



BPNG Anti -Harassment Policy

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1. Purpose

The Bank of Papua New Guinea (the Bank) is committed to maintaining a safe work environment that demands respect for the dignity of each individual. All forms of harassment is unacceptable and will not be tolerated under any circumstances.

This policy aims to protect the women and men in the bank from all forms of harassment. It describes the types of behaviors we want to eliminate from our workplace, explains how to report incidents of harassment and tells you what BPNG will do to address any incidents of harassment.

We encourage you to report any incidents you experience or witness, regardless of who the offender may be or what their position. BPNG will treat you with respect and confidentiality. You will not be subjected to retaliation or disadvantage within the workplace for reporting an incident. We will support you and protect you from reprisals.

All allegations of harassment will be taken seriously and investigated promptly. Any person found to have sexually harassed another will face sanctions or disciplinary actions including dismissal from employment. Serious incidents will be reported to police for further investigations. If managers or other staff treat you differently because you have reported an incident, disciplinary action may be taken against them as well.

2. Scope

This anti- harassment policy applies to every person employed by or working with the Bank in any capacity, regardless of gender, sexual orientation, level, function, seniority or status. We are all obliged to comply with this policy. Employees include:

- Full time, part time, casual, permanent or temporary;
- Executives and management;
- Contract or consultant workers; and
- Volunteers, vocational and work experience placements and apprentices.

The Bank will not tolerate, condone or allow any form of harassment, whether engaged in by fellow employees, supervisors, managers, clients or others who conduct business with this the bank.

This policy applies to any work-related situation, on-site or off-site, including social events.

3. Definition

What is Sexual Harassment?

Sexual harassment is unwelcome, unwanted or uninvited conduct of a sexual nature, which makes a person feel offended, humiliated and/or intimidated. Sexual harassment can take various forms. It can involve conduct such as:

- suggestive comments or jokes;
- insults or taunts of a sexual nature;
- inappropriate advances on social networking sites;
- sexually explicit pictures, posters, screen savers, emails, tweets, social networking posts, SMS or instant messages;
- intrusive contact or conduct of a suggestive nature via phone, text, email, social media, or in-person outside of working hours;
- unwelcome touching, hugging or kissing;
- staring or leering;
- unwanted invitations for sex or persistent requests to go out on dates;
- intrusive questions or comments about another person's private life or body;
- unnecessary familiarity, such as deliberately brushing up against someone or blocking or impeding someone's movement;
- accessing sexually explicit internet sites;
- requests or demands for sexual favors in exchange for opportunities, promotions or other benefits; and
- behavior which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Both men and women can experience sexual harassment at work, however, it is most commonly experienced by women. If a person feels the behaviour is unwanted and unreasonable, it is harassment.

In PNG, serious sexual harassment can be prosecuted under the *Criminal Code (Sexual Offences and Crimes against Children) Act 2002* and under the *Family Protection Act 2013*, with penalties of fines and/or prison sentences.

Behaviors which is based on mutual attraction, friendship and respect, and interactions that are consensual, welcome and reciprocated, are not sexual harassment. However, employees must maintain professional standards of behaviour in any work context.

Sexual harassment in the workplace

There are two types of sexual harassment in the workplace:

3.2.1. Quid pro quo ('this for that') Sexual Harassment

Quid pro quo sexual harassment reflects inappropriate use of power and occurs when some type of employment benefit is made or perceived to be contingent on sexual favours in some capacity. It includes requests for sexual favours, unwelcome advances, or other verbal or physical conduct of a sexual nature when either of the following conditions is met:

- (1) Agreeing to such request or conduct is made or perceived to be a term or condition of an individual's employment; OR
- (2) The request or conduct is explicitly or implicitly used as the basis for employment decisions affecting that individual.

Usually this type of sexual harassment occurs between someone in a position of power and a subordinate.

3.2.2. Intimidating, hostile or offensive environment- Anti- Harassment

Intimidating, hostile or offensive environment occurs when there are frequent or pervasive unwanted sexual comments, advances, and requests for sexual favors or other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. It is not usually deemed an intimidating, hostile or offensive environment if the activity in question was an isolated occurrence or a single attempt at initiating a sexual or romantic relationship that was neither reciprocated nor repeated.

3.2.3. Determining whether an environment is "intimidating, hostile or offensive"

The following factors can help determine whether the conduct unreasonably interfered with an individual's work performance or created an intimidating, hostile or offensive working environment:

- whether the conduct included any of the actions listed in Section 3.1;
- whether the conduct would have breached the dignity or respect of a reasonable person in the circumstances;

- whether the conduct was verbal or physical or both;
- how frequently the conduct was repeated;
- whether the conduct was patently offensive;
- whether the alleged harasser was a co-worker, a client, third party or supervisor;
- whether others joined in perpetrating the harassment; and
- Whether the harassment was directed at more than one individual.

Whether or not any given behaviour qualifies as unwelcome and frequent or pervasive and has resulted in an intimidating, hostile or offensive environment needs to be assessed on a case-by-case basis. In addition to the impact on the harassed individual, consideration should also be given to whether the conduct created an intimidating, hostile or offensive environment for co-workers of the victim.

For legal purposes the intent of the alleged harasser is not relevant. Statements like “I didn’t mean to harass” are not considered by a court of law. It is the impact of the harasser’s behaviour which is mainly taken into account.

3.2.4 Determining whether conduct is unwelcome

When confronting conflicting evidence as to whether conduct was welcome or unwelcome, employers should look at the record as a whole and at the totality of the circumstances, evaluating each situation on a case-by-case basis.

4. Complaints Procedure

An employee who believes they or someone else may be experiencing harassment should contact his/her appropriate supervisor or a designated contact person. Written notes of the incident should be made as soon as possible after the incident by the affected employee and/or witnesses.

If an employee does not feel comfortable approaching his/her supervisor with a complaint of sexual harassment, for example because their supervisor is the alleged harasser or is a friend, relative or associate of the alleged harasser, the employee should report the harassment to a contact person who has been designated by the employer and equipped with the training and resources to respond appropriately.

The supervisor or designated contact person is obliged to act upon the information in accordance with the procedures laid out in this policy.

If for any reason an employee does not wish to discuss the incident with anyone in the Bank, contact details for service providers that can provide advice and support are provided at the end of this document.

4.1 *Informal Resolution*

Informal resolution is only appropriate in less serious cases of sexual harassment. After reporting the behaviour to a supervisor or designated contact person the complainant should be given the opportunity to tell the harasser that they find his/her behaviour offensive and ask him/her to stop. The complainant may wish to ask a colleague or designated contact person to be present. A supervisor or manager can speak with the alleged harasser if the complainant does not feel comfortable doing so. This may resolve the issue if the harasser was unaware of the impact of their behaviour. Mediation (a third party facilitates discussion with both parties to come to an agreed solution) and/or counselling may also be used to resolve an issue. If sexual harassment is witnessed by a manager or other staff member, the informal process may also be followed

If the matter cannot be resolved informally or the seriousness of the incident means an informal approach is inappropriate, a formal investigation should be undertaken in accordance with Sections 4.2 and 4.3. The affected person may request a formal investigation.

4.2 *Formal Investigation*

Any complaint brought to the attention of the banks GESI Help Desk designees (contact person, supervisor, manager, owner) will be promptly investigated in a confidential manner so as to protect the privacy and safety of persons involved. This should include the following:

- Interview with the complainant as to the alleged event(s);
- The complainant should be given an opportunity to express their preferred outcome from the complaints process, with the understanding that an alternative outcome may be deemed more suitable by the investigative team;
- Interview with the alleged harasser as to the alleged event(s);
- Interview with any witnesses or anyone else who may have any information regarding the complaint.

A formal complaint should not be dismissed on the ground that no one saw or heard the incident/s occur. Investigations should consider all available evidence.

Evidence that may be relevant includes:

- evidence that the person alleging harassment discussed his or her concerns with a family member, friend, co-worker, medical practitioner or counsellor

- supervisor's reports and personnel records (for example, unexplained requests for transfer or shift changes, sudden increase in sick leave)
- complaints or information provided by other employees about the behaviour of the alleged harasser
- records kept by the person claiming to have been harassed
- Whether the evidence was presented by the parties in a credible and consistent manner.

Confidentiality must be maintained throughout the investigatory process to the fullest extent practical and no information regarding the complaint or the parties involved shall be provided to anyone outside of the investigatory process without the approval of all parties involved in so far as possible. Procedural fairness including communication about the process must be afforded to both parties. Actions taken and evidence should be documented in a report, with all records kept securely, separate to other personnel files.

4.3 Determine outcome

Upon completing the investigation of a sexual harassment complaint, Bank of PNG will communicate its findings and intended actions to the complainant and alleged harasser.

4.3.1. Harassment is found to have occurred

Where harassment has been found to have occurred, the appropriate outcome should be focused on getting the harasser to cease the harassing behaviour and providing support to the complainant.

Outcomes include:

- a) Remediation between the complainant and the harasser and support for their reintegration into their respective roles within the workplace.
- b) Written record of the incident stored in accordance with the procedures outlined in 4.3.3.
- c) Disciplinary procedures as deemed appropriate given the severity of the harassing behaviour, which may include: referral to counselling or training, withholding of a promotion, reassignment, temporary suspension without pay, financial penalties, probation, termination, or otherwise;
- d) The finding of any Quid Pro Quo sexual harassment may result in termination of the harasser's employment.

In all cases where harassment has been found to have occurred, support services or counselling should be made available to the complainant.

4.3.2 No harassment found

If the investigation determines that no sexual harassment has occurred, this finding will be communicated to the complainant in an appropriately sensitive manner. If there is insufficient proof to decide whether or not the harassment occurred employers should nevertheless:

- Remind those involved of expected standards of conduct.
- Conduct further training and awareness raising sessions for staff.
- Monitor the situation carefully and follow up with the complainant to ensure concerns are not continuing.

Employers must ensure that the outcome of a complaint, substantiated or not, does not disadvantage the person who made the complaint in any way, unless there is strong evidence that the complaint was vexatious (making a complaint without sufficient reason, in order to cause annoyance, hardship or financial cost to another person) or malicious (done with the deliberate intention to cause harm).

If the complaint was found to be vexatious, the complainant will be reprimanded.

4.3.3 Record keeping

In all cases and whatever the determined outcome following a formal investigation, a record of the complaint, investigation and the outcome should be kept and stored in a centralized filing system. These files should be kept separate from employee files, however where any employee has been found to have committed sexual harassment and breached this policy, a notation of that finding should be included in their personnel file.

5. Protection against reprisals

Employees must be made aware that the reporting of any alleged form of harassment will not have any impact on their current job or on any future job or promotion prospects with the bank and that they will be protected against any retaliation by the alleged harasser or any other representative of the bank.

The Bank of PNG will take all appropriate measures to minimize the risk of any victimization or reprisals against the complainant or the alleged harasser and shall ensure all staff including management and supervisory staff are informed that the Bank will not tolerate victimization or reprisals.

In the event management is made aware of any victimization or reprisal or threat of any victimization or reprisal taking place as a result of a complaint of harassment being lodged, appropriate support services shall be made available to the complainant and disciplinary action shall be taken in accordance with the bank's usual procedures for breach of a bank policy.

In the event management is made aware of any victimization or reprisal or threat of any victimization or reprisal taking place outside of the workplace, appropriate support services shall be made available to the complainant and, where appropriate, the act or threat may be reported to the police.

6. False Accusations

Bank of PNG recognizes that false accusations of all forms of harassment can have serious effects on innocent persons. If, after the investigation, it is found that the complainant has maliciously or recklessly made a false accusation, the complainant will be subject to appropriate sanctions or disciplinary measures. In such an event, the bank will also take appropriate action to restore the reputation of the accused.

7. Who to Contact:

GESI – Office, Angesula Jogamup, Ext 7622

GESI Help Desk, Brenda Koan, 7344

BPNG - Human Resources contact person: Mr. Mauri Sere, 7310

BPNG- GESI Focal Points.

- Ms. Rosemary Lalaga
- Mr. Harry Paul
- Ms. Joycelyn Giru
- Mr. Mauri Sere
- Ms. Rayleen Semi
- Ms. Aiva Aku
- Mr. Israel Minima
- Ms. Sallyanne Romel
- Mr. Jamie Sali
- Ms. Maryanne Kani
- Ms. Ruth Morere Wapunk
- Mr. John Nema
- Ms. Frieda Kamakom
- Ms. Veronica Bonasu

If you want to speak to someone outside Bank of PNG first, please contact:

1-Tok Kaunselin Helpim Lain

Phone: **7150 8000**

Open: 7am to 7pm 7 days

Services: Counselling

Bank of PNG, P O Box 121, Port Moresby

ANTI- HARASSMENT POLICY

ACKNOWLEDGMENT FORM

This Anti - Harassment Policy has been prepared for your information and understanding of the policies and procedures related to **WORKPLACE HARASSMENT AND ALL FORMS OF HARASSMENT**. Please read it carefully. Upon completion of your review sign the statement below, and return it to your supervisor by the due date.

I have familiarized myself with the contents of this Anti - Harassment Policy. By my signature below, I acknowledge, understand, accept and agree to comply with the information contained in the Anti - Harassment Policy provided to me. I understand this Anti - Harassment Policy is not intended to cover every situation which may arise, but is simply a general guide to the goals, policies, practices, benefits and expectations of a Sexual Harassment Policy.

I understand that the Sexual Harassment Policy is not a contract of employment and should not be deemed as such.

<p>I hereby confirm I have read and understand the Sexual Harassment Policy.</p> <p>Name (Employee).....</p> <p>Signature.....</p> <p>Date.....</p>
