

INTERNATIONAL ORGANIZATION FOR MIGRATION

GENERAL BULLETIN No.1188

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<b>Subject:</b>	<b>IOM POLICY AND PROCEDURES ON SEXUAL HARASSMENT</b>	<b>4 December 1998</b>
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The attached document, ***IOM Policy and Procedures on Sexual Harassment***, has been prepared and coordinated under the leadership of the Gender Issues Coordinator, Mrs. Marcela Ballara and is now in force.

## IOM POLICY AND PROCEDURES ON SEXUAL HARASSMENT

### I. POLICY STATEMENT

1. Staff members' personal safety, respect and dignity, and the ability to perform their job effectively, without interference, are of prime concern to the Organization. A safe, dignified and comfortable working environment is essential to the well-being of staff members and it is the policy of the Organization that sexual harassment of any type will not be tolerated.
2. In particular, the Organization will not tolerate sexual harassment or abuse of any of its staff members, officials and General Service staff<sup>1</sup> or towards its clients. Such behavior or conduct is in violation of the standards of conduct expected of every international civil servant. Regardless of a staff member's rank and status, it is the Organization's responsibility to protect staff members from such occurrences. All complaints will be investigated and any staff member violating this policy will be subject to disciplinary action.
3. Whenever an IOM staff member suffers from sexual harassment caused by a non-IOM staff member in a work-related environment, the staff member will receive appropriate support from the Organization.

### 0 DEFINITION

4. Sexual harassment is defined as any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, when it interferes with work, is made a condition of employment through subtle repeated pressure for sexual activities or creates an intimidating, hostile or offensive work environment. It is particularly serious when behavior of this kind is engaged by any staff member who is in a position to influence the career or employment conditions (including hiring, assignment, contract renewal, performance evaluation, working conditions, and promotion) of the recipient of such attentions<sup>2</sup>.
5. 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 the attempt to punish the refusal 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 favors accompanied by implied or overt threats concerning employment or advancement, threatening behavior or gestures, physical assault including rape, exhibitionism, embarrassing comments or actions that are disrespectful of the gender, exposure of photo or pornographic materials and computer graphics which are offensive and humiliating. It includes both unwelcome heterosexual and homosexual sexual advances.
6. In general, sexual harassment falls into two main categories:
  - **Quid Pro Quo** (asking sexual favors against threat of punishment or promise of professional advantage)<sup>3</sup>

Under this category of sexual harassment, submission to sexual advances, requests for sexual favors or other verbal or physical conduct is made a condition of employment; or submission or rejection of the unwelcome conduct is 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.

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<sup>1</sup> Includes interns, UNVs, Associate Experts, and contractual staff.

<sup>2</sup> Based on UNDP definition: see UNDP/ADM/93/26, 18 May 1993.

<sup>3</sup> See E/CN4/1995/42, 22 November 1994. "Preliminary Report of the Special Rapporteur on Violence Against Women to the Commission of Human Rights".

- **Hostile Work Environment**

Under this category of sexual harassment, the sexual conduct interferes with work, or creates an intimidating, hostile, or offensive work environment.

7. It must be emphasized that behavior 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 behavior or conduct is inoffensive or otherwise appropriate; it should be noted that due to the cultural diversity of staff, a given, certain behavior, if misunderstood, can constitute and be perceived as sexual harassment. The staff member is encouraged to inform the alleged offender that such behavior or conduct is unwelcome; however, there may be instances where the work relationship of the two parties may make such direct confrontation difficult.

### **III. ORGANIZATION'S RESPONSIBILITY**

8. The Organization has the obligation to protect the dignity of all staff at the workplace and to prevent sexual harassment. Supervisors are expected to support both the letter and the spirit of this policy and the procedures on sexual harassment. It is the responsibility of supervisors to ensure that the working environment is free of sexual harassment and to take immediate corrective action whenever they become aware of an incident which may constitute such unacceptable behavior.

### **IV. INFORMATION DISSEMINATION ON SEXUAL HARASSMENT AWARENESS**

9. It is essential that all IOM staff members develop a greater awareness of the issues surrounding sexual harassment in the workplace and a fuller appreciation of the destructive effect that such behavior can have on the dignity, morale and productivity of staff members. While it is indeed the main responsibility of supervisors and managers to ensure a harassment free environment, this is a collective responsibility to be shared by all IOM staff members. Therefore, as an integral part of this policy on sexual harassment, the Gender Issues Coordinator (GIC) in coordination with the Human Resources Division (HRD), will be responsible for disseminating information to all IOM staff members.

### **V. PROCEDURES FOR DEALING WITH SEXUAL HARASSMENT**

10. It is advisable that a staff member who believes he or she is subject to sexual harassment deal with this situation at the earliest opportunity, i.e. no later than 30 days after the event.
11. A staff member who believes that he or she is being harassed will immediately notify the alleged offender that this behavior is unwelcome and give him/her a chance to comment. It is recognized, however, that power or status disparities or cultural sensitivities may make direct confrontation difficult. In that case, the offended staff member should seek the mediation of another person (See below, para 15 (a)). It is also advisable to keep a written record of 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.
12. Whether or not the alleged offender has been notified of the unwelcome behavior, the individual may wish to discuss the matter with a colleague or a friend, or with a member of management, as appropriate.

13. The procedures set forth below provide staff members with the following options when faced with situations which might constitute sexual harassment:
- Informal resolution of a complaint of sexual harassment through confidential guidance and counseling and/or confidential mediation between the parties concerned;
  - Formal resolution of a complaint of sexual harassment through discrete investigation and fact-finding report, followed by the submission of the complaint to the Organization's Joint Administrative Review Board (JARB). It is envisioned that members of the JARB will be trained in the sensitive and confidential handling of such complaints.

## **VI. INFORMAL PROCEDURES TO RESOLVE COMPLAINTS AT HEADQUARTERS AND FIELD OFFICES**

14. This procedure is designed to allow staff members to take effective remedial action when they are subject to sexual harassment and will be dealt with on a strictly confidential basis. It does not take away the existing right to make a formal complaint about aggressive/violent behavior which should be the object of immediate relevant procedures e.g., contact police, doctor, etc.

15. The following steps are suggested:

- a) The complainant/individual (Headquarters/Field) contacts one of the following persons for advice and counseling: Occupational Health Officer, the Gender Issues Coordinator, Legal Adviser/ Officer, Ombudsperson<sup>4</sup>, Human Resources Division (Director and/or Chief, Personnel Administration Unit). It should be noted that these persons consist of both female and male staff.

In cases occurring in the field, one of the aforementioned persons will suggest someone located in the field (Gender Focal Points/Administrative Support Officers) for advice and counseling. This will occur in agreement with the complainant.

These persons, in consultation with the complainant, have the authority to contact the alleged offender verbally or in writing, to try to resolve the problem by mediation. However, if the complainant or the alleged offender thinks that mediation is impossible he/she can forego mediation and use the formal procedure.

- b) If the alleged offender refuses to reply within 30 days, disciplinary measures may be taken by the Director General (ref. Staff Regulation No. 10)<sup>5</sup>.

At this stage, a record of the complaint will be entered into the personnel files of the parties concerned, and in cases in the field, the outcome will also be communicated to the administrative unit of that office.

16. Successful mediation does not 'exclude' a disciplinary measure being imposed on the offender.

17. If informal mediation is not successful, the following formal steps can be taken.

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<sup>4</sup> It is foreseen that if an Ombudsperson is in place, he or she could be considered among the advisers.

<sup>5</sup> Disciplinary measures shall be as follows: written warning, written reprimand, written censure, suspension without pay, reduction of salary within grade, demotion to a lower grade, discharge after due notice, summary dismissal. Disciplinary measures imposed shall be commensurate with the gravity of the offence committed.

## **VII. FORMAL PROCEDURES TO RESOLVE COMPLAINTS AT HEADQUARTERS AND FIELD OFFICES**

18. The Joint Administrative Review Board (JARB) is mandated to consider, investigate and recommend upon appeals against administrative actions, decisions or omissions which may be considered an infringement of staff member's rights. This includes appeals concerning the Organization's reaction, or lack thereof, to sexual harassment. (Please refer to Annex D of the Staff Rules for Officials and Employees).
19. Before presenting any case to the JARB, the complainant will request a formal fact-finding into allegations of sexual harassment by one or all of the following person(s):
  - Legal Adviser/Officer
  - Ombudsperson
  - Human Resources Division
  - Gender Issues Coordinator (GIC)

(If the Occupational Health Officer was approached in the informal procedure, he/she will be consulted by one of the aforementioned persons during the investigation).

20. The complainant shall describe in writing the specific act(s) or behavior which is being objected to, the date(s), time, location(s) and circumstances, and include any other information and evidence relevant to the matter. The complaint should identify the alleged offender, any witnesses, and anyone to whom the incident might have been mentioned. It should be dated and signed by the complainant and be sent to the person(s) carrying out the fact-finding investigation.
21. The fact-finding report will be sent to the complainant and a copy to the alleged offender, within 30 days of the initial request.
22. The fact-finding report will then be submitted to the JARB by the complainant, along with the other accompanying documents according to the statutes of the JARB.
23. In the event that the fact-finding investigation should establish that the complainant has intentionally made false statements when lodging the formal complaint of sexual harassment, the Director of the Administrative Support Department should apply Staff Regulation No. 10 and recommend remedial action to the Director General.
24. Both the complainant and the alleged offender may need psychological counseling and/or psychiatric treatment during or after the procedure (formal or informal). The Occupational Health Officer is available to advise, whether or not she/he is directly involved in the procedure.