

DEALING WITH HARASSMENT

A Complainant's Guide

caring
for us

TABLE OF CONTENTS

Introduction.....	1
1. Responding to harassment.....	3
2. Understanding what is going on.....	5
2.1 Identify the harassing behaviour	5
2.2 Reflect on your behaviour	7
2.3 Understand your reactions.....	8
3. Considering your options and resources	11
3.1 Think about solutions.....	11
3.2 Find the resources available.....	11
3.3 The role of the manager	11
4. Choosing an approach.....	13
4.1 Informal approach.....	13
Personal action	13
Involving a third party.....	14
Mediation	16
4.2 Formal approach	18
How to file a complaint.....	19
Assessment of the complaint.....	19
The investigation.....	19
Duration of the formal approach.....	20
Confidentiality of the process.....	20
Conclusion of the investigation.....	20
The disciplinary process	21
5. Follow-up	23
Resource Toolkit	
Tool 1 Definitions of harassment, sexual harassment and abuse of authority ...	25
Tool 2 Selecting a person to talk to.....	27
Tool 3 Preparing to speak with the alleged harasser.....	28
Tool 4 Dealing with denial by the alleged harasser.....	30
Tool 5 Taking care of yourself.....	31
Tool 6 Organizational resources.....	34

UNICEF is committed to stopping harassment, sexual harassment and abuse of authority, and to dealing with it promptly and seriously.

INTRODUCTION

UNICEF recognizes that workplace harassment¹ may have significant consequences for the well-being of individual staff members, and the morale and functioning of staff teams. Through the policy “Prohibition of harassment, sexual harassment and abuse of authority,”² UNICEF is committed to stopping such behaviour, and to dealing with it promptly and seriously. Action against harassment includes education, provision of advice and counselling, and informal and formal mechanisms for redress.

Experiencing harassment of any kind is a personal experience. Each individual may go through a range of different reactions, and make his or her choices in dealing with them. Various factors influence these choices, including the extent of the reactions, organizational policies, the availability of support, etc.

The purpose of these guidelines is to:

- Help you determine if you are being harassed;
- Highlight important issues at each stage of dealing with harassment; and
- Assist you to make informed choices on which actions to take.

The guide addresses complainants, but other readers may also find it informative. You should also consult “Prohibition of harassment, sexual harassment and abuse of authority” to familiarize yourself with officially adopted definitions of different types of harassment.

As you read the following pages, keep in mind a basic principle: Each person has the right to a harassment-free environment.

1 Harassment, sexual harassment and abuse of authority will, for the sake of simplicity, be referred to generally in this document as “harassment”.

2 “Prohibition of harassment, sexual harassment and abuse of authority” (CF/EXD/2008-004).

Each person has the right to a harassment-free environment.

1. RESPONDING TO HARASSMENT

There are three stages in responding to harassment.

A. The first stage involves understanding what you are going through, collecting information about possible actions and defining your options.

B. The second stage is to choose which actions to take, including:

B1. Informal approach

Personal action: the complainant, either personally or through a third party, clearly indicates to the alleged harasser that certain behaviour is unacceptable.

Ombudsman: the complainant turns to the Office of the Ombudsman for confidential, off-the-record assistance, including mediation between the complainant and the alleged harasser.

B2. Formal approach

Using the formal mechanism of investigation may lead to disciplinary measures should misconduct be established.

It is your decision whether or not to pursue the informal or the formal process. In some cases, mediation might not prove effective or appropriate given the context or the nature of the allegations, in which case the Ombudsman might advise you to consider the formal approach. Similarly, a complaint lodged with the Office of Internal Audit (OIA) might not be pursued because the alleged behaviour falls short of misconduct. In such instances, OIA might advise you to consider the informal approach.

C. The third stage in responding to harassment entails follow-up to ensure that the behaviour stops and does not resume. In this phase, managers should also take steps to avoid fallout on the overall morale of staff.

In the following sections, you will find information on each of these stages as well as on what to do about reactions and feelings likely to appear during each of them.

Employees who face harassment often experience confusion and a feeling of loss of control.

2. UNDERSTANDING WHAT IS GOING ON

Employees who face harassment often experience confusion and a feeling of loss of control. Try to clearly understand what is going on and the impact that the situation has on you before you decide what you would like to do about it.

Objectively understanding what is going on includes being aware of:

The exact instances of harassment and the circumstances under which they occur;

Your own behaviour in such instances; and

Your emotional, cognitive, physical and behavioural reactions.

2.1. Identify the harassing behaviour

The following actions can help you to understand and define harassment.

a) Read and learn about harassment

If you think you may have been harassed or are being harassed, try to learn more about it. The UNICEF policy “Prohibition of harassment, sexual harassment and abuse of authority” is an important start. You can find more information from websites and literature. *See Tool 1 for examples and definitions of harassment.*

b) Start to keep a record

Track instances of harassment, bearing in mind the following:

Date, place and time;

Brief description of the context and situation;

Relevant quotations (as accurate as possible) and description of behaviour;

Possible witnesses; and

Other relevant information.

The record can be brief. Emails and similar messages can be a useful addition. Recordkeeping will help you establish some sense of control and may also help identify patterns of harassment.

Understanding What is Going On

Recordkeeping is necessary because it documents the case should you pursue the formal process. Personal records are subjective, however, and not necessarily sufficient proof of harassment.

c) Talk to others about harassment

Talking to others allows you to share what can be a heavy burden. Sharing your feelings with a good listener can help to ease some of the emotional pressure you may be experiencing.

When choosing a person to talk to, try to take into account the need for confidentiality and prevention of rumours. Rumours can otherwise cause more damage to you and the alleged harasser. *See Tool 2 for how to select a person to talk to.*

You can talk to anyone you trust – a close friend, a colleague or a supervisor. Or you can approach the Staff Well-Being Unit or the Ombudsman’s Office. Either service will provide you with an opportunity to talk about your experience on a completely confidential basis. This can help you clarify your thoughts and acquire information necessary for an informed decision. *See Tool 6 for Organizational resources.* No action will be taken on your behalf without your agreement, unless there is an imminent risk of serious harm.

d) The perspective of the alleged harasser

This may not seem relevant to the complainant; it should not be your goal to think first of the well-being of somebody who harasses you. But there are several issues to consider that may influence and even advance your course of action:

Intention and motivation

When harassment is unintentional and results from misunderstanding or misinterpretation, the probability of a positive outcome is greater.

Support to the alleged harasser

Appropriate support for the alleged harasser may help him or her understand you better, and lead to more successful informal reconciliation and resolution.

2.2 Reflect on your behaviour

We are often unaware of our own behaviour when exposed to harassment, as we are so focused on the perceived external threat. Some insight can come from considering what role, if any, your attitude and your behaviour may play in a given situation. Perhaps there are things that you could do differently that may have a positive impact on the harassing behaviour. This type of understanding is not about determining blame, but about helping you see where you need help and how to proceed.

Most complainants prefer to address the alleged harasser indirectly, hoping that the person will “get the message” and stop the harassment. The following are examples of indirect ways of dealing with harassment.

Ignoring the offensive behaviour

Often, complainants hope that the harassment will stop if they simply do not respond to it and continue as if they haven't heard or noticed anything.

Unfortunately, in many cases, ignoring the offender will not stop the unwanted behaviour. Some alleged harassers might even interpret this as a challenge.

Minimizing the offensive behaviour

Similarly, minimizing the significance of the offensive behaviour may not be efficient. Examples of minimizing are:

In a casual way, tell the harasser not to be “silly”; or

Make a joke about the harasser's behaviour.

If you have tried to stop harassment this way and it did not work, you may need to reconsider your strategy.

Reducing your exposure to the offensive behaviour

There are several ways to change one's own behaviour to minimize exposure to harassment. For example:

You may try to do anything to please the alleged harasser in order to avoid verbal abuse; or

You may alter your work and social routines in order to minimize contact with the alleged harasser. Examples include changing the place where you normally do the photocopying; coming to the office earlier in order to leave earlier; or withdrawing from social events involving office colleagues.

The hope behind this approach is that with time, the alleged harasser may forget about you.

2.3 Understand your reactions

Impact of rank, gender and culture

Behaviour in harassment cases may depend on the rank, gender and culture of the persons involved. Reflecting on the relevance of these factors in your situation may help you identify your options.

Blame

When something goes wrong, it is a natural reaction to try to determine whose fault it is. When complainants doubt themselves, they often ask questions such as: “Why me?” “What did I do?” “Did I provoke this situation?”

Such questions are very uncomfortable and may undermine your self-confidence. If you catch yourself having such thoughts, remind yourself that nobody deserves to be treated in a disrespectful way. It is not your fault if you are being harassed. Blaming yourself will only make your position more vulnerable. Such questions may be a sign to ask for help. The Staff Well-Being Unit can assist you in this.

Most complainants are aware that harassment is not their fault, but one should also be careful in blaming others. Blaming is often associated with anger. You may need to work on managing the anger before deciding which step to take next.

The real question for most complainants is not who to blame, but how to resolve unwanted situations and move on.

Stress reactions

Exposure to harassment can cause stressful physical, cognitive, emotional and behavioural reactions. These may change over time. At the very beginning, you may feel confusion about the harassing behaviour. At this stage, you may believe that the bad behaviour was accidental. As the harassment is repeated, you may start experiencing emotions such as anger, hurt and shame, as well as a sense of helplessness, anxiety or depression. You may experience difficulties with concentration, or sleeping problems, all arising from your distress over the situation.

All these reactions can be interlinked. The following questions may help you see this:

What is the first thought that comes to your mind when you think of the alleged harasser? (“What do I do now?” “I can’t handle this.” “I’ll finish my business here and leave.”)

What are the associated emotions that you experience (fear, anger, despair, helplessness or something else)?

What are the bodily sensations that you experience (heart palpitations, change of breathing, loss of voice, nausea, dizziness, blushing, headache or anything else)?

What is your behaviour in such instances (changing the subject, becoming angry, having a cigarette or a drink to help you cope, or anything else)?

The importance of self care

The way we think and feel can have a strong impact on our behaviour. Negative thoughts are more likely to undermine our potential to successfully address the situation.

Experiencing harassment, sexual harassment or abuse of authority may be a long and exhausting process. For that reason, it is important that you start taking care of yourself immediately. When harassment coincides with other difficult challenges in your life, or if you have been through a similar experience in your past, the emotional impact can be even more serious and deserves attention accordingly.

Tool 5 offers you some suggestions on how to care for yourself. The Staff Well-Being Unit is also available for support and referrals. *See Tool 5 for Taking care of yourself.*

The primary interest of the manager should be to foster an environment free of harassment.

3. CONSIDERING YOUR OPTIONS AND RESOURCES

3.1 Think about solutions

“What do I want to happen in this situation?” This is an important question, because it will guide you in making choices about what you want to do. It can also help in managing strong emotions that might influence decision-making in ways that could lead to unwanted outcomes. Here are some examples of various desires commonly expressed by complainants.

I want the harassment to stop;

I want the harassment to stop and the harasser to apologize;

I want harassment to stop and the harasser to be punished.

Any solution that involves sanctioning the alleged harasser will normally involve the formal process of investigation by OIA and disciplinary action. While it is your responsibility as the complainant to initiate the investigation, once it has started, you have no control over its progress and will not have any role in determining eventual sanctions. Section 4.2 describes this approach. The Staff Well-Being Unit and the Ombudsman are available to help you reflect on your options.

3.2 Find the resources available

It is equally important to understand what resources you have to deal with harassment, sexual harassment and abuse of authority. Tool 6 contains details on some that are available. Familiarize yourself with them and others, and contact relevant people to get a better sense of how you could use their services.

3.3 The role of the manager

The manager (Representative, head of office or a direct supervisor) has an integral role in dealing with harassment. Managers must support due process and the working team. The primary interest of the manager should be to foster an environment free of harassment by setting an example, acting appropriately in a situation of concern and encouraging staff to use the different approaches available.

The manager’s objectivity towards and respect for both parties involved in a harassment case is critical. For the alleged harasser, this principally involves the respectful handling of the situation, including communication with him or her. Respect should not be mistaken for tolerance of unwanted behaviour, however. Equally, the manager must not take sides.

See also “*Standards of Conduct for the International Civil Service 2001.*”

A harassment complaint may create tension in an office or a team, but this does not mean that it should not have been raised.

4. CHOOSING AN APPROACH

There are two basic options to address harassment; you can choose the one that suits you best. The informal approach includes taking personal action, involving a third party or mediation, and the formal approach entails an investigation by OIA. A harassment complaint may create tension in an office or a team, but this does not mean that it should not have been raised, since every staff member has the right to work in a harassment-free environment.

4.1 Informal approach

The informal approach can be a good starting point. The following pages provide information to help make an informed choice.

4.1.1. Personal action

You can decide to inform the alleged harasser that his or her behaviour, whether intentional or not, is unacceptable to you, and that you would like that behaviour to stop. This might help in cases where the offender is unaware of the impact of his or her behaviour.

It is not always easy to decide whether or not to take the personal, more informal approach. You might consider:

- The type of harassment;
- The hierarchical relationship with the offender;
- Risks and possible negative outcomes of the personal approach; and
- Your emotional strength.

It can be difficult to give direct feedback to the alleged harasser in cases of psychological harassment or abuse of authority, given that such situations can be hard to define. If you have kept personal notes of the incident/s in which harassment occurred, this may help you to formulate your response.

Complainants often do not feel comfortable with the personal approach, as they do not want to be seen as openly criticizing the alleged harasser. On the other hand, this may be a fast and efficient way of dealing with the problem. Tool 3 contains more helpful information for preparing the personal approach. *See Tool 3 Preparing to talk to the alleged harasser.*

Choosing an Approach

If you chose this avenue, it is crucial that you are well prepared:

Be clear about what behaviour is unwanted and be able to describe it exactly;

Use the right way of “criticizing”: assertive but respectful;

Be clear in your expectations and aware of limitations;

Control your emotions; and

Be prepared for denial and angry reactions on the part of the alleged harasser.

See Tool 4 for Dealing with denial by the alleged harasser.

The best preparation involves practice with another person (a good friend, for example). This would give you an opportunity to see how credible your approach is and to identify its weak and strong points.

4.1.2 Involving a third party

Taking into account the fact that it is not always easy to directly inform the alleged harasser, the UNICEF policy on harassment introduced the role of a so-called third party – “a staff member who assists a complainant or an alleged offender in an *informal* process”. This person would be willing and able to speak to the alleged harasser on your behalf, but only in the informal process.

You have the right to expect them to:

Be impartial and not take any party’s side;

Inform you of your options in dealing with harassment, in accordance with the UNICEF policy “Prohibition of harassment, sexual harassment and abuse of authority”;

Address the alleged harasser in a respectful manner, and only with your consent; and

Remain discreet and confidential about the matter.

You should not expect them to:

Take your complaint lightly;

Take your side;

Discredit the alleged harasser;

Investigate your complaint; or

Act on your behalf or report your complaint to a manager without your prior approval.

As the involvement of the third party is part of the informal process, the third party does not need to inform anybody about your request or ask anybody for permission to act on your behalf unless:

You clearly specify that you would like them to do so; and/or

The harassment amounts to misconduct in their view. In this case, your third party has an obligation to report the allegation to the Investigation Section of OIA, but only after having informed you about it.³

Whom you choose as the third party is entirely up to you. Here are some examples:

Trustworthy colleagues should be able to treat your situation as described above, and feel comfortable with addressing the alleged harasser on your behalf. At times, you both may agree to refer your case to other appropriate resources.

In most offices, Peer Support Volunteers (PSVs) are available. PSVs are colleagues who have been trained to provide confidential support to colleagues undergoing stressful situations. They are coordinated and supported by the Staff Well-Being Unit. An updated list of the PSVs can be found on the UNICEF Intranet (*Human Resources>UNICEF & You>Stress Management>Peer Support Volunteer Programme*) or through the Staff Well-Being Unit. The PSVs may offer you confidential listening and support, or may help you find a professional counsellor.

The Staff Counsellors in the Staff Well-Being Unit are qualified mental health professionals who can offer you psychological support and refer you to appropriate resources, including other professional counsellors.

A manager's role as a third party follows the same principles as mentioned above. In addition, managers have a duty to address your situation appropriately. If you decide to bring your complaint to them, they have an obligation to listen carefully to it without being dismissive or aggressive. Apart from addressing the alleged harasser in a respectful and constructive manner, they also have an obligation to monitor further behaviour to ensure that the alleged harassment stops.

If the harassment continues despite all efforts, and you decide to report the allegations to OIA, third parties, including managers, could be asked to cooperate with the investigation.

What if the personal approach or third party fails?

In case none of the above approaches succeed, you still have the option to use mediation or to file a formal complaint with OIA. The formal approach engages the investigative mechanisms of the organization and may lead to disciplinary measures (see Section 4.2).

³ Although acts of harassment, sexual harassment and abuse of authority could constitute misconduct, UNICEF allows parties to try to resolve these issues informally. If the case involves acts of sexual abuse or violence, such as rape, sexual exploitation or other forced sexual acts, the third party has no choice but to report these allegations to OIA.

4.1.3 Mediation

The classic mediation process involves the Ombudsman playing a neutral and impartial role between the two parties of a dispute - in this case, the complainant and the alleged harasser. The ultimate goal is to bring the two parties together, in the presence of the Ombudsman, who as a Mediator, will facilitate the communication and discussion between them in order to reach an amicable solution generated by the two parties themselves.

The Ombudsman is based at headquarters in New York and provides support to all UNICEF staff members worldwide. The Ombudsman is also available to other personnel associated with UNICEF, as long as the alleged harasser works for UNICEF. Some regional ombudsmen are also now available; see www.un.org/en/ombudsman/contact.shtml for the most recent contact information.

Mediation provides staff with an opportunity to solve this type of problem without their personal files being affected. The mediation process leads neither to disciplinary measures nor to a reprimand. The Ombudsman will not act upon anonymous complaints and works under conditions of strict confidentiality. No action is taken without the explicit agreement of the complainant unless there is an imminent threat of serious harm.

a) When to initiate mediation

Mediation can take place either:

Following an unsuccessful personal approach, or

If the complainant is unwilling or unable to confront the alleged harasser personally.

Some complainants prefer to avoid further contact with the alleged harasser for fear of making the situation worse. The Ombudsman will establish whether mediation could help or could lead to a worsening of the situation, in which case, the Ombudsman would propose alternative ways of dealing with the conflict. Should the circumstances indicate possible misconduct, the Ombudsman will advise the complainant to consider the formal process.

b) The process of mediation

The complainant can notify the Ombudsman by phone or in writing (by pouch, fax or email) (*See Tool 6 for Organizational resources*). Correspondence remains strictly confidential, and the Ombudsman will not undertake any action on behalf of the complainant without his or her prior agreement.

Given the sensitivity of allegations of harassment, sexual harassment and abuse of power, and the fact that different power relations are often at the core of such

problems, the Ombudsman would only bring the two parties together if and when both have clearly indicated a willingness to do so, and to actively and constructively seek a solution.

Before this point is reached, the Ombudsman would undertake a process of “shuttle mediation” by meeting with each party separately in an effort to move on in the process. The Ombudsman would only approach the alleged harasser (or any other party) with the express agreement of the complainant, and would be informed by the complainant throughout the process in terms of what information is shared with whom. This can be a long process, and solutions, other than a face-to-face encounter with the alleged harasser, might be considered where appropriate.

During the process of mediation, whatever form it might take, the unwanted and unacceptable behaviour of the alleged harasser should be brought out into the open, however painful this might prove for each party. In this context, the Ombudsman plays a supportive but neutral role to both parties in their efforts to develop an acceptable way of moving forward and working together.

Mediation cannot be pursued once the formal approach has been activated and an investigation is underway. Should OIA decide not to pursue an investigation, or should the allegations be unsubstantiated, however, the complainant can consider reverting to mediation.

c) Recordkeeping

The Ombudsman, with the agreement of the parties involved, might take notes during the mediation process. Only the Ombudsman has access to these notes. The Ombudsman does not keep records for the United Nations or any other party. No information is entered in a staff member's personal file. Should the complaint subsequently be taken to OIA, the investigation team would not have access to the Ombudsman's files.

In general, the Ombudsman does not disclose information about individual cases or visits from employees without permission from the employee, and cannot be compelled to testify about concerns brought to her or his attention. (The only exceptions, at the sole discretion of the Ombudsman, are when there is imminent threat of serious harm.) Working files are shredded when cases are closed.

d) Psychological support

Conflict resolution of any kind can be a difficult process, throughout which both the complainant and the alleged harasser may experience a number of psychological reactions (such as fear, anger, panic, guilt, self-doubt or emotional withdrawal) and may benefit from counselling.

Choosing an Approach

The Ombudsman may refer you to the Staff Well-Being Unit or to the UN Medical Services, as appropriate, or you may ask for help from the two services directly.

e) Follow up on the outcome of mediation

When mediation ends positively, the Ombudsman might prepare a note on the agreement reached and give it to each party for his or her own record. This note, however, will not be placed in the personal file of either staff member. The Ombudsman continues to monitor the situation for a limited period once agreement between the parties has been reached. If the agreement holds after a period of three months, the Ombudsman will propose to the complainant that his or her file be closed.

Should the mediation fail (through denial on the part of the alleged offender, for example), the Ombudsman could propose a follow-up meeting to see if the problem persists. The complainant may also wish to pursue the formal approach, and the Ombudsman will inform the complainant on how to proceed with this.

f) Who else can mediate?

In situations where the Ombudsman is unable to personally assist you, he or she can arrange for a facilitator, according to the specifics of the case. You will be consulted in advance on the choice. The person can be any staff member with integrity, and excellent communication and reconciliation skills. Staff representatives are excluded from this role as it could cause a conflict of interest. Apart from reporting to the Ombudsman, the facilitator is obliged to maintain the same total confidentiality.

4.2 Formal approach

The formal approach provides you with an opportunity to have your complaint investigated and, where the allegations of harassment have been substantiated, the alleged harasser may be subject to a disciplinary procedure. The investigation is undertaken by OIA.

When to initiate a formal approach

In the case of harassment, sexual harassment or abuse of authority, a formal complaint must be submitted within six months from either the date of the alleged incident, or the most recent alleged incident, if the complaint is about a persistent pattern. Witnesses to possible harassment may also bring the matter to OIA's attention.

4.2.1 How to file a complaint

Any current or former staff member or other individual working or having worked for UNICEF, paid or unpaid, may file a complaint, regardless of the nature, length or type of contract, or arrangement with UNICEF. The complaint should be addressed and submitted to the Executive Director of UNICEF or the Director of OIA, with a copy to the Director of the Division of Human Resources (DHR). You can simply write an email or a letter to OIA Investigation Section, stating the nature of the complaint and giving as much detail as possible. The envelope should be marked "CONFIDENTIAL". You can also write to Integrity1@unicef.org or contact any member of OIA staff. Your complaint will be registered and acknowledged in writing.

The general rule is that anonymous complaints will not be accepted, but in exceptional circumstances, anonymous complaints may be investigated if OIA determines there is a credible basis to proceed and that the information offered anonymously can be corroborated with independently established facts.

4.2.2 Assessment of the complaint

Allegations reported to OIA are examined to assess credibility and to determine whether or not OIA should investigate. During this process, it is sometimes necessary to obtain further information from the complainant. The complaint will be investigated if it appears to have been made in good faith, within set time limits, and under the definitions in the UNICEF policy "Prohibition of harassment, sexual harassment and abuse of authority". The decision on whether or not to initiate an investigation is normally communicated to the complainant and/or reporting manager within 30 days of receipt of the complaint by OIA. Upon receipt of the complaint, but before initiating an investigation, OIA will inform you about the existence of the informal option.

4.2.3 The investigation

The main task of any investigation is to collect evidence, establish the facts and compile a report with appropriate findings. The investigator/s must remain neutral throughout, must ensure due process for total integrity and should not presume the guilt of any party. The investigation should begin as soon as possible after the complaint has been filed formally, usually within one month.

The goal of an investigation is to find facts, which will normally be obtained by reviewing relevant documentation, as well as by interviewing the complainant, the alleged offender and other witnesses as deemed relevant by the investigating body. The facts should establish the time, sequence and nature of the occurrence.

Choosing an Approach

No legal findings will be made in an investigation report. Both parties may suggest a list of persons to be interviewed by the investigating body. Interviews will be made at its discretion.

4.2.4 Duration of the formal approach

OIA aims to complete the investigation in the shortest time possible, although the complexity of the case, the number of witnesses and the geographical location will all play a part.

4.2.5 Confidentiality of the process

OIA safeguards the identity of the person or entity from which it receives a report of possible misconduct. Normally, the identity of the source is not an important issue for handling harassment cases, but in rare circumstances, it may be disclosed subject to the following conditions:

The person or entity has been informed in advance of the possible disclosure; and
Disclosure is necessary for administrative, disciplinary or judicial proceedings; and
The Chief of Investigations has approved the disclosure.

A person who is the source also may be a witness, and his or her input as a witness may be required by OIA. The person will not be revealed as a source, but may be identified as a possible witness.

4.2.6 Conclusion of the investigation

If OIA does not consider that the evidence gathered supports the allegations either because the evidence is insufficient or because the evidence suggests that the subject of the investigation did not commit misconduct, the office closes the case. OIA Director will review all facts and evidence surrounding the complaint, and prepare a written report that will be submitted to the Director of DHR.

On the basis of the report, the DHR Director will take one of the following courses of action:

If the investigation report indicates that no harassment took place, he or she will close the case and inform the alleged offender and the complainant.

If the report indicates that there was not sufficient evidence to justify disciplinary proceedings, he or she will decide on the type of managerial action to be taken and inform the staff member concerned.

If the report indicates that the allegations were well founded and that the conduct in question amounts to possible misconduct, he or she will initiate disciplinary action pursuant to the UN Staff Regulations and Rules.

4.2.7 The disciplinary process

If the Director of DHR is satisfied that the facts indicate that misconduct has occurred, he or she shall issue written formal charges to the staff member. The staff member shall be given a reasonable time to respond to the charges (normally 15 calendar days) and has a right to counsel to assist in his or her defence. If the DHR Director considers that misconduct has occurred, considering all circumstances and the response of the staff member, he or she may recommend to the Deputy Executive Director for Management that disciplinary measures be imposed on the staff member.

Disciplinary measures

These depend on the seriousness of the case. They may include one or more of the following forms:

- Written censure;

- Loss of one or more steps-in-grade;

- Deferment, for a specified period, of eligibility for a within-grade salary increment;

- Suspension without pay;

- A fine;

- Deferment, for a specified period, of eligibility for consideration for promotion;

- Demotion with deferment, for a specified period, of eligibility for consideration for promotion;

- Separation from service, with notice, or compensation in lieu of notice; or

- Dismissal.

A written or oral reprimand, recovery of monies owed to the organization and administrative leave with or without pay pursuant to Staff Rule 10.4. are not considered disciplinary measures.

It is often through overcoming difficult experiences and by facing challenges that we experience the most personal growth.

5. FOLLOW-UP

Harassment and dealing with harassment may sometimes create tension in an office or a team. But every staff member has the right to work in a harassment-free environment. Managers are obligated to organize support for the entire office during or after such situations. This guide has mentioned psychological support to decrease the psychological impact of harassment.

In general, it is valuable to think about what you have learned about yourself in dealing with the harassment. If it would ever happen to you again, what lessons have you learned from this experience that would be useful? Reflecting on these questions can help you to keep a positive focus as you move forwards. Remember that it is often through overcoming difficult experiences and by facing challenges that we experience the most personal growth.

What if the harassment stopped only temporarily or took another form? Should you feel that you are the subject of retaliation, you should contact either OIA or the Ethics Office, since retaliation for reporting possible misconduct is itself misconduct. The Ombudsman and Staff Well-Being Unit remain available for advice at all times.

Talking to others allows you to share what can be a heavy burden.

RESOURCE TOOLKIT

Tool 1 Definitions of harassment, sexual harassment and abuse of authority

Harassment

Harassment is any improper and unwelcome conduct that might reasonably be expected or perceived to cause offence or humiliation to another. Harassment includes – but is not limited to – words, gestures or actions that tend to annoy, alarm, abuse, demean, intimidate, belittle or cause personal humiliation or embarrassment to another; or that cause an intimidating, hostile or offensive work environment. It includes harassment based on any grounds such as race, religion, colour, creed, ethnic origin, physical attributes, gender or sexual orientation. It can include a one-off incident or a series of incidents. Harassment may be deliberate, unsolicited and coercive. It may occur outside the workplace and/or outside working hours.

Examples: Public or private tirades by a supervisor, subordinate or peer; severe or repeated insults related to personal or professional competence

*Sexual harassment*⁴

Sexual harassment involves 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 might reasonably be expected or perceived to cause offence or humiliation to another. Sexual harassment may occur when it interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive environment. It can include a one-off incident or a series of incidents. Sexual harassment may be deliberate, unsolicited and coercive. Both male and female colleagues can be either the victim or offender. Sexual harassment may occur outside the workplace and/or outside working hours.

Examples: Deliberate and unsolicited physical contact, or unwelcome close physical proximity; sexist language that is humiliating to women or men

⁴ This definition is an illustration and explanation of CF/EXD/2008-004, which provides the legally binding definition of sexual harassment for all UN staff.

Abuse of authority

Abuse of authority entails the improper use of a position of influence, power or authority by an individual against another colleague or group of colleagues. This is particularly serious when an individual misuses his or her influence, power or authority to negatively influence the career or employment conditions of another (including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion). It can include a one-off incident or a series of incidents. Abuse of authority may include a misuse of power that creates a hostile or offensive work environment, which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion.

Examples: Exerting authority to use UNICEF equipment or vehicles for personal reasons; asking subordinates to cover up for unauthorized absences

Tool 2 Selecting a person to talk to

The choice of people with whom to share your troubles is extremely important. Consider some of the following points:

Be aware that not everybody has the same capacity to listen to you. Look for people who are good listeners.

Some might not be able to understand the situation, and might even blame you.

Some will get angry with your alleged harasser and call for immediate punishment.

Some will tell you what to do.

Some will tell you that it is better to forget all about it.

When giving advice, people often start from their own perspective: "If that happened to me, I would...". You can consider such responses as one of the options to take, but make sure that whatever decision you take is based exactly on what *you* want to do. It is you who will have to go through the process, and only you can determine what you want and can do.

We should always remember that without talking to the alleged harasser to try to understand his or her intentions, we can only assume what those intentions are. Our assumptions may be right or wrong.

To preserve confidentiality and prevent rumours, select people to speak with whom you feel you can trust. Once rumours start, it is very difficult to control them. They can cause additional damage.

Other confidential resources that can be consulted for help are:

The Staff Well-Being Unit

Ombudsman

UN Medical Services

PSVs

The Staff Association

Tool 3 Preparing to speak with the alleged harasser

Here are steps that could help you prepare for discussing your complaint with the alleged harasser.

1. Choose the time and the place – make sure that the person is available for the length of time you think is necessary. Consider whether you want to meet in his or her office or in a neutral place.
2. Ask for permission. “I would like to talk about/share with you something that is bothering me.” “Do you mind if I tell you something which is bothering me?” “I would like to discuss something uncomfortable but important, and I would very much appreciate your time.” Reflect which expression feels right for you. Asking for permission will set the scene and focus the offender’s attention.
3. Acknowledge the positive side of the relationship – everybody has some good qualities that we can value. Starting with something pleasant could make it easier for the offender to hear you out. Examples: “I greatly appreciate your contribution to our section....” “You should know that I truly appreciate your professionalism....” It is important here to be truthful.
4. Make your complaint direct and precise, using “I” instead of “you” when you describe your feelings: “I feel uncomfortable when you do this.” “I must say that I feel very disturbed when you....” (Rather than: “You make me feel very disturbed when you...”) Avoid justifying yourself and explaining too much. The more you try to justify yourself, the more vague you will sound, and there will be a greater risk that you will stumble over your words.
5. End amicably – “Thank you for your time” or something similar.

The content of the complaint should:

Focus on the behaviour (what one does) rather than on the person (who one is);

Give concrete example/s of when the unwanted behaviour occurred;

Avoid absolute terms such as "you always" or "you never", because frequently this isn't true;

Explain how you feel when the other person behaves unacceptably;

Include a request for a change of behaviour;

Be well thought out beforehand; and

Be provided at an appropriate time.

TIP: As it can be difficult to criticize someone, you could consider practising beforehand, perhaps with a friend or a PSV acting as the alleged offender. In this way, you can get some feedback on how you are coming across, and perhaps rephrase your complaint in a more appropriate way. Also pay attention to your body language and tone of voice.

Tool 4 Dealing with denial by the alleged harasser

If you choose to confront your alleged harasser personally, it is possible that he or she will simply deny everything you say and perhaps accuse you of lying or of bad behaviour. This kind of response must be anticipated. Should this occur, you should be prepared so that you can end the conversation constructively and with dignity.

Remain calm and listen to what your harasser has to say. Remember that listening does not mean accepting.

Do not enter into a defensive argument, and do not try to prove your point unless you have kept a record of the incidents of harassment, citing specific examples.

If you are able to remain calm, and you feel you could continue the conversation, you could propose something like: "I feel strongly that this issue needs clarification. I would prefer to keep this between you and me, so let's try to understand why we see this so differently, and maybe we can resolve the problem without involving anybody else."

If you are upset by the denial, you may wish to stop the discussion there and propose that you both involve a third party. For example: "Let's not debate this here. I suggest we invite/involve XY."

Denial might be about saving face. If the unacceptable behaviour stops after this encounter, the situation may have been resolved, and no further action may be needed.

Tool 5 Taking care of yourself

Taking care of yourself means nourishing your “body and soul” in ways that will allow you to recharge your batteries. Positive energy can easily decrease if you are not careful. In situations of harassment, feelings of self-doubt and self-depreciation can develop. Once we start to experience thoughts like, “It’s all my fault” or “There’s no way out”, it takes more and more energy to stay positive. Eventually this can lead to more serious problems such as sleeping difficulties, substance abuse, anxiety or depression.

As soon as you become aware that you may be experiencing harassment, and before you are overwhelmed by negative feelings, start thinking: *What can I do for myself?*

Think of what helps to take your mind of the situation and makes you feel good. Is it physical exercise (such as jogging, dancing or gardening) or relaxation (yoga, listening to music or reading)? Do you prefer meeting with your friends, or do you tend to be more spiritual and reflective (praying, writing or meditating)? Are you a creative, artistic person (drawing, singing or sculpting) or an artisan (furniture-making, decorating or sewing)? Decide which activities make you feel good, and partake in them, even if your energy is low.

Try also to pay attention to your nutrition. When we are under stress we tend to indulge ourselves in “comfort” food, or perhaps we are so tense that we lose our appetite. We may also find solace in alcohol, cigarettes or medication. Unfortunately, all of these have harmful consequences for our health. During times of stress, healthy nutrition and healthy habits are more important than ever to help us keep our energy up, and stay strong and focussed.

Taking care of yourself is often easier said than done. Make a written plan of your self-care activities, and stick to it. Perhaps you could ask a friend to join you in various activities. Ask him or her to check on you regularly. You deserve to be treated well and to enjoy life around you.

Monitoring your negative self-related thoughts

Negative thoughts can be hard to avoid. Here are some typical examples:

“I am always such a failure.”

“It always happens to me.”

“I am not capable of handling anything. Whatever I do goes wrong.”

“Why do I always have such bad luck?”

Resource Toolkit

Such ideas can develop into a habit of negative thinking. We may have such thoughts without necessarily being aware of them. The problem is that they slowly begin to erode our self-confidence, and this generally leads to feeling worse about ourselves.

Do you have such thoughts? Write them down and take a good look at them, one by one. Are they really true? Are you really such a failure? Think of something that you have achieved in life. What is it? With that in mind, can you rephrase your initial thoughts? Could you say something like, "This situation is difficult, but I am going to get through it with my head held high." Whatever your positive statement is, write it down next to the original negative statement. Try to remember it, and every time you notice the same negative statement coming to your mind, make an effort to use the positive statement you had written down instead. Replacing negative statements with realistic positive ones can be extremely helpful.

Keeping a diary

At times, you may find yourself overwhelmed by confused thoughts, or flooded with anger, sadness or other emotions. These are disturbing and may not be stopped easily. One helpful technique can be writing. Have a special notebook in which you can "download" everything that is on your mind and in your heart.

Writing about our emotions can improve our physical and mental health. Try to choose a time and place to write when you will not be disturbed. Commit to writing for at least 15 minutes a day for at least 3 to 4 consecutive days. Once you start writing, do not worry about the grammar or structure. If you run out of things to write about, repeat what you have already written.

You can write in longhand or use the computer. Write about thoughts that keep coming to mind, your feelings, the events of the day, or your experience of harassment. Try to be as honest as possible. If it becomes too difficult, change the subject or stop writing for a while. Do not give it up completely. If it continues to be disturbing, ask for support from a professional counsellor. Once you are finished, you can destroy what you wrote or keep it, depending on what feels more appropriate for you.

Using other resources

Apart from relying on your own resources, you may consider contacting a professional counsellor. If no one is available in your duty station, you can contact the Staff Well-Being Unit and talk confidentially with one of their counsellors, in person, by phone or by email.

Counselling is a process in which you are given time and space to discuss your

experiences, express your feelings, and explore the impact of a given situation on you and your needs. This process remains entirely confidential.

PSVs can also provide confidential support and explore options for further help (see Tool 6 for references).

Two other useful resources in UNICEF's Caring for Us series are: *"Building Resiliency: A Growth Workbook for UNICEF Staff"*, and *"Stress in Our Workplace"*. Both are available in hard copy or can be downloaded from the UNICEF Intranet (*Human Resources>UNICEF & You>Stress Management>Publications & Articles*).

Tool 6 Organizational resources

The following resources are relevant to dealing with harassment.

The UNICEF Ethics Office

Email: ethics@unicef.org;

Tel.: + 1 212 326 7166

The UNICEF Ethics Office is ready to help offices build environments in which staff members interact with each other in ways that show the greatest mutual respect. Any staff member can contact the Ethics Office for confidential advice.

The Staff Well-Being Unit

Email: stresscounsellor@unicef.org

Tel.: +1 212 824 6902, or +1 212 824 6207

Website: [UNICEF Intranet \(HumanResources>UNICEF & You> Stress Management\)](#)

The Staff Well-Being Unit, which is part of DHR in New York, provides:

Confidential advice on dealing with harassment;

Psychosocial support;

Referrals to private counsellors or other resources; and

Advice on working with teams and fostering a supportive work environment.

Many offices have PSVs trained in basic counselling skills who provide support for colleagues. For a list of their names, please contact the Staff Well-Being Unit or refer to its website.

Ombudsman for the United Nations Funds and Programmes, UNDP, UNFPA, UNICEF and UNOPS

Email: ombudsman@fpombudsman.org

Tel.: +1 917 367 5731

Fax: +1 917 367 4211

Website: www.un.org/en/ombudsman/

The Ombudsman is responsible for providing initial advice in case of possible incidents, and facilitating the informal process in dealing with harassment. Recourse to the Ombudsman is strictly voluntary and is treated with strict confidentiality that can only be waived with the consent of the staff member(s) concerned. Resorting to the Ombudsman will not suspend an administrative decision or a measure that is being challenged, however.

The Office of Internal Audit Investigation Section

Email: Integrity1@unicef.org

OIA Investigation Section is responsible for facilitating the formal process for dealing with, and ensuring the investigation of, allegations of misconduct that involve persons with a direct contractual link with UNICEF. This may include ensuring that the complainant is fully informed of the existence of the informal mechanism before initiating an investigation. The principles governing the work of OIA are impartiality, objectivity and appropriate confidentiality.

The Division of Human Resources

The relevant contact for each staff member is his or her respective Human Resources Officer. The Policy and Legal Section (PALS) of DHR is available for consultations to managers on administrative procedures. Paragraph 5.24 of CF/EXD/2008-004 states that only the Director of DHR has the authority to issue a formal allegation and define disciplinary measures as appropriate.

The Global Staff Association/Your Local Staff Association

Email: gsa@unicef.org

The Global Staff Association represents all staff in UNICEF with the management of UNICEF and the UN, and with interagency entities. They can provide you with useful and confidential peer-to-peer guidance on handling your harassment complaint. The staff association will also have ready access to the persons who can help you. You can speak to the chairperson of your Local Staff Association, which represents all staff, local and international, in a Country Office or you can contact the Global Staff Association directly at 212-824-6137, or gsa@unicef.org

To find your LSA chair, see the "Who is your staff representative" at on the UNICEF Intranet at <http://intranet.unicef.org/dhr/gsawebsite.nsf>.

Acknowledgements

Dealing with Harassment: A Complainant's Guide is produced by the Staff Well-Being Unit and is based on a similar publication prepared by UNHCR, to whom we express our sincere thanks. The guide is part of UNICEF's efforts to address disrespectful behaviour in the workplace. It should be read with the policy "Prohibition of harassment, sexual harassment and abuse of authority" (CF/EXD/2008-004).

UNICEF 2010

