



International Civil Aviation Organization

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COUNCIL — 225TH SESSION

Subject No. 7: Organization and Personnel

**ANNUAL REPORT ON ACTIONS TAKEN IN RESPONSE TO COMPLAINTS OF
MISCONDUCT AND RETALIATION – 2021**

(Presented by the Secretary General)

EXECUTIVE SUMMARY

Pursuant to paragraph 90 i) of the ICAO Framework on Ethics (Annex I to *The ICAO Service Code*), this paper presents the Secretary General's annual report on actions taken during the period 1 January 2021 to 31 December 2021 in response to:

- a) matters referred and investigation reports provided by the investigative entity – the Investigations Division of the United Nations Office of Internal Oversight Services (OIOS) – on complaints of misconduct; and,
- b) recommendations made by the Ethics Officer and the external ethics entity – the United Nations Ethics Office – on cases of retaliation or threat of retaliation.

<i>Strategic Objectives:</i>	This working paper relates to all Strategic Objectives and Supporting Implementation Strategies.
<i>Financial implications:</i>	Not applicable.
<i>References:</i>	<i>The ICAO Service Code.</i>

1. INTRODUCTION

1.1 Under paragraph 90 i) of the ICAO Framework on Ethics (Annex I to *The ICAO Service Code*), the Secretary General is required to submit to the Council an annual report on actions taken in response to: a) matters referred and investigation reports provided by OIOS on complaints of misconduct; and b) recommendations made by the Ethics Officer and the UN Ethics Office on complaints of retaliation or threats of retaliation. The annual report of the Secretary General, which shall contain anonymized information on disciplinary and administrative measures taken in response to substantiated cases of misconduct and retaliation, shall be publicly available on the ICAO website.

1.2 This paper, therefore, presents the Secretary General's annual report on disciplinary actions, administrative measures, and managerial actions taken in response to matters referred and investigation reports provided by OIOS during the period under review. The paper also presents information pertaining to actions taken by the Secretary General in response to recommendations made by the Ethics Officer and the UN Ethics Office on complaints of retaliation or threats of retaliation.

2. MATTERS REFERRED BY OIOS TO ICAO FOR ACTION IN 2021

2.1 OIOS referred three matters to ICAO for action in 2021. Following receipt and initial assessment of the associated complaints, OIOS determined that ICAO should handle all three matters with appropriate action, including consideration of conducting managerial interventions in the work units concerned.

2.2 One referred matter concerned interactions between two staff members in a Regional Office and involved allegations of possible unethical conduct, namely: systematic aggression, harassment, disrespect, bullying, shouting, and intimidation. Following preliminary assessment at ICAO, the Secretary General agreed with the OIOS recommendation to pursue managerial intervention. The Secretary General took appropriate managerial action to reinforce awareness, civility and enhanced adherence to the standards of conduct among the staff members of the concerned Regional Office.

2.3 A second referred matter concerned a recruitment exercise conducted in a Regional Office, which entailed allegations of possible violation of established policies, standards and regulations, namely that interview questions were leaked. Following preliminary assessment at ICAO, the Secretary General decided not to pursue the matter as a disciplinary case since the credibility of the allegations and the identity of the alleged culprit could not be independently established. Nonetheless, the Secretary General has taken a number of managerial actions aimed at enhancing the integrity of recruitment and selection processes across the entire Organization. In this regard, the process on conflict of interest disclosure and confidentiality declaration was enhanced in 2021 with the introduction of new provisions, which require panel members to maintain confidential all information provided or known to them because of their participation in a recruitment process.

2.4 The third referred matter related to concerns about the anticipated method of solicitation for a prospective procurement for a Member State. Following preliminary assessment at ICAO, the Secretary General decided that there were no grounds to pursue the matter as a disciplinary case since no specific allegations of misconduct had been made against any ICAO personnel. Given that the procurement process in question had not been initiated, the Secretary General instituted appropriate managerial action to reassure all stakeholders about ICAO's deep commitment to ensuring fairness and transparency at all stages of the procurement process.

3. INVESTIGATION REPORTS PROVIDED TO ICAO AND ACTIONS TAKEN THEREON

3.1 In 2021, OIOS provided five new investigation reports to ICAO. Disciplinary processes or administrative measures were initiated in respect of all five investigation reports. However, two of the cases were completed in 2021 while three remained in process as of 31 December 2021.

3.2 In addition, disciplinary processes and administrative actions were completed in respect of three out of four investigation reports carried over from 2020 while one remained in process. In this regard, reference is made to paragraph 2.2 of the Annual Report for 2020 (C-WP/15180 refers), where the Council was informed that, in several cases, either disciplinary processes or administrative measures had been initiated in 2020, but were not fully completed, and that these cases would form part of the 2021 Report.

3.3 It should be noted that, as of 31 December 2021, four investigation reports remained in process and will therefore be carried over into 2022. These cases will form part of the 2022 report to the Council should the related disciplinary processes and administrative measures be completed by 31 December 2022.

3.4 The table below provides a snapshot of the status of investigation reports received in 2021 and those carried over from 2020.

	New reports received in 2021	Pending reports carried over from 2020	Total
Investigation reports	5	5	10
Disciplinary process or administrative action completed in 2021	2	4	6
In process as of 31 December 2021	3	1	4

3.5 Anonymized information on disciplinary and administrative actions completed in 2021 in respect of five investigation reports on cases of misconduct is provided below:

a) A staff member engaged in unethical conduct (sexual harassment). An investigation report provided to ICAO in 2020 substantiated the above misconduct. Following completion of the disciplinary process in 2021, the staff member was discharged.

b) A staff member engaged in serious misconduct (staying in a conflict of interest situation, fraud, false certification and violated established policies, standards and regulations). Two investigation reports provided to ICAO in 2021 substantiated the above serious misconduct. Following completion of the disciplinary process, the staff member was summarily dismissed.

c) A staff member engaged in unethical conduct (sexual harassment) and violated established policies, standards and rules (breach of the obligation of confidentiality and failure to protect sensitive ICAO information). Two separate investigation reports provided to ICAO in 2020 substantiated the above misconduct against the staff member. Following completion of the disciplinary process in 2021, the staff member was discharged on grounds of sexual harassment. For the other misconduct, the

disciplinary measure of admonition would have been imposed. However, this was rendered impossible due to the previous discharge.

3.6 OIOS provided one other investigation report to ICAO in 2020 in which a staff member was alleged to have engaged in unethical and unlawful conduct (fraud, outside employment, conflict of interest and nepotism, and harassment/abuse of office). However, in its report, OIOS determined that there was insufficient evidence to justify a further investigation of those allegations and therefore recommended that the matter be closed. ICAO closed the matter in 2021 pursuant to the OIOS recommendation.

4. **ACTIONS TAKEN IN RESPONSE TO RETALIATION**

4.1 In 2021, the Secretary General received no recommendations from the Ethics Officer and the United Nations Ethics Office in connection with complaints of retaliation or threats of retaliation. The Secretary General therefore took no actions in that regard.

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