



Foundation for Rural Development (FRD)

Anti-Harassment Policy

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FRD Anti-Harassment Policy

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Background

According to UN Women “Harassment is behaviour leading to insult, humiliation, dishonour and/ or embarrassment of the target person. It hinders a person or a group from benefiting from their rights and can create an unsafe or uncomfortable environment for them to function. Harassment might include negative remarks or jokes about a person’s body/ sexuality, disability, clothing, age, marital status, ethnic or racial origin and religion. It also includes jokes that can cause embarrassment, stress, or negatively affect performance. Patronizing behaviour, which undermines self-respect or adversely affects performance, may also be considered harassment.

In the context of Pakistan, majority of women, young girls, transpersons, children, and PWDs are vulnerable to face harassment. The country's sociocultural setting still views harassment as a taboo, which explains why it has taken so long to implement laws and policies in true sense. Corrective action has been demanded by national and international civil society organizations, women's organisations to ensure dignity and respect for the most vulnerable segments of the society and exercise their constitutionally granted human rights as full citizens.

In the context of polices, the Protection Against Harassment of Women at the Workplace Act 2010 was passed some years ago, and after the passage of 18th Constitutional Amendment, all provinces promulgated their own laws in line with the Federal legislation. The Criminal Law (Amendment) Act, 2009 - Amendment to Section 509 of the Pakistan Penal Code, 1860 and In the Code of Criminal Procedure 1898 - is another legal provision to make the public and work environment safer for all especially for women. The Protection Against Harassment of Women at the Workplace Act provides a detailed framework on how workplace harassment is to be reported and dealt with. The act requires organisations, government, private and non-governmental organizations to endorse the Code of Conduct. This Code provides for the minimum standards on how employees, management and owners of organisations are required to behave in a work environment. The law on sexual harassment has the potential to bring about positive change for women at the workplace. The Act and the establishment of the Ombudspersons’ secretariats are a significant step in the right direction. But this is just the beginning, of course. There are many challenges faced by the Offices of the Ombudspersons to ensure effective functioning and support the implementation and monitoring of the legal framework. National and Provincial Commissions on Status of Women, UN agencies, Civil Society and other stakeholders are providing support for the capacity building, synergies creation and development of mechanisms that are required to effectively implement the law. Database development for monitoring and tracking the complaints, capacity building of the inquiry committees for effective and lawful investigation, raising public awareness on sexual harassment and justice mechanisms are the main areas for which both the organisations will collaborate.

13.2.1 Definitions

Harassment – Any behaviour that creates a hostile work environment through unwelcome words, actions or physical contact.

Hostile environment –created due to harassment on the basis of race, religion, sex, gender identity, colour, ancestry, serious medical condition, national origin, age, or disability.

DISCRIMINATION -The organization does not tolerate any form of unlawful discrimination on the basis of race, religion, sex, sexual, gender identity, colour, ancestry, serious medical condition, national origin, age, or disability, in organization employment, its programs, services or facilities.



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Organization believes that all employees are entitled to a workplace free of harassment and expects employees to treat each other and our beneficiaries with courtesy and respect. Conduct which violates this policy includes, but is not limited to foul language, dirty jokes or comments pertaining to race, religion, sex, gender identify, colour, national origin, age, or disability, regardless of whether the conduct was intended or not intended to offend or intimidate.

13.2.2 Discriminatory Practices

Harassment is on the basis of race, religion, sex, gender identity, colour, national origin, age, or disability. Harassment is a form of discrimination.

a. Sexual harassment includes: unwelcome sexual advances and other non-verbal, verbal or physical conduct of a sexual nature that creates a hostile environment for persons of either gender.

b. A hostile environment is a result of severe or pervasive harassment that substantially interferes with an individual's work performance. The harassment must have been unwelcomed and offensive to the victim and of a nature that would be offensive to the reasonable person. The hostile environment standard applies to harassment on the basis of race, religion, sex, colour, national origin, age, or disability.

Examples of harassing conduct include, but are not limited to:

- Sexual harassment: requests for sex-oriented verbal teasing, jokes, comments, display of sexually suggestive objects or pictures, physical contact such as unwelcome hugging, patting, and another's body.
- Gender or sex harassment: gender-based jokes or comments;
- Race or national origin harassment: epithets, slurs, or negative stereotypical comments, jokes or cartoons;
- Age harassment: stray remarks or jokes relating to a person's age.
- Disability harassment: Disparaging remarks, slurs or jokes relating to a person's physical or mental disability.
- Religious harassment: Coercion of employee participation in religious activities, verbal attacks or religious slurs.

A. Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, religion, or ethnic group, or individuals with disabilities.

B. Denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability.

C. Retaliation to an employee who takes one of the following actions: filing a complaint of discrimination, participating in a discrimination investigation, opposing discriminatory practices or exercising any other right under federal anti-discrimination laws. The organization will not tolerate employment-based retaliation and any violation should be reported immediately.

Conduct outlined above is unacceptable in Organization in any work – related setting outside, such as during Organization business trips, business meetings, conducting official social events.

If an investigation determines that discrimination, harassment or retaliation indeed occurred, the offender would be subject to corrective action and/or disciplinary action up to and including termination.

Policy On Harassment and Abuse

13.2.3 Procedures

The organization encourages the use of its preventive and corrective opportunities and an individual who feels that he/she has been a victim of discrimination, threat, sexual harassment, bullying etc may make a complaint, without fear of retaliation, according to the following procedures:

13.2.3.1 Complaint Procedures: Informal Stage

The first stage of the Complaints Procedure is an informal one, designed to provide the opportunity of resolving as quickly as possible the problems of bullying or harassment within the workplace prior to activating the formal procedure. In particular, the purpose of the action is to give the bully or harasser the opportunity to stop (if directly approached), or managers the opportunity to resolve any



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problems without the employee having to use the formal procedures. It must be noted that if an employee feels unable to take informal action, or the situation is so serious as to warrant it inappropriate, then it is possible to go straight to the Formal Procedure.

An employee who is subject to bullying or harassment should in the first instance take two steps.

(1) Firstly, record all details of any discrimination, threat, sexual harassment, harassment, bullying i.e. Date, time, nature of incident and the names of witnesses.

(2) Secondly, request that the person responsible for the behaviour stops it and makes it clear that the behaviour is unacceptable and unwanted.

The second step often being a difficult one and as such organization expects seniors or peers to offer assistance, counselling, advice and support to victims in order to undertake it. Such assistance can be obtained, via the Human Resources Manager. Organization will endeavour to replicate mechanism and develop a pool of advisors who can assist, talk, counsel and support the victim as well as counsel and talk to bully or harasser.

It is preferable for all concerned that complaints of bullying/harassment are dealt with internally and informally wherever possible. This is likely to produce solutions which are speedy, effective and minimize embarrassment.

13.2.3.2 Complaint Procedure- Formal Stage

Formal procedures will be necessary where the informal route proves ineffective, for more serious instances of bullying/harassment and when an individual chooses to go straight to the formal procedure as under:

a) Within (30) business days of the alleged discriminatory incident, the complainant, at his/her discretion, shall make a complaint to any one of the following designated representatives: Any Organization supervisor, Section Head, the Organization Human Resource Manager, and the Organization CEO.

b) The complainant shall make contact with one of the above-designated representatives or his/her designee in order to properly bring forward a complaint.

c) The complainant may use the organization's Discrimination Complaint Form to file a complaint. Other formats such as memorandums, handwritten statements, e-mail messages or other formats may also be acceptable. The designated representative shall convert verbal complaints into a written format as soon as practical. The designated representative will forward the complaint to the organization Human Resource Head within (24) twenty-four hours of receipt. Complaints that are submitted anonymously may not be accepted.

d) An employee who believes that he/she is a victim of discrimination, harassment and/or retaliation in the workplace has an affirmative duty to report such conduct.

e) Supervisors have a duty to pro-actively address workplace issues that deal with discrimination and harassment under the theory of the "knew or should have known of the harassment". Additionally, inappropriate supervisor conduct is not acceptable. A supervisor who fails to take appropriate action under this section or otherwise engages in inappropriate conduct will be subject to disciplinary action. To the extent possible, the confidentiality of the person making the complaint and that of the respondent will be maintained.

f) Information contained in the report of inquiry may be used in disciplinary actions resulting from the investigation.

g) Investigation Officer investigative reports are deemed confidential unless otherwise directed by a competent court of jurisdiction or by order of the CEO.

h) Therefore, the employee will be provided a summary of the investigation.

i) Investigation documentation shall not be photocopied or disseminated beyond the CEO's



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Office and Human Resource Section. “Relevant documentation” for purposes of any resulting Appeal shall consist of a summary of the findings.

j) Investigation documentation shall remain confidential, to the extent allowed by law, and shall not be photocopied or disseminated beyond the CEO’s Office and Human Resource

Section.

k) Within (5) five business days from the receipt of the complaint, an individual designated by the CEO, shall begin an investigation of the complaint.

l) Organization employees shall cooperate with an investigation and be truthful with the investigator. Failure to cooperate and to be truthful may result in disciplinary action.

m) Within (45) forty-five-business days from the beginning of the investigation, the organization investigating officer or designated individual, shall submit a confidential written report of inquiry to the CEO.

n) The Organization Attorney or his/her designee shall have (14) fourteen business days to review the report and to issue a written determination on whether a discriminatory practice has occurred.

o) Within (5) five-business days of receipt of the determination, the CEO or his/her designee shall review the determination and report. The CEO will forward the determination to the respondent’s Section Head or Head for appropriate action, if necessary. Disciplinary action shall be consistent with organization policy and procedures. The CEO shall forward a copy of the determination, along with the report to the organization investigating officer.

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13.2.4 Notification

A. The Organization officer shall notify the complainant of the determination.

B. The Section Head shall notify the respondent of the determination

13.2.5 - Blowing Policy

Organization subscribes to a policy that protects employees who disclose wrongdoing by colleagues, peers or superiors against being dismissed or being retaliated against in any way.

13.2.6 Whistle-Blower Protection

If the employee has reported the allegedly illegal activity to the Executive Committee or law enforcement agency, he or she is protected. Organization will not retaliate against the employee. The employee will not be terminated, or mistreated for whistle blowing.

13.2.7 Whistle-Blowing Procedure

Organization encourages the use of its whistle -blowing policy and an individual who feels that a law has been broken and has demonstrable evidence; discrimination may make a complaint, without fear of retaliation, according to the following procedures:

i. Within (30) business days of the alleged incident, the complainant, at his/her discretion, shall make a complaint to any one of the members of the Executive Committee, or if the complaint is against any



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of the members of the Executive Committee, directly to the CEO with copy to the President/Chairperson.

ii. The complainant shall make contact with one of the above-designated representatives or his/her designee in order to properly bring forward a complaint.

iii. The complainant may use any formats such as memorandums, handwritten statements, e-mail messages or other acceptable formats to report the incident.

The designated representative shall convert verbal complaints into a written format as soon as practical. The designated representative will forward the complaint for placement on the agenda of the Board of Directors or the Executive

Committee within (24) twenty-four hours of receipt. Complaints that are submitted anonymously may not be accepted.

iv. An employee who believes that he/she may be penalized for such a complaint or suffer discrimination, harassment and/or retaliation in the workplace as a result of whistle-blowing may also identify individuals or entities from which he/she feels at risk, in the complaint.

13.2.8 Code of conducts for FRD HR Manual

- A. Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, religion, or ethnic group, or individuals with disabilities.
- B. Denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability.
- C. Retaliation to an employee who takes one of the following actions: filing a complaint of discrimination, participating in a discrimination investigation, opposing discriminatory practices or exercising any other right under federal anti-discrimination laws. The organization will not tolerate employment-based retaliation and any violation should be reported immediately.

Conduct outlined above is unacceptable in Organization in any work – related setting outside, such as during Organization business trips, business meetings, conducting official social events.

If an investigation determines that discrimination, harassment or retaliation indeed occurred, the offender would be subject to corrective action and/or disciplinary action up to and including termination. The policy is a living document and can be updated as per accordingly.