

# **Sexual Exploitation, Abuse and Sexual Harassment Policy**

## **NIMD**

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## SEXUAL EXPLOITATION, ABUSE AND SEXUAL HARASSMENT POLICY NIMD

### 1. APPLICATION

This policy applies to all staff, including managers and coordinators; full-time or part-time; temporary or permanent; in The Hague or Country Offices (COs); job applicants; interns; student workers and official volunteers. The prohibition against sexual exploitation, harassment, sexual harassment, discrimination, and abuse of authority extends to conduct which occurs at the workplace, during or outside working hours, in relation to the work of NIMD.

This Policy establishes NIMD's zero tolerance of Sexual Exploitation, Abuse and Sexual Harassment (SEAH).

This Policy complements the general principles established in NIMD's Code of Conduct and clarifies the expected standards of conduct and professional ethics, including the respect for other people's dignity and integrity. In particular, it sets clear obligations for NIMD's Staff to prevent and respond to SEAH and to refrain from condoning, encouraging, participating in, or engaging in SEAH.

### 2. POLICY

NIMD is committed creating and maintaining a working environment that respects the inherent dignity of all persons, affording them the opportunity to reach their fullest potential and empowering them to deliver the best possible results for NIMD and the people that we work with. NIMD aims for the highest possible integrity in contact with partners, suppliers, clients, among staff, and in respect of our business property. The key values within the different staff policy – justice, legal security, safe environment, openness and clarity, individual & shared responsibility and room for initiative, diversity and creativity – also serve as a basis for the Integrity Policy in general.

NIMD has a zero tolerance for any form of misbehavior that includes sexual exploitation, harassment, sexual harassment, discrimination, and abuse of authority in any form.

Every person working with and for NIMD has the right to be treated with dignity and respectfully at any time and to work within an environment free from any kind of harassment, sexual harassment, abuse and discrimination.

### 3. DEFINITIONS OF MISBEHAVIOUR

#### Sexual exploitation

Sexual exploitation is any actual or attempted abuse by NIMD staff 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. Similarly, sexual abuse means the actual or threatened physical intrusion of a sexual nature by NIMD staff, whether by force or under unequal or coercive conditions.

#### Harassment

Harassment is any improper and unwelcome conduct by NIMD staff against other NIMD or external personnel that causes, or that might reasonably be expected to cause, offence or humiliation.

Harassment may be present in the form of words, gestures, electronic communication or other actions that annoy, alarm, abuse, demean, intimidate, belittle, or cause personal humiliation or embarrassment to another, or cause an intimidating, hostile or offensive work environment. It includes but is not limited to harassment based on any grounds, such as race, religion, color, creed, ethnic origin, physical attributes, gender identity, or sexual orientation. Harassment will often consist of a series of incidents, but it may be brought about by a single incident only.

The mere expression of disagreement, admonishment, criticism or similar action regarding work performance, conduct or related issues within a supervisory relationship shall not be considered as misbehavior. Such work-related disagreement is handled within the appropriate work processes.

### Sexual Harassment (Intimidation)<sup>1</sup>

Any form of verbal, non-verbal or physical behavior with a sexual connotation that has as its purpose or consequence that a person's dignity is eroded, in particular when a threatening, hostile, insulting, or humiliating situation is created.

Sexual harassment may result in an intimidating, hostile or offensive environment or is made a condition of employment. Sexual harassment normally implies a series of incidents. However, a one-time incident could fall within the definition of sexual harassment if it has an unambiguously offensive sexual character. Staff members with any gender identity can be either the injured party or the offender.

### Discrimination<sup>2</sup>

Any behavior where an employee is treated differently from another person that is in a comparable situation, on the basis of their religion, convictions, political outlook, race, gender, nationality, sexual orientation, marital status, age, disability or chronic illness. Or where a seemingly neutral condition, measure, or act unequally affects persons with a given religion, convictions, political outlook, race, gender, nationality, sexual orientation, marital status, age or with a disability or chronic illness.

NIMD staff are judged on their performance and proven competencies. Every employee shall conduct himself/herself with courtesy, respect and integrity towards all persons in the course of performing his/her work. No employee may discriminate<sup>3</sup> against any other person.

### Abuse of Authority

Abuse of authority is the improper use of a position of influence, power or authority by NIMD staff against NIMD or external personnel or a group thereof. This includes situations when the person in question uses their influence, power or authority to arbitrarily influence the career or employment conditions (including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion) of other NIMD or external personnel.

Abuse of authority can include a one-time incident or a series of incidents. It may also consist of conduct that creates a hostile or offensive work environment, which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion.

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<sup>1</sup> See [integrity policy: 3. Complains procedure](#)

<sup>2</sup> See [integrity policy: 3. Complains procedure](#)

<sup>3</sup> See [Code of Conduct: Article 2.12 Mutual respect, non-discrimination and child protection](#)

#### 4. ROLES AND RESPONSIBILITIES

##### Prevention

NIMD will ensure that its recruitment, procurement, employment processes are made in line with this policy, and include a SEAH reference check.

NIMD will actively support awareness raising and training activities for and/or in collaboration with persons covered under this Policy, partners, and relevant stakeholders in NIMD-related activities. Already, NIMD is committed to train staff, including mandatory safety and security trainings that are part of this. In these ongoing trainings the topic of SEAH is also addressed, including on how to handle sexual harassment, harassment or abuse of authority in the workplace. In addition, NIMD will ensure that all staff undertake mandatory regular additional training to guarantee compliance with this Policy and relevant operating procedures.

As a form of prevention NIMD has developed with the help of Partos (Partos is the Dutch membership body for organizations working on international development) a dilemma-based cards game, which describe different integrity situations where staff are challenged to discuss their own response to these dilemmas. The game initiates an open discussion about integrity, and its meaning and application in practice. The aim is to build trust between the participants, to learn from each other and help each other when facing potential difficult dilemmas. It also makes the policy come alive and illustrates the difference from being a paper reality to being applied in practice. The different sorts of SEAH (potential) situations are included in these dilemmas, and the game is therefore a good manner to raise awareness on the subject of SEAH.

NIMD also has an internal and external confidential counseling<sup>4</sup> service in place for staff but also for external personnel affected by the work of NIMD.

##### Response

Any victim who reports, attempts to report, is believed to be about to report, or is believed to have reported suspected or actual SEAH (including concerns of suspected SEAH) in NIMD-related activities will be entitled to all the protections, including anonymity and confidentiality, protection from retaliation and remedies afforded to whistle blowers as set out in the Code of Conduct and Whistleblowing procedure.

Any person who reports, attempts to report, is believed to be about to report, or is believed to have reported actual or suspected case of SEAH in NIMD-related activities is deemed a whistleblower. Any person who or cooperates, attempts to cooperate, is believed to be about to cooperate, or is believed to have cooperated with a NIMD investigation concerning a case of SEAH, will be deemed a witness. Both whistleblowers and witnesses are entitled to the related protections (including anonymity and confidentiality, and protection from retaliation), and remedies, as set out in NIMD's Code of Conduct and Whistleblowing procedure.

Acts of SEAH or retaliation against an actual or suspected SEAH victim committed by NIMD Staff or Partners will amount to misconduct or breach of contract and will be subject to disciplinary or other remedial measures as provided in the relevant NIMD policies, rules, and procedures.

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<sup>4</sup> See [confidential counselling at NIMD](#)

## How to report

NIMD staff and related personnel have a responsibility to report any suspicion or concern of SEAH. Any individual can raise a concern/complaint to NIMD about an incident they have experienced, witnessed, or heard about concerning a NIMD staff member or partner (suppliers, partners, contractor, etc.) without fear of retribution. NIMD staff and related personnel must not investigate allegations or suspicions themselves.

Complaints can be made anonymously. Every effort will be made to maintain confidentiality throughout the whistleblowing procedure<sup>5</sup> or complaints procedure<sup>6</sup>. Information that identifies individuals involved in a complaint or whistleblowing act will be limited to essential personnel and will not be shared further without obtaining the informed consent of those involved, except if someone's life is at risk, a child is at risk, or as required by law in consultation with legal counsel and where safe to do so. Non-identifying information will be shared as per reporting requirements

## Confidential Councilor Support

Every employee has the right to work in a safe and ethical workplace. The confidential counsellor stands next to the employee and advises the organization. The organization is responsible to provide a safe and ethical workplace with especially attention to good social and mental working conditions (Sociale en Psychische Arbeidsomstandigheden – PSA).

The confidential councilor can be contacted on:

Internal confidential counsellor

Vanessa Smit

Phone: +31 6 13866280

Email: [confidential@nimd.org](mailto:confidential@nimd.org)

External confidential counsellor

Herman van der Wind

Phone: +31 6 12265099

Email: [h.vanderwind@bezemerkuiper.nl](mailto:h.vanderwind@bezemerkuiper.nl)

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<sup>5</sup> See [Whistleblowing procedure](#)

<sup>6</sup> See [Complaints procedure](#)