

Anti-Bullying and Harassment Policy

Date of revision	Two years after approval
Policy owner	Chief Operating Officer
Status	Draft

Version control

Draft	Submitted	Reviewed	Approved
Version 1	ABC-LLP	14 October	20 October 2020
Version 1	ABC-LLP	5 November	30 November 2020
			10 December 2020

Contents of this policy

1. Policy Statement	3
2. Purpose	3
3. Scope	3
4. Definitions.....	4
5. Use of FSD Kenya Resources for Harassment or Abuse	5
6. Reporting Procedures.....	6
7. Confidentiality	6
8. No Retaliation.....	6
9. Investigations and Consequences for Prohibited Conduct	7
10. Training and Awareness	7
11. Bullying and Harassment in Third Parties	7
12. Recruitment	8
13. Reporting to External Parties.....	8
14. Roles and Responsibilities.....	8
15. Review	8
16. Related Policies	9

1. Policy statement

FSD Kenya will strive to protect staff members from bullying, harassment, and abuse with a commitment to maintaining a work environment in which everyone is treated with respect and dignity. FSD Kenya will strive to maintain a caring culture, which aims to ensure the emotional and physical safety of our teams and all who work with us. FSD Kenya promotes a diverse and inclusive working environment where working relationships are built on mutual respect and free from bias, prejudice and harassment.

FSD Kenya will create and maintain a work environment in which people are treated with decency characterised by mutual trust and the absence of intimidation, oppression, and exploitation. FSD Kenya will not tolerate unlawful abuse or harassment of any kind.

2. Purpose

This policy sets out FSD Kenya's prohibitions and required procedures to ensure FSD Kenya upholds its commitment to preventing harassment and abuse by or of staff members. This policy is intended to ensure that all employees are held to a common minimum standard and that all allegations of violations and decisions regarding disciplinary measures are handled consistently. The policy applies without regard to local cultural practices or social norms. Through enforcement of this policy and the education of employees, FSD Kenya seeks to prevent, correct and discipline behaviour that violates this policy.

Managers and supervisors who knowingly allow or tolerate harassment or retaliation or fail to report such misconduct to the Chief Operating Officer (COO) immediately, are in violation of this policy and subject to discipline.

3. Scope

This policy applies to all employees of FSD Kenya staff and all FSD Kenya's associated parties (both during and outside regular working hours) including members of the Programme Investment Committee (PIC), Trustees, implementing partners, vendors, contractors and any other third party. The policy will apply to visitors to any FSD Kenya facilities, which includes anyone else hosted by FSD Kenya or visiting FSD Kenya implemented or financially supported programs (collectively "Visitors"). FSD Kenya also expects that its donors and their representatives will abide by this policy, particularly when engaging with FSD Kenya employees. The term 'FSD Kenya staff' will be used throughout this policy to refer to those within scope.

This policy applies to the workplace and activities outside the workplace on work trips, at work-related social events and interactions between co-workers.

FSD Kenya expects its managers to be proactive in holding employees accountable to high standards of performance. The purpose of this policy is not intended to limit a manager's ability to manage an individual's performance that is not meeting expectations.

4. Definitions

Prohibited behaviour

Bullying, harassment, and abuse of any kind are inconsistent with FSD Kenya's mission and values. All employees have the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits any form of bullying, harassment, or abuse. Any behaviour involving bullying, harassing, and abuse or intimidating anyone reporting or considering reporting a concern is prohibited conduct.

Bullying¹ is behaviour from a person or group that is unwanted and makes someone feel uncomfortable, including feeling, frightened ('intimidated'), less respected or put down ('degraded'), where one is made fun of and it makes someone feel uncomfortable ('humiliated'), upset (insulted or 'offended'). The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events or not always be obvious or noticed by others.

Examples of bullying in the workplace could include:

- a) Someone spreading false rumours
- b) Someone keeps putting another down in meetings
- c) Not letting a staff go on training courses but allowing everyone else to
- d) A boss giving one staff heavier workloads than everyone else
- e) Being deliberately excluded by team members to join social events

Discrimination is any negative action or attitude directed towards someone because of his or her membership in or affiliation with a particular group, including age; disability or medical history; ethnicity, national origin, race, caste, or socioeconomic status; religion, gender, gender identity or gender reassignment status, family status, marital status (except for marriage to a child under 18) or pregnancy, and sexual orientation. The unfair or unequal treatment of an individual (or group) in hiring, assignment, execution of duties, training or development, promotion or any other facet of their employment based on any of the characteristics described above is prohibited.

Specific examples of conduct potentially constituting discrimination include, but are not limited to:

- a) Making a job offer to a woman with a lower wage than what would be offered to a man doing the same job with the same skill level.
- b) Denying reasonable accommodations due to religious practices or observances.
- c) Denying reasonable accommodations due to different physical or mental abilities.
- d) Denying a promotion to an older person, in favour of a younger person because a more youthful appearance is desired.

¹ <https://www.acas.org.uk/if-youre-treated-unfairly-at-work/being-bullied>

- e) Denying time off because the individual is single or does not have a family.

Harassment is unwanted conduct affecting the dignity of individuals in the workplace based on the characteristics listed above. Harassment is conduct perceived as demeaning and unacceptable by the recipient and which creates an intimidating, humiliating or offensive environment. Harassment, as defined in this policy, may be persistent or a single, isolated incident of a severe nature. Harassment can occur in-person, by phone, email, through social media or other electronic communication. Specific examples of conduct constituting harassment include, but are not limited to:

- a) Making offensive jokes or remarks about or using offensive stereotypes relating to race, gender, sexual orientation, religion, disability or other protected characteristics.
- b) The presence of written or graphic material that denigrates or shows hostility or aversion toward an individual or group in the workplace including on walls, in vehicles, on electronic equipment, or elsewhere on the agency's premises or circulated in the workplace.
- c) Making fun of individuals or deprecating them because they are offended by conduct, they consider harassing or unwelcome.

Abuse is intimidating, malicious, or insulting behaviour towards an employee, whether or not that behaviour is based on membership in a particular group. Abuse often involves the misuse of power and is intended to undermine, frighten, humiliate, denigrate, injure or cause harm to the recipient in some way. Abuse is generally of an ongoing/pervasive nature but may also be a single incident or it may be subtle in nature. Abuse can occur in-person, or by phone, email, through social media or other electronic communication. Specific examples of conduct which may constitute abuse include, but are not limited to:

- a) Verbal aggression, such as shouting or swearing.
- b) Persistent, excessive, unwarranted, or unfair criticism.
- c) Public humiliation, ridicule, taunting or unwanted name-calling.
- d) Constant ignoring of opinions or repeated intentional exclusion in the workplace.
- e) The spreading of false and destructive rumours about an employee or the organisation.
- f) Threats of or actual physical assault.
- g) Intimidating someone who has filed a complaint or is considering filing a complaint (see also FSD Kenya Whistleblowing Policy).

5. Use of FSD Kenya resources for harassment or abuse

FSD Kenya prohibits the use of FSD Kenya's work equipment, including computers, cell phones, office walls, vehicles, and internet access for purposes of viewing, displaying, or disseminating discriminatory material, bullying, harassing or abusive in nature.

6. Reporting procedures

Everyone has the right and obligation to report misconduct involving discrimination, harassment, or abuse. Anyone who witnesses but is not the target of discrimination, harassment or abuse is encouraged to report it.

Employees are encouraged, but not required, to first report to their line manager. The employee may also report bullying and harassment concerns directly to the COO.

Staff, supervisors, and managers who receive allegations or complaints of violation of this policy must promptly report them to the Operations Manager or the COO using the transparency@fsdkenya.org.

Visitors and third parties may report bullying by sending an email directly to transparency@fsdkenya.org.

Anyone can report allegations per FSD Kenya [Whistleblowing policy](#).

Reporting of allegations may be done anonymously, although this may impede the ability of FSD Kenya to assess the complaint and conduct a thorough investigation if necessary. FSD Kenya encourages non-anonymous reporting.

7. Confidentiality

Because of the nature and sensitivity of allegations of misconduct involving discrimination, harassment, and abuse, FSD Kenya treats all concerns with respect for the confidentiality of all individuals involved.

FSD Kenya will always seek to maintain privacy during the response process, consistent with the responsibility to uphold safety. Only people with a need to know will 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.

A complainant may also be requested to preserve confidentiality. To the best of its ability, FSD Kenya will work with a complainant to address their concerns around confidentiality to allow effective investigations to go forward. Effective and fair investigations typically require confronting the accused with the allegations.

8. No retaliation

FSD Kenya does not tolerate any form of retaliation against employees, partners or visitors who report suspected misconduct and report in good faith or participate in investigations of this alleged misconduct.

The full protections for persons making reports can be found in FSD Kenya Whistleblowing Policy. Anyone who experiences retaliation for reporting or participating in an investigation involving discrimination, harassment or abuse should immediately report to the Chief Operating Officer or make a report using the whistleblowing hotlines.

FSD Kenya will not require its employees, partners, or visitors to sign or comply with internal confidentiality agreements or statements that prohibit or otherwise restrict them from lawfully reporting violations to a designated investigative or law enforcement representative of a department or agency authorised to receive such information.

9. Consequences for prohibited conduct

FSD Kenya takes allegations of harassment, discrimination, and abuse seriously and is committed to a fair response to all complaints. Complaints will be addressed and investigated as necessary, in line with the principles laid out in the FSD Kenya whistleblowing policy.

FSD Kenya's COO is informed (in a manner consistent with FSD Kenya commitment to confidentiality) of all reports and investigations involving physical assault and provided with useful information to conduct a proper investigation.

Substantiated findings of misconduct will result in meaningful and proportional discipline that will depend on the nature and severity of the conduct and whether and how it can be effectively addressed.

Violations of this policy by employees can be grounds for disciplinary action, including termination. Partners and contractors who violate this policy may be breach of contractual obligations and may have their agreements terminated and prohibited from working with FSD Kenya in the future.

10. Training and awareness

All members are informed and trained on this policy, and the FSD Kenya Code of Conduct. It is mandatory that each member understands the requirements of this policy.

FSD Kenya office will display awareness posters on this policy, including all available reporting mechanisms, translated into the primary language of the office and in prominent locations where all members and visitors will see them.

HR employees, supervisors, and senior leaders will receive training on how to identify and appropriately respond to potential misconduct involving discrimination, harassment, and abuse.

11. Bullying and harassment in third Parties

Where appropriate and when in direct contact with beneficiaries; staff members, consultants, donors, government representatives and visitors will be informed and expected to comply with the requirements of this policy.

Partners and grantees of FSD Kenya are expected to abide by the contents of this policy and hold a similar stance to bullying, harassment and abuse in the workplace.

12. Recruitment

All potential staff members are screened to determine any previous engagement in discrimination, harassment, abuse, or assault.

Staff members or visitors who deliberately engage in misconduct involving discrimination, harassment and abuse will not be rehired by FSD Kenya, whether as an employee, consultant or contractor and, when asked for a reference, FSD Kenya reserves the right to indicate that the individual is ineligible for rehire.

13. Reporting to external parties

When required, reports are disclosed to donors and regulators. If reports include allegations of criminal misconduct, they may also be disclosed to law enforcement to ensure the safety and well-being of all parties involved (refer to the Whistleblowing Policy).

Reports to any external party will be made under the authorisation of the COO. Trustees will be informed of such reports.

14. Roles and responsibilities

All staff have a responsibility to read, understand and fully comply with the requirements of this policy.

FSD Kenya project leads and management is responsible for

- a) Maintaining a friendly work environment and foster a culture of respect and inclusion with no tolerance for discrimination, harassment, abuse, or abuse.
- b) Ensuring that all allegations of misconduct involving discrimination, harassment, abuse, or assault are taken seriously, treated confidentially and given high priority.
- c) Protect staff members, partners or visitors who report allegations or participate in investigations from any forms of retaliation.

COO and CEO is responsible for overseeing the full implementation of this policy in all aspects of operations including the investigations of complaints related to this policy.

The FSD Kenya PIC is responsible to provide governance oversight over the implementation of this policy,

FSD Kenya Trustees are responsible for ensuring that procedures and systems put in place are effective and adequate.

15. Review

The Chief Operations Officer is responsible for overseeing and updating this policy and associated procedure, taking into consideration any legal obligations and other external requirements. This policy will be reviewed after every two years.

16. Related Policies

- a) Code of conduct
- b) Whistleblowing policy
- c) Misconduct, disciplinary and grievance Policy
- d) Safeguarding and prevention of sexual harassment, exploitation, and abuse policy