



## **ANNUAL REPORT ON ACTIONS TAKEN IN RESPONSE TO COMPLAINTS OF MISCONDUCT AND RETALIATION – 2024**

(Presented by the Secretary General)

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 the United Nations Office for Internal Oversight Services (OIOS) on complaints of misconduct; and b) recommendations made by the Ethics Advisor 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 document, 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 document also presents information pertaining to actions taken by the Secretary General in response to recommendations made by the Ethics Advisor and the UN Ethics Office on complaints of retaliation or threats of retaliation.

### **2. MATTERS REFERRED BY OIOS TO ICAO FOR ACTION IN 2024**

2.1 OIOS referred 15 matters to ICAO for action in 2024. Following receipt and initial assessment of the associated complaints, OIOS determined that ICAO should handle these 15 matters with appropriate action, including consideration of conducting managerial interventions in the work units concerned. Three matters referred back were carried over from 2023.

2.2 It should be noted that of the 15 matters referred to ICAO, seven involved private citizen or anonymous complaints involving State aviation or related issues. As these matters fall outside the mandate of ICAO, and outside the mandate of the agreement between ICAO and OIOS, they will not be detailed below.

2.3 During the reporting period, actions to conclude 11 matters were taken by the Secretariat.

2.4 Anonymized information in respect of the 11 matters referred back is provided below:

- OIOS received a complaint from a staff member implicating the direct supervisor, relating to alleged mismanagement and handling of sick leave requests. The matter was referred to the Ombudsperson who engaged with the complainant, who clarified that the complaint was motivated

by frustrations against “the system” and pandemic related issues, and not the supervisor. The staff member advised that they no longer wished to pursue the complaint and the matter was closed.

- OIOS referred back a complaint from a staff member related to a decision not to reclassify their post. In the ensuing period, the matter was reconsidered, and the post was reclassified; therefore, the matter was closed.
- OIOS received an anonymous complaint regarding two staff members having received gifts during a work-related conference. Upon confirmation that the gifts had been returned before the issue was reported, the matter was closed.
- OIOS received a complaint from a staff member, alleging the staff member’s supervisor had made inappropriate comments during a meeting and had subjected the staff member to a “passive aggressive hostile working environment”. OIOS declined to investigate the matter and referred it back to ICAO for “attention and any appropriate action”. Pursuant to Personnel Instruction 1.6 (P/I 1.6), a preliminary report was sent to the supervisor, and they were given an opportunity to provide comments. Based on the supervisor’s comments, it was decided that the facts could not be established to the preponderance of the evidence standard, and the matter was closed.
- OIOS received an anonymous complaint, which although naming a staff member, made general allegations of mismanagement and wasteful conduct in the allotment of mobile phones to staff. The Chief Information Officer was consulted regarding ICAO’s practices, who noted that the use of one brand was most cost and operationally efficient. The CIO also highlighted the existence of the ICAO Administration Instructions on the Allocation and Use of Official Cellular Devices and, on the Acceptable use of ICT Resources as guiding and regulating these practices. It was decided to close the matter.
- OIOS received a complaint from a staff member alleging harassment and abuse of authority against their supervisor. OIOS declined to investigate and referred the matter back to ICAO for appropriate action. Managerial action was taken to temporarily change the reporting line. The supervisor was provided a preliminary report, according to P/I 1.6 which detailed the complaint and given the opportunity to provide their comments. Upon receipt of the comments and a review of the matter, it was decided to take managerial action, including maintaining the alternate reporting lines, issuance of a written caution, and imposing coaching for the supervisor.
- OIOS received a complaint where one staff member made allegations of inappropriate conduct against another staff member, including interference with the complainant’s work and functions, failure to engage with the staff member despite being on the same team, and speaking ill of the staff member to others. OIOS declined to investigate and referred the matter back to ICAO. The matter was referred to the Ombudsperson who engaged with both parties separately; although both parties did not agree to mediation. It was decided to take managerial action through the responsible Director, and subsequently the matter was closed.
- OIOS received a complaint from a staff member that a misconduct complaint against them had been malicious and false. OIOS declined to investigate and referred the matter back to ICAO. As the complaint was anonymous, no further action could be taken, and the matter was closed.
- OIOS received a complaint from a staff member regarding an administrative decision. OIOS considered that the matter fell under ICAO’s purview and referred the matter back. As the staff

member did not identify alleged misconduct against another ICAO personnel and had initiated an administrative appeal against the same decision, the matter was closed.

- OIOS received a complaint from a staff member regarding a claim for overtime compensation. OIOS considered that the matter fell within ICAO's purview and referred the matter back for appropriate action. As the staff member did not identify alleged misconduct against another ICAO personnel, the matter was closed, and the staff member was advised of their right to initiate an administrative appeal.
- OIOS received an anonymous complaint that a senior official misrepresented their prior experience in their application and was unduly influenced in the performance of their official duties. OIOS referred the matter back to ICAO for appropriate action. The staff member's official status file was inspected and the prior experience was confirmed as accurate, and no irregularities were found in connection with their official duties; the matter was closed.

2.5 OIOS produced two closure notices; one involved a matter which was not investigated and the other involved a matter which was investigated but the evidence obtained did not substantiate the reported misconduct.

### **3. INVESTIGATION REPORTS PROVIDED TO ICAO AND ACTIONS TAKEN THEREON**

3.1 In 2024, OIOS provided two new investigation reports to ICAO. Action taken in those two cases, as well as the one investigation report under review from 2023, were as follows:

- The allegations of misconduct involved a staff member who experienced a lack of support and "sabotage" by another staff member reporting to them. The OIOS investigation found that there was a factual basis to the complaints and that the subject's behaviour in several instances could be perceived as being unprofessional. OIOS concluded that the established facts constitute reasonable grounds to conclude that the staff member's conduct may be inconsistent with the standards expected of an international civil servant for which managerial action may be necessary. It was decided not to follow a disciplinary process, but to impose managerial action in the form of coaching.
- The allegations of misconduct involved one staff member making negative remarks about a more senior staff member to colleagues, and the behavior may have undermined the senior staff member's authority. The evidence also indicated that, on one occasion, the staff member made an inappropriate gesture towards the more senior staff member behind their back. The staff member was given a chance to provide comments. Given the passage of time, the complainant's separation, and the inability to afford sufficient time to the due process of a disciplinary process due to the subject staff member's separation for other reasons, the matter was closed.
- The allegations of misconduct involved a staff member who was alleged to have acted inappropriately towards another staff member. The OIOS investigation found that the subject staff member offered food to a colleague in a way which they found persistent and unwelcome; made too frequent contact with the colleague with respect to some work functions and invaded the colleague's personal space in their office. Upon receiving the staff member's comments, it was decided to not pursue the case as a disciplinary matter and to impose the administrative measure of a written reprimand and to take managerial action with respect to the work functions.

#### 4. OVERVIEW OF CASES

4.1 The table below provides a snapshot of the status of investigation reports and referrals for appropriate action received in 2024 and those carried over from 2023.

|                                   | New reports received in 2024 | Pending reports carried over from 2023 | Total |
|-----------------------------------|------------------------------|--|-------|
| Investigation reports             | 2                            | 1                                      | 3     |
| Referral for appropriate action   | 13 <sup>1</sup>              | 3                                      | 16    |
| In process as of 31 December 2024 | 0                            | 0                                      | 0     |

4.2 As of 31 December 2024, there were no pending matters to process.

#### 5. ACTIONS TAKEN IN RESPONSE TO RETALIATION

5.1 In 2024, the Secretary General received two confidential recommendations from the Ethics Advisor in connection with received complaints of retaliation. This was done in accordance with paragraph 71 b) of ICAO Framework on Ethics which provides that “[i]f the Ethics Advisor determines that there is no prima facie case of retaliation or threat of retaliation but considers there to be a managerial problem relating to a particular bureau or office, the Ethics Officer will advise the Secretary General accordingly.” In response to the recommendations, the Secretary General directed the organization of briefing sessions on the ICAO regulatory framework for one staff member and instructed the review of a reported organizational practice with respect to attending external events.

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<sup>1</sup> Of these 15 matters referred back, seven involved private citizen or anonymous complaints regarding issues of State aviation.