

BELIZE:

ANTI-SEXUAL HARASSMENT ACT, 2024

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SCHEDULE



No. 29 of 2024

I assent,

(H.E. DAME FROYLA TZALAM)

Governor-General

4th December, 2024.

AN ACT to make new and robust provisions for the prevention and protection of persons from, sexual harassment; to provide for a right of redress for any person who has been sexually harassed; to repeal the Protection Against Sexual Harassment Act, Chapter 107 of the Substantive Laws of Belize; and to provide for matters connected therewith or incidental thereto.

(Gazetted 14th December, 2024)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows—

PREAMBLE

WHEREAS sexual harassment is a form of discrimination, violence and abuse of power which results in the violation of the fundamental rights of a person to equality, to life and to live with dignity, and to practise any profession or to carry

on any occupation, trade or business in a safe environment free from sexual harassment;

AND WHEREAS the protection of persons against sexual harassment and the right of persons to work with dignity are universally recognised human rights by international conventions and instruments such as the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW) and the International Labour Organisation’s Violence and Harassment Convention, 2019 (ILO Convention No. 190);

AND WHEREAS it is expedient to make provisions for the prevention of sexual harassment and for the protection of all persons from sexual harassment, regardless of sex, gender, age, relationship status, sexual preference, gender identity, religious belief, colour, race, national or ethnic origin or disability:

PART I

Preliminary

Short title.

1. This Act may be cited as the

ANTI- SEXUAL HARASSMENT ACT, 2024,

Interpretation.

2. In this Act–

“accommodation” includes residential and business accommodation;

“Administrator” means the Ministry responsible for human development;

“association” includes a group of persons associated together for social, literary, cultural, political, religious, sporting, athletic or for any other lawful purpose;

“care giver” includes a person who provides child care services and elderly care services;

“commission agent” means a person who does work for another person as the agent of that other person and who is remunerated, whether in whole or in part, by commission.

“complainant” means the person by whom or on whose behalf an allegation of sexual harassment is made under section 21;

“complaint” means an allegation of sexual harassment made under section 21;

“Court” means the High Court and includes a Judge or Master sitting in Chambers;

“domestic work” includes the provision of elderly care services, child care services, baby sitting services and household work;

“domestic worker” means a person who is employed to do domestic work, for remuneration whether in cash or kind, either directly or through an employment agency, on a temporary or a permanent, part time or full time basis;

“educational institution” includes a school, college, university and any other place of learning or training;

“employee” –

(a) means a person who offers his or her services under a contract of employment, whether that contract is written, oral or implied or full time or part time, with an employer, and

(b) includes –

- (i) a managerial employee and a supervisor;
- (ii) a dependent contractor;
- (iii) an apprentice, an intern or a trainee;
- (iv) a person on probation;
- (v) a part time or full-time employee or a casual worker;
- (vi) a domestic worker;
- (vii) a temporary worker or seasonal employee;
- (viii) a person who is remunerated by commission whether in whole or in part, where that person is not an independent contractor; or
- (ix) where appropriate, a former or prospective employee;

“employer” includes any person, undertaking, firm, corporation, company, the State, public body or body of persons, who or which—

- (a) employs a person under a contract of employment, whether written, oral or implied or full time or part time;
- (c) engages or supervises an employee;
- (d) are the heirs, successors, agents, representatives or assigns of the person, undertaking, firm, corporation, company,

the state, public body or body of persons;
or

- (f) where appropriate, is a former or prospective employer;

“institution” includes—

- (a) an educational institution;
- (b) a prisons or correctional institution or lock-up within the meaning of section 2 of the Prisons Act;
- CAP. 139.
- (c) a place of safety within the meaning of Families and Children Act relating to foster-care or child care services provided in a children’s home or any other place for the custody of minors;
- CAP. 173.
- (d) a nursing home or any other place for the custody of the elderly;
- (e) a medical facility and psychiatric facility;
and
- (f) such other place or facility as the Minister may, by order published in the *Gazette*, designate as an institution for the purpose of this Act;

“public body” means—

- (a) the Office of the Governor-General;
- (b) the National Assembly;
- (c) the Judiciary;

- (d) a Ministry or a department of government;
- CAP. 85.
CAP. 86. (e) a City Council established under the Belize City Council Act or the Belmopan City Council Act; or
- CAP. 87. (f) a Town Council means under the Town Councils Act; and

“Minister” means the Minister responsible for human development affairs and the word “Ministry” shall be construed accordingly;

PART II

Prevention Of Sexual Harassment

Duty to ensure environment free from sexual harassment.

3.–(1) An employer shall make every reasonable effort to ensure that his employees are not sexually harassed in the course of their employment.

(2) A person who is in charge of an institution shall make every reasonable efforts to ensure that the students, residents, wards, inmates, patients or members, as the case may be, of that institution, are not sexually harassed.

Sexual harassment policy statement and contents.

4.–(1) Every employer shall–

- (a) after consultation with such persons or entities that provide support or advocacy in relation to sexual harassment as the employer thinks fit, issue a policy statement in writing concerning the prevention of sexual harassment and the protection of an employee or third party in the workplace; and

(b) take steps that are reasonably required to bring the policy statement referred to in paragraph (a) to the attention of all employees.

(2) Every person in charge of an institution shall—

(a) in relation to that institution, issue a policy statement in writing concerning the prevention of sexual harassment and the protection of students, residents, wards, inmates, patients or members, as the case may be, of that institution from sexual harassment;

(b) take steps that are reasonably required to bring the policy statement referred to in paragraph (a) to the attention of all students, residents, wards, inmates, patients or members, as the case may be, of that institution;

(c) consult with such persons or entities that provide support or advocacy in relation to sexual harassment as that person thinks fit, prior to issuing the policy statement under paragraph (a) for the prevention of sexual harassment and the protection of a student, inmate, a child, ward or patient or other person of that institution;

(d) make every reasonable effort to ensure that an inmate, a child, ward, patient or third party is not sexually harassed at the institution or on the premises of the institution.

(3) A policy statement required under sub-section (1) shall include–

- (a) a definition of sexual harassment that is in accordance with section 5;
- (b) information indicating–
 - (i) that an employee is entitled to employment in an environment that is free from sexual harassment;
 - (ii) how the employer will deal with the sexual harassment of an employee where it is directed towards a fellow employee or a third party
 - (iii) that the employer will take disciplinary measures as the employer considers appropriate against any person under the employer's direction who subjects any employee or third party to sexual harassment and explaining the disciplinary measures that may be taken in respect of sexual harassment;
 - (iv) how a complaint of sexual harassment may be brought to the attention of the employer;
 - (v) the internal mechanisms and procedures that are available to an employee for the making of any complaint relating to sexual harassment and the resolution and settlement of the complaint;
 - (vi) that the employer will not disclose the name of a complainant or the

circumstances related to the complaint to any person except where the disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation to the complaint;

(vii) that the employee has a right to seek redress through conciliation or mediation or from the Court, under this Act;

(viii) that a person who alleges that an act of sexual harassment has been committed against him shall, subject to section 21(13), exhaust all internal mechanisms and procedures including conciliation or mediation that are available to the person, before instituting proceedings before the Court; and

(viii) that the employer will periodically promote education, training and awareness among employees on matters relating to sexual harassment.

(4) A policy statement required under sub-section (2) shall include—

(a) a definition of sexual harassment that is in accordance with section 5;

(b) information indicating—

(i) that students, residents, wards, inmates, patients or members, as the case may be, of that institution are

entitled to an environment that is free from sexual harassment;

- (ii) how the person in charge of an institution will deal with the sexual harassment of students, residents, wards, inmates, patients or members, as the case may be, of that institution where it is directed towards fellow students, residents, wards, inmates, patients or members, as the case may be, of that institution or a third party;
- (iii) that the person in charge of an institution will take disciplinary measures as the he considers appropriate against any person under the person in charge's direction who subjects any prisoners, students, residents, wards, inmates, patients or members, as the case may be, of that institution or third party to sexual harassment and explaining the disciplinary measures that may be taken in respect of sexual harassment;
- (iv) how a complaint of sexual harassment may be brought to the attention of the person in charge of an institution;
- (v) the internal mechanisms and procedures that are available to prisoners, students, residents, wards, inmates, patients or members, as the case may be, of that institution for the making of any complaint relating to sexual harassment and the resolution and settlement of the complaint;

- (vi) that the person in charge of an institution will not disclose the name of a complainant or the circumstances related to the complaint to any person except where the disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation to the complaint;
- (vii) that the students, residents, wards, inmates, patients or members, as the case may be, of that institution has a right to seek redress through conciliation or mediation or from the Court, under this Act;
- (viii) that a person who alleges that an act of sexual harassment has been committed against him shall, subject to section 21(13), exhaust all internal mechanisms and procedures including conciliation or mediation that are available to the person, before instituting proceedings before the Court; and
- (ix) that the person in charge of an institution will periodically promote education, training and awareness among the prisoners, students, residents, wards, inmates, patients or members, as the case may be, of that institution on matters relating to sexual harassment.

(5) Notwithstanding sub-sections (1)(a) and (2)(a), an employer or person in charge of an institution, as the case

Schedule.

may be, may instead, adopt the sexual harassment policy statement set out in the Schedule.

(6) Within twelve months from the date of commencement of this Act, every employer and person in charge of an institution shall ensure that the policy statement required under this section is prepared and shall take such steps as are reasonably required to bring the policy to the attention of each employee, client, student, resident, ward, inmate, patient or member, as the case may require.

PART III

Protection Against sexual Harassment

Commission of
an act of sexual
harassment.

5.—(1) A person commits an act of sexual harassment against another person if, having regard to all the circumstances referred to in sub-section (2), that person engages in any unwelcome conduct of a sexual nature described in sub-section (3), where that person knows, or ought reasonably to know, that the conduct is unwelcomed by the other person.

(2) For the purposes of sub-section (1), the circumstances to be taken into account includes the following –

- (a) the sex, gender, age, relationship status, sexual preference, gender identity, religious belief, colour, race, national or ethnic origin of the person who has alleged sexual harassment;
- (b) the relationship between the person alleging sexual harassment and the person who is alleged to have made the advance or request or who engaged in the conduct;
- (c) any disability of the person alleging sexual harassment; or

(d) any other relevant circumstance.

(3) The conduct referred to in sub-section (1) includes conduct which involves—

(a) making an unwelcome –

(i) sexual comment to a person;

(ii) sexual comment about a person within that person's hearing;

(iii) sexual innuendo to a person;

(iv) sexual gesture to a person;

(v) sexual contact with a person;

(vi) sexual advance towards a person; or

(vii) request for sexual favours from a person;

(b) providing a person with unwelcome –

(i) sexual images or graphics; or

(ii) audio of a sexual nature;

(c) transmitting unwelcome electronic messages of a sexual nature to a person;

(d) exposing a third party to any of the conduct described in paragraphs (a) to (c);

(e) making it appear to a person seeking employment that—

- (i) the offer of employment to that person;
or
 - (ii) the terms on which employment is offered, are contingent on that person's acceptance of or submission to any unwelcome sexual advances from the prospective employer;
- (f) making it appear to a co-employee that the prospects or working conditions of that co-employee are contingent upon the co-employee's acceptance or tolerance of unwelcome sexual advances from the person or his employer or supervisor;
- (g) making it appear to another person that preferential treatment or other advantage would only be provided to that person upon that person's acceptance of or submission to unwelcome sexual advances [from the first mentioned person];
- (h) making it appear to another person that preferential treatment or other advantage would only be provided to that person upon that person's acceptance of or submission to unwelcome sexual advances;
- (i) directly or indirectly engaging in any other form of unwelcome conduct of a sexual nature.

(4) Any conduct described in sub-section (1) shall constitute sexual harassment irrespective of –

- (a) the method used to convey the conduct; or

- (b) whether the conduct was committed on a single occasion.

(5) In this section “conduct of a sexual nature” includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

(6) A person who commits an act of sexual harassment in any circumstances not covered by sections 6 to 14, 17 or 18 commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding one year or to both.

6.–(1) A person shall not sexually harass another person or a third party in the course of providing, or offering to provide, goods, services or facilities.

Goods, services
and facilities.

(2) A person shall not sexually harass another person or a third party in the course of seeking or receiving goods, services or facilities.

7.–(1) A person shall not sexually harass another person in the course of providing or offering to provide, whether as principal or agent, accommodation to that other person.

Sexual
harassment
in relation to
accommodation.

(2) A person shall not, in the course of providing or offering to provide, whether as principal or agent, accommodation to another person, make it appear to the other person that–

- (a) any term or condition upon which the first mentioned person offers the other person accommodation;
- (b) any term or condition upon which the first mentioned person offers the other person accommodation;

- (c) any advantage in relation to the pricing of, or the access or the extent of access to any benefit connected with the accommodation; or
- (d) the failure to evict the other person or to subject that other person to any detrimental treatment in relation to the accommodation,

is contingent upon the other person's acceptance of or submission to sexual advances from the first mentioned person.

(3) A landlord shall not sexually harass a tenant in the course of providing, or offering to provide, whether as principal or agent, accommodation to the tenant.

(4) A tenant shall not sexually harass a landlord in the course of receiving accommodation from the landlord.

Real, personal, movable or immovable property.

8. A person shall not sexually harass another person in the course of transactions with that other person in relation to—

- (a) disposing of, or offering to dispose of real, personal, movable or immovable property to that other person;
- (b) acquiring, or offering to acquire real, personal, movable or immovable property from that other person; or
- (c) giving a licence or consent for the disposal of an estate or interest in real, personal, movable or immovable property.

Vocational training.

9. A person who, or an employee of an educational authority which, provides facilities for vocational training in order to

assist another person to become fit for employment, shall not subject that person to sexual harassment.

10. A member or an employee of an authority or of a body that is empowered to confer, renew, extend, revoke or withdraw an authorisation or qualification that is needed for or facilitates the practice of a profession, the carrying on of a trade or the engaging in an occupation, shall not subject to sexual harassment a person who applies for such an authorisation or qualification.

**Qualifying
Body.**

11. A member of an association shall not sexually harass another member of that association or a person seeking to become a member of that association.

Association.

12. A member of an organisation of workers, an organisation of employers, or any other organisation whose members carry on a particular profession, trade or activity for the purposes of which the organisation exists, shall not subject to sexual harassment any person who—

Organization.

(a) is a member of that organisation;

(c) has applied for membership of that organisation; or

(d) is a third party.

13. A person who operates an employment agency or an employee of an employment agency shall not sexually harass another person in the course of providing or offering to provide any of the agency's services to that other person.

**Employment
agency.**

14.-(1) An employer or a supervisor shall not sexually harass—

**Sexual
harassment in
employment,
partnerships
etc.**

(a) his employee;

- (b) a person who is seeking to become his employee; or
 - (c) a third party.
- (2) An employee shall not sexually harass—
 - (a) a fellow employee;
 - (b) a person who is seeking employment with the same employer;
 - (c) his employer or supervisor; or
 - (d) a third party.
- (3) A person shall not sexually harass—
 - (a) a commission agent or contract worker of the person;
 - (b) a person who is seeking to become a commission agent or contract worker of the person; or
 - (c) an employee.
- (4) A commission agent or contract worker shall not sexually harass a fellow commission agent or fellow contract worker.
- (5) A partner in a partnership shall not sexually harass another partner, or a person who is seeking to become a partner, in the same partnership.
- (6) A workplace participant shall not sexually harass another workplace participant at a workplace.

(7) An employer or supervisor shall not make it appear to an employee that—

- (a) the prospects or working conditions of that employee are contingent upon the employee's acceptance or tolerance of sexual advances from the employer or supervisor; or
- (b) the employee will suffer any form of disadvantage in connection with employment unless the employee accepts or is tolerant of sexual advances from the employer or supervisor.

Employer's
duty to
employee.

15.—(1) An employer shall make every reasonable effort to ensure that an employee and a third party is not sexually harassed during the course of employment or on the employer's premises.

(2) An employer who becomes aware, reasonably suspects or is informed of the commission of an act of sexual harassment which —

- (a) is directed towards an employee, a third party or any person with whom the employer has contracted to facilitate the operations of the place of employment; and
- (b) occurs during the course of employment or on the employer's premises, shall, subject to sub-section (4), take immediate and appropriate action to prevent the continuation of the conduct and deal with the sexual harassment.

(3) Action under sub-section (2) to protect an employee who alleges that he has been, or is being, sexually harassed at his workplace or who may reasonably be at risk of being harmed or victimized as a result of having made an allegation of sexual harassment at his workplace, may include—

- (a) transfer to another workplace;
- (b) granting leave to an employee for a period not exceeding three months, in addition to any leave to which the employee is otherwise entitled; or
- (c) such other relief as may be prescribed.

(4) An employee, a third party or any person with whom the employer has contracted to facilitate the operations of the place of employment who is aggrieved by the failure of an employer to act in accordance with sub-section (2), may seek to resolve his grievance through conciliation or mediation or by instituting proceedings before the Court.

(5) Where an employer referred to in sub-section (2) has reason to believe that the employee, third party or person with whom the employer has contracted to facilitate the operations of the place of employment has been raped or sexually assaulted in contravention of the Criminal Code Act, the employer shall immediately report the matter to the police.

CAP. 101.

(6) An employer who fails to comply with sub-section (5) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for term not exceeding one year or to both.

Liability for an act of sexual harassment.

16. An employer is liable for an act of sexual harassment committed by the employer's agent, supervisor and employee only if it is proven that—

- (a) the act of sexual harassment occurred during the course of employment;
- (b) the employer knew, or was informed of the commission of the act of sexual harassment; and

- (c) on becoming aware, or informed of the act of sexual harassment, failed to take immediate and appropriate steps to prevent the continuation of the conduct.

Institution.

17.-(1) A person who is a member of staff or in a position of authority at an institution shall not take any action which adversely affects the facilities or other opportunities available to a student, a resident, a ward, an inmate, a patient or a member, as the case may be, at or of the institution, who has instituted proceedings by way of a claim under this Act, or who has given testimony or otherwise participated in any investigation, procedure or hearing initiated under this Act.

(2) A person in charge of an institution or an employee of an institution shall not sexually harass-

- (a) a student, inmate, child, ward or patient or third party at the institution;
- (b) a person who is seeking admission to the institution; or
- (c) another employee or member of staff of that institution.

(3) A student, resident, ward, inmate, patient or a member of an institution shall not sexually harass-

- (a) another student, resident, ward, inmate, patient, member or third party of the institution;
- (b) a person seeking admission to the institution; or
- (c) another employee or member of staff of that institution.

(4) A person in charge of an institution who becomes aware, reasonably suspects or is informed of the commission of an act of sexual harassment which is directed towards a student, inmate, child, ward or patient or third party at the institution shall, subject to sub-section (6), take immediate and appropriate action to prevent the continuation of the conduct and deal with the sexual harassment.

(5) A person who is aggrieved by the failure of a person in charge of an institution to act in accordance with sub-section (4) may seek to resolve his grievance by lodging a complaint with the Commissioner of Police under Part IV.

(6) Where a person in charge of an institution who is referred to in sub-section (4) has reason to believe or ought reasonably to believe that the student, inmate, child, ward, patient or third party has been raped or sexually assaulted in contravention of the Criminal Code Act, the employer shall immediately report the matter to the police.

(7) A person in charge of an institution who fails to comply with sub-section (6) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for term not exceeding one year or to both.

**Educational
institution.**

18.—(1) A person that is a member of staff of an educational institution shall not sexually harass a student of another educational institution if, in the course of his employment, that member of staff is in charge of or interacting with the student.

(2) A student of an educational institutional shall not sexually harass any of the following persons while interacting with those persons in activities relating to being a student at the educational institution—

(a) a person who is a student at another educational institution;

- (b) a member of the staff of another educational institution; or
- (c) a third party.

Victimisation
as a result of a
complaint.

19.—(1) A person shall not victimise another person by subjecting or threatening to subject another person to any detriment—

- (a) on the ground that the second-mentioned person—
 - (i) has made, or proposes to make, a complaint under this Act;
 - (ii) has furnished, or proposes to furnish, any information, or has produced, or proposes to produce, any document to a person exercising or performing any power or function under this Act;
 - (iii) proposes to provide evidence or testimony as a witness in proceedings this Act; or
 - (iv) has made in good faith an allegation that a person has engaged in conduct prohibited under this Act; or
- (b) on the ground that the first-mentioned person believes that the second-mentioned person has done, or proposes to do, an act or thing referred to in paragraph (a)(i) to (iv).

(2) A person who contravenes sub-section (1) commits an offence and is liable on summary conviction to a fine not

exceeding five thousand dollars or to imprisonment for a term not exceeding one year or both.

Pressure
to engage
in sexual
harassment.

20.—(1) A person shall not induce or attempt to induce another person to engage in sexual harassment by –

- (a) providing or offering to provide that other person with any benefit; or
- (b) subjecting or threatening to subject that other person to any detriment.

(2) An act falls within sub-section (1) if it is made in such a manner that the person in question is likely to hear it or hear of it.

(3) A person who contravenes sub-section (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for term not exceeding one year or to both.

PART IV

Procedure For Hearing Complaints

Complaint.

21.—(1) A person who alleges that—

- (a) he is being, or has been, sexually harassed or subjected to sexual harassment in any of the circumstances covered in sections 6 to 14, 17 or 18; or
- (b) another person is engaging or has engaged in sexual harassment in any of the circumstances covered in sections 6 to 14, 17 or 18,

may lodge a written complaint with the employer or person in charge of an institution, as the case may be, setting out the details of the alleged sexual harassment.

(2) Subject to sub-sections (10), (11) and (12), a complaint referred to in sub-section (1) shall be lodged within a period of eighteen months from the date of the alleged act of sexual harassment to which the complaint relates, and in the case of a series of acts of sexual harassment, within a period of eighteen months from the date of the last alleged act of sexual harassment.

(3) Where a sexual harassment claim is lodged with an employer or person in charge of an institution under sub-section (1), the employer or person in charge of the institution shall—

- (a) as the case may require, within two days of receipt of the sexual harassment claim, notify the person who is a member of staff or in a position of authority or the student, resident, inmate, ward, patient or member, who is the subject of the sexual harassment claim, either in writing or electronically of the sexual harassment claim; and
- (b) commence an investigation into the particulars of the sexual harassment claim, within fourteen days of the sexual harassment claim being lodged and complete the investigation without delay.

(4) Where, upon investigating a complaint, the employer or person in charge of an institution finds that—

- (a) there is no evidence of sexual harassment, the employer or person in charge of an institution shall inform the complainant in writing and shall give its reasons therefor, and no further action shall be taken by the employer or person in charge of an institution;

(b) there is evidence of sexual harassment, the employer or person in charge of an institution, shall refer the complainant and respondent to conciliation or mediation; or

CAP. 101.

(c) there is evidence that the complainant may have been raped or sexually assaulted by the respondent in contravention of the Criminal Code, the employer or person in charge of an institution shall immediately report the matter to the police.

(5) If the complainant and the respondent agree to settle the complaint by recourse to conciliation or mediation, the complainant and the respondent shall agree on the conciliator or mediator, as the case may be.

(6) Where the employer or person in charge of an institution is of the opinion that it is inappropriate for a complaint to be settled by recourse to conciliation or mediation on the grounds—

CAP. 101.

(a) that the complainant may have been raped or sexually assaulted by the respondent in contravention of the Criminal Code; or

(b) of the hierarchical relationship or power differential between the complainant and the respondent,

the employer or person in charge of an institution shall, in writing, inform the parties to the complaint of its opinion.

(7) Proceedings of the conciliation or mediation and positions taken by the complainant and the respondent during those proceedings shall be confidential and without prejudice to the rights of the complainant and the respondent in further proceedings, and evidence of anything said or done in the

course of those proceedings is not admissible in proceedings before the Court.

(8) Where a complaint has been settled by conciliation or mediation, the settlement shall be embodied in a written agreement and registered with the Court and, upon registration, the agreement shall be deemed to be an order of the Court.

(9) If the complainant and the respondent cannot settle the complaint by conciliation or mediation, the complainant, or the Commissioner of Police, with the consent and on behalf of the complainant, may initiate proceedings before the Court.

(10) Subject to this section, the Court may hear a complaint made by an employee that his employer has failed to act in accordance with section 15(1).

(11) An employer or person in charge of an institution may accept a complaint lodged after expiration of the period referred to in sub-section (2) if he—

- (a) considers the reasons for the delay to be reasonable; and
- (b) is satisfied that the complainant initiated action pursuant to sub-section (12) within the period stated in sub-section (2).

(12) A person, before lodging a complaint under sub-section (1), shall exhaust the use of any internal mechanisms and procedures that are made available to the person, as provided for in the policy statement issued by the employer or the person in charge of the institution, in accordance with section 4.

(13) Notwithstanding sub-sections (11) and (12), the employer or person in charge of an institution may accept a complaint lodged after the expiration of the period referred to in sub-section (2) if he is satisfied that the complainant has—

- (a) shown cause as to why the complainant reasonably believes that the complainant's rights may be prejudiced if the complainant complies with sub-section (12); or
- (b) provided evidence to show that internal mechanisms and procedures, or adequate internal mechanisms and procedures, have not been made available to the person as is required under section 4.

(14) A person aggrieved by the failure of an employer or person in charge of an institution to act in accordance with sub-section (3), may make a complaint to the Court.

Making of complaint against employer or person in charge of an institution.

22. Notwithstanding the provisions of section 21, where an allegation of sexual harassment in any of the circumstances covered in sections 6 to 14, 17 or 18 is made against an employer, a person who is in charge of an institution, or a person who is not employed by another person, the complainant may make a complaint directly to the Court.

Discontinuation of complaint.

23. An employer, person in charge of an institution, a conciliator, a mediator or the Court may decide against commencing proceedings, or may discontinue proceedings, in relation to a complaint, where the employer, person in charge of an institution, conciliator, mediator or the Court, as the case may be, is satisfied that—

- (a) the complainant does not wish that the proceedings be commenced or continued; or

- (b) the complaint is frivolous, misconceived, lacking in substance or vexatious.

Hearing of
complaint.

24.—(1) Where the Court decides to hear and determine a complaint, the Court shall give a written notice of the complaint and the date, time and place of the hearing to the parties to the complaint.

(2) In hearing a complaint under this Act—

- (a) the Court may request the production of documents or any other information or thing from any person who the Court has reasonable grounds to believe can assist in determining whether an act of sexual harassment has been committed;

(b) the Court may—

- (i) issue summonses to compel the attendance of witnesses at the hearing; and
- (ii) examine witnesses on oath, affirmation or otherwise at the hearing.

(3) A person commits an offence, who—

- (a) fails without reasonable excuse to comply with a requirement of the Court or a summons under sub-section (2);
- (b) destroys or alters, or causes to be destroyed or altered, any document, or other matter or thing required to be produced under sub-section (2); or
- (c) furnishes to an employer, person in charge of an institution, a conciliator, a mediator, or the

Court, any information, or makes a statement at an inquiry, knowing that the information or statement is false or misleading.

(4) A person who commits an offence under sub-section (3) is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding one year or both.

Findings of Court.

25.—(1) Where after a hearing under section 24, the Court finds that—

- (a) the complainant's allegations are substantiated; or
- (b) the complaint is frivolous, misconceived, lacking in substance or vexatious, it shall make an appropriate award or order specified in sub-section (2).

(2) The Court, pursuant to sub-section (1), may—

- (a) dismiss the complaint;
- (b) order that the complainant pay the costs incurred by the Court and those of the respondent; or
- (c) find in favour of the complainant and make any one or more of the following awards or orders—
 - (i) that the respondent has engaged in conduct amounting to a contravention of a provision of Part III and shall not repeat or continue the sexual harassment;
 - (ii) that the respondent shall perform any reasonable act or course of conduct to

- redress any loss or damage suffered by the complainant;
- (iii) that the respondent shall pay damages to the complainant by way of compensation for any loss or damage suffered by reason of the conduct of the respondent;
 - (iv) that where the complaint relates to sexual harassment by a fellow employee, that the employer shall take appropriate action to ensure that the sexual harassment cease, and to report to the Court on the action taken;
 - (v) that the respondent pay the legal fees and any other costs of the complainant;
 - (vi) that it would be inappropriate for any further action to be taken in the matter; or
 - (vii) any other award, order, direction or declaration as may be appropriate having regard to all circumstances surrounding the complaint.

(3) The Court may, in the making of an award under sub-section (1)(b), take into consideration injury to the complainant's feelings, or humiliation suffered by the complainant.

(4) Where the Court makes an award by way of a direction for the payment of compensation to the complainant, the sum so payable may be recovered by the complainant, summarily in a Summary Jurisdiction Court, without limit of amount, as a civil debt.

(5) A person who fails to comply with an order of the Court made under this section commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding one year or both.

Offence of false complaint.

26.—(1) A person shall not make any false complaint against another person for an alleged contravention of any provision of this Act.

(2) A person who knowingly makes a false sexual harassment claim or a false complaint commits an offence.

(3) A person who contravenes sub-section (2) commits an offence and is liable on summary conviction to a fine not exceeding fifteen thousand dollars or to imprisonment for a term not exceeding one year.

Agreement.

27.—(1) If, at any stage after the filing of a sexual harassment complaint and before the commencement of a hearing by the Court, an agreement is made between the complainant and respondent, they shall notify the Court, in writing, of the terms of the agreement and the Court may permit the complaint to be resolved in accordance with the terms of the agreement and request that the complainant, in writing, confirm his withdrawal of the complaint.

(2) In this section “agreement” includes a conciliation or a mediation agreement.

Confidentiality.

28.—(1) Subject to sub-sections (3) and (4), a person who has an official duty to administer this Act shall not, either directly or indirectly—

- (a) divulge or communicate to any person, any information relating to the affairs of another person acquired by that person as a result of his or her office for the purposes of this Act;

- (b) make use of any such information as is mentioned in paragraph (a); or
- (c) produce to any person a document relating to the affairs of another person given for the purposes of this Act.

(2) A person who contravenes sub-section (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding one year or both.

(3) Sub-section (1) shall not prevent a person from being required, for the purposes of or under any enactment, to divulge or communicate information, or to produce a document, that is required or permitted by that enactment to be divulged, communicated or produced.

(4) This section shall not prohibit a person from—

- (a) making a record of information for the purposes of exercising a function under this Act or any other law in force in Belize; or
- (b) divulging or communicating information, or producing a document that is required or permitted by any law to be divulged, communicated or produced, if the information is divulged or communicated, or the document is produced, for the purposes of or under that law.

(5) A defendant bears the burden of proof in relation to a matter in sub-section (3).

(6) In this section, “produce” includes permit access to.

(7) The obligation as to secrecy and confidentiality imposed under sub-section (1) shall continue to apply to a person despite the person having ceased to have an official duty, be employed or otherwise concerned in the administration of this Act.

Publication
of Court
proceedings.

29.—(1) Subject to sub-section (2), a person shall not publish—

- (a) a report of any proceedings of the Court under this Act unless that person has been first granted leave of the Court; or
- (b) a conciliation or mediation agreed without the consent of the other party to the agreement.

(2) The Court may direct that—

- (a) any evidence given before it;
- (b) the contents of any document produced to it; or
- (c) any information that might enable a person who has appeared before it to be identified,

shall not be published or shall be published only in such manner, and to such person, as the Court may specify.

(3) A person who contravenes sub-section (1) commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or both.

Appeal.

30.—(1) A person aggrieved by a decision of or any power exercised by the Court may, within twenty-eight days of the decision, appeal to the Court of Appeal against that decision in such form and manner as may be provided by rules of court.

(2) The Court of Appeal may make such order in relation to an appeal under sub-section (1) as it thinks fit.

PART IV

Miscellaneous

Registers.

31.—(1) An employer or person in charge of an institution shall maintain or cause to be maintained, a register containing the following information in respect of every sexual harassment claim received by him—

- (a) the name of the parties to the complaint;
- (b) the particulars of the complaint;
- (c) the date on which the complaint was received;
- (d) the findings;
- (e) any action taken by the employer or person in charge of the institution in relation to the complaint;
- (f) such other particulars relating to the complaint as may be prescribed.

(2) An employer or person in charge of an institution shall ensure that the information contained in the register is kept in a secure manner and that the confidentiality of the information is preserved, and shall –

- (a) take all necessary and appropriate measures to protect the information contained in the register from unauthorized access, unauthorized use and unauthorized disclosure; and
- (b) ensure that any person who has access to the register adheres to the measures referred to in paragraph (a), at all times.

(3) No person shall disclose information which is recorded in a register, in relation to a complaint, unless the disclosure is made with lawful authority.

(4) Pursuant to sub-section (3), a disclosure is made with lawful authority only if, and to the extent that—

- (a) the disclosure is made to a party to the complaint upon his request;
- (b) the disclosure is made to an employer or person in charge of an institution or the Court, where a complaint is referred to the employer, person in charge of an institution or the Court, as the case may be;
- (c) the disclosure is made for the purposes of, and is necessary for, the discharge of any function under this Act or any other relevant enactment; or
- (d) the disclosure is made for the purposes of any proceedings, whether criminal or civil and whether arising under or by virtue of this Act or otherwise.

(5) A person who knowingly or recklessly discloses information kept in a register in contravention of sub-section (3) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding one year or both.

(6) The information in a register shall be kept for a period of eight years.

Annual surveys.

32.—(1) The Minister shall—

- (a) in each calendar year, cause a survey on sexual harassment in workplaces and institutions to

be conducted through the interviewing of employers, employees, persons in charge of institutions, students, wards, inmates, members of civil society organisations and other organisations that deal with sexual harassment and such other persons as the Minister thinks fit or through the filling out and submission of questionnaires by any of those persons;

- (b) cause a report containing the results of each survey to be laid in both Houses of the National Assembly before 30th June in the following year; and
- (c) cause a copy of each report referred to in paragraph (b) to be forwarded to the Labour Commissioner who shall consider the report and submit such policy recommendations as the Labour Commissioner thinks fit to the Minister in writing.

(2) The Minister may designate such persons as the Minister thinks fit, including persons who are authorised under any other enactment to inspect workplaces or institutions, as authorised officers for the purposes of conducting surveys referred to in sub-section (1).

(3) Persons designated as authorised officers shall undergo the requisite training to assist them in the carrying out of their functions under this section.

(4) An authorised officer shall be furnished with a certificate of designation.

(5) An authorised officer in performing any functions under this section, shall produce his certificate of designation.

(6) An authorised officer may, with the consent of the

occupier or on the authority of a warrant, enter any workplace, institution or other premises, other than a private residence or dwelling house during normal working hours for the purposes of conducting interviews or requiring persons to fill out and submit questionnaires.

(7) An authorised officer shall give an occupier at least forty-eight hours' notice of his intention to visit the premises of the occupier pursuant to this section.

(8) A person who –

- (a) wilfully obstructs or assaults an authorised officer in performance of his functions under this section; or
- (b) fails, without reasonable excuse, to comply with a lawful request made by an authorised officer to fill out and submit a questionnaire,

commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding one year or both.

Annual reports
and review of
Act.

33.–(1) Every employer and every person in charge of an institution shall, in respect of each calendar year, cause to be prepared a report on–

- (a) the incidence of sexual harassment at his workplace or institution, as the case may be; and
- (b) the implementation of this Act,

and shall forward a copy of the report to the Administrator before 31st March in the following year.

(2) The Administrator shall, in respect of each calendar year, cause to be prepared a report on–

- (a) the incidence of sexual harassment at workplaces and institutions; and
- (b) the implementation of this Act,

and shall, before 30th June in the following year, forward a copy of the report to the Minister and to the Minister responsible for labour.

(3) An annual report under sub-section (1) or (2) shall contain separate statistical information in respect of workplaces and institutions and shall include statistical information on—

- (a) the number of complaints;
- (b) the different types of sexual harassment alleged in complaints;
- (c) the sex, gender, age, relationship status, sexual preference, gender identity, religious belief, colour, race, national or ethnic origin and disabilities of complainants and respondents; and
- (d) the outcome of complaints,

but shall not disclose the identity of any party, witness or other person involved in any case.

(4) The Minister shall, as soon as practicable after receiving a report under sub-section (2), cause the report to be laid in the National Assembly.

(5) The Minister responsible for labour shall consider each report forwarded to him under sub-section (2) and submit such policy recommendations as he thinks fit to the Minister in writing.

(6) This Act shall be reviewed from time to time by a committee of the National Assembly appointed for that purpose.

(7) The first review under sub-section (6) shall be conducted not later than eighteen months after the date of commencement of this Act.

Standard of proof.

34. A question of fact arising in any proceedings under this Act, other than criminal proceedings, shall be decided on a balance of probabilities.

Regulations.

35.—(1) The Minister may make Regulations for the effective implementation of this Act.

(2) Regulations made under sub-section (1) shall be subject to affirmative resolution.

Designation of authorised officers.

36.—(1) The Minister may designate persons being field officers attached to the Ministry, as authorized officers for the purposes of ensuring the proper observance and compliance with the provisions of sections 3 and 4.

(2) A person designated as an authorized officer shall undergo the requisite training to assist the Ministry in the carrying out of its functions under this Act.

(3) An authorized officer shall be furnished with a certificate of designation.

(4) An authorized officer in performing any functions or exercising any powers under this section, shall produce the certificate of designation.

(5) For the purposes of carrying out the functions under sub-section (1), an authorized officer may—

- (a) with a warrant, enter any place of employment or institution, in order to ascertain whether the provisions of sections 3 and 4 are being complied with;
- (b) inspect any place of employment or institution to ensure compliance with the provisions of sections 3 and 4; or
- (c) inspect and take copies of documents and other information or require any person at a place of employment or an institution, to provide such information as may be reasonably required, for the enforcement of the provisions of this Act.

(6) Sub-section (5)(c) shall not apply to any documents or other information that is protected by legal professional privilege.

(7) A person who—

- (a) wilfully obstructs or assaults an authorized officer in the exercise of any function or power under this Act; or
- (b) fails to comply with a lawful request made by an authorized officer,

commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding twelve months.

(8) An authorized officer, on finding that an employer or person in charge of an institution is not in compliance with section 3 or 4, may issue a direction setting out the terms of compliance, and the time, not being more than thirty days, within which the employer or person in charge of the institution shall comply with the direction.

(9) An employer or person in charge of an institution who fails to comply with a direction issued under sub-section (8), commits an offence and is liable on summary conviction to a fine not exceeding fifteen thousand dollars.

Act binds the Crown.

37. This Act binds the Crown.

Administrator and functions.

38.—(1) The Ministry responsible for human development shall Administer this Act.

(2) The Administrator shall perform the following functions—

- (a) to formulate policy or issue guidelines relating to the prevention or awareness of sexual harassment;
- (b) to promote any activity including to request any person to display any notice at any place relating to the prevention or awareness of sexual harassment;
- (c) to administer any matter relating to the prevention or awareness of sexual harassment; and
- (d) to carry out any other functions for the betterment and proper implementation of this Act.

(2) The Administrator shall have all such powers as may be necessary for, or in connection with, or incidental to, the performance of its functions under this Act.

Repeal.
CAP. 107.

39.—(1) The Protection Against Sexual Harassment Act is repealed.

(2) Notwithstanding the repeal of the Protection Against Sexual Harassment Act, nothing in this Act shall affect any proceedings taken or a right which has accrued or a liability which has been incurred under the repealed Act.

SCHEDULE*[section 4]***1. Purpose**

- 1.1 It is the policy of [] to provide an environment free from harassment of any kind and for any reason, whether because of sex, gender, age, relationship status, sexual preference, gender identity, religious belief, colour, race, creed, national or ethnic origin, disability, or any other factor or relevant circumstance.
- 1.2 An employee and any third party or person on the premises of [] is entitled to work, provide services or be in an environment free of sexual harassment.
- 1.3 Sexual harassment violates an individual's fundamental rights and personal dignity, it is unlawful, and will not be tolerated by [].
- 1.4 When [] determines that an allegation of sexual harassment is credible, it will take prompt and appropriate corrective action.

2. Definition

- 2.1 Sexual harassment is unwanted or unwelcomed conduct of a sexual nature by a person who knows, or reasonably should know, that the conduct is unwanted or unwelcomed by the person to whom it is directed.
- 2.2 Sexual harassment encompasses a wide range of inappropriate conduct or acts, under the law but in addition to the conduct or acts prohibited under the law other examples of specifically prohibited conduct by [] include –
 - (a) promising, directly or indirectly, a person a reward if the person complies with a request of a sexual nature;

- (b) threatening, directly or indirectly, to retaliate against a person if the person refuses to comply with a request of a sexual nature;
- (c) denying, directly or indirectly, a person an opportunity if the person refuses to comply with a request of a sexual nature
- (d) engaging in sexually suggestive physical contact or touching or grabbing of another person in a way that is unwelcome;
- (e) repeatedly standing too close to or brushing up against a person;
- (f) engaging in explicit language, sexually suggestive gestures, or indecent exposure;
- (g) making sexual or romantic advances toward a person and persisting despite the person's rejection of the advances;
- (h) sexual pranks, or repeated sexual teasing, jokes, or innuendo, in person or via e-mail or other electronic means;
- (i) verbal abuse of a sexual nature;
- (j) repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (A [Supervisor/Director/Manager] in particular should be careful not to pressure an employee or third party on the premises of [] to socialise);
- (k) giving gifts or leaving objects that are sexually suggestive;

- (l) repeatedly making sexually suggestive gestures;
 - (m) making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;
 - (n) off-duty, unwelcome conduct of a sexual nature that affects the [work/school] environment;
 - (o) deliberately creating an overall offensive environment, including use of vulgar language, displaying, storing, or transmitting sexually explicit photographs or other materials, and the telling of sexual stories.
- 2.3 Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own may not be sexually harassing.
- 2.4 Certain behaviours, such as conditioning promotions, awards, grades, training or other benefits upon acceptance of unwelcome actions of a sexual nature, are always wrong and prohibited by []
- 2.5 An [employee/a ward/inmate/student] is prohibited from harassing another [employee/ ward/ inmate/student] or third party whether or not the incidents of harassment occur on [] property and whether or not the incidents occur during [working] hours.
- 2.6 The victim can be of the same sex as the harasser. The harasser can be a [Supervisor/Director/Manager/Teacher], another [employee, or a non- employee/ ward/ inmate/ student] or third party who has a business relationship with [] or may be on the premises of [].
- 2.7 Although sexual harassment typically involves a person in a greater position of authority as the harasser, a person in

a position of lesser or equal authority may also be found responsible for engaging in prohibited sexual harassment.

- 2.8 Consensual sexual or romantic relationships between [employees] are deemed unwise and are strongly discouraged by [] in particular if one [employee] has supervisory authority over the other [employee].

3. [Employees'/Students'/ Wards/ Inmates'] Rights and Responsibilities under this Policy.

- 3.1 All incidents of sexual harassment or inappropriate sexual conduct should be reported by an employee or third party regardless of their seriousness.

- 3.2 If an [employee/a student/ ward/ inmate] or a third party believes that he or she has been subjected to sexual harassment or any unwanted or unwelcome sexual comment, conduct, innuendo, gesture, contact, advance or attention by anyone (e.g., a co-worker or other person), he or she should–

1. Make his or her unease and/or disapproval directly and immediately known to the alleged harasser orally or in writing that such conduct is unwelcome and offensive and must stop; and
2. Report the incident immediately to the [Supervisor/ Director/Manager/Dean]. If the [Supervisor/ Director/Manager/Dean] is responsible for the sexual harassment, report the conduct to the [Assistant Supervisor/Assistant Director/Assistant Manager/ Assistant Dean/President/Board]

- 3.3 If the person does not wish to communicate directly with the offending person, or if such communication has been ineffective, the person is encouraged to report the unwelcome conduct as soon as possible to a responsible [Department]

official. It is usually most effective, although it is not required, that the official be within the person's supervisory chain. Responsible Department officials include first-or second-line supervisors, the offending person's supervisor, the management officers, the [Director/Manager/ Executive Director] or [Assistant Director Assistant Manager/ Assistant Supervisor or President/Board].

- 3.4 A person should feel free to raise concerns and make a report without fear of reprimand.
- 3.5 Alleging harassment without following the reporting procedures may be considered evidence of a malicious intent on the part of the complainant.
- 3.6 The privacy of the complainant and of the respondent must be maintained and all information must be kept strictly confidential.
- 3.7 A person shall not retaliate against or victimise an employee or third party for filing a complaint of sexual harassment or for cooperating in an investigation of a sexual harassment complaint;
- 3.8 The person shall not make a false complaint of sexual harassment.

4. [Employer's] Responsibilities under this Policy

- 4.1 If [] 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.
- 4.2 [] is committed to take action if it learns of possible sexual harassment, even if the individual does not wish to file a formal complaint.

- 4.3 All complaints will be promptly and carefully investigated by the administration, and all employees are assured they will be free of any and all reprisal or retaliation from filing such complaints
- 4.4 An administrative investigation will include interviews with all relevant persons, including the complainant, the respondent and other potential witnesses. In determining whether an alleged conduct constitutes sexual harassment, the record as a whole and the totality of the circumstances, such as the nature of sexual advances and the context in which the alleged incidents occurred will be examined. A determination of appropriate action will be made from the facts, on a case-by-case basis.
- 4.5 The administration will review the finding with the complainant and the respondent at the conclusion of its investigation. Findings of fact will be based on a balance of probabilities and not on the basis of proof beyond reasonable doubt. The respondent will not be presumed innocent until proven guilty.

If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action, up to and including discharge, will be taken to stop the harassment and prevent its reoccurrence. If the validity of the complaint cannot be determined, immediate and appropriate action will be taken to assure all parties are reacquainted with the sexual harassment policy and to avoid sexual harassment in the future.

Any finding can be appealed to the [] using the existing [grievance/disciplinary] policy.

- 4.6 If a complaint involves a member of the administration, then a written request should be made to the [Chairman of the Board] to establish a [Committee] to investigate the complaint.

4.7.1[] will develop and keep under review its internal policies and procedures to ensure that –

- (a) there are multiple, easily accessible personnel and facilities for making complaints, for providing counselling to complainants and, where appropriate, for settling complaints by means of conciliation;
- (b) adequate guidance is provided with respect to the timelines for making, responding to, investigating and determining complaints with a view to promoting the expeditious handling of complaints;
- (c) as far as practicable, adequate interim measures are taken to keep complainants and respondents apart and to minimise their interaction, pending the settlement or determination of complaints; and
- (d) investigations are fair and are conducted by persons who are adequately trained to investigate complaints of sexual harassment.

4.7.2[] will ensure that personnel, including members of any committee, designated to receive complaints are adequately trained to respond to complaints of sexual harassment.

4.8 Prevention is the best tool for the elimination of sexual harassment. [] and the administration express strong disapproval of any acts that can be construed as an act of sexual harassment of any [person/employee] or third party on the premises of []. (This includes inappropriate jokes, displays of posters, etc.)

4.9 [] will periodically promote education, training and awareness among [employees / students / wards / inmates] on matters relating to sexual harassment.

5. Resolution

- 5.1 An employee often can stop or prevent sexual harassment by immediately and directly expressing his or her disapproval of an individual's sexually oriented attention or conduct. In many cases, an informal warning by the [Director/Manager] to an alleged harasser, combined with appropriate follow-up supervision and monitoring of the employee's behaviour might be sufficient to prevent or stop sexual harassment. If the employee is uncomfortable addressing the [Director], the [Board] may be approached directly.
- 5.2 If this approach does not stop the sexual harassment, a thorough and impartial investigation of all complaints will be conducted in a timely and appropriate manner. The investigation will be conducted by the [Director, Manager/ Executive Director/ Assistant Director, or the employee's immediate supervisor].
- 5.3 An [employee] of [] who has been found to have sexually harassed another [employee], third party or visitor/patron of [] will be subject to disciplinary action up to and including termination.
- 5.4 An employer who has made a false complaint of sexual harassment shall be subject to disciplinary action up to and including termination.

6. Confidentiality

- 6.1 All inquiries, complaints and investigations are treated with confidentiality. Information is revealed strictly on a need-to-know basis. However, the identity of the complainant usually is revealed to the respondent and witnesses.
- 6.2 An [employee], a third party or other individual contacted in connection with a complaint will be counselled that any information pertaining to the complaint must be held in confidence.

7. Monitoring, Evaluation and Annual Reports

- 7.1 All complaints will be documented and thoroughly archived for the purposes of monitoring and evaluation.
- 7.2 [] will prepare an annual report on the incidence of sexual harassment. The annual report will include statistical information on the number of complaints and the outcome of complaints, but will not disclose the identity of any party, witness or other person involved in any case.
- 7.3 Each annual report will be brought to the attention of all [employees / students / wards / inmates] and will be made available for inspection or copying on request.