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Prevention and response to sexual exploitation and abuse

Introduction

1. The ILO is firmly committed to preventing and addressing sexual exploitation and abuse, including by supporting international efforts that seek to combat sexual exploitation and abuse.
2. Acts of sexual exploitation and abuse are unacceptable and contrary to the core values of the ILO. The ILO has a zero tolerance for acts of sexual exploitation and abuse and is determined to ensure that all staff members and all beneficiaries of ILO assistance do not suffer, directly or indirectly, from sexual exploitation and abuse.
3. This Directive is issued under the authority granted to the Director-General pursuant to article 8 of the ILO Constitution. It should be read in conjunction with:
 - (a) Chapter 1 of the ILO Staff Regulations;
 - (b) *Standards of Conduct for the International Civil Service* issued by the International Civil Service Commission (ICSC);¹
 - (c) Office Directive, *Anti-fraud and anti-corruption policy*, IGDS No. 69 (version 3), of 19 October 2017;
 - (d) Office Directive, *Ethics in the Office*, IGDS No. 76 (version 2), of 11 November 2019;
 - (e) Office Directive, *Reporting misconduct and protection from retaliation*, IGDS No. 551 (version 1), of 11 November 2019;
 - (f) *Collective Agreement on anti-harassment policy and investigation procedure*, effective 1 January 2015 and article 13.4 of the ILO Staff Regulations; and
 - (g) Office of the ILO Ethics Officer, *Principles of Conduct for Staff of the International Labour Office, 2009*.²
4. This Directive is effective as of the date of issue.

¹ <https://icsc.un.org/Resources/General/Publications/standardsE.pdf?r=03326915>.

² https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/genericdocument/wcms_713109.pdf.

Purpose and scope

5. The objective of this Directive is to recall obligations of ILO staff members and third parties engaged by the ILO and to set out rules and procedures to prevent and address sexual exploitation and abuse.
6. This Directive applies to all ILO staff members, irrespective of service category or contract type, or whether they are on paid or unpaid leave. It also addresses reporting of wrongdoing by third parties engaged by the ILO (for example, interns, UN volunteers, external collaborators, grantees, implementing partners, vendors, as well as any employees or subcontractors of the foregoing).

Prohibited conduct

7. The following is prohibited conduct:
 - (a) “sexual exploitation” which is defined as any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;
 - (b) “sexual abuse” which is defined as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
 - (c) “sexual activity with children (persons under the age of 18)” regardless of age of majority or age of consent locally. Mistaken belief in the age of a child is not an excuse; and
 - (d) exchange of money, employment, assistance, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour.

Promoting the highest standards of ethical conduct

8. The ILO is committed to ensuring the highest standards of ethical conduct and eliminating any risk of sexual exploitation and abuse. To achieve this, the ILO takes measures including:
 - (a) raising awareness, providing gender-responsive training, briefings and other tools to staff members on diversity and inclusion and ethical conduct, including on prevention of sexual exploitation and abuse, paying particular attention to the vulnerability of children;
 - (b) developing and maintaining monitoring mechanisms to prevent, detect and expose sexual exploitation and abuse;
 - (c) ensuring that, if an allegation of sexual exploitation and abuse is reported or an incident discovered, a prompt and thorough investigation takes place without regard to position held, length of service, or relationship to the ILO, to particular staff members within it, or to constituents;
 - (d) taking appropriate administrative and/or disciplinary action in all cases within the ILO’s scope of authority, reporting on such cases and, where appropriate, legal action, including waiving of immunity to permit civil action and/or criminal prosecution; and

- (e) evaluating and reviewing systems and procedures to prevent and respond to sexual exploitation and abuse.

Awareness-raising and training

- 9. Fostering a respectful and inclusive environment is important in supporting the prevention of sexual exploitation and abuse. Gender-responsive awareness-raising and training is an important step towards fostering such an environment.
- 10. As the relationship with beneficiaries is inherently unequal in terms of power and authority, staff members must avoid any action that could suggest, imply or create the perception that engaging in sexual activity might be expected in return for material assistance or other services of any kind.
- 11. The Ethics Officer (ethics@ilo.org or +41 (22) 799 6555), who is responsible for promoting awareness and understanding of ethics in the Office, may be contacted by staff members with questions.
- 12. Online training courses on preventing sexual exploitation and abuse will be made available. Practical measures will be implemented to keep beneficiaries fully informed of the ILO's policy against sexual exploitation and abuse.

Prevention and effective controls

- 13. The measures referred to in this Directive apply to any prohibited conduct as defined above, taking place in the framework of employment contracts, detachments/secondments, internships, UN volunteer agreements, external collaboration contracts, grants, group visits, implementation agreements, meetings, procurement contracts, public-private partnerships, training activities, or any other arrangements under which assistance is provided. Responsibility for implementing these measures rests with programme managers, contracting officers and other staff members proposing or approving the use of funds under the control of the ILO, irrespective of the amount or source of funding.
- 14. To ensure that individuals with a documented history of proven prohibited conduct are not engaged or hired, adequate due diligence (for example through background checks) must be undertaken prior to the issuance of any agreement or contract. For employment contracts, in addition to employment reference checks, this may be through the UN Clear Check Screening Tool ³ through the Human Resources Development Department (in particular where a national level background check is not feasible).

Reporting and investigation

- 15. Safe and accessible mechanisms and procedures to report sexual exploitation and abuse are essential to encourage victims and whistle-blowers to come forward. Reports of sexual exploitation and abuse will be dealt with promptly, fairly and effectively in accordance with this Directive and applicable rules, directives, policies and procedures, including those listed above.
- 16. The Chief Internal Auditor is designated the Focal Point responsible for the conduct of ILO investigation activities concerning allegations of sexual exploitation and abuse. Such investigations are without prejudice to any referral to national authorities for civil

³ <https://www.unsystem.org/content/screening-database-clearcheck>.

action and/or criminal prosecution following the waiver of privileges and immunities (see paragraph 24 below).

17. Where staff members become aware of situations that may involve sexual exploitation and abuse in the context of any ILO activity, they must report the matter promptly to the Chief Internal Auditor in person, by telephone or in writing, including by email (investigations@ilo.org). Reports may also be received anonymously or be made through staff representatives. Allegations of sexual exploitation and abuse concerning the Director-General must be reported to the Chairperson of the Governing Body, either directly or through the Chief Internal Auditor or the Chairperson of the Independent Oversight Advisory Committee (IOAC).
18. Allegations of prohibited conduct should be reported promptly, as early reporting is critical to the success of any investigation and may significantly contribute to the ILO's ability to address abuses. Staff members should not investigate allegations themselves, because to do so may involve risks to safety and undermine the integrity of evidence.
19. Staff members who report a complaint or who cooperate with a duly authorized investigation are protected from any form of retaliation in accordance with Office Directive, *Reporting misconduct and protection from retaliation*, IGDS No. 551.
20. For the purposes of reporting misconduct through external mechanisms, as defined by Office Directive, *Reporting misconduct and protection from retaliation*, IGDS No. 551, an inter-agency community-based complaint mechanism (CBCM)⁴ – where one exists – may be used to submit an allegation. Inter-agency CBCMs are intended to strengthen systems at the field-level by establishing mechanisms to receive reports of abuse and to provide victim assistance.

Disciplinary and other action

21. Failure to meet obligations set out in this Directive, may lead to administrative and/or disciplinary action, up to summary dismissal.
22. Acts of sexual exploitation and abuse are considered serious misconduct, which may lead to summary dismissal of staff members; or, may lead to termination of contract or assistance. Such acts will also be reported using the mechanisms set out in paragraphs 14 and 25.
23. Bad faith, malicious or frivolous allegations of sexual exploitation and abuse may lead to administrative and/or disciplinary action, as appropriate.
24. Upon consultation with the Office of the Legal Adviser (JUR), the alleged perpetrator may be referred to national authorities for civil action and/or criminal prosecution. Such referral will take into account, to the extent possible, the views of the victim including with respect to whether the matter should be referred to the authorities of the State of which the alleged perpetrator is a national and/or the authorities of the State where the alleged sexual exploitation and abuse occurred. The Director-General, or his/her designated representative, may decide to waive the immunities of the implicated staff member or of other persons and to provide records relevant to the investigation.

⁴ <https://interagencystandingcommittee.org/accountability-affected-populations-including-protection-sexual-exploitation-and-abuse/documents-50>.

Accountability and transparency

25. To strengthen prevention and response measures to combat sexual exploitation and abuse, coordination among the UN system is essential and, as of November 2019, the ILO has agreed to report through the central UN Secretary-General's reporting mechanism on Sexual Exploitation and Sexual Abuse: ⁵
 - (a) allegations of sexual exploitation and abuse received/under investigation by the ILO, as well as any allegations credible enough to warrant an investigation received from a non-staff member; and
 - (b) credible allegations and measures taken following an investigation conducted by the ILO.
26. For development cooperation projects, the foregoing reports will be promptly drawn by the Chief Internal Auditor to the attention of the relevant steering committee, UN system entities, if any, that are collaborating in the project, and the relevant donor(s). If a reported case may have a significant impact, it will also be promptly drawn to the attention of the relevant steering committee chair and, if applicable, UN administrative agent and the relevant donor(s).
27. The Office of Internal Audit and Oversight (IAO) maintains a database of the formal complaints received, whether from staff members or other individuals, who wish to pursue the formal process. On an annual basis, the Chief Internal Auditor submits a report ⁶ of the IAO's activities (including, significant findings resulting from internal audits and investigations) to the IOAC ⁷ and to the Programme, Financial and Administrative Section of the Governing Body. It also serves as the basis of the data on allegations that is included in the UN Secretary-General's reporting mechanism on Sexual Exploitation and Sexual Abuse.
28. A regular report of disciplinary cases, including cases of sexual exploitation and abuse, is published with a view to recalling important information concerning the conduct required of all staff members and to reiterate that the ILO is committed to preventing, identifying and addressing all breaches of the required standards of conduct. ⁸

Further information

29. For any questions related to this Directive, staff members should contact the IAO.

Guy Ryder
Director-General

Additional references

Inter-Agency Standing Committee, To Serve with Pride, available at:
<https://youtu.be/NfMKMCYFgPo>.

⁵ <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/data-allegations-un-system-wide>.

⁶ <https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/accountability-and-transparency/iao/assurance-audit/lang-en/index.htm>; .

⁷ <https://www.ilo.org/public/english/edmas/ioac/index.htm>.

⁸ Information note, *Disciplinary cases 2014–15*, IGDS No. 499 (version 1) of 10 April 2017; Information note, *Disciplinary cases 2016–17*, IGDS No. 535 (version 1) of 10 December 2018.