

CORRECTIVE ADMINISTRATIVE ACTIONS, INCLUDING DISCIPLINARY MEASURES IMPOSED IN 2021

Update on strategic human resources management issues

Corrective administrative actions, including disciplinary measures imposed in 2021

INTRODUCTION	<ol style="list-style-type: none"> In order to ensure that UNAIDS people management is transparent, equitable, coherent with the values of the Organization, and reflective of ethical and accountability standards, the Department of People Management (“HRM”) wishes to inform all staff members of corrective administrative actions taken, including disciplinary measures imposed, by the UNAIDS Executive Director (“EXD”) or Deputy Executive Director, Management and Governance <i>ad interim</i> (“DXD, MER a.i.”) throughout 2021 to address cases of unsatisfactory performance, behaviour or misconduct, which have occurred in UNAIDS. UNAIDS and all its staff members are accountable for the resources and funds entrusted to the Secretariat by Co-sponsoring Organizations for the purpose of exercising its mandate. As international civil servants, UNAIDS staff members 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"> This Information Note reports on corrective administrative actions taken, including disciplinary and non-disciplinary measures imposed, between 1 January and 31 December 2021.
SCOPE	<ol style="list-style-type: none"> It is important to note that not every occurrence of unsatisfactory conduct or allegation of misconduct results in corrective administrative action being taken. 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 has occurred, the case may be closed with or without managerial action.
PROPORTIONALITY OF DISCIPLINARY AND NON-DISCIPLINARY MEASURES	<ol style="list-style-type: none"> Disciplinary measures or other corrective administrative actions are proportionate to the nature and gravity of the behaviour at issue and are imposed, or taken, in accordance with the relevant regulatory framework. Aggravating and mitigating factors are taken into consideration in determining the appropriate administrative action or measure in light of the specific facts and circumstances of each case. Staff members separated from UNAIDS prior to conclusion of the pending investigation or disciplinary process, or separated from UNAIDS further to a finding of misconduct are normally informed that they will not be considered by UNAIDS for future employment or service. In such cases, a note will be kept in the staff member’s personnel records and in the Enterprise Content Management system (“ERP”) to that effect. Moreover, where applicable, UNAIDS will include relevant records regarding established misconduct by former UNAIDS staff members in the ClearCheck¹ database.
SUMMARY	<ol style="list-style-type: none"> For each case that led to corrective administrative action(s) during the period in question, the summary below indicates the context and nature of unsatisfactory conduct and/or misconduct, and the measure(s) applied. Between 1 January and 31 December 2021, UNAIDS concluded: <ul style="list-style-type: none"> three (3) administrative and disciplinary proceedings which led to corrective administrative actions being taken and/or imposition of appropriate disciplinary measures. Two cases involved male staff members and one case involved a female staff member. The cases included two staff members in the Ungraded category and one General service category staff member. Following review of the gender-related data for the period 2019–2021, a trend is identified which suggests that in cases involving imposition of corrective administrative actions including imposition of disciplinary measures, the number of male staff members prevailed. A review of the gender-related data for the same period² of the administrative review requests showed the inverse trend of female staff members representing the higher number of claimants. Please refer to Figures 5–6 in this regard. In two cases, actions were taken and/or measures imposed, as appropriate, on staff members serving in the UNAIDS Global Centre, Geneva, Switzerland. In one case, a disciplinary measure was imposed on a staff member in a UNAIDS Country Office in the Latin America and Caribbean region.

¹ Clear Check 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. Please see Sections III.4.2.210 and III.11.2.360-380 of the WHO eManual.

² Please note that data related to corrective administrative actions taken and disciplinary measures imposed were used only for the period of 2019–2021. This is due to the fact that HRM/IN 2019–6 on Disciplinary Measures of 16 April 2019 concerned cumulative numbers of cases for the period of 2014–2018.

	<p>14. Staff members were at all times informed of the recourse mechanisms to exercise their right to contest the relevant decisions taken.</p> <p>15. As at 31 December 2021, one decision has been appealed before the Global Board of Appeal (GBA). In accordance with Staff Rule 1245 and paragraph III.12.4.20 of the WHO eManual, the filing of an appeal in accordance with Staff Rule 1230 does not constitute grounds for delaying or suspending the effect of the final administrative decision against which the appeal is made.</p> <p>16. The following paragraphs provide summaries of the cases in which relevant corrective action was taken over the reporting period. Due regard has been given to the protection of privacy of the staff members concerned.</p>
OBSTRUCTION OF INVESTIGATION	<p>17. A former senior staff member approached a complainant in the context of a formal investigation into allegations of sexual harassment with attempts to facilitate a meeting between the complainant and the alleged perpetrator in order to informally resolve the complaints. The investigation found this approach to constitute unreasonable interference into the ongoing investigation at the material time.</p> <p><i>Corrective administrative action: Referral of the matter to the Office of the United Nations Secretary-General for appropriate action, measures to be imposed and follow-up.</i></p>
FAILURE TO OBSERVE THE STANDARDS OF CONDUCT REQUIRED OF AN INTERNATIONAL CIVIL SERVANT	<p>18. A former senior staff member was informed by letter that during his tenure at UNAIDS he failed to observe the standards of conduct required of an international civil servant by behaving inappropriately and unacceptably towards women and by sexually harassing a UNAIDS staff member. The investigation also concluded that such behaviour towards women was seemingly tolerated by senior management at UNAIDS, perpetuating a culture throughout the organization which appeared to enable such conduct.</p> <p><i>Corrective administrative action: Placement of administrative note in the former staff member's personnel file and a record made in the Clear Check database.</i></p>
FRAUD	<p>19. A former staff member committed fraud by deliberately falsifying an official document (invoice) related to the fuel coupons that a UNAIDS Country Office purchased from a local gas station.</p> <p><i>Disciplinary measures: Dismissal in accordance with Staff Rule 1110.1.6 and full recovery for financial loss to the Organization.</i></p>
INSTITUTIONAL CHANGES PREVENTING ABUSIVE CONDUCT	<p>20. During the reporting period a number of actions were taken to maintain UNAIDS' zero tolerance commitment to any forms of abusive conduct. Among the most prominent institutional undertakings and initiatives put in place are the following:</p> <ul style="list-style-type: none"> - Launch of the Policy on preventing and addressing harassment, sexual harassment and abuse, discrimination and other forms of abuse of authority in March 2021; - Strengthening of the UNAIDS Ethics function; - Finalization of the Memorandum of understanding between the WHO Office of Internal Oversight Services and UNAIDS; - Expanding the staff well-being support service; - Promotion of staff awareness of channels, formal and informal, through which concerns and allegations of misconduct can be raised in full confidence; - Roll-out of training modules on ethical standards and behaviour across UNAIDS offices, mandatory for all staff members and in line with the UNAIDS values and Code of Conduct; - Launch of the #Respect Campaign to enhance prevention and early action to ensure zero tolerance against abusive conduct.
UNAIDS LEGAL FRAMEWORK, GUIDANCE AND PROCESSES	<p>21. 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, Obligations 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) - Duties, Obligations and Privileges (WHO eManual III.1) - Secondments from non-UN entities to WHO (WHO eManual III.4.10) - Conduct and Disciplinary Measures (WHO eManual III.11) - Promoting Ethics and Integrity in UNAIDS - Standards of Conduct for the International Civil Service
VISUAL DATA	<p>22. Annex A contains statistical indicators and data in the context of corrective administrative actions taken including disciplinary measures imposed by the EXD or DXD, MER a.i. in 2021.</p>

ANNEX A

Figure 1. Types of corrective administrative actions taken, disciplinary measures imposed in 2021

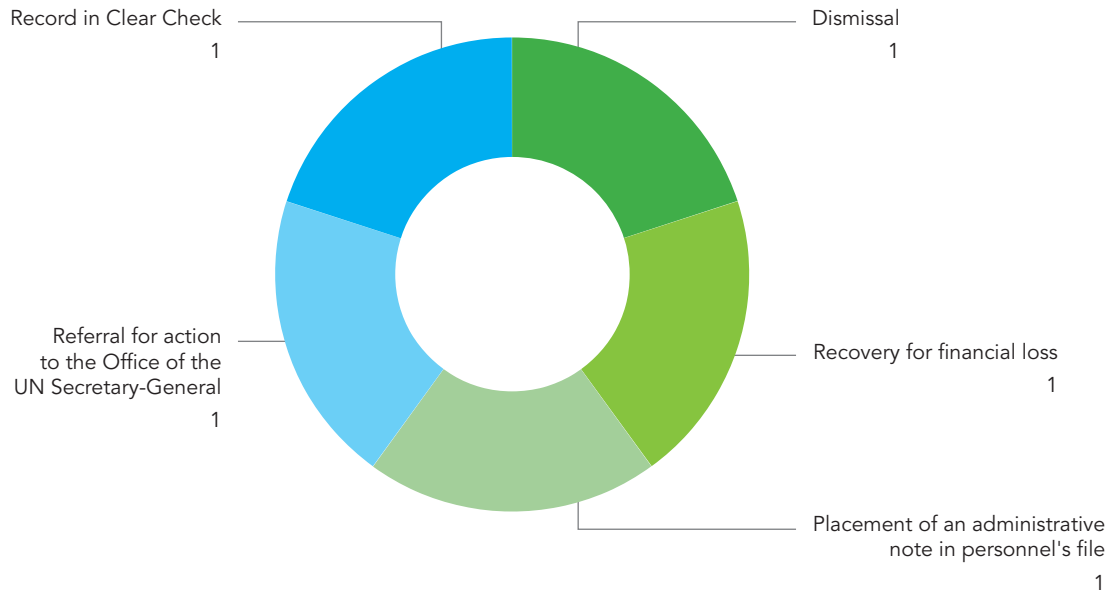


Figure 2. Corrective administrative actions taken, disciplinary measures imposed in 2021 by gender

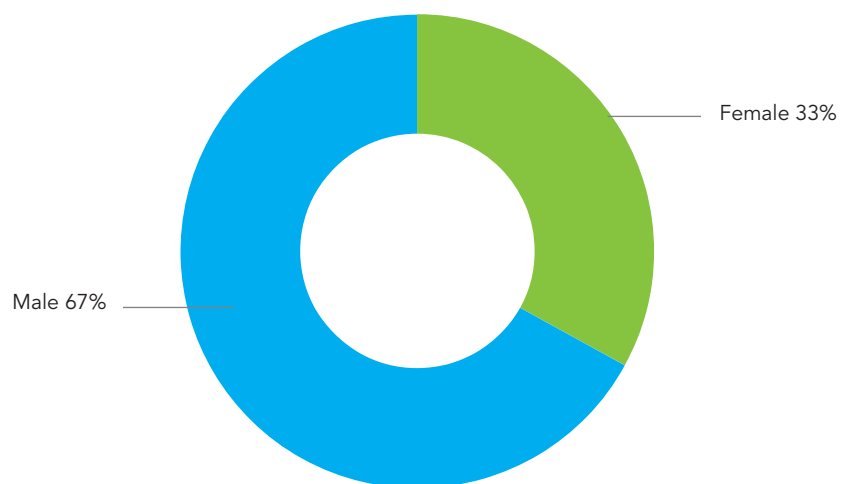


Figure 3. Corrective administrative actions taken, disciplinary measures imposed in 2021 by region

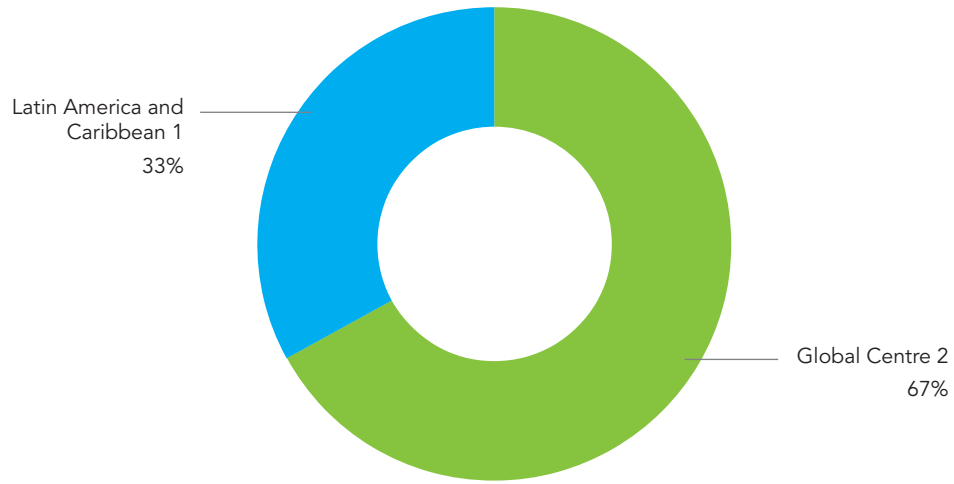


Figure 4. Corrective administrative actions taken, disciplinary measures imposed in 2021 by staff category

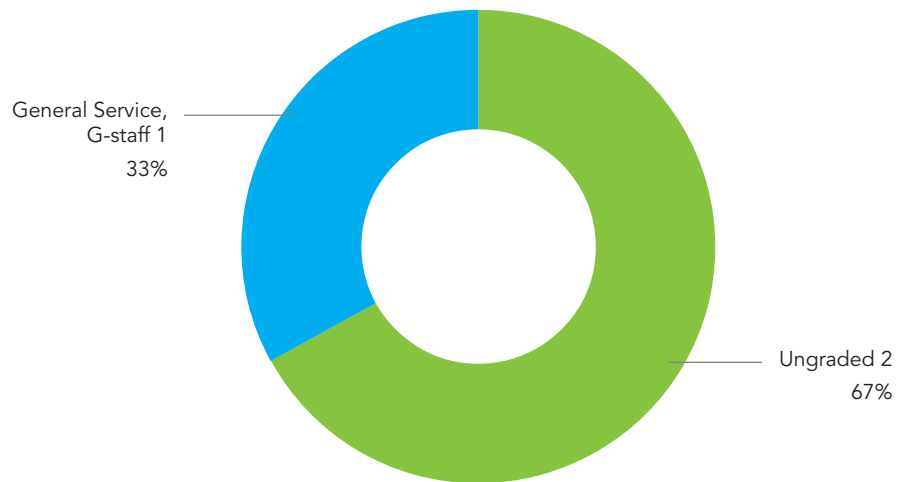


Figure 5. Corrective administrative actions including disciplinary measures for the period of 2019–2021 by gender

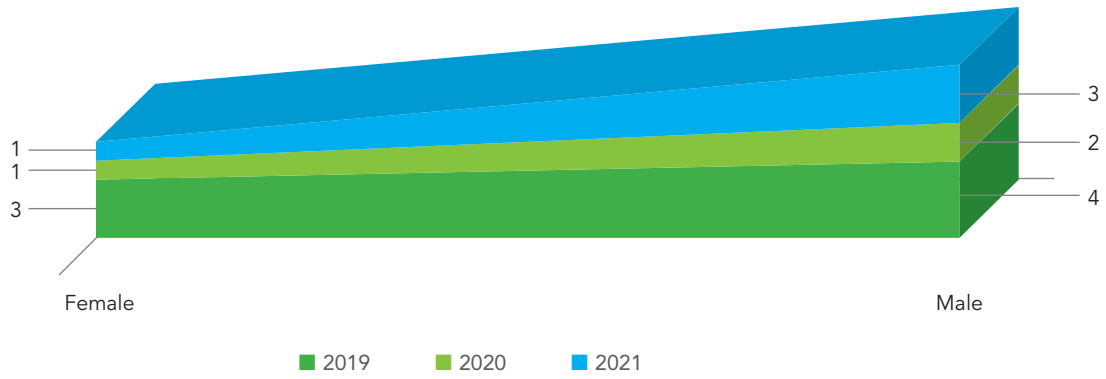


Figure 6. Requests for administrative review submitted during the period of 2019–2021 by gender

