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PUBLISH WHAT YOU PAY INDONESIA (PWYP Indonesia)

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Indonesia: Citizen Monitoring for Transparency and Accountability of Licensing and Revenue Management in Mining Sector (P163797)

LABOR MANAGEMENT PROCEDURES

August 2020

Disclaimer:

This Project LMP is a draft document, which is subject to further consultation with relevant stakeholders during project implementation.

1. OVERVIEW OF LABOR USE ON THE PROJECT

Indonesia Citizen Monitoring for Transparency and Accountability of Licensing and Revenue Management in Mining Sector (or hereafter the Project) will be led and coordinated by Publish What You Pay (PWYP) Indonesia/*Yayasan Transparasi Sumber Daya Ekstraktif*. The organization will be responsible for leading the project implementation; ensuring quality control of all programmatic and financial aspects; reviewing the methodology and design of social accountability tools; selecting CSO implementing partners and coordinating their activities; undertaking regular monitoring and evaluation of project activities; and hiring independent firms and consultants to conduct knowledge product, capacity building, ICT maintenance and annual external audits and mid-term and final evaluations. PWYP is a global coalition of CSOs with extensive experience in building constructive engagement with a wide variety of stakeholders to address governance challenges in the extractives industry around the world. Through its work in Indonesia, PWYP has collaborated with citizens and different government agencies to support the collection and use of EITI data at the subnational level in Indonesia.

For the purpose of project implementation, the Project will mostly rely on the existing staff within PWYP with support from technical staff as well as local CSO implementing partners contracted by PWYP to implement the project activities. A further breakdown of project workers is outlined in the following table:

Table 1: Project Workers

Category	Definition	Types of Workers	Est. Number	Expected Roles
Direct Workers	People employed or engaged directly by PWYP to perform project management functions	Core staff	9	- Provide day-to-day management of project activities, incl. technical assistance and oversight
		Consultants (incl. technical advisors)	2	- Provide technical advisory/assistance on an on-call basis
Contracted Workers	People employed or engaged through local implementing CSO partners to perform work related to	Project staff	3 project staff at 3 provinces (Total=9)	- Provide day to day management of project activities at provincial level, including provide report activities.
Community Workers	Community facilitators employed or engaged to facilitate community engagement (hired by local implementing CSOs)	Local Facilitator	1 local facilitator at 3 district (Total = 3)	- Organize and facilitation meeting at district level

Number of Project Workers: The actual size of workforce is yet to be further assessed since the target locations and implementing partner CSOs will be determined and selected during project implementation. The estimated total number of direct workers from PWYP is 9 peoples.

Characteristics of Project Workers: Most of direct workers are expected to be sourced from the existing PWYP workforce, consisting of both national staff and consultants. Implementing local CSO partners will most likely source their existing personnel to undertake project activities. No labor influx is expected from this project.

Timing of Labor Requirements: Direct workers will be employed throughout the project's duration (up to April 30, 2022). The length of engagement with implementing local CSO partners will depend on the timing of their recruitment during project implementation but are not expected to exceed beyond the project's closing date. Community workers (i.e. facilitators/volunteers) will be employed on a need basis.

2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The project is expected to be implemented in three targetted provinces in the islands of Sumatra, Kalimantan, and Sulawesi (the exact provinces will be determined during project implementation). Selection criteria of potential target provinces include presence of mineral and coal mining activities and existence of a local capable parter to deliver project activities in collaboration with provincial governments.

No civil works will be funded under the project and hence, Occupational, Health and Safety (OHS) risks are low. Potential risks may stem from OHS risks during travels to project locations (by air, land, and/or water related travels) as well as other workplace-related risks, such as child labor, Gender-based Violence/Sexual Exploitation and Abuse and Violence Against Children (GBV/SEA and VAC) at work, discrimination on the basis of gender, social status, dissability and/or other inhibiting factors during the hiring process.

In addressing the above potential risks, PWYP has established the organization's Standard Operating Procedure (SOP) on labor management (refer **Annex 1**) which promotes the principles of equity, equal opportunity and non-discrimination (Article 3 of the SOP). Further provisions are provided in Paragraph 1 (Article 20) on Persons with Dissabilities, Paragraph 2 (Article 21) on Children, and Paragraph 3 (Article 22) on Female Employment, Paragraph 5 on Occupational Safety and Health. Those SOP also completed with other PWYP Standard and Operating Procedure (SOP) on child protection (refer **Annex 2**) and SOP on gender mainstreaming and woman protection (**Annex 3**). These provisions will be further elaborated in Section 3 on Labor Legislations: Terms and Conditions.

Field works in the time of COVID-19 may also expose project workers and local stakeholders, including community members to public health risks of COVID-19 transmission. Virtual engagement will be sought to the extent feasible and public health measures, including social distancing, provision and use of Personal Protective Equipment (PPE)¹ – masks at minimum, and proper hygiene practices will be applied to prevent contracting and spreading of COVID-19.

¹ For further information, refer to [WHO interim guidance on rational use of personal protective equipment \(PPE\) for COVID-19](#).

will be incorporated as part of project implementation. Further details of such procedures are presented in the project Stakeholder Engagement Plan (**Section 6 on COVID-19 Infection Prevention and Control (IPC) for Stakeholder Engagement**).

Implementing partner CSOs are required to apply the same provisions as stipulated in PWYP SOP on labor management and additional provisions in this LMP for undertaking the project.

3. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

PWYP's Standard Operating Procedure (SOP) on Labour management builds on the existing Indonesia's Labor legislation/law Number 13 Year 2003 on Manpower. The Law sets out the primary rules for establishing employment relationships, employment terms and conditions. These include working hours and over time arrangements, workers' organization and collective bargaining/labor agreements, and employment termination.

Indonesia has also ratified all ILO fundamental conventions, as follows:

- a. Forced Labor Convention
- b. Freedom of Association and Protection of the Right to Organize Convention
- c. Right to Organize and Collective Bargaining Convention
- d. Equal Remuneration Convention
- e. Abolition of Forced Labor Convention
- f. Discrimination (Employment and Occupation) Conventions
- g. Minimum Age Convention
- h. Worst Forms of Child Labor Convention

Law No. 13/2003 on Manpower requires employers to establish consensual terms and conditions with their workers in the form of a contract signed by both parties. These include occupation and types of work, along with agreed job deliverables, duty stations or workplace, amount of wages and method of payment, rights and obligations of the worker and the employer, starting date and duration of the contract, place and date of the work agreement, and hours of work and overtime. Enterprises with ten or more workers are required to establish an institution regulation. These provisions have been institutionalized within PWYP in its labor management SOP (refer **Annex 1**) Chapter V on Employment and Employment Agreements (Article 11 – 19) and Chapter VI on Protection, Remuneration and Welfare (Article 20 – 28).

In terms of minimum wage, the law acknowledges the rights of workers to earn wages to meet a decent living (*penghidupan yang layak*). The minimum wage rates differ across the geographical locations and by economic sectors, formulated by the Provincial Governor in consultation with provincial and district wage councils, which also represent worker organizations/associations. Pertaining to minimum wage, PWYP labor management SOP is in line with the law (Articles 30, 31 and 34).

Non-permanent workers, including those hired for a specified period or to complete certain outputs, including contracted workers are entitled to receive the prevailing district minimum wage for ordinary hours. The law stipulates that workers should be paid on a timely basis and at least once per month, although they may be paid more frequently on a specified date as agreed in the work agreement.

Regular working hours are 40 working hours per week, which can be arranged into five or six working days or other shift arrangements. Employers must pay overtime compensation if the working hours exceed the above with written consent from the employees for all overtime work. Such overtime work can only reach a maximum of three hours in a day and/or 14 hours in a week. These provisions are fully in line with PWYP's labor management SOP (Article 24).

Based on Law No. 40/2004 on the National Social Security System and Law No. 24/2011 on the National Social Security (BPJS), employers are required to register the organization, their employees/staffs and participate in social security programs, which include healthcare, pension, work accidents, old age, and death insurance. This requirement is reflected in PWYP's labor management SOP (Article 40). Detailed arrangements on the implementation and administrative sanctions are set out in several government and presidential regulations. In addition to this, the workers are also entitled to receive religious holiday allowance as stipulated by the Minister of Manpower Regulation No. PER-04/MEN/1994 on Religious Holiday Allowance.

The labor law protects workers from discrimination at the workplace. This encompasses entitlements to equal treatment as well as equal rights and responsibilities with no discrimination based on sex, ethnicity, race, religion, skin color, and/or political orientation. Commitments to enforce this principle are strengthened by the ratification of the ILO Convention on Discrimination in Respect of Employment and Occupation (C111), as stated in Law No. 21/1999 and Law No. 80/1957 on the Ratification of ILO Convention No. 100 Concerning Equal Remuneration for Men and Women for Work of Equal Value. PWYP Labor Management SOP stipulates such provisions under Articles 20 – 22 which encompass protection for persons with disabilities, child labor, and female employment.

Law No. 13/2003 has several articles laying out the framework for Occupational, Health and Safety (OHS). The law stipulates that every worker has a right to receive OHS (articles 86 – 87). Every enterprise is under an obligation to apply 'an occupational safety and health management system that shall be integrated into the enterprise's management system.' It further adds that rulings concerning the application of the occupational safety and health management system shall be determined and specified with government regulations. Such provisions have been institutionalized within PWYP labor management SOP (Articles 22 on female employment and Article 29 on Occupational Safety and Health).

On the provisions of workers' rights to organize, including rights to collective bargaining, workers have the freedom to choose how they are represented, and employers must not interfere in the process as mandated in Law No. 21/2000 on Trade Unions. The Government of Indonesia has also ratified the ILO Convention on the Application of the Principles of the Right to Organize (C98), as stated in Law No. 18/1956. These laws acknowledge the fundamental right of workers to strike in a legal, orderly, and peaceful fashion as the last resort to resolve disputes if negotiations fail.

4. RESPONSIBLE STAFF

The Project will be led and coordinated by Publish What You Pay (PWYP) Indonesia/Yayasan Transparasi Sumber Daya Ekstraktif. The organization will be responsible for leading the project implementation; ensuring quality control of all programmatic and financial aspects; reviewing the methodology and design of social accountability tools; selecting CSO implementing partners and coordinating their activities;

undertaking regular monitoring and evaluation of project activities; and hiring independent firms and consultants to conduct annual external audits and mid-term and final evaluations.

PWYP Director/National Coordinator with support from the HR department and environmental and social PICs within PWYP will ensure full compliance of the provisions in this LMP. This includes ensuring that all implementing CSO partners follow the same provisions as required under the LMP in their contracts. Environmental and Social PICs assigned to this project will ensure all OHS requirements for staff are duly followed and provide oversight to OHS compliance amongst implementing CSO partners and will inform the Director/National Coordinator on any breaches of the LMP.

5. POLICIES AND PROCEDURES

Forced Labor: all parties involved in this project, including PWYP and implementing CSO partners are prohibited to engage forced labor, which includes the practice of the following:

- a. bonded /indentured labor (working against an impossible debt);
- b. excessive limitations of freedom of movement;
- c. excessive notice periods;
- d. retaining the worker's identity or other government-issued documents or personal belonging;
- e. imposition of recruitment or employment fees payable at the commencement of employment;
- f. loss or delay of wages that impede the workers' right to end employment within their legal rights;
- g. substantial or inappropriate fine;
- h. physical punishment;
- i. use of security or other personnel to force or extract work from project workers, or other restrictions that compel a project worker to work in a non-voluntary basis.

Occupational Health and Safety: in line with Paragraph 5, Article 29 of PWYP labor management SOP, the project is committed to:

- a. Complying with applicable laws and regulations related to occupational health and safety;
- b. Maintaining healthy and safe working conditions. This also includes ensuring safety of project travels (by air, land and/or water related travels) and protection of GBV/SEA (refer Annex 2);
- c. General safety tips for travel include:
 - Share your travel itinerary with other project personnel. Provide daily "check-ins" to the project office/colleagues when deemed necessary
 - Carry with you, your personal emergency contact numbers
 - Identify and take note the local emergency medical services and contact numbers at site
 - Pack a basic first aid kit, including any personal prescribed and/or non-prescribed medications
 - Avoid traveling at night unless there is no other feasible option
 - Prioritize traveling on more reliable airlines acknowledged for their safety standards and performance (Garuda Indonesia and/or Citilink)
 - Adequately assess and select options for air versus land travel. Generally, air travels has lower likelihood of an accident but higher severity when compared to land travels

- Identify and engage trusted third-party sources for vehicle rentals and/or boat rentals (Trac and/or Bluebird group rentals)
 - Ensure cars/vehicles are equipped with safety equipment such as seat belts (all seats), fire extinguishers etc, and is in good operating condition for land travel
 - Driver shall not use nor talk on mobile phones while driving
 - Avoid traveling on motorbikes whenever possible (most road accidents are related to motorbikes)
 - Ensure to wear a lifevest whenever travelling on water
- d. Enabling active participation in OHS risks elimination through the promotion of appropriate skills, knowledge and attitudes towards hazards;
 - e. Ensuring all workers are competent to do their tasks and giving them adequate training
 - f. Providing adequate control of health and safety risks arising from all work activities at all circumstances;
 - g. Continually improving the OHS management system and performance;
 - h. Communicating this policy statement to all persons working under the control of the PWYP with emphasis on individual OHS responsibilities;
 - i. Availing this policy statement to all parties at all sites.

In relation to female employment, in conjunction with Article 22, Paragraph 3 of PWYP labor management SOP, the following measures will be implemented by all institutions implementing the project:

- a. The institution shall be prohibited from employing a pregnant female employee/staff that according to physician's information would endanger the health and safety of her fetus and herself if working from 23:00 to 07:00.
- b. The institution employing a female Employee/ Staff from 23:00 to 07:00 shall be obligated to i) provide nutritious food and beverage; and ii) maintain decency and security while she is at work place.
- c. The institution shall be obligated to provide transport for a female Employee/Staff leaving for and from work from 23:00 to 05:00.

Community Workers: The project may include the use of community workers in a number of different circumstances, such as community facilitation and/or community volunteers. Given the nature and objectives of such activities, the application of all requirements of the LMP may not be appropriate. In all such circumstances, PWYP will require implementing CSO partners to ascertain whether such labor is or will be provided on a voluntary basis as an outcome of individual or community agreement. Such agreement will be documented and furnished to PWYP, which will be reflected in the project's progress reports.

The time allocated by the community workers will be limited so as not to interfere with their livelihood activities. The community workers arrangements will be documented in a written document signed by the community and the implementing CSO representative. The project, through implementing CSO partners will oversee the community workers to ensure that OHS standards are applied. Community workers will be provided an opportunity to negotiate their wages and methods of payments, in reference to district or provincial minimum wage payments (whichever is higher). Relevant provisions for child labor under the LMP prevail.

Gender-based Violence/Sexual Exploitation and Abuse and Violence Against Children (GBV/SEA and VAC): As part of OHS measures, the project seeks to prevent any misconduct and/or practices (both verbal and physical) that constitute forms of GBV/SEA and VAC. PWYP has established SOP on child protection (**Annex 2**) and SOP on gender mainstreaming and woman protection (**Annex 3**). GBV/SEA refers to any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships. It includes physical, emotional or psychological and sexual violence, and denial of resources or access to services. Violence includes threats of violence and coercion and inflicts harm on women, girls, men and boys, as well as people of diverse gender identities (Part 2.1 PWYP SOP on gender mainstreaming and woman protection). VAC is defined as physical, sexual, emotional and/or psychological harm, neglect or negligent treatment of minor children (i.e. under the age of 18), including exposure to such harm, that results in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. This includes using children for profit, labor, sexual gratification, or some other personal or financial advantage. This also includes other activities such as using computers, mobile phones, video and digital cameras or any other medium to exploit or harass children or to access child pornography (Part 2.1 PWYP SOP on child protection). All project workers, including managers and employees, are required to sign Codes of Conduct (CoCs) on GBV/SEA and VAC (refer **Annex 4**). A key element of the Codes of Conduct will be the sanctions that may be applied if an employee is confirmed as a perpetrator. The sanctions need to be proportional to the transgression. These codes of conducts includes:

- a. Institution Code of Conduct: requires PWYP and its implementing CSO partners to commit to preventing and addressing GBV/SEA and VAC issues;
- b. Manager's Code of Conduct: requires managers to commit to implementing the Institution Code of Conduct, as well as those signed by individuals; and,
- c. Individual Code of Conduct: requires each staff and project worker of the project to implement and comply with the Institution Code of conduct in addressing GBV/SEA and VAC.

6. AGE OF EMPLOYMENT

The Project is committed to apply the applicable national labor laws and regulations including the minimum age and employment terms and conditions as set above. In general, the project is prohibited from employing children under 18 years of age. This is in line with Article 21, Paragraph 2 of PWYP Labor Management SOP point 1. Indonesia has ratified the ILO Convention on Minimum Age for Admission to Employment (C138) as well as the ILO Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (C182).

7. TERMS AND CONDITIONS

Wages: PWYP shall be obligated to comply with the provisions on Provincial minimum wage stipulated by the Governor of the Special Capital City of Jakarta Province where the national secretariat of the institution domiciles. Contracted workers hired by implementing CSOs partner shall abide by the prevailing district or provincial minimum wage for ordinary hours whichever is higher.

Protection: relevant provisions on protection for persons with disabilities, children and female employees can be found in Annex 1 on PWYP Labor Management SOP (Articles 23 – 24).

Working hours: relevant provisions on protection for persons with disabilities, children and female employees can be found in Annex 1 on PWYP Labor Management SOP (Articles 20 – 22)

Rests and Leaves: relevant provisions on rest and leave entitlements can be found in Annex 1 on PWYP Labor Management SOP (Articles 25 – 28).

Termination of employment: relevant provisions on termination of employment and severance can be found in Annex 1 on PWYP Labor Management SOP (Articles 42 – 47)

8. GRIEVANCE MECHANISM

All employees, including direct workers, contracted workers and community workers as specified in this LMP are encouraged to use the existing institution's FRGM channel (sekretariat@pwypindonesia.org, phone : +62 21 29069727) or workplace-related grievances. The Project Operational Manual (POM) will further elaborate a Standard Operating Procedure (SOP) for the management of grievances for project workers, including specific timeline for responses and responsibilities both within PWYP and partner CSOs.

Project workers may also opt to connect with their respective HR departments to raise concerns on workplace-related grievances. PWYP and its implementing CSO partner will ensure measures to protect confidentiality and safety of personnel from retaliation are in place and broadly communicated to all project workers.

Project workers are also encouraged to participate in labor unions to enable them to exercise their freedom of association as enshrined by law.

ANNEX 1: STANDARD OPERATING PROCEDURE LABOR MANAGEMENT - Yayasan Transparasi Sumber Daya Ekstraktif (Publish What You Pay Indonesia – PWYP Indonesia)

LABOUR MANAGEMENT
Yayasan Transparasi Sumberdaya Ekstraktif
[Publish What You Pay Indonesia]

CHAPTER I
GENERAL PROVISIONS

Article 1

Referred to herein as:

1. **Labour** shall be all matters relating to employees at times prior to, during, and following the employment period.
2. **Labour** shall be any person who is capable of performing work for producing goods and/or services in order to fulfill the needs of his/her own and the people.
3. **Employee/Staff** shall be any person working in the national institution/secretariat of the Extractive Resources Transparency Foundation [Publish What You Pay Indonesia] by receiving wage or other forms of compensation in accordance with the employment agreement.
4. **Institution/Employer** shall be the Extractive Resources Transparency Foundation, which is the incorporated entity of the national secretariat of the Publish What You Pay Indonesia coalition that employs Employees/Staff by paying wage or other forms of compensation.
5. **Work Training** shall be overall activities for providing, acquiring, increasing, as well as developing work competencies, productivity, discipline, attitude, and work ethos at a particular level of skills and expertise in accordance with position or work level or qualifications.
6. **Work Competencies** shall be the work capabilities of each individual employee/staff that include the aspects of knowledge, skills, and work attitude that are in accordance with the determined standards.
7. **Internship** shall be part of work training system organized integratedly between training in a training institution and working directly under the guidance and supervision of an instructor or a more experienced employee/staff, in the process of goods and/or services production in the institution, in order to master particular skills or expertise.
8. **Volunteer** shall be any person performing particular things for the Institution voluntarily (not due to obligatory or coercive reason), both for humanitarian duties and other forms of social awareness.
9. **Employment Agreement** shall be agreement between an employee/staff and the institution containing employment conditions, rights, and obligations of the parties.
10. **Employment** shall be relationship between the institution and an employee/staff based on employment agreement, having the elements of work, wage/salary, and order.
11. **Institutional Regulation** shall be the regulation drawn up in writing by the institution containing employment conditions and rules of procedures of the institution, as provided for in the provisions of laws and regulations.
12. **Termination of Employment** shall be the termination of working relationship due to a particular matter resulting in the termination of rights and obligations between an employee/staff and the institution.
13. **Labor Union** shall be an organization established from, by, and for employees/staff both internal and

external the institution that is free, open, independent, democratic, and responsible in nature in order to fight for, defend as well as protect the rights and interests of employees/labors as well as increase the welfare of employees/staff and their families.

14. **Child** shall be any person under the age of 18 (eighteen) years.

15. **Working Hour** shall be a time period between 06:00 and 18:00.

16.1 **(one) day** shall be a time period of 24 (twenty-four) hours.

17. **A Week** shall be a time period of 7 (seven) days.

18. **Wage/Salary** shall be employee/staff's right received and declared in the form of money as compensation from the institution/employer to employee/staff that is determined and paid in accordance with an employment agreement, or the institutional regulation, including allowances for the employee/staff and his/her family for a particular work and/or service that has been or is to be done.

19. **Minimum Wage** shall be the lowest wage stipulated by the Government, consisting of wage without allowances, or basic wage including fixed allowances.

20. **Employee/Staff Welfare** shall be the fulfillment of physical and spiritual needs and/or necessities, internal or external the working relationship, that is directly or indirectly potential of increasing work productivity in safe and healthy working environment.

CHAPTER II

BASES, PRINCIPLES, AND OBJECTIVES

Article 2

The institution's labour management shall be based upon the spirit of Pancasila and the 1945 Constitution of the Republic of Indonesia.

Article 3

The institution's labour management shall be based upon the principles of equity, equal opportunity, and non-discrimination.

Article 4

The institution's labour management is aimed at:

- a. Empowering and utilizing employees/staff optimally and productively;
- b. Providing equal opportunities for the development of interests, competencies, and expertise;
- c. Providing protection to employees/staff in actualizing welfare.

CHAPTER III

WORK TRAINING & VOLUNTEERS

Article 5

Work training shall be organized and directed to provide, increase, and develop work competencies/capacity for the purpose of increasing employees/staff' capabilities, productivity, and welfare.

Article 6

Any employee/staff shall be entitled to acquire and/or increase and/or develop work competencies/capacity in accordance with his/her talent, interest, and capability through work training.

Article 7

- (1) The institution shall be responsible for the increase and/or development of employees/staff' competencies/capacity through work training;
- (2) Work training may be organized directly by the institution and/or by any other party outside the institution such as government, think tank, university or other private institutions;
- (3) Every employee/staff has equal opportunities to participate in a work training in accordance with his/her interest, competencies, and field of duties;
- (4) The institution may provide budget support for the performance of work training for employees/ staff in accordance with the institution's financial capacity;
- (5) Other forms of support and technical policies shall be further provided for in a Coordinator/Director Decision.

Article 8

Apprenticeship

- (1) In order to provide work training opportunities to employees/staff, the institution may organize an internship program;
- (2) Internship shall be performed based on an internship agreement between a participant and the institution in writing minimum containing rights and obligations, internship work plan, term, and other provisions pursuant to the needs;
- (3) The labour participating in an internship program shall be entitled to acquire work competency qualification acknowledgment from the institution;
- (4) Internship may be performed at the institution itself or at a work training organization place, or at other institutions both inside as well as outside the territory of the Unitary State of the Republic of Indonesia;
- (5) The institution may receive requests or open opportunities for internship from other relevant institutions, both from the inside as well as the outside of the Indonesian territory;
- (6) The institution may provide budget and incentive in an internship program, both for the relevant employee/staff and for other labour from outside the Institution.
- (7) The formats of programs, supports and other technical policies shall be further provided for in a Coordinator/Director Decision.

Article 9

Volunteers

- (1) In order to develop the values of volunteering and dedication, the institution may provide opportunities to employees/staff for becoming volunteers;
- (2) The institution may accept or open opportunities to volunteers for assisting the works of relevant institutions, both from the inside as well as the outside of the Indonesian territory;
- (3) The institution may create specific program allocated for volunteers with specific budget support;

- (4) The formats of programs, supports as well as other technical policies shall be further provided for in a Coordinator/Director Decision.

CHAPTER IV

FOREIGN LABOUR UTILIZATION

Article 10

- (1) When needed, the Institution may use foreign employee that is relevant to and that conforms to the need of the institution, insofar as permission from the Government is obtained;
- (2) The institution shall be obligated to comply with the applicable provisions related to foreign labour utilization plan, the administration of permits, the positions allowed, the obligation to appoint an Indonesian employee as counterpart, and other provisions set forth in the applicable laws and regulations.

CHAPTER V

EMPLOYMENT & EMPLOYMENT AGREEMENT

Article 11

Employment occurs due to the existence of employment agreement between the institution and an employee/staff.

Article 12

- (1) Employment agreement shall be made in writing;
- (2) All matters and/or expenses required for the making of an employment agreement shall be implemented by and shall become the responsibility of the institution.

Article 13

- (1) Employment agreement shall be established for a definite or an indefinite term;
- (2) Definite-term employment agreement as referred to in paragraph (1) shall be based upon:
 - a. term (time-based); or
 - b. the completion of a particular work (output-based).

Article 14

- (1) A definite-term employment agreement shall be made in writing and must use Indonesian language and Roman alphabet.
- (2) In case an employment agreement is drawn up in Indonesian and foreign languages, if different interpretations between the two are later found, the employment agreement drawn up in Indonesian language shall prevail.
- (3) A definite-term employment agreement may not require the occurrence of a probation period.
- (4) In case a probation period is required in the employment agreement as referred to in paragraph (1), the required probation period shall be void by law.

Article 15

- (1) A definite-term employment agreement may be drawn up only for a particular work that based on the type and nature or activity of the work will be completed within a particular time, namely:
 - a. One-time or temporary work;
 - b. Work predicted to be completed within a not-too-long period and within 3 (three) years at a maximum;
 - c. Work relating to new product, new activity, or accessory product that is still under experiment or exploration.
- (2) A definite-term employment agreement that is made not in writing in violation of the provisions as referred to in paragraph (1) shall be declared as an indefinite-term employment agreement.
- (3) In case an employment agreement is drawn up in Indonesian and foreign languages, if different interpretations between the two are later found, the employment agreement drawn up in Indonesian language shall prevail.
- (4) A definite-term employment agreement may be extended or renewed.
- (5) A definite-term employment agreement that is based upon a definite term may be established for a maximum period of 2 (two) years and may only be extended once for a maximum period of 1 (one) year.
- (6) The institution shall conduct review and evaluation on a definite-term employment agreement on an annual basis and prior to the expiration of the relevant employment agreement.
- (7) Whether the institution intends to extend/not to extend the definite-term employment agreement, within 1 (one) month prior to the expiration of the relevant employment agreement, the institution should have notified the relevant Employee/Staff in writing of such intention.
- (8) A definite-term employment agreement failing to comply with the provisions as referred to in paragraph (1), paragraph (2), paragraph (4), paragraph (5), and paragraph (6) shall by law become an indefinite-term employment agreement.

Article 16

Probation Period

- (1) An indefinite-term employment agreement may require a probation period of 3 (three) months at a maximum.
- (2) During the probation period as referred to in paragraph (1), the institution is encouraged not to pay for wage below the applicable minimum wage, in accordance with the provisions of applicable laws.

Article 17

- (1) An employment agreement shall terminate in the following events:
 - a. the demise of the relevant employee/staff;
 - b. expiration of the term of the employment agreement;
 - c. the occurrence of a court judgment and/or an institution decision or stipulation on industrial dispute settlement already having permanent legal force; or
 - d. the occurrence of a particular condition or incident mentioned in the employment agreement, or an institution regulation potentially resulting in the termination of employment.

- (2) An employment agreement shall not terminate due to the change of leader of the institution or the transfer of right on the institution management resulting from the transfer of assets and or grants of the institution;
- (3) In the event of change of leader of the institution, the rights of the employees/staff shall become the responsibility of the new leader, unless determined otherwise in the transfer agreement without prejudice to the rights of the Employees/staff;
- (4) In the event of the demise of an employee/staff, the heirs of the relevant employee/staff shall be entitled to receive their rights in accordance with the applicable laws and regulations or the rights set forth in the employment agreement or the institution regulation.

Article 18

- (1) In case an indefinite employment agreement is made in verbal, the Institution shall be obligated to draw up a letter of appointment for the relevant Employee/Staff;
- (2) The letter of appointment as referred to in paragraph (1) shall at least contain information on the following:
 - a. name and address of the employee/staff;
 - b. date of commencement of employment;
 - c. type of work; and
 - d. amount of wage.

Article 19

- (1) The institution may deliver a portion of the performance of work to another institution/company through an agreement on cooperation, work contracting or employee/staff services provision that is made in writing.
- (2) The work that may be transferred to another institution/company as referred to in paragraph (1) must meet the following requirements:
 - a. performed separately from the main activity;
 - b. performed under the direct or indirect order of the employer;
 - c. is a supporting activity to the institution as a whole; and
 - d. does not directly impede the institution's production process/activity.
- (3) Another institution/company as referred to in paragraph (1) must take the form of an incorporated entity.

CHAPTER VI

PROTECTION, REMUNERATION, AND WELFARE

Part One

Protection

Paragraph 1

Persons with Disabilities

Article 20

- (1) If the institution employs an employee with disability, the institution shall be obligated to provide protection in accordance with the type and level of his/her disability.
- (2) The provision of protection as referred to in paragraph (1) shall be implemented in accordance with the applicable laws and regulations.

Paragraph 2

Children

Article 21

- (1) The institution shall be prohibited from employing children².
- (2) The institution shall allow employees/staff based upon personal consideration to bring children to work place for the needs of breastfeeding, nurture, and other considerations relating to the protection and fulfillment of children's rights.
- (3) The institution shall prioritize the provision of supporting facilities for the needs of the employees/staff that bring children to work place, in adjustment to the institution's capacity.

Paragraph 3

Female

Article 22

- (1) The institution shall be prohibited from employing a pregnant female employee/staff that according to physician's information would endanger the health and safety of her fetus and herself if working from 23:00 to 07:00.
- (2) The institution employing a female Employee/ Staff from 23:00 to 07:00 shall be obligated to:
 - a. provide nutritious food and beverage; and
 - b. maintain decency and security while she is at work place.
- (3) The institution shall be obligated to provide transport for a female Employee/Staff leaving for and from work from 23:00 to 05:00.

Paragraph 4

Working Hours

Article 23

- (1) The institution's terms on working hours include:
 - a. 7 (seven) hours a day and 40 (forty) hours a week for 6 (six) working days in 1 (one) week; or

² Minimum age for employment is 18 and the project is prohibited from employing personnel under 18 years of age.

- b. 8 (eight) hours a day and 40 (forty) hours a week for 5 (five) days in 1 (one) week;
- c. Or specific terms for each employee/staff as provided for in the employment agreement.

Article 24

- (1) If the institution employs an employee/staff in excess of the working time as referred to in Article 23, the following conditions must be met:
 - a. there is request from the institution
 - b. there is approval from the relevant employee/staff; and
 - c. overtime work may only be done maximum for 3 (three) hours a day and 14 (fourteen) hours a week.
- (2) An employee/staff working in excess of the working time as referred to in paragraph (1) shall be allowed to compensate his/her working time on any other day, otherwise the institution shall provide suitable compensation money or incentive.
- (3) Other technical matters that are not yet provided for in this clause shall be further determined in a Coordinator/Director Decision.

Article 25

Rests and Leaves

- (1) An Employee/Staff shall be entitled to take rests and leaves.
- (2) The leaves as referred to in paragraph (1) shall include:
 - a. Menstrual leave, leave given during menstruation period, 2 (two) days maximum;
 - b. Maternal leave, leave given while preparing – during – and after childbirth period, for 3 (three) months;
 - c. Paternity leave, leave given while preparing – during – and after her wife's childbirth period, for 1 (one) week;
 - d. Annual leave, at least 12 (twelve) working days after the relevant employee/staff has been working for 12 (twelve) consecutive months; and
 - e. Long leave, at least 2 (two) months and shall be implemented on the seventh and eighth years respectively for 1 (one) month for an employee/staff that has been working for 6 (six) consecutive years in the same institution, under the terms that the relevant employee/staff shall no longer be entitled to his/her annual leave in 2 (two) current years and this subsequently applies for any multiple of 6 (six)-year employment period.
- (4) The implementation of the leaves as referred to in paragraph (2) shall be provided for in the employment agreement and/or the Institution regulation.

Article 26

The institution shall give employees/staff opportunity to perform their religious worship in accordance with their respective religions and beliefs.

Article 27

Breastfeeding female Employees/Staff shall have the right to breastfeed their children during working time.

Article 28

Any Employee/Staff exercising their rights for rests and leaves as referred to in Article 25 paragraph (2) shall be entitled to receive full wage.

Paragraph 5

Occupational Safety and Health

Article 29

- (1) Any employee/staff shall be entitled to receive protection on:
 - a. occupational safety and health;
 - b. sexual harassment action; and
- (2) In order to protect employees/staff's safety for actualizing optimal work productivity, the institution shall take occupational safety and health measures that are integrated into the institution's management system;
- (5) Other technical matters relating to occupational safety and health implementation for employees/staff shall be further provided for in a Coordinator/Director Decision.

Part Two

Remuneration/Salary

Article 30

- (1) In order to actualize income that is able to fulfill proper livelihood for employees/staff as provided for in the applicable laws and regulations, the institution shall stipulation remuneration policy that protects employees/staff.
- (2) The remuneration policy that protects Employees/Staff as referred to in paragraph (1) shall follow the applicable laws and regulations.

Article 31

Income

- (1) Employees/staff's income shall be given in the form of:
 - a. Wage; and
 - b. Non-wage income.
- (2) The wage as referred to in article (1) point a shall consist of the following components:
 - a. Basic wage;
 - b. Allowances; and/or
 - c. Bonus/incentive

Article 32

Religious Holiday Allowance

- (1) Religious holiday allowance must be given by the Institution.
- (2) Religious holiday allowance must be paid at the latest 7 (seven) days prior to the relevant religious holiday.
- (3) Calculation of the religious holiday allowance shall be intended for employees/staff with a minimum of 1 (one)-year employment period, if less than 1 (one) year, the allowance shall be calculated on a pro rata basis in accordance with the amount of the employment period.

Article 33

Bonus/Incentive

- (1) Bonus/incentive acquisition determination may be given by the Institution to an employee/staff based on work performance, proposal competition winning, overtime compensation, and/or other compensations for the institution's target achievement and performance;
- (2) Other matters concerning amount, criteria, and other technical implementations shall be further provided for in a Coordinator/Director Stipulation.

Article 34

Minimum Wage

The institution shall be obligated to comply with the provisions on Provincial minimum wage stipulated by the Governor of the Special Capital City of Jakarta Province where the national secretariat of the institution domiciles³.

Article 35

Wage Determination

- (1) Wage unit determination based on time unit shall be performed by referring to wage structure and scale;
- (2) The institution shall prepare wage structure and scale in accordance with the provisions of applicable laws and regulations, with due observance of class, position, employment period, education, and competencies;
- (3) The institution shall conduct review on wage on a periodic basis with due observance of the institution's financial capacity and productivity.

Article 36

Wage Payment

- (1) Wage must be paid to the relevant employee/staff;
- (2) The institution shall be obligated to give the wage payment receipt indicating details of the wage received by the employee/staff at the time the wage is paid;
- (3) Wage may be paid to a third party with a power of attorney from the relevant employee/staff;

³ The provision applies for staff employed by the national secretariat office. Provincial minimum wage standards shall prevail for staff and/or personnel employed by implementing partner CSOs.

- (4) The institution shall be obligated to pay for the wage at the time agreed between the institution and the employee/staff;
- (5) In case the determined day or date falls on a holiday or a day-off, or on a weekly resting day, the wage payment shall be made as provided for in the employment agreement, or the institution regulation;
- (6) Wage payment shall be made within at the earliest once a week or at the latest once a month, except for an employment agreement with a term of less than one week.
- (7) Employee/staff wage must be paid entirely on each period and as per the wage payment date.
- (8) Wage may be paid directly or via Bank transfer. In case wage is paid via bank transfer, the wage must be disbursable by the relevant employee/staff on the wage payment date agreed by both parties.

Article 37

Employee/Staff Loan

- (1) The institution may give loan to an employee/staff that has been working for a minimum of 12 (twelve) consecutive months, for the purpose of supporting welfare, such as for housing, education, and other purposes;
- (2) Loan repayment shall be made through the deduction of the relevant employee/staff's monthly wage/salary.
- (3) The term and amount of loan shall be 1 (one) year at a maximum with the amount of monthly installment of not less than 1/3 (one-third) of the relevant employee/staff's monthly salary.
- (4) Further provisions on lending procedures, deduction and other technical matters shall be further provided for in a separate institution regulation and through Coordinator/Director's approval.

Article 38

Wage for Severance Payment

- (1) In order to comply with the provisions on severance pay for pension employee/staff or in case of termination of employment, the institution shall organize a fund allocation system for such need, in accordance with the institution's financial capacity.
- (2) Other matters on technical provisions shall be further provided for in a Coordinator/Director Stipulation.

Article 39

Wage for Income Tax Calculation

Wage for income tax calculation shall be implemented in accordance with the provisions of applicable laws and regulations.

Part Three

Welfare

Article 40

- (1) Every Employee/Staff and his/her family shall be entitled to receive labour social security.
- (2) The labour social security as referred to in paragraph (1) shall be implemented by the Institution in accordance with the applicable laws and regulations.

(3) Other matters on technical provisions shall be further provided for in a Coordinator/Director Stipulation.

Article 41

- (1) In order to increase the welfare of an employee/labor and his/her family, the institution may provide welfare facilities.
- (2) Other technical matters that are not yet provided for in this clause shall be further determined in a Coordinator/Director Stipulation.

CHAPTER VII

TERMINATION OF EMPLOYMENT

Article 42

- (1) The board of management of the institution and employees/staff must use all efforts to prevent termination of employment.
- (2) In case all efforts have been made, but termination of employment is unavoidable, the purpose of the termination of employment must be discussed by the board of management of the institution and the relevant employee/staff, as well as requested for stipulation from the Board of Supervisors and the Board of Trustees of the Institution.
- (3) Insofar as an institution decision has not been stipulated, both the institution and the relevant employee/staff must consistently perform all their respective obligations.
- (4) The institution may undertake suspension action to an employee/staff currently in the process of termination of employment by consistently being obligated to pay for the wage as well as other rights commonly received by the relevant employee/staff.

Article 43

- (1) The institution shall be prohibited from performing termination of employment by reasons of the following:
 - a. an employee/staff is getting married;
 - b. a female employee/staff is pregnant, giving birth, having miscarriage, or breastfeeding her baby;
 - c. an employee/staff is having blood relationship and/or marriage relationship with another employee/staff in a single institution, unless the same has been provided for in the employment agreement, or the company regulation;
 - d. due to difference in understanding, religion, political belief, ethnicity, skin color, class, sex type, physical condition, or marital status;
 - e. an employee/staff is in the condition of permanent defective, illness due to occupational accident, or illness due to employment the recuperation period of which cannot yet be assured according to the physician's statement.

Article 44

Severance Pay

- (1) In the event of termination of employment, the institution shall be obligated to pay for severance pay and or long service pay and compensation pay that should have been received in accordance with the provisions of applicable law, in adjustment to the Institution's capacity.
- (2) Other technical matters on the provisions on, allocation of, and implementation of the granting of severance pay giving shall be further provided for in a Coordinator/Director Stipulation.

Article 45

- (1) The board of management of the institution may perform termination of employment to an employee/staff by reason that the relevant employee/staff has committed the following serious offences:
 - a. committing fraud, thievery, or embezzlement of the institution's goods and/or money;
 - b. giving false or falsified information resulting in loss to the institution;
 - c. getting drunk, drinking alcoholic beverage, using and/or distributing narcotics, psychotropics, and other additives within the working environment;
 - d. committing immoral action or gambling within the working environment;
 - e. attacking, torturing, threatening, or intimidating co-workers or the institution in the working environment;
 - f. inducing co-workers or businessmen to undertake action that is contradictory to the laws and regulations;
 - g. carelessly or intentionally destroying or leaving in dangerous condition properties of the institution resulting in loss to the company;
 - h. carelessly or intentionally leaving co-workers or the management of the institution in dangerous condition at the work place;
 - i. disclosing or divulging the institution's secret
 - j. committing other actions within the environment of the institution that is subject to a criminal sanction of imprisonment of 5 (five) years or more.
- (2) The serious offences as referred to in paragraph (1) must be supported by the following evidences:
 - a. the relevant employee/staff being caught red-handed;
 - b. confession of the relevant employee/staff; or
 - c. other evidences in the form of incident reports drawn up by the competent authority in the relevant institution and supported by at least 2 (two) witnesses.
- (3) An employee/staff under termination of employment based on the reasons as referred to in paragraph (1) shall not receive the severance pay as referred to in Article 44.

Article 46

- (1) In case an employee/staff conducts a violation against any provision provided for in the employment agreement or the institution regulation, the institution shall be entitled to perform termination of employment, after the relevant employee/staff has been given the first, second, and third consecutive warnings.
- (2) The warnings as referred to in paragraph (1) shall be respectively valid for a maximum period of 6 (six)

months, unless determined otherwise in the employment agreement, or the institution regulation.

Article 47

(1) A resigning employee/staff must meet the following requirements:

- a. filing an application for resignation by no later than 60 (sixty) days prior to the date of commencement of resignation;
- b. not bound to a service bond;
- c. consistently performing his/her obligations up to the date of commencement of resignation; and
- d. giving notes and obligated to perform the process of transfer/handover of his/her work duties and responsibilities to the new employee/staff.

CHAPTER VIII

CLOSING

Article 48

- (1) This Institution Regulation shall come into force as from the date of its stipulation to be applied up to an undetermined time, unless there is an amendment/revision to the institution regulation based on the new laws and regulations or based on the institution's financial situation.
- (2) The provisions provided for in these operational standards and procedures shall be implemented in accordance with various considerations and capabilities of the institution in terms of management and finance.
- (3) Other matters required in management, budgeting, and technical provisions to implement this regulation shall be further provided for in a Coordinator/Director Decision. #

ANNEX 2:

CHILD PROTECTION POLICY – Yayasan Transparasi Sumber Daya Ekstraktif

I. INTRODUCTION

1.1. Background

Publish What You Pay (PWYP) Indonesia (Yayasan Sumber Daya Ekstraktif) is a coalition of civil society for transparency and accountability in extractive resources governance in Indonesia. PWYP was formed on November 21, 2007 with the aim of advancing accountable and transparent extractive resource governance in Indonesia and at the global level; aggregate public interests from the perspective of civil society organizations; and strengthen the ability of Indonesian civil society to play an active role in extractive resources management. The vision of PWYP Indonesia is the realization of extractive resources governance in Indonesia that is transparent, accountable and in favor of national interests so that it becomes a capital for prosperity and social justice.

In line with that vision, PWYP Indonesia needs to pay attention to social justice policies, one of which is the child protection policy. PWYP Indonesia develops a Child Protection Policy in general aimed at protecting children involved in programs from all forms of violence and exploitation; and protect staff and PWYP Indonesia organizations and coalitions from responsibility for failure to take appropriate steps to prevent or protect children from violence.

1.2. Basic Policy

PWYP Indonesia understands that it has a fundamental duty to protect children involved in all programs and activities and that it is committed to providing security and protection for children from all forms of violence and exploitation. This Child Protection Policy recognizes that children can be very vulnerable, especially in situations of poverty and / or humanitarian crisis or conflict and they need to be protected.

PWYP Indonesia upholds the rights and obligations contained in the UN Convention on the Rights of the Child and is dedicated to protecting children from danger, exploitation and violence. PWYP Indonesia is committed to protecting the safety and welfare of children.

PWYP Indonesia is committed to providing the safest environment for children involved in the work environment or working with PWYP Indonesia. PWYP Indonesia will use a risk management approach to minimize the possibility of violence against children and will develop clear and practical guidelines for staff and representatives in dealing with violence against children and in managing complaints. PWYP Indonesia promotes safe work practices for children in our organization with the aim that children do not experience the slightest violence as a result of the program.

This policy has been developed to comply with international standards such as the United Nations Convention on the Rights of the Child. This policy applies in harmony with general law without obliterating or replacing the rights and obligations of each individual contained in Law No.23 of 2002 concerning Child Protection. This policy must be seen as a broader component of the ethical framework and Code of Conduct of PWYP Indonesia. Disciplinary processes are a means for building and maintaining an ethical, efficient and effective organization and do not have to be seen as separate from the overall goals of the institution.

1.3. Purpose

PWYP Indonesia develops a Child Protection Policy with the aim to:

1. Protect children from danger, exploitation and violence, by setting a goal so that children can experience a 'nonviolent' situation as a direct or indirect impact of PWYP Indonesia program. This will be achieved by identifying and managing risks associated with work that involve children, and ensuring that internal procedures are appropriate and understood by staff on handle complaints related to child protection;
2. Protecting staff, representatives and also PWYP Indonesia organizations from claims of opposing false or dangerous, excessive suspicion and responsibility for wrongdoing, as well as responsibility for failure to take appropriate steps to save or protect children from resistance. This was overcome by having a clear and transparent reporting system;
3. Protect the integrity and reputation of PWYP Indonesia and its partners, by anticipating the perpetrators of violence against children using the Child Protection Policy and related procedures that are well formulated.

1.4. Scope

This Child Protection Policy applies to every member of the Advisory Board, Supervisory Board, Executive Board, Staff and members (including those currently working at other organizations), contractors, sub-contractors, and program participants, including volunteers, scholarship holders, trainers, group leaders, facilitators, and other relevant parties of PWYP Indonesia and / or their family members.

II. CHILD PROTECTION POLICY

2.1. Definition

1. *Child* means every person under the age 18 (eighteen) years.
2. *Child abuse* is a sexual, emotional, physical or neglect of child abuse that results in harm to health, survival, growth or dignity of the child, whether that has occurred or is still potential, in the context of the relationship of responsibility, trust or power.
3. *Child protection* is an activity or initiative designed to protect children from all forms of harms, especially harms from violence, neglect or exploitation.
4. *Physical violence* against a child is when someone intentionally harms or tries to hurt the child in an interaction, even if minimal, which is in the control of someone who has responsibility or power or trust of the child. This can take the form of the act of slapping, punching, shaking, kicking, burning, pushing, robbing or choosing not to help the child when the child is in physical pain. Such actions can occur once or repeatedly.
5. *Emotional violence* against a child is any non-physical action but has a negative effect on the child's social, intellectual or emotional growth. Emotional violence, simply, is categorized as a repetitive pattern of behavior directed at children who slowly demean or undermine children's self-confidence and social skills. This action can take the form of calling a name roughly, threatening, disparaging, ridiculing, intimidating, ostracizing, ignoring or acting unfriendly even rejecting other non-physical nature of the child.
6. *Child neglect* is a failure to provide basic needs for child such as food, clothing, shelter, education, supervision of emotional development and / or protection from threatening hazards in contexts when sufficient resources are available to families or carers and, in to a certain degree, the health and / or development of the child is in danger.
7. *Sexual violence* against a child is when someone who is in a position of responsibility, given trust or has power over the child involves the child in sexual activities that are intended to satisfy or meet the needs of others and are not fully understood by the child, unable to give consent based on enough information, or not mentally ready (adult) and cannot give consent. This can include actions involving physical contact (such as rape or sexual touching) or without physical contact (such as showing pornographic images or videos or taking photos of children who pose sexually).
8. *Domestic violence* is a pattern of attacking and / or coercive behavior carried out in a family or household environment which can include physical violence, sexual violence, emotional violence and / or economic coercion.
9. *Child Exploitation* is when a child is employed or used in other activities for the benefits of others. This includes, but is not limited to, commercial sexual exploitation of children, that is, when a child experiences sexual violence in exchange for cash or other forms and child labor, i.e. when a child is forced to work or perform other actions to the limit endangering physical, social or child mentality.

2.2. Policy Principles

This Child Protection Policy is based on the following principles:

1. There is no tolerance for violence against children;
2. Recognition and promotion of the best interests of children;
3. Sharing responsibility for child protection;
4. The use of a risk management approach to prevent child abuse; and

5. Provide reports and responses to all incidents of child abuse

2.3. Commitment of PWYP Indonesia

PWYP Indonesia is committed to implementing and maintaining the highest quality of child protection, including:

1. In all contracts involving PWYP Indonesia, all parties agree to comply with the requirements in this policy;
2. Child protection risks are included in all project and activity risk assessments;
3. Cultural issues that are specific and related to child protection will be included in the project's specific risk management strategy, training and response procedures;
4. Preventive measures for child protection are carried out to the highest standards;
5. The recruitment and screening process must use comprehensive principle of respect for children
6. Child protection training is regularly given to PWYP Indonesia staff;
7. Code of Conduct of Child Protection applies to, understood and signed, by all PWYP Indonesia employees and the representatives bound to it, wherever applicable;
8. Clear and current reporting procedures must be implemented and understood by PWYP Indonesia staff;
9. National law and local processes and policies must be considered in the reporting and response mechanism;
10. No one is allowed to work with children if they tend to carry unacceptable risks for the safety or well-being of children;
11. All work contracts involving PWYP Indonesia specify that PWYP Indonesia has the right to dismiss, suspend or transfer personnel who violate the child protection code of conduct;
12. Until there is an official investigation into an incident of child abuse, the principle of confidentiality and sensitivity must be upheld. The highest level of confidentiality and sensitivity works while waiting for the results of an official investigation of the incident.

2.4. Code of Conduct of Child Protection Policy

A. Acceptable Behavior

PWYP Indonesia personnel must:

1. Treat children with dignity and respect regardless of ethnicity, race, gender, age, language, religion, political opinions or other, disability, or other status;
2. Acting according to their position representing PWYP Indonesia in all their dealings with children;
3. As soon as possible increase awareness about the safety of children in accordance with PWYP Indonesia Reporting Procedures and be observant of the procedural welfare compilation involved in decision making;
4. Always pay attention to children when working with them and prepare as much as possible other adults compile to work near children;
5. Listen to children and allow them to be involved in decisions that can affect them;
6. Comply with all relevant regulations in Indonesia and the laws of the host country, including labor laws in its consideration with child labor; and / or

7. Follow organizational policies and regulations regarding the safety of children.

B. Unacceptable Behavior

PWYP Indonesia personnel are not allowed:

1. Using language or exhibiting behavior that is inappropriate, harassing, insulting, degrading, sexually provocative, or culturally insensitive to children;
2. Involving children in any form of activity that is degrading, insulting, sexually provocative, abusive or culturally inappropriate or insensitive;
3. Involving children in any form of sexual activity or action, including paying for sexual services or acts;
4. Inviting children without a companion to PWYP Indonesia personnel's home, unless they are at risk of injury or in physical danger that requires immediate treatment;
5. Give access to child pornography through any media;
6. Sleeping near children without supervision;
7. Employing children for domestic work or other work that is inappropriate given at their age or growth stage, which interferes with their time for educational and recreational activities, or which puts them at significant risk of injury;
8. Exclusion or support only certain children;
9. Using equipment, including but not limited to, computers, cellular phones, video or digital cameras to take inappropriate images and without the consent of the child and / or parents or guardians;
10. Carry out attacks, discipline or physically punish children; and / or
11. Touching a child in a way that is inappropriate or offensive according to cultural norms.

2.5. Policy on Using Image/Video of Children

When capturing and filming children for related work purposes, PWYP Indonesia personnel must:

- Pay attention to and obey local traditions or rules to reproduce personal images;
- Obtain legal approval from the child or parent / guardian. As part of this agreement, an explanation must be given as to how this photo or picture will be used;
- Ensure that photos, films, videos and DVDs present children in a dignified and respectful manner and not in an insulting or degrading manner. Children must dress appropriately and not in a pose (posture) that can be considered sexually suggestive;
- Ensure that the image is an honest representation of certain contexts and facts;
- Ensure that the label on the file does not contain information about the child's identity when sending electronic images; and / or
- Ensure that images/video containing children do not contain information about their identity.

2.6. Reporting and Response to Incidents

Reporting on Child Abuse

Any suspicion or disclosure of cases of child abuse must be reported immediately to the Human Resources Manager and / or Coordinator of PWYP Indonesia. All incidents will be reported and managed in accordance with PWYP Indonesia's Child Protection Incident Reporting Process. (See Appendix 2).

Guidelines for Responding to Allegations of Child Abuse

PWYP Indonesia views all allegations of child abuse by PWYP Indonesia personnel as a serious problem. All charges will be carefully investigated. If an incident has been reported, the procedure to be followed is below.

Non-critical Incidents Allegations

A non-critical allegations of child abuse is an allegation which does not pose a direct risk to the child if the allegations is true. This incident can naturally be considered important but it can be a response to an indirect incident after the incident; an example is accessing child pornography.

- a. The incident will be documented and investigated in accordance with PWYP Indonesia's Incident Reporting and Response Procedures;
- b. The incident will be investigated with respect to the privacy of the accused and the alleged victim and information about the incident is only disseminated based on the "need to be known" principle with serious attention to the rights and welfare of the parties involved;
- c. The accused person will be given the opportunity to express his views / opinions / versions of the facts of the incident;
- d. The perspective of children suspected of being victims must be seen in the framework of the evidence so far recorded that children rarely lied about the violence they experienced; and
- e. If the incident is proven to occur, appropriate disciplinary action will be taken, including, but not limited to:
 - a. Warning; and / or
 - b. Temporary suspension and / or
 - c. Dismissal.
- f. Disciplinary action will depend on the nature and severity of the violation, on the wisdom of the Human Resources Manager, and is fully documented and reported to the Coordinator of PWYP Indonesia

Critical Allegations

A critical allegation is an allegation that might pose a direct risk to the welfare of the child. Allegations in this category must really be found evidence - for example is inappropriate sexual activity.

1. If the allegation is in the form of a violation of the law in the country where the incident occurred, or Indonesian law, the incident is immediately reported to the authorities and the person is suspended from work until there is an official investigation;
2. Efforts will be made to ensure the confidentiality and rights of the accused and information relating to the incident will be disseminated based on the "need to know" principle;
3. If the incident involves a violation of the Code of conduct (but does not violate national law), the accused may be suspended temporarily until there is an official investigation;

4. If violations of the Code are found, various situations must be considered and appropriate action taken;
5. If the allegation is false or unfounded, various efforts will be made to ensure the rights of the accused are fulfilled;
6. If the allegation is a violation of Indonesian law, the issue of privacy will no longer apply unless it is deemed necessary to fulfill the rights of the victim.
7. If needed in an investigation, PWYP Indonesia will consider and give legal advice and advice from the competent authority.

2.7. Recruitment and Reference Check

In terms of recruitment and reference checking, PWYP Indonesia has the following principles:

1. Will not accept someone as a staff or volunteer, if it is known that he has a tendency to commit a crime that endangers children.
2. Every person who applies to work at PWYP Indonesia must include at least two references that can be contacted (verbally) who were the leaders in the previous workplace. The reference giver is not a colleague, husband / wife and / or who still has a kinship. For positions deemed likely to work with children, the referee must be asked for information about the suitability of the applicant in his role of working with children and / or their relationship with children when working without routine supervision. Referees are asked whether they have certain records of the applicant, or whether there are complaints against the applicant, regarding work or their relationships with children.
3. All new PWYP Indonesia personnel must fill out the criminal record declaration form (Attachment-1), PWYP Indonesia's Secretariat can request a Police Record Certificate (SKCK) if needed.
4. New personnel who are in positions of working with children will be asked to provide written statements about whether they have been charged with child exploitation in the past.
5. Applicants must provide documentation to prove their true identity.
6. For positions that work with children, the interview process for staff candidates at PWYP Indonesia must include questions about behavior that are directly related to working with children to investigate the attitudes, experiences and approaches of the applicant when working with children according to the position the proposed job.

Among these questions can be taken from the list below for example:

- a. Have you worked / volunteered with children in the same position before? What do you like about it? Did you find any difficulties?
- b. How do you handle children who do not want to participate in activities?
- c. Do you mind being watched?
- d. What motivates you / why do you want to work with children in this program?

2.8. Child Protection Education and Training

All new PWYP Indonesia personnel will receive:

1. Briefing on the Child Protection Policy by their manager and / or the Human Resources Department. The briefing should include discussion of the responsibilities of PWYP Indonesia and individuals, to build

and maintain an organization that is safe for children, and appropriate behavior when interacting with children or sensitive material.

2. A copy of PWYP Indonesia's Child Protection Policy and related procedures.

2.9. Risk Identification

1. At least 2 (two) years, the National Secretariat of PWYP Indonesia conducts an identification accompanied by efforts to prevent the risks of the minimum protection of children in the activities of PWYP Indonesia
2. Identification of these risks can be carried out in a participatory manner with facilitators and staff of the National Secretariat, can involve trainers or outsiders such as experts / consultants, and changes can be made at any time when identifying risks.

III. COMMITMENT DECLARATION

By signing this document, I declare that I understand and accept the provisions outlined in this document. I understand the legal and ethical obligations contained in this document in detail.

I understand that violating this Policy and / or the Code of Conduct can be the reason that my work with PWYP Indonesia must end. I also understand that violations of this Policy and / or Code of Conduct can result in criminal prosecution.

I declare that:

1. I have read and understood PWYP Indonesia's Child Protection Policy.
2. I will work in the procedure as stated in PWYP Indonesia's Child Protection Policy.
3. I will immediately report any suspected child abuse by another person
4. I have not been accused or convicted of violations involving physical or sexual violence of children or adolescents.
5. I understand that if there are complaints filed against me about the abuse of children while I am involved in PWYP Indonesia activities, the allegations will be thoroughly investigated and can be collaborated with the authorities.
6. I understand that it is my responsibility as a person involved with PWYP Indonesia to avoid acts or abusive behavior or exploitation of children or actions that can be interpreted as such.
7. I allow PWYP Indonesia to ask any questions needed, including checking criminal records and reference checks as part of my appointment and recruitment process.
8. I confirm my willingness to participate in a training session and briefing PWYP Indonesia on child protection if it is held later

Place,.....Date Year

Stated by

--signature --

(Name, Position)

Appendix-1: Obligatory Declaration Form of Criminal Records

DECLARATION FORM OF CRIMINAL RECORDS

Register Name:		Apply for Position:	
Have you ever been punished for an offense?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide details:			

Please note: if you apply for a position where you will have regular contact with children, (this may be frequent or rare), you are required to provide details of **any** allegations or violations and criminal warnings, or pending prosecutions.

Have you ever been fired from work or had disciplinary action taken against you that might be related to working with children / children under the age of 18?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide details:		
Have you ever received an official warning, a final warning, or a warning from the police?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide details:		
Is there any other information that might be relevant to your application such as pending prosecution?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide details:		
Signature:	Date:	

Appendix-2: Child Protection Incident Report Form

CHILD PROTECTION INCIDENT REPORT FORM

Please fill in as much as possible and detail for each section of the form

This Form is Confidential !

Location :	
Your Name :	
Your Position :	
Child Information in this incident: a. Name b. ID Number (if any): c. Age/Date of Birth d. Address (known) e. Name of Parent/guardian/relative (known):	
Date and Time of the incident:	
Staff involved in the incident (if any):	
Place of incident:	
Your Observation:	
Detail of Caring/ Suspicious/incident: [Explain what happened: time, date, names of people involved, observed behaviors or physical signs, other details]	
Details of each conversation with the child:	
Action Taken so far (if any):	
External Institution Contacted (date and time):	
Police Yes/No	If Yes – which office: Name and Contact number: Details of Suggestions Received:
Social Services Yes / No	If Yes – which one (mention): Name and Contact number: Details of Suggestions Received:

PWYP Indonesia child protection officer or child focal point officer / manager:	Name and Contact number: Details of Suggestions Received:
Local Authority:	If Yes - authorized: Name and Contact number: Details of Suggestions Received:
Others :	Which Organization: Name and Contact number: Details of Suggestions Received:
Signature: (.....) Name : Date :	

Appendix-3: Child Protection Risk Register

CHILD PROTECTION RISK REGISTER

Owner of Risk Register	PWYP Indonesia
Approved by	[Enter the name of the staff who will approve the Risk Register]
Compilation Date	[Enter the last date that the Risk Register was reviewed]
Review Date	[Enter the date when reviewing the list of risks, dates in the future, usually every year or if there are new risks that appear / are identified]

* The Risk Register is used to identify, assess and manage risks to an acceptable level through a review and update process. The purpose of the Risk Register is to record details of all risks that have been identified together with organizational analysis to plan how risks will be treated

CHILD PROTECTION RISK REGISTER

Type of Activity	Risk for Children	Protocols / procedures to reduce the risk of children	Who will be responsible for the strategies / actions taken? And when
<p>PWYP Indonesia staff / members / partners bring children to work because there are no carers at home</p>	<ul style="list-style-type: none"> ▪ Children are left alone while parents leave and maybe someone will come to harm them ▪ Children can take actions that endanger themselves. 	<ul style="list-style-type: none"> ▪ Provide a safe place for children to play or do homework while parents are busy with work ▪ Educate staff about potential risks for children in the workplace and be responsible for care and reporting 	<p><i>(to be filled)</i></p>
<p>PWYP Indonesia staff represent institutions to attend events or activities</p>	<ul style="list-style-type: none"> ▪ Children do not get exclusive breastfeeding. ▪ No one takes care of a child at home while left behind and it is possible that their basic rights are not fulfilled. ▪ Children are left alone while parents leave and maybe someone will come to harm them 	<ul style="list-style-type: none"> ▪ Provides facilities to bring children and a companion to attend the activity. ▪ During the activity, the child will be with a trusted companion. 	<p><i>(to be filled)</i></p>
<p>Community members are invited to come to organization's event</p>	<ul style="list-style-type: none"> ▪ Children can be used if separated from parents and pushed into an unlocked room. ▪ The child will enter an unlocked room. ▪ Children will be locked in the bathroom 	<ul style="list-style-type: none"> ▪ Lock all empty rooms ▪ Security guards and parents will walk around inspecting the entire room during the event ▪ Buildings and bathrooms will be checked regularly 	<p><i>(to be filled)</i></p>

<p>Meetings involving groups / communities until midnight.</p>	<ul style="list-style-type: none"> ▪ Children are left alone with adults and maybe someone will come to harm them 	<ul style="list-style-type: none"> ▪ More than one adult must accompany the children, ▪ Provides children friendly playrooms and equipment, ▪ Provides a companion for children 	<p><i>(to be filled)</i></p>
<p>Meetings involving groups that having children with disabilities</p>	<ul style="list-style-type: none"> ▪ No one takes care of a child at home while being left behind and it is possible that their basic rights are not fulfilled, ▪ Children are left alone while parents leave and maybe someone will come to harm them ▪ Children with disabilities will endanger themselves if they left alone. 	<ul style="list-style-type: none"> ▪ Provide a companion for children with disabilities during the activity. ▪ Provides children with disabilities-friendly playrooms and equipment ▪ More than one adult must accompany the children 	<p><i>(to be filled)</i></p>

ANNEX 3:

GENDER AND WOMAN PROTECTION POLICY

Yayasan Transparasi Sumber Daya Ekstraktif

I. INTRODUCTION

1.1. BACKGROUND

Publish What You Pay (PWYP) Indonesia (*Yayasan Sumber Daya Ekstraktif*) is a coalition of civil society for transparency and accountability in extractive resources governance in Indonesia. PWYP Indonesia was formed on November 21, 2007 with the aim of advancing accountable and transparent extractive resource governance in Indonesia and at the global level; aggregate public interests from the perspective of civil society organizations; and strengthen the ability of Indonesian civil society to play an active role in extractive resources management. The vision of PWYP Indonesia is the realization of extractive resources governance in Indonesia that is transparent, accountable and in favour of national interests so that it becomes a capital for prosperity and social justice.

In line with this vision, PWYP Indonesia needs to pay attention to social justice policies, one of which is the Gender Mainstreaming and Women's Protection Policy. PWYP Indonesia developed a Policy on Mainstreaming Gender and Women Protection in general in order to uphold the rights and obligations contained in the CEDAW Convention (Convention of Elimination of All Forms of Discrimination Against Women) on women's rights and to be dedicated to protecting women from danger, exploitation and violence. PWYP Indonesia is committed to providing the safest environment possible for all women who work with PWYP Indonesia. PWYP promotes safe work practices for women in organizations with the aim that women do not experience any violence as a result of their programs and activities.

1.2. Basic Policy

PWYP Indonesia understands that as an organization, PWYP Indonesia has a fundamental duty to protect women involved in all programs and activities. Therefore, PWYP Indonesia is committed to providing security and protection for women from all forms of violence and exploitation. This Gender Mainstreaming and Women's Protection Policy recognizes that women can be very vulnerable, especially in situations of poverty and / or humanitarian crisis or conflict and therefore they need to be protected.

The Gender Mainstreaming and Women's Protection Policy was developed to comply with international standards such as the United Nations Convention on Women's Rights. This policy applies in harmony with general law and regulation without eliminating or replacing the rights and obligations of each individual contained in Law No.7 of 1984 concerning ratification of the convention concerning the elimination of all forms of discrimination against women (convention on the elimination of all forms of discrimination against women). This policy must be seen as a broader component of the ethical framework and the Code of Conduct of PWYP Indonesia. Disciplinary processes are a means for building and maintaining an ethical, efficient and effective organization and do not have to be seen as separate from the overall goals of the institution.

In Indonesia, Gender Mainstreaming and Women's Protection Policy refers to among the legislation that contains the content of protection for women's rights: Law Number 39 of 1999 concerning Human Rights (HAM), Law Number 23 of 2004 concerning the Elimination of Domestic Violence, Law Number 12 of 2006 concerning Citizenship as well as Presidential Instruction No. 9 of 2000 concerning Gender Mainstreaming (PUG)

PWYP Indonesia will use a risk management approach to minimize the possibility of violence against women and will develop clear and practical guidelines for staff and representatives in dealing with violence against women and in managing complaints.

1.3. Purpose

This Gender Mainstreaming and Women's Protection Policy aims to achieve the following:

1. To protect women from danger, exploitation and violence, by setting a goal so that women can experience a 'nonviolent' situation as a result of our program. This will be achieved by identifying and managing work-related risks involving women, and ensuring that internal procedures are appropriate and understood by staff to deal with complaints related to women's protection;
2. To protect PWYP Indonesia staff and representatives from excessive suspicion or false accusation by having a clear and transparent reporting system; and to protect the integrity and reputation of PWYP Indonesia and its partners, by anticipating women sex offenders using the Gender Mainstreaming and Women's Protection Policy and related procedures that are well formulated.

1.4. Scope

This Policy applies to every member of the Advisory Board, Supervisory Board, Executive Board, Staff and members (including those currently working at other organizations), contractors, sub-contractors, and program participants, including volunteers, scholarship holders, trainers, group leaders, facilitators, and other relevant parties of PWYP Indonesia and / or their family members.

II. GENDER MAINSTREAMING AND WOMEN'S PROTECTION POLICY

2.1. Definition

1. *Women Exploitation* is when a woman is employed or used in other activities for the benefit of others. This includes, but is not limited to, commercial sexual exploitation of women, when a woman experiences sexual violence in exchange for cash or other forms and women workers, when women are forced to work or take other actions to the limit endangering physical, social and mentality of women.
2. *Gender* is a concept that refers to the different roles and responsibilities of men and women that occur as a result of and can be changed by the social and cultural conditions of society.
3. *Violence against women* is sexual abuse, emotional, physical or neglect of women which results in loss of health, survival, development or dignity of women, whether that has occurred or is still in the form of potential, in the context of the relationship of responsibility, trust or power.
4. *Physical violence* against women is when someone intentionally harms or tries to hurt women in an interaction, even if minimal, which is in the control of someone who has responsibility or power over or trust of women. This can take the form of slapping, punching, shaking, kicking, burning, pushing, looting or choosing not to help women when women experience physical pain. Such actions can occur once or repeatedly.
5. *Emotional violence* against women is any non-physical action but has a negative effect on the social, intellectual or emotional development of women. Emotional violence, simply, is categorized as a pattern of repetitive behavior directed at women who slowly degrades or erodes women's confidence and social skills. This action can take the form of calling names roughly, threatening, disparaging, ridiculing, intimidating, ostracizing, ignoring or acting unfriendly even rejecting other non-physical nature towards women.
6. *Sexual violence* against women is when someone who is in a position of responsibility, given trust or has power over women involves women in sexual activities that are intended to satisfy or meet the needs of others and are not fully understood by women, unable to give consent based on

sufficient information, or not ready (adult) mentally and cannot give consent. This can include actions involving physical contact (such as rape or sexual touching) or without physical contact (such as showing pornographic images or videos or taking photos of women who pose sexually)

7. *Domestic violence* is a pattern of attacking and / or coercive behavior carried out in a family or household environment which can include physical violence, sexual violence, emotional violence and / or economic coercion
8. *Women Protection* is an activity or initiative designed to protect women from all forms of loss, especially losses arising from violence, neglect or exploitation.
9. *Sexual harassment* is any unwanted sexual act / behavior that makes a person feel offended, humiliated / insulted and / or intimidated so that it affects the conditions and work environment. Sexual harassment can happen to everyone. Both men and women can be victims or perpetrators of behavior that is considered rude, humiliating or intimidating.
10. *Gender responsive* is a situation that pays attention consistently and systematically to differences between women and men in society that are manifested in attitudes and actions to overcome injustices that occur because of these differences.
11. *Means* are tools, places and / or everything that belongs to or something that is provided by an Agency in order to support increased work productivity.
12. *Workplace* is a closed or open, movable or permanent room where everyone works or is often entered for the purpose of a business.

*Additional Explanation for Definition of Sexual Harassment

- Categories of sexual harassment:
 - ✓ Quid pro Quo or "this for that" that is when decisions related to work - contracts, promotions, salary increases, penalties or dismissals - are based on sexual favor.
 - ✓ Hostile environment, which is a sexual act / behavior that creates an intimidating, hostile or offensive work environment for a worker.
- Sexual harassment is often characterized by:
 - ✓ not desired by the targeted individual;
 - ✓ often done with promises, promises or threats;
 - ✓ responses (reject or accept) to unilateral actions are taken into consideration in determining career or work, the impact of unilateral actions causes a variety of psychological turmoil, including shame, anger, hatred, revenge, loss of security and comfort at work, etc.
 - ✓ The most extreme forms of sexual harassment are sexual assault and rape.
- Other forms of sexual harassment can be characterized by:
 1. *Physical abuse* is an unwanted touch that leads to sexual acts such as kissing, patting, hugging, pinching, stroking, massaging the nape, attaching the body or other physical touches.
 2. *Verbal harassment*, that is, verbal / unwanted comments about a person's personal life or body part or appearance, including sexual jokes and comments

3. *Non-verbal / gesture harassment*, ie body language and / or sexually suggestive body movements, repeated glances, staring at the lustful body, cues with fingers, licking lips, or other
4. *Visual harassment* that is showing pornographic material in the form of photos, posters, cartoons, screensavers or others, or harassment via email, SMS and other electronic communication modes.
5. *Psychological / emotional harassment* that is requests and invitations that are persistent and undesirable, solicitation of unexpected dates, sexual insults or reproach.

2.2. Policy Principles

This Gender Mainstreaming and Women's Protection Policy is based on the following principles:

1. There is no tolerance for violence against women;
2. The existence of declarations that prohibit sexual harassment in organizations shows that sexual harassment violates organizational policies and can be rewarded with disciplinary action, up to dismissal;
3. Recognition and promotion of the best interests of women;
4. Sharing responsibility for the protection of women;
5. Using a risk management approach to prevent women's violence;
6. Give reports and responses to all incidents of women violence;
7. Procedure for handling complaints of sexual harassment

2.3. Commitment of PWYP Indonesia

PWYP Indonesia is committed to implementing and maintaining the highest standards of protection for women, including:

1. In all contracts involving PWYP Indonesia, all parties agree to comply with the requirements in this policy;
2. Women's protection risks are included in all project and activity risk assessments;
3. Cultural issues that are specific and related to the protection of women will be included in the project's specific risk management strategy, training and response procedures;
4. Measures to prevent and protect women are carried out to the highest standards;
5. The recruitment and screening process must use the principle of respect for women who are comprehensive;
6. Women's protection training is regularly given to PWYP Indonesia staff;
7. The Code of conduct for women's protection applies to, understood and signed, by all PWYP Indonesia employees and the representatives bound to it, wherever applicable;
8. Clear and current reporting procedures must be implemented and understood by PWYP Indonesia staff;
9. National law and local processes and policies must be considered in the reporting and response mechanism;
10. No one is allowed to work with women if they tend to carry unacceptable risks for the safety or well-being of women;

11. All work contracts involving PWYP Indonesia specify that PWYP Indonesia has the right to terminate, suspend or transfer personnel who violate the code of ethics for the protection of women; and
12. Until there is an official investigation into an incident of women violence, the principle of confidentiality and sensitivity must be upheld, pending the results of an official investigation into the incident.

2.4. Code of Conduct of Women's Protection

A. Acceptable Behavior

Everyone in PWYP Indonesia must:

1. Treat women with dignity and respect regardless of ethnicity, race, gender, age, language, religion, political or other views, disability, or other status;
2. Acting according to their position on behalf of PWYP Indonesia in all their dealings with women;
3. As soon as possible raise awareness about the safety or well-being of women in accordance with the PWYP Indonesia Reporting Procedures carefully, considering the standard procedures applicable in this rule.
4. Listen to women's aspirations and allow them to be involved in decisions that can affect them;
5. Comply with all relevant regulations in Indonesia and the laws of the countries in which PWYP Indonesia is active, including labor laws in relation to women workers; and / or
6. Follow organizational policies and guidelines on women's safety and protection

B. Unacceptable Behavior:

Everyone in PWYP Indonesia is not permitted:

1. Using language or exhibiting inappropriate behavior, harassing, insulting, degrading, sexually provocative, or culturally insensitive to women;
2. Involving women in any form of activity that is demeaning, derogatory, sexually provocative, rude or culturally inappropriate or insensitive;
3. Involving women in any form of sexual activity or action, including paying for sexual services or acts;
4. Accessing and / or providing access to pornographic content through any media;
5. Ostracize or support only certain women;
6. Using equipment, including but not limited to, computers, cellular phones, video or digital cameras to take inappropriate and unauthorized photographs of the women;
7. Conducting verbal and / or physical attacks and / or violence against women; and / or
8. Touching women in ways that are inappropriate or disrespectful according to cultural norms.
9. Personnel who directly provide medical care must follow standard medical practice guidelines.

2.5. Reporting and Response to Incident

A. Reporting on Women's Violence

Any suspicion or disclosure of cases of women violence must be reported immediately to the Human Resources Manager (HR) and or Coordinator of PWYP Indonesia. All incidents will be reported and managed according to the PWYP Indonesia Women's Protection Reporting Process. (See Appendix 2).

B. Guidelines for Responding to Allegations of Women's Violence

PWYP Indonesia views all allegations of women violence by PWYP Indonesia personnel as a serious problem; All charges will be carefully investigated; and If an incident has been reported, the following procedures must be followed:

Non-critical Incidents Allegations

A non-critical allegation of women violence is an allegation which does not pose a direct risk to women if the allegation is true. This incident can naturally be considered important but it can be a response to an indirect incident after the incident; an example is accessing pornography.

1. The incident will be documented and investigated in accordance with PWYP Indonesia's Incident Reporting and Response Procedure.
2. The incident will be investigated with respect to the privacy of the accused and the alleged victim and information about the incident is only disseminated based on the "need to be known" principle with serious attention to the rights and welfare of the parties involved;
3. The accused person will be given the opportunity to express his views / opinions / versions of the facts of the incident;
4. The perspective of women suspected of being victims must be seen in the framework of evidence that has so far been recorded that women rarely lie about the violence they experienced; and
5. If the incident is proven to occur, appropriate disciplinary action will be taken, including, but not limited to:
 - Warning; and / or
 - Suspension; and / or
 - Dismissal.
6. Disciplinary action will depend on the nature and severity of the violation, at the discretion of the HR Manager, and is fully documented and reported to PWYP Indonesia Deputy / HR.

Critical Allegation

A critical allegation is an allegation that might pose a direct risk to the welfare of women. Allegations in this category must really be found evidence - for example is inappropriate sexual activity.

1. If the allegation is in the form of a violation of the law in the country where the incident occurred, or Indonesian law, the incident is immediately reported to the authorities and the person is suspended from work until there is an official investigation;
2. Efforts will be made to ensure the confidentiality and rights of the accused and information relating to the incident will be disseminated based on the "need to know" principle;
3. If the incident involves a violation of the Code of Ethics (but does not violate national law), the accused may be suspended temporarily until there is an official investigation;

4. If violations of the Code are found, various situations must be considered and appropriate action taken;
5. If the accusation is false or unfounded, various efforts will be made to ensure the rights of the accused are fulfilled;
6. If the accusation is a violation of Indonesian law, the issue of privacy will no longer apply unless it is deemed necessary to fulfill the rights of the victim.
7. If needed in an investigation, PWYP Indonesia will consider and give legal advice and advice from the competent authority.

2.6. Recruitment and Reference Check

Dalam hal rekrutmen dan pemeriksaan referensi, PWYP Indonesia memiliki prinsip sebagai berikut:

In terms of recruitment and reference checking, PWYP Indonesia has the following principles:

1. PWYP Indonesia implements gender equality in staff recruitment.
2. PWYP Indonesia implements policies on the protection of women workers which include:
 - ✓ Protective: policies directed at protecting reproductive functions (including menstrual leave, maternity leave, breastfeeding).
 - ✓ Corrective: policies directed at increasing the position of women workers (empowering women workers)
 - ✓ Non-discriminatory: policies directed at equal rights and obligations of men and women.
4. PWYP Indonesia will not accept someone as a staff or volunteer, if it is known that he tends to take actions that endanger women and violates the principles of the Gender Mainstreaming and Women's Protection Policy.
5. Every personnel who applies to work at PWYP Indonesia must include at least two references that can be contacted (verbally) who were the leaders in their previous workplaces. The reference giver is not a colleague, husband / wife and / or who still has a kinship.
6. All new PWYP Indonesia personnel are required to complete the Criminal Record Declaration form (Attachment-1). The PWYP Indonesia Secretariat can request a Police Record Certificate (SKCK) if needed.
7. Applicants must provide documentation to prove their true identity.
8. For positions deemed likely to work with women, the reference giver must be asked for information on the suitability of the applicant in his role of working with women and / or their relationship with women when working without routine supervision. Referees are asked whether they have certain records of the applicant, or are there complaints against the applicant, in relation to their employment or relationship with women.
9. New personnel who have positions working with women will be asked to provide written statements about whether they have been charged with exploitation of women in the past.
10. For positions that work with women, the interview process for staff candidates at PWYP Indonesia must include questions about behavior that are directly related to working with women to investigate the attitudes, experiences and approaches of the applicant when working with women according to the position the proposed job.

If needed, questions can be taken from the list below:

- a. Have you worked / volunteered with women in the same position before? What do you like about it? Did you find any difficulties?
- b. How do you deal with women who don't want to participate in activities?
- c. Do you mind being watched?
- d. What motivates you / Why do you want to work with women in this program?

2.7. Education and Training

All new PWYP Indonesia personnel will receive:

1. Briefing on Gender Mainstreaming and Women's Protection Policy by relevant managers and / or the Department of Human Resources / National Coordinator. The briefing should include discussion of the responsibilities of PWYP Indonesia and individuals, to build and maintain a safe organization for women, and appropriate behavior when interacting with women or women's sensitive material.
2. A copy of PWYP Indonesia Women's Gender Mainstreaming and Protection Policy and related procedures.

2.8. Risk Identification

1. At least 2 (two) years, the National Secretariat of PWYP Indonesia conducts identification accompanied by efforts to prevent the risks of gender mainstreaming and protection of women in the activities of PWYP Indonesia activities
2. Identification of these risks can be carried out in a participatory manner with facilitators and staff of the national Secretariat, can involve trainers or outsiders such as experts / consultants, and changes can be made at any time when identifying risks.

III. COMMITMENT DECLARATION

By signing this document, I declare that I understand and accept the provisions outlined in this document. I understand the legal and ethical obligations contained in this document in detail.

I understand that violating this Policy and / or the Code of Conduct can be the reason that my work with PWYP Indonesia must end. I also understand that violations of this Policy and / or Code of Conduct can result in criminal prosecution.

I declare that:

1. I have read and understood PWYP Indonesia's Gender Mainstreaming and Women's Protection Policy
2. I will work in the procedures as stated in the PWYP Indonesia Gender Mainstreaming and Women's Protection Policy.
3. I will immediately report any suspected women harassment by another person.
4. I have not been accused or convicted of violations involving physical or sexual violence of women or adolescents.

5. I understand that if there are complaints that are filed against me about the harassment of women while I am involved in PWYP Indonesia activities, the allegations will be thoroughly investigated and able to cooperate with the authorities.
6. I understand that it is my responsibility as a person involved with PWYP Indonesia to avoid acts or abusive behavior or exploitation of women or actions that can be interpreted as such.
7. I allow PWYP Indonesia to ask any questions needed, including checking criminal records and reference checks as part of my appointment and recruitment process.
2. I confirm my willingness to participate in a training session and briefing PWYP Indonesia on protecting women if it is held later.

Place,.....Date Year

Stated by

--signature --

(Name, Position)

Appendix-1: Obligatory Declaration Form of Criminal Records

DECLARATION FORM OF CRIMINAL RECORDS

Register Name:		Apply for Position:	
Have you ever been punished for an offense?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide details:			

Please note: if you apply for a position where you will have regular contact with children, (this may be frequent or rare), you are required to provide details of **any** allegations or violations and criminal warnings or pending prosecutions.

Have you ever been fired from work or had disciplinary action taken against you that might be related to working with children / children under the age of 18?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide details:		
Have you ever received an official warning, a final warning, or a warning from the police?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide details:		
Is there any other information that might be relevant to your application such as pending prosecution?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide details:		
Signature:	Date:	

Appendix-2: Women’s Protecton Incident Report Form

WOMEN’S PROTECTION INCIDENT REPORT FORM

Please fill in as much as possible and detail for each section of the form

This Form is Confidential !

Location :	
Your Name :	
Your Position :	
Child Information in this incident: f. Name g. ID Number (if any): h. Age/Date of Birth i. Address (known) j. Name of Parent/guardian/relative (known):	
Date and Time of the incident:	
Staff involved in the incident (if any):	
Place of incident:	
Your Observation:	
Detail of Caring/ Suspicious/incident: [Explain what happened: time, date, names of people involved, observed behaviors or physical signs, other details]	
Details of each conversation with the child:	
Action Taken so far (if any):	
External Institution Contacted (date and time):	
Police Yes/No	If Yes – which office: Name and Contact number: Details of Suggestions Received:
Social Services Yes / No	If Yes – which one (mention): Name and Contact number: Details of Suggestions Received:

PWYP Indonesia child protection officer or child focal point officer / manager:	Name and Contact number: Details of Suggestions Received:
Local Authority:	If Yes - authorized: Name and Contact number: Details of Suggestions Received:
Others :	Which Organization: Name and Contact number: Details of Suggestions Received:
Signature: (.....) Name : Date :	

Appendix-3: Mechanism for Handling Sexual Harassment

1. PWYP Indonesia is responsible for creating a comfortable work environment and protecting the rights of members and staff working in PWYP Indonesia organizations.
2. PWYP Indonesia takes the following steps to protect women:
 - a. Appoint a Complaints Handling Officer who can be visited by staff, members and parties who work together and associate with PWYP Indonesia every time there is a question or complaint, and provide detailed information about handling procedures and those who can help, along with the address / location and contact number;
 - b. Make procedures for handling complaints regarding sexual harassment that can be accounted for or held accountable (accountable) that can respond to complaints promptly, closely and fairly.
 - c. Ensure that all discussions and investigations will be carried out by upholding confidentiality and fair procedures.

Complaints Handling Procedure

1. Complaints Stage

If an employee encounters or experiences sexual harassment, then it can be reported with the following principles:

- Make a written statement of complaint (formal) and submit it to the Complaints Handling Officer;
- The basis of the complaint can be in the form of attitudes and / or statements and / or unwanted and / or disruptive and / or unpleasant and / or degrading treatment of the victim and can be in the form of consequences resulting from the acts of harassment.
- In submitting a formal / formal complaint of sexual harassment, the victim can do so through his representative (contact person, relative, colleague, colleague or manager).

2. Formal Handling Stage

The working principles of complaint handling are as follows:

- All complaints must be dealt with promptly, seriously, sympathetically, procedurally, and fairly;
- Handling procedures need to be explained to the complainant so that they can choose whether or not they are willing to take part in the case handling process;
- When complaints about sexual harassment are made, the investigation by the organization must be fair. This principle of fairness is important in order to provide an opportunity for workers and suspects of harassment to express their testimonies;
- Regarding the act of handling sexual harassment (both large and small cases) can be discussed with the contact person, manager or representative, with high regard to the principle of confidentiality and protection of the complainant and or the victim.
- Staff / members / parties associated with PWYP Indonesia who complain about sexual harassment should not be discriminated against, and or even experience intimidation.

3. Stage of Complaints Investigation

- The complaint investigator must be someone who is experienced in handling sexual harassment cases. The complaint investigator must be someone who is considered fair, has

integrity and is independent, and has no relationship with the parties related to the complaint. The complaint investigator was appointed by the Coordinator of PWYP Indonesia;

- If the complainant is a women and her investigator is a man, then the investigator must be given support and assistance from other women if needed;
- Investigators will do, among other things, but not limited to:
 - (1) Interview with the complainant and / or the victim;
 - (2) Notifying the suspected offender;
 - (3) Interviewing suspected perpetrators;
 - (4) Interviewing witnesses;
- The investigator must record the process and results of the investigation. These notes are used as a basis for interviews and further investigation, if needed.

4. Stage of Making Reports and Recommendations

After the investigation, the next stage is the preparation of reports and recommendations, which will be submitted to Coordinator of PWYP Indonesia. The contents of the report need to focus on: (1) the allegations complained of; (2) shows the occurrence / absence of sexual harassment, and (3) recommendations regarding the decision of the case.

5. Decision Making Stage

- Before a decision (sanctions) is given to the perpetrators, it is better for the decision maker to consult with relevant parties. In deciding, consider the following: the best evidence; similar / similar complaints that occurred before; evidence of similar facts; proof of the reason / emotion of the complainant (victim); and the credibility of both the complainants and the perpetrators.
- There are 3 possibilities for a decision on a complaint, namely:

(1) Complaints Accepted

An accepted complaint means that acts of sexual harassment have been proven to occur. If the complaint is accepted, the steps that need to be taken are:

1. Communicate to both parties regarding the decision. Convey by face to face. Show or give a written decision, along with the reasons. Tell the perpetrators of the consequences of his actions.
2. If there are no precautions, decide on the right steps so that the same case / treatment does not recur. Explain this to all workers.
3. Identify whether there are efforts / preventive actions, especially from the perpetrators.
4. Record the complaint and the solution in the perpetrator's personal file / document and give the actor the opportunity to add his comments.
5. Monitor / supervise the attitude / behavior of the perpetrators, and the course of the decisions / solutions produced.
6. Ask the complainant, if after the complaint there are events / things that discredit / threaten him.
7. Discuss with the complainant about the loss he suffered and how to recover his good name due to the harassment.

Note:

Tell the perpetrator why it is important to provide disciplinary sanctions for the attitude / act of harassment he committed. Advise (if not, force) the offender to participate in counseling or anti-sexual harassment programs (if any). Remind the offender if he repeats the act of harassment.

(2) Complaints are rejected

When the complaint is rejected, explain the reason to both parties. Maybe the evidence is insufficient, or it could be that the action complained of is not sexual harassment. Once again, if regulations provide the possibility for this complaint to be brought to the mediation process governed by law, tribunal or court, remind the complainants about it.

(3) Complaints Not Treated

If it cannot be determined whether the complaint is true or false, the reason for arriving at this decision - the lack of evidence to support the allegations made, the existence of an appropriate alibi, for example - must be given in writing to both parties. Complainers must be reminded of their right to submit complaints to the mediation process governed by law, court or tribunal.

6. Post Handling Stage

One thing that must be observed by the organization is the situation and conditions after the complaint and its handling, both experienced by workers who make complaints and also the perpetrators (the parties complained). Therefore, complaints, handling including investigation need to be carried out in a procedural fair manner, so that the organization and the parties involved in the organization do not experience the erosion of trust. From the beginning it is necessary to clearly explain the procedures, principles and consequences of handling cases of sexual harassment, both to the complainant and the suspect / perpetrator. This is to avoid:

- Workers who make complaints as a consequence of their actions - sometimes experience 'rejection' from their work environment, for example: being treated roughly, being ostracized by fellow suspects / perpetrators. Therefore, assistance efforts are needed.
- Victims of sexual harassment need to be accompanied, also needs to be monitored on a regular basis, including losses / impacts experienced both psychological, social, and economic.
- Complainers and / or victims must be protected from intimidation by perpetrators of harassment or other parties. This intimidation was carried out as a form of dissatisfaction over the mechanism of handling the case. Therefore, it needs to be said that the actors / related parties can file a complaint especially regarding the course of the investigation.

Appendix-4: Sexual Harassment Prevention Program

PWYP Indonesia realizes that promoting awareness of sexual harassment is the most important thing in a policy. The better this awareness promotion program is, the less likely it is to raise complaints about sexual harassment. Promotion efforts in order to prevent (preventive) and handle (curative) sexual harassment at work will be carried out by PWYP Indonesia, to:

- Give workers and management an understanding of "what is sexual harassment?", And "what should they do if they experience it?".
- Become the basis for developing standards and mechanisms / procedures that are appropriate and acceptable to all parties.
- Give warning of actions / sanctions provided in the event of sexual harassment.
- This warning is likely to have an impact on attitudes and behavior among workers and management.

Prevention efforts can be made through communication, education and training. Information disseminated includes:

- A description of the policy and procedure / mechanism of protection from sexual harassment by the organization.
- Definitions and examples of sexual harassment.
- Motivation or reasons for perpetrators of harassment including power relations that underlie the actions that occur, as well as socio-cultural factors.
- Parties who can be contacted if there are further questions / information or assistance if a complaint is made.
- Ensure that all investigations and complaints will be handled privately and confidentially.
- Efforts to communicate or disseminate information on sexual harassment and relevant policies must be made to all parties, both staff and management through a variety of means and media.

So that socialization (information dissemination) reaches all members of the Advisory Board, Supervisory Board, Executive Board, Staff and members (including those currently working at other organizations), contractors, sub-contractors, and program participants, including volunteers, scholarship holders, trainers, group leaders, facilitators, and other relevant parties of PWYP Indonesia and / or their family members.

Appendix-5: Women's Protection Risk Register

WOMEN'S PROTECTION RISK REGISTER

Owner of Risk Register	PWYP Indonesia
Approved by	[Enter the name of the staff who will approve the Risk Register]
Compilation Date	[Enter the last date that the Risk Register was reviewed]
Review Date	[Enter the date when reviewing the list of risks, dates in the future, usually every year or if there are new risks that appear / are identified]

**Risk Register* is used to identify, assess and manage risks to an acceptable level through a review and update process. The purpose of the Risk Register is to record details of all risks that have been identified together with organizational analysis to plan how risks will be treated

WOMEN'S PROTECTION RISK REGISTER

Type of Activity	Risk for Women	Protocols / procedures to reduce the risk of women	Who will be responsible for the strategies / actions taken? And when
<p>PWYP Indonesia staff / women members / partners are carrying out tasks and traveling outside the city</p>	<ul style="list-style-type: none"> ▪ Women can experience sexual harassment / violence while traveling ▪ Women can experience sexual harassment / violence during their duties outside the city 	<ul style="list-style-type: none"> ▪ Provide a safe and comfortable place (lodging) for women to avoid sexual harassment / violence ▪ Educate Staff / Work teams about the potential risk of violence against women and their responsibilities to conduct prevention, care and reporting if there are incidents of woma violence 	<p><i>(to be filled)</i></p>
<p>Community members (women) are invited to come to an event organized by PWYP Indonesia / partners</p>	<ul style="list-style-type: none"> ▪ Community members (women) participating in activities organized by PWYP Indonesia can experience women violence, both directly and indirectly 	<ul style="list-style-type: none"> ▪ Provide understanding / awareness to the facilitator / event committee and participants about the importance of preventing violence from women ▪ Educate Staff / Teams about the risk of women violence, as well as their responsibility to carry out prevention, care and reporting if there are incidents of women violence. 	<p><i>(to be filled)</i></p>

<p>Meetings involving groups / communities (women) until midnight.</p>	<ul style="list-style-type: none"> ▪ Women are at risk of violence and sexual harassment 	<ul style="list-style-type: none"> ▪ Limit the meeting time to the time that can be tolerated according to the cultural conditions and location of the activity, for example until 21:00 at night. ▪ Give awareness to all participants and committees to prevent the risk of harassment against women. ▪ Educate Staff / Teams about the risk of women violence, as well as their responsibility to carry out prevention, care and reporting if there are incidents of women violence. 	<p><i>(to be filled)</i></p>
<p>Meeting involved a group of women with disabilities</p>	<ul style="list-style-type: none"> ▪ Women with disabilities can experience violence or sexual harassment ▪ Women with disabilities can experience conditions that threaten the safety of their lives, both while traveling and at the location of activities 	<ul style="list-style-type: none"> ▪ Provide a companion for women with disabilities during the activity. ▪ Provide rooms and tools that are women-friendly with disabilities ▪ Providing awareness to all participants to jointly maintain and provide assistance to women with disabilities ▪ Educate Staff / Teams about the risk of women violence, as well as their responsibility to carry out prevention, care and reporting if there are incidents of women violence. 	<p><i>(to be filled)</i></p>

ANNEX 4: CODES OF CONDUCT FOR GENDER BASED VIOLENCE/SEXUAL EXPLOITATION AND ABUSE AND VIOLENCE AGAINST CHILDREN (GBV/SEA and VAC)

Institution Code of Conduct

Preventing Gender Based Violence/Sexual Harassment and Abuse and Violence Against Children

The institution (name of institution) is committed to ensuring that the Project is implemented in such a way that minimizes any negative impacts on the local environment, communities, and its workers. This will be done by ensuring appropriate occupational health and safety (OHS) standards are met. The institution is also committed to creating and maintaining an environment in which gender-based violence (GBV), sexual harassment and abuse (SEA) and violence against children (VAC) have no place, and where they will not be tolerated by any employee, associates, consultants and representatives.

Therefore, to ensure that all those engaged in the project are aware of this commitment, the institution commits to the following core principles and minimum standards of behavior that will apply to all employees, associates, consultants and representatives without exception:

General

- The institution – and therefore all employees, associates, consultants and representatives – commit to complying with all relevant national laws, rules and regulations.
- The institution commits to fully implementing their OHS provisions stated under the LMP and PWYP labor management SOP.
- The institution commits to fully implementing their GBV/SEA and VAC provision stated under PWYP SOP on child protection and SOP on gender mainstreaming and woman protection.
- The institution commits to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Acts of GBV/SEA and VAC are in violation of this commitment.
- The institution shall ensure that interactions with local community members are done with respect and non-discrimination.
- Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all employees, associates, and representatives.
- The institution will follow all reasonable work instructions (including regarding environmental and social norms).

Health and Safety

- The institution will ensure that the Project's OHS provisions are effectively implemented by all employees, associates, and representatives
- The institution will:
 - prohibit the use of alcohol during work activities.
 - prohibit the use of narcotics or other substances which can impair faculties at all times.

- The institution will ensure that personal safety during travels (by air, land and/or water related travels).

Sexual Harassment and Abuse and Violence Against Children

- Acts of GBV/SEA or VAC constitute serious misconduct and are therefore grounds for sanctions, which may include penalties and/or termination of employment, and if appropriate referral to the Police for further action.
- All forms of GBV/SEA and VAC, including grooming, are unacceptable, regardless of whether they take place on the work site or within the local community.
- Sexual Harassment – for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior – is prohibited.
- Sexual favors – for instance, making promises or favorable treatment dependent on sexual acts – or other forms of humiliating, degrading or exploitative behavior, are prohibited.
- Sexual contact or activity with children under 18 – including through digital media – is prohibited. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- Unless there is full consent⁴ by all parties involved in the sexual act, sexual interactions between the institution’s employees (at any level) and members of the communities surrounding the workplace are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex— such sexual activity is considered “non-consensual” within the scope of this Code.
- In addition to institution’s sanctions, legal prosecution of those who commit acts of GBV/SEA or VAC will be pursued if appropriate.
- All employees, including volunteers are highly encouraged to report suspected or actual acts of GBV/SEA and VAC by a fellow worker, whether in the same institution or not. Reports must be made in accordance with project’s SEA and VAC Allegation Procedures.
- Managers are required to report and act to address suspected or actual acts of SEA and VAC as they have a responsibility to uphold institution’s commitments and hold their direct reports responsible.

Implementation

To ensure that the above principles are implemented effectively, the institution commits to ensuring that:

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. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defence.

- All managers sign the Project’s ‘Manager’s Code of Conduct’ detailing their responsibilities for implementing the institution’s commitments and enforcing the responsibilities in the ‘Individual Code of Conduct’.
- All employees sign the project’s ‘Individual Code of Conduct’ confirming their agreement to comply with OHS standards, and not to engage in activities resulting in GBV/SEA and/or VAC.
- If relevant, displaying the Institution and Individual Codes of Conduct prominently and in clear view at workplace and in public areas of the workspace.
- If relevant, ensure that posted and distributed copies of the Institution and Individual Codes of Conduct are translated into the appropriate language of use in the location the project is being implemented as well as for any international staff in their native language.
- If relevant, an appropriate person is nominated as the institution’s ‘Focal Point’ for addressing GBV/SEA and VAC issues.
- Ensuring that the GBV/SEA and VAC Action Plan is effectively implemented and revised as needed.
- That the institution effectively implements the agreed final GBV/SEA and VAC Action Plan, providing feedback to the Project’s FGRM for improvements and updates as appropriate.
- All employees attend an induction training course prior to commencing work to ensure they are familiar with the institution’s commitments to OHS standards, and the Project’s GBV/SEA and VAC Codes of Conduct.
- All employees attend a mandatory training course prior to commencement of work to reinforce the understanding of the project’s OHS standards and the GBV/SEA and VAC Code of Conduct, as well as refresher training as relevant.

I do hereby acknowledge that I have read the foregoing Institution Code of Conduct, and on behalf of the institution agree to comply with the standards contained therein. I understand my role and responsibilities to support the project’s OHS standards, and to prevent and respond to GBV/SEA and VAC. I understand that any action inconsistent with this Institution Code of Conduct or failure to act mandated by this Institution Code of Conduct may result in disciplinary action.

Institution name: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Manager's Code of Conduct

Preventing Sexual Harassment and Abuse and Violence Against Children

Managers at all levels have a responsibility to uphold the institution's commitment to implementing the OHS standards, and preventing and addressing GBV/SEA and VAC. This means that managers have responsibility to create and maintain an environment that respects these standards and prevents GBV/SEA and VAC. Managers need to support and promote the implementation of the Institution Code of Conduct. To that end, managers must adhere to this Manager's Code of Conduct and sign the Individual Code of Conduct. This commits them to supporting the implementation of the CESMP and the OHS Management Plan and developing systems that facilitate the implementation of the GBV/SEA and VAC Action Plan. They need to maintain a safe workplace, as well as a GBV/SEA-free and VAC-free environment at the workplace and in the local community. These responsibilities include but are not limited to:

Implementation

To ensure maximum effectiveness of the Institution and Individual Codes of Conduct:

- If relevant, prominently displaying the Institution and Individual Codes of Conduct in clear view at offices, and in public areas of the workspace.
- If relevant, ensuring all posted and distributed copies of the Institution and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.

Verbally and in writing explain the Institution and Individual Codes of Conduct to all staff.

Ensure that:

- All direct reports sign the 'Individual Code of Conduct', including acknowledgment that they have read and agree with the Code of Conduct.
- Staff lists and signed copies of the Individual Code of Conduct are provided to PWYP
- Participate in training and ensure that staff also participate.
- Put in place a mechanism for staff to:
 - Report concerns on OHS compliance; and,
 - Confidentially report GBV/SEA or VAC incidents through the Feedback Grievance Redress Mechanism (FGRM)

Staff are encouraged to report suspected or actual OHS, GBV, SEA or VAC issues, emphasizing the staff's responsibility to the Institution and the country hosting their employment, and emphasizing the respect for confidentiality.

In compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, re-hired or deployed. Use background and criminal reference checks for all employees.

Ensure that when engaging a partnership with implementing CSOs partners or other partners through contractual mechanisms, agreements shall:

- Incorporate the OHS, GBV/SEA and VAC Codes of Conduct as an attachment.

- Include the appropriate language requiring such contracted entities and individuals, and their employees and volunteers, to comply with the Individual Codes of Conduct.
- Expressly state that the failure of those entities or individuals, as appropriate, to ensure compliance with the OHS standards, take preventive measures against GBV/SEA and VAC, to investigate allegations thereof, or to take corrective actions when GBV/SEA or VAC has occurred, shall not only constitute grounds for sanctions and penalties in accordance with the Individual Codes of Conduct but also termination of agreements to work on the project.

Provide support and resources to the FGRM Officer to create and disseminate internal sensitization initiatives through the awareness-raising strategy under the GBV/SEA and VAC Action Plan.

Ensure that any GBV/SEA or VAC issue warranting police action is reported to the police, PWYP and the World Bank immediately.

Report and act according to the response protocol, suspected or actual acts of GBV/SEA and/or VAC, as managers have a responsibility to uphold institution commitments and hold their direct reports responsible.

Ensure that any major OHS incidents are reported to PWYP and World Bank immediately.

Training

The managers are responsible to:

- Ensure that the OHS provisions is implemented, with suitable training required for all staff, including sub-institution and suppliers; and,
- Ensure that staff have a suitable understanding of the individual Codes of Conduct

All managers are required to make themselves familiar with their roles and responsibilities in upholding the GBV/SEA and VAC elements of these Codes of Conduct. Managers are required to attend and assist with the project-facilitated training courses for all employees on the individual Codes of Conduct.

Ensure that time is provided during work hours and that staff prior to commencing work on site attend the mandatory project facilitated induction training on:

- OHS; and,
- GBV/SEA and VAC required of all employees.

Response

Managers will be required to take appropriate actions to address any OHS incidents.

With regard to SEA and VAC:

- Provide input to the GBV/SEA and VAC Action Plan as needed.
- Once adopted by the institution, managers will uphold the measures set out in the GBV/SEA and VAC Action Plan to maintain the confidentiality of all employees who report or (allegedly) perpetrate incidences of GBV/SEA and VAC (unless a breach of confidentiality is required to protect persons from serious harm or where required by law).
- If a manager develops concerns or suspicions regarding any form of GBV/SEA or VAC by one of their direct reports, or by an employee working for another Institution on the same work site, they are required to report the case using the FGRM.

- Once a sanction has been determined, the relevant manager(s) is/are expected to be personally responsible for ensuring that the measure is effectively enforced, within a maximum timeframe of 14 days from the date on which the decision to sanction was made.
- If a Manager has a conflict of interest due to personal or familial relationships with the survivor and/or perpetrator, they must notify the respective institution and the HR Department. The Institution will be required to appoint another manager/person without a conflict of interest to respond to complaints.
- Ensure that any GBV/SEA or VAC issue warranting police action is reported to the police, PWYP and the World Bank immediately

Managers failing to address OHS incidents or failing to report or comply with the GBV/SEA and VAC provisions may be subject to disciplinary measures, to be determined and enacted by the PWYP Director/National Coordinator or equivalent highest-ranking manager. Those measures may include:

- Informal warning
- Formal warning
- Additional training
- Loss of up to one week's salary
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months
- Termination of employment

Ultimately, failure to effectively respond to OHS, GBV/SEA and VAC cases on the work site by the PWYP Director/National Coordinator or equivalent highest-ranking manager may provide grounds for legal actions by authorities.

I do hereby acknowledge that I have read the foregoing Manager's Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to OHS, GBV/SEA and VAC requirements. I understand that any action inconsistent with this Manager's Code of Conduct or failure to act mandated by this Manager's Code of Conduct may result in disciplinary action.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Individual Code of Conduct

Preventing Sexual Exploitation and Abuse and Violence Against Children

I, _____, acknowledge that adhering to Project's occupational health and safety (OHS) requirements, and preventing Gender Based Violence (GBV), Sexual Exploitation and Abuse (SEA) and violence against children (VAC) is important.

The Institution (_____) considers failure to follow OHS standards, or to commit GBV/SEA or VAC – be it on the work site, the work site's surroundings, in workers' homes, or the surrounding communities – to be serious misconduct and grounds for sanctions, penalties or potential termination of employment. Prosecution by the police of those who commit GBV/SEA or VAC may be pursued if appropriate.

I agree that while working on the Project I will:

1. Attend and actively participate in training courses related to OHS, HIV/AIDS, GBV/SEA and VAC as requested by my employer.
2. Take all necessary steps to implement the Institution's OHS measures, including during travels.
3. Not drink alcohol or use narcotics or other substances which can impair faculties before or during work activities.
4. Consent to a police background check.
5. Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
6. Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
7. Not engage in sexual harassment—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior (e.g. looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody's sex life; etc.)
8. Not engage in sexual favors—for instance, making promises of favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
9. Not participate in sexual contact or activity with children—including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
10. Unless there is the full consent⁵ by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding

⁵ 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. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of the country

or promise of actual provision of benefits (monetary or non-monetary) to community members in exchange for sex – such sexual activity is considered “non-consensual” within the scope of this Code.

11. Report through the FGRM or to my manager any suspected or actual GBV/SEA or VAC by a fellow worker, whether employed by my institution or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18, I will:

1. Wherever possible, ensure that another adult is present when working in the proximity of children.
2. Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
3. Not use any computers, mobile phones, video and digital cameras or any other medium to exploit or harass children or to access child pornography (see also “Use of children's images for work related purposes” below).
4. Refrain from physical punishment or discipline of children.
5. Refrain from hiring children for domestic or other labor below the minimum age of 14 unless national law specifies a higher age, or which places them at significant risk of injury.
6. Comply with all relevant local legislation, including labor laws in relation to child labor and the PWYP policies on child labor and minimum age.
7. Take appropriate caution when photographing or filming children.

Use of children's images for work related purposes

When photographing or filming a child for work related purposes, I must:

1. Before photographing or filming a child, assess and comply with local traditions or restrictions for reproducing personal images.
2. Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.
3. Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
4. Ensure images are honest representations of the context and the facts.
5. Ensure file labels do not reveal identifying information about a child when sending images electronically.

into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

Sanctions

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

- Informal warning.
- Formal warning.
- Additional Training.
- Loss of up to one week's salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- Termination of employment.
- Report to the Police if warranted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met, and that I will adhere to the Occupational Health and Safety requirements. I will avoid actions or behaviors that could be construed as GBV/SEA or VAC. Any such actions will be a breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to OHS, GBV/SEA and VAC issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____