###### Sexual exploitation abuse/sexual harassment Code of Conduct.

All Contractors, Consultants and Workers are required to sign this Code of Conduct as a condition of employment. This Code of Conduct is also enclosed with Appendix x of this ESMF which addressed Contractor E&S management.

The [**INSERT NAME OF PROJECT**] (the Project) has a duty to implement measures to address environmental and social risks related to the Works including the risks of sexual exploitation and abuse (SEA) and sexual harassment (SH).

This Code of Conduct is part of measures required under the Project to deal with potential environmental and social risks related to construction works and other activities undertaken under the Project. It applies to all [**INSERT NAME OF IMPLEMENTING AGENCY**] and Project Implementation Unit (PIU) staff and individual consultants engaged on the Project; consultant firms providing technical advisory services; and contractors engaged on civil works for the Project. It also applies to the personnel of each subcontractor and any other personnel assisting the contractor in the execution of the Works. All such persons are referred to as “Contractor/Employer’s Personnel**”**” and are subject to this Code of Conduct.

This Code of Conduct identifies the behavior that the Project requires from all Contractor/Employer’s Personnel.

The workplace is an environment where unsafe, offensive, abusive, or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

**REQUIRED CONDUCT**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, acknowledge that adhering to environmental, social, health and safety (ESHS) standards and the Project’s occupational health and safety (OHS), and sexual exploitation and abuse (SEA) and sexual harassment (SH) requirements are important.

I agree that while working on the Project I will:

1. Comply with this Code of Conduct and all laws of the [insert country], regulations, and other requirements, including protecting the health, safety and well-being of other Contractor/Employer’s Personnel and any other persons.
2. Consent to a background check in any place I have worked for more than six months.
3. Attend training courses related to ESHS, OHS, and SEA and SH as requested by my employer.
4. Carry out my duties competently and diligently.
5. Avoid and declare any conflicts of interest (such as benefits, contracts, or employment, or any preferential treatment or favors are not provided to any person with whom there is a financial, family, or personal connection).
6. Ensure the proper use of all worksites including not engaging in theft, carelessness, or waste.
7. Use specified sanitary facilities provided by the employer and not open areas.
8. Maintain a safe working environment including by:

Ensuring that workplaces, machinery, equipment, and processes are safe.

Wearing personal protective equipment when required at Project Site.

Using appropriate protective measures relating to chemical, physical, and biological substances and agents.

Following applicable emergency operating procedures.

Reporting work situations that are not safe or healthy.

Removing myself from a work situation which is an imminent and serious danger to my life or health.

1. Not consume alcohol or use of narcotics, drugs or other substances which can impair faculties during work activities, including attending work under the influence of these substances.
2. Not discriminate against any person based on family status, ethnicity, race, gender, sexual orientation and identity, age, language, religion, marital status, political or other opinion, national origin, disability, health, or other status.
3. Treat all members of the community(ies) and any affected person(s) with respect, including to respecting their religion, culture, beliefs, and traditions.
4. Not use language or behavior toward any person that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
5. Comply with all laws of the Republic of the Marshall Islands, including but not limited to, not perpetrating any form of physical or sexual violence.

Not exploit or sexually exploit or abuse (SEA) any person.[[1]](#footnote-1)

1. Not engage in any form of sexual harassment including unwelcome sexual advances, requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature toward Contractor/Employer’s Personnel other Contractors, visitors to Project Sites or any other persons at or around the Project Sites.
2. Not engage in sexual favors with any Contractor/Employer’s Personnel or members of the community.
3. Not use prostitution in any form at any time.
4. Not engage in Rape.[[2]](#footnote-2)
5. Not engage in Sexual Assault.[[3]](#footnote-3)
6. Not engage in human trafficking of any person or exploit a trafficked person.
7. Not participate in sexual contact or activity with children under the age of 18, except in the case of a pre-existing marriage. Mistaken belief regarding the age of a child or “consent” from the child are not a defense or excuse.
8. Unless there is the full consent[[4]](#footnote-4) by all parties involved, not have sexual interactions with any person.
9. Ensure the protection and safety of children under the age of 18 by:

Info[insert country]ng my manager of the presence of any children on the Project Site or who are engaged in hazardous activities as part of the Project.

Wherever possible, ensuring that another adult is present when working close to children.

Not inviting unaccompanied children, who are not my family, into my home.

Not accessing child pornography.

Refraining from physical punishment or discipline of children.

Taking appropriate caution when photographing or filming children for work-related purposes.[[5]](#footnote-5)

1. Report through the GRM or to my manager any breaches of this Code of Conduct.
2. Not retaliate against any person who reports violations of this Code of Conduct.

I understand that:

1. failures to comply with this Code of Conduct constitute acts of gross misconduct and are therefore grounds for sanctions, penalties, and/or potential te[insert country]nation of employment. Prosecution by the police of those who break the law of the [insert country] may be pursued if appropriate.
2. if I breach this Code of Conduct, my employer will take disciplinary action which could include:

* Informal or formal warning.
* Additional training.
* Loss of up to a salary for a period of time.
* Suspension of employment (without payment of salary), for a period of time.
* Te[insert country]nation of employment.
* Report to the police or other relevant authorities.

I do hereby acknowledge that I have received and read this Code of Conduct in a language that I comprehend, I agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, and SEA and SH.

**CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT**

Any violation of this Code of Conduct by Contractor’s Personnel may result in serious consequences, up to and including te[insert country]nation and possible referral to legal authorities.

I understand that any action inconsistent with this Code of Conduct or failure to act mandated by this Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **SEA** means any actual or attempted abuse of position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. In Bank financed projects/operations, sexual exploitation occurs when access to or benefit from Bank financed Goods, Works, Consulting or Non-consulting services is used to extract sexual gain [↑](#footnote-ref-1)
2. **Rape** means physically forced or otherwise coerced penetration—even if slight—of the vagina, anus or mouth with a penis or other body part. It also includes penetration of the vagina or anus with an object. Rape includes marital rape and anal rape/sodomy. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape. [↑](#footnote-ref-2)
3. **Sexual assault** means any form of non-consensual sexual contact that does not result in or include penetration. Examples include attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks. [↑](#footnote-ref-3)
4. **Consent** is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. Consent cannot be given by a child under the age of 18, even where legislation in the [INSERT COUNTRY] has a lower age. [↑](#footnote-ref-4)
5. Including: complying with local traditions or restrictions for reproducing personal images, obtaining informed consent from the child and a parent or guardian of the child, and presenting children in a dignified and respectful manner. [↑](#footnote-ref-5)