



Policy on Protection from Sexual Exploitation and Abuse, and Child Protection

1. Introduction

Action Canada places human rights and dignity at the centre of its work. Sexual and reproductive health and rights includes protection from exploitation and abuse of vulnerable adults and children. Action Canada SHR is committed to helping all people realize their full rights in Canada and globally. Action Canada is also committed to ensuring that its work considers and addresses the diverse needs and intersectional circumstances of different communities. Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) must not be tolerated; they are an unacceptable breach of the fundamental rights of the people we serve and of those with whom we work as well as a deep betrayal of our core values.

2. Purpose

This policy defines Action Canada's commitment to the protection from sexual exploitation and abuse (PSEA) of vulnerable adults, involving Action Canada SHR staff and related personnel. This policy also affirms Action Canada's commitment to the welfare and protection from sexual exploitation and all forms of abuse of children, involving Action Canada employees and related personnel.

Action Canada SHR has zero tolerance with respect to violence, abuse, harassment, or exploitation of children. Action Canada SHR takes seriously any allegations of sexual exploitation harassment abuse or child abuse involving any of Action Canada's employees or related personnel. Action Canada initiates rigorous investigation of any complaints that indicate a possible violation of this policy and will takes appropriate disciplinary action, as warranted. This policy recognizes that currently, Action Canada does not have any staff working "in-country".

This policy accompanies Action Canada's Workplace Anti-Harassment Policy.

The IASC (Inter-Agency Standing Committee) Strategy on "Protection from and response to Sexual Exploitation and Abuse and Sexual Harassment" supports "the vision of a humanitarian environment in which people caught up in crises feel safe and respected and can access the protection and assistance they need without fear of exploitation or abuse by any aid worker, and in which aid workers themselves feel supported, respected and empowered to deliver such assistance in working environments free from sexual harassment.

3. Scope of Application

This policy applies to all Action Canada SHR employees and related personnel.

4. Definitions

4.1 Children¹ and Vulnerable Adults

A child is any individual under the age of 18, irrespective of local country definitions of when a child reaches adulthood.

Vulnerable adults are defined as: those aged over 18 years and who identify themselves as unable to protect themselves from harm or exploitation or who, due to their gender, mental or physical health, disability, ethnicity, identity, orientation, economic or social status, or as a result of disasters and conflict, are deemed to be at risk.

4.2 Sexual Exploitation²

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

4.3 Sexual Abuse

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions

4.4 Child Exploitation and Abuse (involves one or more of the following):

a) Physical Abuse

Physical abuse occurs when a person purposefully injures or threatens to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.

b) Emotional Abuse

Emotional abuse is inappropriate verbal or symbolic acts toward a child or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child's self-esteem or social competence.

c) Neglect

Neglect is the failure to provide a child (where they are able to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being.

d) Childhood Sexual Abuse

Child sexual abuse is the involvement of a child in sexual activity that s/he does not fully comprehend, give informed consent to, or for which s/he is not developmentally prepared and cannot give consent or that violates the laws or social taboos of society. It is evidenced by an activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the

¹ Definition of child from the InterAgency Standing Committee (IASC) Guidelines to implement Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and non-UN Personnel, March 2013.

² Definitions of "sexual exploitation" and "sexual abuse" from the United Nations Secretary General's Bulletin: Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/L3).

activity being intended to gratify or satisfy the needs of the other person. It may include, but is not limited to, the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of a child in prostitution or other lawful sexual practices or the exploitative use of pornographic performances and materials.

e) Grooming

Grooming generally refers to behaviour that makes it easier for an offender to procure a child for sexual activity. It often involves the act of building the trust of children and/or their carers to gain access to children in order to sexually abuse them. For example, grooming includes encouraging romantic feelings or exposing the child to sexual concepts through pornography or other incremental behaviours to encourage sexual activity.

f) Online Grooming

Online grooming is the act of sending an electronic message with inappropriate content to a recipient who the sender believes to be less than 18 years of age, with the intention of the recipient engaging in or submitting to sexual activity with another person, including but not necessarily limited to the sender.

4.5 Sexual Exploitation and Abuse

Use of the term “Sexual exploitation and abuse” throughout this policy refers to children as well as vulnerable people/adults.

4.6 Action Canada Employees and Related Personnel

The term “Action Canada Employees and Related Personnel” applies to all Action Canada employees, including full-time, part-time, and temporary employees, members of Action Canada’s Board of Directors, summer students and co-op placement students, volunteers, persons acting on behalf of the Action Canada (e.g. consultants, contractors), as well as individuals who apply for employment with Action Canada.

5. Core Principles

5.1 Sexual exploitation and abuse or child abuse by Action Canada’s Employees and Related Personnel constitute acts of gross misconduct and are therefore grounds for termination of employment.

5.2 Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of the child is not a defence.

5.3 Exchange of money, employment goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour by Action Canada’s Employees and Related Personnel is prohibited when related in any way to the work being undertaken by Action Canada. This includes the exchange of assistance that is due to programme participants or beneficiaries.

5.4 Sexual relationships between employees and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.

- 5.5 Where an employee develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, they must report such concerns via established reporting mechanisms.
- 5.6 Employees are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment

6. Commitments

Action Canada SHR commits to fulfilling the six Core Principles through implementation of the following commitments.

- 6.1 Develop organization specific strategies to prevent and respond to sexual exploitation and abuse, including incorporating specific job responsibilities (such as staff training, complaint and response mechanisms, and coordinating oversight and progress report by directors) in specific staff positions to support and ensure effective implementation, where necessary.
- 6.2 Undertake risk assessments to identify areas of risk and document steps that are being taken to remove or reduce these risks.
- 6.3 Incorporate Action Canada's standards on sexual exploitation and abuse in relevant codes of conduct and induction materials and training.
- 6.4 Ensure that when engaging in partnerships, sub-grant or sub-recipient agreements these a) incorporate this Policy as an attachment; b) include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers to abide with a Code of Conduct that is pursuant to the standards of this Policy; and c) expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against sexual exploitation and abuse and child abuse, to investigate and report allegations thereof or to take corrective actions when sexual exploitation or abuse or child abuse has occurred, shall constitute grounds for Action Canada to terminate such agreements.
- 6.5 Investigate allegations of sexual exploitation and abuse and child abuse in a timely and professional manner. This includes the use of appropriate interviewing practices with complainants and witnesses, particularly with children. Engage professional investigators or secure investigative expertise as appropriate.
- 6.6 Take swift and appropriate action, including legal action when required, against Action Canada Employees and Related Personnel who commit sexual exploitation and abuse and child abuse. This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action.

7. Responsibilities

- 7.1. All Action Canada Employees and Related Personnel share an obligation to prevent and respond to sexual exploitation, abuse, and child abuse. It is up to all to uphold the vision and core values of Action Canada.
- 7.2. Directors must ensure that all Action Canada Employees and Related Personnel understand and comply with this policy and include training, recruitment, induction, and operational measures to uphold this policy and prevent sexual exploitation and abuse.

8. Raising a Complaint or Concern

Employees and Related Personnel have a responsibility to report any suspicion or concern of sexual harassment, exploitation, or abuse. Any individual can raise a concern/complaint to Action Canada about an incident they have experienced, witnessed, or heard about concerning an Action Canada staff member or partner (suppliers, partners, contractor, etc.) without fear of retribution. Employees and Related Personnel must not investigate allegations or suspicions themselves.

8.1. Reporting Channels

Anyone can raise a concern or make a complaint to Action Canada about something they have experienced or witnessed without fear of retribution, by contacting the Executive Director directly, at executive.director@actioncanadashr.org. Employees can also choose to raise concerns with their Director or the Director of Operations.

8.2. Confidentiality

Complaints can be made anonymously. Every effort will be made to maintain confidentiality throughout the complaints process. Information that identifies individuals involved in a complaint will be limited to essential personnel and will not be shared further without obtaining the informed consent of those involved, except if someone's life is at risk, a child is at risk, or as required by law in consultation with legal counsel and where safe to do so. Non-identifying information will be shared as per reporting requirements.

Staff involved in the complaints process will be made aware of the importance of maintaining confidentiality and may be asked to sign a confidentiality agreement. Employees who breach confidentiality may be subject to disciplinary action up to and including termination of employment, and others who work with Action Canada may have their relationship with Action Canada terminated. In some cases, such breaches may constitute breaking the law.

8.3. Retaliation against Complainants, Survivors and Witnesses

Action Canada will take action against anyone, whether they are the subject of a complaint or not, who seek or carry out retaliatory action against complainants, survivors or other witnesses. Employees may be subject to disciplinary action, up to and including termination of employment. Others who work with Oxfam may have their relationship with Oxfam terminated.

8.4. Complaints about Partner Organizations

Where Action Canada receives a complaint about a partner organization, Action Canada will expect the partner to respond safely, quickly and appropriately.

9. Associated Policies

This policy is complimentary to the set of standards and behaviour as laid out in employment contracts, personnel policies, the anti-discrimination and harassment policy, and the workplace violence prevention policy. This policy is a response to Action Canada's accountability to the communities we work with and is to be operationalized as part of the broader organizational accountability frameworks.