

Presbyterian World Service & Development



Code of Conduct for the Prevention of Sexual Exploitation and Abuse

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Body responsible: The PWS&D Committee

1. RELATED POLICIES AND STANDARDS

- The Presbyterian Church in Canada, General Assembly, [Policy Dealing with Sexual Abuse and Sexual Harassment](#)
- The Presbyterian Church in Canada, *Human Resources Policy Handbook* (section 3.6, *Sexual Abuse and Sexual Harassment Policy*)
- The Presbyterian Church in Canada, General Assembly, [Leading with Care: A Policy for Ensuring a Climate of Safety for Children, Youth and Vulnerable Adults in The Presbyterian Church in Canada](#)
- Presbyterian World Service & Development, *Gender Justice Policy*
- ACT Alliance, [Code of Conduct for the prevention of misconduct, including corruption, fraud, exploitation and abuse, including sexual; and to ensure child safeguarding](#)
- Cooperation Canada, [Leaders' Pledge on Preventing and Addressing Sexual Misconduct](#)
- Government of Canada, [Canada's Feminist International Assistance Policy](#)
- Inter Agency Standing Committee (IASC) [Eight Minimum Operating Standards on Protection from Sexual Exploitation and Abuse](#)

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2. PURPOSE

The ***Code of Conduct for the Prevention of Sexual Exploitation and Abuse*** (*PWS&D Code of Conduct for PSEA*) provides the framework for Presbyterian World Service & Development (PWS&D) to protect populations PWS&D and its partners work with against all forms of sexual exploitation, sexual abuse and sexual harassment.¹

3. POLICY

- 3.1. It is the policy of Presbyterian World Service & Development (PWS&D) that sexual exploitation, sexual abuse or sexual harassment by PWS&D committee members, staff, volunteers, interns, consultants or partners will not be tolerated.
- 3.2. Because of the serious consequences of sexual exploitation, sexual abuse and sexual harassment, PWS&D will make every effort to ensure that they do not occur within its scope of operations.
- 3.3. This *PWS&D Code of Conduct for PSEA* will apply to all those engaged, commissioned or contracted to work with or on behalf of PWS&D and PWS&D's partners, including:

PWS&D

- i. Committee Members
- ii. Employees
- iii. Consultants
- iv. Volunteers
- v. Interns

PARTNERS

- i. Board/Committee Members
 - ii. Employees
 - iii. Consultants
 - iv. Volunteers/community-based workers
 - v. Community members and leaders associated with PWS&D-funded projects
 - vi. Government authorities/officials/staff associated with PWS&D-funded projects
 - vii. Service providers (contractors) associated with PWS&D funded projects
- 3.4. PWS&D will work to ensure that its policies and practices, and those of its development and relief partners, are in alignment with the Inter Agency Standing Committee (IASC) *Eight Minimum Operating Standards on Protection from Sexual Exploitation and Abuse*.²
 - 3.5. PWS&D recognizes that the prevention of sexual exploitation and abuse is a responsibility shared with its partners, and will work together with them to ensure that this policy is implemented.
 - 3.6. Where needed, PWS&D will support partner capacity building for the prevention of sexual exploitation, sexual abuse and sexual harassment.
 - 3.7. PWS&D will ensure there are anonymous and confidential reporting mechanisms that protect victims and whistleblowers in relation to PSEA and ensure that they receive the support they need.
 - 3.8. When complaints of sexual exploitation, sexual abuse or sexual harassment arise, PWS&D will respond with seriousness, sensitivity and concern for all involved and, in line with this policy, will recognize the necessity of dealing with both complainant and complainee in a fair and just manner.

¹ While many international organizations refer to prevention of "sexual exploitation and sexual abuse," The Presbyterian Church in Canada's policy refers to "sexual abuse and sexual harassment." All three are of concern in this Code of Conduct.

- 3.9. PWS&D may strike a Prevention of Sexual Exploitation and Abuse task group to help the staff and the PWS&D committee make informed and wise decisions in regard to PSEA. The task group may include members of the PWS&D committee, volunteers from the constituency and the PWS&D PSEA Focal Point. The task group will be limited to 3 or 4 members to ensure efficiency. Membership on the task group will be approved by the PWS&D executive committee on an annual basis.

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4. BACKGROUND AND CONTEXT

It is well understood that incidents of sexual exploitation and abuse occur in situations of power imbalance and acute vulnerability. PWS&D works globally with marginalized and vulnerable populations in acute situations of poverty and crisis that leave them particularly exposed to these risks. Humanitarian and development workers associated with PWS&D work in an environment where they hold the balance of power. If there are not proper safeguards in place, this can lead to exploitation and abuse.

PWS&D is committed to creating safe and respectful environments, and programs that promote gender equality and are free from gender-based violence and any form of sexual misconduct - including sexual exploitation, sexual abuse or sexual harassment - by addressing and responding to all abuse of power, holding people to account, and protecting those vulnerable to risk.

The Presbyterian Church in Canada (PCC) has policies regarding: *Dealing with Sexual Abuse and Sexual Harassment; Workplace Discrimination and Harassment; and Leading with Care*. Compliance with these policies is a condition of employment.

This *PWS&D Code of Conduct for PSEA* builds on and intersects with related existing policies and strengthens PWS&D's commitment to stand up against sexual exploitation, sexual abuse and sexual harassment.

The *PWS&D Code of Conduct for PSEA* draws inspiration from PWS&D's mandate "to act as the agency within The Presbyterian Church in Canada for undertaking development activities, disaster relief and education of congregations to these world-wide needs," and from its values of compassion, justice and partnership. "For PWS&D, partnerships are dynamic and involve mutual learning, trust and shared vision. Healthy partnerships are accountable, ethical, equitable, flexible and respectful."³

5. IMPLEMENTATION

5.1. Definitions

The following definitions and stipulations from Global Affairs Canada, derived from UN-based standards, will be utilized in the implementation of this PWS&D policy.

- *Sexual exploitation* refers to 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* refers to an actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions
- *Sexual activity* with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Not knowing or mistaking the age of a child is not a defense.

³ PWS&D Values Statement, adopted 2014

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The following definitions and stipulations from the PCC *Policy for Dealing with Sexual Abuse and Sexual Harassment* (SASH) will also be utilized in the implementation of this PWS&D policy:

- *Sexual abuse* includes, but is not limited to, any unwanted sexual contact.
- *Sexual contact* includes, but is not limited to, sexual intercourse, genital contact, petting, fondling, sexually suggestive language or the display of pornography.
- *Sexual abuse* includes, but is not limited to, sexual assault and other sexual offences involving children as defined in the *Criminal Code of Canada*.
- *Sexual abuse* includes, but is not limited to, sexual harassment.
- *Sexual harassment* is defined as:
 - a course of vexatious comment or conduct that is known or ought reasonably to have been known to be unwelcome, including repeated sexual remarks or physical contact that is degrading;
 - a sexual advance or solicitation made by a person who is in a position to grant or deny a benefit to another;
 - the threat of or an actual reprisal by a person in authority against a person who has rejected a sexual advance from that person in authority.

5.2. Implementation within PWS&D

As an agency of The Presbyterian Church in Canada, the church's *Policy for Dealing with Sexual Abuse and Sexual Harassment* and *Leading with Care* policy apply to all PWS&D Committee members, staff, consultants, volunteers and interns involved in PWS&D's work, whether in Canada or travelling overseas.

PWS&D Director will identify a PSEA Focal Point person, from among PWS&D staff, who will support the implementation of this policy.

Any PWS&D Committee member, staff, consultant, volunteer or intern involved in PWS&D's work who witnesses a situation that might be considered a situation of sexual exploitation, harassment or abuse should inform the PWS&D Focal Point person who will ensure that the appropriate steps are taken to address the situation in line with this policy.

PWS&D will promote protection from sexual exploitation and abuse, which will include providing a written copy of the *PWS&D Code of Conduct for PSEA* to all PWS&D Committee members, staff, consultants, volunteers and interns involved in PWS&D's work, and Local Partners.

PWS&D will provide information, orientation and/or training on the the PCC's *Policy for Dealing with Sexual Abuse and Sexual Harassment* and on the *PWS&D Code of Conduct on PSEA* to all PWS&D Committee members, staff, consultants, volunteers and interns involved in PWS&D's work.

All PWS&D Committee members, staff, consultants, volunteers and interns coming into direct interaction with children, youth, or vulnerable adults who are PWS&D project participants/beneficiaries overseas will be screened before this involvement. Screening will involve interviews, reference checks, orientation and a Police Records Check.

PWS&D will work with the PCC Life and Mission Agency to develop effective PSEA screening processes that will apply in the recruitment of new staff.

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PWS&D program staff will develop and maintain a PSEA implementation plan to be updated regularly.

The *PWS&D Code of Conduct for PSEA* and information on making a complaint will be publicly available on PWS&D's website.

5.2.1. *PWS&D Committee members and overseas volunteers*

All PWS&D Committee members and overseas volunteers are covered under this policy.

Any PWS&D committee member or volunteer travelling overseas to visit PWS&D partners, programs or projects will be provided with a copy of this policy as part of their pre-departure briefing materials.

Where PWS&D Committee members or overseas volunteers are the subject of a complaint of sexual exploitation, abuse or harassment, the allegation will be received, investigated and acted upon in accordance with the terms of the *PCC Policy dealing with Sexual Abuse and Sexual Harassment*.

5.2.2. *Staff, contract employees, in-office volunteers and interns working in the national office*

PWS&D personnel and contract employees are employees of The Presbyterian Church in Canada (PCC). The *PCC Human Resources Policy Handbook* lays out measures for implementing the *Policy for Dealing with Sexual Abuse and Sexual Harassment* for PWS&D staff, contract employees, in-office volunteers and interns. As a condition of employment, the PCC requires that its employees read, agree to and sign the *PCC Policy dealing with Sexual Abuse and Sexual Harassment* and the *PCC Leading with Care: A Policy for Ensuring a Climate of Safety for Children, Youth and Vulnerable Adults in The Presbyterian Church in Canada* policy (Leading with Care). When a staff member is the subject of a complaint made under that policy, the allegation will be received, investigated and acted upon in accordance with the terms of the *Human Resource Policy*.

5.2.3. *Donor requirements*

PWS&D will abide by the terms and conditions of its donor-funded projects and programs related to the prevention of sexual abuse and exploitation. The *PWS&D Code of Conduct for PSEA* applies in all PWS&D-supported projects. However, where particular terms and conditions of Contribution Agreements with a donor set a higher standard regarding the prevention of sexual exploitation and abuse than this *PWS&D Code of Conduct for PSEA*, PWS&D will honour those terms and conditions.

5.3. Implementation with PWS&D Partners

5.3.1. PWS&D will promote protection from sexual exploitation and abuse in dealings with partners and will ensure that the *PWS&D Code of Conduct for PSEA* is applied in all projects funded by PWS&D. PWS&D will provide a written copy of its *Code of Conduct for PSEA* to all partners.

5.3.2. PWS&D recognizes that some *partners* already have Codes of Conduct/Codes of Ethics and/or prevention of sexual exploitation and abuse policies that share the principles of *PWS&D's Code of Conduct for PSEA*. Where there are gaps between a partner's policy and PWS&D's policy, PWS&D will work together with the partner to strengthen their policy and practice to protect populations and work against of sexual exploitation, sexual abuse and sexual harassment.

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- 5.3.3. PWS&D will assess all project funding applications to identify efforts to prevent sexual exploitation and abuse in.
- 5.3.4. All Memorandums of Understanding, Contribution Agreements and Contracts between PWS&D and partners will stipulate that partners will respect and abide by PWS&D's *Code of Conduct for PSEA* or that they have adopted or will adopt their own policies and procedures that are in keeping with the purpose of PWS&D's *Code of Conduct*.
- 5.3.5. When working with partners regarding partners' own policies and procedures to prevent sexual exploitation and abuse, PWS&D will consider whether partners have established:
- 5.3.5.1. *Complaints mechanisms*: accessible, transparent and confidential, at the community level and within their organization and programs
 - 5.3.5.2. *Remedial measures*: when misconduct is found.
 - 5.3.5.3. *Anonymous and confidential reporting mechanisms*: to protect SEA survivors and whistleblowers and to ensure that they receive the support they need
 - 5.3.5.4. *Accountability mechanisms*: integrated throughout the organization, including roles and responsibilities in the prevention of sexual exploitation and abuse
 - 5.3.5.5. *Referral mechanisms*: to the relevant authorities in cases of criminal conduct elements (unless mutually agreed to be inappropriate due to limitations of referral mechanisms / government departments in some contexts)
 - 5.3.5.6. *A dedicated department or focal point person*: responsible for preventing sexual exploitation and abuse will be provided
 - 5.3.5.7. *Staff Training*: on the policy and protocols, and on identification and mitigation of potential risks of sexual exploitation and abuse
 - 5.3.5.8. *Community training*: to raise community awareness of policies and procedures, and of community-level confidential complaints mechanisms.
 - 5.3.5.9. *Immediate Reporting*: to PWS&D for all allegations or complaints about sexual exploitation and abuse, including details of appropriate supports for the complainant and investigation measures
 - 5.3.5.10. *Annual reports to governing bodies*: on the number of alleged and confirmed cases of sexual exploitation and abuse, including measures taken (with appropriate measures to ensure confidentiality)
 - 5.3.5.11. *Annual reporting to PWS&D*: for PWS&D-funded projects to include information about the number of alleged and confirmed cases of sexual exploitation or abuse, including any actions taken in their regard (while ensuring confidentiality).

5.4. Implementation with both PWS&D and PWS&D Partners

To protect all stakeholders in all situations, PWS&D and Partners' staff and volunteers, while on duty and off duty, must never:

- i. Sexually exploit or sexually abuse any individual.
- ii. Engage in any sexual activity with project stakeholders, participants, beneficiaries or members of vulnerable populations
- iii. Engage in any sexual activity with a child or children, understanding that:
 - In all cases, the age of consent for sexual activity will be 18 or older.
 - Mistaken belief in the age of a child is not a defense.
- iv. Abuse a position to withhold development or humanitarian assistance or give preferential treatment in order to solicit sexual favours, gifts, payments of any kind or other advantage.
- v. Demand sexual favours or other forms of humiliating, degrading or exploitative behaviour

- vi. Act in ways that may place a child at risk of abuse, including not giving due consideration to assessing and reducing potential risks to children when implementing activities.
- vii. Engage in behaviours and actions that include but are not limited to: using inappropriate language when dealing with a child or children, bullying and verbally or physically harassing a child, physical punishment, exposing a child to pornography including to on-line grooming and trafficking.
- viii. Be alone with a child (unless it is demonstrably unavoidable).
- ix. Consume, purchase, sell, possess or distribute any form of child pornography.
- x. Exchange money, employment, goods or services for sex.
- xi. Profit from the provision of sexual services by others.

5.5. Complaints

PWS&D will maintain the following mechanisms and timelines for complaints under its *Code of Conduct for PSEA*.

5.5.1. A complaint should be lodged as soon as possible after the complainant becomes aware of the concern. A complaint can be made:

- by someone alleging they have directly experienced an incident of sexual abuse/exploitation/harassment
- by a third-party alleging they have witnessed an incident of sexual abuse/exploitation/harassment

5.5.2. Complaints can be submitted in writing or verbally (in person or by phone)

Written complaints can be submitted by:

- E-mail: conduct@presbyterian.ca
- Post: Senior Administrator, The Life and Mission Agency (PCC), Toronto ON M3C 1J7 Canada

Verbal complaints can be submitted by:

- Phone: 1-800-619-7301 / 416-441-1111, ext. 228, Senior Administrator for The Life and Mission Agency (PCC) (Note: Upon request a meeting will be arranged to submit a complaint.)

5.5.3. Confirmation of receipt:

- i. The complainant shall receive confirmation of receipt of the complaint, where possible, within two (2) working days after PWS&D receives the complaint.
- ii. The email, letter or phone call to the complainant acknowledging receipt of the complaint shall include the following information:
 - When and how the complaint was received
 - How the complaint will be addressed (process)
 - The name of the person responsible for handling the complaint
 - The name of the person to contact for questions or feedback

5.5.4. Processing the complaint:

Upon receiving a complaint, the Senior Administrator will:

- i. if complaint is about an employee of the national office who is a layperson, refer the complaint to Assembly Council for investigation and adjudication
- ii. if complaint is against an employee of the national office who is a minister or a diaconal minister on the constituent roll or appendix to the roll, the complaint is referred to either the Assembly Council or the presbytery, and a copy of the complaint is forwarded to the other body promptly

- iii. inform the body responsible for the investigation and adjudication of the complaint that the PWS&D Director and PSEA Focal Point Person are available to offer support with resources and local contacts that may assist in the investigation

5.5.5. Records

Records pertaining to a complaint must be kept:

- i. Where a PWS&D Committee member or overseas volunteer is the subject of a complaint under this policy, records in regard to the complaint will be maintained in line with the *PCC Policy for Dealing with Sexual Abuse and Sexual Harassment (SASH)*.⁴
- ii. Where a PWS&D staff person, contract employees, in-office volunteers and interns working in the national office is the subject of a complaint under this policy, records regarding the complaint will be maintained in line with the *PCC Human Resources Policy Handbook* at the time.⁵
- iii. Where an overseas partner staffperson or volunteer is the subject of a complaint under this policy, records of the complaint and any proceedings will be maintained in line with PCC national office practices in for confidential matters.

5.5.6. Non-retaliation and confidentiality

5.5.7. Complainants must be able to lodge their concerns without fear of reprisals or unfair treatment. PWS&D will do its utmost to ensure that complaints are handled confidentially and to protect the privacy of the individuals involved, and to ensure that complainants and respondents are treated fairly and respectfully. PWS&D will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.

5.6. Disciplinary measures

Any upheld breach of this *PWS&D Code of Conduct for PSEA* will not be tolerated and may, in accordance with relevant policies and legislation, lead to internal disciplinary actions, dismissal or criminal prosecution. Such action may be taken depending on the nature of the problem, the results of the investigation and proposed measures, and in accordance with the policies of the PCC or of the partner.

5.7. Awareness and overall responsibility

As a condition of employment with PWS&D, staff will read, agree to and sign the *PWS&D Code of Conduct for PSEA* and related PCC policies. PWS&D will ensure that all its employees and volunteers understand what they mean in concrete terms and how they apply to their role.

6. REPORTING

6.1. Reporting to the PWS&D Committee:

The PWS&D director will submit to each meeting of the PWS&D Committee a synthesis report of the types of *PWS&D Code of Conduct for PSEA* complaints received and the status of their resolution.

6.2. Reporting to funding agencies:

- The PWS&D director will inform PWS&D's funding agencies, as required, of any allegations of sexual exploitation and abuse that arise in the delivery of Canadian international assistance.

⁴ In Fall 2020, files are *in retentis* in the same manner as outlined for trial records in the Book of Forms (Book of Forms, 30-31).

⁵ In Fall 2020, personnel files are the responsibility of the respective general secretary in each department and are held in a locked file cabinet in the office of the Pension and Benefits Board Director.

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- To protect the privacy of victims, survivors, whistleblowers and alleged perpetrators, PWS&D will not provide any information that could identify the individuals involved. All information will be treated as private and confidential in accordance with the Government of Canada's [Privacy Act](#).