



**Zimbabwe Aids Network Civil Society Coordination Platform on Health, HIV/AIDS and Sexual Reproductive Health and Rights**

**Safeguarding and Sexual Harassment Policy 2019**

**Purpose**

Our goal is to protect our employees, members and stakeholders from unwanted and inappropriate utterances, practices including sexual behaviour. We will take a zero-tolerance approach to any forms of workplace harassment, sexual harassment and assault. These types of behaviours are prohibited inside and outside of the office, as per Title VII of the Civil Rights Act of 1964. The organization will also not tolerate retaliation against any individuals or employee who complains of harassment and in particular sexual harassment or any individual who provides information in connection with any such complaint. Prevention is the best tool for the elimination of sexual harassment.

This policy will include a harassment and a sexual harassment definition, examples of general harassment and sexual harassment, details about complaint mechanisms, an overview of the investigation and disciplinary processes and employee rights.

**Commitment**

Zimbabwe AIDS Network (ZAN) is fully committed to fostering a safe and healthy work environment for all that is free from discrimination, free from harassment and in particular free from sexual harassment of its employees, chapter members and stakeholders. We are committed to carrying out all provisions in this policy and monitoring its effectiveness. We will work with related parties to improve the policy and our processes on a consistent basis.

**Scope**

The provisions in this policy apply to the National Governing Board, the Secretariat employees, members, stakeholders, and any other third parties involved with the organization, regardless of their gender, sexual orientation, role, status or other protected characteristic.

This policy on inappropriate behaviour is not limited to what occurs inside the office. Sexual harassment will not be tolerated at work, at off-site gatherings or anywhere else.

**Definition and Examples**

Sexual harassment, according to the US Equal Employment Opportunity Commission (EEOC), consists of: “unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature from someone in the workplace that creates discomfort and/or interferes with the job.

Conduct constitutes harassment when:

- ✚ Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- ✚ Submission to or rejection of such conduct by an individual is used as the basis for employment decisions and/or retaliation; or
- ✚ An employment decision affecting that individual is made because the individual submitted to or rejected the unwelcome conduct; or
- ✚ The unwelcome conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or abusive work environment,

Harassment due to race, ethnicity, tribe, religion, sex, gender identity, language, location, sexual orientation, national origin, disability, age, position and status will not be tolerated in ZAN's workplace. Such conduct is subject to discipline, up to and including termination. Any individual or employee who believes he or she is a victim of sexual harassment must immediately report any incident to the organization's designated Equal Employment Opportunity (EEO) Officer.

Sexual harassment can happen once or many times and may include physical, verbal or non-verbal actions. This form of harassment may make the victim feel offended or humiliated

ZAN takes note that more often than not, sexual harassment is subjective and circumstantial which is why there is no definitive, exhaustive list of inappropriate behaviours. However, ZAN upholds that some sexual harassment tendencies, practices and behaviour will constitute some of the following:

- ✚ Inappropriate teasing, jokes,
- ✚ Sexual pranks,
- ✚ Verbal abuse of a sexual nature
- ✚ Inappropriate physical touching of a sexual nature
- ✚ Giving sexually suggestive gifts
- ✚ Making sexually suggestive gestures
- ✚ Posting sexually suggestive pictures

\*One exception is exchanging work-related benefits (or threatening work-related detriments) for sexual favours. This is always sexual harassment, regardless of the circumstances.

### **Employee Rights**

ZAN is obliged to uphold the values of the organization and the rights of its employees, members and stakeholders. We believe that all our employees, members and stakeholders have:

- The right to a workplace free of harassment and inappropriate conduct.
- The right, as a victim, to report inappropriate conduct without retaliation or repercussions
- The right, as a witness or confidant, to report inappropriate conduct without retaliation or repercussions
- The right to a quick and thorough investigation that is as confidential as possible
- The right to seek mental or physical health and psychosocial help in a variety of ways

The ZAN Board, employees, members and stakeholders have the right to report inappropriate conduct experienced, witnessed or even informed of without the fear of retaliation or dismissal. They also have the right to report this behaviour in the formal complaints mechanism as stipulated by the organizational organogram and communication channels.

Professional help may come in many forms and can include taking paid sick or mental health days as guided by the Human Resource Policy and other organizational policies, or speaking to an on-site counsellor or professional therapist.

## **Filing a Complaint**

If a complaint is made, or if we have reason to believe there is sexual harassment occurring, we immediately investigate and address the allegations. Specifically, we:

- Collect as many details as possible
- Take immediate action (if the allegation warrants)
- Choose an appropriate investigator
- Conduct interviews with witnesses, the harasser and other related parties
- Gather and document physical and digital evidence
- Come to a conclusion about the allegations

If the investigation proves that the allegations are credible, then we immediately take appropriate corrective action. Depending on the severity of the sexual misconduct, corrective measures range from a single verbal warning to immediate dismissal and even criminal penalties.

Once the investigation has been closed, we will follow-up with the victim and related parties to obtain feedback and ensure that the issue has been resolved to their satisfaction.

## **RESPONDING TO COMPLAINTS/ALLEGATIONS OR HANDLING COMPLAINTS**

An administrative or management investigation will include interviews with all relevant persons, including the complainant, the accused and other potential witnesses. In determining whether alleged conduct constitutes harassment and sexual harassment, the record as a whole and the totality of the circumstances, such as the nature of offence and sexual advances including the context in which the alleged incidents occurred will be examined. A determination of appropriate action will be made from the facts, on a case-by-case basis.

All individuals and employees should be aware that the privacy of the charging party and person accused of harassment and sexual harassment would be kept strictly confidential. The administration or management will review the finding with the complainant at the conclusion of its investigation. If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action, up to and including discharge, will be taken to stop the harassment and prevent its reoccurrence. If the validity of the complaint cannot be determined, immediate and appropriate action will be taken to assure all parties are reacquainted with the harassment and sexual harassment policy and to avoid any similar acts in the future.

Any finding can be appealed to the ZAN National Governing Board using the existing complaints and grievance procedures. If a complaint involves a member of the administration or management, then a written request should be made to the Chair of the Board to establish a committee to investigate the complaint.

## **Disciplinary Action**

We reiterate that harassment and in particular sexual harassment is taken very seriously by the ZAN National Governing Board and Secretariat. Any violations of the policy in full or in partial will not be tolerated. All the harassers will be subject to discipline appropriate to the circumstances.

We have established and implemented a disciplinary action process to ensure fairness and consistency across all incidents of sexual harassment in the workplace. Harassers will be subject to progressive disciplinary action as follows:

- For infrequent or less serious allegations, the harasser may receive a verbal warning, a written warning or a negative performance review.
- For periodic or more serious sexual harassment incidents, the harasser may receive a demotion, a transfer, a suspension and perhaps criminal penalties such as a fine.
- For frequent or extremely serious allegations, the harasser will likely face termination of his or her contract in the event of employees and/ or severe criminal penalties.

This disciplinary action process is only an outline and requires the organization to determine the severity of each incident of the harassment. We reserve the right to stray from the process indicated above, depending on the severity of the incident and other circumstances.

For example, a first-time harasser who made inappropriate jokes in passing may receive a verbal warning. Second-time harassers may be demoted or transferred.

The disciplinary process will be applied consistently and evenly throughout the entire organization, and even bystanders to sexual harassment will be subject to the same disciplinary process. ZAN will implement the policy to fully comply with applicable state and Labour Act laws, rules and regulations in the area of non-discrimination and harassment of employment.

#### Policy Implementation

ZAN will openly and prominently display the Sexual Harassment policy in all staff work stations and meeting rooms. All new Board members, employees, members and stakeholders for ZAN will be inducted on this Sexual Harassment Policy and will regularly be appraised of the same. The Secretariat will also regularly redistribute the policy. The National Governing Board and National Coordinator of ZAN will ensure that the sexual harassment policy is embedded and incorporated in the Board governance Charter, the staff contracts, partnership principles with funding partners and other organizational policies.

#### Monitoring and Evaluation

ZAN recognizes the importance of monitoring this sexual harassment policy and will ensure it collects statistics and data as to how it is used and whether it is effective. ZAN will also take a moment during the Annual General Meeting and annual all-staff meetings to provide a refresher summary of the key points on the policy. The Board, the National Coordinator, the Chapter Chairs and Programme Officers will all be expected to speak to the policy with their reports on occasion in order to keep it fresh in everyone's mind. This will be done on a yearly basis. As a result of these reports ZAN will evaluate the effectiveness of this policy and make any changes needed.

**If you have any questions regarding this policy, please contact the National Governing Board Chair and the Secretariat at (+2634570604/570714).**

***ZAN- Contributing to Resilient Community Health Systems through Networking and Advocacy!***