



**POLICY ON PROHIBITION OF DISCRIMINATION, HARASSMENT,  
SEXUAL HARASSMENT AND ABUSE OF AUTHORITY**  
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**INTERNATIONAL TROPICAL TIMBER ORGANIZATION**

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# **POLICY ON PROHIBITION OF DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND ABUSE OF AUTHORITY**

This policy seeks to ensure that all individuals working at or with ITTO are treated with dignity and respect and are aware of their role and responsibilities in maintaining a workplace free of any form of discrimination, harassment, sexual harassment or abuse of authority.

## **Section 1 Definitions**

1.1 For the purpose of this policy, the following definitions apply:

(a) "Discrimination" is any unfair treatment or arbitrary distinction based on a person's race, sex, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin or other status. Discrimination may be an isolated event affecting one person or a group of persons similarly situated, or may manifest itself through harassment or abuse of authority.

(b) "Harassment" is any improper and unwelcome conduct that has or might reasonably be expected or be perceived to cause offence or humiliation to another person. Harassment may take the form of words, gestures or actions which tend to abuse, demean, intimidate, belittle, humiliate or embarrass another person or which create an intimidating, hostile or offensive work environment. It includes harassment based on any grounds, amongst others, such as race, religion, color, creed, ethnic origin, physical attributes, gender or sexual orientation. Harassment normally involves a series of incidents but may also involve a single incident.

(c) "Sexual harassment" is any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile, or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident.

Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either victims or offenders.

(d) "Mental and psychological harassment" includes any kind of abuse that is emotional rather than physical in nature. It can include anything from verbal abuse, constant criticism to more subtle tactics such as intimidation, manipulation, insults, putdowns, arbitrary and unpredictable behavior, and gaslighting (e.g. the denial that previous abusive incidents occurred).

(e) "Abuse of authority" is the improper use of a position of influence, power, or authority against another person. This is particularly serious when a person uses, or threatens to use, his/her influence, power, or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion.

Abuse of authority may also include conduct that creates a hostile or offensive work environment, and such conduct can include (but is not limited to) the use of intimidation, threats, blackmail or coercion.

1.2 Disagreement between a staff member and supervisor on work performance or on other work-related issues is normally not considered harassment or abuse of authority and is not dealt with under the provisions of this directive but in the context of performance management.

## **Section 2 General principles**

2.1 In accordance with the provisions of ITTO Staff Regulation 1.12, every staff member has the right to be treated with dignity and respect, and to work in an environment free from harassment and abuse.

Consequently, any form of discrimination, harassment, sexual harassment and abuse of authority is prohibited.

2.2 All staff members are expected to act with tolerance, sensitivity and respect for diversity. They have the obligation to ensure that they do not engage in, condone or tolerate behaviour which would constitute discrimination, harassment, sexual harassment or abuse of authority. Any form of discrimination, harassment, sexual harassment or abuse of authority in the workplace or in connection with work is a violation of these principles and may lead to disciplinary action, irrespective of whether the discrimination, harassment, sexual harassment or abuse of authority takes place at a ITTO office, in the course of official travel or an official mission, or in other settings in which it may have an impact on the workplace.

2.3 Managers are expected to act, at all times, as role models by upholding the highest standards of conduct and by promoting a harmonious working environment, free of any form of discrimination, harassment, sexual harassment and abuse of authority. They have to ensure that complaints of discrimination, harassment, sexual harassment or abuse of authority are promptly addressed in a fair and impartial manner while upholding the confidentiality of the matter as required under this directive. This includes explaining to an individual alleging harassment the processes available under this directive. Failure on the part of managers to fulfill their obligations under this directive may be considered a breach of duty, and, if established, will be reflected in their performance evaluation and may be grounds for administrative or disciplinary action, as appropriate.

2.4 Heads of Office/Division are responsible for the implementation of this policy in their respective office/division and for holding all managers accountable for compliance with its terms but are not the sole reporting avenue. Please refer to Section 5 below for more detailed guidance on available applicable procedures.

### **Section 3 Applicability**

3.1 This policy applies to all ITTO personnel, including the Executive Director, and other non-staff personnel. Non-staff personnel will be subject to action in accordance with the terms and conditions of their contract, vendor policy and of other applicable policies. Action of the reports will depend on the status of the alleged offender.

3.2 Complaints of discrimination, harassment, sexual harassment or abuse of authority may be made by any person who may have been subject to discrimination, harassment, sexual harassment or abuse of authority by an ITTO personnel, as well as third parties with direct knowledge of possible harassment. In cases where the complainant works for another organization, ITTO will seek to conduct the investigation in consultation with the other organization.

3.2 This directive does not apply to cases where the complainant is an ITTO Secretariat personnel or other individual working for ITTO, paid or unpaid, and files a complaint against another organization of the United Nations common system. However, ITTO will ensure, to the extent possible, that the interests of its Secretariat personnel and other individuals working for ITTO are protected by the other organization.

### **Section 4 Preventive measures**

4.1 ITTO has the duty to take all appropriate measures towards ensuring a harmonious work environment, and to protect ITTO Secretariat personnel from exposure to any form of discrimination, harassment, sexual harassment or abuse of authority through preventive measures and the provision of effective remedies when prevention has failed.

4.2 ITTO conducts mandatory awareness programmes for all Secretariat personnel to raise awareness of its zero tolerance of discrimination, harassment, sexual harassment and abuse of authority, to provide guidance on the relevant policy and procedures and to foster the creation of a harmonious working environment. Heads of office/division are responsible for ensuring that their personnel undertake and complete the mandatory training programme on prevention of discrimination, harassment, sexual harassment and abuse of authority in the workplace.

4.3 Secretariat personnel are responsible for familiarizing themselves with this directive and the related provisions and resources, including the ITTO Whistleblower Policy, which protects complainants against any retaliation.

4.4 In order to resolve problems which could potentially give rise to discrimination, harassment, sexual harassment or abuse of authority, managers will maintain open channels of communication and ensure that Secretariat personnel who wish to raise their concerns in good faith can do so freely and without fear of adverse consequences.

4.5 If there is a need for confidential guidance or advice on matters which could give rise to instances of discrimination, harassment, sexual harassment or abuse of authority, Secretariat personnel and other individuals working for ITTO, paid or unpaid, may consult the Director, Division of Operations and/or the Heads of Divisions.

## **Section 5 Corrective measures**

5.1 Individuals who believe they are victims of discrimination, harassment, sexual harassment and abuse of authority (“complainants”) are encouraged to address the issue as early as possible after it has occurred. The complainant may do so through an informal or formal process, as explained below. The complainant may attempt, in the first instance, to resolve the situation informally or he/she may decide to submit a formal complaint directly. The processes described below are not mandatory, nor are they listed in priority order. They describe the options available to the complainant, who decides which option is the most appropriate for his/her situation. Individuals need not use the informal complaint process before electing to use the formal complaint process. The use of the informal complaint mechanism will also in no way prevent an individual from pursuing the formal complaint process at any time.

5.2 Regardless of the approach (formal or informal), all reports of discrimination, harassment, sexual harassment, or abuse of authority will be handled with sensitivity and confidentiality to protect the privacy of all individuals concerned.

### ***Informal process***

5.3 An informal approach offers the opportunity to resolve a complaint or grievance in an open, good-faith, non-threatening and non-contentious manner including:

5.4 Approaching the alleged offender: A person who feels he/she has been the victim of discrimination, harassment, sexual harassment or abuse of authority 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. That person may not be aware that his/her behaviour is offensive and, having had this pointed out, may change behaviours in a positive manner. There are situations where a person who feels he/she has been the victim of discrimination, harassment, sexual harassment or abuse of authority will be reluctant to approach the alleged offender, including situations of disparity in power or status, hence there is no requirement to take this particular step.

5.5 Involvement of a third party: Either the person who feels he/she is a victim of discrimination, harassment, sexual harassment or abuse of authority or, once the matter has been brought to his/her attention, the alleged offender, may choose to involve a third party in trying to resolve the situation. This third party, with the knowledge of the Executive Director, can serve a role to help facilitate a calm and respectful discussion between the parties and to offer suggestions for a way forward. The third party can be, for example, the complainant’s manager or another supervisor; a human resources professional at the duty station; a staff counselor; a peer support volunteer; or a staff representative of the office/division concerned.

5.6 It is vital that the third party ensures that confidentiality is respected at all times. The third party should be fully familiar with this directive. The third party should be aware that sometimes the best form of assistance is a referral to a more appropriate resource within ITTO. The third party should always act with complete neutrality towards both the complainant and the alleged offender. If a third party is uncertain about what suggestions to make to the parties, he/she should withdraw.

5.7 An unsuccessful attempt to resolve the matter informally does not preclude it from being formally pursued under the following provisions.

### **Formal process**

#### **Filing a complaint**

5.10 Any person may file a complaint in good faith. 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 such that the matter can be adequately pursued.

5.11 The complaint should be submitted in writing, be signed and dated, to the Director of Operations ("Reviewing Official") within six months from the most recent alleged incident. In the event the complaint involves the Director of Operations, the complaint should be made to the Executive Director, who shall be the Reviewing Official. In the event the complaint involves the Executive Director, the complaint should be made to the ITTC Chairperson, who shall be the Reviewing Official. With due regard to the right to anonymous reporting provided in section 5.10, complainants are encouraged to include in their submissions the following information:

- (a) the name of the alleged offender;
- (b) the date(s) and location(s) of the alleged incident(s) of discrimination, harassment, sexual harassment, or abuse of authority;
- (c) the names of witnesses and any physical and/or documentary proof in support of the allegation (e.g., e-mails, message recordings, photos, letters, medical exams); and
- (d) any other relevant information.

5.12 The filing of a complaint only upon notification of a particular administrative decision that the complainant wishes to challenge may cast doubt on the credibility of the allegations of discrimination, harassment, sexual harassment or abuse of authority, if no documented informal resolution or formal reporting of harassment-related incidents was made prior to the administrative decision. However, such prejudice will not apply to claims of retaliation separately made pursuant to the ITTO Whistleblower Policy.

#### **Preliminary assessment**

5.13 Upon receipt of a formal complaint, the Reviewing Official will conduct a preliminary assessment of the complaint and discuss with the complainant the benefits of considering an informal resolution.

5.14 The complainant will be interviewed by the Reviewing Official in order to:

- (a) clarify the allegation(s) is made in good faith;
- (b) ensure that the complaint pertains to allegations of discrimination, harassment, sexual harassment or abuse of authority;
- (c) ensure that all available evidence is submitted; and
- (d) consider the possibility of informal resolution.

5.15 If the Reviewing Official concludes that the complaint in question was 1) made in good faith and 2) if supported by fact, would constitute misconduct under this policy, he/she will refer the complaint to the external investigative entity described in Section 5.18, providing prompt notification to all parties involved.

5.16 If the Reviewing Official does not find the report was made in good faith or, even if supported by fact, would not constitute misconduct under this particular policy, the Reviewing Official shall close the case and report the determination to all relevant parties, as appropriate. If appropriate, the Reviewing Official may direct the complainant to other potentially relevant staff policies and complaint mechanisms.

### **Interim measures**

5.17 When necessary, the Reviewing Official may suggest to the Executive Director, as applicable, that interim measures be taken on a temporary basis, for example measures to physically or hierarchically separate the alleged offender and the complainant on a temporary basis. This may include the identification of alternative duties, the consideration of special leave for either the alleged offender or the complainant, or administrative leave for the alleged offender.”

### **Investigation**

5.18 Complaints determined by the Reviewing Official to require full investigation shall be referred, in consultation with the Executive Director and/or ITTC Chairperson, as appropriate, to a duly qualified professional investigative entity (such as the investigative function of a UN system organization, an independent consultant, or a competent private legal entity) in a neutral and factual manner for full investigation. ITTO shall additionally ensure the availability of adequate financial resources to cover the costs of such investigations.

5.19 The selected investigative entity shall be granted full, unimpeded access to all individuals or information it deems pertinent to the investigation. All staff members, non-staff personnel, and other third parties covered under this policy are required to cooperate fully with investigations. ITTO vendors and executing agencies are required to ensure that their personnel and agents (including their attorneys, accountants, and other advisers) also cooperate fully with such investigations.

5.20 The selected investigative entity will within a reasonable amount of time but no more than 90 calendar days from date of receipt investigate the claim(s) to determine whether there is sufficient evidence to support the allegation of discrimination, harassment, sexual harassment or abuse of authority and submit a detailed report on the outcome of its investigation to the Reviewing Official, who shall copy all parties to the complaint, the Executive Director, and the ITTC Chairperson.

### **Actions Following the Investigation**

5.21 If the investigative entity determines that sufficient evidence exists to support a finding that misconduct under this policy occurred, the Executive Director shall commence disciplinary proceedings in accordance with the ITTO Staff Regulations and Rules. In the event that the claim concerns the Executive Director, the ITTC Chairperson shall, in consultation with the full Council, determine the most appropriate action to be taken.

5.22 If the report indicates that there was a factual basis for the allegations but that, while not sufficient to justify the institution of disciplinary proceedings, the facts would warrant managerial action, the Executive Director or ITTC Chairperson will decide on the type of managerial action to be taken, inform the staff member concerned, and make arrangements for the implementation of any follow-up measures that may be necessary. Managerial action may include mandatory training, counselling, formal reprimand, a change of functions or responsibilities including re-assignment, or other appropriate corrective measures.

5.23 If the investigative entity determines that there is insufficient evidence to support the allegation of discrimination, harassment, sexual harassment or abuse of authority, the Reviewing Official shall close the case with a closure memo, providing a copy to the Executive Director.

5.24 In all events, the Reviewing Official, Executive Director, or ITTC Chairperson, as appropriate, will inform the complainant of the outcome of the investigation and of the action taken,

### **Complaints Made in Bad Faith**

5.24 If at any stage of the process it is determined that the allegations of discrimination, harassment, sexual harassment and abuse of authority were unfounded and based on malicious intent, the Executive Director may decide to initiate disciplinary or other appropriate action against the complainant.

## **Appeals**

5.25 Where a complainant or alleged offender has grounds to believe that the procedure followed or administrative action taken in respect of the allegations of discrimination, harassment, sexual harassment or abuse of authority was improper, he/she may appeal pursuant to chapter 8 of the ITTO Staff Regulations and Rules.

## **Section 6 Miscellaneous**

6.1 Resignation of the alleged offender: If the alleged offender opts to resign from ITTO pending investigation, ITTO cannot force him/her to remain employed if he/she wishes to resign. In such an event, a note for the record will be placed in the Personnel File of the staff member, disclosing that he/she resigned while under investigation for allegations of discrimination, harassment, sexual harassment or abuse of authority. Such an individual will be banned from work with ITTO under any contractual modality unless he/she is fully cleared from the allegations of misconduct raised against him/her. If a Secretariat personnel resigns during investigation, the Executive Director will ensure that the investigation is concluded despite the resignation of the alleged offender.

6.2 ITTO's Legal Adviser will be kept advised of the progress of the investigation and of the matter generally, and will at relevant times determine whether a referral to criminal authorities is appropriate. Any such referral will be made in accordance with standard procedures for such referrals.

## **Section 7 Monitoring**

7.1 The Director for Operations, in collaboration with Heads of Divisions, will provide periodic reports as necessary to the Executive Director, which will include an overview of all preventive measures taken with a view to ensuring a harmonious work environment and protecting Secretariat personnel from prohibited conduct, and corrective measures taken under section 5, as well as any evaluations or assessments relating to such measures and/or activities.

7.2 In the interest of transparency, the Executive Director will inform the International Tropical Timber Council on decisions taken, including those in relation to discrimination, harassment, sexual harassment and abuse of authority, in the course of the preceding year. He/she may from time to time publish a circular of cases of discrimination, harassment, sexual harassment and abuse of authority that have been investigated and have led to the imposition of a disciplinary measure.