

Eye of the Child

Non Discrimination Policy

1998

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Eye of the Child Non Discrimination Workplace Policy

1.0 Preamble

The establishment of non discrimination policy assures all employees and clients that the Eye of the Child is committed to prevent any incident of discrimination at the organisation. The management has a legal responsibility to address complaints of discrimination in the workplace, as well as complaints of discrimination between staff members and other outside parties doing business with the organisation.

The Eye of the Child strives to create and maintain a work environment in which people are treated with dignity, decency and respect. For this reason, the Eye of the Child has a zero tolerance policy regarding harassment or discrimination of any kind.

All individuals, associated with, or employed by, Eye of the Child, are covered by and are expected to comply with this policy.

Hereinafter the term "individual" shall mean all persons associated with, or employed by, Eye of the Child.

Appropriate disciplinary action will be taken against any individual who violates this policy up to and including termination as administered by the organisation code of conduct.

The discrimination of any individual because of race, colour, gender, sexual orientation, religion, national origin, ancestry, age, marital or parental status, disability or other status protected under the laws of Malawi is strictly prohibited and will not be tolerated.

2.0 Policy on Diversity

The organisation believes that the diversity of its staff contributes to excellence in its areas of work and management. In order to obtain the full benefits of this diversity, the organisation will fully respect the dignity of all staff members, their beliefs, feelings, and private life, without distinction, exclusion, or preference based on race, national or social origin, religion, political affiliation, gender, or any other form of personal identity that could annul or alter equal opportunities or treatment at work.

The organisation will encourage, through its recruitment, compensation and professional advancement policies, the creation and development of a work environment oriented by the principles of gender and diversity equity and pluralism that:

- is hospitable and supportive to all staff members;
- stimulates their fullest productivity and job satisfaction;

- recognizes and harnesses their diverse skills, perspectives, and pools of knowledge and experience;
- ensures that all staff members have equal opportunities for career development and advancement, and
- recognizes the different constraints faced by men and women and seeks to change the distribution of those constraints.

The organisation will monitor the implementation of the gender and diversity staffing policies on a continuous basis in order to assess change and assure accountability.

3.0 Policy on recruitment and appointment

The paramount consideration in the appointment, transfer, and promotion of staff shall be the necessity for securing the highest standards of efficiency, competence, and integrity available through competition.

Furthermore, the organisation is an equal opportunity employer. It is the policy of the organisation to apply consistent and fair recruitment and appointment practices to ensure that employees in the organisation, as well as external candidates, regardless of gender, ethnicity or any other form of personal identity, have equal opportunity for job openings or promotions. All vacant positions will be made known to the staff at the start of the recruitment process.

Recruitment and appointment in the organisation is based on the principle of open competition on merit, the basic elements of which include:

- vacancies should be publicized to provide potential candidates with every reasonable opportunity to apply;
- special efforts should be made to encourage applications from groups that might otherwise be underrepresented in the recruitment process;
- selections should be made impartially under processes that will neither discriminate nor unduly favour candidates on the basis of race, national or social origin, religion, political affiliation, gender or any other form of personal identity, nor on physical disability not relevant to the assignment, age, marital status, or family size; and
- ranking should be done on the basis of the highest standards of efficiency, competence, integrity, professional qualifications, and appropriate experience to carry out (organisations) objectives.

4.0 Policy on Promotion

The organisation seeks to provide its staff with opportunities for professional growth and advancement. At the same time, however, the nature of the organisation's work requires that it appoint the best qualified individual to each position.

All newly created or vacant positions will be announced internally and externally and filled in accordance with the standard recruitment procedures. Staff members who feel that they are qualified for any announced opening are encouraged to apply, especially if the open position represents an opportunity for career advancement. Generally, staff should have completed at

least one year in a position at the next lower grade.

In the event the description of a specific existing position is amended, an evaluation of the position will be conducted to determine if the amendment justifies an upgrade to the next salary level. The incumbent of such a position determined to be at a higher level will be considered for promotion only if his/her overall performance during the immediately preceding two assessment periods was rated “fully effective” or better.

The salary of a staff member promoted to a new or reclassified position will be adjusted to the minimum of the new grade or increased by 10%, whichever is greater.

5.0 Policy on Performance management

Eye of the Child will administer a system of performance management that has the following elements:

- an annual work plan for each staff member, drawn up and agreed to by employee and supervisor and including measurable objectives for the year;
- a mid-year review and possible adjustment of the work plan by employee and supervisor;
- a final review of the work plan and assessment of the employee’s performance by the supervisor, followed by a meeting with the employee to discuss performance issues, career development plans, and preparation of a work plan for the subsequent year;
- an opportunity for the employee to comment in writing on the evaluation; and
- a review of the assessment by higher authority to ensure equity and consistency in the use of the ratings across the organisation.

6. 0 Career development policy

The organisation will determine and create opportunities that will best aid the staff member in increasing his/her skills and knowledge in preparation for advancement within the organisation.

Opportunities will include formal and informal training, attendance at conferences and workshops, project leadership, chairing committees, and special assignments to utilize unusual talents.

The organisation encourages staff to take an active part in their own career development by proposing participation in appropriate development activities.

7.0 Sexual Harassment policy

As part of this policy, sexual harassment of any individual is strictly prohibited and will not be tolerated.

Any unwelcome verbal or written comments of a sexual nature (e.g. jokes, innuendos, or slurs), physical conduct (e.g. touching or gesturing), unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature shall be considered sexual harassment which violates this policy and shall subject the offender to appropriate

disciplinary action, up to and including termination when:

1. Submission to such conduct is made either explicitly or implicitly a condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a factor in any decision affecting the individual's employment, including but not limited to any decision related to advancement, performance assessment, compensation, assignments, schedules, discipline and termination; or
3. Such conduct interferes with an individual's employment or creates an intimidating, hostile, or offensive employment environment.

It is a policy of Eye of the Child that any unwelcome verbal or written comments or physical conduct of a hostile or offensive nature based on a person's race, colour, religion, sexual orientation, national origin, ancestry, age, marital or parental status, disability, or other status protected under Malawi law shall also be considered harassment which violates this policy and shall subject the offender to appropriate disciplinary action, up to and including termination, when such conduct interferes with an individual's employment or creates an intimidating, hostile, or offensive work environment.

Any individual who believes that he or she has been the subject of any form of harassment and/or discrimination by any other individual or outside party engaged in business with Eye of the Child should, and is encouraged to, file a verbal or written complaint with the (*designated staff member*) or (*alternate staff member*) immediately. However submitted, the individual filing the complaint must provide the name of the alleged harasser, and specific allegations and witnesses, if any, for further processing of the complaint to occur.

If a supervisor or manager becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an individual coming forward, the supervisor or manager is required to immediately report it to (*designated staff member*).

The (*designated staff member*) will conduct a prompt and thorough investigation of the alleged incident or behaviour named in the complaint to the extent possible, and appropriate corrective action will be taken if warranted. To the extent consistent with adequate investigation and appropriate corrective action, any complaints of harassment or discrimination will be treated as confidential.

Any individual found to have engaged in any form of harassment and/or discrimination will be disciplined as appropriate, up to and including discharge. Disciplinary action may also be taken against any individual who fails to cooperate fully and honestly in the investigation of a complaint of harassment or discrimination, or who files a complaint of harassment or discrimination in bad faith. Founded claims of any form of harassment or discrimination by contractors, vendors, or other outside parties doing business with Eye of the Child will be dealt with appropriately.

The Eye of the Child will not in any way retaliate against an individual who, in good faith, makes a complaint or report of harassment or discrimination, or participates in the

investigation of such a complaint or report. Retaliation against any individual for reporting a claim of harassment or discrimination in good faith, or cooperating in the investigation of a claim of harassment or discrimination will not be tolerated and will itself be subject to appropriate discipline, up to and including termination.

8.0 Policy on Maternity and Paternity leave

Female staff members are entitled to a paid maternity leave of 90 working days. The leave may be taken in part before and in part after delivery. Staff may opt to extend the period of paid leave over a longer period by returning to work on a part-time basis for a specified period following delivery, as agreed with the immediate supervisor and the human resources officer.

Application for maternity leave shall be accompanied by a medical certificate from a qualified medical practitioner indicating the estimated date of delivery. Upon return to work, the staff member must present a medical certificate certifying her ability to carry out her normal work assignment.

A staff member who is granted maternity leave as set forth above, and who resumes her employment upon the expiration of maternity leave, shall be guaranteed reinstatement in the position occupied at the time she commenced maternity leave. A staff member wishing to stay away from work for longer than the stipulated period in order to care for the infant may apply for leave without pay if no vacation leave credit is available. Provided the total absence from full-time employment does not exceed 6 months, the organisation will reinstate the staff member upon return from such extended leave in the same position occupied at the time she commenced maternity leave or in a comparable position with salary and benefits equivalent to those to which she was entitled at the beginning of maternity leave.

Male staff members are entitled to paid paternity leave of 10 working days for each delivery by their spouse/partner. Both male and female staff members are entitled to paid parental leave of 10 working days for each instance of adoption of a child; however, whichever is the primary caregiver will be entitled to paid parental leave of 40 working days. Such leave will be granted in full provided that the staff member has rendered an aggregate service of at least 8 months during the immediately preceding 12 months and will be granted up to 2 times during the tenure of each individual staff member. In other cases, the period of paid leave will be appropriately pro-rated.

9.0 Policy on other family leave

9.1 Compassionate/Special Leave

All staff are entitled to up to 3 working days of paid leave, plus travel time by the most direct routing, in the event of a serious illness or death of an immediate member of the staff member's family or the family of the spouse/partner. All time over the 3 days plus travel time must be charged to vacation leave or leave without pay.

Internationally-recruited staff serving outside their home country will, in addition, be

provided one economy round trip air ticket between the duty station and the stricken family member by the most direct routing, not to exceed the cost between duty station and home base. This entitlement may be used either by the staff member or the spouse/partner.

9.2 Leave Without Pay

Staff members may request leave without pay in the event of a personal situation for which no other leave or leave credit is available. When approved by the Executive Director in writing, salary at the rate in effect at the time of leave will be deducted for each day away from work. During the period of leave without pay, the insurance plans will be continued for up to two months.

The pension plan contributions will cease for the period of the leave. Should the leave extend beyond 2 months with the approval of the Executive Director in writing, all other benefits will cease, and the staff member will be billed if the insurance plans are to be continued.

10.0 Policy on work or personal life

10.1 Flexible work hours policy

Normal hours of work at the organisation are 8:00 am to 4:00 pm Monday to Thursday and 8:00 am to 12:00 pm on Friday. With the approval of the staff member's supervisor, individuals may be granted the privilege of adjusting their work hours. All staff are expected to devote the time and energy necessary to fulfil the requirements of their appointment. Professional staff will not generally be compensated for work outside normal hours. However, at the discretion of the immediate supervisor, time-off may be granted in lieu, in cases when prolonged work outside of normal hours is required.

10.2 Policy on Part- time or Shared position

Staff positions at the organisation may be contracted as part-time, upon approval of the Executive Director and immediate supervisor, with the work plan devised accordingly. The schedule to be worked in part-time positions will be established with the agreement of the immediate supervisor. Salary for part-time positions will be pro-rated according to the proportion of time worked. Leave and other benefits will also be pro-rated, except for medical insurance benefits, which will be provided in full.

Two individuals may share a full-time or 120% position, with the agreement of the supervisor. A joint work plan will be developed to ensure that all responsibilities of the position are fully covered. Salary, retirement and most other benefits will be shared in proportion to the position held. Full medical insurance benefits will be provided to both. Should the two sharing the position be married or declared partners, family re-location, housing and education benefits will be provided to only one.

10.3 Flexible workplace policy

With the agreement of their immediate supervisor, staff may carry out some aspects of their work at home or at another appropriate site in the event that personal obligations require

their presence elsewhere or they require an uninterrupted period in which to complete an assignment.

Occasionally, it may be in the mutual interest of the organisation and the employee for a staff member to hold a regular position that is carried out at a distance from the organisation, with necessary communication via electronic means. Such longer-term arrangements require the approval of the Executive General.

10.4 Companion travel policy

For every 100 days that a staff member is away from the designated work location on work related travel, a family companion of the staff member is entitled to accompany him or her on one business-related trip. Airfare (or other travel costs) will be covered at the class of travel to which the staff member is entitled. Lodging shared with the staff member will also be covered by the organisation; otherwise it will be paid for by the staff member. "Family companion" may include the spouse/partner, child, or parent of the staff member or may be an unrelated child caretaker when the staff member is accompanied by a young child. In such cases, any travel expenses incurred for the child will be covered by the staff member. Travel benefits will be reported by the organisation to tax authorities and may be treated as taxable income.

11.0 Policy Implementation

The Eye of the Child expects all individuals to act responsibly in maintaining a work environment free of harassment and discrimination, and will take all appropriate steps to enforce this policy.

- In addition to having a member of management as the designated staff member to whom complaints of harassment and/or discrimination are to be made, the organisation shall recognise any staff or any members of the board of directors as an alternate designated staff member(s) to report complaints to in the event the primary contact is identified as the source of harassment or act of discrimination.
- Staff members should sign an acknowledgement and receipt form when they receive a copy of the written non discrimination Policy. A sample acknowledgment and receipt form is attached.
- In addition to the written policy, staff should also receive meaningful training on the policy, and their rights and responsibilities under the policy. This will also assist in the defence of any outside legal claims.
- All members of Eye of the Child management staff should be advised that they are accountable for the effective administration of this policy and that they may have personal liability for failure to adhere to the policy.
- Once a complaint is received, a fair and impartial investigation of the complaint should begin immediately. These investigations should be conducted as confidentially as

possible, on a need-to-know basis. The appointed investigator should interview in confidence the employee filing the complaint, as well as the individual(s) against whom the complaint has been filed. Any witnesses to the alleged harassment should also be interviewed in confidence if necessary. The investigation and the results should be fully documented in writing.

- Once the investigation has been completed, if the charge is found to have merit, appropriate disciplinary action should be taken against the employee who violated the policy, up to and including immediate termination of employment based on the severity of the infraction. It is important that disciplinary actions be applied in a consistent manner, and that they be sufficient to stop the harassment and to prevent its recurrence.
- Should the investigation indicate that an individual has become the victim of harassment by a third party not employed at the same organization but with which they conduct business, management should take appropriate action dealing with the management of the accused offender to resolve the complaint.

Acknowledgment and Receipt Form

This is to acknowledge that I have received a copy of the Eye of the Child "Non Discrimination Policy", and that I have read and understand the policy.

Signed:

Signature

Date

Name (printed)

(Designated Management Staff Member)

Date