



## APF CANADA CODE OF CONDUCT ON PREVENTING, INVESTIGATING AND RESPONDING TO SEXUAL EXPLOITATION AND ABUSE

### PURPOSE

The following policy outlines APF Canada's zero-tolerance approach to sexual exploitation and abuse, and the measures we have in place to prevent, investigate, and respond to sexual exploitation and abuse in our places of work.

### DEFINITIONS

- **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 abuse:** Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a child is considered as sexual abuse.
- **Sexual harassment** is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive work environment.
- **Protection from sexual exploitation and abuse (PSEA):** The term used by the United Nations and non-governmental community to refer to measures taken to protect vulnerable people from sexual exploitation or abuse by their own staff and associated personnel.

### SCOPE

This policy applies to all executives, directors, managers, staff, consultants, and contractors of APF Canada. In discharging their duties on behalf of APF Canada, all persons covered by this policy must comply with the laws, rules, and regulations applicable this Code of Conduct on Preventing Sexual Exploitation and Abuse. This policy extends across all the Foundation's operations.



## COMMITMENT

We take a zero-tolerance approach to sexual exploitation and abuse. **Zero-tolerance** means that conduct of, and inaction towards, sexual exploitation and abuse is unacceptable. Appropriate disciplinary action will be taken against the perpetrator following an investigation process.

APF Canada is committed to:

- improving our collective ability to recognize and tackle power imbalances and gender inequalities that can enable sexual violence, including intersecting forms of discrimination;
- establishing a culture of zero-tolerance to all forms of sexual violence in all the work that we do;
- creating a work environment free from sexual violence for staff, volunteers, interns, grant recipients, partner, and subcontractors – whether within Canada or within the countries of the Asia Pacific in which we operate; and,
- protecting people involved in our programs and the communities we serve from sexual exploitation and sexual abuse.

## POLICY & PROCEDURE

### Core Principles

1. Sexual exploitation, abuse, and harassment by employees or representatives of APF Canada constitute acts of gross misconduct and may be grounds for termination of employment.
2. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.
3. Sexual relationships between APF Canada staff, its representatives and the direct beneficiaries of APF Canada's services that involve improper use of rank or position and unequal power dynamics are prohibited.
4. Where APF Canada or its representatives develop concerns or suspicions regarding sexual abuse, exploitation, or harassment by an individual (whether that individual works for APF Canada or other partners, subcontractors, or suppliers) they are mandated by a legal and moral duty of care to report such concerns via established reporting mechanisms.
5. APF Canada and its representatives are obliged to create and maintain an environment that prevents sexual exploitation, abuse, and harassment, and promotes the implementation of this Code of Conduct. Managers at all levels are responsible for supporting and developing systems that maintain this environment.



## **Our Shared Responsibilities in Upholding This Code**

All APF Canada representatives, including volunteers, interns, grant recipients, staff, managers, board members, partners and subcontractors must:

- Familiarize themselves with this Code of Conduct and uphold it.
- Make every reasonable effort to ensure and maintain an environment free of sexual violence.
- Raise concerns regarding risks or possibilities of sexual violence.
- Report incidents of sexual violence.
- Treat any information related to sexual violence with utmost confidentiality and share related information only on a “need-to-know” basis, i.e., only with designated relevant parties.

**Managers** have a key role to play, and bear added responsibilities to:

- Ensure all personnel under their supervision are informed, understand, and comply with the Code of Conduct.
- Set examples for appropriate behaviours.
- Address concerns and respond to incidents and disclosures according to organizational standards.
- Protect individuals from retaliation.
- In consultation with Human Resources (HR) and/or Executive Management, apply recommended sanctions when lack of compliance is established.

For some APF Canada projects, it is a requirement that project partners understand and comply with the Code of Conduct. They must either sign this Code, develop, or have their own Code of Conduct that is in keeping with this Code. Program managers responsible for such projects have an additional responsibility to ensure this requirement is adhered to.

**Executive leadership** is expected to ensure every effort is being made to prevent sexual exploitation, abuse, or harassment from occurring, and verify that appropriate and protective measures are implemented once they become aware of an incident by:

- Ensuring resources are available to follow through on its commitment,
- Ensuring the implementation of best practices in recruitment and onboarding in accordance with the Code of Conduct,
- Ensuring performance management to mitigate against the occurrence of sexual violence, including through training and or taking corrective action to address the inappropriate behaviour,
- Ensuring protection from retaliation to individuals raising concerns or reporting incidents,
- Annual review of the Code of Conduct with staff.



## How to report an incident

If employees or others engaged in APF Canada's programming feel comfortable doing so, they may immediately inform the harasser that the conduct is unwelcome and needs to stop. If the inappropriate behaviour does not cease or the employee is unable to address the alleged harasser directly, he or she should report the incident to his or her immediate supervisor or HR.

It is recommended that the victim of unwanted behaviour retain a written record of the date, time and nature of the incident(s) and the names of any witnesses incident. The complainant should provide as much of the following information as possible:

- The name, department and position of the person or persons allegedly committing the unacceptable behaviour.
- A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.
- The names of other individuals who might have been subject to the same or similar harassment.
- What, if any, steps the complainant has taken to try to stop the harassment.
- The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment, if relevant.
- Any other information the complainant believes to be relevant to the harassment complaint.

It is essential to report all concerns of sexual harassment or inappropriate sexual conduct to HR or a supervisor as soon as possible. Management must be made aware of the situation to conduct an immediate and impartial investigation, and take appropriate action to remediate or prevent the prohibited conduct from continuing

### *Confidentiality*

All complaints and investigations will be treated confidentially, and information disclosed strictly on a need-to-know basis. Where the complainant's identity needs to be revealed to parties involved in the investigation, HR will take necessary steps to protect the complainant from retaliation during and after the investigation. Information concerning sexual harassment complaints are maintained in secure files within the HR department.



## Complaint Investigation and Resolution Procedures

### *Managers and supervisors*

Managers and supervisors must deal expeditiously and fairly when they are informed of or become aware of sexual harassment incidents within their departments, whether or not a written or formal complaint has been submitted. They must:

- Take all complaints or concerns of alleged or possible harassment seriously, no matter how minor it may seem, or who is involved.
- Report all incidents to HR immediately so that a prompt investigation can occur.
- In consultation with HR and Executive Management, take appropriate action to stop the inappropriate behaviour, prevent retaliation or recurrence during and after investigations or receipt of complaints.

Managers and supervisors who knowingly allow or tolerate sexual harassment or retaliation, including by failing to immediately report such misconduct to HR, are in violation of this policy and subject to discipline.

### *Human Resources (HR)*

HR is responsible for:

- Ensuring that all staff are aware of APF Canada's sexual harassment policy and investigation procedures
- Providing recommendations and advice to Executive Management and those involved in investigating complaints on how to address situations of misconduct and unacceptable behaviour, including through exploring the various means of resolving sexual harassment
- In consultation with Executive Management, notify the police if criminal activities are alleged.
- Establishing a committee to investigate allegations of harassment that will be responsible for preparing a written report
- Submitting a written report with a summary of the investigation and making recommendations to Executive Management on next steps.
- Notifying the complainant and the respondent of the corrective actions to be taken, if any, and ensuring implementation of the corrective measure.

Complaints against Executive Management will be referred to the Chair of the Board's HR Committee to determine action to be taken. Should allegations warrant an investigation, an external party may be commissioned to handle such complaints.



### **Other Available Procedures**

The procedures available under this policy do not pre-empt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under local, provincial, or federal law.

### **Discipline**

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, discipline ranges from a written reprimand to termination of employment for very serious or repeat violations. Persons who violate this policy may also be subject to legal proceedings in the courts.

### **Anti-retaliation**

APF Canada will not tolerate retaliation against anyone who, in good faith, reports a concern or participates in an investigation, even if the allegation is determined not to be substantiated. Anyone found to have engaged in retaliatory conduct may be subject to disciplinary action.

### **False accusations**

Any proven false accusation of sexual exploitation or abuse made with malicious intent may be deemed to constitute a violation of this Policy and Code of Conduct.