

1. Introduction

RECLAIM applies a Human Rights Based Approach and a Gender Equality Perspective to all its work. A core value in our work is to create a positive environment with utmost respect for the human rights of our own staff and the people we work with.

It is essential that RECLAIM staff receive clear instructions and guidelines with respect to expectations regarding their conduct and are given space to reflect positively on how to stimulate an open, inclusive, respectful and non-abusive work culture.

In addition, it is essential that RECLAIM management is equipped with adequate authority, responsibility, monitoring tools and recourse to action in the event of any misconduct. The goal is to create an environment free of (sexual) exploitation, harassment and/or abuse within RECLAIM.

In keeping with RECLAIM's commitment to respect human rights, this policy is based on internationally recognised human rights standards as contained in

- the Convention on the Elimination of Discrimination Against Women (CEDAW),
- the Convention on the Rights of the Child (CRC), and
- the International Covenant on Civil and Political Rights (ICCPR).

RECLAIM's policy is specifically informed by the United Nations Secretary General's Bulletin 2003/13, 9 October 2003; Special Measures for Protection from Sexual Exploitation and Abuse).

2. Objective and scope of this policy

The objective of this policy is to increase awareness and prevent misconduct, including (sexual) exploitation, abuse and/or harassment by providing clear guidance to address these issues and promote greater accountability. The following standards apply to all staff, volunteers, consultants, interns, national as well as international staff, and any other individuals representing the organisation.

3. Provisions

3.1. Prevention of (sexual) exploitation, abuse and/or harassment

RECLAIM maintains that (sexual) exploitation, abuse and/or harassment of persons is an abuse of the human rights of these individuals.

3.2. Code of Conduct to Prevent (Sexual) Exploitation, Abuse and/or Harassment:

As part of RECLAIM's commitment to respect human rights, all RECLAIM staff wherever they are based and whatever their position should act in the following manner within and outside working hours:

- Respect and promote fundamental, inter-nationally adopted human rights without discrimination of any kind and irrespective of social status, ethnicity, colour, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability and act with integrity.
- Respect internationally recognised human rights. Where national law is not in keeping with these recognised rights, staff must respect the international standards in this RECLAIM policy.
- Never exploit the vulnerability of anyone, regardless of their sex, age or sexual orientation or allow anybody to be put in compromising situations
- Never engage in any kind of sexual activity involving children below the age of 18. Mistaken belief in the age of the child is no defence.
- Never expose staff or staff in a partner organisations to any kind of (sexual) exploitation, abuse and/or harassment.
- Never commit any act or form of harassment that could result in physical, sexual or serious psychological harm to others.
- Never use, possess, distribute or consume child pornography
- Never engage in sexual exploitation or abuse of beneficiaries - men, women, or children - regardless of their sex, age or sexual orientation. This prohibition includes exchange of money, employment, goods or services for sex including sexual favours.
- Never accept, solicit, or engage in "buying" or profiting from sexual services (including in countries where

prostitution is not forbidden by law).

- Sexual and/or romantic relationships with beneficiaries, volunteers and staff in partner organisations receiving grants from RECLAIM may not be compatible with an employment in RECLAIM. Such relationships should always be declared, and RECLAIM's management is then the sole decision maker on whether such a relationship is compatible with the employment and specific position in RECLAIM.
- An employee who engages in a sexual relationship with another employee or is required to inform his or her manager about the relationship. If the relationship creates work-related problems, management will decide on an appropriate measure to solve the problems. This could include the termination of the contract of one of the employees involved.
- RECLAIM Managers are not allowed to have a sexual relationship with an employee who refers directly to them or is under their line-management. If the situation arises, it may be decided to terminate the contract of the manager involved.
- Members of the RECLAIM board are, in principle, not allowed to have sexual relationships with any employee or volunteer in RECLAIM. If they decide to engage sexually or romantically with a member of staff they need to report so to the Board and refrain from taking part in decisions where a conflict of interest might arise.
- Ensure that all confidential information, including reports of breaches of these standards by colleagues, obtained from beneficiaries or colleagues are channelled correctly and handled with the utmost confidentiality through appropriate and contextualized reporting mechanisms.
- Report immediately any knowledge, concerns or substantive suspicion of breaches to this RECLAIM policy to RECLAIM Chair (ane.sommer@reclaiming.eu). When there is substantial suspicion of breaches of national or international law, RECLAIM management will decide whether to transfer such cases to the appropriate national authorities for further action in accordance with principals and procedures for handling sensitive complaints.

3.3. Prevention and Response

Crucial elements in RECLAIM's overall response are prevention and awareness-raising, monitoring and evaluation, and establishing a complaints mechanism/contact person and a response mechanism. The RECLAIM policy should be made known to all RECLAIM staff.

Roles and areas of responsibility are described in Annex 1 to this policy.

3.4. Awareness-Raising

RECLAIM will raise awareness related to prevention of (sexual) exploitation, abuse and/or harassment consistently throughout the staff member's period of employment. The topic together with consequences of misconduct will be addressed as a mandatory element during the introduction period in RECLAIM. All staff have an individual responsibility to familiarise themselves with the Code of Conduct and its purpose.

This document automatically forms part of all contracts of employment and is appended to RECLAIM Work Regulations.

3.5. Responding to suspected/alleged breaches

Internally:

Any substantial suspicion of breaches of this RECLAIM policy in terms of (sexual) exploitation, abuse and/or harassment can be reported to the RECLAIM Chair (ane.sommer@reclaiming.eu) and will be handled with full confidentiality by an independent complaints committee established as soon as substantial suspicion of (sexual) exploitation, abuse and/or harassment is reported to RECLAIM Director/Board Chair.

All RECLAIM staff are required to report any knowledge, concerns or substantial suspicions of misconduct to the RECLAIM Chair (ane.sommer@reclaiming.eu) immediately and without investigation.

The complainant can choose whatever means s/he wishes to raise a complaint. Once a complaint is received, the RECLAIM contact point is expected to take prompt investigative action. In cases of suspicion, hearing rumours or experiencing any doubts related to potential misconduct, staff can seek advice from Reclaim's Chair, ane.sommer@reclaiming.eu

Non-retaliation and confidentiality

Staff and other stakeholders must be able to lodge their concerns without fear of reprisal or unfair treatment as a consequence of complaining. As far as possible, RECLAIM will do its utmost to ensure that complaints are handled with confidentiality and without risking effects on employment or any form of reprisal and/or harassment as a result of highlighting a genuine problem.

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RECLAIM

Confidentiality is crucial to achieving satisfactory results, because it protects the complainant, the subject of the complaint and other witnesses. The fact and nature of the complaints, the identities of those involved and documentation resulting from the investigation therefore remain confidential and are only shared on a need-to-know basis in order to conduct the necessary investigation or provide care/ expert advice.

These statements contain a description of the incidents as well as the factual details. They do not state the identity of the employee, unless he or she agrees to this.

The employer takes these declarations into account when preparing prevention measures. All prevention measures are added as an annex to these work regulations.

Independent third party mediation for employees

In addition to directly contacting the employer, any member of the organisational hierarchy, a member of the board or a union representative, an employee who believes he or she has suffered psychological harm (whether or not accompanied by physical violence) as a result of psychosocial risks at work, including in particular violence, harassment or unwanted sexual behaviour, may invoke an independent complaints procedure to RECLAIM, which will impartially and independently investigate the case, liaise with RECLAIM management and issue a recommendation for action.

This procedure is explained at length in the Work Regulations / Staff handbook provided to the employee before concluding his/her work contract.

Criminal records and former complaints

Staff must notify RECLAIM of any criminal convictions or charges of sexual abuse, exploitation or harassment. Staff must also notify RECLAIM of any relevant former complaints made against them concerning suspected or substantiated misconduct related to sexual abuse, exploitation or harassment.

Disciplinary measures

Any upheld breach to this RECLAIM policy will not be tolerated and may in accordance with relevant legislation lead to internal disciplinary action, including dismissal or even criminal prosecution.

Any staff purposely making false accusations of a breach to this RECLAIM policy will be subject to disciplinary action.

Other Prevention

The health & safety officer for psychosocial aspects (RECLAIM Director, Esther Martinez Gonzalez) maintains a register with statements by employees who believe they have been the victim of violence, harassment and unwanted sexual behaviour during performance of their work in their contacts with other persons (customers, suppliers, EU-decision makers etc.).