

Prevention of Sexual Harassment Exploitation (PSHEA) Policy



**Resource Development Foundation (RDF)
(1st Edition-2023)**

Hosh
28.12.2023

Hosh

Contents

1. Introduction.....	1
2. The Policy Statement.....	1
2.1. Scope of the Policy.....	1
3. Definitions.....	2
3.1. Definition of sexual harassment.....	2
3.1.1) Physical conduct.....	2
3.1.2.) Verbal (Non Physical) conduct.....	2
3.1.3) Non-verbal conduct	2
3.1.4. Concerned Authority means:.....	3
The authority of Resource Development Foundation (RDF) which has powers to enforce disciplinary rules against any form of misconduct.	3
3.1.5. Disciplinary Rules Means:.....	3
Any acts/policies, ordinances/circulars and any Rules adopted under any ordinances/circulars, as enacted/promulgated by the Government Guideline or Directions imposed by Resource Development Foundation (RDF) to ensure discipline within the organization.	3
3.1.6. "Woman" means;	3
Awomanofanyageasdefined intheNarioShishuNirjatonDomonAin,2000 (Prevention of Cruelty against Women and Children Act 2000, also referred to as the Prevention of Women and Child Repression Act 2000, amended in 2003) of Bangladesh.	3
3.1.7. "Complainant"shallmean	4
4. Createawarenessandtraining:	4
5. Stepsfor Prevention	4
6. Complaints procedures.....	4
6.1. Informal complaints	5
6.2. Formal complaints	5
6.3. Outside complaints.....	6
6.4. Additional Complain Procedure	6
7. Complaint Committee	7
8. Working Procedures of the Complaint Committee	7
9. Sanctions and disciplinary measures.....	8
10. Implementation of this policy	8
11. Monitoring and evaluation	9


28.12.2023



1. Introduction

Resource Development Foundation (RDF) has been working as human resources development organization nationally since 1993. RDF is respectful in abiding by the to the Guidelines contained in the judgment dated 14.05.2009 of the High Court Division of the Supreme Court of Bangladesh, 2009 in Writ Petition No. 5916/2008, it was directed as follows: "In view of the inadequacy of safeguards against sexual abuse and harassment of women at work places and educational institutions whereby noble pledges of our Constitution made in so many articles to build up a society free from gender discrimination and characterized by gender equality are being undermined everyday in every sphere of life, we are inclined to issue certain directives in the form of guidelines as detailed below to be followed and observed at all work places and educational institutions till adequate and effective legislation is made in this field.

Resource Development Foundation (RDF) adopted a Gender Policy in order to achieve equality between men and women, and in the light of RDF's Service Rules, Policies and Guidelines. In view of the Guidelines of the Hon'ble High Court Division and in the current context, the Gender Policy has been reviewed, and the organization's "**Prevention of Sexual Harassment Exploitation (PSHEA) Policy**" shall hereby be treated as a part of the said Gender Policy and be effective immediately.

To make this Policy effective, a "Zero" tolerance approach will be adopted.

2. The Policy Statement

Resource Development Foundation (RDF) is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. **Resource Development Foundation (RDF)** will operate a zero tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

[Explanatory note: This explains in broad terms what the policy is about and sets out the intention of the organization in adopting the policy.]

2.1. Scope of the Policy

This Policy shall be applicable to the persons who have contractual relations with **Resource Development Foundation (RDF)** including staff members, Board Members, consultants, advisors, fellows, interns, external auditors and Panel Lawyers appointed to **Resource Development Foundation (RDF)**'s head office, unit offices at districts/Upazillas, schools, TVETS, Training Centers and partner organizations.

Provided that this Policy shall be enforceable upon the members of the Governing Committees at district and national levels


28.12.2023



3. Definitions

3.1. Definition of sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

3.1.1) Physical conduct


- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault, attempts or efforts to establish physical relationship having sexual implication by abuse of administrative, authoritative or professional powers.
- Physical contact, e.g. touching, pinching
- The use of job-related threats or rewards to solicit sexual favours

3.1.2.) Verbal (Non Physical) conduct

- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Sexually coloured verbal representation
- Sexually coloured remark or gesture, teasing through abusive language, stalking, joking having sexual implication.
- Showing pornography
- Insult through letters, telephone calls, cell phone calls, SMS, e-mails, social media, photo, notice, cartoon, writing on chair-table, bench, notice board, walls of office, factory, classroom and washroom having sexual implication.
- Taking still or video photographs for the purpose of blackmailing and character assassination;
- Repeated and unwanted social invitations for dates or physical intimacy
- Preventing participation in sports, cultural, organizational and academic activities on the ground of sex and/or for the purpose of sexual harassment;
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone or by email)

3.1.3) Non-verbal conduct

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


28.12.2023



[Explanatory note: This section defines sexual harassment. If examples are included, it is important to note that they are not exhaustive and that sexual harassment can include any conduct of a sexual nature which is unwanted and unwelcome by the recipient.]

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. [name of organization] recognizes that 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.

[Explanatory note: This recognizes that men and women can be victim of sexual harassment in the workplace.]

Resource Development Foundation (RDF) recognizes that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee.

Anyone, including employees of **Resource Development Foundation (RDF)**, clients, customers, casual workers, contractors or visitors who sexually harasses another will be reprimanded in accordance with this internal policy.

[Explanatory note: This section should be adapted to the needs of the organization based on _____ the _____ type _____ of work it does and the people who it serves. Employees are likely to come into contact with _____. Although it can be difficult for an organization to deal with sexual harassment when it is perpetrated by third parties, the organization is nonetheless responsible for the well-being of its workers if the harassment occurs during work. For example, companies where employees are in contact with _____ third parties, _____ such _____ as _____ hotels _____ or restaurants, should have specific policies to deal with sexual harassment of its workers by customers.]

All sexual harassment is prohibited whether it takes place within [organization name] premises or outside, including at social events, business trips, training sessions or conferences sponsored by [organization name].

[Explanatory note: This recognizes that harassment can take place both at the office, but also at social event where sexual harassment may be more likely to occur. This clause will vary according to the organization and the type of work/activity they carry out.]

3.1.4. Concerned Authority means:


The authority of Resource Development Foundation (RDF) which has powers to enforce disciplinary rules against any form of misconduct.

3.1.5. Disciplinary Rules Means:

Any acts/policies, ordinances/circulars and any Rules adopted under any ordinances/circulars, as enacted/promulgated by the Government Guideline or Directions imposed by Resource Development Foundation (RDF) to ensure discipline within the organization.

3.1.6. “Woman” means;

A woman of any age as defined in the Nari Shiksha Nirjatana Doman Ain, 2000 (Prevention of Cruelty against Women and Children Act 2000, also referred to as the Prevention of Women and Child Repression Act 2000, amended in 2003) of Bangladesh.


28.12.2023



3.1.7. "Complainant" shall mean

Women employee or staff member who has been victimized of sexual harassment and lodged complain under this Policy.

4. Create awareness and training:

- a) To create a safe environment and to deter and prevent gender discrimination, sexual harassment and violence in every work place of the organization, the employer/concerned authority shall give the utmost importance to awareness raising publications and campaign. To this end, orientations shall duly be arranged for all newly appointed employees, panel lawyers and interns, which shall be conducted by a woman and for this reason the responsible team shall include a woman.
- b) If required, necessary counseling shall be arranged for any concerned person
- c) The relevant articles of the Constitution and statutory laws which provide for women's rights shall be published in simple language in the manner of notifications to build the awareness of all;

5. Steps for Prevention

Resource Development Foundation (RDF)'s Gender Policy sets out various steps to remove gender discrimination.

The organization's employers, engaged employees and authority shall take effective measures to prevent sexual harassment. The following steps shall be taken to fulfill such duties:


- a) Taking extensive and effective measures to increase awareness, notify, publish and communicate the prohibitions on sexual violence and harassment contained in Clause 4 of this Policy.
- b) To extensively communicate the provisions on gender discrimination and sexual harassment contained in the constitution and statutory laws, and all offences regarding sexual violence and harassment;
- c) It must be ensured that the work environment is not hostile for women and the belief and confidence must be created among women employees of the organization that they are not in an unwelcome environment compared to their male co-workers.

6. Complaints procedures

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. RDF recognizes that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser.

If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment. This person could be another supervisor, a member of the human resources department, etc.

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


28.12.2023



- immediately record the dates, times and facts of the incident(s)
- ascertain the views of the victim as to what outcome he/she wants
- ensure that the victim understands the organization's procedures for dealing with the complaint
- discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the victim
- ensure that the victim knows that they can lodge the complaint outside of the organization through the relevant country/legal framework

[Explanatory note: It is important to give the victim options for reporting the matter and this will depend on the structure of the organization. The need for options for reporting is very important because having one person only to report to limits the ability of the victim to avail themselves of the complaints procedure. If for example, the harasser is also the designated person, the designated person is away on leave, or the victim would rather report it to a woman than a man or to a man than a woman and the designated person is a man, woman etc.]

Throughout the complaints procedure, a victim is entitled to be helped by a counsellor within the organization. [organization name] will nominate a number of counsellors and provide them with special training to enable them to assist victims of sexual harassment. [organization name] recognizes that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. [organization name] understands the need to support victims in making complaints.

[Explanatory note: In many large companies, certain employees are designated as counsellors to help victims of sexual harassment navigate the complaints procedures.]

6.1. Informal complaints

If the victim wishes to deal with the matter informally, the designated person will:

- give an opportunity to the alleged harasser to respond to the complaint
- ensure that the alleged harasser understands the complaints mechanism
- facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the organization to resolve the matter
- ensure that a confidential record is kept of what happens
- follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped
- ensure that the above is done speedily and within [15] days of the complaint being made

6.2. Formal complaints

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

The designated person who initially received the complaint will refer the matter to a senior human resources manager to instigate a formal investigation. The senior human resources manager may deal with the matter him/herself, refer the matter to an internal or external investigator or refer it

Aosh
28.12.2023

[Signature]

to a committee of three others in accordance with this policy [RDF may choose what options are most appropriate for the organization].

The person carrying out the investigation will:

- interview the victim and the alleged harasser separately
- interview other relevant third parties separately
- decide whether or not the incident(s) of sexual harassment took place
- produce a report detailing the investigations, findings and any recommendations
- if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e. - an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome
- if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
- keep a record of all action taken
- ensure that all records concerning the matter are kept confidential
- ensure that the process is done as quickly as possible and in any event within [7] days of the complaint being made


6.3. Outside complaints

A person who has been subject to sexual harassment can also make a complaint outside of the organization.

[Explanatory note: This section is intended to inform employees of their rights to use other national mechanisms that may be available to them. Some employees may not feel comfortable bringing a complaint through the disciplinary measures at work and they should be informed of their right to seek redress elsewhere. The internal policy of an organization cannot prevent an employee from also using the national mechanisms available to him or her.]

6.4. Additional Complain Procedure

- a) The complaint may be lodged by the victim or through a relative, friend, lawyer by appearing in person or through post office, SMS and e-mail ceo@rdfbd.org
- b) The complainant may separately complain to a woman member of the Complaints Committee;
- c) A complain Box shall be preserved at a visible place in all offices of Resource Development Foundation (RDF) including Head Office, and the complainant may drop her complaint into this Box. Provided that the Complain Box shall be opened and examined by any member of the complaint committee/responsible officer and if any complaint found, the complaint shall be deemed as received on the date of receipt;
- d) The complaint may be filed to the Complaint Committee or to any member of the complaint committee as formed under Clause 9 of this Policy in writing or verbally. Provided that the verbal complaint shall be reduced into writing and be sent to the Member Secretary to the Committee by the


28.12.2023



person who received.

- e) The complaint may also be lodged by the victim or through a relative, friend, lawyer by appearing in person or through post office, SMS and e-mail to hr@rdfbd.org.

6.5. Confidentiality and Security

- f) Until the allegation is proved, the identity of the complainant and the accused person shall not be disclosed;
- g) The security of the complainant must be ensured by the concerned authority;


7. Complaint Committee

- a) The concerned authority of the organization shall constitute a Complaint Committee to receive complaints, conduct investigations and to make recommendations;
- b) The Complaints Committee shall be comprised of a minimum of 5 members of whom the majority shall be women. If possible, the head of the Committee shall be a woman;
- c) A minimum of two members of the Complaints Committee shall be from outside the organization, and from any organization which works on gender and sexual violence;
- d) The Complaints Committee shall present an annual report regarding the implementation of this Policy to the Organization and the Organization shall submit the report to the Government in due process
- e) The names, e-mail IDs and addresses of the members of the Committee shall be displayed in a visible place of Head Office and other local offices of Resource Development Foundation (RDF).

8. Working Procedures of the Complaint Committee

Generally, any complaint must be submitted to the Complaints Committee within 30 working days from the date of occurrence. Failing to file complaint within stipulated time, shall require explanation of delay. To verify the truth of the complaint, the Committee shall:

- a) In cases of minor harassment, the Complaint Committee shall with the consent of both parties resolve the complaint and shall send a report to the concerned authority of the organization regarding this matter;
- b) In every other case, the Complaints Committee shall investigate the matter;
- c) The Complaints Committee shall have powers to give notice to both parties and to the witnesses by registered post, courier service or e-mail, to conduct hearings, to collect information and evidence and to examine all relevant documents.
- d) In case of such complaints, in addition to oral testimony, other circumstantial testimony shall also be given importance. The concerned / authority of the organization shall be bound to provide all kinds of support to the Complaints committee at its request for its effective functioning. The


28.12.2023



Complaints

Committee

shall ensure the anonymity of the identities of the complainant(s) and witnesses. The identities of the persons against whom the complaints have been filed shall be kept unpublished until the guilt is proved during investigations. When taking the oral evidence of the complainant(s), demeaning, insulting and harassing questions shall be refrained from.

- e) The testimony shall be recorded in camera;
- f) If the complainant wants to withdraw the complaint or stop the investigation, then the reason behind this has to be investigated and mentioned to find out the reason for this and mention it in the report.
- g) The Complaints Committee shall submit their investigation report along their recommendations to the concerned authority of the organization within 30 days. If necessary, the time limit of 30 working days may be increased to 60 working days.
- h) If it is proved that a false complaint has been intentionally filed, then the Complaints Committee shall recommend to the concerned authority of the organization that appropriate action be taken against the complainant(s).
- i) The Complaints Committee shall make its decisions in accordance with the opinion of the majority of its members.

9. Sanctions and disciplinary measures

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:


- verbal or written warning
- adverse performance evaluation
- reduction in wages
- transfer
- demotion
- suspension
- dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment as determined by the Complaint Committee (otherwise termed as Investigation Committee). Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

[Explanatory note: The policy should be applied consistently throughout the organization and sanctions should be based on the gravity of the conduct. Suitable deterrent sanctions should be included in workplace policies on sexual harassment to ensure that incidences of sexual harassment are not treated as trivial events. They should become part and parcel of organization regulations and/or collective labour agreements].

10. Implementation of this policy

Resource Development Foundation (RDF) will ensure that this policy is widely disseminated


28.12.2023

 Page | 8

to all relevant persons. It will be included in the staff handbook. All new employees must be trained on the content of this policy as part of their induction into the organization.

Every year, [name of organization] will require all employees to attend a refresher training course on the content of this policy.

It is the responsibility of every manager to ensure that all his/her employees are aware of the policy.


[Explanatory note: This creates an obligation on the organization to ensure that all employees are aware of the policy.]

11. Monitoring and evaluation

Resource Development Foundation (RDF) 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.

Supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, the organization will evaluate the effectiveness of this policy and make any changes needed.

[Explanatory note: Monitoring and evaluation can be done through different means, including questionnaires completed by employees, feedback from victims or those who work in the complaints procedure. This is important to review the effectiveness of the policy and the complaints procedure.]


28.12.2023

