

# CHILD & VULNERABLE PERSONS PROTECTION POLICY

## OBJECTIVE/BACKGROUND

The Canadian Foodgrains Bank (“Foodgrains Bank”) understands that all people are created equal and bear God’s image, and that all people have the right to protection from harm, injury, exploitation, or abuse. In keeping with this, the Foodgrains Bank is committed to the protection of children and other vulnerable persons by staff, volunteers, directors, and others representing the Foodgrains Bank from time to time and takes seriously its responsibility to protect these persons when the Foodgrains Bank personnel engage with children and other vulnerable persons. This policy outlines our commitment to child and vulnerable persons protection and steps taken to protect children and vulnerable persons from injury, harm, abuse, and exploitation.

Foodgrains Bank strives to be an organization where an individual’s self-worth and dignity are respected and affirmed. Consequently, this policy may be more stringent than applicable legislation. This is intentional. Conduct may be unacceptable, even if it is not illegal.

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## SCOPE

This policy applies to all employees, board directors, volunteers, contractors and consultants interacting with children or other vulnerable persons on behalf of the Foodgrains Bank, and the Foodgrains Bank’s learning tour and delegation participants who may from time to time interact with children or vulnerable persons when they are engaged in activities on behalf of the Foodgrains Bank. These people are collectively referred to as Foodgrains Bank ‘personnel’ for the purposes of this policy.

This policy is a partner policy to our *Harassment, Prevention of Sexual Exploitation and Abuse* and *Whistleblower* policies, and our *Complaints Mechanism*.

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## DEFINITIONS

For the purposes of this policy, the Foodgrains Bank will recognize and apply the following definitions:

**Child** – any person under 18 years of age.

**Vulnerable Person** – any person over the age of 18 who is or may be unable to protect themselves against injury, harm, abuse, or exploitation by reason of age, illness, trauma, disability, or any other reason.

The child and the vulnerable person may collectively be referred to as either the complainant or the victim.

**Complainant** – An individual or group of people who direct a complaint or allegation of wrongdoing to the Foodgrains Bank. A complainant may make a complaint about wrongdoing they have experienced directly, or they may report a complaint on behalf of another person or people.

**Victim** – Someone who experiences exploitation, abuse, or neglect at the hands of another person or people.

**Respondent** – A person or people who are suspected or accused of committing wrongdoing.

**Sexual abuse** – when a child or other vulnerable person is used by an older or more powerful child or adult for sexual stimulation or gratification. It can involve contact or non-contact and includes the development of sexual relationships with children or other vulnerable persons not condoned under local or Canadian law, or using language, gestures or other behaviours that are sexual in nature with children or other vulnerable persons.

**Physical abuse** – when a person physically hurts or threatens to hurt a child or other vulnerable person, or by any means deliberately creates a significant risk of physical harm to them.

**Exploitation** – the attempt or action of treating someone unfairly for your own benefit, including:

- the actual or attempted abuse of a position of authority, differential power or trust in relation to a child or other vulnerable person, to profit sexually, monetarily, socially or politically from the use of that person;
- intentionally viewing, downloading or distributing any sexualized, demeaning or violent images involving children or other vulnerable persons; or
- taking a photograph or other image of a child or other vulnerable person or making representations of a child or other vulnerable person in a way that can reasonably be interpreted as sexualized, demeaning or violent.

**Neglect** - chronic inattention to the basic necessities in life such as shelter, food, and safety.

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## POLICY

1. Foodgrains Bank has zero tolerance for any exploitation, abuse, or neglect of children or other vulnerable persons with whom the organization or its personnel interact. Foodgrains Bank personnel must not engage in or contribute in any way to child or other vulnerable persons' exploitation, abuse or neglect.
2. Foodgrains Bank will take seriously all suspicions or allegations of actual or attempted exploitation, abuse, or neglect of children or other vulnerable persons by Foodgrains Bank personnel. Foodgrains Bank will respond swiftly and appropriately to reported or observed incidents, allegations, or complaints of child or vulnerable persons injury, harm, exploitation, abuse, or neglect and will seek to:
  - 2.1. ensure the safety of the victim,
  - 2.2. stop the inappropriate behaviour towards the victim, and
  - 2.3. investigate the reported or observed incidents or complaints of exploitation, abuse or neglect.
3. Foodgrains Bank will report observed or reported incidents or attempted exploitation, abuse, or neglect of child or other vulnerable persons to relevant civil or legal authorities as required by law in the jurisdiction in which the incident or patterns of behaviour occurred.
4. Allegations of exploitative, abusive or neglectful behaviour towards children or other vulnerable persons on the part of Foodgrains Bank personnel will be treated with due confidentiality, except where to do so would further endanger the child or vulnerable person or where Foodgrains Bank is required by law to provide such information to legal authorities.

5. Foodgrains Bank expects that all allegations or complaints of exploitative, abusive or neglectful behaviour towards children or other vulnerable persons are made in good faith. If an investigation reveals that an allegation or complaint was made frivolously or with malicious intent, the Foodgrains Bank will apply appropriate corrective or disciplinary measures to the complainant.
6. Foodgrains Bank will apply corrective or disciplinary measures to personnel found to be in breach of this policy, as warranted by the situation.
7. Personnel working on behalf of or representing the Foodgrains Bank must be informed of the contents of this policy and their duty to report observations or suspicions of exploitative, abusive, or neglectful behaviour towards children or other vulnerable people.
8. Foodgrains Bank will require appropriate screening including child and vulnerable persons abuse registry checks for personnel in positions that involve interacting with or providing service to children and other vulnerable persons. Foodgrains Bank reserves the right not to employ people who pose a risk to the safety of children or other vulnerable people to the extent permitted by law.
9. Foodgrains Bank will ensure that this policy is regularly reviewed and updated to reflect current legislation for the protection of children and other vulnerable persons.

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## PROCEDURES

### Reporting, Responding to, and Investigating an Allegation of Wrongdoing

#### 1. Reporting

Anyone experiencing exploitation or abuse, or attempts at same, by someone representing the Foodgrains Bank, is encouraged to report the wrongdoing to the Foodgrains Bank, other people in authority or civil authorities.

Anyone witnessing or suspecting exploitation or abuse of another party, or attempts at same, by someone representing the Foodgrains Bank, is required to report the wrongdoing to the Foodgrains Bank, other people in authority or civil authorities.

Power imbalance is inherent in the exploitation, abuse and neglect of children and other vulnerable persons. Therefore the Foodgrains Bank does not recommend direct confrontation of the perpetrator by the complainant or by the victim of the abusive behavior.

When required by applicable laws in the location where the alleged wrongdoing occurred, the Foodgrains Bank will report allegations of wrongdoing against children or other vulnerable persons to appropriate local authorities.

#### 2. Responding

- 2.1. All complaints received by the Foodgrains Bank under this policy will be sent to the complaints office of the Foodgrains Bank. The complaints office will initiate a response to a complaint or allegation of exploitation, abuse, or neglect of children or vulnerable people within two (2) business days.

2.2. When appropriate or required by law, the legal guardian of the child or other vulnerable person will be informed of the complaint and will be kept informed of the investigation process and outcomes.

2.3. The complaints office will assign a point person to manage the complaint investigation process.

2.4. The point person or their designate will first and foremost attend to the safety needs of the alleged victim of the wrongdoing and the complainant, establishing and implementing a safety plan which will take effect immediately. The safety plan may include the following:

- Informing local police or other justice officials if warranted by the scope of the complaint, or when external intervention is warranted to ensure safety for the victim.
- Provision of medical, psychological, emotional or other intervention and support, if required.
- Enacting plans to restrict or eliminate contact between the child or vulnerable person or the complainant and the respondent for the duration of the investigation process.
- Reassignment of job duties for either or both the complainant and the respondent for the duration of the investigation if they work on shared or intersecting tasks.
- Any further intervention as required to ensure the safety of all parties for the duration of the complaint response process, and to create space for an impartial investigation of the complaint.

The safety plan must be reviewed by the executive director. If the executive director is otherwise involved in the complaint, the safety plan will be reviewed by the board chairperson.

### 3. Investigating

3.1. Once the safety of the alleged victim(s) and the complainant, if that is a third party, have been established, the point person will develop an investigation plan appropriate to the content of the complaint, and will present the investigation plan to the executive director for review and approval. If the executive director is implicated in the complaint, the investigation plan will be reviewed by the board chairperson.

3.2. An investigation plan may include the following steps:

3.2.1. An internal investigation of the incident or pattern of behaviour by the human resources director or other trained designate, which may include:

- Reviewing any written documentation.
- Interviewing the complainant.
- Where appropriate and possible, interviewing the alleged victim if that person is not the complainant.
- Interviewing the respondent.
- Interviewing others who may have witnessed the incident or pattern of behaviour.

3.2.2. An external investigation of the incident or pattern of behaviour, which may include:

- Contracting a professional investigator to review the incident or pattern of behavior.

- Contacting government authorities to investigate a complaint when warranted by the scope of the complaint, or when required to report by law, in which case the complainant will be informed.

The assigned point person or designate will communicate the details of the investigation plan to all parties of the complaint within five (5) working days.

Implementation of the investigation plan should commence no later than 30 days after the report has been received by the complaints office and should be completed as quickly as possible.

#### 4. Recommendations for Resolution

4.1. Upon completion of the investigation, the point person or designate will make recommendations for resolving the complaint. Investigation outcomes and recommendations will be presented to the executive director prior to implementing any recommendations.

If the executive director is otherwise involved in the complaint, the investigation report and recommendations will be brought to the board chairperson for review and approval.

4.2. The Foodgrains Bank will take corrective action in any instance where a person under its direction is found to have perpetrated exploitation, abuse, or neglect on a child or vulnerable person in their role as representatives of the Foodgrains Bank.

4.3. Respondents are expected to participate fully and honestly in a resolution plan. Failure on the part of any employee to participate will be recorded in the employee's personnel file and may result in discipline.

4.4. Recommendations for resolution may include, but are not limited to:

4.4.1. A facilitated conversation or mediation process, when this step is deemed appropriate to the nature of the offence, and when voluntary consent and appropriate physical and emotional safety have been established for all parties.

4.4.2. Specific corrective actions, if an employee is found to be in breach of this policy. This may include, but is not limited to:

- sensitivity/awareness training
- counseling
- reporting to an accountability group
- being mentored
- removing some work responsibilities

4.4.3. Suspension or termination of employment or of formal relationship with the Foodgrains Bank when corrective action is not deemed to be a sufficient response to the scope of the incident or when the respondent refuses to participate in corrective action.

4.4.4. Contacting appropriate government and legal authorities when warranted by the scope of the incident or pattern of behaviour, or when the behaviour is in breach of the law. If the decision is made to report the respondent to legal authorities, the Foodgrains Bank will seek to inform the victim and the complainant, when that is a third party, prior to the report being made to ensure that the victim and/or complainant are safe. However, the Foodgrains Bank retains the right and responsibility to make a report at any time to appropriate authorities when a person representing the Foodgrains Bank is in breach of the law.

#### 5. Communicating the Results of the Investigation

Foodgrains Bank will communicate the results of the investigation in a timely manner to the victim or to their legal guardian where appropriate, to the complainant, and to the respondent.

In situations where a complaint has been lodged with legal authorities in conjunction with a Foodgrains Bank investigation, and when required by law, the results of the investigation will be shared with legal authorities.

## 6. External Representation

At any point in a resolution process, the victim of the wrongdoing, the complainant, and the respondent are entitled to seek external representation and support. Foodgrains Bank will act in good faith with any external resources solicited.

No external resources will be contracted by Foodgrains Bank without the direction of the executive director or, when needed, the direction of the board chairperson.

### **External Resolution of a Complaint**

This policy is not intended to discourage or prevent any person from exercising their legal rights pursuant to any law, including but not limited to filing a complaint with the appropriate authority in their jurisdiction.

### **Responding to an External Complainant**

When a person external to the Foodgrains Bank reports experiencing, observing or suspecting exploitation, abuse or neglect of a child or other vulnerable person on the part of any of its personnel, or when Foodgrains Bank becomes aware of such behaviour on the part of its personnel, Foodgrains Bank will initiate an investigation into the incident and take steps to resolve the complaint as outlined above.

Allegations concerning sexual exploitation or sexual abuse as defined in the *Prevention of Sexual Exploitation and Abuse (Staff and Representatives) Policy* will also be subject to the additional procedures outlined therein.

### **Responding to a Complaint about an External Respondent**

Foodgrains Bank recognizes that its policies and expectations of conduct cannot be applied in a binding fashion to persons external to the Foodgrains Bank. Nonetheless, Foodgrains Bank intends to provide a safe working environment for our personnel. Therefore, when any personnel of the Foodgrains Bank reports experiencing behavior in contravention of this policy from someone external to the organization, Foodgrains Bank will work to address the behaviour to the extent that it is able. This may include:

1. Informing the respondent about the alleged incident or pattern of behavior and the Foodgrains Bank's expectations of an immediate change in behavior, and plans to investigate the alleged wrongdoing when that is appropriate
2. Investigating the complaint as per the investigation plans noted above.
3. Removing the personnel from the situation where the wrongdoing is occurring.
4. Alerting appropriate government authorities to the behaviour as warranted by the scope of the complaint.

### **Grieving the Resolution of a Complaint: Staff, Volunteers or Others Internal to Foodgrains Bank**

For employees and volunteers of the Foodgrains Bank, if the victim, or the complainant when that is a third party, are not satisfied with the findings of the investigation or the steps taken to resolve the

complaint, they are entitled to file a grievance with the executive director as outlined in the *Grievance Policy*.

Likewise, if the respondent is not satisfied with the findings of the investigation or the steps taken to resolve the complaint, they are entitled to file a grievance with the executive director as outlined in the *Grievance Policy*.

### **Grieving the Resolution of a Complaint: Persons External to Foodgrains Bank**

For persons external to the Foodgrains Bank who make a complaint against anyone representing the Foodgrains Bank, if the victim or their legal guardian, or the complainant when that is a third party, are not satisfied with the outcome of the steps to resolve the complaint or the outcome of the investigation, they are entitled to request a hearing from the chair of the Human Resources and Compensation Committee (the “Committee”).

Such a request will result in a review of the complaint and the investigation process by the Committee, separate from any processes implemented by and without interference from the complaints office.

### **Conflict of Interest**

When a member of the complaints office is involved in a reported incident, or another conflict of interest exists, the other members are the complaints office will assume responsibility for responding to the complaint as outlined in this policy. Complainants may also direct their complaint to another trusted senior staff of the Foodgrains Bank, who will bring the complaint to the attention of the complaints office.

### **Documentation**

Written documentation of a complaint, resolution process, and results will be placed in a protected file, accessible only by the point person and members of the complaints office. For employees of the Foodgrains Bank or others working on our behalf, information regarding a complaint will only be placed in the respondent’s personnel file if they are found to be in breach of this policy.

Access to this protected information by any parties other than those mentioned above will require the approval of the chair of the Committee, or where required by law, appropriate subpoena, or other summons.

### **Confidentiality**

Everyone involved in a complaint of the exploitation, abuse, or neglect of a child or other vulnerable persons is required to treat information related to the incident, investigation and resolution confidentially. Foodgrains Bank will not disclose the identity of the victim, complainant, respondent, nor the circumstances related to the complaint to any person, except where disclosure is:

1. Necessary to investigate the complaint or take corrective action with respect to the complaint,  
or
2. Required by law.

