

PREVENTING SEXUAL EXPLOITATION AND ABUSE AND SEXUAL HARASSMENT (PSEAH)

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1. Introduction

TM is committed to providing a safe environment for all its employees, volunteers, interns and partners, both internal and external. TM does not tolerate sexual exploitation, abuse or harassment (SEAH) of any kind and shall treat all allegations and reported incidents seriously.

This policy applies to our own organisation and extends to those we work with. This policy is developed based on best practices and standards followed by TI chapters and supports the provisions of safe work environment in line with the Employment Act of the Maldives (Act No: 2/2008) and Prevention of Sexual Harassment Act (Act No: 16/2014).

2. Definitions, scope and applicability

The policy will be applicable to all TM Board members, staff, volunteers, interns and any other external party or organization that TM works with. This includes, independent contractors and consultants as well organizations and service providers, grantees and sub-grantees.

This policy will also apply to all personnel involved in activities undertaken at community level by TM, including TM staff, facilitators, trainers and participants.

For the purpose of this policy, the following definitions will apply:

- **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).
- **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.
- **Fraternisation:** Refers to any relationship occurring in the course of conducting business, that involves – or appears to involve – partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It includes 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.
- **Bullying:** similar to harassment in the sense that it reflects offensive, hostile or oppressive behaviour. The main difference between bullying and harassment is that while harassment is related to equality grounds, bullying may be done for other reasons such as jealousy, personal dislike, revenge, or insecurity.
- **Abuse of authority:** improper use of a position of influence, power, or authority by TM personnel against TM or external personnel or a group thereof. This includes situations when the person in question uses their influence, power or authority to arbitrarily influence, exploit, abuse or harass another person as defined in this policy.

TM recognizes that these acts may occur during and outside working hours and the working environment itself. As such, all allegations, complaints and grievances related to sexual exploitation, abuse and sexual harassment will be considered as serious misconduct or offences under this policy.

Any individual, member, staff or partner found in breach of this policy will be subjected to strict disciplinary actions, such as dismissal from employment, loss of membership or blacklisted as a TM partner.

3. Responsibilities of members, staff, volunteers, and interns

In line with TM's commitment to creating a safe working environment, TM's Board, members, staff, volunteers, and interns are expected to observe the following minimum standards of behaviour:

- Refrain from any form of actions that can be construed as sexual exploitation abuse and sexual harassment and demonstrate commitment to the prevention of such acts.
- Familiarize themselves with this policy and demonstrate commitment to uphold this policy.
- Ensure that they do not assist or encourage others to engage in such acts.
- Report allegation of incidents without delay.
- Maintain commitment to uphold and promote a culture of PSEAH.

4. Responsibilities of external partners

All our external partners, both individuals and organizations, are required to abide by PSEAH policies or have their own PSEAH policies and guidelines in place.

In cases where TM partners do not have written or specified PSEAH policies or guidelines in place, they should ensure and provide guarantee to TM that necessary controls are in place to manage and monitor the PSEAH or alternatively, agree to adopt and uphold TM's CPP policy during the partnership/project/program duration. The sample pledge to be signed by TM's partners in the latter instance is provided in Annex 2.

5. Risk Assessment

5.1 Incorporating PSEAH in joint programs, projects and activities

TM will take a risk-based approach prior to commencement of each project and program. We will assess the extent to which our contractors, consultants and grantees and sub-grantees have PSEAH policies in place or abide by PSEAH guidelines and categorize risk level accordingly.

In undertaking risk assessment, TM adapts the DFAT model to categorize the level of risk given in Annex 1.

5.2 Incorporating PSEAH in recruitment process

Based on the extent to which a position at TM requires community interaction, TM will conduct extra background checks with relevant authorities to verify whether the incumbent has any previous records or offenses. TM's Recruitment Policy will provide detail further vetting processes for screening and interviewing prospective candidates for positions that requires high level of interaction within community and especially with children.

6. Reporting

It is mandatory to report all incidences (suspected or alleged cases) of SEAH perpetrated by anyone in connection with official duties or business relating to TM. These include all internal and external partners outlined in Section 2 of this policy.

Reporting should be submitted to ED via letter or email and should contain the following information. If the complaints are directed at ED, the complaint can be sent to any member of the Board. A summary on the reporting process is outlined in Annex 3.

- Name of the alleged offender
- Name of the alleged victim (if the complaint is made by a third party)
- Description of the alleged incident(s) (with dates and locations where possible)
- Name of witnesses who can corroborate the allegation
- Documentary proof (where possible)

Complaints can be lodged anonymously. However, in such cases, the complainant must provide sufficient information concerning the basis of the allegation, so that the matter can be pursued adequately.

7. Investigation without a formal complaint

ED/Board may initiate an investigation into allegations of sexual exploitation and abuse and sexual harassment, at their own initiative, without a reference to a formal complaint. Such initiatives should however be supported with a written brief compiled by ED/Board noting their observations or information obtained on alleged incidents and submitted to the internal committee for investigation.

8. Investigation process

ED/Board will establish an internal committee to investigate the complaints, grievances and allegations of SEAH incidents. The committee will comprise of at least 3 members and can be drawn up from Board members and staff. The Board can decide to invite independent individuals from outside TM to sit in the committee. The committee must be established within 7 (seven) working days upon receiving the complaint. ED will simultaneously take immediate measures to intervene and assure safety of the complainant, including re-assigning staff, associate, personnel involved or suspension of activities for the duration of the investigation.

The main responsibilities of the internal committee will be to:

- Gather information and investigate the complaint
- Interview witnesses and other sources, obtain and examine evidence
- Communicate findings of the investigation with recommended action(s)

Findings and recommendations of the internal committee will be communicated to ED/Board. The internal committee must complete their investigation and communicate their findings to ED/Board within 60 (sixty) days. Upon receiving the recommendation of the internal committee, ED/Board must implement the recommendations within 2 (two) weeks.

Where there is a reasonable belief that a criminal offence has occurred, the matter will be reported to the appropriate law enforcement agency by the investigating committee.

9. Conclusion of investigations and actions to take

Based on the recommendations of the internal committee's findings, ED/Board will take actions recommended by the committee.

If a complaint is received prior to commencement of a project, project commencement should be delayed until the end of the investigation. If a complaint is received after a project has commenced, TM will take measures to halt the project until investigation is complete.

10. Informal complaints resolution mechanism

An informal process provides both the complainant and complainee the opportunity to resolve the complaint in an open, non-threatening and non-contentious manner. The informal options available to the complainant are:

- **Approaching the alleged offender directly:** affected individuals who feel they are being subjected to harassment may, on a voluntary basis, and if they feel comfortable doing so, approach the alleged offender directly and request that the alleged behaviour cease.
- **Managerial intervention:** affected individuals may raise the issue with their supervisor, on a voluntary basis and if they feel comfortable doing so. Managers should enact appropriate protective measures, such as supporting the affected individual to report or reporting on behalf of the affected individual. If the supervisor is uncertain how to proceed, the supervisor should seek ED's advice immediately. If the allegations are against ED, the supervisor should seek Board/Chairpersons advice on how to proceed.

The informal process can be used where the affected feel they are being subjected to acts of harassment and prefers to resolve it without resorting to formal mechanisms. However, if anyone believes that the subjected activities are indeed acts of harassment, the person must then move onto the formal process and initiate investigation of the complaint.

11. Confidentiality

All reports of complaints, grievances and allegations lodged under this policy will be treated confidentially, unless it becomes necessary for those investigating the incident to its substance to people such as other personnel, partners and external persons involved in the investigation process or law enforcement agencies.

12. Communicating the policy

ED/Board and TM management have the responsibility to uphold this policy and create culture that promotes the obligations and principles of this policy. It is also the responsibility of ED, TM Board and management to ensure that this policy is properly communicated to all our internal and external stakeholders, prior to commencement of each project, program or activity.

In particular, ED will ensure that this policy is disseminated widely among the public and will take special initiatives to provide information to communities before engaging in any community-based activity.

13. Training on the policy

ED will ensure that this policy is disseminated widely among all persons covered under the scope of this policy. In this regard, ED will provide trainings and awareness to TM staff, volunteers, interns and members on regular basis, at least twice a year. New recruits will be provided training during their initial induction. In addition, prior to starting a new program or project, TM will ensure that this policy is properly communicated to all TM partners.

14. Complementary policies

This policy is complemented by the following TM's policies:

- TM's Code of Conduct
- TM's Policy on Workplace Harassment, Bullying, Anti-discrimination and Abuse of Authority
- TM's Whistleblower Policy

- TM's Child Protection Policy
- TM's Recruitment Policy

15. Implementation of the policy

This policy will be implemented following approval of the policy by Board and after circulation of the policy to all TM employees.

Any subsequent changes brought to the policy will be approved by the Board and disseminated to all employees.

This policy, together with subsequent change to this policy, will also be published in TM's website.

Annex 1: PSEAH Risk Assessment

For TM partner agencies

Minimum standard	Obligations organizations/parties for	Community interaction level	Risk level
Have a specified written PSEAH policy or document in place	Yes – ensure that documentations are provided	Low	Low to mid
		Mid	Low to mid
		High	Mid
	No – sign a document outlining appropriate standards of conduct, confirm awareness of TM's PSEAH requirements	Low	High
		Mid	High
		High	High
Have reporting and investigation procedures in place	Yes - ensure that documentations are provided	Low	Low to mid
		Mid	Low to mid
		High	Mid
	No- sign a document outlining appropriate standards of conduct, confirm awareness of TM's PSEAH requirements	Low	High
		Mid	High
		High	High
Have risk management processes that include the risk of SEAH	Yes - ensure that documentations are provided	Low	Low to mid
		Mid	Low to mid
		High	Mid
	No - sign a document outlining appropriate standards of conduct, confirm awareness of TM's PSEAH requirements	Low	High
		Mid	High
		High	High
Effective PSEAH training in place	Yes - ensure that documentations (training documents and frequency of trainings) are provided	Low	Low to mid
		Mid	Low to mid
		High	Mid
	No – provide PSEAH training	Low	High
		Mid	High
		High	High
Recruitment and screening processes and employment practices address and manage the risk of SEAH.	Yes – demonstrate appropriate PSEAH process in screening and selection and conduct standards	Low	Low to mid
		Mid	Low to mid
		High	Mid
	No - sign a document outlining appropriate standards of conduct, confirm awareness of TM's PSEAH requirements	Low	High
		Mid	High
		High	High
Prohibit transactional sex and/or fraternisation while engaged in the direct delivery of TM activities	Yes - ensure that documentations are provided	Low	Low to mid
		Mid	Low to mid
		High	Mid
	No - sign a document outlining appropriate standards of conduct, confirm awareness of TM's PSEAH requirements	Low	High
		Mid	High
		High	High

For Individual partners of TM

Minimum standard	Obligations organizations/parties for	Community interaction level	Risk level
Have a specified written PSEAH policy or document in place	Sign a document outlining appropriate and enforceable	Low	Low to Mid
		Mid	Mid
		High	High

	standards of conduct, compliant with the requirements of this Policy		
Have reporting and investigation procedures in place	Confirm awareness of TM's PSEAH reporting requirements for concerns or incidents and policy non-compliance.	Low	Low to mid
		Mid	Mid
		High	High
Have risk management processes that include the risk of SEAH	Confirm reporting requirements under their agreement, aligned to TM' PSEAH Policy	Low	Low to mid
		Mid	Mid
		High	High
Effective PSEAH training in place	Under TM PSEAH training	Low	Low to mid
		Mid	Mid
		High	High
Recruitment and screening processes and employment practices address and manage the risk of SEAH.	Undertake recent police check or checks from relevant authorities to confirm that reasonable SEAH precautions have been taken.	Low	Low to mid
		Mid	Mid
		High	High
Prohibit transactional sex and/or fraternisation while engaged in the direct delivery of TM activities	Consultancy or contracting agreements include clauses prohibiting transactional sex/ fraternisation while engaged in the delivery of TM activities	Low	Low to mid
		Mid	Mid
		High	High

Annex 2: Sample claimer for TM's external stakeholders**PLEDGE TO UPHOLD TM'S POLICY ON SEXUAL EXPLOITATION, ABUSE AND
SEXUAL HARASSMENT (PSEAH)**

I agree to abide by and respect TM's Policy on Sexual Exploitation, Abuse and Sexual Harassment (PSEAH) and uphold its tenets in all aspects of this assignment/project/program. I provide assurance to disseminate this policy within our organization and ensure that our project teams are fully familiar with this policy. I further provide assurance that our organization will refrain from engaging in any form of actions that can be construed as sexual exploitation, abuse or harassment and will notify to TM and relevant authorities without delay any allegation of incidents.

Name:

Position:

Project/ Program/ Agreement:

Duration:

Date:

Sign:

