



NATIONAL ORGANISATION OF NURSES AND MIDWIVES OF MALAWI

Sexual Exploitation, Abuse and Harassment Policy

VERSION NUMBER:01/2023
APPROVED BY NEC DURING ITS 48TH SITTING: 11th May, 2023

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THE POLICY STATEMENT

The National Organisation of Nurses and Midwives of Malawi (NONM) is committed to providing a safe working environment for all its employees, interns, elected officers free from sexual exploitation, harassment, abuse and bullying of any form be it verbal, physical, or visual.

NONM will operate a zero-tolerance policy for any form of sexual exploitation, harassment and abuse in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another person will face serious disciplinary action, up to and including dismissal from employment. NONM will further endeavour to take prompt actions where allegations of the above-mentioned abuse(s) are made.

NONM also take cognisant of the fact that sexual harassment, exploitation, abuse and bullying can occur to any individual(s) seeking employment, internship, consultants, experts, business or election into NONM's National Executive Council. Resultantly, this policy shall also cover all individual(s) within the aforementioned category.

NONM further recognises that sexual harassment, exploitation, abuse and bullying can be implicit and can take place anywhere even outside workplace. This policy shall therefore applies to all NONM events and activities including but not limited to professional meetings, seminars, social gatherings – dinner, team building and field visits and any in country or external travels.

DEFINITION OF TERMS

Sexual harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature, which may reasonably be perceived to create a negative psychological and emotional environment in the workplace.

Harassment

includes language or conduct that may be derogatory, racist, sexist, intimidating, or offensive to others.

Abuse

is the willful infliction of injury, unreasonable confinement, intimidation, or punishment resulting in physical harm, pain or mental anguish.

Sexual abuse

means to acquire, or attempting to acquire for oneself or others, sexual acts by violence or threatening behaviour.

Sexual Exploitation

means to provide for oneself or others, sexual acts by abuse of position, relationships of

trust and/or dependence, or exploiting someone's vulnerable position.

Bullying

is an ongoing, deliberate and repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm.

Sexual exploitation, abuse and or harassment can involve one or more incidents and actions constituting physical, verbal and non-verbal in nature. Examples 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)

Visual conduct

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

COMMITTEE ON SEXUAL HARASSMENT

The committee shall receive complaints on sexual harassment and promptly investigate any such complaints or allegations.

- a) Where the accused is a member of the National Executive Council (NEC) or the Executive Director. The committee shall comprise of:
- i. One (1) representative from the Malawi Congress of Trade Union (MCTU)
 - ii. One (1) representative from the office of the NONM presidency
 - iii. NONM Executive Director
 - iv. Two representatives from NONM standing committees

- b) Where the accused is a hired staff, intern or any volunteer from NONM secretariat, management will sit as a disciplinary committee.

All complaints received shall be handled with confidentiality and the records of the Committee shall remain confidential at all times. The ED shall keep the records of the Committee and report to the main sexual harassment disciplinary committee any issues handled by NONM management.

In the event that the accused person is the NONM ED, the records of all the disciplinary proceedings shall be kept in the custody of the NONM president or any person appointed or working in his or her place.

NOTE: Provided that if the accused is a member of either committees **{(a) and (b)}**, he/she will be excused from sitting in the committee.

COMPLAINTS PROCEDURES

All the complaints will be directed through the office of the Executive Director and where the victim is not comfortable to report to the Executive Director, he or she will report the matter directly to the President of the organisation.

The recipient of the complaint will direct the report to the disciplinary committee for Investigations and any further action on the matter.

The complaint may be made by any individual(s) who have been directly affected by the vice or by any person who has knowledge that the abuse, exploitation or harassment occurred.

EXTERNAL REPORTING

Where the victim is not comfortable reporting to any of the internal structures, he or she has the right to report to;

- i. The Malawi Human Right Commission on **(+265)1 750 900/1 831 945/ Toll-free 946/935**
- ii. Ministry of Gender – Capital Hill - Lilongwe
- iii. Nearest Police Station – Victim Support Unit

NOTE: All individuals who are not employees of NONM who have experienced any form of harassment have the right to report the issue/matter to either NONM internal structures or any of the provided external structures including Malawi legal framework.

DISCIPLINARY PROCEDURE

After receiving the complaint, based on the nature and complexity of the issue investigations, shall be concluded within two (2) weeks after the matter was reported.

All the proceedings of the disciplinary hearing shall be concluded within a space of two months.

In all the proceedings, NONM shall strive at all times to provide an opportunity and a right (to both parties) to be heard in a conducive environment free from any intimidations or threats.

RIGHT TO APPEAL

Where either of the parties is unsatisfied with the decision of either of the above committees such party has the right to appeal to the main committee if the decision has been made by management.

Where the decision has been made by the main sexual harassment committee either parties has the right to seek redress in any external structures as provided for in this policy or within the Malawi legal framework including civil proceedings to claim remedies for the abuse.

The noticed of appeal must clearly set out all the factors/grounds relied on by the party in disputing the recommendations/ decision by the committee.

The notice of appeal shall be sent to the committee within 10 working days following the receipt of the committee's decision or recommendation.

VICTIM SUPPORT AND PROTECTION

NONM shall ensure protection of the victim of sexual harassment through

- i. Maintenance of confidentiality of the matter
- ii. Provision of psychological support including counselling.
- iii. All members of the sexual harassment committee shall sign a confidentially form before any proceeding
- iv. Maintenance of safe working environment for the victim to stop the recurrence of the harassment
- v. Any other appropriate referral support i.e. medical, etc.

SANCTIONS AND DISCIPLINARY MEASURES

Any person who has been found to be guilty of any offence under this policy and or breach this policy after going through all the due processes as provided for under this policy is liable to any of the following sanctions disciplinary actions but not limited to:

- i. Apology
- ii. Reprimand
- iii. Verbal or written warning
- iv. Suspension with or without pay
- v. Expulsion or Dismissal
- vi. If the accused is a member of NEC, the sanction and disciplinary measure will be as stipulated in NONM constitution {Chapter IX section 30-part (b)}

RESPONSIBILITY AND AUTHORITY

The Executive Director is responsible for all hired staff, interns and volunteers. The president of the organisation is responsible for all the elected representatives of NONM.

IMPLEMENTATION OF THIS POLICY

NONM will ensure that this policy is widely disseminated to all relevant persons. It will also be included in the staff handbook. All new employees will be trained on the content of this policy as part of their induction into the company. The training will also be extended to all new NEC members during their induction.

Every year, NONM will require all employees to attend a refresher-training course on the content of this policy.

MONITORING AND EVALUATION

NONM recognizes the importance of monitoring this sexual harassment policy and will ensure that it strategically collects statistics and data as to how it is used and whether or not it is effective. The data shall be collected and analysed by the sexual harassment committee while maintaining the highest possible level of confidentiality of the issues.