

OPS-007 Preventing Sexual Exploitation, Abuse & Harassment Policy

Authorised by: CEO
Applies to: PWDA Board members and workers (including volunteers, contractors and others)
Effective from: 25 October 2023
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Policy Owner: Director of People and Culture

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Purpose

This policy sets out PWDA's zero tolerance of Inaction approach to Sexual Exploitation, Abuse and Harassment (SEAH), and how PWDA manages instances of SEAH.

Scope

This policy applies to PWDA Board members, and all workers including volunteers, contractors and others.

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 are recognised and respected.

PWDA takes a zero tolerance approach to SEAH. Sexual exploitation, abuse and harassment are never acceptable. PWDA recognises that achieving a significant reduction in SEAH is a long-term endeavour. Zero tolerance is not the same as zero incidents. Reports of incidents may increase as organisations improve safeguards. Increasing reports may indicate growing awareness of SEAH and changing attitudes, with victims/survivors feeling more comfortable to report and organisations more likely to take action. The reporting of incidents and responses is an indicator that the risk of SEAH is being managed appropriately.

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 takes a victim-survivor-centric approach when we respond to instances of SEAH. We ensure victim-survivors are:

- treated with dignity and respect throughout the investigation process,
- involved in decision-making, and
- are provided with information and support (medical, psychological, social, legal and financial assistance or referrals to such services).

We treat all instances of SEAH confidentially, and protect the privacy of alleged perpetrators, victim-survivors/victim-survivors, and whistleblowers.

PWDA does not tolerate any form of sexual exploitation, abuse, or harassment (SEAH) of people who engage with our work and personnel. We have systems in place to safeguard against and manage the risk of SEAH incidents.

All PWDA workers (including staff, board members, volunteers, consultants, or others) must, at all times:

- Be committed to creating and maintaining 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 any concern, suspicion or allegation of SEAH or a breach of this policy to PWDA's CEO or a manager on the Senior Management Team. Malicious or deliberately false reporting may result in disciplinary action.

SEAH is an act of serious misconduct. PWDA investigates all concerns or allegations of SEAH by a PWDA worker 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, PWDA will inform the police. PWDA takes into account the wishes of the abuse victim-survivor and any risks to their safety. When we make a referral to the police, our action will be guided by them. The CEO must give approval if a decision is made not to refer an SEAH matter to the police.

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

Guiding principles

PWDA's vision, purpose, values and guiding principles: As set out on our website.

<https://pwd.org.au/about-us/vision-purpose-values/>

PWDA Purpose: To be a leading disability rights, advocacy and representative organisation of and for all people with disability, which strives for the realisation of our vision of a socially just, accessible, and inclusive community.

Good governance: PWDA follows the Australian Council for International Development (ACFID)'s Code of Conduct.

Quality Management: PWDA is guided by the National Disability Services Standards regarding rights, safety and service management.

Risk management: We work to prevent, identify and manage threats to the safety of children and adults through our policies, procedures, systems and Child Protection Code of Conduct.

Privacy: We treat all reports about SEAH confidentially.

Continuous Improvement: We use feedback on implementing this policy, any breaches of the policy, the outcomes of these and feedback from people involved, to improve how we prevent and manage SEAH at PWDA.

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. Sexual harassment can be obvious or indirect, physical or verbal, repeated or one-off.

A victim-survivor-centred approach – this approach prioritises the rights, needs, wishes and empowerment of victim-survivors of SEAH in both the prevention of, and response to, SEAH. It encourages safety, trust and support and ensures the victim-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.

Roles and Responsibilities

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. All incidents should be reported to the relevant manager who will ensure it is reported to the CEO and

documented in the WHS incident register . The incident register will be presented at each Board meeting for review by the Board..

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 responsible for receiving reports of SEAH matters and for coordinating the investigation, response and reporting on this to the Board.

Managers

PWDA managers are responsible for undertaking a SEAH risk assessment as part of their ongoing work, and for any new project. They are also responsible for receiving SEAH complaints or concerns and passing these onto the CEO for investigation and the Director of People & Culture for documenting in the incident register.

All workers

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

All workers are responsible for reporting any concern, suspicion or allegation of SEAH or a breach of this policy to the CEO or a manager on the Senior Management Team.

Procedures

Reporting SEAH concerns or incidents

PWDA provides a safe and supportive environment to report SEAH.

- Anyone at PWDA (staff, board member, volunteer, or consultant) who suspects that a person who has 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.
- Board and workers should use the reporting process in PWDA's Staff Grievance and Dispute Settling Policy or Child Protection Policy & Code of Conduct, as relevant.
- We strongly encourage any external stakeholder or community member to notify the CEO immediately if they, or someone they know, may have been the victim-victim-survivor of SEAH perpetrated by a PWDA worker. They

can notify the CEO about a concern or incident by phone, in person, via email or other preferred way of communicating.

- PWDA will use the process for receiving and managing allegations in accordance with PWDA's Compliments, Complaints and Feedback Policy. There is information about how to make a complaint on the PWDA website.
- PWDA will refer any complaint that raises issues of a criminal or child protection nature to the Police and/or other appropriate authorities for investigation.

PWDA must always take the following action:

- Distance the alleged perpetrator from the alleged victim-victim-survivor. 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.
- Keep the matter as confidential as possible. The relevant people are informed on a need-to-know basis only.

Investigating SEAH concerns or incidents

The CEO is responsible for managing the investigation and response to a SEAH matter. If the allegation is about the CEO, then the Board takes on this role. The CEO will:

- Decide if an internal investigation is needed, who should conduct it, and its terms of reference.
- Act to suspend the alleged perpetrator while the investigation proceeds.
- Consult with the Board President about the matter and the need for legal advice.
- 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.

HR practices

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 a risk of engaging in SEAH. This includes background, criminal reference, and verbal referee checks.
- All PWDA staff are to be trained in the prevention of sexual exploitation, abuse and harassment. The training should aim to increase worker awareness of what constitutes SEAH and to improve worker safety both physical and psychological.
- PWDA's Staff Code of Conduct and Ethics and Board Code of Conduct and Ethics set out core expectations of PWDA workers. These include 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.

Related documents

Relevant legislation, regulations and standards

- State and Territory Child Protection laws
- National Child Protection Principles
- Privacy Act
- Workplace Gender Equality Act 2012 (Cth)

- ACNC Standards
- ACFID Code of Conduct
- National Disability Services Standards

Relevant PWDA policies and procedures

- Recruitment Policy
- Privacy Policy
- Whistleblower policy
- Staff Code of Conduct and Ethics
- Staff Grievance and Dispute Settling Policy
- Compliments, Complaints and Feedback Policy
- Board Code of Conduct and Ethics
- Risk Management Plan
- Continuous Improvement Plan
- Performance Management Policy