



Sport Matters Prevention of Sexual Exploitation and Harassment Policy

This policy will apply to all activities and operations of Sport Matters.

1. Purpose

Sport Matters aims to provide a safe and trusted environment that safeguards everyone from Sexual Exploitation and Harassment including beneficiary communities, staff, consultants, volunteers and partner organisations. Sport Matters is committed to safeguarding the people it works with and for. The nature of Sport Matters' work places our staff and volunteers in positions of authority and trust in relation to the communities we work with, especially vulnerable adults and children. The purpose of this policy is to ensure that Sport Matters staff and volunteers maintain their obligation to uphold high standards of personal and professional conduct at all times and not abuse their position in order to exploit or abuse another person.

2. Definitions

Sexual exploitation, abuse and harassment (SEAH): occurs against a child or an adult and can occur between people of the same or different genders. It includes situations such as:

- Sexual exploitation and abuse
- Sexual harassment
- Child sexual abuse and exploitation
- Women and men sexually exploited through sex work
- Possessing, controlling, producing, distributing, obtaining or transmitting sexually exploitative images of adults and children.

Sexual Exploitation: any actual or attempted abuse of a person in 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.

Sexual Abuse: the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences including but not limited to: rape and attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent (in the law of the host country or under Australian Capital Territory law [16 years], whichever is greater) is considered to be sexual abuse.

Sexual Harassment: includes all conduct of a sexual or gender-determined nature at the workplace or connected to the workplace that is intended to violate the dignity of a person, or which has this effect. A person sexually harasses another person if the 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 take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel."

3. Policy

The following list of expected behaviours applies to all Sport Matters staff, contractors, program partners and volunteers who are expected to adhere to the following behaviours at all times:

- Maintain a duty to act at all times in a manner which upholds the values and reputation of Sport Matters
- Undertake to create and maintain a safe and trusted environment that promotes the implementation of this Policy and safeguards everyone from SEAH
- Conduct capacity assessments for implementation of key safeguarding and risk policies including child protection and prevention of sexual exploitation, abuse and harassment.
- Comply with all relevant Australian and local laws of the country to which he or she is placed, or in which he or she is travelling
- Be aware that sexual behaviour is an area of particular sensitivity, where conduct may more easily be seen as offensive or be misinterpreted
- Ensure personal conduct towards a co-worker is not exploitative or such that it reasonably leads to a perception of exploitation
- Read and agree to abide by the expected behaviours outlined in the relevant code of conduct
- Immediately report to Sport Matters any concern, suspicion or allegation of SEAH or breach of the Sport Matters Prevention of Sexual Exploitation and Harassment Policy.

It is strictly prohibited for Sport Matters staff, consultants, program partners or volunteers to:

- Sexually exploit or abuse or sexually harass a child or adult
- Use their position of trust and authority to request any service or sexual favour from beneficiaries of Sport Matters programs - adults, children or others in the communities in which Sport Matters works- in return for protection or assistance, or coerce a person to engage in sexual intercourse or any sexual activity
- Exchange or withhold from beneficiaries of Sport Matters programs - adults, children or others in the communities in which Sport Matters works - money, food, employment, goods, assistance or services for sex or sexual favours or other forms of humiliating, degrading or exploitative behaviour
- Have sex with sex workers when working or volunteering overseas, even when it is legal in the country
- Use Sport Matters or partner organisation facilities, personnel or resources for the purpose of arranging or facilitating access to sex workers by any person, including visitors to Sport Matters offices or programs
- Engage in sexual activity with a child under any circumstance, even in a country where the age of majority or the age of consent is lower than 18 years.
- Use computers, mobile phones, video cameras, cameras or other technology inappropriately, or to exploit or harass children, or access or disseminate child exploitative material through any medium, including social media
- Procure sex for others or use a third party to do so.

The following must comply with this Policy and with the standards of behaviour set out in this Prevention of Sexual Exploitation and Harassment Policy in the course of their work and when representing Sport Matters:

- Staff
- Contractors or consultants
- Volunteers
- Program partners.

4. Program Partners

Sport Matters will work with partner organisations in the prevention of SEAH and partner organisations will be advised of avenues available to report concerns regarding SEAH.

All Sport Matters personnel are responsible for championing good practice and maintaining an organisational culture that prioritises safeguarding against SEAH.

This policy will be included in all contracts and memorandums of understanding with Partner Organisations and these requirements must also be applied to all downstream

partners. This policy will also be included in in-country training and capacity-building with project staff, partners, relevant personnel and beneficiaries.

Formal partnerships and partnership agreement shall consistently describe:

- Value and contribution of each party
- Shared goals, roles and responsibilities of all parties
- Financial and non-financial resources and support offered by and required of each party
- Dispute resolution process
- Mutual accountabilities for reporting, sharing information and communication
- Specific statements about child protection, prevention of sexual exploitation, abuse and harassment, and incident reporting.

All aid and development activities funded by or through Sport Matters and partner organisations and relevant staff, volunteers, program partners and contractors will be monitored to ensure they are not in breach of this policy. Capacity assessments shall be extended to partner organisations for implementation of key safeguarding and risk policies including child protection and prevention of sexual exploitation, abuse and harassment. Monitoring will be proportionate to the amount of funding the risk of breach, and will be recorded in the project documentation. Applying this policy may be difficult in some situations and sound judgement will be necessary. Sport Matters will apply the spirit and intent of this clause in the conduct of aid and development activities.

Feedback is important to Sport Matters and our Partner Organisations as it encourages improvement. Therefore, all feedback is welcomed. Feedback and complaints will be handled in accordance with the Sport Matters Complaints Policy and Sport Matters Transparency and Feedback Policy. A complainant regarding an alleged breach of ACFID Code of Conduct can be made directly to ACFID: <https://acfid.asn.au/content/complaints>

5. Procedures

Sport Matters provides a safe, supportive and secure environment to report SEAH. This policy and its procedures are included in Sport Matters induction, orientation and pre-departure training and embedded in the recruitment processes to ensure staff and volunteers are screened for any previous misconduct in other workplaces.

This procedure outlines the process for reporting and documenting reports of suspected sexual exploitation, abuse or harassment. Sport Matters will take all concerns seriously and respond immediately. All reports of SEAH will be recorded, regardless of whether substantiated or full investigation is required, noting the ability to de-identify complaints at the request of the complainant or survivor. The principles of natural justice will apply to all investigations. Sport Matters staff, consultants, program partners and volunteers must immediately report any concerns, suspicions or allegations of SE

AH or breach of the Sport Matters Prevention of Sexual Exploitation and Harassment Policy.

Anyone from Sport Matters, an implementing partner organisation, external organisation or civil society who suspects that an incident has occurred or that a risk of SEAH exists must immediately report it to the Sport Matters CEO and PSEAH focal point (jackie.lauff@sportmatters.org.au). Reporters are not required to confirm their suspicions or provide solid proof before making a report. Any person reporting a case of SEAH in good faith, or any person who has cooperated with an investigation into a report of SEAH, will be protected by this Policy.

A report should be made to one of the following people as applicable:

- The relevant Program Manager or Coordinator if he/she/they feels comfortable doing so, and if the manager/coordinator is not directly or indirectly implicated in the alleged report
- The Chief Executive Officer
- A member of the Sport Matters Board.

The CEO is the nominated focal point for the prevention of sexual exploitation, abuse and harassment. The procedures in Sport Matters Whistleblowing Policy shall be followed in the event of a report of SEAH. Safeguarding is a standing agenda item for Sport Matters Board Meetings.

Investigations of SEAH will be carried out in a manner that is timely, fair, objective and as far as is practicable, confidential. This includes the use of appropriate interviewing practice with complainants and witnesses. All information and documented evidence will be held securely and in the strictest confidence as far as is appropriate. The name of the complainant will not be revealed to the person(s) potentially implicated in the allegation or to any other person unless the individual personally authorises the disclosure of their identity. This may become a requirement in subsequent investigative processes.

Any person reporting a case of SEA, in good faith, or any person who has cooperated with an investigation into a report of SEA, will be protected from retaliation or any kind by this policy. Malicious reporting of SEAH with the intention of harming another person's integrity or reputation amounts to misconduct and is subject to disciplinary action. This is distinct from reports made in good faith based on the judgment and information available at the time of the report, which may not be confirmed by an investigation.

The Chief Executive Officer immediately advises the Chair of Sport Matters Board of breaches to this policy and convenes an internal rapid assessment committee with up to two other members of the Sport Matters Board and the CEO. Wherever possible this should de-identify the survivor, consistent with a survivor-centred approach. The Chief Executive Officer, on advice, will determine appropriate action which may include; referral of the matter to civil authorities such as police (with consideration of the wishes and welfare of

the complainant/survivor) or commencing internal disciplinary. All documents relating to reports of SEAH will be retained by Sport Matters for a period of seven years.

Sensitive information related to reports of SEAH when an incident is identified whether involving Sport Matters staff, consultants, program partners or volunteers or others in the communities in which Sport Matters works shall be shared only with Australian or local law enforcement authorities, when a notification to police or appropriate authorities must be made or on a 'need to know' basis, and subject to the wishes of the complainant/survivor.

Sport Matters will adopt a survivor-centred approach in preventing and responding to SEAH. Sport Matters will ensure that all responses are developed in a manner that balances respect for due process with a survivor-centred approach in which the survivor's wishes, safety and wellbeing remain a priority in all matters and procedures. All actions taken should be guided by respect for choices, wishes, rights and dignity of the survivor, including whether a report is investigated, de-identifying internal reports to respects requests for anonymity, and whether notifications are made to law enforcement.

Sport Matters will ensure survivors of SEAH are offered support and referral to specialist services, and survivors will be provided with information on the progression of an investigation and final outcomes. Sport Matters aims to involve survivors in decision making and will ensure that survivors will be provided with information on the progression of an investigation and final outcomes.

6. Relevant Resources

Sport Matters recognises that human rights are interdependent and indivisible and seeks to contribute to the realisation of all other human rights instruments and to use these instruments where relevant in advocacy, including:

Laws and International Conventions:

- International Bill of Human Rights
- The UN Convention on the Elimination of all Forms of Discrimination Against Women
- The UN Convention on the Rights of the Child
- The UN Convention on the Rights of Persons with Disability
- UNSC Resolution 1325: Women, peace and security (WPS)
- SDG 5: Achieve gender equality and empower all women and girls
- DFAT Child Protection Policy 2017
- ACFID Code of Conduct 2017
- Commonwealth Criminal Code Act 1995 - It is a crime for Australian citizens, permanent residents or bodies corporate to engage in, facilitate or benefit from sexual activity with children while overseas. These offences carry penalties of up to 25 years

imprisonment for individuals and up to \$500,000 in fines for companies (extraterritorial legislation).

Reference Documents:

- Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse – Adopted by the Interagency Working Group in Luxembourg, 28 January 2016 <http://cf.cdn.unwto.org/sites/all/files/docpdf/terminologyguidelines.pdf>
- IASC Six Core Principles Relating to Sexual Exploitation and Abuse <https://reliefweb.int/report/world/protection-sexual-exploitation-and-abuse-psea-interagency-cooperation-community-based>
- DFAT Code of Conduct for Overseas Service <http://dfat.gov.au/about-us/publications/Pages/dfat-code-of-conduct-for-overseas-service.aspx>
- Report of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises of 13 June 2002, Plan of Action, Section I.A.
- Safeguarding Athletes from Harassment and Abuse in Sport: IOC Toolkit for NFs and NOCs related to creating and implementing athlete safeguarding policies and procedures https://olympics.com/athlete365/app/uploads/2021/02/IOC_Safeguarding_Toolkit_ENG_Screen_Full.pdf

This policy will be implemented through Sport Matters compliance procedures, Board and staff management processes and across our program management systems.

The Board and management of Sport Matters are fully committed to the principles of this policy. Any breach of strategic significance or any material risk associated with this policy will be reported to the Board in a timely manner.

POLICY REVIEW

Date Policy effective	29 November 2021
Date for Policy to be reviewed	29 November 2023
Date Policy reviewed and approved	28 th March 2024