

POLICY ON THE PREVENTION AND PROTECTION FROM SEXUAL EXPLOITATION, SEXUAL ABUSE, AND SEXUAL HARASSMENT

With the desire to build a sustainable future, VNCPC strives to become the leading organization in Viet Nam and the region to provide both scientific and technological services in industry, agriculture and services on RECP, as well as climate change adaptation.

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VNCPC is a regular member of the Global Network for Resource Efficient and Cleaner Production (RECPnet) which has been jointly established by UNIDO and UNEP.



VNCPC is a member of Bach khoa Ha Noi Technology Investment and Development One Member Company Limited (BK-Holdings - Hanoi University of Science and Technology).

1. INTRODUCTION

- In line with the principle “Partnerships for Sustainable Development” as a not-for-profit organization, VNCPC is committed to providing a safe environment for its staff, representatives, and those participating in its activities. VNCPC has zero tolerance for all forms of Sexual Exploitation, Sexual Abuse, and Sexual Harassment (SEAH). SEAH is based on unequal relations and power dynamics resulting in a culture of discrimination and privilege. It creates hostile interpersonal relationships and work-related environments, which limit the ability of affected persons to thrive and VNCPC to achieve its mission.
- VNCPC recognises the imperative to prevent and respond effectively to SEAH and to protect persons, especially persons in vulnerable positions and situations, and survivors of SEAH in all related activities. These protections are essential to strengthen integrity and accountability throughout VNCPC.

The protection from SEAH requires proactive identification and measures taken against all potential risk of harm. It also requires the establishment of accountable and transparent systems for reporting and response should breaches of this policy occur. Safeguarding should be at the heart of these systems, while at the same time protecting the rights of those accused.

- The Policy on the Prevention and Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment (the Policy) establishes VNCPC’s zero tolerance of SEAH. It sets clear obligations for VNCPC Covered Individuals to prevent and respond to SEAH and to refrain from condoning, encouraging, participating in, or engaging in SEAH.
- All VNCPC staff and representatives, regardless of their gender, position or status in the organisation, have a responsibility to prevent SEAH, to discourage and report unacceptable behaviour and to comply with the law and this policy.

2. PREVENTION

To ensure the safeguarding of children and minors, VNCP staff and representatives MUST NOT:

- Engage in sexual activity with anyone under the age of 18 regardless of the age of majority and legal consent in a country. Mistaken belief in the age of a child or minor is not an adequate or acceptable defence.
- Sexually exploit or abuse children or minors or behave towards a child in a way that is offensive, abusive, sexually provocative, demeaning or culturally inappropriate.
- Use inappropriate language or behaviour when dealing with children or minors.
- Recruit or employ anyone below national legislated minimum working age.
- Use children's pictures and information in a way that could put them at risk or publish pictures of children without the written consent of their parents or guardians or take pictures of undressed children.

To ensure the safeguarding of adults at risk, VNCP staff and representatives MUST NOT:

- Infringe the dignity of an individual by their comments or behaviour or sexually abuse or exploit any adults.
- Engage in any form of forced or unwanted sexual activity.
- Take advantage of an imbalance of power to manipulate or coerce another person to engage in sexual activity for the financial, sexual or political benefit of the abuser, including sexual exploitation taking place in person, online or a combination of both.
- Engage in transactional sex, that is, exchange of money, goods or services for sex, when on duty or linked to any activity of the VNCP even in countries where prostitution is legal.
- Engage in any sexual relationships with programme beneficiaries who belong to groups at risk as such a relationship is inherently based on unequal power dynamics.

3. REPORTING

- Anyone who has experienced, or witnessed, sexual harassment, power abuse or bullying VNCPC staff or representative should report any such instance to the organisation. VNCPC is committed to making sure that all cases are appropriately considered and responded to, and to protect whistle-blowers.
- If anyone suspects or hears of an incident regarding a child or minor, it is mandatory to report the incident.
- Sexual harassment at the workplace is illegal in Vietnam and can constitute a criminal offence. Any person who has experienced violence, assault or stalking is encouraged to also report those to the police. VNCPC will collaborate with the police in any such instance.
- Every allegation of harassment, bullying or discrimination will be immediately, and thoroughly and impartially investigated and addressed, led or managed by the Administration Board (unless they are the subject of the complaint).
- The person(s) that reportedly suffered from an incident must consent to further investigation of the matter unless it might be a criminal act. If the person does not consent to investigation of the matter, VNCPC is still obliged to do some minimum investigation if possible.
- The Administration Board may include other staff members or members of the VNCPC's Director in the process and will ensure confidentiality for all parties concerned, both at the time of reporting and while the complaint is being investigated.
- VNCPC commits to ensuring that no staff member will be victimised or subjected to sanctions for making a complaint in good faith. It is also committed to ensuring that those involved in the investigation will make no premature assumptions about the guilt or innocence of the alleged harasser.

3. REPORTING

Any affected staff member has two avenues for complaints: non-formal, i.e., reporting internally, or a formal complaint to the Police (an external Prevention Service available to all workers and employees in Vietnam):

Non-formal complaint (internal reporting):

- Staff should report an incident at the first instance with their line-manager or to the Administration Board if the affected staff member feels more comfortable doing so.
- Situations of sexual harassment or any situation that may constitute a criminal offense must be brought to the attention of the Director (if the affected staff member has given their consent to do so).

Formal complaint:

- Staff members are also encouraged to lodge a formal complaint to the Police. Staff can apply the formal complaint through the Police where they prefer not to address the situation with their Administration board or Director, where there is a lack of trust or if any of these people are involved themselves.

4. ACCOUNTABILITY

- Depending on the outcome of the impartial investigations, VNCPC will take appropriate disciplinary action or other measures. The victim or survivor of SEAH will be informed about the measures taken.
- Disciplinary measures for a VNCPC staff member or representative could include one or more of the following, depending on the severity of the situation: a written warning, the request for an apology to the victim, training, probation or termination of the contract.



4. ACCOUNTABILITY

- If found to be a serious abuse, the matter will be reported to the police or other statutory authorities for criminal investigation unless to do so would cause the survivor further harm.
- Where staff members or VNCPC representatives have experienced alleged sexual misconduct of a person outside VNCPC (for instance, during a conference or work-related trip), measures may include a written complaint to the alleged perpetrator's organisation or the organiser of an event. The exclusion from events or the termination of collaboration may also be adequate responses to prevent a repetition.
- If VNCPC is made aware of allegations of sexual harassment, power abuse, bullying or the lack of safeguards for vulnerable groups in one of its member organisations or with a project partners, it will ask for clarification of the situation. It may suspend membership until the member carried out an investigation and takes appropriate steps. If the member or partner organisation is unwilling or unable to address the situation appropriately or there is 8 proof of misconduct, VNCPC may terminate its collaboration, (e.g., joint activities or projects) and initiate the expulsion from the network (in line with its statutes).
- VNCPC will take action against any staff member or representative who seeks to or carries out any retaliatory action against complainants, whistle-blowers, survivors, witnesses or those who are handling a complaint, including against the person who is the subject of a complaint. Staff who are found to have done so will be subject to disciplinary action, up to and including termination of employment. If a VNCPC staff member is found to have made an allegation that they knew to be false, they will be subject to disciplinary action, up to and including termination of employment.
- Support will be offered to survivors of abuse such as offering help to seek specialist psychosocial counselling or other appropriate support. Survivors of abuse can choose if they would like to take up the support options available to them.





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