

**«APPROVED»
by the Minutes
of the Board of Trustees
of CO «CF «ADRA Ukraine»
dated «6» June 2024**



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

CO «CF «ADRA Ukraine»

This Policy has been developed in accordance with the Constitution of Ukraine, the laws of Ukraine "On Prevention of Violence in the Family", "On Ensuring Equal Rights and Opportunities for Women and Men", certain articles of the Criminal Code and the Code of Administrative Offences, the UN Protocol against Sexual Exploitation and Sexual Abuse, and in accordance with the Bulletin of the Secretary-General on Special Measures for Protection against Sexual Exploitation and Sexual Abuse 5T/5CV/2003/13 dated 09.10.2003.

Introduction

ADRA Ukraine believes that all forms of harassment, abuse and exploitation are contrary to its core ideology. ADRA Ukraine is committed to identifying and addressing these injustices by serving people without discrimination. However, ADRA Ukraine recognises that abuse of power, including sexual abuse, by humanitarian workers is widespread. In recognition of this, ADRA Ukraine is committed to the welfare and protection from sexual harassment, exploitation and abuse (PSHEA) by ADRA Ukraine representatives, as outlined in the previous ADRA Protection Policy (2018) and now more explicitly in the PSHEA Policy, the code of conduct that accompanies ADRA Ukraine's safety policies and standards.

This PSHEA Policy applies at all times during working and non-working hours, when travelling and during any type of leave (annual, sick, parental leave, etc.). The PSHEA Policy applies on the territory of ADRA Ukraine's offices and sites as well as outside them. All persons involved in the implementation of projects are obliged not to damage the image of the organisation.

The principles and requirements of the policy apply to members, employees and contracted experts. Familiarity with and agreement to comply with the Policy shall be certified by the signature of each member, employee, contracted expert of ADRA Ukraine and kept together with the membership application (for members), personal file (for employees), copies of personal documents (for other persons). The text of the policy is published in the internal information resource of ADRA Ukraine.

To enhance the protection of the most vulnerable, particularly women and children, the following standards are established

- 1) Sexual exploitation and sexual abuse constitute gross misconduct and are grounds for disciplinary action, up to and including immediate dismissal;
- 2) sexual activity with children (persons under the age of 18) is prohibited.
Misunderstanding the age of the child is not an excuse;
- 3) Sex, including sexual services or other types of offensive, degrading or exploitative behaviour, in exchange for money, work, goods or services is prohibited;
- 4) If an ADRA Ukraine employee has concerns or suspicions that one of his/her colleagues working in the organisation is committing sexual exploitation or sexual abuse, he/she should report such concerns through the established reporting channels;
- 5) ADRA Ukraine employees are required to create and maintain an environment of zero tolerance towards sexual exploitation and sexual abuse.

The list of standards above is not exhaustive. Other types of behaviour related to sexual exploitation or sexual abuse may also be grounds for administrative or disciplinary action, including dismissal.

Definition

Term	Definition
ADRA Ukraine representatives	This term refers to anyone who represents ADRA Ukraine: all permanent, temporary and part-time staff; board members; interns; volunteers; (local implementing partners and service providers).
Beneficiaries	<p>With regard to protection, ADRA Ukraine uses a broad working definition of 'beneficiary' to include not only the direct beneficiaries of a particular project, but also any child or adult who is part of the affected population that may be harmed. Synonyms for the word 'beneficiary' include: project participant, affected population, population in difficulty, local community.</p> <p>Engaging in sexual activity with a beneficiary is considered either sexual exploitation or abuse, but the person does not have to be in a vulnerable position; a dispersed power or trusting relationship is sufficient to establish PSHEA.</p>
Secure recruitment of employees	The purpose of safe recruitment is to help identify and take action against individuals who are deemed to be at risk of violating ADRA Ukraine's policies and failing to comply with its standards. The safe recruitment process starts with how vacancies are advertised and how employees are inducted and trained.
Sexual abuse	Actual or threatened sexual assault, including inappropriate touching, forceful or unequal or coercive conduct.
Sexual exploitation	<p>Sexual exploitation is defined as the abuse of a position of vulnerability, power or trust for sexual purposes; it includes the receipt of financial, social or other benefits from the sexual exploitation of another person.</p> <p>Examples of sexual exploitation include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ Offering special benefits (including money, employment, goods or services) to programme participants in exchange for, or soliciting, sexual favours; ▶ Threats or insinuations that an individual's refusal or unwillingness to submit to sexual advances or requests will affect the individual's eligibility for project assistance and support;

Sexual exploitation

- ▶ Verbal behaviour such as sexually degrading remarks, explicit verbal comments about a person's body or clothing (which the victim or applicant considers to have sexual overtones), sexually degrading language, sexually explicit letters, notes, emails or invitations, derogatory or inappropriate comments, verbal abuse, innuendo, insults, jokes, sexual advances or propositions;
- ▶ Visual conduct such as leering, sexual gestures, displaying or distributing sexually explicit objects or pictures, cartoons, graffiti posters or magazines; actual physical contact or threatening behaviour such as slapping, pinching, blocking movements or any other offensive touching.

Sexual harassment

Any unwelcome sexual advances, comments, overt or covert sexual requests, touching, jokes, gestures or any other communication or behaviour of a sexual nature, whether verbal, written or visual. This includes requests for sexual favours.

Sexual harassment takes many forms. It can be overt or covert, physical or verbal, repeated or one-off, and perpetrated by any person of any gender against any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens as well as staff and representatives.

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ADRA Ukraine prohibits sexual harassment of any person, employee or programme participant, regardless of their employment relationship.

Child protection

Preventing and combating child abuse, exploitation and misconduct, including, but not limited to, commercial sexual exploitation, human trafficking, child labour and harmful traditional practices.

Victim

A person who has been subjected to sexual exploitation or abuse.

Informer

is any employee or partner of ADRA Ukraine who has reported PSHEA.

Manager

Person, employee of ADRA Ukraine, who is authorised to monitor the implementation of this policy and, in the absence of a responsible person, to carry out the tasks assigned to him/her.

Responsible person

Person(s), ADRA Ukraine employee(s) responsible for the implementation of this policy.

Objective

This policy sets out ADRA Ukraine's commitment to preventing sexual harassment, exploitation and abuse by its representatives. It also sets out the approach that ADRA Ukraine will take to ensure that its representatives comply with this commitment.

The purpose of this policy is to:

- ▶ Set out the principles, standards and actions that ADRA Ukraine will follow at an administrative and individual level to protect against and respond to sexual harassment, exploitation and abuse.
- ▶ Identify measures to prevent cases of SHEA;
- ▶ Define clear mechanisms for preventing and reporting cases of SHEA;
- ▶ Establish the obligation of members, employees and contracted professionals to know and comply with the principles and requirements of this policy.
- ▶ Clarify ADRA Ukraine's expectations of all those who represent our organisation to comply with the *Code of Conduct on Security*.
- ▶ Establish procedures for ADRA Ukraine's network of offices to consistently manage incidents of non-compliance.
- ▶ Standardise disciplinary action for ADRA Ukraine representatives who violate this policy.

This policy **does not apply** to:

- ▶ Bullying and discrimination - this will be managed in accordance with the local office staff policy.
- ▶ Gender-based violence - this is a programme activity that is taken into account in the development, implementation and monitoring of ADRA's activities worldwide.

Scope of application

As an approved policy of the ADRA network, the *Security Policy* applies to:

- a. ADRA and all ADRA regional offices, country offices, field offices and all project sites;
- b. All offices wishing to comply with ADRA Ukraine's accreditation and licensing standards;
- c. All other organisations that agree to abide by the policies of ADRA Ukraine;
- d. All representatives of ADRA Ukraine, defined as: permanent, temporary and part-time employees; board members; interns; volunteers; visitors to ADRA Ukraine (including the media); contractors and consultants; and sub-grantees (local implementing partners and service providers) must also comply with the *Security Policy*.
- e. Representatives of ADRA Ukraine, in and out of the workplace, during and after working hours, every day of the year.

The above representatives are required to comply with ADRA Ukraine's standards, even if these are higher than the local context and do not conflict with applicable law.

This policy is automatically applied throughout the country and in all regions where projects are funded by the ADRA Ukraine National Office. This policy should be used in conjunction with the ADRA Ukraine Safeguarding Implementation Standards.

All ADRA national organisations must implement their own procedures that are consistent with this and other ADRA network policies. ADRA Ukraine will comply with laws and regulations that prohibit misconduct, but where the standards of this policy exceed legal requirements, ADRA Ukraine will comply with the standards of this policy to the extent permitted by applicable law.

ADRA Ukraine's Ethical Principles for the Prevention of SHEA

- ADRA Ukraine believes that all people have the right to live free from sexual abuse.
- ADRA Ukraine recognises that our work often places its representatives in a position of power over the communities we work with, especially over vulnerable adults and children.
- ADRA Ukraine representatives have a moral and legal obligation to use their power respectfully and not to abuse the power and influence they have.
- ADRA Ukraine will not tolerate any form of sexual harassment, sexual abuse or sexual exploitation (SE) by any of its employees, volunteers, consultants, partners or other representatives involved in the implementation of its work.
- ADRA Ukraine representatives are committed to creating and maintaining an environment that promotes the protection of those we serve and our own representatives who are victims of sexual harassment, exploitation or abuse (SHEA).
- It is the responsibility of all ADRA Ukraine representatives to raise any concerns that you have or that are reported to you in accordance with this policy. It is not your responsibility to decide for yourself whether sexual harassment, abuse or exploitation has occurred.
- All complaints of sexual misconduct made to ADRA Ukraine will be investigated.
- ADRA Ukraine will conduct a thorough and fair investigation of complaints that indicate a possible violation of this policy.
- Responses to allegations of sexual harassment, exploitation or abuse (SHEA) will be victim centred.
- ADRA Ukraine will not tolerate sexual harassment, exploitation and abuse (SHEA) by its representatives and substantiated allegations of sexual harassment, exploitation and abuse (SHEA) will result in appropriate disciplinary action.

Main Principles of the Policy on Protection from Sexual Harassment, Exploitation and Abuse (PSHEA)

ADRA Ukraine fully agrees with the UN Zero Tolerance Policy on Sexual Exploitation and Abuse. The UN Secretary-General's Bulletin 'Special Measures for Protection from Sexual Exploitation and Sexual Abuse' (ST/SGB/2003/13) contains behavioural measures to be implemented by ADRA Ukraine representatives and includes the following:

1. Sexual harassment, exploitation and abuse by ADRA Ukraine personnel are acts of gross misconduct and therefore constitute grounds for termination of employment or any other cooperation with the organisation.
2. Engaging in sexual relations with children (persons under the age of 18) is prohibited regardless of the local age of consent, i.e. local or national laws of the country in which you work. Ignorance or mistaken belief as to the age of a child is not a defence.
3. The exchange of money, labour, goods or services for sex, including sexual favours, or other forms of humiliating or exploitative behaviour by ADRA Ukraine representatives is prohibited. This includes the exchange of aid belonging to beneficiaries for services or activities of a sexual nature.
4. Any sexual relationship between those providing relief or humanitarian aid and protection and a person benefiting from such relief and protection that involves abuse of power or position is prohibited. Such relationships undermine the credibility and integrity of relief work.
5. If an ADRA Ukraine representative has concerns or suspicions of sexual harassment, exploitation and abuse by another representative or partner of the organisation, he or she should report such concerns using the established reporting procedures outlined in the *ADRA Global Procedures for Receiving and Reporting Sensitive Complaints*.
6. Representatives of ADRA Ukraine are required to create and maintain an environment that is free from sexual harassment, exploitation and abuse and promotes the implementation of this Policy and Code of Conduct. ADRA Ukraine managers at all levels have a particular responsibility to maintain and develop

systems that support this environment.

ADRA UKRAINE's commitment to comply with the Policy on Protection from Sexual Harassment, Exploitation and Abuse (PSHEA)

Protection and the Policy on Protection from Sexual Harassment, Exploitation and Abuse (PSHEA) are an integral part of ADRA Ukraine's mission and the values of the Seventh-day Adventist Church, which are firmly rooted in our Statement of Purpose to serve humanity as God intended. Preventing sexual harassment, exploitation and abuse shows who ADRA Ukraine is, it is not just a strategy or activity we choose to implement.

Therefore, ADRA Ukraine is committed to taking the following measures to combat PSHEA:

1. Quality leadership to accelerate change and ensure a safe working culture

- ▶ ADRA Ukraine leaders set the tone for the agency's culture by setting clear expectations of appropriate behaviour, modelling respectful behaviour in their interactions in the workplace, and taking action to improve diversity, equity and inclusion.
- ▶ ADRA Ukraine leaders are responsible for creating a culture of 'speaking up' about PSHEA to promote accountability and transparency.
- ▶ ADRA Ukraine leaders must uphold the highest standards of professional and personal conduct and act with integrity and judgement.

2. Active Prevention of Sexual Harassment, Exploitation and Abuse (Sexual Harassment, Exploitation and Abuse, including Harassment in the Workplace).

- ▶ Each ADRA Ukraine office shall have a Policy, which must be followed by all, to prevent sexual harassment, exploitation and abuse.
- ▶ Each ADRA Ukraine office shall have a Code of Conduct for staff and partners that includes a prohibition of sexual harassment, exploitation and abuse (SHEA).
- ▶ Each ADRA Ukraine office has a workplace policy that promotes dignity and respect in the workplace.
- ▶ Human resources policies, procedures and training should prioritise the prevention of and response to sexual harassment, exploitation and abuse (SHEA).
- ▶ Each ADRA Ukraine office will facilitate training on this policy and other ADRA Ukraine policies on safety systems upon entry and at least annually for refresher training for all staff.
- ▶ Recruitment and engagement processes reflect ADRA Ukraine's commitment to protecting and minimising, as far as possible, the risk of engaging an individual who is unsuitable to work with vulnerable people. *The requirements for safe recruitment are included in the first annex.*
- ▶ Protection will be considered as a cross-cutting issue for all departments, sectors and offices of the ADRA Ukraine network.
- ▶ ADRA Ukraine will prioritise partnerships with organisations that are committed to increasing the impact of ADRA Ukraine's protection mandate.

3. Improved reporting procedures to increase accountability and transparency with zero tolerance for inaction

ADRA Ukraine recognises its responsibility not only to donors, but also to the communities we work with and engage with. Clearer reporting will allow ADRA Ukraine to better monitor cases or threats of SHEA, support victims and survivors, understand risks, improve prevention and work with partners to improve systems and safeguards accordingly. ADRA Ukraine is committed to remaining transparent and accountable in the reporting and management of protection incidents, while respecting the confidentiality of those involved.

- ▶ Each ADRA Ukraine office will establish and ensure that complaint mechanisms for reporting sexual harassment, exploitation and abuse are equally accessible, safe and confidential - especially for participants in ADRA Ukraine programmes - and that ADRA representatives understand how to receive and report complaints.
- ▶ ADRA Ukraine has at least one person in each office trained to receive and respond to reports of child protection and safeguarding incidents.
- ▶ ADRA Ukraine will not tolerate inaction and will respond to any allegation in a fair and reasonable manner with due regard to procedural fairness, including allegations of bullying and harassment in the workplace.
- ▶ Prompt and appropriate action will be taken against ADRA Ukraine personnel who engage in sexual exploitation and abuse, child abuse and other serious forms of harassment, exploitation and abuse.
- ▶ ADRA Ukraine will not tolerate any form of retaliation against people who report suspected sexual misconduct in good faith or against those who participate in administrative safeguarding investigations.
- ▶ Failure of the ADRA Ukraine office to comply with safeguarding or investigation standards, particularly where there is active disregard for safeguarding investigation guidelines, will result in disciplinary action.
- ▶ All reports and allegations will be treated with the utmost confidentiality and with a victim-centred approach.
- ▶ Safeguarding incidents will be disclosed both internally and externally with varying levels of information as appropriate.

ADRA Ukraine reserves the right, in consultation with its legal counsel, to disclose information about reported safety incidents involving an ADRA Ukraine representative if requested by the ADRA office or other third party during the selection process.

ADRA Ukraine will establish a mechanism to monitor and evaluate its global reporting procedures. This oversight will include monitoring reports of sexual harassment, exploitation and abuse (SHEA) received and actions taken to assess the effectiveness of, report on progress and improve efforts to prevent and respond to SHEA incidents and threats.

4. A victim and survivor-centred and justice-oriented approach

- ▶ Responses to sexual harassment, exploitation and abuse (SHEA) will be underpinned by a 'do no harm' approach that prioritises the rights, needs and wishes of the victim or survivor, while ensuring procedural fairness for all parties.
- ▶ Victims and survivors will be treated with dignity and respect at all times. This includes ensuring that complainants have the opportunity to report incidents of abuse directly to ADRA Ukraine.
- ▶ The needs and priorities of victims and survivors will be considered during and after the investigation process. ADRA Ukraine will make every effort to involve the victim in decision-making whenever possible and appropriate.
- ▶ Anonymous reporting of violations is allowed. To the best of its ability, ADRA Ukraine will work with victims to address their concerns about confidentiality in order to ensure the effectiveness of the investigation.
- ▶ ADRA Ukraine will provide basic emergency assistance (safety and legal assistance) and basic medical assistance (emergency care and psychosocial support) to those who report sexual exploitation and abuse, where appropriate and possible. ADRA Ukraine will assist survivors in reporting incidents to the

- relevant authorities if they choose to do so.
- ▶ The safety of persons (complainants, victims, witnesses, respondents and investigators) involved in an administrative investigation is a priority and will be protected by ADRA Ukraine.
 - ▶ ADRA Ukraine will invite victims and complainants who have received a response to the incident to provide feedback on how to improve ADRA Ukraine's response mechanisms.

5. Supporting partners and stakeholders in preventing sexual harassment, exploitation and abuse (SHEA)

ADRA Ukraine will make every effort to support its partners and other stakeholders with whom it works, including government, business, other NGOs, institutions, communities and individuals, to jointly address the root causes of SHEA, while at the same time dealing sensitively and effectively with SHEA that arises in the course of our work.

- ▶ Partnership agreements will include a protection capacity building plan and costs will be included in budgets and remuneration.
- ▶ Where possible, ADRA Ukraine will participate in community or inter-agency grievance mechanisms jointly developed and implemented by the local community or clusters. ADRA Ukraine will facilitate inter-agency efforts and joint mechanisms to prevent and report sexual harassment, exploitation and abuse.
- ▶ Establish and maintain mechanisms to regularly educate the communities served by ADRA Ukraine about their rights, how to access appropriate reporting channels and what happens when someone reports a violation.

These five Commitments are explained in detail in Annexes I and II, with specific requirements such as recruitment and reporting. The ADRA Safeguarding Implementation Standards, in particular Commitments One and Two, help to put these commitments and requirements into practice.

Assessment of security risks (Policy on Security from Sexual Harassment, Exploitation and Abuse - PSHEA)

To remain compliant with this policy, each ADRA Ukraine office must exercise due diligence to identify, mitigate and monitor the risks of sexual harassment, exploitation and abuse (SHEA) through a risk management approach. SHEA risk assessments and mitigation plans may be included in previous assessments, such as a security risk register or gender analysis.

- ▶ **Operational** : Each ADRA Ukraine office should conduct an annual risk assessment that identifies organisational risks, which include administrative areas (e.g. human resources, information and technology) that are not necessarily project-specific. Accordingly, each office should maintain a context and referral map to keep track of applicable laws, cultural norms, reporting requirements for sexual harassment, exploitation and abuse (SHEA), and known service providers for referral of survivors of sexual abuse.
- ▶ **Project** : As part of their programming approach, programme teams should assess the level of risk of sexual harassment, exploitation and abuse (SHEA) and adapt programme design and implement prevention strategies accordingly. This is especially important in humanitarian settings.
- ▶ **Partners (sub-grantees, contractors and other service providers)**: In the partner selection process, the ability of the potential partner to meet ADRA Ukraine's requirements.

Reporting issues of sexual harassment, exploitation and abuse (SHEA)

- ▶ ADRA Ukraine representatives who receive or have a complaint or concern about sexual harassment, exploitation and abuse should report it immediately and not investigate further.
- ▶ If someone is in immediate danger of serious harm, emergency services should be contacted, unless there is further danger. Otherwise, ADRA Ukraine representatives should directly inform the security coordination centre (or similar), their regional director and their line manager, if necessary. This should be done within one day (24 hours) or as soon as possible if security and technology do not allow for this timeframe.
- ▶ The regional director and/or the security coordination centre should then notify the Chairman of the Board, the regional office, any ADRA Ukraine support office, if applicable, and the security office at ADRA Ukraine within the next 24 hours or as soon as possible.
- ▶ The security coordination centre, together with the Regional Director, should assess the situation for potential health, safety and security issues and immediately mitigate or redirect serious risks. Confidentiality must be balanced against the need to take action (possibly immediately).
- ▶ If ADRA Ukraine representatives do not feel comfortable reporting to the security coordination centre or regional director (for example, if they believe the report will not be taken seriously or if the person is involved in the problem), they can report outside their office. Alternative options include
 - The Regional Office Whistleblowing Platform or the Chairperson of the Board of Trustees
 - The ADRA Ukraine Security Office

During the reporting process, confidentiality will be maintained as much as possible by limiting access to information to as few people as possible.

A confirmed, suspected or reported case of irregularity.

ADRA ensures the safety of the complainant and any victim or survivor(s)

Within 24 hours, report the incident to:

- Security coordinator or similar position
- Regional director
- Line manager if needed

Within 24 hours, report the incident to:

- Head of the local board
- Regional office
- Security office, ADRA Ukraine

ADRA International and the respective ADRA offices will disclose information to third parties as necessary.

Within 24 hours, if you are uncomfortable reporting within your office, please contact any of the following:

- Regional office or board of trustees reporting system
- Regional office (Protection@adra.ua)
- Security office ADRA International (Protection@adra.org)

Within 48 hours, the security office will confirm receipt of the report from the complainant or relevant person and will assist in assessment/supporting the immediate needs of potential victims or survivors.

Within 10 days, the security office will decide with the relevant parties on how to proceed when an incident is reported.

In cases where a representative of another organisation is involved, the security office or local security coordination centre and/or regional director will refer the allegation to the relevant coordination centre of that organisation, ideally in accordance with an inter-agency protocol.

If the complainant's organisation is a partner of ADRA Ukraine, pre-established joint partner procedures should be followed. Representatives of ADRA Ukraine are encouraged to report directly to external organisations, but if the complaint does not involve ADRA Ukraine.

Note on establishing reporting channels

Complaints and concerns from beneficiaries or local communities should be reported through existing project-level feedback and grievance mechanisms. ADRA should continue to provide multiple channels and opportunities to report concerns where the complainant controls the project level grievance mechanism. All sensitive complaints should be forwarded to the relevant ADRA offices within the prescribed timeframe.

Responding to issues of sexual harassment, exploitation and abuse (SHEA)

Behaviour that undermines the principles of the Sexual Harassment, Exploitation and Abuse (PSHEA) Policy and ADRA Ukraine's commitment to maintaining a safe environment is prohibited by this policy. If necessary, an administrative investigation will be conducted and possible referral to state authorities for criminal investigation in accordance with the law; and/or to ADRA Ukraine in accordance with disciplinary procedures.

ADRA Ukraine offices are required to support the administrative safeguarding investigation process and any reporting requirements.

Each ADRA Ukraine office will allocate security funds to cover the costs of investigations, victim support and other protective measures/actions in accordance with the Sexual Harassment, Exploitation and Abuse (PSHEA) Policy, such as educational materials.

The process for conducting an administrative security investigation at ADRA Ukraine is set out in the **ADRA Ukraine Office Network Security Investigation Manual**. The investigation team and committee, together with the relevant ADRA Ukraine regional or support office, will decide whether and when to report the allegation to the authorities, using a risk-based approach. This decision will be guided by the survivor's preference and consent, as well as the **Uniform Policy on Balancing Disclosure to National Authorities with Principles of Confidentiality in the Receipt and Handling of Allegations of Sexual Exploitation and Abuse by Persons Acting under the Mandate of the United Nations**.

Disciplinary consequences

Any substantiated violation of the *Sexual Harassment, Exploitation and Abuse (PSHEA) Policy* will be considered an act of gross misconduct and grounds for termination of employment. In addition, any person subject to this policy who is found to have harassed, coerced, intimidated or retaliated against another person in violation of this policy will be subject to immediate and appropriate disciplinary action, up to and including termination of employment.

To ensure that all ADRA Ukraine offices respond to violations of the Sexual Harassment, Exploitation and Abuse (PSHEA) Policy in a consistent and serious manner, this policy sets out possible disciplinary actions depending on the severity of the violation. If allegations of violations of the Policy on Sexual Harassment, Exploitation and Abuse (PSHEA) are substantiated, the Investigation Committee may recommend to the appropriate person(s) that one of the following disciplinary actions be taken:

- ▶ In the event of **sexual abuse**, ADRA Ukraine will suspend payments to any individual who is the subject of specific allegations of sexual abuse while the matter is investigated by law enforcement authorities. Any substantiated violations will result in termination and ineligibility for re-employment or future contracts, grants or other resources from ADRA Ukraine. ADRA Ukraine will support victims of abuse or survivors who report sexual abuse to law enforcement authorities and, in some cases, may report as an organisation with legal obligations.

All substantiated findings of **sexual exploitation and harassment** will result in significant and proportionate punishment, depending on the nature and severity of the behaviour and whether it can be effectively addressed.

- ▶ In cases of **sexual exploitation**, ADRA Ukraine will assess the nature of the alleged conduct, the risk of further conduct and the welfare of any victims or survivors when deciding how to mitigate the risk of further conduct or harm while the investigation is ongoing. ADRA Ukraine will suspend the accused from employment during the investigation if the risk of further conduct or harm cannot be adequately mitigated. ADRA Ukraine will support survivors in reporting sexual exploitation to law enforcement authorities and in some cases may report as an organisation with legal obligations.
- ▶ s In the case of **sexual harassment**, complainants can decide which process to follow, for example working with the human resources department of the ADRA Ukraine office where they are based or referring the issue to the regional ADRA Ukraine office. Depending on where and how the allegation is handled, disciplinary action will vary.

¹¹The Investigative Committee's decision to refer a case to national authorities should take into account the consent of the victim/complainant, who may not wish to involve local authorities. However, in some cases, state and local authorities that have a reporting mechanism may also have mandatory reporting laws related to incidents involving the chief executive officer (CEO).

Sanctions for sexual exploitation and abuse may include one or more of the following (this list is not exhaustive): letters of warning about inappropriate behaviour, mandatory training on gender issues and sexual exploitation and abuse, demotion, ineligibility for promotion, suspension without pay, performance improvement plans, opportunities for survivors to share statements about the impact of the abuse with their perpetrators and to receive an apology from their perpetrators; or release in relation to re-employment or receipt of contracts, grants or other resources from ADRA Ukraine in the future.

Any reasonable findings by ADRA Ukraine representatives who fail to report incidents of *sexual harassment, exploitation and abuse (SHEA)* or who fail to maintain a protective environment that prevents *sexual harassment, exploitation and abuse (SHEA)* will result in significant and proportionate punishment, depending on the nature and seriousness of the behaviour and whether it can be effectively addressed.

ADRA Ukraine staff may resign during an investigation, but the investigation will continue until it is completed. If the allegations against an employee are substantiated, ADRA Ukraine will not accept the employee's resignation and will instead respond with the disciplinary action recommended by the investigation committee.

Implementation and monitoring

Local chapters and leaders are fully responsible for this policy and the President of ADRA Ukraine is responsible for its implementation.

All ADRA Ukraine managers are responsible for ensuring that this policy is implemented and promoted as relevant in all aspects of their work, holding themselves and others accountable and helping to create a safe environment for all.

The **ADRA Security Standards (ASF)**, which set out the minimum security standards for ADRA Ukraine, should be followed in the implementation of this policy. Each ADRA Ukraine office will annually monitor the implementation of the policy and standards in relation to the ADRA Ukraine Security Standards.

This ADRA Ukraine policy will be reviewed at least every three years, or sooner if the policy does not require significant changes. This review will ensure that this policy is monitored and consistent with other ADRA Ukraine security policies, procedures and guidelines.

Annex I: Safe Recruitment Requirements for all ADRA Ukraine Offices

Checklist for *Sexual Harassment, Exploitation and Abuse (PSHEA)* and Child Protection Policy, Recruitment, Contracting and Performance Management

- Include a sentence in job advertisements informing candidates that background checks and references will be conducted and that ethics will be part of the annual performance evaluation.
- Ask applicants to self-disclose any previous incidents of sexual or other misconduct, previous terminations of employment, convictions and suspicions registered with government agencies regarding contact with children, and to consent to the disclosure of such information by their former employers during reference checks. This request and the applicant's response must be documented.
- Documented verbal checks.
- Conduct background checks (e.g. police records, Google searches) and contact the employment screening service for past misconduct in accordance with local employment, privacy and data protection laws. All representatives who come into contact with children must have a documented criminal record check.
- In some circumstances it may not be possible to obtain a reliable criminal record check. Instead, a statutory declaration or local legal equivalent can be used to indicate the efforts made to obtain a foreign police check and to disclose any charges and spent convictions relating to child exploitation, as well as completed self-disclosure forms.
- Review existing staff when there have been changes in duties and positions that require increased interaction with vulnerable groups.
- Review existing staff every three to five years.
- Ensure gender-balanced interviews for staff during recruitment and conduct gender-neutral interviews.
- During interviews, ask candidates questions about ethics and ethical dilemmas (e.g. What is your idea of an ethical organisation? Tell me about a time when you faced an ethical challenge). For positions working directly with vulnerable populations, interviews should include position-specific behavioural questions.
- Ask candidates to read and sign the *Code of Conduct* (or include it in employment contracts) before offering a contract.
- Include a Sexual Harassment, Exploitation and Abuse (PSHEA)¹⁴ policy clause in employment contracts, including subcontracting.

□

¹²This checklist is adapted from the UNICEFSEN toolkit, January 2020.

¹³See also [UNICEF Strategies and Tools for Gender Balance](#), revised 8 July 2019.

¹⁴ADRA Ukraine offices may adapt the following PSHEA clause: 'The Contractor shall take all appropriate measures to prevent the sexual exploitation or abuse of any person by its employees or any other persons engaged and controlled by the Contractor to perform any services under the Contract. Any breach of this provision by the Contractor shall entitle ADRA UKRAINE to terminate the contract immediately.'

Annex I: Safe Recruitment Requirements for all ADRA Ukraine Offices

- Outline disciplinary measures in the event of substantiated allegations of sexual exploitation and abuse (SHEA) (e.g. termination of contract).
- Include training on the Sexual Harassment, Exploitation and Abuse (PSHEA) Policy as part of the induction process and provide refresher training at regular intervals during the induction process.
- Include compliance with the Code of Conduct (e.g. participation in PSHEA training) in staff performance appraisals.
- Include in the performance appraisal of senior managers their effectiveness in creating and maintaining an environment that prevents and responds to sexual harassment, exploitation and abuse (SHEA).
- Stop career advancement/recruitment opportunities for individuals under investigation.
- In cases of proven misconduct, take strong disciplinary action (e.g. dismissal, suspension, written reprimand or other administrative/corrective action) and, if criminal conduct may have occurred, consider reporting the incident to local law enforcement authorities.¹⁵
- Maintain an internal database documenting any disciplinary action taken against staff, including dismissal, to avoid re-employment at a later date.
- Systematically share relevant information about employees known to have committed sexual harassment, exploitation or abuse with other potential employers as part of background checks, to the extent permitted by law.

Annex II: Sexual and romantic relationships

ADRA Ukraine prohibits staff from engaging in sexual or romantic relationships with members of the communities with whom they work directly. This is because as a representative of ADRA Ukraine, an individual has potentially greater access to goods, services and power than members of the program community, which could be used to exert pressure or exploit them. However, it is known that ADRA Ukraine representatives are often also members of the program community, and therefore may be married or have long-term romantic relationships within the program community. Only in these cases can relationships be permitted. All staff members are expected to exercise discretion, professionalism and fairness whenever there is a romantic relationship between ADRA Ukraine representatives and program participants.

In addition, ADRA Ukraine prohibits employees from engaging in sexual or romantic relationships between employees or individuals during the recruitment process. This creates a conflict of interest and is likely an abuse of power that may be difficult to report confidentially or without fear of retaliation.

¹⁵ Organisations may choose not to refer a case to national law enforcement authorities.

Annex II: Sexual and romantic relationships

In any case, if a romantic relationship is established, the ADRA Ukraine representative is expected to disclose the relationship to his or her supervisor, who will then determine whether such an arrangement is acceptable. Relationships that are not formally disclosed and involve a direct supervisor or manager may be considered a violation of the disclosure requirements of the Security Code of Conduct and Security Policy on Sexual Harassment, Exploitation and Abuse (PSHEA) and potentially sexual harassment with the same disciplinary consequences as sexual exploitation.

Annex III: Prohibited behaviour

ADRA Ukraine's Policy on Protection from Sexual Harassment, Exploitation and Abuse (PSHEA) strictly prohibits all ADRA Ukraine representatives from engaging in any of the following:

- ▶ Offering special benefits (including money, employment, goods or services) to program participants, organisational partners and colleagues in exchange for explicit, implicit or requested sexual favours;
- ▶ Threats or insinuations that a person's refusal or unwillingness to submit to sexual advances or requests will affect their eligibility for project funding, employment or support;
- ▶ Verbal conduct such as sexually degrading remarks, explicit verbal comments about a person's body or clothing, sexually degrading words used to describe a person, sexually explicit letters, notes, emails or invitations, derogatory or inappropriate comments, verbal abuse, insults, jokes, sexual advances or propositions;
- ▶ Visual behaviour such as lewdness, sexual gestures, displaying or distributing sexually explicit objects or pictures, cartoons, graffiti posters or magazines;
- ▶ Actual or threatened physical contact or behaviour such as groping, pinching, blocking or other offensive touching;
- ▶ Showing sexual interest in or engaging in sexual activity with children (any person under the age of 18). It is not a defence to be mistaken about a person's age;
- ▶ Using children or adults to provide sexual services for others;
- ▶ Using ADRA Ukraine computer equipment or other technology or office space to view, download, create, distribute or store in any format any inappropriate material, including but not limited to adult or child pornography or anything of a sexual nature.

Annex III: Prohibited behaviour

- Facilitating or participating in human trafficking (see *ADRA Ukraine's Anti-Human Trafficking Policy*);
- Any actions that may constitute sexual harassment, sexual exploitation or sexual abuse, or that are inconsistent with the principles outlined in the *Code of Conduct*.

Annex IV: NOTIFICATION OF BREACHES AND LIABILITY FOR BREACHES.

- If an employee of ADRA Ukraine witnesses or suffers from the manifestation of SHEA by one of his/her colleagues, employees or hired experts, he/she shall immediately inform the person responsible for combating SHEA.
- The consideration of the complaints is carried out by the person in charge of ADRA Ukraine, who is authorised to implement this policy, with the involvement of professional specialists - employees of the organisation (lawyer, protection specialist) and, if necessary, with the assistance of psychologists and other relevant specialists.

The person responsible for combating SHEA undertakes to observe the principles of confidentiality when receiving and considering complaints of SHEA.

- The person responsible for combating SHEA shall take part in the investigation of the detected SHEA in order to refute or prove the facts, to take appropriate measures to combat SHEA and to bring the perpetrators to justice.

If the suspect holds the position of a responsible person, he/she shall be suspended from performing any official duties related to the investigation of the act of SHEA from the moment the act of SHEA is detected.

For the purposes and duration of the investigation, the ADCOM of ADRA Ukraine may appoint another responsible person authorised to counteract SHEA.

Perpetrators of SHEA, may be brought to disciplinary (reprimand, dismissal), administrative, civil or criminal liability on the initiative of the victim, other persons entitled to do so, or law enforcement agencies or other persons in the manner and on the grounds provided for by the legislation of Ukraine.

No member, employee, engaged expert of ADRA Ukraine will be subjected to sanctions (including dismissal, demotion, etc.) if he/she reports cases of SHEA, or if he/she refuses to commit or facilitate SHEA, including if such behaviour has led to adverse consequences for ADRA Ukraine.

- If, after due investigation, facts/circumstances are found to support allegations of SHEA (substantiated), such cases should be referred to national law enforcement authorities for criminal prosecution.

Actions of the victim in case of SHEA (within the meaning of this Policy):

- a) notify law enforcement authorities of the fact of SHEA, with a corresponding statement;
- b) notify the responsible person through the appropriate communication channel.

Actions to be taken by the responsible person upon receiving a report from a victim of SHEA:

- a) within the limits of his/her authority, establish the circumstances of SHEA;
- b) if the fact of SHEA is confirmed, provide the victim with the necessary legal, informational and psychological assistance when analysing the risks of SHEA.

The person reporting SHEA is informed that this complaint will be given priority attention and that the information received will be treated as strictly confidential. The personal data of the person reporting SHEA shall be protected in accordance with the principle of confidentiality.

The victim's channel of communication may be any method of personal (confidential) correspondence with the responsible person.

Annex V: Investigating SHEA cases

An SHEA investigation is an internal administrative procedure by which an organisation attempts to determine whether a specific case of SHEA has been committed by one or more employees of the organisation.

An SHEA investigation is conducted by anonymously and confidentially interviewing employees and members of the

organisation and gathering information and facts that would confirm the likelihood or absence of SHEA.

To determine whether or not a case of SHEA has occurred, more information is needed, which may require an investigation by gathering evidence, interviewing witnesses, and confirming the fact of SHEA with the possible involvement of relevant law enforcement agencies.

The stages of investigation include:

- reviewing the statement/report of SHEA;
- processing primary information;
- anonymous interviewing of witnesses to the case of SHEA;
- systematising the information gathered;
- establishing an evidence base;
- analysing the information and reaching a conclusion.

The process of investigating an SHEA report can take from 4 weeks to 3 months.

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APPROVED BY THE BOARD OF TRUSTEES

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