



Sexual harassment policy and procedures

1. It is the policy of this Office that every person has the right to be treated with dignity and respect and to be free from all forms of harassment in the workplace. All forms of harassment are contrary to the high standards of conduct required of all officials under article 1.2 of the Staff Regulations and may lead to disciplinary action. Staff members shall observe common courtesy and considerate behaviour towards each other regardless of rank or contractual status.
2. The ILO is a multicultural workplace and working relationships between persons at the Office must take account of this. Within the context of this multicultural environment, all officials are expected to observe the highest possible standards of behaviour, respecting the dignity and personal integrity of their colleagues. All staff members and technical cooperation personnel are expected to take responsibility for their own actions and to conduct themselves in accordance with this policy. Directors and supervisory personnel are responsible for providing and maintaining a harassment-free working environment. They should make every effort to prevent harassment from occurring, as well as to take effective and prompt protective measures once the director or supervisor becomes aware of the harassment, to ensure that behaviour of this type ceases immediately.
3. Sexual harassment at the workplace or in connection with work constitutes unacceptable behaviour that will not be tolerated either at headquarters or in the field. The Office places the highest priority on the prevention and elimination of sexual harassment in the workplace, bearing in mind that sexual harassment may be detrimental to an individual's physical and psychological well-being, lower morale and disrupt the working environment. The Office wishes to emphasize that all complaints of sexual harassment will be investigated seriously and that disciplinary sanctions will be applied, as appropriate. Any proven false and malicious or vexatious accusations of sexual harassment will be deemed to constitute a violation of the above standards of conduct and disciplinary sanctions will be applied, as appropriate.
4. Sexual harassment at work is defined *as any unwanted conduct of a sexual nature in the workplace or in connection with work, which, in the reasonable perception of the person concerned, is:*
 - (a) *used as a basis for a decision which affects that person's employment or professional situation, or*
 - (b) *creates an intimidating, hostile or humiliating work environment for that person.*
5. It is essential to emphasize that sexual harassment refers to conduct which is unwanted and unwelcome to the recipient. As this is the key factor that distinguishes it from friendly, flirtatious or other relations that are freely and mutually entered into, it is important that a person who believes that she or he is the victim of sexual harassment clearly communicates this (either directly or through a third party) to the official engaging in the unwanted and unwelcome behaviour.
6. Some examples of physical conduct of a sexual nature, which, if unwanted and unwelcome, may constitute sexual harassment include touching, patting, pinching or any other unsolicited physical contact. Verbal conduct of a sexual nature may include unwelcome verbal advances,

¹ To each official. Broadcast by e-mail.

sexually oriented comments about physical appearance, requests for sexual favours and continued suggestions for private social activity after it has been made clear that such requests and suggestions are unwelcome. Offensive verbal conduct could also include jokes of a sexual nature, offensive flirtation or lewd remarks, comments on a person's sexual orientation, or remarks of a sexual nature, such as expressions of sexual interest that are addressed directly to the person. Non-verbal conduct of a sexual nature may include the display of sexually suggestive pictures, objects or written materials, or sexually suggestive gestures.

7. Sexual harassment may occur between a superior and a subordinate (often in the context of *quid pro quo* harassment) or between co-workers (often in the context of *hostile environment* harassment). An example of *quid pro quo* sexual harassment would be found where a supervisor either offers improved terms and conditions of employment to the victim in exchange for sexual favours or threatens to take negative action in regard to the victim's employment situation if the request for sexual favours is refused. Verbal or non-verbal conduct that creates a sexually offensive working environment may also constitute sexual harassment. An example of *hostile environment* harassment would be found where one or more co-workers subject a victim to comments of a sexual nature that are sufficiently offensive and pervasive as to have a negative impact upon the victim or his or her working environment. Sexual harassment may be directed by the harasser against a person of the opposite sex, or may be directed against a person of the same sex.
8. An individual who believes that she or he has been or is being harassed, should make personal written notes of relevant events, as soon as possible after the incident(s) has (have) occurred, noting date(s), place(s), a short description of what happened and the names of any witnesses and/or of any third parties to whom the incident might have been mentioned. The official may also wish to discuss the incident(s) with a colleague or a friend.
9. The Office encourages officials to attempt to resolve harassment-related issues through dialogue and informal conflict resolution. Individuals are therefore encouraged to notify the presumed harasser that his or her behaviour is unwelcome and unacceptable. The objectionable conduct should then immediately cease. Where the relative power or status of the persons involved or other considerations make direct discussions difficult, the individual is nevertheless encouraged to attempt to resolve the matter informally through seeking dialogue and/or assistance from other persons as provided for in Annex I of this circular.

Disciplinary sanctions

10. Proven cases of sexual harassment will be subject to any one of the sanctions (*warning, reprimand, censure, discharge and summary dismissal*) provided for in Chapter XII (Discipline) of the Staff Regulations as appropriate in accordance with the gravity of the case (former paragraph 10).

Special procedures and other measures

11. In view of the seriousness with which the Office views sexual harassment in the workplace or in connection with work, special procedures are set forth in Annex I of this circular for the confidential and speedy investigation and handling of such cases. Additionally, information and training will be provided to staff to ensure a full understanding of this policy and procedures.

Juan Somavia,
Director-General

Annex 1

Procedures for the resolution of sexual harassment related grievances

Scope

1. The procedures set out below for the resolution of sexual harassment related grievances are found in Chapter XIII of the Staff Regulations and are open to all ILO officials. In addition, as a question of policy, the Office also allows the following individuals who are not officials, to avail themselves of the informal resolution and investigation procedures set out in this Annex:
 - job applicants; and
 - any other individuals with a contractual relationship with the Office, such as interns, external collaborators and technical cooperation personnel.

Informal resolution

2. Individuals who believe that they have been subject to sexual harassment are encouraged to seek dialogue with the presumed harasser, or raise their concerns informally with any applicable supervisor or manager. In addition the procedure provides for the following additional informal conflict resolution options that may be used to help resolve the matter:

- Third-party assistance

The individual may request the assistance of the Human Resources Development Department (HRD), a higher-level chief, the Staff Union, or an ILO official or former official to assist with the informal resolution of the matter through dialogue.

- Facilitation

The individual may request the services of a facilitator to assist in informal resolution through dialogue of the matter. The role of the facilitator is to enable dialogue between the parties to a workplace problem so that they can explore options for its informal resolution. The facilitators are specially trained ILO officials and are appointed by the Mediator.

- Mediation

Another possibility is for the individual to request the services of the Mediator to assist with the informal resolution of the matter. These services are provided in accordance with the general principles, practices and procedures governing professional mediation.

Formal resolution

3. In order to initiate a formal grievance procedure, the individual shall make a written application to the Human Resources Development Department (HRD) within 6 months of the occurrence of the behaviour which gave rise to the grievance.
4. HRD shall review the matter within one month and notify the individual of the measures it intends to apply, which may include referring the matter for investigation and interim measures.
5. If the individual is not satisfied with the measures proposed by HRD or no proposal is notified to the individual within the one month period, the individual grievance shall be submitted to independent investigation within one month of the communication of a proposal by HRD or the expiry of the time allowed for that communication.

The contact email address for submitting the grievance for investigation is SHCOORD@ilo.org

6. The investigators are appointed by the Director-General on the recommendation of the Joint Negotiating Committee. The investigators designate among themselves a coordinator, who assigns each case to the investigator or the investigators best suited to conduct the investigation, having regard to their availability and to the specific skills that may be required in each case.
7. The assignment of a case to an investigator shall be notified by the coordinator to the individual who submitted the grievance, HRD and other parties directly involved, who shall have one week to comment on the suitability of the investigator or investigators.
8. If there are any objections to the selection of the investigator, the coordinator has one week from the receipt of any comment from the abovementioned parties to confirm or modify the selection of the investigator. This decision is not subject to appeal.
9. The investigator or investigators that have been appointed to investigate the matter shall conduct any inquiry necessary to investigate the case and draw up a report comprising:
 - a summary of the allegations;
 - the investigative measures undertaken; and
 - the findings and suggestions where appropriate.
10. This report shall be sent to the Director-General within three months of the assignment of the case, except where, in the investigator's opinion, exceptional circumstances require additional time. When communicating the report to the Director-General, the investigator shall notify the parties that the investigation has been concluded.
11. The Director-General shall take a decision within two months of receiving the investigator's report. The decision of the Director-General shall be transmitted to the individual who submitted the grievance and to any other party directly implicated together with a copy of the report, subject to the deletion of any confidential information necessary to protect third parties.
12. If the Director-General has not made an express decision within this two-month deadline, the investigator(s) shall provide the individual who submitted the grievance with a copy of the report (subject to the restrictions noted above).