

Anti-Discrimination and Harassment Policy

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1. Policy Statement and Scope

CIVICUS strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. The environment of the organization should be characterized by mutual trust and the absence of intimidation, oppression, exploitation, and discrimination. Employees should be able to work, collaborate and learn in a safe and stimulating atmosphere. The accomplishment of this goal is essential to the mission of the organization. For that reason, CIVICUS will not tolerate discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, the organization will seek to prevent, correct, and discipline behaviour that violates this policy. For the purpose of this policy, employees are defined as both full time and part time staff members, interns, volunteers and fellows. All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include written warning, suspension, or termination of employment in line with the Civicus Disciplinary Code and Procedures

The objective of this policy is to prevent and/or eliminate any form of harassment or discrimination in the workplace and at events arranged by CIVICUS and to provide appropriate procedures to deal with the problem and prevent its recurrence. We believe in ensuring that our workplace and events are truly open for everyone, and as such are committed to providing a friendly, safe and welcoming environment for all, regardless of gender, sexual orientation, age, disability, race, ethnicity or religion. This policy applies to all staff members based at CIVICUS regional offices (including Johannesburg, London, New York, Geneva, and Washington DC), and any other locations where CIVICUS employees are working, and during any events/ meetings which employees attend as representatives of CIVICUS in Johannesburg, other secondary locations and events and activities sponsored by CIVICUS.

CIVICUS is committed to creating and maintaining a work environment in which the dignity of employees, board members, external members and other stakeholders are respected, and the organisation will take the appropriate action in accordance with this policy when instances of harassment and any form of discrimination are brought to its attention.

CIVICUS will ensure that an environment in the workplace exists in which harassed individuals will not feel that their grievances are ignored or trivialised, or fear reprisals.

CIVICUS will not tolerate unacceptable behaviour during any parts of any event, conferences, talks, activities, workshops, social events, online media, etc. that staff members organise or take part in.

2. Application of this policy

CIVICUS policy against harassment and discrimination applies equally whether it is perpetrated:

Against all people, by all people

There are certain behaviours expected of staff members and people who do work on behalf of CIVICUS.

Expected behaviour includes but is not limited to:

- Be open to different sensitivities, perceptions, and/or criticism – when an individual is offended and expresses this, be cognisant of this feedback.
- Be considerate, respectful, and collaborative
- Refrain from demeaning, discriminatory or harassing behaviour, materials, and or speech;
- Be mindful of your surroundings and of your fellow colleagues and participants. Alert Managers, HR, a colleague who can help, or event organisers if you notice a potentially unacceptable situation or someone in distress, etc.
- Should a fellow colleague come to you in confidence and wish to remain anonymous ensure that this information is kept confidential and that the correct process is followed.
- Ensure that you are aware of where to find relevant policies and procedures and the correct feedback mechanisms in order to help you navigate instances of Discrimination and Harassment and to allow you to point colleagues that you are aware are facing forms of harassment and discrimination of to the correct channels

3. Definitions related to Discrimination and Harassment

It is a violation of CIVICUS' policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, colour, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, health, or marital status or personal relationships with key stakeholders linked to CIVICUS

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination of contract.

3.1 Discrimination

Discrimination is defined as the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex. Discrimination can be defined as **Direct** or **Indirect** as outlined below:

Direct discrimination is when a person treats, or proposes to treat, someone unfavourably because of a personal characteristic protected by law. Direct

discrimination often happens because people make unfair assumptions about what people with certain personal characteristics can and cannot do.
Indirect

Indirect discrimination refers to situations where a company policy, practice, provision or rule places people with shared personal characteristic or someone personally at a disadvantage. It occurs when a particular group of people is put at a disadvantage by company policies or practice which applies to everyone

3.2 Harassment

Harassment is a form of discrimination. It involves unwanted physical or verbal behaviour that causes offense, humiliation, makes a person feel uncomfortable or is disturbing or threatening.

3.3 Sexual Favouritism

Sexual favouritism leads to unequal treatment or discrimination and exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, whilst other deserving employees who do not submit themselves to any sexual advances are denied promotions, merit rating or salary increases.

3.4 Sexual Harassment

Sexual harassment is unwanted conduct, obscene remarks, or implications, of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual.

3.4.1 Forms of Sexual Harassment

These are listed below, but not limited to:

Sexual harassment may include unwelcome physical, verbal or non-verbal conduct or written messages, but is not limited to the examples listed as follows:

- **Physical conduct** of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape.
- **Verbal forms** of sexual harassment include unwelcome innuendoes, suggestions and hints; sexual advances; comments with sexual overtones; sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them; unwelcome and inappropriate enquiries about a person's sex life; and unwelcome whistling directed at a person or group of persons.
- **Offensive comments** (verbal, written, or otherwise) related to gender, sexual orientation, race, religion, disability; inappropriate use of nudity and / or sexual images in public spaces (including presentation slides); deliberate intimidation, stalking or following; harassing materials, photography or recording; sustained disruptions of talks or other events

(whether verbal or otherwise); inappropriate physical contact, and unwelcome sexual attention.

- **Infliction of physical violence** by any means, which causes danger to anyone.
- Any **boisterous, lewd or offensive behaviour** or language, including but not limited to using sexually explicit or offensive language, materials of conduct, or any language, behaviour, or content that contains profanity, obscene gestures, or racial, religious or ethnic slurs.
- **Non-verbal forms** of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- **Quid pro quo harassment** occurs where an owner, employer, supervisor, member of management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.
- **Public and individually directed mockery** of one's sexual orientation.

3.4.2 Acts that do not constitute sexual harassment

These are listed below, but not limited to:

- **Occasional compliment** or remark that does not make the recipient of the compliment or remark uncomfortable.
- **Personality differences** between people.
- **Good natured jokes** and gesturing where both parties find the conduct acceptable.
- **Office romance** where both parties enter a voluntary relationship and where there is no Line management relationship between the parties
- **Exercise of line management or supervisory responsibilities** including disciplinary action according to the CIVICUS Disciplinary code and procedure or counselling. CIVICUS recognises that a disciplinary code and procedure is necessary to ensure that acceptable standards of behaviour are maintained in the organisation, and that all employees receive fair and consistent treatment in situations in which these standards are violated.

False claims of sexual harassment which is making public false allegations of sexual harassment against a fellow employee due to ulterior motives is discouraged. As with any misconduct, the offending party will be given the opportunity to respond to allegations.

3.4.3 Instances where attention becomes harassment

These are listed below, but not limited to:

- the **behaviour is persistent**, although a single incident of harassment can constitute sexual harassment; and/or
- the **recipient has made it clear that the behaviour is considered offensive** and against his or her wishes; and/or
- the **behaviour unreasonably impacts an individual's employment** or performance or creates an intimidating, hostile, or offensive environment for the individual's employment or performance; and/or

- **the offender should have known** that the behaviour is regarded as unacceptable.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to **behaviour that is not welcome**, that is personally offensive and debilitates morale.

4 Consequences of unacceptable behaviour linked to Discrimination and Harassment.

Unacceptable behaviour from staff is behaviour that contravenes CIVICUS values and are behaviours that have the potential to create a risk for staff member's health and safety.

- Unacceptable behaviour will not be tolerated.
- Anyone asked to stop unacceptable behaviour is expected to comply immediately.
- If anyone engages in unacceptable behaviour, management may take any action they deem appropriate, up to and including disciplinary action, dismissal, expulsion from the event, or criminal charges levelled against the offender.

5 What to do if you witness or are subject to unacceptable behaviour linked to Discrimination and Harassment:

If you are subjected to unacceptable behaviour, notice that someone else is being subjected to unacceptable behaviour, or have any other concerns, please notify the person you are most comfortable speaking to: The Event Organiser, HR representative, Management representative, or D&I Group Representative, as soon as possible. All reports will remain completely confidential.

- If the offence occurs at an Event ; Event staff will be available to help the affected individual and HR will be available to help staff to contact venue security or local law enforcement, to provide escorts, or to otherwise assist those experiencing unacceptable behaviour to feel safe for the duration of the event. You can report unacceptable behaviour to any member of CIVICUS staff directly or through CIVICUS event volunteers.

6 Retaliation

No hardship, loss, benefit, or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Lodging a complaint will in no

way be used against the employee or have an adverse impact on the individual's employment status. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

7 Confidentiality

CIVICUS will courteously, confidentially and professionally treat any person who invokes this complaint procedure, and the organisation will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective action. Because of the damaging nature of harassment to the victims and to the entire workforce, aggrieved employees are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy could lead to disciplinary action or in some instances may lead to grounds for a legal suit.

CIVICUS commits to ensuring that all grievances related to harassment and discrimination are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential. During and after the disciplinary inquiry, all parties concerned must endeavour to keep confidential all proceedings at the inquiry. Only appropriate members of management, and the aggrieved person, his or her representative, the alleged offender, witnesses and an interpreter, if required, shall be involved in the enquiry and where applicable the disciplinary meeting.

8 Support provided to affected staff

8.1 Counselling support for staff – ICAS

The employee assistance program ICAS provides confidential counselling services to CIVICUS employees. Individuals wishing to discuss an incident confidentially or seeking information and advice of a personal nature are encouraged to contact ICAS. The role of the ICAS in such cases will be limited to personal counselling and treatment for the person who is then an ICAS client. Contacting ICAS will not qualify as notification to CIVICUS of a potential harassment or discrimination issue (see below complaint procedure for more on how to notify the organisation of an issue or complaint)

8.2 Additional Leave

Where an employee's existing sick leave entitlement has been exhausted, CIVICUS will give due consideration to the granting of additional leave in cases of sexual harassment where the employee, on medical advice, requires trauma treatment and or psychological counselling.

9 Information and record keeping

During the complaint process, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining person will be protected to as great a degree as is possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the organisation's legal obligation to act on the charge and the right of the charged party to obtain

information. Information will be kept confidential unless it is necessary to disclose details of the investigation to authorised members of the investigating team only to successfully resolve the complaint. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential in accordance to any existing state of federal law of the country in which the complainant is based as well as the country in which the investigation is being led.

10 Procedure for handling cases of Discrimination and Harassment cases

In reference to the CIVICUS Disciplinary Code and Procedure the organisation views harassment in a serious light and is therefore categorised as a very serious offence. Harassment can result in a disciplinary hearing and if a verdict of guilty is issued, in a final written warning or dismissal.

Employees who are subject to harassment are encouraged to take firm, positive and prompt action. Where possible, the employee should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately. If the behaviour continues, or if the employee feels unable to speak to the person(s) directly, they should report the matter as soon as possible.

Employees who feel that they may be the victims of any form of harassment or discrimination are strongly encouraged to report this discreetly to the Human Resources. In cases where the harassment claim involves Human Resources or where the harassed individual is not comfortable approaching Human Resources then it is advised that the matter is addressed with either the SG, COO, the Line Manager, or a D&I Group Representative. If Human Resources is not available at the time and where an allegation is reported to any person other than Human Resources, this person must report it to Human Resources. All such reports will be treated in the strictest confidence and will be dealt with in a sensitive and supportive manner.

CIVICUS recognizes two options in dealing with harassment and discrimination cases. Either an attempt can be made to resolve the problem in an informal way or a formal procedure can be embarked on. Employees will not be put under any duress to accept one or other option. The decision to act either informally or formally will rest exclusively with the victim of the harassment.

10.1 Informal Procedure

The harassed individual may find it sufficient to have the opportunity to explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their work.

The informal procedure will be facilitated by Human Resources or the assigned CIVICUS representative confidentially. During the informal procedure all discussions and settled claims will be confidentially recorded and the report will be treated in the strictest confidence. The harassed individual and offender will also be expected to agree in writing that the matter had been resolved.

If this approach does not resolve the matter to the satisfaction of the victim of the harassment, the victim may embark on the formal procedure.

10.2 Formal Procedure

The harassed individual reserves the right to elect to embark on a formal procedure without having attempted to resolve the matter informally. Employees wishing to follow a formal procedure should follow the steps below:

- **Step 1**

Report the incident of harassment to the HR Representative, Line Manager or to the SG or COO. The organization shall designate an employee to perform the function of providing confidential support to harassed employees who are not comfortable approaching management with the harassment allegations. Details of the designated employee shall be communicated to all staff by the HR Representative. Employees may approach HR for advice if unclear about whom they should speak to.

- **Step 2**

Complete the Grievance form.

- **Step 3**

Submit one copy of the Grievance form to your line Manager or the SG or COO and one copy to the HR Representative. Members of SLT or the SGG who wish to file complaints have the option to send their complaints to the Board Chair and HR.

- **Step 4**

The HR Representative or designated person will, within three (3) days, investigate the allegations and make a recommendation to the SG and COO on the manner in which the organization should deal with the complaint. Cases like these, owing to their sensitivity and potential consequences, are best investigated by more than one person. The team will be constituted, on a need's basis, by the HR Representative and the SG and COO.

- **Step 5: Disciplinary Inquiry**

Acting on the instructions of the SG and COO the HR Representative will convene a disciplinary inquiry if the allegations are found to have merit. The CIVICUS disciplinary code and procedure as outlined in the CIVICUS Staff Handbook will apply. The harassment guidelines will be followed during the inquiry.

- **Step 6: Communication of findings of the Inquiry Team**

The HR Representative or designated person will be responsible for communicating the findings of the inquiry team to both the harassed individual and the offender within seven (7) working days of the inquiry.

Should the complainant of the harassment or discrimination not be satisfied with the outcome of the investigation or disciplinary inquiry, the complainant

may refer the dispute to the arbitration medium in the country that they are based in.

For external events or workshops, the organization would also like to encourage making use of the ['Accountable Now' complaint mechanism](#) which will assist in providing an external mediator in cases where the complainant is not comfortable approaching the SG, COO, HR staff, or Diversity and Inclusion Group representative.

11 Disciplinary action

Although the determination of disciplinary action in cases of harassment will be at the discretion of the chairperson of the inquiry, sanction will be consistent with the CIVICUS disciplinary policy and procedure which views harassment as a very serious form of misconduct. Where allegations of sexual harassment are substantiated, the offender will be sanctioned in strict accordance with the CIVICUS disciplinary code, regardless of his or her position at CIVICUS.

The findings as to whether harassment or discrimination has occurred will be determined based on the evidence

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling;
- Disciplinary action against the harasser
- Official warnings that are noted in the offender's personnel file;
- Disciplinary action against the complainant if there is convincing evidence after investigation that the complaint was false or made with malicious intent;
- Formal apologies and undertaking that the behaviour will cease;
- Conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution;
- Reasonably reimbursing costs associated with the harassment to the complainant provided that the necessary supporting documents and information linked to these costs is provided ;
- Re-crediting any leave taken as a result of the harassment.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation.

Following an investigation concerning a sexual harassment complaint (irrespective of the findings), the Line Manager, HR representative, SG or COO where the Line manager is involved in the complaint will. In cases where the Line manager is directly involved in the complaint, the SG or COO will act as the Line Manager in the case:

- consult with the parties involved to monitor the situation and their wellbeing; and

- educate and remind all employees and volunteers of their obligations and responsibilities in relation to providing a workplace free from any form of harassment and discrimination.

Outcomes will depend upon factors such as:

- The severity and frequency of the harassment;
- The weight of the evidence;
- The wishes of the person who was harassed;
- Whether the harasser could have been expected to know that such behaviour was a breach of policy;
- The severity of the offence;
- Whether there have been any prior incidents or warnings.

If the investigation determines that harassment or discrimination has occurred, the Manager must forward a summary of the complaint and the action taken to the Human Resources Department. A copy may be placed in the respondent's personnel file by the Human Resources Department, in accordance with Disciplinary code and procedures.

The Line Manager will monitor the outcome to ensure that the offensive behaviour has ceased, and that neither party has been victimized. This may involve follow-up interviews.

If there has been any substantiated victimization, disciplinary procedures will be followed.

12 Procedures for Dealing with Criminal Conduct

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state, or federal agencies or the courts.

Some forms of severe sexual harassment (e.g. sexual assault, stalking, indecent exposure, physical molestation, obscene phone calls) may constitute criminal conduct.

While CIVICUS is committed to treat all sexual harassment complaints at a company level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system.

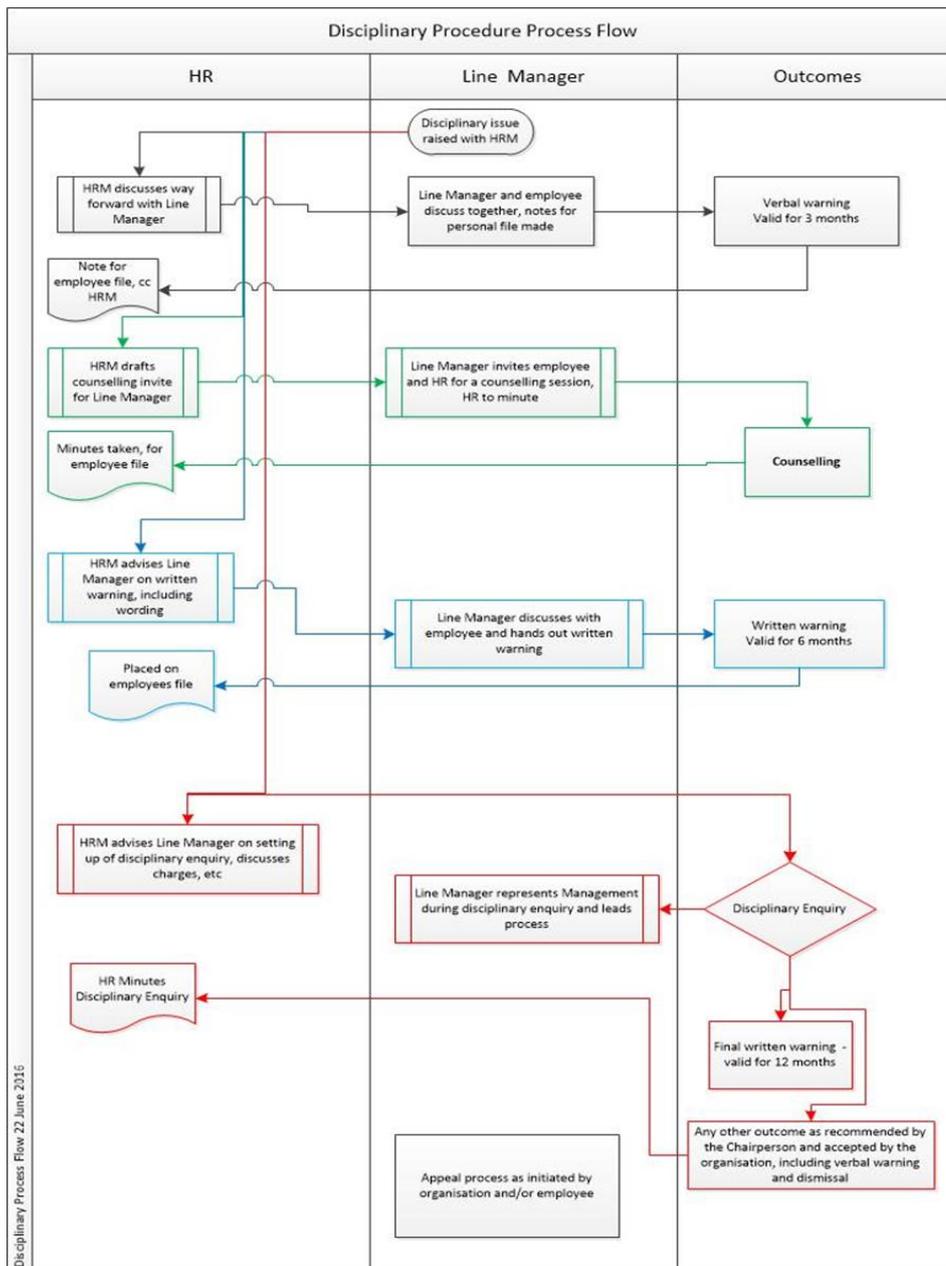
In relation to alleged criminal offences such as rape or sexual assault, the matter must be immediately referred to the Human Resources Department. Employees, interns, and volunteers will be supported in reporting the incident to the appropriate legal authorities. CIVICUS cannot report criminal offences to the police on behalf of the complainant but is committed to providing support and understanding. Support provided by CIVICUS could be in the form of counselling services, time off from work, considering placing the employee in a different role. Each case will be looked at individually.

13 Related Policies

- CIVICUS grievance procedures and disciplinary code and procedure.
- CIVICUS Whistle blowing policy
- For External members - related policies and complaints mechanism (i.e. Feedback Mechanisms Policy the 'Accountable Now Complaints mechanism' ;

14 Disciplinary Procedure Process Flow

- Please see the diagram below. The full Disciplinary Code and Procedure can be found in the CIVICUS employee Handbook.



CIVICUS

Feedback Mechanisms

EXTERNAL

Feedback Response Policy



CIVICUS staff to be familiar with INTERNAL FEEDBACK RESPONSE PROCEDURE

Online Feedback Form



Or email to feedback@civicus.org

Followed up by CNO and I&A Cluster plus respective Cluster that complaint is addressed to; potential escalation up to SLT and CIVICUS Board

Accountable Now Complaints Mechanism



Escalation steps:
1) Accountable Now staff
2) Accountable Now Board
3) Independent Review Panel

INTERNAL

Whistleblower Policy



Addressed to Board Chair

Grievance Policy



Escalation steps:
1) Line Manager
2) Secretary General / Chief Operations Officer
3) Statutory dispute resolution (i.e. outside of CIVICUS)

Diversity & Inclusion Group



Seek advise from your trusted DIG member



Happy staff & stakeholders