

**May – June 2012**

**Duty to Investigate Harassment Complaints**

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By now most international organizations have written policies on processing harassment-related grievances. However, staff members may not be aware of how to go about filing a complaint initiating an investigation or securing protection, and most of the time management does not provide guidance or may even mislead the staff member about such rights. The ILO Administrative has repeatedly stated in its cases that an international organization has a duty to investigate harassment when it is raised by a staff member, and that the organization owes a duty of good faith to explain and guide the staff member in the appropriate procedures.

In Judgment No. 3104, the Tribunal reiterated these principles and found that the Director General's decision not to extend the appointment for 2 years was tainted since the Director General had not considered the harassment allegations raised during the internal appeal. The organization had argued that the staff member did not raise allegations of harassment in her letters directly to the Director General initially objecting to the non-extension; however, the staff member expressly referred to mobbing and harassment by colleagues in her statement to the Appeals Board. The Tribunal held that the organization, once the allegations were brought to its attention in the appeals process, was under a duty to advise the staff member of the appropriate steps for lodging a grievance. The staff member was awarded material damages in the amount of the equivalent of 2 years salary and moral damages in the amount of 15,000 euros.

The Tribunal's judgment sends a strong message to international organizations that they cannot ignore complaints of harassment merely because the staff member does not follow the precise procedures for initiating a complaint, and instead raises them in some other procedure (in this case during the internal appeal), and must also give guidance to the staff member about such rights.

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