

# SEXUAL ABUSE, HARASSMENT AND ABUSE POLICY AND CODE OF CONDUCT

**(AUGUST 2019)**

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## 1. POLICY AND CODE OF CONDUCT STATEMENT

Canada World Youth (“**CWY**”) commits to a zero-tolerance policy towards sexual abuse, harassment and exploitation (“**SAHE**”). Zero-tolerance means that sexual abuse, harassment and exploitation is not tolerated. Appropriate administrative or disciplinary actions will be taken against the perpetrator following an investigation process, as described more in detail below.

Sexual exploitation and abuse violate universally recognized international legal norms and standards. Therefore, it is CWY’s duty of care to ensure everything is being done to mitigate risks of sexual abuse and exploitation and do no harm in the communities served. To create cultural change in our sector, it is essential that everyone actively address issues contributing to sexual abuse or exploitation. Furthermore, CWY values a work environment in which respect is the foundation of any interactions.

CMY also commits to offer and maintain a work environment that is free of sexual harassment in order to protect the physical and psychological integrity of its employees, volunteers and other personnel and preserve their dignity.

Sexual abuse, harassment and exploitation prevention is everyone’s responsibility and every person has the right to have an environment free of sexual abuse, harassment and exploitation.

This Sexual Abuse, Harassment and Exploitation Policy and Code of Conduct (the “**Policy and CoC**”) (August 2019), replaces all and any previous CWY policies on Sexual Assault and/or Sexual Harassment.

## 2. OBJECTIVES

CWY adopts the Policy and CoC, particularly as to:

- Offer and maintain a work environment and deliver projects free of all form of sexual violence (sexual abuse and exploitation) towards beneficiaries.
- CWY’s commitment to the welfare of its employees, volunteers and other related personnel, and program beneficiaries.
- Offer and maintain a sexual harassment-free climate in order to protect the physical and psychological integrity of its employees and preserve their dignity.
- Make a clear statement with respect to CWY’s commitment to prevent and, if applicable, to stop the various forms of sexual abuse, harassment and exploitation.
- Ensure that employees, volunteers and other related personnel receive the Policy and CoC so that they are aware and informed in order to prevent acts of sexual abuse, harassment and exploitation.

- Provide the necessary support to survivors of sexual abuse, harassment and exploitation by setting up assistance and recourse mechanism.
- Use a Survivor-Centered-Approach with regard to sexual abuse and exploitation by giving the control over the decision-making process to the survivor following an investigation, as described more in detail below.

### 3. SCOPE OF APPLICATION

This Policy and CoC apply to all CWY employees, volunteers and other related personnel. This Policy and CoC also applies to the beneficiaries.

The area of application of this Policy and CoC will depend on the misconduct in cause. In fact, for the purpose of this Policy and CoC, it is important to differentiate between “sexual exploitation and sexual abuse” and “sexual harassment”:

- Sexual Exploitation and Abuse constitutes sexual misconduct by CWY employees, volunteers and other related personnel perpetrated against a beneficiary of the CWY program. These terms (sexual exploitation and abuse) are used to protect vulnerable people from sexual exploitation and abuse by their own staff and associated personnel, thus the CWY employees, volunteers and other related personnel.
- Sexual Harassment constitutes sexual misconduct between CWY employees, volunteers and other related personnel and CWY employees, volunteers and other related personnel and third parties, including beneficiaries. Sexual harassment incidents taking place among program beneficiaries are not within the scope of application of this Policy and CoC. For such incidents, CWY may assist the beneficiary who is a survivor of sexual harassment by referring him/her to pre-identified local service providers. The SEAH focal point will not accompany the beneficiary nor conduct a case documentation, incident report or investigation.

**Commented [PF1]:** If the harassment is within the physical space designed for training or delivery of other project services or goods, harassment among beneficiaries is within the scope of this policy.

**Commented [ML2R1]:** This is not mandatory.

### 4. CODE OF CONDUCT, COMMITMENTS AND RESPONSIBILITIES

#### A. Canada World Youth International Management

CWY is dedicated to enforcing and observing this Policy and CoC by way of following commitments to:

- Foster a positive work environment in which sexual abuse, harassment and exploitation by individuals or groups does not occur; and to lead by example.
- Develop country level organization-specific strategies to prevent and respond to sexual abuse and exploitation.
- Provide training on prevention of sexual abuse and exploitation to employees, volunteers and other related personnel of CWY.

- Incorporate this Policy and CoC in onboarding materials and training courses for all CWY employees, volunteers and other related personnel, as well as in other relevant organizational Codes of Conduct.
- Hire and/or identify SAHE Focal Points in each country office and at headquarter in Canada.
- Incorporate appropriate job responsibilities in designated SAHE Focal Points' terms of reference to support and ensure effective implementation of organizational strategies to the SAHE Policy and CoC.
- Ensure that all individual contracts of CWY employees, volunteers and other related personnel are annexed with this Policy and CoC.
- In compliance with applicable laws, make reasonable effort to prevent perpetrators of SAHE from being rehired or redeployed. Managers and Human Resource teams must ensure robust recruitment screening processes according to best practices for all CWY employees, volunteers and other related personnel, particularly for those who will have any direct or indirect contact with children and/or vulnerable adults<sup>1</sup>.
- Establish and safeguard accessible complaint mechanisms for reporting sexual abuse and exploitation by CWY employees, volunteers and other related personnel and CWY program beneficiaries.
- Establish and safeguard accessible complaint mechanisms for reporting sexual harassment by CWY employees, volunteers and other related personnel.
- Provide training for SAHE Focal Points who receive complaints to ensure they understand how to handle and refer such cases.
- Make available a whistleblower channel for CWY employees, volunteers and other related personnel that guarantees protection from retaliation, and for those who wish to report anonymously.
- To the best of CWY's ability, take appropriate action to protect SAHE survivors from retaliation when allegations of SAHE are made.
- Investigate allegations of SAHE involving CWY employees, volunteers and other related personnel in a timely and professional manner.
- Treat all incidents of SAHE with the utmost confidentiality and share related information only if it is required for the good conduct of an investigation, the application of this Policy and CoC, of a sanction or compelled by law.

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<sup>1</sup> This could include, without limitation, use of background and criminal reference/record checks, verbal referee checks, and interview plans that incorporate behavioural-based interview questions.

- Take appropriate and timely actions against CWY employees, volunteers and other related personnel who is subject of a complaint.
- To the best of CWYs ability, provide basic services to SAHE survivors such as medical support, psycho-social support, and/or legal services, as needed.
- Create and sustain mechanisms to systematically inform CWY employees, volunteers and other related personnel and program beneficiaries on measures taken to prevent and respond to SAHE.
- Integrate SAHE prevention and response mechanisms as outlined in the Multi-component Intervention Strategy into country operation plans and allocate a budget towards those activities.
- Assess all CWY affiliated entities' SAHE policy and code of conduct. If not already in existence, or not according to appropriate standards, encourage them and provide support to adopt and adhere to this SAHE Policy and CoC, indicating that failure to respond to reported SAHE incidents may constitute grounds for administrative actions up to and including termination of the agreement/contract.
- Encourage CWY affiliated entities to develop and institutionalize minimum operating standards for SAHE prevention within their respective organisation and to mainstream it across their work.
- Ensure high-level oversight and information systems on SAHE reports received and actions taken in order to monitor effectiveness, report progress and improve efforts to prevent and respond to SAHE.

#### **B. CWY Employees, Volunteers and other related Personnel**

Since the relationship between CWY employees, volunteers and other related personnel and beneficiaries of development programs is inherently unequal in terms of power relations and levels of authority, all CWY employees, volunteers and other related personnel must be vigilant and rigorously avoid any action (suggested, implied or perceived) that would suggest or imply that a sexual act might be demanded as a condition for engaging in offered programs and services. Actions of such nature are at odds with the objectives of CWY, which is to support sustainable youth livelihoods. As such, violation of this Policy and CoC undermines the credibility and integrity of CWY.

All CWY employees, volunteers and other related personnel must familiarize themselves with this Policy and CoC and are required to uphold it, put it into action, and understand that CWY has zero tolerance towards sexual abuse, harassment and exploitation.

All CWY Employees, Volunteers and other Related Personnel must adhere to the following expectations:

- Committing to create an environment and a work environment that is safe and respectful.
- Committing to create and maintain an environment free from sexual abuse and exploitation. CWY has a zero-tolerance policy towards sexual abuse and exploitation.
- Committing to create and maintain a work environment free from sexual harassment. CWY has a zero-tolerance policy towards sexual harassment.
- Refraining from requesting any sexual services or sexual favours from program beneficiaries of CWY nor their respective extended community members, in return for CWY services.
- Refraining from engaging in any exploitative sexual relationships, including but not limited to sexual favours; exchange of money, employment, goods or services for sex; or any other forms of humiliating, degrading or exploitative behaviour. This includes the exchange for services to which beneficiaries are entitled.
- Refraining from pursuing services from sex workers at all times while operating under the umbrella of CWY in the country offices including but not limited to, inside CWY premises and accommodations, regardless of the local and national laws of the country of mission.
- Refraining from any form of sexual activities with CWY program beneficiaries because of the inherent conflict of interest and potential for abuse of power in such a relationship. Such relationships undetermined the credibility and integrity of CWY operations and genuine development program efforts.
- Refraining from any active or passive sexual activities with a children or a vulnerable adult. This includes, without limitation, voyeurism, consuming, producing or distributing child pornography or child trafficking, regardless of the national and local laws of the country in which CWY is operating. Ignorance, obliviousness or mistaken belief of the child's age or the status of the vulnerable adult is not a defense.
- Having a sexual relationship with another employee, volunteer or other related personnel only if the employee, volunteer or other related personnel provided a consent. Consent can be withdrawn at any time. Sexual activities without consent will be considered sexual harassment and/or sexual assault.
- Reporting any concerns or suspicions regarding possible violations of this Policy and CoC via established CWY reporting channels or the whistleblower. This

includes suspicions about any of CWY employees, volunteers or other related personnel or their respective affiliated entities' employees and related personnel.

- Treat any information related to incidents of Sexual Abuse, Harassment or Exploitation with utmost confidentiality and share related information only on a Need-To-Know basis, i.e. only with designated relevant parties.

### **C. Senior managers, supervisors and Human Resources managers**

Senior managers, supervisors and Human Resources managers bear added responsibility and have a key role to play. The following responsibilities are in addition to the general ones applicable to employees, volunteers and other related personnel in the previous section:

- Ensure that all CWY employees, volunteers and other related personnel are informed of this Policy and CoC, understand it and adhere to it.
- Ensure that all employees, volunteer or other related personnel receive a training on prevention of sexual abuse and exploitation.
- Ensure that all CWY employees, volunteers and other related personnel sign this Policy and CoC.
- Take appropriate and timely actions against CWY employees, volunteers and other related personnel who is subject of a complaint.
- Human Resources managers are responsible for robust recruitment, onboarding and training in accordance with the Policy and CoC.
- Senior managers and supervisors are responsible for performance management to mitigate against the occurrence of sexual abuse, harassment and exploitation, including taking corrective action when needed.
- Senior managers will review the implementation of the SAHE Policy and CoC on an annual basis. This includes time-bound, measurable indicators<sup>2</sup> to assess the appropriateness of the SAHE Policy, Code of Conduct and the related Multi-Component Intervention Strategy and Standard Operating Procedures.

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<sup>2</sup> Quantitative indicators can include: number of reported SAHE incidents; number of investigated cases, number of survivor/s who received assistance, etc. Qualitative indicators could include: elements evoking an unsafe-work environment, which resulted in a SAHE incident and recommendation for system improvements, reasons for forging a SAHE claim, etc.

## **5. COMPLAINT MECHANISM FOR SEXUAL ABUSE OR EXPLOITATION**

Please refer to the *Step-by-Step Response Procedures for Sexual Assault, Harassment, Abuse and Exploitation* in order to obtain more information on the mechanism for responding to sexual abuse and exploitation incidents.

A beneficiary or an employee, volunteer or any other related personnel of CWY may file a complaint against an employee, volunteer or any other related personnel of CWY who engaged in sexual abuse or exploitation. CWY encourages people to provide their names when reporting an incident of sexual abuse or exploitation, but a complaint may be filed anonymously. Anonymous complaints will be treated just as seriously as complaints where the identity of the complainant is known.

Ideally, you should report the incident/misconduct as soon as possible after the sexual abuse or exploitation, so that the situation can be dealt with promptly.

Following the filing of a complaint, CWY will take all necessary measures to ensure the health and safety of the complainant and to immediately stop any sexual abuse or exploitation.

## **6. COMPLAINT MECHANISM FOR SEXUAL HARASSMENT INCIDENTS**

Please refer to the *Step-by-Step Response Procedures for Sexual Assault, Harassment, Abuse and Exploitation* in order to obtain more information on the informal process for resolving incidents of sexual harassment and the formal process for resolving incidents of sexual harassment.

Ideally, you should report the incident/misconduct as soon as possible after the sexual harassment, so that the situation can be dealt with promptly.

Following the filing of a complaint, CWY will take all necessary measures to ensure the health and safety of the complainant and to immediately stop any sexual harassment.

## **7. ANTI-RETALIATION**

CWY will not tolerate retaliation against anyone who, in good faith, reports a concern, file a complaint or participates in an investigation regarding sexual abuse, harassment and exploitation or, even if the allegation ultimately is not substantiated.

## **8. NOTICE TO COMPLAINANT AND DISCIPLINARY/ADMINISTRATIVE MEASURES**

Following an investigation for sexual abuse, harassment or exploitation, administrative or disciplinary measures against an employee, volunteer or other related personnel, if any, will be determined in function of the gravity of the incident(s). Such measures may include, without limitation, a transfer, a demotion, changes in the work organization, work schedule or reporting relationships or a written or verbal warning, a suspension without pay and,



whenever circumstances so require, immediate dismissal for cause or termination of the contract.

The complainant will be summarily advised of the conclusions of the investigation and the decision taken by CWY.

With regard to sexual abuse and exploitation, CWY uses the Survivor-Centered-Approach by giving the control over the decision-making process to the survivor following the investigation. However, limitations exist to this approach. Under certain circumstances, CWY may reclaim decision-making authority. Depending on the laws and legal obligations related to sexual violence in each country of activities, CWY might not be able to provide the flexibility required by the survivor, which would then limit his or her participation in the decision-making process. If the survivor's choice place them or others at risk of further harm the organization may also reclaim decision-making authority. It is important to be conscious of those limits and be transparent about it in order to mitigate risks of re-victimization. In such cases, survivors may feel less in control, but the focus of the approach is ultimately on their recovery and health and on the protection of others.

#### **9. ABUSIVE COMPLAINTS OF SEXUAL ABUSE, HARASSMENT AND EXPLOITATION**

False complaints of sexual abuse, harassment and exploitation can have serious consequences for the falsely accused person(s). If necessary, the person who initiated such accusations, in particular to harm someone, may be subject to disciplinary or administrative measures, up to a suspension without pay or a termination of employment for cause or the termination of the contract.

An employee, volunteer or other related personnel shall not be subject to disciplinary or administrative measures if he/she filed a complaint in good faith.

#### **10. CONFIDENTIALITY**

In order to protect the interests of the complainant, the subject of complaint and any other witness, all individuals involved shall be bound by the confidentiality of the investigation, during the process and after its completion, unless the disclosure of information is required for the good conduct of the investigation, the application of this Policy and CoC, of a sanction or compelled by law.

#### **11. REVIEW OF THIS POLICY AND CODE OF CONDUCT**

This Policy and CoC can be reviewed and modified without notice at CWY's own discretion.

## 12. DEFINITIONS

### A. General Terms

**Misconduct:** Failure by employees, volunteers and other related personnel to comply with their obligations under this Policy and CoC.

**Sexual Abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a child or a vulnerable adult is considered a sexual abuse.

Sexual abuse is a general definition, which, for the purpose of this Policy and CoC, includes the continuum of sexual assault. Canada has a broad definition of sexual assault and includes, without limitation, all unwanted sexual activities such as unwanted sexual grabbing, kissing, fondling, being exposed to pornography, or being filmed during intercourse (without consent).

Sexual activities are legal only when both parties (adults only, excluding vulnerable adults) voluntarily consent.

**Consent:** The voluntary agreement of all parties (adults only, excluding vulnerable adults) to engage in sexual activities. Conduct short of a voluntary agreement to engage in sexual activities does not constitute consent. Sexual touching is only lawful if the person affirmatively communicated their consent through words. Silence or passivity does not constitute a consent and the absence of “no” is not a synonym of consent. No consent is obtained when, for example:

- The agreement is expressed by the words or conduct of a person other than the person having a sexual activity.
- The person is incapable of consenting to the sexual activity – referred to in this Policy and Coc as a vulnerable adult.
- The perpetrator of a misconduct induces a person to engage in the activity by abusing a position of trust, power or authority.
- The person, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

The definition includes the definition used in the Canada's *Criminal Code* (sections 273.1 (1) and 273.1 (2)), which is the voluntary consent to engage in the sexual activity in question. The law focuses on what the person was thinking and feeling at the time of the sexual activity.

**Sexual Exploitation:** Any actual or attempted abuse of 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.

This includes, without limitations, acts such as transactional sex, solicitation of transactional sex, and exploitative relationships. All sexual activities with children is considered to be of an exploitative nature.

**Sexual Harassment:** Sexual harassment means any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to any person or that might, on reasonable grounds, be perceived by that person as placing a condition of a sexual nature on employment or on any opportunity for training or promotion. Sexual harassment may be deliberate, unsolicited and coercive. Both male and female colleagues can be either the survivor or offender. Sexual harassment may also occur outside the workplace and/or outside working hours. Examples of sexual harassment may include, without limitation:

- Unwelcome remarks and jokes.
- Innuendoes or teasing about a person's clothes, gender or sexual orientation.
- Unnecessary and unwanted physical contact such as touching, patting, pinching or rubbing, kissing, brushing up against a person.
- Sexual advances.
- Displaying of pornographic pictures or other offensive materials of a sexually explicit nature.
- Unsolicited and offensive communication through social media or the telephone.

Sexual Harassment may be related to a ground protected under the *Canadian Human Rights Act* including race, national or ethnic origin, color, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

## **B. Individuals**

**Beneficiaries:** All persons receiving services and/or assistance from CWY, or through its funded programs. Persons under this category include members of targeted populations including vulnerable individuals, as well as members of the host communities.

**Child:** A person under the age of 18, regardless of the age of majority or age of consent locally.

**Complainant:** A person who reports an allegation of sexual abuse, harassment and exploitation or to CWY in accordance with established procedures. This person may be the survivor of the wrongdoing or misconduct or another person who is aware of the wrongdoing or misconduct. Both the survivor and the complainant, if different from the survivor, are protected from retaliation for reporting sexual abuse, harassment or exploitation. Where there is any conflict of interest between the survivor and another

interested party, the survivor's wishes are at the centre of consideration when handling the case, particularly when there is a risk of additional physical and/or emotional harm.

**Employees, Volunteers and other Related Personnel:** All employees of CWY at headquarter offices and country offices; Directors and Officers; national and international staff; national and international partners; national and international volunteers; national and international interns; and national and international consultants, in addition to individual and corporate contractors of these entities and their related personnel. The term includes all persons involved in providing services/assistance/activities to targeted populations under the umbrella of CWY's international assistance programs. The term also includes all CWY affiliated entities and their employees and individuals who have entered into partnership, sub-grant or sub-recipient agreements, and operating under the umbrella of CWY's national and international programs.

**Perpetrator:** A person (or group of persons) who commits an act of sexual abuse, harassment or exploitation.

**Subject of Complaint:** Once a complaint has been filed, the alleged perpetrator of sexual abuse, harassment or exploitation is referred to under this term.

**Survivor:** All employees, volunteers and other related personnel of CWY who have been subject to sexual harassment by employees, volunteers and other related personnel of CWY or any other third party. Further, all beneficiaries of CWY programs who have been subject to sexual exploitation and abuse or an attempt of sexual exploitation and abuse by employees, volunteers and other related personnel of CWY.

**Survivor-centered-Approach:** CWY gives, to the extent possible and safe, the survivor control over the decision-making process; provides internal support and arranges support from relevant professional services as needed. Exceptions to the survivor-based approach will only be made if the survivor's wishes could place her/him or others at risk.

**Whistleblower:** A person other than the survivor who reports sexual abuse, harassment or exploitation concerns or suspicions of misconduct by an employee, volunteer or other related personnel. The whistleblower channel offers confidentiality and protection from retaliation for reporting a misconduct.

**Vulnerable Adults:** All persons over 18 years of age who are unable to take care of themselves or protect themselves from harm or exploitation; or who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, are deemed to be at risk. This definition applies regardless of the local recognition of the status or definition of a vulnerable adult.

**DECLARATION OF ADHERENCE**

I understand that I can significantly contribute to risk mitigation and prevention of sexual abuse, harassment and exploitation by translating this Policy and CoC into actions in my work.

I understand that I must uphold our collective commitments to colleagues, the communities we serve and the beneficiaries by adhering to the standards of behaviour outlined in this Policy and CoC.

The information described in this Policy and CoC are subject to change and I acknowledge and understand that CWY may review or change this policy without notice.

I, undersigned, \_\_\_\_\_, hereby declare that I have read, understood, and will comply with this Policy and CoC and any revisions that could be made.

I understand that breach of any provision of this Policy and CoC may result in administrative or disciplinary action up to and including termination of my employment for cause or termination of my contract.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date