

## Prevention of Sexual Exploitation, Abuse and Harassment Policy

Australian and New Zealand Gastroenterology International Training Association (ANZGITA)

### 1. PURPOSE

The Australian and New Zealand Gastroenterology International Training Association (ANZGITA) takes a zero-tolerance approach to the sexual exploitation, abuse and harassment (SEAH) of adults it engages with as part of its programs and projects. This policy outlines ANZGITA's strong commitment to protection and prevention through advice to its trainers and volunteers, screening and prompt and appropriate investigation and handling of suspected and actual incidents of SEAH.

ANZGITA is committed to upholding human rights of all adults participating in ANZGITA programs. Although ANZGITA does not engage with children as part of our programs, ANZGITA's Child Safeguarding Policy exists and does set out the expectations, systems and processes aimed at preventing all abuse of children, including SEAH. This Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy sets out the expectations, systems and processes aimed at preventing SEAH of other people we work with, including program partners, participants and community members. This policy also covers the actions that will ensue if incidents of SEAH are identified.

This policy promotes the right of adults to be safeguarded against all forms of violence and discrimination including SEAH.

### 2. SCOPE

This policy applies to all people engaged by ANZGITA to participate in an ANZGITA Program or project, including:

- Volunteers (medical and otherwise);
- Program Leaders responsible for activities in a country and others they may engage to assist;
- Board members; and
- program and project partners.

This policy applies to the behaviours, attitudes and actions of all the above during working and non-working hours both in Australia and overseas when engaged on an ANZGITA program or project.

### 3. DEFINITIONS

Key definitions that inform ANZGITA policy are based on DFAT's SEAH Policy (April 2019):

**Sexual Exploitation:** Any actual or attempted abuse of a position of vulnerability differential power, or trust for sexual purposes. This includes profiting monetarily, socially, or politically from sexual exploitation of another.

**Sexual Abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This covers sexual offences including but not limited to attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non- consensual kissing and touching). All sexual activity with someone under the age of consent (in the law of the host country, state or territory, whichever is greater) constitutes sexual abuse.

**Sexual Harassment:** Sexual harassment occurs when a 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,

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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 beneficiaries, community members and citizens, as well as against ANZGITA and partner colleagues.

### 4. POLICY PRINCIPLES

These following principles and approaches underpin ANZGITA's implementation of its PSEAH policy position across its programs and projects:

- **Zero Tolerance**

Sexual exploitation, abuse and harassment is never acceptable. ANZGITA maintains a zero-tolerance approach towards SEAH. Behaviour by any individual or organisation associated with ANZGITA that results in, facilitates, or ignores allegations of SEAH will not be tolerated. Such behaviour may also attract criminal, civil, and disciplinary sanctions.

A zero-tolerance approach includes intolerance of inaction towards allegations of SEAH. ANZGITA's management will respond to, and take seriously any allegations of SEAH, with due regard to procedural fairness.

- **Strong Leadership to Accelerate Change**

ANZGITA recognises that strong leadership is essential to driving change and setting organisational culture. ANZGITA is committed to preventing SEAH in relation to our activities by striving to model good behaviour; setting clear expectations of acceptable and unacceptable behaviour; improving diversity and inclusion, embedding gender equality in program management and assignments and encouraging internal reflection by, and scrutiny of, ANZGITA leadership.

- **Prevention of SEAH is a shared responsibility**

Preventing SEAH is a shared responsibility. Every individual or supporting organisation associated with ANZGITA's work has a responsibility to uphold this policy, and to contribute to an organisational culture which prioritises safeguarding against SEAH. All associated individuals and supporting partner organisations must comply with this policy, in addition to any and all applicable laws of the jurisdiction in which programs and projects take place.

ANZGITA management has a responsibility to develop systems which effectively implement this policy and safeguard against SEAH. Management will disseminate and socialise this policy to ensure that it is known and understood by all individuals and supporting organisations within scope of this policy. Furthermore, management must create a safe and accessible system for complaints or concerns about SEAH to be raised, and immediately respond to any allegations.

- **Address Gender Inequality and Other Power Imbalances**

ANZGITA promotes gender equality in programs and projects. It is an integral part of ANZGITA's commitment and accountability to the local partners it works with and supports across the Asia-Pacific region.

ANZGITA also acknowledges that gender is not the only power imbalance to be considered. ANZGITA's approach to safeguarding and program planning and design is based on an objective to eliminate imbalances that could result from ability/disability, ethnic and indigenous status, religion, sexual orientation, age, health, and class.

ANZGITA recognises that SEAH risks are heightened in situations where there is an unequal distribution of power, and where people in positions of authority have a level of power over

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others, compounding the risk of exploitation. This includes, but is not limited to, power inequalities which exist between ANZGITA's volunteers and in-country partner organisations and communities. Therefore, ANZGITA's approach to both the prevention of, and response to, incidents of SEAH is based on respect for diversity, promotion of gender equality and social inclusion, accountability, and a commitment to a "do no harm" philosophy and approach.

- **Prioritise Victim-Survivor Needs**

Any individual who experiences SEAH must be able to express their concern or lodge their complaint without fear of reprisal or unfair treatment as a consequence of speaking out and reporting. ANZGITA seeks to ensure that, as far as possible, complaints are handled confidentially and without risking reprisal and/or harassment as a result of reporting.

ANZGITA is committed to prioritising the needs of victims/survivors in its response to allegations and incidents of SEAH. Our priority is to respect the rights, needs and wishes of victims/survivors, while ensuring procedural fairness for all parties. ANZGITA is committed to:

- treating victims/survivors of SEAH with dignity and respect;
- involving victims/survivors in decision making;
- providing victims/survivors with comprehensive information about their rights and options;
- protecting the privacy and confidentiality of victims/survivors; and
- considering the need for counselling and health services to assist the victim/survivor with their recovery.

Confidentiality protects the complainant, as well as the subject of the complaint and other persons involved. Subject to ANZGITA's reporting obligations pursuant to the laws of the relevant jurisdiction and relevant Australian laws, the nature of the complaint, the identities of the persons involved and any documentation resulting from the investigation will be treated confidentially, to the greatest extent possible. Any confidential information associated with a concern or complaint will only be shared on a need-to-know basis to properly conduct the necessary investigation, seek expert advice, or provide care.

ANZGITA does not discriminate in its response to allegations of SEAH based on gender, age, race/ethnicity, ability, sexual orientation, or other characteristics.

- **Maintain Strong Reporting to Enhance Accountability and Transparency**

Strong reporting frameworks positions PSEAH as a core objective within ANZGITA's programs and projects and as a responsibility of all individuals and supporting organisations that contribute to that work.

The Complaints Handling Mechanism ensures investigations are undertaken by experienced and qualified professionals, that substantiated complaints will result in disciplinary action and external reporting requirements are adhered to. ANZGITA management or Complaints Handling Mechanism officials will take prompt investigative action. Any concern or complaint regarding SEAH will be handled according to ANZGITA's procedures and processes for handling complaints.

- **Natural Justice and Procedural Fairness**

When responding to concerns or allegations of SEAH, ANZGITA abides by the principles of natural justice and procedural fairness in accordance with its Natural Justice – Information

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for Decision Makers Policy. Associated individuals and organisations are also expected to adhere to these principles.

### 5. ANZGITA'S COMMITMENT TO MEETING PSEAH STANDARDS

Although ANZGITA is not a member of ACFID, all those within scope of this policy must comply with all aspects of the ACFID Code of Conduct and "*Commitment 1.5* which states, "*We advance the safeguarding of those who are vulnerable to sexual exploitation and abuse*".

ANZGITA complies with the three DFAT-mandated PSEAH minimum standards applicable for medium risk SEAH assessment, as follows:

1. Have a PSEAH policy or other documented policies and procedures in place and clearly communicate expectations of this Policy.
2. Have reporting and investigation procedures in place.
3. Have risk management processes that include the risk of SEAH.

In addition, we apply the following:

- Prohibit transactional sex<sup>1</sup> for all personnel, while engaged in the delivery of programs and projects.
- Prohibit fraternisation<sup>2</sup> for all non-national personnel, while engaged in the delivery of programs and projects.

The way in which ANZGITA meets these standards and implements this policy, is explained in the sections below.

### 6. POLICY AWARENESS AND DISTRIBUTION

Anyone engaged by ANZGITA to contribute to a program or project will receive a copy of the PSEAH Policy and be required to read and sign a declaration indicating their commitment to abide by this policy and the ANZGITA Workforce Conduct Policy. The PSEAH Policy will be reviewed every three years as a minimum, or more regularly in response to changes in the external environment, including changes in PSEAH standards and legislation.

### 7. REPORTING CONCERNS

It is mandatory for all those under the scope of this policy to promptly report any witnessed, suspected or alleged incidents of SEAH by a person engaged by ANZGITA to contribute to, or work on a program or project.

Reports can be raised by anyone, including but not limited to program participants, including children, parents, guardians, carers, partners, ANZGITA volunteers or associates, or members of the public, etc. All complaints regarding SEAH issues will be treated seriously, confidentially and immediately with due regards for the rights of the alleged victim, the notifier and the accused person/s.

Any individual who experiences SEAH should make a report as soon as possible to ANZGITA management or directly to the relevant Complaints Handling Mechanism. ANZGITA guarantees that volunteers who, in good faith, disclose perceived wrongdoing will be protected from adverse

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<sup>1</sup> The exchange of money, employment, good or services for sex, including sexual favours

<sup>2</sup> Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour, including sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy, and the public expression of intimate relations.

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consequences relating to engagement on future activities. ANZGITA has established a fair and impartial investigative process which provides protection in these situations.

### **7.1 What should be reported and when to report**

Reports must be made immediately, or as soon as practically possible. All ANZGITA volunteers must immediately report (without individual investigation) any reasonably suspected breach of this policy to ANZGITA management or directly to the relevant Complaints Handling Mechanism. Immediately, in this context means within two working days of becoming aware of any alleged SEAH incident. If in doubt, the incident should be reported in line with ANZGITA's **Zero Tolerance** principle. Individuals or organisations who do not report reasonably suspected breaches of this policy will be viewed as being non-compliant.

### **7.2 Who to report to:**

**All reports should be made to: ANZGITA's Programs Coordinator or the Chair:**

E: [programs@anzgita.org](mailto:programs@anzgita.org) or [chair@anzgita.org](mailto:chair@anzgita.org)

If it is felt to be appropriate, reports can also be made to the Program Leader or designated Team Leader. All reports will be handled professionally, confidentially and expediently and each report will be investigated on a case-by-case basis. Responses will reflect the nature of the allegation. Senior management will be informed of SEAH incidents in line with the organisation's risk management procedures.

## **8. RISK MANAGEMENT**

ANZGITA safeguards against SEAH in all its activities, both within the organisation and in our engagement with other organisations, communities and individuals. While it is not possible to eliminate all risks of SEAH, proactive risk management can identify, mitigate, manage and reduce risks of SEAH that may be associated with programs and projects. These risks are identified during initial risk assessment during program and project planning and design. Risks are then monitored as part of the ongoing management of activities. Development and humanitarian contexts present a heightened risk of SEAH due to local communities being vulnerable, especially during periods of crisis or transition.

## **9. RECRUITING AND SCREENING INDIVIDUALS**

ANZGITA is committed to using robust recruitment, selection and screening practices with the aim of recruiting the safest and most suitable people to work in the ANZGITA Program, both in Australia and overseas.

ANZGITA will not knowingly engage, directly or indirectly, anyone who poses an unacceptable risk of committing SEAH.

ANZGITA's volunteer agreement contains provisions for suspension or transfer to other duties of any volunteer who is under investigation and provisions to dismiss any volunteer found guilty after an investigation.

The following recruitment and screening procedures are used prior to engagement:

### **9.1 Police Checks**

A criminal record check must be obtained for any individual engaging in ANZGITA's overseas activities.

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A criminal record check must be obtained from an individual's:

- country of citizenship; and
- country of residence; and
- any country an individual has lived for a period of 12 months or more in the last five years.

In Australia, an Australian Federal Police (AFP) National Police Check (NPC) clearance certificate must be obtained. In New Zealand, a Criminal Record check from the Ministry of Justice must be obtained and a Children's Worker Safety Check.

Individuals working on or visiting programs overseas must complete a criminal record check every two years.

A police check is considered valid for screening purposes for three years from the date of issue for office staff who do not travel overseas.

**Exceptional Circumstances:** In certain cases, such as in the emergency mobilisation of a team or a team member, there may be insufficient time for the results of a criminal record check to be received by ANZGITA .

In this instance, a statutory declaration must be provided by the individual in substitute of a police clearance, declaring the individual free from any criminal charges and/or involvement in any on-going criminal court hearings (or awaiting verdict), inclusive of child-related offences. Before engaging this option, staff must demonstrate that every reasonable effort has been made to source a criminal record check from the required country.

All information relating to criminal record checks must be handled in accordance with the ANZGITA' Privacy of Personal Information Policy.

### **9.2 Reference Checks**

Professional and character reference checks are made for all registered healthcare volunteers (doctors and nurses) when they seek membership of ANZGITA and prior to being assigned to any program.

When a volunteer who is not a registered healthcare worker is engaged to participate in activities two verbal referee checks from referees (other than family members) must be conducted.

### **9.3 Disclosure**

Volunteers must notify ANZGITA of any SEAH-related criminal convictions, charges or relevant substantial complaints or allegations of misconduct made against them prior to, or during, engagement in ANZGITA' activities. The Trainers Agreement requires trainers to confirm they have no prior criminal convictions, charges, complaints or allegations.

## **10. EXPECTED BEHAVIOURS**

ANZGITA prohibits transactional sex for all personnel, while engaged in the delivery of activities.

ANZGITA prohibits fraternisation for all non-national personnel, while engaged in the delivery of activities.

ANZGITA is committed to attaining the highest levels of conduct and professional behaviour. ANZGITA's Code of Conduct outlines the professional behaviour expected of all people involved in conducting activities overseas.

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All ANZGITA volunteers engaged by ANZGITA to participate in an ANZGITA Program are required to read and sign their agreement to abide by the ANZGITA's Code of Conduct. Partner organisations are required to read and sign their agreement to abide by the ANZGITA Partnership Agreement which explains the ANZGITA PSEAH Policy and their PSEAH responsibilities and obligations.

### **11. SANCTIONS**

Any act of sexual exploitation, abuse or harassment by ANZGITA employees, volunteers or other associated individuals or organisations constitutes gross misconduct and is therefore grounds for termination of employment or volunteer contracts or agreements. Additional disciplinary actions for a breach of this policy includes, but is not limited to, one or more of the following:

- suspension or removal from work or volunteer activities pending and/or during investigation;
- ANZGITA internal investigation;
- formal warning and/or other sanctions in accordance with ANZGITA Human Resources policies;
- for ANZGITA employees, referral to the People and Culture Department;
- for ANZGITA fellows, referral to the Professional Conduct Committee;
- for volunteers, action pursuant to ANZGITA policies and the Volunteer Participation Agreement;
- referral to local law enforcement authorities;
- referral to the Australian Federal Police;
- termination of ability to work as a Program volunteer.

ANZGITA recognises an individual's right to procedural fairness and does not presume guilt or innocence pending and/or during investigation. Any volunteers who are stood down will receive reasonable reimbursement of costs.

### **12. ASSOCIATED DOCUMENTS**

ANZGITA Trainers Agreement  
ANZGITA Child Safeguarding Policy  
ANZGITA Member Code of Conduct  
ANZGITA Privacy Policy

**Prepared:** January 2023 as v1 (Previously used RACS GH Policy.)

**Authorised by:** ANZGITA Board April 2023