



SRHR
Alliance

RutgersWPF

PROPOSED SRHR FRIENDLY POLICIES FOR HUMAN RESOURCE

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Introduction to Sexual and Reproductive Health and Rights Friendly Policies

A human rights perspective on sexuality entails that the promotion of sexual and reproductive health rests on ethical values recognized by the international community. Organizations that are sexual and reproductive health and rights (SRHR) friendly need to ensure that their Human Resource Policies reflect the United Nations Universal Declaration of Human Rights (UDHR), 1948, the Programme of Action of the International Conference on Population and Development (ICPD), 1994, the Beijing Conference on Women, 1995, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Millennium Development Goals (MDGs), and the IPPF Charter on Sexual Rights.

Thus, SRHR-friendly organizations support activities aiming at eliminating prejudice and discrimination on the basis of sex, sexual orientation, gender identity, age, or racial or ethnic background.

Application of this normative framework ensures attention to essential values and norms, such as participation, accountability, and empowerment of marginalised and oppressed groups. This includes policies on non-discrimination in terms of Hiring and Employment; Confidentiality; Sexual Harassment; Access to Information and Healthcare; Maternity Leave and Paternity Leave.

These Human Resource policies are aimed at enabling organizations to formalize their focus on SRHR, in line with organizational norms and values, in order to protect the rights of both employer and employee.

The Manager, Human Resource (or equivalent position) should be designated as the organization's representative to ensure implementation of all policies. Complaints may also be directed to the employee's immediate supervisor, the organization's Director and if necessary, the organization's Board of Directors.

When a new staff member is hired, it is the responsibility of the Human Resources Department (or equivalent) to ensure that s/he understands all policies and signs a statement to indicate that s/he understands them and will comply with them for the entire duration of the period of employment.



Code of Conduct:

All Employees must ensure that as representatives of the organization, their personal conduct, especially with external clients and associates, must reflect positively upon and credit to the organization.

Employees must observe and comply with all organizational Policies and Procedures, in addition to official directives and guidelines, as given by their supervisors.

All Employees are to be treated equally, judiciously and with utmost mutual respect, as fellow workers at all times, regardless of any disputes or differences (race, religion, disability, gender, sexual orientation, HIV status, position, etc.).

Employees must assume the responsibility for proper handling of organizational property as assigned to them. In case of any damage or loss, it is the employees' responsibility to promptly report the matter to Administration (or otherwise designated) Department.

All files, document, reports, and papers are to be treated as confidential organizational property and cannot be removed from the office premises unless required or sanctioned by the concerned authority.

All staff members are expected to strictly adhere to organizational rules and regulations, and the generally accepted professional codes and conducts. The organization reserves the right to terminate or suspend an employee or take other appropriate action, if any of the Company rules and regulations or standards of professional ethics are violated or abused, or deemed to be so.



Confidentiality Policy

SRHR-sensitive organizations need to be particularly careful about confidentiality. This may be in terms of information regarding the organization, the staff, or clients/communities with whom the organisation works. Staff may be exposed to confidential information about any of the above, and is expected to respect confidentiality at all times.

Confidentiality will need to be maintained for staff, stakeholders and beneficiaries who may be part of a sexual minority group, such as transgender/transsexual people; have tested positive for HIV, or may have an STI; may be homosexual; or may be pregnant and may not be willing to disclose it right away.

Confidentiality needs to be addressed during orientation and all employees will be required to sign a statement that they have read and understood the policy as part of the conditions of employment.

The organisation will respect the confidentiality of information and will not share information about the organisation, staff members, or clients/communities with whom the organisation works.

Staff Confidentiality Policy

Staff will maintain confidentiality of all information regarding individual people (staff or clients), families, groups or communities at all times. *It is particularly important to stress that this policy includes information about particular communities as well as individuals.* It is a breach of this policy to discuss privileged community issues with people in social or other situations.

Confidentiality applies to:

Cultural information that staff may become aware of in the course of their work, such information may be highly sensitive.

- Verbal information including telephone conversations or other conversations between staff or between staff and clients, discussions with community members.

- Written information of any kind i.e. forms, pathology results, administration files, internal memos, meeting minutes, emails, letters, etc.
- Information stored on computers.

Confidentiality procedures need to be under constant review by staff, with investigation and action on all complaints.

Breaches of confidentiality constitute a serious breach of professional obligations, and can result in instant dismissal. All staff is fully informed about this requirement in the recruitment/employment process, and it is included in their contract or employment agreement.

Procedures to facilitate confidentiality

All interviews take place in a private space.

Staff needs to fully inform other staff, clients/community members about the limits of confidentiality in any given situation, the purposes for which information is obtained and how it may be used.

All personal information about staff and clients/community members should be stored in a locked cabinet, with access supervised by a senior Manager who will ensure that note taking practices do not breach confidentiality. Staff is responsible for ensuring that their own notes do not breach confidentiality.

In case a person's details need to be discussed with another staff member, obtain that person's consent prior to the discussion. If the person refuses, and the employee feels they have a professional obligation to discuss the details with a colleague, they should do so without revealing the identity of the person.

Staff is entitled to share information with an external supervisor where necessary for the purposes of supervision and debriefing, but these situations do not require the person's identity to be revealed. Any information disclosed will be treated confidentially by the supervisor.

In public arenas such as seminars, radio, television, workshops, etc., staff should not share personal information about anyone in a way that identifies the person.

Information about staff members or other relevant individuals can only be given to other health care providers or relevant individuals with the person's consent.

In general, requests for information from others such as service providers should only occur with the knowledge and consent of the client.

Exceptions

Information that should be revealed includes:

- Serious illegal actions on the part of service users and providers.
- Any issue that could endanger the safety of other service users or staff.
- Any issue that could endanger the service user and/or dependent children.

If staff is unclear about how to manage confidentiality or information sharing, they should discuss it with a senior Manager.

Disciplinary policy and procedure policy



It is policy of the company that all employees should achieve and maintain agreed standards of conduct, attendance and performance and that everything within reason will be done to help all employees achieve these standards. If these standards are not achieved and disciplinary action has to be taken against employees, it should:

- Be undertaken only in cases where good reason and clear evidence exist;
- Be appropriate to the nature of the offence that has been committed;
- Be demonstrably fair and consistent with previous action in similar circumstances;
- Take place only when employees are aware of the standards that are expected of them or the rules with which they are required to conform;
- Allow employees the right to be accompanied by a representative or colleague of their choice during any formal proceedings;
- Allow employees the right to know exactly what charges are being made against them and to respond to those charges;
- Allow employees the right of appeal against any disciplinary action.

The disciplinary process has as its main aim the improvement of an employee's conduct, attendance and performance. To ensure that this is the driving force, the first problem (if it is of a minor misconduct) will be dealt with informally and will not be seen as part of the disciplinary procedure, but merely an acknowledgement by the organisation to the employee that the standards are not being achieved. The employee will be informed that if the problem re-occurs, the disciplinary procedure will be invoked. This informal discussion will only take place for very minor problems. Problems that are more serious will be treated immediately through the disciplinary process.

Rules

The company is responsible for ensuring that up-to-date rules are agreed between the company and the employees, and when agreed are published and available to all employees.

The following are general statements of expected behaviour:

1. The employee will behave at all times in a way that does not bring the organization, employer or any other employee into disrepute.
2. All employees will perform at or above the standards set out in their Job Descriptions.
3. The employee will immediately inform the employer of any potential conflict of interest.
4. Employees will be available for work at the required time and will (apart from illness) be willing and able to carry out their duties during the time they are at work.
5. Employees will not without express permission from the employer carry out any work for themselves or anyone else in the employer's premises and will not use the employer's equipment for any other reason than those connected with the job they are employed to do.
6. Employees will respect the confidentiality of the organization, employer, other staff members, clients and the communities with which they work at all times. Any information gained through and in the course of employment will not be disclosed to a third party.

Any breach of the above rules will be handled through the discipline process. A breach of any rule will be treated as:

1. Minor misconduct
2. Misconduct
3. Serious misconduct.

Examples of each level of misconduct are given below. **These lists are not exhaustive and are only meant to illustrate the kind of things that will fall into each category.**

Minor misconduct

Lack of punctuality
Minor problems with performance (mistakes that do not cost any money)
Behaviour that is rude to managers or work colleagues.

Misconduct

More than two (2) examples of any of the above
Mistakes that are serious and cost up to Rs. 5,000 to rectify

Persistent rude behaviour

Behaviour or performance that is unacceptable but is not so serious that the employer would want to terminate employment

Serious misconduct

More than two (2) examples of any of the above

Mistakes that are serious and cost more than Rs. 5,000 to rectify
Behaviour or performance that is so serious that the employer would want to terminate employment

Examples of such behaviour are:

- Physical assault
- Intentional damage, misuse and/or danger to vehicles and/or equipment
- Possession of drugs (other than prescribed drugs)
- Consumption of drugs (other than prescribed drugs) or alcohol during the hours of work
- Reporting for work under the influence of drugs or alcohol that in the opinion of the manager leaves the employee impaired to perform their duties. If the drugs are prescribed then no disciplinary action will be taken, but the employee will be sent home.
- Falsification of records
- Unauthorized removal of any property of the employer or any other employee
- Any other form of dishonesty or criminal damage in connection with company property, or the property of any other employee
- Any other behaviour which is considered as serious as any of the above
- Sexual Harassment (when proved: action will be taken based on procedures outlined in the Sexual Harassment Act 2010 and corresponding Code of Conduct)



Protection against Harassment of Women at Workplace Act 2010

Introduction

Anyone is vulnerable to sexual harassment in the workplace. While this form of harassment is most commonly directed towards women, and may be perpetrated by a supervisor or a colleague, it may also take place in other situations, such as by a female supervisor towards a junior male or female colleague, or towards a person belonging to a minority sexual group (LGBTQI - Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex). Society, including organizational management, may blame the victim, and this may be even more the case with someone belonging to a minority sexual group. The issue as well as the victim may be stigmatized, making it very difficult for the harassment to be reported or even discussed with anyone.

While the Sexual Harassment Law is aimed primarily at protecting women, your organization can adopt its essence and the Code of Conduct to be applicable to all staff. It focuses on sexual harassment experienced at the workplace by employees and facilitates the transformation of the work environment, so that it is free of sexual harassment, intimidation and abuse.

In early 2010 the Pakistan Government passed an Act called 'Protection against Harassment of Women at Workplace Act 2010'. The goal of this Act is to enable all organizations, public, private and civil society, to develop a mechanism in order to address issues regarding sexual harassment internally. Following this Act, it has become mandatory for all organizations and requires management to create an organizational culture so that all those who work there can do so safely and with dignity.

Instructions on how to comply with the Law

Since all organizations are required to comply with the law against Sexual Harassment, they are encouraged to take the following steps. A code of conduct is included to facilitate complete compliance with the law and can be incorporated into your HR policies.

STEP 1:

Hold a meeting with senior management to take a decision to officially incorporate the Code of Conduct into your HR policies

STEP 2:

Management needs to appoint a three-member standing Inquiry Committee to handle complaints of sexual harassment. At least one member should be a woman. It would also be good to have a representation of Collective Bargaining Agent (if applicable)

STEP 3:

Management should also identify a competent authority in their organization if not already identified (in most cases it is the CEO or whoever has the authority to hire and fire employees).

STEP 4:

Management should hold one or more staff meetings to go through the Code of Conduct and Sexual Harassment Act for all staff, and notify all employees that they will incorporate the Code of Conduct into their HR policies and will be complying with the Sexual Harassment Act as required by law. Management should provide the names and contact information of the three committee members to all staff, with instructions on how to approach any of the Committee member(s) in case of a sexual harassment complaint.

STEP 5:

Management should post these Instructions and the full text of the code in a common area in a language understandable by all staff.

ONCE THESE STEPS HAVE BEEN COMPLETED, THE ORGANIZATION HAS SUCCESSFULLY ADOPTED THE CODE AS PRESCRIBED BY LAW.

Organizations to Adopt the Code and Setup the Mechanisms in the formal sector

After the Code is adopted in an organization, it is very important to provide them with support to get their employees oriented, their committee members trained and their HR departments ready to handle the issue professionally. Support in the form of training, training materials, educational films and printed awareness material packages will be useful. In the past, we have found that short films can be very handy for the HR departments to have for orientation of their new staff, covering not only the issue of sexual harassment and its accountability, but also learning about the desired professional behavior among employees of both genders.



Maternity Leave Policy

Sexual and Reproductive Health and Rights friendly organizations in particular need to ensure that they have a maternity leave policy that is in compliance with the law.

The Maternity Leave policy needs to be addressed during orientation and all employees will be required to sign a statement that they have read and understood the policy as part of the conditions of employment. This policy applies to all employees and aims to inform them of their entitlement to maternity rights, and ensure that these rights are understood.

A female worker is entitled to maternity leave, which usually lasts 12 weeks (inclusive of any and all public/government announced holidays). The Maternity Benefit Ordinance, 1958, stipulates that upon the completion of four months of employment or qualifying period (if specified otherwise), a worker is entitled to maternity leave for up to six weeks prenatal (for the 6 weeks immediately preceding and including childbirth), and postnatal leave (for the 6 weeks starting from the day the child is born). A worker can also have her 12-week leave started from just prior to the delivery of her child.

During this period, she is to be paid a salary drawn on the basis of her last pay. The female employee cannot be dismissed from employment while she is on maternity leave.

No female can be employed (by the employer knowingly of her situation) during the six weeks following the delivery of her child, in accordance with the Mines Maternity Benefits Act and Maternity Benefit Ordinance.

A female worker who is entitled to maternity benefit should give notice in writing to the management that she expects to deliver a child within one and a half months and after receiving such notice, the management is supposed to provide her with leave of absence from the following day (the organization may stipulate an advance notice period if it wishes to do so).

A female worker who has delivered a child has to give notice of delivery to her organization within seven days of her delivery. She will need to

provide proof of delivery to the management within six months of delivery. This proof can either be a certified copy of the birth register of the hospital or healthcare facility, a certificate issued by a medical practitioner, a birth certificate, or any other proof acceptable to the employer.

** All entitlements quoted here are for a full time employee working 36 hours net over a five day working week. Entitlements will be prorated for those working alternate hours/working patterns. Part-time employees are generally not entitled to these benefits unless agreed upon on a case-by-case basis by the organization.*

- Fully paid Maternity Leave may also be granted in cases of miscarriage including abortion, subject to the condition that the leave applied for does not exceed 45 days and the application for leave is supported by a medical certificate.
- Maternity Leave shall not be debited to the leave account.
- Maternity Leave may be combined with leave of any other kind of leave except Casual Leave.
- Any leave (including commuted leave up to 60 days and leave not due) may be taken without a medical certificate for up to one year in continuation of Maternity Leave.

Receipt of the maternity benefit payments

In accordance with the Maternity Benefits Ordinance, female employees can receive their payments in the following three ways:

- Cash payment for the first six weeks before delivery (when leave is taken for six weeks prior to the birth of the child). The remaining amount for the other six weeks has to be paid on production of proof, within forty-eight hours of its production.
- After the delivery and production of proof, the employee will receive the payment for the first six weeks within forty-eight hours and the remaining amount will be paid within the next six weeks.
- All maternity benefits can be paid within forty-eight hours after the production of proof that the employee has delivered a child.

Adoption Leave

A female employee upon adoption of a child may be granted paid maternity leave for up to 12 weeks, starting on the day that the child is adopted. She will be required to provide appropriate documentation within 48 hours of starting her leave.



Paternity Leave Policy and Procedure

Sexual and reproductive health and rights friendly organizations in particular need to ensure that they have a paternity leave policy.

A male worker is entitled to paternity leave with pay for spouses' confinement/maternity care, for 1 week (total of 5 working days). Employees who apply for ordinary paternity leave and meet the organization's criteria (i.e. that satisfactory arrangements can be made to cover for the absence at no extra cost to the organization) will receive up to 1 week's (total of 5 working days) leave at full pay. Any extra leaves will be treated as unpaid.

Paternity Leave can be availed up to 1 week (5 working days) before or after the day the child is born, or at any time within six months from the date of delivery of the child.

During this period, he is to be paid a salary drawn on the basis of his last pay. The employee cannot be dismissed from employment while he is on paternity leave.

The employee should give notice no later than the 15th week before the baby is expected, or within 7 days of the date of adoption of a child. If for any reason they wish to change the start date of the leave period, they should give 28 days' notice of the change, unless this is not reasonably practicable.

Paternity Leave shall not be debited to the leave account.

The following employees, who have or expect to have responsibility for the child's upbringing, are entitled to a maximum of 1 weeks' paid paternity leave:

- Biological father of a child.
- Mother's husband or partner who expects to have responsibility for the child's upbringing.
- Employee of either sex who is adopting a child but is not taking adoption leave.

Policy of Equality and Nondiscrimination

This organization is committed to the principle of equal opportunity and non-discrimination in hiring and employment, according to Articles 25 and 27 of the Constitution of Pakistan (<http://www.pakistani.org/pakistan/constitution/part2.ch1.html>). In addition, it does not discriminate against individuals on the basis of race, color, sex, sexual orientation, gender identity, HIV status, religion, disability, age, or national or ethnic origin in the administration of its hiring or employment policies.

In addition, the Policy of Equality and Nondiscrimination is applied to promotions; access to training and capacity development opportunities; staff benefits; terms and conditions of employment for people in the same positions (unless otherwise specified or required, such as in the case of provision of transport); leave; medical benefits for staff and their dependents; child care; and access to loans.

Policy on Access to Information and Healthcare

This organization is committed to providing access to information and services on sexual and reproductive health and rights including HIV/AIDS prevention, testing, care and treatment programs, testing and services for sexually transmitted infections/reproductive tract infections (STI/RTI), family planning services (including access to dual protection, emergency contraception and relevant supplies); abortion-related services (including post-abortion care; pregnancy-related care; and services addressing sexual violence).

Where provision of health benefits to staff is not possible, or where health insurance policies do not cover testing and treatment of certain conditions, the organization will facilitate the staff member in identifying an appropriate source for testing, treatment and care.