



HOW TO SUPPORT YOUR COMPANY TO...

Write and implement an employee code of conduct for prevention of sexual exploitation and abuse

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IFC
2121 Pennsylvania Avenue, N.W.
Washington, D.C. 20433
Internet: www.ifc.org

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Photo:
Professor Amivi Kafui Tete-Benissan teaches cell biology and biochemistry as part of a STEM mentoring program for Togolese women.

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Acetone
For HPLC
Fisher Chemicals
Methanol
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Fisher Scientific

34
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4-step process for writing and implementing an employee code of conduct for **prevention of sexual exploitation and abuse**

1

PLANNING



Understand legal context



Understand community context



Understand project-specific SEA risks

4

MONITORING



Monitor awareness



Monitor effectiveness



Review SEA risks

Sexual Exploitation and Abuse (SEA)

SEA is a subset of gender-based violence (GBV). It refers to any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another person. In IFC projects, there may be a risk of SEA occurring against a worker, service user, or a member of an affected community. Your company has a responsibility to take actions to prevent SEA.

Purpose of Code of Conduct (CoC) for prevention of SEA

The CoC explains how workers are expected to behave when going about their work and when interacting with service users and community members. It is a foundational document that outlines your company's position on SEA, how they intend to prevent SEA occurring, and what responses will be taken if incidents do occur.

2

CREATING CONTENT



Write basic content



Write complex content

3

IMPLEMENTING



Communicate to workers



Communicate in community

1 PLANNING



Understand legal context

Your company should be aware of any laws relating to GBV. Your company's CoC for prevention of SEA will need to meet legal requirements.

When researching the legal context, your company should pay attention to laws or guidance relating to the following topics:

- Child and forced marriage.
- Age of consent (for sexual activity and marriage).
- Prostitution and sex work, including transactional sex and survival sex.
- Violence against women.
- Rape and sexual violence.
- Trafficking.
- Sexual slavery.
- Harmful traditional practices, including female genital mutilation (FGM).
- Sexual activity with children.

You should also encourage your company to exceed legal requirements in their CoC, to ensure adequate protection of all vulnerable groups in the community.



Your company should seek to understand where there may be gaps between what has been legislated and how the law is applied in practice. For example, child marriage may be technically illegal in a given country but still widely practiced and rarely prosecuted. Does your company understand areas where there are gaps between legislation and implementation, and how these gaps increase the risk of SEA occurring?



Understand project-specific SEA risks

Your company should consider how its operations might present risks of SEA. This means thinking about the risk factors and the kinds of relationships where SEA might occur.

Factors that increase the risk of SEA occurring include:

- Remote operations.
- Influx of (male) workers to the project area.
- High level of gender inequality in local community.
- Large difference between income of workers and income of community members.
- Workers living in or close to community.

Relationships where SEA might occur include:

- Between workers and community members, including children.
- Between workers and service users.
- Between workers and staff working in temporary accommodation, including hotels along transportation routes.
- Between workers and local authorities.
- Among users of services and infrastructure.
- Within intimate relationships of workers.



Within the relationships involving workers, a worker could perpetrate SEA and/or suffer SEA. Does your company's CoC cover both these risks?



Understand community context

Despite what the law states, there may be local practices that continue to place women and girls in particular at risk.

Your company should make efforts to understand GBV in the community, so they are better equipped to draft a CoC – one that takes into consideration local practices and norms that might increase the risk of SEA occurring.

When researching the community context, your company should seek to learn about the following:

- Normalized practices of abusive behavior linked to social gender inequality (e.g., wife-beating).
- Harmful, but accepted cultural practices (e.g., FGM).
- Initiation rites that cause harm, especially to adolescents.
- Community practices for dealing with survivors of sexual abuse, including so-called 'cleansing ceremonies'.
- Attitudes towards and practices of early and forced marriage.
- Attitudes towards and prevalence of transactional sex.
- Education opportunities for adolescent girls.
- Attitudes towards and practices of homosexuality.

The information can be learned by consulting with community groups and local organizations that offer services to women and children, work as GBV service providers, and/or are engaged in GBV prevention work. These groups will be able to inform your company about local practices and customary laws, and give some insights on how specific behaviors may be perceived by the community.

Your company might be able to integrate this learning exercise into other work they are required to do to understand project impacts – influx impact assessment, social impact assessment, general community engagement and consultations etc.

This information on GBV in the community may already be available, as local organizations may already have completed a similar assessment. Before progressing this learning activity your company should first check to make sure there is no duplication of work and no additional unnecessary burden is placed on the community.



The primary question to keep in mind when doing this kind of assessment is: How might community attitudes and practices increase the risk of SEA occurring? Your company does not need to know details of prior incidents of GBV or existing behaviors of individuals in the community. Your company does not need to collect baseline data that can be used to measure improvements in community attitudes and practices.



An assessment to understand the GBV context in the local community should not be seen as an easy add-on. It requires a high level of understanding of the risks and ethics related to researching GBV. Is the person responsible for understanding the community context qualified to explore risks relating to GBV?

2

CREATING CONTENT



Write basic content

You should advise your company not to skip the PLANNING step. Their CoC will be more effective if it is written to respond to the specific country and community contexts in which the project is located. There is, however, some basic content that should be included in any CoC.

COMMITMENT

“ Our company is committed to creating and maintaining an environment in which sexual exploitation and abuse has no place, and in which it will not be tolerated by any employee, contractor, or representative of the company.

“ We have a zero tolerance for sexual exploitation and abuse. Vulnerable adults, women, and children are particularly at risk of sexual exploitation and abuse. We are committed to protecting all people who live in local project-affected communities from sexual exploitation and abuse perpetrated by our personnel at all times.

REPORTING CHANNELS

Examples include:

- Verbally to an internal focal point, such as the community liaison officer.
- Through a third party, such as a local GBV specialist or community organization.
- Through community-based focal points, such as clinic staff, teachers, or youth representatives.
- Via a telephone hotline.

PROHIBITED BEHAVIORS

Examples include:

- Sexual assault .
- Unwanted touching of a sexual nature.
- Demanding sex in any context.
- Making sex a condition for assistance.
- Making sex a condition of access to goods, services or employment.
- Forcing a person to engage in prostitution or pornography.
- Refusing to use safe sex practices.
- Videotaping or photographing sexual acts and posting it without permission.
- Telling someone they or anyone else are obliged to have sex as a condition for anything.

POTENTIAL SANCTIONS

Examples include:

- Financial penalty.
- Mandatory counselling.
- Mandatory training.
- Written or verbal warning.
- Suspension.
- Repatriation.
- Dismissal.
- Criminal prosecution.

SCOPE OF CODE OF CONDUCT

Who

“ This Code of Conduct applies to all personnel engaged by the company to undertake work. This includes management, full- and part-time employees, contractors, consultants, interns, volunteers, temporary staff, and visitors.

When

“ The rules explained in this Code of Conduct apply at all times when a person is considered to be at work, whether on a worksite, in a community or travelling for the purpose of work, including during periods of leave and when commuting to and from work, with no exceptions.



Building relationships with the community takes time and commitment. Your company should expect people within the community to develop trust in the CoC only if it is observed to be well-implemented, consistently enforced, and effective at preventing SEA over a sustained period of time. Has your company considered how to implement their CoC in a sustainable way that builds trust with the community, instead of as a one-time activity?



Write complex content

Your company will need to consider how to respond to some particularly sensitive and complex risks in their CoC. Having a close professional relationship with a GBV specialist, especially somebody who understands the local context, will be extremely beneficial here.

SEA INVOLVING CHILDREN

Your company may be operating in a country where the legal age of consent is below 18. In the community, there may be acceptance of child marriage. Still, your company must prohibit all sexual activity with persons under the age of 18.

The World Bank Group requires that all Codes of Conduct relating to SEA 'contain a statement that the term child/children means any person(s) under the age of 18 years'.

United Nations' special measures on protection from sexual exploitation and sexual abuse states that sexual activity with persons under 18 'is prohibited regardless of the age of majority or age of consent locally'.

Your company may also need to consider the following:

- Screening potential employees for their attitudes on sexual relationships with people below 18 and on early marriage.
- Including a statement in the CoC about non-employment or termination of any worker who is in a relationship, including a marriage, with a person under the age of 18.
- Special consideration for employees who are already married to somebody under the age of 18.
- Special consideration for such marriages if cultural practices make prohibition difficult or risk community backlash.

BUYING SEX

- **Prostitution.** A common term to describe the sale of sex, usually for money. It can carry connotations of criminality and immorality.
- **Sex work.** A contentious term that seeks to recognize the selling of sex as legitimate work, often used to emphasize that people who sell sex have agency and make decisions.
- **Transactional sex.** The exchange of sex for money, employment, goods, or services.
- **Survival sex.** The exchange of sex for basic subsistence needs, including clothing, food, and shelter.

Your company may need to state their position on the purchase of sex. To do this, they will need to consider some complicating factors:

- The purchase of sex may involve two consenting adults and/or in a country where prostitution is not criminalized.
- Due to social and economic status, some people may rely on selling sex to survive. The CoC could place these people at risk of being unable to survive.

- The CoC may push prostitution further underground and expose already vulnerable persons to a higher risk of experiencing and being unable to report violence.
- If survival needs are the reason for the exchange, the risk of exploitation within the relationship is already high; and so doing nothing may result in incidents of SEA.
- Increased prostitution may lead to increases in human trafficking, child SEA, and profiteering by traffickers.
- A relationship between an adolescent daughter and an adult men may be a survival tactic for a family.
- Due to a child's limited consent, any sexual activity with a child is SEA (not prostitution).
- For adolescent girls who leave school to enter into an early marriage or similar relationship, there are long-term economic and health risks, due to low level of education and early pregnancy.
- The stigma surrounding prostitution can make it difficult for people involved to seek medical help for sexually transmitted infections, thereby risking further spread of often infections, including HIV, within the community.



Regardless of the position your company takes on project personnel engaging in any form of transactional sex in the community, they can take steps to empower vulnerable persons or groups in the community. Is your company committed to reducing the risk of SEA by providing economic opportunities for vulnerable persons and/or groups?



Your company may need to balance mitigating SEA risks while not infringing on the rights of adults to freedom of sexuality and sexual expression. It is possible that a worker could enter into a mutually consensual relationship with another adult from the local community. In such a case, your company could require disclosure of the relationship. In such a case, your company may also need to assess the level of SEA risk based on the level of power between the persons involved. If the employer controls the offer of employment or supply contracts, or if the other party is reliant on the employer for money, food or shelter, to what extent is the relationship really consensual?

3

IMPLEMENTING



Communicate to workers

There are three key actions your company can take to ensure workers understand the CoC – provide copies, provide training, and obtain confirmation of understanding.

PROVIDE COPIES

Copies of the CoC should be provided to every employee and contractor. Ideas for distributing print copies include:

- In onboarding and induction materials.
- On worksite noticeboards.
- On the walls in meeting rooms.



The workforce might include people who speak different languages, as well as people who cannot read or who have low reading capacity. Has your company considered how to ensure all workers are able to understand the content of the CoC?

TRAINING

Training on the CoC should involve more than giving workers a copy to read. Your company should make efforts to check that workers understand both the content of the CoC and the reason for the existence of the code. Introducing and discussing the code in multiple, short training sessions will produce better outcomes.

Opportunities for CoC training include:

- A recruitment interview.
- A seminar for potential workers on employment opportunities.
- During onboarding and induction.
- Team meetings.
- Management briefings.
- Toolbox talks.
- Briefing meetings before undertaking work in the community.

CONFIRMATION OF UNDERSTANDING

Your company may want to ask all workers to sign a copy of the CoC. If this is the case, the signature should provide real evidence that the worker does, in fact, understand the content. If a worker is given a copy of the CoC, asked to read it, and then asked to sign the copy – this is not sufficient to confirm they understand the content.

Confirmation of understanding can be obtained using the following methods:

- Having a discussion with workers – individually or in a group – about the CoC after they have read a copy.
- Asking workers to complete a written or oral assessment after reading the CoC, to check they have understood key content.
- After providing a copy, giving workers a short period of time (e.g., one week) to digest the content, before holding another meeting to discuss content.

Workers should be advised not to sign the CoC if they are still unsure about any content. And they should be given opportunities to ask about the content. This does not mean they never have to sign the CoC. But it also means that your company should not require workers to sign the code immediately after receiving a copy and before they have had chance to read and discuss it.



Your company could consider asking workers to sign a shortened version of the CoC. The writing of this shortened version offers an opportunity to reflect on the main risks and the most important expected behaviors – an activity that could also help inform the content of training on the CoC. Has your company considered preparing a shortened CoC with key content for this purpose?



Communicate in community

Your company needs to make efforts to ensure the CoC is distributed and understood throughout the community.

The more understanding community members have about acceptable and non-acceptable conduct of project workers, and the more they understand about their rights, the more likely they will be willing to report violations to protect individuals and community relations.

Your company may wish to post copies of the CoC on community noticeboards. These should be written in the local language.

Other options for communicating the CoC throughout the community include:

- During direct conversations with community leaders.
- Through community groups that target specific demographics.
- In schools.
- During community events.
- During community meetings.
- As part of GBV prevention work undertaken by local GBV partners.



It may not be possible to capture all community members through a single communication campaign. Your company should therefore consider supporting regular and frequent efforts to communicate the CoC. Does your company have a community engagement plan that includes regular references to its CoC?

4

MONITORING



Monitor awareness

Your company should monitor how well the CoC is known and understood among workers and in the community.

Awareness monitoring among workers can include informal team discussions, surveys, and post-training assessments.

Awareness monitoring in the community can include community meeting discussions, surveys, and including questions about the CoC in supervision assessments.

In both cases, awareness on the following key content should be monitored:

- Prohibited behaviors.
- Reporting channels.



As the initial awareness-raising plan should have recognized, different workers may have different learning capacities, and the CoC needs to be communicated to a diverse range of community groups. Do your company's monitoring methods capture these differences?



Monitor effectiveness

Your company should monitor how effective the CoC is with respect to prevention of SEA incidents and ensuring any SEA incidents are being reported.

Effectiveness for workers means they are not engaging in acts of SEA while going about their work; they are not experiencing SEA while going about their work; and, they are comfortable reporting incidents of SEA they witness. Monitoring methods should be anonymous and confidential (e.g., surveys).

Effectiveness in the community means community members are not experiencing SEA while interacting with project personnel or while using project services or infrastructure; and, they are comfortable reporting incidents of SEA they witness or experience. Monitoring activities should be managed by GBV partners.

Relationship building with the community is a long-term process requiring a commitment of time and resources by your company. Within this relationship, your company has a responsibility to listen to the community and also to provide feedback to the community.



As with the initial research to help write a context-specific CoC, the monitoring should not seek to identify or disclose any details about incidents that have occurred. It is better to use general questions to investigate effectiveness. For example, for workers ask: 'If you were to witness a worker engaging in some form of SEA, how comfortable would you feel reporting this?' For example, for community members ask: 'How safe do you feel when project personnel are working in the community?'



Review SEA risks

Your company should ensure they review SEA risks as project operations change. They may need to go back to the PLANNING stage, to understand a new community context and/or identify new SEA risks.

Times to review SEA risks include:

- When the project moves from construction to operations.
- When the project expands and starts to impact on a different community.
- When there is a reduction or increase in the number of project workers on site .
- When there is a new or different influx of workers to the project area.
- When there is a significant change in the community situation – natural disaster, disease or pandemic, climate-induced change etc.
- When feedback from the community suggests a need to review.
- When a GBV service provider makes recommendations.

For further resources, including guidance on *Addressing Gender-Based Violence and Harassment: Emerging Good Practice for the Private Sector*, please visit www.ifc.org/addressinggbvh