

Conduct and discipline Annual report (2020-2021)



Prepared by
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Introduction

In 2020, UNEP reported on complaints of possible unsatisfactory conduct from 1 January 2019 to 31 July 2020.

This report provides an overview of the process which needs to be followed when complaints on possible unsatisfactory conduct are raised, data on complaints involving allegations of wrongdoing against staff members and other personnel or entities, including implementing partners, for the year 1 August 2020 to 30 September 2021. In addition, this report provides information on action taken by the Head of Entity to fulfill the obligations in the applicable UN regulations, rules, issuances and UNEP internal policies and upcoming activities regarding UNEP's work culture at large.

For the purpose of this report, UNEP is following the Department of Management Strategy, Policy and Compliance (DMSPC) / Office of Human Resources (OHR) classification of types of misconduct:

Assault (verbal and physical)	Misuse of official documents
Financial disclosure	Misuse of or failure to exercise reasonable care in relation to UN property or assets
Fraud, misrepresentation and false certification	Outside activities and conflict of interest, including Procurement Irregularities
Gross negligence	Private legal obligations
Harassment, including sexual or gender harassment	Retaliation
Inappropriate or disruptive behaviour	Sexual exploitation and abuse
Misuse of information and communication technology resources	Theft and misappropriation
Misuse of Office	Violation of local laws

Summary of the process for addressing unsatisfactory conduct

The Office of Internal Oversight Services (OIOS) through its Investigations Division retains the ultimate authority to review all complaints about unsatisfactory conduct.

UNEP is required to transfer to OIOS all complaints received. OIOS must determine whether OIOS will review the complaint and conduct an investigation or refer it to UNEP to take the appropriate action.

The complaint is first assessed by OIOS through a preliminary assessment to determine whether the complaint should be investigated, or other action taken. If the allegations are to be investigated, investigators are appointed (either by OIOS or by the Head of Entity¹ depending on who is initiating the investigation) and will compile a fact-finding investigation report.

¹ The Head of Entity in UNEP is the Executive Director.

Investigations are conducted by investigators who are either trained by OIOS or persons who have had experience in conducting workplace investigations. Under [ST/SGB/2019/8 Addressing discrimination, harassment, including sexual harassment and abuse of authority](#) there is a strict requirement for the ED to appoint OIOS trained investigators for complaints related to harassment, abuse of authority and discrimination. For other reports for prohibited conduct listed under [ST/AI/2017/1 Unsatisfactory, investigation and the disciplinary process](#) these can either be undertaken by trained investigators and/or those with prior experience. DMSPC has a roster of investigators who have been trained by OIOS throughout the UN. Investigators on the roster can serve as investigators for any UN entity that requires an investigator. Currently there are 13 trained investigators in UNEP on the roster of investigators. Preliminary assessment do not require investigators. Investigators are appointed only for the purpose of a fact-finding investigation either by OIOS or by the Head of Entity.

Details of how investigations are conducted can be found in the [OIOS Investigations Manual](#). The Head of Entity reviews the investigation report and decides whether the alleged conduct is found to be substantiated and may amount to misconduct and should be referred to the Assistant Secretary-General/OHR (ASG/OHR) for further review and disciplinary process as necessary

If not, the matter will be closed. The Head of Entity will also consider whether to take managerial or administrative action.

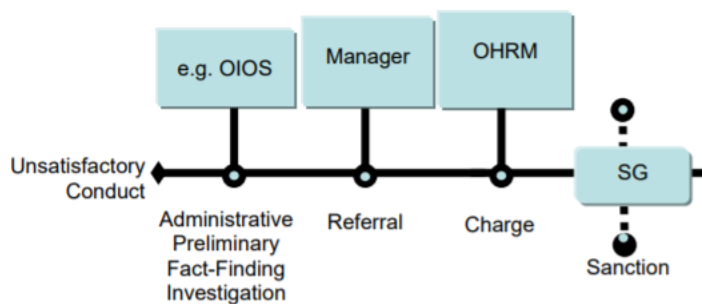
If a disciplinary process is initiated by the ASG/OHR/DMSPC, the alleged offender is provided with formal allegations of misconduct together with the investigation report and supporting documentation and is entitled to seek legal advice and provide comments. Further investigation may be necessary.

At the end of the disciplinary process, the DMSPC/OHR may (a) close the case with no action, (b) refer the case to the Head of Entity for managerial or administrative action² and/or (c) recommend to the Secretary General to impose disciplinary measures³ if the facts have been established and the behavior amounts to misconduct. DMSPC/OHR informs the affected individual of the results of the disciplinary process. The Diagramme No. 1 below from OIOS Investigations Manual summarizes the process.

² As per ST/AI/2017/1, “Administrative measures” means an oral or written reprimand, reassignment and/or change of duties; and “Managerial action” means an oral or written caution, warning or advisory communication, training, coaching and/or referral of the staff member to the Staff Counsellor.

³ Staff rule 10.2 (a) provides that disciplinary measures may take one or more of the following forms (i.e., more than one measure may be imposed in each case): a) Written censure; b) Loss of one or more steps in grade; c) Deferment, for a specified period, of eligibility for salary increment; d) Suspension without pay for a specified period; e) Fine; f) Deferment, for a specified period, of eligibility for consideration for promotion; g) Demotion, with deferment, for a specified period, of eligibility for consideration for promotion; h) Separation from service, with notice or compensation in lieu of notice, and with or without termination indemnity; i) Dismissal.

Diagramme No. 1



Main applicable regulations and rules for this process include:

- [UN Staff Regulations and UN Staff Rules \(ST/SGB/2018/1\)](#).
- Unsatisfactory conduct, investigation and the disciplinary process (ST/AI/2017/1).
- [Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations \(ST/SGB/2017/2/Rev.1\)](#).
- Addressing discrimination, including sexual harassment and abuse of authority (ST/SGB/2019/8).

Statistics of complaints from 1 August 2020 to 30 September 2021 and actions taken

- **Complaints received**

This report reflects a total of 16 complaints both received by UNEP and OIOS. Two (2) of these complaints relate to the previous reporting period in 2020 but were not reported in the 2020 report. Out of these 2, 1 complaint was received before the reporting period for 2020 and is being reported in the current period since UNEP investigated the allegations during the current reporting period. As for the second complaint, it originates from a complaint that was reported in the 2020 reporting period. OIOS' decision to investigate the complaint was made in the current reporting period and so it is being reported in the current reporting period.

Of the 16 complaints, 8 complaints were submitted directly to UNEP (2 of these complaints related to the same staff member and the same issue but were received by UNEP at different periods. The 2 complaints were merged by OIOS as 1 complaint).

UNEP referred the 8 complaints received to OIOS for OIOS to determine whether OIOS would investigate the complaint or refer it back to UNEP for the appropriate action to be taken.

In addition to the 8 complaints referred by UNEP, OIOS received 8 complaints directly.

Out of the 16 complaint, OIOS referred 9 complaints back to UNEP for UNEP to take the appropriate action (the complaints referred by OIOS to UNEP included some of the complaints UNEP had referred to OIOS and some of those that OIOS received directly). Seven (7) complaints

remained with OIOS. As indicated above, 2 of the 7 complaints were merged by OIOS as one complaint resulting in only 6 complaints resting with OIOS. Out of these 6 complaints, 2 were investigated by OIOS and the investigation report transmitted to the ASG/OHR. 2 complaints are currently being investigated by OIOS. The last 2 complaints were reviewed by OIOS and closed.

Six complaints received were anonymous. UNEP conducted a preliminary assessment of the 9 complaints that were referred to UNEP by OIOS. Of these complaints, 4 are open, 3 have been closed, 1 has been suspended due to the health situation of the staff member, and 1 was investigated and transmitted to the ASG for review of the investigation report.

A detailed table (Table No. 1) on complaints received during the reporting period is attached as Annex 1.

The Fraud and Corruption report is available [here](#). The statistics in the Fraud and Corruption report should be read together with the current annual Conduct and Discipline annual Report. The Conduct and Discipline annual report also reflects the cases for fraud and corruption which were received during the reporting cycle 1 August 2020 to 30 September 2021.

- **Actions taken**

Recommendations of managerial action were made and are currently being implemented in the context of one of the complaints that was closed. These actions included identifying improving the performance of the concerned staff member and improving the work process in the concerned UNEP Office by identifying written and clear internal instruction and workflows. For the other 2 complaints that were closed, no further actions have been taken as it was found that allegations did not amount to misconduct.

Summary table of complaints from 1 August 2020 to 30 September 2021

- **Types of misconduct**

The table below shows the types of misconduct involved in the complaints received during the reporting period and the quantity of such complaints.

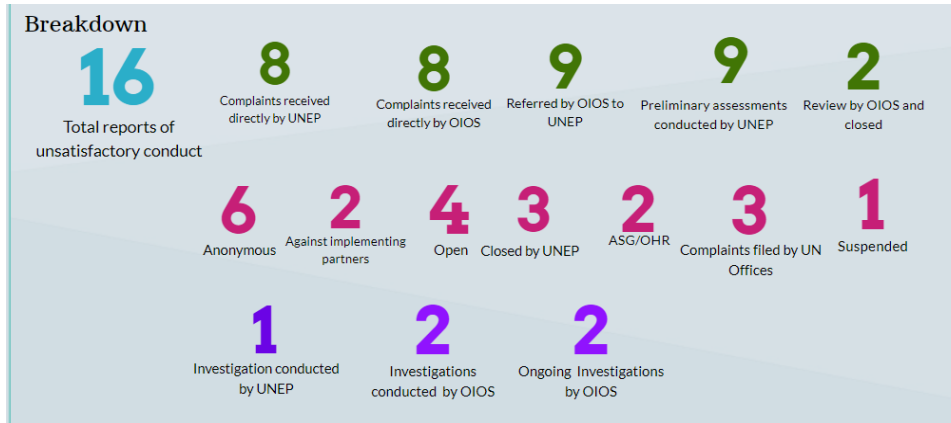
Table 2. Number of complaints vis a vis types of misconduct.

Type of misconduct	No.
Outside activities and conflict of interest, including procurement irregularities	4
Harassment, including sexual or gender harassment	2
Fraud, misrepresentation and false certification	5
Inappropriate behaviour	1
Recruitment	1
Domestic violence and false declaration in Human Resources records	2
False statement	1
Total	16

- **Process status of complaints**

The following Graph No. 1 shows a breakdown of complaints in terms of their status process.

Graph No. 1



Enhancing UNEP’s work culture: Milestones

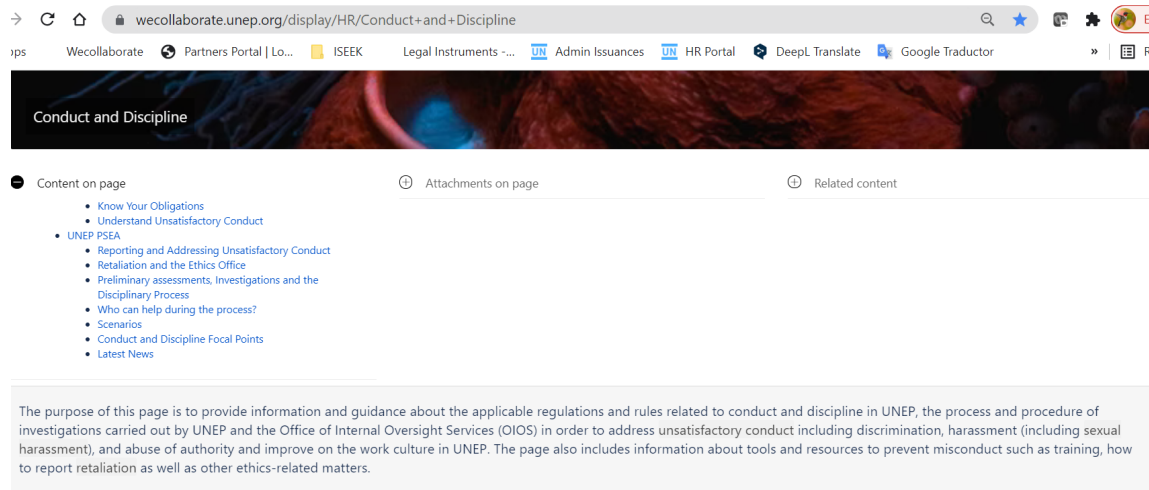
- **Actions taken so far**

During this period UNEP Head of Entity has implemented several actions directed at enhancing UNEPs work culture were taken. These actions are summarized in the Graph No. 2 below. The actions refer to designating an additional Conduct and Discipline Focal Point, manager of DMSP/OHR Case Management Tracking System and addressing Sexual Exploitation and Abuse (SEA).

Graph No. 2



Furthermore, UNEP has been improving and updating its internal Conduct and Discipline website. A snapshot of such website is presented here:



• **What to look forward**

The following Graph No. 3 summarizes important upcoming awareness actions to foster a enhanced work culture in UNEP which revolve at continue to delivering trainings to promote dignity and respect in the workplace through the United to Respect Dialogues.

Graph No. 3



Conclusion

Compare to the previous reporting period, complaints raised by staff members and other personnel or entities, including implementing partner have decreased. The types of misconduct have also narrowed down and for this period they have mainly concentrated on human resources issues. UNEP has increased its capacity to handle misconduct complaints and focused on preventive measures including those on SEA.

Glossary of terms

Glossary

- ASG/OHR- Assistant Secretary-General
- CDFP- Conduct and Discipline Focal Point
- CMTS- Case Management Tracking System
- CPR- Committee Permanent Representatives
- SH- Sexual Harassment
- SEA- Sexual Exploitation and Abuse
- PSEA- Prevention of Sexual Exploitation and Abuse
- General Module: Tracking system to record complaints for unsatisfactory conduct which were resolved informally.
- Misconduct risk register: identifies priority conduct and discipline areas that UNEP needs to focus on to address misconduct risks
- ED's certification letter: Annual letter sent by the ED to the CPR to certify that the ED has taken the necessary actions regarding SEAs AND SH.

ANNEX 1

List of cases and presumptive cases of fraud and corruption reported from 1 August 2020 to 31 September 2021

	PERSONNEL / ENTITY IMPLICATED	Type ¹	COMPLAINT / CASE	CONCLUSION ACCORDING TO THE REPORT
1	Staff member	Failure to disclose sibling relationship in HR record	Staff member A failed to disclose in their PHP that Staff member B (who had previously been employed in the Organisation), the sibling was employed with the Organisation when applying for several positions. UNEP conducted the investigation and transmitted the investigation report to the Assistant Secretary-General/Office of Human Resources (ASG/OHR).	At the time of the drafting of the annual report, the case was with the ASG/OHR for review of the investigation report.
2	Staff member	Failure to report sexual harassment	A staff member knew that an intern was being sexually harassed but failed to report. OIOS conducted investigation and transmitted the investigation report to ASG/OHR.	At the time of the drafting of the report the case was under review by the ASG/OHR.
3	Staff member	Inappropriate behaviour	It was report that a married UNEP Personnel was having an affair with another UNEP Personnel. The case was referred to OIOS by UNEP. OIOS closed the case and informed UNEP of the closure. UNEP notified the alleged offender of the closure of the case.	The actions of the staff member were not considered a misconduct. The matter is closed.
4	Staff member	Harassment	A staff member complained that the First Reporting Officer had harassed the staff member.	Following a preliminary assessment, it was determined that the complaint related to a performance issue and was work related. The preliminary assessment was closed. The matter was closed with a recommendation for the concerned UNEP Office to take steps to resolve the issues between the staff members and their First Reporting Officer (FRO).
5	Staff member	Recruitment irregularities/Abuse of authority/Discrimination	An anonymous complaint alleging favouritism, bias, lack of fairness and transparency by a staff member in the selection process of an Individual Contractor.	It was noted that the recruitment of the Individual Contractor was in line with applicable UN Administrative Instruction for hiring consultants. The actions of the staff member did not constitute a misconduct.

¹ See the [Annual Fraud and Corruption](#) report for the list of all cases related to fraud and corruption.

	PERSONNEL / ENTITY IMPLICATED	Type ¹	COMPLAINT / CASE	CONCLUSION ACCORDING TO THE REPORT
				The matter is closed.
6	Staff member	False report	Report alleged that a staff member filed a false report to UNDSS	Matter suspended as staff member is on sick leave
7	Staff member	Harassment, bullying and abuse of authority	Staff member alleged that a colleague occupying a senior position had harassed, bullied her and abused her authority in asking her to carry out tasks while she was sick. The report also indicated that senior management in the concerned UNEP Office failed to address the behaviour of the senior colleague when it was reported.	Preliminary assessment was conducted, and it was noted that the disagreements between the staff member and the colleague were work related and should be addressed by senior management in the concerned UNEP Office. Matter closed
9	Staff member	Unauthorised outside activity	It was alleged that staff member engaged in outside activity without prior authorization. Following the preliminary assessment, it was noted that the staff member had engaged in outside activity which was approved but the prior approval was not extended.	Staff member issued with a reprimand letter. The staff member was reminded of the need to ensure that any outside activity is approved before engaging in and that such engagement is extended to cover all the periods intended for the activities. Matter closed.