



## SOP for Protection from Sexual Exploitation and Abuse (PSEA)

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### **1 POLICY PURPOSE**

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Embrace is committed to providing a safe and respectful environment for all persons working at and accessing its premises for services and is fully committed to protection against sexual exploitation and abuse (PSEA) and adheres to providing safe and accessible reporting process, following a professional survivor-centered approach and holding accountability to protect any person in direct contact with Embrace personnel or services. Embrace commits to protecting all individuals who report abuse or retaliation through adverse employment measures like termination or withdrawal of service provision for beneficiaries. If needed, Embrace will consult relevant child protection, gender-based violence or PSEA representatives to manage complex reporting of abuse, exploitation or harassment.

The purpose of this policy is to prohibit any kind of sexual harassment between Embrace service providers and, sexual exploitation or abuse between Embrace service providers and beneficiaries inside or outside workplace, including but not limited to harassment based on color, race, sexual orientation, gender, religion, age, nationality, and disability and to create a safe and healthy working environment for all.

## 2 SCOPE

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The policy covers everybody working for and with Embrace, including staff, volunteers, consultants, partners, and beneficiaries. Embrace will also disseminate this policy among staff and volunteers, update it on the website, incorporate it into training material for new joiners and distribute visual aids in adult and child friendly versions in Embrace activities, on and off site.

This policy does not govern harassment that happen outside the workplace between an Embrace service provider and a member who is neither a beneficiary nor another colleague unless the complainant claims that their knowledge of the incident(s) creates a hostile work environment, a condition to which this policy applies.

## 3 DEFINITIONS

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**Beneficiary:** Any person, group or organization who benefits directly or indirectly from any of Embrace's services.

**Child:** A person under the age of 18 regardless of the local age of consent or age of majority.

**Complainant:** The person who raises a complaint of harassment, sexual exploitation or abuse incidents.

**Embrace Partners:** Any person, organization or any other entity formally collaborated with Embrace to complete or implement program activities.

**Embrace Staff:** Any person who is directly contracted by Embrace, including line manager/director of department, consultants, officers, and administrative staff.

**Embrace Volunteer:** Any person who is registered as a volunteer in the lifeline, EMHC or the Outreach team.

**Gender Based Violence (GBV):** Any form of violence whether verbal, physical or sexual targeted at a person because of their actual or perceived gender identity. Sexual exploitation and abuse is a form of GBV.

**Informed consent:** The voluntary agreement of a person who has the capacity to consent and make free and informed decision/s.

**Minor Risk Offense:** Actions of misconduct in behaviour or performance with colleagues or beneficiaries that cause minimal harm.

**Medium Risk Offense:** Intermediate level of misconduct affecting or damaging the organization's personnel/beneficiaries, reputation and/or resources.

**Major Risk Offense:** Severe level of misconduct affecting or causing significant harm to the organization's personnel/beneficiaries, reputation or resources.

**Note to File:** A note to file is a preliminary action to be taken for Embrace staff or volunteer to be notified about a misconduct which will be documented in their personnel file.

**Offender:** Any person who perpetuates the act of harassment or violence.

**Project Contractor:** Any person or institution contracted under a project to provide material and/or services to the project parties and/or beneficiaries.

**PSEA:** Protection from Sexual Exploitation and Abuse.

**Retaliation:** Any action, statement or behaviour that is designed to punish or threaten an individual for making a complaint or cooperating with an investigation, or to deter an individual from making or pursuing a complaint or participating in an investigation or the resolution of a complaint.

**Sexual Abuse:** The real or threatened bodily intrusion of a sexual nature, whether by force or under unequal or coercive condition from a service provider towards a beneficiary. Non-contact and online sexual abuse is also included.

**Sexual exploitation:** Any actual or attempted abuse of a position of vulnerability, differential authority, or trust for sexual objectives, including, but not limited to material, social, or political benefits from the sexual exploitation of a service provider towards a beneficiary. Sexual exploitation still applies regardless if the beneficiary accepted or refused it.

**Sexual Harassment:** Any unwelcome sexual advance, comment, expressed or implied sexual demand, or any other communication or conduct of a sexual nature, whether physical or verbal by any person to another individual within the scope of work that may cause offense or humiliation to another, create a hostile work environment, or that is made a condition of employment. Further definitions of harassment can be found in *Appendix 1*.

**Survivor:** Any person who is or has been offended, disadvantaged by the harasser or sexually exploited and abused.

**Verbal Warning:** A verbal warning is an alert to a person that a problem has been identified and must be addressed. It is addressed verbally to give the person a chance to improve and will be documented in the person's file.

**Victimization/Retaliation:** Negative consequences a person is suffering in response to a complaint.

**Whistle-blower:** Any Embrace staff, volunteer or partner who reports harassment and/or sexual exploitation and abuse.

**Workplace:** Any place on which Embrace activities take place. All types of harassment and abuse are prohibited whether they take place within Embrace's premises or at project sites.

**Written Warning:** is a document to warn an employee of their general conduct, actions with colleagues and beneficiaries, and the potential consequences if the employee does not remedy their behaviour. The warning is documented in the person's file.

**Zero-tolerance policy:** Embrace's policy that prohibits harassment and sexual exploitation and abuse by staff, partners or beneficiaries and mandates that every act of abuse will be followed by disciplinary action/s.

## 4 PSEA POLICY

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4.1. The PSEA policies at Embrace are guided by the global policies established by the UN and the Inter-Agency Standing Committee (IASC). Embrace abides by the IASC Six Core Principles Relating to Sexual Exploitation and Abuse (2019). These are:

- Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
- Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a 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 behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
  - Any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.
  - Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
  - Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have responsibilities to support and develop systems which maintain this environment.
- 4.2. Embrace staff shall be responsible for fostering an environment free of any harassment, discrimination, or SEA.
- 4.3. All staff, contractors, consultants and service providers shall be trained by the organization's PSEA Focal Point on this policy's content and the principles of anti-harassment and SEA prior to the start of any of their responsibilities at Embrace. All Embrace personnel shall attend periodical PSEA refresher sessions when needed.
- 4.4. All Embrace personnel shall sign and agree to Embrace Anti-harassment and PSEA policy prior to the start of their responsibilities at Embrace.
- 4.5. Embrace shall raise awareness to beneficiaries on PSEA through communication materials spread out in the organization and off-site activities.
- 4.6. Any act that falls under the definition of harassment or SEA as explained within this document and the training shall be reported following the below procedure. Refer to appendix 1 for more examples on SEA and harassment.
- 4.7. Project staff, volunteers, consultants, and beneficiaries can be in the position of a harasser or a survivor and each situation shall be handled using the standard procedure for the management of harassment and PSEA.
- 4.8. All cases of reporting shall be handled with full confidentiality and the information shall not be shared with any party outside of the harassment or SEA procedures.
- 4.9. Embrace shall enforce strict confidentiality practices when it comes to SEA allegations. The only persons involved in the allegation shall be the PSEA focal point, president/lawyer and HR if the perpetrator was to be terminated, the complainants, the whistle-blowers, survivors and alleged perpetrator/s. In addition, individuals have the option of anonymous reporting. Whether reporting was anonymous or not, consent shall be provided in the submitted incident form of the complainant (See Appendix 2). Embrace commits to sharing confidentiality procedures to all individuals involved in the allegation. These are but not limited to explaining clearly which information will be shared, how, with whom and for what purpose. Documentation of the incident is encrypted with no identifying information of the survivor, alleged perpetrator or any other involved person.
- 4.10. Embrace commits to making the reporting mechanism accessible to everyone by providing material in all languages, adapting it to all ages and raising awareness about its ease of access.
- 4.11. Embrace's reporting mechanism abides by safety, confidentiality, transparency and accessibility principles.



4.12. Embrace's PSEA focal point shall complete the UN Implementing partner PSEA capacity assessment every 5 years unless significant changes were made to PSEA related capacities or events. The purpose is to prevent, identify risks and safeguard from SEA. Embrace shall coordinate with the national PSEA network on a regular basis to enhance mainstreaming of PSEA and Anti-harassment.

## 5 ROLES AND RESPONSIBILITIES

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The roles and responsibilities of individuals pertaining to anti-harassment and PSEA are the following:

- **Embrace Management:** The management team at Embrace which constitutes of (Managing Director, Line Managers and Program Directors) is responsible to provide supervision on Anti-harassment and PSEA prevention and response, update Anti-harassment and PSEA policies and procedures, facilitate investigations, make resources accessible across the organization and collaborate with other organizations on related projects.
- **PSEA Focal Point:** The focal point will be responsible to receive harassment and SEA allegations, coordinate their response, report them to Embrace management and assist the management in meeting PSEA and anti-harassment best practices. The PSEA focal point will also provide the survivor with direct referrals to other service providers.
- **Human Resources:** The HR/Business support is responsible to carry out background checks on previous SEA or harassment violation as part of the recruitment process. They are also in charge to ensure that all personnel have signed Embrace's code of conduct, all agreements include a PSEA and harassment clauses and all documents pertaining to SEA or harassment are stored confidentially. The HR/Business support will also facilitate communication with any person involved in the investigation.
- **All Personnel:** All individuals or organizations that engage with Embrace directly or indirectly are responsible to uphold Embrace's code of conduct, participate in PSEA related initiatives, take part in investigations if requested and identify and mitigate harassment or PSEA. The code of conduct is applicable 24/7 and everywhere to all personnel who sign it.

## 6 PROCEDURES FOR REPORTING AND INVESTIGATION

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- Any case of harassment or SEA should be reported face to face to the PSEA focal point or using the form in Appendix 2, which is available internally within the organization's drive shared with all staff (Microsoft Teams) and available in a box displayed publicly in Embrace offices and on Embrace's website. Reporting can be done any time during or after the event of harassment or SEA and can be done by a party involved in the harassment/SEA or on behalf of someone who was involved in the act of abuse.
- Reports should be relayed to the PSEA focal point face to face, sent on [integrity@embracelebanon.org](mailto:integrity@embracelebanon.org) or dropped anonymously in the suggestion box which is to be checked on a daily basis by the PSEA focal point. For anonymous complaints, the person is free to report using a nickname or from an alternative anonymous email account.

- If the complaint falls under harassment, the PSEA focal point will coordinate internally with HR and management. If the complaint falls under SEA, the PSEA focal point will coordinate with the national PSEA coordinator using the form in Appendix 2.
- In cases of harassment or SEA, the PSEA focal point will report on a *need-to-know basis only*. Reporting will be directly to the president which will act as a safeguarding lead. Reporting will be directed to the lawyer of the organization if the allegation is against a management or board member. Embrace will report to their lawyer if the allegation was crime.
- Investigations will follow principles of confidentiality and commit to safety, health and well-fare.
- The president/lawyer will ensure that investigation of the allegations is done right away without delays.
- The alleged perpetrator must be on leave until the investigation is completed.
- The investigation must be survivor-centred and carried out in a child friendly manner when children are involved.
- The president/lawyer will identify any conflict of interest that may be vested in any member and can affect the outcome of the investigation. That is, the president/lawyer shall verify that there are not any personal or professional relations with any of the survivor, alleged perpetrator, whistle-blower or witnesses that could jeopardize the objectivity of the investigation. If a conflict of interest was confirmed, the concerned person shall be removed immediately from the investigation, asked to restrict contact with any involved party in the case and sign to keep information confidential.
  - The president/lawyer will review the submitted report and arrange for interviews with the alleged offender, survivor, and any relevant parties. All individuals will be reminded to cooperate, maintain confidentiality, avoid retaliation, never obstruct the investigation, leave the matter to the president/lawyer and not play detective. All participants in the interviews are asked to keep the content shared confidential.
  - In complex cases of harassment that include but not limited to conflicting testimonies or difficulty in deciding on an appropriate action, Embrace might request the guidance of external professional consultants with experience in investigations. The investigator shall prepare a report that concludes if harassment was substantiated. This report will be used by the president/lawyer to assist in decision making.
- The president/lawyer will avoid exacerbating risks or harm for those reporting allegations by filling out the Template for Risk Assessment and Management during SEA Investigation. The survivor will be asked to report on the current or expected risk so that together with the president/lawyer, they can implement protection plans.
- Access to report files are restricted to the president/lawyer and stored safely in a password protected file in the organization's electronic drive.
- PSEA focal point will refer survivors to immediate professional assistance either by benefiting from Embrace mental health services directly or by being referred externally with their consent. If needed, external referrals are to be sent via email using the Interagency Referral form encrypted with password. Referrals are to be extracted from Embrace's most updated service map that includes all possible services that the survivor might need.
- Embrace management will support investigators by giving them access to relevant records and personnel to undergo their investigation effectively.
- Investigations will also be used to identify organizational points of improvement in the response and prevention of SEA that might call for the revision of policies and procedures.

- Following meetings with every person involved, the president/lawyer will be responsible for taking decisions regarding the protection risk to the survivor, the type of abuse, the hard evidence of the abuse and reliability of allegation. HR/Line managers shall document minutes of meeting for each meeting/interview taking place.
- If it is concluded that harassment or SEA has taken place, disciplinary actions will be applied against the offender. In its final report, the president/lawyer will ensure and document immediate consequences on the confirmed perpetrator.
- Disciplinary actions taken against the perpetrator could include verbal, or written warnings, suspension of work, or termination of employment or involvement with Embrace. Several factors are considered when deciding the level of seriousness of offense: degree of the misconduct, frequency of offense, impact on personnel and organization, damage to assets value, accountability and intent of harm. A report documenting the rationale behind any decision is to be kept by the investigator and stored confidentially. The decision made will be shared with the offender and complainant by the president/lawyer and HR if needed. If the case involves a child, it will be reported to judicial or legal authorities via email through interagency referral form by the PSEA focal point.
- Warnings can last up to 6 to 12 months depending on the degree and frequency of offense.
- Employees who receive warnings will not be considered when applying to internal vacancies.
- If the person already has a history of harassment documented with HR in the form of an initial warning, the second step would be termination regardless of the category.
- If it is concluded that complaints were untrue and made in bad faith, disciplinary actions will be initiated against the person who made the complaint or report as this is a violation of this policy and the code of conduct. However, an unproven allegation does not mean that harassment or SEA did not occur, but that the investigation is maintained to obtain sufficient evidence.
- Prohibition against Retaliation
  - Embrace prohibits retaliation against individuals who, in good faith, complain about, report, or assist others in reporting non-compliance with Embrace’s anti-harassment policy.
  - Embrace prohibits retaliation against any person who provides evidence or otherwise participates in the investigation or resolution of a complaint under this policy.
  - Those who believe that they have experienced retaliatory action shall inform PSEA Focal Point directly. Such an allegation may become part of an existing complaint or form the basis for a new one.

## **7 POLICY COMPLIANCE**

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- All Embrace members are committed to taking the necessary steps to prevent harassment and sexual exploitation and abuse in the workplace and in all interactions with project beneficiaries and other partners.
- All employees, volunteers, partners, and beneficiaries must follow the procedures in accordance with this policy.



- All reported allegations must be taken seriously and will be treated with confidentiality through an immediate, but impartial and fair investigation.
- Along with the set standards, Embrace will comply with the Lebanese labor law when applicable.





## **Appendix 1. Definitions of Misconduct and Harassment**

Examples of conduct what could constitute harassment include, but are not limited to:

### **Physical Harassment**

- Direct threats of intent to inflict harm
- Physical attacks (hitting, shoving, kicking)
- Threatening behaviour (shaking fists angrily)
- Destroying property to intimidate.

### **Verbal Harassment**

- Threatening, yelling, insulting, or cursing at a victim in public or in private

### **Personal Harassment**

- Inappropriate comments
- Offensive jokes
- Personal humiliation
- Critical remarks
- Ostracizing behaviours
- Intimidation tactics.

### **Discriminatory Harassment**

**Any discriminatory behavior towards a person based on:**

- Their gender
- Their race
- Their religion
- Their age
- Their sexual orientation

### **Psychological Harassment**

- Isolating or denying the victim's presence
- Belittling or trivializing the victim's thoughts
- Discrediting or spreading rumors about the victim
- Opposing or challenging everything the victim says

### **Cyber Bullying**

- Share humiliating things about the victim by email or text
- Spread lies or gossip about the victim on social media
- Send harassing messages directly to the victim

### **Sexual Harassment**

- Sexual comments, jokes, questions



- Inappropriate touching
- Inappropriate sexual gestures
- Invading personal space in a sexual way
- Unwanted calls or texts of a sexual nature

**Power Harassment**

- Excessive demands that are impossible to meet
- Demeaning demands far beyond the victim's capability
- Intrusion into the victim's personal life



## Appendix 2. SEA/Harassment Reporting Form

### SEA/HARASSMENT REPORTING FORM

If you believe that you have been subjected to any kind of harassment, you are encouraged to complete this form and submit it to the organization's PSEA Focal Point. You will not be retaliated against for filling a complaint. If you are more comfortable reporting verbally or in another manner, the PSEA Focal point should complete this form and provide you with a copy.

These reports are handled under strict confidentiality rules. You have the option to report anonymously.

#### Are you reporting on the behalf of:

- Yourself
- Someone else

#### Complainant Information (optional)

**Name:**

**Address:**

**Phone:**

**Email:**

**Job title:**

**Preferred method of communication:**  Phone  Email  In person

#### Complaint Information on Incident

Your complaint about harassment is made about:

**Name:**

**Phone:**

**Email:**

**Job title:**

#### Please specify the type of abuse you are referring to:

- Sexual Exploitation
- Sexual Abuse
- Sexual Harassment

**Please describe what happened and how it is affecting you and your work. For example: what happened? Where? When? How many times? Who (optional)? Please attach any relevant documents or evidence (optional).**

**Please provide additional information about the incident:**



Date(s) where incident occurred:

Place(s) where incident occurred:

Is the incident continuing?

Yes

No

Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

Have you previously complained or provided information (verbal or written) about related incidents?

Yes

No

If yes, when and to whom did you complain or provide information

Do you provide consent to proceed PSEA procedures outlined in the PSEA policy?

Yes

No

**I have read and understood the Anti-harassment and PSEA policy and terms.**

**I hereby agree to proceeding with the procedures outlined for investigation in the PSEA policy**

**I hereby pledge that the above allegations have taken place and are not being reported in bad faith.**

Date:

Name:

Signature:

