



**JAMAICA MORTGAGE BANK**

**ANTI-SEXUAL  
HARASSMENT  
POLICY AND  
PROCEDURES**

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# MISSION, VISION, CORE VALUES

## MISSION

To be a profitable organization mobilizing financial resources for on-lending to public and private sector developers and financial institutions, developing an active secondary mortgage market and providing mortgage indemnity insurance in support of the national settlement goal.

## VISION

To finance safe and affordable housing so that all Jamaicans will have access to home ownership.



### 1.0 Introduction

The health and safety of all staff, members of the Board of Directors, private contractors contracted by, or on behalf of the JMB, customers and/or other third parties conducting business with the JMB and interacting with its employees are of paramount importance and as such this policy was established to address any occurrence of sexual harassment at the Jamaica Mortgage Bank.

All sexual harassment cases will be handled in a confidential manner to ensure that both the respondent's and the complainant's safety and privacy are protected. The Manager, Human Resource & Administration will have oversight responsibility for the enforcement of the policy and to mitigate against any possible occurrence of incidents of sexual harassment and reprisal.

The Human Resource Department will monitor the occurrence of sexual harassment across the Bank and take the necessary steps to ensure employee awareness of the policy.

The Department will also conduct periodic reviews of this policy to ensure that it is in keeping with best practices and local/ international legislation on the matter.

## 2.0 POLICY

### 2.1 POLICY STATEMENT

The Jamaica Mortgage Bank considers the health and safety of employees to be one of its main priorities. As an employer, the Bank strives to become an Employer of Choice, and as such, believes it is the Bank's mandate to ensure that employees are provided with a workplace free from hazards, discrimination and/or harassment.

Through this policy, the Bank seeks to make clear its position on the matter of sexual harassment in the workplace. A zero tolerance approach to offenses of sexual harassment will be adopted and the policy provides an appropriate procedural framework to deal with sexual harassment.

Collectively, the Bank through the Board of Directors and Management prohibits any form of harassment against employees of the Jamaica Mortgage Bank (JMB) by any of its members.

The Management will take decisive steps to ensure the safety of all employees, to prevent acts of sexual harassment from occurring and to take corrective action where such acts have occurred. If an offense of this nature is committed, the Management will apply the rules of fairness and natural justice to investigate and appropriately address the matter. Staff will be provided with clear outlets for reporting these matters confidentially without the threat of reprisals or victimization as a result of their report.

Through the Human Resource Department, information/education sessions will be facilitated. These sessions will serve to help employees understand their options if they should become a victim of sexual harassment at work.

#### **International Protocols used to guide JMB's Anti-Sexual Harassment Policy**

2.1.1a **International Protocols and Conventions** to which the country is committed to uphold anti-sexual harassment as a form of violence, a human rights issue and an obstacle to development.

2.1.1b The **International Labour Organization (ILO)** has formally recognized sexual harassment at the workplace as being harmful. Sexual harassment, the International Labour Office pointed out, is a violation of the fundamental rights of workers, it constitutes a health and safety hazard, is an example of discrimination, an unacceptable working condition and a form of violence, usually against female workers however, it should be noted that men are not excluded. In its Convention No. 111 on Discrimination in Employment and Occupation the ILO cites issues of health and safety to employee welfare and workplace productivity as they are affected by sexual harassment.

2.1.2 The draft **National Anti-Sexual Harassment Policy** which will be used to inform preparation of a Green Paper towards drafting anti-sexual harassment legislation is also intended to facilitate redress for women and men in the workplace, educational institutions and in situations of accommodation.

2.1.3 The **National Policy for Gender Equality (NPGE)** approved by Cabinet in 2011 promotes the objective and goal of sustainable behaviour change and an environment where females and males at all stages of the life cycle can enjoy their full human rights and develop their full potential as citizens.

2.1.4 The **Gender Sector Plan of the Vision 2030 National Development Plan** finalized in 2010.

### **3.0 APPLICABILITY**

All staff and Board Members will be required to sign a copy of the policy indicating their understanding of the document. All parties will be governed by the terms set out in the document. This policy considers all forms of harassment including offenses committed by same sex, supervisors, managers, directors, clients and the opposite sex (male to female or female to male). It is also expected that external partners who are required to work directly with JMB employees are to be made aware of the Bank's policy on this matter.

### **4.0 SCOPE**

This policy applies to all staff, members of the Board of Directors, private contractors contracted by or on behalf of the JMB, customers and/or other third parties conducting business with the JMB and interacting with its employees.

All forms of harassment will be considered under this policy as listed below in Section 5.1.3 - Types/Forms of Sexual Harassment.

Investigators will apply a standard test of objectivity based on whether a person could have anticipated such conduct to cause a humiliating and intimidating effect on another person. This is referenced under "reasonableness of conduct" below at section 5.1.15.

The policy identifies any occurrence of "unwanted behaviour" as sexual harassment. Therefore sexual harassment may occur frequently, several times, intermittently, over an extended period of time or in a brief moment.

The policy considers reports of unwanted behaviour at any point in time during the course of the employment contract. Matters reported under this policy may lead to criminal proceedings under the Sexual Offences Act and any other applicable laws. These matters will be referred to the Jamaica Constabulary Force for independent investigations and proceedings.

### **5.0 DEFINITIONS**

The following definitions taken from the International Labour Organization (ILO) will be used when considering sexual harassment in the workplace.

**5.1 Harassment** - Harassment frequently involves an abuse of power where the target(s) of the harassment can experience difficulties in defending themselves. Harassment at the workplace is any unwelcomed/unwanted and offensive action, repeated and unreasonable act, addressed to a worker or a group of workers that causes difficulty in the performance of an assigned job or cause a worker to believe that he/she is working in a hostile environment. This can also cause risk to the health and safety of the worker.

**5.1.1 Workplace** - Based on ILO Convention No.1 of 1970, workplace means a physical place where every room or field, closed or open, movable or stationary, where workers work, or which is frequently entered by a worker for business, including all rooms, fields, lawns and surrounding areas that constitutes parts of, or are connected with the place of work. A workplace does not only include physical places where work is performed during the eight working hours per day, such as office or factory. Workplace covers any place under the direct or indirect control of the employer that an employee needs to be present or go to in order to perform his/her duties. Workplace also includes all locations where employment related business is conducted as a result of employment responsibilities or employment relationship, in locations such as work-related social functions, conference and training sessions, official business travel and lunches, dinner, or promotional campaigns organized for client or partners, telephone conversations, and communications through electronic media.

Therefore, workplace includes not only the physical room where work is performed for eight hours per day, but also all working hours outside of the eight-working hours in the locations outside of an office-physical room.

**5.1.2 Sexual Harassment** – The ILO Convention describes sexual harassment as a type of discrimination and violation of the fundamental rights of workers and views sexual harassment as a safety and health problem and an unacceptable working condition. Sexual harassment is therefore defined as behaviour that involves:

- unwanted/unwelcomed sexual advances,
- request/pressure for sexual favours,
- verbal or physical conduct or gesture of a sexual nature;
- other behaviour (non-verbal) of a sexual nature that makes the recipient feels humiliated, offended, violated, insulted and/or intimidated.

Sexual Harassment in the workplace can be damaging to an employee as well as the organization. In other words, sexual harassment is:

1. Misuse of sexual behaviour
2. Request for sexual favour
3. Verbal statement or physical actions or gestures that describe a sexual act
4. Un-wanted/unwelcomed action of a sexual nature which occurs where:
  - a. The recipient has made it clear that the behaviour is unwanted;
  - b. The recipient feels humiliated, offended and/or intimidated by the conduct;
  - c. The perpetrator should have reasonably anticipated that the other person would be offended, humiliated and/or intimidated by the conduct. Unwanted conduct is any behaviour that is not requested/ wanted/reciprocated by the victim, and is considered inappropriate behaviour by worker/ labourer.

### **5.1.3 TYPES OF SEXUAL HARASSMENT**

**Sexual harassment can take various forms:**

- a. **Physical Harassment** - includes unwelcome touching in a sexual manner such as kissing, patting, and pinching, stroking, hugging, giving a massage around the neck or shoulders, touching the person's clothing, hair or body, standing close or brushing up against another person, cornering, impeding or blocking movements.
- b. **Verbal Harassment** - includes unwelcome comments about private life or body part or person's appearance, sexually suggestive jokes and comments, turning work discussions to sexual topics, repeated invitation for dates, or spreading rumors about a person's sex life.
- c. **Non Verbal/Gestural Harassment** - includes sexually suggestive body language inclusive of, repeated winks, gestures with fingers, licking of lips, throwing kisses, giving personal gifts or blocking a person's path.
- d. **Visual/Written or Graphic Harassment** - includes display of pornographic materials, sexually explicit pictures, screen savers or posters, or harassment via emails, telephone calls and other modes of electronic communication.
- e. **Psychological/Emotional Harassment** - consists of persistent proposals and unwelcome requests, unwanted invitations to go out on dates, insults, taunts or innuendoes of a sexual nature.

- f. **Quid Pro Quo** – includes coercive sexual behaviour within the work environment by a person in authority which is used to control, influence, or affect the employee’s career, salary or work environment. That is, a promotion, training opportunity, wage increases, etc.
- g. **Stalking/ Cyber Stalking** – Obsessively following, besetting, contacting and watching a person, either physically or using the internet, telephone, mail, and other media, motivated by what the perpetrator believes are feelings of desire and love but in fact, constitute sexual harassment.
- h. **Voyeurism (“Peeping Tom”)** – The act of watching, taping, recording or, photographing a person without his/her knowledge, while the person uses or inhabits a space where they have an expectation of privacy such as their home, a public bathroom, changing room etc.
- i. **Intimidation/Bullying/Retaliation** – Persons often use non-sexual behaviour to accommodate sexual harassment. Therefore any act of intimidation meant to prevent someone from reporting sexually harassing behaviour or to punish someone for reporting sexually harassing behaviour must be considered a type of sexual harassment.
- j. **Unintentional Sexual Harassment** - Acts or comments of a sexual nature, not intended to harass, can constitute sexual harassment if another person feels uncomfortable with such actions/subjects. Claiming to not understand or failing to know that an act is harassing does not mean that it is not in fact harassment.
- k. **Toxic Environment** – A combination of the above can create a toxic and oppressive environment for the direct target but also for other persons in shared environments who may not themselves be targeted. Even if a person is not the direct target of sexual harassment but is made uncomfortable and is offended by the creation of a toxic environment, they should be able to make a report of sexual harassment.
- l. **Reasonableness of Conduct** - Measuring reasonableness in sexual harassment can be done by identifying whether the behaviour leading to sexual harassment conduct is making the victim feel uncomfortable, offended, ashamed or afraid. An objective test can be taken based on the condition that a person could have anticipated such conduct would cause a humiliating and intimidating effect. Further, the conduct must be considered within the context in which ‘it occurs’. Certain conduct does not only refer to the frequency of occurrence or intimidated condition, but also refer to different situations.
- m. **Unwelcome Behaviour** - this occurs where the person subjected to sexual conduct considers it unwelcome in the specific circumstance that the offense occurs.

## 6.0 RESPONSIBILITY

The following roles and responsibilities will apply under this policy:

### 6.1 Management

- To provide/ facilitate a workplace that is free from forms of discrimination and or harassment.
- To take the necessary steps to prevent the occurrence of sexual harassment in the workplace and or eliminate sexual harassment if it occurs.
- To provide an environment which discourages victimization.
- To demonstrate commitment to the policy by leading by example, and responding immediately and appropriately if an offence occurs in the workplace.

- To monitor and revise policy and education/information programmes based on changes in national and international policies and standards as necessary.

## **6.2 Employee**

- To report offenses experienced or witnessed when they occur in keeping with the guidelines provided by this policy.
- To obtain and become familiar with the organization's policy on anti-sexual harassment.
- To ensure that behaviour conforms to the requirements of the organization's anti-sexual harassment policy.
- To pay attention to the responses of others to avoid offense.
- To examine their behaviour, gestures and comments.

## **6.3 Human Resource Department –**

- To make all employees and volunteers aware of their obligations in relation to providing a workplace free from sexual harassment;
- To treat all complaints seriously and confidentially;
- To take immediate and appropriate corrective action in line with the policy
- To provide guidance and education where requested and/or appropriate, to cases and subsequent decisions relating to sexual harassment;
- To document and investigate all cases of sexual harassment. All documentation should be filed with the personnel files of both the complainant and respondent.
- To appropriately discipline employees who harass other employees and those who make false accusations.

## **6.4 Anti-Sexual Harassment Dispute Settlement Committee**

A committee for sexual harassment dispute settlement will be established within the Bank. The Committee will consist of the following:

- Legal Officer or his/her nominee (Chair)
- A Third Party trained to handle disputes of this nature. This member may come from the Bureau of Gender Affairs or another qualified resource determined by the Chair.
- HR Representative

### **The Committee will have the responsibility to:**

- Notify employees of their rights, depending on the nature of the sexual harassment.
- Report the matter to the police where criminal proceedings are required.
- Take care not to prejudice the respondent.
- Provide the respondent with an opportunity to tell his/her version of the incident and to identify all supporting witnesses.
- Ensure the investigations and grievances relating to matters under their purview are handled in a manner that ensures the identities of the persons involved and all records relating to the harassment complaint are kept confidential.
- Ensure provisional working arrangements are made if necessary to ensure the complainant and respondent continue working in a safe environment while the case is being investigated. This could include a temporary relocation of the respondent/victim to a different workspace.



## 7.0 REPORTING PROCEDURE

The principles of natural justice will be followed in the handling of all procedures relating to sexual harassment. This will serve to ensure that all matters are handled objectively and that each party affected is given an equal opportunity to present their case in the matter. That is, as it relates to both the complainant and the respondent.

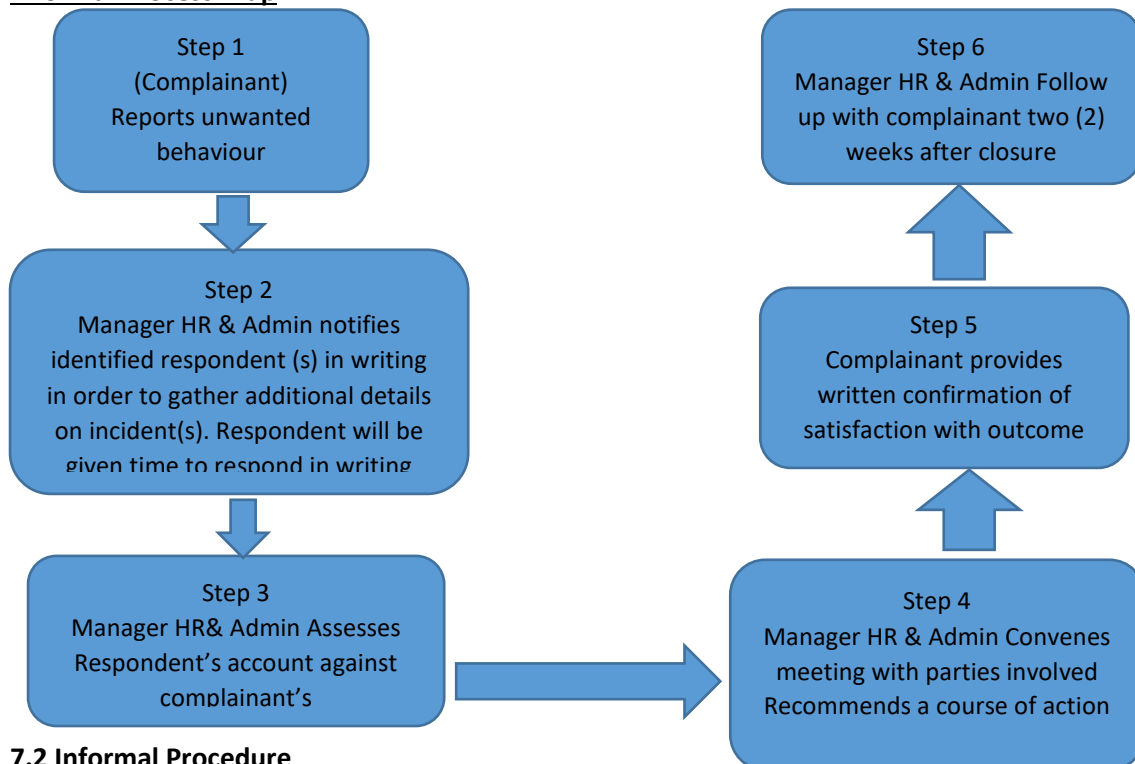
Employees who have been affected by sexual harassment will be required to lodge a complaint in writing to the Director Human Resource. The Manager, Human Resource & Administration –will provide employees with the following options for resolution:

- Informal
- Formal

### 7.1 Informal Procedure

The focus of the informal procedure is to settle the matter between the two parties amicably in a confidential and conciliatory manner and is geared towards stopping the “unwanted” behaviour. The informal procedure must be settled within 30 days.

#### Informal Process Map



### 7.2 Informal Procedure

- **Step 1:** The employee affected (the complainant) makes a report in-person to the Manager, HR A, this becomes the complaint, which is put in writing
- **Step 2:** The Manager, HR&A advises the respondent of the complaint in writing giving 48 hours or such additional time as have been agreed to respond to the accusations.
- **Step 3:** The Manager, HR&A will conduct a meeting with the respondent and the complainant in relation to the allegation.
- **Step 4:** The Manager, HR&A will assess the responses to determine whether the matter can proceed informally. Based on the findings, the Manager, HR&A will consult with the complainant and advise the options available. These may include:
  - Triggering the formal process
  - Providing an opportunity to explain to the respondent that his/her conduct is not welcomed in person or through the Manager-HR&A

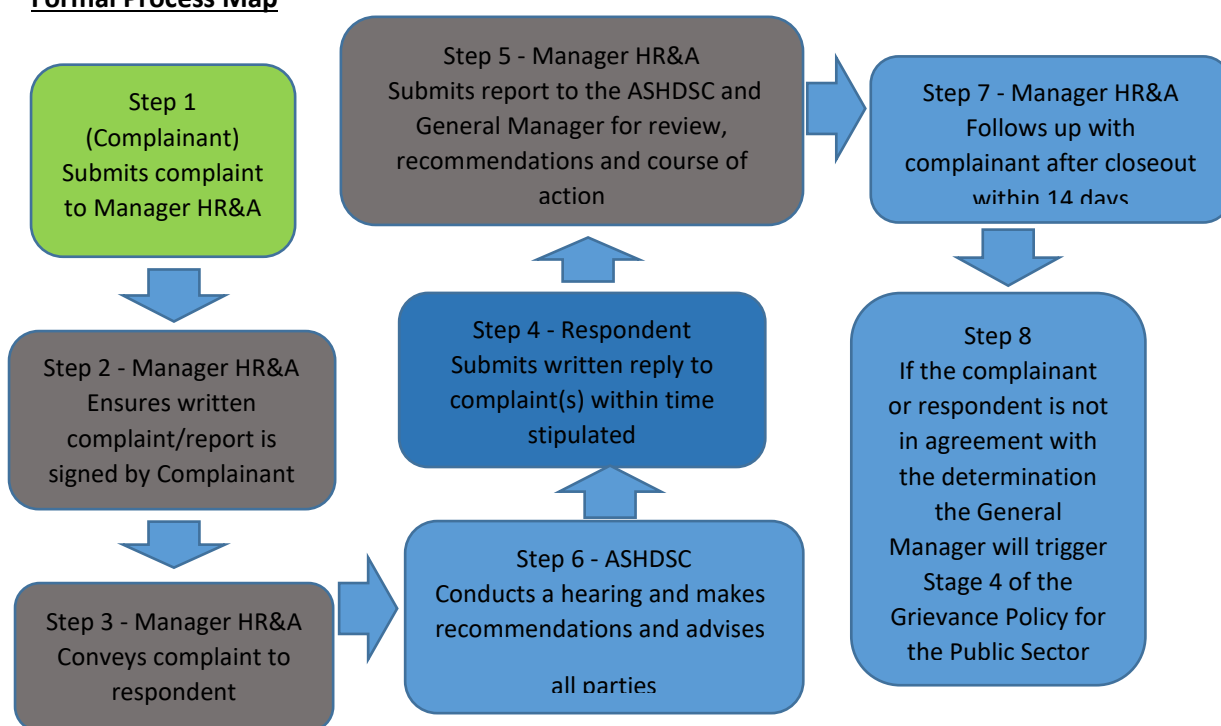
- Providing the respondent with external/internal counseling options depending on the impact to the complainant.
- **Step 5:** The complainant must confirm in writing that he or she is satisfied with the resolution as applied.
- **Step 6:** The Manager, HR&A will follow-up with the complainant within 14 days to confirm that the matter has been fully resolved. The complainant will be required to sign a statement reflecting this. If not satisfactorily resolved, the formal procedure will be activated.

*If the respondent is a part of the Executive Management Team, then the matter will be reported to the HR Committee of the Board of Directors and if the respondent is a Board member then the matter will be reported to the Parent Ministry.*

### 7.3 Formal Procedure

An employee will not be required to exhaust informal attempts at resolution before choosing to lodge a formal complaint.

#### Formal Process Map



### 7.4 Formal Procedure

- **Step 1:** The affected employee lodges a written complaint documenting incident(s)/conditions to the Manager, HR&A.
- **Step 2:** Manager, HR&A conducts private interview with the complainant and documents the allegations which become the report. The complainant will be asked to sign the report.
- **Step 3:** The Manager, HR&A conveys the allegations to the respondent.
- **Step 4:** The respondent is given 48 hours or such time as is agreed to respond and defend against the allegations; this may be done through representation.
- **Step 5:** The Manager, HR&A provides a report to The Anti-Sexual Harassment Dispute Settlement Committee (ASHDSC) and the GM for review and recommendations. If there is a dispute over facts, the claim is to be investigated by the Committee and statements from witnesses and other evidence collected;

- **Step 6:** The Anti-Sexual Harassment Dispute Settlement Committee (ASHDSC) provides a written report documenting the investigation process, evidence, findings and recommended outcome(s) to the General Manager or the Board of Directors through the HR Committee depending on the nature of the complaint
  - The General Manager/The Board approves the recommendation(s) or decides on an alternative course of action.
- **Step 7:** The Manager, HR&A will follow-up within 14 days with the complainant to determine whether he/she is satisfied with the outcome. If he/she is satisfied; the Manager, HR&A will obtain a signed statement reflecting same.
- **Step 8:** If he/she is not satisfied/in agreement with the determination; the Manager, HR&A will trigger Stage 4 of the Grievance Policy for the Public Sector. The subsequent stages of that Policy will continue until resolution is obtained (*Grievance Policy appended*).

## **8.0 SANCTIONS**

Depending on the outcome of investigations relating to un-wanted behaviour; The Anti-Sexual Harassment Dispute Settlement Committee may recommend sanctions as outlined in this section of this policy. The sanctions listed within this policy shall complement those referenced in the disciplinary policy.

Each case will be assessed based on the following:

- The severity or frequency of the harassment;
- The extent to which the harasser should have anticipated that such behaviour was unacceptable or unwanted;
- The level of remorse;
- Whether there have been any prior incidents or warnings.

### **8.1 Applicable Sanctions**

Each sexual harassment case will be assessed based on its own merit and taking into consideration the points listed above. Depending on the issues, the sanctions to be applied by the Bank may include but not limited to the following:

- Issuing a written warning or reprimand;
- Issuing a transfer or reassignment of duties to the respondent (where this can be facilitated);
- In serious cases, suspension or termination of employment.
- Training or counseling of the respondent as necessary to ensure that he/she understands why his or her conduct violated the Bank's Anti-Sexual-Harassment Policy.
- State external options available to the complainant for redress

**Where persons have been found to have committed an act of sexual harassment, the Manager, HR & A (or GM in case of Manager HR & A) will monitor their conduct to ensure behavioural change.**

## **9.0 GENERAL**

### **9.1 Protection against Retaliation**

The National Sexual Harassment Policy describes bullying, intimidation and threats which are meant to accommodate sexual harassment or retaliate against an individual/ individuals who have made a claim of sexual harassment as acts of sexual harassment and shall be treated accordingly.

### **9.2 False Claims**

A person/ persons found to willfully and knowingly bring forth a false claim of sexual harassment against another individual shall be liable for a breach of the Anti-Sexual Harassment Policy and may be subject to disciplinary proceedings and shall be reprimanded accordingly.

### **9.3 Liability for Harassment**

A person/ persons found to be in breach of this policy shall be found liable for sexual harassment and disciplined accordingly.

### **9.4 Confidentiality**

All claims of sexual harassment shall be documented and placed on file, thoroughly archived for the purposes of monitoring and evaluation. However, the Bank will endeavour to protect the privacy of all parties involved throughout the course of the investigation. If an individual(s) is found to be in breach of said policy, the expectation of privacy shall be relaxed to the extent that it is legally permitted.

### **9.5 Legislation**

When a comprehensive piece of legislation is passed to address sexual harassment this will become the instructive legislative framework for this policy.

## General Glossary Definitions

**Anti-Sexual Harassment** – an action that seeks to prevent/inhibit sexual harassment.

**Employer of Choice** – An employer that is perceived as being one of the best in a specific location/region.

**False Claims** – the term used when a person knowingly makes an untrue statement or claim to gain a benefit or reward.

**Formal Procedure (for handling Sexual harassment Complaints)** – A process where the complaint is escalated to the Anti-Sexual Harassment Dispute Settlement Committee and the General Manager.

**Framework** – an outline to guide a process.

**Gender Sectoral Plan of Vision 2030 National Development Plan** – Plan approved by Parliament

**Informal Procedure (for handling Sexual harassment Complaints)** – A process where the complaint is heard and resolution effected with the intervention of the Manager, HR&A.

**International Labour Organization (ILO)** – The **International Labour Organization (ILO)** is a United Nations agency dealing with labour problems, particularly international labour standards, social protection, and work opportunities for all.

**International Protocol & Conventions** – is the etiquette of diplomacy and refers to agreements that supplement or amend a treaty or agreement (i.e. convention, between countries, is a set of agreed, stipulated or generally accepted standards covering particular matters). A rule that describes how an activity should be performed, especially in the field of diplomacy. (Wikipedia)

**Sanctions** – Threatened penalties for disobeying a law or rule.

**Sexual harassment** – is a bullying or the unwelcomed coercion of a sexual nature and inappropriate promise of reward in exchange for sexual favours. It includes a range of actions from mild transgression to sexual abuse and assault.

**Zero Tolerance** – is a policy which imposes a strict and pre-arranged response to infractions of a stated directive the intention being to eliminate undesirable conduct.