

# **STATEMENT BY THE REPRESENTATIVE OF THE UNAIDS STAFF ASSOCIATION**

**Additional documents for this item:** none

Action required at this meeting - the Programme Coordinating Board is invited to:

*Take note of the statement by the representative of the UNAIDS Secretariat Staff Association.*

Cost implications for decisions: none

*“Where, after all, do universal rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”*

*—Eleanor Roosevelt, “The Great Question,” remarks delivered at the United Nations in New York on March 27, 1958*

## Introduction

1. At its 42<sup>nd</sup> meeting, the UNAIDS Programme Coordinating Board (PCB) invited the UNAIDS Secretariat Staff Association (USSA) to exceptionally make a statement at the 43<sup>rd</sup> PCB meeting to provide a staff perspective on the report of the *Independent Expert Panel on prevention of and response to harassment, including sexual harassment; bullying and abuse of power at UNAIDS Secretariat*. The present statement provides the USSA perspective on the report of the Panel and on the management response, as well as reflections on the way forward. This statement will be complemented with an oral statement.

### Overall UNAIDS Secretariat Staff Association perspective

2. It has been a difficult year for UNAIDS Secretariat staff. Public and media attention on the issues of sexual harassment and abuse of authority in the UNAIDS Secretariat has prompted concern among staff and led to a broader discussion about our organizational culture.
3. The issues themselves are not new. The staff association first brought the issue of incivility and harassment to the attention of senior management and the Programme Coordinating Board in 2011—well before the MeToo movement changed public perception of sexual harassment in the workplace. Too little was done. And as a result, in the past year we have been swept into the maelstrom of media and public opinion. Our challenges have been laid bare for all to see, for all to consider, and for all to provide their opinions on what the problem is and how best to resolve it.
4. As a staff association, we hope that this very public discussion will result in strengthened awareness, accountability, security, fairness and overall inclusiveness of our workplace. We have placed high expectations on the Independent Expert Panel to provide recommendations on how to better prevent and respond to harassment, sexual harassment and abuse of authority at UNAIDS. We hope that this process will demonstrate that positive change is possible, and should be embraced across the UN system and beyond.
5. Following the public release of the IEP report and management response on Friday 7 December 2018, the USSA launched a staff survey to collect staff views and reactions to both reports. The survey closed at 2pm on Monday 10 December. Although staff only had a very short time to respond, the response rate was exceptional – 550 of staff (representing approximately 78% of all staff) responded to

the survey, attesting to high staff engagement and the importance given by staff to these issues.

6. The survey results show that the majority of staff felt that they had had a chance to provide inputs into the Panel's work<sup>1</sup>, trusted the process to have been confidential<sup>2</sup> and were kept sufficiently informed<sup>3</sup>.
7. Overall, 47% of respondents either agreed or strongly agreed that "the findings and recommendations of the Panel accurately describe the UNAIDS workplace", while 38% percent said they disagreed or strongly disagreed.
8. The analysis of the results demonstrates that a greater share of headquarters staff felt that the Panel's findings accurately describe our workplace compared to the staff in the field. In headquarters, 51% of staff agreed or strongly agreed that the Panel's findings accurately described our workplace, while 35% disagreed or strongly disagreed. In the field, 45% agreed or strongly agreed and 40% disagreed or strongly disagreed.
9. Overall, 56% of respondents either agreed or strongly agreed that "the findings and recommendations are helpful in strengthening UNAIDS policies, standards of practice and culture". 25% either disagreed or strongly disagreed. Headquarters staff were more clearly in agreement, with 63% of respondents agreeing or strongly agreeing with the statement, while 22% disagreed or strongly disagreed. In the field 53% of staff agreed or strongly agreed while 27% disagreed or strongly disagreed.
10. The analysis shows also clear differences between headquarters and field staff with regard to staff reactions to the management response. 35% of respondents in headquarters agree or strongly agree that "the management response provides a clear way forward" for UNAIDS while 35% disagree or strongly disagree. In the field, 62% of staff agree or strongly agree and 16% disagree or strongly disagree. Overall, 54% agree or strongly agree and 21% disagree or strongly disagree.
11. We also asked staff to provide narrative responses to describe their reactions to the Panel's report and the way forward. The survey results show that staff have reacted to the Panel's report in different ways. Many colleagues feel they have finally been heard, and that their experience of the organizational culture at the UNAIDS Secretariat has been validated. Others are shocked and even angry about the predominantly negative, and at times sensationalist, tone of the Panel's report. Many are concerned about the implications for UNAIDS staff as well as the organization of a report that opens with the words, "the UNAIDS Secretariat is in crisis". They are worried about the media reaction and its impact on the public trust in the Joint Programme, which could in turn impact on our ability to serve communities that depend on us.
12. Many of the reactions we have received from staff members have been very emotional. We, UNAIDS staff, have been most affected by the problems that brought us to where we are today; and we, UNAIDS staff, will be most affected by what

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<sup>1</sup> 56% of staff agreed or strongly agreed that they had an opportunity to provide views to the IEP whereas 31% disagreed or strongly disagreed.

<sup>2</sup> 64% either agreed or strongly agreed that the process had been confidential whereas 16% disagreed or strongly disagreed.

<sup>3</sup> 60% agreed or strongly agreed that staff had been kept sufficiently informed whereas 20% disagreed or strongly disagreed.

comes next. This simple fact often appears lost in the media frenzy. It is the passion, dedication and effort of staff that drives our results. It is only by protecting and investing in the wellbeing of staff that we can maximise the difference we make in the AIDS response.

13. The Panel's report paints a picture of deep frustration, lack of trust, injustice, impunity and dysfunction. We are deeply concerned by the views and experiences of staff described in the Panel's findings. The Panel's findings do not surprise us. Many of the same views and experiences have also been expressed by staff in the anonymous USSA surveys over the last few years<sup>4</sup>. The Staff Association has kept airing concerns and advocating with UNAIDS' leadership for action to be taken to address all forms of harassment, abuse of authority and discrimination and to improve the organizational culture so that staff can better perform and deliver results to end AIDS.
14. We are confident that although the findings and recommendations of the Panel may be painful, they can provide the needed impetus to achieve positive change. We are confident because, while our anonymous surveys also reveal discontent and concern from a percentage of staff, they also testify to the many strengths of this organization and its staff. Staff at UNAIDS are highly committed and engaged, as demonstrated by the consistently high response rate to USSA surveys and the active participation by staff at all levels in discussions about how to improve our workplace.
15. Although it has been a stressful year, UNAIDS staff have not lost their passion, and we are not in total despair or disarray. We care about our organization because, for most of us, this is not just a job, it is a mission to achieve a world without AIDS. In our latest annual survey in March 2018, 89% of respondents reported that what motivates them to come to work each day is their commitment to the AIDS response. We take pride in the work we do and the results we achieve. The USSA survey results also show that 73% of respondents find their job interesting and rewarding. 52% report that they are motivated to come to work because their supervisor supports them to deliver at their best – a clear indication that a great number of line managers in UNAIDS are doing their job well.
16. We are confident in our collective ability to transform this organization because when UNAIDS staff come together, change happens. We have seen this in recent months during the two-day retreat to discuss the implementation of the 5+ Point Plan which brought together staff from different levels and duty stations within the organization. This retreat led to a general agreement to move forward on a "Dignity at Work" Agenda, and a commitment to engage UNAIDS staff members as Dignity at Work Advisers – the first cohort of which were trained at the end of October 2018. The training was planned jointly by management and USSA and received positive feedback. This is a good example of strong staff-management collaboration in practice. The Dignity at Work Agenda is also a good example of a peer-driven approach, which allows us to effect change from the bottom up, to support each other and to hold ourselves collectively accountable for a respectful and inclusive workplace. Let us be clear, though, that this is only the beginning and we expect that staff at all levels of the organization will be consulted on and engaged in the change agenda in the coming months.

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<sup>4</sup> Please see our statement to the PCB at its 42<sup>nd</sup> meeting in June 2018:  
[http://www.unaids.org/en/resources/documents/2018/PCB42\\_USSA\\_Statement](http://www.unaids.org/en/resources/documents/2018/PCB42_USSA_Statement)

17. In our June statement to the Board<sup>5</sup>, we called for a goal of zero incidents of harassment, sexual harassment or abuse of authority by 2020. We believe that many of the Panel's recommendations will help us move towards that goal. We also welcome the staff centred-approach in the management response as well as the commitment to measure progress through indicators. While staff were not consulted on the actions proposed in the management response, we welcome the commitment to engage staff in the development and implementation of the proposed action plan. As staff association, we commit to holding the organization accountable for concrete and measurable results.
18. We acknowledge that many Board members and observers would like hear from us whether staff at large have confidence in the current leadership to take the change agenda forward. Narrative responses to our survey show that staff feelings about this are divided. However, what we can say is that, to be able to move on, staff need atonement and reconciliation right now. This will require an honest and full acknowledgement by the senior leadership of what has gone wrong in the past years, and acceptance of responsibility for the current workplace culture, which has led to many colleagues feeling excluded or abused. It will also require a frank discussion, involving all staff, about how to learn from past mistakes and how to move forward. It will also require immediate action. Our confidence will depend on action and results.

### **Organizational culture and management**

19. The Panel's report indicates that some of the ways of working within the UNAIDS Secretariat considered by some to be strengths have been perceived by others as weaknesses.
20. We have been proud of the fact that, by UN standards, we are low on formality and that our senior leadership has an open-door policy and is accessible to staff. This has helped create a sense of community, with some colleagues referring to UNAIDS as a family. However, as the Panel points out, there is a perception among some staff that this open-door policy has come to be seen "as a gateway to preferential treatment based on personal relationships becoming the norm".
21. We value our collegial way of working and doing things with a "human face". The "human face" approach has meant caring about staff, recognizing their personal circumstances and trying to find solutions that are in the interest of the organization as well as the staff member. We do not want to lose this. However, the human face approach should never lead to or be perceived as preferential treatment, or be at the cost of integrity, discipline and high performance. Everyone at UNAIDS should be able to feel that they are equally treated, in line with rules and policies, and that they are recognized for their contributions and for the results they achieve, while consistently being held accountable to the same standards of integrity required of all UN employees. Doing things with a human face should be about having healthy and happy staff who perform at their best, achieve results and contribute to the goals of the organization.
22. In the USSA surveys, staff have been calling for increased transparency, especially in recruitment, mobility and promotions. We welcome management's commitment to consistently publishing regular updates of staff movements, including promotions. We believe that increasing transparency and promoting a sense of fairness is probably one of the most significant changes needed right now.

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<sup>5</sup> [http://www.unaids.org/en/resources/documents/2018/PCB42\\_USSA\\_Statement](http://www.unaids.org/en/resources/documents/2018/PCB42_USSA_Statement)

23. Staff will need to feel confident that the mechanisms we have in place to increase transparency and fairness, such as the Mobility and Reassignment Committee (MRC) and the Human Resources Advisory Committee (HRAC), are functioning as they should be, and that they provide appropriate checks and balances. We also recognize that increased transparency within those bodies which review and recommend actions in relation to recruitment, mobility and promotions is critical to ensure that the final decision maker is fully informed prior to taking final decisions, with full accountability for those decisions.
24. We fully agree with the panel that we need to do much more to promote gender equality at UNAIDS. We are also proud of the strong progress that has been made in recent years towards gender parity, including going from 23% female country directors in 2013 to 49% in 2018. As a staff association, we have welcomed the new Gender Action Plan 2018-2023 – A Framework for Accountability - which goes beyond gender parity and “envision a workplace with equal and active participation of women and men at all levels—a workplace that not only mitigates gender bias but also maximizes the positive power of equality and diversity, where women and men are empowered to pursue a fulfilling career with the flexibility to meet their diverse responsibilities outside of the workplace, free of discrimination and harassment”<sup>6</sup>. A challenge group, composed of staff members at all levels of the organisation, has been formed to hold the organization accountable for results. We have already seen some positive developments. For example, following advocacy by the Staff Association, UNAIDS recently adopted a parental leave policy which extends adoption and paternity leave to 16-18 weeks (depending on the number of children) and introduces surrogacy leave of the same duration. This new policy allows all parents - mothers and fathers alike - regardless of how they become parents, to take time off to bond with their children<sup>7</sup>. We believe this is an important step in supporting work-life balance and promoting gender equality at the workplace. This policy, as well as previous UNAIDS initiatives, such as recognition of same-sex partnership for dependency purposes, regardless of the nationality of the staff member, demonstrate that UNAIDS is willing to walk the talk on equality and inclusion. It is this willingness to push the boundaries and to go further that we so appreciate about UNAIDS. It makes us proud of our organization.
25. The Panel finds that “management problems are aggravated in isolated Country Offices where directors often are not up to the task with the necessary management skills or ethical compass to guide their behaviour”. We would like to note that most of our country directors and other country office staff work with increasingly stretched financial and human resources and with high expectations to deliver results. Most of our colleagues at country level indeed continue to deliver. Most also treat their colleagues with dignity and respect. Going forward, we call for specific measures to support to country-level duty stations where staff are more isolated, have less opportunities to engage in decision-making processes, access support services and where many colleagues are working at the limit of their own wellbeing. Staff working in hardship duty stations face even more challenging circumstances. This requires special attention and resources.

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<sup>6</sup> [http://www.unaids.org/sites/default/files/media\\_asset/jc2925\\_unaids-gender-action-plan-2018-2023\\_en.pdf](http://www.unaids.org/sites/default/files/media_asset/jc2925_unaids-gender-action-plan-2018-2023_en.pdf)

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[http://www.unaids.org/en/resources/presscentre/featurestories/2018/october/adoption\\_paternity\\_surrogacy\\_leave](http://www.unaids.org/en/resources/presscentre/featurestories/2018/october/adoption_paternity_surrogacy_leave)

## **Policies and mechanisms for preventing and addressing harassment, sexual harassment and abuse of authority**

26. We agree with the Panel's analysis that, overall, the required policies are in place, but it is rather their implementation that is the problem. The Panel's findings indicate that, while there are high levels of awareness of policies and reporting mechanisms among staff, the use of the available mechanisms is low. Staff mistrust in the reporting mechanisms has also been evident in USSA surveys<sup>8</sup>.

### *Policies and processes*

27. We welcome the Panel's recommendations on how to strengthen the policy on the prevention of harassment and sexual harassment, in particular:

- a. the recommendation to ensure that there is no expectation for staff to attempt to informally resolve harassment, and that it should be for the staff member to choose, not for management to suggest, whether to pursue informal or formal means;
- b. the view of the panel that the organization has the responsibility to investigate any form of misconduct it becomes aware of, rather than placing the burden of resolution on the affected individual as is currently the case;
- c. the recommendations that policy should allow for formal reports of possible harassment or sexual harassment to be made by a third party, that reports may be made anonymously and are not subject to any time limits;
- d. that policy should not be gender neutral or gender blind and should take into consideration specific harassment and discrimination faced by women and experienced by persons with often marginalised sexual orientation or gender identity;
- e. that the policy on harassment and sexual harassment must offer expanded protection from retaliation; and
- f. the recommendation for UNAIDS to clearly define prohibited conduct.

### *Informal resolution of conflicts*

28. The USSA position is that informal mechanisms are appropriate for addressing tensions or misunderstandings within teams or minor conflicts and concerns at an early stage, where these concerns could persist or escalate, and eventually negatively affect the working environment. They are not appropriate for dealing with misconduct. Staff will require sufficient information to understand what the informal vs formal mechanisms entail. They will also need to feel confident that, no matter where they report harassment, sexual harassment or abuse of authority, they will receive a timely and appropriate response.
29. Our survey shows that staff members are most likely to report to their direct supervisor or their second level supervisor. It is therefore especially important to be clear about the accountabilities and behaviours expected of line managers. This will become particularly important when one needs to distinguish between situations that

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<sup>8</sup> As reported to the PCB in June 2018, only a small fraction of people who indicated that they had experienced sexual harassment, ill-treatment, discrimination or abuse of authority in the anonymous survey say that they reported the incident(s) either informally to their supervisors, the human resources management or the Ombudsman or formally to the WHO Internal Oversight Services (IOS). For example, of the 64 people who said they had been discriminated against, only 12 said they had reported the incident. Of the 18 people who said they had been sexually harassed, only one reported it.

would benefit from informal forms of support, and others where there appears to be clear misconduct that requires a disciplinary response. We also believe that managers should be held accountable for non-action and face consequences if they do not appropriately handle a report of alleged misconduct. Going forward, we would also like to see additional training and support provided to managers to help them meet their duty of care and to have the skills and capacity to take prompt action when they become aware of harassment or a negative working environment.

30. We welcome the proposal by management to establish a case management system to enhance follow-up to all reports of harassment and abuse of authority received by various offices, enabling a coordinated response and to improve access to mediation and other forms of conflict resolution mechanisms. Of course, any such system would need to conform to agreed principles of confidentiality and ensure full protection of any individual reporting incidents. We also welcome the commitment by management to publish anonymised summaries for all staff describing and other accountability actions taken by management, as per the practice of some other UN agencies.
31. We also welcome the recommendation by the Panel to ensure the independence of the Ethics Office, and we feel it is important to acknowledge the efforts made by the current Senior Ethics Adviser to ensure the independence of the office within the current institutional set-up. The simple suggestion from the IEP about the physical location of the Ethics Office is an example of how small changes implemented at the earliest opportunity could make a difference for staff.

*Investigation and adjudication of harassment and sexual harassment complaints*

32. The USSA believes that access to timely and confidential investigations into harassment complaints, in line with international best practice, is key to an effective response to harassment and sexual harassment. We are very concerned about the Panel's findings indicating that there is a perception amongst some staff of an "inbuilt scepticism about certain types of complaints...." or that the "IOS may feel pressure to deter or stop matters from becoming cases". We have also been concerned about statements we have heard from the IOS indicating that "investigations do not resolve harassment". While we agree that investigations are only part of the response, we believe that they are an important part of ensuring justice and accountability. Harassment investigations should not be seen as something that is diverting attention from the "more important" fraud investigations. We would like to call on Member States to ensure that all investigations are fully resourced and that there are no *de facto* incentives to prioritize fraud investigations, for example through donor agreements that highlight the responsibility of the IOS to investigate all suspected cases of misuse of funds but not requiring similar due diligence vis-à-vis the mistreatment of people.
33. We appreciate the Panel's recommendation to establish an independent body at the UN system-wide level with a mandate to consider complaints from UN staff on harassment, sexual harassment and discrimination. We agree that we need a consistent approach across the UN system – with high quality investigations, swift timelines, adherence to due process/rule of law standards, and support for complainants to minimize risk of re-traumatization through the complaints process. We also appreciate the suggestion by the Panel to include remediation, conciliation and alternative dispute resolution as part of the mandate for such a body.
34. We would like to note, however, that no complaints handling system is without its shortcomings, and that we would welcome a careful consideration of the possible

models, in consultation with elected staff representatives across the UN system. Although a fully independent body, composed of professional judges, would certainly have its advantages, we have concerns that such a body would reduce the transparency of the judicial process and staff would lose insight vis-à-vis how the process is and is not working. Success or failure would come down to the expertise, competency and experience of individuals hired to sit on such a body. We would also like to avoid any situation in which access to justice becomes contingent on political pressures.

35. While we believe a common UN system-wide mechanism is a desirable outcome in the medium to long term, we recognize that setting up such a system will not provide an immediate solution. We believe that in the short term, the following is needed to ensure timely access to confidential investigations that meet all due process and other best practice standards and to make sure that staff experiencing harassment have access to the broader support they need:
  - a. Specific capacity within the UN investigative entities, including the WHO Office of Internal Oversight (IOS), on harassment and sexual harassment investigations;
  - b. Increased collaboration between investigative entities of different UN system entities to share best practice and possibly to create a roster of investigators with expertise on harassment and sexual harassment cases;
  - c. Development of specific investigation guidelines and standard operating procedures for harassment and sexual harassment investigation in close consultation with staff;
  - d. Ensuring access to psycho-social support during investigative process; and
  - e. Ensuring the right for the complainant to be accompanied by a third party during the investigation process.
36. Together with our sister staff associations at WHO, we have called for staff involvement in the implementation of the recommendations of the external assessment of the WHO IOS and would welcome an opportunity to provide feedback on the draft investigative policy as well as on the IOS guidelines and standard operating procedures relating to harassment and sexual harassment investigations.
37. Another essential part of the short-to-medium term solution is the need to professionalize the *Global Advisory Committee on future actions on harassment* (GAC) to ensure consistent application of the policy, Staff Rules and related jurisprudence. The GAC requires technical support to appropriately assess the allegations, IOS investigation report, and accompanying substantiating evidence vis-à-vis the provisions of the policy, as well as in formulating recommendations on disciplinary action, where indicated, and/or a management response to a toxic/hostile working environment. Both the investigation process and GAC adjudication process should be carried out expeditiously, while upholding quality and due process. We also call for strengthened participation by the elected staff representatives on the GAC.
38. We also want a management commitment to follow-up action in cases where the allegation of harassment has not been substantiated but the investigation has found evidence of a problematic working environment that is negatively impacting on staff. It is important that, even when an allegation is not substantiated, it is not the end of the action. Whatever motivated a good-faith complaint will still need to be addressed by management.

### *Access to psychosocial support and promoting wellbeing*

39. We welcome the proposal by management to put in place a confidential referral system for survivor-centred counselling and other support services for staff, consultants and interns bringing forward allegations of harassment. It is critical that there is access to such services in all duty stations, notably in the field.
40. We also want to break the silence on the stigma attached to mental health issues and call for expanded services for all staff, while especially ensuring that people experiencing the negative health impacts of incivility and harassment are supported by the organization with high-quality, accessible, culturally-relevant and survivor-centred services.

### **The way forward: investing in positive transformation**

*“Do your little bit of good where you are; it's those little bits of good put together that overwhelm the world.”*

— Desmond Tutu

41. We believe in this organization and its mandate. We believe in the goodwill and commitment of staff at all levels and in our collective ability to turn the current situation into positive and lasting change.
42. We welcome the staff-centred approach of the management report and its commitment to measure progress through indicators. We look forward to jointly developing a more detailed action plan and want to see it implemented with adequate commitment, passion, staff time and resources.
43. To move forward, we believe that the following is also needed:
44. *Full responsibility and accountability by the senior leadership.* We believe that a full acknowledgement of the problems – with sincerity, authenticity and humility – is critical to reuniting UNAIDS staff and moving forward. We need to be able to trust that there is a genuine will, followed by urgent action, to change the problematic parts of our organizational culture. We will not accept empty slogans or grand announcements, but call for urgent action and for individual and collective accountability.
45. *Accountability of managers.* We want managers to be enabled to meet their duty of care and also to have the skills to bring out the best in everyone so as to optimize the use of each staff member's skills and experience and to hold everyone accountable. We appreciate the proposal by management to enhance the knowledge and skills of staff to raise difficult issues. However, we believe that staff will only be empowered to raise difficult issues if they have confidence that there will be an appropriate and prompt action by management to address the concerns raised.
46. *Promote peer-led efforts.* As UNAIDS staff, we are all expected to demonstrate respect for diversity, integrity and commitment to the AIDS response in our everyday work. These are our core values and we all have a role to play in making them a reality in our workplace. Especially now, we need peer-led efforts, with demonstrable support from management, to boost staff morale, to support each other and to hold each other accountable for a respectful and inclusive workplace.

47. *Recognise that little things matter.* It is the everyday interactions that make a difference in our wellbeing at work and in our ability to deliver. To achieve real and lasting organization change, we need to challenge the way we have been doing things, including little things we take for granted. This will require inclusive discussions at all levels of the organization to identify behaviours we would collectively like to encourage as well as problematic behaviours that need to stop. We also need to start challenging everyday sexism, disrespectful behaviour and other forms of incivility.
48. *Prevent retaliation.* There is a need to actively prevent any intimidation and retaliation towards those who have provided, or are perceived to have provided, information to the Panel and USSA surveys, going beyond the definitions for protected activity in the current whistle-blower policy. Similarly, as per the Agreement of Cooperation between UNAIDS Secretariat and the USSA, “the organization should continue to undertake that USSA representatives will be protected in the exercise of their role as staff representatives”. We also need to prevent any adverse reaction towards colleagues who are perceived to have received preferential treatment.
49. *Increase transparency and fairness.* The best way to reduce real or perceived preferential treatment is enforcement of policies and full transparency on human resources decisions. We need to reform and to restore trust in the systems and mechanisms that are meant to provide checks and balances and increase fairness and transparency, including the Mobility and Reassignment Committee and the Human Resources Advisory Committee. Staff must trust that they are treated equally and recognised for their contributions and for their results. We welcome the recent action by management to improve the performance assessment systems and the introduction of the 360-degree performance appraisals.
50. *Continue constructive staff-management dialogue.* Continued investment into staff-management dialogue, based on trust and mutual respect, will allow us to jointly identify problems and seek solutions. This has been one of our strengths which we are very proud of. As a Staff Association, we reiterate our commitment to work with management to ensure the best possible workplace for our staff in order to deliver on our organisation’s mandate. We also commit to further strengthening our work on harassment and other issues of concern to staff as well as to increasing consultation and communication with staff.
51. *Dedicate resources.* There needs to be sufficient investment, both in terms of staff time and financial resources, in the transformation agenda. We do not want any colleague to feel that contributing to a more inclusive and respectful work environment is an additional burden added to an already heavy workload. We are particularly concerned for our colleagues at the human resources department who have been working under tremendous pressure and will have an important role in making the transformation agenda proposed by management happen, as well as our colleagues in the field who are delivering results with increasingly stretched human and financial resources. At the same time, we do not want the lack of resources or staff time to become an excuse for no action.
52. A respectful and inclusive workplace is much more than the absence of harassment, abuse of authority and discrimination. It is about ensuring broader wellbeing at work. It is about equal and fair treatment, with the highest standards of ethics, about upholding integrity by all staff, at all levels, at all times. It is about investing in staff so as to bring out the best in each of us, and all of us as an organization.

53. We are here for a reason: to make a difference to the AIDS response and in the lives of those affected by this epidemic. We would like to reiterate the commitment of UNAIDS staff to the AIDS response. We are proud of the work of the Secretariat and the achievements of the Joint Programme. Enormous progress has been achieved over the last few years, and both the leadership and the staff of UNAIDS Joint Programme deserve praise for mobilizing and supporting countries and other partners to scale up evidence-based programmes and reduce new HIV infections and AIDS-related deaths. But there are miles to go and UNAIDS has an important role to play to close the gaps, break barriers and right injustices. We call on the Board to provide support to UNAIDS to ensure that UNAIDS Secretariat staff have a working environment that allows them to dedicate one hundred percent of their skills, passion and effort into working together to break barriers, right injustices, reach people in need, and achieve the end of AIDS as a public health threat.

*[Annex to follow]*

## Annex: Issues for further discussion

We would also like to note a number of issues mentioned in the Panel's report where we would welcome further discussion with UNAIDS management as well as in the context of inter-agency and UN system-wide level processes, including in the context of the ongoing UN reform where common premises and other processes will become the norm.

*On whether there should be separate policies on sexual harassment vs other forms of harassment:* We agree with the Panel that any response to harassment, sexual harassment and abuse of authority must be designed and implemented through a gender lens. We also agree that sexual harassment differs from other forms of harassment and is a manifestation of a culture of discrimination and privilege based on unequal gender relations and power dynamics, and that it therefore requires specific measures. However, we believe that the most important thing is for staff to have a policy and redress mechanism that is easy to understand and use and which ensures an effective and timely access to justice as well as to psychosocial and other forms of support. We are concerned that having two separate policies could make it difficult for staff members to navigate the system and to understand whether the harassment and abuse they are experiencing should be addressed under the sexual harassment policy or another policy for other forms of harassment.

All forms of incivility, harassment and abuse of authority may be gendered in nature and it may be difficult for an individual staff member to recognise whether they are experiencing sexual harassment or some other form of harassment. We would also want to avoid any situations in which a staff member might need to file two different complaints – one under sexual harassment policy and another under a policy for preventing and addressing other forms of harassment – and go through separate investigative processes.

### *On entry points for reporting harassment*

The Panel also recommends that there should be only one specific entry point for staff to report harassment. This recommendation is based on the Panel's finding which indicates that "the multiplicity of alternative offices that may be approached simultaneously under the informal process has enhanced a sense of unfairness and ineffectiveness." Although we agree that the current entry points and the role of the different offices are not clear enough for staff, we believe that it is important for staff to have many different entry points to report harassment or abuse of authority. This should include an option to report anonymously as has been possible since December 2017 through the Integrity Hotline. Having several entry points also seems to be in line with international best practice.

It is imperative, however, that whichever office staff approach, they can expect to receive an appropriate, confidential and timely response. We welcome the question added at our request to Panel's survey to gauge whether staff currently feel satisfied with the response they have received when reporting harassment or abuse of authority to the different services available. The results indicate that the majority staff who have reported harassment in the past have not received an adequate response [refer to the Panel's results]. It is our hope that the case management system and will help improve this situation. We commit to tracking progress in the staff confidence in the reporting systems and the level of satisfaction among staff in the management response and follow-up action to reported incidents of harassment, sexual harassment and abuse of authority.

### *On the standard of proof:*

We appreciate the panel's considerations relating to the standard of proof currently applied in investigations and the subsequent adjudication of harassment complaints, and welcome the Panel's recommendation to explicitly defining in the harassment policy as

well as in IOS guidelines/SOPs the standard of proof that is required in relation to various disciplinary actions.

We agree that the standard of proof applied to harassment cases currently by the IOS and the ILOAT (i.e. “beyond any reasonable doubt”) is too high in light of the very low number of cases that have led to a finding of harassment and have resulted in disciplinary measures and agree with the panel’s recommendation to apply the preponderance standard. We acknowledge, however, the management position that this standard is too low. Nevertheless, we believe that if we are serious about zero tolerance to harassment and about ending impunity, there should be appropriate consequences if it is more likely than not that harassment has taken place and misconduct has occurred. Another option to consider would be to apply different evidentiary standards in a proportional manner so that the standard of proof required is proportionate to the gravity of the ensuing disciplinary action, e.g. “beyond reasonable doubt” could be applied for summary dismissal whereas preponderance standard would be the standard for verbal reprimand. We would also welcome further discussion on the situations which would warrant a case to be referred to a national criminal justice system.

*On UN system-wide level developments*

Since many of the recommendations have relevance beyond the UNAIDS Secretariat, we would like to take the opportunity to provide some reflections on the developments at the UN system wide level.

We are very pleased that the Chief Executives’ Board for Coordination (CEB) established a special Task Force on addressing sexual harassment within the organizations of the UN system. Staff across the UN, including at the UNAIDS Secretariat, have placed high expectations on the CEB Task Force to come up with new and improved approaches to dealing with sexual harassment in the UN system, and we are happy to see concerted and coordinated effort by the different UN system entities to improve policies, reporting, investigations, and training and to increase awareness to prevent and address sexual harassment.

The CEB Task Force recently adopted a *UN System Model Policy on Sexual Harassment* and the model policy was endorsed by the Chief Executives’ Board for Coordination (CEB) at its November meeting. We welcome many of the positive provisions<sup>9</sup> in the draft model policy. However, in our view, the model policy falls short of being truly transformative. In particular, we are concerned about the scope of the model policy. The model policy states that “reports of sexual harassment can be made by any person, irrespective of whether the person reporting has any contractual status with the entity and that non-staff personnel will also be held to account for sexual harassment”. However, this broad statement of scope is undermined by language such as “*non-staff personnel shall be covered to the extent applicable under the entity’s policies and practices*” throughout the model policy. Current policies and practices do generally not provide adequate protection to non-staff personnel (interns, volunteers, consultants, vendors, etc.). A *model* policy should aim for the highest possible standard and best practices in survivor-centred approach to sexual harassment. It should not be limited by

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<sup>9</sup> including provisions which specify that formal reports of possible sexual harassment may be made by a third party, that reports may be made anonymously and are not subject to any time limits. We also welcome the provisions relating to support to the affected individual (although these should be extended to non-staff personnel). We are also pleased to see explicit mention of specific forms of sexual harassment toward trans and non-gender conforming individuals (although we would like to see a focus on LGBTIQ individuals more broadly).

current policy and legal frameworks in place across the UN system but should seek to change the status quo.

We appreciate that the UNAIDS management response recognises that the CEB model policy should be seen as minimum standards and as a starting point to further developing a policy based on a survivor-centred approach. We look forward to continuing collaboration with UNAIDS management as well as with the WHO Global Staff Management Council (GSMC) to ensure that the revised harassment policy is aligned with the recommendations of the IEP and includes and exceeds the minimum standards laid down in the CEB model policy. As staff representatives, we will work across agencies on these issues through the Federation of International Civil Servants' Association (FICSA). We hope that UNAIDS management will also use the change agenda at UNAIDS and build support for increased common services and strengthened policies and mechanisms to protect and support staff, interns and consultants across the UN system.

*[End of document]*