

PAN AMERICAN HEALTH ORGANIZATION

ICMS

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SUBJECT: CHANGES TO PAHO'S ADMINISTRATION OF JUSTICE SYSTEM

As part of the ongoing review of the Organization's policies and procedures, including those related to the Integrity and Conflict Management System (ICMS), PAHO has recently completed a thorough review of its Administration of Justice System. This review sought to ensure that PAHO personnel have access to an independent, transparent, timely and professional internal justice system that is consistent with international best practices and the reforms that are taking place throughout the UN and other international organizations.

This review culminated in three important changes with respect to: (i) the process for soliciting a reconsideration of an administrative decision or action; (ii) the process for handling harassment complaints; and (iii) the composition of the Board of Appeal. These changes, which were endorsed by PAHO's Executive Committee at its June 2011 meeting, are as follows:

1. Request for Reconsideration Process

While personnel have always been able to request a re-examination of a decision that has been made by Human Resources Management (HRM), a new procedure is being established to enable everyone who works in PAHO, irrespective of the type and duration of contract, to solicit a reconsideration of a decision or action that has been taken by HRM and which affects their terms and conditions of service.

The purpose of this new Request for Consideration Process is to give HRM an opportunity to reverse, modify or confirm a decision or action by reassessing the situation and determining whether it was made in accordance with the Organization's rules and procedures. The Request for Reconsideration Process will give individuals the option of raising an issue without having to resort to the more lengthy formal processes.

The Request for Reconsideration Process is being finalized and will be issued shortly. In the meantime, PAHO personnel may continue to ask HRM for a re-examination of a decision by sending a communication specifying the nature of the issue, the reasons why the decision is being questioned and the desired outcome.

2. Formal Complaints of Harassment

Since 2004, formal allegations of harassment have been handled by the Grievance Panel in accordance with PAHO's Policy on the Prevention and Resolution of Harassment in the Workplace. Under this Policy, the Grievance Panel was responsible for receiving the formal complaint, conducting an investigation or hiring an external investigator, and submitting a report with its findings, conclusions and recommendations to HRM.

A significant change is being made to the process for handling allegations of harassment. First, they will no longer be handled by the Grievance Panel, which will be dissolved. Secondly, the formal complaint procedures outlined in Part VII.B.2 of PAHO's Policy on the Prevention and Resolution of Harassment in the Workplace will no longer apply. Instead, the following new process will apply:

- Allegations of harassment will now be treated in the same manner as other allegations of misconduct and will be handled by the Ethics Office;
- If an investigation into the alleged harassment is deemed necessary, it will be carried out in accordance with PAHO's Protocol for Conducting Workplace Investigations <https://intra.paho.org/am/Documents/InvestigationProtocolLink.pdf>;
- To maintain peer review, a new committee will be established. This committee, called the Standing Harassment Review Committee, will be responsible for reviewing the findings contained in an investigation report and making recommendations to HRM on the merits of each case, but will not get involved in other aspects of the process.

The terms of reference for the new Standing Harassment Review Committee are being finalized and will be issued in the near future. In addition, the Policy on the Prevention and Resolution of Harassment will be revised to reflect these changes.

As a result, any new allegation of harassment should henceforth be submitted to the Ethics Office, either directly or through the Ethics Help Line. The role of the Ombudsman's office remains unchanged and PAHO personnel are encouraged to use this resource to assist in the resolution of workplace problems as early as possible.

The Grievance Panel, under Mr. Steve Brennan as the Acting Chairman, will finalize its review of the outstanding harassment cases in its possession, but will not handle any new cases.

3. PAHO Board of Appeal

The PAHO Board of Appeal (BOA) is available as a dispute resolution mechanism to all staff appointed under a UN contract. In the past, the chairperson of the BOA was always a senior staff member reporting to the Director of PAHO. To enhance the independence and objectivity of the BOA, the new chairperson will be an individual from outside the Organization with professional expertise in conflict resolution. The other members of the BOA will continue to be serving staff members.

Effective immediately, any new appeal case should be submitted to Ms. Sandra Weinger, who is responsible for operational matters as the new registrar of the BOA. Mrs. Weinger may be contacted in the Deputy Director's Office at PAHO/HQ at (202) 974-3332 or at summersa@paho.org. These cases will be handled in accordance with the revised Staff Rules that took effect on 1 July 2011 and will be considered by the newly constituted BOA, including the new external chairperson.

The existing appeal cases will continue to be handled under the former process, with Dr. Felix Rigoli as the Chairman. Ms. Weinger will provide the necessary support to expedite the resolution of these appeal cases, as well as the pending harassment cases filed with the Grievance Panel.

Additional Information/Queries

More detailed information regarding these changes will be provided in due course. Any queries concerning the application of these new measures should be directed to the Ethics Office, as coordinator of PAHO's Integrity and Conflict Management System, for response.