

10/3/2023



International Civil Aviation Organization

**ANNUAL REPORT ON ACTIONS TAKEN IN RESPONSE TO COMPLAINTS OF  
MISCONDUCT AND RETALIATION – 2022**

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 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 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 Officer and the UN Ethics Office on complaints of retaliation or threats of retaliation.

## **2. MATTERS REFERRED BY OIOS TO ICAO FOR ACTION IN 2022**

2.1 OIOS referred eight matters to ICAO for action in 2022. Following receipt and initial assessment of the associated complaints, OIOS determined that ICAO should handle all eight matters with appropriate action, including consideration of conducting managerial interventions in the work units concerned.

2.2 During the reporting period, actions to conclude four matters were taken by the Secretariat, and four matters remain in process.

2.3 Anonymized information on disciplinary and administrative actions completed in 2022 in respect of the four cases as referred to in paragraph 2.2 is provided below:

- a) A case relating to activities by the Technical Cooperation Bureau (TCB) was referred by OIOS to ICAO for necessary management action. A senior external instructor for a course under TCB complained about unprofessional behavior in having him removed from the instructor roster without notice and without cause. The instructor was removed from the list during the COVID period as he expressed his inability to deliver online courses despite being given adequate training to deliver online courses. When in-person courses resumed at the end of 2021, his name was inadvertently not restored to the roster of experts. Following the discovery of this omission, TCB has reinstated the complainant in the roster of ICAO –qualified instructors to deliver courses in a face-to-face format. The matter has been amicably resolved and the case is closed.
- b) A case concerning an anonymous complaint against a staff member was referred by OIOS after initial assessment to ICAO for appropriate action. The complaint related to the report of possible management issues by a staff member at a Regional Office. The complainant alleged that the manager used their position as a means to discriminate against, harass and set up for failure subordinate staff members. Due to the anonymous nature of the complaint it was not possible to obtain additional details from the complainant. However, the Deputy Director, Human Resources counselled the identified manager about appropriate ways to be employed for effective performance management of subordinate staff members as well as to improve relationships with staff members in the Regional Office. The matter was closed following this intervention.

- c) Another case referred by OIOS related to a complaint by a member of the public against a Civil Aviation Training Institution of a Member State in Africa for alleged illegal demolition of houses for construction purposes. Since the matter is outside ICAO's mandate and concerns the internal affairs of a Member State, the case was closed.
- d) An anonymous complaint against an aviation company in a Member State was received from OIOS which highlighted unsafe and dangerous practices adopted by the company in its aircraft maintenance program. The matter was also intimated by the complainant to the concerned Civil Aviation Authority. Since the matter is beyond ICAO's mandate to intervene, the case was closed.

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

3.1 Four cases that had remained in process as at 31 December 2021 were completed in early 2022. Anonymized information on disciplinary and administrative actions completed in respect of these four investigation reports on cases of misconduct is provided below:

- a) For one case, the OIOS investigation report found that a Regional Office staff member colluded to purchase alcohol in excess of the personal allowance at the local Commissary, to use the unspent allowances of other individuals and to fail to pay for one item. After considering the circumstances of the case, the findings of the OIOS investigation report, and the subject staff member's response, the Secretary General decided to impose the disciplinary measure of deferment of eligibility for salary increment for two years. The case was closed in February 2022.
- b) An investigation report from OIOS, issued in 2021 found that a staff member's conduct was inconsistent with the standards of conduct expected of an international civil servant. After taking into account the circumstances of the case, the findings of the OIOS investigation report, and the subject staff member's response, the Secretary General decided to undertake managerial action through the subject staff member's supervisor with counselling on the proper standards of conduct expected from an international civil servant. The case was closed in February 2022.
- c) Two separate cases concerning two Regional Office staff members related to the same matter were investigated by OIOS. The cases related to wasteful conduct of fuel consumption for office vehicles and office generator. After considering the OIOS report and the explanation provided by the respective staff members, the Secretary General decided to institute administrative measures of reprimand and partial recovery of the financial loss to the Organization. The two cases were closed in January 2022.

3.2 In 2022, OIOS provided one new investigation report and one completion memo to ICAO. Anonymized information on administrative actions completed in respect of these reports on cases of misconduct is provided below. There are no further investigation reports to be processed.

- a) OIOS received a report that a staff member behaved aggressively during a meeting and publicly screamed at another staff member. Several witnesses corroborated the allegation, and the victim described experiencing a high level of stress and anxiety that lasted for months after the event. OIOS' findings were transmitted to ICAO for appropriate action. Following assessment at ICAO, the Secretary General took

managerial action to reinforce awareness, civility and enhanced adherence to the standards of conduct among the staff members of the concerned offices.

- b) ICAO submitted to OIOS a request for review of possible proscribed practices by two ICAO vendors that participated in a procurement tender. During the commercial evaluation of the proposals, ICAO noted several red flags of potential collusion between vendors. OIOS reviewed the procurement and noted no concerns with ICAO's evaluation. A completion memo was transmitted to ICAO for appropriate action. The case was further processed by ICAO in accordance with the ICAO Vendor Sanction Policy.

#### 4. OVERVIEW OF CASES

4.1 The table below provides a snapshot of the status of investigation reports and referrals for management action received in 2022 and those carried over from 2021.

		New reports received in 2022	Pending reports carried over from 2021	Total
Investigation reports		2	4	6
Referral for management action		8	-	8
Disciplinary process or administrative action completed in 2022	Investigation reports	2	4	10
	Referrals for management action	4	-	
<b>In process as of 31 December 2022</b>		<b>4</b>	<b>-</b>	<b>4</b>

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

5.1 In 2022, 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.