

## 16.2. Anti-harassment policy

- A. Introduction
- B. Basic principles
- C. Definitions
- D. Prevention
- E. Complaint procedure
- F. Investigation
- G. Sanctions – Disciplinary measures
- H. Follow-up and monitoring: managerial responsibility
- I. Other recourses
- J. Special provisions
- K. Roles and responsibilities
- L. Reporting and Evaluation
- M. Information

### A. Introduction

1. Paragraph 20 of the [Standards of Conduct for the International Civil Service](#) stipulates that: “Harassment in any shape or form is an affront to human dignity and international civil servants must avoid it. They should not engage in any form of harassment and must be above any suspicion of it. International civil servants have the right to an environment free of harassment.”

#### **Purpose**

2. The present item establishes mechanisms for the prevention of all forms of harassment and for the resolution of harassment complaints. It also provides practical guidance on what constitutes harassment and the manner in which it will be handled.

#### **Scope**

3. This policy covers harassment occurring in the workplace or in other settings in which employees may find themselves in connection with their employment with UNESCO.

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- (b) Harassment shall not be tolerated at UNESCO, which is committed to ensuring an environment free of harassment or abuse of authority. Every employee will contribute to such an environment.
- (c) Focus shall be placed on preventive action against harassment. Priority shall also be given to the early detection of harassment and to swift action to stop it. Prevention of harassment is a shared individual/organizational responsibility. Each UNESCO employee, at any level, and in particular at supervisory level, is responsible for building a positive work environment and a climate of trust and tolerance, free of all forms of harassment. Prevention and resolution of harassment is also the responsibility of the Organization, which shall ensure that appropriate mechanisms are in place.
- (d) All allegations of harassment are treated seriously. To this effect, management is committed to resolving all instances of harassment as soon as it becomes aware of them, even if there are no formal complaints. Employees should, therefore, report any and all incidents of harassment in the workplace, especially before it becomes severe or pervasive.
- (e) If proven, harassment shall be sanctioned and the harasser shall be subject to disciplinary measures. Sanctions may also be imposed against a manager who knowingly tolerates harassment once he/she has become aware of it. On the other hand, employees must bear in mind that all allegations of harassment are very serious, and deliberately false or malicious allegations shall be sanctioned. They must therefore have serious grounds before making a complaint of harassment. Such complaints must be based on facts. The alleged harasser has the right and duty to respond to allegations of harassment.

## C. Definitions

### What is harassment?

6. The definition and examples below are provided with the understanding that UNESCO has no intention to neither limit the definition of harassment, nor limit its commitment to resolve completely and effectively any such incidents. It is, therefore, particularly important for every employee to conduct himself or herself, in conformity with the Standards of Conduct, in a culturally sensitive, tolerant and respectful way towards each other.
7. There may, however, be room for misunderstandings in an international environment. In all cases, care should be taken not to draw hasty conclusions and to very carefully consider the situation with regards to the definitions provided in this Manual item.
8. For the purpose of this policy, harassment shall be defined as follows: Harassment is any deliberate, offensive, undesired conduct, incompatible with the Standards of Conduct, in the workplace or in connection with work that can be reasonably perceived as such, and has the purpose or effect of:
  - (a) An affront to the identity, the personality, the dignity or the physical integrity of an employee/a group of employees, or
  - (b) The creation of an intimidating, hostile, degrading, humiliating or offensive work environment.
9. Harassment may take various forms, including what are known as moral harassment and sexual harassment.
10. **Moral harassment** covers, *inter alia*, any repeated or persistent aggression, whether physical, verbal or psychological having a negative effect on conditions at the workplace or aimed at humiliating, demeaning, offending, intimidating an individual or a group of individuals, and potentially seriously affecting their health, career or dignity. Acts that constitute moral harassment include but are not limited to the following:

- (a) Persistent, unjustified and unnecessary negative attacks on personal or professional performance intended to offend the employee;
  - (b) Manipulation of an employee's personal or professional reputation by rumour, gossip or ridicule;
  - (c) Offensive comments or behaviour relating to the ethnic origin, physical characteristics or religion of an individual;
  - (d) Exclusion or continued isolation from professional activities;
  - (e) Abuse of authority or power. In the context of this policy, abuse of authority is the improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses his or her influence, power or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion. Abuse of authority may also include conduct that creates a hostile or offensive work environment which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion. Harassment, including sexual harassment, is particularly serious when accompanied by abuse of authority.
11. **Sexual harassment** comprises unwelcome sexual advance(s), request(s) for sexual favours, and verbal or physical conduct of a sexual nature when (i) submission to or rejection of such advance(s), request (s) or conduct is made, either explicitly or implicitly, a term or condition of employment or as a basis of employment decisions; or (ii) such advance (s), request (s) or conduct (s) have the purpose or effect of interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.
12. The prohibited conduct must be unwelcome, i.e. unsolicited and regarded as offensive or undesirable by the victim.
13. Sexual harassment includes Quid Pro Quo harassment and Hostile Environment harassment. Quid Pro Quo harassment occurs when a sexual conduct is requested from an employee, either under the promise of a reward for acquiescence or threats of detrimental action for refusal. On the other hand, Hostile Environment harassment occurs when the workplace is permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive work environment. The prohibited conduct need not be sexual; vulgarity or rudeness that is directed at the victim based on that person's gender could create a hostile environment.
14. Act(s) that constitute sexual harassment include but are not limited to the following:
- (a) Deliberate physical contact;
  - (b)

16. The dividing line between harassment and other work-related conflicts may, at times, be difficult to establish. Situations of conflict and tensions are not automatically, nor necessarily harassment.
17. It is a managers' responsibility to manage his/her team. To this effect, he/she must take a number of managerial decisions which have an impact on individual employees, such as the assignment of work tasks, the monitoring of progress against expected results, etc. He/she must also communicate on sensitive matters, such as giving performance feedback. Such managerial actions, decisions and communications to staff, when taken in good faith, are not considered as harassment. These work-related matters are dealt with notably under the provisions of the Performance Management Policy (see [HR Manual Chapter 14](#)).



## **D. Prevention**

18. Preventive actions should be taken as a priority to deter or stop harassment and to ensure that it does not develop further.
19. Managers and supervisors have a specific responsibility within their own team, and shall be accountable for taking early action on potential or actual harassment. Once they are aware of such situations, managers and supervisors must not tolerate their continuation. They must talk with the parties concerned and ensure that appropriate action is taken, by using the approach that they consider is best adapted to the situation. Failure on the part of managers and supervisors to fulfil their obligations under the present Manual item may be considered a breach of duty, which, if established, shall be reflected in their performance appraisal, and they will be subject to administrative or disciplinary action, as appropriate.
20. The anti-harassment policy shall be widely publicized to all employees, including through training. In addition, managerial training will include modules on harassment and conflict prevention and resolution.

situation with a third party, and seek advice, information and guidance from that third party. He/she may also ask the third party to approach -confidentially- the alleged offender or to mediate, i.e. bring the complainant and the alleged offender together. In this process, the alleged offender should accept to hear the third party, whilst the complainant should be prepared to present the facts.

24. The third party may be a Mediator, who may provide a trusted channel for dialogue and conciliation between the complainant and the alleged offender. It is within the mandate of the Mediator to receive and examine harassment complaints, to assist disputing parties in coming to resolution, and advise on actions needed to settle the conflict.
25. Alternatively, the complainant may designate any staff member of his/her choice to act as a third party. Third parties shall be afforded the facilities necessary to carry out the mediation.
26. If, after having contacted the third party, the employee decides not to proceed with the matter, his/her wishes will be respected. The informal approach does not require a report, or an official decision. When a complaint is brought to the attention of DIR/HRM or the Ethics Adviser, its informal resolution should also be reported to DIR/HRM and the Ethics Adviser.

#### **Formal Complaint to the Director-General**

27. If the complainant considers that informal resolution is inappropriate or unsuccessful, he/she may initiate the formal complaint procedure by submitting a formal complaint, in writing, to the Director-General.
28. A formal complaint may also be initiated by the submission of a report to the Director- General from any person who has direct knowledge of the situation.
29. Employees who so wish, may request the assistance of, or be represented by a staff member or a former staff member, at any stage of the formal procedure.
30. The complaint should be made preferably in either English or French. It should clearly state the name(s) of the person(s) against whom it is filed and should describe specifically the act or acts, the time, place and circumstances under which they occurred, as well as any other information and evidence relevant to the matter. For any material which is not in English or French a translation in one of these languages

34. If, on the basis of the preliminary assessment, the case is to be pursued, the alleged harasser shall be given 10 working days to respond to the allegations and provide countervailing evidence. The response should be made in either English or French. Any material which is not in English or French should be translated into one of these languages. The alleged harasser will also be advised of his/her right to be assisted or represented.
35. On the basis of the complaint, the reply by the alleged harasser, and the evidence produced, the Ethics

42. Upon receipt of the investigation report, the Ethics Adviser shall recommend to the Director-General the next course of action. This recommendation should be made, to the extent possible, within 10 working days of the receipt of the investigation report. On the basis of the recommendation of the Ethics Adviser, the Director-General shall decide to:
- (a) Close the case, should the facts appear to indicate that no harassment has occurred; or
  - (b) Pursue the case in accordance with the Disciplinary Procedure set out in [HR Manual Item 11.3](#), Part C to K. This Disciplinary Procedure, which requires the establishment of a charge letter, review of the entire dossier and referral to the Joint Disciplinary Committee, shall be handled by DIR/HRM, in consultation with the Ethics Adviser.
43. DIR/HRM shall notify the Director-General's decision to the complainant and the alleged harasser, along with a copy of the confidential investigation report on which the Director-General's decision is based, except where in the determination of the Director-General the Organization's obligation of confidentiality or a third party's right to privacy over-rides the interests of the parties to the complaint in having the investigation report.



## **G. Sanctions – Disciplinary measures**

44. Staff members whose actions or behaviours are proven to constitute harassment are subject to disciplinary measures in application of [Staff Regulation 10.2](#) and [Staff Rule 110.1](#).
45. In the case where the offender is a contractor (consultant, fee contract, special service agreement, service contract etc.) his/her contract may be immediately terminated without notice or indemnity.
46. Disciplinary measures will depend on the gravity of the case. Such factors as the type of harassment, its impact on the person harassed, the existence of a hierarchical relationship and the prior behaviour of the harasser shall be taken into account.

decision that has resulted from harassment, independently from the harassment complaint process.

## J. Special provisions

### Confidentiality

52. The harassment complaint procedure, including written and oral communications related to it, shall be strictly confidential at all stages. All managers, employees and other persons who are aware of the harassment complaint, or involved in its resolution, must respect the sensitivity as well as the strict confidentiality of the matter. They must not discuss the complaint with third parties. Breach of confidentiality shall not be tolerated and shall be sanctioned severely. All information and documentation concerning the complaint will be treated as strictly confidential and kept by the Ethics Adviser and HRM without prejudice to the due process right of the parties in disciplinary proceedings. In particular, the Ethics Adviser shall receive a copy of the report of the Joint Disciplinary Committee in all cases of harassment.



## K. Roles and responsibilities

53. **The Director-General** is responsible for:

- (a) Setting and approving organizational rules and policies for human resource management;
- (b) Ensuring that appropriate mechanisms are in place for the prevention and resolution of harassment in the workplace;
- (c) Ensuring that harassment complaints are dealt with within the prescribed timeframe, and deciding on the appropriate course of action, based on the gravity of the case;
- (d) Taking the necessary measures, as appropriate, to separate the alleged offender and the complainant;
- (e) Entrusting Director, IOS with the investigation of harassment cases;
- (f) Deciding on measures to suspend the alleged harasser from his/her functions;
- (g) Setting up a Joint Disciplinary Committee in all harassment cases where the facts appear to indicate that misconduct has occurred;
- (h) Deciding on the appropriate disciplinary measures, after hearing the views of a Joint Disciplinary Committee, except summary dismissal and written censure, which he/she can apply without referral to a Joint Disciplinary Committee.

54. **The Ethics Adviser** is responsible for:

- (a) Providing advice on questions relating to the prevention and resolution of harassment to staff and management;
- (b) Reviewing and undertaking a preliminary assessment of harassment complaints, and proposing the next course of action;
- (c) Reviewing the investigation report and recommending the next course of action;



- (d) Reporting, annually, to the Director-General on the implementation of the anti-harassment policy.

55. **Director, HRM**, is responsible for:

- (a) In cases where it was found that harassment occurred, pursuing the disciplinary procedure against the harasser under the Disciplinary Procedure ([HR Manual Item 11.3](#))

59. **The Mediators** are responsible for:

## Staff Regulations

1. [Staff Regulation 10.2](#)
2. [Staff Regulation 11.1](#)
3. [Staff Regulation 11.2](#)
4. [Annex A - Statutes of the Appeals Board](#)

## Staff Rules

1. [Staff Rule 110.1 - Disciplinary measures](#) 5110S-1.2180.1 1 105.8 67