



Prevention of sexual exploitation, abuse and harassment of adults **policy**

1. Introduction

Motivation Australia has zero tolerance of sexual harassment, exploitation, and abuse. We believe all people have a right to live their lives free from sexual violence and any abuse of power regardless of race, religion, ethnicity, indigeneity, disability, age, displacement, caste, gender, gender identity, sexuality, sexual orientation, poverty, class or socio-economic status.

We recognise inequities in power within and between organisations and individuals; and we are particularly conscious of how power imbalances can play out in less resourced settings in which Motivation Australia operates. In particular, we recognise that power imbalances can introduce the risk of some people exploiting their position of power for personal gain, and this can translate into sexual harassment, exploitation and abuse.

Motivation Australia commits to being proactive in preventing sexual exploitation, abuse and harassment (SEAH). We communicate clearly to all personnel and representatives our zero tolerance of any form of SEAH. Further, we commit to improving our organisation's safeguarding capacity, providing effective reporting mechanisms, supporting survivors, and investigating and responding to instances of SEAH.

2. Definitions

Sexual harassment	<p>Sexual harassment may occur between persons regardless of their gender identity or sexual orientation. Males, females and gender diverse people can be either victims (survivors) or offenders. Sexual harassment is 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.</p> <p>Such conduct will also be considered sexual harassment when it 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.</p> <p>(See Motivation Australia's Equal employment opportunity and anti-discrimination policy for more information.)</p>
Sexual exploitation	<p>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.</p> <p>Motivation Australia recognises that the terms sexual abuse and exploitation represent a wide spectrum of behaviours which are not limited to the act of sexual intercourse.</p>
Sexual abuse	<p>The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This includes forced marriage, sexual slavery and sexual activity with a child (any person under the age of 18)</p>

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Child sexual abuse	When a child is used by another child, adolescent or adult for his or her own sexual stimulation or gratification. Sexual abuse involves contact and non-contact activities which encompasses all forms of sexual activity involving children, including exposing a child to online child sexual exploitation material, or taking sexually exploitative images of children (see Motivation Australia’s Child Protection Policy for more information)
Transactional sex	<p>Transactional sex is a form of sexual exploitation. It refers to sexual relationships or acts where the giving and/or receiving of gifts, money, employment or other services is an important component.</p> <p>Motivation Australia recognises that people can be sexually exploited through transactional sex even in places where sex work is legal. Motivation Australia works in contexts where there are significant equity and/or power imbalances. For a person purchasing sex in this context, it is often impossible to distinguish between exploitative and non-exploitative transactional sex.</p>
Fraternisation	<p>Fraternisation refers to any relationship that occurs in the course of conducting business that involves, or appears to involve, preferential treatment, partiality or improper use of rank or position.</p> <p>Fraternisation could potentially take the form of inappropriate friendships, public displays of affection, or voluntary sexual relationships.</p> <p>Where there are significant power imbalances (based on gender, age, ability, authority, social and economic inequality, etc), the potential for friendships based on equality and mutuality is reduced and this must be taken into consideration by Motivation Australia personnel and representatives.</p>
Adults	Individuals over the age of 18.
Survivor	A person who is the alleged subject of sexual harassment, abuse or exploitation.
Personnel	<p>Motivation Australia personnel include employees, contractors and volunteers.</p> <p>Volunteers may include professional volunteers, students, or any other person who has entered into a volunteer contract with Motivation Australia.</p>
Motivation Australia Representatives	All Motivation Australia personnel, members of Motivation Australia’s Board of Governors, and any observers, visitors and members attending Motivation Australia activities.
Partner organisations	Organisations that work with Motivation Australia to implement a joint project, and/or with whom Motivation Australia has a signed partnership agreement and/or memorandum of understanding. Partner organisations may or may not be recipients of funds through Motivation Australia.

3. Scope of policy

This policy applies to all Motivation Australia personnel and its representatives. It sets out Motivation Australia’s approach to preventing and responding to SEAH of adults across our organisation and activities including those carried out in partnership whether in Australia and overseas. Sexual harassment is also addressed in Motivation Australia’s policy ‘Equal opportunity and anti-discrimination’. Issues related to the prevention of all forms of harm to children including SEAH are addressed in Motivation Australia’s Child Protection Policy.

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4. Purpose

The policy informs all Motivation Australia personnel, representatives, members, partners, donors and other stakeholders of Motivation Australia's approach to preventing and, where necessary, responding to SEAH of adults. It documents how we live and work respectfully and safely with others and it outlines clear standards for behaviour.

5. Guiding principles

The principles underpinning this policy are:

- 5.1 Zero tolerance of inaction:** Motivation Australia believes there are no circumstances under which sexual exploitation, abuse and/or harassment are acceptable. Motivation Australia has zero tolerance for such behavior and commits to acting quickly and in a fair and reasonable way on any suspicions, complaints or reports to us of such behavior by our personnel, representatives or those of partner organisations.
- 5.2 Survivor needs are prioritised:** Motivation Australia maintains a 'do no harm' approach, prioritising the rights, needs and wishes of the survivor, while ensuring procedural fairness for all parties.
- 5.3 Positive organisational culture and high standards of ethical behaviour:** Motivation Australia understands that strong leadership accelerates cultural change. Motivation Australia's Board of Governors and CEO take responsibility for leading the development of increased awareness and organisational capacity for effectively preventing SEAH; facilitating open discussion of the issue; and enabling effective reporting and addressing of incidents that may occur.
- 5.4 Consultation and conversation with partners:** SEAH exists across borders and cultures. However, how SEAH is addressed varies according to national, cultural and other contexts. Motivation Australia commits to engaging respectfully with our culturally diverse partners in open consultation and conversation in order to learn and understand, share good practice and support culturally appropriate approaches to the prevention of SEAH in their organisations and communities.
- 5.5 Preventing SEAH is a shared responsibility:** Motivation Australia recognises that all organisations, including those in any partnership or other connection with Motivation Australia, share the responsibility to develop their own and others' capacity to deal sensitively and effectively with SEAH wherever it occurs.
- 5.6 Gender inequality and other power imbalances are addressed:** Motivation Australia recognises that gender, disability, age and poverty have an especially powerful intersection with the likelihood of SEAH. Women and children with disability in poor communities have the highest risk of experiencing SEAH. Motivation Australia's actions promote gender equity, child protection, social inclusion, and accountability for a 'do no harm' approach.
- 5.7 Stronger monitoring and reporting will enhance accountability and transparency:** Motivation Australia understands the prevention of SEAH as a fundamental obligation of our work. We establish and strengthen monitoring and reporting mechanisms in order to better track SEAH, understand risks, and improve prevention strategies and responses. In this, Motivation Australia recognises the sovereignty of the nations in which we are privileged to work, and our accountability to the people and governments of these nations as well as our accountability to Department of

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Foreign Affairs and Trade (DFAT), to the Australian Council for International Development (ACFID), to all other stakeholders and to all domestic and international communities that connect with Motivation Australia.

6. Policy

6.1 Recruitment

Motivation Australia ensures that all recruitment of personnel and board members includes reference and police checks. Motivation Australia will not hire or otherwise engage any person with a history of perpetrating SEAH in any form.

The above requirements are further detailed and managed within Motivation Australia's human resource management policies, and recruitment and induction procedures.

6.2 Personnel code of conduct

Motivation Australia maintains a professional and ethical code of conduct, complementary to our child safe code of conduct, specifying the standards of behaviour that can be expected of Motivation Australia personnel and representatives. This code of conduct:

- Specifically outlines expectations and behavioural standards, for example, in relation to non-engagement in transactional sex or fraternisation with primary stakeholders, advancing the safeguarding of those who are vulnerable, and reporting any known, suspected, actual or potential examples of unethical conduct
- Is expressed in plain English
- Is readily available including (and not limited to) on our website, and as an appendix to our partnership documents
- Is reviewed annually by all personnel.

Each Code of Conduct signatory is expected, upon becoming aware, to immediately report any concern, suspicion or allegation of SEAH or any breach of this Policy (see 6.7).

6.3 Training and development

Motivation Australia conducts annual training with personnel and, where relevant and appropriate, partners and other stakeholders to build awareness, and continue learning and engagement with prevention and effective responses to SEAH. This includes refreshing individual personnel's commitment to the Code of Conduct.

6.4 Partnership

Motivation Australia works with a range of partners including government, non-government and disabled person's organisations. We recognise and value the knowledge, expertise and skills of our partners. We have a vested interest in developing strong, well-managed, open and transparent relationships with our partners over time, in recognition of the fact that these organisations will ultimately drive change in improving the services and opportunities for people in their communities within the countries in which we work.

Motivation Australia proactively supports our partner organisations to discuss and mitigate the risk of sexual exploitation, abuse and harassment starting with our joint activities. Specifically, we will:

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- Ensure that PSEAH is identified as a joint commitment in our partnership documentation
- Discuss with our partners their capacity to assess, monitor and address SEAH issues, including considering what tools and resources our organisations can share to strengthen each others' capacity in this area
- Adopt a learning stance, seeking to listen and reflect about how we can improve our efforts to safeguard against sexual exploitation, abuse and harassment and support partners to do likewise
- Encourage partners to use participatory approaches as they establish safeguards against SEAH and, where appropriate, regularly review safeguarding activities with partners.

Ultimately, Motivation Australia seeks to contribute to policies and practices, including complaints and reporting mechanisms, which are locally designed, contextually and culturally appropriate, transparent and genuinely accessible across communities and within organisations.

6.5 Quality standards and risk management

As a matter of routine, Motivation Australia assesses and manages SEAH risks in our project activities and maintains quality standards through (at a minimum):

- Inclusion of SEAH prevention considerations in project design, with particular reference to partner capacity and informed by gender analysis;
- Appraisal of SEAH prevention considerations as part of project appraisal processes;
- Identification and monitoring of SEAH risks as an integral part of project risk management;
- Inclusion of SEAH checks and conversations with partners during project monitoring visits.

More information about how to consider risks associated with SEAH is included in relevant organisational tools, for example, project design templates, appraisal templates, risk management procedure, child safe risk assessment and management plan templates, and trip report templates.

6.6 Organisational culture

Motivation Australia will make every effort to create an organisational culture in which personnel, representatives, partners, and people engaged in or beneficiaries of Motivation Australia's activities can feel safe and confident to report any SEAH issues, and where relevant, contribute to investigating these. Specifically, Motivation Australia will:

- As noted above, ensure that the standards of ethical behaviour expected of Motivation Australia personnel are readily available to partners through our partnership agreements and other stakeholders on our website;
- Progressively build the capacity of personnel to comfortably discuss SEAH internally and with our partners; including discussion of prevention of SEAH with partners' managers and staff;
- Identify a SEAH prevention focal point, responsible for monitoring our progress and compliance in regard to the prevention of SEAH.

6.7 Reporting and investigation

Motivation Australia personnel or representatives who develop a suspicion or awareness that an incident of sexual exploitation, abuse or harassment has occurred are **strongly** encouraged to report their concerns to their line manager, PSEAH focal point or the CEO. Where a concern relates to suspected wrongdoing by the CEO, concerns may be raised directly with the chairperson of Motivation Australia's Board of Governors. Reports may be made in person, by telephone or in writing. Anonymous reports can be submitted to report@motivation.org.au Motivation Australia's incident report template can be used to make a report in writing. Helpful information about how to make a report is included as Appendix 1.

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In many instances, reporting is mandatory. Discretion about whether or not to report an incident cannot be exercised. If in doubt about whether reporting is mandatory or strongly encouraged, please consult with the PSEAH focal point or CEO.

Because of the importance of upholding mandatory reporting requirements, all Motivation Australia personnel need to be alert to potential incidents at all times. Motivation Australia’s Whistleblower policy provides further information about the reporting and investigation of SEAH incidents including how to raise a concern, confidentiality for those reporting, protection for those reporting, protection for those identified as survivors, fair treatment for those who are subject to a report, the process of investigating a report and potential outcomes.

Any breach of strategic significance or any material risk associated with this policy will be promptly reported to the Board of Governors as soon as practicable. This is facilitated by the inclusion of a standard agenda item for all board meetings that involves review of risk registers and incident and hazard registers.

Motivation Australia complies with the requirements of our donors with regards to reporting. Particular note is taken of the reporting requirements of the DFAT as outlined in the DFAT Prevention of Sexual Exploitation, Abuse and Harassment Policy 2019 (see box below). Where mandatory reporting is required, the person with the most knowledge of the incident should work with the PSEAH focal person and the CEO to write and submit the report.

DFAT expects two kinds of incident reporting:

- Mandatory and immediate (within two working days of becoming aware of an alleged incident) reporting by all staff and DFAT partners of any alleged incident of sexual exploitation, abuse or harassment related to the delivery of DFAT business. This includes any alleged incident that poses a significant reputational risk to DFAT. For example, an allegation against a senior staff member of a partner organisation.
- Mandatory reporting (within five working days) by all staff and DFAT partners of any alleged Policy non-compliance; for example, failure to adhere to the Prevention of SEAH Policy Minimum Standards or principles.

6.8 Sanctions

A breach of this policy is considered by Motivation Australia to be gross misconduct and therefore constitutes grounds for suspension, pending an investigation, and/or dismissal. Disciplinary actions and/or possible outcomes of a confirmed breach of this policy may also include:

- Referral to local law enforcement authorities (as per national and any mandatory reporting laws)
- Referral to Australian Federal Police, where appropriate
- Performance management
- Formal warning and monitoring.

6.9 Complaints

Issues of SEAH may be reported to Motivation Australia by members of the Australian public or other Australian or international stakeholders and will be handled in accordance with our complaints handling policy. The opportunity to make a complaint is open to anyone. Motivation Australia will ensure that organisational complaints mechanisms remain current and responsive. This includes maintaining on our website clear information about how to make a report and a dedicated email address for receiving reports (report@motivation.org.au).

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6.10 Survivor support and assistance

Motivation Australia will ensure the safety, dignity and rights of the survivor are respected throughout any of the phases of reporting, investigation, provision of assistance, and/or provision of referral pathways. Survivors of SEAH are entitled to specialised support services. Motivation Australia commits to refer survivors to competent support services as appropriate and available and according to the desires and priorities of the survivor.

7. Responsibility

All personnel: Are responsible to support Motivation Australia's efforts to prevent SEAH; and to report any suspicions or incidences of SEAH. Failure to report a suspicion of SEAH relating to someone else is a breach of this policy, and could lead to disciplinary action being taken. Personnel are strongly encouraged to report incidences that have affected them personally.

Board of Governors: Hold overall accountability for this policy and its implementation.

CEO: Holds responsibility for the application of this policy within the day to day operations of Motivation Australia and our partnership activities.

Prevention of SEAH focal point: Monitor progress and compliance and provide training and support to Motivation Australia personnel. As at August 2021, the nominated SEAH focal point is Lee Brentnall, leebrentnall@motivation.org.au

8. Related documents

Document no:	Title and location
POL-0029	Code of Conduct
POL-0007	Equal employment opportunity and anti-discrimination policy (which includes specific reference to sexual harassment)
POL-0001	Child protection policy
POL-0034	Whistleblowing policy
POL-0031	Complaints handling policy
POL-0012	Personnel recruitment policy
PRO-0012	Personnel recruitment procedure
PRO 0003	Risk management procedure
TEMP-0008	Project appraisal template
TEMP-0029	Trip report template
TEMP-0021	Project design template
TEMP-0011	Child safe risk assessment and management plan
TEMP-0001	Incident report

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<p>DFAT Prevention of Sexual Exploitation Abuse and Harassment Policy 2019</p> <p>DFAT incident reporting form: https://www.dfat.gov.au/sites/default/files/seah-incident-notification-form.pdf</p>
<p>Prevention of Sexual Exploitation and Abuse (PSEA) – Country Mapping of Known Context, Legislation, Reporting and Referral Pathways, An initiative of ACFID’s Safeguarding Community of Practice</p> <p>https://acfid.asn.au/sites/site.acfid/files/resource_document/ACFID_PSEA_Country%20Mapping_A LL_2020_FA_web.pdf</p>
<p>The UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)</p>
<p>Commonwealth Criminal Code Act 1995 – It is a crime for Australian citizens, permanent residents or bodies corporate to engage in, facilitate or benefit from sexual activity with children (under 16 years of age) while overseas. These offences carry penalties of up to 25 years imprisonment for individuals and up to \$500,000 in fines for companies (extraterritorial legislation).</p>

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Appendix 1: Making a report about sexual exploitation, abuse or harassment

Motivation Australia personnel and representatives who develop a suspicion or awareness that an incident of sexual exploitation, abuse or harassment has occurred should consult the below summary information to initiate a report:

Who is responsible for reporting?	All Motivation Australia personnel and representatives.
What should be reported?	<ul style="list-style-type: none"> Any information about sexual exploitation, abuse or harassment committed by Motivation Australia personnel, representatives or partners Any suspicion of personnel or representatives breaching Motivation Australia's Prevention of SEAH principles.
Who should be reported to?	<ul style="list-style-type: none"> PSEAH Focal Point, Chief Executive Officer or Chairperson of the Board of Governors. <p>For cases of SEAH or suspected SEAH committed by partner staff, reports can be made to:</p> <ul style="list-style-type: none"> The relevant line manager in the partner organisation, or Motivation Australia's PSEAH Focal Point.
When to report?	<ul style="list-style-type: none"> When sexual exploitation, abuse or harassment is committed by Motivation Australia personnel, representatives or partners, reports should be made immediately Suspected SEAH should be reported as soon as possible.
How should it be reported?	<ul style="list-style-type: none"> Verbally and then in writing using Motivation Australia's incident report template The written report should be signed by the person reporting, and co-signed by either the PSEAH Focal Point or Chief Executive Officer Anonymous reports can be submitted to report@motivation.org.au.
What will happen next?	<ul style="list-style-type: none"> The report will be communicated with Motivation Australia's CEO who will lead the investigation with the Prevention of SEAH Focal Point. All reports will be considered confidential and the identity of the potential survivor, accused, and the person making the report will be protected. A report to relevant authorities such as the police will be made if the matter is criminal and/or the person is at risk of further harm. Reporting will depend on the local context. Motivation Australia will notify donors in accordance with donor requirements. This will be discussed with partners before a report is made. All reports are shared in summary form with Motivation Australia's Board of Governors. If an investigation finds Motivation Australia personnel or representatives have perpetrated SEAH, this is considered grounds for dismissal/expulsion. Survivors of SEAH perpetrated by Motivation Australia personnel or representatives have the right to access to appropriate support services.

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