IDLO POLICY ON THE PROHIBITION OF SEXUAL HARASSMENT

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Introduction

1. The International Development Law Organization ("IDLO" or the "Organization") is committed to promoting a work environment that is free from all forms of Sexual Harassment and where every person is treated with dignity and respect. IDLO's Policy on the Prohibition of Sexual Harassment (the "Policy") sets out the standards of conduct and the roles and responsibilities of all IDLO Personnel.

Definitions

2. *IDLO Personnel* includes employees as well as those individuals in the non-employee category including individual consultants, interns, volunteers, and any other person in a similar contractual relationship with IDLO.
3. *Sexual Harassment* is any unwelcome sexual advance, request for sexual favour, verbal, non-verbal or physical conduct of a sexual nature, or any other behaviour of a sexual nature that has caused or might reasonably be expected or be perceived to cause offence or humiliation to another person. Sexual Harassment may occur regardless of whether the alleged offender believes the behaviour to be offensive. Instead, it is defined solely by how the behaviour is perceived and received by the other person, regardless of the alleged offender's intention, background and/or experience. Such conduct is always unacceptable, particularly when it interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive work environment. Like all forms of harassment, it is distinguished from acceptable social behaviour by its unwelcome, unreciprocated, or coercive nature. While typically involving a pattern of behaviour, Sexual Harassment can take the form of a single incident. Sexual Harassment may occur between persons of the same or a different gender, gender identity or gender expression.
4. *Retaliation* means adverse action taken, recommended, or threatened against an individual because the individual has made a report of suspected misconduct in good faith and/or participated in the investigation process.

Scope and Application

5. The Policy provides a comprehensive definition of Sexual Harassment, the standards that IDLO Personnel are expected to uphold and their roles and responsibilities to prevent Sexual Harassment. Annex A provides examples of conduct that may constitute Sexual Harassment, but if there is uncertainty as to whether certain behaviour is prohibited by this Policy, IDLO Personnel should seek clarification from the Ethics Adviser. In all cases where the recipient of conduct potentially covered by this Policy has indicated that a specific behaviour is unwelcome, it should be stopped immediately.

6. This Policy supplements and should be read in conjunction with the IDLO Code of Conduct, as well as the Employee Regulations and Rules ("ERR"), the Human Resources Manual ("HR Manual"), and other applicable policies. The IDLO Code of Conduct prohibits any form of harassment. The ERR recognizes all harassment as misconduct, and, together with the HR Manual, commits IDLO to assess and investigate all relevant allegations of misconduct fully, fairly, and promptly.
7. This Policy applies to all IDLO Personnel at all times during their engagement with IDLO. It covers conduct in IDLO workplaces, as well as outside conduct that affects the workplace, including during social events, work travel, training sessions, conferences, and other contexts where IDLO Personnel are present as representatives of the Organization.
8. IDLO has a "zero tolerance" approach to Sexual Harassment and will take action against any IDLO Personnel found to have acted in violation of this Policy, up to and including terminating the individual's contract and reporting the conduct to law enforcement, where appropriate.
9. IDLO expects its partners and vendors to be committed to promoting a work environment that is free from all forms of Sexual Harassment and to prohibit, prevent, and take action against sexual harassment in accordance with the relevant terms and conditions of their respective agreements with IDLO.

Basic Principles

10. Any form of Sexual Harassment is prohibited and all IDLO Personnel are expected to act with tolerance, sensitivity, and respect for differences in their interactions with others.
11. Any form of Sexual Harassment by IDLO Personnel in the workplace or in connection with work or where it may have an impact on the workplace may lead to disciplinary action.

Roles and Responsibilities

12. IDLO Personnel have the responsibility of creating a respectful and harmonious work environment at IDLO free from intimidation, hostility, and harassment of any kind, including Sexual Harassment.
13. IDLO Personnel have an obligation inside and outside the workplace to ensure that they do not engage in actions or behaviour that would constitute Sexual Harassment. This includes not only with respect to their peers, supervisors, supervisees, or any other persons performing duties for or with IDLO, but also with respect to any other persons they engage with in the course of their work, including IDLO programme beneficiaries, visitors and trainees, and employees and consultants of partner institutions. IDLO Personnel are also required to undertake the mandatory IDLO training on sexual harassment that is applicable to them and have an affirmative responsibility to familiarize themselves with

IDLO's Sexual Harassment Policy, including understanding the types and forms of behaviour prohibited by this Policy. Lack of familiarity with the standards in this Policy will not be considered a defence to allegations of Sexual Harassment.

14. Managers and supervisors have an enhanced responsibility to act as role models by upholding and promoting the highest standards of behaviour. In order to resolve problems that could potentially give rise to instances of Sexual Harassment, they shall maintain open channels of communication and ensure that IDLO Personnel who wish to raise their questions or concerns can do so freely and without fear of Retaliation. They must also take immediate and appropriate steps to protect the individual reporting the alleged Sexual Harassment from Retaliation or further victimization, as set forth in the Whistleblower and Anti-Retaliation Policy. Failure on the part of managers and supervisors to fulfil their obligations under the present Policy may be considered misconduct in itself and, if established, potentially subject the manager or supervisor to appropriate administrative or disciplinary actions.
15. Heads of departments/units/offices are responsible for the implementation of the Policy in their respective departments/units/offices and for holding all managers and other supervisory staff accountable for compliance with the terms of the Policy.
16. The Ethics Adviser is responsible for receiving and investigating reports of Sexual Harassment. All IDLO Personnel may approach the Ethics Adviser to share any concerns they have and to obtain advice and information on this Policy and reporting procedures.
17. The Department of Human Resources and Office Services is responsible for providing global training opportunities and outreach on the prohibition of Sexual Harassment for IDLO Personnel, including mandatory training, in cooperation with the Ethics Adviser.
18. The Office of the General Counsel (OGC) is responsible for ensuring the correct interpretation and application of the Policy.

Reporting

19. IDLO Personnel shall report in good faith as soon as possible either directly to the Ethics Adviser or to their respective supervisors, any allegations, suspicions or concerns of Sexual Harassment of which they are aware, and fully cooperate in investigative processes.
20. Any external persons not affiliated with IDLO may submit reports or allegations of Sexual Harassment involving IDLO Personnel to the dedicated email address ethics@idlo.int.
21. Anyone who experiences, witnesses, or receives credible information regarding Sexual Harassment by an IDLO partner or vendor should report it promptly to the dedicated email address ethics@idlo.int.

22. All reports of Sexual Harassment shall be handled with sensitivity in order to protect the privacy of the individuals concerned and ensure confidentiality to the maximum extent possible consistent with due process and the need to fairly investigate the allegation.

Corrective Measures

23. One way to deal with unwelcome behaviour, where feasible, is to address and discourage it informally at an early stage. Raising the issue as early as possible may prevent recurrence.

24. In cases of less serious allegations, for example in the case of an inappropriate joke or comment, individuals may choose to seek a resolution by: a) explaining to the alleged offender that the relevant behaviour is unacceptable under this Policy; b) reporting the issue to their supervisor and requesting the supervisor to try and resolve it; or, c) asking the Ethics Adviser to resolve the issue. If a resolution cannot be achieved, or the behaviour continues, the matter should be reported to the Ethics Adviser, who should proceed with a preliminary assessment of the allegations in accordance with applicable rules, regulations, and policies.

25. Managers and supervisors who believe that their team is not sufficiently familiar with or could benefit from additional information on this Policy can consult with the Ethics Adviser for additional training.

Support and No Retaliation

26. Managers and supervisors, as well as the Ethics Adviser, shall offer to individuals who experience sexual harassment and those who report it information regarding support and counselling.

27. Any individual who reports allegations, suspicions or concerns of Sexual Harassment in good faith is eligible for whistleblower protection as set forth in the Whistleblower and Anti-Retaliation Policy.

Referral to National Authorities

28. Where appropriate, and in consultation with OGC, the Director-General may refer allegations of sexual harassment to national authorities, including for criminal prosecution.

Implementation and Review

29. Human Resources and Office Services shall maintain statistical information with respect to instances of reported Sexual Harassment and the disposition of cases in order to monitor implementation of this Policy.

30. IDLO will provide regular mandatory training for all IDLO Personnel, including a dedicated module for individuals with supervisory responsibilities. IDLO will

also conduct awareness building initiatives to further emphasize the Organization's zero tolerance approach to Sexual Harassment, provide useful guidance on the relevant policies and procedures, and foster a safe and harmonious working environment.

31. The Ethics Adviser should be contacted for additional guidance on this Policy, or to suggest improvements.

32. This Policy will be reviewed periodically by IDLO and may be revised as necessary, including as required by any modification to internal rules, regulations, and standards.

ANNEX A –Examples of behaviour that may constitute sexual harassment

Unwelcome behaviour that may constitute Sexual Harassment can take a wide variety of forms. The examples below are not intended to be an exhaustive list of behaviour but rather illustrative of what may, particularly when repeated or as part of a pattern of behaviour, be considered Sexual Harassment under this Policy.

Physical Harassment:

- Sexual assault.
- Actual or attempted use of physical force (or use of substances that can disrupt one's decision-making and rational thought) to coerce someone to engage in sexual activity.
- Unwanted, uninvited or inappropriate touching or physical contact.
- Repeatedly standing too close to a person.

Verbal Harassment

- Engaging in verbal abuse or insults, name-calling, or making demeaning comments of a sexual nature.
- Making repeated requests to, or pressuring, someone for an unwanted sexual or personal, rather than a professional, relationship (e.g., persistent requests for "a date" or "a drink").
- Making sexual innuendos, jokes or other suggestive, offensive, or derogatory comments about sexual matters including those that refer to a person's sexual orientation, gender identity and/or expression.
- Intruding into a person's private life by repeatedly asking inappropriate or unwanted questions about personal affairs, including dating or sexual activities.
- Sending obscene or harassing messages of a sexual or personal nature.
- Making open or implied threats that submitting to sexual advances is a condition of some form of commendation, work status, access to a promotion or development opportunity or positive performance evaluation, or that a failure to submit to sexual advances will result in negative professional consequences.
- Commenting suggestively about a person's clothing, body, hairstyle, appearance, or any physical aspect.
- Making remarks speculating about a person's sexual activities or history, or uninvited remarks about one's own sexual activities or history.

Non-Verbal Harassment:

- Making sexually suggestive or sexually offensive gestures.

- Displaying sexually offensive material including posters, pinups, cartoons, screensavers, photos, videos, gifs, memes or messages, left on individual workstations and/or in the common areas of IDLO workspaces, or displayed on the computer or other electronic device.
- Sending unwanted letters, e-mails, chat or text messages of a sexual nature, sexually suggestive, offensive or derogatory messages about a person's appearance, or messages which include sexual content or sexual innuendos.
- Repeated giving of unwanted personal gifts or invitations.
- Leering or making sexually suggestive facial expressions.
- Displaying a pattern of conduct that has sexual overtones and is intended to create or has the effect of creating distress and/or humiliation in another person.