

Farm Radio International Policy E.4.3: Safeguarding/Protection from Sexual Misconduct, Harassment, Exploitation and Abuse

DEFINITIONS

Exploitation	is using one's position of authority, influence or control over resources, to pressure, force or manipulate someone to do something against their will or by threatening them with negative repercussions.
FRI	means Farm Radio International.
FRI Personnel	means any FRI director, management, employee, volunteer or contractor.
Sexual abuse	is an actual, or threatened, physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions.
Sexual exploitation	is any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from sexual exploitation of another.
Sexual Harassment	unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
Sexual Misconduct	is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender.
Sexual Violence	is any sexual act or attempt to obtain a sexual act by violence or coercion, acts to traffic a person or acts directed against a person's sexuality, regardless of the relationship to the victim. (from https://en.wikipedia.org/wiki/Sexual_violence)

Sexual Services

a service that is sexual in nature and whose purpose is to sexually gratify the person who receives it. (from <https://www.justice.gc.ca/eng/rp-pr/other-autre/c36faq/>)

Zero-tolerance

signifies that allegations are investigated whenever possible, and that perpetrators are held to account, including through prosecution and-or dismissal where appropriate.

BACKGROUND AND RATIONALE

FRI works with target groups (including small-scale farmers, rural citizens, vulnerable adolescents, the elderly, people with disabilities, linguistic or cultural minorities, refugees and internally displaced persons) and partner organizations such as radio stations, farmers' organizations, and associations that reflect the interests of target groups. FRI provides valuable goods and services to these groups and organizations such as broadcasting equipment, wind-up radios, cash to cover costs of participating in meetings, opportunities to be heard on the radio, funding to pay for broadcasting radio programs, training opportunities, and others. FRI also provides employment, internships and volunteer opportunities in environments with high rates of unemployment, absence of unemployment insurance, and poor recourse to the justice system.

As a result, FRI Personnel are or may be in a position of power with respect to the individuals in these target groups. Thus, there is the potential for sexual misconduct, harassment, abuse and exploitation. For example, the individuals, or groups of individuals, who distribute, or control the distribution of, FRI's goods, services or work opportunities are in a position to demand sexual "favors" from, or feel license to sexually harass, individuals in exchange for FRI's goods, services or work opportunities.

Whether or not there is a power imbalance between two persons, there is potential for one to be the subject of unwanted behavior from the other. There is potential for anyone working with or at FRI to be either a victim or a perpetrator: volunteers, staff members, contractors or subcontractors, clients, representatives of partner organizations including funders all have the potential to experience or commit acts of sexual misconduct. FRI also recognized that people belonging to minority or marginalized groups are more at risk of experiencing sexual violence in their lifetime.

FRI Personnel and those who FRI works with have the right to work in a workplace that is free of unwanted behavior of a sexual nature. To remain true to its core values, uphold human rights, and make FRI a safe and trusted organization to work with and for, it is essential that FRI maintain "zero tolerance" for sexual violence, misconduct, violence, harassment, abuse and exploitation.



POLICY

FRI is committed to creating safe and respectful workplaces and programs that promote gender equality and are free from sexual violence, sexual harassment, sexual abuse, sexual misconduct and exploitation. FRI promotes responsibility, respect, honesty, and professional excellence and will not tolerate sexual violence, harassment, sexual coercion, sexual misconduct, sexual violence, sexual exploitation and sexual abuse in any form. FRI will work to develop and promote an organizational culture preventing any form of sexual violence and promoting gender equality, and will promptly respond to all allegations of sexual misconduct and abuses of power by FRI Personnel, hold people to account, and protect and support those who have experienced or are vulnerable to abuse by a FRI Personnel. FRI will ensure that this policy and reporting mechanisms are well known by FRI personnel through orientation and various training opportunities.

This policy applies to the behaviour that occurs in the workplace or outside of the workplace while representing yourself as a FRI Personnel or in a manner that impacts FRI. For the purposes of this policy, “workplace” is defined broadly and includes, but is not limited to:

- All areas of the actual work site;
- The locations of work-related social functions;
- The location of work assignments;
- Any location related to FRI’s business;
- Any location where interactions may be reasonably viewed as having an impact on the work environment and relationships; and
- Work-related conferences or training sessions.

Specifically, FRI Personnel will:

- Create and maintain an environment that fosters mutual respect and prevents sexual misconduct, harassment, exploitation, violence, abuse of power and corruption, and promotes the implementation of FRI’s Code of Conduct.
- Not commit any form of sexual abuse, sexual exploitation, sexual harassment, sexual misconduct or sexual violence.
- Not exploit the vulnerability of any target group, especially women and children, or allow any person to be placed in a sexually compromising situation.
- Not engage in any sexual activity with persons under the age of 18, regardless of local law about the age of majority or of consent. Mistaken belief in the age of the child is not a defense.
- Not engage in sexual exploitation, violence or abuse of any target group (men, women, girls and boys). This constitutes acts of gross misconduct and is grounds for termination and prosecution.
- Not trade money, employment, goods or services for sex, including sexual favours. All forms of humiliating, degrading or exploitative behaviour are prohibited. This includes trading of assistance that is due to beneficiaries in return for sex, including sexual favours.

- Not withhold assistance for sex, including sexual favors or give preferential treatment for sex, including sexual favors.
- Consciously avoid accepting sexual services, or bribes from anyone when they are or may be offered with the expectation of assistance or preferential treatment. Gifts etc belong in Code of Conduct
- Not engage in sexual activity with beneficiaries or others in a subordinate or vulnerable position. Such activities undermine the credibility and integrity of humanitarian aid work. This applies both during and after working hours.
- Not accept, solicit, or profit from, sexual services. This rule applies both within and outside of working hours.

Violation of any provision of this policy by a member of FRI Personnel will result in disciplinary action up to and including termination of contract for cause, without notice or pay in lieu of notice. Such conduct may also affect individual performance assessment and compensation. Additionally, depending on the circumstances, FRI may be required to report a perpetrator to the regulatory authorities.

REPORTING

As part of being accountable to each other and to FRI, each FRI Personnel has an obligation to report any violation of this policy by speaking to, or submitting a complaint in writing to, his or her supervisor or, if that individual is the subject of the complaint or is not available, the complaint should be directed to the appropriate contact listed below:

- In Canada: to the Executive Director or, if the complaint is against the Executive Director, to the Chair of the Board of Directors
- In Africa: to the Country Representative or, if the complaint is against the Country Representative, to the Director of Operations or, if the complaint is against the Director of Operations, to the Executive Director, or, if the complaint is against the Executive Director, to the Chair of the Board of Directors.
- In Canada or Africa: FRI may engage the services of a third party “Ethical Conduct Reporting” firm that will provide personnel, volunteers, partners, and others to confidentially report wrongdoing and sensitive issues within the workplace.

Any report or allegation of conduct that may contravene the provisions of this policy will be investigated - even if the person making the allegation asks that it not be reported. The information will be treated confidentially to the extent possible and in a manner consistent with FRI’s responsibility to address the issue raised.

The complaint should include as much detail as possible including dates, times, witnesses (if any), a detailed description of the events and nature of the behaviour, acts, or conduct complained of, and your attempts (if any, and if not then why not) to deal with the situation directly.

FRI will first conduct an internal review and consider the complaint to determine if external investigation is required. The review may include interviewing the complainant, the respondent, and witnesses to the incident or circumstances that led to the complaint.

The findings of the review and recommendations for further action, if any, must be communicated in writing to the complainant and respondent within 10 working days of receipt of the complaint. [JB: time frame is recommended best practice. The intent is to make sure the process moves forward and is concluded in a timely manner.]

If an external investigation is recommended, the Executive Director must:

- a. Advise the respondent, in writing (translated into the language of the complainant and respondent), of the nature and specifics of the complaint, of their rights to representation and of the investigation;
- b. Advise the complainant of the investigation; and
- c. Assign the investigation to an investigator.

The investigator will make a written report with the findings of the investigation to the Executive Director within 30 working days. Extensions may be granted by the Executive Director in appropriate circumstances.

The Executive Director must review the report and determine a plan of action within 15 working days of receiving the investigator's report.

The Executive Director must advise the complainant and the respondent, in writing, of the outcome of the investigation. Summaries of the investigation process and conclusions may be provided to the complainant and the respondent.

Where sexual misconduct or sexual harassment has been substantiated, corrective and disciplinary action will be taken up to an including termination of employment for just cause, depending on the circumstances. Specific details of the corrective action or discipline may not be shared with the complainant or others in order to respect privacy and confidentiality.

In order to comply with statutory obligations to prevent and investigate sexual misconduct in the workplace, the Executive Director must follow the above procedure even when:

- a. A complaint has been made anonymously or by someone who asks to remain anonymous;
or
- b. There is no specific complaint, but
 - i. There is a pattern of inquiries or concerns raised over time which suggest the existence of a specific problem not already addressed, or
 - ii. There is reason to believe that a systemic problem exists in the FRI workplace.

SUPPORT

FRI will provide effective support to FRI Personnel who have experienced sexual abuse, sexual exploitation, sexual harassment, sexual misconduct or sexual violence perpetrated by another FRI Personnel by, for example, enabling the person to access and benefit from counselling services. FRI will identify a trained counsellor in each country of operation who can be approached in confidence by FRI Personnel. The counsellor will not have an obligation to report the allegation to FRI if the person requests that it be kept in confidence.

NO RETALIATION

No one may retaliate or take adverse action against a member of personnel or a beneficiary or member of a local partner organization or targeted group who, in good faith, reports a real or potential contravention of this policy, or who provides information or assistance for an investigation

If it is determined that a FRI Personnel made a false complaint knowingly and in a malicious manner, he or she will be subject to corrective action or discipline up to and including termination of employment for just cause or termination of contract.

CONFIDENTIALITY

Any complaint brought or investigation conducted under this policy will be treated confidentially to the greatest extent possible. The identity of the complainant, respondent or witnesses, or the circumstances of the complaint, may be disclosed where disclosure is necessary for the purposes of resolving the complaint or taking disciplinary action in relation to the complaint, or as authorized or required by law.

Any unauthorized disclosure of confidential information relating to a complaint may result in disciplinary action, up to and including termination of employment for just cause.

All records of a complaint must be kept separate from the respondent's personnel file except where the complaint is determined to be substantiated.

PROCEDURES

- This policy on the Prevention of Sexual Misconduct, Harassment and Abuse shall be an integral component of FRI's Code of Conduct for all FRI Personnel. All FRI Personnel shall review the Code of Conduct and signal their commitment to abiding by its terms throughout their employment.
- This policy will be translated into languages spoken by FRI staff, printed and displayed in the office in publicly accessible location.
- An annual training session will be held in each country office to review the Code of Conduct including this policy.
- Beneficiaries, community groups and partners will be advised of FRI's policy of zero tolerance, the mechanism for making a complaint and how FRI will handle a complaint, including protection of confidentiality.

- To reduce the risk of sexual misconduct, FRI will endeavor to avoid hiring or engaging individuals who have a history of sexual misconduct, and will cooperate with others in the sector to prevent re-engagement of perpetrators.
 - This may include requiring police or judicial record checks of new employees, and filing reports to the appropriate authorities when FRI employees have perpetrated sexual abuse.
- To affirm its commitment to preventing sexual misconduct, harassment, exploitation and abuse, the Executive Director will sign the CCIC Leaders' Pledge on Preventing and Addressing Sexual Misconduct.