



**African Population and
Health Research Center**

POLICY ON HARASSMENT

Revised: May 2020

AFRICAN POPULATION AND HEALTH RESEARCH CENTER (APHRC) POLICY ON HARASSMENT

This policy provides guidance on the procedures to be followed by APHRC representatives in dealing with matters relating to harassment in the office or within the communities where we work.

APHRC believes that staff members are the organization's greatest resource and is therefore committed to creating and nurturing a supportive work environment while fulfilling its mission. This policy puts in place measures to ensure a conducive work environment that fosters equal participation of APHRC staff in its work, and makes provisions which discourage and guard against any form of harassment.

This policy applies to all APHRC representatives (regular or temporary staff, consultants, partners, interns, fellows, contractors, volunteers, Board members, funders, visitors and guests). Through this policy, APHRC seeks to ensure that people's basic human rights are not violated in the workplace or while carrying out APHRC assignments.

1. INTRODUCTION

APHRC, as an employer, has a responsibility to ensure that a work environment free from all forms of discrimination, bias, harassment, or any other unprofessional conduct that is offensive or unwelcome by employees is maintained at all times. All staff who work at APHRC have the right to work in an environment free from any form of harassment, abuse of authority or discrimination.

The Executive Director will ensure that staff adhere to high standards of moral conduct at all times and that every APHRC representative shall have the right to be treated with dignity and respect, free from discrimination or harassment.

2. PRINCIPLES

Every APHRC representative should uphold professional work ethics that allow for mutual treatment with dignity and respect within the workplace and in the context of work performed on behalf of the Center.

Any conduct that is found to constitute harassment, abuse of authority or discrimination will not be tolerated and will be dealt with in a manner consistent with the severity of the violation, including appropriate disciplinary action and handover to government jurisdiction.

Sexual harassment is said to have occurred when a staff member is treated in a manner that fits the definitions of sexual harassment under this policy once or in a continuous series of incidents. Victims or perpetrators of sexual harassment may be of any gender.

3. APPLICATION

This policy extends to situations of harassment which occur at or away from the workplace; during or outside working hours; if such situations have a negative effect on work relationships, work effectiveness and/or job security of an APHRC staff member; or reflects negatively on APHRC.

For the purposes of this policy, the term "staff member" refers to all persons who have signed a contract with APHRC to work in any capacity at any given time (regular or temporary staff, interns, volunteers, consultants, etc).

4. ENFORCEMENT

Sexual Harassment

Sexual harassment is any unwelcome sexual advance; request for sexual favors; or other verbal, non-verbal or physical conduct of a sexual nature that can occur in different social settings such as the workplace or the communities where we work. Offenders or victims may be of any gender.

We recognize that there are unequal power dynamics in any organization and in relation to people in communities where we work and that as a consequence, some people may misuse their position of power for personal gain. APHRC will not tolerate its employees or any other representative carrying out any form of sexual harassment, sexual exploitation or sexual abuse. We commit to supporting victims, reporting, investigating, responding to, and preventing sexual harassment and sexual exploitation and abuse.

Sexual harassment is a degrading, embarrassing and traumatic experience. People who experience sexual harassment normally feel threatened, scared, isolated and/or alone. They often experience high stress levels and their performance may decline.

While it is not possible to list all the circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment:

a) Physical conduct of a sexual nature which involves unwelcome physical contact ranging from inappropriate touching, patting, pinching, blocking, hugging, brushing against another employee's body, to assaulting and coercing another for sexual intercourse.

b) Verbal conduct of a sexual nature which may include unwelcome sexual advances, propositions or pressure for sexual activity, gossip regarding one's sex life, questions about personal life, repeated requests for a date after being told "NO", offensive flirtations, suggestive remarks, cat calling, comments on body and appearance, vulgar jokes or comments.

c) Non-verbal conduct of a sexual nature which refers to the display of pornographic or sexually-suggestive pictures, objects or written materials (on walls or computers); offensive emails, cartoons, text messages, letters, winking, leering, sneering, or making sexually suggestive gestures.

Sexual harassment in the workplace constitutes abuse of power, when perpetrated by any staff who is in a position to influence the career or employment conditions (including hiring, assignment, contract renewal, performance evaluation, benefits review, salary increment, transfers or promotion) of the recipient of such attention. It can occur at all levels and may be heterosexual or homosexual in nature.

Most cases of sexual harassment in the workplace fall into two broad categories:

(i) Abuse of Authority:

Abuse of authority is when an individual improperly uses the power and authority inherent in his or her position to endanger a staff member's job, undermine the performance of that job, threaten the economic livelihood of the staff member, or in any way interfere with or influence the career of the staff member. It includes intimidation, threats, blackmail and coercion.

We recognize that there are unequal power dynamics in any organization and in relation to people in communities where we work and that as a consequence some people may misuse their position of power for personal gain. APHRC will not tolerate its employees or any other representative carrying out any form of sexual harassment, sexual exploitation or sexual abuse. We commit to supporting victims, reporting, investigating, responding to, and preventing sexual harassment and sexual exploitation and abuse.

Sexual harassment is also a situation where an individual's conditions of employment depend on whether he/she submits to or rejects sexual advances or behavior (verbal or physical) of an aggressor. For example:

A supervisor threatens not to recommend a subordinate for promotion or to take disciplinary action unless he/she grants sexual favors.

(ii) Hostile Work Environment:

This is a situation in which an individual's behavior (verbal or physical) in the workplace is offensive or intimidating to other staff members, or interferes with their performance. For example:

A staff member habitually uses sexually-explicit language, and makes sexually-oriented offensive remarks in the presence of his/her colleagues. He/she has been told that this behavior is offensive, yet he/she persists.

A staff member repeatedly hugs and kisses colleagues, and addresses them in an intimate manner (e.g. honey, sweetheart, darling, etc.). He/she has been told that such behavior is not appropriate in the office and that some colleagues are offended by it yet he/she persists in such behavior.

When does behavior become Sexual Harassment?

Social behavior which is mutually acceptable to the parties involved (if they are adults) does not constitute sexual harassment, even if it is of a sexual nature. In the examples cited above, the offensive acts are characterized as sexual harassment because they are unwelcome, unsolicited, unwanted and unreciprocated by the recipient. Supervisors should recognize that consensual intimate relationships involving those in a direct reporting line are not appropriate in an office setting. They may have negative repercussions on staff morale and may constitute an abuse of authority. If such cases exist, or begin, they should be brought to the attention of management, on a strictly confidential basis, by those involved, so that any perception of abuse of authority can be addressed. Failure to report such could lead to disciplinary action.

Regardless of whether the harasser considers the behavior to be offensive or not, conduct becomes sexual harassment when it is forced upon a recipient against their will and the recipient makes it clear to the harasser that he/she does not approve of the behavior but the harasser persists.

This is an important distinction which sets sexual harassment apart from friendly, welcome, social behavior which is of a mutually acceptable nature.

There may also be instances where an APHRC representative takes advantage of his/her position of authority to coerce a junior employee, staff of a partner or study community member into an unwelcome relationship or situation. Under these circumstances, the victim may be so intimidated and fearful of reprisal that he/she may succumb to the offender. Any such abuse of power, even if it is not rejected by the victim, constitutes harassment.

Other forms of harassment

Personal Harassment means any improper behavior by a representative of APHRC that is directed at and offensive to another person, and that person knew or should reasonably have known would be so. It comprises objectionable conduct, comment or display made once or continuously that demeans, belittles, or causes personal humiliation or embarrassment to an individual. It includes hostility, intimidation, bullying, cyberbullying, discrimination based on any grounds, such as race, religion, color, creed, ethnic origin, illness, physical attributes, gender or sexual orientation, or any other form of personal identity.

Any conduct that is found to constitute any kind of harassment, bullying, intimidation or abuse of authority will not be tolerated and will be dealt with in a manner consistent with the severity of the violation, including appropriate disciplinary action and handover to government jurisdiction.

Discrimination

It is the policy of APHRC that all employees, its representatives and people in communities where we work should enjoy an environment free from all forms of harassment and discrimination, whether on the basis of gender, race, nationality, ethnic origin, religion, disability status, illness, political beliefs or any other form of personal identity.

APHRC representatives are expected to adhere to high standards of moral conduct at all times and to treat everyone with dignity and respect.

5. RESPONSIBILITIES

In principle, the private life of an APHRC Representative is personal and shall not be intruded upon by the organization. In the same vein, it is an offence for a representative of APHRC to carry himself/herself in a manner that brings the organization into disrepute in public or even cause offense to the community in which they work. Staff and representatives shall therefore be required to set for themselves a high standard of personal conduct, whether their activities are connected to official business or not.

APHRC Executive Leadership Team (ELT) shall:

- Ensure that its work environment is free from all forms of discrimination, bias, harassment, or any other unprofessional conduct that is offensive or unwelcome by employees.
- Ensure that its employees and representatives do no harm to all persons, and that they do not expose them to risk of harassment, bias, discrimination, neglect, exploitation, harm and abuse.
- Promptly deal with any concerns reported

APHRC staff and representatives shall:

- Conduct themselves in a manner which will ensure that the workplace is free of intimidation, hostility or offense and, of any form of harassment;
- Treat all persons with respect and dignity both at work and wherever projects/programs are carried out. They should contribute to an environment where people feel supported, safe and protected.
- Maintain a harmonious working environment.
- Not tolerate improper behavior by making it clear to the offender that his/her behavior is unwelcome, that it is offensive and that it should cease immediately.
- Not to engage in sexual relationships that may be based on inherently unequal power dynamics between a) staff, b) staff and other representatives, c) staff and people in communities where we work, d) other representatives and people we work with. Given the nature of our work, such relationships may undermine the credibility and integrity of our work. In order to prevent sexual exploitation and abuse from occurring, APHRC forbids the exchange of sex for money.
- Declare, in writing any previously existing relationships with each other or community beneficiaries to their supervisor, Safeguarding Manager or HR Manager when signing a contract with APHRC.
- All staff members and other persons who are aware of a harassment complaint, or involved in its resolution, must recognize the seriousness of the situation and respect the sensitivity and confidentiality that must be accorded to the matter. They must refrain from discussing the complaint amongst themselves or with anyone else other than the concerned parties. Every effort must be made to preserve the dignity and respect of the parties to the complaint and of APHRC. All information and documentation concerning a complaint will therefore be kept and transmitted as confidential material. Those who do not fully respect such confidentiality will be subject to disciplinary action.
- Cooperate with those investigating matters reported.

Safeguarding Manager / Focal Point shall:

- Ensure implementation of the policy by providing advice and guidance on the application of this policy and monitoring its application.
- Keep records of any concerns expressed and actions taken about safeguarding issues. The report should be provided to the board annually.
- Notify the Executive Director of safeguarding concerns.
- Provide assistance in the complaint resolution process by designating an internal investigatory committee to review complaints, or obtaining, where necessary, the

services of an external investigator, establishing the terms of reference for investigations, and advising concerned parties of the outcome of investigations. Where necessary, refer concerns to other agencies.

- Ensure that each complaint is addressed responsibly and impartially, facilitating a just and fair inquiry process without retribution (for complainants or witnesses).

Unit Heads and Line Managers shall:

- Ensure adherence to this policy by any APHRC representative working in their units.
- Ensure a positive working environment in which harassment does not occur.
- Assure prompt attention to any reports made to them, at the minimum they should report to the Safeguarding Manager.
- Maintain confidentiality and an attitude of empathy at all times towards both the accused and the complainant.

Human Resource Office shall:

- Ensure all staff receive a copy of this policy and sign a declaration that they have received and understood and commit to adhere to it.
- Ensure new staff are trained on the contents of the policy upon joining the organization.
- Provide support to victims of harassment.
- to maintain confidentiality and an attitude of empathy at all times towards both the accused and the complainant.

6. SYSTEMS OF REPORTING

APHRC representatives are required to respond to any concern, allegation or suspicion of any form of harassment in a timely manner by reporting them to their immediate supervisor (if it's an employee), Safeguarding Manager, Unit Leader, Head of HR, or Executive Director. The people receiving reports should ultimately notify the Safeguarding Manager at APHRC, if the report is not made to him/her directly.

The person reporting should submit the report in written form not later than three working days of the incident or concern being raised. A detailed description of what happened should be clearly documented. A complainant who is not able to write will be assisted to document the facts by the Safeguarding Manager or the person he/she reports to.

The report should describe the specific offensive act or acts, time, location and circumstances under which they took place; notification of the accused and names of those connected with the incident; and any other information relevant to the case. The complainant should identify the alleged harasser as well as any witnesses to the act(s) or anyone else to whom the incident might have been mentioned. The complaint must be signed and dated by the reporter.

When the incident report is received by the Safeguarding Manager, he/she will constitute a committee in consultation with management to review the complaint and to communicate with or meet with the complainant to clarify the complaint. The information will be handled in a way that will ensure confidentiality and will only be shared with appropriate people e.g. those investigating the matter.

The perpetrator will be notified, in not later than seventy-two (72) hours, that a complaint has been received. This will include a statement on the nature of the complaint and the assertions made. It will also include a statement on the steps that will be followed to have the complaint investigated, and the proposed time frames.

Management may seek legal advice, the advice of the Social Services or Police in deciding whether a formal referral to the authorities is necessary. If it is decided that external reporting should not take place, then the rationale for that decision shall be recorded.

No representative of APHRC will be victimized for responsibly reporting potential or suspected violation of this policy.

The following three channels detailed out in APHRC's *Whistle Blowing Policy* can be used for reporting:

- i) APHRC's Whistle Blowing Service (Online Incident Management Site)
- ii) Report to Supervisor, Unit Leader, Head of HR, Executive Director, Safeguarding Manager or Whistleblowing Committee
- iii) Employee Assistance Program
- iv) Suggestion Box

6.1 PROCEDURES FOR DEALING WITH SEXUAL HARASSMENT IN THE WORKPLACE

No person should live with sexual harassment and there will be zero tolerance for perpetrators.

The circumstances of each case will determine the most appropriate approach for handling the situation. Regardless of the approach (formal or informal), all reports of sexual harassment shall be handled discreetly to protect the privacy of the individuals involved.

6.1.1 Formal complaint process

The complainant should forward the complaint, in writing, to the Safeguarding Manager, Head of HR, a Unit Leader, the Executive Director, or his/her Supervisor.

At the same time, the supervisor concerned will be made aware of the complaint and the proposed action plan for addressing it. If necessary and applicable, the supervisor will be advised to take immediate action to physically or hierarchically separate the staff member against whom the complaint has been lodged and the complainant. Such action may include

the identification of alternative sitting space, alternative work/project for one of the staff members; or consideration of an application for leave for one or both of the staff members.

If the alleged perpetrator is the Safeguarding manager, the report will be submitted to the Executive Director, if the perpetrator is the Executive Director, the report will be submitted to the Chair of the Board of Directors by the Safeguarding Manager.

6.1.2 Investigation

In cases where an investigation is required, the services of an investigator will be obtained, or an internal investigatory committee will be established by the Safeguarding Manager in consultation with management. If so desired by the complainant, s/he may nominate a staff member to participate in those instances where a committee is established. The committee shall consist of no less than 3 people with gender representation.

The investigator (or committee) will proceed in accordance with the terms of reference that will be established for the investigation. The investigator will document the situation completely. Upon completion of the investigation, a written confidential report will be provided to the Safeguarding Manager. That report will include all relevant information, signed testimony of the parties, and appropriate analysis of the information.

Upon receipt of the Investigator (committee)'s report, the Safeguarding Manager, in consultation with the HR Manager, and/or Head of Unit concerned, will contact both the complainant and the person against whom the complaint was lodged and advise each of the outcome of the investigation.

It is acknowledged that sexual harassment usually occurs away from the public eye; therefore, it may be difficult to produce evidence. It is strongly recommended that staff should report offensive behavior immediately to a confidant, even if they do not wish to launch a formal complaint at the time. The confidant may prove to be a useful/valuable witness if a complaint is lodged later.

6.1.3 Creating a conducive environment for inquiry

Retribution from either party should be strictly monitored and prevented. During the process of the investigation, evaluations, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side.

Any retaliation or threat of retaliation against individuals making formal or informal harassment complaints or assisting in the investigation of complaints; will be considered a violation of the standards of conduct and will result in disciplinary action, up to and including summary dismissal.

7. RESPONSE MECHANISMS

After a report is filed, all parties are expected to maintain confidentiality of the issues raised. The Center will ensure the safety of the victim and /or reporter. Professional counselling support will be offered under all circumstances. Victims shall choose if and when they would like to take up the support available to them.

Anyone who raises concerns of misconduct shall be protected as much as possible from victimization or any other detrimental treatment provided that concerns are raised in good faith. Their (victims and reporters) confidentiality will be protected and information which could identify them will be shared on a 'need to know' basis. Only individuals who have legitimate reasons to access the information will be allowed to receive it. In all cases, an email acknowledging receipt of the complaint should be sent to the reporter not later than 72 hours after receiving the complaint.

Any person who knowingly files a false allegation of sexual abuse, harassment or discrimination will be subject to disciplinary action, up to and including termination of employment.

8. ACTIONS TO BE TAKEN

APHRC will treat any accusations of violation of this policy. Allegations made against any employee or representative of APHRC will be thoroughly investigated when reported.

For employees, disciplinary action will be taken against employees found culpable. Any conduct that is found to constitute harassment, abuse of authority or discrimination will be dealt with in a manner consistent with the severity of the violation, including appropriate disciplinary action and handover to government jurisdiction.

Disciplinary action for employees will include formal warning, written censure, suspension with or without pay, demotion, or summary dismissal. Disciplinary action does not preclude formal legal action by the affected.

The Head of Human Resource shall ensure the victims get psychosocial support. The accused party may immediately be suspended during investigations.

Other APHRC representatives found culpable will have their contracts and/or services terminated immediately. If there is reason to believe that an allegation of harassment by a partner's staff has been dealt with inappropriately by a partner, the agreement with them may be terminated.

Any report of a funder representative will be forwarded to the head of their institution. In all cases, resolution should be done not later than two months of reporting if it does not require legal action. If need be and depending on the outcome of the investigation, a report may be shared with the police for further action to be taken.

Other recourse

For employees, if unsatisfied with the outcome, the aggrieved staff member or the accused staff member shall have the right of appeal to the Executive Director (ED), Board of Directors or to refer the matter to a court of law. If the aggressor is the ED or the ED is not satisfied with the outcome the appeal should be made to the Board.

The provisions under this policy does not preclude a complainant from taking further legal action under the Laws of the country of posting nor does such action prohibit APHRC from taking any disciplinary measure(s) that it may deem necessary.

9. MONITORING AND REVIEW OF POLICY

The Safeguarding Manager will acquire and maintain a record of: all complaints within the Center, including the nature and outcome of investigations or mediation; post-complaint monitoring; disciplinary action; and investigations.

This policy will be reviewed by the Board every 3 years or earlier when necessary.

Other related policies:

- Safeguarding Policy
- Human Resources and Procedures Manual
- Whistle Blowing Policy

