

PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (PSEAH) POLICY TRANSPARENCY INTERNATIONAL E.V. (SECRETARIAT)

1. Review & Change History

Version	Date Effective	Created by	Approved by MD	Reviewed by WoCo	Consulted	Change history
1	10.12.2020	HR	09.12.2020	07.12.2020	Governance & Legal Team, Gender Task Force, Integrity Officer	New policy

2. Purpose

Transparency International e.V. (TI-S) does not tolerate sexual exploitation, abuse and harassment and is committed to promoting a culture where people are treated with dignity and respect, both in the workplace and in projects and programmes conducted or coordinated by TI-S. This policy outlines TI-S's commitment to ensuring:

- effective mechanisms and structures are in place to prevent these behaviours
- these practices are integrated into the workplace and in the delivery of TI-S's projects and programmes
- procedures are in place to raise concerns or report suspected violations, and effective action is taken (including possible investigation and sanction or other measures such as mediation or restorative justice) when concerns are raised or allegations are made.
- zero-tolerance against inaction in case violations occur

All TI-S employees share a common responsibility and commitment to the prevention and reporting acts of sexual exploitation, abuse and harassment.

Whilst TI supports its employees' right to a private life outside of their working responsibilities, it is also important to recognise that there are ways in which a staff member's conduct outside of work can severely impact the integrity and reputation of the organisation. For this reason, the requirements set out in the policy apply at all times.

This policy is intended to provide guidance to all in the scope of this policy on the definitions of sexual exploitation, abuse and harassment and on the steps to take when actual or suspected incidents occur.

3. Scope

This policy applies to anyone working for and under any form of contract or agreement with TI-S, including prospective, current and former employees, interns, contractors, volunteers, consultants. The policy is applicable regardless of the location of the aforementioned persons.

4. Definitions

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

Sexual exploitation

Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, pursuit of personal sexual gratification and profiting monetarily, socially or politically from the sexual exploitation of another.

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

- Using a position of power to demand or imply an expectation of sex in any context or making sex a condition (or implied condition) for assistance
- Forcing someone to have sex with anyone
- Videotaping or photographing private sexual content without consent and potentially leaking it to the public

Sexual abuse

Sexual abuse is any actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions or when a person is incapable of giving consent or resist, such as when they are under duress or under the influence of drugs or alcohol. Sexual abuse may include a range of behaviours up to and including rape.

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

- Sexual assault (any unwanted or forced sexual act committed without consent including rape)
- Non-consensual kissing and touching of a sexual nature¹
- Forcing a person to engage in prostitution or pornography
- Refusing to use safe sex practices

Sexual harassment

Sexual harassment as per UN definition is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Sexual harassment may occur in the workplace or in connection with work. Sexual harassment usually involves a pattern of behaviour, although it can also refer to one incident. It includes a range of physical, verbal and non-verbal conduct of a sexual nature such as crude jokes, sexual comments, vulgar pictures, sexual gestures, blackmail, or sexual assault in the workplace or in connection with work.

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

- Unwanted physical contact or sexual suggestions
- Making obscene or sexually suggestive remarks, insults or jokes that may cause offense
- Sending explicit or sexually suggestive emails or messages/phone-calls
- Intrusive enquiries into a worker's private sex life and personal relationships
- Showing body parts
- Name-calling with sexual epithets

¹ Activity will be deemed as sexual if it could reasonably be considered that:

- It is sexual by its very nature (e.g. conducted as part of, or in relation to, a sexual act)
- The circumstances in which the act was committed, or the intention or interpretation of any person in relation to it, are such that it would reasonably (within the relevant context) be considered as sexual.

- The insistence of any sex-related conducted (e.g. jokes or discussion of a sexual nature) that may be uncomfortable, frightening or hurtful

5. Core Principles

Everyone in the scope of this policy must comply with all relevant legislation, including labour laws in relation to sexual abuse, exploitation or harassment and must work and behave in a manner that respects and fosters the rights of the people they are interacting with in line with the following principles:

- Any act of sexual exploitation, abuse or harassment is prohibited.
- Sexual activity with children (persons under the age of 18) is prohibited, regardless of the legal age of consent or majority in the jurisdiction in which the activity occurred. Mistaken belief in the age of a child shall not be considered as defense for the purposes of disciplinary proceedings.
- 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.
- TI-S Management and Employees shall create and maintain an environment that prevents sexual abuse, exploitation or harassment. This could, for example, mean challenging inappropriate behavior or harassment when safe and appropriate to do so. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.
- TI-S will provide training and awareness raising for all persons covered under the scope of this policy to make them aware of their responsibilities in preventing incidents of sexual exploitation, abuse and/or harassment or in case of suspected incidents of how to report suspected violations under the specified reporting procedures.
- As part of employee induction, the policy will be explained within the framework of the HR Manual. Each employee must confirm receipt and compliance with the policy with their signature (*Please refer to Annex 1 for the acknowledgement form*).

6. Enforcement

All allegations of misconduct or inappropriate behaviour identified in this policy will be handled fairly and in accordance with TI-S's policies and processes. TI-S will do everything it can to prevent sexual exploitation, abuse and harassment and to protect and support victims when concerns arise, applying a survivor-centred approach. To fulfil this commitment, the following steps will be taken:

- Assigning oversight of efforts, policies and processes for the prevention of sexual exploitation, abuse and harassment to the Integrity Officer in order to monitor effectiveness, report progress, and improve efforts to prevent and respond to sexual exploitation, abuse, and harassment: The Integrity Officer will work in close cooperation with the Managing Director who has the ultimate responsibility.
- Perform a risk analysis to find out the specific vulnerabilities within the organisation and develop specific prevention mechanisms as needed.

- In compliance with applicable laws and to the best of TI-S's abilities, preventing perpetrators of sexual exploitation, abuse and harassment from being hired or rehired by TI-S. This may include use of background and criminal records checks in line with data protection laws and regulations.
- Investigating allegations of sexual exploitation, abuse and harassment involving TI-S employees in a timely and professional manner, and ensuring due process in line with the TI-S investigation protocol.
- Making every effort to maintain confidentiality in all cases. All reports and related information will be treated in confidence and kept secure by the Integrity Officer. Information related to a case will be shared on a strictly need-to-know basis.
- TI-S, represented by the Managing Director, supported by the Integrity Officer will act on the findings of investigations and ensure lessons learned are used to improve policy and processes as appropriate.
- Where possible including PSEAH policy information in partnership or subgrant agreements and requiring them to report to TI-S immediately any behavior believed to violate this policy.
- [Having resources](#) in place to provide emergency assistance and psychological support as appropriate and feasible to survivors and others affected by sexual exploitation, abuse, and harassment.

7. Reporting

TI-S employees are required to take action if they witness incidents, or suspect the occurrence, of sexual abuse, exploitation or harassment provided they feel comfortable doing so and, where possible, after consulting the affected individual and supporting those impacted to the best of their ability. Reports should be made in accordance with the processes outlined in the TI-S Integrity Violation Reporting Policy.

Suggested information to include in a report

- Broad description of the suspected violation
- Detailed information:
 - *What happened?* Detailed description of what the reporter knows about the issue or incident(s), and how they came to know about it.
 - *Who is involved?* Who is responsible, and was anyone else involved?
 - *When did the incident(s) occur?* Information about dates and times, if available.
 - *Where did the incident(s) occur?*
 - *Were there any additional witnesses we may be able to contact?*
 - *Anything else?* It is not the job of the person reporting to investigate, but s/he may provide any available documents, photos, screenshots, messages, etc. that they already hold, if those help to clarify the report.
- Date of report
- Preferred contact details

8. Related policies and procedures

The TI-S PSEAH Policy is linked to and must be read in conjunction with:

- TI-S Code of Conduct
- TI-S Integrity Violation Reporting Policy.
- TI-S Child Protection Policy
- Anti-Harassment Policy for TI-S organized event

9. Review Process

This policy will be reviewed initially after one year and afterwards every five years by the HR Team in consultation with the Managing Director and the Works Council, unless an earlier need is identified by Management, HR and/or the Works Council.

Annex 1

TI-S Human Resources Manual Acknowledgement Form

Name of employee or intern: _____

Position: _____

Team/Unit: _____

I have received, read and I fully understand all **policies, guidelines and procedures** included in the **TI-S Human Resources Manual**.

In particular:

I have read the **TI-S Code of Conduct** and I fully understand its content. I confirm that I am in complete compliance with all provisions of the TI-S Code of Conduct and that I will continue to observe the spirit of the Code in all my activities on behalf of TI.

I have read the **TI-S Drug-Free Workplace Policy**, the **TI-S Child Protection Policy** and the **TI-S Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy** and fully understand their content. I will comply with the guidelines set out in these policies and understand **that failure to do so might result in disciplinary or legal action.**

Date: _____ Signature: _____

Please sign and return to HR Team. This document will be filed in the employee's or intern's personal file.