



"Together we can make a difference"

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Sexual Harassment Policy

POLICY:

Network for Youth Development (NfYD) adopts a policy that prohibits discrimination on the basis of race, color, sex, age, or national origin. Sexual harassment is included among the prohibitions. It is NfYD's policy to promote a work place free from sexual harassment. Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. At NfYD, sexual harassment, whether verbal, physical, or environmental, is unacceptable and will not be tolerated.

This policy is intended to contribute to a culture where behaviours constituting sexual harassment are not tolerated within the workplace and where employees are supported and encouraged by managers to report breaches of this policy.

DEFINITION:

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

- Examples of sexual harassment include, but are not limited to:
 - unwanted sexual advances;
 - demands for sexual favors in exchange for favorable treatment or continued employment;
 - repeated sexual jokes,
 - flirtation,
 - advances or propositions;
 - verbal abuse of a sexual nature;
 - graphic,
 - verbal commentary about an individual's body,
 - sexual prowess, or sexual deficiencies;
 - leering,
 - whistling,
 - touching,
 - pinching;
 - suggestive insulting, or obscene comments or gestures of a sexual nature;
 - display in the work place of sexually-suggestive objects or pictures.

GUIDELINES:

- This policy covers all employees of NfYD. NfYD will not tolerate, condone, or allow sexual harassment, whether engaged in by fellow employees, supervisors, managers, or by outside clients or other non-employees who conduct business with NfYD. NfYD encourages reporting of all incidents of sexual harassment regardless of who the offender may be.

- All supervisory personnel within the agency are responsible for eliminating any and all forms of sexual harassment of which they are aware.

- Any management personnel who is made aware of sexual harassment and fails to take corrective action pursuant to this policy will be subject to discipline up to, and including, termination.
- While NfYD encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, NfYD also recognizes that power and status of disparities between an alleged person harassing and a target may make such a confrontation impossible.
- In the event that such informal, direct communication between individuals is either ineffective or impossible, any member of the management team should be contacted through the procedure outlined below.
- NfYD will not in any way retaliate against an individual who makes a report of sexual harassment, nor will NfYD permit any supervisor, officer, or employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately.

The Role of Managers

Managers play an important role in both the prevention and response to acts of sexual harassment at NfYD. Employees experiencing sexual harassment are encouraged to report incidents to their Manager or supervisors or as stipulated in this policy so that the appropriate course of action can be taken, and all staff can be protected from further unacceptable behaviour.

Specifically, Managers will be held liable for acts of sexual harassment committed by their employees if they fail to take effective action to stop the conduct from occurring.

The Role of Employees

All NfYD employees must comply with the Sexual Harassment Policy & Procedures. An employee who ignores this policy will be treated in accordance with the NfYD's Terms and Conditions of Service.

In the case of volunteers, interns, visitors and contractors, breaches of the policy may result in permanent restriction from the workplace.

Confidentiality

Confidentiality must be preserved throughout the reporting, investigation and resolution stages of any breach of this policy. This is to protect the interests of both complainants and respondents alike.

Employees should note that defamation laws exist to protect people's reputations from being unfairly damaged by false or exaggerated allegations. Sexual harassment complaints, in particular, are potentially defamatory because of the impact they have on the respondent's reputation.

Therefore, any individual that is involved in the reporting and investigation process, including the complainant, should maintain strict confidentiality regarding the complaint and pursue resolution and redress through the appropriate channels.

Adverse Action

A person (including an employee, prospective employee, volunteer, intern, employer, or independent contractor) must not take adverse action against another person because the other person has exercised or is entitled to exercise a workplace right. A workplace right includes where an employee is able to be involved in a process or proceeding under a workplace law or instrument. This would include being involved in a formal grievance or dispute resolution process.

PROCEDURES:

- a) A report of an alleged violation of this policy should be made immediately to the Gender Desk Officer officer or through I his/her view a trusted member of staff.
- b) An investigation of the alleged harassment will be handled through Gender Desk Officer in a confidential manner so as to protect the privacy of persons involved. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
- c) In pursuing the investigation, the Gender Desk Officer will seek to take the wishes of the complainant into consideration, but will thoroughly investigate the matter as appropriate

under the circumstances. The alleged offender will be made aware of the report and will be given an opportunity to respond and present witnesses.

d) The Gender Desk Officer will keep the complainant informed as to the status of the investigation. Upon completion of the investigation of a sexual harassment complaint, the Gender Desk Officer will recommend to management the appropriate action to be taken. If NfYD concludes that harassment occurred, the harasser will be subject to appropriate disciplinary action, as described below.

1) The complainant will be informed of the disciplinary action taken.

2) In the event the harassment cannot be substantiated, this finding will be communicated to the complainant in an appropriately sensitive manner. The complainant is always free to provide additional evidence which will also be investigated.

3) If any party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision.

4) The dissatisfied party should submit his/her written comments in a timely manner to the Executive Director.

e) Employment conditions of the complainant and witnesses will be in no way adversely affected through use of this procedure:

1) Individuals found to have engaged in misconduct constituting sexual harassment will be disciplined, up to and including termination.

2) Appropriate sanctions may also include written reprimand, referral to counseling and withholding pay.

