



**MINISTRY OF DEFENCE AND THE REPUBLIC OF
SIERRA LEONE ARMED FORCES**

SEXUAL HARASSMENT POLICY

Review Date: 2017 or on Demand

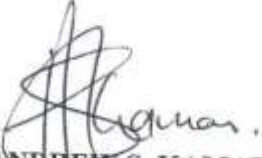
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Authentication. This document is hereby issued under the authority of Defence Policy Committee with the Minister of Defence as Chairman, on behalf of the Defence Council of the Republic of Sierra Leone. More precisely, the Assistance Chief of Defence Staff for Gender and Equal Opportunities is the sponsor. The Deputy Secretary for Policy and Procurement prepared the details for promulgation with the concurrence of the Chief of Defence Staff.

Legal Status. This document has no formal status in legal terms but provides clear military guides drawn from most recent experiences and prevailing best practices, for the regulation of the affairs of the MoD and RSLAF to the tune of acceptable democratic norms and values.


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Dated: 20 August 2014

INTRODUCTION

1. Following a Defence Policy Committee (DPC) meeting held in the Ministry of Defence on Thursday 17 March 2013, the proposal on Sexual Harassment was unanimously endorsed and adopted into policy. The Government of Sierra Leone on 23rd August 2012 enacted the Sexual Offences Bill which explicitly addresses issues of sexual harassment. Therefore this policy is to strengthen the MoD/RSLAF Misconduct Policy in order to further the implementation of laws and policies that are recognised by the Government of Sierra Leone around issues of sexual harassment; to which MOD/RSLAF personnel have binding obligation. The MOD/RSLAF will not tolerate any form of sexual harassment against service personnel or members of the general public. Sexual Harassment constitutes an act of serious misconduct and a cause for disciplinary measures including summary dismissal. Sexual harassment in all its forms must be eradicated for the Ministry of Defence and the Republic of Sierra Leone Armed Forces to meet up to its national and international obligations.
2. The MOD/RSLAF support normal social relationships, freedoms of expression and the rights of service personnel. It also recognizes that power and authority exist, implicitly or explicitly between service personnel. Where one person has power or authority over another, implicitly or explicitly, there is potential for sexual harassment issues to arise. When power differentials exist amongst or between members of the MOD/RSLAF those holding positions of authority must respect the power with which they are entrusted. An inappropriate sexual relationship may create a negative work environment for others and give rise to a complaint under this Policy.
3. The leadership within the RSLAF is committed to providing a workplace that is free from sexual harassment. Sexual harassment in the workplace is against both military and civil laws and the code of conduct and will not be tolerated within the MOD/RSLAF. This policy is meant to compliment these existing rules and regulations. Any person who, in good faith, brings forward a claim of sexual exploitation, sexual abuse or sexual harassment is entitled to protection from retaliation or discrimination.
4. Any act of retaliation or discrimination against victims and claimants shall be considered misconduct requiring appropriate action including disciplinary action.
5. Making a false allegation of sexual harassment, sexual abuse or sexual exploitation wilfully, knowingly and maliciously shall be considered misconduct and subject to disciplinary action

PROBLEM STATEMENT

6. Sexual harassment has been a serious problem within the RSLAF over the past few years but very little was done in the past to ensure that it was prevented. This has had a serious impact on command and control and subsequently the operational effectiveness of the force, and inter-personal relation(s).

PURPOSE

7. The purpose of this policy is to ensure the security of Service Personnel including the general public and to regulate conduct regarding sexual harassment within the MOD/RSLAF. It is to ensure that service personnel work under a conducive atmosphere and will not be unduly taken advantage of during the discharge of their duties. It is part of the policy of equal opportunity for all within the MOD/RSLAF. It establishes a framework which aims:

- a. To prevent sexual harassment through training of service personnel.
- b. To mitigate the effects of sexual harassment.
- c. To identify methods of investigating all complaints of harassment and taking remedial action where necessary.

WHAT CONSTITUTES SEXUAL HARASSMENT

8. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. An employment decision affecting that individual is made because the individual submitted to or rejected the conduct. Submission to the conduct even if the conduct was consensual is sexual exploitation and a misconduct or
- b. The unwelcome conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or abusive work environment.
- c. Unwelcome actions such as the following are inappropriate and, depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment:

- (1) Sexual pranks, or repeated sexual teasing, jokes, or innuendo, in person or via e-mail, text message or letter
- (2) Verbal abuse of a sexual nature;

- (3) Touching or grabbing of a sexual nature;
- (4) Repeatedly standing too close to or brushing up against a person;
- (5) Persistent unwelcomed request to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (Commanders and Superiors in particular should be careful not to pressure their subordinates to socialize);
- (6) Giving gifts or leaving objects that are sexually suggestive;
- (7) Repeatedly making sexually suggestive gestures;
- (8) Making or posting sexually demeaning or offensive pictures, images, cartoons or other materials in the workplace;
- (9) Off-duty, unwelcome conduct of a sexual nature that affects the work environment.

9. Certain behaviors, such as conditioning promotions, awards, training or other job benefits upon acceptance of unwelcome actions of a sexual nature, are always wrong and may amount to sexual exploitation which by itself is unacceptable and punishable.

10. A victim of sexual harassment can be a man or a woman. The victim can be of the same sex as the harasser. The harasser can be a superior, co-worker of the same or junior rank, other MOD/RSLAF Service personnel, or non-service personnel who has a business relationship with the MOD/RSLAF. If you are not sure whether certain behaviour constitutes sexual harassment, you should discuss this with one of the sexual harassment contact officers

SCOPE OF APPLICATION

11. This policy applies to service personnel including civilian personnel of the MOD/RSLAF. Nothing in this policy shall affect the application of provisions contained in national policy or legislation, or in any international convention, treaty or other instrument in force in Sierra Leone that are in line with the prohibition of sexual exploitation, sexual abuse and harassment.

PROHIBITIONS OF SEXUAL HARASSMENT

12. All service personnel are prohibited from engaging in or condoning behaviour that constitutes sexual harassment, sexual abuse and sexual exploitation to their colleagues, supervisors, supervisees or the general public, whether on or off duty. Sexual harassment, sexual

abuse and sexual exploitation constitute an offence and an act of serious misconduct and are therefore grounds for disciplinary measures, including imprisonment.

OPTIONS FOR REMEDIES

13. A Board of Inquiry (BOI) or the JPU will investigate all cases of sexual harassment and report findings. Findings will be forwarded to the Legal Department and the Gender and Equal Opportunities Office (GEOO). The legal department in consultation with the GEOO will determine and recommend action to the Sexual Harassment Board. The Sexual Harassment Board shall review, determine and recommend appropriate action to the Chain of Command for implementation. If someone has a complaint made against them and is proven to have sexually harassed the complainant, disciplinary action will follow.

14. The disciplinary action will depend on the circumstances of the case, but can range from counselling the offender to termination of the offender's employment depending on the degree of seriousness and in accordance with the applicable national law. The following sanctions can be applied to cases of sexual harassment:

- a. Reprimand
- b. Severe Reprimand
- c. Fine
- d. Loss of Rank or seniority
- e. Compulsory Retirement
- f. Dismissal
- g. Imprisonment

THE SEXUAL HARASSMENT BOARD

15. The Sexual Harassment Board will be set up by this policy to deal with all issues of sexual harassment within the MOD/RSLAF. It will approve or make final decisions on the recommendations made by the legal department and the GEOO on issues of sexual harassment, sexual abuse and sexual exploitation. The SHB will send decisions on SH cases to the Chain of Command for implementation within the force. The Board will consist of the following:

- a. The ACDS Gender and Equal Opportunities Chairperson
- b. One other ACDS
- c. The Director Gender and Equal Opportunities
- d. One staff of the Ministry of Social Welfare, Gender and Children's Affairs
- e. One civilian staff of the MOD/RSLAF
- f. One executive member from WISS SL
- g. One Staff from the Gender Directorate of the MSWGCA
- h. The Chief of Staff HQ JFC

- i. The Director of Defence Personnel
- j. One Female Representative from the MOD/RSLAF
- k. One WO/SNCO
- l. The SO1 Gender and Equal Opportunities

Secretary

DUTIES OF THE SEXUAL HARASSMENT BOARD

16. The Sexual Harassment Board, in collaboration with the Gender and Equal Opportunities Office oversees the implementation and reviews the MOD/RSLAF Sexual Harassment Policy (SHP). All service personnel shall be made aware of the role of the Sexual Harassment Board, Gender Focal Points (GFP) and Sexual Harassment Contact Officers (SHCO) and on how to contact them.

Gender and Equal Opportunities Office(GEOO)

Gender Focal Points (GFA)

Sexual Harassment Board (SHB)

Sexual Harassment Contact Officers (SHCO)

Sexual Harassment (SH)

Sexual Harassment Policy (SHP).

17. A quorum of the Board will be the Chairman/Deputy Chairman and four other members of the Board. The board should meet at least once quarterly which is mandatory and should meet whenever there are serious issues to be dealt with. This to include:

- a. Review of Sexual Harassment Cases.
- b. To review procedures for prevention and responding to sexual harassment.
- c. To implement processes for an accountable and effective system for victims.
- d. To liaise with the GEOO and the Training department to ensure that members of the board and gender focal points are receiving adequate training and have the necessary resources to prevent and respond to Sexual Harassment Cases.
- e. To maintain the confidential nature of cases.

18. The GEOO has oversight responsibility for all gender issues within the RSLAF. The Sexual harassment Board will therefore have oversight responsibility for all sexual harassment cases within the MOD/RSLAF.

FILING COMPLAINTS OF SEXUAL HARASSMENT

19. Service personnel are encouraged to report any unwelcome conduct as soon as possible to a responsible Gender Focal Point officer, a Sexual Harassment Contact Officer, a Commanding Officer, Officer Commanding, the JPU, a supervisor, a member of the SHB or the GEOO. It is usually most effective although it is not required that the official be within the service personnel or civilian staff supervisory chain. Complaints of sexual harassment should be investigated within one month of the complaint being made except in exceptional circumstances. Effort should be made to expedite all aspects of the complaint procedure to ensure they are dealt with in a prompt manner.
20. All complaints made shall be treated confidentially and with sensitivity. Any service personnel or civilian staff who believes he or she has been the target of sexual harassment is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop.
21. If the Service personnel does not wish to communicate directly with the offending person, or if such communication has been ineffective, the Service personnel has multiple avenues for reporting allegations of sexual harassment and/or pursuing resolution.
22. A Service personnel may contact any focal point, member of the SHB or the GEOO about a complaint of sexual harassment. Within a week the person contacted will set up a confidential meeting to discuss the complaint. The meeting will involve the complainant and two or more persons of the complainant's choosing. A service personnel may simply come to talk to and consult with the contact about person about available options and resources. Commanders and supervisors who observe, are informed of, or reasonably suspect incidents of possible sexual harassment must immediately report such incidents to the chain of command, which will either initiate or oversee a prompt investigation. Failure to report such incidents to the chain of command will be considered a violation of this policy and may result in disciplinary action. GEOO will provide guidance as needed on investigating and handling the potential harassment.
23. Within the Sexual Harassment Board procedures, the service personnel may choose between two options for filing a grievance.
- a. An Informal Complaint: An informal complaint is any complaint that the Service personnel does not wish to do in writing. Those offences dealt with informally are those

that can be addressed through discussion. In an informal complaint, the investigation committee or responsible commander or supervisor does not consider disciplinary action, but will meet with the complainant to discuss the grievance and should advise the complainant about his/her rights and responsibilities; listen to and obtain information about the complaint; explain the complaint system (differences between formal/informal complaints) and try to resolve the issue (through possible counseling, mediation, intervention, training, etc). However all cases of informal resolution must be documented and copies sent to the GEOO. Informal ways of dealing with sexual harassment can include the following action:

(1). The aggrieved person may want to deal with the problem by him/herself but may try to seek advice on possible strategies from a commander or supervisor, a sexual harassment contact officer, or a member of the sexual harassment board on how to deal with the issue without disclosing the name of the alleged harasser.

(2). An aggrieved person may ask their supervisor to speak to the alleged harasser on their behalf. The supervisor will privately convey their concerns and reiterate sexual harassment policy without assessing the merits of the case.

(3). A complaint is made, the harasser admits the behaviour, and the issue if minor is resolved through conciliation or counselling of the harasser

24. The causes of the complaint must be addressed by the person contacted. Confidentiality should be maintained at all times:

a. A Formal Complaint: This procedure assumes that informal resolution of the grievance has been unsuccessful or is inappropriate. A formal complaint of sexual harassment will need to be in writing and should be made to a Gender Focal Point, a Sexual Harassment Contact Officer, the JPU, a member of the SHB or the GEOO. All formal complaints will however be referred to the GEOO who will in turn hand over to the chain of command for investigation.

b. Steps for dealing with formal cases is as follows;

- (1) Complaint made to chain of command and GEOO informed
- (2) Investigation by JPU/Board of Inquiry within two weeks
- (3) Findings sent within one month to the MoD/RSLAF Legal Department/GEOO

- (4) GEOO and Legal Department meet and make recommendations to the SHB within two weeks
- (5) SHB meets, deliberate and approve decisions and send to chain of command for implementation of decisions.
- c. All parties to the complaint will be advised of the outcome of the complaints. Guilty personnel will be given a period of two weeks in which to appeal or seek redress.

MEDIATION

25. In addition to reporting sexual harassment concerns to a responsible official, Service personnel who believe they have been subjected to sexual harassment may elect to pursue resolution in several ways, including mediation. Mediation is an informal way to resolve office problems using a trained mediator who facilitates communication between the parties to the dispute. If a service personnel chooses to attempt resolution through mediation, the chain of command is obligated to send a representative to the table. If a resolution is not reached, the parties may continue to pursue their rights in any other appropriate forum. Service personnel may ask for the assistance of a mediator by contacting GEOO.

DUTIES OF COMMANDERS AND SUPERVISORS

26. Commanders are responsible for making sure that all service personnel and civilian workers under their supervision understand that harassment will not be tolerated in the workplace and for taking early corrective action to deal with behaviour which may be offensive or intimidating. All service personnel are responsible for reporting any incidents of sexual harassment of which they are aware, following the established reporting mechanisms and guidelines. Under this policy, a commander or supervisor has responsibility to take all reasonable steps to prevent sexual harassment in the workplace.

27. Commanders who observe, are informed of, or reasonably suspect incidents of possible sexual harassment must immediately report such incidents to the GEOO, and initiate or oversee a prompt investigation. Failure to report such incidents to GEOO will be considered a violation of this policy and may result in disciplinary action. GEOO will provide guidance as needed on investigating and handling the potential harassment. Commanders should take effective measures to ensure no further apparent or alleged harassment occurs pending completion of an investigation.

28. It is a command responsibility to take prompt action if there is reason to believe sexual harassment exists, to try and resolve the issue confidentially and to prevent further incidents of sexual harassment from occurring. If the Unit/Formation Commander feels that a reported incident might constitute sexual harassment and the nature of the complaint is outside of their expertise, he or she will refer the matter to the chain of command for the attention of the Legal Department and the GEOO. All cases should be handled in a confidential manner to protect the rights of all those involved.

RESPONSIBILITIES OF SERVING MILITARY PERSONNEL

29. All personnel are expected to respect the rights of others and never encourage or engage in sexual harassment. If any serving personnel become aware that a co-worker is being sexually harassed, they can help prevent it by offering support to the person being sexually harassed. This can be done by:

- a. Offering to act as a witness if the person being sexually harassed decides to report the incident;
- b. Refusing to join in with any harassing activity; and
- c. Backing them up or supporting them to say no.

WHAT PERSONNEL CAN DO IF THEY ARE BEING SEXUALLY HARASSED

30. The following can be done if personnel feel they are being sexually harassed:

- a. If possible, promptly inform the offender directly or in writing that their behaviour is offensive and unacceptable and request that it stop immediately; or
- b. If unable to do as stated in section 29 (a), discuss the matter with your immediate superior or commander or Contact the office of ACDS G/EO or one of the sexual harassment contact officers who will deal with the complaint. At this stage, the complaint may be informal or formal.
- c. Always keep a record of or diary of incidents noting what happened, how, when, where and the names of witnesses.

ROLE OF SEXUAL HARASSMENT CONTACT OFFICERS

31. The Role of Sexual Harassment Contact Officers involves:

- a. Assisting to clarify whether the behaviour could be sexual harassment.
- b. Discussing ways the problem can be resolved either informally or through formal complaints procedure, and
- c. Remaining neutral in the sense that his/her focus is on reconciliation of a dispute and not siding with one party against the other.

DUTIES OF THE GENDER AND EQUAL OPPORTUNITIES OFFICE

32. If the GEOO receives an allegation of sexual harassment, or has reason to believe sexual harassment is occurring, it will take the necessary steps to ensure that the matter is promptly investigated and addressed. All cases should be handled in a confidential manner. If the allegation is determined to be credible, the Department will ensure immediate and effective measures to end the unwelcome behavior. The Department is committed to ensure action if it learns of possible sexual harassment, even if the individual does not wish to file a complaint.
33. The GEOO is the main contact point for questions or concerns about sexual harassment. Focal Points and members of the SHB can be the first point of contact due to proximity. The GEOO however has responsibility to overseeing investigations of alleged sexual harassment. GEOO is committed to ensuring that all investigations of sexual harassment are conducted in a prompt, thorough, and impartial manner. The GEOO is responsible for writing an annual report on Sexual Harassment for the leadership of the RSLAF so as to strengthen efforts against Sexual harassment within the RSLAF.
34. The Office of the ACDS G/EO will seek to protect the identities of the alleged victim and alleged harasser, except as reasonably necessary (for example, to complete an investigation successfully). The Department will also take the necessary steps to protect from retaliation those Service personnel who in good faith report incidents of potential sexual harassment. It is a violation of this MoD/RSLAF policy or any other legal instrument to retaliate against someone who has reported possible sexual harassment.
35. Service personnel and civilian workers who have been found by the GEOO to have subjected other service personnel to unwelcome conduct of a sexual nature, whether such behavior meets the legal definition of sexual harassment or not, will be subject to discipline or other appropriate management action. Discipline will be appropriate to the circumstances, ranging from a letter of reprimand through suspensions without pay of varying lengths to separation for cause and dismissal from the service. A verbal or written admonishment, while not considered formal discipline, may also be considered.

CONFIDENTIALITY

36. Confidentiality applies to all reporting and communications when dealing with Sexual Harassment cases. Violators of this principle may face disciplinary action. An accusation of sexual harassment can be potentially defamatory, especially if confidentiality is not observed and a person's reputation is unfairly damaged. Discussions, information and records related to complaints will remain factual and confidential. Minimal documentation will be kept.

37. All documentation and details of sexual harassment enquiries and grievances will be sent to the GEOO for safe keeping.

TIMELINE

38. Except in exceptional circumstances a formal complaint may not be made later than six months after the date of an alleged sexual harassment. It is also prudent for cases of sexual harassment to be dealt within three months.

IMPLEMENTATION

39. The leadership of the MOD/RSLAF shall ensure that appropriate human and financial resources are allocated to facilitate the implementation of the provisions outlined in this policy. Trainings shall be conducted with members of the SHB, commanders and supervisors in the MoD/RSLAF to ensure that the MOD/RSFLAF Service Personnel and leadership are aware of the provisions of the Sexual Harassment Policy.

40. A Training of Trainers Programme will be put in place, and trainers will then conduct regular workshops to ensure that all Service Personnel are aware of the policy.

41. An information campaign will be implemented to publicise the policy within the MOD/RSLAF, across government, and the general public.

ENFORCEMENT

42. The GEOO will establish a mechanism to monitor the policy on sexual harassment. The GEOO will be responsible for ensuring implementation of the policy, and will submit quarterly reports to the leadership who shall review and evaluate them with a view to improving performance.

References:

Defence White Paper of 2002

Minutes of the Defence Policy Committee Meeting of 17 December 2013

Minutes of the Defence Policy Committee Meeting of 20 August 2015

Sexual Offences Act of 2012 of the Government of Sierra Leone