



NATO UNCLASSIFIED

4 November 2020

OFFICE NOTICE
ON(2020)0057

**NATO POLICY ON THE PREVENTION, MANAGEMENT AND COMBATING OF
HARASSMENT, BULLYING AND DISCRIMINATION IN THE WORKPLACE**

Note by the Deputy Assistant Secretary General for Human Resources

1. The Secretary General and the Strategic Commanders approved the recommendations of the Joint Consultative Board on the prevention, management and combating of harassment, bullying and discrimination in the workplace (JCB-D(2020)0002).
2. Creating a safe and respectful work environment is a priority at NATO.
3. This has required NATO IS and other NATO bodies to work together and in consultation with Staff representatives to improve the effectiveness of the Organization as a whole to respond to harassment concerns, and to ensure that the NATO policy, procedures and staff awareness on harassment, sexual harassment, discrimination and bullying are appropriate and effective.
4. I attach herewith the new policy that replaces the one previously circulated under ON(2013)0076.
5. The new policy, which applies NATO-wide, emphasizes prevention, staff awareness of the policy and being held accountable. Among the substantive changes are:
 - emphasis is put on the coverage and scope of the policy, on the clarifications of the definitions and examples in the policy with a 'test' of the impact of unacceptable behaviour on others, and on the set up of roles and responsibilities of various parties;
 - the policy clarifies the resources and channels (non-contentious and formal) that are available to staff;
 - the guidelines for the conduct of an investigation are a key addition of the policy;
 - the policy refers to an improved monitoring and systematic reporting of cases, including on follow-up actions and disciplinary measures.



- the policy is formulated as a NATO-wide policy, applicable to all staff, whether military, civilian, contractor, intern, etc.
6. For additional information on the policy, you may wish to contact Policy and Strategy Coordination Section, Mr. John Stokes (ext. 4840), Ms. Florica Olteanu (ext. 4127).

(Signed)

Patrice BILLAUD-DURAND

Distribution list: NATO IS, Agencies; Military Commands, Delegations

1 Annex

Original: English

**NATO POLICY ON THE PREVENTION, MANAGEMENT AND
COMBATING OF HARASSMENT, BULLYING AND
DISCRIMINATION IN THE WORKPLACE¹**

¹ This Policy contains definitions, principles, procedures and advice which are applicable NATO-wide to ensure consistency across the Organization. It is also understood that flexibility is necessary to respect local specificities and implementing directives can therefore be adopted in each NATO body to facilitate the implementation of this Policy.

INTRODUCTION:

NATO is committed to providing a positive work environment that enables and encourages staff to collaborate and cooperate in achieving the goals of the Organization². This Policy is intended to promote and foster a workplace that values fair treatment, trust and respect for others, with zero tolerance or condoning of inappropriate behaviour³, including any form of harassment, bullying or discrimination, all of which are wholly unacceptable. It therefore:

- Prohibits harassment, bullying and discrimination in the workplace, as defined in this Policy;
- Sets out pro-active measures to be taken by NATO to maintain a respectful and safe workplace and prevent the occurrence of harassment, bullying and discrimination in violation of this Policy, including through targeted training, a communications strategy, accountability mechanisms and other initiatives to raise awareness of the effect of such behaviour towards others;
- Outlines the roles and responsibilities of staff with respect to maintaining a harassment, bullying and discrimination-free workplace;
- Assists staff in finding effective ways to deal with behaviour they find offensive or objectionable; and
- Establishes appropriate procedures to address and respond to allegations of harassment, bullying or discrimination.

² See also article 12.1.4 of the NCPR

³ This policy complements, among others, the NATO Code of Conduct, the NATO Policy on the Prevention of Sexual Exploitation and Abuse and the NATO Policy against the Trafficking of Human Beings.

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PART I: PROHIBITION OF HARASSMENT, BULLYING AND DISCRIMINATION

A. Coverage and Scope of the Policy

1. This Policy applies to all staff groups included within the NATO Civilian Personnel Regulations (NCPR) i.e. staff, temporary staff, or consultant.
2. This Policy may also assist Heads of NATO bodies to manage cases of harassment, bullying or discrimination that involve other categories of personnel who are not within the purview of the NCPR, for example, interns, contractors and persons on assignment from other entities or authorities, including voluntary national contributions (VNC)s and military personnel).
3. All other persons working at NATO, regardless of the type or duration of their employment contract, may raise concerns or submit a complaint⁴ that they have been subjected to harassment, bullying or discrimination in violation of this Policy, even if they are not within the purview of the NCPR (this would include, for example, interns, contractors and persons on assignment from other entities or authorities, including VNCs and military personnel).⁵
4. However, if the alleged victim/offender⁶ is not within the purview of the NCPR and reports to an authority external to NATO, the Head of NATO body to which the alleged victim/offender belongs may establish a fact finding inquiry in coordination with the alleged victim/offender's line of command or employer (e.g., on-site vendor) that adheres to the principles in this Policy or refer the matter to the alleged victim/offender's line of command or employer to address under their own employment rules, with appropriate follow-up by the NATO body concerned.

B. Harassment

1. **General definition:** There is not one single, all-encompassing definition that can adequately describe all forms of harassment. However, for purposes of this Policy, the following definitions may serve as useful guidelines to identify and categorize this type of behaviour. "Harassment" generally refers to any unwelcome or offensive conduct that has had, or might reasonably be expected to have, the effect of:
 - Offending, humiliating, embarrassing or intimidating another person(s); or

⁴ For the purposes of this Policy, the "complaint" is the submission by an aggrieved person who feels offended by the actions of another person or who alleges that he/she has been harassed, bullied or discriminated against

⁵ Persons working at NATO who are not within the purview of the NCPR are entitled to raise similar concerns against staff covered by this Policy, as well as against other person working at NATO, with the Human Resources Office of the NATO body concerned.

⁶ For the purposes of this Policy, the "alleged offender" is the person identified as the harasser, bully or discriminator by the complainant.

- Creating an intimidating or hostile work environment and/or unreasonably interfering with the other person(s)' ability to carry out their functions at work.
2. Not all inappropriate behaviour rises to a level of what would be considered "harassment". However, concerns as to inappropriate behaviour should still be addressed promptly to the appropriate stakeholders as mentioned in Part I, Section G below before there is a recurrence or escalation into more extreme forms.
 3. **Intent:** For harassment to occur, it is not necessary that the alleged offender deliberately intended to cause offense or harm. Behaviour may qualify as harassment if the alleged offender knew or ought reasonably to have known that it would be offensive or unwelcome to others, whether it was intended or not.
 4. **Impact:** The test whether behaviour amounts to harassment is its effect or impact on others, regardless of the intention of the actor. Harassment involves conduct that is reasonably perceived as offensive, humiliating or intimidating by another, and had a negative effect on the physical or psychological well-being of the other person.
 5. **Frequency:** Harassment normally implies a series of incidents, but it can take the form of a one-off incident if it is serious enough in itself to have potentially prolonged effects on the recipient(s) of the behaviour.
 6. **Types of Harassment:** Harassment may take various forms, through words (spoken or written), gestures or actions. The various types of harassment include, but are not limited to, the creation of a hostile work environment and sexual harassment. These terms are explained below.

a. Hostile Work Environment

- **Definition:** A hostile work environment is created when the aggregation of incidents of unwelcome or offensive behaviour have the effect of depriving staff of respectful treatment in the workplace or precluding them from performing their duties effectively.
- A hostile work environment may be linked to discrimination if the victim is singled out for negative attention by virtue of a particular personal characteristic, e.g., ethnicity, gender, religion or age.
- Examples of behaviours that may, when aggregated, create an intimidating, offensive or hostile work environment are as follows:

b. Sexual Harassment

- **Definition:** Any unwelcome and unwanted behaviour of a sexual nature, whether verbal or physical that is offensive or creates a hostile or intimidating work environment. Sexual harassment may include unwelcome sexual advances, unsolicited requests for sexual favours, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to intimidate, cause offense or humiliation to another, when such conduct interferes with work or is made a condition of employment.

- Sexual harassment may occur between persons of any gender who can be either the targets or the perpetrators of sexual harassment.
- Sexual harassment is particularly egregious when it is linked with direct or implied threats or promises about career prospects, as this could also constitute an abuse of authority (see Part I, Section E. below). So-called “quid pro quo” harassment occurs when sexual favours are sought from a staff member, either under the promise of a reward for acquiescence or threats of detrimental action for refusal. This situation typically arises when a more senior person takes improper advantage of his/her rank/status to try to elicit sexual favours from a subordinate; such behaviour would also constitute an abuse of authority.
- In addition to a “quid pro quo” situation, a wide range of other types of behaviour may also constitute sexual harassment, depending on the circumstances in which they occur.

c. Harassment during Duty Travel

- Special attention needs to be paid during duty travel, where NATO personnel work together closely for extended periods of time away from home. No employee on duty travel should take advantage of the forced proximity to engage in inappropriate behaviour towards another staff member. Staff members must not engage in behaviour that could constitute, or be interpreted as, harassment. Supervisors are expected to act promptly, including through appropriate intervention, when such behaviour during duty travel comes to their attention.

C. Bullying/Mobbing

1. **Definition:** Workplace bullying is repeated offensive, cruel, intimidating, insulting or humiliating behaviour that undermines an individual or group of individuals. Bullying may be physical, verbal, visual or written, and it can be direct or indirect.
2. “Cyber-bullying” refers to situations of unwanted or aggressive behaviour(s), perpetrated through electronic media that may harm, threaten or demoralize the recipient(s), and can occur during or outside working hours.
3. “Mobbing” refers to situations in which a group of individuals bully a target employee and subject that person to psychological harassment. Like bullying, mobbing has to occur repeatedly and regularly. Both bullying and mobbing can be overt or covert.

D. Discrimination

Definition: Discrimination is any unjustified treatment or arbitrary distinction based on grounds such as a staff member’s race, gender, religion, nationality, ethnic origin, sexual orientation, disability, age, language, or social origin. Discrimination may affect one person or a group of persons who are similarly situated, and it may manifest itself through harassment or abuse of authority.

E. Abuse of Authority

Definition: The improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses his/her influence, power or authority to improperly influence the career or employment conditions of another (e.g., assignment, contract renewal, performance evaluation, or promotion). Abuse of authority may be an aggravating factor in situations of discrimination, bullying and harassment, including sexual harassment.

F. Behaviour Not Considered as Misconduct

1. In the multicultural environment of NATO, there is the possibility that one person can be offended by actions that might not be offensive to another person. Therefore, to avoid misunderstanding and unnecessary upset, it is important for everyone to be aware of the issues and bear in mind that words and actions, however unintentionally, may be upsetting or offensive to others.
2. It is also important to note that, in the course of their work, supervisors have a responsibility to take difficult decisions, e.g., about transferring people or changing work assignments. It is not improper for a supervisor or others to require that colleagues complete their work to an appropriate standard and within a reasonable deadline. Unless these types of demands are made in a manner that is demeaning or intimidating, or in any other way inappropriate, they would not be regarded as harassment or bullying or otherwise improper.
3. Also, a duly justified negative performance appraisal is not improper as such. Supervisors have a responsibility to give balanced and frank feedback and to take appropriate corrective action in due course to allow staff to improve their performance. However, such feedback should be made in a reasonable, respectful and constructive manner and should never be used as retaliation (see Part II, Section D. below). In case of disagreement and if a satisfactory solution cannot be reached, staff should refer to Annex VIII to the NCPRs to invoke conflict resolution mechanism.
4. In cases of a close personal relationship⁷ of a consensual nature between two staff members where one is in a position to influence the other's employment situation, they are requested to report it to the respective Human Resources Office, so that appropriate measures will be taken to avoid one participant being in a position to influence the other's career, benefits or status. The responsibility to disclose the situation falls on the more senior of the participants (in terms of rank/status) in the relationship.

G. Roles and Responsibilities in Preventing, Managing and Combating Harassment, Bullying and Discrimination

1. Staff shall:

⁷ Link to NCPR text found in article 3(f), "they are not closely related to a member of the staff (although the Head of the NATO body may authorize a departure from this rule on the understanding that neither of the persons concerned shall be placed under the direct authority of the other);"

- Familiarize themselves and comply with the standards of conduct expected of them, including those set out in Chapter IV of the NCPR, the NATO Code of Conduct and this Policy.
 - Treat each other with courtesy and respect at all times. Everyone working at NATO has an individual and collective responsibility to create and maintain a working environment that is free from harassment, bullying and discrimination. This means ensuring that their own standards of behaviour are consistent with this Policy, as well as refraining in their working relationships from behaviour which would constitute harassment, bullying or discrimination against their peers, supervisors, supervisees and other persons performing duties for NATO.
 - Take action if they observe that a colleague may be subject to harassment, bullying or discrimination in violation of this Policy. A staff member, other than the supervisor of the alleged victim (see Part II, Section A.5), who has witnessed harassment may consult with the aggrieved person about seeking advice or report to the Designated Authority or, if not applicable, to the Human Resources Office the offensive behaviour, tell the alleged offender that the behaviour is offensive and unwelcome; or seek advice (see Part II, Section A.4) without disclosing the names of those involved.
 - Communicate clearly to their colleagues about behaviour they find offensive and would like to be stopped.
 - Not engage in the following:
 - Filing a complaint under this Policy that are known by the complainant to be false or malicious, or with a reckless disregard for the truth of the statements made;
 - Encouraging others to engage in behaviour that might constitute harassment; or
 - Retaliating against or encouraging others to retaliate against someone who has made, or supported another who has made, a complaint under this Policy, as provided in Part II, Section D. below.
2. When established, staff who have been designated as Persons of Confidence (PoC) in NATO bodies shall:
- Serve as a first point of contact for staff members who feel that they have been subject to harassment, discrimination, bullying, intimidation or abuse of authority in the workplace.
 - Upon request, support the staff members throughout the resolution of their concerns.
 - Inform, with the agreement of the staff member, the Designated Authority (as described in under 5 below) the name of the alleged victim and alleged offender, the type of concern, the place and date of the action complained about, who will follow up according to this Policy.
3. Supervisors, including senior officials in each NATO body, shall:

- Have a specific responsibility to set a positive example and demonstrate appropriate standards of behaviour which contribute to a respectful working environment, regardless their grade or role within the Organization. In their daily actions and communications with colleagues, they should clearly communicate that harassing or bullying behaviour or discrimination will not be tolerated.
- Take all necessary measures to ensure a positive working environment free of harassment, bullying, and discrimination as well as behaviour that others may find offensive. Supervisors must ensure that prompt action is taken to stop any form of harassment, bullying or discrimination, that potentially offensive material is not displayed or circulated in the workplace, and that staff are aware of this Policy.
- Make themselves available to those who wish to raise concerns in confidence, to advise on measures available within the NCPR and this policy and to deal with those concerns promptly and effectively. Supervisors should recognize the seriousness of the situation and respect the sensitivity and confidentiality of the matter. This does not conflict with any reporting obligations under this Policy.
- Failure on the part of supervisors to fulfill their obligations under this Policy may be considered a breach of duty. If established, such dereliction of duty will be reflected in their annual performance appraisal and may be grounds for administrative or disciplinary action, as appropriate.
- Protect staff against exposure to any form of unacceptable behaviour, and provide effective remedial action if such preventive measures fail.

4. The Human Resources Office shall:

- Be responsible to the Head of NATO body, for developing and implementing measures to ensure a safe, secure and respectful working environment, and for promoting a culture in which harassment, bullying and discrimination in the workplace are considered unacceptable and will be neither tolerated nor ignored.
- Play a key role in taking appropriate action (and, if necessary, disciplinary measures) in accordance with the NCPR (or in coordination with the appropriate authority for those staff not covered under the NCPR), against any staff member who is found to have engaged in harassment, bullying or discrimination, as well as abuse of authority.
- Submit an annual activity report to the Head of NATO body containing statistics on the incidence of harassment, bullying and discrimination and how such matters have been addressed under this Policy.
- Protect staff against exposure to any form of unacceptable behaviour, and provide effective remedial action if such preventive measures fail.

5. The Designated Authority, as applicable⁸, shall:

⁸ Depending on the size of the NATO body in question, these responsibilities may also be allocated to the Human Resources Office.

- In order to prevent inappropriate workplace behaviour from occurring, take measures to increase awareness among all staff members of this Policy and their own responsibility towards maintaining a respectful workplace. Such prevention measures will include providing appropriate information, implementing a communications strategy, and offering training for staff, supervisors and HR Officers, as well as targeted training to assist supervisors in conducting informal conflict resolution within their units.
 - Provide appropriate support, assistance and counselling (if requested) before, during and after the resolution of a complaint, as described in Part II, Section A.4 below.
 - Centralize information on cases from the PoC in order to draw anonymous statistical information and propose collective measures to the Advisory Panel on Administration and, as applicable, to the Health and Safety Committee. Statistical information will be also provided to the Human Resources Office to allow for the preparation of the annual report to the Head of NATO body, as described in Part I, Section G.4 above.
 - Organize information sharing and lessons learned sessions from review of particular cases with the PoC on a regular basis.
6. Staff Committee: Representatives of the local staff Committee may assist and support staff members and serve as a potential first point of contact, and work with the Human Resources Office and Senior Management to allow/facilitate the proper handling of cases.
7. Senior Management shall:
- Set the “tone at the top” and serve as role models with respect to the required standards of behaviour.
 - Actively support and communicate the importance of a respectful work environment.
 - Hold all supervisory staff who report to them accountable for compliance with this Policy.
8. The Head of NATO body, as applicable, shall:
- Provide leadership by fostering a climate of mutual respect and acting as role models to enhance the required standards of behaviour and hold all supervisory staff who report to them accountable for compliance with this Policy.
 - Ensure that adequate human and financial resources are made available to deal effectively with complaints of harassment in the workplace.
 - Ensure that all staff are informed of this Policy and the required standards of conduct, and ensure that all staff are aware of their rights and responsibilities in relation to the prevention of harassment and the handling of cases.
 - In agreement with the Staff Committee, appoint trained Persons of Confidence from among the staff to provide advice and assistance to staff who believe they

have been subjected to harassment, have been accused of harassment, have witnessed harassment, or need advice regarding harassment issues.

- Protect staff against exposure to any form of unacceptable behaviour, and provide effective remedial action if such preventive measures fail.
- Where appropriate, impose disciplinary or apply other corrective measures to deal with breaches of this Policy.

PART II: GUIDANCE ON IMPLEMENTATION / RESOLUTION PROCEDURES**OVERVIEW:**

- The best way to deal with unwelcome and offensive behaviour is to discourage it at an early stage. Any person who objects to such behaviour should first, if possible, make it clear to the alleged offender that the behaviour is unwelcome and offensive, and that it should immediately cease.
- In the event that the offensive behaviour continues or escalates or if the recipient of the behaviour is not comfortable approaching the alleged offender on their own, the following channels for raising concerns and resolving the problem are available.
- There are multiple resources available to counsel staff in confronting offensive behaviour and help them choose the course of action with which they are most comfortable. No steps are mandatory or mutually exclusive. The Organization is prepared to provide support with respect to each of these options, bearing in mind that they have different consequences in terms of what the process entails and the possible outcome(s). For those staff not covered under the NCPR, in addition to the measures which are put in place by their employer, all channels listed below are available, except NCPR procedures.
- Regardless of the approach taken, any concerns or complaints about harassment, bullying or discrimination will be handled with sensitivity and confidentiality.

CHANNELS FOR RAISING CONCERNS:

A. Non-contentious Channels:

1. General: **Staff** are encouraged to attempt to resolve their concerns about alleged harassment, bullying or discrimination through non-contentious channels. The objective is to address the concerns before the matter escalates or becomes adversarial, and allow the parties to arrive at an understanding concerning acceptable behaviour through open communication and a respectful discussion. The staff member can raise such concerns verbally or in any written form, including electronic messages.
2. An unsuccessful attempt to resolve a concern about harassment or, bullying or discrimination does not preclude it from being considered under the written complaints procedure described below. Vice-versa, a serious event may immediately be reported under the written complaint process (see Part II, Section B. hereafter).
3. Approaching the alleged offender: Where possible, staff who consider that they have been subject to harassment, bullying, discrimination or other unwelcome and offensive behaviour should make their views known directly to the alleged offender as soon as.⁹ The recipient of the behaviour should make clear what behaviour is causing offense and ask that it stop. Staff who believe they have been harassed, bullied or discriminated against are also encouraged to keep copies of messages exchanged or notes of their

⁹ Part IV, Section A. below provides guidance for having a discussion/exchange with the alleged offender.

discussions with the alleged offender as long as they received themselves these messages or were copied.

4. **Resources available to Staff:** There are various resources available to staff members who can advise, guide or support in deciding how best to proceed with a concern about workplace behaviour. These various resources, described below, are expected to treat all such consultations as confidential and not for further disclosure or action unless:
 - i. such intervention is authorized by the staff member, or
 - ii. the advisor reasonably believes that the situation poses an imminent risk of harm to the staff member or others. This does not prevent such resources to inform the Designated Authority as described in this Policy.
5. **Supervisors:** Supervisors are expected to be available to discuss concerns by staff about possible harassment, bullying or discrimination, provide advice on a confidential basis about the options available to address the concerns, and where appropriate, take early and swift action, including reassignment of offices and/or tasks, change in reporting lines, etc. on potential and actual harassment. The supervisor may approach the alleged offender if he/she belongs to his/her staff to raise the matter of the offensive behaviour, ensure that they understand that such behaviour is not consistent with this Policy and, if appropriate, elicit assurances that the offending behaviour will not be repeated. If the supervisor has personally witnessed offensive behaviour, he/she should confront the alleged offender(s), in case this individual belongs to the staff supervised by him/her, and inform them that such behaviour is not appropriate and will not be tolerated. In case the alleged offender does not belong to this supervisor's team, he/she will inform the Designated Authority without any delay. The supervisor may also suggest to the Human Resources Office training or coaching to ensure that the alleged offender understands the impact that his/her behaviour has had or may have on others.
6. **Human Resources Office:** Staff members may also contact their Human Resources Office (HR) for advice. In particular, HR can work with supervisors directly to find proper solutions where appropriate. HR can also refer a case to the Designated Authority for further follow-up.
7. **Staff Committee:** Staff members may also request guidance and/or support from their respective Staff Committee representative. The Staff Committee may, at the staff member's request, designate someone to accompany him/her in approaching the alleged offender. The Staff Committee representative may also contact HR or, as applicable, the Designated Authority.
8. **Persons of Confidence:** If a Head of NATO body has decided to establish Persons of Confidence (PoC), then staff may seek guidance and advice from those persons who have been designated as PoC¹⁰. If requested by the staff member to do so, a PoC may assist them in resolving the matter informally. However, it may be advisable not to select

¹⁰ Several NATO bodies have established PoCs, whose role is to provide information and guidance to staff (whether they are complainants, alleged offenders or witnesses of harassment) on a private and confidential basis. Staff members are free to approach the PoC of their choice. A list of PoCs is available on the NATO intranet:

<http://hqweb.hq.nato.int/em/HR/en/health/harassment/whoweare.htm>

a PoC who is assigned to the Office/Division/Directorate where the issue has arisen, to avoid any conflict of interest.

9. **The Designated Authority:** If a Head of NATO body has decided to establish a Psycho-Social Prevention Adviser to provide psycho-social support, staff may consult the designated adviser, or in NATO bodies where such role does not exist *per se*, such other staff designated for this purpose, as applicable. The Designated Authority can also be consulted by an alleged offender. Guiding principles for the Designated Authority can be developed in implementing directives adopted in NATO bodies.
10. **Reporting:** the resources available to staff as enumerated under paragraph 4 above will always report the date, place and nature of the alleged misbehaviour of which they have been informed to a single Point of Contact to be designated by the Head of the NATO body as well as the name of the alleged victim and the alleged offender unless the alleged victim opposes the notification of the names. In case of the latter, the resources concerned will keep those names in a confidential file at the workplace.

B. Written Complaint Process

1. **General:** Persons working at NATO who consider that they have been subjected to harassment, bullying or discrimination may submit a written complaint in one of the two official languages of the Organization, to the official in charge for personnel management as designated by the relevant Head of NATO body for this purpose, normally the Human Resources Office in the respective NATO Body.¹¹ In case the complaint is directed against a member of the Human Resources Office, it will be addressed directly to the Head of NATO body concerned. Such complaints will trigger a process to determine whether the allegations are established and, if so, decide on the disciplinary action or other corrective action to be taken.
 - Complaints should be submitted in writing to the official in charge for personnel management as designated by the relevant Head of NATO body for this purpose at the earliest possible opportunity, following the format set out in Appendix 1, both to protect the complainant and to maximize the chances of related information and evidence being readily available.
 - Anonymous complaints: Such complaints from an alleged victim or made by a third person having witnessed inappropriate behaviour should be forwarded, by any staff member who receives such anonymous note, to the official responsible for personnel management for handling as appropriate. The Head of the NATO body should also be informed of the complaint.
 - There is no specific time limit for submitting a written complaint; however, the passage of time since the events in question may affect the ability of the Organization to conduct a thorough inquiry in order to establish whether the allegations are valid.

¹¹ For NATO International Staff, the Designated Authority is the Deputy Assistant Secretary General for Human Resources, Executive Management Division (DASG EM-HR), except if the complaint is directed against the DASG EM-HR himself/herself or a member of the HR Office. In that case, the complaint should be addressed directly to the Secretary General who will designate another official to handle the complaint.

2. After a written complaint of harassment, bullying or discrimination has been submitted, the next steps will be as follows:
3. Initial Review:
 - The objective of this stage is for the official responsible for personnel management to conduct a preliminary assessment as to whether, at face value, the allegation(s), if substantiated, would raise a legitimate concern of possible misconduct. The relevant legal office of the NATO Body, as applicable, should also be consulted before the conclusions of the preliminary assessment are finalized. If the conclusion of the preliminary assessment is that there is no *prima facie* case, the matter will not proceed to a full inquiry, and the complainant will be so informed. If the conclusion is that there is a *prima facie* case, the next step will be to inquire into the matter as provided in this Policy.
4. Process of Inquiry:
 - The objective of this stage is to conduct full fact-finding and consider the relevant evidence as to whether misconduct has occurred. The Head of NATO body may appoint an inquiry officer¹² or Board of Inquiry to fulfill this objective. The inquiry, which will be impartial and independent, will respect all parties concerned, taking into account the Guiding Principles for the Process of Inquiry set out in Part IV, Section D. below.
 - The alleged offender will receive written notification that an inquiry is being initiated and the nature of the allegations before being interviewed; the alleged offender will also have an opportunity to present supporting evidence and information, including suggesting the names of persons to be interviewed. However, the inquiry officer may, in his/her discretion, decide on the persons to be interviewed, and there is no obligation on the part of the inquiry officer to interview all persons suggested by the alleged offender. The alleged offender is expected to fully participate with the inquiry officer and in case he/she would fail to do so, the inquiry officer should inform the Human Resources Office as soon as possible.
 - The complainant will have the opportunity to present supporting evidence and information, including suggesting the names of persons to be interviewed. However, the inquiry officer may, in his/her discretion, decide on the persons to be interviewed, and there is no obligation on the part of the inquiry officer to interview all persons suggested by the complainant. The complainant will be kept informed in general terms of the progress of the inquiry, and he/she will be told of the outcome of the inquiry as to those elements that relate to the complainant, i.e., whether his/her allegations were substantiated and, if so, whether appropriate measures have been or will be taken. The complainant is expected to fully participate with the inquiry

¹² The Inquiry Officer / Board of Inquiry is designated by the Head of the NATO body after having consulted with the relevant legal office, and the local Staff Committee as applicable. It can be an individual, professional investigator, or a firm of professional investigators procured in compliance with the relevant procurement rules in force in the NATO Body.

officer and in case he/she would fail to do so, the inquiry officer should inform the Human Resources Office as soon as possible.

- All persons working at NATO have a duty to participate and be truthful, and not interfere in the process of inquiry, e.g., by trying to influence or intimidate the witnesses in the matter. They also have a duty to keep confidential the existence of an ongoing inquiry and, to that end, a non-disclosure agreement shall be signed by all interviewees. Refusal to participate, providing knowingly false information or interfering with the inquiry will result in disciplinary proceedings.
- Summary statements of interviews of the complainant, the alleged offender and other staff members will be prepared by the inquiry officer and must be signed by the respective interviewee as soon as possible after the summary statements have been circulated in order to confirm their accuracy. In case one or several interviewees refuse to sign the summary statement of their interviews, the inquiry officer will pursue his/her fact-finding exercise and mention the refusal to sign in his/her report.
- If the inquiry does not establish that misconduct has occurred, the matter will not continue to the disciplinary process, and the Human Resources Office will either close the matter or take other corrective action on the basis of the inquiry's findings. If the inquiry does establish that misconduct has occurred, the matter will proceed to the disciplinary process.

5. Disciplinary Process (applicable only to staff covered under the NCPR):

- The objective of this stage is to decide whether to take disciplinary action, taking into account the alleged offender's written or verbal comments on the matter.
- As provided under Chapter XIII, Article 60 and Annex X of the NCPR, before a decision is taken with respect to disciplinary action, the alleged offender will be informed of the facts complained of and the circumstances in which they occurred, as well as the proposed penalty. The alleged offender will be given an opportunity to provide written or verbal comments to the authority initiating the disciplinary proceedings.
- In light of the alleged offender's response, there may be supplemental fact-finding before a determination is made.

6. Administrative Decision (applicable only to staff covered under the NCPR):

- If the conclusion is that the alleged offender has engaged in misconduct and/or failed to comply with their obligations under this Policy, they may be subject to disciplinary measures in accordance with Chapter XIII, Article 59 of the NCPR.
- If the conclusion of the disciplinary process is that misconduct has not been established, the matter will be closed and the alleged offender and the complainant will be so notified.
- Frivolous or vexatious complaints that are knowingly false or are made with reckless disregard for the truth will be considered as misconduct. If so, the complainant may be subject to corrective or disciplinary action.

7. Post-Decision Review and Appeal (applicable only to staff covered under the NCPR):

- An inquiry and disciplinary process concerning a complaint of harassment, bullying or discrimination may or may not result in a decision to impose disciplinary measures on the alleged offender. Such decisions are subject to review under the normal complaints process under the NCPR.
- As with other types of disciplinary decisions, a staff member who is disciplined for having engaged in harassment, bullying or discrimination in violation of this Policy may seek review of the decision, in accordance with the procedures set out in Chapter XIV, Article 61 and Annex IX of the NCPR.
- A staff member who remains dissatisfied after the outcome of the Complaints Committee process and final decision by the Head of NATO body, as applicable, may appeal to the NATO Administrative Tribunal as provided under Article 62 of NCPR and the Tribunal Statute.
- Staff members who consider that their complaints of harassment, bullying or discrimination were not fairly considered and appropriately addressed in accordance with this Policy may seek further review as set out in Chapter XIV, Articles 61 and 62 of the NCPR.

C. Ongoing Support Following a Complaint

1. Once a complaint is resolved, supervisors have a special responsibility to monitor the situation closely to ensure that all parties to the complaint make the transition back to their normal duties as smoothly and quickly as possible, and that the behaviour in question is not repeated.
2. The Designated Authority as referred to in Part I, Section G above is also available to support staff in the aftermath of a harassment complaint, to ensure that the impact of the behaviour has been or is being adequately addressed;
3. Following the resolution of a complaint, the Human Resources Office shall provide ongoing support to anybody involved or affected by the case.

D. Protection against Retaliation and Reprisal

1. All persons who raise complaints of harassment, bullying or discrimination in good faith, and any person who assists them or provides information in the course of an inquiry will be protected against all forms of retaliation and reprisal as a consequence of such protected activity.
2. Any form of retaliation, in the form of adverse action of any kind, against anyone for engaging in a protected activity constitutes a form of misconduct that shall result in disciplinary action. Examples of retaliation include, but are not limited to, the following types of adverse actions or threats of such actions:
 - termination of employment;
 - demotion or denial of opportunities for promotion;
 - detrimental reassignment or transfer;

- unfavourable performance evaluations¹³;
 - removal from a team or project;
 - withholding of funding or other resources for a work project; and
 - withdrawing delegated authority
3. Generally speaking, the test of whether an adverse action is retaliatory is whether the action would have been taken, for separate and legitimate reasons, even in the absence of the protected activity. If not, the action would be considered as motivated by retaliation and thus invalid. Anyone considering that retaliation of any kind has been exercised should immediately inform the Human Resources Office or, as applicable, the Office of Legal Affairs.

¹³ It may be required to review the performance management assessment when a case of harassment, bullying or discrimination is officially reported. In particular, the performance management process might be put 'on hold' until a case has been completely resolved.

PART III: MONITORING AND REVIEW OF THE POLICY

A. Monitoring and Reporting

1. The Human Resources Office has overall responsibility for monitoring the effectiveness of this Policy. The Human Resources Office will work with other designated staff, (as applicable), to collect information on individual incidents of harassment, bullying and discrimination, including the number, type and outcome of such complaints, in order to prepare anonymous statistical data, make systemic observations, and propose an annual report to the Head of NATO body, as applicable, as described in Part I, Section G. above. This report will be communicated to the local Staff Committee. A consolidated report shall be made available on an annual basis to the Joint Consultative Board and to Allies.
2. The Designated Authority will gather information to be used to prepare anonymous statistical data, make systemic observations and propose collective measures to the Advisory Panel on Administration, the Health and Safety Committee (as applicable) or the Head of the NATO body.

B. Review

1. This Policy is subject to review and shall be revisited no later than five years after its approval.

PART IV: GUIDANCE FOR COMPLAINANTS, ALLEGED OFFENDERS AND STAFF WHO WITNESS HARASSMENT, BULLYING OR DISCRIMINATION AND GUIDING PRINCIPLES FOR THE PROCESS OF INQUIRY

- A. Guidance for those who have been subjected to harassment, bullying or discrimination
1. All persons working at NATO, regardless of their category of employment, who consider that they have been subjected to harassment, bullying or discrimination –all of which are incompatible with the obligations and responsibilities described in Chapter IV, article 12.1.4 of the NCPR and the values in the NATO Code of Conduct– are encouraged to try and resolve the matter at any early stage.
 2. If possible, the individual should try to contact/talk directly to the alleged offender and make known their disapproval or unease about that person’s actions or behaviour towards them. Such an approach might resolve the matter, as the alleged offender might not realize that his/her behaviour is considered offensive.
 3. In terms of possible ways of approaching the alleged offender:
 - The individual should find an opportunity where he/she and the alleged offender may talk face to face/exchange messages, and explain that the conversation/exchange is confidential.
 - Explain how the alleged offender’s behaviour is perceived and the impact that it has had.
 - Request the alleged offender to stop the behaviour found offensive.
 - Allow the alleged offender to reply to what the individual has explained.
 - The individual is also advised to keep copies of the messages exchanged/records of the details of the discussion(s) with the alleged offender, including the date(s) of the discussion(s) and what was said, as long as they received themselves these messages or were copied.
 4. In situations where it is difficult or impossible for the individual to approach the alleged offender (e.g., if it is his/her immediate supervisor) concerning unwelcome or offensive behaviour, or if the alleged offender is unwilling to discuss the matter, he/she may seek advice and/or guidance from the resources available for this purpose (see Part II, Section A.4 above). In seeking such advice, the individual should:
 - Explain what was considered offensive in the behaviour of the alleged offender;
 - Describe whether attempts have been made to discuss the matter with the alleged offender to solve the issue; and
 - Indicate the desired outcome and whether he/she would like the advisor to discuss the matter with the alleged offender and/or whether he/she would like all parties to meet together to discuss the issue with a view to resolving the matter.

5. As an alternative to the non-contentious process, or if the non-contentious process has not resolved the matter to the individual's satisfaction, he/she may submit a written complaint, which will trigger the process described in Part II, Section B. above. Complainants may:
 - Put forward a complaint without fear of retaliation;
 - Be supported by a colleague of their choice throughout all stages of the procedure, including participating in interviews as an observer (but not a representative of the complainant); and
 - Benefit from a fair and impartial inquiry conducted in accordance with the guiding principles described below in Part IV, Section D.

- B. Guidance for those who are alleged to have committed harassment, bullying or discrimination
 1. Anyone working at NATO who is alleged to have committed harassment, bullying or discrimination may seek guidance and advice from various resources designated for this purpose, including a Person of Confidence, the Designated Authority, or their Staff Committee representative. In circumstances where a concern has been raised by an intermediary, the alleged offender should avoid taking up the accusation directly with the person alleging the unacceptable behaviour, unless they have been asked to do so, as this might further distress the individual.
 2. In cases where a written complaint of harassment, bullying or discrimination has been lodged, an alleged offender is entitled to benefit from a fair and impartial inquiry conducted in accordance with the guiding principles described below in Part IV, Section D, as well as a disciplinary process as provided in Chapter XIII, Articles 59-60 of the NCPR.
 3. Staff who are found to have failed to meet the standards in this Policy may challenge that finding and any related disciplinary measure(s) or other corrective action before the Complaints Committee as provided in Chapter XIV, Article 61 of the NCPR. If they remain dissatisfied with the outcome of the Complaints Committee process, they may appeal to the NATO Administrative Tribunal in accordance with Chapter XIV, Article 62 and Annex IX.

- C. Guidance for those who witness harassment, bullying or discrimination
 1. Anyone working at NATO who observes harassment, bullying or discrimination in the workplace is obliged to act and address appropriately. Such observers are encouraged to approach the target(s) of such behaviour and urge them to seek advice from one of the designated resources for guidance and assistance. The observer may also wish to approach the alleged offender to tell them that the behaviour observed made the observer feel uncomfortable. However, it would not be appropriate for the observer to file a written complaint on behalf of the person who is the target of the unacceptable behaviour without the consent of that person.
 2. Anyone who supports a colleague or other individual who has been the target of harassment, bullying or discrimination, or who provides information in the course of

an inquiry or participates in another established channel with respect to what they have observed will be protected against all forms of retaliation for having engaged in a protected activity.

D. Guiding Principles for the Process of Inquiry

1. Complaints of alleged violations of the Policy shall be handled as discreetly as possible by all concerned and investigated promptly, fairly and thoroughly, with due respect for confidentiality.
2. The inquiry officer will carry out the inquiry in line with the principles of confidentiality and impartiality. The inquiry officer's mandate will be to gather all relevant information necessary to establish the factual basis for the allegations and whether this Policy or any other internal rules of NATO have been breached (i.e. effective misconduct). At the conclusion of this process the inquiry officer/Board will deliver to the Human Resources Office / Designated Authority a final Report of Inquiry in order to follow on with applicable procedures as outlined in Appendix 2.
3. To this end, the inquiry officer will be authorized to interview anyone working at NATO and pose questions concerning the allegations and to require the Organization to produce documents relevant to the facts he/she is seeking to establish, including those in electronic form, unless such production might hinder the operation of NATO because of the security classification or sensitive nature of the document in question. In such cases, access by the inquiry officer will require the authorization of the Head of NATO body, as applicable, who will decide on a case-by-case basis (including the possibility of access on a redacted basis) taking into account the nature of and reason for the request. If access is not granted to the inquiry officer, the decision shall state the reason why.
4. The process of inquiry will normally accord the following protections to the complainant:
 - To have an opportunity to be interviewed by the inquiry officer;
 - To propose the names of others who may have relevant information, including as witnesses. Provided, however, that the inquiry officer may, in his/her discretion, decide on the persons to be interviewed, and there is no obligation on the part of the inquiry officer to interview all persons suggested by the complainant;
 - To be supported by a colleague of their choice throughout all stages of the procedure, including participation in interviews as an observer (but not as a representative of the complainant);
 - To be kept informed in general terms of the progress of the inquiry; and
 - To be informed by the Human Resources Office / Designated Authority of the outcome of the inquiry as to the elements that pertain to them and the measures that will be taken.
5. Complainants must actively participate in good faith with the person(s) responsible for the inquiry into the complaint, and they must not interfere with the proper conduct

of the inquiry (e.g., by trying to influence the testimony of others). They also have a duty to keep confidential the existence of an ongoing inquiry.

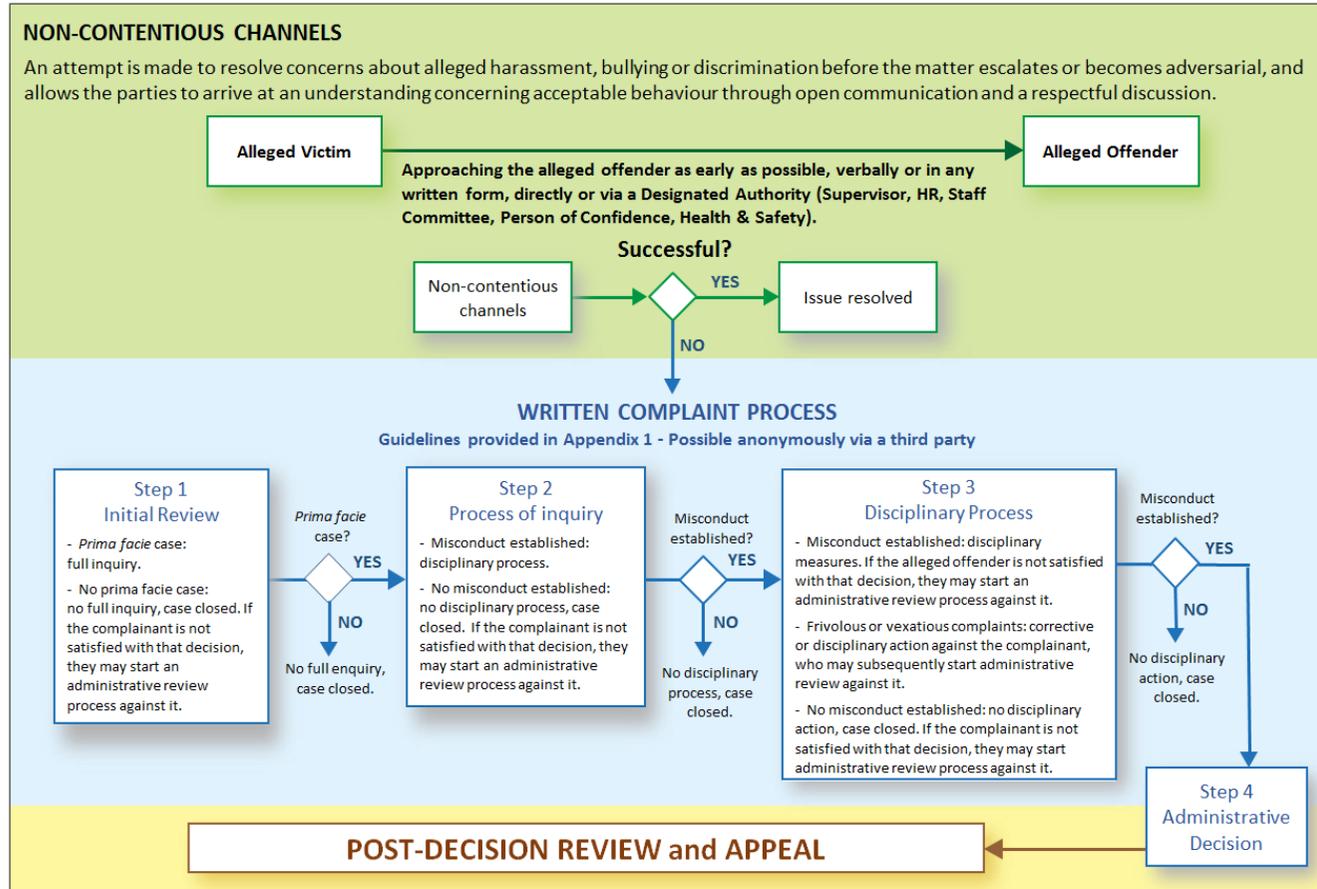
6. The process of inquiry will normally accord the following protections to the alleged offender(s):
 - To be notified as soon as practicable that a complaint has been made against them;
 - To be informed of the identity of the complainant(s);
 - To be provided with a copy of the written complaint and the opportunity to respond, including through submission of an oral or written statement and any supporting documentation;
 - To propose the names of others who may have relevant information, including as witnesses. Provided, however, that the inquiry officer may, in his/her discretion, decide on the persons to be interviewed, and there is no obligation on the part of the inquiry officer to interview all persons suggested by the alleged offender;
 - To be supported by a colleague of their choice throughout all stages of the procedure, including participation in interviews as an observer (but not as a representative of the alleged offender);
 - To be kept informed in general terms of the progress of the inquiry;
 - To be informed of any evidence against him/her and given an opportunity to respond before the inquiry is completed; and
 - To be informed of the outcome of the inquiry and any findings therein.
7. The alleged offender is expected to actively participate in good faith with the person(s) responsible for the inquiry into the complaint, and they must not interfere with the proper conduct of the inquiry (e.g., by trying to influence the testimony of others). They also have a duty to keep confidential the existence of an ongoing inquiry.
8. When the alleged offender is the immediate supervisor of the complainant or when they are sharing the same office, they should if possible be kept physically and hierarchically separate during the inquiry, in the interests of all parties. Where warranted, the access of the alleged offender to NATO premises or equipment may be restricted or denied pending the outcome of the inquiry.

PART V: APPENDICES

Appendix 1: Written Complaint

1. To facilitate the assessment of the facts concerning alleged harassment, bullying or discrimination, the written complaint should in particular indicate:
 - (a) The nature of the alleged harassment, bullying or discrimination, including whether the unacceptable behaviour involves an alleged abuse of authority;
 - (b) The date(s), time(s) and place(s) of the occurrence(s);
 - (c) The identity of the alleged offender(s);
 - (d) Any evidence of the unacceptable behaviour, including the name(s) of any witness(es);
 - (e) A detailed description of the facts, including:
 - Indication of the place, time, frequency, cause and results of the behaviour in question;
 - The context for the behaviour, e.g., a description of the work unit and organizational factors that may have influenced the behaviour;
 - Any steps that have already been taken to resolve the issue and the result thereof;
 - A description of the consequences of the behaviour for the complainant and (if applicable) for others, including the impact on their work and the work environment, and their personal well-being; and
 - The outcome(s) desired by the complainant.

Appendix 2: Available Options and Outcomes



Appendix 3: Examples of each type of harassment, bullying and discrimination

Hostile Work Environment

- Public or private tirades by a supervisor or colleague;
- Offensive language, jokes, sarcasm, gossip or ridicule;
- Racial or sexual epithets, slurs and negative stereotyping of an individual or group, directly or indirectly;
- Display of images or written materials that are offensive, obscene or objectionable;
- Deliberate desecration of religious and/or national symbols;
- Putting pressure on others to participate in activities unrelated to work;
- Gibes in reference to such characteristics as appearance, gender or nationality.

Sexual Harassment

- The repetition of suggestive comments or innuendos that, even if minor in themselves, gain in offensiveness as they accumulate;
- The exhibition of sexually oriented materials in the work place;
- The use of crude or obscene language or gestures, or the telling of obscene jokes or stories;
- Exaggerated compliments about a colleague's personal appearance, or repeated comments about his/her physical features;
- Invitations to social activities or "dates" if they persist after the recipient has made clear that they are not welcome;
- Unreasonable intrusion into a person's private life, such as repeatedly asking inappropriate questions about personal matters;
- Direct propositions of a sexual nature, including any link between acceptance of such propositions and conditions of employment, promotion, professional development, etc.;
- Deliberate and unsolicited physical contact, or unwanted and unnecessarily close physical proximity.

Bullying

- Openly aggressive behaviour, including threats, shouting, or abusive language;
- Deliberate negative comments related to a person's personal or professional competence without reason or legitimate authority;
- Constantly humiliating, ridiculing, mimicking or belittling someone, particularly if in front of colleagues;

- Repeatedly ignoring or excluding someone from office activities; talking across them or not listening to them;
- Regular setting of obvious unattainable targets and deadlines;
- Monitoring work unnecessarily and intrusively;
- Interfering with a person's workspace, materials or equipment.

“Cyber-bullying”

- Sharing humiliating things about the target by mass email or mass chat;
- Spreading lies or gossip about the target on social media;
- Sending threatening or harassing text messages or emails directly to the target.

Mobbing

- Repeatedly making negative remarks about a person or criticizing the person;
- Continual exclusion of a person from normal communication, work or work-related social activities;
- Constantly gossiping or spreading false information about a person.

Discrimination

- Giving more favourable performance appraisals to staff of one gender, age religion etc. and not to another, based on individual performance;
- Dismissive treatment about a group to which the staff member belongs;
- Taking away responsibilities because of a staff member's diversity, e.g. he/she is young, old, disabled, LGBTQI+, religion or for any other reason without acceptable justification.

Abuse of Authority

- “Quid pro quo” sexual harassment by a supervisor or person in a position of authority with respect to the target's employment status;
- Requesting staff to do personal favours or errands;
- Pressuring staff to distort facts or break the rules.