



New Wave Technologies

Staff policy to prevent and respond to (sexual) exploitation, abuse and/or harassment

This policy applies to all staff employed by or working for New Wave Technologies (NWT) both during working and off-duty hours.

Approved by the NWT Board January 2020

Definitions

Child or minor: A person under the age of 18 (as defined by the Convention of the Rights of the Child).

Corruption: The misuse of entrusted power for private (or organisational) gain.

Exploitation: Use of one's position of authority, influence or control over resources, to pressure, force or manipulate someone by threatening or coercing them with negative repercussions such as withholding project assistance, not giving due consideration to a staff member's work support requests, threatening to make false claims about a staff member in public, etc.

Misconduct: Any breach by staff of applicable national or international law as well as contraventions of NWT's internal rules or policies, including this policy, regulations or other instructions issued by the relevant manager or authority that include contextualised security provisions and sexual harassment policies.

Sexual abuse: The actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions (United Nations Secretary General's Bulletin 2003/13, 9 October 2003; Special Measures for Protection from Sexual Exploitation and Abuse).

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, sexually or politically from the sexual exploitation of another. This includes any exchange of money, goods or services against sexual activities and favours (United Nations Secretary General's Bulletin 2003/13, 9 October 2003; Special Measures for Protection from Sexual Exploitation and Abuse).

Sexual harassment: 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. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.

Staff: Refers to but is not limited to all permanent and temporary staff, interns, consultants, and all individuals working for or representing NWT.

1. Introduction

NWT applies a Human Rights Based Approach and a Gender Equality Perspective to all its work. A core value in our work is to create a positive environment with utmost respect for the human rights of rights holders, partner representatives and our own staff.

It is essential that NWT staff receive clear instructions and guidelines with respect to expectations regarding their conduct and are given space to reflect positively on how to stimulate an open, respectful and non-abusive work culture.

In addition, it is essential that NWT management is equipped with adequate authority, responsibility, monitoring tools and recourse to action in the event of any misconduct. The goal is to create an environment free of (sexual) exploitation, harassment and/or abuse within NWT.

In keeping with NWT's commitment to respect human rights, this policy is based on internationally recognised human rights standards as contained in the Convention on the Elimination of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the International Covenant on Civil and Political Rights (ICCPR). NWT's policy is specifically informed by the United Nations Secretary General's Bulletin 2003/13, 9 October 2003; Special Measures for Protection from Sexual Exploitation and Abuse). NWT's Policy is in keeping with the ACT Code of Conduct for the Prevention of Misconduct, including corruption, fraud, exploitation and abuse, which applies to all members of the ACT Alliance and the Act Secretariat; this Code of Conduct covers sexual misconduct in general and the safeguarding of children against sexual exploitation.'

2. Objectives and scope of this policy

The main purpose of this policy is to promote greater accountability and outline the key responsibilities of staff. The aim is that the human rights of all staff as well as every stakeholder, beneficiary and community member whom NWT seeks to assist should be respected. All staff must be mindful that each and every action, including engaging romantically or sexually with a community member, in whatever/any context, can have repercussions for the fate of many.

The objective of this policy is to increase awareness and prevent misconduct, including (sexual) exploitation, abuse and/or harassment by providing clear guidance to address these issues.

The following standards apply to all staff, consultants, interns, and any other individuals representing the organisation.

The standards in this policy are based on internationally recognised human rights standards. Where a conflict exists between the standards in this policy and national law in a given country,

NWT abides by the relevant Human Rights standards, using its leverage and dialogue where necessary to manage conflicts. Any deviations must be approved by NWT Senior Management.

3. Provisions

Prevention of (sexual) exploitation, abuse and/or harassment

NWT maintains that (sexual) exploitation, abuse and/ or harassment of persons is an abuse of the human rights of these individuals. NWT believes that an effective response to (sexual) exploitation, abuse and/or harassment must be informed by the context and be relevant; the response must be based on an understanding of the work environment, and knowledge of the relevant human rights standards. When it comes to behaviour in countries where NWT engages, staff and managers must be aware of the following: a) lack of economic opportunities for locals, for refugees and for displaced populations may result in commercial and exploitative sex becoming one of the few options for income generation to meet basic needs; b) the impacted community may have a culture of gender-based violence, which may continue or be exacerbated; c) the usual social protections may no longer be in place or function.

Code of Conduct to Prevent (Sexual) Exploitation, Abuse and/or Harassment:

As part of NWT's commitment to respect human rights, all NWT staff wherever they are based and whatever their position should act in the following manner within and outside working hours in keeping with the above mentioned Human Rights Standards:

- a) Respect and promote fundamental, internationally adopted human rights without discrimination of any kind and irrespective of social status, ethnicity, colour, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability and act with integrity.
- b) Respect internationally recognised human rights. Where national law is not in keeping with these recognised rights, staff must respect the international standards in this NWT policy, and any deviations must be approved by NWT senior management. Never exploit the vulnerability of anyone, regardless of their sex, age or sexual orientation or allow anybody to be put in compromising situations
- c) Never engage in any kind of sexual activity involving children below the age of 18. Mistaken belief in the age of the child is no defence.
- d) Never expose staff or staff in implementing partner organisations to any kind of (sexual) exploitation, abuse and/or harassment. Never commit any act or form of harassment that could result in physical, sexual or serious psychological harm to others.
- e) Never use, possess, distribute or consume child pornography.
- f) Never engage in sexual exploitation or abuse of beneficiaries - men, women, or children - regardless of their sex, age or sexual orientation. This prohibition includes exchange of money, employment, goods or services for sex including sexual favours.

- g) Never accept, solicit, or engage in “buying” or profiting from sexual services (including in countries where prostitution is not forbidden by law).
- h) Never abuse a professional position by withholding assistance nor give preferential treatment with the intention of soliciting sexual favours, gifts and payments of any kind.
- i) Sexual and/or romantic relationships with staff in implementing partner organisations are not compatible with an employment in NWT and therefore prohibited. Such relationships are based on inherently unequal power dynamics and can undermine the reputation, credibility and integrity of NWT’s work. There can be certain exceptions to this, but such relationships should always be declared, and NWT’s management is then the sole decision maker on whether such a relationship is compatible with the employment and specific position in NWT.
- j) An employee who engages in a sexual relationship with another employee or is required to inform his or her manager about the relationship. If the relationship creates work-related problems, management will decide on an appropriate measure to solve the problems. This could be either to transfer one of the persons to another unit or to terminate the contract of one of the employees involved.
- k) NWT Managers are not allowed to have a sexual relationship with an employee who refers directly to them or is under their line-management. If the situation arises, it may be decided either to transfer one of the persons to another unit, to terminate the contract of the manager involved or take any other appropriate measure in response to the situation.
- l) Members of the Senior Management Team and members of the NWT board are not allowed to have sexual relationships with any employee or intern in NWT. If they decide to engage sexually or romantically with a member of staff or an intern, they cannot retain their position in the board or the senior management team.
- m) Ensure that all confidential information, including reports of breaches of these standards by colleagues, obtained from colleagues are channelled correctly and handled with the utmost confidentiality through appropriate and contextualized reporting mechanisms.
- n) Report immediately any knowledge, concerns or substantive suspicion of breaches to this NWT policy to management and/or to the Finance and Administration Manager. When there is substantial suspicion of breaches of national or international law, NWT management will decide whether to transfer such cases to the appropriate national authorities for further action in accordance with principals and procedures for handling sensitive complaints.

Prevention and Response

Crucial elements in NWT’s overall response are prevention and awareness-raising, monitoring and evaluation, and establishing a complaints mechanism/contact person and a response mechanism. Where NWT is self-implementing, we will take steps to prevent exploitation and abuse within the communities we work with.

The NWT policy should be made known to all NWT staff. NWT Managers with personnel responsibility are entrusted with authority to implement and monitor the active use of the policy. Additionally, NWT recommends that beneficiary's opinions on prevention of (sexual) exploitation, abuse and/or harassment are sought and incorporated by management into the respective NWT policy.

Roles and areas of responsibility are described in Annex 1 to this policy.

Awareness-Raising

NWT will raise awareness related to prevention of (sexual) exploitation, abuse and/or harassment consistently throughout the staff member's period of employment. The topic together with consequences of misconduct will be thoroughly addressed as a mandatory element during the introduction period in NWT. NWT is aware that this policy touches on personal behaviour and issues normally considered private. In the discussion on this policy it is important to thoroughly debate how to secure an open, positive non-discriminatory and non-abusive working environment.

All staff have an individual responsibility to familiarise themselves with the NWT Policy as well as on the Code of Conduct and its purpose.

This document automatically forms part of all contracts of employment.

Responding to suspected/alleged breaches

Any substantial suspicion of breaches of this NWT policy in terms of (sexual) exploitation, abuse and/or harassment can and should be reported to the NWT Complaints Handling Mechanism and will be handled according to procedures and processes for handling sensitive complaints.

All NWT staff act as entry-points to the NWT complaints mechanism and are required to report any knowledge, concerns or substantial suspicions of misconduct using the complaints system immediately and without investigation.

Complaints can also be lodged directly with the central complaints mechanism via email (management@nwt.uq). The complainant can choose whatever means he/she wishes to raise a complaint. Once a complaint is received, the NWT complaints advisor is expected to take prompt investigative action.

In cases of suspicion, hearing rumours or experiencing any doubts related to potential misconduct, staff can seek advice from the HR Unit.

Non-retaliation and confidentiality

Staff and other stakeholders must be able to lodge their concerns without fear of reprisal or unfair treatment as a consequence of complaining. As far as possible, NWT will do its utmost to ensure that complaints are handled with confidentiality and without risking effects on employment or any form of reprisal and/ or harassment as a result of highlighting a genuine problem. Confidentiality is crucial to achieving satisfactory results,

because it protects the complainant, the subject of the complaint and other witnesses. The fact and nature of the complaints, the identities of those involved and documentation resulting from the investigation therefore remain confidential and are only shared on a need-to-know basis in order to conduct the necessary investigation or provide care/ expert advice.

Criminal records and former complaints

Staff must notify NWT of any criminal convictions or charges of sexual abuse, exploitation or harassment. Staff must also notify NWT of any relevant former complaints made against them concerning suspected or substantiated misconduct related to sexual abuse, exploitation or harassment.

Disciplinary measures

The complaints committee will handle the complaint according to NWT's investigation procedures, including decisions on actions and follow-up. Any upheld breach to this NWT policy will not be tolerated and may in accordance with relevant legislation lead to internal disciplinary action, including dismissal or even criminal prosecution. Any staff purposely making false accusations of a breach to this NWT policy will be subject to disciplinary action.

4. ANNEX 1: Division of responsibilities

Senior Management Team

NWT Senior Management Team will take overall responsibility for prevention of (sexual) exploitation, abuse and/or harassment by the NWT staff by ensuring that:

- a) A new staff member receives a thorough introduction to the NWT policy prior to signing a contract with NWT (possibly from the HR unit). The introduction ensures that staff understand the NWT policy to prevent (sexual) exploitation, abuse and/or harassment, as well as the consequences of any breach of the policy and the procedures to follow if a breach of policy is reported. (This includes ensuring that the mandatory training sessions are completed within the first one month of employment).
- b) Adherence to this NWT policy is monitored on a daily basis.
- c) Clients are also aware of the NWT policy to prevent (sexual) exploitation, abuse and/or harassment.
- d) Clients are informed to the highest degree possible about expected standards of staff behaviour and relevant NWT complaints channels through which they can lodge complaints.
- e) Staff and clients are aware of where, how and to whom they may raise complaints.
- f) Allegations regarding (sexual) exploitation, abuse and/or harassment are reported in writing to the NWT complaints mechanism. Common sense should be used, and employees have an obligation to report incidents that seem wrong.
- g) All information is treated with the utmost discretion and confidentiality to ensure that victim(s), witness(es), subject of the complaint and others involved are not victimized in any way.
- h) Procedural safeguards are in place in relation to staff under investigation during the course the investigation, including suspension if appropriate. This should be done in close correspondence with and as advised by the complaints committee.
- i) When allegations of or concerns about (sexual) exploitation, abuse and/or harassment are raised, and the subject(s) of the complaint are identified, the subject(s) of the complaint should under normal circumstances be suspended from their position until investigations are finalized. This should be done in close correspondence with and as advised by the complaints committee.
- j) Appropriate disciplinary action is taken whenever (sexual) exploitation, abuse and/or harassment is adequately documented and proven.

In living up to this responsibility there might be a need for delegation of responsibility and tasks. Such delegation is again the responsibility of the Senior Management Team.

The Complaints Committee

A complaints committee will be established as soon as substantial suspicion of (sexual) exploitation, abuse and/or harassment is reported through complaints mechanism. The responsibilities of the committee are the following:

- a) To make sure that reported allegations of (sexual) exploitation, abuse and/or harassment are handled, investigated and concluded according to NWT's procedures and processes for handling sensitive complaints.
- b) When handling sensitive complaints, the complaints committee will consider the safety of both the aggrieved and the accused party as well as any other involved witnesses and stakeholders. The need for legal advice and support is also evaluated, including a consideration of whether the parties involved should have individual legal advice.
- c) To decide on appropriate disciplinary action whenever (sexual) exploitation, abuse and/or harassment is adequately documented and proven.
- d) In cases where a criminal act is suspected, to hand over the complaint to the competent authorities.

Human Resource Unit

The HR Unit is responsible for thoroughly explaining and ensuring that, prior to signing a contract with NWT, each NWT staff member understands the NWT policy to prevent (sexual) exploitation, abuse and/or harassment, as well as the consequences of any breach of the NWT policy and the procedures to follow if a breach of policy is reported. (This includes ensuring that the mandatory training sessions are completed within the first one month of employment).

The HR Unit will act as a resource unit that offers support and guidance to all Managers and employees, as necessary. The HR Unit will also be responsible for sharing good practice and lessons learned within NWT. Additionally, the HR Unit will interact or form effective partnerships with other organisations in order to prepare annual awareness-raising sessions and to share lessons learned with them, with other partners and with stakeholders.

The HR Unit will further be responsible for monitoring and evaluating the NWT policy to prevent (sexual) exploitation, abuse and/or harassment on a regular basis.

Staff

Each Individual must take responsibility for his/her own conduct after having read and consented affirmatively to adhere to the NWT policy to prevent (sexual) exploitation, abuse and/or harassment. Any allegation or concern regarding (sexual) exploitation, abuse and/or harassment should be reported, in writing, to the complaints mechanism/contact person for further action. If seconded to another organisation, the complaint should be registered in writing with the appropriate program authority and with the NWT complaints mechanism.

Everyone

It is incumbent upon all members of NWT staff and board to uphold the principles of this NWT policy and to make all possible efforts to share their knowledge and to contribute to a harassment and exploitation-free atmosphere in which prevention of (sexual) exploitation, abuse and/or harassment has the highest and continuous priority.