

THE FINANCIAL INTELLIGENCE UNIT ANTI-DISCRIMINATION AND HARASSMENT POLICY

PURPOSE

The FIU is committed to providing a work environment that is safe, healthy and free of discrimination and/or harassment of any type.

OBJECTIVE

This policy is intended to prevent and prohibit discrimination/harassment of any type, whether committed by or against managers, co-workers or visitors of the FIU. Workplace discrimination/harassment based on an employee's race, colour, religion, sex, nationality, age sexual orientation, disability, marital status, HIV/Aids or any other basis is prohibited by law. Men, as well as women, can be considered victims of harassment/discrimination. The Unit cannot stress enough that harassment/discrimination will **NOT** be tolerated.

RESPONSIBILITY

All employees including management personnel are expected and required to abide by this policy. It is the responsibility of managers to take immediate and appropriate action to report or deal with incidences of harassment/discrimination of any type whether personally observed or brought to their attention. The FIU ensures that no employee's employment will be adversely affected as a result of bringing complaints of harassment/discrimination.

HARASSMENT/DISCRIMINATION

Harassment/Discrimination is behavior that is unreasonable, unwanted and offensive to the recipient. Such harassment/discrimination can come in the form of physical or verbal conduct related to:-

- Race, ethnic origin, nationality or skin colour
- Gender and/or sexual orientation
- Religious or political affiliation
- Disabilities, illness, sensory impairments or learning disabilities
- Age
- HIV/Aids
- Social background or status

This list is not provided as an exhaustive list but outlines some of the major and more common aspects of harassment/discrimination.

As it relates to harassment/discrimination, conduct that will not be tolerated by the Unit includes: verbal or physical abuse, threats, jokes, innuendos, taunts or derogatory remarks in reference to an employee's appearance, race, age, ethnicity, nationality, gender, sexual orientation, marital

status, social status, disability, religion or political affiliation. Employees of the FIU should also be guided that jokes that result in awkwardness or embarrassment, unwelcomed invitations or requests, whether indirect or explicit will not be permitted.

DISCRIMINATION

Section 6 and 7, **Employment Act** of The Bahamas outlines provisions for non-discrimination, equal pay for equal work and non-discrimination against disabled persons. The Act states:-

6. No employer or person acting on behalf of an employer shall discriminate against an employee or applicant for employment on the basis of race, creed, sex, marital status, political opinion, age or HIV/Aids by —

(a) refusing to offer employment to an applicant for employment or not affording the employee access to opportunities for promotion, training or other benefits, or by dismissing or subjecting the employee to other detriment solely because of his or her race, creed, sex, marital status, political opinion, age or HIV/Aids;

(b) paying him at a rate of pay less than the rate of pay of another employee, for substantially the same kind of work or for work of equal value performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility and which is performed under similar working conditions except where such payment is made pursuant to seniority, merit, earnings by quantity or quality of production or a differential based on any factor other than race, creed, sex, marital status, political opinion, age or HIV/Aids;

(c) pre-screening for HIV status:

Provided that this section does not affect any other law or contract term which stipulates a retirement age.

7. Section 6 shall apply mutatis mutandis to disabled employees unless the employer can show that the job requirements relied on as grounds for hiring the disabled person at a lesser rate of pay are reasonable or the disabled person cannot be accommodated without undue hardship.

SEXUAL HARASSMENT

Sexual harassment is seen as unwelcomed and unwanted behavior of a sexual nature which is offensive to the person or persons it is targeted towards. Sexual harassment is a violation of the **Sexual Offences and Domestic Violence Act** and has been defined as thus:-

26. (1) Any person who —

(a) being a prospective employer importunes or solicits sexual favours from another person —

- (i) in the terms or conditions on which he offers, to that person or any other person, employment or admission into any institution; or*
- (ii) under a threat of rejection (whether implied or otherwise) of any application made by that person or any other person for employment or for admission into any institution, or of causing such rejection;*

(b) being in a position of authority over, or being a co-worker of, another person in any place of employment or any institution, importunes or solicits sexual favours from that other person under any holding out, promise or threat of the grant or imposition of any favour, benefit, advantage or disadvantage, as the case may be, at the place of employment or institution; or

(c) importunes or solicits from a person in a position of authority in any place of employment or any institution, any favour, benefit or advantage, or the forbearance from the exercise of any right, power or duty relating to that authority under any holding out or promise of sexual favours,

is guilty of the offence of sexual harassment.

(2) Any person who is guilty of the offence of sexual harassment is liable to a fine of five thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

(3) In this section, “prospective employer” means any person who —

(a) is in a position of authority in any place of employment or any institution; or

(b) is authorised to act on behalf of a person mentioned in paragraph (a) for the purpose of employing personnel for a place of employment or admitting persons into an institution.

(4) No prosecution shall be commenced for an offence under this section without the consent of the Attorney-General.

Sexual harassment can include things like pinching, patting, rubbing or leering, dirty jokes, pictures of a pornographic nature, innuendoes, suggestions, comments, requests, or demands of a sexual nature. Consequently the Unit prohibits any inappropriate conduct that is sexual in nature at work or at any of the Unit's outside events, i.e. fun day (when applicable), socials, etc.

Additionally, the FIU will not tolerate the displaying of pornographic, racist or offensive signs or images. The Unit further prohibits the use of its computer system to view or transmit the same.

GUIDELINES FOR DEALING WITH A COMPLAINT

Any and all claims of discrimination/harassment will be investigated promptly and where necessary, disciplinary action will be taken to eliminate the inappropriate behavior. The Unit will ensure that the privacy of the individuals involved will be protected and released only to the appropriate authorities having carriage of the investigation when and if necessary.

If an employee is a victim of harassment/discrimination, receives a complaint or observes or believes that another employee is a victim of harassment/discrimination, a report, in writing, must be made immediately to any member of the management team. Where the report is not made directly to the Director, as a member of the management team, the manager receiving the complaint shall immediately report the same to the Director.

Upon receipt of the complaint the Director shall move to have the matter investigated and if warranted appropriate disciplinary action, up to and including termination of employment, will be taken. The Director shall provide guidance and the resources needed to investigate and properly dispose of the complaint.

The Unit must ensure that the following procedure is adhered to:-

1. The Unit must thoroughly investigate and reach a conclusion on the complaint within ten (10) days of the Director being notified of the complaint. If further time is needed to ensure that all information is gathered, the Director must inform the complainant that additional time is needed and set a reasonable and appropriate deadline to conclude the investigation. Such further deadline will be at the discretion of the Director.
2. The complainant must be interviewed with respect to the complaint and all aspects of the incident must be adequately documented.
3. During the investigation the accused individual must be given an opportunity to be heard to defend against the allegations. The interview with the accused must be documented. If the accused individual refuses to be heard on the matter and hence provides no defence against the allegations such must be documented and the accused advised that such a refusal will be taken into consideration in reviewing the matter.
4. The Unit is to make a decision based solely on the facts uncovered by the investigation, and what, if any, disciplinary action will be taken as a response to the complaint.
5. If the Unit is unable to reach a conclusion after the investigation, this fact should be clearly documented and if warranted, an outside agent will be utilized to assist the Unit in reaching a sound conclusion to the matter.
6. In all cases the services of an attorney-at-law should be used to ensure the legality will preview the ultimate decision as to recommend what, if any, disciplinary action should be imposed or to verify the validity of the complaint.

WHO SHOULD INVESTIGATE THE MATTER

Any member of the management team together with the Director can take the necessary steps to investigate the matter. On occasion, where the matter may warrant, legal counsel or a third party trained to investigate such matters will be consulted during the investigation. If a third party or outside legal counsel is to be consulted in the matter, the same shall be communicated to the complainant, who must provide consent for such consultation.

For privacy reasons and to safeguard against bias, it is recommended that only two persons conduct the investigation. Complaints of this kind are of a sensitive nature and all information obtained should be discussed only with those that have a need to know.

PROVISO

If the Director is the source of the harassing/discriminatory conduct, the employee shall make a report to the Minister responsible for the administration of the FIU.

This procedure as outlined is not intended to impair, replace or limit an employee's right of redress under any law of The Bahamas by immediately reporting the matter to the appropriate law enforcement authority.