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| WEATHER CLIMATE WATER | **World Meteorological Organization**  **EXECUTIVE COUNCIL**  **Seventy-Sixth Session** 27 February to 3 March 2023, Geneva | **EC-76/Doc. 8** |
| Submitted by: Chair  2.III.2023  **APPROVED** |

**AGENDA ITEM 8: HUMAN RESOURCES**

# HUMAN RESOUrCES MATTERS



# DRAFT DECISION

## Draft Decision 8/1 (EC-76)

### Adoption of Protocol on Unsatisfactory Conduct

**The Executive Council:**

**Recalling** [Decision 21 (EC-75)](https://library.wmo.int/doc_num.php?explnum_id=11331#page=139) – Consideration of reports of oversight bodies, in which the Executive Council decided to request the Secretary-General: (a) Given the items discussed under agenda item 6.4 (EC-75/INF. 6.4(1) and EC-75/6.4(2)) relating to Human Resources matters, to develop a comprehensive protocol for dealing with cases of sexual harassment, workplace harassment, and inappropriate conduct in the workplace, taking into account the importance of protecting the well-being of WMO staff,

**Noting** that, according to [Decision 21 (EC-75)](https://library.wmo.int/doc_num.php?explnum_id=11331#page=139), this protocol must incorporate treatment guidelines for all staff, including but not limiting the investigation of the actions to hierarchical personnel,

**Noting** **further** the fragmented nature of anti-fraud related policies and procedures **requests** the Secretary-General to develop a specific comprehensive anti-fraud policy and present it to EC-77 [Shumakov],

**Decides** to adoptthe Protocol on Prohibited Conduct as presented in the [annex](#_Annex_to_draft_3) to this decision with the understanding that the protocol may be amended and expanded, as necessary to conform with UN system best practices, including with regard to ensuring a victim/survivor-centered approach to sexual harassment [Graham];

**Requests** the Staff Association to provide a verbal and written report to the Executive Council annually as part of the standing human resources agenda item [Graham].

See the [annex](#_Annex_to_draft_3) to the present decision.

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Decision justification: [Decision 21 (EC-75)](https://library.wmo.int/doc_num.php?explnum_id=11331#page=139) requested the Secretariat to develop and introduce a protocol on prohibited conduct.

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## Annex to draft Decision 8/1 (EC-76)

## Protocol on the Prevention, Reporting, and Consequences of Prohibited Conduct, including Sexual Harassment, Harassment, Abuse of Authority, and other Misconduct

### Purpose

In its Staff Regulation and Rules WMO has comprehensive provisions to deal with various forms of prohibited conduct such as sexual harassment and others. The purpose of this protocol is to lay out and clarify for staff, Management, and other interested parties (such as e.g. non-staff personnel and contractors), the definitions, responsibilities, and actions to take in cases of such conduct. Building on the existing framework of Regulations and Rules, this protocol aims to create a common understanding of issues of ethical behaviour and to reinforce the requirement among staff and concerned non-staff of displaying the highest standard of ethics in the conduct of their responsibilities.

### Scope

This protocol applies to all staff in WMO as well as to non-staff employees such as consultants and interns, and to outside contractors working with WMO.

### Principles

WMO is an organization of the UN common system and as such abides by the guiding principles of the UN Charter and the UN’s general commitments to providing safe and secure work environment for its staff.

In this regard, WMO commits to ensure:

 That all staff and non-staff working in WMO enjoy a work environment free from abuse and all forms of harassment;

 That Management enforces a zero-tolerance approach for any form of harassment and abuse;

 That victims of abuse and harassment are afforded swift, confidential, and effective support and redress;

 That perpetrators of harassment and abuse are held accountable in accordance with the Regulations and Rules;

 That staff, non-staff, and other partners are aware of the expected standards and the consequences of violations.

### Definitions

Misconduct

In accordance with Staff Regulation 10.1 and Staff Rule 1101.1, misconduct is the failure by a staff member to comply with his or her obligations under the Convention of WMO, General Regulations, the Staff Regulations and Rules, the Financial Regulations and Rules or other relevant WMO administrative instructions or to observe the standards of conduct expected of an international civil servant as specified in the UN Charter, the International Civil Service Commission (ICSC) standard of conduct and the WMO code of ethics. Such conduct may lead to the institution of a disciplinary process and the imposition of disciplinary measures against the staff member.

Harassment

In accordance with Standing Instruction 4.42.3, harassment means any behaviour by a staff member that is directed at and is offensive to another or others, which that person knows or should reasonably have known, would be offensive, and which interferes with work or privacy, or creates an intimidating, humiliating, hostile or offensive work environment. Harassment may include conduct, comments or display related to race, religion, colour, creed, ethnic origin, physical attributes, age, gender, or sexual orientation. It may involve a group or team and may occur among and between all levels of employees.

The definition of harassment concerns not only intent but also effect. Therefore, if another person reasonably perceives a specific action or a series of actions by a person or group as offensive, this might constitute harassment, whether intended or not. Offensive comments or behaviour could amount to harassment if repeated or pervasive.

Harassment can take many different forms. It includes, but is not limited to, the following which may occur singly, simultaneously or consecutively:

 Repeated or persistent aggression, by one or more persons, whether verbal, psychological or physical, at the workplace or in connection with work, that has the effect of humiliating, belittling, offending, intimidating or discriminating against a person;

 Bullying/mobbing, which can include:

(i) Measures to exclude or isolate a person from professional activities;

(ii) Persistent negative attacks on personal or professional performance without reason or legitimate authority;

(iii) Manipulation of a person's personal or professional reputation by rumour, gossip and ridicule;

(iv) Abusing a position of power by persistently undermining a person's work, or setting objectives with unreasonable and/or impossible deadlines, or unachievable tasks;

(v) Unreasonable or inappropriate monitoring of a person's performance; and

(vi) Unreasonable and/or unfounded refusal of leave and training.

Sexual Harassment

Standing Instruction 4.42.7 defines sexual harassment as any unwelcome sexual advance, request for sexual favour, or other verbal or physical conduct of a sexual nature, when it is made a condition of employment, or creates an intimidating, hostile or offensive environment or it interferes with work. In all cases it refers to conduct that is unwanted by the recipient.

When any official who is in a position to influence career or employment conditions (including hiring, assignment, contract renewal, performance evaluation or promotion) of the recipient of such attentions, engages in behaviour of this kind it also constitutes an abuse of power.

WMO recognizes three categories of sexual harassment:

(a) "Physical conduct of a sexual nature which is commonly regarded as meaning unwanted physical contact ranging from unnecessary touching, patting or pinching or brushing against another employee's body, to assault and coercing sexual intercourse";

(b) "Verbal conduct of a sexual nature which may include unwelcome sexual advances, propositions or pressure for sexual activity; continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome; offensive flirtations; suggestive remarks, innuendoes or lewd comments";

(c) "Non-verbal conduct of a sexual nature which refers to the display of pornographic or sexually-suggestive pictures, objects of written materials; leering, whistling, or making sexually-suggestive gestures".

Sexual harassment is distinguished from other forms of mutual contact by its unwelcome, unreciprocated and imposed nature. Mutually acceptable behaviour is not sexual harassment regardless of the employment relationship.

Abuse of Authority

In accordance with ST/SGB/2019/8 of the United Nations, abuse of authority is the improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses their 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, working conditions 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.

***Relevant Provisions***

 Article 10 of the Staff Regulations and Rules

 Staff Regulation 10.1 and Staff Rule 1101.1

 Standing Instruction 4.42.3

 Standing Instruction 4.42.7

 Standing Instructions Chapter 11, Ethics Framework

### Responsibilities

WMO Senior Management

WMO Senior Management sets the tone vocally and convincingly for a zero-tolerance approach towards all forms of prohibited conduct in the WMO Secretariat including Regional Offices.

WMO Secretary-General

The Secretary-General reviews preliminary investigation reports by Internal Oversight Office (IOO) to decide whether a formal investigation into allegations of prohibited conduct is warranted. Furthermore, the Secretary-General reviews reports of formal investigations and decides on the appropriate course of action/sanction.

Internal Oversight Office (IOO)

The IOO is responsible for investigating all allegations or presumptions of fraud, waste, mismanagement, or misconduct and for conducting inspections of services and organizational units. IOO will prepare preliminary investigation reports for the Secretary-General’s review and decision on whether a formal investigation is initiated. Staff members who feel that they were victims of any of the above prohibited conduct should inform IOO so that an investigation of the instance can be initiated.

Staff members

Staff members must report any misconduct they observe to IOO. Staff members who feel that they were victims of prohibited conduct are strongly encouraged to report such incidents to IOO. They can also avail themselves of the services of the UN Staff Counsellor, the Office of the Ombudsman, and Human Resources.

Support Mechanisms and Resources

WMO collaborates closely with the relevant entities in the United Nations to provide comprehensive support for personnel experiencing potential prohibited conduct. Specifically, WMO personnel have access to the services of the Office of the UN Ombudsman, the UN Ethics Office, and the UN Staff Counselling Office.

WMO provides annual training sessions for all staff on the prevention of sexual harassment. Furthermore, a host of information material such as videos and educational electronic brochures are available at the WMO Hub (intranet of WMO).

### Addressing instances of Prohibited Conduct

Making a complaint

Any person working in WMO, staff members, consultants, interns, volunteers, who believes that they were victims of prohibited conduct, can make a complaint. Furthermore, any third party with direct knowledge of the situation can report such incidents.

Any person working in WMO who was subject to prohibited conduct are encouraged to take action as soon as possible. Likewise, any person working in WMO, who witnesses such behaviour should take action. Taking action may include intervening, reporting the matter, offering to serve as a witness in the case or providing other forms of support.

Where possible, the matter can initially be addressed informally with the alleged offender.

How to take informal action

WMO personnel who believe they are subject to prohibited conduct are encouraged to immediately inform the offender of the unwelcome nature of his or her behaviour.

In any case, the aggrieved individual is encouraged to seek advice and help from the HR Officer, from a member of WMO Staff Committee or from a senior member of their department or office.

The aggrieved individual should keep a written record of events, as soon as possible after the incident or incidents have occurred, noting dates, places, a short description of what happened and the names of any witnesses and anyone to whom the incident might have been mentioned.

How to take formal action

Individuals who wish to pursue a formal procedure, or have been unable to resolve the matter informally, should file a formal complaint with IOO.

The IOO will determine whether the allegation can be established based on the facts of the case. In case prohibited conduct is identified, disciplinary proceedings will take place in accordance with the Staff Regulations and Rules.

Protection against retaliation

Acts or threats of retaliation against any person exercising their right to complain about prohibited conduct are unacceptable and unlawful (see Ethics Framework, 11.D.5).

Requests for protection against retaliation should be submitted to the Ethics Office as soon as possible. Complaints may be made in person, by regular mail or by email.

If the Ethics Office finds that there is a credible case of retaliation or threat of retaliation, he/she will refer the matter in writing to IOO for investigation.

IOO will seek to complete its investigation and submit its report to the Ethics Office within 120 days.

Once the Ethics Office has received the investigation report, she/he will make his/her recommendations on the case to the head of the department and to the Secretary-General.

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# DRAFT RECOMMENDATIONS

## Draft Recommendation 8/1 (EC-76)

### Changes to the Staff Regulations

THE EXECUTIVE COUNCIL,

**Noting** Staff Regulation 12.3 which requires that Staff Regulations be amended by Congress, however, if it would not be in the interests of the Organization to defer an amendment until the next session of Congress, such amendment may be made by the Executive Council; an amendment made by the Executive Council is subject to the approval by Congress at its next session, and

**Recalling** [Resolution 16 (EC-72)](https://library.wmo.int/doc_num.php?explnum_id=10504) – Amendments to staff regulations, which amended Regulations 1.1, 1.2, 1.3, and Articles 10 and 11 of the Staff Regulations to be approved by Congress,

**Recommends**, subject to the approval by Congress,to amend [Staff Regulations 4.5](https://library.wmo.int/doc_num.php?explnum_id=11187#page=116) and [10](https://library.wmo.int/doc_num.php?explnum_id=11187#page=119) to read as follows:

(1) Regulation 4.5 – Staff members shall be granted either permanent, fixed-term, or temporary appointments under such conditions as the Secretary-General may determine;

(2) Regulation 10.2 – With respect to allegations of unsatisfactory conduct or misconduct against the Secretary-General, the provisions of the [Annex](#_Annex_to_draft) to these Regulations shall apply.

See the [annex](#_Annex_to_draft) to the present recommendation.

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Recommendation justification:

(1) Regulation 4.5 contained confusing language and is now in line with the terminology of the wider UN common system.

(2) Regulation 10.2 was added in response to Recommendation 7 of the Joint Inspection Unit JIU 2020/1 - Review of Investigation Function: The legislative bodies of United Nations system organizations that have not yet done so should develop and adopt appropriate formal procedures for the investigation of **complaints of misconduct by executive heads** and adopt appropriate policies by the end of 2021.

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## Annex to draft Recommendation 8/1 (EC-76)

## NEW STAFF REGULATION 10.2 Unsatisfactory conduct, Investigations and the Disciplinary Process

### Section 1

Scope of application

1.1 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:

(a) The “President” is the President of WMO;

(b) The “Secretary-General” is the Secretary-General of WMO appointed by Congress pursuant to Article 21 of the WMO Convention;

(c) “Administrative measures” means an oral or written reprimand;

(d) “Managerial action” means an oral or written caution, warning or advisory communication;

(e) “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;

(f) “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;

(g) “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;

(h) “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;

(i) “Executive Council” means the executive body of the Organization responsible to Congress;

(j) “Audit and Oversight Committee” means the body established pursuant to [Resolution 17 (EC-72)](https://library.wmo.int/doc_num.php?explnum_id=10504#page=88) – Terms of reference and membership of the audit and oversight committee, tasked to promote proper governance and high ethical standards;

(k) “Disciplinary measures” means those sanctions outlined in WMO Staff Rule 1101.2;

(l) “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;

(m) “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;

(n) “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;

(o) “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;

(p) “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;

(q) “Sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;

(r) “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;

(s) “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:

(a) Acts or omissions in conflict with the general obligations of staff members set forth in [Article 1](https://library.wmo.int/doc_num.php?explnum_id=11187#page=113) of WMO Staff Regulations, Rules and associated Standing Instructions;

(b) Unlawful acts (e.g. theft, fraud, the possession or sale of illegal substances, smuggling) on or off WMO or associated United Nations premises;

(c) Misrepresentation, forgery, false certification and/or failure to disclose a material fact in connection with any WMO claim or benefit;

(d) Discrimination, harassment, including sexual harassment, abuse of authority and retaliation;

(e) Misuse of WMO property, including equipment or files, and electronic files;

(f) Misuse of office, including breach of confidentiality and abuse of WMO privileges and immunities;

(g) Sexual exploitation and sexual abuse; and

(h) 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 and 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:

(a) A detailed description of the unsatisfactory conduct;

(b) Where and when the unsatisfactory conduct occurred;

(c) The names of potential witnesses to the unsatisfactory conduct; and

(d) 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:

(a) Whether the unsatisfactory conduct is a matter that could amount to misconduct;

(b) 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;

(c) Whether there is a likelihood that an investigation would reveal sufficient evidence to require further action;

(d) Any other factor(s) reasonable in the circumstances.

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

(a) Initiate an investigation of all or part of the matters raised in the information about unsatisfactory conduct; or

(b) 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:

(a) 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;

(b) 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;

(c) Informed of the name(s) of the investigator(s) in writing prior to the start of the interview;

(d) 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;

(e) 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;

(f) 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

(g) 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:

(a) Fails to attend one or more interviews without a satisfactory explanation;

(b) Provides false information or omits or withholds material information;

(c) 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;

(d) 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:

(a) The Secretary-General is unable to continue effectively performing the Secretary‑General’s functions, given the nature of those functions;

(b) 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;

(c) 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;

(d) The Secretary-General’s continued presence at the office could have a negative impact on the preservation of a harmonious work environment;

(e) 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:

(a) 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;

(b) 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:

(a) Surrender the grounds pass and any United Nations laissez-passer;

(b) Return any WMO-owned equipment that has been assigned;

(c) Obtain written approval if he/she wishes to enter WMO premises during the period of administrative leave;

(d) Obtain written approval before leaving the duty station during the period of administrative leave;

(e) 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;

(f) Remain available to be contacted by the Organization through the contact information provided;

(g) Remain available for the purposes of cooperation with an investigation, participate in the disciplinary process and follow any directions and instructions issued by the President; and

(h) 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:

(a) Initiate a disciplinary process pursuant to paragraph 9.4 of this Annex by issuing written allegations of misconduct;

(b) 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

(c) 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:

(a) The allegations of misconduct in writing, which should include the specific obligations or standards of conduct that the Secretary-General breached;

(b) Notification of:

(i) 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;

(ii) 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

(iii) 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:

(a) 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

(b) 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:

(a) Take no further action and inform the Secretary-General accordingly;

(b) No longer pursue the matter as a disciplinary case and determine whether to take administrative measures and/or managerial action; or

(c) 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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## Draft Recommendation 8/2 (EC-76)

### Endorsement of Statute Change of the International Civil Service Commission

THE EXECUTIVE COUNCIL,

**Considering** the recent approval of the United Nations General Assembly of amendments to the statute of the International Civil Service Commission (ICSC) and noting that WMO is one of the member organizations of the ICSC and has adopted its statute at its seventh Congress in 1975,

**Considering also** that the UN General Assembly specified that these amendments were made for clarification purposes and did not alter the Commission’s authority or affect the current operational reality and that the UN General Assembly reaffirmed the authority and competence of the ICSC to establish post adjustment multipliers for duty stations in the common system under Article 11,

**Noting also** that the General Assembly invited the organizations of the common system to complete as quickly as possible formal acceptance of the amended statute,

**Recommends to Congress to adopt** the statute change. The relevant parts (Article 10 and 11) of the updated statute of the International Civil Service Commission read as follows:

**Article 10**

The Commission shall make recommendations to the General Assembly on:

(a) The broad principles for the determination of the conditions of service of the staff;

(b) The salary scale and the value of the post adjustment multiplier for staff in the Professional and higher categories;

(c) Allowances and benefits of staff which are determined by the General Assembly;\*

(d) Staff assessment.

\* Dependency allowances and language incentives for staff in the Professional and higher categories, education grant, home leave, repatriation grant and termination indemnity.

**Article 11**

The Commission shall establish:

(a) The methods by which the principles for determining conditions of service should be applied;

(b) Rates of allowances and benefits, other than pensions and those referred to in Article 10(c) the conditions of entitlement thereto and standards of travel ;

(c) The post adjustment applicable to each duty station.

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Recommendation justification: Invitation of the General Assembly of the United Nations to adopt the statute change.

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## Draft Recommendation 8/3 (EC-76)

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

THE EXECUTIVE COUNCIL,

**Considering** the report of the External Auditor of 5 May 2021, specifically Recommendation 23 and the endorsement of this recommendation by the Audit and Oversight Committee in its report to EC-75, and

**Recalling** the subsequent [Decision 21 (EC-75)](https://library.wmo.int/doc_num.php?explnum_id=11331#page=140) – Consideration of reports of oversight bodies, which states: To propose draft revisions to the IOO Charter, providing for a non-renewable tenure of four to eight years aligned to financial periods for the post of IOO Director in line with Recommendation 23 of the External Auditor’s report and relevant Joint Inspection Unit (JIU) recommendations,

**Recommends** 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:

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

**Notes** that in relation to Article 12 the numbering of subsequent Regulations shall be adjusted accordingly.

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Justification: [Decision 21 (EC-75)](https://library.wmo.int/doc_num.php?explnum_id=11331#page=140) asked the Secretary-General to include a term limit in the contracts of the Director of the Internal Oversight Office.

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