

3F International's policy and guideline against Sexual Exploitation, Abuse and Harassment

This document is intended to guide 3F International in its efforts to address and prevent the risk of sexual exploitation, abuse and harassment (SEAH). The draft document remains open to revision and modification.

The document should be read as addressing two aspects of the risk of SEAH: In the workplace and in 3F's relations with partner organisations in international development cooperation.

This second component attempts to provide guidance to staff on addressing SEAH by ensuring that all assertions of sexual misbehaviour are fairly and properly acted upon and supported to protect and respect the parties involved.

1. Purpose

The purpose of this policy is to mitigate and prevent the risk of sexual exploitation, abuse and harassment (SEAH) in 3F's international engagement including 3F's own staff and the people and organisations 3F supports and works with. The document has been prepared as a guidance to addressing the risk of SEAH.

2. Target group

The policy is intended for use by all 3F International's employees, contracted personal, and representatives and as a guideline for sharing with and capacitating 3F's partner organisations.

The policy applies to those who may be engaged with 3F International in any of the following ways:

- An employee that may be permanent, full time or part time
- Any service support staff – such as cleaning staff, security office support personal and so forth
- Consultants including researchers, trainers and facilitators
- Voluntaries, including members of solidarity groups, working according to a signed agreement with 3F International.

3FI will also develop a "good behaviour" guideline for activists with no agreement with 3F International, but who visit partners abroad – and adapt it to the different visited countries.

The principles of this policy will be explained to partners and integrated into 3F International's global administrative manual. 3F will offer guidance and capacity building to partners in order to promote an atmosphere of respect, free from sexual and other misconduct in the trade union movement and society at large.

3. Commitment and general principles

3FI commits to promoting relations of mutual respect based on the recognition of human rights and dignity. A positive, respectful professional climate – among staff and between staff and partners - based on these principles is the best point of departure for mitigating the risk of

both sexually related misconduct and other forms of harassment, exploitation and abuse of power.

3FI commits to:

- providing a safe environment for all its employees free from discrimination on any ground and from harassment, abuse and exploitation both of sexual and other character.
- a zero tolerance policy for any form of sexual exploitation, abuse and harassment in the relation between 3FI and its partners.
- offering advisory assistance to partner organisations and support awareness raising and capacity building activities to prevent, mitigate and remediate any incident of SEAH.

3FI will treat all reported incidents and complaints seriously and promptly investigate all allegations of SEAH. No one will be victimized for making a complaint about SEAH.

Any employee found to have sexually harassed, exploited or abused another person will face disciplinary action, up to and including dismissal from employment.

However, 3FI will also take all necessary precautions for protecting its employees against false, invented or misleading accusations.

3F commits to informing all employees and partners effectively about this policy.

3F International accommodates diversity among employees and firmly upholds that dignity and respect are basic principles common to all. Every 3F employee is entitled to a work environment that is free of all offensive behaviour of a sexual nature; regardless of its form, manner, or intention.

3F promotes and supports the empowerment of partners and their members at all levels to mitigate and prevent the risk of sexually related misconduct. This includes supporting the development of partners' own policy against SEAH and training programmes regarding gender, anti-discriminatory and anti-abuse practices.

3F does not tolerate the development of relations of personal dependence in our professional development work and will continuously control that our partnerships are built as relations between organisations, not individuals.

4. Preventing sexual harassment in the work environment

3F does not tolerate any form of sexual harassment in the workplace. It is the responsibility of 3F International's management to implement preventive measures against sexual harassment.

With respect to intimidation through sexual harassment, each 3F International employee will have access to resources of support, so as to discuss, report, mention, or refer to any form of any perceived sexual harassment- regardless of whether that information was shared formally or in confidence. All information pertaining to sexual harassment will be handled with strict confidentiality.

Roles and responsibilities

The employee/the victim

- Employees feeling abused, exploited or harassed are recommended to confront the person committing the inappropriate behaviour or tell it to the immediate superior, the shop steward, the OHS representative or the HR department.

Persons with a management responsibility, shop steward, OHS representative and HR

- Supervisor, shop steward/OHS representative and HR have the responsibility to take every information about sexual harassment seriously and treat it confidentially.
- Manager/supervisor, employee/OHS representative and HR have the responsibility to ensure that a solution is found in dialogue with involved employees.
- It is the responsibility of manager/supervisor, employee/OHS representative and HR to follow up on the involved employees to ensure, that the inappropriate behaviour has effectively terminated.

Manager and HR

- The supervisor/manager and HR decides if external counselling of involved employees is needed.
- HR assists if external counselling is requested
- It is the responsibility of the manager/supervisor to take necessary decisions if the conflict is not solved. The supervisor/manager may involve the employee's representative and the HR in the decision or its implementation.

Colleagues

- Colleagues have the right and obligation to intervene if someone feels harassed or if they witness a situation that can be characterised as harassment. Colleagues may intervene in the specific situation as it evolves or contact their immediate superior, employee representatives or HR.
- It is the responsibility of colleagues to take every information about SEAH seriously and treat it confidentially.

Everyone with a management responsibility must ensure that all employees adhere to the following:

- A full understanding of what comprises an act of SEAH
- An understanding and commitment to the rights and entitlements of all employees to attend work and perform their duties, without any fear of being sexually harassed in any way
- That staff and managers take reasonable steps to eliminate sexual harassment
- That all staff is frequently made aware of their obligations to providing a workplace free from sexual harassment
- That regional coordinators promote an environment which discourages harassment in any form and set standards by their own behaviour
- Managers take immediate and appropriate response when they become aware of any offensive action

5. Mitigating the risk of SEAH in 3FI's relations with partners

Partnership relations between trade union organisations (3F and its sister organisations in other countries) based on mutual respect and solidarity, shared values and goals, represent a *low risk level* regarding SEAH.

Furthermore, there has been much progress in recent years on workers', not least organised women's, awareness of their rights and the risk of SEAH. 3F partnerships and other factors have boosted their capacity to unite and confront sexual harassers. This development has been assisted by law reforms addressing sexual harassment and exploitation in many parts of the world. 3F will continue to support this positive development by promoting empowerment of potential victims of SEAH.

However, as long as the risk is not completely eliminated, an active effort to reduce it as much as possible is still required. Building the right kind of organisational culture and relationships with partner organisations are crucial factors that include a number of efforts:

Recruitment of staff:

- Reference to 3F's anti-SEAH policy is made in job adverts
- Questions related to SEAH asked during job interviews
- New employees sign contracts including a clause about prevention of SEAH.

Induction/training:

- All staff will receive training
- All staff will have to sign a statement of commitment against SEAH

HR management:

- SEAH will be integrated into HR policies
- Management reports will include a part on SEAH
- Preventive action against SEAH will be on the agenda of all management meetings and will be revised once a year

Whistleblowing

- The policy and its implementation will encourage people to report on concerns without fear of reprisals
- Every employee will be instructed and trained to take every information about SEAH seriously and make sure it is passed on to the relevant person in 3F
- All partners will be encouraged to establish a procedure for internal reporting

Partnership arrangements:

- 3F's general partnership approach mitigates the risk of SEAH
- All contracts with partners will include a clause on prevention and reporting of SEAH
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Complaints/reporting:

- A complaint mechanism is developed to respond to reports on SEAH

3F International's aim is to build close collaboration based on trust and confidence with partner organisations, creating as little dependence as possible, gradually reducing economic dependence and *excluding individual dependence on 3F's support*. No individual should be able to abuse superiority of power to get services or benefits from others in this relationship.

The partnership should build on team-work and internal controls ensuring that the link between the two organisation is always a team, not an individual. 3F employees will not be allowed to do the work of partners' employees for them (or vice versa), e.g. drafting progress reports, although it might be done from the noblest of motives.

Partners' employment contracts should not contain any direct reference to financial support from 3F. Employment conditions must be decided by the executive bodies of the organisation.

The management team of 3F International is responsible for keeping the relations under close surveillance.

3F will continue to support the empowerment of potential SEAH victims and to discuss the development and mitigation of this risk with partners, mainly regarding the workplaces they are organising where sexual harassment is often widespread. This will also include discussions about internal risk mitigation strategies, preventive policies and the establishment of internal complaint handling in partner organisations.

For 3F employees the risk of becoming involved in internal power struggles can be real and may even lead to false accusations or rumours of misbehaviour. To accuse someone of SEAH is a powerful weapon in possible internal power struggles.

In order to protect 3F staff and regional coordinators as much as possible from becoming involved in such cases, 3FI will provide training in diplomatic and respectful behaviour and knowledge about how to avoid interfering with strictly internal affairs. Such training will include understanding of organisational development and power structures, cultural and gender aspects as well as sexual norms of each country where 3F works.

3F staff will be instructed to avoid situations of working with partner employees in situations that may give rise to misunderstanding of motives.

Periodic mutual evaluations of the partnerships' development should be the norm and 3F invites mutual criticism and appreciation. Mitigation efforts related to the risks of corruption and SEAH should be on the agenda at the periodic meetings. 3F will ensure that the relationship becomes as institutionalised as possible, and that both central leadership and professional cooperation staff at national and local level, involving both men and women, will be fully informed and consulted about its development and how risks are mitigated.

6. Partner reporting options

3F International offers validated and anonymous reporting options. This may be in person, through a phone call, text message or an email. Partners will be encouraged to provide name and details when reporting an incident, as this allows 3F to handle the case properly.

Any 3F International staff member may receive such complaints or refer them to the immediate superior. When receiving such messages, employees should if possible ask basic relevant questions, inform the reporting person about procedures and then inform their immediate superior. Regional coordinators will immediately share the information with Head of International Department.

While there is no time limit on reporting an incident of SEAH at 3F International, partners should be encouraged not to hesitate in reporting severe allegations. If a significant amount of time has passed, it may make any formal procedure more difficult.

Partners and their staff, members etc. may have reasons not to complain to the regional office/coordinator or the international advisor in charge. Therefore, 3FI will also inform its partners about *3F's complaint mechanisms* and encourage them to disseminate the information to staff, leaders and persons who may be in contact with 3F.

The complaint can be directed to either or both of two addresses at 3F's HQ: The head of International Department and Head of Human Resources Department.

7. Investigation of reported incidents or suspicion of SEAH

The following process will be initiated by 3F International when a formal complaint against 3F International for involvement in SEAH is received:

1. An investigation will commence immediately, and the following should be conducted within a one-month period.
2. A team (HR/3FI employees with no direct relations to the accused and different from the managers that will determine what actions to take) will collect statements from individuals on possible misconduct. All statements, named or anonymous, will be documented in writing.
3. If the suspicion is substantiated, the team will convene relevant persons to review the investigation, including Head of the HR department. A summary document will then be provided to the accused for response.
4. The team will gather any statements from the accused to be included with the incidence summary file.
5. The findings on whether sexual misconduct has occurred will be determined on the basis of the evidence reviewed and on the balance of probabilities.
6. Concluding the inquiry, 3FI management will determine what actions will be taken in cooperation with the HR department.

On the basis of the possible outcome of the inquiry, actions may lead to, but not be limited to, any of the following:

- Dialogue with the complaining partner organisation's leadership about prevention of SEAH and false accusations
- Formal apologies and undertaking that the behaviour will cease and with mediation carried out by an impartial third party if the parties involved agree to a mutually agreed resolution
- Counselling
- Disciplinary action

Disciplinary actions may include:

- An official warning to be noted in the personnel file
- Possible suspension or dismissal

All parties involved in the investigation will be kept duly informed while records will be held strictly confidential.

8. Compulsory Reporting Situations and cooperation with authorities

Some forms of SEAH may be criminal in nature. These may include:

- Sexual assault, rape
- Stalking
- Indecent exposure
- Physical molestation
- Obscene phone calls;



3F International will address SEAH reports internally, yet recognises that criminal conduct must be handled by the authorities.

Such incidents will generally be referred to appropriate legal authorities where the harassment has occurred, unless such reporting authorities is assessed to pose a higher risk for human rights abuses than the incident itself.

In the case of alleged criminal offences, such as rape or sexual assault, the incident must also be reported to 3F's top leadership and action taken immediately.

Presumed victims will be advised of the possibility of legal advice and support as it is not the obligation nor the duty of 3F International to report such cases to the police on behalf of the victims. Advice will also be given to presumed victims regarding remediation/compensation cases.

9. Implementing the anti-SEAH policy

3F will ensure that this policy is widely disseminated to all relevant persons in 2019 and will ask all employees to confirm their commitment to it.

The policy will be included in 3FI's administrative manual. All new employees must be trained on the content of this policy as part of their introduction to the department.

It is the responsibility of managers to ensure that all his/her employees are aware of the policy.

A SEAH clause will be included in 3FI's standard partner contract.

Once a year, 3FI will review the policy, consider lessons learnt and require all employees to attend a refresher training course on the content and practical experience with this policy.

An Employees Statement of Commitment

I _____ have received, read and understood the information provided in policy paper on sexual abuse, exploitation and harassment, and I am committed to the best of my ability in upholding and supporting a 3F's development assistance free from sexual misconduct.

Signature _____ Date _____

Employees name _____

Regional Coordinator's name _____

Annex: Definitions

3F International adheres to comprehensive and clear definitions of sexual exploitation, abuse and harassment - well aware that there is some overlap of these concepts.

Sexual exploitation: Sexual exploitation means taking advantage of another person's position of vulnerability, differential power, or trust to exploit sexuality and attractiveness for personal sexual purposes and gains. It is an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose.

Sexual exploitation can take many forms, some of them are:

- Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved
- Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved
- Prostituting another individual
- Exposing another's genitals in non-consensual circumstances
- Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity

Sexual abuse: Sexual abuse should be understood as sexual behaviour or a sexual act forced upon another person without their consent. Sexual abuse is an act of violence which the attacker uses against someone they perceive as weaker than them. It does not come from an uncontrollable sex drive, but is a crime committed deliberately with the goal of controlling and humiliating the victim.

Sexual violence is a social phenomenon that exists where aggressive behaviour and gender inequality is accepted. Rape is a specific form of sexual abuse.

Sexual harassment is understood as laid out in Danish Employment Legislation that deals with Sexual Harassment/Harassment based on Sex (the Gender Equality Act /Consolidation Act No. 553 July 2 2002).

Danish law defines sexual harassment as any verbal, non-verbal or physical action used to change a person's sexual status against their will and resulting in that person feeling inferior or hurting their dignity. Men and women are looked upon equally by Danish law, and any action trying to distort the balance in status with differences in sex as a tool, is also defined as sexual harassment. Danish Law 1385 of December 21, 2005 regulates this area.

- Danish law prohibits sexual harassment and permits authorities to order an offender, or an employer who allowed or fails to take action to prevent an incident of harassment, to pay monetary compensation to victims.
- Danish law allows that most cases be processed through the labour unions, which function as civil society organisations, or through the Equal Treatment Board.

In general, sexual harassment can be understood as being verbal, or non-verbal, as well as physical. Some examples which demarcate sexual harassment include:

- Sexual innuendos or stories, including lewd jokes, images, or videos
- Base or crass humour relating to sex including comments, on either private or public communication channels, that are inappropriate
- Unnecessary or unwelcome sexual references
- Personal asides about sexual fantasies, preference, or history
- Sexual comments about a person's clothing, anatomy, or looks
- Implications or requests for sexual favours in return for professional advancement
- Unwelcome sexual contact, advances or sexual abuse of any kind
- Unwelcome sexual teasing or gestures
- Use of any derogatory terms to describe sex, as well as the use of derogatory sexual terms to describe another person
- Turning work discussions to sexual topics
- Spreading rumours about a person's sex life