

## **LANDESA policy to preventing and responding to sexual harassment, sexual exploitation and abuse**

### **I. INTRODUCTION**

1. LANDESA is committed to the principles of integrity, professionalism and respect for the dignity of all people. LANDESA seeks to ensure a safe working environment free of harassment, including sexual harassment, and free of sexual exploitation and abuse (SEA) in its activities and operations. SEA is a grave breach of trust of the people LANDESA intends to serve and can have devastating consequences for victims, their families and affected communities. Thus, LANDESA deems it central to its core values and mandate to have in place an effective policy addressing sexual harassment and SEA in its activities and operations.

2. LANDESA has no tolerance towards acts of sexual harassment or SEA and takes action to prevent sexual harassment and SEA from occurring in the first place and ensures a prompt and effective response to allegations.

3. The objective of this policy is to: (i) define obligations of LANDESA staff, subcontractors and individual consultants with respect to sexual harassment and SEA; and (ii) set out LANDESA's rules and procedures and approach in preventing and responding to sexual harassment and SEA.

4. This policy enters into effect immediately. Related internal policies, procedures and contractual documents will be amended to reflect the measures contained herein, including the Implementing Procedures, Landesa complaint mechanisms and other internal processes.

### **II. DEFINITIONS AND SCOPE**

1. In line with international standards, in particular the 2003 United Nations Bulletin on Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13), LANDESA defines Sexual Exploitation and Abuse (SEA) as follows: "sexual exploitation and abuse of beneficiaries in the context of LANDESA's operations in the field: 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 others (sexual exploitation); the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (sexual abuse)."

2. Sexual harassment is defined as follows: "any unwelcome sexual advance, request for sexual favor or other verbal, non-verbal or physical conduct of a sexual nature that unreasonably interferes with work, alters or is made a condition of employment, or creates an intimidating, hostile or offensive work environment."

3. For the purposes of this Policy, the term “SEA” refers to behavior towards beneficiaries of LANDESA-funded or -managed activities and operations (defined as “persons that LANDESA intends to serve through its programs and activities”). The term “LANDESA activities and operations” refers to all activities and operations financed or managed by LANDESA.

4. SEA includes any unwanted or forced sexual act committed without consent of the other person or threat thereof, sexual activities with a minor, unwanted touching of a sexual nature, forcing someone to have sex with anyone, videotaping, photographing, or otherwise recording sexual acts and posting them without permission, name calling with sexual epithets, and telling someone that they or anyone else have to engage in sexual acts as a condition for anything.

5. For the purposes of this Policy, the term “sexual harassment” refers to a form of harassment generally associated with the work context that creates an intimidating, hostile or offensive work environment. Sexual harassment includes, but is not limited to: unsolicited requests for sexual favors, requests for sexual favors linked to career prospects, unwanted physical contact, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace when it has been made clear that such suggestions are unwelcome, visual displays of degrading sexual images, objects or written material, leering, whistling or making sexually suggestive gestures, sexually suggestive conduct or offensive remarks of a sexual nature.

### **III. LANDESA SEXUAL HARASSMENT AND SEA POLICY**

#### **Section 1 – Guiding principles**

6. LANDESA staff, subcontractors and consultants shall work and behave in a manner that respects and fosters each other’s rights and the rights of the people they serve. This includes an obligation to abstain from any acts of sexual harassment and/or SEA and to report in a timely manner any allegations of sexual harassment and/or SEA that may arise at LANDESA or in the context of a LANDESA-funded or -managed activity or operation. LANDESA managers and supervisors have the responsibility to create and maintain a work environment that helps prevent sexual harassment and SEA and to encourage reporting of allegations of sexual harassment and/or SEA.

7. LANDESA has no tolerance for acts of sexual harassment and/or SEA. LANDESA is committed to facilitating the reporting of sexual harassment and SEA and ensuring a prompt and effective response to allegations of sexual harassment and/or SEA, including through timely and objective investigations. LANDESA is also committed to protecting reporting parties who act in good faith from retaliation. LANDESA is further committed to preventing sexual harassment and SEA from occurring in the first place, for example through activities such as awareness raising, background checks, partner due diligence and appropriate project design and implementation.

## **Section 2 – Application**

8. This policy applies to all LANDESA staff, independent of their location, position, including staff members on loan, and temporary short-term staff. It also applies to all LANDESA subcontractors and individual consultants..

9. In its spirit and principles, this policy also applies to all persons who participate in LANDESA programs and activities and third parties contracted using LANDESA’s funding.

## **Section 3 – Responsibilities**

### **A. Responsibilities of LANDESA staff, subcontractors and individual consultants**

#### **1. Obligation to act ethically**

10. LANDESA staff, subcontractors and individual consultants are expected to adhere to the highest ethical standards, both in their professional and personal dealings, and to abide by the core values of the organization: integrity, respect, professionalism and focus on results. This includes an obligation not to sexually harass, exploit or abuse others.

To this end, LANDESA staff, subcontractors and individual consultants have the following responsibilities:

- i. Abstain from engaging in any acts of sexual harassment and/or SEA. Acts of sexual harassment and/or SEA are considered serious misconduct, which may lead to summary dismissal, termination of contract and/or referral to national authorities.
- ii. Abstain from encouraging or condoning acts of sexual harassment and/or SEA committed by others in connection with an LANDESA-funded or -managed activity or operation. Encouraging or condoning acts of sexual harassment and/or SEA is considered misconduct, which may lead to disciplinary measures (see below section).
- iii. Abstain from any sexual activities with beneficiaries, as such relationships are marked by inherently unequal power dynamics, and may undermine the credibility and integrity of the work of Landesa.
- iv. Contribute to a work environment that prevents sexual harassment and SEA from occurring in the first place. In particular, managers and supervisors are expected to clearly communicate LANDESA’s no-tolerance policy towards sexual harassment and SEA, behave in an exemplary manner and encourage timely reporting of sexual harassment and SEA allegations. LANDESA staff, subcontractors and individual consultants are required to participate in anti-harassment and SEA trainings.

## **2. Obligation to report**

11. LANDESA staff, subcontractors and individual consultants who witness or otherwise become aware of potential acts of sexual harassment and/or SEA, or who have reason to suspect that such acts have been or are being committed at LANDESA or in connection with an LANDESA-funded or -managed project or activity, have a duty to immediately report this to LANDESA through the appropriate reporting channels. The appropriate reporting channel for sexual harassment and SEA is the Chief Human Resources Officer (CHRO).. SEA allegations can also be reported to the Chief Program Officer (CPO).

12. Where a LANDESA staff member, subcontractor or individual consultant witnesses or otherwise becomes aware of, or has reason to suspect, acts of sexual harassment and/or SEA, but fails to report this to LANDESA in a timely manner, LANDESA considers this as misconduct, which may lead to disciplinary measures.

13. The reporting of false allegations of sexual harassment and/or SEA made with an intent to harm the reputation of another person or LANDESA, or to take undue advantage of LANDESA's reporting mechanism for personal benefit, is considered misconduct, which may lead to disciplinary measures.

14. LANDESA staff, subcontractors and individual consultants are required to cooperate unreservedly with the CHRO and CPO and to respond promptly to any requests for information.

## **B. Responsibilities of LANDESA**

### **1. Establish and maintain an appropriate reporting mechanism**

15. LANDESA makes available an immediate and confidential reporting mechanism to report potential acts of sexual harassment associated with the workplace at LANDESA and/or SEA in connection with an LANDESA-funded or managed activity or operation. To this end, external individuals including beneficiaries may rely on confidential email addresses posted on LANDESA's internet website. Existing reporting channels are monitored on a regular basis and strengthened where appropriate.

16. LANDESA, through Human Resources, appoints and trains dedicated senior focal points in its offices and hubs to receive allegations of SEA in relation to LANDESA projects and activities in the field in local languages.

17. LANDESA staff, subcontractors and individual consultants report their allegations, observations or suspicions regarding potential acts of sexual harassment and/or SEA to the CHRO or CPO. External parties, including potential victims of sexual harassment and/or SEA, are encouraged to report their allegations, observations or suspicions through Human Resources and confidential email address, where they can also receive confidential advice.

18. Reports of sexual harassment and SEA may be filed anonymously. "Anonymity" means that reporting parties do not provide their names. Where a report is filed anonymously, the reporting party is encouraged to at least provide an email address or phone number for potential follow-up questions.

19. All reports of sexual harassment and SEA are treated with strict confidentiality. “Strict confidentiality” means that the identity of the reporting party will not be disclosed to anybody outside of Human Resources or the Chief Program Officer, unless the reporting party consents to disclosure or where allegations were made in bad faith or where disclosure is deemed necessary by LANDESA to fulfill due process requirements in the investigation process or when there is a clear and imminent danger to the life or health of a person.

20. LANDESA ensures a prompt response to all reported allegations of sexual harassment and SEA. Human Resources reviews and monitors reported allegations of sexual harassment or SEA. Upon receipt of an allegation, a local Human Resources Rep conducts a preliminary assessment of the allegation. If this assessment shows prima facie elements of unacceptable behavior including sexual harassment and/or SEA that merits further proceedings, the Ethics Office refers the matter to the Chief Human Resources Officer which is the authority in LANDESA entrusted with investigative functions.

21. During an initial review, Human Resources may recommend to the CEO interim measures to protect a whistleblower from retaliation.

Similarly, upon recommendation from the Chief Human Resources Officer, the CEO may take interim measures to protect staff members, subcontractors and individual consultants, or beneficiaries.

22. LANDESA recognizes that reporting allegations of sexual harassment and/or SEA can be difficult. Persons who have in good faith reported allegations of sexual harassment and/or SEA or cooperated with a sexual harassment and/or SEA investigation may seek protection under LANDESA’s Whistleblower Protection Procedures

## **2. Establish and maintain an appropriate response mechanism**

### **a) Investigations**

23. Human Resources is responsible for reviewing and investigating allegations of sexual harassment and SEA. Cases involving allegations of sexual harassment and SEA are considered high-priority cases.

24. Human Resources conducts its investigations in line with best practices for sexual harassment and SEA investigations and is sensitive to the delicate nature of the allegations. Where appropriate, Human Resources may hire external experts to assist in the investigation and/or liaise with local authorities.

25. LANDESA staff, subcontractors and individual consultants have a duty to cooperate unreservedly with any review or investigation of allegations of sexual harassment and/or SEA and shall respond promptly and fully to requests for information. LANDESA staff, subcontractors and individual consultants are expected to provide any additional relevant information that might be unknown to Human Resources, whether or not requested to do so. A failure to cooperate with an investigation may constitute misconduct.

26. LANDESA staff, subcontractors and individual consultants who are under investigation for potential sexual harassment and/or SEA may be temporarily removed from their position, pending the investigation.

27. Upon closure of an investigation, Human Resources issues a final report to the CEO, explaining its findings and conclusions. If any allegations are substantiated, applicable disciplinary proceedings will commence.

#### **b) Disciplinary measures**

28. Disciplinary measures are applied to LANDESA staff who are found to have engaged in acts of sexual harassment and/or SEA at LANDESA or in connection with an LANDESA-funded or -managed project or activity. Acts of sexual harassment and SEA are considered serious misconduct and can be grounds for summary dismissal.

29. LANDESA shall impose sanctions, such as immediate termination of contract and debarment, against subcontractors of individual consultants who are found to have engaged in acts of sexual harassment and/or SEA.

30. Disciplinary measures or sanctions are also applied to LANDESA staff, subcontractors and individual consultants who fails to report acts of sexual harassment or SEA in a timely manner or who encourages or condones acts of sexual harassment or SEA at LANDESA or in connection with an LANDESA-funded or -managed project or activity.

31. Disciplinary measures or sanctions are further applied to LANDESA staff, subcontractors and individual consultants who knowingly makes a false report of sexual harassment and/or SEA with an intent to harm the reputation of another person or of LANDESA.

32. Where LANDESA has reason to believe that laws of a country may have been violated, the CEO may decide to refer matters involving substantiated acts of sexual harassment and/or SEA to national authorities for purposes of criminal proceedings, as appropriate. In this context, the CEO may decide to waive the functional immunities of the implicated staff member or other persons or records relevant to the investigation.

#### **c) Measures regarding the conduct of project staff and third parties in LANDESA-funded operations**

33. LANDESA ensures to reflect its no-tolerance policy towards sexual harassment and SEA in its activities and operations. To this end, recipients of LANDESA funding are expected to immediately inform LANDESA of any allegations of sexual harassment and/or SEA they receive in connection with an LANDESA-funded or -managed activity or operation. Where LANDESA has received credible allegations that project staff may have engaged in such misconduct in connection with an LANDESA-funded or -managed project or activity, LANDESA may take appropriate measures including request the immediate removal of persons from any LANDESA-funded or -managed projects or activities, pending further

action. In such cases, LANDESA may also request that investigation by national authorities take place for purposes of criminal proceedings.

34. LANDESA requires recipients of LANDESA funding to include, in all contracts with project staff, contractors, suppliers and other third parties to be funded with LANDESA funds: (i) provisions prohibiting acts of sexual harassment and SEA, (ii) provisions establishing an obligation to immediately report to LANDESA or the recipient incidents of sexual harassment and/or SEA in LANDESA-funded or -managed projects or activities, and (iii) provisions allowing for the immediate termination of contract based on proven acts of sexual harassment and/or SEA in connection with LANDESA-funded or -managed projects or activities.

### **3. Prevention and monitoring**

#### **a) Outreach and communication**

35. LANDESA ensures robust communications to support effective implementation of this Policy across Landesa and in its activities and operations and to raise awareness of the issue of sexual harassment and SEA and its potential impact on LANDESA's development mandate.

36. The outreach and communication efforts are monitored and shall ensure that sexual harassment and SEA materials are distributed at all levels of the Organization, that materials informing representatives of recipients of LANDESA funding, including project staff, third parties implementing LANDESA-funded or -managed projects or activities, and beneficiary communities are distributed, and that appropriate tools and channels are used for awareness raising on the issue of sexual harassment and SEA.

37. LANDESA may liaise with other International Organizations, think tanks, government agencies and not-for-profit organizations to jointly work on the prevention and response to sexual harassment and SEA in rural development. In particular, LANDESA works to build commitment among its partners at all levels, including local governments and co-financing institutions, to protect vulnerable persons from sexual harassment and SEA-related risks in the development context.

#### **b) Due diligence and background checks**

38. No offer of appointment shall be made to any applicant who seeks to work for LANDESA before an appropriate background check has been completed. This background check includes questions regarding criminal convictions, disciplinary measures, sanctions or investigations relating to sexual harassment and SEA. LANDESA reserves the right to withdraw any offer of employment or to terminate any contractual engagement if an applicant is found to have provided untruthful information concerning any condemnation regarding acts of sexual harassment and/or SEA.

39. LANDESA maintains a record of LANDESA staff, subcontractors and individual consultants who were found to have engaged in acts of sexual harassment and/or SEA in relation with their work for LANDESA. LANDESA also maintains a record of LANDESA staff, subcontractors and individual consultants who have



been convicted of acts of sexual harassment and/or SEA by national authorities or who have received a disciplinary measure or sanction for acts of sexual harassment and/or SEA by another International Organization. LANDESA may disclose information about acts of sexual harassment and/or SEA on record if so requested by another United Nations agency or by a third party in a selection process.

40. LANDESA incorporates in its due diligence of background checks and disclosure requirements regarding criminal convictions, disciplinary measures, sanctions and investigations relating to sexual harassment and SEA of their personnel and sub-contractors.

### **c) Trainings and workshops**

41. Human Resources has strengthened its anti-harassment training program and developed a mandatory e-training specific module on the issue of SEA to be completed by all LANDESA staff, subcontractors and individual consultants. SEA training is also an integral part of LANDESA's onboarding procedures.

42. Specific workshops and other awareness-raising events are organized periodically internally in LANDESA as well as for project staff, and third parties implementing LANDESA-funded or -managed projects and activities.

### **4. Support to affected persons**

43. Affected persons can seek support from human resources staff, supervisors/managers, a qualified psychologist, or the Employee Assistance Program. In addition, they may be supported by someone of their own choice throughout the internal processes.

44. With respect to beneficiaries who are victims of SEA, and in line with the General Assembly Resolution (A/RES/62/214) on the "United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel", support to the victims is provided through existing services, programs and their network.