

UNITED NATIONS OFFICE FOR PROJECT SERVICES

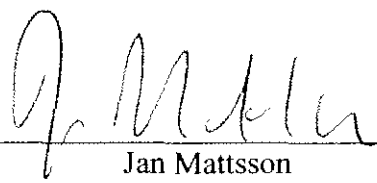
**Headquarters, Copenhagen
Revision 1: 26 August 2010**

ORGANIZATIONAL DIRECTIVE No. 8 (rev. 1)**Policy on Prohibition of Discrimination, Harassment, including Sexual Harassment,
and Abuse of Authority****1. Introduction**

- 1.1 UNOPS supports the commitment that all international organizations must have “zero tolerance” for discrimination and harassment in the workplace and will not tolerate conduct that can be construed as discrimination, harassment, sexual harassment, or abuse of authority. Such behaviour or conduct is contrary to the Charter of the United Nations, to the Standards of Conduct for the International Civil Service, and the United Nations Staff Regulations and Rules and personnel responsible for such behaviour or conduct may be subject to appropriate administrative or disciplinary procedures.
- 1.2 The Executive Director, for the purpose of ensuring that all personnel of UNOPS are treated with dignity and respect and are aware of their roles and responsibilities in maintaining a workplace free of any form of discrimination, harassment, including sexual harassment, and abuse of authority, promulgates the attached policy on “Prohibition of Discrimination, Harassment, including Sexual Harassment, and Abuse of Authority”.

2. Final provisions

- 2.1 The present policy shall enter into force on **1 September 2010**.
- 2.2 The Director, Human Resources Practice Group is tasked with implementation of this policy and is hereby authorized to issue Administrative Instructions or advisories as he/she may consider necessary to implement this policy.



Jan Mattsson
Executive Director
UNOPS

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1. Introduction

- 1.1 In accordance with the provisions of Article 101, paragraph 3, of the Charter of the United Nations, and the core values set out in Staff Regulation 1.2(a) and Staff Rules 1.2(e), every individual has the right to be treated with dignity and respect, and to work in an environment free from discrimination, harassment and abuse. Consequently, any form of discrimination, harassment, including sexual harassment, and abuse of authority is prohibited.
- 1.2 UNOPS has the duty to take all appropriate measures towards ensuring a harmonious work environment, and to protect its personnel from exposure to any form of prohibited conduct, through preventive measures and the provision of effective remedies when prevention has failed.
- 1.3 All personnel are expected to act towards others with tolerance, sensitivity and respect for differences. Any form of prohibited conduct in the workplace or in connection with work is a violation of these principles and may lead to disciplinary or administrative action, whether the prohibited conduct takes place in the workplace, in the course of official travel or an official mission, or in other settings in which it may have an impact on the workplace.

2. Scope

- 2.1 The present organisational directive shall apply to all personnel of UNOPS. Complaints of prohibited conduct may be made by any staff member, individual contractor, gratis personnel, including interns and volunteers, and any other person who may have been subject to prohibited conduct on the part of other personnel in a work-related situation in or outside of an office location.
- 2.2 UNOPS personnel who are subject or witness to prohibited conduct by non-UNOPS personnel with organizational relationships with UNOPS (such as a contractor or its employees, agents or representatives) must follow the policy and procedures set out in this organisational directive to report the prohibited conduct.

3. Definitions

- 3.1 *Discrimination* is any unfair treatment or arbitrary distinction based on a person's race, gender, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin or other status. Discrimination may be an isolated event affecting one person or a group of persons similarly situated, or may manifest itself through harassment or abuse of authority.
- 3.2 *Harassment* is any improper and unwelcome conduct that a reasonable person might expect or perceive to cause offence or humiliation to another person. Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or which create 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-time incident or a series of incidents. Harassment may be deliberate, unsolicited, and coercive.

- 3.3 Disagreement on work performance or on other work-related issues is normally not considered *harassment* and is not dealt with under the provisions of this policy but in the context of performance management.
- 3.4 *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 might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the aggrieved individuals or the offenders.
- 3.5 *Abuse of authority* is the improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses his or her influence, power or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion. Abuse of authority may also include conduct that creates a hostile or offensive work environment which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion. Discrimination and harassment, including sexual harassment, are particularly serious when accompanied by abuse of authority.
- 3.6 *Retaliation*: Threats or acts of retribution against personnel who raises concerns, directly or indirectly, makes claims or assists in providing information about discrimination, harassment, sexual harassment, or abuse of authority.
- 3.7 *Personnel*¹: Any person who either works for or represents UNOPS, regardless of whether or not they are compensated monetarily for such work or representation. This includes both staff members and other personnel.
- 3.8 *Staff Member*: Any person who is employed by UNOPS under the United Nations Staff Regulations and Rules.
- 3.9 *Other Personnel*: Any person who is engaged by UNOPS, under an individual contractor agreement, internship agreement or volunteer agreement, or an employment agency, or through any contractual arrangement other than as stated in section 3.8 above.
- 3.10 *Third Party*: A person who assists an aggrieved individual or an alleged offender in an informal process.
- 3.11 *Prohibited conduct*: For the purposes of the present directive, discrimination, harassment, including sexual harassment, and abuse of authority shall collectively be referred to as “prohibited conduct”.

¹ The use of the term “Personnel” does not give rise to any additional rights and entitlements to any individual working for UNOPS other than those rights and entitlements expressly included in the individual’s contract with UNOPS.

4. Duties of personnel and specific duties of Heads of Business Units², managers and supervisors

4.1 Role of personnel

Personnel must:

- 4.1.1 Be respectful to their colleagues and maintain the highest standards of conduct.
- 4.1.2 Maintain a harmonious environment for other personnel by behaving in a manner which is free of intimidation, hostility, offence and any form of prohibited conduct.
- 4.1.3 Familiarize themselves with the present policy, including an understanding of conduct that constitutes prohibited conduct.
- 4.1.4 Be aware of the various options and internal channels available to them for addressing prohibited conduct.
- 4.1.5 Take any mandatory training courses related to the subject as per section 5.2 below.

4.2 Role of Heads of Business Units, managers and supervisors

4.2.1 Heads of Business Units, managers and supervisors must ensure that complaints of prohibited conduct are promptly addressed in a fair and impartial manner.

4.2.2 Heads of Business Units, managers and supervisors must act as role models by upholding the highest standards of conduct and have the duty to take all appropriate measures to:

- (a) Promote a harmonious working environment, free of intimidation, hostility, offence and any form of prohibited conduct. In order to achieve such an environment, Heads of Business Units, managers and supervisors must act as role models by upholding the highest standards of conduct.
- (b) Ensure that incidents of prohibited conduct are promptly addressed in accordance with this policy. In such cases, Heads of Business Units, managers and supervisors must demonstrate fairness and impartiality, and be free from intimidation or favouritism.
- (c) Ensure that personnel who supervise others do not engage in prohibited conduct. Heads of Business Units, managers and supervisors must also take measures consistent with the present policy should they witness or otherwise become aware of any acts of prohibited conduct.
- (d) Ensure that no personnel are retaliated against.

² “Head of Business Unit” shall mean “Regional Directors, Operational Centre Directors, Project Centre Managers, Cluster Managers, Project Managers of Project Team Bases or Cluster Team Bases, project/portfolio managers, headquarters directors, practice/team leaders etc.”

- (e) Communicate UNOPS' policy on prohibited conduct to all personnel and act as a resource for personnel.
- (f) Immediately advise the Director, Human Resources Practice Group (HRPG) or his/her designate, for the purpose of monitoring the formal complaints and reports received and actions taken, of any case of alleged prohibited conduct that has come to their attention and any related actions taken on their part. The Director HRPG should provide an annual report on formal cases to the Executive Director.

4.2.3 Where a preliminary assessment is initiated following receipt of a formal complaint of prohibited conduct, the Head of Business Unit shall:

- (a) Take appropriate measures to monitor the status of the aggrieved party, the alleged offender and the work unit(s) affected until such time as the investigation report has been submitted.
- (b) Where the Head of Business Unit is the alleged offender, his or her supervisor will perform the required monitoring. The purpose of such monitoring shall be to ensure that all parties comply with their duty to cooperate with the investigation and that no party is subjected to retaliation as a result of the complaint or the investigation.
- (c) Where retaliation, for reporting misconduct or cooperating with duly authorized fact finding activities is found by the investigation, the advice of the Ethics Officer could be sought. The individual who is the subject of retaliation may seek the advice of the Ethics Officer in accordance with the policy on *Protection against retaliation for reporting misconduct or cooperating with duly authorized fact finding activities* (Organisational Directive No. 35).

4.2.4 Failure on the part of Heads of Business Units, managers and supervisors to fulfil their obligations under the present policy may be considered a breach of duty, which, if established, shall be reflected in their annual performance appraisal leading to administrative or disciplinary action, as appropriate.

4.3 Role of UNOPS

4.3.1 In implementing the present policy, UNOPS shall act consistently and take the appropriate investigative, administrative and/or disciplinary action(s) required, regardless of the individual's function, title, length of service and contractual status.

4.3.2 The Director, Human Resources Practice Group (HRPG) is the focal point for the primary referral for all incidents of prohibited conduct.

5. Preventive Measures

5.1 Prevention of prohibited conduct is an essential component of the action to be taken by UNOPS. In the discharge of its duty to take all appropriate measures towards ensuring a harmonious work environment and to protect its personnel from any form of prohibited conduct, the following preventive measures shall be applied.

- 5.2 UNOPS shall conduct regular and mandatory awareness programmes for all personnel to raise awareness of UNOPS's zero tolerance of prohibited conduct, to provide guidance on the relevant policy and procedures and to foster the creation of a harmonious working environment, free from intimidation, hostility, offence and any form of discrimination or retaliation. In particular, all personnel shall be required to complete the mandatory online training programme on prevention of harassment, sexual harassment and abuse of authority in the workplace. The certificate on successful completion of this programme shall be placed on his/her official file.
- 5.3 Other programmes will continue to be offered, including targeted training for managers and supervisors, completion of which will be a requirement for advancement to higher levels of responsibility. Specific training will be provided to officials involved in the informal and/or formal resolution procedures set out in section 7 below, including the individuals designated to investigate allegations of prohibited conduct.
- 5.4 Heads of Business Units shall ensure that their personnel and others for whom they are responsible are provided with a copy of this policy upon taking up their appointments. Heads of Business Units shall also ensure that their personnel undertake the required training.
- 5.5 Personnel are responsible for familiarizing themselves with this policy and with the various options and internal channels available for addressing such conduct. Personnel are also reminded of the policy on *Protection against retaliation for reporting misconduct or cooperating with duly authorized fact finding activities* (Organisational Directive No. 35).
- 5.6 In order to resolve problems which could potentially give rise to instances of prohibited conduct, managers and supervisors shall maintain open channels of communication and ensure that personnel who wish to raise their concerns in good faith can do so freely and without fear of adverse consequences.
- 5.7 If there is a need for confidential guidance or advice on matters which may involve instances of prohibited conduct, personnel may consult the Director, HRPG or the Office of the Ombudsman, which are bound by strict rules of confidentiality under their terms of reference.

6. Corrective Measures

- 6.1 Individuals who believe they are aggrieved individuals of prohibited conduct are encouraged to deal with the problem as early as possible after it has occurred. The aggrieved individual may opt for an informal or a formal process, as explained in section 7 below. Regardless of the choice made, the aggrieved individual is encouraged to keep a written record of events, noting dates, places, a description of what happened and the names of any witnesses and of anyone who may have information concerning the incident or situation at issue.
- 6.2 All reports and allegations of prohibited conduct shall be handled with sensitivity in order to protect the privacy of the individuals concerned and ensure confidentiality to the maximum extent possible.

- 6.3 Personnel accused of prohibited conduct may seek assistance from any of the persons listed in section 7.1 below.
- 6.4 The timeframes for the different dispute resolution processes available are set out in section 7.3 below.

7. Resolution

7.1 Informal Process

7.1.1 In many cases, the situation can be resolved informally. An informal approach offers the opportunity to resolve a grievance in a non-threatening and non-contentious manner. Personnel are strongly encouraged to first try and solve a dispute through informal channels, and avoid unnecessary litigation. Resolving disputes through negotiation, mediation and other alternative means is usually quicker, and often proves to be a less stressful and less cumbersome process than litigation.

7.1.2 Pursuing informal resolution of a dispute does not prevent personnel from also bringing a matter to the formal process at a later stage.

7.1.3 Informal options available to personnel include:

(a) Approaching the alleged offender

An individual may not understand that he/she is being offensive and, if asked, may stop or alter his/her behaviour. Personnel who feel that they are being subject to prohibited conduct are encouraged, where possible, to inform the alleged offender that his/her conduct is unwelcome and request that such conduct cease. However, disparity in power or status or other considerations may make direct confrontation difficult, and aggrieved individuals are not required to confront the alleged offender.

(b) Involvement of a third party

(i) Aggrieved individuals may ask for assistance from a third party in seeking informal resolution. Depending on the situation and on their level of comfort with one official rather than another, they may seek the assistance of any of the following:

- A human resources officer at the duty station;
- A human resources officer at a regional office or headquarters;
- A member of the executive committee of the staff association at the duty station;
- A direct supervisor, or his or her supervisor.

(ii) If a third party chooses, he/she may agree to assist either the aggrieved individual or alleged offender. It is vital that the third party ensures that confidentiality is respected at all times. The third party should be fully knowledgeable about the present policy. The third

party should always act in the best interests of the aggrieved individual or alleged offender. The third party should be aware that sometimes the best form of assistance is a referral to a more appropriate source within UNOPS. When he/she is uncertain about what are the appropriate actions to take, the third party should inform, with the consent of the aggrieved individual, the Director, HRPG.

(c) Involvement of the Ombudsman

- (i) If an aggrieved individual wishes, he/she may approach the Ombudsman who will discuss the matter with all concerned parties. The Ombudsman provides confidential, off-the-record and impartial assistance and mediation to help arrive at informal resolutions of concerns and disputes related to employment/engagement with the UN.

Ombudsman and Mediation Services

Website: <http://www.un.org/en/ombudsman/>

Tel: +1 212 963 1745 (New York)

Email: ombudsmediation@un.org

Fax: +1 917 367 4211 (New York)

Postal Address: 380 Madison Avenue,
5th Floor,
New York, NY 10017
USA

- (ii) In cases where the situation indicates that an instance of alleged misconduct has occurred that may warrant administrative action or disciplinary measures, the Ombudsman may bring the matter to the attention of UNOPS Executive Director.

- 7.1.4 In all cases, an aggrieved staff member may consult the UN Medical Service for advice. They may also consult an outside adviser, such as an occupational psychologist or stress counsellor, at their own expense.

UN Medical Services

Telephones: +1 212 963 7080, and +1 212 963 8990 (New York)

- 7.1.5 The official from whom assistance has been requested (as in section 7.1.3) may, with the consent of the aggrieved individual, meet informally with the alleged offender to apprise him or her of the situation and discuss the manner in which it might be resolved to the satisfaction of all concerned.
- 7.1.6 All involved in the informal resolution process must recognize the need to treat the situation with sensitivity and confidentiality to the greatest extent possible.
- 7.1.7 Regardless of the outcome, the officials listed in section 7.1.3 shall provide continuing support to the aggrieved individual at every stage of the process, in consultation with the appropriate officials, taking into account the positive or

negative consequences of the proposed course of action. If the temporary assignment of the aggrieved individual or the alleged offender to another position is proposed, this may not take place without the consent of the individual concerned.

- 7.1.8 Should the aggrieved individual not be satisfied with the results of the informal process, he/she may submit a written complaint to begin the formal process.

7.2 Formal Process

7.2.1 Lodging of Complaints

- (a) In circumstances where informal resolution is not desired or appropriate, or has been unsuccessful, the aggrieved individual may submit a written signed complaint to the Director, HRPG. In those cases where the official who would normally receive the complaint is the alleged offender, the complaint should be submitted to the Deputy Executive Director. Formal resolution may also be initiated by the submission of a report of prohibited conduct from a third party that has direct knowledge of the situation to the Director, HRPG.
- (b) Complaints may be lodged electronically to Harassment@unops.org or posted to Director HRPG at the address below (with the following inscription in the sealed envelope above the address):

CONFIDENTIAL/FOR THE ATTENTION OF:

Director, Human Resources Practice Group
UNOPS
PO Box 2695
2100 Copenhagen
Denmark

- (c) All complaints received at the above email or postal address will be dealt with in confidence and shared with authorized personnel on a need-to-know basis. Lodging of a formal complaint is a protected activity under the policy on *Protection against retaliation for reporting misconduct or cooperating with duly authorized fact finding activities* (Organisational Directive No. 35).
- (d) In all instances, aggrieved individuals or third parties who have direct knowledge of the situation may report cases of prohibited conduct directly to the Director HRPG without the need to obtain authorization or clearance from any official.
- (e) Anonymous complaints will not be accepted.

7.2.2 Assistance of Office of Staff Legal Assistance (OSLA) for staff members

In all cases, a staff member may consult a member of the Office of Staff Legal Assistance:

Office of Staff Legal Assistance
Website: <http://www.un.org/en/oaj>
Email: OSLA@un.org
Telephone: +1 212 963 3957 (New York)

7.3 Time Frame for Lodging Complaints

7.3.1 Informal Process

Any time after the incident of alleged prohibited conduct.

7.3.2 Formal Process

- (a) Written complaint must be filed within 45 calendar days from the date of the last incident of alleged prohibited conduct.
- (b) If the aggrieved staff member has approached the Ombudsman for mediation within the period referred to in sub-paragraph (a) above, but still wishes to submit a formal complaint, the signed written complaint must be filed within 30 calendar days from the conclusion of the Ombudsman's involvement in the mediation.
- (c) If a member of personnel has contacted any of the third party officials mentioned in section 7.1 within the period referred to in sub-paragraph (a) above but still wishes to submit a formal complaint, the signed written complaint must be filed within 30 calendar days from the conclusion of the third party official's involvement in the mediation.
- (d) In exceptional circumstances the Director, HRPG may extend the above time limits.

8. The Fact Finding Process

8.1 Preliminary Assessment

8.1.1 Upon receipt of the formal complaint, the Director, HRPG or his/her designate must assess whether this complaint is admissible and should be investigated.

- (a) If the alleged offender is no longer employed or engaged by UNOPS at the start of this process, the fact-finding process may still be carried through to a conclusion. Resignation from the alleged offender will not necessarily terminate the ongoing fact-finding process.

8.2 Investigation and, if appropriate, disciplinary or administrative proceedings

8.2.1 If the complaint is admissible, an investigation (and, if appropriate, disciplinary or administrative proceedings) will be carried out in accordance with the *UNOPS Legal Framework for Addressing Non-Compliance with UN Standards of Conduct* (Organisational Directive No. 36).

9. Additional procedures following investigation

9.1 In addition to the above, one or both of the following courses of action may also be taken:

- 9.1.1 If there was a factual basis for the allegation (whether or not sufficient to constitute misconduct): the Executive Director may direct that managerial action be taken. Managerial action may include mandatory training, reprimand, a change of functions or responsibilities, counselling or other appropriate corrective measures.
- 9.1.2 If an allegation of prohibited conduct appears to have been made with malicious intent, the Director, HRPG may direct that an investigation be conducted in accordance with Chapter II of “*UNOPS Legal Framework for Addressing Non-Compliance with UN Standards of Conduct* (Organisational Directive No. 36). The said Organisational Directive No. 36 shall then apply to any further actions regarding the possibly malicious allegation.

10. Referral to Local Authorities

- 10.1 The organization reserves its right to refer matters to local authorities for legal recourse in accordance with applicable national law. Referral will be in accordance with Chapter IV or Chapter V of the *UNOPS Legal Framework for Addressing Non-Compliance with UN Standards of Conduct* (Organisational Directive No. 36).

11. Post-investigation Review

- 11.1 Once the investigation has been completed and decision taken by the Executive Director on the outcome, the Director, HRPG or his/her designate shall advise the relevant Head of Business Unit or supervisor for appropriate measures to be taken to keep the situation under review. These measures may include, but are not limited to, the following:
- 11.1.1 Monitoring the status of the aggrieved party, the alleged offender and the work unit(s) concerned at regular intervals in order to ensure that no party has been subject to retaliation as a consequence of the investigation, its findings or the outcome. Where retaliation is detected, the Ethics Officer shall be promptly notified;
- 11.1.2 Ensuring that any administrative or disciplinary measures taken as a result of the fact-finding investigation have been duly implemented; and
- 11.1.3 Identifying other appropriate action, in particular preventative action, to be taken in order to ensure that the objectives of the present policy are fulfilled.

12. Monitoring

- 12.1 The Director, HRPG or his/her designate may request the Heads of Business Units for information on implementation of the policy and shall appropriately advise the Executive Director on all complaints or reports received and requests for protection, and information on the protection that has been provided.