



**United to
Respect**



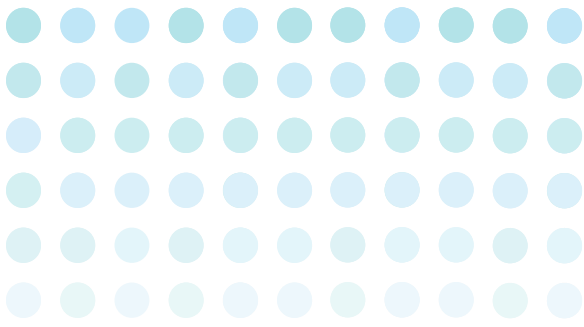
**Promoting
dignity and
respect in the
workplace**

TOOLKIT

hr.un.org/unitedtorespect

#speakup





United to Respect

Everyone working for the UN has a responsibility to create and protect the right work culture. One of civility and respect. One in which we address workplace issues constructively. One free from discrimination, harassment (including sexual harassment) and abuse of authority.

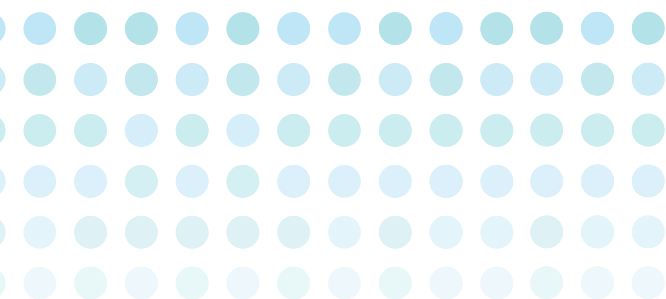
This toolkit is there to help you achieve this.



How to foster civility in the workplace and act against harassment, abuse of authority and discrimination



How it concerns you and all of us _____	4
The role of supervisors _____	10
Getting help _____	16
Resolving issues informally through the Ombudsman and Mediation Services _____	22
Heads of entities and their responsibilities _____	26
The roles of Conduct and discipline focal points, OIOS and the Ethics Office _____	32
Understanding what is prohibited conduct _____	34
Formal reports of prohibited conduct _____	41
Rights to stay informed _____	46
Making sure things are OK during and after an investigation _____	48
Investigations _____	50
What happens following investigation? _____	52
Useful material _____	56
Glossary _____	58



How it concerns you and all of us

Fostering a respectful and civil workplace	5
Why this matters	5
What do I do if something is troubling me at work?	6
Approach the person causing difficulties	6
How to prepare for and handle these conversations	7
Approach someone else	7
What do I do if I see someone bothered by workplace behaviour?	8
How do I intervene as a bystander?	8
So what can I do?	8
Show me how - examples of bystanders acting	9

How it concerns you and all of us

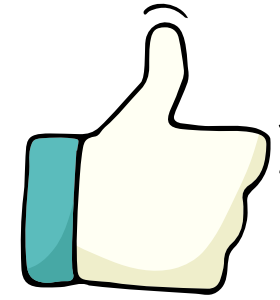
Fostering a respectful and civil workplace

We are all responsible for the culture at work and for ensuring a harmonious work environment. This responsibility underpins the policy set out in Secretary-General's Bulletin **ST/SGB/2019/8** (Addressing discrimination, harassment, including sexual harassment, and abuse of authority). To foster a respectful and civil workplace we must:

- ✓ treat all people in the workplace courteously, with dignity and respect
- ✓ reflect on our own behaviour and how it may be perceived / received by others
- ✓ respond to issues raised with us constructively
- ✓ attend relevant training
- ✓ speak up and be an active bystander
- ✓ report possible prohibited conduct
- ✓ cooperate with investigations

These are serious obligations and will form part of performance reviews for staff members (taking account of both the mandatory training requirements and, where appropriate, instances of non-adherence to the principles of the policy).

If you see behaviours that do not sit right with you in the course of your work, you are encouraged to raise it as soon as possible so that it can be addressed. There are lots of ways to do this – this guide tells you more about how to do this.



Why this matters

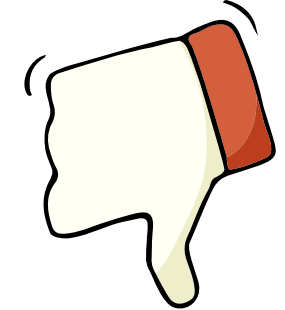
What we gain from a harmonious work environment

- Motivated team
- More ideas
- Positive reputation



What we lose in hostile work environments

- Demotivated people / Poor performance
- Impact on team
- Sickness issues (*absence / illness*)
- Time spent on addressing issues (*complaints, investigation*)
- Legal challenge
- Negative reputation



Curious?

This video on bullying and harassment in the construction industry explains the impact of such behaviours.

What do I do if something is troubling me at work?

It depends a lot on the situation but the bottom line is: **do something**. The answer is not to suffer in silence.



When issues arise in the workplace between colleagues, dealing with it early on and directly can often be the best and easiest way to resolve them. Of course it depends what the issue is (with some issues it may be absolutely right and best to immediately make a formal report so that the matter can be formally investigated and a disciplinary process initiated, if appropriate – e.g. if a colleague is abusing their authority and threatening demotion if you do not go out with them on a date).

Approach the person causing difficulties

One option may be to approach those who you feel are taking part in unwelcome conduct and explain the issues it causes you. They may simply not be aware of the negative impact of their conduct on others. Most people do not set out to offend others and a lot of issues arise from our differences, a lack of understanding or different communication styles.

Neetu has recently joined a new team, which is very diverse. She is from India. Her colleagues often mimic her accent and gestures. They mimic others too and it all seems to be done as a humorous thing. Although she does not think they are trying to be unkind, it is making her increasingly uncomfortable. As she is standing by the coffee point one day and Sophie mimics her, she tells her: 'you know, I wish you wouldn't mimic me. It's awkward.' Sophie feels bad, explains she was not picking on Neetu but does it for everyone and apologises.

TIPS

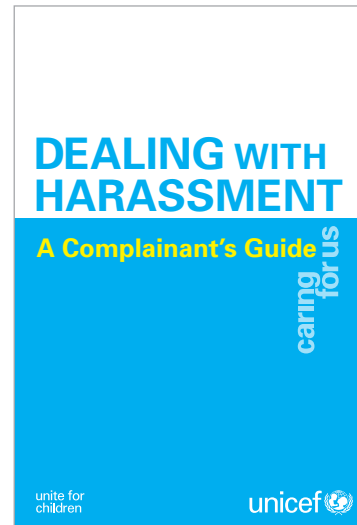
How to prepare for and handle these conversations

1 Look at the communication tips to address workplace conflicts on the **Ombudsman and Mediation Services (OMS) website**.

2 Look at the tip sheet to be an active bystander in the **Useful material section**. These tips are useful for a host of situations – it does not have to be harassment, just something troubling you (*coming soon*).

3 **UNICEF's guidance on dealing with harassment** offers resources such as:

- Selecting a person to talk to
- Preparing to speak with the alleged harasser
- Dealing with denial by the alleged harasser



Approach someone else

We know talking to the person causing you difficulties is not always easy. Disparity in power or status, fear of retaliation or the nature of the conduct may make direct confrontation difficult. You don't have to deal with it directly if that does not feel comfortable and safe.

You can also talk to:

- Supervisors or other senior officials – it is their responsibility to foster safe work environments and they should respond to concerns raised
- Your local conduct and discipline focal point – one of their jobs is to provide information to individuals affected by conduct issues in the workplace about resources and avenues for advice.

Remember you can also get support from:

- Other colleagues – not to gossip but to seek support
- The Ombudsman and Mediation Services (OMS) and/or the Staff Counsellor – their services are completely confidential and nothing more will happen after you contact them unless you are ok with that. The services of the OMS and the Staff Counsellor are accessed only on a voluntary basis.

And remember you can always report issues formally through the Office of Internal Oversight Services (OIOS) if an informal approach does not feel appropriate (via their **hotline for reporting** – anonymously – possible misconduct).

Anonymous and confidential advice about possible sexual harassment may also be obtained from the "Speak Up" helpline. The helpline can be reached at +1-917-367-8910 or, from peace-keeping missions, at 1212-78910. When dialing internationally from UN duty stations in Addis Ababa, Bangkok, Beirut, Geneva, New York, Nairobi, Santiago and Vienna, the extension is 78910. The helpline can also be reached at **speakup@un.org**.

You can find out more about the role of these different offices in this guide and in particular in the **Getting help** section. The key point is that you should not stay silent if something is bothering you at work. Find someone to talk to so that the issue can be resolved.

What do I do if I see someone bothered by workplace behaviour?

We are much more likely to witness behaviours that do not sit right with us than be directly affected. This is why we must be active bystanders. Being an active bystander is a powerful way to influence the work culture. It is about taking responsibility and intervening even when you are not directly affected. It is about noticing something unacceptable and taking action.

Ask yourself: if not you, then who. If not now, then when.

TIPS

Being an active and empowered bystander



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Remember, "doing nothing" is an action – albeit a negative one – which could also "influence".

How do I intervene as a bystander?

Being an empowered bystander is also role modelling and expressing our position on the work culture. Sometimes it is as simple as not laughing at a joke we find inappropriate, or showing someone you have noticed their discomfort and you're here to help.

A first step you can take to be an active bystander, whatever your role, is to fill in your support and reference list with the useful names and numbers to know to address concerns. You will find this document in the **Useful material** section. Look also at the **top tips sheet for bystanders** (*coming soon*).

So what can I do?

You can speak to the affected individual, offering support, perspective and advice. You can help them get help from someone better placed to intervene, that is, someone who has the skills and capacity to handle the situation. Whenever you can, try to create an opening for discussion. Tension between people may be due to miscommunication and open dialogue may eliminate the misunderstanding.

You can raise the issue with others to make sure it is tackled. It may be easier for you to do so, rather than the affected individual. You can talk to:

- Those causing the issue
- **Supervisors or other senior officials** – it is their responsibility to foster safe work environments and they should respond to concerns raised
- The **conduct and discipline focal points** – one of their jobs is to provide information to individuals affected by conduct issues in the workplace about resources and avenues for advice.

Remember you can also get support from:

- Other colleagues (not to gossip but to seek support on how to resolve the issue)
- The **Ombudsman and Mediation Services (OMS)** and/or the **Staff Counsellor** – their services are completely confidential and nothing more will happen after you contact them unless you are OK with that. The services of the OMS are accessed on a voluntary basis only.

Anonymous and confidential advice about possible sexual harassment may also be obtained from the “Speak Up” helpline. The helpline can be reached at +1-917-367-8910 or, from peace-keeping missions, at 1212-78910. When dialing internationally from UN duty stations in Addis Ababa, Bangkok, Beirut, Geneva, New York, Nairobi, Santiago and Vienna, the extension is 78910. The helpline can also be reached at speakup@un.org.

And remember you can always report issues through **OIOS** (including anonymously).
It is for you to decide what is the best approach, in light of the severity of what is going on, who is involved, and the relationships at play.

Just remember: your role is to do something. What is not an option if we want to play our role in creating harmonious work environments is to be a silent bystander.

Show me how – examples of bystanders acting

(More resources and videos on this topic are available in **Useful materials** section).



Two people are arguing loudly and angrily in the main office

Immediate actions

Process observation – make your presence known, tell the actors to stop the fight / inappropriate conduct ("please stop shouting at each other, I'm sure it's possible to solve the problem differently")

Delayed actions

Talk to the target about what happened, reinforce the group norms ("in this office, we do not shout").



A colleague makes a joke involving an offensive stereotype during a meeting

Immediate actions

Change the topic, interrupt the incident, get up and leave, use body language to show disapproval (such as frown, clear throat, wide-eyed surprised look), ask a clarifying question ("what do you mean by that?"), name or acknowledge an offense ("that's harsh/rude/offensive").

Delayed actions

Talk privately to the actor ("I know you well enough to know you don't mean it, but someone could take offense or feel hurt"), report the actor.

In a meeting, a supervisor describes a problem, personalizes the fault to a single individual and berates that person loudly / with strong language



Immediate actions

Name or acknowledge the offense or the issue ("that's not only his/her fault and it may be humiliating to him/her"), get others to publicly denounce the inappropriate conduct.

Delayed actions

Advise the target to report the incident, accompany the target if she/he needs to report.



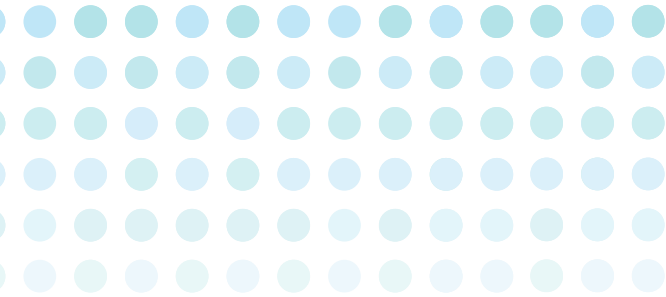
A colleague brags often about his/her sexual conquests in front of another colleague and even explicitly offers to spend the night with her/him

Immediate actions

Covertly keep the target away from the actor – for example tell him/her to come with you because you want to talk to him/her, tell the actor to stop the inappropriate conduct.

Delayed actions

Publicly encourage the target to report the inappropriate conduct, reinforce group norms, report the actor formally to (administration, supervisor, OIOS, etc.)



The role of supervisors

Supervisors are role models	11
The workplace environment is your responsibility	11
What can I do?	12
Dealing with an abrasive colleague	13
I have been approached by someone who has an issue	13
Can I raise it with the person who seems to be the problem?	14
What else can I do?	14
The challenges around managing performance issues	15

The role of supervisors

Supervisors are role models

As a supervisor you are the role model for how your team should behave. Your seniority makes you a particularly powerful bystander – if you allow inappropriate behaviour to take place and do not challenge it, your inaction shows you are OK with such conduct. It is key that you take an active role in fostering a harmonious working environment, one where people can raise concerns, which are addressed promptly.

The workplace environment is your responsibility

Be proactive and intervene early

You are responsible for the work environment, responsible to make sure there is a harmonious work environment that fosters productivity, and where all staff are treated courteously and with dignity and respect. **As supervisors you are the ones closest to the teams, able to spot the problems and intervene to resolve them.**



Signs that there are problems you need to deal with:

- Atmosphere in the team is poor
- Performance is not good
- Absences, lateness
- Negativity from team members

To foster respectful and civil workplaces, it is generally good practice for you to intervene and address all situations of perceived or real misunderstandings, unease, upset, negative work environments, incivility, rudeness and other problem behaviours as early as possible. It does not have to amount to harassment for you to take action.

There is no need to await a formal complaint to act. On the contrary, early intervention is important to prevent such situations from escalating and to keep negativity and conflict from spreading in the office.

One situation supervisors need to be particularly alive to is the “abrasive individual,” who exhibits behaviour that can be jarring, curt and insensitive. This often is unintentional but nevertheless harmful and, if unaddressed, may lead to harassment complaints from affected staff. It is not acceptable to ignore such behaviour just because the person seems to be producing. Where abrasive behaviour is present and felt by others, for example as a dignity violation, stress or fear, it will sooner or later impact on the overall productivity of the team.

Moreover, a lack of intention does not protect the abrasive individual – and, by extension, their supervisors – from formal reports of prohibited conduct being found to be substantiated. The **subjective-objective test** may factor in the impact of the behaviour even where intent to harm is absent.

What can I do?

Often you will be aware that there is an issue, either between a few individuals or one affecting the whole team but there is no formal or even informal process in motion. Yet there is an imperative to act to resolve the situation. Here are a few possibilities to think about.

- 1 You can deliberately behave in ways that model the behaviour you want to see in your team, including how you want them to address concerns.
- 2 You can think about how you incentivize office behaviour you want to see more of, and how you disincentivize office behaviour you want to see less of.
- 3 You can talk to the individuals individually and/or collectively and seek to resolve the situation.

TIPS

How to do this effectively

- Spend time understanding the different perspectives
- Acknowledge these perspectives – make people feel heard
- Share perspectives focusing on impact of behaviour
- Focus on resolution
- Understand people's needs to explore how to address them
- Help them draw a line under the past to focus on a better future

See **tip sheet on preparing for difficult conversations** or speak to the Ombudsman and Mediation Services to help you prepare for these conversations.

When the situation is such that some individuals cannot work together, there are a number of interim measures that can be put in place:

- ✓ **Physical separation – can people be moved around to make things better?**
(think about how this will be received by those involved and take account of that)
- ✓ **Reassignment of some of those involved**
(this needs to be with the consent of the person being reassigned)
- ✓ **Instituting flexible work arrangements**
- ✓ **Granting unplanned annual leave or suggesting taking annual leave**
- ✓ **Consideration of special leave**
- ✓ **Temporary changes in reporting lines**

These measures are normally for the head of entity to put in place but as a supervisor you can raise these possibilities with your head of entity to help you manage the situation. In certain serious cases when allegations of harassment or other prohibited conduct have been formally reported, the head of entity will even consider placing an alleged offender on administrative leave in accordance with **ST/AI/2017/1** (although reassignment should be considered first as an alternative if possible).



NOTE that if the issue is solely that a staff member is unhappy with the fact that they are being performance managed, it would not be appropriate to change reporting lines as an interim measure unless the head of entity considers there are reasons to consider that performance management forms part of the conduct or pattern of conduct indicating that harassment/abuse of authority may have occurred. A supervisor addressing performance issues is not in itself harassment or abuse of authority (absent **specific inappropriate conduct**) and raising a harassment complaint against a supervisor just because they are managing performance issues is not appropriate).

Some of these measures may be worth considering even in the absence of any complaint to address the situation. They obviously require you to have good conversations with your team members about the options. You can use the **difficult conversation tip sheet** or speak to the Ombudsman and Mediation Services to help you prepare for these conversations.

Sometimes, a **team-building group activity** can address issues in the working environment before they turn into something more serious. The **Ombudsman and Mediation Services** may be able to help you organize or run such a meeting.

Dealing with an abrasive colleague

Some people's work styles can be felt by others to be jarring, curt and insensitive. You hear that other describe them as problematic, aggressive, difficult, undermining.



If you think someone's work style is problematic, you may want to consider one-on-one coaching for (and/or possibly with) the abrasive individual – this may be part of a specific coaching intervention which focuses on behavioural change (involving possibly anonymous feedback from team members) – speak to your Human Resources section/Executive Office to see if this can be set up.

You may also wish to ask yourself how you may be enabling the abrasive behaviour – by your actions or inactions.

You can yourself make a formal report to **OIOS** if you think the situation requires it, in particular if informal efforts to resolve it have not been successful or do not feel possible and yet the conduct is serious enough that you feel it may rise to the level of misconduct.

You have to submit to the responsible official a record regarding any managerial intervention taken if addressing instances of possible prohibited conduct (and **see here** on the difference between performance management, abrasive behaviour, other work related issues and prohibited conduct).

The fact that you are trying to intervene as a manager does not preclude the matter from being formally reported.

I have been approached by someone who has an issue

If approached by someone with an issue, you must be responsive. Inform them that they can obtain information from the conduct and discipline focal point. You can also mention the other sources of support available:

- confidential advice on their options from the Ombudsman and Mediation Services(OMS)
- the Staff Counsellor
- the "Speak Up" helpline

Provide them with a copy of **ST/SGB/2019/8** and refer them to this document. Keep a record of such communications.

You must provide assistance and/or information in a timely, sensitive and impartial manner to an affected individual. If you cannot perform this role for any reason, refer the affected individual to the Staff Counsellor.

Billy has complained to his supervisor that Paola is harassing him and expresses how distraught he is. The supervisor listens and informs Billy of who else he can talk to for more information on his options. She shows empathy for Billy in the face of his distress. It is not appropriate for the supervisor to express any support for his view or interpretation of the situation that Paola is harassing him. In this regard the supervisor takes no position at this point. Instead, she tells Billy: I am sorry to see you so upset and clearly you are very affected by this situation. It is not appropriate for her to say to Billy: it is very tough to deal with harassment.

Can I raise it with the person who seems to be the problem?

To address the matter promptly at the managerial level, you may, with the consent of the affected individual, bring the matter to the attention of the person whose conduct is raising issues and agree an approach to the issues raised.

TIPS

How to do this effectively

- Spend time understanding the different perspectives
- Acknowledge these perspectives – make people feel heard
- Share perspectives focusing on impact of behaviour
- Focus on resolution
- Understand people's needs to explore how to address them
- Help them draw a line under the past to focus on a better future

You may require staff members to undergo training and/or coaching to prevent any reoccurrence of the possible prohibited conduct. In particular consider one-on-one coaching for those whose work style you think may be causing difficulties – this may be part of a specific coaching intervention which focuses on behavioural change (involving possibly anonymous feedback from team members) – speak to HR / EO to see if this can be set up since costs may be involved.

What else can I do?

Think about facilitating a discussion between the individuals concerned about the conduct in question to foster mutual understanding and help resolve the issues. You could ask OMS whether they can help facilitate such a discussion (remember **OMS** has a number of ways in which it can intervene if people are willing to participate).

You may think of other approaches to address the issues raised such as a team intervention.

Having listened to Billy, the supervisor asks him if she would like him to speak to Paola. Billy agrees. The supervisor clarifies what Billy is comfortable for her to share with Paola, seeking specific examples that have caused the issue. She clarifies whether Billy is happy for her to share the impact this is having on him. Billy having agreed, the supervisor then raises the issues with Paola and all three agree to meet to discuss the issues.

After consulting with the head of entity (and the conduct and discipline focal points may be able to give you some ideas), think about the use of possible interim measures:

- ✓ **Physical separation – can people be moved around to make things better**
(think about how this will be received by those involved and take account of that)
- ✓ **Reassignment of some of those involved**
(this needs to be with the consent of the person being reassigned)
- ✓ **Instituting flexible work arrangements**
- ✓ **Granting unplanned annual leave or suggesting taking annual leave**
- ✓ **Consideration of special leave**
- ✓ **Temporary changes in reporting lines**

Remember you do not need a formal complaint in order to consider these measures. You just need to be sensitive and mindful that everyone understands that these are reasonable managerial actions without making anyone feel or look bad or “pre-judged”.

NOTE that if the issue is solely that a staff member is unhappy with the fact that they are being performance managed, it would not be appropriate to change reporting lines as an interim measure unless the head of entity considers there are reasons to consider that performance management forms part of the conduct or pattern of conduct indicating that harassment/abuse of authority may have occurred. A supervisor addressing performance issues is not in itself harassment or abuse of authority (absent **specific inappropriate conduct**) and raising a harassment complaint against a supervisor just because they are managing performance issues is not appropriate).



You have to submit to the responsible official a record regarding any managerial intervention taken if addressing instances of possible prohibited conduct (and **see here** on the difference between performance management, abrasive behaviour, other work related issues and prohibited conduct).

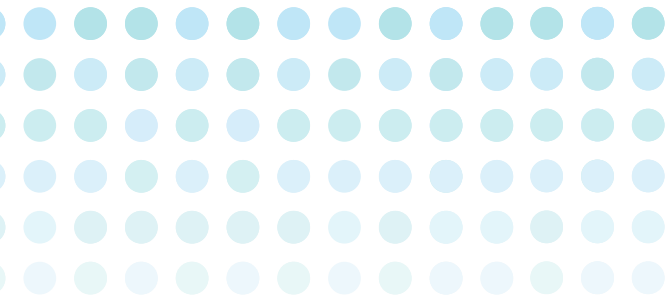
NOTE: managerial intervention does not preclude the matter from being formally reported.

The challenges around managing performance issues

Managing poor performance whilst keeping staff motivated is not easy. Sometimes, staff may end up describing their work environment as “hostile” because of the performance management process, with all the consequences that entails. Becoming skilled at giving communication and effective feedback in particular will help avoid such issues. Practical guidance on how to do this is available from the **OMS website**. Relevant training is also available through **inspira**.

Performance management is part of supervisors' roles and is not harassment (unless something else is happening which means it has become harassment).

If a performance management process is causing you difficulties as a manager, first consult with your Executive Office / Human Resources section. The issue may then later be discussed with HR Advisory Services in DOS for further advice: **dos-hr-advice@un.org**.



Getting help

Who can help?	17
If the alleged prohibited conduct may constitute a crime	18
Personal support through the processes	18
How the Ombudsman and Mediation Services can help	19
How the Staff Counsellor can help	20
What if the situation is impacting performance?	20
I am worried if I raise a concern, things will get worse	20
Workplace restoration and after care	21

Getting help

Who can help?

Dealing with conduct issues at work can be difficult (whether you are an affected individual or an alleged offender and whether you are directly or indirectly affected), but you are not alone.



Supervisors

Supervisors and other senior officials have specific duties to support staff through these situations and help foster work environments in which issues can be raised, discussed and addressed.

Conduct and Discipline Focal Points

Conduct and discipline focal points provide information to affected individuals about the options available to address possible prohibited conduct. They serve as a contact point for both the affected individual and the alleged offender throughout the handling of formal reports of possible prohibited conduct to provide information on the process and relevant timeframes. They have been identified to take on this role and have support available to them to answer questions in a short timeframe.

There is also support from:

The Ombudsman and Mediation Services

The **Ombudsman and Mediation Services** is a designated informal conflict resolution resource, which offers opportunities for an individual to: (1) discuss a problem confidentially outside formal United Nations channels; (2) explore alternatives for resolving a problem and learn what resources are in the system; (3) increase the individual's ability and confidence to deal with conflict; (4) receive coaching and guidance on how to present an issue or concern through another internal mechanism.

Staff Counsellor

The **Staff Counsellor** provides psychosocial support to the staff members, at any time, regardless of whether there is any informal or formal process ongoing.

Workplace related injuries

Conduct and discipline focal points, the Executive Office and Human Resources section are good points of contact for information on possible compensation for workplace related injuries. See **Appendix D of the Staff Rules** on the rules governing compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the United Nations.

Managers dealing with performance management issues should seek advice from their Human Resources section/Executive Office. Should staff in Human Resources/Executive Office require support they should contact HR Advisory Services in DOS (dos-hr-advice@un.org).

You don't have to pick one source of support to the exclusion of others. It is common for staff to be speaking to their supervisors, and to contact both the Staff Counsellor for emotional support and the Ombudsman and Mediation Services for help.

Issues can always be reported anonymously through the **OIOS hotline** for reporting possible misconduct.

Other sources of support are:

- Anonymous and confidential advice about possible sexual harassment may also be obtained from the "Speak Up" helpline. The helpline can be reached at +1-917-367-8910 or, from peacekeeping missions, at 1212-78910. When dialing internationally from UN duty stations in Addis Ababa, Bangkok, Beirut, Geneva, New York, Nairobi, Santiago and Vienna, the extension is 78910. The helpline can also be reached at speakup@un.org.
- The Office of Staff Legal Assistance (**OSLA**) is there to offer staff members legal support.
- Staff Representative bodies

If the alleged prohibited conduct may constitute a crime

Conduct and discipline focal points, DSS and OIOS as appropriate are good points of contact if the alleged prohibited conduct may constitute a crime.

Personal support through the processes

Remember also if you are involved a formal or informal process, you can nominate for the purposes of providing support:

- 1 one or two staff members** who confirm in writing their willingness and availability to undertake such role, are not or not likely to be a witness about the alleged behaviour if the matter is investigated, and are not otherwise possibly subject to a conflict of interest; or
- 2 a non-staff personnel** provided such non-staff personnel is willing and available to undertake such role, has signed a confidentiality agreement with the Organization, is not or will not be a witness about the alleged behaviour if the matter is investigated, is not otherwise possibly subject to a conflict of interest, and is otherwise reasonably acceptable to the head of entity where the conduct is alleged to have occurred.

Support may include emotional support but may not extend to legal representation or legal advocacy. One nominated support person, who is a staff member, may accompany an affected individual to investigative interview(s) undertaken during the handling of a formal report of prohibited conduct.



How the Ombudsman and Mediation Services can help

Affected individuals are encouraged to discuss their situation with Ombudsman and Mediation Services (OMS) for **confidential** support and information about aspects of the process. The services of OMS include discussing options and referrals according to the wishes of the affected individuals. Nothing is triggered automatically by contacting the office and the service is entirely voluntary for all those involved. The contact itself is also confidential. This way, affected individuals contacting OMS remain in control of any decisions they may wish to make following such a contact to discuss options.



**United Nations
OMBUDSMAN
and Mediation Services**

Ombudsmen and mediators can be a key resource to assist staff members who are seeking guidance as to where to take their concerns and how to take their concerns forward, or are weighing the implications of raising their concerns. Informal resolution services are available before, during, or in place of a formal complaint, while providing an avenue for resolution with opportunities to transform potentially volatile situations into ones of mutual understanding.

What the Ombudsman can do

As a designated informal conflict resolution resource, the Ombudsman offers opportunities for an individual to: (1) discuss a problem off-the-record and confidentially outside formal United Nations channels; (2) explore alternatives for resolving a problem and learn what resources are in the system; (3) increase the individual's ability and confidence to deal with conflict; (4) receive coaching and guidance on how to present an issue or concern through another internal mechanism.

Guiding Principles

The guiding principles of Ombudsmen are independence, neutrality, impartiality, confidentiality and informality: an ombudsman or mediator is a designated, independent neutral person who will not take sides in a conflict; she or he cannot impose a solution nor make a managerial decision; the outcome of the process is entirely controlled by the parties in the matter at issue; all communications in the process are confidential and cannot be disclosed without permission (confidentiality privilege).

Apart from dispute resolution services, Ombudsmen may also promote conflict competence and make recommendations for improvements to the work environment based on observations of systemic issues and trends.

An Ombudsman can handle a wide range of work-related issues – it does not have to be related to issues of discrimination, abuse of authority or harassment. An Ombudsman can handle disputes relating to contract renewal, fair treatment, staff selection, benefits and entitlements, interpersonal issues or other situations in which staff members feel that they have been mistreated.

More is explained below in the **Informal resolution section** about the services provided by the Ombudsman.

For assistance from the Ombudsman

UN Secretariat staff members should contact the **Ombudsman and Mediation Services (OMS)** in person or by email (unoms@un.org) or by telephone (+1 917 367 5731). In addition to Headquarters in New York, there are regional branches in Bangkok, Entebbe, Geneva, Goma, Nairobi, Santiago, and Vienna. See **UNOMS website**.

How the Staff Counsellor can help

Staff members can contact the Staff Counsellor for support. Any discussion with Staff Counsellors is strictly confidential. Documentation and other information may not be shared with any other office without the consent of the person seeking their support.

Staff Counsellors are mental health professionals who may provide psycho-social support and discuss tools to address the emotional impact that the situation has on the affected individual. They can also provide guidance on potential referral to external mental health resources if needed. They are there to support those who need help at any stage of the process including through the formal process if required.

Psycho-social support for affected individuals and alleged offenders is available in person, by telephone or through other electronic means, depending on available resources and the location of the affected individual.



What if the situation is impacting performance?

Heads of entity have certain powers and obligations if an individual's performance or conduct has been impacted by possible prohibited conduct. They should consider offering support to appropriately address the issue (without prejudice to the formal performance review system).

Support may take the form of a new work plan, providing special leave or other flexible working arrangements.

Obviously due regard to confidentiality must be given when communicating such accommodations.

Anurak has alleged that over the past year, his supervisor has removed key functions from his role so that he is now effectively demoted, claiming it is abuse of authority. The supervisor claims Anurak is simply underperforming and there is no abuse of authority. As this is being considered, the head of entity explores the option of giving Anurak a specific valuable project for a limited period under the supervision of someone else. Team members are told that Anurak will be focusing on this new project for the next couple of months (but not the fact that this is related to his complaint).

NOTE these support measures are only relevant where performance is being impacted by possible prohibited conduct. In a normal performance management process, these support measures will not be relevant. In particular it will not be appropriate to change reporting lines as an interim support measure in the context of management of performance (unless the performance management forms part of a conduct or pattern of conduct indicating harassment/abuse of authority). A supervisor addressing performance issues is not engaging in harassment or abuse of authority (absent specific inappropriate conduct) and raising a harassment complaint against a supervisor just because they are managing performance issues is not appropriate.



I am worried if I raise a concern, things will get worse

We understand this concern but there are a number of ways in which we make sure it is safe to raise a concern. In particular, after the head of entity receives notice in writing that a person may be a target of prohibited conduct, the head of entity must consider whether interim

measures should be taken to foster a respectful and civil workplace, prevent the occurrence or repetition of possible harassment or other prohibited conduct, protect the integrity of any investigation, address the risks of possible retaliation or whether such measures would otherwise be in the interests of the Organization or work unit.

Such measures may include:

- ✓ Physical separation of the alleged offender and the affected individual
- ✓ Reassignment of either the alleged offender or the affected individual with the consent of the alleged offender or the affected individual
- ✓ Instituting flexible work arrangements for either the alleged offender or the affected individual
- ✓ Granting unplanned annual leave or suggesting either the alleged offender or the affected individual take annual leave
- ✓ Consideration of special leave for either the alleged offender or the affected individual
- ✓ Temporary changes in reporting lines

If there is a formal complaint, heads of entity will also consider whether to place the alleged offender on administrative leave in accordance with **ST/AI/2017/1**.

If the head of entity becomes aware of an allegation of prohibited conduct involving attempted or actual assault including sexual assault, appropriate **precautionary measures** shall be taken, **without delay**, to address the safety and security concerns of the affected individual, including instituting flexible work arrangements or other means to achieve the physical separation of the affected individual and the alleged offender.

Heads of entities must also monitor situations when they are aware that someone is availing themselves of a formal or informal process, is exercising their rights as a staff member (including acting as a staff representative or challenging a decision through a request for management evaluation) or is appearing as a witness before the UN Dispute Tribunal or Appeals Tribunal).

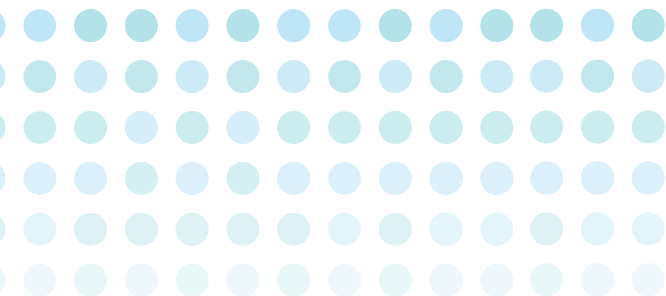
Workplace restoration and after care

Whether the results of an investigation pointed to possible misconduct or not, there may be a need to repair or restore working relationships in the work unit concerned. The head of entity may wish to consult with the Ombudsman and Mediation Services or the Staff Counsellor for possible interventions.



These can focus on:

- post-investigation or post-disciplinary process interventions
- rebuilding trust between individuals
- team interventions and coaching towards change



Resolving issues informally through the Ombudsman and Mediation Services

What are the benefits of informal resolution?	23
Guiding Principles	24
How can the OMS help?	24
Mediation	25
Workplace restoration and after care	25
Contacting the Ombudsman	25

Resolving issues informally

through the Ombudsman and Mediation Services (OMS)

Sometimes tackling tricky work situations informally just feels too difficult without some expert help. This is where OMS may be able to assist. Difficult workplace situations can often be addressed in an informal manner with the help of OMS. This is true for a wide range of work-related issues: interpersonal issues, situations in which staff members feel that they have been mistreated, disputes relating to contract renewal, fair treatment, staff selection, benefits and entitlements. Apart from intervening in specific disputes, Ombudsmen may also promote conflict competence and make recommendations for improvements to the work environment based on observations of systemic issues and trends.

1 The process is flexible, voluntary and confidential.

2 All services are tailored to the specific circumstances of the case.

3 Nothing is done without agreement.

If the informal process does not resolve the matter, the formal process can still be pursued.

What are the benefits of informal resolution?

An informal approach offers the opportunity for **non-threatening and non-contentious resolution**. The Ombudsman and Mediation Services can assist, while the parties retain ownership of the process. Informal resolution, which could include mediation, is a **flexible** process, where the needs and interests underlying disputes can surface. The mandate of the Ombudsman and Mediation Services guarantees **confidentiality**, which allows for candour and honest dialogue.

Informal resolution may also help to contain the conflict to the parties directly involved. It normally requires a **lesser investment** of staff time and organizational resources, and, if successful, **minimizes the risk of adversarial or charged working relationships affecting the productivity of an office or work unit**.

Samir and Francis have worked in the same unit for a number of years and, in the past, had a collegial relationship. However, following a major disagreement over a task they were assigned to handle jointly, the two had a significant falling out. Nothing much was done so the situation degenerated to the point that Samir and Francis avoided speaking to each other, which had a real negative impact on their unit's work output.

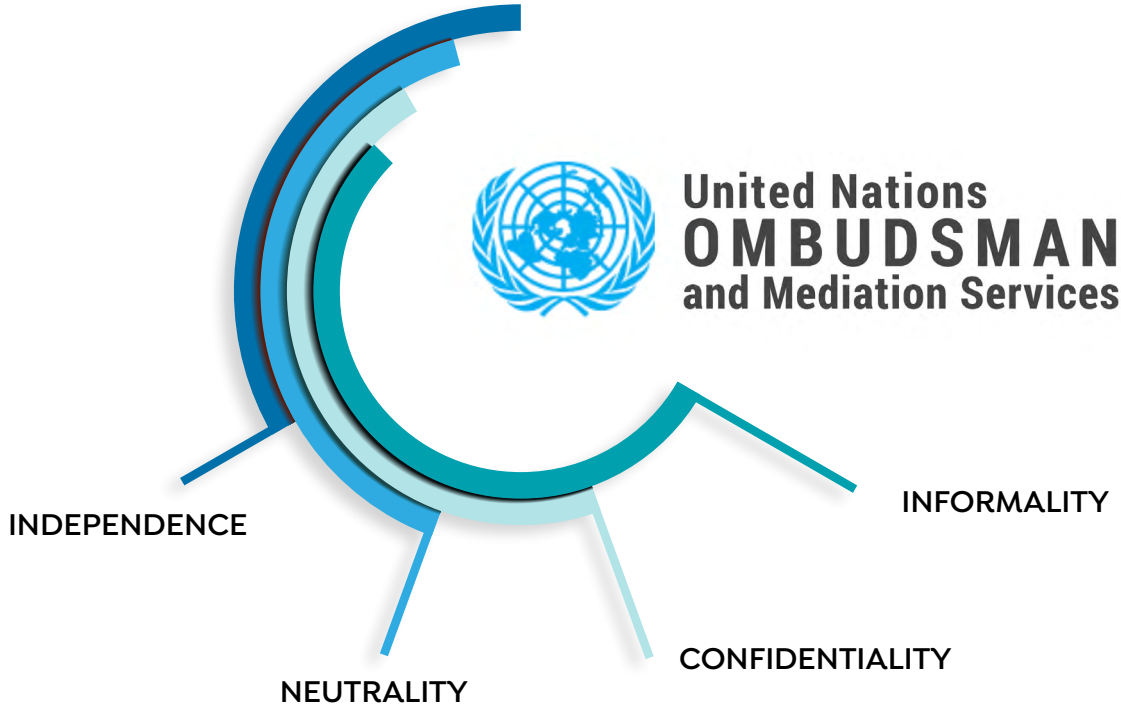
Some time later, Francis began to make disparaging references to Samir in front of colleagues, including using inappropriate language when referring to Samir. Following this, Samir filed a formal complaint against Francis. At the same time he contacted OMS and decided to look into whether mediation may help. Francis agreed to take part and OMS spoke to both of them separately, followed by a joint meeting. With the help of OMS steering the conversation and ensuring it always felt safe, both shared their perspectives, explained the impact the situation was having on them and in that way gained a bit of understanding and empathy for each other. They agreed on new ways of communicating and working together and are slowly repairing their relationship.

Formal resolution, including an investigation, can be extremely stressful for all concerned, including those directly affected and others who are involved in the process. This can potentially cause further damage to the work environment and morale.

It is also important to note that pursuing the formal route does not necessarily solve the problem. An investigation, once completed, rarely would offer any easy or quick solutions to the underlying issues that led to the complaint.

Guiding Principles

The guiding Ombudsman principles are independence, neutrality or impartiality, confidentiality and informality. An ombudsman or mediator is a designated, independent neutral person who will not take sides in a conflict; she or he cannot impose a solution nor make a managerial decision; the outcome of the process is entirely controlled by the parties in the dispute; all communications in the process are confidential and cannot be disclosed without permission.



How can the OMS help?

Services provided by the Ombudsman may include:

- facilitation of conversations
- options generation for problem-solving
- shuttle diplomacy
- mediation
- conflict coaching

As a designated informal conflict resolution resource, the Ombudsman offers opportunities for an individual to: (1) discuss a problem off-the-record and confidentially outside formal United Nations channels; (2) explore alternatives for resolving a problem and learn what resources are in the system; (3) increase the individual's ability and confidence to deal with conflict; (4) receive coaching and guidance on how to present an issue or concern through another internal mechanism.

These solutions are offered either in-person whenever possible and remotely when in-person intervention is not possible.

All services of OMS are tailored to the specific circumstances of the case and premised on people being willing to participate. Nothing is done without agreement.

An unsuccessful attempt to resolve the matter informally does not preclude it from being formally reported.

Supervisors should encourage the use of informal resolution wherever appropriate.

Mediation

Mediation is a voluntary process. Gaining agreement from both parties to participate in the mediation process is vital, as mediation cannot take place if one party declines to take part. By bringing parties together in a strictly confidential setting, a mediator facilitates a meaningful dialogue, allowing each party to feel that they have been heard and helping to uncover their underlying needs and interests, thus heightening the potential for an amicable resolution. The process also helps to repair working relationships and, in doing so, develops a long-lasting harmonious work environment. The UN Dispute Tribunal may refer cases for mediation.



If the assistance of the Ombudsman does not lead to a solution, and other informal attempts to resolve the dispute have failed, the staff member may wish to move forward with bringing their grievance to the formal process.

Workplace restoration and after care

Whether the results of the investigation pointed to possible misconduct or not, there may be a need to repair or restore working relationships in the work unit concerned. The responsible official may wish to consult with the Ombudsman and Mediation Services or the Staff Counsellor for possible interventions.

These can focus on:

- post-investigation or post-disciplinary process interventions
- rebuilding trust between individuals
- team interventions and coaching towards change

Contacting the Ombudsman

UN Secretariat staff members should contact the Ombudsman and Mediation Services (OMS) in person or by email (unoms@un.org) or by telephone (+1 917 367 5731). In addition to Headquarters in New York, there are regional branches in Bangkok, Entebbe, Geneva, Goma, Nairobi, Santiago, and Vienna. See **UNOMS website**.

An unsuccessful attempt to resolve the matter informally does not preclude it from being formally reported.



Heads of entities and their responsibilities

Prevention and responsiveness	27
Broad and ongoing monitoring obligations	28
Putting things in place to address immediate concerns (pre-investigation)	28
Administrative leave	29
Impact on performance and supportive measures	30
Monitoring a specific situation	30
Possible retaliation	31
Post-investigation review	31

Heads of entities

and their responsibilities

Head of entity means:

- the head of a department or an office, including an office away from Headquarters
- the head of a special political or peacekeeping mission
- the head of a regional commission
- a resident or regional coordinator; or
- the head of any other unit tasked with programmed activities to whom the Secretary-General has delegated functions directly.

Prevention and responsiveness

Heads of entities have a number of specific responsibilities under the Bulletin addressing prohibited conduct (**ST/SGB/2019/8**). A key one is to help foster a respectful and civil workplace, by acting as a role model and taking action aimed at preventing the occurrence of harassment and other prohibited conduct. This requires their active engagement in a number of key respects.

They must endeavour to create an atmosphere in which personnel in their entities may express their concerns about inappropriate or unwelcome conduct, including by maintaining **open dialogues** and an open-door policy within their entities. They must **encourage staff to use the informal and formal process** to address problematic behaviours.

To prevent problems from arising, they must:



Monitor their entities for conduct that may be in violation of the Bulletin.



Communicate the terms of the policy and applicable procedures in the Bulletin to their entities on an **annual basis** through a dedicated in-person staff meeting.



Exercise due diligence by **screening job candidates** using the ClearCheck¹ database and other relevant internal databases during recruitment processes.



Periodically engage providers of **trainings** on fostering a respectful and civil workplace and addressing prohibited conduct and its prevention for certain staff.

¹ ClearCheck is a centralized job candidate screening application that captures information on sexual harassment offenders / alleged offenders from Chief Executive Board entities.

Some obligations are about **responding to issues**:

- They must **address conduct** coming to their attention that may be in violation of the policy and **respond promptly to complaints**, take them seriously and ensure that the necessary actions for which they are responsible are taken.
- Where a head of entity is made aware that one or more staff members from their entity have or are availing themselves of a formal or informal process under this policy or addressing their rights as a staff member, including acting as a staff representative, or challenging a decision through a request for management evaluation, appearing as a witness before the UN Dispute and Appeals Tribunals, the head of entity must **monitor** the situation to ensure no misconduct or prohibited conduct or other adverse action is directed against such staff member as a direct result of these actions and **address** any such possible misconduct, prohibited conduct or other alleged adverse action (including through a possible disciplinary process).

Theresa filed a management evaluation request and raised with her supervisor her concern that the team was marginalizing her (not inviting her to meetings, turning their screens away from her, withholding key information from her). Since then she heard that a supervisor who was thinking of hiring her was told that she had made a fuss and he would be well advised not to bring her into his team. This is brought to the attention of the head of entity who must look into her concerns and seek to mitigate them and to curb any inappropriate behaviour of Theresa's colleagues.

Broad and ongoing monitoring obligations

Monitoring is an essential part of implementation of the policy contained in the Bulletin for heads of entity – whether or not specific complaints have been raised or there have been any investigations. It should be undertaken on an ongoing basis with yearly analysis of findings.

It can include:

- analysing data collected through formal and informal mechanisms (including the regular staff engagement survey)
- undertaking dedicated staff assessments or through questions on harassment within existing staff surveys
- conducting exit interviews
- monitoring staff absenteeism

The purpose of this monitoring is to foster a respectful and civil workplace and to consider the overall impact and efficacy of the policy, including the reporting procedures, the implementation of the policy in the entity concerned the support provided to those involved and the procedural safeguards.

Putting things in place to address immediate concerns (pre-investigation)

After the head of entity receives notice in writing that a person may be a target of prohibited conduct, the head of entity must consider whether interim measures should be taken to **protect the integrity of any investigation, prevent the occurrence or repetition of possible prohibited conduct, address risks of possible retaliation or whether such measures would otherwise be in the interests of the Organization or work unit.**

Such measures may include:

- ✓ Physical separation of the alleged offender and the affected individual;
- ✓ Reassignment of either the alleged offender or the affected individual with the consent of the alleged offender or the affected individual;
- ✓ Instituting flexible work arrangements for either the alleged offender or the affected individual;
- ✓ Granting unplanned annual leave or suggesting either the alleged offender or the affected individual take annual leave;
- ✓ Consideration of special leave for either the alleged offender or the affected individual;
- ✓ Temporary changes in reporting lines.

If there has been a formal complaint the head of entity will also consider whether to place the alleged offender on administrative leave in accordance with **ST/AI/2017/1**.



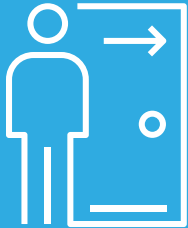
If the head of entity becomes aware of an allegation of prohibited conduct involving attempted or actual assault, including sexual assault, appropriate precautionary measures must be taken, without delay, to address the safety and security concerns of the affected individual.

This includes instituting flexible work arrangements or other means to achieve the physical separation of the affected individual and the alleged offender.

Administrative leave

In the context of an investigation or during the disciplinary process, it may be necessary to consider whether the alleged offender should be placed on administrative leave.

The decision to place a staff member on administrative leave can only be made if at least one of the following circumstances is met:



→ the staff member's continued presence at the office could have a negative impact on the preservation of a harmonious work environment

→ there is a risk of repetition or continuation of the unsatisfactory conduct

→ the staff member is unable to continue effectively performing the staff member's functions, given the nature of those functions

→ continued service by the staff member would create a risk that the staff member could destroy, conceal or otherwise tamper with potential evidence, or interfere in any way with the investigation or disciplinary process including by retaliating against individuals protected under ST/SGB/2017/2 (protection against retaliation) or intimidating a witness

→ the continued presence of the staff member on the Organization's premises or at the duty station could constitute a security or financial risk to the Organization and/or its personnel, or could otherwise prejudice the interests or reputation of the Organization.

Impact on performance and supportive measures

Heads of entities must also **consider whether an individual's performance or conduct has been impacted by possible harassment or other prohibited conduct** and if so consider offering support to appropriately address the issue (without prejudice to the formal performance management system). Support may take the form of a new work plan, authorizing special leave or other flexible working arrangements. Obviously due regard to confidentiality must be given when communicating such accommodations.

Anurak has alleged that over the past year, his supervisor has removed key functions from his role so that he is now effectively demoted, claiming it is abuse of authority. The supervisor claims Anurak is simply underperforming and there is no abuse of authority. The head of entity, after carefully reviewing the situation and speaking with Anurak's supervisor and Anurak's second reporting officer, feels that the supervisor might be engaging in inappropriate conduct and this may have impacted on Anurak's performance. They therefore explore the option of giving Anurak a specific valuable project for a limited period under the supervision of someone else. Team members are told that Anurak will be focusing on this new project for the next couple of months (but not the fact that this is related to his complaint).

NOTE these support measures are only relevant where the performance is being impacted by possible prohibited conduct. In a normal performance management process, these support measures will not be relevant. A supervisor addressing performance issues is not engaging in harassment or abuse of authority (absent specific inappropriate conduct – [see here](#)) and raising a harassment complaint against a supervisor just because they are managing performance issues is not appropriate.



Monitoring a specific situation

Once a head of entity initiates an investigation or notice of an investigation has been provided to the head of entity concerned and/or ASG/OHR, as appropriate, the head of entity shall take appropriate measures to **monitor the status of the affected individual, the alleged offender and the work unit(s) concerned** until such time as the investigation report has been submitted and any subsequent action has been completed.

This shall ensure that all parties comply with their duty to cooperate with the investigation and that no party is subject to retaliation or any other prohibited conduct as a result of the complaint or the investigation.

Ivan has complained of bullying by one of his colleagues. An investigation is ongoing. The head of entity arranges for the conduct and discipline focal point to meet with Ivan, the alleged offender (Patrick) and the team's supervisor weekly to check that all is well during the investigation, and to report back on any issues.

More generally heads of entities must monitor situations when they become aware that one or more staff members have availed themselves of a formal or informal process, or when staff members have exercised their rights as a staff member (including acting as a staff representative or challenging a decision through a request for management evaluation) or have been or will be witnesses before the UN Dispute Tribunal / UN Appeals Tribunal.

Millie has been asked to provide evidence in a UN Dispute Tribunal case brought by a colleague challenging his non-renewal. She is nervous about this and fears retaliation. She brings this to the attention of the head of entity so that they (through the conduct and discipline focal point) actively monitor the situation.

Possible retaliation



UN Ethics Office
Listen - Advise - Respect

If the head of entity suspects that retaliation has occurred, the Ethics Office must be promptly notified and the matter will be handled in accordance with the provisions of **ST/SGB/2017/2/Rev.1**. The Office of Human Resources may request information from the head(s) of entity, as necessary.

The conduct and discipline focal point reports back that someone in the team (Donald) is showing signs of stress recently. He has been off sick on and off, is snapping at everyone at work and his performance has significantly dipped. The head of entity discovers Donald has recently given evidence in the investigation in support of Ivan. He arranges for someone to speak to Donald and discovers that Donald is apparently now being excluded from the team. The head of entity decides to contact the Ethics Office and the Ombudsman and Mediation Services.

This monitoring should continue for at least one year after an investigation has been completed and a decision taken on the outcome, including reviews at regular intervals (at least every three months) to ensure no party is subjected to retaliation or any other prohibited conduct.

Post-investigation review

The heads of entities must make sure, through their conduct and discipline focal points, that they:

- **monitor** for at least one year the status of the affected individual, the offender and the work unit(s) concerned at regular intervals, at least every three months, in order to ensure that no party is subjected to retaliation or any other prohibited conduct as a consequence of the investigation, its findings or the outcome. If retaliation is suspected, they should contact the Ethics Office immediately.
- ensure that due consideration is given to any **special requirements** of the affected individual as a result of the prohibited conduct (taking account for instance the impact on their performance, considering if reassignment is required).
- ensure that the administrative or disciplinary measures taken at the conclusion of any investigation / disciplinary process have been duly **implemented**.

The role of

Conduct and discipline focal points

A conduct and discipline focal point is a staff member designated by a head of entity to provide information and support on conduct and discipline related matters (including ones relating to discrimination, harassment, including sexual harassment and abuse of authority).

They are a contact point for both the affected individual and the alleged offender throughout the handling of formal reports of possible prohibited conduct and provide information on the process and relevant timeframes.

In missions, the Conduct and Discipline Teams will be undertaking the role of conduct and discipline focal points. Elsewhere, if you don't know who the conduct and discipline focal point is, contact the head of office/department with a copy to the Chief of Human Resources or the Executive Officer and they will let you know.

Keeping parties informed – the obligations of conduct and discipline focal points

As the matter is ongoing (provided it is not being investigated by OIOS but under the authority of the head of entity), they must keep the affected individual and the alleged offender informed of the status of the matter **every two months**.

This means they must tell them about:

- the preliminary assessment of the report by the responsible official
- whether the matter is being investigated or not
- the status of the investigation
- subsequent action

If the affected individual or the alleged offender raise a specific query relating to the handling of a formal report of possible prohibited misconduct with them, conduct and discipline focal points must respond normally within two weeks and in any event without any undue delay.

Post-investigation review obligations

Conduct and discipline focal points have specific obligations to keep a situation under review following the outcome of an investigation (see section on what happens after an investigation).

The heads of entity must make sure, through conduct and discipline focal points, that they:

- **monitor** for at least one year the status of the affected individual, the offender and the work unit(s) concerned at regular intervals, at least every three months, in order to ensure that no party is subjected to retaliation or any other prohibited conduct as a consequence of the investigation, its findings or the outcome. If retaliation is suspected, they should contact the Ethics Office immediately.
- ensure that due consideration is given to any **special requirements** by the affected individual as a result of the prohibited conduct (taking account for instance the impact on their performance, considering if required reassignment).
- ensure that the administrative or disciplinary measures taken at the conclusion of any investigation / disciplinary process have been duly **implemented**.

The role of OIOS

OIOS is the Office of Internal Oversight Services. OIOS assess all formal reports of possible prohibited conduct for possible action. OIOS may investigate the report or may choose to refer a report of possible prohibited conduct to a **responsible official** for action. If the complaint is investigated by a lay panel under the authority of the responsible official, OIOS will have trained the members of the panel (along with OHR). OIOS has some specific information obligations detailed below in the **Rights to stay informed section**.

OIOS provides a **hotline for reporting possible misconduct**, including possible prohibited conduct, by a staff member. Any person reporting such possible prohibited conduct may remain anonymous. The relevant contact details can be found on the **OIOS website**.



OFFICE OF INTERNAL OVERSIGHT SERVICES

The role of the Ethics Office

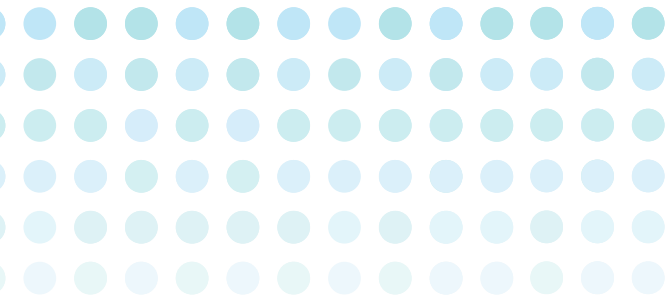
The Ethics Office administers the Organization's policy on protection against retaliation (**ST/SGB/2017/2/Rev.1**). The policy covers staff members who have reported misconduct or cooperated with duly authorized audits or investigations, and who subsequently experience retaliation.



The role of the Ethics Office is to:

- Receive and conduct preliminary reviews of retaliation complaints
- Refer prima facie cases of retaliation to OIOS for investigation
- Refer the staff member to the Ombudsman or other informal mechanisms for conflict resolution as appropriate
- Issue interim protection measure recommendations for referred investigation cases
- Issue final protection measure recommendations for cases where it considers retaliation has occurred post-investigation

If you consider you have been subject to retaliation as a result of reporting misconduct or cooperating with a duly authorized audit or investigation, contact the Ethics Office. More information can be found on un.org/ethics.



Understanding what is prohibited conduct

What amounts to prohibited conduct?	35
The difference between performance management, abrasive behaviour, and other work-related issues and prohibited conduct	35
What is discrimination?	37
What is abuse of authority?	37
What is harassment?	37
What is sexual harassment?	39
Who decides? A subjective and objective test	40


Understanding what is prohibited conduct

Discrimination, abuse of authority, harassment (including sexual harassment)

The UN is clear: all staff members must be treated with dignity and respect and this obviously includes maintaining a workplace free of any form of discrimination, harassment, including sexual harassment, and abuse of authority.

What amounts to prohibited conduct?

Prohibited conduct is the collective term for discrimination, harassment (including sexual harassment) and abuse of authority. Disagreement on work performance or on other work-related issues is normally not considered prohibited conduct – it will be dealt with in the context of performance management.

 <p>It can be a pattern of conduct or a single event</p>	 <p>Any gender can complain of prohibited conduct</p>
 <p>An act can be more than one type of prohibited conduct</p>	 <p>Prohibited conduct has an impact on the workplace*</p>

*whether it be actually in the workplace, in the course of official travel or on official mission, or even in a social setting.

The difference between performance management, abrasive behaviour, other work-related issues and prohibited conduct

Performance management is part of the normal work cycle. It is about promoting optimal performance and addressing areas which require improvement. Guidance on how to promote optimal performance is available through the **HR handbook**.



Managing performance issues or other work-related issues (e.g. decisions on distribution of functions or restructuring of a unit; decisions on leave or training opportunities) can lead to conflict. Such matters are normally not considered prohibited conduct and should be dealt with in the context of performance management or other management processes (e.g. prior consultations between staff members and managers about proposed restructuring and/or changes to functions). **The mere fact that a supervisor's actions, such as a performance appraisal or non-renewal of appointment, are not favourable to a staff member, will not normally, on its own, be regarded as prohibited conduct.**

But if there are other supporting elements to suggest prohibited conduct (examples: comments made in the context of performance management meetings which indicate a bias against the staff member's gender, race, nationality / the staff member is being performance managed when others, with similar or worse performance, are not), then it can form the basis of a complaint.

Likewise, allegations of disrespectful behaviour, rude emails or derogatory comments may, in some cases, reflect poor communication skills and insensitivity rather than amount to prohibited conduct. However, such conduct in the context of work performance or work-related issues may, in some cases, amount to harassment.

In considering whether a situation amounts to prohibited conduct, it is always worth reflecting first on the different perspectives people will have of the situation. Ask yourself:

- 1 What are the facts and what do I really know, as opposed to: what I think I know is in the other person's mind?
- 2 What part did I play in the current situation? Am I doing anything that may, (un)intentionally, undermine the other staff member?
- 3 If I were in their shoes, how would I be seeing things?

Certain incidents, when viewed as isolated events, could be regarded as purely work-related issues. However, a series of such incidents, taken together, may be prohibited conduct.

Pedro complained that he had been harassed by his supervisor, Maria: Maria stopped him from attending training he had previously attended; she had taken certain work away from him, she was not keeping him informed of matters pertaining to the Section, whereas she kept other members of the team informed; and she bypassed him and gave instructions to his supervisees directly. Taken together, these actions could possibly amount to harassment / abuse of authority.

Johnson called Ana, who reports to him and has worked in her current role for 20 years, into his office. He said: "I have decided you and I need a change. As of Monday, you will report to Maria-Theresa in another office. This move was approved by the Head of Department". Ana complained that she felt treated like she was completely disposable, and with no regard to her years of loyal service. Although it is understandable that Ana felt humiliated by the situation, abuse of authority does not cover every impolite or awkward interaction and it may be appropriate not to investigate the conduct alleged to be abuse of authority or harassment.

NOTE: an administrative decision may, of course, be subject to formal challenge by an affected staff member, initially by a request for management evaluation. For more information on challenging administrative decisions, you can contact OSLA and also refer to the **Office of Administration of Justice website** which includes toolkits for self-represented litigants and a wealth of other information. These kinds of disputes may also be suitable for informal resolution (see sections on **Getting help** and **Resolving issues informally through the Ombudsman and Mediation Services**).



What is discrimination?

The definition of discrimination is:

"Any unfair treatment or arbitrary distinction based on a person's race, sex, gender, sexual orientation, gender identity, gender expression, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin or other similar shared characteristic or trait.

Discrimination may be an isolated event affecting one person or a group of persons similarly situated, or it may manifest itself through harassment or abuse of authority."



An example of discrimination would be the refusal to hire someone because of their sexual orientation or religion.

What is abuse of authority?

Abuse of authority is defined as:

"The improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses his or her influence, power or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation, working conditions or promotion. Abuse of authority may also include conduct that creates a hostile or offensive work environment which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion. Discrimination and harassment, including sexual harassment, are particularly serious when accompanied by abuse of authority."



An example of abuse of authority would be terminating an appointment on account of personal dislike for the staff member.

As the definition explains, cases in which there is a direct impact on career prospects (employment conditions such as pay, hours, contract renewal, performance evaluation and promotion) will be particularly serious.

Abuse of authority also covers conduct where the career impact is not necessarily as obvious, for example, where the work environment becomes hostile or offensive (e.g. intimidation, threats, coercion, blackmail).



An example of that may be a supervisor who repeatedly instructs a staff member to get lunch for her or do some other personal task, otherwise they will not be allowed to take the leave they requested.

What is harassment?

Harassment is defined as:

Any unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person, when such conduct interferes with work or creates an intimidating, hostile or offensive work environment.

- Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another.
- Harassment may be directed at one or more persons based on a shared characteristic or trait as set out in the discrimination definition.
- Harassment normally implies a series of incidents.
- The behaviour can be varied rather than be the same behaviour always repeated.



Examples of harassing behaviours:



A staff member regularly shouting and insulting colleagues or using humiliating language ("you're useless, why can't they give me someone competent, can't you get it right").



Nicknames, insults or negative stereotyping directed at an individual or group (examples: fairies, don't be so gay, typical pushy woman, dressed like that you're going to blow up the World Trade Centre, men kissing in public is disgusting, it's not natural to be gay or trans).



Improperly removing duties, giving unreasonable deadlines repeatedly, unreasonably and publicly berating work so as to humiliate the person in public, giving duties not suitable for the role (e.g. asking someone to limit their involvement to menial tasks, when they were hired to draft policy documents).



Making derogatory or demeaning comments about someone's sexual orientation or gender identity (for example making a comment that men kissing in public is disgusting or that it's not natural to be trans).



What is sexual harassment?

Sexual harassment is defined as:

Any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation, when such conduct interferes with work or is made a condition of employment or creates an intimidating, hostile or offensive work environment.



- Sexual harassment may occur in the workplace or in connection with work, including during official travel or social functions related to work.
- While typically involving a pattern of conduct, sexual harassment may take the form of a single incident.
- In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered.
- Sexual harassment is the manifestation of a culture of discrimination and privilege based on unequal gender relations and other power dynamics.
- Sexual harassment may involve any conduct of a verbal, nonverbal, or physical nature, including written and electronic communications.
- Sexual harassment may occur between persons of the same or different genders, and individuals of any gender can be either the affected individuals or the alleged offenders.
- Sexual harassment may be perpetrated by any colleague, including a supervisor, a peer, or a subordinate. An offender's status as a supervisor or a senior official may be treated as an aggravating circumstance.
- Sexual harassment is prohibited by staff rule 1.2 (f) and may also constitute sexual exploitation or abuse under staff rule 1.2 (e).

All staff members are required to undertake the online training on the prevention of sexual harassment and abuse by UN personnel – Working Harmoniously, which can be found on Inspira. This course gives lots of examples of sexual harassment.

Sexual harassment can take a variety of forms – from looks and words through to physical contact of a sexual nature. Examples of sexual harassment (and there are many more) include:

- ➔ Attempted or actual sexual assault including rape
- ➔ Sharing or displaying sexually inappropriate images or videos in any format
- ➔ Sending sexually suggestive communications in any format
- ➔ Sharing sexual or lewd anecdotes or jokes
- ➔ Making inappropriate sexual gestures (e.g. pelvic thrusts)
- ➔ Unwelcome touching, including pinching, patting, rubbing, or purposefully brushing up against another person
- ➔ Staring in a sexually suggestive manner
- ➔ Repeatedly asking a person for dates or asking for sex
- ➔ Rating a person's sexuality (e.g. ranking people in terms of their attractiveness at work)
- ➔ Making sexual comments about appearance, clothing or body parts

Who decides? A subjective and objective test

It is not about someone's intention. We all have different viewpoints, life experience and sensitivities. What might feel like inappropriate behavior to someone may feel like normal behaviour to someone else.

The test for what is prohibited conduct requires both a subjective and an objective consideration of the conduct.

- **Subjective:** How did the complainant feel?
- **Objective:** Might it reasonably be expected or be perceived to cause offence or humiliation to another person (judged against UN standards and the UN environment)?

This means that if the alleged offender states the behaviour was not intended as harassing, this is not the end of the matter. The intention of the alleged offender does not matter for the definition of harassment.

The assessment of whether behaviour may rise to the level of misconduct and thus needs to be investigated and subject to a disciplinary process does consider the gravity of the situation. The assessment may look at factors such as whether the conduct has been repeated, is the affected individual being targeted by the alleged offender, should the alleged offender have known their conduct may offend or humiliate a colleague. In considering whether a situation may amount to prohibited conduct, it is always worth reflecting first on the different perspectives people will have of the situation. Ask yourself:

1 What are the actual facts and what do I really know, as opposed to what I think I know is in the other person's mind?

2 What part did I play in the current situation? Am I doing anything that may, (un)intentionally, undermine the other staff member?

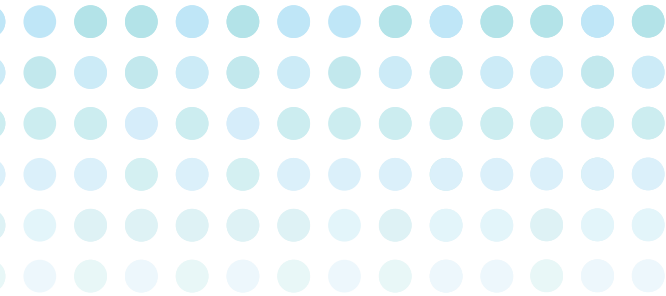
3 If I were in their shoes, how would I be seeing things?

Antonio is feeling incredibly frustrated with his manager Eva. He feels Eva is picking on him, sending him constant reminders on his project which she does not do with other colleagues. He feels she is short tempered with him and has an undermining tone when she speaks to him. Antonio now feels that this amounts to harassment and discrimination (he thinks Eva minds the fact that he is gay and a dad to two small kids).

Having asked himself what he really knows, he realizes that what he knows is that Eva is asking him for constant updates on his project when she does not do so with other colleagues. He also knows how he feels about the way in which she communicates with him. He does not actually know why this is happening. He also realizes that because of the way he is feeling towards Eva, he has not volunteered much information about his project to her in the past month.

Antonio initiates a conversation with Eva, having prepared using the OMS tip sheet. In that conversation, Eva explains that she is under huge pressure with regards to this project from her own manager and so this has become a key priority for her, which is why she needs constant updates. He acknowledges that he has not kept her as up to date as may be desirable. She also shares some personal pressures she is under which mean she is finding things difficult at the moment (and so is not very available for her staff) as well as the fact that she found it frustrating that he was not sharing information.

Having been able to share their perspectives, they are able to agree on a plan going forward and dispel misconceptions they may have held about one another.



Formal reports

Investigation and disciplinary process	42
Who can report issues, about whom and when?	43
Who should formal reports be sent to?	43
What should a formal report contain?	43
Knowingly false reports	44
What happens once a formal report is received?	44
Who will look into the formal report?	44
Assessment of the formal report	44
If the decision is not to initiate an investigation	45
Challenging the outcome	45

The process from filing a formal report, possible investigation through to disciplinary action can be relatively lengthy. In broad terms, the process formal reports will go through is as follows.

-
- ```

graph LR
 subgraph FORMAL_REPORT [FORMAL REPORT OF POSSIBLE PROHIBITED CONDUCT]
 A[Formal report to OIOS or the responsible official (RO)]
 end

 subgraph PRELIMINARY_ASSESSMENT [PRELIMINARY ASSESSMENT]
 B[Assessment by OIOS]
 C[Assessment by RO]
 D[Decision not to investigate]
 end

 subgraph INVESTIGATION [INVESTIGATION]
 E[Investigation by OIOS]
 F[Investigation by investigative panel]
 end

 subgraph ASSESSMENT_OF_INVESTIGATION_REPORT [ASSESSMENT OF INVESTIGATION REPORT]
 G[Review by ASG/OHR]
 H[Review of report and decision by RO]
 end

 subgraph DISCIPLINARY_PROCESS [DISCIPLINARY PROCESS]
 I[Allegations of misconduct]
 J[Staff member provides comments]
 K[Decision by ASG/OHR]
 L[Decision by USG/DMSPC]
 end

 subgraph OUTCOME [OUTCOME]
 M[Closure]
 N[Administrative or managerial measure]
 O[Disciplinary sanctions and recovery]
 end

 A --> B
 B --> E
 B -- "If best handled by RO" --> C
 C --> F
 F --> H
 E --> G
 H --> G
 G --> I
 I --> J
 J --> K
 K --> L
 L --> O
 O --> N
 N --> M
 K --> M
 H --> D
 D --> M
 G --> M
 M --> M

```
- The flowchart illustrates the OIOS process for handling allegations of misconduct, organized into six main stages:
- FORMAL REPORT OF POSSIBLE PROHIBITED CONDUCT:** The process begins with a "Formal report to OIOS or the responsible official (RO)".
  - PRELIMINARY ASSESSMENT:** The report leads to "Assessment by OIOS". If the case is "best handled by RO", it moves to "Assessment by RO". Both assessment paths can lead to a "Decision not to investigate".
  - INVESTIGATION:** If assessed by OIOS, an "Investigation by OIOS" is conducted. If assessed by the RO, an "Investigation by investigative panel" is conducted.
  - ASSESSMENT OF INVESTIGATION REPORT:** The investigation reports are reviewed. OIOS investigations are reviewed by the ASG/OHR, while panel investigations are reviewed by the RO. Both review paths can lead to a "Review of report and decision by RO".
  - DISCIPLINARY PROCESS:** The ASG/OHR review leads to "Allegations of misconduct", which involves "Staff member provides comments" and a "Decision by ASG/OHR". The RO review leads to a "Decision by RO". Both decisions can lead to a "Decision by USG/DMSPC".
  - OUTCOME:** The process concludes with "Closure", "Administrative or managerial measure", or "Disciplinary sanctions and recovery".

The **compendium of disciplinary measures** informs staff of the practice of the Secretary-General in terms of disciplinary matters (listing the specific sanctions imposed since 2009 with a brief description of the conduct leading to these measures).

The rights to stay informed during the process are set out **here**.

### Who can report issues, about whom and when?

Formal reports of possible prohibited conduct in the workplace or in connection with work can be made **by anyone against anyone** (irrespective of their contractual status with the Organization). You do not have to be personally affected to make the report.

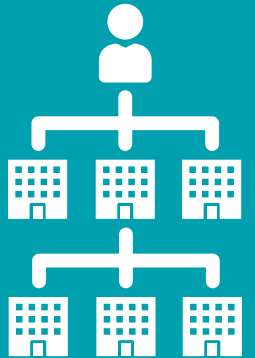
Staff members can be disciplined for prohibited conduct, and non-staff personnel will be subject to action in accordance with the terms and conditions of the contract governing their services and of other applicable policies regarding such non-staff personnel. Prohibited conduct may possibly be referred to local authorities.

There are no time limits for raising a complaint including formal reports. Early complaints are encouraged in order to deal with the issues, prevent their reoccurrence and ensure a fair investigation. The passage of time and anonymity may make it more difficult to investigate a formal report and to pursue a disciplinary process.

### Who should formal reports be sent to?

A formal report of possible prohibited conduct shall be made **directly to OIOS** or **to the responsible official, with a copy to OIOS**. Anonymous reports should always be made to OIOS and if not, must be sent to OIOS. In this context the responsible official is:

- The head of mission, for staff members in a peacekeeping mission or special political mission
- The respective Registrar, for staff members of the International Residual Mechanism for Criminal Tribunals and of the International Tribunal for the Former Yugoslavia
- The Under-Secretary-General for Internal Oversight Services, for staff members of the Office of Internal Oversight Services (OIOS)
- The Secretary-General, for reported unsatisfactory conduct on the part of an Assistant Secretary-General or Under-Secretary-General
- The head of department or office of the subject staff member, for any other staff members.



### What should a formal report contain?

A formal report of possible prohibited conduct should contain sufficient detail for it to be assessed for possible investigation. It should include:

- A detailed description of the prohibited conduct
- The name of the alleged offender
- The name of the alleged affected individual, if the report is made by a third party
- Where and when the prohibited conduct occurred
- The names of potential witnesses to the prohibited conduct
- All available supporting documentation

If a formal report does not contain the required information, the complainant should be informed of this.

A formal report can be made anonymously, preferably direct to OIOS. If the formal report is made to someone else, then it will be forwarded to OIOS.

### Knowingly false reports

Making a knowingly false report may lead to an investigation and possible disciplinary action. Before a report is investigated, consideration will be given as to whether the report was made in good faith.

Rita has complained that Markus sexually harassed her by touching her inappropriately in the office on different dates throughout the month of August. In fact, it is clear that Markus was away from the office during that period. As Rita must know that the complaint is not true, her complaint is made in bad faith.

### What happens once a formal report is received?

If the formal report is received by the **responsible official**, the responsible official will acknowledge receipt (where possible) and forward the report to OIOS. If a report is made to someone who is not the responsible official and not OIOS, that person should point the complainant to whom the formal report should be made.

### Who will look into the formal report?

## OFFICE OF INTERNAL OVERSIGHT SERVICES

OIOS retains the ultimate authority to decide which cases it will consider and will determine whether the formal report received merits any action, and if so, is better handled by the responsible official or by OIOS. OIOS will inform the affected individual if they are referring the issue to the responsible official. OIOS may at any time decide that a case is better handled by it.

OIOS will generally handle all complaints of sexual harassment.

If OIOS decides to investigate the formal report, the responsible official will defer to OIOS and not investigate the matter (the responsible official still has monitoring obligations). If OIOS determines that the matter is better handled by the responsible official, it will send the matter back to the responsible official who then has to decide what to do within three months.

### Assessment of the formal report

Once a formal report is being considered, the first decision is whether an **investigation is warranted (this is called a preliminary assessment)**.

If OIOS has referred the matter to the responsible official, they should conduct this review within three months of receipt of the report from OIOS. If the responsible official decides to investigate they must then appoint a panel within a month.

In undertaking the preliminary assessment, the following factors may be considered:

- Whether the unsatisfactory conduct, that is, possible prohibited conduct, is a matter that **could amount to misconduct**
- Whether the provision of the information about unsatisfactory conduct is made **in good faith** and is **sufficiently detailed** that it may form the basis for an investigation
- Whether there is a likelihood that an investigation would **reveal sufficient evidence to further pursue the matter as a disciplinary case**
- Whether an **informal resolution** process would be more appropriate in the circumstances
- Any other factor(s) reasonable in the circumstances.

If the report is of sexual harassment and was made by a person other than the affected individual, OIOS will normally seek the views of the affected individual before deciding whether to proceed with the investigation.

### If the decision is not to initiate an investigation

In cases where no investigation will be initiated following the preliminary assessment, the responsible official will then need to decide whether to:

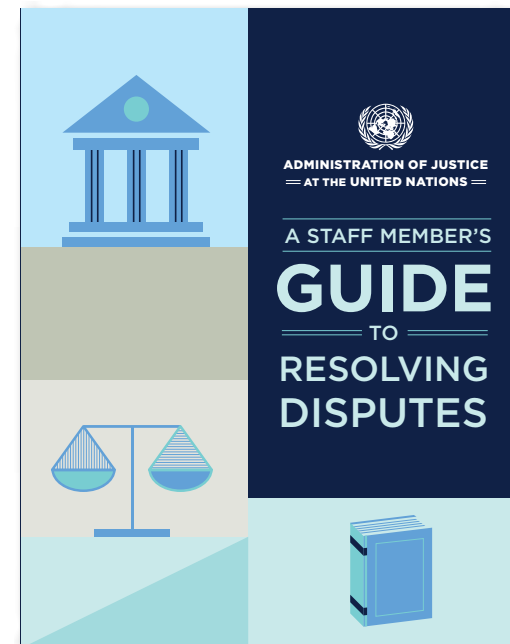
- close the matter without further action
- take managerial action
- issue a written or oral reprimand (before doing so they must make sure the staff member has had the prior opportunity to comment in writing on the facts and circumstances, in accordance with staff rule 10.2 (c) and must take full account of any comments made), or take other administrative action.

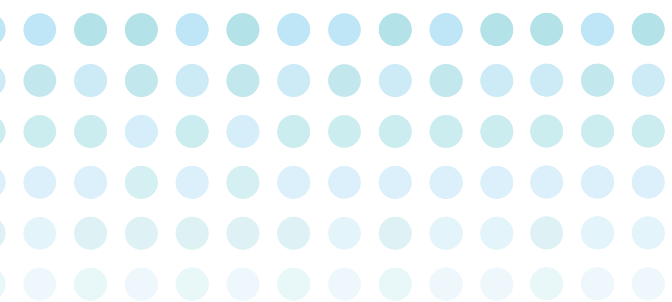
The affected individual and, as appropriate, the alleged offender will be informed of this decision and provided with sufficient details about the process followed to reach this decision.

### Challenging the outcome

The Organization will follow due process and keep the affected individual and alleged offender informed of the status of the process. If an affected individual or alleged offender has grounds to believe that the **procedure** followed in respect of the handling of a formal report of prohibited conduct was improper, upon being informed of the outcome, the affected individual or alleged offender may contest an improper procedure pursuant to Chapter XI of the Staff Rules (informal resolution, management evaluation and recourse to the UN Dispute Tribunal / Appeals Tribunal if need be).

Administrative decisions may also be challenged through the internal justice system. Strict timelines must be respected. More information is available from the Office of Administration of Justice website and in particular **their handbook on how to resolve disputes**. The **Office of Staff Legal Assistance** can provide support to staff members.





# Rights to stay informed

|                                                 |    |
|-------------------------------------------------|----|
| Rights to stay informed during the process      | 47 |
| Rights to be informed at the end of the process | 47 |

# Rights to stay informed

## Rights to stay informed during the process

OIOS must acknowledge to the complainant receipt of a formal report (unless they are anonymous of course). If OIOS refers the report to a responsible official for consideration, they must inform the complainant and affected individual of this step. The responsible official must then make their preliminary assessment as to whether to investigate or not within three months of receipt of the report from OIOS (and, if so, appoint a panel within a further month).

**While the matter is ongoing**, the affected individual and the alleged offender (as appropriate) will be kept informed of the status of the matter:

- every **three months** if it is being investigated by OIOS
- every **two months** if the matter is with the responsible official.

The conduct and discipline focal points will be the ones sharing the information (this includes information about the preliminary assessment of the report by the responsible official, any investigation and subsequent action).

Note if the responsible official decides not to investigate or take any action, the alleged offender may not be informed of the report at all.

If the individual affected or the alleged offender **raise a specific query** relating to the handling of a formal report of possible prohibited misconduct with them, then they have to respond – **normally within two weeks** and in any event without any undue delay. This also applies when OIOS have referred the issue to the Office of Human Resources following a finding of unsatisfactory conduct.

## Rights to be informed at the end of the process

**Once the matter is concluded**, there is also a right for the affected individual and the alleged offender to be informed of the outcome – on a strictly confidential basis. The rules on who informs whom and when are set out in s.5.5(i) of **ST/SGB/2019/8** but in short, whichever entity takes the final decision in relation to the report of possible prohibited conduct must inform the affected individual and the alleged offender (amongst others) by providing a summary of the process and, if applicable, the findings of the investigation report as well as whether action was taken.

As this is strictly confidential, it is not for wider dissemination. It is understood however that those involved may want to be able to share some official information with third parties, for instance a finding that they were not in any way culpable. So upon request of the affected individual or the offender/alleged offender, the ASG/OHR may provide **a statement on the outcome of the matter, which the affected individual or the offender/alleged offender may disclose to third parties**, subject to Staff Regulation 1.2(i). The statement shall respect the confidentiality of the process and preserve the privacy of those involved.

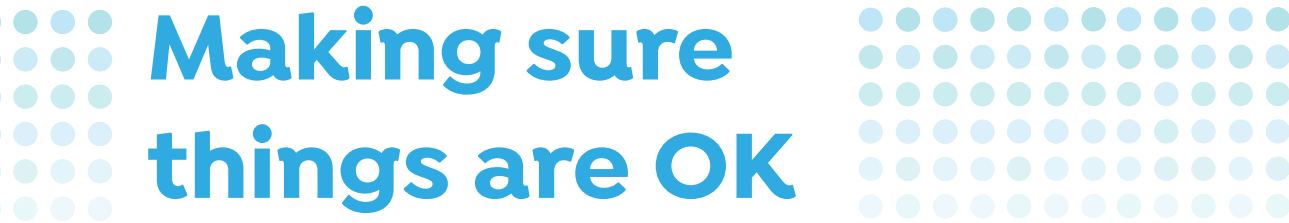
Pierre was alleged to have sexually harassed his colleague Marie. After investigation, he is exonerated. Pierre asks the ASG/OHR for a statement on the outcome of the matter which states that an allegation was made against him which was duly investigated and following which the matter was closed without further action as the evidence did not support the allegation made. Pierre can share that statement with an outside agency for which he wishes to work and which had heard informally about the allegations.





# Making sure things are OK during and after an investigation

|                                       |    |
|---------------------------------------|----|
| Monitoring a specific situation       | 49 |
| Possible retaliation                  | 49 |
| Work-place restoration and after care | 49 |



# Making sure things are OK

## during and after an investigation

### Monitoring a specific situation

Once notice of an investigation has been provided to the head of entity concerned, the head of entity will take appropriate measures to **monitor the status of the affected individual, the alleged offender and the work unit(s) concerned** until such time as the investigation report has been submitted and any subsequent action has been completed.

This shall ensure that all parties comply with their duty to cooperate with the investigation and that no party is subject to retaliation or any other prohibited conduct as a result of the formal report or the investigation.

Ivan has complained of bullying by one of his colleagues. An investigation is ongoing. The head of entity arranges for the conduct and discipline focal point to meet with Ivan, the alleged offender (Patrick) and the team's supervisor weekly to check that all is well during the investigation and report back to him any issues.

The conduct and discipline focal point reports back that Ivan seems to now be excluded by the team and is struggling to cope with the atmosphere in the office. The head of entity contacts the Ombudsman and Mediation Services to see if a team bonding session can be arranged to ease the situation whilst the investigation is ongoing.

**This monitoring should continue for at least one year after an investigation has been completed and a decision taken on the outcome, including reviews at regular intervals (at least every three months) to ensure no party is subjected to retaliation or any other prohibited conduct.**

### Possible retaliation

If the head of entity suspects that retaliation has occurred, the Ethics Office will be promptly notified and the matter will be handled in accordance with the provisions of **ST/SGB/2017/2/Rev.1**. The Office of Human Resources may request information from the head(s) of entity, as necessary.

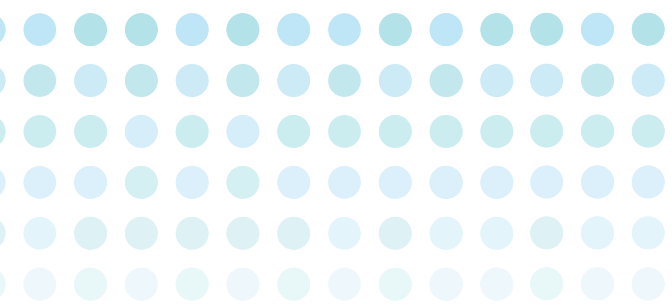
The conduct and discipline focal point reports back that someone in the team (Donald) is showing signs of stress recently. He has been off sick on and off, is snapping at everyone at work and his performance has significantly dipped. The head of entity discovers this person has recently given evidence in the investigation in support of Ivan. He arranges for someone to speak to Donald and discovers that Donald is apparently now being excluded from the team. The head of entity decides to contact the Ethics Office.

### Work-place restoration and after care

Whether the results of the investigation pointed to possible misconduct or not, there may be a need to repair or restore working relationships in the work unit concerned. The responsible official may wish to consult with the Ombudsman and Mediation Services for possible interventions. These can focus on:

- post-investigation or post-disciplinary process interventions
- rebuilding trust between individuals
- team interventions and coaching towards change

The Staff Counsellor is also there to help individuals on a confidential basis.



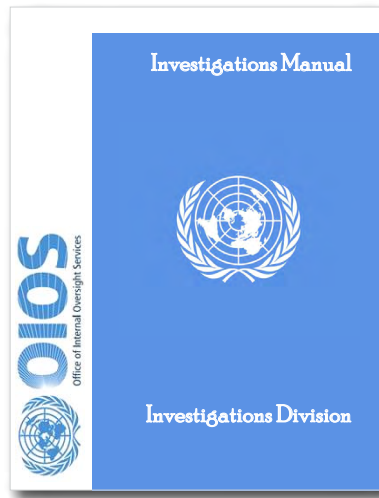
# Investigations

|                            |    |
|----------------------------|----|
| Who investigates and how?  | 51 |
| Scope of the investigation | 51 |

# Investigations

## Who investigates and how?

If OIOS is investigating, they will work according to their **Investigations Manual** which is available online.



If the responsible official is initiating the investigation, they will appoint a **trained impartial investigative panel** within one month of the decision to investigate. How the investigators will conduct the investigation including fair procedure rights during investigations is covered in the **Investigators' Toolkit** on the HR Portal.

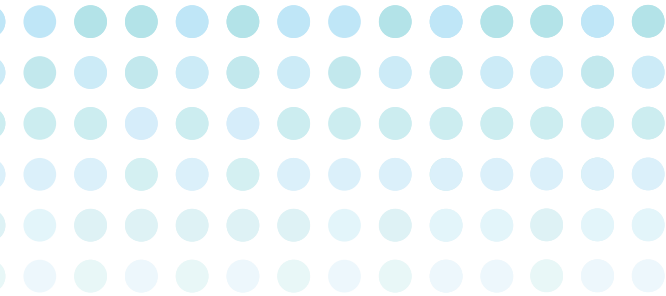


## Scope of the investigation

It is for OIOS or the responsible official to define the scope of the investigation. The responsible official will do so through the terms of reference for the investigative panel.



The investigation will focus on the report of possible prohibited conduct and other misconduct if relevant. Aspects of the report that do not relate to possible prohibited conduct / misconduct but relate to general management issues for example will not generally form part of the investigation.



# What happens following investigation?

|                                                                                                                                                                                |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Investigations conducted by OIOS                                                                                                                                               | 53 |
| Investigations conducted locally - the responsible official's responsibilities                                                                                                 | 53 |
| Making further inquiries                                                                                                                                                       | 54 |
| If alleged conduct is not established: case closed                                                                                                                             | 54 |
| If the evidence is sufficient to establish a factual basis for the allegations<br>but it does not amount to possible misconduct: possible managerial or administrative actions | 54 |
| Work-place restoration and after care                                                                                                                                          | 55 |
| If conduct could amount to possible misconduct: refer for disciplinary action                                                                                                  | 55 |
| Obligations of the heads of entity following the investigation and outcome decision                                                                                            | 55 |
| Referral to national authorities                                                                                                                                               | 55 |

# What happens following investigation?

## Investigations conducted by OIOS



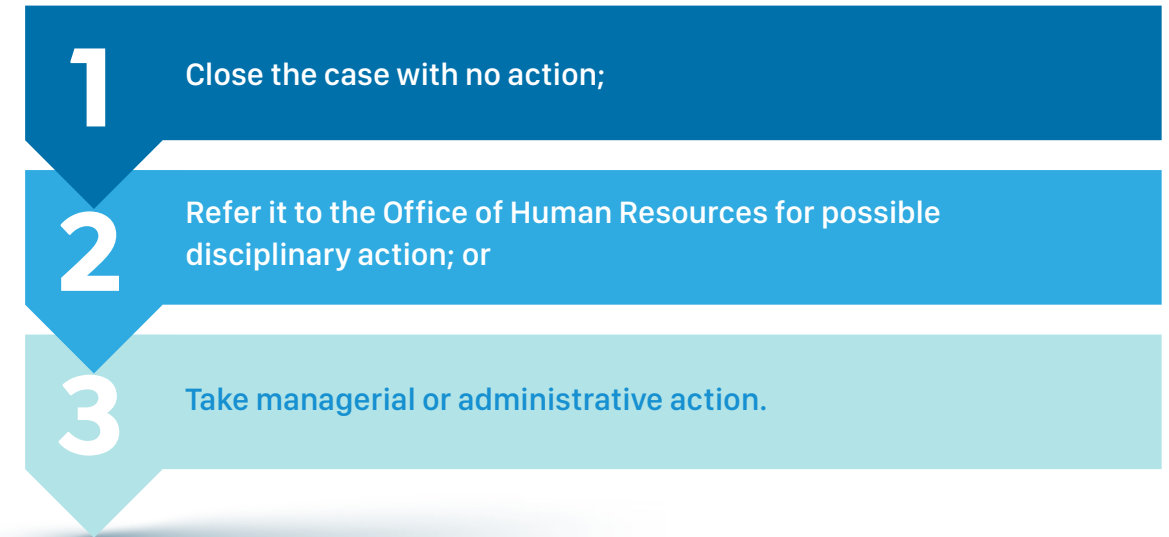
OIOS will decide, once it has concluded its investigation, whether to close the case if there is no factual basis indicating that a staff member engaged in unsatisfactory conduct, in which case OIOS shall inform the responsible official, the affected individual and the subject of the investigation that the investigation has been closed.



Where OIOS finds that there is a factual basis indicating that the staff member engaged in unsatisfactory conduct, OIOS will submit their report to the Office of Human Resources. If the investigation report recommends possible referral to the national authorities, OIOS will also submit their report to the Office of Legal Affairs.

## Investigations conducted locally – the responsible official's responsibilities

Upon receipt of an investigation report, the responsible official will take at least one of three courses of action:



Before deciding on the appropriate action, the responsible official must evaluate and assess the investigation report and supporting evidence. **The responsible official should conduct a full analysis of all of the evidence.** The responsible official cannot simply endorse or “rubberstamp” the findings of the panel.

The question for the responsible official is whether there is enough evidence to satisfy an objective observer that the alleged offender may have committed the acts alleged and whether in their view the acts amount to misconduct.

## Making further inquiries

The responsible official may make any further enquiries they consider necessary to enable them to conduct an assessment of the investigation report/evidence.



For example, they may decide to ask the panel for clarification or to request the panel to undertake additional interviews on certain points or of new or different witnesses. Any further inquiries should be in writing and a full record kept of any action taken.

## If alleged conduct is not established: case closed

If, having analyzed the evidence, the responsible official determines that it is not sufficient to establish a factual basis for the allegations, they should:



1. Close the case; and
2. Inform the alleged offender and the affected individual of the outcome in writing, giving a summary of the findings and conclusions of the investigation.

Neither the alleged offender nor the affected individual is entitled, under **ST/SGB/2019/8**, to a copy of the report or the supporting evidence. However, the summary provided should be sufficiently detailed that the parties are informed of the pertinent aspects of the investigation and of the reasons for the responsible official's decision to close the case.

If you were either the alleged offender or the affected individual, you have a right to ask for a statement of the outcome of the matter from the ASG/OHR which you may disclose to third parties. This statement must respect the confidentiality of the process and preserve the privacy of those involved.

## If the evidence is sufficient to establish a factual basis for the allegations but it does not amount to possible misconduct: possible managerial and/or administrative actions

There may be cases where the responsible official determines that the evidence may be sufficient to establish a factual basis for the allegations, but they conclude that the alleged conduct does not constitute possible misconduct. Nevertheless, action may be required to ensure the workplace is a positive environment. This will be either managerial or administrative action.

- **Managerial action**<sup>2</sup> means oral or written caution, warning or advisory communication, training, coaching. It is also possible to refer the staff member to the Staff Counsellor if it is felt that would be helpful.
- **Administrative measures**<sup>3</sup> means an oral or written reprimand, reassignment and/or change of duties.

In deciding what action to take, the responsible official should:



1. Act reasonably and with due regard to rights of all parties involved, including the alleged offender and affected individual.
2. Take into account relevant factors, which may include how to best utilize the staff member's talents and the physical and psychological well-being of other staff members.

If the responsible official takes administrative measures, they may consult the staff member and explain the proposed decision, seeking their input prior to any decision being made. Note that if the proposal is to issue a **reprimand**, the staff member **must** be given an opportunity to provide comments on the facts and circumstances.

<sup>2,3</sup> See s.2.1 (d) and (e) of **ST/AI/2017/1**.



## Work-place restoration and after care

Whether the results of the investigation pointed to possible misconduct or not, there may be a need to repair or restore working relationships in the work unit concerned. The responsible official may wish to consult with the Ombudsman and Mediation Services for possible interventions. These can focus on:

- post-investigation or post-disciplinary process interventions
- rebuilding trust between individuals
- team interventions and coaching towards change

## If conduct may amount to possible misconduct: refer for disciplinary action

If the responsible official determines that:

1. the evidence is sufficient to establish a factual basis for the allegations; and
2. the conduct in question may amount to possible misconduct,

they should refer the matter to the Office of Human Resources (OHR) for disciplinary action.

If this course is pursued, the affected individual and alleged offender will be informed that the matter has been referred to OHR for possible disciplinary action.

OHR will proceed in accordance with the disciplinary procedures and inform the affected individual and the alleged offender of the outcome of the investigation and of the action taken, at the end of the process.

## Obligations of the heads of entity following the investigation and outcome decision

The heads of entity must, through the conduct and discipline focal points:

- ensure that due consideration is given to any special requirements for the affected individual as a result of the prohibited conduct
- ensure that the administrative or disciplinary measures taken at the conclusion of any investigation / disciplinary process have been duly implemented.

This is in addition to the **monitoring obligations**.

## Referral to national authorities

If an investigation establishes credible allegations of criminal conduct, such a matter may, upon consultation with the Office of Legal Affairs, be referred to national authorities for possible criminal accountability. Possible criminal conduct may also be directly reported to national authorities by an affected individual.

# Useful material

## How to Prepare for a Difficult Conversation

Step 2: Think about your objective

| Question                                                       | Example                                                       |
|----------------------------------------------------------------|---------------------------------------------------------------|
| What is the key problem to be addressed?                       | I need the report drafted and project delivered.              |
| What impact is this having on you/the team/work?               | I will be blamed if not and the team will lose funding.       |
| What other action could you take instead of this conversation? | Write it myself – but I don't have time.                      |
| What do you want to achieve by the end of the conversation?    | A clear plan of action for how to deliver the report on time. |
| What responsibility are you                                    | I will listen to what I need to do to help                    |

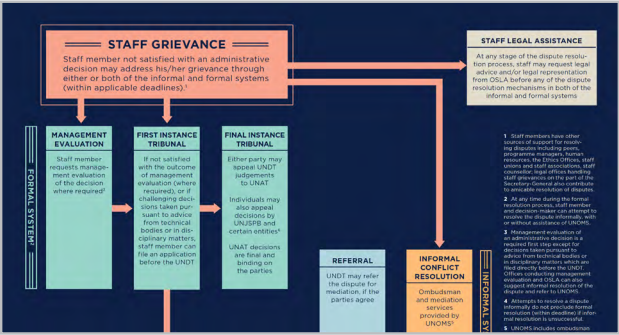
**How to prepare for a difficult conversation** It's important we speak out when difficult issues arise in the workplace. But typically these will not be easy conversations. This tip sheet helps you prepare.

# DEALING WITH HARASSMENT

## A Complainant's Guide

ng for us

**Dealing with harassment** A complainant's guide from UNICEF that highlights important issues at each stage of dealing with harassment and helps you to make informed choices on which actions to take.



**A staff member's guide to resolving disputes** Information from the Office of Administration of Justice on how to resolve disputes.



**Brené Brown on empathy** Dr Brené Brown reminds us that we can only create a genuine empathic connection if we are brave enough to really get in touch with our own fragilities.

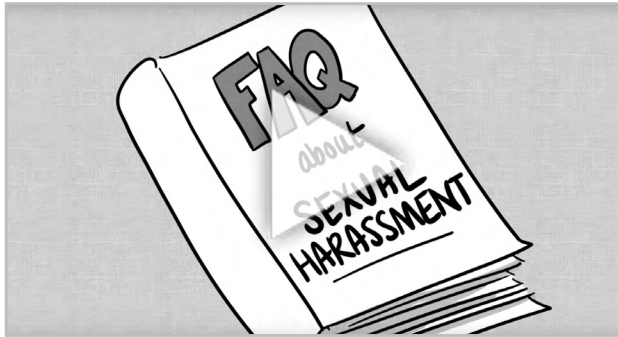
| Type of Resource                              | Name | Location | Phone number | Email | Attributes |
|-----------------------------------------------|------|----------|--------------|-------|------------|
| <b>Advice &amp; Guidance</b>                  |      |          |              |       |            |
| UNOMS                                         |      |          |              |       |            |
| Ethics Office                                 |      |          |              |       |            |
| OSLA                                          |      |          |              |       |            |
| Staff Counsellor's Office                     |      |          |              |       |            |
| Staff Representative Bodies                   |      |          |              |       |            |
| <b>Reporting Mechanisms</b>                   |      |          |              |       |            |
| Head of Department of office / supervisor     |      |          |              |       |            |
| ODS                                           |      |          |              |       |            |
| Conduct & Discipline                          |      |          |              |       |            |
| Special Investigations Unit, Security         |      |          |              |       |            |
| Ethics Office                                 |      |          |              |       |            |
| <b>Appealing a Decision or Filing a Claim</b> |      |          |              |       |            |
| MEU                                           |      |          |              |       |            |
| UNDT                                          |      |          |              |       |            |
| UN Appeals Tribunal                           |      |          |              |       |            |
| UN Claims Board                               |      |          |              |       |            |
| Central Examination Board                     |      |          |              |       |            |
| Classification Appeals Committee              |      |          |              |       |            |
| Performance Management and Redress Panel      |      |          |              |       |            |

**Support and Reference list** A first step you can take to be an active bystander is to fill in this support and reference list with the useful names and numbers to know to address concerns.



**Harassment Prevention** Government of Saskatchewan videos on personal harassment – coworker, customer, and manager behaviors.

# Useful material



## Time's Up Anti Harassment PSA

A short video answering frequently asked questions about sexual harassment at work – what is OK, and what is not?



## How To Be A LGBTQIA+ Ally

How can you support your LGBTQIA+ friends, colleagues and loved ones? Watch the full video to learn more.



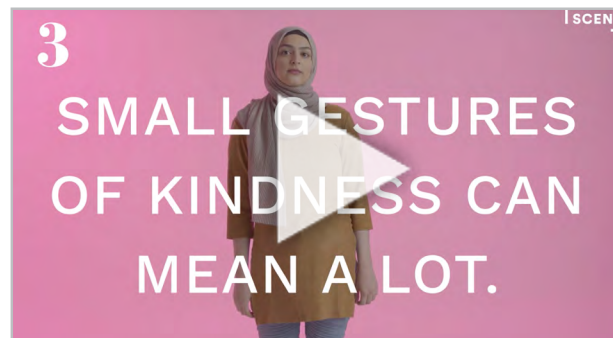
## Bullying and harassment effective interventions

This short video looks at how effective action can be taken to tackle bullying, harassment, and inappropriate behaviour at work.



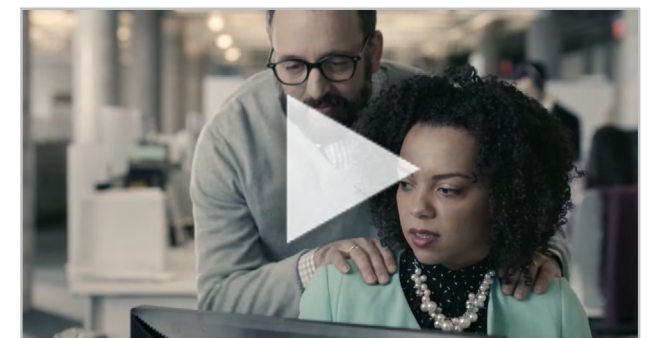
## The Flight Attendant

Series of videos of Berkowitz addressing different issues regarding bystander action and illustrating them with stories.



## 6 Ways to Be an Ally to Muslim Women

Find out how to be a better ally to muslim women.



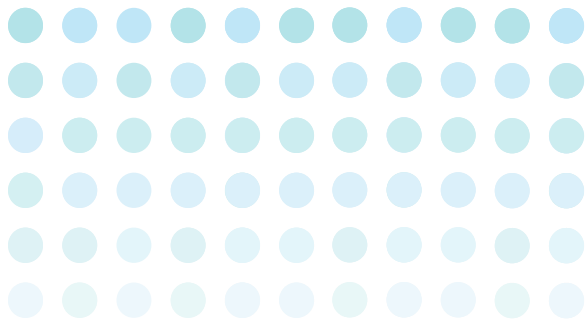
## Who Will You Help?

This campaign started by Ontario Premier Kathleen Wynne to inform and educate people on what is "not OK" when dealing with sexual aggression from some males in our society.

# Glossary

| TERM                                      | DEFINITION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Abuse of authority</b>                 | The improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses his or her influence, power or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation, working conditions or promotion. Abuse of authority may also include conduct that creates a hostile or offensive work environment which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion. Discrimination and harassment, including sexual harassment, are particularly serious when accompanied by abuse of authority. |
| <b>Administrative measures</b>            | Oral or written reprimand, reassignment and/or change of duties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Conduct and discipline focal point</b> | A conduct and discipline focal point is a staff member designated by a head of entity to provide information and support on conduct and discipline related matters (including the ones relating to discrimination, harassment, including sexual harassment and abuse of authority). They are a contact point for both the affected individual and the alleged offender throughout the handling of formal reports of possible prohibited conduct to provide information on the process and relevant timeframes.                                                                                                                                                                                                            |
| <b>Discrimination</b>                     | Any unfair treatment or arbitrary distinction based on a person’s race, sex, gender, sexual orientation, gender identity, gender expression, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin or other similar shared characteristic or trait.<br><br>Discrimination may be an isolated event affecting one person or a group of persons similarly situated, or it may manifest itself through harassment or abuse of authority.                                                                                                                                                                                                                                        |
| <b>Harassment</b>                         | Any unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person, when such conduct interferes with work or creates an intimidating, hostile or offensive work environment. Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another. Harassment may be directed at one or more persons based on a shared characteristic or trait as set out in the discrimination definition. Harassment normally implies a series of incidents.                                                                                                                              |
| <b>Head of entity</b>                     | The head of entity is the head of a department or an office, including an office away from Headquarters, the head of a special political or peacekeeping mission, the head of a regional commission, a resident or regional coordinator or the head of any other unit tasked with programmed activities to whom the Secretary-General has delegated functions directly.                                                                                                                                                                                                                                                                                                                                                   |

| TERM                        | DEFINITION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Managerial action</b>    | Oral or written caution, warning or advisory communication, training, coaching. It is also possible to refer the staff member to the Staff Counsellor if that would be helpful.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Prohibited conduct</b>   | The collective term for discrimination, harassment (including sexual harassment) and abuse of authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Responsible official</b> | The responsible official is: (i) The Secretary-General, for reported unsatisfactory conduct on the part of an Assistant Secretary-General or Under-Secretary-General; (ii) The head of mission, for staff members in missions; (iii) The respective Registrar, for staff members of the International Residual Mechanism for Criminal Tribunals and of the International Tribunal for the Former Yugoslavia; (iv) The Under-Secretary-General for Internal Oversight Services, for staff members of the Office of Internal Oversight Services (OIOS); and (v) The head of department or office of the subject staff member, for any other staff members.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Sexual harassment</b>    | <p>Any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation, when such conduct interferes with work or is made a condition of employment or creates an intimidating, hostile or offensive work environment.</p> <p>Sexual harassment may occur in the workplace or in connection with work.</p> <p>While typically involving a pattern of conduct, sexual harassment may take the form of a single incident.</p> <p>In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered.</p> <p>Sexual harassment is the manifestation of a culture of discrimination and privilege based on unequal gender relations and other power dynamics. Sexual harassment may involve any conduct of a verbal, nonverbal, or physical nature, including written and electronic communications.</p> <p>Sexual harassment may occur between persons of the same or different genders, and individuals of any gender can be either the affected individuals or the alleged offenders. Sexual harassment may occur outside the workplace and outside working hours, including during official travel or social functions related to work.</p> <p>Sexual harassment may be perpetrated by any colleague, including a supervisor, a peer, or a subordinate. An offender's status as a supervisor or a senior official may be treated as an aggravating circumstance.</p> <p>Sexual harassment is prohibited by staff rule 1.2 (f) and may also constitute sexual exploitations or abuse under staff rule 1.2 (e).</p> |



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respect in the workplace**

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**#speakup**

