



Anti-Harassment Guide of the Estonian Human Rights Centre

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Introduction

The Estonian Human Rights Centre (hereinafter referred to as *EHRC* or the *Centre*) stands for the right of every person to be protected from harassment and exploitation, regardless of their background, self-expression, situation or identity. The Centre strongly condemns any gender-based and sexual harassment or exploitation in relation to its employees, which is contrary to local laws and EHRC's internal rules. EHRC's Anti-Harassment Guide (hereinafter referred to as the *Guide*) applies to all employees of EHRC, including full-time and part-time employees, volunteers, trainees or mandatary's, as well as EHRC's partners and subcontractors, where harassment has occurred in the course of a joint project or other collaboration.

The Guide describes how to prevent sexual and gender-based exploitation and harassment at the Estonian Human Rights Centre and sets out the procedure for lodging and handling complaints. The Guide sets out the responsibilities of EHRC and its employees in the prevention, occurrence and aftermath of sexual and gender-based harassment. The Guide also protects from harassment and exploitation of vulnerable groups with whom EHRC may come into contact in its work.

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Definitions

Sexual harassment occurs where any form of unwanted verbal, non-verbal or physical conduct or activity of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating a disturbing, intimidating, hostile, degrading, humiliating or offensive environment.¹ Someone's behaviour must be directed at a specific person and be unwanted or disruptive to be considered harassment. Harassment can also be reported if it is suspected.

Examples

One colleague sends another an e-mail containing a joke with a sexual undertone.

An event organised by EHRC features a service provider who flirts with an employee at the Centre.

After a job interview, the interviewer places their hand on the candidate's hip even though the interviewer and candidate are not previously acquainted.

A project partner gives a gift of a sexual nature to an employee of EHRC to celebrate collaboration.

During counselling, an employee of the Centre asks the client questions about their sex life that are not relevant to helping the client.

Gender-based harassment occurs where unwanted conduct or activity related to the sex of a person occurs with the purpose or effect of violating the dignity of a person and of creating a disturbing, intimidating, hostile, degrading, humiliating or offensive environment.² In the case of gender-based harassment, the victim of harassment is in an unequal position because of their gender characteristic(s).

Examples

When assigning tasks, a female employee is given fewer or less important tasks because she is believed to be less capable than her male colleague.

A pregnant employee is removed from the project team without notice because it is assumed that they can no longer contribute to the project.

A male volunteer is assigned only physical tasks, despite the fact that he expressed a desire for other tasks when he volunteered.

An employee of EHRC is suspicious of the client and reluctant to offer help because they appear unreliable due to their non-binary gender identity.

¹ [Clause 5 of subsection 1 of § 3 of the Gender Equality Act](#)

² [Clause 6 of subsection 1 of § 3 of the Gender Equality Act](#)

Vulnerable groups are groups of people whose members are disadvantaged due to factors outside their control as a result of which they do not have the same opportunities as other groups.³ These are often people whose self-determination, background, identity or situation create conditions that make them easier to exploit and subject to abuse of power. In the context of the work of EHRC, this includes, in particular, persons belonging to minorities on the basis of race, ethnic or national origin, refugee status, gender, age, religion, sexual orientation and disability.

Sexual violence is rape, threatening it, but also, for example, forced touching. Sexual violence is also when someone intimidates you into having sex with them.⁴

The victim-centred approach puts the rights and dignity of victims, including their well-being and safety, at the forefront of all efforts to prevent and respond to exploitation and harassment, regardless of the victim's relationship with the alleged perpetrator.⁵ The victim-centred approach is about listening to and taking into account the victim's concerns, while giving the victim control over how to respond to what has happened to them.

Scope & principles

In its work, EHRC comes into contact with vulnerable groups with whom it is in a position of power as an assistance provider. EHRC is required to protect beneficiaries from exploitation and harassment when providing services or engaging them in activities. EHRC prevents situations in which someone receiving help from the Centre may become a victim of exploitation or harassment.

EHRC undertakes to protect every employee at the Centre against harassment and exploitation, regardless of the extent of their workload or the nature of their work. As an employer, EHRC is legally required to ensure that:

- there is no sexual or gender-based harassment in the workplace or related to the position;
- the working environment is safe for employees' health;
- there is no discrimination or infringement of fundamental rights in the performance of employee' duties.

All employees of EHRC, regardless of the scope of their workload, the nature of their work or their remuneration, are required to examine and follow this Guide, both in the course of their duties and outside the work environment. The Guide also applies to the Centre's partners (including project partners, service providers, subcontractors and suppliers) and visitors. If the

³ [Glossary of HIA terms. WHO](#)

⁴ [For a victim of sexual violence. Social Insurance Board](#)

⁵ [UN. Victims' Rights First](#)

harasser is a representative of one of the Centre's partners, the Centre will respond together with the partner organisation. The management of the Centre is responsible for the application of the Guide.

The person examining this Guide will note that:

1. **They must refrain from exploiting or harassing employees, beneficiaries, partners or visitors of the Centre.** The Centre does not encourage intimate relationships between counsellors and beneficiaries or between the employees of the Centre. The Centre's employees are required to notify the Centre's Director of any relationships between counsellors and beneficiaries or between employees. The Director shall notify the supervisory board of the Centre of any relationship between the Director and another employee. In the case of a counsellor-beneficiary relationship, the counsellor is replaced by another impartial counsellor. Within their area of responsibility, each employee of the Centre undertakes to create a safe and encouraging environment that facilitates raising concerns without fear of punishment.
2. **They are required to spot exploitation and harassment (or risk thereof) within the limits of their knowledge and to report it immediately.** Based on the principles of the victim-centred approach, a person who is a victim of exploitation or harassment is not required to report their abuse.
3. **They must prevent situations that could give rise to a risk of exploitation or harassment.** If such a situation arises, they must reorganise their work or that of the people under their responsibility, stop work altogether, or report a possible risk.
4. **Everyone has the right to lodge a complaint.** By lodging a complaint, the complainant confirms the accuracy of the information provided to the best of their knowledge.

Prevention

In order to prevent the risk of exploitation and harassment, EHRC is responsible for ensuring the following:

- Every employee will examine EHRC's Anti-Harassment Guide when commencing work. The Guide is available on the Centre's intranet and on the Centre's website and can be accessed by the Centre's employees at any time. The Centre's Office Manager confirms that the employee has examined the Guide.
- EHRC will remind its employees of the Guide at team meetings.
- EHRC organises training for its employees on the prevention of sexual and gender-based abuse and exploitation, at least:
 - every two years for employees who, in the course of their duties, regularly come into contact with beneficiaries in vulnerable groups;
 - every three years for all other employees;
 - within up to six months from the date a new employee starts work.
- With the candidate's agreement, EHRC will find out, through their previous employer, any concerns that may have arisen during the candidate's employment.

- EHRC's subcontracting, service and partnership agreements contain a provision that requires the subcontractor, mandatory or partner to comply with EHRC's Anti-Harassment Guide or with measures in place in their workplace to prevent and respond to sexual and gender-based abuse and exploitation.
- EHRC's employment contracts contain a provision whereby the employee confirms that they are not subject to a current penalty for sexual harassment and have not refused to collaborate in the investigation of the case.

Risk analysis

For each project that imposes contractual obligations on EHRC and for which a project manager has been appointed, the project manager, in collaboration with all partners carrying out the project activities, will carry out a risk assessment before the start of the project. The purpose of the risk analysis is to identify any risk of harassment in the achievement of the project objectives. The project manager must notify project partners about EHRC's Anti-Harassment Guide and the risk areas identified in the risk assessment.

Risks will be assessed on an ongoing basis as the project progress is monitored. All project partners are required to prevent the risks identified in the risk assessment or mitigate their effects and ensure the safety of vulnerable target groups from harassment and exploitation. Attempts must be made to mitigate any risk identified. If this is not possible, the project must be suspended.

Lodging a complaint

Anyone has the right to lodge a complaint or report a tip-off on harassment by EHRC's employees, partners or participants in an EHRC-organised event. A complaint or a tip-off can also be made by an eyewitness. There are two ways to lodge a complaint or a tip-off:

- through the [form](#) on EHRC's website;
- to the Director of EHRC at kaebus@humanrights.ee.

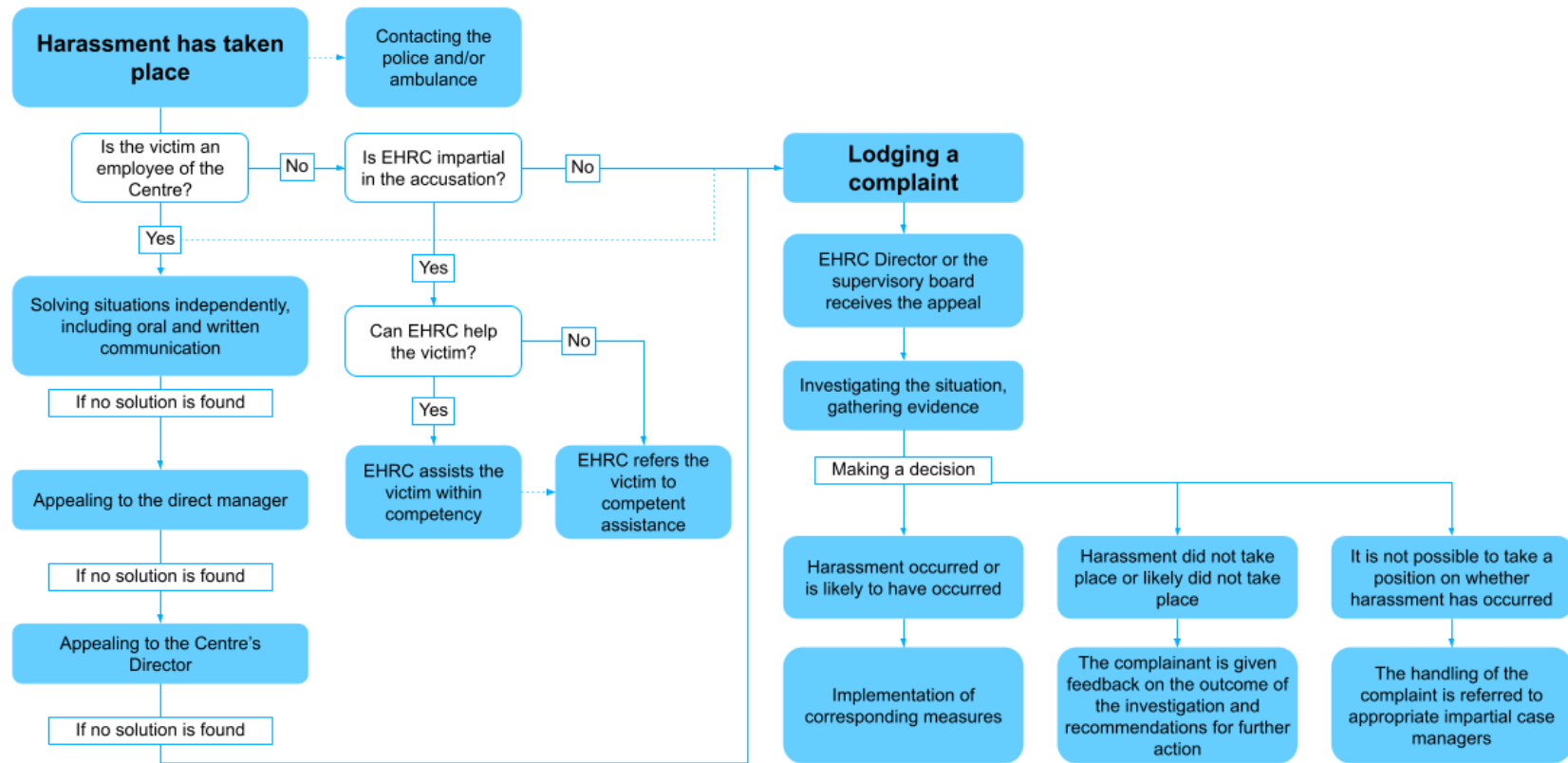
Through the complaint form, complainants can choose to lodge their complaint to the Director or to the supervisory board of the Centre. The complaint case manager is required to:

- conduct an objective, impartial and fair investigation;
- maintain the integrity of the investigation and take into account all the facts that come to light;
- disclose any potential conflict of interest to the Centre's management or supervisory board;
- maintain confidentiality;
- collect evidence/testimonies, both incriminating and exculpatory;
- maintain balance between the rights of the alleged perpetrator and the protection of the victim(s);
- draw reasonable conclusions based on the facts and evidence.

All complaints will be treated confidentially. Informal appeals to the Director of the Centre, the complainant's direct manager or the Centre's occupational environment specialist are also confidential. Possible cases of discrimination or harassment will only be reported to people who are involved in the investigation of the complaint or are parties to the case. The complainant's anonymity will be guaranteed if they wish.

In no case will EHRC disclose sensitive or special categories of personal data to unrelated persons. The personal data of the parties involved in the case, in particular their health data, racial or ethnic origin, political or religious beliefs, biometric data, sexuality-related information and refugee status, will be treated in accordance with the Personal Data Protection Act.

Complaints procedure at the Estonian Human Rights Centre



Stages in the investigation of harassment cases:

1. Harassment can fall into three different categories:
 - **The victim is an employee of the Centre.** The victim may first try to resolve the situation on their own. This can mean communicating with the harasser orally and/or in writing to explain the content of the harassment and to demand that it stops. If the harassment continues, or if the case is serious enough in the eyes of the complainant, it is advisable to report the harassment to their direct manager or the Director of EHRC, provided they are impartial. **It is not compulsory to resolve the situation independently.** Everyone has the right to report harassment immediately, either by lodging a complaint or by contacting the police and/or ambulance.
 - **The victim is not an employee of the Centre and EHRC is biased in the accusation.** The victim lodges a formal complaint or tip-off.
 - **The victim is not an employee of the Centre and EHRC is impartial in the accusation.** EHRC will assist the victim within its competence and refer the victim to other assistance providers.
2. **When lodging a formal complaint, the complainant should disclose at least the following:**
 - the complainant's e-mail address, which is necessary to ask further questions, provide feedback and share resources;
 - if they wish, they can also give their name, telephone number and describe their connection to EHRC;
 - a description of the complaint, i.e. what happened, where, when, in the presence of whom, who was/were the harasser(s);
 - the preferred outcome of the complaint;
 - if possible, evidence (e.g. screenshots of chats, other visual material, a list of witnesses to the harassment, etc.) should be sent with the complaint.
3. **The complaint is accepted by the Director or the supervisory board of EHRC.** The complainant can send the complaint to the Director or to the supervisory board of the Centre. Depending on the complexity of the accusation, the Director and a member of the supervisory board may either handle the complaint themselves or delegate the investigation of the complaint to an external service provider. The complaint case manager must, as far as possible, minimise contact between the harasser and the victim of harassment. Complaint handling procedure:
 - The case manager examines the content of the complaint and the evidence presented. The case manager determines the following:
 - Is the case manager impartial? If the case manager is biased, proceedings must be handed over to an impartial person (a member of EHRC's supervisory board, the Director or an external service provider).
 - Has the complainant requested anonymity? If this is not specified, it must be clarified with the complainant. Confidentiality does not presuppose the anonymity of the complainant, for example in cases where the complainant is already known to the alleged perpetrator or where

disclosure of the identity of the complainant to the alleged perpetrator is necessary or unavoidable in the course of the investigation.

- Does the complaint have to be notified to third parties? Third parties must be notified, for example, if the complainant gives an indication that the victim of harassment is actively facing a risk of sexual violence or retaliation and the victim can be removed from the risk situation with the help of the police or by separating the victim and the alleged perpetrator. EHRC may also be required to notify the project funder or partner of the complaint if the harassment has taken place in the course of activities relating to a specific project. The Director of the Centre shall notify the case managers of this requirement.
- The case manager will acknowledge receipt of the complaint to the complainant within two working days of receipt, if necessary asking further questions to help the case manager to get a complete picture of the accusation. The case manager will also send the complainant information on options for getting assistance as provided in the chapter [Assistance & referrals](#).
- The case manager will investigate the situation independently. In the course of an independent investigation, the case manager may gather additional information and conduct interviews with the complainant, witnesses and the alleged perpetrator, bearing in mind the confidentiality of all parties involved.
 - The interview with the alleged perpetrator must take place last, once interviews with the complainant and witnesses have been conducted and the material relating to the complaint has been collected. The alleged perpetrator will be notified of the investigation at least 24 hours before the interview, including by explaining the investigation procedure and listing their rights and obligations (including the right to be informed of the general content of the complaint, the right to present evidence and their version of events, the right to respond to evidence presented against them, the right to examine the records of their interview, the obligation to collaborate, the obligation to maintain the confidentiality of the investigation).
 - Both the victim and the alleged perpetrator have the right to bring an impartial third party for support who may not speak during the interview.
- Within one week of lodging the complaint, the case manager will notify the complainant of the decision.

Throughout the investigation, the complainant or victim of harassment has the right to withdraw their consent to participate in the investigation. As a general rule, if consent is withdrawn, the case manager must discontinue the proceedings. Complaints may only be processed if the material gathered is sufficient to draw a conclusion that harassment has occurred and to take disciplinary action, and the well-being and safety of the victim of harassment is ensured.

The alleged perpetrator is presumed innocent before a decision resulting from the investigation.

As a result of the proceedings, the case manager may take one of three decisions:

1. Verdict: Harassment occurred or is likely to have occurred.

Consequence: measures are implemented primarily in accordance with the wishes of the complainant. In the absence of such wishes, or if the measure proposed by the complainant is insufficient in the eyes of the case manager, the Director or the supervisory board of the Centre shall decide on the appropriate measures to be taken. In any case, the decision shall be notified to the Director or to the supervisory board of the Centre. The alleged perpetrator will be notified of the violation of the EHRC's Anti-Harassment Guide. If necessary, the Centre will organise internal training on harassment. There is zero tolerance for sexual violence. This is followed by termination of employment. The alleged perpetrator can challenge the decision by appealing to the Director of the Centre, the supervisory board of the Centre or the labour dispute committee.

2. Verdict: Harassment did not take place or likely did not take place

Consequence: the complainant will be notified of the decision together with the reasons for the decision. The complainant will be advised on options to appeal or seek assistance outside the Centre (chapter [Assistance & referrals](#)). If the case manager suspects that the complainant has made a false accusation, a warning is issued. The decision shall be notified to the Director or to the supervisory board of the Centre.

3. Decision: It is not possible to take a position on whether harassment has occurred

Consequence: the complainant will be notified of the decision together with the reasons for the decision. In agreement with the complainant, impartial third parties are involved in the proceedings and a new decision is made within one week of the initial decision, or alternatives are suggested for lodging a complaint or seeking assistance outside the Centre (chapter [Assistance & referrals](#)).

Assistance & referrals

Below you can find a list of places where you can find help in case of sexual or gender-based harassment. If you have any questions, you can contact the Centre's occupational environment specialist. They can provide initial information on when harassment is occurring and where to turn for help, either inside or outside the centre.

Name	How to contact?	When to contact?
Police and/or ambulance	112, emergency reception, offence report to police	In case of physical and sexual violence to receive legal and medical support
Sexual violence crisis center	At a crisis centre or contact by phone	In case sexual violence has occurred within the last 7 days, to receive medical support
Victim Support	Crisis line 116 006, victim support workers , psychosocial support	In case sexual violence has occurred later than seven days; If you have been witness to mistreatment; To receive psychosocial support after the harassment; To receive help with contacting the police
Commissioner for Equal Opportunities	Application form on homepage , contact by phone at 535 250 02	In case of gender-based harassment or discrimination
Tööinspektsioon	A tip-off at vihjje@ti.ee , contact by phone at 640 6000	If the harassment took place at place of employment and has not been resolved by employer
Prosecutor's Office	Contact by phone or by email	To receive assistance in criminal procedures; In matters relating to investigations