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| TIEMPO CLIMA AGUA | Organización Meteorológica Mundial  **CONGRESO METEOROLÓGICO MUNDIAL**  **Decimonovena reunión** Ginebra, 22 de mayo a 2 de junio de 2023 | **Cg-19/Doc. 6.1(3)** |
| Presentado por: Secretario General  22.V.2023  **VERSIÓN 1** |

**PUNTO 6 DEL ORDEN DEL DÍA: CUESTIONES GENERALES, JURÍDICAS, REGLAMENTARIAS, FINANCIERAS, ADMINISTRATIVAS Y DE POLÍTICA**

**PUNTO 6.1: Enmiendas al Reglamento General, al Reglamento Financiero y al Estatuto del Personal (*Documentos fundamentales Nº 1* (OMM-Nº 15)) y al *Reglamento Técnico* (OMM-Nº 49), Volumen I — Normas meteorológicas de carácter general y prácticas recomendadas**

# ENMIENDAS AL ESTATUTO DEL PERSONAL

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| **RESUMEN**  **Documento presentado por:** el Secretario General, para actualizar el Estatuto del Personal de conformidad con resoluciones y recomendaciones anteriores del Consejo Ejecutivo.  **Objetivo estratégico para 2020-2023:** 6.1 — Órganos normativos.  **Consecuencias financieras y administrativas:** actualización del Estatuto del Personal.  **Principales encargados de la ejecución:** el Secretario General y el Consejo Ejecutivo.  **Cronograma:** en curso.  **Medida prevista:** aprobar el [proyecto de Resolución 6.1(3)/1 (Cg-19)](#_Proyecto_de_Resolución). |

**INFORMACIÓN GENERAL**

Como consecuencia de la adhesión de la Organización Meteorológica Mundial (OMM) al mecanismo de justicia interna de las Naciones Unidas en 2020, era necesario actualizar el Estatuto del Personal de la Organización para armonizarlo con el del sistema común de las Naciones Unidas. Estas enmiendas se refieren principalmente a los derechos y obligaciones de los miembros del personal, así como a las disposiciones que regulan los recursos contra las decisiones administrativas y el procedimiento disciplinario.

**Medida prevista**

Se invita al Congreso a aprobar el proyecto de Resolución 6.1(3)/1.

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# PROYECTO DE RESOLUCIÓN

## Proyecto de Resolución 6.1(3)/1 (Cg-19)

## Revisión del Estatuto del Personal de la Organización Meteorológica Mundial

El CONGRESO METEOROLÓGICO MUNDIAL,

**Observando** que el [artículo 8 d)](https://library.wmo.int/doc_num.php?explnum_id=11189#page=18) del Convenio de la Organización Meteorológica Mundial (OMM) autoriza al Congreso a establecer los reglamentos por los que se rigen los procedimientos de los diferentes órganos de la Organización, especialmente el Estatuto del Personal de la OMM,

**Observando también** los artículos [10](https://library.wmo.int/doc_num.php?explnum_id=11189#page=119) y [11](https://library.wmo.int/doc_num.php?explnum_id=11189#page=120) del Estatuto del Personal y los artículos [1.1](https://library.wmo.int/doc_num.php?explnum_id=11189#page=113), [1.2](https://library.wmo.int/doc_num.php?explnum_id=11189#page=113), [1.3](https://library.wmo.int/doc_num.php?explnum_id=11189#page=113), [4.5](https://library.wmo.int/doc_num.php?explnum_id=11189#page=117), [10](https://library.wmo.int/doc_num.php?explnum_id=11189#page=119) y [12](https://library.wmo.int/doc_num.php?explnum_id=11189" \l "page=120) de dicho Estatuto,

**Recordando:**

1. [la Resolución 16 (EC-72) — Enmiendas al Estatuto del Personal,](https://library.wmo.int/doc_num.php?explnum_id=10523#page=92)
2. la [Recomendación 19 (EC-76)](https://meetings.wmo.int/EC-76/Spanish/2.%20VERSI%C3%93N%20PROVISIONAL%20DEL%20INFORME%20(Documentos%20aprobados)/EC-76-d08-HR-MATTERS-approved_es.docx?d=w386f58d912124e1c803ead438ade9aae) — Modificaciones del Estatuto del Personal,

**Decide** que el Estatuto del Personal, tal y como se presenta en el [anexo](#AnexoResolución) a la presente Resolución, entre en vigor a partir del 1 de julio de 2023.

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[Anexo: 1](#AnexoResolución)

**Anexo al proyecto de Resolución 6.1(3)/1 (Cg-19)**

### Revisions of the Staff Regulations of the World Meteorological Organization

### New Articles 10 and 11 – Disciplinary Measures and Appeals approved by the Executive Council though Resolution 16 (EC-72) subject to approval by Congress

### Article 10 Disciplinary Measures

Regulation 10.1 The Secretary-General may impose disciplinary measures on staff members ~~whose conduct is unsatisfactory. He may summarily dismiss a member of the staff for serious misconduct.~~ who engage in misconduct. Sexual exploitation and sexual abuse constitute serious misconduct.

Regulation 10.2 ~~The Secretary-General shall establish administrative machinery with staff participation which shall be available to advise him in disciplinary cases.~~ With respect to allegations of unsatisfactory conduct or misconduct against the Secretary-General, the provisions of the Annex to these Regulations shall apply.

**Article 11 Appeals**

Pursuant to the Agreement between the United Nations and the World Meteorological Organization, the Statute of the Dispute Tribunal and the Statute of the Appeals Tribunal shall apply to the World Meteorological Organization and accedes to the two-tier formal system of justice:

Regulation 11.1 ~~The Secretary-General shall establish administrative machinery with staff participation to advise him in case of any appeal by staff members against an administrative decision alleging the non-observance of their terms of appointment, including all pertinent regulations and rules, or against disciplinary action.~~ The United Nations Dispute Tribunal shall, under conditions prescribed in its statute and rules, hear and render judgment on an application from a staff member alleging non-compliance with his or her terms of appointment or the contract of employment, including all pertinent regulations and rules.

Regulation 11.2 ~~The Administrative Tribunal, the competence of which has been recognized by the Organization, shall, under conditions prescribed in its statute, hear and pass judgement upon applications from staff members alleging non-observance of their terms of appointment including all pertinent provisions of the Staff Regulations and Staff Rules.~~ The United Nations Appeals Tribunal shall, under conditions prescribed in its statute and rules, exercise appellate jurisdiction over an appeal of a judgment rendered by the United Nations Dispute Tribunal submitted by either party.

### Introduction of Term Limit for the Director of the Internal Oversight Office

*[EC-76 recommended to Congress to amend Article 12 of the Staff Regulation to include provisions that enshrine the principle of limited tenure of eight years in total applicable to all future contracts of the Director of the Internal Oversight Office. The new Staff Regulation 12.2 shall read as follows:]*

**Regulation 12.4**

Upon initial appointment, the Director of the Internal Oversight Office may serve a maximum period of 8 years.

*[In Article 12 the numbering of subsequent Regulations shall be adjusted accordingly.]*

### Amendments to the Staff Regulations 1.1 – Status of staff, 1.2 – Basic rights and obligations of staff, and 1.3 – Performance of staff approved by the Executive Council though Resolution 16 (EC-72) subject to approval by Congress

**Regulation 1.1 Status of Staff**

(a) Staff members are international civil servants. Their responsibilities as staff members are not national but exclusively international; Members of the Secretariat are international civil servants. Their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interests of the Organization only in view.

(b) Staff members shall make the following written declaration witnessed by the Secretary-General or his or her authorized representative:

“I solemnly swear (undertake, affirm, promise\*) to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the World Meteorological Organization, to discharge these functions and regulate my conduct with the interests of the Organization only in view, not to seek or accept instructions in regard to the performance of my duties from any Government or other authority external to the Organization and at all times to observe the Standards of Conduct for the International Civil Service and the WMO Code of Ethics for Staff.

I also solemnly declare and promise to respect the obligations incumbent upon me as set out in the Staff Regulations and Rules”.

(c) The Secretary-General shall ensure that the rights and duties of staff members, as set out in the WMO Convention, the Staff Regulations and Rules, WMO administrative instructions as well as decisions of The World Meteorological Congress, are respected;

(d) The Secretary-General shall seek to ensure that the paramount consideration in the determination of the conditions of service shall be the necessity of securing staff of the highest standards of efficiency, competence and integrity;

(e) The Staff Regulations apply to all staff at all levels holding appointments under the Staff Rules;

(f) The privileges and immunities enjoyed by WMO by virtue of Article 27 of the WMO Convention are conferred in the interests of WMO. These privileges and immunities furnish no excuse to the staff members who are covered by them to fail to observe laws and police regulations of the State in which they are located, nor do they furnish an excuse for non-performance of their private obligations. In any case where an issue arises regarding the application of these privileges and immunities, the staff member shall immediately report the matter to the Secretary-General, who alone may decide whether such privileges and immunities exist and whether they shall be waived in accordance with the relevant instruments.

**Regulation 1.2 Basic Rights and obligations of staff**

**Core Values**

(a) Staff members shall uphold and respect the principles set out in the United Nations Charter, including faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. Consequently, staff members shall exhibit respect for all cultures; they shall not discriminate against any individual or group of individuals or otherwise abuse the power and authority vested in them;

(b) Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status;

**General rights and obligations**

(c) Staff members are subject to the authority of the Secretary-General and to assignment by him or her to any of the activities or offices of WMO. In exercising this authority the Secretary-General shall seek to ensure, having regard to the circumstances, that all necessary safety and security arrangements are made for staff carrying out the responsibilities entrusted to them. Staff members are responsible to the Secretary-General in the exercise of their functions;

(d) In the performance of their duties staff members shall neither seek nor accept instructions from any Government or from any other source external to the WMO;

(e) By accepting appointment, staff members pledge themselves to discharge their functions and regulate their conduct with the interests of WMO only in view. Loyalty to the aims, principles and purposes of WMO, as set forth in its Convention, is a fundamental obligation of all staff members by virtue of their status as international civil servants;

(f) While staff members’ personal views and convictions, including their political and religious convictions, remain inviolable, staff members shall ensure that those views and convictions do not adversely affect their official duties or the interests of WMO. They shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with the proper discharge of their duties with WMO. They shall avoid any action and, in particular, any kind of public pronouncement that may adversely reflect on their status, or on the integrity, independence and impartiality that are required by that status;

(g) Staff members shall not use their office or knowledge gained from their official functions for private gain, financial or otherwise, or for the private gain of any third party, including family, friends and those they favour. Nor shall staff members use their office for personal reasons to prejudice the positions of those they do not favour;

(h) Staff members may exercise the right to vote but shall ensure that their participation in any political activity is consistent with, and does not reflect adversely upon, the independence and impartiality required by their status as international civil servants;

(i) Staff members shall exercise the utmost discretion with regard to all matters of official business. They shall not communicate to any Government, entity, person or any other source any information known to them by reason of their official position that they know or ought to have known has not been made public, except as appropriate in the normal course of their duties or by authorization of the Secretary-General. These obligations do not cease upon separation from service;

**Honours, gifts or remuneration**

(j) No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government;

(k) If refusal of an unanticipated honour, decoration, favour or gift from a Government would cause embarrassment to WMO, the staff member may receive it on behalf of WMO and then report and entrust it to the Secretary-General, who will either retain it for WMO or arrange for its disposal for the benefit of WMO or for a charitable purpose;

(l) No staff member shall accept any honour, decoration, favour, gift or remuneration from any non-governmental source without first obtaining the approval of the Secretary-General;

**Conflict of Interest**

(m) A conflict of interest occurs when, by act or omission, a staff member’s personal interests interfere with the performance of his or her official duties and responsibilities or with the integrity, independence and impartiality required by the staff member’s status as an international civil servant. When an actual or possible conflict of interest does arise, the conflict shall be disclosed by staff members to their head of office, mitigated by WMO and resolved in favour of the interests of WMO;

(n) All staff members at the D-1 level and above shall be required to file financial disclosure statements on appointment and at intervals thereafter as prescribed by the Secretary-General, in respect of themselves, their spouses and their dependent children, and to assist the Secretary-General in verifying the accuracy of the information submitted when so requested. The financial disclosure statements shall include certification that the assets and economic activities of the staff members, their spouses and their dependent children do not pose a conflict of interest with their official duties or the interests of WMO. The financial disclosure statements will remain confidential and will only be used, as prescribed by the Secretary-General, in making determinations pursuant to Staff Regulation 1.2 (m). The Secretary-General may require other staff to file financial disclosure statements as he or she deems necessary in the interest of WMO;

**Outside employment and activities**

(o) Staff members shall not engage in any outside occupation or employment without the prior approval of the Secretary-General;

(p) The Secretary-General may authorize staff members to engage in an outside occupation or employment, whether remunerated or not, if:

(i) The outside occupation or employment does not conflict with the staff member’s official functions or the status of an international civil servant;

(ii) The outside occupation or employment is not against the interest of WMO; and

(iii) The outside occupation or employment is permitted by local law at the duty station or where the occupation or employment occurs;

**Use of property and assets**

(q) Staff members shall use the property and assets of WMO only for official purposes and shall exercise reasonable care when utilizing such property and assets;

(r) Staff members must respond fully to requests for information from staff members and other officials of WMO authorized to investigate the possible misuse of funds, waste or abuse.

**Regulation 1.3 Performance of Staff**

(a) Staff members are accountable to the Secretary-General for the proper discharge of their functions. Staff members are required to uphold the highest standards of efficiency, competence and integrity in the discharge of their functions. Their performance will be appraised periodically to ensure that the required standards of performance are met;

(b) The whole time of staff members shall be at the disposal of the Secretary-General for the performance of official functions. The Secretary-General shall establish a normal working week and shall establish official holidays for each duty station. Exceptions may be made by the Secretary-General as the needs of the service may require, and staff members shall be required to work beyond the normal tour of duty when requested to do so.

### Amendments to the Staff Regulations 4.5 and 10.2

*[EC-76 recommended to Congress to amend Staff Regulations 4.5 and 10.2 to read as follows:]*

**Regulation 4.5**

Staff members shall be granted either permanent, fixed-term, or temporary appointments under such conditions as the Secretary-General may determine;

**Regulation 10.2**

With respect to allegations of unsatisfactory conduct or misconduct against the Secretary-General, the provisions of the Annex A to these Regulations shall apply.

### Annex A – Unsatisfactory conduct, Investigations and the Disciplinary Process

### Section 1

**Scope of application**

* 1. The present instruction applies to the Secretary-General of the World Meteorological Organization (WMO).

### Section 2

**Definitions**

2.1 For the purpose of the present instruction:

1. The “President” is the President of WMO;
2. The “Secretary-General” is the Secretary-General of WMO appointed by Congress pursuant to Article 21 of the WMO Convention;
3. “Administrative measures” means an oral or written reprimand;
4. “Managerial action” means an oral or written caution, warning or advisory communication;
5. “Investigating entity” means an investigative entity within the United Nations system, such as the Office of Internal Oversight Services (OIOS), or a similar expert entity, which is to be established by agreement with WMO upon the approval of the Executive Council.
6. “Investigation” means a process of gathering information to establish facts in order to allow for a determination as to whether the Secretary-General engaged in suspected unsatisfactory conduct. Investigations are administrative in nature;
7. “Preliminary assessment” means the review and analysis of the allegation of unsatisfactory conduct in order to determine whether there are sufficient grounds to initiate an investigation;
8. “Executive Council Disciplinary Committee” means the committee of (6) members of the Executive Council designated by the Executive Council to advise the President on matters concerning disciplinary proceedings against the Secretary-General into Unsatisfactory Conduct;
9. “Executive Council” means the executive body of the Organization responsible to Congress;
10. “Audit and Oversight Committee” means the body established pursuant to Resolution 17 (EC-72) tasked to promote proper governance and high ethical standards;
11. “Disciplinary measures” means those sanctions outlined in WMO Staff Rule 1101.2;
12. “Discrimination” means any unfair treatment or arbitrary distinction based on a person’s race, sex, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin or other status. Discrimination may be an isolated event affecting one person or a group of persons similarly situated or may manifest itself through harassment or abuse of authority.
13. “Harassment” means any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person. Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or which create an intimidating, hostile or offensive work environment. Harassment normally implies a series of incidents.
14. “Sexual Harassment” means any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.
15. “Abuse of authority” means improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses his or her influence, power or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion. Abuse of authority may also include conduct that creates a hostile or offensive work environment which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion. Discrimination and harassment, including sexual harassment, are particularly serious when accompanied by abuse of authority.
16. “Sexual exploitation” means any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
17. “Sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
18. “Retaliation” means any direct or indirect detrimental action that adversely affects the employment or working conditions of an individual, where such action has been recommended, threatened or taken for the purpose of punishing, intimidating or injuring an individual because that individual engaged in a protected activity.
19. “Protected Activity” means acts relating to i) reporting of the failure of the Secretary-General to comply with his/her obligations under the Convention and associated WMO Regulations and Rules; ii) Cooperating in good faith with a duly authorized investigation or audit.

### Section 3

**Unsatisfactory conduct and misconduct**

Unsatisfactory Conduct

3.1 Unsatisfactory conduct is any conduct where the Secretary-General fails to comply with his/her obligations under the WMO Convention, its Regulations and Rules, Charter of the United Nations or to observe the standards of conduct expected of an international civil servant. Unsatisfactory conduct includes conduct of sufficient gravity that rises to the level of misconduct.

3.2 A determination that the unsatisfactory conduct is of sufficient gravity to rise to the level of misconduct may lead to the imposition of disciplinary measures, financial recovery, administrative measures and/or managerial action. A determination that the unsatisfactory conduct is not of sufficient gravity to rise to the level of misconduct may lead to administrative measures and/or managerial action.

Misconduct

3.3 Misconduct is any conduct where the Secretary-General fails to comply with his/her obligations under the WMO Convention, its Regulations and Rules, Charter of the United Nations or to observe the standards of conduct expected of an international civil servant and may be of sufficient gravity to lead to the institution of a disciplinary process and the imposition of disciplinary measures for misconduct.

3.4 Misconduct for which disciplinary measures may be imposed includes, but is not limited to:

1. Acts or omissions in conflict with the general obligations of staff members set forth in Article 1 of WMO Staff Regulations Rules and associated Standing Instructions;
2. Unlawful acts (e.g. theft, fraud, the possession or sale of illegal substances, smuggling) on or off WMO or associated United Nations premises;
3. Misrepresentation, forgery, false certification and/or failure to disclose a material fact in connection with any WMO claim or benefit;
4. Discrimination, harassment, including sexual harassment, abuse of authority and retaliation;
5. Misuse of WMO property, including equipment or files, and electronic files;
6. Misuse of office, including breach of confidentiality and abuse of WMO privileges and immunities;
7. Sexual exploitation and sexual abuse; and
8. Acts or behaviour that would discredit the WMO.

3.5 Misconduct may also include assisting in, or contributing to, the commission of misconduct.

### Section 4

**Reporting information about suspected unsatisfactory conduct**

4.1 Reports of allegations of unsatisfactory conduct against the Secretary-General will be sent directly to the OIOS as the Investigative Entity. Reports of allegations of unsatisfactory conduct against the Secretary-General will be sent to the Investigative Entity in accordance with instructions provided on the public website of the Investigative Entity and WMO. The Investigative Entity may receive information about unsatisfactory conduct from both staff members or non-staff members. This includes any information obtained during an investigation, a disciplinary process, an audit, a management enquiry or review, a judgment from a national court or information from another organization.

4.2 Staff members or non-staff members shall not be retaliated against for reporting any breach of the Organization’s Regulations and Rules to the Investigative Entity whose responsibility it is to undertake duly authorized audits and investigations.

4.3 Information about unsatisfactory conduct shall be brought to the attention of the Investigative Entity.

4.4 Information received from either a staff member or a non-staff member alleging unsatisfactory conduct by the Secretary-General should contain sufficient details for it to be assessed under the present instruction, such as:

1. A detailed description of the unsatisfactory conduct;
2. Where and when the unsatisfactory conduct occurred;
3. The names of potential witnesses to the unsatisfactory conduct; and
4. All available supporting documentation.

### Section 5

**Preliminary assessment of the information about unsatisfactory conduct**

5.1 The Investigative Entity retains the ultimate authority to decide whether the information of unsatisfactory conduct received merits any action.

5.2 Upon receiving allegations of misconduct, the Investigative Entity will promptly log the complaint and, where possible within three weeks of receiving such allegations, undertake a preliminary assessment as to whether or not an investigation is warranted. In undertaking this preliminary assessment, the Investigative Entity may consider the following factors:

1. Whether the unsatisfactory conduct is a matter that could amount to misconduct;
2. Whether the provision of the information of alleged misconduct is made in good faith and is sufficiently detailed that it may form the basis for an investigation;
3. Whether there is a likelihood that an investigation would reveal sufficient evidence to require further action;
4. Any other factor(s) reasonable in the circumstances.

5.3 Upon conclusion of the preliminary assessment, the Investigative Entity shall decide to either:

1. Initiate an investigation of all or part of the matters raised in the information about unsatisfactory conduct; or
2. Not initiate an investigation.

5.4 In cases where the Investigative Entity decides not to initiate an investigation, they will close the matter without further investigation.

5.5 If the Investigative Entity determines that further investigation is warranted then the Investigative Entity shall carry out such investigation. The Investigative Entity will notify the President that such a matter has been referred. The President shall then notify the Executive Council Disciplinary Committee.

### Section 6

**Investigations**

Purpose and scope

6.1 The purpose of an investigation is to gather information to establish the facts that gave rise to the allegation of unsatisfactory conduct. The investigator(s) should pursue all lines of enquiry as considered appropriate and collect and record information, both inculpatory or exculpatory, in order to establish the facts. The investigator(s) shall not make a legal determination about the established facts.

Duty to cooperate

6.2 The Secretary-General and staff members are required to fully cooperate with all duly authorized investigations and to provide any records, documents, information and communications technology equipment or other information under the control of the Organization, Secretary-General or under the staff member’s control, as requested. Failure to cooperate may be considered unsatisfactory conduct that may amount to misconduct.

Investigation

6.3 Following a decision to initiate an investigation, the following due process provisions shall apply.

Interviews

6.4 The investigator(s) may digitally record an interview. Interviewees are not permitted to record their interviews. If an investigation report is to be transmitted to the President for possible disciplinary action, a written record, such as transcripts of the interviews of the subject(s) of the investigation and key witnesses and synopses of the interviews of the other interviewees, shall be prepared of digitally recorded interviews and transmitted with the investigation report. During the investigation stage the President shall keep the Disciplinary Committee of the Executive Council informed.

6.5 Where an interview is not digitally recorded, a record of the interview, such as a synopsis, written statement or record of questions and answers, shall be prepared and shared with the interviewee for the interviewee’s signature. Interviewees shall be given a reasonable opportunity to review and provide comments on the record of interview, including comments regarding the interview process, before signing. If the interviewee does not review and/or sign the record of interview, the reasons given, if any, shall be noted on the record of interview or in the investigation report. The interviewee is not normally entitled to retain a copy of the record of interview.

6.6 Interviewees are not entitled to the presence of a third party, including counsel, during an interview. If the investigator(s) determine that an interviewee has special needs, such as being under 18 years old, a “support person” may be present. A support person’s role shall be limited to facilitating the conduct of the interview, where appropriate and not to advocate on behalf of the interviewee or otherwise participate in the interview. Interviews should not be rescheduled owing to the unavailability of a support person. The investigator(s) will determine whether an interpreter is required for an interview.

6.7 The Secretary-General who is identified as the subject of an investigation shall be:

1. Permitted to be accompanied by a person selected by the Secretary-General to act as an observer during an interview. An observer shall not participate in any way in the interview, including by speaking or gesturing in any manner. If the observer does not abide by this requirement, the observer will be removed from the interview. An observer may take notes of the interview in handwritten form and must provide a copy of such notes to the investigator(s). The Secretary-General shall ensure that the observer is available at the time scheduled. Interviews shall not be rescheduled owing to the unavailability of the observer;
2. Informed in writing, prior to or at the start of the interview, that the Secretary-General is the subject of an investigation and of the nature of the alleged unsatisfactory conduct;
3. Informed of the name(s) of the investigator(s) in writing prior to the start of the interview;
4. Given a reasonable opportunity, during the interview(s), to provide the Secretary-General’s version of the events and circumstances relevant to the allegations against the Secretary-General and any other information that the Secretary-General considers relevant;
5. Given a reasonable opportunity to provide the investigator(s) with names and contact details of persons who may be in possession of relevant information about the matter under investigation;
6. Given a reasonable opportunity to submit, within two weeks of the date of an interview, a written statement providing further information about the matters under investigation and/or the matters covered during the interview, together with relevant documentary information. Requests for extensions of time for submitting such statements must be made in writing to the investigator(s) and must include the reason for the requested extension, failing which it will be concluded that the subject has declined to provide a written statement; and
7. Provided with a copy of the digital recording of the interview, if the interview was digitally recorded, and a written record, if available.

Access to WMO records

6.8 An investigator shall have direct and prompt access to all records, documents or other information under the control of the Organization.

6.9 An investigator shall not have access to confidential records (including documents, communications and other information) in the possession of the Ethics Office, the Office of the United Nations Ombudsman and Mediation Services, the Office of Staff Legal Assistance or the Medical Services Division, provided that such records were prepared or obtained through a proper exercise of the listed office’s official functions. Should an investigator inadvertently obtain such records (e.g. through a review of the Secretary-General’s email records or computer hard drive), they shall be removed from the investigative record and shall not be relied upon in the context of the investigation or referenced in the investigation report.

Access to non-WMO records

6.10 Where applicable, documentation obtained from national authorities or outside organizations may form part of the investigative record.

Investigation report

6.11 An investigation report shall be prepared at the conclusion of the investigation. It shall contain an analysis of the information obtained during the investigation and shall be accompanied by copies of all supporting documentation, which may include records of interviews, any written statements provided by the subject of the investigation or by other witnesses, documents and/or photographs or other reproductions of any physical evidence.

6.12 The investigation report shall include a section setting out the factual findings resulting from the investigation.

6.13 In cases where the investigation includes a finding of financial loss to the Organization as a result of the actions of the Secretary-General, the investigation report should, where possible, specify the amount of financial loss attributable to the Secretary-General and include a computation of the loss. This information may be used to effect financial recovery from the Secretary-General pursuant to the disciplinary measures listed in WMO Staff Rule 1101.2.

6.14 Adverse inference may be drawn in situations in which the Secretary-General:

1. Fails to attend one or more interviews without a satisfactory explanation;
2. Provides false information or omits or withholds material information;
3. Fails, during an investigation, to mention a matter or provide information without a satisfactory explanation, which the Secretary-General subsequently seeks to rely on during a disciplinary process;
4. Refuses to provide the investigator(s) with requested information or documentation that the Secretary-General has or can reasonably obtain or access.

6.15 If the Secretary-General is on certified sick leave, the investigative and disciplinary processes shall normally proceed as envisaged in the present Annex, subject to consultation with the Medical Services Division. If the Secretary-General is on any other leave, including maternity and paternity leave, the investigative and disciplinary processes should normally proceed as envisaged in the present Annex.

### Section 7

**Interim Measures**

**Administrative Leave**

7.1 The Secretary-General may be placed on administrative leave with or without pay at any time after an allegation of suspected unsatisfactory conduct and pending the completion of the disciplinary process. The period of administrative leave may continue until the completion of the disciplinary process. Such action is without prejudice to the rights of the Secretary-General and does not constitute a disciplinary measure. A Secretary-General placed on administrative leave shall be given a written statement of the reason(s) for such leave and shall be informed of its likely duration.

7.2 A decision to place the Secretary-General on administrative leave without pay shall be without prejudice to the continuation of any education grant to which the Secretary-General may be entitled, as well as without prejudice to the continuation of health, dental and life insurance coverage and participation in the United Nations Joint Staff Pension Fund. The amount of pay withheld from the Secretary-General during the period that the Secretary-General is on administrative leave without pay shall be net of all contributions by the Secretary-General and the Organization for maintaining such entitlements and benefits.

Administrative Leave with pay

7.3 The decision to place a Secretary-General on administrative leave with pay may be made by the President in consultation with the Executive Council Disciplinary Committee on a recommendation by the Investigative Entity at any time following a report of suspected unsatisfactory conduct and following the Investigative Entity’s determination that at least one of the following circumstances is met:

1. The Secretary-General is unable to continue effectively performing the Secretary-General’s functions, given the nature of those functions;
2. Continued service by the Secretary-General would create a risk that the Secretary-General could destroy, conceal or otherwise tamper with potential evidence, or interfere in any way with the investigation or disciplinary process, including by retaliating against individuals or intimidating a witness;
3. The continued presence of the Secretary-General on the Organization’s premises could constitute a security or financial risk to the Organization and/or its personnel, or could otherwise prejudice the interests or reputation of the Organization;
4. The Secretary-General’s continued presence at the office could have a negative impact on the preservation of a harmonious work environment;
5. There is a risk of repetition or continuation of the unsatisfactory conduct.

Administrative leave without pay

7.4 The Secretary-General may be placed on administrative leave without pay by the President in consultation with the Executive Council Disciplinary Committee on a recommendation by the Investigative Entity when at least one of the following conditions is met:

1. There are reasonable grounds to believe (probable cause) that the Secretary-General engaged in sexual exploitation and sexual abuse, in which case the placement of the Secretary-General on administrative leave shall be without pay;
2. There are exceptional circumstances that warrant the placement of the Secretary-General on administrative leave without pay because the unsatisfactory conduct is of such gravity that it would, if established, warrant separation or dismissal and there is information before the President about the unsatisfactory conduct that makes it more likely than not (preponderance of the evidence) that the Secretary-General engaged in the unsatisfactory conduct.

7.5 Provided that at least one of the conditions of section 7.4 is met, the President in consultation with the Executive Council Disciplinary Committee on a recommendation by the Investigative Entity may convert the Secretary-General’s administrative leave with pay to administrative leave without pay at any time pending the conclusion of the disciplinary process.

7.6 If the Secretary-General is placed on administrative leave without pay and either the allegations of misconduct are subsequently not sustained or it is subsequently found that the conduct at issue does not warrant dismissal or separation, any pay withheld shall be restored. The Organization may decide not to restore any pay withheld for the period during which the Secretary-General was placed on administrative leave without pay if the Secretary-General separates from the Organization for any reason prior to the completion of the investigation or disciplinary process, and the matter cannot be pursued as a result of lack of cooperation on the part of the Secretary-General.

Notification of placement on administrative leave

7.7 The notice of placement on administrative leave may be communicated to the Secretary-General in hard copy or electronically. Where transmission to the Secretary-General is in hard copy, this shall normally be done by registered mail or by hand.

Obligations of the Secretary-General on administrative leave

7.8 The Secretary-General placed on administrative leave shall:

1. Surrender the grounds pass and any United Nations laissez-passer;
2. Return any WMO-owned equipment that has been assigned;
3. Obtain written approval if he/she wishes to enter WMO premises during the period of administrative leave;
4. Obtain written approval before leaving the duty station during the period of administrative leave;
5. Immediately provide to the President, and update as necessary during the period of administrative leave, the Secretary-General’s current contact information, including telephone number(s), personal email address(es) and current residential address;
6. Remain available to be contacted by the Organization through the contact information provided;
7. Remain available for the purposes of cooperation with an investigation, participate in the disciplinary process and follow any directions and instructions issued the President; and
8. Request permission to engage in any outside activities.

7.9 Where the President or Investigating Entity has made at least three documented attempts to contact the Secretary-General on administrative leave using the most recent contact information provided, and the Secretary-General does not contact the President or Investigating Entity within three weeks of the last documented attempt, then the matter may proceed to be considered as the Secretary-General having resigned from his post.

### Section 8

**Initial actions on an investigation report**

8.1 Where the investigation entity finds that there is no factual basis indicating that the Secretary-General engaged in unsatisfactory conduct, a closure notice shall be provided to the President. The President shall then inform the Secretary-General that the investigation has been closed. The President shall also inform the Executive Council Disciplinary Committee.

8.2 Where the investigation entity finds that there is a factual basis indicating that the Secretary-General engaged in unsatisfactory conduct, they shall submit to the President the investigation report and all relevant supporting documentation, including copies of all written records of interviews and copies of any digital recordings of interviews. The President shall forward such investigative documentation to the Executive Council Disciplinary Committee.

### Section 9

**Disciplinary Process**

Decision on an investigation report

9.1 Upon receipt of the investigation report, the President in consultation with the Executive Council Disciplinary Committee shall, with assistance of the Audit and Oversight Committee, assess the report and supporting information and any comments from the Secretary-General concerned. The President in consultation with the Executive Council Disciplinary Committee may seek advice from the Audit and Oversight Committee with respect to points of law or process.

9.2 During the assessment, the President in consultation with the Executive Council Disciplinary Committee shall not be constrained by the factual findings of the investigation.

9.3 On the basis of the investigation report, supporting information and any additional information obtained, the President in consultation with the Executive Council Disciplinary Committee shall decide whether to:

1. Initiate a disciplinary process pursuant paragraph 9.4 of this Annex by issuing written allegations of misconduct;
2. Take managerial actions and/or administrative measures, if the unsatisfactory conduct, in the view of the President in consultation with the Executive Council Disciplinary Committee, does not rise to the level of misconduct; or
3. Close the matter; in such a case, the President in consultation with the Executive Council Disciplinary Committee shall inform the Secretary-General.

Disciplinary Process

9.4 Following a decision to initiate a disciplinary process, the President in consultation with the Executive Council Disciplinary Committee shall provide the Secretary-General with:

1. The allegations of misconduct in writing, which should include the specific obligations or standards of conduct that the Secretary-General breached;
2. Notification of:
   * 1. The Secretary-General’s right to respond to the allegations of misconduct and to provide any evidence within a specified period in accordance with section 9.7;
     2. The Secretary-General’s right to seek the assistance of counsel through the Office of Staff Legal Assistance, or from other counsel at the Secretary-General’s own expense; and
     3. In relevant cases, the possibility of financial recovery if misconduct is established;

9.5 A copy of the investigation report and the relevant supporting documentation shall be provided to the Secretary-General. The copies of such documentation may be subject to any measures, including redaction, adopted to ensure that the interests of the Organization or its staff members, including privileged information and safety and security concerns, are not adversely affected by the disclosure of particular information.

9.6 The allegations of misconduct, investigation report and supporting documentation may be transmitted to the Secretary-General in hard copy or electronically. Where transmission to the Secretary-General is in hard copy, this shall normally be done by registered mail or by hand.

9.7 The Secretary-General shall be given an opportunity to respond in writing to the allegations of misconduct within one month of the date of receipt of the allegations. The Secretary-General may request, in writing, additional time to respond. Any such request must be made prior to the expiration of the deadline and must contain reasons for the request. If no response to the allegations of misconduct is received within the specified time limit, the matter may nevertheless proceed, without further notice to the Secretary-General.

9.8 The President in consultation with the Executive Council Disciplinary Committee may seek further information from any relevant source. Any new additional information received by the President must be provided to the Secretary-General for a further response. The Secretary-General shall be given two weeks to respond to such additional information. The Secretary-General may request, in writing, additional time to respond. Any such request must be made prior to the expiration of the deadline and must contain reasons for the request. If no response on the additional information is received within the specified time limit, the matter may nevertheless proceed, without further notice to the Secretary-General.

9.9 During the disciplinary process, the Secretary-General shall be responsible for including in the comments all information relating to the allegations of misconduct that the Secretary-General wishes the President and the Executive Council Disciplinary Committee to consider.

### Section 10

**Outcome of a disciplinary process**

10.1 The applicable standard of proof is:

1. Clear and convincing evidence, for imposing separation or dismissal of the Secretary-General. This standard of proof is lower than the criminal standard of “beyond a reasonable doubt”; and
2. Preponderance of the evidence (more likely than not that the facts and circumstances underlying the misconduct exist or have occurred), for imposing any other disciplinary measure.

10.2 On the basis of the investigation report, all supporting documentation and responses from the Secretary-General, the President in consultation with the Executive Council Disciplinary Committee shall decide whether to:

1. Take no further action and inform the Secretary-General accordingly;
2. No longer pursue the matter as a disciplinary case and determine whether to take administrative measures and/or managerial action; or
3. Impose a disciplinary measure.

10.3 The decision of the President in consultation with the Executive Council Disciplinary Committee shall be communicated in writing to the Secretary-General.

Recovery of financial loss to the Organization

10.4 In conjunction with a decision to impose a disciplinary measure, the President in consultation with the Executive Council Disciplinary Committee may determine whether the actions of the Secretary-General were wilful, reckless or grossly negligent. The President in consultation with the Executive Council Disciplinary Committee may then decide to recover, in part or in full, any financial loss suffered by the Organization. The President in consultation with the Executive Council Disciplinary Committee may consult the Audit and Oversight Committee with respect to points of law or process with respect to the financial recovery.

10.5 If the Secretary-General separates from service before the conclusion of investigative and/or disciplinary processes, the President in consultation with the Executive Council Disciplinary Committee may decide to withhold the estimated financial loss suffered by the Organization from the Secretary-General’s final separation entitlements, until the investigation has been concluded and the findings support the imposition of financial recovery. In cases when the investigative and/or disciplinary processes cannot be finalized owing to the former Secretary-General’s lack of cooperation, the Organization has a right to recover the amount of the financial loss.

### Section 11

**Disclosure of information obtained during an investigation**

11.1 All information obtained at any stage during the reporting of unsatisfactory conduct, the preliminary assessment, the investigation and the disciplinary process shall be considered confidential.

11.2 Should Congress demand information regarding the disciplinary process, a summary of the complaint, with names of the complainant and witness redacted, should be provided together with the investigation outcome.

### Section 12

**Appeals Process**

12.1 The Secretary-General may seek to appeal the decision of the President in relation to any sanction received. The process of appeal will be governed pursuant to Staff Rule 1101.3 (c) and (d).

12.2 The Secretary-General shall be considered a staff member for the purposes relating to disciplinary matters pursuant to Article 2 of the United Nations Dispute Tribunal.

12.3 Any finding against the Organization relating to termination of the Secretary-General’s contract shall only result in an award of compensation. No rescission of the contested decision is permissible.

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