

# SEXUAL HARASSMENT POLICY

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## INTRODUCTION

Health Action International (HAI) is committed to providing a safe environment for all employees, free from discrimination on any grounds, and from harassment at work, including sexual harassment. HAI operates a zero tolerance policy for any form of sexual harassment in the workplace, treats all incidents seriously, and promptly investigates all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to, and including, dismissal from employment.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint.

## DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated and/or intimidated. It includes situations in which a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations that create an environment that is hostile, intimidating, or humiliating for the recipient.

Sexual harassment can involve one or more incidents, and actions constituting harassment may be physical, verbal, and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

### **Physical Conduct:**

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- Physical contact (e.g., touching, pinching)
- The use of job-related threats or rewards to solicit sexual favours

**Verbal or Written Conduct:**

- Unwelcome comments on, for example, a worker's appearance, age, and private life
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (e.g., by email, phone)

**Non-verbal Conduct:**

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Staring

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. HAI recognises that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

HAI recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace (e.g., between a manager and employee).

Anyone, including HAI employees, partners, interns, contractors, board and network members, or visitors, who sexually harass another will be reprimanded in accordance with this internal policy.

All sexual harassment is prohibited whether it occurs within HAI premises, or outside, including at social events, business trips, training sessions, or conferences.

**OBLIGATIONS OF HEALTH ACTION INTERNATIONAL**

HAI will:

1. Not allow further victimisation of harassed employees.
2. Fully support employees who were sexually harassed.
3. Prohibit, prevent, and deter acts of sexual harassment.
4. Increase awareness and implement this policy within the organisation. (This policy is comprised within the organisation's *Employee Entitlements and Conditions of*

*Employment*, which every member of staff must review and sign on the first day of employment.)

5. Commit to taking all complaints seriously.
6. Provide fair and impartial procedures for resolution, settlement, or prosecution of acts of sexual harassment.
7. Ensure senior executives understand the issues raised and counsel the complainant and the accused to make them aware of the implications of filing, or not filing, a formal complaint.

## **COMPLAINT HANDLING PROCEDURE FOR SEXUAL HARASSMENT**

HAI has a complaint handling procedure for sexual harassment. The procedure is intended to prevent sexual harassment and, if necessary, put a stop to it as quickly as possible. The complaint handling procedure is set up to help everyone find a solution through support and mediation.

In all cases, first contact is with the Executive or Deputy Director for confidential advice and support.

### **Step 1: Mediation**

Sexual harassment complaints can sometimes be resolved by having a thorough conversation with the person doing it, confronting the person with their behaviour. The Executive or Deputy Director may function as a mediator, with or without the complainant, to tell the person that their behaviour is unwanted. An external mediator can be involved at the request of the complainant.

If mediation does not have the intended result, or satisfy the complainant, they may submit an official complaint.

### **Step 2: Submitting an Official Complaint**

HAI and partner organisation employees, interns, contractors, board and network members, and visitors who believe they have been subjected to harassment of any kind may report the harassment to a senior executive as an official complaint, either verbally, or in writing (including via email).

1. The complainant will be assured full confidentiality.
2. Within three working days of receipt of the complaint, the senior executive will convene a meeting with the harasser, of which advance written notice will be given to the

complainant.

3. The complainant will be entitled to remain present during the meeting and make interventions.
4. The senior executive shall decide whether the complaint requires further action. The complaint will be dropped only if the complainant does not disclose an offence of sexual harassment as defined above.

### **Step 3: Escalation of the Complaint**

In situations in which the senior executive decides to proceed with the complaint, the complainant's concerns with respect to the issue will be considered. The accused will be called to a meeting by the senior executive, be heard again and, if necessary, warned that their behaviour requires further sanction. The meeting may be conducted in the presence of a representative of the accused, and a record will be taken.

### **CONSEQUENCES OF SEXUAL HARASSMENT**

The senior executive may impose the following penalties, which are indicative and not exhaustive, on an employee who is found guilty of sexual harassment. These may be further classified as minor and major penalties.

- Verbal warning (confirmed in writing)
- Written warning
- Suspension, pending further investigation
- Dismissal on notice
- Instant dismissal

### **CRIMINAL PROCEEDINGS**

In situations in which sexual harassment amounts to a specific offence under the applicable national law, the senior executive is obliged to initiate appropriate action, in accordance with law, by reporting the offence to the appropriate national authority.