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## Foreword

The Fondation Paul Gérin-Lajoie recognizes that sexual violence, specifically sexual exploitation and abuse, contravenes universally recognized international legal standards. In carrying out our projects and programs at the national and international levels, we affirm that our approach is based on a framework that respects human rights and gender equality.

In May 2018, the Honourable Marie-Claude Bibeau, Minister of International Development, wrote to all active Canadian partners to underscore the importance of preventing and combating sexual exploitation and abuse in the execution of projects funded by Global Affairs Canada (GAC). She also presented her expectations for partner organizations, one of which was the adoption of a code of conduct for the prevention of sexual exploitation and abuse by all GAC partners, a requirement that has been included in all new funding contracts since November 2018.

Since September 1, 2019, GAC requires all partner organizations to have a code of conduct for the prevention of sexual exploitation and abuse in order to be eligible to submit a request for funding.

The objective of this document is therefore to meet GAC's expectations by expressing the Fondation Paul Gérin-Lajoie's commitment to preventing sexual violence within our organization, our national and international programs, and in our relationships with partners. This document establishes a clear legal framework that defines our expectations and actions we take to effectively combat all forms of sexual violence. To be effective, the code of conduct must be reflected in our actions and practices, both within our programs and throughout our organization.

## Message from the Executive Director

*“The Fondation Paul Gérin-Lajoie is a proud signatory of the Canadian Council for International Co-operation's Leaders' Pledge on Preventing and Addressing Sexual Misconduct and is committed to: - Establishing a zero-tolerance culture against all forms of sexual misconduct, in all of our activities. - Improving our collective ability to recognize and eliminate power imbalances and gender inequalities that foster sexual misconduct, including situations involving multiple forms of discrimination. - Creating workplaces where staff and volunteers within our organization and in the countries where we work are not subject to and do not commit acts of sexual violence. - Building on each other's experiences and strengths, and finding solutions together, including through the exchange and development of knowledge and skills on victim/survivor-centred approaches. Since sexual violence in our sector has been brought to light, it is our duty to ensure that we do everything in our power to reduce the risk of sexual violence and so that no harm is done to the communities that we serve. Recent publications on preventing sexual violence have depicted an organization's culture as both a key contributor to the problem, as well as part of the solution. To create cultural change in our sector, we must all actively counter the problems that contribute to sexual violence.”*

**Daniel Aubin, Executive Director**

## Guiding principles

The Fondation Paul Gérin-Lajoie (FPGL) recognizes that sexual violence is rooted in power imbalances, specifically gender inequality. To prevent sexual violence, we need to explore the power dynamics rooted in racism, sexism, discrimination against disabled persons, homophobia, transphobia, and other related intolerances and stereotypes. We take an integrated approach to sexual violence prevention by considering the interplay between the different aspects of an individual's personal characteristics. This approach is also called intersectionality.

We decided to address the risks of sexual violence by engaging staff, volunteers both at home and abroad, and other partners from both developed and developing countries that are involved in our programs.

We are also committed to maintaining a dialogue with our partners in developing countries to raise awareness about the importance of these issues in the workplace, while recognizing that we are navigating between international legal standards, Canadian laws, and the national laws of the countries in which we work—legal frameworks that don't always contribute to ending sexual violence in our countries of intervention.

The Foundation has decided to implement a policy of zero tolerance in the execution of its projects, meaning that inaction in the face of sexual violence is unacceptable. The appropriate disciplinary measures may be taken following a strict procedure, potentially leading to dismissal.

In this process, the Foundation will focus on consent in order to raise stakeholders' awareness of sexual violence issues. We will take every precaution to protect the rights of complainants and respondents. We will strive to be factual, fair, and respectful of privacy. In the Foundation's interventions, we will use a survivor-centred approach by giving survivors control over the decision-making process following an incident.

## Our commitments

- FPGL is committed to improving our collective ability to recognize and combat the **power imbalances and gender inequalities** that foster sexual violence, including **forms of cross-discrimination**.
- We are committed to establishing a culture of **zero tolerance** against all forms of sexual violence in everything we undertake.

- We are committed to creating a **working environment free of sexual violence** for staff, volunteers, partners, and local populations within our organizations and in the countries where we operate.
- We are committed to **protecting those who participate** in our programs and the **communities we serve** from sexual exploitation and abuse, particularly children.
- We are committed to building knowledge and our capacity for **survivor/victim-centred approaches**.

## Our shared responsibilities

### Individual responsibilities

FPGL calls on all of its employees, overseas volunteers, interns, local staff, managers, members of the board of directors, subcontractors, and collaborators to:

- ✓ Familiarize themselves with this Code of Conduct and adhere to it.
- ✓ Take all reasonable steps to ensure and maintain an environment free of sexual violence.
- ✓ Raise any concerns about the risks or possibilities of sexual violence.
- ✓ Report all incidents of sexual violence.
- ✓ Keep information about incidents of sexual violence confidential and share this information only when necessary, meaning with designated parties when absolutely necessary in order to intervene in the situation.

### Managers' responsibilities

FPGL recognizes that managers have a key role to play and assume the following additional responsibilities:

- ✓ Ensure that volunteers, interns, staff, and subcontractors under their supervision are made aware of, understand, and comply with the Code of Conduct.
- ✓ Ensure that a training or orientation on sexual violence is given.
- ✓ Set an example for the appropriate behaviours to be adopted.
- ✓ Intervene when a concern is raised or an incident is reported and abide by the organization's standards.
- ✓ Protect individuals from reprisal.
- ✓ Apply appropriate administrative sanctions when the Code of Conduct is not respected.

### Responsibilities of the organization's directors

FPGL recognizes that the executive director and members of the board of directors are responsible for ensuring that all efforts are made to prevent sexual violence and that

adequate intervention and protection measures are implemented once they have been informed of an incident, specifically:

- ✓ Ensure that the organization has sufficient human and financial resources to deliver on its commitment.
- ✓ Ensure the implementation of best practices in recruitment, orientation, and integration processes in accordance with the Code of Conduct.
- ✓ Ensure that all volunteers, interns, employees, managers, and contractors understand, sign, and comply with the Code of Conduct.
- ✓ Ensure that every partner organization signs this Code and develops or has its own policies and procedures.
- ✓ Ensure that individuals who raise concerns or report incidents are protected from retaliation and feel safe to report instances of sexual violence.
- ✓ Monitor and manage performance to mitigate the risk of sexual violence, including taking corrective action where necessary.
- ✓ Annually review the Code of Conduct and its implementation.

## **Our commitment to our colleagues**

**Within the framework of your mandate with the Fondation Paul Gérin-Lajoie, you respect the Foundation's commitments to preventing sexual violence when you:**

- ✓ Treat every individual with respect, without infringing on the rights of others.
- ✓ Discourage sexist, racist, heterosexist, and discriminatory jokes or comments.
- ✓ Respect the privacy of all individuals involved in a complaint.
- ✓ Cooperate during investigations and collaborate on problem resolution.

**Within the framework of your mandate with the Fondation Paul Gérin-Lajoie, you must raise the following concerns:**

- ✓ If a potential breach of this Code of Conduct is suspected.
- ✓ When you observe risk factors in the workplace or programs, including:
  - Belief in rape myths (for example, “All men do it”)
  - Strong bias against specific groups or individuals (such as rude remarks, crude jokes, disrespect for subordinates, or humiliating comments about beneficiaries)
  - Acceptance of coarse discussions outside the workplace (such as increasingly heated discussions about current situations inside and outside the workplace)
  - A minimization of other forms of misconduct such as bullying
  - Substance abuse or pressure to consume alcohol (for example, heavy drinking during a work-related event)

**Within the framework of your mandate with the Fondation Paul Gérin-Lajoie, you must report the following situations:**

- ✓ Unwanted, inappropriate, or disrespectful sexual advances and harassment
- ✓ Abusive behaviour, perceived threats, bullying, or verbal or physical abuse
- ✓ Hostility toward individuals because of race, religion, gender, sexual identity, gender expression, sexual orientation, disabilities, or other characteristics protected by law
- ✓ Incidents of sexual violence or situations that threaten the safety, security, or well-being of staff

**Within the framework of your mandate with the Fondation Paul Gérin-Lajoie, you must not:**

- ✗ Behave in a condescending or disrespectful manner, including sending derogatory messages, emails, or social media comments.
- ✗ Use any form of sexual violence, including the sharing of sexually explicit material.
- ✗ Trivialize sexual violence, in particular by:
  1. Failing to negate myths and stereotypes about consent (for example, once consent is given, it cannot be withdrawn, alcohol is useful in obtaining consent, etc.).
  2. Failing to deny or minimize sexual violence (for example, comments such as “A man is always a man” or “The culture is different here”).
  3. Blaming survivors for being assaulted (for example, a young person who goes out alone is asking for it, women who wear short skirts are partly responsible, etc.).
  4. Failing to negate myths and stereotypes about abuse (for example, people lie about being abused, false accusations are very common, etc.).

## Our commitment to our partners

Sexual violence is a major obstacle to sustainable development and the meaningful participation of individuals in society, particularly women. Our responsibility is to do everything in our power to reduce the risks of sexual exploitation and abuse for our partners and the communities that we serve, particularly children.

**Within the framework of your mandate with the Fondation Paul Gérin-Lajoie, you respect the Foundation's commitments to preventing sexual violence when you:**

- ✓ Treat partners and community members with dignity and respect.
- ✓ Take particular caution to protect children from sexual exploitation and abuse.
- ✓ Recognize and are attentive to the power dynamics that exist in your working relationships and remain aware of these realities (for example, recognize your own privileges and prejudices and how they may influence your work, avoid reinforcing power dynamics).
- ✓ Build trust and recognize partners’ strengths and contributions.
- ✓ Engage partners in a dialogue on sexual violence by sharing best practices, lessons learned, and tools annually.

**Within the framework of your mandate with the Fondation Paul Gérin-Lajoie, you must not:**

- ✘ Obtain the services of sex workers at any time, regardless of the local and national laws of your country of assignment.
- ✘ Have a romantic or sexual relationship with a partner's employee or with beneficiaries, as they are based on power dynamics.
- ✘ Engage in sexual activity with children (individuals under the age of 18) and vulnerable adults, regardless of the local age of consent. Being ignorant of or holding misconceptions about the age of the child or an adult's vulnerable status is not an excuse.
- ✘ Take any action that would suggest or imply that a sexual act could be required as a condition of participating in a program or receiving services offered.
- ✘ Exchange money, employment, housing, goods, or services for sexual services, including sexual favours or other forms of humiliating, degrading, or exploitative behaviour. This includes exchanges for services to which program participants are entitled.

**Within the framework of your mandate with the Fondation Paul Gérin-Lajoie, you must raise the following concerns:**

- ✓ If a potential breach of this Code of Conduct is suspected.
- ✓ When you observe sexual violence risk factors
  - Belief in rape myths (for example, "All men do it")
  - Strong bias against specific groups or individuals (such as rude remarks, crude jokes, disrespect for subordinates, humiliating comments about beneficiaries)
  - Substance abuse or pressure to consume alcohol (for example, heavy drinking during a work-related event)
  - A minimization of other forms of misconduct such as bullying
  - Hostility, degrading and objectifying attitudes, or crude or humiliating jokes

**Within the framework of your mandate with the Fondation Paul Gérin-Lajoie, you must report the following situations:**

- ✘ Unwanted, inappropriate, or disrespectful sexual advances and harassment
- ✘ Abusive behaviour, perceived threats, bullying, verbal or physical abuse, and vulgar, crude or degrading comments
- ✘ Hostility toward individuals because of race, religion, gender, sexual identity, gender expression, sexual orientation, disabilities, or other characteristics protected by law
- ✘ Sexual abuse of children

**How will the information be managed following an incident report?**

Once an incident has been reported, staff and/or managers are required to maintain confidentiality but are required to report the incident to the executive director. The executive director must then notify the members of the executive committee. An investigation will be

launched in accordance with the procedure adopted by FPGL for handling complaints of sexual violence.

We will avoid sharing any personally identifiable information when there is absolutely no need to do so. The organization also has an obligation to inform funders and the general public that an incident of sexual violence has occurred, but it will do so without providing information that may contribute directly or indirectly to the identification of the victims.

## How and when should we raise our concerns?

We encourage you to share your concerns when you notice a risk factor, witness inappropriate behaviour, or suspect that sexual abuse has occurred. You can express your concerns when you experience or witness inappropriate behaviour. One of the most tragic aspects of sexual violence is when individuals decide to look away. There's no such thing as a trivial report. Every report is significant.

***If you don't know what to do, here are a few questions you can ask yourself:***

- Is my concern consistent with the spirit of the Code of Conduct?
- Who could be affected if I don't address the problem or my concern?
- If the event was made public, would I be comfortable explaining why I didn't raise my concerns?
- Am I being impartial or do I have a personal interest or issue that makes me less objective?
- What are the consequences if I raise my concerns in good faith?

When a situation doesn't seem appropriate or normal to you, be attentive to it and start documenting it. Try to be factual by writing down what was said, what you saw, what you heard, and the date, time, and place.

We don't expect you to become an expert on sexual violence, but we want to stress the importance of everyone's involvement in strengthening mitigation strategies. Discussions about sexual violence are always surrounded by many taboos. It's therefore essential to create channels to talk about problematic behaviours. Research has shown that clear and confidential communication channels allow organizations to intervene before sexual violence situations escalate. **When you raise your concerns, you help to mitigate the risks, you enable the organization to exercise due diligence, and you ultimately contribute to the prevention of sexual violence.**

***If you would like to express your concerns, you can:***

1. Report inappropriate behaviour when observed and when it can be reported safely.
2. Speak to your supervisor at one of your regular check-ins and follow up by email with information about the incident (date, time, location, details of the incident, and names of people involved, including witnesses).

3. Request a meeting with another manager to discuss your concerns and follow up via email by sending information about the incident (date, time, location, incident details, names of people involved).

## How do you report an incident?

We encourage you to provide your name when you report an incident. This will allow us to fully investigate your concerns and contact you when additional information is required or to help us protect you from retaliation. For example, there may be circumstances where disclosing your identity is necessary to conduct a full investigation.

### If you would like to report an incident and disclose your name, you can do so by:

Phone, email, or text message at: Hervé Pilon 514-288-3888 ext. 244 [hpilon@fondationpgl.ca](mailto:hpilon@fondationpgl.ca), Laurence Caron 514-288-3888 ext. 264 [lcaron@fondationpgl.ca](mailto:lcaron@fondationpgl.ca), Carole Gagné Gervais 514-781-8789 [cgagnegervais@gmail.com](mailto:cgagnegervais@gmail.com) or another trusted person in the organization.

When preparing for a phone call, please note the date, time, location, details about the incident, and names of the people involved, including witnesses. If you are reporting an incident by email, please provide the same information.

You can also answer the following questions in your report:

- ✓ If you are the victim: Are you still at risk? Do you fear retaliation?
- ✓ If you are a witness: Does the victim know that you're reporting the incident? Is the victim still in danger? Are you at risk?
- ✓ If there were witnesses: Who were they? Can we contact them? Are they at risk?
- ✓ Does the incident involve a minor?

***If you wish to report an incident anonymously, you may do so by sending a letter in a sealed envelope marked "CONFIDENTIAL" and mail it to the attention of the person to whom you wish to report the incident, or discreetly place the envelope on their desk. Filing a formal complaint is not necessary and the mere fact that the situation is brought to the attention of the employer or organization, by one means or another, is sufficient.***

**NB:** We do not consider anonymous complaints any less legitimate than any other incident report. Anonymous complaints will be treated as seriously as complaints where the identity of the complainant is known due to the risk of future harm and our responsibility to create a safe and abuse-free environment.

However, we encourage you to provide as much information as possible to facilitate the investigation process. We can only conduct an investigation if sufficient information is available. If there is not enough information to open an investigation, the complaint will be

*documented and kept confidential in order to respect the rights of those involved, while maintaining a document trail in case of new reports.*

### **Anti-retaliation provisions**

FPGL will not tolerate retaliation against anyone who, in good faith, reports a concern or participates in an investigation, even if the allegation turns out to be unfounded. All attempts at retaliation constitute psychological harassment that is subject to disciplinary action.

### **Application**

We apply a **zero-tolerance approach** to all forms of sexual violence. A zero-tolerance approach means that allegations brought to the Foundation's attention are investigated and the alleged perpetrators are held accountable for their actions, including disciplinary action up to and including dismissal or termination of any contractual relationship with the Fondation Paul Gérin-Lajoie, all of which increases the risk that the incident will be reported to the police when circumstances warrant.

All formal complaints of sexual violence will be investigated when sufficient information is available. The investigation will be conducted in accordance with the principles of confidentiality, fairness, and neutrality. When these principles cannot be guaranteed by someone within our organization, we will defer the investigation to an external party.

All individuals called for an investigation must cooperate with the investigator(s) and appear for interviews when summoned to do so.

Disciplinary sanctions up to and including expulsion from the organization or program or the termination of employment or contract will be applied.

Any individual found guilty of retaliation against a person who refused to participate in acts of sexual violence, raised concerns, or reported an incident will be subject to disciplinary action or even termination of employment.

Any false accusation of proven sexual violence, committed maliciously, may be considered a violation of this Policy and this Code of Conduct.

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**The “Code of Conduct to Combat Sexual Violence at the Fondation Paul Gérin-Lajoie” was approved by the Board of Directors of the Fondation Paul Gérin-Lajoie on November 20, 2019.**

## ANNEX 1: STATEMENT OF ADHERENCE

### Statement of Adherence

I hereby understand that I can make a significant contribution to risk mitigation and the prevention of sexual violence by implementing this Code of Conduct in my work.

I understand that I must uphold our collective commitments to our colleagues, partners, and the communities we serve by adhering to the standards of behaviour set out in the Code of Conduct.

I, the undersigned, \_\_\_\_\_,  
hereby declare that I have read, understood, and comply with this Code of Conduct.

I understand that the breach of any provision of this Code may result in disciplinary action up to and including termination of the contract.

**SIGNATURE:**

**DATE:**

## ANNEX 2: HOW TO SEEK HELP

If you need help regarding sexual violence, support is available and is not contingent on your decision to report the incident. You do not have to submit an official report in order to receive support. We can provide support services if you have been sexually abused. If you require care or support that is not available locally, we can arrange for you to travel or accommodate your needs.

*Report incidents to Hervé Pilon 514-288-3888 ext. 244 [hpilon@fondationpjl.ca](mailto:hpilon@fondationpjl.ca), Laurence Caron 514-288-3888 ext. 264 [lcaron@fondationpjl.ca](mailto:lcaron@fondationpjl.ca), Carole Gagné Gervais 514-781-8789 [cgagnegervais@gmail.com](mailto:cgagnegervais@gmail.com) or any other trusted person in the organization. Consult the list of resources available below.*

### Resources available in Quebec to support victims and survivors of sexual violence:

#### **Canadian Association of Sexual Assault Centres**

Lists of sexual assault crisis centres and crisis lines in each province and territory

<http://www.casac.ca/content/anti-violence-centres>

#### **LGBT+ Resources Guide** (available in French only)

Search engine to find resources throughout the province

Searching by keyword is necessary to find specific resources for survivors of sexual assault.

<http://www.guidelgbt.org/>

#### **Mouvement contre le viol et l'inceste**

Offers bilingual assistance and support using a feminist and intercultural approach.

Bilingual emergency line: 514-933-9007

<https://www.mcvicontreleviol.org/servicios3> (in French only)

#### **Native Women's Shelter of Montreal**

Provides front-line support and services to First Nations, Inuit, and Métis (Indigenous) women to promote their empowerment and independence.

1-866-403-4688

<http://www.nwsm.info/contact>

#### **Coalition québécoise des centres d'aide aux victimes d'agression sexuelle**

Toll-free help line and list of sexual assault crisis centres across the province

1-888-933-9007

<http://www.rqcalacs.qc.ca/the-calacs.php>

## ANNEX 3: FREQUENTLY ASKED QUESTIONS

### **How can an intersectional perspective be applied to sexual violence interventions that take a survivor-centred approach?**

Individuals face different risks of sexual violence related to, among other factors, race, disabilities, indigeneity, sexual orientation, gender identity and expression, age, and socio-economic status. Applying an intersectional approach involves working to reduce barriers so that survivors can receive support. The support provided is tailored based on needs and demands, as well as to each survivor's specific perspectives and circumstances. Survivors may have different levels of trust in services and institutional recourses (such as courts, police, and official authorities) because of their associations with sexism, colonialism, racism, and other forms of systemic oppression. Addressing sexual violence from an intersectional perspective means understanding that everyone's experience is influenced by many factors. It is important to recognize that a person's point of view or situation may make them more vulnerable to sexual violence, which may also affect their needs and options for redress. Systemic oppression, including but not limited to sexism, racism, colonialism, discrimination against disabled persons, homophobia, and/or transphobia, can manifest itself in acts of sexual violence and impact the paths that a victim/survivor may pursue.

### **What is my responsibility?**

It is your responsibility to ensure that no one feels uncomfortable, threatened, or in danger because of your behaviour. You must create a safe and respectful environment. It is also your responsibility to report any alleged incidents of sexual abuse experienced by the individuals covered by this Code of Conduct.

### **What are the additional responsibilities of individuals occupying managerial positions?**

The organization is responsible for any person who serves as a manager and commits an act of sexual violence or who was aware of an incident of sexual violence and did not take steps to address it.

### **Should I raise my concerns about someone's behaviour even if I am not sure that sexual abuse has occurred?**

You must share your concerns. It is the responsibility of the investigators, not you, to follow up, investigate, and confirm the concerns or suspicions. If you report allegations that later turn out to be false, you will not suffer any consequences, as long as the reports were submitted in good faith. Your willingness to raise concerns can help prevent sexual violence.

### **One of my colleagues just sent me a pornographic image as a joke. I feel very uncomfortable and troubled by the situation. What can I do?**

Such an incident is an act of sexual violence. We encourage you to report the incident through confidential channels so that the organization may intervene. There is a difference between

confidentiality and anonymity. If you reveal your identity, it will be easier to investigate and protect yourself from retaliation. The information shared and your identity remain confidential, which means it will be protected by the organization.

**What do I do if a community member reports an incident involving another community member?**

Listen with empathy and avoid expressing an opinion. You can refer them to pre-identified local service providers and keep a record of the incident. You are expected to report the incident and take steps to support the community member. This will not result in an investigation, but an incident report will need to be completed.

**Why am I not allowed to pay for sexual activity with sex workers? Isn't sex consensual between consenting adults?**

In the vast majority of cases, particularly in situations of poverty, consent is not freely given and is obtained out of desperation or coercion. Exchanging money, employment, housing, goods, or services for sexual services, including sexual favours or other forms of humiliating, degrading, or exploitative behaviour, is prohibited at the Fondation Paul Gérin-Lajoie. This means that staff, volunteers, managers, board members, contractors, and partners cannot pay for sex workers.

**Aren't these rules an invasion of my privacy? Isn't it my own business what I do off-hours?**

When you work with the Fondation Paul Gérin-Lajoie, you represent the organization during and outside of working hours. You agreed to this when you accepted the mandate. You are held to a high standard of conduct because both your professional and personal behaviour is always associated with the Fondation Paul Gérin-Lajoie.

**Why can't I have relationships with beneficiaries or partner staff?**

These relationships are based on inherently unequal power dynamics. Unequal power dynamics make obtaining consent unfeasible and create conditions that are conducive to the abuse of power and sexual violence.

***To learn more, consult the following resources:***

- “EISF Guide for NGOs: Managing Sexual Violence against Aid Workers,” European Interagency Security, <https://www.eisf.eu/library/managing-sexual-violence-against-aid-workers/>
- PSEA Task Force website (numerous resources available) <http://pseataskforce.org/>
- Informational documents on sexual violence, Association québécoise des organismes de coopération internationale (AQOCI), <https://www.aqoci.qc.ca/?sexual-violence-in-the-international-development-sector>

**Other relevant FPGL policies and documents:**

- Code of Ethics of the Fondation Paul Gérin-Lajoie
- Policy on the Prevention of Psychological or Sexual Harassment in the Workplace and Complaint Handling

**What's the difference between an official report and a statement?**

If you disclose information, you will not be required to file a formal complaint, but the organization may do so on your behalf, with your approval. In some cases, if you are a minor, for example, the organization may be required to report the incident to the local authorities. It is important to be aware that, once you disclose information to an individual within the organization, that individual will have an obligation to inform others on a need-to-know basis, as the organization is responsible for providing support.

**What will the organization do to support and help me if I've been sexually harassed, exploited, abused, or sexually assaulted?**

We offer support and assistance to people who have been victim to sexual violence while working or volunteering for the Fondation Paul Gérin-Lajoie or who have been victimized by the Foundation's staff or volunteers. We will tailor the type of support and assistance provided to the wishes and needs of each survivor. This may include workplace accommodations, medical treatment, legal assistance, and psychosocial support.

**If I know someone who has been sexually abused. Should I give their name?**

When you file a complaint, you must name the alleged perpetrator. We recommend that you do not publicly disclose the person's name to protect the safety of everyone concerned, and due to local laws and procedural rules.

**What happens when you submit a report?**

All reports of sexual violence will be treated with the utmost confidentiality, and the information will only be shared within the response team.

The complaint will first be assessed to determine whether there is sufficient information to conduct an investigation. Where an investigation is possible, the complainant and the respondent will be notified that an investigation is underway. To the extent possible, the investigator will want to interview the persons concerned.

We may refer the incident to the police with the consent of the complainant or victim unless we are legally obliged to do so.

The complainant may withdraw their complaint or decide to stop the process at any time, as long as it is still within our power to do so and the matter has not yet been referred to the police.

At the end of the investigation, the complainant and the respondent will also receive information through the organization.

## ANNEX 4: GLOSSARY

### Consent

Sexual activity is only legal if both parties give their consent. The *Criminal Code of Canada* defines consent, in paragraph 273.1(1), as the voluntary agreement of the complainant to engage in the sexual activity in question. The law focuses on what the person was thinking and feeling when the sexual activity took place. Sexual touching is lawful only if the person has communicated their consent in an affirmative manner, either in their words or behaviour. Silence or passiveness do not constitute consent.

***The Criminal Code also states that consent is not obtained in the following cases:***

- The person says or does something that demonstrates they have not consented to the activity.
- The person says or does something to show that they refuse to continue an activity that has already started.
- The person is unable to give their consent because they are unconscious.
- Consent that results from another person's abuse of trust, power, or authority.
- Another person gives consent on the person's behalf.

***An individual cannot pretend to have mistakenly believed that a person gave their consent if:***

- The belief is based on their level of intoxication; or
- The individual was reckless as to whether or not the person consented; or
- The individual chose to ignore signs that consent was not being given; or
- The individual did not take the necessary measures to verify that consent had been given.

The responsibility to ensure that there is consent rests with the person initiating or continuing the sexual activity. When a person has said “no” to sexual contact, the other person cannot presume that consent now exists due to the fact that time has passed or the person did not say “no.” (Source: Website of the Women's Legal and Education Action Fund)

### Complainant

Term used in the context of an investigation and which is used in this document to identify individuals who file an official complaint of sexual violence.

### Intersectionality

A holistic approach that considers the interplay between the different aspects of an individual's personal characteristics, such as race, disabilities, sex, and age, and how they affect their identity as a whole. (Source: EISF)

### Psychological or sexual harassment

Any vexatious conduct in the form of repeated, hostile, or unwanted behaviour, comments, actions, or gestures that affects a person's dignity or psychological or physical integrity and that results in a harmful work environment for that person. A single vexatious behaviour can constitute harassment if it has the same consequences and if it has an ongoing harmful effect.

Vexatious conduct is humiliating or abusive behaviour that violates a person's dignity or torments the person. Vexatious conduct refers to the effect on the person subject to the behaviour, regardless of the intention of the person at fault. A single vexatious behaviour that has a harmful effect on the person can also constitute psychological harassment. (Source: (Website of the *Commission des normes, de l'équité, de la santé et de la sécurité du travail*)

### **Respondent**

Term used in the context of an investigation to refer to the alleged perpetrator exercising their right to participate, to know on what information the proceedings are based in order to make a decision, and to have the opportunity to respond to that information.

### **Sexual harassment**

Term primarily used to define a form of discrimination in the workplace demonstrated through vexatious conduct or a series of vexatious comments that are known or ought reasonably to be known to be unwelcome and that create a hostile or offensive environment. The *Canada Labour Code* defines sexual harassment as “any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to any employee or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.”

#### **Examples of sexual harassment include:**

- Unpleasant remarks or jokes
- Insinuations or teasing about a person's clothing, sex, or sexual orientation
- Unnecessary and unwanted physical contact such as touching, patting, pinching, rubbing, kissing, or brushing against a person
- Sexual advances
- Posting of pornographic images or other offensive material of a sexually explicit nature
- Unsolicited and offensive communication by email, social media, or phone

### **Protection from Sexual Exploitation and Abuse (PSEA)**

Term used by the United Nations and the non-governmental community to refer to measures taken to protect vulnerable persons from sexual exploitation and abuse by their own staff and associated personnel. (Source: Global Affairs Canada)

### **Sexual abuse**

Physical intrusion or threat of physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Any sexual activity with a child is considered sexual abuse. (Source: Global Affairs Canada)

### **Sexual exploitation**

Any abuse or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including, but not limited to profiting financially, socially, or politically from the sexual exploitation of others. (Source: Global Affairs Canada)

### **Sexual violence**

Sexual violence is the expression of a relationship of domination of one individual over another through a sexual act that is committed without consent. It constitutes a violation of fundamental rights, dignity, security, and physical and psychological integrity, and has serious repercussions for those who suffer from it. The women's movement has worked for many years to have sexual violence recognized as a crime.

### **Sexual assault**

Sexual assault is a legal term and a criminal offence. The Supreme Court of Canada states that an act of sexual assault is not contingent on contact with a specific part of the human anatomy, but rather on an act of a sexual nature that violates a person's sexual integrity. This includes being exposed to pornography or behaviour of a sexual nature (without consent) or being filmed during sex (without consent).

### **Sexual misconduct**

Generic term that encompasses a variety of problematic behaviours of a sexual nature, including both criminal and non-criminal behaviours.

### **Subcontractor**

A person (other than an employee), business, for-profit or not-for-profit organization, charity or institution, acting alone or in a consortium, joint venture, or partnership (limited or not), that has entered into a subcontract with the organization to undertake activities or perform work to complete the project. The term subcontractor includes Canadian, international, and local consultants. (General sales conditions, GAC)

### **Survivor (or victim)**

A person who has been a victim of sexual violence. Health professionals commonly use the word "victim." In the mental health and social services sectors, the term "survivor" is preferred because it implies resilience, as opposed to the word "victim" which can be perceived as passive. Individuals who have experienced trauma can nevertheless refer to themselves however they prefer (victim or survivor). A victim of sexual assault can be male or female, and the assailant may be of the same sex as the victim. (Source: EISF)