
UNICEF POLICY ON THE PROHIBITION OF DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND ABUSE OF AUTHORITY

Document Number: POLICY/DHR/2020/002

Effective Date: 9 March 2020

RATIONALE

1. UNICEF is committed to establish and maintain, for all its personnel, a safe and harmonious work environment in which everyone is treated with dignity and respect, free from discrimination, harassment, sexual harassment and abuse of authority and this Policy sets out the formal and informal avenues available to address and report such conduct.

APPLICABILITY

2. The prohibition to engage in discrimination, harassment, sexual harassment and abuse of authority (hereinafter collectively referred to as “prohibited conduct”) applies to all UNICEF personnel¹.
3. Any person, including persons other than UNICEF personnel, may report prohibited conduct.
4. If the person who is alleged to have engaged in prohibited conduct (hereinafter referred to as “alleged offender”) is working for an institutional contractor, implementing partner, or for other entities and/or organizations that have a contractual relationship with UNICEF, every possible effort will be made to ensure that the allegations are investigated, and the alleged offender is held accountable.

POLICY STATEMENTS

Definitions

5. **Discrimination:** any unfair treatment or arbitrary distinction based on a person’s race, sex, gender, gender identity, gender expression, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin or other shared characteristic or trait. Discrimination may be an isolated event affecting one person or a group of persons similarly situated or may manifest itself through harassment or abuse of authority.
6. **Harassment:** 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 person, including mobbing or bullying. Harassment may be directed at one or more persons based on a shared characteristic, trait or status.
7. **Sexual harassment:** any unwelcome and improper conduct of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

¹ ‘UNICEF personnel’ are all staff members, consultants, individual contractors, stand-by personnel, UN volunteers, interns and other persons who work for UNICEF under an individual contract.

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

General principles

9. While typically involving a pattern of behavior, prohibited conduct may take the form of a single incident.
10. In assessing the reasonableness of expectations or perceptions, the perspective of the person(s) who is/are the target(s) of the prohibited conduct (hereinafter referred to as “victim”) shall be taken into account.
11. Disagreements between a supervisor and a supervisee about his/her performance, which are to be addressed in regular performance-management discussions, or about other work-related matters normally do not constitute prohibited conduct.
12. Staff members who are alleged to have committed prohibited conduct may be subject to the actions included in UNICEF’s Policy on the Disciplinary Process and Measures. Prohibited conduct committed by non-staff personnel will be addressed in accordance with the terms and conditions of their contracts, and the applicable policies regarding such non-staff personnel.
13. Managers and supervisors in particular are expected to act as role models for UNICEF personnel under their direct or indirect supervision, and to promote a safe and harmonious working environment, free from prohibited conduct.

POLICY ELEMENTS

Preventive measures

14. UNICEF management shall take all appropriate measures towards ensuring a safe and harmonious work environment and protecting all UNICEF personnel against prohibited conduct.
15. Responsible managers shall, in addition to their obligations as staff members:
 - 15.1. Demonstrate their commitment to the creation of a harmonious work environment and the prevention of prohibited conduct, educate themselves about the issue, maintain a high standard of personal conduct with consciousness of the power their position holds and treat all colleagues courteously and with dignity and respect;
 - 15.2. Address conduct coming to their attention that may be in violation of this policy, take complaints seriously, respond promptly to complaints and ensure that the necessary actions for which they are responsible are diligently taken;
 - 15.3. Endeavour to create an atmosphere in which personnel in their offices may express concerns about possible prohibited conduct, including by maintaining open dialogues and an open-door policy with concerned personnel in their offices;
 - 15.4. Encourage personnel to use the informal and formal processes in place to address possible prohibited conduct;

- 15.5. Monitor their offices for conduct that may be in violation of this policy, including when it is brought to their attention that staff members have availed themselves of an informal or formal process under this policy or have otherwise exercised their rights as a staff member;
 - 15.6. Communicate the terms of the present policy and applicable procedures to personnel in their offices on a periodical basis.
16. All UNICEF personnel shall:
- 16.1. Undertake periodic mandatory training to foster the establishment and maintenance of a safe and harmonious work environment, to increase awareness of UNICEF's zero-tolerance approach towards any type of prohibited conduct, and to provide guidance on the relevant policies and procedures.
 - 16.2. Demonstrate commitment to zero tolerance of any prohibited conduct and treat all people in the workplace courteously and with dignity and respect, as well as with an awareness of their own behavior and how it may be perceived and/or received by others;
 - 16.3. Refrain from encouraging others to engage in prohibited conduct;
 - 16.4. Take action if they witness prohibited conduct, provided they feel comfortable doing so, and where possible, after consulting the victim;
 - 16.5. Report possible prohibited conduct and cooperate with investigations, audits and reviews.
17. UNICEF shall undertake a thorough screening of any new member of personnel, which shall include consulting the UN-wide database on sexual and other misconduct, as available, and diligent checks with referees and former employers.²

Support

18. All UNICEF personnel may seek confidential advice and/or guidance to discuss possible prohibited conduct, in particular through the Office of the Ombudsman for the Funds and Programmes (the 'Ombudsman's Office'), the UNICEF Ethics Office, UNICEF's Staff Counsellors and Peer Support Volunteers (PSVs).
19. Any victim has the right, in a formal or informal process under this Policy, to be assisted and accompanied by a staff member or other person of his/her choice, unless there is reason to believe that the involvement of such person would amount to a conflict of interest, or that such person would otherwise jeopardize the process and harm the victim's or another person's rights.
20. Victims and witnesses may seek psycho-social support from UNICEF's Staff Counsellors, or from Peer Support Volunteers.
21. Any supervisor who has been informed about instances of possible prohibited conduct shall provide assistance and/or information, including on the options available under this policy, to any victim in a timely, sensitive and impartial manner.

² This ClearCheck database includes the names of former UN personnel who were found to have committed sexual harassment and/or sexual exploitation and abuse, or who initiated their separation from their organization prior to the conclusion of the investigative and/or disciplinary process.

Informal process

22. Any person who believes that he/she may have been a victim of prohibited conduct is encouraged to avail himself/herself of the processes available to informally resolve his/her grievances. Such informal approach offers victims the opportunity to resolve any matter of concern in an open, honest, non-threatening and non-contentious manner.
23. An unsuccessful attempt to resolve a matter informally does not preclude it from being reported to the Office of Internal Audit and Investigations (OIAI).

Approaching the alleged offender

24. A victim may, on a voluntary basis, if he or she feels comfortable doing so, approach the alleged offender, who may not be aware of the impact of his/her conduct, to discuss and attempt to resolve his/her concerns.

Approaching the victim's supervisor/management

25. A victim may approach his/her supervisor or a higher-level manager in his/her office, or at UNICEF Headquarters. The supervisor/manager shall guide the victim with information about the informal and formal avenues available, and with his/her consent, bring the matter to the attention of the alleged offender in order to prevent the reoccurrence of the possible prohibited conduct.

Approaching a neutral third party

26. A victim may, on a voluntary basis, attempt to address possible prohibited conduct by seeking support from a neutral third party, in particular the Ombudsman's Office.
27. The Ombudsman's Office is a neutral entity, with specific expertise in assisting the informal resolution of workplace-related problems. The Ombudsman's Office is able to advise on the various dispute-resolution options, to provide support within the informal process, and to inform on the procedures foreseen in the formal process. In order to support its neutral function, all discussions with the Ombudsman's Office are confidential. The Ombudsman's Office, therefore, will not reveal the source of information, nor will it take any action without the expressed permission of the person approaching the Ombudsman's Office, unless it believes that there is an immediate risk of physical or psychological harm to a person, in which case it shall inform the Executive Director.

Formal process

28. A victim or a person who has knowledge of possible prohibited conduct may file a report with OIAI either by email (integrity1@unicef.org), Skype for Business (integrity1@unicef.org) or by any other means of communication.
29. There are no deadlines within which to report possible prohibited conduct and a report may be made anonymously, although anonymous reports or reports that are filed a long time after the incident(s) are generally more difficult to investigate.
30. Submitting a knowingly false report of possible prohibited conduct will itself constitute misconduct.
31. With respect to reports that are filed by a person other than the victim(s), OIAI will seek the views of the victim before proceeding with a formal investigation and/or a referral for appropriate action.

32. The report to OIAI should, if possible, state:
 - 32.1. The name of the alleged offender;
 - 32.2. The date(s) and location(s) of the alleged incident(s) of prohibited conduct;
 - 32.3. A detailed description of the events;
 - 32.4. The names of the victim (if the report is filed by a person other than the victim), witnesses and any physical and/or documentary material in support of the allegation, such as e-mails, text messages, photos, if available; and
 - 32.5. Any other relevant information.
33. OIAI shall undertake its initial assessment and investigation of the report in accordance with the provisions set out in the UNICEF Policy on the Disciplinary Process and Measures. The person reporting possible prohibited conduct shall be informed of UNICEF's policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations.
34. At any point in time during its initial assessment and investigation, OIAI may discuss with the victim the option of informal resolution.
35. Upon receipt and review of the investigation report, the Deputy Executive Director, Management shall decide on the appropriate course of action in accordance with the UNICEF Policy on the Disciplinary Process and Measures.

Interim measures

36. Pending an initial assessment, or pending a formal investigation or any subsequent disciplinary process, the Deputy Executive Director, Management may, at any time, institute interim measures, such as: (i) physical or hierarchical separation of the victim and the alleged offender; (ii) identification of alternative duties for the victim or alleged offender; (iii) teleworking; (iv) special leave for either the victim or alleged offender, or (v) administrative leave for the alleged offender, in accordance with the UNICEF Policy on the Disciplinary Process and Measures.

Notification

37. A victim who made a report of possible prohibited conduct, or who cooperated with the investigation will be informed of the status of any investigation and/or disciplinary process and the final outcome of the matter.

Appeals

38. A victim who submitted a report of possible prohibited conduct, and who believes, after having been informed of the outcome, that the procedure under this Policy in respect of the report was not followed, may contest the matter pursuant to Chapter XI of the UN Staff Rules.

Monitoring

39. The Executive Director will provide the Executive Board with data on actions taken under this Policy, subject to the rights of the (former) staff members involved.

RISK MANAGEMENT

Document Title: UNICEF policy on the prohibition of discrimination, harassment, sexual harassment and abuse of authority	
Corporate Risk Category: Human Resources	
Typical Risks	Minimum Expected Mitigation Measures
Personnel are not aware of actions that may amount to discrimination, harassment, sexual harassment and abuse of authority.	All UNICEF personnel shall familiarize themselves with this policy. All personnel are also required to undertake periodic mandatory training to foster the establishment and maintenance of a safe and harmonious work environment, to increase awareness of UNICEF's zero-tolerance approach towards any type of prohibited conduct.
A UNICEF personnel wishes to seek confidential advice and/or guidance to discuss possible prohibited conduct.	All UNICEF personnel can seek support through informal or formal mechanisms in accordance with this policy.

DOCUMENT MANAGEMENT INFORMATION PAGE

Document Title	Prohibition of discrimination, harassment, sexual harassment and abuse of authority
Document Number	POLICY/DHR/2020/002
Effective Date	March 9 2020
Mandatory Review Date	March 9 2022
Responsible Business Owner	Division of Human Resources
Responsible Manager	Bart Willemsen
Document Summary	This Policy sets out the obligations of all UNICEF Personnel to ensure a safe and harmonious work environment, and to explain the formal and informal avenues and options available to address and report conduct prohibited under this Policy.
Regulatory content the Document Replaces	CF/EXD/2012-007 Amend.1
Topics Covered	Harassment, Sexual Harassment and Abuse of Authority
Corporate Risk Area	Human Resources
Reference / Links to Enabling Legislation and Background	United Nations Staff Regulations and Rules
Links to Relevant Policy	
Links to Relevant Procedure	
Links to Relevant Guidance	
Links to Relevant Training Materials	
Links to Other Knowledge & Information Resources	