

Annex 3:

Anti-Harassment and Violence Protocol

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1. Introduction

- 1.1. AIESEC has approved the present “Harassment and Violence Protocol” (hereafter ‘Protocol’) with the commitment of preventing and tackling sexual harassment, sex or gender-related harassment and/or psychological harassment, as this type of conduct represents a threat to the dignity of persons, damages the workplace atmosphere and has negative effect on the health, moral, confidence and self-esteem of individuals.
- 1.2. With this in view, the present Protocol defines conducts to be avoided as well as specific measures aimed at prevention.
- 1.3. It also explains how to process charges or claims that may be presented by individuals who have been victims of the said type of conduct.
- 1.4. Consequently, an efficient and agile investigation procedure has been established that will be implemented when the said type of conduct is reported. The said procedure should guarantee confidentiality and protect the identity of the individuals affected and of all those taking part in the process.

2. Principles

- 2.1. AIESEC’s vision states that “We aim to achieve peace & fulfilment of humankind’s potential”.
- 2.2. AIESEC’s values are: “Acting Sustainably, Striving for Excellence, Enjoying Participation, Activating Leadership, Living Diversity, and Demonstrating Integrity.”
- 2.3. AIESEC is a global, youth-run, non-political organization.
- 2.4. AIESEC aim to provide a safe environment for all our stakeholders to develop themselves in by providing an adequate working environment to ensure all our stakeholders are not being discriminated by race, colour, gender, sexual orientation, creed, and religion, national, ethnic and social origin, age, pregnancy, civil status, political convictions, social standing, disability, their life put at risk or where they would be harassed.

3. Applicability

- 3.1. The Protocol will be applicable to all people who work for & with AIESEC as well as to third parties present in the workplace. This includes all EP, and all levels within AIESEC members.
- 3.2. The sphere considered for any mode of harassment will be the work centre; consequently, if cases of harassment should occur outside the workplace, proof must be provided that the situation is directly work-related (for example, during global exchange products, CEED or MC term, conferences or events).
- 3.3. The Act of retaliation and/or Tampering of/with Harassment or Violence situations shall also be evaluated and reported as the concepts below stated, under the same investigation and reporting mechanisms.

4. Concepts

4.1. Sexual Harassment

- 4.1.1. Sexual Harassment is any conduct of a sexual nature, whether verbal or physical, with the purpose of infringing or that infringes on the dignity of a person, particularly when it generates an intimidating, derogatory or offensive environment.
- 4.1.2. Sexual harassment is distinguished from freely accepted and reciprocal advances to the extent that sexual harassment is unwanted by the person object of the said advances. As an example, and without excluding or limiting other aspects, the types of conduct described below could be considered sexual harassment.
- 4.1.3. Conduct understood as sexual harassment
 - 4.1.3.1. Verbal conduct can be classified as unwelcome sexual insinuations, propositions or pressure to enter into sexual intercourse, insistence to take part in social activities outside the workplace once an individual has clearly stated that the said insistence is inappropriate and unwarranted; offensive flirting; insinuating, indirect or obscene comments; unwanted telephone calls; jokes or comments on a person's sexual appearance.
 - 4.1.3.2. Nonverbal conduct can be classified as Exhibition of sexually suggestive or pornographic photographs, of objects or texts, indecent looks, whistles or gestures; offensive letters or e-mail messages with sexual contents.
 - 4.1.3.3. Physical conduct - can be classified as deliberate and unwanted physical contact, unwanted hugs or kisses, excessive and unnecessary physical nearness.
- 4.1.4. Types of sexual harassment
 - 4.1.4.1. Two types of sexual harassment can be distinguished based on whether the above indicated behaviour implies an element of coercion or not.
 - 4.1.4.2. "Quid pro Quo Harassment" This consists in forcing the victim to choose between accepting sexual advances or losing/seeing reduced certain work benefits or conditions that affect that person's access to professional training, employment, promotion, salary or any other decision connected with these issues. As this behaviour implies abuse of authority, the individual involved will have the power, whether directly or indirectly, to provide or refuse certain work benefits or situations.
 - 4.1.4.3. "Environmental Harassment" The subject involved in the harassment creates a work environment that is intimidating, hostile, derogatory, humiliating or offensive for the victim, due to unwelcome attitudes and behaviour of a sexual nature. This

may involve any stakeholders involved with AIESEC, including employees of the company organizations that we work with, host family, etc., regardless of their position or status, or third persons with access to the Branch

4.2. Sex and/or Gender related Harassment

- 4.2.1. Any conduct, based on a person's sex, gender and/or sexual orientation, with the purpose of infringing or that infringes on the dignity of the person and generates an intimidating, derogatory or offensive environment.
- 4.2.2. Conduct understood as sex related harassment
 - 4.2.2.1. Below is a list of examples of behaviours or conducts that, if conducted in relation to a person's sex/gender or sexual orientation and with the intention of infringing against a person's dignity, without excluding or limiting other aspects, could be considered sex-related harassment:
 - 4.2.2.1.1. Ignoring or excluding a person.
 - 4.2.2.1.2. Unfair or biased assessment of a person's work.
 - 4.2.2.1.3. Assigning tasks or work below a person's professional capacity or skills.
 - 4.2.2.1.4. Explicit or implicit behaviour aimed at making decisions on a person's access to professional training and job scope, to the continuity of employment, salaries and/or subsidies or any other decision on these issues.
 - 4.2.2.1.5. Unfavourable treatment due to pregnancy or maternity situations.
 - 4.2.2.1.6. Stipend variation for professionals with the same responsibilities.

4.3. Psychological Harassment (Mobbing)

- 4.3.1. For the purposes of this Act, "psychological harassment" means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee. For greater certainty, psychological harassment includes such behaviour in the form of such verbal comments, actions or gestures of a sexual nature. A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment.
- 4.3.2. Conduct understood as psychological harassment(Mobbing)
 - 4.3.2.1. Below is a list of examples of specific behaviours that, if they comply with the definition indicated in the previous point, may be considered psychological harassment at the workplace, without excluding or limiting other aspects:

- 4.3.2.1.1. Harassment based on organisational measures:
 - 4.3.2.1.1.1. Forcing a person to perform tasks that go against their conscience.
 - 4.3.2.1.1.2. Offensively judging a person's performance, concealing that person's efforts and skills.
 - 4.3.2.1.1.3. Questioning and disavowing a person's decisions.
 - 4.3.2.1.1.4. Not assigning any tasks, or assigning pointless or degrading tasks.
 - 4.3.2.1.1.5. Refusing or concealing the means to perform a task, or providing incorrect data.
 - 4.3.2.1.1.6. Assigning tasks that are clearly above the skills or qualifications of the person, or that require qualifications far below those held by the person.
 - 4.3.2.1.1.7. Giving contradictory or impossible orders.
 - 4.3.2.1.1.8. Manipulating work tools (for example, deleting computer files).
 - 4.3.2.1.1.9. Stealing belongings, documents, tools, etc.
 - 4.3.2.1.1.10. Threatening or putting pressure on the people who support the person being harassed.
 - 4.3.2.1.1.11. Manipulating, concealing, returning a person's correspondence, calls and messages.
 - 4.3.2.1.1.12. Refusing or complicating access to permits, courses, activities, etc.
 - 4.3.2.1.1.13. Harassment based on reducing communication possibilities.
 - 4.3.2.1.1.14. Changing people to a different place to separate them from colleagues (isolation).
 - 4.3.2.1.1.15. Ignoring the presence of a person.
 - 4.3.2.1.1.16. Not speaking to a person.
 - 4.3.2.1.1.17. Restricting colleagues from speaking to a person.
 - 4.3.2.1.1.18. Not allowing a person to express his/her views.
 - 4.3.2.1.1.19. Avoiding all visual contact.
 - 4.3.2.1.1.20. Eliminating or restricting available means of communication (telephone, email..)
- 4.3.2.1.2. Activities that affect the physical or psychological health of the victim:
 - 4.3.2.1.2.1. Threats or physical aggression.
 - 4.3.2.1.2.2. Verbal or written threats.
 - 4.3.2.1.2.3. Shouting at or insulting a person.
 - 4.3.2.1.2.4. Threatening telephone calls.
 - 4.3.2.1.2.5. Provoking a person, forcing a person to react emotionally.
 - 4.3.2.1.2.6. Intentionally generating expenses to affect the person.
 - 4.3.2.1.2.7. Damaging a person's workplace or belongings.

- 4.3.2.1.2.8. Requiring a person to perform jobs that are dangerous or damaging for a person's health.
- 4.3.2.1.3. Criticising a person's private life or an individual's personal or professional reputation:
 - 4.3.2.1.3.1. Manipulating an individual's personal or professional reputation through spreading rumours, degrading remarks or ridiculing an individual.
 - 4.3.2.1.3.2. Making it understood that a person has psychological problems, trying to make them go for a psychological examination or diagnosis.
 - 4.3.2.1.3.3. Making fun of gestures, voice, physical appearance, disabilities, giving people nicknames, etc.
 - 4.3.2.1.3.4. Criticising a person's nationality, political or religious attitudes and beliefs, private life, etc.

5. Protocols for Resolutions

5.1. Incident Report

- 5.1.1. Any case detected must be reported in writing format (email, letter) by the person affected or by a third party who is aware of any case of sexual harassment, sex-related harassment and/or psychological harassment. The said person must identify him/herself.
- 5.1.2. Anonymous notices should be avoided due to the possible necessity of conducting interviews but are not forbidden.
- 5.1.3. The written report/charge sheet will be sent by email, or by any other means that provide proof of delivery, to any of the people who form part of the "Harassment Prevention Committee", which will study and investigate the case.
- 5.1.4. In case of not knowing who composes the entity's "Harassment Prevention Committee" the person reporting the case can forward the incident to its AIESEC Local or Member Committee or appealing boards (Such as ECB and ICB).
- 5.1.5. An investigation will always take place regardless of the data provided in the report, although it must be stressed that the investigation will take less time and will be more efficient if as much information and details as possible are included in the report. Consequently, we recommend that the report should include the following information, at least:
 - 5.1.5.1. The people involved.
 - 5.1.5.2. Types of conduct.
 - 5.1.5.3. Dates and places where the said behaviour took place.
 - 5.1.5.4. Possible witnesses.
 - 5.1.5.5. Identification of the potential harassment victim.

5.2. Harassment Prevention Committee Procedures and Report

- 5.2.1. Every AIESEC Member Committee should have in place a "Harassment Prevention Committee" from the first day to the whole duration of the MC term. The contacts of such a committee should be available for its national and global plenary.
- 5.2.2. The Committee will study and assess each case, it will have the right of access to all the information and documents required to solve a claim and its agreements will be adopted by a majority vote of its members. It will function in accordance with its internal regulations, which will be approved by the Committee at its first meeting, and in full accordance to everything described in the most current AEPP document and its Annexes.
- 5.2.3. The Committee consists of:

- 5.2.3.1. Member Committee President or any other Legal representative inside the MC.
- 5.2.3.2. At least one & maximum of two external (Advisors, Lawyer and/or Psychologist).
- 5.2.3.3. National Entity Ethics Subcommittee Chair or Ethics responsible.
- 5.2.3.4. For exchange related cases: ECB Chair must be included.
- 5.2.4. For cases involving Exchange Participants, and being reported after the realization/departure of the potential harassment victim/involved from the Hosting Entity, The Committee should consist of:
 - 5.2.4.1. Member Committee President or any other Legal representative inside the MC, of both Sending and Hosting Entity.
 - 5.2.4.2. ECB Chairs from both SE and HE can be included.
 - 5.2.4.3. At least one & maximum of two external (Advisors, Lawyer and/or Psychologist) of the HE.
 - 5.2.4.4. National Entity Ethics Subcommittee Chair or Ethics responsible from HE.
 - 5.2.4.5. Such change should aim to guarantee the neutrality and fairness of the investigation.
 - 5.2.4.6. The competence/responsibilities of this Committee are:
 - 5.2.4.6.1. Receive all reports, complaints, claims, suggestions or consultations in relation to harassment situations.
 - 5.2.4.6.2. Create timeline, materials, tools - And implement education on the contents of this protocol for all its national members, exchange participants and stakeholders.
 - 5.2.4.6.3. Investigate alleged cases of sexual harassment, sex-related harassment and/or psychological harassment.
 - 5.2.4.6.4. Perform any tests of a documentary nature or interviews required.
 - 5.2.4.6.5. Guarantee a strict level of confidentiality in relation to the issue and the people involved and provide equal treatment to all parties.
 - 5.2.4.6.6. Prepare a detailed report that will include relevant proposals concerning measures to be adopted.
 - 5.2.4.6.7. Follow-up each report made, attaching any actions implemented as an annex to each report.
 - 5.2.4.6.8. Respond to Authorities, Media, Global Plenary, Internal and Externals for claims if it's needed.
 - 5.2.4.6.9. Provide the possibility of free counsellor/psychological support for every Victim.
- 5.2.5. Report procedure
 - 5.2.5.1. Every case received should be investigated by the Committee and reported in the guidelines stated on this document, as well as the Compensation Table in Annex 2 of the APIP.

- 5.2.5.2. The committee must start the investigation of the case in a maximum of 24h after receiving the original claim and report the start of the investigation to the ICB Chair or Global ESC Chair (for cases involving members only), through a formal email containing:
 - 5.2.5.2.1. Date of the original claim made to the committee
 - 5.2.5.2.2. Brief of the case, including the date of the incident
 - 5.2.5.2.3. Committee member's names, roles and contact details
- 5.2.5.3. The committee must submit the final report within a maximum period of seven (7) working days from the moment the original claim is made to The Committee. The report should be sent in the format stated on clause 6 of this annex, signed by all members in a PDF format, to AIVP Organizational Strategy and ICB Chair current. For cases involving members only, AIVP ESC Responsible and Global ESC Chair.
 - 5.2.5.3.1. A resumed copy of the said report should also be sent to the parties involved.

5.3. Incident Investigation Protocol

- 5.3.1. The Committee will deal with each case individually and will guarantee that the people affected are heard and supported at all times, as they may be going through a delicate situation, even isolation. All the people affected will be heard and supported at all times.
- 5.3.2. With this in mind, the Committee may conduct interviews or use other investigation techniques in relation to any of the parties involved, witnesses or third parties who may provide useful information. Every interview should be outputted, and if needed signed and kept for further issues.
- 5.3.3. The main objective of an interview is to discover the situation of the affected parties and, among other issues:
 - 5.3.3.1. Whether there is or has been a case of workplace harassment, its features, reasons, the phase it is in, etc.
 - 5.3.3.2. Who is considered to be embarking on the said harassment behaviour and the hierarchic relationship that exists.
 - 5.3.3.3. The situations in which the harassment takes place. Whether it takes place in the presence of other colleagues and, if so, how they reacted.
 - 5.3.3.4. If the case has been reported to a superior; how (verbally or in writing) and what response was given.
 - 5.3.3.5. To what extent the situation has affected the health of the person, including whether any specialist assistance has been required or whether the person has been on sick leave in recent months and for what reasons.
 - 5.3.3.6. Whether other colleagues have or have had similar problems with a view to obtaining additional information from them.

- 5.3.4. The interviews will be conducted in accordance with the following rules:
 - 5.3.4.1. If the Committee should decide to interview the harassed person and the person reported together; the said interview may only take place if both parties provide their express consent.
 - 5.3.4.2. Either of the parties will be granted an interview on request.
 - 5.3.4.3. All parties involved have the right to obtain assistance from representatives or advisors.

5.4. Confidentiality and Protection

- 5.4.1. The intention is that the procedure should be as speedy and efficient as possible and that the privacy, confidentiality and dignity of the people affected should be protected at all times.
- 5.4.2. Furthermore, the victim will be provided sufficient protection in relation to his/her health and safety, taking into account any possible physical and psychological consequences that may derive from the situation; providing special attention to the work-related circumstances of the alleged victim of harassment.
- 5.4.3. A strict level of confidentiality will be maintained throughout the entire procedure, and all internal investigations will be performed with tact and due respect to both the person reporting the case, the victim – who may not receive any unfavourable treatment due to the case - and to the person reported, whose guilt will not be presumed.
- 5.4.4. All people involved in the process will be under a commitment to confidentiality and will be identified in the Final report dossier.
- 5.4.5. The unauthorised dissemination of data of any nature in relation to the procedures will be considered a breach of contract and will be subject to disciplinary penalties.

5.5. Preventive Measures

- 5.5.1. With a view to preventing and avoiding behaviours that may be considered as harassment at the workplace, AIESEC will disseminate this Protocol through:
 - 5.5.1.1. AIESEC online platforms.
 - 5.5.1.2. Any other means through which the said objective can be achieved.
- 5.5.2. AIESEC will encourage specific training of all members of its organisation on sexual harassment, sex-related harassment and psychological harassment. Moreover, AIESEC will provide appropriate training for any members of its organisation who hold any type of responsibility in the procedures implemented for reporting the above mentioned types of harassment as a part of induction into the organisation.

- 5.5.3. Furthermore, AIESEC is committed to promoting respect and consideration among all its collaborators, preparing documents and performing any other action considered necessary to fulfil the purpose of this Protocol.

5.6. Sanctions and Disciplinary Actions

5.6.1. For AIESEC Entities:

- 5.6.1.1. Every Harassment Case tampered, unreported or in which the Investigation and Reporting flow are not respected, involving exchange participants, will be evaluated with ICB and both entities involved (SE and HE) will count with one (1) Official Case lost per exchange participant involved, per entity, if diagnosed that the involved entities was not compliant to the global guideline.

5.6.2. For Involved parties:

- 5.6.2.1. If the investigation concludes that an offence has been committed, it must be decided what the appropriate course of disciplinary action. It should be considered by the committee, among other things, the context in which the conduct occurred, whether the perpetrator had a history of previous misconduct and the level of harm caused. No case should be concluded with no follow up action, being it dismissal or disciplinary. Disciplinary measures can consist of warnings, suspensions and/or direct dismissal from the organisation.
- 5.6.2.2. If the perpetrator is disciplined but not dismissed, measures should be taken to both protect the victim in future and from retaliation, exposing, discomfort - And ensure there is no repeated misconduct.
- 5.6.2.3. If the perpetrator is dismissed, AIESEC should also ensure the victim has guidance to ensure its protection.
- 5.6.2.4. If the perpetrator is dismissed, AIESEC should do so through a formal meeting, and make sure all documents, interviews, and evidence are kept under the Harassment Investigation committee in case any future legal action is taken by any side.
- 5.6.2.5. If the Victim requests, AIESEC is responsible to assist in filling a legal/police complaint against the perpetrator, being available for requests to be responded by the Harassment Investigation Committee.

5.6.3. Reprisals

- 5.6.3.1. If reprisals should take place against or discriminate against the person who has presented the claim, the victim or other people involved in the procedure, whether any case of harassment (in any of its manifestations) has been established or not, the relevant disciplinary measures will be adopted.

5.6.4. False Testimony

- 5.6.4.1. In case it is discovered that no case of harassment, in any of its manifestations, has existed in relation to a claim and if it is considered that the claim has been presented in bad faith; the relevant disciplinary measures will be taken. Also, in case any party also presented an invalid report, or lied to protect or hide information.

6. Harassment Incident Report Letter

City, Territory, Date

I, *(Reporter Name)* through this letter would like to report the incident that took place in *(Country/territory)* involving *(mention all the involved parties names)*.

The incident as it follows *(please describe the incident in the following paragraphs, and provide testimonies in a separate letter, signed by the issuers. Mention separate letters attached, in this one paragraph.)*.

The Harassment Incident Committee of investigation is composed by: *(add here the name, current roles and contact of all committee members)*

Is the Reported Victim aware of the current report being issued? *() yes () no*

Does the victim have any restriction of contact? *() yes () no*

Reported Involved Parties: *(add here the names, AIESEC relation and contact)*

Date of the incident: *___/___/___ (DD/MM/YY)*

Possible Witnesses: *(add here the names, AIESEC relation and contact)*

Proofs being attached: *(add here a list of proofs being attached in a zip folder)*

Date of the report being submitted: *___/___/___ (DD/MM/YY)*

() I Acknowledge that I am raising an official report, attesting a Harassment situation, and that I might be requested to provide further clarifications for the Investigation Committee. I am also aware that I should inform the committee of any further incident or situation that might put someone under harm, retaliation, and if I need assistance. I am aware that this information is confidential, and I will comply with this matter.

(signature of reporter name)