



Stop Sexual Harassment Policy

The Policy Statement

The Fiji Women's Rights Movement is committed to providing a safe environment for all its employees and others engaged with the organization, free from discrimination on any ground prohibited by law and from harassment at the workplace including sexual harassment. FWRM will operate a zero tolerance policy towards any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another employee will face disciplinary action, up to and including dismissal from employment.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

Definition of sexual harassment

Sexual harassment is unwelcome or uninvited conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

Physical contact and conduct

- Unwelcome or uninvited physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- The use of work-related threats or rewards to solicit sexual favours
- Behaviours and attitudes based on gender stereotyping

Verbal conduct

- Unwelcome or uninvited comments on a person's appearance, age, private life, etc.
- Sexual comments, uninvited stories and jokes
- Sexual advances

- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex, gender identity and sexual orientation of the person
- Condescending remarks (this should not be confused with reasonable comments on work performance)
- Sending sexually explicit messages (by phone or by email)
- Gender stereotyping

Cyber or online conduct

- Unwanted contact made online through social media and instant messaging platforms

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling and catcalling
- Leering

To assist in interpretation, emphasis is made on uninvited or unwelcome comments, gestures or behavior and does not include mutual consensual friendships and behaviour.

Anyone can be a victim of sexual harassment, regardless of their sex, gender, gender identity and sexual orientation. FWRM 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.

FWRM recognizes 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 employee. However, sexual harassment can also exist between co-workers where no apparent power imbalance exists.

Anyone, including employees of FWRM, Governance Board Members, Trustees, clients, consultants, casual workers, contractors, participants, resource persons, interns, volunteers, members, donors, partner organization representatives, vendors or visitors who is found to have sexually harassed another person after an appropriate investigation has been conducted will be reprimanded in accordance with this internal policy. This may include a complaint to the employer of a harasser who is not an employee of FWRM.

All sexual harassment is prohibited whether it takes place within FWRM premises or outside, including at social events, workshops, business trips, training sessions, conferences or online spaces sponsored and facilitated by FWRM.

Anyone can be a complainant including people who have witnessed sexual harassment and/or are whistleblowers.

Complaints procedures

Anyone who believes that he or she has been subjected to sexual harassment in violation of this policy is strongly encouraged to report the behaviour. Complaints can be either formal (e.g., in writing) or informal (e.g., verbal).

Complaints may also be made anonymously. While FWRM has made this anonymous complaint procedure available to employees who are uncomfortable identifying themselves when reporting the offending behaviour, we recognize that anonymous complaints are much more difficult to investigate and resolve. Accordingly, FWRM encourages employees to report the behaviour via the procedure set forth below so that they can be interviewed and ensure that an effective and thorough investigation can occur.

Anyone who witnesses sexual harassment must report the behaviour (either written or verbal).

Victims of sexual harassment in violation of this policy always have the option to inform the alleged harasser that the conduct is unwanted and unwelcome. FWRM recognizes that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser. Therefore, a victim of sexual harassment will not be required to confront the alleged harasser.

If a victim is not comfortable directly approaching an alleged harasser, they should approach one of the designated staff members responsible for receiving complaints of sexual harassment.

The members of the FWRM Management Team are the designated staff members who will address the complaint. If the alleged harasser is a Management Team member, the remainder of the Management Team will address the complaint. If the incident involves the Executive Director or a FWRM Governance Board Member, then the complaint shall be directed to the Governance Board who shall form a sub-committee to handle the complaint.

Anyone who witnesses sexual harassment or otherwise learns about such behaviour occurring in the workplace should also escalate what they have seen or heard to a designated Management Team member.

When a Management Team member receives a complaint of sexual harassment, they will:

- immediately record the dates, times and facts of the incident(s)
- immediately bring the issue to the attention of the rest of the Management Team
- ascertain the views of the victim as to what outcome they want
- ensure that the victim understands FWRM's 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 preclude the victim from pursuing a formal complaint if they are not satisfied with the outcome
- keep a confidential record of all discussions
- ensure that the victim knows that they can lodge the complaint outside of the organisation through the relevant country/legal framework

Complaint mechanism

The designated person who initially received the complaint will refer the matter to Management Team member to instigate a formal investigation. The Management Team member may deal with the matter themselves or refer the matter to an internal or external investigator.

The investigation must begin immediately and be thorough.

Confidentiality regarding the identity of the victim and all other details regarding the alleged harassment will be kept as confidential as possible, recognizing that some information may need to be utilized or divulged in order for a thorough investigation to be completed.

The Management Team or Governance Board Sub-Committee carrying out the investigation will:

- identify a location for interviewing that offers a degree of privacy and conveys the gravity of the situation
- interview the victim
- gather any existing evidence of the alleged sexual harassment (emails, screenshots, identity of potential witnesses, etc.)
- interview other witnesses
- interview the alleged harasser
- decide whether or not the incident(s) of sexual harassment took place based on a reasonable burden of proof
- produce a report detailing the investigations, findings and any recommendations
- notify the victim and the accused harasser of the outcome of the investigation (understanding that certain personnel information may not be divulged for confidentiality reasons)
- follow up to ensure that the behaviour has stopped and that the victim is satisfied with the outcome
- if they cannot determine that the harassment took place, they may still make recommendations to ensure proper functioning of the workplace
- keep a record of all actions taken
- ensure that the all records concerning the matter are kept confidential

A flowchart or pictogram of the complaint process should be provided within common work areas of the office (i.e. kitchen, resource centre, bathroom etc.)

Outside complaints mechanisms

A person who has been subject to sexual harassment can also make a complaint outside of the organisation and must be advised of this right. They can do so through Fiji Police and the Human Rights and Anti-Discrimination Commission.

Sanctions and disciplinary measures

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:

- written and verbal warning
- adverse appraisal

- suspension
- dismissal

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 and all such sanctions will be noted in the personnel file of the individual found to have engaged in behaviour in violation of this policy. Certain serious cases may result in the immediate dismissal of the harasser.

Any individual found to have reported a complaint of harassment falsely or vindictively shall be subject to disciplinary action up to and including dismissal. For participants/resource person who have been harassers, disciplinary action will be handled on a case-by-case basis and may include black-listing from FWRM events and programming.

Implementation of this policy

FWRM will ensure that this policy is widely disseminated to all relevant persons and all employees will be required to acknowledge receipt of the policy and to confirm that they have reviewed it and agreed to its terms. This policy will be included in the employee handbook and will be displayed in a poster form in the office.

The policy shall also be published on FWRM's website and must also be included as part of the logistical note for FWRM organized events. Adherence to the policy must be disclosed at the beginning of all FWRM events and hard copies must be available for interested participants and guests.

All new employees and interns must be trained on the content of this policy as part of their orientation and must acknowledge receipt of the policy and to confirm that they have reviewed it and agreed to its terms.

Every year, FWRM will require all employees to attend a refresher training course on the content of this policy and employees will be assessed on the content of the policy to ensure understanding of its requirements.

It is the responsibility of every Management Team member to ensure that all employees working under their supervision are aware of the policy.

Monitoring and evaluation

FWRM recognizes the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

Supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, FWRM will evaluate the effectiveness of this policy and make any changes needed.

No Retaliation

FWRM prohibits retaliation of any kind against anyone, who, in good faith, reports sexual harassment or participates in any way in the investigation of such complaints. Anyone who believes they have been a victim of retaliation or witnesses retaliation occurring against anyone else should report the matter immediately to a Management Team member or a Governance Board member, according to the same procedure provided in this policy for making complaints of harassment.

Any person found to have retaliated against another individual in violation of this policy will be subject to the same disciplinary action provided under this policy for committing harassment.

Examples of retaliation may include, but are not limited to:

- discriminatory treatment
- isolation
- re-assignment
- termination or demotion
- non-renewal of a contract