

1. PURPOSE

IWDA is committed to a workplace that is free from sexual exploitation, sexual abuse and sexual harassment.

All of us have a responsibility to act in an ethical and transparent way to build a respectful working culture that rejects inappropriate behaviour, and where staff, partners and communities feel supported and valued.

This policy sets out expectations and requirements for IWDA staff and partners to manage the risks of sexual exploitation, abuse and harassment. Where programs are supported by the Department of Foreign Affairs and Trade (DFAT) specific requirements also apply under the *DFAT Preventing Sexual Exploitation, Abuse and Harassment Policy (DFAT PSEAH Policy)* which are included in this Policy.

2. SCOPE

This policy applies to all representatives of IWDA, including staff, volunteers and board members, consultants, family members accompanying staff on travel and assignment, and any other organisations or people acting for or on behalf of IWDA ('Representatives of IWDA').

This policy applies at all times when such persons are working for, travelling or representing IWDA, both during and outside normal working hours.

IWDA program partners are also required to comply with the requirements of this policy as set out in clause 6.2.

3. KEY DEFINITIONS

3.1. Sexual misconduct

Means sexual exploitation, sexual abuse or sexual harassment.

3.2. 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

3.3. 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 Capital Territory law [16 years], whichever is greater) is considered to be sexual abuse.

3.4. 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.

3.5. Fraternalisation

As defined in the DFAT PSEAH Policy, fraternalisation is “any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position. It could include, but is not limited to, voluntary sexual behaviour, 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”. Under DFAT PSEAH Minimum Standards, fraternalisation for all non-national personnel in the field in “very high risk” areas is prohibited while engaged in the delivery of DFAT business.

3.6. Examples

Examples of acts of sexual misconduct 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
- Name-calling with sexual epithets
- Insisting on anything sexual, including jokes 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
- Sending explicit or sexually suggestive emails

- Intrusive enquiries into a worker's private life.

The most common example of fraternisation is relationships, romantic, sexual or otherwise, between people who occupy different levels of authority or power.

4. OUR POLICY

IWDA does not tolerate sexual misconduct of any kind.

IWDA will take all reasonable steps to prevent sexual misconduct, and to promote the rights of people and communities with whom we work. It is strictly prohibited for representatives of IWDA to engage in any form of sexual misconduct. They must not engage in fraternisation whilst working in “very high risk” areas. This means that, when working in “very high risk” areas, representatives of IWDA must not engage in sexual relationships with any representative of an IWDA partner organisation, or with any beneficiaries of IWDA partners, as these relationships are based on inherently unequal power dynamics and there is the potential for abuse of power. Such relationships undermine the credibility and integrity of IWDA and its partnerships.

All IWDA employees are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of IWDA's Code of Conduct. IWDA Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

The principles that underpin IWDA's Policy are:

Principle 1: Zero tolerance of inaction

Sexual exploitation, abuse and harassment are never acceptable. Zero tolerance is not the same as zero incidents. IWDA defines zero tolerance as acting on every allegation in a fair and reasonable way with due regard for procedural fairness.

Principle 2: Survivor needs are prioritised

Action to address sexual exploitation, abuse and harassment should be underpinned by a “do no harm” approach prioritising the rights, needs, and wishes of the survivor, while ensuring procedural fairness to all parties.

This approach treats the survivor with dignity and respect, involves them in decision making and provides them with comprehensive information. It also protects privacy and confidentiality, does not discriminate based on gender, age, race/ethnicity, ability, sexual orientation, or other characteristics and considers the need for counselling and health services to assist the victim/survivor with their recovery.

Principle 3: Gender inequality and other power imbalances are addressed

Available data indicates that the majority of survivors are female and the majority of perpetrators are male. However, there are also other power imbalances at play. Inequalities based on the distinctions of worker/beneficiary; ability/disability; ethnic and Indigenous status; religion; gender identity and sexual orientation; age; health and poverty, can also result in sexual exploitation, abuse and harassment. The intersection of gender with other forms of inequality can further increase the likelihood of SEAH occurring.

Engagement with intended beneficiaries should be based on respect for diversity, promotion of gender equality and social inclusion, accountability, and a strong “do no harm” focus.

5. RESPONSIBILITIES

Board	<ul style="list-style-type: none"> • Oversight of this Policy • Approval of any revisions
CEO	<ul style="list-style-type: none"> • Overall implementation, monitoring and review of this Policy
Director of Systemic Change and Partnerships	<ul style="list-style-type: none"> • Ensuring compliance with clause 6.2 including that controls are in place with program partners to manage and monitor the risk of SEAH and that processes are adhered to.

6. APPLICATION OF THIS POLICY

IWDA will apply this policy and, where applicable, the DFAT PSEAH Policy, in accordance with the Minimum Standards contained in the DFAT Preventing Sexual Exploitation, Abuse and Harassment Risk Guidelines commensurate with the level of SEAH risk associated with the activities.

IWDA requires that all staff, volunteers and board members sign that they have read, understood and agree to abide by the IWDA Code of Conduct, including the requirement to comply with this Policy.

6.1. Risk Management

While we acknowledge that it is not possible to eliminate all risks of sexual misconduct, IWDA has adopted a risk management process by which risks are identified, monitored and reasonably mitigated against in the assessment of all our activities. This includes a process by which activities are assessed to determine the level of risk for sexual misconduct, and application of the DFAT PSEAH Minimum Standards where applicable.

This Policy and the IWDA Code of Conduct will be included in inductions, as well as communicated through internal communications, contracts and via IWDA’s website. Those who are directly engaged in activities assessed as high risk or above, will complete additional PSEAH induction and refresher training (every 3 years).

IWDA will undertake a risk assessment for all partners or other organisations acting for or on behalf of IWDA to identify risks, classify any high risk activities and document steps being taken to reduce sexual misconduct and fraternisation risks. The risk assessments will be undertaken at the program design and proposal stage, form part of regular monitoring and be reviewed at regular reporting intervals. As per the DFAT PSEAH Policy, under any activities identified as Very High Risk, fraternisation is prohibited for all non-national representatives of IWDA operating in the country where partnership activity is taking place.

6.2. Program Partners

It is mandatory for all international program partners receiving Australian Government funds to comply with the DFAT PSEAH Policy and apply the minimum standards based on the associated level of risk (see DFAT PSEAH Risk Guidelines).

All program partners will:

- a) act in accordance with the principles and requirements in this Policy;
- b) sign IWDA's Code of Conduct committing to adhere to this Policy;
- c) have Prevention of Sexual Exploitation, Abuse and Harassment clauses included in all partnership agreements and agree to yearly compliance monitoring by IWDA; and
- d) adopt and comply with their own policies and procedures by which risks are identified, monitored and mitigated against, including assessing the level of risk for Sexual Misconduct and mitigating the same in, establishing organisational reporting and investigation procedures, and applying the DFAT Policy and PSEAH Minimum Standards where applicable;

IWDA will assist partners with information to support their compliance with these sexual exploitation, abuse and harassment requirements and to develop their own policies and reporting processes and systems. IWDA will review partner PSEAH related compliance on a yearly basis. Issues of non-compliance will be escalated to and closely monitored by the Director of Systemic Change and Partnerships

7. REPORTING

Where any person has reasonable grounds to suspect that IWDA or any persons within the scope of this Policy have engaged in sexual exploitation, sexual abuse, sexual harassment or inappropriate fraternisation, IWDA encourages them to report their concerns immediately in accordance with this Policy.

Persons reporting shall not suffer any sanctions from IWDA on account of their actions in this regard provided that their actions:

- are in good faith based on reasonable grounds, and
- conform to the designated procedures outlined below.

An individual victim or survivor is under no obligation to report any incident that has happened to them; however, IWDA will ensure individuals who self-report will have access to timely and suitable assistance.

7.1. How to report

Anyone wishing to report under this policy can notify IWDA using any of the following mechanisms: on the phone, via email, through our website, by post, or in person.

1. IWDA staff, volunteers and consultants can inform their supervisor within IWDA at any time in person or via phone, text, email or other communication; or
2. Any person may make a report under the IWDA Complaints Policy; or
3. As a formal whistleblowing report under IWDA's Whistle Blower Policy. IWDA's Whistle Blower Procedure sets further details on how to make such a report.
 - By telephone on +61 3 8373 2500
 - By email to ethics@iwda.org.au
4. Reports of Sexual Misconduct for people under the age of 18 should be made under IWDA's Child Protection Policy.

When making a disclosure, the reporting person may do so anonymously. People are encouraged to share their identity when making a disclosure, as it will make it easier for IWDA to address the disclosure, but they are not required to do so. If they do not share their identity, IWDA will assess the disclosure in the same way as if they had revealed their identity. However, there may be some practical limitations in conducting the investigation.

Further details of how to report are available in the Preventing Sexual Exploitation, Abuse and Harassment Reporting Procedure.

7.2. How IWDA will manage disclosures

IWDA will make all reasonable endeavours to keep the identity of the person making the disclosure and the individual victim or survivor confidential unless that disclosure is authorised by the relevant person or required by this policy or the law.

Following receipt of a report of Sexual Misconduct or inappropriate fraternisation, IWDA's CEO will:

- undertake a prompt impartial and appropriate investigation, to determine what action, if any, should be taken in the circumstances. Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness;
- advise the Chair of the Board of the report;
- make any notifications required under law, DFAT or other donor agency policy where applicable;
- If the complaint or concern relates to a person employed by an IWDA partner organisation, subject to obligations of confidentiality, IWDA's Chief Executive Officer, or her delegate, will discuss the allegations with the partner organisation's Chief Executive Officer and decide together upon the next steps.
- Before any adverse finding, the subject of the report shall be informed of the allegations against them and provided with an opportunity to reply to the allegations.
- At an appropriate time the person making the report may be asked to comment on any additional evidence obtained/and or the need to be a witness
- If at the conclusion of the investigation the allegations disclosed are considered to be substantiated, effective remedial action commensurate with the severity of the offence will be taken.

If the CEO is implicated in a disclosure, then the Director of Business Transformation will manage the disclosure.

For allegations of Sexual Misconduct in connection with any DFAT funded activities there are two kinds of reporting required:

1. 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.

Reports of alleged abuse or exploitation of individuals under the age of 18 years must follow DFAT's Child Protection Policy (www.dfat.gov.au/childprotection)

2. 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.

When representatives of IWDA disclose a personal relationship which may reasonably be perceived as inappropriate or exploitative, or where real or perceived unequal power dynamics exist, their line manager or CEO will undertake a prompt impartial and appropriate investigation to determine whether the relationship should be defined as inappropriate fraternisation. If the relationship is considered inappropriate fraternisation, the process outlined in this Policy must be followed.

7.3. Breach of Policy

Any person found to be involved in sexual misconduct may be subject to disciplinary action (including but not limited to termination of employment or engagement). IWDA may refer any person that has engaged in sexual misconduct to law enforcement authorities for further investigation.

Any person making allegations frivolously, maliciously or for personal gain, may also be subject to disciplinary action (including but not limited to termination of employment or engagement).

8. IMPLEMENTATION

The Chief Executive Officer, in conjunction with the IWDA Leadership Team, is responsible for the administration, interpretation, and application of this policy.

A copy of this policy shall be placed on IWDA's shared drive and website.

9. REVIEW AND AMENDMENT

This policy will be reviewed not less than every 3 years to ensure it remains compliant with law, relevant and effective. This policy may be amended by the Board.

10. REFERENCES/RELATED DOCUMENTS

IWDA Whistle Blower Policy
IWDA Whistle Blower Procedure
IWDA Code of Conduct
IWDA Fraud and Corruption Policy
IWDA Child Protection Policy
IWDA Child Protection Code of Conduct
IWDA Grievance and Conflict Resolution Policy
IWDA Anti-Discrimination, Bullying and Harassment Policy
IWDA Complaints Policy
IWDA Preventing Sexual Exploitation, Abuse and Harassment Reporting Procedure
[DFAT Child Protection Policy](#)
[DFAT Preventing Sexual Exploitation, Abuse and Harassment Policy](#)
[DFAT Preventing Sexual Exploitation, Abuse and Harassment Risk Guidelines](#)