



# Protection from Sexual Exploitation and Abuse Code of Conduct for OM in Poland

## 1. OUR COMMITMENT

OM in Poland works to promote dignity for the world's most vulnerable people, based on the conviction that every human being is an image and reflection of God (Imago Dei), thus their worth, value and significance need to be respected and protected impartially and regardless of any other merit. In line with UN Secretary General's bulletin ST/SGB/2003/13 and the recognition that sexual exploitation and abuse in humanitarian context is a serious human rights violation, OM in Poland is committed to protecting women, girls, men and boys at risk and taking action against those who abuse their position of power. OM in Poland acknowledges when working in humanitarian contexts there is a risk of sexual exploitation and abuse by employees against the beneficiary community, particularly women and girls. OM Poland is committed to enforcing a zero-tolerance policy against sexual exploitation and abuse.

## 2. DEFINITIONS

Section 1 of the UN Secretary General bulletin on Special Measures for protection from sexual exploitation and abuse gives the following definitions:

**a. Sexual exploitation** means 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.

**b. Sexual abuse** means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

### OTHER DEFINITIONS

**c. OM employee:** Refers to any OM staff member, volunteer, contractor or any other person who works for or represents OM in Poland, whether or not s/he is compensated monetarily and regardless of the type or duration of their contract.

**d. Beneficiary:** Any girl, woman, boy or man who receives assistance as part of either emergency relief or development aid through assistance programs.

**e. Protection from Sexual Exploitation and Abuse (PSEA) Focal Person:** The person charged with carrying out PSEA activities, coordinating with interagency operations and promoting PSEA within OM.

**f. Investigator:** A person that is recognised as an expert on sex crimes investigations, data protection, privacy and confidentiality.

## 3. SIX CORE PRINCIPLES

OM in Poland recognises the IASC 6 core principles of protection from sexual exploitation and abuse and adopts them as follows.

### a. Termination of employment

Sexual exploitation and abuse constitutes gross misconduct and therefore grounds for termination of employment.

### b. Sexual Activity with Children

As per the OM Child Protection Policy, sexual activity with children (persons under the age of 18) is prohibited. Sexual activity with children is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.

### c. Transactional Sex and Activities

Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes workplace benefits or exchange of assistance that is due to beneficiaries.

### d. Sexual relationships between humanitarian workers and beneficiaries

Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.

### e. Mandatory Reporting

All OM Poland employees are responsible for prevention of sexual exploitation and abuse and are subject to a mandatory reporting obligation. Where a humanitarian worker develops concerns or suspicions regarding sexual exploitation or abuse by a fellow worker, whether in the same agency or not, he or she must report such concerns to the PSEA focal person or to the in-country PSEA Network where established, following its Standard Operating Procedures.

### f. Senior Management Responsibility

OM Poland employees are obliged to create and maintain

an environment, which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. OM managers at all levels have particular responsibilities to support and develop systems which maintain this environment, including upholding and enforcing the Protection from Sexual Exploitation and Abuse Code of Conduct.

#### 4. COMPLAINTS MECHANISM

The country / field leader of OM in Poland selects a PSEA Focal Person.

##### **PSEA Focal Person is responsible for:**

- a. Reviewing local laws relating to rape, sexual assault, trafficking and child abuse
- b. Ensuring all senior managers and leaders are trained in the standards set by the PSEA Code of Conduct within 1 month of joining OM in Poland
- c. Ensuring all teams have received training on PSEA
- d. Representing OM Poland at the Protection from Sexual Exploitation and Abuse Network meetings
- e. Ensuring the review of all reports of sexual exploitation and abuse have commenced within one week of receiving the report
- f. Based on a review, making a decision that the complaint meets the threshold of reasonable suspicion of SEA warranting investigation
- g. Engaging an Investigator and supporting the visit and investigation of the Investigator
- h. Convening the OM in Poland Misconduct Panel upon the completion of the investigation by the Investigator
- i. Ensuring the complainant is consulted and has been referred to medical, shelter, and/or psychosocial support services as needed
- j. Produce yearly reports on PSEA complaints and disciplinary action taken

##### **Field / Country leader is responsible for:**

- a. Assigning a PSEA Focal Person
- b. Ensuring every OM Poland employee has signed the PSEA Code of Conduct at the commencement of their employment
- c. Working with the PSEA Focal Person to ensure all team members have been trained in PSEA

- d. Supporting the visits and work of the Investigator
- e. Ensuring the decision of the OM in Poland Misconduct Panel is followed through

##### **OM in Poland Misconduct Panel will:**

- a. Be comprised of the following staff members: Field / Country leader, PSEA Focal Person, Members of the Audit Committee of the Association.
- b. Convened within 4 weeks of a report being made
- c. Make a decision on investigation report from an Investigator
- d. Make a decision regarding what non-monetary support, if any, will be provided to the complainant

#### 5. ACTIONS TAKEN BY THE OM IN POLAND MISCONDUCT PANEL

##### **a. Gross Misconduct (i.e. SEA)**

Under paragraph 3(a) of this Code of Conduct a finding of gross misconduct is grounds for termination.

##### **b. Suspected Criminal Offence**

Any complaint made against an OM in Poland employee that is of a potentially criminal nature under local laws will also, in the best interests and with the informed consent of the survivor, be referred to the police by the OM in Poland Country /Field Leader. Criminal offences could include, but not be limited to, complaints of rape, trafficking and sex with children.

##### **c. Failure to uphold mandatory reporting**

Under paragraph 3(e) of the PSEA Code of Conduct failure to uphold the mandatory reporting obligation is grounds for termination.

##### **d. Survivor Care**

The Panel will create a Care Plan for the Survivor, based on their needs, available resources and existing referral pathways. Care Plan will be implemented by the Country / Field Leader of OM in Poland.

#### 6. CONFIDENTIALITY

All complaints will be treated as confidential. In the event the complainant is a child the parents or guardian of the child will be engaged, but the best interests of the child will be the guiding principle.

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*We expect every employee, volunteer, intern, or participant in Association activities to read, acknowledge and abide by this Code of Conduct.*

**I have read and understood the Protection from Sexual Exploitation and Abuse Code of Conduct for the Operation Mobilisation in Poland Association. I agree to abide by all principles listed in this code of conduct and to safeguard the welfare of during Association activities and in team life.**

**I, the undersigned, aware of the criminal liability resulting from providing untruth or concealing the truth, declare that I am not listed in the Registry of Sexual Perpetrators and/or have never been convicted for sexual offences.**

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*First and last name*

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*Date and Signature*