

PROTECTION FROM EXPLOITATION AND SEXUAL ABUSE

The Comhlámh protection from sexual exploitation and abuse (PSEA) Policy has been developed in accordance with the UN Convention for the Elimination of all forms of Discrimination against Women (CEDAW) and the six core principles adopted in 2002 by the Inter-Agency Standing Committee Task Force on Prevention and Response to Sexual Exploitation and Abuse (2002), and the principles of the United Nations Secretary General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse (2003). The Comhlámh PSEA Policy is also informed by International Human Rights Law, United Nations' standards, and best practice guidelines from the humanitarian sector. It applies regardless of location and local law.

PSEA

- Comhlámh is committed to the PSEA for anyone associated with the organisation (e.g., board, staff, volunteers, contractors, consultants), and recognises both the particular vulnerability of women, girls and boys to sexual exploitation and abuse.
- Employees and volunteers are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of the Comhlámh Code of Conduct. Managers at all levels have particular responsibility to support and develop systems that maintain this environment.
- Sexual exploitation and abuse of people constitutes acts of gross misconduct and is therefore grounds for termination of employment.
- Sexual activity with children or vulnerable adults and abuse by employees or volunteers constitute acts of gross misconduct and are therefore grounds for termination of employment.
- Sexual activity with children (under the age of 18) is prohibited regardless of the age of consent. Mistaken belief in the age of a child is not a defence.
- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.
- Sexual relationships between employees or volunteers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of our work.

Sexual Harassment in the Workplace

Sexual harassment is defined as 'any form of discrimination on the gender ground in relation to the conditions of employment' and includes: any act of physical intimacy; requests for sexual favours; other act or conduct including spoken words, gestures, or the production, display or circulation of written words, pictures or other material that is unwelcome and could reasonably be regarded as sexually offensive, humiliating, or intimidating. The following is list of examples of behaviour that constitute sexual harassment:

- Physical conduct of a sexual nature – this may include unwanted physical conduct such as unnecessary touching, patting, or pinching or brushing against another employee’s body, assault, and coercive sexual intercourse.
- Verbal conduct of a sexual nature – this includes unwelcome sexual advances, propositions, or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted, or offensive flirtations, suggestive remarks, innuendos, or lewd comments.
- Non-verbal conduct of a sexual nature – this may include the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text messages, or faxes. It may also include leering, whistling, or making sexually suggestive gestures.
- Sex-based conduct – this would include conduct that denigrates or ridicules or is intimidating or physically abusive of an employee because of his/her sex such as derogatory or degrading abuse or insults which are gender-related.

To constitute harassment or sexual harassment the behaviour complained of must firstly be unwelcome. It is up to each employee to decide what behaviour is unwelcome, irrespective of the attitude of others to the matter and from whom, if anybody, such behaviour is welcome or unwelcome, irrespective of the attitude of others to the matter. The fact that an individual has previously agreed to the behaviour does not stop him/her from deciding it has now become unwelcome. It is the unwanted nature of the conduct which distinguishes sexual harassment and harassment from friendly behaviour which is welcome and mutual. The intention of the perpetrator of the sexual harassment, harassment or bullying is irrelevant. The fact that the perpetrator had no intention of sexually harassing, harassing, or bullying the employee is no defence. The effect of the behaviour on the employee is what is important. Victimisation occurs where a person is treated less favourably than another because he/she/they has brought proceedings, given evidence, or complained about the behaviour of someone who with regard to harassment, sexual harassment or bullying or discriminated against them or has not acceded to their demands. This policy is applicable to all staff members (temporary and permanent) both in the workplace and at associated events such as meetings, conferences, and functions whether on or off site. It also applies to contractors, ‘communities of engagement’ and other contacts with which staff members might reasonably expect to come into contact during the course of their employment.

Comhlámh believes that everybody has the right and are duty bound to report all suspicions and allegations of sexual exploitation and abuse and allegations of sexual harassment. Where an employee, volunteer, or individual from member groups develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he/she/they must report such concerns via following the procedures set out in the Whistleblowing Policy. The organisation has the right to inform appropriate public bodies of any such behaviour deemed inappropriate which would constitute a criminal offence.