

Summaries of outcomes of substantiated investigations: report 2023

A - Summary of substantiated Investigation Reports issued in 2023

1. With respect to the 30 investigation reports of substantiated allegations issued in 2023 provided in document A77/23 (Annex 5), the following measures were imposed:

- (1) six (6) dismissals (two (2) cases were against the same person);
- (2) one (1) dismissal had the staff member still been in service;
- (3) one (1) termination of contract, had the affiliated personnel still been in service;
- (4) three (3) written censures;
- (5) three (3) written censures had the staff member still been in service of which one (1) case with a managerial action;
- (6) one (1) non-disciplinary reprimand with a managerial action.

2. In three (3) cases, it was concluded that no misconduct occurred.

3. In the remaining twelve (12) cases, headquarters and/or the regional offices are actively handling the respective disciplinary proceedings, if applicable, and will issue a final decision in due course.

Dismissal and termination

4. In IR2023/09 (Sexual Misconduct¹), the staff member was dismissed for engaging in sexual harassment while being intoxicated during a conference event. The conduct was of an unwanted and unwelcome sexual nature which offended the victim. In IR2023/26 (Sexual Misconduct², Harassment and Violation of Standard of Conduct), the staff member was dismissed for engaging in sexual harassment.. The staff member also abused their authority, and used their staff's employment status and inexperience to intimidate staff, which created an unsafe and hostile work environment. Lastly, the staff member failed to report a conflict of interest in hiring a consultant. In IR2023/13 and IR2023/14 (Fraud), the staff member was dismissed for submitting falsified invoices for their duty travel and misusing the Organization's resources for personal benefit. In IR2023/18 (Fraud), a staff member was dismissed for failing to disclose and actively concealing, upon their recruitment, disciplinary sanctions of their previous employer thereby creating a reputational risk for the Organization and breached their obligation to regulate their conduct with the interests of WHO. The staff member did not cooperate with the investigators. In IR2023/24 (Fraud, Procurement and Selection Procedure Irregularities, Harassment, Abuse of Authority and Violation of Standard of Conduct), the staff member was dismissed for misusing Organization's funds for personal benefit, colluding with staff members to defraud the

¹ According to applicable policy (Policy on the Prevention and Addressing Abusive Conduct (2021)) at time of incident this behavior is described as sexual harassment.

² According to applicable policy (Policy on the Preventing and Addressing Abusive Conduct (2021)) at time of incident this behavior is described as sexual harassment.

Organization, breaching confidentiality, committing hiring and procurement malpractices and using inappropriate language to refer to staff.

5. In all fraud cases the Director-General may use all means available to the Organization in order to recover any misappropriated funds. In IR2023/10 (Sexual Misconduct¹), a former staff member would have been dismissed, had they still been in service, for engaging in sexual harassment by making inappropriate comments of a sexual nature to more than one colleague.

6. In IR2023/08 (Sexual Misconduct²), an affiliated personnel's contract would have been terminated, had they still been in service, for committing sexual harassment.

7. In all dismissal and termination cases, the offenders will be prevented from being considered for any future employment with the Organization. When a dismissal is related to sexual misconduct, the offender's name and personal information is entered into the Clear Check³ screening database which will prevent any entity with membership in UN System Chief Executives Board for Coordination to be considered for any future employment.

Written censure and managerial action

8. In IR2023/03 (Violation of Standard of Conduct), a staff member received a written censure for committing procurement malpractices by making payments to Agreement for Performance of Work (APW) in US dollars thereby contravening national laws and internal policies. In IR2023/20 (Fraud and Violation of Standard of Conduct), a staff member received a written censure for misrepresenting their previous job title from another United Nations' Organization, and failing to disclose a material fact in their job application when applying to WHO, and breaching confidentiality by sharing a Roster and the candidate's ranking from a selection report. The sanction of written censure was given after according due consideration to their contribution and dedication to their work in the United Nations system for more than 25 years, their expression of regret as well as undertaking preventative measures to further improve their skills and address issues that arose in this process. In IR2023/28 (Violation of Standard of Conduct), a staff member received a written censure for being in a conflict of interest by being involved in the approval and in the issuance of contracts with two suppliers who were respectively the staff member's spouse and brother-in-law. The staff member also did not declare the relationship in the Declaration of Interest form to the Organization.

9. In IR2023/22 (Violation of Standard of Conduct) a staff member would have received a written censure, had they still been in service, for failing to take appropriate action to prevent or put an end to the abuse and neglect that their children faced at home by another person. In IR2023/27 (Harassment and Violation of Standard of Conduct), a former staff member would have received a written censure, had they still been in service, for requesting private services and assistance with work-related matters that were outside of the scope of work from personnel under their authority as part of a long-standing pattern of abusive behaviours that were not reasonable actions of a managerial and supervisory nature. It was also concluded that managerial intervention would have been taken, had the former staff still been a team leader. In IR2023/29 (Conflict of Interest, Violation of Standard of Conduct), a former staff member would have received a written censure, had they still been in service, for engaging in a conflict of interest and failing to observe WHO's principles of procurement by working directly with their

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³ The Clear Check screening database is a United Nations (UN) system-wide electronic database that permits the sharing, inter alia, of information among entities with membership in the UN System Chief Executives Board for Coordination, on former UN personnel against whom allegations of sexual harassment or sexual exploitation and abuse were confirmed.

spouse on WHO projects and sharing WHO intellectual property and commercially sensitive information with their spouse. Mitigating factors were taken into account.

Non-disciplinary reprimand and managerial action

10. In IR2023/25 (Procurement Irregularities), a staff member received a non-disciplinary reprimand and was required to undertake training in procurement policies and practices. The staff member engaged in favouritism, did not conduct a fair, transparent, and competitive procurement process and provided an unfair advantage to the contractor who received an APW. In reaching the sanction of reprimand due consideration was given to mitigating circumstances, including the COVID-19 pandemic, the staff member's prior record of service and the changes in procurement rules.

No sanction

11. In IR2023/04 (No Misconduct), it was concluded that there was no misuse of funds and hiring government officials using APW contracts. The matter was closed with no sanction. In IR2023/19 and IR2023/05 (No Misconduct), it was concluded that the staff member and the supplier did not fail to disclose a conflict of interest and to cooperate with the IOS investigation. The matters were closed with no sanctions.

Pending cases

12. In IR2023/01, IR2023/02, IR2023/06, IR2023/07, IR2023/11, IR2023/12, IR2023/15, IR2023/16, IR2023/17, IR2023/21, IR2023/23 and IR2023/30 the Administration is actively handling the respective disciplinary and administrative proceedings, if applicable, and will issue a final decision in due course.

B - Update of substantiated Investigation Reports issued in 2022

13. With respect to the 16 investigation reports of substantiated allegations issued in 2022, provided in document A77/23 (Annex 5), the following measures were imposed:

- (1) three (3) summary dismissals had the staff member still been in service;
- (2) two (2) dismissals concerning the same person;
- (3) one (1) termination of contract, had the affiliate still been in service;
- (4) one (1) written censure and a fine of one month net base salary, had the staff member remained in service;
- (5) two (2) written censures.

14. In the remaining seven (7) cases, headquarters and/or the regional offices are actively handling the respective disciplinary proceedings, if applicable, and will issue a final decision in due course.

Summary Dismissal

15. In IR2022/09 and IR2022/10 (Fraud), two former staff members would have been summarily dismissed, had they still been in service, for engaging in fraudulent behaviour by colluding with a vendor in awarding contracts to companies directly controlled by the vendor and receiving kickbacks for the provision of these contracts. In IR2022/17 (Fraud), a former staff member would have been summarily dismissed, had they still been in service, for falsely reporting the loss of their United Nations

Laissez Passer (UNLP) to the local authorities, falsely claiming they had returned a UNLP when they left WHO employment and signing a clearance form containing the false information that they had returned all UNLPs in their possession.

Dismissal

16. In IR2022/04 and IR2022/23 (Sexual Exploitation & Abuse, Fraud, Violation of Standard of Conduct), a staff member was dismissed for engaging in acts of sexual exploitation and abuse of local women. The staff member was also involved in undeclared conflicts of interest, attempted procurement process corruption and procurement fraud. The staff member also failed to declare their relationship with a person vis-à-vis their role in the person's selection and/or payment for their services to the Organization. The staff member also engaged in domestic violence, abuse of authority, misuse of diplomatic immunity and failing to fulfil private obligations towards a local woman.

Termination

17. In IR2022/18 (Sexual Harassment, Harassment, Abusive conduct), a former consultant's contract would have been terminated, had they still been in service, for engaging in harassment and sexual harassment, by using inappropriate language, including of sexual nature, and for the failure to comply with professional standards towards staff members.

18. In all summary dismissal, dismissal and termination cases, the offenders will be prevented from being considered for any future employment with the Organization. When a dismissal related to sexual misconduct, the offender's name and personal information is entered into the Clear Check screening database which will prevent consideration for future employment by any entity with membership in UN System Chief Executives Board for Coordination.

19. In all cases concerning fraud, attempts were made to recover the financial loss.

Written censure and a fine of one month net base salary

20. In IR2022/21 (Violation of Standard of Conduct), a former staff member would have received a written censure and a fine of one month net base salary, had the staff member remained in service, for intentionally misusing a WHO official vehicle, with a potential impact to the integrity, credibility and reputation of the Organization.

Written censure

21. In IR2022/02 (Violation of Standard of Conduct), staff member received a written censure for using their official email account to transfer images of pornographic nature. In IR2022/19 (Violation of Standard of Conduct), a staff member received a written censure for negligently providing inaccurate and damaging information to a local scientific magazine regarding a workforce member. The staff member also failed to fulfil managerial obligations by not taking appropriate action concerning allegations of abusive conduct reported to them by the member of the workforce.

Pending cases

22. In IR2022/01, IR2022/05, IR2022/08, IR2022/11, IR2022/12, IR2022/13 and IR2022/16 the Administration is actively handling the respective disciplinary and administrative proceedings, if applicable, and will issue a final decision in due course.