

SEXUAL MISCONDUCT IN THE WORKPLACE POLICY



HEALTHNET TPO



Contents

1. Purpose	3
2. Scope of Policy	3
3. Policy Statements	3
3.1. Prohibited Conduct	3
3.2. Use of HealthNet TPO Resources for Sexual Content	5
3.3. Relationships in the Workplace.....	5
3.4. HealthNet TPO Encourages Reporting Prohibited Conduct	6
4. Anonymous Reporting and Confidentiality	6
5. Support for Survivors	7
6. No Retaliation.....	7
7. Investigating Reports of Prohibited Conduct	7
8. Disciplinary Consequences for Prohibited Conduct	7
9. Processes and Procedures Required to Ensure Compliance	8
10. Policy Administration and Responsibilities.....	9
11. Relation to Local Laws	10
12. Approved Policy	11



1. Purpose

HealthNet TPO is committed to a work environment in which everyone is treated with respect and dignity. We strive to maintain a culture of caring, which looks to ensure the emotional and physical safety of our teams and anyone else we work with. We strive for a diverse and inclusive working environment and expect that working relationships are based on or built around mutual respect, professional, and free from sexual harassment and/or and sexual assault.

We will not tolerate sexual harassment or assault by or of team members anywhere in the world. This policy sets out HealthNet TPO's prohibitions against sexual harassment and sexual assault and the required procedures to ensure HealthNet TPO upholds its commitment to preventing sexual harassment and assault by and of team members. This policy is intended to ensure that all team members around the world are held to a common minimum standard and that all allegations of violations and decisions regarding disciplinary measures are handled in as consistent a manner as possible. The policy applies globally without regard to local cultural practices or social norms.

2. Scope of Policy

This policy applies to: HealthNet TPO and its country offices, their subsidiaries and affiliate organisations (collectively "HealthNet TPO"); Members of HealthNet TPO's Board, management, team members, seconded employees, interns, and volunteers (collectively "Team Members"); Sub-recipients, partner organisations, contractors, outside experts, consultants, agents, representatives, and any other organisation or individual that acts on HealthNet TPO's behalf or at HealthNet TPO's direction (collectively "Partners"); and visitors to any HealthNet TPO facilities, which includes but is not limited to photographers, filmmakers, journalists, researchers, private donors and prospective donors, and anyone else hosted by HealthNet TPO or visiting HealthNet TPO's implemented or financially supported programmes ("Visitors"). HealthNet TPO also expects that its donors and their representatives will abide by this policy, particularly when engaging with HealthNet TPO Team Members.

3. Policy Statements

3.1. Prohibited Conduct

HealthNet TPO prohibits and does not tolerate any Team Member, Partner or Visitor engaging in sexual harassment or assault, with those terms defined as follows (and hereinafter referred to as "sexual misconduct").

3.1.1 "**Sexual harassment**" includes, but is not limited to, unwelcome romantic or sexual advances, requests for sexual favours and other verbal or physical conduct of a romantic or sexual nature, where one of the following applies:

- Quid Pro Quo: where submission to such conduct is made either explicitly or implicitly a condition of an individual's employment/assignment or reaction to



such conduct by an individual is used as the basis for employment/assignment decisions affecting such individual;

- Working Environment: where such conduct has the purpose or effect of interfering with an individual's work performance, violating or infringing on their dignity, or creating an intimidating, degrading, hostile or offensive work environment.

Specific examples of conduct constituting sexual harassment include, but are not limited to:

- Repeated unwelcome physical conduct, such as touching non-intimate body parts, massaging, blocking or impeding normal movement, staring or leering;
- Making or displaying sexual drawings or photos, demonstrating sexually suggestive gestures;
- Repeated unwelcome verbal conduct such as requests for dates or comments of a sexual or romantic nature about a person (does not have to be the person the comments are directed towards), including comments about their body, clothing, relationships or sexuality; Repeated unwelcome comments and statements of a sexual nature, such as slurs, jokes, insults, cursing language;

Conduct falling into the above categories, which is not repeated in nature but sufficiently serious in itself to amount to sexual harassment;

- Any form of a sexual proposition, where something of value is suggested in exchange for sex or dates;
- Pressure for dates or sex in exchange for promotions, salary increases, keeping one's job, or other job-related benefits;
- Intentionally exposing one's own intimate parts to others; and
- Stalking, which is an intentional course of conduct directed at a specific person, that is unwelcome and would cause a reasonable person to feel fear and can include repeated and menacing conduct. Examples include, but are not limited to, pursuing, following, giving unwanted gifts, surveilling, interfering with the safety of another or repeated, uninvited contacts via telephone or online communication.

Sexual harassment can occur in-person, or by phone, email, through social media or other electronic communication.

3.1.2 "**Sexual assault**" is actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

- The intentional touching of another person's intimate parts without that person's consent;
- Other intentional sexual contact with another person without that person's consent; and



- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

HealthNet TPO does not tolerate any sexual misconduct by or against its Team Members, Visitors, or Partners by any non-Team Members, be they Visitors or donors, contractors, local government officials, armed groups, partner organisations local and international, or other persons.

3.2. Use of HealthNet TPO Resources for Sexual Content

HealthNet TPO prohibits use of the HealthNet TPO's work equipment, including computers, cell phones, office walls, and internet access for purposes of viewing, displaying, or disseminating material that is sexual in nature.

3.3. Relationships in the Workplace

Although romantic relationships in the workplace are not strictly prohibited, such relationships must be entirely welcome, without any form of coercion, exploitation or abuse of power, voluntary and consensual, and not impact professional duties or the working environment.

Because of the inherent power differential between persons in a supervisory or leadership position and those who report to them, romantic or sexual advances by a supervisor or leader towards any person in a subordinate position are viewed with due concern. HealthNet TPO strongly encourages all Team Members to report their romantic relationships with other Team Members to the appropriate Human Resources department, HR lead, supervisor, or Country Director responsible for their employment as soon as possible. However, when a romantic relationship involves a leader, supervisor or manager and anyone in a subordinate position, both Team Members are required to report the romantic relationship to the Human Resources department responsible for their employment as soon as possible.

This reporting is intended to be confidential and to protect the Team Members involved and can help ensure that perceptions of the potential for misconduct, (for example, including conflicts of interest and perceived preferential treatment) are addressed before they arise.

It will almost always not be appropriate for a Team Member to directly supervise a person with whom they have a romantic relationship. In rare instances where it might be unavoidable, usually involving established relationships between people who must for a time be a reporting relationship, the reporting line must be approved by HR. Approval will only be granted after efforts have been made to ensure that the reporting relationship will not interfere with the work environment and all other options have been exhausted.

Relationships that are not formally disclosed and involve a supervisor or leader may be investigated as a breach of the requirement to disclose under this policy and as potential sexual harassment with the same disciplinary consequences as sexual harassment.



3.4. HealthNet TPO Encourages Reporting Prohibited Conduct

3.4.1 Everyone has the right and obligation to report sexual misconduct. Anyone who witnessed but was not the target of sexual harassment or assault is encouraged to report it in their own right. HealthNet TPO's equal opportunity and non-discrimination policies address conduct, including comments, language or actions that are discriminatory or offensive but that may not meet the standard for sexual harassment.

3.4.2 Anyone can report allegations per HealthNet TPO Ethics Complaint and Whistleblower Policy to HealthNet TPO Confidential Contact Person. Team Members or Visitors are encouraged, but not required, to first report to their Human Resources representative, to their Supervisor or their Supervisor's Supervisor.

3.4.3 Human Resources and other Team Members, including Supervisors and Country Directors, must ensure that they immediately report such allegations to HealthNet TPO's Confidential Contact Person.

4. Anonymous Reporting and Confidentiality

Because of the nature and sensitivity of allegations involving sexual misconduct, HealthNet TPO treats all reports and allegations with the greatest respect for confidentiality of all individuals involved. HealthNet TPO will seek to maintain privacy at all times during the response process, consistent with our responsibility to maintain individual and team safety. Only people with a need to know can be provided information, and limited to their role in the response and investigation process. Anyone who has a role as part of the investigation or response team is bound by confidentiality and can be disciplined, up to termination, for violating that confidentiality.

In some instances, HealthNet TPO may be compelled by its donors, regulators or via legal action brought by the accused or for other legal reasons, to disclose information related to the allegations and its investigation, including the name and identifying information of the survivors and the accused. When providing personally identifiable information to donors, regulators or law enforcement.

HealthNet TPO will seek to limit distribution to the extent possible and allowed by law and, when possible and in accordance with laws, will seek assurances that the information remain confidential. Anonymous reports to the Integrity Hotline are allowed. A non-anonymous reporting survivor may also request to preserve confidentiality by not allowing the Ethics Team or investigators to disclose the content of the allegations (or parts thereof). In both cases of anonymous reporting and preservation of confidentiality, HealthNet TPO's ability to conduct an investigation that can hold perpetrators accountable for substantiated allegations can be significantly restricted. To the best of its ability, HealthNet TPO will work with survivors to address their concerns around confidentiality in order to allow effective investigations to go forward. Effective and fair



investigations typically require confronting the accused with the allegations. In cases where HealthNet TPO has concerns for the safety and well-being of its team, HealthNet TPO may take appropriate actions, while still respecting to the extent feasible, privacy and confidentiality.

5. Support for Survivors

HealthNet TPO will offer to provide (and provide if they chose) survivors of sexual harassment or assault with independent medical and psychosocial support and will assist them with reporting incidents to the proper authorities should they chose to do so directly.

6. No Retaliation

6.1. HealthNet TPO will not tolerate any form of retaliation against Team Members, Partners or Visitors who report suspected sexual misconduct in good faith or participate in investigations of sexual misconduct. The full protections for persons making reports can be found in HealthNet TPO's Ethics Complaint and Whistleblower Policy. Anyone who has experienced retaliation for reporting or participating in a sexual misconduct investigation should immediately report to the Confidential Contact Person.

6.2 HealthNet TPO will not require its Team Members, Partners or Visitors to sign or comply with internal confidentiality agreements or statements that prohibit or otherwise restrict Team Members, Partners, or Visitors from lawfully reporting violations to a designated investigative or law enforcement representative of a department or agency authorised to receive such information.

7. Investigating Reports of Prohibited Conduct

7.1 HealthNet TPO is committed to a serious, swift, and fair response and investigation for all allegations. Investigations will be conducted in accordance with HealthNet TPO Ethics Complaint and Whistleblower Policy and related guidance on reporting and investigating sexual misconduct.

7.2 HealthNet TPO will, first and foremost, take into account the safety, security and well-being of the survivors during any investigation or follow-up action, but will also take into account the safety and well-being of the accused and any witnesses.

8. Disciplinary Consequences for Prohibited Conduct

8.1 For sexual assault, HealthNet TPO will suspend any individual who is the subject of specific allegations of sexual assault while HealthNet TPO and/or law enforcement investigate the matter. All substantiated violations will result in termination and



ineligibility for rehire or future receipt of contracts, grants, or other resources from Mercy Corps. Sexual assault is a crime in virtually all jurisdictions where HealthNet TPO operates. HealthNet TPO will support survivors in reporting sexual assault to law enforcement.

8.2 For sexual harassment, HealthNet TPO will assess the nature of the alleged conduct, the risk of continued conduct, and the well-being of any survivors when deciding how to mitigate the risk of continued conduct or harm while an investigation is pending. HealthNet TPO will suspend the accused while the investigation is ongoing if the risks of continued conduct or harm cannot be adequately mitigated.

8.3 All substantiated findings of sexual harassment will result in meaningful and proportional discipline that will depend on the nature and severity of the conduct and whether it can be effectively addressed. Discipline may include one or more of the following (this list is not exhaustive): warning letters for misconduct, mandatory training on gender and sexual harassment, demotion, ineligibility for promotions, suspension without pay, performance improvement plans, opportunities for people who have experienced sexual harassment to share impact statements with their harassers and receive apologies from their harasser, or termination. Team Members and Visitors who have their employment or assignment terminated for sexual harassment will be declared ineligible for rehire or future receipt of contracts, grants or other resources from HealthNet TPO.

9. Processes and Procedures Required to Ensure Compliance

HealthNet TPO ensures compliance with this policy through appropriate processes and procedures designed to ensure to the extent possible that:

9.1 All potential new Team Members undergo screening designed to ensure that they have not previously engaged in sexual exploitation, assault, or harassment;

9.2 All Team Members are informed and trained on this policy via code of conduct training and all Team Members certify that they have understood this policy and agree to abide by it;

9.3 Where appropriate and when in direct contact with Team Members, consultants, experts, contractors, agents, donor and government representatives and Visitors (including journalists and researchers) are informed of the requirements under this Policy;

9.4 All HealthNet TPO offices display awareness posters on this policy, including all available reporting mechanisms, translated into the primary language of the office and in conspicuous locations where all Team Members and visitors will see them;



9.5 Security plans and measures take into account the risk of sexual misconduct by and against Team Members and Visitors and put into place reasonable mitigation measures to fit the circumstances;

9.6 Each country office has a designated focal point who can act as a local resource for team members or visitors who wish to report or discuss sexual misconduct;

9.7 Focal points, supervisors, and senior leadership receive appropriate training in how to identify and appropriately respond to potential sexual misconduct;

9.8 Anyone can anonymously (if they choose) report all forms of sexual assault and harassment to HealthNet TPO's Confidential Contact Person;

9.9 Human Resources representatives, supervisors focal points, and leaders who receive allegations or complaints of violation of this policy must immediately report them to the Confidential Contact Person.;

9.10 All reports are confidentially, independently, fairly, timely and thoroughly investigated in a manner that ensures, to the extent possible, protection of the survivor (see the Ethics Complaint and Whistleblowing Policy);

9.11 Team Members and/or Visitors declared ineligible for rehire due to sexual misconduct will be prevented from any further opportunity with HealthNet TPO, whether as an employee, consultant or contractor and, when asked for a reference, HealthNet TPO will indicate that the individual is ineligible for rehire;

9.12 All reports are disclosed to donors and regulators as and when the donor or regulator requires. If reports include allegations of criminal misconduct, they are also disclosed to law enforcement (subject to the need to ensure the safety and well-being of survivors) (see the Ethics Complaint and Whistleblower Policy and related guidance); and

9.13 HealthNet TPO Audit and Risk Committee is informed (in a manner consistent with HealthNet TPO commitment to confidentiality) of all reports and investigations of sexual harassment or assault at or around its regularly scheduled meetings and provided with whatever additional information necessary to allow it to conduct its oversight duties (see the Ethics Complaint and Whistleblower Policy and related guidance).

10. Policy Administration and Responsibilities

10.1 HealthNet TPO's Board is responsible for:



- Ensuring this policy remains up-to-date via bi-annual reviews;
- Ensuring global reporting and investigations are overseen in accordance with this Policy and the Ethics Complaint and Whistleblower Policy and related guidance;
- Reporting to HealthNet TPO Board Audit and Risk Committee regarding allegations.

10.2 The Director and Human Resources Team are responsible for:

- Ensuring that safe recruiting processes are in place and adhered to;
- Ensuring that all Team Members undergo the code of conduct training and acknowledge their understanding of it and willingness to abide by it;
- Working closely with senior management in all countries to ensure that focal points are properly identified and trained and policies and trainings are appropriately adapted to the local context;
- Ensuring that all allegations of violations of this policy are investigated in accordance with this policy and the Ethics Complaint and Whistleblower Policy;
- Ensuring that team members declared ineligible for rehire are not rehired by HealthNet TPO and that this status is included in responses to employment verification checks by other organisations.

10.3 All HealthNet TPO Director, country directors and senior management in all countries and areas where HealthNet TPO operates are responsible for:

- Creating and maintaining an environment and culture that fosters respect and inclusion and does not tolerate sexual harassment, exploitation, or assault;
- Overseeing the full implementation of this Policy in their area of operations;
- Ensuring that all allegations of sexual misconduct are taken seriously and immediately reported to the Ethics Team and are treated with confidentiality and given high priority;
- Ensuring that Team Members, Partners or Visitors who report allegations or participate in investigations are not retaliated against.

11. Relation to Local Laws



HEALTHNET TPO

HealthNet TPO will comply with laws and regulations prohibiting misconduct, but where this policy exceeds any legal requirements, HealthNet TPO will adhere to the standards in this policy to the extent allowed by applicable law. This policy may be amended or adapted to comply with local laws only with the approval of HealthNet TPO Board.

12. Approved Policy

This policy was approved by the HealthNet TPO Board on September 10, 2019. This policy may only be amended or changed with the approval of the Board(s).