



Pacific Association of Supreme Audit Institutions (PASAI)

PASAI Sexual Harassment Policy

Access to information

PASAI members, donors, international and regional partners

PASAI Reference Number

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Issued and effective

September 2020

Review

Policy reviewed in November 2022 and to be reviewed every two years [next review November 2024]

Applicable to

All PASAI office holders and staff and any SAI staff contributing to PASAI programmes

Issuer

Chief Executive for PASAI

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SECTION I – Policy Statement

PASAI is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. PASAI will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint.

All sexual harassment is prohibited whether it takes place within PASAI premises or outside, including at social events, business trips, training sessions or conferences sponsored by PASAI. Anyone, including employees of PASAI, clients, customers, casual workers, contractors, or visitors who sexually harass will be reprimanded in accordance with this internal policy.

SECTION II – Definition of Sexual Harassment

Sexual harassment is an unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. 'Unwelcome' means behaviours that are not solicited or invited and are regarded by the recipient as undesirable, unwanted or offensive. It does not matter what the person engaging in the behaviour intended, if it was unwelcome to the recipient.

Sexual harassment can involve one or more incidents. Individual instances of conduct or behaviour that might not comprise sexual harassment on their own might collectively amount to a pattern of behaviour that meets that definition.

Actions constituting harassment may be physical, verbal, and non-verbal. Anyone can be a victim of sexual harassment, regardless of their sex or the sex of the harasser. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

Physical conduct

- Physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching.
- Physical violence, including sexual assault.
- The use of job-related threats or rewards to solicit sexual favours.

Verbal conduct

- Comments or intrusive questions on a worker's appearance, age, private life, relationships or sex life.
- Sexual comments, stories, and jokes.
- Sexual advances.
- Repeated and unwanted social invitations for dates or physical intimacy.
- Insults based on the sex of the worker.
- Condescending or paternalistic remarks.
- Sending sexually explicit messages by phone or by email.

Non-verbal conduct

- Display of sexually explicit or suggestive material, such as emails, posters, pictures, graffiti, screen savers or text messages.
- Sexually suggestive gestures.
- Wolf whistling.

- Leering.

SECTION III – Complaints Procedures

PASAI takes a strong position against sexual harassment of any kind in the workplace. People have the right to expect a safe working environment and to know that such behaviours will not be tolerated. Complaints will be treated seriously and will be investigated in a sensitive and fair manner in accordance with the procedures outlined in this section.

In line with this policy the Chief Executive will:

- act quickly and effectively where a complaint is brought to their attention.
- treat any complaint with confidentiality and sensitivity.
- ensure that affected staff are entitled to help by a counsellor organised by PASAI.
- not trivialise any complaint.
- make it clear to staff that PASAI will not tolerate any form of harassment.
- set standards of behaviour.
- ensure that the work environment does not condone language, behaviour or visual material that is unwanted by, or offensive to, any staff member.
- promote and explain policies in these areas.

The following options are open to people who feel they have experienced any form of sexual harassment:

- direct approach, or
- informal complaints mechanism, or
- formal complaints mechanism, or
- outside complaints mechanism.

Direct approach

If appropriate, an employee can address the problem directly, for example by telling the person in question that the behaviour is upsetting and asking them to stop.

This step is entirely voluntary, it is up to the person concerned to decide whether they feel comfortable making a direct approach. Often, they do not. This is particularly likely in a situation where they are feeling bullied or harassed by the other person, so this is not required as an initial step.

Informal complaints mechanism

The employee could ask someone else to intervene, without a formal complaint having been made, for example, a colleague, a direct report or the Chief Executive. This is only usually appropriate if the form of sexual harassment being experienced is discomforting rather than distressing, i.e. where the conduct is less serious in nature.

Where informal intervention is sought about a matter, the person who has been approached to intervene should seek advice and support from the Chief Executive. A decision will then be made on a case-by-case basis (in consultation with the employee who raised the concern) about whether to:

- set up a meeting between the two employees, or
- talk to the employee complained about in private, to let them know informally that their behaviour is unwelcome or inappropriate, or
- escalate the issue on behalf of the employee who raised the concern to a formal complaints mechanism if the employee is comfortable doing so.

When approached about such a matter the Chief Executive will:

- ensure that a confidential record is kept of what happens during the informal intervention.
- ensure that the employee understands PASAI's procedures for dealing with the complaint.
- respect the choice of the employee in which way they want to deal with the harassment.
- ensure that the employee knows that they can lodge the complaint outside of PASAI through a lawyer, advocate, union representative or the Human Rights Commission.

Formal complaints mechanism

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

A formal complaint should in the first instance be raised with the complainant's direct manager. In most circumstances, a formal complaint will ideally be in writing, to avoid any potential for misunderstanding, and will include specific examples of the conduct of concern.

The matter will then be referred by the complainant's direct manager to the People and Capabilities team at the New Zealand Office of the Auditor-General, who provide human resources support to the Secretariat, to instigate a formal independent investigation.

The person carrying out the investigation will:

- i. interview the victim,
- ii. interview the alleged harasser,
- iii. interview other relevant third parties,
- iv. keep a confidential record of all actions taken,
- v. produce a report detailing the alleged harassment which sets out the facts which have been established and any recommendations, and
- vi. follow up to ensure that the recommendations are implemented.

Outside complaints mechanisms

A person who has been subject to sexual harassment can also make a complaint outside of PASAI. They can do so through a lawyer, advocate, union representative, or any Government Ministry, Commission or agent acting for human rights in the host country.

Information and outcomes

Both the complainant and the employee being investigated are entitled to:

- be kept informed of the progress of the investigation,
- have a fair opportunity to respond to the information being relied on by the investigator,
- ask that potential witnesses be interviewed,
- have representation, and
- access external support from a counsellor or an actor outlined in the 'Outside complaints mechanisms' section above.

The complainant will be told whether the complaint was upheld but will not always be told what action was taken against the employee complained about (if any). If the complainant is unhappy with the outcome or does not want to follow internal procedures, alternative action may be taken under the Human Rights Act 1993 or the Employment Relations Act 2000.

Where allegations are upheld, disciplinary sanctions may be imposed. These are outlined in the following section.

Where the complainant employee is concerned about remaining in the workplace for any reason, PASAI will consider whether alternative work arrangements or a short period of paid leave might be appropriate.

SECTION IV – Sanctions & Disciplinary Measures

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- i. verbal or written warning
- ii. adverse performance evaluation
- iii. reduction in wages
- iv. transfer
- v. demotion
- vi. suspension
- vii. dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

SECTION V – Implementation of the Policy, Monitoring & Evaluation

PASAI will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff handbook. It is the responsibility of the Chief Executive to ensure that all employees are aware of the policy.

All new employees must be trained on the content of this policy as part of their induction into PASAI. Every two years, PASAI will require all employees to attend a refresher training course on the content of this policy.

PASAI recognises the importance of monitoring this sexual harassment policy and will ensure that the effectiveness of this policy is evaluated every two years at the review point. Any necessary changes will be made at this point.

SECTION VI – Effective Date

The Policy is effective as of 4 September 2020 in accordance with the Governing Board resolution on the 4 September 2020.

SECTION VII – Review Date

The Policy was reviewed in November 2022 and is to be reviewed after two years from this last review date.

SECTION VIII – Issuer

The Issuer of this Policy is the Chief Executive for PASAI.

SECTION IX – Contact and Access

1. **Contact.** For questions relating to this Sexual Harassment Policy, please contact PASAI Secretariat at secretariat@pasai.org.
2. **Access.** The Policy can also be accessed at <http://www.pasai.org>

SECTION X – Related Documents

1. PASAI Charter
2. PASAI Incorporated Rules
3. Financial and Asset Management Policy
4. Governance and Operational Policy
5. Human Resource Policy
6. Child Protection Policy
7. Fraud Control Policy
8. Procurement Policy
9. Risk Management Policy
10. Contract Management Policy
11. Whistleblowing Policy
12. Minutes of Governing Board meetings policy
13. Investment Policy
14. Code of Conduct Policy
15. Conflict of Interest Policy
16. Communication Strategy
17. Guidelines on use of social media
18. Governance Code
19. Health and Safety Policy
20. Gender Policy