

# SNV Inclusion and elimination of workplace discrimination and harassment procedure

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# Document information

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## Introduction

At SNV, we believe that diversity is key to the success of the organisation. Thus, we strive to create an equitable and inclusive workplace environment, with a zero-tolerance approach towards stigma, discrimination, and harassment against any aspect of diversity.

Promoting inclusion and awareness is paramount to building a healthier workplace. Along with this, we are committed to providing platforms for SNV team members to learn more about the root causes of discrimination and harassment. We strive to tackle and sanction incidents as they occur to create a safer space for all, and to strengthen the message that any person working for SNV should feel safe and respected and that no degree of bullying, discrimination, harassment, and exclusion shall be tolerated.

Any allegation reported in good faith shall be taken seriously and be investigated promptly. Throughout the process, necessary arrangements shall be made to protect the identity and privacy of the person reporting and to keep them safe from retaliation.

SNV appreciates that in a multicultural and diverse environment, perceptions may change based on the culture, traditions, and upbringing of a person. Therefore, we commit to creating an environment that factors in diversity as much and as best as possible. SNV team members can expect:

- to be treated with respect in the workplace;
- that reported discrimination and/or harassment shall be dealt with in a timely, confidential, and effective manner;
- to have their right to a fair process and for their confidentiality to be respected during investigation of reports of discrimination and/or harassment; and
- to be protected against retaliation for reporting discrimination and/or harassment or for cooperating with an investigation.

Sustained harassment or discrimination have a devastating effect on the lives of victims. Individuals can suffer fear, anxiety, and stress, which can cause or exacerbate physical illness, reduce work performance, increase absenteeism, and lead to resignation from a role.

Instances of discrimination and harassment that are not dealt with in a timely manner can cause resentment and they can contribute to damaging the workplace on a much deeper level and in ways that make discrimination and harassment extremely hard to eradicate. First and foremost, not acting on potentially toxic situations can lead to widespread tensions, conflict, and lack of trust towards the organisation, which then creates a vicious cycle where more harm is done.

The aim of achieving a harassment-free workplace is not to impose restrictions on individual working styles or on workplace-related relationships and social activities. Rather, the aim is to create a healthier, more conducive environment for all, where any team member can achieve their full potential.

Every person who is reported for misconduct has the right to confidentiality, to a fair fact-finding process, and to be considered by all team members involved as innocent until proven otherwise. Therefore, no sanctions shall be administered until the alleged perpetrator is found guilty based on the evidence available. Measures that may be taken preventively must be considered as necessary actions to maintain a conducive working environment for all.

## Procedure audience

This procedure applies to all SNV team members, who are both protected by it and accountable for their actions, irrespective of their role in the organisation. It also applies to all consultants, interns, partners, and service providers working for or on behalf of SNV.

Any partner, contractor, supplier or service provider who wishes to adopt a similar procedure can request a copy of this document for adaptation to their needs. Within the parameters of workload and language limits, SNV shall provide the necessary technical assistance to review the adapted procedure according to the needs of the organisation in question.

## Procedure objectives

- To establish and maintain an appropriate level of awareness of what constitutes acceptable and unacceptable behaviour in the workplace.
- To ensure that team members are aware of their rights and responsibilities relating to workplace inclusion and elimination of discrimination and harassment.
- To provide team members and partners with knowledge regarding the processes for reporting a complaint, as well as a clear overview on the stages that follow the reporting of a case of discrimination or harassment (i.e., mediation and/or fact-finding, applicable disciplinary measures, etc.).

This procedure aims to minimise the occurrence of all forms of workplace discrimination and harassment by promoting the creation and maintenance of a healthy work environment. Within this context, any team member should feel safe and justified in verbalising situations and behaviours that have made them feel uncomfortable. The procedure sets out the process for how to raise concerns about suspected cases with confidence and without fear of retaliation, and consequently, limits the need for escalation to national authorities (although this remains the choice of the team member who identifies as the victim).

## Related Policy House documents

Other **SNV Policy House** documents that are of relevance to this procedure include:

- SNV Code of Conduct/Ethical Standards policy
- SNV Human Resources (HR) policy
- SNV Security and Safety policy
- SNV Safeguarding, child protection and protection from sexual exploitation, abuse, and harassment (SEAH) procedure
- Whistle-blower protection statement
- Modern slavery and anti-human trafficking statement

# Chapter 1: Definitions

Discrimination and harassment, including sexual harassment, have many different definitions. Whilst it is not the intent of this procedure to define harassment, it gives team members and partners as much guidance as possible concerning the actions that constitute harassment, how to avoid them, and how to address them when they occur.

Term	Definition	Examples in practice
<b>Disability</b>	<p>Disability is part of the human condition. Everyone is likely to experience it, either permanently or temporarily, at some point in their life. People with disabilities are diverse and are not defined by their disability. Disabilities may be visible or invisible, and onset can be at birth, or during childhood, working age years, or old age. There is no single definition of disability. Defining disability is complicated as it is complex, dynamic, multi-dimensional, and contested.<sup>1</sup></p>	
<b>Discrimination</b>	<p>Any distinction, exclusion, or restriction that serves the purpose or has an effect of impairing or nullifying the recognition, enjoyment, or exercise – on an equal basis with others – of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. 'Non-discrimination' is a legal principle that prohibits the less favourable treatment of individuals or groups, or the negative impacts on such individuals or groups.</p>	<p>The action that follows stigmatisation: the deliberate exclusion and/or denial of equal opportunities to a team member based on an actual or perceived characteristic or behaviour.</p>

<sup>1</sup> The [UN Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#) recognises that 'disability is an evolving concept' as 'Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'.

<b>Harassment</b>	Any unwelcome action of any nature (sexual or otherwise) that might reasonably be perceived to cause offence or humiliation to another and create an intimidating, hostile, or offensive work environment. It may occur between persons of the opposite or same sex. People of all genders can be either a victim or a perpetrator of harassment. While typically involving a pattern of behaviour, it can take the form of a single incident.	A team member is constantly targeted at work either by means of exclusion, direct discrimination, or unequal treatment. The team member becomes more anxious about the (escalating) nature of this behaviour. As the team member's anxiety grows, they may distance themselves from colleagues and the office.
<b>Human Immunodeficiency Virus (HIV)/ Acquired Immunodeficiency Syndrome (AIDS)</b>	<p>HIV is a virus that targets the immune system and weakens people's defence against many infections that people with healthy immune systems can fight off. As the virus destroys and impairs the function of immune cells, infected individuals gradually become immunodeficient and more likely to acquire other opportunistic infections, like tuberculosis, hepatitis, etc.</p> <p>The most advanced stage of the HIV infection is AIDS, which, depending on the individual, can take many years to develop if HIV is not detected and treated. If left untreated, AIDS is still a fatal disease.</p> <p>HIV is not curable, but it is highly treatable, which can prevent the onset of AIDS.</p>	
<b>Inclusion</b>	Both a process and an outcome. Inclusion recognises the dignity, diversity, autonomy, and worth of all people, and describes the realisation of all people's rights to access life opportunities on an equal basis with others. It involves intentional actions including the identification and removal of barriers that hinder full and effective participation and inclusion in society, and it seeks to redress disadvantages encountered by specific groups. For example, disability inclusion addresses the multiple barriers faced by people with disabilities, whether attitudinal, systemic, physical, or those related to accessing information, communications, or technology.	The multi-layered identity of a team member (such as gender, sexual orientation, class, ethnicity, disability status, etc.) is not only acknowledged by their team and the organisation but it is supported by arrangements that ensure their access to a safe and conducive work environment.
<b>Sexual harassment</b>	Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature. It is compounded when:	A team member continuously receives unwanted sexual attention from a colleague.

	<ul style="list-style-type: none"> <li>• submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or fulfilment of a right (e.g., access to health, education, etc.);</li> <li>• submission to or rejection of such conduct by an individual is used as a basis for decisions affecting that individual;</li> <li>• such conduct has the purpose or effect of unreasonably interfering with an individual's life or creates an intimidating, hostile, or offensive environment around them.</li> </ul>	A team member is made to believe that their performance/contract extension/promotion is subject to their willingness to perform a sexual act with a colleague.
<b>Stigma</b>	Can be understood as a process of dehumanising, degrading, discrediting, and devaluing people in certain population groups; it is often based on a feeling of disgust. Stigma attaches itself to an attribute, quality, or identity that is regarded as 'inferior'. Stigma is based on a socially constructed 'us vs them' thinking, which serves to confirm the 'normality' of the groups or identities in positions of privilege and power through the devaluation of the 'other'. Stigma often lies at the root of discrimination; it is a rationale for discrimination. It provides a 'justification', so that discrimination comes to be seen as natural, necessary, and desirable. Stigma plays an insidious role in making systemic discrimination possible.	A team member or group of team members with a similar (perceived or actual) characteristic or behaviour is singled out because of their socially constructed identities.

Harassment occurs even when there has been no intention to offend or harass. Its impact on the behaviour of the person who receives the unwanted attention determines whether the action constitutes harassment. When any (or all) of the above behaviours are performed by a person in a position of power in the organisation (regardless of reporting lines), this is considered an aggravating element.

**Note:** Disagreement on work performance or on other work-related issues is not considered harassment and therefore it is not dealt with under the provisions of this procedure. Please see the [SNV Performance management procedure](#).

## Chapter 2: Making and handling a report of alleged discrimination or harassment

### What can be reported?

Under this procedure, any action can be reported that relates to the unwillingness to adapt the physical space of the workplace to be more inclusive or conducive for all team members in all their diversity; and/or that has been perpetrated by an SNV team member with the purpose of excluding, degrading, or humiliating another team member.

Complaints about the physical space can include, but are not limited to:

- refusal to adapt the office space to accommodate the needs of colleagues with a disability;
- refusal to create spaces for team members with specific needs (e.g., a breastfeeding room, a sick bay for colleagues with chronic conditions, etc.).

Complaints about actions can include:

- any form of exclusion, discrimination, and harassment based on ethnicity, age, sex, gender, sexual orientation, HIV or disability status, social status, religious beliefs, etc;
- any form of continuous singling out of a person due to a perceived or actual characteristic or behaviour, which is further aggravated if action escalates;
- any form of humiliation or use of degrading language or behaviour against any person, which is further aggravated if the action is driven by an element of diversity (gender identity, sexual orientation, ethnicity, age, social status, etc.);
- the unjustified relocation of a team member to a different team, unit or workplace location;
- the unilateral decision to change a team member's terms of reference without informing them of the reasons why;
- the proven teaming up of persons against another (through conversations, chains of emails, social media groups, etc.) with the purpose of excluding or degrading them.

This procedure focuses on deliberate and active actions taken to exclude and/or discriminate against a team member or a group based on perceived or actual characteristics or behaviour. It also focuses on microaggressions that may be perpetrated over a long period of time by SNV team members, in or out of the workplace.

Any action or behaviour of a sexual nature must be reported under the **SNV Safeguarding, child protection and protection against SEAH procedure**.

## What cannot be reported?

The procedure does not address hypothetical situations. In other words, a case can only be reported if there is an actual individual/group of individuals who is currently experiencing a negative work environment because of SNV's failure to: (a) cater for their needs, or (b) sanction discriminatory and exclusionary practice/behaviours that target them.

The procedure does not apply to disagreements on performance or on any work-related issue that may arise between colleagues or within a reporting line. Therefore, no report of exclusion, discrimination, or harassment can be made in the case of:

- a negative performance review;
- the justified choice not to include a team member in a certain activity (which must be explained to them);
- the justified demotion of a team member based on their performance or inappropriate behaviour;
- the issuance of a verbal or written warning following a certain action/behaviour that has been deemed inappropriate or conflicts with the **SNV Code of Conduct**.

SNV acknowledges that there may be some exceptions to the above, such as actions that are taken in retaliation for a certain behaviour. If a team member wishes to submit a complaint under these circumstances, it shall be made clear to the individual that the action taken against them was of a retaliatory nature, and the root behaviour that has driven the retaliation shall be explained.

## Who can report?

SNV takes full responsibility for: the actions of its own team members; any report made against a team member by a colleague, a former colleague, or by any stakeholder (even if made anonymously); and for following up on any report to the best of the organisation's ability.

SNV has no direct authority to impose sanctions for the actions and behaviour of stakeholders or team members who are not contracted by SNV. In such circumstances, SNV shall decide on a case-by-case basis how best to move forward, depending on the gravity of the allegation and on the action that the partner/service provider is willing to take to investigate and resolve the issue.

Because we care about the 'ethical health' of our workplaces, as well as those of our partners, SNV team members who are temporarily seconded to a partner and who experience or witness misconduct should report this to SNV. The issue shall be raised with the partner in question so that SNV can ensure the safety and well-being of our team members and the people we work with and for.

Conversely, should a team member of a partner who is temporarily seconded to an SNV office experience or witness misconduct, they can choose to follow their own organisation's procedure or follow this SNV procedure and file a report using the online reporting mechanism ([webform](#) or email [safeguarding@snv.org](mailto:safeguarding@snv.org)).

SNV permits any person to report misconduct. Should a team member seconded to SNV opt to submit a report through their own organisation, SNV shall strive to remain informed so that swift action can be taken to investigate the behaviour and, if needed, sanction it.

## How should a report be submitted?

To maintain confidentiality and to remove the human element from the initial stage of reporting, SNV has an online reporting mechanism that anyone can access.

The system is based on a [webform](#) that can be completed in English, French, and Spanish, and that is accessible to anyone, not only SNV team members.

The webform is the preferred reporting mechanism as it is structured to triage complaints and collect the necessary information to ensure that, during follow up, a duly appointed person has a clear understanding of the case and that their follow up questions to the victim/witness are timely and non-intrusive.

In order to avoid any possible conflict of interest, the CEO should be notified via email should a complaint be filed against the SNV Global Inclusion and Safeguarding Adviser. For the same reason, the Chairperson of the Supervisory Board should be notified via email should a complaint be filed against the CEO.

SNV acknowledges that not everyone is conversant or comfortable with a webform. For this reason, a dedicated email address has also been set up ([safeguarding@snv.org](mailto:safeguarding@snv.org)). Cases reported via email shall be followed up with equal priority, but if a team member chooses not to use the structured incident reporting form, it is crucial that they provide clear information to help the duly appointed person quickly understand the nature and gravity of the complaint.

It is important that reports via the dedicated email account communicate the following:

- Name, country, and position of the person reporting (not mandatory, but doing so makes it easier to follow up on a report that can be discussed in-person).
- Is the reporting person the victim, or are they reporting on behalf of someone else? If the latter, the individual should indicate if they have consent from the victim to report; if not, the incident can still be reported but the name of the victim and other identifying elements should be omitted. Acts of discrimination or harassment against an unknown person can also be reported by a bystander, but

no information shall be sought about the victim in case they are put at risk of retaliation.

- Name, position, and country of the alleged perpetrator.
- *What* happened during the incident (and was it repeated over time), *when* did it happen, and *where*?
- Were there witnesses and are they willing to speak up?
- Has another report been made of this kind of behaviour from the same person and if so, how was the incident (or incidents) handled?

Any person reporting discrimination or harassment is encouraged to speak up as soon as possible, ideally before the situation escalates or further damage is done, but while maintaining their own safety. SNV does not expect reports of discrimination or harassment to be substantiated with evidence – it is more important to report an incident swiftly if one reasonably suspects misconduct and if risks are heightened for the reporting person and/or the alleged victim due to evidence collection.

## When is a case referred to the national authorities?

Any cases of discrimination or harassment that are found to have contravened this procedure may also be referred to a lawyer in-country for advice, whether a criminal offence has been committed or not.

If a national law has been broken, SNV shall refer the case to the relevant authorities in-country, unless there is a compelling reason not to do so (such as privacy concerns of the victim or the accused, or possible disrespect to the human rights of either party). The decision to refer a criminal case to the national authorities shall be taken by the CEO and their advisors. If a decision is made to not refer a case, the reasons shall be documented in the relevant file. SNV shall consult the victim before taking a decision on referral, unless there is a compelling reason not to do so.

In all other cases, the decision to refer a case to national authorities shall be made by the victim of discrimination and/or harassment. SNV shall support the victim and/or reporting person regardless of whether they wish to report the incident to the authorities or not.

## What happens next?

Irrespective of whether a person reports a case to national authorities or not, once a complaint is filed through the [SNV webform](#), a generated report will be sent to the dedicated mailbox ([safeguarding@snv.org](mailto:safeguarding@snv.org)). The report shall be addressed by the Global Inclusion and Safeguarding Adviser, who in turn shall report to the CEO and a limited number of other team members on a need-to-know basis.

The case will automatically be registered in the SNV registry, and the Global Inclusion and Safeguarding Adviser shall proceed to contact the individual who has reported the

case (or the email address in the case of an anonymous report in which a contact is provided) to seek further clarity. We strive to follow up on, investigate, and conclude cases within a maximum of eight weeks.

In the case of an anonymous report that has no contact details, the Country Director (CD) or line manager of the alleged perpetrator shall be contacted to obtain their perspective on the case.

Once all necessary information has been collected, the person responsible for follow up shall brief the CEO and advise them on the best course of action to take: mediation, fact-finding, or immediate separation.

### Mediation

Where appropriate and possible, the victim and alleged perpetrator shall be offered mediation prior to proceeding with an investigation. If requested by the alleged victim, psychosocial support shall be offered following an investigation. Mediation is voluntary and confidential. It is intended to assist the individuals to arrive at a mutually acceptable resolution to the complaint.

The mediator shall be a neutral person, agreed upon by both parties and appointed by the CEO (or Chairperson of the Supervisory Board if the complaint is lodged against the CEO). The mediator shall not be involved in investigating the complaint. Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.

### Fact-finding process

If mediation is inappropriate or does not resolve the complaint, a decision to initiate a fact-finding process (investigation) shall be made. The decision shall be based on the report received and on the advice of external confidential counsellors and the SNV Global Inclusion and Safeguarding Adviser.

The person responsible for follow up shall interview the victim and/or the person who has reported the case, the alleged perpetrator, and any witnesses and/or relevant third parties who have been identified separately. All interviewees have the right to review their statement, as recorded by the investigator, to ensure its accuracy.

Following this, the person conducting the fact-finding process shall draft a report stating whether the information collected proves that the incident took place and that the alleged perpetrator is indeed responsible. Advice shall be given on how best to proceed (see Chapter 3: Sanctions and disciplinary measures). Both parties to the complaint shall be informed about the outcome of the process, with sensitive information withheld as needed.

### Immediate separation

There may be cases where an immediate separation is sought by the victim or the alleged perpetrator, where an incident has taken place in front of witnesses, or where

robust evidence can be provided. In these cases, an investigation becomes superfluous.

SNV is committed to giving everyone the chance to prove themselves innocent. For this reason, immediate separation is reserved for extreme complaints only, to be evaluated on a case-by-case basis.

## Chapter 3: Sanctions and disciplinary measures

SNV team members and consultants who are found to have contravened this procedure shall be subject to disciplinary action. The CEO and their advisors shall decide on the appropriate disciplinary action to take, based on the information collected during the fact-finding process and on the specific case.

Anyone who is found to have discriminated against or harassed another person under the terms of this procedure is liable to any of the following sanctions/measures. These shall be applied depending on several factors, including acknowledgement of wrongdoing, continuous/escalating behaviour, targeting of a specific group, gravity of the behaviour, etc.

The sanctions/measures can entail one or more of the following:

- Verbal or written warning (usually for a minor offence that is not repeated over time).
- If proven true, mention of a case of bullying, harassment, or discrimination in a team member's performance review.
- Reallocation to a different team (if the tension between team members is considered to be rooted in incompatibility in working arrangements).
- Demotion.
- Suspension (with or without pay).
- Dismissal.

In all cases, except for dismissal, the perpetrator shall receive mandatory training on discrimination and/or harassment. Additionally, they shall have an initial call with the Global Inclusion and Safeguarding Adviser, followed by direct access to them for a time agreed by the direct supervisor and the Global Inclusion and Safeguarding adviser, based on the specific case.

Disciplinary measures shall be applied to ensure that incidents of discrimination and/or harassment are not treated as trivial.

SNV acknowledges that sanctioning a perpetrator may be a solution from an organisational perspective, but that it may have little impact on the life of a person who has been the target of exclusion, discrimination, and harassment. Therefore, any person who has been the target of discriminatory behaviour shall receive a combination of support, based on how the situation has affected their professional development and personal life and compatibility with what is possible within the organisation. This support can entail one or more of the following:

- Change in working arrangements to the original activities or to better fit an individual's personal schedule.

- A promotion, if the person was demoted or denied a deserved promotion due to discrimination or harassment.
- Support, including financial and/or psychosocial support because of the trauma experienced.

It is important to stress that, in extreme cases, SNV shall put all measures in place to ensure the safety of all parties involved and to limit opportunities for retaliation. For example, the people involved may be requested to work from home; the alleged perpetrator may be suspended; or either party may be temporarily relocated to a different team, etc.

SNV shall take all necessary measures to ensure the safety of the victim throughout the process, both from possible internal retaliation and from national authorities, when the nature of the case may entail (for the victim, the accused or both) a possible disregard for human rights.

Where possible, and in agreement with the wishes of the victim, SNV shall refer suspected incidents of criminal behaviour to the relevant national authorities. If the victim so wishes, SNV has no objection to them reporting a case to the authorities independently; however, we ask that the organisation is informed beforehand, to be able to advise the team member reporting the case on potential issues (especially as these relate to national laws). SNV shall decide how best to support the victim and/or alleged perpetrator regardless of whether they wish to submit a report to the national authorities or not. Our approach shall always be to comply with reporting obligations under national law in the respective country, as long as we have the victim's consent to do so and as long as reporting does not generate any sort of threat to a person's safety.

SNV may also be required legally to notify a donor or donors about reported cases of discrimination and/or harassment. When the reporting of cases of discrimination and harassment is required by a donor, SNV commits to sharing the outline of an incident and the outcome of any investigation, but to not share any identifying information.

## Chapter 4: Roles and responsibilities

This SNV Inclusion and elimination of workplace discrimination and harassment procedure applies to all SNV team members, consultants, interns, partners, and service providers.

### SNV Inclusion and safeguarding focal persons and external confidential counsellor

Please see the current list of [\*\*SNV Inclusion and safeguarding focal persons\*\*](#).

## Chapter 5: Confidentiality and non-retaliation

### Confidentiality of reports

1. Confidentiality shall be maintained throughout the complaints process by all team members and witnesses.
2. All reporting is done confidentially. This means that information shall only be shared with a limited number of people on a strict need-to-know basis. Information shall only be disclosed outside of this small group if required to do so by law, when an important public interest is at stake, or by legal agreement with our donor(s). As far as possible, SNV shall report incidents in such a way that neither the victim(s) nor the alleged perpetrator can be identified.
3. In principle, SNV is obliged to inform the alleged perpetrator that a complaint has been filed against them, but the identity of the person who has reported an incident shall not be disclosed. Team members are expected to maintain confidentiality by being discreet and by not discussing their report of alleged discrimination or harassment with colleagues or anyone else.
4. Team members who breach this confidentiality shall be subject to disciplinary action. In some cases, such breaches may constitute breaking the law in the respective country.

### How do we safeguard privacy?

SNV is committed to protecting the privacy of everyone involved. We shall do everything within reason to safeguard personal data from unauthorised access and processing. Any personal data obtained as part of a report shall only be used for the purposes explained in this procedure or to comply with the law in-country or an important public interest.

### Non-retaliation: how will you be protected when you speak up?

Speaking up is encouraged and team members who speak up shall be protected. Please feel confident that you shall not suffer any form of retaliation for raising concerns in good faith about suspected discrimination and/or harassment.

A report can be lodged even in the absence of conclusive evidence, especially where the safety of a team member is at stake or is perceived to be so. SNV strongly discourages the exposure of oneself to unnecessary risk to provide evidence.

### What happens if this procedure is misused?

Team members shall not be protected if they maliciously raise a concern that they know is false.

It is a violation to knowingly make a false accusation, to lie to investigators, to interfere with an investigation, or to refuse to cooperate in an investigation. Doing so may lead to disciplinary measures.

Team members should inform the CEO and Global Inclusion and Safeguarding Adviser if they believe that their concern or a concern raised against them has not been handled appropriately, or that an investigation has not been performed correctly.