



SEXUAL HARASSMENT POLICY

JULY 2019



Sexual Harassment Policy

This Policy applies to all employees of First Hydrocarbon Nigeria Company Limited (“FHN Personnel”) including Directors, Management, Officers, Employees (whether permanent, fixed-term or temporary), consultants, contractors, agents, distributors, business partners, joint venture partners, trainees, seconded staff, volunteers and interns.

The Policy Statement

FHN is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. The company will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment.

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

Definition of Sexual Harassment

Sexual harassment is unwelcome 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, intimidating or humiliating for the recipient.

By way of filling the lacuna in Nigerian labour statutes with respect to workplace sexual harassment, the National Industrial Court of Nigeria (“NICN”) included in its Civil Procedure Rules 2017 the four categories of acts that constitute workplace sexual harassment within the Nigerian Labour environment. *Order 14 Rule 1 (a), (b), (c), and (d)* of the NICN Civil Procedure Rules 2017 provides four categories of acts that may constitute a workplace sexual harassment, namely:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault, molestation, rape or attempts to commit these assaults
- Physical contact, e.g. touching, pinching
- The use of job-related threats or rewards to solicit sexual favours

Verbal conduct

- Comments on a worker’s appearance, age, private life, etc.
- Sexual comments, stories and jokes propositions, or other sexual comments, such as sexually oriented gestures, noises, remarks, or comments about a person’s sexuality or sexual experience
- Unwelcome sexual advances,
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker



- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone or by email)

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering
- Retaliation for sexual harassment complaints

Seeking a “Quid Pro Quo”

Where a co-employee, supervisor or member of Management undertakes or attempts to influence or influences the process of employment, promotion, training, discipline, dismissal, salary increments or other benefits of an employee or job applicant in exchange for sexual favours.

Note that these examples are not exhaustive, and that sexual harassment can include any conduct of a sexual nature which is unwanted and unwelcome by the recipient. Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser.

FHN recognises that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed. FHN recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee. Anyone, including employees of FHN (whether permanent, fixed-term or temporary) , directors, management, officers, consultants, contractors, agents, distributors, business partners, joint venture partners, trainees, seconded staff, volunteers and interns who sexually harasses another will be reprimanded in accordance with this internal policy.

All sexual harassment is prohibited whether it takes place within FHN premises or outside, including at social events, business trips, training sessions or conferences sponsored by FHN.

Complaints Procedures

Victims of sexual harassment may want to resolve the matter in different ways. Some may be happy with an informal resolution and for the matter to stop, others may want more formal measures.

In addition, informal resolution mechanisms may be inappropriate where the allegation is serious or where the harasser is also the victim’s supervisor. It is important that the company’s complaints procedures reflect these different needs and ways of resolving conflict.

Anyone who is subject to sexual harassment should in the first instance, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. FHN recognises that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser.



Where the incidences persist or if a victim cannot directly approach an alleged harasser, he/she should report the incident to the Legal Department or the HR Manager (“Designated persons”) as soon as possible.

When a Designated Person receives a complaint of sexual harassment, he/she will:

- immediately record the dates, times and facts of the incident(s)
- ascertain the views of the victim as to what outcome he/she wants
- ensure that the victim understands the company’s procedures for dealing with the complaint
- discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the victim
- ensure that the victim knows that they can lodge the complaint outside of the company through the relevant country/legal framework
- Inform management of the incident so that a committee is set up to investigate the incident and accord the necessary sanctions/disciplinary measures where applicable.

Throughout the complaints procedure, a victim is entitled to be helped by a counsellor within the company. The Company will nominate a number of counsellors and provide them with special training to enable them to assist victims of sexual harassment.

FHN recognises that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. FHN understands the need to support victims in making complaints.

Informal complaints mechanism

If the victim wishes to deal with the matter informally, the Designated Person will:

- give an opportunity to the alleged harasser to respond to the complaint
- ensure that the alleged harasser understands the complaints mechanism
- facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter
- ensure that a confidential record is kept of the incident
- follow up after the outcome of the investigation to ensure that the behaviour has ceased
- ensure that the above is done speedily and within 7 days of the complaint being made

Formal Complaints Mechanism

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter. The Designated Person who initially received the complaint will refer the matter to the Legal Department or a Human Resources Manager to instigate a formal investigation. The Human Resources Manager and the Legal Department will set up a committee consisting of the HR department, the Legal Department and one member of the FHN Management



Team. Where a decision is not reached on the incident, the committee may consult with or refer it to an external investigator in accordance with this policy for the company].

The committee carrying out the investigation will:

- interview the victim and the alleged harasser separately
- interview other relevant third parties/witnesses separately
- decide whether or not the incident(s) of sexual harassment took place
- produce a report detailing the investigations, findings and any recommendations of the incident, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- follow up to ensure that the recommendations are implemented, that the behaviour has ceased and that the victim is satisfied with the outcome/decision of the committee.
- if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
- keep a record of all actions taken
- ensure that all records concerning the matter are kept confidential
- ensure that the process is done as quickly as possible and in any event within 5 working days of the complaint being made

Outside complaints mechanisms

A person who has been subject to sexual harassment can also make a complaint outside of the company. They can do so by instituting legal proceedings against the harasser depending in the nature of the incident.

Sanctions and disciplinary measures

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- verbal or written warning
- adverse performance evaluation
- reduction in wages
- transfer
- demotion
- suspension
- dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.



Implementation of this policy

FHN will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff handbook. All new employees must be trained on the content of this policy as part of their induction into the company. Every year, FHN will require all employees to attend a refresher training course on the content of this policy.

It is the responsibility of every manager to ensure that all his/her employees are aware of the policy.

Monitoring and evaluation

FHN recognises the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

Supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, the company will evaluate the effectiveness of this policy and make any changes needed.