

SEXUAL MISCONDUCT IN THE WORKPLACE POLICY

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Responsible Team	Ethics and Compliance Department		
Version	2		
Supersedes	Version 1.2		
Policy Type	Tier 1	Policy Number	POL-1043

POLICY

1. Purpose

- 1.1. Mercy Corps is committed to a working environment where everyone is treated with respect and dignity. We strive to promote an inclusive and equitable workplace and to ensure the physical and psychological safety of our teams and everyone with whom we work. We expect that working relationships are based on mutual respect, are professional, and free from abuse of power. We will not tolerate sexual harassment or assault by or of team members anywhere in the world. This Policy sets out Mercy Corps' prohibitions against sexual misconduct including sexual harassment, sexual assault and inappropriate workplace relationships.

2. Scope and Application

- 2.1. This Policy applies to: Mercy Corps Global, Mercy Corps Europe and Mercy Corps Netherlands, their subsidiaries and affiliate organizations, including all country and regional offices (collectively "Mercy Corps"); Members of Mercy Corps' Boards of Directors, officers, management, team members, seconded employees, interns, daily workers and volunteers (collectively "Team Members"); Sub-recipients, partner organizations, contractors, outside experts, consultants, agents, representatives, and any other organization or individual that acts on Mercy Corps' behalf or at Mercy Corps' direction (collectively "Partners"); and visitors to any Mercy Corps facilities, which includes but is not limited to photographers, filmmakers, journalists, researchers, private donors and prospective donors, and anyone else hosted by Mercy Corps or visiting Mercy Corps' implemented or financially supported programs ("Visitors"). Mercy Corps also expects that its donors and their representatives will abide by this Policy, when engaging with Mercy Corps Team Members.

3. Policy Statements

- 3.1. **Prohibited Conduct**
 - 3.1.1. Mercy Corps prohibits any Team Member, Partner or Visitor engaging in sexual activity at work, sexual harassment, sexual assault, or undisclosed inappropriate sexual relationships, with those terms defined as follows (and hereinafter referred to as "**sexual misconduct**").

- 3.1.2. **"Sexual harassment"** includes, but is not limited to, unwelcome romantic or sexual advances, requests for sexual favors and other verbal or physical conduct of a romantic or sexual nature, where one of the following applies:
- a. **Quid Pro Quo:** where submission to such unwelcome conduct is made either explicitly or implicitly a condition of an individual's employment/assignment or reaction to such conduct by an individual is used as the basis for employment/assignment decisions affecting such individual; or
 - b. **Working Environment:** where such conduct has the purpose or effect of interfering with an individual's work performance, violating or infringing on their dignity, or creating an intimidating, degrading, hostile or offensive work environment.
- 3.1.3. Specific examples of conduct constituting sexual harassment include, but are not limited to:
- a. Repeated unwelcome physical conduct, such as touching non-intimate body parts, massaging, blocking or impeding normal movement, staring or leering;
 - c. Making or displaying sexual drawings or photos; demonstrating sexually suggestive gestures; giving or displaying sexually suggestive objects;
 - d. Repeated unwelcome verbal conduct such as requests for dates or comments of a sexual or romantic nature about a person (does not have to be the person to whom the comments are directed towards), including comments about bodies, clothing, relationships or sexuality;
 - e. Repeated unwelcome comments and statements of a sexual nature, such as slurs, jokes, insults, cursing language;
 - f. Conduct falling into the above categories, which is not repeated in nature but sufficiently serious to amount to sexual harassment;
 - g. Any form of a sexual proposition, where something of value is suggested in exchange for sex, sexual acts or dates;
 - h. Romantic or sexual overtures to one's direct reports;
 - i. Pressure for dates, sexual acts, or sex in exchange for promotions, salary increases, keeping one's job, or other job-related benefits;
 - h. Intentionally exposing one's intimate parts to others; and
 - j. Stalking, which constitutes a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel uncomfortable or fearful. Examples include, but are not limited to: Making threats against someone, or that person's family or friends; non-consensual communication, such as repeated phone calls, emails, text messages, social media communications, or unwanted gifts; repeated physical or visual closeness, like waiting for someone to arrive at certain locations, following someone, or watching someone from a distance; any other behavior used to contact, harass, track, or threaten someone.

- 3.1.4. Sexual harassment can occur anywhere two or more team members are present, including at work, at work events, at social events outside of work and in the community.
 - 3.1.5. Sexual harassment can occur in-person, or by phone, email, through social media or other electronic communication.
 - 3.1.6. Mercy Corps' [Discrimination, Harassment, & Bullying Policy](#) addresses conduct, including comments, language or actions that are discriminatory or offensive but that may not meet the definition of sexual harassment.
 - 3.1.7. "**Sexual assault**" is actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:
 - a. The intentional touching of another person's intimate parts without that person's consent;
 - b. Other intentional sexual contact with another person without that person's consent; and
 - c. Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the oral penetration by a sex organ of another person, without that person's consent.
 - 3.1.8. Persons incapacitated, unconscious or otherwise non-responsive may not provide consent. Lack of resistance does not indicate consent.
 - 3.1.9. Mercy Corps does not tolerate any sexual misconduct against its Team Members, Visitors, or Partners by any non-Team Members, be they Visitors or donors, contractors, local government officials, partner organizations local and international, Program Participants or other persons.
- 3.2. **Use of Mercy Corps Resources for Sexual Content or Activities**
- 3.2.1. Mercy Corps prohibits use of Mercy Corps' offices, vehicles, and work equipment, including computers, cell phones, office walls, communications channels such as Teams, and internet access for any sexual activity or for the purposes of viewing, recording, displaying, or disseminating material that is sexual in nature.
- 3.3. **Relationships in the Workplace**
- 3.3.1. Romantic relationships in the workplace must be entirely welcome, voluntary and consensual, without any form of coercion, exploitation or abuse of power, and must not impact professional duties or the working environment. Potential conflicts of interest arising from such relationships must be reported in accordance with the Conflict of Interest Policy.
 - 3.3.2. Because of the inherent power differential between persons in a supervisory, senior, or leadership position and those in more junior roles, romantic or sexual advances by someone in a senior role to any person in a more junior position may be problematic. Managers and supervisors are prohibited from making romantic or sexual advances toward direct reports.

- 3.3.3. When a romantic relationship involves a Team Member in a senior role and a more junior Team Member, the more senior Team Member should report the romantic relationship to the Human Resources department responsible for their employment.
- 3.3.4. It will almost never be appropriate for a Team Member to directly supervise a person with whom they have a romantic or sexual relationship. Such relationships must be declared pursuant to the [Conflict of Interest Policy](#). (This does not impact the prohibition on making sexual overtures to direct reports).
- 3.3.5. Interns, as junior Team Members generally seeking to find long term employment with Mercy Corps or in the sector, are potentially vulnerable to sexual harassment. Sexual advances or comments by Team Members directed towards interns are not permitted.

3.4. Reporting and Disciplinary Action

- 3.4.1. Team Members and Partners must immediately report violations or suspected violations of this Policy. Mercy Corps will review all such reports and respond in accordance with the Speak Out! Policy. Mercy Corps will not tolerate any form of retaliation against Team Members and Partners who report suspected violations of this Policy in good faith. (see Mercy Corps' [Speak Out! Policy](#) for details on how to report).
- 3.4.2. Consistent with our survivor-centered approach and recognizing the impact of trauma, Survivors of sexual misconduct incidents will never be penalized for choosing not to report personally experienced violations of this Policy. If a Team Member or Partner is reporting an incident experienced by a Survivor other than themselves, they should honor any wish by a Survivor to remain anonymous.
- 3.4.3. Mercy Corps provides multiple avenues for submitting reports of sexual misconduct. Anonymous reporting options are available. Mercy Corps ensures that all reports of sexual misconduct are reviewed by trained professional investigators, following a survivor-centered approach, reported to donors in accordance with donor requirements, and reported to law enforcement where circumstances warrant.
- 3.4.4. Team Members who violate this Policy will be subject to disciplinary action, up to and including termination of employment, and may be ineligible for rehire. The existence of substantiated or ongoing sexual misconduct investigations and ineligibility for rehire will be shared with prospective employers, including through the Interagency Misconduct Disclosure Scheme. Team Members who violate this Policy may also be subject to criminal prosecution. Partners who violate this Policy and fail to take remedial action are in breach of contractual agreements and may have their agreements terminated and/or be prohibited from working with Mercy Corps in the future and may be subject to criminal prosecution for any criminal conduct.
- 3.4.5. Mercy Corps will suspend any individual who is the subject of allegations of rape or serious sexual assault while Mercy Corps and/or law enforcement investigate the matter. All substantiated violations of rape or serious sexual assault will result in termination and ineligibility for rehire or future receipt of contracts, grants, or other resources from Mercy Corps.
- 3.4.6. For sexual harassment, Mercy Corps will assess the nature of the alleged conduct, the risk of continued conduct, and the well-being of any Survivors when deciding how to mitigate the risk of continued conduct or harm while an investigation is pending. Mercy Corps will suspend the Subject while the investigation is ongoing if the risks of continued conduct or harm cannot be adequately mitigated and to do so does not put a Survivor at risk.

3.4.7. Mercy Corps will not require its Team Members, Partners or Visitors to sign or comply with internal confidentiality agreements or statements that prohibit or otherwise restrict Team Members, Partners, or Visitors from lawfully reporting violations to a designated investigative or law enforcement representative of a department or agency authorized to receive such information.

3.5. **Support for Survivors and a Survivor-Centered Response**

3.5.1. In accordance with the [Safeguarding Core Standards Policy](#), Mercy Corps will ensure a survivor centered response to all incidents and offer to provide (and provide if they chose) Survivors of sexual harassment or assault with support services and will assist them with reporting incidents to the proper authorities should they chose to do so.

4. Related Policies

- [Code of Ethics](#)
- [Prevention of Sexual Exploitation, Abuse and Harassment of Program Participants and Community Members Policy](#)
- [Discrimination, Harassment and Bullying Policy](#)
- [Conflict of Interest Policy](#)
- [Speak Out! Policy](#)
- [Safeguarding Core Standards Policy](#)

5. Processes and Procedures Required to Ensure Compliance

5.1. Mercy Corps must ensure compliance with this Policy through appropriate processes and procedures including:

5.1.1. All potential new Team Members must undergo screening designed to ensure that they have not previously engaged in sexual misconduct;

5.1.2. All Team Members must be informed and trained on this Policy via regular Code of Ethics training and all Team Members must certify that they have understood this Policy and agree to abide by it;

5.1.3. Consultants, experts, contractors, agents, donor and government representatives, Partners and Visitors (including journalists and researchers) must be informed of the requirements under this Policy;

5.1.4. All Mercy Corps offices must display awareness posters on this Policy, including all available reporting mechanisms, translated into the primary language of the office and in conspicuous locations where all Team Members and Visitors will see them;

5.1.5. Security plans and measures must take into account the risk of sexual misconduct by and against Team Members and Visitors and put into place reasonable mitigation measures to fit the circumstances;

5.1.6. In accordance with the Safeguarding Core Standards Policy, each country office must have at least one trained and designated safeguarding focal point who acts as a local resource for team members or visitors who wish to report or discuss sexual misconduct; and

- 5.1.7. Focal points, supervisors, and senior leadership must receive appropriate training on how to identify and appropriately respond to potential sexual misconduct.

6. Roles and Responsibilities

- 6.1. **All Team Members are responsible for** complying with this Policy and completing related mandatory training. All Team Members are responsible for reporting any suspected violations of this Policy in accordance with Mercy Corps' Speak Out! Policy.
- 6.2. **The Ethics and Compliance Department is responsible for:**
 - 6.2.1. Maintaining this Policy;
 - 6.2.2. Communicating this Policy to team members and conducting annual mandatory training on this Policy;
 - 6.2.3. Ensuring that all allegations of violations of this Policy are addressed in accordance with this Policy and the Speak Out! Policy;
 - 6.2.4. Reporting to Mercy Corps' Joint Ethics and Safeguarding Committee regarding reporting statistics, trends, and serious cases;
 - 6.2.5. Creating and disseminating standards, guidance, tools and training materials to support prevention of sexual misconduct; and
 - 6.2.6. Supporting and training country safeguarding team members as required under the Safeguarding Core Standards Policy.
- 6.3. **The People Team is responsible for:**
 - 6.3.1. Ensuring that safe recruiting processes are in place and adhered to;
 - 6.3.2. Ensuring that all Team Members undergo Code of Ethics training at onboarding and annually thereafter and acknowledge their understanding of this Policy and willingness to abide by it;
 - 6.3.3. Ensuring appropriate, consistent and proportional disciplinary action for substantiated violations of this Policy; and
 - 6.3.4. Ensuring that Team Members declared ineligible for rehire are not rehired by Mercy Corps and that this status is included in responses to employment verification checks by other organizations, including via Misconduct Disclosure Scheme requests.
- 6.4. **Senior Management in all countries and areas where Mercy Corps operates is responsible for:**
 - 6.4.1. Creating and maintaining an environment and culture that fosters respect and inclusion and does not tolerate sexual harassment, exploitation, or assault;
 - 6.4.2. Overseeing the full implementation of this Policy and the Safeguarding Core Standards Policy in their area of operations, with the support of the Ethics and Compliance Department, which includes ensuring their Team Members are trained on this Policy;
 - 6.4.3. Ensuring that allegations of sexual misconduct are immediately and confidentially reported to the Ethics and Compliance Department;

- 6.4.4. Ensuring that Team Members, Partners or Visitors who report allegations or participate in investigations are not retaliated against; and
- 6.4.5. Implementing recommended corrective actions following sexual misconduct investigations and supporting a survivor-centered response at the direction of the Safeguarding Investigations Team.

6.5. **Relation to Local Laws**

- 6.5.1. Mercy Corps will comply with laws and regulations prohibiting misconduct, but where this Policy exceeds any legal requirements, Mercy Corps will adhere to the standards in this Policy to the extent allowed by applicable law. This Policy may be amended or adapted to comply with local laws only with the approval of Mercy Corps Ethics and Compliance Department and Legal Team.

7. Policy Governance

- 7.1. This version of the Policy was approved by the Mercy Corps Board of Directors on April 30, 2025. This Policy may only be amended or changed with the approval of the Board.

Responsible Team	Ethics and Compliance Department
Policy Owner	Senior Director, Safeguarding
Policy Approver	Mercy Corps Board of Directors
Executive Sponsor	Chief Ethics and Compliance Officer
Last Reviewed	April 2025
Next Review Date	April 2027