

**To:** All UNICEF Staff

**From:** Edward J. Lannert, Director  
Division of Personnel, New York

**Subject:** Sexual Harassment in the UNICEF Workplace

The General Assembly, in its resolution 47/216, has requested organizations to put in place measures to ensure a working environment which is conducive to the equal participation of men and women, and to develop policies which discourage and guard against sexual harassment in the workplace.

To this end, we have developed the attached policies for dealing with sexual harassment in the UNICEF workplace. These policies are based on guidelines issued by the United Nations Secretary-General and issued in bulletin ST/SGB/253 of 29 October 1992 on *Promotion of Equal Treatment of Men and Women in the Secretariat of the United Nations and Prevention of Sexual Harassment*, and United Nations Information Circular ST/IC/1992/67 of 29 October 1992 on *Guidelines for Promoting Equal Treatment of Men and Women in the Secretariat*. These circulars apply equally to UNICEF staff and are therefore attached to this instruction for information as Annexes A and B respectively.

The present instruction is being distributed to all UNICEF staff globally. Heads of Offices, Managers and Supervisors are hereby requested to include this subject on the agenda of the next meeting with their staff to introduce this policy and to ensure that its contents and implications are fully understood.

Managers and Supervisors are responsible for maintaining a harmonious work environment and must take prompt action to deal with incidents or potential incidents of unacceptable behaviour, including sexual harassment.
--

Thank you for your cooperation.



# SEXUAL HARASSMENT IN THE UNICEF WORKPLACE

## Table of Contents

---

{TOC \f}

Page

---

## INTRODUCTION

{autonum} Within the context of The Standards of Conduct in the International Civil Service and Article 8 of the Charter of the United Nations, every staff member has the right to be treated with dignity and respect, free from abuse or harassment. Sexual harassment, in any of its many forms, is unacceptable behaviour in any setting and will not be tolerated in UNICEF. Conduct which constitutes sexual harassment will, therefore, be dealt with seriously and, if proven, will lead to disciplinary action up to and including termination.

{autonum} UNICEF, as an employer, is responsible for ensuring a work environment free of all forms of discrimination, bias, harassment, or any other unprofessional conduct which is offensive or unwelcome to employees. All persons (regular staff, temporary staff, consultants, etc.) who work for UNICEF have the right to work in an environment free from sexual harassment. UNICEF is firmly committed to putting in place whatever measures necessary to prevent and deal with incidents of sexual harassment.

Sexual harassment will not be tolerated in the UNICEF workplace.

Staff are encouraged to read this instruction thoroughly and ensure that they have a good understanding of the issues surrounding sexual harassment, particularly in recognizing in others, **but moreover in themselves**, behaviour which constitutes sexual harassment.

Managers and Supervisors are responsible for maintaining a harmonious work environment and must take prompt action to deal with any incidents of unacceptable behaviour, including sexual harassment.

Sexual harassment is grounds for disciplinary action and, depending on the seriousness of the case, could lead to termination.

### WHAT IS SEXUAL HARASSMENT?{"WHAT IS SEXUAL HARASSMENT?"}

{autonum} Sexual harassment is any unwelcome sexual advance; request for sexual favours; or other verbal or physical conduct of a sexual nature which interferes with work, productivity or general sense of well-being of others, or which is made a condition of employment.

{autonum} Sexual harassment manifests itself in a wide range of behavioral patterns and typically takes the following forms:

*Physical conduct of a sexual nature* which involves unwanted physical contact ranging from unnecessary touching, patting, pinching, brushing against another employee's body, to assault and coercing sexual intercourse (the last two being criminal offences).

*Verbal conduct of a sexual nature* which may include unwelcome sexual advances, propositions or pressure for sexual activity, suggestions for social activity outside of the workplace, offensive flirtations, suggestive remarks, innuendoes or lewd comments.

*Non-verbal conduct of a sexual nature* which refers to the display of pornographic or sexually-suggestive pictures, objects or written materials; leering, whistling or making sexually-suggestive gestures.

{autonom} In the workplace, sexual harassment is particularly offensive, **and constitutes an abuse of power**, when engaged in by any official who is in a position to influence the career or employment conditions (including hiring, assignment, contract renewal, performance evaluation or promotion) of the recipient of such attentions. It can occur at all levels and may be heterosexual (i.e. man-to-woman or woman-to-man) or homosexual (i.e. man-to-man or woman-to-woman) in nature.

{autonom} Most cases of sexual harassment in the workplace fall into two broad categories:

{autonom} the first is *Quid Pro Quo Sexual Harassment* in which an individual's conditions of employment depend on whether he/she submits to or rejects the advances or behaviour (verbal or physical) of an aggressor. For example:

{autonom} a supervisor threatens not to recommend a subordinate for promotion unless he/she performs sexual favours.

{autonom} a supervisee threatens to disclose his/her sexual relationship with his/her supervisor if he/she is not promoted.

{autonom} the second is *Hostile Work Environment Sexual Harassment* in which an individual's behaviour (verbal or physical) in the workplace is offensive or intimidating to other workers, or interferes with their performance. For example:

{autonom} a staff member habitually uses sexually-explicit language, and makes sexually-oriented offensive remarks in the presence of his/her colleagues. He/she has been told that this behaviour is offensive, yet he/she persists.

{autonom} a staff member repeatedly hugs and kisses colleagues, and addresses them in an intimate manner (eg. honey, sweetheart, darling, etc.). He/she has been told that such behaviour is not appropriate in the office and that some colleagues are offended by it. He/she insists that it means nothing and continues to do so.

**WHEN DOES BEHAVIOUR BECOME SEXUAL HARASSMENT?{tc "WHEN DOES BEHAVIOUR BECOME SEXUAL HARASSMENT?"}**

{autonum} Social behaviour which is mutually acceptable to the parties involved does not constitute sexual harassment, even if it is of sexual nature. In the examples cited above, the offensive acts were characterized as sexual harassment because they were unsolicited, unwanted and unreciprocated by the recipient.

Regardless of whether the harasser considers the behaviour to be offensive or not, conduct becomes sexual harassment when it is forced upon a recipient against their will and the recipient makes it clear to the harasser that he/she does not approve of the behaviour and still the harasser persists.

This is an important distinction which sets sexual harassment apart from friendly, social behaviour which is of a mutually acceptable nature, and welcome.

**APPROPRIATE AND INAPPROPRIATE BEHAVIOUR AT WORK{tc "APPROPRIATE AND INAPPROPRIATE BEHAVIOUR AT WORK"}**

Ok.	Caution?	Stop!
These actions do not constitute sexual harassment. They are typical interactions and common courtesies that occur regularly in an office environment.	Many of these behaviours fall into a grey area which constitute inappropriate behaviour bordering on harassment.	These behaviours are always considered sexual harassment and are subject to disciplinary action.

<p>Performance counselling</p> <p>Touching which could not be perceived in a sexual way such as placing a hand on a colleague's shoulder</p> <p>Everyday social interaction such as saying 'hello' or 'did you have a good weekend?'</p> <p>Expressing concern or encouragement</p> <p>A polite compliment or friendly conversation</p>	<p>Violating personal space</p> <p>Whistling at persons</p> <p>Questions about personal life</p> <p>Lewd jokes</p> <p>Repeated requests for a date after being told 'no'</p> <p>Suggestive posters or calendars</p> <p>Foul language</p> <p>Unwanted letters or poems</p> <p>Sexually suggestive touching</p> <p>Sitting or gesturing sexually</p> <p>Inappropriate dressing</p>	<p>Sexual favours in return for employment rewards; threats if sexual favours are not provided</p> <p>Sexually explicit pictures including calendars or posters</p> <p>Sexually explicit remarks</p> <p>Unwelcome, unnecessary touching</p> <p>Using position of authority to request a date</p> <p>Inquiries into a colleague's sex life</p> <p>Obscene letters or comments</p> <p>Grabbing, forced kissing, fondling</p> <p>Sexual assault and rape</p>
---	--	---

{autonum} There may also be instances where a staff member takes advantage of his/her position of authority to coerce a more junior individual into an unwelcome relationship or situation. Under these circumstances, the victim may be so intimidated and fearful of reprisal that he/she condescends to the behaviour of the offender. Any such abuse of power, even if it is not rejected by the victim, constitutes harassment.

### **PREVENTING SEXUAL HARASSMENT{tc "PREVENTING SEXUAL HARASSMENT"}**

{autonum} The single most effective deterrent against sexual harassment in the workplace is awareness. Persons who are aware of conduct which constitutes sexual harassment are less likely to behave in a manner which is offensive to their colleagues. Unwilling victims who are aware of their rights and avenues of recourse will be more assertive and forthcoming in putting a stop to the offensive behaviour.

{autonum} As a first step toward dealing with sexual harassment in the workplace, staff are strongly encouraged to familiarize themselves with the provisions of this instruction, particularly with regard to identifying behaviour which constitutes sexual harassment. Other measures which will be introduced in the near future will include gender sensitivity training for staff at all levels, role modeling of appropriate behaviour by senior management, and orientation training for new staff.

## **THE ROLE OF SUPERVISORS AND MANAGERS{tc "ROLE OF SUPERVISORS AND MANAGERS"}**

{autonum} Creating a work environment which is free of sexual harassment is every staff member's responsibility. Supervisors and Managers can play a key role in this effort by ensuring that any incident of unacceptable behaviour, including sexual harassment, intimidation and hostility, is promptly dealt with and corrective action taken.

{autonum} Indeed, Managers and Supervisors bear added responsibility in this process (a) by themselves setting the highest exemplary standards of conduct, (b) by clearly communicating to all their staff (including new staff) the Organization's policy on sexual harassment, and (c) by encouraging a positive working environment of dignity and mutual respect, and in which sexual harassment is not tolerated.

## **PROCEDURES FOR DEALING WITH SEXUAL HARASSMENT{tc "PROCEDURES FOR DEALING WITH SEXUAL HARASSMENT"}**

{autonum} The cardinal rule for dealing with unwelcome behaviour is to discourage it at an early stage. Make it clear to the offender that his/her behaviour is unwelcome, that it is offensive and that it should cease immediately.

{autonum} Sexual harassment can be a degrading, embarrassing and traumatic experience. Staff who experience sexual harassment normally feel threatened, scared, isolated or alone. They often experience increased stress on the job and their performance may decline.

{autonum} An effective awareness programme will discourage offensive behaviour. Nonetheless, once it occurs, the most effective weapon in dealing with sexual harassment is victim empowerment. No one has to put up with sexual harassment.

### **Staff have rights and support is available.**

It is important that staff who feel that they are being sexually harassed know that:

- a) they are not alone - their colleagues can help. UNICEF will aggressively pursue all reported cases of sexual harassment.
- b) it is not their fault - they are the victims, not the offenders.
- c) they should not, and do not have to live with sexual harassment.

{autonum} The circumstances of each case will determine the most appropriate approach for handling the situation. Regardless of the approach (formal or informal), all reports of sexual harassment shall be handled discreetly to protect the privacy of the individuals involved.

## **THE INFORMAL APPROACH{tc "THE INFORMAL APPROACH" \1 2}**



{autonum} Often, cases of sexual harassment can be resolved informally.

**Resolution without involving a third party**{tc "Resolution without involving a third party" \l 3}.

{autonum} The motives of behaviour which is, or is perceived to be, offensive are often benign, unintentional or misunderstood. These incidents normally can be resolved quickly and with minimal strain on relationships, and usually involves the aggrieved individual informing the offender that his/her behaviour is not welcome and that it should cease. If this informal approach is unsuccessful, then the individual may have no choice but to pursue more formal channels (see para. below).

**Resolution involving a third party.**{tc "Resolution involving a third party." \l 3}

{autonum} In more serious cases, or if the aggrieved staff member is not comfortable in handling the situation on his/her own because of his/her level, status, culture, etc., then he/she should seek the advice or assistance of a third party.

**Staff can get support and help from a friend or colleague.**

Staff who feel they are being sexually harassed and who need assistance in dealing with the problem should find a supportive person whom they feel comfortable talking to and who they trust to maintain their confidentiality. They should remind the person that their confidentiality is extremely important.

Staff may also seek the advice and help from a Personnel/Operations Officer, a Staff Representative, an Ombudsperson, a senior member of their division or office, or the Director of the Division of Personnel, who can advise them and who may be able to discreetly discuss the matter with them and the offender with a view to achieving an informal resolution.

**There may be others who are experiencing the same problem.**

Staff may also discreetly investigate whether other staff are experiencing similar unwanted behaviour from the same offender. Where possible, they should seek out other staff who have experience in dealing with similar situations.

**Maintain a written record of the events.**

It is strongly advised that staff maintain a detailed description of all incidents, dates, places, witnesses and their feelings at the time. This will be important in the event of an investigation.

{autonum} Even if a case is resolved informally, as long as it is handled by a Personnel/Operations Officer, a Staff Representative, an Ombudsperson, a senior member of the aggrieved individual's division or office, or the Director, DOP, it is the responsibility of this third party to prepare a detailed report on the proceedings and outcome and submit it in confidence to the Executive Director. Although these proceedings may be deemed 'informal', depending on the seriousness of the case, incidents of sexual harassment which constitute misconduct will be pursued for possible disciplinary action.

## THE FORMAL APPROACH{tc "THE FORMAL APPROACH" \l 2}

{autonom} In circumstances where informal resolution of an incident of sexual harassment is not an appropriate approach, or has not been to the satisfaction of the aggrieved individual, then the case may be pursued through more formal channels.

{autonom} Formal complaints will be taken very seriously and aggressively pursued to a resolution. Each case will be dealt with swiftly, in the strictest of confidence and where warranted, appropriate disciplinary action - up to the extent of termination - will be taken.

### Filing a Complaint{tc "Filing a Complaint" \l 3}

{autonom} The aggrieved individual should address his/her complaint, **in strict confidence**, to the UNICEF Executive Director. The complaint should describe the specific, offensive act or acts, the time, location and circumstances under which they took place, and any other information relevant to the case. The complaint should identify the alleged harasser as well as any witnesses to the act(s) or anyone else to whom the incident might have been mentioned. The complaint must be signed and dated by the staff member.

{autonom} Once filed, all complaints or reports (see also para. above) of sexual harassment will be dealt with in accordance with UNICEF's *Disciplinary Measures and Procedures*{tc "Disciplinary Measures and Procedures" \l 3} as set out in Administrative Instruction CF/AI/1990-05 of 17 September 1990. The following is a brief outline of these procedures, the details of which are in AI/90-05:

{autonom} An investigation is conducted to determine the facts in the case as well as the legitimacy of the case.

{autonom} The alleged harasser is advised of the charges against him/her and given a copy of any relevant written complaint/report.

{autonom} The alleged harasser is given the opportunity to respond in writing to the allegations. He/she is advised that, if he/she so wishes, he/she may request the assistance of another UNICEF colleague or a retired staff member in preparing a defence.

{autonom} The facts determined in the initial investigation and fact-finding exercise, including the response of the alleged harasser, are reviewed by the Executive Director who decides whether to:

- {autonom} withdraw the case and close the matter;
- {autonom} issue a letter of reprimand to the offender;
- {autonom} refer the case to a Joint Disciplinary Committee{tc "Joint Disciplinary Committee" \l 3} for advice;
- {autonom} summarily dismiss the offender for serious misconduct.

*Note: In the above, depending on the findings, the offender may be either the alleged harasser or the aggrieved individual.*

{autonum} If the case is referred to a Joint Disciplinary Committee, the Committee thoroughly reviews the case, conducting any further investigations, etc. which it deems necessary and submits its recommendation to the Executive Director for a decision.

{autonum} The Executive Director decides on the appropriate disciplinary measure, if any, which should be taken.

{autonum} Both the alleged harasser and the aggrieved individual are informed of the Executive Director's decision.

### **HELPING A COLLEAGUE DEAL WITH SEXUAL HARASSMENT{tc "HELPING A COLLEAGUE DEAL WITH SEXUAL HARASSMENT"}**

{autonum} If a colleague approaches you for help in dealing with sexual harassment, **take it very seriously -do not try to dismiss it lightly or suggest that he/she is being overly sensitive.** There may also be situations where you suspect or observe that a colleague is being sexually harassed but he/she is afraid to do anything about it. He/she is probably intimidated and too scared to react. Offer your support and assistance - it may be the confidence and assurance which he/she needs to deal with the situation.

{autonum} Having supportive colleagues and confidence in a system which takes seriously all cases of sexual harassment is crucial toward empowering a victim to finding the means for resolving the situation as well as getting over the strong detrimental emotions that accompany sexual harassment.

### **SEXUAL HARASSMENT OUTSIDE THE UNICEF WORKPLACE{tc "SEXUAL HARASSMENT OUTSIDE THE UNICEF WORKPLACE"}**

{autonum} In principle, the private life of staff is their own concern and should not be intruded upon by the Organization. At the same time, in order that their private lives do not create scandalous situations, discredit the Organization, or offend the community in which they live or work, staff must set themselves a high standard of personal conduct, whether their activities are connected to official business or not. This principle is firmly enshrined in the *Standards of Conduct in the International Service* and behaviour (including sexual harassment) which is deemed to be incompatible with these standards will be subject to appropriate disciplinary action.

### **MONITORING THE EFFECTIVENESS OF THIS POLICY{tc "MONITORING THE EFFECTIVENESS OF THIS POLICY"}**

{autonum} Over the coming months, this policy will be closely monitored and evaluated. It would be particularly helpful if staff (especially those involved in the Consultative Group on Women, and Staff Associations) were to provide us with feedback and recommendations on the effectiveness of this policy, as well as the degree of understanding, acceptance and compliance with its provisions.



**ANNEX A**

CF/AI/1994-005

**ANNEX B**

CF/AI/1994-005