

# Protection from Sexual Harassment, Exploitation and Abuse Policy

## 1. Introduction:

Since its inception, the COAST Trust has been working relentlessly to realize gender equality and to bring an end to gender discrimination inside the organization and at the same time in the community. It takes it as a cross cutting issue in every program and project. One of the major objectives of the organization is to ensure balance and sustainable development for marginalized people specially women and children living in the coastal areas. COAST Trust, therefore, has been working for developing a gender sensitive and women friendly working environment.

The organization works to end discrimination among male and female colleagues and to end all sorts of gender based violence to ensure women empowerment. For continuing this practice, it has formulated 'Sexual Harassment Protection Policy' according to the Supreme Court's directives delivered on May 14, 2009.

## 2. Rationale:

To establish gender equity at all levels which was pointed out in different international laws and instruments including Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), International Covenant on Economic, Social and Cultural Rights. For this, there should have a system to establish equality among male and female in the society. But our society's culture and practice are that man and women are different so their role and responsibilities are different. And it is happening traditionally and historically. Therefore, women have been indentified slowly but surely as subservient to men socially. Social custom, belief, inherit continuation, even the socio-economic, cultural and religious norms are cherishing the same things in same way. Hence, discrimination and inequality still exist between men and women in the society.

In this circumstance, COAST Trust has decided to formulate 'Sexual Harassment Protection Policy' to continue strengthening this practice as women friendly environment within the organization. It believes that the policy will help decline women exploitation, harassment and end violence against women by implementing formulated policy which will also help women to get empowered.

## 3. Aim:

The aim of this policy is to create equal dignity among men and women as well as to create anti-sexual harassment environment for women and beneficiaries. And it helps to establish such atmosphere by eliminating gender discrimination. Another goal of the policy is to create proper workplace where safety, security and equal opportunity for women will be ensured.

#### 4. Objectives:

The core objective of the 'Sexual Harassment Protection Policy' is to implement organization's gender policy effectively and to ensure gender sensitive work environment within the organization.

Other objectives of the policy are:

- 4.1. To create awareness about sexual harassment;
- 4.2. To ensure equal dignity and to create atmosphere congenial for women inside the organization;
- 4.3. To create awareness about the consequences of sexual offences;
- 4.4. To create awareness about punishment of sexual harassment;
- 4.5. To help female colleagues to get legal support under the policy;
- 4.6. To build awareness among the colleagues concerning women rights, dignity and gender equality as well;
- 4.7. To ensure equality among men and women within the organization and to indentify it as a cross cutting issue in each project and program which would be reflected;
- 4.8. To take necessary steps to establish women's involvement at all levels inside the organization such as; making plan of action and decision making process;
- 4.9. To ensure that respective authorities/employers take effective role in implementing recommendations received from the investigative committee;
- 4.10. To apply zero tolerance to sexual harassment/torture;
- 4.11. To introduce two types of punishments-major and minor.

#### 5. Definition

- 5.1. **According to UN Secretariat's message on discrimination, harassment, including sexual harassment, and abuse of authority**, it defines "sexual harassment" as any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

- 5.2. **According to directives from Supreme Courte of Bangladesh;** Sexual Harassment includes- Unwelcome sexually determined behavior (whether directly or by implication) as physical contact and advances;
- 5.3. Attempts or efforts to establish physical relation having sexual implication by abuse of administrative, authoritative or professional powers;
- 5.4. Sexually colored verbal representation;
- 5.5. Demand or request for sexual favors;

- 5.6. Showing pornography;
- 5.7. Sexually colored remark or gesture;
- 5.8. Indecent gesture, teasing through abusive language, stalking, joking having sexual implication.
- 5.9. Insult through letters, telephone calls, cell phone calls, SMS, pottering, notice, cartoon, writing on bench, chair, table, notice boards, and walls of office, factory, classroom, washroom having sexual implication;
- 5.10. Taking still or video photographs for the purpose of blackmailing and character assassination;
- 5.11. Preventing participation in sports, cultural, organizational and academic activities on the ground of sex and/or for the purpose of sexual harassment;
- 5.12. Making love proposal and exerting pressure or posing threats in case of refusal to love proposal;
- 5.13. Attempt to establish sexual relation by intimidation, deception or false assurance.

Such conduct mentioned in clauses (a) to (l) can be humiliating and may constitute a health and safety problem at workplaces or educational institutions; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her education or employment in various ways or when it creates a hostile environment at workplaces or educational institution.

- 5.14. **The UN Secretary-General's Bulletin (SGB) on sexual exploitation and sexual abuse** defines the term "sexual exploitation" as any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. It defines the term "sexual abuse" as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

There is often confusion about whether a particular action or conduct would constitute sexual harassment, sexual exploitation or sexual abuse. Sexual harassment is associated with the workplace. Not all sexual harassment involves an abuse of a position of vulnerability, differential power or trust or the actual or threatened physical intrusion of a sexual nature. If it does, it also constitutes sexual exploitation or sexual abuse. Sexual harassment and sexual exploitation and abuse are all considered serious misconduct. All three should be reported. The person reporting does not have to specify which category the conduct falls into.

- 6. **Area:**  
Employees and beneficiaries of the organization are included under the policy.

## 7. Implementation of the strategies:

Taking different types of implementation strategies to ensure women friendly and sexual harassment/torture free surroundings which bring the organization one step forward as well as women empowerment. Also taking steps against the individuals accused of offences and to ensure exemplary punishment to offenders.

The implementation strategies are given below:

- 7.1. To initiate/update organization's all kinds of policy, strategic plan, directives/circulars that would be gender sensitive;
- 7.2. To fix responsibilities for gender focal person and to empower her to discharge the responsibilities;
- 7.3. To find out victims among female colleagues/beneficiaries by regular monitoring and evaluation system. And to ensure fear and free atmosphere for woman for submitting complaints and to give them solutions as well;
- 7.4. To aware employees about the policy and ensure its implementation at practice level;
- 7.5. To take necessary steps according to the policy on investigation into any alleged incident;
- 7.6. To circulate widely the policy at all branches and project offices;
- 7.7. To include the policy in organizations induction process for new employee;
- 7.8. To discuss the policy in every monthly coordination meeting.

#### **8. Concern Authority:**

Concerned Authority means an authority of any educational institution or work place in both public and private sectors, which is authorized under the relevant disciplinary rules to take action in case of misconduct.

#### **9. Complaint receiving committee:**

- 9.1. It will be formed according to the Supreme Court's directives delivered on May 14, 2009.
- 9.2. It will have five members and majority of the members will be women. The head of the complaint committee should be a woman;
- 9.3. It should have at least two members from outside of the organization concerned, preferably from organizations working on gender issues and sexual abuse;
- 9.4. Members of the committee are:
  - a) One from holding the position of Head- Gender and Training in the organization (female)
  - b) One from holding the position of Regional Team Leader in the organization (female)
  - c) One from holding the position of Assistant Director in the organization
  - d) Two will come be from outside of the organizations working for stopping violence against women;
- 9.5. The members will work honorary basis and they will be given only conveyance allowance according to organization's policy.

#### **10. Functioning procedure of complaint receiving committee**

- 10.1. The Committee will sit regularly once a quarter;

- 10.2. Presence of at least head of the committee and minimum 2 other member would be considered as coram for the meeting;
- 10.3. Considering the importance and necessity of the complaints the committee will call its meeting in any time and will take measures;
- 10.4. The committee takes the complaints into account through the organization's regular gender relation review meeting and takes necessary measure;
- 10.5. The committee investigates the complaints submitted to any members of the committee, if found true, following the rules of the organization the committee will take measure within 30 working days;
- 10.6. In case of minor issue the committee will resolve the matter with the consent of both parties. For other cases committee will conduct investigation over the issue;
- 10.7. The committee will send notice to both parties using registered postage. Moreover, the committee is mandated to sending to the witnesses, conduct hearing of the complaints, gathering information and evidence and to review the related papers. In such kind of complaints in addition to the verbal evidence the situation would be given importance. The committee will decide- what kind of evidence would be accepted;
- 10.8. The committee is accountable to the executive director for such kind of actions. In case of complaints against executive director the committee will discuss with the chairperson of the executive board;
- 10.9. The committee will publish annual report on implementation of the policy and submit to the government authority.

#### **11. Complaints receive mechanism:**

According to the definition of sexual harassment if any woman staff/beneficiary became affected or victimized she will file the complaints to the authority in line with the following procedure:

- 11.1. **Digital Process:** after experiencing any harassment /violence the victim (staff/beneficiary) can submit complaints using phone/fax/sms/e-mail to any member of the committee who is comfortable to the victim to communicate;
- 11.2. **Verbal process:** the complaints could be placed to the supervisor, project head, gender focal person, assistant director (HRM), director and/or executive director, gender relation review meeting, central gender relation meeting by victim in person or lawyer on behalf of the victim;
- 11.3. **Gender Box:** Gender complaints box is installed at all offices including principal office of the organization; the box will be open by the supervisor/project head/gender focal person and will be reviewed on the last working day of each week. Later the committee will set the next actions. All staffs are allowed to submit all kind of complaints relating to sexual harassment into the box;
- 11.4. **Written Process:** The victim (i.e. woman staff/beneficiary) are welcome to submit her written complaints to the member of the committee as mentioned in section 11.2 with physical presence /or through postage/ courier service.  
The complaints will be accepted in all process mentioned above.

**12. Timeframe of complaints submission:**

In case of any sexual harassment/violence, the complaint has to be placed to the designated committee using any process as mentioned above within 30 working days from the occurrence. But if there is any acceptable cause the complaints could be accepted within more 15 working days later.

**13. Privacy:**

Highest privacy would be ensured considering the social position and overall security concern of the victim. The incident of sexual violence will never be disclosed in any condition without the permission of victim; privacy will be maintained as much as possible in evidence gathering process. During the hearing no question and/or behavior is allowed which intend indignity and harassment of victim. Security of complainant has to be ensured by concern authority.

**14. Investigation Report:**

Under the leadership of the head of the committee, it will form investigation committee consisting minimum three members after receiving complaint within 30 days. After the investigation, the committee will take/collect oral evidence from relevant persons and witnesses as written documents. Then the committee will submit a report with the recommendations to concern authority (Executive Director) based on written speeches, relevant interrogations, observations and opinions by 30 working days. If any complaint is raised against the Executive Director, the report will be submitted to chairperson of the organization. The period of 30 days may be extended up to 40 days if needs. If any question is raised about impartiality, new investigation committee may be formed by following proper procedure for reinvestigation.

If it is proved that a false complaint has been filed intentionally then a report will be submitted to the concern authority recommending appropriate action for the complainant/s. The complaint committee will take decisions on the basis of the view expressed by the majority of its members.

**15. Punishment:**

The concerned authority may suspend temporarily the accused person on the receipt of the recommendation of the complaint committee. If the accused is found guilty of sexual harassment, the concerned authority shall treat it as misconduct and take proper action according to the disciplinary rules of the organization. The punitive measures will be taken in this regard are given below:

15. 1. If the committee finds the complains true, it will recommend punishment according to the policy;
- 15.2. If the complaint is partially proved, necessary actions will be taken according to the disciplinary rules of the organization such as show cause notice, issuing warning notice, financial punishment, transfer etc.

- 15.3. If the accusation against a person is proved as serious offence, he will be terminated according to the disciplinary rules of the organization.
- 15.4. If the complaint is found as an offence under any penal law shall refer the matter to the appropriate court or tribunal;
- 15.5. If the complaint is found false and the complaint was filed intentionally, the complainant will be punished accordingly. Also he will be handed over to law and enforcement agency.
16. The 'Sexual Harassment Protection Policy' has been approved in 83th meeting of BoT dated June26, 2014. The policy will be updated after every two years. It can be changed or amended with prior approval of the BoT.