

Protection from Sexual Exploitation and Abuse (PSEA) Policy

Introduction

Foundation for Development Initiative (FDI) takes a Zero tolerance approach to sexual exploitation and abuse (SEA). Often there can be unequal power dynamics/relations across an organisation and in relation to beneficiaries and communities we work with and as such we face a risk that some staff may exploit their position of power for personal gain. Our organisation does not tolerate any form of sexual harassment, sexual abuse or sexual exploitation and considers such acts as serious misconduct, which constitutes grounds for disciplinary measures. This extends to all employees, board members, partners or any other representatives associated with the delivery of our work. FDI acknowledges the particular vulnerability of all minorities/weaker sections of society such as women, at risk adults and young boys and girls, to sexual exploitation and abuse. Our organisation undertakes an obligation not to put especially these sections at risk by ensuring that all efforts are made to prevent sexual exploitation and abuse to/by beneficiaries, the communities we serve and our employees. This policy builds on FDI's Code of Conduct and other associated policies and procedures.

PURPOSE

FDI's "Protection from Sexual Exploitation and Abuse Policy" has been developed to ensure all our employees make ethical decisions to ensure the maximum protection of our beneficiaries, our communities, our staff and our organisation from exploitation and abuse. Our organisation believes all people have a right to live their lives free from fear and any form of abuse of power regardless of age, gender, sexuality, disability, religion or ethnic origin.

SCOPE

The policy applies to all employees as well as for all board members. Although most of the situations related to breach of trust/ abuse of power/position and attempts of sexual exploitation have been envisaged keeping in mind operations abroad as well as in India, an attempt has been made to keep in mind the pertinent existing guidelines for an exclusive Indian context too. References to some of these have been cited to widen and yet demarcate the specific scope of this policy in a context.

FDI follows six core Principles

In order to protect the most vulnerable populations, particularly vulnerable adults and children, and to ensure the integrity of our activities, the following six Core Principles must be adhered to:

- Sexual exploitation and abuse and child abuse by FDI Employees constitute acts of gross misconduct and are therefore grounds for termination of employment.
- Sexual activity with children 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.
- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour by FDI Employees is prohibited. This includes the exchange of assistance based on sexual intercourse that is due to our beneficiaries.
- Sexual relationships between FDI and beneficiaries are not allowed as they are based on inherently unequal power dynamics.
- Where a FDI Employee develops concerns or suspicions regarding sexual abuse or exploitation and child abuse by a fellow worker, whether in FDI or not, s/he must immediately report such concerns using the established reporting mechanisms.
- FDI Employees are obliged to create and maintain an environment that prevents sexual exploitation and abuse and child abuse and promotes the implementation of this Policy. The

organisation's managers at all levels have particular responsibilities to support and develop systems, which maintain this environment.

CODE OF CONDUCT

To allow our organisation to achieve its vision and mission there is a need for the individual and collaborative efforts of all our Employees. All Employees must uphold and promote the highest standards of ethical and professional conduct and abide by our organisation's policies. This policy sets the minimum standards to be followed by all our organisation's employees to protect our beneficiaries, the communities we serve and our colleagues from sexual exploitation and abuse and child abuse by our organisation's employees. To that end our employees sign FDI's Code of Conduct and agree that they must behave in a manner befitting our organisation's employee, associate or representative. Ignorance to any of the principles and guidelines outlined in this policy will not be considered as a valid excuse to escape/forego any consequential disciplinary action. It is every employee's responsibility to be aware of necessary commission/omission of actions as outlined by the organisation in this policy.

REPORTING

It is the obligation of all employees, beneficiaries, board members to raise concerns or suspicions they have whether they be actual or perceived about any act of sexual misconduct. Keeping in mind the choice of an informer to be discreet or open about his/her identity, several options are open in our organisation for facilitating the reporting of a concern.

- (i) Our organisation's internal and external mechanism as laid out in the Policy.
- (ii) Concerns may be raised internally by an employee to a senior manager with whom they feel comfortable.
- (iii) The Safeguarding focal point in office that is identified as responsible for receiving SEA complaints and the Director.

When made aware of a possible breach of the FDI PSEA Policy, our organisation will: -

- (a) Take action to the best of their ability, to protect complainants from retaliation
- (b) Provide the necessary supports to the victim (counselling, medical support as appropriate). Support may include psycho-social counselling and access to other specialist and appropriate support as needed. Survivors and victims can choose if and when they would like to take up the support options available to them.
- (c) Respect confidentiality at all times.
- (d) Investigate allegations in a timely manner and engage the services of experienced investigators at the appropriate stage in the investigation.
- (e) Take swift and appropriate action, including suspension, legal action when required against employees who commit sexual exploitation or abuse.
- (f) Any staff member implicated in an investigation shall be suspended on full pay and without prejudice pending the results of the investigation. It should be made clear that suspension does not imply guilt but rather protects all parties whilst an investigation is undertaken
- (g) Take swift and appropriate action, including suspension, legal action when required against employees who were aware of such abuse but did not report it.
- (h) Report to appropriate staff in the office and outside the organisation, if required.

RESPONSIBILITIES

All FDI Employees share an equal obligation to prevent and respond to sexual exploitation and abuse and child abuse. It is the responsibility of all our Employees to uphold the Core Principles and Commitments of this policy along with the Code of Conduct for our Employees. All our Employees must sign the Code of Conduct. Our Employees, who work with communities concerned, will also contribute to regular monitoring by seeking feedback from beneficiaries.

Human Resource Managers must ensure that all FDI Employees understand and comply with this policy and sign the Code of Conduct. Human Resource Manager is responsible for recruitment, induction and training, whereas Senior Managers are responsible for performance management to prevent sexual exploitation and abuse including child abuse. The Human Resource Manager must ensure easy and accessible display of Information related to the Grievance Redressal Mechanism and contact details of designated key employees such as the Counsellors, Senior Managers in order to facilitate timely reporting of sexual and child abuse misconducts. Directors must ensure that

culturally appropriate community-based complaint mechanisms are developed, implemented, and monitored and reviewed for effectiveness. This includes awareness-raising with beneficiaries and our employees about protection from sexual exploitation and abuse including child abuse and how to use the complaints mechanism. Directors are responsible for alerting within 24 hours of any Sexual Exploitation or Abuse complaints/reports received. Directors will also ensure that complaints handling and investigation procedures are enacted, along with appropriate employee disciplinary procedures as necessary. Country Directors are responsible for the provision of appropriate survivor assistance.

RELATED POLICIES AND PROCEDURES

The FDI Policy is linked to and must be read in conjunction with:

- **Child Protection Policy**

- FDI is committed to actively prevent child abuse.
- Our organisation strives to create, develop and nurture a culture where all children are safe and protected.
- Our organisation strives to ensure that individuals who abuse children are not involved in any way in its operations.
- Our organisation takes exemplary stringent measures against any associate who commits child abuse.
- The model guidelines under Section 39 of The Protection of Children from Sexual Offences Act 2012, published by the Ministry of Women and Child Development, Govt of India, popularly known as the POCSO Act 2012 will be followed in true letter and spirit in order to create a secure environment for all children whom FDI staff members will come in contact with during their varied duties or projects.

- **Child Safeguarding Policy**

- We understand safeguarding children is 'everybody's responsibility. In our organization Children are always treated with respect, regardless of their sex, ethnic or social origin, language, religious or other beliefs, disability, gender identity, sexual orientation or other status.
- In our organization children have the right to freedom from all forms of violence, abuse, neglect and exploitation.
- Children are most at risk from those people they know and often trust. Adults engaged in positions of trust towards children must therefore exercise the highest levels of integrity and good practice. In our organization all staff working with children has an obligation to ensure that their operations are 'child safe'.

- **Grievances Redressal and Complaints Policy**

The purpose of our Complaints Policy and Process is to ensure that all complaints are dealt with promptly and consistently and are handled with courtesy and fairness. As a result of a complaint, FDI aims to rectify the issue and improve our service.

- **Email and Internet Use Policy**

- FDI recognises that staff needs access to email systems and the internet to assist in the efficient and professional delivery of services. Our organisation supports the right of staff to have access to reasonable personal use of the internet and email communications in the workplace.
- This policy sets out guidelines for acceptable use of the computer network, including internet and email by employees of our organisation. The primary purpose for this is to access the internet and email in carrying out the duties of their employment.

- Conscious efforts will be taken to make aware and deter all staff members from usage, sharing and/or creation of unacceptable content on internet during their engagement on FDI projects.
 - Any commission and/or omission of acts resulting in unacceptable usage, sexual harassment of any employee and /or child abuse will be considered as a breach of this policy and will be dealt in accordance with the procedure laid out under the Complaints Policy.
- **Recruitment Policy**
 - **Planning:** FDI has moderate system of HR planning. Most of its HR planning focuses on all its staff.
 - **Recruitment:** Our organisation recruits its staff through advertising in the newspapers & Online. It conducts written test and viva- voce for selecting candidates.
 - **Deployment:** All the new recruits are subject to training where they are told about the mission, vision, organizational structure, processes and procedures. After that they are provided with job description.
- **Equality and Diversity Policy**
 - Creating a positive and supportive working environment for all staff.
 - Protecting employees from being discriminated against because of one or more of the protected characteristics that apply to them.
 - Providing equal opportunity for everyone in the workforce irrespective of their background or characteristics.
 - Promoting the diversity of the workforce.
 - Responding to changing demographics and working patterns we are flexible with working hours so as to retain valuable employees who have specific needs
- **Dignity in Work and at Workplace**

FDI follows Dignity in work: -

 - To provide a fair, consistent and expeditious mechanism to process complaints of bullying, harassment and sexual harassment in the workplace.
 - To do so in a manner that affords all concerned full rights in accordance with natural justice and fair procedures.
 - To outline the procedures in the event of a complaint of bullying, harassment/ sexual harassment being made.
 - To encourage the use of informal resolution methods and the use of mediation as often and as early as possible to resolve issues or complaints as provided for in this policy.
 - In order to ensure equal dignity for all staff members, irrespective of their race, colour, gender, religion and nationality; all staff members are introduced to certain existing guidelines in addition to these policies, such as the directions of Hon'ble Supreme Court in the case of Vishakha and others vs State govt of Rajasthan (13 Aug 1997).

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