



**NETZ Partnership for Development and Justice
Code of Conduct to Prevent Sexual Harassment**

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1. Introduction

NETZ strives for gender equality, dignity as well as equal opportunities and rights for everyone irrespective of any gender identity. The organisation promotes a positive office culture with open exchange and caring for each other. The Gender Policy of NETZ, which explicitly refers to this Code of Conduct, promotes gender equality as part of our entire programming as well as organisational processes and structures. Sexual harassment does not only destroy a safe work environment and curtails each employee's right to a safe workplace, it also violates the dignity of every person. Anyone can be subject to sexual harassment. The person harassed and the perpetrator can be of any gender. NETZ is dedicated to nurture an organisational culture based on accountability with zero tolerance for any form of harassment. We commit to maintain clear safeguarding and complaint mechanisms against sexual harassment and ensure that reported cases are fully investigated through a fair disciplinary process without delay.

2. Applicability of Code of Conduct

This code of conduct applies to all persons having a direct and indirect relation with NETZ. This comprises for example all staff members of the organisation in Bangladesh and Germany, any paid or non-paid volunteer and/or intern, any office holder within the association (e.g., member of the Executive Committee) as well as participants of abroad exposure programmes organised by NETZ. At the same time, it applies to staff members and office bearers of our partner NGOs and any service provider engaged with them or NETZ in NETZ supported projects. In case partner NGOs of NETZ have their own Code of Conduct to prevent sexual harassment, it should be followed at any time and will be complemented by this Code of Conduct. However, this Code of Conduct from NETZ represents the minimum standard. It is reviewed every two years by the Gender Focal Persons to ensure its validity.

3. Prohibited Conduct

Harassment is any improper or unwelcome conduct that might reasonably be expected or be perceived to cause offense or humiliation to another person. Any form of harassment, e.g., because of gender, gender identity and expression, sexual orientation, physical ability, physical appearance, ethnicity, national origin, political affiliation, age or religion, is considered by NETZ as prohibited conduct. In Germany, sexual harassment is a criminal offence according to § 184i STGB and can be prosecuted. In Bangladesh, e.g., different sections of the Women and Children Repression Act, of the Penal Code and of the Dhaka Metropolitan Police Ordinance deal with sexual harassment.

This Code of Conduct is specifically dealing with sexual harassment as a type of prohibited conduct. Sexual harassment is any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation. Sexual harassment may involve any conduct of a verbal, nonverbal, or physical nature, including written and digital communication, and may occur between persons of the same or different gender. Sexual harassment in a work environment includes, but is not limited to:

- a) Making derogatory or demeaning comments about someone's sexual orientation or gender identity
- b) Name-calling or using slurs with a gender/sexual connotation
- c) Making sexual comments about appearance, clothing or body parts
- d) Rating a person's sexuality
- e) Asking a person for sex
- f) Staring in a sexually suggestive manner
- g) Unwelcome touching, including pinching, patting, rubbing or purposefully brushing up against a person
- h) Making inappropriate sexual gestures, such as pelvic thrusts

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- i) Sharing sexual or lewd anecdotes or jokes
- j) Sending sexually suggestive communications in any format
- k) Sharing or displaying pornographic images or videos in any format
- l) Taking still or video photographs for the purpose of blackmailing and character assassination
- m) Attempts or efforts to establish physical relation having sexual implication by abuse of administrative, authoritative or professional powers
- n) Attempt to establish sexual relation by intimidation, deception or offering/promising undue privilege through misusing the work relationship
- o) Any attempted or actual sexual assault

All forms of sexual harassment are prohibited whether they take place within NETZ's premises or outside, i.e., for example at social events, travelling, trainings, exposure visit, conferences etc. organised by NETZ.

4. Procedures, Roles and Responsibilities

4.1 Prevention of Sexual Harassment

NETZ takes various steps to prevent sexual harassment at the workplace. They include:

- All stakeholders mentioned under chapter 2 are oriented about this Code of Conduct and confirm their compliance in writing, e.g., by signing this document itself or by signing contracts, agreements, Terms of References etc. with NETZ, which include this document as Annex.
- Discussing the content of this Code of Conduct regularly (at least annually) in staff meetings of NETZ and in steering meetings with our partner NGOs as well as during orientation workshops for staff of newly supported projects.
- Including a clause on “zero tolerance towards sexual harassment” and reference to this Code of Conduct in any contracts, e.g., project agreements, Terms of References (ToRs) and service contracts.
- Publishing this Code of Conduct in English and German on our website and sharing a Bengali version with our partner NGOs.

4.2 Complaints

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. However, NETZ recognises that sexual harassment may occur in unequal relationships and that it may not be possible for the survivor to inform the alleged harasser.

This paragraph provides information about the complaint process in place within NETZ. A complaint can be made at any time, a confirmation of receipt will be given immediately and an initial response to it within 15 working days, if the complainant does not decide to remain anonymously. Within this time, the safeguarding measures under chapter 4.5 are applied. Any complaint will be transferred to the respective committee. It is ensured that the identity of the complainant and the accused is not disclosed until the allegation is proved and security of complainant will be ensured by the concerned authority.

If the complainant decides to file an anonymous complaint, the complaint must contain at least the following information: 1) what happened? (short description of the incident); 2) where did it happen? 3) who was involved? 4) when did it happen?

Direct Complaints: Complaints about sexual harassment can be reported through any of the following ways by the affected person or by a person assigned by an affected person or by a person that observed sexual harassment:

- (1) Personal meeting with a Gender Focal Person.
- (2) Message to the Email account of the Gender Focal Persons (Email: gender@bangladesch.org); in addition, complaints can be sent as well via postal service to the addresses of the NETZ offices in Bangladesh or Germany, addressing the Gender Focal Person directly.
- (3) Phone call to the respective Gender Focal Person during office hours at the phone number given on the NETZ homepage. If the Gender Focal Person is not available, the caller shall leave a message for a return call.

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If the Gender Focal Person is accused of or affected by sexual harassment, the complaint can be directed to any other member of the Complaint Committee, Director or Ombudsperson of NETZ.

Indirect Complaints: If the affected person prefers, she/he can inform her/his immediate supervisor with the request to take further actions (only for staff members and volunteers of NETZ). The supervisor will take the complaint seriously, forward it to the Gender Focal Person and ensures that it will be processed. Furthermore, the NETZ Bangladesh and Germany Office maintain a complaint box at a visible place in its office, which is regularly opened by the Gender Focal Person and a second person, who are as well designated members of the Complaint Committee (see below for details).

4.3 Complaint Committees in Bangladesh and Germany

Complaint Committees are set-up at both offices in Bangladesh and Germany and have three members each (the majority are women). They are headed by a female member and are constituted to receive complaints, to conduct impartial investigation and to make recommendations to the management of NETZ. The Gender Focal Person is by its position a member of the respective committee and acts as coordinator. The other members are appointed by the Management Team and approved by the Directors Team of NETZ Bangladesh Office and German Office respectively every two years; required substitutions in the meantime follow the same procedure. If a member of the Complaint Committee, including the Gender Focal Person, is accused of or affected by sexual harassment, the other members of the Complaint Committee coordinate the further process and, if needed, a Director of NETZ can be involved.

4.4 Response and Investigation Process

The response and investigation process of both Complaint Committees is oriented by the guidelines of the High Court of Bangladesh on sexual harassment as well as the guidelines for employees, employers and workers' councils from the Federal Anti-Discrimination Agency of Germany (see Annex) and adjusted to the requirements of NETZ. After receiving a complaint, the committee will investigate each case and submit their investigation report with recommendations within 30 days to the members of the Directors Team. Safeguarding measures are taken immediately after receiving a complaint. If a Director is accused, the report is submitted to the Chairpersons of NETZ. The duration for submitting the report can be extended by the respective Complaint Committee up to maximum 60 days, if more time is required for investigation and on basis of unanimous vote of all its members. For each complaint raised, the respective committee will decide which of its members will conduct the main part of the investigation. The Complaint Committee will follow best practices as part of their response, which include:

- a) The person submitting the complaint is informed by a committee member, usually the Gender Focal Person, that the complaint is taken seriously, and a proper investigation will be conducted.
- b) The committee members always maintain confidentiality. This is guaranteed to the person who submitted the complaint as well as to the accused person/s.
- c) The committee takes immediate action after a direct or indirect complaint is made and thoroughly investigates the allegation. Considering the form of the sexual harassment allegedly occurred, the committee takes appropriate steps to conduct the investigation.
- d) Statements of involved persons (e.g., the alleged survivor and perpetrator) and potential witnesses are collected and documented; the persons spoken to are informed that they can classify certain information provided by them as confidential, i.e., is only for internal use of the committee but not beyond.
- e) Even if a complainant withdraws an accusation made, the committee continues with its investigation and submits a written report with recommendations.
- f) The committee takes decisions based on the views expressed by the majority of its members.
- g) The concerned authority (i.e., the respective members of the Directors Team or in case a Director is accused the Executive Committee) takes disciplinary action on basis of the recommendations of investigation report.

4.5 Protection and Support

NETZ is following a survivor-centred approach where the survivors' experiences, rights and needs are at the centre and supported throughout the process. If a complaint is filed, NETZ ensures the protection of

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the complainant in consultation with that person. One option in this regard is that no work-related encounter is possible with the alleged perpetrator during the time of investigation or until a disciplinary action is decided. This might include e.g., to stop field visits or to work from home office. For this purpose, the Complaint Committee informs the respective Directors Team to jointly decide about necessary steps; in case the allegation is against a Director, the other members of the Directors Team are informed to decide about appropriate steps to protect the complainant. Furthermore, NETZ provides medical and counselling support for persons affected by sexual harassment and facilitates their referral to legal aid if required. If the partner NGOs do not have protection and support systems, they receive support by NETZ to establish it. In the meantime, they should follow the above-mentioned procedures.

4.6 Disciplinary Action

If the investigation proves the allegations credible, immediate disciplinary action is taken by the concerned authority. Depending on the severity of the misconduct, which will be determined by the Complaint Committee, measures can include:

- Compulsory participation in gender-related trainings decided upon by the concerned authority;
- First warning (must be given in all cases verbally and in writing);
- Depending on national labour laws, blocking of salary increments and promotion;
- Second warning (must be given in all cases verbally and in writing); a second warning usually leads to termination;
- Immediate termination (in severe cases).

All actions taken are registered and kept in the perpetrators' staff file. The annual report of the Gender Focal Persons for the Executive Committee includes the number of cases dealt with.

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Annex

High Court Directives on Sexual Harassment in Bangladesh (13.05.2009)

http://www.supremecourt.gov.bd/resources/documents/276907_Writ_Petition_5916_08.pdf (last access: 03.02.2023)

Guideline for employees, employers and workers' councils from the Federal Anti-Discrimination Agency of Germany (in German language)

https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/Leitfaeden/leitfaden_was_tun_bei_sexueller_belaestigung.pdf?__blob=publicationFile&v=12 (last access: 04.05.2023)