



**African Population and  
Health Research Center**

## POLICY ON HARASSMENT

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Date of Approval	November 2020
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# **AFRICAN POPULATION AND HEALTH RESEARCH CENTER (APHRC) POLICY ON HARASSMENT**

## **1. INTRODUCTION**

APHRC believes that staff members are the organization's greatest resource and is therefore committed to creating a nurturing and supportive work environment while fulfilling its mission. As an employer, APHRC has a responsibility to ensure 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 APHRC staff members have a right to work in an environment free from any form of harassment, abuse of authority or discrimination.

APHRC embraces values of integrity, fairness and excellence and works to improve health and wellbeing in Africa. Therefore, our values should be reflected not just in what we do in the workplace but in the way we relate with partners, communities and other stakeholders outside the work environment.

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

The policy puts in place measures to ensure a conducive work environment that fosters equal participation of APHRC staff members in the Center's work, and makes provisions which discourage and guard against any form of 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 (sexual and non-sexual), 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 referral to relevant government departments for further action. Disciplinary action may include termination.

## **3. APPLICATION**

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, while carrying out APHRC assignments outside the workplace and in any other circumstances while one is an APHRC representative.

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 reflect 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, and consultants) including outsourced staff.

#### **4. TYPES OF HARASSMENT**

Below is a list of instances for which this policy applies. The list is adopted from i-Sight.com. Please note that a combination of different types of harassment is possible.

##### **4.1 Power Harassment**

This is harassment characterized by a power disparity between the victim and harasser. A common example of power harassment involves a supervisor and their subordinate. Power harassment may be expressed in the other types of harassment described below.

##### **4.2 Discriminatory Harassment**

Discriminatory harassment is any form of harassment that results in an intimidating or offensive workplace because of the victim's race, religion, color, creed, ethnic origin, illness, physical attributes, gender identity or sexual orientation, or any other form of personal identity.

##### **4.3 Personal Harassment**

This is when a victim is harassed (subjected to offensive remarks) for a reason other than their protected characteristic (such as age, race, gender or religion). It is bullying in its most basic form.

##### **4.4 Physical Harassment**

This is also known as workplace violence. It involves physical attacks, destruction of property or threats. In extreme cases, it may be assault on a person.

##### **4.5 Psychological Harassment**

This is harassment that has a negative impact on a person's psychological well-being. Victims feel put down or belittled on a personal or professional level.

#### **4.6 Online Harassment (“Cyberbullying”)**

This is harassment that takes place online. The harasser might do things like post rumors about their victim on social media or send harassing and threatening messages.

#### **4.7 Retaliation Harassment**

Retaliation harassment occurs when a person harasses someone else to get revenge or to prevent the victim from behaving in a certain way.

#### **4.8 Third Party Harassment**

Third party harassment is a form of workplace harassment that’s perpetrated by someone from outside of the organization such as a vendor, supplier or customer.

#### **4.9 Verbal Harassment**

Verbal harassment involves someone who’s consistently mean or unpleasant and threatens, yells, insults or curses at the victim in public or private.

#### **4.10 Sexual Harassment and Quid Pro Quo Sexual Harassment**

Sexual harassment is harassment that’s sexual in nature and includes unwanted romantic or sexual behavior. It is Quid Pro Quo Sexual Harassment when there is a romantic or sexual request from a superior in exchange for a benefit or to avoid negative employment action (such as loss of a job or promotion).

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.

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 one sex life, repeated requests for a date after being told “NO”, offensive flirtations, cat calling, suggestive remarks and 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 can occur at all levels of the organization and between individuals with equal and unequal power. It 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.

Sexual harassment may be heterosexual or homosexual in nature.

Victims or perpetrators of any form of harassment may be of any gender.

## **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.

All forms of harassment are safeguarding issues and therefore responsibilities outlined in the *Safeguarding Policy* apply here. In addition:

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.
- Not tolerate improper behavior by making it clear to the offender that his/her behavior is unwelcome, offensive and should cease immediately.
- Not 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.
- 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.

## **6. REPORTING PROCESS**

The following four channels detailed out in APHRC's *Whistleblowing Policy* can be used for reporting:

- i) APHRC's Whistleblowing Service (Online Incident Management Site) (<https://aphrc.ethicspoint.com>)
- ii) Report to Supervisor, Unit Leader, Head of HR, Executive Director, Safeguarding Manager or Whistleblowing Committee ([whistleblowing@aphrc.org](mailto:whistleblowing@aphrc.org))
- iii) Employee Assistance Program
- iv) Suggestion Box

The malpractice incident reporting form is [here](#).

## **7. PROCEDURES FOR DEALING WITH HARASSMENT IN THE WORKPLACE**

No person should live with any form of harassment and there will be zero tolerance for perpetrators. The circumstances of each case and the type of harassment 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.

### **7.1 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 or through other channels as outlined in the *Safeguarding and Whistleblowing Policies*. The malpractice incident reporting form (Appendix 1 in the *Whistleblowing Policy*) should be used.

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.

### **7.2 Investigation**

In cases where an investigation is required, the services of an external 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. Staff are strongly recommended to 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.

### **7.3 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.

Retaliation is a form of harassment and hence the same processes for reporting, inquiry and disciplinary action apply.

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 perpetrator will be notified, within one week, 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.

## **8. RESPONSE MECHANISMS**

After a report is filed, all parties are expected to maintain confidentiality of the issues raised. 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 one week after receiving the complaint.

Any person who knowingly files a false allegation will be subject to disciplinary action, up to and including termination of employment (for staff members).

## **9. ACTIONS TO BE TAKEN**

APHRC will treat any accusations of harassment seriously when reported. Allegations made against an employee or any representative of APHRC will be thoroughly investigated.

The actions to be taken for APHRC staff are as detailed out in the *HR Policies and Procedures Manual*.

The actions to be taken for other APHRC representatives will be guided by the terms and conditions of contracts and/or agreements with the representative including and up to termination of the contract/agreement.

Any report of a funder representative will be forwarded to the head of their institution.

Harassment perpetrated by outsiders who have no contractual relationships with APHRC will be reported to the relevant government authorities.

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.

### **Other recourse**

For APHRC staff, 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 shall 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.

#### **10. TRAINING**

Staff will receive training as part of their induction on how to identify, prevent, respond to and report incidents of harassment. Training will include a discussion of the entire policy as well as related policies and how they support this policy in order for participants to understand their contents and seek clarification where necessary. Issues of harassment will also be covered under refresher training on Safeguarding.

#### **11. MONITORING AND REVIEW OF POLICY**

There will be continuous monitoring, annual reporting of the risks and review of the effectiveness of safeguarding measures. This policy will be reviewed by the Board every three years or earlier when deemed necessary.

#### **Other related policies and guidelines**

- i) Safeguarding Policy – outlines responsibilities and reporting mechanisms
- ii) Whistle Blowing Policy – outlines the reporting channels
- iii) Human Resources Policies and Procedures Manual – Stipulates how APHRC handles staff disciplinary matters.
- iv) Research Ethics and Data Protection Guidelines – outlines procedures for the protection of research participants.

**AFRICAN POPULATION AND HEALTH RESEARCH CENTER**

**POLICY ON HARASSMENT**

I, \_\_\_\_\_ (*Name*), have received a copy of the Policy on Harassment dated September 2020. I have read and understood it and agree to adhere, at all times, to the stipulated terms. I acknowledge that this policy is a contract of employment. I also understand that I shall be subjected to the stipulated consequences, if I fail to adhere to the terms.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_