



HABITAT SCHOOL

**POLICY OF SEXUAL HARASSMENT OF
WOMEN AT WORKPLACE (POSH)**

HABITA PRIVATE SCHOOL, AL TALLAH, AJMAN

OBJECTIVE

The objective of this policy is to define workplace sexual harassment and to outline procedures for filing complaints, investigating sexual harassment claims and issuing appropriate disciplinary measures in the case of violations.

SCOPE

This policy applies to all employees of Habitat School at all locations. All workers, at every level, will be subject to discipline, up to and including discharge, for any violation of this policy. Employees are prohibited from harassing others both on and off the employer premises and during or outside of work hours.

Habitat School will operate a zero tolerance policy for any form of sexual harassment of women at the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

DEFINITION OF SEXUAL HARASSMENT

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, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can be physical and psychological in nature. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Sexual harassment can involve one or more incidents and actions constituting 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, or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, e.g. touching, pinching
- The use of job-related threats or rewards to solicit sexual favours

Verbal conduct

- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone or by email)

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. Our School recognizes that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed. Sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace.

COMPLAINTS PROCEDURES

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. Habitat School recognizes that sexual harassment may occur in unequal relationships and that it may not be possible for the victim to inform the alleged harasser.

If a victim cannot directly approach an alleged harasser, he/she can approach the supervisor or human resources department.

When a designated person receives a complaint of sexual harassment, he/she will:

- immediately record the dates, times and facts of the incident(s)
- ascertain the views of the victim as to what outcome he/she wants
- ensure that the victim understands the company's procedures for dealing with the complaint

- discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the victim
- ensure that the victim knows that they can lodge the complaint outside of the company through the relevant country/legal framework

HUMAN RESOURCES

The HR Coordinator is responsible for:

- ❖ Ensuring that both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of a sexual harassment complaint.
- ❖ Explaining Habitat School's sexual harassment policy and investigation procedures to all parties involved.
- ❖ Exploring informal means of resolving sexual harassment complaints.
- ❖ Notifying the police if criminal activities are alleged.
- ❖ Arranging for an investigation of the alleged harassment and the preparation of a written report.
- ❖ Submitting a written report summarizing the results of the investigation and making recommendations to designated company officials.
- ❖ Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.

The School Principal will determine if an in-house investigation will be conducted or if a third party will be contracted to complete the investigation. All complaints involving senior leadership or above will be handled by an external third party.

COMPLAINT RESOLUTION PROCEDURES

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The HR coordinator may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the HR coordinator will dictate the verbal complaint.

When HR receives a complaint that an employee harasses another employee, they will:

- Ask for as many details and information as possible from the person or people making the complaint.

- Keep copies of the report with dates, times and details of incidents and any possible evidence in a confidential file (separate from the personnel file.) HR should update this file with all future actions and conversations regarding this complaint.
- Launch an investigation. If the matter is complex, the HR person can defer to AMHR
- Check if there have been similar reports on the same person. If there are, HR should contact the perpetrator's manager to let them know that their team member may get fired when the investigation is over.
- Inform the harassed employees of our company's procedures and their options to take legal action if appropriate.
- Take into account the wishes of the harassed employee. Some might want the matter to be resolved informally and discreetly, while others might expect more radical actions (e.g. transferring the perpetrator.) HR should consider the circumstances and decide on appropriate action in consultation with school heads/Principal
- Contact the harasser and set up a meeting to explain the complaint and explicitly ask for this behavior to stop, **or**,
- Arrange for mediation sessions with the two employees (harasser and perpetrator) to resolve the issue, if the harassed employee agrees
- Launch a disciplinary process depending on the severity of the harassment. In cases of sexual assault or coercing someone to sexual favors under threats, we will terminate the harasser immediately. We will terminate employees who are found guilty in a court of law of sexually assaulting another employee, even if HR has not conducted its own investigation.

School HR must not, under any circumstances, blame the victim, conceal a report or discourage employees from reporting sexual harassment. If school HR behaves that way, please send an email to their own manager or AM-HR explaining the situation.

To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:

- a) The name,
- b) Department and position of the person or person's allegedly committing harassment.
- c) A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.

The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.

The names of other individuals who might have been subject to the same or similar harassment.

What, if any, steps the complainant has taken to try to stop the harassment.

Any other information the complainant believes to be relevant to the harassment complaint.

DISCIPLINE

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

CONFIDENTIALITY

All complaints and investigations are treated confidentially to the extent possible and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation and the HR coordinator takes adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a sexual harassment complaint or investigation is maintained in secure files within the HR department.

SEXUAL HARASSMENT POLICY AT UAE

Federal Law Number 3 of 1987, UAE Penal Code criminalizes any indecent or disgraceful behaviour towards women. Article 358 and 359 of the Penal Code punishes by way of imprisonment with a minimum term of 6 months. The law reads as follows:

"Article 358: Whosoever publicly or openly commit a disgraceful or indecent act shall be punished by way of detention for a period not less than six months. In addition, any unwelcoming or disgraceful act against a girl below the age of 15 years even if not committed publicly shall be punished with a minimum imprisonment of 1 year.

Article 359: whosoever disgraces women by words or deeds in a public place, or a street shall be punished with imprisonment of a period not more than two years and a maximum fine of AED 10,000. Further, a similar penalty will be imposed on any man who disguises himself in women's clothing and enters a public place reserved for women. If such man commits a crime in such clothing shall be considered as an aggravating circumstance."

Furthermore, Article 360 until 370 provides for various categories of sexual harassment at the workplace and the punishment imposed on any man who commits such crimes. Few examples of such behaviour are as follows:

- Anyone who entices passerby on a road or street by way of words or signs to debauchery shall be punished with a minimum term of 6 months;
- Anyone who prompts an act of debauchery by way of song or yelling shall be imprisoned with a term not exceeding six months or fine AED 5,000;

- Imprisonment for a minimum term of 1 year will be imposed on anyone who entices women to do debauchery or prostitution, wherever a punishment not exceeding ten years for those who entice for debauchery by coercion;
- Life imprisonment for those who habitually practice debauchery or prostitution.

Article 120 of the UAE Labour Law states that an employer may dismiss the worker without prior notice in any of the following cases:

Should he be convicted in a final manner by the competent court in a crime of honor, honesty or public ethics.

Should he assault during the work the employer, responsible manager or co - worker. The employer may dismiss the worker without prior notice

STALKING NOT ACCEPTABLE

“Excessive annoyance of a person by repeating acts, words, signals that would molest them, for the purpose of pushing them to respond to their own sexual desires or the desires of others is a punishable offense with an imprisonment up to one year and a fine up to Dh10,000. You may submit a complaint to the police and accordingly the prosecution and criminal courts have the discretion to evaluate the evidence on record and deliver their decision in the matter.”
