

BCCIC'S POLICY TO PREVENT AND RESPOND TO SEXUAL EXPLOITATION, ABUSE, HARASSMENT AND DISCRIMINATION

BC Council for International Cooperation
BCCIC Board approval in March 2020

If you are reading this policy because you are a survivor of sexual exploitation, abuse, harassment and discrimination, please refer to page 19 for a list of services available to you for immediate support. Complaints can be filed anonymously using the PSEA email address focalpoint@bccic.ca.



TABLE OF CONTENTS

- 1. Background 3
 - 1.1 Introduction..... 3
 - 1.2 Purpose and scope 3
 - 1.3 Vision statement 3
 - 1.4 Goals..... 4
 - 1.5 Principles..... 4
 - 1.6 Values 4
 - 1.7 Definitions..... 5
 - 1.8 Policy framework 7
- 2. Prevention 10
 - 2.1 Culture of prevention and deterrence 10
 - 2.2 Gender equality..... 11
 - 2.3 Recruitment and training..... 11
 - 2.4 Coordination and collaboration..... 12
 - 2.5 Engaging partners..... 12
 - 2.6 Communication..... 13
 - 2.7 Working with communities..... 13
- 3. Response 14
 - 3.1 Principles..... 14
 - 3.2 Rights of complainants and respondents..... 15
 - 3.3 Informal resolution..... 15
 - 3.4 Formal reporting..... 16
 - 3.5 External reporting..... 17
 - 3.6 Investigations and sanctions 17
 - 3.7 Whistle-blowing..... 18
 - 3.8 Survivor-centered Response 19
 - 3.9 Investigation outcomes and follow-up..... 19
 - Support Agencies for Victims of Sexual Assault 20
 - 3.10 Normative and regulatory instruments. 20

01. BACKGROUND

1.1 Introduction

Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) constitute a violation of fundamental human rights and a betrayal of BCCIC's core values and vision.

BCCIC is committed to creating a positive, peaceful and healthy environment for our employees, and ensuring that policy and practice reflect the values of human rights, dignity, equity, social justice, co-operation, transparency, accountability, due-process, integrity and sustainability. We will not tolerate the sexual harassment of our colleagues, volunteers and members, nor will we accept the unconscionable sexual exploitation and abuse of those who depend on BCCIC.

Working closely in partnership with our members and partners, BCCIC has recruited a Senior Policy Analyst/ Gender Specialist, who has developed a PSEA strategy in alignment with international, national and provincial policies, norms and standards. The draft policy will be reviewed by the Board through a rigorous consultation process. It will be closely aligned with CCIC's PSEA strategy, which is currently under development, in order to ensure the harmonization of policies, strategies and mechanisms across the council network within Canada. At the annual staff and Board retreat, BCCIC leadership will report on the operationalization of this strategy, and revisions will be made when deemed necessary. In addition, the Board will review this strategy after an incident or periodically, every four years.

1.2 Purpose and scope

This document outlines BCCIC's vision for preventing and responding to SEA and SH. It presents concrete strategies, mechanisms and interventions that will support the creation of a safe and respectful environment for Board members, staff members, contractors, consultants, volunteers, interns, beneficiaries and civil society partners.

The reporting requirements outlined in this document apply to all BCCIC Board members, staff, volunteers or contracted personnel, as well as members and local stakeholders involved in the implementation of BCCIC-funded programs, bearing in mind that allegations of prohibited conduct can be made by any person irrespective of their relationship with BCCIC.

1.3 Vision statement

All BCCIC staff members, related personnel, volunteers and partners feel safe, supported, respected and empowered in a work environment that recognizes, promotes and protects their human rights as a result of a zero-tolerance approach to sexual exploitation, abuse, harassment and discrimination. All individuals or communities served by BCCIC can access support without fear of sexual exploitation, abuse or discrimination. All survivors of sex discrimination, sexual exploitation, abuse or harassment, that takes place in the workplace or is linked to BCCIC employment or programs, have access to safe and trusted BCCIC reporting mechanisms; swift, credible and confidential investigations; timely survivor-centered assistance and ongoing support by BCCIC. Partners and members are aware of accessible policies, guidance and capacity-building resources, which will be developed and disseminated by the CCIC PSHEA Hub¹ with contributions from BCCIC.

¹ The CCIC PSEA Hub will be officially launched and renamed in March 2020.

1.4 Goals

- a) Accountability is strengthened within BCCIC;
- b) An organizational culture of prevention and gender-equality is fostered;
- c) Individuals are empowered to report violations and have access to safe and trusted reporting mechanisms, that respect due process and human rights;
- d) Swift, credible, fair and confidential investigations are available to respond to allegations, with an emphasis on due process that will protect both parties until wrongdoing has been proven;
- e) Comprehensive, targeted and timely support is available to all survivors;
- f) Partners are more aware of resources to prevent and respond to sexual harassment, discrimination, abuse and exploitation.²

1.5 Principles

- BCCIC Board members, staff members, contractors, consultants, volunteers, interns, beneficiaries and civil society partners have a fundamental and inalienable right to dignity and respect.
- The leadership of BCCIC has a responsibility to prevent and respond to sex discrimination and sexual exploitation, abuse and harassment, and can be held accountable for failing to do so.
- All BCCIC Board members, staff members, contractors, consultants, volunteers and are expected to act with tolerance, sensitivity and respect for gender diversity, and are expected to support the organizational culture of respect, integrity, trust and accountability. All employees can be held accountable for failing to regulate their conduct accordingly, or for failing to report concerns of misconduct by a fellow worker.
- BCCIC can be held accountable by partners and beneficiaries for failing to take adequate measures to prevent and respond to sexual exploitation and abuse in BCCIC programs.
- Sexual exploitation and abuse by BCCIC Board members, staff members, contractors, consultants, volunteers, interns and related personnel constitute gross acts of misconduct and are grounds for termination. Sexual harassment and sex/gender discrimination are also considered acts of misconduct/ wrongdoing, and are grounds for disciplinary action, including dismissal.

1.6 Values

Social justice and equity are fundamental to who we are and what we do at BCCIC. As an organization, BCCIC promotes the values of accountability, trust, fairness, equity, respect and due process. Mutual respect and non-discrimination, along with cooperation and understanding, underly all interactions between members, staff and management. BCCIC will neither tolerate nor condone behaviour that is likely to undermine the dignity or self-esteem of an individual, or create an intimidating, hostile or offensive work environment.

² Adapted from UNICEF (2019), UNICEF Strategy to Prevent and Respond to Sexual Exploitation and Abuse and Sexual Harassment.

1.7 Definitions

Protection from sexual exploitation and abuse (PSEA): The term used by the United Nations and non-governmental community to refer to interventions that seek to protect and respond to sexual exploitation and abuse, experienced by vulnerable people as well as by staff and associated personnel.³ In this policy document, PSEA will also cover sexual harassment and sex discrimination.

Sex discrimination is an isolated event or pattern of conduct that affects one person or a group of persons similarly situated. It is characterized by unfair treatment or arbitrary distinction based on a person's sex, sexual orientation or gender identification. It may manifest itself through harassment, abuse of authority, social exclusion, or denial of services, promotion, benefits or rights (e.g. right to breastfeed).⁴ Vulnerability to sex discrimination may be caused by an intersection of "race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, age, sexual orientation, political belief or conviction of a criminal or summary conviction offence unrelated to their employment," all of which are prohibited grounds for discrimination under the BC Human Rights Code.⁵

Sexual exploitation is a single incident or pattern of conduct that is an abuse or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including BBIC or partners profiting monetarily, socially or politically at the expense of the people they serve.⁶ Any exchange of development assistance, money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behavior, constitutes sexual exploitation, and for this reason the United Nations includes transactional sex in its definition of sexual exploitation.⁷

Sexual abuse is a single incident or pattern of conduct that is an actual or threatened physical intrusion of a sexual nature by force or under unequal or coercive conditions.⁸ This falls under the definition of sexual assault outlined in the Criminal Code of Canada, which includes little or no physical injury (Level one sexual assault); involves a weapon, threat, or bodily harm (Level two sexual assault); or involves physical wounds, disfigurement, or threaten the life of the survivor (Level three sexual assault).⁹ Sexual assault includes all 'unwanted' sexual activity, such as sexual grabbing, kissing, fondling, rape and stalking. Sexual activity is only legal when both parties provide consent, which in the Criminal Code (s.273.1(1)), is defined as the voluntary agreement to engage in the sexual activity in question. Sexual touching is only lawful if the person affirmatively communicated their consent, through words or conduct. Silence or passivity does not equal consent. Even when verbal consent is given, Courts and Tribunals in Canada have found that a power imbalance in a relationship can negate consent to sexual activity; even though a person may take part in sexual activity or related behaviour this does not mean that they welcome it – the perceived consequences of objecting may lead the person to go along with the unwelcome conduct.¹⁰ All sexual activity with a person under the age of 18 years, regardless of the local age of consent or age of the majority, is classified as sexual abuse in BCCIC's policy.¹¹

Sexual harassment (SH) is a single incident or pattern of conduct that is 'unwelcome', considering that an unequal power balance may negate consent, as discussed above. It is considered an abuse of authority,

3 United Nations (2017), United Nations Glossary on Sexual Exploitation and Abuse (2nd Edition). Prepared by the Task Team on the SEA Glossary for the Special Coordinator on improving the UN response to sexual exploitation and abuse.

4 UNFPA, "Policies and procedures manual: Prohibition of harassment, sexual harassment, abuse of authority and discrimination".

5 Human Rights Code [RSBC 1996] Ch 210. Victoria, British Columbia, Canada.

6 Based on a standard definition adopted across UN agencies, and outlined in the Secretary-General's Bulletin, Special measures for protection from sexual exploitation and sexual abuse, ST/SGB/2003/13, 9 October 2003, Page 1.

7 United Nations (2017), United Nations Glossary on Sexual Exploitation and Abuse (2nd Edition). Prepared by the Task Team on the SEA Glossary for the Special Coordinator on improving the UN response to sexual exploitation and abuse.

8 Secretary-General's Bulletin, Special measures for protection from sexual exploitation and sexual abuse, ST/SGB/2003/13, 9 October 2003, Page 1.

9 Criminal Code (R.S.C., 1985, c. C-46). S.272.

10 Ontario Human Rights Commission (OHRC) (2011), Policy on preventing sexual and gender-based harassment, p.41.

11 In Canada, the age of consent to sexual activity is 16 years. According to the Department of Justice, "A 14 or 15 year old can consent to sexual activity as long as the partner is less than five years older and there is no relationship of trust, authority or dependency or any other exploitation of the young person. This means that if the partner is 5 years or older than the 14 or 15 year old, any sexual activity is a criminal offence...A 16 or 17 year old cannot consent to sexual activity if: their sexual partner is in position of trust or authority towards them, for example their teacher or coach; the young person is dependent on their sexual partner, for example for care or support; the relationship between the young person and their sexual partner is exploitative".

<https://www.justice.gc.ca/eng/rp-pr/other-autre/clp/faq.html>

involving a position of influence, power or authority against another person, but an imbalance of power is not a requirement for it to occur.¹² Sexual harassment includes words, gestures, actions or omissions¹³ of a sexual nature or occurs because of a person's sex, sexual orientation or gender identification (and/or in intersection with age, physical or mental disability, marital status, race, ethnicity, religion, political belief, ancestry or place of origin etc.).¹⁴

Gender-based harassment is a subset of sexual harassment¹⁵; it is often used as a “gender-policing tool” or bullying tactic that tries to create social exclusion or reinforce conformity with traditional same sex-role stereotypes and traditional heterosexual gender norms.¹⁶ People who do not confirm to traditional understandings of what is considered appropriate sex-role behaviour may be singled out and pressured into conformity by being made to feel unwelcome in their environment, often through sexist jokes, pranks, pejorative slurs, unsolicited advice and social exclusion.

The Supreme Court of Canada held that when deciding if sexual harassment has occurred, it is enough to show that the conduct has a discriminatory effect (i.e. focus on impact), without having to prove the intention of the harasser.¹⁷ In terms of impact, sexual harassment includes “conduct which causes, is perceived to cause, or might reasonably be expected to cause, offence intimidation, belittlement, humiliation, embarrassment, alarm, fear or abuse”.¹⁸ When assessing the reasonableness or perception of offence or humiliation, the perspective of the claimant is considered.¹⁹ It is important to note that WorkSafeBC's OHS policies use the phrase “bullying and harassment” as a single term, which includes any inappropriate conduct or comment by a person towards a worker that ‘the person knew or reasonably ought to have known’ would cause that worker to be humiliated or intimidated; however, intent does not determine whether the behavior is bullying and harassment and people cannot excuse their behavior by stating that they did not intend for it to be intimidating or humiliating.²⁰ Sexual harassment also includes activities that interfere with work, is made a condition of employment or opportunity for training or promotion,²¹ or creates an ‘intimidating, hostile or offensive work environment’²² or what the Supreme Court of Canada described as a “poisoned work environment”.²³

12 BC Human Rights Tribunal, “Human rights in British Columbia: Sex Discrimination and Sexual Harassment fact sheet”.

13 According to the Ontario Human Rights Commission (2011) this includes but is not limited to the following behaviour:

“demanding hugs, invading personal space, unnecessary physical contact, including unwanted touching, derogatory language and/or comments, sex-derogatory names, leering or inappropriate staring, gender-related comment about a person's physical characteristics or mannerisms, comments or conduct related to person's perceived non-conformity with a sex-role stereotype, displaying or circulating pornography or sexual images, sexual jokes, vulgar language related to gender, sexual or gender-related comments used to bully a person, spreading sexual rumours, suggestive or offensive remarks or innuendos, propositions of physical intimacy, gender-related verbal abuse, threats or taunting, bragging about sexual prowess, demanding dates or sexual favours, offensive jokes or comments of a sexual nature, questions or discussions about sexual activities, requiring employees to dress in a sexualized or gender-specific way, paternalism based on gender that undermines self-respect, threats to penalize or punish a person who refuses to comply with sexual advances (reprisal)” (OHRC 2011:12)

14 Tribunals and courts in Canada have increasingly used an intersectional approach; when the evidence shows that harassment occurred based on multiple grounds, this intersection is considered when thinking about liability and response (OHRC 2011: 13).

15 A person experiencing gender-based harassment may file a sexual harassment claim with the Human Rights Tribunal.

16 Ontario Human Rights Commission (OHRC) (2011), Policy on preventing sexual and gender-based harassment, p. 20-21.

17 Ontario Human Rights Commission (OHRC) (2011), Policy on preventing sexual and gender-based harassment, p. 40. See *O'Malley v. Simpson-Sears.*, (1985), *supra*, note 132; *Action travail des femmes v. Canadian National Railway Co.* (1987), 8, C.H.R.R.D/4210 (S.C.C).

18 A human rights tribunal in Ontario found that “while the most common understanding of sexual harassment is conduct such as making passes, soliciting sexual favors, sexual touching, etc., the definition of sexual harassment also includes conduct that denigrates a woman's sexuality or vexatious conduct that is directed at a woman because of her sex” (*Shaw v. Levac Supply Ltd.* (1990), 14 C.H.R.R. D/36 (Ont.Bd.Inq).

19 UNICEF (2019), UNICEF Strategy to Prevent and Respond to Sexual Exploitation and Abuse and Sexual Harassment.

20 WorkSafeBC, “Toward a respectful workplace: A handbook on preventing and addressing workplace bullying and harassment (2013: 1-2). As an organisation, we need to consider what this will mean when staff, volunteers etc. come from different socio-cultural backgrounds. We will need to spend time and resources in ensuring that all staff have a common understanding of what constitutes harassment (see Section 2.1 and 2.2).

21 The Canada Labour Code states that it might on reasonable grounds be perceived by that employee as placing a condition of a sexual nature on employment or any opportunity for training or promotion.

22 United Nations (2017), United Nations Glossary on Sexual Exploitation and Abuse (2nd Edition). Prepared by the Task Team on the SEA Glossary for the Special Coordinator on improving the UN response to sexual exploitation and abuse. UNFPA, “Policies and procedures manual: Prohibition of harassment, sexual harassment, abuse of authority and discrimination”.

23 Janzen et al v. Platy Enterprises Ltd. (1989), *supra*, note 1. Cited in Ontario Human Rights Commission (OHRC) (2011), Policy on preventing sexual and gender-based harassment.

A “poisoned work environment”: According to the Supreme Court of Canada, sexual harassment includes conduct that creates a “poisoned” environment.²⁴ In such an environment certain people face terms and conditions of employment, including emotional and psychological circumstances, that are different from people who are not subject to the comments or conduct as a result of a sexualized culture, discriminatory systems, values and conduct and inappropriate behavior; this leads to a denial of equality. A poisoned work environment may also lead to “ambient harassment” when the spill-over effects of harassment of one person affect the job satisfaction and psychological wellbeing of others.²⁵ Managers have a legal duty to intervene and take immediate steps if they are aware that sexual harassment is taking place or if a “poisoned environment” has been created, but permit it to continue even if they themselves are not directly involved in creating that atmosphere.²⁶

1.8 Policy framework

The Government of Canada is committed to supporting policies and programs that are grounded in a respect for human rights and human dignity. At an international level, Canada has signed and ratified many international covenants that recognize gender rights including:

- The Universal Declaration of Human Rights²⁷
- The International Covenant on Civil and Political Rights²⁸
- The International Covenant on Economic, Social and Cultural Rights²⁹
- The Convention on the Rights of Persons with Disabilities³⁰
- The Declaration on the Rights of Indigenous Peoples³¹
- The Convention on the Elimination of All Forms of Discrimination Against Women³²
- The Declaration on the Elimination of Violence Against Women³³
- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The United Nations’ Declaration on the Elimination of Violence Against Women, strengthens the Convention on the Elimination of All Forms of Discrimination Against Women³⁴ by recognizing “sexual harassment and intimidation at work, in educational institutions and elsewhere” as a form of violence against women.³⁵

The Government of Canada has affirmed its commitment to gender equality in the Feminist International Assistance Policy, which speaks of the discrimination that women face in economic, social and political spheres often in intersection with race, ethnicity, religion, language, sexual orientation, gender identity, age, ability, migrant or refugee status, and other aspects of personal identity.³⁶ It also refers to the disproportionate levels of violence, exploitation and abuse faced by women and girls. It identifies several Action areas that target these issues, such as interventions to prevent and respond to sexual and gender-based violence (Action Area 1); the promotion of women’s economic rights, access to ‘decent’ work and

24 Cited in Ontario Human Rights Commission (OHRC) (2011), Policy on preventing sexual and gender-based harassment, p. 17-19.

25 Ibid., 19.

26 Ibid., 17.

27 Universal Declaration of Human Rights, 10 December 1948, General Assembly Resolution 217A (III), UN Doc. A/810.

28 International Covenant on Civil and Political Rights, 19 December 1966, 999 U.N.T.S. 171, Can. T.S. 1976 No. 47 (entered into force 23 March 1976, accession by Canada 19 May 1976).

29 *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 U.N.T.S. 3, Can. T.S. 1976 No. 46 (entered into force 03 January 1976, accession by Canada 19 August 1976).

30 *Convention on the Rights of Persons with Disabilities*, 24 January 2007, A/RES/61/106 (ratified by Canada on March 11, 2001).

31 *Declaration on the Rights of Indigenous Peoples*, 2 October 2007, A/RES/61/295 (ratified by Canada on November 12, 2010).

32 *Convention on the Elimination of All Forms of Discrimination Against Women*, *supra*, note 88.

33 *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, 1465 U.N.T.S. 85, (1984) 23 I.L.M. 1027, Can. T.S. 1987 No. 36 (in force 26 June 1987; ratification by Canada 24 June 1987).

34 *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, 1249 U.N.T.S. 13, Can. T.S. 1982 No. 31 (entered into force 03 September 1981, accession by Canada 09 January 1982).

35 *Declaration on the Elimination of Violence Against Women*, Resolution A/RES/48/104 adopted 20 December 1993, Article 2(b).

36 Global Affairs Canada (2017) *Feminist International Assistance Policy* (FIAP), Ottawa.

capital, and economic inclusion in line with international labour standards. (Action Area 3); strengthened legal systems and reforms to eliminate discrimination, improved access to justice and equal protection under the law (Action area 5).

The Truth and Reconciliation Commission of Canada also included gender-based violence in its Calls for Action, referring specifically to the federal, provincial and territorial governments' responsibility to "work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused"³⁷ and to appoint "a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls".³⁸ The Canadian government's commitment of \$53.8 million to this Inquiry³⁹ and the implementation of some of its initial recommendations,⁴⁰ reveals a recognition and acknowledgement of the persistent and deliberate rights violations and abuses experienced by Indigenous women and girls, which has its roots in historic, systemic and institutionalized oppression of Indigenous communities. The 'Reclaiming Power and Place' report calls for government to adopt a zero-tolerance approach and invest more in policies, structures and programs that prevent and respond to sexual and gender-based violence generally, and for Indigenous women and girls in particular.⁴¹

Global Affairs Canada has also affirmed its commitment to the prevention of sexual abuse and abuse in international assistance. In an official letter to partners (May 25, 2018), it states: "Canada strongly condemns all forms of sexual exploitation and abuse in international assistance. We all have a responsibility to step up to address these issues and produce a real shift in how we work. Appropriate steps must be taken to prevent, respond to, and protect beneficiaries of Canadian international assistance funding from sexual exploitation and abuse".⁴²

Global Affairs Canada's expectations of development partners (2018).

In the letter to partners, it outlines its expectations for organizations, which include the following:

- A culture of zero tolerance for sexual exploitation and abuse in all international assistance settings;
- High standards for vetting and referencing staff within the organization;
- Clear publicly available policies and procedures, including codes of conduct, covering sexual exploitation and abuse;
- Accountability mechanisms integrated throughout the organization, with clear roles and responsibilities to ensure monitoring, and compliance with, the code of conduct;
- Training on prevention of SEA and remedial measures when misconduct is found;
- Anonymous and confidential reporting mechanisms to protect victims and whistleblowers and ensure that they receive the support they need;
- Monitoring and evaluation procedures for all cases of alleged sexual exploitation and abuse, and referral to the relevant authorities in cases of criminal conduct;
- Annual reporting to the public of the number of alleged and confirmed cases of sexual exploitation and abuse including measures taken;
- Informing Global Affairs Canada immediately of alleged cases of sexual exploitation or abuse.

Extract from the GAC letter to partners (2018).

37 Truth and Reconciliation Commission of Canada (2015) "Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada", p.324. http://www.trc.ca/assets/pdf/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf

38 Ibid., 325.

39 National Inquiry into Missing and Murdered Indigenous Women and Girls (officially launched on August 3, 2016)

40 <https://www.canada.ca/en/indigenous-northern-affairs/news/2018/06/government-of-canada--national-inquiry-into-missing-and-murdered-indigenous-women-and-girls.html>

41 For the final report and supplementary reports, see <https://www.mmiwg-ffada.ca/final-report/>

42 An official letter from The Honourable Marie-Claude Bibeau of GAC to partners (May 25, 2018), states that partners must inform GAC immediately of alleged cases of sexual exploitation and abuse.

This commitment is grounded in federal and provincial law. The Criminal Code of Canada defines what constitutes an assault, which it categorizes into three forms of sexual assault: simple sexual assault, sexual assault with a weapon and aggravated sexual assault.⁴³ Under the Canada Labour Code, every employee is entitled to employment free of sexual harassment, which it defines as “conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation or that might, on reasonable grounds, be perceived as placing a condition of a sexual nature on employment or any opportunity for training or promotion”.⁴⁴ It states that employers should make reasonable efforts to ensure that sexual assault does not occur.⁴⁵

At a provincial level, the BC Human Rights Code (hereafter ‘The Code’) protects persons from sex discrimination and sexual exploitation. It sets out a person’s right to be free from an unwelcome sexual advance or solicitation in the workplace by a person, who is in a position to grant or deny that person employment, promotion, training or other benefits. It also prohibits all forms of sexual harassment, including gender-based harassment.⁴⁶ Employers are required to ensure that their environments are free from harassment through risk assessments, ongoing monitoring and immediate action. Under the Code, sexual harassment in employment should be interpreted broadly to include the interview stage, volunteer work as well as internships.

The Occupational Health and Safety Regulation requires employers to develop procedures and prepare written policies on workplace violence and workplace harassment; provide a means to recognize the potential for violence; develop procedures, policies and arrangements to minimize or control the risk of violence; undertake risk assessments to prevent workplace violence; set up procedures for reporting, investigating and documenting incidents of violence; and respond appropriately to incidents of violence, including how to obtain assistance.⁴⁷ Workplace harassment is considered a risk factor for workplace violence, so employers should develop Workplace Violence Programs that include measures and procedures for workers to report risks such as harassment. Employers who fail to protect their employees from violence in the workplace can be held criminally responsible under Section 217.1 of the Criminal Code.

Although not referring specifically to sexual harassment, Section 5.1(1)(a)(ii) of the BC Workers Compensation Act (enacted in July 2012) requires employers to address bullying and harassment as they would any other hazard in the workplace, by taking all reasonable steps in the circumstances to ensure the health and safety of their workers.⁴⁸ WorkSafeBC issued Occupational Health and Safety (OHS) policies in 2013 related to bullying and harassment, and The WorkSafeBC Handbook on Preventing and Addressing Workplace Bullying and Harassment provides guidelines for employers, including developing a policy statement to prevent and address workplace bullying and harassment; taking steps to prevent or minimize bullying and harassment; developing and implementing reporting procedures; developing and implementing procedures for dealing with incidents and complaints; informing workers about the policy statement and implementation plan; training supervisors and workers to recognize, respond to and report incidents and complaints of bullying and harassment; annually reviewing the policy statement and procedures for reporting and dealing with incidents and complaints.⁴⁹

43 Criminal Code (R.S.C., 1985, c. C-46)

44 <https://www.canada.ca/en/employment-social-development/programs/employment-standards/sexual-harassment.html>

45 An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1 (S.C. 2018, c. 22)

46 Human Rights Code [RSBC 1996] Ch 210. Victoria, British Columbia, Canada.

47 Workers Compensation Act, *Occupational Health and Safety Regulation*, [includes amendments up to B.C. Reg. 14/2019, June 3, 2019] (4.27 – 4.30). See for further links related to violence in the workplace: <https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-policies/policies-part-04>

48 Workers Compensation Act [RSBC 1996] Chapter 492.

49 WorkSafeBC, “Toward a respectful workplace: A handbook on preventing and addressing workplace bullying and harassment (2013: 5). See also OHS policy D3-115-2, and G-D3-115(1)-3) and the WorkSafeBC bullying and harassment tool kit.

02. PREVENTION

2.1 Culture of prevention and deterrence

BCCIC recognizes that the ultimate responsibility for maintaining an environment free from sexual harassment, exploitation and abuse rests with the leadership of BCCIC.⁵⁰ The Executive Director together with the Board and Senior Management will guide the organization and its Board members, staff members, contractors, consultants, volunteers, interns, beneficiaries and civil society partners to respond to SEA and SH. They will encourage a culture of prevention and deterrence, by means of the following activities:

- (a) The Executive Director will sign the Leaders' Pledge on Preventing and Addressing Sexual Misconduct developed by CCIC.⁵¹
- (b) The Executive Director and Senior Management will promote a harmonious and respectful work environment, which celebrates difference, diversity, intercultural communication and positive behaviours in relation to gender and sexuality.
- (c) The Executive Director will proactively monitor this environment to make sure that it is free of behavior that may contribute to sexual harassment, abuse and exploitation.
- (d) Supervisors will encourage Board members, staff members, contractors, consultants, volunteers, interns and beneficiaries to express their concerns without fear of reprisals or threats of reprisals, which includes hostility, excessive scrutiny, social exclusion, or other negative behavior.⁵²
- (e) Supervisors will uphold the highest standards of conduct and act as role models for staff, volunteers and partners.
- (f) Supervisors will identify SEA and SH risks and risk drivers based on a PSEA self-assessment, and will define and implement risk mitigation measures accordingly.⁵³ The PSEA self-assessment findings will inform the development of an Action Plan to operationalize this the PSEA policy.
- (g) Supervisors will monitor their units for violations of this policy, respond promptly to allegations, and ensure that the necessary actions are taken.
- (h) Supervisors will ensure that all staff (and volunteers) have been trained on this policy; have a common understanding of what constitutes sexual and gender harassment, abuse and exploitation; are informed about their rights; and have access to information about this policy and the consequences of violating this policy, as well as specific information about reporting mechanisms and services available to survivors. Information on the PSEA policy and reporting procedures will be displayed in BCCIC offices.
- (i) Supervisors will implement this policy in their work units and ensure that personnel are held accountable for compliance.

50 According to the Ontario Human Rights Commission, organic theory of corporate liability applies. An organization may be liable for the decisions, acts or omissions of the employee where the employee who is part of the "directing mind" engages in harassment or inappropriate behaviour, or of an employee who is part of the "directing mind" does not respond adequately to harassment or inappropriate behaviour they are aware of, or should reasonably be aware of (OHRC 2011: 47). Employers may also have responsibility for sexual harassment by third parties in the workplace (e.g. contractors, clients, service or repair people) or for sexual harassment that happens outside of normal business hours or off business premises but is linked to the workplace and employment (Ibid.,48).

51 <https://ccic.ca/wp-content/uploads/2018/10/CCIC-Leaders-Pledge-Official.pdf>

52 According to the Ontario Human Rights Commission, a person is protected from reprisal or the threat of it whether the sexual harassment is ultimately proven or not. Refer to Section 7 and 8 of the Ontario Human Rights Code.

53 CCIC is planning to develop and share a PSEA self-assessment tool with members but BCCIC will conduct a preliminary assessment based on tools available online.

- (j) Managers will monitor the use of online technology to ensure that it is not used for sexual discrimination, harassment, abuse or exploitation on BCCIC premises or off premises by BCCIC staff using BCCIC technology.⁵⁴

2.2 Gender equality

BCCIC will promote gender equality across the organization's work by:

- a) Identifying and assessing real or perceived imbalances of power related to gender or sexual identification within the organization and in relation to its Board members, staff members, contractors, consultants, volunteers, interns, beneficiaries and civil society partners.
- b) Taking concrete actions to address imbalances of power or the drivers thereof related to gender and its intersection with other positions and identities associated with age, disability, sexual orientation, Indigenous status, race, ethnicity and refugee/ immigrant background.
- c) Highlighting and promoting positive behaviors, norms and opportunity structures at BCCIC, while transforming organizational norms and structural policies that act as barriers to gender equality.
- d) Providing resources for seminars or workshops on cultural sensitivity and intercultural communication around gender and sexuality, as well as positive masculinity, if these are highlighted as gaps in the PSEA self-assessment and/or if this is otherwise deemed necessary.
- e) Creating safe spaces and opportunities for staff to collectively explore vignettes and case studies in order to generate a common, intercultural understanding of what constitutes positive as well as negative (or "poisonous") behaviour in relation to gender and sexuality in the workplace.
- f) Including gender equality in the Theory of Change and developing an intersectional and equity-focused gender strategy for the organization.
- g) Promoting gender equality and equity across the organization's work as part of a gender mainstreaming approach.
- h) Measuring results using gender analysis and gender-focused monitoring and evaluation frameworks that are sensitive to intersectionality and equity.
- i) Utilizing gender specialists and investing resources in the implementation of interventions that promote gender equality.
- j) Promoting an intersectional gender and equity lens in the work undertaken by members and partners.
- k) Strengthening the capacity of members and partners to develop and implement their own intersectional and equity-focused gender strategies.

2.3 Recruitment and training

BCCIC will maintain high standards of vetting and reference checking of staff, including background and criminal checks if deemed necessary. Adhering to the PSEA policy will be made part of the contractual terms of employment, so that any misconduct related to SEA and SH will result in disqualifying action and/or dismissal.⁵⁵ All personnel, including employees, volunteers, contractors, and others will be required to sign a Code of Conduct or the PSEA policy.

New (and current) staff and subcontractors to the organization will be (a) provided with the policy as part of their orientation material, (b) provided with a verbal explanation of the policy during their orientation, (c) receive training on the contents of the PSEA strategy, (d) receive periodic refresher training and education on this issue, and (e) will be assessed against its core principles and values in performance reviews.

⁵⁴ E-mail, blogs, social networking sites, chat rooms, dating websites, cell phone text messaging etc. are possible domains for sexual harassment (OHRC 15).

⁵⁵ Ontario Human Rights Commission (OHRC) (2011), *Policy on preventing sexual and gender-based harassment*, p.44.

Training for managers, staff and subcontractors will include the following, as outlined by WorkSafeBC:

- How to recognize SEA and SH;
- How workers who experience or witness SEA and SH should respond;
- Procedures for reporting including, who to go to for help and what help will be provided; who to report the incident to within the organization and externally; who is responsible for following up on complaints and incidents.
- Consequences for breaching the PSEA policy.⁵⁶

BCCIC employees working directly with beneficiaries will receive additional training on how to receive complaints and handle them in a safe and confidential manner.⁵⁷ Supervisors will receive training on how to support employees affected by SEA and SH (including those who experience ‘ambient harassment’).⁵⁸

PSEA Focal Points will have a formalized responsibility for PSEA in their job description, performance appraisal etc.⁵⁹ They will receive appropriate training on how to respond to complaints and reports. They will also be afforded sufficient time to dedicate to PSEA cases that are brought to their attention.

Board members, contractors, consultants, volunteers and interns will also be required to adhere to the PSEA policy. They will be required to sign the policy and will receive training on its contents and be informed of the consequences of breaching the policy.

A record of attendance in PSEA training will be kept by the PSEA Focal Point, including name of trainees, date and type of training, so that BCCIC is able to track who requires training and refresher training.

2.4 Coordination and collaboration

The PSEA Focal Point will coordinate BCCIC’s approach to the PSEA and SH in order to ensure coherence with internal and external partners, by facilitating dialogue, sharing information and establishing coordination and monitoring mechanisms, including with CCIC and ICN. The PSEA Focal Point will champion PSEA in working groups and high-level political fora at provincial, national and international levels.

2.5 Engaging partners

BCCIC does not condone SEA or SH perpetrated by members and third parties. BCCIC will engage partners, members, communities and individuals on the issue of sexual exploitation, abuse and harassment and will strengthen their capacity, wherever possible, to prevent and respond to this human rights violation by means of the following:

- In support of their application, organizations who are applying for membership to the BCCIC network will be required to sign the CCIC Leadership Pledge and/or provide a PSEA position statement if they do not have a PSEA policy or strategy currently in place. This will be reviewed by the Membership Board in order to ensure alignment of vision, principles and values.
- When partnering with BCCIC, this PSEA policy will be attached to partnership agreements, and include a clause that requires contracted entities, individuals, employees and volunteers to abide by this policy. It will also state that BCCIC has grounds to terminate the partnership agreement if partners (entities or individuals) fail to prevent and respond adequately to sexual abuse, exploitation, harassment and discrimination, as outlined in this Policy.⁶⁰
- At the Annual General Meeting, BCCIC and its existing members will draw up a collective statement that strongly condemns sexual and gender-based abuse, exploitation, harassment

⁵⁶ WorkSafeBC, “Toward a respectful workplace: A handbook on preventing and addressing workplace bullying and harassment (2013: 14). It is important to note that WorkSafeBC did not focus on SEA and SH specifically but rather violence and discrimination in the workplace.

⁵⁷ Oxfam, “One Oxfam Policy on Protection from Sexual Exploitation and Abuse”.

⁵⁸ Ibid., 19.

⁵⁹ MCIC, draft PSEA document (June 12 2019).

⁶⁰ Oxfam, “One Oxfam Policy on Protection from Sexual Exploitation and Abuse”.

and discrimination.

- PSEA principles and policy will be shared in accessible formats and languages, and disseminated through a comprehensive communication strategy.
- BCCIC will encourage its members to develop their own PSEA strategies aligned with this document outlining their prevention, reporting and response strategies.
- PSEA training will be offered to members, focusing on how managers and staff are expected to respond to SEA and SH, how to ensure that serious and ongoing problems are reported, and what steps should be taken to assess the situation and take remedial action.
- Sub-contractors sharing space in the SDG Hub will be made aware of the PSEA Policy. It may be included as a clause in their Hub agreements to ensure that they know that BCCIC will not tolerate any forms of discrimination, harassment and violence in the workplace.
- If BCCIC funds organizations, grant recipients will be required to report allegations to BCCIC.⁶¹
- BCCIC expects partners to respond quickly and appropriately to reports. If there is a reason to believe that the response has not been adequate or appropriate, BCCIC may terminate the partnership agreement and withdraw funding.⁶²
- If BCCIC receives complaints about an external organization or institution, with whom it does not have a partnership agreement, it has an obligation to report the incident to the relevant authorities, groups or networks but it is not obliged to participate in the investigation.⁶³

2.6 Communication

The PSEA Focal Point will work closely with the Communications officer to develop an internal and external communication strategy. BCCIC will work with CCIC to raise the awareness of members about PSEA case studies, guidelines and checklists that will be developed by the PSEA Hub.

2.7 Working with communities

Mutual respect and non-discrimination, along with cooperation and understanding, will form the basis of all interactions with community members. When designing and implementing community-level programs and projects, BCCIC will use a PSEA Assessment Tool in consultation with local community members to understand the risks of PSEA when implementing projects at a local level; this will include assessment questions related to power relations, which might contribute to sexual exploitation, abuse, discrimination or harassment. Prevention and mitigation strategies will be developed accordingly. BCCIC will actively consult with Indigenous communities in the development of PSEA materials (e.g. Codes of Conduct, reporting and referral protocols) when implementing programs and projects at a community level.

BCCIC will also raise awareness about BCCIC's PSEA policy in local languages, where necessary. It will maintain an open-door policy and actively encourage community members and beneficiaries to provide feedback and report complaints. It will also provide feedback to communities on how these complaints have been handled and what changes have been made as a result of the community's feedback.⁶⁴ BCCIC will also ensure that its Members are aware of guidelines that CCIC is planning to develop on community engagement around PSEA, and ensure that they have access to the capacity-strengthening interventions offered either by CCIC or BCCIC.

⁶¹ This is included in the Manitoba Council for International Cooperation (MCCIC) draft PSEA policy.

⁶² Oxfam, "One Oxfam Policy on Protection from Sexual Exploitation and Abuse".

⁶³ Ibid.

⁶⁴ Oxfam, "One Oxfam Policy on Protection from Sexual Exploitation and Abuse".

03. RESPONSE

3.1 Principles

- BCCIC Board members, staff members, contractors, consultants, volunteers, interns, partners and beneficiaries must feel safe to report violations and trust that the response will be timely, decisive and respect due process.
- When BCCIC works directly in communities, contextualized needs assessment and consultation with beneficiaries and stakeholders will inform the development of community-based complaint mechanisms, which are appropriate, gender-sensitive and safe. These mechanisms will be monitored and reviewed.
- BCCIC will set up both informal and formal complaint reporting and resolution mechanisms for prohibited conduct. Staff, volunteers, members and partners are not obligated to use informal resolution mechanisms and if they do so, formal reporting is not precluded. There is no deadline on reporting.
- In both formal and informal mechanisms, confidentiality will be assured. Staff involved in the complaints process will be asked to sign a confidentiality agreement, which if they breach, will result in disciplinary action up to and including termination.⁶⁵
- The Executive Director will not disclose the names of the complainant or alleged perpetrator, or the circumstances related to the complaint to any person, unless disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation to the complaint.⁶⁶
- Information will not be shared without the consent of those involved; however, if someone's life is at risk, a child is at risk, or there is a legal mandate to contact authorities, the Executive Director will consult with legal counsel and the authorities.
- The interest of survivors will be given primacy. Anonymous complaints will also be accepted, and deadlines will not be imposed on reporting. Complainants will be protected from retaliation or reprisals. Retaliatory action will result in disciplinary action, up to and including termination.
- The response will be survivor-centered. BCCIC will ensure that survivors are aware of services available, receive referral letters where appropriate and receive ongoing follow-up support.
- The respondent's rights will also be protected; respondents will be treated as innocent until proven guilty and will be treated fairly during an evidence-informed investigation process. Sanctions and/or corrective measures will be appropriate and fair, in line with existing laws and policies.
- The Executive Director will appoint a PSEA Focal Point for reporting purposes. The PSEA Focal Point will be given a PSEA-specific email account. The link for this site will be shared with all employees, volunteers, interns, beneficiaries and members.

⁶⁵ Oxfam, "One Oxfam Policy on Protection from Sexual Exploitation and Abuse".

⁶⁶ Employment and Social Development Canada. Reports and publications: 'Federal labour standards and equity'.

3.2 Rights of complainants and respondents

Rights of complainants:

- To make a credible report of an incident of misconduct or file a credible complaint without fear of reprisals or threat of reprisals (including but not limited to hostility, excessive scrutiny, social exclusion, or other negative behavior);
- To be informed about the BCCIC and external process for reporting and investigation;
- To insist on confidentiality;
- To choose a person to be accompanied by to meetings about the incident or complaint;
- To receive ongoing information about the status of the investigation;
- To be treated fairly while BCCIC investigates the incident or complaint;
- To receive information about the action taken by BCCIC because of the incident or complaint, and the right to veto the action taken;
- To refuse to engage with the person against whom the complaint has been made, especially if the complainant has reason to be afraid (as a precautionary principle in lieu of evidence until the investigation has been completed);
- To request leave to receive treatment or support related to the incident or complaint;
- To receive timely, appropriate and comprehensive survivor-centered support.

Rights of person accused (Hereafter, the 'Respondent'):

- To be told that a report or complaint has been filed, although the leadership will withhold the name of the complainants or specifics about the report, given the severity of SEA and SH reports and the risk of retaliation,
- To be told about BCCIC's process for the investigation, including rights to due process and referrals;
- To choose a person (including the option of a lawyer) to accompany them to meetings about the incident or complaint;
- To be treated fairly during an investigation process that is grounded in evidence and due process;
- To be treated as innocent until proven guilty;⁶⁷
- To have access to corrective/ reformative support programs when deemed appropriate and necessary.⁶⁸

3.3 Informal resolution

- If affected individuals feel comfortable doing so, they may on a voluntary basis, approach the alleged offender and request that the alleged behavior cease.
- They may also inform their supervisor if they feel comfortable doing so, although this triggers a formal process. Supervisors are required to provide advice, information and assistance in a timely, sensitive manner. They should enact appropriate measures available or consult with the PSEA Focal Point for alternative measures.
- If the affected parties would like to invoke a process of mediation, the leadership will contact third parties to assist with this process and bring the issue to resolution. If resolution is not possible, alternative options (formal investigation and external options) will be outlined and a decision made on how to proceed.⁶⁹

⁶⁷ The respondent will be treated as innocent until proven guilty but as a precautionary measure, the respondent may need to be separated from the complainant until the investigation has been concluded.

⁶⁸ This will only be made available to respondents who have not transgressed the Criminal Code and are still under the employ of BCCIC.

⁶⁹ CCIC Staff and Volunteer, 'Policy and Procedures: Allegations of Misconduct/ Wrongdoing'.

- Either the complainant or respondent may choose to involve a third party to facilitate a discussion and offer suggestions for the way forward. The third party must be familiar with this policy and ensure that confidentiality is respected at all times. The third party has the right of refusal and may withdraw at any time. In no way should the presence of a third party contribute to further intimidation or trauma.

3.4 Formal reporting

The process for a formal reporting is as follows:

1. Formal complaints should be lodged with the Executive Director and should include the following information: the name of the alleged offender; the name of the alleged victim if the complaint is made by a third party; the date(s), location(s) and description of the alleged incident(s) of prohibited conduct; the names of witnesses; and any other relevant information.⁷⁰ If the complaint involves the Executive Director, reports should be submitted to the PSEA Focal Point.
2. Complaints can also be filed anonymously using the PSEA email address. If the complaint is filed anonymously, the complainant must provide sufficient information concerning the allegation so that the matter can be investigated and pursued responsibly.⁷¹
3. Relevant documents or copies that support the allegations being made, such as emails, handwritten notes, photographs, or physical evidence like vandalized personal belongings, can also be submitted directly to the Executive Director.⁷²
4. All information and documents pertaining to a formal report will be stored in a password protected database or locked cabinet, when applicable, to which only the Executive Director and PSEA Focal Point will have access.
5. If employees witness SH, but are not party to it, they are also required to file a complaint, and include as much information as possible in the complaint or report. All staff are obligated to report any suspicions of sexual exploitation, abuse or harassment of others. Failure to do so is a breach of BCCIC's policy and could lead to disciplinary action.⁷³
6. Upon receipt of the report, the PSEA Focal Point will officially acknowledge receipt within 24 hours, and a meeting will be convened with the Executive Director within 72 hours to assess immediate risks and agree upon next steps.

Anyone filing a complaint will be informed of his/her rights under this policy and under the BC Human Rights Code or Criminal Code if applicable. If the complaint includes an alleged violation of the Criminal Code, the Executive Director will pursue legal proceedings and contact local police authorities to lead the investigation.⁷⁴

70 UNFPA, "Policies and procedures manual: Prohibition of harassment, sexual harassment, abuse of authority and discrimination".

71 BCCIC will encourage complainants to provide as much information as possible to support the investigation of credible complaints, but all complaints will be accepted as relevant and will be acted upon regardless. BCCIC recognizes how difficult it is for survivors to speak out about discrimination, harassment and violence. It will, therefore, remove all institutional, attitudinal and cultural barriers that discourage reporting within its sphere of influence. BCCIC also recognizes that statistically the incidence of false reporting is extremely low and is often inflated due to inconsistent definitions and protocols. According to the National Sexual Violence Resource Center in the U.S, studies suggest the prevalence of false reporting on sexual assault is between 2% and 10%, (https://www.nsvrc.org/sites/default/files/Publications_NSVRC_Overview_False-Reporting.pdf).

72 WorkSafeBC, "Toward a respectful workplace: A handbook on preventing and addressing workplace bullying and harassment (2013: 5).

73 Oxfam, "One Oxfam Policy on Protection from Sexual Exploitation and Abuse".

74 GAC requires that partners are required to refer to relevant authorities in cases of criminal conduct (2018 letter);

3.5 External reporting

All BCCIC employees are protected under federal and provincial laws that protect and promote their human rights. Using an internal mechanism does not replace their right to file a human rights complaint. All employees are protected from retaliation from individuals, leadership or the organization. If an employee opts to use an external option, the PSEA Focal Point will provide basic information about the options available through this policy, but an internal investigation will also be undertaken.

- *Discrimination or harassment:* Employees have the right to have action taken under the Occupational Health and Safety Regulation,⁷⁵ when they have experienced sexual harassment.⁷⁶ They have a right to file complaints with the BC Human Rights Tribunal if they feel that their rights have been violated as a result of sex discrimination and sexual harassment.⁷⁷ Staff can enlist the assistance of the BC Human Rights Clinic⁷⁸ to help file this application.⁷⁹ Employees can also contact the WorkSafeBC prevention information line to report bullying and harassment by the employer (1.888.621.7233).
- *Sexual exploitation or abuse:* When sexual harassment involves attempted or actual physical assault, or threats of an assault, or when sexual exploitation or abuse is present, or when there is stalking (otherwise known as “criminal harassment”⁸⁰), staff must file a report at the local police service. Criminal behavior will always be reported to law enforcement authorities without exception.

3.6 Investigations and sanctions

As outlined by WorkSafeBC, investigations will be undertaken promptly, diligently and thoroughly; be fair and impartial for both the complainant and the respondent; be sensitive to the interests of all parties; maintain confidentiality to the extent possible; focus on finding facts and evidence; and aim to prevent further trauma.⁸¹

Steps for the investigation⁸²:

1. A copy of the complaint is provided by the PSEA Focal Point to the Executive Director who is informed periodically of the status of the investigation.
2. In cases where the formal complaint is submitted by a third party, the views of the alleged victim will be considered during the preliminary assessment before decisions are made about proceeding with an investigation, except in the case of minors or in the case of transgressions to the Criminal Code.
3. The PSEA Focal Point informs the alleged offender that a complaint has been made, although is not obliged to identify the complainant to ensure protection from reprisals and retaliation.
4. The PSEA Focal Point advises the complainant and the respondent about the confidentiality of the process.
5. The respondent is given an opportunity to respond in writing within ten (10) working days;

75 Occupational Health and Safety Act, R.S.O. 1990, Chapter 0.1.

76 The OHS Act defines “workplace harassment” as “engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome”.

77 Suite 1170 – 605 Robson Street, Vancouver, B.C. V6B 5J3. Tel: 604 775 2000. Toll free: 1 888 440 8844. TTY (for hearing impaired): 604 775 2021. Online: www.bchrt.gov.bc.ca

78 BC Human Rights Clinic: 300-1140 West Pender Street, Vancouver, B.C, V6E 4G1. Tel: 604 622 1100. Toll free: 1 855 685 6222. Online: www.bchrc.net

79 Staff must be informed that to make a complaint under the BC Human Rights Code, all the following must be true: someone must have been treated badly or denied a benefit, there is a connection between this treatment or denial and his/her gender, and the treatment occurred in a situation such as at work, in a store or restaurant. This complaint must be filed within six months of the event occurrence, although exceptions may be made to this time frame (BC Human Rights Tribunal, “Human rights in British Columbia: Sex Discrimination and Sexual Harassment fact sheet”)

80 Section 264 of the Criminal Code defines criminal harassment as repeatedly following or trying to contact a person over a period of time.

81 WorkSafeBC, “Toward a respectful workplace: A handbook on preventing and addressing workplace bullying and harassment (2013: 12).

82 Adapted from CCIC Staff and Volunteer Policy and Procedures, RE. Allegations of Misconduct/ Wrongdoing.

6. The Executive Director may consult with the Board for confidential guidance and may convene an investigative panel composed of Board members and the Executive Director and/or contract an experienced, independent and impartial third party to conduct the investigation in order to ensure that due process is followed and the rights of complainants and respondents are both respected. Even when an investigative panel has been convened or an independent third party contracted, BCCIC leadership will maintain organizational oversight of the investigation, and ensure that information is shared and communicated adequately.
7. Workers are expected to cooperate during an investigation and provide any details of acts they have experienced or witnessed; this may include interviews with the complainant, respondent and witnesses.⁸³
8. Requests for complainants or respondents to be accompanied by a third party for emotional support or receive other forms of assistance, will be honored by the Executive Director. Third parties are bound by the principles of confidentiality to which they must give written consent and are required to disclose any conflict of interest. In no way should the presence of a third party contribute to further intimidation or trauma.
9. The alleged victim and alleged offender will be informed as appropriate of the status and outcome of the investigation.
10. A final confidential report is prepared by the PSEA Focal Point or independent investigator and the report is given to the Executive Director within ten (10 working days) with recommendations for sanctions and response;
11. The report will be safeguarded for confidentiality and protected within a password protected file, but the Executive Director may share this report with the Board, if deemed necessary, while ensuring that the confidentiality of individuals involved is maintained.⁸⁴

If the complainant chooses to withdraw the formal complaint after the investigation has been started, an interview will be conducted with the complainant to ensure that the withdrawal has not been coerced. The withdrawal will be reported to the Executive Director, with follow-up recommendations. The Executive Director will pursue the investigation if the case violates a criminal code, someone's life is at risk, a child is at risk, or there is a legal mandate to contact authorities, in which case the Executive Director will consult with legal counsel and the relevant authorities. Complainants will never be asked to sign non-disclosure agreements.

3.7 Whistle-blowing

- If the respondent is the PSEA Focal Point, the complaint or report should be submitted directly to the Executive Director.
- If the respondent is the Executive Director, the PSEA Focal Point will submit reports directly to the Chair and the President, who will bring it to the executive committee's attention within 24 hours.
- If the respondent is a Board member, the PSEA Focal Point will submit the report to the Executive Director, who will then submit it to the Chair of the Board. They will convene a sub-committee to discuss the report. The respondent will be excluded from all deliberations due to a conflict of interest.
- If the Chair is implicated in the complaint, then the Vice-Chair or another member of the Executive Committee should receive the report and convene a sub-committee meeting.
- The sub-committee in consultation with the Executive Committee will decide on the best course of action, including a letter of apology, mediation, mandatory counselling, removal from the Board or legal proceedings in the case of potential criminal wrongdoing.⁸⁵
- The complainant is fully within his/her rights to submit the report directly to an external authority listed in Section 3.5.

⁸³ WorkSafeBC, "Toward a respectful workplace: A handbook on preventing and addressing workplace bullying and harassment (2013: 12).

⁸⁴ CCIC Staff and Volunteer, 'Policy and Procedures: Allegations of Misconduct/ Wrongdoing.

⁸⁵ CCIC, 'Allegations of Misconduct/ Wrongdoing of Board Members'.

3.8 Survivor-centered Response

BCCIC is committed to a survivor-centered response.⁸⁶ This policy includes a list of local service providers. BCCIC will develop a clear referral protocol for survivors of sexual harassment, discrimination, exploitation and abuse. BCCIC will refer survivors of sexual exploitation, abuse, harassment and discrimination to support services that can offer them comprehensive quality assistance and support, including protection from retaliation, medical care, psychosocial support, legal assistance and reintegration support, in line with their wants and needs.⁸⁷ Assistance will be made available regardless of whether a formal internal response or investigation has been concluded.⁸⁸

The PSEA Focal Point will follow up on the response received by complainants to ensure that it is appropriate, comprehensive, timely and survivor-centered. Furthermore, BCCIC will ensure that victims are not penalized for poor performance, outbursts, insubordination, etc. that may be an understandable reaction to sexual discrimination, harassment, physical or sexual assault.⁸⁹

The support received by survivors will be documented and any information related to challenges or barriers in access will be reported to the Board and relevant authorities, without breaching confidentiality. The feedback received will be used to improve the referral protocol and strengthen the PSEA strategy going forward.

The Executive Director will also ensure that employees who have experienced the spill-over psychological effects of SEA and SH in the workplace ('ambient harassment')⁹⁰ are aware of and have access to support.

3.9 Investigation outcomes and follow-up

The PSEA Focal Point and Executive Director will use this Policy in conjunction with relevant criminal, employment and labour laws to make decisions about sanctions and response. Corrective action will be taken promptly following the investigation. Perpetrators will be held responsible for their actions.

Disciplinary measures will be applied, which could range from a verbal warning or a letter of reprimand to termination depending on the nature of the incidence. Any contravention of the Criminal Code (e.g. in the case of sexual assault and exploitation) will lead to immediate dismissal and criminal proceedings. In other instances where disciplinary measures are applied and the respondent continues to be employed by BCCIC, the Executive Director will also refer the respondent to corrective/reform programs that include counselling, mentoring, workshops and peer to peer support on gender sensitivity, intercultural communication and healthy behaviours in relation to gender and sexuality.

BCCIC will also take swift action to resolve the underlying problem in the work environment or organizational culture. This may include revising workplace procedures to prevent any future SEA or SH taking place in the workplace and may require other interventions to promote intercultural dialogue on gender and sexuality, as well as interventions to address imbalances in power that are related to gender and/or in intersection with other positionalities and identities. Following the incident, the Executive Director will evaluate the 'reasonableness'⁹¹ of the response by assessing the effectiveness of the procedures in place to deal with discrimination and harassment; the timeliness of the response; how seriously the complaint was treated; what resources were made available to deal with the complaint; whether the organization created a 'healthy environment' for the person who complained; and how well the action taken was communicated to the person who complained. When necessary, the Executive Director will ask an independent third party bound by the principles of confidentiality to undertake this 'reasonableness assessment'. The findings will be shared with the Board and will be used to improve PSEA and SH interventions going forward. In cases where BCCIC's funding for the project originates from Global Affairs Canada (GAC), BCCIC will report the allegations to GAC, according to GAC's requirements.⁹²

86 UNICEF (2019), *UNICEF Strategy to Prevent and Respond to Sexual Exploitation and Abuse and Sexual Harassment*.

87 Ibid.

88 Oxfam, "One Oxfam Policy on Protection from Sexual Exploitation and Abuse".

89 Ontario Human Rights Commission (OHRC) (2011), *Policy on preventing sexual and gender-based harassment*, p. 42.

90 Ibid., 19.

91 A reasonable response will not affect the organization's liability, but will be considered by Tribunals and Courts in deciding the appropriate remedy or damages (OHRC 2011: 44).

92 An official letter from The Honourable Marie-Claude Bibeau of GAC to partners (May 25, 2018), states that partners must inform GAC immediately of alleged cases of sexual exploitation and abuse.

Support Agencies for Victims of Sexual Assault

AMS Sexual Assault Support Centre
(604) 822-3475
Email: SASC@AMS.UBC.CA

Battered Women's Support Services
(604) 687-1868 or toll free 1 (855) 687-1868
Email: information@bwss.org

BC Society for Male Survivors of Sexual Abuse
(604) 682-6482
Email: victimservices@bc-malesurvivors.com

BC Women's Hospital and Health Centre
(604) 875-2424 or toll-free in BC 1 (888) 300-3088
Email: comm@cw.bc.ca

Cyber Tip Online Reporting for Child Exploitation
1 (866) 658-9022

Family Services of Greater Vancouver
(604) 731-4951

Kids Help Phone
1 (800) 668-6868
Email: bc@kidshelpphone.ca

Ministry of Children and Family Development
1 (877) 387-7027
Email: mcf.info@gov.bc.ca

National Center for Missing and Exploited Children
1 (800) 843-5678

Vancouver Aboriginal Child and Family Services Society
(604) 872-6723 or toll-free 1 (877) 982-2377
Email: info@vacfss.com

Vancouver Aboriginal Community Policing Centre Society
(604) 678-3790

Vancouver and Lower Mainland Multicultural Family Support Services
(604) 436-1025
Email: againstviolence@vlmfss.ca

Vancouver Police Department Victim Services
(604) 717-2737
Email: vpd.vsu@vpd.ca

Vancouver Rape Relief & Women's Shelter
(604) 872-8212
Email: info@rapereliefshelter.bc.ca

Victim Link BC
1 (800) 563-0808 or TTY (604) 875-0885
Email: VictimLinkBC@bc211.ca

WISH Drop in Centre Society
(604) 669-WISH (9474)
Email: wishdropincentre@shaw.ca

Women Against Violence Against Women
(604) 255-6344 or toll-free: 1 (877) 392-7583
Email: vsp@wavaw.ca

WAVAW Rape Crisis Centre 24-Hour Crisis and Information Line:
Lower Mainland: 604-255-6344
National Toll-free: 1-877-392-7583

Copied from Vancouver Police Department, "Sex Crimes Unit"⁹³

3.10 Normative and regulatory instruments

On an annual basis, the Executive Director will deliver a presentation to the Board at the staff retreat outlining SEA and SH complaints in the past year, whether the management response was found to be 'reasonable' and whether further prevention efforts have been effective. A more comprehensive review of the PSEA policy will be undertaken every four years, with particular attention to its policy statement, steps to prevent SEA and SH, reporting procedures and procedures for dealing with incidents and complaints.

⁹³ <https://vancouver.ca/police/organization/investigation/investigative-services/special-investigation/sex-crimes.html>

The British Columbia Council for International Cooperation (BCCIC) is a coalition of over 140 individuals and civil society organizations that has engaged in sustainable development and environmental issues for 30 years.

BCCIC supports its members in becoming more effective agents of change in their sustainable development efforts by disseminating knowledge gained through collaborative projects, building relationships across sectors and networks, and developing the capacity of sustainable development practitioners. BCCIC also represents members' interests and advances civil society policy recommendations on municipal, provincial, national, and international issues.

BCCIC receives support from the Government of Canada, provided through Global Affairs Canada and Employment and Social Development Canada; project funding from the Kenoli Foundation, the Pacific Institute for Climate Solutions (PICS) at the University of Victoria, and Private Donors; as well as membership dues.

www.bccic.ca

