

Executive Director's Circular

(Human Resources Division)

Date: 14 February 2007
Directive No.: ED2007/003
Revises:
Amends:
Supersedes: HR99/002

Policy on Harassment, Sexual Harassment and Abuse of Authority

Introduction

1. This policy replaces HR Directive 99/002 dated 19 February 1999, Policy on the Prevention of Harassment.
2. Harassment, including the abuse of authority, is contrary to Article 8 of the United Nations Charter, staff rules and regulations and to the Standard of Conduct of the International Civil Service. In line with Staff Regulations 301 and 301.01, the Executive Director will ensure the highest standard of conduct by staff members at all times. This Policy on Harassment, Sexual Harassment and Abuse of Authority is the result of an inter-agency process of the United Nations Development Group (UNDG) Sub-Group on Harassment, of which WFP is a member.

Policy Statement

3. WFP is committed to ensuring that all its workplaces are free from abuse, offensive behaviour, harassment, abuse of authority and discrimination. WFP is also committed to promoting a work culture in which every member of staff understands, and is able to carry out, his/her personal responsibilities for maintaining the dignity of work colleagues.
4. Harassment and abuse of authority of any kind is never acceptable. WFP will not permit or condone such behaviour under any circumstances. It is against WFP policy for any employee to abuse the authority delegated to her/him or to harass or intimidate any individual in the workplace. WFP will not tolerate any form of harassment or abuse of authority, whether based on age, disability, ethnic origin, gender, marital status, race, religion, sexual orientation or any other personal characteristic. WFP will also not accept any conduct that is offensive, humiliating, embarrassing or intimidating to other members of staff.
5. Complaints of harassment or abuse of authority will be taken seriously by WFP. Any conduct that is found to constitute harassment or abuse will be dealt with in a manner consistent with the severity of the infraction, including appropriate administrative or disciplinary measures.

Definitions

6. **Harassment** is any improper conduct by an individual that is directed at and offensive to another person in the workplace and that the individual knew, or reasonably ought to have known, would cause offence or harm to that person.
7. **Sexual harassment** includes any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature.
8. **Abuse of authority** is when an individual improperly uses the power and authority inherent in his/her given position to endanger another person's job, undermine the person's performance in that job, threaten the person's economic livelihood, or in any way maliciously interfere with or influence a person's career.
9. **Retaliation** is any behaviour or threatened behaviour against an individual or individuals for raising concerns, making a complaint under this procedure or supporting someone else in doing so, participating in an investigation, or challenging conduct that may be inappropriate.
10. Additional definitions appear in Annex I-A. Annex I-B includes examples of specific behaviours constituting harassment, sexual harassment and abuse of authority.

Prevention

Role of employees

11. Employees are responsible for:
 - treating all people in the workplace courteously and respectfully and not undermining their personal dignity;
 - being mindful of their own personal behaviour at all times, and of how colleagues may perceive this;
 - understanding the standards of behaviour that are required, and the kinds of behaviour that are potentially harassing, or that constitute an abuse of authority;
 - reporting apparent breaches of this policy to a higher-level official, whose responsibility it is to take appropriate action;
 - cooperating fully with those responsible for dealing with a complaint of harassment, ensuring that confidentiality is respected.
12. Employees must not:
 - encourage or attempt to encourage other employees to harass colleagues or misuse their authority;

- participate or encourage others to participate in retaliation against an employee who has made, or has supported someone else making, a complaint under this procedure.

Role of managers and supervisors

13. Employees with supervisory and/or management responsibilities are responsible for:

- maintaining a high standard of personal conduct in dealing with all employees, and leading by example in maintaining the personal dignity of employees;
- ensuring that all employees are aware of their rights and responsibilities under this policy, and of the courses of action and sources of support that are available to them;
- intervening promptly when alerted to actual or potentially inappropriate or offensive conduct, and reiterating the required standards of conduct;
- taking prompt action to report, informally resolve, refer as appropriate or investigate, under the guidance of OSDI, alleged incidents of workplace harassment;
- using normal supervisory and appraisal processes to examine any perceived concerns about personal behaviours that might be harassing or offensive, and discussing what action may be needed to improve standards of behaviour;
- taking all reasonable steps to protect the confidentiality of all those people affected by allegations, prior to and/or during any investigation, including in local record-keeping, communication systems and practices;
- attending any relevant training related to this policy;
- helping complainants and alleged perpetrators to obtain appropriate support while a complaint is being resolved, and ensuring that the remaining team members are also appropriately supported and managed;
- assisting the rehabilitation of working relationships where appropriate;
- providing all staff with opportunities for education and training related to prevention and resolution of workplace harassment.

Role of WFP

14. Under the overall leadership of the Executive Director, WFP is responsible for:

- providing leadership in the prevention of workplace harassment by fostering a climate of mutual respect and by providing role models of the required standards of behaviour;
- ensuring that all employees are informed of the required standards of conduct, informing them of this policy, and ensuring that all staff are aware of their responsibilities and rights, and of how to obtain support if needed;

- briefing new employees on this policy during orientation sessions, and providing ongoing training for all staff on preventing and managing harassment in the workplace;
- ensuring that timely and appropriate action is taken when workplace harassment is alleged, and that the confidentiality of individuals is reasonably protected;
- taking appropriate action to maintain the safety and well-being of relevant parties and to protect the interests and reputation of WFP;
- where necessary, taking disciplinary or other corrective measures to deal with breaches of this policy, including breaches made by perpetrators of harassment, managers who unreasonably fail to take proper action to deal with harassment or abuse of authority, and individuals who make frivolous or malicious complaints of harassment;
- monitoring the effectiveness of this policy's implementation.

15. The Human Resources Division (ADH) is responsible for the overall maintenance of this policy by:

- developing training and information material to inform employees, supervisors and managers about harassment, sexual harassment and abuse of power (SHAP) and measures for its prevention;
- advising employees, supervisors and managers concerning the informal resolution process and mediation, and taking all steps possible to resolve complaints informally;
- consulting with the Office of Inspections and Investigations (OSDI) to set a reasonable time frame for the completion of the investigation, and reviewing findings and recommendations;
- determining the outcome and appropriate action to be taken in responses to breaches of the policy, in consultation with the Legal Services Division (LEG) as appropriate;
- ensuring that the parties are informed of the outcome in a timely fashion;
- in consultation with the Ombudsman, making appropriate arrangements for dealing with requests for review of decisions or with complaints about how this policy was applied during a complaint;
- ensuring that appropriate and up-to-date information regarding this policy is provided on the Intranet.

Rights

16. *Complainants* have the right to:

- make a complaint;

- be accompanied during the key stages of this procedure – e.g., during interviews – by a willing work colleague;
- not suffer retaliation for having made a complaint in good faith under this policy;
- be offered reasonable and appropriate support to deal with the impact of any harassment or abuse of authority;
- be assured of confidentiality and professional standards of conduct while a complaint is being investigated.

17. *Alleged perpetrators* have the right to:

- be assured of due process during the handling of any complaint or the investigation into a complaint;
- be offered reasonable and appropriate support to deal with the impact of any harassment or abuse of authority;
- be accompanied during the key stages of this procedure – e.g., during interviews – by a willing work colleague;
- be informed at the appropriate stage when a formal complaint has been made, and be informed of the allegations levelled against him/her;
- be assured of confidentiality and professional standards of conduct while the complaint is being investigated.

Dispute resolution process

18. Complainants have the right to choose either informal or formal channels for resolving a dispute. Every effort should be made to resolve problems early, through open communication and in a cooperative manner. In many instances, the use of conflict resolution mechanisms, such as coaching, counselling and facilitation, can resolve issues and prevent situations from escalating to the point where making a formal complaint becomes necessary. It is, however, the right of any individual to proceed directly to the formal stage, especially if the allegations are serious or previous attempts to deal with matters informally have failed.

The informal process

19. The objective of the informal resolution process is to allay any concern or resolve any conflict as soon as possible, in a fair and respectful manner and without having to resort to the formal complaints process. The steps are as follows.

20. An employee who feels offended – the complainant – by the actions of another employee – the alleged perpetrator – is encouraged to make this known to the alleged perpetrator as soon as possible, in an attempt to resolve the problem or at least prevent the situation from getting worse.

21. If the complainant feels comfortable, she/he should discuss his/her concerns directly with the alleged perpetrator, either in person or in writing. If the complainant feels uncomfortable, she/he should proceed with the support of a trusted person.
22. If possible, the complainant should make clear to the alleged perpetrator what behaviour is unacceptable and should ask the alleged perpetrator to stop. In some cases, this will be sufficient to resolve the situation.
23. If the complainant feels unable to speak to the alleged perpetrator, or if having spoken the behaviour persists, he/she should keep a note of the details, dates, times, circumstances and witnesses of incidents, including a note of any ways in which the incidents have affected her/him personally or his/her ability to work effectively.
24. If the complainant feels unable to speak to the alleged perpetrator, or if the problem remains unresolved, she/he should discuss his/her difficulties informally with any of the following:
 - her/his supervisor or another manager;
 - a human resources officer or delegated human resources focal point;
 - a staff counsellor;
 - the Ombudsman;
 - a peer support volunteer;
 - a Staff Association representative or Union Member.
25. Any of these people can provide advice and support to help deal with concerns quickly and confidentially. Where appropriate, the Ombudsman and others detailed in the previous paragraph will encourage and help arrange informal processes to try and resolve concerns before the complainant proceeds to a formal complaint.

The formal process

26. The formal process consists of the following steps. A detailed description of the process to be followed appears in Annex II.

Step 1 – Submission of complaint

27. The complainant must submit a complaint in writing to the Director ADH, the Inspector General, the local human resources officer at the duty station, a peer support volunteer, a staff counsellor, or the confidential WFP Hotline operated by ODSI.
28. Whichever route is used, the complaint must immediately and confidentially be notified to the Director ADH.

29. A formal complaint must be submitted within six months from either the date of the incident of alleged harassment or abuse of authority or the most recent alleged incident, if the complaint is about a persistent pattern of inappropriate behaviour.

Step 2 – Screening and acknowledgment of complaint

30. On receipt of a formal complaint, the Director ADH or his/her delegated representative will acknowledge receipt to the complainant within five working days.
31. Through the appropriate executive officer, the Director ADH or her/his delegated representative will ensure that the complainant is safe, and will discuss and jointly agree any necessary interim measures while a complaint is being resolved, investigated or decided.

Step 3 – Preliminary review of the complaint

32. On receipt of the written complaint, the Director ADH will record the complaint and conduct an initial review to determine whether it can be resolved either informally or through mediation. If ADH determines the complaint can be resolved in this manner it will advise the complainant. After consideration of any additional and relevant issues raised by the complainant, the Director ADH will make a final determination of how the complaint will be addressed. In cases where mediation is chosen, it is entirely voluntary and must be agreed to by both parties. If they do not both agree, the process can move to step 5.
33. Alternatively, if ADH is satisfied that it has all the necessary facts and that the complainant and the alleged perpetrator have been given reasonable opportunity to be heard, the Director ADH may decide that no further investigation is necessary, and instead proceed directly to his/her recommendations (step 6).
34. If ADH decides that a fuller investigation is warranted to obtain additional information, the complaint will be forwarded to OSDI for necessary action. The complaint will be registered by OSDI and the complainant will be notified of this.

Step 4 – Mediation

35. If the complainant and the alleged perpetrator agree to mediation, the Director ADH may obtain professional mediation services from outside WFP, or from any suitably experienced individual within WFP who is acceptable to both parties.
36. The mediator will manage the process, but the parties will be responsible for the outcome, which may include a resolution acceptable to both. During mediation, an appropriate supporter or representative – as described elsewhere – may accompany the complainant, the alleged perpetrator or both.

37. When a resolution is reached, the complainant and the alleged perpetrator must agree to it in writing, and a confidential copy of the resolution must be sent to the Director ADH. The matter will then be considered concluded.

Step 5 – Investigation

38. If either the complainant or the alleged perpetrator does not agree to mediation, or if no resolution is reached during mediation, the Director ADH may refer the complaint to OSDI for more detailed investigation.
39. Major investigations will be conducted by OSDI investigators. The Inspector General may, however, in consultation with the appropriate level of management, appoint another employee to conduct the investigation as investigator, under the direction of OSDI. In either case, the investigator(s) should be impartial and have no conflict of interest.
40. The investigator(s) will normally conduct separate interviews with the complainant, the alleged perpetrator and any witnesses. The investigator(s) will also have the discretion to call on other people who may provide information that is material to the investigation, or to request similarly relevant documents.

Step 6 – Conclusion of the investigation

41. The investigator(s) will review all the facts and evidence surrounding the complaint of harassment, and will prepare a written report containing the findings, conclusions and recommendations. The report of the investigator(s) investigating under the direction of OSDI will first be submitted to OSDI for review of completeness and consistency of investigation standards. After resolution of any concerns, the final investigation report will be submitted to the Executive Director and the Director ADH.
42. Malicious complaints are considered as misconduct, and if during the course of an investigation it is determined that the complaint was malicious, the complainant may be subject to administrative or disciplinary action.

Step 7 – Decision and disciplinary phase

43. On receipt of the investigation report, the Executive Director or the Director ADH, acting on the Executive Director's behalf, will review the findings and recommendations and – after the alleged perpetrator has been afforded due process, and in consultation with LEG – make a decision regarding the administrative or disciplinary action that should be taken, if any.
44. The Executive Director or the Director ADH or her/his delegated representative will inform the complainant and the alleged perpetrator of the decision, in writing, within 30 working days of receipt of the investigation report and after completing all due process requirements. A summary of the reasons for the decision will be provided at the discretion of the Director ADH.

Request for review

45. Both the complainant and the alleged perpetrator may request a review of *either* the decision *or* any alleged failure to implement the procedures and principles of this policy fairly and reasonably. Reviews shall be conducted in accordance with the established internal mechanism applicable to the employee's contract of employment.
46. Administrative/disciplinary action taken as a result of the original complaint may be implemented and enforced during the time of the appeal and review, with the consent of the Director ADH or his/her delegated representative.

Confidentiality

47. All participants will keep the contents of the mediation process and discussions and any resolution strictly confidential. No records of mediation or the subsequent resolution will be attached to individual personnel files. Documents or other records that are created in the course of informal procedures or mediation will be destroyed by the mediator at the end of the proceedings, unless the mediator, with the agreement of both the complainant and the alleged perpetrator, believes there is a significant reason to retain all or some of them. The complainant and/or alleged perpetrator involved in informal resolution or mediation, and their representatives, may retain copies of any records or documents signed by either party.

Records

48. The Director ADH or her/his delegated representative will ensure that all records of a formal complaint, and any supporting documentation, are kept confidentially and separately alongside the complainant's and the alleged perpetrator's personnel files. Any investigation files will also be held separately and confidentially by OSDI. The Director ADH or his/her delegated representative, or the Inspector General or her/his delegated representative may have access to these additional records and documents. The Ombudsman will have access, on the demonstration of cause to, and with the expressed consent of, the WFP Inspector General, as per the Ombudsman's Terms of Reference.
49. A summary record of the complaint and any action taken shall be kept on the personnel file of the perpetrator only if disciplinary action has been taken against that individual. This record will be retained in accordance with the relevant separate guidance. Time scales should be consistent with disciplinary policy, where appropriate.

Monitoring effectiveness of the policy

50. **The Director ADH** has overall responsibility for monitoring and reporting progress to the Senior Executive Staff on the effectiveness of prevention and management of harassment and abuse of authority in WFP. She/he is also

responsible for advising on, developing and coordinating appropriate records as described in Annex III. The Director ADH will provide an annual report to the Executive Director and the Ombudsman based on the information described therein.

51. In addition, the following reports will be submitted:

- Head of Staff Counselling Service to the Executive Group (quarterly);
- Ombudsman, independently to the Executive Director (annually).

The content of these reports is described in Annex III.

52. The Executive Group will review the above information, at least annually, to evaluate how effectively WFP's policy objectives and principles are being implemented. This review will form the basis for ongoing identification of improvement priorities and actions, which will be delegated to responsible divisions in line with the roles and responsibilities set out elsewhere in this document.

53. The Office of the Executive Director will publish an annual statement to all staff commenting on overall performance and providing a summary of actions taken on complaints received.

Effective Date

54. This Circular will take effect immediately.

James T. Morris
Executive Director

ANNEX 1-ADEFINITIONS

Complainant is the person who alleges that s/he has been harassed.

Alleged Perpetrator is the person who has been accused of harassment.

Mediation: This is a voluntary process used to resolve conflict by having a neutral person help the disputing parties arrive at a mutually acceptable solution. Both the complainant and the alleged perpetrator must agree to take part in mediation.

In considering all the evidence, it is only necessary to decide if, under all the relevant circumstances and evidence available, it is *probable* that harassment or abuse of power occurred. Absolute proof of harassment having occurred is not necessary.

Workplace: For the purpose of this policy, the definition of 'workplace' includes any place where the occasion (relating to the harassment or bullying) can be identified or connected to either the requirements of WFP or with events outside but directly linked to working for WFP.

A workplace includes but is not limited to, the actual work site. It may also include the home locations of work sites, training sessions, conferences, business travel, work related social gatherings, or other locations where an employee is engaged in activity associated with employment. This means the workplace may cover allegations of harassment or abuse of authority during or outside of normal working hours.

The guiding principle for determining if this policy applies to allegations at a particular time or place is if the situation has a negative effect on working relationships, work effectiveness or job security of a WFP employee, or if it potentially undermines or threatens, the reputation of WFP.

Hostile Work Environment: A hostile working environment is both one that a reasonable person would find hostile, intimidating or abusive and that the particular person who is the recipient of the harassment perceives to be hostile, intimidating or abusive. A hostile work environment is determined by looking at all of the circumstances including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening, or humiliating, and whether it can reasonably interfere with a staff member's work performance.

Retaliation is a malicious act to inflict emotional or physical distress and/or harm to another person. It is often a form of intimidation or attempted revenge.

Retaliation is any behaviour or threatened behaviour taken against an individual(s) for raising concerns, making a complaint under this procedure, or supporting someone else in so doing, participating in an investigation, or challenging conduct which may be inappropriate.

Examples of retaliatory actions include, but are not limited to:

- Withholding of deserved support for promotion and renewal of contract.
- Punitive work scheduling or allocation.
- Assigning inappropriately low grades.
- Threatening an individual or their family members.
- Threatening to undermine an individual's reputation within the organisation or their future career prospects.
- Unfairly assigning an individual inadequate and undesirable space.
- Undeserved demotion.

Harassment: A comprehensive definition of harassment is difficult to construct because it can take many forms and may be directed at an individual or group of individuals. More common forms of harassment involve offensive conduct or behaviour targeted at personal characteristics such as a person's age, disability, ethnic origin, gender, marital status, race, religion, sexual orientation.

Harassment can involve the inappropriate use, or threat of use, of power or authority. Also, cultural differences and misinterpretation can mean that what is perceived as harassment by one person may not seem so to another. Harassment may sometimes also be confused with firm management or a strong personality.

Whatever the cause, inappropriate behaviour that leads to other people becoming unreasonably stressed or distressed, de-motivated or fearful is unacceptable.

Common defining features of harassment or abuse of power are that the behaviour is:

- Unwelcome and unwanted by the recipient.
- Frequently repeated (although sometimes even a single instance of behaviour can be harassment).
- Regarded as harassment by any reasonable person.

Harassment does not have to be intentional or deliberate - what is important is how that behaviour is perceived by an individual and the subsequent impact that it has on them.

Wherever the harassment originates from, it is unacceptable and its effects can be extremely distressing. Harassment and abuse of power can be a source of great stress to an individual and is likely to make them feel isolated. It affects the individual's ability to work effectively, learn and succeed. Individuals may experience fear, anxiety, stress or other health related problems which in turn can lead to poor work performance, lack of motivation, increased absenteeism and even resignation.

Conduct which is offensive or objectionable to the recipient, causes discomfort or humiliation, interferes with job performance, career or promotion prospects, or creates a threatening, hostile or intimidating working environment may be regarded by the recipient as harassment or abuse of authority.

Harassment is any improper conduct by an individual or groups of people, that is directed at and offensive to, another person, or persons, in the workplace and that the individual or group knew, or ought reasonably to have known, would cause offence or harm to that person. It comprises any objectionable act, comment or display that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat.

Sexual Harassment

Sexual harassment is a particular form of harassment. It includes any unwelcome and unwanted sexual advances, requests for sexual favours, or other unwelcome or unwanted written, verbal or physical conduct of a sexual nature which:

- Interferes with ability to perform effectively at work or is made an explicit or implicit condition of employment or
- Creates an intimidating, hostile, or offensive work environment.

When this harassment is committed by a person in a position to influence the career or employment conditions of the victim, the sexual harassment is more offensive as it may also constitute abuse of authority.

Generally, sexual harassment is deliberate, unsolicited, coercive and one sided. Both male and female staff members can be the victim or the perpetrator. Like other forms of harassment, it can occur as a series of inappropriate behaviours over time or it can occur on a single occasion. It detrimentally affects the work environment or leads to adverse job related consequences for victims of the harassment.

Set out below are some examples of how harassment, sexual harassment, and abuse of authority (or power) might occur in the workplace. This is not an exhaustive list and there may be other examples. In some cases, a single action may constitute harassment, sexual harassment and abuse of authority. For this reason, there is some overlap between examples. Harassment can be verbal, non-verbal or physical.

ANNEX I-B**BEHAVIOUR CONSTITUTING HARASSMENT, SEXUAL HARASSMENT AND ABUSE OF AUTHORITY****Verbal Harassment**

- Verbal abuse, insults and name-calling.
- Repeated requests or other forms of pressure for a sexual or other more personal, rather than a professional, relationship (e.g. repeated requests for 'a date').
- Using unwelcome 'pet' names.
- Shouting and aggressive behaviour.
- Using a person as the constant or repeated butt of jokes.
- Derogatory or offensive nicknames.
- Innuendo or other suggestive, offensive or derogatory comments or jokes about sex, a person's gender or sexual orientation.
- Unwanted and/or demeaning comments on dress or appearance.
- Slandering or maligning another person's reputation by gossip, rumour and ridicule.
- Persistently making unwarranted critical or patronising remarks in front of others or 'behind a person's back'.
- Unwarranted, intrusive or persistent questioning about a person's marital status, sexual interests/history or orientation or similar questioning about a person's ethnic or racial origin including their culture or religion.
- Obscene or harassing messages left on an answering machine or voice mail.
- Putting pressure on a person to participate in political/religious discussions of groups.
- Jokes or inappropriate comments and questioning about a person's impairments or disability.
- Criticising people for items worn for religious or cultural reasons.
- Denigrating specific cultural or religious festivals, or making derisory comments against an individual's beliefs.
- Open or implied threat that submission to sexual advances will be a condition of some form of commendation, work status or access to promotion or development opportunity or positive performance evaluation.
- Suggestive remarks about a person's clothing, body, hairstyle, appearance or any aspect of their person or personal possession.
- Remarks speculating about a person's sexual activities or history, or remarks about one's own sexual activities or history.
- Repeated and unwanted personal notes or telephone calls that harass, threaten, attempt to coerce, humiliate or intimidate.

Non-Verbal Harassment:

- Social exclusion, isolation or non co-operation at work.
- Showing hostility through sustained unfriendly contact or exclusion.
- Unintentional and unwanted touching, patting, hugging or other physical contact.
- Repeated use of offensive gestures.
- Displays of sexually offensive material including posters, pinups, cartoons, graffiti, objects, or messages left on notice boards, desks or common areas.
- Repeated giving of unwanted gifts or invitations.
- Repeated staring or aggressive facial expressions.
- A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating distress and/or humiliation in another person.
- Leaving an abusive, insulting or threatening letter for another member of staff or leaving such notes or notices around the office.
- Using the fax or e-mail system to send abusive, threatening or insulting messages to, or about, another member of staff.
- Keeping or sending inappropriate screensavers that may cause offence to others.
- Spreading malicious rumours which have no basis in fact.
- Freezing out, isolating, ignoring or excluding someone.

Physical Harassment:

- Sexual or other assault.
- Actual or attempted use of force to coerce someone to have sexual activity - even if between individuals who are dating each other or know each other as acquaintances (prior relationship, excessive use of alcohol, or previous sexual involvement do not lessen the seriousness of such an incident).
- Unwanted, uninvited or inappropriate touching (e.g. massaging a person without invitation or deliberately brushing up against them).

Abuse of Authority

Harassment also includes abuse of authority or power.

This is where an individual improperly uses the power and authority inherent in their given position to endanger another person's job, undermine their performance in that job, threaten the person's economic livelihood, or in any way maliciously interfere with, or influence a person's career. It is about using power or authority in a way which serves no legitimate work purpose and which ought reasonably to be known to be inappropriate. Examples of abuse of authority include, but are not limited to, such acts as intimidation, humiliation, threats, blackmail or coercion.

Abuse of authority often results in vindictive, cruel, malicious or humiliating treatment, usually based on the abuser having some form of greater power or authority than the other staff member (although the abuser does not always have to be the other person's line manager).

Bullying is a form of abuse of power as it typically has very many of the above characteristics. An individual or a group of people can perpetrate bullying. The victim can be an individual or a group of persons having a particular characteristic in common. The term bullying is often used interchangeably with the term 'abuse of authority or power'.

Abuse of authority or bullying can typically occur when professional brusqueness or 'toughness' becomes tainted with personal vindictiveness. For example, it is when: criticism becomes destructive not constructive; the criticism is of the person rather than their mistakes; or the purpose of the criticism is to publicly humiliate rather than privately correct any shortfall.

People who have been bullied or suffered from abuse of power often feel threatened, demoralised, fearful or compromised. Abusive or bullying behaviour can range from extreme and obvious behaviour to that which is subtle or seemingly innocent.

Abuse of authority (or power) can take many forms including some of those already mentioned above as examples of harassment. Whatever form it takes abuse of authority (or power) consists of the regular use of inappropriate behaviours to the detriment of another individual.

Other possible examples of abuse of authority include the following.

More obvious examples of Abuse of Authority:

- Regularly shouting or swearing or threatening an individual (or group of people), both publicly and/or in private.
- Repeatedly aggressive behaviour and/or use of language, usually over quite unimportant or trivial matters.
- Repeatedly insulting someone's appearance or personal characteristics.

- Unfair delegation of duties.
- Excessive supervision and over-checking of a person's work.
- (Mis)Using power of personal authority to force an individual not to exercise their right to complain, or raise concerns, about potential breaches of standards of conduct or probity.
- Regularly 'putting down' or singling out an individual and treating them differently, typically in a demeaning way.
- Regularly picking on an individual and/or group of people and making them the target of offensive language or gratuitous personal remarks, and/or offensive teasing.
- Regularly taunting, humiliating or embarrassing someone, or a group of people, especially in front of others.
- Forced or offensive or humiliating initiation rites or practical jokes, any or all of which may cause physical or psychological distress.

Less obvious examples of Abuse of authority:

- Preventing an individual's progress by intentionally blocking or interfering with promotion or training opportunities for unjustifiable reasons.
- Reacting to a minor problem or issue with the same severity as a major one.
- Inappropriately disclosing or threatening to disclose confidential information about an individual, whether relating to personal or professional matters.
- Imposing sanctions or other forms of punishment without reasonable justification.
- Changing the duties or responsibilities of staff to their detriment without reasonable justification.
- Over-monitoring a staff member with malicious intent, e.g. deliberately focusing on 'tripping them up'.
- Manipulating the nature of the work to undermine the person being bullied e.g. by unfairly and unjustifiably overloading a staff member with work, inappropriately withholding information, or repeatedly setting meaningless or trivial tasks.
- Inconsistent management style where some individuals are unfairly favoured more than others.
- Persistently and inappropriately finding fault with a person's work and using this as an excuse to humiliate the person rather than trying to improve performance.
- Constantly picking on a person when things go wrong even when he/she is not solely or primarily responsible for any perceived shortfall in performance.
- Persistently making negative attacks on personal or professional performance or competence without good reason or legitimate authority.
- Persistently setting objectives with unreasonable or impossible deadlines or unachievable tasks.
- Asserting a position of intellectual superiority in an aggressive, abusive or offensive manner.

ANNEX II**THE FORMAL COMPLAINT PROCESS**

The formal complaint process contains seven steps.

Step 1 – Making a complaint

The complainant must submit a complaint in writing to any of the following:

- directly to the Director ADH;
- the local human resources officer at the duty station;
- a peer support volunteer;
- a staff counsellor at the duty station.

Whichever route is used, the complaint must immediately and confidentially be notified to the Director ADH.

If a complainant makes a complaint via the OSDI Confidential Hotline he/she will be contacted by an OSDI officer. In all cases of complaints made to OSDI, the Inspector General will decide whether or not OSDI will pursue the investigation. Should OSDI decide to pursue an investigation, it will proceed in accordance with the OSD charter and the rules and procedures governing an OSDI investigation, and will not be subject to the procedures noted in this policy. Should OSDI decide not to pursue an investigation, it will provide the complainant with advice regarding the harassment policy. If the complainant concurs, OSDI will also refer the matter to the Director ADH, to be addressed under the terms of this policy.

Normally the complainant must submit the formal complaint. This must be done within six months from either the date of the incident of alleged harassment or abuse of authority, or the most recent alleged incident, if the complaint is about a persistent pattern of inappropriate behaviour.

The complaint must include in a concise and clear way:

- the name of the alleged perpetrator;
- the nature of the allegation;
- the relationship between the complainant and the alleged perpetrator, e.g., supervisor, colleague.
- the date(s), a description of the incident(s) and, if applicable, the names of those involved.

Step 2 – Screening and acknowledgment of complaint

On receipt of the complaint, the Director ADH or his/her delegated representative will ensure that investigation of the allegations is appropriate under this policy. She/he will acknowledge the complaint to the complainant within five working days of receiving it.

The Director ADH or his/her delegated representative will notify the alleged perpetrator of the allegations against her/him within ten working days from the date the complaint was notified to the Director ADH.

Once notified of the complaint, the alleged perpetrator has 15 calendar days to make an initial response, in writing, to the Director ADH. Any extensions beyond this time will be at the discretion of the Director ADH and only on presentation of compelling justification for the extension, in writing, from the alleged perpetrator.

Through the appropriate executive officer, the Director ADH or his/her delegated representative will ensure that the complainant is safe, and will discuss and jointly agree any necessary interim measures while a complaint is being resolved, investigated or decided. Interim measures are intended to be precautionary and supportive and do not in any way imply that allegations are substantiated or that the alleged perpetrator is "guilty" of the allegations. Interim measures shall include, but are not limited to, temporary reassignment or transfer to other duties or an alternative location. Depending on the circumstances and practicalities of the situation, interim measures may be applied to the complainant, the alleged perpetrator or both of these parties.

Step 3 – Preliminary review of the complaint

On receipt of the written response from the alleged perpetrator, the Director ADH or her/his delegated representative will undertake a preliminary review of the complaint.

If ADH is satisfied on the available evidence that it has all the necessary facts and that the complainant and the alleged perpetrator have been given reasonable opportunity to be heard, it may decide that no further investigation is necessary, and instead proceed directly to its recommendations (step 6).

If ADH decides that a fuller investigation is warranted to obtain additional information, the complaint will be forwarded to OSDI for necessary action. The complaint will be registered by OSDI and the relevant parties will be informed that a full investigation is to take place.

Before initiating a full investigation, OSDI must offer the complainant and the alleged perpetrator the opportunity to resolve the conflict by mediation. Mediation is entirely voluntary and must be agreed to by both parties. If they do not both agree, the process can move to step 5.

Step 4 – Mediation

If the complainant and the alleged perpetrator agree to mediation, the Director ADH:

- may obtain professional mediation services from outside WFP or from any suitably experienced individual from within WFP who is acceptable to both parties;
- may not proceed to a full investigation until the mediator has notified the Director ADH that the mediation has concluded and that it has not been successful in resolving the conflict.

The mediator manages the process, but the parties are responsible for the outcome, which may include a resolution acceptable to both. During mediation, an appropriate supporter or representative – as described elsewhere – may accompany the complainant, the alleged perpetrator or both.

When a resolution is reached, the complainant and the respondent must agree to it in writing. On agreement of both parties, a confidential copy of the resolution will be sent to the Director ADH. The matter will then be considered concluded.

All participants will keep the contents of the mediation process and discussions and any resolution strictly confidential. No records of mediation or the subsequent resolution will be attached to individual personnel files. Documents or other records that are created in the course of informal procedures or mediation will be destroyed by the mediator at the end of the proceeding, unless the mediator, with the agreement of both the complainant and the alleged perpetrator, believes there is a significant reason to retain all or some of them. The complainant and/or alleged perpetrator involved in informal resolution or mediation, and their representatives, may retain copies of any records or documents signed by either party.

Step 5 – Investigation/decision

If either the complainant or the alleged perpetrator does not agree to mediation, or no resolution is reached during the mediation, the Director ADH may refer the complaint to OSDI for a more detailed investigation.

Major investigations will be conducted by OSDI investigators. The Inspector General may, however, in consultation with the appropriate level of management, appoint another employee to conduct the investigation as investigator, under the direction of OSDI. In either case, the investigator(s) should be impartial and have no conflict of interest.

The investigator(s) will normally conduct separate interviews with the complainant, the alleged perpetrator and any witnesses. If appropriate, the investigator(s) may interview the complainant and the alleged perpetrator and/or witnesses in the presence of each other. The investigator(s) will also have the discretion to call on other people who may provide information that is material to the investigation, or to request similarly relevant documents.

Step 6 – Conclusion of the investigation

The investigator(s) will review all the facts and evidence surrounding the complaint of harassment, and the investigation report – if any. It will then submit its own final written report containing its findings, conclusions and recommendations to the Director ADH for final decision. The final written report will be submitted as soon as possible after the conclusion of the main investigation of evidence.

The evidence should be evaluated on the balance of probabilities.

As part of the report, the investigator(s) should comment and/or determine the following:

- On the balance of probabilities, is the complaint substantiated or upheld either in whole or in part? In other words, is/are the investigator(s) reasonably satisfied that harassment probably did, or did not, occur?
- How is this conclusion supported by the evidence made available to the investigator(s)?
- How serious is any shortfall or breach in standards of conduct?
- Has there been a breach of discipline or other significant standard of required conduct, and if so how serious is it? If the available evidence clearly indicates that the harassment has been serious and that the seriousness of the misconduct warrants separation from service, this recommendation should be included in the report.
- Is any further recommendation or action advised or required?
- What actions are recommended to resolve the complaint and/or deal with any shortfall in conduct, and/or to enable the rebuilding of working relationships between the main parties?

The investigator(s) should refer to the separately issued guidance document relating to this policy. This sets out the range of actions that are available for dealing with harassment and abuse of authority complaints that are upheld.

Step 7 – Decision and disciplinary phase

On receipt of the investigation report, the Executive Director or the Director ADH, acting on the Executive Director's behalf, will review the findings and recommendations and – after the alleged perpetrator has been afforded due process, and in consultation with LEG – make a decision regarding the administrative or disciplinary action that should be taken, if any. The following may occur:

- Should the facts reported in the investigation report appear to indicate that misconduct has not occurred, the case may be closed.
- Should the facts reported in the investigation report appear to indicate that misconduct may have occurred, the Executive Director or the Director ADH, acting on the Executive Director's behalf, shall apply a disciplinary measure in

line with the staff rules. The disciplinary measures applied shall be appropriate to the seriousness of the breach of conduct.

The Executive Director or the Director ADH or her/his delegated representative will inform the complainant and the alleged perpetrator of the decision, in writing, within 30 working days of receipt of the investigation report and after completing all due process requirements. A summary of the reasons for the decision will be provided at the discretion of the Director ADH.

Request for review

Both the complainant and the alleged perpetrator may request a review of *either* the decision *or* about any alleged failure to implement the procedures and principles in this policy fairly and reasonably. Any request for a review must be submitted in writing to the Director ADH within the time scales and requirements that apply to the staff member's contract of employment. These are set out in the relevant sections of the manuals relating to the staff rules. Any request should also set out the main grounds or reasons for a review.

Disciplinary action taken as a result of the original complaint may be implemented and enforced during the time of the appeal and review, with the consent of the Director ADH or his/her delegated representative.

Records

The Director of Human Resources or his/her delegated representative will ensure that all records of a formal complaint, and any supporting documentation, are kept confidentially and separately alongside the complainant's and the alleged perpetrator's personnel files. Only the Director ADH or her/his delegated representative, or the Inspector General or his/her delegated representative may have access to these additional records and documents. The Ombudsman will have access, on the demonstration of cause to, and with the expressed consent of, the WFP Inspector General, as per the Ombudsman's Terms of Reference.

A summary record of the complaint and any action taken shall be kept on the personnel file of the perpetrator only if disciplinary action has been taken against that individual. This record will be retained in accordance with the relevant separate guidance. Time scales should be consistent with disciplinary policy, where appropriate.

ANNEX III**MONITORING EFFECTIVENESS OF THE POLICY**

The Director ADH has overall responsibility for monitoring and reporting progress to the Senior Executive Staff on the effectiveness of prevention and management of harassment and abuse of authority in WFP. She/he is also responsible for advising on, developing and coordinating appropriate records of the following:

- frequency and nature of general publicity about this policy to managers and employees;
- frequency, nature and cost of SHAP-related training, and numbers of staff who have received this training;
- numbers of formal complaints received, and analysis of outcomes and actions taken;
- numbers of requests for peer support volunteer assistance and support in dealing with SHAP complaints;
- frequency of meeting target time scales for key stages in this policy;
- analysis of the uptake of mediation, including whether internal or external mediation, costs of mediation, and number of successful mediation interventions;
- analysis of the extent and types of corrective action or disciplinary action;
- analysis of investigation and mediation costs;
- numbers of requests for independent reviews, and the outcomes;
- analysis of any significant trends noted over the year, and any other information that may be helpful to evaluating the effectiveness of this policy.

The Director ADH will provide an annual report on these to the Executive Director and the Ombudsman.

The Head of the Staff Counselling Service will provide quarterly reports to the Senior Executive Staff on the following:

- numbers of requests for assistance and counselling support involving SHAP issues;
- analysis of outcomes of counselling support involving SHAP issues;

- analysis of patterns of complaints involving SHAP issues, e.g. by regional profile and types of issues; analysis should not identify individuals or breach confidentiality.

The Ombudsman will provide an annual independent report to the Executive Director on the following:

- numbers of complaints received involving SHAP issues;
- analysis of the extent of informal mediation accepted, and the outcomes;
- analysis of any significant trends noted over the year, and any other information that may be helpful to evaluating the effectiveness of this policy.

The Senior Executive Staff will review this information, at least annually, to evaluate how effectively WFP's policy objectives and principles are being implemented. This will form the basis for identifying ongoing improvement priorities and opportunities, which will be delegated to responsible divisions in line with the roles and responsibilities set out elsewhere in this policy.

The Office of the Executive Director will publish an annual statement to all staff commenting on overall performance and providing a summary of action taken on complaints received.

Acronyms used in this document

ADH	Human Resources Division
LEG	Legal Services Division
OSD	Inspector General and Oversight Services Division
OSDI	Office of Inspections and Investigations
SHAP	harassment, sexual harassment and abuse of power
UNDG	United Nations Development Group