



Anti-Harassment Policy and Complaint Procedure

POLICY NO.

013

Centre de Recherche sur l'Anti-Corruption (CERC)

CERC policies and procedures

Purpose

The Centre de Recherche sur l'Anti-Corruption (hereinafter "CERC") strives to create and maintain a working environment in which people are treated with dignity, decency and respect.



The organisational environment must be characterised by mutual trust and the absence of intimidation, oppression and exploitation. CERC will not tolerate unlawful discrimination or harassment of any kind. Through the application of this policy and the training of employees, CERC will seek to prevent, correct and discipline conduct that breaches this policy.

All employees, whatever their position, are covered by this policy and are expected to comply with it and to take appropriate steps to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who breaches this policy. Depending on the seriousness of the offence, disciplinary measures may include a verbal or written reprimand, suspension or dismissal.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including by failing to report such misconduct immediately to the Administration Department, breach this policy and are liable to disciplinary action.

Conduct prohibited under this policy

CERC, in compliance with all applicable Congolese laws and regulations on combating discrimination and harassment, applies this policy in accordance with the following definitions and guidelines:

Discrimination

It is a breach of CERC policy (i) to discriminate in employment opportunities, benefits or privileges, or (ii) to create discriminatory working conditions or use discriminatory evaluation standards in employment, if the basis of such discriminatory treatment is, in whole or in part, the person's race, colour, national origin, age, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status.

This policy is intended to comply with the prohibitions set out in national and international anti-discrimination laws.

Discrimination in breach of this policy will be subject to disciplinary action up to and including dismissal.

Harassment

CERC prohibits all forms of harassment, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of breaches of this policy. For the purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, a colleague or any person working for or on behalf of CERC.

The following examples of harassment are intended as guidelines and are not exhaustive in determining whether there has been a breach of this policy:

- **Verbal harassment** includes offensive or unwelcome comments about a person's national origin, race, colour, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or any other protected status, including epithets, slurs and negative stereotyping.
- **Non-verbal harassment** includes the distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect towards an individual or group because of their national origin, race, colour, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity, marital status or any other protected status.

Sexual harassment

Sexual harassment is a form of unlawful employment discrimination and is prohibited by CERC's anti-harassment policy. Sexual harassment is defined as:

"unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature [...] when [...] submission to or rejection of such conduct is used as the basis for employment decisions [...] or such conduct has the purpose or effect of [...] creating an intimidating, hostile or offensive working environment".

Conduct prohibited under this policy (continued)

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature:

- are made, explicitly or implicitly, a condition of employment;
- are used as the basis for a hiring decision;
- unreasonably interfere with an employee's work performance or create an intimidating, hostile or otherwise offensive environment.

Sexual harassment can take different forms. The following examples of sexual harassment are intended as guidelines and are not exhaustive in determining whether there has been a breach of this policy:

- **Verbal sexual harassment** includes innuendo, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any kind of sexual favour (including repeated and unwelcome requests for dates); and verbal abuse or "jokes" directed towards a prohibited form of harassment, including those that are sexual in nature and unwelcome.
- **Non-verbal sexual harassment** includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons, that is sexually suggestive or shows hostility towards a person or group because of sex; suggestive or insulting sounds; leering; whistling; obscene gestures; the content of letters, notes, faxes, e-mails, photos, text messages, tweets and internet posts; or other forms of communication that are sexual and offensive in nature.
- **Physical sexual harassment** includes unwelcome and unwanted physical contact, including touching, tickling, pinching, caressing, hugging, kissing, forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant and non-coercive interactions between employees that are appropriate in the workplace and acceptable to both parties are not considered harassment, including sexual harassment.

Consensual romantic or sexual relationships

CERC strongly discourages romantic or sexual relationships between a director or other supervisory employee and an employee who reports directly or indirectly to that person, because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may lead others to perceive favouritism or bias in employment decisions affecting the employee. Moreover, given the unequal balance of power in such relationships, the staff member's consent is suspect and may be viewed by others, or later by the staff member, as having been given as a result of coercion or intimidation. The atmosphere created by such appearances of bias, favouritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy working environment. If such a relationship exists, the parties must be aware that one or both of them may be transferred to another department or that other action may be taken.

If a CERC employee enters into a consensual relationship of a romantic or sexual nature with an employee who is directly or indirectly subordinate to them, or if one of the parties holds a supervisory position in the same department in which the other party works, the parties must inform the Administrative Director or any other appropriate manager in the organisation. Because of the potential problems relating to quid pro quo harassment, CERC has made notification mandatory. This requirement does not apply to employees who do not work in the same department, or to parties where neither supervises the other or has any other responsibility over the other.

Once the relationship has been brought to CERC's attention, the organisation reviews the situation with the Administrative Director (AD) in the light of all the facts (reporting relationship between the parties, effect on colleagues, job titles of the parties, etc.) and determines whether one or both parties should be moved to another position or another department. If it is determined that one party must be moved and there are positions available in other departments for both, the parties may decide which of them will apply for a new position.

If the parties cannot reach an amicable decision, or if the party is not selected for the position applied for, the Administrative Director and the Executive Management will decide which party will be moved. This decision will be based on what will cause the least disruption to the organisation as a whole. If no other position is available for either party, they will have the option of ending their relationship or resigning.

Retaliation

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

- filing, or responding to, a good-faith complaint of discrimination or harassment;
- appearing as a witness in the investigation of a complaint;
- having served as an investigator of a complaint.

Filing a good-faith complaint will in no case be used against the employee and will have no negative impact on their employment status. However, filing unfounded or malicious complaints is an abuse of this policy and will be treated as a breach.

Anyone who has breached this aspect of the policy will be subject to disciplinary action up to and including dismissal.

Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed only on a need-to-know basis. The identity of the complainant is usually revealed to the parties concerned during the investigation, and the Administrative Director will take the necessary steps to ensure that the complainant is protected from retaliation during and after the investigation. All information relating to a complaint or investigation under this policy will be kept in secure files within the Administration Department.

Complaint procedure

CERC has established the following procedure for filing a complaint of harassment, discrimination or retaliation. CERC will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Complaints should be filed as soon as possible after an incident, preferably in writing. The Administrative Director may help the complainant to prepare a written statement or, where an employee declines to provide information in writing, the Administrative Director will take down the verbal complaint in writing.
2. As soon as the Administrative Director receives a complaint, or is informed by a supervisor or manager that this policy may have been breached, the Administrative Director informs senior management and reviews the complaint with the organisation's legal adviser.
3. The Administrative Director will open an investigation to determine whether there is a reasonable basis for believing that the alleged breach of this policy took place.
4. If necessary, the complainant and the respondent will be separated for the duration of the investigation, either by an internal transfer or by administrative leave.
5. During the investigation, the Administrative Director, together with a legal adviser or other management employees, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct took place.

Complaint procedure (continued)

6. At the end of the investigation, the Administrative Director or any other person in charge of the investigation will submit a written report of their findings to the organisation. If it is determined that a breach of this policy has occurred, the Administrative Director will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:
 - a. the seriousness, frequency and pervasiveness of the conduct;
 - b. prior complaints made by the complainant;
 - c. prior complaints made against the respondent; and
 - d. the quality of the evidence (for example, first-hand knowledge, credible corroboration).

If the investigation is inconclusive, or if it is determined that there has been no breach of the policy but that potentially problematic conduct may have occurred, the Administrative Director may recommend appropriate preventive action.

7. Senior management will review the investigation report and any statement submitted by the complainant or the respondent, discuss the results of the investigation with the Administrative Director and other management staff as appropriate, and decide what action, if any, to take.
8. Once senior management has taken the final decision, the Administrative Director will meet the complainant and the respondent separately and inform them of the results of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of that action and of how it will be carried out.

Alternative legal remedies

Nothing in this policy prevents the complainant or the respondent from pursuing formal legal remedies or seeking resolution through the courts and tribunals.



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