



Sexual Harassment Policy



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1 Background

Preferred by Nature requires its employees [hereafter “employees”] and “volunteers, contractors, collaborators and representatives, including board members and advisors,” [hereafter “associates”] to observe high standards of professional and personal ethics in the conduct of their duties and responsibilities. These standards are enshrined in Preferred by Nature’s internal policies, including the Preferred by Nature Way, that apply to all Preferred by Nature employees and associates in addition to compliance with applicable laws and regulations.

This policy emphasises Preferred by Nature’s zero-tolerance approach to sexual harassment, reflecting our commitment to eradicating sexual harassment and other forms of harassment from our workplace and related activities. The policy applies to all Preferred by Nature employees and associates, with the aim of ensuring a safe and mutually respectful working environment and is in line with our duty of care to protect the safety of our employees and associates in our workplace.

2 Zero tolerance approach

Preferred by Nature prohibits sexual harassment and any other harassment in all workplace contexts and related activities, including outside of the conventional workplace such as, but not limited to, at staff quarters, meetings and conferences, during travel, work-related social events, and in the digital realm.

All Preferred by Nature employees and associates are responsible for reporting incidence of such harassment in a timely manner. Preferred by Nature’s Whistleblower Policy applies to all reports relating to sexual and other types of harassment.

Any person may report the incidence of sexual harassment using the complaints procedure outlined in Section 4. Preferred by Nature’s Confidentiality Policy applies to all reports relating to sexual harassment and any subsequent case management.

Upon due investigation, any employee or associate found in violation of this policy shall be subject to the disciplinary procedure outlined in Section 6.

In countries where sexual harassment is unlawful, Preferred by Nature shall fulfil its legal duty to report the incident to the relevant authorities in a timely fashion. Preferred by Nature shall offer our full cooperation and not obstruct any of the actions carried out by the authorities.

3 Sexual Harassment

“Sexual harassment” happens “where any form of unwanted verbal, nonverbal or physical conduct of a sexual nature occurs, with the *purpose* or *effect* of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment”.¹

An “intimidating environment” includes placing a condition on the recipient’s employment or career prospects. This is particularly relevant where sexual harassment occurs in workplace contexts, for example, when a recipient feels they have no choice but to endure the sexual harassment so that they don’t lose their job or jeopardise their career prospects.

In particular:

¹ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

If the unwanted conduct is intended (i.e. on purpose) to violate a person's dignity, place a condition on the recipient's employment or career prospects, or create an offensive environment, it does not matter whether the unwanted conduct has that effect or not. It is considered sexual harassment.

If the unwanted conduct is not intended (i.e. *not* on purpose) to cause distress, yet the unwanted conduct has the effect of violating a person's dignity, placing a condition on the recipient's employment or career prospects, or creating an offensive environment, it is still considered sexual harassment.

"Conduct of a sexual nature" refers to a wide range of behaviours such as, but not limited to:

- Sexual comments, jokes or sexual rumours about a person;
- Displaying sexually graphic pictures, videos or photos;
- Sexual gestures;
- Sexual contact via email or text messaging;
- Sexual posts on social media, or sexually offensive communications;
- Intrusive questions about a person's private or sex life, and discussing your own sex life;
- Propositions and sexual advances;
- Making promises of job perks or promotions in return for sexual favours; and
- Criminal behaviour, including sexual assault, stalking, and indecent exposure.
- Sexual conduct or sexual interaction that is consensual, mutual, or invited is not considered as sexual harassment because it is not unwanted. However, sexual conduct or interaction that has been welcome in the past can become unwanted.
- The recipient of the behaviour determines whether it is wanted or unwanted conduct. In other words, it is the recipient's perspective, given the circumstances at the time, that determines whether their dignity has been violated or whether an offensive environment has been created.

It is useful to bear in mind that:

- Behaviour that may seem harmless to one person may be perceived differently and more seriously by another.
- There are many factors that can influence how people react to sexual conduct and the boundaries that people have in determining what is unwanted or unacceptable sexual conduct. Factors can include the professional seniority and relative power, age, gender, ethnicity and the cultural background of the people involved.
- Even if the unwanted conduct was not intended to cause distress or offend, it may have the effect of creating an offensive environment or placing a condition on the employment or career prospects of the recipient.
- It does not matter if the unwanted conduct is considered a norm or acceptable to other people or in the work environment.
- Sexual harassment that occurs in work contexts is especially distressing because it places a condition on the employment or engagement of the recipient. A recipient is unable to escape the unwanted conduct and may avoid reporting incidents of sexual harassment, especially by persons holding positions of power, because the recipient feels intimidated, scared, embarrassed or humiliated.
- Sexual harassment can be experienced by anyone, irrespective of their age, gender, sexual orientation, ethnicity, education, professional seniority or affiliation, or other socio-economic characteristics.

- A person can experience sexual harassment from someone of the same or different gender, and from a single person or group of persons.
- Sexual harassment can occur even when the unwanted conduct is not directed at a specific person or group of persons, but it has the effect of creating an offensive environment (i.e. it can be witnessed, overheard, viewed on social media, etc.).
- Sexual harassment can be a one-off incident. It does not need to be repeated or recurring for it to be considered sexual harassment.

Examples of sexual harassment include:

- An employee imitates a sexual act at work that makes a colleague feel degraded.
- A consultant uses sexually offensive language in a discussion with an employee which causes the employee to feel distressed and offended.
- At the office party, a female employee witnesses her male colleagues sharing photos of topless women on their phones and this causes her to feel denigrated and offended.
- An employee is invited by his supervisor to join her in her hotel room after a conference dinner and he feels intimidated to refuse.
- A manager makes a sexual proposition to a male employee and he refuses her. The manager then denies him a job promotion.
- An employee takes an upskirt photo of a female colleague at the office party.
- A group of senior managers are telling jokes related to sexual orientation and this is overheard by a junior staffer and causes him to feel humiliated and denigrated.

4 Complaints Procedure

This section outlines the procedure for reporting, receiving, and processing incidents of sexual harassment. All Preferred by Nature employees and associates are responsible for reporting incidents of sexual harassment. Any person – irrespective of whether they are Preferred by Nature employees and associates - may report the incidence of sexual harassment

4.1 Duties of the Receiving Officer

The regional HR specialist shall be the Receiving Officer and shall administrate sexual harassment complaints and immediately inform and consult with the HR Manager in all cases.

The responsibilities of the Receiving Officer include:

Receive and record all complaints in a securely stored and confidential case log.

Report complaints to the HR Manager earliest possible;

Develop an action plan outlining time-bound steps in conducting the internal investigation into each complaint. The action plan shall be approved by the HR Manager;

Provide secretariat support to the internal investigation, including support to the Investigating Officer and Investigating Panel;

Engage independent third-party experts, as appropriate;

Engage language interpreters and ensure that documents and materials are available in languages appropriate for the people involved;

Liaise with the complainant in a timely fashion and ensure that the complainant is informed and consulted on the action plan, the internal investigation, and any other steps taken; and

Prepare the case report for submission to the Chief Operating Officer for further action.

The Receiving Officer shall adhere to Preferred by Nature's Whistleblower Policy and Confidentiality Policy in the administration of the sexual harassment complaints procedure.

Preferred by Nature shall take all reasonable measures to communicate this complaints procedure and contact details of the Receiving Officer, HR Manager and Chief Operating Officer to Preferred by Nature employees and associates, and other parties (e.g. clients, local communities, etc.) who may be interacting with Preferred by Nature.

4.2 Reporting sexual harassment

Any person may report sexual harassment by submitting a formal complaint to the Receiving Officer. This can be done by using the form in Annex 1 to this report or by regular email or other electronic means

In exigent circumstances, complaints may be submitted via phone call, text messaging or other means deemed expedient given the circumstances at the time. In this situation, the Receiving Officer shall make copies of all communications (e.g. audio recording, transcripts, text messages, photos, etc.) and process the complaint duly and in a timely fashion.

4.3 Internal investigation into reported sexual harassment

The Receiving Officer shall, within 24 hours of receiving the complaint, record the complaint in the case log and report the complaint to the HR Manager.

The HR Manager shall, within 48 hours and based on the merits of the complaint, determine whether to initiate an internal investigation.

If an internal investigation is instructed, the Receiving Officer shall develop, and submit for approval of the HR Manager, an action plan outlining the time-bound steps in the internal investigation, which shall be conducted according to the procedure outlined in Section 4.

If no internal investigation is instructed, the Receiving Officer shall prepare the case report for submission to the HR Manager and inform the complainant of the outcome.

In the event of and upon conclusion of an internal investigation, the HR Manager shall instruct the Receiving Officer to prepare the case report for submission to the Chief Operating Officer

Chief Operating Officer shall, based on the merits of the case report, be responsible for determining the next course of action, including reporting the case to the Preferred by Nature Executive Director and/or other Preferred by Nature employees as appropriate.

The Chief Operating Officer shall instruct the HR Manager and/or the Receiving Officer to formally inform the complainant of the outcome in writing and advise on actions and/or next steps, if any.

Any person who wishes to dispute the outcome of an internal investigation or the actions or decisions of any of the Preferred by Nature officers involved in the handling of a sexual harassment case may submit a written appeal to the Preferred by Nature Executive Director within 7 days of being informed of the outcome.

Unlawful conduct shall be reported to the authorities

Incidents of unlawful or suspected unlawful conduct shall be reported to the relevant authorities with immediate effect.

Preferred by Nature shall fully cooperate with and not obstruct the actions taken by the authorities.

5 Internal Investigation Procedure

This section outlines the procedure for conducting an internal investigation into a sexual harassment case. It is the responsibility of the HR Manager to determine whether to initiate an internal investigation.

Preferred by Nature is committed to ensuring a transparent, timely and fair internal investigation into any reported complaints of sexual harassment.

The HR Manager shall, within 48 hours of receiving a sexual harassment complaint from the Receiving Officer, instruct the Receiving Officer to develop an action plan outlining time-bound steps in conducting an internal investigation into the reported incident.

The HR Manager shall appoint the Investigating Officer as the person responsible for conducting the investigation. In appointing the Investigating Officer, the HR Manager may appoint the Receiving Officer, or select an appropriate candidate from within Preferred by Nature, or appoint an independent third-party to the role.

The Investigating Officer shall maintain close communications with the Receiving Officer and HR Manager at all stages of the investigation.

The HR Manager may, based on the merits of the case and in consultation with the Chief Operating Officer, appoint a three-member Investigating Panel comprising persons from within Preferred by Nature and, where appropriate, from independent third parties. The panel shall be responsible for oversight of the Investigating Officer, ensuring the robustness of the investigation process, evaluation of the findings, determination of recommendations for action, and shall be responsible for approving the investigation report prior to submission to the HR Manager. Persons appointed to the Panel shall declare any conflicts of interest in relation to the case or people involved.

The internal investigation shall conduct activities that include but are not limited to:

Conduct interviews with the parties involved;

Conduct interviews with witnesses and/or other parties possessing relevant information to the case;

Collect documentary evidence (e.g. testimonials, photos, emails, social media posts, etc.) relevant to the case; and

Examination of the site(s) where the incident took place.

The Investigating Officer shall complete the investigation no later than 14 days from the receipt of the complaint with the submission of the investigation report to the HR Manager. The investigation report will include a description of activities conducted in the investigation, findings, implications and recommendations for action.

In the event of extenuating circumstances, which prevent the expedient completion of the investigation, the Investigating Officer shall complete the investigation within 21 days of receipt of the complaint with the submission of the investigation report to the HR Manager.

Upon conclusion of the internal investigation, the HR Manager shall instruct the Receiving Officer to prepare a case report for submission to the Chief Operating Officer for further action. The case report shall contain all information pertaining to the case, including the investigation report and any other materials (e.g. records of communications with the complainant, media coverage, legal filings and documents, etc.) relevant to the handling of the case.

The Chief Operating Officer shall, based on the merits of the case report, be responsible for determining the next course of action, including reporting the case to the Preferred by Nature Executive Director and/or other Preferred by Nature employees as appropriate.

To prevent the escalation of conflict or further trauma, the HR Manager may instruct the temporary relocation or separation of the people involved in the complaint with immediate effect and until the outcome of the investigation is determined.

6 Appeals

Any person who wishes to contest the outcome of an internal investigation or the actions or decisions of any of the Preferred by Nature officers involved in the handling of the case may submit an appeal to the Preferred by Nature Executive Director within 7 days of being informed of the outcome.

Appeals are to be submitted in writing to the Preferred by Nature Executive Director who shall report the appeal to the Chair of the Preferred by Nature Board within 24 hours.

The Preferred by Nature Executive Director shall ensure full disclosure of all information pertaining to the case to the Chair of the Preferred by Nature Board.

The Chair of the Preferred by Nature Board shall, based on the merits of the appeal, initiate an inquiry by appointing an Inquiry Officer and appointing three members of the Preferred by Nature Board to the Inquiry Panel. The Inquiry Officer and Panel shall complete the inquiry within 14 days of the receipt of the appeal with the submission of a case report to the Chair.

Upon conclusion of the inquiry, the Chair of the Preferred by Nature Board shall inform the appellant of the outcome in writing and advise on next steps, if any.

7 Disciplinary Actions

Summary dismissal or termination of contract

Preferred by Nature reserves the right to summarily dismiss or terminate contractual relations with any person found guilty of sexual harassment with immediate effect. This applies to outcomes arising from the internal investigation procedure outlined in Section 4 or from any lawfully mandated investigation by the relevant authorities.

The Chief Operating Officer shall issue a termination letter that includes a written statement outlining the nature of the misconduct and consequences thereof that justify the termination of the offending person's contract with immediate effect.

Exemptions on good faith

The Chief Operating Officer may determine to grant an exemption to Section 6.1. This decision shall be based on the recommendations of the case report and in consultation with the complainant(s) and/or victim(s).

Exemptions shall be granted on good faith that the offending person recognises what they have done wrong, that they will take the necessary measures towards continuous self-improvement, and that they commit to upholding Preferred by Nature's standards of professional and personal ethics.

In granting an exemption, the Chief Operating Officer shall issue a written warning to the offending person and instruct the HR Manager to administer/supervise any recommended actions (e.g. suspension, fulfilment of community service programmes, seek treatment or counselling, etc).

A maximum of two exemptions shall be granted to any single offender.

8 Remedial Action for Victims of Sexual Harassment

Preferred by Nature is committed to supporting victims of sexual harassment and protecting their professional interests and standing in the organisation.

Forms of support for victims are decided on a case by case basis and may include:

- Granting immediate leave with pay until the outcome of the investigation has been determined.
- Granting extended leave with pay to allow victims to seek treatment and recuperate; and
- Covering the costs of professional counselling for a period not exceeding 12 calendar months from the receipt of the first complaint.
- All other forms of remedial action shall be at the discretion of the Preferred by Nature Executive Director in consultation with the Preferred by Nature Board.

9 Monitoring and Review

This policy shall come into effect upon the date of announcement by the Preferred by Nature Executive Director.

The HR Manager shall be responsible for the timely training of Receiving Officers and any other Preferred by Nature officers who will be directly involved in administering this policy. This includes ongoing training and capacity building support over the lifetime of this policy.

The HR Manager shall take all reasonable measures to create awareness and provide training opportunities that enable the eradication of all forms of sexual discrimination, including sexual harassment, to the employees and associates of Preferred by Nature.

The HR Manager shall be responsible for preparing an annual organisational report to track the implementation of this policy, including an impact analysis. Annual reports shall at all times comply with Preferred by Nature's Whistleblower Policy and Confidentiality Policy.

This policy and any subsidiary guidelines and procedures shall be subject to review every five years from the date of effect. The HR Manager shall develop and implement a time-bound action plan to conduct the review.

10 Annex 1. Harassment Complaint Form

Preferred by Nature is committed to provide a safe work environment to their staff and encourages all to inform of any negative behaviours that can threaten such envisioned environment. Preferred by Nature as well guarantees that all information included in the form below shall be stored securely and confidential throughout the process and beyond.

Name of the Complainant:

Division & Unit:

Phone Number:

E-mail:

Date when this form is being submitted:

Name of the Accused:

Division & Unit:

Relationship of the Accused to the Complainant (manager, co-worker, client, etc.):

Phone Number:

E-mail:

Date of Incident:

(If more than one event, please list each event on a separate bullet point or number if closely related, or on a separate form if applicable.)

Where did the event occur?

(If more than one event, please follow the structure you listed the different events above.)

Please explain the events as detailed as possible:

(If more than one event, please follow the structure you listed the different events above.)

How did you react to the situation? Did you take any action to stop perceived inappropriate behavior?

(If more than one event, please follow the structure you listed the different events above.)

Describe the harm you have suffered as a result of the event.

(If more than one event, please follow the structure you listed the different events above.)

Were there any witnesses to this specific event? (If yes, please provide their names.)

(If more than one event, please follow the structure you listed the different events above and give a detailed explanation of which witnesses interacted in each event.)



Have you contacted your line manager, HR contact or any other authority before this form? (If yes, please provide their names and titles and contact.)

(If more than one event, please follow the structure you listed the different events above.)

Have you contacted local authorities to report outside the organization? (If yes, please provide a detailed explanation.)

(If more than one event, please follow the structure you listed the different events above.)

Is there any physical evidence that supports your complaint? If so, please describe or attach copy of evidence.

(If more than one event, please follow the structure you listed the different events above.)

What is your desired outcome of the investigation?

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence Preferred by Nature deems relevant.

Signature

Date

Please fill, sign and return this form to Human Resources.

About us

Preferred by Nature (formerly known as NEPCo) is an international non-profit organisation working to support better land management and business practices that benefit people, nature and the climate. We do this through a unique combination of sustainability certification services, projects supporting awareness raising, and capacity building.

For more than 25 years, we have worked to develop practical solutions to drive positive impacts in production landscapes and supply chains in 100+ countries. We focus on land use, primarily through forest, agriculture and climate impact commodities, and related sectors such as tourism and conservation. Learn more at www.preferredbynature.org

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