

TRANSPARENCY INTERNATIONAL SRI LANKA

POLICY ON PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT

Policy Statement

Transparency International Sri Lanka (TISL) is committed to providing a work environment free from sexual exploitation, abuse and harassment in any form as well as preventing the same in the implementation of all its activities. In keeping with that commitment, TISL has established procedures by which allegations of sexual exploitation, abuse, harassment, or other unlawful behavior shall be reported, investigated, and addressed.

To whom & where it applies

This policy applies but is not limited to: Board members, Managers, Supervisors, Employees, and Affiliates (Example: applicants, partners, clients, vendors, interns, sub-grantees, consultants, resource persons and independent contractors etc.).

It is the utmost responsibility of employees and anyone affiliated with TISL to contribute to a workplace that is free from sexual and other types of harassment and abuse. This requires that employees and affiliates do not engage in offensive or inappropriate behavior and that they report incidents of such behavior. This policy applies to conduct at TISL premises, activities, events, workshops, and at any time when involved with TISL operations.

Definitions

- **Sexual Exploitation**

Any actual or attempted abuse of someone's position of vulnerability, differential power or trust, to obtain sexual favours, including but not only, by offering money or other social, economic or political advantages.

- **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 sixteen, in line with the prevailing law on the age of consent.

For the purpose of this policy, a child means any human being below the age of eighteen years.

- **Sexual Harassment¹**

Any unwelcome verbal, non-verbal, or physical conduct of a sexual nature, or any other behavior of a sexual nature, that might reasonably be expected or perceived to cause offense or humiliation to a person.

¹ Please refer to Annexure 01 for further explanations

TRANSPARENCY INTERNATIONAL SRI LANKA

It occurs when such conduct or behavior interferes with an individual's work performance, is made a condition of employment, or creates an intimidating, hostile or offensive work environment.

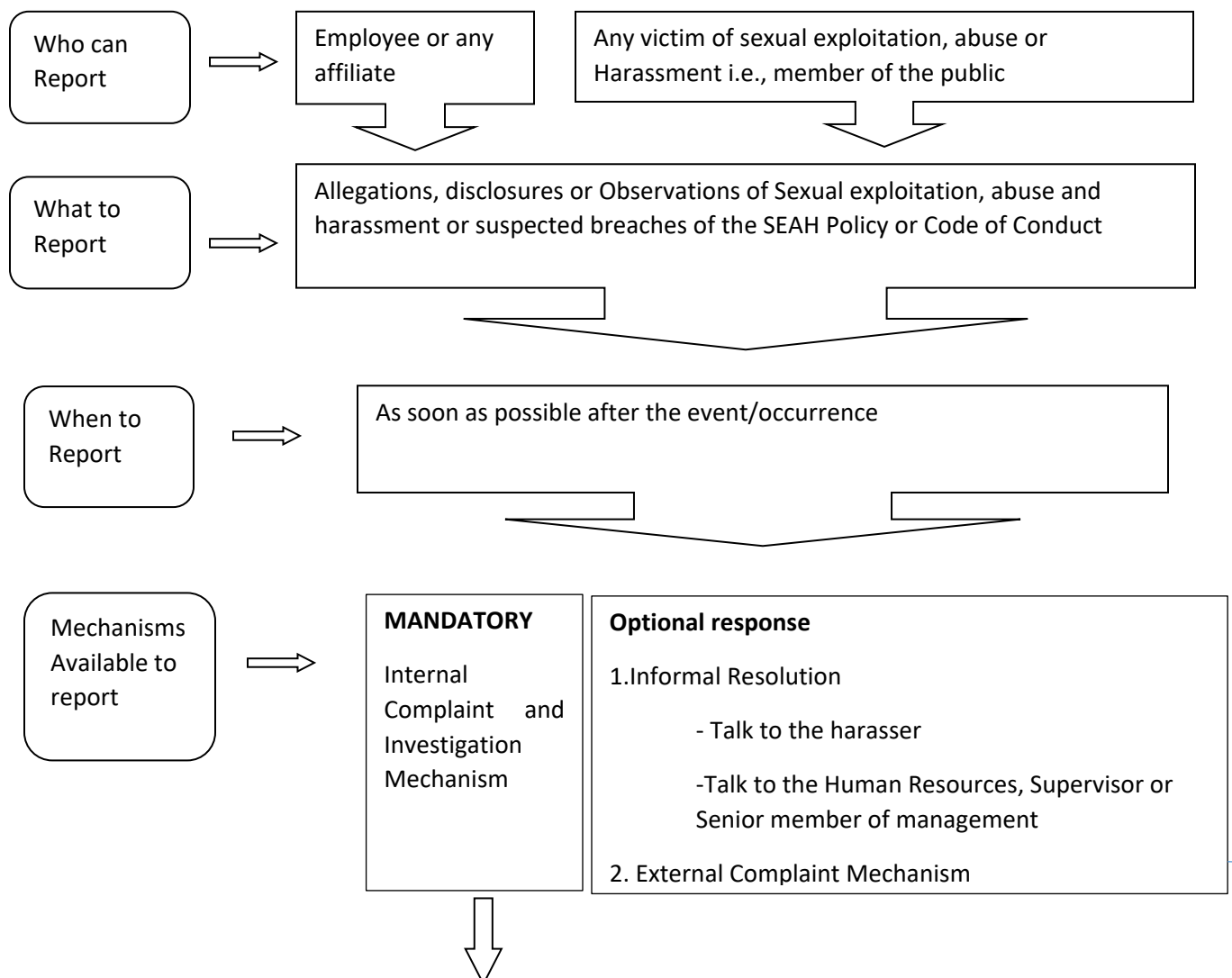
Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.

- **Harassment**

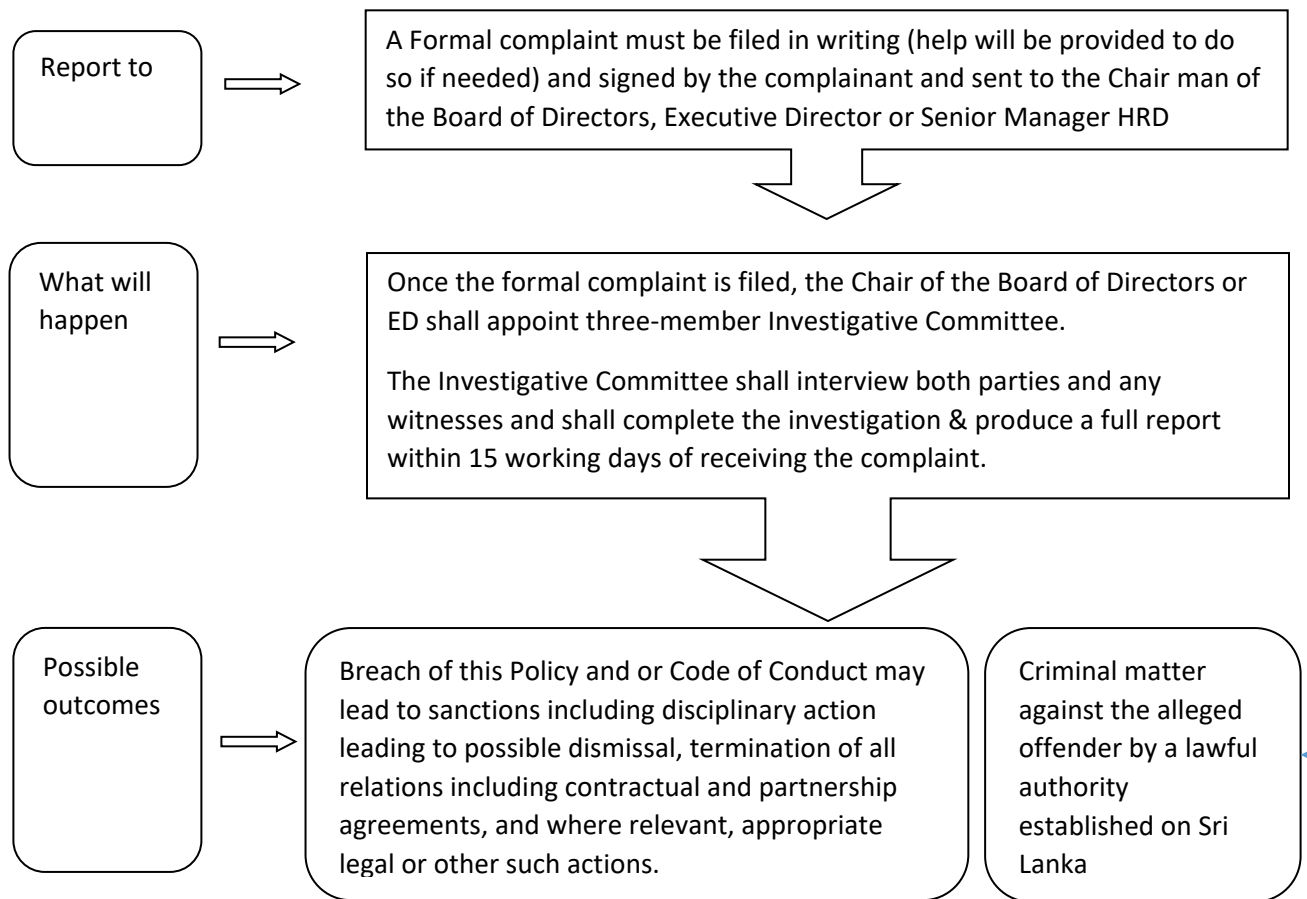
Any unwelcome verbal, physical, or visual conduct that denigrates or shows hostility or aversion toward an individual or their relatives, friends, or associates. Harassment may also have the purpose or intention to interfere with an individual's work performance by creating an intimidating, hostile, or offensive working environment, or otherwise affect an individual's employment status or opportunities

Complaint and Investigation Mechanism (Internal and External)

- Reporting Flowchart



TRANSPARENCY INTERNATIONAL SRI LANKA



Under this policy a victim/survivor is required to report any incident of sexual exploitation, abuse or harassment to the Chair of the Board of Directors, Executive Director or Senior Manager Human Resources and Development and this requirement is mandatory (Refer Internal Formal Complaint and Investigation Mechanism). However, if the victim wishes, he or she can agree to resort to informal resolution but the complainant is not required to do so. A victim/ survivor is also entitled to file independently a complaint with law enforcement authorities. If TISL believes a crime has been committed, the victim/survivor should be consulted but the crime should be reported.

- **Informal Resolution**

- **Talk to the alleged harasser:**

Employees or victim/survivor should indicate clearly and directly that the behaviour is not acceptable and should not recur. It is advised that employees or victim/survivor do so with a witness in attendance and maintain a record of the date, time and place. If employees or victim communicate by letter or memo, they must keep a copy.

TRANSPARENCY INTERNATIONAL SRI LANKA

- **Talk to the Human Resources, Supervisor or Senior member of management:**

All managers and supervisors have an obligation to provide a work environment free from sexual and other unlawful harassment and to take corrective action. Employees or victim/survivor may discuss and seek a resolution of the situation with Human Resources, their supervisor, any senior member of management.

• **Internal Complaint Mechanism and Investigation Mechanism**

Supervisors and managers should explain to the employee or victim/survivor that it is mandatory requirement under the policy to take action against the alleged harasser. Subject to an assessment of the nature of the complaint, this could be trying to resolve the matter through negotiation or starting a formal investigation.

Below mentioned internal complaint and investigation mechanism may be used by, for both internal and outside the organization complainants. A Formal complaint or report of non-compliance of this policy must be filed in writing as soon as possible after the event. The person who receives the report is responsible to help the complainant write the report if necessary. Complaint shall be signed by the complainant and sent to the Chair of the Board of Directors, Executive Director (ED) or Senior Manager HRD marked "Confidential".

- If the receiver of the complaint thinks that the victim is in imminent danger, then immediate actions can be taken to take the complainant to a place of safety and mitigate the harm.
-TISL will follow any donor contractual requirements to report
- If the complainant wishes, a formal complaint can be filed anonymously.
- Once the formal complaint is filed either the Chair of the Board of Directors or ED (instigator of the report) shall appoint three-member Investigative Committee.
- The Investigative Committee shall comprise of the Chair of the Board of Directors or ED, a male and a female staff member neither of whom works in the same department as either party.
- The investigative Committee will determine what and how the alleged offender will be informed of the nature of the complaint.
- The Investigative Committee shall interview both parties and any witnesses. During investigative interviews, both parties have the right to be accompanied by a coworker, or another support person.
- The investigators must complete the investigation and produce a full report within 15 working days of receiving the complaint. If the report is delayed, the instigator of the investigation should be informed.
- The Chair of the Board of Directors or ED in consultation with the Senior Manager HRD will, within 10 working days of receiving the investigation report, determine what action, including appropriate disciplinary action if any, is to be taken based on the findings of the report produced by the Investigative Committee.
- This decision and the rationale for the decision shall be communicated in writing to both parties and the Investigative Committee.

TRANSPARENCY INTERNATIONAL SRI LANKA

- **External Complaint Mechanism**

A victim has the right to make a complaint to any lawful authority established by the law in Sri Lanka.

- **Support and Assistance to the Victim or Survivor**

TISL may take necessary steps to support and assist the Victim/s or Survivor/s under this policy

- **The Rights of an Alleged Offender**

Alleged offender has the following rights:

- To be informed that a complaint has been filed and the nature of the complaint. Identities may be withheld as determined by the Instigator of the Investigation.
- To respond to the allegation(s).
- To be accompanied during investigative interviews by a co-worker, or another person.
- To be informed in writing of the ED's decision on what action, if any, will be taken and the reasons for the decision.
- To discuss the matter with an Advisor.

- **Maintaining Records**

Human resources and/or Senior Manager Human Resources shall keep and maintain all the records, documents, evidence or any other relevant document relating to the complaint/s marked as "confidential" and according to the Rights of Information Law (Sri Lanka). The findings of any investigation and action taken should be included.

- **Breach of Policy**

Breaches of this policy will be investigated in accordance with disciplinary procedures and contractual agreements. Where deemed appropriate, a referral may be made to statutory authorities for criminal investigation under the law of the country. Breaches may incur sanctions including disciplinary action leading to possible dismissal, termination of all relations including contractual and partnership agreements, and where relevant, appropriate legal or other such actions.

- **Reprisal and Retaliations**

TISL will not permit any reprisals or retaliation against an employee who reports known or suspected harassment. In addition, TISL will not tolerate reprisals or retaliation for initiating or assisting in any investigation, action, or proceeding resulting from a sexual and other types of unlawful harassment claim.

Prohibited reprisals and retaliation include but are not limited to:

- Demotion
- Suspension

TRANSPARENCY INTERNATIONAL SRI LANKA

- Failure to hire or consider for hire
- Failure to give equal consideration in making employment decisions
- Failure to make impartial employment recommendations
- Adversely affecting working conditions or otherwise denying any employment benefit to an individual

TISL recognizes that false accusations of sexual and other types of unlawful harassment can have a serious effect on an innocent individual. Allegations which are found to be intentionally or recklessly false may result in disciplinary action.

- **Reporting to Donors**

TISL will comply with reporting requirements identified by donors.

- **Recruitment & Screening**

TISL will undertake necessary steps to verify the integrity of the employees of the organization. Following process will be followed by the organization in the recruitment process.

- Job descriptions required for all positions, which describe key selection criteria and outline tasks and accountabilities. If the post requires direct contact with the children or community this will be noted.
- Applicants required to submit details of their background such as dates and places of employment, education and other highlights.
- No offer of appointment is made by TISL before the background check of an applicant has been completed.
- A minimum of two verbal referee checks required for all preferred candidates. This includes short- and long-term positions, interns, volunteers and consultants. The candidate's most recent employer/supervisor must be one of these referees. TISL verifies the identity of the referee and makes direct contact with each.
- All applicants are required to disclose any criminal record or, if relevant, record of disciplinary sanctions he or she may have, with the exception of minor traffic offences. While employment will not be granted to candidates who fail to disclose this information, TISL treats the disclosure of inaccurate or incomplete information with regards to any acts of SEAH as misconduct. TISL reserves the right to withdraw any offer of employment or to terminate any contractual engagement if the applicant is found to have provided untruthful information concerning any condemnation regarding acts of SEAH)
- All staff required to provide proof of identity including one of birth certificate, passport, drivers licence and relevant qualifications.
- Employment contracts will make the penalties clear for failure to comply with the PSEAH Policy and Child Protection Policy.
- All employees are subject to a probationary period depending on the length of the contract.

TRANSPARENCY INTERNATIONAL SRI LANKA

- TISL will maintain a record of staff members found to have been convicted for acts of SEAH or who have received a disciplinary measure or sanction imposed by any existing or former employer, or any lawful authority in Sri Lanka.
- **Training**

As a part of the prevention of Sexual Exploitation Abuse and Harassment, and in order to raise awareness, TISL board members and employees will receive an induction and yearly refresher training on PSEAH Policy. Affiliates will be briefed and/or receive a training at the time of the signing of the contract and upon request. Responsibilities, obligations and process that need to be followed in implementing this policy will be discussed during the training.

This training, will serve staff and affiliates to be aware of the ethical values referred to in the current policy, specifically with respect to situations of vulnerability. Training will include awareness of suspicious situations, as well as to recognize the signs of SEAH, and provide practical information on how to assist victim/survivors of SEAH, if signs of SEAH are identified or if a victim approaches them to complain about SEAH.

- **Risk based approach**

TISL is committed to safe programming and effective risk management. A major focus of work that TISL will undertake is focused on community and youth engagement. With this, there is always a possibility of inflicting unintended harm, particularly in relation to vulnerable populations. To ensure that these risks are mitigated, TISL will:

- Ensure protection and safeguarding are always considered in programme/chapter risk assessments.
- Ensure that due diligence and/or capacity assessments of partners include an assessment of partners' implementation of key safeguarding and risk policies including the prevention of sexual exploitation, abuse and harassment
- Risks are reduced through recruitment and screening processes

- **Communication**

TISL will publish the PSEAH policy in the website and office premises and when events are held with communities and youth, we will explain the policy and who any concerns can be reported to.

TRANSPARENCY INTERNATIONAL SRI LANKA

Code of Conduct

This Code of Conduct is intended to serve as an illustrative guide for staff and other people working for - or otherwise associated with - TISL to make ethical decisions in their professional lives and, at times, in their private lives.

It is a moral code that does not have the force of law. It is designed to assist staff and other people working for or otherwise associated with TISL to better understand the obligations placed upon their conduct by the terms of their association with TISL.

I have read the TISL Code of Conduct and I understand that I am expected to live up to the standards of behaviour described therein.

Name:

Designation:

Date:

TRANSPARENCY INTERNATIONAL SRI LANKA

TISL recognizes that from sexual exploitation, abuse and harassment can happen in office and implementing activities outside the organisation. Therefore, TISL is committed to providing a work environment free from sexual exploitation, abuse and harassment in any form as well as preventing the same in the implementation of all its activities outside the organisation.

- Employees of TISL and anyone affiliated with TISL are obliged to create and maintain an environment that prevents sexual exploitation, abuse and harassment and promotes the implementation of this Policy.
- Sexual exploitation and abuse by the employees of TISL and anyone affiliated with TISL constitute acts of gross misconduct and are, therefore, grounds for termination of employment or contract/agreement. Sexual harassment by employees of TISL and anyone affiliated with TISL is grounds for disciplinary action up to and including dismissal.
- Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of the majority or age of consent locally. Mistaken belief in the age of the child is not a defense. [\[insert link for Child Protection policy\]](#)
- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour by employees of TISL and anyone affiliated with TISL is prohibited at all times.
- Sexual relationships between employees of TISL or anyone affiliated with TISL and beneficiaries are prohibited².
- Where employees of TISL or anyone affiliated with TISL develops concerns or suspicions regarding sexual abuse or exploitation or sexual harassment by a fellow worker, whether in TISL or not, he or she must immediately report such concerns via the established reporting mechanisms.

² This policy shall not restrict any consensual relationship entered into by employees of TISL or related personnel. However, it is encouraged that such relationship to be disclosed to the line manager or senior management.

TRANSPARENCY INTERNATIONAL SRI LANKA

Transparency International Sri Lanka (TISL) fundamentally believes that children have the right to be protected and free from abuse and exploitation and it seeks to address the protection of children at all levels and scope of the work of TISL

Anyone to whom the Child Protection Policy applies must adhere to the below mentioned acceptable behaviors and refrain from all unacceptable behaviors at all time.

Acceptable Behaviors:

- Treat children with respect regardless of race, colour, sex, gender, gender identity, sexuality, sexual orientation, age, indigeneity, national, ethnicity, language, religion, political or other opinion, disability, property, displacement, caste, poverty, class or socio-economic status;
- Conduct themselves in a manner appropriate with their position representing of TI Cambodia in all their dealings with children;
- Immediately raise concerns regarding a child's safety or wellbeing in accordance with TI SL 's Reporting Procedures and observe procedural fairness when engaged in decision-making;
- Be visible when working with children and, wherever possible, ensure that another adult is present when working in the proximity of children;
- Listen to children and allow them to be engaged in decisions that may affect them;
- Immediately report concerns or allegations of child abuse in accordance with appropriate TISL procedures
- Comply with all relevant Sri Lankan legislation, including labour laws in relation to child labour
- Immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with TISL that relate to child exploitation and abuse.

Unacceptable behaviors

Shall not:

- use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- engage children in any form of activity that is demeaning, offensive, sexually provocative, abusive or culturally inappropriate or insensitive;
- engage children in any form of sexual activity or acts, including paying for sexual services or acts;
- invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger;
- sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible;
- show favouritism through the provision of gifts or inappropriate attention;

TRANSPARENCY INTERNATIONAL SRI LANKA

- behave provocatively or inappropriately with a child;
- Use any computers, mobile phones, or video and digital cameras inappropriately, and to exploit or harass children or to access child pornography through any medium (see also 'Use of children's images for work related purposes below);
- conduct physical punishment or discipline of children;
- hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.

The Photograph Policy for Using Children's Images

When photographing or filming a child for work related purposes, TI SL people must:

- Before photographing or filming a child, assess and comply with local traditions or restrictions for photographing or filming a child.
- Before photographing or filming a child, obtain consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.
- Ensure images of children available for public use do not reveal any identifying information about a child when sending images electronically or publishing images in any form.
- Conceal the identity of vulnerable and at-risk children. Do not show a vulnerable child's face or represent them in any way that may lead to their identification.
- Not identify children as survivors of sexual exploitation, gender-based violence or abuse
- Not reveal an individual child's status as a person living with HIV, TB or any other serious health conditions without written consent.

TRANSPARENCY INTERNATIONAL SRI LANKA

Annexures

Annexure 01

- **Prohibited harassment conduct include, but are not limited to:**
- Any form of sexual or non-sexual bullying, derogatory language, intimidation, insults, or threatening behavior.
- Sexist, sexually suggestive, or intimidating remarks or behavior
- Unwelcome sexual advances. Examples of unwelcome sexual advances include:
 - Lewd jokes or sexual anecdotes or innuendos;
 - Rude or offensive sexual gestures;
 - Inappropriate touching or contact;
 - Unwelcome calls, letters, or emails;
 - Questions about past sexual history;
 - Jokes about sexual preference or activity;
 - Staring in a suggestive or offensive manner;
 - Sharing sexually inappropriate images or videos;
 - Inappropriate comments about a person's clothing, appearance, or body parts;
 - Offensive comments about gender identity or sexual orientation;
 - Sexually oriented "kidding," "teasing," or "practical jokes"
- Explicit sexual propositions
- Requests for sexual acts or favors (with or without accompanying coercion, promises, or threats of reciprocal favors or action)
- Foul or obscene language or gestures
- Display of foul, obscene, or sexually explicit printed or visual material, including pictures, greeting cards, articles, books, magazines, photos, or cartoons
- Physical contact such as patting, pinching, or intentionally brushing against another's body
- Slurs, jokes, or degrading comments concerning gender, gender-specific traits, age, race, color, national origin, religion, sexual orientation, or disability

What is NOT Sexual Harassment?

Sexual harassment does not refer to normal conversation that all parties affected find acceptable. It does not refer to office relationships that are freely entered into without intimidation or coercion.