

## PREVENTION OF SEXUAL EXPLOITATION, ABUSE & HARASSMENT POLICY (PSEAH)

ORGANISATION:	Kokoda Track Foundation
ACN:	103 660 948
POLICY TITLE:	Prevention of Sexual Exploitation, Abuse and Harassment
VERSION:	8.0
STATUS:	FINAL
ALLIED POLICIES / PROCEDURES:	Sexual Exploitation, Abuse and Harassment Complaint Resolution Procedures Code of Conduct Child Protection Policy Human Rights Policy Working with Communities Policy PSEAH Complaints Procedures Discrimination, Harassment & Bullying Policy Whistleblower Policy
OWNER:	CEO
APPROVED BY:	Board
LAST UPDATE:	5.12.2023
NEXT REVIEW DATE:	5.12.2024



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### INTRODUCTION:

Kokoda Track Foundation (KTF) is an Australian development organisation implementing programs in Papua New Guinea aimed at helping to improve the lives and futures of communities. Sexual exploitation, abuse and harassment (SEAH) by NGO workers (within the office, outside of the office, in beneficiary communities and at all times), partners and all stakeholders represent a catastrophic failure of protection of the most vulnerable. KTF has a zero-tolerance policy on sexual exploitation, abuse and harassment which alongside KTF's Code of Conduct is intended to support the building of a positive, respectful and motivating environment.

### DEFINITIONS:

**Abuse of Authority:** The improper use of a position of influence, power or authority by an individual against a stakeholder, beneficiary or community member. This is particularly serious when an individual misuses his/her influence, power or authority to negatively impact vulnerable people from locations where the core project activities of KTF are carried out. It can include a one-off incident or a series of incidents. Abuse of authority may also include misuse of power that creates a hostile or offensive environment, which includes - but is not limited to - the use of intimidation, threats, blackmail or coercion.

This policy specifically refers to three key areas: sexual abuse, sexual exploitation, and sexual harassment. Each are defined below:

**Sexual Abuse:** Sexual abuse means 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 Exploitation:** Sexual exploitation means 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 acts such as transactional sex, solicitation of transactional sex, and exploitative relationships. Sexual exploitation can occur in any environment in which activities are carried out by KTF personnel (staff, board members, partners and volunteers.)

**Sexual Harassment:** Sexual harassment occurs when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person or engages in any other unwelcome conduct of a sexual nature in relation to another person. Sexual harassment has nothing to do with mutual attraction or consenting friendships, whether sexual or otherwise.

Sexual harassment is unlawful in pre-employment activities and in the workplace. The workplace includes any place a person goes for the purpose of carrying out any function in relation to his/her employment and can also extend to social functions.

Sexual harassment includes: any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. Sexual harassment may occur when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive environment. It can include a one-off incident or a series of incidents. Sexual harassment may be deliberate, unsolicited or coercive. Both male and female colleagues can either be the victim or offender. Sexual harassment may also occur outside the workplace and/or outside working hours.

**Vulnerable adults:** Those aged over 18 years who:

- Are unable to take care over themselves/protect themselves from harm or exploitation; or
- Due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or societal status, or as a result of disasters and conflicts, are deemed to be at risk.

#### POLICY SCOPE:

KTF's Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy aims to develop an organisation wide culture of increased awareness of SEAH, with a scope that covers the workplace, partner organisations and the communities we work in. KTF's PSEAH policy addresses SEAH of adults. Any form of sexual exploitation, abuse and harassment of children (persons under the age of 18) is addressed by [KTF's Child Protection Policy and Child Protection Code of Conduct](#). KTF's PSEAH Policy applies to all employees, volunteers, directors, contractors, partners and affiliates of KTF.

#### POLICY:

In order to protect the most vulnerable populations, particularly vulnerable adults and children, and to ensure the integrity of KTF's international activities, the following principles must be adhered to:

1. Sexual exploitation, abuse, harassment and child abuse by KTF Employees, Partners and Related Personnel constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. 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 defence. See KTF's Child Protection Policy for breaches related to persons under the age of 18.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour by KTF Employees and Related Personnel is prohibited. This includes the exchange of assistance that is due to programme participants.
4. Sexual relationships between KTF Employees and Related Personnel and programme participants/beneficiaries are prohibited since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of KTF's development work.
5. Where a KTF Employee, Partner or Related Personnel develops concerns or suspicions regarding sexual abuse, exploitation, or harassment by a fellow worker or stakeholder, whether within KTF or not, he or she must immediately report such concerns via KTF's reporting mechanisms.

6. KTF Employees and Related Personnel are obliged to create and maintain an environment that prevents sexual exploitation, abuse, and harassment and promotes the implementation of this Policy. KTF senior management have particular responsibilities to support and develop systems, which maintain this environment.
7. KTF has a zero tolerance stance on breaches of this PSEAH policy. Should any KTF Employees, Volunteers, Board Directors, Partners, Stakeholders, Related Personnel and Program Participants commit any act of sexual exploitation, abuse and/or harassment, appropriate procedures will be followed including but not limited to immediate suspension pending an investigation, termination of employment, termination of agreement, removal from the project (as an employee, partner, stakeholder or beneficiary), and reporting to authorities (including police, local government and the Australian Government).

## PRINCIPLES

KTF's Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy adopts a survivor-centred approach. A survivor-centred approach prioritises the rights, needs, wishes and empowerment of survivors of SEAH in both the prevention of and response to SEAH. In practice, this means:

- Those who are affected by SEAH have accessible mechanisms to make a complaint that are designed with their needs and contexts in mind;
- SEAH complaints are investigated sensitively and confidentially with primary concern for the survivor; and
- Any response is both robust and sensitive to the wishes and protection of survivors.

KTF PSEAH processes require regular consultation with partners and primary stakeholders to ensure that PSEAH mechanisms and processes are contextualised and culturally and gender appropriate and reflect an understanding of PNG legislative frameworks and contexts.

## PROCEDURES

### **Organisation, Personnel & Risk Management**

1. Develop organisation-specific strategies to prevent and respond to sexual exploitation, abuse and harassment, including incorporating appropriate job responsibilities (such as staff training, complaints and response mechanisms, and coordinating high-level oversight and progress reports by directors) in specific staff positions to support and ensure effective implementation of organisation strategies to prevent and respond to sexual exploitation, abuse and harassment. All KTF personnel are required to participate in PSEAH training as part of their induction, in annual intensive workshops and in refresher and targeted training depending on their role or contact with vulnerable people.
2. Undertake PSEAH risk assessments as part of the development of all new projects. Mitigation strategies are put in place for any risk identified (and any emerging risks) and these are actively monitored throughout the activity/program cycle, at least on a quarterly basis.
3. Incorporate this policy on PSEAH in KTF's Code of Conduct and in induction materials and training courses for KTF Employees and Related Personnel, including specific provisions for sexual exploitation and abuse. Staff and partners to attend refresher training annually.
4. Ensure that when engaging in partnerships that agreements a) incorporate this Policy as an attachment; b) include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers to abide with a Code of Conduct that is pursuant to the standards of this Policy; and c) expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against sexual exploitation, abuse, and/or harassment, to investigate and report allegations thereof, or to take corrective actions when sexual exploitation, abuse, and/or harassment has occurred, shall constitute grounds for KTF to terminate such

agreements and follow SEAH reporting processes (including to local authorities, police and the Australian Government).

5. In compliance with applicable laws, prevent perpetrators of sexual exploitation, abuse and harassment from being (re)hired or (re)deployed. Senior management must ensure robust recruitment screening processes for all personnel, *particularly for personnel who will have any direct or indirect contact with children or vulnerable adults*. This includes use of background and criminal reference/ record checks, verbal referee checks, and interview plans that incorporate behavioural-based interview questions.

## **Prevention & Response**

6. Regularly inform KTF Employees and Related Personnel and communities on measures taken to prevent and respond to sexual exploitation, abuse and harassment. Such information should be developed and disseminated in-country in cooperation with other relevant agencies and should include details on complaint mechanisms, the status and outcome of investigations in general terms, feedback on actions taken against perpetrators, and follow-up measures taken as well as assistance available to complainants and survivors. Any information that is not of a general nature and concerns specific cases must respect confidentiality for all parties involved, including the survivor and family, employee or related personnel, and the ongoing investigation process, particularly where there are legal implications. A survivor-centred approach is to be applied at all times. All relevant KTF Employees (including the CEO, PSEAH Working Group members, Program Heads, and any other representatives where agreed upon by the CEO) must sign and adhere to KTF's PSEAH Confidentiality Agreement.
7. Engage the support of communities and governments to prevent and respond to sexual exploitation, abuse and/or harassment by KTF Employees and Related Personnel.
8. Ensure that complaint mechanisms for reporting sexual exploitation, abuse and harassment are accessible and that KTF focal points for receiving complaints understand how to discharge their duties. This should include a documented reporting procedure in a relevant local language for sexual exploitation, abuse and harassment and policy for non-compliance in, including available sanctions for breaches.
9. Provide support and assistance to complainants of sexual exploitation, abuse, and/or harassment. This may include medical treatment, legal assistance and psychosocial support as appropriate and according to the wants and needs of the survivor whilst also taking account of confidentiality, cultural sensitivities and survivor safety.
10. Investigate allegations of sexual exploitation, abuse, and harassment in a timely and professional manner. This includes the use of appropriate interviewing practices with complainants and witnesses, particularly with vulnerable people. Engage professional investigators or secure investigative expertise as appropriate.
11. Take swift and appropriate action, including legal action when required, against KTF Employees and Related-Personnel who commit sexual exploitation, abuse and/or harassment. This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution, in the abuser's country of origin as well as the host country.
12. Take appropriate actions to the best of KTF's abilities to protect persons from retaliation where allegations of sexual exploitation, abuse or harassment are reported involving KTF Employees or Related Personnel.
13. Ensure high-level oversight and information systems on sexual exploitation, abuse and harassment reports received and actions taken, in order to monitor effectiveness, report progress and improve efforts to prevent and respond to sexual exploitation, abuse and harassment.

## **EMPLOYEE, PARTNERS & RELATED PERSONNEL STANDARDS:**

KTF Employees, Partners and Related Personnel must uphold and promote the highest standards of ethical and professional conduct and abide by KTF's policies. These Standards apply to all KTF Employees, Partners and Related Personnel and are intended to provide an illustrative guide for Employees, Partners and Related Personnel to make decisions that exemplify KTF's Code of Conduct and core values in their professional and personal lives. Any violation of these Standards is a serious concern and may result in disciplinary action, up to and including dismissal, in accordance with applicable laws:

1. KTF Employees, Partners and Related Personnel will not request any service or sexual favour from participants or beneficiaries of KTF programs or others in the communities in which KTF works, in return for protection or assistance, and will not engage in sexually exploitative or abusive relationships.
2. KTF Employees, Partners and Related Personnel will not engage in any sexual activity with any program participant or beneficiary.
3. KTF Employees, Partners and Related Personnel will not exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This prohibition against exchange of money for sex means KTF Employees and Related Personnel may not engage the services of sex workers in the field.
4. KTF Employees, Partners and Related Personnel are prohibited from transactional sex in the field while engaged in the delivery of KTF business. Transactional sex refers to a sexual exchange of a non-marital, non-commercial nature, motivated by an implicit assumption that sex will be exchanged for material support or other benefits.
5. KTF Employees, Partners and Related Personnel are prohibited from participating in sex of any nature whilst on duty travel in the field and, or representing KTF in the field - consensual or otherwise. This clause does not extend to a de-facto couple posted to a community in the field together for a period of more than 10 days, whereby their relationships was pre-established prior to the duty travel or field posting.
6. KTF's Employees, Partners and Related Personnel must refrain from sexual activity with any person under the age of 18, regardless of the local age of consent, i.e. the local or national laws of the country in which the employee works. Ignorance or mistaken belief of the child's age is not a defence. Failure to report such a relationship will lead to disciplinary action pursuant to KTF's Child Protection Policy.
7. KTF Employees, Partners and Related Personnel will not support or take part in any form of sexual exploitative, abusive and, or harassment activities, including, for example, trafficking of human beings for sex trade.
8. KTF Employees, Partners and Related Personnel will treat all people with respect and not use language or behaviour towards people that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate. KTF Employees, Partners and Related Personnel will adhere to KTF's Ethical Life Stories Policy and Photography Guidelines when photographing or filming a person for work-related purposes.
9. KTF non-national Employees, Partners and Related Personnel are prohibited from engaging in fraternisation when working in-country and in the field. 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.
10. KTF Employees, Partners and Related Personnel must immediately report any concerns or suspicions they have regarding possible violations of this Policy by a KTF Employee, Partner or Related Personnel in line with KTF's complaints reporting and whistle-blower policies and procedures. KTF's Child Protection & SEAH Allegation Management Procedures are to be followed and employees and related personnel are to be trained in the use of the SEAH Incident Notification Tool.
11. KTF Employees, Partners and Related Personnel will prevent, oppose and combat all exploitation, abuse and harassment of people, particularly incidents relating to women and vulnerable adults.
12. Sensitive information related to incidents of sexual exploitation, abuse and harassment whether involving colleagues, program participants or others in the communities in which KTF works shall be shared only with enforcement authorities including Government agencies and KTF partners and employees of the appropriate seniority or function who have a need to know such information, or KTF employees who have signed and adhered to KTF's Sexual Exploitation, Abuse & Harassment Confidentiality Agreement. Breach of this policy may put others at risk and will therefore result in disciplinary procedures.
13. Directors, managers and supervisors at all levels have particular responsibilities to support and develop systems that maintain an environment that facilitates implementation of this policy and which is free of sexual exploitation, abuse and harassment.

## RECRUITMENT & SCREENING:

Recruitment processes must include PSEAH screening. PSEAH screening includes providing a criminal background / working with children / police check (in accordance with relevant State/Provincial and Federal/National laws). In limited circumstances it may prove impossible to obtain a reliable criminal record check. A statutory declaration, or local legal equivalent, outlining efforts made to obtain a foreign police check, and disclosing any charges and spent convictions related to child exploitation, may be accepted instead (upon the discretion of the CEO and/or PSEAH Working Group). Checks must be conducted for each country in which the individual has lived for 12 months or longer over the last 5 years, and for the individual's countries of citizenship. Recruitment screening must also involve verbal interviews with referees and direct questioning around any SEAH breaches during prospective employees' previous engagements.

## REPORTING & INVESTIGATION OF COMPLAINTS:

Senior management will treat all concerns and complaints quickly, fairly and seriously. Treatment of complaints or reports will be undertaken in line with KTF's Child Protection & Sexual Exploitation, Abuse and Harassment Allegation Management Procedures. These Procedures outline the processes in which employees or related personnel may raise issues of concern.

Employees will not be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint. KTF employs a survivor-centred approach to reporting and investigation of complaints. Survivors will be part of the decision-making process for all reporting and investigation of complaints witnessed and/or received. Survivors and those reporting a SEAH incident have the option to remain anonymous, be de-identified in reporting and documentation and/or are able to choose how they contribute to the investigation in consultation with the investigator.

No employee will be penalised or disadvantaged as a result of raising legitimate concerns or complaints relating to sexual exploitation, abuse, or harassment. Where a complaint is substantiated it may result in disciplinary action up to and including termination of employment and prosecution. If unsubstantiated or found to be vexatious it may also result in disciplinary action against the complainant.

In some instances, onward reporting of SEAH incidents to the Australian Government Department of Foreign Affairs and Trade is required of KTF. KTF will endeavour to do this, subject to the wishes and welfare of the survivor, wherever possible, however some onward reporting to DFAT and local authorities in some instances is mandatory.

Reports can be made by following the Child Protection & Sexual Exploitation, Abuse and Harassment Allegation Management Procedures which can be [found on our website](#). Key contacts, as outlined in the procedures document are:

- Chair PSEAH Working Group, Mike Nelson, [mike@kokodatrackfoundation.org](mailto:mike@kokodatrackfoundation.org)
- Chair Child Protection Working Group, Sage Emmerson, [sage@kokodatrackfoundation.org](mailto:sage@kokodatrackfoundation.org)

It is mandatory for all KTF personnel and associates to report any witnessed, suspected or alleged incidents of SEAH or any breach of this PSEAH Policy.

Additional reporting contacts for escalation of issues are:

- CEO, Dr Genevieve Nelson, [gen.nelson@kokodatrackfoundation.org](mailto:gen.nelson@kokodatrackfoundation.org)
- Chair, Ian Kemish AM, [chair@kokodatrackfoundation.org](mailto:chair@kokodatrackfoundation.org)

- PNG Program Manager, Lydia Dimokari, [lydia@kokodatrackfoundation.org](mailto:lydia@kokodatrackfoundation.org)
- PNG Program Manager, Dominic Papau, [dom@kokodatrackfoundation.org](mailto:dom@kokodatrackfoundation.org)
- General KTF Phone: +61 418 811 748

UPDATING DOCUMENTS AND PROCEDURES:

KTF employees will periodically assess all KTF documentation, policies and procedures against these standards and accordingly, recommend and implement changes if necessary.

STATEMENT BY ALL KOKODA TRACK FOUNDATION PERSONNEL, ASSOCIATES & REPRESENTATIVES:

I have read and understood Kokoda Track Foundation’s:

- Prevention of Sexual Exploitation, Abuse and Harassment Policy

I have had the opportunity to ask KTF Management questions about the PSEAH policy and have had all questions answered appropriately.

I agree to comply with the Policy.

I understand that a breach of this Policy may provide grounds for my appointment or association with the organisation to be terminated. I also understand that a breach of the Policy could result in criminal prosecution.

I understand that it is my responsibility, as a person associated with Kokoda Track Foundation, to use common sense and avoid actions or behaviours that would breach any part of this policy.

I understand that it is my responsibility, as a person associated with Kokoda Track Foundation, to report any instances of sexual exploitation, abuse and harassment to the PSEAH Working Group, the CEO or the Board of Directors.

I authorise Kokoda Track Foundation to undertake any necessary inquiries, including criminal record checks and reference checks, as a part of my appointment by or association with the organisation.

Name:	
Role:	
Sign:	
Date:	

END