

SEXUAL HARASSMENT PREVENTION and ELIMINATION [SHAPE] POLICY



Population Services & Training Center (PSTC)

Sexual Harassment Prevention and Elimination [SHaPE] Policy

Zero Tolerance to Sexual Harassment



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PREFACE

Sexual harassment is an unwelcome human behavior that is indicative to sexuality issues; be it verbal, written and/or gesture; which is an attempt to make a person feel offended, humiliated or intimidated. It

can be physical, verbal or written. Whatever the forms of Sexual harassment, it occurs at workplace or anywhere else, it violates human rights.

Population Services and Training Center (PSTC) is a Non-Government, Not for Profit organization working in Bangladesh since 1978 for the improvement of living status of poor and socially disadvantaged people by undertaking various programs and projects. Since its inception, PSTC works for ensuring the equal rights of women. At present PSTC focuses its development activities in 5 thematic areas of which Gender and Governance (GAG) is the important one. PSTC believes that gender justice is an important issue to ensure with all its activities and strives to make the organization free from any kind of gender injustice or discrimination as well as to make its programs and organization gender sensitive. With this point of view, PSTC has taken initiative to review its Gender Policy and decided to focus on Sexual Harassment and Inappropriate Behavior issues separately giving importance to its gravity and adopt a new policy known as '**Sexual Harassment Prevention and Elimination (SHAPE) Policy**' with the underlined interpretation of showing the organization's **zero tolerance** if such incidence happens ever. PSTC considers sexual harassment as criminal/punishable offence and a violation of human rights. It has adopted a policy of zero tolerance and takes pro-active role in eliminating all kind of sexual harassment at every level, irrespective of position and length of service in the organization. PSTC takes all possible preventive and corrective disciplinary measures towards ending sexual harassment.

I believe this initiative will help all PSTC staff members to ensure human rights and justice and facilitate them enjoying a fair and secured working environment in the organization.

With the approval of the Governing Body of PSTC, this Sexual Harassment Prevention and Elimination Policy will be effective immediately superseding all the previous orders, directives and sub-clauses unless any point of this policy replaced by further office order from the PSTC management and/or Governing Body. If there would any conflict arise among previously enacted policies with the current one, then the latest one will be upheld unless replaced or revised by office order from the PSTC management.

This revised "Sexual Harassment Prevention and elimination (SHAPE) Policy" will be implemented with immediate effect at all level of the organization as soon as approved by the Governing Body of PSTC.

Dr. Noor Mohammad
Executive Director 31

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ACRONYMS

CEDAW	Convention on Elimination of All Forms of Discrimination against Women
FPSTC	Family Planning Services and Training Center
GAG	Gender and Governance
GFP	Gender Focal Point
PSTC	Population Services and Training Center
SH	Sexual Harassment
SHAPE	Sexual Harassment Prevention and Elimination
SHP	Sexual Harassment Prevention
SHIT	Sexual Harassment Investigation Team
SHPT	Sexual Harassment Prevention Team
SHAPEC	Sexual Harassment Prevention and Elimination Committee
HR	Human Resources
HRA	Human Resources and Administration

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1.0 INTRODUCTION

PSTC believes that all staff should enjoy the same respect and fair treatment at the workplace regardless of gender, race, religion, or disability. PSTC considers that direct or indirect demeaning statements are strictly prohibited and will be considered as punishable offence. Creating a safe work environment compromises good and friendly relationships among staff members, PSTC takes a strong view on inappropriate behavior at the workplace that contravenes the organization's values and adversely affect the dignity of women and men. In order to pay attention to sexual harassment and inappropriate behavior

within the organizations this Sexual Harassment Prevention Policy, Procedures, protocols been prepared and promoted.

In recent years #MeToo campaign for sexual harassment and inappropriate behavior took attention all over the world. This movement has promoted to strengthen safe work environment through policies and various actions and steps. From the beginning, PSTC recognizes that sexual harassment against women (or man) either in communities or at work hinders realizing their potentials. The problem is deep-rooted in patriarchal norms and values in society; however, undertaking a serious effort to institutional change within the organization can end the problem towards a safer life for women. PSTC believes in larger employments of women in formal sectors and welcomes more women staff members to the organization. PSTC has adopted Sexual Harassment Prevention and Elimination (SHAPE) Policy through discussions with staff members, experts in this field, and reviews of available documents on the basis of staff members' opinion, experts' suggestion and various documents' references.

This policy has prepared based on the declaration of a historical judgment against sexual harassment by Bangladesh Supreme Court on 14 May 2009, Convention on Elimination of All Forms of Discrimination against Women (CEDAW), National Women Development Policy & Plan of Action and PSTC's Service rule. It has been modified in line with the changes of situation and expectation. This policy and code of conduct is to serve as a clear guideline to facilitate PSTC free from sexual harassment. Simultaneously, this would create space for protesting against sexual harassment, help the survivors to seek help from colleagues and supervisors, and register protest and seek justice through a regulated way.

2.0 ABOUT PSTC

Population Services and Training Center (PSTC) is the inheriting organization of Family Planning Services and Training Center (FPSTC) which was created by a government order in 1978. It is a non-government, not for profit voluntary organization, registered with the Department of Social Services in 1995 and with NGO Affairs Bureau in 1996, affiliated with Directorate General of Family Planning in 1997 and declared as the inheriting organization of FPSTC by the Ministry of Health and Family Welfare in 1997.

Vision

Improved quality of life of disadvantaged people of Bangladesh.

Mission

PSTC's aim is to improve the health, social security and living conditions for people of Bangladesh especially for those who are poor and socially disadvantaged, in a sustainable way.

Values

PSTC's values are guided by the principles of commitment to its Mission, Vision, target people and the community as a whole. It adheres to the systems, inculcates the culture of integrity, modesty and team spirit.

3.0 OBJECTIVES OF SEXUAL HARASSMENT PREVENTION & ELIMINATION POLICY

- a. To create awareness about sexual harassment, inappropriate behavior and its consequences.
- b. To ensure Sexual Harassment free environment in implementation of PSTC's projects and programs.
- c. To take appropriate actions against any sexual harassment or inappropriate behavior occurrences to ensure that A ZERO tolerance is applied to sexual harassment.

3.1 Impact of sexual harassment on the organization and staff

The occurrence of sexual harassment hinders the advancement of women as human being. Whatever the rate of prevalence of sexual harassment in an organization, if there is any, it not only hampers the culture and values of the organization but also hinders achievement of the goals of the organization. Any kind of sexual harassment causes damage to both men and women and destroys gender-friendly work environment.

The overall working environment declines and un-healthy relationship develops if sexual harassment is occurred at any workplace. The following problems may happen if there any sexual harassment takes place in an organization:

- 3.1.1 Staff members' human rights are violated;
- 3.1.2 Staff bear physical and mental pressure at workplace;
- 3.1.3 Staff members' morale decline and thus diminish self-confidence;
- 3.1.4 Negative attitude is generated among the staff against the organization;
- 3.1.5 Creativity of staff decline and consequently the organization also loses direction;
- 3.1.6 Anticipated progress of the organization is hampered;
- 3.1.7 As the staff feel intimidated, they become unwilling to take new responsibilities and face challenges;
- 3.1.8 Expected output from the staff decline;
- 3.1.9 Competent staff members, women in particular, leave the organization;
- 3.1.10 The organization and individual may have to face legal complications;
- 3.1.11 The audacity of criminals is enhanced and encouraged others to do so;
- 3.1.12 Conflict increases among the staff.



3.2 Benefits of sexual harassment free environment

There are huge benefits of a free, fair and decent environment for an organization. It not only flourishes inner quality of staff but also accelerates overall growth and progress of any organization. Some of the benefits of sexual harassment free environment are mentioned below:

- 3.2.1 A decent work environment exists;
- 3.2.2 Human rights prevail and are respected within the organization;
- 3.2.3 Staff enjoy mutual cooperation that eventually enhance productivity;
- 3.2.4 Positive attitude develops towards the organization;
- 3.2.5 Staff drop-out decreases;
- 3.2.6 Women feel encouraged to work in the organization;
- 3.2.7 Professional attitude develops among the staff;
- 3.2.8 Peaceful environment at the workplace generates creativity of staff members;
- 3.2.9 Staff feel encouraged to take new responsibilities and face challenges
- 3.2.10 Diversity and harmony are increased and best practices are promoted.

4.0 DEFINITION

Sexual Harassment

Any form of unwelcome human behavior that is indicative to sexuality issues; be it verbal, written and/or gesture; that adversely affects the dignity of women or men either at workplace or work-related environment is called sexual harassment. Sexual harassment involves both mental, physical or sexual domination and humiliation. It can happen to both women and men. Importantly it is always unexpected and unacceptable.

Abuse

Abuse is the improper usage or treatment of an entity, often to unfairly or improperly gain benefit. Abuse can come in many forms, such as: physical or verbal maltreatment, injury, assault, violation, rape, unjust practices, crimes, or other types of aggression. Abuse is also "socially constructed", which means there may be more or less recognition of the suffering of a survivor at different times and societies.

Inappropriate Behavior

Inappropriate behavior is any behavior that is not in line with societal standards and expectations. It can be exhibited by both males and females and by children and adults. Inappropriate behavior ranges from minor incidents to serious offenses. It includes rudeness, discrimination, assault and sexual harassment. These behaviors may take place in educational, social and workplace settings.

5.0 CODE OF CONDUCTS TREATED AS SEXUAL HARASSMENT

- Unwelcome sexually determined behavior, whether direct or by implication, as physical contact and advances;
- Implicitly or explicitly using or condoning sexual behavior to threaten or insult someone and to control, influence, affect the pay, terms and conditions of employment, job promotion or career of a staff member; making verbal comments, gestures related to sexual harassment or abuse;
- Demand or request for sexual favors;
- Displaying or disseminating pornography;
- Indecent gestures, teasing through sexually abusive language, following someone, stalking or joking with the language having sexual indications or implications;
- Sexually suggestive letters, telephone calls, mobile phone calls, SMS, E-mails, pictures, notices, or cartoons;
- Writing on benches, chairs, tables, notice boards, office walls, training rooms, classrooms, canteens and washrooms having sexual implications;
- Taking photographs or videos for the purpose of blackmail or disgrace;
- Preventing participation in sports, cultural, organizational, or academic activities on the ground of sex and/or for the purpose of sexual harassment;
- Exerting pressure or posing threats in case of refusal to proposal of love and/or marriage;
- Attempts to establish sexual relations by intimidation, deception, or false assurance; and any other behaviors which undermine an individual's values, culture, feelings and dignity could be treated as sexual harassment;
- Expressing sexual interest or engaging in any sexual activities with children (any person below the age of 18);
- Unhealthy discussions and unwelcome advising on women's gynecological matters.

6.0 FOR WHOM THE POLICY IS APPLICABLE

6.1 Staff of PSTC, if sexually harassed by another staff and members of PSTC;

- 6.2 Staff, members of PSTC if sexually harasses anyone involved in any PSTC activities, program participants or volunteers or community members or vendors or in any form, connected with PSTC;
- 6.3 Staff of PSTC, if sexually harasses or oppresses anybody from partner organization(s);
- 6.4 A supervisor or colleague of PSTC supports a situation in any form which is conducive to sexual harassment.



PSTC will take initiatives to increase awareness of the staff on the issues and conducts that could be treated as sexual harassment and/or inappropriate behavior mentioned earlier.

7.0 PREVENTION OF SEXUAL HARASSMENT

7.1 Formation of Committee

A high-level committee entitled Sexual Harassment Prevention and Elimination Committee (SHAPEC) functions to prevent and eliminate sexual harassment at PSTC. SHAPE committee works for PSTC and is consisted of four members with the equal representations from females and males.

There will be a field level **Sexual Harassment Prevention and Elimination Focal Person (SHAPE FP)** who will coordinate and communicate with SHAPE Committee on continual basis. For each of the filed level offices, a focal person will be assigned to look after the issue of sexual harassment and inappropriate behavior among the staff members.

Sexual Harassment Investigation Team (SHIT) will be proposed by SHAPE Committee and would be constituted with the approval of the Executive Director of PSTC for each individual case, if it happens.

7.2 Roles and Responsibilities of SHAPE Committee

The committee meets quarterly and need based with the quorum by two-third members. The Committee is independent in nature and free from any influences and interference. The Committee is accountable to the Executive Director of PSTC. HR and Admin provides administrative support to SHPC for receiving complaints of sexual harassment, its disciplinary process and disposal.

Responsibilities

- Make staff aware of sexual harassment and its disciplinary process and preventive steps;
- Disseminate policy and promotional materials to all staff;
- Organize policy orientation and continuous discussion for all staff;
- Encourage discussion on the topic of sexual harassment in training and orientation programs;
- Contribute to prepare case stories on relevant issues;
- Improve and modify policy and disciplinary process according to changes of time and context;
- Create a movement within the organization on regular basis;
- Enable a culture of sharing learning and best practices with others;
- Conduct a regular (annual or bi-annual) assessment of the status of staff awareness about this policy;
- Implement SHAPE policy decision through notification;
- Follow up the victims and accused over a period of six months after the final decision made;
- Record and document all relevant information related to complaint process and help keeping the records at the HR of PSTC;

- Preserve meeting minutes, Action plans, budget and report copy.

7.3 Case Management

7.3.1 The process of submitting complaints of sexual harassment

- The survivor herself/himself or any other eyewitness of the incident, or family member, or lawyer can submit a written complaint;
- Complaints can also be made to SHAPE Committee through e-mail, mobile phone or SMS ○ Email: pstc@pstc-bgd.org; Hotline: +8801988220104
- Anyone can directly submit a complaint to Sexual Harassment Prevention and Elimination (SHAPE) Committee of PSTC within 30 days after the incident takes place. There is no need to ask permission from respective line management or go through them;
- The accuser may submit the complaint without mentioning his/her name in which case the complaint is accepted after assessment;
- After submitting a complaint to SHPC, the concerned program or project must refrain in any initiative or attempt to influence the case;
- No counter complaints are accepted during the investigation process against the respective person(s);
- Victims and accuser may be temporarily transferred to separate places for avoiding unhealthy work environment.

7.3.2 Investigation

- Any occurrence of sexual harassment need to inform the SHAPE Committee by Field level FP immediately after the incident. Focal Person contacts the SHAPE Committee if needed and/or provides primary counseling support as required.
- Once a complaint is received by focal person of SHAPE, the SHAPE committee will call emergency meeting and an investigation committee will be constituted with the approval of Executive Director. SHI team takes initiative for investigation.
- SHAPE Committee will send every case to the HR and Admin for documentation purposes; Field level Focal Persons will provide necessary support to the SH Investigation Team and ensure security of victim and witnesses;
- HR will provide all required information of concerned person(s) to SH Investigation team
- The investigation team informs respective program management and communicates with complainant, and make a plan for investigation;
- The SH Investigation team conducts an investigation, prepares an investigation report and then submits it to the ED through SHAPE Committee;
- SHAPE Committee members analyze the investigation report in the meeting and make recommendations for submitting to the ED for approval/final decision;
- The decision is then sent to HR for execution within 7 working days;
- SHAPE Committee submits an annual report to the Executive Director;

- If the case of financial irregularity and sexual harassment are raised simultaneously, then a separate investigation needs to be done – one for financial and /or administrative irregularity and another for sexual harassment;
- The entire process is completed within 60 days after receiving the complaint.

7.3.3 Disciplinary Actions

Disciplinary actions for committing sexual harassment may come as a minor or severe penalty; it also includes advice note as appropriate.

- The committee shall submit their investigation report within the time limit determined by the ED.
- An employee may be dismissed in case of serious misconduct. For such termination prior approval is needed from GB for level 10 and above.
- An employee, if not dismissed, may be discharged for less serious misconduct.
- The employee may be otherwise punished depending on its severity, which may include the following:
 - a. Demotion
 - b. Withholding of increment for a specific period
 - c. Withholding of promotion for a specific period
 - d. Recovery of the costs of the organization.
 - e. Issue of warning letter

If it is proved that the complaint was false with malafied intention, the committee will provide documents and recommendations for taking action against the complainant.

7.3.4 Disciplinary measures

This chapter will follow Human Resource Policies & Procedures (6.1.2) Gender Policy (8.1.12, 8.5, 8.6, 8.7) the following provisions were mentioned, which will be effective for Sexual Harassment and/or inappropriate behavior.

Type of offence	Type of punishment	Remarks
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<p>1. Rape or attempt to rape</p> <p><i>Example:</i></p> <ul style="list-style-type: none"> • Hug or attempt to rape in the name of work with any staff, program participants or beneficiary • Making sexual relationship by allurements of marriage and adopting different strategies for committing rape <p>2. Force to establish sexual relationship by intimidation or allurements</p> <p>3. Implicitly or explicitly using/threatening/insulting/condoning sexual behavior</p> <p>4. Entering to residence of opposite sex or asking to enter the room</p> <p>5. Sappy discussion about physical structure of women or men staff, dress, deskwork, competence and capacity</p> <p>6. Intentionally joking or stalking through physical gesture, which has sexual implication</p>	<ul style="list-style-type: none"> • Dismissal from job and consign to law (with consent of survivor) • Dismissal from job • Final warning • Transfer • Relinquish from duty/responsibility • Held up promotion, training, incentives • Verbal warning 	<p>Support to the victim</p> <ul style="list-style-type: none"> • Inform the concerned responsible management of concerned office and Head Office immediately after the occurrence and take proper steps. • Counseling the victim and provide adequate legal and financial support. • Ensure job security and favorable work environment
Type of offence	Type of punishment	Remarks
<p>7. Unwelcome sexual flirtation or making unwelcome propositions; using psychological and mental pressure and/or actions as a form of punishment for refusing sexual advances</p> <p>8. Displaying or storing sexually suggestive objects or pictures in the workplace</p> <p>9. Sending sexually suggestive written statement or electronic message (SMS, MMS, E-mail etc.) including pornographic pictures and videos.</p>		

REFERENCES

1. HRM policy of PSTC
2. Declaration of a historical judgment against sexual harassment by Bangladesh Supreme Court on 14 May 2009
3. Sexual Harassment Elimination policy and Procedure of BRAC
4. Sexual Harassment Prevention policy of BNPS.