

PREVENTION OF SEXUAL HARASSMENT

A guide for staff

Asian Development Bank



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FOREWORD

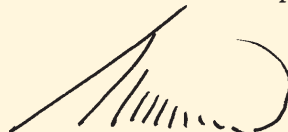
ADB has adopted a policy on preventing sexual harassment because of our commitment to maintaining mutual respect, safety, and tolerance in the workplace.

Many nations, including our host nation, the Philippines, now have laws prohibiting sexual harassment at work.

In turn, most of the world's leading organizations have adopted policies on sexual harassment. These organizations pursue this aspect of international best practice. They understand the damage sexual harassment can cause to individuals and the organization.

This policy encourages senior staff, supervisors, and mission leaders to prevent harassment through establishing a climate of mutual respect among their staff. If problems do occur, the emphasis is on assisting staff to resolve them confidentially and informally, while providing a formal process if the problems cannot be resolved.

Staff members have volunteered and been trained as helpers for other staff experiencing problems. I congratulate these staff for taking on this role and know that all senior staff will support them.



JOHN LINTJER

Vice-President (Finance and Administration)

COMMITMENT AND SCOPE

What is ADB's commitment on sexual harassment?

The policy, outlined in Administrative Order No. 2.11, states very clearly that ADB will not tolerate any conduct that reasonably could be viewed as sexual harassment.

ADB will ensure that complaints are taken seriously and handled promptly and impartially, action is taken to ensure any harassment stops, and people making complaints and those acting as witnesses suffer no retaliation.

Who is covered by the policy?

The policy applies equally to men and women. It covers professional staff, national officers, administrative staff, consultants, employees of contractors to ADB, people seeking work with ADB, and visitors. It applies to headquarters, resident missions and offices, and in the field, such as on ADB missions.

Social functions that are part of official business are also covered.



DEFINING SEXUAL HARASSMENT

What is sexual harassment?

Sexual harassment is any **unwanted**, offensive sexual conduct. It could be

- **physical** conduct ranging from unwanted touching or kissing to sexual assault;
- **verbal** conduct such as unwelcome sexual advances or flirtations, propositions or pressure for sexual or social activity, suggestive remarks, or innuendoes; or
- **nonverbal** conduct such as the display of offensive pin-ups or written material, sending suggestive e-mail, leering, whistling, or rude gestures.

What about conduct that is not directed specifically at one person?

If the conduct causes harm or suffering to another person in ADB workplace; interferes with work or productivity; or creates an intimidating, hostile, or offensive working environment, it is covered by the policy even if it is not directed specifically at a particular person.

Pin-ups are an example of this. Another example is lewd conversation within the hearing of someone who is offended.

Conduct such as this is unprofessional and can create a hostile and uncomfortable working environment for some people.

What about cultural differences?

Unwanted, offensive sexual conduct is not acceptable in any culture. Naturally, people's attitudes to personal space and privacy, touching, and appropriate topics of conversation vary, depending on their cultural backgrounds, gender, religion, education, and upbringing.

In an international organization such as ADB, the values of no one particular group can dominate. That is why this policy allows you to decide for yourself what you find offensive and to let others know if you are offended.

There is an onus on all staff to treat others with tact and respect. If you are not sure if your conduct or remarks will offend others at work, it is best to be careful.

If someone has told you that your conduct is offensive, it is best to apologize for any offense taken, say you did not realize you were offending the other person, and not do it again. For many people, sexual matters are private and personal with no place in a professional environment.

Can “harmless flirtation” be sexual harassment?

Flirtation that is not unwanted is not sexual harassment. However, if it is too blatant, it may be inappropriate

behavior for the workplace and may cause embarrassment to others.

Sexual attraction is a natural part of being human and many people meet future partners at work. There is nothing wrong with this, providing professional standards of behavior and decorum are maintained.

What if someone dresses in a provocative manner?

While provocative clothing may be inappropriate for the workplace, this does not mean that the person is inviting harassment. Each person is responsible for his or her own behavior towards others in ADB, and must treat others with respect regardless of their taste or style in clothing.

What if the harassment happens outside ADB?

If the harassment happens at a work-related event such as on ADB Christmas party, it is still covered by the policy. If it happens at an event unrelated to ADB, it may be subject to the Philippines' anti-sexual harassment law and may be subject to ADB's disciplinary proceedings.

Are other types of harassment covered?

This policy applies specifically to sexual harassment, but other offensive conduct may also be the subject of disciplinary action under AO 2.04.

THE ROLE OF THE HELPERS AND THE STAFF COUNSELOR

Who can assist if you are experiencing harassment?

ADB has trained helpers at headquarters to provide assistance to staff on sexual harassment issues on a completely confidential basis. The names of the helpers are on the ADB intranet on the Human Resources Online. The helper you chose will listen to the problem, talk through your options with you, and provide direct assistance such as mediation or speaking with the alleged harasser or his or her supervisor, if you require it.

It is the helper's aim to assist in resolving the issue in an informal way that will suit all people involved.

Helpers will not be involved in any way in a formal complaint even if informal options did not resolve the problem.

The helpers will not tell anyone else about your situation, without your permission. Staff at resident missions and offices should also liaise with a helper.

They are all trusted members of ADB staff, both men and women, who come from various backgrounds, levels, and sections in ADB.

Helpers will not make decisions for you. They will help you to understand your options, but the decisions are up to you.

Who can help if you are accused of harassment?

Regardless of what has happened, it can be very upsetting to be accused of harassment. If this happens, you can approach a helper for support. If the helper is already assisting the aggrieved person, he or she will refer you to another helper.

Will the helpers provide counseling?

The helpers will not provide in-depth counseling for staff who have been seriously affected by harassment. A staff counselor has been contracted by ADB and is available for this purpose. You can make a confidential appointment by phoning 4035. Staff of resident missions and offices may arrange a confidential telephone session.

Staff can speak to the counselor about any personal problem, including harassment issues.



THE ROLE OF SENIOR STAFF AND MISSION LEADERS

What is the responsibility of senior staff?

Prevention of sexual harassment

Department/office heads, directors, and supervisors have a particular responsibility for preventing sexual harassment. They must

- act as role models by setting very high standards of behavior for themselves; make sure all staff, including new staff, understand the policy;
- encourage a positive working environment of dignity and respect in which sexual harassment is not tolerated;
- ensure material with a sexual connotation is not displayed in the workplace;
- be supportive of and promote the role of the helpers and the staff counselor;
- encourage staff to say “no” to harassment and make sure staff know there will be no victimization if they make complaints; and
- ensure unacceptable behavior that comes to their attention is dealt with promptly by discussing it directly

with the staff members concerned to ensure they modify their behavior.

Dealing with informal complaints

In dealing with informal complaints, senior staff must

- be supportive of the aggrieved person while not prejudging the issue;
- advise the aggrieved person of the options available to him or her;
- refer the aggrieved person to a helper and/or the staff counselor, where appropriate;
- depending on the wishes of the aggrieved person, attempt to resolve the matter by discussing it with the alleged harasser or mediating between the aggrieved person and the alleged harasser; and
- follow up on incidents to ensure harassment has stopped and there is no retaliation.

Redeployment

If a formal complaint is made to BPMSD, senior staff must consider redeploying either party pending the resolution of the formal complaint.

What is the responsibility of staff on missions?

While on mission, staff must take particular care to avoid behavior that could be interpreted as sexual harassment. If harassment occurs, other mission members must intervene. Mission leaders must act firmly to stop the harassment, whether from staff or others, such as members of executing agencies.

This may involve discussions with the leaders of other agencies, and mission leaders will need to use their discretion and negotiation skills in these situations. Most importantly, the staff member being harassed must be supported by the mission leader and the harassment must stop immediately.

While on mission, staff who experience sexual harassment may telephone a helper at headquarters in Manila for assistance.



COMPLAINING ABOUT HARASSMENT

What action should you take if you are harassed?

Informal options

A number of informal options are open to you, depending on what has happened. You could

- speak to the alleged harasser directly,
- write a letter to the alleged harasser,
- ask your supervisor or a helper to speak to the alleged harasser on your behalf,
- ask a helper to accompany you while you speak to the alleged harasser, or
- ask a helper to mediate between you and the alleged harasser.

Speaking directly or writing to the alleged harasser

Sometimes, the harassment may have been unintentional, due to a misunderstanding or ignorance. You may be able to clear the matter up and stop any further harassment by speaking directly or writing to the person concerned.

It is usually helpful to describe the conduct that is upsetting you, say how it makes you feel, and request that it stop. For example, if someone is asking you unwelcome questions about

your private life, you might say: “When personal matters are discussed in front of me, I feel uncomfortable and would like to keep our relationship on a professional basis.”

Asking a helper or supervisor to speak to the alleged harasser on your behalf

Sometimes, you may find it difficult to speak directly to the alleged harasser because of his or her position, or because you are too embarrassed or intimidated to discuss what has happened. In this case, you can ask a helper or your supervisor to speak discreetly with the alleged harasser on your behalf. They will let you know what was said and will try to resolve the matter privately and informally, according to your wishes.

Asking a helper to accompany you

If you feel too intimidated or embarrassed to speak to the alleged harasser on your own, you can ask a helper to accompany you to provide support. Between the three of you, you may be able to resolve the problem without the need to go any further.

Asking a helper to mediate

It can be helpful to have an independent person such as a helper mediate between you and the alleged harasser. The helper will make sure both people have the opportunity to speak and will help you to resolve the problem between you. Mediation

can be very helpful in giving you the chance to tell the other person how their behavior affects you, without having to make a formal complaint.

If none of these options succeed in resolving the situation, you can ask the helper to speak to the supervisor of the alleged harasser to seek his or her assistance.

Formal options

When would you make a formal complaint?

You may lodge a formal complaint if

- the informal options outlined above are not appropriate because of the nature of the harassment or other relevant circumstances, or
- you have not been able to resolve the matter using informal options.

How do you lodge a formal complaint?

You should put your complaint in writing and address it, in confidence, to the Director General, BPMSD. It should include information about what happened, when it happened, who was involved, what you did to discourage the unwanted behavior, the names of any witnesses, and any other relevant information. You must sign and date your complaint. The helper, however, will not be involved in any aspect of the process of formal complaints.

How will formal complaints be handled?

The alleged harasser will be given a copy of the complaint and a chance to respond in writing. An investigation will be carried out in consultation with both people involved and both will be informed of the outcome.

The Director General, BPMSD, will review the case and decide whether to dismiss the complaint, orally counsel the alleged harasser, or recommend formal disciplinary proceedings. Staff members involved in the complaint may also be required to receive counseling or undertake training.

If an aggrieved person is not satisfied with the decision of the Director General, BPMSD, he or she may lodge an appeal, in accordance with AO 2.06.

What if false complaints are made?

False or malicious complaints can seriously damage a person's reputation, career, and relationships. If anyone makes a false or malicious complaint of sexual harassment, they may face an investigation and disciplinary action, depending on the situation.



