

SEAMEO INNOTECH Policy on Protection from Sexual Harassment, Exploitation and Abuse (PSHEA)

I. INTRODUCTION

SEAMEO INNOTECH is one of the 24 regional specialist institutions of the Southeast Asian Ministers of Education Organization. Being a regional inter-governmental organization, it upholds and supports the dignity and self-esteem of its staff members, partners and the community it works with, and respects their human rights as they deliver, implement and participate in the Center's programs and services.

The Center is committed to providing a working environment and upholding working conditions free from sexual harassment, exploitation and abuse and any act that is sexual in nature with the purpose of ensuring the safety of all in the performance of their functions.

II. DEFINITION OF TERMS

PSHEA is an acronym for Protection from Sexual Harassment, Exploitation and Abuse.

Sexual Harassment refers to any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another. Such conduct will also be considered sexual harassment when it interferes with work, is made a condition for employment, or creates an intimidating, hostile or offensive work environment.

Sexual Exploitation refers to 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 refers to any actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Survivor refers to an individual who has been the subject of sexual harassment, abuse or exploitation.

Complainant refers to the person who raises a complaint, which may or may not be the survivor.

Related personnel include anyone with a contractual link to the Center, including project staff, casuals, consultants, resource persons, interns, secondees, volunteers, stakeholders, service providers, etc.

III. SCOPE AND PURPOSE

This policy shall apply to all SEAMEO INNOTECH staff and related personnel engaged by the Center to carry out its operations such as project staff/partners, casuals, consultants, resource persons, interns, secondees and volunteers, and shall be upheld as the Center continues to work or interface with its various stakeholders and service providers, both during and outside normal working hours.

This policy sets out the Center's approach to ensuring protection from sexual harassment, exploitation and abuse. This includes:

- the Center's commitment to ensure protection from SHEA and to ensure that effective action is taken should problems occur;
- principles upon which decisions and actions will be based; and
- expectations from all those who work with and on behalf of SEAMEO INNOTECH.

IV. POLICY STATEMENT

SEAMEO INNOTECH has a zero-tolerance policy towards sexual harassment, exploitation, and abuse. The Center believes that people have a right to live their lives free from sexual violence and any abuse of power regardless of age, gender, sexuality, sexual orientation, disability, religion or ethnic origin.

V. SEAMEO INNOTECH PSHEA COMMITMENTS

SEAMEO INNOTECH is dedicated to fulfilling the following commitments to prevent and respond to sexual harassment, exploitation and abuse:

- To achieve full, ongoing implementation of the following Core Principles:
 - Sexual harassment, exploitation and abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including dismissal.
 - Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent in the locality. Mistaken belief in the age of the child is not a defense.
 - Exchange of money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes any exchange of assistance due to beneficiaries.

- Where a Center staff or partner has concerns or suspicions regarding sexual harassment, exploitation or abuse by a fellow worker, whether within or outside of the Center, he or she must report such concerns via established reporting mechanisms.
- Center staff and partners are obliged to create and maintain an environment that prevents sexual harassment, exploitation and abuse. This entails providing an environment that is free of tension created by sex-related remarks, unwelcome sexual advances, requests for sexual favors or other misconducts that are sexual in nature where it implements its different programs and activities. Managers and supervisors at all levels have a particular responsibility to support and develop systems that maintain this environment.
- To create and maintain a safe organizational culture for all those who work for and with the Center, as well as those in the communities where the Center operates, and offering support to survivors as indicated in item C under Section VIII (Implementing Guidelines) of this policy.
- To respond in a professional and timely manner to all concerns or allegations of SHEA. All concerns or allegations will always be taken seriously, investigated, and acted upon as may be appropriate.
- To integrate PSHEA into Center work through safer recruitment, partnership agreements, staff and partner training, communication with beneficiaries and safe programming, among others.

VI. ORGANIZATIONAL MANAGEMENT

For the Center to effectively carry out commitments stated in the foregoing, the following systems/mechanisms are put in place:

A. HR SYSTEM

1. Recruitment Process

The Human Resources Management Unit shall ensure that its process on recruitment supports the prevention of sexual harassment, exploitation and abuse by implementing the following measures:

- a. Successful applicants are required to submit pre-employment documents as may be identified by the Center, including clearance from any alleged misconduct/case specifically on sexual harassment, exploitation and abuse.
- b. Newly hired staff and partners are given an orientation or briefing during the first week of work to include the Center's PSHEA policy

2. Disciplinary Procedures

The Center has set up disciplinary procedures (Code of Discipline) that provide guidance on how to exercise fair and consistent judgement on issues related to PSHEA and to ensure that no staff/partner shall be penalized without due process.

B. PARTNERSHIP AGREEMENTS

Center partnership agreements with other organizations/agencies shall include reference to the Center's PSHEA Policy.

C. MANDATORY TRAINING

Center staff and related personnel shall receive mandatory trainings/orientation on organizational policies and laws/guidelines related to conduct in the workplace, including PSHEA Policy Awareness, Anti-Sexual Harassment Act and Occupational Safety and Health Law, among others.

D. COMMUNICATION WITH BENEFICIARIES

The Center shall inform beneficiaries and communities it works with about the Center's PSHEA Policy advocacy.

E. SAFE PROGRAMMING

Center personnel are required to take proactive measures to avoid causing inadvertent harm to civilians, actively help reduce existing threats and ensure programs and activities are conflict sensitive. This includes embedding good practices and SHEA preventive measures throughout the program/project life cycle, including design preparation, assessment activities, complaints and feedback mechanisms, and monitoring and evaluation.

VII. OPERATIONAL ARRANGEMENTS

Creating and maintaining an environment free from sexual harassment, exploitation and abuse is a joint responsibility of the Center and its personnel.

A. ROLES AND RESPONSIBILITIES

1. Management

- a. overall accountability for this policy and its implementation
- b. establish a fact-finding or investigation committee as may be deemed appropriate, with responsibilities indicated in item 7 of "Corrective/ Disciplinary Procedures" of the Center's Code of Discipline.

- c. refers cases/breaches of PSHEA policy to appropriate external authorities as may be deemed necessary.

2. Managers and Supervisors

- a. provide guidance to staff and partners to clearly and comprehensively understand and implement the PSHEA Policy
- b. develop and implement office-wide/unit-wide systems and procedures that support the PSHEA policy
- c. ensure that staff participate in PSHEA learning sessions
- d. call the attention of staff/partners should they exhibit inappropriate behavior
- e. receive complaints or reports on suspicions or actual cases of sexual harassment, exploitation and/or abuse according to the Center's procedures, and forward the same to the Human Resource Management Unit (HRMU) or Management as may be applicable for appropriate action
- f. conduct risk assessment activities prior to implementation of projects/activities to ensure protection and safety of persons involved

3. HRMU

- a. ensure communication of the PSHEA policy among staff and partners and monitor its implementation
- b. spearhead/coordinate PSHEA information dissemination programs and activities and take the lead in organizing PSHEA learning sessions
- d. receive complaints or reports on suspicions or actual cases of sexual harassment, exploitation and/or abuse according to the Center's procedures
- e. ensure proper documentation of proceedings and compilation of legal documents in connection with the implementation of corresponding corrective/disciplinary actions on erring staff

3. Center Staff/Partners

- a. read, understand, and implement provisions indicated in the Center's PSHEA policy
- b. conduct themselves professionally and adhere to the workplace conduct and professional standards of the Center
- c. report any suspicions or actual cases of sexual harassment, exploitation and/or abuse whether inside the Center or outside through appropriate channels, according to the Center's procedures

B. FINAL DECISION

The Center Director has the authority to render final decision on the sanction/penalty to be imposed on a PSHEA offender based on evidences presented and result of the investigation conducted.

C. CONFIDENTIALITY CLAUSE

The Center shall protect the privacy of the people involved in any alleged PSHEA infraction. It shall ensure that all parties are treated fairly, objectively, and respectfully.

As may be appropriate, information on cases shall be made available only to members of the investigating committee and the Center Director. All records, files and information related to PSHEA cases shall be dealt with utmost confidentiality and shall be governed by the Data Privacy Act.

VIII. IMPLEMENTING GUIDELINES

Implementation of this policy shall be guided by the following standards to ensure objective and fair assessment and investigation of PSHEA infractions.

A. REPORTING

It is the responsibility of all SEAMEO INNOTECH staff and partners to report in good faith any reasonable suspicions or actual cases regarding breach of the Center's PSHEA policy by any staff member, stakeholder, or client.

1. Any Center staff or partner can raise a concern/complaint or report verbally or in writing, suspicions on or actual cases of breach of the Center's PSHEA policy by any staff member, partner, stakeholder or client without fear of retribution. Center staff and partners should not investigate allegations or suspicions themselves but instead refer them to appropriate channels.
2. Any suspicion or actual case of alleged sexual harassment, exploitation or abuse may be raised/reported to any of the following channels:
 - a. HRMU
 - b. Managers/supervisors with whom one feels comfortable
3. Staff/individuals involved in the reporting process will be made aware of the importance of maintaining confidentiality as per item C of Section VII (Operational Arrangements) of this policy. Individuals who breach confidentiality may be subject to disciplinary action.
4. As may be appropriate, the Center will take action against anyone, whether they are the subject of a report/complaint or not, who seek or carry out retaliatory action against complainants, survivors or other witnesses.
5. Where the Center receives information on possible violations or complaint/report involving staff from a partner organization, the Center has the obligation to report such cases to appropriate channels.

6. Giving false allegations shall be considered an administrative infraction and shall be dealt with in accordance with the Code of Discipline of the Center.

B. INVESTIGATION PROCEDURE

The investigation procedure outlines the general guidelines prior to the implementation of disciplinary measures.

1. The Center Management/fact-finding or investigation committee (as may be established) shall examine the facts surrounding the alleged violation of the PSHEA policy and undertake the following steps:
 - a. conduct interviews with relevant staff/people who can shed light on the reported allegations and give factual testimony
 - b. gather evidences to ascertain facts and statements
2. The respondent shall be invited to present his/her side on the allegations.
3. The Center Management/fact-finding or investigation committee (as may be established), after a thorough investigation, shall submit a report of the finding to the Center Director.
4. The Center Director shall render the final decision on the penalty/sanction based on the result of the investigation and available evidences.
5. The respondent may file for an appeal within five (5) days upon receipt of the Notice of Decision.
6. Guidelines on confidentiality concerns will be practiced as per Item C of Section VII of this policy.

C. REFERRAL MECHANISM/SURVIVOR ASSISTANCE

The Center shall provide a referral mechanism to victims of sexual harassment, exploitation, and abuse to assist/ensure that appropriate action is taken.

The Center's referral mechanism is as follows:

SERVICES	RESPONSIBILITY	PURPOSE
1. Investigative Services within the Center	Management/fact-finding or investigation committee	Investigation and probable sanctions/penalties or prosecution
2. Letter of Referral to providers of other related services, as follows:	Providers as may be identified by HRMU, Center Management, (e.g. DSWD, CHR, PNP, etc.)	Investigation and probable prosecution
a. Legal Services	Providers as may be identified by HRMU, Center Management (for Center staff and partners); other external agencies as may be identified	Handling of cases that merit criminal charges
b. Medical Services		• medical treatment • prevention of any adverse effect brought about by sexual violence such as acquisition of diseases and unwanted pregnancy
c. Psychological Services		Counselling and mental health care
3. Other social welfare services like transportation, communication, professional fees, etc. as may be deemed appropriate	When applicable and appropriate as may be determined by HRMU/ the fact-finding or investigation Committee and approved by Management	Support to case management

D. PROTECTION AGAINST RETALIATION

To encourage reporting of suspected violations of the PSHEA Policy without fear of retaliatory action, the identity of the individual who reported shall be treated with utmost confidentiality, unless the person expressed his/her consent in writing to reveal his/her identity.

The Center shall protect anyone who reports *in good faith* any suspicion of PSHEA policy infraction against retaliation.

Complaints/reports of attempted or actual retaliation shall be immediately investigated and appropriate disciplinary action taken if found to be true.

IX. COMMUNICATION PLAN

Clear and constant communication is contributory to the prevention of any form of sexual harassment, exploitation, and abuse. As such, the Center shall ensure that all its staff members and partners are informed and aware of the Center's PSHEA Policy.

To ascertain this, the following shall be undertaken:

1. An orientation on the Center's PSHEA Policy shall be conducted for all staff and partners.
2. Center staff and partners will be encouraged to take part in PSHEA-related trainings/learning development programs organized by the Center and other agencies/organizations.
3. The Center's PSHEA Policy shall be uploaded in the Center's website and intranet for easy access and retrieval.
4. Appropriate advocacy and information dissemination activities will be conducted in coordination with concerned units/offices of the Center.
5. The Center's PSHEA Policy will be periodically reviewed for any needed updates/revisions.