
21. DISCRIMINATION, BULLYING AND HARASSMENT POLICY

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Additional Authority: Law and related organisational policies.

- ▮ 1997 Cambodian Labour Law
- ▮ Grievance and Dispute Resolution Policy
- ▮ Confidentiality Policy
- ▮ Equal opportunity, Diversity and Affirmative Action Policy
- ▮ Occupational health and Safety Policy
- ▮ Code of Conduct
- ▮ Disciplinary Policy

Scope

This policy applies to all employees, consultants, volunteers and interns.

Responsible Party

It is the responsibility of the Executive Director and Senior Management Team to ensure that employees, consultants, volunteers and interns understand and abide by this and the related policies. Information sessions will be provided at induction for all new staff, by the Human Resource Manager.

Definitions

Discrimination is the act of treating a person or particular group of people differently, especially in a worse way from the way in which you treat other people, because of their race, colour, sex, faith or religion, political opinion, birth, membership of a workers union or the exercise of union activities (Labour Law). Gender identity and expression, are included in This Life's definition.

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

- ▮ Repeated behaviour is persistent and can involve a range of actions over time.
- ▮ Unreasonable behaviour means actions that a reasonable person in the same circumstances would see as unreasonable. It includes victimising, humiliating, intimidating or threatening a person.

A single incident of unreasonable behaviour is not considered workplace bullying, but it could escalate and should not be ignored.

Harassment is systematic and/or continued unwanted and annoying actions of one party or a group towards another party or group. The purposes may vary including racial prejudice, personal malice, sexual gratification or merely gaining pleasure from making someone feel offended, humiliated or intimidated and where that reaction is reasonable in the circumstances. Examples of harassment include, but are not limited to: verbal, nonverbal, or physical aggression, intimidation, or hostility based the categories outlined under discrimination.

Human Resource Manager is the person appointed by This Life as required (Circular 21/99) to address employee complaints and as the prevention of sexual exploitation and abuse focal person. Their role is to serve as the first point of contact for aggrieved employees. If the Human Resource Manager cannot solve the issue, they must inform the Deputy Director and/or Executive Director, who then meets with the employee. If the parties do not reach an agreement, they should notify the Labor Inspector for conciliation.

Sexual Exploitation is any actual or attempted abuse of a position of vulnerability, differential

power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual Abuse is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual Harassment includes all conduct of a sexual or gender-determined nature at the workplace or connected to the workplace that is intended to violate the dignity of a person, or which has this effect.

Unreasonable behaviour is behaviour that is offensive, humiliating, intimidating, degrading or threatening. It includes, but is not limited to: Verbal abuse; initiation pranks; excluding or isolating employees; giving a person the majority of an unpleasant or meaningless task; humiliation through sarcasm, or belittling someone's opinions; constant criticism or insults; spreading misinformation or malicious rumours; deliberately setting work routines or procedures to inconvenience certain employees; displaying written or pictorial material which may degrade or offend certain employees.

Repeated behaviour refers to the nature of the behaviour, not the specific form of that behaviour. "Repeated unreasonable behaviour" may be a pattern of diverse incidents.

Policy

This Life Cambodia regards the health and safety of its employees, consultants, volunteers, interns and clients as a primary responsibility and promotes a culture of openness, support and accountability. Discrimination, bullying is based on the misuse of power in human relationships, and negates the dignity and autonomy of its victims can affect health and wellbeing.

This Life recognises the right of all employees, contractors, volunteers and interns to attend work and perform their duties without being subjected to any form of discrimination, bullying or harassment. Equally, it is the obligation and responsibility of every employee, consultant, volunteer and intern to ensure that the workplace is free from discrimination, bullying, harassment, exploitation and abuse. This Life is fully committed to its obligations to ensure that discrimination, bullying and harassment in the workplace and in customer relations is dealt with promptly and effectively. No employee or volunteer at any level should subject any other employee, volunteer, client or visitor to any form of discrimination, bullying or harassment.

Cambodian Labor Laws state that discrimination on the basis of the definition above is unlawful. This Life considers that legislative obligations under the laws establish minimum standards of behaviour for all employees, and thus have added bullying and harassment to further define this policy. The principles set out in this policy are intended to apply to any work-related context, including at the work place, conferences, work functions, social events and business trips.

It is strictly prohibited for This Life employees, consultants, volunteers or interns to:

- ▯ Sexually exploit or abuse or sexually harass a child or adult.
- ▯ Use their position of trust and authority to request any service or sexual favour from This Life's beneficiaries, or any adults or children in the communities in which This Life works, in return for protection or assistance, or coerce a person to engage in sexual intercourse or any sexual activity.
- ▯ Exchange or withhold from This Life beneficiaries, or other adults or children in the communities in which This Life works, money, food, employment, goods, assistance or services for the purpose of attaining sex or sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- ▯ Use any This Life facilities or resources for the purpose of arranging or facilitating access to sex or behaviour of sexual favours, even if they are consensual in nature.
- ▯ Use This Life computers, mobile phones, video cameras, cameras or other technology inappropriately, or to exploit or harass adults or children, or access or disseminate exploitative or sexually explicit material through any medium, including social media.
- ▯ Procure sex for others, or use a third party to do so.

This Life strongly encourages any employee who feels they have been discriminated against, bullied or harassed to take immediate action, in accordance with the grievance and dispute resolution processes outlined in the *Grievance and Dispute Resolution policy*, initially by making it clear that such behaviour is unwelcome and offensive and if it continues they will lodge a formal grievance. Alternatively, taking into account the sensitive nature of such claims they are able to approach the liaison officer who will assist them in these processes.

Formerly agreed behaviour may be found to be bullying or harassment when it continues after a request from the recipient for the behaviour to stop, or at the point it becomes intimidating, offensive or humiliating.

There are bound to be occasional differences of opinion, conflicts and problems in every workplace. Only when the treatment of another person is unreasonable, offensive or harmful does workplace bullying exist.

Similarly, the exercise of a supervisor's legitimate authority at work through the direction and control of work responsibilities, the monitoring of workflow, and giving feedback on performance, is not bullying insofar as the supervisor's actions are intended to assist staff to improve their tasks, their work performance, or the standard of their behaviour. If an employee has performance problems, however, these should be identified and dealt with in a constructive way that is neither humiliating nor threatening.

Sexual or physical abuse or bullying that amounts to assault (directly inflicting physical pain, harm or humiliation) will be dealt with as a police matter, and will be referred to the appropriate authorities, subject to the wishes and welfare of the complainant/survivor.

A breach of this policy will result in disciplinary action and will follow the *Disciplinary Policy*. Depending upon the severity of the case, consequences may include apology, counselling, transfer, demotion, dismissal, or other forms of disciplinary action deemed appropriate. Disciplinary action may also be taken against anyone who victimises or retaliates against a person who has complained of discrimination, bullying or harassment, or against any employee or volunteer who has been alleged to be a harasser.

Procedure

This Life aims to prevent discrimination, bullying, harassment, exploitation or abuse through the implementation of this Policy, and training to understand and comply with it.

Any reports of discrimination, bullying, harassment, exploitation or abuse will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice and in accordance with This Life's *Grievance and Dispute Resolution Policy*.

Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process. The alleged perpetrator also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No employee or volunteer will be treated unfairly as a result of making a complaint.

In those circumstances where the parties do not reach an agreement employees and consultants have the right to seek the assistance of the Labor Inspector for conciliation.

Authorisation