



**SEXUAL HARRASSMENT POLICY**

**JANUARY 2024**

## **PREFACE BY TIMB BOARD CHAIRMAN**



On behalf of the Board of Directors, I am pleased to present TIMB's sexual harassment policy. We are committed to providing a safe and respectful work environment for all employees, free from any form of harassment. The adoption of the Sexual Harassment is one bold step to fight the scourge of sexual harassment at the workplace. This policy is designed to ensure that all employees are aware of their rights and responsibilities, and that they understand the consequences of violating this policy. We take all allegations of sexual harassment seriously and will investigate all claims thoroughly. We encourage all employees to report any incidents of sexual harassment immediately, and we will take appropriate action to address the situation.

All forms of sexual harassment and gender-based violence by any member of TIMB shall not be tolerated both on and/or off site. For this very reason, this Policy serves to inform on what constitutes sexual harassment, ways and means of dealing with and handling instances of sexual harassment and provides a roadmap for sustaining an environment free of sexual harassment. It is of paramount importance to highlight that TIMB provides guidance and assistance to victims of sexual harassment without discrimination or bias.

Our collective effort is paramount in maintaining a safe and inclusive workplace. Each one of us plays a crucial role in upholding our company's values and ensuring that everyone feels respected, valued, and protected. Let us work together to cultivate an environment where harassment has no place and where everyone can thrive.

Finally, this document ensures that TIMB and its associations prescribe the fundamentals for a just society that embraces gender equality. I believe successful implementation of the Policy will be realized through total commitment of the entire staff, and other key stakeholders.

A handwritten signature in black ink, appearing to read "Patrick Devenish". The signature is fluid and cursive.

**Patrick Devenish Board Chairman- TIMB**

## FOREWORD BY THE CEO



TIMB is committed to creating and maintaining a conducive working environment that focuses on equal opportunity where all individuals are protected from any form of mistreatment or discrimination. TIMB will endeavour to ensure that its environment is free from Sexual Harassment, in which all employees are assured of their dignity, security and wellbeing.

The idea of developing a Sexual Harassment Policy was because of various initiatives by organizations like the Zimbabwe Gender Commission (ZGC) and institutions like Parliament of Zimbabwe which deal with gender-based violence. It is the commitment of

TIMB's Management in preventing abuse of personal authority or power in interpersonal relationships in all its dealings and amongst all stakeholders.

This Policy highlights the key concerns and interventions in various aspects including enhancement, governance, and management. The aim is to enhance overall performance through incorporation of holistic and successful organizational practices and adaptation of best practices. Sexual Harassment is a across-cutting issue, and the implementation of the Policy requires the commitment, participation, and contribution of all staff members.

The TIMB Sexual Harassment Policy outlines our zero-tolerance stance on any behaviour that constitutes sexual harassment, whether it occurs within the workplace or extends to company sponsored events, business trips, or social gatherings. This policy applies to all employees, regardless of their position or tenure within the organization.

It is crucial to remember that retaliation against anyone who reports an incident of sexual harassment is strictly prohibited. We value the courage and integrity it takes to come forward, and we are committed to protecting the rights and well-being of those who seek help. We are committed to thoroughly investigating all complaints and taking appropriate action to address and prevent further occurrences of cases brought forward.

Let us remember that creating a safe and inclusive workplace is not a one-time initiative but an ongoing journey. It relies on the commitment and active participation of every individual within our organization. By treating each other with respect, empathy, and professionalism, we can build a workplace that celebrates diversity and empowers everyone to reach their full potential.

A handwritten signature in black ink, appearing to be 'Emmanuel Matsvaire'.

**Emmanuel Matsvaire**  
**Acting CEO- TIMB**

## **TOBACCO INDUSTRY & MARKETING BOARD (TIMB)**

The Tobacco Industry & Marketing Board (TIMB) is a Zimbabwean regulatory and advisory statutory board whose functions include controlling and regulating the growing, marketing and exporting of tobacco in Zimbabwe. In 1936, through the Tobacco Marketing and Levy Act, the Tobacco Marketing Board was formed resulting in the selling of tobacco through the Auction Floors and, later, Contract floors (from 2004). The Tobacco Marketing and Levy (Amendment) Act of 1997 saw the Tobacco Marketing Board being renamed to the Tobacco Industry and Marketing Board. The Board caters for the interests of all classes of different types of tobacco growers, buyers, and other stakeholders.

### **VISION**

Towards sustainable tobacco production, enhanced marketing systems and improved livelihoods in Zimbabwe by 2025.

### **MISSION**

To promote the viable sustainable growth and marketing of the tobacco and related products through regulation and coordination of tobacco value chains.

### **VALUES**

Client and Stakeholder Satisfaction

Integrity

Teamwork

Accountability

Innovation

### **Board's Focal Areas**

### **SUSTAINABILITY**

To promote sustainable tobacco production

### **REGULATION**

To ensure 100% compliance with tobacco legislation

### **VIABILITY**

To improve the viability of tobacco growers and the industry as a whole

## **1. INTRODUCTION**

1.1 TIMB aims to provide a workplace environment that is consistent with its values that are foundational to the success of the organization based on fairness, equity and high ethical conduct.

1.2 Our policy on sexual harassment provides clarity and comfort to each and every employee, both male and female, that TIMB as an employer has transparent and fair processes and systems to deal with sexual harassment issues that arise in the work environment and that the highest levels of management are committed to a safe and reassuring workplace where the dignity of persons is respected and protected.

## **2. POLICY SCOPE**

All employees and stakeholders are subject to this Policy and are expected to observe and adhere to the terms of this Policy in their conduct with other employees and stakeholders.

The Sexual Harassment Policy will apply to all activities and operations taking place at TIMB, whether at the workplace or off site if the activities are associated and organised by TIMB. It is binding on all employees and stakeholders that deal with the Institution. The implementation of the Policy will be the responsibility of everyone in TIMB. The Human Resources and Administration Department will provide guidance, coordinate, and act as a resource centre for implementation of the Policy.

Specifically, this Policy covers: -

- (i) TIMB employees (permanent, contract, trainees, interns)
- (ii) Members of the public encountered during the course of duty and any other with whom employees interact personally or by telephone, or by electronic communication
- (iii) Individuals on Secondment in TIMB
- (iv) Applicants for employment in TIMB
- (iii) Other stakeholders who associate with TIMB in the discharge of their responsibilities

## **3. DEFINITION OF TERMS**

3.1 "Complainant" means any employee or person who register a complaint about sexual harassment under this Policy

3.2 "Head of Department" means the Chief Executive Officer, Director or any member of staff in charge of a department.

3.3 "Supervisor" means an individual responsible for day to day performance of a small group.

3.4 "Employee" means a person employed by TIMB including a person employed under a fixed term contract;

3.5 “Focal Person” means an employee appointed as such by TIMB, HOD, or Supervisor

3.6 “Sexual harassment” in relation to an employer or any member means any act where an employer or member –

(a) Demands from any employee or prospective employee any sexual favour as a condition of; –

(i) recruitment for employment or

(ii) the creation, classification or abolition of jobs or posts; or

(iii) the improvement of the remuneration or other conditions of employment of the employee;  
or

(iv) the choice of persons for jobs or posts, training, advancement, apprenticeships, transfer, promotion or retrenchment; or

(v) the provision of facilities related to or connected with employment; or

(vi) any other matter related to employment; or

(b) engages in unwelcome sexually determined behaviour towards any employee or client, whether verbal or otherwise, such as making physical contact or advances, sexually coloured remarks or displaying pornographic materials in the workplace. 1.8

3.7 “Unwelcome sexual conduct” means unsolicited sexual behaviour raised by a complainant in violation of this policy

3.8 “Sexual Exploitation” means any actual or attempted abuse of position of vulnerability, differential power or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically

3.9 “Complaint” means a verbal or written report of sexual harassment made in person by mail, telephone or through any responsible form

3.10 “Respondent/Perpetrator” means an individual reported to be committer of conduct that constitutes sexual harassment

3.11 “Retaliation” means the act of punishing or behaviour targeted at someone as a way of revenging for action done by the target of such behaviour

3.12 “Malicious” means having a desire or showing desire to cause harm to someone

#### **4. POLICY STATEMENT**

The Sexual Harassment Policy sets out the legal responsibilities and obligations of members in TIMB in compliance with the Constitution of Zimbabwe, No. 20, 2013, Chapter 16:04, Sexual Offences Act, Chapter 9:21 and the Labour Act Chapter 28:01 Section 8.

Confidentiality of sexual harassment procedures and reports is fundamental in the drive to decisively deal with the vice. However, where reports may be subject to discovery in a law suit or proceedings before a court of law, TIMB, under such circumstances, may not guarantee the confidentiality of such reports. Violations of this policy will be considered as serious disciplinary breaches that will be thoroughly investigated and concluded within a reasonable time. No member shall be subjected

to retaliation for any sexual harassment report made in good faith or for participating in such investigations.

TIMB is fully committed to providing a safe and inclusive environment for all its employees, free from sexual harassment, sexual exploitation, and abuse. TIMB observes the rights of employees, and various stakeholders and affiliates to pursue professional activities in an atmosphere that respects their rights and dignity.

## **5. WHAT IS SEXUAL HARASSMENT**

**5.1** Sexual harassment is an unwelcome or unwanted conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated.

It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile or offensive, intimidating or humiliating for the recipient.

Sexual harassment can involve one or more incidents and actions constituting harassment may be written or physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

- The unwanted nature of sexual harassment which distinguishes it from behaviour that is welcome and mutual.
- It can be a single incident or of a repetitive nature.
- Offensive or unwelcome sexual advances, requests for sexual favours, which may be physical, verbal, or nonverbal.
- Sexual harassment that is not face to face including via text message, email, and social media.
- Offensive and unwelcome behaviour may constitute sexual harassment regardless of the intention of the person engaging in the conduct.

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal, and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

### ***5.2 Physically Expressed***

Examples of physically expressed sexual harassment include, but are not limited to:

- ✚ Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, inappropriate touching, cornering, or grabbing as well as strip search by or in the presence of the opposite sex.
- ✚ Physical violence, including sexual assault, indecent assault or rape
- ✚ The use of job-related threats or rewards to solicit sexual favours
- ✚ Stalking

### ***5.3 Verbally Expressed***

Examples of verbally expressed sexual harassment include, but are not limited to:

- ✚ Suggestive sexual comments, stories and jokes; such as sexually related jokes, sexual innuendos, foul sexual language, enquiries or comments about one's sexual life made in their presence or directed towards them.
- ✚ Comments on a worker's physical appearance, age, private life, etc.
- ✚ Sexual advances
- ✚ Repeated and unwanted social invitations for dates or physical intimacy
- ✚ Insults based on the sex/gender of the worker

### ***5.4 Non-Verbally Expressed***

Types of non-verbally expressed sexual harassment include, but are not limited to:

- ✚ Display of sexually explicit or suggestive material which contain suggestive sexual comments, such as sexually related jokes, sexual innuendos, sexual acts, or graphic comments about physical desirability directed towards them.
- ✚ Sexually suggestive gestures
- ✚ Whistling
- ✚ Leering
- ✚ Indecent exposure
- ✚ Sending sexually explicit messages using electronic gadgets

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

TIMB recognizes that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between a manager or supervisor and employee.

Anyone, including employees of TIMB, clients, customers, casual workers, contractors or visitors who sexually harass another will be reprimanded in accordance with this policy. All sexual harassment is prohibited whether it takes place within TIMB premises or outside, including at social events, business trips, training sessions or conferences sponsored by TIMB.

## **6. COMMUNICATION OF THE POLICY**

TIMB through the Human Resources & Administration department will organize periodic training for employees in management positions to cover the following:-

- ✚ their legal duties and specific responsibility to ensure prompt and adequate corrective action to complaints of sexual harassment
- ✚ to recognize and handle allegations of Sexual Harassment brought to their attention either
- ✚ informally or as part of the formal grievance procedure which they will be required to attend.

All new and existing members will be made aware of this policy by means of:

- ✚ Awareness campaigns
- ✚ Employee handbook
- ✚ Mandatory training on sexual harassment for all employees
- ✚ By distributing the policy to employees
- ✚ Posting the policy on the website

All employees are encouraged to ask questions and to seek clarification on any aspect of the policy that they may find unclear.

## **7. RESPONSIBILITIES**

### **7.1 RESPONSIBILITIES OF HEADS OF DEPARTMENTS**

Each Manager/Department Head in TIMB has special obligations to prevent and deter prohibited conduct and is responsible for the safety and respect for the dignity of all personnel under his or her authority. The Heads of Department must: -

- i. Lead by example always.
- ii. Capacitate staff under their authority understand and fulfil their responsibilities with regard to prevention and handling of allegations of sexual harassment.
- iii. Monitor the working environment to ensure that there is a safe and harmonious working environment, free of intimidation, hostility, offence, and any form of prohibited conduct, at all times.
- iv. Put in place measures to protect persons from victimization for making, or being involved in, a complaint of sexual harassment.
- v. Provide contact details of Focal Persons to complainants or respondents within TIMB

## **7.2 RESPONSIBILITIES OF HEAD HUMAN RESOURCES AND HR STAFF**

It is the responsibility of the Head Human Resources & Administration to promote a workplace free of sexual harassment. This entails a responsibility to:

- i. Facilitate the capacitation of supervisors and employees on the policy and procedures to prevent and respond to sexual harassment.
- ii. Ensuring that both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of a sexual harassment complaint.
- iii. Notifying the police if criminal activities are alleged.
- iv. Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.
- v. Act as a point of contact for a person considering making a complaint or seeking information about sexual harassment.
- vi. Set a personal example of an appropriate behaviour.

## **7.3 RESPONSIBILITIES OF HEADS OF OFFICE/ SUPERVIORS**

**It is the responsibility of the Head of Office/Supervisor to:** - Leading by example at all times.

- i. Train members on policy and procedures to prevent and respond to sexual harassment.
- ii. Implement an effective complains handling system on sexual harassment issues with emphasis on protection of the complainant.
- iii. Report any sexual harassment that they observe both within and outside of their immediate sections to the designated person in the Human Resources Department.
- iv. Set a personal example of appropriate behaviour.

## **7.4 RESPONISBLITY OF THE COMPLAINANT**

Report any case of sexual harassment, exploitation, or abuse to the relevant authority. A compliant must be made in good faith. A complainant should have reasonable belief that inappropriate conduct occurred.

## **7.5 RIGHTS AND RESPONSIBILITIES OF ALL MEMBERS**

- i. Comply with this policy, the Constitution of Zimbabwe, any other relevant Acts, TIMB procedures
- ii. Acquaint with the various options and internal channels available to them for reporting and/or otherwise addressing such behaviours.
- iii. Maintain and advocate for a professional work ethic and culture for a sexual harassment free workplace.
- iv. Report directly and immediately any incident of sexual harassment, exploitation and abuse that they have experienced or witnessed in good faith to the relevant person or office timeously.

- v. Treat any allegations or complaints of sexual harassment with appropriate confidentiality and non-judgementalism.
- vi. Respect confidentiality and fully cooperate with those responsible for investigating reports of prohibited conduct under this policy.
- vii. Guard against victimization or stigmatisation for making or being involved in a complaint of sexual harassment.
- viii. Whistle blowing to the relevant authorities.
- ix. Enquire on investigations and remedial action taken or recourse on the reported sexual harassment case.
- x. Raise objections in the manner the investigations have been conducted, if necessary.
- xi. Highlight or report conflict of interest.

## 8 PROCEDURES

A complainant who either observes or believes that she or he has been or is being sexually harassed is encouraged to take the following steps: -

- i. Inform the offending person that his/her conduct is unwelcome and should cease immediately.
- ii. Record each incident (s) – noting what was said or done, date(s) times, location/places, and the names of any witnesses, complainant's response. **Please be aware that having a record of events is not a condition for filing a complaint.**
- iii. Where the relative power or status of the person involved makes direct discussions difficult, the person is encouraged to raise his/her concern formally or informally to the designated officials following the procedures set in this policy.

Complainant may make an anonymous report under this policy. However, complainants should be aware that anonymous reporting may make it more difficult to investigate the allegations given the serious implications of sexual harassment charges and the difficulties associated with their investigations. Employees are therefore encouraged to raise a complaint in a non-anonymous way.

### 8.1 INFORMAL RESOLUTION OF ALLEGATIONS PRIOR TO OR IN LIEU OF FILING A COMPLAINT

Where an employee does not contemplate the prospect of a formal enquiry and is merely seeking assurance that the offensive conduct will not be repeated, she/he can discuss the matter with any of the following complaint-receiving officials: -

- Head of Department
- Supervisor or Head of Office
- Focal Person
- Designated employee in Human Resources Department
- Workers Committee member

The complaint-receiving official shall;

- Give the complainant an opportunity to explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their work. This should be done most advisedly in the presence of a work colleague or a worker's representative.
- Give an opportunity to the alleged harasser to respond to the complaint.
- Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant.
- Ensure that the above is done within 30 days of the complaint being made.
- If the informal approach does not resolve the matter satisfactorily, or if the conduct continues, the complainant may use the formal sexual harassment grievance procedure to obtain a resolution.
- Keep records of the complaint and its resolution.

## **8.2 FORMAL RESOLUTION OF AN ALLEGATION**

To initiate a formal grievance procedure, the individual needs to file a complaint in writing with any of the complaint-receiving officials. The complainant is encouraged to file a complaint within a reasonable time of the occurrence of the behaviour that gave rise to the grievance.

The person who received the complaint will refer the matter to the designated Human Resources person to instigate a formal investigation. The designated Human Resources person may deal with the matter him/herself, refer the matter to an internal or external investigator or refer the matter to a committee to be appointed by the CEO if the person accused is a member of staff other than executives; and appointed by the Board if the accused person is an Executive.

In the case where the HR representative may be an offending party to complaint then the matter may be referred to the legal department. The person carrying out the investigation will;

- Interview the complainant and the alleged harasser separately
- Interview other relevant third parties separately
- Decide whether or not the incident(s) of sexual harassment took place
- Produce a report detailing the investigations, findings and any recommendations
- If it cannot be determined that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
- Ensure that all the records concerning the matter are kept confidential
- Ensure that all the process is done as quickly as possible and in any event within 30 days of the complaint being made

Care will be taken during each investigation of a sexual harassment grievance that the aggrieved person is not disadvantaged, and that the position of other parties is not prejudiced if the grievance is found to be groundless.

## **9. THIRD PARTY INVOLVEMENT**

- Anyone who witnesses or is aware of sexual harassment, can play an important role in preventing sexual harassment in the workplace. If colleagues witness sexual harassment they are encouraged to:-
- Provide support to their counterpart who is being subjected to sexual harassment
- Report the sexual harassment

Witnesses may wish to remain anonymous. Members should know, however, that it may not be possible in some circumstances to keep the anonymity of a person providing information as the case may require full details of the allegations for appropriate investigation to take place.

## **10. EXTERNAL REPORTING OF SEXUAL HARASSMENT ALLEGATIONS**

### **10.1 TIP-OFF ANONYMOUS**

A person who has been subject to sexual harassment can also make a complaint outside of the company. They can do so through whistleblowing (Deloitte).

### **10.2 CRIMINAL OFFENCES**

An employee may report to the Zimbabwe Republic Police (ZRP) if anyone displays behaviour like stalking, indecent/aggravated sexual assault, rape and obscene language or any form of harassment through electronic or social media platforms which is of a criminal nature.

A victim of sexual assault has the right to press separate criminal and/or civil charges against an alleged perpetrator. The legal rights of the victim are in no way limited by this policy.

## **11. SANCTIONS AND DISCIPLINARY MEASURES**

Disciplinary action shall be taken by the appropriate disciplinary committee in accordance with the TIMB Code of Conduct. Where a member is found guilty on allegations of sexual harassment penalties should be imposed relative to the severity of the offence.

## **12. COUNSELLING AND PSYCHOLOGICAL SUPPORT**

Management shall seek appropriate professional help and counselling services for the complainant and alleged perpetrator, during and after the finalization of the matter.

Counsellors should be professional and capacitated regularly. E- Counselling services must be considered to help protect the victims' identity.

Any live material used in the counselling session should be kept under a high level of confidentiality.

**13. MONITORING AND EVALUATION**

TIMB recognizes the importance of monitoring the implementation of the Sexual Harassment policy and may conduct staff satisfaction survey on how issues of sexual harassment are being handled. The Policy will be regularly reviewed for synchronization with relevant policies/ instruments. and conventions, as necessary.

**14. CONFIDENTIALITY**

Grievances about sexual harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential.

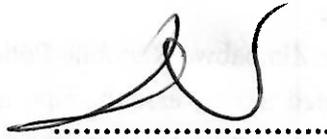
In cases of sexual harassment, management, employees and the parties concerned must endeavour to ensure confidentiality during the inquiry.

Employers are required to disclose to either party or to their representatives such information as may reasonably be necessary to enable the parties to prepare for any proceedings in terms of this policy.

**15. FALSE OR MALICIOUS COMPLAINT**

Employees, who knowingly provide false information or make false or malicious allegations of sexual harassment, shall be subject to separate disciplinary action according to the TIMB Code of Conduct.

SIGNED BY:



.....  
**EMMANUEL MATSVAIRE**  
**ACTING CHIEF EXECUTIVE OFFICER**



.....  
**PATRICK DEVENISH**  
**CHAIRMAN**