

Protocol on sexual harassment and abuse

RESDAL is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment and abuse. RESDAL will operate a zero tolerance policy for any form of sexual harassment or sexual abuse in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person that is found to have sexually harassed or abused another will be reported to the authorities.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

The objective of this protocol is to prevent, eradicate and sanction sexual harassment and abuse from the work environment; implement the proper mechanisms to protect the victims; and sensitize and train RESDAL's employees on sexual harassment and abuse in the workplace.

1: Definitions of Sexual Harassment

As RESDAL is operating in Uruguay, it will have similar protocols on how to deal with sexual harassment and abuse at the workplace as the country of Uruguay does. According to the Ley N° 18561 (9/11/2009),¹ which is a law on the prevention of and on sanctioning sexual harassment in the workplace, sexual harassment is a serious form of discrimination and ignorance of respect for the dignity of persons and therefore constitutes illegal conduct in Uruguayan positive law.

Examples of such a conduct include:

1) Requirements for sexual favors involving:

- The implicit or explicit promise of preferential treatment with respect to current or future employment of the recipient.
- Threats, implicit or explicit, of damages relating to current or future employment of the recipient.
- Submitting to such a conduct is made explicitly or implicitly a term of condition of employment.

2) Bodily approaches or other physical behaviors of a sexual nature, unwanted and offensive to whoever receives them.

3) Use of expressions (written or oral) or images of a humiliating or offensive nature to those who receive them. A sole serious incident can constitute sexual harassment. (Ley N° 18561 – 9/11/2009)

Sexual abuse is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Sexual abuse overlaps at times with sexual assault, as both involve sexual contact without the victim's consent. The difference is that sexual assault is most often used in reference to

¹ Ley de acoso sexual. Prevención y sanción en el ámbito laboral y en las relaciones docente alumno, Ley N° 18561 (9/11/2009). <https://www.impo.com.uy/bases/leyes/18561-2009>

a single experience, whereas sexual abuse most often (though not always) involves sexual acts done to the victim without their consent over a longer period of time. Sexual abuse also tends to occur where there is a power imbalance, such as between a supervisor and an employee.

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. RESDAL recognizes that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

2: Complaints Procedures

Anyone who is subject to sexual harassment/abuse should, if possible, inform the alleged offender that the conduct is unwanted and unwelcome. RESDAL recognizes that sexual harassment and sexual abuse may occur in unequal relationships (i.e., between a supervisor and his/her employee) and that it may not be possible for the person to set a proper boundary with the alleged harasser.

If a complainant cannot directly approach an alleged offender, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment and abuse. This person will be the Program Officer or the Program Manager.

The person may file a complaint orally, in the form of a report, or in writing. The complaint must identify the offender(s), and any possible witnesses if any are available. The complaint must contain a description of the situation of sexual harassment or sexual abuse at work or acts of discrimination.

Once the Program Officer or the Program Manager receives a complaint of sexual harassment or of sexual abuse, they will:

- Interview the victim and the alleged offender(s) separately in an impartial manner.
- Interview other relevant third parties separately in an impartial manner.
- Take the appropriate measures to protect the victim and the witnesses.
- Keep all parties separated for the time of the investigation.
- Produce a report to the Board detailing the investigations, findings and any recommendations they might have.
- If sexual harassment or abuse took place, the Board will decide on what the appropriate remedy for the person is, in consultation with the person (i.e., change of working arrangements, promotion if they were demoted as a result to the harassment or abuse, disciplining the offender, suspension of the offender, dismissal of the offender - depending on the level of severity), and the report to the authorities.
- Follow up to ensure the recommendations are implemented and that the complainant is satisfied with the outcome, including reporting to the authorities.

3: Outside complaints mechanisms

A person who has been subject to sexual harassment or sexual abuse can also make a complaint outside of the organization. The victim may file a complaint and report sexual harassment in the workplace either

through <https://www.gub.uy/tramites/denuncia-acoso-violencia-trabajo> or by reporting in person at the Ministry of Work (address: Juncal 1511, Montevideo, Uruguay).²

4: Register the report

Once all of the appropriate measures have been taken, the Board will present a report to the General Assembly regarding the incident for future best practices and to prevent future events.

² Ministerio de Trabajo y Seguridad Social – Inspección del Trabajo y de la Seguridad Social. (05/09/2023) *Denuncia de acoso y violencia en el trabajo*. <https://www.gub.uy/tramites/denuncia-acoso-violencia-trabajo>