Summary of responses received on the issue of compensation for victims in cases of harassment

In response to the question submitted by IMO “Does your Organization compensate victims of harassment, once such harassment has been duly established following an investigation?” We have received the following responses:

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<th>Organization</th>
<th>Response received</th>
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<td><strong>UNRWA</strong></td>
<td>“...UNRWA’s prohibited conduct policy, embodied in GSC No. 06/2010, does not explicitly provide for compensation of victims of discrimination, harassment, including sexual harassment, or abuse of power, nor does it rule it out. Section 29 (attached) deals with actions that may be taken by management on the basis of investigative findings and focuses primarily on action vis-à-vis the perpetrator. It stipulates, however, that the complainant “shall be informed of the outcome of the investigation and the action being taken”. Para. (d) of section 29 leaves the door open for compensation by stipulating that in addition to the earlier mentioned actions, management may take “Other action as deemed appropriate...”</td>
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| **UNHCR**    | “In relation to the Appendix D, when/if allegations of work-related harassment and abuse of authority have been established by our Office of the Inspector General (IGO), a claim may be filed by the affected staff member for compensation under the Appendix D to the Staff Rules, which provides the rules governing compensation in the event of death, injury or illness which is determined to be attributable to the performance of official duties on behalf of the United Nations.

At UNHCR, the determination of applicability for such claims is made by the Advisory Board on Compensation Claims (ABCC) at UN Headquarters.

The following elements of compensation may be awarded under the Appendix D to the Staff Rules, based on recommendations made by the ABCC and as approved by the Secretary-General:

- Depending on the nature of the clinical elements and circumstances, staff members may be entitled to receive reimbursement of medical expenses.
- In cases where a permanent loss of functions resulting directly from the service-incurred injury or illness is established, staff members may be entitled to lump-sum compensation.

In cases where hardship is occasioned by the prior use of sick leave as a result of injury or illness attributable to service, a special sick leave credit may be granted. As for all the above points, it should be noted that only the days taken in direct relation with a service-related injury or illness may be considered.”|
<p>| <strong>IAEA</strong>     | “The IAEA does not have provisions for compensation to victims of harassment and bullying (apart of course from taking disciplinary action against those who commit the harassment or bullying). “ |</p>
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| ITU          | “The ITU mechanism for dealing with cases of harassment and abuse of authority provides that, based on an investigation report, the Secretary-General takes a decision which may include the introduction of a disciplinary action and any administrative measures he may consider appropriate in order to protect the interests of the Union and of the ITU employees concerned.

Granting a compensation (i.e. monetary) to a recognized victim is not explicitly included into the remedies, those referred to in the text above being limited to disciplinary and administrative actions/measures (sanction against the defender, reassignment of one of the two staff members involved or both, relocation in different offices, etc...).

However, it is not either explicitly excluded from the text and I guess that, within his discretionary power, he may decide to so, e.g. in cases where the responsibility of the organization as an institution may be established (proven lack or failure to protect the staff member, ...).

We never had such a case in the past.” |
| UNESCO       | UNESCO does not have a system of compensation for victims of harassment |
| UPU          | “...The Universal Postal Union has no such policy in place...” |
| ILO          | “We have no specific provision in our staff regulations or HR policies regulating the award of compensation in cases of harassment or other treatments affecting the dignity of an official or warranting the award of moral damages (transfer, unlawful competitions, inordinate delays etc). And we find it preferable not to have such provisions, as they could lead to an inflation of cases for the mere sake of financial gain. In some cases compensation will be symbolic, or a simple apology. Only when the organization is in serious breach of its duties towards an official would we consider financial compensation.” |
| WMO          | “WMO doesn’t have a specific policy on how to compensate a proven victim since we haven’t had a real case yet.” |
| UNWTO        | “...nothing that specifically addresses this issue...” |
Section 29 of GSC No. 06/2010

Actions that may be taken

29. One of the following actions may be taken by the Field Director or DHR, as applicable:

(a) If it is considered that the allegations are unfounded, provided the complaint was made in the reasonable belief that what is being reported is true, no action will be taken if the complaint turns out to be misguided or false. The case will be closed and the alleged offender and aggrieved individual provided with a summary of the investigation’s findings and conclusions. Complainants may be called upon to support their complaints, and where complaints are found not to have been made in good faith or on reasonable grounds, complainants may be subject to disciplinary action.

(b) If it is considered there was a factual basis for the allegations that does not justify disciplinary proceedings but warrants some other action, a decision will be made on managerial action to be taken which may include, but is not limited to, mandatory training, reprimand, a change of functions or responsibilities, counselling or other appropriate corrective measures. The staff member and complainant shall be informed of the outcome of the investigation and the action being taken.

(c) If it is considered that the allegations were well-founded and misconduct has occurred, appropriate disciplinary proceedings will be initiated under Chapter X of the International Staff Rules or Chapter X of the Area Staff Rules, as applicable.

(d) Other action as deemed appropriate.
37. Where DDIOS has found that there is a credible case of retaliation, and taking account of the recommendations made by DDIOS and consultation as appropriate with the person who complained of the retaliation, the Agency shall provide appropriate remedies which may include but shall not be limited to:

(a) rescission of the retaliatory decision;

(b) reinstatement to the same or a comparable position in salary, responsibility, opportunity for advancement and job security, or, if requested by the individual concerned, transfer to another office or function;

(c) back pay and benefits, with consideration of the likely advancement and salary increases that a staff member would have received;

(d) representation fees or other costs associated with the individual’s claim of retaliation;

(e) compensatory damages, including for financial loss linked to retaliation by the Agency;

(f) intangible benefits, including public recognition that the person’s complaint of retaliation was well-founded and of the person’s contribution to the Agency.