

Chapter 3 Human Resources

Sub-Chapter 3.11 Conduct and Disciplinary Measures

3.11.6 PAHO Policy on the Prevention and Resolution of Harassment in the Workplace

Purpose

10. The purpose of this policy is to foster a healthy and respectful workplace through the prevention and prompt resolution of harassment. This policy aims to prevent harassment by promoting increased awareness, early problem resolution, and the use of informal and formal resolution processes. It is intended to help create and maintain a positive and productive work environment in which individuals are treated with dignity and respect. It will not only promote the well-being of all people in the workplace but will also reinforce the values of integrity and trust that are the foundation of a sound organization.

Scope

20. This policy applies to any person who works for the Pan American Health Organization (PAHO or the Organization), regardless of the type or duration of contract, as well as to people who previously worked in the Organization who claim that their separation was due to harassment, provided that the established time limits under the applicable rules are respected.

Policy and Essential Procedures

30. The PAHO Policy on the Prevention and Resolution of Harassment in the Workplace is a comprehensive document that defines the types of harassment, the rights, responsibilities, and obligations of all people who work at PAHO, and outlines PAHO's resolution process for alleged instances of harassment.

PART 1: POLICY STATEMENT

40. As an international public health agency dedicated to improving the health and quality of life of the people of the Americas, PAHO is committed to providing a workplace where all persons working for the Organization are treated with dignity and respect and are able to perform their duties in an environment that is free from all forms of harassment.

50. Harassment negatively impacts the workplace and individual well-being and productivity and will not be tolerated in PAHO. All persons working for PAHO should be allowed to perform their duties in an environment that is characterized by collegial working relationships, mutual respect, and trust.

PART 2: POLICY OBJECTIVE

60. The objective of this policy is to foster a healthy and respectful workplace through the prevention and prompt resolution of harassment. This policy aims to prevent harassment by promoting increased awareness, early problem resolution, and the use of informal and formal resolution processes. It is intended to help create and maintain a positive and productive work environment in which individuals are treated with dignity and respect. It will not only promote the well-being of all people in the workplace but will also reinforce the values of integrity and trust that are the foundation of a sound organization. This policy will be implemented in tandem with PAHO Policy 3.11.5 *PAHO (Code of Ethical Principles and Conduct)*.
70. This policy is intended to promote:
- Civility in the workplace to preserve the health and productivity of workers;
 - A harassment-free work environment in which personnel at all levels avoid behavior that may create an atmosphere of hostility or intimidation;
 - Support for persons subject to harassment; and
 - Due process for all concerned.
80. Dealing with harassment can be a difficult and complex matter. What one person considers acceptable behavior may be considered harassment by another, particularly in a multicultural environment. An allegation of harassment is serious and will be treated as such. Harassment needs to be addressed with sensitivity, promptness, and discretion. Open communication and early intervention are essential in preventing and resolving harassment.

PART 3: APPLICABILITY

90. This policy applies to any person who works for PAHO, regardless of the type or duration of contract, as well as to people who previously worked in the Organization who claim that their separation was due to harassment, provided that the established time limits under the applicable rules are respected.
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PART 4: TYPES OF HARASSMENT

100. Harassment includes the categories of behavior outlined below and normally consists of a series of incidents but can exceptionally be one severe incident as well.
110. While people's words are sometimes perceived differently than how they were intended, it is the impact of the behavior, not the intent, that is used to determine whether the behavior constitutes harassment. Therefore, if a specific action by a person or group is reasonably perceived as offensive by another person, that action might constitute harassment, whether it is intended or not.
120. The legitimate and appropriate exercise of supervisory authority or responsibility does not constitute harassment. As such, reasonable actions taken by a supervisor to encourage satisfactory levels of performance, ensure productivity, and maintain office discipline are not considered harassment.

Personal Harassment

130. Personal harassment consists of any improper and unwelcome conduct, comment, or display that demeans, belittles, or causes personal humiliation or embarrassment to the recipient or offense or harm.
 - 130.1. Examples of behavior that may amount to personal harassment include:
 - Name-calling, insults, derogatory remarks, or inappropriate jokes;
 - Shouting at a subordinate or co-worker, either in private or in front of others;
 - Spreading rumors, gossip, or innuendo which harms someone or damages their reputation;
 - Constant and unjustified criticism.

Sexual Harassment

140. Sexual harassment includes any unwelcome verbal or physical conduct of a sexual nature that occurs in or outside the workplace, is made a condition of employment or continued employment, or creates an intimidating, hostile, or offensive work environment.
 - 140.1. Examples of behavior that may constitute sexual harassment include:
 - Unwelcome sexual advances or requests for sexual favors;

- Unwanted touching or patting or other verbal or physical conduct of a sexual nature;
- Inquiries or comments about a person's sex life;
- Verbal or written communications with sexual overtones;
- Gender-based insults or jokes causing embarrassment or humiliation;
- Repeated unwanted social or sexual invitations;
- Inappropriate or unwelcome comments about a person's physical attributes, appearance, or sexual orientation.

150. When the harassment is committed by a person who is in a position to influence the career or employment conditions of the recipient, sexual harassment is more offensive. In this situation, the sexual harassment may also constitute an abuse of authority.

Bullying

160. Workplace bullying consists of threats, intimidation, aggressive behavior, and physical and/or verbal abuse that may cause physical or psychological harm or damage a person's self-esteem or confidence.

160.1. Examples of behavior that may amount to bullying include:

- Constant negative remarks or repeated criticism or sarcasm;
- Isolating, excluding, or ignoring someone;
- Making repeated threats of dismissal without just cause;
- Public humiliation, such as reprimanding an employee in a meeting or in the presence of other people, yelling at or swearing at an employee, making personal insults or name-calling;
- Intimidation, which instills a sense of fear in the person being bullied, whether it be fear of losing one's job, fear of humiliation, fear of being ostracized, or fear of reprimand.

Abuse of Authority

170. Abuse of authority occurs when a manager or supervisor improperly takes advantage of his or her position or unfairly uses his or her authority to undermine a person's work or job performance, threaten the person's livelihood, or interfere with or influence a person's career. It is the exercise of authority in a manner that serves no legitimate work purpose and ought reasonably to be known to be inappropriate.

170.1. Examples of conduct that constitute an abuse of authority include:

- Asking subordinates to carry out personal errands;
- Belittling an individual or a team's work;
- Exhibiting favoritism;
- Setting unrealistic goals or deadlines;
- Removing areas of responsibility or impeding work performance;
- Unjustifiably withholding resources or information that a person or team needs to perform their job.

Hostile Work Environment

180. A hostile work environment is characterized by an activity or behavior, not necessarily directed at anyone in particular, that creates an intimidating, uncomfortable, or offensive workplace and that interferes with work.

180.1. Examples of behavior that may lead to a hostile work environment include:

- Sexual, racial, or religious insults or jokes;
- Abusive treatment, yelling, or screaming;
- Openly displaying pornographic or other offensive material.

190. While not exhaustive, the table at paragraph 620 below provides other examples of what may or may not constitute harassment.

PART 5: RIGHTS, RESPONSIBILITIES AND OBLIGATIONS

200. The following are the general rights, responsibilities, and obligations of all people who work in PAHO; all managers and supervisors; and the Organization itself:

210. Persons who work for PAHO:

- Must act in a courteous and respectful manner, irrespective of grade or status.
- Must promote a harmonious and collegial work environment and refrain from any action or conduct that may be considered inappropriate or offensive.
- Are encouraged to prevent and resolve workplace conflict through dialogue and open communication.
- Are encouraged to communicate to the other party, as soon as possible, directly or indirectly through a supervisor or manager, any conduct that makes them uncomfortable or that they consider to be offensive or unwelcome.
- Can expect to receive the appropriate guidance and support when reporting an incident which they perceive as harassment to their supervisor or manager or, if necessary, to another appropriate supervisor or manager, the Ethics Office (ETH), Department of Human Resources Management (HRM), the Office of the Ombuds (OMB), or the Staff Association.
- Can raise an allegation of harassment in good faith, without fear of embarrassment or reprisal.
- Must limit the discussion and the dissemination of verbal and written information in the workplace regarding an incident of suspected harassment only to people who have a legitimate need to know.
- Must cooperate in the informal and/or formal resolution process and provide information and documentation to the Investigations Office (INV) or external investigator, upon request.

220. Managers and supervisors:

- Have a special responsibility to uphold this policy and must make every effort to avoid, prevent, and stop harassment while maintaining objectivity and neutrality.
 - Are expected to lead by example and to act respectfully in dealings with colleagues and subordinates.
 - Are expected to be familiar with this policy and to explain, as required, the measures and procedures for dealing with behavior that might constitute harassment.
 - Are required to take immediate action when informed of conduct that might be improper or offensive, to involve the parties in resolving the problem, as

appropriate, and to take the necessary steps to establish or re-establish harmonious working relationships.

- Are expected to solicit guidance and advice for dealing with an incident of suspected harassment from offices and entities that form part of PAHO's Integrity and Conflict Management System (ICMS).
- Are required to notify INV immediately of serious incidents of suspected harassment that are brought to their attention.
- Are expected to use the annual appraisal process, as needed, to record behavior that may create an atmosphere of hostility or intimidation and to recommend training or other means of resolving such behavior.
- To the extent possible, are required to handle confidentially all reports of suspected harassment and to limit discussion only to those who have a legitimate need to know.
- Are required to participate in the training activities sponsored by PAHO on the prevention and resolution of harassment and on conflict resolution and to allow people under their supervision to participate in similar activities.

230. The Organization

- For its part, the Organization will:
 - Take the necessary steps and measures to create and maintain a healthy and respectful work environment where people are treated with dignity and respect.
 - Inform all persons of this policy and how to access it when they start working in the Organization.
 - Handle all allegations of harassment confidentially.
 - Take timely action to investigate and resolve allegations of harassment in the workplace.
 - Take administrative and/or disciplinary action, as appropriate, in cases where a person committed harassment or has failed to observe the standards of conduct of the Organization.
 - Take any other necessary measures to establish or re-establish a harmonious work environment so that people can work effectively.
 - Protect people who file in good faith a harassment complaint or who cooperate in an investigation, in accordance with PAHO Policy 3.11.8 *Protection Against Retaliation Policy*.

PART 6: RESOLUTION PROCESS

230. Any person who feels that he or she has been subjected to harassment may use the informal and/or formal resolution processes outlined in this section.

Informal Resolution Process

240. As a general principle, every effort should be made to resolve a problem as early as possible with open communication and in a cooperative manner. With this in mind, the objective of the informal resolution process is to resolve a conflict in a timely, fair, and respectful manner without having to resort to the more formal resolution process.

250. The use of alternative resolution mechanisms such as mediation can, in many instances, resolve the issue without having to resort to a more formal approach to address the situation.

260. While this policy encourages early resolution of workplace conflict using the informal resolution process, a person is not required to use the informal resolution process before electing to use the formal resolution process.

270. If a person believes that he or she has been subjected to harassment, the following measures can be taken as part of the informal resolution process:

Talk to the Person

280. A person who feels offended or who is made to feel uncomfortable by the actions of another person is encouraged to make it known to that person, as soon as possible, in an effort to prevent the situation from possibly worsening and, hopefully, to resolve the problem.

Consult with OMB, ETH, HRM, Staff Association, or the Employee Assistance Program

290. If the problem is not resolved or if the affected person does not want to speak directly with the other person, the affected person should meet with his or her supervisor, or with another manager, or seek advice from the OMB, ETH, HRM, the Staff Association, and/or the Employee Assistance Program in an attempt to find a timely, just, and equitable solution to the problem.

Participate in Mediation

300. Where appropriate, parties are encouraged to participate in an alternative resolution process such as mediation in the hope of resolving the problem before the person who feels that he or she is being harassed resorts to the formal resolution process.
310. Mediation is a voluntary process used to resolve conflict in which a neutral person, the mediator, assists two or more parties in efforts to reach a mutually acceptable solution to a problem. Mediation can be carried out by either PAHO's Ombudsperson or by an outside mediator acceptable to all parties.
320. Using a variety of techniques and skills, the mediator will aid the parties in exploring the underlying cause of the problem, identifying the issues, and helping the parties explore alternatives for resolution. Because mediation is voluntary, all parties must agree to mediation, which is private and confidential.
330. Mediation provides an opportunity for people to reach agreements that can help them work together in the future in a more collegial atmosphere. In many cases, mediation is a faster, more effective, and less uncertain approach for resolving workplace conflicts and disputes.
340. If a solution to the problem is not found or if an agreement is not reached during mediation, the parties are free to go forward with the formal resolution process outlined below. Consequently, the parties do not give up any of their rights by participating in the informal resolution process.

Formal Resolution Process

350. While use of the informal resolution process is encouraged, a harassment complaint may be filed without initiating any of the informal methods of resolution described above.
360. In most cases, a harassment complaint will be filed by the person(s) who allege(s) that they have been subjected to harassment. However, a harassment complaint may also be submitted by any other concerned person(s), including the PAHO Staff Association.
370. The formal resolution process contains five steps:

Step 1 – Prepare and Submit a Workplace Harassment Complaint

380. The first step in the formal resolution process is for the person(s) who feel(s) that they are being harassed, or any other concerned person(s), to submit a harassment complaint to INV.
390. The harassment complaint should include the name(s) of the person(s) against whom the allegation of harassment is being made and the date(s) and a description of the specific event(s) or behavior(s) that are the subject of concern. The complaint can be submitted, including anonymously, through the INV portal at: [Report Wrongdoing to INV - PAHO/WHO | Pan American Health Organization](#) or by e-mail at: investigations@paho.org.
400. A harassment complaint alleging personal harassment, bullying, abuse of authority, or a hostile work environment may be made anonymously and must be submitted within one year of the day when the alleged harassment took place or, if it was a series of incidents, within one year of the date of the last incident of alleged harassment. In cases of ongoing harassment, an investigation will include all incidents of alleged harassment regardless of when they took place.
410. A complaint of sexual harassment is not subject to the time limitations outlined above and may be submitted at any time. However, to the extent possible, any such complaint should be submitted at the earliest opportunity so that prompt action can be taken to address the situation, facilitate the conduct of an investigation, and ensure accountability. The passage of time may result in allegations that may be more difficult to investigate and pursue through internal administrative and/or disciplinary proceedings. An investigation may be undertaken with respect to an allegation of sexual harassment that occurred prior to the adoption of this provision.

Step 2 – Review and Acknowledgement

420. INV will normally conduct a preliminary assessment of the harassment complaint and determine if the allegation(s) raised meet the threshold to initiate a full investigation, *see*, PAHO Policy 1.6.5 *Investigation Protocol* at para. 350.
430. If the information does not relate to possible harassment or is outside the scope of the policy, INV will inform the person(s) who submitted the harassment complaint and may refer the complainant to another ICMS office or entity for assistance with their concern.

440. If the information points to possible harassment, INV will notify the person(s) who submitted the harassment complaint of the next steps in the formal resolution process, including whether an investigation will be carried out.

Step 3 – Investigation

450. Investigations into allegations of harassment will be carried out by INV or an external investigator, as appropriate, in accordance with PAHO Policy 1.6.5 *Investigation Protocol*.
460. The investigator will consider whether any interim precautionary measures are needed to safeguard information, ensure a proper investigation, or protect a party to the investigation or the interests of the Organization. Where necessary, the investigator will make an appropriate recommendation and refer the matter to the relevant official(s) in the Organization for consideration and necessary action.

Step 4 – Investigation Report

470. When an investigation is carried out, INV will prepare a written report containing its findings of fact and its assessment of the evidence in relation to the allegation(s) of harassment. The investigator(s) will strive to complete the investigation, including the report, within a period of six months, taking into consideration the nature, number, and complexity of the allegation(s).
480. In the event of a conflict of interest involving the Director of HRM, the report will normally be submitted instead to the Director of Administration (AM) for consideration and decision. Should AM also have a conflict of interest, the report shall normally be referred to the Deputy Director (DD) or Assistant Director (AD), as appropriate, for consideration.

Step 5 – Decision

490. Upon receipt of an investigation report, the decisionmaker (Director of HRM, AM, DD, AD) will decide whether the allegations of harassment have merit.
500. In situations where it is determined that harassment did take place, the person found responsible will be subject to disciplinary action in accordance with the Organization's rules and procedures or the terms of his or her contract. Depending on the nature and seriousness of the harassment, the disciplinary measures could include, but are not limited to:

- a letter of reprimand;
- a transfer or reassignment to a position of lesser responsibility;
- a reduction in grade or salary;
- termination of appointment or contract.

510. In situations where it is determined that harassment did not take place, but where the person's behavior was not entirely appropriate, an administrative measure may be imposed. Such measures could include, but are not limited to:

- a simple discussion with the person concerned;
- coaching and/or training;
- requiring the person concerned to send a written apology to the person who felt offended;
- a verbal or written warning.

520. In cases where it is determined that the filing of a harassment complaint was frivolous or made in bad faith or where a person failed to cooperate or interfered with an investigation, administrative and/or disciplinary action may also be taken, as applicable, against the person(s) concerned.

530. The person(s) alleging harassment, as well as the person against whom the allegation of harassment is made, will normally be informed in writing of the outcome of the formal resolution process within 60 calendar days of the date INV submits its final report. In addition, a person found to have committed harassment will be informed at the same time of the Organization's intent to pursue administrative and/or disciplinary action, as applicable.

PART 7: TIMELINESS OF PROCESS

540. The time limits indicated in this policy are intended to ensure prompt resolution of allegations of harassment so that remedial action, as appropriate, can be taken in a timely manner to improve the situation or to establish or re-establish a harmonious working environment.

550. In situations where it is not possible to complete an investigation or make a decision within the specified time limits due to the complexity of the investigation or report, the parties will be kept informed of the reasons for the delay and of the expected date when the investigation will be completed, or decision will be made.

PART 8: MONITORING AND AMENDMENT TO POLICY

560. The underlying purpose of this policy is to foster a healthy and respectful working environment that is free of inappropriate behavior and all forms of harassment. Through periodic surveys and other monitoring mechanisms, the success in achieving the goals and objectives of this policy, as well as its effectiveness, will be evaluated and assessed.
570. Any proposed substantive amendment to this policy shall be considered by the offices/entities that form PAHO's ICMS and submitted to the Director for approval.

Responsibilities

580. **Ethics Office (ETH):** Questions regarding this policy can be submitted to ETH for guidance and advice at: ethics@paho.org or through the Integrity Helpline, including anonymously, at www.pahohelpline.org.
590. **Investigations Office (INV):** Questions or concerns regarding alleged harassment can be submitted to INV by e-mail at investigations@paho.org or through the INV portal, including anonymously, at: [Report Wrongdoing to INV - PAHO/WHO | Pan American Health Organization](#).

Guide for Determining what Constitutes Harassment

600. The following questions may help you determine whether conduct (e.g., an act, comment, or display) constitutes harassment:
- Is the conduct unwelcome and offensive or abusive?
 - Did it demean, belittle, or cause personal humiliation or embarrassment?
 - Does the conduct exceed what a reasonable person would consider appropriate in the workplace or go beyond what is considered acceptable in a modern workplace?
 - Is it a series of incidents over a period of time?

610. If you answered “yes” to one or more of the above questions, it is also important that you consider the severity and impropriety of the conduct and the circumstances and context surrounding it before you conclude that the conduct at issue constitutes harassment.
620. The following contains a series of situations and examples that further clarify what is generally meant by “harassment.”

Conduct that generally constitutes harassment	Conduct that may constitute harassment	Conduct that generally does not constitute harassment
<ul style="list-style-type: none"> ■ Making serious or repeated rude, degrading, insulting, or offensive remarks about a person’s physical characteristics, medical condition, appearance, or other personal traits. ■ Displaying sexist, racist, or other offensive pictures or posters; sending offensive e-mails related to race, national or ethnic origin, color, religion, age, sex, sexual orientation, marital status, family status, or disability. 	<ul style="list-style-type: none"> ■ Publicly criticizing a person. 	<ul style="list-style-type: none"> ■ Assigning work. ■ Ensuring that the Organization’s policies regarding work absences are followed. ■ Requiring a person to perform his or her job. ■ Taking disciplinary measures. ■ Management mistakes. ■ Engaging in a single or isolated act, such as making an inappropriate remark or being abrupt.
<ul style="list-style-type: none"> ■ Repeatedly singling out a person for meaningless or unpleasant jobs that are not part of their normal duties. 	<ul style="list-style-type: none"> ■ Excluding a person from group activities or assignments. ■ Withholding work assignments. 	<ul style="list-style-type: none"> ■ Not considering a person for a particular job because he or she does not meet the specific occupational requirements necessary to perform that job.

Conduct that generally constitutes harassment	Conduct that may constitute harassment	Conduct that generally does not constitute harassment
<ul style="list-style-type: none"> ■ Threatening, intimidating (e.g., yelling, screaming, pounding furniture, slamming doors, throwing objects) or retaliating against a person, including one who has expressed concerns about perceived unethical or illegal workplace behaviors or actions. 	<ul style="list-style-type: none"> ■ Making statements that are damaging to a person’s professional or personal reputation. 	<ul style="list-style-type: none"> ■ Taking measures against a person who is careless in his or her work, such as in the handling of confidential documents. ■ Interpersonal conflicts.
<ul style="list-style-type: none"> ■ Extending unwelcome social invitations, with sexual overtones or flirting. ■ Making unwelcome sexual advances. 	<ul style="list-style-type: none"> ■ Making sexually suggestive remarks. ■ Touching a person or making other physical contact. 	<ul style="list-style-type: none"> ■ Engaging in a social relationship welcomed by those involved. ■ Making a friendly gesture, such as a pat on the back, towards a co-worker.

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