AIMING CHANGE FOR TOMORROW (ACT)

SEXUAL HARASSMENT POLICY
(Code of conduct)

4. SEXUAL HARASSMENT & CODE OF CONDUCT

4.1 Policy

Gender harassment at the workplace has been found a major barrier to women who wish to join the workforce. It is very common and usual to be harassed for women. Unfortunately women are the one who blamed by the Society. Thus, the issue becomes stigmatized, making it very difficult for the women to report or even talk about it. There is a big silence on the issue.

This section of code has been prepared to focuses on addressing gender Harassment and exploitation faced at the workplace to facilitate an environment at workplace, free of intimidation and abuse.

In the interest and wellbeing of the ACT employees and the management and to create a work environment free of intimidation and abuse for collective productivity and individual job satisfaction, ACT is mandated to incorporate this Code as a part of its management policy.

The objectives of this code of Conduct are:

- To create a safe and dignified working environment;
- To create an environment which is free of Gender harassment, abuse and intimidation;

Gender Harassment: following acts or act by any employee by the ACT will be considered as sexual harassment:

Any unwelcome sexual advance, request for sexual favours or the other verbal or physical conduct of sexual nature, causing interference with work performance, is made a condition of employment or creates an intimidating, hostile or offensive work environment, or the attempt to punish the refusal to comply to such a request. The intimidating behaviour or act can be of a person in authority, who controls conditions of the complainant's employment or from a co-worker, who as a result of intimidation can make the work enjoinment hostile for the complainant.

Accused: can be the person an employee or employer of ACT against whom an action is being taken under this Code.

Code: The policies come under the present code

Complainant: Victim or distressed employee of ACT who has filed a complaint under this Code

Employee: is a person who is hired by ACT on permanent or temporary basis. This includes short term and contract workers also

Workplace: The premises where ACT's operates, building of head office, regional office, or other geographical area where the activities of ACT are carried out.

This Code is applicable to all employees and Management of ACT. Violation of this Code by an employee or management member shall be considered as "misconduct" under the rules

4.1.1 Responsibilities of Management

a. Management will be responsible to follow this Code in true letter and spirit to ensure in the organisation so that it is read by all staff members.
b. Each complaint of employee of organisation is addressed responsibly.
c. The Management will be impartial in the process and facilitate a just and fair inquiry process without retaliation.
d. The management will not victimise the complainants or the witnesses in the case.
e. The management of society will conduct awareness sessions about the Code and the consequence of such harassment at workplace for both the affected person and the accused as a regular part of their training.
f. Display copies of this Code of conduct to all employees in English or Urdu.
g. Recurring acts which may have a cumulative effect or a single service incident would considered enough to establish gender harassment
h. The complainant should inform the accused about conduct constituting gender harassment. That will be records and should be maintained in writing all incidents, noting dates, places. Descriptions of act, notification to accused and names of those to whom the incident may have been mentioned)

4.1.2 Establishment of Inquiry Committee

Organisation will form an Inquiry Committee, which will be called Ethics Committee. The committee should consist of following three members

1. Member of Senior management/director
2. Gender/Program Specialist
3. Credible Representative of Employees

4.1.3 Steps and ways for implementation

The following are the regulations for addressing complaints of gender harassment

1.1.3.1 Confidentiality: Due to fear and embarrassment of publicity, economic vulnerability, and fear of retaliation by the accused, co-worker or the employer, it is important to gain confidence of the employees and to indicate that the management takes such complaints seriously and professionally. In other words confidentiality and trust of the complaint should be given high priority.

1.1.3.2 Counselling: An informal approach to resolve a complaint of gender harassment can be through mediation between the parties involved and by providing advice and counselling on a strictly confidential basis.

1.1.3.3 **Internal investigation:** If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner.

1.1.3.4 **Approach to Ethics Committee:** A staff member can report an incident of gender harassment informally to her/his supervisor, or directly to the Committee or an individual Member. The request may be oral or in writing.

1.1.3.5 **Approach to allege:** This matter will be reviewed and the alleged offender will be approached with the intension of resolving the matter in a confidential manner.

1.1.3.6 **Transfer of case at formal level:** If the incident or the case reported does constitute gender harassment of a higher degree and an officer/s reviewing the case feel that it needs to be pursued formally for a disciplinary action then it would be referred to the Head Office for further action.

4.1.4 Procedure of Investigation for senior member

In case a complaint is launched against a member of the senior management, no member of Inquiry Committee should be in a position where they are directly or indirectly reporting to the accused. In this case another senior /director will be requested to assist in the inquiry procedure.

4.1.5 Conducive environment for inquiry

In order to create conducive environment during the inquiry period management can take any one of the following steps:

a. The management should do its best to temporarily make adjustments so that the accused and the complainants do not have to interact intensely for official purpose during the investigation period. This may include temporarily changing of the rooms, in case of both sit in the same room, or taking away any extra charge (over and above her/his contract) which may be give one party excessive powers over the others job contributions.
b. The management can also decide to send and accused on leave or suspend the accused in accordance with the applicable laws/procedures for dealing with the cases of misconduct, if required.
c. Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluations, daily duties, reporting structure and any parallel inquires initiated should be strictly monitored to avoid any retaliation from either side. In case that the senior management is accused of being a party, it is essential that outside monitoring and control be exercised (BOG member).
d. Facts for Evidence: It has been observed that gender harassment usually occurs between colleagues when they are alone; therefore it is difficult to produce evidence. It is strongly recommended that the staff should report

as offensive behaviour immediately to someone they trust, even if they do not wish to launch a formal complaint at the time.
Note not reporting immediately should not affect the merits of the case.
Following documentation may use for verification the incidence.

a. Detail account of complainant
b. Witness statements
c. Statements of persons with whom the complainant might have discussed the incident
d. Any other documentary records if any can be submitted
e. Expert technical advice can be sought for such submissions.

4.1.6 ACT's Inquiry procedures

The Committee (Ethical) will resolve the cases of sexual harassment on priority basis.

a. Upon receiving a formal complaint, the Committee shall ask the complainant to prepare a detailed statement of incidents in case the written complaint is not detailed. A statement of allegations will be drawn by the Committee and sent to the accused.
b. The accused will be asked to prepare a response to the statement of allegations and submit to the Committee within a specified time.
c. The statements and other evidence acquired in the inquiry process will be considered confidential materials.
d. An officer in the organisation could be designated to provide advice and assistance.
e. Both parties, the complainant and the accused will have the right to be represented or accompanied by a friend or a colleague.
f. The Committee will organise verbal hearings with the complainant and the accused.
g. Statement of Complainant will be recorded first in the presence of accused. The accused will then be allowed to cross examine the complainant.
h. The Committee take testimonies of other relevant persons and review the evidence. Care should be taken to avoid any retaliation against the witness by giving the necessary protection.
i. The Committee will take the decision ACTter carefully reviewing the circumstances, evidence and the relevant statements in all fairness.
j. If the accused being provided fair opportunity to participate in the inquiry and defend but s/he fails to participate in the inquiry, the Committee will conduct the inquiry ex-party.
k. The Committee will ensure confidentiality during the inquiry process.

4.2 Disciplinary Policies

ACT requires the highest level of integrity, honesty, and professional excellence in all its personnel.

An employee who is guilty of misconduct as defined in the policy may be liable for disciplinary action in form of penalties as specified under this policy by following the procedure also prescribed here.

4.2.1 Misconduct

4.2.1.1 In particular and without prejudice to the generality of the term 'misconduct', the following acts of omission shall be treated as misconduct.

4.2.1.2 Theft, fraud or dishonesty in connection with the work, assets or property of the ACT or with the property of any person within the premises of organisation.

4.2.1.3 Willful slowing down in the performance of work.

4.2.1.4 Taking or giving bribes or any illegal gratification.

4.2.1.5 Concealment of material facts in her/his own or any member of his family at the time of taking/seeking employment or change in such information during the course of employment.

4.2.1.6 Acting in a manner prejudicial to the interest of ACT.

4.2.1.7 Insubordination or disobedience, of lawful orders of a superior whether such insubordination or disobedience is in the capacity of individual or collective.

4.2.1.8 Absence without sanction of leave or over-staying beyond the sanctioned leave.

4.2.1.9 Absence from the place of duty/work without permission or sufficient cause.

4.2.1.10 Commission of any at which amounts to a criminal offence involving moral turpitude.

4.2.1.11 Damaging any property of ACT.

4.2.1.12 Habitual in attending late or irregular attendance.

4.2.1.13 Neglect of work or negligence in the performance of duties including malingering or slowing down of work.

4.2.1.14 Riotous or disorderly or indeed behaviour whether within the premises of the organisation or outside such premises where such behaviour is related to or connected with her/his employment.

4.2.1.15 Making personal representations to persons or bodies outside the ACT, whether official or otherwise, on matters connected with the affairs of the organisation or personal grievances against the organisation.

4.2.1.16 Making representation or sending grievances, objections, etc. to the members of the Management except through the proper channel.

4.2.1.17 Not keeping the management informed about any criminal proceeding launched or pending against her/him.

4.2.1.18 Not informing the management regarding detention in police or judicial custody or whatsoever duration and on whatsoever grounds either before or during the course of employment with the organisation.

4.2.1.19 Striking work either individually or along with the others in contravention of the service or the Employee Relation Rules & Regulations for the time being in force or inciting or forcing any employee of ACT to strike work.

4.2.1.20 Refusal to put in additional hours of work as and when required by the Management.

4.2.1.21 Refusal to perform shift duties.

4.2.1.22 Getting her/himself engaged in any work or trade or engaging in any other employment while still in the service of ACT without the prior and written permission of the Competent Authority.

4.2.1.23 Gross neglect of work, gross negligence, loitering, idling or wasting time during working hours.

4.2.1.24 Disclosing, without prior permission / approval in writing of the Executive Director, or threatening to disclose information within the knowledge in confidence during the exercise of her / his duties and by virtue of the position held by the employee whether such disclosure or threat to disclose be in private or public or in any forum of whatsoever nature.

4.2.1.25 Not taking reasonable precaution to safeguard of organisation's property to prevent accident or damage to it.

4.2.1.26 Organizing, holding or conducting any meeting except those connected with the work of the organisation's premises without written permission from the Management.

4.2.1.27 Unauthorized collection or attempt to collect records or document of the ACT.

4.2.1.28 Interfering with, tampering, altering, or fabricating records of the ACT.

4.2.1.29 Refusal to accept a charge or any other document (s) served on behalf of ACT.

4.2.1.30 Possession of any lethal weapon within the premises of the ACT.

4.2.1.31 Writing anonymous / pseudonymous letter or criticizing the staff of the ACT wrongly.

4.2.1.32 Consumption of any intoxicant or drugs during the course of duties.

4.2.1.33 Soliciting or accepting any gift or grant from any person having official business with ACT.

4.2.1.34 Refusal to appear or to cooperate in any inquiry ordered by the Management in accordance with the rules enforced when summoned by the Inquiry Officer.

4.2.1.35 Threatening, intimating or manhandling any employee within the premises of the organisation or elsewhere if it is related to the work of ACT.

4.2.1.36 Any other matter that may be prescribed time to time.

4.2.2 Penalties for Misconduct

4.2.2.1 Major or minor penalties, depending upon the nature and gravity of employee misconduct, may be imposed as disciplinary in case an employee is found guilty or misconduct or of any other good and sufficient reason.

4.2.2.2 The procedure for imposing penalties is defined in section 4.2.4

4.2.3 Minor Penalties

The minor penalties are:

a. Warning
b. Stoppage of increment **for certain period**
c. Stoppage of confirmation or promotion **for certain period**
d. Suspension without pay up to one week.
e. Recovery from pay or such other amount as may be due to him / her of the whole or part of any pecuniary loss caused to ACT as a result of negligence on the part of employee.

4.2.4 Major Penalties

The major penalties are:

a Reduction to a lower grade or post or with or without reduction in emoluments

b Dismissal from service.

4.2.4.1 The following shall not amount to a penalty within the meaning of these rules:

a) Withholding of an increment of an employee on account of **her/his** work being found unsatisfactory or not being of the required standard or for failure to pass a prescribed test or examination.

b) Non-promotion whether in an officiating capacity or otherwise of an employee to a higher post for which **s/he** may be eligible for consideration but for which **s/he** may be eligible for consideration but for which **s/he** is found unsuitable after consideration of **her / his** case .

c) Reversion to a lower grade or post of an employee officiating in a higher grade of post on the ground that **s / he** is considered after trail to be unsuitable for such higher grade or post on an

administrative ground unconnected with **her / his** to conduct of work.

d) Reversion to her / his previous grade or post of an employee appointed on probation to a higher grade or post during or at the end of the period of probation in accordance with the term of appointment to that post.
e) Termination of Service:
    i) Of an employee appointed on probation in accordance with the terms of her / his appointment.
    ii) Of an employee appointed in a temporary capacity, otherwise of than under a contract or agreement on the expiry of the period for which s/he was appointed, or earlier, in accordance with the terms of such contract or agreement
    iii) Of an employee appointed under a contract or agreement on the expiry of the period of agreement or in accordance with the terms of such contract or agreement.
    iv) Of an employee on reduction or closure of an establishment/project

4.2.5 Procedure for Imposing penalties

4.2.5.1 Where it is proposed by the employee's supervisor to impose any of the minor penalties, the employee concerned shall be informed in writing of the charge of misconduct against her/him by completing the Disciplinary Warning and an inquiry would be initiated by the Management concerned.

4.2.5.2 The employee should be given an opportunity to submit her/his written response in three days. If the employee wants to plead any mitigating circumstances in his favor, she/he must do so in the written reply given by her/him.

4.2.5.3 Depending on the nature and gravity of the offence the Management may, constitute an Inquiry Committee to investigate the offence and report its findings and recommendations. The Inquiry Committee shall constitute at least three impartial members, one of whom may be nominated by the aggrieved employee. The inquiry committee is bound to submit report in a time not exceeding TEN days.

4.2.5.4 The decision of the Inquiry Committee will be final and binding upon both the employee and the Organisation.

4.2.5.5 The decision reached after the inquiry will be conveyed to the concerned employee in writing and will be filed in the employee record file.

4.2.5.6 If the employee is found not guilty of the misconduct charge initiated and the warning record will be considered void. Similarly, all matters relating to her/his compensation, promotion etc will also restored.

4.2.5.7 The records of the proceeding shall include the following documents to be filed in the employee records.

- A Copy of the statement of misconduct delivered to the employee.
- Her /his defence of the statement if any.
- The order of the Competent Authority (or the Inquiry Committee or both, as applicable) together with reason thereof.

1.2.5.8 The Management reserves the right to dismiss an employee from service without further notice if a discipline is violated three times.

1.2.5.9 In case of proved involvement in offence of moral turpitude the organization reserves the right to proceed against her/him in a court of law through law enforcing agencies besides departmental action.

1.2.5.10 In case of proved sexual harassment guilty person must be fired with immediate effect.

4.2.6 Appeals

4.2.6.1 Any employee may appeal against any order imposing on her/him any of the penalties.

4.2.6.2 The appeal shall be preferred within 5 days from the date of communication of the order appealed against. The appeal shall be addressed to the Executive Director through the Head of Administration Department.

4.3 Grievance Policy

ACT's management is committed to provide opportunity to employees for re-address of valid grievances (arising due to work related issues). The management will not discriminate against any employee who chooses to use the grievance procedure.

4.3.1 Eligibility for Filing Grievance

4.3.1.1 An employee who may feel aggrieved with the society policy any decision / order of her / his superior management practices or work related conditions.

4.3.1.2 Employees, who have not completed their probationary period or are temporary or are trainees, may not utilise the grievance procedure in the event of discharge, but may utilise it for other matters affecting their employment.

4.3.2 Procedure

4.3.2.1 Any employee who has a grievance should first consult her / his immediate supervisor for resolving the grievance.

4.3.2.2 The supervisor should respond to the employee's grievance within 3 working days. The supervisor should give her/him a fair hearing and should counsel the employee and try her/his best to resolve her / his grievance on an informal level.

4.3.2.3 If the employee is not satisfied with the supervisor's decision, then s/he must file an appeal to the Head of Region.

4.3.2.4 In case of HO staff, the Admin Head in consultation with the CEO will nominate one of the Department Heads (except from the employee's own department) to act as the Referee who shall conduct the hearing of the appeal.

4.3.2.5 The Referee will hold a hearing within Three days of the date of filing the appeal by the employee.

4.3.2.6 The decision on the appeal must be issued in writing within three days after the first hearing, though additional time is permitted depending on the nature and length of investigation.

4.3.2.7 The Referee should inform the following of the decision in writing:

- Employee and her / his representative, if any
- Employee's Supervisor
- Employee's Department Head
- Human R Department

Duly signed by Board of Directors

Sr. No	Name	Status	CNIC	Specimen Signature
1.	Farzana Yaqoob	Chairperson	37405-5480398-2	
2.	Prof. Farkhanda Aurangzaib	Member	54400-4895286-0	
3.	Dr. Bushra Aizaz	Member	82203-1135528-6	
4.	Mr. Muhammad Javid Malik	Member	61101-0488964-3	
5.	Dr. Haris Ahmed	Member	37405-4202234-3	
6.	Dr. Zaineb Hafeez	Member	37301-3531962-6	
7.	Brigadier (Rtd.) Hamid Abdullah	Member	35201-2031694-9	
8.	Mr. Mubashar Nabi	Founder President/Member	61101-9146195-7	