

Annexe 1

Terminology for the Concern Code of Conduct and its associated policies

April 2021

Clear definitions of the terms that we use in relation to safeguarding are essential in allowing us to ensure the proper reporting of, and responses to, instances of abuse or exploitation, and in ensuring that all such reports are handled in an appropriate and consistent manner. Clarifying the definitions of prohibited behaviour with staff and other programme participants should be included in workshops and inductions around the Concern Code of Conduct and its associated policies.

This document provides Concern's definitions of the terminology used in the Concern Code of Conduct and its associated policies, but staff are also bound by the laws of the countries in which they work.

Abuse

Abuse is the wrong or improper use or treatment of something or someone causing harm, damage, offence or distress to them. There are several forms of abuse (such as physical abuse, verbal abuse, sexual abuse, emotional abuse, etc.), any or all of which may be perpetrated as a result of deliberate intent, negligence or ignorance.

Bullying

Workplace bullying is repeated behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining an individual's right to dignity at work.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but, as a once-off incident, it is not considered to be bullying. The exercise of legitimate management rights or of legitimate employee rights or responsibilities is not bullying. Interpersonal differences and conflicts may arise in the workplace for a variety of reasons including the implementation of legitimate management directives.

A pattern of any of the following behaviours may be examples of types of bullying:

- verbal abuse or insults;
- being treated less favourably than colleagues;
- intrusion – pestering, spying or stalking;
- menacing behaviour;
- intimidation;
- excessive monitoring of work;
- humiliation;
- withholding work related information;
- repeatedly manipulating a person's job content and targets;
- blame for things that are beyond a person's control;
- manipulation of the victim's reputation by rumour, gossip or ridicule;
- preventing the victim from speaking by making loud voiced criticisms or obscenities;
- constant undermining, mockery or criticism that focuses on a personal characteristic;
- exclusion or victimisation;
- aggressive behaviour towards others, including unreasonable anger or shouting;
- abuse or threats of abuse;

- persistently manipulating the nature of the work or the ability of the victim to perform the work - e.g. by overloading, setting objectives with impossible deadlines, deliberately withholding work information, or setting meaningless or unachievable tasks;
- repeated criticism of work without balancing this with positive feedback where possible, or without offering potential solutions;
- criticising an individual in front of others.

Child

Like many other humanitarian organisations, Concern defines a child as anyone under the age of 18 years in accordance with the UN Convention on the Rights of the Child¹ irrespective of national law or local custom regarding the age of consent or majority.

Child abuse

Child abuse and neglect, sometimes also referred to as child maltreatment, is defined as all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation resulting in actual or potential harm to a child's health, survival, development or dignity in the context of a relationship of responsibility, trust, or power.

Within the broad definition of child maltreatment, five subtypes are distinguished:

1. **Physical Abuse** is actual or likely physical injury to a child, such as hitting, kicking or shaking, where there is definite knowledge, or reasonable suspicion, that the injury was inflicted or knowingly not prevented. (CAFOD)
2. **Emotional abuse** is harm done by persistent or severe emotional ill-treatment or rejection, such as degrading punishments, threats, bullying or not giving care and affection, resulting in adverse effects on the behaviour and emotional development of a child or young person. (CAFOD)
3. **Neglect** occurs when basic needs such as food, warmth and medical care are not met, or when there is a failure to protect a child from exposure to any kind of danger, resulting in serious impairment of a child's or young person's health or development. (CAFOD)
4. **Sexual abuse** occurs if a child or young person is pressed or forced to take part in any kind of sexual activity, whether or not the child is aware of or consents to what is happening. Sexual abuse includes incest, rape and fondling. It may also include no contact activities such as showing a child pornography or internet based activity and viewing pornographic images of children. Sexual abuse may involve siblings or other family members, or persons outside of the family. (CAFOD)
5. **Commercial or other exploitation of a child** refers to use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour and child prostitution. These activities are to the detriment of the child's physical or mental health, education, moral or social-emotional development (WHO, 1999).

Discrimination

Unequal treatment of individuals or groups on the basis of personal characteristics such as disability or appearance or group characteristics such as ethnicity, religious orientation, etc. Common forms of discrimination may include, but are not limited to, making employment or programming decisions based on family status, race, membership of a minority group, gender, religion or lack of religion,

¹ The Convention emphasises that States substituting an earlier age for specific purposes must do so in the context of the Convention's guiding principles of non-discrimination (Article 2), the best interests of the child (Article 3), maximum survival and development (Article 6), and the participation of children (Article 12): <http://www2.ohchr.org/english/law/crc.htm>.

colour, national or ethnic origin, language, marital status, birth, sexual orientation, age, disability, political conviction, socio-economic background, caste, HIV and AIDS status or other illnesses, and physical appearance or lifestyle.

Examples of discrimination may include, but are not limited to:

- Programmes not based on proper needs assessment or situational analysis resulting in interventions that benefit men more than women or vice versa;
- Hiring preferences for one religion or ethnic groups over members of other denominations or groups;
- Stigmatization of or service denial to people on the basis of their HIV and AIDS or health status;
- Service delivery only to particular ethnic, religious, or political groups.

Exploitation

Using a position of authority, influence or control over resources, to pressure, force, coerce or manipulate someone to do something against their will or interest and well-being. This includes threatening to withhold project assistance, threatening to make false claims about a person in public, or any other negative repercussions in the work-place or community.

Examples of exploitation include, but are not limited to:

- Offering special benefits to beneficiaries or other programme participants in exchange for expressed, implied or demanded favours (including sexual favours) or benefits, either to the staff member or to a third party;
- Threats or implications that an individual's refusal or unwillingness to submit to demands will affect the person's entitlement to project assistance and support, or terms and conditions of employment;
- Children's involvement in heavy, dangerous, and/or extended long hours or forced labour;
- Selling, buying, transporting children, women or men by means of coercion or deception for economic or other gain.²

Fraud³

Fraud is the theft or misuse of Concern's funds or other resources, by a staff member or a third party, which may or may not also involve misstatement of financial documents or records to conceal the theft or misuse.

Examples of fraud include, but are not limited to, the following:

- Theft of funds or any other Concern property, or of property entrusted to Concern;
- Falsification of costs or expenses;
- Forgery or alteration of documents;
- Destruction or removal of records or documents;
- Inappropriate personal use of Concern's assets;
- Staff seeking or accepting cash, gifts or other benefits from third parties in exchange for preferment of the third parties in their dealings with Concern;
- Blackmail or extortion;
- The payment of excessive prices or fees to third parties with the aim of personal gain.

Harassment⁴

Harassment is any form of unwanted behaviour relating to personal characteristics such as race, membership of a minority group, sex, gender, religion or lack of religion, colour, national or ethnic

² See Concern's Anti-Trafficking in Persons Policy – April 2021 and elements of current international law on trafficking in human beings in the 2000 UN Convention against Transnational Organized Crime - also known as the Palermo Convention - and the two Palermo protocols: Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air.

³ Definition taken from Concern Worldwide Anti-fraud Policy.

⁴ Adapted from the Irish Employment Equality Acts 1998 to 2008.

origin, language, marital status, family status, sexual orientation, age, disability, political conviction, socio-economic background, caste, HIV and AIDS status or other illnesses, physical appearance or lifestyle which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Such unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material.

Harassment also means less favourable treatment of a person because they have rejected or submitted to the type of conduct described above.

It is important to note that:

- Anyone can be a victim of harassment;
- Harassment may be an isolated incident or repeated actions;
- Harassment can take many forms and may involve written documents and the use of IT including email, text messaging, photographs or pictures.

Many forms of behaviour may constitute harassment, including:

- verbal harassment - jokes, comments, ridicule or songs;
- written harassment - including faxes, text messages, emails or notices;
- physical harassment – jostling, shoving or any form of assault;
- intimidatory harassment – gestures, posturing or threatening poses;
- visual displays such as posters, emblems or badges;
- isolation or exclusion from social activities;
- pressure to behave in a manner that the individual thinks is inappropriate - for example, being required to dress in a manner unsuited to a person's ethnic or religious background.

Intimidation

Intimidation is the act of willingly making someone feel timid, filled with fear or frightened into submission. Intimidation implies inducing fear or a sense of inferiority in another person with the intention of forcing him/her to do, or deterring him/her from doing, something by threats or inducing fear of the consequences against him/her or their family or friends. In such circumstances, the person who has been intimidated feels coerced or inhibited by the threats. Acts of intimidation can be verbal, non-verbal or physical.

Programme Participant

For the purpose of this policy, 'programme participant' refers to any individual associated with Concern's programmes and includes:

- beneficiaries of programmes delivered by Concern or its partners;
- members of the communities in which Concern and its partner organisations work;
- people employed or engaged by Concern, whether national or international, full or part time, consultants, interns, contractors or volunteers, or any person actively involved in the programmes of Concern or its partner organisations;
- Concern's partner organisations, their staff and anyone working on their behalf.

Rape and attempted rape⁵

Rape is an act of non-consensual sexual intercourse. Any non-consensual penetration is considered rape when it includes the following two elements:

- the perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.
- the invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or

⁵ International Criminal Court Elements of Crime Document PCNICC/2000/1/Add.2 (2000).

another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.

A person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity. Genuine consent does not include consent obtained through deception or coercion or where exploitation is a factor in the granting of consent.

Sexual abuse

The actual or threatened physical intrusion of a sexual nature, whether by force, coercion or under unequal conditions. It includes sexual assault or sexual acts to which a person has not consented, could not consent, or was compelled to consent.

Sexual exploitation

Any actual or attempted abuse of a position of vulnerability, differential power, or trust, to pressure or demand others to provide sexual favours, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of someone else.

Sexual harassment

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. A single incident may constitute sexual harassment. Many forms of behaviour can constitute sexual harassment, including:

- physical conduct of a sexual nature: this may include unwanted contact such as unnecessary touching, patting or pinching or brushing against another employee's body, assault or coercive sexual intercourse;
- verbal conduct of a sexual nature: this may include unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments;
- non-verbal conduct of a sexual nature: this may include the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text messages or faxes. It may also include leering, whistling or making sexually suggestive gestures;
- sex-based conduct: this may include conduct that denigrates or ridicules or is intimidatory or physically abusive because of a person's sex, such as derogatory or degrading abuse or insults that are gender-related.

Violence

Violence is any form of aggressive behaviour that may be physically, sexually or emotionally abusive. The aggressive behaviour may be conducted by an individual or group against another, or others.

Visitor

Any person not contracted to work for Concern, but who is visiting Concern's overseas programmes, whether as an individual or as a representative of an institution. This includes, but is not limited to, consultants, journalists, donors, photographers, members of Concern Boards (Ireland, UK, US or South Korea), friends, accompanying dependants of international staff, etc.⁶ During the course of their visit all such people should consider themselves to fall under the authority of the Concern Country Director and must adhere to the Concern Code of Conduct and its associated policies.

⁶ In the event of an allegation of a breach of this Policy by an accompanying dependant of an international staff member, the allegation will be investigated and the country programme management team, in consultation with the Regional Director and the HR Director, may take action up to and including the removal of accompanied status in relation to that individual, and the referral of the matter to the national authorities. Those employed by international staff to work in a Concern house (cook, housekeeper, gardener, etc.) or to work for the international staff member or his/her accompanying dependants (translator, driver, teacher, etc.) are also protected by this policy, despite the fact that they are not Concern staff.

If a visitor refuses to agree to regulate his/her conduct in line with the requirements of the Code, the name of the person, and their reason for refusing to do so, should be recorded by the management and the case reported to the Regional Director who will decide the action to be taken. This may include suspending support for their continued presence in the country, denial of permission to visit Concern programmes or office, or to stay in any accommodation rented or owned by Concern.

This definition does not include individuals who call to Concern's offices for short meeting.