

# Philippines: Oxfam employee who was sexually assaulted 'constructively dismissed'

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## **Exclusive: new controversy as it emerges Philippine commission ruled in Aimee Santos's favour**

An Oxfam employee who was sexually assaulted by a colleague in the Philippines was "constructively dismissed" less than a year later, according to a labour commission decision seen by the Guardian.

Aimee Santos told the Guardian she was molested by a female co-worker in 2016, a claim Oxfam has also acknowledged and said it had blacklisted the perpetrator.

But Santos, 45, claimed the charity mishandled her case and she was forced to resign. Oxfam, she said, had "been extremely belligerent, retaliatory and vindictive. And they have gone after me, even when they didn't have any merit."

The Philippine national labour relations commission ruled in October that Santos had been "constructively dismissed", a work termination in which an employee has been influenced to resign.

The allegations come at a time of heightened scrutiny of sexual harassment in the humanitarian field. Oxfam revealed in October it had dismissed 22 staff members over sexual abuse allegations in the previous year. In a separate scandal, the charity temporarily suspended its work in Haiti to investigate claims of former staff paying for sex.

At the time of Santos's assault, she was working as a gender and protection coordinator.

he did not want to open a criminal investigation, she said. Nor did she want to go through Oxfam's internal reporting system as she felt her managers had not supported her work and would not conduct an impartial investigation. Instead, Santos attempted to mediate with the woman.

This "restorative justice", as it is called, is an alternative method of combatting gender-based violence in which the survivor and perpetrator voluntarily seek a resolution. However, the method is still not widely employed in the workplace. Oxfam said in a written response that it would not use or recommend restorative justice to deal with sexual harassment or abuse allegations.

Santos said she consulted a local human resources manager on the restorative justice session, which Oxfam acknowledged. But the charity added: "The meeting was set up by the victim and she made all the arrangements. The country director was not aware of the plans."

Santos said she asked six colleagues, most with a background in gender justice and also the perpetrator's "longtime friends", to meet the woman to arrange a settlement.

"[The perpetrator] said she would resign from Oxfam; she said she would pay for my counselling; she would stop drinking," said Santos. "If it had ended there, I would have perceived justice."

Oxfam managers in the Philippines, she said, found out what had happened after the perpetrator turned down a new contract, explaining she had promised to leave the charity. Before any action against the perpetrator, Santos said, a bullying investigation was opened into the six employees from the mediation session, all of whom were temporarily suspended from work.

Meanwhile, and in part to exonerate her colleagues, Santos filed an internal sexual assault complaint but demanded Oxfam's UK office conduct the investigation. The charity investigated and blacklisted the perpetrator.

Afterwards, Santos said Oxfam Philippines made her work life intolerable. The labour commission decision said the charity moved around £10,000-worth of supplies under Santos's management without her knowledge and "unreasonably" reduced her training time.

"I promptly resigned," Santos said.

She wrote what she said was a scathing resignation letter to several senior staff. It detailed an "inauthentic commitment to gender justice", a "culture of impunity", the "reckless handling" of her sexual assault case, and called one manager "sexist" and "manipulative".

Commission documents show Oxfam's human resources department responded, accusing Santos of maligning the characters of senior staff members.

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When Oxfam withheld her last salary payment, Santos went to the labour commission, which twice ruled broadly in her favour. The verdict said she was entitled to "moral and exemplary damages" and ordered Oxfam to pay 13 months' wages.

Oxfam told the Guardian it had "fully investigated and upheld this allegation of sexual abuse. The perpetrator's contract ended before the investigation was completed and they will never work for Oxfam again."

The charity said it took the commission's findings "extremely seriously and will continue to seek to improve how we prevent and deal with sexual harassment, exploitation and abuse".

While it understood that "people may be reluctant to raise sensitive issues with immediate managers or within their own countries", the charity operates a confidential hotline and has a dedicated safeguarding team, which it said Santos used.

"But we know there is much more we need to do," it said. "We continue to work hard to increase awareness throughout the organisation to improve how we handle complaints and support those that speak out."

It denied Santos's work had been undermined and said it had a responsibility to investigate all allegations - including bullying - as fairly and sensitively as possible.

"We are very sorry for the obvious distress this must have caused the victim and that she felt she couldn't continue to work for Oxfam. While a support plan was put in place to help the victim, we clearly need to do much more to ensure that we provide the support and protection staff need in such circumstances," Oxfam said.

It said it instigated an independent inquiry to review the case at Santos's request, which found management pursued both bullying and sexual assault claims "with fairness, in a timely manner and

without giving bias to one case over the other”.

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**P.S.**

The Guardian

<https://www.theguardian.com/world/2018/mar/01/oxfam-employee-who-was-sexually-assaulted-later-dismissed>