**SEXUAL HARASSMENT POLICY**

**Policy Statement**

The Company is committed to providing a working environment free from sexual harassment, where individuals are treated with respect and dignity. The Company will not tolerate sexual harassment under any circumstances and will take disciplinary action against anyone who breaches the policy.

**Objective**

The Purpose of the policy is to define sexual harassment, provide procedures for the investigation of sexual harassment claims and ensure that violations are remedied fully.

**Scope of the Policy**

This policy applies to all employees of the Company. The policy applies to conduct occurring both within and outside the course of employment as long as both parties (i.e complainant and respondent) are employees of the Company.

In addition to this policy, staff members shall be expected to abide by any other Company policies relating to sexual offences.

**Interpretation**

In this policy, unless the context otherwise requires:

a). “**Complainant**” means a Company employee who lodges a sexual harassment complaint.

b) “**Disciplinary Action**” means the process for dealing with job- related behavior that does not meet expected and communicated performance standards found in this policy.

c) “**Employee**” means a person employed by the Company for wages or a salary and includes an apprentice, indentured learner and volunteer.

d) “**Employer**” means the Company.

e) “**Respondent**” means the person who is required to answer to a Sexual harassment complaint.

f) “**Supervisor(s)**” means one who is in charge of a particular department or unit, or anyone who supervises the duties of a particular employee in the Company.

Definition of Sexual Harassment

An employee is sexually harassed if the employer of that employee or a representative of that employer or a co-worker.

1. Directly or indirectly requests that employee for sexual intercourse, sexual contact or any other form of sexual activity that contains as implied or express:
   1. Promise of preferential treatment in employment;
   2. Threat detrimental treatment in employment status of the employee;
   3. Threat about the present or future employment status of the employee
2. Uses language whether written or spoken of a sexual nature;
3. Uses visual material of a sexual nature; or
4. Shows physical behavior of a sexual nature which directly or indirectly subjects the employee to behavior that is unwelcome or offensive to that employee and that by its nature has a detrimental effect on the employee’s employment, job performance, or job satisfaction.

Sexual harassment can be physical and/or psychological in nature. An accumulation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Employees are prohibited from harassing other employee whether or not the incidents of harassment occur on the Company’s premises and whether or not the incidents occur during working hours.

Sexual harassment can involve males or females being harassed by the members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser, individual in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

Consensual sexual or romantic relationships between employees are deemed unwise and are strongly discouraged.

**Responsibilities**

The Company is responsible for taking reasonable steps to prevent sexual harassment and ensuring its position in widely known through all levels of the organization’s activities.

The Company will ensure that appropriate procedures are identified to handle complaints. It is further responsible for ensuring that:

1. It establishes a grievance committee to provide information and support on the sexual harassment policy and complaints.
2. Members of the grievance committee are identified and trained to mediate/conciliate grievances.
3. Complaints are treated in an impartial, sensitive, fair, timely and confidential manner.
4. Sexual harassment reporting is encouraged, regardless of who the offender might be.
5. Appropriate training is provided to those who manage and implement the policy.
6. Widespread awareness and understanding of sexual harassment is provided
7. The policy and procedures are monitored and reviewed regularly.

**Employee**

If an employee believes that they have been subject to sexual harassment or any unwanted sexual attention, they should;

1. Make a written record or the date, time and nature of the incident(s) and the names of the witness if any, and
2. Report to their supervisor immediately. If the employee’s immediate supervisor is the source of the alleged harassment, the employee should report the problem to the supervisor’s superior.
3. Report the incidence to the grievance committee via the grievance officer selected as the contact person.

All the incidents of sexual harassment or inappropriate sexual conduct must be reported regardless of their seriousness.

**Supervisors**

Supervisors must deal expeditiously and fairly with allegation of sexual harassment within their departments whether or not there has been a written or formal complaint. Supervisors must:

1. Take seriously complaints received from employee of sexual harassment or inappropriate sexually oriented conduct;
2. Ensure that the harassment or inappropriate sexually oriented conduct is reported to the grievance committee or the committee’s contact person;
3. Take corrective action to prevent prohibited conduct from reoccurring.

**Harassment Grievance Officers**

There shall be two Harassment Grievance Officers selected by the Company. One shall be male and the other female. The person selected as a Harassment Grievance Officer shall be a person of outstanding character and can be trusted to keep all matters pertaining to sexual harassment confidential. Complainants can approach either of the two designated Harassment Grievance Officers ones they have a sexual harassment claim.

The Harassment Grievance Officer is also the first line of contact when a formal complaint is being lodged.

The role of the Harassment Grievances Officer is to determine whether:

1. A complaint has substance;
2. Inform the person accused of harassment of the nature of the complaint;
3. inform both parties of their rights and responsibilities in proceeding with a grievance;
4. Act as mediator/conciliator between the parties to resolve the complaint;
5. Follow up after a complaint has been resolved to ensure there is no recurrence and refer serious matters to the Grievance Committee;
6. Make sure that the sexual harassment policy is adhered to and continually reviewed to reflect current scenarios.

**Disciplinary Action**

Disciplinary action will be taken by the Company against anyone who is found to be in breach of this policy.

Disciplinary action will also be taken against anyone who victimizes or retaliates against a person who has complained of sexual harassment.

Disciplinary action shall be taken against a complaint who lodges sexual harassment claims which have prove baseless, frivolous, vexatious, without merit or whose sole purpose was to slander and malign the Respondent.

The disciplinary action taken will depend on the severity of the case and may involve an apology, counseling, suspension, dismissal or other form of action that the Company may deem, fit.

The Company and its officers responsible for implementing this policy will keep confidential the personal data such as names and other details related to sexual harassment complaints, unless disclosure is necessary as part of the disciplinary or corrective process.

**Complaint Procedures**

The Company recognizes that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a dispute.

Sexual harassment complaints can be handled through a variety of mechanisms. The Company recognizes that, as a highly sensitive and complex matter, sexual harassment is best dealt with informally through discussion between the parties or with some assistance from an independent third party, so as to minimize its damaging and disruptive effects. An informal resolution is not always possible and it may be necessary to resort for formal procedures to resolve the complaint.

The Company encourages individuals who experience sexual harassment to inform the alleged harasser that the behavior is unwelcome, unacceptable and contrary to policy, and ask that the behavior stop. Individuals should also keep notes documenting incidents of the behavior, time, place and any witness.

If it is not possible to confront the alleged harasser, or if this course of action fails to stop the behavior, then the matter should be brought to the attention of the Harassment Grievance Office, manager or supervisor for advice.

The role of the Harassment Grievance Officer, manager or supervisor as a first time line of contact, is to serve in an unbiased/impartial capacity to listen to the complaint, offer support, provide advice on procedures and refer to the Grievance Committee when appropriate.

The complaint may be resolved informally between the Complainant and the alleged harasser – through discussion, an apology and a commitment to stop the behavior. In this case, the Harassment Grievance Officer (or manager, supervisor) assisting an informal resolution will establish a follow up date to ensure the behavior does not recur, otherwise no further action is necessary.

In the event that the complaint cannot be resolved informally, the Complainant may lay a formal complaint. In this case, the Complainant is required to prepare and sign a formal written complaint to the Harassment Grievance Officer. The Complainant should have as much of the following information as possible:

1. The name, department and position of the person or person allegedly causing the harassment;
2. A description of the incident(s), including the date(s), location(s) and the presence of any witnesses;
3. The alleged effect of the incident(s) on the Complainant’s position, salary, benefits, promotional opportunities, job performance, job satisfaction or other terms or conditions of employment;
4. The names of other employee who might have been subject to the same or similar harassment;
5. The step the Complainant has taken so try to stop the harassment; and
6. Any other information the Complainant believes to be relevant to the harassment complaint.

The formal complaint shall then be screened by the Harassment Grievance Officer and the officer may decide to solve it in an informal manner as prescribed. If this is not satisfactory, the formal complaint can be referred to the Grievance Committee for adjudication by either the Complainant or the Grievance Officer.

The Management, Harassment Grievance Officer and Grievance Committee responsible for this policy will be responsible for ensuring that the complaint is investigated and mediated or conciliated professionally and confidentially, in an unbiased and prompt manner.

The Company will ensure that all steps in the complaints procedure are handled promptly, and that the period given to investigation, hearing and release of the decision does not exceed twelve weeks.

**Right to Appeal**

Both parties to a complaint have the right to appeal against the decision and recommendation of a review panel if a matter of procedure, bias, or fairness is called into question. An appeals panel, made up of members other than those who formed the original review panel should handle formal appeals.