



Geneva, 2 May 2019

SERVICE ORDER No. 19/08
ITU POLICY
ON HARASSMENT AND ABUSE OF AUTHORITY

(This Service Order abrogates and supersedes Service Order No. 05/05 of 16 March 2005)

Service Order No. 05/05 was promulgated on 16 March 2005, setting out the procedures for dealing with cases of harassment, including sexual harassment, and abuse of authority. Nearly fourteen years later, the Union is about to launch a comprehensive and inclusive review process aimed at completing and enhancing those same procedures. As this process is likely to take a certain amount of time to complete, it has been decided to amend, as a matter of priority, two specific aspects of Service Order No. 05/05 which were identified as the most significant shortcomings of the procedures currently in force. They are:

- a) The deadline to lodge a complaint: The one-year time limit stipulated in Article 13 is clearly too short, particularly since victims of harassment or abuse of power very often do not feel safe and/or empowered enough to take any action until after they have given serious thought as to the options available or until the context in which the harassment took place has changed (e.g. the victim moved to a different service, the supervisor(s) and/or colleague(s) changed).
- b) The investigative body: Article 15 provided for only one type of body to be potentially entrusted with the investigation of a case of reported harassment or abuse of power, i.e. a commission of three peer staff members. Experience has shown that the use of these commissions significantly increases the risks of conflict of interests (real or perceived), especially in an organization with a relatively small number of employees. Moreover, their functioning and effectiveness depends on the availability of each commission's members, and any member appointed to such a commission is unavoidably impacted in the accomplishment of his/her usual tasks. Last but not least, as peers, commission members are usually not trained nor are they well-acquainted with inquiry procedures and processes. This creates non-negligible risk for the Union due to the considerable potential for procedural flaws and/or failure to address the substance of the allegations appropriately. For these reasons, it is highly desirable to have sufficient flexibility to adapt to the specific circumstances and needs of each case, e.g. by using professional investigators, appointing persons possessing expertise in a certain area or who are able to work full-time on an investigation for the necessary period.

Since the procedures in Service Order No. 05/05 shall remain in force while the comprehensive review on the entire system is carried out, these two aspects are currently being addressed in order to mitigate the main difficulties faced on a practical level, thereby allowing the Union to better respond to any case that may arise in the meantime. In no way does the present amendment prejudice the decisions or choices that may be made during the upcoming review process.

Houlin ZHAO
Secretary-General

ITU policy on harassment and abuse of authority

I. Scope

1. This policy applies to all persons employed by ITU (hereinafter “ITU employees”), regardless of the type and duration of their employment (including persons employed under a special service agreement), and has the aim of protecting them against behaviours constituting harassment or abuse of authority.
2. This policy covers all cases of harassment or abuse of authority – whether they occur at the workplace or away from it, during working hours or outside –which have a detrimental effect on the working relationships, performance or job security of an ITU employee, or put ITU in an unfavourable light.

II. Definitions

3. **Personal harassment** means any improper or offensive behaviour, repeated and persistent, that is directed at one or more ITU employees, by an ITU employee (or employees) who knows, or might reasonably be expected to know, that it is improper or offensive. It comprises objectionable conduct, comment or display that demeans, belittles or causes personal humiliation or embarrassment to an ITU employee. Harassment may take the form of an action, behaviour, statement or image that reflects on a person’s race, age, creed, colour, beliefs, national or ethnic origin, physical attributes, gender or sexual orientation, marital status or family situation.
4. **Sexual harassment** means improper conduct, comment, gesture or contact of a sexual nature that might reasonably be expected to cause offence or humiliation to any ITU employee, or that an ITU employee might reasonably perceive as making his or her employment or conditions of employment dependent on the granting of sexual favours, creating an atmosphere of intimidation, hostility or frustration in the workplace. Sexual harassment is usually deliberate, unsolicited and one-sided; perpetrators and victims alike can be male or female.
5. **Abuse of authority** is constituted when an ITU employee in a position to influence the career, employment or working conditions of another ITU employee uses the power and authority inherent in the position not in the interest of the Union, and endangers the latter’s job, undermines his or her work, harms his or her health, threatens his or her economic livelihood, or in any way interferes with or influences his or her career. It includes intimidation, threats and blackmail.
6. Harassment or abuse of authority occurs in a situation in which one or more of the following takes place, either in isolation, simultaneously, or consecutively: an ITU employee engaging in verbal, psychological or physical aggression, in a manner that is deliberate, repeated and persistent, with the intention of humiliating, belittling, offending, intimidating, isolating or discriminating against a staff member (the above list is not exhaustive).
7. ITU employees should be aware that in a culturally diverse international organization a given action, behaviour or words may be perceived in various different ways. They must be vigilant and sensitive to the significance that an offer, a situation or a statement could have for someone else.

III. Responsibilities

8. The organization has the obligation of protecting the dignity of the persons whom it employs at the workplace, and to protect them against harassment and abuse of authority. All ITU employees, and in particular Supervisors, have a responsibility for the implementation of and compliance with this policy, and must make every effort to stop cases of harassment and abuse of authority. In doing so, they are required to act in an objective and neutral manner.

IV. Procedures for dealing with harassment and abuse of authority

IV.1 The informal approach

9. The best way to deal with harassment or abuse of authority is to discourage it at an early stage. An ITU employee who feels that he or she has been subjected to harassment or abuse of authority should, where possible, immediately make his or her disapproval clearly known to the individual concerned and ask that the behaviour cease; this can be done in writing.
10. If the person is uncomfortable with this approach, he or she can call on another ITU employee, including, in particular, the Mediators of the Union, to help in taking the necessary steps.
11. The supervisors (if applicable) of the ITU employees involved in the matter are under an obligation to assist in informal discussions aimed at resolving the problem, and to take action to prevent the recurrence of harassment or abuse of authority. They will confidentially take the matter up with the aggrieved party and the alleged perpetrator with a view to resolving the problem informally.
12. Should the aggrieved person decide not to pursue the matter further, his or her wishes will be respected, and no written record of the informal procedure will be retained.

IV.2 Formal procedure

IV.2.1 Lodging a complaint

13. If the matter is not settled informally, the individual who considers that he or she has been a victim of harassment or abuse of authority can lodge a complaint with the Secretary-General; this must be done no later than three years after the most recent alleged occurrence of harassment or abuse of authority. The complaint should describe, as precisely as possible, the acts, behaviour, language or situation which are believed to have constituted harassment or abuse of authority and the circumstances under which they took place, and give any other information which the complainant considers to be relevant to the case, including any statements from witnesses, with their consent.
14. The complainant can request to be assisted throughout the process by a person of his or her choice.
15. Within three weeks of receiving a complaint in writing, the Secretary-General must launch a formal investigation. He may appoint one or several external investigators, entrust the inquiry to in-house officials with investigation functions or set up an commission of inquiry convened for the specific case in question and consisting of three peer staff members as follows:
 - a) one member designated by the Secretary-General;
 - b) one member designated by the Staff Council;
 - c) a third member designated jointly by the first two.
16. Should the investigation be entrusted to a commission of inquiry, the latter will conduct it in accordance to the following provisions. Should the investigation instead be entrusted to one or several professional investigators (in-house or external), they will apply the following provisions by analogy to the reasonable extent, and in any event, they will be guided by the Uniform Guidelines¹ for Investigation and ITU Investigation Guidelines .
17. No person who has been involved in the case under the informal procedure described in IV.1 above may serve as a member of the commission of inquiry for the same case.

¹ 2nd edition, as endorsed by the 10th Conference of International Investigators held on 10-12 June 2009.

18. The commission of inquiry designates a chairman from amongst its members.
19. Members of the commission of inquiry require time to carry out their assignment. Their supervisors must make arrangements to allow them the necessary time, wherever possible. If a commission member is prevented over a protracted period of time from participating in the work of the commission of inquiry, a replacement must be designated; this is done by the Secretary-General or the Staff Council, for a member designated under §15.a) or §15.b) respectively, or by the other two commission members, for a member designated under §15.c).
20. The commission of inquiry must forward a copy of the complaint to the alleged offender(s), requesting acknowledgement of receipt; subsequently, a period of 30 days is allowed for a written response to the allegations, with any supporting information, testimony or documentation. The commission may increase the time allowed for a response by up to 14 days. The alleged offender(s) can request to be assisted throughout the process by a person of his or her choice.
21. If a response is received before the deadline, the commission of inquiry must forward a copy thereof to the complainant(s). If no response is received, the procedure continues nonetheless.

IV.2.2 Investigation

22. The commission of inquiry will forward the complainant(s) and the offender(s) (hereinafter referred to as “the parties”) a description of the procedure that will be followed for the investigation and indicate the timeline which it intends to follow.
23. Once the parties have been informed of the procedure and the timeline for the investigation, the commission of inquiry will inform the supervisors of the respective parties of the complaint and, if the commission believes that doing so would further its investigation, of the nature of the complaint.
24. If the parties belong to the same Bureau, department or unit, the Secretary-General may, pending the outcome of the investigation, take precautionary administrative measures in the interests of the service. Such measures do not constitute a sanction pursuant to Rule 10.1.2 of the Staff Rules. Either party may request that such a measure be taken.
25. The commission of inquiry will conduct its investigation with complete impartiality and independence. It will conduct interviews with both the complainant or complainants and the alleged offender or offenders, as well as any other person who could provide evidence or testimony, including, subject to the explicit consent of the complainant(s), members of the medical service or other medical professionals who may have knowledge of the matter. The commission of inquiry must keep records of all its interviews, signed by the person interviewed and the commission members. The commission of inquiry has access to the administrative records of the individuals concerned and any other ITU document or archive (in whatever format) that it considers necessary in the performance of its task of investigation. The commission may hear past or present supervisors of the individuals and the Chief of the Personnel and Social Protection Department, or the latter’s designated representative. The commission will assemble a file of detailed evidence that is as complete as possible.
26. Upon completion of the investigation, a written confidential report will be provided to the Secretary-General, with a copy for the Chief of the Personnel and Social Protection Department; this must be done no later than six (6) months after the date on which the written complaint was forwarded to the Secretary-General.
27. The report consists of the following:
 - a) a summary of the arguments made by the parties;
 - b) a brief description of the procedure followed by the commission of inquiry;
 - c) a detailed evaluation of the facts of the case and the claims of the parties.
28. The commission of inquiry must also include in the report its findings as to whether or not the allegations of harassment or abuse of authority are borne out, and a recommendation as to whether further measures, including disciplinary steps, are required. In the event that one of the members of the commission dissents from some or all of its findings, the dissenting opinion must be included in the report.

29. After receiving the report of the commission of inquiry, the Chief of the Personnel and Social Protection Department must, within seven (7) working days, provide the parties with a copy of the commission's report and recommendation.
30. The commission's report and recommendation are advisory in character. The Secretary-General shall however give due consideration to such report and recommendation in making decisions on cases of investigation. Within ten (10) working days of reception of the report of the commission of inquiry, the Secretary-General will take a decision as appropriate and communicate it to the parties. Such a decision may include the introduction of a disciplinary action, as stipulated in Section VI below, and any administrative measures the Secretary-General may consider appropriate in order to protect the interests of the Union and of the ITU employees concerned.

V. Confidentiality

31. All individuals, including the complainant(s) and the offender(s), who have knowledge of a case of harassment or abuse of authority (whether proven or merely alleged), or who are involved in dealing with such a case, must meet their obligations of respect and confidentiality towards the persons involved, in view of the sensitive nature of such matters. All records will be retained by the Personnel and Social Protection Department and treated as confidential. A person who fails to observe the confidentiality requirements may be subject to disciplinary measures.

VI. Disciplinary sanctions

32. Any ITU employee whose behaviour is found to constitute harassment or abuse of authority will be subject to the disciplinary measures for which Chapter X of the Staff Regulations and Staff Rules makes provision in cases of misconduct or serious misconduct.

VII. Appeals

33. An appeal may be brought against a decision taken by the Secretary-General with regard to the report of the commission of inquiry, in accordance with the provisions of Chapter XI ("Appeals") of the Staff Regulations and Staff Rules.

VIII. Retaliation and intimidation

34. Disciplinary measures will be taken against an ITU employee found to have engaged in retaliation against or intimidation of another ITU employee who has initiated a procedure to resolve an instance of harassment or abuse of authority, or is involved in such a procedure.

IX. False and unfounded allegations

35. Allegations of harassment and abuse of authority can lead to serious consequences. It is unacceptable for a person to knowingly make false or unfounded allegations. Such behaviour is subject to disciplinary measures. Furthermore, false or unfounded allegations of harassment or abuse of authority may themselves constitute harassment.
 36. In cases where a complaint proves to be unfounded, but is shown, at the issue of the procedure, to have been made in good faith, steps may be taken to protect the reputation of all parties involved.
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