



អង្គការសិក្សាឆ្លងដែន
StudyBeyondBorders Organisation

POLICY

ANTI-DISCRIMINATION, BULLYING AND HARASSMENT

Change begins with Education



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ANTI DISCRIMINATION, HARASSMENT, AND BULLYING POLICY

1. STUDYBEYONDBORDERS OVERVIEW

StudyBeyondBorders in Cambodia (**SBBC**) is a local Cambodian non-government organisation operating in rural areas of Battambang and Siem Reap Provinces. The organisation is supported by an alliance of registered development organisations in **Australia (SBBA)**, **the UK (SBBUK)**, and **Ireland (SBBi)**.

SBBC aims to build capability within Cambodian education policymaking, leadership, mentoring, and training to equip and motivate teachers to provide quality education to children. The organisation is committed to supporting systemic change so that educators are proud to work in the teaching profession and are highly respected by parents, communities, and peers. To this end, **SBBC** conducts programs to mentor education leaders, upskill teachers, engage parents and communities, and develop resources that together enable the delivery of quality education to schoolchildren. The organisation seeks to embed all its work at the school, district, provincial, and national levels.

2. INTRODUCTION

SBBC recognises it is the right of all **SBBC** Personnel to be able to attend work and to perform their duties without being subjected to any form of discrimination, harassment, or bullying. Equally it is the obligation and responsibility of **SBBC** as the employer and all **SBBC** Personnel to ensure that the workplace is free from discrimination, harassment, and bullying.

3. POLICY

SBBC is committed to providing a safe and productive work and learning environment in which the diversity of individuals within the **SBBC** community is recognised and respected. Discrimination, harassment, and bullying will not be tolerated under any circumstances and disciplinary action will be taken against any **SBBC** personnel who breach this policy.

Through this Policy, **SBBC** aims to:

- Create a working environment which is free from discrimination, harassment and bullying and where all personnel are treated with dignity, courtesy and respect.
- Provide an effective procedure for complaints based on the principles of natural justice.
- Treat all complaints in a sensitive, fair, timely and confidential manner.
- Guarantee protection from any victimisation or reprisals.
- Encourage the reporting of behaviour which breaches the Anti-Discrimination, Harassment and Bullying policy.
- Always promote appropriate standards of conduct.



3.1 Reasonable Management Action

Discrimination, harassment, and bullying does not include situations where a manager or supervisor gives fair and constructive feedback to an employee in relation to:

- Employee performance, including constructive feedback, setting performance goals, standards, and deadlines.
- Inappropriate behaviour.
- Organisational change.
- Disciplinary action.

3.2 Victimisation

It is unlawful in Cambodia for a person to subject, or to threaten to subject, another person to any detriment because the other person, or someone associated with the other person, has made an allegation or complaint of discrimination, harassment or bullying based on a protected attribute (see Definitions) or recognised right. **SBBC** will ensure appropriate action is taken should this come to its attention and will investigate any reports of victimisation.

4. SCOPE AND PERSONS AFFECTED

This policy applies to all **SBBC** Personnel, defined as:

- Board members and trustees.
- current staff and volunteers
- external consultants and contractors (paid or voluntary)
- contracted staff or personnel of contracted organisation and services
- Project team participants.

and any other person working for or on behalf of **SBBC**.

This policy also applies to other individuals and third parties who through their association with **SBBC** may visit our project activities (i.e. donors, Partner Organisations, service providers etc.) although the management process for these groups may differ in certain aspects given their involvement.

5. DEFINITIONS

a. **Discrimination**

Discrimination occurs when a person treats or proposes to treat another person less favourably owing to a protected attribute listed below. This is known as direct discrimination. Discrimination also occurs when there is a requirement, condition, or practice which has the intention of treating everyone the same and ends up disadvantageous, or potentially disadvantageous to a person with one or more of the protected attributes listed below. This is known as indirect discrimination.

Protected attributes include:



- Age
- Disability/impairment
- Industrial activity/inactivity
- Lawful sexual activity
- Sexual orientation or preference
- Gender identity
- Marital status, including de facto.
- Political belief or activity
- Pregnancy
- Race including colour, descent, or national, or ethnic origin.
- Religious belief or activity
- Status as a parent or carer
- Personal association with someone who has one or more of the above attributes.
- Irrelevant criminal conviction (one that does not relate to an inherent requirement of the role).

Workplace discrimination may occur in:

- Recruiting and selecting staff.
- Terms, conditions, and benefits offered as part of employment.
- Who receives training and what sort of training is offered.
- Who is considered and selected for transfer, promotion, retrenchment, or dismissal.

It is important to note that from a legal perspective it is irrelevant whether or not the discrimination was intended.

b. Harassment

A person unlawfully harasses another person if he or she makes that other person (another employee or member of the public) feel offended, humiliated, or intimidated because of one of the protected attributes listed above. It may involve inappropriate actions, behaviour, comments, or physical contact that is objectionable or causes offence. It is important to note that from a legal perspective it is irrelevant whether or not the harassing behaviour was intended. **SBBC** will act in accordance with the laws and regulations which are relevant, e.g. when investigating any allegations or incidents.

Unlawful harassment may have occurred if the behaviour makes the victim feel:	Unlawful harassment can include behaviour such as:
• Offended and humiliated; and/or. • Intimidated or frightened.	• Telling insulting jokes about particular social or racial groups. • Sending explicit or sexually suggestive emails. • Displaying offensive or pornographic posters or screensavers. • Making derogatory comments or taunts about an individual's culture, identity, or religion.



- Asking intrusive questions about someone's personal life, including their sex life.

c. Sexual Misconduct

Sexual Misconduct includes any of the following¹:

- **Sexual Exploitation** – 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 from the sexual exploitation of another.
- **Sexual Abuse** – Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This includes against any person under the age of 18 years, a person defined as a child.
- **Sexual Harassment** – Refers to prohibited conduct in the work context and can be committed against staff and related personnel. In the context of our work, sexual harassment primarily describes prohibited behaviour against another staff member or member of the SBBC community. It involves any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment include online or via social media.

Sexual harassment has nothing to do with mutual attraction or consenting friendships, whether sexual or otherwise. Sexual harassment is unlawful in pre-employment activities and in the workplace. The workplace includes any place a person goes for the purpose of carrying out any function in relation to his/her employment and can also extend to social functions.

Some examples of sexual harassment include (This list is not exhaustive):

- Persistent, unwelcome demands or even subtle pressures for sexual favours or outings.
- Staring or leering at a person or at parts of their body.
- Unwelcome patting, pinching, touching or unnecessary familiarity, such as unnecessarily brushing up against a person.
- Unwanted sexual comments
- Offensive comments or questions about a person's physical appearance, dress, or private life.
- Sexually explicit pictures or posters or screensavers (words and images).

¹ Individual subcomponent definitions taken from the United Nations. (2017)
<https://hr.un.org/materials/un-glossary-sexual-exploitation-and-abuse-english>



- Sexually explicit telephone calls, letters, faxes, emails, or voice mail messages.
 - Humour such as smutty or suggestive jokes or comments.
 - Innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's appearance, inferences of sexual morality, or tales of sexual performance.
 - Requests for sex.
 - Insults or taunts based on sex.
 - Sexually explicit physical contact.
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- **Sexual Violence** – Includes, at least, rape/attempted rape, sexual abuse, and sexual exploitation. Sexual violence is ‘any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic a person’s sexuality, using coercion, threats of harm or physical force, by any person regardless of relationship to the victim, in any setting, including but not limited to home and work.’ Sexual violence takes many forms, including rape, sexual slavery, and/or trafficking, forced pregnancy, sexual harassment, sexual exploitation, and/or abuse, and forced abortion.

The following list of acts constitute sexual violence:

- Unwanted sexual touching
 - Aggressive sexual behaviour or threats
 - Attempted sexual assault.
 - Sexual assault
 - Rape
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- **Transactional Sex** – The exchange of money, employment, goods, or services for sex, including sexual favours.
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- **Fraternisation** - Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It could include sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations.

d. **Bullying**

Workplace bullying is repeated, unreasonable behaviour directed toward any **SBBC** personnel which creates a risk to health and safety. “**Unreasonable behaviour**” means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine, or threaten the other person. “**Behaviour**” includes actions of individuals or a group and may involve using a system of work as a means of victimising, humiliating, undermining, punishing, or threatening. “**Risk to health and safety**” includes risk to the mental or physical health of the person being bullied.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour could be workplace bullying:

- Physical or verbal abuse.
- Intimidation.



- Yelling, screaming or offensive language.
- Excluding or isolating personnel.
- Psychological harassment.
- Assigning meaningless tasks unrelated to the job.
- Public shaming or humiliation in front of others.
- Giving personnel impossible jobs.
- Deliberately changed work rosters to inconvenience personnel.
- Undermining work performance by deliberately withholding information vital for effective work performance.

Workplace bullying can occur between a worker and a manager or supervisor (and vice-versa), or between co-workers. It is a significant occupational health and safety issue of concern as it can cause harm to a person's health and wellbeing, both physical and psychological. Bullying may also be unlawful if it is linked to, or based on, one of the above-specified protected attributes covered by anti-discrimination legislation.

6. COMPLAINTS PROCEDURE/ REPORTING

SBBC Personnel who believe they are the subject of victimisation, discrimination, harassment or bullying should take firm, positive and prompt action. **SBBC** encourages stakeholders not to ignore victimisation, discrimination, harassment, or bullying, thinking it will go away, highlighting that to ignore such behaviour could be interpreted as tacit approval by the person causing it. Discrimination, victimisation, harassment, and bullying are not tolerated at **SBBC**.

If you reasonably feel that you are being harassed or bullied, and you feel comfortable doing so, tell the person to stop, or make it clear that you find the behaviour offensive or unwelcome. If you do not feel comfortable speaking to the person directly, this does not mean that your complaint will not be taken seriously.

If the behaviour does not stop, or even if it does stop, but you wish to raise a complaint, you should follow the steps outlined in the ***SBBC Complaints and Feedback Handling Policy*** as soon as possible after the incident or incidents have occurred. Alternatively, you can raise a formal grievance. This includes speaking to your line manager to raise your concerns, or if you do not feel comfortable speaking to your line manager, then approaching the HR manager or any other member of the **SBBC Senior Leadership Team** with your concerns. If raising a formal grievance, you will be asked to put your concerns in writing and include what the grievance is about, any evidence of the grievance, and what steps you would like to be taken by **SBBC**. All complaints and grievances will be taken very seriously and **SBBC** will undertake an investigation and report progress and findings back to the complainant.

If any **SBBC** Personnel witness bullying or harassment, they should report this immediately so that appropriate investigations can be made. **SBBC** may also take action, if we believe an incident has occurred where someone has been discriminated against, victimised, harassed or bullied, even if an



official complaint or grievance has not been received. This will be discussed with the people believed to have been the subject of victimisation, discrimination, harassment or bullying and reasonable action will be taken.

Reporting Procedures for External Authorities

This policy recognises and responds to expectations and specific requirements set as part of grant conditions by partners and funding organisations.

All suspected or alleged cases of Sexual Exploitation, Abuse or Harassment related to funded programs from SBBUK, SBBA and SBBI must be reported to SBB in the respective country. Cases should be reported using the Sexual Exploitation, Abuse and Harassment Incident Notification form that can be found on the **SBBC** shared drive under Published Procedures and emailed to **SBBC's HR Manager**. In the event that the incident concerns **the HR Manager**, the case must be reported to **the Managing Director**, or **Chair of the Board of Trustees**.

7. CONFIDENTIALITY

SBBC will ensure that any concern raised is overseen according to the principles of confidentiality, safety, impartiality, thoroughness, timeliness, and accuracy.

All complaints and reports, and the names of people involved, will be handled in the strictest of confidence. Details will only be released on a '**need to know**' basis, or when required by the relevant local or country laws, or when a notification to police or outside authorities has been made.

If you wish to raise a complaint and feel the need to tell a trusted friend or colleague about your complaint, you should be careful. Accusations of harassment can harm the reputation of those involved and could, ultimately, lead to an action for defamation. Treat the situation as confidential.

If your complaint is subsequently investigated in accordance with the steps outlined in the *Complaints and Feedback Handling Policy* or according to formal grievance procedures, it is even more important to ensure it remains confidential. There may be consequences (including disciplinary action) if there is a breach of confidentiality during the investigation process by any of the parties involved. If you feel you need to talk to a friend or family member about your complaint during the investigation stage, you should first discuss this with the person looking into your complaint. This does not take away your right to have a friend or a colleague present during any meetings or correspondence, but you should ensure they follow the same policies and procedures regarding confidentiality.

8. ASSOCIATED DOCUMENTS

- Safeguarding Policy



Policy

- Workplace Health, Safety and Security Policy
- HR Manual
- Complaints and Feedback Handling Policy
- Code of Conduct

Relevant laws and legal documents in Cambodia:

- Constitution of Cambodia (1993) – Guarantees equality and prohibits discrimination based on gender, race, religion, and other statuses.
- Labour Law (1997) – Prohibits discrimination in employment and provides protections against sexual harassment in the workplace.
- Law on the Rights of Persons with Disabilities (2009) – Prohibits discrimination and promotes inclusion for people with disabilities.
- Law on Domestic Violence (2005) – Defines and protects against various forms of abuse, including psychological and emotional harm.
- Law on Juvenile Justice (2016) – Protects minors from abuse and discrimination, particularly in justice and care settings.
- Criminal Code (2009) – Addresses serious cases of harassment and abuse that may be criminal offenses.
- International treaties ratified by the Cambodian Government such as CEDAW, CRC, and CRPD – Reinforce commitments to non-discrimination and human rights.



9. POLICY MANAGEMENT

This policy has been approved by the Board of Trustees of **SBBC** as noted below.

Amendments will be recommended to **the Managing Director** from time to time as deemed appropriate by **the General Manager-Shared Services**, usually annually.

Formal reviews are recommended every three years from the anniversary date of approval by **the Board of trustees**.

Recommendations for minor changes can be approved by **the Managing Director** before **the Board of Trustees** review every three years.

Reference Code	ADHBP/08/2025/V1.0
Executive Owner	The General Manager-Shared Services
Policy Manager	Human Resources Manager
Effectiveness Approval Body	SBBC Board of Trustees
Date Approved	04/June/2026
Effective Date	06/August/2025
Next Formal Review	06/August/2028
Version Number	V1.0

*Note: This policy was approved by the **SBBC Managing Director** in August 2025, per standard practice prior to the effective date of the "Policy on Policies" requiring Board approval.*