

## POLICY G008: SEXUAL HARRASMENT AND WORKPLACE BULLYING POLICY

Responsible person:	CEO	Version:	2.0
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### DEFINITIONS

**Sexual harassment** - is unwelcome or offensive sexual behaviour that is repeated or is significant enough to have a harmful effect on an individual's employment, job performance or job satisfaction. Unwelcome means behaviours that are not solicited or invited and are regarded by a person as undesirable or offensive at the time.

Behaviour constituting sexual harassment include but is not limited to:

- Sex-oriented remarks or abuse;
- Offensive gestures or comments;
- Unwanted and deliberate physical contact;
- Promise of preferential treatment or threat of detrimental treatment in return for sex;
- Use of pictures/posters/videos of a sexual or intimate nature;
- Persistent and unwelcome social invitations, phone calls or mail; or
- Obscene phone calls.

**Harassment** - is unwanted behavior from another person that is intimidating, malicious, offensive, insulting, humiliating or degrading. Harassment includes verbal or written communications, visual material or physical behavior that is:

- Unwelcome or offensive to the person (whether or not the harasser is told that the behavior is unwelcome or offensive); and
- Repeated, or so significant that it has a detrimental effect on that person, their employment, job performance or job satisfaction.

Examples of harassment include, but are not limited to:

- Insulting someone, particularly on the grounds of his or her age, race, sex, disability, sexual orientation or religion;
- Making fun of someone or putting them down;
- Excluding or isolating someone from work or social activities;
- Picking on someone because they have made a previous complaint of harassment;
- Unwelcome flirtation or sexual advances;
- Touching or standing too close when not invited to;
- Displaying or circulating offensive materials (rude, racist or sexual pictures or cartoons);
- Making decisions on the basis of sexual favours being accepted or rejected;
- Making inappropriate jokes or comments; and
- Bullying, misuse of power or a position of authority.

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**Workplace bullying** - is another form of harassment, where repeated and unwanted negative actions and behaviors are directed at an individual or group of individuals with the desire to gain power or exert influence. These actions or behaviors may be deliberate or subconscious, and can cause humiliation, offence and distress.

Behaviors associated with workplace bullying often fall into the following categories (this is not an exhaustive list):

- Personal insults (e.g. personal criticism, ridiculing or humiliating others about their work);
- Intimidation (e.g. misuse of power or position, threats of physical violence);
- Work-related harassment (e.g. withholding information important to an individuals' job; having responsibilities removed); or
- Social exclusion (e.g. isolating; victimisation).

**So They Can representative** – are all individuals and institutions who act on behalf of So They Can regardless of whether or not there is a formal legal agreement between them and So They Can. This includes, but is not limited to, all trustees, members, directors, employees, contractors, consultants, advisors, volunteers and implementing partners irrespective of which country their role is situated.

### **POLICY**

So They Can takes sexual harassment and bullying very seriously and our first goal is to prevent sexual harassment and bullying from occurring. This policy focuses on developing shared responsibility across the organisation for creating a positive workplace culture where gender equality and diversity are appreciated, and all people are respected and valued. All So They Can representatives are responsible for following this sexual harassment and bullying policy. All of us have a shared responsibility to support the safety of colleagues and others in the workplace and to promote positive workplace behaviours.

Our focus is to have a positive workplace culture that puts prevention at the centre of our sexual harassment and bullying policy. Our commitment is to:

- create a safe work environment that is free from sexual harassment
- expect leaders and managers to role model appropriate behaviour and enforce this policy
- implement communications, training and awareness creating strategies to ensure that all of us—employees, managers and leaders—know our rights and responsibilities
- have zero tolerance for, and prompt handling of, incidents of sexual harassment
- model appropriate standards of conduct at all times
- encourage the reporting of behaviour that breaches this policy
- treat everyone fairly
- ensure the well-being of the complainant and the respondent, and be respectful of their legal rights and natural justice
- seek to resolve issues at the lowest appropriate level of intervention.

All So They Can Representatives, including chief executives, are covered by the policy, whether they experience harassment or bullying by another employee, contractor, visitor, volunteer or member of the public.

This policy covers all sexual harassment and bullying that happen:

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- in the workplace
- between work associates, for example, on social media; or any work situations social or professional
- during work events such as conferences, training, and work based activities
- outside the workplace if it is in the context of the employment relationship or affects the workplace.

### **PROCEDURES**

If a So They Can Representative believes they have been subject to sexual harassment or if sexual harassment is believed to have occurred (or if there are concerns about sexual harassment), there are rigorous procedures in place to ensure that any complaint or query is treated confidentially, taken as seriously as possible, and acted on promptly.

Sexual harassment and bullying prevention is more effective when people have access to the information they need.

So They Can will ensure that employees have access to the information they need by:

- Promoting the sexual harassment and bullying prevention policy widely within the agency on a regular basis to ensure that all So They Can employees, volunteers, contractors and other So They Can representatives are aware of the policy and their rights and responsibilities.
- Conducting regular information sessions for So They Can employees, volunteers and contractors about recognising sexual harassment, what is, and what is not, sexual harassment, how to report concerns and how to use the complaint process.
- Incorporating the policy on sexual harassment and bullying is incorporated into Staff manual provided at induction to new staff, volunteers, and contractors.
- Training on sexual harassment, bullying and other forms of harassment and discrimination will be provided by a facilitator with appropriate experience during induction. All employees will have access to training at induction and at regular intervals thereafter.
- Those with leadership responsibilities will receive more specialised training to ensure they have the skills to deal with questions and complaints about sexual harassment and to ensure policy and procedures are adhered to.

### **RAISING A COMPLAINT**

Sometimes those who are subject to harassment may find it difficult to make a complaint. So They Can provides several options to make it easier for people to speak up. If an employee (and others) have concerns about sexual harassment, or have witnessed sexual harassment they can approach any of the following:

- their immediate manager or another manager
- the CEO of So They Can directly
- any member of the So They Can Board of Directors
- a trusted person, colleague or friend, who is willing to support them to raise a concern and/or test their perception of events
- Whispli, an online platform available to all Representatives to report concerns of suspected or anticipated wrongdoing or unethical behaviour including sexual harassment and bullying by another person, or a group of persons, within the So They Can organisation using the following link <https://app.whispli.com/SoTheyCan> also available on the So They Can website.

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### COMPLAINTS HANDLING PRINCIPLES

So They Can will ensure that if a complaint is made about sexual harassment or bullying:

- As employer, this agency meets its equal obligation to both the complainant and the respondent to uphold their rights and provide support
- complaints are dealt with impartially, without bias and in a timely and sensitive manner
- information about a complaint is only provided to those people who need to know in order for the complaint to be actioned properly
- the respondent is informed about any allegations made against them and is given the opportunity to respond to those allegations
- those involved are informed about the process for resolving complaints
- those involved are protected against any victimisation or reprisals and employees are assured that no action will be taken against them if they speak up
- there is a clearly defined review process to ensure the resolution is working satisfactorily and to confirm that no victimisation has resulted from the complaint
- issues are resolved at the most appropriate level of intervention, subject to the rights of the complainant.

### INTERVENTIONS

If an employee believes they have been sexually harassed, or has witnessed sexual harassment, trying to resolve issues at the lowest appropriate level of intervention may sometimes be the most effective and satisfactory way of dealing with unacceptable behaviour.

#### **Self-help and supported self-help**

Self-help involves an employee letting the respondent know that their behaviour is unwelcome, inappropriate or offensive and needs to stop. This may resolve the matter quickly and in a low key manner. This may be appropriate where sexual harassment is minor and the employee does not feel seriously harmed or threatened by approaching the person.

Self-help actions could be that the employee:

- tells the person directly about the behaviour they do not like, and asks them to stop it
- writes a letter on a 'private and confidential' basis to the person
- takes a support person to tell the person that the behaviour needs to stop.

Employees should not approach someone directly about their behaviour if by doing so they would feel unsafe or threatened in any way.

Resolution may involve a verbal or written apology or agreement on how the parties will behave towards one another in future.

#### **Informal intervention**

Another informal way of dealing with sexual harassment and bullying is for an employee to ask for someone else to intervene on their behalf on an informal basis, either their manager or a colleague or friend.

The person who is intervening will:

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- discuss what happened and what is needed to resolve the situation
- listen impartially
- clarify the facts being reported
- discover what appropriate action the employee is seeking
- clarify the complaints procedure options and So They Can sexual harassment and bullying policy
- discuss options with the employee and, if appropriate, the respondent and decide on an informal or formal approach
- document the situation and outcome.

If there is agreement on what happened and what will resolve the situation, the issue can be resolved confidentially between the people concerned.

Mediation may be pursued to resolve complaints at this level.

### **Mediation**

In some instances arranging for a complainant and respondent to discuss the complaint with a skilled mediator may be an appropriate way to address the issue. Both parties need to agree to mediation. Mediation is not always appropriate to resolve behaviour issues, particularly if there is a power imbalance. Mediation may be suitable where:

- there is basic agreement on the facts
- both parties agree to try to resolve the situation through this method
- the harassment is of a low level and serious disciplinary consequences do not appear warranted.

If a complainant and the respondent cannot resolve the complaint through mediation, then formal options are available.

### **Formal intervention**

A formal complaint can be made to the complainant's immediate manager, So They Can CEO, any member of the So They Can Board of Directors or Whispli.

The complaint should detail what happened, what the complainant wants to happen, when and where it happened and the names of any witnesses. This should be detailed enough to enable the respondent to be informed of the conduct and to be able to respond to the complaint(s).

The decision whether or not to proceed to a formal investigation will be made by the person receiving the complaint in consultation with CEO, or if the CEO is the initial recipient of the complaint, The CEO in consultation with at least one member of the SO They Can Board of Directors.

Where a formal complaint is received agencies should keep all relevant documentation in a secure location.

### **OUTCOMES**

Where allegations are admitted or substantiated, the outcomes for the respondent of breaching this policy may range from an apology, counselling and training to warnings and dismissal. Disciplinary action will match the seriousness of the breach. Factors taken into account in determining the level of seriousness include the

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nature of the conduct and whether or not the person breaching the policy was in a position of trust or authority in relation to the complainant. Outcomes may also include interventions such as supportive counselling, a change in the work environment, or participation in mediation.

Where allegations are not substantiated it may still be appropriate to undertake some action, for example, refresher training or communications training. This ought not to single out or punish the respondent if there has been no finding.

**RELATED DOCUMENTS**

- So They Can Policy and Manual Register
- So They Can Whistleblowing Policy
- So They Can Staff Manuals (Kenya, Tanzania, Australia/NZ)