SEXUAL HARASSMENT POLICY

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<tr>
<th>Lead</th>
<th>Program Director</th>
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<tr>
<td>Version Number</td>
<td>1.0</td>
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<tr>
<td>Date of Approval by Executive Board</td>
<td>1 January 2020</td>
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<tr>
<td>Effective Date (if different from above)</td>
<td>1 January 2020</td>
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<tr>
<td>Review Date (3 years from Effective Date)</td>
<td>1 January 2023</td>
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Implementation of this policy

The Borneo Initiative will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff regulations and posted online on The Borneo Initiative website. All new employees must be informed on the content of this policy as part of their introduction into the organization. It is the responsibility of every manager to ensure that all employees are aware of this policy.

This policy forms an integral part of the (sub)contracts drawn up by The Borneo Initiative.
Statement
The Borneo Initiative is committed to providing a safe environment for all its employees, clients, subcontractors, partner organizations, interns or associates, free from discrimination on any ground and from harassment at work including sexual harassment. The Borneo Initiative will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously with respect and in confidence and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action. No one will be victimized for making a complaint or reporting an incident.

Definition
Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person’s employment or other work-related rewards / benefits, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more /repeated incidents and actions. Harassment may be physical, verbal and non-verbal. Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

Physical conduct
- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, inappropriate touching;
- Physical violence, including sexual assault;
- The use of job-related threats or rewards to solicit sexual favors.

Verbal conduct
- Sexual comments, stories and jokes;
- Sexual advances;
- Unwanted invitations for dates or physical intimacy;
- Insults based on the sex or appearance of the worker;
- Condescending or paternalistic remarks;
- Sending sexually explicit messages (by phone, email or social media).

Non-verbal conduct
- Display of sexually explicit or suggestive material;
- Sexually suggestive gestures;
- Whistling;
- Leering.

It is important to note that these examples are not exhaustive, sexual harassment can include any conduct of sexual nature which is unwanted and unwelcome by the recipient.

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

The Borneo Initiative recognizes that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee. Anyone, including employees of The Borneo Initiative, clients, subcontractors, partner organizations, interns or associates who sexually harasses another will be reprimanded in accordance with The Borneo Initiative staff policies.
All sexual harassment is prohibited whether it takes place within The Borneo Initiative premises or outside, including at social events, visits to other organizations, business trips, training sessions or conferences organized or sponsored by The Borneo Initiative.

Complaints procedure
Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. The Borneo Initiative recognizes that sexual harassment may occur in unequal relationships and that it therefore may be difficult or impossible for the victim to inform the alleged harasser. If a victim cannot or does not want to directly approach the alleged harasser, he/she can approach the supervisor and/or the Program Director.

When the supervisor and/or the Program Director receives a complaint of sexual harassment, he/she will:

- ensure that the required confidentiality - as indicated by the victim - is ensured in all next steps and that the victim is convinced that his/her complaint is taken seriously;
- ensure that the procedure:
  - is started as soon as possible, while observing a thoughtful process;
  - includes recording the dates, times and facts of the incident(s) as well as the communication about it.
- in consultation with the victim:
  - discuss and agree upon the next steps to be taken;
  - ascertain the views as to what outcome he/she wants;
  - ensure that the victim understands this procedure for dealing with the complaint;
  - refer him/her to an external investigative professional in the case he/she regards the case as too complicated to his/her abilities or if the victim prefers so for whatever reason;
  - make clear that choosing to resolve the matter informally does not preclude him/her from pursuing a formal complaint if he/she is not satisfied with the outcome;
  - decide if the incident is serious enough to suggest lodging a formal complaint to the relevant authorities, and as such to drop confidentiality and to whom;
- give an opportunity to the alleged harasser to respond to the complaint;
  - ensure that the alleged harasser understands the procedure;
• **facilitate discussion** between the victim and the alleged harasser to achieve an informal resolution which is acceptable to the victim;
• **interview** relevant third parties if deemed relevant by the victim and the alleged harasser.
• **judge** whether the incident(s) of sexual harassment took place;
  o if it can’t be judged whether the sexual harassment took place, refer the matter to the external investigative professional or the relevant authorities;
  o if it is judged that the sexual harassment took place, advise to the Executive Board on what the appropriate remedial actions, sanctions and/or disciplinary measures, in consultation with the victim and in line with The Borneo Initiative staff policies;
  o if it is judged that the sexual harassment didn’t take place, advise to the Executive Board on what the appropriate remedial actions, sanctions and/or disciplinary measures, in consultation with the alleged harasser and in line with The Borneo Initiative staff policies.
• **follow up** to ensure that the recommendations are implemented, that the behavior has stopped, and that the victim is satisfied with the outcome;
• **report** to the director detailing the investigations (made anonymous), findings and any recommendations.

The Borneo Initiative recognizes that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. The Borneo Initiative understands the need to support victims in making complaints.

**Remedial actions, sanctions and disciplinary measures**

The victim may receive:
• apology from the harasser;
• change of working arrangements;
• promotion (if the victim was demoted as a result of the harassment).

The harasser is liable to any of the following sanctions, following The Borneo Initiative staff policies:
• verbal or written warning;
• training for the harasser;
• adverse performance evaluation;
• reduction in wages;
• transfer;
• demotion;
• suspension;
• dismissal.

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial.

**Monitoring and evaluation**

The Borneo Initiative recognizes the importance of monitoring this sexual harassment policy and will ensure that it anonymously monitors incidents on an annual basis. As a result of this report, the organization will evaluate the effectiveness of this policy and make any changes if needed.