date:** April 2021

## Scope

This policy applies to anyone working for and under any form of contract or agreement with TINZ, including prospective, current and former employees, interns, contractors, volunteers, consultants. The policy is applicable regardless of the location of these people. For any incidents involving children, the Child Protection Policy and related procedures should be followed.

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## 1. Policy

TINZ will not tolerate any form of exploitation, bullying or harassment in the workplace or in the communities TINZ comes into direct contact with. We expect our contractors and partners who work on our behalf to understand this policy and to adhere to it and to report / complain about any instances of SEAH they become aware of in their TINZ work as per this policy. TINZ requires external delivery partners including contractors, subcontractors and any other entity engaged to deliver TINZ project work to assess the risk of sexual exploitation, abuse and harassment occurring and take appropriate actions to mitigate all levels of risk. Where an SEAH incident does occur the delivery partner will:

- Respond in accordance with TINZ policy principles in this document
- Report the incident in accordance with appropriate standards

TINZ is committed to providing a healthy, safe, supportive, and positive work environment, where everyone is respected and behaves professionally towards each other.

All TINZ people are expected to:

- Treat their colleagues with respect
- Behave in ways that contribute to a safe and positive workplace
- Be understanding of people's differences
- Report any behaviour which they genuinely consider to be a breach of this policy

In addition to this, TINZ people leaders are expected to:

- Lead by example and build a respectful work environment
- Encourage their team members to talk through any issues which may be considered sexual harassment or abuse, bullying or harassment (where appropriate)
- Treat any complaint seriously and act promptly to get it resolved

## 2. Principles

- TINZ has a zero-tolerance approach to SEAH.
- Sexual activity with children is prohibited, regardless of the legal age of consent or majority in the jurisdiction in which the activity occurred.
- Sexual exploitation, abuse and harassment constitute acts of gross misconduct and are therefore grounds for disciplinary action up to and including termination of employment.
- Where appropriate or legally required, criminal acts will also be reported to the appropriate authorities.
- TINZ has a shared responsibility approach to managing risks and building a safe environment in relation to SEAH across the organisation.
- Promoting a culture where all people are treated with respect and dignity. There is a commitment towards preserving the individual dignity and minimisation of harm towards all those involved in any complaint.
- Accountability and transparency in the way complaints are handled.
- A commitment to procedural fairness in responding to concerns or allegations of SEAH and/or bullying and every effort made to maintain confidentiality in all cases.
- A commitment to an efficient procedure timeline including a resolution/outcome (taking into account procedural fairness and resource availability)

## 3. Definitions

### **Bullying**

Bullying is repeated and unreasonable behaviour which is directed at another person or group of people that creates a risk to their health and safety and/or has a detrimental effect on that person or group of people:

- Repeated behaviour is persistent and can involve a range of actions over time
- Unreasonable behaviour is behaviour that a reasonable person in the same circumstances would consider to be victimising, humiliating, intimidating or threatening

Generally, bullying will be intentional, with the aim of gaining power and dominance over another person and/or causing fear and distress to that person. However, bullying can also be

unintentional, where although the actions are not intended to cause fear or distress, they have (and it is reasonable to expect that they could have) this effect.

Examples of bullying can include:

- Put downs, belittling comments, persistent criticism
- Public humiliation, teasing and taunting
- Intimidation e.g. misuse of power, threats of violence or against job security
- Exclusion, isolating or ignoring
- Verbal abuse, shouting or yelling
- Behaviour that happens face to face, by email or text message, online or by other social media channels

Bullying is not:

- One-off or occasional instances of forgetfulness, rudeness or tactlessness
- Setting high performance standards
- Constructive feedback and genuine peer review
- A reasonable request from your manager
- Undertaking a disciplinary process in line with TINZ policies
- A single incident of unreasonable behaviour, but incidents should be addressed to avoid escalation

### **Harassment**

Harassment is where one person directs behaviour at another TINZ person including watching, loitering, following, or accosting them, interfering with their property or acting in ways that causes them to fear for their safety. To be considered harassment, the behaviour must either be repeated, or of such a significant nature that it is humiliating, offensive or intimidating to an employee and creates a risk to their health and safety and/or has a detrimental effect on their performance at work.

Generally, harassment will be intentional, but it can also be unintentional, where although the actions are not intended to cause humiliation, offense or intimidation, they have (and it is reasonable to expect that they could have) this effect.

**Examples of harassment can include:**

- Preventing or hindering access to the workplace
- Persistent following, watching, loitering near, or accosting another person
- Giving offensive material to a TINZ person or leaving it where it will be found by, given to, or brought to their attention
- Perpetrating and circulating persistent and malicious gossip about a TINZ person
- Interfering with a person's property

**Harassment** (including sexual and racial harassment) is not:

- Behaviour based on mutual attraction, including the development of relationships
- Occasional and appropriate compliments on a person's appearance
- Appropriate performance management and feedback

### **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 Harassment**

Sexual harassment is language, visual material or physical behaviour of a sexual nature which is unwelcome or offensive to a TINZ person, and which is either repeated or so significant that it has a detrimental effect on that person's employment, job performance or job satisfaction.

Examples of sexual harassment can include:

- Unwanted sexual advances or physical contact
- Making obscene or sexually suggestive remarks, insults or jokes that may cause offence and/or name calling with sexual epithets
- Offensive gestures or comments or intrusive enquiries into a worker's private sex life and personal relationships
- Showing body parts
- Promise of preferential treatment or threat of detrimental treatment in return for sex
- Use of pictures/posters/videos of a sexual nature
- Persistent and unwelcome social invitations, phone calls or emails at work or home
- Sending explicit or sexually suggestive emails or phone messages
- Sexual harassment also occurs if a person directly or indirectly asks a staff person for sexual intercourse, sexual contact, or another form of sexual activity, and their request contains an implied or overt promise of preferential or detrimental treatment, or an implied or overt threat about their present or future employment status.

## **Racial and Cultural Harassment**

Racial and cultural harassment is unwelcome language, visual material or physical behaviour that directly or indirectly expresses hostility against, brings into contempt, or ridicules, an employee or contractor on the grounds of their race, colour, ethnicity or national origin, which is offensive or hurtful to that person and which is either repeated or so significant that it has a detrimental effect on that person's employment, job performance or job satisfaction.

Examples of racial and/or cultural harassment can include:

- Jokes, remarks, insults, songs, innuendos or direct comments about cultural differences, ethnic origin or race
- Name-calling or deliberately mispronouncing names
- Making fun of the way people dress, speak or look relating to their ethnic origin
- Offensive material
- Threatening behaviour based on cultural differences, ethnic origin or race

Behaviour may be considered bullying or harassment, even where it takes place outside of the workplace.

## **4. Process**

### **What should you do?**

TINZ will support anyone who has a genuine complaint of sexual abuse and exploitation, or who has a complaint of bullying or harassment. If a complaint is made, we will act promptly, investigate the matter fully, and treat the matter seriously and in confidence. Where exploitation, bullying or harassment is found to have occurred, this may lead to disciplinary action being taken about the person (or people) complained about.

Anyone making a complaint of exploitation, bullying or harassment will be protected from any retaliation, victimisation or discrimination from either the person (or people) they are complaining about, or anyone else at TINZ. Engaging in this kind of behaviour against a person complaining of this behaviour may also lead to disciplinary action. However, if a dishonest or

malicious false complaint is made, then disciplinary action may be taken against the complainant. If you feel that you have experienced any form of sexual exploitation, bullying or harassment it is important that you raise your concerns as soon as possible after the behaviour of concern occurs.

There are a number of ways you can deal with this.

**Informally:**

- If you feel comfortable to do so, speak directly to the person whose behaviour is causing the problem
  - Focus on their behaviour – don't make it personal
  - Be as specific as possible and give examples of the behaviour that is causing you concern
  - Explain why the behaviour is unwelcome and ask for it to stop. Often the person may not know their behaviour is causing distress and will stop immediately once told
  - Be firm and confident - not aggressive or confrontational
- Talk to someone you trust (a manager or a colleague or use the Employee Assistance Programme) about your concerns. This can also help give you an objective viewpoint on the behaviour you have experienced
- Speak to your manager. If appropriate, your manager may facilitate an informal meeting with you and the person whose behaviour is of concern to discuss the issue and agree a way forward
- If the person whose behaviour is causing you concern is your manager, you should discuss your concerns with the CEO, Chair of the TINZ Board or Chair of the Personnel Committee

**Formally:**

- If you have tried to resolve the sexual exploitation or abuse, bullying or harassment informally and it has failed to stop, or if you feel the matter requires urgent escalation, you should make a formal complaint to your manager (or to the CEO), or to the Chair of the Board. If it is an urgent complaint, it should be made verbally and followed up in writing.
- A formal complaint should be made in writing, outlining your specific concerns and who they are regarding. Where possible you should outline dates of the incident(s) and examples of inappropriate actions/behaviours, whether anyone else witnessed the behaviour and any supporting information. If this is an urgent concern, make the complaint verbally first and follow-up in writing.
- Please note that if you choose to make a bullying or harassment complaint, you may choose to remain anonymous, however this may mean that your concern may not be able to be fully investigated
- Upon receipt of a formal complaint, a meeting will be arranged with an appropriate manager, CEO and/or Chair of the Board to discuss your concerns and agree the next steps, which may include a full investigation into the allegations. If someone alleges sexual abuse or exploitation, they have the right to anonymity. Anonymity will be respected and discussed with the person making the allegation before any further steps are taken.
- If a full investigation is agreed to by the person making the allegation, the details of the complaint will be provided to the alleged bully/harasser and they will be given the opportunity to respond to the allegations.

- TINZ commits to thoroughly investigate allegations relating to SEAH based on the principles of confidentiality, procedural fairness and efficient procedure as far as possible, and in a timely way. Timely reports will be made to the complainant during the complaint process. The alleged bully/harasser will also receive updates on a timely basis.

## 5. Manager's Guidelines

TINZ will ensure all employees have access to current policies and are clear about behavioural expectations. Clear documentation relating to sexual exploitation, abuse, bullying and harassment investigations (including file notes with dates, times and details of related conversations) is important so that everyone knows what is expected, and to justify action taken in respect of the behaviour.

### Practice

#### Recruitment and Screening

TINZ has robust recruitment and screening processes when engaging new staff and contractors that verify the integrity of the applicant. Relevant processes conducted by TINZ in recruitment include:

- Job descriptions required for all positions which describe key selection criteria and outline tasks and accountabilities
- Applicants required to submit details of their background such as dates and places of employment, education, and other activities
- Verbal referee checks required for preferred candidates. This includes short- and long-term positions, volunteers on placement, consultants, and contractors as well as MDA positions. TINZ verifies the identity of the referee and makes direct contact with each. Written references are not accepted.
- Documented criminal record checks for relevant staff and contractors
- All staff required to provide proof of identity including one of birth certificate, passport, drivers licence and relevant qualifications
- All employees and contractors are subject to a probationary period depending on the length of the contract

#### Training

All TINZ People will receive training on the SEAH policy, their responsibilities under the policy and any other associated processes as part of their induction. There will be refresher training every 3 years or if legislation changes.

Where necessary or requested by a partner, TINZ will also conduct training with implementing partners on preventing SEAH (PSEAH) and the development of a compliant and contextually relevant PSEAH policy.

#### Incident Reporting and Investigation

Any investigations will be carried out by the CEO or if the complaint is about the CEO, by the Chair of the Board. If the complaint is about the Chair of the Board, an alternative Board member will carry out the investigation. The investigation will be conducted promptly and professionally, with due consideration of the interests of any person raising concerns, as well as other employee and organisation members.

The CEO/Chair of the Board or Board Member managing the incident will complete a report using the template attached.

All TINZ People covered by the policy have a responsibility to report any suspected or alleged incidents of sexual exploitation, abuse or harassment or policy non-compliance. As an organisation dedicated to transparency and in line with the TINZ whistleblowing policy, TI people should feel free to report any incident free of fear of reprisals.

TINZ commits to thoroughly investigate allegations relating to SEAH based on the principles of confidentiality and procedural fairness. As specified in employee and consultant/contractor contracts, anyone covered by the scope of this policy may be suspended or be transferred to more appropriate duties if subject to an investigation. Any substantiated allegations of SEAH will be considered gross misconduct and may lead to the termination of contract.

TINZ is committed to reporting alleged SEAH incidents that involve a criminal aspect to the correct local law enforcement agency where it is safe to do so and is in accordance with the wishes of the victims/survivors. TINZ commits to, wherever possible, de-identifying the victim/survivor, consistent with a survivor-centred approach. Victim/survivor safety and wellbeing will be paramount to reporting and their information treated confidentially. Whistle blowers must similarly feel safe and protected during the reporting process.

### Risk based Approach

TINZ is committed to safe programming and effective risk management.

Although not a major focus, some work that TINZ and its partners undertake is focused on community engagement. With this, there is always a possibility of inflicting unintended harm, particularly in relation to vulnerable populations.

To ensure that these risks are mitigated, TINZ will:

- Ensure protection and safeguarding are always considered in programme/chapter risk assessments. Project/chapter level risk assessments will include a specific reference risk related to PSEAH and associated monitoring schedules.
- Ensure that due diligence and/or capacity assessments of partners include an assessment of partners' implementation of key safeguarding and risk policies including the prevention of sexual exploitation, abuse and harassment.
- Include employment clauses, where risk-assessment sees it necessary to be stated, that prohibits transactional sex while engaged in the delivery of business and prohibits fraternisation for all non-national personnel in the field while engaged in TINZ business

### Code of Conduct

All TINZ People sign and adhere to the TINZ Code of Conduct which outlines the expected behaviour for all TINZ People. Failure to align to these processes will lead to termination, and any conduct that is criminal will be reported to the relevant authorities, both in New Zealand and countries where TINZ works, where it is safe to do so and is in accordance with the wishes of the victims/survivors.

## **6. Breach of Policy**

Breach of this policy may result in disciplinary action up to and including dismissal.

## **7. Further Support and Information Employee Assistance Programme Support**

For support in relation to any sexual exploitation, bullying or harassment concerns, you may wish to contact Vitae, TINZ's Employee Assistance Programme (EAP) provider. EAP is confidential and 24/7, and employees can receive 2 face to face counselling sessions free of charge and one telephone counselling free of charge. The cost for any further sessions may be approved by the Personnel Committee.

You can contact a counsellor from the VITAE EAP programme by calling 0508 664 98, or by visiting: <https://www.vitae.co.nz>

For further guidance on this policy, please contact Julie Haggie, TINZ CEO.

## **8. Document History**

Version: April 2021 written by Finance Officer. Reviewed by Personnel Committee

Board Approved: April 2021

Date Changes:

Review Date: April 2024

Other standards affected and/or relevant

- Speak up Policy (September 2019)
- Health and Safety Policy (Feb 2019)
- Complaints and Concerns Policy (draft September 2020)
- TINZ Code of Conduct
- Child Protection Policy (April 2021)
- Terms and Conditions of relevant employee contract, particularly in relation to disciplinary procedures and termination



## **Appendix 1**

### **REPORTING PROCEDURE: Sexual Exploitation, Abuse and Harassment and Bullying**

It is mandatory for all Transparency International New Zealand (TINZ) Board Members, employees, contract staff, volunteers and interns to report concerns or allegations of sexual exploitation, harassment and abuse or policy non-compliance by anyone within scope of the policy in connection with official duties or business. This procedure includes bullying as part of SEAH.

All reports should be made to the CEO. If the complaint is about the CEO, the Chair of the Board should be informed. This Policy may also apply to the staff of partner organisations, affiliates, contractors and consultants where they do not have a PSEAH policy that meets TINZ standards. This section outlines the reporting procedures to be followed.

#### **What to report**

Any suspicion, concern, witnessing, or disclosure of any SEAH perpetrated by a TINZ Person as per the definitions of SEAH outlined in the TINZ PSEAH Policy (see the definitions section of this policy) in relation to the work of TINZ. If the incident involves a person under the age of 18, then the Child Protection Policy and related reporting procedures should be followed.

#### **When to report**

People falling under the scope of this policy should report any concerns, suspicions or allegations immediately, or failing this, within 24 hours.

#### **Who to report to**

All persons covered by the TINZ SEAH policy are required to report any SEAH allegations or incidents to their manager and/or CEO in line with TINZ's Speak Up, Complaints and Concerns and Whistleblowing Protection Policy. However, if the concern relates to conduct of the CEO it should be raised directly with the Chair of the Board, or with the Chair of the Admin and Finance Committee or Chair of the Ethics Committee.

#### **How to report**

The report should be made verbally (if possible) and by completing the TINZ SEAH Incident Report Form (see Appendix 2). Completed reports should be sent to [ceo@transparency.org.nz](mailto:ceo@transparency.org.nz) or made by phone on 027 498 9126

#### **What happens when a report is made**

The CEO and the Chair of the Board will meet to determine the nature of the allegation and an appropriate response. If the complaint is about the CEO, or the Chair of the Board, their positions will be filled by other Board members.

The response may include:

- Conducting an internal investigation
- Referring for external investigation
- Informing external authorities in line with reporting obligations
- Referring to external social support systems
- Initiating disciplinary procedures

## Appendix 2

### SEXUAL EXPLOITATION, ABUSE, HARRASSMENT, and BULLYING INCIDENT REPORT Form

It is mandatory for all Transparency International NZ (TINZ) People to report concerns or allegations of sexual exploitation, abuse and harassment during the delivery of TINZ work to their manager and/or the CEO/Board member (where relevant). This report form should be used.

All incident reports must be stored securely.

|                                     |
|-------------------------------------|
| Incident details                    |
| Date of incident:                   |
| Time of incident:                   |
| Location of incident:               |
| Name(s) of staff/volunteer involved |

Please categorise the incident:

Sexual Exploitation  
Sexual Harassment  
Sexual Abuse  
Bullying

Please describe the incident:

|                         |
|-------------------------|
| When did it take place? |
| Who was involved?       |
| What did you see?       |
| Other information       |
|                         |

For use by team/person managing the incident

|                                 |
|---------------------------------|
| Date incident report received:  |
| Staff member managing incident: |
| Follow up actions?              |

Transparency International New Zealand/ Child Protection Incident Report Form

|  |
|--|
| Follow-up date:                                |
| Incident ref. number:                          |
| Has the incident been reported to:             |
| Police (please specify if NZ or international) |
| Donors (please specify)                        |
| Another third party (please specify)           |