

# Sexual Harassment and Abuse Prevention Policy, 2019

## Naripokkho

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## Introduction:

Naripokkho has been working since 1983 to establish women as citizens with rights and dignity in the family, society, and state. One of the key areas of Naripokkho's work is the 'Prevention of Violence against Women'.

Although the constitution of Bangladesh promises to ensure equal opportunities and equal rights for all regardless of religion, caste, age, profession, and sex, women and children are constantly being subjected to sexual harassment in the country. Our workplaces and educational institutions lack adequate safeguards against sexual abuse and harassment. For that reason, the High Court made a policy based because of the judgment dated 14/05/2009 given in Writ Petition No. 5916/2008 litigation of the High Court Division of Bangladesh Supreme Court regarding sexual harassment.

In this regard, Naripokkho, as an organization has prepared the "Sexual Harassment and Abuse Prevention Policy, 2019" based on the policy given by the Hon'ble High Court in this regard.

**1) Name:** This Policy shall be known as "Sexual Harassment and Abuse Prevention Policy 2019, Naripokkho".

### 2) Aims and Objectives:

To ensure a fair, harassment-free, friendly working environment for all members, staff, and persons referred to in Section 3 of Naripokkho the aims and objectives of this policy are as follows:

- 3.1) Definition of Sexual Harassment / Explain what Harassment means
- 3.2) Create awareness about Sexual Harassment and its consequences.
- 3.3) Raising awareness about sexual harassment as a punishable offence.
- 3.4) Adopting effective approaches to prevent and restrain sexual harassment offences in the organization.
- 3.5) Specifying the procedure for filing a complaint against sexual harassment.
- 3.6) Inform about the penalties for sexual harassment offences.

### 3) Scope:

All members, staff, volunteers, consultants, advisors, and apprentices of Naripokkho shall apply to all persons with whom the contractual activities of Naripokkho are related. It should be noted that the members of all the central and central-level committees of Naripokkho will be included in this policy. In addition, the



instructions of this policy will apply to all the affiliated organizations of Naripokkho, women and men, young people, adolescents, and third genders covered by various projects of Naripokkho.

#### 4. Principle of Policy Management:

Equality, privacy, equity, equal rights, and non-discrimination for all.

#### 5. Effective Date of Policy:

Naripokkho's "Sexual Harassment and Abuse Prevention Policy, 2019" will come into effect from 11-09-1426 BANGABD / 28-12-2019 AD.

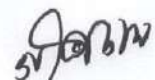
#### 6. Definition:

(i) Sexual Harassment and Abuse: Any act that affects the dignity of women, men and third gender at workplace or at certain circumstances outside the workplace; and behaviors of sexual nature that are unwanted, unacceptable, inappropriate and offensive to the recipient will be considered as sexual harassment. All unacceptable and unreasonable sexual advances, requests, or attempts to obtain sexual opportunities and any form of unacceptable and unwanted sexual behavior shall be considered sexual harassment. Any conduct that creates an intimidating, hostile, or offensive work environment, even if the offense is not intentional or conscious may be considered sexual harassment.

Whether or not a behaviour is considered sexual harassment depends on each individual's feelings and perceptions. Sexually offensive behaviour to one person may not be considered sexual harassment to another.

The following conduct shall be considered sexual harassment and abuse under this policy:

- a) Sexual solicitation and suggestive behaviour or expression (direct or indirect) using unwanted physical contact or behaviour;
- b) Making or attempting to establish sexual solicitation and suggestive physical relationships by abusing official or administrative power;
- c) Use of sexually suggestive or expression language or phrases;
- d) Displaying pornographic materials or obscene pictures or drawings;
- e) Making sexually suggestive words or gestures;
- f) Threats to adversely affect the conditions of employment of the organization as a result of rejection of sexual intent;
- g) Creating psychological pressure or derogatory comments for denying sexual intent;
- h) Any demand or request to establish sexual relations;



- i) Sending any letter, email, notice, cartoon, SMS, picture, video, etc. through social media, mail, notes, or chits that are directly or suggestive of sexual intent;
- j) Taking any photo or video recording with the intention of blackmailing or humiliating;
- k) Spreading rumours about sexual behaviour to cause social humiliation or degradation;
- l) Discrimination based on gender or sexual orientation/practice.

One or more of the behaviors described in a-l may pose a threat to women's health and safety in the workplace. These behaviors will be considered discriminatory. When a woman believes or feels that protesting the said behavior towards her will result in various hindrances or hostile environments in the workplace or professional advancement then the environment must be considered discriminatory, sexually harassing, abusive, or violent.

(ii) Concerned Authority means

Executive Council and Central Co-ordinating Committee of Naripokkho which is empowered to enforce disciplinary rules to curb organizational misconduct.

(iii) Disciplinary rules mean—

Laws or Ordinance or rules under the Ordinance made by the government and related instructions by Naripokkho in relation to maintenance of discipline in the organization.

(iv) In this policy "women" means—

"Women" means women of all ages and children means boys, girls, and children of the third gender below the age of 18 years.

(v) Complainant means—

An employee who has been sexually harassed or their friend, relative, or any other person who files a complaint under this policy.

## 7) Prevention:

### 7.1) Awareness and Public Opinion Creation:

- a) Naripokkho and its affiliates will give utmost importance to awareness publication and dissemination to create a safe environment for prevention and restraint of gender discrimination, sexual harassment, and abuse in all workplaces. In this regard, proper arrangements shall be made to inform the newly appointed staff of the organization which must be headed by a woman or have a woman in the responsible team.





- b) b) Publish the provisions and guidelines on gender equality and sexual offences in the form of booklets, posters, and online as described in the constitution and statutory laws.

#### 7.2) Disciplinary Action:

According to the section 6 mentioned in this instruction, to prevent sexual harassment and abuse, such behaviour will be considered as misconduct in the Service Rules of the organization and appropriate disciplinary measures will be taken. Such as written warning, demotion, suspension, dismissal, expulsion from the organization, handover to law enforcement agencies, etc.

#### 8) Grievance Committee:

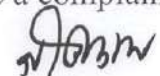
- Naripokkho will constitute a Grievance Committee to receive complaints, conduct investigations, and make recommendations.
- The Grievance Committee will be constituted of at least 5 members, most of the members will be women, and if possible the head of the committee will be women.
- At least 2 members of the Grievance Committee should be from organizations working on sexual harassment and gender issues, except for Naripokkho.
- The Grievance Committee shall submit an annual report regarding the implementation of this Policy to the General Meeting.
- The names and email addresses of the members of the Grievance Committee should be posted in public and visible places of Naripokkho offices and affiliated organizations.

#### 8.1) Submission of Complaint

- a) A complaint box related to sexual harassment and abuse will be kept in a private place in Naripokkho and the complainant can submit the complaint in this complaint box. Provided that this complaint box shall be opened by any member of the Grievance Committee/Officer-in-Charge once a week. If any complaint is received, then the day on which the box is opened shall be deemed to have been received.
- b) If the complainant wants, they can directly complain to the Grievance Committee or to any member of the Committee verbally or by e-mail. They can even make the complaint openly or secretly as per their wish. In case of a verbal complaint, the person to whom the complaint is made shall write it and read it to the complainant.

#### 8.2) Grievance Procedure:

- a) The victim of the crime or any relative, friend, or lawyer can file a complaint in person, by post, SMS, or email.

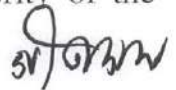


- b) The complainant can complain individually to the female member of the Grievance Committee if necessary.
- c) Complaints can be lodged in writing or verbally with the Grievance Committee or any member of the Grievance Committee. However, in case of a verbal complaint, the person receiving it shall show it to the complainant in writing and send it to the head of the committee with their signature.

### 8.3) Grievance Committee Procedure:

In general, complaints should be submitted to the Grievance Committee within 30 (thirty) working days of the incident. If the complaint is not filed within this period, the reason for the delay must be explained. Grievance Committee to verify the veracity of the complaint:

- a) In case of minor offences, if possible, the Grievance Committee shall dispose of the grievance with the consent of both the parties concerned and submit a report in this regard to the concerned authority of the Organization;
- b) In all other cases the Grievance Committee shall investigate the matter;
- c) The Grievance Committee shall exercise powers to send notices to both parties and witnesses by registry post, courier service, or e-mail, conduct hearings, collect evidence, and inspect all relevant documents;
- d) In case of such allegations, emphasis will be given to circumstantial evidence in addition to verbal evidence. At the request of the Grievance Committee, the concerned authorities of the organization shall be obliged to provide all kinds of cooperation to conduct its activities effectively. Grievance Committee shall maintain anonymity of the Complainant/ complainants/witnesses. Those accused will remain anonymous until proven guilty in the investigation. The committee shall refrain from asking purposefully disrespectful, humiliating, humiliating, and harassing questions while taking evidence of the complainant / complainants;\
- e) Testimony shall be conducted in a closed room;
- f) If the complainant wants to withdraw the complaint or demands closure of the investigation, the reasons for the same should be mentioned in the investigation report;
- g) The Grievance Committee shall submit the inquiry report with their recommendations to the concerned authorities of the organization within 30 working days. If necessary, this period can be extended from 30 working days to 60 working days;
- h) In case a false complaint is lodged intentionally then the Grievance Committee shall recommend to the concerned authority for appropriate administrative action against the complainant/s;
- i) The decision shall be taken based on the opinion of the majority of the members of the Grievance Committee;





- j) The identity of the complainant and the accused shall be kept confidential until the offence is proven;
- k) The security of the complainant should be ensured by the concerned authorities.

### 9) Privacy:

The identity of the complainant and the accused person must be kept strictly confidential from start to the complaint process and its outcome.

### 10) Grievance Redressal Process:

10.1 Investigation: The Grievance Committee reserves the right to interrogate the parties to the complaint and necessary witnesses, send registered notices by mail or in writing to the parties and necessary witnesses, hold hearings, collect evidence, and examine all relevant documents and evidence. In such allegations, in addition to oral evidence, relevant and circumstantial evidence directly related to the incident will be given due consideration. The committee may seek assistance or legal advice from competent and experienced persons in the investigation through the Human Resources Department.

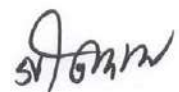
10.2 In case of minor offenses (List of Minor and Serious Offenses Annexure 1), the Grievance Committee shall resolve the grievance based on discussion with the consent of the parties concerned and submit a report to the concerned authority.

After receiving the said settlement report by mutual agreement, the committee will keep it which will be included as a subject of annual review thereafter.

Provided, however, that in determining whether a harassment is minor or serious, the statement and opinion of the psychologist and the victim himself shall prevail and the said statement shall be recorded before commencing deliberations by the Committee concerned.

10.3 The Grievance Committee after investigation will give recommendations based on the opinion of the majority of members after finding the truth of the incident. The members shall give their signatures as evidence of consent to the said report. If a member dissents, the reason for the dissent shall be given in the form of comments and signed.

10.4 In all other cases the Grievance Committee shall initiate a formal investigation, prepare an investigation report, and submit the report to the concerned authority for further action.





10.5 All concerned staff and members of the organization shall be obliged to provide all assistance to the committee as per the request of the committee for conducting the activities of the grievance committee.

10.6 While recording the complainant's evidence, there shall be no intentional or purposeful questioning or conduct that is offensive or harassing to the respondent. The Grievance Committee shall keep the identity of the complainant/complainants/witnesses confidential. Those accused will remain anonymous until proven guilty in the investigation. Testimony shall be conducted in camera.

10.7 Complainants may withdraw complaints at any stage of investigation. However, if the complainant wants to withdraw the complaint or stop the investigation, the reason behind it should be investigated and mentioned in the report.

10.8 The Grievance Committee shall submit an inquiry report with recommendations to the Human Resource Department within 30 working days after recording the grievance. The Authority may extend the period of 30 working days up to 60 working days if necessary and in this case permission for extension of time should be sought from the Authority at least 5 working days before the expiry of the 30 working days period.

10.9 If sufficient evidence is not found to substantiate the allegation, no action will be taken. In this case, the person against whom the complaint is filed can complain to the authorities about harassment. The committee will record the issue of insufficient evidence and submit the report to the authority.

10.10 The Grievance Committee after investigation shall submit a detailed report explaining the cause of action if no evidence is found.

10.11 The concerned authority shall inform both parties in writing of the decision taken as per the recommendation of the Grievance Committee.

## 11. False allegations

If at the end of the inquiry/investigation, it is proved that the person or persons who intentionally filed or made any false complaint although no incident of sexual harassment has taken place intending to harm or degrade any person. If the complaint is proved to be true, the concerned authority shall, subject to the recommendation of the Grievance Committee, award the same punishment to the person who filed the false complaint or who has filed the false complaint.



## 12. Retaliatory actions or attempts to retaliate:

Retaliation against a victim, witness, or anyone concerned by an accused person for filing a complaint of sexual harassment is a serious offense under the Act. In this case, it will be investigated as per the policy of the organization and necessary action will be taken.

## 13. Before taking disciplinary action:

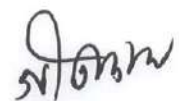
Before taking disciplinary action, the recommendation of the committee should be verified by a psychologist and if necessary, psychological support or counseling should be provided to the offender so that the person is aware of the negative aspects of the crime and gets a chance to reform himself.

## 14. Punishment:

If allegations of sexual harassment against the accused are proven, the concerned authority will treat it as misconduct and take appropriate action against the accused within 30 working days as per the disciplinary rules of the organization. However, if the complaint is considered as a crime according to the Bangladesh Penal Code or other existing laws, it will be given to the appropriate authorities, law enforcement agencies, or the court.

Disciplinary action will be taken if the allegation is proven and disciplinary action will be taken as per the recommendations of the inquiry report mentioned in Clause 8.3. Depending on the severity of the incident the following measures may be taken.

- Verbal Warning
- Warning in writing
- Compulsory leave
- Demotion
- Suspension of employment
- dismissed
- removal
- The results of the complaint and investigation will be stored in the personal files of the complainant and the accused person.





15) In case of sexual harassment outside the Naripokkho, the organization should:

A. If any member, worker, consultant, advisor, apprentice, or volunteer of Naripokkho is sexually harassed while working for the organization outside the office, Naripokkho shall:

If necessary, Naripokkho will take all the following responsibilities-

- 1) Psychosocial counseling
- 2) To assist in getting the necessary treatment
- 3) Assisting in filing complaints
- 4) Co-operation till the end of the judicial process.

B. If any member of Naripokkho, staff, consultant, advisor, apprentice, or volunteer is subjected to sexual harassment outside of the organization while on personal work or in their own home.

If necessary, morally and emotionally accompany-

- 1) Psychosocial counseling
- 2) To assist in getting the necessary treatment
- 3) Assisting in filing complaints
- 4) Co-operation till the end of the judicial process.

16) Revision of Policy:

5) This "Sexual Harassment and Abuse Prevention Policy 2019, Naripokkho" may be modified, changed, expanded, or modified at any time as necessary.

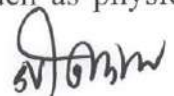
Annexure 1: Offences

(a) Minor Charges/Offences:

1. Unsolicited or unacceptable request to satisfy sexual desire and attempt to influence by giving gifts;
2. Peeping in the common room, washroom, toilet, or any similar place to satisfy sexual desire;
3. If the conduct occurs for the first time;
4. Using obscene words in front of female colleagues

(b) Serious charges/offences:

1. Direct or implied undesired sexually appealing behavior, such as physical touching or such attempts;



2. Attempting to engage in sexual intercourse with someone using institutional or professional capacity;
3. Showing Pornography: Harassing by presenting anything sexually suggestive, using indecent gestures, harassing words or comments; or
4. Inadvertently approaching or following any person for indecent purposes or making sexually suggestive jokes taunts or gestures;
5. Harassment using sexually suggestive material using any form of social media including letters, telephone, Facebook, MMS, SMS, Twitter, Bluetooth, IMO, and Viber.;
6. writing or drawing anything sexually suggestive in any place of the room or establishment or marking or purposely indecent, or possessing or showing any sexually related objects such as posters, leaflets, festoons, cartoons or benches, chairs, tables, notice boards, offices, factories, toilets/showers etc.;
7. capturing and storing, displaying, distributing, marketing and promoting or publishing still or video images of any person for blackmail or characterization;
8. forced to refrain from participating in sports, cultural activities, institutional and educational activities on the pretext of sexual harassment;
9. Threatening or pressuring after rejection of a love offer;
10. Attempting to obtain a sexual relationship by inducement or deception, intimidation or false promises;
11. Deliberately preventing a person from being transferred, promoted, or receiving any other benefits due to his refusal to perform any work related to the fulfilment of sexual desire;
12. The behaviour is mild but repeated and repeated despite warnings.

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Naripokkho

