

# POLICY ON HARASSMENT, BULLYING, DISCRIMINATION AND ABUSE OF AUTHORITY

POLICY NO: HR/2020/05	
Status: <b>APPROVED</b>	Implementation date: 22 November 2020
Board Resolution No: TM/BR/2020/008	Approved Date: 22 November 2020
AMENDMENT/ REVIEW	
Status: -	Implementation date: -
Board Resolution No: -	Approved date: -

## 1. Introduction

Transparency Maldives (TM) is committed to providing a safe work environment for its employees free from harassment, bullying, abuse of authority and/or discrimination. TM operates a zero-tolerance policy for any form of harassment, bullying, abuse of authority and/or discrimination in the workplace and shall treat all reported incidents seriously and promptly investigate allegations of such incidences.

This policy is developed based on best practices and standards followed by TI chapters and supports the provisions of non-discrimination, equal employment and safe work environment in line with the Employment Act of the Maldives (Act No: 2/2008) and Prevention of Sexual Harassment Act (Act No: 16/2014).

## 2. Definitions and scope of the policy

For the purpose of this policy, the following definitions will apply:

- **Harassment:** an unwanted conduct of behaviour with the purpose of or effect of violating the dignity of the person concerned and of creating an intimidating, hostile, degrading, humiliating or offensive environment because of a person's actual or perceived origin, gender, religion or belief, disability, age, sexual orientation or other aspects of identify.
- **Bullying:** similar to harassment in the sense that it reflects offensive, hostile or oppressive behaviour. The main difference between bullying and harassment is

that while harassment is related to equality grounds, bullying may be done for other reasons such as jealousy, personal dislike, revenge, or insecurity.

- **Sexual harassment:** occurs when the unwanted conduct is of sexual nature, typically an unwelcome sexual advance and where people are made to feel sexualized because of their gender.
- **Discrimination:** any unfair treatment or arbitrary distinction based on a person's race, sex, gender identity, religion, nationality, ethnic origin, sexual orientation, disability, pregnancy, age, language, social origin, or other status. Discrimination may be an isolated event affecting one person or a group of persons similarly situated or may manifest itself through harassment or abuse of authority.
- **Abuse of authority:** improper use of a position of influence, power, or authority by TM personnel against TM or external personnel or a group thereof. This includes situations when the person in question uses their influence, power or authority to arbitrarily influence the career or employment conditions (including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion) of other TM or external personnel.

Examples of harassment, sexual harassment, bullying, abuse of authority and discrimination are given in Annex 1.

Normal management discussions with employees may find it necessary to provide both positive and negative feedback. The mere expression of disagreement, admonishment, criticism, negative feedback, or similar expressions regarding work performance, conduct or related disciplinary issues within a supervisory relationship shall not normally be considered as harassment, bullying, discrimination, or abuse of authority within the meaning of this policy.

### 3. Application of the policy

This policy applies to TM Board members, individual members, staff, volunteers, and interns of TM.

Any form of act seen as or perceived as harassment, sexual harassment, bullying, discrimination or abuse of authority engaged by TM Board members, individual



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members, staff, volunteers and interns of TM against one another will be considered as serious misconduct or offences under this policy.

TM recognizes that these acts may occur during and outside working hours and the workplace itself. As such, all allegations, complaints and grievances related to harassment, sexual harassment, bullying, discrimination or abuse of authority defined in this policy, within and outside the work environment, and during and outside of official working hours, will be taken seriously and investigated under this policy.

Any personnel found in breach of this policy will also be considered as violating TM's Code of Conduct and will be subjected to strict disciplinary actions, such as dismissal from employment and loss of membership.

#### **4. Responsibilities of members, staff, volunteers, and interns**

In line with TM's commitment to creating a safe working environment, TM's Board, members, staff, volunteers, and interns are expected to observe the following minimum standards of behaviour:

- Refrain from any form of harassment, bullying, sexual harassment, abuse of authority or discrimination and demonstrate commitment to the prevention of such acts.
- Treat all people in the workplace, at all times and in all places within and outside the office environment, with courtesy and respect.
- Familiarize themselves with this policy and demonstrate commitment to uphold this policy.
- Ensure that they do not assist or encourage others to engage in harassment, bullying, sexual harassment, abuse of authority or discrimination.
- Report allegation of incidents of harassment, bullying, sexual harassment, abuse of authority or discrimination that come to their attention, after consulting with affected individuals or support affected individuals to report directly.
- Maintain confidentiality of any information and communication obtained if they are part of the investigative or complaints mechanism process established to address reported incidents of harassment, bullying, sexual harassment, abuse of authority or discrimination under this policy.



## 5. Responsibilities of Board, management, and supervisors

TM's Board, management and supervisors in particular have special obligations to prevent and deter prohibited conducts and as such, must uphold the following:

- Demonstrate role-model behaviour to uphold TM's Code of Conduct, foster a safe and healthy working environment free from the prohibited conducts outlined in this policy.
- Communicate the policy to their subordinates and encourage subordinates to report incidences of prohibited acts in accordance with this policy.
- Ensure to report and address incidences of prohibited conducts that come to the attention of managers and supervisors in line with this policy.
- Ensure fairness and impartiality in addressing and investigating reported incidences of prohibited conducts.
- Ensure that all discussions, communications, and actions are handled with extreme discretion and maintain confidentiality of such communications.
- Ensure appropriate action is taken to prevent re-victimization and prevent acts of retaliation against personnel who report such incidences.

Although consensual, intimate relationships between managers/supervisors and subordinates or between members, staff, volunteers, and interns, are not prohibited at TM, members/managers/supervisors or those in positions of authority must recognize that such relationships may give rise to conflict of interests and lead to allegations of favoritism. They may also lead to complaints of sexual harassment if the relationship sours and the subordinate alleges that they were coerced into the relationship. Members/managers/supervisors or those in positions of authority engaging in such relationships are advised to consult with ED/Ethics Committee and disclose the nature of the relationship promptly.

## 6. Complaints resolution mechanism

Individual members, staff, volunteers and interns of TM who believe they are affected or subjected to harassment, bullying, sexual harassment, discrimination or abuse of authority, may seek resolution through an informal or formal process described in Sections 7 and 8 below.



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The processes described in this policy are neither mandatory nor listed in priority order and does not prevent affected individuals from reporting allegations to other relevant authorities outside TM.

## 7. Informal process

An informal process provides both the complainant and complainee the opportunity to resolve the complaint in an open, non-threatening and non-contentious manner. The informal options available to the complainant are:

- **Approaching the alleged offender directly:** affected individuals may, on a voluntary basis, and if they feel comfortable doing so, approach the alleged offender directly and request that the alleged behaviour cease.
- **Managerial intervention:** affected individuals may raise the issue with their supervisor, on a voluntary basis and if they feel comfortable doing so. Managers should enact appropriate protective measures, such as supporting the affected individual to report or reporting on behalf of the affected individual. If the supervisor is uncertain how to proceed, the supervisor should seek ED's advice immediately. If the allegations are against ED, the supervisor should seek Board/Chairpersons advice on how to proceed.

## 8. Formal process

Affected individuals can choose to by-pass the informal process and directly lodge a formal complaint to TM.

Complaints should be submitted to ED via letter or email and should contain the following information. If the complaints are directed at ED, the complaint can be sent to any member of the Board.

- Name of the alleged offender
- Name of the alleged victim (if the complaint is made by a third party)
- Description of the alleged incident(s) of harassment/ bullying, sexual harassment, abuse of authority/ discrimination (with dates and locations where possible)
- Name of witnesses who can corroborate the allegation
- Documentary proof (where possible)



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Complaints can be lodged anonymously. However, in such cases, the complainant must provide sufficient information concerning the basis of the allegation, so that the matter can be pursued adequately.

Upon receipt of the formal complaint, ED/Board will establish an internal committee to investigate the complaint. The committee will comprise of at least 3 members and can be drawn up from Board members and staff. The Board can decide to invite independent individuals from outside TM to sit in the committee. The committee must be established within 7 (seven) working days upon receiving the complaint.

The main responsibilities of the internal committee will be to:

- Gather information and investigate the complaint
- Interview witnesses and other sources, obtain and examine evidence
- Communicate findings of the investigation with recommended action(s)

Findings and recommendations of the internal committee will be communicated to ED/Board. The internal committee must complete their investigation and communicate their findings to ED/Board within 60 (sixty) days. Upon receiving the recommendation of the internal committee, ED/Board must implement the recommendations within 2 (two) weeks.

## **9. Investigation without a formal complaint**

ED/Board may initiate an investigation into allegations of harassment, bullying, sexual harassment, abuse of authority and discrimination, at their own initiative, without a reference to a formal complaint. Such initiatives should however be supported with a written brief compiled by ED/Board noting their observations or information obtained on alleged incidents and submitted to the internal committee for investigation.

## **10. Conclusion of investigations and actions to take**

Based on the recommendations of the internal committee's findings, ED/Board will take actions recommended by the committee.



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- a) Disciplinary measures against TM staff, volunteers and interns will be implemented and enforced by the ED.
- b) Disciplinary measures against ED will be implemented and enforced by Board members.
- c) Disciplinary measures against Board members (other than Chairperson) will be implemented and enforced by the Chairperson.
- d) Disciplinary measures against the Chairperson will be implemented and enforced collectively by the remaining Board members.

### **11. Wrongful accusations**

If the internal committee concludes that the complainant has intentionally made false statements in connection with lodging a formal complaint or provided inaccurate information to initiate an investigation, disciplinary measures recommended by the committee will be taken against the complainant.

TM Board and management should ensure that no additional actions or measures are taken, other than what is recommended by the internal committee, against the complainant and take all measures to prevent retaliation against the complainant.

### **12. Prevention of re-victimization and retaliation**

If the internal committee establishes that the complainant allegations are accurate and concludes formal disciplinary action taken against the complaine, TM Board and management should ensure that the affected individual are not re-victimized or any form of retaliation action is taken against the affected individual.

### **13. Appeal**

If an individual is unhappy with the actions taken as a result of the recommendations of the internal committee, the individual may appeal to the Board to re-consider the decision of the internal committee. Alternatively, the individual also has the right to appeal to any relevant institution in the Maldives.



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#### **14. Timeframe for reporting**

Early reporting is critical to the success of the internal committee's investigation and TM members, staff, volunteers and interns are encouraged to report incidences of harassment, bullying, discrimination and abuse of authority within 1 (one) year of the incident or sooner. Initiations taken by ED/Board or lodging formal complaints by a third-party on behalf of an affected individual should also be reported within 1 (one) year of the incident or sooner to support the investigation process.

The internal committee may deliberate on the feasibility of proceeding an investigation if the complaint involves incidence(s) that are more than 1 (one) year old.

#### **15. Implementation of the policy**

This policy will be implemented following approval of the policy by Board and after circulation of the policy to all TM employees.

Any subsequent changes brought to the policy will be approved by the Board and disseminated to all employees.

This policy, together with subsequent change to this policy, will also be published in TM's website.



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## **Annex 1: Examples of behaviour constituting harassment, sexual harassment, bullying, discrimination, and abuse of authority**

### **Harassment**

Harassment may be verbal or non-verbal and may be physical in nature. Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another person or persons or which create an intimidating, hostile and/or offensive work environment. Harassment does not have to be intentional or deliberate; rather it exists when it is perceived as offensive by a reasonable individual.

Examples of verbal harassment include:

- Verbal abuse, insults and name-calling;
- Using unwelcome 'pet' names or name-calling;
- Shouting and aggressive behavior;
- Using a person as the constant or repeated target of jokes;
- Derogatory or offensive nicknames;
- Innuendo or other suggestive, offensive or derogatory comments or jokes about a person's gender identity or sexual orientation;
- Unwanted and/or demeaning comments on dress, appearance, or physical characteristics;
- Slandering or maligning another person's reputation by gossip, rumour and ridicule;
- Persistently making unwarranted critical or patronizing remarks in front of others or 'behind a person's back';
- Unwarranted, intrusive or persistent questioning about a person's ethnic or racial origin including their culture or religion;
- Repeated and unwanted notes, messages or calls;
- Notes, messages or calls that are abusive, threaten, insult, attempt to coerce, humiliate or intimidate;
- Leaving an abusive, insulting or threatening message in work spaces;
- Putting pressure on a person to participate in political or religious discussions of groups;
- Suggestive remarks about a person's clothing, body, hairstyle, appearance or any aspect of their person or personal possessions.

Examples of non-verbal harassment include:

- Social exclusion, isolation or non-cooperation at work;
- Hostility demonstrated through sustained unfriendly contact or exclusion;
- Repeated use of offensive gestures;
- Displays of offensive material including posters, photographs, cartoons, graffiti, objects, or messages left on notice boards, desks or common areas;
- Repeated giving of unwanted gifts or invitations;
- Repeated staring or aggressive facial expressions;
- Keeping or sending inappropriate screensavers that may cause offence to others;
- Spreading malicious rumors;
- Using e-mail, instant messaging or social media platforms to send abusive, threatening or insulting images to, or about, another employee or employees;
- Repeatedly isolating, ignoring or excluding someone.

Examples of physical harassment include:

- Unwanted, uninvited or inappropriate touching, patting, hugging or other physical contact (e.g. massaging a person without invitation or deliberately brushing up against them);
- Punching, hitting, pushing, slapping, kicking, or biting another person.
- Tripping another person;
- Throwing an object at another person or attacking a person with an object.



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## **Sexual harassment**

While sexual harassment typically involves a pattern of behaviour, it can take the form of a single incident. Individuals regardless of gender identity can be complainants or alleged offenders.

Examples of sexual harassment include:

- Repeated requests or other forms of pressure for a sexual or other personal — rather than professional — relationship (e.g. repeated requests for 'a date');
- Unwarranted, intrusive or persistent questioning about a person's marital status or sexual interests, history or orientation;
- Obscene messages sent by text message, email, video chat, social media platform or left on an answering machine or voice mail;
- Open or implied threat that submission to sexual advances will be a condition of some form of commendation, work status or access to promotion or development opportunity or positive performance evaluation;
- Remarks speculating about a person's sexual activities or history, or remarks about one's own sexual activities or history;
- Displays of material of a sexual nature (including pornography) including posters, pinups, cartoons, graffiti, objects, or messages left on notice boards, desks or common areas;
- A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating distress and/or humiliation in another person;
- Innuendo or other suggestive, offensive or derogatory comments or jokes about a person's gender identity or sexual orientation;
- Unwanted, uninvited or inappropriate touching, patting, hugging or other physical contact (e.g. massaging a person without invitation or deliberately brushing up against them).

Rape, attempted rape, sexual assault, or any sexual act committed using coercion or without consent are criminal offences and should be reported to relevant authorities immediately.

## **Bullying**

Bullying is seen as acts or verbal comments that could 'mentally' hurt or isolate a person in the workplace. Sometimes, bullying can involve negative physical contact as well.

Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.

Examples of bullying include:

- Spreading malicious rumours, gossip, or innuendo.
- Excluding or isolating someone socially.
- Intimidating a person.
- Undermining or deliberately impeding a person's work.
- Physically abusing or threatening abuse.
- Removing areas of responsibilities without cause.
- Constantly changing work guidelines.
- Establishing impossible deadlines that will set up the individual to fail.
- Withholding necessary information or purposefully giving the wrong information.
- Making jokes that are 'obviously offensive' by spoken word or e-mail.
- Intruding on a person's privacy by pestering, spying or stalking.
- Assigning unreasonable duties or workload which are unfavourable to one person (in a way that creates unnecessary pressure).
- Underwork - creating a feeling of uselessness.
- Being shouted at or the target of spontaneous rage
- Criticising a person persistently or constantly.
- Belittling a person's opinions.



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- Unwarranted (or undeserved) punishment or blamed for problems caused by others
- Blocking applications for training, leave or promotion.
- Tampering with a person's personal belongings or work equipment.
- Regularly threatened with losing your job
- Being constantly picked on
- Being humiliated in front of colleagues

### **Abuse of authority**

Abuse of authority is seen as the act of using one's position in an abusive way to take advantage (eg: by gaining access to information and taking advantage of someone) or manipulating someone with the ability to punish them if they do not comply (eg: blocking promotions, trainings, etc).

Examples of abuse of authority include:

- Unfair delegation of duties or request that an employee undertake personal services unrelated to their official duties;
- Excessive supervision and over-checking of a person's work;
- (Mis)Use of power or personal authority to force an individual not to exercise her/his right to complain, or raise concerns, about potential breaches of standards of conduct or ethical obligations;
- Regularly 'putting down' or singling out an individual and treating him/her differently, typically in a demeaning way;
- Regularly picking on an individual and/or group of people and making them the target of offensive language or gratuitous personal remarks, and/or offensive teasing;
- Regularly taunting, humiliating or embarrassing someone, or a group of people, especially in front of others;
- Forced or offensive or humiliating initiation rites or practical jokes, any or all of which may cause physical or psychological distress;
- Imposing sanctions or other forms of punishment without reasonable justification;
- Preventing an individual's progress by intentionally blocking or interfering with promotion for unjustifiable reasons;
- Reacting to a minor problem or issue with the same severity as a major one;
- Inappropriately disclosing or threatening to disclose confidential information about an individual, whether relating to personal or professional matters;
- Changing the duties or responsibilities of employees without reasonable justification;
- Over-monitoring an employee with malicious intent, such as deliberately focusing on 'tripping them up';
- Manipulating the nature of the work to undermine the person being bullied, such as by unfairly and unjustifiably overloading an employee with work, inappropriately withholding information, or repeatedly setting meaningless or trivial tasks;
- Inconsistent management style where some individuals are unfairly favoured over others;
- Persistently and inappropriately finding fault with a person's work and using this as an excuse to humiliate the person rather than trying to improve performance;
- Constantly picking on a person when things go wrong even when he/she is not solely or primarily responsible for any perceived shortfall in performance;
- Persistently making negative attacks on personal or professional performance or competence without good reason or legitimate authority;
- Persistently setting objectives with unreasonable or impossible deadlines or unachievable tasks;
- Asserting a position of intellectual superiority in an aggressive, abusive or offensive manner.

### **Discrimination**

Discrimination may be an isolated event affecting one person or a group of persons similarly situated, or may manifest itself through harassment or abuse of authority.



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Any of the examples of harassment and abuse of authority above, when based on the person's race, sex, gender identity, religion, nationality, ethnic origin, sexual orientation, disability, pregnancy, age, language, social origin or other status, also constitute discrimination.

Examples of discrimination include:

- Not recommending or considering an employee for promotion or other advancement, or treating someone differently for any other purpose, e.g., development opportunities, working overtime, vacation, hours of work, exclusion from meetings, etc. because of race, sex, gender identity, religion, nationality, ethnic origin, sexual orientation, disability, pregnancy, age, language, social origin or other status;
- Derogatory or offensive nicknames based on a person's race, sex, gender identity, religion, nationality, ethnic origin, sexual orientation, disability, pregnancy, age, language, social origin or other status;
- Demeaning comments about a person's language, dress, or physical characteristics. This also includes criticizing people for items worn for religious or cultural reasons;
- Denigrating specific cultural or religious festivals, or making derisory comments against an individual's beliefs;
- Social exclusion on the basis of a person's race, sex, gender identity, religion, nationality, ethnic origin, sexual orientation, disability, pregnancy, age, language, social origin or other status;
- Jokes or inappropriate comments and questioning about a person's abilities;
- Unwarranted, intrusive or persistent questioning about a person's ethnic or racial origin including their culture or religion.



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