

## POLICY ON THE PREVENTION OF HARASSMENT

The policy on the prevention of harassment has been amended. The revised policy and related procedures for resolving harassment cases are outlined below.

### I. POLICY ON THE PREVENTION OF HARASSMENT

#### (a) Guiding principles

The FAO Staff Regulations and Rules require the highest standards of integrity from staff members. The Organization thus has the duty to ensure that its staff are treated, and treat one another, with dignity and respect, free from abuse or harassment.

FAO will not tolerate any type of harassment within the workplace or associated with the work performed on behalf of the Organization. The Organization's strategy is to place the emphasis on prevention through awareness-raising and training. In the event that harassment occurs, this policy provides the means for intervention on informal and formal levels. All allegations of harassment will be fully, fairly and promptly dealt with in a confidential manner.

#### (b) Responsibilities

Creating a work environment which is free from harassment is every staff member's responsibility. Staff should conduct themselves in accordance with the Standards of Conduct of the International Civil Service as set out in Manual Section 304, which aim to ensure *inter alia* that the workplace is free of any form of harassment.

Supervisors bear added responsibility and have a key role to play by:

- informing their staff about the policy;
- setting an example;
- fostering a positive working environment in which harassment by individuals or groups does not occur; and,
- ensuring adherence to the policy, including taking corrective action if needed.

The incidence of harassment in certain missions or field projects where staff may be brought together in situations resulting in close personal contact may be greater than at Headquarters. Mission and field project leaders are expected to act promptly, through appropriate intervention, when improper behaviour is brought to their attention. Similarly, mission and field project leaders should be sensitive to the problems caused by behaviour on the part of country officials toward members of the mission or field project team that might be interpreted as harassment.

All persons who are aware of a harassment complaint, or are involved in its resolution, must recognise the seriousness of the situation and respect the sensitivity and confidentiality of the matter. They must refrain from discussing the complaint amongst themselves or with anyone who does not have a "need to know". Every effort will be made to preserve the dignity and self-respect of the parties involved. Parties to the complaint must also observe this requirement of confidentiality.

#### (c) Definition of Harassment

Harassment means any improper behaviour by a person that is directed at, and is offensive to, another individual and which the person knew or ought reasonably to have known would be offensive. It comprises objectionable or unacceptable conduct that demeans, belittles or causes personal humiliation or embarrassment to an individual. Mildly offensive comments or behaviour can rise to the level of harassment if they are repeated; a single incident can be considered harassment if it is so severe that it has a lasting negative impact on the individual(s) concerned.

Although harassment may occur more often between persons of different levels of authority it may also occur between peers. When behaviour of this kind is engaged in by any person who is in a position to influence career or employment conditions (including hiring, assignment, contract renewal, performance evaluation or promotion) of the recipient, it also constitutes an abuse of authority.

Harassment can take many different forms and may include among others:

- degrading tirades by a supervisor or colleague;
- continual unjustified and unnecessary comments or deliberate insults related to a person's professional competence;
- threatening, abusive or insulting comments, whether oral or written;
- deliberate desecration of religious and/or national symbols;
- malicious and unsubstantiated complaints of misconduct, against other employees;
- mimicking, making fun or belittling;
- continual interference with a person's work space, work materials, equipment, etc.;
- continual and unfounded refusal of leave application or training;
- display of posters, pictures, electronic images or written materials which are offensive, obscene or objectionable;
- continual exclusion of a person or group from normal communication, work or work related social activities;
- unreasonable intrusion into a person's private life, such as unnecessarily seeking to communicate with that person outside office hours or when they are at home, or repeatedly asking inappropriate questions about personal affairs.

Sexual harassment is a particular form of harassment which includes unwelcome sexual advance, request for sexual favour or unwelcome verbal or physical conduct of a sexual nature, especially when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive environment. While typically involving a pattern of behaviour, it can take the form of a single incident.

Sexual harassment can occur regardless of whether the harasser considers the behaviour to be offensive or not. Sexual harassment is distinguished from other forms of contact by its unwelcome and coercive nature. Conduct becomes sexual harassment when it is forced upon a recipient against his/her will and the behaviour persists even where a reasonable person would understand that the behaviour is not welcome.

Mutually acceptable social behaviour is not sexual harassment regardless of the employment relationship.

Sexual harassment can take many different forms and may include among others:

- the repetition of suggestive comments or innuendo;
- the exhibition of sexually-oriented material in the workplace;
- the use of crude or obscene language or gestures, including obscene jokes or stories;
- repeated and/or exaggerated compliments or comments about a colleague's personal appearance, or his/her physical features;
- invitations to social activities or "dates", if they persist after it should be clear to the person issuing the invitations that they are not welcomed by the recipient;
- deliberate and unsolicited physical contact, or unnecessarily close physical proximity;
- direct propositions of a sexual nature;
- any link between submissions to sexual advances and conditions of employment, promotion, professional development, etc.;
- unwelcome and inappropriate letters, telephone calls, emails or other communications.

Discriminatory harassment is harassment based on grounds such as race, nationality, creed, religion or sex, which may have the purpose or effect of giving less favourable treatment to a staff member or group of staff members than to any other staff member or group of staff members in the same circumstances. Discriminatory harassment may take the form of dismissive treatment or the expression of stereotypic assumptions about a group to which a person may belong.

#### (d) Conduct that would not be considered harassment

Staff members must have reasonable grounds before making a complaint of harassment. All situations which appear to meet the definition ultimately may not be found to be instances of harassment. There is a wide range of ambiguous behaviour that might offend some people, but not others. The key is whether or not the action was offensive, particularly in light of whether the recipient asked the alleged harasser to stop it, where this is possible. It is important to note that supervisors may make negative decisions (e.g. about performance or work assignments) which do not, in themselves, constitute harassment. Supervisors have a responsibility to give balanced, frank and constructive feedback and to take appropriate action. It is only where such feedback or action is unduly biased or used as retaliation against an individual that it may constitute harassment.

#### (e) Retaliation

Any retaliation or threat of retaliation against any person making a complaint of harassment or involved in the procedure for dealing with a complaint of harassment will be considered as a violation of the Standards of Conduct of the International Civil Service. If retaliation is found to have occurred at any time, appropriate disciplinary action will be initiated under Manual Section 330 against the individual who has engaged in such retaliation.

#### (f) Application

This policy applies to all staff members and to non-staff personnel contracted by the Organization (e.g. consultants, subscribers to personal services agreements etc.). Allegations of harassment made by individuals who are not staff members or non-staff personnel will be reviewed by the Director, CSH, outside the framework of this policy.

## II. PROCEDURES FOR DEALING WITH HARASSMENT

The cardinal rule for dealing with unwelcome behaviour is to discourage it at an early stage. A person who believes that he/she is being subjected to harassment should first, where possible, make it clear to the alleged harasser that the behaviour is unwelcome, that it is offensive and that it should immediately cease.

In the event that the offensive behaviour continues or if the person who believes he/she is being subjected to harassment is not comfortable approaching the alleged harasser on his/her own, the following informal and formal means of resolving the problem are available.

(a) The Informal Approach

The informal approach is aimed at resolving a complaint of harassment through an assisted negotiation process between the person who believes he/she is being subjected to harassment and the alleged harasser, by the provision of advice and support on a strictly confidential basis. Persons who believe they are being subjected to harassment and alleged harassers are encouraged to use informal means in order to resolve problems as soon as possible, in a fair and respectful manner.

A person who believes he/she is being subjected to harassment may seek assistance from another staff member, a Human Resources or Personnel Officer or the Staff Counsellor in the Medical Service. Persons in duty stations outside Headquarters or on official missions who believe they are being subjected to harassment may seek advice from another staff member or a senior manager from one of the UN organisations represented in the area. Staff members may also request advice from their respective staff representative bodies.

A person who believes he/she is being subjected to harassment may call for mediation by a third party. The mediation procedure is outlined in Administrative Circular 2006/06 - *Mediation*.

(b) The Formal Approach

Formal complaints will be dealt with rapidly in the strictest of confidence and where warranted, appropriate disciplinary action will be taken. The person submitting the complaint should address it in writing on a strictly confidential basis to the Director, CSH, and:

- (i) 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/respondent as well as any witness to the act(s) or anyone else who may have information relevant to the complaint. The complaint should also specify whether and in which circumstances the complainant made it clear to the respondent that his/her behaviour was unwelcome and, where appropriate, any reasons that prevented the complainant from doing this. The complaint must be signed and dated by the complainant and the information provided should be as precise and concise as possible.
- (ii) The Director, CSH, will send within five working days written acknowledgement of receipt of the complaint to the complainant and forward a copy of the complaint to the respondent, who will be given the right to respond in writing to the allegations within 10 working days of receipt of the copy of the complaint.
- (iii) On the basis of the information received, the Director, CSH, may initiate

disciplinary proceedings in respect of the respondent and the matter will thereafter be dealt with in accordance with the provisions set out under paragraph 330.3.2 of Manual Section 330 – Disciplinary Measures. If the Director, CSH, decides further investigation into the facts of the complaint is warranted, then the matter will be referred to the Investigation Panel for an investigation of the facts.

- (iv) Procedure following referral of a case to the Investigation Panel:
- (a) Each complaint will be investigated by an Investigation Panel composed of three persons chosen from the three Members and six Alternates who have been appointed by the Director-General for a period of two years, after consultation with the staff representative bodies, and who serve in their personal capacity.
  - (b) The Senior Officer, Staff Relations, CSD, shall act as the Secretary to the Investigation Panel. The Secretary is responsible for facilitating the work of the Panel. The Secretary receives communications and documents to be submitted to the Panel and ensures that the procedural requirements of the Panel are appropriately provided for; coordinates the necessary administrative arrangements and services required by the Panel and keeps the Panel members and the complainant and the respondent apprised of time limits for investigating and reporting.
  - (c) The Panel will conduct the investigation and assess the reliability of the source or sources of information and the evidence submitted, according to Rules of Procedure adopted by the Panel. A copy of the Rules of Procedure of the Panel is available on the Human Resources Management Division (CSH) webpage.
  - (d) The work of the Panel will be conducted on a strictly confidential basis (Part I (b) above refers). A breach of confidentiality by anyone involved in the investigation may result in disciplinary action under Manual Section 330 – Disciplinary Measures.
  - (e) For complaints of harassment made by staff members serving in duty stations outside Headquarters the Investigation Panel may select one or more members of the Panel to carry out a fact-finding mission.
  - (f) The Panel will submit a written report on its findings of fact to the Director, CSH, no later than three months from the date of its receipt of the complaint.
  - (g) The Director, CSH will provide the complainant and the respondent with a copy of the report of the Investigation Panel, which shall be strictly confidential. The complainant and the respondent may submit comments on the report of the Investigation Panel in writing within 10 working days of receipt of the report.
  - (h) The Director, CSH will consider the findings of the report and any comments made by the complainant and the respondent and then decide on appropriate further action, including disciplinary action under Manual Section 330 – Disciplinary Measures.
  - (i) The Director, CSH will notify the complainant and the respondent on a strictly confidential basis of the decision that has been taken pursuant to (h) above.

### (c) Appeals

In accordance with Manual Section 330 – Appeals, an appeal may not be lodged while a complaint of harassment concerning the same factual issues is being reviewed under the provisions of this policy. An appeal may be lodged, either by the complainant or the respondent, in accordance with established procedures, against decisions taken under Sub-paragraph II (b) (iii) or Sub-paragraph II (b) (iv)(h) above.