



Australian Government
Department of Foreign Affairs and Trade



PREVENTING SEXUAL EXPLOITATION, ABUSE AND HARASSMENT: RISK GUIDANCE NOTE

June 2019

INTRODUCTION

This guidance note assumes prior reading of our [Preventing Sexual Exploitation, Abuse and Harassment \(PSEAH\) Policy](#) (the Policy).

DFAT and our partners must play an active role in addressing the risk of sexual exploitation, abuse and harassment (SEAH) in the delivery of our business. It is the responsibility of DFAT partners to apply the Policy commensurate with the level of risk, and monitor and regularly reassess the controls put in place. DFAT will apply a range of due diligence, assurance and assessment processes to help ensure partners have applied the Policy appropriately.

The risk levels in this guidance note follow the principles of the International Standard on Risk Management (AS/NZ 31000:2009) and DFAT's [risk management for aid investments guide](#).

PURPOSE

Provide a decision-making framework to assist DFAT staff and DFAT partners to:

- determine the risk of SEAH in the delivery of DFAT business;
- determine the level (i.e. low, medium, high, very high) of the risk of SEAH, as part of their own risk management processes; and
- determine which DFAT PSEAH Policy Minimum Standards (Attachment A) apply, based on the risk of SEAH.

UNDERSTANDING THE RISK OF SEAH

SEAH occurs across all sectors and regions and in all kinds of workplaces. The risk of SEAH is exacerbated where unequal power dynamics, gender inequality and transactional pressures exist. Data indicates SEAH is experienced disproportionately by females and the majority of perpetrators are male. There are many factors which heighten the likelihood of SEAH such as gender, age, disability, language, displacement, health and poverty. The risk of SEAH is not limited to work internationally. In Australia, sexual harassment in the workplace is one of the most common complaints received by the Australian Human Rights Commission.

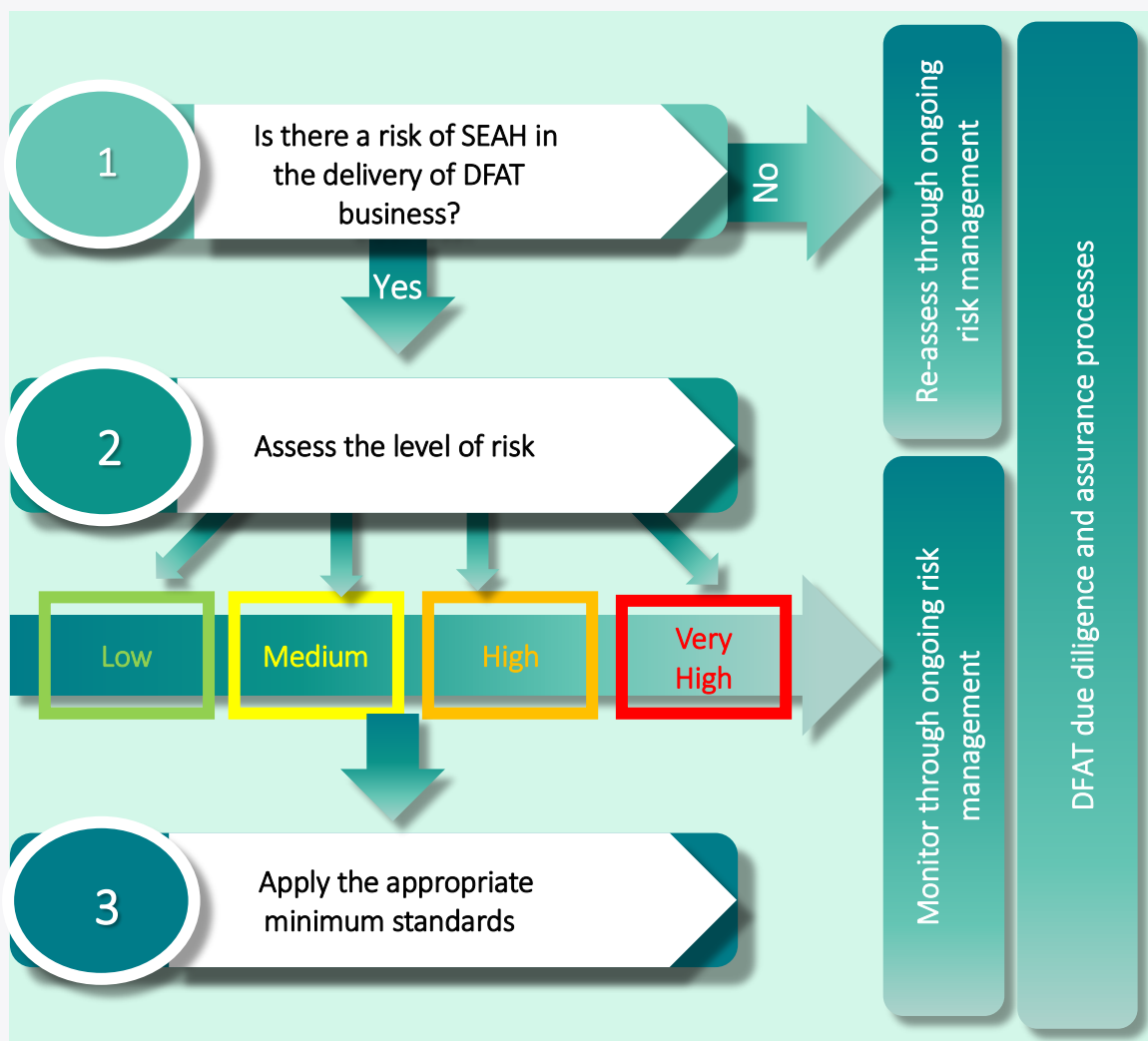
The list of SEAH risk factors at Attachment B is by no means exhaustive. It is provided to guide decision makers on the risk of SEAH in the delivery of DFAT business.

FRAMEWORK FOR ASSESSING SEAH RISK

The Policy takes a risk-based, proportional approach to PSEAH. DFAT staff and partners must assess the level of risk for SEAH occurring, and apply the PSEAH Minimum Standards (Attachment A) commensurate with the level of risk identified. In other words, the higher the risk, the greater the controls required.

The decision-making framework for assessing SEAH risk (Diagram 1) assists DFAT staff and DFAT partners to incorporate the risk of SEAH into existing risk management practices and processes; that is, the identification of all potential risks in a business activity and taking steps to manage risks. SEAH risk management does not need to be a standalone process. The Framework suggests three steps to assessing the risk of SEAH.

Diagram 1: *Decision-making framework for assessing the risk of SEAH*



Step 1: DFAT staff and DFAT partners consider the risk of SEAH as part of their existing risk management practices to determine if minimum standards apply.

If a SEAH risk is identified in the delivery of DFAT business:

- go to Step 2 (see over page).

If no SEAH risk is identified in the delivery of DFAT business (see Table 1) then:

- no minimum standards need to be applied under this Policy; this should be documented in accordance with organisational risk management practices and be agreed by the relevant decision-maker
- the risk of SEAH should be monitored throughout activity delivery, as part of standard risk management practice.

Table 1 – Determining no risk of SEAH, good practice example

A DFAT partner organisation enters into a mobile phone contract for a new staff member with telecommunications Company A. The staff member has been employed to manage a DFAT funded activity. The payments for this mobile phone contract are funded by DFAT, bills are electronically generated, paid online and involve no direct contact with people. The risk of SEAH is considered as part of existing risk management processes. The DFAT partner organisation determines there are no SEAH related risks. The partner organisation will document this decision and continue to monitor to ensure no risks of SEAH arise during the life of the agreement. No minimum standards apply.

Step 2: Assess the level of the risk

If DFAT staff or DFAT partners determine a risk of SEAH exists, the level of risk (low, medium, high or very high) must be established based on the likelihood and consequence of that risk occurring. Risk management processes should also be established to mitigate risks. To determine the risk of SEAH, a comprehensive assessment must be formed by considering the business/activity along with organisational and reputational risks and how they may intersect (Diagram 2). Attachment B (Table 6) provides some examples of these.

For guidance on DFAT aid risk management processes see [aid risk management](#).

Diagram 2. Risks of SEAH



The good practice examples at Tables 2-5 provide examples of low, medium, high and very high risk assessments.

Good practice examples:

Table 2

Low Risk

DFAT has engaged a local catering company to provide and serve food at a Canberra based public diplomacy event. The event will run for two hours, and DFAT staff and representatives from overseas Embassies and Consulates will attend, along with media. In assessing the risk, DFAT considers: the event is in a public area (no isolated areas or one-on-one services); the catering company staff are on ongoing contracts; and DFAT security staff will be present. However, there is still some risk that SEAH could occur in the activity, and if it did occur there is potential reputational risk to DFAT given the type of function, profile of people attending and the presence of media. It is determined the risk of SEAH is low. As such, Minimum Standards 1 and 2 from the DFAT PSEAH Policy apply. A clause regarding adherence to the PSEAH Policy was included in the agreement between DFAT and the catering company.

Table 3

Medium Risk

DFAT's Phnom Penh Embassy is undergoing a rebuild. International construction company Firm X has been contracted. The agreement involves subcontracting local tradespeople. In assessing the risk of SEAH, Firm X considers: people will be deployed from their usual place of residence; construction and infrastructure related work carry an increased risk of SEAH; the construction requires transportation of building materials through remote areas of the country, where there are fewer controls on staff conduct; as demonstrated in their tender document, Firm X have strong internal SEAH leadership, policies and practices in place, and these are applied to downstream partners and all staff. Firm X determines there is a medium risk of SEAH in the delivery of this business. As such, Minimum Standards 1 to 3 from the DFAT PSEAH Policy apply. In this example, the requirement to comply with the DFAT PSEAH Policy was included in the initial request for tender documentation and a clause regarding adherence to the PSEAH Policy was included in the subsequent agreement between Firm X and DFAT. Firm X and DFAT will monitor and regularly re-assess risks. Firm X will continue to monitor compliance of subcontractors throughout the life of the DFAT related business.

Table 4

High Risk

Managing Contractor X is entering into an agreement with DFAT to deliver a volunteer program. The program involves Australian students travelling to remote areas in developing countries, to be placed in local non-government organisations (NGOs). In assessing the risk of SEAH, the managing contractor considers: the students will be deployed to remote places outside their usual residence; the students will reside in "on site" group accommodation; the students will work with local community members including those with disability; the students may have access to individuals' personal information; and some of the host NGOs have limited capacity to address SEAH. Given these considerations, both the volunteers and members of the local community may be at risk of SEAH. The managing contractor determines the risk of SEAH is high. As such, Minimum Standards 1-5 from the DFAT PSEAH Policy apply. In this example, the requirement to adhere to DFAT's PSEAH Policy was included in the initial request for tender documentation and in a clause in the subsequent head agreement. Managing Contractor X's PSEAH policy clearly demonstrates how downstream partners, including volunteers, will comply with their policy. Managing Contractor X and DFAT will monitor and regularly re-assess risks. Managing contractor X will continue to monitor compliance of subcontractors throughout the life of the DFAT related business.

Table 5

Very High Risk

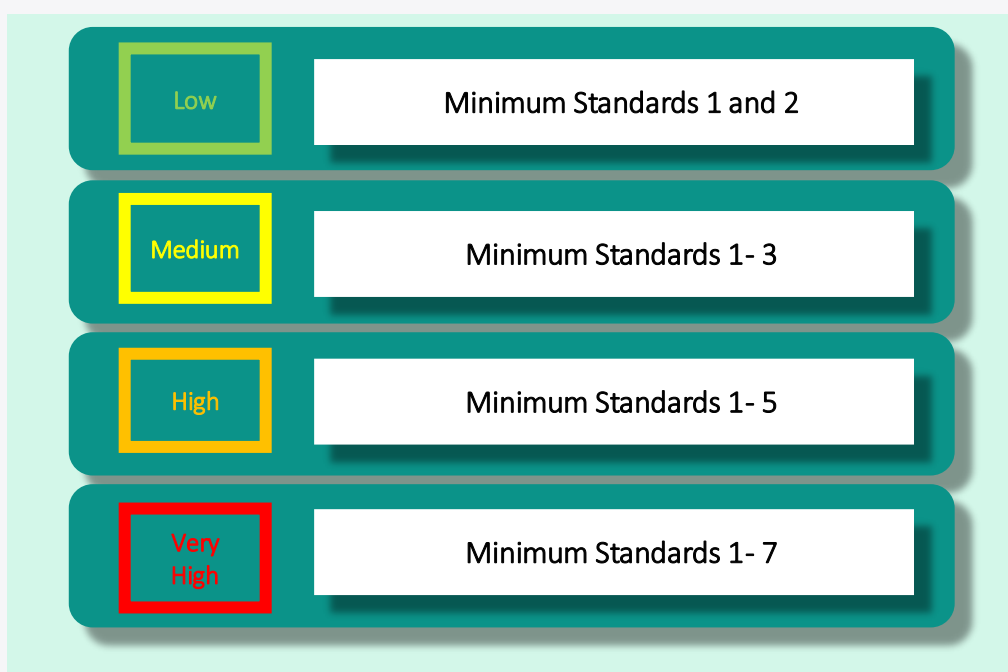
Humanitarian Partner X has directly engaged a logistics adviser to assist the local National Emergency Response Office (NEMO) in Country X, following a category 5 cyclone. The deployment is funded by DFAT. In identifying risk, Humanitarian Partner X considers: SEAH risks are increased in humanitarian contexts; the adviser will be deployed away from their normal county of residence; the adviser will at times be working alone with NEMO staff impacted by the crisis; the adviser will be making recommendations on distribution of goods; and the adviser will travel to displacement camps. Both the logistics adviser and members of the local population may be at risk of SEAH. Humanitarian Partner X has determined the risk of SEAH is very high. As such, all minimum standards of the DFAT PSEAH Policy apply. In this example, the requirement to adhere to DFAT's PSEAH Policy was included in a clause in the grant agreement with DFAT. Humanitarian Partner X's PSEAH policy clearly demonstrates how downstream partners will comply with their policy, including contractual requirements prohibiting staff or personnel from engaging in transactional sex and fraternisation. Humanitarian Partner X and DFAT will monitor and regularly re-assess risks throughout the life of the DFAT related business. Humanitarian Partner X will continue to monitor compliance of their subcontracted advisers throughout the life of the DFAT related business.

Step 3: Application of the Minimum Standards

Using a risk-based approach, the DFAT PSEAH Minimum Standards are applied commensurate with the level of risk identified in Step 2.

Once a SEAH risk rating is determined, **LOW**, **MEDIUM**, **HIGH** or **VERY HIGH** the minimum standards (detailed at Attachment A) are applied consistent with the risk level as follows:

Diagram 3. Minimum Standard Application



MONITORING THE RISK OF SEAH

Throughout the life of the DFAT related business, and as part of existing risk management processes, DFAT staff and partners will:

- regularly re-assess risk, particularly when there is a significant change to the context, environment or other factors that impact on the level of or change the SEAH risk
- ensure controls and minimum standards are put in place if the level of the risk of SEAH increases or new risks emerge.

COMPLIANCE AND ASSURANCE

DFAT will monitor compliance and assurance as part of usual performance assessments, monitoring and evaluation processes, reviews, NGO accreditation processes, due diligence checks, audits and ongoing agreement management. Partner organisations are expected to put appropriate risk based measures in place to ensure they, and their suppliers engaged in the delivery of DFAT business, comply with this Policy. Non-compliance with requirements may lead to a range of reactionary measures including suspension or termination of an agreement. More information on Policy non-compliance will be forthcoming at www.dfat.gov.au/pseah.

DFAT PSEAH MINIMUM STANDARDS¹

Risk level ²				Minimum standard	Organisation obligation	Individual obligation	Examples of evidence:
L	M	H	VH				
				<p>1. Have a PSEAH policy or other documented policies and procedures in place and clearly communicate expectations of this Policy.</p>	<p>Must have a PSEAH policy or other documented policies and procedures in place, which clearly meet the expectations of this Policy.</p> <p>The policy must state how the organisation will ensure that downstream partners (sub-contracted entities or individuals) will comply.</p>	<p>Sign a document outlining appropriate and enforceable standards of conduct, compliant with the requirements of this Policy.</p>	<p>Organisations</p> <ul style="list-style-type: none"> a PSEAH policy, a safeguarding policy that incorporates SEAH, or other documented policies and procedures (e.g. human resources guidelines, code of conduct) that explicitly include PSEAH and meet the expectations of this policy, including ensuring support for survivors, victims and whistle-blowers dedicated PSEAH resources personnel are aware of the organisation's PSEAH policy (e.g. through internal communication and training) documented plan for ensuring downstream DFAT funded partners or individuals meet the minimum standards of the DFAT policy and that all downstream partners and individuals comply with their organisation's policy funding templates and due diligence tools to reflect how the organisation will ensure that downstream partners (sub-contracted entities or individuals) will comply with DFAT PSEAH Minimum Standards procedures are in place to receive partners' written agreement that they are aware of and will abide by their SEAH policy or related documents A dedicated focal point that has responsibility for the development and implementation of the PSEAH policy or related documents <p>Individuals</p> <ul style="list-style-type: none"> sign a Code of Conduct that is compliant with the requirements of the DFAT PSEAH Policy complete PSEAH training provide a current Criminal Record Check or location-specific equivalent


¹ DFAT's PSEAH minimum standards align, where relevant, to international minimum standards related to preventing sexual exploitation and abuse (PSEA), namely the Inter-Agency Standing Committee Minimum Operating Standards on PSEA, and/or the PSEA elements of the Core Humanitarian Standard on Quality and Accountability and the International Code of Conduct for Private Security Providers

² L=low, M=medium, H=high, VH=very high


Risk level ²				Minimum standard	Organisation obligation	Individual obligation	Examples of evidence:
L	M	H	VH				
				<p>2. Have reporting and investigation procedures in place.</p>	<p>The PSEAH policy, or equivalent, documents how SEAH incidents will be managed, reported and investigated. Reporting and investigation processes must include engagement of and reporting to senior management and executive boards.</p>	<p>Through a document which outlines appropriate and enforceable standards of conduct, confirm awareness of DFAT's PSEAH reporting requirements for concerns or incidents of non-compliance with the Policy.</p>	<p>Organisations</p> <ul style="list-style-type: none"> • have documented victim/survivor centred processes in place to report and investigate concerns or allegations of SEAH, and policy non-compliance • have a process in place to ensure staff are aware of the reporting procedures/processes • ensure reporting processes are publically available and that downstream partners and community members are aware of and can access³ these • have documented evidence outlining incident management of SEAH concerns or allegations • reporting and investigating processes for PSEAH include engagement with and reporting to senior management and executive boards on at least an annual basis • have documented evidence outlining the organisation's provisions for managing policy non-compliance • investigations are undertaken by experienced and qualified professionals who are trained on sensitive investigations and on a victim/survivor centred approach • policy documents that reference PSEAH are subject to regular review <p>Individuals</p> <ul style="list-style-type: none"> • sign a code of conduct that is compliant with the requirements of the DFAT PSEAH Policy • aware of the reporting procedure and their responsibilities in regards to DFAT's PSEAH Policy • contractual agreements include clauses regarding reporting on and implications of policy non-compliance

³ Accessibility considerations include awareness raising information about, and access to reporting processes in local languages. Disability inclusive access and safe access to reporting processes need to be included.

Risk level ²				Minimum standard	Organisation obligation	Individual obligation	Examples of evidence:
L	M	H	VH				
				<p>3. Have risk management processes that include the risk of SEAH.</p>	<p>Have effective risk management processes that include consideration of the risk of SEAH. The process must document the controls already in place or to be implemented to reduce or remove risks.</p>	<p>Must meet the reporting requirements under their agreement, aligned to DFAT's PSEAH Policy.</p>	<p>Organisations</p> <ul style="list-style-type: none"> undertakes a risk assessment prior to entering into an agreement with DFAT that explicitly considers the risk of SEAH the risk of SEAH is included in broader risk management plans which also identify controls to reduce or remove these risks (risk plans ensure the DFAT PSEAH Minimum Standards are adhered to) documented evidence that senior management and executive boards have visibility of the management of the risk of SEAH documented evidence of the organisation's expectations for downstream partners and how those downstream partners will manage SEAH risk documented evidence risk plans/assessments are active and reviewed/updated as required <p>Individuals</p> <ul style="list-style-type: none"> an individual is not required to have a risk management system in place however they are required to understand and actively manage risk including the risk of SEAH individuals are required to identify, manage and be vigilant about reporting risks, including the risk of SEAH arising during their work

Risk level ⁴	Minimum standard	Organisation obligation	Individual obligation	Examples of evidence:
	4. Effective PSEAH training in place.	PSEAH training for personnel, including downstream partners and individuals that deliver DFAT business.	Complete PSEAH training and provide evidence of this.	<p>Organisations</p> <ul style="list-style-type: none"> • provide PSEAH training that seeks to build workplace cultures of respect and accountability, and help prevention • all staff attend mandatory PSEAH training including all new staff • all staff undertake regular PSEAH refresher training at least every 3 years • training is provided for downstream partners working on DFAT activities, programs or services, or evidence is obtained to confirm downstream partners have conducted training within their organisation • internal communications detailing the expectations regarding awareness raising efforts of PSEAH are both internally and externally focused <p>Individuals</p> <ul style="list-style-type: none"> • through signing a Code of Conduct, confirm they have undertaken PSEAH training

⁴ L=low, M=medium, H=high, VH=very high

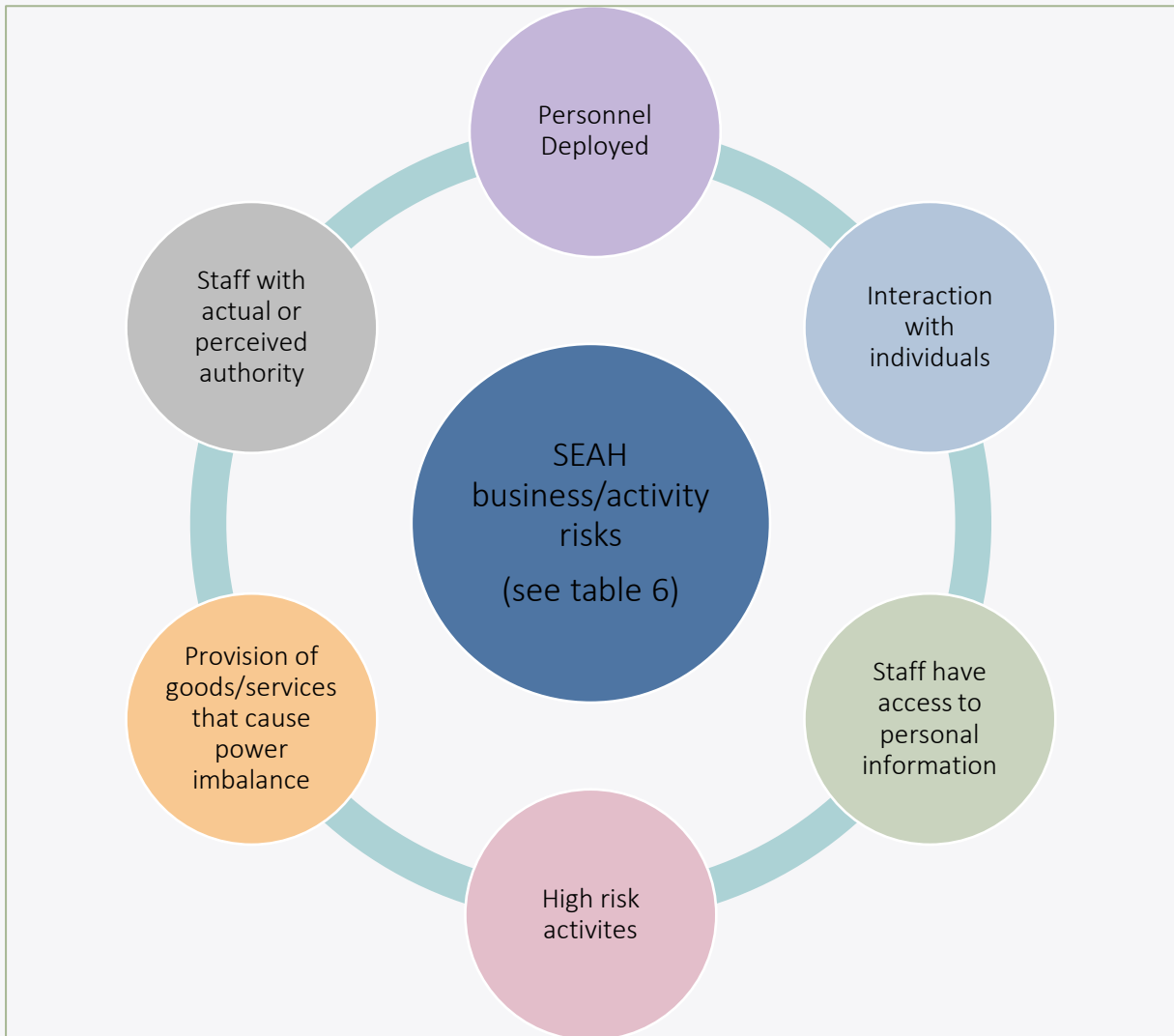
Risk level ⁴	Minimum standard	Organisation obligation	Individual obligation	Examples of evidence:
	<p>5. Recruitment and screening processes and employment practices address and manage the risk of SEAH.</p>	<p>Can demonstrate robust PSEAH recruitment and screening processes for all personnel and consultants including having in place appropriate and enforceable standards of conduct.</p>	<p>Based on a risk assessment, assurances could include providing a recent police check, working with vulnerable people check or location specific equivalent that provides assurance reasonable SEAH precautions have been taken. Local requirements must also be followed.</p>	<p>Organisations</p> <ul style="list-style-type: none"> • documented criminal records checks for all staff for all country/ies of residence or citizenship within the previous five years and updated regularly • documented verbal reference checks (at least two) for staff working in high risk environments or with vulnerable people • a documented request for an applicant to disclose whether or not they have ever been charged with any SEAH related offences • employment contracts contain provisions for the suspension or transfer of staff to other duties while under investigation and have provisions to dismiss staff if allegations are substantiated • supervision and performance appraisals include adherence to the PSEAH policy or related documents <p>Individuals</p> <ul style="list-style-type: none"> • are required to provide a current criminal record check (or local equivalent), as well as references during recruitment • through a Code of Conduct, are required to disclose whether or not they have ever been charged with any SEAH related offences • individuals are required to inform DFAT of any changes to their circumstances in regards to SEAH related offences, during the term of their engagement

Risk level ⁴	Minimum standard	Organisation obligation	Individual obligation	Examples of evidence:
	6. Prohibit transactional sex⁵ for all personnel, while engaged in the direct delivery of DFAT business.	Prohibits transactional sex in the field for all staff and downstream partners while engaged in the delivery of DFAT business.	Employment agreements include clauses prohibiting transactional sex while engaged in the delivery of DFAT business.	<p>Organisations</p> <ul style="list-style-type: none"> documented policies and procedures specific to this requirement in very high risk settings employment agreements include appropriate clauses prohibiting transactional sex while engaged in the delivery of DFAT business documented procedures for ensuring compliance of downstream partners with this minimum standard <p>Individuals</p> <ul style="list-style-type: none"> agreements include clauses for individuals working in very high risk settings while delivering DFAT business
	7. Prohibit fraternisation⁶ for all non-national personnel, while engaged in the direct delivery of DFAT business.	Prohibits fraternisation for all non-national personnel in the field while engaged in the delivery of DFAT business.	Employment agreements include clauses prohibiting fraternisation for all non-national individuals while engaged in the delivery of DFAT business.	<p>Organisations</p> <ul style="list-style-type: none"> employment agreements include clauses prohibiting fraternisation for all non-national personnel in very high risk settings while delivering DFAT business documented procedures for ensuring compliance of downstream partners with this minimum standard <p>Individuals</p> <ul style="list-style-type: none"> clauses are included in employment agreements for non-national individuals while delivering DFAT business

⁵ The exchange of money, employment, goods or services for sex, including sexual favours.

⁶ 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.

Diagram 4: SEAH business/activity risk factors



Attachment B: Decision-makers guide to possible SEAH risk factors

Table 6: Indicative SEAH business/activity risk factors

Business/activity risk	Risk factors	Potential Considerations	
	Personnel deployed:	<ul style="list-style-type: none"> • away from their usual location/country of residence • to remote/rural location/s • to a humanitarian or emergency setting • who are unaccompanied 	
	Interaction with individuals, especially women, who:	<ul style="list-style-type: none"> • are young adults • have a disability • are of an ethnic, indigenous, religious or sexual minority • are experiencing poverty • are sex workers • are part of families impacted by disasters • are displaced, refugees, migrants or asylum seekers • are part of female headed households • are victims/survivors of trafficking and/or other forms of sexual and gender based violence • are in contact with the law • are accessing residential/shelter services 	
	Circumstances where staff have access to sensitive/confidential personal information	For example: <ul style="list-style-type: none"> • health care providers • counselling services • medical personnel • humanitarian aid coordinators 	
	High risk activities	For example: <ul style="list-style-type: none"> • construction/infrastructure in developing country settings – these can have a higher risk of SEAH given the construction industry is male dominated; and that construction in developing countries often involves the temporary movement of workers from other areas • humanitarian • disaster response • security in conflict or post conflict or disaster settings 	
	Provision of goods and/or services that may create a power imbalance	For example: <ul style="list-style-type: none"> • services for vulnerable groups of women (eg. escaping trafficking or gender based violence) • food distribution • medical supplies • emergency supplies following a disaster • training • residential/shelter services • disability services • justice facilities • counselling and support services • community consultation (data collection, surveying, training) • health sector programs • parenting and child protection programs 	
	Staff or personnel who have an actual or perceived level of authority	For example: <ul style="list-style-type: none"> • security workers • police • teachers • aid workers 	<ul style="list-style-type: none"> • humanitarian workers • medical personnel • NGO personnel • security services

Attachment B: Decision-makers guide to possible SEAH risk factors

Table 7: SEAH organisational risk factors

Organisation risk	Does the organisation?	<ul style="list-style-type: none"> • have poor leadership on PSEAH • have a historic lack of diversity in the workplace • fail to consider PSEAH in core organisational policies and procedures • have geographically isolated work spaces, with employees working in small groups and having fewer opportunities to interact with their Head Office. • have primarily young workforces • normalise “sexualised banter” • tolerate/encourage alcohol consumption • have a very hierarchical structure i.e. are there both high-ranking (Executives) and low-ranking employees in the organisational hierarchy; are there gendered power disparities (e.g. most of the low-ranking employees are female) • have poor reporting mechanisms and transparency around SEAH incidents
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Table 8: SEAH reputational risk factors

Reputational risk	Does the DFAT business/activity?	<ul style="list-style-type: none"> • include significant DFAT branding • have media engagement or interest • include high profile individuals • have political interests
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