



SAFE STEPS FOUNDATION KENYA SEXUAL HARASSMENT POLICY-MANUAL

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Safe Steps Foundation Kenya (SSF-K)

Advancing Human Rights & Good Governance, Gender Equality & Non-Discrimination,
Peacebuilding & GBV Prevention through Policy Evidence Based Research.

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About Safe Steps Foundation Kenya

Safe Steps Foundation Kenya (SSF-K) is a non-profit community-based human rights organization dedicated to building safe, just, and inclusive communities where every person can live with dignity, equality, and opportunity. Founded in 2019, SSF-K works at the intersection of human rights, gender equality, governance, and sustainable development to address the root causes of injustice, discrimination, poverty, and exclusion affecting vulnerable communities across Kenya.

We believe that sustainable development can only be achieved when human rights are protected, communities actively participate in decision-making, and institutions are accountable to the people they serve. Guided by human rights-based and community-led approach, we empower women, youth, children, persons with disabilities, and marginalized communities to understand, claim, and defend their rights while strengthening the capacity of public institutions to deliver justice and responsive services.

Our work is anchored on six strategic pillars: promoting gender equality and inclusive communities; protecting democracy, justice, and human rights; enhancing good governance and meaningful public participation; advancing economic empowerment and sustainable development; preventing and responding to gender-based violence and harmful practices; and empowering youth and women to become confident leaders and active citizens.

Through community education, leadership development, legal awareness, policy advocacy, civic engagement, economic empowerment initiatives, climate resilience programmes, and survivor-centered referral systems, we work with government institutions, civil society organizations, schools, faith leaders, community champions, and development partners to create lasting social change.

Introduction

Safeguarding is the responsibility of organisations to make sure their staff, associates, operations and programs do not harm children, young people or adults at risk. This means not exposing them to the risk of discrimination, neglect, harm and abuse. Safeguarding is also the responsibility that an organisation has for protecting its employees and volunteers when they are vulnerable, for example, when ill or at risk of harm, abuser inappropriate behavior such as bullying, exploitation and sexual harassment.

All of us working for the SSF-K are subject to laws and regulations in the countries and jurisdictions around the world where we conduct our programs. We SSF-K agree to this set of relevant requirements as “the law” in our Ethical Framework. Framework is in conflict with the law, the law we are expected to comply with the law and the Framework. In the unlikely event that the Ethical always prevails over the Ethical Framework. If the Ethical Framework stipulates higher demands than the law, the Framework prevails. Each of us must understand the Ethical Framework and take responsibility for complying with the Ethical Framework and the law.

The Policy Statement

SSF-K is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. SSF-K will operate a zero-tolerance policy for any form of sexual harassment in the workplace and is committed in putting up all measures that prevent and also solve such issues when arises. SSF-K has a zero-tolerance approach to sexual harassment, exploitation and abuse (SHEA). SSF-K does not allow any staff, contractor or associated party to engage in any form of sexual abuse, harassment or exploitation against adults, adults at risk, children or young people within the SSF-K operations.

SSF-K will treat all incidents seriously and promptly investigate all allegations of sexual harassment within the organization in a timely manner with conclusive report. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. The punishment will be based on the findings and the degree of harassment to serve the victim with satisfaction. 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. SSF-K is committed to safeguarding all the staff and employees' rights by establishing rules and regulations that promote excellent working environment.

Purpose

The policy sets out SSF-K approach to safeguarding and the prevention of sexual harassment, exploitation and abuse. It articulates SSF-K commitment to ensure that its programs and those associated with it do not harm children, young people or adults at risk. It informs, provides guidance, and direction to staff and associated parties of SSF-K on expectations, commitments and principles to uphold good conduct. It helps SSF-K establish a culture of safeguarding throughout its operations.

Principles.

SSF-K commits to the following principles that underpin its safeguarding employees from sexual harassment at work.

- i. Everyone has an equal right to protection from abuse and exploitation regardless of age, race, sex, sexual orientation, marriage and civil partnership, pregnancy or having a child, gender reassignment, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or status.
- ii. SSF-K acknowledges that safeguarding is everyone's responsibility and will put in place reasonable measures to ensure, as far as possible, the safety and wellbeing of children and vulnerable adults of the persons whom it works with or those in the projects SSF-K supports.
- iii. SSF-K believes that the best interest of the vulnerable person is paramount. SSF-K will further take responsibility to meet obligations regarding its duty of care towards children, vulnerable adults and employees and act where it believes that a child, young person, vulnerable adult or employee is at risk or is actually harmed.

- iv. SSSF-K will ensure that any activities it engages in and the communities within which it operates do not expose vulnerable persons, beneficiaries or staff to the risk of discrimination, neglect, harm and abuse.
- v. SSF-K will consider safeguarding in the design and implementation of all its programs. SSF-K will ensure that when working with or through partners or subcontracted agencies, their safeguarding procedures are consistent and in line with the principles and approaches set out in this policy; that they are informed and in compliance with the safeguarding policy.
- vi. SSF-K endorses the United Nations Convention on the Rights of the Child (UNCRC). It agrees that all the rights guaranteed by it must be available to all children without discrimination with particular reference to Article 19, which accords equal rights to protection children from abuse. A child is someone under the age of 18 regardless of the age of majority/consent in the country.
- vii. SSF-K will ensure that employees and volunteers are inducted in the safeguarding and sexual harassment Policy and procedures as a critical part of the recruitment process

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 involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal.

Prohibited Behaviors

All SSF-K employees MUST not:

- a. Take any action that could compromise SSF-K values nor engage in relationships with SSF-K staff, prospective or actual beneficiaries or grantees that could be deemed exploitative. SSF-K staff must not use their position of power to take advantage of another for sexual purposes.
- b. Condone or participate in behaviors that sexually, physically or emotionally harass, exploit or abuse another person. This includes inaction (including failure to report a concern).
- c. Develop, encourage or fail to act of relationships with children or other vulnerable people which could in any way be deemed sexual, exploitative or abusive.
- d. Have sexual activity or relationships with anyone under the age of 18 or put a child, young person or vulnerable adult at risk of harm.
- e. Exchange money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior.
- f. Recruit children for any labor which is inappropriate to their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at risk of injury.
- g. Fail to disclose any convictions or investigations of sexual offences or impropriety that they are subject to.

Other examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

Verbal conduct

- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances in regards to work responsibilities
- 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)

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 favors

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. SSF-K 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. SSF-K recognizes that sexual 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 SSF-K, clients, customers, casual workers, contractors or visitors who sexually harass another will be reprimanded in accordance with this internal policy. All sexual harassment is prohibited whether it takes place within SSF-K premises or outside, including at social events, business trips, training sessions or conferences sponsored by SSF-K.

Mitigation Measures

Designated safeguarding officers SSF-K also has designated the Chief Operating Officer (COO) as the Safeguarding Officer (SO), to whom any safeguarding issues can be escalated. The COO will be supported by the Operations Manager as the alternate safeguarding officer. The SO is tasked with keeping track of and addressing appropriately any issues brought to his/her attention, escalating issues for resolution where necessary. The safeguarding officer should well trained and is knowledgeable on

how to effectively and efficiently solve SH matters. The Chief Operating Officer (COO) is also responsible and accountable for safeguarding standards, including defining the safeguarding policies and procedures that must be in place.

Safeguarding approach.

SSF-K adopts, prevent, report and respond approach to managing its safeguarding risks. This means that:

- i. SSF-K approach to prevention entails, safer programming, safer recruitment, training awareness and induction as well as putting guidelines on managing media and communication for vulnerable adults.
- ii. SSF-K has put mechanisms in place to enable staff to raise safeguarding concerns confidentially.
- iii. SSF-K takes all safeguarding concerns seriously and will respond to them promptly and adequately.

Safer programming.

SSF-K will consider safeguarding risks before conducting its programme. SSF-K project leads will ensure that a safeguarding risk assessment is conducted in a participatory and comprehensive way when designing and implementing projects and activities that involve (contact, work with or impact on) children and adults-at-risk. The assessment must identify risks and barriers and document steps being taken to reduce or mitigate them.

Safer recruitment.

To mitigate safeguarding risks in recruitment, SSF-K will ensure safe recruitment and vetting processes are followed for all employees, consultants and partners as recorded in SSF-K Recruitment policy and procedures. This includes but is not limited to checking identity against original documents, background checks and, reference checks from previous employers. Where a member of SSF-K staff is engaged in direct work with vulnerable individuals, a criminal background check will be undertaken as part of the recruitment process. This could include obtaining a police clearance certificate. Candidates will also be asked specific safeguarding questions during the interview. All SSF-K employees must sign and abide by this Safeguarding Policy and SSF-K Code of Conduct.

Training, awareness and induction.

All SSF-K staff must receive training on safeguarding in line with their role. This training will include information about the provisions set out in the policy, reporting, response, and how to embed safeguarding in SSF-K programs. The requirements of this safeguarding policy will also be incorporated into SSF-K contracts. The Chief Operating Officer will ensure that all joiners receive an induction in safeguarding within one month and no later than three months after appointment.

Complaints Procedures

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. SSF-K recognizes that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) 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 one of the designated staff members responsible for receiving complaints of sexual harassment. This person could be another supervisor, a member of the human resources department, etc.

- 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 Association'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 Association through the relevant country/legal framework

Throughout the complaint's procedure, a victim is entitled to be helped by a counsellor within the Association. SSF-K will nominate a number of counsellors and provide them with special training to enable them to assist victims of sexual harassment. SSF-K recognizes that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. SSF-K understands the need to support victims in making complaints.

Informal Complaints Mechanism

If the victim wishes to deal with the matter informally, the designated person will:

- give an opportunity to the alleged harasser to respond to the complaint
- ensure that the alleged harasser understands the complaints mechanism
- facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the Association to resolve the matter
- ensure that a confidential record is kept of what happens
- follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped
- ensure that the above is done speedily and within 7 days of the complaint being made

Formal Complaints Mechanism

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

The designated person who initially received the complaint will refer the matter to a senior human resources manager to instigate a formal investigation. The senior human resources manager may deal with the matter him/herself, refer the matter to an internal or external investigator or refer it to a committee of three others in accordance with this policy.

The person carrying out the investigation will:

- interview the victim and the alleged harasser separately
interview other relevant third parties separately
decide whether or not the incident(s) of sexual harassment took place
- produce a report detailing the investigations, findings and any recommendations
- if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- follow up to ensure that the recommendations are implemented, that the behavior has stopped and that the victim is satisfied with the outcome
- if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
- keep a record of all actions taken
- ensure that the all records concerning the matter are kept confidential
- ensure that the process is done as quickly as possible and, in any event, within [14] days of the complaint being made

Outside Complaints Mechanisms

A person who has been subject to sexual harassment can also make a complaint outside of the organization. They can do so through any legal avenue as provided by the laws of the Republic of Kenya.

Sanctions and Disciplinary Measures

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- verbal or written warning
- adverse performance evaluation
- reduction in wages
- transfer
- demotion

- suspension
- dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser. The victim will also be protected by the law and framework so ensure that they are mentally and psychologically stable to work within the organization and deliver their mandates.

Implementation of This Policy

SSF-K will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff handbook. All new employees must be trained on the content of this policy as part of their induction into the Association. Every year, SSF-K will require all employees to attend a refresher training course on the content of this policy. It is the responsibility of every manager to ensure that all his/her employees are aware of the policy. However, to ensure that the policy is well understood and adopted by all SSF-K will regularly organize for training and awareness sessions within the organization during the working day. This will enable the employees and staffs to have a clear understanding of the do and don'ts to minimize or avoid sexual harassment incidences.

Monitoring and Evaluation

SSF-K recognizes the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective. The policy will on time to time be amended and improved to ensure that is comprehensive to solve and address all complains arising from sexual harassment.

Supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a bi annual basis. As a result of this report, the Association will evaluate the effectiveness of this policy and make any changes needed.

Use Common Sense

We must always use our sound judgement and our common sense. In the course of your daily work, you may face difficult situations. If you are in doubt about any of your actions, simply ask yourself the following questions:

- Is it consistent with our Ethical Framework of the organization?
- Is it ethical?
- Is it legal?
- Is it consistent with our culture?
- Will it reflect well on the SSF-K its activities or the SSF-K brand?
- Am I willing to stand up for my behavior publicly?

If the answer to any of these questions is no, do not do it. Whenever you are uncertain, always be transparent and ask your manager for guidance. The SSF-K strives to have an open culture of inclusiveness. All of us are encouraged and should feel empowered to come forward to discuss ideas, improvements, and different views and, in good faith, any concerns we might have. To sustain an open culture of inclusiveness and honesty, our way is to be transparent and discuss with or report to one of our nearest managers—or a higher-level manager, if necessary so matters can be dealt with in a straightforward way.