



AFRICA-CHINA
CENTRE FOR POLICY & ADVISORY

SEXUAL HARASSMENT POLICY



Start Here!

ACCPA recognises it is the right of every employee and volunteer to be able to attend work and to perform their duties without being subjected to any form of sexual harassment.

Equally, it is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from sexual harassment.

ACCPA is therefore fully committed to its obligations to eliminate sexual harassment in the workplace and in customer relations



Purpose

The purpose of this document is to outline ACCPA's position on sexual harassment and to document the process which is to be followed should any grievances arise.

The Policy Statement

ACCPA 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.

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

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.

Definition of Sexual Harassment

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.

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:

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

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 or by email)

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering

ACCPA recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee.

Anyone, including employees of ACCPA, clients, customers, casual workers, contractors or visitors who sexually harasses another will be reprimanded in accordance with this internal policy.



The Policy



- ACCPA will not tolerate sexual harassment under any circumstances. Responsibility lies with every Manager, Supervisor and employee/volunteer to ensure that sexual harassment does not occur.
- Labor laws and legislation of Ghana provide that sexual harassment is unlawful. ACCPA considers that legislative obligations under the Acts establish minimum standards of behaviour for all employees.
- The principles set out in this policy are intended to apply to any work-related context, including conferences, work functions, social events and business trips.
- No employee or volunteer at any level should subject any other employee, volunteer, customer or visitor to any form of sexual harassment.
- A breach of this policy will result in disciplinary action. Depending upon the severity of the case, consequences may include apology, counselling, transfer, demotion, dismissal, or other forms of disciplinary action deemed appropriate.
- ACCPA strongly encourages any employee who feels they have been sexually harassed to take immediate action, preferably by making it clear that such behaviour is unwelcome and offensive; alternatively, or in addition, they may follow the procedures for reporting the behaviour.
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- Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice.
- Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.



- The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.
- No employee or volunteer will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any employee or volunteer who has been alleged to be a harasser.
- All employees and volunteers have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns
- Managers or Supervisors who fail to take appropriate corrective action when aware of harassment of a person will be subject to disciplinary action.



Procedures



Complaints Procedures

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome.

ACCPA recognises that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser.

If a 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.

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

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- immediately record the dates, times and facts of the incident(s)
- ascertain the views of the victim as to what outcome he/she wants
- ensure that the victim understands the company's procedures for dealing with the complaint
- discuss and agree 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
- keep a confidential record of all discussions
- respect the choice of the victim
- ensure that the victim knows that they can lodge the complaint outside of the company through the relevant country/legal framework

Informal Complaints Procedure



Informal intervention may be undertaken through a process of mediation or conciliation. During informal intervention the alleged harasser will be made aware of the allegations being made against them and given the right to respond.

This procedure will be complete when the complainant and the respondent come to an agreement on the procedure to be followed. If this occurs, no record will be made of the proceedings. If this does not occur, the formal procedure should be followed.

Formal Complaints Procedure

The ACCPA manager will organise an investigation, which in most cases may involve but is not limited to:

- A private interview to ascertain the facts and what the complainant expects to happen as a result of making the complaint;
- An interview with the alleged harasser(s) to ascertain their defense;
- Interviews with other employees, volunteers or individuals who may be able to assist;
- Interviews with supervisor(s) or manager(s);
- Examination of any relevant documents;
- Determination of previous behaviours or issues.

The Manager should forward all evidence to the person conducting the investigation. Such evidence may include:

- Supporting evidence provided by a medical practitioner, counsellor, family member, friend or co-worker;
- Supervisor's reports and personnel records (e.g. unexplained request for transfer or shift changes, sudden increase in sick leave);
- Complaints or information provided by other employers or volunteers about the behaviour of the alleged harasser;
- Records kept by the person claiming to have been harassed;
- Information on whether the evidence was presented by the parties in a credible and consistent manner;
- Information on the absence of evidence where it should logically exist.

On completion of the investigation, the complainant and the Manager will determine a course of action to be taken. In most cases this will involve guidance from the Human Resources Department.

Possible course of actions may include, but not be limited to, any combination of the following:

- Counselling;



- Disciplinary action against the harasser (e.g. demotion, transfer, suspension, probation or dismissal);
- Official warnings that are noted in the respondent's personnel file;
- Disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
- Formal apologies and undertaking that the behaviour will cease;
- Conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution;
- Reimbursing any costs associated with the harassment;
- Re-crediting any leave taken as a result of the harassment.

Outcomes will depend upon factors such as:

- The severity and frequency of the harassment;
- The weight of the evidence;
- The wishes of the person who was harassed; Whether the harasser could have been expected to know that such behaviour was a breach of policy

Implementation of this policy

ACCPA will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff handbook. All new employees will be trained on the content of this policy as part of their induction into the company.

Every year, ACCPA will require all employees to attend a refresher training course on the content of this policy. It is the responsibility of every manager to ensure that all his/her employees are aware of the policy.

Discipline

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand.

The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

Confidentiality

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis.



Information contained in a formal complaint is kept as confidential as possible. However, the identity of the complainant is usually revealed to the respondent and witnesses.

ACCPA will take adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation. All information pertaining to a sexual harassment complaint or investigation is maintained by ACCPA in secure files.

Monitoring and evaluation

ACCPA 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.

Supervisors, managers 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. As a result of this report, the company will evaluate the effectiveness of this policy and make any changes needed.



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