

Protection from Sexual Harassment, Exploitation, and Abuse (PSHEA) Policy

ADRA Malawi

Table of Contents

1. Introduction	3
1. Definitions	3
2. Purpose	5
3. Scope	5
4. Policy Statement	6
5. Core PSHEA Principles	7
6. ADRA’s Commitments to PSHEA.....	8
7. Safeguarding (PSHEA) Risk Assessments.....	11
8. Reporting SHEA Concerns	12
9. Responding to SHEA Concerns	14
10. Disciplinary Consequences.....	14
11. Implementation and Monitoring	16
12. Annex I: Safe Recruitment Requirements	17
13. Annex II: Sexual and Romantic Relationships	18
14. Annex III: Prohibited Behaviors.....	19

Introduction

ADRA considers all forms of harassment, abuse, and exploitation to be in contradiction of its core ideology. ADRA seeks to identify and address these injustices by serving people without discrimination. Nevertheless, ADRA acknowledges that abuse of power, particularly sexual violence, by aid workers is pervasive in development and humanitarian settings. In recognition, ADRA is committed to the welfare and protection from sexual harassment, exploitation, and abuse (SHEA) by ADRA staff as expressed in the previous *ADRA Protection Policy (2018)* and now more definitively in this *PSHEA Policy, Safeguarding Code of Conduct*, and accompanying ADRA Safeguarding Framework policies and standards.

Definitions

Term	Definitions
ADRA staff	This term refers to anyone who represents ADRA: All permanent, temporary, and part-time staff; board members; interns; volunteers; ADRA visitors (including media); contractors (including suppliers and vendors) and consultants; and sub-grantees (local implementing partners and service providers).
Beneficiaries	<p>In regards to safeguarding, ADRA uses a broad, working definition of ‘beneficiary’ to include not only direct beneficiaries of a particular project, but also any child or adult who is part of the affected population who might suffer harm caused by ADRA staff as a part of ADRA’s presence. Synonyms for ‘Beneficiary’ include: Project Participant, Affected Population, Population of Concern, Local Community.</p> <p>Sex with a beneficiary is considered either sexual exploitation or abuse, however the individual need not be in a vulnerable position; a differential power or trust relationship is sufficient to establish SHEA.</p>
Safe Recruitment	The purpose of Safe Recruitment is to help identify and deter or reject individuals who are deemed to be at risk of breaching ADRA’s policies and not adhering to its standards. The Safe Recruitment process begins with how jobs are advertised to how employees are inducted and trained.
Sexual Abuse	The actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions.
Sexual Exploitation	<p>Sexual Exploitation is defined as the abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another.</p> <p>Examples of sexual exploitation include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ Offering special benefits (including money, employment, goods or services) to program participants in exchange for expressed, implied or demanded sexual favors; ▶ Threats or insinuations that an individual’s refusal or unwillingness to submit to sexual advances or demands will affect the person’s entitlement to project assistance & support;



Definitions, *con't*

Term	Definitions
Sexual Exploitation, <i>con't</i>	<ul style="list-style-type: none">▶ Verbal conduct such as sexually derogatory remarks, graphic verbal commentaries about an individual's body or dress, sexually degrading words used to describe an individual, sexually suggestive or obscene letters, notes, emails or invitations, demeaning or inappropriate comments, name-calling, innuendos, slurs, jokes, sexual advances or propositions;▶ Visual conduct such as leering, sexual gestures, displaying or distributing sexually suggestive objects or pictures, cartoons, graffiti posters or magazines; or Actual or threatened physical contact or conduct, such as patting, pinching, blocking movements, or any other offensive touching.
Sexual Harassment	<p>Any unwelcome sexual advance, comment, expressed or implied sexual demand, touch, joke, gesture, or any other communication or conduct sexual nature, whether verbal, written or visual, by any person to another individual within the scope of ADRA's work. This also includes an unwelcome request for sexual favors.</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. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and representatives.</p> <p>Examples include: sharing of images that create an offensive or intimidating environment; downloading sexually explicit pictures from an ADRA's computer (even if not shared with others); unwanted or inappropriate touching; requests of a sexual nature made by one person to another that demand or imply a condition of employment or compensation.</p> <p>ADRA prohibits sexual harassment of any individuals, employee or program participant, regardless of their work relationship.</p>

Purpose

This Policy sets out ADRA’s commitment to preventing SHEA by and of ADRA staff. It also outlines the approach ADRA will take to ensure that its staff uphold this commitment.

The purpose of this policy is to:

- ▶ State the principles, standards, and actions that ADRA is committed to on administrative and individual levels for the protection from and response to SHEA.
- ▶ Clarify ADRA’s expectations of all who represent us to uphold the *Safeguarding Code of Conduct*.
- ▶ Affirm ADRA’s people-focused approach to responding to SHEA allegations, which includes prioritizing the comprehensive needs of those involved, especially survivors of sexual violence.
- ▶ Establish ADRA procedures for managing incidents of sexual misconduct in a consistent manner.
- ▶ Standardize disciplinary actions for ADRA staff in breach of this Policy.

This policy does not cover:

- ▶ Bullying and Discrimination—this is managed under localized office human resource policies.
- ▶ Gender Based Violence—this is a programmatic activity, which is considered throughout the design, implementation, and monitoring of ADRA interventions in Malawi.

Scope

As an ADRA Malawi approved policy, the *Safeguarding Policy* applies to:

- a. ADRA country office and all ADRA regional offices, field offices, and any project locations;
- b. All other entities that agree to be bound by ADRA policies;
- c. All ADRA staff, defined as: permanent, temporary, and part-time staff; board members; interns; volunteers; ADRA visitors (including media); contractors and consultants; and sub-grantees (local implementing partners and service providers) must also comply with the *Safeguarding Policy*.

Staff and those affiliated with ADRA represent the organization at all times. Poor behavior in and outside of office hours undermines ADRA’s work and values. Thus, the *PSHEA Policy* applies to all

Scope, con't

ADRA staff while in and outside of the workplace during working and non-working hours every day of the year. Associating with ADRA means that one must comply with ADRA's standards, even if the standards are higher than one's local context or governing laws.¹

This policy will automatically be applied in Malawi and in all geographies where the ADRA Office is funding projects and must be used in conjunction with the ADRA Safeguarding Framework Implementation Standards.

ADRA will comply with laws and regulations prohibiting misconduct, but where this policy exceeds any legal requirements, ADRA will adhere to the standards in this policy to the extent allowed by applicable law. Where required by law or locally practiced, ADRA office may enhance the standards and requirements set out in this policy but cannot change the Policy in itself.

Policy Statement

ADRA believes all people have a right to live their lives free from sexual violence. ADRA recognizes that our work often puts its staff in positions of power in relation to the communities we work with, especially with vulnerable adults and children. ADRA staff have a moral and legal obligation to use their power respectfully and must not abuse the power and influence they possess.

ADRA will not tolerate its employees, volunteers, consultants, partners or any other representatives associated with the delivery of its work carrying out any form of sexual harassment, sexual abuse or sexual exploitation (SHEA).

ADRA staff have the duty to create and maintain environments that promote the protection of those we serve and our own staff from SHEA. It is the responsibility of all staffs of ADRA to raise any concerns you have or those which are reported to you according to this Policy. It is not your responsibility to decide whether sexual harassment, abuse, or exploitation has occurred.

All complaints about sexual misconduct brought to ADRA's attention will be taken seriously. ADRA will conduct rigorous and fair investigations of complaints that indicate a possible violation of this Policy. Responses to SHEA allegations will be survivor-centered and consider

¹ These standards are listed in the *ADRA Code of Conduct* and the *Safeguarding Code of Conduct*.

Policy Statement, *con't*

the comprehensive needs and safety of all those involved. ADRA will not tolerate SHEA carried out by its staffs; substantiated allegations of SHEA will result in appropriate disciplinary action.

Core PSHEA Principles

ADRA is in full agreement with the United Nations zero tolerance policy relating to sexual exploitation and abuse. Specifically outlined by the United Nations Secretary General's Bulletin "Special measures for protection from sexual exploitation and sexual abuse" (ST/SGB/2003/13) are measures of conduct that ADRA staff must abide by, which include:²

1. Sexual harassment, exploitation, and abuse by ADRA staff are acts of gross misconduct and are therefore grounds for termination of employment or engagement.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the local age of consent, i.e. the local or national laws of the country you are working in. Ignorance or mistaken belief in the age of the child is not a defense.³
3. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior by ADRA staff is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Any sexual relationships between those providing development or humanitarian assistance and protection and a person benefitting from such development or humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of aid work.⁴
5. When an ADRA staff develops concerns or suspicions regarding sexual harassment, exploitation, and abuse by an ADRA staff, he or she must report such concerns via established reporting procedures stated in the **ADRA Global Procedures to Receive and Report Sensitive Complaints**.⁵
6. ADRA staff are obliged to create and maintain an environment which prevents sexual harassment, exploitation, and abuse and promotes the implementation of this Policy and the *Code of Conduct*. ADRA managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

² Translations of the Core PSHEA Principles can be found at <https://interagencystandingcommittee.org/principals/documents-public/iasc-six-core-principles-relating-sexual-exploitation-and-abuse-2002>.

³ The prohibition of sexual activity with children does not apply where the ADRA staff is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship. The legality of a marriage for the purposes of ST/SGB/2003/12/4.4 is to be determined by reference to the law of nationality of the ADRA staff.

⁴ Sexual relationships between national staff from the communities where ADRA is implementing are allowed, but strongly discouraged. These relationships must be disclosed immediately or else the conduct will be considered a violation of the Code of Ethics' clause on conflict of interest. Any relationship with a minor, even if locally accepted, is prohibited by ADRA. Read more in Annex I of the *Code of Conduct*.

⁵ Everyone has the right and obligation to report sexual misconduct. Anyone who witnessed but was not the target of SEA or sexual harassment is obligated to report in their own right. ADRA will address any complaint and concern without discrimination, even if the offense might not meet the standard for SHEA.

ADRA's Commitments to PSHEA

Safeguarding and PSHEA are integral parts of ADRA's mission and values of the Seventh-day Adventist Church that are firmly rooted in our Purpose Statement to serve humanity as God intended. Preventing sexual harassment, exploitation, and abuse represents who ADRA is at its core, not simply a strategy or activity we choose to implement. Therefore, ADRA commits to the following measures:

1. Quality Leadership to Accelerate Change and Provide a Safe Working Culture

- ▶ ADRA Leaders set the tone for agency culture by establishing clear expectations on appropriate conduct, modeling respectful behavior in their interactions at work, and taking measures to improve diversity, equity, and inclusion.
- ▶ ADRA Leaders are responsible for creating a "speak up" culture to promote accountability and transparency.
- ▶ ADRA Leaders must uphold the highest standards of professional and personal conduct and act with integrity and discretion.

2. Active Prevention of Sexual Harassment, Exploitation, and Abuse (SHEA), including Workplace Harassment

- ▶ ADRA will have a *Safeguarding Policy* in place that includes a strong SHEA element.
- ▶ ADRA must have a *Code of Conduct* in place for staff and partners and include a prohibition of SHEA.
- ▶ ADRA has a workplace policy that promotes dignity and respect in the workplace
- ▶ Human resource policies, procedures and training must prioritize prevention and response to SHEA.
- ▶ ADRA will facilitate trainings on this Policy and the other ADRA Safeguarding Framework policies for inductions and at least annually as a refresher training for all staff.
- ▶ Recruitment and engagement processes reflect ADRA's commitment to safeguarding and minimize as far as possible the risk of engaging an individual unsuitable to work with vulnerable people. *Safe recruitment requirements are included in the first annex.*
- ▶ Safeguarding will be considered a cross-cutting issue across all departments, sectors, and offices within the ADRA.
- ▶ ADRA will prioritize partnering with organizations, engaged to increase ADRA's impact, that have a commitment to safeguarding.

ADRA's Commitments to PSHEA, *con't*

3. Strengthened Reporting Procedures to Enhance Accountability and Transparency with a Zero Tolerance to Inaction

ADRA acknowledges its accountability to not only donors, but also to the communities with whom we serve and engage. Stronger reporting will allow ADRA to better monitor SHEA, provide victims and survivors with support, understand risks, improve prevention, and work with partners to enhance systems and safeguards accordingly. ADRA is committed to remaining transparent and accountable when reporting and managing safeguarding incidents while respecting the confidentiality of those involved.

- ▶ ADRA will establish and ensure that complaint mechanisms for reporting sexual harassment, exploitation, and abuse are equitably accessible, safe and confidential—particularly to participants of ADRA programs—and that ADRA staff understand how to receive and refer complaints.
- ▶ ADRA has at least one person⁶ trained to receive and respond to safeguarding and child protection incident reports in each office.
- ▶ ADRA has a zero tolerance to inaction and will act on every allegation in a fair and reasonable way with due regard for procedural fairness, including workplace bullying and harassment allegations.
- ▶ Swift and appropriate action will be taken against ADRA staff who commit sexual exploitation and abuse, child abuse, and other serious forms of harassment, exploitation, and abuse.⁷
- ▶ ADRA will not tolerate any form of retaliation against people who report suspected sexual misconduct in good faith or against those who participate in administrative safeguarding investigations.
- ▶ All reports and allegations will be kept confidential to the maximum extent possible while using a survivor-centered approach.⁸
- ▶ Safeguarding incidents will be disclosed internally and externally with varying amounts of information in the appropriate manner.

⁶Ideally someone who isn't within Human Resources. .

⁷Consequences 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 Malawi.

⁸Only people with a need to know can be provided information and limited to their role in the response and investigation process. Anyone who has a role as a part of the investigation or response team is bound by confidentiality and can be disciplined, up to termination, for violating that confidentiality.

ADRA's Commitments to PSHEA, *con't*

- ▶ ADRA reserves the right, in consultation with legal counsel, to disclose information about safeguarding incidents on record concerning an ADRA staff if requested by an ADRA office or another third party in a selection process.
- ▶ ADRA will establish a mechanism for monitoring and evaluating its Malawi office Reporting Procedures. This oversight will include monitoring SHEA reports received and actions taken to assess effectiveness, report progress, and improve efforts to prevent and respond to SHEA.

4. Taking a Survivor-centered Approach

- ▶ Actions to address SHEA will be underpinned by a “do no harm” approach prioritizing the rights, needs, and wishes of the victim or survivor, while ensuring procedural fairness to all parties.
- ▶ Victims and survivors will be consistently treated with dignity and respect. This includes believing complainants at the first point of contact with ADRA when reporting abuse.
- ▶ Victims’ and survivors’ needs and priorities will be considered throughout and after the investigative process. ADRA will work hard to involve the survivor in decision-making when possible and appropriate.
- ▶ Anonymous reporting is allowed. To the best of our ability, ADRA will work with survivors to address their concerns around confidentiality to allow effective investigations to go forward.
- ▶ ADRA will provide basic emergency assistance (security and legal) and basic medical (emergency assistance and psychosocial) support as appropriate and feasible to complainants of sexual exploitation and abuse. ADRA will assist survivors with reporting incidents to the proper authorities should they choose to do so directly.
- ▶ The safety and security of individuals (complainant, survivor, witnesses, respondent, and investigators) involved in an administrative safeguarding investigation will be prioritized and protected by ADRA.
- ▶ ADRA will ask survivors and complainants who have received incident support for their feedback to improve ADRA’s response mechanisms.

5. Supporting Partners and Stakeholders on the Prevention of SHEA

- ▶ ADRA will do its best to support its partners and other stakeholders it engages with, including government, business, other non-government organizations, institutions,

ADRA's Commitments to PSHEA, *con't*

- communities and individuals, to collectively address the underlying causes of SHEA while dealing sensitively and effectively with SHEA that occurs in the course of our work.
- ▶ Partner arrangements include a plan for building safeguarding capacity and costs are included in budgets and awards.
 - ▶ When possible, ADRA will participate in community-based or inter-agency complaint mechanisms that are jointly developed and implemented by the local or aid community. ADRA will promote inter-agency efforts and shared mechanisms for preventing and reporting SEAH.
 - ▶ Create and maintain mechanisms to routinely educate communities ADRA serves of their rights and how to access appropriate reporting channels, as well as what happens when one reports.

These five commitments are explained in detail in Annex I and II with specific requirements, particularly around recruitment and reporting. The ADRA Safeguarding Implementation Standards, particularly Commitments One and Two, serve to help operationalize these commitments and requirements in a practical manner.

Safeguarding (PSHEA) Risk Assessments

To remain compliant with this Policy, ADRA will exercise due diligence to identify, mitigate, and monitor risks of SHEA through a risk management approach. Safeguarding risk assessments and mitigation plans have been incorporated into pre-existing assessments, such as a security risk register or a gender analysis.

- ▶ **Operational:** ADRA will conduct an annual risk assessment that identifies organizational risks that include administrative areas (e.g. staff, information and technology), which are not necessarily project-specific. In congruence, ADRA will maintain a context and referral map to track existing laws, cultural norms, reporting requirements around SHEA and known service providers to refer survivors of sexual violence.
- ▶ **Project:** Within programming approaches, program teams will assess the level of risk for SHEA occurring, and adapt the program design and implement prevention strategies accordingly. This is particularly crucial in humanitarian settings.
- ▶ **Partners (sub-grantees, contractors, and other service providers):** In the partner selection process, the ability for the potential partner to comply with the ADRA

Safeguarding (PSHEA) Risk Assessments, *con't*

Safeguarding Framework Policies should be considered. The level of this assessment should correspond with the degree of involvement the partner will have with beneficiaries. Findings from this assessment should inform the eventual contract and work plan between ADRA and the partner to strengthen PSHEA capacity for the partner.

Risk and decision-making processes and documents will reflect these assessments. Again, this does not need to be a standalone procedure, and should be incorporated into existing activity planning and risk management processes.

Reporting SHEA Concerns

ADRA staff who receive or have a complaint or concern related to sexual harassment, exploitation, and abuse should report it immediately and not investigate further. If someone is in imminent danger of serious harm, emergency services should be contacted if it won't place anyone at further risk of danger. Otherwise, ADRA staff should directly inform the Safeguarding Focal Point (or equivalent)⁹, the Country Director, and their line manager if appropriate. This must occur within one day (24 hours) or as soon as possible if security and technology do not allow this deadline to be met.

The Country Director and/or the Safeguarding Focal Point must then inform their Board Chair, Regional Office, any ADRA supporting office as required, and the Safeguarding Office at ADRA International within the following 24 hours or as soon as possible.

The Safeguarding Focal Point with the Country Director should assess the situation for any potential health, safety, and security issues and mitigate serious risks or make referrals immediately. Confidentiality should be balanced with the need to take (possibly immediate) action.

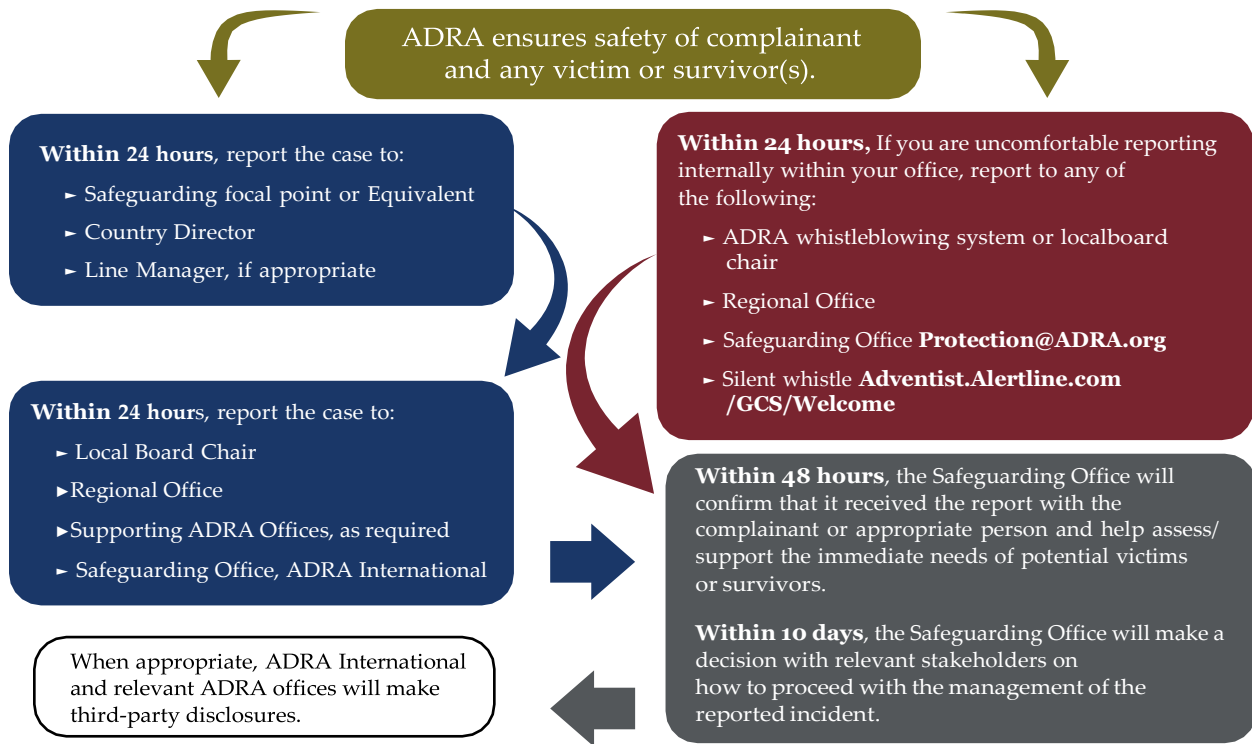
If ADRA staff do not feel comfortable reporting to the Safeguarding Focal Point or the Country Director (for example, if they feel that the report will not be taken seriously, or if that person is implicated in the concern) they may report outside of his or her office. Alternative options include:

- ADRA Office's whistleblowing platform or the local board chair
- ADRA Regional Office
- Safeguarding Office at ADRA International Protection@ADRA.org
- ADRA International's whistle blowing platform Adventist.Alertline.com/GCS/Welcome

Confidentiality will be maintained to the highest extent possible while reporting, limiting information to the fewest people possible.

⁹ The Safeguarding Focal Point is a place holder for anyone with safeguarding responsibilities, such as a Complaint Officer, Safeguarding Manager, Gender and Protection Manager, et cetera. Local adaptations of this Policy can update the name to the relevant position in their office if it exists.

Incident is Witnessed, Suspected, or Reported.



For cases that involve a staff of another organization, the Safeguarding Office or the local Safeguarding Focal Point and/or the Country Director will refer the allegations to the proper focal point within that organization, ideally following interagency protocol.

If the organization of the subject of the complaint is a partner of ADRA, pre-established partnership joint procedures should be followed. ADRA staff are encouraged to report directly to external organizations though if the complaint does not involve in ADRA.

The reporting structure and procedures for the ADRA are further detailed in the **ADRA Procedures to Report and Receive Sensitive Complaints**.

Note on Establishing Reporting Channels

Complaints and concerns from beneficiaries or local communities should be reported within existing project-level feedback and complaint mechanisms. ADRA should still provide multiple channels and opportunities to report concerns in case a subject of a complaint monitors the project-level complaint mechanism. All sensitive complaints should be referred to the relevant ADRA offices within the stated timelines.¹⁰

¹⁰ Once the Safeguarding Office receives a credible safeguarding incident report, the Office will ensure the relevant Regional Office and the local Board Chair of ADRA in Malawi are informed. If a Regional Office is involved in an incident, their board and/or Division Committee, will be informed. Additionally, the Safeguarding Office will ensure that all ADRA supporting offices to ADRA in Malawi are aware of the incident to help them remain compliant with donor reporting on SEA.

Responding to SHEA Concerns

Conduct that undermines the Core PSHEA Principles and ADRA’s commitment to maintain a protective environment is prohibited under this Policy. When appropriate, an administrative safeguarding investigation will be conducted and possible referral to statutory authorities for criminal investigation under the law of the country in which they work; and/or by ADRA in accordance with disciplinary procedures.

ADRA is obliged to support the administrative safeguarding investigation process and any reporting requirements.

ADRA will budget for safeguarding to cover the costs of investigations, survivor support, and other safeguarding/PSHEA activities, such as awareness materials.

The process of conducting an administrative safeguarding investigation within ADRA is outlined in the **ADRA Safeguarding Investigation Manual**. The Investigation Team and Committee along with the relevant ADRA Regional or ADRA supporting office will decide if and when the allegations are reported to statutory authorities using a risk-based approach. This decision is guided by the preferences and consent of the survivor along with the

Uniform policy on balancing the disclosure of information to national authorities with principles of confidentiality when receiving and handling allegations of sexual exploitation and abuse by persons acting under a United Nations mandate (Note: to be issued as a Secretary-General’s Bulletin).¹¹

Disciplinary Consequences

Any substantiated violation of the *PSHEA Policy* will be considered an act of gross misconduct and cause for termination. Additionally, anyone subject to this Policy who is found to have harassed, coerced, intimidated or retaliated against another in violation of this Policy will be subject to prompt and appropriate disciplinary action, up to and including termination.

To ensure that all ADRA offices in Malawi respond to sexual misconduct in a consistent, serious manner, this Policy outlines potential disciplinary actions based on the severity of the violation. When allegations of breaches of the *PSHEA Policy* are substantiated, the Investigation Committee can recommend to the relevant individual(s) of authority to take one of the following disciplinary measures:

¹¹The decision of the Investigation Committee to refer a case to the national authorities should take into account the consent of the survivor/complainant, who may not wish to involve the local authorities. However, in some instances, the state and local governments in which the reporting mechanism is situated may also have mandatory reporting laws related to SEA incidents.

Disciplinary Consequences, *con't*

- ▶ For **sexual abuse**, ADRA will suspend with pay any individual who is the subject of specific allegations of sexual abuse while ADRA and/or law enforcement investigate the matter. All substantiated violations will result in termination and ineligibility for rehire or future receipt of contracts, grants, or other resources from ADRA. Sexual abuse is considered a crime in many of the jurisdictions where ADRA operates. ADRA will support victims or survivors in reporting sexual abuse to law enforcement and in some cases may report as an organization under legal obligations.

All substantiated findings of **sexual exploitation** and **sexual harassment** will result in meaningful and proportional discipline that will depend on the nature and severity of the conduct and whether it can be effectively addressed.

- ▶ For **sexual exploitation**, ADRA will assess the nature of the alleged conduct, the risk of continued conduct, and the well-being of any victims or survivors when deciding how to mitigate the risk of continued conduct or harm while an investigation is pending. ADRA will suspend the accused with pay while the investigation is ongoing if the risks of continued conduct or harm cannot be adequately mitigated. ADRA will support survivors in reporting sexual exploitation to law enforcement and in some cases may report as an organization under legal obligations.
- ▶ For **sexual harassment**, complainants can decide which process to take, such as working with Human Resources within the ADRA in Malawi or elevating the issue to the ADRA Regional Office or ADRA International. Depending on where and how the allegation is managed, the disciplinary actions will vary.

Discipline for sexual exploitation and sexual harassment may include one or more of the following (this list is not exhaustive): warning letters for misconduct, mandatory training on gender and sexual exploitation and abuse, demotion, ineligibility for promotions, suspension without pay, performance improvement plans, opportunities for people who have experienced sexual exploitation to share impact statements with their harassers and receive apologies from their harasser, or termination with ineligibility for rehire or future receipt of contracts, grants or other resources from ADRA.

All substantiated findings of ADRA staff who did not report SHEA incidents or who did not maintain a protective environment that prevented SHEA will result in meaningful and proportional discipline that will depend on the nature and severity of the conduct and whether it can be effectively addressed.

Disciplinary Consequences, *con't*

ADRA employees may choose to resign while an investigation is ongoing; however, the investigation will be carried out until completed. If an allegation about an employee is substantiated, ADRA will not accept the employee's resignation and will instead respond with the disciplinary action recommended by the Investigation Committee.

ADRA in Malawi do not comply with the administrative safeguarding investigation process and/or do not comply with the findings and recommendations, ADRA International reserves the right to inform internal and external stakeholders (e.g. donors, Seventh-day Adventist Church in the respective region), and may result in removal of the office's ADRA Accreditation License (AAL).

Implementation and Monitoring

ADRA board is ultimately accountable for this Policy; while the ADRA Country Director are responsible for its implementation.

All ADRA managers are also responsible to ensure the delivery of this policy and to promote it as relevant in all aspects of their work, to hold themselves and others to account and to help create a safe environment for all.

Adherence to this Policy should be guided by the **ADRA Safeguarding Framework (ASF) Implementation Standards**, where the minimum standards for safeguarding within ADRA are stated. ADRA will monitor the implementation of the ASF Policies and Standards on an annual basis.

This ADRA Policy will be reviewed at a minimum every three years or earlier if significant changes are required by the Safeguarding Office. This review will ensure that this Policy is overseen and in accordance with the other ADRA Safeguarding Framework Policies, procedures and guidance.

Annex I: Safe Recruitment Requirements for all ADRA Offices in Malawi

Checklist for PSEA and Child Safeguarding Recruitment, Contracting, and Performance Management¹²

- Include a sentence in job announcements to notify candidates that background and reference checks will be conducted and ethics is part of annual performance appraisals.
- Require applicants to self-declare prior issues of sexual or other misconduct, termination of past employment, criminal records, and concerns registered with government authorities regarding contact with children, and to consent to the disclosure of any such information by their former employers during verification of references. This request and the response of applicants must be documented.
- Documented verbal referee checks.
- Conduct background checks (e.g. police records, Google searches) and contact references to vet for former misconduct in accordance with local laws regarding employment, privacy and data protection. Documented criminal record checks are required for all staff in contact with children.
- 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, as well as completed self-declaration forms may be accepted instead.
- Ideally, checks should 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.
- Conduct background checks on existing staff if there are changes in responsibilities and positions that require increased engagement with vulnerable people.
- Background checks on existing staff should be re-run every three to five years.
- Ensure gender-balanced interview panels during hiring processes and conduct gender neutral interviews.¹³
- Ask candidates interview questions about ethics and ethical dilemmas (e.g. What's your idea of an ethical organization? Tell me about a time when you faced an ethical challenge.) For positions working directly with vulnerable populations, interviews should include behavioral-based questions that are specific to the position.
- Require candidates to review and sign the *code of conduct* (or include in employment contracts) before being offered a contract
- Include a PSEA clause¹⁴ in employment contracts, including when subcontracting.

¹² This checklist is sourced from UNICEF's PSEA Toolkit from January 2020.

¹³ Also see [UNICEF Gender Balance Strategies and Tools](#), accessed July 8, 2019.

¹⁴ ADRA offices can adapt the following language for the PSEA clause: "The Contractor shall take all appropriate measures to prevent sexual exploitation or abuse of anyone by its employees or any other persons engaged and controlled by the Contractor to perform any services under the Contract. Any breach of the provision by the Contractor shall entitle ADRA to terminate the contract with immediate effect."

Annex I: Safe Recruitment Requirements for all ADRA offices in Malawi, *con't*

- Outline disciplinary measures in the event of proven SEA allegations (e.g. termination of contract).
- Include training in PSEA as part of onboarding process and provide refresher courses at regular intervals during employment tenure.
- Include adherence to *code of conduct* (e.g. participation in PSEA trainings) in performance appraisals of staff.
- Include in the performance appraisals of senior staff their effectiveness in creating and maintaining an environment which prevents and responds to SEA.
- Freeze professional advancement/recruitment opportunities of individuals under investigation.
- In cases of confirmed misconduct, take robust disciplinary action (e.g. dismissal, suspension, written censure or other administrative/corrective measures) and, where this involves possible criminal conduct, consider reporting the incident to local law enforcement authorities.¹⁵
- Maintain an internal database documenting any disciplinary measures on personnel, including dismissals, to avoid rehiring them at a later point in time.
- Systematically share relevant information of personnel known to have committed SEA with other potential employers during background checks, to the extent legally possible.

Annex II: Sexual and Romantic Relationships

ADRA prohibits staff from engaging in sexual or romantic relationships with members of communities with whom they are directly working. This is because as an ADRA staff, one has potentially greater access to goods, services and power than members of the program participant community, which could be used to pressure or exploit them. However, it is recognized that ADRA staff are often also members of the program participant community, and therefore may be married or have long-established romantic relationships in the program participant community. Only in these instances may the relationship be permitted. It is expected that all employees will exercise discretion, professionalism and good judgment when there is a romantic relationship between ADRA staff and program participants.

Furthermore, ADRA prohibits staff from engaging in sexual or romantic relationships between staff members or individuals in the recruitment process. This creates a conflict of interest and may likely be an abuse of power, either of which may be difficult to report in confidence or without the fear of retaliation.

¹⁵ Organizations may choose not to refer a case to national law enforcement.

Annex II: Sexual and Romantic Relationships, *con't*

In either case, should a romantic relationship develop, the ADRA staff is expected to make this relationship known to their supervisor, who will then determine if the current work arrangement is appropriate.

Relationships that are not formally disclosed and involve a supervisor or leader may be investigated as a breach of the requirement to disclose under the *Safeguarding Code of Conduct* and the *PSHEA Policy* and as a potential sexual harassment with the same disciplinary consequences of sexual exploitation.

Annex III: Prohibited Behaviors

The *PSHEA Policy* strictly prohibits all ADRA staff from engaging in any of the following:

- ▶ Offering special benefits (including money, employment, goods or services) to program participants, organizational partners, and colleagues in exchange for expressed, implied or demanded sexual favors;
- ▶ Threats or insinuations that an individual's refusal or unwillingness to submit to sexual advances or demands will affect the person's entitlement to project assistance, employment & support;
- ▶ Verbal conduct such as sexually derogatory remarks, graphic verbal commentaries about an individual's body or dress, sexually degrading words used to describe an individual, sexually suggestive or obscene letters, notes, emails or invitations, demeaning or inappropriate comments, name-calling, innuendos, slurs, jokes, sexual advances or propositions;
- ▶ Visual conduct such as leering, sexual gestures, displaying or distributing sexually suggestive objects or pictures, cartoons, graffiti posters or magazines; or
- ▶ Actual or threatened physical contact or conduct, such as patting, pinching, blocking movements, or any other offensive touching;
- ▶ Expressing sexual interest or engaging in any sexual activities with children (any person below the age of 18). Mistaken belief in the age of a person is not a defense;
- ▶ Use of children or adults to procure sexual services for others;
- ▶ Use of ADRA's computer equipment or other technology or office space to view, download, create, distribute, or save in any format inappropriate material, including but not limited to adult or child pornography or anything sexual in nature;

Annex III: Prohibited Behaviors, *con't*

- ▶ Condone or be a party to trafficking of persons (see *ADRA's Anti-Trafficking in Persons Policy*);
- ▶ Any act that may constitute sexual harassment, sexual exploitation or sexual abuse or that does not adhere to the principles mentioned in this *Code of Conduct*.

ACKNOWLEDGEMENT

ADRA appreciates and acknowledges the support from other organizations in the sector who have been transparent and supportive in shaping the landscape of PSHEA. This Policy along with other ADRA Safeguarding Framework Policies have been created in a large part thanks to:

- ▶ ADRA Australia, (2019). *PSHEA Policy*.
- ▶ Care International, (2009). *Policy on Prevention and Response to Sexual Exploitation and Abuse*.
- ▶ Concern Worldwide, (2018). *Programme Participant Protection Policy*.
- ▶ CHS Alliance, (2017). *Preventing Sexual Exploitation and Abuse Handbook*.
- ▶ Interagency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse (PSEA), (2013). *Minimum Operating Standards Protection from Sexual Exploitation and Abuse by own Personnel*.
- ▶ Mercy Corps, (2018). *Sexual Misconduct in the Workplace Policy*.
- ▶ Oxfam GB, (2018). *Protection from Sexual Exploitation and Abuse Policy*.