



Anti- Harassment and Anti-Bullying Policy and Procedures

Date: 17th January 2020

A. Background

NAPP has a Protection Policy for Children and Vulnerable Adults and Procedures, which sets out specific obligations and reporting requirements for its board members, staff, consultants, volunteers, visitors and partners. NAPP's Protection Policy and Procedures are triggered when any person or organization submits an allegation or complaint with regard to the Worst forms of Child Labour, Forced Labour and Gender Based Violence and related exploitation, abuse and/or neglect in Fairtrade producer organisations. NAPP's Chair and COO, working with NAPP's Social Compliance Officers process these allegations and reports to the NAPP Social Compliance and Protection Committee of the Board (See Terms of Reference for the NAPP Board Social Compliance and Protection Committee)

NAPP's has a Human Resource (HR) Policy, which includes Section V. Anti- Sexual Harassment Policy. The HR Policy on page 15 states the "The Code of Conduct," makes specific that "no employee, man or woman, has the right to put pressure on another, make intimate advances, give preferential treatment or show sexual favouritism at work. All NAPP staff must be sensitive to the individual rights of their co-workers."

In addition to these Policies, NAPP has produced an Anti-Harassment and Bullying Policy to address all forms of harassment and bullying including sexual harassment which applies to board members, staff, consultants, volunteers, visitors and partners at the NAPP workplaces, places where NAPP representatives travel for work, including conferences, forums, market events, meetings, visits and any other place where NAPP conducts its work. All serious allegations or complaints are processed through the NAPP's Internal Complaints Committee and the NAPP Board's Human Resource Committee is informed (See NAPP HR Policy).

B. Definitions:

1. **Harassment** means any repeated, unreciprocated and/or unwelcome comments, gestures, actions, suggestions, symbols, and/or physical contact, based on, among other things, an individual's gender, gender identity and expression, sexual orientation, disability, physical appearance, body size, ethnicity, race, national origin, age, religion, working language proficiency or other personal characteristics that are evidently and widely understood as intended to be demeaning, humiliating and/or intimidating. Examples of such conduct include, but are not limited to:

- Sexual Harassment mean conduct of a sexual nature that unreasonably interferes with an individual by creating a pervasive sexually hostile or offensive work environment. It also occurs when a person's submission to or rejection of sexually offensive and unwelcome conduct is used as the basis for an employment decision. Sexual Harassment includes sexual assault (which is also a crime), unwanted

sexual advances, requests for sexual favours, inappropriate use of nudity or sexual images in work areas, repeatedly sending sexually offensive texts or emails, and other unwelcome verbal, visual, or physical conduct of a sexual nature

- Verbal comments that reinforce social structures of domination related to gender, gender identity and expression, sexual orientation, disability, physical appearance, ethnicity, race, national origin, age, or religion.
- Distribution or display of offensive or inappropriate messages, images, videos or other material (electronic or social media or printed) whether private or public
- Threatening, intimidating, or hostile acts (including stalking or following) directed at a particular group or an individual because of, for example, their sexual orientation, gender, ethnicity, race or religion
- Repeated inappropriate behaviour (bullying), direct or indirect, whether verbal, physical or otherwise which involves an abuse or misuse of power by one person over another and which makes the recipient feel threatened or humiliated, gradually eroding his/her self-confidence and which could reasonably be regarded as undermining the individual's right to dignity at work. Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers or representatives in the course of their duties, will not amount to bullying on their own
- Inappropriate physical contact or uninvited and unwelcome touching of an individual's body or unwelcome sexual attention
- Undermining somebody's work, reputation and/or authority through disparaging comments and/or gestures, or propagation of lies either in the presence of that person or in speaking to third parties about that person
- Psychological manipulation using persistent denial, misdirection, contradiction and/or lying with the attempt to destabilize and delegitimize a person's belief, memory and/or mental sanity
- Advocating or condoning for, or encouraging, any of the above behaviour

C. Purpose and Policy Statement

2. The purpose of this policy is to ensure that all who work for or represent NAPP are treated and treat others with dignity and respect, free from harassment and bullying. All involved with NAPP should take the time to ensure they understand what types of behaviour are unacceptable under this policy
3. This policy covers harassment and bullying which occurs both in and out of the NAPP workplaces, such as on business trips or at events or work-related functions, including social functions. It covers bullying and harassment by all who work for and represent NAPP and also by third parties such as partners, customers, suppliers or visitors.
4. All who work for or represent NAPP must treat colleagues and others with dignity and respect, and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.
5. NAPP will take all allegations of harassment and bullying seriously and address them promptly and confidentially where possible. Harassment and bullying by and between those who work for or represent NAPP will be treated as misconduct and a breach to NAPP Codes of Conduct. As such, harassment and bullying will lead to disciplinary action. In cases of sexual harassment, NAPP regards such action as gross misconduct which will lead to dismissal or termination.
6. Any form of Harassment including sexual harassment, bullying, discrimination and intimidation of any kind are violations of this policy and will not be tolerated.

D. National Laws

7. In countries where NAPP operates and/or conducts its operations national law could prohibit harassment related to gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. For example, **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** is a legislative act in India that seeks to protect women from sexual harassment at their place of work.
8. Under Health and Safety at Work Acts NAPP employees are entitled to a safe place and system of work
9. Individual members who work for or represent NAPP may in some cases be legally liable for harassment of colleagues or third parties including customers, and may be ordered to pay compensation by a court or employment tribunal

E. Coverage

10. This policy covers all individuals working for or representing NAPP or at any of NAPP premises irrespective of their status, level or grade. It therefore includes all Board members, employees, managers, directors, officers, consultants, contractors, trainees, homeworkers, casual and agency staff, partners, visitors and volunteers

F. Informal Steps

11. If you consider that you are not sexually harassed (see formal procedures below for reporting), but feel you are being bullied or harassed, you should initially attempt to resolve the problem informally with the person responsible if you feel able. You should explain clearly to them that their behavior is not welcome or makes you uncomfortable. If this is too difficult or embarrassing to do on your own, you should speak to your line manager, who can provide support.
12. If you are not certain whether an incident or series of incidents amount to bullying or harassment, you should initially contact your line manager informally for confidential advice.
13. If informal steps have not been successful or are not possible or appropriate, you should follow the formal procedure set out below

G. Making Formal Complaint

14. All sexual harassment should be reported in writing to the HR person with a copy to the chair of the Internal Complaints Committee of NAPP for investigation (see below). Depending on who the subject of the complaint is, the Chair could escalate this to NAPP COO, Chair and/or board HR Committee for processing.
15. If you wish to make a formal complaint about other forms of bullying or harassment, you should submit it in writing to your line manager and HR manager, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns that person, you should refer it to a senior manager.

16. Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

17. These managers could submit your complaint to the Internal Complaints Committee of NAPP for investigation. You too could directly submit a complaint to this committee as well

H. The Internal Complaints Committee (herewith referred to as ICC)

18. This is an internal NAPP body for processing all formal complaints involving harassment or bullying, including all sexual harassment.

I. Composition of members of the ICC

19. It is presumed that all members of the ICC have trainings on issues related to the complaint, including protection and safeguarding, gender based violence. The NAPP Board of Directors, NAPP Board Social Compliance and Protection and Human Resource Committee must ensure members who sit on the ICC have relevant and adequate training.

Members:

A) NAPP CEO or COO

B) NAPP HR Officer

C) One senior level female manager (NAPP Consultant) as Presiding Officer;

D) Social Compliance and Gender officer

E) At least two NAPP Consultants (Head of Region and Project Officer) from across NAPP functional areas preferably committed to human rights or have experience in protection and safeguarding or social work and have acquired a reasonable knowledge of NAPP and its Policy and Procedures, and

One member from rights based non-governmental organisations or expert committed to human rights, including gender rights or a person familiar with addressing the issues of sexual harassment and other forms of harassment, including bullying in the Fairtrade system (this person will be asked to join the committee based on the severity of the misconduct and from the country the issues is raised. This person will be for assignment based short-term contract.

Notably, gender parity of the committee should be achieved, namely one-half of the total members shall be female. Such members would already be presumed to be trained or shall undergo relevant training before deciding on a case as and when deemed necessary by experts. Whenever, a new member is inducted, separate training session should be held for the said member.

J. ICC Term of Office

20. The Presiding Officer and Member(s) of the ICC shall hold office for a period not exceeding three years from date of office. However, Presiding Officer and all Member(s) of the ICC during this term should have a disciplinary enquiry against them or if found guilty during such enquiry or if acts in contravention of the provisions of the Act or if found abusing his/her position to the extent that his/her continuance in office is prejudicial to the public interest shall be removed from the committee forthwith and the vacancy so created shall be filled by fresh nomination by NAPP Board of Directors.

K. Confidentiality and Data Protection:

21. The members of the ICC will commit to holding confidentiality of all information gathered through the investigation of the complaints either verbal or documented materials and shall disclose this information to anyone outside ICC. Should information of the ICC be requested by a third party, written permission must be obtained by the NAPP Chair and the NAPP CEO or COO (two persons minimally). Should the Chair, CEO or COO wish to share ICC's information, written permission should be obtained by one board member of the NAPP Social Compliance and Protection Committee or HR committee of the Board and the COO or a senior manager. In case of breach of confidentiality and non-disclosure by any ICC member such person shall be removed from the committee after due consideration and discussion with other members of the ICC. This person might face disciplinary action as deemed fit by NAPP HR Committee of the Board. Decision to remove will take no longer than three days.

L. Conflict of Interests

22. ICC Members must declare any or all conflicts of interest prior to the discussion of complaints or at any time a conflict of interest or potential conflict of interest arises. A conflict of interest refers to situations in which personal, occupational or financial considerations may affect or appear to affect the objectivity or fairness of decisions related to the committee activities. A conflict of interest may be real, potential or perceived in nature. Individuals must declare potential conflicts to the ICC's Presiding Officer and must either absent themselves from the discussion and voting, or put the decision to the committee on whether they should absent themselves. If the Presiding Officer has a conflict of interest, they should disclose it and a replacement officer at a senior manager level be found to replace. All this should be recorded in written notes.

M. Minutes of the ICC meetings

23. Within 7 days from the date of conducting of each meeting of the ICC, Minutes of the Meeting shall be circulated among with Members of the ICC, if any member has any suggestions or amendments to be proposed, same shall be done within 2 days from the date of circulation of Minutes of the Meeting. Finalised Minutes should be put forth on the next date of the ICC Meeting for approval and signatures of the Members. All minutes are confidential and must be stored accordingly

N. Power of the ICC

24. The ICC is empowered to either terminate the inquiry proceedings or give an ex-parte decision on the complaint, if the complainant or the alleged harasser or bully fails, without sufficient cause, to present herself or himself for three consecutive hearing convened by the Presiding Officer. Additionally, the ICC must give out a written notice to the parties, fifteen days in advance before either terminating or proceeding ex-parte (without any representation/defence from respondent) in the inquiry to both the parties.
25. The ICC is vested with powers of a civil court while conducting the inquiry and can summon and enforce attendance of any person and examine/record testimony on oath for fair and impartial inquiry. It is also empowered to enforce discovery and production of documents.

O. Formal investigation

26. The ICC will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by members of the ICC. The investigation will be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned. Experts will be called in to provide input on a cases-by-case bases.
27. If the aggrieved person is unable to make complaint due to their physical or mental incapacity their legal heir, relative, friend, guardian, special educator, co-worker, or any other person with knowledge of the incident (with written consent of the aggrieved woman) are authorised to make the complaint to ICC.
28. In case the aggrieved person is dead the ICC ought to receive and act upon the complaint filed by their legal heir. Moreover, the ICC ought to provide assistance to the aggrieved person in case the allegations are proved true.
29. The ICC will arrange a meeting with complainant and/or the subject of the complaint if filed on behalf of this person by the complainant, usually within one to two weeks of receiving the complaint, so that they can give their account of events. The complainant and/or the subject of the complainant have the right to be accompanied by a colleague or another representative of their choice, who must respect the confidentiality of the investigation. They will be given a provisional timetable for the investigation. The ICC will arrange further meetings with complainant and/or the subject of the complainant as appropriate throughout the investigation.
30. Where the complaint is about sexual harassment of a person who works for or represents NAPP, the ICC will suspend them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation. Where the complaint is about other types of harassment or bullying we could consider asking them to work from home or elsewhere or suspend them with pay. The ICC will also meet with the alleged sexual harasser, harasser or bully who may also be accompanied by a colleague or person of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.
31. Where the complaint is about someone other than an NAPP worker or representative, such as a contractor, customer, service user, supplier, or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
32. The ICC will also seriously consider any request that the complainant and/or the subject of the complaint make for changes to their own working arrangements during the investigation. For example, the complainant and/or the subject of the complaint may ask for changes to duties or working hours so as to avoid or minimize contact with the alleged harasser or bully.

It may be necessary for the ICC to interview witnesses to any of the incidents mentioned in the complaint. If so, the importance of confidentiality will be emphasized to them. The ICC must record in writing witness testimonies and get the record signed.

33. A copy of the complaint along with related documents shall be provided to the alleged harasser or bully within seven days from the date of receipt of the complainant and is required to furnish response along with list of witnesses and supporting documents within 10 days from such receipt
34. The ICC must record the entire proceeding in writing and follow principles of ethics and justice while making inquiry into the complaint. The subject of the complaint or aggrieved person and alleged harasser or bully must be informed of this.
35. An impartial inquiry must be conducted to unearth the truth and the ICC must not be prejudiced against any of the parties. Both the parties must be given sufficient opportunity to put forth their case and defence.
36. At the end of the investigation, the ICC will submit a report which they all agree and sign to the Chair of NAPP and a senior board executive or the entire HR committee to consider the complaint with the Chair. Should agreement not be reached by all members of the ICC, 75% of the members must agree to conclude the report. Members of the ICC who disagree can write down their disagreement offering a rationale for it.
37. The ICC report must make recommendations that commensurate with the gravity of the misconduct and is empowered to make following recommendations amongst other deemed appropriate by it.
 - a. If this is a case of other forms of harassment or bullying which is proven, provide training or other support to the persons impacted, impose monetary fine upon the harasser or bully as deemed appropriate, take disciplinary action against the harasser or bully, which could result in termination or suspension of employment contract.
 - b. In the case of sexual harassment which is proven, terminate the respondent's contract and inform jurisdictional police so that law can take its course if the allegations found to be correct and support the victim with at least four therapy sessions, including paid leave for maximum period of three months in addition to leave(s) accumulated/entitled.
38. Once the report is received, the Board representatives will consider the conclusions provided by the ICC and may deem it necessary to provide more stringent disciplinary actions (not weaker) in consultation with the board HR committee members. Should they deem this, they would need to inform the ICC members and try and reach agreement. Furthermore, the Board executives may want to conduct further interviews with the alleged harasser or bully. If this is the case, three members of the ICC committee must be involved in these further interviews. Once decided the CEO or COO or person nominated by the board executives will arrange a meeting with complainant and/or the subject of the complaint if filed on behalf of this person by the complainant, usually within 20 days of receiving the report, in order to discuss the outcomes. The complainant and/or the subject of the complaint if filed on behalf of this person by the complainant have the right to bring a colleague or other representative to the meeting. A copy of the summary of the report findings will be provided to the complainant and/or the subject of the complaint if filed on behalf of this person by the complainant and to the alleged harasser.

P. Action taken following Investigation

39. If the ICC and the board executives considers that harassment or bullying has occurred, prompt action will be taken to address it. Where the harasser or bully works for or represents NAPP the matter will be dealt with as a case of possible misconduct or gross misconduct. Where the harasser or bully is a third party,

appropriate action might include speaking or writing to the person and/or their supervisor about their behaviour or, in very serious cases, banning them from the premises or terminating a contract with them.

40. If the case is a case of sexual harassment, the harasser will be informed and their contract will be immediately terminated. A report to the national protection agency or police will be made. Furthermore, no compensation of any kind would be provided, including reference letters for other jobs.
41. Any person working for or representing NAPP who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to disciplinary action.

Q. Appeals

42. If the complainant or the subject of the complainant if filed on behalf of this person and/or the harasser or bully not satisfied with the outcome of the investigation, they may appeal in writing to the NAPP ICC and the HR Committee of the Board stating the full grounds of appeal, within one week of the date on which the decision was sent to them.
43. The ICC with three members of the NAPP board HR committee will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by members who have not previously been involved in the case (although they may ask anyone previously involved to be present). Either party can bring a representative for this meeting.
44. The NAPP HR Board Chair and CEO or COO will confirm the final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

R. Review of this Policy and Procedures

45. This Policy will be reviewed three years after it has been signed and approved by the NAPP board.

Signed:

Dated: 17th Jan 2020

Chair of Board: Mr. Gnanasekaran Rajaratnam



Chief Operating Officer: Mr. Sanjeet Singh Khurana



Appendix A

Declaration of commitment

I, _____, have been oriented to the NAPP
Anti-Harassment and Anti Bullying Policy and commit to abide by it.

Signed:

Dated:

Name :

Designation :