



## **CanWaCH Prevention of Exploitation and Sexual Abuse Code of Conduct (PSEA)**

*Adapted from Save the Children Canada's PSEA*

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**Approved:** November 2019

### **1. Policy Statement**

The Canadian Partnership for Women and Children's Health (CanWaCH) is committed to fostering and sustaining a safe environment through proactive, accessible, and effective approaches that seek to prevent and respond to sexual exploitation and abuse (SEA).

Though CanWaCH has limited programming with vulnerable or at-risk populations in Canada or abroad, this policy serves to establish the the highest standards of integrity and conduct for CanWaCH employees in all work-related settings.

This policy aims to prevent sexual exploitation and abuse through education and other accessible reporting mechanisms for survivors, and to respond to disclosures and reports effectively, confidentially, and in a timely manner. This policy should be read in conjunction with the CanWaCH Gender Equality Policy and the CanWaCH HR Policies, specifically section 2.1 Code of Conduct, section 5 Health and Safety, and section 6 Problem Resolution.

This policy will be reviewed on a biennial basis.

### **2. Definitions**

<b>Word/Term</b>	<b>Definition</b>
<b>Sexual Exploitation and Abuse (SEA):</b>	<p>Particular forms of gender-based violence that are perpetrated by humanitarian or development workers across all contexts, particularly in humanitarian settings. These acts can be committed against local communities, beneficiaries of direct assistance, or against CanWaCH employees, partners and representatives.</p> <ul style="list-style-type: none"><li>• Sexual Exploitation: 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.<sup>1</sup></li></ul>

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<sup>1</sup> Adapted from IASC GBV Guidelines, UNHCR, SCUUK PSEA Policy.

	<ul style="list-style-type: none"> <li>Sexual Abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions, sexual assault and rape.<sup>2</sup></li> </ul>
<b>Gender-based violence</b>	An umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males, females, and gender non-conforming people. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. SEA can be seen as a form of GBV, as survivors of SEA are often abused because of their vulnerable status as women, girls, boys, and sometimes men. <sup>3</sup>
<b>Survivor</b>	A survivor is any person who has experienced sexual exploitation and abuse, including individuals who self-identify as a victim or victim/survivor. 'Victim' is a term often used in the medical/legal sectors. 'Survivor' is the term generally preferred in the psychological and social support sectors because it implies resiliency. This policy is survivor-centered and employs the term survivor throughout its PSEA standards. In line with being survivor-centered, how a survivor chooses to self-identify (either as victim/survivor) shall be respected and mirrored in our language.
<b>Child</b>	Any person under the age of 18.
<b>PSEA</b>	Prevention of Sexual Exploitation and Abuse.
<b>Consent</b>	Informed consent is an ongoing agreement which is voluntarily and freely given based upon a clear appreciation and understanding of the facts, implications and future consequences of an action. In order to give informed consent, the individual concerned must have all relevant facts at the time consent is given and be able to evaluate and understand the consequences of an action. They also must be aware of and have the power to exercise their right to refuse to engage in an action and/or to not be coerced (i.e. being persuaded based on force or threats). <sup>4</sup>
<b>Representative</b>	Those associated with CanWaCH. This includes CanWaCH partners, consultants, volunteers, and board members.
<b>Beneficiary of direct assistance</b>	Any person who receives any assistance – including any types of goods and services – from CanWaCH or a partner NGO; regardless of the length of time of CanWaCH's relationship with them.
<b>Communities in which we work</b>	Any geographical location in which CanWaCH directly or indirectly operates in, providing either goods or services. <sup>5</sup>
<b>Report</b>	The act of informing a designated authority who has the purpose to discipline an alleged perpetrator about an incident of SEA for the purpose of initiating a disciplinary or administrative process.

<sup>2</sup> Adapted from IASC GBV Guidelines

<sup>3</sup> Adapted from IASC GBV Guidelines

<sup>4</sup> Adapted from IASC GBV Guidelines

<sup>5</sup> SCUUK Policy

<b>Disclosure</b>	The act of informing a representative of CanWaCH about an instance of sexual exploitation and abuse for the purpose of seeking support.
<b>Sexual Harassment</b>	Any unwanted conduct of a sexual nature, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. <sup>6</sup>
<b>Sexual Assault</b>	Any unwanted act of a sexual nature without the consent of the other person(s). This includes a range of behaviours, from unwanted kissing and touching to rape and/or oral sex.
<b>Sex Worker</b>	Any person over 18 who receives money or goods in exchange for sexual services, and who consciously defines those activities as income generating; even if they do not consider sex work as their occupation.
<b>Sexual Favour</b>	Sexual acts, often in exchange for something such as money, goods or services, includes inappropriate photography and filming. The process of sexual favours often takes place through transactional sex. Transactional sex is a common coping mechanism among people in severe situations of vulnerability. <sup>7</sup>

### 3. Policy Scope

This policy applied to CanWaCH employees, Board members or other such representatives in the CanWaCH workplace.

Any violation of these standards is a serious concern and will result in disciplinary action, up to and including termination of employment.

### 4. Policy

This policy covers actual, and suspected, acts of sexual exploitation and abuse perpetrated by CanWaCH employees and representatives against individuals in the communities in which we work and provides an illustrative guide for employees to make ethical decisions in their professional lives.

The need for this policy stems from a recognition that our work at times puts CanWaCH employees in positions of power in relation to the communities we work with, especially women, girls and boys in situations of vulnerability. CanWaCH employees and representatives have an obligation to use their power respectfully and must not abuse their power and influence over the well-being of the participants and community members in communities where CanWaCH works.

CanWaCH does not tolerate SEA in any form. The organisation acknowledges that attention to SEA is particularly important given the prevalence and silence surrounding this issue and that, as a rights-based organisation, CanWaCH must play an active role in preventing and responding to SEA. We must do all we can to prevent, report, and respond appropriately to instances of

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<sup>6</sup> SCUK Policy

<sup>7</sup> Adapted from SCUK Policy

suspected SEA, to learn lessons as a sector, including our place within the sector, and seek further advice wherever needed.

CanWaCH further acknowledges that while SEA impacts all members of society, SEA and its consequences disproportionately affects members of social groups who experience intersecting forms of systemic discrimination or barriers due to ever present underlying discrimination under prohibited grounds under Ontario Human Rights Code, including gender identity and expression, sexual orientation, race, religion, Indigenous identity, ethnicity, disability or class.

CanWaCH recognizes that SEA involves abuses of power and power imbalances, and is underreported due to a range of reasons, including but not limited to, stigmatization, risk of further trauma, and barriers to accessing recourse.

CanWaCH commits to support survivors whether or not they choose to make a report through the organisation's reporting mechanisms or through other legal means.

## **5. Roles and Responsibilities**

### **CanWaCH commits to:**

- a) Providing continuous education for all employees, with the ultimate goal of mandatory education for employees about gender equality and sexual exploitation and abuse, its prevention and resources for responding to disclosures or reports;
- b) Mandatory training on effective, survivor-centred methods of responding to a disclosure or report;
- c) Education initiatives that develop awareness about the impact that potentially intersecting factors, such as racial, religious, gender identity and expression, and sexual orientation, may have on experiences of sexual exploitation and abuse;
- d) Ensuring that reporting mechanisms for employees are gender sensitive;
- e) Designating an SEA focal point group at CanWaCH who will work closely with the HR and gender equality teams. Ensure that the identity of the SEA focal point is known throughout the entity and complainants are aware of the reporting steps and procedure;
- f) Ensuring that reporting mechanisms are sensitive to the needs of the communities in which we work and accessible to all members of these communities;
- g) Taking comprehensive steps to engage and inform communities in which we work about the standards of behaviour they should expect from our employees and representatives and how to raise concerns;
- h) Taking robust steps to prevent any perpetrators of sexual exploitation and abuse from being re-engaged by CanWaCH or other NGOs and organizations working with people in situations of vulnerability. This includes a commitment to procuring and providing accurate references and reporting cases to statutory agencies.

### **CanWaCH recognizes that Management and Supervisors have additional responsibilities. In particular, Managers and Supervisors must at all times:**

- a) Support the provision of confidential and effective routes to reporting;
- b) Ensure that incidents of sexual exploitation and abuse are promptly and adequately addressed. In such cases, managers and supervisors must demonstrate fairness, impartiality, respect for confidentiality and be free from intimidation or favouritism;

- c) Managers or Supervisors at any level have a personal responsibility to communicate and/or properly address any known act of SEA or abuse of authority. Failure to do so may result in appropriate administrative or disciplinary action.
- d) Be free from gender bias and gender discrimination to ensure fairness from a gendered perspective when responding to disclosures or reports. In which case, managers and supervisors must refrain from questions or judgement that imply blaming of the survivor or disbelief of their experiences based on gender identity.

**Employees must:**

- a) Refrain from sexual activity with children (any person under the age of 18) regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence;
- b) Treat all beneficiaries, members of the communities in which we operate, and other employees members and representatives with dignity and respect at all times;
- c) Actively contribute to creating and maintaining a culture which: prevents SEA, encourages reporting, promotes the implementation of the CanWaCH Code of Conduct and this policy;
- d) Be aware that sexual exploitation and abuse constitutes an act of gross misconduct and are grounds for termination of employment; and maybe subject to prosecution;
- e) Report anything they see, witness, suspect, or are told about regarding possible exploitation or abuse of people in the communities in which we work, including potential abuse by other NGO workers or volunteers;
- f) Be aware that concerns about the absence of evidence or a lack of clarity over consent are not reasonable ground to delay or fail to report concerns about exploitation or abuse;
- g) Treat any information communicated to them in connection with any part of this procedure as confidential, including an investigation into allegations of exploitation or abuse;
- h) Co-operate fully and promptly in any investigation of exploitation or abuse under this policy. Employees who deliberately provide false information or act in bad faith as part of an investigation may be subject to disciplinary action;
- i) Employees or representatives at CanWaCH who are survivors of sexual exploitation or abuse will not be subject to any disadvantage or be obliged to cooperate in any investigation, if they do not wish to do so.