

# SEXUAL HARASSMENT ELIMINATION POLICY

January 2008





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## P R E F A C E

An act of sexual harassment is a detested, deplorable and punishable offence in every sense. Wherever it occurs, in workplace or anywhere else, it violates human rights. In workplace, a staff is expected to be assessed on the basis of merit. So an act of sexual harassment means failure to sustain professional standards and for which the management has to bear considerable responsibility as well. If the institution does not support the victim, the victim in majority of cases cannot expect to get a fair treatment. This happens because usually in cases like these, the patriarchal social system as well as the long-drawn process of judiciary goes against the victim. So when people get harassed sexually in workplaces and do not get relief, it spoils the work environment and the rights environment greatly. It narrows down WOmEn's access to workplace and slows down the process of development in general.

To end such practices and protect its staff, BRAC has initiated and approved the 'Sexual Harassment Elimination Policy'. This policy would be implemented through the Sexual Harassment Elimination (SHarE) Unit and Human Resource Department (HRD). BRAC believes in gender justice and is committed in implementing the same.

"BRAC is always trying its best to make the organization free of any kind of gender injustice or discrimination as well as to make its programs gender sensitive. To establish gender justice within the organization, BRAC has taken multiple initiatives (GQAL, WAC, GAAC, GEDT) and declared the pledge to make the organization free of sexual harassments. To make these initiatives more transparent, regulated and institutional, BRAC has established a 'Sexual Harassment Elimination Policy'.


I believe this initiative will help all BRAC staff to access human rights and justice and help them make a full commitment to their work.

This 'Sexual Harassment Elimination Policy' will be implemented immediately.



**Fazle Hasan Abed**  
Chairperson  
BRAC

1 January 2008



|              |                                      |
|--------------|--------------------------------------|
| <b>FIR</b>   | First Information Report             |
| <b>GAAC</b>  | Gender Awareness and Analysis Course |
| <b>GEDT</b>  | Gender Equality & Diversity Team     |
| <b>GQAL</b>  | Gender Quality Action Learning       |
| <b>HRD</b>   | Human Resource Department            |
| <b>SHarE</b> | Sexual Harassment Elimination        |
| <b>SHE</b>   | Sexual Harassment Elimination        |
| <b>WAC</b>   | Women Advisory Committee             |



## INTRODUCTION

Eminent economist Dr. Mahboobul Huq had once said, "If development is not engendered, it is endangered". Real development is one that is fair towards all, women and men, at home and outside, where everyone gets a chance to develop to the best of their potential. But even though we claim to have recognized this idea, in reality it's rarely applied.

Although, in Bangladesh, the contribution of women in development is undeniable, they have to face obstacles in every step. They face different types of non-co-operation and harassment in their workplace as well as in other spaces. While the government and different other organizations are trying to increase the number of female staff members, this isn't happening as desired due to unfavorable work environment. Studies show that women generally face two types of problems at their workplaces. They are,

1. Social obstacles.
2. Unfavorable office management system and harassment by male colleagues.

women and men face different types of sexual harassment including touching physically, teasing, bullying, indecent proposals and rape to cite a few.

## Why do women face sexual harassment at work place?

It is generally assumed that women are subordinate to men. Therefore, some people can't accept women in higher positions at the office. Although women have been involved in economic activities outside their household for centuries in agriculture and fishery, an invalid notion like women's is at home dominates. It is also often thought that women who work in different offices and factories are "not good women". Women are defined as symbols of beauty and objects of enjoyment. This perception, which is wrong and inhuman, is expressed through how many men behave. And because of this attitude, women have to face sexual harassment at workplace.

## Why is it necessary to work on sexual harassment in any organization?

Every person has the right to work with dignity and in a sexual harassment free environment. Nowadays, in every organization, women and men work together. If there is harassment of any sort including sexual and the management fails to tackle the problem, collegiality and co-operation between men and women will decline and quality of work will suffer. In the end the organization will face degradation. Thus, for the development of any organization and for its survival, it is necessary to maintain a sexual harassment free work atmosphere. So, every organization should make it clear what is meant by sexual harassment, what are the reasons behind it and how can it be prevented.





## The impact of Sexual Harassment on the Organization and its Staff

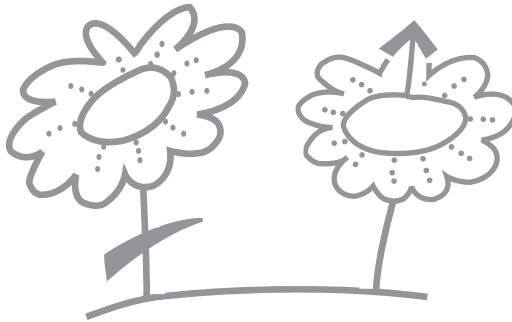
The following problems occurs when there is sexual harassment in an organization:

- ❑ Staff human rights are violated.
- ❑ The organization loses direction,
- ❑ Female staff experience mental and physical agony.
- ❑ Staff morale declines and work suffers.
- ❑ Negative attitude is generated among the staff against the organization.
- ❑ Staff creativity declines and consequently the organization also slides.
- ❑ Normal development of the organization is retarded & lose creativity.
- ❑ As the staff feels intimidated, they become unwilling to take on new responsibilities.
- ❑ Expected output from the staff declines.
- ❑ Competent female staff leaves the organization.
- ❑ The organization may have to face legal action on account of such complaints.

## The Impact of a Sexual Harassment Free Environment

- ❑ A decent work environment is created.
- ❑ Human rights is established in the organization.
- ❑ Staff enjoys mutual assistance that eventually enhances productivity.
- ❑ Growth of a positive attitude towards the organization from within.
- ❑ Staffs drop out rate decreases.
- ❑ Women feel encouraged to work in the organization.
- ❑ Society develops a positive attitude towards the organization.
- ❑ Professional attitude develops among the staff.
- ❑ Relaxed environment in office generates staff creativity.
- ❑ Staff feels encouraged to take up new tasks and responsibilities.





### Problems Women Face in work place when they refuse sexual advances

- ☐ Organization's life is enhanced.
- ☐ Unfair workload imposed by the harassing supervisor.
- ☐ Denial of assistance
- ☐ Unfair criticism behind their back.
- ☐ Denial of opportunity for skills improvement due to management hostility.
- ☐ Negative assessment in performance evaluation of victimized staff in official reports.
- ☐ Denial of due promotion, staff development opportunities, etc.
- ☐ Transfer to remote locations.

### Why do the staff, who face sexual harassment conceal it from others?

- ☐ Being looked down upon by other.
- ☐ Denial of opportunity to be involved in vital/ significant assignments,
- ☐ Fear of loss of reputation/ dignity.
- ☐ Anxiety that others will not believe them
- ☐ Fear of being blamed for the incident.
- ☐ Apprehension of job loss,
- ☐ Apprehension of being transferred to remote places,
- ☐ Worry that if family comes to know, they will force her to resign
- ☐ Fear of power of the offender who in many cases comes from higher admin level.
- ☐ Apprehension of facing more harassment at the workplace.

## BRAC and the Movement Against Sexual Harassment

- ❑ Fear of losing social acceptance.

Discrimination against women has been inevitably practiced in our country, society, institutions and families. Our society considers a girl child less valuable than a boy child. It imposes biased prohibitions against women, neglects the value of the work women do, gives preference to men in making decisions and accepts violence against women for granted. Studies suggest that women do 67 % of global productive work and 80% of the domestic work in rural Bangladesh. In the garment industry, the prime source of export based foreign exchange earning of Bangladesh; 90% of the workers are women. Women have participated in the micro credit program and played a major role in national development which has given Bangladesh a positive reputation in all parts of the world.

However, contribution of women is devalued in general and their work is not appropriately valued. This low estimation consequently leads to discouraging societal attitude and undesirable behavior including sexual harassment. Since women are considered inferior to men in conservative societies, women in positions of status and rank are not considered acceptable. In retaliation, we see acts of sexual harassment happen.

But there is hope as the number of these conservative and superstitious people are decreasing and the number of people raising voice to eliminate sexual harassment is increasing in number. Today people from all walks of life are coming forward to protest this practice hoping to turn it into a movement of sorts. Article 10 under the Nari O Shishu Nirjaton Domon Ain, 2000 (Amendment 2003), considers sexual harassment as a serious crime. Any person convicted by the Special Tribunal of Nari O Shishu Nirjaton Domon Ain will be punished with rigorous imprisonment not exceeding for 10 years but not less than 3 years and also cash fine in addition.

BRAC believes in gender justice and is working on it. BRAC is constantly trying to make the organization and its different programs equitable as well as free from all kinds of gender-based discrimination. With this objective BRAC has taken different initiatives like, GQAL, WAC, GAAC, GET, etc. Moreover, it is determined to establish a sexual harassment free work environment in the organization. To make this initiative more methodical, transparent and institutional BRAC has taken the scheme to formulate a "Sexual Harassment Elimination Policy" and a "BRAC Code of Conduct".

Sexual harassments occur due to lack of consideration and decency on the offender's part, due to his / her pride and attitude to misuse power. An organization, which

believes in humanity, ought to take necessary steps to protect and prevent this offence. To make it possible, it is necessary to know what sexual harassment is, why and how it occurs and how it can be prevented.

To eliminate various wrong perceptions and myths about sexual harassments and to prevent it, it is necessary to make people aware of it. Moreover, this awareness would

## What is Sexual Harassment?

help the victim to protest and seek help from colleagues & supervisors as well. **The policy to eliminate sexual harassment is named as "Sexual Harassment Elimination (SHE) Policy"**

Sexual harassment is an act or activity which involves both mental, or physical sexual domination, or humiliation by the powerful. It can happen to both women and men though it is always unexpected and unacceptable. Generally, any staff of an organization could face sexual harassment, but women face it more frequently. Sexual harassment has adverse affects on the dignity of women and men within the workplaces and outside.

While only the victim can feel most clearly whether an act constitutes sexual harassment or not, it also depends on the victim's mentality and on his/her relation with the offender, and on the place and time of occurrence. Moreover, an act, which is identified as sexual harassment in one situation, could also be identified as an inoffensive act in another situation. This harassment can be of various types, like making lewd jokes, posturing offensively, teasing, making offensive remarks, giving obscene signals, disregarding another as a woman, etc. and even rape.

Sexual harassment is aimed at insulting, intimidating, and dominating and in the process of creating a victim. It is also aimed at using the victim to commit undesirable acts, as well as exercising power upon her /him.

In most of the cases, the high officials harass the staff who is subordinate to them. Due to this, the subordinate staff always remains anxious, lose their courage to protest and

## All the following behaviors can be considered sexual harassment

1. Implicitly or explicitly using/threatening/insulting/condoning sexual behavior to control/influence/affect the pay/terms & conditions of employment/job promotion or career of a staff member;
2. Making deliberate or repeated unwelcoming verbal comments, jokes or gestures or role-play of sexual nature;
3. Touching or making unwanted physical contact in any manner;
4. Unwelcome sexual flirtation; making unwelcoming advances or propositions;
5. Using psychological and mental pressure and/or actions as a form of punishment for refusing sexual advances;
6. Displaying or storing in the workplace demeaning, insulting, intimidating or sexually suggestive objects or pictures, including photographs;
7. Sending sexually suggestive written, recorded or electronic messages (sms, email, etc.), including pornographic video programs;
8. Indulging in any other behavior, verbal and non-verbal, which may be considered as sexual harassment.

## To Do

BRAC believes that the people who commit this offense and the people who do not protest or prevent it are equally liable. BRAC regards any type of sexual harassment as a grossly indecent and inexcusable offense. BRAC is actively committed to prevent and eliminate such acts.

Sexual harassment is no longer considered only as a matter of concern of the Human Resource Division of any organization. It is also a violation of human rights, which is a punishable offense. So each and every staff of BRAC has to play a pro-active role in its elimination.

1. If at any time or at any place or position either in the Field Office or BRAC Headquarter, you face inappropriate behavior or sexual harassment or hear of another colleague or any other person connected with BRAC activities being so harassed etc., please call/contact/inform the reliable and dependable colleagues or your supervisor as soon as possible to seek help.

2. If necessary, forward a written complaint to the Director HRD, Executive Director or the Chairperson of BRAC.
3. All staff are responsible for giving full support and maximum confidentiality to the victim without fear of being criticized or judged.
4. Those who make false accusations will face the same disciplinary actions as that recommended for a harasser.
5. BRAC is committed to ensure justice through proper investigations, and will be maintaining neutral in collecting evidences.

**The policy to eliminate sexual harassment is named as  
"Sexual Harassment Elimination (SHE) Policy"**

**The policy is applicable in cases of**

ultimately fail to protest the offence. As a result, the overall work environment is disturbed. In turn, this gives rise to disorder in the organization and damages its dignity and functionality.

- ❑ If any staff of BRAC is harassed by another staff.
- ❑ If any BRAC staff harasses anyone involved in any BRAC program.
- ❑ If anyone from a partner organizations harasses any BRAC staff.
- ❑ The policy is also applicable to the offenders who belong to any partner organization of BRAC if they harass any BRAC staff. In such a case the "Sexual Harassment Elimination (SHarE) and Staff Relation Section" would inform that organization and would take necessary steps after proper investigation.
- ❑ If any staff of BRAC intentionally helps to create a situation conducive to sexual

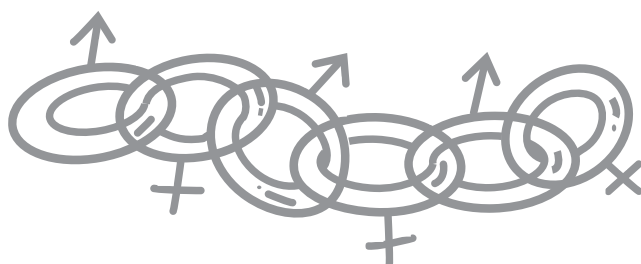
## Sexual Harassment Elimination (SHarE) & Staff Relation Section to implement Sexual Harassment Elimination Policy

The section that would work to eliminate sexual harassment would be named as "Sexual Harassment Elimination (SHarE) & Staff Relation Section"

The head of the unit would be a person who has the authority to execute the policy, is independent, and free of any influence. The person would be accountable to the Executive Director. An executive team would act as the focal point at the head office as well as at the field level. There would also be a "hot line" managed and observed closely by the Director, HRD, which would help to speed up the process.

## The Responsibilities of "Sexual Harassment Elimination (SHarE) & Staff Relation Section"

1. Facilitate dissemination enforcement of SHE Policy & Code of Conduct.
2. Field visits to make the staff aware of sexual harassment
3. To encourage discussion on the topic of sexual harassment in every training and orientation program to keep the flow of information and interest going.
4. To initiate deliberation and action on sexual harassment elimination at the program level of BRAC.



5. Complaints should be forwarded to the Monitoring Department to make proper investigation and steps should be taken promptly to swiftly make the final decision
6. To create a pool of investigators and to work to develop their skills.
7. To improve the skill of the SHarE & Staff Relations Section and supervise it.
8. To run a campaign to disseminate the policy of SHarE through news bulletins both within and outside BRAC
9. To create a network incorporating local, national, and international levels.
10. To participate in the hearing of the Ombudsperson and ensuring necessary support
11. To prepare case study
12. Reporting

### **The Responsibility of the Management at the Field level and its Communication with the SHarE & Staff Relation Section**

- ❑ To help implement the sexual harassment policy and the code of conduct.
- ❑ To communicate regularly with staff members and be familiar with their problems so that they can be offered help before a situation becomes a serious problem.
- ❑ To create awareness at the field level.
- ❑ To take initiative to give legal helps to the victims.
- ❑ To maintain a regular communication with the SHarE & Staff Relation Section and with its different programs.
- ❑ To declare work area that have been designated free from any sexual harassment.

### **The Process of Submitting Complaints Related to Sexual Harassments**

- ❑ A written complaint should be sent immediately after the incident to the Chairperson/Executive Director/Director HRD
- ❑ The victim her / him self or any other eyewitness of the incident could submit a written complaint mentioning the name of the complainant.
- ❑ Any one can directly submit a complaint to the SHarE & Staff Relation Section without taking the permission of or informing the line management.
- ❑ If a complaint is submitted to the head office or to the field level office, the investigation must take place with the SHarE & Staff Relation Section informed.



- ❑ If any complaint is submitted to the local action team, it will immediately inform the SHarE & Staff Relation Section and take further necessary steps.

**Confidentiality of the complaint will be maintained by all concerned.**

- ❑ The SHarE & Staff Relation Section would send for an investigation team to the Monitoring Department.
- ❑ After analyzing the investigation report, the SHarE & Staff Relation Section would request the concerned Program Head/Director for their comments and provide recommendations through Director HRD
- ❑ The Executive Director will make the final decision.
- ❑ After receiving complaints, all steps should be taken within 90 days to complete the process.
- ❑ The final decision and the rationale should be informed to all the concerned persons and the senior management.

**Individuals can appeal in the form of written complaint to the Ombudsperson regarding any decisions within 60 days. However, the entire investigation process within BRAC should be completed first. After completion of investigation, the Ombudsperson must send their written recommendation to the Chairperson of BRAC and necessary steps will be taken accordingly.**

NB. It is important to keep distance between the accuser and the accused person. Accused is not to influence or threaten the accuser to change complaint. If necessary each of them should be kept in separate places or special leaves can also be provided. Until the final decision is made, the local manager should ensure the protection and security of the complainer.

- ❑ Whether the decisions are implemented or not.
- ❑ Whether the victim has to face any threat as a result of submitting a complaint.
- ❑ Whether the safety of the victim is confirmed or not
- ❑ Whether the victim is given necessary counseling.

- ❑ To take steps to inform the incident immediately to the local BRAC office or to the BRAC head office.
- ❑ Submit a FIR immediately after an incident of rape and to take steps to carry out a medical check up of the victim within 24 hours. (The case can be made stronger if medical check up is performed immediately or within 8 hours of the incident)
- ❑ To ensure that the associated office would give support to preserve the evidence of rape.
- ❑ To seek the help of the State Law in cases of rape.
- ❑ To sue / prosecute the offender with the consent of the victim and to confirm the assistance of BRAC in conducting the lawsuit.
- ❑ To take initiative to confirm the safety and security of the victim.
- ❑ To confirm that BRAC would bear all the expenses of conducting the lawsuit and of the medical treatment of the victim, physical or mental, if a BRAC staff is raped in the line of duty. This will involve all reasonable steps to ensure social and family level rehabilitation and support.
- ❑ To regularly follow up the case.

