

THE INCLUSIVE WORKPLACE



HARASSMENT AND DISCRIMINATION

WELCOME TO THE INCLUSIVE WORKPLACE SERIES

CREATED BY THE GENDER & DIVERSITY PROGRAM IN COLLABORATION WITH THE CGIAR CENTERS OF THE CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH (CGIAR).

WHAT IS IT?

It's a set of papers which contains our best recommendations for diversity policies and practices we consider essential for good people management, with a special focus on the CGIAR, a global organization with 8,000 staff members from 100 countries. It is designed to help us all create the best possible workplaces – workplaces built on the core values of inclusion, dignity, wellbeing and opportunity.

HOW DOES IT WORK?

All papers are made up of different areas:

- ✓ Intro: a brief overview on why this topic is important for an inclusive workplace and an outline of the content offered;
- ✓ Model Policy: an example of policy language ready for adopting or adapting into your organization's personnel manual;
- ✓ Practices: a series of related good practices; and
- ✓ Tips and Tools: examples and ideas for implementation.

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WHY HAVE IT?

Diversity is a core competency for CGIAR Centers. All Centers are global organizations, and all have multicultural workforces. Centers' ability to manage, develop and leverage diversity obviously is important to their internal effectiveness. However diversity skills are also critical to Centers' effectiveness in working with partner organizations and the end-users of the knowledge and technologies they develop. Therefore everything Centers do to become better at working with diversity will affect their success in meeting their fundamental objectives of fighting hunger and poverty. We hope this resource will facilitate their ongoing efforts to become even more effective.

WHO IS IT FOR?

The Inclusive Workplace has been developed for senior management, staff and HR people across the CGIAR. However, in the same way that the CGIAR shares its scientific and development knowledge, we also wish to share our ideas for managing and developing global diversity with the broader community.

Senior management

Senior management across Centers are continually reviewing their people management and development practices, to optimize their Centers' ability to sustain and enhance a workplace of innovation. Associated with that aim is enhancing Centers' ability to attract, develop and retain a committed and highly productive workforce. This resource center provides a portfolio of ideas to facilitate that ongoing process. Some of the ideas have already been implemented by some Centers, and various sections of this resource center highlight those initiatives.

Staff

Staff at all levels are confronted by issues affecting the way we manage our people: "How do I draft a recruitment advertisement?", "How do I handle being harassed?", "How can I learn more about HIV/AIDS?", and "How do I cope with being so overloaded at work that my home life suffers?" In many cases their Center may have expert advice/information available to staff through its personnel policy manual or other staff bulletins. But in some cases there are gaps, or the information is difficult to access. The Inclusive Workplace is another source of ideas.

HR people

When senior management decide to enhance one of its people management practices, it usually falls to HR staff to draft a policy or practice. However it is quite challenging to turn a concept into an everyday practice. It is also difficult to find the time when, for most HR people, dealing with day-to-day operational issues inevitably has to take priority over policy development. It is generally much easier to adapt a policy that already exists than to create one on a clean sheet of paper. Consequently this resource center should ease the burden of policy development for HR people. One of the many strengths of the CGIAR system is the extent of sharing between HR people across the CGIAR Centers of ideas, practices, policies and knowledge. This resource should facilitate even more sharing.

WHAT DO WE MEAN BY "MODEL" POLICIES?

It is not intended that every organization adopt all of the model policies precisely as described in The Inclusive Workplace. The term "model" policy has been used to describe policies which reflect good practice both in managing diversity and managing people generally. The model policies have also been developed in the context of the CGIAR Centers, i.e. recognized good practice has been adapted to the CGIAR environment. However in many cases the model policies may need to be further adapted to the individual Center's environment and needs, and integrated where appropriate with your organization's existing policies.

Vicki Wilde

Leader

CGIAR Gender & Diversity Program

THE INCLUSIVE WORKPLACE SERIES INCLUDES:

- ACCOMMODATING SPOUSES/PARTNERS
- FLEXIBLE WORKPLACE
- RECRUITMENT
- HARASSMENT AND DISCRIMINATION
- HIV AND AIDS

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INTRODUCTION

The Gender and Diversity Program (G&D) recognizes that existing practices for managing harassment and discrimination often do not cover the scope of issues that need to be dealt with in today's Consultative Group on International Agricultural Research (CGIAR). Traditionally, most guidelines for handling harassment and discrimination have covered incidents after they have occurred.

These guidelines, developed to assist the Centers of the CGIAR system refine existing practices, emphasize prevention of harassment and discrimination. We also include a section designed specifically to enable victims of sexual harassment to understand their situations and to seek appropriate avenues of assistance.

These guidelines include a model policy ready to be adapted or adopted by the Centers as well as related sample practices, tips and tools, and associated alerts and cautions that flag hot issues for particular attention. All are linked to make it easy to tap into our best recommendations for any aspect of preventing and stopping harassment and discrimination.

Many Centers have shared best practices with G&D to help us develop these guidelines.

OVERVIEW

This Overview deals with the following harassment and discrimination issues:

- the connection between dignity and innovation
- the challenge for multinational, multicultural organizations
- recognizing inappropriate behaviors
- preventing and stopping inappropriate workplace behaviors
- the role of senior management in preventing and stopping inappropriate workplace behaviors
- the role of line managers in preventing and stopping inappropriate workplace behaviors
- the role of HR in preventing and stopping inappropriate workplace behaviors
- the role of individuals in preventing and stopping inappropriate workplace behaviors
- inappropriate behaviors directed at non-Center staff
- recognizing the contradiction: when victims don't complain

- what the guidelines provide, i.e. sections on model policy, sample practices, and tips and tools

THE CONNECTION BETWEEN DIGNITY AND INNOVATION

1 Diversity is one of the great strengths of the CGIAR Centers of the CGIAR system. Centers are staffed by women and men from many countries, ethnic groups, racial backgrounds and educational disciplines. They bring their wide range of cultural, professional and personal experience to bear on the complex problems of development-oriented science.

2 To use this strength to best advantage, all staff members must be able to contribute to their full potential. They must work in an environment that stimulates innovation rather than stifles it. Therefore, Centers have to ensure that they create and sustain a “workplace of dignity”. This means an environment where all can work:

- in openness and trust, and
- in ways that demonstrate they respect and value differences.

3 Dignity is one of the four core values of the Inclusive Workplace. A workplace of dignity is not only pleasant, it has a positive effect on individual and organizational performance. When staff members feel valued and respected, they tend to:

- be more productive;
- feel more empowered;
- have more trust in senior managers, supervisors and co-workers; and
- be more committed to the Center, its mission and its goals.

4 Harassment, discrimination and other inappropriate behaviors, as listed in the box: “Recognizing inappropriate behaviors”, have no place in a workplace of dignity. A workplace of dignity requires all staff members:

- to treat each other with respect; and
- to act in ways that create an atmosphere in which everyone feels that her or his talents and skills are valued.

If these conditions are not met, then staff members will not be more productive, feel more empowered or committed or have more trust, as described above. Staff performance will diminish and, with it, so will the performance of the Center.

ALERT

Recognizing inappropriate behaviors.

Quite simply, inappropriate behaviors include any behaviors which show disrespect, intimidate or create a hostile work environment including:

- ✓ general harassment
- ✓ sexual harassment

- ✓ discrimination
- ✓ abuse of power

THE CHALLENGE FOR MULTINATIONAL, MULTICULTURAL ORGANIZATIONS

5 The multinational, multicultural composition of the CGIAR Centers creates a special challenge to defining inappropriate behaviors because actions that might be regarded as acceptable in one culture may give offense in another. Individual differences also create ambiguities. Behavior that is offensive to some might not be offensive to others. People who make certain remarks or gestures may not be aware that they are offending others.

6 Misunderstandings often arise from differences in perception (see dignity alert on dimensions of difference). They also arise from stereotypes – false assumptions related to factors such as race, ethnicity, gender, religion, age, disability or sexual orientation.

Impact rather than intention

ALERT

Was harassment intended?

With all types of inappropriate behavior, the key factor is the impact on the victim/s, not the intention of the perpetrator.

7 If a behavior is reasonably perceived as offensive or intimidating by the person who is the target of that behavior – whether or not the person initiating the inappropriate behavior intended to be so – it should be stopped. All staff members have a responsibility to communicate clearly to their colleagues about behavior they find offensive and ask that it be discontinued.

ALERT

I don't see any problem"

How dimensions of difference affect perceptions or behavior.

CULTURE: people may be unaware of cultural factors that create differences in how behavior is perceived. For example, in some cultures it is considered an insult for a man not to compliment a woman on her appearance while in others, it is inappropriate for a man to remark on a woman's appearance.

GENDER: women and men may interpret behavior differently. Men tend to see harassment in terms of overt behavior, such as yelling or crude sexual advances, whereas women tend to include more subtle behaviors.

Based on research by Frieda Klein and Associates

RECOGNIZING INAPPROPRIATE BEHAVIORS

General harassment

8 General harassment is any unwelcome verbal or physical behavior that unreasonably interferes with work or creates an intimidating, hostile or offensive work environment.

9 A more detailed explanation of general harassment appears in Tips and Tools: "Recognizing General Harassment".

Sexual harassment

10 Sexual harassment is any unwelcome sexual advance, request for sexual favor or other verbal, non-verbal or physical conduct of a sexual nature that:

- unreasonably interferes with work;
- is made a condition of employment; or
- creates an intimidating, hostile or offensive work environment.

11 A more detailed explanation of sexual harassment appears in Tips and Tools: "Recognizing Sexual Harassment".

Discrimination

12 Discrimination is the unjustifiable differentiation between individuals or staff groups. Discrimination can be based on one or more characteristics including – but not limited to – race, caste, color, culture, ethnic background, religion, age, gender, disability, marital status, political views or sexual orientation.

13 A more detailed explanation of discrimination appears in Tips and Tools: "Recognizing Discrimination".

Abuse of power

14 Abuse of power is the misuse of authority in the course of performing work.

15 A more detailed explanation of abuse of power appears in Tips and Tools: “Recognizing Abuse of Power”.

PREVENTING AND STOPPING INAPPROPRIATE WORKPLACE BEHAVIORS

16 The responsibility for preventing and stopping inappropriate workplace behavior rests with all staff, particularly senior management and line managers. The HR Manager also has a key advisory role. However individual staff members have an important role not only in avoiding inappropriate behaviors themselves, but in making it clear to colleagues who overstep the boundaries of acceptable behavior that their behavior is inappropriate.

THE ROLE OF SENIOR MANAGEMENT IN PREVENTING AND STOPPING INAPPROPRIATE WORKPLACE BEHAVIORS

17 Senior management is responsible for establishing and implementing the policies and practices that make it clear across the Center that no form of general harassment, sexual harassment, discrimination or abuse of power is acceptable.

18 These policies and practices include (but are not limited to):

- establishing a Center policy on harassment and discrimination;
- including a reference to a workplace of dignity in the Center’s value statement;
- including a reference to harassment and discrimination in the Center’s Code of Conduct;
- ensuring that, as part of their induction, new appointees are introduced to the policy and to the consequences of breaching it, early in their appointment;
- ensuring that line managers live up to their responsibilities in preventing and stopping harassment and discrimination in their workgroups;
- establishing avenues of assistance at all duty stations to assist staff members who have experienced harassment or discrimination;
- ensuring periodic re-education of the Center’s workforce on harassment and discrimination issues; and
- acting promptly and decisively if cases of harassment or discrimination are reported.

19 A more detailed explanation of the role of senior management appears in Sample Practice: “The Role of Senior Management”. A more detailed explanation of avenues of assistance to staff who have experienced harassment or discrimination appears in Sample Practice: “Avenues of Assistance”.

THE ROLE OF LINE MANAGERS IN PREVENTING AND STOPPING INAPPROPRIATE WORKPLACE BEHAVIORS

20 Line managers and supervisors are responsible for promoting and enforcing a workplace of dignity and must take every action necessary to prevent and stop inappropriate behaviors. They are obliged to make clear that such behaviors will not be tolerated and to act promptly when incidents come to their attention.

21 More detailed guidelines about line managers' responsibilities for preventing and stopping harassment are described in "Line Managers' Responsibilities".

THE ROLE OF HR IN PREVENTING AND STOPPING INAPPROPRIATE WORKPLACE BEHAVIORS

22 The Center's HR group, particularly the HR Manager, has a key role in five aspects of preventing and stopping harassment and discrimination. These aspects are:

- supporting management by developing Center policy and procedures for preventing and stopping harassment and discrimination;
- educating staff, particularly through induction and retraining, with specialized training for line managers;
- assisting management in establishing avenues of assistance at all duty stations for assisting staff members who have experienced harassment or discrimination;
- providing support and guidance to people directly involved in harassment and discrimination issues; and
- providing guidance to committees investigating harassment and discrimination complaints.

23 A more detailed explanation of the role of HR in preventing and stopping harassment and discrimination appears in "The Role of HR".

THE ROLES OF INDIVIDUALS IN PREVENTING AND STOPPING INAPPROPRIATE WORKPLACE BEHAVIORS

24 A set of general principles, applicable to preventing and stopping inappropriate workplace behaviors, is presented in Tips and Tools: "General Principles for Stopping Inappropriate Behavior". These principles cover circumstances in which:

- a staff member believes that someone has behaved disrespectfully towards her/him;
- a staff member believes that she/he may have behaved disrespectfully towards someone else; or
- if a third party, e.g. a colleague, is contacted by a person who has been the object of disrespectful behavior.

The role of the individual

25 In some circumstances, individual action by the staff member who has experienced inappropriate workplace behavior may be the most effective way to stop that behavior with a minimum of conflict. Individual action might be appropriate when:

- the objective is simply to stop the behavior (i.e. not to pursue a grievance);
- the offender is unaware that her/his behavior is offensive; and/or
- the behavior is at a comparatively low level of severity.

26 More detailed guidelines about an individual staff member's options for stopping harassment or discrimination are described in Sample Practice: "The Individual's Options".

Victims of sexual harassment

27 Specialized guidelines have been drawn up for staff members who have experienced sexual harassment. These appear in Sample Practice: "A Victim's Guide for Dealing with Sexual Harassment".

INAPPROPRIATE BEHAVIORS DIRECTED AT NON-CENTER STAFF

28 All staff members have a responsibility to act respectfully towards people outside the Center as well as colleagues. Staff working in the field with local communities, temporary laborers, etc., should treat them with the same respect they show their colleagues. Supervisors should be particularly alert to the potential for harassment of people outside the Center, particularly poor or marginalized people who may be especially vulnerable to abuse of power by Center staff.

RECOGNIZING THE CONTRADICTION: WHEN VICTIMS DON'T COMPLAIN

29 Dealing with harassment is sensitive enough when the inappropriate behavior leads to either an informal resolution or to a formal complaint. However, there is another magnitude of complexity when the victims of harassment:

- do not want anyone to know about it, or
- hesitate to file an official complaint.

30 This is not an exceptional situation; indeed, it may be relatively common particularly in relation to sexual harassment. Essentially victims do not complain because they:

- blame themselves for the situation;
- are ashamed that the incident/s occurred;

- are unaware that they have the “right” to be treated with dignity when working for the CGIAR;
- fear that the risks of retribution may outweigh the benefits of filing an official complaint.

This can include fear of retribution from the offender, particularly if the offender is a more senior employee or supervisor, or from the offender’s friends, associates, family or community. The fear of retribution is especially common if the Center’s Code of Conduct and its avenues of assistance have not been made clear to all staff beforehand.

Why victims don’t complain

“If I ignore it, it will stop.”

“I am the only one to whom it is happening.”

“No one will believe me.”

“My complaint won’t be taken seriously.”

“Management will side with the perpetrator.”

“Complaining will be too stressful.”

“I may be in some way to blame.”

“I will be labeled as a trouble-maker.”

“The harassment may get worse.”

“I don’t know how to complain, or nor to whom.”

“No action will be taken if I complain.”

“I may lose my job.”

31 Understanding this contradiction is essential to effective prevention or stopping of harassment, particularly sexual harassment. If a staff member becomes aware of a situation in which harassment exists and is going unreported, she/he should report the matter to the HR Manager in confidence. The HR Manager is then responsible for further investigation with appropriate sensitivity to the circumstances.

ALERT

Prevention of harassment is everyone's job.

WHAT THESE GUIDELINES PROVIDE**Model Policy**

32 The model policy provided as part of these guidelines summarizes the key principles of creating and sustaining a workplace of dignity.

Sample Practices

33 The sample practices included as part of these guidelines cover the implementation of a workplace of dignity, free of harassment and discrimination, including:

- ✓ The Role of Senior Management
- ✓ Line Managers' Responsibilities
- ✓ The Role of HR
- ✓ The Individual's Options for Handling Inappropriate Behaviors
- ✓ Avenues of Assistance for Staff Who Have Experienced Harassment or Discrimination
- ✓ The Process for Reporting Complaints
- ✓ The Process for Investigating Complaints
- ✓ A Victim's Guide for Dealing with Sexual Harassment

These sample practices can be used for briefing various parties in the day-to-day prevention and stopping of harassment and discrimination.

Tips and Tools

34 Tips and Tools cover the following subjects:

- ✓ Recognizing General Harassment
- ✓ Recognizing Sexual Harassment
- ✓ Recognizing Discrimination
- ✓ Recognizing Abuse of Power
- ✓ General Principles for Stopping Inappropriate Behavior
- ✓ Overview Flowchart: the Initial Process for Dealing with an Incident of Harassment or Discrimination
- ✓ Overview flowchart: Overview – investigating complaints or discrimination
- ✓ Sample statement on Center values
- ✓ Sample statement on responsibilities of staff/Code of Conduct
- ✓ Advice to Investigating Panel

The first four of these tips and tools readily serve to educate (or re-educate) staff on the various forms of harassment and discrimination. The flowcharts for dealing with incidents and formal complaints provide a quick understanding of the various options or steps for resolving incidents of harassment or discrimination.

ACKNOWLEDGEMENTS

The Inclusive Workplace e-Resource Center is based on G&D's benchmarking of the CGIAR Centers and other international organizations. In this section on the prevention of harassment and discrimination we drew heavily on two World Bank publications: "Working with Respect in the World Bank Group", and "Preventing and Stopping Sexual Harassment in the Workplace". We also referred to G&D Working Paper No. 13: "Sexual Harassment in the Workplace: How to Recognize It; How to Deal with It" by Joan H. Joshi and Jodie Nachison.

A number of CGIAR Centers shared with us their existing policy material dealing with harassment and discrimination which helped us refine the guidelines presented here. We particularly thank the WorldFish Center for use of its statement of Center values, and IWMI for use of its statement on responsibilities of staff (code of conduct).

This project could never have been realized without G&D's creative teamwork, bringing together the diverse talents of Bob Moore, Fabiola Amariles and Antonia Okono along with me for content, and Nancy Hart, Joanne Morgante and Roberto Magini for editing, design and programming. I sincerely thank each for their knowledge, artistry and sincere dedication to inclusion.

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THE ROLE OF SENIOR MANAGEMENT

1 Senior management is responsible for establishing the policies and practices that make it clear to all staff that no form of general harassment, sexual harassment, discrimination or abuse of power is acceptable.

2 These policies and practices include, but are not limited to:

- establishing a Center policy on harassment and discrimination;
- including a reference to a workplace of dignity in the Center's statement of its values;
- including a reference to harassment and discrimination in the Center's Code of Conduct;
- ensuring that new appointees are introduced to the policy, and the consequences of breaching it, as part of their induction, early in their appointment;
- ensuring that line managers live up to their responsibilities in preventing and stopping harassment and discrimination in their workgroups;
- establishing avenues of assistance at all duty stations to assist staff who have experienced harassment or discrimination;
- ensuring periodic re-education of the Center's workforce on harassment and discrimination issues;
- acting promptly and decisively if cases of harassment or discrimination are reported;
- providing support for victims to access professional counseling where necessary; and
- ensuring that the policy on harassment and discrimination and the Code of Conduct are appropriately linked to related policies, e.g. annual performance evaluation and reward reviews.

ESTABLISHING A CENTER POLICY ON HARASSMENT AND DISCRIMINATION

3 A model policy is provided in these guidelines. It recognizes the following key requirements for a Center to include:

- Center management's commitment to a workplace of dignity;
- staff members' obligations in sustaining a workplace of dignity;
- a clear statement that neither discrimination nor harassment will be tolerated; and

- a clear warning that disciplinary action will be invoked when complaints of discrimination or harassment are upheld.

INCLUDING A REFERENCE TO A WORKPLACE OF DIGNITY IN THE CENTER'S STATEMENT OF ITS VALUES

4 The Center's statement of its values is a potentially powerful tool for influencing behavior among individual staff members and also among line managers.

5 It provides a clear and concise statement of the values underpinning the Center's approach to its work and to establishing the work environment that the Center believes is essential to achieving its mission.

6 Consequently, it is highly desirable to include elements required for a workplace of dignity in the Center's statement of values. For example, one Center's statement of values calls for:

- recognizing the value of staff diversity;
- providing equal opportunity for all staff;
- designing policies that are fair, respect individual dignity and self-esteem; and
- expecting staff to be caring, compassionate and nurturing in work relationships.

7 A statement of Center values also can serve as a very powerful marketing tool. For this reason, it is important to include it among the briefing materials sent to a job applicant prior to an interview.

INCLUDING A REFERENCE TO HARASSMENT AND DISCRIMINATION IN THE CENTER'S CODE OF CONDUCT

8 A Center's Code of Conduct presents a strong statement of organizational values, but it also can be a very powerful marketing tool for communicating organizational values and enforcing compliance with those values.

9 The Code of Conduct is usually the most concise statement of the principles of behavior required of Center staff. In some organizations, a staff member's breach of the Code of Conduct leads explicitly to disciplinary action.

10 Consequently, it is highly desirable for the code of conduct to specifically prohibit behavior that undermines a workplace of dignity. See Tips and Tools for an example of one Center's Code of Conduct.

11 It is also highly desirable to include reference to the Code of Conduct (or equivalent) in letters of appointment to new recruits and to attach a copy of the Code of Conduct. This is a key step in the prevention of harassment and discrimination, so that not even new staff members can claim ignorance of this key policy.

ENSURING CONTENT AND TIMELINESS OF INDUCTION PROCEDURES

12 The Center's induction procedures should ensure that new appointees have the policy on harassment and discrimination explained to them as part of their induction, early in their appointment. This briefing should present both the positive benefits of the policy and the consequences of breaching it, i.e. that:

- staff can expect to work in a workplace of dignity, free of harassment and discrimination;
- management will take all steps necessary to guarantee freedom from harassment and discrimination; and
- the consequences of undermining a workplace of dignity by engaging in harassment or discrimination absolutely will lead to disciplinary action and possible dismissal.

13 While this level of education may not be difficult to achieve at Center headquarters, it can be more difficult in relation to appointees at regional and country offices. Senior management needs to assure itself that these risks are properly managed across the entire Center, not just at headquarters.

REINFORCING LINE MANAGERS' RESPONSIBILITIES

14 It is often easier for a line manager to turn a blind eye to instances of harassment or discrimination within the work group, rather than to take decisive leadership action. This is particularly the case when the harassment or discrimination appears relatively minor. Confronting the problem may appear a distraction from core business. Most line managers feel quite comfortable with technical leadership but some may not appreciate the depth of their responsibility for ensuring a workplace of dignity.

15 Consequently, senior management needs to ensure that line managers are periodically reminded of their responsibilities in preventing and stopping harassment and discrimination in their workgroups. This is best done through personal contact rather than e-mails, when possible.

16 Many line managers have never faced a serious problem of harassment or discrimination. They need to understand that their time spent providing leadership on such issues will be far less than the time they will spend (and the

misery they will face) if harassment or discrimination results in a formal complaint and investigation.

17 Line managers also must understand that they need to act decisively if they suspect inappropriate behavior in the workplace (i.e. taking preventative action without necessarily waiting for evidence of inappropriate behavior). If inappropriate behavior within their workgroup leads to a formal complaint from the victim, the Investigating Panel may hold the line manager partially responsible if she/he was aware of, or suspected, inappropriate behavior but failed to act.

AVENUES OF ASSISTANCE

18 One of the most important resources for a staff member who may be experiencing harassment is the “avenues of assistance” at her/his duty station, or for the duty station if it has a small staff.

19 When a staff member is harassed, her/his first questions are likely to be:

- “Was what I experienced harassment?”
- “What should I do?”
- “Whom can I go to for advice and assistance?”

20 “Read the policy manual” is not an adequate answer to any of these questions, no matter how well the policy manual is worded. Victims need human contact, preferably with someone who is familiar with the Center’s policies and practices for dealing with harassment.

21 Consequently each Center needs an avenues-of-assistance contingency plan for every duty station – one that provides for all foreseeable aspects of harassment. In particular, this plan should answer the following management questions:

- “If one of our staff members is harassed at our duty station at X, what should she/he do?”
- “What resources does our Center have in place to provide prompt assistance for the victim?”

It is not sufficient to assume that the line management chain will handle the matter effectively. After all, the victim’s harasser may be in that management chain.

22 A good avenues-of-assistance contingency plan will have (but not necessarily be limited to) the following:

- one or more Local Harassment Advisors;

- a hotline for reaching Center HR personnel with accessible phone numbers for the HR Manager and a specified alternate for harassment matters (the alternate may be one of the HR staff or, perhaps, Director of Corporate Services);
- documented information about harassment;
- access to professional counseling.

23 The avenues of assistance should be constantly publicized through posters, intranet pages and induction programs.

24 The sample practice “Avenues of Assistance for Staff Who Have Experienced Harassment or Discrimination” contains a comprehensive explanation.

ENSURING PERIODIC RE-EDUCATION OF THE CENTER’S WORKFORCE ON HARASSMENT AND DISCRIMINATION ISSUES

25 It is one thing to create a policy; it is another to communicate it effectively. The creation of a Center policy on harassment and discrimination will have little or no impact unless it is accompanied by an appropriate communication strategy.

26 How can senior management ensure that staff members, especially those who already have been employed for many years, understand and commit to such an important policy? How will they even hear about it? Through whom? With what effect? Noting the comments above about the time and misery associated with formal harassment and discrimination complaints, the cost/benefit of a half-hour workgroup briefing every couple of years lays heavily on the benefit side of the equation.

DEALING WITH FORMAL COMPLAINTS OF HARASSMENT OR DISCRIMINATION

27 Even a Center with a good policy prohibiting harassment and discrimination may see its policy seriously undermined if senior management is seen not to act promptly on investigating any formal complaint. The same is true if management does not act decisively if the complaint is established.

28 It is hard to act promptly if no process exists for investigating complaints. These types of complaints are extremely urgent. If management waits until it receives a complaint before designing a suitable investigating process, it can almost be guaranteed that mistakes will be made and the investigation (and its outcome) tarnished.

29 Two sample practices, “Reporting Complaints” and “Investigating Complaints”, offer detailed information for ensuring that appropriate reporting and investigating processes are in place that anticipate potential needs.

30 The manner in which complaints are handled ultimately determines staff perception of the Center’s policy on harassment and discrimination. If the policy is seen as “just words on paper”, ignored more than it is practiced, it will be disregarded by staff and line managers. Victims will remain unwilling to raise harassment and discrimination issues and this will undermine their commitment to the Center’s mission and values.

PROVIDING SUPPORT FOR VICTIMS TO ACCESS PROFESSIONAL COUNSELING WHERE NECESSARY

31 In some harassment and discrimination cases, particularly sexual harassment, the victims may require professional counseling for dealing with their trauma and re-establishing their sense of self-worth. Centers are encouraged to recognize this need, and:

- identify suitable sources of professional counseling at all major duty stations, and
- decide in principle how to meet the needs of potential victims at duty stations where an appropriate standard of professional counseling is not available locally.

32 Note that this access to counseling may be needed prior to a formal complaint and subsequent investigation, not just after an investigation is concluded. For example, if it is evident that a staff member has suffered a serious sexual assault, she/he needs very prompt access to a suitably qualified counselor.

ENSURING THAT THE POLICY ON HARASSMENT AND DISCRIMINATION AND THE CODE OF CONDUCT ARE APPROPRIATELY LINKED TO RELATED POLICIES

33 HR policies and HR practices need to be integrated; they should not exist in isolation from each other. For example, does the Center’s annual performance evaluation system specifically address serious breaches of the Code of Conduct? Or, would it be possible for a staff member to breach the Code of Conduct yet still receive a good performance rating through the performance evaluation process? If the latter answer is yes, would it also be possible for that staff member to receive a financial reward (promotion, performance increment, bonus, etc.) despite breaching the Code of Conduct that year?

34 If these structural weaknesses exist, they need to be overcome as part of the Center's overall approach to preventing and stopping harassment and discrimination.

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LINE MANAGERS' RESPONSIBILITIES

1 Line managers and supervisors are responsible for promoting and enforcing a work environment of dignity. They must take every action necessary to prevent and stop inappropriate behavior. Line managers and supervisors are obliged to make it clear that such behavior will not be tolerated and act promptly when incidents come to their attention.

2 Line managers and supervisors are expected to communicate clearly and periodically to their staff members that:

- their Center has a policy on harassment;
- the policy is taken very seriously; and
- the Center is prepared to take disciplinary action against staff members who violate the policy – up to and including termination of employment.

3 A line manager must be prepared to act:

- before a problem arises (i.e. creating a workplace of dignity);
- if she/he suspects inappropriate behavior in the workplace (i.e. taking preventative action without necessarily waiting for courtroom-quality evidence of inappropriate behavior); or
- if there is a case of inappropriate behavior which a staff member has asked be addressed indirectly, “i.e. where she/he does not want the manager to intervene directly with the harasser, but to take more general actions to reinforce (or establish) a workplace of dignity in the work unit.”

4 The general approach in these circumstances is to:

- send a communication to all members of the unit stating the line manager’s commitment to building a workplace of dignity and circulate the Center’s policies on harassment, discrimination and, if appropriate, its policy on professional ethics, the Center’s Code of Conduct and/or its statement of Center Values;
- organize a staff meeting to discuss the Center’s policies and procedures; and/or
- invite a speaker to address the group.

5 When staff members report inappropriate behavior, line managers should use their judgment to help find positive, non-confrontational ways to convey that the

behavior is undesirable. The offender might not realize that her/his behavior is offensive and should be given the opportunity to correct it.

ALERT

Never allow harassers to use the excuse that their offensive behavior is a normal aspect of their culture. Explain that the Center's policies specifically ban such behaviors and that these are zero-tolerance policies as appropriate to a global, multicultural organization.

6 Line managers are obliged to set the tone for a workplace of inclusion and dignity. They should:

- set a good example by avoiding even the appearance of improper conduct and by treating all staff fairly, with dignity and respect;
- review their own actions regarding staff employment and career decisions to ensure that they are free of bias and discrimination, both real and perceived;
- be aware of what is happening in the work unit – watch for hostility or inappropriate exchanges between staff, or changes in behavior such as anxiety, depression, increased absence or reduced efficiency;
- learn how to deal with inappropriate workplace behaviors by becoming informed about avenues of assistance and complaint procedures, and by consulting with experts in conflict resolution and respectful workplace behaviors;
- let others know when their behavior is offensive and make sure that offensive pictures, posters, screen savers, etc., are not displayed in the work area;
- act promptly, fairly and thoroughly when a problem situation arises or is suspected, and
- ensure that there is no reprisal when incidents are reported.

7 Line managers who observe or are presented with a case of inappropriate behavior, or who experience such behaviors themselves, should seek advice/assistance from:

- their own manager;
- another senior manager; and/or
- their HR Manager.

8 In some cases, immediate action by the line manager is necessary (e.g. issuing an instruction, immediately after the incident, to an obvious offender to desist inappropriate behavior that the line manager witnessed). However, it is often helpful for the line manager to seek advice on dealing with complex, deep-rooted and/or systemic problems, particularly if she/he is from a different culture than the offender/s and victim/s. Seeking advice also alerts more senior managers

and HR to the problem, which may be significant if similar problems are being experienced in other areas.

9 Line managers should always seek advice when the issue is regarded as a serious level of harassment or discrimination.

10 There is also an issue of accountability. If inappropriate behavior within a workgroup leads to a formal complaint from the victim, the Investigating Panel may hold the line manager partially responsible if she/he was aware of, or suspected inappropriate behavior, but failed to act on it.

The difference between unwelcome news and unwelcome behavior

Line managers have a responsibility to avoid harassing or discriminatory behavior as well as to prevent others from acting inappropriately. The managers also have the responsibility to make business decisions that are not always favorable to staff.

It is important to recognize that most adverse decisions about performance appraisals, work assignments, etc., do not constitute harassment, discrimination or retaliation. Staff members should not jump to the conclusion that they are being singled out for criticism or unfair treatment.

A line manager's negative assessments about work quality are not inappropriate if they are based on concrete examples of weak performance, if they are accompanied by constructive suggestions for corrective actions and if the manager does not demean or belittle staff.

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THE ROLE OF HR

1 The Center's HR staff, particularly the HR Manager, has a key role in five aspects of preventing and stopping harassment and discrimination. These aspects are:

- supporting management by developing Center policy and procedures for preventing and stopping harassment and discrimination;
- educating staff, particularly through induction and retraining, with specialized training for line managers;
- assisting management in establishing avenues of assistance at all duty stations for staff members who have experienced harassment or discrimination;
- providing support and guidance to people directly involved in harassment and discrimination issues; and
- providing guidance to committees investigating harassment and discrimination complaints.

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SUPPORTING MANAGEMENT IN THE DEVELOPMENT OF THE CENTER'S POLICY AND PROCEDURES

2 HR has a key role in developing, reviewing and refining policies and practices and referring them to senior management for decision. These guidelines provide a model policy and a range of sample practices to aid HR in this function. However, it remains up to each Center's HR Manager to:

- undertake whatever refinement/revision is necessary for the practices to mesh with other relevant policies (e.g. Code of Conduct, disciplinary policy, performance evaluation, rewards, etc.), and
- recommend their adoption by senior management and, where revisions to the Center's Personnel Policy Manual are involved, prepare appropriate recommendations to the Center Board.

EDUCATING STAFF

3 Prevention of harassment and discrimination is key to establishing a workplace of dignity. This requires careful planning to ensure that:

- all new appointees, including contractors, consultants and, particularly, line managers and supervisors have relevant policies explained to them

- as part of their induction, early in their appointment;
- appropriate retraining occurs across the workforce from time to time, to reinforce staff understanding of the purpose, ramifications and implications of sustaining a workplace of dignity;
 - line managers receive specialized training on harassment and discrimination issues because line managers are the “first line of defense” and thus must be acutely aware of harassment and discrimination issues, act as role models, be alert to the emergence of harassment and discrimination problems in their workgroup, be aware of their responsibilities to act expeditiously and appropriately, and be empowered to do so; and
 - the above requirements are met effectively, not just at Center headquarters but across the Center’s entire spectrum of regional and country offices, no matter how small the group.

PROVIDING SUPPORT AND GUIDANCE TO PEOPLE DIRECTLY INVOLVED IN HARASSMENT AND DISCRIMINATION ISSUES

4 HR Managers are usually the ultimate sources of expert advice and guidance on harassment and discrimination in their Centers. They need to be knowledgeable of Center’s policy but also have an understanding of harassment and discrimination beyond the policies themselves.

5 HR Managers need to be alert to potential harassment and discrimination issues and act appropriately, either directly or through the appropriate line manager/s. They also must be able to give impartial and expert advice to people involved in harassment and discrimination cases, both complainants and alleged offenders.

6 Victims of harassment in particular may need support and reassurance about the Center’s policy and procedures as well as assurance of confidentiality. The HR Manager should identify appropriate sources of professional counseling for victims at/for each duty station.

ASSISTING MANAGEMENT IN ESTABLISHING AVENUES OF ASSISTANCE AT ALL DUTY STATIONS

7 While the HR Manager is usually the ultimate source of expert advice and guidance on harassment and discrimination in each Center, she/he obviously cannot be at every duty station simultaneously. The HR Manager may even operate in a different time zone than some of the Center’s duty stations.

8 Consequently staff members at all duty stations who may be experiencing harassment need to have immediate avenues of assistance. These would either be at their duty station or for their duty station if it has a very small staff.

9 A good contingency plan for avenues of assistance will have (but not necessarily be limited to) the following features:

- one or more Local Harassment Advisors;
- a hotline for reaching Center HR personnel with accessible phone numbers for the HR Manager and a specified alternate for harassment matters;
- documented information about harassment;
- access to professional counseling.
- the sample practice: “Avenues of Assistance for Staff Who Have Experienced Harassment or Discrimination” contains a more comprehensive explanation.

10 While it is senior management’s responsibility to establish avenues of assistance, it will be the HR Manager who works out the detail of these arrangements for each duty station, particularly:

- informing all staff about the avenues of assistance at each duty station;
- establishing the linkages from the Local Harassment Advisors to Center HR for training and advice;
- establishing the linkages from local management to Center HR for policy advice and practical advice on managing incidents;
- establishing the telephone hotline to Center HR that ensures that someone knowledgeable can respond to questions from all duty stations during normal business hours for those duty stations;
- transforming relevant sections of the Personnel Policy Manual (or equivalent) on harassment and discrimination into reader-friendly brochures, Web pages, etc.;
- establishing arrangements for providing professional counseling to victims of harassment.

PROVIDING GUIDANCE TO PANELS INVESTIGATING HARASSMENT AND DISCRIMINATION COMPLAINTS

11 When harassment or discrimination culminates in a formal complaint, the HR Manager has a key role in establishing and supporting the Investigating Panel. The HR Manager typically is the common link across Panels, being the one person in the Center who sits on all harassment and discrimination investigation Panels. Therefore she/he not only needs expert knowledge of the

Center's investigation process, but she/he also needs to understand the basic requirements of conducting effective investigations. The HR Manager needs both forms of knowledge in order to provide support to Panel members and chairpersons.

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THE INDIVIDUAL'S OPTIONS

1 Individual action by the staff member who is experiencing inappropriate workplace behavior may be the most effective way to stop that behavior with a minimum of conflict:

- when the objective is simply to stop the behavior (i.e. not to pursue a formal complaint);
- when the offender is unaware that her/his behavior is offensive; and/or
- when the behavior is at a comparatively low level of severity.

2 There are three principal options for an individual who is confronted by inappropriate behavior:

- speak up;
- write a letter; and/or
- report the behavior to her/his manager.

SPEAK UP

3 In many circumstances, the inappropriate behavior will stop if the staff member tells the offender to stop.

4 The staff member should describe the behavior in a way that the offender can clearly understand, for example:

- “Please don’t raise your voice.”
- “Please don’t insult my competence; tell me what to fix. Don’t tell me I’m lucky to be here.”
- “I don’t find jokes about religions/races/nationalities/sex funny. Please don’t tell jokes like that when I’m around.”
- “It makes me uncomfortable when you talk to me/touch me/look at me that way. Please don’t do it again.”
- “As I’ve indicated previously, I am not interested in going out with you. Please don’t ask me again.”

A template for saying “no” to unwanted behavior

When you

call me “dear”, raise your voice, touch me, joke about my country, etc.
(describe the behavior you don’t like)

I feel

embarrassed, angry, offended, uncomfortable, demeaned, etc.
(describe your feelings)

Because

I want to be taken seriously, be respected, be treated as a professional, etc.
(say why the behavior bothers you)

Please

call me by my name, don't tell offensive jokes, don't touch me, etc.
(request the behavior you want)

- from World Bank "Working with Respect in the World Bank Group"

WRITE A LETTER

5 If the staff member finds it difficult to speak to the offender directly, she/he may prefer to write a letter.

6 Putting the complaint in writing helps the individual clarify the facts and determine which options she/he will pursue to deal with the situation. A letter given to the offender provides:

- clear notice that the individual finds a behavior offensive;
- an opportunity to stop the behavior without formal intervention; and
- a disincentive for the offender to retaliate.

7 The letter should succinctly describe:

- the person's offensive behavior in a factual way;
- the impact of that behavior as it relates to the individual's dignity, career or performance; and
- what the individual wants the offender to do – or not do – in the future.

8 Once the letter is written, the individual should weigh the pros and cons of all options, including whether or not to send the letter to the offender. She/he may decide that sending the letter is not the right option. She/he may want to place a sealed copy of the letter on file with the HR Manager, along with a request that it remain sealed until and unless she/he asks otherwise. Such an action can help build a record if the inappropriate behavior does not stop and the individual chooses to lodge a formal complaint.

DISCUSS INAPPROPRIATE BEHAVIORS WITH THE MANAGER

9 If an individual decides to consult her/his manager, she/he should communicate clearly what she/he wants to happen as an outcome of the discussion. For example, she/he might want the manager to speak to the

offender directly or to accompany her/him when she/he speaks to the offender. If the individual does not want the manager to intervene directly, she/he could ask that more general actions to reinforce (or establish) a workplace of dignity be taken in the work unit.

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AVENUES OF ASSISTANCE

1 G&D strongly recommends that Centers establish avenues of assistance **at every duty station** for staff who may be experiencing harassment. These avenues of assistance should be widely publicized through posters, intranet pages and induction programs.

2 When a staff member is harassed, her/his first questions are likely to be:

- “Was what I experienced harassment?”
- “What should I do?”
- “Whom can I go to for advice and assistance?”

3 “Read the policy manual” is not an adequate answer to any of these questions, no matter how well the policy manual is worded. Victims need human contact, preferably with someone who is familiar with the Center’s policies and practices for dealing with harassment.

4 Consequently each Center needs a contingency plan for every duty station that provides for all foreseeable aspects of harassment. In particular, this avenues-of-assistance contingency plan should answer the following management questions:

- “If one of our staff members is harassed at our duty station at X, what should she/he do?”
- “What resources does our Center have in place to provide prompt assistance for the victim?”

It is not sufficient to assume that the line management chain will handle the matter effectively. After all, the victim’s harasser may be part of that management chain.

COMPONENTS OF AN “AVENUES OF ASSISTANCE” CONTINGENCY PLAN

5 A good avenues of assistance contingency plan will have (but will not necessarily be limited to) the following features:

- one or more Local Harassment Advisors;
- a hotline (telephone access) to Center HR;
- documented information about harassment;
- access to professional counseling.

LOCAL HARASSMENT ADVISORS

6 A Local Harassment Advisor would be a ready source of advice to a staff member about harassment. She/he should possess the following qualities:

- confidentiality;
- empathy;
- being non-judgmental;
- impartiality;
- knowledge of the Center's practices and policies for preventing and stopping harassment;
- effective communication skills; and, ideally,
- basic counseling skills

7 The Local Harassment Advisor has to:

- remain neutral;
- collect information;
- be sensitive;
- inform the victim of the Center's policy and practices both for informal resolution, if appropriate, and formal complaint;
- reassure the victim about their rights and responsibilities;
- reassure the victim of confidentiality;
- advise the victim to record information about events and actions.

8 Most importantly, the Local Harassment Advisor has to be conscious of her/his responsibility to refer the victim on within the Center's management structure, i.e. to the victim's line manager (or other senior manager) and the HR Manager. The Local Harassment Advisor must avoid becoming personally involved to the extent of taking on roles that are more appropriately handled by the line manager and/or HR Manager.

A HOTLINE TO CENTER HR

9 The hotline to Center HR serves essentially to provide the victim with direct access to the HR Manager and a specified alternative contact person for harassment matters. The alternative contact may not necessarily be one of the HR staff; it may be, for example, the Director of Corporate Services.

10 The hotline would not ordinarily be a dedicated phone line. Rather, it would be achieved by:

- assuring telephone number/s to call are readily available (e.g. posting them on posters, etc), and
- putting in place an arrangement to assure that a staff member who requests access to the hotline is immediately provided with a telephone in a confidential environment.

DOCUMENTED ADVICE

11 While the first step with documentation is to get the policy finalized and published in the Center's Personnel Policy Manual (or equivalent), some aspects may need to be made available separately, e.g. through specialized brochures

dealing with different aspects of harassment or discrimination, through Web pages on the Center's intranet and in different languages.

ACCESS TO PROFESSIONAL COUNSELING

12 “What would we do if one of our staff suffered serious sexual assault?” The answer, obviously, is *not* “wait until the investigation is concluded”. Urgent action is necessary. Ideally local, suitably qualified medical practitioners and professional counselors would have been identified beforehand. However, if such resources are not available locally, the Center needs to establish contingency plans for the duty station(s) concerned.

13 In addition, ongoing professional counseling may be needed on a less urgent basis, and/or for less serious incidents. Again, the Center needs to establish suitable arrangements before they are needed so support can be delivered in a timely way.

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REPORTING COMPLAINTS

The following section offers model guidelines for reporting complaints of harassment or discrimination. It is recommended that Centers include such guidelines in an appendix to their Personnel Policy Manual.

A flow chart of this process appears in “Overview: reporting complaints”.

INITIAL REPORTING OF COMPLAINT

1 These guidelines apply when a staff member genuinely believes that she/he has been harassed or discriminated against by:

- another staff member or
- a non-<Center> person (such as client, collaborator or service provider) while conducting <Center> business.

The staff member should first present her/his concern to her/his supervisor and/or the HR Manager who can mediate the conflict and/or provide advice and counsel.

2 The complaint should be handled on a strictly confidential basis. Where the complaint is about a relatively minor issue, staff members are encouraged to use informal means to resolve problems, such as speaking or writing directly to the offender. The HR Manager can advise on techniques for doing this. However, an informal approach is not appropriate in serious cases of harassment or discrimination (see list below of examples of relatively minor and serious issues).

3 All complaints will be fully documented and recorded, and the records will be the property of <Center>. The privacy of those involved will be respected.

SUBSEQUENT ACTION

4 When an informal approach fails to resolve the issue satisfactorily or when the complaint is so serious that an informal approach is not appropriate, complaints must be pursued through more formal channels. Formal complaints will be dealt with rapidly, in the strictest of confidence.

5 Where warranted, appropriate disciplinary action will be taken against the offender.

DEFINING “RELATIVELY MINOR” OR “SERIOUS” CASES OF HARASSMENT OR DISCRIMINATION

Examples of “relatively minor” complaints

General harassment

- ✓ a single private tirade by a supervisor, subordinate or peer;
- ✓ a single, mild insult relating to personal or professional competence;
- ✓ a single insulting oral or written comment;
- ✓ a single epithet, slur or negative stereotyping directed at an individual or a group, either directly or indirectly, perhaps intended to be humorous.

Sexual harassment

- ✓ a single case of unwelcome offensive flirtation, suggestive remark, innuendo or lewd comment;
- ✓ a single case of displaying suggestive pictures, screen savers, objects or written materials; leering or making sexually suggestive gestures; perhaps intended to be humorous.

Note: these examples are considered “relatively minor” where the perpetrator is a colleague, i.e. a person of comparable rank. If the perpetrator is a line manager, both these examples would be ranked as “serious”.

Discrimination

There are no examples of discrimination that would be regarded as “relatively minor”. Any example of discrimination constitutes the basis for a serious complaint.

Examples of “serious” complaints

General harassment

- ✓ two or more occurrences of oral or written comments, gestures or physical actions which demean, belittle or cause public humiliation or embarrassment;
- ✓ two or more private tirades by a supervisor, subordinate or peer; or a public tirade;
- ✓ severe or repeated insults relating to personal or professional competence;
- ✓ threatening oral or written comments;
- ✓ deliberate desecration of religious, racial, ethnic or national symbols;

- ✓ malicious and false complaints of misconduct against other staff.

Sexual harassment

- ✓ assault or coerced sexual intercourse;
- ✓ unwanted contact, including touching, patting, pinching, kissing or brushing against another person's body;
- ✓ unwelcome sexual advances, offensive flirtations, suggestive remarks, innuendos or lewd comments;
- ✓ propositions or pressure for sexual activity;
- ✓ continued suggestions for social activity outside the workplace after it has been made clear that such activity is unwelcome;
- ✓ a case of displaying pornographic pictures/images, or two or more cases of displaying suggestive pictures, screen savers, objects or written materials;
- ✓ leering or making sexually suggestive gestures.

Discrimination

- ✓ denial of equal access to employment or career-development opportunities on any grounds other than merit or performance;
- ✓ a decision made on a basis other than merit that affects the career of a staff member, such as salary or grade setting, assignments or re-assignments, performance evaluations, merit increases, promotions, rewards or recognition.

Note: in this context, “merit” means the assessment of the staff member on the basis of the full set of competencies – knowledge, personal qualities and skills – required at staff member’s current grade as well as prospective grade.

INVESTIGATING COMPLAINTS

The following section offers model guidelines for investigating formal complaints of harassment or discrimination. These guidelines apply if the process described in the sample practice “Reporting complaints” is either unsuccessful in resolving an issue informally, or where it reveals a case of serious harassment or discrimination.

As it is important for staff members to understand the procedures that follow the lodging of a complaint, it is recommended that Centers include such guidelines in an appendix to their Personnel Policy Manual.

These guidelines focus on a complaint lodged by one staff member against another (or others). Centers would need to revise this policy slightly to handle a complaint lodged by a non-Center person, e.g. a collaborator, or a farm-worker or day laborer who may be unable to write a complaint herself/himself.

FORMAL COMPLAINT

- 1** The complainant should present her/his complaint in writing as soon as possible after the incident (or incidents) that led to the complaint.
- 2** The written complaint should be addressed to the complainant's immediate supervisor with copies to the HR Manager and the Director of Corporate Services. Complaints of sexual harassment should also be copied to the Director General.
- 3** If the alleged offender is the immediate supervisor, the written complaint should be presented to the supervisor's superior with copies to the HR Manager and Director of Corporate Services. Complaints of sexual harassment should also be copied to the Director General.
- 4** If the alleged offender is a Director (or equivalent) or more senior staff member, the written complaint should be copied to the Board Chair.
- 5** Complainants should not use e-mail or fax for presenting complaints. In exceptional circumstances, where e-mail or fax is the only realistic avenue of lodging the complaint, it should be addressed to the Director General alone and not copied to anyone else.

6 This process is the same for all <Center> personnel, irrespective of whether locally hired or contracted, or internationally recruited. It also applies to staff employed by other organizations who have been seconded to the Center (or similar arrangements) such as interns and students.

7 The written complaint should:

- a) identify the alleged offender;
- b) describe the specific offensive act or acts;
- c) describe the time, circumstances, manner and location of the incident (or incidents);
- d) identify any witnesses or persons to whom the incident was mentioned;
- e) provide any other information relevant to the case such as whether, and under what circumstances, the complainant made it clear to the alleged offender that the offensive behavior was unwelcome;
- f) include reference to any action taken according to the "Initial reporting of complaint" procedure.

8 The complaint must be signed and dated by the complainant.

INVESTIGATION OF THE COMPLAINT

Preliminary action

9 When a complaint is received, the HR Manager will

- a) immediately acknowledge receipt and advise the complainant that the investigation process has been activated, and
- b) forward the complaint to the Director General (or, in her/his absence, her/his deputy) together with a list of possible members of an Investigating Panel.
- c) provide counsel to the alleged victim, as needed, including information about steps that will be taken and protection of confidentiality.

Investigating Panel

10 The Director General will then appoint an Investigating Panel. It will comprise a minimum of four members representing all staff levels and staff diversity, plus the HR Manager. Panel members will be selected for their proven integrity and impartiality.

Note: if the complaint is against the HR Manager, other arrangements will be necessary such as substituting the HR Manager from another Center.

ALERT

The composition of the Investigating Panel will mirror the nature of the complaint, for example:

- ✓ if one party is a woman and the other is a man, the Panel will comprise both women and men;
- ✓ if the parties are of different ethnic communities, the Panel will include members of both ethnicities
- ✓ if either the complainant or the alleged offender/s is not fluent in English, the Panel will include a member who is fluent in that party's first language.

G&D also recommends that Centers appoint a social scientist to Investigating Panels where possible, to give the Panel professional expertise in conducting semi-structured interviews.

11 The Director General will designate one of the Panel members as Chairperson.

12 The Chairperson (aided as necessary by the HR Manager) will then

- a) advise the complainant in writing that the Investigating Panel has been formed and who its members will be, and outline the steps of the investigating process;
- b) advise the alleged offender in writing of the complaint and include a copy of the complaint, advise that the Investigating Panel has been formed, who its members will be, and outline the steps of the investigating process;
- c) give the alleged offender the opportunity to respond in writing to the allegations within a specific time.

13 The Chairperson's written advice to the complainant and alleged offender/s will specifically caution all parties:

- a) to keep all information confidential to the formal investigation process;
- b) to avoid any behavior that may appear to be coercion of, or retribution against, any party to the investigation, including witnesses;
- c) that the consequence of ignoring this caution will automatically lead to disciplinary action against the offender/s; and, in this regard,
- d) the staff member/s will be held accountable for any coercion or retribution by third parties (e.g. friends, associates, family members, ethnic community members, etc.).

14 The HR Manager will make all logistical arrangements for the Investigating Panel on behalf of the Chairperson. The HR Manager will also make herself/himself available to both complainant and alleged offender (separately)

to provide expert and unbiased advice about the general investigation process and preparations for appearing before the Panel.

Colleague-advisors

15 The complainant and the alleged offender may feel considerable stress at the prospect of appearing before a formal investigation Panel. In recognition of this stress, both parties have the option to be accompanied by a colleague-advisor to assist in their presentation/defense of the complaint. The colleague-advisor shall be an employee of a CGIAR Center.

Location of hearings

16 Investigation Panel hearings normally take place at the complainant's duty station in order to optimize access to witnesses (both anticipated and unforeseen witnesses).

Investigation

17 The Investigation Panel will conduct an investigation according to the following principles:

- **neutrality** – favoring neither party to the complaint until the Panel has collected and analyzed all relevant information;
- **strict confidentiality** – keeping all information acquired during the investigation entirely within the Panel, neither discussing nor disclosing any aspect to people outside the Panel (with the exception of the Director of Corporate Services and the Director General);
- **fairness** – investigating all aspects of both the complaint and the response/defense to the same degree of detail; and
- **professionalism** – conducting the proceedings to appropriate professional standards of investigation.

18 The Panel will consider all information including the written complaint, the response from the alleged offender and statements from witnesses or other relevant sources. The Panel will interview the complainant, the alleged offender and any witnesses. At the commencement of each interview, the Panel will remind each interviewee of her/his obligation to keep evidence confidential.

19 The Panel will assess the reliability of the source or sources of information, the evidence submitted and the existence of any previous complaints against the same offender that may indicate a pattern of behavior.

The Panel will then decide:

- a) whether the complaint has been justified; if so,
- b) the impact of the offensive behavior on the complainant; and
- c) whether there appear to be any mitigating circumstances.

20 Based on the above issues, the Panel will decide on an appropriate recommendation to the Director General for action. If the Panel recommends disciplinary action against the offender, it shall recommend the specific level of action within the range of options specified in the Center's disciplinary provisions (i.e. reprimand, suspension, reduction in grade and pay, or dismissal.)

21 As part of its investigation, the Panel also will explore whether the offense was in any way due to failure of the relevant line manager/s to act decisively as soon as a problem was known or suspected. If the Panel discovers this was a factor, it shall provide relevant details in its report.

22 The Panel will submit a written report and recommendations to the Director General no later than eight weeks after the presentation of the complaint.

Investigation Panel Reports

These shall include:

- ✓ the names of the parties to the complaint;
- ✓ details of the complaint;
- ✓ the alleged offender's preliminary response (if any) to the allegations;
- ✓ the names of people interviewed, details of each interview, the evidence acquired, and the Panel's assessment of the quality of that evidence (particularly whether it was fact, rumor or opinion);
- ✓ the Panel's conclusion as to whether the allegation/s were justified (and whether this conclusion was unanimous);
- ✓ where the Panel concluded the allegation/s had been justified, the impact of the offensive behavior on the complainant and whether there appeared to be any mitigating circumstances;
- ✓ where the Panel concluded the allegation/s had been justified, the Panel's recommendation about appropriate action against the offender; and
- ✓ any other recommendations that might relate to the complainant's workplace, (re)education of the workforce on harassment/discrimination issues, or other organizational learning needs that flowed from the investigation.

As part of its report, the Panel shall summarize the methods used to investigate the complaint and include, in an appendix, all interview notes taken during the investigation.

23 All proceedings will be recorded and the records will be the property of <Center>. The privacy of all those involved will be respected.

DECISION ON THE COMPLAINT

Misconduct established

24 If the facts indicate that misconduct has occurred, the Director General will advise the offender, and provide the offender with a copy of the Panel's report and recommendation. In order to protect confidentiality, the offender's copy of the Panel's report will be edited to eliminate the names of witnesses. The Director General will also advise the offender of the proposed disciplinary action. The Director General will provide this advice within 15 working days of her/his receipt of the Panel's report. The offender will be given five working days to submit a written response.

25 The Director General (or her/his delegate) will then interview the offender and explain what disciplinary measures she/he has decided in light of the complaint, the Investigating Committee's report, and the offender's written response. Any of the following measures may be taken, depending on the severity of the offense, if they are in line with the Center's disciplinary provisions:

- verbal reprimand accompanied by counseling, so that the offender may improve her/his behavior;
- written reprimand and warning, with a copy for the offender's personal file;
- suspension, with or without pay;
- a monetary penalty, such as loss of annual performance increment;
- reduction in grade and pay; or
- dismissal.

Complaint not upheld

26 The Director General may decide to close the case if the facts established by the investigation do not indicate that misconduct has occurred. In this event, the Director General will advise the complainant and the alleged offender in writing of the decision and will include a copy of the Panel's report. In order to protect confidentiality, these copies of the Panel's report will be edited to eliminate the names of witnesses. The Director General will provide this advice within 15 working days of her/his receipt of the Panel's report.

FOLLOW-UP ACTIONS

27 The HR Manager will advise the complainant of the Center's arrangements for providing counseling and ascertain whether the complainant wishes to access such counseling. Where appropriate, this may be provided by external counselors with suitable professional expertise.

28 Any staff member who believes that he or she was unjustly treated as a result of the investigation may take advantage of <Center>'s grievance process to seek resolution of her or his concern.

29 The HR Manager will carry out a follow-up inquiry with the complainant three months after the complaint is decided upon, regardless of the outcome. The inquiry should ascertain whether the complainant has been subject to retaliation or threat of retaliation:

- by the offender, alleged offender or any other staff member in the workplace; or
- by the offender's (or alleged offender's) friends, associates, family or ethnic community.

30 In consultation with the members of the Investigative Panel and others, as appropriate, the HR Manager will guide a process of organizational learning based on review of how well or how badly the individual harassment case was handled. How could the process be improved in future? The HR Manager should also be looking at whether there are any patterns to the Center's harassment cases over time. Are they happening more often in particular locations or within particular units or between specific groups? What are the implications for prevention?

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A VICTIM'S GUIDE FOR DEALING WITH SEXUAL HARASSMENT

1 This guide is based on the Gender and Diversity Program's recommendations to Centers for preventing and stopping harassment and discrimination, particularly those issues associated with sexual harassment. It is intended as a guide for sexual harassment victims. You should read this guide in conjunction with the harassment guidelines in place at your own Center.

2 These guidelines apply when you genuinely believe that you have been harassed by:

- another staff member, or
- another person such as a client, collaborator or service provider while conducting business on behalf of your Center.

WHAT IS SEXUAL HARASSMENT?

3 Sexual harassment is any unwelcome sexual advance, request for sexual favor or other verbal, non-verbal or physical conduct of a sexual nature which:

- unreasonably interferes with your work;
- is made a condition of your employment; or
- creates a work environment that you find intimidating, hostile or offensive.

AVENUES OF ASSISTANCE

4 Your Center may have established avenues of assistance for staff at your duty station who have experienced harassment. These may include:

- one or more Local Harassment Advisors;
- a "hotline" telephone access to Center HR;
- access to professional counseling.

You are encouraged to use these resources at any stage.

UNDERSTANDING SEXUAL HARASSMENT

Categories of sexual harassment

Sexual harassment generally falls into two main categories.

- **Quid pro quo** – when your submission to sexual advances or requests for sexual favors is made a condition of your employment; or your submission to or rejection of such conduct is explicitly or implicitly used as a basis for employment decisions affecting you, such as

reappointment, transfer, promotion, merit increase, access to staff development, etc.

- **Hostile work environment** – where sexual conduct interferes with your work or is so serious or pervasive that it creates a work environment that you find intimidating, hostile or offensive.

Types of sexual conduct

6 Conduct of a sexual nature may be:

- **physical** – unwanted contact, ranging from touching, patting, pinching, kissing or brushing against your body to assault or coerced sexual intercourse;
- **verbal** – including unwelcome sexual advances, offensive flirtations, suggestive remarks, innuendos or lewd comments; propositions or pressure for sexual activity; continued suggestions for social activity outside the workplace after you have made it clear that such activity is unwelcome; jokes of a sexual nature;
- **non-verbal** – display of pornographic or suggestive pictures, screen savers, objects or written materials; leering or making sexually suggestive gestures; it also includes all the “verbal” examples mentioned above if delivered via e-mail or in writing rather than in person.

7 Although in many cases a man is the harasser and a woman the harassed, sexual harassment can also involve a woman harassing a man or individuals of the same sex.

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Seriousness of sexual harassment

8 Some examples of sexual harassment may be regarded as relatively minor, for example:

- an unwelcome offensive flirtation, suggestive remark, innuendo or lewd comment;
- a single case of displaying suggestive pictures, screen savers, objects or written materials; leering or making sexually suggestive gestures perhaps intended to be humorous.

Note: the above two examples are considered “relatively minor” where the perpetrator is a colleague, i.e. a person of comparable rank to you. If the perpetrator is a line manager, then both examples are regarded as “serious” offenses.

9 Examples of sexual harassment that are regarded as serious offenses include:

- assault or coerced sexual intercourse;
- unwanted contact, including touching, patting, pinching, kissing, or brushing against another person’s body;
- unwelcome sexual advances, offensive flirtations, suggestive remarks, innuendos or lewd comments; propositions or pressure for sexual activity; continued suggestions for social activity outside the workplace after it has been made clear that such activity is unwelcome;

- a single case of displaying pornographic pictures/images, or two or more cases of displaying suggestive pictures, screen savers, objects or written materials; leering or making sexually suggestive gestures.

Impact rather than intention

10 In some cases, sexual harassment may arise from misunderstanding. Misunderstandings often arise from differences in perception. They also arise from stereotypes or false assumptions related to factors such as race, ethnicity, gender, religion, age, disabilities or sexual orientation.

11 Notwithstanding, whether misunderstanding is a contributing factor or not, the key factor in dealing with sexual harassment is its **impact** on the victim/s, not the **intention** of the perpetrator. If a behavior is reasonably perceived as offensive by you – *whether or not it was intended to be so by the person initiating the behavior* – then it should be stopped.

ALERT

Never allow harassers to use the excuse that their offensive behavior is a normal aspect of their culture. Any sexually-offensive behavior is inappropriate to a global, multi-cultural organization.

WHEN VICTIMS DON'T COMPLAIN

12 Some victims of sexual harassment may not want anyone to know about it or may hesitate to file an official complaint. This is not an exceptional situation; indeed, it is relatively common. Essentially victims do not complain because they:

- blame themselves for the situation;
- are ashamed that the incident/s occurred;
- are unaware that they have the “right” to be treated with respect when working for the CGIAR; and/or
- fear that the risks of retribution may outweigh the benefits of filing an official complaint.

13 If you find yourself influenced by one or more of the issues above, seek advice and guidance from someone you trust. Your Center may provide access to professional counseling services to assist victims of harassment. If so, find out how to arrange a visit to the counselor. The following sections explain your options for taking action in relation to the offender. Remember your Center takes harassment cases very seriously and deals with them swiftly and confidentially in order to assure that that you have a workplace of dignity, free of harassment, where you are treated with dignity. You also need to be conscious that, unless you take action, there is a strong likelihood that the harassment will continue.

DEALING WITH SEXUAL HARASSMENT

14 If you believe that someone has behaved disrespectfully towards you, you should:

- not deny that something has happened – trust your instincts;
- not assume that the behavior will stop if you ignore it;
- not be afraid to speak up; if you would find it easier, you should put the complaint in writing;
- not try to deal with severe forms of offensive behavior alone – even at the first occurrence, you should ask for help and support (your Center may have designated staff at your duty station to provide this assistance; otherwise you should consider seeking help from your manager, a colleague, or the HR Manager as appropriate);
- document every incident in detail if the offensive behavior recurs;
- find witnesses and gather other evidence from current and former colleagues;
- file a formal complaint, if necessary.

15 Individual action by you may be the most effective way to stop inappropriate workplace behavior with a minimum of conflict:

- when your objective is simply to stop the behavior (i.e. not to pursue a formal complaint);
- when the offender is unaware that her/his behavior is offensive; and/or
- when the behavior is at a comparatively low level of severity.

16 However, if you are not comfortable with individual action, you should not hesitate to report the matter to your manager and/or your HR Manager.

OPTIONS FOR INDIVIDUAL ACTION: SPEAK UP

17 In some circumstances, inappropriate behavior will stop if you tell the offender to stop. You should describe the behavior in a way that the offender can clearly understand, for example:

- “I don’t find jokes about sex funny. Please don’t tell jokes like that when I’m around.”
- “It makes me uncomfortable when you talk to me/touch me/look at me that way. Please don’t do it again.”
- “As I’ve indicated previously, I am not interested in going out with you. Please don’t ask me again.”

18 The HR Manager can advise you on techniques for doing this.

A template for saying “no” to unwanted behavior

When you

call me “dear”, touch me, joke about my appearance, etc.(describe the behavior you don’t like)

I feel

embarrassed, angry, offended, uncomfortable, demeaned, etc.(describe your feelings)

Because

I want to be taken seriously, be respected, be treated as a professional, etc.(say why the behavior bothers you)

Please

call me by my name, don’t tell offensive jokes, don’t touch me, etc.(request the behavior you want)

- from World Bank “Working with Respect in the World Bank Group”

WRITE A LETTER

19 If you find it difficult to speak to the offender directly, you may prefer to write a letter. Putting the complaint in writing helps you clarify the facts and determine which options you will pursue to deal with the situation. A letter given to the offender provides:

- clear notice that you find a behavior offensive;
- an opportunity to stop the behavior without formal intervention; and
- a disincentive for the offender to retaliate.

20 The letter should succinctly describe:

- the person’s offensive behavior in a factual way;
- the impact of that behavior as it relates to your dignity, career or performance; and
- what you want the offender to do – or not do – in the future.

21 As with the option of speaking directly to the harasser, the HR Manager can advise you on techniques for writing a letter.

22 Once the letter is written, you should weigh the pros and cons of all options, including whether or not to send the letter to the offender. You may decide that sending the letter is not the right option. You may want to place a sealed copy of the letter on file with the HR Manager, along with a request that it remain sealed until and unless you ask otherwise. Such an action can help build a record if the inappropriate behavior does not stop and you subsequently choose to lodge a formal complaint.

DISCUSS INAPPROPRIATE BEHAVIORS WITH YOUR MANAGER

23 If you decide to consult your manager, you should communicate clearly what you want to happen as an outcome of the discussion. For example, you might want the manager to speak to the offender directly, or to accompany you when you speak to the offender. If you do not want the manager to intervene directly, you could ask her/him to take more general actions in the work unit (e.g. hold a staff meeting) to reinforce/establish a workplace of dignity.

LODGE A FORMAL COMPLAINT OF SEXUAL HARASSMENT WITH SENIOR MANAGEMENT

24 You should first present your concern to your supervisor and/or the HR Manager who can mediate the conflict and/or provide you with advice and counsel.

25 Your complaint should be handled on a strictly confidential basis, both by management and by you. Where your complaint is about a relatively minor issue, you are encouraged to use informal means to resolve problems, such as speaking or writing directly to the offender. However, an informal approach is **not** appropriate in serious cases of sexual harassment.

26 Formal complaints will be dealt with rapidly, in the strictest of confidence. All complaints will be fully documented and recorded, and the records will be the property of your Center. The privacy of those involved will be respected. Where warranted, appropriate disciplinary action will be taken against the offender.

Process for lodging formal complaint

27 You should present your complaint in writing as soon as possible after the incident (or incidents) that led to the complaint. You should not use e-mail or fax for presenting complaints.

28 Your written complaint should be addressed to your immediate supervisor with copies to the HR Manager, the Director of Corporate Services, and the Director General. Each copy of the complaint should be enclosed in a sealed envelope and marked "Strictly Confidential".

29 If the alleged offender is your immediate supervisor, you should bypass her/him and present your written complaint to your supervisor's superior. Again, you should also send copies to the HR Manager, Director of Corporate Services and Director General.

30 If the alleged offender is a Director (or equivalent) or more senior staff member, your written complaint should be copied to the Board Chair.

Content of the formal complaint

31 Your written complaint should:

- a) identify the alleged offender
- b) describe the specific offensive act or acts;
- c) describe the time, circumstances, manner and location of the incident (or incidents);
- d) identify any witnesses or persons to whom the incident was mentioned; and
- e) provide any other information relevant to the case such as whether, and under what circumstances, you made it clear to the alleged offender that the offensive behavior was unwelcome; include reference to any other action you took such as reporting the incident/s to your manager and/or the HR Manager.

32 You must sign and date the complaint.

INVESTIGATION OF THE COMPLAINT

33 The Center will promptly establish an Investigating Panel to investigate the complaint. The Investigating Panel will conduct its investigation according to the Center's practices and requirements for such investigations. The Panel will then advise the Director General of its conclusions about the complaint and its recommendations for action.

34 Your HR Manager can advise you about the details of your Center's investigation process: how the Panel is selected, the steps it goes through in investigating your complaint, and how it reports to the Director General. As with all steps in the formal complaint process, the Investigating Panel operates in strict confidentiality.

THE RESPONSIBILITIES OF OTHER PARTIES IN DEALING WITH SEXUAL HARASSMENT

35 Other people (such as your supervisor/s and the HR manager have particular responsibilities when you mention that you have been the victim of sexual harassment. Your Center may have specified these responsibilities in your personnel policies manual or other Center communications. If not, the responsibilities of these other people **generally** are as follows.

Line managers

36 Line managers and supervisors are responsible for promoting and enforcing a workplace of dignity and must take every action necessary to prevent and stop inappropriate behaviors. They are obliged to make clear that such behaviors will not be tolerated and to act promptly when incidents come to their attention.

37 If you discuss a situation where you are being sexually harassed with your line manager (as distinct from lodging a formal written complaint), she/he should use her/his judgment to help find positive, non-confrontational ways to convey the message that the behavior is undesirable. The offender might not realize that her/his behavior is offensive and should be given the opportunity to correct it.

38 Line managers are obliged to set the tone for a workplace of inclusion and dignity. They should:

- set a good example by avoiding even the appearance of improper conduct and by treating all staff fairly, with dignity and respect;
- be aware of what is happening in the work unit – watch for hostility or inappropriate exchanges between staff or changes in behavior such as anxiety, depression, increased absence or reduced efficiency;
- learn how to deal with inappropriate workplace behaviors by becoming informed about avenues of assistance and complaint procedures, and by consulting with expert resources in conflict resolution and respectful workplace behaviors;
- let others know when their behavior is offensive and make sure that offensive pictures, posters, screen savers, etc., are not displayed in the work area;
- act promptly, fairly and thoroughly when a problem situation arises, and
- ensure that there is no reprisal when incidents are reported.

39 If you decide to lodge a formal complaint of sexual harassment, your line manager's responsibilities are altered. She/he should consider, in consultation with senior management, immediate steps that may be necessary pending the formal investigation of your complaint. These steps may include:

- officially warning your harasser that her/his actions have led to a formal complaint, and ordering her/him not to continue those actions;
- temporarily transferring you and/or your harasser to other activities or work locations.

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Note: your line manager must not prejudge the outcome of the investigation of your complaint, irrespective of the circumstances. If you and your harasser are part of the same workgroup, with the same line manager, your line manager is also obliged to provide information and advice to your harasser about the investigation process.

HR UNIT

40 One of HR's key roles in sexual harassment issues is providing support and guidance to people directly involved. The HR Manager is usually the ultimate source of expert advice and guidance in each Center on harassment and discrimination. She/he needs to be knowledgeable on the Center's policies and have an understanding of harassment and discrimination beyond the policies themselves.

41 The HR Manager needs to be alert to the emergence of potential harassment and discrimination issues and act appropriately, either directly or through the appropriate line manager/s. She/he also needs to be able to give impartial and expert advice to people involved in harassment and discrimination cases, both victims and offenders.

42 The HR Manager must be conscious that victims of sexual harassment may be in need of support and reassurance about the Center's policy and procedures, and protection of confidentiality. If you have experienced sexual harassment you

may wish to ask your HR Manager to provide you with a thorough briefing on your Center's policy and procedures for handling cases of harassment and what your role will be in that process. What is involved? How will your confidentiality be protected? How long will it take? What counseling services will be made available to you, and when?

43 Another key role for HR is providing guidance to committees investigating sexual harassment complaints. Where harassment or discrimination culminates in a formal complaint, the HR Manager has a key role in establishing and supporting the Investigating Panel. The HR Manager typically is the common link across Panels, being the one person in the Center who sits on all harassment and discrimination investigation Panels.

44 Therefore the HR Manager not only needs expert knowledge of the Center's investigation process, but she/he also needs to understand the basic requirements of conducting effective investigations. The HR Manager needs both forms of knowledge in order to provide support to Panel members and the chairperson.

45 The HR Manager normally would carry out a follow-up inquiry with the complainant three months after the complaint is decided upon, regardless of the outcome. The inquiry should ascertain whether you have been subject to retaliation or threat of retaliation by the offender, alleged offender or any other staff member in the workplace; or by the offender's friends, associates, family or ethnic community.

TIPS AND TOOLS: MODEL POLICY

- 1** <Center> is committed to providing a work environment that:
 - ✓ respects the dignity of the individual;
 - ✓ is free of all forms of discrimination based on ethnic, social, or political background, color, nationality, religion, gender, disability or sexual preferences; and
 - ✓ is free of general harassment and sexual harassment.
- 2** Every staff member is responsible for creating a work environment that respects the dignity of the individual and that is free of harassment and discrimination.
- 3** <Center> will not tolerate conduct or comments by staff members that do not respect an individual's dignity. Nor will <Center> tolerate general or sexual harassment.
- 4** <Center> will not tolerate behavior which discriminates against an individual, based on his/her ethnic, social or political background, color, nationality, religion, gender, disability or sexual preferences. Nor will <Center> tolerate behavior which constitutes abuse of power over an individual. In this context, the term “individual” applies not only to other <Center> staff but to all people with whom staff interact while carrying out their work, including partners, collaborators, farmers, customers, vendors and visitors.
- 5** <Center> will establish avenues of assistance for supporting staff who have experienced harassment or discrimination. These will be widely communicated to all staff in all locations.
- 6** <Center> will address promptly all complaints of discrimination, harassment or abuse of power. Where such a complaint is upheld, <Center> will take disciplinary action against the offending staff member.

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RECOGNIZING GENERAL HARASSMENT

1 General harassment is any unwelcome verbal or physical behavior that unreasonably interferes with work or creates an intimidating, hostile or offensive work environment.

2 General harassment can take many forms. It can:

- ✓ include oral or written comments, gestures or physical actions which demean, belittle or cause public humiliation or embarrassment;
- ✓ be initiated by a peer, supervisor, subordinate or someone outside the Center;
- ✓ be directed at one person or a group of people;
- ✓ be linked to bias, when a group of people who share a characteristic (gender, race, ethnicity, nationality, etc) receive negative attention;
- ✓ occur at work or at job-related social functions.

3 General harassment can consist of a single incident or repeated incidents. A single incident can be considered harassment if it is so severe that it has a negative impact on the individual or the work environment. Mildly offensive comments and behavior can rise to the level of harassment if they are repeated. Often general harassment starts out subtly and escalates if the behavior is not stopped.

4 Examples of behaviors that constitute general harassment include:

- ✓ public or private tirades by a supervisor, subordinate or peer;
- ✓ threatening or insulting oral or written comments;
- ✓ epithets, slurs or negative stereotyping directed at an individual or group, either directly or indirectly;
- ✓ malicious and false complaints of misconduct against other staff (innuendos, gossip and defamation can turn into harassment if not stopped);
- ✓ deliberate desecration of religious, racial, ethnic or national symbols;
- ✓ severe or repeated insults relating to personal or professional competence.

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RECOGNIZING SEXUAL HARASSMENT

1 Sexual harassment is any unwelcome sexual advance, request for sexual favor or other verbal, non-verbal or physical conduct of a sexual nature which:

- ✓ unreasonably interferes with work;
- ✓ is made a condition of employment; or
- ✓ creates an intimidating, hostile or offensive work environment.

Categories of sexual harassment

2 Sexual harassment generally falls into two main categories.

- ✓ **Quid pro quo** – submission to sexual advances or requests for sexual favors is made a condition of employment; or submission to or rejection of such conduct is explicitly or implicitly used as a basis for employment decisions.
- ✓ **Hostile work environment** – sexual conduct interferes with a staff member's work or is so serious or pervasive that it creates an intimidating, hostile or offensive work environment.

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Types of conduct

3 Conduct of a sexual nature may be:

- ✓ **physical** – unwanted contact, ranging from touching, patting, pinching, kissing or brushing against another person's body to assault or coerced sexual intercourse;
- ✓ **verbal** – including unwelcome sexual advances, offensive flirtations, suggestive remarks, innuendos or lewd comments; unwelcome propositions or pressure for sexual activity; continued suggestions for social activity outside the workplace after it has been made clear that such activity is unwelcome; jokes of a sexual nature;
- ✓ **non-verbal** – display of pornographic or suggestive pictures, screen savers, objects or written materials; leering or making sexually suggestive gestures; it also includes all the examples mentioned above if delivered via e-mail or in writing rather than in person.

4 Although in many cases a man is the harasser and a woman the harassed, sexual harassment can also involve a woman harassing a man or individuals of the same sex.

WHY DOES SEXUAL HARASSMENT HAPPEN?

5 This is too complex an issue for a succinct answer. However, the following factors are all potentially significant factors in understanding why sexual harassment happens:

- ✓ experiences derived through school and community;
- ✓ attitudes developed at home and at work; and
- ✓ historical perceptions of women's roles, as distinct from current-day expectations.

Note: these factors may apply just as much to the victim as to the harasser.

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RECOGNIZING DISCRIMINATION

Discrimination is the unjustifiable differentiation between individuals or groups within staff. Discrimination can be based on one or more characteristics which include – but are not limited to – race, caste, color, culture, ethnic background, religion, age, gender, disability, marital status, political views or sexual orientation.

Forms of discrimination

2 Discrimination can include:

- ✓ **harassment** in the form of epithets, slurs, cultural or ethnic jokes, negative stereotyping or stigmatization, innuendos, threats and intimidation;
- ✓ **denial of equal access** to employment or career-development opportunities for reasons other than merit or performance;
- ✓ **decisions made on the basis other than merit** that affect the career of a staff member, such as salary and grade setting, assignments or re-assignments, performance evaluations, merit increases, promotions, rewards or recognition.

3 These behaviors constitute discrimination whether they are expressed overtly or covertly toward an individual or group, or are contained in materials that are circulated or displayed in the workplace.

Note: in this context, “merit” means the assessment of the staff member on the basis of the full set of competencies – knowledge, personal qualities and skills – required at staff member’s current grade as well as any prospective grade.

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RECOGNIZING ABUSE OF POWER

1 Abuse of power is the misuse of authority in the course of performing work.

Context

2 Abuse of power most often occurs in the context of supervisor-subordinate relationships. However the abusive party can be a direct supervisor, a colleague of equal rank, a subordinate or someone outside of the reporting relationship.

Forms of abuse of power

3 Abuse of power often takes the form of harassment, expressed in:

- ✓ **speech** – such as insults about intelligence;
- ✓ **tone** – ranging from raised voice to offensive language such as cursing
- ✓ **isolation** – completely ignoring staff;
- ✓ **threats** – referring to future employment conditions, such as performance appraisals, confirmations of appointment, salary increases or promotions.

4 Abuse of power might also include:

- ✓ requests to carry out personal errands;
- ✓ requests to perform duties of a personal nature inside or outside the work environment;
- ✓ actions that interfere with the ability of a colleague to work effectively, such as impeding access to information or resources;
- ✓ explicit or implicit pressure on staff to distort facts in favor of a particular agenda.

Examples of abuse of power

- ✓ physical attacks
- ✓ persecution through threats and instilling fear
- ✓ repeated shouting or swearing at staff both in public and in private
- ✓ spontaneous rages, often over trivial matters
- ✓ public humiliation, personal insults and name-calling
- ✓ spreading malicious rumors which are unfounded
- ✓ freezing out, ignoring or excluding
- ✓ deliberately talking to a third party to isolate another
- ✓ constantly undervaluing effort
- ✓ dispensing punishment out of the blue

GENERAL PRINCIPLES FOR STOPPING INAPPROPRIATE BEHAVIOR

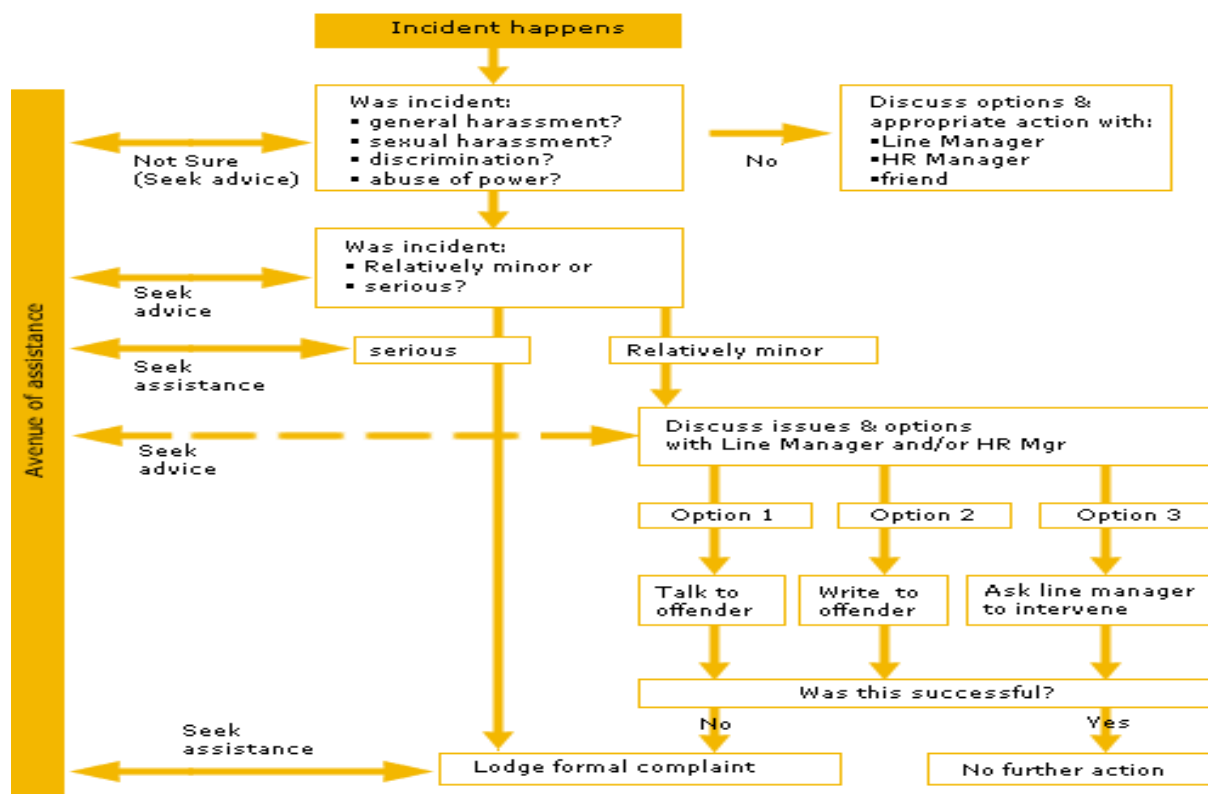
- 1** The following principles apply to all forms of inappropriate behavior, i.e.
 - ✓ if a staff member believes that someone has behaved disrespectfully towards her/him;
 - ✓ if a staff member believes that she/he may have behaved disrespectfully towards someone; or
 - ✓ if a staff member is contacted by someone who has been the object of disrespectful behavior.
- 2** If a staff member believes that someone has behaved disrespectfully towards her/him, she/he should:
 - ✓ not deny that something has happened – trust her/his instincts;
 - ✓ not assume that the behavior will stop if it is ignored;
 - ✓ not be afraid to speak up; if she/he would find it easier, she/he should put the complaint in writing
 - ✓ not try to deal with severe forms of offensive behavior alone; even at the first occurrence, she/he should ask for help and for the appropriate avenues of assistance;
 - ✓ document every incident in detail if the offensive behavior recurs; find witnesses and gather other evidence from current and former colleagues;
 - ✓ file a formal complaint, if necessary.
- 3** If a staff member believes that she/he may have behaved disrespectfully towards someone, she/he should:
 - ✓ approach the person and ask if the behavior was offensive; if so, stop the behavior;
 - ✓ apologize – it can go a long way to mending a damaged relationship.
- 4** If a staff member is contacted by someone who has been the object of disrespectful behaviour, she/he should:
 - ✓ listen and give support;
 - ✓ not judge the situation or how the person has handled it;
 - ✓ encourage the person to tell the offender in a rational, objective way that her/his behavior is objectionable;
 - ✓ tell the person not to ignore the situation or her/his feelings;
 - ✓ refer the person to a suitable advisor in the Center.

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OVERVIEW REPORTING COMPLAINTS

This flowchart provides an overview of the initial process for dealing with an incident of harassment, discrimination or abuse of power. It emphasizes seeking advice, deciding whether the incident is regarded as “serious” or “relatively minor” and, if the latter, attempting to stop the problem through direct action rather than lodging a formal complaint. If, however, the incident is regarded as serious, or if the direct action was not successful, the next step in the process is to lodge a formal complaint with Center management.

The Tip and Tool: **Flowchart: the Process for Dealing with a Formal Complaint** provides a flowchart with an overview of the process for dealing with a formal complaint.



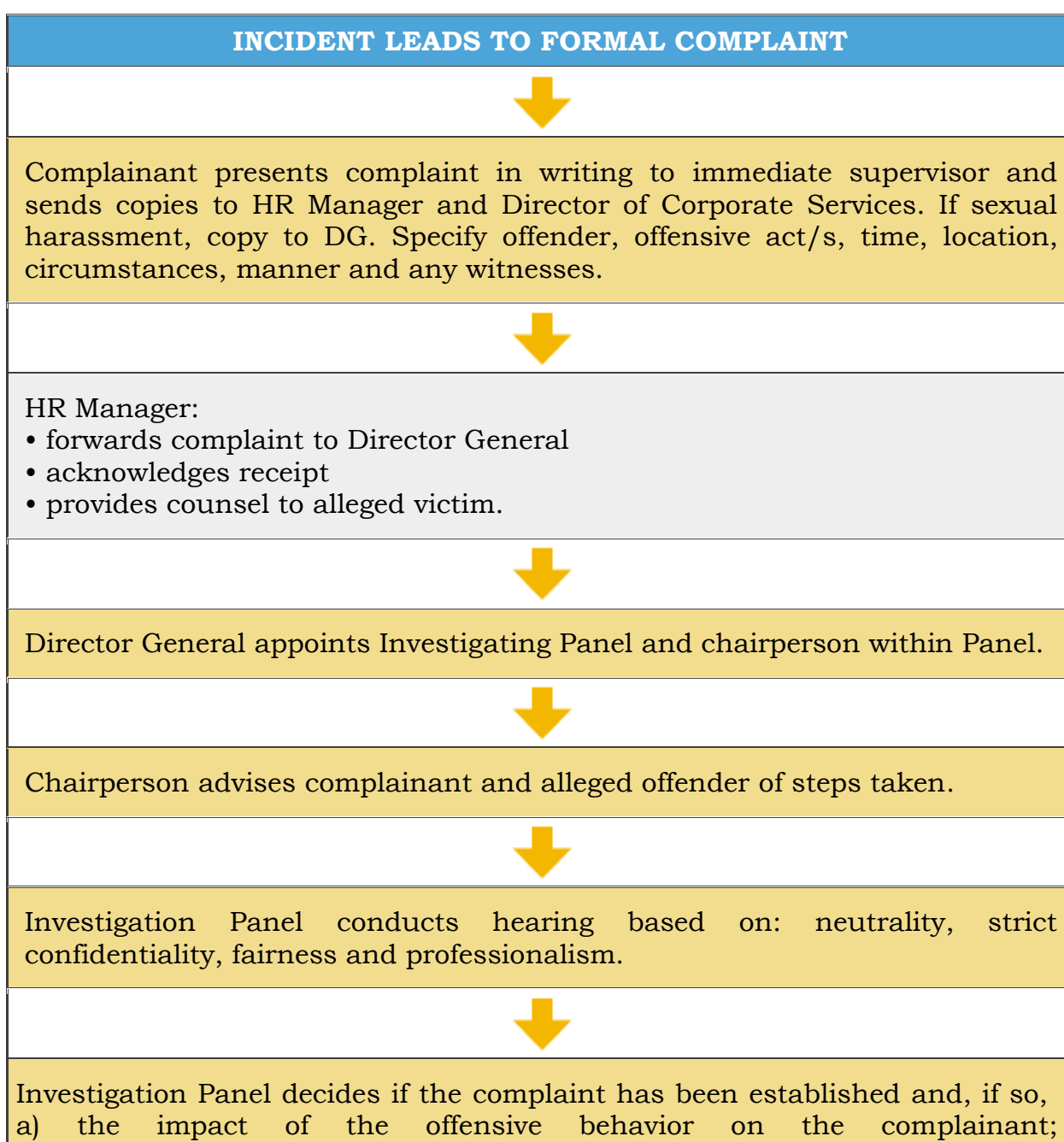
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OVERVIEW

INVESTIGATING COMPLAINTS

This flowchart provides an overview of the process after a Center receives a formal complaint of harassment.

CONDUCTING AN INVESTIGATION A VISUAL FLOWCHART



b) whether there appear to be any mitigating circumstances.



Panel submits written report to Director General with recommendations for action.

DIRECTOR GENERAL MAKES A DECISION BASED ON INVESTIGATING PANEL'S RECOMMENDATIONS



Misconduct established



Director General will advise the offender, provide the offender with a copy of the Panel's report and recommendation, and advise the offender of the proposed disciplinary action.



The offender will be given 5 working days to submit a written response.



Director General will interview the offender and explain recommended disciplinary measures: verbal reprimand accompanied by counseling; written reprimand and warning; suspension, with or without pay; monetary penalty; reduction in grade and pay; or dismissal.



Complaint not upheld



The case will be closed if facts established by the investigation do not indicate that misconduct has occurred.



The Director General will advise the complainant and the alleged offender of the decision in writing and include a copy of the Panel's report.

SAMPLE STATEMENT OF CENTER VALUES

The following is the WorldFish Center's statement of values. In addition to the Center's "Two Pillars for Success", there are two "Foundation Values" boxes that have specific importance in terms of how the Center deals with issues of harassment and discrimination.

The "Fairness and Equity" box emphasizes "equal opportunity for all staff and the value of staff diversity" and "policies that are fair, respect individual dignity and self-esteem".

The "Caring" box emphasizes the expectation that the staff members will be "caring, compassionate and nurturing in their work relationships."

OUR VALUES: TWO PILLARS FOR SUCCESS

RELEVANCE <i>"APPLICABILITY TO SOCIAL ISSUES"</i>	DELIVERY <i>"THE TRANSFER OF A SPECIFIED GOOD OR SERVICE IN ORDER TO MEET THE REQUIREMENTS OF A CONTRACT OR AGREEMENT."</i>
<p>We value: Excellence in science applied to the welfare of the world's poor and to the sustainability of the environment.</p> <p>Focus & Efficiency in delivering genuine positive impacts to our beneficiaries in developing countries in a manner that makes the most of the resources available to us.</p> <p>Innovation & Creativity in both our research and business operations.</p> <p>Continuous Improvement to reduce</p>	<p>We value: Commitment to set and achieve global standards of excellence in our operations and to honor all commitments.</p> <p>Teamwork over individual endeavor and the fostering and capitalizing upon inter-dependences between ourselves and among our partners.</p> <p>Sharing knowledge openly among staff members, our partners, and stakeholders.</p>

cost and enhance the quality of our products and services.

Acceptance of the need for risk and of genuine mistakes as something to learn from.

Leadership at all levels in the Organization.

Empowerment and will give sufficient authority to individuals to allow effective performance and ensure accountability. We expect individuals to ask for the authority they need and to delegate what is required to be effective.

FONDATION VALUES

FAIRNESS AND EQUITY <i>“FREE OF FAVORITISM OR BIAS”</i>	CARING <i>“CONCERN OR INTEREST TO PROVIDE NEEDED ASSISTANCE OR WATCHFUL SUPERVISION”</i>
<p>We believe in:</p> <ul style="list-style-type: none"> • Equal opportunity for all staff • Policies that are fair, respect individual dignity and self-esteem, are clearly explained, and consistently applied. • Recognition and reward that are linked to achievements met in ways consistent with our values. 	<p>We:</p> <ul style="list-style-type: none"> • Care about the long-term health and safety of our people and their work environment and will encourage and help them achieve a healthy work-life balance. • Expect staff to be caring, compassionate and nurturing in their work relationships • Will support life-long employability through provision of professional learning and growth opportunities.

BEDROCK VALUES

INTEGRITY <i>“STEADFAST ADHERENCE TO MORAL AND ETHICAL BEHAVIOUR”</i>	TRUST <i>“FIRM RELIANCE ON THE INTEGRITY, ABILITY, OR CHARACTER OF A PERSON”</i>
Our most fundamental value. We expect all staff members to live by our core values, and challenge any breach of those values courageously.	We trust our people and believe they will honour the trust we place in them. Deliberate breaches of trust are unacceptable and we expect staff to report breaches of trust without fear of reproach.

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ADVICE TO INVESTIGATING PANELS

The following section is recommended as model guidelines for advising Investigating Panels about their approach to the investigation. When Centers have included information about investigating complaints in their Personnel Policy Manual, it is recommended that the following section also be included as an appendix to that information.

ADVICE TO INVESTIGATING PANELS

1 This advice is to be read in conjunction with <Center>'s policy for investigating complaints of harassment or discrimination. Panel members will ensure that they are familiar with the wording of the policy above. When necessary, they will ask the HR Manager to clarify any aspects of the policy that are not entirely clear.

INVESTIGATION PROCESS

Natural justice

3 Panels shall observe the principles of natural justice throughout the interview process, i.e. advise any person of an allegation against them and give that person the right of response to that allegation. However, Panels will also respect the strict confidentiality of the investigation process and will not divulge the identity of the person making the allegation, unless it is the complainant or the alleged offender.

Interview design and techniques

2 Panels shall undertake their investigations based on semi-structured interviews of those who are party to the investigation: complainant, alleged offender/s, and supervisors and other witnesses. Semi-structured interviews are guided conversations in which the topics are predetermined (by the Panel) and where new questions or insights arise as a result of the discussion and analyses.

5 Semi-structured interviews:

- ✓ are informal but controlled;
- ✓ are based on a list of issues, but not a formal questionnaire;
- ✓ use open-ended questions; and

- ✓ lead to new hypotheses and new questions.

6 Semi-structured interviews require careful preparation and sensitivity. Pre-interview requirements:

- ✓ preparing a checklist of questions by the Panel;
- ✓ deciding which Panel member will ask which questions and which member will record the responses.

Interview requirements:

- ✓ sensitive questioning;
- ✓ sensitive listening to responses; and
- ✓ judging responses in a way that enables them to separate fact from rumor or opinion.

Note: G&D recommends that a woman member should conduct the interview when the Panel is interviewing a woman, and vice-versa for men; or when the Panel is interviewing a person of a specific ethnicity in discrimination complaints, the Panel member of that specific ethnicity should conduct the interview.

7 For semi-structured interviews to be successful, Panel members need to be conscious of:

- ✓ using the “six helpers”: who-what-why-when-where-how;
- ✓ avoiding asking leading questions;
- ✓ distinguishing between fact, opinion and rumor;
- ✓ distinguishing between first-hand information and second- or third-hand information;
- ✓ probing responses (e.g. using phrases such as “please tell me more”; “anything else?”; “but why?”; “then what happened?”); and
- ✓ checking their understanding (e.g. using phrases such as “am I correct to understand that?”; “so it used to be?”; “but now it is?”)

Quality of critical information

8 Where possible, Panels shall attempt to verify or cross-check critical information acquired during the investigation by triangulation, i.e. by establishing three separate sources of that information. This is particularly important in relation to written statements (e.g. in emails), which should be verified where possible through oral statements from witnesses.

9 It is acknowledged that this standard may not always be possible to achieve, e.g. a private verbal exchange between two parties, an absence of witnesses. Nevertheless, in regard to the potential consequences of an investigation (i.e. dismissal), Panels need to ensure they apply the highest possible professional standards to the quality of information on which they base their analysis, conclusions and recommendations to the Director General. [TOC](#)

SAMPLE STATEMENT ON RESPONSIBILITIES OF STAFF/CODE OF CONDUCT

The following text has been extracted from the Personnel Policy Manual of the International Water Management Institute (IWMI).

GENERAL RESPONSIBILITIES OF STAFF

General conduct

1 In accepting an appointment to IWMI, staff members signify their intention to abide by IWMI's policies and procedures and to accept the responsibilities set forth in this manual.

2 See note after 3.4

Harassment and Discrimination

3 IWMI maintains a work environment that respects the dignity of the individual, and that is free of all forms of discrimination and harassment. Conduct or comments that do not respect an individual's dignity are unwelcome, offensive, and will not be tolerated.

4 IWMI staff must not harass or discriminate against another staff member. Such misbehaviour is a disciplinary offense. All complaints of harassment or discrimination will be investigated and resolved promptly.

Note: In its complete form, the IWMI statement of staff responsibilities contains several other sections and appendixes describing general responsibilities.

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