



**Islamic Republic Of Afghanistan
Kabul Municipality**



**ANTI-DISCRIMINATION POLICY
HUMAN RESOURCES DEPARTMENT**

H.E Mohammad Yonus Nawandesh

Signature: _____



Islamic Republic Of Afghanistan

Kabul Municipality



Introduction

Kabul Municipality's goal is to create effective, democratic, transparent, and accountable, municipal governance. Kabul Municipality is committed to increase the capacity of city officials in Kabul through classroom and on the job training, improve the delivery of municipal services to Kabul citizens through rapid response projects and community engagement, and increase municipal capacity to generate revenues and to account for expenditures and revenues. As a result, Kabul citizens will receive better services, understand the responsibilities of their municipal leaders, participate in municipal decision-making process, and see local governance structures as legitimate.

A secure work environment free of all types of discrimination is the right of every employee. All employees and service users have the right to enjoy an environment free of discrimination. All employees at all levels are responsible for adherence to this Policy.

Kabul Municipality through this policy has a zero tolerance towards any discrimination in the workplace. All complaints and incidents will be investigated and resolved by a conflict resolution committee.

Legal Framework of Anti-Discrimination

Afghanistan Constitution

Chapter 1, Article 6

The state is obliged to create a prosperous and progressive society based on social justice, protection of human dignity, protection of human rights, realization of democracy, and to ensure national unity and equality among all ethnic groups and tribes and to provide for balanced development in all areas of the country.

Chapter 2, Article 22

Any kind of discrimination and privilege between the citizens of Afghanistan are prohibited.

The citizens of Afghanistan – whether man or woman – have equal rights and duties before the law

Convention on Elimination of Discrimination against Women (CEDAW)

Afghanistan has signed CEDAW on 14th August 1980, but acceded and ratified the CEDAW on 5th March 2003. The Convention defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."



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Definitions

Discrimination

Discrimination occurs when someone is treated unfavorably because of one of his or her personal characteristics including, but not confined to, the following areas:

- Gender (being a man or a woman)
- Age
- Disability
- Religion
- Social status
- Marital status
- Race
- Tribe
- Language

Types of Discrimination

- Discrimination in appointments
- Unequal pay for equal work
- Unequal opportunity for equal performance
- Unequal benefits for equal work achievements

Responsibilities

A. All employees have a responsibility to:

- Report any form of discrimination observed within the workplace.
- Offer support to victims by directing them to the most appropriate channel or conflict resolution committee.
- Maintain confidentiality of all matters relating to a complaint

B. All management staff are responsible to:

- Directors, managers, and supervisors are expected to enforce this policy and do all to prevent discrimination from occurring at the workplace or work related environment.



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- Management is responsible for ensuring that notes, comments, posters, and other materials on walls, bulletin boards, TV or elsewhere in the workplace that are derogatory or show hostility toward an individual or group based on their protected class are removed.
- Management is expected to educate employees about the impropriety of these items as well as inappropriateness of jokes, slurs, or other negative verbal comments that violate this rule.
- Treat all employees on their merits without regard to race, age, sex, marital status, disability, and religion.
- Provide information and support to complainants and advise on available options.
- Maintain confidentiality of all matters relating to a complaint.

C. Conflict Resolution Committee is responsible to:

- The committee will be formed by His Excellency the Mayor, This committee will consist of 6 members
- The Committee should include the HR Director, Staff Relations department head, Head of KMFSRC. The rest of the council members, Head of Policy department, Legal Advisory member and one employee of the KM who is a women.
- The committee is obliged upon receiving the formal complaint, investigate the incident confidentially and report the results to H.E the Mayor.
- Completion of correspondence and documents related to the complaint
- Ensure the handling of the case in a confidential manner
- If the committee finds out during the investigation that the complainant is contrived against the accusation, this automatically proves to be an act of discrimination and violation of this policy, therefore the complainant is subject to penalties as deemed accurate for the Committee.
- The Conflict Resolution Committee is obliged to increase the awareness level of KM staff on the types and penalties of discrimination in order to avoid the discriminations happen.

Complaints Procedures

Informal

- Prompt, appropriate, direct action must be taken to stop incidents of discrimination. In some situations, a person may not realize that his or her behavior is unwelcome and/or offensive. Therefore, an offended employee is encouraged to clearly tell the offending individual that the behavior is unwelcome, offensive or inappropriate and requests that the conduct stops.



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- If the offended employee is reluctant to make such a statement to the offending individual and/or the offending conduct continues, the offended employee shall inform a non-involved supervisor, manager, or the Human Resources Department of the incident or incidents.
- Supervisors shall immediately advise and consult with the conflict resolution committee when an informal complaint has been received. If the offended individual or alleged offending individual is not satisfied with the resolution of the matter, then a formal written complaint must be filed by one of them.

Formal

- If the matter is not resolved informally, the victim should record what took place, who was involved, where the incident(s) occurred, witnesses, and other observations on an Incident Report Form and give it to the Head of Conflict Resolution Committee as soon as possible.
- The conflict resolution committee will follow the case accordingly.
- The complaint must be addressed in a written form to the CRC including supporting documents as i.e. the accused complete name, place and date of the incident, detailed case of discrimination, witnesses if any.

Penalties

1. Disciplinary action will be taken against anyone who discriminates against another person in the workplace or work related environment in accordance with this policy.
2. Anyone who discriminates or victimizes a person who makes a complaint under this policy will face disciplinary action.
3. Any person who, without authorization from the Manager, passes on confidential information regarding an investigation under this policy will face disciplinary action.
4. Disciplinary Action may involve a warning (verbal or written), transfer, or termination of employment depending on the seriousness of the case.
5. Serious bypass of this policy may result in employment being terminated immediately. This means that no warnings will be given.

9. Notification

This document is accepted as an official document of the Kabul Municipality and is in full force and enacted from the signing date onwards. Any amendments proposed for betterment of this policy is only acceptable upon approval of KM management.



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This policy from the date of enforcement shall be included in the recruitment orientation package of all newly hired employees and the receipt of the policy shall be acknowledged by the employee in written form.