
Report Summary

Laurie Newell, Chair, PCB Working Group

**PCB Working Group 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**

Introduction – Decision to Establish Working Group

Decision 5.14, 43rd Meeting of the PCB, December 2018

“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.”

Introduction – Working Methods

Working Group (WG) Membership

- 5 Member States
- 2 NGOs
- 2 Cosponsor representatives
- 2 UNAIDS Secretariat Staff members

Process

- Document review
- Meetings (11)
- Dialogue
- Benchmarking
- Three months from 1st meeting to final paper
- Consensus decision-making

Ongoing dialogue and collaboration with UNAIDS Secretariat leads on:

- the MAP
- HR Update
- Evaluation Policy
- USSA

WG input has shaped the above documents to this PCB

Supported by Governance Team

Relation to UNAIDS Secretariat Deliverables

Management Action Plan

- Met three times with MAP lead for dialogue and to provide input
- Met with the lead of the inter-agency working group to strengthen sexual harassment investigations – which informed parts of the MAP
- MAP actions are considered in Annex 3 of the WG paper

Update on Human Resources management issues

- UNAIDS Secretariat Director, Human Resources was a member of the WG
- Early discussion and WG benchmarking with JIU reports and other UN entities informed some aspects of the HR update

Evaluation Policy

- Distinct piece of work over the last year, on which the WG was asked to comment
- Evaluation covers the work of UNAIDS Secretariat and the HIV-related activities of the Cosponsors
- Two meetings with head of Evaluation – WG endorses the policy

Paper Outline

Background

Parts I & II of TOR: Review IEP report, USSA statements, past WHO/IOS reports, along with UNAIDS Secretariat Management Response, MAP

Parts III and IV of TOR: Strengthening systems to address harassment and enhance reporting

Part V of TOR: Evaluation Policy

Other Matters – PCB Dedicated Capacity to focus on these issues

Conclusion

Annexes (Annex 3 – IEP recommendations, MAP and good practice mapping)

Working Group welcomes the following (1):

The Working Group *welcomes and notes with appreciation:*

- Early discussions between the UNAIDS Secretariat and WHO on a service-level agreement on investigations;
- Secretariat's action to stay abreast of WHO plans to issue a new policy covering sexual harassment in the third quarter of 2019;
- Robust, evidence-based human resources report to this PCB;
- HR report stating that direct reporting by Ethics to the PCB could be considered in future;

Working Group welcomes the following (2):

-Data on disciplinary cases, administrative sanctions and administrative review statistics in the HR report;

-Robust, revised Management Action Plan, including ensuring the UNAIDS Ethics function complies with JIU recommendations, including on reporting;

-Well-developed UNAIDS Evaluation Policy established through a transparent and rigorous process; and

-Collaborative working processes led by the UNAIDS Secretariat in all of these.

Recommendations to the PCB (1):

Report of the Working Group

- a. Take note of the PCB Working Group report;
- b. Take note of the enhanced update on strategic HR management issues (see agenda item 4);
- c. Request UNAIDS Executive Director to ensure that the Secretariat Ethics function conforms to the Standards recommended by the JIU;
- d. Request UNAIDS Executive Director to ensure annual publication of a list of disciplinary cases and actions taken, in conformity with the relevant JIU recommendation;

Recommendations to the PCB (2):

Management Action Plan

- e. Welcome revised MAP and support the required efforts to implement it fully and request the UNAIDS Secretariat to report on MAP implementation through its annual update on strategic HR management issues;

Evaluation Policy Paper

- f. Approve the UNAIDS Evaluation Policy and request that an evaluation plan is presented to the 45th meeting as well as annual reporting on the implementation of the evaluation plan.

Future PCB dedicated capacity

PCB Bureau asked WG to comment on any continuation of this work.

The WG, with the support of the PCB Bureau Chair and Vice-Chair,

- sees value in establishing a dedicated technical capacity to receive reports, review them
- and guide the larger PCB on issues related to the WG's report,
- improving the PCB's ability to monitor and guide the Secretariat on harassment, organizational culture change and human resources issues.

The PCB may wish to

- request PCB Bureau to develop a ToR to create a dedicated capacity
- after the PCB meeting and seeking agreement on these through an inter-sessional decision making process as set out in the Modus Operandi.

Recommendations – UNAIDS Secretariat

In relation to the UNAIDS Secretariat, the Working Group:

- *Encourages* it to continue and conclude a service-level agreement with WHO/IOS on investigations;
- *Fully supports* UNAIDS' intention to publish a UNAIDS Secretariat-specific policy covering sexual harassment if timelines and alignment with WHO are impractical;
- *Calls on* the UNAIDS Secretariat to build the capacity of the Global Advisory Council by ensuring a) training for its members, b) access to a secretariat support, and c) access to professional legal advice, through existing legal resources available to UNAIDS;
- *Encourages* it to advocate with WHO/IOS for sufficient staffing of the investigations function, once target investigation timelines are established.

Recommendation to the World Health Organization

In relation to the WHO, the WG:

- *Recommends* that the Office of Internal Oversight Services conclude all outstanding UNAIDS Secretariat cases as soon as possible, to provide clarity and assurance for UNAIDS Secretariat staff.

Recommendations to the Joint Inspection Unit

In relation to the Joint Inspection Unit current JIU study on the investigations function in the United Nations system, the WG recommends:

- *Recommends* that the current JIU study on the investigations function in the United Nations system review concluded cases, including sexual harassment cases, from both the ILOAT and UNAT tribunal systems to assess whether using the “balance of probabilities” standard would have an impact on outcomes;
- *Recommends* that the JIU, in its current review of investigations functions, review its 2011 recommendation to establish a Joint United Nations Investigation Unit, taking into account the related concerns raised by the Chief Executives Board in 2012.

Items discussed and not agreed

Messaging to the Secretary-General

- While important to WG members, concern was raised that this was outside the WG's Terms of Reference, so this has not been addressed in the paper

Governance Observations

- Most group members agreed that, as a United Nations entity, the UNAIDS Secretariat is an outlier with relation to governance of human resources issues, in that its governing body does not have formal authority for oversight of human resources matters;
- However, a concern was raised that this matter is outside the WG's Terms of Reference, so it has not been addressed in the paper

Conclusion

UNAIDS Secretariat is implementing a credible, sincere process to create a fully enabling workplace, free of harassment, including sexual harassment, bullying and abuse of power.

MAP commitments are generally in line with good practice.

UNAIDS Secretariat will benefit from UN system inter-agency discussions and agreements on preventing and addressing sexual harassment in the workplace.

UNAIDS Secretariat must sustain its efforts and measure results over time.

PCB should endorse, monitor and guide this work, particularly MAP implementation.

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