

ATA'S SEXUAL HARASSMENT POLICY AND PROCEDURE

**ATA HAS ZERO TOLERANCE
TOWARDS SEXUAL HARASSMENT**

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Ethiopian  **ATA**
Agricultural Transformation Agency
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Acronyms

ATA: Agricultural Transformation Agency

CEO: Chief Executive Officer

DC: Disciplinary Committee

DP: Designated Persons

FDRE: Federal Democratic Republic of Ethiopia.

HR: Human Resources

ILO: International Labor Organization

SH: Sexual Harassment

SMT: Senior Management Team

WFP: World Food Program

Agricultural Transformation Agency’s Sexual Harassment Policy and Procedures

1. Introduction

- 1.1 Agricultural Transformation Agency (ATA) is dedicated in providing a safe working environment for employees and its clients, free from discrimination on any grounds including sexual harassment (SH) in the workplace. Safe working environment will allow its employees and clients the opportunity to reach their fullest potential and empowering them to deliver the best possible outcomes that ATA aims for all. All employees including other persons who are affiliated with ATA in business have the right to be treated with dignity and respect and all employees have the responsibilities to promote and ensure a safe working environment.
- 1.2 SH in the workplace as well as out of the workplace by the employees and towards employees will not be permitted or ignored in ATA. ATA has “Zero Tolerance Policy towards Sexual Harassment”. Placing a sound base and appropriate sexual harassment policy and procedure is a key foundation and a first step to manage SH in the workplace and safeguard the employees and its client from SH.
- 1.3 This policy lays its foundation from several SH policies including the SH policy that ATA adopted from the Civil Servant Proclamation 1064/2017¹ and other international organizations such as World Food Program (WFP)² and International Labor Organization (ILO’s) The policy will also be checked by the ATA’s lawyer for its consistency and accountability with the existing laws of the country.
- 1.4 All staff will be aware of what the policy mean to all of them and how the policy will be implemented. ATA will make sure that all leaders, managers, supervisors, and employees in their respective verticals know about the SH policy and procedure and make the policy accessible and familiar with its contents and procedures to all of its staff. Moreover, the Senior Management Team (SMT) will be responsible to make sure that the implementation of SH policy and procedure properly and regularly monitored,

¹ Federal Democratic Republic of Ethiopia (FDRE) (2017). Federal Civil Servants Proclamation NO. 1064/2017. *Federal Negarit Gazzet*. 24th year No.12. Addis Ababa, 15th Dec 2017.

² WFP (2018) World Food Program. Protection from harassment, sexual harassment, abuse of authority, and discrimination. OED2018/007. Human Resources Manual Section VIII 1.4 (e) and VIII 1.5 2(a)

WFP (2020) World Food Program. Protection from sexual exploitation and abuse (PSEA). *What you should know*. Brochure , abuse of authority, and discrimination. OED2018/007. Human Resources Manual Section VIII 1.4 (e) and VIII 1.5 2(a)

WFP poster (no date). WFP has Zero tolerance for sexual exploitation and sexual abuse harassment.

followed up and reported on the incidence, actions and measures taken to prevent and control SH. Hence, every ATA's employee has a corresponding responsibility to actively promote a safe environment.

1.5 This policy is designed to be comprehensive at the same time will be reviewed regularly and amended as needed. Moreover, the policy is produced in such a way that all the employees will understand easily through regular trainings, and a range of awareness raising platforms. Hence all relevant procedures and actors involved in reporting, escalation, investigation, and decision are explained clearly in this policy.

2. Purpose

2.1 This policy developed to reinforce the existing ATA's SH policy through filling out the gaps that the previous policy had particularly in escalation processes and procedures of handling SH to control and ensure zero SH once and for all and create conducive working environment where its employees and clients enjoy their human right and dignity. This SH policy is not entirely a new policy to ATA, but it is the revised version of the SH policy that ATA is using in its Human Resources (HR) manual. The policy can be kept as a standalone policy or as an extension of the existing ATA's SH policy in the HR manual or can replace the existing one and kept in the HR manual.

3. Application

3.1 This policy applies to all ATA employees and clients. It encompasses abusive conduct related to SH which occurs at or away from ATA's offices and workplaces, during or outside working hours.

- 3.1.1. Employees who have been sexually harassed
- 3.1.2. Witnesses of SH
- 3.1.3. Employees accused of SH
- 3.1.4. Leaders, managers, supervisors, and senior staff involved in investigating SH cases.

3.2 ATA 's CEO, head of Human Resources (HR), Senior Management Team (SMT), respective supervisors and managers, Disciplinary Committee (DC), Designated Persons (DP), victims and employees are responsible for the implementation of this sexual harassment policy. They are also the lead person on all cases related to sexual harassment in ATA.

3.3 The policy will be approved by CEO.

3.4 This policy shall be included in ATA's HR manual and kept in the website accessible to all staff.

3.5 Compliance with this policy is mandatory to all and this policy outlines clear procedures for:

- 3.5.1 Employees who have been sexually harassed
- 3.5.2 Witnesses of SH
- 3.5.3 Employees accused of SH.
- 3.5.4 Leaders, managers, supervisors, and senior staff involved in investigating SH cases.

4. Meaning of zero tolerance policy towards sexual harassment

4.1 ATA has **"Zero Tolerance Policy towards Sexual Harassment"**. ATA forbid its employees regardless of their position, age, gender, and any category from exercising SH. **For every infraction of the stated rules**

on this SH policy, ATA will take measures for all kinds of SH. According to the civil servant proclamation 1064/2017 under Article 70(13), committing SH is stated as an offence entailing rigorous disciplinary penalties. Speedy and remedial disciplinary measures will be taken on the person who committed SH according to the type and gravity of SH cases and degree of the violation that the person exercised. Any disciplinary measures taken will also appear in the accused’s employment records.

4.2 Moreover, ATA will ensure and follow up the appropriate implementation of this SH policy and procedure to protect its employees from being sexually harassed. ATA supports its employees to enjoy their rights to working in a safe environment with respect and dignity.

5. Definition and Category of SH

5.1 Definition: “Sexual harassment as stated in the Ethiopian Civil Servant proclamation 1064/2017 means unwelcome³ sexual advance or request or other verbal, non-verbal or physical conduct of sexual nature or other act and conduct that include unwelcome kissing, patting, pinching or making other similar bodily contact, following the victim or blocking the path of the victim in a manner of sexual nature. And put sexual favor as prerequisite for employment, promotion, transfer, training, education, benefits.” or for executing or authorizing. This policy also expands SH definition stated in the proclamation of Ethiopian civil servants 1064/2017 and explains the different category of SH in detail (see section 5).

5.2 Categories of SH (WFP, 2020 and Section 27, 2018)

5.2.1 Sexual harassment has different forms and can be expressed in different ways. As It is briefly defined under section 4.3, it is unwelcome sexual advance or request or other verbal, non-verbal or physical conduct of sexual nature or other act and conduct that include spoken words, gestures, display or circulation of written words, pictures or other material which are unwelcome and could reasonably be regarded as sexually offensive, humiliating and intimidating.

5.2.2. In general, in this policy SH is understood as “any unwanted and offensive behavior of sexual nature or advance or request that violates a person’s dignity and makes them feel degraded, humiliated, intimidated or threatened”.

5.2.3. The different forms or categories of SH will be explained as follow using examples and illustrations, but these shall not be considered as exhaustive list of examples for SH.

5.2.3.1 Physical: when someone uses physical or force to have sexual contact without the willingness of another person against their desire such as,

- Actual or attempted sexual assault-a physical attack including sexual touching or rape.
- Kissing someone without permission
- Unwanted and unwelcome touching, groping, fondling, or stroking of someone’s bodies and private parts.

³ Regardless of the intention of the person accused of harassment, it is the person on the receiving end of behavior who decides whether it is unwelcome.

- Unwanted and unwelcome touching of someone’s arms / body such as putting arm around someone, holding of someone’s hand or neck massage.

5.2.3.2 Verbal: someone gives another person unwanted sexual attention through verbal or written comments or conversation such as

- Unwanted texts, email, letters, telephone calls or materials of sexual nature
- Sexually suggestive remark
- Repeated and unwanted social invitations for date or physical intimacy.
- Unwanted requests for sexual⁴ favors
- Making kissing sounds, sexually suggestive whistling
- Unwanted questions about sexual fantasies
- Unsolicited jokes that are sexual in nature or innuendos
- Spreading rumors of sexual natures on another person

5.2.3.3. Non-verbal: someone gives another person unwanted sexual attention through noises or action at distance such as,

- Repeated and unwanted invasion of personal space (e.g., placing oneself too close to someone for long periods of time or blocking a person’s path)
- Looking someone up and down, staring or leering
- Sexual gesture with body
- Facial expression such as winking, licking lips, throwing kisses.
- Staking someone or following them around
- Purposefully blocking someone’s path.
- Unwanted personal gifts

5.2.3.4. Sexual favoritism: Exists where a person who is in position of authority rewards only those who responded to his/her sexual advances, whilst other deserving persons who do not submit themselves to any sexual advances are denied promotions, salary, incentives, or opportunities.

5.2.3.5. Victimization: Occurs where a person is victimized or intimidated for failing to submit sexual advances and if the victim is victimized/retaliated for reporting sexual harassment at work. Retaliation is a serious and punishable offence that has a consequence of dismissal from job.

⁴ Regardless of the intention of the person accused of harassment, it is the person on the receiving end of behavior who decides whether it is unwanted or offensive.

Table 1: Categories of sexual harassment, types of SH offence and consequences (WFP, 2020 and Section 27, 2018)

Category	Description and examples	Type			Measures
		Mild offense	Moderate offense	Serious offense	
Physical	<i>When someone uses physical or force to have sexual contact without the willingness of another person against their desire</i>				
	<ul style="list-style-type: none"> Actual or attempted sexual assault-a physical attack including sexual touching or rape 			√	Dismissal /termination of the contract
	<ul style="list-style-type: none"> Kissing someone without permission 			√	Dismissal /termination of the contract
	<ul style="list-style-type: none"> Unwanted and unwelcome touching, groping, fondling, or stroking of someone's bodies private parts. 			√	Dismissal /termination of the contract
	<ul style="list-style-type: none"> Unwanted and unwelcome touching, groping, fondling, or stroking of someone's bodies. 			√	Demotion (down grading for the period up to 2 years
	<ul style="list-style-type: none"> Unwanted and unwelcome touching and putting arms around someone's body such as touching their arms/body inappropriately, or neck massage 		√		Demotion (down grading for the period up to 2 years
	<ul style="list-style-type: none"> Unwanted requests for sexual favors 			√	Demotion (down grading for the period up to 2 years
Verbal	<i>Someone gives another person unwanted sexual attention through verbal or written comments or conversation</i>				
	<ul style="list-style-type: none"> Unwanted texts, email, letters, telephone calls or materials of sexual nature 			√	Demotion (down grading for the period up to 2 years
	<ul style="list-style-type: none"> Sexually suggestive remark 			√	Demotion (down grading for

Category	Description and examples	Type			Measures
		Mild offense	Moderate offense	Serious offense	
					the period up to 2 years
	<ul style="list-style-type: none"> Repeated and unwanted social invitations for date or physical intimacy 		√		Fine up to 3 months salary
	<ul style="list-style-type: none"> Making kissing sounds, sexually suggestive whistling 		√		Fine up to 3 months salary
	<ul style="list-style-type: none"> Unwanted questions about sexual fantasies 		√		Fine up to 3 months salary
	<ul style="list-style-type: none"> Unsolicited jokes that are sexual in nature or innuendos 		√		Fine up to 3 months salary
	<ul style="list-style-type: none"> Spreading rumors of sexual natures on another person 	√			
Non-verbal	<i>Someone gives another person unwanted sexual attention through noises or action at distance</i>				
	<ul style="list-style-type: none"> Repeated invasion of personal space 			√	Demotion (down grading for the period up to 2 years)
	<ul style="list-style-type: none"> Looking someone up and down, staring or leering 		√		Fine up to 3 months salary
	<ul style="list-style-type: none"> Sexual gesture with body 		√		Fine up to 3 months salary
	<ul style="list-style-type: none"> Facial expression such as winking, licking lips, throwing kisses 		√		Fine up to 3 months salary
	<ul style="list-style-type: none"> Staking someone or following them around 			√	Demotion (down grading for the period up to 2 years)
	<ul style="list-style-type: none"> Purposefully blocking someone's path. 		√		Fine up to 3 months salary
	<ul style="list-style-type: none"> Unwanted personal gifts 	√			Fine up to one month salary OR

Category	Description and examples	Type			Measures
		Mild offense	Moderate offense	Serious offense	
Sexual favoritism	<ul style="list-style-type: none"> When a person who is in position of authority rewards only those who responded to their sexual advances 			—	
	<ul style="list-style-type: none"> When a person who is in position of authority denied promotions, salary, incentives, or opportunities due to refusing or resisting to submit themselves to any sexual advances request 			√	Dismissal /termination of the contract
Victimization	<ul style="list-style-type: none"> Occurs where a person is victimized or intimidated for failing to submit sexual advances and retaliated for reporting the SH incidences 				
	<ul style="list-style-type: none"> A person is victimized or intimidated for failing to submit sexual advances 			√	Demotion (down grading for the period up to 2 years)
	<ul style="list-style-type: none"> If a person is victimized or intimidated or retaliated for reporting the SH incidences as victim or witness 			√	Dismissal /termination of the contract

Adapted from Section 27 Catalyst for social justice (2018): Sexual harassment policy and Sample sexual harassment policy document (no date): Sexual harassment in the media.

6 When do you know you or someone have been sexually harassed?

6.1 Regardless of the intention of the person accused of harassment, it is the person on the receiving end of behavior who decides whether it is unwanted or offensive. SH can be a onetime or an on-going occurrence. In this policy SH is also understood when a person is forced to submit to SH in return for employment benefits such as promotion, keeping their job, and when a person’s employment is affected, such as being fired, demoted or losing assignments when they rejected or stand up to SH.

7 Gravity of sexual harassment offenses

7.0.1. In the Ethiopian Civil Servants Proclamation 1064/2017 article 70(13) committing sexual harassment or abuse at workplace is categorized under one of the offenses that imposes rigorous disciplinary penalties

(FDRE, 2017)⁵. ATA has already adapted and implemented the civil servant law on SH and implementing the policy (ATA 2019 p. 36-37)⁶ since 2018. Based on intensity of the offenses, in this policy the SH offenses are classified into three levels (Serious SH offence, Moderate SH offence and Mild SH offence). As stated under section 10, different levels of penalty are employed too. For e.g., a person accused of SH for serious offense will be dismissed (penalized through termination of the contract) or demoted (penalized with down grading from position for the period up to 2 years). Similarly, while a person who committed moderate offense will be fined up to three month’s salary for the mild offense a person will be fined up to one month’s salary.

7.1 Serious/rigorous offense

- 7.1.1 Category of SH such as all offenses categorized under physical offense, sexual favoritism, victimization, some verbal offenses (such as unwanted text, email, letter, call) and some non-verbal offenses (such as repeated invasion of personal space and stalking someone or following them around) are considered as Serious offense.
- 7.1.2 Actual or attempted sexual assault-a physical attack including sexual touching and rape and victimization are considered as a serious and criminal offence. ATA will report any case of sexual assault to the police immediately and will comply with any related police investigation. If someone has been sexually assaulted or raped, this is a serious crime, the victim should report it to ATA and ATA will report to the police as well and seek medical attention. Be aware that the case may go to criminal court.
- 7.1.3 A person accused of SH for serious offense will be dismissed (penalized through termination of the contract) or demoted (penalized with down grading from position for the period up to 2 years).
- 7.1.4 ATA reserves the right to suspend with pay any employee accused of serious sexual assault until the police investigation is complete or court verdict.

7.2 Moderate offense

7.2.1. All the verbal offenses and the non-verbal offenses except the unwanted text, email, letter, call, the repeated invasion of personal space and stalking someone or following them around are considered as moderate offense. A person who committed moderate offense will be fined up to three month’s salary.

7.3. Mild offense

7.3.1 Unwanted personal gifts categorized under non-verbal offenses and spreading rumors of sexual natures on another person categorized under verbal offenses are the only offenses considered as mild offense. The person who committed the mild offense will be fined up to one month’s salary.

⁵ The Federal Democratic Republic of Ethiopia. 2017. Proclamation NO. 1064/2017 on Federal Civil Servants Proclamation. *Federal Negarit Gazette*

⁶ Agricultural Transformation Agency (ATA). 2019. Human Resource Manual pp.34-36

8 Rights and responsibilities of employees

8.0.1. ATA assure for its employees to work in an environment free from any kind of discrimination including SH. All employees have the right to enjoy the safe working environment.

8.0.2. While ATA treats all SH cases fairly and consistently with due respect to the rights of all employees involved; all employees should play their roles to contribute towards creating and maintaining a safe working environment where SH is unacceptable. The employees should collectively ensure that their conduct and behavior do not cause offense and should discourage unacceptable behavior on others.

8.0.2.1. Leaders: leaders shall proactively observe and take note of SH behaviors. Where there is potential issues on SH (before occurrence), it is required to provide advise proactively as a preventative measure

8.0.2.2. Peers / Colleagues: Staff shall observe, talk to each other about SH incidences and encourage feedback to the respective persons.

8.0.2.3. Witnesses: witnesses are encouraged to report, highlight, or escalate SH cases even without accusing

8.0.2.4. Victims: victims should not refrain from reporting because of the concerns around procedure and consequences. Share it using all or one of the possible reporting channel or formats (formal or informal). Victims shall find out options, discuss and agree the process / procedure they would be comfortable with and report.

8.0.2.5. HR: HR shall conduct periodic surveys / focus groups discussions, observations, reinforce key periodical messages, organize training periodically, establish relationships with staff to enable HR to learn of incidences or behaviors. HR informally shall take some indirect action / measures even if SH cases not reported.

8.1 Employees who have been sexually harassed.

8.1.1. If you have been sexually harassed it is not your fault. You are not also alone nor the only person that this happened to. SH does happen in similar organizations within the country and all over the world. You have the legal right as stated in Civil Servants' Proclamation 1064/2017 to work in a safe environment without being subjected to sexual harassment and frightened of it. It is the ATA's responsibility to make this happen.

8.1.2. But be aware that to do anything about SH, ATA is completely dependent on being informed. So, you need to inform to the responsible person about the incident. This could be to the designated persons, your immediate supervisor/manager, someone from HR. All these people have a duty to protect your confidentiality.

8.1.3. If you have been sexually assaulted or raped this is a serious crime against you. In addition to informing ATA, you should check also ATA has reported it to the police and seek medical attention/supports for you. Be aware that your case may go to criminal court as well in case of serious offence.

8.1.4. Moreover, you have the right not to be victimized for reporting sexual harassment at work. Retaliation is a serious and punishable offence that has a consequence of dismissal from job, and it is ATA's responsibility to protect you from retaliation or victimization.

8.1.5. ATA has both formal and informal procedures in place as explained in detail below, to deal with cases of SH. It is your choice to decide which procedure channel/format you are going to use in your convenience. In any circumstances if you have been sexually harassed ATA strictly encourages you to report.

8.2 Witnesses or employees concerned about someone else being sexually harassed at work.

8.2.1. ATA is completely dependent on being informed to do anything about SH. If a colleague contacts you and reports being sexually harassed, you must encourage the person/victim to take the case further and to report it.

8.2.2. If you are worried that a colleague is being sexually harassed, you need to report this to at least one of the persons mentioned above (see section 8.1.2) and below as responsible persons.

8.2.3. You should at least highlight the SH incidences to team leader / HR / Gender committee refraining from using names. Then the respective recipients of the information shall take subtle actions such as active observation, survey, more training etc.

8.2.4. ATA discourages ignoring the SH case and intentionally undermining to report the SH by the witnesses. As an employee, you need to play your role to control SH which is your moral obligation.

8.2.2. As someone reporting SH, your identity, and the information you shared will be treated in confidence and will only be shared with people involved in the investigation. You have the right not to be victimized for reporting SH at work.

8.3 Employees accused of SH at work.

8.3.1. If you are being accused of sexual harassment you also have the rights to appeal the decision and confidentiality.

8.3.2. Your identity and any information about the case will be treated confidentially.

8.3.3. You have the right to respond to any accusations made against you and due consideration of your version of events. You have also the right to appeal a decision.

8.3.4. If ATA finds that there is no sexual harassment case against you, or the case is dropped then any documents relating to the case will be destroyed and will not affect your current and future employment prospects.

8.3.5. If ATA finds that there is a SH case against you, you will be disciplined. The measures range from fine up to one month's salary up to the termination of ATA's contract and dismissal. The minimum discipline measure is a one-month salary fine. The discipline for serious offence and/or

repeated cases more than one is termination of employment. Rape and sexual assault are serious offense and considered as criminal offences that will be referred to the police as well.

8.4 Leaders, managers, supervisors, and senior staff involved in investigating SH cases.

8.4.1. Representative of ATA management team (leaders, managers, supervisors, and senior management team) should do their mandate to prevent and identify unacceptable sexual behavior from happening.

8.4.2. You should also prevent behavior that create a hostile work environment for employees. The need to adhere to this policy and other related policies and procedures to ensure that all parties fully understand their rights under this policy and fully understand ATA’s complaints procedure. All parties should also be aware the potential outcomes of committing SH and its associated disciplinary measures.

8.4.3. The management team have to ensure also all SH cases are investigated thoroughly, fairly, consistently and timely.

8.4.4. They must make sure that all parties are provided with feedback, the necessary follow up and supports.

8.4.5. Violation of rules and regulations by management team and failure to implement the decisions will result in a formal disciplinary procedure.

9. Compliant procedure of sexual harassment

9.0.1 When SH cases or incidents have been brought to the attention of ATA by anyone, ATA should.

9.0.1.1. consult all relevant parties.

9.0.1.2. take the necessary steps to address the SH complaint either formally or informally.

9.0.1.3. follow the required steps and procedures to handle the cases of SH and eliminate SH.

9.1 Procedure of handling SH cases

9.1.1. Though the Ethiopian civil service proclamation on SH provided explanation about grievance handling process and procedures which include how to provide speedy remedy or responses, victims in ATA are still hesitant to report while they are sexually harassed. This is because the current policy on SH lacks clear procedures to handle SH cases including lack of confidential reporting platform related to absence of dedicated staff or committee to handle SH cases.

9.1.2. Accordingly, ATA shall assign Designated Persons composed of both gender (3 to 4) who receive complaints from victims or witnesses both formally and informally.

9.1.3. All employees have the right to report if they have been sexually harassed at work, or if they have witnessed someone else being sexually harassed at work.

9.1.4. All reports will be taken seriously and dealt with confidentiality and in a consistent and fair manner, respecting the rights of all parties involved.

9.1.5. ATA can disclose about the SH case anonymously. But a proper investigation will require the identities of all parties to be known.

9.1.6. If necessary, ATA will bring external assistance or expertise to ensure a fair impartial and objective investigation.

9.1.7. This SH policy provides a very detail and clear procedures and outline process how to handle SH cases in addition to those offered in the existing HR manual.

9.2 Format of handling SH cases

9.2.1. SH can be handled in different ways either informally or formally. It is up to the choice of the victims and the gravity of offence which channel to follow.

9.2.2. Some complaints may be addressed with the informal resolution and cessation of behaviors. Others may seek resolution through the formal route.

9.2.3. For serious offense it is compulsory to handle the case formally and report to police.

9.3. Informal complaint procedure

9.3.0 An informal complaint is a way on which the victims or witnesses can report the incidence of sexual harassment informally to the designated persons. This informal procedure is in place to give more choices for the victims to report the incidence in case the victims are not comfortable to channel their cases formally for any reasons.

9.3.0.1. An informal complaint does not involve any disciplinary measures.

9.3.0.2. If the victim agrees with the informal mediation done by designated persons outcomes and processes the informal complaints receivers do not need to escalate the SH incidence for further investigation and decision in the formal channel.

9.3.0.3. If the mediators (designated persons) think it is serious and merits formal investigation, the mediators shall advise the victim to report through formal channel, and the mediators themselves shall also escalate the case to the formal channel.

9.3.0.4. If the victim does not want them to report, the mediators shall report the case to supervisors of the harasser without disclosing the victim's name and identity.

9.3.0.5. However, the informal complaint receivers after investigating the case and making the mediation as explained below shall inform the SH incidence including the processes (all steps taken) and the outcomes of the mediation to senior managers.

9.3.1. Step 1: Reporting: SH complaint makes a report informally.

9.3.1.1. Victims or any witnesses can verbally or through written complaint inform the sexual harassment incident to designated persons (this can be 2 or 3 persons from both sex).

9.3.2: Step 2: Discussion: Meeting the victim after complaint received informally.

9.3.2.1. The informal complaint receivers contact or call a meeting with the accused person and the complaint receivers need to prepare a written note of the complaint and share a copy with the accused person and victims.

9.3.2.2. Complaint receivers has the responsibility to explain the rights of both parties (victims and accused person), the processes going forward and confidentiality for both parties.

9.3.2.3. The complaint receivers discuss the various resolution options as part of the informal process. (see the detail of informal resolution options under section 9.3.5.5.)

9.3.2.4 The complaint receiver must explain if the victim is not satisfied with the outcome of the informal complaint, then he or she has the right to make a formal complaint. All should be noted and documented in writing and shared with the victim.

9.3.3: Step 3: Notification: Meeting with the person accused of SH

9.3.3.1. Inform the person accused of SH the case against him/her and explain his/her rights including the right to respond, the process going forward, the consequence of complaint, and confidentiality.

9.3.3.2. Discuss the various means of resolution in the informal process.

9.3.3.3. Explain the ATA's policy in retaliation and victimization of anyone making SH complaint. Document all the conversation and steps undertaken in writing. The senior management must be informed of the case.

9.3.4: Step 4: Mediation

9.3.4.1. The person accused of SH will be given 1 week to respond in writing.

9.3.4.2. A resolution is agreed on. The resolution will depend on the case but could include:

9.3. 4.2.1. The promise to end sexually harassing behaviors.

9.3. 4.2.2. Formal apology from harasser if the victim is ok with identity being known.

9.3. 4.2.3. Supports to harasser such as training, coaching, advise, and sensitization work on SH policy and procedures.

9.3. 4.2.4. Transfers between teams in the preference of victims.

9.3.5: Step 5: Follow up and support.

9.3.5.1. The informal complaint receivers shall systematically follow up with both parties to ensure that SH has stopped and that both parties are not being adversely affected in the aftermath. This could be done through conduction follow-up meetings with the line managers of both parties involved in the complaint.

9.3.5.2. The informal complaint receivers will continue to assess the need for supports. If the person being harassed is not satisfied with the outcome of the informal complaint procedure, he or she can make a formal complaint anytime in the process.

9. 4. Formal complaints procedure

9.4.0.1 For all of the different SH offenses ATA shall adapt the same handling procedure formally according to the Civil Servant Proclamation except if the victim chooses the informal route for the mild one.

9.4.0.2. For serious and moderate offenses, it is compulsory to handle the case formally and the victim should follow the formal complaint channel and report the SH incidents formally.

9.4.0.3. After the victim reported through formal channel, the victim needs to check also whether the case is reported to the police and get medical support and attention.

9.4.0.4. It is the responsibility of compliant receivers to escalate the SH case to DC for further investigation and decision.

9.4.0.5. Upon receiving the report of SH incidents, the DC will make the investigation and proposes the type of penalty the harasser deserves and submits the report for the CEO's approval.

9.4.0.6. Once the decision approved by the CEO the DC will communicate the final decision made to harasser and HR for implementation

9.4.0.7. Penalty involving dismissal shall be enforced as the date of the decision is communicated to harasser.

9.4.0.8. Fine up to three month's salary and one month's salary shall be shared with harasser and HR in writing as soon as the decision is approved by CEO.

9.4.0.9. Similarly, fine involving up to three- and one-month's salary shall be enforced after 30 days from the date the decision is communicated to harasser and the respective implementing department.

9.4.1. Reporting SH incidence formally

9.4.1.1. ATA encourages any SH incident must immediately be brought to the attention of the organization.

9. 4.1.2. SH may be brought to ATA's attention by the victim or any other person aware of the SH informally or formally. However, the reporting procedure mentioned below explains the formal one.

9. 4.1.3. The victim or any other person aware of the SH incident will make verbal or written formal complaint about SH experienced to either ATA’s designated persons (DP) or immediate supervisors/managers/leaders or HR.

9.4.1.4. ATA shall support a compliant to report serious SH such sexual assault and rape to the relevant authorities including police.

9. 4.1.5. In any circumstance, if you have been sexually harassed or witnessed SH incidents, ATA strictly encourages you to report to one of the below listed authorities.

9.4.1.5.1. Designated Persons (DPs) in case of informal channel

9.4.5.1.2. Immediate supervisor/manager, HR,

9.4.5.1.3. Discipline Committee DC members

9.4.5.1.4. SMT

9.4.5.1.4. CEO

9.4.2. Escalation

9.4.2.1. Whoever receives the complaint should inform to the discipline committee and escalate the cases for investigation.

9. 4.2.2. The DP or immediate supervisor or HR or DC or SMT or CEO will contact or call a meeting with the person making the complaint. If the complaint was verbal, the person who receives the complaint will make a written note of the complaint and share a copy with the person making the complaint and the victim should agree and sign on the written note.

9. 4.2.3. The compliant receivers or DP will explain the SH policy related to the case and about the rights, the process going forward, confidentiality, legal consequence, the support available, the required supports wanted by the victim.

9. 4.2.4. The compliant receivers or DP will contact or calls a meeting with the person accused of SH and inform the case against him/her.

9. 4.2.5. The compliant receivers or DP will explain the SH policy related to the case the rights of the accused, the process going forward, confidentiality, legal consequence etc.

9. 4.2.6. The compliant receivers or DP explain ATA’s policy on retaliation or victimization of anyone making a complaint about SH.

9. 4.2.7. The compliant receivers or DP prepare a written note and a SH case file opened.

9. 4.2.8. the case will be shared with small number of senior management (may be the line senior manager of the victim and harasser)

9. 4.2.9. The managers will direct the file and the case to Discipline Committee (DC) for investigation

9.4.3. Investigation

9.4.3.1. After the DC received the cases from the DP and senior managers, the DC will proceed the investigation.

9. 4.3.2. DC will conduct interview with the person being sexually harassed, the person being accused of SH and any witness or third party.

9. 4.3.3. Formal written note about complain will be taken, the facts will be compiled including evidence collected by the victim and any counter evidence from harassers.

9. 4.3.4. All information related to the case including the communication and discussions with all parties should be kept confidentially.

9.4.4. Decision

9.4.4.1. ATA's DC proves and decides whether SH has happened based on the facts and evidence compiled.

9. 4.4.2. ATA's DC decides what disciplinary measures should be taken.

9. 4.4.3. A legal basis for the decision will be specified and ATA will assess the need for legal support.

9. 4.4.4. If no case is found, all documents relating to the case will be destroyed. However, only an internal record indicating that an investigation was carried out will be kept somewhere, not under the file of a person who is accused of SH.

9. 4.4.5. The DC will give feedback to parties involved in the case while ensuring the confidentiality is safeguarded.

9. 4.4.6. The DC decision detailing the investigation, findings, outcome, and proposed disciplinary measures will be submitted to the CEO's approval.

9. 4.4.7. The CEO meet the harasser and in collaboration with HR ensure the implementation of the decision.

9. 4.4.8. The HR will follow up with both parties to ensure the SH has stopped and both parties not being adversely affected in the aftermath.

9. 4.4.9. The HR will continue to assess the need for supports for both parties.

9.4.4.10. CEO: Once the CEO got the decision and recommendation of the DC the CEO shall give the approval or the final decision as soon as possible (not more than a week time)

9.4.4.11. CEO shall enforce penalty involving dismissal as the date of the decision is approved by CEO.

9.4.4.12. The CEO meet the harasser and ensure the implementation of the decision in collaboration with HR.

9.4.5. Appeal

9.4.5.1 Both parties, the victim and harasser have the right to appeal against the decision. If both parties not satisfied with the decision, they have the right to appeal, and the appeal need to be presented in written format to CEO within a week.

9. 4.5.2. ATA management (CEO) will issue a response within a week of receiving the appeal.

9. 4.5.3. CEO may hold, change, or overturn the original outcome/decision of the DC. This will be the final and no further appeal can be made.

9. 4.5.4. An appeal must be based on the following conditions.

9. 4.5.4.1. Errors in interpretation of facts or implementation procedures that undermine a fair hearing.

9. 4.5.4.2. When new and evidence not considered

9. 4.5.4.3. Lack of substantial evidence to support the decision.

10 Sanctions and Disciplinary Measures

10.0. The nature of the sanctions will depend on the gravity and extent of the SH. Appropriate sanctions will be applied and implemented to ensure that incidents of SH are treated consistently.

10.1 Disciplinary measures

10.1.1. If ATA (CEO) finds anyone who has been guilty of SH under this policy, he/she will be liable to any of the following sanctions (see section 10.1 -10.4) where appropriate and applicable.

10.1.1 Fine up to one month's salary

10.1.2 Fine up to three month's salary.

10.1.3 Demotion: Downgrading for the period up to two years

10.1.4. Dismissal or termination of the contract

10.2 Disciplinary measures by gravity of SH offenses

10.2.0. Depending on the gravity of the offence, anyone who is proven guilty by the DC of SH will be penalized accordingly in reference to the disciplinary measures listed under 10.1 section.

10.2.1. For serious offense

10.2.1.1. If ATA finds a clear case of or repeated SH, the person is proven guilty by the DC of SH for serious offense will be dismissed (penalized through termination of the contract) or demoted (penalized with down grading from position for the period up to 2 years).

10.2.1.2. All the employees should be aware that for serious offense, it is compulsory to handle the case formally and the victim should follow the formal complaint channel and report the SH incidents formally.

10.2.2. For moderate offense

10.2.2.1. If a clear case of SH found in the investigation process, the person who committed moderate offense will be fined up to three month's salary.

10.2.2.2. All the employees should be aware that for the moderate offense, it is advisable that the victim should follow the formal complaint channel and report the SH incidences formally.

10.2.3. For mild offense

10.2.3.1 The person who committed the mild offense and proven guilty of in the formal channel will be fined up to one month's salary.

10.2.3.2. The mild offense can be handled through informal channel if the victim chooses as the best way to handle the case. It is up to the choice of the victim to follow the formal or the informal ways.

10.2.3.3. The victim should be aware of that through informal mediation there will not be any disciplinary measures on harassers.

10.2.3.4. If the case is handled formally, it is the responsibility of compliant receivers to escalate the SH case to DC for further investigation and decisions.

11. Who is involved in the investigation process of SH cases?

11.1. DP: Designated person shall handle the informal complaints. Moreover, they shall escalate the in-forma; complaints to DC if the victims report first to DP.

11.2. DC: As per the Civil Servants Proclamation, Article 71(1) ATA established a DC, The DC shall conduct formal disciplinary investigation and submit recommendation to the CEO.

12. Confidentiality

12.1 ATA will treat the people involved in SH (as the victims, witnesses, accused of, investigators and decision makers) and all information shared in SH cases with confidentiality. The identities of those involved will be protected and will be processed, and the information shared will be treated in compliance with the organization data/information protection law. Any information, records and evidence about the SH case will be stored securely and only shared with those involved in the investigation.

13. Training and awareness on SH policy and procedures

13.1 To all staff

13.1.1 All the staff shall be trained on SH policy and procedure regularly and shall receive SH training at least once in a year by HR and/or legal office.

13.1.2 All staff shall get training on the content of this policy and procedure including a refresher training.

13.1.3. Moreover, additional training or refresher training will be organized to all staff including, supervisors, managers, and leaders as needed. For instance, when amendment on policy, processes and procedures made or when there is numerous or zero reports on SH incidence by HR and/or legal office.

13.1.4. All staff should sign a code of conduct on SH up on training and initial recruitment period.

13.2. To Leaders and senior management team

13.2.1. Representative of ATA management team (leaders, managers, supervisors, and senior staff) including SMT shall be trained to prevent and identify unacceptable sexual behavior from happening. The training aims also assist the management team to prevent behavior that create a hostile work environment for employees and ensuring that all parties fully understand their rights under this policy and fully understand ATA's complaints procedure and the potential outcomes and disciplinary measures.

13.2.2. The responsibility of the managers and supervisors and senior management team members will be highlighted in supporting that their employees know about the policy and the organization's standpoint on SH by monitoring and close follow up the incidence of SH.

13.3. To staff involved in handling the SH cases

13.3.1. Given that SH is a very sensitive issue that needs to be handled carefully, fairly and it has to be responded urgently and confidentially, ATA will organize the required training on soft skill to all the persons involved in handling the SH cases.

13.3.2. The subject and level of the trainings shall be identified as required and based on the skill gaps.

13.4. Socialization of SH policy and procedure

13.4.1 This policy shall be included in ATA HR manual and will be available to all staff on website in the downloaded able version.

13.4.2. Brochure, poster, and leaflets on SH will be developed and disseminated widely.

13.4.2.1. Published on ATA's resources section such as in its website.

13.4.2.2. Displayed and posted in ATA offices.

14. Monitoring and Evaluation

14.1 Regular data collection on SH cases

14.1.1. There shall be regular collection of data and statistics to evaluate the effectiveness of the policy through questioners and feedback from the victims and people involved in the complaints procedures by HR in collaboration with DC.

14.1.2. There shall be a regular report on the incidents of SH in the team/verticals reported by the respective managers, supervisors, leaders, etc. as part of ensuring the achievements of the organization's outcomes and meeting the goal of the organization.

14.2 Observation on SH

14.2.1 The supervisors and leaders including the senior management team members shall be asked if they noticed /observe any SH in their team though not being reported by CEO.

14.3 Reporting on SH

14.3.1. There shall be a section of SH incident in ATA's periodic reporting formats to track and share the extent of SH incident in the organization, so leaders, SMT and CEO will be consciously alerted to follow up the situation of SH in the organization.

15. Protective measures to protect a complaint.

15.1. Different protective measures may be applied by ATA when a complaint asks supports for such as: special leave to compliant up on request or as required.

15.2. The victim can pend the finalization of the investigation and hearing if the ordinary procedural requirements not properly followed.

15.3. No employee will be victimized for reporting SH in good faith or for acting in good faith as witness in an investigation.

15.4. ATA's shall support a victim to have and access to medical/psychological supports such as counseling and leadership support to protect them day-to-day after the incidences

References:

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Federal Democratic Republic of Ethiopia (FDRE) (2017). Federal Civil Servants Proclamation NO. 1064/2017. *Federal Negarit Gazzett*. 24th year No.12. Addis Ababa, 15th Dec 2017.

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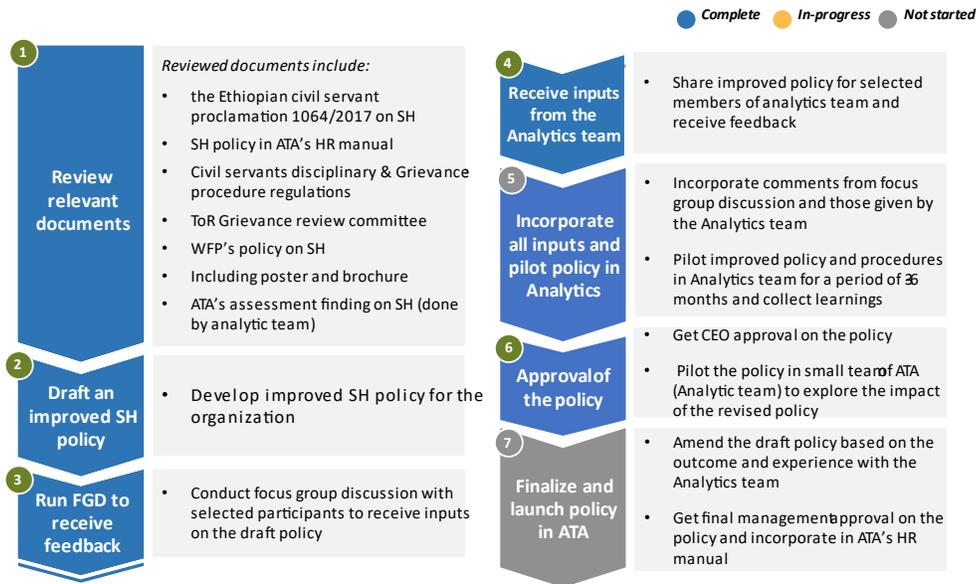
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Annexes

Annex 1: Steps and approaches followed for revising the SH policy and procedure.

Steps and approaches followed for revising the Sexual Harassment policy and procedure



Annex 2: Team participated in the process of developing the policy through discussion, reviewing the document, providing inputs and comments

	Team	Contribution
1	Analytics team	Discussed and gave feedbacks on <ul style="list-style-type: none"> • The need and urgency of the revision of the policy • the framework of the policy • the 1st draft policy Reviewed the different version of the revised policy document.
2	Human Resources	Participated in the focus group discussion on: <ul style="list-style-type: none"> • the rationale of revising the policy on SH. • provided inputs on definition of SH, gravity of SH offenses, type of measures/fines. Reviewed the 2 nd version of the policy document
3	Legal office	Participated in the focus group discussion on: <ul style="list-style-type: none"> • the rationale of revising the policy on SH. • provided inputs on definition of SH, gravity of SH offenses, type of measures/fines. Reviewed the 2 nd version of the policy document
4	Staff representatives (female & male)	Participated in the focus group discussion on: <ul style="list-style-type: none"> • the rationale of revising the policy on SH. • provided inputs on definition of SH, gravity of SH offenses, type of measures/fines. Reviewed the 2 nd version of the policy document
5	Discipline committee	Participated in the focus group discussion on: <ul style="list-style-type: none"> • the rationale of revising the policy on SH. • provided inputs on definition of SH, gravity of SH offenses, type of measures/fines. Reviewed the 2 nd version of the policy document
6	Gender committee	Reviewed the 2 nd version of the policy
7	SMT	Provided comments and inputs on: <ul style="list-style-type: none"> • The rationale of the revision of the policy • Changes made on the policy. • Review the last version of the policy.
8	Group I trainees of Analytics team on ATA's policy for SH	Provided comments and inputs on: <ul style="list-style-type: none"> • Definition of SH • Risk of maintaining confidentiality in handling SH incidents. Added examples on SH forms

Annex 3: Individuals reviewed the documents and gave feedbacks.

No	Representing	Participated through
1	Dr. Yifru Tafesse	Discipline committee
2	Temesgen Gebeyehu	Discipline committee
3	Temesgen Gebeyehu	Discipline committee
4	Mikeyas Tibebe	Human Resources
5	Saba Hailu	Legal office
6	Elshaday Belete	Female staff representative
7	Yeshi Habtamu	Female staff representative
8	Solomon	Female staff representative
9	Alice Tusa	Gender Theme in Analytics team
10	Sukirti Vinayak	Gender Theme in Analytics team
11	Premala Ponnusamy	Gender Theme in Analytics team
12	Fernando Rodrigues	Analytics team
13	Liuel Hizikias	Analytics team
14	Tsion Mezgebe	Analytics team
15	Hermela Abate	Analytics team
16	Firehiwot Wujira	Legal office
17	Assnaku Hassen	Human Resources
18	Yemsrach Felleke	Human Resources
19	Redeat Arega	Gender theme in Analytics team

No	Representing	Participated through
		<ul style="list-style-type: none"> • Assisting the provision of training on the revised version of the SH policy
20	Dereje Biruk	SMT <ul style="list-style-type: none"> • Revising the last version of the policy document
21	Dr. Lemlem Aregu	Gender Advisor <ul style="list-style-type: none"> • Drafting the framework of the Policy. • Developing the draft policy. • Presenting the draft policy to Gender theme in Analytics team. • Conducting the FGD with different stakeholders. • Collecting & incorporating inputs, comments from different stakeholders • Presenting the different version of the policy to different stakeholders (FGD, Analytics team, HR, & SMT) • Providing training on the revised version of the policy