

CERP

Harassment Policy

Harassment

CERP is committed to creating and maintaining a workplace free from harassment for all team members regardless of organizational rank, sex, tenure, or type of employment. As such, all reports of harassment will be investigated (informally or formally). There will be zero tolerance of harassment and offenders will be dismissed from CERP.

Definitions

- 1. Harassment:** Harassment is unwelcome verbal or physical behavior that is sufficiently severe and/or pervasive enough to unreasonably interfere with an individual's work experience, working conditions or living conditions by creating an intimidating, hostile, or offensive work environment. Behavior that exemplifies harassment includes, but is not limited to:
 - a. Embarrassing, suggestive, antagonistic, coercive or threatening language, postures, or actions;
 - b. Unwelcome physical contact and or persistent invitations or requests;
 - c. Displays of pornographic, racist, sexist, or other derogatory materials;
 - d. Treating anyone differently, or making persistent and unwelcome remarks pertaining to personal characteristics described in the previous section on discrimination
 - e. Taunting, teasing, name-calling, spreading false rumors, public belittlement, cyber-bullying, or using silent treatment or refusal to acknowledge another;
 - f. Physical violence against a person or object
- 2. Complainant:** The individual who has faced harassment
- 3. Inquiry committee:** A three-person committee, with a designated chairperson, that will investigate formal harassment complaints.
 - a. Composition: The members must comprise of at least one woman, one member shall be from senior management, and one shall be a senior employee. One or more members can be co-opted from outside CERP if the organization is unable to designate three members from within as described above.
 - b. In case a complaint is made against one of the members of the Inquiry Committee that member should be replaced by another for that case. Such member may be from within or outside the organization.
 - c. The committee is currently comprised of Imran-Ur-Rehman, Adil Saeed, Amna Aaqil and Lala Rukh Khan
 - d. The Inquiry Committee shall have the power to:
 - i. Summon and enforce the attendance of any person and examine him/her on oath;
 - ii. Require the discovery and production of any document;
 - iii. Receive evidence on affidavits;
 - iv. Record evidence.
 - v. Have the complainant or the accused medically examined by an authorized doctor, if necessary.

- vi. Recommend appropriate penalty against the accused individual if they are found guilty
 - vii. Treat the proceedings confidential.
4. **Competent Authority:** The Inquiry Committee will report the results of their investigation to the Competent Authority, who will decide on and impose any necessary penalties. The current Competent Authority is Maroof Ali Syed, CERP's CEO. In case the complaint lodged is against the CEO, the Board's Ethics Committee will be the Competent Authority.
 5. **Workplace:** Includes CERP's premises, including office space, the building, and open areas, larger geographical areas where CERP's activities are carried out and includes any situation that is linked to official work or official activity outside the office.

Reporting harassment

Because harassment usually occurs between colleagues when they are alone, it is therefore usually difficult to produce evidence it has occurred. Thus, it is strongly recommended that staff should report offensive behavior immediately to someone they trust, even if they do not wish to make a formal complaint at the time. Not reporting immediately shall not affect the merits of the case.

1. **Informally:** A complainant or a staff member designated by the complainant for the purpose may report an incident of harassment informally to his or her supervisor, or a member of the Inquiry Committee, in which case the supervisor or the Committee member may address the issue at the complainant's discretion. The request may be made orally or in writing.
2. **Formally:** The complainant may make a formal complaint through their supervisor, a trusted colleague, or directly to any member of the Inquiry Committee. The Committee member approached is obligated to initiate the process of investigation.

Investigation process

All reports of harassment will be investigated, but it is up to the complainant's discretion which process will be initiated.

1. **Informally:** An informal approach to resolve a complaint of harassment may be through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis. A complainant does not necessarily have to take a complaint of harassment through the informal channel- a formal complaint can be launched at any time.
 - a. If the case is taken up for investigation at an informal level, a member of the Inquiry Committee will conduct the investigation in a confidential manner.
 - b. The alleged accused will be approached with the intention of resolving the matter in a confidential manner.
 - c. If the incident or the case reported does constitute harassment of a higher degree and the Inquiry Committee member reviewing the case feels that it needs to be pursued formally for disciplinary action, with the consent of the complainant, the case can be taken as a formal complaint.
2. **Formally:** The Inquiry Committee, within three days of receipt of a written complaint, shall:

- a. Communicate to the accused individual the charges and statement of allegations leveled against them, the formal written receipt of which will be given
- b. Require the accused within seven days from the day the charge is communicated to them to submit a written defense. If they fail to do so without reasonable cause, the Committee shall proceed ex- parte; and
- c. Enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against them.

During the investigation

1. Representation: A manager, if considered necessary, may be nominated to provide advice and assistance to each party. Also, both parties, the complainant and the accused, shall have the right to be represented or accompanied by a friend or a colleague.
2. Assistance in the inquiry procedure can be sought from any member of the CERP who should be contacted to assist to do so. CERP expects its staff and other members of the community to cooperate fully in the investigation process. Any staff member who is the subject of, or potential witness regarding, a harassment complaint and refuses to cooperate in an investigation is subject to disciplinary action up to and including termination of employment.
3. CERP shall do its best to temporarily adjust so that the accused and the complainant do not have to interact for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office or taking away any extra charge over and above their contract which may give one party excessive powers over the other's job conditions. CERP can also decide to send the accused on leave or suspend the accused in accordance with the applicable procedures for dealing with the cases of misconduct if required. In addition:
 - a. Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluation, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side;
 - b. Adverse action shall not be taken against the complainant or the witnesses;
 - c. The Inquiry Committee shall ensure that the employer or accused shall in no case create any hostile environment for the complainant to pressurize the individual from freely pursuing their complaint
 - d. Adversarial hearings, including confrontation, cross-examination by the parties, and active advocacy by outside advocates, are neither appropriate nor permitted during the investigation process.

Within thirty days of the initiation of the formal inquiry

- The Inquiry Committee shall submit its findings and recommendations in writing to the Competent Authority
- If the Inquiry Committee finds the accused to be guilty it shall recommend disciplinary action to the Competent Authority

After the investigation is concluded:

1. The Competent Authority shall impose the disciplinary action recommended by the Inquiry Committee within one week of the receipt of the recommendations
2. CERP's ability to discipline an individual who is not an employee (such as a vendor or contractor) is limited by the degree of control, if any, CERP has over such individual. Nonetheless, CERP will seek to take appropriate action in response to violations of this Policy.
3. The Inquiry Committee shall meet on regular basis and monitor the situation regularly until they are satisfied that their recommendations subject to the Competent Authority's decision, if any, have been implemented.

Appeals

Any party aggrieved by the decision of the Competent Authority (a complainant or an individual on whom disciplinary action has been imposed), may, within thirty days of written communication of decision, file an appeal to the Ethics Committee of CERP's Board of Directors. The grounds for an appeal would be that:

- There exists substantial relevant information that was not presented, and reasonably could not have been presented; or
- The imposed penalty does not fall within the range of penalties imposed for similar misconduct; or
- A procedural irregularity occurred in the adjudication of the incident in question.

Sexual Harassment

While harassment of all kinds is prohibited, the Government of Pakistan has instituted specific legislation to combat sexual harassment in the workplace. The law is focused on the protection of women, but CERP is committed to a workplace free of sexual harassment for all team members regardless of organizational rank, sex, tenure, or type of employment. As such, all reports of sexual harassment will be investigated (informally or formally). There will be zero tolerance for sexual harassment and offenders will be dismissed from CERP.

Definitions

1. Sexual harassment is any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment. Significant manifestations of sexual harassment include, but are not limited to:
 - a. Abuse of authority: A demand by a person in authority, such as a supervisor, for sexual favors for the complainant to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself
 - b. Creating a hostile environment: Any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, which

interferes with an individual's work performance or creates an intimidating, hostile, abusive or offensive work environment. The typical "hostile environment" claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact, a single offensive incident will constitute a violation.

- c. Retaliation: The refusal to grant a sexual favor can result in retaliation, which may include limiting the employee's options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights. Such behavior is also a part of sexual harassment.

2. Complainant: The individual who has faced sexual harassment

3. Inquiry committee: A three-person committee, with a designated chairperson, that will investigate formal harassment complaints.

- a. Composition: The members must comprise of at least one woman, one member shall be from senior management, and one shall be a senior employee. One or more members can be co-opted from outside CERP if the organization is unable to designate three members from within as described above.
- b. In case a complaint is made against one of the members of the Inquiry Committee that member should be replaced by another for that case. Such member may be from within or outside the organization.
- c. The committee is currently comprised of Imran-Ur-Rehman, Adil Saeed, Amna Aaqil and Lala Rukh Khan.
- d. The Inquiry Committee shall have the power to:
 - i. Summon and enforce the attendance of any person and examine him/her on oath;
 - ii. Require the discovery and production of any document.
 - iii. Receive evidence on affidavits
 - iv. Record evidence
 - v. Have the complainant or the accused medically examined by an authorized doctor, if necessary,
 - vi. Recommend appropriate penalty against the accused individual if they are found guilty
 - vii. Treat the proceedings confidential.

4. Competent Authority: The Inquiry Committee will report the results of their investigation to the Competent Authority, who will decide on and impose any necessary penalties. The current Competent Authority is Maroof Ali Syed, CERP's CEO. In case there is a conflict of interest, the Competent Authority will be CERP's Ethics Committee.

5. Workplace: Includes CERP's premises, including office space, the building, and open areas, larger geographical areas where CERP's activities are carried out and includes any situation that is linked to official work or official activity outside the office.

6. Ombudsman: Provincially appointed ombudsman who will independently investigate formal complaints of sexual harassment. They also serve in an appellate authority. Employees at CERP will contact their respective provincial ombudsman depending on

their location. For employees in the Lahore office, the relevant individual is the Provincial Ombudsman for Protection against Harassment of Women at Workplace - Punjab.

Reporting Sexual Harassment

Because sexual harassment usually occurs between colleagues when they are alone, it is therefore usually difficult to produce evidence it has occurred. Thus, it is strongly recommended that staff should report offensive behavior immediately to someone they trust, even if they do not wish to make a formal complaint at the time. Not reporting immediately shall not affect the merits of the case.

1. **Informally:** A complainant or a staff member designated by the complainant for the purpose may report an incident of harassment informally to his or her supervisor, or a member of the Inquiry Committee, in which case the supervisor or the Committee member may address the issue at the complainant's discretion. The request may be made orally or in writing.
2. **Formally:** The complainant may make a formal complaint through their supervisor, a trusted colleague, or directly to any member of the Inquiry Committee. The Committee member approached is obligated to initiate the process of investigation. Alternatively, a female employee may make a direct formal complaint to the Ombudsman, who will initiate the investigation process.

Investigation process

All reports of harassment will be investigated, but it is up to the complainant's discretion which process will be initiated

1. **Informally:** An informal approach to resolve a complaint of sexual harassment may be through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis. A complainant does not necessarily have to take a complaint of sexual harassment through the informal channel- a formal complaint to the Inquiry Committee or the Ombudsman can be launched at any time.
 - a. If the case is taken up for investigation at an informal level, a member of the Inquiry Committee will conduct the investigation in a confidential manner.
 - b. The alleged accused will be approached with the intention of resolving the matter in a confidential manner
 - c. If the incident or the case reported does constitute sexual harassment of a higher degree and the Inquiry Committee member reviewing the case feels that it needs to be pursued formally for disciplinary action, with the consent of the complainant, the case can be taken as a formal complaint
2. **Formally within CERP:** The Inquiry Committee, within three days of receipt of a written complaint, shall:
 - a. Communicate to the accused individual the charges and statement of allegations leveled against them, the formal written receipt of which will be given
 - b. Require the accused within seven days from the day the charge is communicated to them to submit a written defense. If they fail to do so without reasonable cause, the Committee shall proceed ex- parte; and

- c. Enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against them.
- 3. Formally with the Ombudsman:** The Ombudsman shall within 3 days of receiving a complaint issue a written show cause notice to the accused. The accused after the receipt of written notice shall submit written defense to the Ombudsman within five days and his failure to do so without reasonable cause the Ombudsman may proceed ex parte.

During the investigation

1. Assistance in the inquiry procedure can be sought from any member of the CERP who should be contacted to assist to do so. CERP expects its staff and other members of the community to cooperate fully in the investigation process. Any staff member who is the subject of, or potential witness regarding, a harassment complaint and refuses to cooperate in an investigation is subject to disciplinary action up to and including termination of employment.
2. A manager in an organization, if considered necessary, may be nominated to provide advice and assistance to each party;
3. Both parties, the complainant and the accused, shall have the right to be represented or accompanied by a friend or a colleague if the investigation is being held at CERP.
4. Both parties can represent themselves before the Ombudsman
5. CERP shall do its best to temporarily adjust so that the accused and the complainant do not have to interact for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office or taking away any extra charge over and above their contract which may give one party excessive powers over the other's job conditions. CERP can also decide to send the accused on leave or suspend the accused in accordance with the applicable procedures for dealing with the cases of misconduct if required. In addition:
 - a. Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluation, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side
 - b. Adverse action shall not be taken against the complainant or the witnesses
 - c. The Inquiry Committee shall ensure that the employer or accused shall in no case create any hostile environment for the complainant to pressurize the individual from freely pursuing their complaint
 - d. Adversarial hearings, including confrontation, cross-examination by the parties, and active advocacy by outside advocates, are neither appropriate nor permitted during the investigation process.

Within thirty days of the initiation of the formal inquiry:

- The Inquiry Committee shall submit its findings and recommendations in writing to the Competent Authority
- If the Inquiry Committee finds the accused to be guilty it shall recommend disciplinary action to the Competent Authority

After the investigation is concluded

- After the investigation is concluded, the Ombudsman shall record his decision and inform both parties and the management of the concerned organization for implementation of the orders.
- The Competent Authority shall impose the disciplinary action recommended by the Inquiry Committee within one week of the receipt of the recommendations
- The Inquiry Committee shall meet on regular basis and monitor the situation regularly until they are satisfied that their recommendations subject to the Competent Authority's decision, if any, have been implemented.
- In case the complainant is in trauma CERP will arrange for psycho-social counseling or medical treatment and for additional medical leave.

Appeals

- Any party aggrieved by the decision of the Competent Authority (a complainant or an individual on whom disciplinary action has been imposed), may, within thirty days of written communication of decision file an appeal to an Ombudsman.
- The Ombudsman may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within thirty days in respect of which such appeal is made. It shall communicate the decision to both the parties and the employer.
- Any person aggrieved by a decision of the Ombudsman may, within thirty days of the decision, make a representation to the President or Governor who may pass such order thereon as he may deem fit.