

Safeguarding Short Films Facilitator's Discussion Guide

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In 2018 six European Caritas partners – CAFOD, Caritas Austria, Caritas Czech, Caritas Europa, Caritas Romania and Trócaire – came together to form a consortium with the aim of building the capacity of consortium members to implement humanitarian standards. This project is called “Technical Assistance for European Caritas Organisations in Humanitarian Aid” (TEACH) and is funded by the EU Aid Volunteers initiative of the European Union. As part of this project, a training resource in the form of short films and this accompanying discussion guide were developed.

The TEACH project covers humanitarian aid activities implemented with the financial assistance of the European Union. The subject matter addressed herein corresponds to existing policies and procedures and should not be taken, in any way, to reflect the official opinion of the European Union, and the European Commission is not responsible for any use that may be made of the information it contains.

The short films depict real examples of safeguarding and code of conduct breaches (using actors), provoking viewers to think about and discuss how these breaches happened and what appropriate preventative and response measures should have been/be put in place.

There are five films, each dealing with a different subject: transactional sex, corporal punishment, early marriage, financial exploitation and workplace sexual harassment.

The films and discussion guide are to be used together; the films are not intended to be watched in isolation. The discussion is where the issues can be teased out and explored.

If you have any questions or queries relating to these films and discussion guide, please do not hesitate to contact your organisation’s safeguarding lead or safeguarding focal persons.

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Facilitator Notes

Below are some suggestions for facilitators when using these films and discussion guide:

- In looking at each of these scenarios, you must look at these within the legal context of the country where you are giving a training in. For some contexts, there is a legal requirement to report to the authorities.
- Remember that the issues touched upon in the films are sensitive and emotional topics that can affect people in different ways. Participants should not be forced to watch the films or take part in discussions that they do not wish to be involved in.
- Make sure you watch the films and read the discussion guide in advance. Consider what questions, queries and clarifications you might have before sharing with a wider group.
- Respect, privacy and confidentiality is important in such exercises, and should form an essential part of the group learning agreement. However, if information emerges through discussion that indicates that someone has or is at risk of being exploited or abused, then as a facilitator you cannot ignore this and will need to take appropriate action.
- Challenging questions can sometimes be asked during these discussions, and the FAQs sections within the discussion guide can support with these. If you are presented with a question and are not sure of the answer, it is best to revert at a later point with the correct information, which you can seek from your organisation's safeguarding lead or safeguarding focal persons. **Remember, you should only show and facilitate the discussion of the film(s) you are experienced and comfortable with.**
- Layout: Some 'Possible Group Discussion Prompts' are included; however, you will know your audience best and can adapt as you feel appropriate. The 'Key Messages' section highlights the key themes to be drawn out in the discussions. The 'Definitions' and 'Reference Points'¹ are there for clarification and further reading for both facilitators and participants should they wish to explore these. The 'FAQs' section can support the facilitator in responding to questions that arise frequently on the respective topics (the FAQs have been collated from safeguarding specialists who have delivered workshops on these topics, with these being some of the most frequent questions that arise).
- Note: You might decide to show the videos, or instead decide to share a hypothetical scenario as an example that is more context-specific to prompt your discussion. Feel free to come up with your own as well.

¹ You should refer to your organisation's policies, procedures, definitions and reference points, if those included in this guide differ. You should have these definitions to hand, should participants want / need further clarifications.

Film 1: Transactional Sex



Possible Group Discussion Prompts

- Do you think the scenario in the film is a breach of Code of Conduct? Why / why not?
- Do you think the colleague was right to report this event? Why / why not?
- How do you think an organisation could support their personnel in reporting an event like this?

Key Messages

- The IASC Six Core Principles Relating to Sexual Exploitation and Abuse (updated Sept 2019) apply to all of us working in the development and humanitarian sector(s). Principle 3 of this states that, *“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 exchange of assistance that is due to beneficiaries”*. Therefore, the situation in the film where the staff member is **paying for sex is forbidden** and is a clear breach of the Code of Conduct.
- Again, not engaging in exploitative or abusive behaviour extends to **both our professional and personal lives**; it isn’t just confined to the workplace. It applies after working hours and when we are off duty, as in the film.
- Another principle relates to our **obligation to report** such incidents, and the need for organisations to have clear processes in place that all staff and people in communities are aware of. This is referred to in Core Principle 5, which states that, *“where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.”*
- When it comes to **reporting**, a lack of awareness of these standards, lack of mechanisms for reporting and fear of reporting can also come into play, as we can see from the film.
- Consider also that we do not know the **age of the person** that the staff member in the film is going to meet. If this person is **under 18 years of age**, then there is a further breach of the Code of Conduct, which links to Core Principle 2: *“Sexual activity with children (persons under the age of 18) 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.”*

- We can't tell from this film, but it's also important to consider who the staff member may be meeting. Is it a **programme participant**, for example? According to Core Principle 4, *“any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.”* This holds even if there is no exchange of money for sex, etc.
- It may be useful to refer to the Motu Proprio by Pope Francis, ***vos estis lux mundi*** (May 2019), which establishes norms for the church to tackle sexual abuse. Here is an extract:

“These norms apply to reports regarding clerics or members of Institutes of Consecrated Life or Societies of Apostolic Life and concerning:

a) delicts against the sixth commandment of the Decalogue consisting of:

 - i. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;*
 - ii. performing sexual acts with a minor or a vulnerable person;*
 - iii. the production, exhibition, possession or distribution, including by electronic means, of child pornography, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions;”*

Useful Reference Points

- Organisational policies, such as the Code of Conduct and Safeguarding Policy.
- See in particular Principles 3 and 5 of the [IASC Six Core Principles Relating to Sexual Exploitation and Abuse](#).

Useful Definitions

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. Similarly, the term ‘sexual abuse’ means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions ([Secretary-General’s Bulletin: Special measures for protection from sexual exploitation and sexual abuse \(ST/SGB/2003/13\)](#)).

FAQs

Can an organisation interfere with a staff member’s personal life / personal time?

As the staff member in the film says, our values don’t stop at the end of the workday. We are representatives of our organisations at all times. When it comes to safeguarding – issues of harm, abuse and exploitation – we cannot say that these behaviours are permissible when off duty; that would go against and misrepresent our values. We sign up to this commitment when we join an organisation. Furthermore, our actions will always reflect on the organisation. Consider also that this is likely to be an illegal activity. However, regardless of whether sex work is legal or not in a given location, it remains a breach of Code of Conduct and is prohibited.

How can an organisation oppose a transaction if it is between two consenting adults? What if sex work is legal?

When you join an organisation, you sign up to its Code of Conduct and Safeguarding Policies, which apply regardless of your home country or duty station.

Many of us work in challenging contexts where both children and adults are in vulnerable circumstances. In many cases, as NGO personnel, there is usually a power difference between us and the communities we work in – and it is this power differential that can lead to abuse and exploitation.

In many cases, people resort to sex work as a last option for income and meeting their basic needs – survival sex – and many wish to leave it. This means that those paying for sex are exploiting these circumstances and the sex workers.

Don't forget: even if someone appears to 'consent' to having sex, it can still be sexual exploitation depending on the circumstances.

Many sex workers have faced harassment, assault and rape in their work. In many contexts, sex work is unregulated, attracts criminals and can fuel human trafficking.

Also, further consider that we don't know from the film if the sex worker is under 18 years of age, or is a programme participant, for example – such scenarios would constitute further breaches of Code of Conduct and Safeguarding Policies.

Therefore, even if sex work is legal, it is forbidden for those of us who work in this sector. It is not a case that an organisation is 'disrespecting' local laws. It simply means that an organisation has an additional, higher standard when it comes to Code of Conduct – the two are not mutually exclusive.

What if I'm not certain of the full facts of what happened? I don't want to report something without being sure.

We have an obligation to report "*concerns or suspicions*" to our organisation. It is not our responsibility to investigate, gather evidence or fact find. It is important to remember that we must report such concerns due to the damage and impact that harm, abuse and exploitation can cause – early intervention is key.

How will an organisation support the person who raised the concern?

An organisation will discuss with this person and assess what kind of supports may be required. This will vary from situation to situation (including whether the person who raised the concern experienced the abuse or exploitation themselves, or if they are a third party) and may include referrals to services, such as psychosocial support, legal aid, etc.

How can an organisation create an environment where people feel comfortable to raise a concern?

It is important that people are provided with very clear points of reporting (who/how to report a concern), and understand the processes and procedures that the organisation has in place. It is also important that an organisation's complaints handling mechanism includes processes for managing sensitive complaints, and adheres to best practice principles. These may include consideration for the

Film 2: Corporal Punishment



Possible Group Discussion Prompts

- What do you think constitutes corporal punishment? Can you share some examples of what you think may and may not be corporal punishment?
- Do you think corporal punishment is child abuse? Why / why not?
- Do you think an organisation's Code of Conduct relates to your personal life?
- Are there other methods of discipline that you are aware of?

Key Messages

- **What constitutes corporal punishment?** Views on corporal punishment often differ from one context to another. However, corporal punishment is defined by the UN Committee on the Rights of the Child (which oversees the UN Convention on the Rights of the Child (UNCRC)) as *“any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light”*. Therefore, **any** physical contact or harm used to discipline is considered corporal punishment. This definition also states that, *“there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.”*
- **Corporal punishment is based on the adult's reaction** to a behaviour / an incident, and not the child's behaviour.
- **Views on corporal punishment often differ** from one context to another and in many settings, the awareness of corporal punishment as a form of physical abuse can be new. Views can also change from one generation to another, and can take time to change. Furthermore, legal frameworks relating to corporal punishment vary from country to country.
- **Alternative methods** for teaching children rights from other than corporal punishment exist. These are known as positive discipline techniques.
- Not engaging in abusive behaviour extends to **both our professional and personal lives**; it isn't just confined to the workplace.

- Some may refer to **religious texts as a justification** for corporal punishment. However, according to the UN Committee on the Rights of the Child, *“freedom of religious belief is upheld for everyone in the International Covenant on Civil and Political Rights (art. 18), but practice of a religion or belief must be consistent with respect for others’ human dignity and physical integrity”* (see para. 29, General Comment No. 8, 2006).
- This point moves beyond corporal punishment, but may be of interest to the discussion. **Child abuse can take various forms**, such as physical abuse (including corporal punishment), emotional or mental abuse, neglect and sexual abuse. ‘Mental violence’, as referred to in the UNCRC, is, *“often described as psychological maltreatment, mental abuse, verbal abuse and emotional abuse or neglect”*. ‘Neglect’ or ‘negligent treatment’ is defined as, *“the failure to meet children’s physical and psychological needs, protect them from danger, or obtain medical, birth registration or other services when those responsible for children’s care have the means, knowledge and access to services to do so.”* See the UNCRC for more details.

Useful Reference Points

- Organisational policies, such as the Code of Conduct and Safeguarding Policy.
- [United Nations Convention on the Rights of the Child](#).
- [United Nations Committee on the Rights of the Child, General comment No. 8 \(2006\): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment \(Arts. 19; 28, Para. 2; and 37, inter alia\)](#).
- [Example resource from Save the Children Australia on an introduction to positive discipline](#).
- [Example resource from Plan International Vietnam for training parents, teachers and care-givers on positive discipline](#).
- Your organisational or programmatic Theory of Change – many include the concept of *“challenging social norms and behaviours”*, or similar.

Useful Definitions

- **Corporal punishment** is defined by the [United Nations Committee on the Rights of the Child](#), which oversees the Convention on the Rights of the Child, as follows:

“The Committee defines “corporal” or “physical” punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (“smacking”, “slapping”, “spanking”) children, with the hand or with an implement - a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children’s mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.”

FAQs

Is a light slap considered to be corporal punishment?

Yes. Corporal punishment is defined by the UN Committee on the Rights of the Child as “*any punishment in which physical force is used and intended to cause some degree of pain and discomfort, however light*”. An act of corporal punishment is usually a reaction based on how the parent/guardian is feeling (stressed, angry, upset, etc.) and their circumstances, rather than linked to the misbehaviour of the child.

Can an organisation interfere with a staff member’s personal or family life on personal issues like this?

When it comes to safeguarding – issues of harm, abuse and exploitation (including child abuse) – we cannot say that these behaviours are permissible when off duty; that would go against and misrepresent our values. We sign up to this commitment when we join an organisation. Furthermore, our actions will always reflect on the organisation. In addition, corporal punishment is considered illegal in a growing number of places.

What are the other options for disciplining children?

Reacting to children with violence teaches children that violence is an appropriate response to a situation, and overall can lead to a more aggressive society. Positive discipline methods can be used. See the resources listed above for some examples.

How can you say corporal punishment is wrong? It never did me any harm.

Reacting to children with violence teaches children that violence is an appropriate response to a situation, and overall can lead to a more aggressive society. While everyone responds differently, there is overwhelming evidence, and it is widely accepted, that corporal punishment does indeed have long-term harmful effects. In terms of our individual experiences, it may be a journey of self-reflection to explore how we feel about (our experiences of) corporal punishment.

I don’t support hitting children, but are other punishments such as kneeling on rice considered appropriate?

Corporal punishment refers not only to direct physical contact, but to any act that can cause physical harm. Therefore, punishments such as kneeling on rice, or forcing a child to stand in a corner for long periods of time without access to a bathroom, cause physical harm and are considered to be corporal punishment – and are therefore not appropriate discipline methods.

What if this is part of a culture? What if my religious texts appear to endorse corporal punishment?

It is important to note that legislation is changing in many places to prohibit corporal punishment – there is real momentum behind it.

Film 3: Child Marriage



Possible Group Discussion Prompts

- In the communities where you work, at what age are children considered to become adults?
- Do children get married in the place where you are working? If so, at what age? Is it different for girls and boys?
- The man in the film is concerned about losing his job by breaching organisational policy on marrying anyone under the age of 18 years. Why do you think the organisation has this rule in place? Why is it important?

Key Messages

- The United Nations Convention on the Rights of the Child defines a child as anyone under 18 years of age. As such, any sexual activity with a child is considered child abuse. According to the the IASC Six Core Principles Relating to Sexual Exploitation and Abuse, which govern the behaviours of those of us working in the development and humanitarian sector(s), **sexual relationships with someone under the age of 18 are forbidden** irrespective of the legal (or cultural) age of consent or age of majority locally. Mistaken belief regarding the age of a child is not a defence.
- **Why might people not report this practice?** Culture and customs can impact significantly on how staff and communities view definitions of abuse. For example, for those living in circumstances of poverty, the situation as in the film may be viewed as a positive arrangement for all the family, and may not be considered a form of abuse – and, therefore, this type of abuse may not be reported.
- The situation as depicted in the film is considered abuse and, as such, not engaging in abusive behaviour extends to **both our professional and personal lives**; it isn't just confined to the workplace.
- **Awareness raising** on this issue is essential, for both staff and communities in which you work. Awareness raising and training of staff is important for ensuring that staff understand their responsibilities and obligations when it comes to an organisation's policies and codes of conduct. Note that there is one exception, and that is where a staff member, at the time of recruitment, is legally married to a person under 18 years – and this is in keeping with the legal age for that country.

- Safeguarding relates to the behaviours of staff members and other organisational representatives. Moving beyond this, think about what **types of programming could help reduce the practice of early marriage** in communities, for example child protection programming. Does your organisation work in this area, or link with other organisations who do?

Useful Reference Points

- Organisational policies, such as the Code of Conduct and Safeguarding Policy.
- [United Nations Convention on the Rights of the Child](#).
- See in particular Principle 2 and Principle 6 of the [IASC Six Core Principles Relating to Sexual Exploitation and Abuse](#).
- Your organisational or programmatic Theory of Change – many include the concept of “*challenging social norms and behaviours*”, or similar.
- *Vos estis lux mundi* (May 2019), Motu Proprio by Pope Francis, which includes the following:
“These norms apply to reports regarding clerics or members of Institutes of Consecrated Life or Societies of Apostolic Life and concerning:
a) delicts against the sixth commandment of the Decalogue consisting of:
...
ii. performing sexual acts with a minor or a vulnerable person;”

Useful Definitions

- A **child** means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier ([United Nations Convention on the Rights of the Child](#)).
- **Sexual activity with a child** is prohibited regardless of the age of majority or consent locally and is considered as sexual abuse ([United Nations Glossary on Sexual Exploitation and Abuse](#)).

FAQs

Why does early marriage happen?

Early marriage can occur for a variety of reasons. Globally, girls are disproportionately affected by the practice due to inequalities between girls and boys, as well as weak enforcement of laws designed to protect girls. Younger wives may be considered to be more obedient, and can have a lower dowry than older girls. Some families may also practice early marriage in the belief that this can protect their daughters from sexual violence, or as a social coping mechanism in a (protracted) crisis.

Why is early marriage considered harmful? It is a normal practice in this culture.

Early marriage is prohibited by international law, and deprives children of their childhood. It forces children to leave education, prevents them from making decisions about their health, and puts them at risk of violence, abuse, early pregnancy and poor health, including exposure to HIV and sexually transmitted infections. Think also of your organisational or programmatic Theory of Change – many include the concept of “*challenging (harmful) social norms and behaviours*”, or similar.

Can an organisation interfere with a staff member’s personal or family life on personal issues like this?

When it comes to safeguarding – issues of harm, abuse and exploitation (including early marriage) – we cannot say that these behaviours are permissible when off duty; that would go against and misrepresent our values. We sign up to this commitment when we join an organisation. Furthermore, our actions will always reflect on the organisation.

What if the legal age of consent is lower than 18 years in a given location?

The rule applies regardless of our location, local laws, nationality, etc. – sexual relationships with someone under the age of 18 are forbidden. If the legal age of consent in a given location was *higher* than 18 years of age, e.g. 19, then it would necessary to follow this higher age of consent.

What would happen in the case that someone who is already part of an early marriage seeks employment in an organisation like ours?

It is important that when we recruit people, we bring into the organisation individuals who embody the United Nations Convention on the Rights of the Child. However, there is a nuance here and such a case should be referred to an organisation’s safeguarding lead, and it will be discussed and considered on a case-by-case basis. This is important to ensure that discrimination against a particular group or demographic does not happen as a result of such policy.

What if the staff member was not getting married? What if it was a relationship without a view to getting married?

The same principles would still apply. In particular, this relates to Principle 2 of the [IASC Six Core Principles Relating to Sexual Exploitation and Abuse](#): *“Sexual activity with children (persons under the age of 18) 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.”*

What is the colleague’s obligation now that she knows of her co-worker’s intentions to get married to someone under 18?

This colleague has an obligation to report this concern (via the established reporting mechanisms of their organisation), and it will then be looked into by the organisation.

Film 4: Financial Exploitation



Possible Group Discussion Prompts

- Do you think anything inappropriate happened in this scenario? Why / why not?
- Do you think the receiving of gifts in this way constitutes a form of abuse or exploitation? Why / why not?
- What action(s) do you think the colleague should / should not take now that she has concerns?

Key Messages

- **Abuse and exploitation can take many forms.** When we think of abuse and exploitation, we often think of sexual abuse and exploitation. This film shows us that there are other forms we should consider – in this case, financial or economic exploitation. What other forms of abuse and exploitation might occur linked to your work or programming?
- We can see from the film that **power differentials** (in this case between the staff member from the funding organisation and the staff member from the cooperative) can both facilitate exploitation and prevent or discourage individuals from reporting.
- It is important that there are **clear boundaries and codes of conduct** around such issues. Management needs to be clear on these boundaries and communicate them; staff members need to understand these boundaries; and communities need to be aware of and understand these boundaries (i.e. the Code of Conduct) so that expectations are clear, and personnel can be held accountable. There should also be a Supplier Code of Conduct in place.
- Explore the concept of gifts in different areas of work. For example, what if it was a **programme participant offering a gift** in the hopes of a positive programme outcome? Depending on type of programming, this could risk the expectation of inclusion in a targeting exercise, enrolling a child in school, getting prioritised on a hospital waiting list, etc. These are just some examples – think about your kind of work and how the giving or taking of gifts might be perceived.
- This film also illustrates the **importance of programme monitoring** to understand what is happening in and for those involved in programmatic work. It also shows that creating space and mechanisms for people to share their concerns or make a complaint is essential.

Useful Reference Points

- Organisational policies, such as the Code of Conduct; Safeguarding Policy; Fraud, Corruption & Bribery Policy; etc.

Useful Definitions

- **Abuse** is “any action or inaction that causes harm to another person. It can include physical abuse, emotional abuse, sexual abuse and neglect. It also includes abuse online and/or through mobile technology.” (as per Trócaire Global Safeguarding Policy)
- **Exploitation** is “any actual or attempted abuse of a position of vulnerability, power differential or trust to profit monetarily, socially or politically. It includes sexual exploitation.” (as per Trócaire Global Safeguarding Policy)

FAQs

What if this was a genuine gift? How would a supplier know that this is wrong? What if giving gifts is part of the business culture?

It is important to have a clear and well-communicated Code of Conduct, and a Supplier Code of Conduct, so that all involved are clear on the boundaries and expectations. It is important to communicate clearly to the community, the supplier, etc. from the very beginning of programming and throughout (during the inception and accountability meetings, through community leaders, and so on) that no gifts are expected to be given to personnel from the organisation, and that personnel would have to refuse any gifts were they to be presented. Therefore, in a situation where a gift must be refused, the Code of Conduct and such previous communications can be referred to.

Why is it wrong to give/accept a gift in this case?

There are numerous reasons. There are risks that in some circumstances, one party could be (or feel) coerced into giving a gift. There is also a risk that it could be interpreted as a bribe, or a transaction.

The other staff member has observed this event. What should she do now?

This staff member’s responsibility is to report this concern to management, who will look into the issue and determine whether there was a breach of the Code of Conduct. She does not need to investigate any further – simply to raise any concerns or suspicions.

What should a staff member do in a situation where a small token is offered such that it would be rude or inappropriate to refuse, for example a cup of tea in some contexts?

In such a situation, you can accept and thank the person. For any gifts received, it is important to declare this immediately as per your organisation’s Conflict of Interest Policy (or similar), and present any items to your office management. Remember that such policies are equally a protection for staff

Film 5: Workplace Sexual Harassment



Possible Group Discussion Prompts

- Would you consider the scenario in the film to be sexual harassment? Why / why not?
- What options does the woman have?
- Why do you think she has chosen to not yet speak out on this? What might be some of the reasons?
- What do you think is the role/responsibility (if any) of those in the room in this film?

Key Messages

- **Sexual harassment can take many forms.** While the use of force, such as in a sexual assault, clearly constitutes a very obvious form of sexual harassment, it can also take more subtle forms, as shown in the film. Situations in which there is an implied or perceived sexual intent that makes the recipient feel uncomfortable can be sexual harassment. The important point in defining sexual harassment is how the recipient feels – if the action is unwelcome, unwanted or makes a person feel uncomfortable.
- **What factors can drive sexual harassment in the workplace?** Power dynamics, organisational culture (including ‘normalisation’ of such behaviours) and gender stereotypes are examples of factors that can contribute to sexual harassment, for instance in this film where the male manager has a more senior role than the others.
- **What are some of the reasons that people may not report sexual harassment?** There are many reasons that may discourage people from reporting. Again, power and power dynamics are at play. People may fear that they will lose their job, be stigmatised in the workplace, are afraid they may be perceived by others as ‘causing a fuss’, etc. Social and cultural norms can also contribute to acceptance and not reporting and can differ from context to context. There may also be an absence of national legislation that deals with workplace sexual harassment. Trust in an organisation’s ability to respond to such a concern is essential in making people feel comfortable to report.
- **Poor governance structures** can also magnify the power differential between colleagues, as well as limit options for reporting sexual harassment. Creating a safe workplace environment that prevents sexual harassment and where people feel comfortable to raise concerns is essential.

Useful Reference Points

- Organisational policies, such as a Code of Conduct, Safeguarding Policy, Dignity at Work or Anti-Harassment Policies, etc.
- See Principle 6 of the [IASC Six Core Principles Relating to Sexual Exploitation and Abuse](#).
- The '[It's Not That Grey](#)' Guide by Period.

Useful Definitions

- **Sexual harassment** is *“any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.”* (as per Trócaire Global Safeguarding Policy)

FAQs

Is this sexual harassment?

Yes. The actions shown in this film are unwelcome and are causing humiliation and offence. See the definition of sexual harassment for more.

What options does the woman who is being targeted by the harassment have?

Should the individual decide to take action, generally there are two main options. While the particulars of a policy may differ from organisation to organisation, generally a policy that deals with workplace sexual harassment will present two options:

- 1.) informal mechanism, whereby the employee can consider raising the issue with the perpetrator, advising them of the unwelcome nature of the behaviour and request it to stop immediately (the employee should also consider talking to the designated focal point for advice, e.g. a HR Officer)
- 2.) formal mechanism, whereby a written complaint is submitted to a designated staff member, specifying the details of the allegations made. This will invoke an organisation's response procedures to such a complaint.

Why would she not simply tell him to stop? Or why would she not report it?

The reasons are numerous and may differ from case to case. These may include the power differential between these involved so she may not feel comfortable, fear of repercussions such as losing one's job, fear of being stigmatised in the workplace, fear that they will be perceived as 'causing a fuss', feeling that one should be grateful for their job and so try to ignore this behaviour, and so on.

What should you do if you observe such behaviour?

Other staff members who witness harassment ('bystanders') can do something to make a difference in these situations. It is important to consider that a bystander may only be observing a limited amount of the harassment – the full extent may be much more.

Bystanders can be aware of the potential for harassment to occur to, and among their colleagues, including those who may be new, less senior, etc. A bystander can regularly check in with the individual who is being subjected to the harassment. If safe and appropriate to do so, and where discussed with the survivor, a bystander can also speak out against the harasser.

Whether you are a friend, colleague or focal point, you may observe / witness harassment and interact with a survivor of sexual harassment. It is natural to be worried about how to react to survivors or how to provide support.

When interacting with survivors of sexual harassment and/or violence, there are some key actions that one can take to make the process easier and to help reduce the trauma the survivor may be feeling:

- Active listening, without judgement or editing the survivor's narrative;
- Open-ended questions that do not suggest blame or shame;
- Let the survivor know they are not alone – by your presence and words;
- Tell them you believe them;
- Thank them for sharing what they have been through with you;
- Remind them that what happened is not their fault;
- Ask what they need and help them obtain it;
- Place small decisions in their hands – such as where to go for lunch or what to eat – to build back up their confidence and trust; and
- Accompany them, if they desire, to the doctor or other appointments.

Every survivor is going to react differently. There is no right or wrong way to react to sexual violence, and it is important to reassure survivors that how they react and how they are feeling is understandable and not abnormal.

Just as importantly, never do the following:

- Ask if they are sure or question the narrative of their experience;
- Express disbelief or support for the perpetrator's behaviour or character;
- Suggest the survivor should feel shame for experiencing sexual violence;
- Suggest that reporting the incident will damage the survivor or perpetrator's life or career; and
- Threaten to harm or retaliate against the survivor for reporting.³

³ This guidance has been taken from *Report the Abuse: Addressing Sexual Violence in Humanitarian Organisations*. Available at:

https://interagencystandingcommittee.org/system/files/rta_addressing_sexual_violence_in_humanitarian_organisations_-_good_practices_for_improved_prevention_measures_policies_and_procedures.pdf

Workplace sexual harassment can take a variety of forms (see the non-exhaustive list at the end of this section). Your role in this situation is to support the survivor and to help them to access further support as needed. This can include offering emotional and practical support to the person experiencing harassment to help them to report the abuse, in line with their wishes. You can support your colleague by being there to listen and help them to explore and understand your organisation's processes, both for the survivor and for you.

Should we report such behaviour to our organisation if observe sexual harassment? What if the person experiencing the harassment does not want to report it, what is my role?

This very much depends on your internal policy. Most organisations will refer to managers having a responsibility to create safe environments and respond to concerns. There are a number of reasons why an organisation may choose to strongly encourage bystanders/witnesses to report to the organisation in their policies or may choose not to do so. Some of these reasons are listed below however this list is not exhaustive and it is a decision that lies with each organisation.

<i>Reasons organisations may decide to strongly encourage bystanders/witnesses to report to the organisation:</i>	<i>Reasons organisations may not have decided to strongly encourage bystanders/witnesses (if the survivor does not want this) to report to the organisation:</i>
<i>There is a risk that the perpetrator may continue to harass the survivor or others.</i>	<i>Obligatory internal reporting policies may have a chilling effect and may make it less likely for survivors to disclose their experience of sexual harassment.</i>
<i>The organisation is limited in exercising the duty of care it has to all employees.</i>	<i>Reporting may be against the wishes of the survivor. More harm may come to the survivor through the reporting process e.g. due to distress caused by the process of investigation, retaliation from the perpetrator or others.</i>
<i>The organisation is limited in the extent to which it can offer specific support to the survivor as they may not know about the harassment.</i>	<i>When disclosing to a confidant, the survivor may not fully understand the obligation of the confidant or bystander to report internally to their organisation. The confidant or bystander may be in a difficult position between either breaching trust or facing disciplinary action for not reporting.</i>

See Caritas Internationalis Harassment Policy (including Sexual Harassment)

<https://www.caritas.org/wordpress/wp-content/uploads/2019/02/CI-anti-harassment-Policy.pdf>

Note: Any reporting systems must ensure that it is survivor centre, confidential and safe. These systems need to ensure that there are no repercussions for the survivor and the bystander.

“I never told him to stop.” Will this fact work against her if she does decide to report the behaviour?

This will not work against her. While in the first instance, an informal resolution / discussion between the parties involved is one step that can be taken, it is recognised that this may not always be appropriate, and that people may not feel safe or comfortable to do this in certain cases.

What if the boss in the film never intended to harass her? What if he thought he was being friendly?

The intention of the harasser is irrelevant. The fact that a person may have had no intention of sexually harassing another individual is no defence. The effect of this behaviour of the person who is being harassed is what is important.

The film shows an example of an incident of physical sexual harassment. But what about other types of sexual harassment? Would they also be covered by policy?

Yes, it would. Sexual harassment can take a number of forms, whether physical, verbal, non-verbal, etc. See the non-exhaustive list **Error! Reference source not found.** below for some examples.

According to policy, what options does the woman who is being targeted by the harassment have?

Should the individual decide to take action, generally there are two main options. While the particulars of a policy may differ from organisation to organisation, generally a policy that deals with workplace sexual harassment will present two options:

- 3.) informal mechanism, whereby the employee can consider raising the issue with the perpetrator, advising them of the unwelcome nature of the behaviour and request it to stop immediately (the employee should also consider talking to the designated focal point for advice, e.g. a HR Officer)
- 4.) formal mechanism, whereby a written complaint is submitted to a designated staff member, specifying the details of the allegations made. This will invoke an organisation's response procedures to such a complaint.

What if the roles were reversed? What if this film showed a scenario where a woman manager was sexually harassing a male employee? Or what if it happened between two colleagues who were peers?

It would still constitute sexual harassment. Going back to the definition, what is important is the effect on the person experiencing the harassment (not the intention of the perpetrator). This is the case regardless of sex or gender, sexual orientation, age, etc.

But what if this is his normal behaviour? / He is just a tactile person / This is a tactile culture.

Every person has the right to establish their own boundaries. Again, going back to the definition, what is important is the effect on the person experiencing the harassment (not the intention of the perpetrator). If the recipient of this behaviour feels uncomfortable, then it is harassment, regardless

of the intention, whether it is part of someone's nature or culture, etc. Such reasoning or 'normalisation' is often used as an attempt to play down someone's behaviour.

Why would she not simply tell him to stop? Or why would she not report it?

The reasons are numerous and may differ from case to case. These may include the power differential between these involved, fear of repercussions such as losing one's job, fear of being stigmatised in the workplace, fear that they will be perceived as 'causing a fuss', feeling that one should be grateful for their job and so try to ignore this behaviour, and so on.

What might be some of the 'red flags' of workplace sexual harassment?

Typical 'red flags' can vary. Some may not even be perceived as problematic when considered in isolation - it often comes back to circumstances, power dynamics, fear of consequences, etc.

Typical red flags might include (not exhaustive) unwelcome compliments, praise for someone's work or favouritism, inviting someone into a private space, blurring the lines between professional and friendly, unwelcome physical contact, sexual behaviour, and so on. See the ['It's Not That Grey'](#) Guide in the References section above for more information.

Does workplace sexual harassment often happen out of the blue?

An instance of workplace sexual harassment can indeed be a single or once-off behaviour. Very often, however, it can gradually develop over time, form a pattern of behaviour, or escalate. A harasser may start with more subtle behaviours that appear 'harmless', and then these can escalate when they feel they have 'gotten away' with the previous behaviour, and so on. This is one reason why, very often, it is only in retrospect that we can see that someone has crossed a boundary, and the sexually harassing behaviour has been escalating over time.

Why is this scenario included as part of the safeguarding films? I thought that safeguarding related to those people outside of or external to the organisation only, not internal people such as staff.

This is a good question. The definition of safeguarding can differ slightly from organisation to organisation. For some organisations, the definition relates to harm, abuse or exploitation caused by an organisational representative to those external to the organisation, while for others the definition extends to harm, abuse or exploitation caused by an organisational representative to anyone – internal or external to the organisation.

Regardless, your organisation will have (or should have) a policy that covers workplace sexual harassment, whether as part of a safeguarding policy, a dignity at work / bullying / anti-harassment policy, or both.

There are numerous forms of sexual harassment. **These can and will depend on the context, on different power relations, etc.** The following are some possible examples:

- Physical assault
- Rape
- Grabbing

