

20109 SEXUAL HARASSMENT

1.0 Policy statement

1. The Charter of the United Nations sets high standards for the Organization and promotes the observance of these standards throughout the world. The United Nations places no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs. The United Nations has the duty to ensure that its staff is treated, and treats one another, with respect, dignity and due regard for personal privacy.

2. Any form of harassment, particularly sexual harassment in the workplace or in connection with the work, is contrary to the provisions of the Charter and to the policy of the Organization. Any form of harassment is a violation of the standards of conduct expected of every international civil servant. Staff members are advised that sexual harassment in any form constitutes unacceptable behaviour, will not be tolerated at Headquarters or in the country offices, and may lead to disciplinary action as stipulated in Chapter X of the Staff Rules and in section 21106 of this manual.

2.0 Definition

1. Sexual harassment is defined as "any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature, when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment." It is particularly serious when behaviour of this kind is engaged in by any official who is in a position to influence the career or employment conditions (including hiring, assignment, contract renewal, performance evaluation, working conditions, or promotion) of the recipient of such attentions.

2. Sexual harassment can take many forms and may include, but is not limited to unwelcome sexual advances, the forcing of sexual attention, verbal or physical, on an unwilling person; or an attempt to punish the person who refuses to comply. Specific examples are: verbal harassment or abuse, subtle pressure for sexual activities, unnecessary touching, patting or pinching, leering at a person's body, constant brushing up against a person's body, demanding sexual favours accompanied by implied or overt threats concerning employment or advancement, physical assault including rape. It includes both unwelcome heterosexual and homosexual advances.

3. The main categories of sexual harassment are:

(a) Quid pro quo

This category includes submission to sexual advances, requests for sexual favours or other verbal or physical conduct made as a condition of employment; or submission or rejection of the unwelcome conduct used as a basis for an employment decision. These cases normally involve persons who have authority or power over a staff member's job status or working conditions.

(b) Hostile work environment

This category includes sexual conduct which interferes with work, or creates an intimidating, hostile or offensive work environment.

4. Behaviour or conduct of a sexual nature that is unwelcome by a staff member may

constitute sexual harassment whether or not the alleged offender believes that such behaviour or conduct is unoffensive or otherwise appropriate. The staff member is encouraged to inform the offender that such behaviour or conduct is unwelcome. However, there may be instances where the work relationship of the two parties may make such direct confrontation difficult.

3.0 Responsibility of supervisors and management

Supervisors are fully expected to support both the letter and the spirit of this policy and the procedures on sexual harassment. Management will be held accountable for ensuring that the working environment is free of sexual harassment or other forms of harassment. Management should take immediate corrective action whenever they become aware of an incident which may constitute such unacceptable behaviour.

4.0 Gender awareness training

1. All staff members, especially those in management and supervisory roles, should develop a greater awareness of the issues surrounding sexual harassment in the workplace and a fuller appreciation of the pernicious effect that such unacceptable behaviour can have on the morale and productivity of staff members.

2. Gender awareness training is available to those staff members most likely to handle complaints in their working capacities at Headquarters or in the country offices, i.e., Ombudsman Panel, staff of the Office of Human Resources and members of the Grievance Panel on Sexual Harassment.

5.0 Procedures for dealing with sexual harassment

5.1 Dealing with perceived harassment

1. An individual who believes that he or she is being harassed is encouraged to immediately notify the alleged offender that this behaviour is unwelcome. It is recognized, however, that power or status disparities may make direct confrontation difficult. Thus, it is also advisable that the individual make a written record of the events, as soon as possible after the incident(s), noting date(s), place(s), a short description of what happened, date and form of notification to the alleged offender, names of witnesses and anyone to whom the incident(s) may have been mentioned.

2. Whether or not the alleged offender has been notified of the unwelcome behaviour, the individual may wish to discuss the matter with a friend or colleague, or with a member of management, as appropriate.

3. Staff members who are faced with situations which might constitute sexual harassment have the following options:

- Confidential guidance and counselling;
- Informal resolution of a complaint of sexual harassment through confidential mediation between the parties concerned; and
- Formal resolution of a complaint of sexual harassment through investigation and fact-finding conducted by a panel of three staff members trained in the sensitive and confidential handling of such complaints.

4. Information on confidential guidance and counselling is provided in subsection 5.2, below. Complete information on the procedures to follow for informal or formal

resolution of a complaint of sexual harassment is provided in Chapter XI, section 21105.

5.2 Confidential guidance and counselling at Headquarters and country offices

Staff members at Headquarters or in the country offices may obtain, by telephone or in writing, informal guidance and counselling on a strictly confidential basis from the following groups:

- (a) Ombudsman Panel: A member of the Ombudsman Panel will explain the sexual harassment policy and procedures and suggest ways to deal with the situation.
- (b) Office of Human Resources: A staffing officer will explain the sexual harassment policy and procedures and suggest ways for the individual to deal with the situation.
- (c) Programme for Staff Assistance (PSA): For staff members serving at Headquarters, the Programme for Staff Assistance (PSA) provides short-term professional counselling on a strictly confidential basis. The staff in PSA will explain the sexual harassment policy and procedures and suggest ways for a staff member to deal with the situation. Staff members at Headquarters or staff members based in a country office who happen to be at Headquarters may contact the PSA directly by telephone to make an appointment.