

# **CEB Task Force on Addressing Sexual Harassment within Organizations of the UN System**

**Video Conference - 15 December 2017**

## SUMMARY OF CONCLUSIONS

The first meeting of the CEB Task Force on Addressing Sexual Harassment within Organizations of the United Nations System was convened on Friday, 15 December 2017.

The meeting was chaired by the HLCM Chair, Ms. Jan Beagle, and was attended by some 30 senior colleagues from almost all organizations of the UN System, as well as many Secretariat Departments.

There was a strong recognition that there had been a major cultural shift in attitudes towards sexual harassment. Task Force members demonstrated a clear commitment to addressing this issue proactively, and developing a strong and coherent approach across the System.

Through discussion of organizational challenges faced in addressing sexual harassment, the Task Force agreed to centre its focus on the following critical areas:

- Data – compilation and analysis of case reporting (which is believed to be significantly under reported);
- Prevention – in line with the Secretary-General’s overarching prevention agenda - including drivers, policies and tools, training, communication and awareness raising;
- Response – including investigative capacity (and complementary systems: legal, human resources, etc.); and support to victims.

Leadership and tone from the top on zero tolerance was identified as critical to enabling results in all areas outlined.

The Task Force agreed on the following next steps:

- A technical working group will be rapidly convened under the umbrella of the Task Force, to compile and review system-wide data on case reporting; policies, tools and investigative capacity; and to identify best practices and gaps.
- The Task Force will reconvene in early February to consider the findings and further recommendations for short term and longer-term action.
- The Task Force will report to the HLCM at its next Session in April, and then to the CEB.

## SUMMARY OF DISCUSSIONS

### OPENING

The Task Force Chair opened the discussion emphasizing that this was a pivotal time for addressing the issue of sexual harassment in the workplace – a moment of major cultural shift – and for the UN System’s response. Ms Beagle referred to TIME Magazine’s 2017 Person of the Year: The Silence Breakers– and noted how in newspapers, on TV and radio news, across social media, almost every day we are hearing about cases of workplace sexual harassment coming to light, how hundreds, thousands of women and men are saying “#MeToo”.

The Chair highlighted that this issue is far more widespread than it is acknowledged, that sexual harassment takes multiple forms, it is often mired with complexities, is often shrouded in a veil of silence, and clearly requires urgent and effective action.

The Chair recalled that the Secretary General has prioritized addressing sexual harassment and upholding the zero-tolerance policy within the UN System. This includes his establishment of this Task Force, under the auspices of the CEB, to be implemented through the HLCM.

The Chair recalled that at the end of October this year, the Secretary-General had stressed his personal commitment to eliminating sexual harassment from the Organization in his joint letter with the Staff Unions. While pointing out that the UN has a clear policy on sexual harassment and a process to investigate allegations/apply firm sanctions, the Secretary-General stressed that that was not enough: “Harassment in any type or form offends the very principles of what we stand for as an organization and undermines the core values of integrity, competence and professionalism expected of all. Together we must fight it.”

The Chair noted that sexual harassment is not somebody else’s business. It is not something that happens in ‘other sectors’, ‘other organizations’, ‘other places’... it happens in all places. We must therefore make sure we address our internal policies and actions on these issues. The United Nations system must be exemplary in addressing sexual harassment – and ensure Common System consistency on the issue.

### REVIEW OF TOR AND DISCUSSION ON ORGANIZATIONAL EXPERIENCES AND CHALLENGES

The Chair recalled the key elements of the draft Terms of Reference of the Task Force - to review organizations’ policies to address sexual harassment, capacities for investigation of allegations and support to victims, and awareness training and communication; identify gaps and inconsistencies as well as best practices with a view to developing a common UN system approach.

In opening the floor for comments on the draft Terms of Reference, the Chair noted that the first milestone for the Task Force was to present a progress report to the HLCM by spring 2018 and, following that, to CEB.

A number of Members requested clarification regarding the **relationships between the Task Force and the ongoing work on Sexual Exploitation and Abuse (SEA)**, including in the context of the Inter-Agency Standing Committee (IASC). On this subject, it was clarified that, as also reflected in the recent Secretary-General's report on Sexual Exploitation and Abuse, there are many linkages between SEA and Sexual Harassment (SH) in the workplace, but these two issues should be considered and addressed as two separate, albeit connected, issues. To realise the Secretary-General's Zero Tolerance vision regarding sexual harassment in the workplace, there was agreement that this Task Force needed to ensure targeted and specific focus on that issue. A clear definition of Sexual Harassment in the workplace was advocated.

The issue of **reporting** and, in particular, of under-reporting, was highlighted by many as a crucial aspect to be reviewed by the Task Force. The heavy **burden placed on victims** when filing complaints, as well as issues of **confidentiality**, were highlighted as necessary areas of focus. It was agreed that an initial review / survey of organizational case reporting was necessary, to determine a reporting baseline.

Several Task Force members highlighted the need for a more explicit focus on **sanctions** to perpetrators in the Terms of Reference of the Task Force, as well as on **responsibilities for inaction** by the organization in treating cases of Sexual Harassment.

Members also noted the need to establish links between Sexual Harassment and all **other forms of prohibited conducts**, highlighting connections and differences, as appropriate.

There was unanimous support to the critical role of **prevention** in all its aspects, including training and awareness raising – and in ensuring the Task Force make the link to the Secretary-General's broader prevention agenda. In this respect, the need for a radical **cultural change** was emphasized by many, since often victims experience harassment in the form of misbehaviour and misconduct in the context of daily working relationships. In this respect, some participants highlighted the need for policies and means to empower by-standers when they are witnesses to office misconduct. A suggestion was also made to draw from the literature on behavioural economics, which indicates that small investments in this area can make a big difference.

There was consensus on the importance of placing the necessary attention on the **implementation-related aspects** of the organizational efforts in addressing Sexual Harassment, i.e. capacity, procedures, accountabilities, communication, etc.

Task Force members advocated a stronger focus on **survivors**, as well as the need for a clear, unequivocal **commitment by top management to zero-tolerance**, and on a corresponding communication strategy on this point.

The crucial role of the Department of Public Information (DPI) and of the Office of Legal Affairs (OLA), and of the corresponding communication and legal offices of UN System organizations was emphasized by many.

With respect to **communication**, participants noted the challenge of balancing the need for public disclosure and the respect of confidentiality in cases of Sexual Harassment.

While agreeing on the need to conduct an exercise of consolidation of experiences, lessons learned, policies, tools and approaches adopted by UN System organizations on the subject of Sexual

Harassment, Task Force members noted the usefulness of also looking at the experiences and **best practices available outside the UN System**, and particularly, within the private sector.

Throughout the discussion, members stressed that **credibility of zero-tolerance policies** depends on how able organizations will be to devise strong implementation mechanisms to complement the regulatory and policy framework on Sexual Harassment; on the effectiveness of protection measures against retaliation; and, on making perpetrators accountable.

The importance of **adequate capacity** for the investigation function, as well as of providing for specific expertise on Sexual Harassment-related investigations, was stressed by many. On this point it was further noted that investigation capacity would best be placed as part of the central internal oversight services of organizations, and not as part of the individual departments' responsibilities.

The role of **communication** was also stressed as an issue deserving careful consideration, especially since even when regulatory and policy frameworks on Sexual Harassment are in place, the perception of staff is often that formal and informal processes to deal with Sexual Harassment cases are not properly working and management is not doing enough.

There was consensus on the fact that the #MeToo campaign reflects a sea change and that the UN System must join this movement for change, fast-track action on this issue, show commitment from the top, as well as anticipate and manage judicial risk.

Some participants highlighted their recent experience in issuing a policy on zero-tolerance against any forms of harassment during UN meetings, and on the value of including a section on mandatory training on Sexual Harassment in the **performance appraisals** of staff members.

Challenges on **information sharing among organizations** on cases of Sexual Harassment were quoted by many as representing a major challenge in properly assuring the accountability of perpetrators and the protection of victims.

One organization summarized five **areas of weaknesses** that their experiences with Sexual Harassment cases had highlighted: 1) communication – lack of awareness, ineffective reporting mechanisms, balance between public disclosure and respect for confidentiality; 2) training – not only on Sexual Harassment, but also to increase the managerial accountability to report and deal with Sexual Harassment cases; 3) improvement of policies – including quick improvements that can be made with limited investments, like for example, in prohibiting relationships with subordinates instead of simply requiring their disclosure; 4) investigation – the need for adequate capacity; 5) support to victims – an area that is often not given the necessary attention.

Participants noted the good work already conducted on Sexual Harassment in the context of the Inter-Agency Standing Committee. **More efforts were sought** through the work of the Task Force on several aspects:

- Senior level engagement;
- Creation of workplace environments that are free from Sexual Harassment and violence;
- Reporting of cases, including with dedicated hotlines and other mechanisms;
- One-stop shop for complaints and allegations;
- In-depth review of the issues related to the burden of proof for victims of Sexual Harassment;

- Organizational response time to reported cases and related capacity requirements of investigation offices, but also human resources, legal, ethics and other relevant organizational units;
- Need to identify to establish and clearly communicate codes of conduct, red lines, etc.;
- Need to incorporate Sexual Harassment as part of the Safety and Security Framework in the field, also as a means to improve attraction and retention of women for positions in hardship duty stations;
- Need to develop a solid base of data and evidence on all aspects related to Sexual Harassment.

In order to most effectively, and rapidly, drive forward the work of the Task Force, it was agreed that a **Technical Working Group** be established, to undertake the initial survey and analysis on organizational reporting and gathering of best practices. Each Member organization would nominate a technical Working Group focal point, to begin work in January, reporting back to the Task Force in February 2018.

Members agreed to nominate Working Group members by 2 January 2018, and to agree finalised TOR electronically.

#### NEXT STEPS

- All organizations provide nominations for Working Group members by 5 January 2018.
- Over January and February, Working Group to collect, consolidate and analyze information on case reporting and investigative capacity, as well as on the existing legal and policy frameworks currently applicable in each organization, as well as in relevant organizations outside the UN System, with respect to the prohibition of Sexual Harassment, including relevant staff rules, administrative issuances and general policy documents. Will require development and send out of a survey/questionnaire based information gathering document, and consolidation of responses, to enable clear stock take and benchmarking.
- Through consolidation of data, Working Group to identify gaps, shortfalls, inconsistencies in the organizations' approaches towards Sexual Harassment - involving all categories of personnel - as well as best practices.
- Findings from the stocktaking, gap analysis and benchmarking to be presented to the Task Force in the course of February and March 2018.
- Identification of interim actions, particularly towards victim protection, which can be implemented immediately, pending the adoption of formal measures.
- Drafting of a progress report for presentation and discussion at the HLCM spring session 2018.
- From this, Working Group to then lead formulation of a recommendations on short, medium and long-term actions to be carried out by organizations, including any changes needed to policy frameworks, staff regulations, staff rules and other administrative issuances, and permitting consideration of structural and context-driven solutions.
- The Task Force will present its final report to the HLCM fall session 2018, and then to the CEB.