



Anti-Sexual Harassment Policy

June 2023

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1. Introduction

MSI Reproductive Choices recognises that all people have the right to be free from sexual exploitation, abuse, and harassment and is committed to providing a safe work environment for our team members and partners. Sexual exploitation, abuse, and harassment can take various forms and can happen to anyone, at any time during their lives; however, we acknowledge that it is more likely to occur in contexts where there is an unequal balance of power, and individuals experience vulnerability, and/or are dependent on those who may seek to exploit their position of power for personal gain.

In line with MSI’s commitments to safeguarding, MSI vows to operating in accordance with the principle of ‘do no harm’ and takes active measures to mitigate the risks of sexual exploitation, abuse and harassment occurring within the workplace. All representatives of MSI are therefore expected to uphold the highest ethical standards at all times and strive to prevent and speak up about all forms of sexual harassment.

We will not tolerate any employee, volunteer, consultant, sessional worker, agency / locum staff or partner, or any representative associated with the delivery of MSI’s work engaging in any form of sexual harassment, sexual abuse, or sexual exploitation. Any person found to have committed any act of sexual abuse or harassment will face disciplinary action up to and including dismissal from employment.

2. Scope and application

- 2.1 Expanding on the principles of MSI’s Adult and Child Safeguarding policies, this policy outlines the standards of behaviours expected of MSI’s team members and partners to prevent sexual harassment and abuse from occurring between colleagues; the requirements of team members to speak up about their concerns; and procedures followed where incidents of sexual harassment or abuse are identified.
- 2.2 This policy applies to all persons at MSI, including all employees, contractors, trainees, volunteers, sessional workers, and agency / locum workers (collectively referred to as **MSI People** and individually, an **MSI Person**).
- 2.3 The principles in this Policy are also expected to be upheld by MSI’s partners, including social franchisees, consultants, suppliers, interns, visitors, external partners and any other third parties receiving funds or any kind of support from MSI (**MSI Partners**).
- 2.4 This policy covers sexual harassment and abuse in the workplace and in any work-related setting outside of the workplace, such as during business trips, outreach travel, work-related events or social functions with other MSI People or MSI Partner.
- 2.5 This policy contributes to a group of policies and guidelines designed to support the safety and wellbeing of MSI’s staff and partners, including:
 - [MSI’s Code of Conduct](#)
 - [MSI’s Child Safeguarding Policy](#)
 - [MSI’s Adult Safeguarding Policy](#)
 - [MSI’s Speaking Up Policy](#)
 - [MSI’s Dignity at Work Policy](#)

- [MSI's Equality and Diversity Policy](#)
 - [MSI's Global HR Standards](#)
 - [MSI's Anti-Modern Slavery and Human Trafficking Policy](#)
 - Relevant MSI Support Office or Country Programme [Grievance](#) and [Disciplinary](#) policies and procedures
- 2.6 MSI Partners are expected to read and abide to the principles outlined within this policy in conjunction with the standards of conduct outlined within the relevant applicable policies of their organisation.
- 2.7 All reported concerns arising in relation to this policy will be treated seriously, and quickly and thoroughly investigated. Any person found to have sexually harassed, abused, or exploited an MSI Person or Partner will face disciplinary action up to and including dismissal from employment, regardless of their gender, seniority, role, or relationship with the victim.
- 2.8 MSI takes a survivor-focused approach to the management of sexual harassment and abuse concerns. The safety and wellbeing of all potential victims remains the overriding priority at all times. All reports will be treated with respect and in confidence.
- 2.9 MSI will not tolerate any form of victimisation of a person making a complaint regarding sexual harassment in relation to any such complaint. Concerns relating to victimisation will be subject to a separate investigation and may be subject to disciplinary action.

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 Through MSI's Safeguarding Programme, all MSI Persons are required to complete scenario-based training, at least once every 2 years to ensure they have a clear understanding of:
- the ethical standards of conduct expected of them
 - the behaviours which constitute workplace sexual exploitation, abuse, and harassment
 - their duty to report all known, or suspected concerns relating to workplace sexual harassment and abuse
 - how to sensitively respond to identified concerns and use MSI's Speak Up Channels to report issues

Trainings are expected to be supported through continuous messaging and discussions across all levels of the organisation which promote ethical ways of working, safeguarding and empower team members to speak up about concerns.

4. Definitions and Context

- 4.1 **Sexual harassment:** encompasses any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any behaviour of a sexual nature that might reasonably be expected, or be perceived, to create a hostile environment, or cause offence or humiliation to another, without consent.
- 4.2 **Sexual exploitation:** encompasses any actual or attempted abuse of position of power or trust for sexual purposes (for example, asking a person to engage in sexual activity in order for them to obtain a service or employment) including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.
- 4.3 **Sexual abuse:** encompasses actual or threatened physical intrusion of a sexual nature without consent, by force, or under unequal coercive or manipulative conditions.
- 4.4 Incidents of sexual exploitation, abuse or harassment may not always be a standalone event and can often 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 exploitation, abuse or harassment include, but are not limited to;
 - Unwelcome physical contact of any part of a person’s body, which is likely to make them feel uncomfortable, including patting, pinching, groping, stroking, kissing, hugging, fondling etc.;
 - Inappropriate comments on a person’s appearance, both to the person or a friend or colleague, e.g., “*you have a great body*” or “*she is looking sexy today*”
 - Unwelcome sexual advances or suggestive behaviour, gestures, or language (which the alleged perpetrator may perceive as harmless);
 - Overly personal or intrusive questions about a person’s private life, sex life etc., or over sharing information about your own sex life;
 - Derogatory, sexist, or misogynistic language or jokes e.g., about sexually objectification and harassment or, sexual or gender-based violence, which may not be aimed at a particular individual but normalise or legitimise acts of sexual violence;
 - Offensive and/or sexually explicit, explicit e-mails, text messages or social media content;
 - Repeated and unwanted invitations for a person to engage in situations which they may feel uncomfortable with, e.g., lifts home from work, dates or physical intimacy;
 - Condescending or paternalistic remarks, whistling or leering;
 - Discriminatory, derogatory, or judgmental comments based on the individual’s sex;
 - The use of threats or rewards to solicit sexual favour;
 - Physical violence, including sexual assault or rape.
- 4.5 Absence of verbal or physical refusal to accept any of the above behaviours does not make the behaviours acceptable.
- 4.6 Any person can experience sexual exploitation, abuse, or harassment, regardless of their sex and of the sex of the perpetrator. It may also occur between people of the same sex.

- 4.7 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.
- 4.8 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 and employee, or where gender dynamics are imbalanced, as some may feel less able to decline advances.
- 4.9 Whilst consensual relationships between employees in the workplace may occur, MSI recognises they have the potential to generate a perception of favouritism and compromise the reputation of both parties, as well as the organisation. Consensual relationships between employees, must be declared, and managed in line with [MSI's Conflicts of Interests Policy](#) and relevant Country Programme policies where applicable (for example, Personal Relationships at Work or information contained in the Country Programme Employee Handbook). Any Senior Manager that fails to declare a relationship at work may be subject to disciplinary procedures in accordance with the Conflict of Interest Policy.

5. Reporting

- 5.1 If you are made to feel uncomfortable by behaviours of a colleague or partner which constitute sexual harassment, and you feel able to raise your concerns with them directly, you should explain clearly to them that their behaviour is not welcome. However, your safety and wellbeing should always be prioritised. Where you do not feel comfortable raising concerns directly with a person, or if the behaviour persists, this should be reported through MSI's Speak up Channels (see point 5.4 below).
- 5.2 MSI aims to ensure our People and Partners feel encouraged to Speak Up about personal experiences of sexual exploitation, abuse, or harassment in the workplace through MSI's Speak Up Channels (see point 5.4 below). Individuals who want to Speak Up but are concerned about reporting formally are advised to speak with their Safeguarding Lead or Country Director who will advise and act in their best interests. For the avoidance of doubt, with the upmost respect for their privacy there is no obligation placed on any individual to report an incident which has happened to them.
- 5.3 Where MSI People and Partners have concerns relating to a known, or suspected incident of sexual abuse, exploitation, or harassment of their colleagues, MSI's partners, clients, or community members by a MSI Person or Partner, they have a responsibility to report this through MSI's Speak Up Channels (see point 5.4 below).
- 5.4 MSI's Speak Up Channels:
- MSI team members** can raise concerns by:
 - Speaking with their line manager, team Director or any other manager within MSI
 - Where concerns relate to a team members line manager, reports should be made to a more senior manager, or via an alternative Speak Up Channel
 - Speaking with their HR Director or Safeguarding Lead
 - Speaking with the Country Director (in the case of Country Programmes)

- Contacting SafeCall, MSI's confidential and independent speaking up service. SafeCall can be accessed via:
 - Telephone: see [here](#) for country telephone numbers
 - Online: www.safecall.co.uk/report
 - Email: speakingup@safecall.co.uk
 - b. **MSI Partners** can raise concerns via the agreed reporting channels outlined within their contractual agreement e.g., by:
 - Speaking with the MSI Country Director
 - Emailing MSI's Partner Incident Reporting account: incidents@msichoices.org
- 5.5 Where information has been shared in confidence, reports may be raised without providing any identifying details of victims. However, victims should feel encouraged to Speak Up in order to ensure incidents can be robustly investigated and responded to.
- 5.6 Reports of sexual exploitation, abuse or harassment received by Directors and Managers must be immediately (i.e., within 24hrs) reported up to:
- The Country Director, their delegate, or the Safeguarding Lead (in the case of Country Programmes),
 - The Global Director of People and Culture or the Director Legal, Safeguarding and Donor Compliance (in the case of Support Offices)

6. Case Management

- 6.1 MSI has in place robust reporting and responding procedures to ensure concerns are handled quickly, efficiently and through a survivor focused lens.
- 6.2 All reports of workplace sexual harassment or abuse must be logged on the Global Safeguarding Incident Register within 24 hours. A Global Safeguarding Decision Committee will automatically be notified and convened.
- 6.3 The Global Safeguarding Decision Committee ensures consistency in the management of cases of workplace sexual harassment and abuse across the MSI Partnership. They review all reports and provide guidance on survivor and/or report raiser support and protection, investigations, outcomes, disciplinary action (where required) and external reporting requirements (where required), including transparent reporting to MSI's Donors and the UK Charity Commission. The Decision Committee also provides recommendations on actions required to prevent repeated similar incidents from occurring across the organisation.
- a. The Decision Committee is comprised of the Chief Operating Office, Regional Director, Country Director, Director of Legal, Safeguarding and Donor Compliance, Global Director of People and Culture and the relevant donor lead (where required). Other expertise is seconded as needed.
 - b. Where concerns are raised about members of the Decision Committee, they are logged on a Restricted Register and managed by a Restricted Decision Committee.
- 6.4 Incidents relating to an MSI employee, contractor, agency / locum team member, social franchisee or MS Lady will either be conducted by the Country Programme or support office, in line with local grievance and disciplinary procedures. This normally includes the rights of both the claimant and subject of the accusation to be accompanied in investigation meetings.

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Incidents relating to an employee of an external partner will be managed in line with the partners internal investigation procedures. Where MSI is the prime within a donor funded project or consortium, MSI will maintain oversight and/or responsibilities for reporting to the donor.

- 6.5 MSI is committed to maintaining the privacy and confidentiality of all parties including any survivor(s), the report raiser, and the accused at all stages of the investigation and following the closure of the case.
- 6.6 Following the closure of the case, the report raiser will be informed about the outcome of the case and whether or not disciplinary action will be taken.
- 6.7 Where allegations are substantiated the Country Programme or Support Office will apply appropriate sanctions in line with local disciplinary procedures. Disciplinary action will take into account the severity, frequency and impact of the substantiated misconduct. Such sanctions may include, but are not limited to:
 - Training or re-training
 - Formal warning and monitoring
 - Re-assignment of duties or location
 - Performance management
 - Dismissal
 - Non-renewal of contract (for partners, locums, or fixed-term employees)
 - Termination of agreements (for partners)
- 6.8 Where a potential criminal offence has occurred the Decision Committee will review whether the case should be reported to the relevant authorities and/or licensing bodies, taking into account legal advice and the best interest of the survivor(s), and will comply with any such requirements of an external investigation. At any point during the process individuals affected by incidents which involve potential criminal misconduct may refer the incident to the relevant authorities.
- 6.9 Anyone who makes a complaint in relation to this policy which they believe to be true, or who participates in good faith in any investigation will be supported under this policy, even if the conclusion of the investigation is unfounded. If, however, it is found that the complaint was made maliciously or deliberately false or misleading information was shared, this may be subject to disciplinary action.

7. Protection and Support

- 7.1 MSI is committed to taking a survivor-focused approach to the management of workplace sexual harassment or abuse, whereby the safety, wellbeing, and confidentiality of those affected remains the overriding priority at all times.
- 7.2 In many cases victims of sexual exploitation, abuse or harassment may have been wrongly made to feel as if they were to blame, and/or may be fearful of the consequences of reporting. MSI encourages team members and managers to adopt the LIVES approach when listening to reports of abuse, to help survivors feel safe, protected, and supported.

Listen closely with empathy and no judgement
Inquire about needs and concerns
Validate their experience, show you understand
Enhance their safety and do no harm
Support them to connect to additional services

- 7.3 Where available MSI will identify organisations where survivors can be referred for specialist support, such as psychosocial support, comprehensive sexual, gender-based violence (**SGBV**), forensic examination, legal support, on-going medical assistance, protection, and follow-up care. The organisations/facilities identified must demonstrate adequate standards of care and treatment, and assurances of their commitment to maintain confidentiality and provide quality and sensitive care must be gained, ideally in a written agreement.
- In the UK guidance, support, and resources on:
 - sexual harassment can be found via the [Citizen's Advice Bureau](#).
 - sexual abuse can be found on the [UK Government's Sexual Abuse Hub](#)
 - For further guidance, support and resources on sexual harassment and abuse in your country, contact your Safeguarding Lead
- 7.4 A contact person will be assigned to ensure support and feedback is provided to the survivor(s) and/or complainant(s) throughout the investigation process.
- 7.5 MSI will always consider whether any steps are necessary to manage any ongoing relationship between the claimant and the accused, maintain confidentiality and mitigate risks of ongoing harm.
- 7.6 At no point during any investigation will a survivor and/or claimant be asked to meet face-to-face with the accused individual.
- 7.7 MSI will not tolerate any harassment, victimisation, or other form of reprisal against anyone who raises concerns which they genuinely believe to be true. Any harassment, victimisation or other form of reprisal will be treated as a serious disciplinary offence and may result in dismissal. If you believe that you are being subject to a detriment in the workplace as a result of raising concerns under this Policy, you could inform your Support Person or Country Director immediately.

8. Monitoring

- 8.1 MSI recognises the importance of monitoring this policy and the Global Director of People and Culture within MSI Reproductive Choices 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

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Applies to:	<ul style="list-style-type: none">• This Policy applies to all MSI team members, agency / locum workers, sessional workers, contractors, trainees, interns (MSI People).• The principles of this Policy are expected to be upheld by all consultants, external partners, social franchisees or other third parties receiving funding or support from MSI (MSI Partners).
Written By:	Gemma Blakie, Learning & Transformation Partner
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Approved by:	Sue Holland, Global Director of People & Culture

Version:	Date:	Review:	Custodian:
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