



The Commonwealth

**Commonwealth Secretariat  
Sexual Harassment Policy**

## STAFF HANDBOOK, PART 5: SECTION 25

### SEXUAL HARASSMENT POLICY

#### 1 Policy Statement

- 1.1 The Commonwealth Secretariat aims to provide an environment that is safe for all and free from all forms of sexual harassment.
- 1.2 All forms of sexual harassment are prohibited. The Secretariat operates a zero-tolerance policy for any form of sexual harassment in the workplace or during the Secretariat's operations.
- 1.3 The aim of the policy is to:
  - (a) set forth the expectations of conduct and mutual respect regarding sexual harassment and the process of reporting a complaint if these expectations are not met or are violated.
  - (b) enable staff members understand the type of words, actions and behaviour which constitute sexual harassment and the penalties that can be imposed for such prohibited conduct.
  - (c) provide for a procedure through which reports/incidents of sexual harassment will be managed and promptly addressed and mechanisms to prevent and eradicate sexual harassment in the workplace.
  - (d) promote staff confidence in reporting concerns related to violation of this policy without fear of retaliation.
- 1.4 The Secretariat recognises that anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. The Secretariat recognises that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.
- 1.5 Anyone, including staff members, guests, consultants, and contractors who sexually harasses another will be disciplined or sanctioned appropriately in accordance with this policy. For non-staff, such sanctions may include action taken under the terms and conditions of the relevant contract (such as termination) or under other applicable policies, or referral to appropriate authorities.

- 1.6 Victim blaming will not be tolerated. A complaint of sexual harassment cannot be shifted to the victim of the harassment on frivolous grounds such as using an attire worn or a smile given as an excuse. The Secretariat considers anyone who sexually harasses someone as responsible for their actions.
- 1.7 The Secretariat will, therefore, ensure that:
- (a) there is safe and healthy working environment;
  - (b) prompt and appropriate action is taken in all reported cases;
  - (c) duty of care towards victims as defined in the policy; and
  - (d) any person engaged in the process is not targeted for retaliation.

## 2 Definitions

Term	Definition
<b>Sexual Harassment</b>	<p>For the purposes of this policy, sexual harassment is defined as any form of unwanted or unwelcome behaviour that has a sexual nature which makes the recipient feel offended, humiliated and/or intimidated.</p> <p><b>Types of Sexual Harassment</b></p> <p>Sexual Harassment may be verbal, non-verbal, or physical. This may be repeated incidents or a one-off incident and can include any conduct of a sexual nature which is unwanted and unwelcome by the recipient. Sexual harassment can occur regardless of the intention of the person who committed it. The examples below are not exhaustive but illustrative of what constitutes sexual harassment.</p> <p><b>Non-verbal actions</b></p> <ul style="list-style-type: none"> <li>(a) Wolf-whistles, obscene gestures, sexually suggestive gestures.</li> <li>(b) Leering.</li> <li>(c) Stalking.</li> <li>(d) Displaying sexually suggestive posters/calendars.</li> <li>(e) Displaying or sharing sexual or pornographic images, or other sexual content.</li> </ul> <p><b>Verbal actions</b></p> <ul style="list-style-type: none"> <li>(a) Suggestive remarks, innuendoes, rude sensual comments, gossip, and offensive songs.</li> <li>(b) Sensually charged remarks on the appearance, physical appearance, clothing, private life of the recipient(s).</li> <li>(c) Sexual comments, stories, and jokes/banters.</li> <li>(d) Sexual advances including sending sexually explicit messages by email, phone, or other form of communication.</li> </ul>

	<p>(e) Repeated and unwanted social invitations for dates or physical intimacy.</p> <p>(f) Insults based on sex, gender identity and/or sexual orientation of the recipient.</p> <p>(g) Sexist, condescending remarks or pranks.</p> <p>(h) Inappropriate comments about sexual experience or sexual orientations.</p> <p><b>Physical conduct:</b></p> <p>(a) Any unwelcome physical contact including patting, pinching, stroking, kissing, fondling, or inappropriate touching.</p> <p>(b) Physical coercion, physical violence and/or sexual violence.</p> <p>(c) The use of job-related threats or rewards to solicit sexual favours.</p> <p>(d) Soliciting sexual favours as a condition of employment or continued employment (such as to get a job or for contract renewal) or to avoid negative consequences (not approving a training request).</p> <p>(e) Any other form of sexual exploitation, solicitation of transactional sex or transactional sex.</p>
<b>Retaliation</b>	Has the meaning ascribed to it under the Commonwealth Secretariat <a href="#">Non-Retaliation Policy</a> .
<b>Victim blaming</b>	Someone saying, implying, or treating a person who has experienced harmful or abusive behaviour (e.g.: a survivor of sexual violence) like it was a result of something they did or said, instead of placing the responsibility where it belongs: on the person who harmed them.

### 3 Scope of the Policy

- 3.1 This policy and procedure deals with sexual harassment and is not intended to replace existing processes such as the grievance or disciplinary policy and procedures.
- 3.2 With reference to the work environment, this Policy will apply to any place where an interaction takes place whether it takes place within the Secretariat's premises at Marlborough House or at any other work-related environment or mission, either face to face, online, email or text message exchanges.
- 3.3 The policy shall apply to all Secretariat staff, consultants, interns, all contract types and contractors or agency staff as complainants, alleged victims or alleged harassers.

## **4 Formal Procedure**

- 4.1 When the complaint or report of Sexual Harassment is received a formal resolution procedure will be followed.
- 4.2 The Sexual Harassment complaint or report shall be handled in accordance with the [Grievance Resolution Procedure](#).

## **5 Raising a Complaint/Making a report**

- 5.1 All staff members have a duty to report any experienced or witnessed act of sexual harassment. A staff member who makes such a report in good faith and in the belief that the report was being made in the collective interests of the Secretariat will not be subjected to any form of retaliation.
- 5.2 A complaint or report of sexual harassment can be made directly to the Director, Human Resources with no requirement of copying anyone in the mail including any direct supervisors. If the Director, Human Resources is the subject of the complaint, then the complaint should be made directly to the Deputy Secretary-General.
- 5.3 All complaints related to sexual harassment shall be investigated by the Secretariat with duty of care and considering the sensitivity and promptness in consideration.
- 5.4 When a staff member is sexually harassed by a third-party when on official business travel, they may report the incident to the local authorities or hotel management.

## **6 Timelines for raising a complaint**

- 6.1 The Secretariat shall consider all complaints related to sexual harassment in accordance with the timelines specified in the Grievance Resolution Policy.
- 6.2 Staff should raise issues as early as possible to facilitate prompt resolution as it may be difficult to establish whether actions took place further back in time.

## **7 Sanctions and disciplinary measures**

- 7.1 Upon conclusion of investigation(s), anyone found to have sexually harassed another person under the terms of this policy shall be liable in accordance with the Secretariat's Disciplinary Policy (Staff Handbook, Part 5, Section 5).
- 7.2 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 trivialised.

- 7.3 The victim (if in agreement), shall be provided with the following support:
- (a) Psychosocial support.
  - (b) Paid time off if required.
  - (c) Any other support recommended by occupational health.
- 7.4 Human Resources will periodically follow up with the victim after an investigation is completed to ensure they remain supported, protected and any discipline or sanction implemented. The matter will be marked as closed three months after the investigation is completed.
- 7.5 In case of a further claim of alleged harassment by the same victim from the same harasser shall be handled in accordance with the Grievance Policy.

## **8 Appeal Mechanism**

- 8.1 The Appeal will be handled in accordance with the appeal mechanism provided under the Grievance Resolution Procedure.

## **9 Protection from Retaliation**

- 9.1 A staff member who raises a complaint or reports a sexual harassment incident in good faith has the right to be protected against retaliation.
- 9.2 All concerns about retaliation against a staff member reporting a sexual harassment incident or concern will be handled in accordance with the Secretariat's [Non-Retaliation Policy](#).

## **10 Wrongful Complaints**

- 10.1 The Secretariat shall not entertain frivolous, vexatious, malicious or wrongful complaints. A staff member who makes such complaint(s) shall be subject to disciplinary proceedings that may lead to dismissal or other appropriate action. If the individual is not a staff member, this may lead to termination of contract.
- 10.2 A staff member who chooses to disclose their concerns through other means including disclosure through the media, rather than through the appropriate channels provided for in this policy may not be protected under this policy.

## **11 Confidentiality**

- 11.1 Any report made under this policy, including the identity of any person making a report, must be treated in the strictest confidence by all parties involved except where disclosure is required for investigation purposes as specified in the Staff Handbook, Part 5, Section 8.

- 11.2 Where the complaint is raised on behalf of an alleged victim, the complainant may request to remain anonymous or to have their identity kept confidential. The person raising the complaint must at least show that they have the alleged victim's consent to do so. An investigation must respect the anonymity or pseudonymity of the complainant in this situation.
- 11.3 The identity of the alleged victim and alleged harasser will be disclosed to both parties for the purpose of supporting investigations.
- 11.4 Confidentiality will be maintained to the extent practicable and appropriate in the circumstances. Data collected in relation to the investigation, including the identity of the people involved, will be kept confidential and will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.
- 11.5 As sexual harassment is sensitive in nature, the alleged victim of the harassment shall be protected from any form of public scrutiny as much as is practicable.

## **12 Record Keeping**

- 12.1 All complaints received related to Sexual Harassment shall be kept confidentially by the Human Resources in a way that guarantees protection of the confidentiality of the complainants and the process and that is consistent with the Data Protection & Access Policy.
- 12.2 Information received in relation to the violation of this policy shall be retained in accordance with the Information Classification, Handling and Disposal Policy, Section 9.

## **13. Sharing of information about Sex Harassment Offenders**

- 13.1 The Secretariat may join Misconduct Disclosure Schemes for the sole purpose of facilitating sharing of misconduct data with other employers to minimise hiring of perpetrators of sexual offences.
- 13.2 In such cases, the Secretariat will ensure that individual rights to privacy are protected, and personal data is handled accordance with the Secretariat's Data Protection and Access Policy.

## **14. Assistance to Victims of Sexual Harassment**

- 14.1 Victims of sexual harassment can seek for practical and emotional support from:
- (a) the Secretariat's employee assistance programme providers;
  - (b) national support organisations such as sexual assault referral centres; and

- (c) the Secretariat's personal accident insurance provider for staff members on official business travel.

## **15 Roles and Responsibilities**

### **15.1 All Staff**

- (a) Understand and ensure there is no breach of standards of conduct
- (b) Contribute to a safe environment for all.
- (c) Report any concern about an apparent violation of this Policy using any of the channels in this Policy.
- (d) Cooperate with investigation in good faith when invited. It is the duty of all staff members to cooperate with duly authorised investigators.
- (e) The Senior Directors/Directors and Line Managers to ensure that the staff in their teams are aware of the policy and take part in all the relevant training.

### **15.2 Complainant**

- (a) Report a sexual harassment incident using any of the channels outlined in this Policy.
- (b) Cooperate with the investigators as may be required.

### **15.3 Subject of the Complaint**

- (a) Cooperate with the investigation in good faith and respond to the allegations made.
- (b) Provide any document or additional information to support their claim or position.

### **15.4 By-stander**

- (a) Report a sexual harassment incident witnessed using any of the channels in this Policy.
- (b) Provide detailed information on the violations witnessed, observed, or suspected to assist with the investigations.

## 15.5 Human Resources

- (a) Provide advice on the policy and procedure.
- (b) Ensure accurate record keeping of all documents relating to incidents.
- (c) Advise on appropriate next steps based on the outcome of the investigation and in alignment with the provisions of the policy.
- (d) Provide sexual harassment training for staff and encourage them to report incidents. The training should include an understanding of sexual harassment; the ways it may happen at work in a multicultural environment; and the policy and procedures.
- (e) Conduct a session on acceptable workplace behaviour during induction of new staff members, organise mandatory training for all staff, and ensure continuous sensitisation of staff members on sexual harassment.
- (f) Offer support to staff members involved in a sexual harassment complaint.
- (g) Ensure that all policies are consistent in having zero tolerance for sexual harassment.

## 16. Implementation of this policy

- 16.1 The Secretariat will ensure that this policy is disseminated widely to all relevant persons. New staff members shall be trained on the content of this policy as part of their induction.
- 16.2 This policy will form part of the essential mandatory training for all staff.
- 16.3 It is the responsibility of every line manager and Human Resources to ensure that all staff are aware of the policy.

## 17 Monitoring and evaluation

- 17.1 The Secretariat recognises the importance of monitoring the sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and the level of its effectiveness.
- 17.2 Human Resources will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. As a result of this report, Human Resources will evaluate the effectiveness of this policy and make any changes needed. This will be done every two years or when the need arises.