

# Developing a PSEA Policy

## Lessons Learned & Recommendations

July 6, 2021

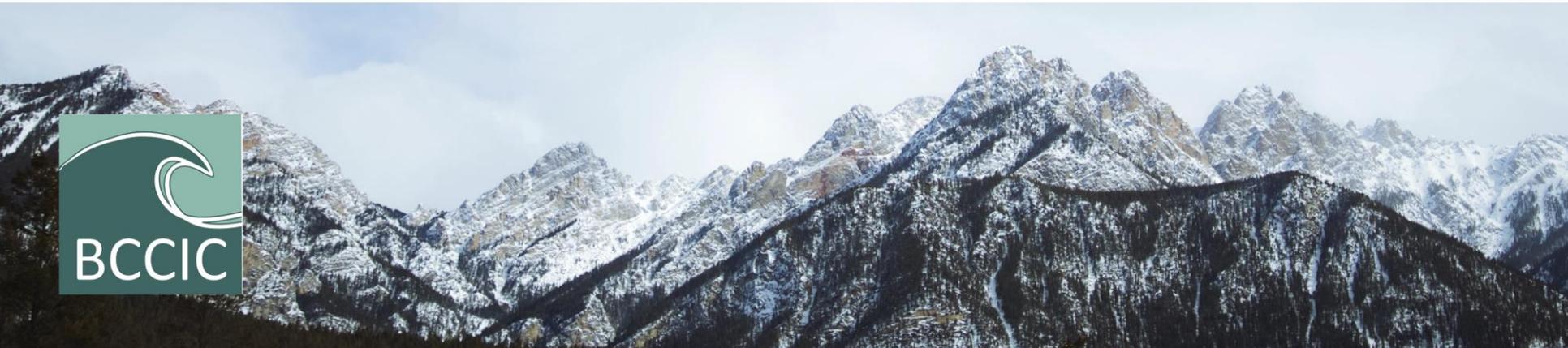
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**We would like to acknowledge that BCCIC's work takes place on the traditional, ancestral and unceded territories of the xwməθkwəy̓əm (Musqueam), skw̓ xwú7mesh (Squamish), sə̓lilwətaʔt (Tsleil-Waututh) and scə́waθən məsteyəxw (Tsawwassen) nations.**

We make this acknowledgement to pay our profound respect to the hosts of this land, for their stewardship for time immemorial and to remind ourselves of both their history and their present-day contributions to our society as a whole.



# Structure

1. Process
2. Key concepts
3. Legal-policy context
4. Prevention
5. Response
6. Review
7. Member engagement



# PROCESS



# Steps

Stakeholder consultation

Digital

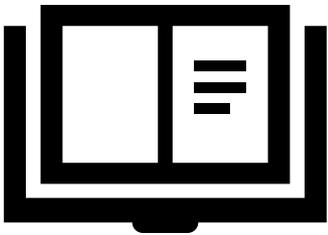
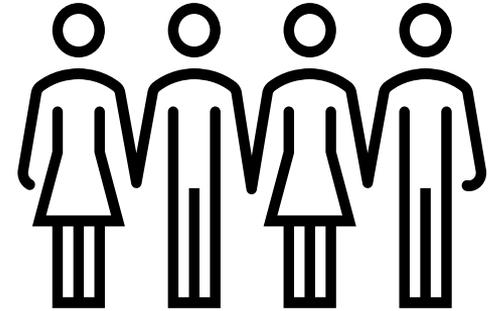
Policy analysis

Desk review

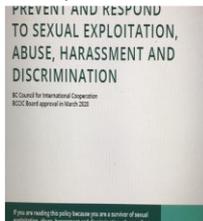
Informal risk assessment of organizational capacity

Youth engagement

Board approval



# Outputs



Comprehensive policy



Abbreviated policy



Posters & guidelines



# Lessons learnt

- Have a clear but realistic vision for the document;
- Reach consensus on the process and inputs beforehand;
- Ensure that outputs are accessible for intended audience and purpose;
- Involve the audience & targets in drafting the policy.
- Multi-stakeholder consultation: internal & external – plan for sensitivities and triggers.



Policy, guidance document or guideline



Bottom up or top down processes



Consider the audience and targets



Consultation

# Lessons learnt cont.



FIND A CHAMPION



MANAGEMENT BUY  
IN



ASK THE  
UNCOMFORTABLE  
QUESTIONS



PARTNERSHIPS

- Identify a focal point who is mandated and resourced.
- Sign the leader's pledge and ensure organizational ownership.
- Alignment with organizational values, principles and mission.
- Formal and informal discussions around gender, power and identity.
- Identify allies beyond your organization working on similar issues.
- Encourage learning and sharing.
- Tailor it to the organizational context to ensure relevance.

# TERMINOLOGY & CONCEPTS



Term	Basic definition
PSEA/ PSHEA	Protection from sexual exploitation, harassment and abuse.
Sex discrimination	Unfair treatment based on a person's sex, sexual orientation or gender identification, often in <b>intersection</b> with other positionalities and identifications.
Sex exploitation	Abuse or attempted abuse of a position of vulnerability, <b>differential power</b> or trust for sexual favours or other forms of humiliating, degrading or exploitative behaviour of a sexual nature.
Sexual abuse	Actual or threatened physical intrusion of a sexual nature by <b>force or under unequal power balance or coercive conditions</b> .
Sexual harassment	Physical or verbal sexual behaviour that makes a person feel embarrassed, offended, humiliated, intimidated or unsafe, often related to <b>power imbalance and intersectionality</b> .
Gender-based harassment	Gender-policing tool to create social exclusion or reinforce conformity towards masculine and feminine stereotypes.
<b>Poisoned work environment</b>	A workplace that feels unsafe or unwelcoming for an individual who is sexually abused, harassed or bullied, and includes a sexualized culture, discriminatory values and conduct.

# Lessons

- ❑ Consider different understandings and interpretation of key concepts based on individual and socio-cultural differences;
- ❑ Discuss concepts in practical terms with case studies and vignettes;
- ❑ Create safe spaces for open discussion;
- ❑ Encourage positive behaviour and intercultural communication;
- ❑ Understand the law and your responsibilities as individuals and organizations.



# LEGAL-POLICY CONTEXT



# Legal-policy analysis

## International

- Declarations, conventions & covenants
- UN Declaration on Elimination of Violence against Women

## Federal

- Feminist International Assistance Policy
- Truth & Reconciliation Commission
- Criminal Code of Canada
- Canada Labour Code

## Provincial

- British Columbia Human Rights Code
- British Columbia Workers Compensation Act
- Occupational Health & Safety Regulation
- WorkSafe BC handbook

**“Canada strongly condemns all forms of sexual exploitation and abuse in international assistance. We all have a responsibility to step up to address these issues and produce a real shift in how we work. Appropriate steps must be taken to prevent, respond to, and protect beneficiaries of Canadian international assistance funding from sexual exploitation and abuse” (Global Affairs Canada, May 25, 2018)**



# GAC Expectations

- A **culture of zero tolerance** for sexual exploitation and abuse in all international assistance settings;
- High standards for **vetting and referencing** staff within the organization;
- Clear publicly available **policies and procedures**, including codes of conduct;
- **Accountability mechanisms** integrated throughout the organization,
- **Clear roles and responsibilities** to ensure monitoring, and compliance with, the code of conduct;
- **Training** on prevention of SEA and remedial measures when misconduct is found;
- Anonymous and confidential **reporting mechanisms** to protect victims and whistleblowers and ensure that they receive the support they need;
- **Monitoring and evaluation procedures** for all cases;
- **Referral** to the relevant authorities in cases of criminal conduct;
- **Annual reporting** to the public of the number of alleged and confirmed cases;
- **Informing Global Affairs Canada** immediately of alleged cases.

# Employer's legal responsibilities

Laws	Content
Canada Labour Code	Employers are required to make 'reasonable' efforts to ensure that sexual assault does not occur.
BC Human Rights Code	Employers are required to ensure that their environments are free from harassment – risk assessments, monitoring and immediate action.
Occupational Health & Safety Regulation (see also WorkSafeBC)	Employers are required to develop procedures and written policies on workplace violence and harassment: minimizing risk of violence, workplace assessments to prevent violence, reporting procedures, investigating and documenting and responding appropriately.
Criminal Code	Employers who fail to protect their employees from violence in the workplace can be held criminally responsible.
BC Workers Compensation Act	Employers are required to address bullying and harassment, as any other hazard in the workplace.

# Lessons: Legal & policy context

- ❑ Map relevant laws and policies at different levels (international – national – provincial – local).
- ❑ As an international organization you need to understand your obligations in Canada **and** in the countries you are working.
- ❑ If you are working in partnership with local actors, you must understand your responsibilities and obligations, incl. reporting.
- ❑ This will require resources for research, legal advice and consultation with local experts.
- ❑ Understand the donor's requirements when applying for grants.
- ❑ You have an obligation to **do no harm, protect and promote human rights** regardless of the local context.



# PREVENTION



# Create the policy



# Code of Conduct

## **Example: “One Oxfam Policy on Protection from Sexual Exploitation and Abuse”.**

- Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are grounds for termination of employment and criminal sanction.
- Sexual activity with children (persons under the age of 18) is prohibited regardless of the local age of majority or consent. The ‘mistaken belief’ in the age of the child will not be accepted as a defense.
- The exchange of development assistance money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behaviour, is prohibited.
- Due to inherently unequal power dynamics, sexual relationships between humanitarian workers and beneficiaries are prohibited.
- Employees and related personnel must declare any previously existing relationships with beneficiaries to their line managers.

# Assess & Mitigate Risks: Work Culture

## Ask uncomfortable questions:

- Who makes decisions in your organization?
- Who is being left out of decision-making?
- Who exercises power in different relationships and situations?
- Are certain practices, behaviours and norms creating power imbalances?
- Are staff feeling intimidated, unsafe or uncomfortable?
- Is this perpetuated by individuals or is it systemic or both?
- Is gender equality and a culture of non-tolerance promoted in the organization?
- Is positive dialogue encouraged around socio-cultural constructions of appropriate and inappropriate behaviour?
- What positive practices should be promoted?
- Is the work environment inclusive, equitable and respectful?
- What prevents staff from speaking out about their concerns?
- What barriers do they face when seeking help and support?



# Recruitment & training



# Coordinate & collaborate

Actions	Explanation
Identify & train PSEA Focal Point	Respond to complaints and coordinate the implementation of the policy.
Collaborate	Work with gender specialists, partners and members. Partner with local communities.
Awareness-raising	Display the policy and other resources on your website and share widely on social media.
Capacity-development	Support & mentor partners. Build organizational capacity of CSO partners based on PSEA assessment. Encourage peer learning and information sharing.
Monitor & review	Is the policy current and working for everyone?
Communication	Keep checking in with your staff, volunteers and contractors to see if they feel included, respected and safe.
Public engagement	Look beyond the policy - help others understand how they can contribute to a safer, more inclusive and equitable society.
Mainstream	Work with programs staff to ensure that PSEA considerations have been included in all program planning and implementation activities.

# Lessons

- ❑ Prevention is more than raising awareness through posters or building capacity through training and mentoring.
- ❑ It is about understanding, reflecting upon **and** transforming power dynamics rooted in social hierarchies, discriminatory social norms, exclusionary and harmful social practices.
- ❑ At BCCIC, we are starting this process through (a) the gender and Justice, Equity, Diversity and Inclusion (JEDI) audit (b) Anti-Racism Training series (c) seminar series on decolonization (d) dialogue and internal reflection on the following:
  - How far can and should SMOs go in addressing deep seated social injustice?
  - What example should SMOs be setting?
  - What value and culture changes are required in the organization itself?



# Questions to consider

How can SMOs address the root causes of SEA within their own organizations?

How can Canadian organizations address these root causes in field offices or partner organizations?

Are there any best practices or lessons on prevention that you can share?

# RESPONSE





# Rights

## Complainant:

- Submit a report without barriers and fear of reprisal;
- Consent for sharing information;
- Insist on confidentiality;
- Receive updates;
- Refuse to engage with respondent;
- Third party presence;
- Request leave to receive support;
- Receive timely, appropriate and comprehensive survivor-centered support.

## Respondent:

- To be notified that a report has been filed;
- Be informed of the process;
- Have accompaniment;
- Be treated fairly;
- Treated as innocent until proven guilty;
- Have access to corrective support when appropriate and necessary.

# Reporting

- Voluntarily approach respondent
- Mediation

Informal resolution

- Report to PSEA focal point or ED.
- Response within 24 hrs and meeting ED within 72 hrs.

Formal reporting

**Must refer to authorities if violates criminal code, someone's life is at risk or a child is involved!**

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Whistleblowing

- Directly to the Board or to a sub-committee of Board depending on who is implicated.

External reporting

- Human Rights Tribunal.
- BC Human Rights Clinic.
- WorkSafeBC.
- Local Police Service

# Investigation

Timeliness

Sensitive to  
interests & rights

Confidentiality  
agreements

Evidence & facts

Prevent further  
trauma

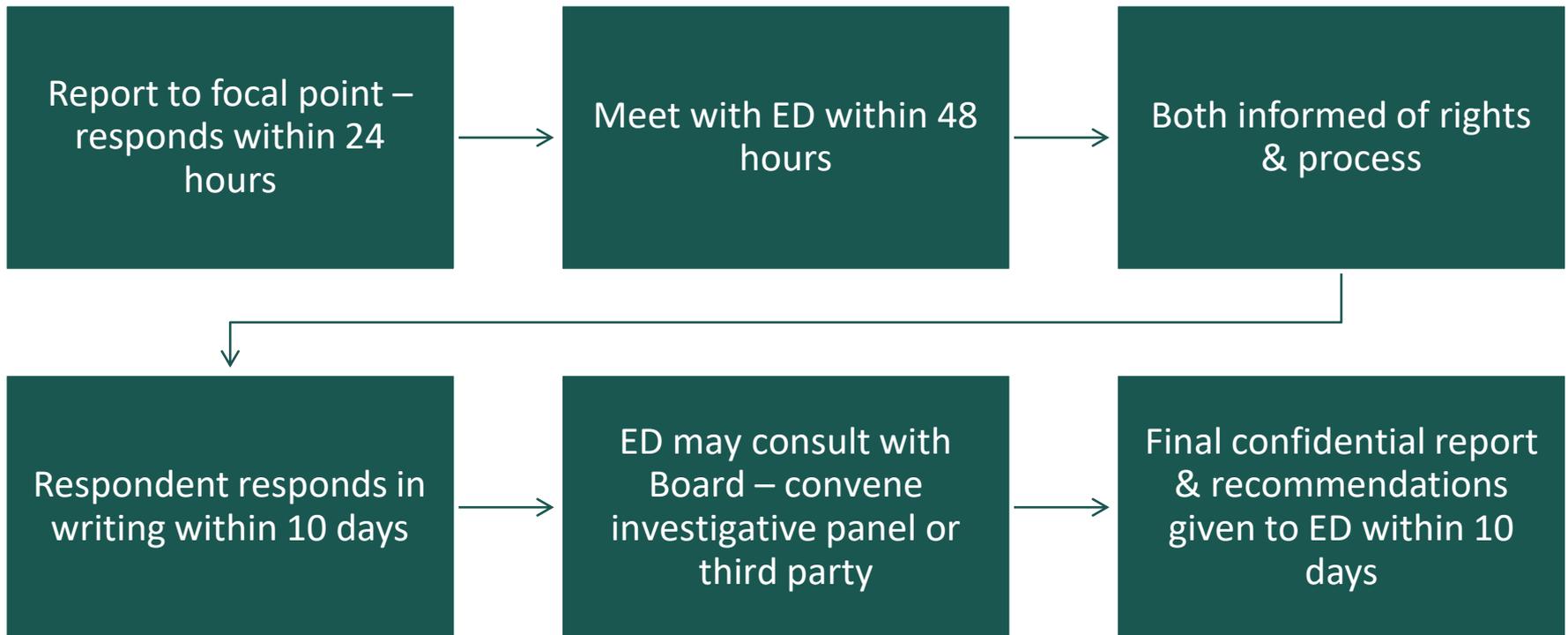
Communication

Consent –  
investigate  
withdrawal

Data security

We will never use  
non-disclosure  
agreements

# Process



# Investigation outcomes

- ED decides on sanctions and response, considering investigation outcomes and recommendations
- Disciplinary measures range from verbal warning to letter of reprimand to termination;
- Any contravention of Criminal Code = immediate dismissal.
- Corrective/ reform programs may be offered, including counselling, mentoring, workshops on gender sensitivity, intercultural communication and healthy behaviours.
- Consider and address root causes within the organization e.g. power imbalances or poisoned environment.



# Survivor-centered response

## **Actions:**

- Map local service-providers;
- Make the list accessible;
- Develop referral protocol;
- Provide comprehensive quality assistance and support;
- Focal Point to track & follow up on response;
- Document support received and report to Board & authorities.

## **Other considerations:**

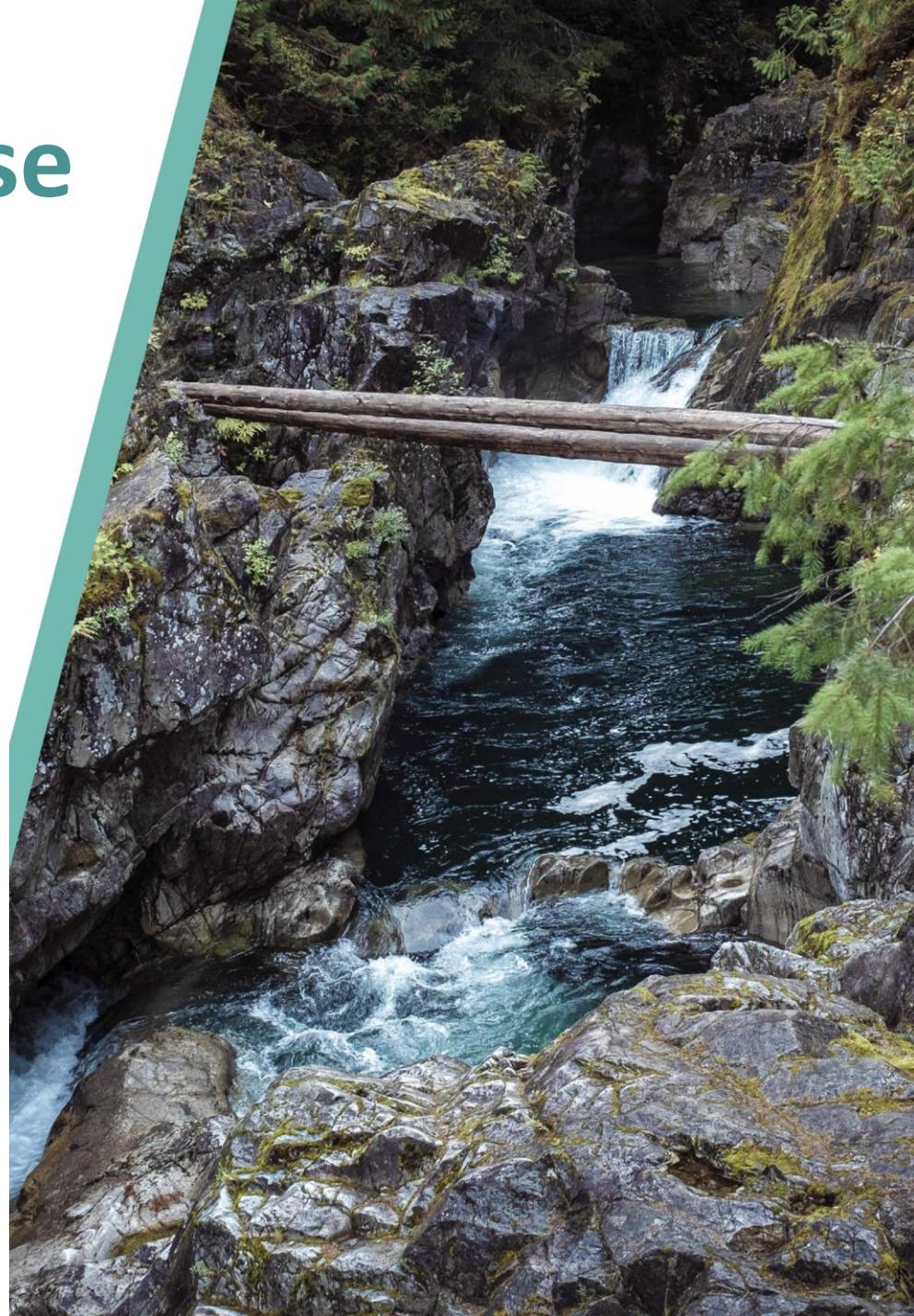
- No penalization for 'understandable reactions' to SEA;
- Protection from retaliation;
- Consideration of spillover effects on the workplace – others may need access to support in the workplace.

# Working with communities

- **Value centred:** Mutual respect and non-discrimination, along with cooperation and understanding, will form the basis of all interactions with community members.
- **Prevention:** When designing and implementing community-level programs and projects, members use a PSEA risk assessment tools in consultation with local community members;
- **Co-creation:** Members consult with local communities in the development of PSEA materials (Codes of Conduct, reporting & referral protocols);
- **Accessibility:** Members raise awareness about their PSEA policy in local languages and accessible formats;
- **Reporting:** Members maintain an open-door policy and actively encourage community members and beneficiaries to provide feedback and report complaints by removing barriers.
- **Feedback mechanisms:** Members provide feedback to communities on how these complaints have been handled and what changes have been made as a result of the community's feedback.

# Lessons: Response

- ❑ Clear roles and responsibilities;
- ❑ Effective communication channels and institutional mechanisms;
- ❑ Flow charts for mapping process in different situations;
- ❑ Checklists to ensure protocol has been followed;
- ❑ Budgeting for investigation and response;
- ❑ SMOs – implications for impartiality, confidentiality and work environment.
- ❑ Collaboration & partnerships with local service-providers:
  - Are services accessible and inclusive for all?
  - How can response protocols be operationalized remotely or when working through/ with local partners?
  - How and who should hold local partners and service-providers accountable for failing to respond in a survivor-centred way?



# Questions to consider

What is meant by comprehensive, timely and quality survivor-centred support in your organization & in the countries in which you work?

How can SMOs ensure this when working with local partners?

How can comprehensive, timely and quality survivor-centred support be guaranteed and provided to complainants in countries where they may be system failures, service gaps and access barriers?

# MONITORING & REVIEW



# Reasonableness Evaluation

How effective were the policies and procedures?

How timely was the response?

How seriously was the complaint treated?

What resources were made available?

Was a healthy environment created for the complainant?

How well was the process and actions communicated to the complainant and respondent?

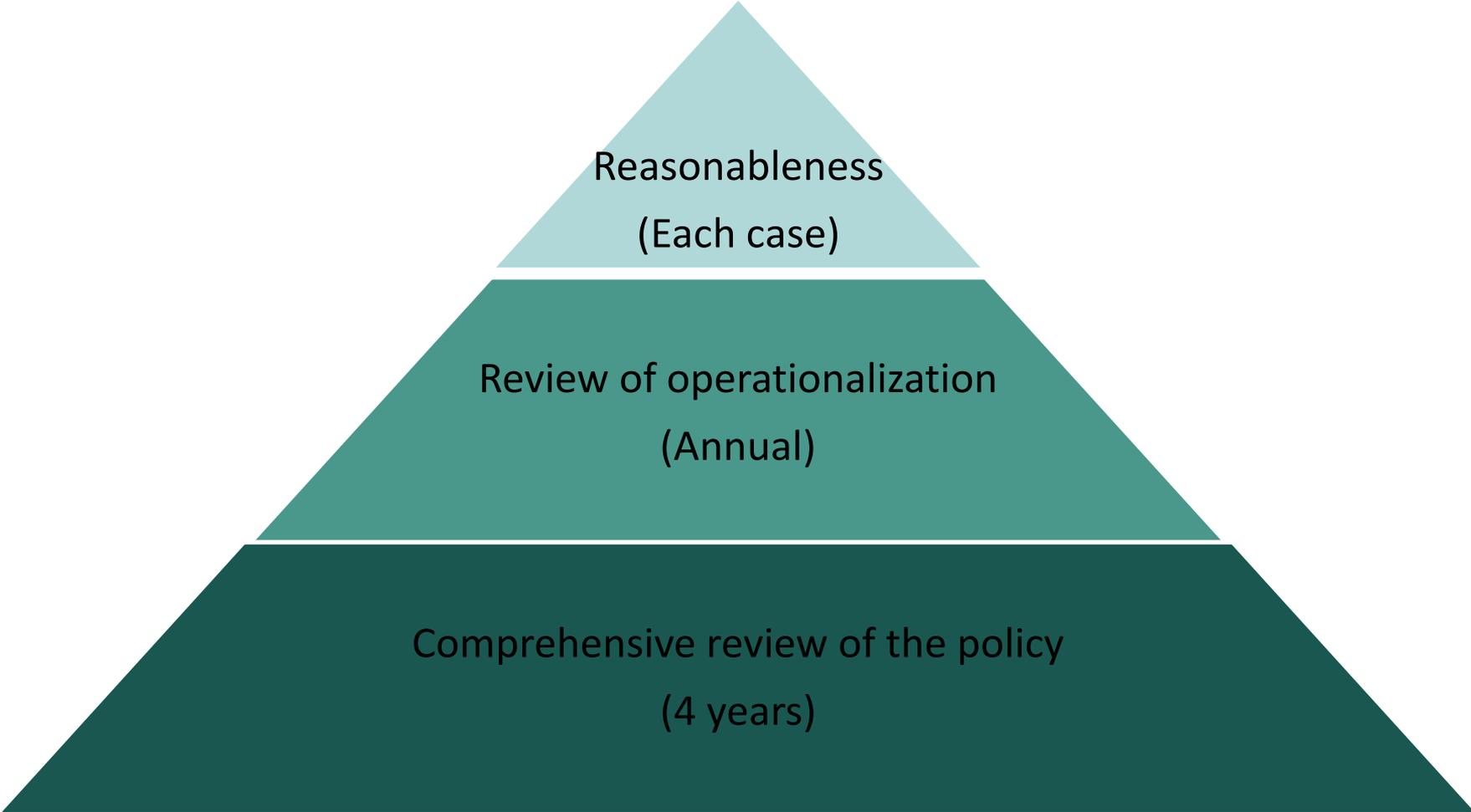
## Steps:

1. Contract third party to undertake reasonableness assessment.

2. Share findings with the Board and donor.



# Layers of Review



Reasonableness  
(Each case)

Review of operationalization  
(Annual)

Comprehensive review of the policy  
(4 years)

# WORKING WITH PARTNERS





# Feedback from members

“The truth of the matter about our PSEA policy... we developed it with a copy of BCCIC’s from you (we found the shorter version more useful) and World Neighbours Canada. We also reviewed policies of other organizations such as CARE, Oxfam, etc. They are larger, so their well-defined policies did not reflect our reality as an SMO. We wanted a simple policy and not a complex one”.



# Feedback from members

“The development of the policy has been pragmatic. We don't have any overseas staff and we don't have an office where people work together (also we are spread around multiple locations) so the opportunities for sexual exploitation and abuse are more limited than they would be in a larger organization with a central office and overseas staff. To develop our policy, we relied on samples of policies available through Digna and other sources, although we found that most of these policies were written for much larger organizations, so we had to modify the content greatly to fit our situation”.

# Lessons

- ❑ Consider the needs of different organizations (i.e. size, scope of work, resources, partnerships);
- ❑ Ensure that resources are accessible for different organizations;
- ❑ Go beyond sensitization training and provide one-on-one support to members to accompany them through the process of developing their own PSEA policies;
- ❑ Consider the contexts in which they work and the communities that they partner with.



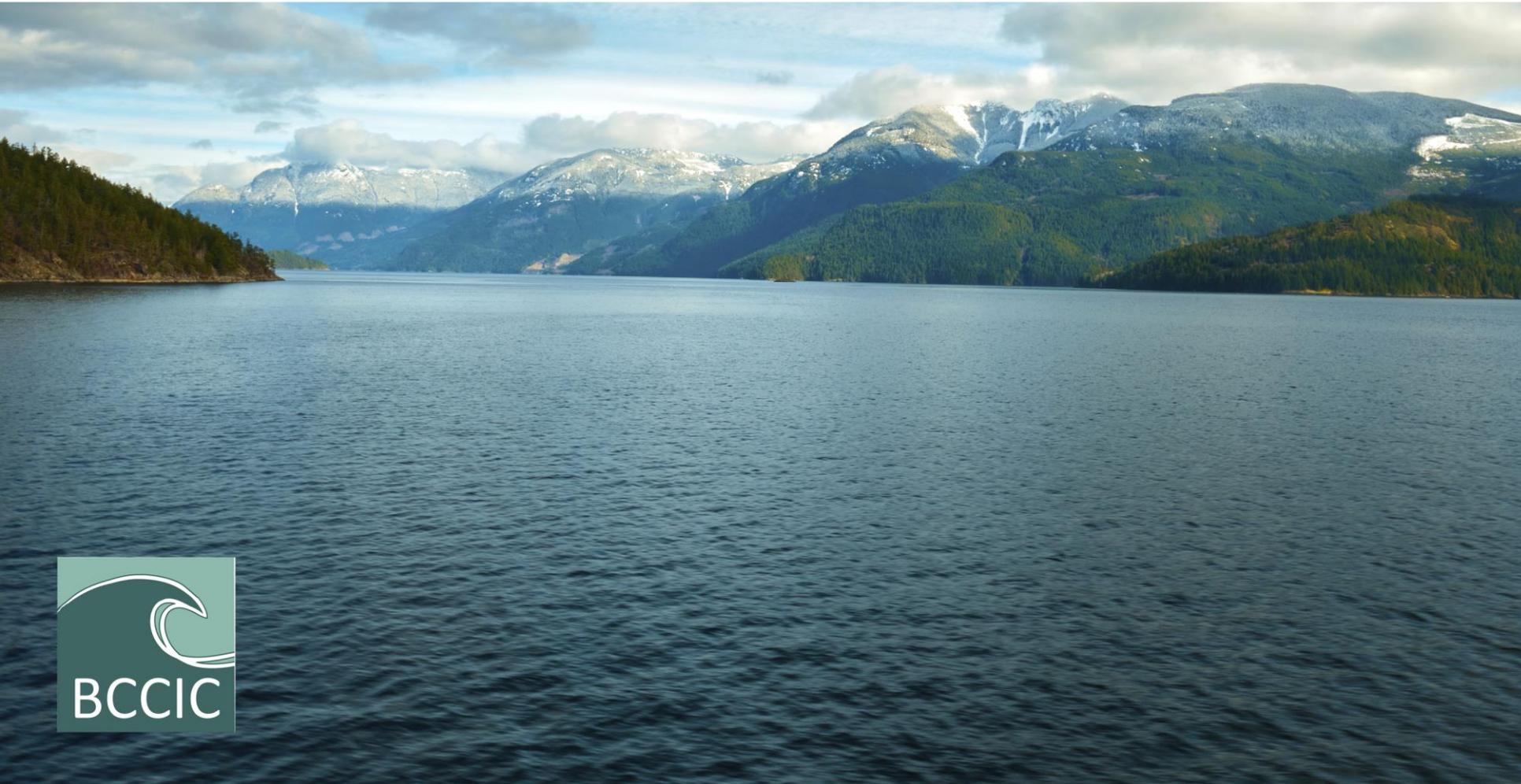
# Questions to consider

Are members, partners, and chapters bound by the PSEA policies of an organization, council or coalition?

If prevention and response are not adequate can partnership agreements be terminated?

How can consensus be reached on PSEA collective statements among members, chapters and partners?

# RESOURCES



# PSEA Assessment & PSEA Toolkit for CSO Partners (UNICEF 2020)

Rating based in organizational capacities and risk ratings.

Standards	Evidence
1. Organizational Policy	PSEA policy, Code of Conduct, Documentation of standard procedures
2. Organizational management & HR systems	ToR's for PSEA responsibilities, contracts and partnership agreements that include a clause on PSEA, systematic vetting of job candidates.
3. Mandatory training	Annual training plan, training agenda and attendance sheets
4. Reporting	Communications materials, PSEA awareness-raising campaign, description of reporting mechanism, whistle-blower policy
5. Assistance & referrals	List of service-providers, description of referral process, referral forms for survivors.
6. Investigation	Written process for review of allegations, resources for investigation or commitment from partner, investigation policy.

# Contact details

PSEA Focal point:  
[focalpoint@bccic.ca](mailto:focalpoint@bccic.ca)

PSHEA Policy:  
[zosa@bccic.ca](mailto:zosa@bccic.ca)

