



TBI Sexual Exploitation, Abuse and Harassment (SEAH) Policy

February 2024

Tropenbos International (TBI) is committed to provide a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment, and to work with staff and network partners committed to prevent Sexual Exploitation, Abuse and Harassment (SEAH). This document outlines how TBI will prevent and respond to incidences of SEAH.

Introduction

Sexual misconduct - exploitation, sexual abuse, sexual harassment (SEAH) and sexual violence – by TBI staff, consultants, interns, network members, and other partners ('associates' in this document) violates the rights and well-being of the people we serve and the people with whom we serve. SEAH violates human dignity and is always unacceptable behaviour. Such behaviours are directly in opposition to TBI's mission, values and our abiding responsibility to do no harm. This policy aims to protect all staff, associates, program participants or other people directly in contact with TBI or its associates from such unwanted behaviour, and to define TBI's response to any of such behaviour. It complements TBI's Code of Conduct and is complemented by TBI's Reporting and Whistleblowing Policy.

Sexual exploitation and abuse (SEA) of the communities we serve, and sexual harassment (SH) of our own staff require similar prevention and response approaches because they stem from the same power differences, inequities, drivers, and risks.

Scope

This policy is applicable to the behaviour of TBI staff and associates towards everyone who comes into contact with TBI associates:

- a) Internally: Board, managers, staff, consultants, volunteers, interns.
- b) Externally: children, young people, adults including adults at risk, beneficiaries, partner staff, etc.

Definitions

Sexual exploitation: an actual or attempted abuse of someone's position of vulnerability (such as a person depending on you for survival, food rations, school, books, transport or other services), differential power or trust, to obtain sexual favours, including but not only, by offering money or other social, economic or political advantages. It includes trafficking and prostitution¹ occurring between staff and program participants.

Sexual abuse: the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It includes sexual slavery, (child) pornography,

¹ From the UNHCR, tackling SEAH: <https://www.unhcr.org/what-we-do/how-we-work/tackling-sexual-exploitation-abuse-and-harassment/what-sexual-exploitation> (consulted 6/12/2023)



child abuse and sexual assault¹. It also includes use of force or coercion leading to unwanted kissing, touching, grabbing or rubbing and includes any sexual activity with a child. It occurs between staff and program participants.

Sexual assault: In The Netherlands, Sexual assault is when you touch another person in a sexual manner without their consent. This might include pinching, stroking, licking, kissing or rubbing.²

Sexual harassment: ‘Sexual harassment at work’ is defined as any unwanted conduct related to the sex of a person of any form of unwanted verbal, non-verbal or physical conduct with a sexual connotation with the purpose or effect that the dignity of the person is being violated, especially when a threatening, hostile, insulting, humiliating or offensive situation is being created³. It differs from sexual exploitation and abuse in that it occurs in the workplace, between co-workers, be they staff or associates.

Workplace: the TBI office, but also locations where work-related tasks are performed such as conference, events, trainings or work-related trips, social activities and telephone conversations and communication through electronic media, as well as cooperation with external service providers⁴.

TBI and SEAH

In every context risks of SEAH violations exist. TBI recognizes that sexual violence, harassment, intimidation and other violations of integrity, especially of women and young people, is often a manifestation of unequal power relationships in the workplace, or between benefactors and beneficiaries. TBI addresses this through pro-active prevention, by continued deliberation and awareness and by actively enforcing the agreements set out in TBI’s integrity system. To this end, and to identify possible vulnerabilities, TBI, will ask for SEAH policies of partners, so that it can build capacities where needed, up front.

Prevention of sexual exploitation and abuse is integrated in TBI’s programme design. IPLCs’ and women’s rights are at the heart of TBI’s goals. To this end, TBI works to assist IPLCs, women and youth with self-identifying and mapping their territories to better enable them to claim their rights, safeguard their livelihoods and overcome their specific vulnerabilities (e.g. gender-based violence), and contribute towards transformational change which will influence the way that

² <https://www.ggd.amsterdam.nl/english/sexual-assault/> (consulted 12/12/2023)

³ From European Institute of Gender Equality; Belgium, gender equality (no legal definition for The Netherlands, where it is related to sociopsychological pressure on labour) <https://eige.europa.eu/gender-based-violence/regulatory-and-legal-framework/legal-definitions-in-the-eu?ts=&vt=All&c=22> (consulted 06/12/2023)

⁴ From European Environmental Bureau SEAH policy, March 2023



TBI network members, partners, IPLCs and society as a whole functions and views issues of sexual violence and harassment.

TBI will support the development of integrity systems, including SEAH policies, for each TBI Network Member (TNM), including a structure with Confidential Counsellors and/or Integrity Officers, prevention measures and spelled out consequences of violation and processes to be followed in case of violation.

To avoid SEAH, TBI shall provide a safe workplace for all its employees, partners and beneficiaries free from SEAH. TBI strives to put a transparent and accountable culture in place, where SEAH and other integrity issues can be discussed openly and given the attention they require.

SEAH will be an important topic on the agenda of the newly created TBI integrity working group. TBI and TNMs will train its own staff and local partners on prevention of and how to professionally, adequately and timely respond to SEAH, applying a victim/survivor – centred approach.

Preventive measures

Prevention starts with selecting the right person for a vacancy. As of January 2024, TBI applies pre-employment screening as part of its staff selection process, requesting candidates to supply us with a Dutch certificate of conduct (or local equivalent, depending on the nationality of the candidate).

In order to create a safer working place, TBI has launched its gender and youth inclusion policy, promoting equity and diversity within its workplace and programmes. In addition, TBI has updated its code of conduct addressing any type of personal violations.

In particular, TBI will:

- give emphasis to preventing violence, by developing and maintaining workplace structures and a culture of preventing and redressing incidents of sexual harassment.
- create awareness among staff and associates of TBI about sexual cross-border behavior and the possible consequences for all involved

TBI staff and associates should adhere to :

- not abuse or deliberately intimidate any other person.
- not make sexual advances where he/she knows or ought to know that the solicitation is unwelcome or in any other way sexually harass another person.
- not have any form of sexual relation with minors nor with direct beneficiaries.

Compliance measures

TBI will not tolerate any form of sexual cross-border behavior - such as sexual assault, sexual exploitation, sexual abuse, child pornography activities and sexual harassment.

In the situation that SEAH occurs, TBI will:

- encourage staff to report on a SEAH incident and provide a clear and safe route for reporting (confidential counsellor, integrity officer, external organization, see whistle blower policy and guidance below).
- have a zero-tolerance for inaction regarding SEAH inside TBI as well as from its partners. This means that TBI, its staff or a partner organization may be confronted with a SEAH incident but is judged on how follow up will be given.
- treat all complaints of sexual harassment with respect and in confidence and prevent that somebody will be victimized for making such a complaint. All forms of SEAH and incidents of inappropriate behavior will be treated seriously and promptly investigated. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment and termination of contractual agreements. During the investigation TBI will not only protect the interests of the victim but also those of the one who is being accused.

Reporting on SEAH

For reporting a SEAH incident, the same TBI channels and procedures will be followed as for other integrity violations (TBI reporting complaints and whistleblower policy). For internal sexual harassment, TBI's confidential counsellor plays an important role as (s)he is usually the first contact person within the organisation who is informed about the sexual violation. The main role and responsibilities of the confidential counsellor is to provide support and inform the employee or others who have reports or complaints of sexually transgressive behaviour. (S)he will always handle the information of the Notifier as confidential as possible and will not share any of it with others within the organization unless the Notifier gives explicit permission. It can be confusing for Notifiers that the confidential counsellor cannot take action on his or her own that, while (s)he was the first one who was informed. Therefore, it is important that the confidential counsellor informs the Notifier from the onset about what the confidential counsellor can and cannot offer and what the follow-up processes might be.

Once TBI has received a report on SEAH, the report enters in a formal stage. The Notifier will be invited for a first meeting with the TBI Integrity Officer, which is a crucial moment in the process. The Notifier must be heard and acknowledged and the context of the report must become clear. Sometimes the confidential counsellor already knows the Notifier and has already prepared the Notifier for this conversation with the Integrity Officer. Of course, this initial conversation with the Notifier can only take place if the Notifier is open to it and the Notifier is known. The first conversation is not about assessing the plausibility of the report, but about following the Notifier's story. In doing so, support, acknowledgement and information



should be offered initially and shown that the report is taken up and taken seriously, with consideration for the Notifier's wishes and needs. Later in the conversation, more specific questions may follow about actual events for the inventory of the report, but depending on the situation, this may also be done in a follow-up conversation. In the first conversation it is also important to point out confidentiality and its limits.

In case of a SEAH incident, TBI will take immediate action while at the same time being very carefully to all concerned. The follow-up chosen should be appropriate to the situation and provide the best possible outcome for everyone, especially for the Notifier, but with respect for the rights of the accused. During the entire process of the investigation, communication with those involved is important. The moment a decision is made to conduct a notification investigation, it is important to inform those involved as soon as possible of the reason, nature and type of the investigation.

Any form of SEAH is prohibited, and therefore leads to disciplinary action. TBI has zero tolerance for any form of sexual misconduct, for inaction and for retaliation against those who raise complaints or bear witness. Our work prioritizes the rights and needs of victims and survivors.