

# Sexual Harassment Policy

February 2019

# Sexual Harassment Policy

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## 1. Introduction

Marie Stopes International recognises that all people have the right to be free from sexual violence and is committed to providing a safe work environment. We recognise that sexual harassment, abuse and exploitation can take various forms and can happen to anyone at any time during their lives, MSI will treat all incidents seriously, promptly investigate allegations of sexual harassment and ensure that there will be consequences for any breaches of this policy. Any person found to have committed any act of sexual harassment will face disciplinary action up to and including dismissal from employment.

MSI will not tolerate any employee, volunteer, consultant, partner or any representative associated with the delivery of its work engaging in any form of sexual harassment, sexual abuse or sexual exploitation.

## 2. Scope and application of this guide

- 2.1 This policy applies to all MSI employees: including Marie Stopes Ladies, trainees, volunteers, sessional workers, agency staff, self-employed contractors to MSI, social franchisees and any other individual or organisation who provide services on behalf of MSI; (collectively referred to as 'MSI People'). This policy also applies to third parties such as clients of MSI, suppliers, or visitors to MSI premises.
- 2.2 This policy covers sexual harassment in the workplace and in any work-related setting outside of the workplace, such as during business trips, (include outreach travel), work-related events or social functions. It should be read in conjunction with MSI affiliates'/ MSI's [Grievance Policies](#), MSI affiliates'/MSI's [Disciplinary Policies](#) and [Dignity at work Policy](#), [Child Safeguarding Policy](#), local safeguarding policies and procedures as well as MSI's [Global Code of Conduct](#).
- 2.3 All incidents arising in relation to this policy will be treated seriously and promptly and all allegations of sexual harassment will be investigated. Any person found to have sexually harassed, abused or exploited another will face disciplinary action up to and including dismissal from employment.
- 2.4 All complaints of sexual harassment will be treated with respect and in confidence. No person making a complaint regarding sexual harassment will be subject to any form of victimisation in relation to any such complaint.

## 3. Training and Education

- 3.1 All MSI team members will have access to this policy via MSI's intranet.
- 3.2 This policy will be disseminated to all relevant persons within the Global Support Office and across MSI's country programmes. A link to this policy will be included in MSI's team member handbooks. It is the responsibility of all MSI line managers to ensure delivery of this policy and to promote it as relevant in all aspects of their work, to hold themselves and others to account, and to help to create a safe working environment for all.
- 3.3 In conjunction with Safeguarding Training, all employees will be made aware of this Policy and how to report a concern or allegation of sexual harassment, abuse or exploitation.

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## 4. Definitions

- 4.1 Sexual harassment encompasses any unwelcome behaviour of a sexual nature that is committed without consent or by force, intimidation, coercion or manipulation or in breach of the law. 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.
- 4.2 Sexual harassment can comprise of one or more incidents and/or actions, which may be physical, verbal and/or non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to;
- Unwelcome physical contact including patting, pinching, pushing, groping, stroking, kissing, hugging, fondling or any other form of inappropriate touching;
  - Unwelcome sexual advances or suggestive behaviour, gestures or language (which the alleged perpetrator may perceive as harmless);
  - Physical violence, including sexual assault or rape;
  - The use of threats or rewards to solicit sexual favour;
  - Comments or persistent questions on a team-member's appearance, age, private life etc.;
  - Sexual comments, stories and jokes;
  - Sexual advances;
  - Offensive and/or sexual explicit e-mails, text messages or social media content;
  - Repeated and unwanted social invitations for dates or physical intimacy;
  - Condescending or paternalistic remarks, whistling or leering;
  - Insults based on the individual's sex;
  - Display of sexually explicit or suggestive material (physical or electronic).
- 4.3 Any person can experience sexual harassment, regardless of their sex and of the sex of the perpetrator. Absence of verbal or physical refusal to accept any of the above behaviours does not make the behaviours acceptable. MSI recognises that sexual harassment may also occur between people of the same sex.
- 4.4 In some circumstances, the person accused of sexual harassment may not have intended to cause offence or embarrassment to the claimant, however, any claim investigated by MSI will be considered primarily in accordance with the impact of the behaviour on the claimant, regardless of the intent of the person accused;
- 4.5 MSI recognises that sexual harassment can occur as a manifestation of imbalanced power in relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee, and because of unequal gender dynamics. Any person who contravenes this policy will be subject to disciplinary action, regardless of gender, seniority, role, or relationship with the victim.

## 5. Reporting

- 5.1 If you are made to feel uncomfortable by a colleague's behaviour and you feel able to raise the problem directly with the person responsible, you should explain clearly to them that their behaviour is not welcome and/or makes you uncomfortable. If the behaviour persists with you, or you observe a similar behaviour with others, you should report this to

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your line manager or to human resources, who can provide confidential advice and assistance, and raise the issue to the Decision Committee for resolution.

5.2 If you wish to make a report of a suspicion, observation or experience of sexual harassment you should use one of the channels listed in section 5.3 below to report the concern. For the avoidance of doubt, with the upmost respect for the privacy of the victim, putting their best interests first, there is no obligation placed on any individual to report an incident which has happened to them.

5.3 It is the responsibility of all MSI people to raise any suspicions of sexual exploitation, abuse or harassment of others, whether this was directly observed, reported or suspected. MSI people are encouraged to speak up to report any concern in accordance with MSI's Speak Up Policy. A concern can be raised anonymously through any of the following channels, which are listed in no specific order:

- Your line manager\* or any other manager within MSI
- Country Director (in the case of country programmes)
- Regional Director (in the case of regional offices)
- Director of HR and/or the Director of Safeguarding and Protection Lead (in the case of support offices)
- MSI's confidential, independent, dedicated Speaking Up telephone service (for details see MSI Speaking Up Policy), webmail: [www.safecall.co.uk/report](http://www.safecall.co.uk/report) or email [speakingup@safecall.co.uk](mailto:speakingup@safecall.co.uk).

\*If you wish to make a report regarding your line manager, you should contact your line manager's direct supervisor in the first instance. If this is not possible, you should speak to another line manager within MSI or use any other channel listed above.

If the information has been shared with you in confidence, you can share cases without providing any details which would identify the individual(s) involved.

## 6. Complaints Procedure

6.1 All complaints made regarding sexual harassment in the workplace will be investigated in a timely and confidential manner. When a complaint or report is received, a Safeguarding Decision Committee will be convened to provide direction and support to the investigation and any disciplinary processes that may follow. Our overriding concern is always for the safety, wellbeing, dignity and best interests of the victim. MSI treats all reported incidents relating to this policy seriously. They will ensure that all parties are treated fairly; that procedures are transparent and in line with local law. MSI aims to manage reported cases in a timely manner. We also commit to confidentiality as far as we are able, in order to protect the victim, the incident reporter, and the person against whom the allegation has been made. This requires all Programmes to have in place a clearly outlined and embedded Incident Reporting Process and guidelines, which not only reflect this policy but also the context of their own internal structures, operations and management composition. The investigation will be conducted by a neutral and unbiased individual with the appropriate experience and seniority. Details of the investigation, the name of the person making the complaint and the person accused will only be disclosed on a strictly "need to know" basis.

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6.2 Where a complaint is made an investigation will be carried out guided by the Safeguarding Decision Committee, following local grievance and disciplinary procedures. This normally includes the right of both the claimant and individual accused to be accompanied to any grievance or disciplinary meetings.

As per the “Speaking Up” policy the person raising the complaint will be offered the opportunity to be accompanied by a support person.

6.3 Once a full investigation of the claim has been carried out, the claimant will be informed of the outcome. If it is considered that sexual harassment has taken place, the individual accused will be subject to sanction under MSI’s Disciplinary process, in accordance with the severity, frequency and actual impact of the sexual harassment. Such sanctions may include, but are not limited to:

- Meeting to discuss the breach. Providing an opportunity for the accused to detail their account/understanding of the situation;
- Further education on the Sexual Harassment Policy;
- Formal warning and monitoring;
- Transfer to other duties;
- Performance management;
- Suspension with or without pay pending review;
- Dismissal of team members;
- Reporting to the relevant local authorities;
- Termination of agreements (for social franchisees or business partners).

6.4 Where, following an investigation or upon the receipt of a complaint of sexual harassment, MSI believes that a criminal offence has taken place, the claimant will be asked if they wish for a report to be made to the local authorities. MSI will always consider the best interest of the victim in decision regarding reporting to authorities. If there are serious concerns about the safety of any person involved and MSI would be required under safeguarding legislation or other legislation to make a report to the police, MSI will make every effort to ensure that the individual concerned is notified before the authorities are contacted.

6.5 At any point during this process the victim can report the incident to the police or other authorities, should they wish to do so.

## 7. Protection and Support

7.1 MSI, as outlined in the Speaking Up Policy, will provide a support person to accompany the victim or complainant through the investigation process.

Anyone who makes a complaint in relation to this policy or who participates in good faith in any investigation will not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under MSI’s Disciplinary Policy.

7.2 Anyone who intentionally makes a malicious or false complaint in relation to this policy or who intentionally contributes false or misleading information in the course of any investigation will be subject to disciplinary action under MSI’s Disciplinary Policy.

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- 7.3 Individuals based in the UK can also find further support on sexual harassment via the [Citizen's Advice Bureau](#).
- 7.4 MSI will always consider whether any steps are necessary to manage any ongoing relationship between the claimant and the accused individual during the investigatory period, in order to maintain confidentiality and prevent further harassment from potentially taking place. Any person who makes a complaint in relation to this policy will have the right to request that any reasonable and appropriate steps are taken to achieve this.
- 7.5 At no point during any investigatory proceedings will an individual making a claim be asked to meet face-to-face with the accused individual.

### 8. Monitoring

- 8.1 MSI recognises the importance of monitoring this policy and the Global HR Director within Marie Stopes International shall be responsible for reviewing and amending this policy as required and at least every two years.

### 9. References

- 9.1 The following references (as amended from time to time) shall apply to this policy within the United Kingdom:
- Equality Act 2010
  - Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 (SI 2011/1064)
  - Equality Act 2010 (Specific Duties) Regulations 2011 (SI 2011/2260)
  - Health and Safety at Work etc. Act 1974
  - Protection from Harassment Act 1997
  - Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)

Other legislation may apply within other country programmes.

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## Version Control Information

<b>Version:</b>	Version 2
<b>Applies to:</b>	All MSI team members, agency workers, sessional workers, contractors and third parties.
<b>Approved by:</b>	Joan Summers. Director of Safeguarding & Protection
<b>Written By:</b>	Clare O'Neill, Head of HR Operations

## Version Control Log

Version Number	Date	Status	Changes
V.1	February 2019	Final	N/A

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