

## AUSTRALIAN DOCTORS FOR AFRICA

**Policy:** PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (PSEAH)

**Date last approved:** 05/2024

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**Approved by:** Board

## 1 PURPOSE AND SCOPE

### 1.1 Purpose

Australian Doctors for Africa (ADFA) places human dignity at the centre of its relief and development work. At the heart of ADFA's efforts to improve the health and wellbeing of people in Africa is its engagement with marginalised communities and vulnerable adults and children.

ADFA is committed to safeguarding the people it supports and who it works alongside, and has a zero tolerance of sexual exploitation, abuse, bullying and harassment. We recognise that the nature of ADFA's work places our personnel in positions of authority and trust in relation to the communities we work with, especially vulnerable adults and children. ADFA personnel have an obligation to uphold high standards of personal and professional conduct at all times, to understand the inherent imbalance of power which exists, and must not abuse this position in order to exploit or abuse another person.

### 1.2 Scope

This policy applies to all ADFA board members, staff and volunteers (being ADFA specific volunteers). It also applies to individuals related to ADFA's international medical trips including observers, and implementing partners.

The above cohort of individuals are collectively referred to as **ADFA personnel** for the purposes of this policy.

## 2 DEFINITIONS

**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.

**Transactional sex:** The exchange of money, employment, goods, services or other benefit for sex, including sexual favours.

**Fraternisation:** any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour, including 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.

### 3 POLICY STATEMENT

#### 3.1 Guiding Principles

ADFA believes all people regardless of age have the right to live their lives free from sexual exploitation, abuse, and harassment (SEAH). Whilst ADFA remains committed to minimizing the risk of SEAH, we recognise that, at times there are unequal power dynamics across the organisation.

ADFA commits to the prevention of sexual exploitation, abuse and harassment by:

- **Strong leadership** setting clear expectations and modelling respectful behaviour; building a culture where all those whom ADFA supports and who work/volunteer for ADFA feel empowered to insist on non-discriminatory and respectful behaviour from each other.
- Creating a **safe working culture** for all those whom ADFA supports, and those working for and representing the organisation.
- **Mandatory reporting**, ensuring that all concerns or allegations of sexual exploitation, abuse, bullying and/or harassment are responded to in a timely, confidential and appropriate manner; stronger reporting enhances accountability and transparency.
- Ensuring **zero tolerance** of sexual exploitation, abuse, bullying and harassment in the organisation through robust prevention and response work, offering support to survivors and victims, and holding those responsible to account.
- Consistently adopting a **survivor-centred approach**. The rights, needs, and wishes of the victim/survivor will be prioritized, while ensuring procedural fairness to all parties. The victim/survivor will be treated with dignity and respect, will be involved in decision making, will be provided with comprehensive information throughout the process, and their privacy and confidentiality will be protected. ADFA will not discriminate based on gender, age, race/ethnicity, ability, sexual orientation, or other characteristics and will consider the need for counselling and health services to assist the victim/survivor with their recovery.
- Recognising that SEAH risks are heightened in situations where there is an **imbalance of power**. ADFA has a Gender Equality Policy which provides a framework for defining and promoting gender equality. ADFA also acknowledges that gender is not the only power imbalance to be considered. ADFA's approach to safeguarding and program planning and design is based on an analysis of inequalities and distinctions such as: ability/disability, ethnic and indigenous status, religion, sexual orientation, age, health, and class.
- **Sharing responsibility** with government, business, non-government organisations, institutions, communities and individuals. All parties have a responsibility to deal sensitively and effectively with SEAH that occurs in the course of their work, and ADFA will build capacity internally and with partners to address the risk of SEAH in its programs.
- Being **transparent** about safeguarding issues occurring within ADFA, sensitive in our communications about our practices and open to learning and improving.

For any issues relating to individuals under 18 years of age, please refer to ADFA's Child Safeguarding Policy.

## 3.2 Policy Guidance

### COMMITMENT TO MEETING PSEAH STANDARDS

All ADFA programs and personnel within scope of this policy must comply with all aspects of the ACFID Code of Conduct and Commitment 1.5 which states, “We advance the safeguarding of those who are vulnerable to sexual exploitation and abuse”.

In addition, ADFA will meet the following minimum standards:

- 1 Have a PSEAH policy or other documented policies and procedures in place and clearly communicate expectations of this Policy.
- 2 Have reporting and investigation procedures in place.
- 3 Have risk management processes that include the risk of SEAH.
- 4 Effective Safeguarding training in place.
- 5 Recruitment and screening processes and employment practices address and manage the risk of SEAH.
- 6 Prohibit transactional sex for all personnel, while engaged in the delivery of programs and activities.
- 7 Prohibit fraternisation for all non-national personnel, while engaged in the delivery of ADFA initiatives.

The way in which ADFA meets these standards is explained in the sections below.

## 3.3 Policy Awareness

All ADFA personnel and any other representatives associated with ADFA are made aware of this policy and its implementation across all levels of the organisation, through induction processes, training, and signing of the ADFA Safeguarding – Code of Conduct.

ADFA Partner organisations (non-government) overseas are also required to commit to PSEAH and are provided with a copy of this policy with all partnership agreements, MoUs and other contracts. Partners are assessed as to their capacity to prevent sexual exploitation, abuse and harassment, and are provided capacity building support, including training and support in policy development, should this be required.

Where ADFA enters into agreements with Government entities overseas, they are expected to act in accordance with the principles and reporting requirements outlined in this Policy, which will be referenced in any MoU. They must also abide by their own relevant policies, international declarations, conventions, agreements and domestic legal frameworks that relate to preventing sexual exploitation, abuse and harassment.

## 3.4 Reporting

ADFA will initiate rigorous investigation of complaints that indicate a possible violation of this policy and take appropriate disciplinary action.

- All concerns or suspicions regarding sexual exploitation, abuse and/or harassment must be reported to the Chief Executive Officer ([ceo@ausdocafrica.org](mailto:ceo@ausdocafrica.org)) (focal person) immediately, or as soon as practicable, or the Chair ([chair@ausdocafrica.org](mailto:chair@ausdocafrica.org)).
- The matter will then be dealt with in accordance with the Complaints Handling Policy and Procedure and survivors may choose to be de-identified in any reporting.
- If an allegation is made against an individual and they become aware of the complaint, the individual must immediately inform the Chief Executive Officer. Individuals accused will be treated with respect and all allegations are treated confidentially. In making decisions that may affect a person’s rights or interests, ADFA abides by the principles of natural justice and procedural fairness. Our partners are also expected to adhere to these principles when responding to concerns or allegations of SEAH.

- ADFA CEO or delegated person will report all alleged sexual exploitation, abuse and harassment (SEAH) incidents *related to the delivery of DFAT business*, using the DFAT SEAH Incident Notification Form ([www.dfat.gov.au/pseah](http://www.dfat.gov.au/pseah)) and email to [seah.reports@dfat.gov.au](mailto:seah.reports@dfat.gov.au).
- DFAT expects two kinds of incident reporting:
 

Mandatory and immediate (within two working days of becoming aware of an alleged incident) reporting by all staff and DFAT partners of any alleged incident of sexual exploitation, abuse or harassment related to the delivery of DFAT business. This includes any alleged incident that poses a significant reputational risk to DFAT. For example, an allegation against a senior staff member of a partner organisation.

Mandatory reporting (within five working days) by all staff and DFAT partners of any alleged Policy non-compliance; for example, failure to adhere to the PSEAH Policy Minimum Standards or principles.
- Any sexual exploitation, abuse or harassment allegations that involve a criminal aspect will be reported through correct law enforcement channels, subject to the wishes and welfare of the survivor.
- Personnel who are found to contravene ADFA's clearly stated expectations of their sexual conduct will be subject to disciplinary action that may result in dismissal (see Section 5 – Sanctions).

### **3.5 Risk Management**

Development and humanitarian contexts present a heightened risk of SEAH due to local communities being vulnerable, especially during periods of crisis or transition. ADFA safeguards against SEAH in all its activities, both within the organisation and in our engagement with other organisations. While it is not possible to eliminate all risks of SEAH, proactive risk management can identify, mitigate, manage and reduce risks of SEAH. These risks are identified during initial risk assessment during program and project planning and design. Risks are then monitored as part of the ongoing management of ADFA activities. The capacity of partners to prevent or mitigate risks of SEAH are assessed during the partner capacity assessment process, as is the existence of a PSEAH policy, and any necessary capacity building in this area will be provided.

### **3.6 Training**

ADFA is committed to providing regular training to staff, board members and ADFA volunteers to ensure that they are fully aware of their responsibilities to prevent sexual exploitation, abuse and harassment and how to report concerns or allegations or policy non-compliance. All staff, board members, medical volunteers participating in ADFA activities will complete Safeguarding training. All medical volunteers are required to complete Safeguarding training prior to deployment. Staff, board members, and ADFA volunteers will be required to complete a refresher training course every 3 years. A register containing dates of initial and subsequent training for all will be maintained by ADFA Administration, to ensure all training is current.

ADFA will work with partner organisations to strengthen their capacity and understanding of PSEAH commitments which may involve awareness raising as well as discussion and review of organisational policies and procedures.

### **3.7 Recruiting and screening of Staff, Board Members, and Volunteers**

ADFA is committed to using robust recruitment, selection and screening practices with the aim of recruiting the safest and most suitable staff, Board members and volunteers ADFA will not knowingly engage, directly or indirectly, anyone who poses an unacceptable risk of engaging in sexual exploitation, abuse or harassment.

The following recruitment and screening procedures are used, and detailed implementation guidelines are provided in the ADFA Human Resource Management Policy.

**3.7.1 Police Checks:** A criminal record check must be obtained for ADFA staff, board members and volunteers.

**3.7.2 Reference Checks:** Character reference checks that include a question regarding any concerns of sexual misconduct are mandatory for all personnel engaging in overseas activities. Two verbal referee checks from referees (other than family members) must be conducted.

**3.7.3 Disclosure:** Employees and volunteers must notify ADFA of any SEAH-related criminal convictions, charges or relevant substantial complaints or allegations of misconduct made against them prior to, or during, engagement in ADFA activities.

**3.7.4 Code of Conduct:** Prior to engagement, all individuals (paid or unpaid) must read and abide by the ADFA PSEAH Policy. The policy provides clear guidance to personnel, volunteers and associates about ways to minimise risk and make clear the standards of behaviour and practice required of them at all times when they are involved in ADFA initiatives. Individuals must commit to, sign and return to ADFA the ADFA Code of Conduct – Safeguarding.

## 4 EXPECTED BEHAVIOURS

The following expected behaviours apply to staff and volunteers for the duration of their participation in medical missions in overseas territories, or when undertaking ADFA related programs overseas or in Australia. These expected behaviours are applicable inside and outside of working hours.

- ADFA strictly prohibits personnel from engaging in any form of sexual activity with beneficiaries.
- ADFA prohibits the purchase of sexual services and transactional sex. Transactional sex is defined as the exchange of money, goods, employment or services for any form of sexual activity.
- ADFA is clear that any partnership is based on mutual respect for values and beliefs. As such, ADFA strictly prohibits engaging in sexual activity with personnel from its partners where there is a potential for an abuse of power.
- All ADFA personnel share a responsibility to behave in accordance with the ADFA and ACFID Codes of Conduct including preventing and responding appropriately to concerns of sexual exploitation or abuse.
- All ADFA personnel are obliged to report any suspicions or incidents of inappropriate behaviour towards others.
- All ADFA personnel are obliged to comply with local laws in the countries they are visiting.

## 5 SANCTIONS

Any act of sexual exploitation, abuse or harassment by ADFA staff, volunteers or other associated individuals or organisations constitutes gross misconduct and is therefore grounds for termination of employment or volunteer contracts or agreements.

Additional disciplinary actions for a breach of this policy includes, but is not limited to, one or more of the following:

- suspension or removal from work or volunteer activities pending and/or during investigation;
- ADFA internal investigation;
- formal warning and/or other sanctions in accordance with ADFA Human Resource Management Policy;
- for volunteers, action pursuant to ADFA policies;
- referral to local law enforcement authorities;
- referral to the Australian Federal Police;
- termination of employment or ability to work as a ADFA volunteer.

ADFA recognises an individual's right to procedural fairness and does not presume guilt or innocence pending and/or during investigation. Therefore, other than in circumstances of serious misconduct for which they may be suspended without pay at ADFA's sole discretion, any suspended paid personnel will continue to receive full pay. Any volunteers who are stood down will receive reasonable reimbursement of costs.

## **6 REFERENCES**

### **6.1 Related Legislation/Standards**

- *ACFID's Guidance for the Development of a Prevention of Sexual Exploitation, Abuse or Harassment Policy*
- Department of Foreign Affairs and Trade's (DFAT) *Preventing Sexual Exploitation, Abuse or Harassment Policy*
- *DFAT's Preventing Sexual Exploitation, Abuse or Harassment: Risk Guidance Note*

### **6.2 Associated Documents**

- ADFA Code of Conduct - Safeguarding
- ADFA Policy – Child Safeguarding
- ADFA Policy – Gender Equality
- ADFA Policy – Complaints Handling
- ADFA Policy – Human Resource Management
- ADFA Policy – Overseas Medical Assignments
- ADFA Procedure – Complaints Handling

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