



FICSA

Federation of International
Civil Servants' Associations

2022 - 2023



BUILDING BACK

75th FICSA Council

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75TH FICSA COUNCIL

INTRODUCTION

Message from the President, Tanya Quinn-Maguire

Finally, after two years of on-off “working from home” and virtual meetings, we are slowly, but hopefully surely, moving back towards hybrid and in-person meetings. During our first hybrid Council since the 73rd meeting in London in 2020, it was great to see so many of you in person again for the first time in over two years. It was also a great pleasure to welcome the new members of the FICSA family. With most participants attending this year’s Council in-person, we were presented with a golden opportunity for us all to start the process of building back our collective competencies and capacities as staff representatives across our organizations.

The entire Executive Committee worked hard on your behalf since the virtual Council in 2021 as you can see from their report (<https://ficsa.org/activities/75th-ficsa-council.html>) which is available on the FICSA website. We very much hope that the report will be useful to inform our members on the key issues currently being discussed at the highest levels, which have an impact on all staff across the Common System.

In the absence of opportunities to meet with our members face-to-face, the Executive Committee prioritised building our virtual working relationship with you during this reporting period. The General Secretary led the charge in building and re-building our relationships with our members as he, the Information Officer and I endeavoured to meet all FICSA members at least once during the last twelve months. This was invaluable to us in ensuring that we were representing FICSA member views as we participated in the high-level meetings on your behalf. From the feedback received, it seems that you were also pleased to have this opportunity to engage directly, particularly with regard to educating your newly elected staff representatives about the important work carried out by FICSA. We hope that this practice will be maintained and improved upon as we go forward.

Since our 74th Council in 2021, the members of the Executive Committee elected by you have been working hard to build, rebuild and further strengthen the relationships with all our interlocutors on your behalf at the highest levels of the UN common system. Of course, we stand on the shoulders of our esteemed friends and colleagues who served FICSA before us and who left behind a legacy of constructive working relationships, particularly with the ICSC and the HLCM. As well as those two important forums, we also participated as observers in meetings of the UN Joint Staff Pension Board (UNJSPB) as well as the related preparatory meetings of the participants’ representatives’ group.

Message de la Présidente de la FICSA Tanya Quinn-Maguire

Enfin, après deux années de «travail à domicile» et de réunions virtuelles, nous revenons lentement, mais sûrement, nous l’espérons, vers des réunions hybrides et en présentiel. C’était formidable de revoir un si grand nombre de délégués au 75ème Conseil de la FICSA à Vienne pour la première fois après plus de deux ans depuis le 73ème Conseil à Londres en 2020. Ce fut également un grand plaisir d’accueillir les nouveaux membres au sein de la famille FICSA. Comme la plupart des participants ont assisté au Conseil de cette année en personne, nous avons eu une occasion en or d’entamer le processus de renforcement de nos compétences et nos capacités collectives en tant que représentants du personnel dans nos organisations.

L’ensemble du Comité exécutif a travaillé avec acharnement en votre nom depuis le 74ème Conseil virtuel de 2021, comme vous pouvez le constater dans le rapport (<https://ficsa.org/activities/75th-ficsa-council.html>), disponible sur le site web de la FICSA. Nous espérons vivement que ce rapport sera utile pour informer nos membres sur les questions essentielles actuellement discutées au plus haut niveau et qui ont un impact sur l’ensemble du personnel du Système commun des Nations Unies.

En l’absence d’occasions de rencontrer nos membres en personne, le Comité exécutif a donné la priorité à la consolidation de notre relation de travail virtuelle avec vous au cours de cette période. Le secrétaire général s’est chargé de construire et reconstruire les contacts avec nos membres. Avec le chargé d’information de la FICSA et moi-même nous nous sommes efforcés de rencontrer tous les membres de la FICSA au moins une fois au cours des douze derniers mois. Ces réunions ont été bénéfiques pour nous assurer que nous représentions vos points de vue lors de nos participations aux sessions des agences de l’ONU en votre nom. D’après les commentaires reçus, il semble que vous étiez également satisfaits d’avoir cette occasion de vous engager directement, en particulier en faisant découvrir à vos représentants du personnel nouvellement élus le travail important effectué par la FICSA. Nous espérons que cette pratique sera maintenue et améliorée à l’avenir.

Depuis le 74ème Conseil en 2021, les membres du Comité exécutif se sont investis pour renforcer les relations avec tous nos interlocuteurs en votre nom au plus haut niveau du système commun des Nations Unies. Nous rendons un hommage à nos amis et collègues qui ont servi la FICSA avant nous et qui ont laissé derrière eux un héritage de travail constructif, en particulier avec la CFPI et le HLCM. En plus de ces deux forums importants, nous avons également participé



It is important to note that, as detailed in the report of the Executive Committee, while a few of us present the “face of FICSA” at key meetings, nothing could be achieved without the contributions of all the Executive Committee members, as well as other colleagues from the FICSA family with the relevant technical expertise and, of course, the invaluable constant support from the FICSA Secretariat.

With regard to the ICSC, FICSA members were ably represented at the main sessions of the Commission, as well as the many working groups. This included the working group on Parental Leave where FICSA advocated for the best-possible model policy on parental leave, drawing on best practice within the common system and beyond, with equitable treatment for all parents. Following extensive discussion and debate in the working group on the Contractual Framework, we were pleased that the group concluded that the existing contractual framework was fit for purpose. The final agreement by the Advisory Committee on Post Adjustment Questions (ACPAQ) on the Post Adjustment Methodology and operational rules allowed the 91st session of the ICSC to agree on the schedule for the roll-out of the 2021 cost-of-living surveys in Group 1 Duty Stations, which have been completed. We will closely follow the results of those surveys during discussions in the meeting of the ACPAQ as well as that groups recommendations to the summer session of the ICSC and report back to you ASAP. FICSA advocated for criteria to allow local survey committees (LSC) to assess whether the survey should take place depending on the local COVID 19 situation, which was agreed to by the Commission. The 93rd session of the ICSC agreed to the recommendations of the 6th Working Group on the GS salary survey methodologies on a process for piloting the use of external data, which takes the views of all stakeholders into account. During that meeting, FICSA successfully advocated for the establishment of a review group, with the participation of experts from all stakeholders, to oversee the work of the pilot project. FICSA is also actively and competently represented in the tri-partite working group for the review of Duty Stations According to the Conditions of Life and Work.

en tant qu'observateur aux réunions du Comité mixte de la Caisse commune des pensions du personnel des Nations Unies (CCPPNU) ainsi qu'aux réunions préparatoires.

Il est important de noter que, comme détaillé dans le rapport du Comité exécutif, alors que quelques-uns d'entre nous représentent la Fédération lors de réunions importantes, rien ne pourrait être réalisé sans la coopération de tous les membres du Comité exécutif, ainsi que d'autres collègues de la FICSA avec l'expertise technique pertinente et, bien sûr, le soutien constant et inestimable de notre secrétariat.

En ce qui concerne la CFPI, les membres de la FICSA ont été représentés aux principales sessions de la Commission, ainsi qu'aux nombreux groupes de travail. Parmi ceux-ci, le groupe de travail sur le congé parental où la FICSA a plaidé pour le meilleur modèle possible de politique, en s'inspirant des meilleures pratiques du système commun, avec un traitement équitable pour tous les parents. Après des discussions et des débats approfondis au sein de ce groupe sur le cadre contractuel, nous sommes heureux que ce dernier a conclu que le cadre contractuel existant était adapté à l'objectif visé. L'accord final du Comité consultatif pour les questions d'ajustement (CCQA) sur la méthode d'ajustement et les règles opérationnelles a permis à la 91ème session de la CFPI de convenir d'un calendrier de mise en œuvre des enquêtes sur le coût de la vie de 2021 dans les lieux d'affectation du groupe 1, qui sont terminées. Nous suivrons de près les résultats de ces enquêtes au cours des discussions de la réunion du CCPAQ ainsi que les recommandations de ce groupe à la session d'été de la CFPI et nous vous en ferons part dès que possible. La FICSA a plaidé pour des critères permettant aux comités d'enquête locales (LSC) d'évaluer si l'enquête doit avoir lieu en fonction de la situation locale de la COVID 19, ce qui a été accepté par la Commission.

La 93ème session de la CFPI a accepté les recommandations du 6ème groupe de travail sur les méthodologies d'enquêtes sur les salaires des services généraux concernant un processus pour piloter l'utilisation de données externes, qui prend en compte les points de vue de toutes les parties prenantes. Au cours de cette réunion, la FICSA a défendu, avec succès, pour la création d'un groupe de révision, avec la participation d'experts de toutes les parties prenantes, pour superviser le travail du projet pilote. La FICSA est également représentée de manière active et compétente au sein du groupe de travail tripartite pour la révision des lieux d'affectation selon les conditions de vie et de travail.

The issue of cost-sharing has been at the forefront of the workload for the President, General Secretary, and Information Officer for the last six months. All of us, myself as President, along with the General Secretary and the Information Officer, expended extraordinary efforts to bring this issue to a conclusion after more than 25 years. Those efforts were not wasted with the final decision of the HLCM to agree to the cost-sharing agreement arriving during the FICSA Council. This funding model will ensure that FICSA will continue to be sustainable for future generations of staff representatives.

FICSA represented you as an observer at two sessions of the HLCM in the past 12 months. Key issues discussed included the Secretary General's strategies on the topics of harassment and racism. The HLCM also considered the report of the occupational health and safety (OHS) Forum, which included issues related to COVID 19, general mental health and well-being, and a model OHS risk assessment tool for the Common System. On the key topic of "Future of Work", the HLCM introduced a discussion paper on the "right to disconnect" along with other papers intended to develop a set of practices to increase work-life harmony. During those sessions, FICSA advocated for improvement of the consultation process with staff federations at the HLCM level to ensure that staff voices are taken into account at all steps of the development of policies and processes in the common system. FICSA was also briefed on a number of occasions by the Chair and co-Chairs of the HR Network on topics related to the safety of staff, particularly in Afghanistan, Lebanon, and Ukraine, as well as on the administrative guidelines related to COVID 19. We were delighted this year to have benefited from the years of experience of our colleague from UNESCO in the meetings of the IASMN and we hope to continue to draw on this expertise to ensure that we build capacity and knowledge within the Federation on the many complex issues related to the safety and security of our staff, particularly in the field.

The return to in-person meetings has also meant that we have been able to build-back those relationships that were unavoidably weakened during the COVID 19 pandemic. This was notably the case last November when we finally had the opportunity to meet with many member-states represented at the important Fifth Committee to ensure they were fully informed of FICSA's position on all issues related to staffing in the common system and to inform them of our support for the recommendations from the ICSC. Issues addressed in meetings with 5th Committee members were varied and included, sexual harassment, contractual arrangements, parental leave, mobility, UNJSPF, and after-service health insurance. That intensive period of meetings paid off when the General Assembly endorsed

La question du partage des coûts (pour les positions du Président et du Secrétaire général de la FICSA), a été une priorité dans le travail du secrétariat au cours des six derniers mois. Nous avons tous, moi-même en tant que président, ainsi que le secrétaire général et le responsable de l'information, déployés des efforts extraordinaires pour mener à bien cette demande qui était en attente depuis plus de 25 ans. Ces efforts n'ont pas été vains puisque la décision finale du HLCM d'accepter l'accord de partage des coûts est arrivée durant le Conseil de la FICSA. Ce modèle de financement garantira la pérennité de la FICSA pour les générations futures de représentants du personnel.

La FICSA vous a représenté, en tant qu'observateur, à deux sessions du HLCM au cours des 12 derniers mois. Les questions principales discutées comprenaient les stratégies du Secrétaire Général de l'ONU sur les thèmes du harcèlement et du racisme. Le HLCM a également examiné le rapport du Forum sur la santé et la sécurité au travail (SST), qui comprenait des questions relatives à la COVID 19, à la santé mentale générale et au bien-être, ainsi qu'un modèle d'outil d'évaluation des risques SST pour le système commun. Sur le thème de «l'avenir du travail», le HLCM a présenté un document de travail sur le «droit à la déconnexion» ainsi que d'autres documents visant à développer un ensemble de pratiques pour accroître l'harmonie entre travail et vie privée. Au cours de ces sessions, la FICSA a plaidé pour l'amélioration du processus de consultation avec les fédérations du personnel au niveau du HLCM afin de garantir que les réclamations du personnel soient prises en compte à toutes les étapes du développement des politiques et des processus du système commun. La FICSA a également été informée à plusieurs reprises par le président et les co-présidents du réseau des Ressources humaines sur des sujets liés à la sécurité du personnel, notamment en Afghanistan, au Liban et en Ukraine, ainsi que sur les directives administratives liées à la COVID 19. Nous avons été ravis de bénéficier des années d'expérience de notre collègue de l'UNESCO dans les réunions de l'IASMN et nous espérons continuer à nous appuyer sur cette expertise pour nous assurer de renforcer les capacités et les connaissances au sein de la Fédération sur les nombreuses questions complexes liées à la sûreté et à la sécurité de notre personnel, en particulier sur le terrain.

Le retour aux réunions en personne a également signifié que nous avons pu rétablir les relations qui avaient été inévitablement affaiblies pendant la pandémie de la COVID 19. Ce fut notamment le cas en novembre dernier, lorsque nous avons enfin eu l'occasion de rencontrer de nombreux États membres au cours de la Cinquième Commission de l'ONU à New York, afin de nous assurer qu'ils étaient informés de la position de la FICSA sur toutes les questions liées à la dotation en personnel dans le système commun et de les avertir de

the recommendations in the ICSC report related to i) the adjustment to the salary scale for staff in the Professional and higher categories; ii) the adjustment to the education grant sliding scale upward by 14 percent and increase of the boarding lump sum to \$5,300 for implementation from the academic year in progress on 1 January 2022, and iii) continuation of the pilot in category E duty stations not designated as non-family, as well as a pilot for granting \$14,000 annually for eligible staff members in category D duty stations not designated as non-family through to 31 December 2024. However, these successes were hard fought. There are clear indications that member states will scrutinize more than ever any recommendation which has a financial implication. FICSA will have to sustain a consistent effort to inform member states about the rationale and long-term cost effectiveness of decisions related to staffing and the related costs.

I genuinely believe that the positive and cooperative spirit that prevailed during the 75th FICSA Council will carry us through the challenges to come in the next months. Your Executive Committee will take that spirit with us in all the meetings where we speak on your behalf. We will also continue to draw on the existing expertise among our membership to strengthen our representation and will follow-through on our commitment to build expertise in staff representation to ensure that the future includes a strong, independent international civil service that is proud to walk the talk in our own workplaces.

In solidarity,

notre soutien aux recommandations de la CFPI. Les questions abordées lors des réunions avec les membres de la 5ème Commission étaient variées et comprenaient le harcèlement sexuel, les dispositions contractuelles, le congé parental, la mobilité, la Caisse commune des pensions et l'assurance maladie après la cessation de service. Cette période intensive de réunions a porté ses fruits lorsque l'Assemblée générale a approuvé les recommandations du rapport de la CFPI concernant i) l'ajustement du barème des salaires pour le personnel de la catégorie professionnelle et des catégories supérieures ; ii) l'ajustement à la hausse de 14 % de l'échelle mobile de l'indemnité pour frais d'études et l'augmentation du montant forfaitaire de l'internat à 5 300 dollars pour une mise en œuvre à partir de l'année universitaire en cours le 1er janvier 2022, et iii) la poursuite du projet pilote dans les lieux d'affectation de la catégorie E non désignés comme lieux d'affectation déconseillés aux familles, ainsi qu'un projet pilote d'octroi de 14 000 dollars par an pour les fonctionnaires éligibles dans les lieux d'affectation de la catégorie D non désignés comme lieux d'affectation déconseillés aux familles jusqu'au 31 décembre 2024. Toutefois, ces succès ont été durement obtenus. Il est clair que les États membres examineront plus que jamais toute recommandation ayant une incidence financière. La FICSA devra déployer des efforts constants pour informer les États membres de la raison d'être et de la rentabilité à long terme des décisions relatives à la dotation en personnel et aux coûts y afférents.

Je crois sincèrement que l'esprit positif et coopératif qui a prévalu lors du 75ème Conseil de la FICSA nous permettra de relever les défis à venir au cours des prochains mois. Votre comité exécutif gardera cette notion avec lui dans toutes les réunions où nous parlerons en votre nom. Nous continuerons également à tirer parti des compétences existante parmi nos membres pour renforcer notre représentation et nous donnerons suite à notre engagement de développer l'expertise dans la représentation du personnel afin de garantir que l'avenir comprend une fonction publique internationale forte et indépendante qui est fière de joindre le geste à la parole sur son propre lieu de travail.

En solidarité,

HOW STAFF ASSOCIATIONS / UNIONS CAN TRY TO FACILITATE THEIR LIFE

Reflection on the notions of time and continuity

By Cosimo Melpignano, FICSA General Secretary



Well, I have no other choice but to step in. We had a very difficult work environment that the only option I could consider was to run as staff representative and to become the voice of many who we were suffering in silence. My only motivation was to make a difference and improve the conditions of employment of staff.

The first year was extremely difficult and challenging. I was almost invisible to the vast majority of the Executive Committee. Although it has recently been established, the Union was characterized by a main

nucleus of friends who would not leave enough space to voices that were not strictly aligned with them. So, I decided to step out and did not run for a second term. That sabbatical year served me well to realise that in the initial stages of establishing a staff union, not all staff representatives knew much about how to effectively represent staff.

So, a year later, I was back again with a different spirit, with a view to learn, to observe the environment, to understand the surroundings, how things operated and, where possible, to contribute to everyone's wellbeing.

I am convinced that the decision to give myself time was the perfect one. I learned the rules of the game, how to be effective, how to operate in those complex territories of staff representation and navigate simultaneously the ocean of the people whose needs we represent, but we do not know how to engage with. In a world that values self-confidence, vanity and exuberance, adopting a notion as modesty could seem very countercultural and most probably perilous. Well, after 25 years in the business of staff representation, I can admit that it worked well.

Time

All you need is time. To study, absorb, educate yourself before turning into a real staff representative.

The first time I came across the notion of "time" was during my high school period, when I studied how the concept had been expressed by many philosophers and how not all of them would agree each other. I was fascinated by the definition that interrelates time and happenings of your life - as a continued sequence of events that occurs in an apparently irreversible succession from the past, through the present, into the future.

Although this view was not shared by Plato and Newton - for them time is independent of the events that occur in time - those like Aristotle and Leibniz, who think that time is not independent of the events that occur in time, influenced my general attitude that - since then - I have constantly applied in my life, especially during those unkind moments we all happen to go through. In practical terms, and with a view to remain focused on the main topic, I knew that I had to be patient and wait until I have acquired the prerequisite skills and, developed my technical knowledge to feel confident in performing the role of a staff representative in an effective manner. But that was just a starting point. Another element that I had to consider was as much essential as time.

Continuity

I have seen many honest, polite, sincere colleagues embarking on a trip that had no chance to get to a desired - was it so? - end. Some left for lack of engagement - they would try just to see how it is - some because it was very tough - that was not as expected! - some because their Staff Association/Union Statutes required so.

Really?

So, is it true that some SA/Unions Statutes require you to opt out of your role as Staff Representative after the first mandate, sometime after the very first year? You are dedicating your own time, sacrificing your family, not availing of any release time nor gaining any possible advantage - on the contrary, you could become seen either as a problem maker or as a low-performer by your colleagues

COMMENT LES ASSOCIATIONS / SYNDICATS DU PERSONNEL PEUVENT ESSAYER DE FACILITER LEUR VIE

Réflexion sur les notions de temps et de continuité

Par Cosimo Melpignano, Secrétaire général de la FICSA

Et bien, pas d'autre chance, les problèmes que nous avions étaient nombreux ; la seule option que je pouvais envisager était de me présenter comme représentant du personnel et d'essayer de faire quelque chose pour soutenir mes collègues. Je n'avais aucune motivation spécifique autre que celle de faire la différence.

La première année a été rude, j'étais invisible pour la grande majorité de mon comité exécutif. Bien que récemment créé, le syndicat était caractérisé par un noyau principal d'amis qui n'abordait pas des sujets strictement liés à leurs propres intérêts. J'ai donc décidé de me retirer, sans me présenter au prochain mandat. Cette année sabbatique m'a servi à réaliser qu'au début, en tant que jeune syndicaliste, tous ceux qui nous représentaient ne savaient pas grand-chose sur le fonctionnement d'un syndicat du personnel.

Ainsi, un an plus tard, je suis revenu avec un esprit différent, dans le but d'apprendre, d'observer les actions entreprises, de comprendre l'organisation et la méthode de travail et, dans la mesure du possible, de contribuer au bien-être de chacun.

Je suis convaincu que la décision de me donner du temps était parfaite. J'ai appris les règles du jeu, comment être efficace, comment opérer dans ces territoires complexes de la représentation du personnel et naviguer simultanément avec toutes les personnes dont nous représentons leur demande, mais que nous ne savions pas comment l'aborder. Dans un monde qui valorise la confiance en soi, la vanité et l'exubérance adopter une notion comme la modestie pourrait sembler très contre culturel et très probablement périlleux. Eh bien, après 25 ans dans la représentation du personnel, je peux admettre que cela a bien fonctionné.

Le temps

Tout ce dont vous avez besoin, c'est du temps. Pour étudier, comprendre, vous éduquer avant de devenir un véritable représentant du personnel.

La première fois que j'ai rencontré la notion de «temps», c'était au cours de mes études secondaires, lorsque j'ai appris comment ce concept avait été exprimé par de nombreux philosophes et comment ils n'étaient pas tous d'accord entre

eux. J'ai été fasciné par la définition qui lie le temps et les événements de votre vie - comme une séquence continue d'événements qui se produisent dans une succession apparemment irréversible du passé - en passant par le présent jusqu'au futur.

Bien que Platon et Newton n'aient pas partagé ce point de vue - pour eux, le temps est indépendant des événements qui se produisent, ceux qui, comme Aristote et Leibniz, pensent que le temps n'est pas indépendant des événements qui se produisent dans le temps, ont influencé ma perception générale que, depuis lors, je n'ai cessé d'appliquer au cours de ma vie, en particulier dans les moments difficiles que nous traversons tous. En termes pratiques, et afin de rester concentré sur le sujet principal, je savais que je devais attendre patiemment d'acquiescer toutes ces compétences, de développer toutes ces aptitudes et d'améliorer toutes les informations techniques pour remplir le rôle de représentant du personnel de manière réfléchie. Mais ce n'était qu'un point de départ. Un autre élément que je devais prendre en compte était aussi essentiel que le temps.

La continuité

J'ai vu de nombreux collègues honnêtes, polis et sincères s'embarquer dans un processus qui n'avait aucune chance d'aboutir à une fin souhaitée - était-ce le cas ? - fin souhaitée. Certains sont partis par manque d'engagement - ils voulaient essayer juste pour voir comment c'était - d'autres parce que c'était trop dur - ce n'était pas comme prévu ! - d'autres parce que les statuts de leur association/syndicat l'exigeaient.

Vraiment ?

Alors, est-il vrai que certains statuts des associations/syndicats exigent que vous renonciez à votre rôle de délégué du personnel après le premier mandat, parfois après la toute première année ? Vous consacrez votre temps, vous sacrifiez votre famille, vous ne bénéficiez d'aucun temps libre et vous n'en tirez aucun avantage ; au contraire, vous pourriez être considéré comme un fauteur de troubles ou comme une personne peu performante dans votre travail et on vous de-

and managers - and still asked to abandon something you firmly believe in while you are still struggling to understand where you are and what to do next. Why a SA/Union is not doing any favour to their members.

I have been always curious to understand how a SA/Union succeeds in planning its activities without, at the same time, ensuring its ExCom's continuity. Every team needs time to get organized. Members also need a while to get to know each other, to be educated and learn how to work together. It remains unclear to me how you could possibly reach this objective within a short period of time without giving the possibility for continuity to those staff representatives who may decide to offer their own time to the common cause. It might be worth spending a few words on the notion of continuity and why it should be part of any SA/Union plan.

SA/Unions that can communicate their effort to ensure continuity send both a strong message to their membership – we are here to confirm our commitment - and to their management – who tends to invest a degree of confidence in the staff representatives when it recognizes a well prepared, knowledgeable, and efficient team.

How long it takes to educate new Staff Representatives to be fully acquainted with organizational culture, rules and regulations? It is an ongoing daily job. Would you run the risk not to preserve your SA/Union brand and its solid reputation that you have been working for? Again, it's a matter of cultivating a resilient culture, where emphasis is placed on everyday tasks – all of them central to building up a common vision among the team. A resilient team means that processes and procedures are carefully safeguarded, as it is the risk of confidentiality breach – another prominent issue in any SA/Union – all of that to the advantage of new staff reps who will have their life much more simplified, with a clear set of rules and guidelines to follow.

No intention to cage talks about staff representation around the notions of time and continuity, nor to limit the many considerations we might contemplate over personal commitment, self-giving or passion...what this article aims at is to present one of the major topics FICSA has been confronted with during the many meetings we had with our Membership in the last 18 months and try to take a moment to reflect on what each Staff Association /Union should be improving to support the wellbeing of staff who we have the honour to represent.

FICSA family is here, ready to help. It does not take more than a phone call.

The new composition of the Executive Committee is as follows:

President

Tanya Quinn-Maguire (UNAIDS Geneva)

General Secretary

Cosimo Melpignano (UNGSC/UGSS Brindisi)

Treasurer

Jérôme Zanga Foe (WHO/HQ Geneva)

First of two members for Compensation Issues

Line Kaspersen (AP-in-FAO Ghana)

2nd of two members for Compensation Issues

Imed Zabaar (IAEA Vienna)

Member for Regional and Field Issues

Véronique Allain (SCBD Montréal)

Member without Portfolio

Tracy Tollmann (UNFCCC Bonn)

The Council also elected the following Regional Representatives:

Africa

Harris Benito Koubemba Mona (WHO/AFRO Brazzaville)

Americas

Veronique Allain (SCBD Montreal)

Asia

Ritesh Singh (WHO/SEARO New Delhi)

Europe

Juan José Coy Girón (AP-in-FAO Rome)

mande encore d'abandonner quelque chose en quoi vous croyez fermement alors que vous avez encore du mal à comprendre où vous en êtes. Pourquoi une association/syndicat ne rend pas service à ses membres.

J'ai toujours été curieux de comprendre comment une association/syndicat parvient à planifier ses activités sans, en même temps, assurer la continuité de son comité exécutif. Chaque équipe requiert un certain temps pour se mettre en place, ses membres ont besoin d'une période d'adaptation pour se connaître, ils ont tous besoin d'apprendre à travailler ensemble. Comment atteindre un tel objectif, sans assurer la continuité du personnel qui a décidé d'offrir son temps à la cause commune, reste un doute non résolu. Il serait peut-être utile de consacrer quelques mots à la notion de continuité et aux raisons pour lesquelles elle devrait faire partie de tout plan de l'association/syndicat.

Les association/syndicats qui peuvent transmettre leurs efforts pour assurer la continuité envoient un message fort à leurs membres ; nous sommes là pour garantir notre engagement - et à leur direction - qui a tendance à investir un certain degré de confiance dans les représentants du personnel lorsqu'elle reconnaît une équipe bien préparée, bien informée et efficace.

Combien de temps faut-il pour former les nouveaux représentants du personnel et les familiariser pleinement avec la culture de l'organisation ? C'est un travail quotidien permanent. Prendriez-vous le risque de ne pas préserver votre association/syndicat et sa solide réputation pour laquelle vous avez tous travaillé ? Là encore, il s'agit de développer une culture résiliente, où l'accent est mis sur les tâches quotidiennes, toutes communes pour construire une vision homogène au sein de l'équipe. Et une équipe résiliente signifie que les processus et les procédures sont soigneusement protégés, car il s'agit du risque de violation de la confidentialité, un autre problème important dans toute association/syndicat. Tout cela au bénéfice des nouveaux représentants du personnel qui verront leur vie plus simplifiée, avec un ensemble de règles claires à suivre.

Il n'est pas question d'enfermer les discussions sur la représentation du personnel dans les notions de temps et de continuité, ni de limiter les nombreuses considérations que nous pourrions avoir sur l'engagement personnel, le don de soi ou la passion. L'objectif de cet article est de présenter l'un des principaux sujets auxquels la FICSA a été confrontée lors des nombreuses réunions que nous avons eues avec nos membres au cours des 18 derniers mois et d'essayer d'ouvrir un moment de réflexion sur ce que chaque association/syndicat du personnel peut améliorer pour soutenir le bien-être du personnel que nous avons l'honneur de représenter.

Et la famille FICSA est là, prête à se tenir à vos côtés, pas plus loin qu'un coup de fil.

La nouvelle composition du Comité exécutif est la suivante :

Présidente _____
Tanya Quinn-Maguire (ONUSIDA Genève)

Secrétaire général _____
Cosimo Melpignano (UNGSC/UGSS Brindisi)

Trésorier _____
Jérôme Zanga Foe (OMS/HQ Geneva)

Premier des deux membres _____
pour les questions de compensation
Line Kaspersen (AP-in-FAO Ghana)

2ème des deux membres pour _____
les questions de compensation
Imed Zabaar (IAEA Vienna)

Membre pour les questions régionales et de terrain _____
Véronique Allain (SCBD Montréal)

Membre sans portefeuille _____
Tracy Tollmann (UNFCCC Bonn)

Le Conseil a également élu les représentants régionaux suivants:

Afrique _____
Harris Benito Koubemba Mona (WHO/AFRO Brazzaville)

Amériques _____
Veronique Allain (SCBD Montreal)

Asie _____
Ritesh Singh (WHO/SEARO New Delhi)

Europe _____
Juan José Coy Girón (AP-in-FAO Rome)

WHY DO PEOPLE JOIN STAFF ASSOCIATIONS / UNIONS? FOUR CRITICAL INFLUENCING FACTORS THAT CAN INCREASE YOUR MEMBERSHIP¹!

By Irwan Mohd Razali, FICSA Information Officer

As we focus on building back, it is important to know the four key areas that researchers have identified as having the most influence on staff member's decision on whether to join as a dues-paying member of staff associations (and unions)² - Effectiveness, Commitment, Perception and Leadership.

What matters the most to staff members when deciding whether or not to join the staff association? Is it the personality and charisma of the staff association leadership? Is it the general perception among all staff towards the staff association? And what should the staff association do to improve? Let's find out³!



Unsurprisingly, the staff association's **effectiveness** is the most critical factor influencing whether staff decides to become a member. This is seen in the staff association's ability to meet its objectives and member expectations. To be effective, the staff association should:

- Identify its **shared goal, mission/vision, and objectives**. What are you trying to achieve, and what does success look like?
- Identify and understand the membership's **expectations and needs**, and ensure that they are consulted – through general assemblies, frequent meetings, surveys, formal and informal communications etc.
- **Work and activity** of the staff association should be focused on achieving the objectives and meeting the expectation of its members and should be visible and **communicated** to all staff.
- The Staff Association should be a **resource** for its members to obtain information, support and advice.
- The **legitimacy and recognition** of the Staff Association as an interlocutor with the management and participation in the decision-making process is essential.

The second factor is the perceived **commitment and ownership** of the staff association. Staff view and assess whether the staff association is committed to staff welfare. A highly committed staff association will, in turn, gain the commitment and dedication of its members, who will work together toward the common objectives and goals. This requires frequent communication and community building to create a sense of togetherness – the staff association belongs to everyone and is the shared responsibility of every member.

- A high level of engagement, communication and interaction between the staff association and its members in a community-building setting would persuade and allow more non-members to see the impact of joining.
- Briefing new staff during induction is critical to ensure all newcomers to the organisation are aware of the staff association and the importance of becoming a member.

- One of the questionnaire questions is “If asked, I would serve on the staff association committee”. Some staff members were not participating in the staff association simply because nobody had ever asked, approached or informed them about the benefits of becoming a member. Do not be trapped in thinking, “everybody already knows”!

The next important factor is the **general perception** or reputation of the staff association. This can be addressed or improved through the transparency of information reported back to the membership, adhering to the timelines of the general assembly, annual reports, audits, and elections, and ensuring the good conduct of all elected officers. A common theme that is repeated again and again throughout this article is the need for communication; staying connected between members through activities that build rapport and ensure members remain close together. The use of tools such as social media can help with community building and instill a sense of belonging and togetherness.

The last important factor is the **leadership** of the staff association – the chairperson, president or head of the staff association, as well as all the elected executive committee members. The general expectation of staff members:

- The leadership are generally protected against retaliation and harassment during their time as elected officers of the staff association, which should be fully utilised for the staff association and its constituents. If this is not the case and the leadership are being harassed and retaliated –members should be informed through the assembly and the organisation’s reporting mechanism.
- If the leadership has been granted release time or administrative assistance – the members expect that more energy and effort should be invested in the activities of the staff association on their behalf.
- The leaders are perceived as dynamic and knowledgeable individuals with a sense of solidarity to represent all staff members and are clear with the staff association’s goals and direction.
- Leaders should have high integrity and treat all constituents fairly and equitably.
- The leadership should promote the staff association and ensure the staff’s perception is positive towards it, as well as drive strategies and activities for the association to improve its membership and achieve its goals.
- Staff associations are not hierarchical – the leaders are elected to serve and represent staff members collectively – it is a two-way relationship between the elected officers and the constituents to work together in the co-creation of value and in achieving the shared goal and objectives.
- The leadership, through networks and federations, should be resourceful and gain access to best prac-

tices, shared knowledge, and benchmarks to improve its effectiveness for all members.

- Leadership is the backbone that keeps members loyal to the staff association and attracts non-members. It should invest time and effort in activities to increase and attract non-members to join and retain existing members.
- Leadership should be open to members to voice their concerns, especially ensuring they are on the right track.

In conclusion, all staff should join as dues-paying members of the staff association since it will increase and strengthen its ability to air staff views and concerns and fight for the best conditions of service. Staff association membership has an impact on three fundamental areas, namely economic, cultural and political . In terms of the **economic** aspect, the staff association look after the welfare and conditions of service that impacts not only staff members but also their family members and dependents through fighting to ensure fair remuneration through the cost of living and salary surveys, and discussion regarding benefits and entitlements such as parental leave, retirement benefits and after-service healthcare. In terms of **social and cultural** aspects, the staff association allow its members to be a part of a larger community - develop solidarity, understanding, and compassion between each other, which would help build a better and more positive workplace and ultimately enhance productivity at work. Meanwhile, in terms of the **political** aspect, the staff association ensure that the human rights of staff members are protected, and there is a rule of law, justice and fairness in the workplace, as well as helping the organisation demonstrate to the world that it is abiding by fundamental principles of human rights, labour rights, social justice, good organisational/business practices free from exploitation, harassment, and discrimination based on race, religion, gender and social status.

In short, staff associations play a vital role in developing a healthy, disciplined, independent, progressive and productive international civil service to achieve the organisation’s mandate and objectives.

1 This article is based on my dissertation in 2018 titled [“The Determinants Influencing Non-Trade Union Member’s Membership Decision.”](#)

2 To simplify and shorten the article, the term staff associations should be read as staff associations/unions since both are interchangeable and similar in international organisations.

3 You can download the sample [questionnaire](#) and try it in your organisation to see your staff member’s priorities.

THE IMPORTANCE OF INTERNAL COMMUNICATIONS

By Tracy Tollman, Member of the FICSA Executive Committee, UNFCCC Bonn

We were losing Staff Association (SA) members! Through the grapevine and at exit interviews we heard that staff had no idea what we, the SA Executive Committee (Ex-Com), were actually doing, were questioning why they should continue as members, and if it was worth the monthly membership fees. Previous experience as an internal communications officer had taught me the value of spreading the word and transparency but, as every staff representative knows, a lack of time translated into this aspect slipping way down to the bottom of our To-Do lists.

While attending a Management Team (MT) retreat last year, I heard our HR Chief present on actions that had been recently implemented by the MT to address staff concerns and was amazed at what was happening behind the scenes. I later commented on this in my presentation on staff issues, stating that “if staff aren’t aware of what you (the management) are doing, then as far as they are concerned it isn’t happening and they will continue to be critical of the management”. As I said this, I realized that it was a case of the pot calling the kettle black, and that the SA ExCom were equally guilty of a lack of transparency in this area. We were being judged by staff on the only thing they had to inform them on – put quite bluntly – nothing!

Having had my Eureka moment, and reviewing the newsletter issued by our FAO colleagues in Rome as an excellent example, I made the time to develop a simple email Newsletter and collected a list of short areas that we could report on, reflecting a few of the many things we had been addressing. Obviously, there were many elements of a highly confidential nature that we couldn’t cover but, when kept at a very high-level, could be alluded to without mentioning names etc. ExCom colleagues provided feedback and, in December of 2021 we issued our first edition of the SA ExCom Newsletter.

The response was nothing short of amazing! We received so many positive comments from staff members, applauding this initiative and thanking us for providing a glimpse into the black hole that had been the SA ExCom efforts being made on their behalf. With subsequent editions of the bi-monthly Newsletter, the messages of thanks have increased and we have now managed to attract back a number of staff who had ended their FICSA membership on the grounds that they weren’t getting value for money.

Our standing among staff has never been so high, and we recently broke all records on the staff turning out to vote at an election, as well as having 6 staff members running for 3 vacant staff representative positions.



The proof of the pudding is therefore very much in the eating. This has demonstrated beyond a shadow of a doubt the worth of communicating with staff on the work we are performing on their behalf. It also helps to hold our Managers and HR colleagues accountable in playing their part in working hand-in-hand with the SA ExCom, as we also comment on areas where there has been little or no movement, highlighting some of the obstacles involved in resolving issues and airing our frustration with our SA members.

AN INCLUSIVE APPROACH TO STAFF REPRESENTATION THE EXPERIENCE OF THE ASSOCIATION OF PROFESSIONALS IN FAO

By Jakob Skoet,

former President of the Association of Professionals in FAO, Rome

Some features of staff representation at FAO

Staff representation at FAO presents some unique features. For one, there are two separate bodies representing staff. Staff in the Professional category are represented by the Association of Professionals in FAO (AP-in-FAO) and Staff in the General Services categories are represented by the Union of General Service Staff (UGSS), which also represents general service staff at WFP.

I am sometimes asked why we don't have one single association/union for all staff like in other FICSA member associations. The reality is that it has been like this for decades now, and I am not sure anybody still remembers what led to this type of set-up in the beginning. What matters today is that it works and that AP-in-FAO and UGSS have an excellent cooperation.

At least one other unique feature is the way staff representation is organized in AP-in-FAO. FAO is a large organization. AP-in-FAO alone represents more than 1 500 professional staff members, about 50 percent in headquarters and 50 percent in FAO's offices around the world (regional offices, sub-regional offices and numerous country offices). We have almost 600 members (not enough). Reflecting this situation, AP-in-FAO follows an inclusive approach, through an organizational structure that involves many members in staff representation activities, for most of them with a relatively limited time commitment.

How is AP-in-FAO organized?

Once a year, members meet in the Annual Assembly to discuss and approve the annual report and financial statement from the past year and the programme and budget (and membership dues) for the coming year. Extraordinary assemblies can be called when needed. The Annual Assembly involves a physical meeting (recently held via zoom), but voting is electronic since our members work in different places and time zones around the world and not all are able to attend the meeting.

The members also elect the Representative Council. Members are organized into 14 electoral groups - nine follow the organizational structure at headquarters, the rest correspond to the different regions in which FAO staff work outside Headquarters. Each electoral group elects from among its members from 2 to 5 representatives, depending on the size of the group. Voting is electronic. Currently the Representative Council has 37 members, but the number can vary slightly. It normally meets every two months for about 1 ½ hour. It serves as a forum for discussion of issues of concern to members and helps ensure that views of the broader membership are reflected in the activities of the Association.

The Representative Council elects the 10 members of the Executive Secretariat: President, Vice-President, General Secretary, Deputy General Secretary, Field Secretary, Deputy Field Secretary, Treasurer, Legal Affairs Secretary, Information Secretary and General Member without Portfolio. Each is elected for a specific position. Eligible for the Executive Secretariat are members who have already served on the Representative Council, the Statutes and Procedures Committee or one of the Standing Committees (see below). This ensures that candidates have some prior staff representation experience. The Executive Secretariat meets at least once every two weeks (recently, every week) and is responsible for the day-to-day management of the Association and for discussions and negotiations with FAO management.

The seven members of the Statutes and Procedures Committee are elected by all members during the Annual Assembly. They are responsible for the interpretation and application of the Statutes and for conducting elections to the Representative Council and Executive Secretariat.

All elected positions have a duration of two years, and elected officers can serve two consecutive two-year terms. They are re-eligible after a one-year break but are immediately eligible for one of the other elected bodies. In all three elected bodies, half the positions are up for election every year.

Finally, we have five Standing Committees on Terms of Employment, Career Development, Field Matters, Working Conditions, and Legal Matters and Administrative Justice, and an ad hoc working group on gender issues. They advise the Executive Secretariat. The Standing Committee Chairs are endorsed by the Representative Council, and any member can volunteer to join a Standing Committee. The Standing Committees can be more or less active, depending largely on the chair and the members, but they are another tool for involving members in the activities of the Association.

Advantages and challenges of the AP-in-FAO set-up

This set-up, in particular with the Representative Council as an intermediary between the members and the Executive Secretariat, presents advantages and challenges.

One advantage is that it allows more people to be involved and ensures broader participation in the activities of the Association. Through the Representative Council we also get a better understanding of the issues faced by members and of their views, without having to reach out to all members constantly, which would be impractical.

Secondly, membership of the Representative Council or a Standing Committee is an avenue into staff representation work that does not put excessive demands on people's time. It allows members to discover whether they are interested in staff representation work and may wish to get more engaged in the future, and it allows their colleagues to discover "fresh talent" and identify members with the interest and commitment to potentially take on functions on the Executive Secretariat.

A big challenge is the number of elected positions to be filled every year. We have to be pro-active and reach out to members and encourage them to stand in the elections to avoid vacancies. This means a lot of work, but it pays off. Our experience is that there are people who are ready to get involved in staff representation work, but they need to be asked.

Overall, this model has been working well for AP-in-FAO, but it is probably not suitable for smaller organizations, which are likely better off with simpler structures. The biggest organizational challenge faced by AP-in-FAO today is to get more members, but that is something we are working on.

A TIME FOR RECONNECTION AT THE HEART OF THE COVID-19 PANDEMIC RECOVERY AGENDA

By SCBD Staff Association

“Nature is an infinite sphere of which the center is everywhere and the circumference nowhere.”

Blaise Pascal

The COVID-19 pandemic massively disrupted our health systems and economies, raising questions on equity and our ability to respond collectively to crisis and disasters, at the global level. It revealed our collective vulnerability and reminded us of the complex linkages between many of our global public goods, including nature and health. While the relationship between biodiversity and infectious diseases is complex, it is clear that the loss and

degradation of biodiversity undermines the web of life and increases the risk of diseases’ spillover from wildlife to people.

At the same time, the COVID-19 pandemic shook some of our core beliefs, raising questions on our ways of life, our patterns of consumption and production. It also shed light on the importance of nature and access to green and blue spaces, as many increasingly sought the outdoors, parks and gardens during the pandemic – where they exist – to remain physically and mentally healthy (see Fig.1 on the positive effects of biodiversity on mental

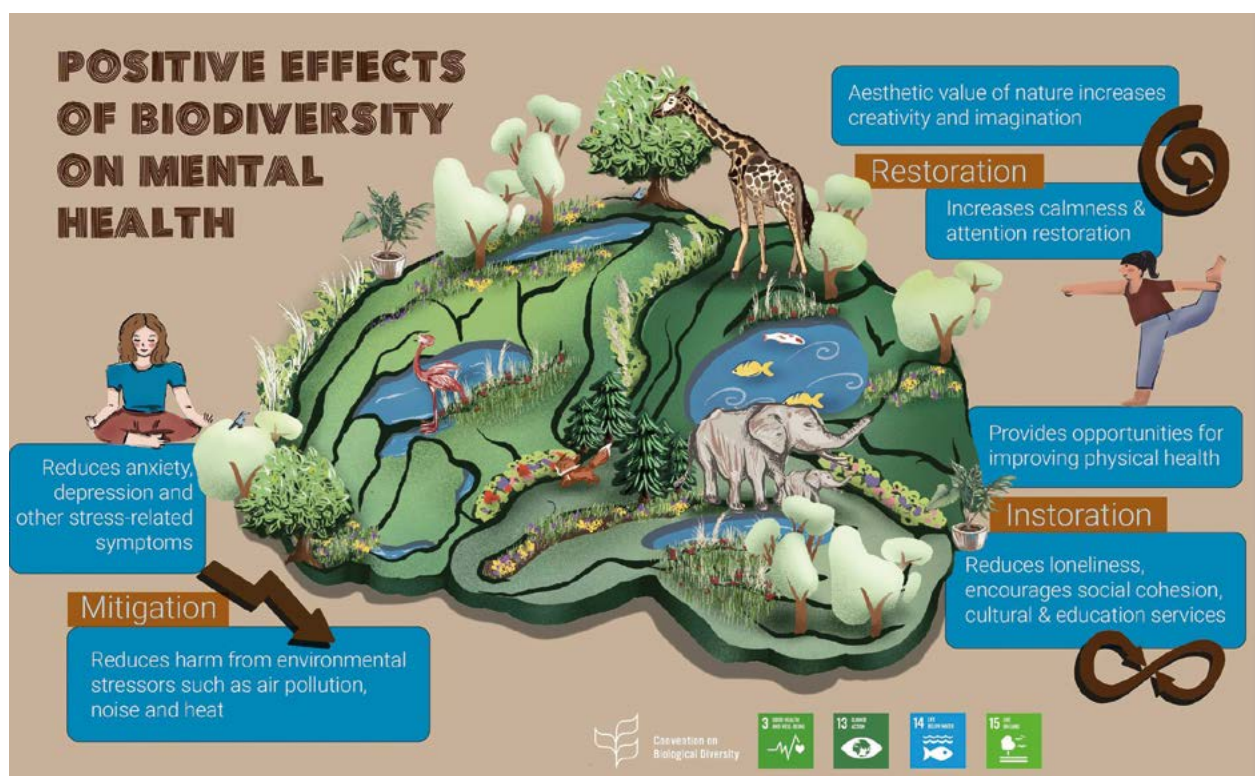


Fig. 1 - Positive effects of biodiversity on health, an infographic by the Secretariat of the Convention on Biological diversity



Fig. 2 - Mapping of the determinants of health and well-being

health). The benefits of biodiversity for health have long been recognized in the practice of *shinrin-yoku*, a forest bathing healing practice in Japan, where people immerse themselves in nature, while mindfully paying attention to their senses.

As we embark on the COVID-19 recovery agenda, let us embrace the full scope and meaning of health. As defined in the World Health Organization's Constitution, health is "a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity". Remaining healthy is about taking care of and reconnecting with ourselves – our bodies, our minds, and the environment in which we live. Caring for our health and our environment and nature is mutually beneficial.

As we embark on a new normal and hybrid working models, let us think about creating space in our daily schedules for healthy and environmental-friendly practices. As illustrated by the biologist Thomas Henry Huxley, one learns through a deep immersion in nature: "Sit down before fact like a little child, and be prepared to give up every preconceived notion, follow humbly wherever and to whatever abyss Nature leads, or you shall learn nothing". Let us put at the heart of the COVID-19 recovery our quest for an intentional and meaningful reconnection with ourselves and nature. Responses to the pandemic and the recovery agenda provide a unique opportunity for transformative change, a shift towards sustainable consumption and production patterns, a pathway to a greener and more equitable future at all levels, that starts with each of us in our daily lives and choices.

CELEBRATIONS FOR THE 2022 INTERNATIONAL BIODIVERSITY DAY

By SCBD Staff Association

22 ACTIONS FOR BIODIVERSITY



BIODIVERSITY DAY 22 MAY

- 1 Clean up an area around you
- 2 Restore an area, near or far
- 3 Take pictures not samples
- 4 Help animals, big and small
- 5 Prevent the spread of zoonotic diseases
- 6 Plant (native) trees, shrubs and plants
- 7 Consume responsibly
- 8 Save energy
- 9 Share
- 10 Buy biodiversity-friendly products
- 11 Help someone stop smoking
- 12 Enjoy urban biodiversity
- 13 Support companies committed to ethical standards
- 14 Change one habit that is negative for biodiversity
- 15 Ask businesses to source responsibly
- 16 Minimize waste
- 17 Learn about biosafety
- 18 Support biodiversity-friendly companies
- 19 Support environmental organizations
- 20 Raise biodiversity awareness
- 21 Empower someone
- 22 Celebrate Biodiversity Day!

In May each year, we celebrate the International Biodiversity Day (22 May). This year, the campaign developed by the Secretariat of the Convention on Biological Diversity had a central theme: «**Building a shared future for all life**».

The slogan was built on the momentum generated to support the post-2020 global biodiversity framework (<https://www.cbd.int/conferences/post2020>), to be adopted at the upcoming U.N. Biodiversity Conference (COP 15) and highlights that biodiversity is the answer to several sustainable development challenges. From nature-based solutions and ecosystem-based approaches to climate,

health issues, food and water security and sustainable livelihoods, biodiversity is the foundation over which we can build back better.

As part of the global campaign, a series of “22 actions for biodiversity” were developed to illustrate that governments, civil society, business and individuals have a role to play and, can take action to contribute to a more sustainable future.

You can check out the 22 actions for biodiversity that were developed and start acting right now. Please visit <https://www.cbd.int/biodiversity-day/activities/22> to learn more.

THERE IS ALWAYS HOPE! BELIEVE IN YOUR ABILITIES TO CHANGE WHAT IS NOT RIGHT

By Véronique Allain,
Member of the FICSA Executive
Committee, Montreal, Canada

Since the introduction of new Education Grant rules in 2017, Internationally-recruited P-Staff Members based in Montréal, Canada, have been confronted with significant cuts to their education grant benefits as a result of varying interpretations by the different local UN Administrations (UNESCO, UNEP/UNON, ICAO) of what constitutes 'tuition', one of the few remaining admissible expenses under the education grant rules.

The issue has been closely connected to how the local legislation requires school fees to be charged and invoiced. A large number of private schools in the Province of Québec receive a fixed amount of provincial subsidy for each of their students. Provincial legislation imposes a ceiling on the amount these schools can charge for so-called 'educational services' equal to the amount of the subsidy received per child by the school. The legislation requires that all other costs necessary to offer the necessary levels of education be charged as "accessory services". The latter fees appear on the school fee statement as a variety of "accessory services fees" and reflect regular and mandatory school expenses for mandatory school activities and services such as:

- physical education,
- technological infrastructure and services,
- Admission fees or registration fees information technology fees, ID card of the student, insurance, lockers,
- faculty salaries, maintenance, and rent of buildings
- mandatory fees for subscriptions, internet connection fees, material for mandatory classes, mandatory participation of students in school activities, pedagogical students' help, and support sessions.

The 'accessory services' fees can amount to up to 80% of the total school fees. Yet, only the smaller amount charged for 'educational services' - about 5000 CAD - appears on the school fee statement as 'tuition' in many local schools.

While all mandatory fees, whether they are charged for 'educational services' or for 'accessory services' fit the definition of 'tuition' as provided in the Administrative Instruction ST/AI/2018/1/Rev.1, section 3.1(b) ("Tuition for full-time attendance that is paid directly to the educational institution and certified by the educational institution as being necessary for attendance"), the labeling of only the educational services fee as 'tuition' caused a large part of the accessory services fees to be considered inadmissible, a sharp contrast with the reimbursement

practice under the previous Education Grant rules.

Through various efforts by different local Staff Representation Bodies in Montréal and by individual staff members, over 4 years, the Administrations recognized that several accessory services fees were to be treated as admissible expenses. These efforts involved the Office of Human Resources Management of the UN Secretariat (now called the Department of Operational Support), the ICSC (through the FICSA Staff Federation), and to Corporate Services of UNEP, UNESCO, or ICAO. However, not all mandatory accessory services fees were recognized as admissible, and over the past 3-to 4 years, more accessory services fees were again treated as inadmissible.

Against this background, it is not a surprise that the EG settlement decisions soon led to disputes that were brought before the UN Dispute Tribunal (UNDT). The UNDT recognized that several accessory services fees were admissible, a finding to which the Administration filed an appeal before the UN Administrative Tribunal (UNAT).

In its Judgment (no. 2022-UNAT-1221, April 2022) the UNAT recognized that in determining the admissibility of school fees, the decisive criterion should be whether the fee is meant to enable the school to perform the fundamentals of teaching. The UNAT found that all disputed accessory services fees fulfilled this criterion, except for fees charged for items that became the property of the student and were not "dispensable" (in this case: the agenda, the yearbook, and certain reference textbooks).

The UNAT also considered that the disputed fees were related to the core school curriculum, following the government's mandatory educational requirements. Consequently, expenses for these services must be considered as 'tuition'.

The UNAT Judgment will hopefully help provide the necessary guidance for the settlement of EG claims by all affected Montréal-based staff. This positive outcome is proof that you, as a staff member, need to believe in the support of your staff representation body, the FICSA Federation, and any other support. Furthermore, have confidence in your abilities to use all different channels and avenues to showcase your valid arguments to challenge administrative decisions.

It may not have been a light stroll in the park but it was worth fighting an administrative battle. Believe in your capabilities to stand for your rights !

USING THE PSYCHOLOGICAL CONTRACT MODEL AS AN ADVANTAGE IN STAFF / MANAGEMENT NEGOTIATIONS

By Steven-Geoffrey Eales,
FICSA HRM Standing Committee
Chair, UNIDO, Vienna

Negotiating employment conditions is the very bread and butter of every Staff Association/Union. This is no different in the UN common system. There are instances in which the needs of the organization and those of the organized workforce are congruent. However, there are many other instances where opposing expectations and requirements lead to a hotbed of conflict and frustration. That is why we continuously negotiate.



Figure 1 - Psychological Contract Venn diagram

But how do these gaps in expectation occur in the first place, and why are they so detrimental to workplace moral, motivation, and self-worth? Every employment is linked to a set of rewards, be they a comprehensive compensation package, the promise of a career, personal and professional growth, and much more. In return, the employee inputs time and effort, as well as contributes with their knowledge and experience. We reach agreements to exchange input and reward through various types of contracts and agreements. In order for the employment relationship to function the expectations from both sides need to commensurate, otherwise a conflict is inevitable. But while we overly rely on visible contracts (vc) such as our letters of appointment,

and the rules and regulations contained therein, we often omit exploring the psychological contract which establishes a set of hidden, unspoken, and unwritten factors. It also takes into account a number of relationship references (r) such as the staff members value in the open job market and a variety of other external factors (academic accolades, public notoriety, etc.), but also the organization's position within the market (r). A good negotiator should thus have the skills to not only understand visible contract but also be able to interpret perceptions surrounding all other elements and references that are not conventionally measurable. Fig. 1 demonstrates where we find the psychological contract (pc) within the employee-employer relationship.

An easy way of picturing the psychological contract is imagining an iceberg. As is common knowledge, only ten percent of an iceberg is visible above the waterline, the main body is submerged. This visual aid fits the psychological contract well, as most mutual expectations, unwritten rules, cultures, departmental and team dynamics, are entirely hidden, and not formalized in any shape or form. An iceberg is also not static. Different factors determine how much of it is visible above water. While junior staff in a traditional, hierarchically arranged organization may even find less than ten percent visible to them, seasoned professionals, knowledgeable and well established in an organization, would be able to have way more than ten percent visible to them. Fig.2 demonstrates this concept visually. This metaphor works particularly well as the air and sea represent the external market factors, which change depending on how much of the iceberg is exposed. Not understanding, and not making due on your psychological contracts can be detrimental to satisfaction, productivity, and innovation. Organizations may face a high turnover of staff, volatile knowledge, and an incoherent working culture.

As such it is important to address any expectation gaps immediately through contractual framework reviews, and/or other staff-management negotiations.

While some organizations have extremely rigid contractual frameworks, times of extreme uncertainty can lead to ad-hoc renegotiations that indeed demonstrate that no contract is truly cast in stone. Many organizations vastly increased their negotiation efforts in getting Flexible Working Arrangements operational during the 2020/21 COVID pandemic, thus shifting the depth of their iceberg upwards, improving their visible contract, and market values respectively.

A skillful negotiation requires careful preparation. When trying to understand the psychological contract in play, an employment satisfaction survey can be a powerful tool to gauge motivations, expectations, and fear. The survey results can be used by both negotiating parties to validate their points and conduct follow-up queries among a narrower demographic (such as line managers or certain groups). Staff Associations/Union have a distinct advantage when it comes down to gathering psychological contract specific information. Good and healthy staff representation will entail that employees will provide more honest and progressive information during surveys and fact finding interviews, due to the trust they have in their elected peers. General Meetings/Assemblies can be called to discuss issues and bring additional evidence to light. These global meetings can also be used to foreshadow organizational change and inform constituencies of upcoming negotiations. Such political pressure can be used by the negotiating teams to their advantage.

Once the negotiation underway, be they through formal mechanisms such as collective bargaining or through ad-hoc task forces (such as those used to implement quick changes), the negotiation team can orient itself along the following process in order to conduct their negotiation diligently:

1. Know yourself, your Union/Association, your constituent members, and your organization.
2. Understand your mandate and the organization's short-, medium-, and long-term strategies, as well as its deliverables.
3. Know your Counterpart (Executive Head, HRM, Staff-Management Negotiating Body)
4. Size up your negotiating opponent at your first meeting. You are there for a purpose, and that is to win.
5. Clearly communicate your motivations, and what result you wish to achieve. Use your constituents interests, needs, wants, issues and concerns as a catalyst for your targets. Use the psychological contract to your advantage. Come prepared, and have all necessary evidence handy.
6. Identify gaps to close.
7. Emphasize issues that will most likely result in a win-win, know what (but don't disclose) what you would be willing to sacrifice, and clearly state your red lines (all items that are non-negotiable).
8. Address your negotiation targets concretely and take measures to close gaps through a give-and-take approach
9. Close all remaining gaps, leaving no room for ambiguity in later policy development stages.
10. Close the deal.

"If you know the enemy and know yourself, you need not fear the results of a hundred battles."
-Sun Tsu

A successful approach to a negotiation is free from confrontation, applies a cordial understanding of your counterpart, and is built on trust. Laying the groundwork and understanding your position based on concrete evidence and fact is key to achieving the results you are looking for. The next article in this series will talk about negotiation tactics and the process itself. Stay tuned for more.

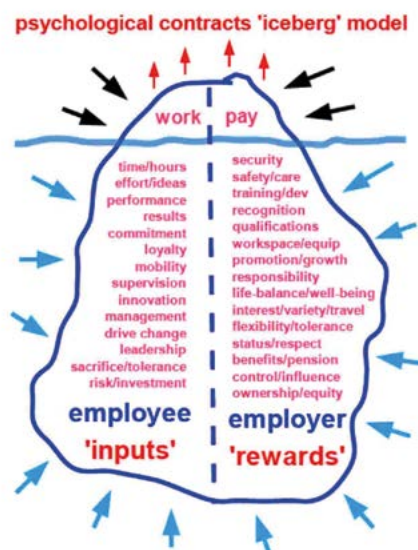


Figure 2 Iceberg Model

<https://www.businessballs.com/collaboration-and-sharing-best-practice/the-psychological-contract/>

**NEWSLETTER
FROM FICSA
LEGAL ADVISORS
FOR THE FICSA
MEMBERSHIP**

UNREASONABLE DELAYS IN INTERNAL PROCEEDINGS AS VIEWED BY THE INTERNATIONAL LABOUR ORGANISATION ADMINISTRATIVE TRIBUNAL

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With the assistance of Aude Maisonnier,
Student Avocate

In brief

The notion of “unreasonable delays” in internal proceedings, and their treatment by the International Labour Organisation Administrative Tribunal (the Tribunal, or ILOAT), is rather meandering. Unreasonable delays are however not uncommon, and deserve to be studied from their origin in internal proceedings, to their outcome before the Tribunal.

Introduction

Internal proceedings are of paramount importance as they are the first forum offered to complainants to present their pleas. They are also a mandatory step before filing a complaint with the Tribunal.

However, internal proceedings can be unreasonably lengthy. In Judgment No. 4493, in the Tribunal’s 333rd session in 2022, internal proceedings had dragged on for seven years. Although it is quite uncommon for internal proceedings to last this long, it is not uncommon that they last for several months if not a couple of years. If so, can one complain of the excessive length of internal proceedings before ILOAT? Will ILOAT award damages?

Comments

1. The exhausting exhaustion of internal remedies: the origin of unreasonable delays?

There is no harmonised rule that would set an average length for internal proceedings. Some Organisations do not set delays in their internal rules; some do and are therefore bound to respect them. For an administrative review for example, these delays may last between ten days and five months, with an average length of thirty days¹. It is nevertheless without considering the requests for postponement which are very generally accepted and the absence of well-framed delays. Indeed, even when existing, the rules can be incomplete (i.e. a deadline is set for the request for internal appeal to be submitted to appeal board, but no deadline is set for it to submit its advisory opinion).

In some instances, proceedings are delayed because the matter is complex; because the internal dispute resolution body is mismanaged; because the complainant’s behaviour hinders the prompt delivery of a final decision; or sometimes because of a desire to drag out the files, most often to the detriment of the complainants. Yet, complainants cannot evade lengthy internal procee-

¹ A-MTh venot-Werner, *Le droit des agents internationaux   un recours effectif – Vers un droit commun de la proc dure administrative internationale*, *Etudes de droit international*, Ed. BRILL 2016, paras. 74 to 87, p. 69, Table I.3 on the response delay to a request for administrative review

dings by bringing their complaint straight to ILOAT. Indeed, in principle, complainants are bound to exhaust all internal means of redress, and the final decision is the only challengeable decision before ILOAT².

The Tribunal admits a few exceptions to this rule. Such is the case if the administration failed to take a decision within sixty days following a claim filed with the executive head³ being noted that the notion of “decision” is very widely apprehended⁴. Or if staff regulations provide that a specific decision is not subject to internal proceedings; if the complainant’s status of employment prevents his or her access to the internal appeal body; or if the parties agreed to renounce to the exhaustion of internal means of redress (Judgment No. 2912, consideration 6). Complainants can also file their complaint directly with ILOAT when the subject matter of the complaint is the execution of a judgment, or of a transaction, which does not leave any margin of appreciation (Judgments Nos. 2284, consideration 4; 2178 consideration 3, 1887, consideration 5). A complainant can also evade internal proceedings if the internal dispute resolution body is mismanaged in a way that “effectively precluded [him] from exercising his right of appeal” (Judgment No. 4173, consideration 13).

These exceptions are limited. Therefore, most complainants will have to exhaust internal proceedings, and might enquire about the Tribunal’s reasoning on unreasonable delays afterwards (which is to us very unprotective of the interests of agents).

2. Reasoning on unreasonable delays: ILOAT’s casuistic approach

The appreciation of the unreasonable nature of the delay appears to be casuistry.

In some cases, the excessive length of the delay is so obvious that it is undisputed, such as in Judgment No. 4493 where internal proceedings had dragged on for seven years. In other cases, the length of the delay is not so obvious. Then, the Tribunal’s reasoning boils down to determining whether the case needed to be treated with a higher degree of diligence, or even with urgency. In sensible situations, delays are more likely to be considered as being unreasonable as some issues cause evident injuries to complainants, for instance termination without pay or claims of harassment⁵. Or for instance, in Judgment No. 4476, consideration 18, ILOAT considered that although a delay of three months was not objectively excessive, it should be deemed unreasonable in view of the nature of the case (request for protection under the statute of whistle-blower). It is part of the duty of care of an Organisation to prevent the infliction of injuries for longer than reasonably necessary.

However, ILOAT’s casuistic approach lacks in foreseeability. This is deleterious for both complainants and international organisations. On the one hand, complainants cannot determine at what point they stand a chance to file a receivable complaint before the Tribunal. Waiting for a final decision could be endless. This might also discourage other staff members from introducing internal proceedings. On the other hand, Organisations cannot precisely determine the extent of their duty of diligence. Notwithstanding, one would advise Organisations to be as diligent as possible, to abide by their duty of care. In any event, if a complainant is suffering from an unreasonable delay, he or she may wish to be compensated for the consequences of this delay.

² Article VII para 1 of ILOAT Statute

³ Article VII para 3 of ILOAT Statute

⁴ If a complainant receives acknowledgment of his request and confirmation that it will be reviewed, the Tribunal considers it as a decision and that the internal proceedings are ongoing.

⁵ Judgments Nos. 4207 consideration 18 and 4449 consideration 9

3. Compensation for the consequences of an unreasonable delay

Recognition of unreasonable delay does not automatically lead to damages whether moral or punitive.

Moral damages are awarded to compensate for an injury actually suffered by the complainant. However, and for instance, in a case where a complainant challenged a “warning letter” informing him that his productivity was deemed low, the Tribunal considered it as “a mere declaration of intent” which does not cause any injury, and hence does not justify the award of damages although internal proceedings lasted for seven years (Judgment No. 4493, consideration 9).

Complainants must produce evidence of the causal link between the alleged injury and the length of the procedure. Otherwise, no damages will be awarded. For instance, in Judgment No. 4493, the Tribunal refused to grant moral damages as the complainant had solely produced his own testimony, which was not convincing evidence (consideration 8).

As a comparison, urgent situations appear to benefit from an alleviated burden of proof of the damage suffered: ILOAT considered that unreasonable delays in a case that called for an urgent remedy created an “obvious” injury, and awarded moral damages (see for instance Judgment No. 4399, consideration 12)⁶.

When moral damages are awarded, their amount depends on the length and on the effect of the delay. In practice, the effect of the delay, which is intrinsically linked with the nature of the complaint, seems to weigh heavier in the balance. The amount of damages varies between 1,000 euros (Judgments No. 4110; 4098 and 4037) and 40,000 euros. In the latter case, the matter was deemed urgent (summary dismissal for disciplinary reasons) and proceedings were ‘only’ delayed by fifteen months (Judgment No. 4457, consideration 29⁷). As a comparison, for a procedural delay of four years, on a non-urgent matter (reimbursement of a spa cure), the complainant was awarded 2,500 euros (Judgment No. 4425, consideration 10). On average, moral damages are around 1,500 euros to 2,000 euros⁸.

ILOAT’s favourable attitude towards urgent issues is understandable as complainants in sensible situations are more likely to be exposed to injuries, hence are more likely to deserve a higher amount of damages. Yet, objectively, complainants who went through extremely long delays should all be entitled to damages, as this ‘legal limbo’ is likely to have caused them stress and anxiety.

Punitive damages are less commonly granted. The Tribunal only awards these in exceptional circumstances, where an Organisation acted in gross breach of its obligation to act

in good faith, or if the impugned decision was motivated by malice, ill will, or discrimination⁹. However, if the conduct of the Organisation can be reasonably explained, and does not seem “frivolous”¹⁰, no punitive damages will be awarded. When allocated, the amount of punitive damages seems to be around 2,500 euros¹¹, which does not seem to be much of a deterrent.

Overall, even when it recognizes unreasonable delays, ILOAT seems reluctant to award damages, although this could be a way to deter Organisations from imposing them.

Tips and conclusion

Faced with this reluctance, a complainant needs to anticipate his/her claim for compensation against an unreasonable delay.

First, at the stage of internal proceedings, the complainant should act in a manner that does not contribute to lengthening internal proceedings by complying strictly with the delays, and by sending his documents and evidence as a whole.

Second, if a procedure appears to linger on, the complainant could send a written statement similar to a formal notice stating that in the absence of any evolution of the procedure within a given period of time, he or she will be forced to consider that the Organisation’s behaviour is preventing him or her from exhausting internal remedies.

Third, to increase the odds to be compensated, the complainant must precisely describe the injuries caused by this delay, and support his claim for damages with substantial evidence (such as medical certificates if the alleged injury is of a medical nature, or testimonies of relatives).

It is also for the Tribunal to encourage IOs to abide by their duty of care and of due diligence, and to comply with the right to a fair trial. For instance, by improving the foreseeability of the notion of unreasonable delays, or by improving the deterrent effect of its judgments, notably by increasing damages.

That said, it is of note that ILOAT does not lead by example. Its proceedings can be very lengthy (in Judgment No. 4493 mentioned supra, the Tribunal took six years to issue a judgment). The well-established principle in International Human Rights law of the right to a fair-trial is binding to the Tribunal as the International Court of Justice, in IFAD Advisory Opinion admitted. Hence, it should yearn to achieve reasonable standards for the length of its own procedure. It is for the most necessary to give the Tribunal additional human and financial means to achieve it.

⁶ The Tribunal judged that the damage to the complainant occasioned by the was obvious considering the simplicity of the appeal and the urgency of the need for a remedy regarding the unwanted transfer.

⁷ The sum of 40,000 euros embodied other heads of damages in addition to the one on unreasonable delays

⁸ See for instance, Judgments Nos 4476; 4425; 4207; 4031; 3160

⁹ See for instance, Judgment No. 2860, consideration 23.

¹⁰ Judgment No. 4493, consideration 11

¹¹ See for instance, Judgments Nos. 4385, consideration 7 and 2418, consideration 15

BLOWING THE WHISTLE: PROTECTIONS AND POLICIES ON REPORTING WRONGDOING

By Ellen Tetley,
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International Legal Consulting

What is “whistle-blowing”?

Whistleblowing refers to the process by which an individual reports wrongdoing within an organisation, such as discrimination, abuse or financial misconduct. Whistleblowing usually relates to serious and widespread concerns within an organisation and should be distinguished from workplace grievances, which are matters of personal interest and do not impact upon the broader organisational culture.

Section 2 of the UN Secretary General’s bulletin ([ST/SGB/2017/2/Rev.1](#)) provides that a person who reports the failure of another staff member(s) to comply with their obligations under the UN Charter, Staff Rules or any other relevant administrative issuances, is committing a ‘protected activity’ that entitles them to protection against retaliation. A person who makes reports of unsubstantiated rumours or false information is likely to commit misconduct and could instead be subject to disciplinary proceedings.

Whistle-blower Policies and Procedures

International organisations (IOs) do not always provide the same protections to whistle-blowers as domestic jurisdictions or regional organisations. Within the UN system, all organisations are required to adhere to minimum standards of whistle-blower protection, which are outlined in the Secretary General’s bulletin ([ST/SGB/2017/2/Rev.1](#)).

Internal Reporting Mechanisms

In addition to their organisation-wide retaliation policy, the UN has a range of reporting mechanisms and internal bodies which are responsible for the protection of whistle-blowers. This includes the Office of Internal Oversight Services (OIOS), the assistant secretary-general for human resources management, the head of department or office concerned or the focal point appointed to receive reports of sexual exploitation and abuse.¹ The officer or

body that receives the complaint should then review it to determine whether to investigate it themselves or refer it to another entity (such as OIOS or the Ethics Office) for appropriate action.

Outside of the UN Secretariat system, the process for reporting misconduct varies considerably depending upon the organisation. For example, both the World Health Organisation and UN Development Programme require employees to report misconduct to their immediate supervisor, or if they fear retaliation, to the Office of Compliance, Risk Management and Ethics, and the Office of Audit and Investigations respectively. Separate consideration is also given to those employees who wish to keep their identity confidential or make a protected disclosure.

External Reporting Mechanisms

At least 18 UN bodies also have organisational policies which allow employees and non-staff members to make external reports in cases where there has been significant misconduct or breaches of domestic or international law. However, many of these external reporting mechanisms are quite restrictive, with only the UN High Commissioner for Refugees and UN Relief and Works Agency offering fully comprehensive and independent channels for the external reporting of misconduct. Such policies also vary significantly across each organisation so whistle-blowers must ensure that they carefully observe the protocols which are relevant to their organisation.

Protection Against Retaliation

Broad protections against retaliation also exist in the staff rules of many IOs, although many protections are still insufficient and provide limited or no restitution for whistle-blowers. For example, an [analysis of the UN Ethics Office](#) revealed that the office had only found in favour of a whistle-blower once every six years, despite dealing with nearly 300 cases of alleged retaliation.

Where whistle-blowers take their complaint to international administrative tribunals, they also face significant resource gaps, compared with the IO's general counsel or legal department, who represent the IO against whistle-blower allegations. As a result, a [recent study](#) found that many whistle-blowers are often dismissed as "system-abusers" or "repeaters," which further discourages employees of IOs from coming forward about abuse or misconduct.

Thus, without adequate protections against retaliation, employees are far less likely to make disclosures, especially given that many are hired on short-term contracts and depend upon their work visa to stay in the host country of their IO. This form of contract puts employees in a far more vulnerable position, as it is possible that making a disclosure could impact upon the renewal of any future contracts.

Tips for the Whistle-blower

1. Familiarise yourself with the **applicable legal procedures** and find out what **protections** are already in place for whistle-blowers.
2. Read your organisation's staff rules to see if it has its own **whistle-blowing policy and/or an internal reporting channel**. This policy should provide you with some guidance on the types of concerns which are reportable, the process for raising these concerns and the legal protections or restrictions which you may experience. It is important to keep in mind that many IOs do not define or use the term "whistle-blower" in their policies. They

may instead refer to staff members who report cases of "misconduct." Such rules may still be applicable to you and your situation, depending on your individual circumstances. However, this will need to be assessed on a case-by-case basis.

3. Consider whether or not you would like to remain **anonymous**. You may wish to check your organisation's policy regarding confidentiality, as you may find that they have a duty to keep your identity private. This may even allow you to remain anonymous to the person who is handling your case.

4. It is beneficial for yourself and the organisation you work for to try and resolve your complaint through **internal processes and procedures**. Be prepared to escalate your complaint if no action is taken by your organisation or you suffer reprisals as a result of whistle-blowing. If this occurs, obtain independent legal advice to discuss your options and develop a plan moving forward.

When considering whether to make a disclosure of misconduct, employees should remind themselves of the vital role that whistle-blowing plays in addressing misconduct and preventing corruption from occurring. Within the UN system, "whistle-blowers alone account for the uncovering of more fraud and corruption than all other measures of fraud detection combined."²

For similar updates, subscribe to [Modulaw's](#) monthly blog or follow Modulaw on [LinkedIn](#).

¹ See [Whistleblower Protections at the United Nations](#) by Transparency International (page 5). See also [ST/SGB/2017/2/Rev.1](#), Section 4.

² See [Whistleblower Protections at the United Nations](#) by Transparency International (page 3).

LIMITS ON FREEDOM OF SPEECH FOR STAFF REPRESENTATIVES

By Laurence C. Fauth,

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In Brief

The applicant is the former CEO of the UNJSPF, who filed a harassment complaint alleging defamation against staff representatives and other staff members in 2019. The administration summarily dismissed the complaint without investigation. In its judgment, on an appeal from the UNDT which upheld the administration's decision, UNAT reaffirmed the right to freedom of speech for staff representatives, citing copiously from ILOAT case law. However, UNAT also held that the right to engage in freedom of speech has its limits and must be balanced against the equally important right of staff members to work without harassment or intimidation. UNAT held the administration must carefully and thoroughly balance these competing interests when considering whether to open a misconduct investigation. In this case, the UNAT allowed the CEO's appeal and remanded the case to the administration to reassess his allegations.

Decision

In 2019, the CEO filed a harassment complaint against a number of staff representatives, and non-staff representatives, alleging that they had engaged in a public defamatory campaign against him including false and slanderous and inflammatory language ("massive fraud"), which caused reputational and moral damages, and disability. The harassment case was closed by the administration without any investigation on the grounds that the activity at issue amounted to protected speech within the orbit of principle of freedom of association. The UNDT dismissed the initial appeal by accepting the administration's unsubstantiated allegation that the only individuals identified in the complaint were staff representatives, and concluding without analysis that there was no "gross abuse" of freedom of speech. The Dispute Tribunal Judge did not hold a hearing. UNAT remanded the case to the administration to review the case again.

UNAT initially noted the importance of its judgment:

"The case raises interesting, delicately balanced, legal issues pertaining to conflict between the freedoms and rights of the staff members of international organisations, as well as to obligations of the latter towards them.

It involves the Organisation's duty to provide a safe and secure work environment, to protect a staff member's good name and reputation, and to ensure that their facilities are not abused and its rules and regulations are respected. Additionally, and most importantly, the present case concerns freedom of association and the degree of freedom of speech to which bodies and persons representing staff in international organisations are entitled."

UNAT recalled the legal framework governing harassment and the UN's "zero tolerance" policy for workplace harassment, "as such behaviour or conduct is contrary to the spirit of its Charter, Staff Rules and Regulations and the Standards of Conduct for the International Civil Service."

In this case, the issue for the Tribunal was whether the administration acted within its discretionary authority in closing the case without investigation and for the sole reason stated, i.e., that the speech was protected. The UNAT reiterated its caselaw that any administrative decision must be justified:

"[It] must be reasoned in order for the Tribunals to have the ability to perform their judicial duty to review administrative decisions and to ensure protection of individuals, which otherwise would be compromised. In this respect, the harmful administrative decision must be fully and adequately motivated. The reasoning must be sufficiently clear, precise, and intelligible. A generic reasoning befitting every case is not enough and renders the decision unlawful."

UNAT recalled that freedom of association also encompasses the "right to free expression, orally or in writing, of opinions that dissent from or conflict with those held by the employment institution or other".

UNAT then noted that "there must be an appropriate balance between the right to freedom of association and the right to freedom of expression in particular, and the need to protect an individual's reputation and dignity, widely recognised by international human rights instruments (see, for example, Article 8 of the European Convention on Human Rights) and the law in countries around the world, as one element of the right to respect for private life".

UNAT held that the following types of speech may not be protected:

- i) statements that “impair the dignity of the international civil service”*
- ii) “remarks that are ill-intentioned, defamatory or which concern their private lives”*

Acknowledging the difficulty in providing concrete examples (given “infinitely variable circumstances”) of when speech of staff representatives crosses the line, UNAT stated that the administration would have to balance the interests:

“It is not possible to prescribe precisely and in advance where that balance will be struck in any particular case: It will always be a matter of fact and degree in the infinitely variable circumstances of each case relating to the nature of the interests involved, including that of the Organisation, the seriousness of the accusations and offences, the language used to that effect, whether in the office or outside the office and whether connected or not with the affairs of the staff association, the capacity of the allegedly defamed individual etc. For instance, persons acting in an official capacity are subject to wider limits of acceptable criticism than ordinary individuals.³⁷ Nonetheless, even these persons must enjoy public confidence in conditions free of undue perturbation if they are to be successful in performing their tasks and it may therefore prove necessary to protect them from offensive and abusive verbal attacks when on duty. Some cases will be clear, others so close to that point of balance that they will be hard to decide and attract legal controversy. This case falls towards this latter end of the spectrum of conduct.

In this case, the UNAT held that the administration simply sacrificed the interests of the former CEO to the interests of freedom of association. UNAT then described what the administration should have done:

“the Administration should have undertaken the difficult exercise of striking the right balance of the competing interests or values by determining which right deserved preference over the other in the specific case, by weighing the freedoms and rights in question against each other, taking all the circumstances of the specific

case into account and putting forth, with clarity, consistency, and transparency, the criteria (i.e., the legal requirements and defenses of the alleged defamation, the seriousness of the infringement, whether the aspects of the rights that enter into conflict belong to the core or the periphery of the human right in question, the probable negative effects for the interest of the Organization etc.) and the methodology adopted in the reasoning of the relevant administrative decision, such as to make feasible the judicial review, as per the settled jurisprudence of the Appeals Tribunal.”

Ultimately, UNAT held that the decision was not based on a duly motivated exercise of discretion, since there was no assessment and balancing of interests, and the administration did not engage in any “analytical thoughts and reasons” related to the alleged facts. It heavily criticized the UNDT judgment which consisted of pseudo-fact finding without hearing any witnesses and instead simply accepting the truth of the administration’s allegations that there was no gross abuse of freedom of speech and that every person identified in the complaint was a bona fide staff representative.

Comment/ Commentary

The UNAT came to the correct conclusion that the administration could not simply reject a harassment complaint based on defamation by staff representatives on the basis of freedom of speech without engaging first in a balancing of interests, which itself would require some informal if not formal investigation into the facts. UNAT also affirmed that freedom of speech will not be sanctioned unless there is a clear abuse of the right, in line with ILOAT jurisprudence. However, UNAT reaffirmed that judicial review is limited, i.e., so long as the administration engages in a balancing exercise when making a decision, the outcome of such exercise and decision cannot be second-guessed by the Tribunals.

Additional News

The ILOAT will announce the outcome of the judgments it issued during its 134th session on **6 July 2022**.

STAFF MEMBERS' RIGHTS AND ORGANIZATIONS' DUTIES IN RESTRUCTURING EXERCISES UNDER THE CASE LAW OF THE ILOAT

By Christopher Bollen,
Attorney-at-Law

Several international organizations are currently restructuring or are planning to restructure their offices. While each international organization has its own set of rules and regulations regarding post abolition and reassignment, the case law of the Administrative Tribunal of the International Labour Organization ("ILOAT")¹ has identified several rights of staff members and duties of organizations which must be respected in all cases. In the paragraphs below, these rights and duties will be briefly discussed and summarized.

Abolition of Post

Duty to provide reasons for the abolition

According to the ILOAT's consistent case law, abolishing a post is a discretionary decision which is subject to limited review by the ILOAT.²

To validly abolish a post, an organization must demonstrate that there is an objective reason for that decision, such as financial constraints or a need to adapt its structure to meet ongoing challenges.³ If such a legitimate reason is given, it is irrelevant whether the abolition could have been avoided through a different managerial approach.⁴

The abolition of a post, notably due to financial constraints, should in principle result in a reduction of the overall number of the organization's staff members. In this context the simultaneous creation of an equivalent post concurrent to an abolition is an indication that the said abolition is unjustified.⁵

As confirmed in a recent judgment of July 2021, an organization bears the burden of proof to establish that an abolition is needed.⁶ For instance, the existence of well-known and/or reported financial difficulties affecting the operations of the organization constitutes a sufficient basis for the abolition of posts.⁷

Right to be heard and informed

Staff members must be given proper notice of the abolition decision along with the reasons for that decision; they must also be provided with an opportunity to contest the said decision.⁸ Staff members should also have as a general rule access to evidence on which the Administration its decision had based its decision to abolish a post. Such evidence can in general not be refused on grounds of confidentiality unless overriding interests impede the disclosure of specific documents.⁹

Duty of care

Organizations must avoid causing unnecessary distress to the staff member whose post is abolished. For instance, announcing the abolition of a staff member's post during an Ombudsman meeting with other attending staff members constitutes an affront to the concerned staff member's dignity.¹⁰

Misuse of authority

The abolition of a post solely to get rid of a given staff member constitutes misuse of authority. For instance, the abolition of a post to sidestep procedures which are applicable in case of unsatisfactory performance constitutes such a case of misuse of authority. The concerned staff member must however prove that the abolition decision was directly taken on the basis of bias, malice or discrimination on the part of the organization. In practice, proving this before the ILOAT is exceedingly difficult, as even the existence of several procedural irregularities affecting the abolition process are insufficient to prove misuse of authority if there is no direct evidence of malicious intent.¹¹

Reassignment

Duty to provide due preference

Staff members with permanent contracts whose posts are abolished have the right to due preference. This means in substance that they have the right to be reassigned to a post matching their skills and capabilities without competing with other interested applicants.¹² The only admissible selection process in such cases would be between multiple staff members having the same right to due preference.

The organization bears the burden to prove that it has respected its duty to provide due preference. In other words, if it separates staff members to whom this duty is owed, it must demonstrate that no post matching their skills and capabilities was available at the time.¹³

While due preference is in principle only provided to staff members with continuing appointments, organizations may extend this right to other categories of staff members through their staff rules and regulations.¹⁴

Finally, the duty to provide due preference cannot be restricted in scope by an organization's internal rules or decisions. For instance, an organization cannot deny a staff member's right to apply to certain open posts within its structure on the basis that the concerned posts are not included in a currently ongoing restructuring process.¹⁵

Duty to explore employment options

Organizations are obliged to explore reassignment options for staff members whose posts have been abolished. This duty applies also to staff members who do not enjoy the right to due preference under ILOAT case law or under their organization's staff rules and regulations.¹⁶

The exact content of this duty is not described consistently through the case law of the ILOAT. In earlier decisions, the Tribunal considered that organizations were only bound to explore other avenues of employment with the concerned staff member.¹⁷ In a series of later cases, however, the Tribunal expanded the scope of this duty, notably stating it "requires the application of processes biased in favour of the staff member whose position has been abolished and which is likely to promote appointment to another position".¹⁸ Under this jurisprudence, the duty to explore reassignment options is similar to the duty to give due preference.

However, in a later decision of July 2020, the ILOAT seems to take a step back by indicating that the duty to explore employment options might be met as long as the Organization provides "formal and widely cast processes and procedures for reassignment".¹⁹ The Tribunal did not provide additional guidance on this limitation.

Finally, contractual clauses which waive *ex ante* a staff member's rights to reassignment are illegal.²⁰

Relief

In the case of unlawful termination following a reassignment process, the ILOAT does not ordinarily order reinstatement of the affected staff member. Rather, it usually grants an award of material damages corresponding to the lost opportunity to maintain employment, along with moral damages and compensation for legal fees.²¹

- 1 The ILOAT's case law applies to the ILO and to all international organizations recognizing the jurisdiction of the Tribunal. For an updated list of these organizations, see the following link: <https://www.ilo.org/tribunal/membership/lang--en/index.htm>.
- 2 Judgment 3041, under 6.
- 3 Judgments 4411, under 12-16; 3041, under 9; 2097, under 7.
- 4 Judgments 4036, under 15; 4099, under 8; 2885, under 10.
- 5 Judgments 4099, under 5-6; 3041, under 7; 3688, under 17.
- 6 Judgment 4411, under 12-16.
- 7 Judgment 4099, under 5.
- 8 Judgments 2885, under 3; 3041, under 8-9.
- 9 Judgment 3920, under 11; 3688, under 29.
- 10 Judgments 3688, under 21-22; 3041 under 8.
- 11 Judgments 4149, under 8; 2885, under 11-12.
- 12 Judgments 4305, under 5; 3755, under 6.
- 13 Judgment 3755, under 19.
- 14 Judgment 4305, under 35.
- 15 Judgment 4036, under 7-10.
- 16 Judgment 3908, under 14, 3159, under 19.
- 17 Judgments 3159, under 19-23; 2902, under 14.
- 18 Judgment 4097, under 9; 4036, under 7-8; 3908, under 15-16.
- 19 Judgment 4305, under 11.
- 20 Judgment 4149, under 13.
- 21 Judgments 4305, under 14; 3753, under 17.



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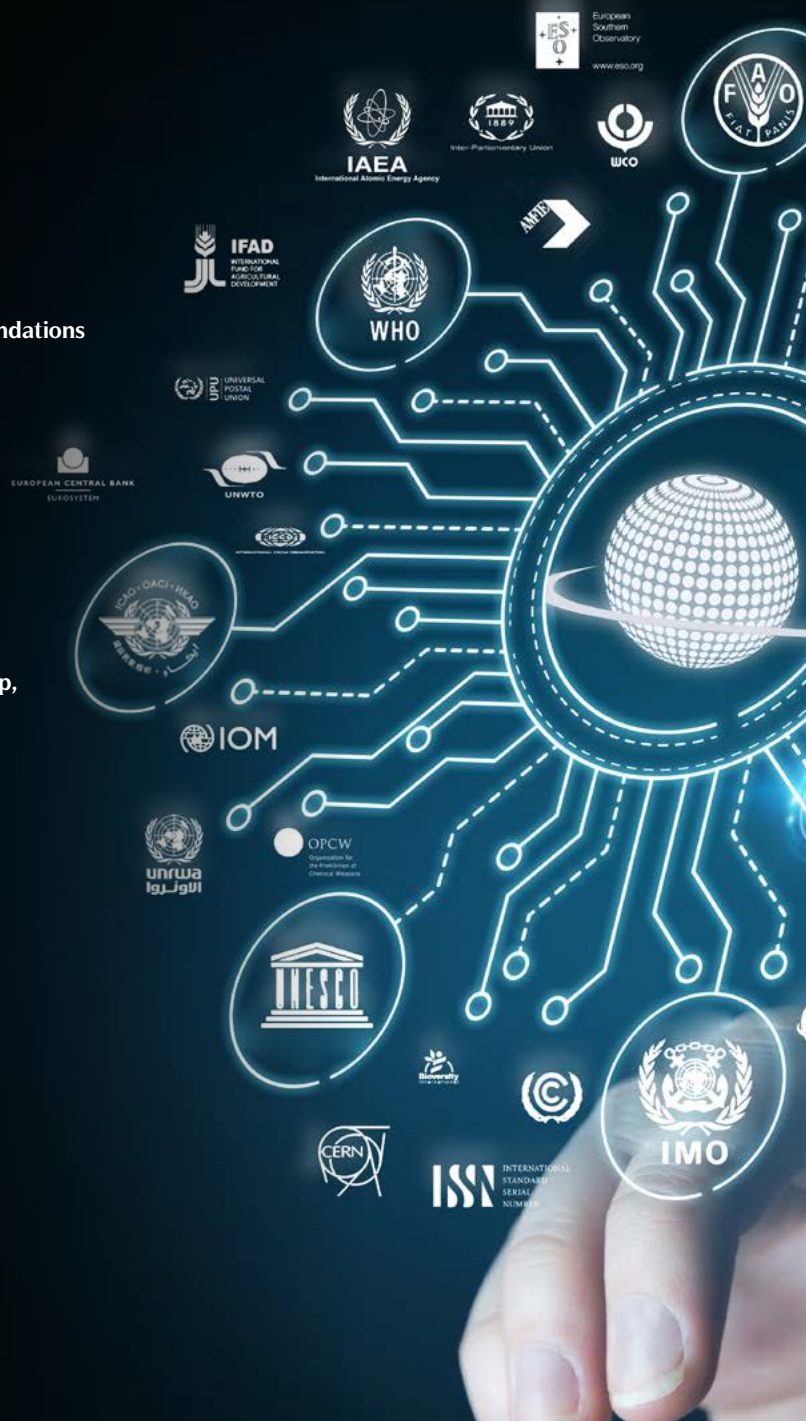
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 To make enquiries, ideas are welcome too
 Experts we have, a listening ear we offer
 We listen, we hear, advice and implement
 To make us a federation for a better tomorrow
 FICSA, Our Members, Our Pride.

An organized federation, a dedicated team steer the ship,
 Solidly structured, runs to its optimum
 Funded by full members through contributions
 Donations are welcome to support this noble cause
 To reach and donate, it will be appreciated
 FICSA, Our Members, Our pride

A democracy well demonstrated
 Leadership changing hands over the years
 A hall of fame well befitting
 An illustration of dedication and loyalty
 By leaders from across the divide,
 In observance to the gender rule since its formation,
 FICSA, Our members, Our pride.

Along the way, sadness experienced
 Loss of colleagues, death played its part
 We pay tribute and memorials in recognition
 For their contribution we celebrate
 A moment of silence in honour to the departed
 FICSA, Our Members, Our Pride.

Signed Anthony Ndinguri (Faheem)





OTHER LEGAL MATTERS & MISCELLANEOUS

L'AMFIE, DE NOUVEAU À VOTRE RENCONTRE

C'est avec un plaisir non dissimulé que les représentants de l'AMFIE ont participé au 75ème Conseil de la FICSA, qui s'est tenu en présentiel à Vienne. Janine Rivals et Svend Booth ont pu vous rencontrer au Vienna International Centre du 25 au 29 avril 2022. Ils ont également présenté les services de l'AMFIE aux délégués participant au Conseil le 28 avril, présentation à laquelle a pu participer le personnel de l'OTICE et de l'ONUUDI.

Quelle joie ce fut pour Svend et moi de nous retrouver à Vienne pour le 75ème anniversaire de la FICSA ! Co-vid ou pas, ce furent de franches embrassades avec tous les anciens et le grand plaisir de faire la connaissance de tous les nouveaux élus aux associations du personnel des diverses organisations internationales du monde entier !

N'oublions pas que l'un des fondateurs de l'AMFIE, Pierre Henquet, hélas disparu, fut aussi l'un des fondateurs de la FICSA !

Lors de la célébration en l'honneur du 75ème anniversaire de la FICSA, notre cher Svend fut solennellement fêté pour ses 25 années au service de la Fédération ! Et comme j'étais, et de loin, la doyenne de l'assemblée, j'ai été affectueusement « entourée » par le Comité exécutif pour la cérémonie !

L'accueil du Conseil du personnel de l'AIEA et l'organisation des discussions ainsi que nos présentations furent parfaites. En somme, une semaine de rencontres et d'amitié avec des délégués, des sociétaires et des prospects un vrai plaisir !

Janine Rivals



FOR AMFIE, FRONTIERS NO LONGER EXIST

L'AMFIE NE CONNAÎT PLUS DE FRONTIÈRES !

by Janine Rivals:

Association coopérative financière
des fonctionnaires internationaux
(AMFIE's) Honorary Vice-President

Dear colleagues

I am a natural optimist, but to be honest my optimism fell to zero in late February 2020 when, returning after a very congenial meeting of FICSA in London, Svend Booth and I both found ourselves marooned, he in Rome and I in Paris. There was no further prospect of our visiting our beloved organizations for they had all, one after another, cancelled all our presentations, and that sine die.

For years I had been preaching to the deaf, extolling the benefits of LinkedIn to no great effect. Meanwhile, Xavier Roblin has fortunately been elected to the board, and Xavier knew. He will be reporting on it after me.

So Svend, Miguel Figuerola and I, with the support of Alexandra Roger in the Secretariat, began a prospecting campaign using LinkedIn. It proved to be a great success, making AMFIE's name known around the world.

What we found most striking, though, was that with the virus, the nature of our relations with contacts had totally changed.

Before, when contacting international officials to ask whether we had their permission to send them information – as the General Data Protection Regulation (GRPD) requires – the reply was mostly a short OUI/YES.

Since Covid, that short YES/OUI has become rare, because it turns into a dialogue, often personal, sometimes wide-ranging, together with thanks, to the point that it is sometimes quite moving. Our correspondents, who have often been teleworking for many months, seem happy to

par Janine Rivals

Vice-Présidente d'honneur de l'AMFIE

Chers collègues,

Pour être honnête avec vous, je suis d'un naturel optimiste, mais mon moral est tombé à zéro, fin février 2020, lorsque de retour d'une très sympathique réunion de la FICSA à Londres, Svend Booth et moi nous sommes retrouvés, lui à Rome, moi à Paris, le bec dans l'eau. En effet il n'y avait plus aucun espoir de nous rendre dans nos chères organisations, qui l'une après l'autre, ont annulé toutes nos présentations, et cela, sine die !!!

Depuis longtemps, je prêchais dans le désert, en disant combien LinkedIn était utile, sans grand succès ! Mais heureusement, Xavier Roblin a été élu au Conseil d'Administration et lui savait ! Il va d'ailleurs vous en parler après moi.

Donc Svend, Miguel Figuerola et moi, avec le soutien d'Alexandra au bureau, et celui de quelques coordonnateurs, nous avons entamé une campagne de prospection par LinkedIn qui s'est avérée un grand succès pour faire connaître notre existence dans le monde entier !

Mais surtout, ce qui nous a frappé, c'est que, grâce au virus, la nature des rapports avec nos connections a totalement changé.

Auparavant, en contactant les fonctionnaires internationaux, à la question que je posais pour savoir s'ils nous permettraient de leur envoyer des informations - RGPD oblige – je recevais la plupart du temps un bref OUI/YES.

Depuis la Covid, cette brève réponse est devenue rare, car il s'établit un dialogue, souvent personnel, parfois approfondi, accompagné de remerciements, tels que j'en suis quelquefois fort émue. Souvent en télétravail depuis de longs mois, nos correspondants ont l'air heureux de communiquer avec



be able to talk to us. Maybe they take a little more time to take an interest in their own financial situation, since they need to spend less of it commuting or in meetings. This very positive development in our online relations is most pleasing.

And then one of our friends in Human Resources or a staff association asked me whether we could do webinars.

First, I panicked, because we had nothing to offer. But then, once again, Svend took up the problem, and in collaboration with Julian Finn, produced a presentation which we rated as «presentable».

From September 2020, we began a series of presentations in places as diverse as the Hague, Beirut, Rome, etc., and then in January 2021, London, and in February, Baku, Brussels, Munich, Lyon, and more. Xavier will tell you more about this.

For me, one of the most positive aspects of these on-line presentations is that we have been able to bring in the members of the development team, who took over from us without ever having had the pleasure of working out in the field – so Alexandra Roger and Giancarlo Danieli, but also Virginie Segura and from time to time Muammer Kardelen of course, have been on hand during presentations and were able to answer specific questions directly. And at the same time, participants could immediately book telephone appointments with them.

Obviously, on-line will never replace human contact and the pleasure of face-to-face meetings. Because first, the number of participants can be high (more than 300 at the European Bank for Reconstruction and Development (EBRD) in London), and secondly not everyone will switch their camera on. But I am sure that once things have returned to normal, our face-to-face meetings will be all the richer, because our colleagues will have the impression that they already know us. And beyond that, we will have been able to raise awareness of AMFIE's services in parts of the world where the association could never afford to send us. Result: for AMFIE, there are no longer any frontiers.

nous. Ils prennent peut-être un peu plus de temps pour s'intéresser à leur situation financière, puisqu'ils en perdent moins dans les transports ou dans des réunions. Nous nous réjouissons de cette évolution très positive dans les relations virtuelles.

Puis l'un ou l'autre de nos amis des ressources humaines ou des associations de personnel m'ont demandé si nous avions des webinaires. J'ai d'abord paniqué car nous n'avions rien à proposer.

Là encore, heureusement, il y avait Svend qui s'est attaqué au problème et, avec la collaboration de Julian Finn il a finalisé une présentation qui nous a paru « présentable ».

Dès septembre 2020, nous avons entamé une série de présentations dans des lieux aussi divers que la Haye, Beyrouth, Rome, etc. Puis en janvier 2021, Londres, en février Bakou, Bruxelles, Munich, Lyon... Xavier vous en dira davantage.

Un des aspects les plus positifs de ces présentations virtuelles est pour moi le fait que nous avons pu faire participer les membres de l'équipe de développement qui prenaient le relais sans avoir eu le plaisir des rencontres sur le terrain : ainsi Alexandra et Giancarlo, mais aussi Virginie et bien sûr, Muammer Kardelen de temps en temps, nous soutiennent lors des présentations et peuvent répondre directement à des questions spécifiques. En outre, les participants peuvent immédiatement prendre des rendez-vous téléphoniques avec eux.

Bien sûr, le virtuel ne remplace pas l'humain et le plaisir des rencontres en tête à tête. Car les participants sont quelquefois très nombreux (plus de 300 à Londres, à la BERD) et n'activent pas toujours leur caméra. Mais je suis sûre que les rencontres que nous ferons lorsque la vie sera redevenue normale n'en seront que plus riches parce que nos collègues auront l'impression de déjà nous connaître. De plus, nous aurons pu faire découvrir nos services dans des endroits du monde où il serait trop coûteux pour l'AMFIE d'aller en mission sur place ! Donc l'AMFIE ne connaît plus de frontières !



PUBLISHES 2021 IMPACT REPORT

Maintains Climate Neutrality for 6th Consecutive Year; Advances 14 UN Sustainable Development Goals

Long Island City, NY, 6 June 2022

United Nations Federal Credit Union (UNFCU) today published its [2021 Impact Report \(PDF\)](#), detailing strong progress on corporate social responsibility (CSR). UNFCU demonstrated direct action on 14 of the 17 [UN Sustainable Development Goals \(SDGs\)](#).

Among the accomplishments in UNFCU's 2021 Impact Report:

- 100% climate neutral since 2016
- 82% Leadership in Energy & Environmental Design (LEED)-certified office space by square footage
- 64% reduction in paper use; 85% from sustainable sources since 2019
- 11 years' active membership in the UN Global Compact
- 4 years hosting the United in Sustainability (UIS) Summit for North American credit unions
- 3 strategic initiatives launched on the UN Women's Empowerment Principles to further promote diversity, equity, and inclusion (DEI) internally
- 1,575 women and youth gained access to education, healthcare, and job skills training with UNFCU Foundation grants

"As a credit union, we take pride in our community impact to build a better world," said Yma Gordon, vice president of Corporate Social Responsibility and Impact at UNFCU. "Taking on climate and socio-economic challenges underlines the power of partnerships. The UNFCU Foundation and the United in Sustainability Network we founded created opportunities and resilient solutions for people and planet alike."

"From hosting courageous DEI conversations to a sustainability summit, our employee-volunteers' passion for making a difference is accelerating our SDG efforts," said Prasad Surapaneni, co-executive sponsor of UNFCU's CSR Program. "We look forward to reporting further progress on our 2025 Impact Goals and advancing sustainability alongside the UN."

UNFCU developed its 2021 Impact Report with reference to the Global Reporting Initiative (GRI). Sustainability experts from [Envision Realty Services](#) and [Kosmenko & Co.](#) reviewed environmental sustainability performance metrics independently.

Social Responsibility:

[United Nations Federal Credit Union \(unfcu.org\)](https://unfcu.org)