

ANNEX A
EXECUTIVE ORDER No. 05-7, Rev. No. 1

Staff Rule 101.10 - Prohibition Against Workplace Harassment

(a) No staff member, irrespective of position or grade, no independent contractor, and no intern, shall commit Workplace Harassment. All shall strive to treat each other with respect and dignity in the workplace.

(b) Workplace Harassment includes:

- (i) Discrimination and prejudice based on race, religion, creed, or gender intended to harm or to favor others in the workplace or otherwise in the performance of their official duties;
- (ii) Discrimination and prejudice, based on national origin intended to harm or to favor others in the workplace or otherwise in the performance of their official duties, provided, however, that preferences based on national origin to the extent necessary to obtain geographic distribution as required under Article 120 of the Charter do not constitute a violation of this Rule;
- (iii) Sexual harassment in the workplace or otherwise in the performance of official duties under Staff Rule 101.8, and as defined in the corresponding guidelines issued by the Secretary General; and
- (iv) Other words, conduct, or action, usually repeated or persistent, which:
 - (a) Are unwelcome;
 - (b) Are directed at a specific person ("the victim") in the workplace or otherwise in the performance of their official duties;
 - (c) Are intended to annoy, alarm, or cause substantial emotional distress in the victim;
 - (d) Serve no legitimate purpose; and
 - (e) Are reasonably regarded by other reasonable persons, under the circumstances, as offensive, humiliating, intimidating, violent, or intrusive of reasonable expectations of privacy.

(c) Words, conduct, or action will be presumed to be "intentional" and "unwelcome":

- (i) Where the alleged offender has been previously advised by the victim or by another staff member that they are unwelcome and/or likely to cause the victim annoyance, alarm, or emotional distress or

- (ii) When, in the case of a single incident, it is obvious to a reasonable person by virtue of the outrageous and otherwise shocking nature of the conduct, where and when it occurred, that the alleged offender knew or should have known, in light of his/her experience and cultural background, that such conduct would be unwelcome and unreasonably annoy, harm or cause emotional distress to the victim.

(d) Harassment does not include the following actions or words taken or used without malice:

- (i) A supervisor's words or actions taken or used for the primary purpose of evaluating a person's performance of official duties assigned in accordance with a job description and/or contract or for the primary purpose of assigning and/or supervising the performance of official duties in a timely fashion and at the level required under the corresponding job description or contract;
- (ii) The application of disciplinary measures for misconduct, including unsatisfactory performance;
- (iii) The decision not to renew a contract, as well as notice that the contract will not be renewed; and
- (iv) The termination of a staff member's employment or a contractor's contract, together with delivery of the corresponding notice, for any of the reasons stated in the Staff Rules and/or contract.

(e) For purposes of this Rule, malice is defined as any action, conduct, or spoken word taken with gross negligence or with the specific and primary intent to annoy, alarm, or cause substantial emotional distress.

(f) Any staff member, intern, and independent contractor who suffers Workplace Harassment may object to and/or file a complaint as specified herein and in the Guidelines and Procedures for the Prevention and Handling of Workplace Harassment issued by Executive Order ("the corresponding Guidelines").

(g) The General Secretariat shall deal seriously and promptly with complaints for Workplace Harassment in accordance with the corresponding Guidelines.

(h) Any person who threatens to take or takes retaliatory measures against an individual who alleges in good faith that he or she has been the victim of Workplace Harassment or against any individual who states in good faith that he/she has been a witness thereof shall be subject to disciplinary measures and/or other measures within the Secretary General's competence in accordance with the corresponding Guidelines.

(i) The General Secretariat is not responsible for Workplace Harassment committed by representatives and employees of other international organizations, governments, civil society organizations, interns, independent contractors, and other persons over which it has no authority to take disciplinary action under these Staff Rules. Nonetheless, in the event an admissible complaint for Workplace Harassment is filed against one of those

persons, the General Secretariat shall forward the complaint to the pertinent supervisory authorities of the alleged offender and may take such other action as the General Secretariat deems appropriate.