

<b>Reference Document/ Relevant Legislation</b>	2007 National Policy on Sexual Harassment in the Workplace- Ministry Of Labour, Industrial Relations, Tourism And Environment General Order 2011
<b>Commencement Date</b>	1 March 2018
<b>Review Date</b>	The review date is 12 months after the commencement date and every three years after that.

## POLICY STATEMENT

### 1 Intent

The Office of the Auditor General (OAG) is committed to providing a safe working environment for all its staff that is free from discrimination and harassment at work including sexual harassment. This will enhance productivity and ensure a quality work environment.

This policy aligns to Public Service Code of Conduct (3) "An employee, when acting in the course of employment in the public service, must treat everyone with respect and courtesy, and without coercion or harassment of any kind, including sexual harassment, or discrimination (whether direct or indirect).

### 2 Scope

It is the prime responsibility of Executive Management to ensure that the workplace is free from sexual harassment.

All staff must uphold the PSC values and Code of Conduct at all times, while being employed by OAG.

All complaints/concerns on sexual harassment will be taken seriously and treated with respect and with confidentiality.

The executive management shall ensure that no staff are victimised for lodging sexual harassment complaints.

### 3 Objective(s)

- a) To ensure that all OAG staff are safeguarded against sexual harassment.
- b) To ensure that appropriate behavior is maintained in promoting and ensuring a harassment-free workplace environment.

- c) To empower staff within OAG to prevent any form of harassment behaviour from occurring.
- d) To support staff who may feel sexually harassed and to find appropriate preventive measures of such activities.

#### 4 Definitions and Acronyms

**Policy Maker** Auditor-General

**Management** Executive Management Committee

#### 5 Supporting Documents/References

2007 National Policy on Sexual Harassment in the Workplace- Ministry of Labour, Industrial Relations, Tourism and Environment

General Order 2011

#### 6 Keywords

Harassment

Sexual Harassment

#### 7 Supporting Procedures and Guidelines

The guidelines to this policy are attached as Annexure I to this policy. This information will provide the background to the development of the policy should Officers need clarification.

<b>RESPONSIBILITIES</b>	
<b>Implementation</b>	The Supervisors and Directors are responsible for implementing the policy.
<b>Compliance</b>	All staff are responsible for complying with the policy.
<b>Monitoring and Evaluation</b>	The Supervisors and Directors are responsible for monitoring and evaluating the policy.
<b>Development and/or Review</b>	The Corporate Services division will be responsible for developing and/or reviewing the policy.
<b>Interpretation and Advice</b>	The Deputy Auditor General is responsible for interpreting and advice on the policy.

# ANNEXURE 1

## Definitions

### 1.0 Harassment

The act of systematic or continued unwanted and annoying actions of one party or a group, including threats and demands. The purpose may vary, including racial prejudice, personal hatred, and an attempt to force someone to quit a job or grant sexual favours.

### 2.0 Sexual harassment

Sexual harassment is a form of discrimination and a gross violation of a person's human rights and human dignity. It is any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is unreasonable in a situation.

Sexual harassment is any form of offensive sexual attention that is uninvited and unwelcome. It does not need to be a series of incidents or even an ongoing pattern of behavior. **One single act can constitute harassment.**

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. The office recognizes that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

### 3.0 Sexual harassment may include or applicable to:

This policy is applicable for staff conduct that takes place in any work-related context, including at client, conferences, training, work functions, social events and business related dealings while being employed by OAG.

The code of conduct may be also maintained at clients premise, with client's staff or visitor and that there shall not be any room for harassment.

The Management shall strongly encourage staff who feel they have been sexually harassed to take immediate action. If he/she feels comfortable in doing so, it is recommended to raise the concerns with the person directly with a view to resolve the issue by discussion. In the process:

- The staff will identify the harassing behavior,
- Explain why he/she felt the behavior is unwelcoming.
- After the discussion, suggest that behavior should end or if it continues, a complaint can be lodged.

Alternatively, staff may report the behaviour in accordance with the Office Policies such as disciplinary policy, if there are no improvements.

Once the complaint has been lodged, the Deputy Auditor General shall deal with it informally and later may go to a Disciplinary committee for a formal hearing should the matter remain unresolved.

A breach of this policy will result in disciplinary action, up to and including termination of employment.

#### **4.0 Examples of sexual harassment include, but are not limited to,**

- a) Remarks and behaviour that are expressly, or apparently are unwelcome;
- b) Visual material that is sexist, sexually explicit and is displayed in the workplace or placed in somebody's workplace or belongings or on a computer/laptop or fax machine or on the Internet;
- c) Sexual or suggestive remarks;
- d) Making sexually suggestive gestures;
- e) Dirty jokes (including by Email) or foul language;
- f) Eyeing, touching, kissing or pinching in a sexual manner;
- g) Offensive hand or body gestures and inappropriate posturing;
- h) Comments and questions about another person's sexuality, sexual conduct or private relationships;
- i) Persistent unwelcome invitations;
- j) Gender-biased bullying or intimidation;
- k) Propositions, requests or pressure for sexual favors or activities;
- l) The soliciting of sexual favors in exchange for promotion or any work-related benefit or reward. Sexual intercourse under threat of job loss;
- m) Staff rejection of behavior of a sexual nature, is used as the basis for decisions affecting the staff's professional career;
- n) Behavior unreasonably interfering with a worker's performance and overall comfort;
- o) Continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome;
- p) Unwelcome sexual advances;
- q) Offensive flirtations;
- r) Offensive written, telephone or electronic mail or other computer system communications, or through social media;
- s) Sexual assault or rape;
- t) Unwelcome efforts to develop a romantic or sexual relationship;
- u) Intrusive questions asked at employment interview.

#### **5.0 Key Responsibilities under this policy**

OAG will not tolerate sexual harassment under any of the above circumstances. Responsibility lies with Directors, Managers, Supervisors and staff to ensure that sexual harassment is not present at the workplace.

If the Deputy Auditor General receives an allegation of sexual harassment, or has reason to believe sexual harassment is occurring, it will take the necessary steps to ensure that the matter is promptly investigated and addressed. The same role can be played by Directors, to investigate if the nature of sexual harassment is minor in nature or the same can be dealt mutually by Director & Deputy Auditor General.

The Deputy Auditor General is the focal point of contact and has the responsibility of investigating or overseeing investigations of alleged sexual harassment. The DAG is committed in ensuring that all investigations of sexual harassment are conducted in a prompt, thorough, and impartial manner. In addition, the matter will be kept confidential.

Managers and Directors who observe or are informed of, or reasonably suspect incidents of possible sexual harassment must immediately report such incidents to Deputy Auditor General, who will also advise the matter to the Manager Corporate Services (MCS) and initiate a prompt investigation. If needed, the Deputy Auditor General, may seek assistance and guidance of

Manager Corporate Services and Senior Admin Officer (HR) on the investigation and handling of potential harassment. Failure to report such incidents will be considered a violation of this policy and may result in disciplinary action.

The Directors shall take effective measures to ensure no further apparent or alleged harassment occurs pending completion of an investigation. The investigator (DAG or the Directors) may seek to protect the identities of the alleged victim and harasser, except as reasonably necessary (for example, to complete an investigation successfully).

## **6.0 Staff Rights and Responsibilities under this Policy**

A staff who believes he or she has been the target of sexual harassment is encouraged to inform the offending person by informal communication or in writing that such conduct is unwelcome and offensive and must end.

Staff are encouraged to report the misconduct behavior as soon as possible to their Directors. It is usually most effective -- although it is not required—as the staff may find it easier to communicate directly with their supervisor. This will then be communicated by Directors to Deputy Auditor General.

## **7.0 Complaints procedures**

Under the investigation procedure, should the Deputy Auditor General be unable to resolve the sexual harassment matter, the concerned staff shall fill in a Grievance form against the offender and file a formal complaint.

This will be dealt by the committee consisting of Deputy Auditor General, Directors, Manager Corporate Services and Senior Admin Officer (HR). Similar to grievance procedure, the action to be taken will be recommended to the Auditor General for his decision.

## **8.0 When a Designated Officer receives a complaint of Sexual 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 office procedures for dealing with the complaint
- Discuss and agree on the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not stop the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
- Keep a confidential record of all discussions
- Respect the victim's opinion

## **9.0 Informal complaints**

If the victim wishes to deal with the matter informally, the designated person will:

- Give an opportunity to the alleged harasser to respond to the complaint, at least 2 working days.
- Ensure that the alleged harasser understands the complaints mechanism or solution,
- Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant.
- Ensure that the records are kept as confidential
- Follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped

- Ensure that the above is done speedily and within 5 days of the complaint being made

### **10.0 Formal complaint**

When the victim wants to make a formal complaint or if the informal complaint solution has not led to a satisfactory outcome for the victim, the formal complaint procedure should be used to resolve the matter

The matter may be referred to the Committee, consisting of Deputy Auditor General, Directors, Manager Corporate Services and Senior Admin Officer (HR) to carry out a formal investigation as below:

- Interview the victim and the alleged harasser separately;
- Interview other relevant third parties or witnesses separately;
- Decide whether or not the incident(s) of sexual harassment took place;
- Document the findings and recommend the action to be taken;
- Follow up to ensure that the recommendations are implemented, that the behaviour has ended and that the victim is satisfied with the outcome;
- Should the committee decide that the matter is not of sexual harassment, the complaint will be dismissed and a report shall be submitted to the Auditor-General;
- Maintain record of all actions taken;
- Ensure that the matter is kept confidential.

### **11.0 Sanctions and disciplinary measures**

OAG shall treat all incidents seriously and promptly to investigate all allegations of sexual harassment. Any staff found to have sexually harassed another staff will face disciplinary action, up to and including dismissal from employment.

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- verbal or written warning
- adverse performance evaluation
- suspension
- dismissal

The nature of the decisions will depend on the gravity and extent of the harassment. Certain serious cases, including physical violence, will result in immediate dismissal of the harasser.

### **12.0 Confidentiality**

All complaints of sexual harassment will be treated with confidentiality.

**8 Review**

This policy will be reviewed 12 months after implementation and every 3 years after that.

**9 Who to Contact About this Policy**

Any queries is directed to Deputy Auditor General

**10 APPROVAL**

This policy becomes effective on the date approved by the Executive Management Committee

**11 Revision/Change Log**

Version 1.0	
<b>Policy endorsed by:</b>	Executive Management Committee
<b>Policy approved by:</b>	Auditor-General
<b>Policy effective from:</b>	1 March 2018
<b>Policy to be reviewed by:</b>	1 March 2019
<b>Manager responsible for policy:</b>	Manager Corporate Services