

# TERMS OF REFERENCE

**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 the UNAIDS  
Secretariat**

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**BACKGROUND**

In 2018, significant attention was focused on the issue of harassment, particularly sexual harassment, across multiple sectors, including the private sector, government, international organizations including the Joint Programme on HIV/AIDS (UNAIDS). It was a priority for UNAIDS moving forward to take stock of what has worked and what has not worked to prevent and address harassment, including sexual harassment, bullying and abuse of power in the workplace, and identifies best practices and concrete steps for responding better to harassment.

UNAIDS Secretariat has taken measures to prevent and address harassment in the workplace. In February 2018, a Five-Point plan was launched with the aim of ensuring that inappropriate behaviour and abuse of authority are identified early on, that the measures taken are properly documented and that actions follow due process and are swift and effective. In September 2018, the Five-point+ plan has evolved into a broader Dignity at Work agenda with four main thematic elements: Gender equality and diversity, inclusion, and non-discrimination; conflict, bullying, harassment and abuse of authority; mental health and wellbeing; and knowing your rights at work – policies and procedures, the internal justice system, and support services. A Dignity at Work Adviser programme was launched in October and dedicated capacity has been added to the Office of the Deputy Executive Director for Management and Governance to help take the plan forward in 2018-2019, and drive implementation of the recommendations of the Independent Expert Panel.

In addition, following the request from the UNAIDS Executive Director, the 2018 PCB Bureau agreed to take forward an Independent Expert Panel (IEP) to review the situation in UNAIDS, evaluate current policies and procedures, and provide firm recommendations on behalf of and in close consultation with the PCB, and to manage this process as expeditiously as possible. The 2018 PCB Bureau endeavoured to balance as best as possible the need for widespread consultation and support from the entire PCB for the work of the Panel with the need for a prompt response.

At the June 2018 PCB, the Board endorsed the steps taken by the Bureau and called for the UNAIDS Secretariat to provide its full support and cooperation to the Panel, including sharing all information necessary to the work of the Panel. It agreed that the priority should be for the Panel to be enabled and empowered to provide an authoritative review and a comprehensive set of recommendations. The PCB also agreed that, alongside the Panel report and Management Response, the UNAIDS Secretariat Staff Association (USSA) would present an update from at the 43<sup>rd</sup> PCB in December 2018.

In November, the 2018 PCB Bureau could not agree, by consensus, on the modalities to release the IEP report to the PCB members. Therefore, the independent legal counsel advised that the Bureau would need to put a vote to PCB members to resolve a lack of consensus in the Bureau through intersessional decision-making (as per paragraph 3 of the Annex 3 of Modus Operandi).

On 6 December, the intersessional decision-making concluded, and the Independent Expert Panel Report and Management Response were publicly released on the UNAIDS website in advance of the 43<sup>rd</sup> meeting of the UNAIDS Programme Coordinating Board (PCB), which took place from 11-13 December 2018.

The Independent Expert Panel report, Management Response, and Statement by the representative of the UNAIDS Staff Association have been made publicly available on the UNAIDS website with the references UNAIDS/PCB (43)/CRP1, UNAIDS/PCB (43)/18.22 and UNAIDS/PCB (43)/18.23, respectively and can be found on the PCB website at: <http://www.unaids.org/en/whoweare/pcb/43>

The USSA was exceptionally invited by the Board to provide a statement to the 43rd PCB on staff perspectives to the IEP report and the management response. In their statement the USSA reported on staff reactions to the IEP report and the management response.

A survey carried out by the USSA showed that the majority of staff felt they had a chance to provide inputs into the IEP's work, had trusted the process to have been confidential and had been kept sufficiently informed. Overall, 47% of respondents agreed that "the findings and recommendations of the Panel accurately describe the UNAIDS workplace", while 38% percent said they disagreed. 56% of respondents agreed that "the findings and recommendations are helpful in strengthening UNAIDS policies, standards of practice and culture" whereas 25% disagreed. The USSA reported clear differences in the views of staff in headquarters (HQ) versus the field, with HQ staff agreeing in higher numbers than field staff that the IEP report accurately described the UNAIDS workplace and that the recommendations were helpful, while staff in the field were more likely to agree that the management response provided a clear way forward for UNAIDS than staff in HQ.

The USSA emphasised the passion and commitment to the AIDS response that staff continued to demonstrate despite having been in the centre of a very public discussion about their workplace, and expressed confidence in the collective ability of UNAIDS to turn the current situation into a positive and lasting change. The USSA called for accountability by senior leadership; peer-led efforts to boost staff morale; prevention of retaliation; increased transparency and fairness, especially in human resource decisions; continued investment in constructive staff-management dialogue and for dedication of resources to the change agenda. The USSA also reminded the Board that by protecting and investing in the wellbeing of staff, the UNAIDS Secretariat can maximise the difference it makes in the AIDS response.

The PCB acknowledged the efforts of the UNAIDS Secretariat through 2018 to tackle harassment and requested that a PCB working group is established to provide guidance on the way forward for the Board to better monitor and evaluate actions undertaken by UNAIDS Secretariat with the view of ensuring zero tolerance against harassment, including sexual harassment, bullying and abuse of power at the UNAIDS Secretariat. This experience could also be used to inform the broader UN system.

In accordance with the decisions of the 43rd meeting of the UNAIDS Programme Coordinating Board (PCB), which took place from 11-13 December 2018, a working group<sup>1</sup> is to be established to oversee the immediate implementation of the management response and to further review the conclusions and recommendations contained in the Independent Expert Panel (IEP) report, and the management response, proposing options to the next PCB meeting, for strengthening the PCB's monitoring and evaluation role on the UNAIDS Secretariat with the view of ensuring zero tolerance against harassment, including sexual harassment, bullying and abuse of power at the UNAIDS Secretariat. At this meeting, the Board also requested UNAIDS Secretariat fully implement the actions set out in the

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<sup>1</sup> [http://www.unaids.org/en/resources/documents/2018/PCB43\\_Decisions](http://www.unaids.org/en/resources/documents/2018/PCB43_Decisions)

Management Response, and develop a more detailed, fully costed Management Action plan, complete with review mechanisms and timeline, with regards to the IEP recommendations, which are under its responsibility, in a robust, measurable, timely and ambitious way for consideration by the PCB by intersessional decision making.

**Decision 5.14 of the 43rd PCB meeting “Decides to establish a working group of the PCB to oversee the immediate implementation of the management response and to further review the conclusions and recommendations contained in the IEP report, and the management response, proposing options to the next PCB meeting, for strengthening the PCB’s monitoring and evaluation role on the UNAIDS Secretariat with the view of ensuring zero tolerance against harassment, including sexual harassment, bullying and abuse of power at the UNAIDS Secretariat.”**

Responding to the above decisions, the Working Group will base its review on key background documents including the IEP report, prior reports to the PCB from the WHO Office of Internal Oversight Services and the USSA, the UNAIDS Management response, and importantly on the UNAIDS Management Action Plan which will guide UNAIDS Secretariat in strengthening its human resources management systems.

In addition, the Working Group will examine the existing institutional frames that allow regular reporting to the Board, including: the UNAIDS Strategy 2016-2021, the UBRAF 2016-2021 with its performance and financial reports, future reports to the PCB, and reports from the WHO Office of Internal Oversight Services, as well as updates on strategic human resources management issues. The UNAIDS Secretariat will embed their responses to the IEP recommendations as captured in the Management Action Plan, in the above noted reporting vehicles.

## SCOPE OF WORK

The Working Group is requested to provide options/ recommendations to the PCB for strengthening the PCB’s monitoring and evaluation role on the UNAIDS Secretariat with the view of ensuring zero tolerance against harassment, including sexual harassment, bullying and abuse of power at the UNAIDS Secretariat.

The Working Group is tasked to:

1. **Review** the findings of the IEP report and the UNAIDS Secretariat management response as well as prior reports to the PCB from the WHO Office of Internal Oversight Services and the USSA;
2. **Review and analyse**<sup>2</sup> the UNAIDS Secretariat Management Action Plan in response to the IEP report and prior reports to the PCB from the WHO Office of Internal Oversight Services and the USSA;
3. **Provide recommendations** to the Board to more effectively monitor and guide the work of UNAIDS Secretariat in strengthening and further institutionalising existing systems to tackle harassment, including sexual harassment, bullying and abuse of authority at the UNAIDS Secretariat;
4. **Recommend options** for enhanced reporting on strategic human resources management issues to the Programme Coordinating Board including through strengthening the coherence of existing reporting systems (UBRAF performance and financial reporting and the update on strategic human resources management issues as well as internal and external auditor reports);
5. The Working Group should **also consider and discuss** the role and importance of an independent evaluation function in efforts to strengthen organisational change, accountability and

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<sup>2</sup> Including review and incorporate relevant broader UN-system wide policies, and relevant current UN reform efforts, related to eliminating and responding to harassment, abuse of authority

transparency more broadly. The views of the working group will be reflected in UNAIDS revised evaluation policy to be presented to the 44th PCB meeting.

## **ESTABLISHMENT OF THE WORKING GROUP**

Drawing on previous experiences of the establishment of PCB sub-committees and working groups, the membership of the working group shall be geographically, and gender balanced and include a total of 11 members, including five members nominated by member states, two civil society representatives nominated by the PCB NGOs, two Cosponsor representatives and two representatives of UNAIDS Secretariat. The Working Group shall elect a Chair from within its membership.

The representatives of the Cosponsors and the Secretariat (1. human resources and 2. governance) would be expected to bring expertise in human resources management issues within the UN System.

### **Members of the Working Group shall have a mix of the following knowledge and skills:**

- Familiarity with the work of UNAIDS particularly the Secretariat, at country, regional and/or global levels;
- Experience in UN Governance Bodies and human resources management systems;
- In-depth knowledge and experience in:
  - Human rights, ethics and gender equality;
  - Organizational culture, leadership and performance;
  - Sexual Harassment, bullying and abuse of authority
  - Human resource expertise, including workplace discrimination (all forms);
  - Violence against women and men in all their diversity, including sexual exploitation and abuse, victims advocacy;
  - International Organisations and multi-cultural environments.
  - Integrity in public life and experience of public oversight bodies.

The PCB Bureau, in accordance with its mandate to ensure the timely and effective action related to the Board's functioning in collaboration with the Secretariat, would facilitate the establishment of the Working Group through a call for nominations from the different constituencies.

Following its establishment, the Working Group is envisaged to have at least three face-to-face meetings and, in collaboration with the Secretariat, possibly organize one multi-stakeholder consultation to validate the Working Group's recommendations prior to their presentation to the PCB.

## **DELIVERABLES**

The Working Group is expected to:

1. Present the process and initial findings to the 28 March Special Session of the PCB;

2. Present a report to the 44th meeting of the PCB, including:

- recommendations for more effective guidance and monitoring from the Board on UNAIDS Secretariat's work to strengthen existing systems to tackle harassment, including sexual harassment, bullying and abuse of power at the UNAIDS Secretariat and
- embedding this into existing reporting systems, including reporting on strategic human resources management issues and the report of the auditors for enhancing reporting to the PCB.

3. In addition, the Working Group is expected to provide comments on UNAIDS revised evaluation policy, which will be presented to the 44th meeting of the PCB. Given the potential need to carry work forward to the 45th PCB, a decision will need to be made during the 44th meeting regarding any future action by the Working Group.

## **TENTATIVE SCHEDULE**

### **Early February 2019**

- PCB Bureau sends Terms of Reference for approval with call for nominations to all PCB members;
- PCB Bureau engages with regional groups to ensure that all regions have a nominee.

### **End February 2019**

- Initial discussion and meeting to review the terms of reference and expected outcomes of the Working Group;
- Agreement on modalities of work and division of labour among members of the working group;
- Validation of schedule of work and deliverables.

### **March 2019**

- Conduct analysis of the IEP report, UNAIDS Management Response, UNAIDS Management Action Plan, Staff Association statements, and broader UN-system wide policies and reforms
- Review of the initial findings of the review and the analysis and frame initial draft of recommendations.

### **28 March 2019**

- Presentation of the Working Group's process and initial findings to the Special Session of the PCB
- Followed by the 2nd meeting of the working group to:
  - Identify further analyses and consultations as necessary.

### **April 2019**

- Conduct the identified further analyses and consultations;
- Prepare a final draft of the Working Group report and recommendations for:
  - The way forward – identifying strategies for long term institutionalisation of findings of the IEP report;
  - Strategies for PCB monitoring and evaluation of UNAIDS Secretariat's implementation of these responses.

**May 2019**

- 3rd meeting of the Working Group to finalise its findings and recommendations, possibly followed by a multistakeholder consultation to validate the recommendations of the Working Group

**June 2019**

- Presentation of the recommendations of the Working Group to the 44th PCB.

**ESTIMATED BUDGET**

<b>Meetings of the Working Group</b>	<b>Estimated cost (US\$)</b>
Meeting costs (for a total of 3 meetings – assuming they are held in Geneva)	\$2,000
Travel (people for 3 meetings– flights @ \$ per person)	\$36,000
Per diem (people for 3 meetings– 6 days @ \$ per day)	
Contingencies	\$15,000
	<b>\$53,000</b>

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