

**SEXUAL EXPLOITATION &  
ABUSE OF  
BENEFICIARIES &  
COMMUNITY MEMBERS  
POLICY**



**HEALTHNET TPO**



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## 1. Purpose

HealthNet TPO is committed to ensuring that all individuals we come into contact with through our work, whether Team Members, host community members, beneficiaries or others, are treated with respect and dignity. We expect Team Members, Visitors and Partners to put the well-being and best interests of its beneficiaries as the highest priority, to treat all beneficiaries and host community members with respect and dignity, and to never engage in conduct that could be perceived as abusive, exploitative or harassing. We expect management and all Team Members to fully foster a culture that supports this standard. We will not tolerate sexual exploitation, abuse, or harassment by our Team Members, Visitors or anyone else receiving HealthNet TPO resources. We are committed to the core principles regarding prevention of sexual exploitation and abuse laid out by the United Nations Secretary General in 2003 and to the "Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and non-UN Personnel." ( <https://data2.unhcr.org/en/documents/details/63377> ). This policy sets forth our expectations of personal and professional behaviour related to sexual exploitation and/or abuse of beneficiaries and community members and the required procedures to ensure we uphold our commitment to preventing such conduct.

## 2. Scope of Policy

This policy applies to: HealthNet TPO in the Netherlands and the country offices, their subsidiaries and affiliate organisations (collectively, "HealthNet TPO"); Members of HealthNet TPO; Directors, officers, management, employees, seconded employees, interns and volunteers, (collectively "Team Members"); Sub-recipients, partner organisations, contractors, outside experts (including attorneys), consultants, agents, representatives, and any other organisation or individual that acts on HealthNet TPO's behalf or at HealthNet TPO's direction (collectively "Partners"); and visitors to any HealthNet TPO facilities, which includes photographers, filmmakers, journalists, researchers, donors and prospective donors, and anyone else hosted by HealthNet TPO or visiting HealthNet TPO's implemented or financially supported programmes ("Visitors"). HealthNet TPO also expects that its donors and their representatives will abide by this policy.

## 3. Policy Statements

### 3.1. Prohibited Conduct

3.1.1 HealthNet TPO prohibits and does not tolerate any Team Member, Visitor or Partner engaging in sexual exploitation and/or abuse, of beneficiaries and host community members. This applies at all times whether working or not.

3.1.2 "Sexual abuse" includes any actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

3.1.3 "Sexual exploitation" includes any actual or attempted abuse of position of vulnerability, power differential, or trust, for sexual purposes, including but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. Sexual exploitation includes, but is not limited to exchanging or attempting to exchange



money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This includes exchange of assistance for sexual or romantic relations.

3.1.4 Sexual or romantic activity with children (persons under the age of 18) is prohibited regardless of the legal age of consent in the country. Mistaken belief in the age of a child is not a defence. (See also HealthNet TPO's Child Safeguarding Policy).

3.1.5 Expatriate team members are generally prohibited from engaging in romantic or sexual relationships with beneficiaries. Much of HealthNet TPO work involves serving beneficiaries, such as businesses, organisation and institutional leaders, persons who are on an equal footing with HealthNet TPO Team Members and leaders and where the power in balance may lower the risk and perception that the relationship would involve sexual exploitation and abuse. For this reason, in limited circumstances, such relationships may be permitted but only if: (1) the expatriate team member first obtains the approval of their Country Director or equivalent position and notifies the Ethics Team. The Country Director or equivalent position will only approve after ensuring that the relationship is not in any way exploitive, will not jeopardize the community's trust in HealthNet TPO and any potential conflicts of interests that it creates are handled properly. HealthNet TPO does not under any circumstances allow Country Director or equivalent positions to engage in romantic or sexual relationships with beneficiaries.

3.1.6 HealthNet TPO strongly discourages national team members from engaging in romantic or sexual relationships with beneficiaries or those seeking to become beneficiaries. However, HealthNet TPO recognises that many of our national Team Members may come from or be part of beneficiary communities and their families may be direct or indirect beneficiaries of HealthNet TPO programmes in their communities (for example, a Team Member may live in a refugee camp where HealthNet TPO provides the health services). National team members must exercise caution, always ensure that their relationships with beneficiaries or potential beneficiaries do not involve any form of sexual exploitation or abuse and formally disclose the relationship to their country's Human Resources Manager (or equivalent position).

### 3.2. Mandatory Reporting of Prohibited Conduct

3.2.1 HealthNet TPO requires all Team Members and Partners to immediately report suspicions of sexual exploitation and/or abuse involving HealthNet TPO Team Members, Partners, or Visitors. Reports should be submitted in accordance with HealthNet TPO Ethics Complaint and Whistleblower Policy. HealthNet TPO will review all such reports and will investigate in accordance with the Ethics Complaint and Whistleblower Policy. Team Members who are aware of sexual exploitation and/or abuse by Team Members or Partners or Visitors and who do not ensure that they are reported may be subject to discipline up to and including termination.

3.2.2 HealthNet TPO encourages all beneficiaries and community members to report suspicions of sexual exploitation and/or abuse involving HealthNet TPO Team Members, Partners, or Visitors. In order to facilitate reporting, HealthNet TPO commits to establishing appropriate and accessible Community Based Complaints Mechanism (CBCM) where HealthNet TPO and its partners work, especially for programmes that present a significant risk of sexual exploitation or abuse of beneficiaries. HealthNet TPO Team Members and Partners who receive allegations of sexual exploitation or abuse through



CBCM must follow their reporting obligations in accordance with the Ethics Complaint and Whistleblower Policy.

### 4. Confidentiality

Because of the nature and sensitivity of allegations involving sexual exploitation and abuse, HealthNet TPO treats all reports and allegations with the greatest respect for confidentiality of all individuals involved. HealthNet TPO will seek to maintain privacy at all times during the investigation process, consistent with our responsibility to maintain individual and team safety. This means that only those people with a need to know can be provided information, and limited to their role in the response and investigation process. Anyone who has a role as part of the investigation or response team is bound by confidentiality and can be disciplined, up to termination, for violating that confidentiality.

HealthNet TPO may, however, be required by its donors, regulators or via legal action brought by the accused or other legal reasons, to disclose allegations and related detailed information, including the name and identifying information of the survivors and the accused. When providing personally identifiable information to donors, regulators or law enforcement, HealthNet TPO will seek to limit distribution of this information to the extent possible and allowed by law and, when possible and in accordance with laws, will seek assurances that the information remain confidential.

Anonymous reports to the Confidential Contact Person are allowed. A non-anonymous reporter may request to preserve confidentiality by not allowing the Confidential Contact Person, Ethics Team or investigators to disclose the content of the allegations (or parts thereof) to the perpetrators, In both cases of anonymous reporting and preservation of confidentiality, HealthNet TPO's ability to conduct an investigation that can hold perpetrators accountable for substantiated allegations can be significantly restricted, To the best of its ability, HealthNet TPO will work with survivors to address their concerns around confidentiality in order to allow effective investigations to go forward. Effective and fair investigations typically require confronting the accused with the allegations. In cases where HealthNet TPO has concerns for the safety and well-being of its team, HealthNet TPO may take appropriate actions, while still respecting to the extent feasible, privacy and confidentiality.

### 5. Support for Survivors

HealthNet TPO will offer to provide (and provide if they chose) survivors of sexual harassment or assault with independent medical and psychosocial support and will assist them with reporting incidents to the proper authorities should they chose to do so directly.

### 6. Investigating Reports of Prohibited Conduct



6.1 HealthNet TPO commits to a serious, swift, and fair investigation for all allegations of sexual exploitation and abuse. Investigations will be conducted in accordance with HealthNet TPO Ethics Complaint and Whistleblower Policy and related guidance.

6.2 HealthNet TPO will, first and foremost, take into account the safety, security and wellbeing of the survivors during any investigation or follow-up action, but will also take into account the safety and well-being of the accused and any witnesses.

## 7. No Retaliation for Reporting

7.1 HealthNet TPO will not tolerate any form of retaliation against Team Members, Visitors, Partners, beneficiaries or others who report suspected prohibited conduct in good faith or participate in investigations. The full protections for persons making reports can be found in HealthNet TPO' Ethics Complaint and Whistleblower Policy. Anyone who feels that they have experienced retaliation for reporting or participating in a sexual misconduct investigation should immediately report to the Ethics Team or, if they feel comfortable doing so, to their Executive, Country Directors, HR Managers, or supervisors, who must then ensure they report the allegation of retaliation to the Ethics Team.

7.2 HealthNet TPO will not require its Team Members, Visitors, or Partners to sign or comply with internal confidentiality agreements or statements that prohibit or otherwise restrict Team Members, Visitors, or Partners from lawfully reporting violations to a designated investigative or law enforcement representative of a department or agency authorised to receive such information.

## 8. Disciplinary Consequences for Prohibited Conduct

8.1 HealthNet TPO will suspend (or otherwise ensure that any risk of further harm is mitigated) any Team Member Partner team member or Visitor who is the subject of credible allegations of sexual exploitation or abuse while HealthNet TPO and/or law enforcement investigate the matter.

8.2 All substantiated violations will result in termination with ineligibility for rehire or future receipt of consultancies or independent contractor contracts or other resources from HealthNet TPO.

8.3 Any Partner whose team members, partners or visitors engage in sexual exploitation or abuse will be required to institute corrective measures that include verification that the Partner is adhering to this policy. HealthNet TPO may also immediately suspend or terminate an agreement with a Partner due to sexual exploitation and abuse by the Partner, its team members, visitors or partners. HealthNet TPO may also determine the Partner ineligible for future agreements depending, in part, on whether the Partner



knowingly and wilfully failed to comply with this policy (for example: Partner knew of and failed to report, investigate and take corrective action for sexual exploitation and abuse).

## 9. Reporting Prohibited Conduct to Donors, Law Enforcement, and Charity Regulators

9.1 HealthNet TPO will report sexual exploitation and abuse to donors as and when they require or, when not required, when appropriate.

9.2 In the event sexual exploitation or abuse could violate local criminal law, unless the safety and security of the survivors necessitate otherwise, HealthNet TPO will report the incident to local law enforcement. If the conduct would violate the criminal law of the home country of the accused, HealthNet TPO may notify law enforcement in that country as well.

9.3 HealthNet TPO will cooperate fully with any investigation initiated by donors or law enforcement and will seek to ensure that those who engaged in criminal sexual activity of any kind are held accountable.

## 10. Required Processes and Procedures to Ensure Compliance

HealthNet TPO ensures compliance with this policy through HR teams working with field teams and through appropriate processes and procedures designed to ensure to the extent possible that:

10.1 All potential new Team Members undergo screening designed to ensure that they have not previously engaged in sexual exploitation, abuse, or harassment;

10.2 All Team Members are informed and trained on what conduct this policy requires (via code of conduct training) and their responsibilities under this Policy, including what sexual exploitation and abuse are and how to report them, and all Team Members certify that they have understood this policy and agree to abide by it;

10.3 All HealthNet TPO offices display awareness posters on this policy, including all available reporting mechanisms, translated into the primary language of the office and in conspicuous locations where all Team Members will see them;

10.4 Each country office has a designated focal point who can act as a local resource for team members, beneficiaries and community members who wish to report or discuss sexual misconduct;



10.5 For each programme, the risk of sexual exploitation and abuse of beneficiaries is assessed and reasonable risk mitigation measures are incorporated into the design and operation of the programme (a risk-based approach);

10.6 Beneficiaries and host communities are informed about HealthNet TPO's commitments under this Policy and how to report any suspected violations by HealthNet TPO Team Members, Partners or Visitors;

10.7 Where appropriate and when in direct contact with beneficiaries or host communities, consultants, experts, contractors, agents, donor and government representatives and Visitors (including journalists and researchers) are informed of the requirements under this Policy;

10.8 All Team Members, Partners, Visitors, beneficiaries and communities can anonymously (if they choose) report all forms of sexual exploitation and/or abuse and that all such reports are quickly provided to HealthNet TPO's Confidential Contact Person (see HealthNet TPO's Ethics Complaint and Whistleblower Policy);

10.9 All reported allegations are confidentially, independently and thoroughly investigated in a manner that ensures, to the extent possible, protection of the survivor (see HealthNet TPO's Ethics Complaint and Whistleblower Policy and related guidance);

10.10 All reported allegations are disclosed to donors and regulators as and when the donor or regulator requires, and, if reports include allegations of criminal misconduct, they are also disclosed to law enforcement (subject to the need to protect the survivors) (see HealthNet TPO Ethics Complaint and Whistleblower Policy and related guidance);

10.11 Contractual agreements or memoranda of understanding with Partners include obligations to adhere to this policy and any additional donor required provisions related to sexual exploitation and abuse, that Partners have the capacity to ensure their compliance with this policy;

10.12 Contractual agreements or memoranda of understanding with Partners require Partners to commit in writing to act in accordance with this policy and to report to HealthNet TPO any incidents of sexual exploitation and abuse that: (1) involve or are related to resources provided by HealthNet TPO; or (2) HealthNet TPO's Team Members or programmes; and

10.13 HealthNet TPO's Audit and Risk Committee is informed of all reports and investigations of sexual exploitation and abuse at or around its regularly scheduled meetings and provided with whatever additional information necessary to allow it to conduct its oversight duties (see the Ethics Complaint and Whistleblower Policy and related guidance).



## 11. Policy Administration and Responsibilities

### 11.1. HealthNet TPO's Board and Ethics Team are responsible for:

- Ensuring this policy and related guidance and training materials remain up-to-date via bi-annual reviews;
- Ensuring global reporting and investigations are overseen in accordance with this Policy and the Ethics Complaint and Whistleblower Policy and related guidance;
- Reporting to HealthNet TPO's Audit and Risk Committee regarding allegations.

### 11.2. The Director and Human Resources Team are responsible for:

- Ensuring that safe recruiting processes are in place and adhered to;
- Ensuring that all Team Members undergo the code of conduct training and acknowledge their understanding of it and willingness to abide by it;
- Working closely with senior management in all countries to ensure that focal points are properly identified and trained and policies and trainings are appropriately adapted to the local context;
- Ensuring that team members declared ineligible for rehire are not rehired by HealthNet TPO and that this status is included in responses to employment verification checks by other organisations.
- The Director is responsible for providing minimum standards and guidance to country teams related to community based complaints mechanisms for beneficiaries and community members.
- All HealthNet TPO executives, country directors and senior management in all countries and areas where HealthNet TPO operates are responsible for:
  - Creating and maintaining an environment and culture that fosters respect and inclusion and does not tolerate sexual exploitation, or abuse;
  - Overseeing the full implementation of this Policy in their area of operations;
  - Ensuring that all allegations of sexual misconduct are taken seriously and immediately reported to the Ethics Team and are treated with confidentiality and given high priority;
  - Ensuring that survivors are offered psychosocial, medical, legal, and other support as necessary;



- Ensuring that anyone who reports allegations or participates in investigations are not retaliated against.

## 12. Relation to Local Laws

HealthNet TPO will comply with laws and regulations prohibiting misconduct, but where this policy exceeds any legal requirements, HealthNet TPO will adhere to the standards in this policy to the extent allowed by applicable law. This policy may be amended or adapted to comply with local laws only with the approval of HealthNet TPO's Board.

## 13. Approved Policy

This policy was approved by the HealthNet TPO Board on September 10, 2019. This policy may only be amended or changed with the approval of the Board(s).