

INTERNATIONAL ORGANIZATION FOR MIGRATION

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Summary: The purpose of this document is to define what constitutes harassment and abuse of authority and to provide clear guidelines on how to deal with these issues as and when they occur. It also provides clarification on relevant terms and delineates the appropriate procedures for taking both informal and formal complaint action.

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INTERNATIONAL ORGANIZATION FOR MIGRATION

GENERAL BULLETIN No 2017

Subject:	POLICY FOR A RESPECTFUL WORKING ENVIRONMENT	22 August 2007
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Introduction

1. This policy replaces and supersedes G.B. 1312 of March 2002. Its purpose is to define what constitutes harassment and abuse of authority and to provide clear guidelines on how to deal with these issues as and when they occur. It also provides clarification on relevant terms and delineates the appropriate procedures for taking both informal and formal complaint action.
2. IOM is committed to the principle that every staff member has a right to work in a respectful, harassment-free environment. As stated in IOM Standards of Conduct (General Bulletin No.1278 of 5 January 2001, revised in June 2002), staff members shall not “threaten, intimidate or otherwise engage in any conduct intended, directly or indirectly, to interfere with the ability of other staff members to discharge their official duties” or “use their official function for personal reasons to prejudice the positions of colleagues they do not favour.” Any form of harassment and abuse of authority in the workplace, or in connection with official duties, is prohibited.
3. This policy applies to all persons employed by IOM whether at HQ or in the field, internationally or locally recruited, and regardless of the type or duration of the contract. It also covers non-IOM staff working with the Organization, such as interns or consultants.
4. Please contact the Ombudsperson for any clarification that may be necessary at ombudsman@iom.int or by calling +41 22 717 9370.

Types of Harassment

5. **Harassment**¹ encompasses any act, conduct, statement or request which is unwelcome to another person(s) and could, in all circumstances, reasonably be regarded as behaviour of a discriminatory, offensive, humiliating, intimidating or violent nature or an intrusion of privacy. Harassment may include an action, behaviour, statement or displays related to a person’s race, age, beliefs, religion, national or ethnic origin, physical attributes, sex, sexual orientation, marital status or family situation. Harassment concerns not only intent but also effect. An act which is reasonably perceived by a person or group as offensive may constitute harassment, be it intentional or not. The most common origin of harassment is unresolved conflict in the workplace.

¹ The definitions of “harassment”, “bullying/mobbing” and “sexual harassment” are adapted from the definitions adopted in the ILO Collective Agreement on the Prevention and Resolution of Harassment-related Grievances between the ILO and the ILO staff Union signed in 2001.

Harassment includes, but is not limited to, mobbing, sexual harassment, abuse of authority and retaliation.

6. **Bullying/Mobbing** is repeated or persistent aggression, by one or more persons, whether verbal, psychological or physical, at the workplace or in connection with work that has the effect of humiliating, belittling, offending, intimidating or discriminating against a person or a group of persons. Mobbing includes, but is not limited to, measures to isolate another person from professional activities, persistent negative attacks on personal or professional performance without legitimate reason, manipulation of a person's personal or professional reputation by rumor or gossip, abusing a position of power by persistently undermining a person's work, and unreasonable refusal of leave and training.
7. **Sexual Harassment** is any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature which is made a condition of employment or creates an intimidating environment through subtle repeated pressure for sexual activities. It is particularly serious and offensive when behaviour of this kind is engaged in by a staff member who is in a position to influence the career or employment conditions (including hiring, assignment, contract renewal, performance evaluation, working conditions or promotion) of the recipient of such attentions. In this situation, sexual harassment also constitutes an abuse of power. Both male and female colleagues can be either the victim or offender. Sexual harassment may be directed against a person of opposite sex or of the same sex. Sexual harassment may also occur outside the workplace and/or outside working hours. Further information can be obtained from the Gender Officer in HQ, the Gender Focal Point in the field or the Ombudsperson.
8. **Abuse of Authority** occurs when a person misuses his/her official function for personal reasons to prejudice the positions of colleagues he/she does not favour. It is the exercise of power and authority in a manner which is not in the interest of the organization and which serves no legitimate work purpose. Abuse of authority or misuse of power may include intimidation, threats, blackmail or coercion.
9. **Retaliation**² means any direct or indirect detrimental action recommended, threatened or taken because an individual raises concerns, makes a complaint or assists in providing information about harassment or abuse of authority. Retaliation could occur because a staff member has reported an irregular practice, wrongdoing or misconduct. Proven cases of retaliation against staff will be treated as a separate case of misconduct and will be subject to disciplinary action.

² The definition of "Retaliation" is adapted from the UN Policy on "Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations" (ST/SGB/2005/21, 19 December 2005).

Prevention of Harassment

10. **The Organization** has the responsibility to protect the dignity of all staff at the workplace and to prevent harassment and abuse of authority. In implementing the present policy, the Organization shall act consistently and take the appropriate administrative, investigative, and disciplinary action required, regardless of the function, title, length of service and contractual status of the persons concerned.
11. **Every staff member and non-staff personnel** has the right to be treated fairly and respectfully in the workplace. Each staff member and non-staff personnel has the responsibility to treat co-workers in a way that respects individual differences.
12. **Managers and supervisors have a special responsibility** to act as role models by upholding only the highest standards of conduct in order to achieve a harassment-free environment. If they become aware of a situation of harassment, managers must make every effort to stop it promptly and fairly, whether or not a complaint has been made. All Regional Representatives, Chiefs of Missions and Directors of Departments are encouraged to carry out briefing and induction sessions for new staff members.
13. **Staff Development and Learning (SDL) Unit** has a selection of training materials for self-assessment and awareness raising with regard to harassment and sexual harassment and diversity in the workplace, which will be available to all staff members.

Informal Complaint Procedure

14. An effective first step to putting an end to offensive behaviour is to communicate concerns directly by telling the person at the earliest opportunity that the behaviour is unwelcome and must stop. The complainant should let the person know that he/she feels embarrassed, humiliated, demeaned, or otherwise bothered by what the offending party is doing or saying. Often a person may not be aware that his or her behaviour is bothersome, and will change it once he or she realizes this.
15. Should the power relationship between the alleged offender and the staff member or other considerations (including cultural) make the direct approach difficult, or should the offensive behaviour continue even after having spoken to the alleged offender, the complainant may wish to write a letter to the alleged offender. It is important to date the letter and keep a copy. Putting others in copy at this point is generally not helpful. The contents of the letter should refer to the behaviour considered as offending, to when it happened, how the complainant felt and what he/she did about it, and who else was present if there were witnesses.
16. The complainant may also address his/her concerns to line management. It is the responsibility of COMs, RRs and Directors of Departments to facilitate

communication and the resolution of work-related problems, including harassment.

17. The alleged offender needs to consider an accusation of harassment seriously. The most sensible course of action would be to take the time to listen to the complainant, keep written notes of any conversations, and express regret for any unintended negative impact which the incident had on the individual.
18. It is recognized, however, that power or status disparities or cultural sensitivities may make direct confrontation difficult. In that case, the offended staff member should seek the help of the Ombudsperson or another individual who might be in a position to mediate in the case.
19. Either party in a case of harassment may contact the Ombudsperson at any point in time regardless of the stage of the concern or severity of the issue. The Ombudsperson provides a confidential, impartial and independent channel for discussing work-related concerns including personal harassment, sexual harassment or abuse of authority. Contact with the Ombudsperson does not constitute notice to the Administration that a staff member has a grievance with another staff member concerning behavior as described in the definitions of this policy.

Formal Complaint Procedure

20. If none of the above has resulted in an informal and rapid resolution of the problem, the staff member should write to the Director of HRM with details of the situation to be addressed. This written communication puts the administration on notice that a staff member has a grievance with another staff member concerning behaviour as described in the definitions of this policy. The HRM Director will decide how best to respond, consulting as appropriate with other colleagues, including the Ombudsperson. In responding, the HRM Director may invite one or all the parties to involve the Ombudsperson, designate a mediator, initiate fact-finding, carry out an investigation or take any other action deemed appropriate in order to bring a resolution to the situation.
21. Some interventions may require careful monitoring and or special follow up to ensure that the staff member does not become the object of any retribution. Regard will be given to the vulnerability of the parties in question before deciding how to proceed.
22. If the staff member considers the action or decision taken by the Director of Human Resources is not satisfactory, or if there is no action taken by the Administration in response, the Joint Administrative Review Board (JARB) is the final point of recourse within the organization for considering and recommending appeals of administrative actions, decisions or omissions which staff may feel are an infringement of their rights including the right to work in a respectful working environment as laid out in this policy.

23. Appeals must be made in compliance with the procedures to be found in the Staff Regulations and Rules Chapter 11 and in particular Annex D. Please Note: The letter to HRM mentioned in paragraph 20 above is not considered as “Action Prior to the Lodging of an Appeal”.
24. Successful mediation during a formal procedure does not exclude that a disciplinary measure will be imposed on the offender in accordance with the gravity of the offence.

General Information Regarding both Informal and Formal Procedures

25. False statements when lodging a complaint can have serious consequences and will be cause for disciplinary action.
26. In the case of complaints determined to be unfounded but made in good faith, steps will be taken to protect the reputation of all parties concerned.
27. Anyone who is aware of harassment complaints, or involved in their resolution, must respect the sensitivity of these matters and the need for confidentiality. All related information and documentation will therefore be kept and transmitted as confidential/privileged material. Failure to respect such confidentiality may be subject to disciplinary action.
28. Any retaliation or threat of retaliation against a person making a harassment complaint or having cooperated in the investigation of a complaint is unacceptable and may be subject to disciplinary action. This also applies after a case is closed.