

Solidar Suisse Policy

Protection from and prevention of Sexual Exploitation, Abuse and Harassment (PSEAH)

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This policy builds on older versions of a much shorter code of conduct in the domain of PSEAH which our staff must sign as part of employment contracts. Furthermore, this new policy has been fed and inspired by PSEAH policies from like-minded Swiss NGOs (Salvation Army, KoGe / Bread for all, Swissaid, and Helvetas Swiss Intercooperation). Solidar Suisse acknowledges and lauds SDC's support in linking NGOs in a PSEAH Community of Practice. Furthermore, as a CHS member we were able to build on Oxfam's PSEA Policy which also influenced this policy document. We would like to express full courtesy to these befriended organisations.

1. Scope and purpose

This Protection & Prevention Policy serves to ensure that all staff and persons who directly or indirectly come in contact with Solidar Suisse's activities are protected, that their well-being is promoted and that Solidar Suisse's actions do not cause any harm. The necessary measures will be implemented on three levels: at the Solidar Suisse' offices in Switzerland, within the Coordination Offices (COOFs) in focus countries but also in the framework of collaboration with partner organisations. The measures include both **preventative** actions to minimise the chances of harm occurring, and **responsive** actions to ensure that incidents which may happen are appropriately handled.

As a member of the Core Humanitarian Standards (CHS) Alliance, the organisation is guided by highest quality standards in the sector and by the professional demands of best practice.

The policy defines principles, expectations towards our employees and our institutional commitment to protect staff and people we work with from any form of sexual exploitation, abuse and harassment and describes what preventive measures are taken.

The policy applies to all Solidar Suisse collaborators (employees, interns, volunteers, consultants, and sub-contractors) at all times during their service with Solidar Suisse.

The policy is shared with our partner organisations and will serve as minimal requirements to prevent cases of sexual exploitation, abuse, and harassment.

2. Definitions

“Sexual harassment” includes all acts of a sexual nature that are unwanted by the person concerned.

It can be directed towards one person, groups of people or towards everyone and can occur as a one-off incident or be a pattern of harmful behaviour. The effect of sexual harassment is among others to violate the dignity of another person, and to create an intimidating, hostile, degrading, humiliating or offensive environment for them and others.

Sexual harassment can take many forms, including (but not limited to):

- Verbal comments of a sexual nature, such as remarks about an employee's appearance, questions about their sex life or offensive jokes
- Non-verbal such as displaying pornographic or explicit images, staring, sexual gestures or written comments of a sexual nature
- Physical such as unwanted physical contact, touching, and assault (this includes attempts and threats to do these things)

Sexual harassment includes the terms **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) and **sexual abuse** (the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions).

3. Solidar's key principles against Sexual Exploitation, Abuse and Harassment

Solidar Suisse considers all forms of sexual exploitation, abuse, and harassment to be unacceptable.

Solidar Suisse recognises the right of everyone to live their lives free from sexual harassment and abuse, sexual violence, bullying, exploitation, and any abuse of power regardless of their age, gender, sexuality, disability, religion, or ethnic origin. As a member of the CHS alliance, Solidar Suisse commits to highest professional and ethical standards. Evidently this includes PSEAH standards. Solidar Suisse recognises that sexual exploitation and abuse of vulnerable people is a global phenomenon and from our own and others' experience, working with vulnerable individuals can entail dealing with issues of sexual exploitation and abuse. It is vital that sexual exploitation and abuse are not perpetrated or compounded by those who Solidar Suisse puts in contact with vulnerable people. It is therefore crucial that all staff understand the problem of

sexual exploitation and abuse. Furthermore, it is vital to reflect on our own role and responsibility in preventing it. Finally, employees always need to consider how their sexual conduct might bring Solidar Suisse and wider aid community into disrepute.

4. Expected conduct from Solidar Suisse employees

Based on these principles and building on these definitions, it follows, therefore, that Solidar Suisse employees should commit no act in breach of above listed definitions of sexual harassment, violence, exploitation, and abuse. Such behaviour goes against the organisational beliefs, values, and mission. By signing the code of conduct, all staff give consent to meet these expectations and are conscious of consequences in case of any misconduct.

5. Guidelines¹

The Policy is underpinned by the six principles outlined below. The principles reflect Solidar Suisse's commitments to address SEAH.

Principle 1: Zero tolerance of inaction

Sexual exploitation, abuse and harassment are never acceptable. 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 act. The reporting of incidents and responses is an indicator that the risk of SEAH is being managed appropriately.

For this Policy, Solidar Suisse defines zero tolerance as acting on every allegation in a fair and reasonable way with due regard for procedural fairness.

Principle 2: Strong leadership accelerates culture change

Culture change is underway in many organisations. Strong leadership is essential for accelerating the pace of change. Leaders set organisational culture. Solidar Suisse expects its leaders as well as the leaders of its member organisations to set clear expectations and model respectful behaviour in their interactions at work. This will support communities, complainants, and whistle-blowers to feel safe, report concerns and be assured their allegations are taken seriously. Strong leaders address SEAH by taking measures to improve diversity and inclusion. Diverse and inclusive organisations have lower levels of harassment and discrimination. This can include strong, actionable human resource procedures that embed gender equality and PSEAH; inclusion of PSEAH discussions on board meeting agendas; having senior champions responsible for PSEAH and encouraging staff gender balance particularly in senior roles. Leaders should encourage scrutiny of their own behaviour and that of senior management.

Principle 3: Duty of care and procedural fairness

As an employer, we have a clear duty of care. Both the accusing party as well as the accused are entitled to the employer's care and have the same rights in internal procedures/ clarifications. In

¹ This chapter is entirely based on Salvation Army's PSEAH policy and only slightly adapted (Courtesy Salvation Army and SDC for facilitating this knowledge exchange)

any case, the term victim will only be used after the investigation of the incident has been completed, and only if the investigation concludes that the accused is indeed also the perpetrator. Only then, measures can be taken accordingly. This way, any action to address SEAH is to be underpinned by a “do no harm” approach prioritising the rights, needs, and wishes of the complainant, while ensuring procedural fairness to all parties including the accused.

Principle 4: Preventing Sexual Exploitation, Abuse and Harassment is a shared responsibility

Preventing Sexual Exploitation, Abuse and Harassment is everyone’s responsibility. Real change to reduce SEAH will not occur unless every sector plays a role — government, business, non-government organisations, institutions, communities, and individuals. Solidar Suisse requires the commitment, support, and investment of its partners for this Policy to be effective. All member organisations have a responsibility to build their capacity to deal sensitively and effectively with SEAH that occurs in the course of their work.

Principle 5: Gender inequality and other power imbalances are addressed

Many power imbalances are at play. Inequalities based on the distinctions of worker/beneficiary; male/female; ability/disability; ethnic and indigenous status; religion; gender identity and sexual orientation; age; health and poverty, can also result in SEAH. The intersection of gender with other forms of inequality can further increase the likelihood of SEAH occurring. Engagement with intended beneficiaries should be based on respect for diversity, promotion of gender equality and social inclusion, accountability, and a strong “do no harm” focus. Children are at high risk of SEAH — particularly children with disability, children living in residential or institutional care, children who have experienced previous trauma or abuse, trafficked children, and gender diverse children and young people.

Principle 6: Stronger reporting will enhance accountability and transparency

The organisations and individuals who deliver Solidar Suisse’s business are not only accountable to Solidar Suisse, but also to the communities, customers, and clients for whom the projects and programs are intended. Stronger reporting allows Solidar Suisse and its member organisations to better monitor SEAH, understand risks, improve assurance and work with organisations to improve systems and safeguards accordingly. Reporting will also help to focus organisations on the issue by providing a regular prompt that PSEAH is a core obligation of their work.

6. Complaints and Reporting Procedures

When addressing allegations of sexual harassment, Solidar Suisse is concerned with the impact of the behaviours on the complainant. An action or behaviour can still be considered sexual harassment even if the alleged harasser did not intend for it to be harmful. Explanations from both sides are important in this context, as the accused is to have granted his/her right to be heard.

6.1 Encouragement to Report

Creating a safe working environment is everyone’s responsibility. Therefore, Solidar Suisse installed a complaint mechanism, which allows and encourages staff to report any suspicions of sexual exploitation, abuse, and harassment of others. The Solidar Suisse integrity line can be contacted with complaints : <https://integrity.solidar.ch/>

Abuse may be current, recent, or historical. There are no time limitations for reporting and acting within the remit of this policy, although Solidar Suisse encourages that reports are made as soon as knowledge, or suspicion, of an act of harassment, exploitation or abuse occurs.

6.2 Support for Victims of SEAH

Should the investigation conclude with a case of SEAH, support will be offered to victims. Support can include specialist psycho-social counselling, and/or access to other specialist (e.g. medical and/or legal aid) and appropriate support as needed. Victims have the right to choose when they would like to take up the support options available to them.

6.3 Duty of care

The duty of care compels an organization to investigate reported cases of sexual harassment.

6.4 Confidential external advisory

Solidar Suisse offers safe and confidential advisory services (see article 6) for staff who wish to consult a SEAH expert on a confidential level. At this external office of trust can a confidential consultation take place, whereby the person concerned decides whether measures should be taken.

6.5 Prevention of Retaliation Against Complainants, Victims and Witnesses

Solidar Suisse will act against any staff, volunteers, or other representatives, whether they are the subject of a complaint or not, who carry out retaliatory action against complainants, victims or other witnesses. Staff who are found to do this are subject to disciplinary action, up to and including termination of employment.

6.6 Outcomes of Misconduct

Staff who are found to contravene Solidar Suisse's expectations of their sexual and personal conduct will be subject to disciplinary action depending on the case and may result in dismissal and referral to law enforcement. Volunteers, contractors, and other representatives may have their relationship with Solidar Suisse terminated.

6.7 False Allegations

If a member of staff from Solidar Suisse or one of its member organisations is found to have made an allegation that they knew to be false they will be subject to disciplinary action, up to and including termination of employment.

6.8 Complaints procedure

Interested parties have the right to lodge a complaint and request an investigation, with or without prior consultation with a trusted third party. The investigation will be conducted by an assigned internal investigation officer (case by case decision) an external specialised body.

6.8.1 Introduction

Any accusing and incriminated person may request that a formal complaints procedure be carried out. They are also free to enforce their ordinary civil and criminal claims in court, even in an external procedure.

Complaints must be submitted orally or in writing to a trusted external agency or any staff in managing positions.

All persons informed and/or involved in the case management are subject to the obligation of confidentiality unless the procedure or circumstances justify exceptions.

6.8.2 Execution of complaints procedure

Following a complaint, the assigned case investigator or the external agency conducts the investigation and interviews the person(s) concerned and the accused as well as any witnesses. The investigator collects evidence and keeps minutes of the interviews and the investigation.

The investigations must be conducted promptly and concluded with a recommendation for appropriate measures to the management. The decision is made by the management and is presented to the persons involved orally in person by the investigators.

6.8.3 Rights and obligations of the parties to the proceedings

The parties have the right to be accompanied by a person of their choice.

The person interviewed is obliged to provide comprehensive and truthful information within the scope of his duty of loyalty under labour law. Self-incriminating information on criminally relevant events may be refused.

Accusing and accused persons have the right of access to the investigation files (during the investigation, however, only to the extent that the investigation is not prejudiced thereby).

7. External advisory

All Solidar staff may rely on the Swiss office BeTrieb for external and confidential advisory and guidance. German, English, and French are spoken, while translation is available for Spanish speakers.

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