

YMCA Europe

Sexual Abuse and Harassment Prevention Policy

1. INTRODUCTION

1.1. Abuse, harassment, and any kind of violence are unacceptable within the YMCA. Behaviours such as sexual and physical assault or threats, verbal abuse, gestures (including sexist, racist and homophobic language), and bullying will not be tolerated.

2. DEFINITIONS

2.1. Harassment means any improper behaviour by a person that is directed at, and is offensive to, another individual and which the person knew or ought to reasonably to have known would be offensive. It comprises objectionable or unacceptable conduct that demeans, belittles or causes personal humiliation or embarrassment to an individual. Mildly offensive comments or behaviour can rise to the level of harassment if they are repeated; a single incident can be considered harassment if it is so severe that it has a lasting negative impact on the individual(s) concerned.

2.2. Although harassment may occur more often between persons of different levels of authority it may also occur between peers. When behaviour of this kind is engaged in by any person who is in a position to influence career or employment conditions (including hiring, assignment, contract renewal, performance evaluation or promotion) of the recipient, it also constitutes an abuse of authority.

2.3. Harassment can take many different forms and may include among others:

- a) degrading tirades by a supervisor or colleague;
- b) continual unjustified and unnecessary comments or deliberate insults related to a person's professional competence;
- c) threatening, abusive or insulting comments, whether oral or written;
- d) deliberate desecration of religious and/or national symbols;
- e) malicious and unsubstantiated complaints of misconduct, against other employees;
- f) mimicking, making fun or belittling;
- g) continual interference with a person's work space, work materials, equipment, etc.;
- h) continual and unfounded refusal of leave application or training;
- i) display of posters, pictures, electronic images or written materials which are offensive, obscene or objectionable;
- j) continual exclusion of a person or group from normal communication, work or work related social activities;

- k) unreasonable intrusion into a person's private life, such as unnecessarily seeking to communicate with that person outside office hours or when they are at home, or repeatedly asking inappropriate questions about personal affairs.

2.4. Sexual harassment is a particular form of harassment which includes unwelcome sexual advance, request for sexual favour or unwelcome verbal or physical conduct of a sexual nature, especially when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive environment. While typically involving a pattern of behaviour, it can take the form of a single incident.

2.5. Sexual harassment can occur regardless of whether the harasser considers the behaviour to be offensive or not. Sexual harassment is distinguished from other forms of contact by its unwelcome and coercive nature. Conduct becomes sexual harassment when it is forced upon a recipient against his/her will and the behaviour persists even where a reasonable person would understand that the behaviour is not welcome.

2.6. Mutually acceptable social behaviour is not sexual harassment regardless of the employment relationship. Sexual harassment can take many different forms and may include among others:

- a) the repetition of suggestive comments or innuendo;
- b) the exhibition of sexually-oriented material in the workplace;
- c) the use of crude or obscene language or gestures, including obscene jokes or stories;
- d) repeated and/or exaggerated compliments or comments about a colleague's personal appearance, or his/her physical features;
- e) invitations to social activities or "dates", if they persist after it should be clear to the person issuing the invitations that they are not welcomed by the recipient;
- f) deliberate and unsolicited physical contact, or unnecessarily close physical proximity;
- g) direct propositions of a sexual nature;
- h) any link between submissions to sexual advances and conditions of employment, promotion, professional development, etc.;
- i) unwelcome and inappropriate letters, telephone calls, emails or other communications.

2.7. Discriminatory harassment is harassment based on grounds such as race, nationality, creed, religion or sex, which may have the purpose or effect of giving less favourable treatment to a staff member or group of staff members than to any other staff member or group of staff members in the same circumstances. Discriminatory harassment may take the form of dismissive treatment or the expression of stereotypic assumptions about a group to which a person may belong.

2.8. Staff members and volunteers must have reasonable grounds before making a complaint of harassment. All situations which appear to meet the definition ultimately may not be found to be instances of harassment. There is a wide range of ambiguous behaviour that might offend some people, but not others. The key is whether or not the action was offensive, particularly in light of whether the recipient asked the alleged harasser to stop it, where this is possible.

2.9. It is important to note that supervisors may make negative decisions (e.g. about performance or work assignments) which do not, in themselves, constitute harassment. Supervisors have a responsibility to give balanced, frank and constructive feedback and to take appropriate action. It is only where such feedback or action is unduly biased or used as retaliation against an individual that it may constitute harassment.

3. RESPONSIBILITIES

3.1. Creating a work environment which is free from harassment is every staff member and volunteer responsibility. Staff and volunteers should conduct themselves in accordance with the Code of Conduct and the National legislation. Supervisors bear added responsibility and have a key role to play by:

- a) informing their staff about the policy;
- b) setting an example;
- c) fostering a positive working environment in which harassment by individuals or groups does not occur;
- d) ensuring adherence to the policy, including taking corrective action if needed.

3.2. All persons who are aware of a harassment complaint, or are involved in its resolution, must recognise the seriousness of the situation and respect the sensitivity and confidentiality of the matter. They must refrain from discussing the complaint amongst themselves or with anyone who does not have a "need to know". Every effort will be made to preserve the dignity and self-respect of the parties involved. Parties to the complaint must also observe this requirement of confidentiality.

4. POSITIVE CONSENT

4.1. It is essential to respect other people's personal boundaries. It is the responsibility of each and everyone to seek and receive positive consent before engaging physically and in particular sexually. If we doubt the appropriateness of a physical encounter, we should ask. It is illegal to engage in any sexual activities without the explicit and informed consent of the other persons involved at every step. How people communicate about physical activities will be different for each person depending on their culture, background, and personal boundary.

4.2. Respecting the person is absolutely necessary. If the other person does not say "no" (or says nothing), it does not mean that it is okay to continue. It is essential to get clear consent and agreement from the other person involved. If you have doubts about what the other person wants, ask them. If you are unsure, then you must stop.

5. PREVENTION MEASURES

5.1. The employer organises the workplace in such a way that psychosocial risks are optimally prevented. The necessary attention has also been paid to these psychosocial risks in respect to

the organisation of personal's workload. In particular, it takes into account situations that may lead to stress or burnout caused by the work, or to injury or health issues from conflict associated with the work or from violence, harassment or unwanted sexual behaviour at work. The employer takes appropriate prevention measures to the extent that they are able to influence the risk.

6. PROCEDURES FOR DEALING AND REPORTING ON SEXUAL ABUSE

6.1. The cardinal rule for dealing with unwelcome behaviour is to discourage it at an early stage. A person who believes that he/she is being subjected to harassment should first, where possible, make it clear to the alleged harasser that their behaviour is unwelcome, that it is offensive and that it should cease immediately. In the event that the offensive behaviour continues or if the person who believes he/she is being subjected to harassment is not comfortable approaching the alleged harasser on his/her own, the following informal and formal means of resolving the problem are available.

6.2. The Informal Approach

The informal approach is aimed at resolving a complaint of harassment through an assisted negotiation process between the person who believes he/she is being subjected to harassment and the alleged harasser, by the provision of advice and support on a strictly confidential basis. Persons who believe they are being subjected to harassment and alleged harassers are encouraged to use informal means in order to resolve problems as soon as possible, in a fair and respectful manner.

6.3. A person who believes he/she is being subjected to harassment may seek assistance from another colleague, the direct supervisor, the Secretary General or the President of YMCA Europe.

6.4. A person who witnessed a sexual abuse must report to the direct supervisor.

6.5. Proper records should be kept about the case, intervention and outcomes of the intervention.

6.6. The Formal Approach

We act according to the Whistleblowing and Conflict resolution process described in the Code of Conduct.

Approved by Board of YMCA Moldova 29 September 2022