



ចក្ខុវិស័យសិទ្ធិមនុស្សកម្ពុជា

Cambodian Center for Human Rights

CAMBODIAN CENTER FOR HUMAN RIGHTS SEXUAL HARASSMENT POLICY



Revised on (date): 23 March 2021

1. INTRODUCTION

The Cambodian Center for Human Rights (“CCHR”) has a vision of a non-violent Cambodia in which people enjoy their fundamental human rights, are treated equally, are empowered to participate in democracy, and share the benefits of Cambodia’s ongoing development. This vision commits CCHR to work towards the eradication of discrimination in all its forms. In line with this vision, CCHR does not tolerate sexual harassment or abuse of any kind in the workplace - all forms of harassment are unacceptable and may result in disciplinary action or dismissal. This Sexual Harassment Policy (“the Policy”) outlines the ways in which CCHR will uphold its commitment to protect individuals from sexual harassment and must be adhered to by every employee.

CCHR recognizes that vulnerable groups may be at a greater risk of sexual harassment in the workplace due to discrimination by gender, sexual orientation, immigration status, age, race, ethnicity, or employment contract. CCHR recognizes that women, SOGIESC workers (workers with diverse sexual orientation, gender identity and sex characteristics) and children are amongst the most vulnerable to sexual harassment at the workplace. Thus, this Policy aims to protect all employees in order to eradicate barriers to justice and ensure equality for CCHR and its employees.

This Policy should be read alongside CCHR’s Gender Policy, Equality and Diversity Policy and Employment Policy.

2. DEFINITIONS

2.1. Harassment:

For the purposes of this Policy, harassment constitutes any uninvited or unwelcome behavior that may offend, humiliate or intimidate another person, whether or not that effect is intended. It may be a private or public act, a single act, a series of incidents, or threats that occur in the workplace or at a work-related function. Harassment does not include any requests to perform legitimate and reasonable work requirements, reasonable management practices, organizational change or downsizing.

2.2. Sexual Harassment:

For the purposes of this Policy, sexual harassment refers to any physical, verbal or non-verbal conduct of a sexual nature that is unwelcome and offensive to the recipient. Sexual harassment can be a pattern of behavior or occur only once and may be directed at an individual or a group of people. It can occur in face-to-face contact or any form of correspondence, including via telephone, direct messages, letters or emails. For a non-exhaustive list of examples, see Section 7.

3. SCOPE OF POLICY

This Policy applies to all employees of CCHR as defined in the Employment Policy, which includes consultants, interns and volunteers. This Policy also applies to any contractors hired by CCHR, or any person participating in CCHR’s work or programs. This Policy will apply to workplace situations arising

out of, in the course of or in connection to CCHR's employment and commuting to and from work. This also includes all employees representing CCHR in an official capacity outside the office, including at external meetings and on field missions. The protections encapsulated in this Policy extend to beneficiaries of CCHR.

4. EMPLOYEE RESPONSIBILITIES

4.1. Compliance:

Every CCHR employee must strictly comply with this Policy to ensure a safe working environment.

4.2. Prohibitions:

No employee shall engage in sexual harassment. This includes:

- a) Engaging in unwelcome physical or verbal sexual behaviors which offend, humiliate or intimidate another person, whether or not that effect is intended;
- b) Impliedly or overtly promising preferential treatment in employment or otherwise in exchange for a sexual act;
- c) Impliedly or overtly threatening detrimental treatment in employment or otherwise if a sexual act is not performed;
- d) Impliedly or overtly threatening another employee or beneficiary of their present or future employment status if a sexual act is not performed; and
- e) Contributing to the creation of an intimidating, offensive or hostile work environment.

This list of prohibitions is non-exhaustive; any conduct deemed applicable by the Management Committee in relation to this Policy will be regarded as prohibited.

4.3. Breach of this Policy and Disciplinary Action:

CCHR has the right to take disciplinary action against any employee that is in breach of any provisions of this Policy. Disciplinary action may include suspension or termination of employment, as per CCHR's Employment Policy. Sexual harassment is against the law, and with the permission of the complainant, CCHR reserves the right to report any behavior in breach of this Policy to the relevant authorities.

5. MONITORING

5.1. Reporting Procedure:

CCHR recognizes the need to effectively and promptly respond to complaints of sexual harassment. If a CCHR employee or beneficiary has experienced sexual harassment, and wishes to lodge a complaint, they should file such complaint in accordance with the Grievance Procedure as set out in the CCHR Employment Policy. All complaints received through this will be handled swiftly and confidentially by Management Committee.

5.2. Counselling:

Any employee or beneficiary who experiences sexual harassment may obtain free and confidential counselling.

5.3. Confidentiality:

All discussed and reported information pertaining to sexual harassment or the operation of this Policy will be treated as fully confidential. The inappropriate use of confidential information is subject to disciplinary action, that may include termination of employment, in accordance with CCHR's Employment Policy.

5.5. Implementation:

CCHR's Management Committee is responsible for ensuring this Policy is effectively implemented.

5.7 Policy Review:

This Policy will be subject to review periodically by the Management Committee.

6. INFORMATION AND TRAINING

6.1. Training:

The Management Committee is responsible for providing training to all employees about sexual harassment and the provisions of this Policy. Training and development sessions on preventing sexual harassment in the workplace will be carried out at least annually.

6.2. Employee Understanding:

If at any time an employee is unclear about the application of this Policy, or requires further information, they should contact the Finance and Administration Director or any other Management Committee members for further information.

6. ADVOCACY

CCHR will partake in advocacy against sexual harassment and other forms of gender-based violence and discrimination in line with CCHR's mandate and Gender and Equality and Diversity Policies.

7. GUIDELINES FOR POLICY INTERPRETATION

- a) Under this Policy, sexual harassment can include but is not limited to:
- Physical conduct:
 - Non-consensual physical contact including patting, pinching, stroking, kissing, hugging, fondling, or touching
 - Physical violence, including sexual assault
 - The use of job-related threats or rewards to solicit sexual favours
 - Verbal conduct
 - Comments on a worker's appearance, age, private life, etc.
 - Sexual comments, stories and jokes
 - Sexual advances
 - Repeated and unwanted social invitations for dates or physical intimacy
 - Insults based on the sex of the worker
 - Condescending or paternalistic remarks
 - Sending sexually explicit messages or pornography (by phone or email)
 - Non-verbal conduct
 - i. Display of sexually explicit or suggestive material
 - ii. Sexually-suggestive gestures
 - iii. Whistling
 - iv. Leering
- b) Sexual harassment is necessarily unwelcome in nature – when reviewing cases under this Policy, consideration must be given as to whether the individual perceives the conduct against them as unwelcome, regardless of the intended effect. This is best determined on a case-by-case basis, as the affected individual is best equipped to decide what constitutes as acceptable and what is offensive against their person.
- c) This Policy is intended to encompass incidents that occur both within the CCHR office and other work-related events conducted by or in connection to CCHR, including conferences, events and work-related activities, as well as any relevant incidents that occur via technology.
- d) Notwithstanding the fact that sexual harassment disproportionately affects vulnerable people such as women and SOGIESC individuals, sexual harassment can also be experienced by men. This Policy must be interpreted with the acknowledgement that all individuals, regardless of gender or any other status, must be protected from sexual harassment.
- e) A hostile work environment can be created by single incidents of sexual harassment or a combination of various different behaviors and incidents that occur simultaneously. As such, when investigating complaints under this Policy, it is important to consider the cumulative impact of separate incidents in creating a hostile work environment.

- f) Cases of sexual harassment include situations of abuses of power, in which protected individuals are made fearful of adverse employment changes such as demotion, relocation or firing as a consequence of refusing to perform or engage in sexual acts.