

Human Resources Services Services des Ressources humaines		
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International Training Centre
Centre international de formation
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POLICY AND PROCEDURES FOR DEALING WITH HARASSMENT

Guiding principles

1. The Centre's policy on sexual, psychological and discrimination harassment embodies the fundamental principles in the Standards of Conduct set by the International Civil Service Commission. Its main features are these:
 - a) the right of every individual to be treated with respect and dignity in the workplace and to work in an environment free from any harassment or abuse of power;
 - b) an effort to clarify situations, behaviour and conduct that might constitute harassment;
 - c) "zero tolerance" of any form of harassment;
 - d) fast, fair settlement of all alleged cases of harassment;
 - e) a flexible method of settling cases of harassment informally that focuses on mediating between the parties involved and on dissuasion;
 - f) a formal procedure that will make the circumstances of the harassment clear in an independent, impartial manner;
 - g) a fair balance between punitive measures and information and prevention;
 - h) psychological support for victims of harassment;
 - i) raising the awareness of managers and other staff through information and prevention, with the help of appropriate training at all levels.

2. In line with these principles, sexual, psychological or discrimination harassment at the workplace or in relation to work constitutes unacceptable behaviour that will not be tolerated at the Centre. It is seen as contrary to the high standards of conduct required of all officials by article 4.2 of the Staff Regulations and will lead to disciplinary measures. Members of staff must observe elementary rules of courtesy and behave respectfully towards each other whatever their position in the hierarchy, and accept diversity of expectations and beliefs. They must refrain from any behaviour that undermines human dignity and respect for the individual. Managers, in particular, must set an example, and make sure that staff members for whom they are responsible apply the same principles of respect for their colleagues;

they must take all the necessary preventive or punitive measures against unacceptable behaviour. In these matters, the duties of responsible chiefs and management staff extend beyond the Turin Centre to alleged or proven cases of harassment during field activities.

3. The Centre's policy on harassment applies to all officials, whatever their contractual status, and to all short-term staff, to external collaborators and to interns.

Definition of harassment

4. Harassment is deemed to be any series of actions, usually repeated, whose aim or effect is deterioration in working conditions liable to: undermine the rights and lessen the dignity of the person who is the victim of them; to harm the victim's physical or mental health; or to compromise the victim's career prospects.
5. Harassment may occur at all levels within an organization and in any direction. Although psychological harassment is most often engaged in by the hierarchy, exploiting power-based relationships, it is nonetheless common for harassment to take place horizontally, involving colleagues at the same level or of the same sex, beliefs or race. It is even possible for the roles to reverse, and for a chief to be harassed by a subordinate or a group of subordinates.
6. Harassment is especially serious when it is engaged in by an official, man or woman, who is in a position to influence the career or job conditions (including recruitment, duty station, contract renewal, performance appraisal or promotion) of the victim.

Sexual harassment

7. Sexual harassment is a specific form of harassment. It consists of any undesired conduct of a sexual nature which, in the reasonable view of the victim, interferes with work, is made a condition for employment, promotion or any other job advantage, or creates an intimidating, hostile and offensive working environment.
8. Types of behaviour which, when undesired, may constitute sexual harassment include: repeated physical or verbal sexual advances; demands for sexual favours; repeated suggestions and allusions; inopportune remarks about an official's physical appearance; using obscene words; cracking obscene jokes; displaying documents of a sexual nature in the workplace; physical molesting; blackmail; or threats of repercussions on the victim's job conditions – after it has been clearly indicated that such behaviour is not welcome. A condition of sexual harassment is that the behaviour is undesired

or disturbing, not shared, and imposed on the person who suffers it. When relationships are mutually desired and accepted, there is no harassment. However, officials who consent to such relationships must not allow them to affect their working environment.

Psychological harassment

9. In general, unlike cases of sexual harassment, whose explicit nature makes them immediately recognizable, psychological harassment cannot be given a straightforward definition, because the hostile acts that constitute it can easily be confused with ordinary work episodes or attitudes. The key factor that distinguishes psychological harassment from an ordinary work conflict is the constant repetition of hostile acts, or else an act being serious enough in itself to have potentially prolonged effects on the victim. It therefore consists of any abusive attitude by one or more persons designed to attack or denigrate an official, constantly and repeatedly, over a prolonged period.
10. Conduct whose constant repetition or particular seriousness might constitute psychological harassment includes: any behaviour designed to continuously isolate the victim in their place of work or undermine their right to express themselves; circulating rumours and slander about them; imitating them in a mocking way; discriminating against them because of an infirmity; discrediting them in their workplace in front of their colleagues; giving them tasks which are humiliating or below their level of skill; excluding them from the flow of information and normal office work; imposing unjustified administrative sanctions on them; boycotting their work, even without their knowledge; and, finally, attacking them psychologically.
11. The repercussions of psychological harassment on its victims can prove extremely serious, not only on the psychological level but also on the psychosomatic and physical level. In the most serious cases, it may cause long-term harm or even have tragic consequences.

Discrimination harassment

12. Discrimination is a further form of harassment. Like psychological harassment, it may be less flagrant and more insidious than sexual harassment. It consists of systematically treating an official or a group of officials less favourably solely on the basis of their race, beliefs or sex, or because they have a disability. It is often based on prejudice and preconceived ideas about factors such as age, culture, nationality, religion or social class.

Measures against harassment

13. All the research into the problem of harassment has found that what the victims of harassment want most of all is for it to stop as fast as possible. The problem must therefore be dealt with quickly, seriously and effectively, and the necessary measures must be taken to stop it.
14. People who believe themselves the victims of sexual or psychological harassment are encouraged to tell the presumed perpetrator that their behaviour is inappropriate, and that, in line with the policy herein established, they expect such behaviour to stop immediately. In cases in which the relative power or status of the persons involved, or other considerations, make it hard to confront the presumed perpetrator directly, the perceived victim is encouraged to try to settle the matter, if possible, through the informal or formal channels described below.

Informal approach: mediation

15. A person who is a victim of harassment may wish to keep a personal written record of events, noting the dates, places and names of all witnesses. They may also wish to discuss the matter with a friend or colleague or, in strict confidence, with a representative of the Staff Union Committee, an official within the Human Resources Services, a doctor or nurse belonging to the Medical Service, or a higher-level official who is in a position to discuss the problem discreetly with both the alleged victim and the alleged perpetrator with the aim of reaching an informal solution to the problem, whenever appropriate. Managerial staff have an obligation to facilitate such informal solutions, and also to take the action needed to prevent harassment recurring.
16. The alleged victim and the alleged perpetrator may agree to bring in a mediator they have chosen together as having an aptitude for resolving this type of interpersonal conflict while respecting sexual, cultural and linguistic diversity. The Human Resources Services and the Staff Union Committee are among those who may suggest names.
17. The mediator's mandate will be to secure an immediate, unconditional end to the harassment and to seek a resolution of the conflict, without, however, ignoring the responsibilities of the two parties involved. The mediator will write a strictly confidential report to the Human Resources Services in which he or she sets out the facts, the dates and the outcome of the mediation.

18. Successful mediation will have no administrative or disciplinary consequences for the two parties involved. It simply puts an immediate end to the behaviour deemed inappropriate.

Formal procedures: complaint

19. When an informal solution is not appropriate, or is not accepted, or has failed, a person who deems they are the victim of harassment may ask the Centre to intervene formally. Where appropriate, they may call for the review or complaints procedures in articles 12.1 and 12.2 of the Staff Regulations to be followed. Officials may approach the Administrative Tribunal of the ILO as set out in article 12.3 of the Staff Regulations and the Statute of the Tribunal.

20. In accordance with article 12.2 of the Staff Regulations, a complaint must be addressed to the Director of the Centre through the responsible chief of the alleged victim and through the Human Resources Services, or directly through the Human Resources Services if the alleged perpetrator *is* the responsible chief. This should be done within six months of the facts which the complaint concerns. It should describe in detail the nature of the harassment, giving the date, place and circumstances of the incident(s), together with any further information that might shed light on the case. The complaint should also specify whether the victim had let the alleged perpetrator know clearly that their behaviour was inappropriate and, if so, whether conciliation or mediation had been attempted. The names of potential witnesses to the incident(s) should be given. The complaint should be dated and signed by the alleged victim.

21. A copy of the alleged victim's complaint is to be sent by the Chief of the Human Resources Services to the alleged perpetrator so that the latter may respond to the allegations with their own comments and give their version of the facts within a deadline set by the Chief of the Human Resources Services.

22. When that deadline expires, the Director of the Centre shall review all the available evidence, and may then decide to:

- take disciplinary measures under Chapter XI of the Staff Regulations against the alleged perpetrator, if the facts have been sufficiently well established;
- close the file if the accusations of the alleged victim are insufficiently well founded;
- refer the complaint to a Commission of Inquiry.

23. The Commission of Inquiry has three members: one member designated by the Director, one union member designated by the Staff Union Committee, and one outside expert, independent and of recognized expertise in settling individual conflicts at work, designated jointly by the Director of the Centre

and the Staff Union Committee. This outside expert shall chair the Commission. The members of the Commission of Inquiry act in a personal capacity. The Human Resources Services will provide the Commission with a secretariat.

24. The Commission of Inquiry will undertake the research needed to substantiate or refute the allegations. It may hold meetings with the alleged victim, the alleged perpetrator and the witnesses to the incidents between the parties, and use any other means of investigation it deems appropriate. The work of the Commission is strictly confidential. Any breach of confidentiality by those called before it, or by one of its members, shall be punished as stipulated by the Staff Regulations or, in the case of persons who are not part of the staff of the Centre, shall be liable to such measures as the Director deems appropriate, considering the contractual and professional ethics obligations of the people concerned. The Commission of Inquiry has 90 days to submit a report to the Director of the Centre.

25. Within 60 days of receiving the Commission of Inquiry's report, the Director of the Centre, together with the Chief of the Human Resources Services, may, on the basis of that report, decide to:

- Close the file, if the Commission has not found that a case of harassment clearly exists and deems that the accusations by the alleged victim are insufficiently well founded. The alleged victim and the alleged perpetrator shall be informed of the Director's decision and receive a copy of the report by the Commission of Inquiry.
- Convey the conclusions of the Commission's report to the alleged perpetrator for them to submit comments within five days of receiving it, if the report clearly confirms the alleged facts and the guilt of the alleged perpetrator. The conclusions of the Commission's report shall also be made known to the victim. After receiving the comments by the guilty party, the Director may impose one of the disciplinary sanctions foreseen in Chapter XI (Discipline) of the Staff Regulations (warning, reprimand, censure, reduction of salary and demotion, discharge, summary dismissal or suspension) in accordance with the gravity of the case.
- Convey the conclusions of the Commission's report to the alleged victim, for them to submit comments within five days of receiving it, if the report concludes that the accusations of harassment are knowingly false and malicious. The conclusions of the Commission's report shall also be made known to the person unjustly accused. After receiving the comments by the guilty party, the Director may impose one of the disciplinary sanctions foreseen in Chapter XI (Discipline) of the Staff Regulations (warning, reprimand, censure, reduction of salary and demotion, discharge, summary dismissal or suspension) in accordance with the gravity of the case.
- The alleged victim and the alleged perpetrator may contest the Director's decision and appeal to the Administrative Tribunal of the ILO, as stipulated by article 12.3 of the Staff Regulations, under the conditions laid down by the Statute of the Tribunal.

26. All allegations of harassment shall be examined carefully, impartially, promptly and with the utmost discretion. Any reprisal or threat of reprisal against anyone who submits or helps to submit an informal or formal complaint of sexual, psychological or discrimination harassment will be considered a violation of the standards of conduct required under article 4.2 of the Staff Regulations, and will lead to disciplinary measures, as will any accusation of harassment that is proved to be false and malicious.

Awareness-raising and preventive measures

27. In order to avoid cases of harassment at the Centre, the Human Resources Services will organize awareness-raising and prevention sessions. Their aim will be to improve relations among officials and between superiors and subordinates, and to help create a working environment marked by mutual respecting of the rights of every official, by respect for sexual, religious and racial differences, and by courtesy and solidarity at every level of the organization.