

**Policy Statement**

Medair provides a safe environment for all its employees free from discrimination on any ground and free from harassment at work including sexual harassment.

Medair has a zero tolerance policy for any form of harassment in the workplace, treats all incidents seriously and promptly investigates all allegations of harassment.

Any person found to have harassed another may face disciplinary action, up to and including dismissal from employment or stopping all forms of collaboration. All complaints of harassment will be taken seriously and treated with respect and in confidence. Medair does not tolerate any retaliatory actions for making a complaint or providing any information or assistance in addressing the complaint.

**Who we are**

Medair is a Swiss-based international humanitarian organization dedicated to relieving human suffering in some of the world's most remote and devastated places. We reach people in underserved communities that have been damaged by natural disasters, conflicts and other crises. In doing so, we help people recover with dignity and develop skills to build a better future.

**Scope**

This policy applies to:

- All Medair employees, trustees, board members, consultants, contractors, volunteers, interns, individuals or organisations under short or long-term contractual obligations such as third parties, suppliers, agents, and implementing partners, and any other persons acting on behalf of Medair ("Representatives")
- All conduct in the workplace as well as off-premises locations, such as housing, on-site or off-site work-related social functions, conferences, and wherever Representatives may be as a result of their Medair duties
- All aspects of employment - recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- Representatives' treatment of beneficiaries, of other Representatives, and of other members of the public encountered in the course of carrying out Medair duties

Representatives are expected to read, understand and comply with all aspects of this policy. If Representatives are not able to read, Medair (e.g., Country Directors) must ensure that the policy is explained to them in a language they understand.

**Definition of harassment**

**Harassment** is any conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment can be verbal, nonverbal or physical. It includes any conduct that threatens, intimidates or coerces.

**Verbal harassment** includes but is not limited to comments that are offensive or unwelcome regarding a person's nationality, origin, race, colour, religion, gender, sexual orientation, pregnancy, age, body, disability, appearance, sexual identity, or marital status including epithets (e.g., nicknames, descriptions, labels), slurs and negative stereotyping.

**Nonverbal harassment** includes but is not limited to actions, gestures or the distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward a person or group due to nationality, origin, race, colour, religion, gender, sexual orientation, pregnancy, age, body, disability, appearance, , sexual identity or marital status.

There are many forms of **physical harassment** and discrimination that may occur in the workplace. In general, conduct constitutes physical harassment when it affects an employee's employment, interferes with his or her performance, or creates a hostile, intimidating, or offensive workplace environment. Examples include but are not limited to, touching a Medair representative's clothing, hair, face, and skin, or making intimidating gestures toward the employee.

**Definition of sexual harassment**

Any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. \*

*\*Source: UNHCR policy on Sexual Harassment.*

Sexual harassment can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.

Just because someone does not object to inappropriate behaviour in the workplace at the time the behaviour occurs does not mean that they are consenting to the behaviour.

Sexual harassment can be physical, spoken or written. It can include, but is not limited to:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects

- repeated unwanted requests to socialise
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault<sup>1</sup>, stalking or obscene communications

Sexual harassment takes place in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work. When it happens that colleagues may be in a romantic relationship, this can blur the boundaries of acceptable behaviour. Employees in such relationships are encouraged to disclose this to their line managers and colleagues to avoid misunderstandings.

## **Reporting harassment**

### **Informal complaints mechanism**

Anyone who is subject to harassment, including sexual harassment, should inform the alleged harasser that the conduct is unwanted and unwelcome. This is to be considered as the informal approach. The victim can also solicit the support of another colleague or their line manager to be a witness when he/she informs the alleged harasser about their unwelcome behaviour.

Medair recognises that harassment may occur in unequal relationships (for example, between a supervisor and his/her employee) and that it may not be possible for the victim to inform directly the alleged harasser. The victim can approach their HR Focal point / HR Officer / HR Partner / HR Manager for support to informally let the alleged harasser know about their unwelcome behaviour or conduct.

In this informal mechanism, the HR support person / line manager will act as a mediator and will:

- discuss and agree the next steps of this informal complaint with the victim, on the understanding that choosing to resolve the matter informally does not preclude him/her from pursuing a formal complaint if he/she is not satisfied with the outcome of the informal process.
- respect the choice of the victim.
- give an opportunity to the alleged harasser to respond to the complaint.

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<sup>1</sup> In the event of a Sexual Assault refer to the "Guidelines in Dealing with Rape & Sexual Assault" [Insert link to intranet] – UNDER DEVELOPMENT

- 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.
- ensure that the alleged harasser understands the consequences of not stopping the unwelcome behaviour (i.e., the formal complaint mechanism will be triggered).
- 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.

### Formal 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 mechanism should be used to resolve the matter.

**Step 1:** The victim should submit a written complaint of harassment to the following designated persons:

- At the Medair Global Support Office (GSO), the designated persons are the GSO HR Manager and functional Director.
- In the country programmes, the designated persons are the Country Director and the HR Manager or HR focal point in the country programme for national staff, and HR Manager at GSO if international staff are involved in the case.
- In situations where there is a security or organisational risk to be managed the CD has to report the incident to the Head of Country Programme (HCP) at GSO and discuss the implications (e.g., safety, security and donor implications).
- In cases involving senior management (i.e., Country Directors and GSO Directors), the designated persons shall be the Human Resources Director (HRD) and Legal Director.
- In cases involving the Human Resources Director and Legal Director, the designated persons shall be the Chief Executive Officer (CEO) and a representative of the International Board of Trustees (IBoT).

**Step 2:** When the designated person(s) receives a complaint of harassment, he/she will:

- 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 company's procedures for dealing with the complaint.
- discuss and agree the next steps of this formal complaint.
- keep a confidential record of all discussions in a case file.
- ensure that the victim knows that they can lodge the complaint outside of the company through the relevant country/legal framework.

**Step 3:** The designated persons may investigate the matter directly, or refer the matter to an internal or external investigating committee of two or three others in accordance with this policy. The investigating committee will be gender balanced.

The persons carrying out the investigation will:

- interview the victim and the alleged harasser separately and ensure that they know their rights and understand the process of the investigation.
- caution the alleged harasser against any retaliatory behaviour/action and ensure that he/she understands that Medair has zero tolerance on this. Any form of retaliation after an allegation has been raised (whether or not the allegation is found to be true or false in the end) is grounds for immediate dismissal. Retaliation can include but not limited to, speaking to co-workers about the incident, spreading rumours about the alleged victim, harassing the victim to withdraw their allegation, etc. The accused must allow the investigation to proceed.
- interview other relevant third parties separately.
- decide whether to set the alleged harasser aside from his/her function or put him/her on “administrative leave” while investigation is ongoing.
- decide whether or not there is sufficient evidence to support / corroborate the complaint of incident(s) of harassment.
- produce a report detailing the investigations, findings and any recommendations.

**Step 4:** The designated persons will:

- 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, training for the harasser, discipline, suspension, dismissal).
- if it cannot be determined that the harassment took place, make recommendations to ensure proper functioning of the workplace.
- if it is determined that the complaint was false or fabricated, the alleged victim will face disciplinary action.
- inform the alleged harasser about the outcomes of the investigation and the recommendations.
- follow up to ensure that the recommendations are implemented, that the behaviour has stopped in the situation that the harasser is not dismissed and that the victim understands that the outcome relates to improving/ensuring protection, safety and security. And in the situation that harasser has been dismissed, the organisation will use its best efforts to support the victim to feel safe.
- keep a record of all actions taken in the case file.
- ensure that the all records concerning the matter are kept confidential.

The designated persons should ensure that the process is done as quickly as possible, completing it within 15 working days of the complaint being made if possible. If it takes longer than 15 working days, the parties will be kept informed.

All complaints of harassment (including sexual harassment) will be taken seriously and treated with respect and confidentiality for the both victims and alleged harassers. All cases will also be handled in accordance with local legal requirements. Both mechanisms above assume that the victim is willing to identify themselves. If the victim wants to remain anonymous, Medair will nevertheless investigate the accusations of harassment (including sexual harassment), to the extent that this is possible. Victims who remain anonymous must recognize that this limits Medair's ability to investigate and take action in respect of the alleged harassment.

### **Appeal Process**

Both the victim and alleged harasser have the right to appeal the outcome of the formal complaint mechanism. They should submit a written request of appeal to the HRD and Legal Director within 5 working days after the decision in Step 4 above has been made. The HRD and Legal Director will review the matter and submit their findings and decision within 10 working days of receiving the appeal request. Their decision shall be final.

### **Third Party reporting**

A third party reporter is someone who reports sexual harassment but is neither the victim nor the alleged abuser. This person may have been told by the victim about the harassment or witnessed it first-hand. Medair encourages third party reporters to approach one of the designated staff members responsible for receiving complaints of sexual harassment. They can also submit their report via the confidential email address: [notify@medair.org](mailto:notify@medair.org).

### **Outside complaints mechanisms**

A person who has been subject to sexual harassment or some other form of physical harassment may also make a complaint outside of Medair through legal action or reporting it to the relevant governmental authorities. This outside complaint does not prevent Medair from conducting an internal investigation.

### **Sanctions and Disciplinary Actions**

Anyone who has been found to have sexually harassed another person may be subject to the following sanctions and disciplinary actions:

- verbal or written warning
- negative performance evaluation
- demotion
- suspension
- dismissal (immediate termination of employment or relationship with Medair).

The nature of the sanctions will depend on the gravity and extent of the harassment.

### **Implementation of this policy**

This policy will be widely disseminated to all relevant persons. It will be included or cross-referenced in staff handbooks and briefing packages. All new employees (and all Representatives to the extent that this is possible) will be trained on this policy as part of their induction into the organisation. It is the responsibility of every manager to ensure that all his/her employees are aware of the policy.

Medair will require all employees to do an annual refresher awareness training on this policy.

Medair will also take into consideration local national law and consult appropriate local legal counsel as to the applicability of the local national law. To the extent that this policy is inconsistent with national law, national law will prevail.

**Monitoring and evaluation**

Medair recognises the importance of monitoring this harassment policy and will evaluate the policy annually, including collecting information on how it is used its effectiveness. Supervisors, managers and those responsible for dealing with harassment will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations for improvement.