

Dealing with critical incidents and sexual abuse in the workplace

A guide for NGOs

Cigna Foundation, Cigna NGO Health Benefits

Foreword

Cigna and the Cigna Foundation are deeply committed to non-governmental organisations and the third sector. We have been providing health and wellness programs and services to NGOs around the world for more than 60 years. We're inspired by the work they do – and humbled by the opportunity we have to support the sector.

The very public discussion in recent months about the behaviours of a small minority of individuals in the sector has been painful. Now we must learn from these disclosures, working together to re-establish public trust in NGOs and, above all, to ensure the highest level of protection for NGO staff members and the communities they serve.

The truth is that these are difficult and long-standing issues that NGOs have been discussing and working to resolve for many years. Well before the scandals hit the headlines, many NGOs were striving to improve and enhance their protection and response processes. The sector has made great progress – but must now redouble its efforts.

In this context, Cigna is proud to sponsor and facilitate a series of workshops dealing with critical incidents and sexual abuse in the NGO sector. This white paper provides insights on the learnings and experiences that so many NGOs shared at our most recent workshop in London, and we look forward to further collaboration and knowledge-sharing opportunities in the month ahead.

Health and wellbeing are at the heart of Cigna's mission. Working together with NGOs to establish best practices that exploit both traditional duty of care principles and new technologies, we believe we can help the sector move forward.

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Introduction

The international furore over cases of sexual exploitation and abuse within the sector has shone a very public light on what many NGOs concede has been a longstanding problem. While the actions of the staff of a charity engaged in humanitarian work may have shocked the world, it is just one part of a broader issue that NGOs understand they must address, and many are taking steps to do exactly that. The predatory behaviours of a small minority have included sexual violence towards, and harassment of, both beneficiaries and fellow aid workers.

Many NGOs have taken great strides in dealing with this issue in recent years. Their skills and experience can now be invaluable in helping the whole sector understand and implement best practice. Doing so must be an urgent priority. Not because the media is now paying attention – though any additional revelations may further damage the sector's credibility and its ability to raise funds. Rather, the imperative to act is rooted in the duty of care that all organisations have towards their staff; above all, their duty of care to keep them safe.

The scale of the problem may be much more significant than is realised. Research¹ conducted by the Report the Abuse NGO, published in 2017, found 87% of NGO workers knew a colleague who had experienced sexual violence or harassment in the course of their humanitarian work. The attacks came both from colleagues in the aid sector – sometimes from the same organisation – and individuals in the local population.

It is also clear that not only are many NGOs struggling to prevent these incidents, they are also finding it difficult to respond in an adequate manner. Amongst those aid workers who reported the abuse to their employers, just 17% were happy about how it was handled.

This paper aims to help NGOs think more deeply about how they plan for critical incidents and sexual abuse going forward, both in a preventive context and as they seek to support their staff following an incident. It builds on the knowledge and experience shared at a one-day workshop held in London in April 2018, sponsored by the Cigna Foundation and hosted by Cigna NGO Health Benefits. The solutions-based workshop heard from NGOs and advisers to the sector, who shared best practices for exercising their duty of care in this context. The workshop focused on four key areas:

¹ <http://reporttheabuse.org/two-years-of-data-collection/>

- the prevention of critical incidents and sexual abuse;
- responding to incidents;
- the role of safer recruitment;
- supporting whistleblowers.

Legal Duty of Care

Employers' legal duty of care is their legal obligation to protect their employees from harm or injury in the workplace. The detail and standards of this legal obligation varies internationally, but is often expressed through health and safety legislation, as well as equality and anti-discrimination regulations or laws. However, all organisations must understand the risks faced by their staff, consider how they mitigate these risks and share their conclusions throughout the workforce.

For aid workers, often working in dangerous locations, the abiding principle must be informed consent. Employees must have as much information as possible about their environment, the risks they face and how to mitigate these (including what the organisation can do to help). Nevertheless, the bottom line duty of care responsibility of employers remains paramount.

1. Preventing critical incidents and sexual abuse

Prevention must be the first priority of NGOs: they must address the best way to limit the possibility of an incident occurring in the first place. One helpful way to begin to answer that question is to consider the example of the construction sector; it has reduced the number of accidents in workplaces by reducing the number of workplaces where there are unsafe practices and conditions.

From an NGO perspective, unsafe conditions are those that give abusers freedom to act. The proportion of incidents that are reported is low and the consequences for offenders are often minimal (these two problems are inherently connected). By tackling those problems, NGOs will move towards safer workplaces, where anyone considering behaving inappropriately or illegally can expect to be reported and dealt with accordingly.

This may not be straightforward. Low reporting rates and the lack of consequences for offenders reflect the power imbalances that so often characterise abuse in the workplace. Survivors of critical incidents or abuse may feel unable to seek justice, for fear of not being taken seriously, career impediment, or even reprisals.

Nevertheless, NGOs can begin to tackle these imbalances if they recognise that prevention begins with their most senior leaders and decision makers. Critical incident and sexual abuse policies are useful – and every organisation should have one. However, they do not change anything if not embraced and enforced by senior leaders.

NGOs will need to develop their policies with input from a diversity of voices. Collectively, they should draw the lines in the sand that senior leaders can articulate and enforce in practice, and this should include the following:

- Preparation and training – aim to embed your policies throughout the organisation with regular training, including at the onboarding stage. All staff should know what constitutes unacceptable behaviour, even allowing for the undoubted cultural differences in different geographies. Ground the training with practical examples rather than theoretical discussion, particularly around the issue of intent.
- Process – make sure all staff members understand the process for making complaints, from the moment of reporting through to what the consequences could, and will, be. These processes need to build in mechanisms for reporting back to survivors on how investigations are progressing and what the end result has been.
- Flexibility – look at providing alternative structures for people who are uncomfortable making a formal complaint. Do they have access to a helpline, for example? Also ensure the reporting process provides a means for people to make complaints about their manager.
- Accountability – build systems to ensure senior leaders are kept well informed about ongoing cases, so they have a clear picture of the problems the organisation is facing. This may help them engage to prevent further incidents.
- Support – make sure staff understand that good support will be available should they decide to make a complaint. Support should also be offered to witnesses – and to those accused of an offence.
- Response – make sure those in the field understand how to respond to complaints, both to ensure survivors get the best possible help and also to encourage others to feel comfortable coming forward.

- Inclusivity – while women are more likely to be victims of a critical incident or sexual abuse, it can also happen to men. Make sure this is not perceived as a women's issue.
- Audit and Inspection – Develop appropriate procedures to actively identify areas of potential weakness in the operation and management systems.

A genuine focus on these concepts throughout the organisation has the power to radically change its culture – above all, by addressing the unsafe conditions in which employees are often expected to work. The responsibility of NGO leaders is to spotlight unacceptable behaviour rather than ignore it. They must make it clear that such behaviours do not align with the values of the organisation and that they will not be tolerated, whoever the offender may be.

2. Responding to critical incidents

Inevitably, prevention will sometimes fail. NGOs therefore need to have clear response plans in place to deal with incidents quickly and effectively on the ground as they occur. Getting help to survivors immediately is crucial, both for the sake of the individual and as the foundation for future investigations.

The response plan needs a chain of command and a team approach in which everyone involved knows their respective responsibilities in advance. Local teams will need global support. Above all, everyone involved should be able to work within an agreed framework that enables them to take the right actions – and potentially to overcome what may be an understandably human response to a difficult situation.

Such frameworks may work best when based on different time objectives and questions that must be addressed. For example:

- Immediately after an incident – is the survivor safe, are they getting medical support, do they have access to support, by phone or face-to-face, for example. Is evidence being preserved, has senior management been informed?
- In the first 24 hours following discovery of the event – is medical care continuing, does the survivor need to be relocated to a safe place, do they need support with reporting the incident, is evidence being preserved even if they do not yet know

whether they want to make a report, how is broader support being delivered and what does the survivor want?

- In the next one to three days and beyond – is medical and psychological support being offered, is the survivor receiving appropriate assistance with any ongoing legal process, is relocation being offered? What lessons can the organisation learn from a review of the incident?

To be effective, however, the framework will need to be applied by people with the necessary resources at their disposal and the knowledge to use them effectively.

In a medical context, responders need access to equipment such as post exposure preventive (PEP) treatment kits and pregnancy testing kits, as well as training in how to use these tools. They need to have access to on-the-ground medical facilities, and/or medical evacuation capabilities. They should know in advance what support their insurers will be able to provide.

Psychological support will also be crucial, albeit with an acceptance that there is no one-size-fits-all solution for help of this type. Information is the key – the aim should be to empower the survivor to make good decisions. Employee assistance programmes can provide useful support to staff and employers alike.

Above all, people want to be believed and heard, but the nature of the support they receive may vary enormously. Some people may want to be repatriated while others will regard this as a new trauma. Peer support can be highly valuable, though peers will need support, too. And help may need to be ongoing. NGOs should know if their insurers provide cover for post-traumatic stress disorder, potentially months or years after the incident (and possibly when the employee has left the organisation).

The response to an incident should be survivor-led, with the organisation focusing on the wishes of the employee who is being supported. However, it is important for NGOs to consider their wider duty of care, too. For instance, confidentiality concerns must be balanced against the need to protect other employees.

Finally, consider external communications where appropriate – in particular how to deal with the media in cases where this is necessary. The public often has higher expectations of the voluntary sector; rightly or wrongly this may lead to damaging coverage. And controlling the

story is not straightforward, particularly since information may come from many sources, including public reports, but also leaks and private briefings.

The key is to be as transparent and accessible as possible. Help journalists with research and verification so they get the story right, rather than holding back information, which can generate more negative coverage. Be honest about what happened but explain how problems are being resolved and processes being put in place to prevent future incidents. Set out what the organisation is doing right as well as wrong.

Case study: The VSO toolkit

VSO International developed a specialised toolkit to help its staff deal with instances of sexual assault on employees. “We felt people across the organisation needed a much clearer framework setting out how they should deal with these incidents,” explains Kathryn Gordon, Executive Director for People and Development at the NGO. “Wherever an incident might happen, we wanted people to have a clear understanding of the practices and processes they should follow in supporting the staff member affected, as well as absolute clarity about everyone’s roles and responsibilities.

VSO’s sexual assault toolkit is therefore divided into two parts. The first section of the kit provides context and guidance on preparing to deal with an incident before it has taken place. It considers, for example, the consequences of different types of incident in different places and provides checklists to ensure staff are prepared to respond to an incident – who an incident should be reported to, for example, and what the local medical and support facilities consist of. It also sets out the legal context.

Part two of the toolkit provides a practical guide to responding to an incident when it does take place, with clear guidelines on what support may need to be offered to the victim. The guidelines are broken down by time, to give staff clarity about what help to offer immediately, as well as how to follow up in the hours and days that follow to provide maximum support.

“It’s not possible to plan for all circumstances in all places,” says Gordon. “The crucial thing is to have a set of resources in place that enable the organisation to very quickly mobilise a response that is appropriate to the incident that has occurred – and above all to offer the best support to the victim as quickly as possible.”

3. Safer recruitment

Recruitment has been one common concern in several of the scandals that have engulfed the NGO sector over the past year. Employees accused of inappropriate behaviour in one organisation seem to have been able to move on to new roles in another organisation, sometimes in the same country, causing the cycle of misconduct to repeat itself.

Several difficult challenges have prevented NGOs tackling this problem. But while some of the problems may not be easy to address, it is clear that embedding acceptable behaviours and practices during recruitment in the sector would make a substantial difference.

Some elements of the recruitment process in the NGO sector are working well but have not yet been perfected. For example, many NGOs now have good systems and databases in place to maintain personnel records, including details of disciplinary processes that can be passed on to other potential employers. NGOs are generally making robust checks before employing new recruits – and while references give no guarantees, they can be a useful part of this process. Probation periods are also being used well by many organisations, offering an opportunity to supervise and reflect on recruits' performance and behaviours.

However, there are also matters that NGOs must be aware of and begin to confront if they are to move towards safer recruitment. For example, the system of background checking in the NGO sector is often difficult to apply. Candidates may have built their careers in a range of international locations with very different systems – checks with real rigour in one territory may be useless in another. Often, candidates will have a career record consisting of a string of short-term fixed contracts and periods of consultancy; investigating gaps in employment records may be difficult in such situations.

It is also the case that NGOs find it difficult to pass on concerns about staff that have not reached the end of a disciplinary process or been formally reported. They may even fear legal action for defamation, if they share information. In some cases, this fear has been accompanied by a feeling that once an employee has left the organisation, they are someone else's problem.

Resolving these concerns won't be easy, but greater collaboration between NGOs can begin to make a difference. Informal referencing may be useful in some circumstances, for example. And it would certainly be useful to move towards more standardised referencing based on a consensus about exactly what information should be shared within the sector.

Third-party organisations can also play a role, where groups such as Bond are already making a valuable contribution and could provide a means to develop ideas such as a central database of NGO workers and a database of concerns. More professional regulation may also be considered appropriate in the sector.

Finally, NGOs can embed better safeguarding practices through more rigorous selection processes, which may be a valuable method of identifying candidates about whom concerns might subsequently emerge. The adoption of thorough onboarding procedures would mean the recruitment process continuing beyond the moment of appointment.

It is also important to reflect on the subject of resourcing. While NGOs' resources may be stretched, particularly during periods of emergency response, poor workforce planning makes safer recruitment more challenging. People may be hired without attention to proper processes – and staff may find themselves in such stressful workplace environments that they behave in ways that are completely out of character.

Potential case study:

British Red Cross – Tarik on recruitment days and testing how candidates respond to stress?

4. Supporting complainants and whistleblowers

The idea of providing support for whistleblowers and complainants more generally is part of a broader cultural concept: NGOs need to build a culture for their organisations in which all employees feel able to call out and report poor behaviours. This will mean not only providing staff with a means to do so, but also ensuring they are actively supported.

Many organisations believe they have a culture that is strongly supportive of employees. Very often, however, their cultures depend on personal relationships; these may be effective in many circumstances, but not always. For example, how would a situation involving two colleagues with a previously close and positive working relationship be managed, should they enter a dispute?

Some elements of a supportive culture are set by tone. For example, is the language of the organisation appropriate and inclusive of all employees and stakeholders? Other aspects

may be more procedural. For example, do staff feel able to make a complaint and do they believe such complaints will be properly handled?

NGO leaders need to think in terms of both contexts. Their own language – and the views and values they express every single day – will set the tone for the rest of the organisation. Equally, their commitment to employees who are unhappy about an incident or someone's behaviour will be closely scrutinised. In the end, the proof is in the pudding. Are leaders able to tell a story that proves they accept the need for change and can they deliver it?

Systems and processes are important in ensuring these stories develop in the right way as well. For example, do NGOs have employee wellbeing strategies in place? Do they have clear procedures for staff who need to make a complaint, potentially in different languages? Do they provide a variety of options for employees who may be concerned about very different circumstances or have different levels of comfort in taking their cases forward?

The most successful NGOs are proactive as well as reactive in these areas. They seek feedback from their employees about their workplace experiences. They actively engage with staff to assess their confidence about filing reports. They monitor key performance indicators around workplace wellbeing. And they take appropriate action where necessary.

Some problems are harder to tackle than others. For example, NGOs will need to consider how to tackle anonymous complaints and accusations. It may be possible to respond by establishing what information is required to take an investigation forward. In other cases, NGOs may have to decide whether to investigate without any additional information.

Leveraging third party support can also be helpful in this area. Specialist agencies and advisers provide a range of services to employers that need help with managing complaints and whistleblowers.

New tools and technologies will also have a role to play. An independent whistle blowing service, perhaps funded by a group of NGOs, could be a valuable resource. New mobile apps might offer a way to connect whistleblowers with one another to provide support.

Above all, it is crucial that all employees know what help is available when they make a complaint or blow the whistle – from their peers, from the NGO itself and from third-party agencies. The more accessible and available the help, the more employees will feel safe and assured when required to use it.

Conclusion

This paper does not pretend to have all the answers to the problems facing NGOs as they seek to manage their duty of care – this is a work in progress. Nevertheless, it provides an opportunity for NGOs – and other organisations, since these problems are not confined to the NGO sector – to reflect on the lessons learned by their colleagues, and the policies and processes they are now pursuing.

We need a holistic response to this issue. The priority must be to prevent critical incidents in the first place – including improvements to recruitment processes – but we must also recognise that sometimes this will not be possible. In which case, it is imperative to respond to incidents quickly and effectively, providing complete support to all those affected.

NGOs understand these principles. They are committed to change and working towards best practice. Their motivations for doing so do not lie in anxiety about negative media attention, but in protecting their staff, volunteers and the communities in which they operate. This will always be their fundamental priority.

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