

National Environment Management Council (NEMC)



Gender and Ant-sexual Harassment Policy

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Acronyms and Abbreviations

AF	Adaptation Fund
CEDAW	Convention on the Elimination of All Forms of Discrimination Against
CSOs	Civil Society Organization
EA	Environmental Audit
ECA	Economic Commission for Africa
EIA	Environmental Impact Assessment
EMA	Environmental Management Act
GBV	Gender Based Violence
GEM	Gender Empowerment Measure
GEWE	Gender Equality and Women Empowerment
GMS	Gender Management System
GMT	Gender Management
LGAs	Local Government Authorities
MDAs	Ministries, Departments and Agencies
NEMC	National Environment Management Council
NERA	National Environmental Research Agenda
NGOs	Non-governmental Organization's
NIE	National Implementing Entity
NSGRP	National Strategy for Growth and Reduction of Poverty
SADC	Southern African Development Community
SEIA	Environmental Impact Assessment

1.0 Introduction and background

Tanzania recognizes that realizing gender equality is a necessary step towards attaining sustainable socio-economic development. The Constitution of the United Republic of Tanzania of 1977 guarantees equality between men and women and support their full participation in social, economic and political life. Cognizant of this commitment, the Government established the Ministry of Community Development, Gender and Children as national gender machinery in 1990 which among other things facilitated the formulation of the Women and Gender Development Policy (2000) and its National Strategy for Gender Development (2005). The aim of this policy is to ensure that gender perspective is mainstreamed into all plans, policies, strategies, programs and budgets.

As a result, Tanzania has mainstreamed gender into a number of national development frameworks and ratified international as well as regional gender instruments. Some of these frameworks include the National Development Vision 2025 and the National Strategy for Growth and Reduction of Poverty (NSGRP II) also known as MKUKUTA II. Tanzania has also signed to various international treaties and conventions including the: Universal Declaration on Human Rights (1948); United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979); Beijing Platform for Action (1995); SADC Gender Declaration (1997); Charter on the Rights of Women in Africa (2003); SADC Protocol on Gender and Development of 2008; and the Sustainable Development Goals.

Significant achievements towards gender equality have been recorded. Some of these are the increase in percentage of women members of parliament and ministers. The Land Act No. 4 of 1999, the Village Land Act No. 5 of 1999 and Water Resource Management Act No. 11 of 2009 were adopted to ensure equal rights between men and women. The enrolment rates in primary and secondary schools for boys and girls have also become relatively equal between girls and boys.

The Government has also established mechanisms for gender policy formulation, coordination, monitoring and evaluation of the implementation of gender development policy, gender mainstreaming programmes and plans. The mechanisms include the establishment of a Ministry responsible for gender development, setting up Gender Desks in Ministries, Independent

Departments, Regional and District Authorities. This calls for customization of all efforts done at both national and international level to address gender issues into an institutional gender policy, hence the essence of this policy.

Despite the achievements made so far, climate change poses challenges towards the realization of gender equality and sustainable development. The vulnerability of communities and our nation to the impact of climate change poses a direct threat to our people's livelihood and widens the gender gaps. So far, there are several initiatives to address the adverse impact of climate change in the country but what has been lacking is a systematic gender mainstreaming into climate change adaptation-related policies, plans, strategies, programs and budgets.

This policy provides a systematic approach to mainstreaming gender into Climate Change and Adaptation related plans, policies, strategies, programs, and budgets for NEMC, MDAs, LGAs, CSOs and the private sector to ensure gender equality in addressing climate change. The policy, provide guidelines for NEMC and all executing entities to use the guidelines in facilitating gender mainstreaming into climate change adaptation initiatives in their respective areas of jurisdiction.

1.1 Rationale for the Gender policy for NEMC

NEMC as an environmental regulatory body in Tanzania undertakes a number of activities as mandated by National Environmental Management Act (EMA) of 2004. Such activities involve the enforcement of environmental regulations and the review and approval of social and environmental impact assessment studies for various investment projects. However, it has no gender policy guidance on how to evaluate such studies using a gender lens. While the National Environmental Policy of 1997 underscores the importance of gender considerations in environmental management and conservation, EMA 2004 and its EIA/ EA Regulations of 2005 (with their amendments in 2018) do not adequately address gender in social impact assessment. Social impact assessment ought to demonstrate how the proposed project affects, both positively and negatively, different gender groups such as men, women, youth and the elderly.

Despite the mention of gender aspects in the National Environmental Policy, much emphasis is placed on women empowerment. Other gender groups are left out. This has caused NEMC and its environmental stakeholders to overlook gender in environmental interventions. While the degree of gender dimensions may differ from one project to another, when a project is dealing with people,

it is not gender-neutral. A gender-neutral intervention of the project assumes women, men, youth and elderly have the same needs, priorities, opportunities and expectations. Gender-neutral approaches often run the risk of reinforcing existing gender-based discrimination or responding to male priorities, especially in societies where the decision-making power is dominated by men.

In this regard, gender mainstreaming is essential to making sure that environmental management interventions take into account the differing needs, roles and expectations of women, men, youth and the elderly for sustainable development. Interventions/projects that are sensitive to gender differences should consider the following questions in the choice of interventions

- (i) Are women's, men's, youth's and elders' experiences taken into account in the sustainable use and management of natural resources to facilitate the achievement of maximum development results?
- (ii) Is it recognized that hazards such as toxic chemicals affect women and men differently, and are there response strategies tailored to their distinct vulnerabilities and needs?
- (iii) Are men's, women's, youth's and the elders' specific needs and priorities as well as knowledge and skills considered and utilized in the development and dissemination of environmentally sound technologies and practices to reach maximum uptake?
- (iv) Is explicit attention given to ensuring men, women, youth and the elderly participate in and benefit from capacity-building activities and training? Are they allowed to meaningfully contribute to decision-making processes and take on leadership roles?

In terms of environmental conservation, men and women differ in how they value and use environmental resources. For example, women prefer conservation of a forest for continued supply of water to the household while men will cut the trees for charcoal and timber for income generation. Therefore, gender must be taken into account in all environmental management interventions.

NEMC, the accredited National Implementing Entity (NIE) for Adaptation Fund (AF) projects in Tanzania has an obligation to adhere to the Fund's Gender Policy which builds on the existing gender policies of other climate funds. In particular, it integrates key principles elaborated in the Fund's own environmental and social policy, notably the principles on access and equity, on

consideration of marginalized and vulnerable groups and of human rights. It further emphasizes the principle of gender equality and women's empowerment as the goal that the Fund strives to attain throughout its processes.

1.2 Definition of Key Concepts

Sex: it is genetically determined by characteristics of being either female or male. Sex is the biological differences between men and women, which are universal, obvious and generally permanent. Sex describes the biological, physical and generic composition with which we are born.

Gender: refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/time-specific and changeable. Gender is part of the broader socio-cultural context and intersects with other important criteria for socio-cultural analysis including class, race, poverty level, ethnic group and age.

Gender balance: refers to the goal of having the same number of women and men in decision-making bodies and among staff in the different levels of organizational structures.

Gender Equality: refers to the equal rights, responsibilities and opportunities and access of women and men and boys and girls and the equal consideration of their respective interests, needs and priorities. Gender equality is not a women's issue but should concern and fully engage men as well as women. Equality between women and men is a human rights issue as well as a precondition for, and indicator of, sustainable, people-centred development.

Gender Equity: refers to the process of being fair to men and women, boys and girls. It recognizes the need for potential differential treatment that is fair and positively addresses a bias or historical or social disadvantage that is due to gender roles or norms. The process of gender equity leads to gender equality as a legal right and obligation.

Gender mainstreaming: involves the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels.

It is a strategy for making the experiences and concerns of women as well as men an integral part of the design, implementation, monitoring and evaluation of policies and programmes so that women and men benefit equally and inequality is not perpetuated, if necessary through targeted actions to ensure that women's voices as important actors are heard.

Gender-responsive: : refers to the consideration of gender norms, roles and relations and to addressing inequality generated by unequal norms, roles and relations through changes within a given social setting through remedial action.

Gender-sensitive : refers to the consideration of gender norms, roles and relations but does not necessarily address inequality generated by unequal norms, roles or relations through remedial action beyond creating gender awareness.

Women's empowerment: is a process by which those who have been denied the ability to make strategic life choices acquire the ability to do so. It is a bottom-up process of transforming gender role and relations. It can be best understood as an expansion of agency throughout women's lives, especially via participation and decision-making. It generally refers to a differential or pro-active support to increase: (i) women's sense of self-worth; (ii) women's right to have and determine choices; (iii) women's right to have access to opportunities and resources; (iv) women's right to have the power to control own lives both within and outside the home; and (v) women's ability to influence the direction of social change to create more just social and economic order, nationally and internationally.

Gender gap: refers to any disparity and inequality between women and men's condition due to their position or role in society. It concerns inequalities in terms of their participation, their access to opportunities, rights, power to influence and make decision, incomes and benefits, and control and use of resources

Gender disparity: is a specific difference or inequality between girls and boys, or men and women in relation to their conditions, or how they access or benefit from a resource (e.g. men's and women's access to health services, school drop-out rates of girls and boys, etc.).

Access to resources: refers to an opportunity to use the resources. Even though, access to resources does not necessarily mean having control over them.

Control over resources: refers to the power to make decisions about the use of the resource (e.g. how to use the land or when to sell it, control over which issues are discussed in political processes and what the final decisions are).

Climate change: refers to a change in the state of the climate that can be identified (using statistical test) by changes in mean and or variability of its properties that persist for an extended period, typically, a decade or longer. Indicators of climate change are temperature increases, varying rainfall patterns, sea-level rise, rapidly change in seasons, ocean acidification, glacial melting and more extreme weather events such as storms, floods, drought and heatwaves.

Climate change adaptation: refers to adjustments in ecological, social and economic systems in response to actual or expected climatic stimuli and their effects or impact. It refers to changes in processes, practices and structures to moderate potential damages to or benefits from opportunities associated with climatic changes.

Gender analysis: is a deeper understanding of the situation for and between men and women, their constraint, needs, priorities and interests. It begins with the collection and analysis of sex-disaggregated data (i.e. information that are collected and presented separately on men and women). Men and women often perform different roles and this can lead to women and men having different experiences, knowledge, talents and needs. Gender analysis explores these different roles and experiences so that policies, programs and projects can identify and meet the different needs of men and women. Gender analysis also facilitates the strategic use of distinct knowledge and skills possessed by women and men.

Harassment: refers to unwelcome advances, requests for favours, or other conduct by way of words, acts, or comments that would embarrass, humiliate, intimidate, demean or compromise a reasonable person at whom such advances requests or conduct were directed.

Sexual harassment: refers to the imposition of sexual advances in the context of a relationship of unequal power.

Gender relations: refer to power differences between men and women in terms of access to resources and decision-making and the relative positions of men and women in the division of resources, responsibilities, benefits, rights, power and privileges.

Gender Stereotypes: refers to a way of thinking that persists in people's attitudes and practices and is often reflected in policies and laws of a country or community; regarding the status, roles, abilities and attributes of men and women.

2.0 Objective and Scope of Gender Policy

The main objective of the policy is to guide NEMC on how to integrate gender into its operations. Specifically, the policy will e guide the following:

- i. Review of NEMC's 5- year strategic plan
- ii. Review of Social and Environmental Impact Assessment reports
- iii. Review of Environmental Audit reports
- iv. Enforcement of environmental regulations
- v. Awareness raising and community outreach materials
- vi. Coordination of environmental research as per National Environmental Research Agenda (NERA)
- vii. Coordination of climate change projects
- viii. Building the capacity of the NEMC's staff on gender

2.1 Vision and Mission

2.1.1 Vision

To become the best gender-responsive and inclusive national environmental regulatory body in Tanzania and beyond

2.1.2 Mission

Working towards mainstreaming gender into NEMC activities whereby the environmental rights and responsibilities of men, women, youth and the elderly are equally observed.

2.2 NEMC Policy Issues and Commitments

2.2.1 Coordination of National Environmental Research Agenda

NERA is a framework document intended to technically guide planning for environmental research programmes, projects and activities in the country (NEMC, 2017). It stipulates the priority research areas and related themes which may be undertaken by different stakeholders in the country such as environmental practitioners, researchers and academic institutions. While the Agenda has categorized gender as one of the cross-cutting issues, it does not appear in the research themes. To ensure gender is addressed in NERA the following will be done:

- (i) Integrate gender in relevant research themes
- (ii) Organizing a scientific conference on gender and environment at least once during the period of the NERA
- (iii) Regular compilation of publications on gender and environment
- (iv) Constantly reviewing of NERA to ensure that gender is well mainstreamed in the priority areas and research themes

2.2.3 Coordination of Climate Change and Other Donor Funded Projects

The vulnerability to climate change impacts differs across gender groups. This requires a gender-responsive, inclusive and participatory approach in problem identification, description and justification. Furthermore, the vulnerability of the gender groups will also differ in development sectors. For example, water shortage will exacerbate the vulnerability of women and girls more than men and boys. This is because women and girls have the responsibility of fetching water in most of the households. Therefore, gender should be integrated throughout the project life cycle from formulation to evaluation. This will be achieved through the following:

- (i) Conducting gender analysis in the context of the project
- (ii) Carrying out sector-wide and gendered climate vulnerability study
- (iii) Ensuring active participation of men, women, girls, boys and the elderly in project formulation, implementation, monitoring and evaluation
- (iv) Defining gender indicators with clearly gender-disaggregated targets

2.2.4 Social and Environmental Impact Assessment

Although many of the investment projects are subjected to Social and Environmental Impact Assessment (SEIA) and Environmental Audit (EA) as required by EMA of 2004 and regulated by

NEMC, there is a great deal of gender disparity in decision making especially at the local government level where most of the investment projects take place. In particular, the problem lies within the village governments during decision making to allocate land to an investor (project proponent). Before an investor is allocated a piece of land for the proposed project, he/she has to write a letter to the village council requesting for land (for large scale projects requiring more than 50 acres' application for land is submitted to the Commissioner of Land in the Ministry of Lands and Human Settlements with a reference from Tanzania Investment Center). The village council which comprises 25 members will then discuss the application and decide to either accept or reject such application. The council's decision is then taken to the village assembly for approval. Due to inadequate awareness of gender equity, in most village governments the village council is dominated by men hence making other gender groups have a narrow opportunity to contribute in decision making. At times, the process of land allocation to the investor is marred by corruption whereby the leaders are bribed by the investor to fasten the process whereby the opinions of some council members and the community members are ignored in favour of the investor. Therefore, when the investor registers the project at NEMC for the SEIA, it becomes difficult for NEMC to understand the circumstances involved in land acquisition.

SEIA is conducted by a consultant who always consults the same village leaders and very few community members who may not adequately represent the concerns of the community members. If the consultant is gender blind, there is a likelihood that some gender groups will not be consulted as part of the SEIA study. During the review of SEIA reports, NEMC requires the project proponent to show the title deed of the acquired land without asking the processes involved in acquiring such a piece of land. If the process of land acquisition was flawed from the beginning, conflicts between the proponent and the community are likely. To integrate gender into the SEIA process the following will be done:

- (i) Besides submission of the title deed of the land, the proponent will be required to provide minutes of the village meetings (including the list of meeting participants) which decided to allocate land to him/her (if the land was acquired through the village framework). The aim is to understand the gender representation in such meetings.

- (ii) Stakeholder consultations at the village /community level will involve men, women boys, girls and elders. Compliance with this will be checked during the review of SEIA and Environmental Audit reports by NEMC
- (iii) The impact analysis should explicitly demonstrate how each gender group is affected by the project
- (iv) Village/Hamlet meetings making decisions on land allocation to an investor and the proposed investment project should demonstrate how each gender group was represented by not only providing the list of participants and signatures but also quoting the statements given by different speakers. In particular, the speakers should represent men, women, youth, children (those above 15 but below 18 years old), people with disability and the elderly.

2.2.5 Awareness Raising and Community Outreach Activities

Besides regulating environmental management in the country, NEMC also has a responsibility of educating the public at all level about the importance of environmental conservation. The environmental conservation messages and materials need to be tailor-made to suit each gender group. Moreover, the messages and materials need to be context-specific because the environmental problems differ from one ecological zone to another. For example, coastal communities in Tanga and Zanzibar experience different environmental challenges from those in the shoreline of Lake Victoria. Furthermore, the coastal men, women and youth interact with the oceanic environment while their Lake zone counterparts interact with the Lake environment.

While the environmental conservation messages include SEIA, NEMC conducts some capacity building activities aiming at building the capacity of local government authorities on SEIA procedures. However, the training package is not gendered hence unable to adequately train the local government leaders on social impact assessment.

The following will be done to integrate gender in awareness-raising and community outreach activities:

- (i) Integrating gender in all environmental conservation education materials and training
- (ii) Preparing gender-group specific and contextualized training materials that address environmental problem related to particular gender group in a defined location. This is envisaged to have more impact than generalization

(iii) Providing special training on gender participation in investment decision making

2.3 Implementation Arrangements

The implementation of the policy will be the responsibility of NEMC, executing entities and partners. NEMC will be working closely with her partners and executing agents. To achieve the policy vision, mission and objectives; some interventions are required. NEMC will undertake some measures such as institutional capacity building, enforcement of SEIA and EA regulations and developing an action plan.

2.3.1 Institutional Capacity Building

NEMC will regularly train its staff on gender mainstreaming into its operations.

2.3.2 Enforcement of SEIA and Environmental Audit Regulations

This will be done during site verification visits and review of SEIA and EA reports submitted to NEMC. The SEIA and EA reports should demonstrate that stakeholders' consultation and impacts analysis with their associated mitigation and enhancement measures have well-articulated gender dimensions.

2.3.3 Developing a Gender Action Plan

To implement the policy and achieve meaningful results, NEMC must develop a gender action plan which is in line with its 5 –year strategic plan.

2.4 Monitoring and Evaluation

NEMC shall institutionalize tools for effective monitoring and evaluation of all programmes and initiatives resulting from this policy to facilitate timely reporting, decision-making and direction on the progress of implementation project level as guided by the gender implementation checklist. All Directors are responsible for providing monitoring data on progress towards achieving the policy.

Reporting on progress towards achieving the policy objectives will be done annually in conjunction with the NEMC Annual Report. The Annual Report will include a section showing updates about each of the Key NEMC Gender Policy areas and shall include an evaluation of

overall progress and areas for improvement. Implementation of the policy will be evaluated alongside the implementation of the NEMC's 5-year strategic plan

3.0 Gender Assessment Checklist for Climate Change Projects

This is a guideline for gender mainstreaming in project concept notes and proposals for climate change projects. Furthermore, a gender assessment checklist may be used for undertaking gender studies that support the project as part of the baseline study or climate vulnerability assessment as guided in Table 1.

Table 1: Gender checklist for the design of adaptation projects

SN	Area	Recommendation
1	Background and Justification	Check if gender dimension is highlighted in the problem statement and background information of the climate change adaptation-related policies, plans, strategies, programs and budgets by stating clearly the existing gender inequalities in relation to the policy, plans, strategy, program and budgets and if the justification includes the convincing argument for realizing equality.
2	Goal	Check if the goal of the proposed intervention reflect the need of both men and women and if it seeks to correct gender imbalances through addressing the practical and strategic needs for adaptation as well as it seeks to transform institutions that perpetuate gender inequality
3	Economic benefits	Ensure gender consideration while providing economic analysis of envisaged benefits of the project
4	Social benefits	Ensure gender consideration while providing social analysis of envisaged benefits of the project
5	Target beneficiaries	Check if there is gender balance within the target beneficiary group and if there is a specific intervention targeting men or women as a corrective measure to enhance equality.

6	Objectives and targets	Check if the intervention objectives explicitly address the needs of both men and women for Climate Change Adaptation.
7	Activities	Check if the planned activities involve both men and women equally and if there are additional activities such as training and research that ensure the gender perspective in climate change adaptation interventions are made explicit as possible.
8	Indicator	Check if indicators are made to measure the progress of each objective and whether such indicators measure the gender aspects of climate change adaptation for each objective. Also, check if such indicators are sex/ gender-disaggregated and if the targets are set to guarantee a gender balance such as participation of men and women;
9	Consistency with relevant national policies	Ensure that the project is relevant to the national gender policy
10	Implementation	Check if the implementers of the planned climate change adaptation interventions have received gender mainstreaming training to sustain gender perspective throughout the implementation and if both men and women participate in the implementation;
11	Provide justification for funding requested, focusing on the full cost of adaptation reasoning.	Using the “with and without” project scenarios, ensure that the justification for requested funding addresses gender in adaptation reasoning
12	Monitoring and Evaluation	Check if the monitoring and evaluation strategy for climate change adaptation-related policy, plans, strategies, programs and budgets include a gender perspective and if

		it examines substantive (contents) and administrative (process) aspects of the interventions
13	Risks	Check if the greater context of gender roles and relations within has been taken into consideration as a potential risk and check if the potential negative impact of the interventions has been considered such as the potential increased burden of women or social isolation of men
14	Budgets	Check if financial inputs are gender-responsive to ensure that men and women benefit from planned intervention and whether the budget addresses the need to provide gender sensitivity training or to engage short term gender experts.
15	Communication Strategy for climate change adaptation	Check if the communication strategy has been developed for informing the public and the key stakeholders about the existence, progress and the result of the climate change adaptation intervention from a gender perspective

Part II: Sexual Harassment

1.0 The Policy Statement

NEMC is committed to providing a safe environment for all its employees free from discrimination on any ground and harassment at work including sexual harassment. NEMC will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. In line with the sexual offences special provisions act of 1998 any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect and confidence. No one will be victimized for making such a complaint.

The provisions in this policy apply to employees, managers, executing entities, investors, contractors, consultants and any other third parties involved with the NEMC activities, regardless of their gender, sexual orientation, role, status or other protected characteristics.

2.0 Definitions, Identification and Forms of Sexual Harassment

2.1 What Is Sexual Harassment

For purpose of this policy, sexual harassment is defined as targeted, uninvited, unwelcome or unreciprocated sexual advances, or requests for sexual favours or unwanted physical, verbal or non-verbal conduct of a sexual nature by way of words, acts, gestures or comments that would embarrass, humiliate, intimidate, demean or compromise a reasonable person or group at whom such advances, requests or conduct are directed.

2.2 Forms of Sexual Harassment

Sexual harassment in the workplace can be physical, verbal or non-verbal, and include the major forms as follows:

- a) **Physical** forms of sexual harassment such as any unwanted contact, ranging from intentionally touching, caressing, pinching, hugging or kissing to sexual assault or rape.
- b) **Verbal** forms of sexual harassment include socially and culturally inappropriate and unwelcome comments with sexual overtones such as sexually suggestive jokes or comments about a person's dress or body made in their presence or directed toward them.

They also include persistent proposals and unwelcome requests or persistent personal invitations to go out.

- c) **Non-verbal** forms of sexual harassment include unwelcome gestures, suggestive body language, indecent exposure, lascivious looks, repeated winks, and gestures with fingers. It also includes the unwelcome display of pornographic materials, sexually explicit pictures and objects, screen savers or posters as well as sexually explicit e-mails, notes or SMS messages.

2.3 What Does Not Constitute Sexual Harassment?

Sexual harassment does not include a relationship of mutual free consent between or among persons of the age of eighteen (18) and above.

3.0 Objectives

NEMC is committed to fostering an inclusive culture that promotes equality, values diversity and maintains a working and living environment in which the rights and dignity of all NEMC and partner's members are respected. Therefore, the overall objective of this policy is to provide a comprehensive framework for awareness creation on sexual harassment, provide a procedure for the investigation of sexual harassment and or claims and offer an appropriate remedy mechanism. Specifically, the policy seeks to:

- i) Create awareness among NEMC staff, clients, partner and community members about what constitute different forms of sexual harassment.
- ii) Create and sustain a safe working and living environment free of sexual harassment.
- iii) Promote transparency regarding handling and management of sexual harassment cases.
- iv) Provide mechanisms for effective handling of sexual harassment cases.
- v) To promote surveillance and advocacy on the prevention of sexual harassment.

3.1 Scope

This policy document covers five main areas namely:

- i** Knowledge and awareness
- ii** Safe working and living environment
- iii** Handling of sexual harassment incidents (procedural aspects)
- iv** Post sexual harassment handling and

- v Community responsibility for sexual harassment.

4.0 Policy Focus Areas, Issues, Statements and Strategies

4.1 Knowledge and Awareness

4.1.1 Issues

- i. Inadequate knowledge and awareness of what constitutes sexual harassment
- ii. Inadequate knowledge of handling sexual harassment incidences.

4.1.2 Policy Statement

NEMC shall endeavour to;

- i. Equip its employee and partners with knowledge and skills on preventing and protecting themselves from all forms of sexual harassment
- ii. Build institutional capacity on handling sexual harassment incidences at the workplace

4.1.3 Strategies

- i. Promote professional interactions and culture that recognizes and respects human dignity.
- ii. Establish systematic sensitization workshops and campaigns mechanism to fight against sexual harassment at the workplace
- iii. Engage media/outreach section within and outside NEMC to sensitize the community regarding sexual harassment.
- iv. Equipping NEMC staff with skills and tools to defend themselves against sexual harassment.

4.2 Safe Working and Living Environment

4.2.1 Issues

- i. Existence of risk areas as NEMC staff interact with partners in the community
- ii. Increased interactions among members of diverse backgrounds and culture

4.2.2 Policy statement

NEMC shall endeavour to;

- i Foster a safe and conducive working and living environment.
- ii NEMC shall encourage all staff, partners and service providers to report to appropriate authorities/organs any cases of sexual harassment they have experienced or heard of, involving staff, partners or service providers

- iii Increase and improve infrastructure to accommodate the growing number of staff and partners

4.2.3 Policy Strategy

- i. Continuously conduct safety assessments to identify risk areas/engagements that can perpetuate conduct of sexual harassment and act accordingly.
- ii. Take appropriate actions as per available rules and procedures
- iii. Continuous awareness-raising on public service code of ethics and conducts especially to those with power and authority.

4.3 Handling of Sexual Harassment Incidents (Procedural Aspects)

4.3.1 Issues

- i. Lack of a clear and accessible mechanism in handling sexual harassment incidences
- ii. Limited transparency in handling sexual harassment incidents.
- iii. Fear of victims to report sexual harassment incidences.
- iv. Limited integration of gender/sexual harassment matters in the core businesses of NEMC and partners

4.3.2 Policy statements

- i. NEMC shall endeavour to provide mechanisms for effective handling of sexual harassment cases
- ii. The anonymity of the complainant and accused shall be maintained during the reporting and consultation processes. Each office and person involved in advising complainants must avoid comments that might discourage victims from pursuing their rights. Such behaviour in itself is discriminatory and is a violation of this policy.

4.3.3 Policy Strategy

- i. Establish user-friendly formal procedures for reporting, handling and coordinating sexual harassment matters.
- ii. Establish and strengthen internal administrative structures to deal with sexual harassment cases.
- iii. Communicate the process of handling sexual harassment to both perpetrator and victim and document all cases of sexual harassment.
- iv. Facilitate friendly channels for reporting sexual harassment incidents that adhere to

- ethics and confidentiality.
- v. Integrate gender/sexual harassment matters in all core activities of NEMC and partners.

4.4 Post Sexual Harassment Handling Mechanisms

4.4.1 Issues

- i. Limited aftermath intervention for both victims and perpetrators.

4.4.2 Policy Statement

NEMC shall ensure that each staff/partner who has been a victim of sexual harassment or perpetrators is protected to save his/her human dignity.

4.4.3 Policy strategy

- i. Ensuring work and learning relationship between the former victim and perpetrator of sexual harassment is not affected.
- ii. Establish a gender desk that will work on sexual harassment cases and related matters to cater for all NEMC staff and partners.

4.5 Community responsibility in sexual harassment

4.5.1 Issues

- i. The reluctance of NEMC staff and partners to act on and/or reveal sexual harassment acts.
- ii. Limited surveillance.

4.5.2 Policy statement

- i. NEMC shall endeavour to ensure all NEMC staff and partners are responsible for creating and maintaining a zero-tolerance to sexual harassment and promote self-respect.
- ii. NEMC shall ensure that anyone who feels that she/he has been a victim of sexual harassment is strongly encouraged to bring such incidents to the attention of relevant officers or organs.
- iii. Every person has a responsibility to disclose any act of sexual harassment whether it has happened to her/himself or a colleague. If a person has full knowledge of any of the acts covered in this policy as sexual harassment and does not disclose it, he/she is guilty of abetting the offence.

4.5.3 Policy strategy

Awareness creation to raise personal confidence among NEMC staff and partners in reporting actions of sexual harassment

5.0 Procedures for Handling Sexual Harassment

5.1 Procedures and Options for Reporting/Filing Complaints and Investigation

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. NEMC recognizes that sexual harassment may occur in unequal relationships (e.g. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser. If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment. Therefore, the complainants of sexual harassment have two options through which they can make a complaint: either through an informal complaint or through a formal complaint.

- i. An *informal complaint* is made to any staff or partner. It is made in those cases where the victim wishes for something to be done (e.g. to warn the harasser etc.) but is not ready to lodge a formal complaint. In any case, the alleged perpetrator must be notified of the complaint lodged against him/her. An informal complaint lodged shall be forwarded to the unit peer advisors for preliminary advice, the establishment of evidence, and recording as may be used in the future as evidence of repeated unwanted conduct should the need arise.
- ii. In making a *formal complaint*, the complainant shall lodge a written and signed complaint to the selected institutional structure of her/his choice as identified in this policy. The selected organ upon receiving the complaint shall then investigate the complaint exhaustively and take necessary measures as stipulated in the section and should be documented as soon as possible after its occurrence. The written account should include:
 - a) Name and address of the complainant and accused;
 - b) Date of the complaint;
 - c) Date, time and place of incident;
 - d) Behaviours involved in the incident;
 - e) Nature and details of the act or conduct complained;
 - f) Victim's response to the incident;

- g) The names of any witnesses to the incident (If any);
- h) Any relevant evidence;
- i) Any other relevant matter concerning the complaint of sexual harassment.

5.2 Time of lodging complaints

Complaints must be lodged within a reasonable time, preferably within 72hours especially in cases where the victim may need medical attention. In any case, the period for reporting should be within three months from the alleged harassment. However, NEMC recognizes the emotional impact of sexual harassment and therefore delays in reporting will not automatically preclude the council from taking action in a given situation. The organs/personel given mandate to deal with sexual harassment cases in this policy can also on its motion and with no formal complaint being received, initiate an official investigation in circumstances where such an intervention is required or justified.

5.3 Approaches for Dealing with Sexual Harassment

A sexual harassment complainant has the right of access to any of the levels of options and according to the law of the land, the complainant has the right to report cases to the police. NEMC shall set up an institutional structure or strengthen the existing structure to accommodate issues of sexual harassment. In order to initiate a formal grievance procedure, the individual needs to file a complaint in writing with either of the following institutional structures:

- i Immediate supervisor/line manager
- ii Heads of work units (directors and managers)
- iii Report to police.

5.4 Implementation of this policy

NEMC will ensure that this policy is widely disseminated to all relevant persons (Employee, partners and consultants). It will be included in the staff handbook. All new employees must be trained on the content of this policy as part of their induction into the council. Every year, NEMC will require all employees to attend a refresher training course on the content of this policy. It is the responsibility of every manager to ensure that all his/her employees are aware of the policy.

6.0 Monitoring and evaluation

NEMC recognizes the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective. Supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy to the monitoring and evaluation section, including the number of incidents, how they were dealt with, and any recommendations made. This will be done yearly. As a result of this report, the council will evaluate the effectiveness of this policy and make any changes needed.