

PREVENTION OF SEXUAL EXPLOITATION AND ABUSE POSITION STATEMENT

The Australian Respiratory Council (ARC) recognises that sexual exploitation and abuse (SEA) is a violation of basic human rights and takes a zero-tolerance approach. The ARC is committed to the principle of providing a safe environment in the activities it funds and or delivers, where partners, communities and participants are safeguarded from SEA.

Employees of ARC and all persons performing work at the direction of, in connection with, or on behalf of ARC (for example Directors, contractors, consultants, and temporary staff), are required to ensure that SEA is prevented in the work and engagement of the organisation. The ARC Code of Conduct outlines the requirements for workplace participants and the management of breaches of the requirements within the Code of Conduct.

This position statement provides guidance for the principles to be implemented to prevent, report, and manage SEA in ARC funded projects or activities. The ARC seeks to ensure that people/organisations affected by SEA can report incidents with the knowledge that any concerns will be handled swiftly, appropriately and in a sensitive manner.

Compliance with ARC's PSEA Position Statement is required by Partner Organisations, the need to comply with this statement will be reflected in ARC's Project MOUs and contracts. As part of a due diligence check when working with partners ARC will undertake an assessment of the partner's policy and practices in relation to the PSEA and child protection to ensure there is a commitment to preventing, managing and reporting incidents.

Staff are to be made aware of the policy on employment, through the induction process and through training provided at regular intervals to ensure knowledge is up to date and reflecting current standards of practice. Staff, volunteers and partners are required to acknowledge and demonstrate their awareness of and commitment to PSEAH and to ensure they understand their responsibilities as outlined in the Position Statement.

1. POSITION STATEMENT

1.1 The ARC recognises the right of people to not be subjected to any form of SEA. Project partners and recipients of funding are required as part of their relationship with ARC to:

- Undertake to create and maintain a safe environment that promotes the implementation of this position statement and safeguards everyone from SEA
- Comply with all relevant laws of the country within which the work and activities are being undertaken
- Be aware that sexual behaviour is an area of sensitivity, where conduct may more easily be seen as offensive or be misinterpreted, particularly with respect to different cultural norms
- Ensure that conduct is not exploitative or such that it reasonably leads to a perception of exploitation
- Immediately report any concerns, suspicions or allegations of SEA or a breach of this position statement to the head of the agency and the Executive Director of ARC. This includes reporting any potential issues that may be identified.

1.2 It is strictly prohibited for project partners and recipients of funding to:

- Sexually exploit, abuse or sexually harass any person, including children or vulnerable adults
- Use their position of trust and authority to request or trade any services for sex, sexual favours, or other forms of humiliating degrading or exploitative behaviour from beneficiaries or anyone associated with the organisation's activities in return for protection, assistance or funding
- Use the facilities, staff or resources of ARC, partner organisations or third parties for the purpose of arranging or facilitating access to sex workers by any person, including visitors to ARC's offices or programs
- Engage in sexual activity with a child or vulnerable adult under any circumstance. This includes in any country where the age of consent is lower than 18 years
- Use computers, mobile phones, video cameras, cameras or other technology inappropriately, or to exploit or harass children or vulnerable adults, or access or disseminate exploitative material through any medium or channel.

1.3 Breach of Policy

Sexual exploitation and abuse by project partners and recipients of funding, or Staff, Directors and volunteers constitutes an act of gross misconduct and are grounds for termination of the contract or project activity, employment or appointment with ARC. Disciplinary actions and possible outcomes for a breach will depend on the situation and contractual arrangement and may include, where appropriate: referral to local law enforcement agencies; performance of an investigation; a formal warning and monitoring and/or termination of the funding and project and/or termination of employment or appointment.

2. SOURCES OF AUTHORITY

The ARC in all of its activities is required to operate within jurisdictional legislation. Local country laws are to be applied in the delivery and performance of projects and related activities. Local legislative requirements related to SEA are not included in this statement. As a minimum standard, project partners and recipients are to have regard to and implement the standards within the following resources:

- ACFID Code of Conduct 2017
- DFAT Child Protection Policy 2017
- DFAT Preventing Sexual Exploitation, Abuse and Harassment Policy 2019
- Australian Commonwealth Criminal Code Act 1995.
- ARC Code of Conduct
- ARC Child Protection Policy.

3. DEFINITIONS

Child/children	For the purposes of this policy, ARC considers a child to be a person under the age of 18 years.
Age of consent	Refers to the age of consent requirements specified for sexual activity in the law of the country, or the age of 18, if this is greater than the legal age of consent

Sexual exploitation and abuse (SEA)	Occurs against a child or an adult and can occur between people of the same or different genders. It includes situations such as: <ul style="list-style-type: none"> • Sexual exploitation, harassment, and abuse • People sexually exploited through sex work • Possessing, controlling, producing, distributing, obtaining or transmitting sexually exploitative images of adults and/or children
Sexual Abuse	Actual or threatened assault that involves any physical contact, or intent of contact, of a sexual nature against a person's will, using physical force, intimidation, or coercion. All sexual activity with someone under the age of 18 (in this policy context) is considered to be sexual abuse
Child Sexual Abuse	The involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim
Child Exploitation	Committing or coercing another person to commit an act or acts of abuse against a child these include: <ul style="list-style-type: none"> • Possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material • Committing or coercing another person to commit an act or acts of grooming or online grooming • Using a minor for profit, labour, sexual gratification, or some other personal or financial advantage
Vulnerable adult	A person is deemed vulnerable due to structural, cultural, systemic power dynamics and perceptions about a person which means they are more susceptible to being taken advantage of. Perceptions and power dynamics may exist around people for many reasons, including because of their gender, disability, or ethnicity. (Additional information about this definition can be found at the following link: https://assets.tear.org.au/files/TEAR_Safeguarding-VulnerableAdults-Policy.pdf)

4. RESPONSIBILITIES

4.1 The ARC Executive Director is responsible for implementing the following:

- Ensuring that project partners and funding recipients are aware of this position statement and comply with relevant legislation and policies as listed above
- Providing advice and information in relation to this position statement
- Support project partners and funding recipients to develop and implement procedures and guidelines to facilitate the elimination of SEA from the workplace

- Ensuring incidents of alleged SEA within ARC projects or funded activities are investigated, managed, and reported appropriately
- Where appropriate, support, conduct or coordinate investigations into alleged incidences of SEA
- Promoting a culture of zero-tolerance of SEA and ensuring a survivor-centred approach is implemented in the investigation of all SEA matters
- Advising the ARC Board of Directors of any breaches to this position statement and the outcomes of any investigations relating to SEA within ARC's projects or funded activities
- All documents relating to reports of SEA will be retained, confidentially by ARC, for a period of seven years.

5. PROCEDURES

5.1 Survivor support and assistance

The ARC will promote and adopt a survivor-centred approach in responding to SEA complaints or incidences. All actions taken should be guided by respect for choices, wishes, rights and dignity of the survivor.

5.2 Partner Organisations

This position statement will be included in all contracts and memorandums of understanding with Partner Organisations and the requirements within the statement must also be applied to all downstream partners. Partner Organisations will be expected to fully implement the requirements listed in this document.

Feedback is important to ARC as it encourages improvement. Therefore, all feedback from Partner Organisations is welcomed. Feedback is to be directed to the Executive Director of ARC to the following email arc@thearc.org.au.

A complaint regarding an alleged breach of ACFID Code of Conduct can also be made directly to ACFID (<https://acfid.asn.au/content/complaints>).

5.3 Risk Assessment/Safe Programming

The ARC will conduct a Prevention of Sexual Exploitation and Abuse Risk Assessment at the beginning of each project, prior to commencing project implementation and the transfer of funding to Project Partners.

Project partners and funding recipients will be required as part of the MOU to acknowledge and implement practices relating to preventing sexual exploitation and abuse in the delivery and conduct of projects and related activities.

ARC employees, Directors and volunteers must sign this position statement at the commencement of their employment/appointment/relationship with ARC to demonstrate their awareness of and commitment to the principles and practices relating to the PSEAH and to ensure they understand their accountabilities within the context of their employment/relationship with ARC.

5.4 Reporting Responsibilities

ARC Staff, Directors, volunteers and project partners are required to report any suspected or alleged incidents of sexual exploitation, abuse or harassment or noncompliance with this Position Statement. People reporting incidents can do so through ARC's Whistleblowing Policy which provides the framework for people to report concerns without fear of reprisals.

A copy of ARC's Whistleblowing Policy is accessible at the following weblink: <https://www.thearc.org.au/about-arc/governance/> or by contacting ARC's Executive Director by email arc@thearc.org.au.

The ARC is committed to reporting alleged SEA incidents that involve a criminal aspect to the appropriate local law enforcement agencies, where it is safe to do so, and is in accordance with the wishes of the victim/survivor.

The Executive Director is the responsible person within ARC for reporting for matters relating to this position statement. The Executive Director can be contacted at the following email address arc@arc.org.au

CONFIDENTIALITY AND DOCUMENT CONTROL

This position statement is available on ARC's website www.thearc.org.au. Additionally a copy of the Position Statement will be provided to any person or organisation on request. This Position Statement will be reviewed at least every five years or earlier as required to meet changes in practice or legislation.

Approved by ARC's Board of Directors: May 2022.