

# OPS-007 Preventing Sexual Exploitation, Abuse & Harassment policy

<b>Authorised by:</b> CEO
<b>Applies to:</b> All PWDA Directors and workers
<b>Effective from:</b> 11/11/2020
<b>Review date:</b> 11/11/2023
<b>Policy Owner:</b> Director - People, Quality and Systems

## 1.0 Policy statement

PWDA aims to be a leading disability rights, advocacy, and representative organisation of and for all people with disability. Our vision is for a socially just, accessible and inclusive community where the rights of people with disability and recognised and respected.

We do not tolerate any form of sexual exploitation, abuse, or harassment (SEAH) of people who engage with our work and personnel. Systems are in place to safeguard against and manage the risk of SEAH incidents, should they occur in the delivery of our services.

All PWDA staff, board members, volunteers, consultants, or others working to deliver PWDA services must, at all times:

- Undertake to create and maintain a safe and trusted environment that safeguards people from SEAH.
- Not engage in any behaviour that is, or could be perceived to be, SEAH of a child or adult.
- Immediately report to PWDA's CEO any concern, suspicion or allegation of SEAH or a breach of this policy. Malicious or deliberately false reporting may result in disciplinary action.

SEAH constitutes an act of serious misconduct. All concerns or allegations of SEAH by a PWDA worker are investigated in a timely and appropriate manner. Any worker found to have engaged in SEAH may be dismissed or have their contract terminated.

If SEAH involves the perpetration of a crime the police are informed, taking into account the wishes of the abuse survivor and any risks to their safety. When a referral is made to the police, any action by PWDA will be guided by them. A decision not to refer an SEAH matter to the police requires the approval of the CEO.

PWDA's commitment to zero tolerance for SEAH is published on its website.

## 2.0 Guiding principles

Principles underlying this policy are as follows:

- PWDA maintains a zero tolerance of SEAH and believes that any form of SEAH is a gross violation of human rights and an abuse of power.
- PWDA commits to uphold the highest level of personal and professional conduct among its workers (staff, board members, volunteers, and contractors) in all areas of our work with people with disability.
- PWDA adopts a survivor-centric approach in its response to instances of SEAH, ensuring survivors are treated with dignity and respect throughout the investigation process, are involved in decision-making, and provided with information and support (medical, social, legal and financial assistance or referrals to such services).
- Instances of SEAH are treated confidentially and the privacy of alleged perpetrators, victims/survivors, and whistleblowers is protected.

## 3.0 Definitions

*Safeguarding* – actions, policies and procedures that create and maintain protective environments to protect people from exploitation, harm, and abuse of all kinds.

*Sexual abuse* – the actual or threatened physical intrusion of a sexual nature whether by force or under unequal or coercive conditions. It covers sexual offences including attempted rape and sexual assault.

*Sexual exploitation* – any actual or attempted abuse of a 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.

*Sexual harassment* – unwelcome, unwanted physical, verbal or non-verbal conduct of a sexual nature that can include indecent remarks or sexual demands. d. Sexual harassment can be obvious or indirect, physical or verbal, repeated or one-off.

*A survivor-centred approach* – this approach prioritises the rights, needs, wishes and empowerment of survivors of SEAH in both the prevention of, and response to, SEAH. It encourages safety, trust and support and ensures the survivor is treated with dignity and respect instead of being exposed to victim-blaming attitudes.

*Transactional sex* – the exchange of money, employment, goods, services or other benefit for sex, including sexual favours.

*Child* – a person under the age of 18.

## 4.0 Accountabilities

Accountability for the policy rests with the following positions:

### **Board:**

The Board is responsible for ensuring that appropriate and effective SEAH policies and procedures are in place at PWDA, and for reviewing concerns or incidents of SEAH and the adequacy of action taken by management.

### **CEO:**

The CEO, in consultation with the Board, is responsible for ensuring the implementation of this policy and for advising the Board on the need to review or revise it and to raise awareness about SEAH matters. The CEO is also the reception point for reporting of SEAH matters and for coordination of the investigative response.

### **Managers:**

PWDA managers are responsible for undertaking a SEAH risk assessment as part of their ongoing work, and in respect of any new project.

### **All workers:**

All PWDA workers are responsible for championing a safe working environment that prevents SEAH from occurring.

## 5.0 Procedure

### 5.1 Reporting SEAH concerns or incidents

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PWDA provides a safe and supportive environment to report SEAH.

- Anyone at PWDA (staff, board member, volunteer, and consultant) who has reasonable grounds to suspect that a person having contact with PWDA through our work has been subjected to SEAH, must report the matter immediately (within 24 hours) to the CEO. In turn the CEO will report the matter to the Board.

The process for reporting is in accordance with PWDA's Resolution of Workplace Grievances policy and procedure which includes any complaint that raises issues of a criminal or child protection nature is immediately referred to the Police and/or other appropriate authorities for investigation.

- Any external stakeholder or community member is strongly encouraged to immediately notify the CEO if they, or someone they know, is thought to

have been the victim of SEAH perpetrated by a PWDA worker. They may notify a concern or incident either by phone, in person, via email or other communication means.

The process for receiving and managing allegations is in accordance with PWDA's Complaints Handling and Resolution policy and procedure.

Information about how to make a complaint appears on the PWDA website.

Action that must always be taken includes:

- Distancing the alleged perpetrator from the alleged victim. If the perpetrator is a PWDA employee, this means placing them on leave with full pay until resolution of the matter; if they are a volunteer or contractor then they are suspended until an investigation takes place.
- Keeping the matter as confidential as possible where the relevant people are informed on a need-to-know basis only.

## 5.2 Investigating SEAH concerns or incidents

The CEO is responsible for managing the investigation and response to a SEAH matter (if the allegation relates to the CEO, then the Board assumes this role).

He/she will normally:

- Assess the need for an internal investigation, who should conduct it, and its terms of reference.
- Act to suspend the alleged perpetrator while the investigation proceeds.
- Consult with the Chair of the Board regarding the matter and the need for legal advice,
- Either conduct the investigation, or appoint someone else to do so. PWDA may engage an external expert to conduct/ support an investigation.
- Report the matter to the applicable contractual funder.
- Consider whether the matter should be reported to the police, or to the NDIS Quality and Safeguards Commission if the matter relates to an NDIS recipient.
- Prepare an investigation report with findings and recommendations for action.

Proven acts of SEAH will result in disciplinary action. Depending on the circumstances this may involve:

- Performance management
- A formal warning
- Transfer to other duties
- Termination of employment
- Termination of contract
- Referral of the matter to external authorities.

## 5.3 HR practices

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PWDA ensures that its HR processes support the prevention of SEAH:

- PWDA has robust recruitment and selection practices in place to screen applicants to minimise the risk of recruiting someone who poses an unacceptable risk of engaging in SEAH. This includes use of background, criminal reference, and verbal referee checks.
- PWDA's Staff Code of Conduct and Ethics and Board Code of Conduct and Ethics set out core expectations of PWDA workers including respectful relationships, non-exploitative behaviour and safeguarding of people with disability. All new staff and board members are required to read and sign a copy of the relevant Code. Breaching the Code of Conduct is considered a serious offence and carries with it disciplinary action, possible termination and, if criminal activity is suspected, reporting to the relevant authorities.
- Induction and refresher training – includes information on what SEAH is and how to report allegations and concerns related to SEAH and PWDA's work.

## 6.0 Related policies, procedures and forms

- Staff Code of Conduct and Ethics
- Board Code of Conduct and Ethics
- Complaints Handling and Resolution policy and procedure
- Resolution of Workplace Grievances policy and procedure
- Misconduct and Disciplinary Proceedings policy and procedure
- Privacy policy and procedure
- Gender Equality policy and procedure
- Whistleblower policy
- Recruitment and selection policy
- ACFID Code of Conduct