

<b>Division:</b>	<b>Operations</b>	<b>Ref. No.</b>	<b>EXA-RGH-043</b>
<b>Department:</b>	<b>Global Health</b>		
<b>Title:</b>	<b>Prevention of Sexual Exploitation, Abuse and Harassment</b>		

## 1. PURPOSE

The Royal Australasian College of Surgeons (RACS) takes a zero-tolerance approach to the sexual exploitation, abuse and harassment (SEAH) of adults it engages with as part of its Global Health Program. This policy outlines RACS' strong commitment to protection and prevention through education and training, rigorous screening and prompt and appropriate investigation and handling of suspected and actual incidents of SEAH.

RACS is committed to upholding human rights of all children and adults participating in, and/or benefitting from the RACS Global Health Program. RACS Child Safeguarding Policy sets out the expectations, systems and processes aimed at preventing all abuse of children, including SEAH. The Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy sets out the expectations, systems and processes aimed at preventing SEAH of other people we work with, including program partners, participants and community members. This policy also covers the actions that will ensue if incidents of SEAH are identified.

This policy is informed by the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC), in addition to other relevant international instruments. This policy promotes the right of adults to be safeguarded against all forms of violence and discrimination including SEAH.

## 2. SCOPE

This policy applies to all **RACS personnel** engaged by RACS or RACS Global Health to participate in the RACS Global Health Program, including:

- staff and volunteers;
- consultants and contractors.
- RACS Fellows;
- Council and Committee members; and
- program partners.

This policy applies to the behaviours, attitudes and actions of all the above RACS personnel during working and non-working hours both in Australia and overseas.

## 3. DEFINITIONS

Key definitions that inform RACS policy are based on DFAT's SEAH Policy (April 2019):

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

**Sexual Abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This 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). All sexual activity with someone under the age of consent (in the law of the host country, state or territory, whichever is greater) constitutes sexual abuse.

**Sexual Harassment:** Sexual harassment occurs when a 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

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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 and citizens, as well as against staff and personnel.

#### 4. POLICY PRINCIPLES

These following principles and approaches underpin RACS' implementation of its PSEAH policy position across its Global Health Program:

- **Zero Tolerance**

Sexual exploitation, abuse and harassment is never acceptable. RACS maintains a zero-tolerance approach towards SEAH. Behaviour by any individual or organisation associated with RACS that results in, facilitates, or ignores allegations of SEAH will not be tolerated. Such behaviour may also attract criminal, civil, and disciplinary sanctions.

A zero-tolerance approach includes intolerance of inaction towards allegations of SEAH. RACS' management will respond to, and take seriously any allegations of SEAH, with due regard to procedural fairness.

- **Strong Leadership to Accelerate Change**

RACS recognises that strong leadership is essential to driving change and setting organisational culture. RACS is committed to preventing SEAH in relation to the Global Health Program by striving to model good behaviour; setting clear expectations of acceptable and unacceptable behaviour; improving diversity and inclusion, embedding gender equality in Global Health programming and encouraging internal reflection by, and scrutiny of RACS leadership.

- **Prevention of SEAH is a shared responsibility**

Preventing SEAH is a shared responsibility. Every individual or organisation associated with RACS Global Health Program has a responsibility to uphold this policy, and to contribute to an organisational culture which prioritises safeguarding against SEAH. All associated individuals and partner organisations must comply with this policy, in addition to any and all applicable laws of the jurisdiction in which the Global Health Program is taking place, and will be held accountable through contracts, audits and spot checks.

RACS Global Health management has a responsibility to develop systems which effectively implement this policy and safeguard against SEAH. Management will disseminate and socialise this policy to ensure that it is known and understood by all individuals and organisations within scope of this policy. Furthermore, management must create a safe and accessible system for complaints or concerns about SEAH to be raised, and immediately respond to any allegations.

- **Address Gender Inequality and Other Power Imbalances**

RACS has a Gender Equality Policy which provides a framework for defining and promoting gender equality in the RACS Global Health Program. It is an integral part of RACS' commitment and accountability to the local partners and communities it works with and supports across the Asia-Pacific region.

RACS also acknowledges that gender is not the only power imbalance to be considered. RACS' approach to safeguarding and program planning and design is based on an analysis

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of inequalities and distinctions such as: ability/disability, ethnic and indigenous status, religion, sexual orientation, age, health, and class.

RACS recognises that SEAH risks are heightened in situations where there is an unequal distribution of power, and where people in positions of authority have a level of power over others, compounding the risk of exploitation. This includes, but is not limited to, power inequalities which exist between RACS' employees or volunteers and in-country partner organisations and communities. Therefore, RACS' approach to both the prevention of, and response to, incidents of SEAH is based on respect for diversity, promotion of gender equality and social inclusion, accountability, and a commitment to a "do no harm" philosophy and approach.

- **Prioritise Victim-Survivor Needs**

Any individual who experiences SEAH must be able to express their concern or lodge their complaint without fear of reprisal or unfair treatment as a consequence of speaking out and reporting. RACS seeks to ensure that, as far as possible, complaints are handled confidentially and without risking reprisal and/or harassment as a result of reporting.

RACS is committed to prioritising the needs of victims/survivors in its response to allegations and incidents of SEAH. Our priority is to respect the rights, needs and wishes of victims/survivors, while ensuring procedural fairness for all parties. RACS is committed to:

- treating victims/survivors of SEAH with dignity and respect;
- involving victims/survivors in decision making;
- providing victims/survivors with comprehensive information about their rights and options;
- protecting the privacy and confidentiality of victims/survivors; and
- considering the need for counselling and health services to assist the victim/survivor with their recovery.

Confidentiality protects the complainant, as well as the subject of the complaint and other persons involved. Subject to RACS' reporting obligations pursuant to the laws of the relevant jurisdiction and relevant Australian laws, the nature of the complaint, the identities of the persons involved and any documentation resulting from the investigation will be treated confidentially, to the greatest extent possible. Any confidential information associated with a concern or complaint will only be shared on a need-to-know basis in order to properly conduct the necessary investigation, seek expert advice, or provide care.

RACS does not discriminate in its response to allegations of SEAH on the basis of gender, age, race/ethnicity, ability, sexual orientation, or other characteristics.

- **Maintain Strong Reporting to Enhance Accountability and Transparency**

Strong reporting frameworks positions PSEAH as a core objective within the RACS Global Health Program and a responsibility of all individuals and organisations that contribute to that program.

The Complaints Handling Mechanism ensures investigations are undertaken by experienced and qualified professionals, substantiated complaints will result in disciplinary action and external reporting requirements are adhered to. RACS management or Complaints Handling Mechanism officials will take prompt investigative action. Any concern or complaint regarding SEAH will be handled according to RACS' procedures and processes for handling complaints.

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- **Natural Justice and Procedural Fairness**

When responding to concerns or allegations of SEAH, RACS abides by the principles of natural justice and procedural fairness in accordance with its Natural Justice – Information for Decision Makers Policy. Associated individuals and organisations are also expected to adhere to these principles.

## 5. RACS' COMMITMENT TO MEETING PSEAH STANDARDS

The RACS Global Health Program and all RACS personnel within scope of this policy must comply with all aspects of the ACFID Code of Conduct and *“Commitment 1.5 which states, “We advance the safeguarding of those who are vulnerable to sexual exploitation and abuse”.*

In addition, RACS Global Health complies with the seven DFAT-mandated PSEAH minimum standards, as follows:

1. Have a PSEAH policy or other documented policies and procedures in place and clearly communicate expectations of this Policy.
2. Have reporting and investigation procedures in place.
3. Have risk management processes that include the risk of SEAH.
4. Effective PSEAH training in place.
5. Recruitment and screening processes and employment practices address and manage the risk of SEAH.
6. Prohibit transactional sex<sup>1</sup> for all personnel, while engaged in the delivery of the Global Health Program and activities.
7. Prohibit fraternisation<sup>2</sup> for all non-national personnel, while engaged in the delivery of the Global Health Program.

The way in which RACS Global Health meets these standards is RACS Global Health and implements this policy, is explained in the sections below.

## 6. POLICY AWARENESS AND DISTRIBUTION

Anyone engaged by RACS to contribute to the Global Health Program will receive a copy of the PSEAH Policy and be required to read and sign a declaration indicating their commitment to abide by this policy and the RACS Workforce Conduct Policy. The PSEAH Policy will be reviewed every three years as a minimum, or more regularly in response to changes in the external environment, including changes in PSEAH standards and legislation.

## 7. REPORTING CONCERNS

It is mandatory for all those under the scope of this policy to promptly report any witnessed, suspected or alleged incidents of SEAH by a person engaged by RACS to contribute to, or work on its Global Health Program.

Reports can be raised by anyone, including but not limited to program participants, including children, parents, guardians, carers, partners, RACS Global Health staff, volunteers or associates, consultants, contractors or members of the public, etc. All complaints regarding SEAH

<sup>1</sup> The exchange of money, employment, good or services for sex, including sexual favours

<sup>2</sup> 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, including 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.

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issues will be treated seriously, confidentially and immediately with due regards for the rights of the alleged victim, the notifier and the accused person/s.

Any individual who experiences SEAH should make a report as soon as possible to RACS management or directly to the relevant Complaints Handling Mechanism. RACS guarantees that staff and volunteers who, in good faith, disclose perceived wrongdoing will be protected from adverse employment consequences. RACS has established a fair and impartial investigative process which provides protection for whistle blowers outlined in its Whistleblower Policy.

### 7.1 What should be reported and when to report

Reports must be made immediately, or as soon as practically possible. All RACS employees and volunteers must immediately report (without individual investigation) any reasonably suspected breach of this policy to RACS management or directly to the relevant Complaints Handling Mechanism. Immediately, in this context means within two working days of becoming aware of any alleged SEAH incident. If in doubt, the incident should be reported in line with RACS' **Zero Tolerance** principle. Individuals or organisations who do not report reasonably suspected breaches of this policy will be viewed as being non-compliant.

### 7.2 Who to report to

**All reports should be made to: RACS' Complaints Manager:**

Ph.: 1800 892 491 | 0800 787 470 E: [complaints@surgeons.org](mailto:complaints@surgeons.org)

All reports will be handled professionally, confidentially and expediently and each report will be investigated on a case-by-case basis. Responses will reflect the nature of the allegation. Senior management will be informed of SEAH incidents in line with the organisation's risk management procedures.

## 8. RISK MANAGEMENT

RACS safeguards against SEAH in all its activities, both within the organisation and in our engagement with other organisations, communities and individuals. While it is not possible to eliminate all risks of SEAH, proactive risk management can identify, mitigate, manage and reduce risks of SEAH that may be associated with the Global Health Program. These risks are identified during initial risk assessment during program and project planning and design. Risks are then monitored as part of the ongoing management of Global Health activities. Development and humanitarian contexts present a heightened risk of SEAH due to local communities being vulnerable, especially during periods of crisis or transition.

## 9. TRAINING

RACS Global Health is committed to providing regular training to staff and volunteers regarding PSEAH to ensure that they are fully aware of their responsibilities to prevent sexual exploitation, abuse and harassment and how to report concerns or allegations or policy non-compliance.

All staff, volunteers and partners participating in Global Health activities will complete PSEAH training. All volunteers are required to complete PSEAH training prior to deployment. Staff and volunteers will be required to complete a refresher training course every two years.

## 10. RECRUITING AND SCREENING INDIVIDUALS

RACS is committed to using robust recruitment, selection and screening practices with the aim of recruiting the safest and most suitable people to work in the RACS Global Health Program, both in Australia and overseas.

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RACS will not knowingly engage, directly or indirectly, anyone working for Global Health, who poses an unacceptable risk of committing SEAH.

RACS' Global Health employment contracts and volunteer agreements contain provisions for suspension or transfer to other duties of any staff member or volunteer who is under investigation and provisions to dismiss any employee or volunteer found guilty after an investigation.

The following recruitment and screening procedures are used prior to engagement:

### 10.1 Police Checks and Working With Children Checks

A criminal record check must be obtained for any individual engaging in RACS Global Health activities.

A criminal record check must be obtained from an individual's:

- country of citizenship; and
- country of residence; and
- any country an individual has lived for a period of 12 months or more in the last five years.

In Australia, an Australian Federal Police (AFP) National Police Check (NPC) clearance certificate must be obtained. In New Zealand, a Criminal Record check from the Ministry of Justice must be obtained and a Children's Worker Safety Check.

Individuals working on or visiting Global Health programs overseas must complete a criminal record check on an annual basis.

A police check is considered valid for screening purposes for three years from the date of issue for office staff who do not travel overseas.

A Working With Children Check is required of all volunteers and Global Health will obtain a copy of the volunteers or state documents.

**Exceptional Circumstances:** In certain cases, such as in the emergency mobilisation of a team or a team member, there may be insufficient time for the results of a criminal record check to be received by RACS Global Health.

In this instance, a statutory declaration must be provided by the individual in substitute of a police clearance, declaring the individual free from any criminal charges and/or involvement in any on-going criminal court hearings (or awaiting verdict), inclusive of child-related offences. Before engaging this option, staff must demonstrate that every reasonable effort has been made to source a criminal record check from the required country.

All information relating to criminal record checks must be handled in accordance with the RACS' Privacy of Personal Information Policy.

### 10.2 Reference Checks

Character reference checks are mandatory for all individuals engaging in RACS' Global Health activities and includes a question regarding any concerns of sexual misconduct.

Where an individual has been nominated for participation by an existing team leader, long-standing volunteer or RACS Fellow, a documented recommendation from the nominator (including how long, and in what capacity the individual has been known to the nominator) must be obtained. In addition, the relevant Project Manager must also undertake two verbal referee checks from referees (other than family members), supporting the recommendation.

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Where an individual is engaged to participate in Global Health activities without a recommendation, two verbal referee checks from referees (other than family members) must be conducted.

### 10.3 Disclosure

Employees and volunteers must notify RACS of any SEAH-related criminal convictions, charges or relevant substantial complaints or allegations of misconduct made against them prior to, or during, engagement in RACS' activities.

## 11. EXPECTED BEHAVIOURS

RACS prohibits transactional sex for all personnel, while engaged in the delivery of Global Health activities.

RACS prohibits fraternisation for all non-national personnel, while engaged in the delivery of Global Health activities.

RACS is committed to attaining the highest levels of conduct and professional behaviour. RACS's Workforce Conduct Policy outlines the professional behaviour expected of all people involved in conducting Global Health activities overseas.

All RACS personnel engaged by RACS to participate in RACS Global Health Program are required to read and sign their agreement to abide by the RACS' Workforce Conduct Policy. Partner organisations are required to read and sign their agreement to abide by the RACS Partnership Agreement which explains the RACS PSEAH Policy and their PSEAH responsibilities and obligations.

## 12. SANCTIONS

Any act of sexual exploitation, abuse or harassment by RACS employees, volunteers or other associated individuals or organisations constitutes gross misconduct and is therefore grounds for termination of employment or volunteer contracts or agreements. Additional disciplinary actions for a breach of this policy includes, but is not limited to, one or more of the following:

- suspension or removal from work or volunteer activities pending and/or during investigation;
- RACS internal investigation;
- formal warning and/or other sanctions in accordance with RACS Human Resources policies;
- for RACS employees, referral to the People and Culture Department;
- for RACS fellows, referral to the Professional Conduct Committee;
- for volunteers, action pursuant to RACS policies and the Volunteer Participation Agreement;
- referral to local law enforcement authorities;
- referral to the Australian Federal Police;
- termination of employment or ability to work as a Global Health Program volunteer.

RACS recognises an individual's right to procedural fairness and does not presume guilt or innocence pending and/or during investigation. Therefore, other than in circumstances of serious misconduct for which they may be suspended without pay at RACS' sole discretion, any suspended paid personnel will continue to receive full pay. Any volunteers who are stood down will receive reasonable reimbursement of costs.

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### 13. ASSOCIATED DOCUMENTS

Anti- Bullying and Sexual Assault Policy  
 Child Safeguarding Policy  
 Gender Equality Policy  
 Ethical Images and Stories Policy  
 RACS Workforce Conduct Policy  
 RACS Code of Conduct  
 Whistleblower Policy  
 Complaints Handling Policy  
 Natural Justice – Information for Decision Makers Policy  
 Privacy of Personal Information Policy

**Approver** International Engagement Committee  
**Authoriser** Council