

SEXUAL HARASSMENT POLICY

First Adopted: October 2018

Next Review: 2021

1. Pre-Amble:

In light of the recent scandal of sexual misconduct by some International Aid Organizations, ACFID has taken a pro-active stance for the development and good practice on this issue. A review is being conducted, by ACFID, within the Australian Aid Sector to enable the proper management of and to ensure a cultural change is developed within agencies towards the betterment on this issue.

2. Every Home Global Concern (EHGC):

As EHGC is Christian faith based organization, Sexual Harassment is not tolerated as a natural outworking of its philosophy and worldview. Everyone is created equal and therefore treated as such. This philosophy is maintained within the domestic workplace and taught to its partners on the field.

3. Definition:

Sexual Harassment means any unwelcomed sexual advance, unwelcomed request for sexual favours or other sexual advances which makes a person feel offended, humiliated and/or intimidated either as a condition of their employment or as a culture within the workplace.

Sexual Harassment includes physical, verbal or non-verbal activities, but not limited to the following examples as there may be other cases that can be deemed as sexual harassment not mentioned below:

Physical:

- Unwelcomed contact including patting, pinching, stroking, kissing, hugging, fondling or any other inappropriate touching.
- Physical violence, including sexual assault.
- Use of job related threats or rewards to solicit sexual favours.

Verbal:

- Unwanted comments on a worker's appearance, age, private life etc.
- Sexual comments such as stories and jokes.
- Sexual advances.

- Unwanted and repeated social invitations for dates or physical intimacy.
- Insults based on the sex of the worker.
- Misuse of position using condescending or sexual remarks.
- Sending sexual explicit messages and/or images by phone or other technology.

Non-verbal:

- Display of sexually explicit or suggestive material
- Sexually suggestive gestures
- Unwanted gesture such as whistling or leering.

Behaviour that is based on mutual attraction, friendship and respect is not deemed as sexual harassment.

4. The Policy:

EHGC will not tolerate sexual harassment under any circumstances. Responsibility lies within every person, from Board members, employees, volunteers, contractors and partners to ensure that sexual harassment does not occur. The Federal Sexual Discrimination Act (1984) and relative State Anti-Discrimination Acts, provide that sexual harassment is unlawful and establish a minimum standards behaviour for all employees.

This policy applies to conduct that takes place in any work place context, including conferences, work functions, social events and business trips.

No employee or volunteer at any level, both in Australia and overseas, should subject any other employee, Board Member, volunteer or visitor to any form of sexual harassment.

A breach of this policy will result in disciplinary action that can include termination of employment, removal from Board as Director or ceased to be a volunteer, if deemed necessary.

EHGC strongly encourages any person who feels they have been sexually harassed to take immediate action. If an employee, Director or volunteer feels comfortable in doing so, it is preferable to raise the issue with the person directly with the view of resolving the issue by discussion. The employee, Director or volunteer should identify the harassing behaviour, explain that the behaviour is unwelcomed and offensive and ask that the behaviour stop.

Alternatively, they may report the behaviour in accordance with the relevant procedure. Once a report is made EHGC has the right to determine how the report should be dealt with in accordance with its obligations and this policy.

All reports of sexual harassment will be treated seriously and promptly and with confidentiality up to the point of any formal or informal complaint is lodged.

5. Procedural Guidelines:

As EHGC is a small organization the procedural process will be different to a much larger organization that has many levels of management and resources. Nonetheless, both a formal and informal process exists for the benefit of the employees.

6. Complaint Process:

Sexual harassment can occur at any level within an organization, can be experienced by both men and women and may involve a co-worker, Director, volunteer, supervisor, manager or donor. Lack of intent is no defence in sexual harassment issues.

Where possible, the person being harassed should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable and that it needs to stop immediately. If the behaviour continues, or the person being harassed, feels unable to speak to the person(s) directly, they should have other avenues of complaint aware and open to them.

In the case for EHGC being a very small organization, there is no “chain of command” structure therefore, the Executive Director should be made aware of the situation immediately and to ascertain the nature of the complaint and the wishes of the complainant. In the event of the Executive Director being the harasser, then the Chairman of the Board should be made aware of this to conduct the necessary investigation.

All complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the complaint or in resolving it will have access to the information. In every event all the stakeholders in the complaint process shall be treated in a fair and equitable manner without duress or bias. (Refer to Complaints Policy for full details).

There are two types of complaint mechanisms:

- i. Informal Procedure
- ii. Formal Procedure

i. Informal Procedure:

Informal intervention may be undertaken through a process of mediation or conciliation. During informal intervention the alleged harasser will be made aware of the allegation being made against them and given a right of reply. Under such procedures, the issue will be seen as completed when both the complainant and respondent come to agreement on the procedure to be followed. If this does not eventuate then a formal procedure will be followed.

ii. Formal Procedure:

Formal intervention occurs where the informal procedure has not come to a satisfactory conclusion. The person who received the complaint will refer the matter to immediate supervisor, normally the Executive Director or the next senior manager in line, to instigate a formal investigation. The person, handling the investigation may handle the matter themselves or may refer to matter to an external source such as the Chairman of the Board or any other external source deemed appropriate. In either case the Chairman of the Board must be advised if the matter of allegation concerns the Executive Director of EHGC.

The person carrying out the investigation will:

- Separately, interview both the alleged harasser and the person making the allegations.
- Interview any other relevant third person separately.
- Decide whether or not the incident(s) of sexual harassment took place.
- Produce a report detailing the investigations, findings and recommendations.
- If it's deemed that harassment has taken place a decision on what appropriate remedy for the harassed person is to be determined in consultation with them. This can be in the form of an apology, change in work arrangements, training for the harasser, discipline, suspension or even dismissal.
- Follow up to ensure that the recommendations are implemented, that the behaviour has changed and that the harassed is satisfied with the overall outcome.
- If it cannot be determined that sexual harassment took place, recommendations can still be made to ensure proper functioning in the workplace.
- Keep a record of all interviews, recommendations and actions taken.
- Ensure that all records are kept confidential.
- Ensure that the process is handled as quickly as possible and within 2 days of the complaint made.

iii. Sanctions and Disciplinary Measures:

Anyone who has been found guilty of sexual harassment under the terms of this policy is liable to any of the following sanctions:

- Verbal or written warning.
- Adverse performance evaluation.
- Reduction in wages.
- Suspension
- Dismissal.

The nature of the sanction is commensurate with the gravity of the harassment. Suitable deterrents will be applied to ensure that further incidents of sexual harassment are treated in a serious and forthright manner. In the case of physical violence, the result will be an immediate dismissal of the harasser.

iv. Criminal Conduct:

As much as EHGC is committed to handle sexual harassment at an organizational level, some forms of sexual harassment may constitute criminal conduct e.g. –sexual assault, rape, stalking, physical molestation, obscene phone calls, and indecent exposure. In such cases this is out of the jurisdiction of EHGC and is to be handled externally. The person in charge of the investigation must advise the complainant to contact the police in such matters. EHGC will endeavour to support the complainant in these instances, but is not obligated or duty bound to report such matters on behalf of the complainant.

7. Implementation of this Policy:

EHGC will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff manual and be implemented as policy within the organization. All new employees must be trained on the content of this policy as part of their induction.

Each year, EHGC will require all employees to attend a refresher training course on the content of this policy. It is the responsibility of the Board and Senior Manager(s) to ensure that all employees are aware of this policy.

8. EHGC Partners:

This policy also applies to all and any overseas partners that EHGC is engaged with in its activities in a given country. All partners will be given a copy of this policy and asked to sign their acceptance and implementation of it in a policy agreement (*refer to Sexual Harassment Policy, Code of Conduct for Partners*).

Related Policies:

- Anti-Bullying Policy
- Whistle-blower Policy
- Complaints Policy