



Code of Conduct: Protection from Sexual Exploitation and Abuse Policy

Policy Number : 2

Approval date : August 28, 2020

Purpose

This policy outlines the definition of sexual exploitation and abuse (SEA) and the process to follow for protection from sexual exploitation and abuse (PSEA).

Policy Scope

Magate Wildhorse Ltd., Toronto, Canada and Magate Wildhorse Inc., New York (USA) herein after referred to as Magate Wildhorse Consulting and all its associated brands, Board Directors, Core Team of Associates, Service Delivery Partners, Volunteers, and Affiliate Service Providers are expected to uphold the highest standards of personal and professional conduct and integrity, within their personal lives, and within their involvement with Magate Wildhorse Consulting at all times and in so doing protect vulnerable persons from sexual exploitation and abuse (SEA). Magate Wildhorse Consulting has a zero-tolerance policy for SEA. Magate Wildhorse™ implements efficient policies, procedures and systems to prevent and respond to SEA.

All employees, directors, volunteers, associates and service delivery partners are governed by and subject to this policy and guidelines and recourse articulated here-in. The policy therefore applies to all Magate Wildhorse full and part-time employees, board members, contractors, volunteers, interns, consultants, partnering associates, associates as well as service providers and affiliated with Magate Wildhorse sponsors activities of The Community of Practice for Caribbean Immigrant Entrepreneurs and The BIDE M Conference and Trade Show.

Partner Organizations

All our partners are responsible for developing, implementing, and adhering to their own PSEA policies and their policies will be consistent with the scope of this policy. In the absence of their own PSEA Policy, this policy must be incorporated into the contract and accepted by the partner.

Standards of Conduct:

It is the policy of Magate Wildhorse Consulting that all employees are responsible for ensuring a workplace, social and meeting spaces, virtual and in-field workspaces free from sexual exploitation and abuse.

- Sexual exploitation includes any actual or attempted abuse of a position or vulnerability; differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation or another.

- Sexual abuse refers to an actual, implied, or threatened physical intrusion of a sexual nature, whether by force (duress or pressure) or under unequal or coercive conditions.
- Sexual Harassment: Any and all forms of unwanted sexual advance, request for sexual favor, verbal, or physical conduct of a sexual nature

In addition to the above definitions, inappropriate behavior, including sexual joking, lewd comments, and possession or accessing or sharing on the internet of sexually explicit images and any conduct that suggest, demonstrate practice or belief, imply or infer that members of one gender are "sex objects" are prohibited in workplace, Magate Wildhorse virtual work and meeting spaces, field research space or other place of work.

Core Principles

Magate Wildhorse Ltd., and Magate Wildhorse Inc., (Magate Wildhorse Consulting) abides by the UN Office for The Coordination of Humanitarian Affairs (OCHA), [Inter-Agency Standing Committee \(IASC\)'s six core principles on Sexual Exploitation and Abuse](#) (September 2019):

1. "Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid and development work.
5. Where a humanitarian worker or development practitioner develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers and development practitioners are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment."

To prevent and mitigate the risk of SEA, Magate Wildhorse and its leadership commits to the following;

For international development initiatives (and in particular interventions aimed at vulnerable groups, women, men, children the disabled and others included) we conduct a robust recruitment screening, vetting and referencing process for all personnel, particularly by emphasizing clauses on PSEA throughout the employment, volunteered or paid contracting cycle. This will include job advertisements, job descriptions, performance contracts, written and verbal interview questions, and by carrying out thorough employer and professional references, background, and police checks.

In addition, we will ensure all new and existing employees, volunteers, contractors, and service delivery partners sign Magate Wildhorse Declaration Statement which is part of Magate Wildhorse PSEA Policy.

The acceptance of the PSEA Policy by signature of this declaration form is a condition for undertaking any service delivery relation with Magate Wildhorse (and is mandatory for virtual and in field engagements).

We will ensure there is clear and concise policies on SEA and sexual violence in the workplace and virtual workspaces written in languages that can be understood by everyone in the organization, implementing partners, and the public. Such policies will clearly indicate the parties and actors to whom (Who) it applies to and consequences of violation.

Reporting and Complaints Mechanisms

Magate Wildhorse commits to:

Develop and maintain a diverse, gender sensitive, confidential and culturally appropriate complaint and reporting mechanism for cases of SEA from the field and within Magate Wildhorse for different audiences.

All grievances are treated with utmost confidentiality. We will ensure that procedures and mechanisms are in place that encourage people (victims and or witnesses) to report concerns without fear of reprisals or victimization at the organizational and community level or both .

This would include:

- a. Any Magate Wildhorse employee or volunteer who may have suffered sexual exploitation or abuse at work (in a physical or virtual work or recreation space) by anyone, including Board Directors, supervisors, co-workers or visitors should first clearly inform the harasser that his/her behavior is offensive or unwelcome and request that the behavior stop that the harasser stop immediately.
- b. Should the offender persist in the behavior, the employee, volunteer, consultant, or contractor must immediately report the matter to the attention of his / her supervisor, project manager or the principal consultant at Magate Wildhorse.
- c. If the Board Chair or Lead Consultant or a Project Manager is involved in the matter, it should be reported to an assigned Board Member, who will take the matter further for appropriate investigation and necessary remedial action immediately.
- d. If the alleged behavior involves any types of threats of physical harm to the complainant, the alleged may be suspended with pay. During such suspension, an investigation will be conducted by Magate Wildhorse. If the investigation supports charges of sexual exploitation or abuse, disciplinary action against the alleged will take place and may include termination and or involvement with local or national authorities responsible for conducting investigation of SEA allegations (See Annex II: Magate Wildhorse SEA Reporting Template).
- e. Should the investigation reveal that the charges were brought falsely and with malicious intent, the party alleging the charges may be subject to disciplinary action, including termination.

Empowered to protect

We will ensure that all directors, volunteers, staff, associates, contractors and partners know where and how to report cases of SEA and the support available to them in our local and international markets and interventions by posting Code of Conduct Policy (SEA) on the Magate Wildhorse web site.

ANNEX I : Magate Wildhorse Code of Conduct: Protection from Sexual Exploitation and Abuse Policy

Statement to be signed by all Magate Wildhorse Directors, Staff, Volunteers, Associates, Affiliate Service Providers

I _____ (insert full name) confirm that I have read and understood

Magate Wildhorse's Protection against Sexual Exploitation and Abuse (PSEA) Code of Conduct and agree that in the course of my work and/or association with Magate Wildhorse, its brands, partners and client beneficiaries will comply with the PSEA Policy as stated.

I understand that a breach of the PSEA Policy may provide grounds for disciplinary action, including grounds for termination of employment, volunteer agreement, inclusion on Board of Directors or service deliver contract. I also understand that a breach of the PSEA Policy, or applicable laws, could result in criminal prosecution, administrative penalties, or other legal proceedings. To the extent permitted by applicable laws, I agree to indemnify and hold harmless Magate Wildhorse Ltd., and or Magate Wildhorse Inc., (Magate Wildhorse Consulting) and its staff and directors, board members, volunteers, interns, consultants, contractors, any current or potential suppliers of any sort of goods, services, or works and all other people not included in the above-mentioned categories who have signed a contract with Magate Wildhorse from and against any claims, expenses, liabilities, damages, proceedings, actions or causes of action brought against them resulting or arising from my breach of the PSEA Policy, or applicable laws.

I understand that it is my responsibility, as a person engaged by Magate Wildhorse, to use common sense and avoid actions or behaviors that are abusive or exploitative and could be construed as such. I authorize Magate Wildhorse to undertake any necessary inquiries, including criminal record checks and reference checks, as part of my appointment or recruitment process [applicable to individuals who may engage in field work in host, home or other developing countries or via Internet technology].

Position: _____

Name: _____

Signature: _____

Date: _____

ANNEX II: Magate Wildhorse Sexual Exploration & Abuse (SEA) Reporting Template

Magate Wildhorse Ltd., and Magate Wildhorse Inc., (Magate Wildhorse Consulting) commits to supporting collective efforts to mitigate the risk of and respond to sexual exploitation and abuse (SEA) cases in our virtual work spaces, development and humanitarian projects globally.

To ensure transparency and accountability, Magate Wildhorse commits to report criminal cases to the local authorities for further investigation and prosecution.

What is considered sexual exploitation or sexual abuse:

Sexual Exploitation: 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.

Sexual Abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions and or including exposure to unsolicited and undesired exposure to pornography.

Sexual Harassment: Any unwanted sexual advance, request for sexual favour, verbal or physical conduct of a sexual nature.

Name: _____

Date of Incident: _____ Time: ☐ Day ☐ Afternoon ☐ Night

Address: _____ City / Town: _____

Postal Code: _____ Province or County _____

Phone Number: _____ WhatsApp : _____

Email address: _____ Skype: _____

Type of Incident: ☐ Sexual Abuse: ☐ Sexual Exploitation: ☐ Sexual Harassment

Summary of Incident:

Location of Incident (where it occurred including in virtual platform):

Measures taken:

This documented was completed by:

Name: _____

Position: _____

Phone: _____

Email Address: _____

Signature: _____ Date: _____

Note:

All complaints lodged are duly investigated and adequate measures will be taken. If you are the complainant, it is required and necessary that we interview you, the alleged harasser (s), and any witnesses with knowledge of the allegations or defences. Magate Wildhorse Ltd., and Magate Wildhorse Inc., (Magate Wildhorse Consulting) will notify all persons involved in the investigation that it is confidential and that unauthorized disclosures of information concerning the investigation could result in disciplinary action, up to and including termination of volunteer and employment contract, affiliate and contract service delivery and partners agreement as well as Magate Wildhorse sponsored programmes, brand and incorporated brand initiatives (for-profit or non-profit).

Magate Wildhorse has a zero-tolerance policy for sexual exploitation and abuse and is committed to treating all complaints with utmost confidentiality.