



Policy

PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT

February 2023

Background

Aroha is committed to providing a safe environment by and for all its personnel members free from sexual exploitation, sexual abuse and sexual harassment (SEAH). Aroha operates a zero tolerance policy for any form of SEAH in the workplace, treats all incidents seriously and promptly investigates warranted allegations of SEAH. Other forms of misconduct and harassment are dealt with under Aroha's Code of Conduct.

All allegations of SEAH will be taken seriously and treated with respect and in confidence. No one will be treated differently for making such a complaint whether suspected or witnessed, and Aroha guarantees that personnel members and stakeholders can come forward without fear of retaliation. We trust that any such complaint or allegation will be made in good faith.

This policy is a subsidiary policy to the Code of Conduct and the application of the Code of Conduct and its recourse mechanisms apply equally to this policy. Reporting channels defined in the present policy serve as a complement to existing mechanisms defined in the Code of Conduct.

Definitions

Sexual exploitation refers to “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.”¹ This also covers any sexual relations with a child (anyone under 18 years of age) and cyber forms of sexual exploitation.

Sexual abuse refers to “actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.”² This also refers to any sexual relations with a child (anyone under 18 years of age).

¹ UNHCR – Secretary-General's Bulletin: Special measures for protection from sexual exploitation and sexual abuse ([link](#))

² Ibid.



Sexual harassment includes unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, and includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Such harassment can involve one or more incidents and actions may be physical, verbal, non-verbal, and digital. Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Sexual assault
- The use of job-related threats or rewards to solicit sexual favors

Verbal or digital conduct

- Unwelcome comments on appearance, age, sexual orientation, gender identity
- Sexual or offensive comments, stories and jokes
- Sexual advances or unwanted invitations to physical intimacy
- Repeated and unwanted social invitations for dates (i.e. more than twice)
- Sexist or paternalistic remarks
- Sending sexually explicit messages (by phone or by email or through any other communication platforms)
- Use of derogatory terms based on sex, gender, sexual orientation, physical appearance, etc.
- Inappropriate personal questions or comments

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling or cat-calling
- Leering
- Stalking at work or outside of the workplace
- The display, sending or sharing of offensive letters, publications, objects, images or sounds

Aroha wants to make it clear that sexual harassment is about how we make others feel. Everyone should be aware that behaviour appreciation is subjective and what is of primary importance is the viewpoint and experience of the person who suffers due to the behaviour(s) of others. Here is



a simple guideline: if you are wondering whether what you are about to do is sexual harassment – just don't do it. If it feels like a grey area, it is probably not something you should be doing anyway.

Aroha recognises that harassment (sexual or other forms) is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and personnel; or between an external partner and Aroha personnel.

Any and all sexual harassment is prohibited whether it takes place within Aroha premises or outside, including at social events, business trips, training sessions or conferences sponsored by Aroha.

Anyone can be a victim of sexual harassment, regardless of their sex or gender and of the sex or gender of the harasser. Aroha recognises that sexual harassment may also occur between people of the same sex or gender or of the same hierarchical level. What matters is that the conduct is unwanted and unwelcome by the person against whom the conduct is directed.

Get support

Aroha staff, interns and consultants have access to confidential psychosocial support and are regularly informed about the names and contact details of these Harassment Prevention Officers (HPOs), who are trained by a certified external ombudsperson.

HPOs serve as the go-to contact persons for dedicated support on sexual harassment (and also moral harassment, bullying, mobbing – see Code of Conduct) situations. They are committed to confidentiality, and to being supportive, trustworthy and discreet. Aroha encourages personnel to choose an HPO who has no hierarchical link to the person seeking their support.

Reporting procedures

When faced with a situation of SEAH, personnel members have several options for reporting complaints. Aroha is strongly committed to ensure that no personnel member or stakeholder targeted by SEAH feels alone in handling the situation. It is never the burden of the individual person to sort the situation out or of any personnel to investigate such issues. That is why Aroha requires its personnel members to report any situation, experienced, witnessed, or suspected, of sexual exploitation or abuse, and strongly encourages getting support and reporting any instance of sexual harassment through the appropriate channels:

Reporting to the Human Resources



The Human Resources Officer (HRO) can always be reached out to in such cases. All cases are treated confidentially (need to know basis only), are investigated when this is warranted, and further action will only be taken with the consent of the person targeted (unless a child is concerned, in which case an investigation will be conducted).

When the HRO receives a report from a personnel member, they will do the following:

- immediately record the dates, times, and facts of the incident(s) in a confidential manner
- ascertain the views of the targeted person as to what outcome they want
- ensure that the targeted person understands the organisation's procedures for dealing with the complaint
- discuss and agree the next steps, on the understanding that the targeted person can always revise their decision on the way to proceed if they are not satisfied with the outcome
- keep a record of all discussions and details and ensure data protection and confidentiality of all the information (need to know basis only)
- keep record of the report
- respect the choice of the targeted person
- ensure that the targeted person is informed of and seeks necessary external support (medical, legal, psychosocial) and informs them of the possibility to lodge a complaint outside of Aroha through the relevant country/legal framework

Reporting to management

The targeted personnel member may also directly contact Managers, who operate an open door policy when dealing with such situations. Managers will follow the same steps listed above when presented with a report of SEAH or other forms of harassment.

Reporting Anonymously

An external reporting system is open to anyone – internally or externally – to file a complaint, including anonymously, through the SpeakUp platform. A response or confirmation of receipt will be received within 72 hours. Depending on the nature of the complaint, appropriate steps, including investigations, will be taken.

Complaint mechanisms

After having reported the SEAH, the targeted person can choose to proceed with a complaint. It is important to note that Aroha will support the targeted person with their complaint every step of the way. When a complaint is submitted, the following actions can be taken, based on both the wishes of the targeted person and the severity of the report.



Investigation

Aroha management and/or Executive Committee (if the investigation concerns Aroha management) will designate a person to carry out the investigation, generally an external investigator. In some cases, the designated person would be the HRO.

The designated person carrying out the investigation will:

- interview the targeted person and the alleged harasser separately
- interview other relevant third parties separately
- assess the SEAH situation based on the available information. Evidence could include third-party testimonials, copies of call records or text messages, etc.
- produce a report detailing the investigations, findings and any recommendations
- advice on the appropriate response (i.e. a promotion if the targeted person was demoted as a result of sexual harassment or as retaliation for having reported; dismissal of the perpetrator if a member of Aroha personnel)
- if it cannot be determined that the SEAH took place, or if it is determined that it did not, recommendations can be made on the appropriate response
- keep a record of all actions taken
- ensure that all records concerning the matter are kept confidential
- ensure that the process is completed as quickly as possible and in any event within 30 days of the complaint being made

Contact and engagement with the alleged perpetrator

If a complaint is lodged, the manager supervising the work of the alleged perpetrator will be tasked to inform the person of the complaint and take appropriate measures until the investigation is concluded. This sometimes means putting that person on temporary leave also to protect themselves. The manager will keep a confidential record of the discussion and intermedial actions and decisions.

Outside complaints mechanisms

A person who has been subject to SEAH can also make a complaint outside of Aroha. They can do so through their country's appropriate legal framework – i.e. employment tribunal, ombudsperson, etc. Aroha will stand ready to assist any affected personnel in an impartial and supportive way.

Good faith

We trust that complaints on witnessed, experienced, or suspected proscribed behaviours are made in good faith. However, should a complaint be filed with malicious intent, this itself will be considered as a serious form of misconduct and treated with zero tolerance.



Sanctions and disciplinary actions

If an investigation confirms SEAH, disciplinary action is automatically taken due to Aroha's zero-tolerance policy. Such disciplinary action may include one or more of the following: written warning, mandated training, suspension and/or dismissal. The sanction will be chosen based on the severity of the act as well as the track record of the confirmed harasser. Multiple warnings can for example result in more severe sanctions and disciplinary action. The views of the targeted person will also be given due consideration. In some cases, criminal authorities will be contacted or legal proceedings conducted.

A member of personnel that is subject to sanctions or disciplinary actions has the opportunity to appeal the decision to any of the following: Aroha management; the Executive Committee; the Governing Assembly; an independent body/agent that may be commissioned by Aroha (Executive Committee; the Governing Assembly; Aroha management). An appeal must be made within a period of 7 days of having received the formal communication of sanction/disciplinary action. Aroha will endeavour to respond within 30 to 60 days.

Prevention measures

In addition to the mechanisms outlined in this policy, Aroha will also endeavour to prevent SEAH situations from arising. This will be done through onboarding of new personnel and annual training of all personnel on PSEAH, as well as from analysing cases and risk factors in an ongoing learning process. Aroha also commits to actively promoting a culture of mutual support and reporting of misconducts.

Implementation of this policy

Aroha will ensure that this policy is widely disseminated to all relevant persons. It will be included as an annex to the Code of Conduct and personnel policy. All new personnel members must be introduced to the content of this policy as part of their induction into the organisation. It is the responsibility of every manager to ensure that all their team members are aware of the policy.

Monitoring and evaluation

Aroha recognises the importance of monitoring this PSEAH policy and will ensure that it collects relevant data and analyses trends to ascertain whether or not it is effective. Supervisors, managers and those responsible for dealing with harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any



recommendations made. This will be done on a yearly basis. As a result of this report, Aroha will evaluate the effectiveness of this policy and make any changes needed.