

## ADDRESSING SEXUAL HARASSMENT

Annex to the Hivos Integrity Policy: Section 2 Inappropriate Behavior  
July 2018

*This Sexual Harassment Policy is intended for use by Hivos employees and extends to partners and stakeholders who hold contracts with Hivos and is linked to Hivos Integrity Policy (2016) and The Corporate Social Responsibility Policy (2016). Additionally, this policy is also a direct response towards the implementation of the new Hivos Gender Equality and Diversity Inclusion Strategy launched in 2018.*

### Policy Statement

Hivos aims for the highest possible integrity in its contact with partners, suppliers, clients, among Hivos staff and in relation to the communities, we serve. The focal points of staff policy, i.e. justice, legal security, openness and clarity and individual responsibility also serve as a point of departure for our Integrity and Corporate Social Responsibility Policy. Hivos is therefore committed to providing a safe environment for all its employees, partners and beneficiaries free from discrimination on any ground and from harassment at work including sexual harassment. At the same time, we will continue to strengthen our systems of documenting and reporting experiences of sexual harassment at work place, but more so, we will move the emphasis to stopping the violence before it occurs, by building staff resilience to identify risk and take affirmative steps to eliminate the potential for gendered violence and discrimination.

It is from this principle that Hivos operates a zero tolerance policy on any form of sexual harassment in the workplace, within contractual partnerships and with those that we serve. All forms of sexual harassment and incidents of inappropriate behavior will be treated seriously and promptly investigated. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment and termination of contractual agreements. All complaints of sexual harassment will be treated with respect and in confidence and no one will be victimized for making such a complaint.

When sexual violence or harassment occurs in the workplace, those involved can feel threatened, harassed, and unsafe, and be forced to make a choice between their livelihood and their safety. To avoid silence, survivors need to be believed, they need to know that they have a powerful voice and that they are not alone. Hivos shall therefore take action to effectively speak out against sexual harassment and assault, develop workplace structures and a culture for preventing and redressing incidents of sexual harassment, guided by our values and the Laws of Country in which the respective Hivos Office is located. All staff are expected to understand the contents of this Policy and abide by its requirements.

Edwin Huizing  
Executive Director  
Hivos

## 1. PURPOSE AND SCOPE

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The purpose of this Policy is to promote a conducive work environment that is free from all forms of sexual harassment and in which all persons are treated with respect and dignity. The goal of this policy is to ensure that people who come into contact with Hivos and its programmes are safe from sexual harassment, exploitation and abuse. This includes (but is not limited to) staff, volunteers, partners and members of the communities with whom we work. To this end, Hivos will ensure preventive measures are put in place to prohibit sexual harassment of all forms, provide procedures for initiating or raising complaints about conduct that violates this Policy, investigate sexual harassment allegations and carry out appropriate measures in case of violations.

### Scope

This policy covers all Hivos employees (full-time and part-time), interns, voluntary workers, trainees, executive or supervisory board members, contractors, suppliers, consultants, and any members of the public on the property of Hivos Offices. The policy also applies to all third parties dealing with the Organization including partner organizations and their employees, suppliers, service providers, clients or any other business associates. All those in contractual agreement or in partnership with Hivos shall be responsible for providing their representatives, staff, agents and/or officials with relevant information regarding this policy.

Sexual harassment is covered in the workplace when it happens:

- at work and between people sharing the same workplace
- at work-related events or where people are carrying out work-related functions or
- between colleagues and staff of partner organizations outside the work environment e.g. at conference's, meetings, trainings etc.

### 1.1 Defining sexual harassment

For the purpose of this policy sexual harassment is any unwelcome conduct of a sexual nature that 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, contract or supply of services as well as situations which create an environment that is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more incidents, actions or behavior that are physical, verbal or non-verbal conduct to include, but are not limited to: -

- Staring, leering or unwelcome physical touching
- Sexual or suggestive comments, jokes or taunts
- Making or displaying sexually demeaning gestures, offensive pictures or other materials in the workplace
- Making remarks with sexual connotations
- Unwanted invitations to go out on dates
- Unsolicited demands or request for sexual favors
- Intrusive questions about a person's private life or body
- Unnecessary familiarity such as deliberately brushing up against a person
- Unsolicited acts of physical intimacy
- Sexually explicit physical contact
- Sexually explicit letter, emails, SMS text messages or social media expressions
- Repeatedly asking a person to socialize during off duty hours when the person is not interested
- Giving unwanted gifts or any objects that are of a sexual nature
- Off duty, unwelcome conduct of a sexual nature that affects the work environment.

Some forms of sexual harassment, such as physical/sexual assault, rape, indecent exposure and stalking are also criminal offences and will be reported to the police.

## 1.2 Recognition that men and women can be victims of sexual harassment

The above examples are not exhaustive and it is worth noting that sexual harassment can include any conduct of a sexual nature, which is unwanted, and unwelcome by the receiver. Hivos recognizes that anyone can be a victim of sexual harassment, regardless of his or her sex, gender and of the sex of the harasser. 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 to.

## 1.3 It is about power relations

Hivos recognizes that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, in partnerships or as directed to those that we serve, for example between manager or supervisor and employee, or between employees and beneficiaries. Anyone, including employees of Hivos, program implementing partners, suppliers, contractors or interns/volunteers who sexually harasses another will be dealt with in accordance with this internal policy. Any form of sexual harassment is prohibited whether it takes place within Hivos premises or outside, including at social events, business trips, training sessions or conferences sponsored by Hivos.

Hivos believes if those who experience sexual harassment have different avenues to report abuse and availability of different outcomes they can seek, they'll be more likely to come forward. For this reason, Hivos has adopted three procedures for complaint and grievance reporting. These are further explained in the *complaint procedures* section and they include—use of confidential counsellors, the whistle blower online system, formal and informal reporting procedures.

## 1.4 Victimization

Victimization occurs when a person subjects another person to detriment (or threatens to do so) because they have made, intend to make or have helped someone else make a complaint, or refused to do an act in contravention of this policy or because they have provided information about a complaint. It also includes acting to a person's detriment because they have agreed to be a witness.

Hivos is therefore, committed to promptly addressing any complaints as reported, by

- providing an appropriate and timely response to all allegations of sexual harassment resulting from the conduct, action or inaction of responsible staff member, or those in partnership with Hivos;
- supporting employees who report access psychological assistant required at the time of reporting.

## 2. PREVENTING SEXUAL HARASSMENT

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At the time of this policy review, Hivos employees had not officially reported any cases of sexual misconduct within the past 10 years. However, managers, HR advisors and confidential counsellors were approached several times to discuss sexual conduct off the record. As a result, employee meetings were held in some offices to discuss undesirable behavior and Hivos intends to conduct these meetings throughout our entire organization and in programmes<sup>1</sup>. We recognize that the health and wellbeing of the workforce is a key component for an effective work life, and this is disrupted when for instance sexual harassment and victimization occur. To this end, Hivos will continue to:-

- Nurture a positive organizational culture that models our values on freedom and dignity, gender equality and diversity inclusion, self-determination and responsible citizenship.
- Strengthen our policies and practices in order to ensure that measures are in place to prevent, respond to and manage concerns related to sexual harassment, exploitation or abuse.

### 1.1 Safeguarding procedures en prevention

Hivos has adopted the code of conduct as made compulsory by our sector association Partos for all its members. And in 2018 updated the integrity policy of Hivos into a Safeguarding Policy which is publicly available and can be found on our international website:

<https://www.hivos.org>. This policy consists i.e. of:

- The Hivos Code of conduct
- (Internal) Complaints procedure
- Whistle-blowers' procedure

Hivos takes the responsibility to ensure that our staff, operations and programmes do no harm to those we serve, and that we do not expose them nor our employees and partners to the risk of harm and abuse. And although there is no one single method or practice that eliminates sexual harassment, exploitation or abuse, Hivos will champion the principles of **problem recognition; employee resilience, learning and development; and evaluation of change effectiveness** by:-

1. **Understanding the demography of the workplace**, that would allow Hivos to identify risk and take affirmative steps to eliminate the potential for gendered violence.
2. Invest in staff resilience trainings – Hivos has developed a training module "**Building Resilience and Changing the Way: Transforming Workplaces**". This is a mandatory 1.5 day workshop for all Hivos staff worldwide starting September 2018. The workshop will provide useful toolkits to Hivos staff, such as: mastering crucial conversations skills, increase effectiveness in giving and receiving feedback and ensure that staff can maintain a good life-work balance. The ultimate goal is that staff are able to be as effective as possible in the workplace, while also being capable to take up challenges and spot opportunities in dynamically changing environments. Subsequently, Partos is also designing a sector wide course for its members.
3. All staff will be mandated to take up the **Hivos online training module on gender, women's rights, sexual rights and diversity** – as part of induction, or staff awareness and reflection trajectory. Beyond this, Hivos will provide information about sexual harassment to the entire workforce on a regular basis and safe avenues for staff to discuss such concerns.
4. Specialized training and supervision will be provided to individuals who deal with sexual harassment complaints – such as **confidential counselors** and members of the **(Gender) Complaint Committee ((G)CC)**. Grievance procedures specifically related to sexual harassment; and sexual harassment policy are a part of integrity and equal opportunities policy.

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<sup>1</sup> <https://www.hivos.org/blog/co-creating-solutions-for-dealing-with-sexual-harassment/>

5. **Promptly monitor and report incidences**, but more so staff perceptions towards safety, security and sexual harassment at workplace –as part of health and safety surveys conducted annually.
6. To facilitate compliance and ensure that this policy is enforced, **auditing procedures will be implemented at least every three (2) years including internal and external measures**. Hivos will ensure accountability and feedback mechanisms are in place to allow staff to feedback on their experiences of the culture change process and put in place quality control measures for policy enforcement, and incorporate reflection on gender equality values in staff performance reviews. Oversight of these processes will emanate from the HR department across all of Hivos offices.
7. **Access to confidential counselling services** and grievance committees with the necessary facilities, not directly related to the management; and
8. **The complainant will not be victimized or treated unfairly for making a complaint**. If the complainant is not satisfied with the way in which Hivos has dealt with a complaint, the complainant can seek further advice from an outside agency –such as a relevant government agency in their jurisdiction.

Hivos will continuously update and systematically encourage staff to take up the **Hivos online training module on gender, women's rights, sexual rights and diversity**. Additional content to this module is being developed to include a values clarifications workshop, to help staff to explore, understand and articulate their feelings, values, and attitudes on gender, diversity, and sexuality. Furthermore, those taking the course will reflect on how these personal perspectives and ideas affect their daily work. The module will also help to introduce new staff to the ways that the organization works to promote gender equity, diversity, and inclusion in the early stages of their induction or engagement with Hivos and our programmes. This will guarantee that, even before start of day-to-day work, the new staff is familiar with Hivos's position, policies, and tools on gender equality and diversity inclusion. For further details on Hivos approach towards gender equality and diversity inclusion (GEDI), refer to GEDI Strategy<sup>2</sup>.

## 1.2 Responsibilities

All employees of Hivos worldwide are required to undertake the staff resilience training that includes sexual harassment awareness as part of their orientation and at other times during their employment to ensure understanding of and compliance with this policy. The training will start in the fall of 2018 and will be implemented for new employees and revived regularly in future.

**Executive Director** – has the ultimate responsibility for the implementation of this policy – addressing sexual harassment and will

- Ensure that the Organization has adequate mechanisms to meet the standards under this Policy
- Provide leadership and direction to the Organization in implementing this Policy

**Directors and Managers have a responsibility to**

- Monitor the working environment to ensure that acceptable standards of conduct are observed at all times. If managers observe sexual harassment in the workplace, they should take appropriate steps in response to ensure the behavior stops and is appropriately dealt with
- Model appropriate behavior themselves, including ensuring they do not engage in sexual harassment or otherwise breach this policy
- Ensure employees and other relevant persons understand this policy
- Ensure that all staff under their supervision are trained and supported to fulfil their role in preventing and dealing with sexual harassment
- Treat all complaints seriously and take appropriate action in response to complaints
- Take appropriate action where any staff under their supervision breaches this Policy

<sup>2</sup> <https://www.hivos.org/assets/2019/02/HI-19-10-GEDI-Strategy.pdf>

**Human Resources Department** is responsible for promoting a conducive work environment that is free from sexual harassment. The HR team at the Global Office, has the overall mandate of ensuring that compliance of processes and provisions relating to this policy are enforced in a synchronized and complementary manner throughout the organization, and reporting to back donors.

The Human Resources teams at Global Office and Regional Hubs shall be responsible for

- Creating awareness and enforcing the procedures and requirements that fall within the Policy
- Ensuring that all new staff are properly inducted on the Organization's policy on addressing sexual harassment by providing them with copies of this Policy
- Organize and providing periodic resilience training sessions (at least once a year) to staff and arrange for specialized training session for the confidential counsellors and members of the Gender Complaint Committee
- Ensuring that all reported incidents of sexual harassment are addressed in a professional and confidential manner, promptly and transparently
- Ensuring that reported incidents are handled sensitively and with respect for the dignity of the persons involved
- Reporting any incidents of sexual harassment observed, both, within and outside of their unit to the Gender Complaint Committee
- Periodically, review the effectiveness of the policy in deterring sexual harassment and update the Policy at least every two years after consultation staff, management and relevant donors
- Providing logistical support to the structures for implementing this Policy, including ensuring that an inclusive and well-resourced Gender Complaint Committee is constituted and allowed sufficient time and leeway to undertake its mandate

**All employees, and partners have a responsibility to**

- Ensure that they do not engage in sexual harassment or otherwise breach this policy
- Report any incidences of sexual harassment in the workplace
  - If the alleged perpetrator is a line manager/ supervisor or director then the report should be directed to the next or most senior staff –, and if this is not available, to the Chief Operations Officer.
- Offer support to anyone who is being harassed and let them know where they can get help and advice (they should not however approach the harasser themselves)
- Maintain complete confidentiality of information and cooperate during the investigation of a complaint.

**The (Gender) Complaint Committee ((G)CC) is responsible for**

- Responding promptly and effectively to all reports of sexual harassment, gendered discrimination or sexual misconduct.
- Hivos will take immediate action to eliminate the harassment, prevent its recurrence and address its effects. A criminal investigation into allegations of sexual harassment or sexual violence does not relieve GCC of its duty to resolve complaints promptly and equitably.

**Victims of sexual harassment/ misconduct should be aware**

- That the GCC administrators must issue immediate timely response for incidents reported to them.
- GCC will make every effort to ensure that the survivor's name and other identifying information are not disclosed, while still providing enough information and transparency on the matter.

### **3. REPORTING AND DOCUMENTING SEXUAL HARASSEMENT**

This policy section is adopting specific complaints procedures to deal with sexual harassment in order to respond effectively to the needs of survivors and to ensure that investigations are carried out properly. Further, victims of sexual harassment may want to resolve the matter in different ways. Some may opt for an informal resolution and for the matter to stop, others may want more formal measures. Where else informal resolution mechanisms may be inappropriate where the allegations are serious but vague to proof or where the harasser is also the victim's supervisor, or a beneficiary of our work, Hivos will adopt procedures that reflect the safety those we serve, and those in vulnerable position as well as take into account the different needs and ways of resolving conflict as rooted in the social and geographic contexts we work in.

#### **3.1 Guiding principles**

The policy includes language that:-

- states that sexual harassment will not be tolerated
- defines and provides examples of sexual harassment and other prohibited conduct
- outlines a procedure for employees and partners to make complaints about sexual harassment, and encourages all employees (not just victims of harassment) to report incidents of unwelcome sexual conduct
- provides several avenues for an employee to report sexual harassment including options that bypass supervisors/managers, who might be the alleged harasser
- assures that all complaints will be handled as confidentially as possible
- guarantees that employees and partners who complain about sexual harassment will not suffer adverse job or grants consequences (retaliation) as a result of the complaint
- states that any employee who engages in unwelcome sexual conduct or harassment is subject to discipline, up to and including discharge, and
- requires relevant directors or managers to immediately report suspected sexual conduct
- requires that all employees and those under a contractual agreement with Hivos must become completely familiar with Hivos Integrity Policy as well as this policy addressing or prohibiting sexual harassment.

#### **3.2 The Role of Confidential Counsellors**

Confidential counsellors will be appointed in all of our offices. Hivos will make use of both internal (staff member) and external confidential counsellors to give those affected a choice. The Confidential Counsellor is the first point of contact for employees, partners, contract partners and volunteers/interns who have been affected by undesirable behavior, such as sexual harassment, bullying, discrimination, aggression or violence. The role of the confidential counsellor is to offer support in cases where an employee might experience a barrier in addressing issues directly to his manager, the Board and/or the HR department. Autonomously, the counsellor listens to the concerns of the employee and has an advisory and confidential role. The role is described in "Confidential Counsellor Regulations".

**The tasks of the confidential counsellor include:-**

- Provide guidance and support to employees that have experienced undesirable conduct in their work place such as bullying, sexual harassment or aggression, labour conflicts and issues related to integrity;
- Inform employees on the different resources available for solving the issue(s), either on an informal or formal basis such as through a complaint procedure;
- Provide support to an employee (if desired) to address the issue with Management, the Board or Supervisory Council;
- Encourage (where needed) an employee to independently seek out support with external specialist such as general physician, occupational physician or a lawyer;
- Process received reports under strict confidentiality;
- Anonymous registration of alerts and yearly reporting to the Board;

- Advising and supporting the Management Team and organization in preventing unwanted conduct;
- Actively pursuing the outcome of a reported issue to see if the case is satisfactorily resolved.

### **Ethics Statement for Confidential Counsellors**

These statements reflect the collective values to which Hivos Confidential Counsellors aspire. They are reflective of individuals that care about people and about serving the best interests of Hivos Staff. The statements contained below represent a synthesis of thought and discussion. They are developed within the context of the Hivos Integrity Policy and are in every respect complimentary to this policy addressing sexual harassment. The fundamental principles include:-

1. **Confidentiality** is one of the most important aspects of building a strong rapport with those who report sexual harassment. Which is why it's a counselor's duty to not only notify them of your privacy policies, but explain in detail any circumstance in which the confidentiality agreement during their encounter gets broken. Generally, confidential counselor have to break confidentiality with the client
  - If the client may be an immediate danger to himself or others
  - As required by state laws
2. **Working towards the good of staff and doing no harm** (Beneficence and Non-maleficence)  
Confidential counsellors hold the welfare of staff central to their work and so commit to avoiding harm.
3. **Being trustworthy and responsible** (Fidelity)  
Confidential counsellors endeavor to establish trust with their staff and the organization in which they work. Therefore, confidential counsellors not only honor the trust placed in them by the staff but also act in a respectful, professional and ethical manner when representing their role.
4. **Respect for the dignity and rights of the staff** (Autonomy)  
Staffs have the right to self-determination and to be shown dignity and respect for making their own lawful decisions.
5. **Justice**  
Confidential counsellors are aware of their own judgements based on their own experiences, and need to take precautions (supervision) to provide a service that is not restricted by their own prejudice and limitations of experience. This also means showing respect for diversity of persons, without prejudice to color, race, belief, gender, sexuality, social context, and mental and physical abilities.
6. **Integrity and self-responsibility**
  - Confidential counsellors work to be as honest, truthful and accurate as possible. They are also responsible for looking after their own needs and health. So, a counselor will only commit to a role that they can offer being aware of own expertise, training, health and wellbeing and let the organization know if anything changes
  - Decline with explanation, inappropriate gifts, gratuities or favors from a staff. Examples include, but are not limited to: financial gifts, event or discount vouchers, objects of substantial monetary value.
  - Remain aware of their own limitations and wherever appropriate, be prepared to refer a staff to a practitioner or medical adviser who might be expected to offer suitable treatment.
  - Take all reasonable steps to ensure the safety of the staff and any person who may be accompanying them.
  - Deliver services in an appropriate way. Face to face is the preferred methodology, although we recognize that phone and online mediums can be suitable in certain circumstances.

**All Confidential counsellors will therefore undertake to:**

- a) Work in ways that promote staff autonomy and well-being and that maintain respect and dignity for the staff.
- b) Demonstrate a fully developed, professional awareness of diversity issues; and specifically not permit considerations of religion, nationality, gender, health status, sexual orientation, marital status, age, disability, politics or social standing to adversely influence.
- c) Refrain from using their position of trust and confidence to:
  - o Cross the boundaries appropriate to the therapeutic relationship. This includes, but not limited to: having sexual relationships with or behaving sexually towards staff, supervisees or trainees; maintaining the confidentiality of counselling as far as the law allows; or by exploiting them emotionally, financially or in any other way whatsoever.
  - o Touch the staff in any way that may be open to misinterpretation, for example, but not limited to: a hand on the knee, or a supportive hug. N.B. Before using any touch as a component of counselling, an explanation should be given, and permission received. This can be verbal permission and should be written in case notes.

### **3.4 Complaints Procedures<sup>3</sup>**

This policy provides several avenues for which employees or Hivos partners can make a formal or informal complaint. Hivos encourages the use of confidential counsellors and whistle blowing mechanisms as the first points of contact – as a way of bypassing supervisors, who might be the alleged harasser. When a sexual harassment of any type is received, the employer has a legal, ethical, and employee relations obligation to thoroughly investigate the claims. The confidential counsellor nor the employer can't decide whether to believe those reporting but must take him or her at their word. In all circumstances, the person accused will be informed that a complaint has been filed and that no acts of retaliation or unethical actions will be tolerated. However, the accused person should be assured that a fair and just investigation will be conducted on their behalf as well as that of the complainant thorough out the investigation period.

Additionally, Hivos differentiates between internal and external procedures. The internal procedure concerns cases where Hivos staff members are involved in the committing of sexual harassment or misconduct and gendered discrimination. The external complaints procedure will be put in motion when sexual harassment is committed by someone that is under contract of Hivos i.e. partner organization, suppliers, consultants or any other party holding a contractual agreement with Hivos. Furthermore, within the internal procedure, we distinguish a formal and an informal procedure. The informal procedure can be the first step to solve a case through dialogue and/or consent. If the informal procedure is not possible or desirable or if the procedure did not lead to a solution, the formal complaints procedure can be initiated.

If someone wants to report Sexual Harassment anonymously, he or she can use the Whistle-Blower Facility through SeeHearSpeakUp<sup>4</sup>.

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<sup>3</sup> <https://www.hivos.org/assets/2019/02/Hivos-Complaints-Procedure-feb-2019.pdf>

<sup>4</sup> <https://www.hivos.org/assets/2019/02/Hivos-Whistleblower-Facility-feb-2019.pdf>

## Steps

1. Establishment of a Gender Complaint Committee within 2 weeks after lodging of complaint
  - The Board of Directors (or Regional Director) oversees the establishment of an ad hoc Gender Complaint Committee in consultation with the Works Council. The Gender Complaint Committee consists of 2 or 4 (according to union rules) independent expert members, including in any event one member with legal expertise.
  - The Board of Directors (or Regional Director) and the Works Council each nominate one member. A third member, who is also the chairman, is nominated jointly. None of the members can be Hivos' employee and at least one of them is female. If someone is in any way involved in the complaint, this person is excluded from participating in the
  - Hivos provides the Gender Complaint Committee with the resources and facilities required for its duties, including administrative support. The Gender Complaint Committee may, if needed, call in the assistance of an external expert. Any related costs are borne by Hivos.
2. The Gender Complaint Committee assesses if and to what extent a complaint is admissible within 2 weeks.
3. The Gender Complaint Committee institutes an inquiry into the circumstances of the complaint and advises on measures to be taken within 6 weeks.
4. The Gender Complaint Committee advises on request or at its own initiative, on the problem areas concerning the sexual harassment.

## Informal Complaints Mechanism

- The complainant lodges the complaint to the confidential counsellor. If desired by the complainant the confidential counsellor acts as a point of contact and offers direct advise on 'first-aid' support (medical, psychological, legal or otherwise) for the complainant to the Board/Regional Director
- If desired by complainant, the confidential counsellor and complainant can investigate whether the complaint can be resolved between the complainant and the accused, through dialogue/mediation and/or through referral to independent experts such as psychologists, psychotherapists etc. The independent expert can be selected either by the complainant her/himself or in consultation with the confidential counsellor/HR.
- When both the complainant and the accused have reached agreement on a dialogue to resolve the situation, mediation by an independent mediator or referral to external independent experts is possible. With the complainant's consent, the confidential counsellor notifies the Executive or Regional Director of the request for investigation, mediation, psychological or legal support.

## Formal Complaints Mechanism

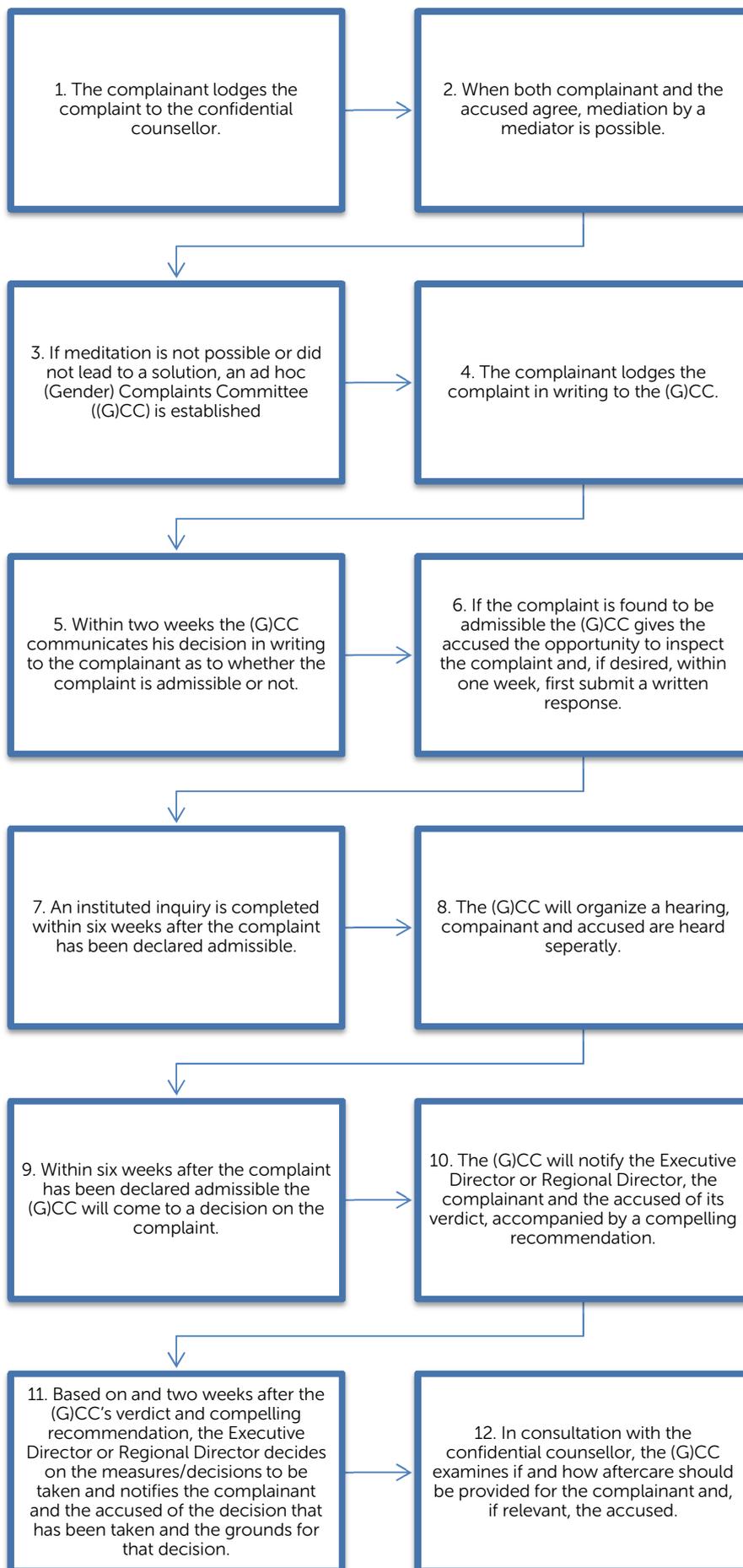
- The internal formal complaints mechanism regarding inappropriate behaviour is described in the "Hivos Integrity Policy". This procedure will also be followed in cases of sexual harassment and misconduct and gendered discrimination whereby the role of a Complaints Committee will be taken over by a Gender Complaint Committee. The formal internal complaint procedure will be established in every office where Hivos works and should be applicable to local laws and regulations. (See the diagram with the procedure.)

## External Complaints Mechanisms

Hivos efforts in this area are focused on safeguard measures that entail:-

- 1. Sharing of and exchange on Hivos' point of view on sexual harassment** -Hivos aims on securing awareness for all contractors, suppliers and other personnel associated with Hivos. Relevant actions include:-
  - Share, Hivos integrity policy January 2016 and Code of Conduct as annex to all contracts and discussed in inception meetings for new programs. In the "Hivos standard purchase conditions" with partners and consultants a reference to the Hivos Corporate Social Responsibility policy will be pointed out.
  - Topics on Gender Equality, Diversity Inclusion and Addressing Sexual Harassment will be included as part of the induction process e.g. through the e-learning module for Hivos and offer the opportunity to implementing partners.
  - The design and distribution of awareness raising materials (posters and leaflets) including information on the Whistle Blowers facility.
- 2. Ensuring that contracted partners, suppliers and consultancy firms have sexual harassment policy and procedures in place:-**
  - The "Hivos General Terms and Conditions" include requirements for partners to set up and develop Integrity Policies, including safeguarding policies around sexual harassment.
  - Hivos will offer training and reflection moments around gender equality, diversity inclusion and sexual harassment safeguards as part of programme inception or induction process.
- 3. Ensuring that all parties are well informed on how to lodge sexual harassment complaints**
  - Develop awareness raising materials (posters and leaflets) that include information on the whistle blowers facility. These will be made available to partners, target groups and final beneficiaries.
  - The Hivos Whistle-blower Facility is described in the Hivos General Conditions that are part of the Hivos contracts with partners and the procedure applies to all partners, suppliers, consultants contracted by Hivos. A link to the Whistle-Blower facility will clearly be mentioned in contract documents.
- 4. Developing and implementing a procedure for External Complaints**
  - Besides an internal confidential counsellor, every region should provide an external confidential counsellor. The external confidential counsellor will pick up a case if:
    - a. the internal confidential counsellor is not available;
    - b. the internal confidential counsellor him- or herself is too closely connected to the situation;
    - c. there are trust issues between the complainant and the confidential counsellor;
    - d. the complainant is not working for Hivos.
  - An external complainant should be contacted by this external confidential counsellor directly after Hivos received his/her complaint. The responsibilities for this role are comparable to the role of the internal confidential counsellor but should include:
    - check if the complainant is in need of mental or physical support, and if so organize this;
    - giving advice on how to start a complaints procedure;
    - guidance in the complaints procedure.
  - Hivos will investigate if we can participate in a joint complaints mechanism in our areas of operation. We endorse that it would be better to engage an independent external authority in case of external complaints.
  - In the meantime mediation and/or our formal procedure of the (G)CC will also be applied on external complainants.

Diagram 1: Formal Reporting/Complaint Procedure (Gender) Complaints Commission



### 3.5 Whistle Bowlers Facility<sup>5</sup>

Should the nature of the matter be such that reporting it, or obtaining advice via the confidential counsellor be unattainable, undesired or inappropriate then the following alternatives are available via the online whistle blower mechanism. Also if complainants are unsure whether (s)he should raise an issue under this policy, or need external advice as to how to do deal with concerns- (s)he can use the Whistle-Blower Facility..

The staff managing the whistle blowing account will undergo a special training to handle sexual harassment cases. He/she will always have to consult with the relevant confidential counsellor and the GCC.

#### **Procedure for whistle blowers**

If you wish to raise or discuss any issues which might be subject to this policy the following will then happen:

- You will be encouraged but not forced to give your name as anonymous information is difficult to investigate or handle.
- If appropriate you may be asked to put your concerns in writing. The matter will though be discussed fully with you.
- A meeting will be held as soon as is practicably possible after the matter has been raised.
- The matter will then be assessed, as will its possible impact on you, Hivos or a partner of Hivos. If it can be resolved you will receive a written note of the decision and any action proposed.
- If further action is needed an investigation will be undertaken. Decisions will be taken on how to handle the case, including your contact arrangements. You may need to attend an investigative hearing as a witness. Senior managers (Hivos or partner organization) may be involved. Steps will be taken to ensure that your working environment and/or working relationship is/are not prejudiced by the fact of your disclosure.
- Disclosures will be treated in a sensitive and confidential manner.
- Efforts will be made to find independent and separate evidence for any reported suspicion. However, it may not be possible to progress or conclude matters unless the reporting individual is prepared to have their name cited in wider discussions. In such a situation, your consent would usually be obtained before further action is taken.
- The investigation process may reveal the source of the information. The individual making the disclosure may need to provide a statement as part of the evidence gathering.

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<sup>5</sup> <https://www.hivos.org/assets/2019/02/Hivos-Whistleblower-Facility-feb-2019.pdf>

## 4. SANCTIONS AND DISCIPLINARY MEASURES

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If any parties involved are unhappy with the way the complaint handling procedure was managed, an appeal process can be lodged with Hivos Executive Board or in some cases through the Supervisory Council. Once notified, they will conduct a review of the procedure followed; the outcome issued and make a final determination on the issue. Once this determination is made, the person who has made the appeal will be notified of the outcome and this determination will be final.

The outcomes of a formal or informal complaint procedure will depend on the nature of the complaint, its severity and what is deemed appropriate in the relevant circumstances.

- If there is not sufficient evidence to substantiate the complaint, the GCC and the management will advise the Complainant and Respondent in writing of the finding that no further action will be taken.
- Where the results of an investigation procedure find on the balance of probabilities that the allegations of sexual harassment are substantiated, appropriate disciplinary procedures will be followed in line with this policy and a disciplinary action will depend on the nature and severity of the behavior and may include termination of employment, which may be instant dismissal where serious misconduct is deemed to have occurred.
- Where the complaint involves a contractor or those in contractual partnership with Hivos - such a grantee or consortium partner and an investigation process reveals that a person has engaged in unlawful conduct or other behavior which is prohibited by this policy, those concerned may face termination of their contracts immediately.
- In addition to the remedies provided in Hivos Integrity and Cooperate Social Responsibility Policy other actions may be deemed necessary to resolve or remedy the behavior complained of, including but not limited to:-
  - Providing resilience training to employees concerned regarding sexual harassment;
  - Requiring employees who have breached this policy to apologize to appropriate person(s);
  - Adjusting working arrangements where appropriate;
  - Providing counselling to employees (complainant and the respondent);
  - Create an agreement with the Respondent that will stop the offending behavior;
  - Placing employees on performance improvement plans to ensure improved behavior;
  - Providing coaching and mentoring.
  - Conciliation / mediation conducted by an impartial third party to seek a mutually acceptable solution;
  - Disciplinary action in the form of verbal, written or final warning; and / or
  - Dismissal.

## 5. POLICY IMPLEMENTATION

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Hivos will ensure that this **policy is widely disseminated** to all relevant persons. It will be included in the staff induction packages and partner contracts. All new employees will be trained on the content of this policy as part of their induction and as part of the mandatory resilience training for all Hivos employees. Whenever necessary, Hivos will require all employees to attend a refresher training course on the content of this policy as linked to the Gender Equality and Diversity Inclusion Module. It is the responsibility of every manager to ensure that all his/her staff are aware of the policy.

### Action points

- Provide information and staff resilience to ensure harassment and discrimination does not occur within the workplace, and that staff are able to give and receive feedback.
- Disseminate the sexual harassment policy and procedures on a regular basis.
- Ensure confidential counsellors are appointed and have received relevant training at each Hivos offices globally.
- Always institute a fair and timely complaint and response procedure.
- Provide training for managers and supervisors to assist them in the identification of unacceptable behavior within the workplace.
- Ensure managers and supervisors communicate and respond appropriately to situations where such behavior is observed or reported.
- Continuously establish a positive workplace culture and shared values, through promotion and awareness around gender equality, diversity inclusion and healthy workplace practices by colleagues, partners and their peers.

## 6. MONITORING AND EVALUATION

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Hivos recognizes 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. Confidential counsellors, 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, Hivos will evaluate the effectiveness of this policy and make any changes if needed. Monitoring of this policy will be done through different means, including questionnaires completed by employees, partners and feedback from survivors whenever possible or those who work in handling the complaints procedure.

<b>Review Date:</b> 15/08/2018	<b>Approved By:</b> Executive Director	<b>Review Cycle:</b> Every 2 Years
	<b>Next Review Date:</b> 15/12/2021	<b>Reviewed By:</b> Human Resources Departement