

SEXUAL HARASS- MENT POLICY



**Terre des
Hommes**

Title	Terre des Hommes Netherlands Sexual Harassment in the Workplace Policy. The policy makes a statement that TdH NL provides a safe environment for all its employees, free from discrimination on any ground and from harassment at work including sexual harassment.
Target group	TdH NL Board members, Executive Team, staff, volunteers, consultants, trainees, and any other representatives
Policy owner	TdH NL Managing Director (MD)
Delegated to	TdH NL Integrity & Compliance (I&C) Manager
Approved by	TdH NL Supervisory Board
Date approved	20 March 2023
Version	1
Status	Approved
Related documents	This policy is part of TdH NL Integrity Framework: Global Code of Conduct (CoC), Safeguarding Policy, Speak Up! Manual and Conflict of Interest Policy
This policy replaces	N/A
Relevant legislation	UN Declaration on the Elimination of Violence against Women (Resolution 48/10); Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); ILO Discrimination Convention no. 111 of 1958; EU Charter of Fundamental Rights; COE Convention on Preventing and combating Violence against women and Domestic Violence (Istanbul Convention); Directive 2002/73/EC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions; Directive 2006/54/EC Equal Treatment Directive
Date review due	March 2025

SEXUAL HARASS- MENT POLICY

TDH NL Sexual Harassment in the Workplace Policy	1
1. Policy Statement	4
2. Complaints procedures	5
3. Informal complaints mechanism	5
4. Formal reporting/complaints mechanism	6
5. Victim's wishes	6
6. Potential victimization	6
7. External complaints	7
8. Sanctions and disciplinary measures	7
9. Implementation of this policy	7
10. Monitoring and evaluation	7
Definitions	8

1. Policy Statement

Terre des Hommes Netherlands (hereafter TdH NL) 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.

TdH NL 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.

At the same time, TdH NL will continue to work on strengthening the system of documenting and reporting experiences of sexual harassment at the work place, and will put emphasis on prevention by building staff resilience to identify risk and take affirmative steps to eliminate the potential for violence and discrimination through trainings, refreshment trainings and policies.

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. TdH NL 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 the country in which the respective office is located. All staff are expected to understand the contents of this policy and abide by its requirements.

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 and there will be no retaliation against the person who has made such a complaint.

Definition of sexual harassment in the workplace

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. It is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. Sexual harassment in the workplace 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. It may involve situations which extend to recruitment and selection process and any training received during employment.

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

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching;
- Physical violence, including physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults;
- Preferential treatment or promises of preferential treatment, or threats to an employee or a potential employee, for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.

Verbal conduct

- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories and jokes;
- Sexual advances;
- Repeated and unwanted social invitations, including for dates or physical intimacy;
- Insults based on the sex/gender/sexual orientation of the worker;
- Condescending or paternalistic remarks;
- Sending unwanted sexually explicit messages, photos, images, etc. (by phone, email or social media);

Non-verbal conduct

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

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. TdH NL recognises 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.

Sexual harassment in the workplace may be 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 TdH NL, contractors/consultants/volunteers or even visitors who sexually harass another will be reprimanded in accordance with this internal policy.

All sexual harassment is prohibited, whether it takes place within or outside TdH NL premises, at a partner organisation's premises, at social events, work trips, training sessions, workshops or conferences organized by TdH NL alone or in cooperation with other organisations.

2. Complaints procedures

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

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

an internal confidential advisor or ultimately the Integrity and Compliance Manager.

When the Integrity and Compliance (I&C) team receives a complaint of sexual harassment, they will:

- ask how the person is doing and whether they need professional/ psychological/ medical help and advice on options;
- immediately record the dates, times and facts of the incident(s);
- ascertain the views of the victim as to what outcome he/she/they wants;
- ensure that the victim understands the organisation'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/they 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 organisation through the relevant country legal framework.

Throughout the complaints procedure, a victim is entitled to be helped by a counselor within TdH NL. TdH NL will ensure that the internal confidential advisors have special trainings to enable them to assist victims of sexual harassment. TdH NL takes into consideration that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward and understands the need to support victims in making complaints.

3. Informal complaints mechanism

If the victim wishes to deal with the matter informally, the I&C Manager 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;
- if the victim and the alleged harasser have

reached agreement on a dialogue to resolve the situation, mediation by an independent mediator or referral to external independent experts should be made possible. With the complainant's consent, the I&C Manager notifies the Executive Team or HR of the request for investigation, mediation, psychological or legal support;

- ensure that a confidential record is kept of what happens;
- follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped;
- ensure that the above is done speedily, ideally within 6 weeks;
- invite the harasser to further training concerning sexual harassment to ensure that this behaviour does not repeat.

4. Formal reporting/complaints mechanism

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 route following the TdH NL reporting and investigation procedure should be used to resolve the matter.

The designated person who initially received the complaint will report the matter to the Speak Up portal to instigate a formal investigation. The procedure provided in TdH NL reporting and investigation procedure will be implemented. The investigation committee to be established as per section 5 of the TdH NL reporting and investigation procedure will be composed of employees who have received a training on understanding and deciding what constitutes sexual harassment and how to investigate it.

The following describes the procedural steps followed by an investigator handling a sexual harassment complaint:

- interview the victim and the alleged harasser separately;
- interview other relevant third parties separately;
- ascertain whether the incident reported concerned sexual harassment;
- 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 (e.g. 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, or dismissal);
- follow up to ensure that the recommendations are implemented, that the behavior has stopped and that the victim is satisfied with the outcome;
- if it cannot be determined that the harassment took place, he/she/they may still make recommendations to ensure proper functioning of the workplace;
- keep a record of all actions taken;
- ensure that all records concerning the matter are kept confidential;
- ensure that the process is done as quickly as possible.

5. Victim's wishes

The wishes of the victims will be considered when making a decision on the outcome of the complaint with the view to avoid any re-victimisation.

If for example the victim was harassed by a colleague, and they are working together on a daily basis, the views of the victim should be ascertained before making a decision on reorganizing the office. The victim should be entitled in any decision making and should not be re-victimized. Because the victim may not want to be moved to a different department and as such he/she/they should be entitled to decide this and not be re-victimised by being forced to move within the organisation.

6. Potential victimization

Victimization can occur when a person subjects another person to their 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.

TdH NL commits to promptly address 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 members, or those in partnership with TdH NL;
- supporting employees who report with access to psychological assistance required at the time of reporting.

7. External complaints

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

They can do so in compliance with the provisions of the national legislation. TdH NL shall not prevent anyone from lodging an external complaint should the person who has been subject to sexual harassment prefer to do so.

8. 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
- suspension
- dismissal

The nature of the sanctions will be as much as possible proportionate to the gravity and extent of the harassment. 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.

9. Implementation of this policy

TdH NL will ensure that this policy is widely disseminated and accessible to all staff. It will also be included in the HR handbook. Additionally, training will be provided to existing and new staff on the content of this policy.

Every year, TdH NL 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/their employees are aware of the policy.

10. Monitoring and evaluation

TdH NL recognises 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 organisation will evaluate the effectiveness of this policy and make any changes needed.

Definitions

Employee - The person who works for Terre des Hommes, including paid and non-paid TdH-NL workers.

Gender - Gender refers to the socially constructed roles, behaviours, expressions and identities of girls, women, boys, men, and gender diverse people. These attributes, opportunities and relationships are socially constructed and are learned through socialisation processes. They are context/ time-specific and changeable.

Harassment - Under Dutch criminal law, harassment is a way for the perpetrator to make the victim give in and achieve what they want. In such cases, the offence of coercion (Art. 181 of the Criminal Code) could be used insofar as harassment makes it possible to hinder the victim's freedom to act and obliges them to act, not act or permit an act to be committed.

Inappropriate - That which is not within the bounds of propriety and best practice. That which is indecent.

Online harassment - the use of information and communication technologies by an individual or group to repeatedly cause harm to another person. This may involve threats, embarrassment, or humiliation in an online setting.

Sexual harassment - Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

Threats - Words, statements, actions or behaviour intended to frighten or alarm a person.

Undesirable behaviour - This is an umbrella term for several forms of transgressive behaviour between persons in an organisation, such as aggression and violence, bullying, discrimination and sexual harassment.