Concern Code of Conduct

April 2021

Throughout this document, the term **prohibited behaviour** is intended to include, but is not limited to:

- Bullying
- Verbal, physical or sexual harassment
- Rape and attempted rape
- Exploitation (including sexual exploitation)
- Abuse (including sexual abuse and abuse of power)
- Any actions that harm children or place them at risk of harm
- Intimidation
- Any form of discrimination
- Entering into relationships which cause conflicts of interest at work
- Behaviour that brings, or could potentially bring, the organisation into disrepute
- Showing a lack of respect for the dignity of others
- Behaving in a culturally insensitive manner
- Behaving in a manner which leads to, or could potentially lead to, health or security problems for the individual concerned and/or for other people
- Theft
- Unauthorised use or possession of Concern property – or of the property of a third party - while acting or claiming to act on behalf of Concern, and serious negligence or deliberate misuse of Concern property
- Any attempt to commit fraud or to accept or solicit a bribe

Concern prohibits and has zero tolerance for sexual exploitation, abuse or harassment of programme participants and our staff. Any finding of prohibited behaviour, including those actions outlined above, by anyone working for or on behalf of Concern will lead to disciplinary action up to and including dismissal.

Concern Code of Conduct

Introduction

Concern, as a non-governmental, international humanitarian organisation involved in the alleviation of poverty, seeks to implement effective relief and development programmes through its commitment to meeting good practice standards, and the quality of the work of its staff and those of its partner organisations.

Concern staff frequently work in situations in which they are in positions of power and trust (in relation to beneficiaries, other organisations and one another). This power and trust must never be abused. All Concern staff have a responsibility to the organisation to strive for and maintain the highest standards in the day-to-day conduct of their work. Any form of prohibited behaviour is incompatible with Concern's fundamental belief in the human dignity of all people, and with our core values.

A code of conduct is a key tool for the prevention of harassment, exploitation, abuse and/or prohibited behaviour by staff. The Concern Code of Conduct (hereafter, 'the Code') and its associated policies – the Programme Participant Protection Policy, the Child Safeguarding Policy, and the Anti-Trafficking in Persons Policy[1] – describe the standards of behaviour expected of all staff and anybody engaged by Concern, and seek to promote good practice. The Code provides clear guidance on the standards of behaviour the organisation requires all staff, and anyone working for or on behalf of Concern or any of Concern's partner organisations, to abide by, as well as providing examples of conduct that will be considered to be unacceptable. The Code is designed to guide and protect all staff and programme participants[2]. Any breach of this Code by a Concern staff member may result in disciplinary action up to and including dismissal. In terms of staff from partner organisations, any breach of this Code may result in the suspension or termination of the partnership agreement.

Whilst recognising that laws and cultures differ considerably from one country to another, the Code is based on international good practice.[3] In addition, it is written to reflect the organisation's core values and commitment to ensuring that staff always act in the best interests of all programme participants. This Code applies to all people engaged by Concern, including partner organisations engaged on Concern programmes, regardless of location, whether national or international, full or part time, consultants, interns, contractors or volunteers, and should be adhered to at all times.

This Code and the associated policies are mutually supporting and should be considered **in conjunction with each other**. Concern's partner organisations are expected to comply with the standards of behaviour outlined in this Code and in the associated policies. All visitors to Concern's programmes must – during their visit – consider themselves to be under the authority of Concern Country Director and must adhere to the Code and its associated policies. If a visitor refuses to agree to regulate his/her conduct in line with the requirements of the Code, the name of the person, and their reason for refusing to do so, should be recorded by the management and the case reported to the Regional Director who will decide the action to be taken. This may include suspending support for their continued presence in the country, denial of

[1] Any reference to the *'associated policy documents'* hereinafter indicates these three named documents.

[2] Programme participant refers to any individual associated with Concern's programmes and includes: i) beneficiaries of programmes delivered by Concern or its partners; ii) members of the communities in which Concern and its partner organisations work; iii) people employed or engaged by Concern, whether national or international, full or part time, consultants, interns, contractors or volunteers and any person actively involved in the programmes of Concern or its partner organisations; and iv) Concern's partner organisations, their staff and anyone working on their behalf.

[3] For example, the *Statement of commitment on eliminating sexual exploitation and abuse by UN and non-UN personnel* signed by Concern's CEO at the High-level Conference on Eliminating Sexual Exploitation and Abuse by UN and NGO Personnel in December 2006 in New York: http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1061170.

permission to visit Concern programmes or office, or to stay in any accommodation rented or owned by Concern.

All Concern staff, the representatives of partner organisations, visitors, and all people associated with Concern programmes must be given a copy of this Code and its associated policies in a language that they can understand, and an explanation of the content of the documents. They must confirm that they have read them, understood their content, and that they agree to conduct themselves in accordance with them.[4]

It is the responsibility of all Concern staff to adhere to Concern Code of Conduct and its associated policies.

Review of the Code

Concern recognises that both internal and external environments change. Such change may have a bearing on the scope and content of this Code. Consequently, the Code and its associated policies will be reviewed periodically. The review process will be consultative and participatory in nature. The responsibility for initiating the policy review process rests with Concern's Senior Management Team (SMT). Any changes to the policy that affect its underpinning principles or purpose will be submitted to the Board in Dublin for review and approval.

[4] Concern staff responsible for developing partnership agreements, contracting consultants, and agreeing to or organising visits to the field **must** ensure that this is done.

Standards of Conduct

As a staff member of Concern **I commit myself to**:

1. **Be responsible for the use of information, assets and resources to which I have access by reason of my employment with Concern.**
    1. I will ensure that I will use any assets and resources entrusted to me in a responsible manner and account for all money and property in accordance with the appropriate policy and procedural requirements.
    2. I will not use the organisation's computer equipment or other technology or equipment[5] or services in contravention of Concern's IT Regulations to engage in any activity that is illegal under local, state, or international law, or that encourages conduct that would constitute a criminal offence. This includes any material that victimises, harasses, degrades, or intimidates an individual or a group of individuals on the basis of gender, race, religion, sexual orientation, age, disability, ethnicity or other personal characteristic.
    3. I will not use Concern's computer equipment or other technology or equipment[6] to view, download, create, distribute, or save in any format prohibited material, including but not limited to adult or child pornography.
    4. I will use all project goods and services, including those provided by or the property of a third party[7], in an appropriate manner.
    5. I will not release to others any private or confidential information relating to Concern (or for which Concern is responsible) unless legally required to do so.

2. **Be responsible for my own health, safety and welfare, and that of the staff whom I manage.**
    1. I will adhere to all organisational health and safety regulations and procedures in force in my work place.
    2. I will comply with any local security guidelines and in a manner consistent with Concern's Security Policy.
    3. I will behave in ways that avoid creating unnecessary risk to the security, safety, health and welfare of myself or others (including partner organisations and beneficiaries).

3. **Ensure that my personal and professional conduct is, and is seen to be, of the highest standard and in keeping with Concern's beliefs, values and mission.**
    1. I will treat all people with respect and dignity. I will not discriminate, show differential treatment to, or favour particular individuals to the exclusion of others.
    2. I will, in all of our programmes, promote the well-being and development of children and will not engage in behaviour that is likely to cause harm, including physical, sexual, emotional abuse and neglect.
    3. I will observe all national laws and behave in a culturally sensitive manner.[8]
    4. I will not work under the influence of alcohol or drugs (with the exception of prescribed drugs for health reasons) or illegal substances[9] that affect my ability to perform my duties.
    5. I will not use, distribute, sell or be in possession of illegal substances[10] on Concern premises, whilst on Concern business, or whilst using Concern vehicles.

[5] Internet, intranet and extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, telephony systems, network accounts providing e-mail, web browsing and file transfer protocol (FTP), are covered by Concern Worldwide Information Technology Systems User Regulations.

[6] As above.

[7] Examples of project goods and services provided by a third party include, but are not limited to, food aid from WFP, vehicles lent by an Alliance2015 member or other organisations, etc.

[8] Such laws or cultural practice can never be used as an excuse or a motive for prohibited behaviour.

[9] National legislation in some of the countries in which Concern works is particularly strict in relation to the possession of illegal substances for personal consumption, and provides for very severe punishments/sentences for those breaking the laws. All staff must fully comply with national legislation in relation to such issues.

6. I will ensure that my behaviour both during and outside of work does not bring Concern into disrepute and does not impact on or undermine my ability to undertake the role for which I am employed.
7. I will not abuse my position as a Concern staff member for personal gain by requesting, soliciting or accepting any payment, gift, service or favour (including sexual favours) from others, whether for my personal benefit or for the benefit of another person, in return for Concern support, goods or services.
8. I will not enter into commercial sexual transactions at any time.[11]

4. Perform my duties and conduct my private life in a manner that avoids possible conflicts of interest with the work or reputation of Concern and my work as a staff member of the organisation.

1. I will avoid situations where my personal interests could conflict, or reasonably appear to conflict, with the interests of Concern. Therefore, I will not enter into any sort of business relationship on behalf of Concern with family members, friends or other personal/professional contacts for the supply of any goods or services to Concern or any employment related matters without authorisation from senior management. I will declare any potential conflict of interest to my line manager.
2. I will not be involved in awarding benefits, contracts for goods/services, employment or promotion within the organisation to any person with whom I have financial, personal, family (or close intimate relationship) interests.[12]
3. I will not accept bribes or gifts (except small tokens of appreciation) or any remuneration which have been offered to me as a result of my employment with Concern by governments, beneficiaries, partners, suppliers or any other persons. I will notify my line manager if I am offered or have received gifts of any kind, however small.[13]
4. I am aware that sexual relationships between a Concern staff member and a beneficiary are likely to involve an imbalance of power and will undermine the credibility of the organisation and its work. I know that Concern prohibits such sexual relationships.[14]
5. I will not undertake work or duties outside of Concern that negatively influence my ability to perform my function, or which may have a negative impact on the work of Concern.

5. Work to ensure the safeguarding of all programme participants and avoid involvement in any activities that are illegal, contravene human rights,[15] or compromise the work of Concern.

1. I will ensure full compliance with Concern's Anti-Traficking in Persons Policy and will not take part in or support any illegal activities, particularly in relation to the trafficking of persons.[16]

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[10] As above.

[11] For the purpose of this Code, a 'transaction' is defined as any exchange of money, goods, services or favours with any person.

[12] All Concern staff must avoid direct responsibility for the hiring or supervision of a family member. Employment of family members is permitted only if the staff members are not reporting directly to each other.

[13] In general, gifts should not be of such value as to constitute a personal enrichment for the recipient and should not be such as to appear excessive to an objective observer. The country programme's management team will review the list of gifts being received and indicate whether they are appropriate or not.

[14] Concern recognises that staff are often members of the communities in which we deliver our programmes, and may have or develop relationships with other members of those communities. To ensure that beneficiaries are protected, and to protect Concern staff and the organisation from allegations of biased or more favourable treatment being given to some members of the community than others, Concern staff must make any such relationship known immediately to the senior manager in the programme area.

[15] In addition to the Universal Declaration of Human Rights, recognition should be given to the rights of women and children, as outlined in the UN Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) and the UN Convention on the Rights of the Child (CRC), with particular emphasis on the guiding principle of 'the best interest of the child' (Article 3): http://www2.ohchr.org/english/law/crc.htm.

[16] See Concern's *Anti-Trafficking in Persons Policy – April 2021*

2. I will not engage in any type of sexual relations or any sexual activity with a child. A 'child' is taken to be anyone under the age of 18 regardless of local custom, or the age of majority or consent locally.
3. Consistent with Concern's Child Safeguarding Policy, I will always consider and act in the best interests of children in all actions relating to them. I will not abuse or exploit children or adults in any way and will report any such behaviour by others to a senior manager.[17]
4. I will refrain from any behaviour or action that might jeopardise Concern's reputation.

6. Refrain from any form of bullying, harassment, discrimination, abuse, intimidation or exploitation.

1. I will act fairly and honestly, and treat others with dignity and respect, regardless of their status - such as, but not limited to, their gender, race, religion or lack of religion, colour, national or ethnic origin, language, marital status, family status, birth, sexual orientation, age, disability, socio-economic background, caste, political conviction, HIV and AIDS status, physical appearance, lifestyle, or other status.
2. I will never engage in any humiliating, degrading or exploitative behaviour.
3. I will not use or condone language that is inappropriate, demeaning, or offensive towards others.

7. Report any incident, concern or suspicion regarding any breaches of this Code.

1. I will bring to the attention of the relevant manager or the Human Resources manager within Concern any potential incident, abuse or concern that I witness, I am made aware of, or suspect, which appears to break the standards contained in this Code.
2. I will not intentionally make malicious or false accusations in relation to this Code or its associated policies against any programme participant.
3. I will ensure that all information about breaches of this Code and its associated policies is handled with the utmost discretion.

I have read carefully and understood the **Concern Code of Conduct and its associated policies** and agree to abide by their requirements, and commit to upholding the standards of conduct required to support Concern's core values and mission.

I understand that failure to comply with any principles of the Concern Code of Conduct **or its associated policies** may result in disciplinary action up to and including dismissal and, where applicable, may result in civil or criminal proceedings against me.

Name: …… Signature: ……..

Date: …….. Organisation: ……

Location: ……

[17] Those employed by international staff to work in a Concern house (as cook, housekeeper, gardener, etc.), or who work for the international staff member or his/her accompanying dependants (as translator, driver, teacher, etc.), are also covered by this Code, despite the fact that they are not Concern staff. Concern staff are responsible for informing anyone they employ about the content of the Concern Code of Conudct and its associated policies.

Programme Participant Protection Policy

April 2021

1. Introduction

Concern is aware that the goods and services provided through our relief and development programmes can create an imbalance of power between those who are employed or engaged by Concern and other programme participants. We acknowledge that there is potential for this power imbalance to be exploited by Concern staff to acquire bribes, payments, gifts, and/or sexual favours. This policy has been developed to ensure the maximum protection of programme participants, especially beneficiaries, from abuse and exploitation, and to clarify the responsibilities of the staff of Concern and its partner organisations, and anyone engaged by Concern or visiting our programmes, and the standards of behaviour expected of them.

A **programme participant** is any individual associated with Concern's programmes and includes:

- beneficiaries of programmes delivered by Concern or its partners
- members of the communities in which Concern and its partner organisations work
- people employed or engaged by Concern, whether national or international, full or part time, consultants, interns, contractors or volunteers, or any person actively involved in the programmes of Concern or its partner organisations
- Concern's partner organisations, their staff and anyone working on their behalf

The imbalance of power leads to an increased risk of abuse and exploitation within the humanitarian and development sector. **Concern prohibits any abusive or exploitative behaviour and is committed to the protection of its programme participants, particularly the beneficiaries, as they are the most vulnerable. Anyone contracted to work with or on behalf of Concern must formally agree to adhere to this policy.**

2. Concern's policy

It is Concern's policy to take all reasonable steps to protect all programme participants, and particularly beneficiaries - children, women and men - from harassment and abuse perpetrated by:

- staff of Concern
- staff of Concern's partner organisations and anyone working on their behalf
- people engaged by Concern such as consultants, contractors, volunteers, interns, or any person actively involved in the Concern programme
- visitors to Concern's programmes and accompanying dependants of international staff[18]

[18] In the event of an allegation of a breach of this policy by an accompanying dependant of an international staff member, the allegation will be investigated and the country programme management team, in consultation with the Regional Director and the HR Director, may take action up to and including the removal of accompanied status in relation to that individual, and the referral of the matter to the national authorities. Those employed or engaged by international staff to work in a Concern house (cook, housekeeper, gardener, etc.) or to work for the international staff member or his/her accompanying dependants (translator, driver, teacher, etc.) are also covered by and expected

This policy concentrates on the prevention of abuse of all programme participants. All programme participants have the same right to freedom from abuse and exploitation. Such rights are outlined in international human rights law and in the national laws of most of the countries in which we work.[19]

We acknowledge that certain groups, such as children (individuals under 18 years of age) and women, are often most at risk from abuse, harassment, physical and sexual violence. We believe that children deserve particular consideration given their potential vulnerability to specific risks.[20]

As we work in situations that present serious and specific risks to children, we will ensure that any of our programmes which address the needs of children will be delivered in a manner that considers their safety and protection. We will ensure that programmes always take into account the situation of children, the specific protection risks and issues that they face (which may be different for boys and girls), and address these as far as possible. We will not tolerate anybody employed by or associated with Concern harming children.

3. Scope of this policy

Specific wording has been developed for inclusion in contracts with employees, partners, consultants and contractors and is set out in the Programme Participant Protection Policy Guidelines. The wording in the contracts confirms that the relevant individual/party has read, understood and agreed to abide by and promote the terms of the Concern Code of Conduct and its associated policies. Any finding of prohibited behaviour by a Concern staff member or anyone working for or on behalf of Concern, will lead to disciplinary action up to and including dismissal.

Acceptance of this policy is a pre-condition of any partnership agreement, and this should be clearly stated in all partnership agreements. A partner organisation's failure to adhere to this policy may result in actions up to and including withdrawal of funding and support.

For agreements with contractors, it should be included as a pre-condition of any contract if the contractor will be in direct contact with Concern's beneficiaries as a result of their work for Concern.

Concern will make every effort to ensure that all employees, partners, consultants and relevant contractors comply with this policy. The action that will be taken by Concern in the event of a breach of this policy by an employee, partner, consultant or relevant contractors is further outlined in section 6. Concern cannot however, be held responsible for the actions of these third parties if they breach this policy, and this is reflected in the wording to be included in their contracts.

4. Abuse of power and sexual exploitation

Concern considers all forms of abuse of power and exploitation to be incompatible with its fundamental belief in the human dignity of all people, international legal norms and standards, and with the organisation's core values. Concern staff and anyone working with or for Concern must never engage in any form of humiliating, degrading, abusive or exploitative behaviour under any circumstances. Concern prohibits the exchange of money, employment, goods or services for sex (including sexual favours or other forms of exploitative behaviour). This explicitly includes exchange of assistance that is due to beneficiaries.

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to adhere to this policy, despite the fact that they are not Concern staff. Concern staff are responsible for informing anyone they employ about the content of the Concern Code of Conduct and its associated policies.

[19] See: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx

[20] Children have strengths, capabilities and resilience, but their age, developmental stage, dependency, status and lack of power and position in communities mean that they are more susceptible to violence, abuse and exploitation. Some groups of children, e.g. children with disabilities, may be especially vulnerable.

Concern believes that engaging in commercial sexual transactions[21] is contrary to its core values and undermines the work and reputation of the organisation. In most cases, a transaction of this sort is the result of an unequal power dynamic and, as such, is exploitative. Such behaviour brings the organisation into disrepute, and disciplinary action - up to and including dismissal - will be taken against any staff member engaging in such transactions.

All staff and people engaged by Concern, its partner organisations and visitors to Concern programmes must respect the rights and dignity of the children, families and communities with whom we work and/or with whom we have contact, and should always act in the best interest of these children, families and communities.

Any type of 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.

To be fully aware of the issues faced by Concern in relation to the protection of programme participants, it is essential for all staff to be aware of local cultural and religious practices. Concern believes that staff should carry out their work in a manner that recognises and respects local customs and culture. However, culture can never be used as an excuse or a motive for prohibited behaviour. Concern will not accept using respect for local culture as a justification for supporting or failing to report harmful practices.

5. Partner organisations

Concern works with and through international and national partner NGOs, civil society organisations, and community-based groups, with the result that, in some of our countries of operation, there is less direct contact between our staff and the beneficiaries of our interventions. Acceptance of and compliance with this Programme Participant Protection Policy must be a pre-condition of every partnership agreement or Memorandum of Understanding (MoU).[22] In signing an MoU, partner organisations commit to ensuring that their personnel will also adhere to this policy.

During negotiations with potential partner organisations, this policy must be used as a tool to bring up the issue of the conduct of staff and others working with or on behalf of the partner organisation to clarify the standards of behaviour that are required in the course of any partnership.

Directors of partner organisations must ensure that:

- the content of the policy is disseminated amongst their staff and those working on behalf of the organisation such as consultants, volunteers, partner organisations, etc.
- programme beneficiaries are made aware of the standards of the behaviour expected of the organisation's staff and those working on behalf of the organisation
- a complaint and response mechanism is established for beneficiaries (with the support of Concern if required)
- they take appropriate actions when the standards of this policy are not adhered to
- they establish an action plan for the implementation of the policy including necessary staff training and will report on the implementation on a regular basis (with the support of Concern if required)

This policy seeks to complement and reinforce any existing policies, codes or other instruments already developed by partner organisations. It is not intended to replace or in any way to detract from these. In the event that partner organisations do not comply with this policy, Concern reserves the right to withdraw funding and/or terminate any partnership agreements that have been entered into.

[21] For the purpose of this policy, a 'transaction' is defined as any exchange of money, goods, services or favours with any person.

[22] Concern's definition of partners includes local governments. While we cannot compel them to sign this policy, we should make sure that governments officials we engage with are aware of it and understand its content.

6. Preventive measures to reduce the potential for abuse

Concern staff must be aware of the power dynamics that may exist within the communities in which we are operational, and of the dynamics between Concern staff and other programme participants, in particular beneficiaries.

Abuse of power is often at the base of incidents of harassment, exploitation and other forms of prohibited behaviour. The following are considered to be measures to reduce the potential for such abuse, and it is the responsibility of Country Directors to ensure that these measures are taken, and that they address the situation of all programme participants, including children, by:

- as far as possible, ensuring teams are gender-balanced at all functions and levels of responsibility, in both main and sub-offices
- ensuring that no individual staff member can create a situation where he or she alone is perceived to be the sole and final authority responsible for allocating benefits
- appointing a committee in each country programme to train all staff members and raise awareness of the content of the policy, and the Concern Code of Conduct among all programme participants
- making all beneficiaries aware:
  - that they are entitled to assistance and ensuring clear messaging in relation to: beneficiary selection criteria; the quantity and variety of items that they should receive; when and how the distribution is taking place (day, time, location, method); etc.
  - that the staff of Concern and its partner organisations have a duty to deliver assistance without any demands or form of discrimination
  - that goods and services delivered cannot be withheld or withdrawn by staff members or those working on behalf of Concern or its partner organisations
  - that it is unacceptable for the staff or those working on behalf of Concern or its partner organisations to solicit or accept bribes, rewards, gifts, or sexual favours from a beneficiary
  - of the standards of behaviour expected of staff and those working on behalf of Concern and its partners
  - of the channels that they can use to raise complaints about the failure of the staff of Concern or its partners to adhere to these standards

  Particular consideration needs to be given to ensuring the accessibility of this information. This may require its translation into different languages, the use of picture based information, or ensuring that children can understand the language being used.

It is the responsibility of all senior managers at field and head office levels to ensure that all Concern staff, personnel from partner agencies, consultants, contractors, beneficiaries and visitors to Concern programmes are informed about and agree to adhere to the requirements of this policy.

If acts have been committed in relation to our programme participants which are criminal, infringe on individual's rights, or contravene the principles contained in this document, **the organisation will take immediate action appropriate to the circumstances and will address the support needs of those involved in the case.** This may mean for:

Staff or those working for or on behalf of Concern	disciplinary action up to and including dismissal
Volunteers	action up to and including termination of appointment
Staff of partner organisations, or those working for or on behalf of these organisations	action up to and including the withdrawal of funding or support and/or the termination of partnership agreements
Contractors/Consultants	termination of contract
Visitors to Concern	appropriate action up to and including suspension of support for the visit

Any action taken will be in accordance with Concern's policies and procedures and informed by national laws. Depending on the nature and circumstances of the case, Concern will involve the appropriate

authorities, including the Charity Commissioners, to ensure the protection of all programme participants and the transparency of our safeguarding processes.

It should be made clear to all existing and potential partners that Concern may be unable to continue the partnership if – after proper investigation - we develop serious doubts about:

- the ability or willingness of the partner organisation to uphold this policy
- the behaviour of any individual working on behalf of the partner organisation or associated with it - if this behaviour contravenes this policy and if appropriate action is not taken by the partner organisation to address it

7. Relationships with beneficiaries

Those working for and on behalf of Concern and its partner organisations have potentially greater access to goods, services and power than members of the communities in which we operate. This greater access could be used to pressure or exploit beneficiaries or other programme participants.

Power imbalances increase the opportunities for beneficiaries to be placed in exploitative positions. Sexual relationships between a Concern staff member and a beneficiary are likely to involve an imbalance of power and will undermine the credibility of the organisation and its work. Concern prohibits such sexual relationships.

We recognise that Concern staff are often members of the communities in which we operate, and therefore may have or develop relationships in those communities. To ensure that beneficiaries are protected, and to protect Concern staff and the organisation from allegations of biased and more favourable treatment being given to some members of the community, Concern staff must make any such relationship known immediately to the senior manager in the programme area.

8. Duty to report

Any known or suspected instance of abuse, exploitation, or harassment of programme participants must always be brought to the attention of the line manager, or a senior manager, or the Human Resources department, or the focal points elected in the countries to receive such complaints. In the event that staff members have concerns related to the behaviour of the Country Director, they may raise these concerns directly with the Human Resources Directorate in Dublin or with their Regional Director.

The reporting of a concern may result in an investigation being conducted. Such investigations must be confidential, thorough and prompt. They may reduce the level of concern or lead to the realisation that further action is appropriate. People reporting possible violations and/or involved in such investigations – including the subject of the complaint - must be protected against any form of intimidation, threats, reprisal or retaliation resulting from their investigation of the alleged incident. If any member of staff is found intimidating or retaliating against a person making a complaint or conducting or assisting in an investigation, disciplinary action - up to and including dismissal - will be imposed. All information related to the case will be held in the strictest confidence, and disclosed only on a need-to-know basis to the relevant stakeholders to resolve the matter.

Any intentionally false, malicious or vexatious statement, misrepresentation or accusation against another staff member or third party will be considered gross misconduct and will result in disciplinary action - up to and including dismissal.

Any concerns about breaches of these standards of behaviour must be handled with the utmost confidentiality, recorded, and the record held in a secure location with the Country Director or the Human Resources Directorate in Dublin.

In the event of an allegation that involves a criminal offence, the member of staff (the subject of complaint) should be informed that, in addition to disciplinary action, the investigation may be reported to the appropriate authorities for further investigation.

We may also have to give non-identifying information about any such incidents to our donors and/or the Charity Commissioners to meet our legal or contractual requirements to them.

9. Review

The implementation of this policy will be monitored through a range of instruments such as programme, country and sector evaluations. The Country Director is responsible for ensuring that the policy is translated into the local language, training on the policy is taking place, and that a complaints and response mechanism is appropriately developed, implemented and monitored. Feedback on progress towards the implementation of this policy must be included in the annual priorities and reports of all country programmes.

Concern recognises that both internal and external environments change. Such change may have a bearing on the scope and content of this policy. Consequently, it will be reviewed periodically. The review process will be consultative and participatory in nature. The responsibility for initiating the policy review process rests with Concern's Senior Management Team in Dublin. Any changes to the policy that affect its underpinning principles or purpose will be submitted to the Board in Dublin for review and approval.

Child Safeguarding Policy

April 2021

1. Purpose

Concern's Vision Statement is of "a world where no-one lives in poverty, fear or oppression; where all have access to a decent standard of living and the opportunities and choices essential to a long, healthy and creative life; a world where everyone is treated with dignity and respect".

To achieve this vision, and our mission "to help people living in extreme poverty achieve major improvements in their lives which last and spread without ongoing support from Concern", actions to safeguard the wellbeing of men, women, boys and girls and prevent harm, abuse or exploitation, irrespective of ability, ethnicity, faith, gender, sexuality or culture are essential. Concern acknowledges that certain groups, such as children (individuals under 18 years of age) and women are at greater risk of abuse, harassment, and physical or sexual violence. Concern believes that children deserve particular protection given their potential vulnerability to specific risks. Children have strengths, capabilities and resilience, but their age, developmental stage, level of dependency, status, and lack of power and position in communities, mean that they are more susceptible to violence, abuse and exploitation. Some groups of children, e.g. those with disabilities, may be even more vulnerable.

The safeguarding of children is a key element of the Concern Code of Conduct and its associated policies[23], and this policy must be read and understood in conjunction with those documents and seen within the existing organisational policy framework that includes those documents, HR policies and manuals, and the Equality Policy. It seeks to ensure that Concern staff and programmes integrate robust mechanisms to prevent and mitigate the risk of harm to and abuse of children. It also seeks to ensure that any issues in relation to the safeguarding of children are reported and managed in an appropriate manner. Upon recruitment, all staff must agree to adhere to the organisational policy framework and procedures on safeguarding programme participants, including this policy.[24]

2. Definitions

While all relevant definitions related to safeguarding programme participants can be found in **Annex 1**, the key definitions applicable in relation to child safeguarding are as follows:

Children: Concern defines a child as anyone under the age of 18 years, regardless of local custom, or the age of majority or consent locally.

Child Abuse: 'All forms of physical and/or emotional ill treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation resulting in actual or potential harm to the child's health,

[23] The Programme Participant Protection Policy, the Child Safeguarding Policy and the Anti-Trafficking in Persons Policy – all from April 2021.

[24] In relation to screening of staff, referees of candidates that may be working directly with children will be asked questions directly relating to their suitability in relation to child safeguarding standards, and all appropriate checks will be carried out to ensure suitability and compliance with the relevant standards.

survival, development or dignity in the context of a relationship of responsibility, trust or power'[25]. The definition highlights five subtypes of maltreatment: physical abuse, emotional abuse, neglect, sexual abuse and commercial or other exploitation of a child.

In all aspects of our work, Concern seeks to promote the key principles of the UN Convention on the Rights of the Child, specifically:

- guaranteeing, without any form of discrimination, the rights of children
- considering the best interests of children in all actions relating to them
- recognising the right to life, survival and development of each child
- reflecting children's views in matters affecting them

3. Scope

As with the Concern Code of Conduct and its associated policies, this policy applies to **all Concern staff** and to those working for and on behalf of Concern, including:

- staff of Concern's partner organisations and anyone working on their behalf, such as consultants, contractors, volunteers, interns, or any person actively involved in Concern's programmes
- people engaged by Concern such as consultants, contractors, volunteers, interns, or any person actively involved in Concern's programmes
- visitors to Concern's offices or programmes and accompanying dependants of international staff[26]

4. Organisational commitments

The prevention of and response to the risk of harm, exploitation and abuse of children, either directly or indirectly, require a variety of measures[27] to be implemented by different functions across the organisation, including exercising caution with regard to the use of images and identifying information that could lead to increased harm to children.[28] Ultimately, these combined measures should lead to:

- a better **understanding** of the risks facing children and the mitigating actions that should be taken to address these
- the necessary staff **behaviour**, knowledge and skills required to protect children
- **actions** in all aspects of the programme cycle being designed and delivered in a way that ensures that the best interests of children are being considered
- communities being **aware of relevant safeguarding policies** and **knowing how to complain** in the event of any infringement of them
- the establishment of a safe **system** of reporting and management in the event of child safeguarding issues being raised

[25] http://www.who.int/mediacentre/factsheets/fs150/en/.

[26] In the event of an allegation of a breach of this policy by an accompanying dependant of an international staff member, the allegation will be investigated and the country programme management team, in consultation with the Regional Director and the HR Director, may take action up to and including the removal of accompanied status in relation to that individual, and the referral of the matter to the national authorities. Those employed or engaged by international staff to work in a Concern house (cook, housekeeper, gardener, etc.) or to work for the international staff member or his/her accompanying dependants (translator, driver, teacher, etc.) are also protected by this policy, despite the fact that they are not Concern staff. Concern staff are responsible for informing anyone they employ about the content of the Concern Code of Conduct and its associated policies.

[27] These measures are outlined in the accompanying annex on roles and responsibilities within Concern Worldwide.

[28] In relation to the use of images of children, parental or caregiver consent is required, and gathering identifying information about children is particularly sensitive (i.e. it is imperative that a child cannot be located using information associated with an image). For detailed guidance, see the Illustrative Guide to the Dóchas Code of Conduct on Images and Messages, especially Section 6 on Child Protection.

5. The duty to report

This policy specifically outlines Concern's position on child safeguarding, but should be considered in conjunction with the Concern Code of Conduct and its associated policies. **It is the responsibility of all senior management at field and head office levels to ensure that all Concern staff, personnel from partner agencies, consultants, contractors, beneficiaries, and visitors to Concern programmes are acquainted with and agree to adhere to the requirements of this policy**.

Each country programme team must ensure that they are meeting all necessary legal requirements of the country in which they operate in relation to child safeguarding. All concerns related to the welfare of a child, or information about an incident or suspected incident of abuse of children involving staff from Concern or a partner organisation should be reported in accordance with the reporting requirements and procedures in force in that country. In conjunction with the Concern Code of Conduct and its associated policies, each country programme team must ensure that all staff are aware of the identity of the safeguarding focal point and relevant internal reporting procedures and external referral pathways.

The reporting of a concern may result in a confidential, thorough and prompt investigation. Such investigations may reduce the level of concern or lead to the realisation that further action is necessary. People reporting possible violations and/or involved in such investigations – including the subject of the complaint – must be protected against any form of intimidation, threats, reprisal or retaliation resulting from the alleged incident.

Any intentionally false, malicious or vexatious statement, misrepresentation or accusation against another staff member or third party will be considered gross misconduct and will result in disciplinary action up to and including dismissal.

6. Consequences of misconduct

If acts have been committed in relation to our programme participants that are criminal, infringe individual's rights, or contravene the principles contained in this statement or the Concern Code of Conduct and its associated policies, **Concern will take immediate action appropriate to the circumstances and will address the support needs of those involved**. In the event of an allegation that involves a criminal offence, the subject of complaint should be informed that, in addition to disciplinary action, the investigation may be reported to the appropriate legal authorities for further investigation. Disciplinary action may include the following measures for different individuals:

Staff or those working for or on behalf of Concern	disciplinary action up to and including dismissal
Volunteers	action up to and including termination of appointment
Staff of partner organisations, or those working for or on behalf of these organisations	action up to and including the withdrawal of funding or support and/or the termination of partnership agreements
Contractors/Consultants	termination of contract
Visitors to Concern	appropriate action up to and including suspension of support for the visit

Any action taken will be **in accordance with Concern's policies and procedures and informed by national legislation**. Depending on the nature and circumstances of the case, Concern will involve the appropriate authorities, including the Charity Commissioners, to ensure the protection of all programme participants and the transparency of our safeguarding processes.

Anti-Trafficking in Persons Policy

April 2021

1. Purpose

Concern prohibits trafficking in human beings - children, women, and men – and this policy prohibits all individuals with whom, and entities with which, Concern works from engaging in any form of trafficking in human beings. People trafficking is a criminal act that violates fundamental human rights and the inviolable dignity and integrity of the human person. Disciplinary action up to and including dismissal with be taken against anyone found to be violating any aspect of this policy.

This policy is in line with Concern's mission and work and is intended to comply with all regulatory requirements.

As the concerns of this policy are inextricably linked to the Concern Code of Conduct and its associated policies, this policy constitutes an addition to and enhancement of those policies.

2. Scope

This policy has the same application as the Concern Code of Conduct, i.e. it applies to:

a. all Concern staff
b. all staff of Concern partners/sub-grantee organisations and anyone working on their behalf such as consultants, contractors, volunteers, interns, or any person actively involved in the delivery if the partner's/sub-grantee's programmes
c. anyone engaged by Concern such as consultants, contractors, volunteers, interns, or any person actively involved in a Concern programme
d. visitors to Concern's programmes, and the accompanying dependents of Concern's international staff members

3. Description

Abuse of power has, in the past, led to many forms of exploitation within the relief and development sector. Concern prohibits any form of abusive or exploitative behaviour of individuals and is committed to the protection of its programme participants[29], particularly beneficiaries, as they are the most vulnerable. Everyone included in this policy[30] is prohibited from engaging in trafficking in children, women, and men.

[29] For Concern, a programme participant is any individual associated with Concern's programmes, including: i. beneficiaries of programmes delivered by Concern or its partners; ii. members of the communities in which Concern and its partner organisations work; iii. people employed or engaged by Concern, whether national or international, full or part time, consultants, interns, contractors or volunteers, or any person actively involved in the programmes of Concern or its partner organisations; and iv. Concern's partner organisations, their staff and anyone working on their behalf.

[30] The staff of and anyone engaged by Concern and its partner organisations, such as consultants, contractors, volunteers, interns, or any person actively involved in Concern's programmes.

a. To accomplish the purpose of this policy, all of those included in it:
    1. are prohibited from engaging in trafficking in children, women, or men for sexual exploitation or procurement of any commercial sex acts (even if this practice is legal in a particular jurisdiction) including but not limited to forced prostitution, child prostitution, and paedophilic pornography.
    2. shall not engage in trafficking in women and girls for purposes of forced or arranged marriages, or for any bride price schemes.
    3. are prohibited from engaging in trafficking in children, women, and men for removal of organs for the illicit organ trade or for the illicit dealing, running, or trafficking of narcotics and drugs.
    4. are prohibited from using force, fraud, or coercion to subject a child, woman, or man to forced labour, begging, or involuntary servitude.
    5. shall not obtain labour from a child, woman, or man by threats of serious harm to that person or another person.

b. Concern prohibits employment practices relating to trafficking in human beings, including:
    1. destroying, concealing, confiscating, or otherwise denying access to an employee's identity or immigration documents.
    2. using misleading or fraudulent practices to recruit employees, such as failing to disclose key terms and conditions of employment.
    3. using recruiters who do not comply with local labour laws.
    4. charging employees recruitment fees.
    5. failing to provide transportation, unless exempted, to certain employees who are brought to a country for the purpose of working on any award, including any bilateral or multilateral government contract, grant, cooperative agreement, sub-contract, sub-grant, or other sub-agreement.
    6. providing or arranging housing that fails to meet host country housing and safety standards.
    7. failing to provide an employment contract or work document where required by law.
    8. knowingly obtaining goods or services that have been provided or produced by trafficked or forced labour.

c. Furthermore, Concern requires:
    1. that all wages meet host country legal requirements.
    2. transparent recruitment practices that fully and accurately disclose, in a format and language accessible to the employee, all key terms and conditions of employment, including wages and benefits, living conditions, any housing or associated arrangements (where provided or organised by Concern), and significant costs to be charged to the employee.
    3. that in situations where Concern provides housing to employees, the housing will at minimum meet host country housing and safety standards.
    4. reasonable steps are taken to ensure that all partner/sub-grantee organisations, consultants, contractors, volunteers, interns, or any person actively involved in a Concern programme comply with this policy.

4. Procedures and training

All Concern staff in any programmes operated by Concern will be informed about the Concern Anti-Trafficking in Persons Policy and its trafficking related prohibitions, the reporting system, the actions that will be taken against the employee for violations, and the consequences for violating the policy.

In addition, Concern's Human Resources departments must adhere to the highest standards in the recruitment of staff, and provide detailed information to employees regarding their rights and benefits. These standards prohibit the solicitation of a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretences, representations, or promises regarding that employment, charging employees recruitment fees and providing or arranging housing that fails to meet the host country housing and safety standards.

5. Reporting mechanism, monitoring and investigations

The procedures for reporting, monitoring and investigating reported incidents are the same as those outlined in the Concern Code of Conduct.

Any person within the scope of this policy is obliged to report actual or suspected breaches and to cooperate fully with any investigation into such.

The safety of persons reporting actual or perceived breaches is a very important consideration, and one that must not be taken lightly. The organisation has an obligation to protect staff who come forward to report actual or perceived wrongdoing.

Issues reported to line management will be handled with the following safeguards:

- ***Harassment or Victimisation*: Concern** recognises that the decision to report a suspicion can be a difficult one to make, not least because of the fear of reprisal from those responsible for the potential malpractice. Concern, in accordance with its Human Resource policies, will not tolerate any form of harassment or victimisation, and will take all practical steps to protect those who raise an issue in good faith.
- ***Confidentiality*: Concern will endeavour to protect an individual's identity when he or she raises an issue and does not want their name to be disclosed. It should be understood, however, that an investigation of any potential malpractice may need to identify the source of the information and a statement by the individual may be required as part of any evidence that is gathered in the investigation process.**
- *Untrue Allegations*: Employees should be aware that if an allegation is made in good faith, but it is not confirmed by an investigation, Concern guarantees that no action will be taken against the complainant. If, however, individuals make malicious or vexatious allegations, disciplinary action up to and including dismissal will be considered against any individual making such an allegation.

If the circumstances are such that reporting a suspicion internally is inappropriate, or if the person to whom it is reported is unable to assist, the issue may alternatively be reported via the Global Human Trafficking Hotline at +1-844-888-3733 or its email address: help@befree.org.

As an organisation, Concern will fully cooperate with the regulatory agencies to conduct audits and investigations on anti-trafficking compliance.

6. Actions arising from investigations

Persons who are judged guilty of breaches of this policy may have committed gross misconduct. Such breaches will result in disciplinary action, up to and including dismissal, being taken.

In addition, where appropriate, Concern will refer significant breaches to the local law enforcement agencies with a view to initiating criminal prosecution.

7. Effective date

This policy has been approved and is in effect. It will be communicated to all:

- **staff, with a clear notice indicating that it has been incorporated into the Concern Code of Conduct and its associated policies and, as such, is binding on all staff.**
- **partners with a clear notice that we would strongly encourage them to apply it immediately, but that it will be formally incorporated into partner agreements as part of the Concern Code of Conduct and its associated policies at the time of the next update/revision of the agreement.**

This policy has been incorporated into the Concern Code of Conduct and its associated policies and will be included as a matter of course in all future employee/consultancy contracts and partner agreements.

8. Review of this policy

In the interests of maintaining good practice, the contents of this policy will be reviewed in conjunction with the review of the Concern Code of Conduct and its associated policy documents. Responsibility for initiating any such review rests with Concern's Senior Management Team (SMT). Any changes to the policy that affect its underpinning principles or purpose will be submitted to the Board in Dublin for review and approval.

Annexe 1

Terminology for the Concern Code of Conduct and its associated policies

April 2021

Clear definitions of the terms that we use in relation to safeguarding are essential in allowing us to ensure the proper reporting of, and responses to, instances of abuse or exploitation, and in ensuring that all such reports are handled in an appropriate and consistent manner. Clarifying the definitions of prohibited behaviour with staff and other programme participants should be included in workshops and inductions around the Concern Code of Conduct and its associated policies.

This document provides Concern's definitions of the terminology used in the Concern Code of Conduct and its associated policies, but staff are also bound by the laws of the countries in which they work.

Abuse

Abuse is the wrong or improper use or treatment of something or someone causing harm, damage, offence or distress to them. There are several forms of abuse (such as physical abuse, verbal abuse, sexual abuse, emotional abuse, etc.), any or all of which may be perpetrated as a result of deliberate intent, negligence or ignorance.

Bullying

Workplace bullying is repeated behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining an individual's right to dignity at work.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but, as a once-off incident, it is not considered to be bullying. The exercise of legitimate management rights or of legitimate employee rights or responsibilities is not bullying. Interpersonal differences and conflicts may arise in the workplace for a variety of reasons including the implementation of legitimate management directives.

A pattern of any of the following behaviours may be examples of types of bullying:

- verbal abuse or insults;
- being treated less favourably than colleagues;
- intrusion – pestering, spying or stalking;
- menacing behaviour;
- intimidation;
- excessive monitoring of work;
- humiliation;
- withholding work related information;
- repeatedly manipulating a person's job content and targets;
- blame for things that are beyond a person's control;
- manipulation of the victim's reputation by rumour, gossip or ridicule;
- preventing the victim from speaking by making loud voiced criticisms or obscenities;
- constant undermining, mockery or criticism that focuses on a personal characteristic;
- exclusion or victimisation;
- aggressive behaviour towards others, including unreasonable anger or shouting;
- abuse or threats of abuse;
- persistently manipulating the nature of the work or the ability of the victim to perform the work - e.g. by overloading, setting objectives with impossible deadlines, deliberately withholding work information, or setting meaningless or unachievable tasks;

- repeated criticism of work without balancing this with positive feedback where possible, or without offering potential solutions;
- criticising an individual in front of others.

Child

Like many other humanitarian organisations, Concern defines a child as anyone under the age of 18 years in accordance with the UN Convention on the Rights of the Child[31] irrespective of national law or local custom regarding the age of consent or majority.

Child abuse

Child abuse and neglect, sometimes also referred to as child maltreatment, is defined as all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation resulting in actual or potential harm to a child's health, survival, development or dignity in the context of a relationship of responsibility, trust, or power.

Within the broad definition of child maltreatment, five subtypes are distinguished:

1. ***Physical Abuse*** is actual or likely physical injury to a child, such as hitting, kicking or shaking, where there is definite knowledge, or reasonable suspicion, that the injury was inflicted or knowingly not prevented. (CAFOD)

2. ***Emotional abuse*** is harm done by persistent or severe emotional ill-treatment or rejection, such as degrading punishments, threats, bullying or not giving care and affection, resulting in adverse effects on the behaviour and emotional development of a child or young person. (CAFOD)

3. ***Neglect*** occurs when basic needs such as food, warmth and medical care are not met, or when there is a failure to protect a child from exposure to any kind of danger, resulting in serious impairment of a child's or young person's health or development. (CAFOD)

4. ***Sexual abuse*** occurs if a child or young person is pressed or forced to take part in any kind of sexual activity, whether or not the child is aware of or consents to what is happening. Sexual abuse includes incest, rape and fondling. It may also include no contact activities such as showing a child pornography or internet based activity and viewing pornographic images of children. Sexual abuse may involve siblings or other family members, or persons outside of the family. (CAFOD)

5. ***Commercial or other exploitation of a child*** refers to use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour and child prostitution. These activities are to the detriment of the child's physical or mental health, education, moral or social-emotional development (WHO, 1999).

Discrimination

Unequal treatment of individuals or groups on the basis of personal characteristics such as disability or appearance or group characteristics such as ethnicity, religious orientation, etc. Common forms of discrimination may include, but are not limited to, making employment or programming decisions based on family status, race, membership of a minority group, gender, religion or lack of religion, colour, national or ethnic origin, language, marital status, birth, sexual orientation, age, disability, political conviction, socio-economic background, caste, HIV and AIDS status or other illnesses, and physical appearance or lifestyle. Examples of discrimination may include, but are not limited to:

[31] The Convention emphasises that States substituting an earlier age for specific purposes must do so in the context of the Convention's guiding principles of non-discrimination (Article 2), the best interests of the child (Article 3), maximum survival and development (Article 6), and the participation of children (Article 12): http://www2.ohchr.org/english/law/crc.htm.

- Programmes not based on proper needs assessment or situational analysis resulting in interventions that benefit men more than women or vice versa;
- Hiring preferences for one religion or ethnic groups over members of other denominations or groups;
- Stigmatization of or service denial to people on the basis of their HIV and AIDS or health status;
- Service delivery only to particular ethnic, religious, or political groups.

Exploitation

Using a position of authority, influence or control over resources, to pressure, force, coerce or manipulate someone to do something against their will or interest and well-being. This includes threatening to withhold project assistance, threatening to make false claims about a person in public, or any other negative repercussions in the work-place or community.

Examples of exploitation include, but are not limited to:

- Offering special benefits to beneficiaries or other programme participants in exchange for expressed, implied or demanded favours (including sexual favours) or benefits, either to the staff member or to a third party;
- Threats or implications that an individual's refusal or unwillingness to submit to demands will affect the person's entitlement to project assistance and support, or terms and conditions of employment;
- Children's involvement in heavy, dangerous, and/or extended long hours or forced labour;
- Selling, buying, transporting children, women or men by means of coercion or deception for economic or other gain.[32]

Fraud[33]

Fraud is the theft or misuse of Concern's funds or other resources, by a staff member or a third party, which may or may not also involve misstatement of financial documents or records to conceal the theft or misuse.

Examples of fraud include, but are not limited to, the following:

- Theft of funds or any other Concern property, or of property entrusted to Concern;
- Falsification of costs or expenses;
- Forgery or alteration of documents;
- Destruction or removal of records or documents;
- Inappropriate personal use of Concern's assets;
- Staff seeking or accepting cash, gifts or other benefits from third parties in exchange for preferment of the third parties in their dealings with Concern;
- Blackmail or extortion;
- The payment of excessive prices or fees to third parties with the aim of personal gain.

Harassment[34]

Harassment is any form of unwanted behaviour relating to personal characteristics such as race, membership of a minority group, sex, gender, religion or lack of religion, colour, national or ethnic origin, language, marital status, family status, sexual orientation, age, disability, political conviction, socio-economic background, caste, HIV and AIDS status or other illnesses, physical appearance or lifestyle which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Such unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material.

[32] See Concern's Anti-Trafficking in Persons Policy – April 2021 and elements of current international law on trafficking in human beings in the 2000 UN Convention against Transnational Organized Crime - also known as the Palermo Convention - and the two Palermo protocols: Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air.

[33] Definition taken from Concern Worldwide Anti-fraud Policy.

[34] Adapted from the Irish Employment Equality Acts 1998 to 2008.

Harassment also means less favourable treatment of a person because they have rejected or submitted to the type of conduct described above.

It is important to note that:
- Anyone can be a victim of harassment;
- Harassment may be an isolated incident or repeated actions;
- Harassment can take many forms and may involve written documents and the use of IT including email, text messaging, photographs or pictures.

Many forms of behaviour may constitute harassment, including:
- verbal harassment - jokes, comments, ridicule or songs;
- written harassment - including faxes, text messages, emails or notices;
- physical harassment – jostling, shoving or any form of assault;
- intimidatory harassment – gestures, posturing or threatening poses;
- visual displays such as posters, emblems or badges;
- isolation or exclusion from social activities;
- pressure to behave in a manner that the individual thinks is inappropriate - for example, being required to dress in a manner unsuited to a person's ethnic or religious background.

Intimidation
Intimidation is the act of willingly making someone feel timid, filled with fear or frightened into submission. Intimidation implies inducing fear or a sense of inferiority in another person with the intention of forcing him/her to do, or deterring him/her from doing, something by threats or inducing fear of the consequences against him/her or their family or friends. In such circumstances, the person who has been intimidated feels coerced or inhibited by the threats. Acts of intimidation can be verbal, non-verbal or physical.

Programme Participant
For the purpose of this policy, 'programme participant' refers to any individual associated with Concern's programmes and includes:
- beneficiaries of programmes delivered by Concern or its partners;
- members of the communities in which Concern and its partner organisations work;
- people employed or engaged by Concern, whether national or international, full or part time, consultants, interns, contractors or volunteers, or any person actively involved in the programmes of Concern or its partner organisations;
- Concern's partner organisations, their staff and anyone working on their behalf.

Rape and attempted rape[35]
Rape is an act of non-consensual sexual intercourse. Any non-consensual penetration is considered rape when it includes the following two elements:
- the perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.
- the invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.

A person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity. Genuine consent does not include consent obtained through deception or coercion or where exploitation is a factor in the granting of consent.

[35] International Criminal Court Elements of Crime Document PCNICC/2000/1/Add.2 (2000).

Sexual abuse
The actual or threatened physical intrusion of a sexual nature, whether by force, coercion or under unequal conditions. It includes sexual assault or sexual acts to which a person has not consented, could not consent, or was compelled to consent.

Sexual exploitation
Any actual or attempted abuse of a position of vulnerability, differential power, or trust, to pressure or demand others to provide sexual favours, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of someone else.

Sexual harassment
Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. A single incident may constitute sexual harassment. Many forms of behaviour can constitute sexual harassment, including:

- physical conduct of a sexual nature: this may include unwanted contact such as unnecessary touching, patting or pinching or brushing against another employee's body, assault or coercive sexual intercourse;
- verbal conduct of a sexual nature: this may include unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments;
- non-verbal conduct of a sexual nature: this may include the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text messages or faxes. It may also include leering, whistling or making sexually suggestive gestures;
- sex-based conduct: this may include conduct that denigrates or ridicules or is intimidatory or physically abusive because of a person's sex, such as derogatory or degrading abuse or insults that are gender-related.

Violence
Violence is any form of aggressive behaviour that may be physically, sexually or emotionally abusive. The aggressive behaviour may be conducted by an individual or group against another, or others.

Visitor
Any person not contracted to work for Concern, but who is visiting Concern's overseas programmes, whether as an individual or as a representative of an institution. This includes, but is not limited to, consultants, journalists, donors, photographers, members of Concern Boards (Ireland, UK, US or South Korea), friends, accompanying dependants of international staff, etc.[36] During the course of their visit all such people should consider themselves to fall under the authority of the Concern Country Director and must adhere to the Concern Code of Conduct and its associated policies.

If a visitor refuses to agree to regulate his/her conduct in line with the requirements of the Code, the name of the person, and their reason for refusing to do so, should be recorded by the management and the case reported to the Regional Director who will decide the action to be taken. This may include suspending support for their continued presence in the country, denial of permission to visit Concern programmes or office, or to stay in any accommodation rented or owned by Concern.

[36] In the event of an allegation of a breach of this Policy by an accompanying dependant of an international staff member, the allegation will be investigated and the country programme management team, in consultation with the Regional Director and the HR Director, may take action up to and including the removal of accompanied status in relation to that individual, and the referral of the matter to the national authorities. Those employed by international staff to work in a Concern house (cook, housekeeper, gardener, etc.) or to work for the international staff member or his/her accompanying dependants (translator, driver, teacher, etc.) are also protected by this policy, despite the fact that they are not Concern staff.

This definition does not include individuals who call to Concern's offices for short meeting.