



Sexual Harassment Policy

Executive Director – Jimmy Wilford

📍 24 Jefferson Road, Logan Park, Hatfield, Harare, Zimbabwe

☎ Cell: +263 772 819 786 / Tel +263 242 571184, +263 242 571190

jimmy@saywhat.org.zw

saywhat@mweb.zo.zw

www.saywhat.org.zw

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1. INTRODUCTION

- 1.1 Students and Youth Working on reproductive Health Action Team (SAYWHAT) is an organisation committed to providing an environment where employees and volunteers discharge their duties and advance their careers in an environment free from sexual harassment. This policy unequivocally states that SAYWHAT as an organisation will not tolerate or condone sexual harassment, and appropriate disciplinary measures will be taken upon anyone who disregards this Policy. The organisation holds itself accountable for the safety and well-being of all its staff. It, therefore, pledges to create an environment free from fear, threats, intimidation, and coercion of a sexual nature.

2. DEFINITIONS

- 2.1 **Sexual Harassment** shall be taken to refer to any conduct of a sexual nature specifically **unwelcome** sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature that is pervasive whether they affect working conditions or create a hostile working environment. Sexual harassment includes, but is not limited to:
- a. Any unwelcome sexual advances or requests of a verbal nature.
 - b. Any unwelcome requests for sexual favors or unwelcome sexual advances, including those made through text messages, email, WhatsApp or through any other social media;
 - c. Any verbal, nonverbal and physical conduct of a sexual nature which may include gestures and comments that embarrass, humiliate, intimidate, threaten or compromise the position of the person to whom the conduct is directed.
 - d. Repeated unwelcome sexual advances where the person to whom such behaviour is conducted has indicated explicitly or implicitly that such behaviour is unwelcome and unacceptable.
 - e. Unwelcome conduct deliberately interferes with a person's ability to work effectively and or creates a hostile work environment.
- 2.2 **Unwelcome physical conduct** includes but is not limited to, unwanted physical contact, touching, groping, massaging, rubbing oneself against another, patting, winking, fondling, tickling, suggestive handshakes, sexual assault and rape.
- 2.3 **Unwelcome verbal conduct** includes but is not limited to, jokes, suggestive language, sexual threats, comments with sexual overtones, comments about a person's body, inquiries or comments about a person's sexual life, and the display of sexually inappropriate pictures, screensavers, and pornographic material.
- 2.4 **Unwelcome nonverbal conduct** refers to gestures or sexually suggestive signals, swinging hips suggestively, indecent exposure, stalking, sending sexually explicit jokes and pictures, giving someone unwanted gifts, looking a person up and down suggestively, making facial expressions such as winking or licking one's lips, sending pornographic material through email, Whatsapp or any other social media.
- 2.5 **Quid pro quo** means asking for favors in return for something. This form of harassment may take any of the following forms:
- a. It can be when a person in authority influences or attempts to influence a person's employment status or remuneration in exchange for sexual favours or the promise of employment in exchange for sexual favours;
 - b. It can refer to when an employee coerces, sweet talks, entices or blackmails a fellow employee or member of the managerial team into promoting them or awarding a salary increment in underserved or unsanctioned circumstances exchange for sexual favours.

- 2.6 Sexual harassment **excludes consensual relationships**. Consensual relationships are romantic or dating relationships of a sexual nature where both parties have uncoerced consent; the interaction is welcome and reciprocated. However, SAYWHAT discourages romantic relationships between people in positions of unequal power, such as managerial staff and junior members of staff or volunteers. Such relationships create a hostile working environment, particularly when the other party terminates the relationship. Further, the person who is more senior in the position will not be so immune to sexual harassment claims. Thus, in the event of a consensual relationship, it is advisable that, at the minimum, such relationships be made known to the administrative assistant who in turn is bound to confidentiality.
- 2.7 **Responsible Authority** refers to the immediate supervisor and or the Head of Human Resources of SAYWHAT who can receive complaints regarding this policy.
- 2.8 **Code of Conduct** refers to the SAYWHAT Employment Code of Conduct of 28 January 2019.
- 2.9 **Third Parties** in terms of this policy shall mean students/stakeholders that SAYWHAT works with or is charged to serve.

3. IMPLEMENTATION OF THE POLICY

- 3.1 All SAYWHAT employees and volunteers should, to the best of their means and abilities, be proactive in preventing sexual harassment in the workplace or the field when discharging SAYWHAT-related duties.
- 3.2 The SAYWHAT human resources department is charged with the responsibility to disseminate this policy to all employees and volunteers of SAYWHAT on a regular basis.
- 3.3 This policy should be integrated into staff induction programs.
- 3.4 Within six (6) months of adopting this policy, SAYWHAT should ensure that all employees in Human Resources department have undergone training on sexual harassment.
- 3.5 All Staff and volunteers of SAYWHAT must acknowledge and sign that they have read and understood the contents of this Policy as part of their contractual obligations with the organisation.

4. LEGAL REQUIREMENTS

- 4.1 The Policy does not provide a complete list of what may be regarded as sexual harassment under Zimbabwean law. However, the Labour Act [Chapter 28:01] and related legislation, such as the Criminal Law (Codification and Reform) Act [Chapter 9:23]compel employers and those in positions of authority to uphold fair practices in the workplace and institutions, in which case, issues of harassment play a fundamental role.
- 4.2 The Organization’s Code of Conduct cites sexual harassment as one of the most serious offences whose penalty is dismissal.

5. GUIDING PRINCIPLES

- 5.1 SAYWHAT is committed to providing an environment that upholds human dignity and respect for employees and volunteers by eliminating all forms of harassment and hence encourages all its employees/volunteers to report incidents of sexual harassment. Matters will be dealt with promptly and expeditiously according to procedures.
- 5.2 All persons occupying supervisory positions (including the Executive Director, the Head of Finance and administration and the Head of Human Resources) shall take reasonable steps to disseminate this Policy to all employees and volunteers. Such individuals also have a duty to provide reasonable advice to the victims of sexual harassment who may approach them.
- 5.3 SAYWHAT shall, from time to time, develop sensitisation programs, for employees and volunteers, on issues relating to sexual harassment. Sensitisation programs will be spearheaded by the Head of Human Resources
- 5.4 All SAYWHAT employees and volunteers shall be deemed fully conversant with this Policy as it occasionally applies (and is amended). It shall, therefore, not be a valid defence to plead ignorance of the Policy.

6. CONFIDENTIALITY

SAYWHAT commits itself to deal with cases of sexual harassment expeditiously according to the laid down procedures; it also observes the sensitivity of the cases. As such, all such cases shall be given due consideration with respect to those issues, and the responsible authorities dealing with issues of sexual harassment must ensure that the cases are investigated and handled confidentially.

7. VICARIOUS LIABILITY OF THE EMPLOYER (SAYWHAT)

- 7.1. Regarding this policy, an aggrieved employee can sue SAYWHAT if the person accused of perpetrating sexual harassment is a superior capable of being taken as an employer in terms of section 2 of the Labour Act. This includes managers, directors, their representatives or other senior executives of the company or employer.

- 7.2 SAYWHAT as the employer can also be held vicariously liable for the insidious wrong of sexual harassment committed by a person employed by or engaged by the organisation, acting in the course and scope of their employment. Thus should any SAYWHAT employee sexually harass any students/stakeholders they are charged to work with and serve, the aggrieved individual (s) will also have recourse against SAYWHAT as the employer of the perpetrator

8. HOW TO REPORT SEXUAL HARASSMENT

- 8.1 If you are being sexually harassed (or suspect another person is being harassed), please report it to the **Head of Human Resources** or your supervisor. In serious cases like sexual assault, don't hesitate to contact the police and inform the **Head of Human Resources**.

SAYWHAT acknowledges it is often difficult to come forward about these issues but needs your help to build a fair and safe workplace for all its employees and volunteers, as such, encourages reporting of suspected or known incidents of sexual harassment.

- 8.2 The earlier one reports incidents of sexual harassment, the quicker SAYWHAT can assist and engage the relevant channels of remedial action.
- 8.3 Any employee or volunteer who believes that he/she has been subjected to sexual harassment shall have the right to choose whether to lodge their grievance formally or informally. However, if the informal procedure fails to provide satisfactory outcomes for the victim, they may also lodge a formal complaint.
- 8.4 Should a complainant report the incident(s) to the police directly, SAYWHAT will provide any possible support until the matter is resolved. SAYWHAT ensures the complainant is not victimised and has access to relevant evidence admissible in a Court of Law, such as emails or text messages; social media posts provided the information can be released without violating the confidentiality obligations of SAYWHAT in relation to other employees.

9. INFORMAL OR INTERNAL REPORTING PROCEDURE

There are two options for internal reporting of sexual harassment within SAYWHAT:

- a) **A complainant can request an urgent meeting with the Head of Human Resources or their immediate supervisor.** Once in the meeting, the complainant must explain the situation in detail. The complainant should also bring with them to the meeting any hard evidence they might have (e.g., emails) or forward it to these persons prior to the meeting.
- b) **Alternatively, a complainant can make a report via email.** Complaints addressed to the supervisor **must** be copied to the Head of Human Resources, whose email is: feedback@saywhat.org.zw. Likewise, attach any evidence or information that can be used in the investigation (if same is available).
- c) Complaints can be made anonymously via email to the Head of Human Resources. As much information must be furnished to back up the complaint so that it does not appear to be a case of malicious targeting. The Head of Human Resources' immediate response regarding anonymous complaints is to schedule mandatory in-house staff training and revisiting on sexual harassment policy within a fortnight of receipt of the anonymous complaint.
- d) In instances where a complaint is made anonymously, and an individual or individuals are identified as perpetrators, a confidential meeting will be held with each individual to discuss the allegations.
- e) Should anonymous complaints against a specific individual be made more than once, they will be issued with a formal written communication warning that a hearing can and will be conducted if the situation prevails. Where there is enough evidence against the alleged perpetrator, a disciplinary hearing should immediately be conducted regarding the applicable employment code.

In all the above two scenarios, the Head of Human Resources and your supervisor will discuss the issue and contact you within 10 working days of reporting the incident(s).

10. FORMAL REPORTING PROCEDURE

- a) Any employee or volunteer who believes that he/she has been subjected to sexual harassment should report the case to his/her immediate supervisor immediately after the incident.
 - b) If the immediate supervisor is the perpetrator of the sexual harassment, the matter should be reported to the next responsible persons in the SAYWHAT hierarchy in writing
 - c) If the responsible persons are the perpetrators of the harassment, then the matter should be reported to the **Head of Human Resources** in writing. The **Head of Human Resources** will investigate the complaint and report it to the Executive Director of SAYWHAT for a Disciplinary Hearing.
 - d) In instances where the Executive Director is the alleged perpetrator, the **Head of Human Resources** must bring the matter to the former's superiors' who in this instance are the SAYWHAT's Board of Directors. The Board of Directors, acting through its chair will conduct a disciplinary hearing regarding the codified position.
 - e) In the alternative Complainant can go directly to the nearest police station and make a report. SAYWHAT will cooperate with and assist officials in discharging their duties in terms of the applicable law.
 - f) The SAYWHAT Code of Conduct shall be adopted in administering the disciplinary hearing.
 - g) The legal rights of the victims are not limited by this Policy hence nothing herein shall deter a victim of sexual assault from pressing separate criminal /civil charges against the alleged perpetrator(s).
 - h) If the complainant is a third party, such as a student/stakeholder working with SAYWHAT, alleging to have been sexual harassed by a SAYWHAT employee or member of the managerial team, they can make the complaint directly to the **Head of Human Resources** either in person or via email. All instances involving alleged sexual harassment of third parties as understood under this policy, will be dealt with formally through a meeting being conducted involving the complainant, the supervisor of the alleged perpetrator, the Executive Director this can culminate in a disciplinary hearing for the alleged offender as per the findings from said meeting.
- 10.1 If the Complainant believes that the matter may be handled informally, then the Responsible Authority, who receives the matter at hand may organise an informal meeting with the complainant and the alleged offender so that the issue is amicably handled in their presence.

- 10.2 Where the alleged perpetrator is the Executive Director, and the Complainant elects for the matter to be handled informally, a meeting may be convened between the Executive Director and the complainant and overseen by the **Head of Human Resources** and the Board Chairperson. The Board Chairperson has a duty to also report the findings of this meeting to the Board of Directors of SAYWHAT, and a record of the same will be kept in that Executive Director's file. Should there be more than one instance of informal amicable settlement where the same individual in their capacity as Executive Director is the alleged perpetrator, whether with one or numerous complainants. The Board of Directors is charged to conduct a disciplinary hearing as opposed to the informal amicable settlement regardless of the election for an informal settlement by a complainant.
- 10.3 A person in the position of a responsible authority as envisaged under this policy who receives a report of sexual harassment but fails or neglects to take any action will face disciplinary action.
- 10.4 Where the victim of sexual harassment has been affected so much that they may need counselling, they may liaise with the **Head of Human Resources** to make necessary arrangements.
- 10.5 All witnesses have a non-compulsory duty to cooperate with the Disciplinary Committee. However, any intentional, malicious or otherwise obstruction of investigations into sexual complaints will result in disciplinary action being taken against the person who has acted so.

11. **FREEDOM FROM RETALIATION AND OR INTIMIDATION**

- 11.1 All individuals working or volunteering at SAYWHAT have the right to report incidences of sexual harassment without fear of retaliation or intimidation from the alleged perpetrator;
- 11.2 The policy protects victims of sexual harassment and prohibits any form of retaliation or intimidation against a sexual harassment complainant;
- 11.3 The policy further protects all employees and volunteers from people who may make false complaints of sexual harassment. SAYWHAT will not hesitate to take disciplinary measures against such people.

11. SCOPE OF APPLICATION

- 12.1 This policy is applicable to all SAYWHAT employees and volunteers, as well as third parties that encounter SAYWHAT employees and volunteers in the course of business of SAYWHAT.
- 12.2 The victims and perpetrators of sexual harassment may include various stakeholders such as board members, management, supervisors, contractors, service providers, donors, employees, or any other persons dealing with the organisation.
- 12.3 Nothing above-mentioned confers authority on SAYWHAT's management to conduct disciplinary hearings with non-employees.
- 12.4 A non-employee or volunteer who has become a victim of sexual harassment may still lodge a grievance with SAYWHAT's management where the harassment has taken place within the SAYWHAT premises, in the course of business relating to SAYWHAT or during field work and the harasser is an employee or volunteer of the organisation.

Any employee who commits an act of sexual misconduct as defined herein shall be guilty of an act, conduct or omission inconsistent with the fulfillment of the express or implied conditions of his/her obligations under this Policy.