



PEACE, PROSPERITY AND  
REGIONAL INTEGRATION

**INTERGOVERNMENTAL AUTHORITY  
ON DEVELOPMENT  
(IGAD)**

**SEXUAL  
HARASSMENT  
POLICY**

**AUGUST 2018**

# Table of Contents

1.	The Policy Statement .....	2
2.	Purpose of the Policy .....	2
3.	Sexual Harassment .....	2
3.1	Physical conduct .....	2
3.2	Verbal conduct .....	3
3.3	Non-verbal conduct .....	3
4.	Scope of application of the Policy .....	3
5.	Complaints procedures .....	4
5.1	Informal complaints mechanism .....	4
5.2	Formal complaints mechanism .....	5
6.	Sanctions and disciplinary measures .....	6
7.	Appeals Process .....	7
8.	Freedom from Reprisal .....	7
9.	Implementation of this policy .....	7
10.	Declaration .....	8

## **1. The Policy Statement**

The Intergovernmental Authority on Development (IGAD) is committed to providing a safe environment for all its employees free from any form of discrimination. IGAD will operate a zero tolerance policy to any form of sexual harassment in the workplace, treat all incidents seriously and undertake prompt investigation of all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action. This could culminate in dismissal from employment.

All complaints of sexual harassment will be treated with respect and in confidence. Furthermore, all employees who bring forward legitimate sexual harassment cases will be free of any and all reprisal or retaliation.

## **2. Purpose of the Policy**

To define and institutionalise IGAD's response to sexual harassment and document the process, which is to be followed, should any grievances arise.

## **3. Sexual Harassment**

Sexual harassment under this policy constitutes any unwelcome verbal, non-verbal or physical conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated; and interferes with work, productivity or wellbeing of others. It includes situations where a person is asked to engage in sexual activity as a condition for employment, promotion or benefit from a service or opportunity. Sexual harassment can involve one or more incidents.

Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

### **3.1 Physical conduct**

- a) Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching;
- b) Physical violence, including sexual assault;
- c) The use of job-related threats or rewards to solicit sexual favours.

### **3.2 Verbal conduct**

- a) Comments on a worker's appearance, age, private life, etc.
- b) Sexual comments, stories and jokes
- c) Sexual advances
- d) Repeated and unwanted social invitations for dates or physical intimacy
- e) Insults based on the sex of the worker
- f) Condescending or paternalistic remarks, sending sexually explicit messages (by phone or by email or any other means)

### **3.3 Non-verbal conduct**

- a) Display of sexually explicit or suggestive material
- b) Sexually-suggestive gestures
- c) Whistling
- d) Leering

Both female and male employees, service providers, applicants, partners and clients of IGAD may be exposed to sexual harassment.

## **4. Scope of application of the Policy**

IGAD recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and subordinate. Anyone, including employees of IGAD, suppliers, casual workers, contractors or visitors engaging in any acts of sexual harassment shall be reprimanded in accordance with this Policy.

All forms of sexual harassment are prohibited under this Policy whether occurring within IGAD's premises or outside, including but not limited to: social events, official mission trips, training and other stakeholder workshops, meetings or conferences convened by IGAD.

## 5. Complaints procedures

Anyone who is subject to sexual harassment should, as soon as possible, inform the alleged harasser that the conduct is unwanted and unwelcome. He/she should then file a complaint with the human resources officer or any director or other senior member of management that he/she is most comfortable with. Where the victim is unable to directly inform the alleged harasser due to any reasonable cause, he/she may file a complaint with the Human Resources Office or any director or other senior member of Management that he/she is most comfortable with.

When a complaint is received the following action should be taken:

- i) Statement of fact recording the dates, times and facts of the incident(s)
- ii) Ascertain the views of the Complainant as to what outcome he/she wants.
- iii) Ensure that the Complainant understands the Organisation's procedures for dealing with the complaint.
- iv) Discuss and agree on the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the Complainant from pursuing a formal complaint if he/she is not satisfied with the outcome.
- v) Keep a confidential record of all discussions.
- vi) Respect the choice of the Complainant.
- vii) Ensure that the Complainant knows that they can lodge the complaint outside IGAD through the relevant processes and applicable national law(s).

Throughout the complaints procedure, a Complainant is entitled to be helped by a skilled counsellor. IGAD will identify and train a number of counsellors to enable them assist victims of sexual harassment.

### 5.1 Informal complaints mechanism

If the Complainant wishes to deal with the matter informally, particularly for offenses that are not classified as serious or criminal, the designated/appropriate manager shall:

- i) Give an opportunity to the alleged harasser to respond to the complaint;
- ii) Ensure that the alleged harasser understands the complaints mechanism;
- iii) Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant; or if an amicable settlement cannot be reached refer the matter to another party (senior manager within IGAD), with the consent of both complainant and accused;
- iv) Ensure that a confidential record of proceedings is kept. All officials involved in the investigations/ case management must be bound by the duty to maintain confidentiality and impartiality during the hearing or after conclusion of the case;
- v) Follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped;
- vi) Ensure that the above measures are taken expeditiously and within a period not exceeding 14 days from the date of filing the complaint.

## **5.2 Formal complaints mechanism**

If the Complainant wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the Complainant, the formal complaint mechanism should be used to resolve the matter.

The designated/appropriate person who initially received the complaint will refer the matter to the Executive Secretary to instigate a formal investigation. The Executive Secretary may deal with the matter, refer the matter to an internal or external investigator or refer it to a committee.

The person carrying out the investigation will:

- i) Interview the Complainant and the alleged harasser separately;
- ii) Interview other relevant third parties separately;
- iii) Ascertain whether or not the incident(s) of sexual harassment took place;
- iv) Produce a report detailing the investigations, findings and any recommendations;

- v) If the harassment took place, decide what the appropriate remedy for the Complainant is, in consultation with the Complainant (i.e.- an apology, a change of working arrangements, a promotion if the Complainant was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal or possible prosecution under applicable national penal laws for offences such as rape;
- vi) Follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the Complainant is satisfied with the outcome;
- vii) Keep a record of all actions taken;
- viii) Ensure that all records concerning the matter are kept in trust and strict confidence. Such information shall be used only for the purposes required in fulfilling the purpose of this policy and as such shall not be used for any other purpose, or disclosed to any third party without approval;
- ix) Ensure that the process is done as quickly as possible and in any event within 21 working days of the complaint being made.

## **6. Sanctions and disciplinary measures**

Anyone who has been found to have sexually harassed another person or made false and malicious allegations thereof, under the terms of this policy is liable to any, but not limited to, the following sanctions:

- a) Verbal or written warning;
- b) Transfer;
- c) Demotion;
- d) Suspension;
- e) Dismissal;
- f) Prosecution under national penal laws for serious offences such as rape.

The nature of the sanctions will depend on 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.

Where, after proper investigations, there is evidence to support allegations of severe sexual assaults such as rape or attempted rape, such offences shall upon consultation with IGAD Legal Counsel, be referred to national authorities for criminal prosecution.

## **7. Appeals Process**

Both the complainant and the accused may seek a review of any alleged failure to implement the procedures and principles of this policy fairly and reasonably. The subject may request a review of disciplinary action taken pursuant to this policy; the appeal must be in writing and submitted to the Human Resource Office within a reasonable time frame, not exceeding 30 days after the date of the disciplinary action, with clearly outlined grounds for the appeal.

## **8. Freedom from Reprisal**

A person who brings a complaint in good faith should not be subjected to retaliation, and adverse action taken against a complainant that appears to stem from the registering of a complaint will be thoroughly investigated in accordance to the IGAD Whistle-blowing Policy Section 7 (Prevention of recriminations, victimisation or harassment).

## **9. Implementation of this policy**

IGAD will ensure that this policy is widely disseminated to all relevant persons.

All new employees must be sensitised on the content of this policy as part of their induction into the Organisation. It is the responsibility of every employee to be aware of the policy and comply.

Every IGAD Employee shall be required to read this Policy and sign a declaration affirming to have understood his/her rights, duties and responsibilities therein. The signed declaration shall form part of the employee's personal file.



## 10. Declaration

I \_\_\_\_\_ do hereby affirm that I have read and fully understood my rights, duties and responsibilities under the IGAD Sexual Harassment Policy.

Position: \_\_\_\_\_

Duty Station/Section: \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

### References:

1. ILO Sexual Harassment Policy Guide.
2. IGAD Institutional Gender Policy.
3. IGAD Service Regulations.
4. IGAD Member States' Laws and Policies on Sexual Offences.

