



Bhutan Canada Foundation

Policy on Protection from Sexual Exploitation and Abuse (PSEA)

1. Purpose and scope

The purpose of this document is to articulate the commitment of the Bhutan Canada Foundation (BCF) to preventing sexual exploitation, sexual abuse and sexual harassment within the organization and its programs by defining a policy framework for the way BCF carries out its work. This policy on the Protection from Sexual Exploitation and Abuse (PSEA) applies to BCF employees, board members, volunteers, interns, representatives and any individual or corporate entity who is supported by BCF in establishing relationships or operations in Bhutan.

2. Interpretation of Policy

A. Legislation

Criminal Code (Canada)
Human Rights Code (Ontario)
Occupational Health and Safety Act (Ontario)
Child Care and Protection Act (Bhutan)
Penal Code (Bhutan)

B. Definitions

Child refers to any individual under the age of 18, irrespective of local country definitions of when a child reaches adulthood.

Partner refers to any individual or corporate entity who is supported by BCF in establishing relationships or operations in Bhutan.

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 harassment refers to unwelcome words or actions associated with sex, sexual orientation or gender that are that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers, in a workplace. It can also include behaviour that intimidates or isolates individual(s). Workplace sexual harassment may include:

- asking questions, talking, or writing about sexual activities;
- rough or vulgar humour or language related to sexuality, sexual orientation or gender;
- displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form;



- leering or inappropriate staring;
- invading personal space;
- unnecessary physical contact, including inappropriate touching;
- demanding hugs, dates, or sexual favours;
- making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes;
- verbally abusing, threatening or taunting someone based on gender or sexual orientation; or,
- threatening to penalize or otherwise punish a worker if they refuse a sexual advance.

Where the conduct or behaviour includes inappropriate sexual touching, this may also constitute a criminal offence such as sexual assault.

Vulnerable adults refers to those aged over 18 years and who identify themselves as unable to take care of themselves/protect themselves from harm or exploitation; or who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts, are deemed to be at risk.

3. Policy statement

BCF has a zero-tolerance policy towards sexual exploitation, sexual abuse and sexual harassment in all the work that we do. We are committed to protecting BCF employees, board members, volunteers, interns, partners and local populations, both in Canada and Bhutan, from sexual exploitation, sexual abuse or sexual harassment. Given the nature of BCF's programming, we are particularly committed to protecting children and vulnerable adults. We believe that all people have the right to live their lives free from sexual exploitation, sexual abuse and sexual harassment regardless of age, gender, sexuality, sexual orientation, disability, religion or ethnic origin. We further recognize that within our organization and in our relationships with the people we work with, both in Canada and abroad, there are unequal power dynamics that raise the risk of some people exploiting their position for personal gain. As such, BCF will not tolerate any form of sexual exploitation, sexual abuse or sexual harassment carried out by employees, board members, volunteers, interns, representatives or partners associated with the delivery of BCF's work. BCF is committed to ensuring proper reporting, investigation and responding to any case of sexual exploitation, sexual abuse or sexual harassment. We are further committed to supporting survivors. This policy is a part of BCF's overall Code of Conduct.

4. Core principles¹

- (a) Sexual exploitation, sexual abuse and sexual harassment constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
- (b) Sexual activity with children is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;
- (c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, including sexual harassment, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;

¹ Core Principles are adapted from the UN Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13).



(d) Sexual relationships between BCF staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of BCF and are strongly discouraged;

(e) Where a BCF staff member develops concerns or suspicions regarding sexual exploitation, sexual abuse or sexual harassment by a fellow worker, whether in the same agency or not, he or she must report such concerns via established reporting mechanisms;

(f) BCF staff are obliged to create and maintain an environment that prevents sexual exploitation, sexual abuse and sexual harassment. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

5. Responsibilities

Responsibilities of BCF employees, board members, volunteers, interns, representatives and partners

All BCF related personnel must:

- Familiarize themselves with this Policy and uphold it.
- Make every reasonable effort to ensure and maintain an environment free of sexual exploitation, sexual abuse and sexual harassment.
- Raise concerns regarding risks or possibilities of sexual exploitation, sexual abuse or sexual harassment.
- Report incidents of sexual exploitation, sexual abuse or sexual harassment.
- Treat any information related to sexual exploitation, sexual abuse or sexual harassment with utmost confidentiality and share related information only on a “need-to-know” basis i.e. only with designated relevant parties.

Responsibilities of BCF managerial employees

The positions of Program Manager, Field Director, Senior Director and Executive Director have a key role to play and bear added responsibilities to:

- Ensure volunteers, interns, employees and partners under their supervision are informed, understand and comply with the Policy.
- Set example for appropriate behaviours.
- Address concerns and respond to incidents and disclosures according to organizational standards.
- Protect individuals from retaliation.
- Use appropriate sanctions when lack of compliance is established.

Responsibilities of BCF board members

BCF board members hold overall accountability for this policy and its implementation.

6. Reporting an Incident

Anyone, including beneficiaries of BCF’s programs, can raise a concern or report a complaint to BCF about sexual exploitation, sexual abuse or sexual harassment that they suspect, have witnessed or experienced, without fear of retribution. Reporting an incident can be done verbally or in writing. BCF encourages you to provide your name when reporting an incident. This will enable us to look into your concern thoroughly by contacting you when additional information is needed or to help us protect you from retaliation for making a good faith report.



Complaints can also be made anonymously and every effort will be made to maintain confidentiality throughout the complaints process. Information that identifies individuals involved in a complaint 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. Staff involved in the complaints process will be made aware of the importance of maintaining confidentiality and may be asked to sign a confidentiality agreement. Employees who breach confidentiality may be subject to disciplinary action up to and including termination of employment.

BCF's Executive Director is the first line of contact for reporting sexual exploitation, sexual abuse or sexual harassment. To report an incident to the Executive Director, please contact:
Confidential@bhutancanada.org

In cases where the Executive Director may be the focus of investigation, please report an incident by contacting the Chair of the BCF board: Chair@bhutancanada.org

7. Investigation and Enforcement

BCF has a zero-tolerance approach to all forms of sexual exploitation, sexual abuse and sexual harassment. A zero-tolerance approach signifies that allegations are investigated whenever possible, and that perpetrators are held to account, including through prosecution and/or dismissal where appropriate.

Every formal complaint of sexual exploitation, sexual abuse or sexual harassment will lead to investigation when enough information is available. The investigation will be conducted upholding principles of confidentiality, fairness and neutrality. When these principles cannot be guaranteed by somebody within our organization, we will defer investigation to an external party.

Disciplinary sanctions up to and including exclusion from the organization/program or termination of employment/contract will be applied.

Any proven false accusation of sexual exploitation, sexual abuse or sexual harassment that was made maliciously can be deemed to constitute a violation of this Policy.

8. Anti-retaliation

The Bhutan Canada Foundation will not tolerate retaliation against anyone who, in good faith, reports a concern or participates in an investigation, even if the allegation ultimately is not substantiated. Anyone found to have engaged in retaliatory conduct against someone who has disclosed, raised a concern or reported an incident of sexual exploitation, sexual abuse or sexual harassment will be subject to disciplinary action, and possibly termination.

9. Accessing support

If you need help regarding sexual exploitation, sexual abuse or sexual harassment, support will be available and will not depend on your decision to report the incident. BCF commits to referring survivors



to competent support services as appropriate and available and according to the needs of the survivor. You do not need to complete a formal report before accessing support from the organization.

In order to access support, you can contact somebody you trust within BCF or contact the Executive Director at Confidential@bhutancanada.org. Alternatively, you may contact the Chair of the BCF board at Chair@bhutancanada.org.

Following a disclosure, BCF employees are bound by confidentiality but have the obligation to report up to the Executive Director. BCF will therefore avoid sharing information that can identify the survivor when it is not absolutely necessary.

10. Related documents

Bhutan Canada Foundation Code of Conduct

Last updated January 2021