

	NATO	NORTH ATLANTIC COUNCIL
	OTAN	CONSEIL DE L'ATLANTIQUE NORD

NATO UNCLASSIFIED

11 November 2024

DOCUMENT
PO(2024)0354-AS1

**IBAN PERFORMANCE AUDIT REPORT ON NATO'S PREVENTION AND
MANAGEMENT OF HARASSMENT, BULLYING AND DISCRIMINATION IN THE
WORKPLACE**

ACTION SHEET

On 11 November 2024, under the silence procedure, the Council noted the RPPB report and approved its conclusions, noted the IBAN Performance Audit Report, and agreed to the public disclosure of the RPPB report and of the IBAN Performance Audit Report.

(Signed) Mark Rutte
Secretary General

NOTE: This Action Sheet is part of, and shall be attached to PO(2024)0354.

NATO UNCLASSIFIED





NATO UNCLASSIFIED

4 November 2024

DOCUMENT

PO(2024)0354

Silence Procedure ends:

11 Nov 2024 - 17:30

To: Permanent Representatives (Council)

From: Secretary General

**IBAN PERFORMANCE AUDIT REPORT ON NATO'S PREVENTION AND
MANAGEMENT OF HARASSMENT, BULLYING AND DISCRIMINATION IN THE
WORKPLACE**

1. I attach the Resource Policy and Planning Board (RPPB) report on the International Board of Auditors for NATO (IBAN) Performance Audit Report on NATO's prevention and management of harassment, bullying and discrimination in the workplace.
2. I do not consider this matter requires discussion in Council. Therefore, **unless I hear to the contrary by 17:30 on Monday, 11 November 2024**, I shall assume the Council noted the RPPB report and approved its conclusions, noted the IBAN Performance Audit Report, and agreed to the public disclosure of this RPPB report and of the IBAN Performance Audit Report.

(Signed) Mark Rutte

1 Annex

Original: English

NATO UNCLASSIFIED

-1-



IBAN PERFORMANCE AUDIT REPORT ON NATO'S PREVENTION AND MANAGEMENT OF HARASSMENT, BULLYING AND DISCRIMINATION IN THE WORKPLACE

Report by the Resource Policy and Planning Board

References:

- A. IBA-A(2022)0153 Letter to the Secretary General on the International Board of Auditors (IBAN) Performance Audit Report on NATO's prevention and management of harassment, bullying and discrimination in the workplace
- B. IBA-AR(2022)0027 Performance Audit Report on NATO's prevention and management of harassment, bullying and discrimination in the workplace
- C. ON(2003)0048-REV1 Protection against Discrimination and Harassment at work
- D. ON(2013)0076 Prevention and Management of Harassment, Discrimination and Bullying in the Workplace
- E. ON(2020)0057-COR1 NATO Policy on the Prevention, Management and Combating of Harassment, Bullying and Discrimination in the Workplace
- F. ON(2022)0028 Implementing Directive for the International Staff on the NATO Policy on the Prevention, Management and Combating of Harassment, Bullying and Discrimination in the Workplace
- G. C-M(2020)0037 IBAN performance audit on the need for NATO to take actions to prevent, detect and respond to fraud and corruption
- H. PO(2020)0401 NATO Code of Conduct

INTRODUCTION

1. With their letter at reference A, the International Board of Auditors for NATO (IBAN) submitted a Performance Audit Report on NATO's prevention and management of harassment, bullying and discrimination in the workplace (reference B).
2. In accordance with agreed procedure, the Resource Policy and Planning Board (RPPB) is requested to provide advice to Council.

AIM

3. This report highlights the key findings and recommendations by IBAN in their report and the RPPB's consideration on the main issues and its recommendations to the Council.

BACKGROUND

4. In 2003, NATO developed its first policy on Protection against Discrimination¹ and Harassment² at work (reference C), followed by the policy on Prevention and Management

¹ Any unjustified treatment or arbitrary distinction based on grounds such as a staff member's race, gender, religion, nationality, ethnic origin, sexual orientation, disability, age, language, or social origin.

of Harassment, Discrimination and Bullying³ in the workplace (reference D), issued in 2013. In November 2020, the Secretary General and the Strategic Commanders approved the NATO Policy on the Prevention, Management and Combating of Harassment, Bullying and Discrimination (HBD) in the Workplace (reference E) that along with the NATO Code of Conduct (reference H) and the Civilian Personnel Regulations⁴ sets out the responsibility of the Organization to ensure that their employees are treated fairly, with dignity and respect. It applies NATO-wide, emphasizes prevention, staff awareness of the policy and individuals being held accountable.

AUDIT OBJECTIVES, SCOPE AND METHODOLOGY

5. The IBAN conducted a performance audit to assess the extent to which NATO bodies are effective in implementing measures to prevent and manage HBD in the workplace and to determine whether NATO bodies have effective mechanisms in place to detect, collect data and report on HBD incidents. The audit criteria were derived from the NATO policy, which was assessed against good practices identified from an extensive literature review of different international and national organisations policies, guidance and directives.

6. The audit scope focused on the implementing measures to prevent, manage and report on HBD incidents across and within 23 NATO static civilian and military headquarters, commands, installations and agencies (referred to as NATO bodies).

7. The IBAN developed a detailed questionnaire related to local measures for preventing and addressing HBD to determine to what extent the key HBD measures and policy requirements were implemented effectively and efficiently in each NATO body. The IBAN conducted interviews/focus groups with key stakeholders involved in the implementation of the policy in 15 NATO bodies. The period covered by the audit was from 2017 until the end of fieldwork in August 2022.

² Generally refers to any unwelcome or offensive conduct that has had, or might reasonably be expected to have, the effect of: (1) Offending, humiliating, embarrassing or intimidating another person(s); or (2) Creating an intimidating or hostile work environment and/or unreasonably interfering with the other person(s)' ability to carry out their functions at work.

³ Workplace bullying is repeated offensive, cruel, intimidating, insulting or humiliating behaviour that undermines an individual or group of individuals. Bullying may be physical, verbal, visual or written, and it can be direct or indirect

⁴ Art. 12.1.4 Members of the staff shall treat their colleagues and others, with whom they come into contact in the course of their duties, with respect and courtesy at all times.

(a) They shall not discriminate against them on the grounds of gender, race or ethnic origin, religion or belief, age or sexual orientation.

(b) They shall not harass, bully or otherwise abuse another staff member.

AUDIT FINDINGS

8. The IBAN considers that the policy at reference E is generally consistent with international good practices and contains key elements related to preventing and addressing HBD.

9. The IBAN found that:

9.1. The NATO-wide implementation of the policy could be more effective and efficient. The multiplicity of NATO policies related to staff behaviour and the different local implementing directives governing HBD, combined with the lack of clarity regarding the full applicability of the policy for staff not within the purview of the NATO Civilian Personnel Regulations (CPRs) (i.e. military personnel, Voluntary National Contributions (VNC) or contractors) requiring case-by-case interpretation, creates confusion and uncertainty.

9.2. Implementation of key measures to prevent and address HBD varies significantly in their scope and level of implementation across NATO as the different implementing HBD measures and related practices are not harmonised. NATO bodies working in isolation resulted in duplication of efforts, limiting the efficiency and effectiveness of the policy's implementation. In addition, the IBAN assessed that there is no NATO entity responsible to oversee the implementation of HBD policy, perform the monitoring, to assess its effectiveness and to review the policy NATO-wide. As a result, there is a risk that the assessment and review of the policy will not occur in a timely manner.

9.3. There is no option for NATO staff to informally raise concerns/make formal complaints to an external independent channel outside of their Organization. The existing formal complaint process involves staff from the same NATO body as the complainant, except for the appeal to the NATO Administrative Tribunal at the very end of the process. Key stakeholders involved in the informal and formal process from various NATO bodies indicated that the internal nature of the informal channels and the steps of the formal process deter victims from raising concerns about instances of HBD due to fear of retaliation, potential impact on their career or a general lack of trust in the process.

9.4. There is limited, incomplete and unreliable HBD data collection and reporting NATO-wide that limits NATO's capacity to monitor and assess the effectiveness of the policy and the related implementing measures in place. There are also indications of underreported HBD incidents across NATO.

9.5. In addition to the limited quantitative data, the limited use of other tools to collect qualitative data, such as staff survey and exit interviews limits the capacity to obtain a clearer appreciation of instances of HBD, to identify problems and implement corrective actions.

AUDIT RECOMMENDATIONS

10. The IBAN recommends that Council tasks the relevant strategic-level NATO committee to establish an external⁵, independent entity to manage all instances of inappropriate misconduct across NATO (for all categories of staff) including HBD, abuse of authority, fraud, corruption, conflict of interest, etc⁶. The role of this entity (reference B, page 3) would seek to partly address the audit conclusions highlighted above.

11. The IBAN also recommends that Council clarifies reporting responsibilities and data collection requirements from NATO bodies to ensure the fulfilment of the HBD policy monitoring and of the review obligations. All tasking decisions by Council clearly identify those responsible to take action and set deadlines for the delivery of the expected outcomes.

MANAGEMENT REPRESENTATION

12. Following IBAN's presentation of the report, the NATO Assistant Secretary General for Executive Management (ASG EM), speaking on behalf of the NATO International Staff (IS) and the Advisory Panel on Administration (AP)⁷, highlighted that the audit was conducted at the early stages of the implementation of the new policy (adopted in November 2020) and consequently, the data collected during the audit were substantially affected by the previous policy in force since 2013 and the lack of resources.

13. Addressing the audit findings, the ASG EM explained the complexity of the NATO organizational structure and of the workforce comprised of individuals working under different legal frameworks. The ASG EM pointed out that the key responsibility of the Head of NATO body is to detect and investigate the HBD cases in a professional, confidential manner, protecting all persons involved, emphasizing that the final corrective decision is usually vested in the authority to which the person reports. Consequently, the ASG EM on behalf of the Advisory Panel on Administration, does not support IBAN's recommendation to establish an external, independent entity to manage all instances of inappropriate misconduct across NATO as it would potentially undermine the existing framework, including the legal authority of the Secretary General, the two Strategic Commanders and the other Heads of NATO bodies. The ASG-EM drew a parallel to the RPPB addressing a similar recommendation by the IBAN concerning the establishment of

⁵ As further explained by IBAN, external to individual NATO bodies, but not necessarily external to NATO.

⁶ This recommendation is in line with a previous recommendation made in the *IBAN performance audit report to Council on the need for NATO to take actions to prevent, detect and respond to fraud and corruption* (IBA-AR(2018)0027), which was considered by the RPPB (C-M(2020)0037).

⁷ Annex XVI of the Civilian Personnel Regulations. "With a view to providing appropriate means of consultation between the Administrations, the Secretary General has established the Advisory Panel on Administration consisting of representatives of Administrations. The purpose of the AP is to assist the Secretary General and the Strategic Commanders and other Heads of NATO bodies with the establishment of uniform policies and principles to govern all aspects of civilian human resources management."

a centralized body with recognized authority on the prevention, detection and response to fraud. In that case, the RPPB stressed that *“the Heads of NATO bodies must remain responsible and accountable and therefore use their judgement to develop arrangements which provide reasonable (not absolute) assurance such that the investment of resources for fraud prevention are balanced with an overall effort to ensure NATO staff at all levels receive appropriate education and training”* (reference G).

14. However, the ASG EM recognises the need for additional improvements of NATO HBD policy implementation in terms of better harmonization, coordination, communication, staff awareness and sharing of HBD measures and best practices amongst different NATO bodies. Moreover, the ASG EM agrees to clarify the reporting responsibilities and data collection requirements from NATO bodies, as well as the need for these bodies to allocate resources to ensure the fulfilment of the HBD policy monitoring and the review of obligations.

15. As a way forward, the ASG EM proposes the AP as the appropriate forum to support effective and efficient implementation of the HBD policy, to assess and provide recommendations on possible ways to address the concerns expressed by IBAN and to clarify the responsibility and data collection requirements from NATO bodies.

DISCUSSION

16. The RPPB welcomes the IBAN report, as well as its findings and recommendations on the important topic of NATO's prevention and management of HBD in the workplace and acknowledges that the HBD policy in NATO is generally in line with international good practices and covers main elements related to preventing and tackling cases of HBD.

17. At the meeting, Nations generally agreed that harassment, bullying and discrimination in the workplace is an important topic, as it can reduce staff productivity and performance, increase absenteeism and turnover, generate financial costs and have a negative reputational impact on the organisation. NATO's most important resource is its people, and NATO has the duty to take all measures towards creating a respectful workplace and to protect its employees from harassment, bullying and discrimination, through prevention and corrective actions when needed.

18. The RPPB acknowledged the aim of the IBAN's recommendations, as well as the context provided by the ASG EM. The RPPB shares the IBAN's view that good practices from international organizations and national administrations indicate that anyone should be able to make complaints confidentially, through multiple routes, including to an entity outside of their NATO body. In that respect, the RPPB calls for the assessment of the possible options to address and efficiently implement the aim of the audit recommendation.

19. The RPPB shares this concern and, in line with IBAN's second recommendation, calls for an increased collaboration among the NATO bodies to:

19.1. Share good practices amongst NATO bodies to educate personnel and raise awareness of the available options to report HBD concerns (currently, concerns can be raised verbally or in written form within the respective NATO body);

19.2. Develop a NATO-wide anonymous reporting mechanism to receive information (including formal complaints) on possible misconduct via a hotline, anonymous online mailbox, or other means;

20. The RPPB notes the NATO IS explanation (reference B) that the IS Ethics Officer will, amongst other actions, take measures to increase awareness among all staff members of the HBD policy.

21. The RPPB recognises the importance of clarifying reporting responsibilities, data collection requirements from NATO bodies and allocating resources to ensure the fulfilment of the HBD policy monitoring and review obligations.

22. As a follow-up action, the RPPB suggests that IBAN plan a follow-up audit on the NATO's prevention and management of harassment, bullying and discrimination in the workplace, to be performed by the end of 2028.

CONCLUSIONS

23. With its performance audit, the IBAN identified a number of issues related to the NATO's prevention and management of harassment, bullying and discrimination in the workplace, and made two distinct recommendations, the first one which requires legal advice and further analysis on the best ways to achieve the objectives of the audit and the second one which the RPPB fully supports.

24. The RPPB shares the IBAN's view that the policy at reference E is generally consistent with international good practices and contains key elements related to preventing and addressing HBD.

25. To improve NATO-wide implementation of the HBD policy, the RPPB supports the need to allocate resources and the additional AP efforts for the enhanced collaboration among NATO bodies, sharing best practices, coordinating further implementation directives across NATO, educating personnel and raising awareness of the different options to report cases of HBD. Such collaboration should also include the development of a NATO-wide anonymous reporting mechanism to receive information (including formal complaints) on possible misconduct via a hotline, anonymous online mailbox, or other means.

26. The RPPB proposes that the IS-EM-Human Resources report annually on the NATO-wide implementation of the HBD policy, including details on the communication strategy, harmonization practices, coordination mechanism for sharing information, data

collection requirements and reporting responsibilities of each NATO body, as well as the education and training on HBD reporting.

27. In addition, the RPPB invites IBAN to perform a follow-up audit on NATO's prevention and management of harassment, bullying and discrimination in the workplace by the end of 2028.

RECOMMENDATIONS

28. The Resource Policy and Planning Board invites Council to:

28.1. note this report and the IBAN Performance Audit Report in Appendix 1;

28.2. approve the conclusions outlined in paragraphs 23 to 27;

28.3. task the Advisory Panel on Administration to explore possible options to address the aim of the IBAN audit recommendation on the establishment of an independent entity to manage all instances of inappropriate misconduct.

28.4. task the Advisory Panel on Administration in order to:

28.4.1. collaborate on developing and sharing best practices, educate personnel and raise awareness of the multiple options available to report HBD concerns;

28.4.2. develop a NATO-wide anonymous reporting mechanism to receive information (including formal complaints) on possible misconduct via a hotline, anonymous online mailbox, or other means by the end of 2025;

28.4.3. clarify reporting responsibilities and define data collection requirements from NATO bodies and associated resources to ensure the fulfilment of the HBD policy monitoring and review obligations;

28.5. invite the IBAN to perform a follow-up performance audit on NATO's prevention and management of harassment, bullying and discrimination in the workplace by the end of 2028;

28.6. agree to the public disclosure of this report and the IBAN Performance Audit Report in line with the provisions of PO(2015)0052.



NATO UNCLASSIFIED

IBA-A(2022)0153
14 December 2022

To: Secretary General
Attn: Director of the Private Office

Cc: NATO Permanent Representatives
General Christopher G. Cavoli, Supreme Allied Commander Europe
General Philippe Lavigne, Supreme Allied Commander Transformation
Mr Stian Jenssen, Director, Private Office, International Staff (IS)
Lieutenant General Janusz Adamczack, Director General, International Military Staff (IMS)
Dr Bryan Wells, Chief Scientist, Science and Technology Organisation (STO)
Lieutenant General Olivier Rittimann, Commandant, NATO Defense College (NDC)
Mr Giorgio Gomma, General Manager, NATO Helicopter for the 1990s (NH-90) Design and Development Production and Logistics Management Agency (NAHEMA)
Brigadier General Michael Gschossmann, General Manager, NATO Airborne Early Warning and Control Programme Management Agency (NAPMA)
General Miguel Ángel Martín Pérez, General Manager, NATO EF2000 and Tornado Development, Production and Logistics Management Agency (NETMA)
Mr Ludwig Decamps, General Manager, NATO Communications and Information Agency (NCIA)
Ms Stacy A. Cummings, General Manager, NATO Support and Procurement Agency (NSPA)
Chair, Resource Policy and Planning Board
Resource Policy and Planning Board representatives, NATO delegations
Private Office Registry

Subject: ***International Board of Auditors for NATO (IBAN) Performance Audit Report on NATO's Prevention and Management of Harassment, Bullying and Discrimination in the Workplace – IBA-AR(2022)0027***

IBAN submits herewith its approved Performance Audit Report with a Summary Note for distribution to the Council.

Yours sincerely,

Daniela Morgante
Chair

Attachment: As stated above.

NATO UNCLASSIFIED

-1-



**Summary Note for Council
by the International Board of Auditors for NATO (IBAN)
on the Performance Audit on NATO'S Prevention and Management of Harassment,
Bullying and Discrimination in the Workplace**

Background

The Secretary General and the Strategic Commanders approved in November 2020 the *NATO Policy on the Prevention, Management and Combating of Harassment, Bullying and Discrimination in the Workplace* (ON(2020)0057-COR1). It applies NATO-wide, emphasises prevention, staff awareness of the policy, and individuals being held accountable. Its purpose is to promote and foster a workplace that values fair treatment, trust and respect for others, with zero tolerance of inappropriate behaviour including any form of Harassment, Bullying and Discrimination (HBD). HBD in the workplace can reduce staff productivity and performance, increase absenteeism and turnover, and generate financial costs and have a negative reputational impact for the Organisation. NATO has the duty to take all measures towards creating a respectful workplace and to protect its staff from HBD, through prevention and corrective actions when needed.

The policy refers to two types of processes available to resolve HBD concerns: the non-contentious channels (informal) and the written complaint process (formal). The policy encourages NATO personnel to first try to informally resolve concerns about alleged HBD. NATO personnel also have the option to file a formal complaint to their NATO body. NATO handles HBD cases differently depending on the type of NATO staff involved, because personnel in NATO facilities are subject to different authorities and legal regimes.

Audit objectives

This audit topic was selected as a result of IBAN's annual planning process. We conducted the audit in accordance with Article 2 and 14 of our charter. Our specific objectives were as follows:

1. To determine the extent to which NATO bodies are effective in implementing measures to prevent and manage HBD in the workplace.
2. To determine whether NATO bodies have effective mechanisms in place to detect, collect data and report on HBD incidents.

Audit findings

According to international good practices, there are key measures to have in place to prevent and manage HBD in the workplace. These key measures include, among other things: establishment of an HBD prevention policy, HBD awareness raising, HBD training, assessment of risks associated with HBD, evaluation and monitoring, and the existence of a complaint process (both formal and informal).

The Board considers that the 2020 *NATO Policy on the Prevention, Management and Combating of Harassment, Bullying and Discrimination in the Workplace* is generally consistent with international good practices and contains selected key elements related to

preventing and addressing HBD. However, we found that its NATO-wide implementation could be more effective and efficient. The multiplicity of NATO policies related to staff behaviour and the different local implementing directives governing HBD, combined with the lack of clarity regarding the full applicability of the policy for each of the different categories of staff requiring case-by-case interpretation, creates confusion and uncertainty.

Good HBD prevention initiatives and efforts took place in the various NATO bodies. However, we found that the implementation of key measures to prevent and address HBD varies significantly across NATO. We observed that individual NATO bodies did not systematically share their good practices so that other NATO bodies could benefit from them, and only limited coordination took place. A lack of harmonisation in the different implementing HBD measures and related practices, and NATO bodies working in isolation, resulted in duplication of efforts, limiting the efficiency and effectiveness of the policy's implementation, and could lead to an inefficient use of limited resources.

In addition, there is no NATO entity responsible to oversee the implementation, to perform the monitoring, to assess effectiveness and to review the policy NATO-wide. Without such a structure, there is a risk that the 2020 HBD policy will not remain relevant and will not be implemented as intended in all NATO workplaces.

Good practices from international organisations and national administrations indicate that anyone should be able to make complaints confidentially to the employer through multiple routes, including outside their own entity. While the NATO HBD policy offers various informal channels, they are all internal and located within each respective NATO body. There is no option to staff to report informally outside of their organisation. For the formal process, the victim submits a written complaint to the HR Office of their respective NATO body. Each step of the formal process, except for the appeal to the NATO Administrative Tribunal at the very end of the process, only involve staff from the same NATO body as the complainant.

Key stakeholders involved in the informal and formal processes from various NATO bodies indicated that the internal nature of the informal channels and the steps of the formal process deters victims from raising concerns about instances of HBD due to fear of retaliation, potential impact on their career or a general lack of trust in the process. The absence of an external independent channel to raise concerns outside the NATO body for which a staff member is working for is a concern and may impact staff willingness to report alleged HBD cases in the future, and limit the effectiveness of the policy.

Finally, we found that NATO does not have a complete and accurate understanding of HBD prevalence in its workplaces. Despite the requirement for the collection of HBD data since the 2013 policy, we found that the reporting requirements in 2021 were still not clear and local reporting mechanisms are not standardised or even not in place. This resulted in limited, incomplete and unreliable HBD data collection and reporting NATO-wide. There are also indications of HBD incidents underreported across NATO. In this context, the use of alternate research methods providing qualitative information is of high importance for the organisation's capacity to have a complete and reliable view on the HBD prevalence in its workplaces. However, we found limited use of alternate qualitative data such as staff surveys and exit interviews.

The limited, incomplete and unreliable HBD information limits NATO's capacity to monitor and assess the effectiveness of the policy and the related implementing measures in place NATO-wide. Finally, without reliable information available, it is difficult for the HoNB to respond effectively or assess whether measures in place are effective and efficient, and thus prevent and reduce the risks of HBD in their workplace, and to discharge their duty of care to staff.

Recommendations

To address our findings, we recommend that Council:

- 1) Tasks an appropriate strategic-level NATO committee to establish an external, independent entity to manage all instances of inappropriate misconduct across NATO (for all category of staff) including HBD, abuse of authority, fraud, corruption, conflict of interest, etc. The role of this entity would include the following:
 - a. To coordinate, oversee and ensure harmonisation of HBD prevention efforts and processes to manage HBD incidents in every NATO body for the various possible scenarios;
 - b. To receive information (including formal complaints) on possible misconduct via a hotline, anonymous online mailbox, or other means;
 - c. To inquire, with relevant professional competencies, potential allegations and recommend disciplinary actions or transfer cases to the right authorities;
 - d. To ensure confidentiality, impartiality, independence and provide protection for victims and witnesses;
 - e. To collect data on instances of misconduct to monitor and assess the effectiveness of the policies and related measures in place within individual NATO Bodies and NATO-wide;
 - f. To ensure better harmonisation of the selection process and criteria, composition, training, reporting requirements, role and mandate of the Persons of Confidence network.

This recommendation is in line with a previous recommendation made in the *IBAN performance audit report to Council on the need for NATO to take actions to prevent, detect and respond to fraud and corruption* (IBA-AR(2018)0027).

- 2) Clarifies reporting responsibilities and data collection requirements from NATO Bodies to ensure the fulfilment of the 2020 NATO HBD policy monitoring and review obligations.

All tasking decisions by Council should clearly identify those responsible to take action and set deadlines for the delivery of the expected outcomes.

Seven NATO bodies submitted formal comments on the report and generally agreed with our recommendations, findings and conclusions. IBAN appreciates and recognises these comments and, after considering the concerns expressed by these NATO bodies, IBAN maintains the position that our recommendations will help improve the efficiency and effectiveness of the HBD policy implementation. See appendix 5 for their detailed comments. NATO bodies also provided factual comments, which have been taken into account in the final report.

14 December 2022

INTERNATIONAL BOARD OF AUDITORS FOR NATO

**PERFORMANCE AUDIT REPORT ON NATO'S PREVENTION AND MANAGEMENT OF
HARASSMENT, BULLYING AND DISCRIMINATION IN THE WORKPLACE**

PUBLICLY DISCLOSED - PDN(2025)0008 - MIS EN LECTURE PUBLIQUE

TABLE OF CONTENTS

Page N°

Contents

1.	BACKGROUND	6
1.1	Overview	6
1.2	Audit objectives	9
1.3	Audit scope and methodology	9
2.	THE EFFECTIVENESS OF THE NATO-WIDE HBD POLICY IMPLEMENTATION COULD BE IMPROVED	11
3.	NATO DOES NOT HAVE A PRECISE AND ACCURATE KNOWLEDGE OF THE EXTENT AND PREVALENCE OF HBD INCIDENTS IN ITS WORKPLACES	19
4.	CONCLUSION AND RECOMMENDATIONS	24
4.1	Conclusion	24
4.2	Recommendations	25
5.	COMMENTS RECEIVED AND THE IBAN'S POSITION.....	25

Appendices

1.	Audit questionnaire sent by IBAN to 23 NATO bodies	27
2.	Annual Reporting Case Matrix used for preparing the 2021 NATO consolidated report on HBD	33
3.	Assessment of key measures implemented to prevent and manage HBD at 23 NATO bodies, as of August 2022.....	34
4.	Assessment of the Persons of Confidence network at 23 NATO bodies, as of August 2022.....	36
5.	NATO Bodies Formal Comments on the Performance Audit Report.....	38
6.	Abbreviations	56

1. BACKGROUND

1.1 Overview

1.1.1 In 2003, NATO developed its first policy on *Protection against Discrimination and Harassment at work* which only applied to International Civilian Personnel of the International Staff (IS) and the International Military Staff (IMS). In 2013, NATO issued the policy on *Prevention and Management of Harassment, Discrimination and Bullying in the workplace* applicable to all staff groups included within the NATO Civilian Personnel Regulations (CPRs). Following the 2017 #MeToo social movement that brought harassment, discrimination and bullying to light and the evolving societal expectations concerning the way in which sexual harassment issues are addressed, NATO committed to review the 2013 policy. The NATO Human Resources (HR) Strategy 2019-2023 stated: *A comprehensive review of the policy on harassment, discrimination and bullying in the workplace is needed to ensure that this is fit for purpose and consistent with best practices and recent evolutions in societal norms.*

1.1.2 Following this review by an independent, external consultant, the Secretary General and the Strategic Commanders approved in November 2020 the *NATO Policy on the Prevention, Management and Combating of Harassment, Bullying and Discrimination in the Workplace* (ON(2020)0057-COR1). This policy, along with the NATO Code of Conduct (PO(2020)0401), set out the responsibility of the Organisation to ensure that their employees are treated fairly, with dignity and respect. Moreover, Article 12.14 of the NATO Civilian Personnel Regulations (CPRs) also requires that “*members of the staff shall treat their colleagues and others, with whom, they come into contact in the course of their duties, with respect and courtesy at all times*”. Table 1 provides a summary of key timelines leading to the current NATO policy on Prevention, Management and Combating of Harassment, Bullying and Discrimination (HBD) in the Workplace.

Table 1. Key timelines leading to the updated 2020 NATO HBD Policy

Year	Document	Summary
2003	NATO policy on Protection against Discrimination and Harassment at work	• Emphasis on prevention • Early treatment and assistance • Training for advice and mediation
2013	NATO policy on Prevention and Management of Harassment Discrimination and Bullying in the workplace	• Applicable to all staff under CPRs • May assist to deal with cases involving other categories of personnel not in the scope of the CPRs • Requirement for review every two years
2019	NATO Human Resources (HR) Strategy 2019-2023	• Includes a provision for the review of the 2013 NATO policy on HBD
2019	Review of NATO Harassment Policies and Procedures	• Independent external assessment of the adequacy of the 2013 policy on HBD
2020	NATO Policy on the Prevention, Management and Combating of Harassment Bullying and Discrimination in the Workplace	• Takes into account results of external assessment of 2013 Policy • Approved by Secretary General and Strategic Commanders

Source: IBAN analysis of NATO documentation.

1.1.3 Harassment, bullying and discrimination (HBD) in the workplace is an important topic because it can reduce staff productivity and performance, increase absenteeism and turnover, and generate financial costs and have a negative reputational impact for the organisation. NATO has the duty to take all measures towards creating a respectful workplace and to protect its staff from HBD, through prevention and corrective actions when needed.

1.1.4 The updated 2020 NATO HBD policy, which applies NATO-wide, emphasises prevention, staff awareness of the policy, and individuals being held accountable. Its purpose is to promote and foster a workplace that values fair treatment, trust and respect for others, with zero tolerance of inappropriate behaviour including any form of HBD. It reaffirms the Organisation's commitment to creating a safe and respectful work environment as a priority for the organisation and its staff. The policy also provides clearer definitions of HBD to be used NATO-wide (see Table 2).

Table 2. Definitions of Harassment, Bullying and Discrimination

Term	Definition
Harassment	Generally refers to any unwelcome or offensive conduct that has had, or might reasonably be expected to have, the effect of: (1) Offending, humiliating, embarrassing or intimidating another person(s); (2) or Creating an intimidating or hostile work environment and/or unreasonably interfering with the other person(s)' ability to carry out their functions at work.
Bullying	Workplace bullying is repeated offensive, cruel, intimidating, insulting or humiliating behaviour that undermines an individual or group of individuals. Bullying may be physical, verbal, visual or written, and it can be direct or indirect.
Discrimination	Any unjustified treatment or arbitrary distinction based on grounds such as a staff member's race, gender, religion, nationality, ethnic origin, sexual orientation, disability, age, language, or social origin.
Abuse of Authority	The improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses their influence, power or authority to improperly influence the career or employment conditions of another.

Source: NATO Policy on the Prevention, Management and Combating of Harassment, Bullying and Discrimination in the Workplace (ON(2020)0057-COR1).

Channels for raising HBD concerns

1.1.5 The policy refers to two types of processes available to resolve HBD concerns: the non-contentious channels and the written complaint process. In this report, we refer to "informal process" (for non-contentious channels) and "formal process" (written complaint) as this terminology is widely used across NATO.

1.1.6 **Informal process.** The policy encourages NATO personnel to first try to informally resolve concerns about alleged HBD. The objective is to address the situation before the matter escalates and to allow the parties to arrive at an understanding of acceptable behaviour through open communication and respectful discussion. Staff can seek redress through various mechanisms, such as consulting with Persons of Confidence (PoCs), local civilian staff associations (CSA), managers, or HR departments to find informal solutions to their HBD-related issues.

1.1.7 Formal complaint process. NATO personnel also have the option to file a formal complaint to their NATO body regarding alleged HBD. The policy describes the general process, which is sometimes supplemented by local implementing directives to account for the specific context of an individual NATO body. In general, a formal complaint in NATO is documented, inquired and adjudicated through a specific mechanism, such as a process of inquiry. Under the formal process, an alleged offender can receive a disciplinary sanction (in accordance with Chapter XIII, article 59 and 60 of the CPRs), such as a suspension or termination of employment. Disciplinary sanctions may be challenged through administrative review and could ultimately be appealed to the NATO Administrative Tribunal for dispute resolution (as per Chapter XIV, articles 61 and 62 of the CPRs). The Administrative Tribunal is an independent body that decides upon any individual appeal brought by a staff member who is affected by a disciplinary action from a Head of NATO Body (HoNB).

1.1.8 NATO handles formal complaints differently depending on the type of NATO staff involved, because personnel in NATO facilities are subject to different authorities and legal regimes. For instance, NATO bodies must make special considerations with HBD cases involving military personnel, because they fall under the legal authority of their respective nations. As a result, such cases have to be referred to the appropriate National Military Authority rather than adjudicating the case within NATO. Host nation laws may also take precedence, especially if an incident of HBD rises to the level of criminal behaviour.

Roles of key stakeholders

1.1.9 The policy also includes roles and responsibilities of key stakeholders involved in preventing, managing and combating HBD. Table 3 gives a summary of these roles and responsibilities.

Table 3 – Summary Roles and Responsibilities of key HBD stakeholders

Stakeholder	Roles and Responsibilities
Head of NATO Body	• Provide leadership by fostering a climate of mutual respect and acting as role model • Ensure human and financial resources are made available • Ensure that staff are informed of the policy, their rights and responsibilities • Appoint PoC • Protect staff against exposure to HBD • Impose disciplinary action and/or apply corrective measures
Senior Management	• Set the “tone at the top” and serve as role models • Actively support and communicate the importance of a respectful work environment • Hold all supervisory staff who report to them accountable for compliance • Be available to discuss concerns by staff about possible HBD incidents
Human Resources	• Develop and implement measures for respectful workplace • Play a key role in taking appropriate action in accordance with the NATO CPRs • Submit an annual activity report with statistics on the incidence of HBD • Provide advice to staff on options available

Supervisors	• Set a positive example and ensure a positive working environment free of HBD as well as behaviour that others may find offensive • Make themselves available to those who wish to raise concerns in confidence, to advise on measures available and to deal with those concerns promptly and effectively • Protect staff against exposure to any form of unacceptable behaviour, and provide effective remedial action if such preventive measures fail
Designated Authority (if applicable)	• Take measures to increase HBD awareness among all staff members • Provide appropriate support, assistance and counselling (if requested) before, during and after the resolution of a complaint • Centralize information on cases from the PoC • Organise information sharing and lessons learned sessions from review of particular cases with the PoC
Staff Committee	• May assist and support staff members • Serve as a potential first point of contact • Work with HR and Senior Management to facilitate the proper handling of cases • Accompany staff in approaching an alleged individual
Persons of Confidence (PoCs)	• Serve as a first point of contact for staff • Support staff throughout the informal resolution • Inform the appropriate authority (with agreement of staff) • Provide guidance and advice to staff • Assist staff member to resolve HBD matter informally upon request
Staff	• Familiarise themselves with NATO standards of conduct • Treat each other with courtesy and respect at all times • Take action if they witness HBD incidents • Communicate if inappropriate behaviour is observed

Source: NATO Policy on the Prevention, Management and Combating of Harassment, Bullying and Discrimination in the Workplace (ON(2020)0057-COR1).

1.2 Audit objectives

1.2.1 In accordance with Articles 2 and 14 of the IBAN Charter, our performance audit assessed the extent to which NATO is effective in implementing measures to prevent and manage HBD in accordance to its approved policy and good practices. We also examined whether NATO has the means to evaluate the prevalence of HBD in its workplaces. Our specific objectives were as follows:

1. To determine the extent to which NATO bodies are effective in implementing measures to prevent and manage HBD in the workplace.
2. To determine whether NATO bodies have effective mechanisms in place to detect, collect data and report on HBD incidents.

1.3 Audit scope and methodology

1.3.1 We conducted the audit from June 2021 to August 2022 in accordance with International Organisation of Supreme Audit Institutions (INTOSAI) performance auditing standards. The audit scope encompasses implementing measures to prevent, manage and report on HBD incidents across and within 23 NATO static civilian and military headquarters, commands, installations and agencies. Collectively, we refer to these as NATO bodies in this report. Table 4 below lists the 23 bodies in our audit scope.

Table 4 – NATO bodies included in IBAN HBD performance audit scope

NATO Headquarters in Brussels	1. International Staff (IS)
	2. International Military Staff (IMS)
	3. Science and Technology Organisation/Office of Chief Scientist (STO/OCS)
Allied Command Operations (ACO)	4. Supreme Headquarters Allied Powers Europe (SHAPE)
	5. Joint Force Command Brunssum (JFCBS)
	6. Joint Force Command Naples (JFCNP)
	7. Allied Air Command (AIRCOM)
	8. Allied Maritime Command (MARCOM)
	9. Allied Land Command (LANDCOM)
	10. NATO Airborne Early Warning and Control Force (NAEW&CF)
	11. NATO Communications and Information Systems Group (NCISG)
Allied Command Transformation (ACT)	12. Headquarters Supreme Allied Commander Transformation (HQ SACT)
	13. Joint Analysis Lessons Learned Centre (JALLC)
	14. Joint Force Training Centre (JFTC)
	15. Joint Warfare Centre (JWC)
Civilian agencies	16. NATO Airborne Early Warning and Control Programme Management Agency (NAPMA)
	17. NATO Communications and Information Agency (NCIA)
	18. NATO Eurofighter 2000 and Tornado Development, Production and Logistics Management Agency (NETMA)
	19. NATO Helicopter Management Agency (NAHEMA)
Other	20. NATO Support and Procurement Agency (NSPA)
	21. NATO Defence College (NDC)
	22. Science and Technology Organisation/Centre for Maritime Research and Experimentation (STO/CMRE)
	23. Science and Technology Organisation/Collaboration Support Office (STO/CSO)

Source: IBAN analysis of NATO documentation.

Note: Scope only includes static headquarters, commands, installations and Civilian agencies and not NATO-led military operations (Council-approved missions) or military exercises.

1.3.2 We reviewed official documents related to HBD, including the 2020 and 2013 NATO-wide HBD policies, NATO Code of Conduct, CPRs, and local implementing directives developed by NATO bodies.

1.3.3 The audit criteria were derived from the NATO policy, which was assessed against good practices identified from an extensive literature review of different international and national organisations policies, guidance and directives. These organisations included the United Nations, European Ombudsman, U.S. Equal Employment Opportunity Commission, International Labour Organization, the European Commission funded Psychosocial Risk Management Excellence Framework, and the World Health Organization. We also identified key measures to have in place to prevent and manage HBD in the workplace from these international organisations' good practices: 1) Engaged and committed leadership, 2) Establishment of anti-HBD policy, 3) HBD awareness raising, 4) HBD training, 5) Assessment of risks associated with HBD, 6) Evaluation and monitoring, and 7) Complaint process (formal and informal).

1.3.4 We used these key measures, along with elements of the policy requirements, to develop a detailed questionnaire (see appendix 1) for the 23 NATO bodies in our audit scope. The questionnaire included 30 questions related to local measures for preventing and addressing HBD regrouped under the following five areas: HBD framework, Complaint process, Persons of Confidence, Awareness and Training, Data and Information collected. We assessed the responses and supporting documentation to determine to what extent the

key HBD measures and policy requirements were implemented effectively and efficiently in each NATO body.

1.3.5 To complement our analysis, we conducted site-visits to 15 NATO bodies and interviewed senior officials and key stakeholders involved in the prevention and management of HBD from different functional areas, including human resources, legal advisers, local staff associations, occupational health and safety officers, gender advisors, diversity officers and medical office. In addition to these interviews, during site-visits, we also organised focus groups with 52 PoCs across the various NATO bodies.

1.3.6 We did not perform any review of individual current or closed HBD cases. We examined available HBD incidence reporting, closed NATO Administrative Tribunal case reports, and related data collected by NATO bodies. The period covered by the audit was from 2017 until the end of fieldwork in August 2022.

2. THE EFFECTIVENESS OF THE NATO-WIDE HBD POLICY IMPLEMENTATION COULD BE IMPROVED

2.1 The 2020 *NATO Policy on the Prevention, Management and Combating of Harassment, Bullying and Discrimination in the Workplace* is formulated as a NATO-wide policy and applies to all staff groups included within the CPRs, i.e. NATO international civilian staff, temporary staff, and consultants. The policy may also assist HoNB to manage cases of HBD involving other categories of personnel who are not within the purview of the CPRs, such as interns, contractors, voluntary national contributions, and military personnel.

2.2 In our audit, we assessed whether the 2020 NATO policy on HBD contains key elements of international good practices related to preventing and addressing HBD. We also assessed whether NATO bodies have effectively and efficiently implemented key measures to prevent and address HBD in its workplace.

The policy is generally consistent with good practices

2.3 We identified key HBD policy elements from international organisations' good practices. Based on our analysis, we found that the 2020 NATO policy is generally consistent with international good practices and contains selected key elements related to preventing and addressing HBD (see Table 5).

Table 5: Assessment of NATO policy against key HBD policy elements from international organisation's good practices

Good Practices	Assessment of NATO Policy
1. The organisation established and anti-HBD policy	YES
2. The policy should contain definition of HBD	YES

Good Practices	Assessment of NATO Policy
3. The policy should define the roles and responsibilities for executing and managing processes and procedures outlined in the policy	YES, but needs to be complemented by local implementing directives to account for local specificities
4. The policy should set out complaint procedures that includes both formal and informal actions	YES, but needs to be complemented by local implementing directives
5. The policy should include provisions for monitoring and evaluation	YES
6. The policy should be regularly reviewed and updated	YES

Source: IBAN analysis

The applicability of the policy lacks clarity

2.4 Part 1, section A, of the policy refers to “Coverage and Scope” and indicates “*this policy applies to all staff groups included within the NATO CPR*”. In the following paragraphs it states: “*this policy may also assist Heads of NATO bodies to manage cases of HBD that involve other categories of personnel who are not within the purview of the NCPR*” and “*all other persons working at NATO [...] may raise concerns or submit a complaint [...] even if they are not within the purview of the NCPR*”.

2.5 Moreover, the policy’s accompanying office note prepared by the International Staff (IS) to announce the release of the policy indicates that “*the policy is formulated as a NATO-wide policy, applicable to all staff, whether military, civilian, contractor, intern, etc.*”. This is somewhat contradictory from the conditional language used in the policy itself.

2.6 It is widely understood that the policy and related process to address HBD incidents apply to all civilian staff under the CPR. For example, the policy clearly applies in a situation where the victim and the offender are both civilians. However, it is left to interpretation whether it also covers cases involving non-civilian staff groups working in NATO premises, such as military personnel, Voluntary National Contributions (VNCs) or contractors. Its full applicability for staff not within the purview of the NCPR remains unclear due to the conditional provision of the policy for these categories of staff.

2.7 During our site-visits conducted at 15 NATO bodies, in interviews with PoCs, HR representatives, CSAs and Legal advisers, they informed us that in practice, this lack of clarity requires interpretation on a case-by-case basis when an incident involve at least one non-civilian staff. Different procedures apply to military staff through their chain of command, which is outside of those in the HBD policy, or the CPRs. Different procedures also apply when dealing with contractors. Local directives and processes also differ across NATO bodies. This creates uncertainty in practice as to which procedure to apply in a case involving non-civilian and/or staff from different NATO bodies working in the same premises.

2.8 Based on information obtained from 23 NATO bodies, the total number of staff working at NATO premises not within the purview of the NCPR is 57% (see table 6). This means that it is not clear for the majority of staff located on NATO premises whether the policy applies to them or what procedures are to be followed. For example, the NATO military commands do not directly employ the majority of their staff who are mostly military personnel

and for which the full applicability of the policy remains unclear. Therefore, it impacts the effectiveness of the policy's implementation NATO-wide.

Table 6: Workforce by staff categories in 23 NATO bodies

WITHIN CPRs					
NATO International Civilians	Consultants	Temporary staff		TOTAL	
6,489	94	284		6,867	43%
NOT COVERED by the CPRs					
Military	Contractor	VNCs	Interns	TOTAL	
7,965	787	228	86	9,066	57%
GRAND TOTAL				15,933	

Source: Data provided by 23 NATO bodies via questionnaire administered by IBAN. We did not audit the accuracy of the information obtained.

2.9 The aim of the policy is to strive for zero-tolerance of inappropriate behaviour in the work environment. To achieve this goal, it has to be clear to everyone working on NATO premises that the policy applies to all and what processes apply in specific scenarios. This should not be left to interpretations by individual NATO bodies. This is especially important in cases where different staff categories work for the same NATO body, or when many NATO bodies, with different procedures, are collocated. For example, a case could occur between an ACO military staff and a NCIA civilian staff working at SHAPE. However, they are both under different sets of rules and procedures issued by their respective NATO body. In addition, the military staff disciplinary process pertains to its National Military Authority (or senior military representative) while the civilian staff reports to its civilian HR department. This may cause different interpretations of the rules to apply and disciplinary process to follow, and could potentially exacerbate the conflictual situation.

There are multiple NATO policies, initiatives and local implementing directives governing staff behaviour

2.10 NATO published various policies and initiatives related to staff behaviour over the last several years (see Figure 1). The 2020 NATO policy on HBD is one of them.

Figure 1: NATO Policies and initiatives related to staff behaviour

- NATO Wide Strategy on the Prevention, Detection and Response to Fraud and Corruption (2022)
- NATO Policy on Preventing and Responding to conflict-related sexual violence (2021)
- NATO Policies on the Prevention, Management and Combating of Harassment, Bullying and Discrimination in the Workplace (2013 and 2020)
- NATO Code of Conduct (2010, 2013 and 2020)
- NATO Policy against the Trafficking of Human Beings (2004)
- NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse (2019)
- Equal Opportunity and Diversity Policy/NATO Diversity and Inclusion Action Plan (2019)
- NATO Policy on Women Peace and Security (2018)
- NATO Building Integrity Policy/Programme (2016)

Source: IBAN analysis of NATO documentation

2.11 The HBD policy states “*it is understood that flexibility is necessary to respect local specificities and implementing directives can therefore be adopted in each NATO body to facilitate the implementation of this policy*”. To complement the policy, local implementing directives are important to provide options and to clarify the different processes to follow based on the category of staff should they wish to address an HBD issue.

2.12 We requested 23 NATO bodies to provide us with their local implementing directives/guidance related to HBD. We found that:

- 7 out of the 23 (30%) have a specific local HBD implementing directive updated following the issuance of the 2020 policy.
- 7 out of the 23 (30%) have multiple guidance related to standards of conduct and staff management.

2.13 Too many policies and guidance on a similar topic can dilute key information and reduces awareness of individual initiatives. The array of policies and directives related to staff behaviour may lead to staff not being aware of the existence of the specific HBD policy. In addition, it can also create uncertainty as to whether one takes precedence over the other. Testimonials from local HR, CSA and PoCs indicated that they are struggling to identify the applicable HBD policy/directive when needed and to determine whether they are applicable or superseded.

The implementation of key measures to prevent and address HBD varies significantly across NATO

2.14 We identified key measures to have in place for preventing and addressing HBD in the workplace from good practices used in international and national organisations as well as from the NATO HBD policy, and we assessed whether NATO bodies have effectively and efficiently implemented these measures. To do that, we analysed the responses from the questionnaire sent to 23 NATO bodies related to the implementation of these key HBD measures, complemented by interviews held with key stakeholders during site visits.

2.15 We noted that since the adoption of the 2020 HBD policy, each of the 23 NATO bodies initiated activities regarding its implementation. However, we found that HBD efforts varies significantly in their scope and level of implementation across NATO bodies. The following paragraphs discuss more on specific observations for selected key measures we looked at. Summary results of key measures implemented to prevent and manage HBD at the 23 NATO bodies can be found in Appendix 3.

2.16 **Implementing directives.** Local implementing directives are a key tool for a successful implementation of the NATO-wide policy within NATO. We found that the existence of local HBD directives varies between NATO bodies:

- 35% do not have any local HBD directive at all, and rely solely on the NATO-wide policy itself and the CPRs,
- 35% have multiple directives related to standards of conduct and staff management, but are not up-to-date and not always specific to HBD,
- 30% have specific and up-to-date HBD directives.

2.17 **Awareness raising.** We found that HBD awareness activities took place in all of the 23 bodies we looked at. We observed a range of approaches, from a single email to all staff announcing the new NATO-wide HBD policy in late 2020, to locally made posters, brochures, town hall speeches or the creation of a dedicated intranet web-page. Communication tools also exist to promote the network of PoCs and HBD training. However, we noted a lack of harmonisation in the efforts and approaches used to raise staff awareness on the topic.

2.18 **Staff training.** NCIA developed an online HBD awareness training for its staff in November 2020. In February 2022, the International Staff Executive Management Human Resources (IS-EM-HR) launched the “*Awareness training on the prevention of harassment, bullying and discrimination in the workplace*” via an E-learning module. The IS shared this training and made it available NATO-wide. From the 23 NATO bodies we surveyed during our audit:

- 18 (78%) NATO bodies made it mandatory.
- 3 (13%) NATO bodies recommended it, but did not make it mandatory.
- 2 (9%) NATO bodies were not aware of this training or any other HBD related training.

2.19 The shared views received from the PoCs, CSA and HR representatives we met from 15 NATO bodies is that the training is a good first step, but that it is too generic and heavily focused on civilian staff and NATO HQ. In addition, the note launching the training (see figure 2) implies that it is not mandatory (only invited/encouraged) for employees not within the purview of the NATO CPRs which represents the majority of the NATO workforce.

Figure 2. Extract of the Office Notice launching the awareness e-learning on HBD

In line with the policy, other categories of personnel who are not within the purview of the NCPR, for example, interns, contractors and persons on assignment from other entities or authorities, including voluntary national contributions (VNC)s and military personnel) are invited/encouraged to take the course.

Source: Note by the DASG-HR “Launch of Awareness E-Learning on the Prevention, Management and Combating of Harassment, Bullying and Discrimination in the Workplace (ON(2020)0007)

2.20 **PoC network.** The HBD policy encourages staff to attempt to resolve their concerns about alleged HBD through non-contentious channels (informally) with the objective to address it before the matter escalates or becomes adversarial. A number of resources are available to staff including supervisors, HR departments, the staff committees, and the PoC network. While the establishment of a PoC network is not mandatory in the policy, 19 out of 23 (or 83%) NATO bodies nominated at least one person to play the role of a PoC. Their role is to provide information and guidance to staff on a private and confidential basis, and serve as a first point of contact for staff.

2.21 In total, there were 137 PoCs in these 19 NATO bodies as of June 2022. During our audit site-visits, we met with 52 of them. We found that the implementation and practices of the PoC network vary significantly across NATO. Figure 3 includes a summary of our observations on the lack of harmonisation across the PoC network.

Figure 3. Summary of observations on the PoC network.

- **Selection process:** Varies from a structured selection screening and interviews with clear criteria following a call for interest to all staff, to a direct selection made by the Head of NATO body or HR without a call for interest sent to all staff.
- **Role and mandate** are not equally understood by individual nominated PoCs and by staff in general, and vary between NATO bodies.
- **Composition of the PoCs:** NATO bodies use different terminologies to identify their PoC, such as Persons of Confidence, Trusted Persons or Prevention Advisors, which impacts on composition and role. We also found in 5 NATO bodies that PoCs were staff working in the HR division, one of them being the Head of the HR department, which conflicts with the informal role of the PoC as an additional route to deal with HBD concerns.
- **Training:** The majority (about 64%) of the nominated PoCs received a 5-day training focused on the role of the PoCs offered by the same external provider. The other 36% received either no training or a presentation prepared in-house.
- **PoCs Awareness raising:** In 10 out of the 19 NATO bodies with nominated PoCs, there is either no or limited awareness of the existence of the POC network and staff would not know how to find the list of PoCs.
- **PoC Network:** No structured coordination mechanisms and systematic sharing of experiences / practices across the network of PoCs NATO-wide. Some NATO bodies created a strong internal network, with periodic PoCs meetings. Others never meet together as a group and do not know each other.

Source: IBAN analysis of NATO documentation, responses received from 23 NATO bodies to IBAN questionnaire, and Focus groups held with PoCs.

2.22 HBD risk assessment – Good practices indicate that regular assessment of psychosocial risks in the workplace is a key measure to identify risk of harassment, looking at indicators such as stress, workload, workplace conflict, sick leave, absenteeism and turnover rate, as well as a lack of clear roles and poor managerial practices. Other measures include the conduct of staff work climate survey and exit interviews to identify potential risks of HBD in the workplace. We found that NATO bodies made little use of these types of methods. When they were used, the approaches varied, the initiatives were not shared with other NATO bodies, and the scope has sometimes been limited to civilian staff only.

There is no accountable entity responsible for monitoring the implementation and assessing the effectiveness of the policy

2.23 Good practices from international organisations and the Committee of Sponsoring Organizations of the Treadway Commission Enterprise Risk Management framework states “*governance sets the organisation’s tone, reinforcing the importance of, and establishing oversight responsibilities for, enterprise risk management*”. It is recognised that policies and complaints procedures for dealing with HBD are ineffective if they are not well implemented, monitored and evaluated, and if the culture of the workplace is unsupportive. The 2020 NATO wide HBD policy states “*the policy is subject to review and shall be revisited no later than five years after its approval*”. In our audit, we expected a governance structure with clear roles and responsibilities for overall monitoring of the implementation of the policy and for measuring its effectiveness.

2.24 Based on our review of the HBD policy, HR offices are responsible to the HoNB for implementing the policy within their organisation. However, we found that it does not specify who is responsible for its overall monitoring, consolidated reporting, and review. We asked

the 23 NATO bodies in our questionnaire who was ultimately responsible for the overall implementation of the policy. We obtained different responses as follows:

- 11 (48%) did not answer the question at all
- 5 (22%) indicated the Deputy Assistant Secretary General (DASG)-HR of the IS
- 3 (13%) indicated the NATO Secretary General
- 2 (9%) indicated the HoNB
- 1 (4%) indicated the higher ACO command (SHAPE)
- 1 (4%) indicated the Joint Consultative Board

2.25 The various responses received, and the significant number of NATO bodies who did not answer the question reflects the absence of a clear indication in the policy about the NATO-wide accountability for the HBD policy. The majority (67%) of the 12 NATO bodies who answered the question believed that the overall monitoring of the policy implementation was the responsibility of the IS (DASG-HR or Secretary General). However, this function is not assigned to the IS in the policy or elsewhere, and the IS-EM-HR confirmed to us that it does not have the mandate to do so.

2.26 The 2013 NATO HBD policy required a review and evaluation to occur after two years of its implementation in order to reflect (1) the Organisation experiences in implementing it, (2) the relevant changes in the workplace, and (3) any external factors. As in the new 2020 policy, the 2013 policy did not assign the responsibility to perform this review. We observed that no review occurred before 2019 when the IS hired an external consultant to perform one. However, this review mainly focused on the IS and NATO-HQ Brussels and not on NATO as a whole.

There is no channel outside individual NATO bodies to raise HBD concerns

2.27 The 2020 HBD NATO policy recognises the need to treat alleged instances of HBD with sensitivity and confidentiality to the greatest extent possible. To build trust in an HBD system, good practices from international organisations and national administrations indicate that anyone should be able to make complaints confidentially to the employer through multiple routes, including outside of their own entity. For example, the United Nations framework on the prohibition of discrimination, harassment, sexual harassment and abuse of authority contains the following provision: *“in all instances, aggrieved individuals or third parties who have direct knowledge of the situation may report cases of prohibited conduct directly to the Office of Internal Oversight Services, without the need to obtain authorization or clearance from any official”*.

2.28 The NATO policy encourages staff to attempt to resolve their concerns about alleged HBD through non-contentious channels in the first instance. The staff member can raise such concerns verbally or in written form within their NATO body by:

- Approaching the alleged offender
- Discussing with supervisors
- Contacting the HR Office
- Requesting guidance and/or support from the local CSA
- Seeking guidance and advice from a PoC

2.29 These various channels, when in place, are internal and located within each respective NATO body. There is no option to staff to report informally outside of their respective NATO body. Each NATO body has its specific process and its own CSA, PoCs network, and HR office, which are not accessible to staff from other NATO bodies, including when different NATO bodies are collocated.

2.30 For a formal complaint, the 2020 policy states: *“Persons working at NATO who consider that they have been subjected to harassment, bullying or discrimination may submit a written complaint [...] to the official in charge for personnel management as designated by the relevant Head of NATO body for this purpose, normally the Human Resources Office in the respective NATO body”.*

2.31 Following reception of a formal complaint, the HoNB and HR office are responsible to conduct the initial review of a complaint, and then to select an inquiry officer or select the composition of a Board of Inquiry. The policy provides guiding principles for the inquiry to be confidential and impartial. Based on analysis of responses to our questionnaire, and a review of local implementing directives, we found that NATO bodies usually appoint inquiry officers and boards of inquiry from staff inside its own organisation, with the exception of two NATO bodies who decided to contract out the inquiry process.

2.32 Following the recommendations from the inquiry, the ultimate decision for taking corrective action, disciplinary measures or no action, remains under the authority of the HoNB. A staff member who does not agree with the result of the inquiry or the final decision of the HoNB may appeal to the NATO Administrative Tribunal in accordance with Article 62 of the CPRs. Each of these steps, except for the appeal to the Tribunal at the very end of the process, involve staff from the same NATO body as the complainant.

2.33 Converging testimonials from PoCs, CSA and HR representatives indicated that the internal nature of the informal channels and the steps of the formal process deters victims from raising concerns about instances of HBD due to fear of retaliation, potential impact on their career or a general lack of trust in the process. Of the focus groups and interviews we conducted with PoCs and CSAs, 50% identified the handling of the formal process by their local HR as a potential cause for lack of trust in the process. As an example cited to us, a victim of HBD with a definite duration contract might not be willing to raise an informal concern or file a formal complaint to the HR division which is also responsible for dealing with their potential contract renewal.

2.34 Finally, these testimonials also identified the need for an entity outside of their NATO body available to receive HBD complaints and perform independent inquiries. This would help to increase staff trust in the process and to reduce the fear of retaliation. To that end, during our audit, we received three unsolicited requests from current and former NATO staff looking for a solution to raise HBD concerns outside of their NATO body. This was because they did not trust the internal process of their current or former organisation to be impartial.

Conclusion

2.35 Despite the renewal of the HBD policy in 2020, which is generally consistent with international good practices, its NATO-wide implementation could be more effective and

efficient. The multiplicity of policies and the different local implementing directives governing HBD, combined with the lack of clarity regarding the full applicability of the policy for the different categories of staff requiring case-by-case interpretation, creates confusion and uncertainty.

2.36 We acknowledge that good HBD prevention initiatives and efforts took place in the various NATO bodies. However, we found that the implementation of key measures to prevent and address HBD varies significantly across NATO. We observed that individual NATO bodies did not systematically share their good practices so that other NATO bodies could benefit from them, and only limited coordination took place. A lack of harmonisation in the different implementing HBD measures and related practices, and NATO bodies working in isolation, resulted in duplication of efforts, limiting the efficiency and effectiveness of the policy's implementation, and could lead to an inefficient use of limited resources.

2.37 In addition, there is no NATO entity responsible to oversee the implementation, to perform the monitoring, to assess effectiveness and to review the policy NATO-wide. As a result, there is a risk that the assessment and review of the policy will not occur in a timely manner as we observed for the 2013 policy. A defined organisational structure can unite various parties in the common aim and efforts to prevent HBD in the workplace. Without such a structure, there is a risk that the 2020 HBD policy will not remain relevant, and will not be implemented as intended in all NATO workplaces.

2.38 Finally, the absence of an external channel to raise concerns outside the NATO body for which a staff member is working for is an important issue. If the handling of HBD concerns is not perceived as fully independent from management, staff can lose trust in the system. This may impact staff willingness to report alleged HBD cases in the future, and limit the effectiveness of the policy.

3. NATO DOES NOT HAVE A PRECISE AND ACCURATE KNOWLEDGE OF THE EXTENT AND PREVALENCE OF HBD INCIDENTS IN ITS WORKPLACES

3.1 In line with international good practices, the NATO policy requires NATO bodies to monitor its effectiveness. To do that, the 2020 policy requires the NATO bodies' HR offices to collect information on individual incidents of HBD, including the number, type, and outcome of complaints and prepare an annual report to the Head of NATO body. A consolidated report should also be made available on an annual basis to the Joint Consultative Board (JCB) and to Allies. Based on this, our audit looked at whether NATO bodies have effective mechanisms in place to detect, collect data and report on HBD incidents.

The Joint Consultative Board is an advisory body forwarding its views and recommendations to the Secretary General and the Supreme Commanders on:

- *Proposals initiated by the Confederation of NATO Civilian Staff Committees for changes in the conditions of service of the staff as a whole,*
- *Other appropriate matters of common concern to the international civilian staffs throughout the Organization or of concern to retired NATO staff as a whole.*

Source: NATO Civilian Personnel Regulations Part 4, Annex XI

The mechanisms to collect HBD data result in missing and unreliable information

3.2 We found that local HBD data gathering and reporting mechanisms vary significantly from one NATO body to another. The processes in place to collect data within the various NATO bodies are not standardised and not all local reporting mechanisms were in place to collect complete and reliable data. In addition, there is a lack of clear criteria on what HBD data should be collected and reported, and the extent to which data residing outside of HR offices (such as from PoCs, Offices of Legal Affairs, CSAs, national military representatives) was to be obtained.

3.3 Despite the requirement for monitoring and for keeping records of cases since the approval of the 2013 policy, 20 out of 23 (87%) NATO bodies were not able to provide us with accurate data on the annual number of HBD cases dealt with since 2017. Table 7 below illustrates the limited data available.

Table 7: Number of NATO bodies who provided annual data on HBD cases (formal + informal) upon request from IBAN

Year	Number of NATO bodies with available data
Year 2017	3 of 23 (13%)
Years 2018, 2019 and 2020	11 of 23 (48%)
Year 2021	19 of 23 (83%)
Of the four NATO bodies with no yearly data available:	1 confirmed they are not recording data at all
	2 provided data for the 5 year period with no annual breakdown
	1 provided an estimate only

Source: IBAN analysis of questionnaire responses received from 23 NATO bodies.

3.4 In accordance with the 2020 HBD policy requirement, the first NATO-wide exercise to prepare an annual consolidated report to the JCB and Allies took place in 2021. For this particular exercise, the IS-EM-HR took the lead to collect data. To do that, it sent an email to HR offices of NATO bodies and requested them to fill in a matrix in a spreadsheet (see Appendix 2). The matrix divided the reporting between types of inappropriate behaviours and the type of process used for resolution (informal and formal). It provided no further details on how to complete it and what should be reported. For example, there was no precision as to whether HBD incidents involving non-civilians – for which the information is sometimes kept at national level and not systematically shared with NATO - should be part of the report. This left room for interpretation from individual NATO bodies to determine how to collect data and what data to include in the report.

3.5 The data gathering process was often limited to what was reported formally to HR offices (formal complaints) within each NATO body. There was limited consultation, if any, with other stakeholders, such as legal offices, Diversity and Health & Safety officers, medical units, local CSAs, and/or the POCs involved in the informal process to provide an accurate overall picture. We found that the level of such consultations varied from one NATO body to another making comparability of data difficult.

3.6 In addition, there is limited data available on the number of cases dealt with informally across NATO. One obstacle to obtain data on informal cases is the confidentiality inherent to the nature of consultations with the PoC. While there is some requirement for PoCs to report on the number of instances they are contacted by staff, 10 out of 22 (45%) PoCs focus groups indicated that they would never report any HBD related data on consultation to their organisation. This is to ensure full confidentiality and staff trust in the process. As a result, the level of data available for cases handled informally with the help of the PoCs varies from one NATO body to another, and even from one PoC to another within the same NATO body.

3.7 The consolidated NATO-wide report presented to the JCB and Allies in March 2022 indicates a total of 35 HBD cases resolved in 2021 across NATO and 15 cases were pending. We were unable to reconcile these numbers with the data we obtained directly from NATO bodies, which shows weaknesses in the data collection mechanisms. We recognise this NATO-wide report as a good first step in monitoring the effectiveness of the 2020 policy. However, we found that it includes incomplete and unreliable data. Without a credible report, the quality of the monitoring function can be negatively impacted. This inhibits a reliable and complete view of the situation to allow NATO decision makers to assess the effectiveness of NATO HBD policies and procedures.

3.8 Finally, the requirement to collect and report data exists since the approval of the 2013 policy on HBD, as well as the requirement to produce an annual HBD activity report containing statistics NATO-wide. The first annual consolidated report was only produced in 2022. Moreover, nine years after the 2013 policy, the data collection mechanisms still vary from one NATO body to another and are not in place at all in four (17%) of the NATO bodies in our audit scope.

There are indications of underreporting of HBD incidents across NATO

3.9 According to the 2020 HBD policy, creating a safe and respectful work environment is a priority at NATO. A safe and respectful workplace is a work environment where people are not afraid of speaking up and reporting on potential instances of misconduct. Underreporting is the failure to report an experienced act of misconduct related to HBD.

3.10 The inherent nature of underreporting - or not reporting at all - makes it difficult to precisely quantify its prevalence in NATO. However, based on our review of documentation, local staff surveys, and interviews we conducted with PoCs, CSAs, and HR representatives, we obtained indications that underreporting of HBD incidents occurs across NATO.

3.11 Twenty-six out of the thirty eight (68%) focus groups we conducted with PoCs and representatives of CSAs from 15 NATO bodies indicated occurrences of underreporting of HBD incidents. This is based on consultations and discussions they had with victims. The main reasons they identified as a cause for underreporting include:

- Fear of retaliation
- Fear of negative impacts on career (e.g. contract renewals)
- Lack of trust in the process/system
- Perception that no action will be taken about HBD allegations

- Lack of clarity, confusion, and misunderstanding of informal/formal processes
- No anonymous reporting process and no independent entity to receive and investigate complaints.

3.12 In addition, the NATO HQ Brussels IS CSA published an INFOTAN in May 2022 indicating that since the introduction of the 2020 NATO wide policy, approximately 70 IS staff members approached them to discuss concerns related to HBD. Meanwhile, IS-EM-HR reported to us that only 10 informal and formal cases were dealt with in 2021. While impossible to quantify, the significant difference between the number of cases reported by the IS and the number of HBD related consultations with the CSA in 2021 is a strong indication of underreporting.

3.13 The official data reported NATO-wide indicates that there were a total of 50 HBD cases (formal and informal) dealt with in 2021 (resolved and pending). This represents less than 1% out of a population of more than 15,000 people working on different NATO premises. Our review of staff surveys conducted by six NATO bodies from which we obtained the detailed results indicates that HBD issues affected significantly more than 1% of the NATO workforce. While we recognise that survey results are partly based on staff perception, the substantial difference between survey results and the 1% reported NATO-wide is also a strong indication of underreporting. Examples of results from specific HBD questions are below:

- 7% of staff disagreed that there is no discrimination in their workplace
- 8% of staff disagreed that their workplace is free from HBD and abuse of authority
- 12% of staff responded they felt they were subject to HBD in the workplace
- 14% of staff disagreed that their workplace is free of HBD
- 17% of staff are/have been bullied/harassed either rarely, occasionally or frequently
- 21% of staff witnessed what they consider HBD

3.14 NATO also recognises that underreporting is a reality. NATO's awareness training on the Prevention of Harassment, Bullying and Discrimination in the workplace indicates that *"research suggest that an estimated 66% of harassment cases are unreported."* Moreover, a 2019 external consultant report which reviewed the appropriateness of the NATO harassment policies and procedures also mentioned that harassment and inappropriate behaviour is chronically underreported within NATO. An extract of this report is found below.

Extract of external consultant review of NATO Harassment policies and procedures

"In this regard, there was a shared view that harassment and inappropriate behaviour is chronically underreported, due to the "culture of silence" (...). As is no uncommon in other international organizations, staff may be reluctant to raise harassment complaints, due to i) a sense of frustration that no action will be taken against those who habitually engage in abusive and bullying behaviour towards colleagues (the "culture of impunity") and ii) a fear of retaliation, including loss of employment prospects. The latter concern is particularly acute for interns, temporary staff and others working on NATO premises who do not have IS status or are on fixed-term contracts, and must look to their managers in order to obtain continued employment with the Organizations. Rather than complain, staff either endure such inappropriate behaviour, go on extended sick leave, or leave the Organization – each of which, of course, leaves the underlying problem unaddressed."

Source: Review of NATO harassment policies and procedures, external consultant report, January 2019.

Limited use of other research tools to obtain indications of instances of HBD

3.15 Underreporting means that even if the reliability of the available data improved, it would still not provide a complete picture of the causes and prevalence of HBD across NATO. In line with international good practices, the evaluation and monitoring of effectiveness of policy should also involve a variety of research methods to gather qualitative data in addition to quantitative data. These methods include periodically conducting staff/climate surveys, exit interviews with staff who leaves the organisation, and organisational HBD risk assessment as mentioned in paragraph 2.22.

3.16 We found that NATO bodies collect little alternate qualitative data which can help indicate the prevalence of HBD incidents that might not be reported. Based on the analysis of the responses to our questionnaire, we noted that:

- 12 of 23 (52%) NATO bodies conducted staff surveys since 2017. Only six of those included specific HBD questions, while the others included more general questions about work atmosphere, climate and staff well-being.
- 10 of 23 (43%) NATO bodies performs exit interviews to departing staff, but only one of them systematically keeps records on file. One NATO body indicated it conducts such interviews with civilian staff only.
- 2 of 23 (9%) NATO bodies distributes an exit survey to departing staff.

3.17 The limited use of alternate qualitative data gathering methods is a risk to NATO bodies, in particular when quantitative data are limited, incomplete and/or not reliable. The absence of such information limits the capacity to perform trend analysis, and to identify problems and implement corrective actions.

Conclusion

3.18 The IBAN concludes that NATO bodies do not have a complete and accurate understanding of HBD prevalence in its workplaces. Despite the requirement for the collection of HBD data since the 2013 policy, we found that the reporting requirements in 2021 are still not clear and local reporting mechanisms are not standardised or not in place. This resulted in limited, incomplete and unreliable HBD data collection and reporting NATO-wide. We also obtained indications of HBD incidents underreported across NATO. In this context, the use of alternate research methods providing qualitative information is of high importance for the organisation's capacity to have a complete and reliable view on the HBD prevalence in its workplaces. However, we found limited use of alternate qualitative data such as staff surveys and exit interviews.

3.19 The limited, incomplete and unreliable HBD information limits NATO's capacity to monitor and assess the effectiveness of the policy and the related implementing measures put in place NATO-wide. Finally, without reliable information available, it is difficult for the HoNB to respond effectively or assess whether measures in place prevent and reduce the risks of HBD in their workplace and to discharge their duty of care to staff.

4. CONCLUSION AND RECOMMENDATIONS

4.1 Conclusion

4.1.1 The objectives of the audit were to determine the extent to which NATO bodies are effective in implementing measures to prevent and manage HBD and whether they have effective mechanisms in place to detect, collect data and report on HBD incidents. We conclude that the NATO HBD policy implementation requires improvement with better harmonisation, coordination and sharing of HBD measures and practices amongst NATO bodies. We also conclude that NATO bodies do not have the mechanisms and practices in place to provide them with an accurate understanding of HBD prevalence in its workplaces.

4.1.2 We recognise that good HBD initiatives and efforts took place in the various NATO bodies. However, we found that the implementation of key measures to prevent and address HBD varies significantly across NATO. We observed that individual NATO bodies did not systematically share their good practices so that others could benefit from them, and only limited coordination took place. A lack of harmonisation in the different implementing HBD measures and related practices, and NATO bodies working in isolation, result in duplication of efforts, limit the efficiency and effectiveness of the policy implementation, and lead to inefficient use of limited resources.

4.1.3 The various NATO policies related to staff behavior and the multiple local implementing directives governing HBD, combined with the lack of clarity regarding the full applicability of the policy for the non-civilian staff create confusion and uncertainty to victims as to how or whether they can raise HBD concerns. In addition, the absence of an independent, external channel to raise concerns outside the NATO body for which a staff member is working for may also affect staff willingness to report alleged HBD cases.

4.1.4 We found that HBD reporting requirements were not clear, local reporting mechanisms were not standardised and not even in place in five NATO bodies resulting in incomplete and unreliable data collection. We also have indications that there is underreporting of HBD incidents across NATO. Reasons for victims to be reluctant to raise incidents include: confusion and misunderstanding of the processes from the HBD policy and its applicability; the absence of an external and independent entity mandated to receive complaints and conduct inquiries; lack of staff trust in the system and fear of retaliation and negative impacts on careers. NATO makes little use of alternate research methods such as staff surveys and exit interviews, which could provide valuable information and indications of HBD prevalence in the various NATO bodies, especially in the absence of complete and reliable data.

4.1.5 Overall, we conclude that NATO is at risk of not sufficiently and equally protecting all of its different categories of staff from harassment, discrimination and bullying in the workplace. The lack of complete and reliable HBD data and limited use of alternate research method providing qualitative HBD indicators limit NATO's capacity to identify the risks and prevalence of HBD in its workplace, and to respond effectively or assess the causes of potential HBD issues.

4.2 Recommendations

4.2.1 To address our findings, we recommend that Council tasks an appropriate strategic-level NATO committee to establish an external, independent entity to manage all instances of inappropriate misconduct across NATO (for all category of staff) including HBD, abuse of authority, fraud, corruption, conflict of interest, etc. The role of this entity would include the following:

- 1) To coordinate, oversee and ensure harmonisation of HBD prevention efforts and processes to manage HBD incidents in every NATO body for the various possible scenarios;
- 2) To receive information (including formal complaints) on possible misconduct via a hotline, anonymous online mailbox, or other means;
- 3) To investigate, with relevant professional competencies, potential allegations and recommend disciplinary actions or transfer cases to the right authorities;
- 4) To ensure confidentiality, impartiality, independence and provide protection for victims and witnesses;
- 5) To collect data on instances of misconduct to monitor and assess the effectiveness of the policies and related measures in place within individual NATO bodies and NATO-wide;
- 6) To ensure better harmonisation of the selection process and criteria, composition, training, reporting requirements, role and mandate of the Persons of Confidence network.

This recommendation is in line with a previous recommendation made in the IBAN *performance audit report to Council on the need for NATO to take actions to prevent, detect and respond to fraud and corruption* (IBA-AR(2018)0027).

4.2.2 We also recommend that Council clarify reporting responsibilities and data collection requirements from NATO bodies to ensure the fulfilment of the 2020 NATO HBD policy monitoring and review obligations.

4.2.3 All tasking decisions by Council should clearly identify those responsible to take action and set deadlines for the delivery of the expected outcomes.

5 COMMENTS RECEIVED AND THE IBAN'S POSITION

5.1 Comments Received

5.1.1 Seven NATO bodies submitted formal comments on the report and generally agreed overall with our recommendations, findings and conclusions. See appendix 5 for their detailed comments. The remaining NATO bodies did not submit formal comments. However, some provided factual comments that we incorporated into the report, as appropriate. The formal comments can be grouped into three areas:

1. Resources: Three NATO bodies raised concerns about resources allocated for combatting HBD and its impact on the effective implementation of the policy.

2. Establishment of an external, independent entity to manage all instances of inappropriate misconduct across NATO: Five NATO bodies indicated that they were not convinced that this recommendation would resolve the findings and conclusions of our report. Moreover, they highlighted the legal and regulatory complexity of establishing such an entity and a few were concerned that this could undermine the authority of the Heads of NATO bodies.
3. Plans and measures as they relate to our findings and conclusions: Four NATO bodies provided additional details and updates on their HBD efforts.

5.2 IBAN's Position

5.2.1 While IBAN appreciates and recognises these formal comments, we maintain the position that our recommendations will help improve the efficiency and effectiveness of preventing and managing HBD NATO-wide.

NATO UNCLASSIFIED

APPENDIX 1
IBA-AR(2022)0027**Audit questionnaire sent by IBAN to 23 NATO bodies****Date of completion:** _____

1. Fill-in the demographic data below:

Name of NATO Body	
Workforce composition of your organisation: - # of Civilians - # of Military staff - # of Temporary staff - # of Consultants - # of Contractors - # of Interns - # of VNCs - Total # staff	

QUESTIONS	RESPONSES	NAME OF SUPPORTING DOCUMENTS
1. HDB FRAMEWORK		
2. In addition to the ON(2020)0057-COR1 “ <i>NATO policy on the prevention, management and combating of harassment, bullying and discrimination in the workplace</i> ”, - Provide the local implementing guidelines, directives, procedures, code of conduct, etc. related to HDB that are applicable to your organisation.		
3. Does your entity have a plan in place to implement changes in response to the 2020 NATO policy on HDB (ON(2020)0057-COR1)? a. Provide a copy of the implementation plan. b. Provide status of the plan (what activities have been completed?).		

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 1
IBA-AR(2022)0027

4. Who (the position) is responsible for the implementation of the NATO policy on HDB: a. In your organisation? b. In NATO as a whole?		
5. Identify all stakeholders within your organisation that have a role in the implementation of the policy (ex: HR, legal, CSA, PoC, Gender Adviser, H&S officer). - Provide documentation that explains each stakeholders' role in the prevention and management of HDB.		
6. Did your organisation perform any assessment of psychological risks at work during the period 2017-2022?		
7. During the period 2017-2022, did your organisation conduct an assessment of the effectiveness of the measures in place to prevent and address HDB?		
2. HDB COMPLAINT PROCESS		
8. Provide the documented formal complaint process(es) within your organization. - If not documented, please explain the practice(s) in place.		
9. Who is responsible to receive the formal written complaint (name of the position)?		
10. Who is responsible (name of the position) to perform the preliminary assessment of an HDB alleged case to determine whether a process of inquiry / board of inquiry is deemed necessary?		
11. Process of inquiry / Board of inquiry:		

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 1
IBA-AR(2022)0027

a. Describe the process of inquiry mechanism in your entity when dealing with HDB cases (provide supporting document if the process is documented) b. Are inquiries dealt within your entity or is it outsourced outside your organisation? c. Explain how the members of the process of inquiry / board of inquiry are selected. d. Are there representatives of specific units that are always part of the inquiry such as legal, CSA or HR?		
12. Provide your documented informal "complaint" process(es) including the different options available to staff (e.g. mediation, conciliation) within your organization. - If not documented, please explain the practice(s) in place.		
13. Does your entity have a dedicated hotline or email box (whistleblowing channel) to report on alleged HDB offense?		
3. PERSONS OF CONFIDENCE (PoC) / TRUSTED PERSONS (TP)		
14. Provide the list of nominated PoCs/TPs in your organisation as of May 2022. a. Provide copy of the communication made to all staff to make them aware of the PoCs/TP nomination (if any). b. Provide a screenshot of the platform / sharepoint / intranet page where staff can find the list of PoCs/TPs (if any).		
15. Provide the "call for interest" sent to all staff at the time of "recruitment" for PoC/TP role (if any).		

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 1
IBA-AR(2022)0027

16. Explain the process followed for selecting PoC/TP within your entity? a. What criteria were used for the selection of POC/TP?		
17. Indicate whether they each received a specific training to act as PoC/TP in the context of HDB. If yes, precise the following: a. Date of the training received b. Who did provide the training (in-house vs external provider) c. What was the duration of the training? d. Did the training take place in-person or online?		
18. What kind of support and guidance is provided to help PoC/TP? a. Do they have access to specific tools? b. Do they meet periodically as a group?		
19. Is there any oversight function for the PoC/TP "program" (do the PoCs/TPs report to anyone in your organisation)?		
4. AWARENESS AND TRAINING		
20. How does/did your organisation raise awareness on HDB topics? - List all efforts and activities and provide documented evidence.		
21. Explain what HDB awareness activities are part of the induction process for newcomers? - Are these for all staff groups (NICs, Military, VNCs, etc.)?		

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 1
IBA-AR(2022)0027

22. Does a platform / sharepoint / intranet page exist for all staff to consult on directives, guidance and tools available regarding HDB? - If so, provide a screenshot of the home page(s).		
23. Provide examples of senior leadership actions supporting a work culture where HDB is not tolerated (such as newsletter, email to all staff, speeches during town hall meetings, etc.)?		
24. What training(s) is offered to staff concerning HDB? a. Is it mandatory? b. Is there any "refresher" requirements? c. Is it for all staff groups including NICs, Military, VNCs, interns, contractors, etc.?		
25. Do senior leaders and managers receive separate or additional training on HDB?		
5. DATA AND INFORMATION COLLECTED		
26. Provide the following data on HDB incidents (case report matrix) for years 2017-2022 for your organisation, if it exists: a. Number of formal complaints. b. Number of informal cases (i.e. mediation, conciliation, other). c. Number of staff consultations with PoCs/TPs. d. Number of staff consultations with CSA. e. Number of staff consultations with other stakeholders, such as medical unit, legal, gender advisor, psychosocial advisor, etc.		
27. Explain the HDB data collection process within your organisation. a. Who is in charge of collecting and reporting on HDB incidence?		

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 1
IBA-AR(2022)0027

b. What HDB data / information do you provide centrally to NATO? And to whom? c. What is the purpose of data collection/what is the data used for?		
28. Did you conduct Staff survey / work climate survey from 2017 to now? - If yes, provide copy of questionnaire(s) and report(s) produced following analysis of results.		
29. Do you conduct exit interviews with staff leaving the organisation? - If yes, do you keep record of HDB related information collected during exit interviews?		
OPEN QUESTION		
30. Any other comments you have regarding the prevention and management of HDB in your organisation and / or in NATO as a whole?		

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 2
IBA-AR(2022)0027

Annual Reporting Case Matrix used for preparing the 2021 NATO consolidated report on HBD

NATO POLICY ON THE PREVENTION, MANAGEMENT AND COMBATING OF HARASSMENT, BULLYING, AND DISCRIMINATION IN THE WORKPLACE

ANNUAL REPORTING CASE MATRIX

Ref.		Timeframe							
	Case		Gender Perspective (combination of gender/role)		Case resolved through informal procedures			Case resolved through formal procedures	Pending
	Workplace Scenario		Male (M) Female (F)		Conciliation	Mediation	Other*	Complaint Committee/ Investigation Board/ Disciplinary Board/Board of Inquiry	Tot pending cases not included in the "Tot. cases managed" (as not defined yet)
			Alleged Victim (V) Alleged Offender (O)						
Type	Definition	Tot. Cases managed (No.)	TYPE	Case A (M-O/F-V) Case B (F-O/M-V) Case C (M/M) Case D (F/F)					
1 Harassment	Harassment is defined as any unwelcome and unwanted visual, verbal, non-verbal or physical repetitive behaviour or conduct, that might be expected or perceived to unreasonably interfere with an individual's working performance, or which creates an intimidating, hostile or offensive work environment, or causes personal humiliation or embarrassment to a Staff Member. Disagreement on work performance or on another work related issue is not considered to be harassment (such matters should normally be considered within the framework of staff		A						
			B						
			C						
			D						
2 Sexual Harassment	Sexual Harassment is defined as any unwelcome and unwanted sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or advancement, or creates an intimidating, hostile or other offensive working environment. It is distinct from friendly behavior, and has nothing to do with comradeship, friendship or love.		A						
			B						
			C						
			D						
3 Discrimination	Discrimination is any unjustified treatment or arbitrary distinction based on grounds such as a staff member's race, gender, religion, nationality, ethnic origin, sexual orientation, disability, age, language, or social origin.		A						
			B						
			C						
			D						
4 Bullying	Bullying is repeated offensive, cruel, intimidating, insulting or humiliating behaviour that undermines an individual or group of individuals. Bullying may be physical, verbal, visual or written, and it can be direct or indirect.		A						
			B						
			C						
			D						

* "Other*": refers to resolution through other means e.g. resolved internally by organisation, member re-assigned, etc.

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 3
IBA-AR(2022)0027

Assessment of key measures implemented to prevent and manage HBD at 23 NATO bodies, as of August 2022

	Local specific HBD directives	HBD awareness training	Staff Survey conducted since 2017	Conduct Exit Interviews	HBD Yearly Data since 2017	POC network (IBAN assessment)
NATO Headquarters in Brussels						
IS	Up-to-date	Mandatory	Yes	Exit survey	2021	Good
IMS	No	Mandatory	Yes	No	2021	Not activated
OCS	No	Recommended	No	No	No breakdown	None
Allied Command Operations						
SHAPE	Outdated & Multiple	Mandatory	No	No	2018-2021	Limited awareness & training
JFCNP	Up-to-date	Mandatory	No	No	2018-2021	No POCs
JFCBS	Up-to-date	Mandatory	Yes	No	2018-2021	Not trained
AIRCOM	Outdated & Multiple	Mandatory	Yes	Yes – civil only	2018-2021	Limited awareness & training
MARCOM	No	Mandatory	Yes	No	2018-2021	No POCs
LANDCOM	Up-to-date	Mandatory	Yes	No	2018-2021	Not trained
NAEW&CF	No	No	No	No	2018-2021	Not trained
NCISG	Outdated & Multiple	Mandatory	No	Yes	2018-2021	Limited awareness
Allied Command Transformation						
HQ SACT	Outdated & Multiple	Mandatory	Yes	No	2021	Good
JALLC	Outdated & Multiple	Mandatory	No	No	No breakdown	Good
JFTC	Up-to-date	Mandatory	No	No	2017-2021	Good
JWC	Outdated & Multiple	Mandatory	Yes	Yes	2021	Good
Civilian agencies						
NAPMA	No	Mandatory	No	Yes	2021	No POCs
NCIA	Outdated	Recommended	Yes	Yes	2017-2021	Good
NETMA	No	Mandatory	No	Yes	2021	All from HR
NAHEMA	Up-to-date	Mandatory	No	Yes	2021	Head of HR
NSPA	Up-to-date	No	Yes	Exit survey	No data	Not trained

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 3
IBA-AR(2022)0027

	Local specific HBD directives	HBD awareness training	Staff Survey conducted since 2017	Conduct Exit Interviews	HBD Yearly Data since 2017	POC network (IBAN assessment)
Other						
NDC	No	Recommended	Yes	Yes	Estimate	Good
CMRE	Outdated & Multiple	Mandatory	No	Yes	2017-2021	Chosen by director
CSO	No	Mandatory	Yes	Yes	2021	Chosen by director
Total						
Satisfactory	7/23 (30%)	18/23 (78%)	12/23 (52%)	9/23 (39%)	3/23 (13%)	7/23 (30%)
Partially satisfactory	8/23 (35%)	3/23 (13%)	0/23 (0%)	3/23 (13%)	16/23 (70%)	5/23 (22%)
Not satisfactory	8/23 (35%)	2/23 (9%)	11/23 (48%)	11/23 (48%)	4/23 (17%)	11/23 (48%)

Source: IBAN analysis of NATO documentation, questionnaire responses and testimonials collected during site-visits

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 4
IBA-AR(2022)0027**Assessment of the Persons of Confidence network at 23 NATO bodies, as of August 2022**

	Number	Selection	Composition	Staff Awareness of POCs	Training	Comment
NATO Headquarters in Brussels						
IS	16	Volunteers & Selected by OIARM	No issues	Yes	5-day	
IMS	6	Voluntary basis	2/6 from HR	No	5-day	Not activated due to lack of framework
OCS	0	NA	NA	No	NA	
Allied Command Operations						
SHAPE	24	All volunteers appointed	No issues	Limited	5-day (16/24 POCs)	Called: Prevention advisors & Mediation Panel members
JFCNP	0	NA	NA	No	NA	
JFCBS	18	All volunteers appointed	No issues	No	No	Called: Trusted Persons
AIRCOM	7	Volunteers & Selected by HR	No issues	No	5-day (3/7 POCs)	
MARCOM	0	NA	NA	No	NA	
LANDCOM	8	Volunteers & Selected by ACOS	1/8 from HR	Yes	No	Called: Prevention advisors & Mediation Panel members
NAEW&CF	1	Diversity officer assigned	Diversity Officer	No	No	Role assigned to Diversity Officer (not called POC)
NCISG	1	All volunteers appointed	No issues	Limited	5-day	Staff has access to SHAPE POC network
Allied Command Transformation						
HQ SACT	6	Voluntary basis	No issues	Yes	5-day	
JALLC	1	Voluntary basis	No issues	Yes	5-day	
JFTC	2	Volunteers & Selected by HR and CSA	No issues	Yes	5-day	
JWC	3	Voluntary basis	No issues	Yes	5-day	
Civilian agencies						

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 4
IBA-AR(2022)0027

	Number	Selection	Composition	Staff Awareness of POCs	Training	Comment
NAPMA	0	NA	NA	No	NA	
NCIA	29	Volunteers & Selected by HR and CSA	No issues	Yes	5-day	
NETMA	4	Selected from within HR	All 4 from HR	Yes	In-house	
NAHEMA	1	Selected from within HR	Head HR	Yes	No	
NSPA	5	Suggested by HR	No issues	Yes	No	
Other						
NDC	2	Election by CSA	No issues	Yes	5-day	
CMRE	2	Chosen by Director	1/2 from HR	Yes	5-day (1/2 POC)	
CSO	1	Chosen by Director	No issues	Yes	5-day	
Total	137					

Source: IBAN analysis of NATO documentation, questionnaire responses and testimonials collected during site-visits.

NATO UNCLASSIFIED

NATO Bodies Formal Comments on the Performance Audit Report

1. Allied Command Transformation (ACT)

NATO UNCLASSIFIED
Releasable to Finland and Sweden



Allied Command Transformation

Norfolk, Virginia | USA



MEMORANDUM FROM *Chief of Staff*

TO: See Distribution

SUBJECT: ACT FORMAL COMMENTS TO IBAN PERFORMANCE AUDIT ON NATO'S PREVENTION AND MANAGEMENT OF HARASSMENT, BULLYING AND DISCRIMINATION IN THE WORKPLACE

DATE: 17 November 2022

REFERENCE: A. Performance Audit Report on NATO's Prevention and Management of Harassment, Bullying and Discrimination in the Workplace – IBAN-AR(2022)0027 dated 26 October 2022.

1. ACT welcomes the draft performance audit at Reference A and appreciates the opportunity to provide comments. Duty of care and ensuring a safe working environment for our workforce are primary concerns of ACT and we recognise the importance of this performance audit in the area of prevention and management of Harassment, Bullying and Discrimination (HBD) in the workplace.
2. As requested, ACT has provided a separate fact-based response for consideration by the lead auditor for this performance audit. ACT was also invited to provide formal comments on the draft performance audit report and its recommendations. These comments are at Annex A and together with this letter constitutes ACT's formal comments to be considered as part of the final performance audit report issued to Council.
3. We hope that our formal comments will support consideration of the resources dedicated to implementing this, and other important NATO wide policies, to ensure they are sufficient to support more effective HBD prevention and management across NATO.

NATO UNCLASSIFIED

APPENDIX 5
IBA-AR(2022)0027

NATO UNCLASSIFIED
Releasable to Finland and Sweden

4. Should there be any questions the ACT point of contact is Mr. Neil McMullan, Section Head Civilian Human Resources Policy, neil.mcmullan@act.nato.int.



Guy Robinson OBE
Vice Admiral, GBR N
Chief of Staff

ANNEX:

- A. ACT Formal Comments to the IBAN Draft Performance Audit on NATO's Prevention and Management of Harassment, Bullying and Discrimination in the Workplace - IBA-AR(2022)0027.

DISTRIBUTION

External:

Ms. Daniela Morgante, Chair, International Board of Auditors for NATO.
Mr. Franz Wascotte, Board Member, International Board of Auditors for NATO.

Internal:

DCOS RM
Branch Head HRM
LEGAD
GENAD
Office of Internal Audit

NATO UNCLASSIFIED

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 5
IBA-AR(2022)0027

NATO UNCLASSIFIED - STAFF

Annex A

ACT Formal Comments to the IBAN Draft Performance Audit on NATO's Prevention and Management of Harassment, Bullying and Discrimination in the Workplace - IBA-AR(2022)0027.

ACT Formal Comment 1:

The current draft of the report does not contain an assessment of the resources allocated to combatting HBD in NATO Bodies. NATO Bodies are managing an increasing number of NATO-wide policies and strategies to implement and raise awareness of various issues, such as those listed in the draft performance audit report on page 11 (figure 1 - NATO Policies and initiatives related to staff behaviour).

The first objective of this audit is to determine the extent to which NATO bodies are effective in implementing measures to prevent and manage HBD in the workplace. ACT considers that effective implementation is, in part, based on the resources, particularly human resource, allocated to implementation. Many of the risks and weaknesses identified in the draft report may be a result of the current allocation of resources to effectively prevent and manage HBD. Establishing a benchmarked framework for appropriate allocation of resources would assist NATO Bodies in assessing whether or not their approach is in line with other best practices in NATO and other international organisations. This is particularly the case in the NATO Command Structure, where the number of staff and the duties they fulfil are strictly controlled via peacetime establishment (PE) workforce ceilings. The report's recommendations are not built on an analysis of the current PE allocation working full time with these duties and establishing a benchmark for best practice would assist Commanders and Nations in the task of prioritising how posts are allocated.

ACT Formal Comment 2:

With paragraph 4.2.1 IBAN recommends, that Council tasks an appropriate strategic-level NATO committee to establish an external, independent entity to manage all instances of inappropriate misconduct across the organization (for all categories of staff) including HBD, abuse of authority, fraud, corruption, conflict of interest, etc. An external entity as suggested in the draft report would require reconciliation between the legal authority of such an entity and the current legal frameworks established, for example, in NATO Civilian Personnel Regulations. While an external independent authority may be a leading practice, the effectiveness of such an entity may, in practice, be lower than current more localised solutions, when taking into account the current separate authority reserved for the NATO Secretary General, Strategic Commanders, and other Heads of NATO Bodies. Beyond concerns regarding effectiveness, it also has the potential to be in conflict with, in the military context, national regulatory frameworks that are intended to address these matters for members of their force.

NATO UNCLASSIFIED

NATO UNCLASSIFIED

2. International Military Staff (IMS)

NATO UNCLASSIFIED

ANNEX A to
DGIMS-BUS-0135-2022

IMS Formal Comments to IBA-AR(2022)0027, Performance audit report on NATO's prevention and management of Harassment, Bullying and Discrimination in the workplace, provided with IBA-A(2022)0132, dated 26 October 2022.

1. The Need for Greater Coordination Concerning Implementation of the Policy across NATO Bodies

a. Paragraph 2.9 of the report states, *"The aim of the policy is to strive for zero-tolerance of inappropriate behaviour in the work environment. To achieve this goal, it has to be clear to everyone working on NATO premises that the policy applies to all and what processes applies in specific scenarios. This should not be left to interpretations by individual NATO bodies."*

b. IMS fully supports this assertion, but recognizes the personnel composition of NATO Bodies varies widely across the organisation. Accordingly, as acknowledged within the HBD Policy, implementation of the policy within each individual NATO body will require a flexible and tailored approach. While maintaining this flexibility is key, the IMS would welcome additional efforts to coordinate further implementation policies across the various NATO Bodies and share best practices in an effort to ensure consistent application of the principles of the policy within a framework appropriately tailored to each NATO body.

2. Recommendation for an External Channel to NATO Bodies to Raise HBD Concerns

a. Paragraph 4.2 of the report proposes establishing an external, independent entity to manage all instances of inappropriate misconduct across the organisation for all categories of staff. While the IMS welcomes all efforts aimed to increase coordination, and harmonisation in implementing the HBD policy, the multifaceted nature of personnel assigned to NATO Military Bodies would make implementation of this initiative challenging. Approximately 80% of the IMS workforce is military, and therefore does not fall under NATO contractual authority. As such, disciplinary issues fall to a member's national chain of command. From an IMS perspective, it is highly unlikely that Nations would agree to imbue an external organisation with a level of authority over their military members. Alternatively, creating an external organisation, but exempting military members from its jurisdiction risks creating the perception of disparate standards for nationally provided workforce and NATO civilians.

b. Despite the above concerns, IMS recognizes that part of the rationale for suggesting the creation of an external agency stems from a perception about the prevalence of underreported HBD cases. IMS leadership shares this concern and welcomes the opportunity to collaborate with other NATO bodies to develop best practices to educate personnel and raise awareness of the multiple extant avenues available to report HBD

NATO UNCLASSIFIED
A-1

NATO UNCLASSIFIED

APPENDIX 5
IBA-AR(2022)0027

NATO UNCLASSIFIED

concerns. Such collaboration could also consider the development of new approaches such as of a NATO-wide anonymous reporting mechanism.

3. Use of Terminology

a. Within the HBD Policy, the fact-finding process relevant to a Written Complaint is referred to as an "inquiry." In the development of the Policy, the term "investigation" was purposely avoided to ensure applicability to all categories of personnel serving in NATO, particularly in Military Bodies where a majority of the staff is not under contractual authority of the Commandant/Head of NATO Body. Accordingly, within the report, the term "investigation" should be replaced with the term "inquiry" to align with Part II para B4 and part IV para D of the policy.

4. IMS Way Forward

a. IMS fully recognizes the importance of developing and implementing a locally tailored HBD directive. Work is currently underway on this effort, with an anticipated implementation date in mid-2023. Further, IMS HR is proactively seeking opportunities to raise the staff's overall level of awareness on the HBD Policy. Focused efforts include promoting better visibility of trained POCs and ensuring staff are well educated on all HBD reporting options. IMS HR is also working to secure additional POC training to increase the IMS POC network and to establish a process to facilitate exit interviews of departing staff.

NATO UNCLASSIFIED
A-2

NATO UNCLASSIFIED

3. International Staff (IS)



ASSISTANT SECRETARY GENERAL
SECRÉTAIRE GÉNÉRAL ADJOINT
EXECUTIVE MANAGEMENT
GESTION EXÉCUTIVE

18 October 2022

EM(2022)0285

IBAN
Mr. Franz Wascotte

[REDACTED]
[REDACTED]
[REDACTED]

NATO IS received your draft report IBA-A(2022)0132 / IBA-AR(2022)0027 dated 26 October 2022 concerning the Performance Audit on NATO's prevention and management of harassment, discrimination and bullying in the workplace.

For your consideration, I attach herewith comments on the draft report.

Yours sincerely,

(Signed)

Nathalie MATTHIJS
Acting Assistant Secretary General for Executive Management

Annex: comments

IBAN comments	Comments from NATO IS
FORMAL COMMENTS	
2. THE EFFECTIVENESS OF THE NATO-WIDE HBD POLICY IMPLEMENTATION COULD BE IMPROVED	
The policy is generally consistent with good practices	NATO IS appreciates the comment in the context in which the review undertaken in 2019 by Joan Powers, expert in international law was specifically targeted to

NATO UNCLASSIFIED

	best practices (ref. to JCB-WP(2019)0001 - the 15 comparators used were the Council of Europe (CoE), European Investment Bank (EIB), European Southern Observatory (ESO), Food and Agricultural Organization (FAO), International Labour Organisation (ILO), International Federation of the Red Cross & Red Crescent Societies (IFRC), International Food and Agriculture Fund (IFAD), International Monetary Fund (IMF), Organisation for Economic Cooperation and Development (OECD), Organization for Security and Co-operation in Europe (OSCE), World Bank, World Food Programme (WFP), World Health Organization (WHO), United Nations (UN), and the United Nations International Children's Emergency Fund (UNICEF).
The applicability of the policy lacks clarity	The Policy (ON(2020)0057-COR) states the following under A. Coverage and Scope of the Policy: 1. This Policy applies to all staff groups included within the NATO Civilian Personnel Regulations (NCPR) i.e. staff, temporary staff, or consultant. 2. This Policy may also assist Heads of NATO bodies to manage cases of harassment, bullying or discrimination that involve other categories of personnel who are not within the purview of the NCPR, for example, interns, contractors and persons on assignment from other entities or authorities, including voluntary national contributions (VNCs and military personnel). 3. All other persons working at NATO, regardless of the type or duration of their employment contract, may raise concerns or submit a complaint that they have been subjected to harassment, bullying or discrimination in violation of this Policy, even if they are not within the purview of the NCPR (this would include, for example, interns, contractors and persons on assignment from other entities or authorities, including VNCs and military personnel). 4. However, if the alleged victim/offender is not within the purview of the NCPR and reports to an authority external to NATO, the Head of NATO body to which the alleged victim/offender belongs may establish a fact finding inquiry in coordination with the alleged victim/offender's line of command or employer (e.g., on-site vendor) that adheres to the principles in this Policy or refer the matter to the alleged victim/offender's line of command or employer to address under their own employment rules, with

NATO UNCLASSIFIED

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 5
IBA-AR(2022)0027ANNEX
EM(2022)0285

NATO UNCLASSIFIED

	appropriate follow-up by the NATO body concerned." In line with the expert advice from the external expert Joan Powers, NATO bodies had an inclusive approach towards all categories of persons working at NATO. According to NATO IS this approach is needed in order to make sure all persons who are subject to harassment are informed about the appropriate channels to report. This was done in the policy, taking into account the existence of different staff categories who are subject to different rules and procedures and disciplinary processes and the complexity of the NATO structures. It is not clear that the recommendation at 4.2.1 to establish an external independent entity to manage all instances of HBD would resolve the concern of differences in application of the policy to non-civilian staff.
There are multiple NATO policies, initiatives and local implementing directives governing staff behaviour	The IS notes that in accordance with the Civilian Personnel Regulations, Heads of NATO bodies are authorised to take such steps as are necessary to establish, consistent with the provisions of the Regulations, more detailed rules and procedures to ensure effective, efficient and economical administration and utilization of civilian personnel within the organizational units headed by them. Heads of NATO bodies will consult the Advisory Panel on Administration, established by the Secretary General before taking a final decision. IS would note that the statement at para 2.13 should be clarified to avoid the impression that the NATO Policies and Initiatives listed at Figure 1 or individual implementing directives implemented by NATO bodies are seen by IBAN as nugatory or diluting key information/reducing awareness among staff (such an inference would in any case run contrary to the statement in para 2.16 which recognises implementing directives as a key tool). Also, IS notes that the field of applicability and stakeholders (internal vs external) varies in the list in figure 1. And believes there is no one-size-fits-all for the issues treated under the listed policies and initiatives.
The implementation of key measures to prevent and address HBD varies significantly across NATO	The IS would note that the arrival (in the fall of 2022) of the Ethics Officer at NATO IS with responsibility for taking measures to increase awareness among all staff members of the HBD Policy to include providing

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 5
IBA-AR(2022)0027ANNEX
EM(2022)0285

NATO UNCLASSIFIED

	appropriate information, implementing a communications strategy, and offering training for staff, supervisors and HR Officers, as well as targeted training to assist supervisors in conducting informal conflict resolution within their units should assist will assist with the concern expressed at para 2.19 that training is too generic. Likewise, in relation to the concern expressed about the lack of a structured coordination mechanism for sharing of experiences across the PoC network, the Ethics Officer will organize information sharing and lessons learned sessions from a review of cases with the PoC on a regular basis. The IS notes that the Advisory Panel on Administration assists with the establishment of policies and principles. It also provides guidance on the interpretation of the Civilian Personnel Regulations and other administrative rules. It advises and assists Heads of NATO bodies. The IS notes that important implementation work has been done NATO-wide. The conclusion seems to ignore the differences in nature, size and establishment of the different NATO entities.
There is no accountable entity responsible for monitoring the implementation and assessing the effectiveness of the policy	The IS notes that via the Advisory Panel on Administration, the Organization facilitates the sharing of information and systematic monitoring of the policy. The HR offices have overall responsibility for monitoring the effectiveness of the policy. The Designated Authority gathers information to be used to prepare anonymous statistical data, make systemic observations and propose collective measures to the Advisory Panel on Administration, the Health and Safety Committee (as applicable) or the Head of the NATO body. In response to the IBAN observation on the lack of harmonisation in the efforts and approaches to raise awareness on the prevention of harassment, discrimination, bullying (HDB) in the workplace, as well as the references to the little use of work climate survey and exit interviews to identify potential risks of HBD in the workplace, the IS notes that NATO bodies operate with limited resources. Sharing of information and approaches as well as NATO IS guidance is provided via the Advisory Panel on Administration.
There is no external channel to NATO bodies to raise HBD concerns.	The IS notes that it would be helpful if the report could elaborate on the reference to international good practice at para 2.27 as with the exception to the UN Office of Internal Oversight Services we are not aware

NATO UNCLASSIFIED

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 5
IBA-AR(2022)0027ANNEX
EM(2022)0285

NATO UNCLASSIFIED

	of other international organizations that operate an external reporting channel for cases of HBD and note it was not identified as a recommended practice in the European Commission's Benchmark Study on Measures Relating to Harassment Prevention (May 2021) which reviewed the practices of six EU Institutions & Bodies (European Commission, European External Action Service, European Court of Auditors, European Central Bank, European Parliament and Court of Justice) and three International Organisations (NATO, UN and World Bank).
Conclusions	Attention is drawn to the formal comments above regarding the need for clarity in relation to the statement at para 2.13 and further substantiation of the reference to an external reporting channel at para 2.27. With reference to the observation that there is no NATO entity responsible to oversee the implementation, to perform the monitoring, to assess effectiveness and to review the policy NATO-wide as required, the Advisory Panel on Administration (and/or the Joint Consultative Board) with support from the IS Ethics Officer could consider undertaking this role.

IBAN comments	Comments from NATO IS
FORMAL COMMENTS	
5. NATO DOES NOT HAVE A PRECISE AND ACCURATE KNOWLEDGE OF THE EXTENT AND PREVALENCE OF HBD INCIDENTS IN ITS WORKPLACES	
The mechanisms to collect HBD data result in missing and unreliable information	NATO IS would note that with the arrival of the Ethics Officer there will be a greater focus on centralising information in order to draw anonymous statistical information and propose collective measures. In particular, the Ethics Officer, under the authority of the Head, OIARM shall prepare, in liaison with HR, an annual report for the Secretary General. The annual report is communicated to the Advisory Panel (AP) on Administration, and the Health and Safety Committee. The report will cover informal and formal complaints. It provides an anonymised and aggregated oversight of how alleged harassment allegations are managed and addressed, focuses on systemic trends, and makes recommendations for improving the effectiveness of preventive and corrective measures. It also contains recommendations for improving the harassment policy and adapting it to emerging trends and accumulated experience to date. The recommendations in the annual report will be validated by the Secretary General and, together with all relevant stakeholders, the Ethics Officer and HR will implement the recommendations.

NATO UNCLASSIFIED

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 5
IBA-AR(2022)0027ANNEX
EM(2022)0285

NATO UNCLASSIFIED

	The Ethics Officer report will support the consolidated NATO-wide report to be made available to the Joint Consultative Board and Delegations. The IS notes that with regard to the NATO-wide data collection mechanism, the OASIS (On-Line Administrative Information System) will be customised, pending IT support resources, and in collaboration with the Ethics Officer to gather data and build on the first good steps in the monitoring.
There are indications of underreporting of HBD incidents across NATO	The IS organised several training sessions in addition to the online training to raise awareness on HDB. It is considered that the channels put in place via the Persons of Confidence, Ethics Officer, etc. will make a difference.
Limited use of other research tools to obtain indications of instances of HBD	The IS notes that conducting staff/climate surveys, exit interviews with staff who leaves the organisation, organisational HBD risk assessments require dedicated resources which represents a challenge for most of the NATO Bodies.
Conclusion	Please refer to the comments above. The limited use of alternate qualitative data such as staff surveys and exit interviews is the result the lack of resources and solid IT reporting tools.

IBAN comments	Comments from NATO IS
FORMAL COMMENTS	
6. CONCLUSION AND RECOMMENDATIONS	
	The IS would note that in light of the existence of different staff categories who are subject to different rules and procedures and disciplinary processes it is not clear that the recommendation at 4.2.1 to establish an external independent entity to manage all instances of HBD would resolve the concern of differences in application of the policy to non-civilian staff. Whilst it is in principle possible for the NAC to establish a new independent entity external to existing NATO bodies with overarching responsibility for management of all cases of misconduct across all NATO bodies, this would need to properly take into account the complex legal framework established by the Nations and the respective roles and authorities of the Secretary General, the Supreme Commanders as well as those of the Heads of NATO Bodies. That in turn would require very significant changes to the present allocation of responsibilities both between and within

NATO UNCLASSIFIED

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 5
IBA-AR(2022)0027

ANNEX
EM(2022)0285

NATO UNCLASSIFIED

	the NATO bodies for the employment relationship, disciplinary and performance matters, as established by the NCPRs and the various policies through which the NCPRs are implemented. The sharing of measures and practices on the prevention of HDB will be done at the Advisory Panel on Administration. The gathering of data can be reinforced by investment in IT reporting tools. The use of alternate research method providing qualitative HBD indicators is contingent on resources.
--	--

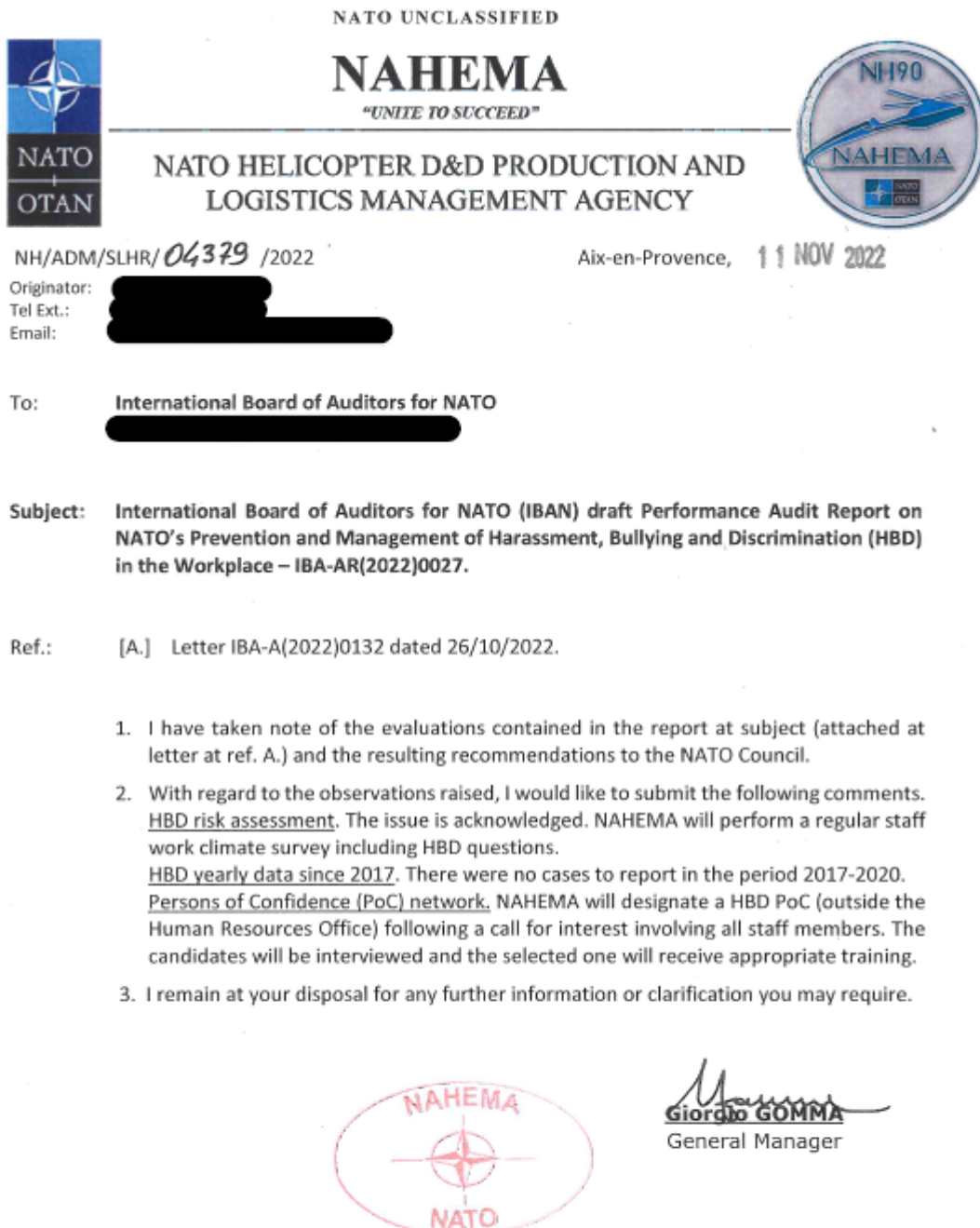
NATO UNCLASSIFIED

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 5
IBA-AR(2022)0027

4. NATO Helicopter Management Agency (NAHEMA)



NATO UNCLASSIFIED

851, Ave Jean Dalmas - Bât. A - 13090 Aix-en-Provence - France
+33 (0) 4 65 15 04 00 - nahema@nahema.nato.int

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 5
IBA-AR(2022)0027**5. NATO Communications and Information Agency (NCIA)**NATO UNCLASSIFIED
Releasable to Finland and Sweden

NCIA/IA/2022/08106

ENCLOSURE

International Board of Auditors for NATO (IBAN) draft Performance Audit Report on NATO's Prevention and Management of Harassment, Bullying and Discrimination in the Workplace – IBA-AR(2022)

Formal Comments of the NCI Agency

NCI Agency appreciates the detailed audit on the NATO's prevention and management of Harassment, Bullying and Discrimination (HBD) in the workplace. We have reviewed the draft performance audit report (Reference A) and we welcome the positive assessment made by the IBAN on the progress made by the NCI Agency with regard to the prevention and management of HBD.

We are strongly of the view that for data to provide a reasonably accurate picture of HBD, reported incidents of HBD should always be analysed by Legal Advisers for an initial opinion to assess credibility. In order for legitimate concerns to be treated with urgency and focused resources, the policy should emphasize proper evidence and substantiation right from the start. This would also help overcome the issues noted in paragraph 3.11. It would also help mitigate concerns of abuse of process. Further, individual(s) tasked with managing the complaints process, whether from HR departments or elsewhere, should receive mandatory training on how to handle these cases. This training should not be limited to Persons of Confidence.

The observations could be further refined with an acknowledgement that fairness is important in the reporting and data collection process. Therefore, data collected should include not only the number of cases reported, but whether incidents were sufficiently supported. This report and any future policy should emphasize administrative and procedural fairness, avoiding undue prejudice to individuals subject to complaints prior to evidence-based findings.

Overall, NCI Agency supports a common approach with NATO wide policy in this area. However, the Agency does not support the need to establish a new centralised body to the extent suggested, which could lead to unnecessary bureaucracy and increased administrative burden. The Heads of NATO bodies must remain responsible and accountable and therefore use their judgement to develop arrangements which provide reasonable (not absolute) assurance such that the investment of resources for prevention and management of HBD are balanced with an overall effort to ensure effective implementation of the NATO wide policy.

The NCI Agency recognises the various benefits of a centralised and dedicated investigation service for HBD, which could be utilised by all NATO bodies during the Written Complaint Process. This specific element would receive the Agency's full support.

We note that the key issue of resourcing was not reflected or addressed by the audit. If the purpose of the audit aims to evaluate if NATO entities effectively address HBD risks to the Alliance and meet

NATO UNCLASSIFIED
Releasable to Finland and Sweden

Page 3 of 4

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 5
IBA-AR(2022)0027

NATO UNCLASSIFIED
Releasable to Finland and Sweden



NCIA/IA/2022/08106

international good practices an assessment of resources committed in comparison to the size of the organisation and footprint, is a necessary part of the criteria and should be put into context for the benefit of all stakeholders against resources available.

For the NCI Agency, the customer funded model with a cap on 27% overheads is a very real constraint, in particular when allied with a complex geographical footprint, a diverse workforce mix of military, civilian and contractors, and multiple main sites across a range of Host Nations and legislative frameworks.

NATO UNCLASSIFIED
Releasable to Finland and Sweden

Page 4 of 4

NATO UNCLASSIFIED

6. NATO Communications and Information Systems Group (NCISG)

NATO UNCLASSIFIED

31 OCT 22

NCISG FORMAL RESPONSE TO IBAN DRAFT PERFORMANCE AUDIT REPORT ON NATO'S PREVENTION AND MANAGEMENT OF HARASSMENT, BULLYING AND DISCRIMINATION IN THE WORKPLACE – IBA-AR(2022)0027

Summary Note for Council by IBAN on the Performance Audit on NATO's Prevention and Management of HDB in the Workplace			
0.1	Para 4.2 – Recommendations		
	Comments: IBAN recommendation to establish an external, independent entity to manage all instances of inappropriate misconduct across the organization including HDB, abuse of authority, fraud, corruption, conflict of interest etc. <u>is not supported by NCISG.</u> NCISG opposes such a recommendation, as this will undermine the authority of the respective Head of NATO Body, who is ultimately responsible to implement, put in place mechanisms and manage instances of inappropriate misconduct. Important steps <u>have already been made</u> and further actions to deliver expected outcomes are planned. Efforts to harmonize HDB prevention efforts and processes <u>should be intensified</u> , instead of creating another entity that will take time and require additional workforce and funding resources. This applies to other areas, as well (ie fraud, corruption etc.)		
Appendix 3 to IBA-AR(2022)0027 – Assessment of key measures implemented to prevent and manage HBD, as of Aug 22			
1.1	Staff Survey conducted since 2017	Colour code	RED (NO)
	Comments: The assessment is <u>partially</u> accepted. NCISG receives support in this area from SHAPE, with which it is collocated in Mons. A Staff Survey is scheduled to be conducted which will include all NCISG HQ staff members (MIL and CIV) in Nov 22. NCISG plans on extending this survey to NCISG subordinate units, depending on the LL/LI from the survey applied in the HQs.		

NATO UNCLASSIFIED

APPENDIX 5
IBA-AR(2022)0027**7. Science and Technology Organisation – Office of the Chief Scientist (STO – OCS)**

NATO UNCLASSIFIED

ANNEX 1
STO-OCS(2022)0116**OFFICE OF THE CHIEF SCIENTIST (OCS) FORMAL COMMENTS TO THE IBAN DRAFT
PERFORMANCE AUDIT REPORT ON NATO'S PREVENTION AND MANAGEMENT OF
HARASSMENT, BULLYING AND DISCRIMINATION IN THE WORKPLACE**

1. The Office of the Chief Scientist (OCS) has the following formal comments, see list below, to the assessment of the OCS as presented in the "Assessment of key measures implemented to prevent and manage HBD at 23 NATO bodies, as of August 2022" in Appendix 3 of IBA-AR(2022)0027.

2. Local specific HBD directives:

2.1. The OCS fully aligns itself to the provisions in the NATO-wide policy on the prevention, management and combating of harassment, bullying and discrimination in the workplace (ON(2020)0057-COR1). The OCS carefully considered and concluded that there is no need for any specific OCS implementation directive, bearing in mind the size, structure and staff composition of the OCS. All serving OCS staff have been informed of the NATO-wide policy and its application to the OCS through an internal staff memo (STO-OCS(2021)0050, dated 29 July 2021), and subsequent staff awareness sessions. New staff are informed as part of their on-boarding.

2.2. The OCS has taken the decision to align itself to the IS Implementation Directive (ON(2022)0028), a decision which has been communicated to all staff with STO-OCS(2022)0114, dated 10 November 2022.

2.3. The OCS has organised staff awareness sessions for all staff, the latest in June 2022, highlighting both the policy, the available awareness training and how staff should report/raise concern over any HBD issues. New staff are informed as part of their on-boarding.

3. HBD awareness training:

3.1. The OCS has strongly recommended HBD awareness training, using the available E-learning module ADL 404 since August 2022. All serving staff have completed the HBD awareness raising training and provided certificates of completion, which are on record in the OCS. The OCS has decided to make this training mandatory as of January 2023. All new staff will do the mandatory training as part of their on-boarding.

3.2. Related to the HBD awareness training, the OCS has likewise strongly recommended awareness training on identifying, preventing and responding to sexual exploitation and abuse, using the E-learning module ADL 417 since August 2022. All serving staff have completed this training and provided certificates of completion, which are on record in the OCS. The OCS has decided to make also this training mandatory as of January 2023. All new staff will do the mandatory training as part of their on-boarding.

NATO UNCLASSIFIED

1-1

NATO UNCLASSIFIED

NATO UNCLASSIFIED

APPENDIX 5
IBA-AR(2022)0027

NATO UNCLASSIFIED

ANNEX 1
STO-OCS(2022)0116

4. Staff Survey conducted since 2017:

4.1. The OCS has not conducted any Staff Survey since 2017. We have scheduled a Staff Survey for early 2023 and intend to subsequently conduct surveys once a year.

5. Conduct Exit Interviews:

5.1. The OCS has put in place a systematic practice of Exit Interviews for all staff categories. This practice is applicable as of October 2022. A template and recordkeeping system is in place.

6. HBD Yearly Data since 2017:

6.1. The OCS has put in place a structured system of data gathering and recordkeeping of HBD data, see also bullet point 6.

6.2. HBD data gathered through either reported cases, exit interviews or Staff Surveys are kept in a secure file, available only to OCS senior management and the OCS EXO.

7. POC network (IBAN assessment):

7.1. All staff have been informed that the OCS EXO is the POC for HBD issues during a staff awareness session in June 2022. New staff are informed as part of their on-boarding.

7.2. It has been clarified with the Office of Internal Audit and Risk Management (OIARM), that OCS staff, if needed, also have access to support and advice as outlined in the IS Implementation Directive (ON(2022)0028). This includes the Persons of Confidence Network.

NATO UNCLASSIFIED

1-2

NATO UNCLASSIFIED

Abbreviations

ACO	Allied Command Operations
ACT	Allied Command Transformation
AIRCOM	Allied Air Command
CMRE	Centre for Maritime Research and Experimentation
CSA	Civilian Staff Association
CSO	Collaboration Support Office
COSO	Committee of Sponsoring Organisations of the Treadway Commission
CPR	Civilian Personnel Regulations
DASG	Deputy Assistant Secretary General
EM	Executive Management
HBD	Harassment, Bullying and Discrimination
HoNB	Head of NATO Body
HQ SACT	Headquarters Supreme Allied Commander Transformation
HR	Human Resources
IBAN	International Board of Auditors for NATO
IMS	International Military Staff
IS	International Staff
JALLC	Joint Analysis Lessons Learned Centre
JCB	Joint Consultative Board
JFCBS	Joint Force Command Brunssum
JFCNP	Joint Force Command Naples
JFTC	Joint Force Training Centre
JWC	Joint Warfare Centre

LANDCOM	Allied Land Command
MARCOM	Allied Maritime Command
NAEW&CF	NATO Airborne Early Warning and Control Force
NAHEMA	NATO Helicopter Management Agency
NAPMA	NATO Airborne Early Warning and Control Programme Management Agency
NCIA	NATO Communications and Information Agency
NCISG	NATO Communications and Information Systems Group
NDC	NATO Defence College
NETMA	NATO Eurofighter 2000 and Tornado Development, Production and Logistics Management Agency
OCS	Office of Chief Scientist
PoC	Person of Confidence
SHAPE	Supreme Headquarters Allied Powers Europe
STO	Science and Technology Organisation
VNC	Voluntary National Contribution