

## 16.2. Anti-harassment policy

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### 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.
4. The policy applies to all persons employed by UNESCO, designated as employees for the purpose of this Item, namely: staff members, “contractors”, interns, volunteers and occasional workers. The term “contractor” covers any person who is employed by the organization under a service contract, a special service agreement, a supernumerary contract, or a consultancy contract.

### B. Basic principles

5. The basic principles governing the anti-harassment policy are the following:
  - (a) In accordance with the Standards of Conduct for the International Civil Service, every employee of UNESCO shall treat one another fairly, with courtesy, respect and dignity, without verbal or physical abuse, regardless of rank or contractual status.

- (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) Sexually-oriented comments or gestures, including sexually explicit jokes;
  - (c) Offensive phone call(s), letter(s) or e-mail message(s);
  - (d) Showing or displaying obscene or offensive images or texts;
  - (e) Sexual advance(s), proposition(s) or pressure(s).

**Who could be a harasser?**

15. The harasser may be any colleague, be it a supervisor, a peer or a subordinate. This includes "contractors", interns, volunteers and occasional workers, as defined in paragraph 4 above.

**What would not be considered as harassment?**

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.

## **E. Complaint procedure**

21. When faced with harassment, the employee may opt for different courses of actions, described below. He/she may attempt, in a first instance, to resolve the situation informally, or he/she may decide to lodge a formal complaint directly. The actions described below are not mandatory, nor are they listed in priority order. They describe the options at the disposal of the employee, who decides which option is the most appropriate for his/her situation.

### **Informal Approach**

#### Clarification between the parties involved

22. An employee being subjected to offensive behaviour should, whenever possible, attempt to put a halt to the unwelcome behaviour as early as possible by making it clearly known to the offender, orally or in writing, that his/her behaviour is not appropriate and that it should cease immediately. If the offensive behaviour continues despite these actions or if it is not possible for the offended employee to deal with the situation, he/she may resort to any of the following actions or to a combination of them.

#### Early resolution through mediation by a third party

23. Parties concerned may find a way to resolve the issue through mediation. The main purpose of mediation is to get the parties to understand each other, clarify the matter between them and put an end to the alleged offensive behaviour. For this purpose, the complainant is encouraged to talk about his/her

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 should preferably be made available by the complainant. The complaint should be made in good faith, which means that the complainant must believe that the way he/she perceived the alleged harassment or abuse of authority reflects the facts. Bad faith implies an element of malice, ill will, improper motive, fraud or similar dishonest purpose.

### Preliminary assessment by the Ethics Adviser

31. Harassment complaints submitted to the Director-General shall be dealt with on his/her behalf by the Ethics Adviser, who shall inform DIR/HRM. The Ethics Adviser shall take immediate steps to conduct a preliminary assessment of the complaint.
32. Harassment complaints involving DIR/HRM, DIR/IOS or the Ethics Adviser shall be handled by the DDG.
33. The complainant and/or any person who submitted the complaint shall be interviewed in order to:
  - (a) Clarify the allegation;
  - (b) Ensure that the complaint bears on harassment related events;
  - (c) Make sure that all available evidence is submitted, and
  - (d) Consider the possibility of informal resolution;

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 Adviser will evaluate whether there is a prima facie evidence of harassment. If required, the Ethics Adviser will extend the enquiries in order to ensure that the evidence is submitted.
36. Should the facts as a result of the preliminary assessment indicate that no harassment has occurred, the Ethics Adviser will recommend to the Director-General that the case should be closed. The Ethics Adviser notifies the parties involved and DIR/HRM of the Director-General's decision and provides the reasons thereof. The Ethics Adviser should endeavour to complete the preliminary assessment no later than 45 days from the date of submission of the formal complaint.

#### Referral for investigation

37. If the Ethics Adviser finds that there are reasons to believe that the complaint is founded, he/she shall refer the matter, within 10 working days of receipt of the alleged harasser's reply, to the Director-General who will decide on an investigation and send the case to Director, IOS. Both parties<sup>[1]</sup> and DIR/HRM shall be notified accordingly. This notification will include a statement of the nature of the complaint and the arguments made. It will also include a statement of the steps that will be followed to have the complaint investigated, and the anticipated duration of the investigation.

#### Interim measures

38. When necessary, the Director-General shall ensure that immediate interim measures are taken to physically or hierarchically separate the alleged harasser and the complainant. This may include the identification of different duties for one of the employees, or consideration of leave for one or both of the employees. The alleged harasser may be suspended from his/her functions, in accordance with [Staff Rule 110.3](#), if there is a prima facie evidence of serious misconduct and if the staff member's continuous service would prejudice the interests of the Organization. The Ethics Adviser shall communicate any such decision to DIR/HRM who will in turn inform the parties concerned of the Director-General's decision.

## **F. Investigation**

39. When an investigation is required, IOS will immediately secure the services of an internal or external investigator(s), with expertise in handling harassment cases, and establish the terms of reference for the investigation. The terms of reference will define the time limits for concluding the investigation and for submitting the investigation report in a timely manner, normally not exceeding two months after the start of the investigation.
40. Proceedings dealing with harassment shall be based on full and proper enquiries that respect the rights of both parties, in particular, all aspects of private life and reputation. Proceedings shall be strictly confidential.
41. The investigator will proceed in accordance with the terms of reference established for the investigation by IOS. The investigator will document the situation accurately and thoroughly. When the investigation is completed, the written confidential report will be submitted, by DIR/IOS to the Director-General, with a copy to the Ethics Adviser and to DIR/HRM. The report will include all relevant factual information, signed testimony of the parties, and appropriate analysis of the incident(s).

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.
47. Any retaliation or threats against those who make harassment complaints or assist in the investigation shall be subject to disciplinary measures.
48. Any person found to have deliberately made false or malicious allegations of harassment shall also be subject to disciplinary measures.

## **H. Follow-up and monitoring: managerial responsibility**

49. Once a complaint has been resolved, the Deputy Director-General, Assistant Director-Generals, Directors of Bureaux, Heads of Field Office and Division Directors, as well as other staff with supervisory functions, are responsible for ensuring that corrective action following resolution is taken and implemented.
50. Supervisors concerned will monitor the situation closely to ensure that all parties make the transition back to work as smoothly and quickly as possible. Supervisors may resort to professional counselling, coaching, mentoring etc. to assist the complainant and the offender to deal with the outcome of the process. Supervisors will also monitor their work environment to ensure that the improper behaviour is not repeated.

## **I. Other recourses**

51. In accordance with [Staff Rule 111.1](#), and the Statutes of the Appeals Board, the above procedure does not impede on the right of staff members to appeal any administrative

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](#)) including representing the Director-General in all harassment cases submitted to the Joint Disciplinary Committee;
- (b) Transmitting to the Director-General the report of the Joint Disciplinary Committee, and submitting, in consultation with the Ethics Adviser, a recommendation to the Director-General, including on the issue of the appropriate disciplinary measures, as the case may be;
- (c) Notifying the Director-General's decision to the parties;
- (d) Ensuring a wide dissemination, to all employees, of the anti-harassment policy;
- (e) Monitoring the anti-harassment policy and recommending and/or taking corrective actions as required.

56. **Director, IOS**, is responsible for:

- (a) Conducting investigations on harassment complaints, when required by the Director-general, through the services of an investigator(s), with expertise in harassment cases;
- (b) Establishing the terms of reference for the investigation and setting the time limit for concluding it;
- (c) Ensuring that the investigation is carried out thoroughly;
- (d) Submitting the investigation report within the prescribed deadline.

57. **Managers and supervisors** are responsible for:

- (a) Ensuring a positive and harmonious working environment, free of intimidation, hostility or offence and any form of harassment;
- (b) Taking steps, at an early stage, to prevent and/or resolve conflicts between staff/employees in their Sector, Division, Section, Unit, Field Office;
- (c) Taking swift and appropriate preventive action on potential harassment, as soon as they become aware of such situations;
- (d) Taking an active part in the mediation/resolution of actual harassment as soon as they become aware of such situations;
- (e) Taking the appropriate actions, following the resolution of cases, and ensuring that measures are in place to prevent recurrence of conflict and/or harassment.

58. **Employees** are responsible for:

- (a) Behaving in a way that ensures that the workplace is free of intimidation, hostility or offence and any form of harassment;
- (b) Not tolerating any form of harassment.

59. **The Mediators** are responsible for:
- (a) Providing a channel for dialogue and conciliation between employees;
  - (b) Assisting employees who so wish, during the informal procedure of a harassment complaint;
  - (c) Assisting parties in coming to resolution, and taking steps to mediate between them, if so requested by the complainant;
  - (d) Advising and making suggestions, as appropriate, on actions needed to settle conflicts.
60. **The Third Party** is responsible for:
- (a) Giving information and advice to employees who approach them;
  - (b) Assisting employees who so wish, at all stages of a harassment complaint procedure;
  - (c) Assisting parties in coming to resolution, and taking steps to mediate between them, if so requested by the complainant.
61. **The Joint Disciplinary Committee** is responsible for:
- (a) Advising the Director-General on disciplinary measures, except summary dismissal and written censure, to be taken in harassment cases.
62. **The Appeals Board** is responsible for:
- (a) Advising the Director-General on appeals made by the member of the staff as per relevant Staff Regulations and Rules.

## L. Reporting and Evaluation

63. The Ethics Adviser shall report every year to the Director-General on anti-harassment issues, providing information on the number of complaints, their nature, the outcome of mediation or of investigation, and any disciplinary actions taken. A summary report (with the number of cases and the type of outcome) shall be shared with the staff every year.

## M. Information

64. All supervisors e.g. the Deputy Director-General, Assistant Director-Generals, Directors of Bureaux, Heads of Field Office and Division Directors, as well as other staff with supervisory responsibilities shall ensure that employees across the Organization are aware of this policy, and of the options for recourse available to them.
65. The Ethics Adviser reports directly to the Director-General. He can be contacted at extension 81390, e-mail [ethics@unesco.org](mailto:ethics@unesco.org). For further information on the Ethics Office, see [HR Manual Item 2.7](#).

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[1] In the case that the formal complaint was submitted by any person with direct knowledge of the facts, he/she would also be notified.

## **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](#)
2. [Staff Rule 110.3 - Suspension pending investigation](#)
3. [Staff Rule 111.1 - Appeals Board](#)

## **Appendices**

1. [Appendix 1 A - Standards of Conduct for the International Civil Service](#)