

icddr,b Policy on PREVENTION OF SEXUAL HARASSMENT

1. GENERAL STATEMENT

icddr,b is committed to providing a safe and secure work environment for all Staff, Associated Personnel, and Beneficiaries. To create a sustainably safe work environment, it must acknowledge the rights of all individuals to live free from all forms of harm, neglect, harassment, exploitation and abuse including Sexual Harassment. This policy exists to protect all icddr,b Staff, Associated Personnel, and Beneficiaries, particularly Vulnerable Adults and Children, from Sexual Harassment, provide them with secure reporting options, and outline the necessary steps to be followed subsequent to inquiring into relevant complaints.

2. POLICY OBJECTIVES AND SCOPE

2.1 The objectives of this policy are to:

- define Sexual Harassment;
- outline procedures for filing complaints;
- inquire into policy violations complaints, and
- provide appropriate disciplinary measures in the case of violations.

2.2 This policy applies to all icddr,b Staff and Associated Personnel regardless of gender, sexual orientation, level, function, seniority, status, or other protected characteristics.

2.3 This policy overrules the previous organizational policy regarding sexual harassment. However, this updated policy must be read in conjunction with other associated policies of the organization such as the Child Protection Policy, the Whistleblower Policy, and the overarching Safeguarding Policy.

2.4 In case of any conflict, unless otherwise stated expressly within this policy, the provisions mentioned in the Safeguarding Policy shall prevail.

For avoidance of doubt, the provisions of this policy cannot be interpreted to impliedly repeal any provisions of the Safeguarding Policy.

3. DEFINITIONS

- ‘Associated Personnel’ includes suppliers of works for hire, vendors, consultants, fellows, interns, collaborators, and downstream partners who work in contractual association with icddr,b.
- ‘Complainant’ means someone who has filed a complaint irrespective of whether the same person has suffered any violation of this policy.
- ‘Respondent’ means someone against whom a complaint under this policy has been filed.
- ‘Sexual Harassment’ means inappropriate, unwanted, or unwelcome conduct or behavior of a sexual nature perceived as harassment by the receiver, which has an adverse effect on the dignity of humans both inside and outside the workplace.
- ‘Staff’ means all employees of icddr,b, as defined in the icddr,b Human Resources Policies and Procedures Manual.

4. SAFEGUARDING PRINCIPLES

4.1 The organization assumes a Duty of Care to ensure the safety and well-being of its Staff, Associated Personnel and Beneficiaries while on the premises of or engaged in activities hosted by the institution.

4.2 Pursuant to the Duty of Care as mentioned above in 4.1, this policy prescribes the following Safeguarding principles:

Zero-tolerance– all concerns or allegations of Sexual Harassment shall always be taken seriously.

Accountability– Everyone knows their roles and responsibilities and abides by these.

Confidentiality– only authorized personnel shall have access to sensitive information pertaining to an allegation; personal information shall only be disclosed with the explicit consent of the Complainant.

Due Process- any complaints of Sexual Harassment reported will be handled as per the provisions in this policy and in accordance with the prevailing laws of the country.

No Retaliation- Complainants who file a complaint of Sexual Harassment in good faith will not face retaliation/punishment of any manner from their department heads, supervisors, or management.

Prevention- Informing and educating people about Sexual Harassment, what to look for, and how to report it.

Sensitivity- All complaint shall be handled with the best interest of the Complainant, with respect to their mental and physical safety.

5. PROHIBITED CONDUCT

Though Sexual Harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- physical assaults of a sexual nature, (such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another staff member's body or poking another staff member's body) which can have a harassing impact upon any human.
- unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or abusive comments about a person's sexuality or sexual experience.
- preferential treatment or promises of preferential treatment to a Staff for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- subjecting, or threats of subjecting, a staff to unwelcome sexual attention or conduct or intentionally making performance of the staff member's job more difficult through such behaviour.
- sexual or discriminatory displays or publications anywhere in icddr,b's workplace by the icddr,b staff.
- showing of pornography.
- Sexually motivated stalking.
- Covertly taking still photographs or videos of intimate nature with the intention of sexual blackmail and character assassination.

6. ROLES AND RESPONSIBILITIES

6.1 icddr,b shall

- Ensure all Staff have access to, are familiar with, and know their responsibilities within this policy.
- Ensure Staff receive training on Sexual Harassment at a level commensurate with their role in the organization;
- Follow up on reports or complaints of Sexual Harassment concerns promptly and according to due process.

6.2 Director, Human Resources shall

- Ensure that both the Complainant and Respondent are aware of the seriousness of a Sexual Harassment complaint.
- Explain icddr,b's Sexual Harassment policy and inquiry procedures to all parties involved.
- In appropriate cases, explore informal means of resolving Sexual Harassment complaints.
- Notify the law enforcement agency in appropriate cases.
- Arrange for appropriate inquiry of the alleged sexual harassment complaint. [N.B. any complaints involving the ED and/or DED may require, engaging an external third party/BoT member in the inquiry process.]

6.3 Department/Unit Heads and Supervisors shall

- Maintain a congenial work environment and take positive actions for preventing the occurrence of any sort of harassment within their domain;
- deal expeditiously and fairly when they have any knowledge of Sexual Harassment within their departments/Unit/Project, whether there has been a written or formal complaint.
- Take all complaints or concerns of alleged or possible sexual harassment seriously no matter how petty the matter may appear to be or who may allegedly be involved.
- Report all incidents to Director, HR immediately so that a prompt inquiry can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any inquires or complaints.
- Ensure accountability for any failure to observe the provisions of this Policy.

6.4 icddr,b Staff and Associated Personnel shall

- Refrain from committing or indulging any of the Prohibited Conducts described in Article 5 of this Policy;
- If they feel that they are being subjected to Sexual Harassment and are able to, immediately inform the harasser that the conduct is unwelcome and needs to stop.
- If the inappropriate conduct does not cease, or if the staff is unable to or uncomfortable with addressing the alleged harasser directly, report the incident to the Gender Focal Point and/or Director, Human Resources (HR), through the established reporting process.

7. REPORTING VIOLATIONS

7.1 Any instance that is prima-facie violation of this Policy on Prevention of Sexual Harassment, regardless of who has committed the action, or against whom the action is committed, shall be reported to icddr,b within 30 days of the alleged violation. It shall be remembered that no complaint filed in good faith can be met with retaliation towards the Complainant as per the Whistleblower Policy of icddr,b.

7.2 All Staff and Associated Personnel should report any violation, that is either committed against them or that they witness, through any of the following mechanisms:

- in person,
- in writing,
- through the hotline 16340 and then dialing the extension 5555 from a mobile phone or landline,
- or via an email to coc@icddrb.org.

7.3 If someone discloses a complaint with any Department Head, Unit Head, the Gender Focal Point, or a colleague, they should forward the complaint to the Director, HR, forthwith.

7.4 Whichever channel is used, a written record of the date, time, and nature of the incident(s) should be provided directly to the Director, HR, along with the names of any witnesses. If the complaint lies against the Director, HR, then it should be filed with the Deputy Executive Director.

8. INVESTIGATING COMPLAINTS AND DISCIPLINARY MEASURES

8.1 Following the receipt of any complaint of violation of this policy, the complaint, in compliance with the applicable policies, including the HR Policies and Procedures Manual, will be inquired into by the Sexual Harassment Complaint Inquiry Committee, while ensuring the following:

- The Committee shall be comprised of minimum five (5) members, with a majority of the committee members being women.
- The Committee Chair shall also be a woman.
- If the alleged offender is a non-staff Member, their employer should inform of the complaint for appropriate measures to be taken.
- The committee may seek legal advice as necessary.

8.2 To ensure the prompt and thorough inquiry of a Sexual Harassment complaint, the Complainant should provide as much of the following information as is possible:

- The name, department and position of the person or persons allegedly committing harassment.
- A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
- The effect of the incident(s) on the Complainant's ability to perform his or her job, or on other terms or conditions of their employment.
- The name(s) of other individual(s) who might have been subject to the same or similar harassment.
- Any other information the Complainant believes to be relevant to the harassment complaint.

8.3 The Committee shall complete the inquiry within 30 days of receiving the complaint in general and submit the report to the Director HR/ Director HR's designee.

8.4 At the conclusion of the inquiry:

If there is insufficient evidence to substantiate the complaint, there will be no further action, but the Complainant is encouraged to report any future violations.

If the allegations are substantiated, disciplinary measures shall be imposed according to the HR Policies and Procedures Manual. Support should be available to the Complainant to recover from the consequences of the harassment.

8.5 The complaint and the outcome of the inquiry shall be communicated to and recorded in the personnel files of the Complainant and the Respondent. Persons who violate this policy may also be subject to criminal liabilities.

8.6 In matters of Sexual Harassment, all the provisions mentioned in this Article 8 shall override the Safeguarding Policy.

9. APPEALS PROCEDURE

9.1 Any Staff, who has been aggrieved by the decision of the administrative action following disciplinary proceedings initiated pursuant to this Policy, shall have the right to appeal the decision.

9.2 The grounds for appeal and appeals procedure are outlined in Human Resources Policies and Procedures Manual.

10. REPORTING MECHANISM TO DONORS

10.1 If an organizational inquiry process proves Sexual Harassment perpetrated by project Staff, icddr,b Regulatory and Legal Affairs (R&LA) will review the relevant agreement with concerned project donors regarding reporting requirements. If reporting is found to be a requirement in such agreement, R&LA will report the matter through appropriate channels.

10.2 If an organizational inquiry process proves Sexual Harassment perpetrated by any Staff, project or core, reporting through the Development Department will occur, as per the relevant provision of the core donors' agreements.

11. RIGHTS OF THE COMPLAINANT

As mentioned above, every person has the right to live free from Sexual Harassment. icddr,b will provide a range of support to the Complainant including, without limitation, multiple accessible reporting options (online and in-person), maintaining confidentiality according to the Complainant's wishes, no retaliation for complaints filed in good faith, fair inquiry that does not place unwarranted blame on the Complainants, and necessary counselling to deal with trauma.

12. FALSE ALLEGATIONS

While extremely rare, if any false allegation is made by a Staff or Associated Personnel against another, wherein the Complainant, at the time of making the complaint, lacked good faith or knew that the complaint was otherwise false in nature, the complaint will be in violation of the Sexual Harassment Policy, as well as the Whistleblower Policy and Safeguarding Policy of icddr,b. As such, the Complainant will be met with appropriate disciplinary action as per the HR Policies and Procedures Manual.

13. IMPLEMENTATION, MONITORING EFFECTIVENESS AND POLICY REVIEW

13.1 Director, HR, is responsible for the overall implementation of the policy. If required, the Director, HR may consult with the Head, R&LA for providing authoritative interpretation of the provisions of this Policy.

13.2 Director, HR, in consultation with the Head, R&LA, shall also review the approved policy once every three (3) years.

14. EFFECTIVE DATE

This policy will take effect on 20 June 2021.