

HARASSMENT, SEXUAL HARASSMENT AND ABUSE OF AUTHORITY

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1. INTRODUCTION

- 1.1 UNFPA is committed to providing a work environment free from harassment, sexual harassment and abuse of authority. Any type of harassment, including sexual harassment, and abuse of authority are strictly prohibited.
- 1.2 This document is based on the 2003 framework policy of the United Nations Development Group (“UNDG”) Sub-Group on Harassment. The UNDG has firmly supported the commitment that all international organizations must have “zero tolerance” for harassment or abuse in the workplace and will not tolerate conduct that can be construed as harassment, sexual harassment or abuse of authority. UNFPA embraces this commitment.

2. EFFECTIVE DATE

- 2.1. This document replaces the policy on Harassment, Sexual Harassment and Abuse of Authority dated 30 March 2009 in the UNFPA Policies and Procedures Manual.

3. SCOPE OF APPLICATION

- 3.1. This document applies to UNFPA staff members as well as to individual independent contractors, as further provided herein. Where both categories are referred to collectively in this document, the term “Personnel” may be used¹.
- (a) “UNFPA staff members” are persons appointed by or on behalf of the Executive Director under the United Nations staff regulations for service with UNFPA.
- (b) “Individual independent contractors” include natural persons retained on special services agreements, individual consultant contracts or service contracts. The term shall, for purposes of this document, also extend to interns and to persons retained by commercial employment agencies with a contract with UNFPA who provide services in the UNFPA work place.

¹ The use of the term “Personnel” shall not give rise to any individual independent contractor being considered either a “staff member” of UNFPA or the United Nations under the United Nations staff regulations, or an “official” of the United Nations for purposes of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946. Accordingly, nothing within or relating to this document shall establish the relationship of employer and employee, or of principal and agent, between UNFPA or the United Nations and any individual independent contractor.

4. PROHIBITED CONDUCT

4.1. Harassment:

4.1.1 Any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person. Harassment may be present in the form of words, gestures, or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, or cause personal humiliation or embarrassment to another or that causes an intimidating, hostile or offensive work environment. It includes harassment based on any grounds, such as race, religion, color, creed, ethnic origin, physical attributes, gender or sexual orientation. It can include a one-time incident or a series of incidents. Harassment may be deliberate, unsolicited, and coercive.

4.1.2 The mere expression of disagreement, admonishment, criticism or similar expressions regarding work performance, conduct or related issues within a supervisory relationship shall not normally be considered harassment within the meaning of this document.

4.2. Sexual Harassment:

4.2.1 Any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another person. Sexual harassment may occur when it interferes with work, is made a condition of employment or creates an intimidating, hostile, or offensive environment. It can include a one-time incident or a series of incidents. Sexual harassment may be deliberate, unsolicited, and coercive. Both males and females can be either victims or offenders.

4.3. Abuse of authority:

4.3.1 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 negatively influence the career or employment conditions (including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion) of another person. It can include a one-time incident or a series of incidents. 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.

5. PREVENTION

5.1. Responsibilities of Personnel:

5.1.1 Personnel must:

- (c) Be respectful to their colleagues and maintain the highest standards of conduct;
- (d) Maintain a harmonious work environment for other Personnel by behaving in a manner which is free of intimidation, hostility, offence and any form of Harassment, Sexual Harassment or Abuse of Authority;
- (e) Familiarize themselves with the regulatory framework of UNFPA, including by obtaining an understanding of conduct that constitutes Harassment, Sexual Harassment or Abuse of Authority; and
- (f) Be aware of the various options and internal channels available to them for addressing Harassment, Sexual Harassment and Abuse of Authority.

5.2 Responsibilities of Managers and Supervisors:

5.2.1 Managers and supervisors shall:

- (a) Promote a harmonious work environment, free of intimidation, hostility, offence and any form of Harassment, Sexual Harassment and Abuse of Authority. In order to achieve such an environment, managers and supervisors must act as role models by upholding only the highest standards of conduct;
- (b) Ensure that incidents of Harassment, Sexual Harassment or Abuse of Authority are promptly addressed. In such cases, managers and supervisors must demonstrate fairness, impartiality, and be free from intimidation or favoritism; and
- (c) Ensure that staff members who supervise others do not engage in Harassment, Sexual Harassment or Abuse of Authority. Managers and supervisors must also take measures consistent with the present document should they witness any acts of Harassment, Sexual Harassment or Abuse of Authority.

5.3 The failure of a manager or supervisor to communicate and/or address any known act of Harassment, Sexual Harassment or Abuse of Authority may result in the imposition of appropriate administrative or disciplinary measures.

5.4 Responsibilities of UNFPA:

5.4.1 In implementing this policy, UNFPA, while recognizing that no two incidents are the same, shall act consistently and take the appropriate administrative, investigative and disciplinary action required, regardless of the Personnel's function, title, length of service and contractual status.

5.4.2 UNFPA may, on a periodic basis, provide training to its Personnel to achieve an increased sensitization and awareness of all forms of harassment and of the adverse effects of harassment on the victim and the Organization.

5.4.3 UNFPA will disseminate this document through its Policies and Procedures Manual.

6. DISPUTE RESOLUTION (INFORMAL AND FORMAL PROCESS)

6.1. The Informal Process:

6.1.1 Personnel who believe that they have been subjected to Harassment, Sexual Harassment or Abuse of Authority may choose to deal with any complaint or grievance through the Informal Process (Section 7). Informal resolution of disputes is encouraged, but not required. Personnel should note that their choice to resort to the Informal Process will not preclude a later shift to the Formal Process (Section 9).

6.2. The Formal Process:

6.2.1 Personnel who believe that they were subject to Harassment, Sexual Harassment or Abuse of Authority may submit a complaint to the Director, Division for Oversight Services ("DOS"), alleging that they are or were the victim of Harassment, Sexual Harassment or Abuse of Authority. Section 9 provides further details on the Formal Process.

6.3. Supporting evidence, including documentation:

6.3.1 It is strongly advised that all parties maintain detailed written records (including, for example, hard copies of e-mails) of all incidents, dates, places, witnesses, and their feelings at the time of the alleged Harassment, Sexual Harassment or Abuse of Authority. The parties should note that not every Informal Process is successful and that an investigation may occur in the future. As such, written records might prove useful should a Formal Process be required at a later time.

7. INFORMAL PROCESS

7.1. The purpose of the informal dispute resolution process is to afford Personnel the opportunity to resolve any grievance in a consensual, non-threatening and non-contentious manner. The informal options available within an Informal Process include:

- (a) Approaching the alleged offender;
- (b) Involvement of a third party; or
- (c) Involvement of the Funds and Programmes Ombudsman.

7.2. Approaching the alleged offender:

7.2.1 Personnel may not understand that they are behaving offensively and, if requested, may stop or alter this behavior. Personnel who feel that they are the subject of Harassment, Sexual Harassment or Abuse of Authority are encouraged, where possible, to inform the alleged offender that his or her conduct is unwelcome and request that such conduct cease.

7.3. Involvement of a third party:

7.3.1 A third party may agree to assist either the victim or alleged offender in mediating the dispute and finding a mutually agreeable solution to the matter. It is vital that the third party ensure that confidentiality is respected at all times. The third party should be fully familiar with the present document. He or she should always act in the best interests of the victim/offender and refrain from defaming the character of either. The third party should be aware that sometimes the best form of assistance is a referral to a more appropriate entity, for example the Funds and Programmes Ombudsman.

7.3.2 No person shall be designated as a third party within the meaning of this policy against his or her will.

7.3.3 Under no circumstances may a third party employ coercion, threats, physical pressure or similar means.

7.4. Involvement of the Funds and Programmes Ombudsman:

7.4.1 The Funds and Programmes Ombudsman, at his/her professional discretion, may conciliate or mediate on a strictly confidential basis. The objective of this grievance procedure is to assist the parties in finding mutually acceptable solutions through informal means and to foster or to reestablish a harmonious and

productive work environment.

- 7.4.2 More information on the advantages of Ombudsman intervention may be obtained on the website of the United Nations Ombudsman and Mediation Services at <http://www.un.org/en/ombudsman/help.shtml>.

8. MOVING FROM AN INFORMAL TO A FORMAL PROCESS

- 8.1. If the victim is not satisfied with the results of the informal process, he or she may submit a written complaint to begin the Formal Process within three (3) months from the date when the Informal Process was finalized.

9. FORMAL PROCESS

- 9.1. Any Personnel and/or former Personnel may file a complaint of Harassment, Sexual Harassment or Abuse of Authority with the Director, DOS.

- 9.2. Should the Director, DOS, determine that the matter may appropriately be dealt with through an informal process, he or she may refer the matter to the Director, DHR, for an attempt at the informal resolution of the dispute, provided the complainant has given his/her consent to such referral.

9.3. Time limits

- 9.3.1 A formal complaint of Harassment, Sexual Harassment or Abuse of Authority may be addressed to the Director, DOS, by any Personnel within six (6) months from the date of the last incident of Harassment, Sexual Harassment or Abuse of Authority. These time limits may be extended by the Director, DOS, in exceptional cases.

9.4. Formal requirements:

- 9.4.1. The complaint shall:

- (a) be in writing;
- (b) state the identity of the alleged offender;
- (c) state the date(s) and location(s) of the alleged incident(s) of Harassment, Sexual Harassment, or Abuse of Authority;
- (d) render a description of the incident(s) in question as well as other relevant circumstances;

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(e) indicate names of witnesses and physical and/or documentary proof.

9.4.2 The complaint shall not be:

(a) anonymous;

(b) submitted on behalf of another person.

9.5. **Further action:**

9.5.1 If: (i) the complaint was submitted within the time limits ([Section 9.3](#)); (ii) the complaint fulfills the formal requirements ([Section 9.4](#)); and if (iii) the incident or incidents subject to the complaint, on its/their face, fall within the scope of prohibited conduct as described in this document ([Section 4](#)) and, *prima facie*, meet a reasonable threshold level for misconduct; then the Director, DOS, may consider the complaint to be receivable.

9.5.2 The Director, DOS, shall communicate a copy of the complaint or information from the complaint to the staff member who, in light of the available information in the complaint, appears to be the subject of the allegation of misconduct in the form of Harassment, Sexual Harassment or Abuse of Authority, and invite him or her to submit comments on the allegation, in writing and within a reasonable period of time, if he or she desires to do so. However, if such disclosure puts at risk the documentary evidence, witnesses and potential victims the alleged offender may be notified subsequently but no later than his or her interview as the subject of the investigation.

9.5.3 After comments have been received or the timeframe has expired without a response from the staff member who is the subject of the allegation of misconduct in the form of Harassment, Sexual Harassment or Abuse of Authority, the Director, DOS, shall determine whether the staff member's alleged conduct should be investigated. In the affirmative, the investigation should begin as soon as possible.

9.5.4 The investigation of the staff member's alleged conduct as well as disciplinary or non-disciplinary action by the Organization, if any, shall be conducted in accordance with the staff regulations, rules and the relevant provisions of the UNFPA Policies and Procedures Manual, [Disciplinary Framework](#).

9.5.5 If the Director, DOS, determines that the complaint will not be investigated, he or she shall advise the complainant accordingly, in writing, and close the case.