

TURC Safeguarding Policy

1. INTRODUCTION

Trade Union Rights Centre (TURC) is an Indonesian non-governmental organization (NGO) that promotes the welfare of workers and trade unions and is committed to creating safe and conducive work environments.

2. PURPOSE AND AIM OF THE SAFEGUARDING POLICY

The Safeguarding Policy aims to ensure that those who work at TURC or who come into direct or indirect contact with TURC through our work, especially vulnerable adults, and children, are protected from any harm.

TURC has a Zero Tolerance of all forms of physical, verbal, sexual and emotional violence as well as neglect, bullying and ill-treatment to vulnerable adults and children.

The Safeguarding Policy promotes TURC values and principles to protect human rights in a culture that emphasizes the principles of equality, anti-discrimination and mutual respect, where all TURC staff and affiliates can feel safe and comfortable to raise concerns to the institution and feel confident that TURC will respond to complaints in a confidential and timely manner whilst respecting a survivor-centred approach.

This policy should be read in conjunction with:

1. the Code of Conduct
2. the Standard Operating Procedures on Anti-Sexual Violence
3. any future Human Resource Policies developed from this date

Together these policies and procedures underpin our commitment to keeping safe our staff, our programs and those with whom we work. Other areas of misconduct that violate TURC's values and principles such as fraudulent practices, and abuse of authority will be reported through the same Complaints Mechanism and addressed according to the sanctions set out in the institution's Code of Conduct.

3. DEFINITIONS AND WHO THIS POLICY APPLIES TO

Safeguarding refers to all reasonable actions taken by TURC to maintain security, prevent, report, and respond to exploitation, harassment, and dangers caused during interaction in all activities carried out by the institution or when TURC staff and affiliates are attending activities held by the partners.

Child or children: Any person under the age of eighteen regardless of the age of majority in the relevant jurisdiction.

Vulnerable Adults: Vulnerable adults are defined as people who are unable or temporarily have a reduced ability to protect themselves from harm or exploitation for any reason including differentials of power and trust. When safeguarding adults, this involves reducing and preventing the risk of harm, neglect, or abuse alongside supporting them to maintain their own lives. Examples of vulnerability factors include age; gender; ethnicity; religion; physical, mental, or other disability; social, civic or health status; sexual orientation; gender identity; economic disadvantages; indigenous status; or migration status

Staff and Affiliates: Members of the Advisory Board, staff (including interns), grantees, beneficiaries, donors and/or sponsors, contractors (vendors), institutional partners, activity site visitors, institutional office visitors, and volunteers. Here after referred to as Staff and Affiliates.

Partner/Contractor:

- Community/leader/member (who is bound by a cooperation agreement)
- Alliance/Joint Advocacy
- Sub-Grantee
- Vendors who are bound by a cooperation agreement

Beneficiaries: The people with whom we work e.g.

- Members of the Confederation of Trade Union
- Members of the Trade Union Federations
- Members of the Factory-level Trade Unions
- Homeworkers Group

The Safeguarding Policy covers the prevention of physical, verbal, sexual, and emotional violence as well as neglect, bullying, and ill-treatment by anyone under the responsibility of TURC. Detailed definitions of the behaviors and misconduct are provided **in Annex 1**. Safeguarding policies apply both during working hours and outside working hours if they are in direct or indirect contact with institutions.

All Staff and Affiliates must sign compliance with the TURC Safeguarding Policy, and the policy will be made known to the beneficiaries with whom we work.

4. LEGAL BASIS OF THE POLICY

This Safeguarding Policy is made in accordance with the laws and regulations in force in the Republic of Indonesia, as well as other TURC Policies that seeks to protect vulnerable adults and children. **(Annex 2)**

In the event of a violation committed by anyone under the responsibility of the Institution, including and without exception all staff or affiliates that are contrary to the safeguarding policy and laws and regulations in force in the territory of the Republic of Indonesia, TURC may take

disciplinary or legal action in the form of but not limited to giving warning letters, suspensions, termination of employment, termination of cooperation contracts, subpoenas, to legal proceedings both civil and criminal.

5. ROLES AND RESPONSIBILITIES

Roles and Responsibilities of TURC Staff and Affiliates:

1. All staff and affiliates of TURC understand their responsibility to comply with and practice good Safeguarding practices that do not harm others.
2. All TURC staff and affiliates understand what to do when observing or experiencing problems contained in the Safeguarding Policy.
3. All staff and affiliates of TURC are obligated to report actions that constitute a violation of the Safeguarding Policy.
4. All TURC staff and affiliates have the responsibility to report concerns.
5. All TURC staff and affiliates understand the reporting mechanism in the Safeguarding Policy.
6. TURC staff who are in charge of carrying out activities in the program are responsible for conducting a risk assessment of the implementation of the Safeguarding Policy.

Roles and Responsibilities of the Board of Directors¹

- BoD TURC is responsible to create and maintain an organizational environment where everyone feels confident and comfortable to speak up and report violations that occur and ensure that actions will be taken in accordance with applicable procedures.
- BoD TURC is responsible for signing off and disseminating this Safeguarding Policy to be understood and complied with by all TURC staff and affiliates.
- BoD TURC is responsible for ensuring that the Reporting Mechanisms set out in this Safeguarding Policy can be understood and used by all TURC staff and affiliates.
- BoD TURC is responsible for establishing a Task Force Team to assist in the implementation of the entire incident resolution process.
- BoD of TURC is responsible for ensuring the regular monitoring and review of the policy implementation. This will be at 6-month intervals in the first year and annually thereafter.
- BoD of TURC is responsible for making an organizational risk assessment and monitoring the project risk assessment.

Focal Point appointments, roles, and responsibilities

¹ The parties referred to as the Board of Directors, or hereinafter abbreviated as BoD are the Executive Director, Deputy Director for Program Affairs, and Deputy Director for Institutional Affairs.

- TURC assigns the Deputy Director for Institutional Affairs and 1 (one) representative from the TURC Staff to act as Focal Points in the implementation of the Safeguarding Policy.
- The Focal Points are responsible to keep updated on the local and national Safeguarding contexts, liaise with donors if required and to be a key point of contact in the event of an incident, providing input, support, and assisting in implementing the Safeguarding Policy, including responding to reported cases.
- The Focal Points are responsible for conducting training on Safeguarding Policy to all TURC staff.
- The Focal Points are responsible for supporting the BoD to conduct and monitor risk assessments of program activities and the implementation of the Safeguarding Policy.
- Focal Points are responsible for accurately documenting and recording incidents.
- The Focal Point is responsible for monitoring the implementation of the Safeguarding Policy twice a year with the BoD.

Advisory Board roles and responsibilities

- The Advisory Board signs the policy and is accountable for its implementation by maintaining oversight of safeguarding risk assessments
- The Advisory Board reviews, monitors and advises on the implementation report submitted by BoD
- Proactively responds and problem solves if there are obstacles or challenges in implementing this policy both internally and externally.

6. PREVENTION AND MITIGATION

TURC is committed to building and maintaining an organizational culture where the safety and wellbeing of all staff, affiliates and beneficiaries is principal and preventative measures to reduce the risks of harm are implemented. These include:

SAFE RECRUITMENT:

To reduce the risk of unsuitable people entering our organization TURC will:

- Conduct thorough (written and verbal) reference checks including with the previous employer.
- Carry out background checks before any offer of employment is made, ask relevant safeguarding questions during the interview and explain TURC's policy.
- Ensure work contracts Include clauses to comply with the Safeguarding Policy, Code of Conduct and SOP Anti-Sexual Violence and consequences if violated.

MANDATORY TRAINING:

- Ensure interactive training and Induction of newly recruited staff that includes the complaints procedure.
- Regular refresher training (6 months) for all staff and affiliates and reminder of the key principals and sanctions in the policy.

PROGRAM IMPLEMENTATION:

- Mechanisms are in place to ensure all staff and affiliates understand their responsibilities and how the policy applies to them.
- Program and event risk assessments are conducted and regularly reviewed to ensure safeguarding risks and mitigation measures are identified.

MEDIA AND COMMUNICATION:

Staff, affiliates, and beneficiaries are made aware through various channels of how concerns and complaints can be made and how TURC will respond

With regards to using social media and digital technology, all TURC staff and affiliates are required to comply with the following principles:

- Dignity: All forms of communication must show that the person concerned is treated with dignity and not as a powerless party.
- Consent: All forms of posting (video and/or photos) have obtained the consent of the person concerned and with their knowledge. The consent form must be documented by the requester.
- The personal data of TURC staff and affiliates will be treated with respect and according to data protection laws (see Information sharing and data protection below).

7. REPORTING PROCEDURES AND RESPONSE

TURC places a mandatory obligation on the Advisory Board, staff, and affiliates to immediately report concerns, suspicions, allegations, and incidents that indicate actual or potential abuse and harassment of vulnerable adults, children, and beneficiaries when perpetrated by staff and/or affiliates.

TURC will ensure that all allegations of incidents stated in this policy are thoroughly investigated either through TURC's own procedures or through partners' own procedures that have been subject to TURC due diligence. Responses may include referral to another agency for investigation or reported to law enforcement. A flow diagram explaining the Reporting Process is attached in **Annex 3**

TURC will provide support and assistance to complainants and to anyone who has experienced incidents defined in this policy and will take appropriate action to protect persons from retaliation where allegations of incidents are reported in good faith.

Complaints of any violation of the TURC Safeguarding Policy, Code of Conduct and SOP Anti-Sexual Harassment can be made person to person, in writing or online through the TURC Complaint Form (<https://bit.ly/turccf>). Complaints can be made anonymously with the understanding that this may constrain the depth of investigation.

The BoD will manage public interest (including the media) and maintain a high level of confidentiality whilst keeping relevant stakeholders including the complainant informed of the process.

TURC BoD will appoint a small team (including a minimum of one member from BoD or Advisory Board) to investigate the complaint. A specific Terms of Reference for the investigation will be written and will include recommendations for future policy and practice based on learning from the investigation. External experts may be included in the team if needed. The investigation will be conducted in a time bound and safe manner and will include a risk assessment and mitigation measures for those involved. Mitigating actions may include the temporary suspension of the alleged perpetrator, protection, and professional support (if needed) for the complainant

Responses to the outcome of an investigation can include administrative or disciplinary action, legal action, and/or referral to the relevant authorities for appropriate action.

8. INFORMATION SHARING AND DATA PROTECTION

The right to individual privacy is vital to protection and requires careful management of how information is shared. It is important to ensure that all personnel involved in a safeguarding complaint (victim/survivor, alleged perpetrator, bystander, whistleblower, investigator) are protected and their personal information remains safe and secure.

TURC is committed to being open and honest with the individuals concerned (including family if appropriate) and keeping them informed of how and why information is being shared and with whom. TURC Focal Points are responsible for ensuring records and documentation related to complaints and investigations are managed confidentially and according to national data protection laws.

Any statements on the findings of an investigation and follow-up will be made by the Executive Director.

9. MONITORING, REVIEW, AND COMPLEMENTARY POLICIES

All existing and new staff and affiliates are required to sign and date to indicate their understanding of and compliance with the Safeguarding Policy

The Safeguarding Policy will be reviewed every six months in the first year of implementation. This review will be conducted by the Focal Points and BoD and will be accountable for sign off and any amendments to the Advisory Board.

After one year of implementation, it will be reviewed annually or at the time when an associated policy (Code of Conduct, SOP Anti-Sexual Violence) is amended, or a new policy introduced.

ANNEX 1

Definitions of Behaviors and Misconduct

Violence and Harassment

Acts of violence and harassment by and/or to all TURC staff and affiliates are unacceptable.

Misconduct associated with violence and harassment can occur in many ways, including:

- Physical violence, including hitting while working as a form of control or punishment, committing assault, even murder while working or outside working hours.
- Verbal violence that demeans, belittles, or corners a person's position to become helpless.
- Online violence, including flirting or bullying through online media, exposure to inappropriate content or harassment.
- Emotional abuse including repeated statements to someone that he or she is useless or incompetent. For example, a person may make hurtful or discriminatory remarks against a co-worker or other person in an institutional work environment.
- Neglect, which includes inadequate care or supervision.
- Unpleasant or repeated jokes against someone.
- Sexual Violence is any act that demeans, insults, attacks and/or other acts against a person's body, sexuality, and/or reproductive function by force, against someone's will, which causes the person to be unable to give consent in a free state due to imbalanced relations. power and/or gender relations that can result in physical, psychological, sexual suffering or misery, and economic, social, cultural, and political harm.
- Online Sexual Violence is sexual violence carried out using online media. Online violence can take many forms, including:
 - Dissemination or threat of unauthorized dissemination of intimate content intended to threaten, intimidate, or force someone to do or not do something.
 - Sextortion is the dissemination or threat of sharing intimate content without consent that is intended to extort someone into paying money, having sex, or submitting intimate content repeatedly.
 - Sending sexually explicit images, videos, and text without consent
- Sexual Harassment is sexual violence that is carried out in the form of physical or non-physical actions against other people related to body parts, sexuality, and related to sexual desires so that other people are intimidated, humiliated, and harassed and feel humiliated and humiliated.
- Sexual exploitation is sexual violence that is carried out in the form of violence, threats of violence, deceit, a series of lies, a false name or identity or dignity, or abuse of trust, so that someone has sexual relations with him or another person and/or acts that take advantage of that person's body. related to sexual desire, with the intention of benefiting oneself or others.

Other Definitions

- **Whistleblowers** are individuals or groups who report or complain about abuse, harassment or sexual violence that they have experienced or witnessed. In the SoP, the Whistleblower may include the advisory board (governing body), staff, interns, volunteers, and institutional partners as well as other parties who have experienced sexual violence allegedly committed by the advisory board (governing body), staff, interns, and TURC volunteers.
- **Witnesses** or bystanders are individuals or groups who experienced, witnessed and or heard firsthand incidents of suspected sexual violence, harassment and abuse.

- **Reported parties** are individuals or groups who have been accused of sexual violence, harassment and abuse.
- A **victim** of sexual violence or abuse or harassment is anyone who has experienced sexual violence, abuse or harassment.
- Sexual violence, abuse or harassment **survivors** are individuals or victims of sexual violence, abuse or harassment who are recovering and have the ability to recover from the trauma of what they have experienced,
- **Perpetrators** of sexual violence, abuse or harassment are individuals or groups who are proven to have committed sexual violence based on victim reports and the results of internal and independent investigations.

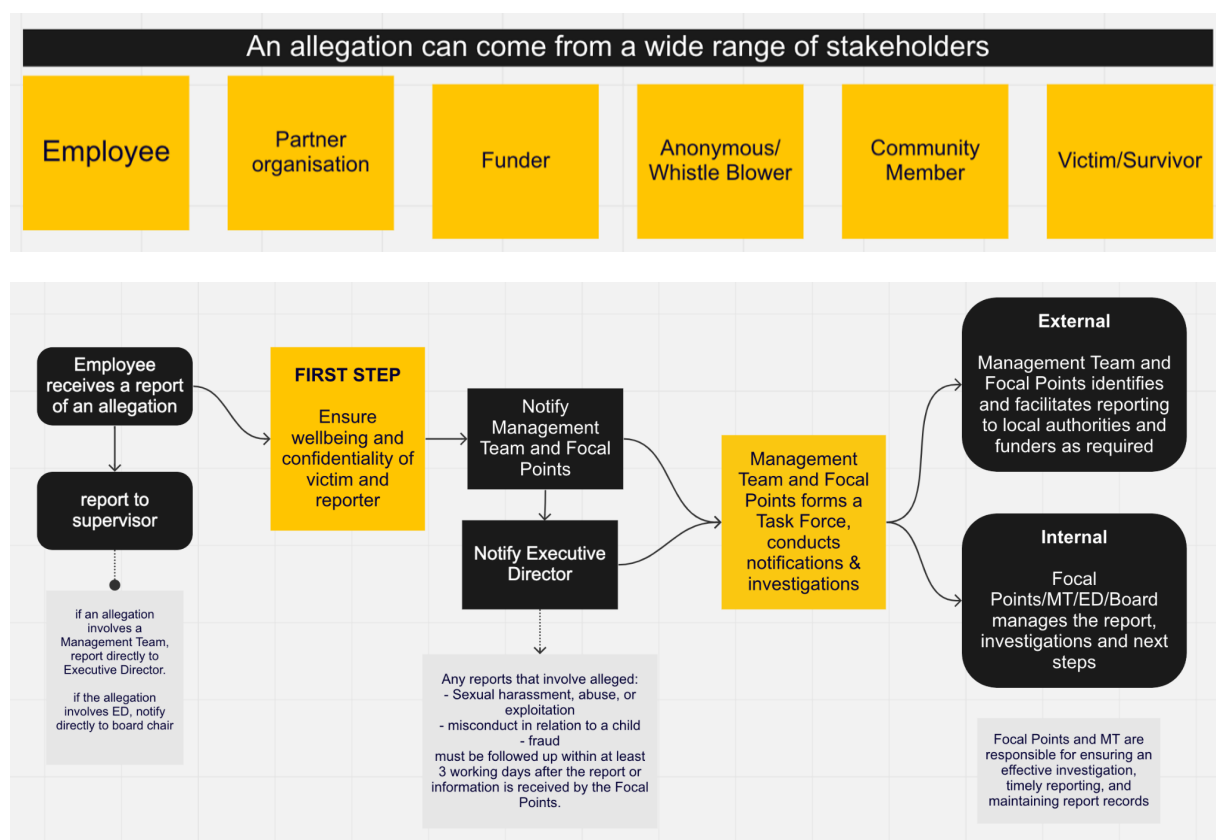
ANNEX 2

Regulations

1. ILO Convention 190 on Violence and Harassment in the World of Work
2. Code of Civil law
3. Criminal Code (KUHP)
4. Law 39 of 1999 concerning Human Rights
5. Law No. 13 of 2003 concerning Employment
6. Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes
7. Law No. 11 of 2020 concerning Job Creation
8. Law No. 23 of 2002 concerning Child Protection
9. Law No. 12 of 2022 concerning the Crime of Sexual Harassment and Violence
10. Law Number 7 of 1984 concerning Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (Convention on Elimination of All Forms Discrimination Against Women)
11. Law Number 13 of 2006 concerning Protection of Witnesses and Victims
12. Institution Rules of 2018
13. TURC 2022 Anti-Sexual Violence SOP

ANNEX 3

Reporting and Response Channels



CODE OF CONDUCT

TURC Safeguarding Policy and this Safeguarding Code of Conduct are to be followed by all staff and affiliates to protect anyone from sexual harassment, exploitation, and abuse by TURC staff and affiliates.

This Safeguarding Code of Conduct is intended to provide an illustrative guide for all staff and affiliates on acceptable and unacceptable behavior. Any violation of this Safeguarding Code of Conduct is a serious concern and may result in disciplinary action, up to and including termination of contract, in accordance with sanctions as stated in TURC Institutional Rules and/or applicable laws.

Standards of Professionalism

1. All staff must hold accountability of their job and responsibilities while still working in TURC.
2. All staff must maintain confidentiality and keep all sensitive information private and away from those who should not have access to it as defined in paragraph 8 of the Safeguarding Policy.
3. All staff must prioritize honesty and integrity when representing the organization in any occasion.
4. All staff must be respectful towards all entities related to the organization.

Acceptance of Advantages

1. Staff are prohibited from soliciting bribes or any benefits from anyone who has business with TURC, such as: vendors/contractors, beneficiaries, consultants, and other parties as stipulated in Safeguarding Policy point 3 (three).
2. Any gift offered voluntarily to staff in an official capacity is considered a gift to the organization and must be recognized and authorized by the immediate supervisor or Deputy Director for Institutional Affairs. Staff must refuse an offer to accept a gift if the acceptance could affect objectivity in the conduct of the organization's affairs, or encourage action against the interests of the organization, or lead to complaints of bias or impropriety.

3. Staff may accept gifts in an official capacity (such as receiving a placard or certificate when invited to be a guest speaker), which if not accepted may create an unfriendly or disrespectful impression.
4. Staff are prohibited to request honorarium or per diem if they are invited by the event organizer to participate as participants, resource persons, and/or facilitator. However, if the organizing committee of the activity provides it voluntarily and without jeopardizing the institution's objectivity, the staff may accept it as long as they do not request reimbursement for transportation from the institution.
5. If a resource person's honorarium exceeds one million rupiah, 20% of the total honorarium must be contributed to the institution as a form of commitment in labor advocacy efforts.

Conflict of Interest

1. A conflict of interest situation arises when the "private interests" of the staff compete or conflict with the interests of the organization. "Private interests" means both the financial and personal interests of the staff or those of their connections including:
 1. family and other relations;
 2. personal friends;
 3. the clubs and societies to which they belong; and
 4. any person to whom they owe a favor or are obligated in any way.
2. Staff should avoid using their official position or any information made available to them in the course of their duties to benefit themselves, their relations or any other persons with whom they have personal or social ties. They should avoid putting themselves in a position that may lead to an actual or perceived conflict of interest with the organization.
3. Failure to avoid or declare any conflict of interest may give rise to criticism of favoritism, abuse of authority or even allegations of corruption.
4. When called upon to deal with matters of the organization for which there is an actual or perceived conflict of interest, the staff member should make a declaration in writing to his supervisor. He/She should then abstain from dealing with the matter in question or follow the instruction of his supervisor who may reassign the task to other staff.

Handling of Classified or Proprietary Information

1. Staff are not allowed to disclose any classified or proprietary information to anybody without authorisation. Staff who have access to or are in control of such information should at all times provide adequate safeguards to prevent its abuse or misuse. Examples of misuse include disclosure of information in return for monetary rewards, or use of information for personal interest.

Outside Employment

1. Staff who wish to take up paid outside work, including those on a part-time basis, must seek the written approval of the organisation before accepting the job. Written notification must be submitted and approved by the Deputy Director for Institutional

Affairs, Deputy Director for Programs, and the Executive Director. Approval will not be given if the outside work is in conflict with the interest of the organisation.

Unacceptable Types of Behavior

1. Provide false or falsified information for the benefit of oneself or others so that it can harm the Organization and the State.
2. Abusing his position and authority for personal gain.
3. Gambling in an Office environment.
4. Getting drunk that causes noise, using drugs or illegal drugs/narcotics within the organization or proven to be trading illegal drugs both inside and outside the organization.
5. Commit theft, embezzlement, or fraud both inside and outside the Organization.
6. To abuse, humiliate, or threaten the Management and any member of staff or their families and beneficiaries.
7. Persuading the Management and any member of staff to do something that violates the law and decency as regulated in the applicable laws and regulations.
8. Committing immoral acts or sexual harassment within the Organization. Matters related to sexual violence and harassment are fully regulated in the Safeguarding Policy and Anti-Sexual Violence SoP.

Acceptable Types of Behavior:

1. Create and maintain an environment that prevents sexual exploitation, abuse and harassment of staff and vulnerable groups and promote the implementation of this Safeguarding Policy.
2. Behave, dress, and speak appropriately and sensitive to local customs or culture in interacting (either directly or indirectly), which shows respect and respect for the rights of fellow human beings.
3. Ensure that all forms of physical contact as well as online contact with entities involved with TURC are not against the value, culture, and policies of the organization.
4. Responsible for all forms of actions and words as a representative of the institution.
5. Comply with the investigation process related to violations of the application of the Safeguarding Policy and provide relevant documentation or information required for completion of the investigation.
6. Comply with applicable data privacy laws and comply with relevant data privacy and information security policies, when operating or carrying out activities that require the presence of personal data from TURC partners.
7. Immediately report through the reporting mechanism that has been established, for any violation of this policy, whether known or suspected to be committed by staff or parties related to TURC.

If related or involving children:

1. Treat all children with respect.

2. Not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
3. Not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services.
4. Wherever possible, ensure that another adult is present when working near children.
5. Not invite unaccompanied children into private residences, unless they are at immediate risk of injury or in physical danger.
6. Never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium.
7. Not hire children for domestic or other labour: which is inappropriate given their age or developmental stage; which interferes with their time available for education and recreational activities; or which places them at significant risk of injury.
8. Comply with all relevant Indonesian and local legislation, including labour laws in relation to child labour
9. Immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with TURC reporting procedures.
10. Immediately disclose all charges, convictions and other outcomes of an offence that relates to child exploitation and abuse, including those under traditional law, which occurred before or occurs during association with TURC
11. Be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation and abuse.
12. These behaviours are not intended to interfere with normal family interactions.

Communications

Do's and Don'ts on social media:

Do's

1. Ensure that stories of activities/activities in the program, such as workshops, training, and seminars respect confidentiality.
2. Ensure that photos of activities are taken and published with the approval and informed consent of the person and/or group concerned.
3. Ensure that the Inclusion of the name and title is included only in accordance with the will of the person and/or group concerned.
4. Repost content from the accounts of other institutions or individuals whose issues are in accordance with the values believed by the institution and do not have the potential to trigger conflict.
5. Ensure that achievements or positive things related to institutions, beneficiaries, and partners are only replicated with approval.

If related or involving children:

1. Take care to ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child

2. Obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. An explanation of how the photograph or film will be used must be provided.
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, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

Don't's

1. Include personal data (identity number, telephone number, place of residence, etc.).
2. Use of language that implies a relationship of power.
3. Posts that contain sexual elements.
4. Upload, distribute images/videos/stories that are not useful or contain violence/harassment.
5. Insulting or humiliating certain individuals or groups.
6. Spread vulnerabilities in amongst defenceless victims/survivors.

Compliance with the Code

1. It is the personal responsibility of every staff member to understand and comply with the Code of Conduct.
2. All coordinators should also in their daily supervision ensure that their subordinates understand and comply with the standards and requirements stated in the Code. Any problems encountered as well as any suggestions should be channeled to the complaint form prepared by TURC.

SURAT PERNYATAAN

Saya yang bertanda tangan di bawah ini:

Nama :

Jabatan :
Divisi :
No. KTP :

Selama menjadi bagian dari Lembaga Trade Union Rights Centre, dengan penuh kesadaran dan rasa tanggung jawab telah membaca, memahami, dan akan mematuhi Safeguarding Policy yang dimiliki organisasi.

Jika dikemudian hari saya melanggar ketentuan-ketentuan yang tercantum dalam Safeguarding Policy ini, maka saya bersedia dikenakan sanksi sesuai dengan ketentuan yang berlaku. Apabila ada penyesuaian sesuai kebutuhan, maka Safeguarding Policy ini akan disesuaikan kembali dikemudian hari dan tetap menjadi bagian yang tidak terpisahkan dari dokumen ini.

Jakarta,,, 2021

.....