

Guidelines for the Prevention of Sexual Exploitation Abuse and Harassment

This guidance document assumes prior reading of our [Preventing Sexual Exploitation, Abuse and Harassment \(PSEAH\) Policy](#). It is a shared responsibility for both MFAT and MFAT delivery partners¹ to work collaboratively to prevent SEAH.

Sexual Exploitation Abuse and Harassment (SEAH) can occur anywhere. The risk of SEAH is exacerbated where unequal power dynamics exist and where inequalities based on gender identity, sexual orientation, ethnicity, age, health, religion, disability and poverty occur.

MFAT and MFAT delivery partners must take all these considerations into account in the planning and delivery phases of all activities in the New Zealand Aid Programme.

PURPOSE

To provide a framework to assist MFAT staff and MFAT delivery partners to:

- determine the risk of SEAH in the delivery of MFAT business
- apply the Principles and Minimum Standards set out in MFAT's PSEAH Policy
- create consistency on alleged SEAH assessment procedures
- utilise available resources for the development of PSEAH processes.

FRAMEWORK FOR PREVENTING SEAH

The Policy sets out MFAT's minimum standards and PSEAH principles that delivery partners must adhere to when delivering the New Zealand Aid Programme. MFAT requires delivery partners to minimise and manage all associated risk of SEAH.

This framework promotes prevention through outlining potential SEAH risk factors associated with Activities on the New Zealand Aid Programme and identifies potential considerations that may increase the risk.

The minimum standards template in this document provides examples of application to demonstrate compliance of the required standards to manage the risk of SEAH.

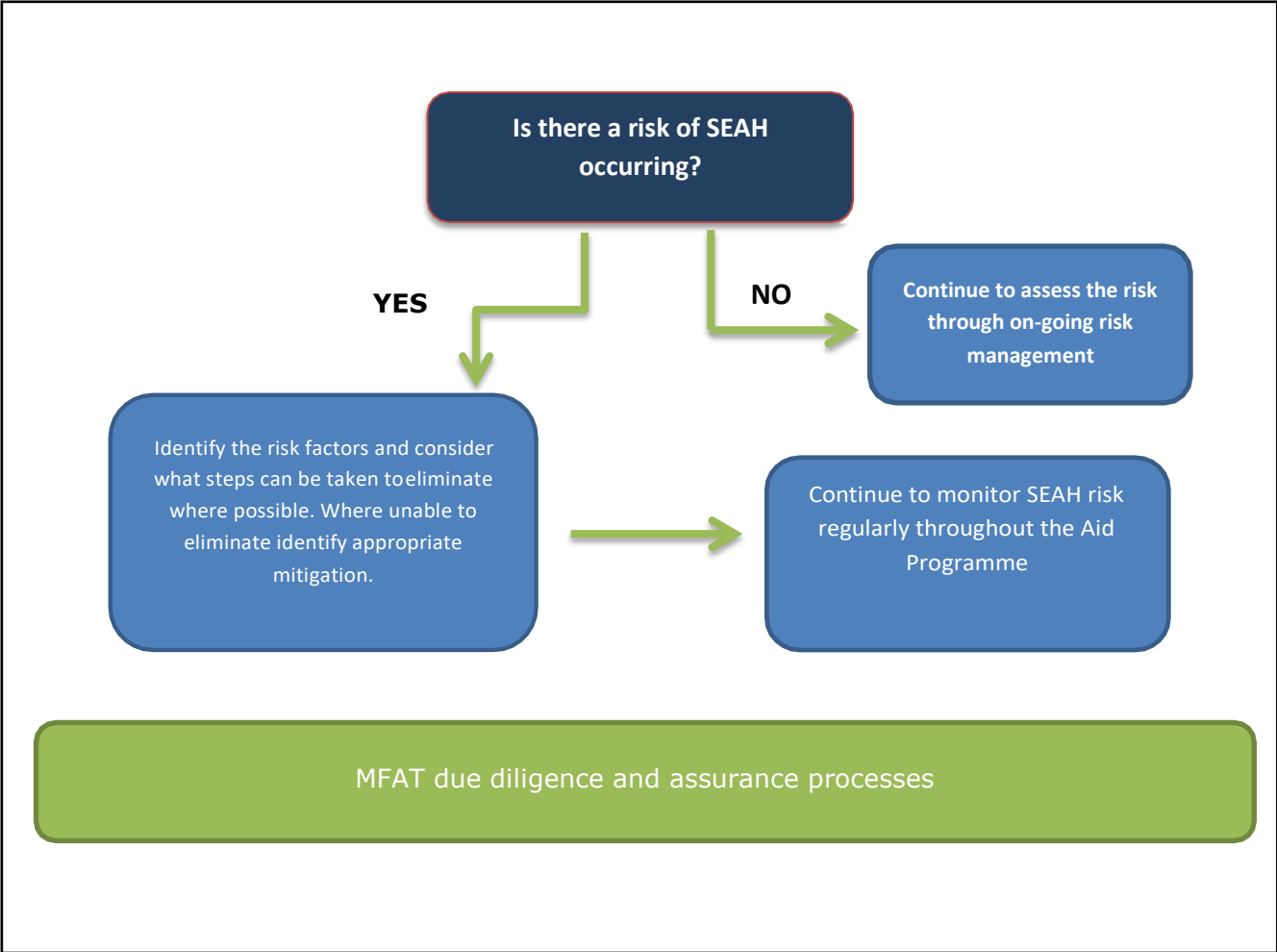
¹ MFAT delivery partners include contractors, subcontractors and any other entity engaged to deliver NZ Aid Programme activities excluding foreign governments. Application of this Policy to downstream partners is the responsibility of the partner with whom MFAT has a contract.

Compliance and Assurance

Delivery partners are expected to have their own compliance and assurance processes in place to enable them to comply with the expectations set out in the PSEAH Policy.

ASSESSING THE RISK OF SEAH

The role of MFAT and MFAT delivery partners to identify all risk factors associated with the Activity and take practicable steps to eliminate the risk where possible.



The table outlined below aims to assist MFAT delivery partners to incorporate the risk assessment for SEAH into existing risk management systems.

This framework identifies SEAH risk factors and potential considerations to assess risk in any Activity on the New Zealand Aid Programme to be applied to the appropriate minimum standards as set out in the Policy.

Delivery partner risk factors and potential considerations:

	Risk Factors	Potential Considerations
Delivery Partner Activity Risk	Is the staff member deployed working:	<ul style="list-style-type: none"> • in unfamiliar surroundings – away from usual location or country of residence? • in a remote/rural location? • in a humanitarian or emergency setting? • accompanied or on their own?
	Will there be staff who are likely to have regular interaction with individuals and vulnerable people who:	<ul style="list-style-type: none"> • are children or young adults? • are women • have a disability? • are experiencing poverty? • are of an ethnic, indigenous, religious or sexual minority? • are gender diverse • have been impacted by disasters? • are part of a female headed household? • are displaced e.g. refugees, migrants or asylum seekers? • are accessing residential/shelter services? • are sex workers? • are victims/survivors of trafficking and/or other forms of sexual and gender-based violence? • are in contact with the law?
	Are there circumstances where staff has access to sensitive/confidential personal information?	<p>Examples include:</p> <ul style="list-style-type: none"> • health care providers • counselling services • medical personnel • humanitarian aid coordinators
	Is this Activity occurring in a context where there is a higher risk of SEAH occurring?	<p>Examples include:</p> <ul style="list-style-type: none"> • male-dominated work environments • construction/infrastructure in developing country settings that may involve temporary movement of workers • humanitarian • emergency/disaster response • security in conflict or post conflict or disaster settings
	Is there a potential power imbalance situation through the provision of	<p>Examples include:</p> <ul style="list-style-type: none"> • services for children and youth

Delivery Partner Activity Risk	Risk Factors	Potential Considerations
	goods and/or services?	<ul style="list-style-type: none"> • parenting and child protection programme • health sector programmes • food distribution • medical/emergency supplies • training/coaching • residential/shelter services • access to energy • agricultural or equipment subsidy provision • services for vulnerable groups of women (e.g. escaping trafficking or gender based violence) • justice facilities • counselling services • community consultation (data collection, surveying, training) • disability services
	Are staff in positions of authority? (Or in positions where they may perceive that they have authority?)	<p>There are always situations where people are in position of authority, however in some cases people can be affected by a power imbalance Examples include:</p> <ul style="list-style-type: none"> • security workers • police • teachers • humanitarian and aid workers • medical personnel
	Organisational Factors	Potential Considerations
Organisational Risk	Are organisational PSEAH systems and processes in place?	<p>Assess if your organisation has the following:</p> <ul style="list-style-type: none"> • core PSEAH organisational policies and procedures • inclusive PSEAH leadership <p>What is your organisational profile? For example:</p> <ul style="list-style-type: none"> • is there demographic diversity within the organisation? • What is the level of hierarchy within the organisational structure? <p>Does the organisation:</p> <ul style="list-style-type: none"> • have transparent reporting mechanisms around SEAH incidents exist?

	Risk Factors	Potential Considerations
		<ul style="list-style-type: none"> • respond appropriately to “sexualised banter”? • maintain regular contact with geographically isolated workspaces? • consider gendered power disparities (e.g. most of the low-ranking employees are female)? • tolerate / encourage alcohol / drug consumption?
	Reputational Factors	
Reputational factors should never prevent SEAH risk management and reporting processes.		

The table below provides definitions of sexual exploitation, abuse and harassment:

Definition of Sexual Exploitation, Abuse and Harassment
<p>*Sexual exploitation refers to 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.</p> <p>*Sexual abuse is the actual or threatened physical intrusion of any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting including but not limited to home and work.</p> <p>*Sexual harassment refers to when a person makes any unwelcome sexual advance or 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.</p> <p>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.</p> <p>Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.</p> <p>Some examples of behaviour that may be sexual harassment include:</p> <ul style="list-style-type: none"> • staring and leering • unnecessary familiarity, such as unwelcome affection or touching • suggestive comments or jokes, insults or taunts of a sexual nature • intrusive questions or statements about your private life • displaying posters magazine or screen savers of a sexual nature • sending sexually explicit emails or text messages • inappropriate advances on social networking sites • accessing sexually explicit internet sites • requests for sex or repeated unwanted request to go out on dates • behaviour that may also be considered to be an offence under criminal law such as physical assault, indecent exposure, sexual assault, stalking or obscene communication. <p style="text-align: right;"><i>* definitions sourced from UN and WHO</i></p>

MFAT Minimum Standards with examples of application

MFAT Minimum Standard	Obligation		
	Organisation	Individual	Examples of application
1. Demonstrated understanding of PSEAH policies principles and standards.	Must demonstrate organisational commitment to PSEAH through a documented PSEAH policy or equivalent that aligns with the Principles and Minimum Standards set out in the Policy. Must be able to demonstrate staff awareness and understanding of this Policy .	Must be able to demonstrate an ongoing understanding of and commitment to the principles and standards set out in this Policy.	<p>Organisations</p> <ul style="list-style-type: none"> • a victim/survivor centric PSEAH policy (or equivalent that incorporates SEAH), • documented policies and procedures that explicitly include PSEAH and meet the expectations of this policy (e.g. code of conduct). • dedicated PSEAH staff resources • all staff are aware of the organisation’s PSEAH policy (e.g. through induction and training) – this includes downstream partners • documented systems that demonstrate downstream MFAT funded partners or individuals meet the minimum standards of the MFAT Policy and that all downstream partners and individuals comply with their organisation’s policy • if resources permit – provide demonstration of a dedicated role that has responsibility for the development and implementation of the PSEAH policy or related documents. <p>Individuals</p> <ul style="list-style-type: none"> • sign an MFAT supplier code of conduct that is compliant with the requirements of the MFAT PSEAH Policy • complete PSEAH training • provide a current criminal record check or location-specific equivalent
2. Have SEAH reporting and investigation procedures in place.	Must be able to demonstrate that all SEAH incidents are managed, reported and investigated in a timely and	Must ensure incidents are escalated to MFAT in line with reporting standards set	<p>Organisations</p> <ul style="list-style-type: none"> • have documented victim/survivor centred processes in place to report and investigate concerns or allegations of SEAH, and policy non-compliance • have a process in place to ensure staff are aware of the reporting processes • ensure reporting processes are publically available and that downstream partners and community members are able to access these • provide documented evidence outlining SEAH allegations and incident management

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	<p>consistent manner. Procedures must ensure that incidents are escalated to senior management or governance and are reported to MFAT in line with reporting standards set out in the Policy.</p>	<p>out in the Policy.</p>	<ul style="list-style-type: none"> • reporting and investigating processes for PSEAH include reporting to senior management and executive boards on at least an annual basis • have documented evidence outlining the organisation’s provisions for managing policy non-compliance • investigations are undertaken by experienced and qualified professionals who are trained on sensitive investigations and on a victim/survivor centred approach • policy documents that reference PSEAH are subject to regular review. <p>Individuals</p> <ul style="list-style-type: none"> • sign a code of conduct that is compliant with the requirements of the MFAT PSEAH Policy • aware of the reporting procedure and their responsibilities in regards to MFAT’s PSEAH Policy • contractual agreements include PSEAH.
<p>3. Have risk management processes that include the risk of SEAH.</p>	<p>Must have effective risk management assessments and mitigations that consider the risk of SEAH.</p>	<p>Must demonstrate effective risk management assessments and mitigations that consider the risk of SEAH.</p>	<p>Organisations</p> <ul style="list-style-type: none"> • undertakes a risk assessment in the design and planning stages of MFAT Activity and identify appropriate mitigation steps to minimise the risk of SEAH occurring • the risk of SEAH is included in broader risk management processes which also identify controls to eliminate or mitigate these risks • documented evidence that senior management and governance boards have visibility of the management of the risk of SEAH • documented evidence of the organisation’s expectations for downstream partners and how those downstream partners will manage SEAH risk • provide documented evidence risk plans/assessments are active and reviewed/updated as required. <p>Individuals</p> <ul style="list-style-type: none"> • are able to demonstrate evidence that they understand and manage SEAH risk • are required to identify, manage and be vigilant about reporting risks, including the risk of SEAH arising during their work.

MFAT Minimum Standard	Obligation		
	Organisation	Individual	Examples of application
<p>4. Incidents and non-compliance reported to MFAT</p>	<p>An alleged SEAH incident must be reported to MFAT within two working days of the organisation becoming aware of the incident.</p> <p>Any SEAH policy non-compliance must be reported to MFAT within five working days. The report must summarise the non-compliance and set out the actions the delivery partner has or will take.</p>	<p>Must report any alleged SEAH incident within two working days.</p> <p>Must report any non-compliance to MFAT's PSEAH Policy within five working days.</p>	<p>Organisations</p> <ul style="list-style-type: none"> • documented incident reporting systems and processes in place • dedicated focal point for incident management • range of reporting avenues available; for example; telephone, email, text message. • awareness of potential cultural and language sensitivities associated with reporting and appropriate support processes initiated to mitigate any discrimination from these barriers • documented processes for incident reporting from downstream partners • reports must summarise the non-compliance and also set out the actions the delivery partner has or will take. <p>Individuals</p> <ul style="list-style-type: none"> • incident reporting templates • individuals are required to identify, manage and be vigilant about reporting risks, including the risk of SEAH arising during their work. <p>Multilateral Agencies</p> <ul style="list-style-type: none"> • in relation to core or global thematic funding, multilateral agencies are expected to periodically publish or otherwise provide MFAT aggregated reporting of incidents and non-compliance. • in relation to specific projects by multilateral agencies, MFAT expects more specific and immediate reporting depending on the extent to which MFAT is the primary funder of the project, and/or the extent that an incident presents a significant reputational risk to MFAT.
<p>5. Effective PSEAH training in place.</p>	<p>Must demonstrate ongoing PSEAH training for</p>	<p>Must demonstrate</p>	<p>Organisations</p> <ul style="list-style-type: none"> • provide PSEAH training that seeks to build workplace cultures of respect and accountability, and help prevention

MFAT Minimum Standard	Obligation		
	Organisation	Individual	Examples of application
	<p>personnel (including downstream partners) that deliver the NZ Aid Programme.</p>	<p>completion of PSEAH training. This includes recertification.</p>	<ul style="list-style-type: none"> • all staff attend mandatory PSEAH training including all new staff • all staff undertake regular PSEAH refresher training yearly • training is provided for downstream partners working on MFAT activities, programs or services, or evidence is obtained to confirm downstream partners have conducted training within their organisation • internal communications detailing the expectations regarding awareness raising efforts of PSEAH are both internally and externally focused. <p>Individuals</p> <ul style="list-style-type: none"> • through signing specific obligation through supplier Code of Conduct and confirm they have undertaken PSEAH training.
<p>6. Recruitment and screening processes and employment practices address and manage the risk of SEAH.</p>	<p>Can demonstrate robust PSEAH recruitment and screening processes for all personnel / consultants including having in place appropriate and enforceable standards of conduct.</p>		<p>Organisations</p> <ul style="list-style-type: none"> • documented criminal records checks (or local equivalent) for all staff for all countries of residence or citizenship within the previous five years and updated regularly • documented verbal reference checks (at least two) – preferably the most recent employer • a documented request for an applicant to disclose whether or not they have ever been charged with any SEAH related offences • employment contracts contain provisions for the suspension or transfer of staff to other duties while under investigation and have provisions to dismiss staff if allegations are substantiated • supervision and performance appraisals must include adherence to the PSEAH policy or related documents. <p>Individuals</p> <ul style="list-style-type: none"> • are required to provide a current criminal record check (or local equivalent), as well as references during recruitment. Must include most recent employer • are required to disclose whether or not they have ever been charged with any SEAH related offences • are required to inform MFAT of any changes to their circumstances in regards to SEAH related offences, during the term of their engagement.

MFAT Minimum Standard	Obligation		
	Organisation	Individual	Examples of application
			<ul style="list-style-type: none"> based on a risk assessment, assurances could include providing a recent police check, working with vulnerable people check or location specific equivalent that provides assurance reasonable SEAH precautions have been taken.
<p>7. Transactional sex² is prohibited in humanitarian and disaster response settings. It is also prohibited in locations where transactional sex is illegal or where there is no regulation to adequately protect sex workers.</p>	<p>Delivery partners must have a policy that meets this minimum standard and considers additional risk factors that would warrant the prohibition of transactional sex. Must demonstrate effective communication of transactional sex policies to its staff and downstream delivery partners.</p>	<p>Must demonstrate completion of PSEAH training. This includes recertification.</p>	<p>Organisations</p> <ul style="list-style-type: none"> documented policies and procedures specific to this requirement documented procedures that ensure compliance of downstream partners with this minimum standard. <p>Individuals</p> <ul style="list-style-type: none"> documented agreement to maintain this minimum standard.
<p>8. MFAT requires delivery partners have</p>	<p>MFAT does not seek to prohibit fraternisation but</p>		<p>Organisations</p> <ul style="list-style-type: none"> must include clauses in policy or code of conduct that addresses the risk and impact of fraternisation and outlines organisational policy on the issue documented procedures for ensuring compliance of downstream partners

² Transactional sex refers to the exchange of money, employment, goods or services for sex, including sexual favours.

MFAT Minimum Standard	Obligation		
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a policy or equivalent that specifically addresses Fraternisation³.	does require the delivery partner to have a policy that addresses the potential harm caused by fraternisation.		with this minimum standard and where appropriate declare any conflict of interest. Individuals <ul style="list-style-type: none"> documentation of PSEAH training with particular reference to the delivery partners policy on this minimum standard and notification processes.

³ Fraternisation refers to any non-transactional sexual relationship between a delivery partner and a beneficiary of the NZ Aid Programme.

Delivery Partner Procedure Response Guide

The table below provides an overview of potential considerations that need to be taken into account when MFAT or an MFAT delivery partner assesses an allegation of SEAH.

Assessment of an alleged SEAH incident
<p>Following notification from either a complainant or the victim/survivor, the alleged SEAH incident needs to be assessed. This assessment needs to be undertaken by the Human Resources Manager in the organisation concerned and in some cases an external lawyer. A determination will be made as part of this assessment as to who the decision maker will be, based on the facts and circumstances of the particular case.</p>
Each incident should be considered on a case by case basis.
Factors to consider include (but are not limited to):
<ul style="list-style-type: none"> • Does the alleged incident (based on information provided) fall within the definitions of sexual exploitation abuse and harassment as set out in the Policy? • If relevant, does the incident (based on information provided) meet the definition of SEAH as set out by legislation? • Is the victim/survivor safe from harm? • Is there any risk to the safety of others? • Are there immediate actions that need to be taken to ensure the safety of either party or other members of the community/workplace while the matter is resolved? (E.g. shift in work area, agreed leave, working remotely, suspension). • What does the victim/survivor want to do and what is a satisfactory process in the circumstances? • Are the actions complained of potentially criminal in nature? • Would the conduct, if proven, constitute misconduct or serious conduct?
The next actions may include:
<ul style="list-style-type: none"> • Assessing the process for when and how the incident is raised with the respondent; • Recommending that a facilitation or mediation process be undertaken to assist the parties to resolve the issues between them instead of proceeding to an investigation; • Informal resolution; • Conducting an investigation, and whether that should be a disciplinary investigation.

Investigation Process

The MFAT delivery partner follows the procedures set out in their Code of Conduct and/or relevant HR policies adapted for the nature of the particular alleged incident and the circumstances as assessed at the time.

Deciding outcomes

The delivery partner follows procedures set out in HR policies. The victim/survivor must be informed of the outcome. If there is no disciplinary procedure, there may still need to be action taken to improve workplace relationships, e.g. facilitated meeting between the parties, counselling or coaching.

The delivery partner's disciplinary process may be initiated if the report concludes that SEAH has occurred.

Allegation not substantiated

In the event that the person accused of SEAH is cleared of the allegations or there is insufficient evidence of unacceptable behaviour they will be:

- advised in writing; and
- advised that the letter and other notes relating to the allegation will not be placed on their personal file, subject to the obligations of the New Zealand Public Records Act 2005.

False complaint

In the event that the allegation is unsubstantiated and is determined to be intentionally false by the decision maker, the complainant may be subject to a disciplinary process.

Other options

A victim/survivor may choose to have their complaint dealt with by an appropriate New Zealand external agency such as the Human Rights Commission (or in-country equivalent) depending on the nature of the situation.

Resources

The list of websites below provides a range of PSEAH resources to support delivery partners develop and implement PSEAH Policies and operating procedures – these resources include guidance on how to create templates, implement policy and process, prevention and awareness, training and investigation processes.

- [NZ Council International Development Safeguarding](#)
- [Scotland's International Development Alliance](#)
- [BOND Safeguarding policy and templates](#)
- [IASC: Best Practice Guide: Inter-Agency Community Based Complaint Mechanisms PSEA](#)
- [ACFID's Guidance for the Development of a Prevention of Sexual Exploitation, Abuse and Harassment policy](#)
- [Managing Sexual Violence against Aid Workers](#)
- [ACFID Good practice toolkit](#)
- [InterAction Step by Step Guide](#)
- [Protection from Sexual Exploitation and Abuse Implementation Quick Reference Handbook](#)