



Sexual Harassment Prevention Policy

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1. APPLICATION

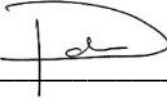
This policy applies to all paid, contracted and volunteering staff of the Sucon Consultancy Ltd (from here on referred to as 'Sucon'. This policy also applies to all Sucon associates, subcontractors and freelancers. This policy also extends to all business extensions of Sucon.

2 EFFECTIVE DATE: 28/04/2022

The Sexual Harassment Prevention Policy applies to all Sucon relevant operations from the effective date stipulated above. From the date stipulated above all previous Sexual Harassment Prevention Policy and practices are repealed.

3 POLICY IMPLEMENTATION, APPROVAL, MONITOR AND REVIEW

The Central Administration and the responsible officer(s) of Sucon via the authority of the President, Vice President and Operations Manager are liable for the management and implementation of the Sexual Harassment Prevention Policy and ensuring that its provisions and records management are applied and adhered to. This includes the establishment of relevant record-keeping systems.

APPROVAL AND REVIEW	DETAILS
Policy Author	Eric Clem Groves, Vice President
Council Approval	 Lefaotogi Paletasala Faolotoi President
Next Review Date	April 2025

4 PURPOSE AND DEFINITION

The purpose of this policy is to first prevent any form of sexual harassment and appropriately address any claims in alignment with the respective regulations of the country Sucon is operating.

Sexual harassment can be defined and identified if a person sexually harasses the Suspect if:

- The person rapes, sexually assaults, or indecently assaults the Suspect; or
- The person attempts to rape, sexually assault, or indecently assault the Suspect; or
- The person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the Suspect; or
- The person, directly or indirectly makes a request to the Suspect for sexual intercourse, sexual contact, or other form of sexual activity that contains:
- A reward or benefit, monetary or otherwise, for the Suspect; or
- An implied or overt promise of preferential treatment to the Suspect's employment, personal status or situation; or
- An implied or overt threat of detrimental treatment to the Suspect's employment, personal status or situation; or

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- h) An implied or overt threat about the present or future employment status of the Suspect; or
- i) By use of written or spoken language, visual materials, physical behaviour, or digital means, of a sexual nature, directly or indirectly subjects the Suspect to behaviour:
 - i. That is unwelcome or offensive to the Suspect; and/or
 - ii. that by its nature or through repetition has a detrimental effect on the Suspect's employment, work performance, or work satisfaction, modesty, personal status or situation; or
 - iii. In which a reasonable person having regard to all the circumstances, would have held that the Suspect would be offended, humiliated and intimidated in the course of the Suspect's employment or application for employment.

4.1 Types of Harassment Conducts

Below are some examples of conduct or behaviour which constitute sexual harassment, read in conjunction with the clauses (a) to (l) above:

a) Physical Conduct

Physical Conduct is an unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching. This is inclusive of *Physical Violence* including rape, sexual assault and indecent assault. In addition, this includes the use of job-related threats, promises or rewards to solicit sexual favours.

b) Verbal Conduct

Verbal Conduct includes inappropriate comments on a worker's appearance, age, and private life. This includes sexual comments, stories, jokes, hints, and sexual advances. Included are repeated and unwanted social invitations for dates or physical intimacy. Lastly, insults based on the sex, gender or sexual orientation of the worker and condescending or paternalistic remarks.

c) Digital and Virtual Conduct

This includes digitally communicated sexually explicit messages via phone, email, or social media (e.g. Facebook, Messenger, Viber, Instagram, Whatsapp, Teams, Zoom, Skype, etc.). This extends to online delivered threats and gestures through expressive tools such as cartoons, emojis, GIFs, links etc.

d) Non-verbal Conduct

Non-verbal Conduct is defined in this policy as an indecent, offensive and intimidating display of sexually explicit or suggestive material such as sexually suggestive gestures, whistling and leering.

4.2 Person, Suspect and Informant

Below are the descriptions and distinctions between the terms person, Suspect and informant:

a) Person

"Person" includes male, female and other genders as alleged perpetrators of sexual harassment (i.e. Harasser).

b) Suspect

"Suspect" includes male, female and other genders as suspects of the alleged sexual harassment.

c) Informant (Whistleblower)

The “Informant” is a person other than the suspect who has witnessed the Suspect being sexually harassed, or has been duly informed by the suspect or another person of the Suspect being sexually harassed.

5 LEGISLATIVE FRAMEWORK

This policy gets its legislative authority through the following legislations:

- a) [Police Powers Act 2007](#)
- b) [Labor and Employment Relations Act 2013](#)
- c) [Ministry of Police and Corrections Act 2009](#)

For non-compliance with this policy conducted or found outside of the scope and location of Samoa, the equivalent legislation of the respective host nation shall be adopted if the suspect cannot be brought back to the headquarters in Samoa.

6 SUCON SEXUAL HARASSMENT PREVENTION PRINCIPLES

The Sucon recognises that the Sexual Harassment Prevention Policy serves both the public good, in line with the Council’s commitment to social responsibility, and the Sucon interests in maximising the potential impact of our services. Sucon Sexual Harassment Prevention Principles are as follows:



Transparency

As a company, we are mandated to be transparent and non-biased with our decisions and the administration of our funding, assets, and human resources.



Accountability

We must hold ourselves accountable for our actions. In the same respect, we hold our partners and stakeholders accountable for ensuring that we all reflect the values of our organisation and our donors.

7 PROCEDURES

This section outlines and explains the Sucon sexual harassment prevention and reporting systems and procedures.

7.1 Handling of Complaints

The following must be complied with, when a formal complaint has been lodged:

- a) The recipient of the complaint must immediately notify the President or Vice President. In the scenario that the complaint is directed at the President, the recipient must notify the current in-effect lawyer for Sucon.

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- b) The date(s), time(s), facts and allegations of the sexual harassment and other pertinent details must be promptly recorded by the recipient.
- c) The President or the Legal Counsel will appoint a case officer who shall investigate the complaint promptly and in confidence, and produce the preliminary investigation report
- d) All information and records pertaining to the sexual harassment complaint is kept confidential.
- e) The case officer must ensure that the Complainant understands the relevant procedure in dealing with the complaint, in particular, the Informal and Formal complaint mechanisms.
- f) The case officer must allow the Complainant to elect either the Informal complaint mechanism or Formal complaint mechanism, on the understanding that choosing to resolve the matter informally does not preclude the Complainant from pursuing a formal complaint if he or she is not satisfied with the outcome.
- g) The case officer must also inform the Complainant that he or she is entitled to lodge the same complaint to the Police or other law enforcement agency.

7.2 Informal Complaint Process and Procedure

If the Complainant intends to deal with the matter informally, the case officer MUST:

- a) Disclose to the alleged Harasser or perpetrator the allegation of sexual harassment, and allow the alleged perpetrator to formally respond to the allegation within three (3) days. A non-biased mediator/ case officer will be appointed to ensure impartiality and administer communications between the suspect and complainant.
- b) Upon receiving the alleged perpetrator's response to the allegation, the case officer must then notify the President or Vice President to designate a mediator to hold mediation session(s) for the Complainant and the alleged perpetrator.
- c) The mediator must record the mediation proceeding, and all related information and records must be kept confidential
- d) If the complaint of sexual harassment is amicably resolved at mediation, the mediator must record the terms of the outcome and do successive follow-ups or checks to ensure that the unwarranted behaviour has ceased.

7.3 Formal Complaint Process and Procedure

If the Complainant intends to deal with the matter formally, or in the event that the mediation pursued under the informal mechanism has failed, the case officer must inform the Complainant that he or she is entitled to lodge the same complaint to the Police or other law enforcement agency.

7.4 Penalty for Misconduct

Individuals or groups found conclusively to:

- a) have committed sexual harassment, and/or
- b) have willfully and intentionally obstructed or prevented the Complainant, Informant, case officer, adjudicators and other relevant persons from handling and resolving the complaint of sexual harassment, and
- c) have lodged a complaint of sexual harassment that is false and/or vexatious

will be subject to suspension or termination based on the terms and conditions of 'Misconduct Process and Procedures' as highlighted in the Human Resource Policy. For permission and

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access to the Human Resource Policy, please contact info@sucon.ws.

7.5 Appeal Process

Verdicts that are believed to be unfair by the Administration can be challenged via writing to the Council. Verdicts believed to be unfair by the Council must be challenged in writing to the Legal Counsellor as stipulated in the 'Misconduct Process and Procedures'

7.6 Whistle Blower Protection and Retaliation Prevention

It is the responsibility of all Sucon staff, Council, and affiliating members to protect the identity, security, and employment of the whistle-blower to prevent confrontation and retaliation from the alleged suspect and violator. Sucon staff, Council and affiliating members found to have leaked the identity of the whistle-blower are subject to suspension or termination by the Council or Administration depending on the level and severity of the case. SUCON staff, Council and affiliating members found to have participated directly or indirectly in retaliation are subject to suspension or termination by the Council or Administration depending on the level and severity of the case.

Whistle-blowers who are found to have falsified claims in an attempt for defamation are also subject to suspension or termination by the Council or Administration depending on the level and the severity of the case.

7. POLICY FEEDBACK

All Sucon employees and students may provide feedback about this document by emailing info@sucon.ws

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