

H. PREVENTION OF HARRASSMENT

I. Prevention and Complain Procedures

1. Purpose

1.1. This guideline sets forth the Fund's policies and procedures to prevent harassment. The objective of this guideline is to ensure that all persons in the Fund's workplace enjoy an environment free from harassment. Proven harassment constitutes misconduct and may lead to disciplinary action as provided for in guideline G (Disciplinary Measures and Procedures).

2. Policy

2.1 The Fund will not tolerate any action by any staff member that constitutes harassment. All Fund staff, particularly those with managerial or supervisory responsibilities, must take prompt action to deal with any incident of harassment. Any form of harassment is detrimental to staff morale and productivity and inimical to the interests of the Fund. The Fund will ensure that complaints regarding harassment are taken seriously and handled impartially, that action is taken promptly to ensure the harassment stops, and that staff making complaints and those acting as witnesses are not retaliated against.

3. Scope

3.1 This guideline covers harassment as defined under Section 4.1 below by Management, staff members, consultants who work for the Fund, and the employees of the Fund's contractors when in the Fund's workplace, and visitors to the Fund's workplace; it applies at Headquarters, and any other Fund facilities, and while representing the Fund in the field or undertaking an activity sponsored by or associated with the Fund.

3.2 Contractors, consultants and visitors, whose conduct is assessed by the Executive Director or designated official to be harassing in nature, are to be asked to either stop such conduct or leave the Fund's premises, or an activity or function hosted by the Fund.

4. Harassment Defined

4.1 Harassment is unwarranted or unwelcome verbal or physical behaviour that interferes with work or creates an intimidating, hostile or offensive work environment. If a specific action by one person is seen as offensive or intimidating by another, that action might be viewed as harassment, whether intended or not. Harassment can take many different forms including intimidation, abuse of authority and sexual harassment.

4.2 Sexual harassment is conduct of a sexual nature which is unwanted by the recipient and which the perpetrator knew or should have known was offensive to the recipient. Sexual harassment is defined as any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature (i) which reasonably results in physical, sexual or psychological harm or suffering to another person in the Fund's workplace, including threats of such acts, coercion or physical restraint; (ii) which unreasonably interferes with work or work productivity; or (iii) which is made a condition of employment, promotion or other personnel action or creates an intimidating, hostile or offensive environment. Both men and women are to be protected from sexual harassment. Sexual harassment may occur between persons of opposite sexes or of the same sex. Sexual harassment linked with direct or implied threats or promises about career prospects is unacceptable and will be treated seriously.

- 4.3 The following forms of conduct, if unwelcome, may be considered sexual harassment:
- (a) Physical conduct of a sexual nature which may range from unwanted touching, kissing, pinching, groping or patting to assault and coercing sexual intercourse;
 - (b) Verbal conduct of a sexual nature which may include unwelcome sexual advances, propositions or pressure for sexual activity, suggestions for social activity within or outside of the workplace, offensive flirtations, suggestive remarks, innuendoes or lewd comments or noises; and
 - (c) Non-verbal conduct of a sexual nature which may include, among other things, the display of pin-ups, sexually offensive pictures or other offensive materials, objects or written materials, leering, suggestive looks, whistling, and gestures which are sexually suggestive or rude.

4.4 General Considerations – Mildly offensive comments or behaviour may not alone amount to harassment, but can be considered as harassment if they are repeated. Equally, a single incident can be so severe that it would adversely affect a staff member or the workplace and amount to harassment. It is a question of degree and perception.

4.5 Matters Not Generally Regarded as Harassment

- (a) There is a wide range of ambiguous behaviour that might offend some people, but not necessarily others. Examples might include comments on clothing and compliments about improved appearance. This type of behaviour would not normally be seen as harassment.
- (b) In the course of their work, supervisors have a responsibility to take difficult decisions, e.g. about moving people or changing work assignments. These decisions do not, in themselves, constitute harassment. A negative performance report, as such, is not harassment. Supervisors have a responsibility to give appropriate feedback and to take appropriate corrective action. However, such feedback should be made in a reasonable and constructive manner and should not be used as retaliation.

5. Preventing Harassment

5.1 The Fund is responsible for creating a work environment that is free of harassment. Every staff member has a responsibility to ensure that the policy of the Fund is fully implemented. Management, Heads of Divisions/Offices, Directors and Supervisors bear added responsibility in this process including:

- (a) Setting the highest exemplary standards of behaviour and conduct for themselves;
- (b) Clearly communicating the Fund's policy on harassment to all their staff, including new staff;
- (c) Being responsive to and supportive of any person in the Fund's workplace who complains about harassment;
- (d) Encouraging a positive working environment of dignity and mutual respect, and in which any form of harassment is not tolerated; and
- (e) Ensuring that any incident of unacceptable behaviour or conduct, including intimidation and hostility, is promptly dealt with and appropriate corrective action taken.

As soon as an incident is reported to Human Resources (HR), consideration should be given to redeploy either party pending resolution of the matter. Following up on any incident is also important to ensure the harassment has stopped and the complainant is not the subject of retaliation.

5.2 All staff members in a position of supervision must ensure that they are available to staff members who may wish to raise concerns, in confidence and without fear of reprisal. Supervisors are expected to deal with such matters in a sensitive manner, and ensure that an appropriate atmosphere is created to ensure that staff members feel free to use the appropriate channels outlined in this Staff Rule and express any concerns about a situation which may have arisen.

5.3 While on mission, staff must take particular care to avoid behaviour that could constitute, or be interpreted as constituting, harassment. Mission leaders must act promptly and decisively if such inappropriate behaviour is brought to their attention, whether perpetrated by mission members or others.

5.4 Cases of suspected or actual harassment within the Fund must be handled so as to safeguard the rights and reputations of individual staff members, to protect the Fund's interests, and to guard against any future occurrences.

5.5 The Executive Director designates staff members who will be trained as mediators in issues of harassment, some of whom will be given specialist training in respect of sexual harassment. A list of those trained is to be made available to Directors, Supervisors and others upon request.

5.6 HR will be responsible for arranging informational materials and for providing training for all persons in the Fund's workplace concerning harassment. This Staff Rule will be discussed in orientation and other the Fund training programmes.

6. Harassment Complaint Procedures

6.1 Informal Complaints and Mediated Resolutions

- (a) It is hoped that most matters may be resolved informally, however it is up to the complainant to decide whether or not to submit a formal complaint. Before filing a formal complaint, a complainant should go through the informal resolution process discussed below.
- (b) Behaviour or conduct which is, or is perceived to be, offensive may be unintentional, due to misunderstandings or ignorance. Many such incidents of harassment may be resolved informally by the complainant explaining to the alleged harasser directly (by a meeting or through a letter) that her or his behaviour is not welcome and that it should cease.
- (c) If the complainant is not comfortable in handling the situation on her or his own for any reason, including her or his employment level, status, culture or similar considerations, s/he may seek the advice or assistance of the following persons:
 - (i) Staff with specialized training on sexual harassment; or
 - (ii) Immediate supervisor.

The person assisting the complainant may, after obtaining the complainant's permission, discreetly discuss the matter with the alleged harasser with a view to achieving informal resolution.

6.1.1 Matters of harassment may be dealt with initially on an informal basis and if they are resolved in that manner no disciplinary procedures will be applicable. However, if such a resolution occurs after the complainant has submitted a formal complaint, the Executive Director or designated official may decide to initiate disciplinary proceedings against the alleged harasser, even if the alleged harasser subsequently reaches a settlement of the matter with the complainant.

6.2 Formal Complaints

- (a) In circumstances where informal resolution of an incident of harassment is not an appropriate approach or the informal approach has not resolved the incident to the satisfaction of the complainant, the case may be pursued through formal channels. Under the formal approach, the complainant should address her or his complaint, in confidence, to the Executive Director. The complaint should describe the specific offensive act or acts, the time(s), location(s) and circumstances under which they took place, and any other information relevant to the case. The complaint should identify the individual who is alleged to have harassed the complainant (the alleged harasser) as well as any witnesses to the incident. The complaint must be signed and dated by the complainant.
- (b) The following is a brief outline of procedures to be followed by HR once such a signed complaint has been filed.
- (i) The alleged harasser is to be advised and given a copy of the complaint and any related report.
 - (ii) The alleged harasser is given the opportunity to respond in writing to the allegations. S/he may designate a representative to provide assistance in preparing a response subject to the exceptions provided in Appendix 2 of guideline G on Disciplinary Measures and Procedures.
 - (iii) An investigation is to be conducted in accordance with Appendix 2 of guideline G to determine the facts in the case.
 - (iv) The complainant and the alleged harasser are to be informed of the results of the investigation and given the opportunity to respond.
 - (v) Where the investigation shows that there is a preponderance of evidence to indicate that the alleged harasser has engaged in harassment, the disciplinary procedures under Appendix 2 of guideline G applies. Otherwise, the Executive Director or Designated Official will dismiss the complaint or may decide to orally counsel the alleged harasser.

6.3 Protection from Reprisal. Persons in the Fund's workplace who report incidents of harassment in good faith will not be punished or subjected to any disciplinary measures. Anyone attempting retaliation against an individual, who has reported harassment, or a witness in a harassment investigation, or an advocate, will be subject to disciplinary action.

6.4 The Fund reserves the right to investigate staff members who abuse the process for reporting harassment by making unfounded accusations. Unfounded accusations brought with intent to harm the career or reputation of another staff member can be the basis of disciplinary action.

6.5 Confidentiality. All Fund personnel involved in the handling of harassment matters will treat such matters as confidential. The Fund personnel will treat all information in respect of each such matter on a confidential basis to the maximum extent which is consistent with the procedural requirements of the Fund. Conduct in breach of these requirements will be subject to appropriate disciplinary action in accordance with guideline G.

6.6 Evidence of anything said or done at any time to try to resolve a complaint of harassment will not be used in any proceedings, application for review or any appeal.

6.7 The Executive Director or designated official may require staff members involved in the incident, which has been the subject of a complaint, to receive counselling or undertake training.

7. Implementation

7.1 The Executive Director or designated official will take necessary measures to implement this rule, including amendment as necessary of contracts with the Fund consultants and contractors.