



Notes from the second meeting of the Working Group of the Programme Coordinating Board (PCB) to strengthen the PCB's monitoring and evaluation role on zero tolerance against harassment, including sexual harassment, bullying and abuse of power at UNAIDS

DATE: 21 March 2019

VENUE: "Virtual" meeting and Conference Room 5, UNAIDS Headquarters, Geneva

1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

1. The Chair opened the meeting by noting that the Working Group had a collective duty to fulfil the tasks assigned by the Programme Coordinating Board (PCB), notwithstanding opinions regarding the recommendations of the Independent Expert Panel (IEP) report. She then presented the proposed meeting agenda.

2. SUMMARY OF WORK

2. The Chair summarized the Working Group's tasks in the coming weeks as per the Decision Points of the 43rd meeting of the PCB.

3. REVIEW MANAGEMENT ACTION PLAN

3. The Chair introduced a table she had prepared comparing the IEP recommendations with the UNAIDS Management Action Plan (MAP, version circulated on March 20). Members thanked the Chair for preparing the comparative table, which they found very useful.
4. Several members said they had not yet received the feedback from some or all of their constituencies and that further comments may yet follow. Other members reported that they had been able to consult and had received very helpful comments from their constituencies.
5. The general feeling was that the current version of the MAP was considerably more comprehensive than the initial UNAIDS Management Response, which had been presented at the 43rd PCB meeting in December 2018.
6. The question was raised about whether it was realistic to aim for the “elimination” of harassment, bullying and abuse of power. Several members cautioned against toning down the language and commitments of the MAP, given that the document was the outcome of extensive consultation. It was agreed that, even if it seemed ambitious, the ultimate goal of the MAP should be the elimination of harassment, bullying and abuse of power.
7. Concern was also expressed about the additional resources that may be required to implement the actions outlined in the MAP. The Chair said that the directive from the PCB to the UNAIDS Secretariat called for a costed plan. The Secretariat reported that discussions were underway with the Planning and Financing Department regarding possible staffing needs and additional costs for implementing the Action Plan. The aim was to have more accurate cost estimates ready by June 2019. Various modalities (e.g. hiring staff versus contracting specific tasks) were being examined and costed.
8. Members reiterated the importance of a costed work plan, but also agreed that indicative costing estimates ahead of the Special Session of the PCB in March would be useful. The Working Group stressed that it was important for the PCB and the UNAIDS Secretariat to be ready to provide adequate resources so that the necessary actions could be taken. An indicative costing would help clarify how the actions could be carried out. The meeting also recognized the possible need to add core capacity; shutting out that option would undermine implementation of the MAP.
9. The UNAIDS Secretariat representative leading the MAP work, attending as a resource and to note relevant Working Group comments, agreed to consult the Planning and

Finance Department to determine whether preliminary costing estimates could be prepared ahead of the March PCB meeting.

10. A more detailed review of the MAP then followed, set against the recommendations of the IEP report and guided by a comparative table which the Chair had prepared.
11. The meeting felt that the MAP reflected a great deal of effort and consultation and noted that it went considerably beyond the actions outlined in the Five Point Plus Plan. It also indicated that senior management had "come a long way" in acknowledging the gravity of the problems. However, greater clarity was needed on how the plan would be implemented.
12. Discussing recommendations related to "governance", the Working Group said clarity was needed on whether the annual survey of staff would be both conducted and analysed externally (an option several Working Group members preferred). There was a suggestion that the Staff Association should participate in formulating survey questions. However, the stronger view called for fully independent surveys which may enable management to ask questions which could be difficult for the Staff Association to ask (for example, about staff perceptions of their own supervisors and of senior leaders). Members also emphasized the importance of a "360" review process of senior managers (of which a "180-degree" pilot is in process).
13. Based on experiences of similar surveys in other organizations, members suggested that a response rate of at least 50% was needed in the staff survey and that the survey should also "measure" the proportion of staff who feel they are engaged in the organization's workings. The meeting agreed that the survey should cover both top and middle management.
14. Regarding the IEP's call for a memorandum of understanding between the PCB and the UN Secretary General regarding oversight of the UNAIDS Executive Director, it was felt that this called for legal guidance. The Chair volunteered to consult with the UN Secretariat Office of Legal Affairs with a view to reaching a better understanding of the relevant legal issues.
15. In the short term, members indicated it was important to conclude the ongoing investigations into misconduct and staff should receive updates on progress in that regard to the extent possible without compromising confidentiality or the investigations. In future, both staff and the PCB should be informed when investigations are concluded and about actions taken in relation to those investigations.
16. The members noted the component of the MAP related to the consolidated delegation of authority framework. The meeting felt that the delegation of authority had to be clear and transparent and should be communicated at all levels of the organization, and from headquarters to the field. Members noted that, while much of the emphasis has been on the conduct of senior management, the everyday experiences of harassment often involved middle management.
17. Regarding a possible annual assessment of the UNAIDS Executive Director, various views were expressed, including a suggestion, based on the practice of another organization, that it be done by an external contractor using an online survey in combination with stakeholder interviews. Responding to potential concerns, it was mentioned that findings could be presented to the PCB in closed session, i.e. confidentially, via the PCB Bureau or via a possible, future Human Resources Standing Committee.

18. On the need for sufficient resources for achieving "zero tolerance" of harassment, bullying and abuse of power (IEP recommendation 5.1.3), the meeting noted that this called for action from the PCB.
19. A proposed review of progress (IEP recommendation 5.1.4) could be done via an external survey and an external assessment of the Executive Director. However, it was up to the PCB to consider whether this should be explored further, and, if so, on the modalities.
20. The meeting discussed recommendations related to the theme of "leadership". Regarding the end-date for the current Executive Director's term (30 June 2019), the Working Group noted the selection process outlined in the MAP.
21. Some members expressed concern that the IEP recommendation (5.2.2) calling for freezing new senior-level appointments had not been heeded, and also raised the possibility of a moratorium on further mid-or top-level appointments. The Secretariat noted, that a routine mobility exercise was underway, which involved some appointments, though this was an internal "reassignment" process. It would be very difficult to delay the exercise.
22. The Secretariat agreed to provide (ideally before the PCB Special Session) the Working Group Chair with a list of pending senior-level vacancies (up to end-June).
23. Regarding the independence of the Ethics Office (recommendation 5.2.3), among others, the standard in the UN system is for that function to report to the Executive Head of the given organization, with a maximum 5-year term, after which they cannot again serve in the organization. There were concerns that the specific actions planned by the UNAIDS Secretariat regarding ethics were unclear and requested further clarity be provided in the MAP.
24. On the use of an Assessment Centre for the recruitment of staff, the meeting felt this could be done sooner than indicated in the MAP. The Secretariat noted that a pilot was already underway and that the process would be rolled out further once a review was done.
25. Discussion then turned to actions related to the theme of "management" (IEP recommendation 5.3.1). Members noted that future initiatives have to ensure that policies and procedures are easily understandable for all staff (including nationally-recruited staff in country offices).
26. Various speakers clarified the functions and utility of the UN-wide job classification and reference-checking system (OneHR) and the screening database (ClearCheck) to avoid the (re)hiring of individuals who have left the UN due to misconduct. Some shortcomings were noted regarding the ability to conduct similar, reliable screening of individuals who have not worked in the UN system. The Secretariat stated that persons joining UNAIDS have to formally declare that they have not been found guilty of misconduct.
27. There was discussion of the proposal that staff be able to devote up to 10% of work time for "strengthening UNAIDS". The Secretariat and other speakers stated this feature was increasingly popular in private sector and government bureaucracies. It was not prescriptive and experiences in other organizations showed it does not detract from the day-to-day work of staff. The Secretariat said it intended to pilot the "10%" provision.

28. Regarding the recruitment of a staff Wellbeing Adviser, it was suggested that the individual be recruited externally and at P4 level, should be multilingual, and that confidentiality of material shared by individuals should be guaranteed. Replying to a suggestion that the workload would require a unit rather than a single staff person, the Secretariat stated that the person would not be a direct service provider but would facilitate access to other support services in UNAIDS or the UN system.
29. Members noted that many of proposed actions appeared to be focused on UNAIDS Headquarters, whereas they should apply and be tailored across the entire Secretariat.
30. A question was raised about the theory of change underpinning the MAP. Since this was not yet evident, it was suggested that such a theory of change be developed and shared at the beginning of the MAP.
31. Turning to the theme of "policy and progress" (IEP recommendation 5.4), members considered the proposal that a service-level agreement be established to ensure quality and timely investigative services from the WHO Internal Oversight Services (IOS) and the upholding of due process. Some members felt that the proposal did not go far enough and was not explicit enough to guarantee thorough and timely investigations occur and appropriate actions are taken. The meeting requested further details regarding a possible service-level agreement with the WHO IOS, including the specific elements that may be added, augmented or improved.
32. The possibility of setting up an independent mechanism for investigation, disciplinary action and redress was discussed, along with the feasibility of such a mechanism.
33. Members suggested that the investigative aspect should be considered as part of an existing inter-agency discussion on strengthening investigation capacity. At the moment, the investigative function is operationally independent (since it is performed by the WHO's IOS, reporting to the WHO Director-General) and has not been subject to influence from the UNAIDS Executive Director or UNAIDS management.
34. They also noted that complainants currently have recourse to an appeal process outside their organizations (in the case of UNAIDS, it is the ILO Tribunal) if they are unsatisfied with the outcome of an investigation. It was pointed out that a combined mechanism may pose questions about the authority of the Executive Director (or head of the organization) who usually has the ultimate say in deciding on disciplinary action. Could such authority be legally shifted beyond the purview of the executive?
35. Members felt that this was a complex matter and that greater detail about the practical implications and possible actions and next steps were needed. It would be useful if the MAP also indicated which actions were already underway, including in the wider UN system.
36. The meeting noted the ongoing deliberations at inter-agency level in the UN system to address sexual harassment and strengthen investigative practices. Several MAP actions in this area appeared to be in line with the Chief Executives Board model policy, which has been approved by all Heads of Agencies in October 2018. Each UN agency is now expected to revise its own policy to bring it in line with the model policy. In the case of UNAIDS, such a process has to occur in conjunction with WHO, since their policies and related administration of justice processes are aligned. UNAIDS is therefore not acting alone when revising this policy.

37. Members noted that the envisaged policy changes across the UN system involved a methodical process and that it was difficult for UNAIDS to proceed at a different pace—yet there was also an urgent need for demonstrable action on UNAIDS' part.
38. A concern was raised about the applicability of such a policy to non-staff or affiliate personnel (e.g. consultants, interns etc.), as specified in the UN system model policy.
39. There was a request for information about progress around existing investigations and a call for stronger, expressed commitment to accelerate action around open cases (while noting that this implied action from IOS). The Chair suggested inviting IOS or other legal advice to a future Working Group meeting to advise on the legal implications of some of the proposed changes.
40. Regarding any general gaps in the MAP, speakers asked what specific steps were being taken to help individual managers meaningfully change ingrained habits. The Secretariat said it was rolling out coaching support and the assessment centre would also identify competency gaps that could inform the coaching process. The Chair asked members to highlight any other gaps in the MAP via email by close-of-business March 26.

4. OFFER FROM THE UNAIDS SECRETARIAT STAFF ASSOCIATION

41. The Chair told the meeting that the Staff Association had offered to be available to assist the Working Group if needed. Members were hesitant to give the Staff Association a formal role in the Working Group (since the PCB had established the membership of the Working Group), but said the Group would appreciate the Association's comments in relation to the MAP and would engage with it as needed.

5. REVIEW DRAFT MESSAGING TO UN SECRETARY GENERAL

42. The Chair briefly presented the draft messaging she had prepared for discussion by the PCB and requested comments by close-of-business March 26. Members agreed to consult their constituencies and share comments with the Chair.
43. Regarding questions about the Working Group's mandate to prepare such a note, it was noted that the Decision Points from the 43rd PCB meeting gave the Group a mandate to present draft messaging to the PCB, which would then decide what, if any, note would be conveyed to the UN Secretary General.

6. COMMENTS RE REPORT FROM FIRST WORKING GROUP MEETING

44. The Chair reported that notes of the first meeting of the Working Group had been circulated and that some specific edits had been proposed. Members welcomed the draft notes and pointed out additional edits for inclusion. It was agreed to share the meeting notes with the Head of IOS at WHO to ensure the accuracy of statements attributed to him. The meeting notes would be posted publicly once this review process was completed.

7. MEETING SCHEDULE

45. The meeting agreed that "virtual meetings" were effective, although a face-to-face meeting after the PCB Special Session may be warranted. The Working Group agreed to have a one-hour meeting on Monday 25 March to confirm messaging to the PCB Special Session.
46. The meeting was adjourned.

[Annex follows]

Annex

List of participants

MEMBER STATES – ÉTATS MEMBRES

African States – États d’Afrique

Madagascar

Marc Rajaonarison, Attaché, Permanent Mission of the Republic of Madagascar to the United Nations Office and specialized institutions in Geneva, Switzerland.

Asian States - États d’Asie

Islamic Republic of Iran – République Islamique d’Iran

Tofigh Sedigh Mostahkam, Minister, Permanent Mission of Iran to the United Nations Office at Geneva and other international organizations in Geneva, Switzerland.

Eastern European States - États d’Europe orientale

Russian Federation – Fédération de Russie

Dilyara Raviлова-Borovik, Deputy Director of the Department of International Organizations, Ministry of Foreign Affairs of the Russian Federation, Moscow, Russian Federation.

Latin American and Caribbean States - États d’Amérique latine et des Caraïbes

Mexico – Mexique

Sofia Varguez, Attaché, Permanent Mission of Mexico to the United Nations Office and other international organizations in Geneva, Switzerland.

Western European and Other States - États d’Europe occidentale et autres États

United Kingdom – Royaume-Uni

Danny Graymore, Head, Global Funds Department, Department for International Development (DfID), Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office and other international organizations in Geneva, Switzerland.

COSPONSORING ORGANIZATIONS – ORGANISMES COPARRAINANTS

World Food Programme – Programme Alimentaire Mondial

Fatiha Terki, Deputy Director, Nutrition Division, World Food Programme, Rome, Italy.

United Nations Population Fund – Fonds des Nations Unies pour la population

Ms Laurie Newell, Global Coordinator UN Cares, United Nations Population Fund, New York, United States.

REPRESENTATIVES OF NONGOVERNMENTAL ORGANIZATIONS/PEOPLE LIVING WITH HIV – REPRESENTANTS DES ORGANISATIONS NON GOUVERNEMENTALES / PERSONNES VIVANT AVEC LE VIH

Africa – L’Afrique

Lucy Wanjiku, Team Leader, Positive Young Women Voices (PYWV), Nairobi, Kenya.
[WAS NOT ABLE TO ATTEND]

Europe – L’Europe

Alexander Pastoors, Representative International Affairs, HIV Vereniging Nederland, Amsterdam, Netherlands.

UNAIDS SECRETARIAT – SECRÉTARIAT DE L’ONUSIDA

Alison Holmes, Director, Human Resources Management, UNAIDS Headquarters, Geneva, Switzerland.

Vinay Saldanha, Director, Regional Support Team, Eastern Europe and Central Asia, Moscow, Russian Federation.