



# PREVENTION OF SEXUAL EXPLOITATION AND ABUSE

## POLICY AND PROCEDURES

<b>Owner</b>	Biothermica Technologies Inc. ("BIOTHERMICA")
<b>Approved by</b>	Guy Drouin, Chairman of the Board
<b>Date of Approval</b>	December 18, 2020
<b>Review schedule</b>	Annually
<b>Applicable to</b>	All Biothermica Technologies Inc. employees, partners, contractors and consultants
<b>Related policies</b>	Code of Conduct
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## 1. Terms and definitions<sup>1</sup>

**Workplace harassment (WH)** is defined as engaging in a course of vexatious comments or conduct against an individual in a workplace that is known or ought reasonably to be known as unwelcome workplace harassment or as workplace sexual harassment. It includes; but is not limited to, any unwelcome or objectionable physical, visual or verbal conduct, comment or display, whether intended or unintended, that is insulting, humiliating, offensive or degrading to another person, or creates an intimidating, hostile or offensive environment.

**Sexualized violence (SV)** is used as an umbrella term to include both sexual harassment and sexual assault. Sexualized violence can affect people of any sex, gender, sexual orientation, age, race, ethnicity, ability, etc. However, people with certain identities and social locations are disproportionately impacted (i.e. women, particularly young women and indigenous/racialized women; LGBTIQ+ people; and persons living with disabilities).

**Sexual harassment (SH)** is defined as 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 which might reasonably be expected or be perceived to cause offence or humiliation to another. Sexual harassment may occur when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive environment. It can include a one-off incident or a series of incidents. Sexual harassment may be deliberate, unsolicited and coercive. Both male and female colleagues can either be the victim or offender. Sexual harassment may also occur outside the workplace and/or outside working hours. Comment: Sexual Harassment does not necessarily imply a sexual act. If there is a sexual act, it might be considered sexual assault.

**Sexual Exploitation (SE)** is defined as any actual or attempted abuse of 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. Comment: “Sexual exploitation” is a broad term, which includes a number of acts described below, including “transactional sex”, “solicitation of transactional sex” and “exploitative relationship”.

**Sexual abuse (SA)** is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a minor is considered as sexual abuse. Comment: “Sexual abuse” is a broad term, which includes a number of acts described below, including “rape”, “sexual assault”, “sex with a minor”, and “sexual activity with a minor”.

**Sexual and Gender based violence** is an umbrella term for any harmful act perpetrated against a person’s will and is based on socially ascribed differences between males and females (i.e. gender), and individuals who do not conform to gender norms (non-binary, genderqueer, agender, etc.), as well as males and men who do not follow (or are perceived not to follow) dominant ideals of masculinity. It includes acts which inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty.

**A trigger** is content which may elicit a strong emotional and/or physical reaction (e.g. anxiety, panic attack, flashback, urge to self-harm) in people who have experienced trauma. **A trigger warning (TW)** provides advance notice to survivors of trauma, and an opportunity to choose to engage with or avoid the content to be presented and discussed.

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<sup>1</sup> UNHCR Policy on Harassment, Sexual Harassment, and Abuse of Authority  
IASC 2015.Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action



**Survivor** is a person who has experienced gender-based violence. The terms ‘victim’ and ‘survivor’ can be used interchangeably. ‘Victim’ is a term often used in the legal and medical sectors, while the term ‘survivor’ is generally preferred in the psychological and social support sectors because it implies resiliency. These Guidelines employ the term ‘survivor’ in order to reinforce the concept of resiliency

**Social stigma** is the negative perception and societal disapproval of survivors of sexualized violence, which can lead to feelings of shame and guilt (e.g. thinking that the violence was “deserved” or “provoked”). It prevents people from reporting their experiences and seeking support.

**Rape culture** refers to sociocultural attitudes and beliefs that trivialize the severity and impact of sexualized and gender-based violence and normalize this violence as tolerable and inevitable (e.g. saying “boys will be boys” as an excuse to justify male aggression).

**Consent** is an agreement to engage in sexual activity, which can be withdrawn at any time. It must be voluntary rather than coerced or forced through an abuse of power (granted by one’s position, identity, or physicality). Consent cannot be obtained from someone who is intoxicated or unconscious.

**Enthusiastic consent** is a clear verbal and/or physical manifestation of agreement to engage in sexual activity (e.g. yes, come closer, I like that, touch me here, keep going, do this, I want to, etc.). It goes beyond the absence of “no” as an indicator of consent. It involves a continuous process of checking in with one’s partner(s) during sexual activity.

**Collaborators** refers to individuals who work for BIOTHERMICA as non-staff members including consultants, holders of agreements, Temporary Advisers and Interns, as well as third party entities such as vendors, contractors or technical partners who have a contractual relationship with BIOTHERMICA.<sup>2</sup>

**Beneficiary Population** refers to the people BIOTHERMICA works with and/or serves or seeks to assist across the world, who are typically in situations of vulnerability and dependence vis à vis BIOTHERMICA staff and collaborators. Beneficiaries are individuals who are direct or indirect recipients of international development or other BIOTHERMICA action. Among such individuals, women and children are particularly at risk of sexual exploitation and abuse (SEA).<sup>3</sup>

**Partners** refers to an organization, through its personnel and collaborators, executing a project or undertaking any other work in the name of, under contract with, or for the benefit of BIOTHERMICA.<sup>4</sup>

**Allegations** refers to a claim or assertion that someone has done something illegal or wrong, typically one made without proof.

**Confidentiality** refers to a duty of an individual to refrain from sharing confidential information with others, except with the express consent of the other party. There are rules and regulations which place restrictions on the circumstances in which a professional may divulge information about a client or patient, and other situations may be deemed confidential by the use of a contract.

**Complainant** refers to the individual who experiences an alleged act of workplace harassment and then places the official complaint against the person who allegedly committed the act of harassment.

**Corporation** refers to a company authorized to act as a single entity (legally a person) and recognized as such in law.

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<sup>2</sup> [https://www.who.int/about/ethics/sexual-exploitation\\_abuse-prevention\\_response\\_policy.pdf?ua=1](https://www.who.int/about/ethics/sexual-exploitation_abuse-prevention_response_policy.pdf?ua=1)

<sup>3</sup> [https://www.who.int/about/ethics/sexual-exploitation\\_abuse-prevention\\_response\\_policy.pdf?ua=1](https://www.who.int/about/ethics/sexual-exploitation_abuse-prevention_response_policy.pdf?ua=1)

<sup>4</sup> [https://www.who.int/about/ethics/sexual-exploitation\\_abuse-prevention\\_response\\_policy.pdf?ua=1](https://www.who.int/about/ethics/sexual-exploitation_abuse-prevention_response_policy.pdf?ua=1)



## 2. Policy Objective

This policy sets out BIOTHERMICA's approach to preventing and addressing sexual exploitation and abuse (SEA). This includes:

- Our commitments to prevent SEA and to ensure effective action is taken when problems occur;
- Principles upon which we will base our decisions making and actions;
- Our expectations of all those who work on behalf of BIOTHERMICA.

Sexual exploitation and abuse are serious violations of fundamental human rights and will not be accepted nor tolerated at BIOTHERMICA.

We believe everyone has a responsibility to prevent and respond to sexual discrimination, sexual exploitation, sexual abuse, sexual harassment, gender-based harassment and a poisoned work environment.

All board members, employees, contractors, consultants and interns of BIOTHERMICA are expected to act with tolerance, sensitivity and respect for gender diversity.

All employees will be held accountable for failing to conduct themselves in a way which promotes mutual respect and non-discrimination, or for failing to report concerns of misconduct. In addition, BIOTHERMICA is committed to ensuring the privacy and confidentiality of all individuals who report and commits to a response, which is survivor-centered, comprehensive and timely.

Human rights, dignity for all and respect are at the heart of who BIOTHERMICA is and what we do. We believe in, practice and are committed to:

- Gender-Equity
- Social Justice
- Trust
- Integrity
- Accountability
- Transparency
- Sustainability

## 3. Policy Statement

BIOTHERMICA has a zero-tolerance stand on exploitative and abusive relationships. We will not tolerate behaviors which endanger the security of employees of the organization, or brings either into disrepute. It follows, therefore, employees, consultants, contractors, partners or anyone representing BIOTHERMICA should have:

- No sexual contact with children under the age of 18 (mistaken belief of age being no defense)
- No transactional sexual contact with beneficiaries, clients or staff of partners.

## 4. Core Principles

BIOTHERMICA will enforce a "zero-tolerance" policy for any act of sexual exploitation and abuse.

BIOTHERMICA adheres to the following principles relating to sexual exploitation and abuse.

- Sexual exploitation and abuse by BIOTHERMICA personnel (employees or consultants) constitute acts of gross misconduct and are therefore grounds for termination of



employment/assignment.

- 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 defense.
- Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited.
- Where a member of personnel develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same organization or not, he or she must report such concerns following the established organizational reporting mechanisms.
- Personnel are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of the Code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

## 5. Scope of Policy

This policy applies globally to all employees, consultants, contractors, partners or any other representative associated with the delivery of our Projects during and outside normal working hours. This policy applies in all locations except in countries where the following policy contravenes local legislation, in such a case, local legislation must be followed. This policy does apply in the event that it is more stringent than local legislation.

All parties are prohibited from committing acts of sexual exploitation and abuse, and must respect, and never violate, the rights of vulnerable people. All parties also have a particular duty of care towards women and children.

## 6. Application

For the purpose of this policy, personnel includes employees working at the national or international level, both Canadian and national staff, regular and temporary employees and interns (full or part-time). The term personnel also apply to consultants, independent contractors and temporary staff providing services to BIOTHERMICA.

## 7. Gender Equality

BIOTHERMICA believes that Gender is the one of the most persistent predictor of poverty and injustice in our world today. This is why BIOTHERMICA understands that ending global poverty begins with women's rights. BIOTHERMICA is committed to challenging and changing the attitudes and behaviors that lie at the heart of inequality.

Gender equality is where women and men enjoy the same status and have equal conditions, responsibilities and opportunities for realizing their full human rights and potential. It is about men and women having equal access and having equal value, while recognizing differences and similarities exist between men and women, girls and boys. It also implies equal access to and control over resources by women and men.

Recognizing the value of the skills and knowledge women have developed is essential to societies. Our world has everything to gain by committing to the equal access to opportunities and advancement of all peoples regardless of their sex.

BIOTHERMICA is committed to achieving gender equality within the organization and in all of its programming. BIOTHERMICA employees and contingent workers will work together to promote a



gender sensitive environment within the organization.

## **8. Roles and Responsibilities**

It is the responsibility of managers, employees, and anyone who works with, or, is affiliated with BIOTHERMICA to report occurrences of sexual exploitation and abuse being perpetrated by anyone. Managers and supervisors, in particular, are responsible for creating and maintaining an environment in which employees and contractors know what BIOTHERMICA expects from them and feel confident in reporting any suspicious or inappropriate behavior.

BIOTHERMICA is clear any partnerships we have with others is based on mutual respect for values and beliefs. When employees assess partner capacity to carry out projects this should include an assessment of the partner's capacity to meet our requirements in upholding this sexual exploitation and abuse policy and BIOTHERMICA Code of Conduct.

### **a) Legal Affairs Director**

- Develop policies, standards of conduct and strategies to prevent and respond to Sexual Exploitation and Abuse.
- Incorporate standards on Sexual Exploitation and Abuse in all orientation materials and provide training for all personnel as described.
- Establish Project Manager's responsibility, in the various countries where BIOTHERMICA operates, who will be responsible to ensure compliance at all levels of this policy.
- Ensure Project Managers are trained and understand how to discharge their duties.
- Provide support and assistance to Project Managers.
- Investigate all reports of allegations of Sexual Exploitation and Abuse through Project Managers.
- Determine appropriate disciplinary action.
- Take swift and appropriate action against personnel who commit Sexual Exploitation and Abuse, including administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, which could lead to criminal prosecution.
- Liaise with the Project Manager and assist in establishing an agreed response in cases in which the alleged behavior constitutes a criminal act in either the host country or the home country of the alleged perpetrator.
- Maintain written records of personnel who have been found to have violated this Policy.

### **b) Board of Directors /Senior Management Team**

- Actively support and enforce this policy.
- Participate in relevant training on sexual exploitation and abuse.
- Are responsible, as well as all employees, in a supervisory capacity, to ensure BIOTHERMICA's workplaces are free from harassment, violence, discrimination and sexual exploitation and abuse.



### c) Project Managers

- Act as a representative to communicate and reinforce this policy and associated standards.
- Jointly disseminate relevant policy information to our partners and to the communities where we operate.
- Co-ordinate other activities, including training, monitoring mechanisms and investigation procedures to prevent and respond to reported Sexual Exploitation and Abuse allegations.
- Establish systems that respond appropriately, when an allegation of misconduct concerns a representative from a different organization, or where the individual or organization cannot be identified immediately.
- Establish accessible, safe and trusted complaint mechanisms.
- Demonstrate commitment to confidentiality.
- Be sensitive to age, gender, and culture.
- Consider the safety and well-being of the victim as the paramount consideration.
- Refer the victim to appropriate, confidential services, including medical, legal and psychological support.
- Preserve the complainant's confidentiality and take appropriate action, to the best of their abilities, to protect persons from retaliation where allegations of Sexual Exploitation and Abuse are reported involving personnel.
- Inform members of the communities where we work about the standards and ethical guidelines, about the assistance available to complainants and victims, and of how and to whom they can raise concerns confidentially.
- Investigate allegations of Sexual Exploitation and Abuse in a timely and professional manner including using appropriate interviewing practice with complainants and witnesses or promptly engage a qualified third-party investigator to conduct the investigation.
- Take appropriate disciplinary action for confirmed violations of the sexual exploitation and abuse Policy /Code of Conduct.
- Establish an agreed response in cases in which the alleged behavior constitutes a criminal act in either the host country or the home country of the alleged perpetrator.
- Maintain written records of personnel who have been found to have violated sexual exploitation and abuse policy or BIOTHERMICA's Code of Conduct, to increase the effectiveness of subsequent referral or recruitment checks.
- Prevent proven perpetrators of sexual exploitation and abuse from being rehired or redeployed.
- Communicate and reinforce the sexual exploitation and abuse policy and standards (through written documents and dialogue) and regularly remind all personnel, both current and newly recruited, about the required standards of behavior, based on explicit codes of conduct and ethical guidelines. This applies to all personnel (national, international and contractors).
- Ensure all personnel understand the need to report any concerns as soon as they are raised. Their obligation is to report possible violations, not to investigate the allegation.
- Immediately report all complaints to the Legal Affairs Director and assist in managing the investigative process.
- Prevent perpetrators of sexual exploitation and abuse from being rehired or redeployed.





## Employees

- Become aware and abide by the sexual exploitation and abuse standards.
- Agree to and sign BIOTHERMICA policy acknowledgement and Code of Conduct.
- Participate in relevant training related to the sexual exploitation and abuse.
- Become aware of the relevant reporting mechanism for the sexual exploitation and abuse.
- Report any known or suspected case of Sexual Exploitation and Abuse to the Project Manager and/or the Legal Affairs Director.

### d) Biothermica Consultants

- Become aware and abide by the standards outlined in the sexual exploitation and abuse policy and Code of Conduct.
- Agree to BIOTHERMICA sexual exploitation and abuse policy and Code of Conduct being an integral part of contracts with BIOTHERMICA.
- Become aware of the relevant reporting mechanism for the sexual exploitation and abuse.
- Report any known or suspected cases of sexual exploitation and abuse to BIOTHERMICA's Project Manager and/or the Legal Affairs Director.

### e) Biothermica Partners

- Become aware of and abide by BIOTHERMICA's sexual exploitation and abuse policy and standards.
- Agree to BIOTHERMICA sexual exploitation and abuse policy and Code of Conduct being an integral part of contracts with BIOTHERMICA.
- Become aware of the relevant reporting mechanism for the sexual exploitation and abuse.
- Report any known or suspected case of sexual exploitation and abuse to BIOTHERMICA's Project Manager and the Legal Affairs Director.

## 9. Prevention, Monitoring and Tracking

### a) Raising Awareness

BIOTHERMICA will prepare a communication strategy to support the dissemination and implementation of this policy and to raise awareness across BIOTHERMICA of the issue of SEA and its potential ramifications. The plan will include:

- Availability of this policy on BIOTHERMICA's Internet website.
- Communication material for staff across the Organization and raising awareness/ training program on SEA.
- Communication material to inform BIOTHERMICA collaborators and partner organizations of this policy.

### b) Background Checks

No offer of appointment is made by BIOTHERMICA before the background check of an applicant has been completed. All applicants are required to truthfully answer standard questions concerning any existing history of criminal verdicts, questions about disciplinary measures or sanctions imposed by any existing or former employer of the applicant, and, where relevant, existing history of disciplinary sanctions imposed by disciplinary boards of professional organizations to which the applicant is or has been subject.



All applicants are required to disclose any criminal record or, if relevant, record of disciplinary sanctions he or she may have, with the exception of minor traffic offences. While employment will not be granted to candidates who fail to disclose this information, BIOTHERMICA treats the disclosure of inaccurate or incomplete information with regards to any acts of SEA as misconduct. BIOTHERMICA reserves the right to withdraw any offer of employment or to terminate any contractual engagement if the applicant is found to have provided untruthful information concerning any condemnation regarding acts of SEA.

BIOTHERMICA will maintain a record of staff members found to have been convicted for acts of SEA or who have received a disciplinary measure or sanction imposed by any existing or former employer, or by disciplinary boards of professional organizations to which the applicant is or has been subject. BIOTHERMICA reserves the right to disclose information about acts of SEA on record concerning an individual staff member if so, requested by a third party in a selection process.

### **c) Training**

As part of prevention of SEA, and in order to raise awareness, staff will be required to undertake the SEA training.

Training will serve staff to be aware of the ethical values referred to in the current policy, specifically with respect to vulnerable situations. Also, staff and collaborators will become aware of suspicious situations, as well as recognize the signs of SEA, and provide practical information on how to assist victims of SEA, if signs of SEA are identified or if a victim approaches them to complain about SEA.

## **10. Reporting**

### **a) Mechanisms & Process**

#### **Making a Report**

Anyone has the right to make a complaint about the behavior of all parties associated with BIOTHERMICA, including any inappropriate behavior of employees or partners according to BIOTHERMICA's policies and reporting. Anyone who witnesses or suspects inappropriate behavior or misconduct must immediately report and seek advice from the Project Manager or Legal Affairs Director.

Complaints from people external to BIOTHERMICA will be dealt with through the Project Manager, with support from Legal Affairs Director. The complaint will be recorded and immediately acted upon in a confidential manner in accordance with the relevant policies and procedures.

BIOTHERMICA will take the appropriate action to protect the victim from further incident, harm or reprisal during and following an incident or allegation.

It is recommended all complaints be made immediately but no more than three (3) months of an incident taking place. We recognize this may not always be possible with allegations of such a sensitive nature. An investigation can go ahead whether the alleged victim wishes to take an active part.

#### **Reporting Guidelines**

When a report is being made, BIOTHERMICA requires the victim provide their name and contact information to ensure concerns are promptly addressed. If victims choose not to provide their



name or contact information, a report may be filed anonymously, but note, anonymous reports are suspect as they have greater potential for abuse and may be subject to legal limitations.

Please be sure to include the following information with your complaint:

- All facts describing the alleged event, issue, or matter,
- The name and title of each person involved,
- Dates, times, frequency, and locations,
- Facts relevant to urgency, and
- Documentation, witnesses, or other evidence available to support the allegation, including any laws or policies believed to be breached.

Please keep in mind those who initially read your complaint may not be familiar with the local context or local laws and providing as much detail as possible is helpful.

### **Where to Report**

BIOTHERMICA encourages all staff members to first speak to their Project Manager or the Legal Affairs Director, when they have concerns about a policy violation or misconduct, as this is typically the best method for addressing problems and allows the appropriate parties to take immediate action.

For suspected or alleged sexual exploitation or abuse, the person is required to report to the Project Manager. All managers who receive such a complaint must notify the Legal Affairs Director, immediately for guidance and next steps.

In exceptional cases where a person has been discouraged in some way from reporting an incident or concern to their Project Manager or may fear for his/her job or well-being, the Legal Affairs Director, is available to bypass the normal channels in a confidential manner.

If a person reporting to you is at risk of immediate harm, danger or threat as a result of BIOTHERMICA staff, you should find an immediate safety solution for the person reporting the incident. As soon as possible, this information must be reported to the Legal Affairs Director.

### **b) Confidentiality**

Reports and complaints of workplace harassment will be received and investigated in a confidential manner. All reports and complaints of workplace harassment will be considered personal information *supplied in confidence*. The name of the reporter or complainant and the circumstances of the report or complaint will not be disclosed to any person except where disclosure is necessary to protect individuals, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

### **c) Retaliation**

This policy strictly prohibits reprisals against a worker because he or she has brought forward a concern or has provided information regarding a concern under this policy. Any worker who commits or threatens reprisal against another worker for following this policy in good faith may be subject to progressive discipline, up to and including termination of employment or contract.

Workers are encouraged to assist BIOTHERMICA in its efforts to prevent and eliminate sexual exploitation and abuse in the workplace by treating their co-workers with courtesy and respect at all times during their employment. BIOTHERMICA, in turn, will do its best to deal with complaints that may arise in a fair and objective manner. Any breach of this policy will result in progressive discipline actions up to termination of employment.



## 11. Responding – Investigation of Allegations

BIOOTHERMICA will respond in a professional and timely manner to all concerns or allegations of sexual exploitation or abuse (SEA). All concerns or allegations will always be taken seriously, and investigated and acted upon where appropriate, in line with our safeguarding principles listed below.

### a) Investigations

BIOOTHERMICA shall apply a zero-tolerance policy where it has determined through an investigative process its staff, contractors or representatives of BIOOTHERMICA have engaged in sexual exploitation and/or abuse. 'Zero-tolerance' means BIOOTHERMICA will pursue all allegations falling under the scope of this policy and appropriate sanctions will be applied where allegations are substantiated.

BIOOTHERMICA will carry out safe, and discreet investigations, recognizing the rights of and duty of care to everyone involved, including the complainant and/or survivor, witnesses and the subject of complaint.

### b) Robust and accountable case management

BIOOTHERMICA will investigate all allegations of sexual exploitation and abuse involving staff or partners in a timely and professional manner.

All allegations of SEA, and subsequent follow-up, will be documented in a secure and confidential database to ensure accountability. The report will be officially acknowledged within 24 hours, and a safeguarding team will convene a case conference to assess immediate risks and next steps within 72 hours.

Investigations are an internal administrative process and would not necessarily involve the police or courts. Investigations are carried out so BIOOTHERMICA can gather comprehensive and factual information as much as possible to base its decisions concerning conduct and the consequences thereof.

BIOOTHERMICA may alert the appropriate authorities if, following an investigation, it is concluded:

- A crime has taken place,
- Confidentiality can be ensured,
- The victim is in agreement.

BIOOTHERMICA reserves the right to act or not to act on any information provided. The organization is not required to disclose its response or the actions resulting from any information which may be provided or reported. The safety of participants and colleagues will prevail. The intentional misreporting of information is subject to disciplinary action.

### c) Victim Assistance

BIOOTHERMICA will pursue investigations and take the appropriate disciplinary measures. Victims will receive immediate support as necessary, in line with the wishes and needs of the victim and to levels appropriate locally.



Survivors of SEA are entitled to specialized support services. BIOTHERMICA commits to refer survivors to competent support services as appropriate and available and according to the wants and the needs of the survivor. Support may include specialist psychosocial support such as counseling, medical assistance and legal counseling.

## **12. Disciplinary Measures and Sanctions**

BIOTHERMICA shall enforce a range of disciplinary measures and sanctions for all substantiated cases of sexual exploitation and abuse, in accordance with applicable BIOTHERMICA policies as well as contractual provisions. Such measures may include termination and referral to the competent legal authorities when warranted.

BIOTHERMICA will take swift and appropriate action against BIOTHERMICA Employees and Related Personnel who are found to have committed SHEA. This may include administrative or disciplinary action, and/or referral to the relevant local authorities if appropriate and safe to do so.

Employees who contravene BIOTHERMICA's clearly stated conduct expectations will be subject to disciplinary action, up to and including termination.

BIOTHERMICA shall take all possible steps to ensure partner organizations takes appropriate actions in a manner consistent with this policy. Partners must disclose to BIOTHERMICA if their employees contravene the Prevention of Sexual Exploitation and Abuse policy and are required to provide evidence an appropriate investigation has been conducted. Failure to do so may result in funding being withdrawn and their relationship with BIOTHERMICA may be terminated.

As outlined above (in Investigations), the appropriate authorities, including the police or courts may be involved under certain circumstances.



## Annex A

### Reporting: Mechanisms & Process

#### Biothermica's Emergency Response Team (ERT)

The ERT is comprised of BIOTHERMICA's Chairman of the board (COB), Legal Affairs Director (LAD), and a member of the Health & Safety Committee (HSC).

In all emergencies the COB must be immediately informed and will promptly call meeting of the ERT.

The ERT will immediately address the situation, formulate an action plan that includes short- and long-term resolution options.

#### Making a Report

Anyone has the right to make a complaint about the behavior of all parties associated with BIOTHERMICA, including any inappropriate behavior of employees or partners according BIOTHERMICA's policies and reporting.

Anyone who witnesses or suspects inappropriate behavior or misconduct must immediately report and seek advice from the Project Manager or Legal Affairs Director.

Complaints from people external to BIOTHERMICA will be dealt with through the Project Manager, with support from Legal Affairs Director. The complaint will be recorded and immediately acted upon in a confidential manner in accordance with the relevant policies and procedures.

BIOTHERMICA will take the appropriate action to protect the victim from further incident, harm or reprisal during and following an incident or allegation.

It is recommended all complaints be made immediately but no more than three (3) months of an incident-taking place. We recognize this may not always be possible with allegations of such a sensitive nature. An investigation can go ahead whether the alleged victim wishes to take an active part.

#### Reporting Guidelines

When a report is being made, BIOTHERMICA requires the victim provide their name and contact information to ensure concerns are promptly addressed. If victims choose not to provide their name or contact information, a report may be filed anonymously, but note, anonymous reports are suspect as they have greater potential for abuse and may be subject to legal limitations.

Please be sure to include the following information with your complaint:

- All facts describing the alleged event, issue, or matter,
- The name and title of each person involved,
- Dates, times, frequency, and locations,
- Facts relevant to urgency, and
- Documentation, witnesses, or other evidence available to support the allegation, including any laws or policies believed to be breached.

Please keep in mind those who initially read your complaint may not be familiar with the local context or local laws and providing as much detail as possible is helpful.



### **Where to Report**

BIOTHERMICA encourages all staff members to first speak to their Project Manager or Legal Affairs Director when they have concerns about a policy violation or misconduct, as this is typically the best method for addressing problems and allows the appropriate parties to take immediate action.

For suspected or alleged sexual exploitation or abuse, the person is required to report to the Project Manager. All Managers who receive such a complaint must notify the Legal Affairs Director immediately for guidance and next steps.

In exceptional cases where a person has been discouraged in some way from reporting an incident or concern to their Project Manager or may fear for his/her job or well-being, the Legal Affairs Director is available to bypass the normal channels in a confidential manner.

If a person reporting to you is at risk of immediate harm, danger or threat as a result of BIOTHERMICA staff or programs, you should find an immediate safety solution for the person reporting the incident. As soon as possible, this information must be reported to the Legal Affairs Director.



## Annex B

### Acknowledgement Form

I hereby acknowledge I have received a copy of BIOTHERMICA Sexual Exploitation and Abuse Policy.

I have read the Sexual Exploitation and Abuse Policy and understand its contents, including the zero- tolerance policy statement and understand BIOTHERMICA considers any allegation of sexual exploitation or abuse to be an extremely serious matter.

I understand I should speak my Project Manager or the appropriate BIOTHERMICA representative with regard to any questions I may have regarding the Sexual Exploitation or Abuse Policy.

I further understand BIOTHERMICA has issued the Sexual Exploitation and Abuse Policy for guidance purposes only and it does not intend for the Policy to create a contract of employment or any type of binding obligation on BIOTHERMICA.

BIOTHERMICA may periodically review the Sexual Exploitation and Abuse Policy and reserves the right to amend or interpret the Policy as it deems appropriate in its sole discretion.

A copy of this acknowledgment form shall be placed and retained in the personnel records file.

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Print Name Date

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Signature BIOTHERMICA's Manager (Witness)





## Annex C

### Code of Conduct

BIOTHERMICA expects all its employees, and others working on behalf of or representing BIOTHERMICA, to act honestly and in good faith with a view to the best interest of BIOTHERMICA and to conduct themselves in a professional manner at all times.

In situations where there has been a violation of the procedures, appropriate corrective counseling will be undertaken to ensure employees know and understand the procedure and ensure it is not repeated.

This Code of Conduct does not prevent an employee from reporting and/or providing information directly to a law enforcement officer or agency.

In order to assist the above-mentioned in determining what inappropriate conduct is, the following procedures have been established.

#### Expected Employee Behavior

The following conducts will be seen as misconducts, and will result in corrective counseling being undertaken, up to and including immediate termination:

- Refusal or failure to follow instructions or perform work as assigned or countermanding a Manager's direction without authorization (insubordination);
- Violating or disregarding BIOTHERMICA policies;
- Unauthorized use of any BIOTHERMICA's property;
- Unauthorized posting, distributing, sale or circulation of any written materials in work areas;
- Suggesting that a token or gift is expected or required for BIOTHERMICA services;
- Failure to report dishonest employee conduct or activities;
- Failure to maintain standards of job performance;
- Unprofessional conduct or behaviors when representing BIOTHERMICA

The following conduct by an employee will be seen as gross misconduct and of a serious nature, which may result in immediate termination of employment without prior discipline measures:

- Possession or use of weapons or explosives in the workplace
- Harassment in any form of another employee or guest at any time, including but not limited to, sexual advances or other unwelcome verbal or



physical contact;

- Failure to report an incident of violence or harassment;
- Theft or misappropriation of BIOTHERMICA funds or property, falsification of financial documents or work-related reports;
- Uttering, publishing or distributing false, vicious, profane or malicious statement to or about another employee or any other person, including but not limited to donors, guests, partners;
- Knowingly making false statements including material omissions on personnel or other BIOTHERMICA records;
- Willfully or negligently misusing, damaging, threatening to damage, or defacing or vandalizing BIOTHERMICA property, including written and digital materials;
- Soliciting, procuring or engaging in any immoral act in the office
- Violations of any federal, provincial or local law, which in any way would reflect unfavorably on BIOTHERMICA;
- Use or possession of alcoholic beverages, illegal drugs or any substance that could impair the employee's judgment during regular working hours. The exception to possessing an alcoholic beverage in the workplace during regular working hours may be during an authorized BIOTHERMICA staff event, such as a Christmas party, or an approved celebration. In all cases, this must be with the knowledge and consent of the Executive Director.

The preceding lists do not contain some issues pertaining to activities which could take place while employees are outside of the office workplace. For example, disclosure of confidential information concerning BIOTHERMICA is a violation of these provisions.

All employees are reminded certain situations may arise where an employee's activity or actions could reflect poorly on BIOTHERMICA. This includes social situations involving sanctioned activities e.g. conferences, events etc. as they relate to the employee's position or the employee has been delegated to represent BIOTHERMICA. In all cases, employees are expected to act in good faith with a view to the best interest of BIOTHERMICA and to conduct themselves in a professional manner at all times.

### **Reporting Procedure**

Individuals who have knowledge of wrongdoings should report their concerns to their immediate supervisor. BIOTHERMICA's management is responsible for investigating complaints of wrongdoing. If an allegation involves an individual's immediate supervisor, the employee should refer his/her complaint directly to Legal Affairs.



Below is a guide for reporting wrongdoing involving the following:

<b>Wrongdoer</b>	<b>Report to...</b>
Board Member	Chair of the Board
Senior Management	Chair of the Board
Legal Affairs Director	Chair of the Board
Project Manager	Legal Affairs Director
Non-management	Project Manager and Legal Affairs Director

The complainant will be asked to set out in writing the nature of the complaint and the specific allegations of wrongdoing and should refer his/her complain directly to the reporting lines as set above.

BIOTHERMICA cannot guarantee allegations of wrongdoing will remain strictly confidential as it will depend on the severity of the complaint, the depth of the investigation required and/or whether information is required to be released by law.

### **Investigations of Wrongdoing**

After a complaint of wrongdoing is received, it will proceed to investigation. The Legal Affairs Director or appropriate designated representative will conduct the full investigation. This will include interviewing the employee and, only if applicable, any relevant witnesses. Only the people directly involved in the complaint will be informed of the undertaking of an investigation.

Investigations will be conducted in a timely manner, with every effort being made to conclude the investigation within thirty (30) days.

Any destruction or concealment of evidence relevant to an investigation will result in disciplinary action up to and including employment termination.

At the conclusion of the investigation, a full report will be prepared, including a summary of the allegation of wrongdoing, the steps taken during the investigation, the evidence gathered from witnesses and documents, the findings of fact, and a conclusion about whether the complaint was founded in whole, founded in part, or unfounded. The complainant will be notified of the outcome of the investigation. The Chairman of the Board, in consultation with the Legal Affairs Director, will determine whether discipline is appropriate and, if so, the appropriate disciplinary penalty.

Where the employee has made a formal complaint in good faith and without malice, regardless of the outcome of the investigation, he/she will not be subject



to any form of reprisal as a consequence of having taken such action. If, however, it is found the employee made a false complaint maliciously or in bad faith, appropriate measures will be applied, up to and including employment termination.