

Rakai Health Sciences Program

Improved Health Through Research

Rakai Health Sciences Program (RHSP)


Sexual Harassment Policy

Document review and Approval.

This document has been reviewed by

Reviewer	Signature	Date reviewed
RHSP Senior Management Team		3 rd April 2024

This document has been approved by

Approver	Signature	Date Approved
RHSP Chair Board of Directors		

Contents

1. INTRODUCTION.....	4
2. PURPOSE & SCOPE.....	4
3. DEFINITION OF SEXUAL HARRASMENT.....	4
4. PROHIBITED RELATIONSHIPS	5
4.1 Prohibited conduct.	5
5. SEXUAL HARASSMENT COMMITTEE(SHC).	5
5.1 Functions of the sexual harassment committee	6
5.2 Sexual harassment complaints procedure.....	6
5.2.1 Lodging of sexual harassment complaints.....	6
5.2.2 Modes of Reporting.....	6
5.2.3 Reporting Consensual, Romantic or Sexual Relationships.....	7
5.2.4 Management Action Plan for Consensual, Romantic or Sexual Relationships	7
5.2.5 Procedure for handling sexual harassment complaints	7
6. CONFIDENTIALITY	8
6.1 Protection of persons involved in investigations against discrimination.....	8
6.1.1 Retaliation and discrimination	8
6.1.2 False/Frivolous Claims	9
7. TRAINING	9
8. APPENDIX A	10
8.1.1 sexual harassment complaints register.	10
Register for sexual harassment complaints.....	10

1. INTRODUCTION

Rakai Health Sciences Program (RHSP) strives to create and maintain a safe working environment in which workers and all stakeholders are treated with dignity, decency and respect. This policy on sexual harassment shall be used as a guide for RHSP employees and stake holders to enable them create an environment of mutual trust, that is free of intimidation, oppression and exploitation by all means.

As per the 1995 constitution of the Republic of Uganda (amended), sexual harassment regulations statutory instrument 15 of 2012, RHSP supports the commitment that all organizations must have “zero tolerance” for harassment in the workplace and will not tolerate conduct that can be construed as harassment or sexual harassment.

All employees, consultants, clients, interns, partners, volunteers, community support staff, suppliers and official visitors, regardless of their positions, are covered by, and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur.

RHSP will seek to prevent, correct and discipline any behavior that violates this policy through enforcement of the sexual Harassment Policy as well as by the training of all employees and stake holders.

2. PURPOSE & SCOPE

RHSP is committed to upholding both working and learning environments as free as possible from biases and any forms of conflicts of interest. It also recognizes that two consenting adults can freely engage in an intimate relationship if it does not interfere with the organisation policy and goals. This policy assures confidentiality and describes;

- The procedure for reporting sexual harassment,
- Disciplinary measures or penalties that may be administered,
- Complaint resolution procedures.

All RHSP staff and stakeholders are bound by this policy and are expected to report any incident of suspected sexual harassment to RHSP management.

3. DEFINITION OF SEXUAL HARRASMENT

Sexual Harassment is a behaviour of making unwelcome and inappropriate sexual advances, gestures, remarks, requests for sexual favors, or sharing images of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another.

Sexual Harassment in employment means:

- A) direct or implicit request to an employee for sexual intercourse, sexual contact or any other form of sexual activity that contains—
 - (i) an implied or express promise of preferential treatment in employment;
 - (ii) an implied or express threat of detrimental treatment in employment;
 - (iii) an implied or express threat about the present or future employment status of the employee;
- B) use of language whether written or spoken of a sexual nature such as unwelcome verbal advances, sexual oriented comments, request for sexual favours, jokes of a sexual nature, offensive flirtation or obscene expressions of sexual interest that are addressed directly to the person;
- C) use of visual material of a sexual nature such as display of sexually suggestive pictures, objects or written materials or sexually suggestive gestures; and (d) showing physical behavior of a sexual nature such as unwanted and unwelcome touching, patting, pinching or any other

unsolicited physical contact; which directly or indirectly subjects the employee to behaviour that is unwelcome or offensive to that employee and that, either by its nature or though repetition, has a detrimental effect on that employee's employment, job performance or job satisfaction.

Sexual harassment can be in five (5) categories:

- 1) Physical sexual harassment, such as touching, pinching, or assault of a sexual nature
- 2) Verbal sexual harassment, such as jokes, comments, or requests of a sexual nature.
- 3) Non-verbal sexual harassment, such as looks, gestures, or materials of a sexual nature.
- 4) Quid pro quo sexual harassment, where sexual favors are demanded or implied as a condition of employment or advancement.
- 5) Hostile environment sexual harassment, where sexual conduct creates an intimidating, offensive, or abusive work environment.

Sexual harassment includes harassment of women by men, men by women, and same-sex harassment. Sexual harassment is unlawful whether it involves work colleagues (supervisors, managers, peers, field staff, volunteers, community support team); and all other stake holders. RHSP prohibits any, and all, conduct that may reasonably be interpreted as sexual harassment, as defined above, whether or not such conduct is pervasive enough or severe enough to meet the technical legal requirements of harassment.

4. PROHIBITED RELATIONSHIPS

Consensual relationship: A consensual relationship refers to any voluntary relationship, either past or present, which is romantic, physically intimate, or sexual in nature, and to which the parties consent or consented.

RHSP prohibits consensual romantic/sexual relationships (both long term and one offs) between supervisors and subordinates in direct reporting relationship.

4.1 Prohibited conduct.

RHSP forbids conduct as listed but not limited to the following.

- The inappropriate physical touch of anybody parts, including patting, scratching, pinching, stroking, or brushing up against another person 's body part.
- Unwanted and persistent explicit or implicit propositions and persuasion to engage in sexual activity.
- Sexual stares or glances such as leering and ogling with suggestive overtones.
- Lustful gestures such as facial, hand, body, or sign language to denote a desire for sexual activity.
- Use of vulgar language that may incite sexual harassment, among others. For example, unwelcome comments about someone's body type, use of obscene words in conversations etc.
- Disrobing or exposure of any sexual body parts or underwear Intentionally.
- Unwanted demands for sexual activity and relations in exchange for promotion, employment, or scholarship opportunities, among other favors.
- Sexual harassment via online platforms in the form of trolling through tweets, text and WhatsApp messages as well as sharing of unwanted private messages and photos on social media platforms etc.
- Intentional/false accusation that might tarnish the image of another employee. For example, tricking or luring others into sexual acts to damage their reputation.
- Stalking by following or spying on a person to lure them into sexual acts.
- Any other kind of sexual assault or rape acts that have not been listed above.

5. SEXUAL HARASSMENT COMMITTEE (SHC).

The RHSP sexual harassment committee shall comprise of representatives of management and employees.

Five members shall constitute this committee & will all be approved by the Executive Director (ED),

Members of the committee shall

- Select a chairperson and secretary to the committee
- Be Impartial to the parties in the sexual harassment case.

- Be knowledgeable and sensitive to gender and sexual harassment issues

The committee shall receive the complaint from the Human Resource (HR) office or any other (one can lodge a complaint with) identified below.

5.1 Functions of the sexual harassment committee

The Committee shall

- Receive and register complaints of sexual harassment in the sexual harassment complaints register (Appendix: A).
- Initiate internal investigations into complaints.
- Keep a record of the nature of sexual harassment offences, proceedings, documents, information and action taken.
- Respond to complaints within ten days from the date of lodging the complaint with recommendations to management for appropriate action.
- Review the provisions of the policy to convey a responsive and supportive attitude that builds faith and trust.
- Prepare and provide reports under the complaints procedure to the RHSP senior management team

The Sexual harassment register shall be kept under key and lock by the HR Office

5.2 Sexual harassment complaints procedure

5.2.1 Lodging of sexual harassment complaints

An individual who is sexually harassed in any way described in this policy, shall lodge a complaint to any of the following,

- a) Human resource manager,
- b) Supervisor,
- c) Senior management team member
- d) The Executive Director, or
- e) A member of Board of Directors.

If the member of staff reports to any member of staff in the reporting line other than the HR Office, the recipient of the case of sexual harassment should report it to the Sexual Harassment committee within 24 hours.

If the case involves a member of the Sexual harassment committee, they shall be excluded from the deliberations.

The Sexual Harassment Committee shall spearhead the investigation within. The Sexual Harassment committee shall provide feedback to the aggrieved person within 14 days.

The Sexual harassment committee shall, in any case under investigation, have the power, for good reasons, to extend time for reporting, investigating, hearing, providing feedback and any other time bound activity.

5.2.2 Modes of Reporting

Members of staff can use any modes of reporting, including phone call, send an email to any of the above mentioned, whistle blow using email whistleblow@rhsp.org, or in person/face to face.

The complainant should provide the following minimum information as they report:

1. The name of the aggrieved person
2. The name of the alleged perpetrator
3. Whether the perpetrator is staff or non-staff
4. Nature of the case
5. Contact of the complainant for follow up

Regardless of the mode of reporting selected, the complainant must ensure that utmost confidentiality is maintained, and the report is made only to those who are empowered to receive complaints under this Policy. RHSP prohibits frivolous reports, sharing copies of the complaints with other persons not being those to whom a complaint will be made, blackmail, threats of exposure and any other conduct that would unfairly condemn a person.

In case someone is unable to come forward to the HR office or any other person in the reporting line to lodge a complaint and instead shares the information of alleged harassment with someone else, then the one to whom it was reported has the obligation to support the complainant to forward the case to person (s) in the reporting line. This will enable investigation and relevant support for the complainant.

Any person who by visual or auditory means, witness's incident of sexual harassment, but is not a participant, should get the victim's consent and support the victim in lodging the case with the any member listed above. This person however is bound to keep this information confidential.

Witnesses will be assured of non-retaliation as well as confidentiality as regards any information shared with the sexual harassment committee.

5.2.3 Reporting Consensual, Romantic or Sexual Relationships

All staff in consensual relationships (that are not prohibited) are required to inform the HR office as per the HR policy manual sec.34.

On receiving the report or declaration, the HRM MUST immediately collaborate to manage the possible conflicts of interest. If the management of the conflict is not possible, the choice will be theirs as to which employee accepts a transfer into an available position suitable to his or her skill and experience. If, between the two employees, a decision cannot be made, the employee with the least seniority must transfer into the next available position suitable to his or her skills and experience or leave the organization if no suitable position exists. Should the consensual relationship end, it should be reported to HRM.

5.2.4 Management Action Plan for Consensual, Romantic or Sexual Relationships

The HRM with the respective line Director(s) will take the lead to engage the parties involved in a relationship and additionally notify their line supervisors, to discuss and agree upon the most appropriate/feasible management action plan and its implementation at the earliest opportunity.

The management plan options include but may not limited to the following actions.

- Departmental switch
- Change of reporting lines
- Resignation: the couple will agree on who is to resign if the above options are not applicable.

The management action plan must be documented and copies of which kept on the respective personnel files.

5.2.5 Procedure for handling sexual harassment complaints

On receipt of a complaint, the Sexual Harassment Committee shall promptly investigate a complaint by taking the following steps.

- 1) Register the details of the complaint in the sexual harassment complaints register;
- 2) Interview the complainant to ascertain the facts of the matter;
- 3) If the committee requires more information, they shall identify persons to investigate the complaint.
- 4) Investigate the complaint to ascertain the facts to the extent practicable, throughout the investigation
- 5) Obtain from the investigating committee the written report of their investigation and decision on the complaint

- 6) Notify the accused of the complaint and invite them for a hearing with the sexual harassment committee.
- 7) The committee will record the discussions and make recommendations of the way forward based on the evidence and discussion to management.
- 8) The management decision shall be shared with the chair to the committee who will in turn inform the sexual harassment committee. The HR office shall simultaneously be informed who shall communicate the management decision to the accused and complainant ; and a copy shall be kept on the respective employee files.
- 9) Inform the accused that he or she will not engage in retaliation against the complainant or anyone else who cooperates with the investigations.

At any time during the investigations the person alleged to have harassed the complainant may be temporarily transferred, reassigned, or sent on leave pending the completion of the investigations.

6. CONFIDENTIALITY

All information received when handling complaints of sexual harassment shall be confidential.

Any recipient of confidential information is bound to protect the confidentiality of the information.

Information received in handling sexual harassment complaints shall only be used for the purpose of determining or resolving the complaint and its disclosure shall be limited to persons involved in handling the complaint.

The confidentiality on information received while handling a sexual harassment complaint shall be kept under key & lock, the electronic files shall be password protected.

At any stage of investigation Sexual Harassment Committee representatives and other parties to the case shall recognize and observe the attributes of the complaints procedure.

Any member who breaches confidentiality commits an offence and shall face disciplinary action.

6.1 Protection of persons involved in investigations against discrimination

6.1.1 Retaliation and discrimination

Retaliation against persons who make sexual harassment complaints or who provide information about such behavior is strictly prohibited. Retaliation could take the form of physical violence, threats and insults or blackmail against a witness or an individual who has made a claim of sexual harassment. Retaliation amounts to gross misconduct and will be dealt with as per the RHSP HR Manual Sec. 13 disciplinary policy.

A person involved in a sexual harassment case shall not be retaliated against for doing the following,

- Reporting or filing a complaint of sexual harassment
- Testifying as a witness in a claim of sexual harassment
- Consulting
- Cooperating during any investigation of a sexual harassment complaint
- Participating in a meeting constituted to discuss sexual harassment in the workplace
- Discussing the complaint of sexual harassment with the organization's Sexual Harassment Committee members.
- Carrying out any duties as a member of the committee on sexual harassment.

RHSP shall ensure that no discriminatory / retaliatory actions are taken by staff against employees based on their involvement in a sexual harassment investigation.

When an act is determined to be discriminatory or retaliatory the perpetrators will be subjected to appropriate disciplinary procedures. The mandatory minimum discipline is a written reprimand while serious and/ or repeats offenses will face termination of employment.

6.1.2 False/Frivolous Claims

In cases where the RHSP employee and/or stakeholder knowingly raises a false/ frivolous complaint against another party the mandatory minimum discipline will be a written reprimand. For repeat offenses, the claimant will face or termination of contract.

7. TRAINING

All RHSP staff, interns, volunteers and community support staff will undergo mandatory training using online or face-to-face modes.

RHSP will ensure that this policy is widely disseminated to all relevant persons and will be included in the HR manual.

