

# Annex 18 – Policy on Harassment, Sexual Harassment and Abuse of Authority

## A. Introduction

1. The Bank is committed to promoting a work environment free of harassment, sexual harassment, or abuse of authority. The Code of Conduct for EBRD Personnel and Experts requires Bank Personnel and Bank Experts to act at all times with integrity, impartiality and discretion and to conduct themselves in a manner that befits their international status as officials of an international organization. The conduct of Bank Personnel and Bank Experts should not bring the Bank into disrepute. Authority must be exercised in an even handed and responsible manner, avoiding behaviour that could amount to harassment, sexual harassment or abuse of authority. The Bank takes instances of harassment, sexual harassment and abuse of authority very seriously and such conduct may be subject to appropriate administrative, disciplinary, or contractual measures. **B.**

**Application** 2. This Policy has the same application as the Code of Conduct for EBRD Personnel and Experts. It applies to the President, the Vice-Presidents, the Chief Evaluator and staff members (each "Bank Personnel"). It also applies to Experts Performing Missions for the Bank to the extent set out in their contracts of appointment (and who, for the purposes of this policy are included in the reference to Bank Personnel). **C. Definitions**

## Harassment

3. Harassment ("Harassment") is any improper and unwelcome conduct that has caused or that might reasonably be expected or perceived to cause offence or humiliation to other Bank Personnel or non-Bank Personnel (as defined in Section F, paragraph 23 below). Harassment may also include Bullying. For the purposes of this Policy, "Bullying" is aggressive conduct, whether verbal, psychological or physical, in the work environment or in connection with work, of Bank Personnel that has the effect of humiliating, belittling, offending, intimidating or discriminating against other Bank Personnel or that creates a hostile or offensive work environment. Aggressive conduct may include intimidation, threats, blackmail or coercion.

4. An occurrence of Harassment may be determined by reference to the following:

- Harassment may take the form of words, gestures, or other actions that abuse, demean, intimidate, belittle or cause an intimidating, hostile or offensive work environment.
- Harassment may be based on any grounds, including without limitation: race, religion, colour, creed, ethnic origin, physical attributes, gender or sexual orientation.
- Harassment may be deliberate, unsolicited or coercive.
- Harassment may often arise from a course of conduct, but may also arise from a single incident, if it is sufficiently severe.
- Harassment may be perpetrated directly by Bank Personnel acting

alone or with other Bank Personnel, or indirectly by Bank Personnel acting through, or influencing the conduct, of other Bank Personnel.

### **Sexual Harassment**

5. Sexual Harassment ("Sexual harassment") is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that has caused or might reasonably be expected or perceived to cause offence or humiliation to other Bank Personnel or non-Bank Personnel.

6. An occurrence of Sexual harassment may be determined by reference to the following:

- Sexual harassment may take the form of unwelcome sexual advance, request for sexual favour, words, gesture, display of pornography, behaviour or other actions of an expressed or implied sexual nature, including any attempt to influence an employment or engagement outcome by reference to a sexual outcome.
- Sexual harassment may often arise from a course of conduct, but may also arise from a single incident, if it is sufficiently so severe as to be unambiguously offensive.
- Sexual harassment may occur between persons of the opposite or same sex.
- Sexual harassment may be perpetrated directly by Bank Personnel acting alone or with other Bank Personnel or indirectly by Bank Personnel acting through, or influencing the conduct of, other Bank Personnel.

### **Abuse of Authority**

7. Abuse of Authority ("Abuse of authority") is the improper use of a position of influence, power or authority by Bank Personnel against other Bank Personnel or non-Bank Personnel.

8. An occurrence of an Abuse of authority may be determined by reference to the following:

- Abuse of authority may be constituted by unreasonably impeding the ability of another person to work effectively or by explicit or implicit demands that another person distort facts to favour a desired outcome.
- Abuse of authority may arise when there is an improper exercise of authority linked to employment or engagement outcomes for Bank Personnel including, without limitation, the giving or withholding of favourable or unfavourable performance appraisals, continued engagement, salary increase, bonus, promotion, or recommendations in respect of any thereof.
- Abuse of authority may often arise from a course of conduct, but may also arise from a single incident, if it is sufficiently severe.

Abuse of authority may be perpetrated directly by Bank Personnel acting alone or with other Bank Personnel or indirectly by Bank Personnel acting through, or influencing the conduct of, other Bank Personnel.

### **Supervisors' Comments on Performance is not Harassment or Abuse of Authority**

9. Supervisors and managers are expected to give frank and constructive feedback to personnel they supervise or manage, and to take appropriate corrective action whenever warranted. This may involve expressing views concerning the work, performance or conduct of Bank Personnel. The mere expression of a view by a supervisor or by a manager regarding work performance, conduct or related issues within a supervisory relationship shall not of itself be considered as Harassment, Sexual harassment, or Abuse of authority notwithstanding that the addressee of those views may disagree with them or that they may constitute or be regarded as admonishment or criticism. Feedback should always be given in a reasonable and constructive manner and not used to demean Bank Personnel. **D. Duties**

10. In the multinational, multicultural environment of the Bank, actions which might be regarded as acceptable in one culture may give offence in another. Individual differences may also create ambiguities as to whether certain conduct is appropriate, as behaviour that offends some people may not offend others. Any behaviour that is reasonably perceived to be offensive or intimidating by the recipient, regardless of the intention of the initiator, should be avoided.

All Bank Personnel have a responsibility to communicate clearly about behaviour they find offensive.

### **Responsibilities of Bank Personnel**

11. Bank Personnel must:

- a) Be respectful and polite when interacting with other Bank Personnel and any other non-Bank Personnel, and must maintain the highest standards of conduct at all times;
- b) Maintain a harmonious working environment for other Bank Personnel and non-Bank Personnel with whom they come in contact by behaving in a manner that is free of intimidation, hostility, or offence;
- c) Familiarize themselves with the relevant Bank's policies, including an understanding of behaviour that may constitute Harassment, Sexual harassment, or Abuse of authority;
- d) Refrain from any form of Harassment, Sexual harassment or Abuse of authority; and
- e) Refrain from any form of retaliation in the event that a complaint of Harassment, Sexual Harassment or Abuse of Authority is made.

### **Responsibilities of Managers and Supervisors**

12. Managers and supervisors must:

- a) Within the areas for which they have responsibility, endeavour to create a harmonious working environment, free from Harassment, Sexual harassment or Abuse of authority. In order to achieve such an environment, managers and supervisors must act as role models by adhering to the highest standards of conduct;
- b) Use their best efforts to ensure that Bank Personnel whom they supervise do not engage in Harassment, Sexual harassment, or Abuse of authority or in any form of

retaliation in the event that a complaint of Harassment, Sexual harassment or Abuse of Authority is made;

c) Ensure that alleged incidents of Harassment, Sexual harassment or Abuse of authority, of which they are aware and within an area for which they have a responsibility, are promptly brought to the attention of the alleged wrongdoer for remedial action and or are promptly reported to the relevant Bank Personnel as appropriate under this or any other relevant Bank policy; and

d) Ensure that all discussion, communications and actions regarding incidents of Harassment, Sexual harassment or Abuse of authority, within the area for which they have responsibility, brought to their attention are handled by them and by those whom they manage or supervise in accordance with relevant Bank policies, with utmost sensitivity and confidentiality.

13. The failure of a manager or supervisor to take steps to address concerns of known or suspected act of Harassment, Sexual harassment or Abuse of authority may constitute misconduct on his or her part.

### **Responsibilities of EBRD**

14. In implementing this policy, the Bank shall act consistently and take the appropriate administrative, investigative, disciplinary and/or contractual action required, regardless of the function, title, length of service and employment status of the parties involved in the case.

15. At any time, the Bank may take measures, either individual or group, to address behaviour which is disruptive to the work environment. These measures may be taken regardless of the outcome of any informal or formal resolution process, and are not disciplinary.

16. The Chief Compliance Officer is responsible for conducting preliminary assessments and formal investigations of complaints of Harassment, Sexual harassment or Abuse of authority. Complaints may be sent to the Chief Compliance Officer, in particular through the e-mail address: [compliance@ebrd.com](mailto:compliance@ebrd.com).

17. Bank Personnel requiring clarification as to the application of the present policy or advice as to the support and redress options available hereunder (including how to file a complaint under the Conduct and Disciplinary Rules and Procedures ("CDRPs")) are encouraged to speak with his or her departmental manager, Human Resources Client Manager, the HR 'Client Manager, Employee Relations', the Bank's Ombudsman, or personnel from the Office of the Chief Compliance Officer (OCCO). Experts Performing Missions for the Bank requiring clarification or advice may speak with their Operation or Project Leader, the HR 'Client Manager, Employee Relations', the Bank's Ombudsman or personnel from OCCO.

### **E. Resolution Process**

18. Any Bank Personnel who consider that he or she is being subjected to Harassment, Sexual Harassment and/or Abuse of Authority is urged to take prompt action to resolve his or her concern, using the informal and/or formal resolution processes provided by the Bank. The aim of these processes is to ensure that incidents of Harassment, Sexual Harassment and/or Abuse of Authority are detected and stopped and that appropriate means of redress are made available. Bank Personnel need not avail himself or herself of the informal process before proceeding to formal resolution of the matter. Further, Bank Personnel need not advise the Chief Compliance Officer under CDRPs if he or she is seeking to resolve

a concern informally.

Processes under CDRPs with respect to any incident(s) of conduct cannot be pursued whilst an Informal Resolution Process in respect of such incident(s) is ongoing or has been successfully concluded.

**19. Informal Resolution Process:** An informal process is intended to provide a means for addressing problems in an open, honest, non-contentious and non-threatening manner. Under an informal resolution process, Bank Personnel may wish to directly approach the individual whose behaviour is causing offence and ask that the behaviour stops. If the Bank Personnel is uncomfortable with approaching the alleged perpetrator, he or she may involve his or her departmental manager, the HR 'Client Manager, Employee Relations', or the Bank's Ombudsman, to intervene with a view to conciliating the concern. Experts Performing Missions for the Bank may request the intervention of their Operation or Project Leader or the HR 'Client Manager, Personnel Relations'.

Participation in an Informal Resolution Process is voluntary. Any party may, at any time, refuse to participate or, withdraw from participation in, an Informal Resolution Process and may pursue such other recourses he or she may have.

All reports of suspected Harassment, Sexual harassment, or Abuse of authority will be treated confidentially and any actions undertaken following receipt of such a report shall be carried out as discreetly as reasonably possible.

**20. Formal Resolution Process:** Any Bank Personnel who considers that he or she has been subjected to Harassment, Sexual harassment and/or Abuse of authority may register a complaint under the CDRPs with the Bank's Chief Compliance Officer (CCO). Complaints under the CDRPs can also be made by Bank Personnel other than the victim who may have witnessed the alleged Harassment, Sexual harassment or Abuse of authority. After a complaint is received, the CCO will assess and/or investigate the matter under the CDRPs. If misconduct is ultimately established, the Bank may impose sanctions on the wrongdoer under the CDRPs including, in the most serious cases, termination of employment.

21. Any report of alleged or suspected Harassment, Sexual harassment, or Abuse of authority must be made in good faith, and the reporting person must reasonably believe that the way she or he perceived the alleged or suspected Harassment, Sexual harassment, or Abuse of authority reflects reality. Intentionally making a false report or complaint, verbally or in writing, of alleged or suspected Harassment, Sexual Harassment, or Abuse of authority may constitute misconduct on the part of the person making the report.

22. Bank Personnel, other than Experts Performing Mission for the Bank, can also seek recourse for Harassment, Sexual harassment, or Abuse of authority under the Bank's Grievance Procedures. To process an action under these procedures, the injured Bank Personnel, other than Experts Performing Mission for the Bank, must first have received an Administrative Decision in relation to his/ her concern. **F.**

#### **Non-Bank personnel**

23. Individuals who are not Bank Personnel but who are present at the Bank's work place may be the initiators or recipients of inappropriate behaviour. These individuals include the staff of contractors to the Bank, such as catering, cleaning and security providers.

24. In the event that a person who is not Bank Personnel complains about Bank

Personnel, other than Experts performing missions for the Bank, alleging inappropriate workplace behaviour, the foregoing provisions on the Resolution Process (other than provisions referring to the Bank's Grievance Procedures) will apply.

25. If Bank Personnel raises a complaint against non-Bank Personnel or in regards to an Expert Performing Mission for the Bank, the Bank will bring the matter to the attention of the alleged perpetrator or to the employer of the alleged perpetrator and request that the alleged perpetrator or the employer of the alleged perpetrator address the matter to the satisfaction of the Bank. **G. Entry into force**

26. The present Policy shall enter into force as from 1 December 2008.