

Update on human resources management issues

UNAIDS Administrative Review Statistical Overview 2020

UNAIDS INTERNAL JUSTICE SYSTEM
ADMINISTRATIVE REVIEW STATISTICAL
OVERVIEW 2020

PART I

Introduction

The purpose of this overview is to provide statistical analysis and aggregated data on cases in the administrative review process of the UNAIDS/WHO Internal Justice System (IJS). This report covers the period 1 January to 31 December 2020 and, in addition to statistical data, contains lessons learned and recommendations in Part II of the document. The statistics and descriptions in this report are based on data collected internally by the HR Policy and Legal Unit, HRM Department, which is mandated to address requests for administrative review at UNAIDS.

In order to recall the functioning of the mechanisms of the UNAIDS Internal Justice System (IJS) and statistical data for previous reporting periods, please refer to the following documents:

- UNAIDS Internal Justice System. Administrative Review Statistical Overview 2019, available on the webpage of the 46th UNAIDS Programme Coordinating Board¹;
- UNAIDS Internal Justice System. Administrative Review Statistical Overview 2018, available on the webpage of the 44th UNAIDS Programme Coordinating Board².

Reference is also made to the 2020 Annual Report of the WHO Global Board of Appeal³.

Highlights and trends in 2020

Some trends and key indicators worth highlighting in respect of the 2020 date include:

- In 2020, a total of 7 (seven) AR requests were received, showing a considerable decrease compared to the 15 AR requests received in 2019.
- Most (six) cases were submitted by female staff members, showing a reverse trend compared to 2019, when 60% of all 2019 AR requests were submitted by male staff members.
- As in previous years, the majority of AR requests continue to originate from staff members at UNAIDS HQ in Geneva, where less than 1/3 of UNAIDS staff members are based, with requests being predominantly submitted by staff members of the Professional and higher category. Further details on the case distribution by originating structural unit and other statistical data can be found in Figures 1–8 (below).
- Out of 7 AR requests received in 2020, 4 (four) were challenged before the Global Board of Appeal (GBA), as at 31 December 2020. In total, 12 (twelve) new appeals were submitted to the GBA by UNAIDS staff members in 2020 (compared to 15 in 2019), 5 of which were submitted by 2 staff members.

¹ This document is accessible following the link: https://www.unaids.org/sites/default/files/media_asset/UNAIDS%20Administrative%20Review%20Statistical%20Overview%202019_En.pdf

² This document is accessible following the link: https://www.unaids.org/sites/default/files/media_asset/UNAIDS_PBC44_HR_Mgt_Issues_update_EN.pdf

³ <https://intranet.vconnect.who.int/homes/gba/documents/global%20board%20of%20appeal%20annual%20report%202020.pdf>

AR requests by category

Below is a detailed breakdown of the 7 AR requests received in 2020, by category:

Figure 1. 7 AR requests received from 1 January to 31 December 2020

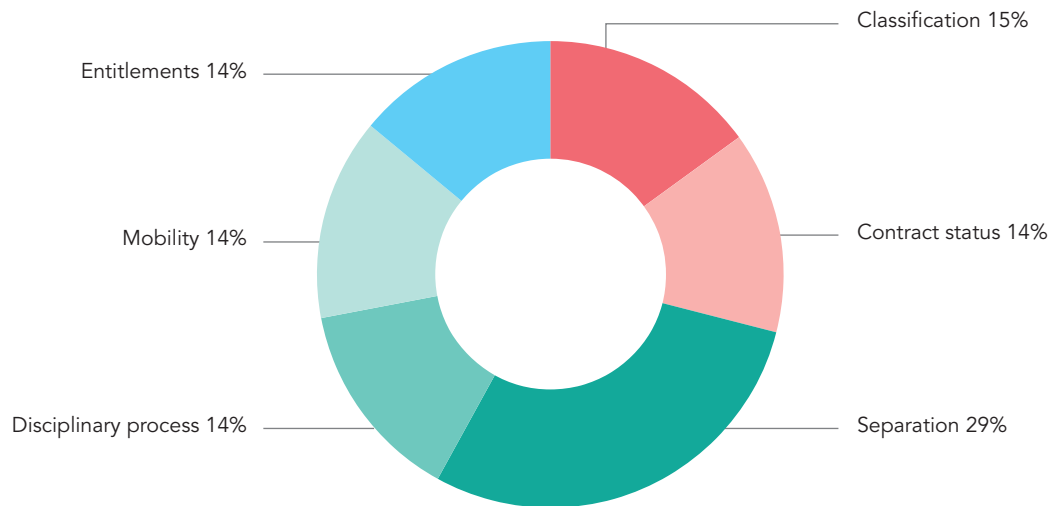
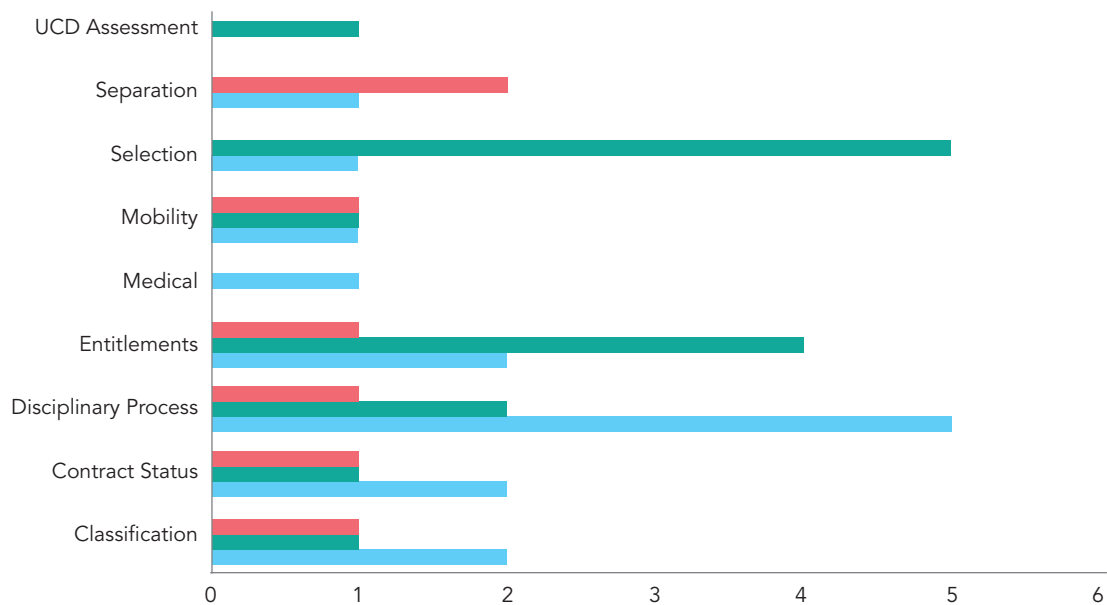


Figure 2. Categories of AR requests in 2018-2020

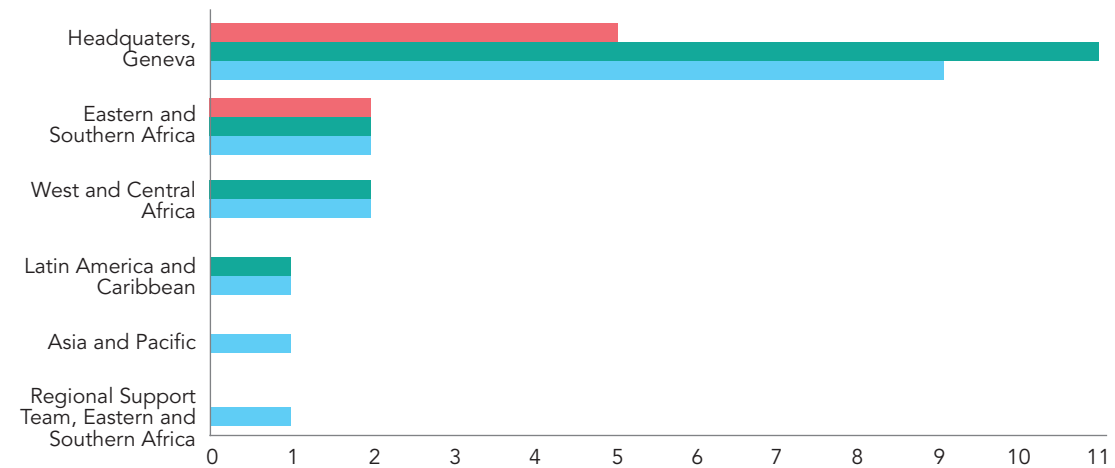


	Classification	Contract Status	Disciplinary Process	Entitlements	Medical	Mobility	Selection	Separation	UCD Assessment
2020	1	1	1	1	0	1	0	2	0
2019	1	1	2	4	0	1	5	0	1
2018	2	2	5	2	1	1	1	1	0

AR requests by location

The majority of AR requests (5 AR requests, 71%) originated from Headquarters (HQ), where 30 % of UNAIDS staff members were based as at 31 December 2020, comparing to only 2 AR requests (29%) submitted by staff members based in UNAIDS Country Offices.

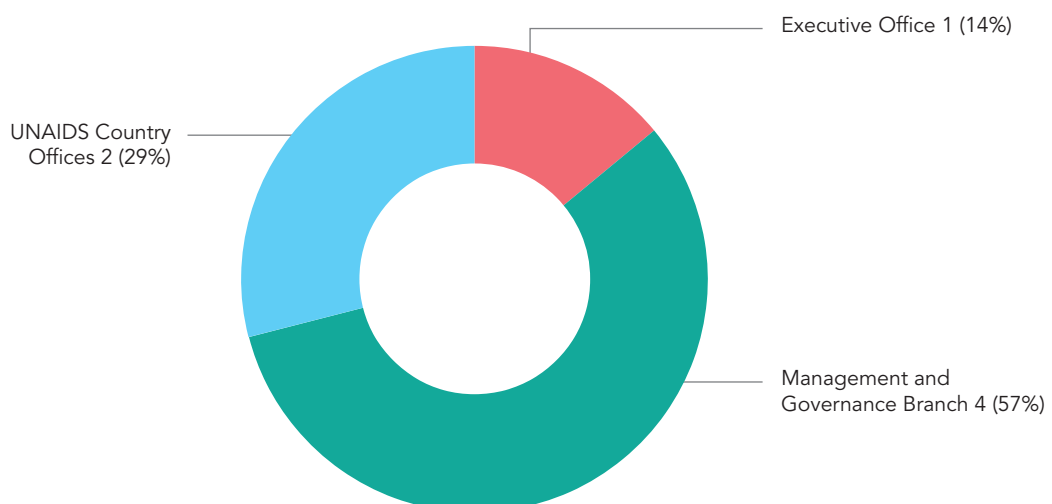
Figure 3. AR requests by location in 2018-2020



	Headquarters, Geneva	Eastern and Southern Africa	West and Central Africa	Latin America and Caribbean	Asia and Pacific	Regional Support Team, Eastern and Southern Africa
2020	5	2				
2019	11	2	2	1		
2018	9	2	1	1	1	1

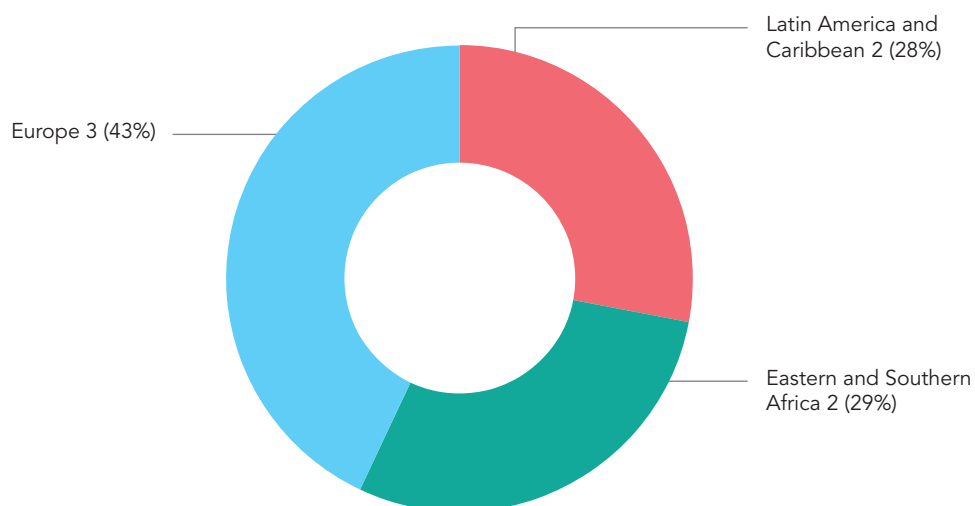
AR requests by structural unit

Figure 4. AR requests in 2020 by department/office/unit



AR requests by nationality of staff members

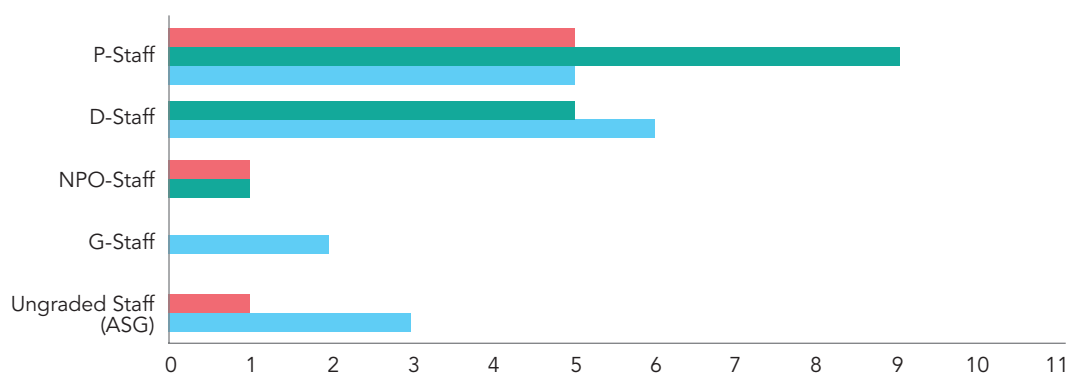
Figure 5. AR requests in 2020 by region of nationality of staff



AR requests by type of appointment, contract status and category

All 7 AR requests originated from staff members holding fixed-term appointments, with a majority of cases (4) being submitted by former staff members. Requests were predominately submitted by staff members in the Professional category (5 out of 7 AR requests). Of the remaining cases, one was submitted by a staff member in the National Professional Officer category, and one by an ungraded staff member at the ASG level. In 2020, no AR request was submitted by a staff member at the Director level, nor by a staff member in the General Service category.

Figure 6. AR requests by location in 2018-2020

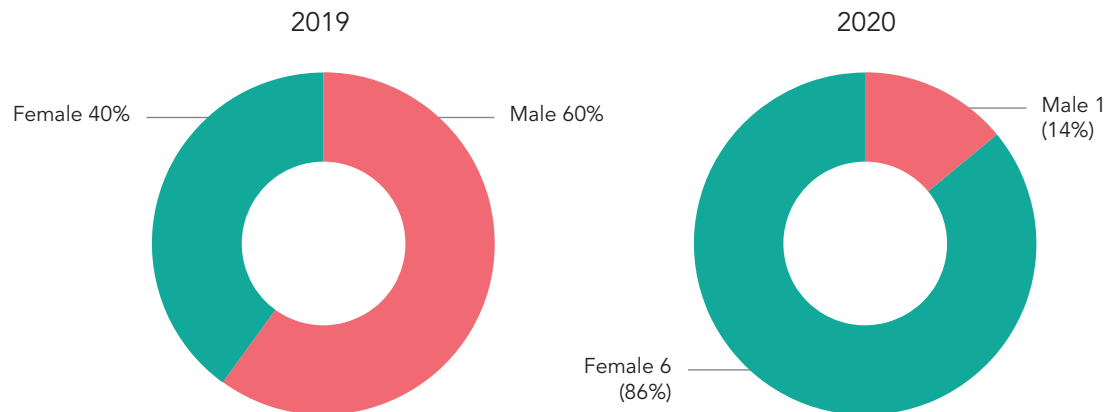


	P-Staff	D-Staff	NPO-Staff	G-Staff	Ungraded Staff (ASG)
2020	5	0	1	0	1
2019	9	5	1	0	0
2018	5	6	0	2	3

All AR requests by gender

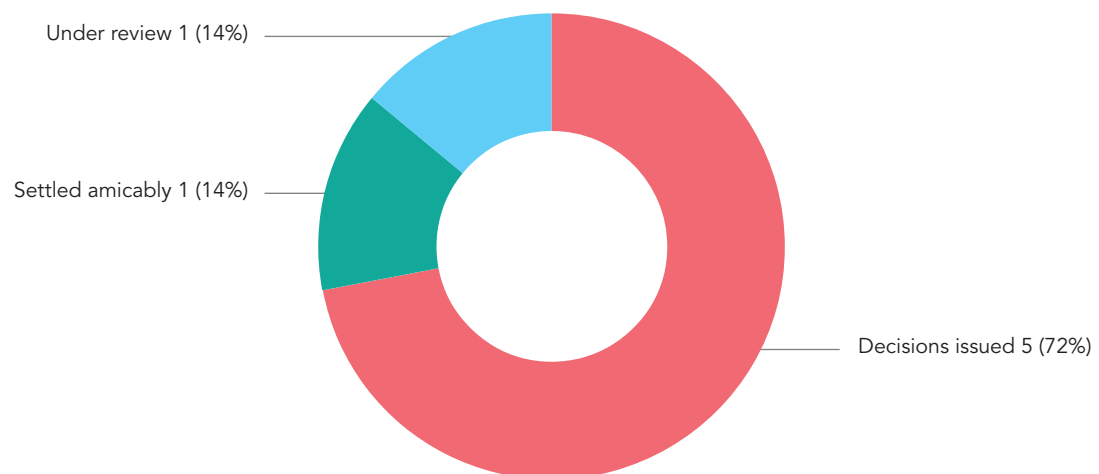
Examining requests by gender, 86% of all AR requests were submitted in 2020 by female staff members and 14% by male staff members, compared to 40% of AR requests being submitted by women and 60% submitted by men in 2019.

Figure 7. AR requests by Gender



Status at 31 december 2020

Figure 8. Status of AR requests as of 31 December 2020



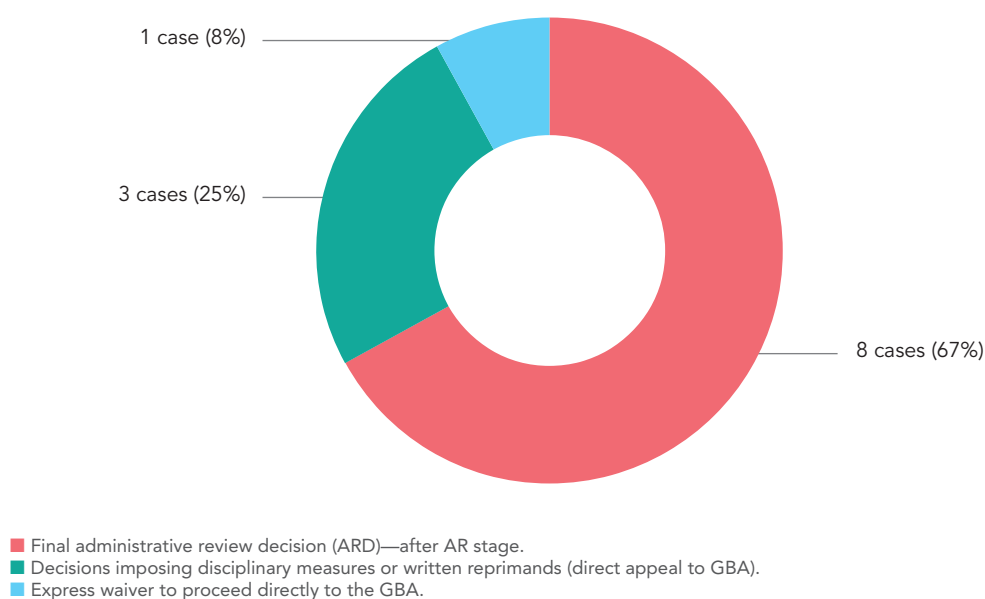
One case (related to mobility) was resolved amicably. In two (2) cases the original administrative decision was upheld, whilst three requests were found to be irreceivable for procedural reasons, resulting in a total of five final administrative review decisions being issued in 2020. Four of these were subsequently challenged before the GBA. One request received in December 2020 remained under review at year end.

Decisions further appealed

Appeals to the Global Board of Appeal in 2020

In 2020, the GBA received a total of 12 new appeals in respect of UNAIDS staff (compared to 15 in 2019)⁴. In one case, concerning separation, the UNAIDS Executive Director (EXD) waived the requirement to launch an administrative review, thus enabling the staff member to proceed directly to the GBA.

Figure 9. Decisions appealed to the GBA in 2020

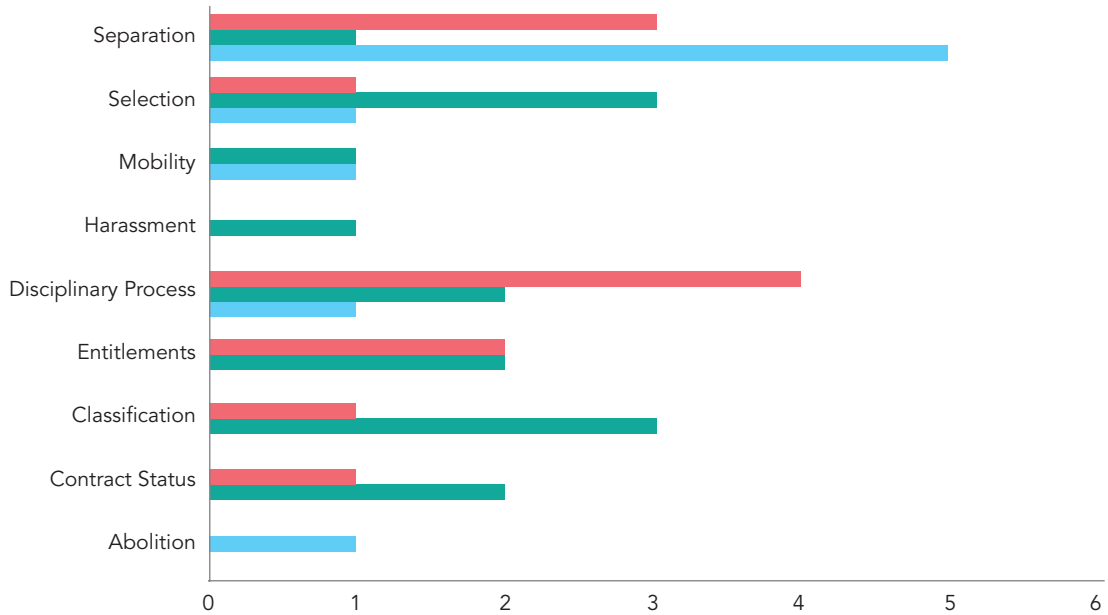


⁴ In accordance with paragraph 45 of the WHO eManual (III.12.3) pursuant to Staff Rule 1225.1, the following final administrative decisions are not be subject to administrative review under Staff Rule 1225 and shall be appealable directly before the GBA under Staff Rule 1230:

- decisions based on recommendations of the Advisory Committee on Compensation Claims (ACCC);
- decisions based on recommendations of a Classification Review Standing Committee, or otherwise taken under the applicable Procedures;
- decisions taken pursuant to the WHO Policy on the Prevention of Harassment and Sexual Harassment; and
- decisions imposing disciplinary measures or written reprimands pursuant to Staff Rule 1110 or Staff Rule 1115.

The appeals were submitted in the following categories:

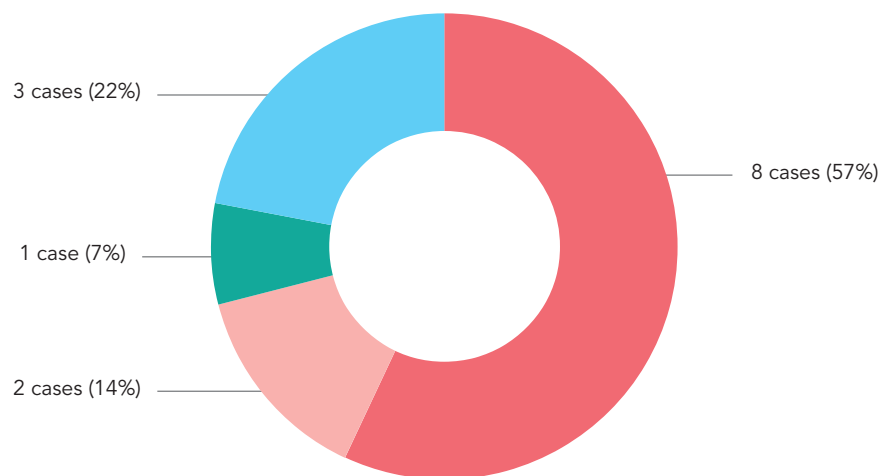
Figure 10. Appeals by category in 2018 (9), 2019 (15) and 2020 (12)



	Abolition	Contract Status	Classification	Entitlements	Disciplinary Process	Harassment	Mobility	Selection	Separation
2020	0	1	1	2	4	0	0	1	3
2019	0	2	3	2	2	1	1	3	1
2018	1	0	0	0	1	0	1	1	5

Final decisions made by the UNAIDS Executive Director in 2020 on GBA recommendations in appeals lodged in 2019:

Figure 11. GBA recommendations and EXD decisions on appeals lodged in 2019



- Dismissal of the appeal recommended by the GBA. Upheld by the EXD.
- Dismissal of the appeal with additional recommendations by the GBA. Upheld by the EXD.
- Recommendation to allow appeal in part and pay compensation. Rejected by the EXD, dismissing the appeal in its entirety.
- Recommendations to allow appeal in part. Upheld by the EXD.

For further details on GBA cases in 2020, reference is made to the 2020 annual report of the GBA⁵.

Complaints filed before the ILO Administrative Tribunal (ILOAT)

Three (3) Judgements were delivered by the ILOAT at its 129th and 130th sessions in 2020 concerning former UNAIDS staff members.

In two cases, one concerning reassignment, the second concerning claims of harassment, the ILOAT ordered that the impugned decisions be set aside, and that moral damages and costs be paid to the former staff member. In the third case, concerning termination of the former staff member's appointment due to the abolition of post, the ILOAT ordered that moral and material damages be paid, as well as costs.

All judgments were fully implemented without delay. The Tribunal's judgments are publicly available on the website of the ILOAT⁶.

In 2020, six (6) new complaints were lodged with the ILOAT challenging the final decisions of the UNAIDS Executive Director made in 2019 and 2020. In one instance, a case was withdrawn from the ILOAT following settlement of all claims.

As at 31 December 2020, nine (9) outstanding personnel matters (complaints) concerning UNAIDS staff remained pending with the ILO Administrative Tribunal.

5 <https://intranet.vconnect.who.int/homes/gba/documents/global%20board%20of%20appeal%20annual%20report%202020.pdf>

6 <https://www.ilo.org/tribunal/lang--en/index.htm>

PART II

Trends and lessons learned

Prevention and informal resolution:

Conflict prevention and informal resolution were further strengthened in 2020, with HRM collaborating more closely with various mechanisms and in-house stakeholders, and prioritizing informal settlement efforts, which resulted in contentious matters being frequently resolved at an early stage and informally, before escalating further. **As a result, 2020 showed a considerable decrease in formal litigation at the AR stage, with a reduction in cases by more than 50 %.**

Concerted efforts towards ensuring global outreach to staff and duty of care throughout the pandemic crisis may have been contributing factors in this respect, as well as improvements towards more consistent policy application, due diligence and transparency and ongoing constructive social dialogue and consultation with staff and staff representatives.

Accountability and consequence management:

A combined analysis of the AR and appeals case distribution also shows a continued trend of litigation concerning conduct and other matters resulting from strengthened consequence management, which is consistent with previous years and reflective of a sharper focus on further improving accountability and good governance.

Throughout and beyond the ongoing Alignment in 2021, UNAIDS will continue to further reinforce and support these efforts, including through culture-change initiatives towards improving transparency, respectful communication, and staff trust.

UNAIDS
Joint United Nations
Programme on HIV/AIDS

20 Avenue Appia
1211 Geneva 27
Switzerland

+41 22 791 3666

unaids.org