

Last Updated: March 2024

Next Update Required: March 2025

Approved by: Umar al-Qadi, CEO

## **1.0 PURPOSE AND SCOPE**

Mercy-USA recognizes that addressing Sexual Exploitation, Abuse, and Harassment (SEAH) is a necessity for safe programming and access to program activities for men, women, children, and the elderly. We are as such, committed to ensuring a healthy and safe workplace and humanitarian action environment that protects persons of concern (PoCs), staff, volunteers, representatives, partners, and any third parties from the harm and damage that can be caused by abuse, exploitation, and harassment. While this policy is meant to address all SEAH instances and PSEAH best practices, a separate child safeguarding policy has been created that addresses the design and implementation of child-safe programming as well as best practices for addressing instances of SEAH related to children.

This policy is a guide on the types of inappropriate and unprofessional behaviors that can risk the trust between Mercy-USA and those it serves, as well as the behaviors we need to be aware of as humanitarian actors to prevent harm in our communities and our programs.

It is essential to address SEAH effectively by designing a unique, culturally sensitive, and tailored response strategy for each community or program and by building into programming the victim-centered and trauma-informed approaches of prevention, detection, and response.

This policy and all its related annexes, ToRs, procedures, and other policies must address, consider, and integrate PSEAH, AAP, and Do No Harm principles as well as the survivor-centered approach for use throughout policy implementation and program phases.

### **Policy Review and Revision Requirements**

This policy and its related documents are intended to ensure a comprehensive and clear victim centered PSEAH strategy and approach. Questions about the implementation approach, the policy requirements, responsibilities, or duties can be directed to the Safeguarding focal points locally or to [safeguarding@mercyusa.org](mailto:safeguarding@mercyusa.org).

Issues and inconsistencies or additional comments from donors requiring attention within the policy can be brought to your local Safeguarding focal point or to [safeguarding@mercyusa.org](mailto:safeguarding@mercyusa.org)

Otherwise, this policy will be reviewed once per year.

### **Access to Policy**

This policy and its related policy documents will be accessible on ZohoHR and in a hard copy in each office. Policies will also be available on the Mercy-USA website. Signed disclaimers and documents must be emailed to staff after signing and employment processes are completed. Personnel and third parties may request copies of this policy and its related documents by contacting their Mercy-USA focal point or local HR Manager.

## **2.0 INTENDED AUDIENCE**

The PSEAH policy and all relevant policy disclaimers must be signed by all Mercy-USA representatives and personnel including but not limited to board members, employees, volunteers, interns, independent contractors, consultants, sub-contracted partners, and/or any individuals that work with or handle the sensitive data of PoCs including children, as defined by this policy.

Mercy-USA representatives must be given an orientation on PSEAH as applicable, including exploring

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definitions of sexual exploitation and abuse, as well as harassment, their causes, and consequences to reinforce the expected ethical behavior of Mercy-USA representatives. Mercy-USA also stipulates that any sexual harassment is prohibited, leading to disciplinary actions including termination of employment or contract with the organization.

At the inception of each program, Mercy-USA meets with the community stakeholders for a debriefing on the implementation plans for the project. It is at these forums that the community is sensitized on the existence of the PSEAH code of conduct for Mercy-USA staff and on the reporting mechanisms in case of violation.

At the Country/Regional Office level, there is a focal team comprised of the management staff with the Human Resources Department as the lead. This team acts as the focal point for all issues relating to PSEAH. The department handles such issues and guides the way forward in dealing with all PSEAH matters and possible investigations.

Mercy-USA for Aid and Development has a Protection from Sexual Exploitation, Abuse and Harassment (PSEAH) complaint mechanism which enables PoCs, staff, volunteers, and any contracted third parties to make PSEAH complaints and seek redress in a safe environment. The mechanism is intended to be effective, accessible, and safe for users. Any such cases are reported to the PSEAH focal points in the program locations.

### 3.0 POLICY RESPONSIBILITIES

The administration of this policy is the responsibility of the Safeguarding Unit based at Mercy-USA headquarters in Michigan, USA. The Safeguarding Unit is mandated to promote the victim/survivor-centered approach of prevention, detection, and response. The following is expected from the Unit:

- Design and lead the unit strategy for organization-wide Safeguarding measures
- Lead in conducting organization-wide risk assessments and monitoring activities with support from the MEAL department.
- Coordinate with headquarters colleagues in varying departments to ensure policy implementation.
- Prepare, review, and regularly update Safeguarding Units ToR, procedures, and policies
- Ensure accessible complaints mechanisms are set in place organization-wide
- Receive and address SEAH complaints received directly by the Unit, per ToR including leading investigations and case management.
- Ensure communication and regular meetings with focal points based on ToR and follow-up on policy implementation.
- Prepare, provide, and offer organization-level resources for use by individual offices
- Remain up to date on PSEAH and child safeguarding standards
- Lead investigation and case management teams to address complaints requiring assistance and follow-up per ToR set for each group.
- Engage senior leadership and board of directors on PSEAH including information sessions and trainings to build senior-level capacity and knowledge.
- Assessing, planning, budgeting, and strategizing for improved processes, guidance, and resources.

Mercy-USA will place PSEAH focal points for each country and program office. The focal points' main responsibilities are to promote the victim-centered approach of prevention, detection, and response and as such, include:

- Report to the assigned HQ Safeguarding Focal Point per ToR and workflow expectations.
- Lead in conducting project and program-level risk assessments to support program design, including addressing PSEAH plans and budgets for each new project or award.
- Lead in conducting program-level and field-level monitoring activities to ensure engagement and compliance with policy requirements including but not limited to conducting surveys and focus group discussions with relevant stakeholders including staff and PoCs.

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- Prepare and disseminate to appropriate departments educational materials and resources to support the sensitization of all eligible individuals (staff, volunteers, representatives, PoCs, third parties, and community leaders) to the expectations and requirements of the Protection from Sexual Exploitation, Abuse, and Harassment Policy (including any other relevant policies) to be used at varying stages of program implementation that include but are not limited to, hiring, contracting or at the inception of new programs or projects. This includes planning for and implementing awareness-raising sessions, printing and distributing awareness-raising materials (i.e. brochures, posters, etc.), and planning for staff or third-party training.
- Ensure that reporting and complaints channels for each program or project are in place, active, and accessible to all relevant stakeholders including staff and PoCs.
- Review all incoming PSEAH complaints received for appropriate action including responding to the complaint within 48 business hours.
- Lead investigation and case management teams to address complaints that require assistance and follow-up per ToR set for each group.
- At the close of cases, review lessons learned to address policy shortcomings including improving prevention, detection, and response capacity.
- Coordinate with HR, program, and MEAL to ensure internal compliance with policy requirements and approaches.
- Coordinate with the PSEAH network at the program level as required for each context.
- Implement all and any PSEAH-related exercises for the program including capacity assessments for donors and audits.
- Any other PSEAH-related exercises that arise or are deemed necessary by the HQ Safeguarding Focal Point or the Country Director at each program.

PSEAH focal points will be supported by the helpdesk/complaint units at each office, which will be able to receive SEAH complaints and will refer cases utilizing the complaint management system adopted by Mercy-USA.

Furthermore, senior managers, department, program, and project managers are responsible for upholding and applying the standards of this policy including but not limited to supporting staff and colleagues in implementing the requirements within their programs and activities.

The Safeguarding Managers and Focal Points should delegate a fill-in during vacations, PTOs, or any other leaves to monitor email and complaints channels.

In particular, the following departments will have individual ToR to improve PSEAH policy implementation: HR, MEAL, and Programs.

### 4.0 DEFINITIONS

Mercy-USA adopts the definitions of the UN Secretary-General Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse while recognizing that terms used to address SEAH violations may differ slightly from organization to organization. To address this, a list of definitions is included to ensure that all Mercy-USA personnel use and understand terms in the same way.

Term	Meaning/Definition
Sexual Harassment	<p><i>Sexual harassment</i> is any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another when such conduct interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behavior, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders. They can include:</p> <ul style="list-style-type: none"> <li>• Sharing sexual images with other colleagues, employees, or individuals in the workplace</li> <li>• Physical acts of sexual assault</li> <li>• Unwanted sexual advances</li> <li>• Unwanted touching or physical contact</li> <li>• Verbal harassment of a sexual nature, including jokes referring to physical traits, sexual acts, or sexual orientation</li> <li>• Displaying on screens, in print, on clothes, or body art of a sexual nature or pornography.</li> <li>• Requests for sexual favors.</li> </ul>
Sexual Abuse	<p><i>Sexual Abuse</i> is actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It also includes but is not limited to physical and non-physical intrusions such as:</p> <ul style="list-style-type: none"> <li>• Non-consensual sex</li> <li>• Sex with a minor regardless of consent</li> <li>• Sex with a beneficiary/other vulnerable individual regardless of consent</li> <li>• Being shown videos or sexual pictures</li> <li>• Being forced to listen to sexual talk or comments about one’s body</li> <li>• Being forced to pose for seductive or sexual photographs</li> <li>• Being forced to look at sexual parts of the body</li> <li>• Being forced to watch sexual acts</li> <li>• Being watched sexually while clothed or unclothed</li> <li>• Receiving intrusive written or spoken questions or comments in-person or online.</li> </ul>
Sexual Exploitation	<p><i>Sexual Exploitation</i> is 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. This can include but is not limited to:</p> <ul style="list-style-type: none"> <li>• Sex as a condition for assistance of any kind</li> <li>• Forcing an individual, including children, to engage in prostitution or pornography</li> <li>• Forcing an individual, including children to engage in sexual acts with anyone.</li> </ul>

Intimidation (as related to the PSEAH policy)	<i>Intimidation</i> is the unreasonable use of status or authority to require or coerce an individual to perform an action or task of a sexual nature, that the individual knows to be inappropriate, disrespectful, illegal, or in direct conflict with Mercy-USA workplace policies or procedures. Depending on the circumstances, intimidation may constitute sexual exploitation, abuse, or harassment.
Survivor/Victim	A <i>survivor</i> is any person who is or has been impacted by actual or threatened sexual harassment, abuse, or exploitation.
Subject of Complaint	<i>Subject(s) of Complaint</i> are individual(s) who have been accused of breaches of conduct
Complainant	<i>Complainant(s)</i> are the individuals who submit or notify Mercy-USA of sexual exploitation and abuse allegations related to any of its personnel, representatives, partners, or other third parties.
Child/Children	A <i>child or children</i> are any individual(s) under 18 years old
Safeguarding/Protection	<i>Safeguarding</i> is the active and reasonable effort to protect and prevent harm to vulnerable individuals including both adults and children, as defined by this policy from any form of SEAH or endangerment.
Vulnerable Individuals	<i>Vulnerable Individuals</i> are any persons, adults, or children, who for any reason related to their age, gender, sex, social, political, or economic status find themselves unable to care for themselves or protect themselves from harm. This includes being unable to access basic services or income.
Zero Tolerance	Mercy-USA has a culture of zero tolerance for any behaviors or acts that breach our core values, policies, or procedures, including SEAH.  <i>Zero tolerance</i> means that every concern is addressed, and responded to, and where appropriate or necessary, prompt action is taken.  All individuals including Mercy-USA staff and representatives, as well as third-party partners, are expected to uphold Mercy-USA policies and will be held accountable for breaches utilizing the same procedures and processes regardless of their position or reputation within the organization.
Duty to Report/ Mandatory Reporting	The Duty to Report/Mandatory Reporting refers to the duty and responsibility that Mercy-USA personnel have in reporting all breaches of this policy to their immediate supervisor or in utilizing the appropriate means outlined in this policy. Mercy-USA personnel must report all instances of suspected or confirmed SEAH instances promptly.

<p>Consent (Age of Consent)</p>	<p><i>Consent</i> is the voluntary agreement or permission for any act or proposal of another. Consent is required in many instances including:</p> <ul style="list-style-type: none"> <li>- Sharing personal information</li> <li>- Communication by phone or email or other means outside of business hours or for personal reasons (when the relationship is normally professional)</li> <li>- Hugs or kisses on the cheeks</li> <li>- Entering a room</li> <li>- Sexual or sexualized acts</li> <li>- Taking an individual’s picture</li> </ul> <p>Children under 18 cannot give consent to any of the above, regardless of local age of consent or laws, excluding sexual or sexualized acts, without their parent's or guardians' consent or presence.</p> <p>“No”, “I’m not sure”, “Maybe (later)”, “I have to think about it,” and “Not Now.” are all examples of NOT giving consent.</p> <p>Consent is not constant and can change. Verbal consent is needed every time, while more formal, written consent (i.e., a consent form) can be retracted at the request of the individual who gave the consent in the first place, at any time.</p>
<p>Informed Consent</p>	<p><i>Informed consent</i> is when permission is granted with the knowledge of the possible consequences and possible risks and benefits of an activity an individual partakes in.</p>
<p>Defamation</p>	<p><i>Defamation</i> is the act of communicating to a third party, false statements about a person, place, or thing that results in damage to their reputation.</p>
<p>Victim-Centered Approach</p>	<p><i>A victim-centered approach</i> is a way of engaging with the victim(s) during case management that prioritizes listening to the victim(s), avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices, thereby giving back as much control to the victim(s) as feasible and ensuring the empathetic delivery of services and accompaniment in a non-judgmental manner.</p>
<p>Confidentiality</p>	<p><i>Confidentiality</i> is an ethical duty to protect information shared with an individual or organization from utilization by unauthorized parties for any purpose. Individuals or organizations that want to share confidential information must have expressed and written consent for such.</p>
<p>Do No Harm</p>	<p><i>Do No Harm</i> is a concept used across many sectors including the humanitarian sector. It is a concept that is meant to guide humanitarian organizations to minimize unintended negative impacts of their interventions. It is considered a conflict-sensitivity tool, which recognizes that humanitarian action in the form of aid or development programming can unintentionally cause harm and support either peace or conflict.</p>
<p>Human rights-based approach</p>	<p><i>A human rights-based approach (HRBA)</i> is a conceptual framework that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.</p>



<p>Two-Person/Adult Rule</p>	<p>The two-person rule is a safety and security mechanism that requires the presence of two persons at all times when implementing program activities, conducting visits, or dealing directly with beneficiaries in any way.</p> <p>The two-adult rule is the same but relates to children instead. As a best practice, it is never recommended to engage or deal with children alone or privately.</p> <p>When dealing with either children or adults and when one-on-one interaction is required for any reason, it is best to take steps to maintain the two-person or two-adult rule including but not limited to:</p> <ul style="list-style-type: none"> <li>- Keeping a door open or ajar.</li> <li>- Using a windowed or glass-walled room.</li> <li>- Being in a public and visible space.</li> <li>- Ensuring a trusted adult is with a child or vulnerable adult at all times during interactions.</li> <li>- Providing detailed information and asking for consent every step of the way during interactions including during health checkups.</li> </ul>
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**5.0 POLICY IMPLEMENTATION APPROACH**

To prevent SEAH, Mercy-USA offices are expected to:

- Offer training and refresher sessions on SEAH, child safeguarding including Duty to Report, GBV, harassment, Do No Harm, AAP, and complaints mechanisms including the survivor-centered and trauma-informed approaches. Training requirements in Annexes are attached.
- Ensure clauses and responsibilities to prevent SEAH are addressed in new agreements and contracts with partners, sub-contractors, and any other third parties. This includes as required the necessary vetting, capacity assessment, and due diligence processes.
- Beneficiary mainstreaming sessions on the same above-mentioned topics.
- Ensuring that complaints tools are accessible, safe, and confidential. Ensuring there are multiple channels of complaints reaching all individuals of varying abilities, and ages, and that are culturally appropriate and designed in consultation with targeted communities. Complaints can also be made anonymously.
- Beneficiary PSEAH Surveys, are conducted once a year, then integrated into reporting, and findings are prioritized and addressed. A template is provided by the Safeguarding Unit.
- Ensure that PSEAH measures are incorporated and integrated into the activities and planning exercises of all Mercy-USA departments including but not limited to MEAL and HR. This includes the roll-out of necessary resources and training.
- Roll out and distribution of PSEAH materials such as brochures, and pamphlets during the implementation of program and project activities.
- PSEAH compliance monitoring is conducted at least once yearly at the country level. Compliance issues are flagged and addressed before the next monitoring exercise. A template is provided by the Safeguarding Unit.
- Ensure personnel have access to harmonized referral approaches to support SEAH victims at the country level in coordination with relevant partners and UN agencies.
- Ensure collaboration of appropriate departments to address SEAH complaints including case management and investigations.

To detect SEAH, Mercy-USA offices are expected to:

- Assign PSEAH focal points for each program or project or field office.
- Train PSEAH focal points on topics related to GBV detection and mainstreaming.
- Implement yearly PSEAH personnel surveys with reported findings to be prioritized and addressed or once during contractual agreement cycles of 6 months or more. Additional information is available in the PSEAH HR guidance.
- Ensure clear guidance on monitoring and addressing SEAH concerns with partners and sub-

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contractors.

- Review of PSEAH beneficiary surveys to identify possible misconduct or SEAH incidences amongst targeted communities.
- Ensure that PoCs, personnel, and other parties alike have access to multiple reporting channels including the organization's harmonized complaints management systems.
- Clear CFM structure and referral system (including internal communication) to ensure appropriate follow-up on SEAH complaints.

To respond to SEAH complaints, Mercy-USA offices are expected to:

- Have a pre-assigned investigation team and focal point to address complaints. At least one investigation team member has previous experience/training in this area.
- Ensure personnel involved in handling SEAH complaints and incidences take immediate and timely action.
- Assign a case manager to ensure a survivor-centered approach that also assesses risks and challenges for the survivor, if known, and provides the necessary support and assistance to prevent further harm or trauma throughout the investigation process. A high degree of care in the case management process including access to psycho-social support, third-party referrals, relocation, or other potential options as necessary to prevent further traumas or SEAH is considered essential. A detailed SOP for guidance is available for reference.
- Ensure investigators and others involved in an investigation understand and are committed to the protection of data and confidentiality measures.
- Provide survivors with appropriate information to seek their signed informed consent before the investigation begins. They may back out at any time.
- Where required and/or relevant, authorities are informed and engaged
- Engage and utilize the country-level referral systems and resources that may include organizations with expertise in GBV, child sexual abuse and exploitation, shelter, and psycho-social support.
- Children at the center of SEAH investigations are prioritized and their best interests must be considered including ensuring that adults engaged in the investigation are also looking out for the child's best interest.
- Comply with SOPs and guidance related to handling SEAH incidences, investigations, and case management.

To ensure compliance with the survivor-centered approach principles, which are integrated into policy design and implementation, Mercy-USA personnel are expected to uphold the highest standards of conduct and respect for all individuals and even more so, those at the receiving end of our services and programs. The above-mentioned policies and actions all contribute to this survivor-centered approach. Additional steps include but are not limited to:

- Helpdesks and complaints offices are separate units from the program departments.
- Complaints processed by separate units/offices
- MEAL departments support in addressing complaints received where appropriate but if it is SEAH-related then complaints are forwarded to the Protection department, HR department, and/or safeguarding focal point as appropriate.
- Victims and survivors of SEAH provide their informed consent to investigate or to participate in any investigation of any allegation brought forward.
- Information is not shared with third parties and when needed to share, survivor/victim consent is required, and third-party sharing agreements are signed with confidentiality clauses.
- Victims are treated with respect and their dignity is maintained regardless of the outcomes of the investigations.
- Victims are not required to prove their story
- Victims are not required to participate in investigations
- When individuals are proven to be guilty of misconduct or strongly suspected to have been, they are subject to immediate termination. Depending on legal requirements and results of investigation risk assessments, reporting to authorities may be required. Where applicable, individuals who are guilty of SEAH are added to NGO-shared no-hiring lists.
- Individuals accused of any misconduct or personnel asked to participate in investigations are



- required to cooperate.
- Ensure that SEAH victims/survivors, when identified, have safe spaces to provide their input and feedback on CFM and SEAH prevention.
- Optional satisfaction surveys available after the completion of investigations for feedback on the investigation process.
- SEAH victims/survivors are prioritized in program targeting.

## 6.0 PSEAH CHALLENGES AND MESSAGES

Mercy-USA recognizes that the work it can do to address SEAH cannot occur in a bubble and requires cultural and contextual sensitivity and an understanding of social and cultural norms that perpetuate gender-based power imbalances and promote harmful ideas about gender expression that create a culture in which SEAH is normal or excused. Even though women and girls are more likely harmed and impacted by SEAH, men, and boys too can be victims of SEAH, regardless of sexual orientation or cultural norms. They are also less likely to report for fear of retaliation or social shame.

Further, it is important to address within sensitization materials, training, and awareness-raising, the root causes of SEAH including gender-based power imbalances and abuse of power on social, cultural, and religious grounds. This includes imbalances caused by those who work for or with humanitarian organizations (as holders or controllers of aid) and PoCs.

Those who work on designing local PSEAH materials must be local and/or understand the context and social or cultural norms and ensure that all PSEAH materials/awareness raising is based on real concerns or issues of the communities we serve. It is also important to ensure that the PSEAH activities carried out do not cause harm or further risk vulnerable individuals.

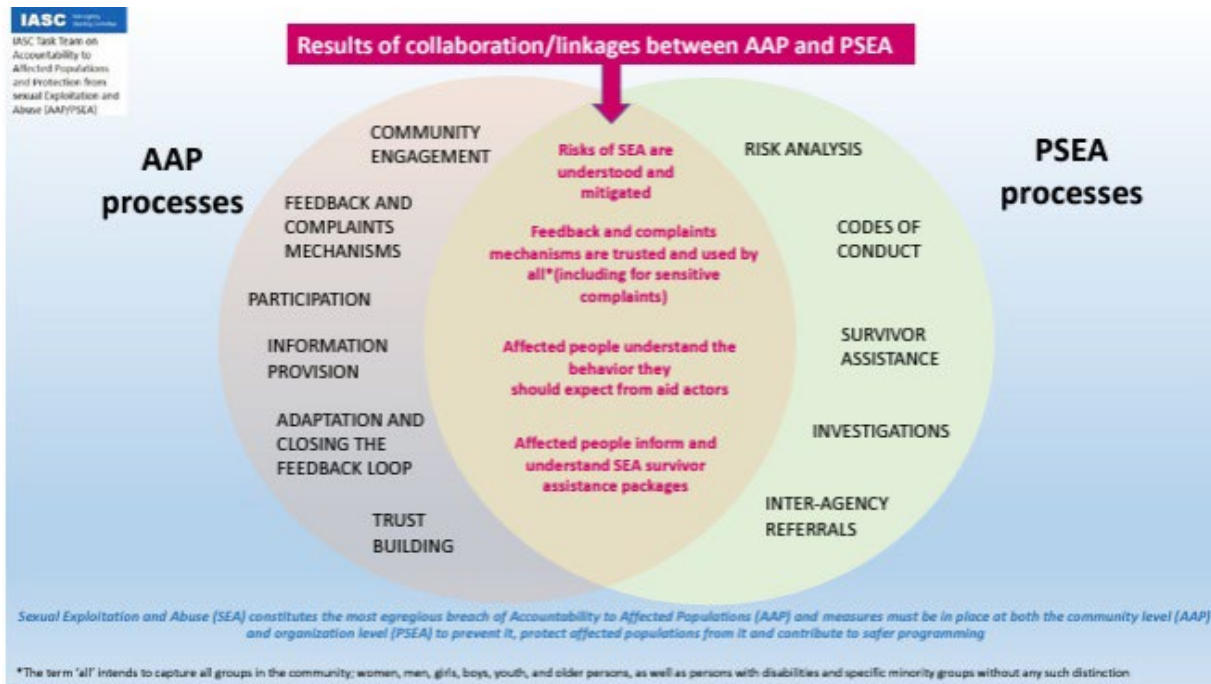
## 7.0 POLICY IMPLEMENTATION CONSIDERATIONS:

### ■ Data Protection/Privacy/Confidentiality:

- All PSEAH managers, officers, and/or focal points in any capacity will be required to sign a non-disclosure form further ensuring data protection, confidentiality, and privacy.
- Investigation teams, case managers, and others involved in any SEAH investigation will be required to sign confidentiality reminders
- Personnel, complainants, victims of abuse, witnesses, and/or any other party involved in any claim for investigation also sign confidentiality reminders.
- Complainants and victims of abuse sign an informed consent form.
- All those involved in the Safeguarding Unit and its work are required to uphold the Data Protection and Confidentiality policies

### ■ Accountability to Affected Populations:

Mercy-USA is committed to the Inter-Agency Standing Committees (IASC) Accountability to Affected Populations (AAP) Framework in ensuring programs implemented directly or indirectly through partners, sub-contractors, or other parties are safe, inclusive, and accessible throughout all project and program phases. When addressing and designing any PSEAH activities, it is important to address all AAP requirements while also identifying the links between AAP and PSEAH processes to ensure harmonized and effective implementation.



■ **Partnerships and Contracting:**

Contractual agreements with any third party require appropriate implementation of due diligence activities including vetting, selection, and contracting measures. Mercy-USA will provide the relevant departments with the necessary guidance to ensure that PSEAH measures and requirements are addressed in these activities. The following disclaimer/clause will be added to all third-party agreements including but not limited to MoUs, and contracts that lead to partnership, representation, support, funding, collaboration, or cooperation:

**Partners/Sub-Contractors: Contract PSEAH Section and Disclaimer:**

“SEAH stands for Sexual Exploitation, Abuse, and Harassment and are considered serious violations that can occur in humanitarian and other aid-related settings. Sexual Exploitation and Abuse refers to any act or behavior by a staff member, volunteer, contractor, or other personnel, whether directly or indirectly associated with Mercy-USA, involving gross misconduct towards vulnerable individuals, children under 18, and beneficiaries of assistance or aid. Mercy-USA adopts the following UN Secretary General Bulletin on Sexual Exploitation and Abuse definitions:

*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.

*Sexual abuse:* actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

*Sexual harassment:* Any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another, when such conduct interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behavior, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.

Mercy-USA is committed to upholding its PSEAH policies in its direct and indirect implementation of programs. With valued partners and sub-contractors, Mercy-USA can deliver culturally sensitive and appropriate

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programming and aid. As such, partners and sub-contractors are required to take all necessary measures, without any exclusions or exceptions, to ensure a victim-centered approach that prevents, detects, and responds to SEAH incidences that occur within their respective organizations.

Depending on the contractual agreements in place and the level of beneficiary engagement, sub-contracted service providers and partners may be subject to certain training, sensitization, awareness sessions, and/or other PSEAH activities (by or from Mercy-USA).

**Zero Tolerance Statement:** Mercy-USA has a culture of zero tolerance for any behaviors or acts that breach our core values, policies, or procedures, including SEAH.

Zero tolerance means that every concern is addressed, and responded to, and where appropriate or necessary, prompt action is taken.

All individuals including Mercy-USA staff and representatives, as well as third-party partners, are expected to uphold Mercy-USA policies and will be held accountable for breaches utilizing the same procedures and processes regardless of their position or reputation within the organization.

*The Partner/Third-Party must take all appropriate measures to prohibit and prevent actual, attempted, and threatened sexual exploitation, abuse, or harassment (“SEAH”) and/or Gender-Based Violence (GBV) by their employees or any other persons engaged and controlled by it to perform activities under this Agreement, which includes but is not limited to the following activities:*

- *Verification of All Personnel: Thorough screening and background checks of all personnel, including staff, volunteers, contractors, and partners, to ensure they do not have a history of misconduct or criminal behavior related to SEAH.*
- *Mandatory Training for All Personnel: Comprehensive training programs for all personnel to raise awareness about SEAH including responsibilities towards adhering to the policy and reporting mechanisms.*
- *Referral of SEAH Survivors: Prompt referral of survivors of SEAH to appropriate referral pathways.*
- *Reporting and Disclosure: Mercy-USA must be informed of any allegations related to its programs or projects within 5 business days of the complaint being logged by partners or sub-contracted partners.*
- *Investigation for Any SEA Allegation: Thorough and impartial investigation of all allegations of SEAH must be conducted promptly and transparently, with due regard for the rights and confidentiality of all parties involved.”*

### 8.0 WHAT IS AND IS NOT CONSIDERED SEAH?

#### What actions/behaviors are not deemed or considered SEAH?

- Consensual, inter-office relationships that are disclosed to HR. Regardless, public sexual displays of affection are not allowed during work hours.
- Friendships between male and female colleagues during and outside of work hours.
- Consensual non-sexual touching between colleagues during work hours.
- Any legitimate and reasonable management actions and business processes such as promotion, demotion, discipline, dismissal, retrenchment, re-deployment, or transfer of an employee, per HR policies and procedures.

#### Actions that can be overlooked but are considered SEAH?

- Comments of a sexual nature on an individual's body, clothing, or speech, especially those repeated and unwelcome by the recipient.
- excessive flirting or one-on-one time between colleagues, especially those with power imbalances
- Lewd or sexual jokes, innuendo, or language including jokes on cheating, multiple marriages (in cultures where this is common or normal), women's roles in the home, and sexualizing children in any way.

- Repeated requests for a date and/or marriage or sexual favors, even if as a joke.

It should be noted that Mercy-USA does not act as moral or ethical police on staff and volunteers for what is considered culturally or religiously acceptable in each society and is rather focused on a human rights-based approach. Multiple complaints received by HR on individual behaviors in the office that may cause a toxic or harmful environment may be addressed individually, as appropriate, within limits allowed in Mercy-USA's policies.

### **9.0 REPORTING, INVESTIGATIONS, AND VICTIM ASSISTANCE**

Mercy-USA will ensure that as an organization and individual offices, the needed resources are made available to ensure PSEAH policy compliance including having in place effective, confidential, safe, and timely reporting and feedback mechanisms as well as victim assistance resources. Reporting, investigations, and victim assistance guides are attached as annexes to this document. Investigators are expected to abide by SEAH investigation principles. Confidential and/or anonymous written reports can be submitted directly to your duty station's PSEAH/Child Safeguarding focal point or [safeguarding@mercyusa.org](mailto:safeguarding@mercyusa.org) or made directly to your direct supervisor, manager, or HR officer. Reports received must be addressed within 2 business days. Please refer to the Reporting, Referral, and Investigations guides for further information.

#### **Duty to Report**

Mercy-USA personnel are required to report suspected or known incidences of child exploitation and/or abuse, sexual or physical harm, or violence and neglect regardless of who the perpetrator is and who they work for (i.e., Mercy-USA or any other humanitarian organization).

Individuals found to have known and not reported incidences are subject to disciplinary actions including and up to termination. Confidential and/or anonymous written reports can be submitted directly to your duty station's PSEAH/Child Safeguarding focal point or [safeguarding@mercyusa.org](mailto:safeguarding@mercyusa.org) or made directly to your direct supervisor, manager, or HR officer.

Contracted third parties, partners, and contractors must inform Mercy-USA of serious policy breaches including SEAH and child abuse or exploitation incidences within 7 days of allegations being received. Mercy-USA will work with its partners and contractors to identify a suitable action plan including investigation requirements. Based on the allegations, Mercy-USA may or may not suspend or halt activities to prevent further harm.

#### **No Retaliation Disclaimer**

Any form of retaliation is considered a Mercy-USA policy violation and in some countries considered illegal. Mercy-USA does not tolerate any type of threat or retaliation against anyone who reports a violation or cooperates in an investigation. No director, officer, or employee who in good faith reports a violation shall suffer harassment, retaliation, or adverse employment consequences.

### **10.0 TRAINING AND AWARENESS RAISING**

- This policy must be always accessible to all individuals who work with Mercy-USA directly or indirectly in both soft and hard copies.
- This policy's core clauses must always be accessible to PoCs and partners through posters, brochures, and other visibility materials.
- All personnel are subject to a refresher training every 2 years
- Training checklist, Annex. 3
- Additional training may be required on a per-program or country-office basis. Individual plans are reviewed and approved after submission to the Safeguarding Manager at HQ.
- Project-specific or program-specific PSEAH refresher and training are required at the start of every new project, including individual project-specific PSEAH plans, reporting, and referral information, as

applicable.

- Awareness raising requirements and materials are annexed to this document.

**11.0 PSEAH INTEGRATION IN PROGRAM DESIGN AND PLANNING**

Internally and externally funded programs, as well as those implemented with partners or sub-contractors, are expected to integrate policy requirements into all program and project phases including assessment, pre-, during, and post-monitoring, planning, proposals, budgeting, implementation, and exit. Separate guides for each department as well as PSEAH implementation resources are annexed for further information, knowledge, and learning. It is expected that the department managers and their teams understand how to incorporate PSEAH best practices into their day-to-day activities.

The Units ToR will define how budgeting for PSEAH activities can be incorporated into regular program planning and overall organizational planning.

**12.0 PSEAH HR DISCLAIMERS AND HIRING REQUIREMENTS**

All Mercy-USA staff have a responsibility to uphold, always understand, and implement this policy throughout their employment with Mercy-USA.

Mercy-USA has a separate guide for HR departments to use and ensure compliance with this policy. HR departments in all program offices are expected to conduct appropriate screening and vetting of all new prospective hires including utilizing all relevant vetting resources and references. In addition to the PSEAH Policy, new employees will also be required to sign a self-declaration as annexed below, Annex 2.

The following disclaimer will be added to all job descriptions to ensure appropriate vetting standards and training requirements are met. HR managers may add additional information to reflect expectations from the employee under a certain role or position.

**“Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) and Child Safeguarding Disclaimer:**

Mercy-USA is committed to child safeguarding and PSEAH at all operational levels to protect its personnel including volunteers and interns, and persons of concern (PoCs) from the harms that arise out of sexual exploitation, abuse, and harassment. Mercy-USA considers any individuals under 18 years old, a child, and therefore does not hire individuals under this age. Mercy-USA also prohibits the hiring of any individual who is currently engaged in a sexual or romantic relationship with an individual under 18 years old, even if they are married. Mercy-USA conducts background checks on all new hires including requesting police reports and requesting employer reference checks. A self-declaration is signed at the time of hire.

If investigated during employment, and pending protection-related risk assessments, individuals who are terminated from Mercy-USA because of claims related to child safeguarding or PSEAH may be reported to relevant authorities and/or added to relevant criminal/abuser registries to ensure other INGOs or the UN do not hire them.

The person hired for this position will have no/some/regular direct contact with children and PoCs while conducting field-level program activities. They will be expected to utilize and comply with PSEAH policy standards.

The person hired for this position will have no/some/regular decision-making capacity related to programs and activities.”

**13.0 PSEAH RESOURCE PACKAGE: ANNEXES, RELATED POLICIES**

Annex #	Annex Name
1	PSEAH Employee Code of Conduct Disclaimer Sample

## HR PSEAH Policy Document

2	Self-Declaration Form
3	HR Accountability and Safeguarding Training and Mainstreaming List

### - Policy-related Resources

Resource Type	Document Name or Link
UN SG Bulletin on PSEAH	<a href="#">n0355040.pdf (un.org)</a>
Core Humanitarian Standards	<a href="#">CHS Revision - CHS (corehumanitarianstandard.org)</a>
CHS Alliance PSEAH resources page	<a href="#">PSEAH   CHS Alliance</a>
Humentum Resource Library (requires an account)	<a href="#">PSEAH - Humentum Connect</a>
IASC PSEAH Website	<a href="#">Protection from Sexual Exploitation and Abuse   IASC / PSEAH (interagencystandingcommittee.org)</a>
Safeguarding Resource and Support Hub	<a href="#">Safeguarding Resource and Support Hub (safeguardingsupporthub.org)</a>
Do No Harm Framework	<a href="#">CDA20Do-No-Harm20Handbook.pdf (cnxus.org)</a>
Bond UK	<a href="#">Training   Bond</a> <a href="#">Bond Safeguarding - Bond Safeguarding tool</a>
Working With Partners Guide	<a href="#">PSEA-Working-With-Partners-Guidance-and-Resources.pdf (digna.ca)</a>

### 14.0 Version Control

For requests to review, to update, or to resolve discrepancies, or for item-specific exemption requests (i.e. changes in training or implementation (planning) requirements, contact the Safeguarding Unit focal point promptly. It should be noted that without very strong justification, policy-related and item-specific exemption requests will likely not be approved.

Version #	Version Approval Date	Revisions Made (description and page #)
Mercy-USA PSEAH Policy	-	Initial Policy
Mercy-USA PSEAH Policy Update	March 15, 2024	Revised 1, full document changes



**Annex 1: Mandatory: This sample can be combined with other Code of Conduct documents or used as shown below**

**Mercy-USA for Aid and Development PSEAH Code of Conduct Disclaimer**

All Mercy-USA for Aid and Development personnel, volunteers, and contracted parties must uphold the highest standards of professional and personal conduct. At all times, Mercy-USA staff, volunteers, and contracted parties must treat the local population with respect and dignity, particularly vulnerable groups such as women and children.

Sexual exploitation, abuse, and harassment are unacceptable behaviors and prohibited conduct by all those who work with Mercy-USA in any capacity and undermine the fundamental values and principles of humanitarian assistance. Mercy-USA has a zero-tolerance policy towards individuals found to breach this policy. SEAH incidences jeopardize the credibility, image, integrity, and reputation of all humanitarian organizations and cause irreparable harm to the faith and trust in humanitarian actors' relationship with the affected population. **Personnel must fully commit to respecting and abiding by the following core principles:**

- 1) Sexual exploitation and abuse by Mercy-USA employees, volunteers, or contracted parties constitute acts of gross misconduct and are, therefore, grounds for disciplinary measures including summary dismissal.
- 2) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. **Mistaken belief in the age of a child is not a defense.**
- 3) **Exchange** of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading, or exploitative behavior, is prohibited. This includes the exchange of assistance that is due to PoCs of assistance.
- 4) Any sexual relationship(s) between those providing humanitarian assistance and protection and PoCs of humanitarian assistance and protection are based on **inherently unequal power dynamics** and are prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work and are considered an **improper use of rank or position**.
- 5) Personnel concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether employed by Mercy-USA or not, **must** be reported to established Mercy-USA reporting channels.
- 6) Humanitarian workers and contracted parties must create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of their Code of Conduct. Managers at all levels have a responsibility to support and develop systems that maintain this environment.

The core principles set out above are not intended to be an exhaustive list. Other and any types of sexually exploitive or abusive behavior may be grounds for administrative and disciplinary action or measures including summary dismissal. If you suspect or know that an individual working for or representing Mercy-USA does not abide by Mercy-USA's PSEAH and child safeguarding policies, please report to [local reporting channels](#) or [safeguarding@mercyusa.org](mailto:safeguarding@mercyusa.org)

**Disclaimer:** All Mercy-USA staff, volunteers, and contracted parties must contribute to an environment that prevents sexual exploitation and abuse. Executives and Managers within Mercy-USA and those contracted by Mercy-USA have a particular responsibility to develop systems and cultivate an environment that prevents sexual exploitation, abuse, and harassment which ensures strict compliance with the Code of Conduct. By signing this document, you are obligated to report any concerns regarding sexual exploitation and abuse by a fellow worker through the established reporting mechanisms available in your office or location. Any violation of the Code of Conduct will be considered as serious misconduct. SEAH cases will be investigated and may lead to drastic disciplinary measures, including suspension, immediate or summary dismissal, and/or involvement of local police authorities.

As such, I, the undersigned, have read and understand this Code of Conduct and will fully comply with it.

Name of Employee, Volunteer, or Representative	Signature	Date

HR Officer Initials and Signature

**Annex 2: Mandatory: SEAH Self-Declaration Form: To be used as shown and added to personnel records**

I, the undersigned, (name) \_\_\_\_\_, as a staff/volunteer/representative of Mercy-USA for Aid and Development understand that:

- Humanitarian assistance and services are to be provided in a manner that protects against and prevents sexual harassment, sexual exploitation, and sexual abuse of staff members and PoCs including children and vulnerable individuals. This includes unwanted verbal, non-verbal, or physical conduct of a sexual nature, as well as actual or attempted sexual activity of a forced or coercive nature.
- Exploitative and abusive sexual activities by staff, volunteers, implementing partners, and community volunteers are prohibited, and perpetrators will be held accountable
- Consequences may include immediate dismissal and referral to law enforcement
- Any forced or coerced sexual activity, including those obtained by exchanging or threatening to withhold humanitarian assistance or services, is, by definition, exploitative, and abusive.
- I am responsible for reporting any actual or suspected cases of sexual exploitation and abuse. A failure to report will be considered a violation on my part.

As such, I confirm that (Select Yes or No):

- 1) I have not been disciplined for any form of sexual misconduct by local authorities or any other organization. Yes No
- 2) I am not and have not been subject to any disciplinary, administrative, or criminal sanctions arising from an SEAH investigation for any form of sexual misconduct. Yes No
- 3) I have not left any past employment pending a SEAH investigation for any form of sexual misconduct. Yes No

I hereby certify that, to the best of my knowledge, all the information I provide in this form is true, complete, and made in good faith. I understand that false and fraudulent information provided herein may disqualify me from further consideration for employment and, if employed, may result in summary dismissal if discovered later. I also hereby declare that I do not pose any threat to children or any other vulnerable individuals or groups, as defined by Mercy-USA’s PSEAH policy.

<b>Signature</b>	<b>Date</b>
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<b>Vetting and References Provided</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, include it in personnel records If no, complete vetting, and references before employment begins.	<b>HR Officer Name/Signature/Date</b>	<b>HR comments or notes, if any:</b>
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