

## HUMAN RESOURCES DIVISION DIRECTIVES

Date: 19 February 1999

HR99/002

### Policy on the Prevention of Harassment

1. This Directive replaces Circular N. 95/004, dated 30 June 1995, Policy on the Prevention of Sexual Harassment and the Resolution of Problem Cases.

#### INTRODUCTION

2. The World Food Programme subscribes to the policy that, within the concept of Article 8 of the Charter of the United Nations every staff member shall have the right to be treated with dignity and respect, free from abuse or harassment. In accordance with Staff Regulation [301](#) and [301.01](#), the Executive Director will ensure the highest standard of conduct by staff members at all times.

#### PRINCIPLES

3. Every staff member of WFP will treat others and will be treated fairly within the workplace and in the context of work performed on behalf of the Programme. Every staff member of WFP will be provided an environment that is free of harassment, abuse of authority and discrimination. Any conduct that is found to constitute harassment, abuse of authority or discrimination will not be tolerated and will be dealt with in a manner consistent with the severity of the infraction, including appropriate administrative or disciplinary action.

#### APPLICATION

4. For the purposes of this policy, the term "staff member" refers to all individuals cited below.

This policy applies to all staff members of WFP, locally-recruited staff and SSA, Appointments of Limited Duration (ALD) and Service Contracts (SC). It also applies to those who are working in WFP, such as consultants, contract workers and volunteers. It extends to situations of harassment which occur at or away from the workplace, during or outside working hours, if such situations have a negative effect on the working relationships, work effectiveness or job security of a WFP staff member or place WFP in a negative light.

#### DEFINITIONS

5. **Personal Harassment** means any improper behavior by a staff member that is directed at and is offensive to another or others, and which that person knew or should reasonably have known would be so. It comprises objectionable conduct, comment or display made on either a one-time or continuous basis that demeans, belittles, or causes personal humiliation or embarrassment to a staff member of WFP. It includes discrimination based on any grounds, such as race, religion, color, creed, ethnic origin, physical attributes, gender or sexual orientation.
6. **Sexual Harassment** means any improper conduct, comment, gesture or contact of a sexual nature, whether on a one-time basis or in a continuous series of incidents, that might

reasonably be expected to cause offense or humiliation to another or others; or that another or others might reasonably perceive as placing a condition of a sexual nature on employment or on conditions of employment. Generally, sexual harassment is deliberate, unsolicited, coercive and one-sided and both male and female staff members can be the victim or the perpetrator.

7. **Abuse of Authority** is when an individual improperly uses the power and authority inherent in his or her position to endanger a staff member's job, undermine the performance of that job, threaten the economic livelihood of the staff member, or in any way interfere with or influence the career of the staff member. It includes intimidation, threats, blackmail and coercion

## **RESPONSIBILITIES**

8. **Staff members** bear responsibility for:

- the maintenance of an harmonious working environment;
- conduct which will ensure that the workplace is free of intimidation, hostility or offense and, in this context, of any form of harassment;
- not tolerating improper behavior;
- addressing such behavior; and if necessary,
- reporting it to supervisory or managerial staff; and
- cooperating with those reviewing the matter.

9. **Managers and supervisors** bear added responsibility in the process:

- to set an example;
- to clearly communicate to all their staff the policy outlined in this Directive;
- to ensure a positive working environment in which harassment does not occur;
- to assure prompt attention to the adherence of this policy;
- to assist in the informal resolution of complaints; and
- to take action to prevent recurrence.

10. Managers and supervisors should recognize that consensual intimate relationships involving those in a direct reporting line are not appropriate in an office setting. They may have negative repercussions on the morale of the office and may constitute in and of themselves an abuse of authority. Such consensual relationships, involving a direct reporting line, that may currently exist must be addressed immediately. If such cases exist, or begin, they should be brought to the attention of the senior manager, on a strictly confidential basis and by those involved themselves, so that any perception of abuse of authority can be addressed.

11. **Human Resources** bears responsibility for:

- the provision of advice and guidance on the application of this Directive;
- monitoring the application of this Directive.

12. **Human Resources** and OEDI bear shared responsibility for:

- all activities to resolve harassment complaints in WFP, including:
  - providing assistance, if called upon, in the informal complaint process;
  - designating an individual to review the complaint and to resolve it through mediation;

- obtaining, where necessary, the services of an investigator or an internal investigatory committee;
- establishing the terms of reference for the investigation; and
- advising the parties of the outcome of the investigation.

## **RECOURSE:**

### **A. INFORMAL COMPLAINT PROCESS (EARLY MEDIATION)**

13. The Informal Complaint Process is intended to provide a mechanism through which a staff member to communicate a claim of harassment in an open, honest and non-threatening manner with the person who is offending him/her. The objective is that through communication, and if necessary, early resolution, both parties will understand the point of view of the other, and that the behavior causing the problem will cease. This approach provides an opportunity for the problem to be eliminated expeditiously, before the parties become entrenched and adversarial.
14. A staff member who feels that he or she has been subjected to harassment should, where possible, immediately make his or her disapproval clearly known to the individual(s) concerned and ask them to stop the behavior. If the staff member is uncomfortable to approach the individual(s) concerned, he/she should seek the assistance of another individual, such as a colleague, the supervisor, an Administrative Personnel Officer, the Chief HRS, or a senior member of his/her Country Office or Division.
15. Should the staff member decide not to proceed with the matter, his/her wishes will be respected. However, if the situation which caused the complaint is serious, e.g. could be considered a criminal act, HR should be informed, by the person asked to provide assistance, in order to protect the overall interests of all staff members in general. Because of the managers' responsibility to ensure that the workplace is harassment-free, action may be taken to address the situation, in a confidential manner as an organizational matter without reference to the fact that there was an informal complaint.

### **B. FORMAL COMPLAINT PROCESS**

16. If the matter cannot be resolved informally, when the complainant wishes, he/she should forward the complaint, in writing, to the Director, HR or to the Inspector General, OEDI:

Director, HR  
World Food Programme  
Via Cesare Giulio Viola 68/70  
00148 Rome  
Tel: (3906) 65132410  
Fax: (3906) 6513 2867

or  
Inspector General, OEDI  
World Food Programme  
Via Cesare Giulio Viola 68/70  
00148 Rome  
Tel: (3906) 6513 2060  
Fax: (3906) 6513 2063

17. When the complaint is received, a designate will be identified by HR in consultation with OEDI to handle the complaint and to communicate with or meet with the complainant to clarify the complaint.
18. The staff member/person against whom an harassment complaint has been lodged and the complainant will be notified, as soon as possible, that the complaint has been received. This will include a statement of the nature of the complaint and the assertions made. It will also include a statement of the steps followed to have the complaint mediated and/or investigated, and the proposed time frames.
19. At the same time, the senior manager or Division Director concerned will be made aware of the complaint and the proposed action plan for its resolution, and if necessary, will be advised to take immediate action to physically or hierarchically separate the staff member against whom the complaint has been lodged from the complainant. Such action may include the identification of alternate work for one of the staff members or consideration of an application for leave for one or both of the staff members.

### **Mediation/Resolution**

20. In cases of a written, formal complaint an attempt may be made to resolve the matter informally before beginning an investigation. Such resolution would require the agreement of the complainant and

respondent(s). The designate will contact the parties, and interview them separately concerning the reported incident(s) of harassment in order to determine if the issue can be resolved at this stage, and if so, an attempt will be made to reconcile the parties.

### **Investigation**

21. In those cases where an investigation is required, the services of an investigator will be obtained, or an internal investigatory committee will be established by HR in consultation with OEDI. If so desired by the complainant, a duly elected staff representative may participate in those instances where a committee is established.
22. The investigator (or committee) will proceed in accordance with terms of reference established for the investigation by HR/OEDI. The investigator will document the situation accurately and completely. Upon completion of the investigation, the written confidential report will be provided to the Director, HR. That report will include all relevant factual information, signed testimony of the parties, and appropriate analysis of the information.
23. Upon receipt of the Investigator's report, the Director, HR will, in consultation with the senior manager or Division Director concerned, contact both the complainant and the person against whom the complaint was lodged and advise each of the outcome of the investigation.

### **Follow-up on Complaints**

24. Senior managers/Division Directors are responsible for ensuring that corrective action is taken when warranted. This may include administrative or disciplinary action in cases when a staff member has unreasonably pursued a claim that is unfounded and determined to have been frivolous and/or vexatious. The Director, HR will liaise with local management to follow up on such action.
25. Once a complaint has been resolved, managers and supervisors will monitor the situation closely to ensure that all parties to the complaint make the transition back to their assigned work as smoothly and as quickly as possible. When warranted, that may include professional counseling to assist all parties to deal with the outcome of the process. Managers and supervisors will also monitor their work environment closely to ensure that there is no potential for repeating the improper behavior.

### **Other Recourse**

26. If unsatisfied with the outcome, the aggrieved staff member may request the Director, HR in writing that the issue be reviewed in accordance with the procedure for complaints arising from working conditions set out in Appendix E of Manual Section 331 on Appeals, Conciliation Procedure; or he/she may file a written complaint pursuant to Article 1 of the Staff Regulations regarding unsatisfactory conduct by the alleged harasser.
27. More detailed guidance on the use of the above may be obtained from the Chief, HRS.

### **GENERAL NOTES**

28. The definition of harassment has been written in a broad context, to provide for the greatest amount of protection to all staff members. However, it must be recognized that harassment is considered a very serious matter in WFP, and staff members who commit such infractions will be subject to administrative or disciplinary action. Managers have a particular responsibility to set positive examples. Any managers who knowingly permit harassing or discriminatory behavior to continue in their organization once they have become aware will be subject to administrative or disciplinary action. Staff members must have reasonable grounds before making a complaint. Otherwise they may cause severe and possibly irreparable damage in the workplace.
29. All situations which appear to meet the definition may not ultimately be defined as instances of harassment. For example, a staff member whose post has been abolished or whose contract is not renewed or an unsuccessful candidate in a staffing process may feel offended or threatened, and yet a careful review of the facts may confirm that there is no evidence of harassment. Similarly, the attempts of a supervisor to coach a staff member with performance

problems does not constitute abuse of authority, if the supervisor's actions are based on objective, demonstrable facts; liaisons between two staff members may not be confirmed as constituting sexual harassment if the facts do not support the claim; or questions posed to a candidate during an interview may appear intrusive but may be found to be entirely appropriate because they were related to security issues or working conditions. These examples are provided with the understanding that WFP has no intention to limit the definition of harassment, nor limit the commitment to deal completely and expeditiously with incidents that are brought to the attention of managers and/or supervisors.

30. All complaints of harassment forwarded to the Director, HR or to the Inspector General, OEDI will be mediated or investigated expeditiously. However, they will be pursued as an harassment complaint only when it appears that: (a) the complaint relates to harassment as defined in this Policy; (b) the complaint appears to have substance and to have been made in good faith; and, (c) the complaint is based on acts or omissions the last of which occurred less than six months before receipt of the complaint (or such longer period as the Programme considers appropriate). The complainant will be notified if the complaint is not considered to be an harassment complaint; and they will be advised what action(s) will be taken to investigate and resolve the situation. This may include workplace assessment, i.e. a confidential review of the situation to determine if there is something that might be interfering with objective and positive operations in the work unit. Although this will not be done in the context of an harassment complaint, it will be done in the interests of ensuring a healthy and professional workplace.

### **Confidentiality**

31. All managers, staff members and other persons who are aware of a harassment complaint, or involved in its resolution, must recognize the seriousness of the situation and respect the sensitivity and confidentiality that must be accorded to the matter. They must refrain from discussing the complaint amongst themselves or with anyone who does not have a 'need to know'. Every effort must be made to preserve the dignity and self-respect of the parties to the complaint and of WFP. All information and documentation concerning a complaint will therefore be kept and transmitted as confidential/protected material. Those who do not fully respect such confidentiality may be subject to administrative or disciplinary action.

### **Information and Communication**

32. Senior managers will discuss this Directive with all managers and supervisors, to explain their responsibilities and accountabilities, offer support and ensure that they are aware of the resources available to assist them.
33. Each new staff member will be given a copy of the Policy on the Prevention of Harassment during the documentation process. A copy of the Policy may also be consulted on the Human Resources intranet site at: <http://home.wfp.org>

### **Retaliation**

34. Any retaliation or threat of retaliation against individuals making formal or informal harassment complaints or assisting in the investigation of complaints will be considered as a violation of the standards of conduct and will result in severe disciplinary action.

### **Administrative and disciplinary actions**

35. Conduct found to constitute harassment will be subject to administrative action such as formal warning or re-assignment or to one of the disciplinary measures for unsatisfactory conduct provided for in the Staff Rules. Disciplinary measures include written censure, suspension without pay, demotion, dismissal or summary dismissal. Disciplinary measures will be applied as appropriate in accordance with the gravity of the case, taking into account such factors as the nature of the harassment, any supervisory relationship and the prior behavior of the harasser.

**MONITORING**

36. The Director, HR will acquire and maintain a record of: the number of complaints, including the nature and outcome of investigations or mediation; post-complaint monitoring; administrative or disciplinary action; and investigation costs. A report of the foregoing will be provided to the Executive Director each year.
37. This policy goes into effect immediately and will be strictly enforced.

Dyane Dufresne-Klaus  
Director, HR

**Original signed by: D. Dufresne-Klaus on 19 February 1999.**