

Protection Against Sexual Exploitation & Abuse and Sexual Harassment Policy



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1. PREAMBLE

HCPL's Protection Against Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) Policy is designed to prevent occurrences of sexual harassment, provide mechanisms for reporting incidents, and ensure immediate and appropriate action against those found to have engaged in such behavior. This document provides the relevant and applicable policies to adhere all the issues pertaining to harassment in all its forms, types and occurrences. This document will help administering harassment policies and procedures at HCPL.

The HCPL's overall Gender Policy not only provides a binding framework for gender mainstreaming of all activities of HCPL but also presents an opportunity to promote and implement gender equality across the board, both within HCPL and with partnering organizations. For ensuring gender equality, it is essential that all employees are provided with an environment which is respectful of rights of all employees beyond gender positioning and status in any given society. HCPL is committed to providing a safe environment for all its employees free from discrimination on any grounds and from any type of harassment at work, including sexual harassment. HCPL will operate a zero-tolerance policy for any form of sexual harassment at the workplace, treat all incidents seriously and urgently investigate and address, all allegations of sexual harassment.

This commitment equally aligns with the national legislation which binds organizations to establish mechanisms that facilitate the implementation of the law and the creation of a safe working environment where everyone can contribute to the economy of the country without any fear of harassment, abuse or discrimination. At HCPL, we are committed to maintaining a workplace environment free from all forms of sexual harassment. We believe that every employee has the right to work in an atmosphere that is respectful, safe, and conducive to personal and professional growth.

2. SCOPE

This policy applies to all employees, including full-time, part-time, temporary, and contractual, as well as consultants and other stakeholders. The policy also applies to all employees and all workers at the HCPL as well as any individual representing the HCPL in an official manner, whether paid or unpaid, including the third-party service providers, trainees and internees.

3. PURPOSE

The purpose of harassment policy is to provide day to day administration guideline regarding policies and procedures relating to harassment issues in HCPL, so that, the protection of each employee by compliance of harassment policies across the organization can be made justly & fairly. This policy provides clear guidelines for the day to day arising harassment issues and their solutions, ultimately providing safe and healthy environment to everyone working at HCPL.

The policy serves the purpose of maintaining a working and a very conducive environment that is free from harassment and provides safe & protective environment from any type of harassment based on sex (sexual and nonsexual), color, religion, race, national origin, age, disability or any other form.

4. HCPL'S APPROACH & COMMITMENT

RESOLVE TO ADDRESS SEXUAL HARASSMENT AT HCPL

HCPL is an equal opportunity organization for both men, women and other gender orientations and its gender strategy ensures mainstreaming of gender equality not only across its programs but also in its

organizational culture and communication patterns. HCPL as an organization, is committed to provide an inclusive and conducive work environment to its employees which is free from discrimination. An environment where employees feel safe, equipped with knowledge and confident to talk about any issue in an environment that affect their work performance with special emphasis on sexual harassment. HCPL has appointed a gender focal person to keep an eye on any gender related matter and resolve any such grievance at the very beginning. All institutional mechanisms require a victim of sexual harassment to speak up and act and a case must be brought to its attention through its institutionalized mechanisms. At HCPL, a victim of sexual harassment has three avenues to lodge a complaint. She/he/they could approach her/his/their immediate supervisor or write a complaint to either Grievance Committee or gender focal person.

HCPL'S RELEVANT APPROACH TO HARASSMENT

HCPL's takes harassment matters and policies very seriously, as a company, we are committed to keep an approach that allows zero tolerance over the violation of this policy at any stage during employment & affiliation with HCPL. This section describes how the policy covers various types of harassment and disgraceful attitude that may occur at any minor or major level in all circumstances including but not limited to the following scenarios at the workplace;

- Sexual orientation
- Pregnancy
- Marital status
- Family life
- Gender identity
- Ancestry & ethnicity and background
- Religious affiliation
- Color, race and physical appearance
- Psychological, verbal, nonverbal, visual, electronic / textual

STATEMENT

- HCPL will ensure every worker, employee, and official representative of HCPL has the responsibility to refrain from any type of harassment in the HCPL's environment and every worker, employee. Staff have the right to work and learn in an environment free from harassment.
- Any worker, employee, or official representative who harasses a HCPL worker, colleague, customer, visitor, stakeholder, employee, or official representative will be held liable for their conduct and will be subject to disciplinary action up to and including the termination with or without fine.
- HCPL will make sure that no unwelcome sexual / nonsexual advances or requests ever extend for undue favors or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's ability, employment, or any other part of work submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual's qualification takes place.
- All the actions categorized as sexual harassment when done physically or verbally would also be considered as sexual harassment when done electronically such as through the internet, e- mails, social media, texting, telephone, voicemail etc.
- The HCPL harassment policy reflects a commitment to maintaining an environment that is free from harassment relating to any protected status. The HCPL has set the harassment policy and procedures

for prompt internal resolution of harassment complaints that will facilitate a prompt resolution of such complaints.

5. OBJECTIVES

The objectives of these policies are;

- To establish standards of conduct for ensuring a working environment where all staff is treated with courtesy, dignity, and respect at all times.
- To establish and maintain a conducive working and learning environment that is free from sexual harassment, sexual exploitation and abuse, as well as provides equal opportunities for all employees.
- To make all staff aware of rights and responsibilities regarding sexual harassment.
- To encourage reporting of discrimination and harassment including sexual harassment and sexual exploitation and abuse at the workplace through official channels.
- To increase confidence in grievance mechanisms and avoid reprisals against or victimization of complainants & establish measures for countering sexual harassment at work

6. NATIONAL LEGAL FRAMEWORK

There are two legal provisions that govern sexual harassment throughout Pakistan:

1. Section 509 of the Pakistan Penal Code 1860 (criminal legislation) &
2. Protection Against Harassment of Women at the Workplace Act of 2010 (civil legislation)

To invoke criminal process, one would need to go to the police and file a police report against the perpetrator under section 509. The civil law 'Protection against Harassment of Women at the Workplace Act' 2010, provides a detailed system of how workplace harassment is to be reported and dealt with. It requires organizations including all places of work, to display a Code of conduct clearly and prominently in a language(s) that all members of staff understand. The Code provides minimum standards on how employees, management and owners of organizations are required to behave in the work environment and includes a definition as to what constitutes sexual harassment. Moreover, it requires that organizations set up an inquiry committee to deal with cases of harassment and provides how informal and formal complaints are dealt with. In addition, the federal and provincial governments must ensure that ombudspersons are appointed under the Act and that they are working in an effective and transparent manner.

6. DEFINITIONS & HARASSMENT TYPES

HARASSMENT

Any unwelcome sexual advance, request for sexual favors verbal/non-verbal, stalking or cyber stalking or other verbal, visual or written communication or physical/non-physical/virtual conduct of a sexual nature or sexually demeaning attitudes, including any gestures or expression conveying derogatory connotation causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment; or discrimination on basis of gender, which may or may not be sexual in nature, but which may embody discriminatory and prejudicial mind-set or notion, resulting in discriminatory behavior on basis of gender against the complainant.'

SEXUAL HARASSMENT

Sexual harassment includes all conduct of a sexual or gender-determined nature at the workplace or connected to the workplace that is intended to violate the dignity of a person, is discriminatory or which has this effect. In this policy, sexual harassment is understood as behavior that is unwanted in the eyes of the persons directly or indirectly affected.

WORKPLACE

The place of work or the premises where HCPL operates and include buildings, open areas or a larger geographical area where the activities of HCPL are carried out; in general, it includes any situation that is linked to official work or official activity outside the office, and also as non-official interaction between HCPL staff where activity is associated with HCPL.

PHYSICAL MISCONDUCT

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

VERBAL MISCONDUCT/ HARASSMENT

- Sexual comments on a person's appearance, age, private life, etc.
- Sexual comments, stories, and jokes
- Unwelcome utterances with sexual connotations
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the person
- Condescending, patronizing or paternalistic remarks based on the sex of the person
- Sending sexually explicit messages (by phone, email, or any other means)

NON-VERBAL MISCONDUCT / HARRASSMENT

- Display of sexually explicit or suggestive material
- Sexually suggestive gestures
- Wolf-whistling at someone
- Leering/staring
- Violating physical personal space of an employee like getting physically too close to a person's body without
- Touching or following a person into a washroom or prayer room.

VIRTUAL/NON-PHYSICAL MISCONDUCT

- Inappropriate behavior/requests/demands on virtual mediums
- Sharing inappropriate digital content (images, videos, posts, messages, pages)

PHYSICAL HARASSMENT

Which may take place at the workplace by physical attacks, threats, or assaults, by supervisor, colleague, interviewer, interviewee or any other stakeholder.

PERSONAL HARASSMENT

Which can be caused by bullying and threatening someone's weaknesses by targeting, hitting, fingering or by pointing to show someone as inferior.

DISCRIMINATORY HARASSMENT

Showing discrimination and biasness based on specific personality, work or background trait.

PSYCHOLOGICAL HARASSMENT

Torturing mentally, making employee's mental peace disturbed.

VISUAL

Posters, signs, pin-ups, or slogans of a sexual nature.

TEXTUAL/ELECTRONIC

"Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyberstalking, and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages, and social network websites like Facebook and Twitter and other such sites).

SEXUAL EXPLOITATION AND ABUSE

Taking of actions that violate the sexual privacy of others or taking sexual advantage of another without their consent. For example, taking pictures, videotaping, viewing or distributing explicit images or sexual information of another person without their consent.

OTHER PERVASIVE OR SEVERE BEHAVIORS

It is not necessary that there be actual sexual contact for a behavior to be categorized as sexual harassment. Other unwelcome behaviors are also prohibited if they are bad on an individual's sex or gender, are persistent or highly serious, & create an atmosphere which is intimidating or hostile

DISCRIMINATION

Adverse treatment of individuals based on their sex or gender rather than on merit. This would include instances such as the singling out (for such adverse treatment as lower salary or grades, or more severe punishment) of person(s) on the basis of sex or gender Any employee of the HCPL who believes that they have been harassed in violation of this policy should be informing the individual whose behavior is disturbing that the behavior is unwelcome and that the behavior should stop immediately. The initial message may be verbal or in writing. If the unwelcome behavior does not stop, the harassed individual must report such behavior to their supervisor and/or Chief Human Resources officer

7. POLICY STATEMENT

PROHIBITION

HCPL strictly prohibits all forms of sexual harassment in the workplace, whether committed by supervisors, managers, co-workers, or any other individual associated with the company. This prohibition extends to all work-related settings, including company premises, off-site locations, business trips, and company-sponsored events or functions.

REPORTING PROCEDURES

Any employee who experiences or witnesses sexual harassment is encouraged to report the incident promptly. Reports can be made to the immediate supervisor, or the focal person of HCPL on gender and harassment policies. HCPL ensures confidentiality to the extent possible during the investigation process.

INVESTIGATION AND RESOLUTION

HCPL is committed to conducting thorough and impartial investigations into all reported incidents of sexual harassment. Investigations will be conducted promptly and discreetly, respecting the privacy and dignity of all parties involved. Following the investigation, appropriate disciplinary action will be taken against the perpetrator if allegations are substantiated.

NON-RETALIATION

HCPL prohibits retaliation against any individual who reports sexual harassment or participates in an investigation. Retaliation against complainants, witnesses, or anyone assisting with an investigation is a violation of company policy and will result in disciplinary action, up to and including termination of employment.

TRAINING AND AWARENESS

HCPL is dedicated to raising awareness about sexual harassment and providing training to all employees on recognizing, preventing, and addressing such behavior. Training programs will be regularly conducted to ensure that employees understand their rights and responsibilities under this policy.

COMPLIANCE AND REVIEW

HCPL will monitor compliance with this policy and periodically review its effectiveness to identify areas for improvement. Any necessary revisions will be made to maintain a workplace environment that is respectful, inclusive, and free from sexual harassment.

SUPPORT RESOURCES

HCPL will provide access to support resources for employees who have experienced sexual harassment, including counseling services and legal assistance if needed. We are committed to offering assistance and guidance to individuals affected by sexual harassment to help them navigate the aftermath and seek appropriate recourse.

TRANSPARENT COMMUNICATION

HCPL will communicate openly and transparently with employees regarding the company's stance on sexual harassment, the procedures for reporting incidents, and the consequences for perpetrators. Clear communication channels will be maintained to ensure that all employees are aware of their rights and the avenues available for seeking assistance or lodging complaints.

ACCOUNTABILITY

HCPL holds all employees, including management and senior leadership, accountable for upholding of this policy. Leaders will set an example by demonstrating zero tolerance for sexual harassment and taking swift and decisive action to address any instances of misconduct within their teams or departments.

ONGOING EDUCATION

HCPL is committed to providing ongoing education and training on sexual harassment prevention and awareness. We recognize that attitudes and behaviors may evolve over time, and regular training sessions will be conducted to ensure that employees are equipped with the knowledge and skills necessary to create a respectful and harassment-free workplace culture.

CONFIDENTIALITY

HCPL respects the confidentiality of individuals involved in reports of sexual harassment to the fullest extent possible. While confidentiality cannot always be guaranteed, every effort will be made to protect the privacy of those who come forward with complaints or concerns. Employees can expect that their identities will be kept confidential throughout the investigation process, except as necessary to conduct a thorough inquiry and take appropriate action. It lies as the ethical responsibility to maintain the Confidentiality of all including the complainant, respondent, enquiry committee and all officials involved in the process. The confidentiality is necessary to maintain self-respect of complainant and transparency and fairness of the enquiry. Everyone involved in the process, any employee or even members of the Inquiry Committee and their support staff shall be subject to administrative disciplinary action for inappropriate breaches of confidentiality on their part.

COMMUNITY ENGAGEMENT

HCPL will actively engage with external organizations and communities to support initiatives aimed at preventing sexual harassment and promoting gender equality. We recognize that addressing sexual harassment requires a multi-faceted approach that extends beyond the workplace, and we are committed to contributing to broader societal efforts to combat this issue.

FALSE ALLEGATIONS

False allegations of harassment made from malice or intent to hurt the reputation of the persons against whom the complaint is filed are to be dealt with as serious offences. Making mala fide allegation of sexual harassment knowing it to be false, whether in a formal or informal context, is a serious offense under this policy. If the Inquiry Committee determines that a false allegation made in the complaint with mala fide intent, it may recommend appropriate action against the complainant by sending its findings in shape of heavy fines and termination.

CONTINUOUS IMPROVEMENT

HCPL is dedicated to continuously improving its policies, procedures, and practices related to sexual harassment prevention and response. Feedback from employees, as well as in HCPL gains from internal reviews and external sources of improvement.

RECOMMENDED PENALTIES

In case of minor violations, the accused may be issued a warning letter. These shall be considered when adjudicating future violations. In case of more serious violations, the disciplinary probation, withholding of promotion for a period may include.

- a) Recommendation for suspension of the respondent without pay;
- b) Recommendation that dismissal proceedings be commenced; or
- c) Other sanctions, as deemed appropriate, in accordance with the terms of the employment policies/ Signed contract
 - In case of major violation May include termination
 - 1. Termination with fine
 - 2. Termination with fine and blacklisting for future employment

Termination with fine and blacklisting for future employment along with legal action / litigation

RIGHT OF APPEAL

- Both the complainant and the respondent shall have a right to appeal the decision of the Inquiry Committee within a period of 7 days from the date of the final decision.
- Appeal to the Chief Executive Officer against the decision of the Inquiry Committee can be filed on the following grounds:
- The Inquiry Committee reached a decision without consideration of material information;
- The imposed penalty is unfair because it is disproportionate or materially different from that imposed for similar misconduct; or
- The adjudication process followed by the Inquiry Committee was procedurally unfair.

10. REPORTING TO SUPERVISOR

The most obvious channel to address grievances pertaining to sexual harassment is to take the immediate supervisor in confidence. The role of the supervisor is crucial throughout since she/he/they know the complainant and her/his/their working environment best. The supervisor can decide on changes in the respective work environment (e.g. change of team composition, mediation and reconciliation measures, disciplinary measures against offenders in consultation with HR, etc.) and has the responsibility to turn to supervisor(s) of an offender or initiate a case of sexual harassment through complaint mechanisms available.

Even after involving other institutional mechanisms outlined in this policy, it is the supervisor who provides follow up on suggested solutions to resolve a case. Finally, supervisors have the responsibility to include the topic into their routine leadership dialogue with their staff and pay particular attention in dealing with victims and offenders alike.

However, if the victim does not trust the supervisor in providing him/her/them relief, she/he/they could use other / following avenues of filing a complaint.

GRIEVANCE COMMITTEE

The Grievance Committee acts as a platform for addressing grievances such as sexual harassment at workplaces, discrimination, conflicts among peers or between supervisors and staff or any other grievances and complaints related to behavior and attitude. It works under defined Terms of Reference. In order for Grievance Committee to take up a case, a complaint can be filed directly by victim or by an appointee complainant with written consent of complainant (can be supervisor, staff member or the HCPL Ombudsperson) or even by third complainant (a witness or someone who has become aware of an incident of harassment in the organization.)

INQUIRY COMMITTEE

In case of allegation pertaining to sexual harassment, a special committee for that specific case called the Inquiry Committee is convened by the Grievance Committee. The Inquiry Committee ("IC") investigates the complaint pertaining to sexual harassment and comprises of four members from the following units/groups (1 each):

- Representatives from the Core Team
- Safe Guarding focal Person,
- Chief Adviser.

11. SUPPORTIVE MEASURES AFTER THE SEXUAL HARASSMENT INCIDENT OCCURS

Alongside resolution of complaint, there will be supportive measures for the complainant. In most cases, sexual harassment causes emotional and often also physical distress that can prevail for a long time. Apart from the individual challenge, HCPL can additionally support through:

Supervisors and if necessary, the senior Management will provide necessary support to the affected.

HCPL Safeguarding offers confidential advice and psychological counselling in all kinds of situations of (personal) crisis.

In case an affectee(s) is inhibited in her/his/their usual performance due to depression, anxiety or fear, the supervisor will find suitable solutions to put the affectee in a safe work environment that supports coping and healing. In case of indications of a trauma, the supervisor may refer other appropriate measures

12. CONCLUSION

HCPL's Protection Against SEA and SH Policy is a cornerstone of our commitment to promoting a workplace culture that values respect, dignity, and equality for all. By establishing clear guidelines, providing support resources, and enforcing strict prohibitions against sexual harassment, we aim to create an environment where every employee feels safe, valued, and empowered to speak out against inappropriate behavior. Through ongoing education, transparent communication, and accountability at all levels of the organization, HCPL is dedicated to preventing and addressing instances of sexual harassment promptly and effectively. We recognize that eradicating sexual harassment requires a rigorous effort from everyone within the company, and we are committed to upholding the highest standards of conduct and integrity in all aspects of our operations.

HCPL reaffirms its unwavering commitment to maintaining a workplace free from all forms of sexual harassment. We pledge to uphold the vowing statements outlined in this policy and to continuously strive for improvement in our efforts to prevent and address sexual harassment. Every employee, regardless of position or tenure, has a role to play in creating a culture of respect and inclusivity, and we encourage everyone to actively participate in this collective endeavor. Our commitment to combating sexual harassment extends beyond mere compliance with legal requirements—it reflects our core values and our dedication to promoting a workplace environment where everyone can thrive. We stand firmly behind our Anti-Sexual Harassment Policy and will take decisive action to address any violations of this policy swiftly and effectively.

13. ANNEXURES

LIST OF OFFENSES & EXAMPLES OF SEXUAL EXPLOITATION & ABUSE (SEA) AND SEXUAL HARASSMENT (SH)

The following is a list of cases that are provided as examples of what constitutes sexual and other harassment.

1. Asking employees to visit personal offices of their supervisors/authorities in-charge after office hours to discuss their then assignments.
2. Asking female / male employees or coworkers to meet supervisor/authorities / Colleagues out of office premises with the promise of extra benefit
3. Unwelcome sexual advances, whether they involve physical touch or not.
4. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's private life.
5. Comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess; displaying sexually suggestive objects, pictures, or cartoons.
6. Unwelcome staring, whistling, brushing against the body
7. Using derogatory and abusive language that refers to others mother's or sister's bodies.
8. Head of the department forcing the female subordinate employee by telling her that if she wants her contract extended her needs to spend time with him after office hours.
9. Male HOD / Supervisor deliberately touching or hitting the body of female employee by file or pen/pencil.
10. Biased financial support of needy female and expecting some undue favors like being physical
11. An employee making vulgar jokes about a female on the social media or verbally telling vulgar jokes about her to her fellows
12. Using vulgar language to address females
13. Taking a deliberate disciplinary measure for not complying with undue requests for (sexual) favors.
14. Giving extra favors to young female staff in nominating their names for international/domestic trips for their attention.
15. Threatening female by using forged/fake documents and pictures to blackmail them into compliance.