

UPDATE ON HUMAN RESOURCES MANAGEMENT ISSUES

HRM-IN-2020 Disciplinary and other corrective actions 2019

Corrective administrative action, including disciplinary and non-disciplinary measures imposed in 2019

INTRODUCTION	<ol style="list-style-type: none"> 1. In order to ensure that UNAIDS human resources management is transparent, equitable, coherent with the values of the Organization, and reflective of ethical and accountability standards, the Department of Human Resources Management (HRM) wishes to inform all staff members of corrective actions taken, including disciplinary and non-disciplinary measures, imposed by the UNAIDS Executive Director (EXD) or Deputy Executive Director, Management and Governance (DXD, MER) throughout 2019 to address cases of unsatisfactory behaviour and misconduct, which have occurred in UNAIDS. 2. UNAIDS and all its staff members are accountable for the mandate, resources and funds entrusted to the Secretariat by Co-sponsoring Organizations. 3. As international civil servants, UNAIDS staff are at all times expected to observe the highest standards of conduct, integrity, competence and performance. Abuse of authority, fraud, misrepresentation, acting for personal benefit, false certification and inappropriate behaviour, including verbal or physical abuse, and harassment, including sexual harassment, are examples of behaviour that are not accepted in UNAIDS.
PURPOSE	<ol style="list-style-type: none"> 4. This Information Note reports on corrective administrative actions taken, and disciplinary and non-disciplinary measures imposed, between 1 January and 31 December 2019.
SCOPE	<ol style="list-style-type: none"> 5. It is important to note that not every occurrence of unsatisfactory conduct or allegation of misconduct results in corrective administrative action being taken. 6. Where a staff member provides a satisfactory explanation in response to formal charge(s) of misconduct or where a review / investigation results in a finding that no misconduct or other irregular behaviour occurred, the case may be closed with or without managerial action.
PROPORTIONALITY OF DISCIPLINARY AND NON-DISCIPLINARY MEASURES	<ol style="list-style-type: none"> 7. Disciplinary or other corrective measures imposed are proportionate to the nature and gravity of the behaviour at issue. Both aggravating and mitigating factors are taken into account in determining the appropriate administrative action in view of the specific facts and circumstances of each case. 8. Staff members separated from UNAIDS further to a finding of misconduct are normally informed that they will not be considered by UNAIDS for future employment or services. In such cases, a note will be kept in the Enterprise Content Management (ECM) system to that effect. Moreover, where applicable, UNAIDS will include the records regarding misconduct by current and former UNAIDS staff members in the ClearCheck¹ database.
SUMMARY	<ol style="list-style-type: none"> 9. For each case that led to corrective administrative action being taken during the period in question, the summary below indicates the context, nature of unsatisfactory conduct and/or misconduct, and the measure(s) applied. Due regard has been given to the protection of the privacy of the staff members concerned. 10. Between 1 January 2019 and 31 December 2019, UNAIDS concluded: <ul style="list-style-type: none"> – five (5) disciplinary proceedings which led to the imposition of disciplinary measures, including written censure, fine, dismissal and summary dismissal; – one (1) case of unsatisfactory conduct and unsuitability for international civil service; and – one (1) case which resulted in a non-disciplinary measure in the form of a written reprimand. 11. Four (4) cases involved male staff members and three (3) cases involved female staff members. The cases included one staff member in the National Professional officer category, one General service category staff member, and five (5) staff members in the Professional and higher categories. 12. In two (2) cases, actions were taken and measures imposed on staff members serving in UNAIDS Headquarters (HQ). In three (3) cases staff were based in the region of East and South Africa (ESA), in one (1) case in West and Central Africa and in one (1) case in the Middle East and North Africa. 13. In all cases, the staff members were informed of the recourse mechanisms to exercise their right to contest the decisions taken by the EXD or DXD, MER.

¹ ClearCheck is a secure online database, established to share information amongst United Nations entities on individuals (former UN staff and UN-related personnel) who have established allegations related to sexual harassment, sexual exploitation and sexual abuse with the aim to prevent re-employing them within the UN system

	<p>14. As at 31 December 2019, three (3) decisions have been appealed before the Global Board of Appeal (GBA). It is necessary to recall that in accordance with paragraph III.12.4.20 of the WHO eManual, the appeal does not suspend the effect of the decision.</p> <p>15. The following paragraphs provide summaries of the cases in which corrective action was taken over the reporting period.</p>
UNSUITABILITY FOR INTERNATIONAL CIVIL SERVICE	<p>16. A former staff member had committed fraud and other misconduct prior to joining UNAIDS, while employed by another UN organization. Following the conclusion of a joint investigation, the staff member was found of have diverted and misappropriated funds in very substantial amounts.</p> <p><i>Corrective administrative action: Non-confirmation and termination of appointment during probationary period; efforts towards supporting asset recovery remain ongoing in collaboration with the UN organization concerned.</i></p>
ABUSIVE AND RACIST LANGUAGE	<p>17. A staff member insulted a colleague, using abusive and racist language in UNAIDS-internal email correspondence.</p> <p><i>Non-disciplinary measure: Written reprimand.</i></p>
MISCONDUCT RESULTING FROM EXCESSIVE SPEEDING	<p>18. A staff member drove a UNAIDS vehicle with excessive speed and was implicated in causing a very serious road accident resulting in considerable damage.</p> <p><i>Disciplinary measure: Written censure; fine of 3 months net base salary; full restitution for material damage.</i></p>
WORKPLACE HARASSMENT	<p>19. A former staff member inter alia engaged in improper conduct and harassment by acting in an offensive and inappropriate way, creating a hostile working environment, causing embarrassment to other staff members, offending, humiliating and intimidating staff members.</p> <p><i>Disciplinary measure: Dismissal.</i></p>
MISUSE OF FUNDS FOR PERSONAL BENEFIT, ABUSE OF AUTHORITY, UNJUSTIFIED TRAVEL, UNAUTHORIZED ABSENCES	<p>20. A former staff member misused official funds, equipment and travel-related allowances for personal advantage; engaged in unjustified travel and unauthorized absences; abused authority in misusing UNAIDS corporate services.</p> <p><i>Disciplinary measure: Dismissal and full recovery.</i></p>
FRAUD, MISUSE OF FUNDS AND RESOURCES, TRAVEL AND ABSENCE IRREGULARITIES; SEXUAL MISCONDUCT; FAILURE TO DISCLOSE INTIMATE RELATIONSHIP; UNDISCLOSED CONFLICT OF INTEREST	<p>21. Two former staff members engaged inter alia in fraud, sexual misconduct, misuse of UNAIDS corporate funds, including collusively; misuse of UNAIDS IT and communication systems and equipment, using inappropriate language and engaged in actions and behaviours on UNAIDS premises that did not comply with UNAIDS rules, procedures and conduct requirements and in so doing exposed UNAIDS to reputational risk. They also arranged for irregular duty travel and unauthorized absences, including collusively; and they failed to disclose an intimate personal relationship and conflicts of interest.</p> <p><i>Disciplinary measure: Summary dismissal, full restitution for damage.</i></p>
UNAIDS LEGAL FRAMEWORK, GUIDANCE AND PROCESSES	<p>22. The following information sets out the legal framework and provides guidance and information on conduct and ethical behaviour in UNAIDS:</p> <ul style="list-style-type: none"> - Duties, Obligation and Privileges of staff members (Article I of the Staff Regulations) - Standards of conduct for staff members (Staff Rule 110) - Financial Responsibility (Staff Rule 130) - Non-confirmation of appointment for unsatisfactory conduct, and/or unsuitability for international civil service (Staff Rule 1060 and 1070.1) - Abandonment of post (Staff Rule 1080) - Disciplinary measures (Staff Rule 1110) - Misconduct resulting in financial loss (Staff Rule 1112) - Non-disciplinary reprimand (Staff Rule 1115) - Separation for misconduct (Staff Rule 1075) - Conduct and Disciplinary Measures (HR eManual III.11) - Promoting Ethics and Integrity in UNAIDS - Standards of Conduct for the International Civil Service
VISUAL DATA	<p>23. Annex A contains visualization of statistical indicators and data in the context of corrective administrative actions taken, non-disciplinary and disciplinary measure imposed by the EXD or DXD, MER in 2019.</p>

ANNEX A

Figure 1. Types of corrective administrative actions taken, non-disciplinary/disciplinary measure imposed in 2019

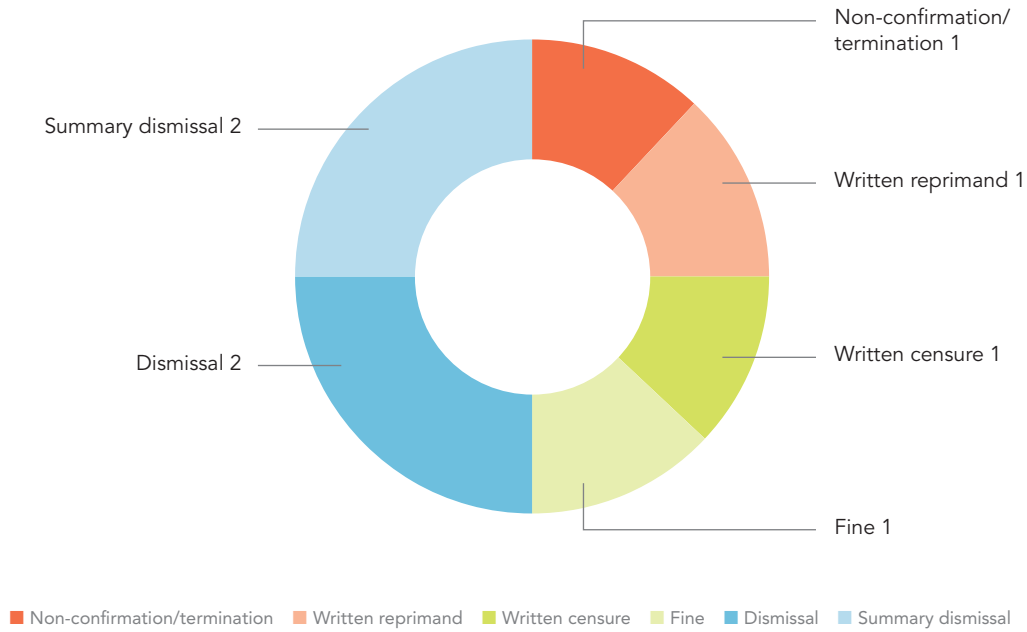


Figure 2. Corrective administrative actions taken, non-disciplinary/disciplinary measures imposed in 2019 by gender

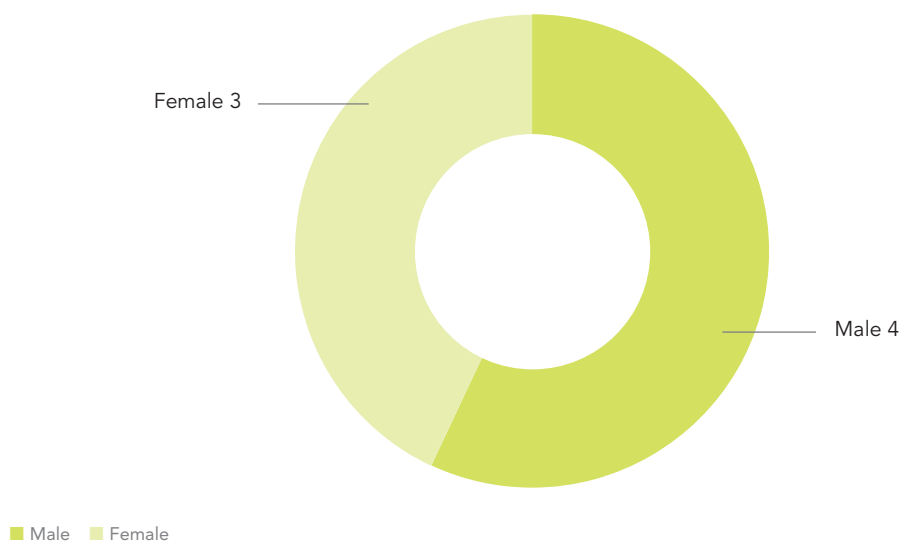


Figure 3. Corrective administrative actions taken, non-disciplinary/disciplinary measures imposed in 2019 by location

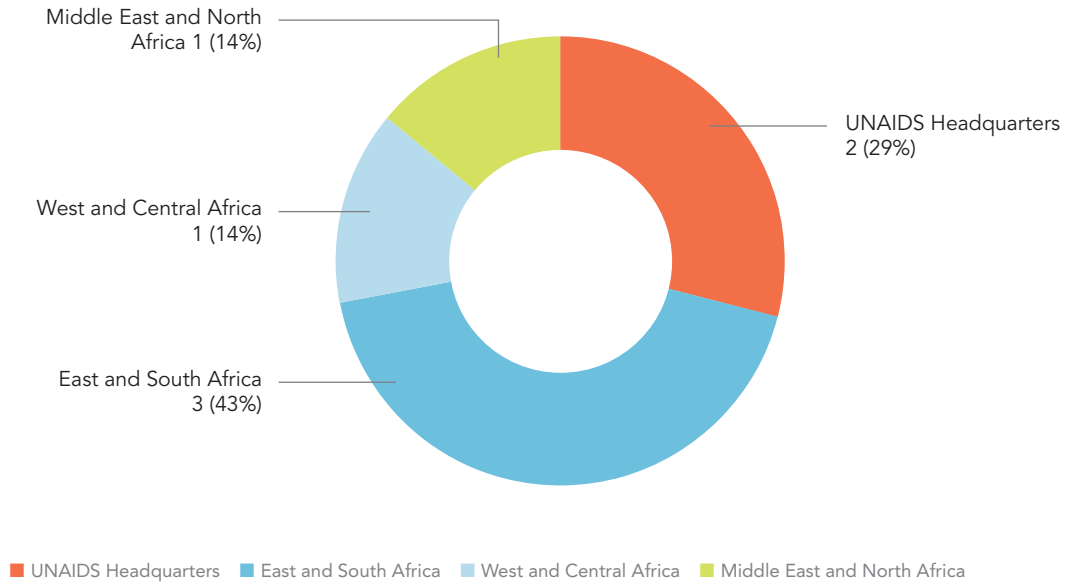


Figure 4. Corrective administrative actions taken, non-disciplinary/disciplinary measures imposed in 2019 by staff category

