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POLICY ON PREVENTION OF SEXUAL HARASSMENT

In the context of the ongoing UN initiatives to eradicate sexual harassment, to create a safe workplace and to harmonize existing policies, the [FAO policy on prevention of sexual harassment](#) has been updated and reinforced to align with the above-mentioned initiatives and to ensure a zero-tolerance environment.

The aim of the revised and strengthened policy is to create and foster a workplace which is inclusive, where accountability is consistent and power is never abused, where diversity and rights are respected and where there is no fear of retaliation. The policy describes the various reporting mechanisms, the obligations of managers and staff, the support available to victims, as well as how to seek protection from retaliation.

This policy takes effect immediately. All complaints of sexual harassment received prior to this date will continue to be dealt with under the provisions of the Policy on the Prevention of Harassment, Sexual Harassment and Abuse of Authority (AC 2015/03) published on 15 January 2015.

Other cases of harassment and abuse of authority will continue to be dealt with under the provisions of the Policy on the Prevention of Harassment, Sexual Harassment and Abuse of Authority (AC 2015/03).

Following the issuance of this policy, the Policy on the Prevention of Harassment, Sexual Harassment and Abuse of Authority (AC 2015/03), the Whistleblower Protection Policy (AC 2011/05) and the Revised Guidelines for Internal Administrative Investigations by the Office of the Inspector General (AC 2017/03) may be reviewed and amended, as appropriate, to ensure harmonization between all related policies of the Organization.

FAO POLICY ON SEXUAL HARASSMENT

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Introduction

1. Sexual Harassment in all its forms is contrary to the United Nations Charter, the Staff Regulations and Staff Rules of the Organization and the Standards of Conduct for the International Civil Service. In line with Article 1 of the FAO Staff Regulations, the Director-General will endeavour to ensure the highest standards of conduct by staff members at all times.
2. This Policy on Sexual Harassment is in line with the United Nations System Model Policy on Sexual Harassment, as endorsed by the UN Chief Executives Board for Coordination (CEB).

Definition

3. Sexual harassment is any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Sexual harassment may occur in the workplace or in connection with work. While typically involving a pattern of conduct, sexual harassment may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered.
4. A non-exhaustive list of examples of sexual harassment is included in Annex 1.

Policy statement

5. Sexual harassment results from a culture of discrimination and privilege, based on unequal gender relations and power dynamics.¹ It creates hostile workplaces, which limit the affected individual's ability to thrive. Sexual harassment has no place in the Organization.
6. The Organization has an obligation to take all appropriate steps to prevent and respond to sexual harassment in its workplace. All forms and expressions of sexual harassment are prohibited in the Organization, regardless of national criminal or other provisions where any behaviour or actions occur. Power and seniority will not confer impunity.
7. Alleged offenders and affected individuals can be any gender, and "[s]exual harassment, like sexual abuse and sexual violence, is rooted in historic power imbalances and the male-dominated culture that permeates governments, the private sector, international organizations and civil society".² Power imbalances based on gender, workplace or educational status, racial or ethnic backgrounds, age, disability, sexual orientation or economic class could impact on sexual harassment and violate the human right of equality.

¹ CEB Statement May 2018

² CEB Statement May 2018

8. This Policy document reflects a system-wide common approach and understanding both to support those who report or witness sexual harassment to ensure accountability of those who perpetrate it. The Organization's goal in this Policy is to strengthen victim-centred efforts and foster a safe, equal and inclusive working environment. This Policy will support efforts to create a workplace that is free of sexual harassment and all gender inequalities.
9. In this Policy, the following terms have the following meanings:
 - “affected individual” is the person or persons in the workplace or in connection with work towards whom the conduct constituting possible sexual harassment is directed;
 - “alleged offender” is the person or persons in the workplace or in connection with work whose conduct constitutes sexual harassment, if established under applicable policies, or possible sexual harassment;
 - “impacted individuals” may include the affected individual, as well as witnesses and persons who intervene in the situation involving inappropriate behaviour and possible sexual harassment; and
 - “report” refers to formal and/or informal reporting unless otherwise specified.

Scope of the Policy

10. Reports of sexual harassment in the workplace or in connection with work can be made by any person and against any person irrespective of whether the persons reporting have any contractual status with the Organization.
11. Staff members who are alleged to have committed sexual harassment will be subject to possible disciplinary measures, including summary dismissal, or other administrative action. Other FAO personnel³ who are alleged to have committed sexual harassment will be subject to administrative action in accordance with the terms and conditions of their employment contract and the practice of the Organization.
12. Action on the reports will depend on the status of the alleged offender.

Early intervention and receipt and handling of informal report of sexual harassment

Early direct action

13. Affected individuals may on a voluntary basis, if they feel comfortable and safe doing so, approach alleged offenders about inappropriate behaviour or instances of possible sexual harassment and ask for such behaviour or instances to stop as the alleged offenders may not be aware of the negative impact of their behaviour on others. However, disparity in power or status, fear of reprisal or retaliation or the nature of the behaviour and/or instances of possible sexual harassment may make direct confrontation difficult, and there is therefore no requirement for such action to be taken.

³Other personnel refers to consultants, subscribers to Personal Services Agreements, Volunteers, Interns, National Project Personnel and any other type of personnel recruited by the Organization.

Managerial intervention

14. Affected individuals who believe they may have been subject to inappropriate behaviour or instances of possible sexual harassment may raise this with their supervisor or other staff members in their workplace hierarchies if the situation allows and they feel comfortable doing so. Any manager approached by an affected individual shall inform that person that confidential advice, assistance and information about the options available under the Organization's legal framework to address such possible conduct may be obtained from the Ombudsman.
15. Managers should provide advice assistance and/or information in a timely, sensitive and impartial manner providing an opportunity for facilitated discussion among colleagues about the conduct in question. The intervention may allow for the matter to be addressed promptly at the managerial level. A record should be maintained of the managerial intervention taken.
16. If a manager cannot provide advice for any reason in accordance with paragraph 14, the manager shall, in consultation with the Office of Human resources (OHR), refer the colleague to another trained and trusted point of contact within the Organization.

Confidential advice

17. Affected individuals may prefer and are encouraged to discuss their situation with a confidential informal resource, such as the Ombudsman, Human Resources Officer or Staff Counsellor who can assist the affected individuals by explaining the applicable legal framework and the options available under the Organization's policies and practices and indicate resources available for support purposes.

Informal resolution

18. Affected individuals may, on a voluntary basis, wish to deal with the situation of possible sexual harassment in an informal manner and may ask for assistance from the Ombudsman/Ethics Officer, in seeking informal resolution.
19. With the consent of the affected individual, the Ombudsman may meet informally with the alleged offender to provide information about the situation and discuss the manner in which it might be resolved.
20. An unsuccessful attempt to resolve the matter informally does not preclude it from being formally reported.

Receipt and handling of formal reports of sexual harassment

21. Formal reports of possible sexual harassment may be made to the Office of the Inspector General (OIG) by persons who consider that they were the affected individuals or by persons who have direct knowledge of possible harassment or by any third-party. Formal reports may be made anonymously and are not subject to deadlines. The anonymity of reports and/or the passage of time may result in reports of sexual harassment that may be more difficult to investigate and pursue through internal disciplinary proceedings. In such cases, it will be for OIG to determine whether there is a sufficient basis to proceed.

22. A formal report of sexual harassment shall, to the extent possible, describe specific incident(s) of possible sexual harassment or a pattern of possible sexual harassment. The formal report should include:
 - a. Name of the alleged offender;
 - b. Name of alleged affected individual, if the report is made by a third party;
 - c. Date(s) and location(s) of incidents;
 - d. Description of incident(s)/patterns;
 - e. Names of witnesses, if any;
 - f. Any other relevant information, including documentary evidence, if available;
 - g. Date of the submission of the report and name of person making the report, unless the report is made anonymously;
 - h. If the person making the report chooses to report on an anonymous basis, the reporter must provide sufficient information concerning the basis of the allegations and sufficient detail or supporting factual basis that the matter can be pursued responsibly. Otherwise the matter typically cannot be pursued further.
23. OIG will promptly assess the report and undertake a preliminary review of the matter in accordance with the Revised [Guidelines for Internal Administrative Investigations by the Office of the Inspector General \(Administrative Circular 2017/03\)](#).
24. OIG may refer a report, with the consent of the affected individual, to another appropriate official charged with resolving the matter informally for assessment and action.
25. In cases where the formal report of possible sexual harassment is submitted by a person other than the affected individual, OIG will consider the views or the situation of the affected individual before deciding on whether to proceed with an investigation.
26. The Organization is committed to ensuring that allegations of sexual harassment are investigated in an impartial, thorough and timely manner with any conflicts of interest appropriately addressed; that investigations are conducted with fairness to all parties concerned; and that the rights of all parties are fully protected. Investigations are conducted in line with the Revised Guidelines for Internal Administrative Investigations by the Office of the Inspector General (Administrative Circular 2017/03) and any subsequent disciplinary process shall be in line with the Organization's Administrative Manual, Section 330 – *Disciplinary Measures*, as applicable.
27. Any formal report of possible sexual harassment will be acknowledged by OIG. If, after a preliminary review in accordance with the Revised Guidelines for Internal Administrative Investigations by the Office of the Inspector General, OIG concludes that the report does not warrant an investigation, OIG will inform the concerned individuals of the closure of the matter.
28. If an investigation is undertaken, OIG will inform the affected individual and alleged offender only that the investigation has been completed and that the report has been forwarded to the Director-General or the delegated authority. The Director-General or the delegated authority is solely responsible for informing concerned individuals of

the outcome of the investigation and for conveying the relevant reports to them. The provision of any such information shall be strictly confidential.

29. If, following an investigation, OIG concludes that there are credible allegations of possible criminal conduct, the matter shall be treated in accordance with Section 330 – *Disciplinary Measures* of the FAO Administrative Manual, and may be referred to national authorities following review by the Legal Office. The Organization recognizes that the affected or impacted individual can always choose to report possible criminal conduct directly to national authorities.

Request for appeal

30. Both the affected individual and the alleged offender may request a review of any alleged failure to implement the procedures and principles of this Policy fairly and reasonably. The alleged offender may request a review of any administrative or disciplinary action taken pursuant to this Policy. Reviews shall be conducted in accordance with Manual Section 331 (Appeals) or the dispute resolution mechanism applicable to the individual's contract of employment.

Withdrawal of a formal complaint

31. If an affected individual wishes to withdraw a formal complaint at any stage, a written request must be made to OIG. After considering the reasons for withdrawal, OIG may accept the withdrawal of the complaint or may nonetheless decide to pursue the matter.

Prevention

32. The Organization is committed to promoting a working environment free of sexual harassment in which all personnel are treated with respect.

Obligations of the Organization

33. The Organization will:
 - a. take appropriate measures to promote a harmonious working environment and protect personnel from sexual harassment through preventive measures and, if such conduct has occurred, through disciplinary or administrative action, as appropriate;
 - b. screen candidates using the "ClearCheck" database⁴ during recruitment processes;
 - c. undertake diligent reference checks of external candidates during recruitment processes to ensure that individuals who have a documented history of sexual harassment are not hired;
 - d. request that contractors, suppliers, partners adhere to zero-tolerance for sexual harassment and commit to taking adequate action if faced with sexual harassment allegations, in the absence of which, contractual arrangements can be terminated;

⁴ A CEB-wide central data base on sexual harassment ("clear check") has been created. The purpose is to create and maintain a Screening Database accessible across the organizations, containing records of individuals against whom allegations of Sexual Harassment, while in service of an Entity, were substantiated by a Final Determination of Sexual Harassment and whose working relationship was terminated by that Entity as a result (i.e. Final Determinations of Sexual Harassment).

- e. provide targeted trainings for managers and personnel designated to provide support on sexual harassment under this Policy, building the skills necessary to effectively communicate with affected individuals of sexual harassment and to respond appropriately;
- f. provide ongoing training, awareness-raising and skill-building for staff-at-large on diversity, respect, equality and bystander techniques for intervening in situations of sexual harassment and discrimination; and
- g. ensure information and mechanisms relevant to the prevention of sexual harassment are accessible to all staff and other personnel in all locations.

Obligations of senior officials and senior managers

34. Senior officials and senior managers shall:
- a. demonstrate their commitment to the prevention of and response to sexual harassment, educate themselves about the issue, act as role models by maintaining a high standard of personal conduct with consciousness of the power their position holds, and treat all colleagues with courtesy and respect;
 - b. respond promptly to complaints, take them seriously and ensure that the necessary actions for which they are responsible under this Policy are taken with respect to the affected individual (e.g. support, interim measures, etc.) ;
 - c. maintain open dialogues within their units to promote a harmonious working environment and be aware of inappropriate behaviours and conduct that may be in violation of this Policy;
 - d. monitor their work units for conduct that may be in violation of this Policy and endeavour to promote a harmonious working environment;
 - e. communicate this Policy and procedures to their team on a yearly basis through a dedicated in-person staff meeting⁵ and draw attention to the consequences of violating this Policy; and
 - f. endeavour to create an atmosphere in which personnel feel free to express concerns about inappropriate behaviours and encourage them to use, without fear of reprisal, the informal and formal mechanisms and all services and recourse mechanisms available to them through FAO.

Obligations of staff members and other personnel

35. Staff members and other personnel shall:
- a. undertake mandatory training, including during the on boarding process to set the behavioural expectations and familiarize themselves with this Policy and related policies and procedures, including FAO's Policy on the Prevention of Harassment, Sexual Harassment and Abuse of Authority (Administrative Circular 2015/03) and FAO's Whistleblower Protection Policy (Administrative Circular 2011/05);
 - b. attend other training opportunities related to sexual harassment to the extent possible;

⁵ This task cannot be delegated.

- c. demonstrate commitment to zero-tolerance for sexual harassment and treat all people in the workplace with courtesy and respect with an awareness of their own behaviour and how it may be perceived and/or received by others;
 - d. refrain from encouraging other personnel to engage in sexually harassing or abusive behaviour;
 - e. raise their awareness through available training about the very specific harassment threats that trans and gender non-conforming individuals can face;
 - f. be encouraged to take action where appropriate and where they feel comfortable and where possible after consulting with the affected individual if they witness sexually harassing or discriminatory conduct, and support those impacted as appropriate and to the best of their ability; and
 - g. report possible misconduct and cooperate with investigations, audits and reviews.
36. Adherence by all FAO personnel to their obligations under this Policy shall be reflected in work plans, performance evaluations and Quality Assessment Report, as appropriate. Failure to adhere to this Policy by any FAO personnel may constitute unsatisfactory conduct.

Support to affected individuals of sexual harassment

Confidential guidance and support

37. FAO acknowledges that guidance and support to the affected individuals may be required at different stages, including:
- a. before making a complaint regarding options to address the matter;
 - b. during any formal or informal process;
 - c. managing confidentiality requirements;
 - d. at and following the conclusion of any formal or informal process.
38. The following confidential guidance and support is available for affected individuals or other impacted individuals through the Ombudsman, OHR and the Health Services (CSDH), as appropriate.
39. The following types of support are available for all staff and other personnel:
- a. information and advice on the informal and formal reporting options available;
 - b. information on hotlines (e.g. FAO Investigations Hotline);
 - c. Staff counsellors and tele-counselling for decentralized offices;
 - d. advice from the Ombudsman or Ethics Office;
 - e. advice and referral to internal and external local services specializing in sexual harassment, violence against women, violence against LGBTIQ+ individuals, including gender non-conforming individuals or support for men who experience violence, to the extent available;
 - f. support and guidance on how to report to and what to expect from the local authorities, particularly if the alleged behaviour constitutes a crime;
 - g. medical support from CSDH;
 - h. support from gender focal points for women system-wide;
 - i. others as appropriate.

40. The support listed in this section shall remain available for the duration that the affected individual continues in service with the Organization. Thereafter, FAO staff members who have left the Organization may, as appropriate, have a right to health coverage/after service health care and compensation for Death, Injury or Illness.

Right to be accompanied by a support person

41. The affected individual has the right to be accompanied by a staff member or other third party during the formal or informal processes provided such person is reasonably available for the provision of support to the affected individual. Support may include emotional support but may not extend to legal representation or legal advocacy.
- a. The third party should be chosen by the affected individual. This could include an official designated as support person to the affected individual, a colleague, a family member or friend;
 - b. FAO may provide reasonable objection, during any stage of the process, to a particular individual being present if it has reason to believe that their presence would jeopardize the process. In such cases, the affected individual of sexual harassment may choose an alternative individual to accompany them.
42. The third-party individual may also be personnel of a different agency, fund, programme or subsidiary organ represented in the UN Country Team or UN system.
43. The third-party individual should fully familiarize themselves with this Policy. They should always act in the best interests of the affected individual.
44. The third-party individual shall immediately disclose any conflict of interest to OIG or the Ombudsman/ Ethics Office. The third-party individual should not be a witness (direct or corroborative) to the sexual harassment allegation – this would amount to a conflict of interest.
45. The third-party individual shall keep information relating to, or arising out of the allegation of sexual harassment confidential except as may be appropriately disclosed during an investigation or in compliance with any required disclosure to the Ethics Office or CSDH.

Work performance

46. At the point when the Organization becomes aware that a staff member or other personnel is an affected individual, it has an obligation to check if the individual's work performance or conduct has been impacted. The Organization will offer support to the colleague and work in collaboration with them to address the issues impacted including, by being mindful of the applicable circumstances in performance reviews but subject to the need to take appropriate management action in the circumstances.
47. Accommodations which may be considered to respond to related work performance issues may include, as appropriate, a new work plan for the affected individual or the granting of leave and/or other working arrangements.
48. Due regard to confidentiality must be given when communicating accommodations to supervisors or colleagues, as appropriate.

Interim measures

49. The Organization recognizes that interim measures may be required to provide support to the affected individual to ensure the integrity of the investigation and any evidence and/or to prevent the occurrence/repetition of prohibited conduct. Interim measures may also be necessary to protect the interests of FAO, including the effective functioning of an office. Such measures should be recommended by OIG to OHR and may include:
 - a. measures to physically separate the alleged offender and affected individual;
 - b. reassignment of either the alleged offender or the affected individual with the consent of the alleged offender or affected individual;
 - c. the consideration of special leave for either the alleged offender or the affected individual;
 - d. temporary changes in reporting lines;
 - e. the alleged offender being placed on administrative leave in accordance with Staff Rule 303.0.3 and Administrative Circular 2010/20 – *Suspension pending Investigation*; or
 - f. any other appropriate measure or combination of measures to the extent consistent with the Organization's policies and practices.

Post-investigation review

50. Once any investigation has been completed and a decision taken on the outcome, appropriate measures shall be taken by OHR to keep the situation under review. These measures may include, but are not limited to, the following:
 - a. Monitoring the status of the affected individual of sexual harassment, the offender and the work unit(s) concerned at regular intervals in order to ensure that no party is subjected to retaliation as a consequence of the investigation, its findings or the outcome, with specific attention given to performance evaluation. Where possible retaliation is detected, OIG shall be promptly notified;
 - b. Ensuring that any administrative or disciplinary measures taken as a result of the fact-finding investigation have been duly implemented.

Protection against retaliation

51. Protection from retaliation available to a person formally reporting possible sexual harassment shall be in accordance with FAO's Whistleblower Protection Policy irrespective of the outcome of the report of sexual harassment.
52. Anyone formally reporting sexual harassment should be informed about their rights under the Organization's Whistleblower Protection Policy, as applicable to them.
53. Retaliation, if established, shall entail administrative or disciplinary action.

Data collection

54. The modalities of the entry of information into, the administration and access to the confidential CEB system-wide screening database are set out in the Guidelines on Sexual Harassment Screening Database.
55. Anonymized data and information for internal monitoring and analysis of sexual harassment will be maintained within OIG.

Implementation

56. The Director-General is accountable for ensuring implementation of this Policy on an ongoing basis, including by working with key stakeholders and pursuing solutions to ensure financial resources are available and allocated to support affected individuals, ensure quality investigation and timely outcomes, collect data, monitor the efficacy of the Policy and undertake prevention efforts. The Organization has designated the Assistant Director-General, Corporate Services (ADG/CS) as responsible for this Policy. The designated person will provide an annual report and communicate the results to staff (ensuring personal and/or identifying information remains confidential).
57. This Policy will be reviewed periodically with any revisions identified on an as needed basis, but minimally every 3 years, taking into account learnings from monitoring of the Policy and any changes in the structures, complementary policies and context of FAO that would impact the implementation of this Policy.
58. In the event of a possible conflict of interest by OHR or OIG personnel involved in the discharge of their obligations relating to sexual harassment under this Policy, such concerns may be raised as follows:
 - If the concerns relate to possible concerns about OIG personnel, with the Inspector General, consistent with paragraph 46 of the Guidelines for Internal Investigations by the Office of the Inspector General;
 - If the concerns relate to possible concerns about OHR personnel, with ADG/CS in consultation with the Inspector General;
 - If the concerns relate to the Inspector General, ADG/CS shall decide on alternative arrangements.

ANNEX I

NON-EXHAUSTIVE LIST OF EXAMPLES OF BEHAVIOUR CONSTITUTING SEXUAL HARASSMENT

Sexual harassment may involve any conduct of a verbal, nonverbal or physical nature, including written and electronic communications. Sexual harassment may occur between persons of the same or different genders, and individuals of any gender can be either the targets or the perpetrators. Sexual harassment may occur outside the workplace and outside working hours, including during official travel or social functions related to work. Sexual harassment may be perpetrated by any colleague, including a supervisor, peer or a subordinate. A perpetrator's status as a supervisor or a senior official may be treated as an aggravating circumstance.

Sexual harassment can take a variety of forms – from looks and words through to physical contact of a sexual nature.

Examples of sexual harassment(non-exhaustive list) include:

- Attempted or actual sexual assault, including rape
- Sharing or displaying sexually inappropriate images or videos in any format;
- Sending sexually suggestive communications in any format
- Sharing sexual or lewd anecdotes or jokes
- Making inappropriate sexual gestures, such as pelvic thrusts
- Unwelcome touching, including pinching, patting, rubbing, or purposefully brushing up against another person
- Staring in a sexually suggestive manner
- Repeatedly asking a person for dates or asking for sex
- Rating a person's sexuality
- Making sexual comments about appearance, clothing, or body parts
- Name-calling or using slurs with a gender/sexual connotation
- Making derogatory or demeaning comments about someone's sexual orientation or gender identity.