



# DISCRIMINATION AND HARASSMENT

**SIPH COMMITMENT**



SUBSIDIARY OF



# 1. CODE OF CONDUCT

SIPH abides by SIFCA Group's commitment on issues regarding Discrimination and Harassment. This commitment is formalized in Article 3.7 of the SIFCA Group Code of Conduct, which is communicated and signed by all SIPH employees.

## **§3.7 Code of Conduct: « Discrimination & Harassment »**

Cultural and employee's diversity represented within the Group is a tremendous asset. As part of its fundamental orientations, SIFCA wants to give equal opportunities to its employees in terms of appraisal, individual growth, and career paths, whatever their origins or beliefs. SIFCA does not want to tolerate any discrimination or harassment of any kind as regards race, ethnicity, sex, age, religion, or political or union opinions.

Directors, Head of Departments, and employees will ensure:

- a) to always treat colleagues with due respect and courtesy.
- b) to always refrain from all forms of violence and harassment in the workplace, that is any behavior that a reasonable individual might consider degrading, humiliating, discriminatory or a form of intimidation (use of insult, saucy jokes, vulgar language, mockery).
- c) not to disseminate, display or promote offensive messages or images.
- d) not to make any indecent remark concerning the body or physical appearance of an employee.
- e) to never allow factors such as race, religion, skin color or sexual orientation to determine decisions about job offers, hiring, classification, training, apprenticeship, promotion, wage rate, transfer, layoff, or dismissal (nor allow others to make decisions based on such factors).
- f) to never allow physical disabilities to determine work decisions unless such disabilities prevent a person from performing his job safely and that the work post cannot be adapted.

## 2. LABOUR LAW

SIPH abides by the Ivorian Labour Law throughout its scope,  
Discrimination and Harassment

Source: Official Journal of RC I; Law n ° 20 7 5-532 of July 20, 20 7 5 on the Labor Law.

### Article 4 - Discrimination

Subject to the provisions of this Code or any other text of a legislative or regulatory nature protecting women and children, as well as the provisions relating to the status of foreigners, no employer may take into consideration sex, age, nationality, race, religion, political and religious opinion, social origin, union or non-union membership and activity, proven or suspected, HIV/AIDS status or the disability of workers to make decisions with regard to hiring, work distribution and conduct, vocational training, advancement, promotion, remuneration, granting of social benefits, discipline or termination of the employment contract.

### Article 5 - Harassment

No employee, no person in training or internship can be sanctioned or dismissed for refusing to undergo acts of moral or sexual harassment by an employer, his representative, or any person who, abusing the authority conferred on him, orders, utters threats, impose constraints, or exerts pressure of all kinds on this employee.

No employee, no person in training or internship can be sanctioned or dismissed for having testified to the actions defined in the preceding paragraph or for having reported them.

No one can take into consideration the fact that the person concerned refused to suffer the acts of harassment or that a witness reported them, to decide, as regards hiring, remuneration, training, assignment, qualification, classification, professional • promotion, transfer, termination, renewal of employment contract or disciplinary sanctions.

Sexual harassment constitutes abusive behavior, threats, attacks, words, intimidation, writings, attitudes, repeated acts against an employee, having a sexual connotation, the aim of which is to obtain favor of sexual kind for his own benefit or for the benefit of a third party.

Abusive behavior, threats, attacks, words, intimidation, writings, attitudes, repeated acts against an employee, the object or effect of which is to worsen his working conditions, constitute moral harassment. And which as such are likely to infringe his rights and dignity, alter his physical or mental health or compromise his professional future.

Harassment is proven.

Through these commitments, SIPH also abides by the Labor Laws of the respective countries where it operates other than Côte d'Ivoire:

- **Republic of Liberia :**

Source: DECENT WORK ACT 2015; Part II Fundamental Rights at Work.

## **§ 2.7 Prohibition of Discrimination**

- a) No person shall discriminate against a person who works or who seeks to work in Liberia in an employment practice.
- b) No person shall discriminate against another in an employment practice because the person has exercised or attempted to exercise any of their rights in this Act.
- c) Discriminate means to apply any distinction, exclusion or preference which has the effect, whether directly or indirectly, of nullifying or impairing equality of opportunity or treatment, including the provision of remuneration or other benefits:
  - i) on a ground identified in section § 2.4; or
  - ii) because a person has exercised or sought to exercise or is entitled to the enjoyment of any right conferred by this act.
- d) It is not unlawful by virtue of this section:
  - i) to distinguish, exclude or prefer any individual:
    - (1) on the basis of an inherent requirement of a particular job; or
    - (2) in the course of implementing affirmative action measures consistent with the purpose of this Act.
  - ii) in the case of an employee who is pregnant, temporarily to reassign her to different duties or functions that are suitable to her pregnant condition, provided that the reassignment does not lead to reduction in remuneration or any other benefits in respect of her employment.
- e) Affirmative action measures mean measures to redress the disadvantages in employment experienced by persons, or groups, or categories of persons, in order to ensure their equitable representation in all occupational categories and levels in the workforce.

## **§ 2.7 Prohibition of sexual harassment**

- a) A person shall not directly or indirectly sexually harass a worker:
  - i) in any employment practice; or
  - ii) in the course of a person's employment.

- b) Sexual harassment means:
  - i) sexual conduct, which is unwelcome, unreasonable, or offensive to the recipient, and which occurs in circumstances where a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job; or
  - ii) sexual conduct that creates an intimidating, hostile or humiliating working environment for the person that is subject to that conduct.
- c) Sexual conduct means:
  - i) conduct of a sexual nature, whether physical, verbal, or non-verbal; or
  - ii) conduct based on sex affecting the dignity of women or men.

• **Republic of Ghana :**

Source: According to the 1992 Constitution of Ghana, Labour Act 2003, and Collective Bargaining Agreement GREL-GAWU. ORK ACT 2015; Part II Fundamental Rights at Work.

## **REGULATIONS ON DISCRIMINATION AND HARASSMENT IN GHANA**

### **DISCRIMINATION**

#### **Article 17**

(2) All person shall not be discriminated against on grounds on gender, race, colour, ethnicity, origin, religion, creed, social, political, or economic status.

(3) For the purpose of this article, « discriminate » means to give different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinion, colour, gender, occupation, religion, or creed, whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject or are granted privileges or advantages which are not granted to persons of another description.

#### **According to the Labour Act, 2003 (Act 651) Section 14**

An employer shall not in respect of any person seeking employment, or of persons already. in his employment discriminate against the person on grounds of gender, race, colour, ethnic origin, religion, creed, social or economic status, disability, or politics

#### **Section 46 and 53**

Section 46 offers special incentives for the employment of persons with disabilities, and Section 53 places special emphasis in training and retraining to enable the worker to cope with any aspect of the job.

## **Section 63**

A worker's employment is terminated unfairly if the only reason for the termination is.

(d) the worker's gender, race, colour, ethnicity, origin, religion, creed, social, political, or economic status.

(f) in the case of a worker with disability, due to the worker's disability.

(g) that the worker is temporarily ill or injured and this is certified by a recognized medical practitioner

## **Section 68**

Every worker shall receive equal pay for equal work without distinction of any kind.

Section 127-Discrimination

(1) A person who discriminates against any person with respect to the employment or conditions of employment because that other person is a member, or an officer of a trade union is guilty of unfair labour practice.

(2) A person who seeks by intimidation, dismissal, threat of dismissal, or by any kind of threat or by imposition of a penalty, or by giving or offering to give a wage increase or any other favourable alteration of terms of employment, or by any other means, seek to induce a worker to refrain from becoming or continuing to be a member or officer of a trade union is guilty of unfair labour practice.

(3) A worker or group of workers who by any kind of threat seeks to intimidate the employer during negotiations of a collective agreement are guilty of unfair labour practice.

## **HARASSMENT, according to the Labour Act, 2003 (Act 651): Section 15**

(b) A contract of employment may be terminated by the worker on grounds of ill- treatment or sexual harassment.

## **Section 63**

(3) (b) A worker's employment is deemed to be unfairly terminated if with or without notice to the employer, the worker terminates the contract of employment because the employer has failed to take action on repeated complaints of sexual harassment of the worker at the workplace.

## **Section 175**

Sexual harassment is defined as "any unwelcome, offensive or inopportune sexual advances or request made by an employer or superior officer or a co-worker to a worker, whether the worker is a man or a woman".

## **Collective Bargaining Agreement between GREL and the Union (GAWU) Article**

### **6: Sexual Harassment**

The Company shall have a policy on sexual harassment which should be made known to the

workers and the Union. The employer and the union commit to creating conditions for reporting instances of sexual harassment.

Sources:

1. Collective Bargaining Agreement
2. Ghana Labour Act, 2003 (Act 651)
3. 1992 Constitution of Ghana

• **Federal Republic of Nigeria :**

Source: The Constitution of Nigeria – Chapter 32 & 42.

**HARASSMENT: CHAPTER 34.1**

Every individual is entitled to respect for the dignity of his person, and accordingly:

(a) no person shall be subject to torture or to inhuman or degrading treatment.

(b) no person shall be held in slavery or servitude; and

(c) no person shall be required to perform forced or compulsory labour.

**DISCRIMINATION: CHAPTER 42**

**42.1** A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion, or political opinion shall not, by reason only that he is such a person:

(a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions are not made subject; or

(b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions.

**42.2** No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

**42.3** Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member of the armed forces of the Federation or member of the Nigeria Police Forces or to an office in the service of a body, corporate established directly by any law in force in Nigeria.



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