

PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT POLICY

October 2019

INTRODUCTION

Opportunity International Australia's (Opportunity's) mission is to provide financial solutions and training, empowering people living in poverty to transform their lives, their children's futures, and their communities. Its vision is a world in which all people have the opportunity to achieve a life free from poverty, with dignity and purpose. Opportunity respects and promotes the rights of all people to live free from discrimination and harassment.

PURPOSE

Opportunity is committed to promoting a culture where people are treated with dignity and respect, both in the workplace and in projects conducted by Opportunity and its implementing partner organisations. This policy outlines Opportunity's commitment to ensuring:

- effective mechanisms are in place to prevent sexual exploitation, abuse and harassment
- these practices are integrated into our workplace and in the delivery of Opportunity's programs
- procedures are in place to raise concerns or allegations, and make complaints, and
- effective action is taken when concerns are raised or allegations are made.

SCOPE OF POLICY

This policy applies to all activities carried out by Opportunity personnel while deployed by or otherwise conducting business for or representing Opportunity. The policy is applicable to all Opportunity personnel, including employees, Directors, volunteers, interns, Ambassadors, contractors and consultants in all locations (in Australia and overseas).

BACKGROUND

Opportunity believes all people have a right to live their lives free from sexual harassment, sexual abuse, sexual violence, bullying, exploitation and any abuse of power, regardless of age, gender, sexuality, disability, religion, or ethnic origin.

This policy is guided by the United Nations Charter, the Universal Declaration of Human Rights proclaimed by the United Nations General Assembly, and the Inter-Agency Standing Committee (IASC) Protection from Sexual Exploitation and Abuse Global Standard Operation Procedures. Opportunity's personnel are obliged to adhere to local and international criminal laws related to sexual exploitation, abuse and harassment (SEAH).

Sexual exploitation, sexual abuse and sexual harassment can take various forms and can happen to anybody at any time during their lives but are more likely when one person is in a position of power over another. Opportunity recognises that there are unequal power dynamics in the work it conducts, creating an inherent risk of people exploiting a position

of power for personal gain. While women and children are particularly at risk of SEAH, all vulnerable populations, including men, are at risk.

If a person does not object to inappropriate behaviour at the time it happens, it does not mean that they are consenting to the behaviour. It may be difficult for the offended person to object, especially if the harasser is in a position of authority.

DEFINITIONS AND EXAMPLES

For the purposes of this policy, the following definitions apply:

Sexual exploitation – any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the 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.

Sexual harassment – sexually related behaviour that is unwelcomed, unsolicited and unreciprocated and would cause a reasonable person in the circumstances to be offended, humiliated or intimidated. It does not refer to occasional compliments or other mutually acceptable behaviour.

Examples of acts of sexual exploitation and abuse 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
- Insisting on anything sexual 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

- Name-calling with sexual epithets
- Sending explicit or sexually suggestive emails
- Intrusive enquiries into a worker's private life.

PROHIBITION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (SEAH)

SEAH goes against the beliefs, values and mission of Opportunity. As such, the following activities are strictly prohibited during the course of engagement with Opportunity:

- any form of SEAH by Opportunity employees, volunteers, consultants, implementing partners or any representatives of the organisation associated with the delivery of Opportunity's programs
- employees, volunteers and other representatives exchanging money, humanitarian assistance, gifts, preferential treatment, employment, goods or services for sexual services, including sexual favours or other forms of humiliating, degrading or exploitative behaviour
- employees, volunteers and other representatives having sexual relationships with children (defined as anyone under the age of 18), as is made clear in Opportunity's Child Protection Policy. Mistaken belief of age is not a defence.

RISK-BASED APPROACH

Opportunity takes a risk-based approach to the management of Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) in its business activities and has implemented policies, processes and procedures to manage SEAH risks, including:

1. A Prevention of Sexual Exploitation, Abuse and Harassment Policy
2. Compulsory PSEAH training for all staff
3. A Code of Conduct outlining acceptable and unacceptable standards of behaviour
4. A Complaints Policy and processes for investigation and reporting
5. Assessment, monitoring and reporting of SEAH risks for programs and activities
6. Recruitment processes and employment practices which mitigate the risk of SEAH (including reference checks and vetting candidates to reveal former misconduct)
7. Transactional sex is prohibited while engaged in the delivery of activities and programs.

Opportunity works with implementing partners to ensure compliance with the Department of Foreign Affairs and Trade's (DFAT's) PSEAH requirements.

RAISING A CONCERN

Opportunity expects employees, volunteers and other representatives of the organisation to report, in line with this policy, any suspicions of inappropriate behaviour, however, there is no obligation for the affected person to report an incident that has happened to them. Nevertheless, in this situation reporting is encouraged if there is reasonable belief that not reporting an incident has the potential for negative consequences for another individual.

If Opportunity staff have experienced sexual exploitation, abuse or harassment at any location where work is being conducted, including on-site at Opportunity's offices, off-site

or after hours, at work-related activities including conferences, training sessions, insight trips and social functions, they can make a confidential disclosure to the People and Culture Manager.

If the People and Culture Manager suspects the concern disclosed relates to a criminal offense, the matter will be escalated to the Company Secretary, who will treat the concern as a complaint. Allegations involving criminal sexual misconduct will be reported to the local enforcement authorities unless it is at odds with the wishes or welfare of the affected person, or it would pose a threat to the life or safety of another individual.

HOW TO MAKE A COMPLAINT

Opportunity has internal procedures for handling complaints, including those related to sexual exploitation, abuse and harassment, and non-compliance with this policy or the safeguarding Code of Conduct.

Complaints regarding SEAH can be made by a person to whom Opportunity delivers services or who is affected by Opportunity's services, an implementing partner, an organisation we work with, employees, interns, volunteers, contractors or sub-contractors, donors, or members of the public. Complaints can be made to the Company Secretary, who is responsible for dealing with the matter and ensuring that an investigation is conducted.

The Company Secretary can be contacted on 02 9270 3300 or at companysecretary@opportunity.org.au.

Alternatively, if a disclosure is about a Director or the Company Secretary, concerns can be reported directly to the Chair of Opportunity's Audit and Risk Committee, contactable at auditriskchair@opportunity.org.au.

During the investigation of the complaint, the complainant will be advised of the process and the expected timeframe for resolution.

Opportunity will not reveal a complainant's name or personal details to anyone outside the organisation without the complainant's permission, unless required by law.

If a victim/survivor of sexual misconduct alleges the perpetrator was an employee or volunteer deployed by Opportunity, or otherwise conducting business for or representing Opportunity, we will consider, on a case-by-case basis, providing appropriate and effective forms of reparation, including but not limited to access to relevant assistance and support services such as medical, legal and psycho-social services.

Opportunity has a PSEAH Focal Person whose role includes:

- acting as the reporting contact for implementing partners to report incidents of SEAH in their organisations
- understanding the Department of Foreign Affairs and Trading (DFAT) and Australian Council for International Development (ACFID) requirements regarding SEAH and providing advice on policy development and implementation
- facilitating SEAH training for Opportunity staff, and

- ensuring practices and standards are current and implemented.

Opportunity will notify relevant enforcement agencies as required. If a complaint relates to alleged instances of sexual exploitation, abuse and harassment or policy non-compliance at an implementing partner, Opportunity will also notify DFAT in line with its reporting requirements.

SAFEGUARDING CODE OF CONDUCT AND TRAINING

A Safeguarding Code of Conduct has been developed (see Appendix 1), and must be signed by Opportunity staff, and complied with during their engagement with Opportunity. Participants in Opportunity's Insight Trips will also be required to sign a Safeguarding Code of Conduct.

Training on this policy is delivered to staff at induction, and as part of Opportunity's regular staff training program as appropriate.

Breaches of the PSEAH policy or the Safeguarding Code of Conduct may result in disciplinary action which could include transfer to other duties, suspension or dismissal.

APPLICATION TO IMPLEMENTING PARTNERS

Opportunity is committed to creating a safe culture for all those representing the organisation and engaged in Opportunity's programs. Opportunity expects personnel to work and behave in a manner that respects and fosters the rights of the people they serve.

Opportunity works with its implementing partners to help them develop and implement a policy or procedures for the prevention of sexual exploitation, abuse and harassment, both in their offices and in the delivery of their activities. This includes a sound complaints-handling mechanism for beneficiaries and personnel to make complaints in a confidential manner.

Opportunity's relationship agreements with implementing partners clearly set out the expectations and requirements with respect to PSEAH, including reporting if any of their personnel are accused of, charged with, arrested for, or convicted of criminal offences relating to sexual exploitation, abuse or harassment, or in the case of any PSEAH policy non-compliance. Non-compliance with the DFAT's required PSEAH standards may lead to suspension or termination of the relationship agreement.