SADC PF SEXUAL HARASSMENT POLICY

Effective Date: 1st October 2019

1.0 The Policy Statement

1.1 The SADC Parliamentary Forum (SADC PF) is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. SADC PF will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment.

1.2 As mentioned in the Strategic Plan (2019-2023) of the SADC-PF, respect for human rights is a Guiding Principle of the Forum, and sexual harassment may constitute a violation of several human rights, including the right to privacy and right to physical integrity of a person. Sexual harassment is also recognised as an offence under the laws of Namibia.

1.3 Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment.

1.4 All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint.

2.0 Definition of Sexual Harassment

This section defines sexual harassment. It is important to note that the list below is not exhaustive and that sexual harassment can include any conduct of a sexual nature which is unwanted and unwelcome by the recipient.

2.1 Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

2.2 Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

2.2.1 Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, e.g. touching, pinching
- The use of job-related threats or rewards to solicit sexual favours

2.2.2 Verbal conduct

- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone)

2.2.3 Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering
- Cyber-bullying (including cyber-stalking and other forms of online harassment through email or social networks)

3.0 Victims of Sexual Harassment

3.1 Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser.

3.2 SADC PF recognises that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

4.0 Members of SADC PF (Presiding Officers and Members of Parliament) and Staff of Member Parliaments

4.1 SADC PF recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace and work environment. Sexual Harassment may therefore occur between staff and Members of the SADC PF (Presiding Officers and Members of Parliament).

4.2 Anyone, including Members of SADC PF, and staff of Member Parliaments, who sexually harasses staff of SADC PF, or vice versa, will be reprimanded in accordance with this internal policy.

5.0 Premises for Sexual Harassment

5.1 All sexual harassment is prohibited whether it takes place within SADC PF premises or outside, including at social events, business trips, training sessions or meetings/conferences of SADC PF, within or outside of Namibia.

6. Complaints Procedures

6.1 Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. SADC PF, however, recognises that sexual harassment may occur in unequal power relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the alleged victim to inform the alleged harasser.

6.2 If an alleged victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment. This person could be another supervisor, a member of the human resources department, etc.

6.3 When a designated person receives a complaint of sexual harassment, he/she will:

i. immediately record the dates, times and facts of the incident(s);
ii. ascertain the views of the victim as to what outcome he/she wants;
iii. ensure that the victim understands the Forum's procedures for dealing with the complaint;
iv. discuss and agree on the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome;
v. keep a confidential record of all discussions;
vi. respect the choice of the victim; and
vii. ensure that the victim knows that they can lodge the complaint outside of the Forum through the relevant country/legal framework.

6.4 If the alleged harasser is also the designated person, or the designated person is away on leave, or the alleged victim would rather report to a woman rather than a man or to a man rather than a woman and the designated person is a man or woman respectively, the alleged victim shall be free to report to the person he/she is more comfortable with.

7.0 Counselling Services

7.1 Throughout the complaints procedure, a victim shall be entitled to be helped by a counsellor.

7.2 SADC PF will avail a counsellor to assist victims of sexual harassment. SADC PF recognises that because sexual harassment often occurs in unequal power relationships within the workplace, victims often feel that they cannot come forward. SADC PF, therefore, understands the need to support victims in making complaints and dealing with the situation.

8.0 Informal complaints mechanism

If the alleged victim wishes to deal with the matter informally, the designated person will:

i. give an opportunity to the alleged harasser to respond to the complaint;
ii. ensure that the alleged harasser understands the complaints mechanism;
iii. facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the Forum ~~company~~ to resolve the matter;
iv. ensure that a confidential record is kept of what happens;
v. follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped; and
vi. ensure that the above is done speedily and within 7 days of the complaint being made.

9.0 Formal complaints mechanism

9.1 If the alleged victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

9.2 The designated person who initially received the complaint will refer the matter to the Secretary General to instigate a formal investigation. The Secretary General may deal with the matter him/herself, or refer the matter to an internal investigator or refer it to the Executive Committee in accordance with this policy.

9.3 The person/s carrying out the investigation will:

i. interview the alleged victim and the alleged harasser separately;
ii. interview other relevant third parties separately;
iii. decide whether or not the incident(s) of sexual harassment took place;
iv. produce a report detailing the investigations, findings and any recommendations;

v. if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal);
vi. follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome;
vii. if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace;
viii. keep a record of all actions taken;
ix. ensure that the all records concerning the matter are kept confidential; and
x. ensure that the process is concluded as quickly as possible and in any event within 14 days of the complaint being made;

10.0 Treatment of Victim Following Outcome of Investigation

10.1 It is vital that the wishes and needs of the victim are incorporated into the outcome of the complaints mechanism.

10.2 If it is found that the alleged victim was indeed harassed by a colleague and that they work together on a daily basis, the views of the victim will be ascertained before making a decision on re-organising the office. For example, the victim may not want to be moved to a different department and as the victim, he/she should be entitled to decide this and not be re-victimised by being forced to move within the Forum.]

11.0 Outside complaints mechanisms

11.1 A person who has been subject to sexual harassment can also make a complaint outside of the institution.

11.2 Sexual harassment complaints may be channelled through the Labour Court or the other Courts of Law.

11.3 SADC PF recognises that some employees may not feel comfortable bringing a complaint through the disciplinary measures at work and are hereby informed of their right to seek redress elsewhere. The internal policy of the institution cannot prevent an employee from also using the national mechanisms available to him or her.

12.0 Sanctions and disciplinary measures

12.1 Subject to the provisions of the SADC PF Disciplinary Code, any staff of SADC PF who has been found to have sexually harassed a staff of SADC PF under the terms of this policy is liable to any of the following sanctions:

- verbal or written warning

- adverse performance evaluation
- reduction in wages
- demotion
- suspension
- dismissal

12.2 Any staff of a Member Parliament who has been found to have sexually harassed a staff of SADC PF under the terms of this policy is liable to disciplinary action under their respective Parliament.

12.3 Any SADC PF Member (Presiding Officer or Member of Parliament) who has been found to have sexually harassed a staff of SADC PF under the terms of this policy is liable to disciplinary action under the provisions of their respective Parliament governing the conduct of Presiding Officers or Members of Parliament.

12.4 The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, ma result in the immediate dismissal of the harasser.

13.0 Implementation of this Policy

13.1 SADC PF will ensure that this policy is widely disseminated to all relevant persons. It will be included as part of the SADC PF Administrative Rules & Regulations.

13.2 All employees must be trained on the content of this policy as part of their induction into the Forum.

13.3 Every year, SADC PF will require all employees to attend a refresher training course on the content of this policy.

13.4 It is the responsibility of the Secretary General to ensure that all employees are aware of the policy.

14.0 Monitoring and evaluation

14.1 SADC PF recognises the importance of monitoring this Sexual Harassment Policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

14.2 Supervisors, management and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis.

14.3 As a result of these reports, the institution will evaluate the effectiveness of this policy and make any changes needed.

14.4 SADC PF recognises that Monitoring and evaluation can be conducted through different means, including questionnaires completed by employees, feedback from victims or those who work in the complaints procedure. This is important to review the effectiveness of the policy and the complaints procedure.

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