



**TONGA RUGBY UNION – Oceania Rugby Rise Project**  
**Preventing Sexual Exploitation, Abused & Harassment Policy**

**October, 2022**

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## **1. Background**

**Tonga Rugby Union Incorporated (TRU).** And have adopted Tongan core values of faka'apa'apa (respect), feveitokai'aki (reciprocity), loto to (humility) and tauni va (responsibility). The Union's mission is to become a respected and contributing member of the International Rugby Community meeting governance guidelines and having a seat on World Rugby's (WB) council. Oceania Rise Rugby Project is a game changer for Women in Rugby through our region, supporting new opportunities for women and girls in senior rugby pathways, rugby management, and leadership.

TRU has zero tolerance and committed to a workplace that is free from sexual exploitation, sexual abuse and sexual harassment (SEAH). It is unacceptable in any form and undermines the credibility and legitimacy of the Union sport activities, projects and programmes.

## **2. Purpose**

This policy will outline the expectations and requirements for TRU to manage the risks, prioritizes prevention and effective response to possible cases of SEAH.

TRU also requires the commitment and support of all partners for this Policy to be effective with a collective responsibility to prevent SEAH.

## **3. Scope**

This Policy applies to all representatives of TRU including staff, volunteers, board members, consultants, donor partners and family members accompanying TRU staffs on travels and/or assignments and; any other organizations or people acting for and on behalf of TRU.

This policy applies at all times when such persons are working for, travelling or representing TRU both during and/or outside normal working hours.

TRU sport activities, projects, programmes and partners donors or in other capacities are required to comply with the requirements of this policy as set out in Section 6.2

## **4. Key Definitions**

### **4.1 Child Sexual Abuse:**

The revised Tonga Criminal Offences Act (2016) states that:

- (1) Any person who has or attempts to have carnal knowledge of a child under the age of 12 years is guilty of an indictable offence.

- (2) Any person who has or attempts to have carnal knowledge of a young person under the age of 15 is guilty of an indictable offence.

#### **4.2 Sexual abuse:**

The Family Protection Act states that „sexual abuse” includes any conduct of a sexual nature without consent that abuses, humiliates, degrades or otherwise violates the dignity of a person.

#### **4.3 Sexual Exploitation and Trafficking:**

Under sections 126 and 127 the revised Tonga Criminal Offences Act (2016) states that:

- (1) Procuring or attempting to procure any girl or any woman under 21 years of age to have unlawful carnal connection either within or without the Kingdom with any person or person.
- (2) Procuring or attempting to procure any woman or girl to leave her usual place of abode in the Kingdom with intent that she may become an inmate of or frequent a brothel within or without the Kingdom.
- (3) procuring or attempting to procure any woman or girl to have any unlawful carnal connection with any person or persons whether within or without the Kingdom by
  - a) Threats or intimidation.
  - b) by false pretences of fact; or
  - c) by means of the application or administration of any drug or other substance to any woman or girl,

#### **4.4 Sexual Harassment:**

Sexual harassment is any unwelcome, unreciprocated sexual advance, unsolicited sexual attention, demand for sexual access or favours, sexual innuendo or other verbal or physical conduct of a sexual nature or display of pornographic material. Sexual harassment can take place anywhere, in the streets, at work, school, etc.

### **5. Principles**

This Policy is underpinned by five principles that reflects Tonga Rugby Union Incorporated (TRU) zero tolerance and commitment to a workplace that is free from sexual exploitation, sexual abuse and sexual harassment (SEAH).

#### **➤ Principle 1: Zero tolerance of Inaction**

Sexual exploitation, abuse and harassment are never acceptable. However, zero tolerance is not the same as zero incidents. TRU defines zero tolerance as being

proactive and acting on every allegation in a fair and reasonable manner with due regard for procedural fairness.

## **TRU WILL HOLD SEAH PERPETRATORS TO ACCOUNT**

### ➤ **Principle 2: Victim/Survivor needs are Prioritized**

Responses to SEAH allegations will be underpinned by “**survivor-centered approach**” outlined in **The National Service Delivery Protocol for Responding to Gender-Based Violence in Tonga, 2021**:

- **Safety:**  
Safeguarding the physical and emotional safety of the survivor(s) is critically important
- **Empowerment:**  
The relationship between TRU and the survivor(s) must be about restoring power and control back to the survivor(s).
- **Respect:**  
The wishes, rights, and dignity of the survivor(s) in all actions will be taken.
- **Maintain Appropriate Confidentiality:**  
The care and treatment of a survivor(s) protected information gathered and agreed to only share information with the survivor(s) clearly understood permission.

The exception will only be actions in the best interest of the survivor(s) ensuring the safety of the survivor(s) can share information.

- **Non-Discrimination:**  
All Survivors would receive equal and fair treatment regardless of their sex, race, ethnicity, religion, age, disability, nationality, Sexual Orientation Gender Identity and Expression (SOGIEC).
- **Empathy:**  
TRU must show their ability to have and feel empathy for the survivor(s).
- **Best Interest of the Child:**  
The best interest of the child is the action that best ensures the child’s safety and well-being and is the primary consideration in all actions affecting children.

### ➤ **Principle 3: Prevention is a Shared Responsibility**

Prevention of Sexual Exploitation, Abuse and Harassment (SEAH) is everyone’s responsibility and real change will not occur unless every sector plays a role. TRU has a responsibility to deal sensitively and effectively with SEAH that occurs within the Union’s office(s) and the course of their work.

➤ **Principle 4: Gender Inequality and other power imbalances are addressed**

Tonga Multi Indicators Cluster Survey, 2019 indicated that majority of SEAH survivors are female and the majority of SEAH perpetrators are male. Other power imbalances at play such as inequalities based on the distinctions of worker/beneficiary; ability/disability; ethnic and indigenous status; religion; gender identity and sexual orientation; age; health and poverty can also result in sexual exploitation, abuse and harassment. The intersection of gender with other forms of inequality further increase the likelihood of SEAH occurring.

TRU representatives' engagement with other partners and survivor(s) will be based on:

- Respect for diversity
- Promotion of gender equality
- Social Inclusion
- Accountability
- Transparency

➤ **Principle 5: Stronger Reporting enhances Accountability and Transparency**

TRU representatives are not only accountable to TRU, but also to the sport communities, players and staffs for whom the Union interacts with. Stronger reporting allows TRU to monitor SEAH, understand risks, and provide assurance to stakeholders and partners.

Transparency and stronger reporting of incidents and responses promotes ongoing system improvements and it is an obligation of TRU.

## **6. Implementation**

The Policy will be implemented from **January, 2023** in accordance and where applicable with the **DFAT PSEAH**. The Chief Executive Officer in conjunction with the TRU Board of Directors is responsible for the administration, interpretation and application of this Policy.

TNCWC requires that all staff, volunteers and board members signatures and written confirmations that they have read, understood and agreed to abide by the ***Tonga Rugby Union Incorporated Preventing Sexual Exploitation, Abuse and Harassment Policy*** including all requirements to comply with this Policy.

For enquiries, guidance or information on the Policy contact: \_\_\_\_\_

➤ **6.1 Risk Management**

TRU does acknowledge that while it is not possible to eliminate all risks of SEAH, the Union will design a risk management process by which all risks are identified, monitored and reasonably mitigated against in all activities.

The process by which all SEAH allegations reported will be assessed to determine the risk level and approved standards will be applied. The PSEAH Policy, TRU approved Code of Conduct & Ethics and Child Protection Policy will be included in inductions of new staffs, as well as communicated through internal communications and contracts.

TRU will also undertake a risk assessment of partners and organizations acting for and/or on behalf of TRU to identify, classify and document steps taken to reduce SEAH risks.

***All risk assessments will be undertaken at program design and proposal stage; regular monitoring and review at regular reporting intervals.***

➤ **6.2 Program and Donor Partners**

It is mandatory for all program and donor partners of TRU to comply with this Policy as follows:

- Act in accordance with the principles and requirements in this Policy
- Sign TRU's Code of Conducts and Ethics committing to adhere to this Policy
- Have PSEAH clauses included in all partnership agreements or/and contracts and agree to compliance monitoring by TRU; and
- Adopt and comply with their own policies and procedures by which risks are identified, monitored and mitigated against, including risk assessments, establishing organizational reporting and investigation procedures applying TRU SEAH Policy where applicable.

TRU will assist with information to support partners' compliance with this Policy requirements, developing of their own policy and reporting processes and systems.

## **7. Roles and Responsibilities**

The following roles have specific responsibilities under this Policy:

<b>ROLES</b>	<b>RESPONSIBILITIES</b>
TRU BOARD OF DIRECTORS	<ul style="list-style-type: none"><li>• Oversight of this Policy</li><li>• Review and approve any revisions</li></ul>
TRU CHIEF EXECUTIVE OFFICER	<ul style="list-style-type: none"><li>• Overall implementation, monitoring and review of this Policy</li><li>• Ensure that ALL TRU staff, volunteer and</li></ul>

	representatives comply with this Policy
TRU staff, volunteer and other representatives	<ul style="list-style-type: none"> <li>• Apply this Policy in all activities and representation of TRU</li> <li>• Ensure that all partners are aware of and comply with this Policy</li> </ul>

## 8. Reporting

Where any person has reasonable grounds to suspect that TRU or any person within the scope of this Policy have engaged in sexual exploitation, sexual abuse or sexual harassment, TRU encourages them to report their concerns immediately in accordance with this Policy.

All reports will be managed in confidence and shall not suffer any sanctions on account of their actions provided that their actions:

- Are in good faith based on reasonable grounds; and
- Conform to the procedures included in this Policy.

TRU will ensure individuals who self-report will have access to timely and suitable assistance.

When making a disclosure, reporting person may do so anonymously, however you are encouraged to share identity as it will make it easier for TRU to address the disclosure. When identity is withheld, TRU will assess disclosure in the same manner if they had revealed their identity but there may be practical limitations in conducting investigation.

### ➤ 8.1 Reporting Mechanisms

Any person wishing to report under this Policy may notify TRU using the following reporting mechanisms:

- Inform the **Chief Executive Officer** at any time in person or via phone, text, email or other communication forms;
- **Report to TRU by telephone \_\_\_\_\_ or email \_\_\_\_\_**
- Reports for people under the age of 18 should be made under TRU Child Protection Policy

### ➤ 8.2 Types of Reporting

#### a) **Mandatory and Immediate**

- Reporting by all staff, volunteer, representatives and partners of TRU of any alleged incident of SEAH related to the management of the Union and/or delivery of TRU activities.
- This includes any alleged incident that poses significant reputational risk to TRU



- Within two (2) working days of becoming aware of alleged incident

### **B) Mandatory Reporting**

- Reporting by all staff, volunteer, representative and partners of TRU of alleged non-compliance with this Policy
- Within five (5) working days

## **9. Compliance and Assurance**

Any person found to be involved in SEAH may be subject to disciplinary actions including but not limited to termination of employment or engagement. TRU may refer any person that has engaged in SEAH to law enforcement authorities for further investigation.

Any person making allegations frivolously, maliciously or for personal gain, may also be subject to disciplinary action including but not limited to termination of employment or engagement with TRU.

TRU will monitor compliance through a range of approaches such as but not limited to staff performance review etc.

Non-compliance may lead TRU to immediately suspend or terminate employment or engagement with that person or partner organization

## **10. Review and Amendment**

This Policy will be reviewed annually by the **Governance and Business Administrator personnel** to ensure it remains compliant with related legislations, policies to ensure relevancy and effectiveness.

Any amendments to this Policy will be submitted to the TRU Board of Directors for approval and endorsement.

## **11. Annexures**