

THE GHANA CIVIL [Date] SERVICE

SEXUAL HARASSMENT POLICY



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FOREWORD

The Civil Service is mandated by the 1992 Constitution of Ghana and the Civil Service Act, 1993 (PNDCL 327): to perform a strategic function in supporting the government to formulate and implement policies for national development. This can only be achieved by creating a safe and healthy working environment devoid of intimidation and harassment.

The Civil Service has an obligation and duty to care for and provide a safe working environment to its employees, job applicants, clients and all stakeholders to ensure that everyone is aware of their rights to equality, human dignity, privacy, security of person and fair labour practice. The Civil Service is also responsible for ensuring that no individual perpetrates sexual harassment while carrying out their work, whether at their offices, conferences, meetings and that the highest standards of behaviour are observed and practised all the time.

This policy is intended to prevent sexual harassment and to clearly set out the procedures to be followed when sexual harassment is witnessed or occurs. Anyone who has been subjected to sexual harassment has a right to lodge a grievance, and to expect that the Civil Service will take appropriate and decisive action. The Service commits itself to addressing as a matter of urgency all cases of alleged sexual harassment and to ensuring that fair procedures are followed throughout the process within clear pre-determined time frames.

The Civil Service takes a zero-tolerance approach against sexual harassment and sexual harassment in any form will not be permitted or condoned. Civil Service staff are therefore expected to respect one another's integrity, dignity, privacy and their right to equity in the workplace at all times and to note that the Service views sexual harassment in any form extremely serious and disciplinary action including summary dismissal may result after following due process. The Civil Service will take the necessary steps to ensure that no worker terminates his or her employment because no action was taken against an incidence of sexual harassment.



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HEAD OF THE CIVIL SERVICE

1.0. INTRODUCTION

The Ghana Civil Service in accordance with article 190 of the 1992 Constitution, forms part of the Public Services of Ghana. The Civil Service Act, 1993 (PNDC Law 327) establishes the Ghana Civil Service to perform a strategic function in supporting the Government to formulate and implement policies for national development through Sector Ministries and implementing Departments.

According to the Domestic Violence and Victim Support Unit report (2010-2016), girls in Ghana are over 100 times more likely to be abused. The reports indicate that the number of rape cases keeps increasing. For example, rape cases increased from 288 in 2010 to 322 in 2015. This is reflective of women's case in general in the country. The number could be higher since many victims remain silent because of shame, guilt and fear, particularly of stigmatization and intimidation (UN Women, 2016). More seriously is the limited number of cases in which perpetrators are convicted (Monree and Monree 2013). In all the cases less than 5% of perpetrators were convicted.

Whilst this number does not specifically pertain to the Civil Service, it is reflective of what is happening in the general Ghanaian context which includes the Ghana Civil Service.

Civil Service Code of Conduct stipulates as follows:

- A Civil Service staff shall not exploit his/her relationship with another officer/person to gain advantage of him/her, sexually, or confer undue favours on him/her, for sexual and other purposes.
- A Civil Service staff shall refrain from engaging in sexual affairs in Government offices, or in any criminal sexual acts or malpractices anywhere.
- Sexual harassment by a Civil Service staff of his/her opposite sex may take such forms as for instance, exerting subtle pressure, or threatening punitive action, or giving favours to cause the opposite sex to yield to one's sexual desires.

The document provides a framework for ensuring that reported cases are dealt with seriously, expeditiously, with the necessary level of respect, dignity and confidentiality.

1.1. Policy Brief and Purpose

The Sexual Harassment Policy of the Civil Service aims at safeguarding employees of both sexes from unwanted sexual advances, and to provide them with guidelines to report incidents. It also explains how the Civil Service handles complaints, takes action against offenders, and assists victims to recover.

The OHCS is committed to a work environment in which all individuals are treated with dignity, respect and decency. Every person has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful and discriminatory practices, including

harassment, intimidation, oppression and exploitation. Therefore, the OHCS expects that all relationships among persons in the office or work settings will be professional and free of prejudice and harassment.

This policy aims to ensure that all Civil Service staff can work in an environment free from harassment, intimidation, exploitation and oppression. The Civil Service will make every reasonable effort to ensure that all concerned are familiar with the policy and are aware that any complaint in violation of the policy will be investigated and resolved appropriately.

Through education and enforcement of this policy, the Civil Service will seek to prevent, correct and discipline behavior that violates this Policy.

1.2. Objectives of the Policy

The objectives of the Policy are to:

- a. Identify and eliminate, as much as possible, what constitutes sexual harassment or sexual misconduct in the Civil Service.
- b. Prevent sexual harassment and misconduct through education and awareness creation.
- c. Investigate allegations and reports of incidents of sexual harassment and sexual misconduct in the Civil Service.
- d. Provide appropriate disciplinary measures in accordance with this policy and other related regulations when a violation of the policy occurs.
- e. Ensure that victims of sexual harassment and sexual misconduct, a person against whom sexual harassment or sexual misconduct allegation is made until guilt is proven or anyone who participates in the investigation does not face victimization, retaliation or stigmatization.

1.3. Application and Scope of the Policy

This policy applies to the following:

- a. All employees of the Civil Service and those working in Civil Service Organisations (i.e. Casual Workers, Interns, National Service Personnel, Special Assistants etc). Anyone who falls in the above-mentioned category who sexually harasses another person on the premises of any Civil Service Organisation will be sanctioned in accordance with this policy.
- b. All other persons, regardless of their position, (including applicants for employment, contractors, members, suppliers and any other third party) who visit or attend any Civil Service premises and/or functions and/or events hosted by the Service. A non-staff who sexually

harasses another person or engages in sexual misconduct on the premises of any Civil Service Organisation will be reported to the Police for action.

It should be noted that, all forms of sexual harassment and sexual misconduct involving officers or staff of the Civil Service are prohibited, whether they occur within the premises of a Civil Service Organisation or outside, including at social events, on business trips, at training sessions or conferences sponsored by either the Civil Service or any other organization.

1.4. Policy Statement

The Civil Service shall not accept or tolerate sexual harassment in its workplace or in any work-related location outside the workplace, such as during official trips, meetings and work-related social events.

1.5. Guiding Principles

The Sexual Harassment Policy of the Civil Service is underpinned by the following guiding principles

a. Equality and Freedom from Discrimination

Article 17(2) of the 1992 Constitution of Ghana provides that:

A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status.

b. Respect for human dignity

Article 15(1) also provides that:

The dignity of the individual shall be inviolable.

Sexual harassment constitutes discrimination and a violation of the dignity of the individual. It is illegal and prohibited under Ghanaian law.

All Civil Service staff, and other persons given lawful access to the Civil Service, are prohibited from engaging in any of the practices prohibited in this policy.

2.0. DEFINITION OF SEXUAL HARASSMENT

Sexual harassment shall be considered as an unwelcome, offensive or persistent sexual advance, requests for sexual favours and other verbal or physical conduct of a sexual nature which makes a person feel offended, humiliated or intimidated.

Sexual Harassment can be categorized into two (2) types: tangible employment action and hostile work environment.

Tangible employment action involves some type of monetary loss for the employee or significant changes in workload or work assignment. It requires that the threat of job detriment or promise of job benefit actually results in some sort of employment related action such as termination, promotion, demotion, or reassignment to a considerable different job or duties.

A hostile work environment occurs when actions of another person creates an adverse or hostile working conditions for an employee, or interferes with the employee's work performance through severe or pervasive words or deeds because of the employee's gender.

Sexual harassment may take place both inside or outside of work premises, and includes, but is not limited to when -

- A person undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant in exchange for sexual favours which creates a hostile, intimidating or humiliating environment for the recipient.
- Sexual conduct unreasonably interferes with a person's work performance or creates an intimidating or hostile working environment.
- it involves one or more incidents and actions constituting harassment, which may be physical, verbal or non-verbal

2.1. Forms of sexual harassment

Sexual harassment may take the following forms:

a. Physical Contact

This may take the form of:

- i. Unwanted physical contact including pinching, stroking, kissing, hugging, fondling, or inappropriate touching.
- ii. Physical violence, including sexual assault or rape.
- iii. Attempted acts in paragraph i and ii.

b. Verbal conduct

Verbal forms of sexual harassment include socially and culturally inappropriate and unwelcome conduct including

- i. Comments on a worker's appearance, age and private life.
- ii. Sexual comments, stories and jokes about a person's dress or physique made in the presence of that person or towards that person.
- iii. Sexual advances.
- iv. Repeated and unwanted social invitations for dates or physical intimacy.
- v. Insults based on the sex of the worker.
- vi. enquiries about a person's sex life and sexual habits,
- vii. Condescending or paternalistic remarks.
- viii. The use of job-related threats or rewards to solicit sexual favours.

c. Non-verbal conduct

This form of sexual harassment includes unwelcome gestures including

- i. Suggestive body language, indecent exposure, lascivious looks and repeated winks
- ii. Display of sexually explicit or sexually-suggestive pictures, screen savers, posters and objects within the office premises or on a computer or other office equipment.
- iii. Display of pornographic materials within the office premises or on a computer or other office equipment.
- iv. Sending sexually explicit e-mails, text messages or notes etc.
- v. Sexually-suggestive gestures such as whistling and leering

It is important to note that this list is not exhaustive and that sexual harassment can include any conduct of a sexual nature which is unwanted and unwelcome by the recipient.

d. Psychological sexual behaviour

- i. Repeated unwanted social invitations for dinner, drinks, outings, movies, etc;
- ii. Offering or expecting sexual favours, implicitly or explicitly;

- iii. Requiring/requesting either explicitly or implicitly that a subordinate wear revealing and/or suggestive clothing that make them feel uncomfortable; and
- iv. Giving an employee gifts which makes them feel uncomfortable or to elicit sexual favours.

2.2. Unwelcome conduct

- a. There are different ways in which an employee may indicate that sexual conduct is unwelcome, including non-verbal conduct such as walking away or not responding to the perpetrator.
- b. Previous consensual participation in sexual conduct does not necessarily mean that the conduct continues to be welcome.
- c. Where a complainant has difficulty in indicating to the perpetrator that the conduct is unwelcome, the complainant may seek the assistance and intervention of another person such as a co-worker, supervisor etc who he or she trusts.

2.3. Assumptions

The policy considers the following assumptions:

- a. The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- b. The harasser can be the victim's supervisor in another area, a co-worker, or a non-opposite sex
- c. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- d. The harasser's conduct must be unwelcome; therefore, it is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop.
- e. Sexual harassment is a manifestation of power relationships (vertically/horizontally) and often occurs within unequal relationships at the workplace, for example between Directors or Heads and Staff within the Ministry, Department, Directorate or Unit.

3.0. IMPLEMENTATION OF THE POLICY

The policy will be implemented in the Ministries and Departments through the following.

3.1. Sensitization and Dissemination

To ensure that Civil Service Staff are well informed, promote compliance and familiarity with reporting procedures of the Policy, the following measures shall be adopted:

- a. Ministries and Departments shall ensure that the Policy is widely disseminated in all available forms to all staff and relevant persons. This can also be implemented as part of the NACAP activities for the Institutions.
- b. All new employees must be trained on the content of the policy, especially as part of their orientation or induction into the Civil Service.
- c. The Civil Service Training Institutions and Heads of Ministries / Departments shall ensure that the policy is made part of the refresher training course for Civil Service staff on regular basis.

3.2. The Sexual Harassment Committee

All Ministries / Departments shall have a Sexual Harassment Committee which will be responsible for handling all sexual harassment issues.

3.2.1. Functions of the Sexual Harassment Committee

The Sexual Harassment Committee is responsible for the following:

- Receive and keep records of all sexual harassment complaints submitted by a complainant;
- Investigate all sexual harassment complaints;
- submit the Investigative Report on the outcome of investigations into the complaints to the Chief Director or Head of Department for onward submission to the Civil Service Council, through the Head of the Civil Service;
- keep record of the findings and recommendations of the Civil Service Council.; and
- submit to the Chief Director or Head of Department, annual reports on all the cases of sexual harassment which occur in the Ministry or Department respectively.

3.2.2. Qualification of Members of the Committees

All members of the Sexual Harassment Committee shall have high moral character and proven integrity, gender sensitivity and technical competency to handle sexual harassment and sexual misconduct complaints in accordance with the laid down procedures in this policy.

3.2.3. Membership of the Sexual Harassment Committee

- a. There is established by this policy a five-member Sexual Harassment Committee which comprises:

- i. The Head of Human Resource Directorate of the Ministry as Chairman (whether in the Ministry or Department)
 - ii. One Director in the Ministry or Department
 - iii. The representative of CLOGSAG in the Ministry or Department
 - iv. One State Attorney from the Attorney General's Department
 - v. A member (Civil Service staff from the sector) nominated by the Chief Director / Head of Department.
- b. The Chairman shall appoint a staff to be the secretary at Committee meetings
 - c. In the situation where the issue occurs in a Department, the head of Department shall seek approval from the Chief Director before the committee commences sitting.

3.2.4. Tenure of Office of members of the Sexual Harassment Committee

Members of the Committee shall hold office for a period of two (2) years and are eligible for re-appointment for another term only.

3.2.5. Meetings of the Sexual Harassment Committee

- a. The Sexual Harassment Committee shall meet regularly for the dispatch of business at the time and place as the chairperson shall determine.
- b. The quorum for meetings of the Sexual Harassment Committee is four members of the Committee and must include the CLOGSAG representative.
- c. A member of the Sexual Harassment Committee may at any time resign from office by letter addressed to the Chief Director or Head of Department.
- d. A member of the Sexual Harassment Committee who is absent from three consecutive meetings of the Committee without reasonable excuse ceases to be a member of the Committee.
- e. The Chief Director or head of Department may by a letter addressed to a member of the Sexual Harassment Committee, revoke the appointment of that member.
- f. Where a member of the Sexual Harassment Committee is for a sufficient reason unable to act as a member, the chairperson shall determine whether the inability will result in the declaration of a vacancy.
- g. Where a vacancy occurs -
 - i. under paragraph c, d or e

- ii. as a result of a declaration of a vacancy under paragraph f;
- iii. by reason of the posting or transfer of a member;
- iv. by reason of [the resignation or] termination of appointment of a member; or
- v. by reason of the death of a member

[the chairperson shall immediately inform Chief Director or head of Department who shall appoint another person to fill the vacancy].

- h. A meeting of the Sexual Harassment Committee shall be chaired by the chairperson of the Committee and in the absence of the chairperson, a member of the Committee elected by the members present from among their number shall chair the meeting.

3.2.6. Reporting relationship of the Committee

The Committee shall report to the Chief Director or Head of Department as the case may be.

4.0. COMPLAINT PROCEDURES

The following guidelines shall apply in handling sexual harassment complaints:

When reporting sexual harassment employees, may choose to:

- a. Allow the matter to be handled **informally** or
- b. Adopt the **formal procedure** – Sexual Harassment Committee.
- c. If not satisfied, the complainant could proceed to the Civil Service Council.
- d. Press separate criminal or civil charges in their personal capacities, against an alleged perpetrator.
- e. The employee (victim) should be under no duress to accept one or the other.

A complainant should at all times exhaust all internal mechanisms before proceeding to an external body.

4.1. Informal Approach

- a. Where an employee or any other person described in the policy (1.3) feels that he or she is being or has been sexually harassed, such a member may attempt to resolve the matter directly with the alleged offender by advising that the sexually harassing behaviour is unwelcome, must be stopped, or must not occur again.

- b. A Complainant may choose to ask another person whom he or she trusts to intervene on their behalf. The person who is asked to intervene may provide advice or counselling to the parties involved. This shall be on a strictly confidential basis and only on the specific request of the Complainant.
- c. In situations where counselling has previously taken place and there is a blatant refusal to change by the harasser after informing him or her, or the sexual harassment or sexual misconduct that is considered severe or extreme, such as attempted rape, rape, sexual battery, sexual assault with a weapon and non- consensual anal copulation, a complainant shall adopt a formal approach.

4.2. Formal Approach

In order to maintain a harassment free work environment, any person who believes he/she has been the victim of harassment by an employee or representative or any person with knowledge or belief of conduct which may constitute such harassment or bias towards an employee or representative MUST report the alleged conduct immediately.

- a. A victim can approach any member of the Sexual Harassment Committee to lodge a verbal complaint or present a written complaint.
- b. The committee member who receives a complaint of sexual harassment or sexual misconduct shall:
 - i. immediately record the dates, times and facts of the incident(s);
 - ii. ascertain the views of the victim as to what outcome the victim expects;
 - iii. ensure that the victim understands the procedures for dealing with the complaint and assured of his or her rights;
 - iv. discuss and agree on the next steps being the lodging of either an informal complaint or a formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if the victim is not satisfied with the outcome;
 - v. keep a confidential record of all discussions; and
 - vi. respect the choice of the victim in respect of the victim's preferable choice of complaint procedure.
- c. The representative who initially received the complaint will refer the matter to the Sexual Harassment Committee to instigate a formal investigation.

4.3. Procedure for investigation

The sexual Harassment Committee in carrying out its work shall

- a. interview the victim and the alleged harasser separately;
- b. interview other relevant third parties separately;
- c. decide whether or not the incident of sexual harassment or sexual misconduct took place;
- d. produce a report of the investigations, detailing the findings and recommendations;
- e. if the harassment took place, refer the case to the Civil Service Council;
- f. ensure that the recommendations are implemented until the sexual harassment or sexual misconduct has stopped.
- g. if the Committee cannot determine that the sexual harassment or sexual misconduct took place, the Committee may still make recommendations to ensure proper functioning of the workplace;
- h. keep the record of investigations and of all actions taken confidential; and
- i. ensure that formal investigations begin within 10 working days after the complaint has been made and concluded within 30 working days after commencement of investigations.

4.4. Rights of the Complainant

A person, identified under this policy, who claims to be a victim of sexual harassment and/or misconduct in violation of this Policy is entitled to pursue the matter and utilize the procedures described under this Policy for redress. The complainant shall not be reprimanded, retaliated against or discriminated against for initiating an inquiry or complaint in good faith into the alleged sexual harassment or sexual misconduct.

4.5. Rights of the Respondent

A person against whom a complaint is made shall be presumed innocent of the charge unless and until there is a final finding of culpability by the Sexual Harassment Committee to the charge.

4.6. Right to Representation

A complainant and the respondent in sexual harassment or sexual misconduct have the right to representation by counsel before the Sexual Harassment Committee or any other body.

4.7. Duty to Cooperate

Parties must cooperate with investigations into sexual harassment or sexual misconduct. Refusal or failure without just cause by a party to cooperate with an investigation or to impede or frustrate an investigation may result in disciplinary action against the party.

4.8. Malicious Accusation or Unfounded Complaint

False accusations of sexual harassment or sexual misconduct could have a serious impact on the reputation and integrity of individuals. As such, malicious accusations will be treated seriously. Anyone who is found to have made a deliberately malicious complaint or allegation against another person shall be subject to formal disciplinary action under the appropriate procedure.

5.0. EVIDENCE

The following may be considered as evidence for the hearing of the matter:

- a. Witness statements (if any).
- b. Any other documents, audio-visual recordings, electronic communication including but not limited to e-mails, phone texts and WhatsApp messages.
- c. Expert or technical advice.
- d. Medical evidence, including Deoxyribonucleic acid (DNA) test results, [if appropriate].

6.0. OBSTRUCTION OF THE PROCESS

6.1. Withdrawal of a Filed Complaint

A Complainant may withdraw a complaint lodged with the Sexual Harassment Committee any time after lodging and during the process of the investigation. In such a case, the Complainant shall state in writing the reasons for the withdrawal of the complaint.

The case may however be investigated if it is brought to the attention of the Civil Service Council even where a Respondent refuses to respond to the allegations or participate in the enquiry.

6.2. Conflict of Interest

Members of the Sexual Harassment Committee shall declare any interest they may have in a matter whenever a complaint is filed before the Committee. Where any interest declared may affect the outcome of the case, the member should recuse himself/herself.

6.3. Complaints against a Member of the Committee

If a complaint of sexual harassment is made against a member of the Sexual Harassment Committee, he or she shall not take part in any of the processes of the Committee relating to the investigation of the said complaint.

7.0. ACTIONS TO BE TAKEN

7.1. Record of Proceedings

The Sexual Harassment Committee's record of proceedings on a particular matter shall give details of the enquiry by the Civil Service Council. This includes:

- a. a statement of the allegations,
- b. the positions of the parties,
- c. a summary of the evidence,
- d. findings of fact,
- e. a determination by the Sexual Harassment Committee as to whether this Policy has been violated,
- f. sanctions recommended, where applicable, and
- g. Other recommendations to restore or improve the relationship between the parties where no finding of guilt is established against the respondent shall be included in the report.

7.2. Investigation Time Frame

Investigations into a complaint of sexual harassment or sexual misconduct shall begin within 10 working days after the complaint has been made, and concluded within 30 days after commencement of investigations. The Committee, prior to the end of the investigation period, may in writing and with reasons request for extension of time (for a maximum of additional 10 working days) from the Chief Director where it is not possible to complete the investigation within 30 days.

8.0. SANCTIONS

The Civil Service Council shall approve and sanction punitive measures where a Respondent has been found to have engaged in behaviour that can be characterized as sexual harassment or sexual misconduct.

Staff who violate this Policy shall face any of the sanctions outlined in Section 77 of the Civil Service Act, 1993 (Act 327).

(1) The penalties specified in this section may be imposed in disciplinary proceedings in respect of misconduct or unsatisfactory service:

- a. dismissal, that is termination of appointment with forfeiture of retirement benefits where applicable,
- b. removal, that is termination of appointment with or without a reduction in retirement benefits where applicable,
- c. reduction in status, that is removal from one grade to another grade with an immediate reduction in salary,
- d. surcharge,
- e. reduction in salary, that is an immediate adjustment of salary to a lower point in the salary scale attached to the post in question,
- f. deferment of increment, that is a postponement of the date on which the next increment is due, with corresponding postponements in subsequent years,
- g. stoppage of increment, that is non-payment for a specified period of an increment otherwise due,
- h. suspension from duty with consequent loss of pay and allowances for a period not exceeding fourteen days,
- i. reprimand.

(2) In accordance with the Civil Service Act, 1993 (Act 327), dismissal, removal and reduction in status are major penalties and all other penalties are minor penalties.

9.0. APPEAL

- a. If the Complainant or Respondent is dissatisfied with the outcome of the investigations and/or the decision of the Sexual Harassment, the complainant may appeal to the Civil Service Council.
- b. Where the complainant is dissatisfied with the decisions of the Civil Service Council the complainant may appeal to a Court of competent jurisdiction.

10.0. NON-RETALIATION

During the process of investigation of a complaint, retaliation from either party or third parties shall be monitored by the Sexual Harassment Committee. A person who is subjected to retaliation including threats, intimidation, reprisals, or adverse employment or educational actions for having made a complaint of sexual harassment or sexual misconduct in good faith, or who assisted someone with a report of sexual harassment or sexual misconduct, or who participated in any manner in an investigation or resolution of a report of sexual harassment or sexual misconduct, may make a report of retaliation under these procedures. The report of retaliation shall be treated as a report of sexual harassment and misconduct and will be subject to the same procedures.

11.0. CONFIDENTIALITY

The Sexual Harassment Committee shall maintain confidentiality of all complaints made to the Committee and of all the proceedings of the Committee. Parties in an investigation, including their representatives shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.

12.0. REFERRAL FOR COUNSELLING AND OTHER SUPPORT SYSTEMS

In appropriate cases, the Committee may request that either party to the case seeks counselling or support. The Committee may, at the request of a party to a complaint, refer that party for counselling or support.

Additionally, the Civil Service will provide victims of sexual harassment the following support:

- Guidance from the Human Resources and Administration Department to explore their options.
- Access to in-house counseling (psycho-social support).
- Compassionate leave (in appropriate cases).

13.0. OBLIGATION OF MANAGEMENT AND STAFF

Chief Directors and Heads of Departments as well as all Civil Service staff shall ensure that the sexual harassment policy outlined in this document is regularly monitored to ensure compliance and adherence.

a. Management Obligation

- Management (OHCS, Chief Directors, Departmental and Regional and District Coordinating Directors, and Supervisors) shall ensure that all newly-recruited staff are trained on the sexual harassment policy and institute refresher trainings to existing staff.
- Management shall create an organizational culture in which all staff are treated equally, and employees are encouraged to treat one another with respect and sexual harassment is rejected unequivocally.
- Management shall provide directives to protect individuals reporting breaches and/or possible breaches of this policy. Procedures and mechanisms for safeguarding confidentiality of staff shall be instituted.
- Management shall ensure every staff is aware of requirements and standards of behavior under the policy.
- Management shall ensure that policy is enforced and apply appropriate sanctions where there is a breach.
- Management shall ensure that all employees, upon appointment, sign a sexual harassment agreement indicating that they will abide by the policy.

b. Staff Obligations

- Staff must familiarize themselves with this policy and seek clarification, support and training in order to comply with the policy.
- Staff must comply with this policy and any other related policies. Further, staff must be able to demonstrate that they are making every reasonable effort to comply with relevant standards.
- Staff must treat one another with respect and unequivocally reject sexual harassment, holding each other accountable to high standards within the workplace.
- In the event of a breach or foreseeable breach of the policy by colleague, staff should report to his or her supervisor who shall report the matter to the Human Resources and Administration Department or Ethics & Compliance Unit. Where the breach is on the part of a management personnel, staff should bring it to the attention of a Chief Director or Head of Civil Service.

14.0. MONITORING AND EVALUATION

The Civil Service recognizes the importance of monitoring this Sexual Harassment Policy and will ensure that it anonymously collects statistics and data as to how the Policy is applied and whether or not the Policy is effective.

Chief Directors and Heads of Departments will report on compliance with this Policy. The report shall include the number of incidents, how they were dealt with, and the recommendations made. The report will be done on an annual basis and will be used to evaluate the effectiveness of this Policy and make any changes needed.

The Sexual Harassment Committee established under this Policy shall adopt appropriate means of monitoring and evaluating the effectiveness of this Policy and may adopt any of the following means:

- Questionnaires completed by employees,
- Feedback from victims or those who work with the complaint procedure

15.0. PREVENTING SEXUAL HARASSMENT

The Civil Service commits to implementing the following steps to create a workplace that prevents and deters sexual harassment:

- a. Enforce the conduct of annual training on sexual harassment for all staff and, in line with international best practice, include an overview of the law, a review of the Sexual Harassment policy, code of conduct and training, how to intervene to prevent sexual harassment, how to contribute to a culture in which all staff are treated as equals and employees treat one another with respect and unambiguously reject sexual harassment, holding each other accountable to high standards within the workplace;
- b. Include an adherence to the Civil Service values, including sexual harassment, commitment to gender equality and non-discrimination in performance reviews
- c. Include a question in exit interviews on staff experience with sexual harassment;
- d. Publicize a whistle-blowing email address web page where any staff and non-staff members can report any incidences of concern;
- e. Ensure that all Ministries and Departments have posters and other materials visible on the walls that convey our commitment to preventing sexual harassment and promoting equality; and
- f. All staff, interns, fellows, consultants etc will be expected to sign the Code of Good Conduct to confirm that they have read and will abide by the Sexual Harassment policy.

16.0. REVIEW OF POLICY

This Policy shall be reviewed every five (5) years.

17.0. DEFINITION OF TERMS

Committee: Sexual Harassment Committee established by the Ministry or Department to investigate and address sexual harassment and sexual misconduct complaints under this Policy.

Complainant: A person who has filed a complaint under this Policy.

Designated staff member: A person, who is either a member of the Sexual Harassment Committee or a non-member, appointed by the Sexual Harassment Committee to receive complaints on sexual harassment.

Hostile Environment: Situations and /or influences created within the work environment, which are sufficiently severe or pervasive that they alter the conditions of employment in such a manner that a reasonable person would find it intimidating, uncomfortable or offensive.

Importunate: Persistent or pressing, often annoyingly.

Leering: To look or smile in a way that suggests unpleasantly lustful or malicious intent.

Policy: Civil Service Sexual Harassment Policy.

Respondent: A person whose alleged conduct is the subject of a complaint

Sexual Advance: A welcome or unwelcome gestures made towards another person with the aim of gaining some sort of sexual favor or gratification.

Sexual Abuse: Forceful engagement of another person in sexual contact which includes sexual conduct that humiliates or degrades the other person or otherwise violates another person's sexual integrity.

Sexual Assault: This refers to a situation where an individual has or attempts to have sexual intercourse or contact with another individual without the latter's consent. Consent achieved through the use or threat of force or coercion or as a result of incapacitation is not classified as consent.

Sexual Intimidation: This includes the following situations:

- Threatening to sexually assault an individual.
- Indecent exposure.
- Stalking in or outside of cyberspace. Stalking refers to the situation where an individual directs unwelcome attention of various sorts to another such that a reasonable person would begin to fear for his or her safety or wellbeing. Such unwelcome attention could include: following a person; leaving messages or items at locations that the person is known to frequent; making harassing phone calls; sending messages either by snail mail or electronically; vandalizing the property of another.

REFERENCES

LAWS

- The 1992 Constitution of the Republic of Ghana [Article (88)], article 88
- Civil Service Act, 1993 (PNDCL 327)
- Labour Act, 2003 (Act 651)
- Civil Service Code of Conduct
- Civil Service Employee Handbook

SEXUAL HARASSMENT POLICIES OF OTHER INSTITUTIONS

- Draft Sexual Harassment Policy, Office of the Attorney General and Ministry of Justice, 2019
- Goldfields Sexual Harassment Policy, 2019
- University of Ghana, Sexual Harassment and Misconduct Policy, 2017
- University of Ghana Anti-Sexual Harassment Policy, 2010

WEBSITE

www.ilo.org