



# Preventing Sexual Harassment, Exploitation and Abuse (PSHEA) Policy and Code of Conduct

March 2021

## 1. Purpose

ParlAmericas seeks to promote gender equality, human rights, and sustainable development through its work with member parliaments and other partners. Sexual violence is a considerable barrier to the promotion of these objectives and impedes the meaningful participation of individuals, particularly women, in democratic processes.

ParlAmericas fosters a healthy work environment and does not tolerate sexual violence, misconduct or abuse of power in any form, including but not limited to sexual harassment, sexual exploitation and sexual abuse. The behaviour of ParlAmericas personnel needs to correspond to these values.

ParlAmericas is a recipient of funding from Global Affairs Canada, and shares the Government of Canada's commitment to the delivery of international assistance programs grounded in a human rights framework. ParlAmericas recognizes that the forms of sexual violence covered in this policy and code of conduct (hereafter, the "**PSHEA Code**") violate universally-recognized international legal norms and standards and is committed to protecting all individuals engaged with its work from these rights violations.

## 2. Application

This PSHEA Code applies to ParlAmericas' staff, Board of Directors, consultants, and volunteers (collectively, "**Personnel**"). The PSHEA Code likewise applies to participants in ParlAmericas activities and non-ParlAmericas entities and their employees and individuals who have entered into partnerships or agreements with ParlAmericas in order to carry out joint projects (collectively, "**Program Participants**").

This PSHEA Code is to be used in conjunction with paragraph 3.3.5 of the code of conduct contained in Chapter III of the [ParlAmericas Regulations](#), as well as with other organizational policies and procedures.

## 3. Guiding Principles

ParlAmericas has zero-tolerance for any act of sexual harassment, sexual exploitation, or sexual abuse. This policy's zero tolerance approach also applies to inaction, in other words, not intervening or not reporting if one is a witness.

ParlAmericas is committed to improving the collective ability to recognize and tackle gender inequalities and other power imbalances that can enable sexual violence, including intersecting forms of discrimination.<sup>1</sup> In applying the PSHEA Code, ParlAmericas takes an approach that is intersectional and survivor-centred. This approach to addressing sexual violence is grounded in an understanding that each person's experience is impacted by many factors. Translating it into actions means striving to prevent

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<sup>1</sup> These include sexism, racism, ableism, homophobia, transphobia, ageism, classism, and religious intolerance.

sexual violence from occurring in the first place and to reducing all barriers to survivors in accessing support with attention to their unique perspectives and lived experiences, as appropriate.

ParlAmericas aims to uphold a work culture that upholds all of these principles and is thus invested in prevention and awareness raising measures. ParlAmericas Personnel and all Program Participants have the right to a work environment - whether physical or virtual - free from all forms of sexual violence.

#### **4. Defining Sexual Harassment, Exploitation and Abuse**

This PSHEA Code covers harassment committed by or against any ParlAmericas Personnel or Program Participants.

Sexual harassment, sexual exploitation, or sexual abuse perpetrated by ParlAmericas Personnel or Program Participants constitutes a form of gross misconduct and a breach of this PSHEA Code. If substantiated, these acts are grounds for termination of employment or removal from their position in the organization and/or participation in ParlAmericas programming.

***Sexual abuse:*** *Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a child is considered as sexual abuse. (Source: Global Affairs Canada)*

Under this PSHEA Code, sexual activity with any persons under the age of 18 is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.

***Sexual exploitation:*** *Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to profiting monetarily, socially or politically from the sexual exploitation of another. (Source: Global Affairs Canada)*

Under this PSHEA Code, therefore, the exchange or attempt to exchange money, employment, preferential treatment, goods, or services for sex, including sexual favours or other forms of gender-based humiliation, degradation or exploitative behaviour is prohibited. In these situations, the victim or survivor of sexual exploitation believes they do not have a real option other than to comply, which means there is no consent.

ParlAmericas acknowledges that many individuals base their livelihoods on the exchange of money or other services for sex, and that engagement in consensual sex work is not inherently sexual exploitation. Nevertheless, because power imbalances exist in the context of some of ParlAmericas work, ParlAmericas Personnel and Program Participants are prohibited from engaging in any transactional sex act at any time in circumstances that could be connected with one's representation of ParlAmericas or participation in its work. It is always prohibited if criminalized under local law.

The term “[Preventing sexual exploitation and abuse \(PSEA\)](#)” is used by the United Nations and the non-governmental community to refer to measures taken to protect vulnerable people from sexual exploitation and abuse by their own staff and associated personnel. SEA terminology is mostly used to define incidents occurring against beneficiaries in the context of international assistance; PSEA policies do not necessarily cover sexual violence committed against organizational staff and volunteers. ParlAmericas has expanded its framework to protect all of its Personnel and include sexual harassment (PSHEA) in the framework.

**Sexual harassment:** *Unwanted sexual advances including derogatory comments, gestures, looks, unnecessary/unwanted physical contact, jokes, or slurs, as well as implied or expressed promises of reward or threat of reprisal in relation to a sexually oriented request.*

Sexual harassment does not have to occur repeatedly to be taken seriously; one incident can be defined as harassment. Lack of intent to harass is not a defence.

Sexual harassment can include many actions; examples include:

- Unwelcome remarks, innuendos, derogatory language or teasing about a person’s body, attire, sexuality, gender or sexual orientation, marital status, etc.
- Leering, cornering or other sexually suggestive signals or gestures that connote objectification or domination.
- Unnecessary and unwanted physical contact such as touching, patting, rubbing, or kissing.
- Displaying pornographic pictures or other offensive materials of a sexually explicit nature.
- Unsolicited and offensive communication of a sexual or threatening nature through phone, email, virtual meetings, text messages, social media, etc.
- Spreading rumours about a person’s personal sex life.
- Actual or attempted sexual assault.

For other relevant definitions, see section 11.

## **5. Standards of Behaviour**

It is everyone’s responsibility to ensure that no one feels uncomfortable, threatened, or unsafe because of your behaviour or the behaviour of a colleague, and to help create an environment that is safe and respectful.

To this end, ParlAmericas Personnel are obligated to:

- a) Familiarize themselves with this PSHEA Code and promote its implementation.
- b) Make every reasonable effort to create and maintain an environment free from any form of sexual violence or abuse of power. This includes conducting oneself in a non-threatening way and actively discouraging comments that are prejudicial based on sex, gender identity, sexuality, race, ethnicity, age, socioeconomic status, (dis)ability, etc.
- c) Raise any concerns or suspicious regarding possibilities of sexual violence in the context of their work, whether committed by or targeting a ParlAmericas Personnel or Program Participant.

Concerns or suspicions must be reported informally to senior management or via the formal reporting mechanism outlined in section 7 (the latter can be anonymous).

- d) Treat any information related to sexual violence (whether a disclosure or a formal complaint) with utmost confidentiality and share related information only on a “need-to-know” basis, i.e., only with designated relevant parties.
- e) Co-operate in the investigation of complaints and the efforts to resolve them.

This PSHEA Code is oriented around **prevention**. To that end, it is the responsibility of ParlAmericas Personnel to:

- a) Recognize and acknowledge power dynamics at play within working relationships and stay alert to these realities in order to avoid reinforcing them.
- b) Actively discourage the trivialization of sexual violence or abuse of power (e.g., avoid supporting myths and stereotypes around sexual violence or consent; do not deny or downplay sexual violence; avoid making survivors seem responsible for being assaulted, jokes or comments that are sexist, racist, heterosexist, etc.).
- c) Recognize risk factors associated with sexual violence (e.g., acceptance of rape myths, strong bias against groups or individuals, minimization of other forms of misconduct such as bullying, hostility, demeaning attitudes, or objectification).
- d) Stay alert and begin documenting the situation if something does not feel right.
- e) Create channels to openly talk about problematic behaviours, since sexual violence is still surrounded by many taboos which prevents it from being recognized or acknowledged.

## **6. Accountability**

As outlined in section 5 above, it is everyone’s responsibility to create an environment that prevents sexual violence and takes action against it. Some ParlAmericas Personnel have particular responsibilities to support the implementation of this PSHEA Code, including monitoring compliance, handling reports, overseeing investigations, implementing remedies, ensuring adherence to recruitment and referral practices, and carrying out Personnel training.

Managers have additional responsibilities to support and develop systems which maintain this environment by:

1. Ensuring volunteers, interns, staff, and consultants under their supervision are informed, understand, and comply with the PSHEA Code.
2. Ensuring training on sexual violence is provided.
3. Addressing concerns and responding to disclosures or reports according to organizational standards and help to protect complainants from retaliation.

The Director General, Deputy Director General, and Board of Directors are additionally responsible for:

1. Ensuring sufficient human and financial resources are available for the organization to follow through on its commitments under the PSHEA Code.
2. Ensuring the implementation of best practices in recruitment, contracting, and onboarding in accordance with the PSHEA Code. In the case of ParlAmericas Personnel working with vulnerable beneficiary populations, including children and youth, this includes background and

criminal records checks before being assigned or deployed. Verbal reference checks will also be conducted with a minimum of two (2) referees.

3. Ensuring that every partner organization receiving financing from ParlAmericas either signs this PSHEA Code, or develops or has their own.
4. Periodically reviewing the PSHEA Code and its implementation.
5. Supporting survivors in ways tailored to their needs. This could include work accommodation, medical treatment, legal assistance, and psychosocial support.
6. Monitoring policies and the highest standards of PSHEA Codes internationally.

## 7. Reporting

All ParlAmericas Personnel are obliged to report any concerns, suspicions, or incidents of sexual harassment, exploitation, or abuse of others. Failure to report such suspicions or incidents could lead to disciplinary action being taken at the discretion of ParlAmericas. There is no obligation to report an incident perpetrated against one's self, although it is encouraged.

All Program Participants are strongly encouraged to report any concerns, suspicions, or incidents of sexual harassment, exploitation, or abuse of others within the framework of ParlAmericas programming. Whereas partner organizations receiving financing through ParlAmericas are obliged to report and failure to do so shall be grounds for termination of the partnership arrangement.

There are no repercussions if the concerns or suspicions subsequently prove to be untrue where the reports were made in good faith. Your willingness to raise a concern may protect someone from further abuse.

Following a disclosure, ParlAmericas staff / managers are bound by confidentiality but have the obligation to report up to the Director General.

ParlAmericas Personnel, Program Participants, or any member of the public may submit written reports of suspicions or incidences of sexual exploitation or abuse to **Alisha Todd, Director General, ParlAmericas International Secretariat, 703-155 Queen Street, Ottawa Ontario, K1P 5A4, [alisha.todd@parlamericas.org](mailto:alisha.todd@parlamericas.org)** using the form attached as Annex A. This may also be submitted anonymously using the following [online form](#).

In the case of ParlAmericas staff such reports may be alternatively be submitted to one's supervisor.

Should the report concern allegation(s) against the Director General and/or Deputy Director General, formal reports may be submitted directly to a member of the ParlAmericas Board of Directors. The Board member will establish a committee for proceeding with the pertinent actions in accordance with this policy.

The person making the report may remain anonymous but is encouraged to identify themselves if they feel comfortable doing so in order to allow for a better investigation. The substance of all reports will be treated confidentially and not disclosed to others except to the minimum extent necessary to conduct a complete and fair investigation.

Every complaint of sexual violence will lead to investigation when enough information is available.

Retaliation in any form (threats, intimidation, etc.) will not be tolerated and should itself be reported using the channels detailed above. Any violation of this prohibition may be subject to disciplinary action at the discretion of a committee designated by ParlAmericas.

ParlAmericas has the obligation to inform the funder, Global Affairs Canada (GAC), of alleged and confirmed cases of sexual exploitation and abuse linked to a GAC-funded project. This information is published as part of annual reporting to the public on the number of complaints and cases, without providing information that can contribute directly or indirectly to survivor identification.

## **8. Investigation**

All reports of sexual harassment, exploitation or abuse will be investigated swiftly and impartially and acted upon appropriately. Investigations will be carried out within 15 business days, at which time a preliminary report will be made available. The safety of the survivor(s) and the prevention of further incidents will be the prime considerations. The person(s) alleged to have committed the infraction will be made aware of the report at an appropriate point during the investigation.

Within 24 hours of a report being received, the **Director General** will appoint an investigator, who may be an officer or employee of ParlAmericas or an external party. ParlAmericas recognizes the importance of identifying competent and unbiased individuals to run investigations. Where the principles of confidentiality, fairness, and neutrality cannot be guaranteed, ParlAmericas will defer investigation to an external party.

ParlAmericas investigations of breaches of this PSHEA Code will protect the rights of both the complainant and the respondent.

The person responsible for the case will carry out an investigation using the available evidence and will prepare a report with their findings, which will be provided to the **Director General**.

When investigating and responding to sexual violence, ParlAmericas will use a survivor-centered approach by giving the control over the decision-making process to the survivor following an incident, to the extent possible. However, there are limitations to this approach; under certain circumstances the organization may reclaim decision-making authority. Depending on the laws and legal obligations related to sexual violence in each country of activities, ParlAmericas may not have the capacity to provide the flexibility requested by the survivor. If the survivor's choice places them or others at risk of further harm, ParlAmericas may also reclaim decision-making authority. In such cases, survivors may feel less in control, but the focus of the approach is ultimately on their dignity, recovery, and health and on the protection of others.

## **9. Remedial Action**

ParlAmericas Personnel and Program Participants who, as a result of an investigation conducted are found to be in contravention of this PSHEA Code may be subject to a range of disciplinary measures at the discretion of ParlAmericas and in accordance with applicable law. Such measures may include termination or removal from their position in the organization and/or participation in ParlAmericas programming and/or referral to the competent legal authorities.

Where an investigation concerns the personnel of another organization, ParlAmericas shall inform the other organization and expect the other organization to respond in a manner consistent with this policy.

In all cases, a written record of the report, investigation, and any remedial action taken will be retained by ParlAmericas.

## 10. Training

Training will be provided to all staff of the ParlAmericas International Secretariat in prevention of and response to incidents of sexual exploitation and abuse. Training can be made available upon request to other ParlAmericas Personnel (Board of Directors, consultants and volunteers) and Program Participants. These trainings will form part of a larger strategy that includes outreach and sensitization.

## 11. Definitions

**Abuse of power:** The improper use of a position of influence, authority, or power - held due to a person's office or role, or by virtue of their position in a relationship of unequal power - in order to further one's own self interest and/or cause harm to or coerce another individual.

**Child:** A person under 18 years of age (as per the definition in the Convention for the Rights of the Child (CRC)).

**Complainant:** term used in the context of an investigation and used in this document to identify the person that formulates a formal sexual violence complaint.

**Consent:** a mutual, ongoing, voluntary, and enthusiastic agreement to engage / continue to engage in sexual activity. Sexual activity is only acceptable where both / all parties consent; sexual activities with the absence of consent will be considered an assault. Passivity or the absence of "no" is not a synonym of consent. Consent means that all persons involved demonstrate actively through words or actions, and on a continuous and mutually understood basis, that they freely and knowledgeably agree to participate in the sexual activity. Consent is necessary for each and every sexual activity; past consent to sexual activity is not consent to a current act. There is no consent where one person abuses a position of trust, power, or authority over another person, including when one person is a child (under 18 years of age) or a vulnerable adult. Furthermore, consent cannot be obtained when an individual is impaired (e.g., by alcohol, drugs).

**Disclosure:** does not necessarily lead to a formal complaint but many formal complaints start by a disclosure. If you disclose, you will not be obligated to make a formal complaint, however the organization might do that on your behalf, following your approval. Once you disclose to a person within the organizational structure, that person will have the obligation to inform other people on a need to know basis, as the organization is accountable for providing support.

**Exploitation:** is using one's position of authority, influence or control over resources, to pressure, force or manipulate someone to do something against their will or unknowingly, by threatening them with negative repercussions.

**Gender:** refers to the socially constructed roles and responsibilities of women and men. The concept of gender also includes the expectations held about the characteristics, aptitudes and likely behaviours of both women and men (femininity and masculinity). These roles and expectations are learned, changeable over time, and variable within and between cultures. Gender analysis has increasingly revealed how women's subordination is socially constructed, and therefore able to change, as opposed to being biologically predetermined and therefore static.



**Gender and abuse of power:** power is the ability to influence and control. Unequal power relationships provide the basis for sexual exploitation and abuse. Due to their unequal status, women and girls are particularly at risk of sexual exploitation and abuse. However, men and boys are also vulnerable to sexual exploitation and abuse.

**Intersectionality:** a holistic approach that considers how the interplay between the different facets of an individual's personal characteristics (race, disability, sex, age) affects their identity as a whole.

**Protection:** ensuring that individual basic human rights, psychosocial support, and physical security are recognized, safeguarded, and protected in accordance with international standards.

**Respondent:** term used in the context of an investigation to designate the alleged perpetrator who exercises their right to participate, to know what information the procedure is relying on for its decision and to be given a chance to respond to that information.

**Sexual assault:** a legal term constituting a criminal offence. In the case of Canada, the Supreme Court states that the act of sexual assault does not depend solely on contact with any specific part of the human anatomy but rather the act of a sexual nature that violates the sexual integrity of an individual. It includes being exposed to pornography or behaviors of a sexual nature (without consent) or being filmed during intercourse (without consent).

**Gender-based violence (GBV):** violence that is directed against a person on the basis of their gender or sex. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion, and other deprivations of liberty. Women, men, boys, and girls can be victims of GBV.

**Sexual violence:** the expression of a relationship of dominance of one individual over another through a sexual act, committed without consent. It represents an infringement of fundamental rights, dignity, security, physical and psychological integrity, and can have serious repercussions for the individuals who suffer from it. Sexual violence encompasses a range of acts including sexual harassment, sexual exploitation, sexual assault and sexual abuse.

**Survivor:** a person who has experienced sexual violence. Some individuals and sectors may use the word "victim," especially after a legal process has begun. Survivor is often preferred because it implies resilience rather than passivity. A survivor can be a woman or a man and the perpetrator can be of the same gender as the survivor. Individuals face different risks of sexual violence related to, among other factors, race, disability, Indigeneity, sexual orientation, gender identity and gender expression, age, and socio-economic status. Survivors may have different degrees of confidence in institutional services and reporting processes and remedies, because of their associations of such institutions with sexism, colonialism, racism, and other forms of systemic oppression.

**Vulnerable adult:** those aged over 18 years and who are unable to protect themselves from abuse, harm, or exploitation, which may be by reason of serious physical or mental impairment, illness, or disability.

**Zero-tolerance:** means that inaction towards sexual violence is unacceptable. Allegations are investigated whenever possible, and perpetrators are held to account through dismissal where appropriate. Appropriate disciplinary action will be taken against the perpetrator following an investigation process. Sexual violence can be grounds for dismissal from the organization.

## 12. Agreement

All ParlAmericas Personnel shall comply with this PSHEA Code and promote protection from sexual harassment, exploitation, and abuse. ParlAmericas shall provide a copy of this PSHEA Code to all ParlAmericas Personnel and partner organizations receiving financing from ParlAmericas. ParlAmericas shall ensure partner organizations receiving financing from ParlAmericas either: a) sign an attestation stating they and their personnel shall respect this PSHEA Code, or b) adopt their own policies and procedures to prevent sexual exploitation and abuse that shall be in keeping with the goals and objectives of PSEA Codes.

### Declaration of Adherence to PSHEA Code of Conduct

I, \_\_\_\_\_, have read, understand and agree to abide by this ParlAmericas Policy and Code of Conduct to Prevent Sexual Harassment, Exploitation, and Abuse. I understand that such adherence is a condition of my assignment.

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Date:

**Annex A – Report Form**

Name (optional – you may submit your report anonymously): \_\_\_\_\_

Organization/Country/Position (optional):

\_\_\_\_\_  
\_\_\_\_\_

Supervisor (optional): \_\_\_\_\_

Telephone and/or email (optional): \_\_\_\_\_

ParlAmericas will treat all reports relating to the PSHEA Code as confidential and not disclose the substance to others except to the minimum extent necessary to conduct a complete and fair investigation.

How did you find out about the incident? I am the victim \_\_\_ I witnessed it \_\_\_ I was told about it \_\_\_

Describe suspicion or incidence of sexual harassment, exploitation, and/or abuse:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date and location of the Reportable Activity: \_\_\_\_\_

Date you became aware of Reportable Activity: \_\_\_\_\_, 20\_\_

Reportable Activity is: \_\_\_ Ongoing \_\_\_ Not ongoing \_\_\_ Unclear whether ongoing or not

Individual(s) suspected of sexual harassment, exploitation, or abuse (with complete name, if known):

\_\_\_\_\_  
\_\_\_\_\_

Organization/Country/Position of individual(s):

\_\_\_\_\_  
\_\_\_\_\_

How did you become aware of the activity?

\_\_\_\_\_

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Describe steps, if any, you took prior to completing this form:

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