



PLAN INTERNATIONAL CANADA

PREVENTING SEXUAL HARRASSMENT, EXPLOITATION AND ABUSE (PSHEA) POLICY

Policy Category	Foundational / Strategic
Functional Area	Operations – Safeguarding Unit
Business Owner	Chief Operating Officer Chair of the Board of Directors (for Board members)
Version	1.0
Reviewing Body	Plan International Canada Safeguarding Committee
Approval Bodies	Chief Executive Officer Governance and Nominating Committee (GNC) Board of Directors
Approval Date	Chief Operating Officer – November 26, 2020 Executive Management Team – November 26, 2020 GNC – December 2, 2020 Board of Directors – December 3, 2020
Effective Date	December 4, 2020
Review Date	This Policy shall be reviewed on the same schedule as Plan Canada’s <i>Safeguarding Children and Young People Policy</i> .

CONTENTS

1. APPLICATION AND SCOPE	3
2. PURPOSE	3
3. POLICY STATEMENT	3
4. DEFINITIONS.....	4
5. GUIDING PRINCIPLES.....	4
6. REPORTING	5
7. ROLES AND RESPONSIBILITIES.....	6
8. ENFORCEMENT.....	6
9. COMPLAINT/CONCERN HANDLING PROCEDURE.....	7
10. POLICY IMPLEMENTATION DOCUMENTS:	7
Appendix “A” – Section 22.6 from Global Affairs Canada’s Contribution Agreement - General Terms and Conditions.....	8

1. APPLICATION AND SCOPE

This Policy supports Plan International Canada’s belief that every person has the right to live a life free of any form of sexual Violence and our commitment to the prevention of Sexual Harassment, Exploitation, and Abuse (**SHEA**). Preventing SHEA is the term used by the United Nations and the non-governmental community to refer to measures taken to protect vulnerable people from sexual harassment, exploitation and abuse by their own staff and associated personnel.

This Policy supplements Plan International Canada’s *Safeguarding Children and Young People Policy and Procedures* ([Plan Canada’s Safeguarding Policy](#)) and is adapted from Plan International, Inc.’s *Preventing Sexual Harassment, Exploitation, and Abuse Policy* approved by the International Board in October 2020.

Plan International Canada will implement this Policy as it applies to our context, people and communities with whom we engage, as well as the processes, programs, projects, events and activities we undertake.

Allegations of SHEA, where the victim/survivor is a Child or Youth, will be managed in accordance with [Plan Canada’s Safeguarding Policy](#).

Allegations of “Workplace Sexual Harassment” and “Workplace Violence” will be managed in accordance with Plan International Canada’s [Workplace Discrimination, Harassment, Violence and Bullying Prevention Policy and Program](#).

2. PURPOSE

- 2.1 The purpose of this Policy is to ensure that all of Plan International Canada’s Associates and Visitors understand:
 - the importance of preventing SHEA and their responsibility to ensure that their behaviour and work does not result in sexual Violence or harm against a Child, Youth,¹ participant in or beneficiary of Plan International Canada programming, regardless of age, and other vulnerable persons;
 - their role in preventing SHEA and the consequences of breaching this Policy;
 - their responsibility to report any concerns relating to SHEA and to have access to clear guidelines on how to report suspected violations; and
 - our commitment to upholding the highest level of personal and professional conduct amongst Associates and Visitors working in or visiting programming contexts, particularly humanitarian settings where vulnerabilities are increased, ensuring zero tolerance to inaction on reports of any and all forms of SHEA.
- 2.2 This Policy recognizes our obligation to our donors to have a publicly available commitment to prevent, investigate and respond to sexual exploitation and sexual abuse².

3. POLICY STATEMENT

- 3.1 Plan International Canada is committed to:

¹ In [Plan’s Safeguarding Policy](#), “Violence against a Child or Young Person” is defined to include sexual abuse and exploitation, harassment and commercial or other exploitation of a Child or Young Person. Acts of violence can also take place online through, for example, the internet, social media or mobile phones.

² See [Appendix “A”](#) – Excerpt from Global Affairs Canada Contribution Agreement - General Terms and Conditions. (https://www.international.gc.ca/development-developpement/partners-partenaires/bt-oa/contribution_general-accord_general.aspx?lang=eng).

- creating safe and inclusive environments that empower people to report complaints, allegations and incidents of SHEA, and to understand and exercise their rights;
- addressing the drivers of gender inequality and unequal power relations that can lead to SHEA;
- responding in a timely, effective, safe, comprehensive and confidential manner to all complaints, allegations and incidents of SHEA;
- ensuring that all mandatory reporting obligations under legislation are followed, while taking into account the safety of all parties and the wishes and welfare of the affected person(s) when possible;
- ensuring victims/survivors' perspectives and voices are central to any efforts to prevent and respond to SHEA and, where mandatory reporting requirements apply, providing necessary support to victims/survivors;
- strong leadership to accelerate culture change in order to prevent SHEA; and
- strengthening and building capacity of all Plan International Canada Associates to prevent and respond to SHEA.

4. DEFINITIONS

4.1 Unless otherwise defined in this Policy, all defined terms used herein have the meanings ascribed to them in [Plan Canada's Safeguarding Policy](#).

4.2 When used in this Policy:

“Sexual Abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a child³ is considered as sexual abuse.

“Sexual Exploitation” means 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 sexual exploitation of another.

“Sexual Harassment” - A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender.⁴

5. GUIDING PRINCIPLES

This Policy is underpinned by the following set of principles that guides its implementation:

5.1 **Zero tolerance for inaction**

Plan International Canada believes that any form of SHEA is unacceptable and will not be tolerated. Plan International Canada will act on all Safeguarding and SHEA concerns and allegations, ensuring that our actions are timely, appropriate, and centered on the best interest of the victim/survivor, taking into account their specific safeguarding needs and vulnerabilities.

5.2 **Survivor-Centered**

³ In this context, a “child” refers to an individual under the age of consent requirements specified for sexual activity in the law of the host country.

⁴ The definitions of “Sexual Abuse” and “Sexual Exploitation” are adapted from the Global Affairs Canada Contribution Agreement - General Terms and Conditions. The definition of Sexual Harassment is adapted from Plan International, Inc.'s *Preventing Sexual Harassment, Exploitation, and Abuse Policy*.

All Plan International Canada decisions and actions in response to SHEA concerns and allegations, and alleged breaches of this Policy will be guided by the safety, rights, needs, wishes and empowerment of the victim/survivor, while ensuring procedural fairness to all parties. Plan International Canada will retain the privacy and dignity of the victim/survivor by maintaining confidentiality, treating them respectfully, involving them in decision making as appropriate, providing comprehensive information and committing to referrals and assistance to support their recovery and safety.

5.3 **Equality and Inclusion**

Plan International Canada recognizes that imbalances in power and gender inequality are key drivers for SHEA. We recognize that in all societies in which we work, gender inequality exists, Plan International Canada program participants and beneficiaries can ascribe to unequal gender norms and stereotypes, and that the very nature of our work can create and maintain differential power and inequality.

We take an intersectional approach to preventing SHEA, which utilizes appropriate measures to address gender bias and other forms of discrimination and Violence which may arise as a result of a person's diverse identity and/or position in society. Our approach supports the empowerment and inclusion of victim/survivors in the response process, in a manner that promotes equality, equity and ultimately their increased safety and protection. Inequality, exclusion, and discrimination will be challenged and will not be tolerated.

5.4 **Shared Responsibility**

Plan International Canada's Associates have a responsibility to prevent SHEA and must take their safeguarding responsibilities seriously and uphold the principles of this Policy.

5.5 **Open and Accountable**

Plan International Canada is committed to openness and transparency and will hold itself to account for our commitment to preventing SHEA. Our leaders will set clear expectations and take personal and organizational responsibility to create a safe and inclusive environment to ensure a culture of equity and inclusion.

SHEA concerns can be raised and discussed, poor practice and inappropriate behaviours can be challenged and addressed, and our safeguarding measures will be regularly reviewed and strengthened to ensure we remain accountable to all Plan International Canada participants and the people and communities we work with. We take seriously our responsibility to inform and empower communities we work with, ensuring they understand the essence of this Policy, our commitments, how to exercise their rights and the means via which they can report.

6. REPORTING

- 6.1 All Plan International Canada Associates and Visitors shall confidentially report all concerns, suspicions or allegations of SHEA and/or breaches of this Policy immediately (or at least within 24 hours) to the Safeguarding Focal Point in the relevant jurisdiction in accordance with the reporting process set out in [Procedure #2 – Reporting a Safeguarding Concern](#) in [Plan Canada's Safeguarding Policy](#).
- 6.2 If reporting is mandatory in the relevant jurisdiction, for example under the *Child, Youth and Family Services Act* (Ontario), we will take into account the wishes of the victim/survivor and the safety of all parties when possible. It is recognized that there may be tension between these factors and, as such, an appropriate risk assessment will be applied and controls put in place as appropriate to ensure the safety, well-being and protection of the victim/survivor, particularly when a matter is reported against their wishes.
- 6.3 If the report pertains to a donor funded project with contractual reporting obligations, it will be reported to the donor, without personal identifiers, by the Safeguarding Focal Point or her delegate.

- 6.4 Plan International Canada will take all concerns and reports of SHEA seriously and will investigate and act on these reports immediately, with the highest priority, and in accordance with the guiding principles. Plan International Canada will ensure that any investigations will be carried out by experienced and qualified professionals who are trained on sensitive investigations and a victim/survivor centred approach.
- 6.5 Notifications can be made through the reporting channels set out in [Procedure #2 – Reporting a Safeguarding Concern](#) in [Plan Canada’s Safeguarding Policy](#).

7. ROLES AND RESPONSIBILITIES

Note: Please refer to Plan International Canada’s [Safeguarding Policy](#) for a detailed breakdown of roles and responsibilities relating to Safeguarding which also apply to the prevention of SHEA.

Everyone who works with, and engages with Plan International Canada, has a responsibility to ensure people are safeguarding and protected. The responsibilities detailed below are mandatory for those who fall within the scope of this Policy.

Plan International Canada **Associates** must:

1. Never participate in or support any form of SHEA while engaged in Plan International Canada business, including but not limited to trafficking and transactional sex.
2. Read, understand and agree to abide by this Policy and the procedures relevant to them.
3. Immediately report any SHEA concerns and breaches of the Policy. Plan International Canada program participants may also use Plan International Canada’s [Whistleblowing Policy and Reporting Procedures](#).
4. Immediately disclose charges, convictions and other outcomes of an offence that relates to SHEA.
5. Respond to a victim/survivor with belief, respect, confidentiality and in accordance with applicable local office procedures and this Policy.
6. Cooperate fully and confidentially in any investigation of concern or allegations of SHEA.
7. Participate in PSHEA training as relevant to their relationship with Plan International Canada.
8. Always treat people in a manner which is respectful of their rights, integrity and dignity, considers their best interests and does not expose them to, or place them at risk of, harm.

8. ENFORCEMENT

Violations of this Policy can have serious implications for Plan International Canada. Violations will be managed in accordance with the enforcement provisions set out in Section 9 of [Plan Canada’s Safeguarding Policy](#).

9. COMPLAINT/CONCERN HANDLING PROCEDURE

Who can report under this Policy?	Plan International Canada Associates and Visitors, participants in local Plan International Canada programming.
What should be reported?	Allegations, suspicions, or concerns of breaches of this PSHEA Policy.
When should it be reported?	Immediately (or at least within 24 hours).
Who acts?	<ol style="list-style-type: none"> 1. The PII Safeguarding Team in connection with complaints of SHEA related to international programming. 2. The Plan International Canada Safeguarding Focal Point/Safeguarding Lead(s) in connection with complaints of SHEA related to local Plan International Canada programming.
What will happen in the context of complaints of SHEA related to local Plan Canada programming.?	<ol style="list-style-type: none"> 1. The complaint/concern will be reviewed, details will be confirmed and risks to all parties will be assessed including an assessment of safety and appropriate support and protection provided as required. 2. If the situation requires confidential investigation, this investigation will ensure a sensitive, objective and fair process. 3. Plan International Canada's CEO will be advised and, if it is a donor funded project, a confidential report will made to the donor. 4. A confidential report will be made in compliance with this Policy and/or the context of applicable legislation. 5. Reporting will take into account the victim/survivor's wishes and rights when possible. 6. All those directly involved or affected will be provided with feedback on the outcomes of the investigation, as appropriate. 7. Further support will be provided to those directly involved or affected including but not limited to debriefing and counselling.
Possible outcomes	<ul style="list-style-type: none"> • Breach of this Policy results in enforcement actions as set out in Section 9 of Plan Canada's Safeguarding Policy. • Criminal matters to be referred to relevant authorities as appropriate.

10. POLICY IMPLEMENTATION DOCUMENTS:

The following documents are referred to and are to be used when implementing this policy:

1. Plan International Canada's [Safeguarding Children and Young People Policy](#)
2. Plan International Canada's [Code of Conduct and Whistleblowing Policy and Reporting Procedures](#)
3. Plan International Canada's [Workplace Discrimination, Harassment, Violence and Bullying Prevention Policy and Program](#).

APPENDIX “A” – SECTION 22.6 FROM GLOBAL AFFAIRS CANADA’S CONTRIBUTION AGREEMENT - GENERAL TERMS AND CONDITIONS

22.6 Sexual Misconduct

- 22.6.1 Recognizing that sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and, aligned with Canada’s commitment to the delivery of international assistance grounded in a human rights framework, the Organization declares and guarantees that it has in place, and shall maintain in place, for the duration of the Agreement, a publicly available code of conduct (the CoC) to prevent, investigate and respond to sexual exploitation and sexual abuse.
- 22.6.2 The CoC shall be integrated across the Organization’s operations and shall, at a minimum, include the following provisions:
 - a) Accountability processes integrated throughout the Organization, including roles and responsibilities to ensure monitoring of, and compliance with, the code of conduct;
 - b) A mechanism for anonymous and confidential reporting and, fair and confidential investigative procedures to respond to all allegations of sexual exploitation and abuse;
 - c) Training on prevention of sexual exploitation and abuse and remedial measures when misconduct is found;
 - d) Measures including disciplinary action in cases of serious conduct.
- 22.6.3 The Organization shall provide a written copy of its CoC to all Personnel, Local Partners and Ultimate Recipients, and shall promote protection from sexual exploitation and abuse. The Organization shall ensure that Local Partners and Ultimate Recipients shall either: a) sign an attestation stating they shall respect the Organization’s CoC , or b) adopt their own policies and procedures to prevent sexual exploitation and abuse that shall be in keeping with the goals and objectives of the Organization’s code of conduct.
- 22.6.4 For the purpose of this Sub-Article 22.6, the following definitions apply:
 - a) Sexual abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a child is considered as sexual abuse.
 - b) Sexual exploitation: 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
 - c) Protection from sexual exploitation and abuse (PSEA): The term used by the United Nations and non-governmental community to refer to measures taken to protect vulnerable people from sexual exploitation and abuse by their own staff and associated personnel.