# BRAC Sexual Harassment Elimination Policy and Procedure

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## 1. Connection to BRAC's Overall Safeguarding Policy

BRAC has for over forty years made the safety of the participants of its programs, the safety of the employees of its programs and the safety of the employees of its enterprises of paramount importance in the way it has conducted its (anti-poverty) work.

BRAC has safeguarded its people (program participants, employees) in the first place by making their safety a primary consideration already at the level of the design of programs and enterprises. The prevention of sexual harassment, intimidation, violence, bullying, humiliation and discrimination, neglect and exploitation is as far as possible build into the work practices themselves. If the design and its implementation cannot reduce risks sufficiently BRAC has installed secondary safeguarding mechanisms, like selecting and training of personnel, supervising and monitoring activities, reporting channels, investigations and punishments.

In the overall safeguarding policy BRAC has described its history in more than forty years of safeguarding practice. BRAC pledges to continue its vigilance. The safeguarding policy also described BRAC's ethos and prevention practice in general. BRAC also has an extensive Gender Justice and Diversity program and practice, in which both the ethos and the prevention of gender-based violence in broader sense is described and practiced.

This Sexual Harassment and Elimination Policy is a description of how BRAC deals with situations where (despite all its efforts) incidents of sexual harassment still do take place.

## 2. Introduction to Sexual Harassment specifically

Sexual harassment is a detestable and punishable offence in every sense. Whether it occurs in the workplace or elsewhere, it violates human rights. Failure to prevent such incidents consequently destroys the work environment and hinders an employee's right to a safe work space. Thus, BRAC is committed to ensure a safe workplace for its employees, programme participants and partners where no one is affected by anyone's actions related to sexual exploitation and abuse.

BRAC demonstrates zero tolerance against sexual harassments and all actions are made to recognise the pain and struggle of the victim. BRAC ensures that all incidents regarding sexual harassments are heard and reported and the perpetrators are punished through a fair disciplinary process followed by due investigation without any delay beyond procedure. BRAC treats each of the cases as unique and extracts the learning from it for continuous improvement of the process.

## 3. Scope of the Policy

**Anyone can be a victim/survivor of sexual harassment**, regardless of their sex and age. The sexual harassment policy applies to all those who work directly or indirectly with BRAC. This includes any employee of BRAC (regular, service, contractual, intern, consultant, part-time).Any partner or programme participants of BRAC (partners, board members, volunteers, community members, service providers, programme participants, suppliers, vendors, clients and contractors)

Anyone from BRAC who is directly or indirectly involved and also who assists the offender in any form which is conducive to sexual harassment will also be liable for the harassment.

## 4. Definitions:

### Zero Tolerance

BRAC takes a zero tolerance policy to any form of sexual harassment.

### Sexual harassment

Any unwelcome direct, indirect, physical, verbal or nonverbal conduct of a sexual nature. It is important to recognise that sexual harassment can happen to men, women as well as other gender of all ages. Nevertheless, due to prevailing gender perceptions, it is more often that women face sexual harassment.

The two most typical forms of sexual harassment in the workplace are unwelcome sexual advances, request for sexual behaviours, and other verbal or physical conduct of a sexual nature through-

- **Abuse of authority** committed by a person in a position of seniority or authority directly or indirectly against their subordinates, designed to humiliate or intimidate (in exchange for work related benefits *(e.g. a wage increase, a promotion, training opportunity, a transfer or the job itself).* As a result, the victim/survivor is likely to feel powerless to act.

**Creating hostile environment** through any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature which interferes with an individual's work performance or creates an intimidating hostile, abusive or offensive work environment, such harassment can occur against staff in all types of power relations.

An act which may be thought to be inoffensive in a situation or cultural context may still be considered sexual harassment. This policy makes it clear that any unwelcome behaviour which carries sexual content is to be regarded as sexual harassment, **whether that was the intention or not.**

To avoid this, BRAC employees are expected to behave professionally at all times with all colleagues, all members of the public and all other stakeholders including programme participants, suppliers, vendors, contractors, service providers, indirect employees (recruited by contractors) with whom we work and come in contact during the course of work.

### Negative impact of sexual harassment on staff and BRAC

- Individual employees often suffer from experiencing mental and physical distress.
- Intimidation makes employees less comfortable at work, staffs are less willing to take on new responsibilities, less creative, less productive, morale suffers, output declines and competent staff leave BRAC.
- Negative attitudes are generated about BRAC externally and BRAC is unable to recruit high-quality staff.
- BRAC may face legal action regarding its failure to protect against sexual harassment.

### Positive impact of a harassment free environment in BRAC

- BRAC proudly upholds human rights.
- Employees have professional and positive attitude, mutual respect and support.

- Employees feel encouraged to take up new tasks and responsibilities, women staff are encouraged to move up in the organisation and the working culture of the organisation is enhanced.
- A productive workplace environment encourages creativity and good quality work.
- The reputation of the organisation is upheld, meaning BRAC continues to be supported by a productive workforce, donors and investors to continue in its mission to ensure the survival and empowerment of those that it works for.
- Employee drop-out ratio decreases and diversity and harmony is increased and best practices are promoted

## Why victim/survivors tend to conceal sexual harassment

The fear of being socially stigmatised refrains victim/survivors, especially women, from reporting an incident of sexual harassment. The reality is that most cases go unreported. Therefore, it is not always possible to get an actual estimation of the incidents of sexual harassment.

The following are some reasons why an employee might conceal an incident of sexual harassment.

- The possibility of being doubted or not believed
- Fear of being blamed for the incident
- Fear of job loss
- Fear of being transferred far from home or to a location difficult to reach
- Fear of being forced to resign
- Fear of the perpetrator (who may hold a superior position)
- Procedural complexity
- Fear of facing more harassment in the workplace
- Fear of damaging one's reputation
- Lack of evidence and witnesses
- Fear of non-cooperation by supervisor and colleague
- Fear of being victim/survivor by hostile working environment

## Conducts Considered as Sexual Harassment[1]

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:

**Verbal:**

- Insulting and referring to someone with derogatory names
- Making sexual comments about a person's or someone else's body (E.g: women's gynaecological matters), appearance, clothing and looks
- Turning work discussions to sexual topics
- Telling sexual jokes or stories
- Asking personal questions about social or sexual life (sexual fantasies, preferences, or history)
- Condescending or paternalistic remarks
- Propositioning or requesting for sexual favours.

[1] http://www.un.org/womenwatch/osagi/pdf/whatissh.pdf

- Telling lies or spreading rumours about a person's personal life
- Exerting pressure or giving threats in case of refusal to love/marriage proposal
- Sending sexually suggestive messages through letters, calls (any form) SMS, MMS, pictures, emails, different communication apps(E.g.: Skype, Viber, imo, Whatsapp, we chat), social media (i.e. Facebook, twitter, LinkedIn), notices, cartoons, or writing on benches, chairs, tables, notice boards, office walls, factory walls, classrooms, and washrooms etc.
- Implicitly and explicitly using/ condoning sexual behaviour to threaten or insult someone and to control/ influence/ affect the pay/ terms and conditions of employment/ job promotion or career of a staff member

**Non-verbal:**

- Looking or staring at a person that makes them uncomfortable
- Following a person
- Whistling, leering or making kissing sounds at someone
- Giving personal or suggestive gifts
- Displaying or disseminating sexually suggestive visuals (pornography)
- Making sexual gestures through body movements, facial expressions or gestures
- Taking photographs or videos for the purpose of blackmail or disgrace
- Preventing participation in sports, cultural, organisational, or academic activities on the ground of sex and/ or for the purpose of sexual harassment

**Physical:**

- Giving a massage around the neck or shoulders
- Touching a person's clothing, hair, or body (hugging, kissing, patting, pinching, stroking and/or fondling)
- Blocking a person's path
- Touching or rubbing oneself sexually around another person
- Physical violence including sexual assault
- Standing close or brushing up against another person
- Any other physical contact which implied sexual nature or sexuality

**All sexual harassment is prohibited wherever it takes place**

***Special Note**:* Rape or attempt to rape is not only sexual harassment but in fact sexual *assault[1] and considered as a criminal offence. As incidents of sexual harassment have escalated and led to rape or attempt to rape, BRAC has included rape or attempt to rape in its SHE policy as a punishable offence as per law of the land. Expressing sexual interest or engaging in any sexual activities with boys and girls under the age of 18 is considered sexual abuse and punishable by the law. The details about actions for rape cases are given in annex-1.

## 5. Policy Statement

BRAC commits to be **victim/survivor centric and service oriented** in confronting sexual harassment, exploitation and abuse of all kinds following the stages of prevention, reporting, response and learning at all levels of work.

## Prevention

One of main priorities of BRAC is to prevent such heinous act from ever happening. The preventive measures will be:

- Orientation about current sexual exploitation policy during every employees on boarding
- Victim/survivor centric approach training for all staff
- Refresher training for all employees after certain intervals
- Create campaigns/event calendar to support, create awareness among staffs and stakeholders on regular basis with maximum support of digital platforms
- Circulate/display a short version of sexual harassment policy procedures at all locations within BRAC establishment

## Reporting

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. BRAC recognises that sexual harassment may occur in unequal relationships and that it may not be possible for the victim/survivor to inform the alleged harasser. If felt that he/she or someone else has been the recipient of sexual harassment, complain should preferably be lodged as soon as such incident (within 30 days) takes place

Report can be made by victim/survivor, peers, supervisors or witnesses following the helplines as referred bellow.

- **Direct Complaint**: Those which are initiated by the victim/survivor themselves. Complains are received through letters, phone calls and emails. Report can be lodged immediately through any of the following ways:
    - **Calls:** Anyone can call to lodge a complaint 24/7 through the helpline number (01729071546).
    - **Emails:** Complain can be lodged through email at complaint.shrc@brac.net for Bangladesh. For countries other than Bangladesh, complains can be lodged to voice.country name@brac.net (i.e for Uganda voice.uganda@brac.net, for Afghanistan –voice.afghansitan@brac.net)
    - Report can also be lodged directly to Country Representative, Senior Director, Executive Directors, Human Resource or Sexual Harassment Redressal Committee (SHRC).
- **Indirect Complaint**: Those which are initiated on behalf of the victim/survivor. If the victim/survivor feels uncomfortable, he/she can inform the immediate supervisor for further actions.

All sexual harassment complaints shall be addressed to SHRC (Sexual Harassment and Redressel Committee) (Complaint Committee). Complaints of Sexual Harassment addressed to any other authority (e.g. a departmental head or the like) shall also be sent to SHRC.

***Special Note:*** All complaints and investigations are treated confidentially to the extent possible and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation and adequate steps are taken to ensure that the complainant is protected from retaliation during and after the investigation.

## Response

The response will be headed by the SHRC team for Bangladesh and Country Representatives of HRCC team for International. In case of Bangladesh, an investigation team will be sent out to the victim/survivor's location. In case of international, country representative will form a team to investigate the complaint. The investigation team will be sent out to the victim/survivor's location as soon as possible.

- The first priority is to attend to the victim/survivor.
  - Listen from the victim/survivor and record the statement in writing with prior permission of the victim/survivor
  - The questions asked to the victim/survivor must not be offending and the questioner must be trained in asking appropriate questions. Preferably the questioner should be a female.
  - Must be sensitive to questioning and ensure that the victim/survivor does not "re-live" the experience.
  - The questioner must make sure that the responses are kept confidential.
- After taking the victim/survivors statement, the victim/survivor will be asked what kind of outcome they desire. The team will let the victim/survivor know of the next procedure/steps.
- If the victim/survivor desires, BRAC will provide support services to the victim/survivors as required. BRAC can give this service on its own or refer the victim/survivor to appropriate organisations for any of the services mentioned below:

  - **Medical Support:** Any and all medical support for victim/survivor after an incident takes place.
  - **Legal Support:** BRAC will help in getting legal support for cases that requires state interventions.
  - **Psychosocial Support:** Victim/survivors may require psychosocial counselling after an incident to help them cope with such situation. The counsellor will counsel at the victim/survivor's location.
  - **Rehabilitation Support:** BRAC will ensure that the work environment is not harmful to the victim/survivor. If needed, the victim/survivor will be transferred to another location.

- If required, the perpetrator will be withdrawn from the victim/survivor's location and temporarily transferred/suspended/attached to different locations.
- The Chair of SHRC shall receive the complaint and place them before the SHRC for necessary decision. Chair may, in case of any urgency take preliminary decisions but, in such case, shall place such decision in the next upcoming meeting of SHRC for approval.
- SHRC may dismiss a complain if it is found to be frivolous or if there is no prima facie case and all other cases shall be sent for investigation to the investigation team.
- Investigation team shall send a notice to the accused informing that the team shall be coming to conduct an investigation and to remain in office (As it is a sexual harassment allegation a first show cause at this point is not necessary. One show cause after investigation will suffice).
- After investigation the investigation committee shall send the investigation report to the review committee. During investigation apart from oral evidence emphasis shall be placed on circumstantial evidence.
- In the case of findings, the review committee shall issue a show cause notice to the accused as to why punishment shall not be imposed against him, give a copy of the report to the accused and give the accused an opportunity of hearing, if he so requests. The accused shall be given 7 days to respond to the show cause notice. If no response

is provided the review committee shall forward the investigation report with his/her findings to the SHRC. In case of a response and/or if a hearing is requested the review committee shall hear the accused. After hearing the review committee shall forward the investigation report with his/her findings to the SHRC.

- Investigation committee, Members of the Review Committee and/or any other person may be called upon to present before the SHRC
- SHRC shall examine everything and send its recommended decision to the concerned authority (HR) for necessary action.
- Security of the complainant will be ensured by the concerned authority.

***Special Note:*** The whole process will not take more than 45 days after a complaint has been lodged.

## False Accusation:

If it is proved that the complaint filed was done with ill motive then a report will be submitted to SHRC with regards to the falsification of the accusation. The committee will take decisions on the basis of the view expressed by majority of its members.

## Appeal:

National and international appeal has to be filed within seven (07) working days of being informed of any decision

- Appeal can be submitted to Ombudsperson. Staff may complain to the Ombudsperson about any decision taken by BRAC. In that case, staff must complete the internal remedial procedure first. After investigation of the complaint, the Ombudsperson will give his/her advisory opinion in written form to the Executive Director.
- The international staff members concerned may appeal against any disciplinary decision in writing to senior management or write an email at voice.*info@brac.net* . In the event of an appeal, depending on the facts and guided by the HRD, senior management may require further investigation, reduction in punishment, release from the disciplinary decision, or proceed with the original investigating team's recommendation.

***Special Note:*** After receiving a complaint, care should be taken so that the accused cannot influence the accuser to change or withdraw the complaint. Until a final decision is made, the local supervisor should ensure the protection and security of the accuser and/or victim/survivor.

## Learning

Each case is different and BRAC considers each case with equal importance. BRAC will keep records (confidential and prudent) of such incidents and use the experience to improve the current policy as well as the system.

- A complete case file will be kept with all the actions and decisions taken by the victim/survivor, accused, investigation, Redressal committee and HRLD for each case. The leanings from such cases will be compiled as a report and presented to the board and will be used as preventive measures against any harm, abuse, harassment, and exploitation.
- Evaluate the overall service provided to the victim/survivor and take feedback from the victim/survivors after providing service to learn the scope of improvement for future.

## 6. Responsibilities Framework

**Responsibilities of Victim/survivor:**

- Be firm in protesting any acts of sexual harassment
- Inform trusted colleague(s) and supervisor(s) immediately after an incident takes place
- Preserve necessary information, evidences and documents which will help to establish the complaint
- Lodge a complaint or contact respective committee as soon as possible

**Responsibilities of SHRC:**

- Receiving all complaints related to “sexual harassment”.
- SHRC Chair to take urgent decisions for investigation if required. In such cases the decision must be presented to the immediate next meeting of SHRC for approval.
- Taking decision on the complaint whether it will go for investigation or not. If the SHRC does not find a prima facie case it will not go for investigation.
- Forward the complaint to investigation team if so decided.
- Receiving the findings from the Review Committee.
- Examining all the documents and evidences and providing the recommended decision to the Concerned Authority (HR) for necessary action.
- Maintaining records of all complains investigation and decisions.
- Preserve and provide all documents and information related to the complaint process**.**
- Ensure that the entire process is done within time
- Compiling sexual harassment cases and sharing with GJD for awareness purpose.

**Responsibilities of GJD:**

- Make employees aware of what sexual harassment is, along with its disciplinary process and preventive steps through policy orientation, training, regular movement and continuous discussion for all employees
- Disseminate policy and other learning, best practices and promotional materials to all employees
- Track and write case stories of sexual harassment collected from SHRC and use the learning to prevent such actions happening in the future
- Conduct a regular (annual or biannual) assessment of the status of the policy

**Responsibilities of HRD:**

- Ensure that all employees are oriented with SHE policy
- HRD will file the report in the personal file of the accused and will take it into consideration during annual performance assessments
- Ensure that a confidential file of the incidents are kept confidential
- Implement decisions which related to sexual harassment through notifications
- Modify policy and disciplinary process according to changes in time, context and learning

**Responsibilities of HRCC (BRAC International):**

- Receive and manage complaints related to code of conduct and other policies
- Ensure complaints are responded to quickly and keeping the complainant updated
- Ensure protection and security of the complainant
- Form the investigation team when required and monitor the team for timely submission of report
- Takes decision on action after submission of investigation report.
- Ensure all complaints are recorded and action taken to address the complaints.
- Inform the complainant about decision of HRCC regarding the complaint lodged.

**Responsibilities of Manager/Supervisor:**

- Inform everyone about the organisation's zero tolerance policy on sexual harassment
- Ensure job security and provide the required advice and support to the victim/survivor and the witnesses and protect the accuser from any criticism or unpleasant situation
- Assist and support investigation team in a bias-free investigation process, maintain confidentiality and implement a punishment if an offence is proved
- Discuss the complaint with due importance in the monthly field-level coordination meetings (without disclosing any personal information)
- If required, contact respective committee and help implement disciplinary issues taken by HRLD
- Be proactive in addressing the issues and concerns of a colleague before the situation worsens.

**Responsibilities of Colleagues/Peers:**

- Be committed against sexual harassment and resist it collectively
- Cooperate during investigations, maintain confidentiality, and provide a neutral testimony
- Instead of indulging into unnecessary discussion, criticism, or gossip, take preventive measures through respective committee
- Be sensitive towards the victim/survivor and provide necessary advice, and create awareness among other employees about sexual harassment issues.

## 7. Confidentiality

It is essential that confidentiality is maintained at all stages of the process when dealing with sexual harassment concerns. Information relating to the concern and subsequent case management should be shared on a need to know basis only and should be kept secure at all times.

## 8. Review of Policy and Procedure

The policy will be reviewed at a minimum of every 2 years or when it is shown necessary that additional issues need to be identified and addressed, such as with a significant change in context or program or change to legislation.

## ANNEX 1- Actions that have to be taken in case of rape or attempt to rape:

**1. BRAC in Bangladesh:**

1.1 Report the incident immediately to the local BRAC office and/or to the head office

1.2 Report to a local legal aid support centre

1.3 File an FIR (first information report) in the local police station immediately after the incident.

1.4 Ensure medical check-up of the victim/survivor within 24 hours of the incident (the case can be stronger if check-up is done immediately or within eight hours of the incident)

1.5 Ensure that the associated office would give support to the victim/survivor to preserve the evidence of rape

1.6 Provide mental and emotional support to the victim/survivor and their family and maintain confidentiality

1.7 Take initiative to confirm the safety and security of the victim/survivor and provide psychosocial counselling as needed

1.8 Confirm that BRAC bears all the expenses of conducting a lawsuit and of medical treatment for the victim/survivor

1.9 Legal support and counselling may be provided as require and based on the country context and domestic law of the land.

1.10 Follow-up on the case regular basis

**2.BRAC International:**

2.1 The organisation shall take steps to secure the safety and security of the victim/survivor, acting in a way that is respectful and confidential.

2.2 Any supervisor so informed must submit a statement to the Country Representative, the Regional Director and CPO of BRAC International.

2.3 BRAC will ensure that a medical check is carried out promptly, local lawyers are contacted and, with the consent of the victim/survivor, that the accused is prosecuted in court with the full support of BRAC.

2.4 BRAC will bear all expenses of conducting the lawsuit and of any medical treatment required by the victim/survivor, including all reasonable steps to ensure social and family level rehabilitation and support.

## ANNEX 2- SHRC and HRCC:

**The Sexual Harassment Redressal Committee (SHRC)**:

The redressal team is comprised of nine members–seven internal employees and two external individuals–who have experience on human rights and redressing the issues related to gender-based violence against women. The committee is independent in nature and free from any influences and interferences. It is accountable to the executive director of BRAC. This team shall recommend the punishment after getting the investigation report.

**Formation of SHRC**

The above name, SHRC (Sexual Harassment Redressal Committee) has been formed in compliance with the directives issued by the Honorable Supreme Court of Bangladesh, High Court Division in the form of guidelines against sexual abuse and harassment of

women at work places and educational institutions in both public and private sectors within the territory of Bangladesh. These guidelines were issued on May 14, 2009 to create awareness about sexual harassment, consequences and punishment of sexual offences.

SHRC aims to operate in accordance with the guidelines issued by the Honorable Supreme Court of Bangladesh.

**Human Resource Compliance Committee (HRCC):**

This committee is for International sexual harassment cases. Country Representatives will ensure that all complaints are quickly recorded and timely actions are taken to address the complaints. They will also ensure security of the complainant and inform them about decision of the organization.