

Policy Number: **OS04**

Policy Area: **Organisational Integrity and Standards**

Policy Title: **Sexual Misconduct**



Related Document: OS06 GMP Code of Conduct
OS02.1 Complaints Handling Process

Introduction

1. GMP is committed to providing a work environment, in Australia and overseas, free of sexual harassment, abuse and exploitation, where individuals are treated with respect and dignity. This means that GMP does not tolerate sexual exploitation, abuse or harassment of any kind.
2. GMP has a zero tolerance of sexual harassment, abuse, exploitation, bullying and other forms of abuse.
3. This policy applies to all Board members, staff, and volunteers of GMP. The policy applies to behaviour occurring both within and outside the course of GMP activities and events.
4. All personnel are obliged to create and maintain an environment which prevents sexual exploitation and abuse, and promotes the implementation of GMP's Code of Conduct. Staff at all levels have particular responsibilities to support and develop systems which maintain this environment.
5. All personnel will sign and comply with the *GMP Code of Conduct (OS06)*.

Policy

1. GMP has zero tolerance of sexual harassment, exploitation and abuse. In making this affirmation GMP commits itself to being active in preventing sexual harassment and abuse. Allegations found to be proven will result in the immediate termination of the individual from their role, whether staff or volunteer.
2. The needs and wishes of complainants/victims/survivors will be given priority attention in the response to complaints and in investigations undertaken in response to complaints. Any investigation of a complaint will intentionally seek to protect the victim/survivor.
3. GMP will take all reasonable steps to prevent sexual misconduct. Senior staff will be trained and GMP will have in place active risk management.
4. We collaborate within and beyond our organisational environment to improve employment practices, including background checking, and actively seek to minimise opportunities for a perpetrator's ability to move between organisations or gain access to other similar environments of activity.

5. GMP will make Board members, staff, and volunteers aware of this policy and of the nature and impact of sexual harassment.
6. GMP personnel are required to report all concerns or suspicions of sexual abuse or exploitation occurring within GMP or GMP supported activities.

Complaints or concerns can be made to any of the following:

Executive Officer – jgilmore@gmp.org.au

GMP Board Chair – barrieyesberg@gmail.com

Female GMP Board Contact – janet@christiancoachinginstitute.com.au

7. Complaints of sexual misconduct will be dealt with according to *OS02.1 - Complaints Handling Process*.
8. Where safe to do so, and in accordance with victim's wishes, all Sexual Exploitation Abuse and Harassment (SEAH) allegations that involve a criminal aspect will be reported to local enforcement agencies.
9. Disciplinary action will be taken by GMP against any staff member, Board member or volunteer who is found to be in breach of this policy or who victimizes or retaliates against a person who has complained of sexual harassment, exploitation or abuse. The discipline will depend on the severity of the case and may involve an apology, counselling, suspension, dismissal, or other form of action.
10. Sexual exploitation and abuse by staff constitute acts of gross misconduct and are therefore grounds for immediate termination of employment.

Specific Prohibited Behaviours

1. Sexual relationships and fraternisation between GMP staff and project beneficiaries are prohibited since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid and mission work. Fraternisation between GMP staff and national personnel in the field also involves differences in power and is liable to misunderstanding and is therefore strongly discouraged and must be disclosed by the GMP staff member. Fraternisation for all non-national personnel is prohibited in situations assessed as high risk.
2. Transactional sex is prohibited. The exchange of money, employment, goods, or services for sex, including sexual favours, and/or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes transactions involving assistance that is due to beneficiaries.
3. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. A mistaken belief regarding the age of a child is not a defence.

Working with Partners

1. Engagement with partners and beneficiaries is based on respect for diversity, promotion of gender equality and social inclusion, accountability, and a strong “do no harm” focus.
2. GMP will work with partners to provide accessible information in regard to this policy to beneficiaries. This will include the behaviour to be expected of GMP/partner personnel, and gender sensitive and culturally appropriate ways to make a complaint.
3. GMP will help partners analyse gender equity, power dynamics and risks of gender-based violence, sexual exploitation, abuse and harassment in their context. Project design will address these issues.
4. GMP will work with Partners in the development of their own Code of Conduct and related policies that reflects both their context and the standards GMP is committed to meeting, including those of the Department of Foreign Affairs and Trade.

In the event of a complaint

OS02.1 Complaints Handling Process will be followed in the event of any report of alleged sexual harassment, abuse and exploitation. This process includes how the person making the complaint will be responded to, the way the matter will be investigated, and how the result of the process is reported to the GMP Board and to the complainant. The GMP Board, in the event of a complaint being upheld, will ensure the appropriate action is undertaken.

Definitions:

Zero Tolerance: All people have the right to be treated with dignity, respect and not be subject to any form of abuse. GMP is committed to Zero Tolerance of sexual harassment, abuse and exploitation. Action will be taken against anyone who abuses a person or anyone who fails to immediately report witnessed or suspected abuse once it becomes known that he/she has been withholding such information. This Zero Tolerance of sexual harassment, abuse and exploitation will be communicated to staff, volunteers and Board members.

Fraternisation: Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including, but not limited to, voluntary sexual behaviour. It could include sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.

Perpetrator: A person (or group of persons) who commits an act of Sexual Exploitation Abuse and Harassment or other type of crime or offence.

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, but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). Sexual Abuse includes sexual activity with children (persons under the age of 18) regardless of the age of majority or age of consent locally. A mistaken belief regarding the age of a child is not a defence.

Sexual Exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.

Sexual Harassment: A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and other personnel.

Sexual harassment is often categorised under these two headings: Quid pro quo and creation of a hostile work environment.

Under the quid pro quo form of harassment, a person demands sexual favours for getting or keeping a job benefit, and threatens the employee if the conditions are not met.

A hostile work environment arises when a co-worker creates an environment experienced as intimidating, offensive or humiliating. This may be through offensive jokes, personal comments of a sexual nature, leering, intruding into personal space, sharing of pornographic material or touching.

Transactional Sex: The exchange of money, employment, goods or services for sex, including sexual favours.

Victim/Survivor: A person who is, or has been, sexually exploited, harassed or abused.