



• **BCFW** •

Business Coalition for Women

Protection from Violence (Violence, Against Women, Sexual Exploitation and Abuse, Domestic Violence, Child Exploitation and Abuse), Harassment and Discrimination Policy

## Document Version Control

DATE	VERSION EDITION BY	COMMENTS
July 2022	Consultants, Tessa Walsh, and Arieta Cama	Combined existing family and sexual violence, child protection and sexual harassment policies and added sexual exploitation, abuse and harassment, harassment, and non-discrimination.

### Policy Amendments

This Policy will be reviewed every three (3) years or as necessary to ensure it reflects any changes in legislation, mandatory reporting requirements, context, or lessons from implementing the Policy by the Executive Director.

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## 1. Purpose

Business Coalition for Women (BCFW) is committed to providing a safe and respectful working environment for all our staff, volunteers, sub-contractors, Board members and those that we work with where they are treated with dignity, and respect. This includes being free from violence, including violence against women (VAW), sexual exploitation, abuse, and harassment (SEAH), domestic violence, and child exploitation and abuse, harassment, and discrimination, within the workplace.

BCFW will provide an environment free from discrimination such as those based on sex, race, ethnicity, religion, gender identity, sexual orientation, age, or ability at all stages of the employment relationship.

We recognise that our female staff, volunteers, or Board members may also experience domestic violence in their home or their community. We know that domestic violence is the most common form of violence that Papua New Guinean women experience and that men are the majority of perpetrators of the violence that women experience. In addition to the impact this violence has on women's lives, it can also affect their attendance, performance, and safety at work. BCFW will develop a workplace where staff affected by domestic violence feel safe to seek help.

BCFW will not tolerate or excuse violence that is used towards women in the workplace, community, or their home. BCFW will support those who work for us and those who participate in our programs who are experiencing violence and we will take proportionate disciplinary action against our staff, volunteers, subcontractors, and Board members who use violence, harassment, and discrimination.

This Policy outlines how BCFW will:

- Prevent and respond to SEAH, domestic violence, and child exploitation and abuse in our workplace, in our programs and in the behaviour of our staff outside the workplace.
- Prevent and respond to harassment, and discrimination in our workplace.

This Policy combines BCFW's policies to prevent and address SEAH and domestic violence, ensure child protection and to address harassment and discrimination in our workplace. While the risks of different forms of violence, harassment and discrimination occurring within our work or impacting those who work for us are different. Many of the strategies to prevent and respond to these different forms of violence, harassment, and discrimination are the same or similar. Combining the policies allows us to be clearer as an organisation about how we will respond and to highlight differences in our response.

## 2. Scope

This Policy applies to anyone who conducts work for BCFW including:

- Staff including employees, those who are paid (full-time, part-time, or casually) under an employment contract with BCFW to perform services on behalf of BCFW, and volunteers.
- Sub-contractors, including consultants or other partners or contractors provide services to BCFW.
- Members of the Board of Directors.

The Code of Conduct applies in all locations where BCFW work-related activities occur. This includes, but not limited:

- BCFW office.
- Locations where BCFW activities are conducted (such as the offices of our members, or training and venues).
- Locations where an individual is representing BCFW (such as in workshops, meetings, learning events, trainings, professional development).

- Transport and accommodation provided by BCFW.
- At work functions or social events organised by BCFW, our member companies or our partners.
- During travelling on behalf of BCFW.
- During communication for BCFW, including within and outside work hours with those who work for BCFW and those who we work with (such as member companies or partners).
- Other locations where BCFW business is being carried out, including locations being used out of inaccessibility of usual, assigned work locations and offices such as “working from home”.

The Code of Conduct also applies to the conduct of people who work for us outside the workplace in relation to SEAH, domestic violence, VAW, and child exploitation and abuse and other behaviour which is criminal in Papua New Guinea.

This manual should be read in conjunction with *Operations Manual 1. General Procedures* and *Operations Manual 2. Human Resources Management* and *Operations Manual 3. Procurement, Financial and Administration Management* as well as the BCFW's Code of Conduct.

### 3. Definitions

#### Violence against women

VAW is a broader term used to refer to all acts of violence against women. In Papua New Guinea common forms of VAW include domestic violence, sexual harassment, sexual abuse / violence, sexual exploitation, and sorcery accusation related violence (SARV).

Gender-based violence (GBV) refers to violence caused by unequal gender relations between men and women. GBV could be used interchangeably with VAW where victims are women. GBV also includes violence perpetrated against vulnerable groups of men and boys because of unequal power relations or gender expectations but VAW refers specifically to violence perpetrated against women. For both GBV and VAW – the overwhelming majority of perpetrators are men.

In Papua New Guinea, family, and sexual violence (FSV) is a term used most to refer to VAW generally. Family violence refers to domestic violence while sexual violence refers to sexual violence by any perpetrator (including a family member). While this language is used widely in Papua New Guinea to refer to VAW, for the purpose of this Policy, we differentiate between different forms of VAW that impact the organisation and the people who work for us differently. Our responsibility as an organisation is also different depending on the different forms of VAW and who the perpetrator and survivor is. For this reason, and for clarity this Policy refers to:

- SEAH when referring to workplace sexual harassment, and SEAH used by anyone working for BCFW in the delivery in our programs.
- Domestic violence when referring to the violence experienced by women within their family which is generally ongoing and involves control and coercion.
- VAW when referring to other forms of violence that women experience such as physical or sexual violence in public or private perpetrated by non-family members and SARV.

#### Domestic violence

When one person in a relationship, a former partner, or a family member, uses violence and abuse to maintain power and control over the other person. The most common form of domestic violence is violence perpetrated by men in the family against women, which in most cases is the husband against the wife or man against the partner. This includes behaviour that is physically, sexually, emotionally, psychologically, or economically abusive, threatening, coercive or aimed at controlling or dominating the other person through fear or threats to do any of the aforementioned acts.

Domestic and family violence can be used interchangeably. Domestic violence is used in this Policy as it reflects the offence within the Family Protection Act 2013.

### **Child abuse**

Includes:

- Physical abuse – the use of physical force against a child that results in harm to the child, including discipline which results in harm.<sup>1</sup>
- Sexual abuse – any sexual activity with a child and the use of a child for sexual gratification by an adult or significantly older child or adolescent.
- Emotional abuse – inappropriate verbal or symbolic acts towards a child, or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability.
- Neglect – the failure by a parent or caregiver to provide a child (where they are able to do so<sup>2</sup>) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing.
- Ill-treatment – disciplining or correcting a child in an unreasonable and seriously inappropriate or improper manner; making excessive and/or degrading demands of a child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate.

### **Sexual harassment**

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, humiliated, or intimidated.

Sexual harassment can happen within the workplace, between people working for BCFW or someone working for BCFW might be sexually harassed by someone who is employed by someone else (such as our member companies or partners). Sexual harassment can also happen in the community, for example when someone working for BCFW sexually harasses someone that we work with or someone. People working for BCFW might also experience sexual harassment while travelling to work, or while travelling for work.

When it comes to workplace sexual harassment, this can be:

- Be quid pro quo when an employment opportunity or benefit is offered or refused on the condition of sexual activity.
- Create an intimidating, hostile or offensive work environment for women.

### **Sexual abuse / sexual violence**

The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with someone under the age of consent is sexual abuse.

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<sup>1</sup> Under the *Criminal Code Act* section 278, Domestic Discipline, when a parent, a person in the place of a parent, schoolmaster, or master, uses reasonable force, by way of correction, towards a child, pupil or apprentice under their care, is lawful.

<sup>2</sup> It is not neglect when a woman leaves a violence relationship to seek safety without her children.

Sexual violence involves sexual offences like rape, sexual harassment, sexual penetration of a child, sexual assault committed by a family member or any other person and sexual exploitation.

### **Sexual exploitation**

Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. For example, when:

- Sex is exchanged for money or goods (such as food, clothes, shelter).
- Sex is exchanged for opportunities (such as access to travel, training, committees, decision-making).

It involves someone who has more power and resources taking advantage of the power that they have to exploit another person, For example when:

- Any service (such as access to training) is exchanged for sex or withheld if a sexual advance is rejected.
- Someone working for an organisation takes advantage of vulnerable people (such as those in need of a service, wanting to access training or experiencing poverty) and offer money or goods in exchange for sex.

Women and children have less power and access to resources and perpetrators, mostly men, can take advantage of this by offering something that a woman or child needs in exchange for sex.

Sexual exploitation includes profiting monetarily, socially, or politically from the sexual exploitation of another. For example, if a family member were to offer / request money or goods in exchange for sex with their wife or child.

### **Child exploitation**

Include where sexual exploitation is perpetrated against anyone under the age of 18 as well as:

- Committing or coercing another person to commit an act or acts of abuse against a child.
- Possessing, controlling, producing, distributing, obtaining, or transmitting child exploitation material that depict a person who is or appears to be under 18 years of age engaged in a sexual pose or sexual activity.
- Grooming or online grooming, deliberate actions taken by an adult to form a trusting relationship with a child with the intent of later facilitating sexual contact.
- Using a minor for profit, labour, sexual gratification, or some other personal or financial advantage.

### **Victim / survivor**

The person who has experienced violence.

### **Perpetrator**

The person or persons who commit or threaten to commit violence.

### **Vulnerable adult**

Any person, 18 years of age or older, who:

- By reason of detention, age, sickness, disability, or any other cause, is in the care of another person; or
- Is in a situation where they have less power which makes them vulnerable to experiencing SEAH. For example, women, persons with disability and those who identify with diverse sexual

orientation (whom a person is sexually attracted to) and/ or gender identities (the ways a person identifies and/or expresses their gender e.g., man, woman, transgender, etc.).

### **Workplace discrimination**

Discrimination occurs when a person, or a group of people, is treated less favourably, is excluded, or restricted compared to another person or group because of their background or certain personal characteristics. Common forms of discrimination are based on:

- Sex, pregnancy or marital status and breastfeeding.
- Race, ethnicity, nationality, or immigration status.
- Age.
- Disability.
- Sexual orientation and gender identity.

Discrimination can happen at different points in the employment relationship, including:

- During recruitment.
- As part of employment terms, conditions, and benefits.
- During the selection of training opportunities, transfer or promotion opportunities, or retrenchment or dismissals.

### **Workplace harassment**

Behaviour that makes someone feel intimidated or offended which is related to the persons sex, race, ethnicity, religion, age, ability, sexual orientation, or gender identity. Such behaviour creates an intimidating, hostile or offensive work environment for marginalised groups. Bullying is a form of workplace harassment.

### **Child**

In accordance with the United Nations Convention on the Rights of the Child, a child is anyone under the age of 18.

### **Contact with children**

Working on an activity or in a position that involves or may involve contact with children

### **Working with children**

Working in an activity that involves regular contact with children.

## **4. Legislation**

VAW, domestic violence, sexual exploitation, sexual abuse, some forms of sexual harassment and child abuse and exploitation are crimes in Papua New Guinea under the *Criminal Code*, *Family Protection Act 2013*, the *Lukautim Pikinini Act 2015* and the *Cyber Crime Act*.

## **5. Guiding Principles**

### **5.1. Zero tolerance of inaction**

BCFW will act on every report of VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination and treat the use of VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination as a gross misconduct.



## 5.2. Survivor-centred

BCFW will uphold the rights of the survivor by:

- Ensuring their safety.
- Involving them, or their parent or guardian, in decision-making about what action(s) are taken.
- Seeking their consent, or their parent or guardian, at each stage of the process.
- Ensuring their privacy and confidentiality are protected.
- Providing them with comprehensive information at each stage of the process.
- Treating them with dignity and respect, including non-discrimination.

## 5.3. Best interest of the child

Where the survivor is a child, all decisions will be made in the best interest of the child.

## 5.4. Accountability

Violence, harassment, and discrimination is a failure of our responsibility to the people who work for us and the people we engage with.

Stronger reporting will allow BCFW to respond effectively to violence, harassment, and discrimination and hold perpetrators accountable which contributes to preventing, harassment, and discrimination.

## 5.5. Procedural fairness

The resolution of reports violence, harassment, and discrimination will be:

- Confidential.
- Easy to access, and easy to understand.
- Flexible to the specific needs of the survivor.
- Transparent to those involved.
- Timely with resolution within 2 weeks or receiving a report.
- Fair with decision-makers who do not have perceived or actual bias towards the alleged perpetrator or the survivor.

To taking disciplinary action, the standard of proof is based on the likelihood that the incident – VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination – took place. This is assessed based on the allegation, the dynamics of the situation and the response from the person alleged.

# 6. Roles and Responsibilities

## 6.1. All Staff, sub-contractors, and Board members

All BCFW staff, sub-contractors, and Board members are responsible for ensuring our workplace and programs are free of violence, harassment, and discrimination.

All staff, sub-contractors, and Board members must:

- Adhere to the BCFW's Code of Conduct.
- Participant in any required induction, training, or refresher on the Code of Conduct.
- Report any non-compliance with the Code of Conduct.
- Offer support to a person who is experiencing violence, harassment, and discrimination.
- Maintain the confidentiality of survivors of violence, harassment, and discrimination.

## 6.2. Executive Director

The Executive Director has overall responsibility for implementation of and compliance to the Policy.

## 6.3. Focal points

The Executive Director will appoint Focal Point(s) who will support the implementation of this Policy which will include at least one other female member of staff.

The Focal Point(s) will:

- Act as a first contact point for any person who wants to make a complaint of violence, harassment, and discrimination or seek assistance as a survivor of domestic violence.
- Under the leadership of the Executive Director, follow the procedures outlined in this Policy to respond to reports of VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination.
- Increase the awareness of staff, sub-contractors, and Board members on the Code of Conduct.
- Report any difficulties or barriers implementing this Policy to the Executive Director.

## 7. Risk Assessment

While it is not possible to eliminate risks of violence, harassment, and discrimination, BCFW will identify, mitigate, manage, or reduce the risks.

### Workplace sexual harassment

As a currently all women workplace, the risk of sexual harassment occurring in our workplace is unlikely. However, as we do have male Board members and engage male consultants, there remains a need to ensure that we reduce the risk of sexual harassment occurring in our workplace and have clear procedures to receive and respond to reports of workplace sexual harassment. In addition, our staff may experience sexual harassment by staff of our member companies and thus we must have a procedure to receive and respond to reports of sexual harassment that our staff may experience.

### SEAH in our programs

While, BCFW only employs women, it is unlikely that SEAH will occur in the context of our programs and services. However, as we have male Board members and engage male consultants, there remains a need to ensure that we reduce the risk of SEAH occurring in our programs and have clear procedures to receive and respond to reports of SEAH.

### Domestic violence

BCFW works within a context in Papua New Guinea where domestic violence is prevalent. It is possible that our female staff may be experiencing domestic violence which may occur in the workplace or during work hours. In addition to causing physical and emotional harm to the survivor, domestic violence can impact the survivor's attendance, performance, and ongoing employment.

Women participating in our programs, such as training, may be experiencing domestic violence which they may disclose to BCFW, or the perpetrator may perpetrate domestic violence during their participation in our programs.

A male member of staff, sub-contractor, or Board member may perpetrate domestic violence. As such, BCFW need clear code of conduct which outline expectations which prohibit the use of domestic violence and clear procedures to respond if a report of domestic violence is made against someone who works for BCFW.

## VAW

It is possible that our female staff and women participating in our programs may experience other forms of VAW, such as physical or sexual violence. While this might not occur in the workplace, it may still impact the survivor's attendance, performance, and ongoing employment.

A male member of staff, sub-contractor, or Board member may perpetrate VAW.

### Child exploitation and abuse

As an organisation whose primary target audience are workplaces, BCFW does not meet the definition of working with children and it is unlikely that people working with us will have contact with children. This means it is unlikely that child exploitation and abuse will occur in the context of our programs and services. However, we do need to ensure that we take steps to protect children who may come into contact with BCFW and to prevent those who work for us using violence against children, within and outside the workplace.

### Program risk assessment

BCFW will assess the risk of SEAH and child exploitation and abuse for all our programs and services prior to activities being conducted to ensure that we provide a safe environment and support to all women, child, and vulnerable adults that we work with.

## 8. Prevention of VAW, SEAH, Domestic Violence, Child Exploitation and Abuse, Harassment, and Discrimination

### 8.1. Recruitment

BCFW will not knowingly hire, engage, or continue the employment of anyone in the organisation who pose a risk to women, children, or other vulnerable adults. Recruitment processes will deter perpetrators of VAW, SEAH, domestic violence, child exploitation and abuse from working with BCFW and set clear expectations of behaviours of all those who work for us.

All terms of reference and contracts will include the following text:

*The insert position title will be required to adhere to the Code of Conduct and may be required to complete a police check.*

For each position, the role will be assessed to determine if, as part of the role, the individual will interact with or have access to vulnerable adults or children.

Where the answer is "yes":

- A police check will be completed and BCFW will not engage anyone with prior convictions for VAW, SEAH, domestic violence, child exploitation and abuse.
- When being interviewed, all applicants will be asked a question on safeguarding. For example:

What things could you do in this role to support a safe environment for women and children?

- A referee check will be done with at least one referee, with a question on safeguarding. For example:

As far as you know, has [insert name] had any prior behaviour which may make them a risk to women or children?

## 8.2. Code of Conduct

All staff, sub-contractors, and Board members will be provided the BCFW Code of Conduct as part of the contract and recruitment.

All staff will complete an induction on the Code of Conduct within one month of commencing employment with BCFW. A refresher session for staff on the Code of Conduct will be conducted annually.

BCFW will provide information to all staff, sub-contractors, and Board members about VAW, SEAH, domestic violence, and child exploitation and abuse and services available for survivors.

Copies of this Policy will be accessible to all staff, sub-contractors, and Board members.

Names and contact details of the Focal Point(s) will be provided to all staff, sub-contractors, and Board members.

## 9. Responding to VAW, SEAH, Domestic Violence, Child Exploitation and Abuse, Harassment, and Discrimination

### 9.1. Training

The Executive Director and Focal Point(s) will be trained to have the skills to respond to reports VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination.

### 9.2. Receiving reports

Where a crime has allegedly occurred, the survivor can report the incident to the police. Complaints made to the police are separate and independent to this Policy. While legal remedies hold the alleged perpetrator accountable under the law, this Policy holds the alleged perpetrator accountable for a breach of a workplace Policy.

VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination can be reported to the Executive Director or a Focal Point. If for some reason, a staff member, sub-contractor, Board member, or participant in our programs does not feel comfortable reporting to the Executive Director or a Focal Point, they may report direct to a member of the Board who they feel comfortable speaking with.

If a staff member, sub-contractor, or Board member is the person experiencing violence, harassment, and discrimination, it is their choice whether they report this to BCFW and if they want someone to accompany them while making a report.

Where a staff member, sub-contractor, or Board member is aware of a suspected incident VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination by someone working for BCFW, they **must** report this to Executive Director or a Focal Point within 24 hours of becoming aware of the incident.

Failure to report a suspected incident of VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination by someone working for BCFW may result in disciplinary action.

A staff member, sub-contractor, Board member, or participant in our programs who is experiencing VAW, or domestic violence may choose to seek support from BCFW by talking to the Executive Director or a Focal Point.

If a staff member, sub-contractor, or Board member is aware or suspects someone is experiencing VAW or domestic violence, they can talk with the Executive Director or a Focal Point to seek advice about how to support this person.

A staff member, sub-contractor, or Board member, who is aware of allegations that someone working for BCFW is perpetrating VAW or domestic violence, they **must** report this to the Executive Director or a Focal Point within 24 hours of becoming aware of the incident.

### 9.3. Responding to reports / complaints handling

Responding to VAW, SEAH, domestic violence, and child exploitation and abuse is different to responding to other complaints due to the:

- Nature of the violence.
- Potential for survivors to experience harm.
- Reluctance of many survivors to come forward.
- Criminal nature of the allegation.

SEAH and domestic violence are gendered. Most survivors of SEAH and domestic violence are women and most perpetrators of SEAH, and domestic violence are men, including when the survivor is a man.

Papua New Guinea society continues to accept VAW, often blaming the woman's actions for 'causing' the violence and excusing the violent behaviours of men.

Only a small portion of men who use VAW are held accountable for their violence by the law or our community and only a small portion of women survivors of VAW have their rights upheld.

BCFW recognises that as a workplace, we can set norms that reject VAW by supporting survivors and holding perpetrators accountable for their use of violence.

BCFW may receive reports of VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination experienced or perpetrated by staff, sub-contractors, Board members, or participants in our program. The role of BCFW will vary depending on the situation and the perpetrator's relationship with BCFW.

#### **VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination perpetrated by someone who is working for BCFW**

Any allegation against someone working for BCFW will be assessed to determine if there has been a breach of the Code of Conduct using the procedure outlined under [9.3.3 Step 3: Accountability and disciplinary action](#) and appropriate action taken.

While BCFW is determining if there has been a breach of the Code of Conduct, the person may be suspended with full pay or have their duties changed to ensure that they do not engage with the complainant and do not pose a risk to others that BCFW engages with.

#### **VAW, SEAH, or domestic violence experienced by someone who is working for BCFW or who is participating in BCFW programs**

BCFW will support all survivors of VAW, SEAH, domestic violence, and child exploitation and abuse, to access support and justice services.

In cases, where the perpetrator:

- Works for BCFW, the allegation will be assessed, and possible disciplinary action taken, following the procedure outline under [9.3.3 Step 3: Accountability and disciplinary action](#).
- Works for someone BCFW works with (i.e., members, partners), BCFW will support the survivor to make a complaint to the alleged perpetrators employer.
- Is not involved in BCFW, BCFW will support the survivor to access legal remedies.

### 9.3.1. Step 1: Support to survivors

#### a) Information on the complaints process

The Executive Director or Focal Point who receives the report will explain the complaints process to the survivor and the support outlined under:

- [Referral to legal and support services](#) for all survivors.
- [Workplace and program safety planning](#) for survivors who are employed by BCFW or participating in our programs.
- [Leave](#) and [Financial and other support](#) for survivors who are employed by BCFW.
- [9.3.3 Step 3: Accountability and disciplinary action](#) where the alleged perpetrator works for BCFW.

#### b) Referral to legal and support services

Any survivor of VAW, SEAH, domestic violence, and child exploitation and abuse, will be referred to the closest police, court, health, and social services (counselling and safe accommodation) at the time when violence is disclosed regardless of whether the person making the complaint works for BCFW or was perpetrated by someone who works for BCFW.

It is the choice of the survivor which services they access.

#### c) Workplace and program safety planning

Where the survivor works for BCFW or is participating in a BCFW program, the Executive Director or a Focal Point will speak with the survivor to determine any possible risks to the individual while in the workplace or participating in a BCFW program. Specific measure may be agreed with the survivor to reduce possible risks to survivors such as:

- Supporting the survivor to obtain a Family Protection Order.
- Reducing or removing contact between the survivor and perpetrator such as change the persons work duties, work hours or locations or contact information.

If the survivor is at immediate or likely risk of harm BCFW will encourage them to report to the police.

#### d) Leave

A staff member who is experiencing VAW, SEAH or domestic violence can access their sick / carers leave to attend medical or counselling appointments, legal proceedings, and other services. without prior approval for up to two days.

Paid special leave to attend services can be requested with the amount of leave provided be determined by the individual's situation.

A staff member who supports a person experiencing VAW, SEAH or domestic violence may take sick / carers leave to accompany them services, or to mind children.

A staff member who is employed in a casual capacity may request unpaid special leave or unpaid sick / carers leave to undertake the activities described above.

For extended periods of leave, more than two days, BCFW may request documentation to support the request for leave. This may include a statement from the staff member or a written document from a service provider that states that the staff member attended their service on a particular day such information will be kept strictly confidential.

#### **e) Financial and other support**

BCFW may, where feasible, provide financial and other supports to survivors such as:

- Salary advances.
- Upfront payments for medical costs to be recouped from the staff members health insurance.
- Providing or facilitating access to childcare.
- Providing safe transportation to access support services.

BCFW may request a statement from the staff member as documentation to support their request which kept strictly confidential.

#### **f) Managing work performance**

Staff who are experiencing VAW, SEAH or domestic violence may be absent from work or unable to perform their duties to the best of their ability.

Whether a staff member has disclosed that they are experiencing VAW, SEAH or domestic violence or not, where a staff member has unexplained absences, the Executive Director or Focal Point will sensitively talk with the staff member to identify if they need support.

Where a staff member has disclosed that they are experiencing VAW, SEAH or domestic violence, the Executive Director or Focal Point will work with the staff member to address circumstances that prevent them from achieving a healthy and productive work life and will not receive negative performance reviews where there are things outside their control impacting this work.

#### **g) Protection against retaliation**

Reporting of VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination will not have any impact on current or future employment or promotion.

BCFW will protect anyone making a complaint of VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination from retaliation from the alleged perpetrator or those supporting them.

Disciplinary action, including and up to dismissal, will be taken against anyone working for BCFW who retaliates against someone who reported VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination.

#### **h) Protection of confidentiality**

A survivor's confidentiality will only be breached when there is an immediate risk to their safety and the breaching of confidentiality will protect the survivor. In these cases, this breach of confidentiality will be communicated with the survivor prior to any breach of confidentiality.

Disciplinary action, including and up to dismissal, will be taken against anyone who breaches the confidentiality of a survivor.

### **9.3.2. Step 2: Documentation of reports**

All complaints of violence, harassment and discrimination received by BCFW will be documented using [Form: Register Incident of VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination](#) under [Annex 10.1](#) by the Executive Director or a Focal Point who receives the report.

The level of information captured on the form about the incident will depend on the choices and consent of the victim / survivor and whether the alleged perpetrator is working for BCFW.

### **Documenting VAW, SEAH, domestic violence, and child exploitation and abuse**

Confidentiality is essential when upholding the rights of survivors of VAW, SEAH, domestic violence, and child exploitation and abuse. It is necessary to document any complaint of workplace VAW, SEAH, domestic violence and child exploitation and abuse even where the incident might be considered 'minor', such as verbal or non-verbal sexual harassment.

The detailed documentation of VAW, SEAH, domestic violence, and child exploitation and abuse, complaints, including [Form: Register Incident of VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination](#), will be kept in a confidential and secure location where only the Executive Director has access.

### **9.3.3. Step 3: Accountability and disciplinary action**

When a report of VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination is received, the Executive Director or a Focal Point will identify whether the complaint is against someone working for BCFW.

If the person works for BCFW, the Executive Director or a Focal Point will communicate with the survivor to determine what action they want taken within 48 hours of receiving the complaint.

#### **Mandatory reporting of SEAH and child exploitation and abuse**

BCFW will adhere to mandatory reporting from our partners and donors. For example, those required in the delivery of programs funded by the Australian Government Department of Foreign Affairs and Trade (DFAT):

- The Executive Director will immediately report, within two working days of becoming aware of an alleged incident of SEAH or child exploitation or abuse perpetrated within a DFAT funded activity using the format required by DFAT.
- Identifying information will only be provided DFAT with the explicit permission of the survivor, or their parent / guardian. If such consent is not provided, the required form will only include non-identifying information.

#### **Recording Mandatory Reporting of SEAH and Child Exploitation and Abuse**

A record of mandatory reports of SEAH and child exploitation and abuse will be kept with the detailed documentation of SEAH and child exploitation and abuse complaints in a confidential and secure location where only the Executive Director has access.

#### **Informal resolution**

In cases of non-physical harassment, and discrimination, the person who was subjected to the harassment might want their complaint resolved informally. This means that, for example, at the request of the person making the complaint the Executive Director or a Focal Point:

- Speak with the person who is alleged be using harassment to ask them to stop the behaviour.
- Facilitate a discussion between the person making the complaint and the person who is alleged be using harassment to ask the behaviour to stop.

Where an informal resolution is chosen, BCFW cannot take disciplinary action against the person who is alleged be using harassment. The person making the complaint should be informed that for BCFW to



take appropriate action and to increase the likelihood of the behaviour stopping, it is best that an assessment is conducted to determine if there has been a breach of the Code of Conduct.

An informal resolution is not appropriate when:

- The person who is alleged to be using harassment is in a position of power or authority over the person making the complaint.
- If an informal resolution has happened in the past with the same person.
- There is VAW, SEAH, domestic violence, child exploitation and abuse, or discrimination.

### Documenting informal resolutions

It is necessary to document any complaint of workplace harassment even where the incident is resolved informally for any possible future disciplinary action. This is important in case there are future incidents, or if an individual staff member is accused of harassment by different people. This documentation will help establish a pattern of behaviour.

The documentation of workplace harassment complaints that are resolved informally will be kept in a confidential and secure location where only the Executive Director has access.

A note will be put in the complainant and alleged perpetrators employee file without providing any specific details of the incident. For example:

- **Complainant:** On insert date, insert name of staff member made a complaint of insert sexual harassment / harassment to insert name of person who received the complaint. At the request of insert name of staff member, the incident was resolved informally by insert name of person who facilitated the informal resolution. For further information, speak with the Executive Director.
- **Person who complaint was against:** On insert date, a complaint of insert sexual harassment / harassment was made against insert name of staff member. At the request of the complainant, the incident was resolved informally by insert name of person who facilitated the informal resolution. For further information, speak with the Executive Director.

### Assessment of workplace VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination

In cases of workplace VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination, the Executive Director or a Focal Point will interview the survivor, the complainant (if not the survivor), any witness(es), if there are any people that the survivor has told about the incident and the perpetrator to gather as much information as possible about the incident.

After gathering the available information, the Executive Director or a Focal Point will determine whether it is likely that the incident of VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination did or did not occur.

### Determining if workplace VAW, SEAH, domestic violence, or child exploitation and abuse, occurred

Women who experience VAW, SEAH or domestic violence face multiple barriers to reporting the violence so when women report VAW, SEAH or domestic violence, it is unlikely that they are lying.

Most workplace SEAH is deliberately perpetrated without any witnesses and often the person alleged of SEAH will deny that the incident occurred or claim that it was consensual. When determining if SEAH has occurred, this context will be part of the consideration.

In cases of domestic violence or child exploitation and abuse in the workplace it is also likely that there may not be witnesses or that the perpetrator would deny that the incident occurred. Perpetrators of domestic violence are very experienced at hiding their behaviour.

These questions will help guide this decision:

- Is it likely that what was alleged could have occurred?
- Is it likely that what was alleged could have occurred in the location reported?
- Did the person alleged to have perpetrated the alleged incident have the opportunity to do so?

There are three possible outcomes of the assessment:

- It is determined that VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination is found:
  - Likely to have occurred.
  - Not likely to have occurred.
- It is not possible to determine whether it is likely or not that VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination occurred.

The assessment may also make recommendations on improving the implementation of this Policy.

The Executive Director or a Focal Point will communicate the outcome and intended actions to the survivor and alleged perpetrator.

The survivor or alleged perpetrator may appeal to the Board of Directors if unsatisfied with the outcome of the assessment who will then review the information collected during the assessment and determine whether further assessment or actions should be taken.

### **Documenting the assessment**

The detailed documentation of complaints of VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination and the outcome will be kept in a confidential and secure location where only the Executive Director has access. This will include:

- Notes from interviews.
- Meeting minutes, in that case that any internal meetings were held with the Executive Director, Focal Point(s) or Board.
- The outcome of the assessment.

**It is determined that workplace VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination likely did occur**

#### Employees

BCFW will apply appropriate disciplinary measures against the alleged perpetrator which may include:

- Verbal warning.
- Written warning.
- Suspension for a period.
- Termination.

Disciplinary action will be proportional to the nature and severity of the incident and will follow BCFW's **Disciplinary Procedure** (see *Operations Manual, 2. Human Resources Management*).

#### Volunteers and Board members

If it is determined likely that a volunteer, including Board member, used VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination, they will be removed from their position.

#### Sub-contractors

If it is determined likely that a sub-contractor used VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination, their contract will be terminated.

**If it is determined that workplace VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination did not occur, or it is not possible to determine whether it is likely or not that workplace VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination occurred**

The Executive Director or Focal Point will explain to the survivor / complainant that while it was not found to be likely that the incident occurred, it does not mean that the event did not occur and advise the survivor to immediately report any further incidents.

BCFW may also consider taking non-disciplinary steps such as training.

This outcome does not constitute a malicious or false accusation. A malicious or false accusation has only occurred where the person making the report knowingly made a malicious or false accusation. Most complaints are not malicious or false. If there is an indication of a malicious or false, complaint:

- The Executive Director or a Focal Point will sensitively inform the complainant that if it is found that they have made a false accusation, they may face disciplinary action. It is essential that this is not done in a way that makes the complainant feel like they are not being believe, rather this should be done sensitively.
- The assessment if the complainant allegation will be resolved first, before assessing whether a malicious or false complaint was made. This process will be a second and separate assessment to examine whether the report was malicious or false. This may be as simple as a meeting to put the allegation to the employee that they have made a false complaint, and then allow them an adequate opportunity to respond.
- To minimise the risk of any perception of bias, this second assessment will be undertaken by another individual, at arms-length from the first investigation.

### Documenting disciplinary / non-disciplinary action

The outcome of an assessment of will be documented in the complainant and alleged perpetrators employee file without providing any specific details of the incident. For example:

- **Complainant:** On insert date, insert name of staff member made a complaint of workplace insert VAW / SEAH / domestiv violence / harassmt / discrimination to insert name of person who received the complaint. An assessment was conducted by insert name of person who conducted the assessment which determined that insert outcome. These actions were taken insert disciplinary / non-disciplinary action taken and support provided to the survivor. For further information, speak with the Executive Director.
- **Person who complaint was against:** On insert date, a complaint of workplace insert VAW / SEAH / domestiv violence / harassmt / discrimination was made against insert name of staff member. An assessment was conducted by insert name of person who conducted the assessment which determined that insert outcome. These actions were taken insert disciplinary / non-disciplinary action taken For further information, speak with the Executive Director.

### Assessment of non-workplace VAW, SEAH, domestic violence, or child exploitation and abuse

In cases where a report is made against someone working for BCFW that they have used VAW, SEAH, domestic violence, or child exploitation and abuse outside the workplace, the Executive Director will communicate with the survivor of violence, or their parent / guardian to:

- Provide information about external support services (police, courts, health, and social services), see [9.3.1 b](#)) Referral to legal and support services.
- Confirm with the survivor that the staff member used VAW, SEAH, domestic violence, or child exploitation and abuse – the word of the survivor will be sufficient to make this confirmation.
- Explain that BCFW has a Code of Conduct that does not tolerate VAW, SEAH, domestic violence, or child exploitation and abuse perpetrated by people who work for BCFW regardless of whether the violence occurs in the workplace, home or anywhere else in the community. This means that BCFW must act against the person for breaching our Code of Conduct.

There are no specialist re-education programs for perpetrators of VAW, SEAH, domestic violence, or child exploitation and abuse in Papua New Guinea and counselling services that are available focus on the empowerment of the survivor, which are not appropriate to deal with perpetrators of violence. As such, the actions that BCFW can take relate to supporting the survivor to report the violence to the police and access a protection order and take disciplinary action against the perpetrator.

Action may include:

- Where a volunteer or Board member has been charged with VAW, SEAH, domestic violence, or child exploitation and abuse, they will be removed from their position.
- Where a staff member is has been charged with VAW, SEAH, domestic violence, or child exploitation and abuse, they will be suspended without pay until the court hearing is completed. If the staff member is convicted of VAW, SEAH, domestic violence, or child exploitation and abuse, they will be terminated.
- Where the survivor has not reported the violence to the police, BCFW will support the survivor to do so, if this is what the survivor chooses.

- Other disciplinary action proportional to the nature and severity of the incident following BCFW's **Disciplinary Procedure** (see *Operations Manual, 2. Human Resources Management*).

When acting against a staff member for their use of domestic violence, BCFW will consult with the survivor to ensure that actions taken do not put the survivor at further risk of harm or are not detrimental to her wellbeing. This might mean, for example, instead of terminating an employee, issuing a written warning about their behaviour with a clear indication that any further use of violence will result in termination.

#### 9.3.4. Step 4: Monitoring

The Executive Director will compile data and share quarterly reports to the Board with the following non-identifying information:

- The number of complaints received (disaggregated by the type of complaint).
- Actions taken to resolve complaints.
- The average time take to resolve complaints.

These reports will be numerical only and not contain any information with the potential of identifying the survivor or a specific case.

## 10. Annexes

### 10.1. Form: Register Incident of VAW, SEAH, domestic violence, child exploitation and abuse, harassment, and discrimination

1. Date complaint was received: \_\_\_\_\_
2. Person complaint was received by: \_\_\_\_\_
3. Was the person who made the complaint the victim / survivor?  Yes  No
4. The nature of the allegation (what the victim / survivor says in their own words):  
\_\_\_\_\_  
\_\_\_\_\_

5. Does the complaint involve:
  - Violence against women
  - Sexual exploitation
  - Sexual Abuse
  - Sexual Harassment
  - Child exploitation
  - Child abuse
  - Harassment
  - Discrimination
  - Other, please specify

Answer questions 5-14 with information that is available, if not available leave blank.

6. Does the victim / survivor:
  - Work for BCFW
  - Participant in BCFW activities
  - Work for a member company
  - Other, please specify
7. Is, to the best of the victim / survivor's knowledge, the alleged perpetrator is employed by:
  - BCFW
  - A member of BCFW
  - Other, please specify

8. Sex of the victim / survivor:  Female  
 Male  
 Other, please specify

9. Sex of the alleged perpetrator:  Female  
 Male  
 Other, please specify

10. Age of the victim / survivor:  18-30.  31-45.  46-60.  60 and over.

11. Age of the alleged perpetrator:  18-30.  31-45.  46-60.  60 and over.

12. What Services was the victim / survivor Referred to (provide name of service):

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