



LEVIZALBANIA

Policy Document
Protection from Sexual Exploitation, Abuse
and Harassment

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1. Definitions

LA refers to LevizAlbania

PSEAH refers to Protection from Sexual Exploitation, Abuse and Harassment.

SEAH refers Sexual Exploitation, Abuse and Sexual Harassment.

Staff refers to employees of LA and employees of Open Society Foundation for Albania, Partners Albania for Change and Development and Co-Plan engaged in the project LA.

Consortium refers to Board of Directors of LA constituted by "Open Society Foundation for Albania", "Partners Albania for Change and Development" and "Co-PLAN".

Partners refers to organisations and individuals that LA works with in the delivery of projects (e.g. grantees), volunteers, consultants, contractors, suppliers, interns, visitors and donors.

Vulnerable Adults are defined as those aged over 18 years who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts, are deemed to be at risk.

Sexual Exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, included but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.

Sexual Abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual Harassment means the unwelcome sexual advance, or an unwelcome request for sexual favours, from one person to another, or the engagement 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. Sexual harassment can be perpetrated against staff, partners and/or other external persons.

Workplace is the location where the staff usually undertake work activities, or where they are working remotely undertaking work activities (for example, undertaking a field visit or overseeing a project at a partner's location). This includes work performed outside usual working hours and any work-related events including conferences and social events either at the usual work location or an external location.

2. Introduction

- i. LA is committed to the principles of integrity, professionalism and does not tolerate SEAH and is committed to promoting a culture where people are treated with dignity and respect, both in the workplace and in projects conducted or coordinated by LA. LA will not tolerate its staff and partners to engage in any form of SEAH.

SEAH is a grave breach of trust of the people LA intends to serve and can have devastating consequences for victims, their families and affected communities. Thus, LA deems it central to its core values and mandate to have in place an effective policy addressing SEAH in its activities and operations.

- ii. LA has no tolerance towards acts of SEAH and takes action to prevent SEAH from occurring in the first place and ensures a prompt and effective response to allegations.
- iii. The objective of this policy is to:

(i) define obligations of LA staff and partners with respect to PSEAH; and

(ii) set out LA's rules, procedures, mechanisms, structures and approach in preventing and responding to PSEAH; integrate these practices into the workplace and in the delivery of LA's projects.

- iv. This policy enters into effect immediately.

3. Scope

This policy applies to anyone working for and under any form of contract or agreement with LA, including staff and partners. The policy is applicable regardless of the location of the aforementioned persons. Whilst LA supports its employees' right to a private life outside of their working responsibilities, it is also important to recognize that there are ways in which a staff member's conduct outside of work can severely impact the integrity and reputation of the organization. For this reason, the requirements set out in the policy apply at all times.

4. LA's obligations

- i. Ensuring zero tolerance towards SEAH.
- ii. Creating a safe culture for both those it serves and those who work for and represent the organisation.
- iii. Following any complaints and concerns in a timely manner and taking each complaint seriously.
- iv. Sensitising staff and partners, around how to make a complaint.
- v. Building a culture of dignity, honour and respect, where all those who work with and are served by LA feel empowered to report complaints.
- vi. Educating staff and partners that SEAH constitute gross misconduct and are grounds for termination of contract and possibly legal action.
- vii. Providing information on how to report complaints and the investigation procedure.
- viii. Ensuring that all staff and partners have access to the PSEAH policy.

- ix. Providing training to all LA staff. LA effectively communicates with all partners in simple and accessible language to create a positive and accessible culture where responsibilities for PSEAH are clear.

5. Roles and Responsibilities

This policy states that it is the duty and the responsibility of all staff and partners to report any suspicions or incidences of SEAH. Failure to report to an appropriate person is a breach of Employment Contract, Grant contract, services contract or any other contract, and could lead to disciplinary action being taken, termination of contract and/or referral to the appropriate law enforcement authority.

i. Executive Director

Executive Director **must always**:

- Create a safe environment where staff and partners feel able to raise concerns without fear of retribution.
- Be aware of the local laws and best practice applying to individuals, including adults at-risk, ensuring that all activities reflect these and that staff members and partners are made aware of them.
- Ensure a policy addressing PSEAH, and PSEAH Focal Point and Safeguarding Committee are in place.
- Work with PSEAH Focal Point and Safeguarding Committee to respond robustly when any concerns relating to SEAH of individuals are raised. Ensure that procedures for reporting and investigating suspected cases of abuse and exploitation are followed and ensuring they are in line with this policy and local laws, including reporting to appropriate authorities for investigation and follow up.
- Ensure that the relevant disciplinary procedures are implemented for staff members and partners who have violated this policy.
- Ensure all staff members are trained on the human rights of individuals, how to recognise different forms of SEAH, and how to raise concerns through the appropriate channels.
- When managing a recruitment, to ensure that appropriate measures are put in place to prevent individuals who may harm others from entering LA.
- Set a positive example both on and off duty.

ii. Staff

Staff **must always**:

- Promote and raise awareness of this policy to everyone they come into contact with in their work.
- Report any suspicions, concerns, or behaviours that breach this policy to the appropriate person(s). This includes (but is not limited to) any suspicions or incidents of SEAH carried out by staff, partners and any other external persons.
- Ensure that the rights of individuals are central to any activities carried out in their area of work.
- Create a safe environment in their area of responsibility to ensure that others feel able to raise concerns without fear of retribution.

- Ensure that partners are aware of their responsibilities for the welfare of individuals, including adults at-risk during LA activities.
- Ensure that partners are aware of their responsibilities for reporting and the procedures for doing so.
- Ensure that all processes, procedures, and activities are carried out in a way which seeks to minimize the risk of SEAH of individuals (e.g. through carrying out routine risk assessments).
- Ensure that poor practice or potentially abusive behaviour towards individuals by LA or partner staff members does not go unchallenged.
- Set a positive example both on and off duty.

iii. PSEAH Focal Points

PSEAH Focal Points must always:

- Work with others to create a safe environment where staff, partners and any other external persons feel able to raise concerns without fear of retribution.
- Ensure that this policy is displayed online and to make it accessible to all members of staff and partners.
- Deliver training to all staff on this policy.
- Work with others to ensure that the values, commitments, and procedures set forth in this policy are embedded throughout all LA's programmes and activities, and those of our partners.
- Work with the Safeguarding Committee to address concerns relating to SEAH.
- Set a positive example both on and off duty.

iv. Executive Director and Staff must never:

- Engage in any SEAH activity with anyone we come into contact with through our work.
- Exchange money, employment, goods or services, protection, or assistance for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- Engage in any kind of exploitative or harmful behaviour towards members of a community that LA works with and any other external persons.
- Raise malicious complaints or use the policy for purposes other than what it is intended for.

v. Working with partners

- LA partners must abide to PSEAH Policy. All grant contracts, memorandum of understandings with partner organisations/institutions and consultancy/service agreements with partners (consultants and suppliers) should include a policy for PSEAH. Breaches can lead to termination of contractual and/or partnership agreements and/or referral to the appropriate law enforcement authority
- LA will work with all partners to ensure they receive information on LA's PSEAH policies and approach, and to ensure that spaces are created to share knowledge on best practice to address SEAH.
- LA partners will be aware of PSEAH information concerning rights of individuals, including adults at-risk.

- Concerns regarding partners must be reported immediately via the reporting mechanisms detailed below. If LA receives a complaint about a member of staff/collaborator of a partner, LA will work with the partner to ensure this is responded to quickly and appropriately. If there is reason to believe that a complaint has been dealt with inappropriately or inadequately by a partner, LA must consider whether they will withdraw funding and/or end the relationship.

6. Reporting

- i. The Executive Director and the Consortium have ultimate responsibility for the implementation of this policy and its proper management. It is the responsibility of all LA's staff, its partners and/or other external persons to raise any concerns regarding SEAH activity. LA takes all concerns and complaints seriously and will initiate a comprehensive investigation of complaints that are in violation of this policy and take disciplinary and possibly legal action as warranted.
- ii. Any LA's staff, its partners and any other external persons having reasonable grounds to suspect that SEAH has occurred is mandated to report the matter immediately (within 24 hours) to the PSEAH Focal Point.

This includes any notifications received from partners and any alleged incidents that pose a significant reputational risk to LA. Any person requiring advice can contact the PSEAH Focal Point.

- iii. LA staff members, partners and any other external persons are strongly encouraged to immediately notify the PSEAH Focal Point, or someone they know, is thought to have been the victim of SEAH perpetrated by a LA staff or partner.
- iv. The Executive Director is responsible for reporting all incidents arising under this Policy to the Consortium.
- v. The Executive Director is responsible for reporting all incidents arising under this Policy to relevant donors in line with contractual and partnership obligations.

7. Responding to Concerns and Complaints

i. Incident Management Process

Anyone can raise a concern or complaint. LA staff, partners and other external persons can notify a concern or incident through informing PSEAH Focal Point at any time in person or via phone, text, email or other communication.

An individual can raise a complaint even if they have no evidence other than their own experience, recognizing that SEAH usually occur away from the public eye and therefore it can be difficult to produce evidence (e.g., a witness). LA will work with complainant to understand how they would like the issue they raised to be addressed;

This policy does not prejudice the right of complainants to use external procedures of criminal prosecution (e.g., criminal justice procedures) where that is their preference to do so. Support options will be offered to complainants regardless of whether or not they decide to make a formal complaint.

If a complainant makes a formal complaint and wants an investigation to be carried out, or if LA takes the view that they have a duty of care to carry out an investigation, then an investigation process will be initiated.

LA must ensure that any investigations carried out are objective, timely, fair, and transparent and built on LA's PSEAH policy. All parties should be able to participate in the investigation without fear of retaliation.

Step 1: Complaint received (timeframe: actions taken within 48 hours)

a) Within 24 hours the complaint is received, the PSEAH Focal Point (or other staff member as appropriate) will engage with complainant/victim to ensure they are safe and their concerns are understood. The Executive Director is informed so he can support as appropriate.

b) The PSEAH Focal Point will address the case to the Safeguarding Committee. The Safeguarding Committee will be composed by three members: the PSEAH Focal Point, Executive Director or the Deputy Executive Director and one member selected by the complainant.

If the PSEAH Focal Point and/or Executive Director and/or the Deputy Executive Director are subject to the complaint, the complainant/victim will select the other members from the LA staff.

c) The Safeguarding Committee will have a meeting within 48 hours. Safeguarding Committee will triage all cases to assess what action can be taken. If an investigation cannot be carried out (e.g., if victim does not want an investigation) then the Committee will close the case and assess what other actions can be taken to address concerns e.g., awareness raising.

d) Risk assessment carried out to address any immediate security or welfare concerns, and legal guidance sought.

Step 2: Investigation (timeframe: 1 week but this may differ depending on nature and complexity of case)

f) An investigation can include carrying out any interviews, gathering any available evidence, and producing an investigation report.

g) The victim should be interviewed first (or provide a written response to questions submitted by the Safeguarding Committee where a verbal interview is not possible), followed by any witnesses and the complainant if not the victim, and then the subject of complaint. It is important to note that SEAH in all its forms usually occurs away from the public eye and it therefore may be difficult to produce evidence. An individual can raise a complaint even if they can point to no objective evidence other than their own experience.

h) The Safeguarding Committee will draft the investigation report.

Step 3: Decision (timeframe: actions taken within 72 hours)

i) Safeguarding Committee take a decision on the report and its findings by majority vote.

j) Safeguarding Committee to carry out any recommendations agreed on (e.g. disciplinary hearing, termination of contract, awareness raising, policy development, referral to the appropriate law enforcement authority).

Step 4: Outcomes shared and lessons learnt (timeframe: up to 1 week following decision made)

k) Safeguarding Committee documents the decision and informs the complainant/victim and subject of complaint.

l) The Consortium is informed of the outcome.

m) The subject of complaint and the complainant/victim have the right to appeal against the decision to the Consortium.

PSEAH Focal Point must deliver to the complainant/victim all the information related to this procedure within 48 hours from receiving the request for information from the complainant/victim.

The complainant/victim can notify Executive Director if the PSEAH Focal Point and/or Safeguarding Committee has not applied correctly the abovementioned procedure.

The complainant/victim can notify the Consortium if the PSEAH Focal Point and/or Safeguarding Committee has not applied correctly the abovementioned procedure despite a request to the Executive Director has been addressed and 48 hours have passed since the submission of the request for information.

LA is not a protection agency and does not have the expertise required to carry out investigations into adult at-risk abuse. This will be carried out by external experts brought in specifically for this purpose. However, LA will refer cases to appropriate professionals and organisations and will ensure that referrals are made to professionals and organisations that act in line with LA's values and puts the welfare of the adult at-risk as the highest priority.

LA will make a decision on a case-by-case basis on how allegations of SEAH adults at-risk will be carried out, recognising that specific expertise may be required (for example, interviewing an adult who has disabilities).

ii. Retaliation Against Complainants, Victims and Witnesses

LA will take action against any staff or partners who seek to or carry out retaliatory action (e.g., intimidation, threatening behaviour) against complainants, victims, witnesses or any others involved or believed to be involved in an incident management process. Staff or partners who are found to have done this will be subject to disciplinary action or termination of contract.

iii. False or malicious complaints

If a member of LA staff or partner is found to have made an allegation that they knew to be false they will be subject to disciplinary action or termination of contract. It must be noted that if a case is not upheld that does not mean that the complaint was false, rather that there was insufficient evidence or that, even if the complaint is found not to reach the threshold for SEAH that is contrary to PSEAH policy.

iv. Support for victims

Support will be offered to victims regardless of the outcome of any investigations. This support can include specialist psychosocial counselling and/or access to other specialist support as needed.

8. Confidentiality

Complaints of SEAH raised under this policy will be treated confidentially. However, when an incident is identified it may be necessary for those managing the incident to reveal its substance to people such as other LA staff, external persons involved in the investigation process or law enforcement authorities.

Following the decision of the Safeguarding Committee which finds that a criminal offense has occurred, or when *prima facie* there is a reasonable belief that a criminal offense has occurred, the matter will be reported to the appropriate law enforcement authority while considering risks to those who have been affected. When a referral is made to law enforcement, any action by LA will be guided by such an authority. Any decision not to refer to law enforcement requires the approval of the Consortium and will be documented to record the reasons for the decision.

The referral of the case to the Consortium and to the responsible law enforcement authority will be carried out by the Executive Director.

LA will take reasonable precautions to store any records or files relating to a matter of SEAH securely and to permit access by authorised persons only.

Unauthorised disclosure of information relating to a matter will be taken seriously and may result in disciplinary action, which may include termination of employment.

9. Data Protection

LA will ensure that it complies with local data protection laws when gathering, storing, or sharing any data relating to individuals and SEAH.

10. Awareness

- LA will publish this PSEAH Policy on its website.
- This policy is drafted in Albanian and English language to ensure it is understood by all partners and the communities LA work with and other external persons. LA is responsible for developing communications materials about PSEAH and accessible complaints processes for communities in appropriate languages and media.

11. Training

It is LA's responsibility to ensure that all staff and partners are aware and fully compliant with the PSEAH policy. Regular training and refresher courses on PSEAH must be planned and delivered for all staff on a regular basis. This can include but is not limited to:

- PSEAH policies
- Information on how to recognise SEAH.
- Information on how to report SEAH.

Evidence of training must be captured and retained (e.g., training attendance records, training materials). Informal discussions in team meetings are also encouraged. Further communications on LA's PSEAH could include information campaigns, regular updates on new developments in the sector, or policy revisions.

Further specialist PSEAH training will be provided depending on the nature of the work being undertaken, the context, donor requirements, and where staff is in contact with adults at-risk.

All staff should sign that they have read and understood the PSEAH policy.

12. Review Process

This policy will be reviewed initially after two years and afterwards every five years by the Executive Director in consultation with the LA's staff, unless an earlier need is identified by Executive Director.