



GHANA
LIBRARY
AUTHORITY

GHANA LIBRARY AUTHORITY'S

**SEXUAL & GENDER BASED
HARASSMENT POLICY**

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1 THE POLICY STATEMENT

Ghana Library Authority (GhLA) is committed to providing a safe environment for all of its employees to be free from discrimination on any ground and from harassment at work including sexual and gender-based harassment. GhLA will operate a zero-tolerance policy for any form of sexual and gender-based harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual and gender-based harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment (Labour Act 651, 2003). All complaints of sexual and gender-based harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

1.1 Aim

The aim of the policy is to strongly oppose sexual and gender-based harassment in any form and by this policy communicating zero tolerance of any action that may be construed as sexual or gender-based harassment in the institution.

1.2 Objectives

The specific objectives of the policy are:

- To take steps to prevent sexual and gender-based harassment at the Ghana Library Authority.
- To respond promptly and effectively to reports of sexual and gender-based harassment at the Ghana Library Authority.
- To administer appropriate disciplinary measures when a violation is found to have occurred as provided by this policy
 - To educate staff on the policy

2 DEFINITION OF SEXUAL AND GENDER-BASED HARASSMENT

Sexual Harassment

Labour Act defines sexual harassment as any unwelcomed, offensive or importunate sexual advances or request made by an employer or superior officer or a co-worker towards the opposite sex or same sex.

Gender-Based Harassment

Gender-based harassment is an unwelcomed conduct based on an individual's actual or perceived sex. It includes slurs, taunts, stereotypes, or name-calling as well as gender-motivated physical threats, attacks, or other hateful conduct.

There are no specific laws to protect workers from sexual and gender-based harassment however; the Labour Act requires the employer to take action against any form of harassment at workplace.

If a worker terminates employment contract because his/her employer did not take action against sexual and gender-based harassment at workplace, such termination amounts to unfair dismissal.

The Criminal Code has provision on indecent assault which includes sexual bodily contact with another person without the consent of the other person or sexual violation of the body of that person in any manner not amounting to carnal knowledge or unnatural carnal knowledge. The indecent assault is a liable offence and on conviction, the perpetrator may have to face an imprisonment term of at least 6 months (Criminal Code Act 29, 1960).

Examples of conduct or behaviour which constitute sexual and gender-based harassment include, but are not limited to:

2.1 Physical conduct

- Unwelcomed physical contact including patting, pinching, stroking, kissing etc

- Physical violence, including sexual assault
- Physical contact, e.g. lingering handshakes, brushing against an individual's body, grabbing of parts of the body, hugging, fondling, or inappropriate touching

2.2 Verbal conduct

- Asking an employee for sexual favours in return for being hired or receiving promotions or other employment benefits
- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Insults or anecdotes that belittle or demean an individual or a group's sexuality or gender.
- Repeated and unwanted social invitations for dates or physical intimacy
- Sending sexually explicit messages including sexting (by phone or by email)
- Sexual epithets, oral references to sexual conduct, gossip about an individual's sexual activity, deficiencies or prowess intended to staff, sexual innuendos
- Heckling, hooting at an individual, including name-calling

2.3 Non-verbal conduct

- Sexual advances or Sexually-suggestive gestures
- Excessive and unwanted attention in the form of love letters, telephone calls or gifts,
- Passing on pornographic material in print or electronic form or passing written offensive messages of a sexual nature (including e-mails and text messages)

Anyone can be a victim of sexual and gender-based harassment, regardless of their sex and of the sex of the harasser. Ghana Library Authority recognizes that sexual and gender-based harassment

may also occur between people of the same sex. What matters is that the conduct is **unwanted and unwelcome** by the person against whom the conduct is directed.

GhLA recognizes that sexual and gender-based 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 Ghana Library Authority, clients, patrons, domestic and casual workers, contractors, visitors, governing board and GhLA stakeholders who harass another will be sanctioned in accordance with this internal policy.

All sexual and gender-based harassment is prohibited whether it takes place within Ghana Library Authority premises or outside, including at social events, business trips, training sessions or conferences sponsored by the Authority.

3 IMPLEMENTATION AND COMPLIANCE INSTITUTIONS

3.1 The Management

The Management of Ghana Library Authority will have the overall responsibility for ensuring that the institution complies with the Sexual and Gender-Based Harassment Policy. It includes ensuring that:

- (i) The sexual and gender-based harassment policy should not be the only document that indicates that the Authority seeks to provide an atmosphere of work in which all individuals are treated with respect and dignity. The principles of the Sexual and Gender-Based Harassment Policy should be referenced and put into specific action in other documents such as the Code of Conduct and other policies and regulations such as the HR Manual.

- (ii) The sexual and gender-based harassment policy should be made available to employees in various forms, as a handout at orientation programmes and should be made available on the GhLA's website and on GhLA notice boards.
- (iii) Measures in place to ensure the creation and maintenance of an environment that seeks to provide an atmosphere of work, reading and learning in which all employees and patrons of the GhLA are treated with respect and dignity regardless of gender.
- (iv) Steps are taken to prevent sexual and gender-based harassment and abuse at the Ghana Library Authority.
- (v) Steps are taken to respond promptly and effectively to reports of sexual and gender-based harassment and abuse in the institution.
- (vi) Steps are taken to administer appropriate disciplinary measures when a violation is found to have occurred as provided by this policy.
- (vii) All policies, statutes and regulations of the Authority are in compliance with the sexual and gender-based harassment policy.
- (viii) Steps are taken to educate staff on sexual and gender-based harassment.

3.2 The Office of the Chief Executive Officer

The Office of the Chief Executive Officer will take the lead role in ensuring compliance with the Sexual and Gender-Based Harassment Policy and will be responsible for:

- (I) Constituting the Anti-Sexual and Gender-Based Harassment Committee (ad hoc) established under this policy and appointing its chair.
- (II) Receiving reports of any act or conduct relating to Sexual and Gender-Based Harassment, findings and recommendations of the Anti-Sexual and Gender-Based Harassment Committee and following up on recommended actions.

3.3 Anti-Sexual and Gender-Based Harassment Committee

- (I) An ad hoc committee will be created by the Chief Executive Offer based on the nature of the harassment.
- (II) The Committee will include nine (9) people comprising of the Governing Board (based on the nature of harassment), Management, Departments Heads, Union Leaders, Senior and Junior staff.
- (III) There shall be **gender parity** in the composition of the Committee.
- (IV) Competent external members from other institutions may also be nominated to serve on the Committee as ex-officio members, or to act as technical advisers.

3.4 Responsibilities

The Committee shall address sexual and gender-based harassment and abuse issues relating to GhLA

- (a) Maintaining records of reports of sexual and gender-based harassment and actions taken in response to reports.
- (b) Preparing and submitting reports to the Chief Executive Officer and/or the Management on its work.
- (c) Dealing with specific complaints of sexual and gender-based harassment as an investigative body.
- (d) Outlining and designing appropriate sanctions or disciplinary measures to be applied to persons who violate this policy based on the punitive measures.

Leadership

- (a) The Chief Executive Officer shall appoint members of the Committee.

The Committee at its first meeting will appoint a vice-Chair and Secretary from among its members. The Vice-Chair shall act in the absence of the Chair and the Secretary shall ensure that all records of the Committee's meetings and proceedings are properly taken and documented.

(b) The Chairperson shall be instrumental in summoning meetings, initiating enquiry processes and ensuring the integrity of all proceedings relating to investigation of grievances.

3.5 Qualities

All members of the Committee shall have high credibility, gender sensitivity and technical competency to handle grievance procedures.

4 COMPLAINTS PROCEDURES

Anyone who is subjected to sexual and gender-based harassment should, if possible, inform the alleged harasser that the conduct is **unwanted** and **unwelcomed**. GhLA recognizes that sexual and gender-based harassment may occur in unequal relationships (i.e. between a superior and subordinate) 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 file for an informal or formal complaint.

4.1 Informal Process

Under the informal complaint procedure

(a) The complainant of sexual and gender-based harassment may approach the supervisory personnel in the institution to discuss potential means of resolving the complaint and to request assistance in resolving the matter; and

(b) Where the matter is dealt with to the complainant's satisfaction, the matter shall be considered resolved.

4.2 Formal Process

The formal complaint procedure is applicable where a complaint made under the informal complaint procedure is not resolved to the complainant's satisfaction, or where the complainant chooses not to proceed informally. Under this procedure,

- A complainant is required to lodge a complaint in writing, within six (6) months, of the alleged occurrence to the next level of Management not involved in the matter;
- Management shall provide a copy of the complaint to the respondent, investigate the allegation and take steps to resolve the concern as appropriate within thirty (30) days from the date the issue is reported by the complainant;
- Both the complainant and the respondent may have a representation present at the proceedings;
- If the resolution proposed as a result of the management review is not acceptable to the complainant, the complainant may refer the matter, in writing, to the CEO within thirty (30) days after receiving the manager's written response or after the response was due;

- The CEO shall acknowledge, in writing, the receipt of the written complaint, provide a copy of the complaint to the respondent, and form an ad hoc committee to have the matter investigated;
- The complainant, if applicable, shall be advised in writing by the committee of the decision within thirty (30) days from the date the CEO hands-over the written complaint or at a mutually agreed date.

The complainant can submit a direct complaint in writing to the CEO, or to the governing board (if the CEO is the subject or victim of the complaint) within three months of the alleged harassment. The complaint must include the nature of the allegations; the name of the respondent; the relationship of the respondent to the complainant (for example supervisor, colleague); the date and a description of the incident and, if applicable, the names of witnesses. The information provided should be as precise as possible.

Throughout the complaints procedure, a victim is entitled to be helped by a counsellor assigned by the institution. GhLA will nominate a number of counsellors (these will include the religious members of GhLA governing Board) and provide them with special training to enable them to assist victims of harassment.

4.3 Screening and acknowledgement of complaint

Upon receipt of the complaint, the schedule mediator (eg. committee Chair) shall screen and acknowledge receipt of the complaint. The criteria used in the screening are that the complaint:

- (a) Must be filed within six months of the alleged harassment unless there are extenuating circumstances to warrant a delay in filing the complaint; and

(b) Must include detailed information noted

(c) If these criteria are met, mediator shall inform the respondent that a complaint has been received and provide the respondent with the particulars of the complaint in writing which the respondent is to respond within five working days; and

(d) If these criteria are not met, mediator shall advise the complainant in writing on the appropriate criteria to follow and where the complainant fails to comply, the mediator shall decline further processing of the complaint or put the case on-hold until the complainant meet the criteria(NB: All required criteria must be met within six months).

4.4 Review of the complaint

Once the complaint has been acknowledged, the schedule officer shall constitute a team to review the complaint and if necessary, seek additional information to determine if the allegations are related to harassment.

If the schedule officer and team conclude that the complaint is not related to harassment, the schedule officer shall inform the complainant and the respondent in writing. However, if the complainant feels there is a case of sexual or gender-based harassment, they can appeal to the next level of authority.

If the allegations are related to harassment, the schedule officer and team shall determine what efforts have been made to resolve the problem, identify immediate avenues of resolution if any, and shall take appropriate action.

4.5 Mediation

If the harassment complaint remains unresolved, the schedule officer (mediator) shall report to the CEO, who will constitute an ad hoc committee to resolve the matter.

4.6 Other Recourse

Assaults, including sexual assault are covered by the Criminal Offences Act, 1960 (Act 29) and in such cases the police shall be contacted.

4.7 Employee Rights

As a staff of the Ghana Library Authority;

- You have the right to a workplace that is free of harassment and inappropriate conduct.
- You have the right to report inappropriate conduct you experienced, witnessed or were informed of without the fear of retaliation or dismissal.
- You also have the right to report this behavior in the complaint mechanism of your choice.
- Respondents have the right to a representation.
- You are entitled to a quick, comprehensive and confidential (as much as possible) investigation into your allegations. Before, during and after the investigation you also have the right to repair your mental and/or physical health.

4.8 Disciplinary Action

Applicable disciplinary measures for persons culpable of sexual and gender-based harassments are but not limited to;

- Formal apology
- Leave without pay
- Suspension
- Withholding of salary

- Denial of promotion
- Dismissal

These sanctions shall not operate to prejudice criminal action in the case of serious offences tantamount to crime under the Laws of Ghana.

False allegations

False allegations shall attract serious sanctions.

5 Appendix-Definition

1. Zero-Tolerance Policy	A zero-tolerance policy refers to a set of rules or guidelines an institution must follow or risk facing punishment.
2. Carnal Knowledge	Sexual intercourse.
3. Unnatural Carnal Knowledge	<i>Unnatural carnal knowledge</i> is sexual intercourse with a person in an unnatural manner (eg. sodomy, using an object to rape a person etc) or with an animal.
4. Indecent Assault	Sexual assault that does not involve rape.
5. Sexual Advances	Sexual advances can be welcomed or unwelcome gestures made towards another person with the aim of gaining some sort of sexual favor or gratification.
6. Sexual Orientation	Sexual attraction to persons of the opposite sex , the same sex or gender , or to either sexes or more than one gender .
7. Sexually Explicit Messages(Sexting)	Sending and receiving sexually <i>plain</i> pictures and text <i>messages</i> via cell phone.
8. Power Relationships	Power relations are relationships in which one person has social-formative power over

	another, and is able to get the other person to do what they wish (whether by compelling obedience or in some less compulsive and even a more subtle way).
9. Unequal Relationship	Inequality in a relationship refers to an imbalance of power between partners.
10. Harasser	A person who causes repeated emotional pain, distress, or annoyance to another.
11. Harassment	Targeting someone with behavior meant to alarm, annoy, torment, or terrorize, and creating reasonable fear in the victim for their safety or the safety of their family or property.
12. Perpetrator	An individual who carries out a crime or otherwise harmful or immoral action
13. Slurs	an insulting or disparaging remark with a shaming and degrading effect
14. Taunt	to tease, insult or antagonize someone by deliberately saying or doing something mean
15. Stereotypes	a fixed idea that many people have about a thing or a group that may often be untrue or only partly true

16. Name-calling	the use of offensive names especially to win an argument or to induce rejection or condemnation (as of a person or project)
17. Importunate	overly persistent in request or demand

COMPLAINT FORM
GHANA LIBRARY AUTHORITY



SEXUAL AND GENDER-BASED HARASSMENT COMPLAINT FORM
(CONFIDENTIAL)

A. COMPLAINANT'S PROFILE

Name: Age:.....

Contact Number:.....

Email:

Address/ Department/

Staff ID No.(If applicable).

Date (s) & Time (s) of Incident (s).....

B. ALLEDGED PERPETRATOR'S PROFILE

Name:.....Age:.....

Contact Number.....

Email:.....

Status: Staff/ Other:.....

Address/ Department:.....

Staff ID No. (If applicable):.....

C. RELATIONSHIP WITH ALLEGED PERPETRATOR

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D. WITNESSES (If any)

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F. DESCRIPTION/ NATURE OF COMPLAINT

(PROVIDE A SUMMARY OF THE INCIDENT (S) BELOW.

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SIGNATURE:

DATE: