“Advocating for a sustainable and resilient international civil service for the world community”
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Abbreviations

English version

Acronyms
Dear Readers,

At the 69th FICSA Council held at the ICAO in Montreal from 25 to 29 January, 2016, I was reelected as FICSA President with a new Executive Committee which included several members from the previous year’s Executive Committee.

The Council discussed many issues of staff concern which included the concluded compensation package review of salaries and allowances for staff in the Professional and higher categories and its gradual implementation to begin in July 2016; the forthcoming review for the compensation package for staff in the General Service and National Professional Officer categories; the considerable delays in pension payments for new retirees; the after-service health insurance; and the serious deterioration of staff-management relations within several specialized agencies.

The Council concluded with 69 recommendations which constitute the 2016 plan of work for the Executive Committee and FICSA standing committees. On the five major issues cited above, the Executive Committee will engage with the respective UN bodies and personnel to ensure that staff rights are well represented and benefits safeguarded. The bodies which the Federation will discuss and work with are the High-Level Committee on Management (HLCM), the Human Resources Network (HRN), the International Civil Service Commission (ICSC), and its subsidiary body the Advisory Committee on Post Adjustment Questions (ACPAQ), the United Nations Joint Staff Pension Board (UNJSPB), the Fifth Committee of the UN General Assembly and the UN Office of Human Resources Management (UNOHRM). The issue of staff-management relations will also be raised with the UN Secretary-General. On the subject of staff-management relations, the 69th FICSA Council was appalled to see how some specialized agencies were handling staff affairs and noted with concern the breaches and attacks on staff and their representatives.

The 69th FICSA Council adopted resolutions to address these breaches within the appropriate forum to ensure that staff are protected and that their rights are preserved. Last but not least, the Executive Committee noted with appreciation that the UN General Assembly Resolution 277/70 included a decision to raise the mandatory age of separation to 65 for staff recruited before 1 January 2014, effective by 1 January 2018 at the latest, and with all acquired rights preserved. FICSA and the other staff federations had been supporting this issue for years, and although we had always asked for an earlier implementation date, the conclusion of the issue with a delay was acceptable as it allows time for the organizations to accommodate the request and to implement the decision, taking into account the budget, required approvals of the respective governing bodies, adaptation of respective staff regulations and rules and adaptation of the IT/ERP systems. FICSA, during the course of 2016, will continue to monitor that all organizations are taking the right steps so that no organization will further delay implementation of the UN General Assembly decision, i.e. implementation by no later than 1 January 2018. As always, the current FICSA Executive Committee is looking forward to a busy year, full of challenges, to ensure that our constituents are well represented and the UN common system remains competitive with a dignified working environment.
THE VOICE OF INTERNATIONAL CIVIL SERVANTS

AIMS

FICSA fosters the development of the international civil service in accordance with the principles set forth in the United Nations Charter and the constitutions of the specialized agencies.

The Federation:
• Defends staff rights
• Ensures that equitable conditions of service for all common system staff are maintained at a level which will ensure the recruitment and retention of the most qualified people
• Contributes to building a positive image of the international civil service

ACTIONS

FICSA’s annual and ongoing programmes of work include the following activities:
• Representing the interests of international civil servants in interagency bodies and legislative organs of the common system
• Coordinating activities at the local level and exchanging information on conditions of service
• Informing all staff on issues affecting their conditions of service
• Organizing training seminars, workshops and working groups on specific aspects of conditions of service
• Advising member associations/unions on staff-management relations
• Producing position papers on the technical aspects of conditions of service
• Coordinating industrial action
• Supporting the use of the appeal process (internal appeals and Administrative Tribunals) in cases of non-observance of terms of appointment
• Formulating strategies to prevent violations of rights
• Participating in cost-of-living surveys that determine post adjustment and salary scales
• Advocating staff positions with Member States representatives
• Providing guidelines on how staff associations should deal with organizational reform

COUNCIL & OFFICES

A Council of member association/union representatives meets annually to define the Federation’s policy. Each year the Council elects an Executive Committee, (consisting of a President, General Secretary, Treasurer and four members) and four regional representatives who are responsible respectively for implementing the Federation’s policies and representing the Federation.

The Executive Committee draws up the annual programme of work, based on the decisions and recommendations adopted by Council. Standing committees specialize in General Service Questions, Professional Salaries and Allowances, Conditions of Service in the Field, Social Security/Occupational Health and Safety, Human Resources Management/Staff-Management Relations; and Legal Questions. The Secretariat in Geneva has four staff members.

Founded in Paris in 1952, FICSA is a federated group of 27 staff associations/unions from organizations belonging to the United Nations common system. Nine staff associations/unions outside the common system have associate status. Fourteen staff associations/unions are consultative members and 21 Federations of United Nations Staff Associations (FUNSA) are observers. The diversity of membership ensures that all staff in the field and at headquarters duty stations have the opportunity to exchange views and information about conditions of service; seek the Federation’s assistance and support when difficulties arise; and organize collective action.
Le Conseil de la FICSA est la rencontre des associations du personnel ou syndicat.

Il a lieu une fois par an afin de définir les politiques de la Fédération. Chaque année le Conseil doit élire un Comité exécutif se composant d’un Président, d’un Secrétaire général, d’un trésorier et de quatre membres, ainsi que quatre représentants régionaux qui sont chargés chacun de mettre en œuvre les politiques de la Fédération et de représenter la Fédération dans les régions.

Le Comité exécutif est chargé de d’élaborer le plan de travail sur la base des décisions et des recommandations adoptés lors du Conseil par les comités permanents constitués pendant le Conseil sur : les questions concernant les services généraux, le salaire et les allocations des catégories professionnelles, les conditions de travail sur le terrain, les protections sociales et santé et sécurité au travail, les ressources humaines et les questions juridiques.

Ces comités permanents se composent d’un président, assisté d’un ou deux vice-présidents ainsi qu’un nombre limité de membres d’un groupe de discussion, chaque poste à pouvoir doit faire l’objet d’une recommandation de la part des participants présents aux réunions du comité pendant le Conseil de la FICSA, approuvée ensuite en Plénière.

**Executive Committee**

- **President**
  Diab Khalil El-Tabari,
  UNRWA/ASA

- **General Secretary a.i**
  Gemma Vestal

- **Treasurer**
  Irwan Mohd Razali, WHQ/GSC
  KUALA-LUMPUR

- **Member for Compensation issues**
  Gaston Jordan, ICAO Montréal

- **Member for Compensation issues**
  Pilar Vidal, PAHO/WHO

- **Regional and Field Issues**
  Véronique Allain, SCBD

- **Member without portfolio**
  Peter Kakucska, UNFCCC
  Bonn

**Regional representatives**

- **AFRICA**
  Bernadette Fogue Kongape, WHO/AFRO

- **AMERICA**
  Jesus García Jiménez, ILO TTC

- **ASIA**
  Kevin Khow Chuang Heng, WHO / CHINA

- **EUROPE**
  Christopher Mason, WIPO
Mr. Fansuri Sheikh Feruq, President of the WHO/Global Service Centre (GSC) Staff Association, addressed the participants on behalf of the Staff Association and the staff of WHO/GSC at large. The Federation had last held a Council session in Malaysia some thirty years previous; he was thus most pleased to welcome membership back. He also thanked FICSA and its Executive Committee for having approved the admission of the WHO/GSC Staff Association to the Federation.

The new challenges emerging from current global developments presented the United Nations system with an opportunity to accomplish greater things and overcome the problems that the future held, as such, the FICSA Council would therefore address a number of important matters that were of relevance to staff around the globe. He appealed to all to close ranks, set aside any differences and support each other. He hoped that FICSA would grow and reach still greater heights in the years ahead. In closing, he wished the delegates every success in their deliberations and a pleasant stay in Malaysia.

Mr. El-Tabari, FICSA President then introduced Dr. Graham Harrison, WHO Representative to Malaysia, Brunei and Singapore, who was also representing Mr. Jakob Simensen, the United Nations Resident Coordinator ad interim for Malaysia.

Dr. Harrison welcomed the participants on behalf of the United Nations Country Team. Over the past two years, the International Civil Service Commission (ICSC) had extensively reviewed the terms and conditions of work for international Professional staff. He could well imagine the significant amount of time that the compensation package had occupied in terms of the work devolving upon the FICSA delegates and the member associations/unions.

At first sight, Malaysia gave the appearance of being a comfortable upper-middle class country for United Nations staff to live and work in. That notwithstanding, the earlier terms and conditions had had a significant adverse impact on international staff with families to support: a particular case in point being the education grant. The level of discrepancy was such that staff posted to Kuala Lumpur had had to draw on savings or take out loans in order to be able to live at the duty station. Fortunately, the new education grant system provided for an increase of some 20 per cent in the level of reimbursement for school fees, not including the very high initial admission and related one-off fees. Thus, as one of the beneficiaries of the lengths to which everybody had gone, he was most grateful to all those involved in representing staff.

The exercise was on the brink of a second stage: the review of terms and conditions for local staff. In Malaysia, the methodologies used to gather data for local salary surveys did not work well. Numerous local companies were unwilling to share data with the United Nations which they saw as a competitor. That had led to the establishment of a second, significantly discounted local salary scale. That, in turn, had had a dual impact: it delayed the possibility of future salary increases and restricted the organizations’ ability to recruit good staff. Dr. Harrison was convinced that access to more comprehensive commercial sets of data would not only be more suitable, but also yield much more appropriate comparisons for the purpose of setting United Nations salary scales.

On a broader scale and in the light of the experience he had gained while working in one regional office and two country offices, Dr. Harrison saw the potential to address other challenges. As the common system organizations strove to work together more closely and even housing their staff on common premises, tensions could arise when staff performing the same work were awarded different types of contracts or classified at different levels. A case in point was the body of long-serving staff in the General Service (GS) category, who invariably constituted the institutional memory of an organization: the repository of knowledge about its policies, procedures and history. They often provided guidance to GS and Professional staff alike. Nonetheless, the career prospects of the GS staff did not extend beyond G-6 or G-7.

It was to be hoped that as work progressed on reviewing the terms and conditions for local staff, the above and many other issues could be addressed. Dr. Harrison conceded that certain aspects of the review would in all likelihood prove more complex than those in the previous review, further to which the organizations were under [...]
serious budgetary constraints. For all that, however, it was essential that everybody should ensure and support strong advocacy and negotiation for their national colleagues.

In closing, Dr. Harrison reminded the delegates that Kuala Lumpur was a large metropolitan city and petty crime did occur now and then. Caution was thus of the essence and everybody had to carry identity documents with them. He wished the delegates all the best for their deliberations, as well as a safe and healthy stay and return journey back home.

Mr. El-Tabari went on to introduce Ms. Noni Mafabune, Coordinator of Global Finance, WHO/GSC. On behalf of Mr. Francisco Cardenas, Director of the WHO/GSC, Ms. Mafabune extended a warm welcome to the delegates. Malaysia was a beautiful and truly amazing country with the traits of both a third world and first world nation. WHO/GSC was honoured to be hosting the 70th session of the FICSA Council.

Ms. Mafabune was always mindful of the fact that she was a staff member first and last, and in between those two poles in management. She wished to commend FICSA on its work from its very lowest levels to the highest. The value of the Federation’s contribution to the lives of all staff members throughout the common system could not be doubted.

She attached particular significance to the evolution of shared service centres, such as WHO/GSC. Throughout the system that development had brought with it discussions about national officers performing work for and at the global level. That particular topic, she trusted, would be taken up during the upcoming compensation review. Some ten years back, Ms. Mafabune had worked in the private sector where, despite working well, she had often felt threatened and uneasy. Her desire to find a setting, in which her basic human rights would be respected, and her wish to improve the lot of mankind had ultimately led her to the United Nations: a move that had also been prompted by her awareness of FICSA.

Since joining, she had recognized the Federation’s input into the rules and decisions and its consultations with senior staff for the betterment of each and every staff member. She was proud to be part of the current gathering. In concluding, she stressed the need to put aside grades and engage with each other objectively. As she had said at the outset, everybody was a staff member first and last; in between was the work for which they were hired. She welcomed delegates to Malaysia and urged everybody to feel at home there.

The FICSA General Secretary, Ms. Gemma Vestal (WHO/HQ Geneva), read out the message from the Secretary-General of the United Nations to the opening session of the 70th FICSA Council. It read as follows:

“It is a pleasure to greet the Federation of International Civil Servants’ Associations.

As the United Nations strives to better serve the world’s people, we need to adapt to fast-changing environments, overcome the divisions that hinder our work, and make sure that our efforts translate into real results on the ground.

Changing the way we work was one of the main pledges I made when I was sworn in as Secretary-General. We need to pursue greater simplification, decentralization and flexibility, in a context of transparency and accountability. I am also strongly committed to achieving gender parity. Reform of the UN system can only succeed in close dialogue and consultation with staff. Strong and cooperative staff-management relations are indispensable for a stronger United Nations. I thank FICSA for its efforts and for your commitment to our efforts to advance peace, sustainable development and human rights for all. Please accept my best wishes for a productive meeting.”

Mr. El-Tabari then welcomed the delegates to the 70th session of the FICSA Council. He paid tribute to the kindness and hospitality of everybody who had been involved in the preparations for the meeting. He also expressed his thanks to the regional representatives, the members of the Executive Committee and others who had contributed to the drafting of the programme for the current session. He was most grateful to the staff of the FICSA secretariat. They had gone to great lengths in coordinating all the logistic arrangements; it bore testimony to their professionalism and efficiency.
Not only would the delegates be faced by a lengthy agenda, but they would also be confronted by still greater challenges. Two cases in point were: (i) the rapidly growing number of outposted United Nations staff members as the United Nations went about outsourcing its services; and (ii) the safeguarding and securement of working conditions for General Service staff in an increasingly competitive environment. Those and other pressing concerns made for the lengthy agenda. He was confident that Council would once again rise to the occasion and address all matters with the close attention they deserved.

The FICSA President then invited Mr. Wolfgang Stoeckl, Vice-Chairman of the ICSC, who was accompanied by Mr. Yuri Orlov, Chief of the Salaries and Allowances Division of the ICSC Secretariat, and Mr. Ibrahim-Yorie Yansaneh, Chief of the Cost-of-Living Division, to deliver the keynote address.

Mr. Stoeckl thanked FICSA for its kind invitation to participate in the 70th FICSA Council meeting. He noted that FICSA with its long tradition of representing staff was far older than the ICSC itself. He conveyed greetings from Mr. Kingston Rhodes, ICSC Chair, who had been unable to attend the session.

The membership of the Commission had recently increased with the entry to its ranks of the Preparatory Commission for the Comprehensive Test-Ban-Treaty organization (CTBTO). Over the past three and a half years, the focus of the Commission’s work had been on the review of the common system compensation package, the first phase of which had been completed in the latter part of the previous year. Following approval by the General Assembly, many of the proposals had been implemented by the common system organizations. None of those accomplishments, however, would have been achieved without the Federation’s valuable contribution and its constructive working relationship with the Commission.

A prime concern at present was ensuring the introduction of the mandatory age of separation (MAS) by 1 January 2018, given that not all specialized agencies would be implementing that decision by the date set. The Commission continued to urge the governing bodies of those agencies to observe their commitments to the coherent common system. At the same time, the Commission had been presenting the changes in the compensation package to the staff of common system organizations, including the WHO/GSC in Kuala Lumpur. Indeed, the process of relocating services from headquarters to shared service centres continued apace.

The Commission had launched the second phase of its review of the common system compensation package. It was clear that both the organizations and the staff federations needed more time for internal consultations and review. Informal discussions had been held with various common system organizations specifically related to the various categories of staff, while the Commission had conducted a survey of practices in other international organizations focusing on the use of internationally and locally recruited staff. The findings would be taken up at the upcoming 84th session of the ICSC and Mr. Stoeckl trusted that the staff federations would provide complementary input on the use of various categories of staff over time and future needs. The meeting would also review Field Service standards and assess the need to maintain separate standards for the General Service and Professional categories.

The salary survey methodologies would be reviewed at a certain point in time, most probably in the wake of the review of the categories of staff, once more fundamental issues as the rationale, role and usage of various categories had been settled. Furthermore, the introduction of a revised methodology would have to await the completion of the present round of salary surveys. For its part, the General Assembly had requested ICSC to consider the possibility of further increases in the weight of local national civil services. The concerns of Member States would also have to be met as they, for their part, had to demonstrate to their taxpayers that the local salaries of common system organizations stood in reasonable relation to the salary levels applied in their own civil services.

The analysis of the current round of salary surveys would have to await completion of the process (in 2019), thus precluding any comprehensive or definitive conclusions at the present juncture. One issue still persisted: that of obtaining the participation of comparable [...]

employers. Perhaps new approaches could be devised and Mr. Stoeckl looked forward to working with all parties on this issue. Most recently the Commission had been engaged in the management of the UN/US net remuneration margin. For the first time, the Commission had used the new procedure whereby it had been instructed to keep the margin between 113 and 117. The post adjustment multiplier for New York had thus been increased from 63.2 to 66.1. That represented an increase of some 1.78 per cent in net remuneration and an increase of 2.04 per cent in the pay index for New York over the post adjustment index that stood at 162.8.

In order to maintain purchasing power parity with New York, the post adjustment indices for all other duty stations had been scaled up commensurately. It had led to real salary increases in 31 out of 46 type-1 duty stations.

At the upcoming ICSC session, the Commission would initiate the comprehensive review of pensionable remuneration, focusing on the current methodology and its improvement. It would also focus on the methodology for hardship classification and concerns that had been raised. Security and safety were key elements in the current classification methodology, with isolation and difficult living conditions being accorded less prominence.

Other items to be taken up at the upcoming session would include: (i) the results of the cost-of-living baseline surveys recently conducted at headquarters duty stations as well as in Washington D.C.; (ii) a review of the security evacuation allowance in the field; and (iii) a discussion paper submitted by the Human Resources Network on contractual arrangements within the common system. The recent changes in terms of the leadership of the United Nations had been far-reaching. Secretary-General Ban Ki-moon would be remembered for his commitment to the Sustainable Development Goals and combating climate change, while his successor would have to face the challenge of steering the United Nations through the stormy seas ahead. Furthermore, the most recent developments in the United States, the comparator since the very first days of the United Nations, were of particular significance.

(1) The General Assembly decided that for staff recruited before 1 January 2014, the mandatory age of separation should be raised by the organizations of the United Nations common system to 65 years, at the latest by 1 January 2018, taking into account the acquired rights of staff. (i.e. staff retain the right to retire at either 60 years or 65 years depending on the rules applicable when the staff member entered into UN service.) Whereas the ICSC had recommended implementing the new age of separation by 1 January 2017 at the latest, major contributing countries supported by the administrations initially opposed postponing implementation until 2020. Ultimately, the compromise date of 1 January 2018 was agreed upon, with organizations being granted the flexibility to introduce the change earlier should they so wish to do so. Your Federation will be advocating with management that implementation take place at the earliest possible date so that all staff have the opportunity to continue serving up to age 65, if they wish.

On all those issues, the members of the Commission locked forward to working with the staff representatives in a spirit of partnership - in an atmosphere of mutual trust, professionalism and open communication. He wished FICSA a successful outcome to its meeting. He and his staff would be happy to answer any questions that member associations/unions might have about the Commission’s work; they looked forward to a continued meaningful and supportive relationship. The FICSA President thanked Mr. Stoeckl for his presentation and his willingness to respond to a limited number of questions. Three questions were asked relating to: (i) concern over delays in implementing the MAS (1); (ii) the specific points to be addressed in the GS compensation review; and (iii) the principles governing the upcoming review of the survey methodology and the incorporation of the vastly different conditions prevailing in national civil services. In response to the first question, Mr. Stoeckl pointed to the degree of variance between organizations despite their having to comply with the decision. The ICSC could not impose force on the specialized agencies, nor did it have a policing role. All it could do was to talk to Member States, the agencies involved and their administrations and urge compliance. It was incumbent upon the General Assembly to try and persuade the agencies’ governing bodies.

In response to the second question, Mr. Stoeckl pointed out that the new survey methodologies would not come into play before 2019. At present, the sole problem was one of finding 20 comparable employers, only a third of whom could be replaced by comparable employers, only a third of whom could be replaced by comparables.

In his response to the third question, Mr. Stoeckl foresaw an increase in weighting in type-1 duty stations along the lines of the Fleming principle. The duty stations most affected would be Geneva and New York, given a 10 per cent difference between United Nations and national civil service salaries. In type-2 duty stations, the civil service comparators would be such entities as embassies (US and EU countries) or World Bank offices. Staff should not fear the outcome of the exercise.

At the end of the morning session on the first day, the FICSA President asked the participants to stand and observe a minute’s silence.
silence in honour of those staff members who had passed away or lost their lives in the service of the United Nations over the past year. He also asked Council to honour the memory of Paolo Romano Barchiesi of FAO/WFP-UGSS who, after a long struggle, had succumbed to cancer. On behalf of the Federation, he expressed his sincere condolences to all the families.

The General Secretary, Ms. Vestal, informed Council of developments relating to the status of membership. She was pleased to welcome to the fold the Staff Association of the WHO Global Service Centre, which, following a postal vote in December 2016, had obtained full membership status. She also welcomed two FUNSAs, both of which had joined with observer status in 2106: FUNSA Copenhagen and FUNSA Congo. Council welcomed the newcomers with a round of applause.

The General Secretary was also pleased to announce that the Staff Association of the Organization for Security and Cooperation in Europe (OSCE) had submitted a formal request for full membership following its second year of special status. Furthermore, the FICSA Executive Committee had received an application for associate membership from the recently formed Staff Association of the International Centre for the International Standard Serial Number (ISSN), whose statutes and application had been found to be in order. The Executive Committee had recommended that Council accept both applications for full and associate membership, respectively. Council accepted the two new members by acclamation and welcomed them with a round of applause.


In introducing the Report of the Executive Committee for 2016-2017 (document FICSA/C/70/7), Mr. El-Tabari focused on specific segments of the report, the first of which was the Federation’s participation in inter-agency meetings. The Federation’s participation in the meetings of the High-Level Committee on Management (HLCM) that was restricted to the first day only had been neither transparent nor comparable to its participation in the ICSC. That notwithstanding, the 2030 Agenda for Sustainable Development as well as the ever-increasing number of non-staff contracts that were to be taken up by HLCM were matters of genuine concern to staff and should be followed closely.

For its part, the Human Resources (HR) Network had taken up fairly routine matters. The issue of sharing the costs of the Federation’s officials was still under consideration. In the ICSC, however, it had been a most interesting year in terms of such issues as the implementation of MAS, even though the pace had slowed down somewhat in comparison to the review of the compensation package for Professional staff that had drawn heavily upon the resources of the Federation. As Mr. Stoeckl had pointed out the ICSC was not a policing body, but it could mediate with agencies. That being said, the analysis of the use of various categories of staff was of critical importance to the second phase of the review of the common system compensation package, particularly where internationally and locally recruited staff was concerned.

In the General Assembly, the most recent session had been comparatively peaceful. A circular debate had ensued over the issue of severance pay in lieu of unemployment benefits, with one party in favour of five years and the other in favour of ten years. The Fifth Committee had expressed serious concern over the persistent delays in the receipt of payments by some new beneficiaries and retirees of the Pension Fund, while expressing equally serious concerns over the foreign exchange losses recorded in the Fund’s financial statements and the high number of vacant posts in the Investment Management Division. Those concerns echoed those voiced in the Pension Fund over the failure of the Fund’s Chief Executive Officer (CEO) to fulfil his primary responsibility and ensure that benefits are paid in a timely manner. Mr. El-Tabari drew attention to paragraph 34 in the Executive Committee report describing the mood in the Board of the United Joint Staff Pension Fund (UNJSPF).

FICSA had held a number of training workshops on a variety of issues, including harassment that had met with a good response. The positive features notwithstanding, the recently introduced whistle-blowing policy, which distinguished between the role of the [...
Secretary-General as head of the United Nations as a whole and that of heads of the individual organizations, had given rise to a number of problems, not the least of which was the victimization of those who had blown the whistle.

The President described the meetings of the Inter-Agency Security Management Network (IASMN) as being most positive. Staff representatives found themselves being listened to.

Standing Committee on Legal Questions

The Committee had held two meetings, in the course of which it had addressed 14 issues ranging from the system of justice in the United Nations, periodicity of steps and the implications that the acquisition of Swiss citizenship bore for staff members based in Geneva.

As requested by the 69th FICSA Council, the SCLQ monitored the status of the reform process of the United Nations justice system.

The Chair of SCLQ provided an overview of the process leading to exhausting internal appeal instances. The presentation continued with an historical overview of the jurisdictions in the UN common system and the list of agencies falling under the jurisdiction of ILO Administrative Tribunal (ILOAT) and those under the two-layered system of the UN Dispute Tribunal (UNDT) and the UN Appeals Tribunal (UNAT).

A discussion followed on different aspects of the reform, underlining repeatedly the lack of resources in the ILOAT that had to face an increasing number of cases. The discussion also focused on the possibility of member associations/unions or federations acting as amicus curiae and thus acquiring proper standing that permitted participation in the cases. In the opinion of the Committee, that would be possible, even if class actions were still not allowed.

Periodicity of steps

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Periodicity of steps

The FICSA Information Officer, Mr. Brett Fitzgerald, presented the new structure of steps for staff in the Professional and higher categories (ref. document FICSA/C/LEGAL/CRP.3).

In addition to that presentation, the following information was provided. In the previous salary scale, there was an accelerated step increase linked to language proficiency, which had since been abolished. In the previous system, the normal periodicity of steps, as long as performance was satisfactory, had been annual. Under the new system, the periodicity became biennial after step 7.

The Standing Committee took the opportunity to clarify that according to the ICSC conversion table and with the steps at the bottom of the scale for P-1 and P-2 having been abolished, P-1 step 1, for instance, became P-1 step 3 and the salary increase followed the same conversion pattern.

Moreover, it was clarified that staff falling within the pay protection group could only be promoted if the organization provided for promotions; otherwise, reclassification was the only possibility and organizations had discretionary power to decide on how to implement transitional measures in terms of career prospects.

It was explained that FICSA support to three ICO staff was important as they had been staff representatives at the time their contracts were terminated. No justification was ever provided for that termination. ICO was an international organization under no tribunal jurisdiction. The issue had been taken up as a test case by the Bretton Woods lawyers to see how to engage with national tribunals.

As to the implications for staff in Geneva on acquiring Swiss nationality, the Committee highlighted the ILOAT jurisprudence which emphasizes the legal importance of the primary attachment to the country of the first nationality. In the opinion of the Standing Committee, entitlement to home leave in the country of first nationality should be maintained, even for those Geneva-based staff members who had acquired Swiss nationality.
Standing Committee on Human Resources Management

The Chair of the Committee introduced the Report of the Standing Committee on Human Resources Management (SC/HRM), which had held two meetings in the course of a very crowded week. For the first time, the Standing Committee had introduced panel discussions: one had taken up performance management systems and the other whistle-blowing in international organizations. The Chair cautioned that given the interesting and lengthy discussions that the panel format generated, it might in the interests of time be more politic to have only one panel discussion in the future formed by not more than three members and to receive a more structured request from FICSA.

The discussion of performance management not only highlighted the variance in practices across the common system, but also stressed the need for compliance with the systems in place: a particularly important aspect. The SC/HRM thus urged the collection of data on the policies and procedures pursued in the agencies of all member associations/unions.

As for MAS, concern was expressed over the delays affecting the actual implementation date and no fewer than six leading questions had been raised related to the manner in which agencies were approaching MAS. Whereas some follow an opt-out approach to extensions, others opt-in. Such differences made it all the more necessary that common system standards be developed.

An active exchange of ideas had also ensued on the issue of harmonizing parental leave that should ultimately be an all-encompassing benefit extending for a minimum of twelve months. For want of time, it had not been possible to explore all aspects and the Committee would continue the debate at the Council session in 2018.

The Standing Committee had also discussed the need for changes to the current whistle-blower protection policy. Instances of abuse were cited and the retaliation that whistle-blowers had suffered as a result of revealing them and naming names. Once again the need for proper compliance with procedures was stressed. It was recommended that a working group be set up, one of the objectives being to align whistle-blowing policies across the system.

Three possible training courses had been identified, yet it had not been possible to address all agenda items for want of time. In the ensuing discussion, the sole question related to the availability of resources for the activities envisaged. It was pointed out that the Standing Committee would consider at a later juncture performance appraisal based on teams (as distinct from individual appraisals), as well as the evaluation of organizations’ performance management systems that the HR Network would be discussing. The SC/HRM also decided to postpone the discussion on non-staff to the 2018 Council, given the limited amount of time during this Council.

Standing Committee on Social Security
Occupational Health and Safety

The Co-Chair of the Committee introduced the Report of the Standing Committee on Social Security/Occupational Health and Safety. In the course of its two meetings, the Standing Committee had considered issues related to pensions, staff well-being and training requests. She thanked everybody for having contributed so constructively to the Committee’s deliberations.

Within the context of pensions, the Committee had had a very helpful discussion, most particularly the delays in payment of initial pension benefits to the most recent retirees.

The FICSA President, Mr. Diab El-Tabari, provided a comprehensive update on the delays in payments from the United Nations Joint Staff Pension Fund (UNJSPF). He summarized FICSA activities in that regard in 2016, which he said had proven to be a challenging and eventful year. He noted that the issue remained a major concern for many retirees. The President also informed the Standing Committee that there had been some success with regard to provisional payments to retirees who had not received their initial pension payments within three months of their retirement documentation having been received by the Pension Fund secretariat.

The representative from FAO recommended that, in order to facilitate prompt payment of pensions, staff associations/unions should alert their membership to the importance of submitting the correct documentation and verifying online data (for example, the date of birth must be accurate).
Among other issues of concern, the FICSA President reported that during the UNJSPF Board meeting in July 2016 the staff federations, including FICSA, had been denied the opportunity to make a speech. He further reported that, for the first time ever, the joint statement of the staff federations was not attached to the final report of the UNJSPF Board meeting. The FICSA President reported that concern had been expressed to the Chair of the Board in writing. He further reported that the written statement had been communicated to the Fifth Committee of the UN General Assembly (UNGA) at its December session.

Whereas the Standing Committee noted the positive developments in respect of the recognition of personal status, it had noted the difficulties of lodging appeals against the UNJSPF – the appeal of Maher V. UNJSPF Board being a case in point.

The Standing Committee had also revisited the issues related to after-service health insurance (ASHI) and the emphasis being placed on national health services. The position of FICSA, like that of FAFCIS, was that UN health insurance packages should remain the minimum standard. The funding of the liabilities had also been an issue of concern, despite the General Assembly having initially recommended the pay-as-you-go approach to funding existing liabilities with regard to the UN Secretariat. Funding escalating ASHI liabilities would remain very much on the agenda. The Committee had discussed the situation where in WHO/GSC Kuala Lumpur, the practice of issuing temporary and short-term contracts had resulted in staff finding it difficult to meet minimum eligibility requirements for ASHI.

The Standing Committee had also returned to the policies of dignity at work and return to work. An update had been given of the activities of the Mental Health Strategy Working Group that, it was hoped, would prove to be of use to those member associations/unions wishing to develop policies relating to mental health in their own organizations. A discussion also ensued on the contribution of UN Cares and the UN-for-All project to promoting a greater understanding of the need for ‘well-being’, the essentiality of a mentally healthy workplace, and creating an awareness of the need for duty of care in high-risk environments, among many other factors.

Standing Committee on Conditions of Service in the Field

The Chair of the Committee introduced the Report of the Standing Committee on Conditions of Service in the Field that had met twice in the course of the week. He summarized the debate that had led to eight composite recommendations that, like many recommendations put forward by the other standing committees, comprised several sub-sets of proposals. The Standing Committee’s recommendations related to the review of the compensation package, duty of care, the inter-agency security management network, hardship duty stations, the classification of duty stations and currency devaluation in Cairo.

Following the completion of the compensation review for the Professional and higher categories, certain changes had been introduced as of 1 July 2016 that bore major implications for staff in the field; they might well impinge on acquired rights and thus open up the way to lodging appeals. The Chair drew attention to the importance of the work of the HLCM Working Group on the (non-waivable) duty of care for United Nations personnel in high-risk environments. He recommended that FICSA members familiarize themselves with the HLCM Working Group’s report (document CEB/2016/HLCM/11). He also drew attention to the JIU report on safety and security in the United Nations System (document JIU/REP/2016/9). With respect to inter-agency security management, staff representatives should focus on how they could best advocate for the allocation of resources to fund the management of security risks.

The Standing Committee had also noted the safety and security risks in New Delhi (India) and Dhaka (Bangladesh) that ranged from extreme air pollution in the one city and violence in the other. They called for stricter security measures that, in turn, led to a higher level of isolation. The classification of duty stations failed to capture such isolation and environmental factors, which the Standing Committee had considered in depth, together with other factors. The Chair also pointed to the problems arising out of local currency devaluation and its impact on purchasing power. The Standing Committee had drawn up a list of ten major steps that staff representatives could take to protect salaries and purchasing power in the event of rapid currency devaluation.
Standing Committee on General Service Questions

The Chair of the Standing Committee, who was also the Coordinator of the Permanent Technical Committee on General Service Questions, introduced the Report of the Standing Committee on General Service Questions. She drew attention to the recommendations that had been adopted by the Standing Committee in the course of its two meetings, as well as those recommendations that had been included in the Report of the Standing Committee’s Permanent Technical Committee (PTC) that had met prior to the Council session.

The Standing Committee had benefited from the question-and-answer session with the representatives of the ICSC on the upcoming review of the compensation package for GS staff. It had adopted the recommendations emanating from its Permanent Technical Committee that related to the need to continue investing in training trainers and the allocation of funds to permit the organization of specialized workshops which invariably generated revenue for the Federation. Despite the dismissal of the appeal on the service differential in FAO, attempts would be made to find a mutually acceptable solution.

In connection with the upcoming review of the compensation package for staff in the GS category, the Standing Committee recommended that a task force be established similar to the one that had been set up in connection with the review of the compensation package for the staff in the Professional and higher categories. People had volunteered their services and budgetary provision should be made.

The Standing Committee had also recommended action pertaining to the economic situation in Guinea that had deteriorated in the wake of the Ebola crisis.

QUESTION-AND-ANSWER SESSION WITH ICSC REPRESENTATIVES

14 February 2017

a. What triggered the review for GS category and what is the scope and objective of the review? ICSC informed the participants that the upcoming review had been triggered by the GA as a logical continuation of the Comprehensive Review of the Compensation Package for Professional staff. The objective of the exercise would be to modernize and simplify the compensation for the General Service categories.

b. Is there more information on the review of the GS compensation package? In addition to adopting parts of the framework that were used for the review of the Professional staff (i.e. streamline, simplify, modernize), the use of the various categories of staff, the roles and functions and responsibilities of National Professional Officers, General Service, Field and Security Staff would be considered.

c. It has been mentioned by the Commission the potential disappearance of GS grades at the lowest level, recognizing that at times there was an overlap among the highest grades (i.e. G-6/G-7) with the lower P levels (i.e. P-1/P-2) and the need for career progression. With this in mind, is the review envisaged to consider these issues and potentially institutionalize career progression from General Services to Professional one? The ICSC noted that the overlap was an issue with regard to the interaction among the different categories and career development. The ICSC working paper, which included all mentioned concerns, would be issued very shortly. The time to raise such issues would be before and during the upcoming session of the Commission in March 2017. The ICSC assured the Standing Committee that they would approach all proposals with an open mind. The intent was to include all categories in the review, including National Professional Officers.

d. Is there a better title than GS? What is the ICSC definition of a locally recruited staff member? ICSC informed that the change of title is a point that could be raised by the Federation during the review, but they were not sure why this could be needed and whether it would translate into improvement of conditions for General Service staff.

e. Is there a timeline for the review of the compensation package? A decision on the final timeline will need to be taken at a later stage. A working group will be formed during the 2017 Spring session of the ICSC to continue work on Phase II of the compensation review. The review of the compensation package will be done independent of the salary survey methodology review due to start in 2019. The review of the use of staff categories will be followed by the review of the salary survey methodology. However, the ICSC may start gathering feedback for the review of the methodology prior to the end of the current salary surveys cycle. The revised salary survey methodology would not be introduced until the completion of the present round of Methodology I surveys in 2019.

f. Introduction of an end-of-service severance payment (i.e. situations where agencies close down their country offices). The attention of the Standing Committee was directed to UNGA Resolution No. 71/284 and the specific request therein to include the end-of-service severance payment in the common system, the UNGA did not [...]

...
approve but it did not completely shut it down. “Request the ICSC to undertake a comprehensive analysis (…) including an updated financial implications (…) and report on the 73rd [2019] session and as appropriate the implementation date.”

h. Apply the classification to all organizations across the organizations ICSC was aware of the non-use of the master standards (created in 2010). They added they would administer a survey before any review of the master standards took place following the compensation package review.

*Subsequent: What could the ICSC do to ensure adherence to these classification standards?*

The organization should seek to apply these standards consistently.

*Subsequent: How is the flexibility of the different categories being envisaged and how is it going to be addressed in the upcoming review?*

There was no definite answer to the question: only to say that it was continuously being worked. It would, however, certainly be addressed in the upcoming review.

“How many classifiers are there? - What is the training? Any statistics? Hardly any expert classifiers were left in the ICSC Secretariat - nor within the UN system. Many requests were received from the organizations to provide the relevant training and the ICSC would like to increase the number of qualified classifiers. At the moment, organizations were considering a joint initiative that included sharing a classifier and hence the costs. *Does the ICSC envisage establishing a working group already in the upcoming meeting, what will be the programme of work? ICSC envisaged establishing at least one working group on the issue that would work between the spring and summer sessions and the questions that had been submitted would provide a good basis for discussion. The future of the International Civil Servant – HLCM no longer refers to "staff" but to "workforce" – That issue was not formally addressed.*

**Standing Committee on Professional Salaries and Allowances**

The Chair of the Standing Committee introduced the Report of the Standing Committee on Professional Salaries and Allowances (see Annex 7) that had met once, but had been preceded by a meeting of the Standing Committee’s Permanent Technical Committee (PTC) prior to the Council session. The main focus of its deliberations had been on the implementation of the compensation package for Professional and higher categories and the steps that lay ahead. In addition to the concern expressed over inequities that might arise out of differing interpretations of the rules on the part of the various organizations, the Committee urged member associations/unions to inform ICSC of any violations of acquired rights within the context of the compensation package and its implementation.

The Committee debated the lack of transparency in the process governing the cost-of-living survey’s more specifically the failure to share the survey coordinator’s report with the local staff associations/unions and members of the local survey committees. Training related to various aspects of the new compensation package had also been discussed, as had the resources required to fund such activities. ICSC would be asked to publicise the courses, one of which was planned for Tanzania and another in an as yet unnamed country in Eastern Europe.

**Questions & answers with ICSC**

The Standing Committee held a question-and-answer session with the representatives of the ICSC, Mr. Wolfgang Stoeckl and Mr. Yuri Orlov. In regard to the place-to-place surveys, they reported that the results of survey would soon be published. They themselves were interested in seeing the results of the new methodology. But in terms of overall results, with one or two exceptions, they did not expect surprises, knowing the general conditions at duty stations. Mr. Stoeckl said Geneva could be overvalued with the multiplier staying the same, but the index declining.

In the Report of the 2016 ACPAQ meeting in Paris and preparation for the 2017 ACPAQ meeting in New York. Mr. Diab El-Tabari, FICSA President, stated that the ACPAQ session in February 2017 would be essentially a wrap-up meeting. He indicated that the methodology behind the post adjustment surveys had been revised and the staff questionnaires had since been completed. Referring to the 2016 post adjustment survey in Geneva, he mentioned that some confusion had arisen over the need to include, in the out-of-area expenditures section, rents paid by staff living in neighbouring France.

The Chair informed the meeting that, according to Federation’s report on the previous ACPAQ session, it had been decided to delete the reference to postcodes in the staff expenditures survey. However, the postcodes had been maintained in the final version of the questionnaire that had been sent out to staff in 2016.

Mr. Ibrahim-Sorie Yansaneh, Chief, ICSC Cost-of-Living Division, explained that the Commission had decided to maintain the reference to postcodes in the expenditure surveys for purely analytical reasons. He reminded the meeting that the indication of postcodes was optional. He stated that postcode information was used solely to determine the residential choices of staff who opted to live further away from certain duty stations in order to avoid high rents and benefit from better housing conditions. While the ICSC considered such data as being of questionable value, OECD would collect data on market rentals in outlying areas (relating solely to duty stations located in European Community countries - with the exception of Geneva). He was of the opinion that organizations across the common system should take note of such trends.

Mr. Brett Fitzgerald, FICSA Information Officer, explained the relevance of the background documents that he had placed on the FICSA website relating to the compensation package, highlighting in particular the FICSA Presentation 14 December 2016 ICSC/CIRC/GEN/02/2016; PSA item 6_comp review feedback from Orgs, FICSA/CIRC/1220; and Agenda item 4 - UN Global Briefing to all staff on 21 June 2016.

Regarding the definition of a single parent, they confirmed that the previous definition, based on main and continuing support had not changed. In discussion, members expressed concern that there would be inequities should organizations interpret the […]
rules differently. The ICSC representatives stated that if there were a problem with the definition, it would have to be clarified through the administrative management fora, i.e. HRN, HLCM and CEB.

A question was raised on the admissible expenses and reimbursement for virtual schooling. Mr. Orlov replied that the admissible expenses were very complex and that the idea had been to simplify the calculations. The ICSC would have to see how the new system worked and report back on implementation to the UN General Assembly (UNGA) in five years’ time, but could amend elements of the compensation package as implementation proceeded.

They noted, in terms of interpretation of the allowances, that the ICSC could offer guidance, but it was the responsibility of organizations to apply the rules. They responded that the HR Network generally addressed those issues; they were thus implemented uniformly.

As for the request that staff members had made to the UN Secretary-General regarding the transitional allowance for staff whose spouses were not recognized as dependents, the ICSC representatives informed the Standing Committee that the issue had been brought to their attention at a very late juncture. It had not gone to the Fifth Committee; however, it could be discussed at the upcoming ICSC session. They told the meeting participants that allowances might be reduced and could only be challenged, if it constituted a material change in the allowance.

In concluding the item, the Chair emphasized the importance of collecting instances of concern over the implementation of the salary changes, with due consideration being given to deadlines for appeals.

Standing Committee on Staff/Management Relations

The Vice-Chair of the Committee introduced the Report of the Standing Committee on Staff/Management Relations. The Standing Committee had discussed at some length the approach to cost-sharing as a means of securing the release of FICSA officers. At its latest meeting, the HLCM Working Group on the matter had addressed the issue of finding alternative funding. The Federation had prepared a business case that would be considered by the Executive Committee before being presented to the next meeting of the HLCM Working Group at the end of March. The Standing Committee had adopted a comprehensive recommendation on the issue.

Release time was also a prominent feature in the Recognition Agreement between the WHO/HQ Staff Association and the Administration of WHO that was based on the FICSA Recognition Agreement. Exhaustive details of the agreement had been described during the meeting and the data would be shared with the FICSA secretariat. Details were also given of the state of staff-management relations in five organizations. Given the state of affairs in WIPO that was described at length in a presentation by the WIPO representative, the CERN Staff Association was preparing a resolution on behalf of the WIPO staff that would ultimately go to the United Nations Secretariat and the Member States (see also Report of the Standing Committee on Legal Questions, paragraph 26). In the ensuing discussion, it was explained that the resolution was restricted to the Geneva-based organizations whose staff associations and unions would see it before it was sent on to its final destination.

Details were also given of a rating system for international organizations, which would serve as a tool to identify areas for improvement in organizations. It could also be used as a positive incentive for organizations in terms of maintaining best practices in staff-management relations and staff conditions.
Monsieur Fansuri Sheikh Feruq, Président de l’Association du personnel du Centre de services mondial de l’Organisation Mondiale de la santé (OMS/GSC) s’est adressé aux participants au nom des membres de l’Association du personnel et du personnel de l’OMS/GSC. Il était d’autant plus heureux d’accueillir les membres de la FICSA que le dernier Conseil de la Fédération en Malaisie était il y a trente ans. Il a remercié les membres de la FICSA et son Comité exécutif d’avoir approuvé l’admission de l’association du personnel OMS/GSC à la Fédération.

Les nouveaux défis émergeant des développements mondiaux actuels donnent au système des Nations Unies une occasion d’accomplir de grandes choses et de gérer les problèmes de l’avenir, c’est la raison pour laquelle la FICSA abordera dans ce conseil un nombre important de sujets essentiels concernant le personnel dans le monde. Il fit ensuite un appel : “à serrer les rangs”, à écarter toute divergence et à se soutenir mutuellement, souhaitant à la FICSA de s’agrandir et d’atteindre de nouveaux sommets dans les prochaines années. Il a ensuite souhaité à tous les délégués le plus grand succès dans leurs délibérations et un agréable séjour en Malaisie.

Monsieur El-Tabari, Président de la FICSA a ensuite présenté Dr Graham Harrison, représentant de l’OMS en Malaisie, au Brunei et à Singapour, qui représentait aussi Mr Jakob Simensen, le coordinateur résident par intérim des Nations Unies en Malaisie. Dr Harrison a accueilli les participants de la FICSA au nom de l’équipe des Nations Unies d’appui au pays X. Durant les deux dernières années, la Commission de la Fonction Publique Internationale (CFPI) a considérablement révisé les termes et les conditions de travail du personnel international gradé au rang d’administrateurs. Il est facile d’imaginer le nombre d’heures que cette révision de la rémunération et de la compensation a exigé, ainsi que la charge de travail incombant aux délégués de la FICSA et aux membres des associations ou syndicats.

À première vue, la Malaisie donne l’impression d’être un pays de classe moyenne supérieure où il fait bon vivre pour le personnel des Nations Unies. Malgré cela, les nouveaux termes et conditions de travail ont eu un impact significatif sur le personnel international et leur famille ; particulièrement en ce qui concerne les indemnités pour frais d’études. La différence substantielle est telle que le personnel local de Kuala Lumpur doit puiser dans leurs économies ou emprunter afin de pouvoir vivre correctement dans le lieu d’affectation. Heureusement, le nouveau système des indemnités pour frais d’études a été augmenté de 20% pour les frais de scolarité, mais sans prendre en compte les montants très élevés des frais d’inscription et autres frais reliés à payer au moment de l’inscription. Étant l’un des bénéficiaires de ce système, il a exprimé sa gratitude auprès des représentants du personnel impliqués dans ces longues discussions.

La révision des termes et des conditions de travail du personnel est sur le point de commencer la seconde phase: la révision des termes et conditions de travail pour le personnel local. En Malaisie, les méthodologies utilisées pour recueillir les données afin de mener les enquêtes locales sur les salaires n’ont pas été probantes. Plusieurs entreprises locales n’ont pas souhaité partager leurs données avec les Nations Unies qu’ils considèrent comme des concurrents. Ce qui a conduit à l’implantation d’un second barème de traitement local dévalué d’une manière significative, entrainant de ce fait un double impact : retardant la possibilité d’augmentation de salaire et limitant la possibilité pour les organisations d’embaucher des personnes compétentes. D’après le Dr Harrison, l’accès à des données commerciales complètes serait non seulement plus souhaitable mais aussi cela permettrait des comparaisons beaucoup plus appropriées pour instaurer les échelles de salaires des Nations Unies.

Grâce à sa grande expérience de travail dans un bureau régional et dans deux bureaux nationaux, le Dr Harrison a pu voir venir d’autres défis à relever. Les Organisations appliquant le régime commun doivent faire tout leur possible pour travailler ensemble plus étroitement et aussi faire en sorte que leur personnel aient les mêmes services communs, débattre plus clairement des programmes et des tensions peuvent survenir lorsque des membres du personnel accomplissant les mêmes tâches se voient attribuer des postes sur différents types de contrat ou des postes classifiés à des échelons différents. Un exemple concret est le groupe du personnel des services généraux en poste depuis [...]

Il est à espérer que les problèmes évoqués ci-dessus ainsi que bien d’autres questions soient traités au fur et à mesure que le travail avance sur la révision des termes et des conditions de travail du personnel local. Dr. Harrison admet que certains aspects de la révision s’avéreront vraisemblablement beaucoup plus complexes que lors de l’exercice de révision précédente, sachant en plus que les organisations doivent faire face à de sérieuses contraintes budgétaires. Pour toutes ces raisons cependant, il est essentiel que chacun s’investisse et soutienne fortement la défense et les négociations concernant leurs collègues nationaux.

Monsieur El-Tabari a présenté ensuite Ms Noni Mafabune, (chef des services financiers mondiaux) coordonnatrice du département des Finances, Centre de services mondial de l’Organisation Mondiale de la santé (OMS/GSC). Madame Mafabune a souhaité chaleureusement la bienvenue aux délégués. La Malaisie est un beau et surprenant pays ayant les caractéristiques à la fois d’un pays du tiers monde et d’un pays développé. L’OMS Kuala Lumpur est honoré de pouvoir accueillir le 70ème Conseil de la FICSA. Madame Mafabune a toujours été consciente d’être un membre du personnel en premier lieu et de se trouver en second lieu dans une position d’administratrice, naviguant ainsi entre les deux pôles. Elle souhaite féliciter les membres de la FICSA pour leur travail, de la base aux dirigeants. L’importance de la contribution de la FICSA pour le bien des membres du personnel de tout le système commun n’est plus à démontrer.

Elle attache une importance particulière à l’évolution des centres de services communs tels que celui de l’OMS/GSC. Dans l’ensemble du système, ce développement a entraîné des discus-
sions sur l’exécution de travaux par des agents nationaux avec un impact au niveau mondial. Elle est sûre que ces sujets particuliers seront soulevés lors de la future révision sur la rémunération et compensation. Il y a une dizaine d’années, Madame Mafabune a travaillé dans le secteur privé et bien qu’ayant bien performé, elle s’est souvent sentie menacée et mal à l’aise. Son désir de trouver un cadre, dans lequel les principes fondamentaux des droits de l’Homme soient respectés, ainsi que son désir de voir le sort de l’humanité s’améliorer l’a mené de soi vers les Nations Unies, un changement encouragé par l’existence de la FICSA.

Depuis son arrivée, elle a apprécié l’implication de la Fédération dans les règles et les décisions prises, ainsi que ses consultations avec les hauts fonctionnaires afin d’améliorer le sort de chacun des membres du personnel. Elle est fière de prendre part à la présente réunion. En conclusion, elle a insisté sur la nécessité de mettre de côté les grades et les titres et de rester objectif tout au long de ces discussions à venir. Comme elle l’a exprimé au début de son intervention, chaque fonctionnaire international est avant tout et d’abord un membre du personnel ; et au milieu se trouve le travail pour lequel il a été embauché.

Lors de l’ouverture du Conseil, la secrétaire générale de la FICSA, Ms Gemma Vestal (OMS/HQ à Genève) a lu le message du Secrétaire général des Nations Unies adressé au 70ème Conseil de la FICSA.

« C’est avec plaisir que je salue la Fédération des associations de fonctionnaires internationaux. Alors que les Nations Unies s’efforcent à servir la population mondiale, nous avons besoin de nous adapter dans un environnement qui évolue très vite, de surmonter les divisions qui nuisent à notre travail, et de nous assurer que nos efforts se traduisent par des résultats concrets sur le terrain. Changer notre façon de travailler fut un de mes principaux engagements en tant que Secrétaire général lorsque j’ai prêté serment. Nous devons poursuivre nos efforts vers une plus grande simplification, décentralisation et flexibilité dans des conditions de transparence et de responsabilisation. Je me suis aussi fermement engagé à établir l’égalité homme-femme. [...] »
La réforme du système des Nations Unies ne peut aboutir que dans le cadre d’un dialogue rapproché et une consultation étroite avec le personnel. Des relations de travail solides et coopératives entre le personnel et la direction sont indispensables à cet égard. Je remercie la FICSA pour ses efforts et son engagement dans nos actions pour promouvoir la paix, le développement durable et les droits de l’homme dans le monde. Je vous souhaite mes meilleurs vœux pour une réunion productive.

Monsieur El-Tabari a ensuite souhaité la bienvenue à tous les délégués venus à cette 70ème session du Conseil de la FICSA. Il a salué la gentillesse et l’hospitalité de tous ceux qui ont été impliqués dans les préparations de ce Conseil. Il a également adressé ses remerciements aux représentants régionaux, les membres du Comité exécutif et tous ceux qui ont contribué à la rédaction finale du programme de cette session et particulièrement au personnel du Secrétariat de la FICSA. Les efforts importants déployés pour coordonner tous les besoins logistiques de cette réunion sont la preuve de leur professionnalisme et de leurs compétences.

Non seulement les délégués vont devoir faire face à un programme très rempli mais ils seront aussi confrontés à des défis encore plus grands. Comme par exemple : i) l’augmentation rapide du nombre de membres du personnel des Nations Unies séparés de leur maison-mère, les Nations Unies externalisant de plus en plus ses services ; et ii) la sauvegarde et la protection des conditions de travail du personnel des services généraux dans un monde où la concurrence est de plus en plus vive. Ces points et d’autres problèmes urgents expliquent ce programme très chargé. Il est convaincu que le Conseil couvrira toutes ces questions et leur apportera toute l’attention qu’elles méritent.

Le Président de la FICSA a ensuite invité Monsieur Wolfgang Stoeckl, Vice-Président de la CFPI, à prononcer son discours. Il était accompagné de Monsieur Yuri Orlov, Chef de la Division des salaires et indemnités du Secrétariat de la CFPI et de Monsieur Ibrahim-Yorie Yansaneh, Chef de la Division du Coût de la vie. Monsieur Stoeckl a remercié la FICSA pour son invitation à son 70ème Conseil. Il a fait remarquer que la vocation de défendre le personnel de la Fédération était beaucoup plus ancienne que l’existence de la CFPI. Il a transmis aux participants les salutations de Monsieur Kingston Rhodes, le Président de la CFPI, qui n’a pu venir assister à cette session.


Sachant que toutes les Organisations Spécialisées ne vont pas mettre en place la décision sur l’âge obligatoire de la retraite (MAS) à la date du 1 janvier 2018, la première préoccupation du Conseil sera de faire en sorte que cette décision soit respectée. La Commission continue d’exhorter les organes dirigeants de ces agences de respecter leurs engagements pour un système cohérent commun. Au même moment, la Commission a présenté les modifications apportées au régime de rémunération des organisations du système commun, y compris au personnel de l’OMS/GSC à Kuala Lumpur. Effectivement le processus de transfert des services des sièges vers des centres de services communs continue rapidement.

La Commission a lancé la seconde phase de la révision du régime de la rémunération globale du système commun. Il est évident que les organisations ainsi que les représentants des fédérations avaient besoin de plus de temps pour des consultations internes et des examens plus approfondis. Des réunions informelles ont eu lieu avec certaines organisations du système commun spécialement sur les différentes catégories de personnel. La Commission a initié plusieurs enquêtes sur les pratiques dans d’autres organisations internationales concernant principalement l’embauche de fonctionnaires […]
internationaux et de personnel recruté au niveau local. Les résultats seront communiqués lors de la 84ème session de la CFPI. Monsieur Stoeckl est certain que les Fédérations apporteront, au fil du temps et en fonction des futurs besoins, des contributions complémentaires sur l’étude des différentes catégories du personnel. Lors de la réunion la Commission reverra aussi les normes de services sur le terrain et évaluera la nécessité de maintenir des normes distinctes pour les GS et catégorie du personnel Professionnel.

Les méthodologies sur les enquêtes salariales seront revues à un moment donné, très probablement dans le cadre de la révision des catégories de personnel, les questions fondamentales comme la justification, le rôle et l’utilisation des différentes catégories qui ont été établies seront réexaminées. En outre, l’introduction d’une méthodologie révisée devra tenir compte que des enquêtes salariales de ce cycle soient terminées. L’Assemblée générale, quant à elle, a demandé à la CFPI de considérer de nouvelles augmentations en rapport aux poids attribués aux fonctionnaires nationaux locaux. Nous devons tenir compte des préoccupations des États membres qui doivent démontrer à leurs contribuables que les salaires du personnel engagé au niveau local dans les Organisations du système commun restent raisonnables par rapport aux niveaux de salaire appliqués à leurs propres fonctionnaires.


Plus récemment, la Commission s’est occupée de la gestion de la marge entre les rémunérations nettes des NU et celles des États-Unis. Pour la première fois, la Commission a utilisé la nouvelle procédure selon laquelle des instructions lui ont été données pour garder la marge entre 113 et 117. Le coefficient d’ajustement pour New York a ainsi été majoré de 63.2 à 66.1. Ce qui représente une augmentation de 1.78% sur la rémunération nette et une augmentation de 2.04% dans l’indicateur de la rémunération à New York plus que l’index d’ajustement de poste qui se trouve être à 162.8.

Afin de préserver la parité du pouvoir d’achat avec New York, l’indice de l’ajustement de poste pour tous les lieux d’affectation a été proportionnellement augmenté, ce qui a entraîné une augmentation de salaire dans 31 lieux d’affectation de type 1 sur 46.

A la prochaine session de la CFPI, la Commission va engager la révision complète de la rémunération considérée aux fins de la pension se concentrant sur la méthodologie actuellement appliquée à fin d’améliorations. Elle devra aussi se concentrer sur la méthodologie des classements des lieux d’affectation et les préoccupations qui ont été soulevées à cet égard. La sécurité et la sureté sont des éléments clés dans l’actuelle méthodologie sur les classements où actuellement l’isolement et les conditions de vie difficiles ne sont pas assez pris en considération.

D’autres points sont inscrits à l’ordre du jour de la prochaine session, tels que : i) les résultats des études préliminaires pour les enquêtes sur le coût de la vie récemment conduites dans les lieux d’affectation aux États-Unis compris à Washington D.C. ; ii) une révision de l’allocation pour évacuation des lieux d’affectation difficiles (à cause de la sécurité) ; et iii) un document de travail soumis par le réseau des ressources humaines au sujet des conditions contractuelles dans le système commun.

Les récents changements au niveau du leadership des Nations Unies ont eu une grande portée. On se souviendra du Secrétaire général Ban Ki-Moon pour son engagement sur les objectifs du développement durable et pour la lutte contre les changements climatiques; son successeur devra par contre relever le défi de guider les Nations Unies sur des mers déchaînées.

La Commission a répondu à la perspective de travailler avec les représentants du personnel dans un esprit de coopération – dans une atmosphère de confiance mutuelle et de professionnalisme et dans un contexte de franche communication. Il a ensuite souligné que ses collègues seront heureux de répondre à toute question posée par les associations du personnel ou syndicats dans le cadre des travaux de la Commission ; ils se réjouissent de la continuité de ces relations constructives et productives.
Le Président de la FICSA a remercié Monsieur Stoeckl pour sa présentation et sa disponibilité pour répondre à quelques questions. Trois questions ont été posées :

• Précoccupations quant au retard dans la mise en application de l’âge obligatoire de départ à la retraite (MAS);
• Les points spécifiques qui devront être traités dans la révision de la rémunération des GS (Services généraux);
• Les principes applicables à la prochaine révision sur la méthodologie de l’enquête sur les salaires et l’intégration de conditions très différentes existant dans la fonction publique nationale.

En réponse à la première question, Monsieur Stoeckl a souligné que même si les Organisations doivent se conformer à la décision, il y a un écart énorme dans leur volonté pour ce faire. La CFPI ne peut rien imposer de force aux organisations et elle n’a pas un rôle de gendarme. La seule chose qu’elle puisse faire est de s’adresser aux États membres, aux agences en cause, leurs administrations et les inciter à se conformer à la décision. Il appartient à l’Assemblée générale de l’ONU de tenter de convaincre les organes directeurs des agences.

À la seconde question Monsieur Stoeckl a indiqué que les nouvelles méthodologies pour les enquêtes salariales ne pouvaient pas intervenir avant 2019. Actuellement le principal problème était de trouver 20 employeurs comparables, seulement un tiers d’entre eux devrait pouvoir être remplacé par des données externes.

Enfin pour la troisième question, Monsieur Stoeckl prévoit une hausse dans le coefficient de pondération des lieux d’affectation de type-1 conformément aux principes de Flemming. Les lieux d’affectation les plus touchés seront Genève et New York, avec une différence de dix pour cent entre le salaire des fonctionnaires des Nations Unies et ceux des fonctionnaires nationaux. Dans les lieux d’affectation de type-2, les indices de comparaison de la fonction publique seraient des institutions tels que des ambassades (pays européens et États Unis) ou les bureaux de la Banque mondiale. Le personnel concerné ne devrait avoir aucune crainte concernant les résultats de cet exercice.

Le premier jour, à la fin de la première matinée de session, le Président de la FICSA a demandé aux participants de bien vouloir se lever et d’observer une minute de silence en hommage aux membres du personnel morts dans l’exercice de leurs fonctions aux Nations Unies au cours de l’année passée. Il a aussi demandé aux participants au Conseil d’honorer la mémoire de Paolo Romano Barchiesi, de l’Association FAO/WFP-UGSS, qui est décédé des suites d’un cancer, après une longue bataille. Il a exprimé ses sincères condoléances à toutes les familles au nom de la FICSA.

La Secrétaire générale, Madame Vestal a fait part aux participants au Conseil des changements apportés dans la liste des membres de la FICSA. Elle a accueilli l’association du personnel du Centre de service mondial de l’OMS qui, suite à un vote postal, a obtenu le statut de membre à part entière. Elle a aussi souhaité la bienvenue à deux FUNSA (Federation of United Staff Association/Fédérations des associations du personnel des Nations Unies) toutes deux ayant obtenu le statut d’observateur : FUNSA Copenhague et FUNSA Congo.

La Secrétaire générale a eu le plaisir d’annoncer que l’association du personnel de l’Organisation pour la Sécurité et la Coopération en Europe (OSCE) a soumis une demande pour devenir membre à part entière suite à sa deuxième année en tant que membre à statut spécial. Enfin, le Comité exécutif de la FICSA a reçu une demande de membre associé de la part de l’association du personnel du Centre pour le numéro international normalisé des publications en série (ISSN) récemment créée.

Le Conseil a accepté ces deux nouveaux membres par acclamation et leur a souhaité la bienvenue par une ovation.

**Comité permanent sur la gestion des ressources humaines**

Le Président du Comité a présenté le Rapport du Comité permanent sur la gestion des ressources humaines qui s’est réuni deux fois pendant une semaine très chargée. Pour la première fois, le Comité permanent a initié des réunions-débats : l’une a porté sur les systèmes de gestion de la performance et l’autre sur les dénonciateurs d’abus dans les organisations internationales. Le Président a mis en garde sur le fait qu’étant donné les débats intéressants et longs que les réunions-débats ont suscités, il serait plus sage par […]
rapport au temps disponible d’être plus stratégique et d’opter, à l’avenir, pour une seule réunion-débat, composée d’au plus trois membres et de recevoir de la FICSA une demande plus structurée. Le débat sur la gestion de la performance du personnel a mis en lumière non seulement les différentes pratiques à travers le Système commun, mais il a fait ressortir le besoin de se conformer aux systèmes déjà en place comme étant un aspect particulièrement important. Le Comité permanent a donc exprimé la collecte de données sur les politiques et les procédures suivies dans les agences de toutes les associations/ syndicats membres.

Comme pour le MAS (1), une inquiétude a été exprimée à propos des délais affectant la date de mise en œuvre effective et pas moins de six questions majeures ont été soulevées relatives à la manière dont les agences approchent le MAS. Tandis que certaines agences suivent une approche de non-participation par rapport aux prolongations après l’âge obligatoire, d’autres décident de participer. De telles différences rendent encore plus nécessaire de développer des standards pour le système commun.

Un échange d’idées dynamique a eu lieu sur la question de l’harmonisation des congés parentaux qui devrait être, au final, un bénéfice englobant tout sur une durée minimum de douze mois. Par manque de temps, il n’a pas été possible d’explorer tous les aspects et le Comité devrait continuer son débat à la session du Conseil de 2018.

Le Comité permanent a aussi discuté des changements nécessaires à apporter à la politique de protection des dénonciateurs. Des exemples d’abus ont été cités et de représailles dont ont souffert les dénonciateurs comme résultat de leur divulgation et des noms fournis. Une fois de plus, la nécessité d’un bon respect des procédures a été soulignée. Il a été recommandé de créer un groupe de travail, dont l’un des objectifs sera d’harmoniser, à travers le Système des Nations Unies, les politiques en matière de dénonciateurs.

Trois possibilités de cours de formation avaient été identifiées, mais, faute de temps il n’a pas été possible de traiter tous les points de l’ordre du jour. Au cours de la discussion qui a suivi, la seule question traitée a porté sur la disponibilité des ressources pour les activités envisagées. Il a été souligné que le Comité perma-
Parmi les autres questions abordées, le Président de la FICSA a fait rapport du fait que, pendant la réunion du Conseil d’administration de la CCPPNU en juillet 2016, les fédérations du personnel, y compris la FICSA, se sont vues refuser la possibilité de livrer leur discours. Il a ajouté que, pour la première fois, la déclaration commune des fédérations du personnel n’était pas annexée au rapport final de la réunion du conseil d’administration de la CCPPNU. Le Président de la FICSA a signalé avoir fait part de son inquiétude par écrit au Président du conseil d’administration. En outre, il a mentionné que sa déclaration écrite avait été communiquée à la Cinquième Commission de l’Assemblée générale des Nations Unies (AGNU) lors de sa session de décembre.

Tandis que le Comité permanent a pris bonne note des évolutions positives en ce qui concerne la reconnaissance du statut personnel, il a noté les difficultés pour faire appel contre la Caisse commune des pensions du personnel des Nations Unies (CCPPNU) – l’appel de Maher contre CCPPNU étant un cas d’espèce. Alors que le Comité permanent a aussi revu les questions relatives à l’assurance santé des retraités (ASHI) et l’accent a été mis sur les services de santé nationaux. La position de la FICSA, comme celle de la FAFICS, a été que les régimes d’assurance devraient rester la norme minimale. Le financement des engagements a aussi été une préoccupation, en dépit du fait que l’Assemblée générale avait initialement recommandé l’approche du paiement à l’utilisation pour le financement des engagements existants au Secrétariat des NU. Le financement des engagements toujours élevés de l’assurance ASHI devrait rester à l’ordre du jour. Le Comité avait débattu à propos de la situation à l’OMS/GSC de Kuala Lumpur où la pratique d’établir des contrats temporaires ou de courte durée a résulté dans le fait que le personnel trouve des difficultés à réunir les conditions minimales pour être éligibles à ASHI.

Le Comité permanent a aussi traité des politiques de dignité au travail et de retour au travail. Une mise à jour a été faite sur les activités du groupe de travail sur la stratégie de santé mentale, qui, on l’espère, pourra être utile à ceux des associations ou syndicats membres désirant de développer des politiques relatives à la santé mentale dans leurs organisations respectives. Une discussion a suivi sur la contribution de UN Cares et du projet Nations-Unis-Pour-Tous destinés à promouvoir une meilleure compréhension du besoin de « bien-être », le caractère essentiel du lieu de travail mentalement sain et une conscience du besoin du devoir de diligence dans les environnements à risque, entre autres facteurs.

Comité permanent sur les conditions de service sur le terrain

Le Président du Comité a présenté le Rapport du Comité permanent sur les conditions de service sur le terrain qui s’est réuni à deux reprises au cours de la semaine. Il a résumé le débat qui a conduit à huit recommandations composées, qui, comme de nombreuses recommandations mises en avant dans les autres comités permanents, comprenait plusieurs sous-groupes de propositions. Les recommandations du Comité Permanent ont porté sur la revue des programmes d’indemnisation, l’obligation de diligence, le réseau inter-agences de la gestion de la sécurité, les lieux d’affectation difficiles, le classement des lieux d’affectation et la dévaluation de la monnaie au Caire.

Après avoir terminé de passer en revue les programmes d’indemnisation des professionnels et catégories supérieures, certains changements ont été introduits au 1er juillet 2016 qui comprennent des implications majeures pour le personnel sur le terrain ; ils pourraient bien affecter leurs droits acquis et donc ouvrir la voie à des appels. Le Président a attiré l’attention sur l’importance du travail fait par le Groupe de travail HLCM sur le devoir de diligence (sans dérogation) pour le personnel des Nations Unies se trouvant dans des environnements à risques. Il a recommandé que les membres de la FICSA se familiarisent avec le rapport du Groupe de travail HLCM (Document CEB/2016/HLCM/11). Il a aussi attiré l’attention sur le rapport du JIU (Joint Inspection Unit) sur la sûreté et la sécurité dans le Système des Nations Unies (document JIU/REP/2016/9). En ce qui concerne la gestion inter-agences de la sécurité, les représentants du personnel devraient se concentrer sur la façon dont ils pourraient le mieux défendre l’allocation de ressources pour financer la gestion des risques liés à la sécurité.
Le Comité permanent a aussi noté les risques en termes de sécurité et de sécurité à New Déhli (Inde) et à Dhaka (Bangladesh) qui se manifestent par l’extrême pollution de l’air dans la première ville et par la violence dans l’autre. Ces risques entraînent des mesures de sécurité plus strictes qui, à leur tour, mènent à un plus haut degré d’isolement. Le classement des lieux d’affectation ne prend pas en compte les facteurs tels que l’isolement et l’environnement. Le Président a aussi mis en avant les problèmes dérivés de la dévaluation de la devise locale et son impact sur le pouvoir d’achat. Le Comité permanent a dressé une liste des dix étapes principales que les représentants du personnel pourraient prendre pour protéger les salaires et le pouvoir d’achat en cas de dévaluation rapide de la monnaie.

Le Comité permanent a aussi recommandé qu’une action concrète soit prise par rapport à la situation économique en Guinée qui s’est détériorée lors de la crise de la maladie Eboïa.

**SESSION DE QUESTIONS ET REPONSES AVEC LES REPRESENTANTS DE LA CFPI**
14 février 2017

La Présidente du Comité technique permanent, qui est aussi la Coordination du Comité technique permanent sur les questions des services généraux a présenté le Rapport du Comité permanent, portant sur les questions des services généraux. Elle a attiré l’attention sur les recommandations adoptées par le Comité permanent au cours de ses deux réunions, ainsi que sur les recommandations incluses dans le Rapport du Comité technique permanent (PTC) du Comité permanent qui s’est réuni avant la session du Conseil.

Le Comité permanent a pu profiter d’une session de questions-réponses avec les représentants de la CFPI à propos du programme d’indemnisation pour le personnel GS. Il a adopté les recommandations émanant de son Comité technique permanent à propos de la nécessité de continuer à investir dans la formation des formateurs et l’allocation de fonds afin de permettre l’organisation d’ateliers spécialisés qui ont généré invariablement des revenus pour la Fédération. En dépit du rejet d’un appel sur l’indemnisation de l’utilité des catégories de personnel sera suivie de la méthode de l’enquête salariale qui débutera en 2019. La révision de la méthodologie de l’enquête salariale sera faite indépendamment de la méthodologie utilisée par le Comité technique permanent sur les questions des services généraux et des prévisions budgétaires devraient être faites.

Le Comité permanent a aussi recommandé une action concrète soit prise par rapport à la situation économique en Guinée qui s’est détériorée lors de la crise de la maladie Eboïa.

La CFPI a noté que le chevauchement était un problème en relation avec l’interaction entre les différentes catégories et l’avancement de carrière. Le document de travail de la CFPI qui inclut toutes les inquiétudes mentionnées devraient être disponibles très prochainement. Le moment de soulever ces questions serait avant et pendant la prochaine session de la Commission en mars 2017. La CFPI a assuré le Comité permanent qu’elle examinerait toutes les propositions avec un esprit ouvert. L’intention était d’inclure toutes les catégories dans la révision, y compris les professionnels nationaux.

d. Y a-t-il un meilleur titre que GS ? Quelle est la définition de la CFPI d’un membre du personnel recruté localement ?

La CFPI a informé que le changement de titre est un point qui pourrait être soulevé par la Fédération pendant la révision, mais qu’elle n’était pas certaine de sa nécessité ni si cela se traduirait par une amélioration des conditions du personnel des services généraux.

**c. Il a été mentionné par la Commission la possible disparition des grâces GS du plus bas niveau, tout en reconnaissant que, parfois il y a un chevauchement parmi les plus hauts grâces (par exemple, G-6/G-7) avec les plus bas niveaux des P (par exemple P-1/P-2) et la nécessité d’une progression de carrière. En ayant cela à l’esprit, la révision est-elle envisagée pour prendre en compte ces questions et potentiellement institutionnaliser la progression de carrière des services généraux aux professionnels ?**

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**e. Y a-t-il un calendrier pour l’examen du programme d’indemnisation ?**

Une décision sur le calendrier final sera prise à un stade ultérieur. Un groupe de travail sera formé pendant la session de printemps 2017 de la CFPI pour continuer à travailler sur la Phase II de l’examen du programme d’indemnisation. La révision du programme d’indemnisation sera faite indépendamment de la méthodologie de l’enquête salariale qui débutera en 2019. La révision de l’utilité des catégories de personnel sera suivie de la révision de la méthodologie de l’enquête salariale. Toutefois, la CFPI pourrait commencer à récolter des [...]
points pertinents sur la révision de la méthodologie avant la fin du cycle actuel des enquêtes salariales. La méthodologie de l’enquête salariale révisée ne serait pas introduite avant la fin du présent cycle d’enquête Méthodologie I en 2019.

f. Introduction d’indemnités de licenciement (par exemple dans les situations dans lesquelles les agences ferment leurs bureaux nationaux). L’attention du Comité permanent a été portée sur la résolution de AGNU n° 71/264 et sur la question spécifique qu’elle contient, d’inclure le paiement d’indemnités de licenciement dans le Système commun. L’AGNU n’a pas approuvé mais elle n’a pas complètement clos le débat. « Demande à la CFPI d’entreprendre une analyse approfondie (…) incluant les conséquences financières actualisées (…) et de faire rapport à la 73e [2019] session et le cas échéant, sur la date de mise en œuvre. »

g. Les NPOs (Professionnels nationaux) utilisés en tant que personnel GS, accomplissant un travail administratif ou en tant que personnel professionnel international.

Différentes catégories sont utilisées dans différentes situations dans différents lieux et cela n’a jamais été contre les règlements ni contre la loi. La CFPI a envisagé d’établir au moins un groupe de travail qui inclurait le partage d’un classificateur et par conséquent des classificateurs qualifiés. Actuellement, les organisations envisagent une initiative commune qui inclurait le partage d’un classificateur et par conséquent, des coûts.

La CFPI est consciente de la non utilisation de la norme-cadre (créée en 2010). Elle ajoute qu’elle déclenchera une enquête avant que toute révision de la norme-cadre ait lieu à la suite de la révision du programme d’indemnisation. « Suite : Qu’est-ce que la CFPI pourrait faire pour assurer le respect des normes de classification des postes ? L’organisation devrait chercher à mettre en œuvre ces standards de façon cohérente. »

Le Comité permanent sur les salaires et allocations/ indemnités des professionnels

Le Président du Comité permanent a présenté le Rapport du Comité permanent sur les salaires et indemnités des professionnels (voir Annexe 7) qui s’est réuni une fois, mais a été précédé d’une réunion du Comité technique permanent (PTC) du Comité permanent avant la session du Conseil. Ses délibérations ont porté principalement sur la mise en œuvre du programme d’indemnisation pour les professionnels et catégories supérieures et les étapes à venir. En plus de la préoccupation exprimée à propos des iniquités qui pourraient survenir d’interprétations différentes des règles de la part d’organisations diverses, le Comité a poussé les associations et syndicats membres à informer la FICSA de toute violation des droits acquis dans le contexte du programme d’indemnisation et de sa mise en œuvre.

Le Comité a débattu sur le manque de transparence dans le processus gouvernant les enquêtes sur le coût de la vie : plus spécifiquement, le manque de partage du rapport du Coordinateur de l’enquête avec les associations/syndicats et la CFPI a aussi été discutée et par conséquent, des coûts.

Le Président a informé la réunion que, en accord avec la Fédération sur la précédente session de l’ACPAQ à Paris en 2016 et la préparation de la réunion de l’ACPAQ à New York en 2017, M. Diab El-Tabari, Président de la FICSA, a confirmé que la session de l’ACPAQ de février 2017 serait essentiellement une réunion de récapitulation. Il a indiqué que la méthodologie régissant les enquêtes sur l’ajustement de postes avait été révisée et que les questionnaires du personnel avaient depuis été remis. Se référant à l’enquête sur l’ajustement de postes à Genève en 2016, il a mentionné qu’une confusion avait surgi à propos de la nécessité d’inclure, dans la section consacrée aux dépenses hors de la zone considérée, les loyers du personnel résidant dans la France voisine.

Le Président a informé la réunion que, en accord avec la Fédération sur la précédente session de l’ACPAQ, il a décidé d’effacer la référence aux codes postaux dans l’enquête sur les dépenses du personnel. Toutefois, les codes postaux ont été maintenus dans la version finale du questionnaire qui a été envoyé au personnel en 2016.

M. Ibrahim-Sorie Yansaneh, Chef de la Division du coût de la vie de la CFPI, a expliqué que la Commission avait décidé de maintenir la référence aux codes postaux dans les enquêtes sur les dépenses déterminées pour des raisons analytiques. Il a affirmé que l’information sur le code postal était utilisée […]
unique pour déterminer les choix de résidence du personnel qui optait pour vivre plus loin de certains lieux d’affectation de façon à éviter les loyers élevés et à bénéficier de meilleures conditions de logement. Tandis que la CFPI considérait ces données comme étant de valeur discutable, l’OCDE collecterait des données sur les loyers du marché dans les zones éloignées (relatives uniquement aux lieux d’affectation situés dans les pays de la Communauté européenne – à l’exception de Genève). Il a été d’avis que les organisations à travers le Système commun devraient prendre note de ces tendances.

M. Brett Fitzgerald, Chargé de communication de la FICSA, a expliqué la pertinence des documents de référence qu’il a postés sur le site Internet de la FICSA, relatifs au programme d’indemnisation, en mettant l’accent en particulier sur la Présentation de la FICSA, relatifs au programme d’indemnisation, en mettant l’accent sur l’importance de collecter des exemples de situations préoccupantes par rapport à la mise en œuvre des changements salariaux, en tenant d’abord compte des dates butoirs pour les appels.

Une question a été soulevée à propos des dépenses d’admission et le remboursement des études scolaires virtuelles. M. Orlov a répondu que les dépenses d’admission étaient très complexes et que l’idée avait été de simplifier les calculs. La CFPI devrait voir comment le nouveau système fonctionne et faire rapport sur sa mise en œuvre à l’Assemblée générale des Nations Unies (AGNU) dans cinq ans, mais elle pourrait corriger des éléments du programme d’indemnisation au cours de la mise en œuvre.

Ils ont noté qu’en termes d’interprétation des allocations, que la CFPI pouvait offrir des orientations, mais que la responsabilité d’appliquer les règlements incombe aux organisations. Ils ont répondu que le Réseau des ressources humaines traitait généralement ces questions ; qu’elles étaient donc appliquées uniformément.

En ce qui concerne la demande faite par les membres du personnel au Secrétaire général d’une révision de la compensation, des détails ont été donnés sur la réunion et les données seraient partagées avec le Secrétariat de la FICSA. Des détails ont aussi été donnés à propos d’un système de notation pour les organisations internationales qui servirait d’outil pour identifier les domaines d’amélioration dans les organisations. Il pourrait être utilisé comme une incitation positive pour les organismes dépendantes, les représentants de la CFPI ont informé le Comité permanent que la question avait été portée à leur attention à une date tardive. Elle n’a pas été soumise à la Cinquième Commission ; toutefois, elle pourrait être débattue lors de la prochaine réunion du Groupe de travail du HLCM à la fin mars. Le Comité permanent a adopté une recommandation complète sur la question.


Des détails ont aussi été donnés à propos d’un système de notation pour les organisations internationales qui servirait d’outil pour identifier les domaines d’amélioration dans les organisations. Il pourrait être utilisé comme une incitation positive pour les organisations dans le sens de maintien des bonnes pratiques dans les relations personnel-encadrement et dans les conditions du personnel. Combien de personnel et direction
Thank you, Madame Chair,

Permit me first to extend my congratulations to two persons. To both Mr Antonio Guterres on his election to the office of Secretary-General and you, Madame Chair, on your election to this important Committee.

Distinguished Delegates,

I have the honour to address you today on behalf of the Federation of International Civil Servants’ Associations, FICSA. As you know, the Federation represents thousands of staff members from diverse common system organizations as well as intergovernmental organizations and international financial institutions, many of which apply the United Nations common system of salaries, allowances and other conditions of service.

I will take this opportunity to address a number of critical issues relating to staff management relations confronting staff as they endeavour to fulfil their organizations’ mandates.

Review of the compensation package

Although not fully satisfied with the outcome of the first phase of the ICSC review of the compensation package for the Professional and higher categories, FICSA will continue unabated its cooperation with both the ICSC and the organizations. This applies not only to the second phase of the review that will focus on National Professional Officers and the General Service and related categories. It will also apply to the implementation of the now approved first phase. We shall draw the attention of the ICSC to any anomalies emerging in that phase that call for corrective measures.

One issue of major concern in the upcoming second phase of the review is the declared intention to use National Professional Officers to perform functions currently carried out by international Professionals and have them assume regional functions in multiple duty stations. This runs very much counter to the rationale for introducing the NPO category in the first place. NPOs were introduced to perform ‘national’ functions. Their remit did not include functions considered ‘regional’ or ‘international’. In the course of the upcoming review, we shall doubtless encounter other concerns.

Separation payments/end-of-service severance pay

When the ICSC and the General Assembly initially looked into this matter many years ago, most of the organizations were still issuing permanent contracts. Since then, the situation has changed drastically. Today the organizations employ a high percentage of their staff on temporary and fixed-term contracts. The result is an ever-increasing number of staff separating from the organizations after five years of continuous service, as opposed to the ten years recommended by the ICSC. A social measure of this kind would mitigate the impact of the new workforce management strategies that organizations are now introducing.

Whistle-blowing

FICSA has keenly followed the discussions on revising the whistle-blower protection policy at the UN. From past experience we know that policies adopted by the United Nations set the tone for the other common system organizations. However, we have also observed, from first-hand experience, that even the most robust policy is only as effective as those in charge of enforcing it.

Whereas we are encouraged by constructive staff management relations in some organizations, a growing number of our member associations/ unions have voiced grave concern over the deterioration of relations in their organizations. Their concern relates not only to the protection afforded to whistle-blowers, but also to the reluctance of organizations to hold the perpetrators of wrongdoings accountable for their actions - particularly when the latter are at the highest levels of an organization. In some organizations, the situation is most alarming.

WIPO is very much a case in point. In its investigation report the OIOS found that, ‘The established facts constitute reasonable grounds to conclude that the conduct of Mr. Francis Gurry [WIPO Director General] may be inconsistent with the standards expected of a staff member of the World Intellectual Property Organization’. The OIOS recommended that ‘the Chair of the General Assembly of the World Intellectual Property Organization consider taking appropriate action against Mr. Francis Gurry’.

Most regretfully, after spending months of effort simply to obtain a copy of the OIOS investigation report that they themselves had commissioned, the members of the WIPO General Assembly have taken no action other than to decide that the whistle-blower policy should perhaps be strengthened. Strengthening the policy will serve no purpose as long as the senior most executives of WIPO have no intention of enforcing it. With the latter opting to ignore the findings, conclusions and recommendation resulting from the OIOS investigation into the WIPO Director General, the whistle-blowers find themselves completely unprotected. Retaliation has already set in. Who will now protect those staff members who placed their trust in the WIPO whistle-blower protection policy? Will they simply be left to their fates?

There is an alternative approach. Member States here in this Committee, which also govern WIPO, could decide to take concrete action and so demonstrate that they will not tolerate any wrongdoings in any organization, nor will they accept non-enforcement of the whistle-blower protection policies that they themselves put in place. FICSA urges that action be taken before it is too late. In the ultimate analysis, Member States have an obligation to protect the staff and guard against abuse.

Pension matters

Over the years, FICSA has appreciated participating as an observer in the meetings of the UN Joint Staff Pension Board. It has always enjoyed positive and constructive interaction with the members of the Board and, in particular, with the participants’ group. However, at this year’s session of the Pension Board, the staff federations (FICSA and CCISUA) were denied the opportunity to deliver their joint statement to the Board. Our request that the joint statement be attached as an annex to the report of the meeting was likewise rejected.

Delivered by the President of FICSA, Mr. Diab El-Tabari
Some members argued that since the statement had not been delivered in session, it should not be attached to the report.

FICSA is deeply distressed by this form of censorship. It has thus attached that joint statement to its statement of today - strictly for reasons of transparency (Annex). It will offer members of the Fifth Committee an opportunity to take note of the staff views when reviewing the Report of the Pension Board.

FICSA acknowledges the soundness of the Board’s recommendations relating to the measures for overcoming the delay in and backlog of initial pension benefit payments. In that context and given the Pension Board’s decision to implement provisional payments to new retirees who do not receive their retirement benefit within three months of receipt of all documentation by the Pension Fund Secretariat, FICSA seeks the support of the General Assembly in revising that decision by having the clock for the three-month period start from the date of separation - and not from the date of receipt of the documentation. This would avoid discrimination against staff leaving organizations that are known to be slow in transmitting the requisite documents to the Fund’s Secretariat.

We stress that no additional costs would be incurred. The provisional advance payments would be reconciled at the time when the actual cost is finally paid. This would reduce the undue financial hardship placed on new retirees who, as of last year and extending into this year, did not receive their first pension payments for many months.

A further major concern of FICSA is the low rate of return on the Fund’s investments. Its other concerns relate to the newly proposed Financial Rules of the Fund and the lack of due process in the selection of the CEO/Secretary for the next term of office. Those issues were treated in greater detail in the Federation’s statement to the Pension Board. We would urge all of you to read it.

Umoja/Global Service Centres

The Federation has followed with interest the development of the Umoja system and its implementation. Based on the input received, FICSA fully supports an external assessment of the project so as to cast light on the new system’s successes and failures. Staff are worried that the sole outcome of the exercise to date has been the introduction of a system that, in fact, makes staff do ‘more with less’.

Our Federation fully understands the logic behind establishing Global Service Centres. However, we are concerned about the manner in which these centres are being set-up and the lack of planning when redeploying staff. FICSA fully supports a transparent external assessment of the initiative in order to appreciate better the achievements to date, as well as the challenges and setbacks encountered. Such an assessment would facilitate preparations for the way ahead.

Informed of, and sensitive to, the Member States’ desire to reduce costs while improving efficiency at the UN and all other common system organizations, FICSA fully supports a complete reform of the organizations and the common system. This would ultimately contribute to better coordination and less duplication of activities. The Federation firmly believes in the need to conduct a full study, and subsequently prepare a plan relating to the redeployment of staff – both within and between agencies. In the private sector, staff are protected by national labour laws and regulations. It is important that such universal rights to employment security, as outlined in both Article 23 of the Universal Declaration of Human Rights and the ILO Convention on the Fundamental Principles and Rights at Work, be upheld for international civil servants.

Mandatory age of separation

With respect to the General Assembly’s decision last year to increase the mandatory age of separation to 65 for staff already on board prior to January 2014, FICSA is worried about some common system organizations dragging their feet on the implementation of that decision - and so failing to meet the deadline of 1 January 2018 set by the General Assembly. Based on information currently available to us, it seems that ICAO have postponed matters until 2019, while WIPO and FAO have still to announce when they intend to implement the decision.

Excessive and abusive use of non-staff personnel contracts

In the context of the second phase of the compensation review focusing on National Professional Officers and the General Service and other categories, FICSA will continue to press for a limitation of the number and use of non-staff contracts - especially in those instances where non-staff are hired to deliver core functions. This practice should be of extreme concern to staff representatives and governing bodies alike.

At its recent 32nd session, the High-Level Committee on Management discussed the review of the use of the common system workforce in the context of the 2030 Agenda. FICSA hopes to be actively involved in the process so as to ensure that the outcome is conducive to maintaining and retaining a truly motivated and efficient international civil service offering career opportunities that will ensure the independence of international civil servants in the years to come.

The global need for an efficient, independent and diverse UN workforce, consistent with the spirit and letter of Articles 100 and 101 of the UN Charter, still prevails today. It is the duty of all of us to ensure that those articles remain intact.

Distinguished Delegates,

In closing, please allow me to reiterate FICSA’s appreciation of your support and commitment on a wide range of issues affecting staff. We would be more than pleased to meet with delegates, at your convenience, should you wish to discuss matters further.

We wish you a successful completion of this session.

Thank you.

JOINT WRITTEN STATEMENT BY THE FEDERATION OF INTERNATIONAL CIVIL SERVANTS’ ASSOCIATIONS (FICSA) AND THE COORDINATING COMMITTEE OF INTERNATIONAL STAFF UNIONS AND ASSOCIATIONS (CCISUA) TO THE 63RD SESSION OF THE UNITED NATIONS JOINT STAFF PENSION BOARD (UNJSPB)

Madame Chair, Distinguished members of the Board, Observers, Pension Fund staff, Ladies and Gentlemen,

Thank you for this opportunity to convey to you through this joint statement some of the views and concerns of the constituents of our two respective staff federations, the staff members of the United Nations common system. We appreciate this possibility of exchange as it provides the Board with an opportunity to hear the views of the staff, views which will hopefully be taken into consideration prior to final decisions being taken on important matters under consideration at this session.

Let us begin by firstly expressing our deepest appreciation and gratitude to those staff of the Pension Fund who have been working exceptionally hard over these past months under exhausting circumstances. [...]
Their efforts and dedication during these trying times must be commended.

This being said, we would now like to turn to some of the agenda items under discussion at this session of the Board. And foremost, we would like to align ourselves with those Board members who consider that the most urgent and crucial issue to be addressed is the late payment of benefits and withdrawal settlements to new retirees. It is clear that this backlog constitutes mismanagement in the Fund’s operations. When it is stated that the required information is sometimes not received from staff members of the organizations, we believe there is an important nuance which requires clarification. In the past, when the Pension Fund Secretariat received an incomplete claim, it was immediately returned to the sender for completion. We understand that today a claim can be pending with the Fund for months before the initial review even begins to determine whether or not there is a discrepancy.

The staff federations firmly believe that should this session of the Board take decisions which can be implemented in order to promptly correct this unacceptable hardship on new retirees, the Board will have taken an important step towards restoring the Fund’s credibility. Furthermore, should the Board ensure that the prompt processing of the backlog of requests for benefits from new retirees, the Board will have accomplished much more than any communication strategy or the organizations, we believe there is an important nuance which requires clarification. In the past, when the Pension Fund Secretariat received an incomplete claim, it was immediately returned to the sender for completion. We understand that today a claim can be pending with the Fund for months before the initial review even begins to determine whether or not there is a discrepancy.

The staff federations firmly believe that should this session of the Board take decisions which can be implemented in order to promptly correct this unacceptable hardship on new retirees, the Board will have taken an important step towards restoring the Fund’s credibility. Furthermore, should the Board ensure that the prompt processing of the backlog of requests for benefits from new retirees, the Board will have accomplished much more than any communication strategy by demonstrating that it cares about its participants and beneficiaries, and that normal operations in the Fund’s Secretariat have been restored. Furthermore, the Board will have also complied with the instruction of the General Assembly in Resolution 70/248 to “take appropriate steps to ensure the fund addresses the causes of such delays”.

In this respect, we assisted the Participants Group in drafting a conference room paper containing both short- and long-term measures which could be taken to eliminate the backlog. These measures include payment of provisional benefits when there is no doubt of the beneficiary’s identity and right to the entitlement. We were pleased to observe yesterday that the Board is giving its fullest consideration of these proposals. We hope that participants and beneficiaries will be quickly informed of the Board’s decisions thereon.

Further down the road, we would ideally like to see the Fund be even more proactive by introducing the concept of provisional payments, as seen in many governments and some international organizations, whereby the first pension payment is paid as a provisional one shortly before a staff member retires so as to assist the new retiree face the significant costs of the first month of retirement.

Our second concern is regarding the investments of the Fund. At last year’s meeting of the Board we had expressed concern that the investment policy document had not yet been updated, and therefore expected it to be available for the Board’s review at this session. Just before the beginning of this Board meeting, we were pleased to hear that apparently the updated version of the policy has been completed and signed. It would have been ideal to get these documents sooner rather than later in order for meeting participants to have sufficient time to critically review these important documents.

Meanwhile, staff would like to be assured that there will be no outsourcing of investment management. It is common knowledge that many pension funds have lost their capitals when outsourced. The success of the investments of our Fund is related to the fact that they have always, for the most part, been managed internally. We are, as we hope you are, deeply concerned about the preservation of the capital of our Fund, as well as achieving the targeted real rate of return on investments. It is on this basis that we have expressed concern over paragraph D.13 of the draft Financial Rules, which formalizes outsourcing of investments. Furthermore, we are disturbed by the Fund’s investments in exchange tracker funds which include positions in arms and tobacco. At a time when our staff are engaged in peacekeeping and coming under weapon fire, and when the WHO is fighting tobacco use, we believe that the Fund should move away from investments of this nature.

The third concern that we would like to flag to the Board is the performance evaluation of the Fund’s senior manager, and we would respectfully request the Board to take into account the absence of staff-management consultations as well as the breakdown in operations which has created enormous delays in the processing of benefit claims and withdrawal settlements for new retirees, delays which have been noted by the UN General Assembly itself.

The outsourcing of investment management carries multiple risks which are out of the Fund’s control and therefore kindly request that they not be outsourced. We have noted, with some disappointment, the reported real rate of return on investments. We concur with the view that a maturing fund of this nature will continually become more dependent on the targeted return rate of 3.5 per cent. Anything less will, in time, have important consequences.

In light of these multiple challenges we have not felt it wise for the Fund to be granted further autonomy through new financial rules.

The fourth and final point that the staff federations want to flag is related to the performance of the Fund’s senior manager is the deteriorating staff-management relations in the Fund’s Secretariat. We believe it is important to recall that, at last year’s session of the Board, the staff federations had informed you that there were serious concerns in regard to staff-management relations in the Fund’s Secretariat, and that there was a need for enhanced transparency, improved communication and consultation, not only with the Fund’s staff, but also with the Staff Pension Committees and participants at large.

On numerous occasions, the Fund’s staff representatives have expressed disagreement with the Fund’s disrespect of the United Nations Staff Regulations and Rules. As stated at Article 7 of the Fund’s Regulations and Rules, the Fund’s staff are appointed by the UN Secretary-General. Therefore, they hold UN Secretariat contracts governed by the Staff Regulations and Rules of the United Nations. By virtue of these, staff must be consulted, through staff representatives, on conditions of service and policies related thereto. However, in May of this year a serious change was introduced without any such consultation.

We are concerned by the fact that this change may allow for bypassing the existing checks and balances, such as hiring without selection panels and [...]

FICSA STATEMENT TO THE UNGA
reduced career progression for existing staff. For exam-
ple, a retiree can be hired for a year without the post
being advertised, denying opportunities to capable
internal staff members. Excessive flexibility to retain
staff beyond the age of retirement is not needed, given
that the mandatory age of separation will be increased
to 65 for current staff. Furthermore, excessive use of
retirees would discourage succession planning and
opportunities for current staff.

It is problematic that staff have not been consulted
concerning the proposals for the reorganization of the
office. The staff federations are concerned that this
constant refusal to conduct staff consultations has
contributed to extremely low staff morale.

We were pleased that the Board, at its session
of last year, when discussing the MOU and staff-
management relations, had instructed the management
of the Fund’s Secretariat to begin consulting with the
staff. However, we regret to have to inform you that the
Board’s decision relative to staff consultation has not
been implemented, and we would like to respectfully
request the Board to ensure that the management
in the Fund’s Secretariat will, without further delay,
consult with the staff representatives of the Fund on all
proposals concerning their welfare and conditions of
service. It would also be highly conducive to improving
staff relations if management were to consult with the
staff representatives prior to submitting to the Board
proposals which concern staff’s conditions of service.

Taking into account all of the concerns ex-
pressed previously and the ongoing difficulties, we
would like to express our hope that the Board will fulfill
its oversight function accordingly. We understand that
the Board will soon be establishing a Search Com-
mitee, and we would like to kindly request that the
above-described preoccupations and concerns be
taken into consideration by that Committee.

Today our Pension Fund is going through a
difficult period, but let us not forget that our United
Nations system has successfully addressed many
challenges in the past. Therefore, we have full trust in
the United Nations system, in the collective wisdom of
the Board, as well as in the wisdom of the UN General
Assembly and its subsidiary bodies. We firmly believe
that this wisdom will allow us to overcome the current
crisis, and ultimately restore the sound operation of
the Fund, as well as its credibility and reputation.

Both current and future beneficiaries will be
awaiting, with hope, the outcome of this Board meeting.
On their behalf, the staff federations also hope that
your actions will address their urgent concerns.

Madame Chair,

Distinguished members of the Board and Observers,

Thank you for your attention
STEPS TO PROTECT SALARIES AND PURCHASING POWER IN THE EVENT OF RAPID CURRENCY DEVALUATION

During the 70th FICSA Council, the Chair of the Standing Committee on Conditions of Service in the Field, Mr. Zaid Al Nahi, pointed to the problems arising out of local currency devaluation and its impact on purchasing power. Subsequently, the Standing Committee drew up a list containing ten major steps that staff representatives could take to protect salaries and purchasing power in the event of rapid currency devaluation.

TEN MAJOR STEPS THAT STAFF REPRESENTATIVES COULD TAKE TO PROTECT SALARIES AND PURCHASING POWER IN THE EVENT OF RAPID CURRENCY DEVALUATION BY THE FICSA STANDING COMMITTEE ON CONDITIONS OF SERVICE IN THE FIELD

2017

1 • Convene a meeting of staff representatives across the agencies present at the duty station. Discuss developments and establish a contact group to monitor the situation and coordinate action.

2 • Collect data and know both the official bank rate and inflation rate, as well as actual inflation rates for key commodities (e.g. food, fuel) and real exchange rates (where those differ from the official bank rates). Usually special measures are only considered when rapid devaluation of the local currency is in excess of 50 per cent, followed by local inflation of 50 per cent or more, within a one- or two-month period. The actual situation is often worse than shown in official statistics, so data collection is of vital importance to conveying accurately the decline in purchasing power.

3 • Document the hardships experienced by staff and their families in relation to the currency devaluation and inflation, including negative impact on physical and mental well-being. Those stories will help staff representatives to communicate the immediate human impact and need for urgent action. Also note any tensions emerging between locally recruited and internationally recruited staff and how it affects the working environment.

4 • Know what comparator employers at the duty station are doing to maintain purchasing power parity for their local staff. World Bank, U.S. and European embassies are often seen as authoritative and persuasive examples.

5 • Request an urgent meeting with the UN Resident Coordinator or the senior official of the largest UN employer in the duty station. Discuss a staff-management action plan to raise concerns with the UN Secretariat/OHRM and request special measures.

6 • Keep staff at the duty station informed of your actions. Consider a short daily meeting to share updates and maintain momentum until appropriate measures are put in place.

7 • Encourage agency staff to contact their respective staff associations/unions, urging them to take up the issue of currency devaluation with their headquarters senior management and Director of Human Resources. Advocate that the agency implement special measures (e.g. non-pensionable compensation to offset currency devaluation and denominating salaries in US Dollars so to maintain purchasing power parity) and take up the issue with OHRM.

8 • With the permission of the Resident Coordinator or senior official in the country, share copies of any official correspondence with FICSA so that the Executive Committee can follow up with the UN Secretariat/OHRM and emphasize staff concerns and urge action.

9 • If the first response from OHRM is negative, do not give up. Reply and provide more information that shows how the situation is evolving and the negative impact it is having on purchasing power, staff well-being and the organizations in the duty station. Request OHRM to send a consultant urgently to the country to assess the situation.

10 • Monitor the security implications of the economic crisis, particularly where property crimes are increasing and people at the duty station are withdrawing large amounts of cash and keeping it on their person or at their residence. Discuss with DSS officials and SMT members.

Mr. Zaid Al Nahi
ÉTAPES POUR PROTEGER LES SALAIRES ET LE POUVOIR D’ACHAT EN CAS DE DÉVALUATION RAPIDE DE LA MONNAIE.

DIX ÉTAPES PRINCIPALES QUE LES REPRÉSENTANTS DU PERSONNEL POURRAIENT PRENDRE POUR PROTEGER LES SALAIRES ET LE POUVOIR D’ACHAT EN CAS DE DÉVALUATION RAPIDE DE LA MONNAIE.

1  • Convoquer une réunion des représentants du personnel des agences présentes sur le lieu d’affectation. Discuter de l’évolution et établir un groupe de contact chargé du suivi de la situation et de la coordination de l’action.

2  • Collecter des données et connaître à la fois les taux officiels des banques et le taux de l’inflation, ainsi que les taux réels de l’inflation affectant les produits de base (par exemple la nourriture et l’essence) et les taux de change réels (lorsqu’ils diffèrent des taux officiels des banques). Des mesures spéciales ne sont d’habitude prises que lorsque la dévaluation rapide de la monnaie locale dépasse 50% ou davantage sur une période d’un ou deux mois. La situation réelle est souvent pire que celle qui est montrée dans les statistiques officielles, aussi la collecte de données est d’une importance vitale pour transmettre avec exactitude la baisse du pouvoir d’achat.

3  • Documenter les contraintes rencontrées par le personnel et ses familles par rapport à la dévaluation de la monnaie locale et à l’inflation, y compris leurs impacts négatifs sur le bien-être physique et mental. Ces récits aideront les représentants du personnel à communiquer l’impact humain immédiat et la nécessité d’agir rapidement. Noter aussi toute tension émergente entre le personnel recruté localement et internationalement et comment cela affecte l’environnement de travail.

4  • Connaître quels sont les comparateurs utilisés par les employeurs au lieu d’affectation pour maintenir le pouvoir d’achat de leur personnel local. La Banque mondiale, les ambassades des États-Unis et d’Europe sont souvent perçues comme des exemples faisant autorité et convaincants.


6  • Gardez le personnel du lieu d’affectation informé de vos actions. Envisagez une courte réunion quotidienne pour partager les mises à jour et conserver la dynamique jusqu’à ce que des mesures appropriées soit mises en place.

7  • Encourager les personnels des agences à contacter leurs associations ou syndicats respectifs pour leur demander de prendre en compte la dévaluation de la monnaie dans leurs discussions avec les hauts dirigeants au Siège et avec le Directeur des ressources humaines. Préconiser la mise en œuvre par l’agence de mesures spéciales (ex. des compensations non soumises à la pension pour effacer la dévaluation de la monnaie et instituer des salaires en dollars des États-Unis d’Amérique pour maintenir une parité du pouvoir d’achat) et examiner la question avec l’OHIRM.

8  • Avec l’autorisation du Représentant Coordinateur ou du haut fonctionnaire dans le pays, partager des copies de toute correspondance officielle avec la FICSA de telle sorte que le Comité exécutif puisse suivre la question auprès du Secrétariat des Nations Unies/OHIRM, et mettre l’accent sur les inquiétudes du personnel et exhôter à l’action.

9  • Si la première réponse de l’OHIRM est négative, n’abandonnez pas. Répondez et fournissez plus d’informations montrant dans quelle mesure la situation évolue et l’impact négatif sur le pouvoir d’achat, le bien-être du personnel et les organisations dans le lieu d’affectation. Demandez à l’OHIRM d’envoyer d’urgence un consultant pour évaluer la situation.

10 • Suivre les conséquences de la crise économique en matière de sécurité, en particulier lorsque les crimes contre les biens augmentent et que les habitants du lieu d’affectation effectuent des retraits importants d’argent liquide et le conserve sur eux ou à leur domicile. Discuter avec les officiels responsables de la sécurité au lieu d’affectation et avec les responsables du SMF.
THE IMPORTANCE OF REGIONAL WORK IN TRADE UNION TRADING

The ILO Declaration of 2008 (Social Justice Declaration) institutionalises the concept of Decent Work (DW), including the four main objectives in the DW Agenda: guaranteeing rights at work, creating further job opportunities for women and men, achieving coverage and effectiveness of social protection for all and fostering tripartism and social dialogue. 2008 ILO Declaration highlights the interdependent nature of these goals confirming that these objectives “are inseparable, interrelated and mutually supportive”. At the same time, it recognizes the key role of freedom of association as an essential requirement in achieving these objectives.

Furthermore, the International Labour Organization (ILO) - as a specialized agency of the United Nations System (UNS) - is mandated to promote DW as part of the UNS global strategy, whose priorities are framed within the Sustainable Development Goals (SDGs). Therefore, the Decent Work Country Programme (DWCP) (including national priorities for Decent Work promotion) should be integrated into the United Nations Development Assistance Framework (UNDAF). In this way, DW will be placed at the heart of the United Nations' strategy in each country. Strengthening this idea, the ILO Declaration on Social Justice states that its technical cooperation activities should be carried out via the DWCPs and, where appropriate, the UNDAF.

In this sense, trade unions, for their nature of workers’ representatives, should have a key role in DW promotion through effective participation in the design, implementation, follow-up and evaluation of the UNDAF itself. In fact, their participation in promoting DW has a legitimate role (as the labour rights claimed are human rights), as well as a legitimising role (as they guarantee it will be truly democratic and participative).

The Programme for Workers’ Activities at the International Training Centre of the International Labour Organization (ILO) is a Department of the Office for Workers’ Activities (ACTRAV) which articulates its training activities with specialists in the Field and from Geneva Headquarters and particularly with the Regional Specialist on workers’ education.

This Programme has a fundamental role in strengthening the capacities of trade union organizations to apply an integrated approach to training based on the thematic axes of decent work: Rights, Employment, Social Protection and Social Dialogue with gender mainstreaming. All this has contributed to the formation of union teams in these areas and, in a broader way, with the United Nations Agenda 2030, as well as in the creation of regional union networks working jointly with academia, with members of civil society and with representatives of indigenous people.

In Latin America, efforts have been made to improve methods of participation, both in the creation of teaching materials and in the management of training processes. These processes are developed in a systematic way according to strategic areas with special links to the agenda of the International Labour Conference to strengthen trade union organizations’ capacity to participate in discussions in an informed way.

It is still essential to have regional trade union teams in areas linked to decent work, designing and implementing our working plans within the framework of coordination and cooperation with trade union centres and international trade union confederations alike, in order to define training processes on strategic subjects linked to the promotion of decent work in its four components and in an articulated way.

Planning and coordination of training activities

This synergy has led to successes in the last biennium in the following spheres:

- Greater depth in training on international labour standards, with a focus on freedom of association and with gender collective bargaining clause, from both general and sectoral perspectives;
- Training processes on employment policy within the framework of decent work, [...]
• Ratification and application of international standards referring to domestic work (Domestic Workers Convention, 2011 (No. 189)) and indigenous peoples (Indigenous and Tribal Peoples Convention, 1989 (No. 169));
• The development of activities on multinational enterprises, subcontracting and value chains, as well as their impact on decent work;
• Trade union organization and working conditions, focusing on the important role of young workers in the Americas;
• Work on training programmes in conjunction with Global Union Federations (GUFs) in different fields (such as international standards, multinational enterprises, or indigenous peoples), and strengthened coordination between GUFs and the Trade Union Confederation of the Americas (TUCA).
• Preparation in key areas to be discussed in the ILO’s tripartite areas, such as Informality, Small and Medium Enterprises, Supply Chains, Migration and Violence in the Workplace.

Similarly, the planning of distance training has been developed in line with ACTRAV’s programme of activities, while training activities have been convened, implemented and run in conjunction with the Region.

In this period, this coordination has continued between Trade Union Confederation of Americas (TUCA-ITUC) and the team at ACTRAV Geneva, Regional Specialists and Turin on different spheres including trade union organization and young workers, employment policy, international standards, sectoral activities in the public sector, collective bargaining and equality clauses.

With respect to Global Union Federations (GUFs), work has been carried out with the majority of these. However, special mention should be made regarding the important collaboration undertaken with the trade union federation Public Services International (PSI), given the exemplary level of respect for standards and the promotion of decent work that must be set by public administrations.

Lessons learned and main challenges

Work has continued on training processes to strengthen trade union capacities to promote decent work within the integrated approach which has been employed over the last year, based on the inseparable nature of the four components of decent work and with sights set on the creation of trade union networks and technical teams.

The work with the Unión Obrera de la Construcción de la República Argentina–Confederación General del Trabajo (Argentinian Building Workers’ Union–General Confederation of Labour Argentina, UOCRA-CGT), deserves special mention, as well as with the Banco de Previsión Social (BPS) and Instituto Cuesta Duarte in Uruguay, both on different thematic areas.

The inclusion of gender mainstreaming has been an essential characteristic of all activities, both in the development of each of the themes and in the inclusion of specific sessions. Participation of female trade unionists was nearly 50%.

Given the above, the challenges we face in the coming year can be summarized as follows:

• To reinforce the participation of female trade unionists and strengthen gender mainstreaming in all activities, applying methodological criteria designed for that purpose;
• Support for trade union participation in ILO tripartite bodies
• Given the legitimate and legitimising role of trade unions in the development process of their countries, on the one hand, and the key role of freedom of association for the existence of Decent Work, on the other hand, each training activity should have a dedicated space to understanding the importance of freedom of association, tripartism and social dialogue as prerequisites in promoting DW, through unions’ active participation in the UNDAF.

April 2017
Jesus García Jiménez - FICSA Regional Representative for the Americas
LA IMPORTANCIA DEL TRABAJO REGIONAL EN FORMACIÓN SINDICAL

La Declaración OIT de 2008 (Declaración de la Justicia Social) institucionaliza la noción de “trabajo decente”, definiendo los cuatro objetivos de la Agenda de Trabajo Decente (promover y cumplir los derechos fundamentales en el trabajo; crear mayores oportunidades de empleo con igualdad de oportunidades; realzar el alcance y la eficacia de la protección social y fortalecer el tripartismo y el diálogo social). El documento por un lado resalta la naturaleza interdependiente de dichos objetivos, afirmando que “son inseparables, están interrelacionados y se refuerzan mutuamente”; por el otro destaca el rol clave de la libertad sindical como requisito esencial para alcanzarlos.

Además, siendo la Organización Internacional del Trabajo (OIT) un organismo especializado del Sistema de Naciones Unidas (SNU) su mandato de promoción del trabajo decente forma parte de la estrategia global del SNU, cuyas prioridades se enmarcan en los Objetivos de Desarrollo Sostenible. Consecuentemente, los Programas de Trabajo Decente por País -PTDP (que identifican prioridades nacionales para la promoción del trabajo decente para la cooperación técnica de la OIT de forma tripartita) deben integrarse en los Marcos de Asistencia de Naciones Unidas -MANUD, de forma que se garantice que el trabajo decente se encuentre en el centro de la planificación estratégica de la ONU en cada país.

En este marco las organizaciones sindicales - por su propia naturaleza de representantes de los trabajadores – deben tener un rol protagonista en la promoción del trabajo decente a través de su participación efectiva en el diseño, implementación, seguimiento y evaluación de los MANUD. De hecho, su participación es esencial (pues los derechos laborales que reivindican son derechos humanos), ya que garantiza que el trabajo decente se encuentre en el centro de la planificación estratégica de la ONU en cada país. Fortaleciendo esta idea, la Declaración sobre la Justicia Social establece que su cooperación técnica con los mandantes se realiza a través de los PTDP y, en su caso, los MANUD.

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En América Latina se ha hecho un esfuerzo por mejorar las metodologías participativas tanto en la elaboración de materiales didácticos así como en la gestión de procesos de formación que se trabajan de manera sistemática por áreas estratégicas vinculadas de manera especial a la agenda de la Conferencia Internacional del Trabajo para fortalecer las capacidades de las organizaciones sindicales para participar de manera calificada en las discusiones.

Planificación y coordinación de actividades de formación

Esta sinergia se ha concretado en el último bienio en los siguientes ámbitos:

- La profundización en la formación sobre normas internacionales del trabajo, con atención a la libertad sindical, y desde una perspectiva tanto general como sectorial y con la inclusión de las cláusulas de género en la negociación colectiva.
- Proceso de formación sobre políticas de empleo en el marco del trabajo decente.
- Ratificación y aplicación de las Normas Internacionales referidas al trabajo doméstico (C.189) y pueblos indígenas (C.169).
- La realización de actividades sobre empresas multinacionales, [...]

Actividades para los Trabajadores (ACTRAV) que articula sus actividades de formación con los especialistas del terreno y de la sede en Ginebra, en particular, con la especialista regional de educación obrera.
subcontratación y cadenas de valor, así como sus efectos sobre el trabajo decente.
• Organización sindical y condiciones de trabajo, desde el protagonismo de la juventud trabajadora de Las Américas.
• El trabajo en formación con Federaciones Sindicales Internacionales (FSIs - GUFs) en diferentes ámbitos (p.e.: normas internacionales, empresas multinacionales; pueblos indígenas) fortaleciendo además la coordinación de éstas con la Confederación Sindical Americana - CSA.
• La preparación en áreas clave a ser discutidas en los ámbitos tripartitos de OIT, tales como informalidad, pequeñas y medianas empresas, cadenas de suministro, migraciones y violencia en el lugar de trabajo.

Igualmente la planificación de la formación a distancia, ha sido funcional a la programación de ACTRAV, y su convocatoria, ejecución y desarrollo se ha hecho conjuntamente con la Región.

En este período se ha seguido dando la coordinación con la Confederación Sindical de las Américas (CSA-CSI), realizada por el equipo de ACTRAV Regional-Sede y Turín, en diferentes áreas temáticas tales como: organización sindical y juventud trabajadora, políticas de empleo, normas internacionales, actividades sectoriales en el sector público, negociación colectiva y cláusulas de igualdad, entre otras.

Respecto a las Federaciones Sindicales Internacionales (FSIs - GUFs), se ha trabajado con la mayoría de ellas, pero de especial relevancia ha sido la colaboración con el Internacional de Servicios Públicos (ISP), teniendo en cuenta la fuerza ejemplificadora que debe tener el respeto a las normas y la promoción del trabajo decente, desde las administraciones públicas.

**Lecciones aprendidas y principales retos**

Se ha seguido trabajando en la lógica de procesos formativos para el fortalecimiento de las capacidades sindicales en la promoción del trabajo decente, en el marco de la propuesta integradora con la que se ha venido trabajando en este último periodo a partir de la inseparabilidad de los cuatro componentes del trabajo decente, y con la mirada puesta en la conformación de redes sindicales y equipos técnicos sindicales.

Especial mención merece la continuidad de los trabajos con el equipo sindical multidisciplinario de formación sindical de UOCRA-CGT de la República Argentina, así como con el Banco de Previsión Social (BPS) y el Instituto Cuesta Duarte de Uruguay, en ambos casos en diferentes áreas temáticas.

La inclusión de la transversalidad de género ha sido una característica esencial en todas las actividades, tanto en el desarrollo de cada uno de los temas como en la inclusión de sesiones específicas; la participación de mujeres sindicalistas es cercana al 50% del total de participantes.

**Derivado de todo lo expuesto los retos para el próximo período podrían sintetizarse como sigue:**

- Fortalecimiento de la participación de mujeres sindicalistas y de la transversalidad de género en todas las actividades, aplicando criterios metodológicos adecuados para ello.
- Apoyo a la participación sindical en los órganos tripartitos de la OIT.
- Considerado el rol legítimo y legitimador de las organizaciones sindicales en los procesos de desarrollo de sus países, por un lado, y el rol clave de la libertad sindical para la propia existencia del trabajo decente, por el otro, en toda actividad de capacitación debe dedicarse un espacio específico para ubicar la importancia del fortalecimiento de la libertad sindical, el tripartismo y el diálogo social como condiciones necesarias para la promoción del trabajo decente a través de la participación sindical efectiva en los MANUDs.

Abril 2017
Jesús García Jiménez - Representante Regional para Las Américas
AP-in-FAO would like to inform its members that it has received a unilateral decision from the Administration regarding the implementation of the last item in the Professionals and above compensation package review: Education Grant. This proposal concerns exceptional approval of school boarding costs, as well as the elimination of the reimbursement of school Capital Assessment Fees (CAF).

AP-in-FAO rejects these proposed changes and has requested the Administration to reverse its decision. The reasons for this request are as follows:

The proposal puts a significant financial strain on Staff Members, as these CAF can represent very high costs, ranging from USD 2,000 to USD 15,000 per child, depending on the school. These mandatory costs are levied by the schools, and should be reimbursed in the same manner as tuition fees, given that the Staff Members have no choice but to pay these costs in order to enroll their dependent children.

AP-in-FAO considers that this proposed change will particularly affect Staff Members that undergo mobility, given that they will have to incur one-off CAF each time they change duty station and, consequently, the school for their dependent children.

By potentially excluding boarding school costs, the Administration further limits the options of Staff Members to enroll their dependent children in boarding schools in their country of origin or current duty station. Depending on their personal situation, Staff Members should be able to consider boarding school as a valid option, which allows for a degree of educational continuity, especially in the case of regular mobility assignments.

These proposed measures will act as a significant disincentive for staff assigned to undergo a mobility assignment, compounding other financial costs inherent to such moves. AP-in-FAO therefore objects to this financial burden. AP-in-FAO considers that the changes proposed in the draft Administrative Circular are not acceptable and urges Management to review this proposal in the appropriate dialogue forum, the Staff-Management Consultative Committee.

Moreover, our current feedback indicates that there is no consideration at present to eliminate the reimbursement of CAF in other UN agencies, and FAO’s current proposal would substantially breach the principle of maintaining the same compensation package within the UN.

Finally, and once again, we would like to stress that these proposed changes were not properly discussed with AP-in-FAO. The Administration replied with a one-liner to the objections we raised in our initial response to their invitation to comment on the draft, essentially re-affirming their proposed text, but did not offer to discuss in more depth in the context of the Staff-Management Consultative Committee (SMCC). This working method is not in line with the consultation process foreseen between Management and Staff Representative Bodies as described in the existing Recognition Agreement.
DO THE RECENT CHANGES TO THE COMMON SYSTEM BENEFITS PACKAGE BREACH THE PRINCIPLE OF THE ACQUIRED RIGHTS?

In 2015, the UN General Assembly approved changes to the common system Compensation Package. Specialized international organizations have been in the process of adopting and implementing these changes in their own staff regulations and rules. As a result, many international civil servants, depending on their personal circumstances, may find that their total compensation or remuneration or other allowances and benefits have been reduced. Is this legal?

The answer to this issue engages the principle of contractual rights, and in particular acquired rights.

What are acquired rights? These are terms set forth in the employment contract that are considered so essential, fundamental or sacrosanct that the organization may not unilaterally amend or alter the term without the staff member’s consent. This is obviously not a very helpful definition. The ILO Administrative applies a relatively simple test to determine when an acquired right is at issue: was the inclusion of the term in the contract offer of such decisive importance that it convinced the staff member to accept the appointment, and/or to accept further extensions of the appointment. For example, the payment of salary at a certain grade – no question decisive for accepting employment – would constitute an acquired right and if the Agency decided unilaterally to pay the staff member at a lower grade instead it would obviously be illegal (barring of course some other legitimate grounds for imposing a demotion, e.g. for proven misconduct).

Despite what appears to be a simple test, the ILOAT has not been very favourable in finding that reductions in allowances, benefits, or other items of remuneration constitute a breach of acquired rights even when it appears objectively the financial impact is great. For example, in Judgment No. 666, the Tribunal held that the amount of an allowance does not have to remain fixed, and indeed the calculation of the allowance resulting in less would be lawful. However, the abolition of the allowance altogether could result in a breach of an acquired right. In Judgment No. 3135, at the time the staff member was recruited, the regulations provided for compensation in lieu of notice of one month salary for each year of service with no limit. This regulation was amended to place a cap of 9 months on the benefit. At the time of her separation, the organization paid the 9 months’ salary provided for under the amended rule, and the staff member claimed an entitlement under the rule in effect when she was recruited or 20 months salary in lieu of notice. The Tribunal held that the right to compensation in lieu of notice was probably fundamental; however, the reckoning of the number of months payable was not, as this could be changed based on the changing financial circumstances of the organization.

The ILOAT considers the magnitude of the detrimental effect on the compensation at issue. For example, in Judgment No. 3571, the staff member worked part time and under the rules in effect at the time of recruitment was permitted to contribute to the pension scheme as though he were working full time. The organization changed the pension contribution rules for part-time staff with the result that this staff member was only permitted to contribute 60% of his basic salary. The Tribunal held that this change violated the principle of acquired rights given the magnitude of the change and the impact on the expected pension at retirement. Of course, this outcome contrasts starkly with the ILOAT’s judgment cited above on the compensation in lieu of notice for long-serving staff members, which was certainly financially painful for the staff member. In most pension issue cases, the Tribunal is reluctant to find a breach of acquired rights where the organization makes changes to the detriment of the staff members respecting pension fund contributions and/or calculation of retirement benefits as long as there is evidence that financial concerns (to ensure long-term solvency for example) of the pension was the reason for the change.

As far as the changes in the Compensation Package that may adopted by the Agency, given that there may be strict deadlines for taking useful action to protect any acquired rights, it is recommended that staff members be alert for changes in their compensation, including resulting from the transition from dual to single base salary scale, step increase changes, home leave, repatriation grant, education grant, travel and removal expenses, other allowances and grants, etc. In case of doubt, consultation with a staff representative is imperative.

March 2017
Laurence Fauth
Legal Advisor to the IAEA Staff Council
On 6 April 2017, over one thousand Geneva-based UN staff attended the Town Hall meeting, which was raucous and noisy with repeated chants of «no pay cuts, no pay cuts!»

It was an opportunity for staff from across Geneva to show solidarity between all categories.

From the meeting, it was made clear that the cuts were divorced from the macroeconomic reality of Geneva, one of the world’s most expensive cities. Further, while this affected P pay, if it was allowed through, other categories of staff could be later targeted.

It was also clear from staff testimonies that earning the equivalent to one month’s salary less per year would have a major impact on their finances, especially given the high cost of housing, education and childcare in this city. In addition, it comes on top of earlier cuts introduced by the recent review of the compensation package for staff in the Professional and higher categories. It is difficult to understand such cuts when vast amounts are being spent on the planned new building for the UN Office at Geneva.

It was highly regrettable that representatives of the International Civil Service Commission (ICSC) declined to attend in order to explain their decision.

A resolution was passed, and in line with the last paragraph, FICSA and CCISUA put in place, in coordination with other associations and unions in Geneva, a clear way forward in order to mobilize against the implementation of the cuts.

A letter was thereafter sent to the Secretary-General Guterres requesting that the UN not implement the decision of the International Civil Service Commission. In the event that this request is declined, we have indicated that staff are ready to take all legitimate means necessary.

We will keep you updated. However, in the meantime, we would encourage you to print this A4 notice in colour and place it on your office door.

Thank you all for your support and mobilization!

ADOPTED AT A MEETING OF STAFF FROM ALL INTERNATIONAL ORGANIZATIONS IN GENEVA HELD AT THE PALAIS DES NATIONS, THURSDAY, 6 APRIL 2017

The staff of the international organizations in Geneva, united in solidarity,

Expressing pride in their work as international civil servants;

Noting the decision of the International Civil Service Commission at its 84th Session to reduce take-home pay in Geneva by 7.5 percent in dollar terms;

Believing that the decision does not correspond to the macro-economic reality of the Geneva economy;

Further believing that fighting this decision unites all categories of staff and expressing solidarity between all categories and duty stations;

Noting that just prior to the Geneva survey, the International Civil Service Commission removed key mitigation measures that would have significantly lessened the negative impact;

Affirming that the cut will have a strongly negative impact on livelihoods as staff will have difficulty to meet their existing financial commitments, including rents, school fees, loans and household costs;

Noting that this reduction comes on top of other cuts imposed by the recent compensation review for staff in the Professional category and above;

Believing the cuts will make Geneva a less attractive duty station for policy and decision-making personnel, reducing the profile and importance of international Geneva;

Noting with disappointment the decision of the International Civil Service Commission not to attend the staff meeting;

1 • Denounce the decision of the International Civil Service Commission to reduce take-home pay in Geneva;

2 • Call on international organizations with staff in Geneva not to implement the decision of the International Civil Service Commission to reduce pay;

3 • Urge the International Civil Service Commission to review its methodology for post adjustment;

4 • Call on the International Civil Service Commission to urgently meet with staff in Geneva;

5 • Give mandate to the staff associations and unions of international organizations in Geneva to work in coordination among themselves and with the CCISUA and FICSA staff federations to mobilize vigorously against the cut and use all legitimate means to defend their interests.

Press coverage is here: https://www.swissinfo.ch/eng/politics/wage-dispute_geneva-un-staff-up-in-arms-over-pay-cut/43060910
Dear Mr. Rhodes,

We are writing with regard to the report of the Advisory Committee on Post Adjustment Questions (ACPAG) and subsequent decision of the International Civil Service Commission arising from the 2016 baseline office salary surveys conducted at the eight headquarters duty stations and Washington, D.C.

We note with deep concern the proposed decrease of the post adjustment multiplier for the Geneva duty station from its current level of 78.5 to 65.5, and the Commission’s deliberations on this matter. This will result in a significant reduction of remuneration for some 5,700 United Nations staff in the Professional and higher level categories currently serving in Geneva. Geneva has the highest concentration of UN staff and the financial implications for individual staff members and their families will be severe. Added to this are the negative effects on staff morale and the adverse impact on the employment competitiveness of organizations which will likely have UN system-wide repercussions. The proposed salary cut would also add to the reduction in overall income resulting from elements of the new compensation package.

We consider that it would not be consistent with the elementary principles of responsible management and fair employment practices to implement this decision in its current form and without fair justification or validation. We take our staff-management obligations extremely seriously and can see no proper justification for imposing such a real cut to the remuneration of our staff.

As has been noted in our correspondence and interactions with you, this cut will have the effect of reducing pay by the equivalent of one month’s salary per year in one of the world’s most expensive cities where local equivalent earnings, and more recently prices, have been increasing. It is an unfair and unprecedented employment practice that would significantly demoralize the 5,400 affected staff in Geneva.

Further, the ability of the common system to attract serious professionals from the government and private sectors will be negatively affected if it develops a reputation of cutting pay by the equivalent of month’s salary per year, from one day to the next. Mid-career professionals, whose expertise you are seeking in order to help countries implement the sustainable development goals, will not, with their family commitments and obligations, leave a secure job to join an organization that cannot keep its word on the salary that is declared in the letter of offer, and this regardless of the ICSC’s explanations on the methodology. This applies particularly to women, who are less likely to take risks given their concern for a stable family budget.

We firmly believe that for reasons of staff morale, productivity and credibility of the common system as an employer that it is important to identify ways not to implement a pay cut for existing staff. To this end we would like to request a meeting with you on the sidelines of the CEB meeting, which will take place at WIPO, either on 24, 25 or 26 April.

We understand that the Vice-Chair of the ICSC, Mr. Wolfgang Stöckl, will be in Geneva to meet with you and we have extended an invitation to him to meet with Geneva staff as well.

As you may be aware, staff have signalled their readiness to lodge legal appeals and mobilize mass action. It is therefore in all our interest to find an acceptable solution.

FICSA and CCISUA look forward to hearing from you before 24 April 2017 in order to organize our representatives in a timely fashion.

Yours sincerely,

Diab El-Tabari      Ian Richards
FICSA President     CCISUA President

cc. Chairs/Presidents, FICSA/CCISUA member associations/unions
UPDATE UN-GENEVA STAFF RALLY AGAINST THE 7.5% PAY CUT

25 April 2017,

staff assembled inside the grounds of the United Nations Office at Geneva (UNOG) in front of the Celestial Globe to protest the 7.5% salary cut proposed by the International Civil Service Commission (ICSC) while the heads of UN organizations gathered for a meeting at WIPO. Despite the rain and very short notice, there was good participation with around 500 staff present, including nearly 100 from WHO. There was media coverage in Swissinfo, Tribune de Geneve, 20 Minutes and the ATS wire service.

The staff federations, FICSA and CCISUA, met the same day with the UN Secretary-General, Antonio Guterres. His willingness to meet contrasts sharply with that of the International Civil Service Commission (ICSC), which had twice declined to meet with the Geneva-based staff to explain how the cut was calculated.

The federations outlined to the UN Secretary-General its concerns about the ICSC’s methods and results and argued that that the proposed pay cuts were neither evidenced-based nor consistent with good practices of management. Most importantly, the proposed pay cuts will jeopardize the UN’s important work by eroding morale and by making it difficult to hire and retain staff.

The UN Secretary-General shared the concerns expressed by the staff federations, which he considered to be the opposite of good reform. His position joins that of heads of agencies in Geneva, who have strongly questioned the ICSC methods and conclusions.

On 24 and 25 April 2017, senior management from UN organizations in Geneva met with the Commission. The ICSC apparently strongly defended its methods but agreed to provide them with an “information package” in the coming days. The heads of the Geneva-based UN organizations subsequently prepared another joint letter to the ICSC stating that they would continue deferring the implementation of the pay cut until it could be resolved. The 85th session of the Commission will take place in July 2017 so the staff federations will work together with various agency managements to prepare technical and legal arguments for this meeting.

The deferral of the proposed pay cut is a positive development and our staff federations will maintain the momentum of the UN-wide no pay cuts campaign. We will keep you informed of any new developments.
The ICSC recently decided to drastically reduce the post adjustment multiplier affecting the pay of some 5,700 staff in the Professional and higher categories serving in Geneva-based international organizations following its 2016 baseline cost-of-living surveys conducted in Geneva (and other duty stations). In effect, these serving staff members will see a pay cut of 7.5% if the decision is implemented. This pay cut comes on top of the reduction in pay, benefits and allowances recently adopted to the common system compensation package.

Many international organizations have collectively objected to this decision on the grounds that it harms its staff members and families and is otherwise not in the interests of the organizations to recruit and retain talented staff, and indicated they may not implement the pay cut. They have also requested the ICSC to provide justification for the decision. Nevertheless, it is likely that the decision will be implemented.

This article provides information about the steps that may be taken to challenge this pay cut in the justice system available to affected staff. In this regard, there are two applicable justice systems: the United Nations Dispute and Appeals Tribunals that decide appeals by United Nations staff members; and the ILO Administrative Tribunal that decides appeals by staff members of specialized agencies in the common system, and other international organizations.

A/ ILO Administrative Tribunal

Unlike the UN Tribunals discussed in section B, the ILOAT does provide meaningful judicial review of the decisions implementing recommendations and decisions of the ICSC. The ICSC decisions are not automatically binding on the organizations that subscribe to the jurisdiction of the ILOAT. Article 24(2) of the ICSC Statute provides: “2. The decisions taken thereon by the General Assembly shall be communicated by the Secretary-General to the executive heads of the other organizations for action under their constitutional procedures.” In other words, the decisions of the ICSC become binding on these other organizations insofar and in accordance with the applicable rules of the organization (Constitution, Staff Regulations and Rules, etc.). Some organizations may also have an express agreement with the ICSC that must be reviewed and considered. There is discretion, based on the interests of the organization, not to implement the pay cut in many organizations.

1/ Appeal Procedures.

Staff members can begin the appeal process as soon as they receive a payslip reflecting the pay cut. See Judgment No. 2571, consideration 1 (“the complainant is entitled to challenge her payslip, which constitutes an individual decision affecting her personally, and in so doing she may incidentally challenge the lawfulness of the general decision (regarding the salary scale) on which that individual decision is based (see Judgments 1840, under 2, and 1329, under 7†”). It is recommended that the staff member with the assistance of staff representatives request consent from their administration to proceed with an appeal directly to the ILOAT with a test case utilizing the Tribunal’s fast-track procedure under Article 7bis of its rules of procedure. The Tribunal would then be able to issue a judgment within a year. In this vein, the staff member should request the administration to wait until the judgment is issued before taking any action on the post adjustment. If the administration is not willing to allow a direct appeal to the Tribunal, the staff member then first has to file an internal appeal and exhaust internal administrative remedies. Once the final decision is received on the internal appeal, the staff member has 90 days to file an appeal with the ILOAT.

2/ Grounds for Challenging the Pay Cut.

a/ Acquired Rights.

With respect to acquired rights, it is well-settled that items of compensation (salary, benefits and allowances) set forth in the employment contract (letter of appointment) may be considered a fundamental term of appointment and therefore may represent an acquired right. See Judgment No. 426. The ILOAT recently summarized the current state of the law and the test it applies to judge whether an acquired right is at stake in Judgment No. 3571:

“the amendment to an official’s detriment of a provision governing her/his status constitutes a breach of an acquired right only if it [...]

"
adversely affects the balance of contractual obligations by altering fundamental terms of employment in consideration of which the official accepted an appointment, or which subsequently induced her/him to stay on.”

In this case, the ILOAT found a breach of an acquired right on account of the “magnitude” of the change in financial position. The staff member, who was working part-time, had elected under the existing rule at his time of appointment to pay into the pension system as if he were working full-time, and the organization changed the rule and decided he could only contribute based on his actual part-time status. The ILOAT found this breached the acquired right to pay into the pension system at the full-time rate. In a letter to the ICSC, the Heads of International Organizations in Geneva noted the “exceptional magnitude of the impact on the conditions of employment” which is good evidence that the organizations consider the implementation of the decision will breach an acquired right. Accordingly, staff members should focus on the initial appointment and whether the amount of the post adjustment was critical in accepting the appointment, and examine whether the post adjustment has remained steady or increased over the years and by what percentage the changes have been, and whether certain financial commitments were undertaken based on the expectation that the post adjustment would remain at least the same or increase over time. The 7.5% reduction in net remuneration in this case may cross the threshold for the Tribunal, especially since the administrations also consider the magnitude of the change exceptional.

b/ Challenging the ICSC Methodology.

It may be possible with the assistance of an expert on the ICSC post adjustment methodology to prove errors in the methodology applied by the ICSC. In the letter to the ICSC, the Heads of the international organizations in Geneva also noted concern about the “changes to the survey methodology and the relevant operation rules”, and have requested the ICSC to provide information regarding how the changes in the methodology impacted the 2016 survey results.

c/ Good faith.

Even if there is not a breach of acquired rights or flaws in the methodology, staff members may still be able to show the decision breached the principle of good faith and mutual trust, which requires the organization from taking any action that causes needless injury. Given that many organizations are already on record stating that the pay cut will cause hardship to its staff, the ILOAT may be convinced that the decisions to implement the pay cut breached the principle of good faith.

B/ The United Nations Justice System

Despite the summary of the appeal process given below, the UN Tribunals have decided that “decisions of the General Assembly are binding on the Secretary-General [and therefore any administrative decision based on the decision of the General Assembly is lawful and cannot be challenged].” Judgment No. UNDT/2016/119; and Judgment No. 2015-UNAT-530 ("Decisions of the General Assembly are binding on the Secretary-General and therefore, the administrative decision under challenge [maintaining post adjustment multiplier] must be considered lawful, having been taken by the Secretary-General in accordance with the content of higher norms."). This appears to mean in practical terms that meaningful judicial review of the implementation of the pay cut by the Secretary-General may not be possible.

1/Appeal Procedures.

The United Nations Office of Staff Legal Assistance (OSLA) provides free legal services to UN staff members and should be consulted early in this process. The appeal of the pay cut decision must be initiated upon receipt of the first payslip reflecting the pay cut. Under the UN appeal rules, the staff member must first request a management evaluation from the Secretary-General or the office with delegated authority. After receipt of the management evaluation (due within 45 days for Geneva staff) the staff member has 90 days to lodge an appeal with the United Nations Appeals Tribunal. After the UNDT issues its judgment, either party may appeal to the United Nations Appeals Tribunal within 60 days of the UNDT.
2/ Grounds for Challenging the Pay-Cut.

a/ Acquired Rights.

Certain terms in the contract of employment are considered inviolable, i.e., the administration may not unilaterally change them without the staff member’s consent. Salary, benefits and allowances can in certain circumstances be considered acquired rights. The UN Tribunals will not allow a unilateral change where the modification entails extremely grave consequences for the staff member; however, with respect to financial changes it must be more serious than a mere prejudice to the staff member’s financial interests? This test would require the staff member to show that the pay cut has resulted in extreme financial harm, e.g., that it is no longer possible to pay for housing.

b/ Challenging the ICSC Methodology.

It may be possible with the assistance of an expert on the ICSC post adjustment methodology to prove errors in the methodology applied by the ICSC.

Staff members considering appealing the implementation of the pay cut should consult with their staff representatives and consult with OSLA or another lawyer. This article is provided for information purposes only.

Laurence Fauth, a FICSA Legal Advisor
THE RIGHT OF UN STAFF MEMBERS TO STRIKE

When providing an opinion on the matter at stake it is important to note that the right to strike/the right to a work stoppage is an intrinsic corollary to the principle of the right to organize and therefore the right of association\(^1\), to which the United Nations are solemnly pledged. The General Assembly of the UN, at its Second Session, endorsed this principle including the protection of the right to organize, freedom of speech and independence, which are an essential part of the right to associate, and requested the International Labour Organization to adopt relevant conventions.\(^2\)

Therefore, the below analysis, will provide not only applicable UNAD/UNAT jurisprudence and the written law of the organization, but the general principles and norms of international law as applied by international administrative tribunals including UNDT/UNAT, relevant to the right of association and inevitably the right to strike.

The right of association

The written law of the UN

The UN Staff Rules and Regulations (UN SRR) have fairly substantial provisions on the right of staff members to associate and the rights of their representative bodies. Chapter VIII of the UN SRR institutionalizes the right of association of staff members, provides for the interests of the staff members, and focuses on facilitating communication between the representatives of the staff and the Administration, rather than specifically dealing with the issue of the right to associate. Rule 8.1 of UN SRR provides as follows:

\(^{(f)}\) The staff representative bodies shall be entitled to effective participation, through their duly elected executive committees, in identifying, examining and resolving issues relating to staff welfare, including conditions of work, general conditions of life and other human resources policies, and shall be entitled to make proposals to the Secretary-General on behalf of the staff.

\(^{(g)}\) In accordance with the principle of freedom of association, staff members may form and join associations, unions or other groupings.

However, formal contact and communication on the matters referred to in paragraph \(^{(f)}\) above shall be conducted at each duty station through the executive committee of the staff representative body, which shall be the sole and exclusive representative body for such purpose.\(^3\)

Although the provisions of Chapter VIII mainly elaborate on how the rights of representative bodies should be construed and how the channels for expression of their opinions should work, it clearly demonstrates the importance and recognition by the UN of the principle of association for its staff members. Therefore, there is no doubt that the said principle is well established in internal law of the UN and accepted as a right of UN staff members.

The international norms and principles applicable to the right of association

It is commonly recognized that there are also general principles of international law and norms relevant to UN staff members’ right to freedom of association, and an obligation to facilitate such organizational rights, all of which have been well recognized and discussed by UNDT/UNAT and other international administrative tribunals.

Paramount consideration should be given to the Universal Declaration of Human Rights (UDHR), which recognizes the right to association, providing in Article 20, that:

\(^{(1)}\) “Everyone has the right to freedom of peaceful assembly and association.
\(^{(2)}\) No one may be compelled to belong to an association.”

In addition to the UDHR, Article 8 of the International Covenant on Economic, Social and Cultural Rights clearly recognizes the said principle, providing the following:

1. “The States Parties to the present Covenant undertake to ensure:
(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned.”
for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of the right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.4, 5

There are also important covenants adopted by the ILO, which endorse the principles related to the freedom of association and the protection of the right to organize, including the right to work stoppage, which were also endorsed by the General Assembly of the UN. They mainly originate from the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), as well as the Freedom of Association - Digest of decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO (2006). All of the foregoing attest to the importance of the principle in question, and provide that staff members, without distinction, have the right to establish and to join organizations of their own choice without any previous authorization, and at the same time enjoy adequate protection against acts of anti-union discrimination.6

The above clearly demonstrates that the right to associate flows directly from a general principle of law, regardless of the statutory or written law of the UN. It is therefore apparent that a UN staff member would enjoy that right even in the absence of its incorporation in the statutory law of an international organization, or when the said law is incompatible or unclear with the general principle.7 It is also clear from the foregoing that the internal law of the organization, even if inexact with regard to the freedom of association, cannot derogate from or infringe upon the general principle, which as a matter of principle shall always prevail.

The jurisprudence of international administrative tribunals including UNDT/UNAT on many occasions discussed and clearly recognized the applicable principles of international law and norms (as discussed in the previous section) that are relevant in the context of a staff member’s right to the freedom of association. In one of its judgments, UNDT provided the following list of applicable covenants that guarantee certain protection to staff:

*The right of association is recognized by articles 20 and 23 (4) of the Universal Declaration of Human Rights, adopted by the third General Assembly. The Tribunal notes that the Secretary-General has taken steps to make known to the staff his clear views that the staff should be organized in an association with rights of representation to the Administration. The Tribunal is satisfied that the principle of the right of association to which the United Nations are solemnly pledged is admitted on all sides to be a principle which must prevail also inside the organization’s own Secretariat.8*

The Tribunal further stressed, in the same judgment, that it is illegal to take any measures against a staff member for engaging in staff association activities since they enjoy special protection that undoubtedly flows from the general principle of law - the right to associate - and provided the following:

*It is an indispensable element of the right of association that no action should be taken against a member of the staff on the ground that he is or has been an officer or representative of the Staff Association of otherwise has been active in the Association.*9

Further to the above, the UNDT and UNAT on many occasions have clearly emphasized in their decisions that the right to associate exists as a matter of general principle of law, and UNAT in one of its first judgments stated that:

*“The right of association is recognized by articles 20 and 23 (4) of the Universal Declaration of Human Rights, adopted by the third General Assembly. The Tribunal notes that the Secretary-General has taken steps to make known to the staff his clear views that the staff should be organized in an association with rights of representation to the Administration. The Tribunal is satisfied that the principle of the right of association to which the United Nations are solemnly pledged is admitted on all sides to be a principle which must prevail also inside the organization’s own Secretariat.”*

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4 Available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx

5 See for example Articles 1-5 of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); Articles 1-4 of the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).


Article 23.4 of the Universal Declaration of Human Rights provides that everyone has the right to form and to join trade unions for the protection of his interests. This must include the meaningful exercise of such right. The International Covenant on Civil and Political Rights, adopted by the General Assembly on 16 December 1966 and in force from 23 March 1976, also recognises under art. 22 that everyone has the right to freedom of association, including the right to form and join trade unions. The General Assembly of the United Nations, at its Second Session, endorsed the principles relating to freedom of association and the protection of the right to organise and requested the International Labour Organization (“ILO”) to adopt relevant conventions, spawning the birth of C87 Freedom of Association and Protection of the Right to Organise Convention, 1948, and C98 Right to Organise and Collective Bargaining Convention, 1949, two core conventions of the ILO. 9

Both Tribunals constantly held that an Organization has to adhere to the said general principles of international law and norms, including the right to freedom of association and collective bargaining. This also includes an obligation to facilitate these organizational rights of staff members, 10 and to ensure that the staff can engage in legitimate work of their representative bodies. In such circumstances, the conduct of an Organization related to the freedom of association is usually questioned when it interferes with the said right or reflects an improper motive.

The same principle of the freedom of association is well recognized by ILOAT, which repeatedly emphasised the existence of this general principle of law and held in Judgment No. 274, that:

“Freedom of association means that there must be freedom of discussion and of debate, and this freedom when feelings run strong, as is illustrated indeed by the memorandum of 2 February, can spill over into extravagant and even regrettable language. The Staff Council has its own rules for dealing with misdemeanours of this sort. There could be no true freedom of association if the disapproval of the Director-General, whether justified or not, of what was said could lead to disciplinary measures.”

The ILOAT further defined the right to association in Judgment No. 911, specifically describing the responsibility of management to work with staff associations in a constructive spirit to facilitate good relations between parties:

“In Judgment 496 and others the Tribunal held that the executive head of an organization does enjoy some degree of discretion and in exercising it is immune to judicial review. Thus the Tribunal will not entertain any claim from the Staff Association arising out of the alleged breach of an agreement with the Organization for the supply of facilities. Actually in this case the print run is granted, not under any express agreement, but by custom and usage. That is immaterial: the issue is not a legal concept but whether the Organization was guilty of an actionable breach of freedom of association.

The grant of facilities to a staff association is not a privilege the Organization may withdraw as it pleases. The reason why it grants them is not just goodness of heart but its own broad interest in having the association perform its responsibilities fully and efficiently. Thus it is the Organization’s own interest that decrees the grant of facilities and, conversely, they may not be withdrawn entirely or in part unless that interest so requires. Such are the principles the Tribunal applied in Judgment 496 and others and will apply to this case”.

The ILOAT also recognizes that the staff representatives have considerable freedom of action, expression and criticism, which is a broad entitlement and any action that wrongfully impairs it, is inadmissible, holding in its Judgment No. 87 (at consideration 2) the following:

“Without it being necessary to consider what the complainant’s position would have been as a mere staff member, it may be observed that in his capacity of staff representative Mr. Di Giulomaria had responsibilities but also enjoyed special rights, such as a considerable freedom of action and expression and the right to criticise the Staff [...]”

9 UNDT Order No. 83 (NY/2011) at consid. 22; see also UNDT Judgment No. UNDT/2013/110 at consid. 27-35.
10 See for example UNDT Order No. 83 (NY/2011) at consid. 23; UNDT Judgment No. UNDT/2013/110 at consid. 51; UNDT Order No. 36 (NY/2011).
Council and even, to some extent, the FAO authorities; he also had special obligations, such as the obligation to act solely in defence of the interests of the staff and the strict duty not to abuse these rights by using methods or expressions incompatible with the decorum appropriate both to his status as a civil servant and to the functions entrusted to him by his colleagues”.

On a similar matter, ILOAT further held in the Judgment No. 2227 that:

“[…]

"the general issue raised by the complaint is most important, since it concerns the degree of freedom of speech to which bodies representing staff in international organisations are entitled. On this point, the Tribunal recalled, in Judgment 911 delivered on 30 June 1988, that a staff association enjoys broad freedom of speech and the right to take to task the administration of the organisation whose employees it represents, but that like any other freedom such freedom has its bounds. Thus any action that impairs the dignity of the international civil service, and likewise gross abuse of freedom of speech, are inadmissible."

From the jurisprudence of the tribunals cited above it is clear that the tribunals regard the right of freedom to associate as of significant importance, and their decisions considerably contributed to the development of this area of the law that, in fact, supplements the written law, especially where the Staff Rules and Regulations of the UN and other international organizations have nearly substantial provisions on the right to associate and organize.

The legality of strike/work stoppage

The right to strike and work stoppage is not provided for by any express proviso in the UN SRIR, nor does the UNDT and UNAT expressly pronounce on the legality of a strike. However, as mentioned earlier, the right to strike derives from the principle of freedom to organize and freedom of association as a general principle of law, which is also confirmed by the international administrative tribunals.

In paragraph 523 of the Freedom of Association - Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO (2006) it is clearly stated that:

“The right to strike is an intrinsic corollary to the right to organize protected by Convention No. 87”.

Given the above, the right to strike is inevitably connected not only with the right to organize and associate, but most importantly, it is an inherent paradigm of the freedom to speech, freedom of action and the right to criticize an administration in order to defend the interests of the staff.

In addition, the digest in paragraph 520 stresses the importance of strike as a fundamental right of workers and of their organizations, and recognizes it in paragraph 521 as legitimate means of defending their economic and social interests.

Moreover, the fact that the UN Tribunals did not expressly rule or pronounce on the legality or illegality of strike, does not mean that this particular right is not recognized by the said bodies. As a matter of fact, it is quite the opposite; UNDT and UNAT on many occasions concluded that they were aware of the fact that staff members have resorted to strikes and work stoppage as a means of putting pressure on an administration, and that such conduct per se was not considered by the Tribunals as inadmissible or actionable. The cases where the Tribunals had to comment on the matter in question were usually related to the consequences of a strike or work stoppage, namely inadmissibility or unlawfulness of pay deductions, imposition of disciplinary sanctions or contract termination.

The foregoing clearly illustrates that a strike is lawful and it is a well recognized right of an international civil servant, as confirmed by international administrative tribunals, including ILOAT, which affirmed, the following:

“As a matter of principle a strike is lawful. It does not break the contract of employment or the administrative link between an […]"
organisation and its staff. The employee continues to be a member of the staff and the only provisions of the staff regulations to be suspended are those which are incompatible with the work stoppage. Salary is withheld by virtue of a provision in the regulations, the requirement of payment for services rendered, and any provision which is not incompatible with the existence of a strike remains in force." 11

“In the circumstances, if it were a work stoppage not involving unlawful actions, the question arises as to whether the Agency could, in view of the provisions of Article 11 of the Staff Regulations whereby an official is bound to ensure the continuity of the service and must not cease to exercise his functions without previous authorisation, deem participation in the collective action by the officials in question to be unlawful. Without overlooking the fact that a strike will necessarily affect continuity of service, the Tribunal considers that, if the answer to that question were yes, it would in practice deprive of all substance the exercise of a right, the existence of which the Agency does not deny and which, according to case law, is lawful in principle (see, for instance, Judgment 2342 of the Tribunal). To make the exercise of that right conditional on obtaining leave of absence would clearly be incompatible with the principle itself, the necessary corollary of which is the freedom of officials to follow or not to follow a call to strike duly issued by their representative organisations. In this case, the call to a work stoppage was not in itself unlawful, even though it is true that the management was sent a strike notice only three days before the industrial action began. In the absence of specific rules in that respect, however, the short notice and the indefinite duration of the strike were not sufficient to render the collective action in which the complainants took part unlawful”. 12

Sanctions and deduction from pay in case of legal strike

From the above ILOAT cited cases, and the UNDT and UNAT jurisprudence it clearly appears that it is unlawful to impose sanctions, i.e., termination of the contract of employment or imposition of other disciplinary measures as penalties for strike or work stoppage by a staff member.

UNAT clearly affirmed that such absence from work cannot be treated and cannot constitute an abandonment of post which would justify separation from service, and that Staff Rules and Regulations dealing with disciplinary measures are not applicable in such circumstances. 13

The fact that an administration cannot impose certain penalties, i.e., disciplinary measures or contract termination on staff engaged in a strike as mentioned above, does not mean that it cannot resort to other available measures.

It is well established that international organizations are entitled to deduct payments due from the emoluments of staff members who engage in a strike or work stoppage, which also falls under the general principle of law that salary should be generally paid for services rendered. The deductions can be only made in accordance with the applicable written law of an organization.

UNAT has supported this view of the law and stated that:

“The unauthorized absence from work or attendance at the place of work while failing to perform duties removes the basis for payment of salary. As a result, the staff member loses his right to payment of his salary. However, his presence at his place of work and the objective of the work stoppage distinguish this situation from that of abandonment of his post which, according to the Tribunal’s jurisprudence (Judgment No. 220. Hilair). amounts to an admission of separation from service”. 15

It is important to underline that even though an organization has the right to impose the said measure, it cannot act arbitrarily, in a discriminatory manner or treat staff unequally. Although an administration has certain discretion over this matter, it must be exercised judiciously, carefully and with a sense of accountability.” 16

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12 ILOAT Judgment No. 615, at consid. 6.
13 ILOAT Judgment No. 2493, at consid. 11.
15 Ibid.
16 UNDT Order No. 197 (NBI/2014) at consid. 31
Conclusion

From the foregoing analysis it clearly appears that a strike and a work stoppage by UN staff members, as international civil servants, as a matter of principle, are lawful and are an intrinsic corollary to the principle of the right to organize and therefore the right of association.

Undoubtedly, the right to strike and associate are well recognized general principles of law promulgated in international law, the written law of international organizations as well as confirmed by the UN Tribunals.

There is nothing in the cited law or jurisprudence that forbids a staff member from engaging in a legal strike. However, in such circumstances one should take into account the fact that an organization can protect itself by deducting certain amounts from the salary of striking staff for services not rendered.
WHY PERFORMANCE APPRAISAL IS NEEDED IN INTERNATIONAL ORGANIZATIONS

It is crucial in today’s performance driven world that international organizations are able to prove themselves effective, efficient, relevant, and fit for purpose. These are gauged based on timely delivery of results, with underperformance absolutely expected to be addressed. However, an organization can achieve the above only if the rank and file of staff themselves meet their own work objectives and deadlines. This necessitates the importance of timely performance trickling down to the individual staff level through performance appraisal. The evaluation consists of an appraisal interview, which is often based on a standardized form, followed by a written evaluation report. It allows for a set time to pause and evaluate before moving on to the next performance cycle, often taking place in an official manner three times a year. If both sides are unable to work together to improve performance without official action, the next two steps would be creation of a Performance Improvement Plan (PIP), and action by management. These actions could include anything from withholding of within-grade wage increase, non-renewal of a contract, or termination of the appointment for unsatisfactory performance.

WHAT IS A PIP?

A PIP is a disciplinary path meant for those who are underperforming. A structured and agreed upon PIP provides a mechanism for a staff member to clearly demonstrate improvement in performance. With the idea behind the PIP being that the formal paperwork will facilitate discussion to definitively clarify what needs to be done in order to improve.

A PIP with clear and measurable objectives creates a roadmap to improvement. By going a step beyond conversation there is documentation of both poor performance and the steps to improve. This ensures staff are given the tools they need to reach the goals set by managers. By working together to diagnose the potential cause of the performance issue, management and staff can agree on what would constitute improvement and work for the benefit of both parties. Poor performance often stems from issues of motivation, environment, and lack of knowledge or skill. With collaboration, these issues can be identified and dealt with in a meaningful manner.

HOW CAN MANAGEMENT ENSURE FAIRNESS?

There are methods that management must utilize to ensure the appraisal process is fair and just. A manager may avoid bringing staff through PIP by setting clear goals and expectations with regular and frequent feedback. The use of this continuous or process feedback is significantly more useful for making changes than outcome based feedback, which provides a final evaluation only once work is completed. An effective format for this is an open discussion with a focus on facts and documented examples of poor performance. This form of discussion allows one to ensure that staff understand expectations as well. In this more consistent approach of performance appraisal, staff are recognized for successful performance and any underperformance is better addressed in a fair and equitable way. Having conversations such as these help ensure that things do not end up at the PIP stage unless they have to.

HOW CAN STAFF GET THE MOST OUT OF PERFORMANCE APPRAISAL?

Performance appraisal is not, in itself, a bad thing. It is a tool which staff can use to their advantage if they know how. Staff should be active in discussions, avoid defensiveness, and be open for everyone has room to improve. Staff can ask for clarification if they do not understand, and state any concerns with the timeline or doubts about their ability to meet performance goals. One must offer suggestions and be willing to compromise. If one feels ill-prepared to meet a goal or accomplish a task, one can ask about additional training or resources. By working together with management to solve performance issues before they become a major problem, one could avoid the PIP stage altogether.
Jurisprudence on PIP and the right to representation

No performance appraisal system is flawless, and staff should be able to fight performance appraisals which they deem unfair. In most international organizations, a staff member may request a rebuttal of his/her performance rating within some days before finalization of the document, the final version of which becomes a permanent part of that staff member’s employment record. If rebuttal does not work, staff should also be able to appeal the contested performance appraisal or PIP through an organization’s internal justice system.

There are many cases which have been brought before the International Labour Organization Administrative Tribunal (ILOAT) in regards to the performance appraisal and PIP system. ILOAT has ruled consistently that there must be clear deadlines for improvement as well as fair methods of measurement (Judgments Nos. 2414 and 3206). ILOAT has also held that objectives by which a PIP is set out must be agreed to be attainable by both the manager and the staff member (Judgment N° 3282).

As a PIP is a formal agreement with consequences if milestones are not met, it is important that staff understand fully what they agree to. Throughout the western world, union representatives may be present at PIP (or equivalent) sessions. In the United Kingdom, the Employment Relations Act of 1999 (Chapter 26 Section 10) specifically states that a worker invited by his employer to attend a disciplinary hearing must be permitted to be accompanied by a companion. In the United States, a 1975 Supreme Court case (420 U.S. 251) established Weingarten Rights for all employees represented by unions. This right states that one is entitled to have a union representation when management calls a disciplinary meeting. This is described as any meeting where management questions an employee and s/he has reasonable belief that s/he will be disciplined or fired.

The Take Away Message

Achievement of individual staff objectives is necessary for international organizations to fulfill their mandates and continue to be fit for purpose. Performance appraisals are here to stay. Therefore, it is fundamental to understand the standard by which your performance is being gauged. However, if called in for a PIP discussion to address underperformance, be aware that you are traversing a disciplinary path. Know your rights and go prepared. Be certain that you understand fully the objectives, actions points, and timelines set and that you can feasibly achieve all those deliverables within the deadline agreed to. Ask for time to consult a trusted colleague or staff representative before signing a PIP document. Or if necessary, boldly insist on bringing with you a trusted colleague or staff representative during a PIP discussion.

Gemma Vestal, WHO staff who is currently serving as General Secretary of the Federation of International Civil Servants’ Associations (FICSA).

Lucas Sensius, FICSA intern

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CONSTRUCTIVE DISMISSAL: WOULD YOU KNOW IF YOUR JOB IS IN DANGER OF BEING ABOLISHED?

As the saying goes, the best defence is a good offence. This is especially true when it comes to the painful process of losing a job. You can be proactive, however, rather than bravely heading down the road to re-employment. Before losing a job, you can affirmatively and actively take steps to make sure no injustice befalls you in the first place. You can be empowered to notice a possible job loss before it even happens, as long as you know which warning signs to keep an eye on.

This article aims to introduce staff to one sort of job loss: constructive dismissal. By understanding constructive dismissal, staff can anticipate early warning signs and maintain grounds to fight any injustice before it culminates in unlawful or unjust dismissal.

According to trends observed at the International Labour Organization Administrative Tribunal (ILOAT), where a number of aggrieved international civil servants appeal their labour-related cases, staff are increasingly fighting against their dismissals and seeking compensation and recourse through the process of legal appeals. But early action is a primary tool to have in your arsenal. In this context, it is not only because early action may avoid job loss altogether, but also because it spares the tolls of after-the-fact recourse. After all, legal proceedings are financially burdensome as well as psychologically and personally demanding, and constructive dismissal cases are rarely won.

What is constructive dismissal?
This article addresses two types of constructive dismissal:

The first type involves a manager slowly, over time, stripping a staff member of the tasks and responsibilities within their post description, under various pretexts. This means that “an organisation engages in conduct such as to indicate that it no longer considers itself bound by the fundamental terms of the employment contract.” Ultimately, the staff member is devoid of responsibilities. This is used as a justification to not extend or renew a contract. As such, the manager’s actions effectively lead to unlawful abolition of the post.

The second type of constructive dismissal often involves harassment, or in other words “a situation where a manager makes working so miserable” and “fundamentally changes the working conditions or terms of employment” such that the staff member is left with little or no choice but to resign. In this case, the staff member is legally entitled to be treated as if the manager had terminated their post.

Warning sign: disappearing responsibilities from your post description

Within a post description, staff are assigned responsibilities, duties, and tasks that they must complete under the terms of their contracts. But consider a manager who wishes to terminate a staff member’s fixed-term or continuing contract. This manager might slowly remove responsibilities from the staff member’s post description, sometimes by reassigning them to other staff in the team or otherwise reorganizing the distribution of work. Eventually, in time, the staff member’s post description becomes outdated and drained of responsibility. The manager then notifies the staff member that the post is going to be abolished, sometimes with the pretext of programmatic and/or financial reasons. A staff member is thus “constructively dismissed.” The moral is, be wary of disappearing responsibilities in your post description. Don’t gloat and say, “…the less things for me to do!” Know your rights. A binding decision passed down by the ILOAT has written, “…an international organization has a duty to warn the staff member about the non-renewal of his contract long enough in advance to enable him to exercise his rights and take whatever steps he saw fit.”

Warning sign: harassment

Sometimes, the loss of responsibilities and tasks and ensuing instability are in-and-of-themselves forms of harassment. Worse, constructive dismissal in international organizations can be brought about through direct harassment, without loss of responsibility. Harassment makes working conditions unbearable, and the staff member tenders their own resignation. The moral is, do not accept any form [...]
of harassment. Notify informal resolution resources such as the Office of the Ombudsman, Staff Association, or Human Resources Management. As the ILOAT has stated, “Harassment, which goes unchecked, is a breach of those fundamental principles requiring an organisation to treat its staff members with dignity, to observe the principle of equality and to provide a safe and secure workplace.”

**Exercise your rights against illegality**

According to the ILOAT Judgment No 2967 (at Consideration 9), constructive dismissal is a manager’s way of indicating that they no longer believe themselves to be bound by their contractual obligations. But failure to observe contractual obligations is nothing short of breach of contract, and is unlawful. Managers using this tactic of constructive dismissal are subject to all of the consequences that stem from illegality – even if the end result is not full dismissal, but only reassignment.

**Be proactive and take early action against constructive dismissal**

If signs of constructive dismissal are caught, staff can exercise their rights and take proactive, early action to avoid job loss with dialogue.

The initiation of dialogue should happen at the earliest warning signs. Such timelines require staff to play an active role in managing their own careers, and to gauge the interpersonal dynamics in their working environments. People do not exist in a vacuum, but in relation to others. Only by monitoring any changes in the way you operate with others can you perceive changes in your manager’s behaviours and actions. Perhaps a manager may be exhibiting warning signs of constructive dismissal because you are not delivering up to expectations. Perhaps your understanding of a deliverable does not match your manager’s expectation of it. Perhaps a manager may be reassigning your responsibilities because of your lack of visible enthusiasm. By perceiving such subtleties, you can be proactive and change any negative road that your employment prospects are heading down, before it is too late. You can initiate dialogue and exhibit a willingness to learn and grow – even in an environment where a manager does not always provide clear information. In this way, proactivity is an early action that might avoid constructive dismissal.

Conversations that are uncomfortable are often avoided, but a dialogue (a collaborative conversation in which two or more people work together for common understanding, as opposed to a debate) might re-engage mutual respect or even save one’s future employment prospects. Staff might consider approaching their managers with something along the lines of, “I sense that there are matters we should discuss. If now is not the time, I can be ready whenever you are.” When people feel that we are being judged or attacked, one of three kinds of defensive reactions takes over: fight, flight, or freeze. While there is no single guaranteed conversation-starter, the above suggestion avoids placing blame and might ultimately help a floundering manager approach and discuss the heart of the reason for the impending constructive dismissal.

Utilising informal resolution resources such as the Ombudsman, Staff Association, or a Human Resources officer is a particularly essential course of action which complements any dialogue involving harassment. However, no matter the warning sign, staff are always encouraged to utilise their informal resolution resources when support is desired, and the earlier the better.

**The take-away message**

With an understanding of the warning signs of constructive dismissal, and now armed with early solutions, you are urged to be proactive. Initiate early, informal dialogue. Otherwise, recourse is left to legal mechanisms of justice, and staff have the high burden of proving a manager’s ill will, malice, or bad faith. This is not easy to do. So, with this warning, be empowered. Do not fight fire with fire. Pull the alarm when you see smoke.

Gemma Vestal
Sabeena Bali-Dingra

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LE CENTRE D’URGENCES DE LA COLLINE

En étant membre du Réseau Urgences Genève (SUG) depuis 2012, le centre d’urgences applique les conditions du réseau fassant de celui-ci le garant d’une qualité médicale et d’une prise en charge optimale. Parmi ces conditions, l’application de l’Echelle Suisse de 316® et de protocoles validés de prise en charge, la mise à disposition rapide des spécialistes médicaux et la formation des médecins et infirmières à la médecine d’urgence.

Interview du responsable du service des urgences Dr. Ahmed Elamy

A qui est destiné ce service d’urgences ?

A tout le monde. Nous sommes au service de la population, pour répondre rapidement aux cas d’urgence, quelle que soit l’assurance du patient et dans un temps d’attente minimal.

En téléchargeant l’application SmartIU, vous vous tenez informé de l’état actuel des temps d’attente aux centres d’urgences de Genève.

Médicalement parlant, le large plateau médical et technique que possède la clinique, permet au centre de traiter la plupart des urgences médicales et chirurgicales et de garantir un accès rapide aux spécialistes. De plus, suivant les cas et en discussion avec votre médecin des urgences, une hospitalisation en clinique peut être décidée.

Comment se passe la prise en charge d’une urgence ?

Lorsqu’un patient arrive aux urgences de la Colline, par ses propres moyens ou avec une ambulance (accès réservé devant le centre), une infirmière effectue un tri en fonction du degré de gravité du cas. Ensuite, le patient est installé dans une salle de consultation où il sera pris en charge par une équipe expérimentée de médecins et infirmières formés aux situations d’urgence.

Pour des cas de traumatologie, nous appliquons un processus « Fast-Track » qui consiste à emmener le blessé en radiologie, dès son arrivée aux urgences. Ce processus permet un gain de temps non négligeable lors de la consultation avec le médecin.

EN CAS D’URGENCE, NOUS VOUS DEVONS PLUS QUE DES SOINS.

CENTRE D’URGENCES 022 702 21 44
www.hirslanden.ch/lacolline

L’EXPERTISE EN TOUTE CONFIANCE.
THE BENEFITS TO INTERNATIONAL ORGANIZATIONS OF PROVIDING STRESS-MANAGEMENT TOOLS

The problem of stress in the workplace

Today, professionals live fast-paced lives, glued to their smartphones and tablets while in an onslaught of meetings and consultations. Due to globalization, jobs require attention 24-7 because people work across all time zones.

According to the World Health Organization (WHO) Programme of Occupational Health’s publication Work Pressure & Stress, pressure is unavoidable in the contemporary workplace. Pressure may help keep staff alert, motivated, and able to work – until it becomes excessive. Then, pressure evolves into detrimental, unhealthy stress. The most stressful type of workplace is one where there is little opportunity to exercise control, lack of support amongst coworkers, and a poor match between demands and values with staff's capabilities and knowledge.

Indeed, Maslach et al’s article Job Burnout finds that there is a high prevalence of professional stress syndrome or “burnout” in both developed and developing countries. In fact, 53% of people in the global workforce feel closer to burning out now than they did five years ago, according to a 2015 Regus Group survey of 22,000 business people in over 100 countries.

Perhaps the modern world is one of the culprits of such high prevalence of stress. The International Labour Organization (ILO) cites this rise in stress in the workplace in Europe and elsewhere as: “information overload, intensification of work and time pressure, high demands on work-related travel, being constantly ‘on call’ due to mobile phone technology, and the worry of losing one’s job.”

The organizational duty towards a healthy and respectful workplace

International organizations have a duty, of course, to fulfill their mandates. But they also have a duty to their staff as well: to maintain and promote a healthy and respectful workplace. While it may seem that there is tension between these two duties, it is fitting for international organizations to balance them. Maintaining and promoting a healthy and respectful workplace helps staff perform optimally, so that in turn, they can better serve the institutional mandate. To this end, international organizations need more than managers – they need managers who are leaders, for it takes visionary leadership to recognize and then achieve this balance.

What is a healthy and respectful workplace? A universal strategy for a healthy workplace integrates a broad range of health issues, including mental health and well-being, hygiene and sanitation, physical activity, occupational health, and nutrition and foods safety – all essential elements to a healthy workplace. Furthermore, a respectful workplace is one that encourages trust, responsibility, accountability, mutual respect, and open communication, and the diversity of individuals.

The benefits to international organizations of ensuring a healthy and respectful workplace

International organizations reap benefits when they balance the fulfillment of their mandate with the promotion of a healthy and respectful workplace for staff. In 2011, WHO Healthy Workplaces: A model for action listed the myriad organizational benefits of a healthy workplace:

- A well-managed health and safety programme
- A positive and caring image
- Improved staff morale
- Increased productivity
- Reduced staff turnover
- Reduced absenteeism
- Reduced health care and insurance costs
- Reduced risk of litigation and fines

International organizations cannot, in fact, afford not to alleviate workplace stress. To put the costs of stress in economic terms, three business professors at Stanford and Harvard Universities in 2015 analyzed the relationship between workplace stressors.
mortality and health costs in the United States. They found that workplace stress contributed to an additional healthcare expenditure of up to 190 billion US dollars. And in Europe, in a literature review released by the European Agency for Safety and Health at Work in 2013, the financial costs of work-related depression in Europe are estimated to be up to 617 billion euros.

There is no doubt that well-being is absolutely indispensable, whereas, stress in the workplace has dire physical, mental, emotional, and economic consequences. So why are modern workplaces so slow to offer tools and services that can help their staff manage stressors and therefore improve their health and performance?

Organizational solutions to manage pressure and stress in the workplace

When the phrase “stress” originated, it was defined as external pressure. As researchers further examined people under stress, they observed that people have different responses to the same external pressures. Some survive or are even motivated in the face of pressure, while others collapse into stress. It would seem, then, that stress may be defined not as external pressure, but as an internal physiological and attitudinal response to pressure that can be self-regulated.

This is good news for international organizations, because it means they can provide trainings and offer opportunities that empower staff to cultivate resilience and increase mental, emotional and physical capacity in the face of pressure, before it surmounts to unhealthy stress. Part and parcel to the provision of a healthy and respectful workplace, international organizations should at a minimum offer two ways for staff to take charge of their well-being: resilience training and physical activity.

First, resilience training is a strategy which operates on the following basic assumptions. Just like a battery, our body has a reserve of energy. This energy is not just physical, but also mental and emotional. When a person’s inner energy is fully charged, they have high resilience and can meet outer pressure with more ease and less stress. People who do not have resilience literacy find themselves unable to prepare for, recover from, and adapt in the face of stressors. They are less likely to remain calm or think clearly in the face of adversity or challenges, such as, interpersonal conflict. Ordinary challenges will act as stressors, draining their inner energy so that they are not at their best when confronted with tough situations. This can have a negative effect on staff’s health, productivity, and performance. It can also affect the people in their social circles such as coworkers, friends and family. The economic cost of low resilience is much higher than the costs of investing in interventions that could improve staff’s skills in managing stress.

In a study of 38 participants with hypertension, HeartMath Institute’s workplace stress reduction intervention resulted in decreased blood pressure. Such findings imply that providing workshops and tools for managing stress positively influences the physical and emotional health of staff. This finding is poignant in light of a Journal of the American Medical Association study showing that “workplace stress is as bad for your heart as smoking and high cholesterol.”

Second, exemplary in respect to promoting physical activity has been the WHO Walk the Talk – the new healthy workplace initiative for staff. It reflects the commitment of the Organization to embody the very health advice it provides to the world. WHO Walk the Talk endorses several behavioral and well-being practices: using the stairs, standing rather than sitting, offering assorted lunchtime and after-work exercise classes, walking meetings, and monthly running or walking lunchtimes by way of the “away from your desk and into nature” initiative. These practices contribute to a healthy, supportive, and safe working environment – and therefore mitigate workplace stress.
Conclusion

Today’s high-speed work culture is quickly spreading to all parts of the world. The causes of stress differ for each work environment and affect staff differently. International organizations have the responsibility to create a healthy and respectful workplaces where their staff can perform at the optimum level. And staff should be given their own autonomous solutions to stress as well. Without the skills to meet modern pressures, the effects of stress are not only harmful to an international organization’s productivity and performance, but also crippling to a person’s physical, emotional, and mental health. Helping their staff build resilience and gain physical activity should be a priority for all international organizations because it is vital to both staff and the organization itself.

Gemma Vestal, A Vice-President of the WHO HQ Staff Association.
Harshita Jain, Interns at WHO.
Sheva Carr, CEO of FYERA!, and HeartAmbassadors, Co-Vice President of Pathways To Peace.
Robert Browning, Director, HeartMath Healthcare, Co-Vice President of Pathways to Peace.
Sabeena Bali-Dingra, Interns at WHO.
The ILOAT exceptionally delivered four judgments on 30 November 2016 in a special session for its 123rd Session – the balance of cases will be delivered on Wednesday 8 February 2017. In Judgment No. 3750, the Tribunal considered the enforceability of a separation agreement and whether it was procured by duress on the staff member. In March 2012, the Global Fund (GF) advised the staff member that she could stay with the GF if she successfully completed a performance improvement plan (PIP); alternatively, she could sign a separation agreement. The staff member requested a copy of her performance appraisal report for 2011 but it was not provided to her; nevertheless the administration advised that her performance was unsatisfactory. In May 2012, she decided to sign the separation agreement containing a clause providing that she agreed not to file any appeals concerning her employment. She did in fact file an appeal seeking reinstatement and damages.

The Appeals Board recommended that the appeal be dismissed since there was no evidence of duress and the waiver of appeals clause was enforceable.

In the Tribunal appeal, the GF stated that the reasons for the agreement (and termination) were not performance-based but inability to adapt to a new organizational environment. The Tribunal found this to be contrary to the several emails sent to the staff member at the relevant time which cited performance issues. According to the Tribunal by “leading the complainant to believe that she had underperformed, the Global Fund abused its authority and put the complainant under unlawful pressure, which vitiated her consent in signing the separation agreement.”

The Tribunal ordered reinstatement within one month of delivery of its judgment, and back pay in the amount the staff member would have earned if she had remained employed to date of reinstatement, and 20% interest on the latter amounts if they were not paid within the month and reinstatement effected.

Laurence Fauth, representing International Civil Servants, Since 2002
DISABILITY BENEFITS FOR SERVICE-INCURRED INJURIES OR ILLNESSES ARE PAYABLE FOR SO LONG AS THE DISABILITY CONTINUES

I am pleased to report on a successful appeal of a client who challenged the IAEA’s decision to pay service-incurred disability benefits for loss of earning capacity until she reached the Agency’s retirement age, i.e., age 60, instead of for life.

In Judgment 3734, the ILOAT relied on the well settled principle of statutory interpretation to decide that the payment of compensation for the loss of earning capacity due to a service-incurred illness or injury can continue beyond the normal retirement age. The Complainant is a former staff member of the IAEA, who has been receiving a disability pension benefit from the United Nations Joint Staff Pension Fund since her separation from the Agency in August 2013 or four years before she would have reached the normal retirement age. In May 2013, the Director General decided upon recommendation by the Joint Advisory Board on Compensation Claims (JABCC) that the staff member would receive monthly compensation for the loss of earning capacity under Article 20 of Appendix D to the Staff Regulations and Staff Rules – which supplement the benefits paid by the pension fund where the illness is service-incurred – from the date of her separation from the organization until she would reach her normal retirement age, i.e. 60. The Director General confirmed the decision and waived the JAB jurisdiction so the Complainant could file a complaint directly with the ILOAT. We considered that the rules were plain that the benefits are payable for life.

Therefore, at the core of the complaint was the interpretation of Article 20(a) of Appendix D to the Staff Regulations and Staff Rules, which reads: “In a case where the loss of earning capacity is determined to be total: (a) An official shall be entitled, as from the date on which payment ceases under Article 17(a), whether or not he/she is thereafter separated from service, and for so long as the disability continues, to annual compensation equal to two-thirds of his/her final average remuneration. This annual compensation shall not amount to less than the midpoint of the regular General Service net salary scale then applicable at the duty station of the official. It shall, however, not exceed the maximum established in Article 8(b).”

The IAEA’s decision to discontinue the staff member’s payment of the compensation was based on the interpretation of the words “loss of earning capacity” in Article 20(a). The IAEA claimed that, taking into account the objectives of Appendix D, the phrase “loss of earning capacity” implies that the provision is no longer relevant after a staff member reaches his or her retirement age. The Agency further claimed that its decision was consistent with its established practice.

The Tribunal rejected the Agency’s interpretation of Article 20(a) and reaffirmed the principles of statutory interpretation. According to well settled case law, words are to be given their obvious and ordinary meaning and any ambiguity should be construed in favor of the staff member, not the organization. The Tribunal also rejected the isolated interpretation of one phrase of the provision.

Article 20(a) stipulates that the entitlement to the compensation for loss of earning capacity remains “for so long as the disability continues”. As the obvious and ordinary meaning of this provision is unambiguous, an interpretation of the provision can only lead to the conclusion that the duration of a staff member’s entitlement to compensation is solely dependent on the presence of the disability. Therefore the compensation of the staff member can continue after she reaches her retirement age, for so long as the disability continues.

The Tribunal further pointed out that the provision would have explicitly ordered termination of the payment of the compensation if that would have been the intention of the drafters of the provision.

In regard to the claim of the Agency that the decision was in accordance with its established practice, the Tribunal referred to Judgment 2702, which reiterates that the party seeking to rely on an established practice bears the onus of proving the substance of the established practice. Not only had the Agency not provided any proof to its claim, the Tribunal also pointed out that the practice would have contradicted a statutory provision and therefore could not be legally binding.

As the Director General’s decision was based on an erroneous interpretation of Article 20(a), the Tribunal set aside the decision and ordered the payment of 7,000 euros for moral damages and 4,000 euros for costs.

Laurence Fauth, representing International Civil Servants, Since 2002
An international civil servant’s life has got to be the most exciting you could possibly enjoy.

• If you have never experienced the uncertainties surrounding the renewal of your thirty-seventh short-term contract,
• If you have never had to wait for three months to receive an advance on your overdue salaries from the previous assignments because Big Brother had lost your file,
• If you have never been commanded to abandon home and family overnight to join a humanitarian operation in the middle of a hellish civil war,
• If you have never flown vintage DC 3 on improbable airlines,
• If you have never been bounced from useless workshops to absurd trainings, conducted by stratospheric consultants who could not tell the U.N. from the Rotary club,
• If you have not had to attend six diplomatic cocktails a week and been treated for cirrhosis thereafter.

If you have never gone through these « de rigueur » ordeals… Then you are not a full-fledged international civil servant!

Last but not least, there is the piddling issue of money. Since you belong to the « new generation » of international civil servants, you don’t have a proper FT contract. Instead you have been endowed with an ALD, or more likely a SSA or a consultant of sorts arrangement, with a take-home pay that bears little relation to the Noblemaire principle.

There you are, then, in the middle of Bechuanaland or Khalkachnikovistan, with a family at home to provide for and a daughter at McGill’s who requires tuition fees, boarding costs, sustenance money and assorted sundries. You also have a few recurring payments to meet in your home country, and even a mortgage, if you have been smart enough to fool your banker with your prestigious U.N. status. On top of that, add worries about personal insurances, and the prospect of not having a pension in your old age, since your exotic contracts are not even considered by the United Nations Pension Fund.

Have no fear! There are plenty of banking institutions that will help you for a fee and charge you for keeping your account, charge you for executing your transfer orders, charge you a negative interest rate and impose unexpected penalties at the drop of a hat. They will keep your money in one unique currency and make fortune on your exchange operations in the process. However, since they care about you, they will recommend you a long-term voluntary retirement plan that will reward you with a fifty euros a month life annuity, after you have completed twenty five years of contributions.

And then, there is AMFIE.

• Founded and managed by international civil servants and finance professionals since 1990, AMFIE operates on a cooperative basis, does not charge for keeping your account, offers above-average interest rates, keeps your money in a unique seven currencies account with the lowest possible exchange rates, executes your transactions orders free or at cost, proposes secure investment products and the possibility of investing in portfolio. All AMFIE operational are overseen by the Luxembourg Government’s Commission of Supervision of the Financial Sector.

For your old age, AMFIE proposes a long-term Provident Savings Plan towards retirement (called « PEP »), that is extremely secure, flexible and adjustable at all times to your financial circsances. This plan offers investment options with various levels of risks and returns, under the stringent oversight of the Luxembourg Commissioner of insurance. You are the one who choose at what age to retire between 60 and 70, independently from your departure from work and your benefits can be organised between different formulae. If you leave the international civil service and move on to other ventures, you can keep contributing.

All AMFIE accounts are managed through a highly secure, proprietary internet system.

Many FICSA members know and trust AMFIE. If you don’t, it is time to visit our website « amfie.org » or contact our secretariat in Luxembourg. And, you know what? AMFIE does not have an answering machine; a person will lift the phone and answer your queries!

Jean-Pierre Cébron
Member, Management Board, AMFIE
Former UN World Food Programme Representative.
La vie d’un fonctionnaire international est une des plus excitantes dont on pourrait rêver.

- Si vous n’avez jamais connu ces journées de suspense haletant à prier pour le renouvellement à la dernière minute de votre trente-septième contrat court.
- Si vous n’avez jamais dû attendre trois mois avant de recevoir une avance sur les salaires en retard de votre précédente affectation parce-que « Big brother » a perdu votre dossier.
- Si on ne vous a jamais commandé de laisser tomber la famille dans les vingt-quatre heures, pour intégrer une opération humanitaire dans une guerre civile bien sanglante.
- Si vous n’avez jamais volé sur l’Antonov préhistorique d’une compagnie aérienne douteuse.
- Si on ne vous a jamais trimbalé de séminaires inutiles en formations vaseuses, menés par des consultants amis de la DRH, qui ne voient pas la différence entre les Nations-Unies et Disneyland.
- Si vous n’avez pas eu à endurer six cocktails diplomatiques par semaine et par la suite à gérer votre cirrhose...

... Alors, si vous n’avez jamais affronté ces épreuves initiatiques, vous n’êtes pas un vrai fonctionnaire international.

Par ailleurs, il y a le menu problème financier. Puisque vous avez le privilège d’appartenir à la « nouvelle génération » de fonctionnaires internationaux, vous n’avez pas de contrat solide, I.A. ou F.T. Au mieux on vous a gratifié d’un ALD, ou plus probablement de pseudo-contrats de consultants ou de court-terme avec un salaire qui n’a plus rien à voir avec le principe de Noblémaire.

Vous voilà donc à Pétashokh, au Bechuanaland ou au Kalachnikovistan avec la famille restée au pays et qu’il faut bien entretenir et une grande fille étudiante à Mc Gills dont il faut payer les frais d’études, de logement, d’entretien et autres babioles. Vous avez aussi des mensualités diverses à assumer, et peut-être même un crédit immobilier si vous avez été assez malin pour impressionner votre banquier avec votre prestigieux statut Nations-Unies. En prime, on ajoutera les assurances personnelles et la perspective de se retrouver sans retraite au bout du chemin, puisque le Fonds de Pension des Nations-Unies ne veut pas prendre en considération vos contrats exotiques.

Mais ne vous inquiétez pas ! Il existe plein d’institutions financières qui vous dépanneront pour un certain prix et vous factureront la tenue de votre compte, vous feront payer l’exécution de vos transactions, vous rembourseront d’un intérêt négatif et vous imposerez d’ésotériques pénalités d’un claquement de doigt. Votre argent sera logé sur une seue devise et votre banquier ou votre « credit union » se goinfreront sur vos opérations de change. Cependant, vous leur tenez à coeur et ils se feront un devoir de vous recommander un plan de retraite volontaire à long-terme qui vous rapportera bien deux-cents euros par mois, dès que vous aurez atteint vingt-cinq ans de contributions.

**Mais il y a aussi l’AMFIE.**

Fondée et gérée par des fonctionnaires internationaux et des professionnels de la finance depuis 1990, l’AMFIE fonctionne sur une base coopérative, ne vous faite pas payer de tenue de compte, vous offre des taux d’intérêt au dessus de la moyenne, garde vos dépôts sur un unique compte à sept devises avec les taux de change les plus avantageux, exécute vos transactions et vos ordres de virement au tarif le plus bas ou gratuitement, propose des produits d’investissement sécurisés et la possibilité d’acheter et de vendre actions. Toutes les activités de l’AMFIE sont contrôlées par la très rigoureuse Commission de Surveillance du Secteur Financier du gouvernement du Luxembourg.

Pour vos vieux jours, AMFIE propose un plan d’épargne prévoyance à long-terme en vue de la retraite, appelé « P.E.P. », qui est hautement sécurisé et mis en œuvre en partenariat avec une compagnie d’assurances réputée. Le plan est supervisé par la Commission des Assurances du gouvernement du Luxembourg. Il est très flexible et peut être adapté à tout moment aux variations de votre situation financière. Il offre des options variables de risque et de rentabilité et vous pouvez en piloter la gestion en toute flexibilité et sans frais.

L’âge de la retraite sous ce plan peut se situer à tout moment entre soixante et soixante dix ans d’âge, indépendamment de la date à laquelle vous cessez de travailler et vos revenus à ce moment peuvent être structurés selon différentes formules. Si vous devez quitter la fonction publique internationale et passer dans le privé, vous pouvez continuer à contribuer.

Tous les comptes des sociétaires de l’AMFIE se gèrent par un réseau internet hautement sécurisé appartenant à l’association. Vous avez accès à vos comptes à tout moment et sans limitation.

Beaucoup de membres de la FICSA connaissent AMFIE et lui font confiance. Si ce n’est pas votre cas, il est temps de vous rendre sur notre site web « amfie.org » ou de contacter notre secrétariat à Luxembourg. Et puis vous savez quoi ? AMFIE n’a pas de répondeur et c’est un être humain qui décrochera et vous écouterà.

Jean-Pierre Cébron
Administrateur AMFIE
Ancien Représentant du Programme Alimentaire Mondial
10 mars 2016, Conakry


Le lancement de cette campagne de sensibilisation pour le dépistage qui s'inscrit dans le cadre de la mise en œuvre du plan de travail 2016 de la Fédération des Associations du Personnel du Systèmes des Nations Unies (FUNSA) en Guinée était en faveur du personnel et de leurs dépendants (épouses et filles). La séance a commencé par le discours de Bienvenue de Mme Lucie BEAVOGUI, Présidente de la FUNSA suivi du message de Mme Elisabeth FAURE, Représentante du PAM et Coordonnatrice Résidente par intérim du Système des Nations Unies en Guinée qui a encouragé les femmes à se faire dépister. Les participants composés en majorité de femmes, toutes Staff du SNU ont eu droit à une brillante présentation du Pr Namory KEITA sur les causes du Cancer, les moyens de prévention et la nécessité de se faire dépister à temps. Cette présentation suivie de celle de Dr FOFANA de la Clinique des Nations unies en Guinée sur les services offerts par la Clinique UN a suscité l'intérêt des participantes qui ont posé plusieurs questions portant notamment sur les risques liés au cancer et les liens entre le cancer les autres maladies.

À noter que l’activité s’est poursuivie pendant tout le mois de mars suivant le programme déterminé avec le Centre de Cancérologie de l'Hôpital Donka.
Kigali, April 28, 2017,

The One UN Rwanda family on Friday came together to commemorate the memory of fallen staff that lost their lives during the 1994 Genocide committed against the Tutsi.

The event, which took place at the UNDP Compound in the heart of the Kigali’s Central Business District, was attended by approximately 300 guests including senior government officials, representatives of National Security Organs, family members of fallen UN staff, current UN agencies’ staff, representatives of the Private Sector, CSOs and the Media.

Speaking at the event, the UN Resident Coordinator Lamin M. Manneh was moved to tears while addressing Genocide survivors in general, and surviving family members of UN staff slain during the senseless killing.

"Whenever I listen to the touching stories of the genocide survivors and look at the smiles on the faces, I admire their courage and resoluteness to overcome the legacy of the genocide, to overcome despair and contribute to the development of the country. You are our heroes."

He paid tribute to the fallen staff, saying that their memory will live on forever, and the UN family will always stand beside the families of the dearly departed.

“They left us when their Organization, their families, their country and friends still needed them. Their untimely passing away in such a tragic way was and is still a big shock to all of us. We will always remember them, their courage, their love and care, and their commitment and dedication to the work of the United Nations.”

The guest of honor at the event, Dr. Gasanabo Jean Damascene, Director General of Research and Documentation Center on Genocide, standing in for the Executive Secretary of the National Commission for the Fight against Genocide (CNLG), on his part praised the One UN Rwanda family for “indispensable assistance” rendered to the Rwandan Government as the country strives for sustainable development.

“Since those horrific 100 days, Rwanda has made incredible progress thanks also to the indispensable assistance of the UN, especially the UN Development Program. This progress is dependent on constant improvement in fields as diverse as education, healthcare, economic development, and the promotion of gender equality,” Dr. Gasanabo said.

“With this support, Rwanda has largely achieved the Millennium Development Goals and its own Vision 2020 goals, and is ready to work towards the milestones laid out by their successors, the Sustainable Development Goals and Vision 2050 goals, respectively.”

The families of the fallen staff were thereafter hosted to refreshments and given a private screening of a video produced by the UN Rwanda in order to document the lives and times of the fallen staff members, as the start of a wider project to meticulously document the history of what happened and why, in order to ensure that Genocide never again happens in Rwanda.
CSAIO – A PROGRESSIVE TOOL AT THE SERVICE OF STAFF ASSOCIATIONS OF INTERNATIONAL ORGANIZATIONS AND EUROPEAN AGENCIES

Creation, objectives and progress

CSAIO, created by the staff associations of CERN and OECD in 2000, invites about 30 staff associations to share their experiences and ideas to better identify the expectations and aspirations of a personnel evolving at the heart of international and European organizations.

Over time, the preparation of the conference has evolved to better accommodate the requests of the staff representatives coming from different horizons. For two years, there has been an initiative to institutionalize the informal follow-up, during the first half-day of the conference, of themes discussed the previous year. This follow-up allows participants to share their experience on the implementation and impacts of certain proposals as reflected in their organizations or agencies. This debriefing should soon become an integral part of the conference.

The three other half-days are reserved for specific themes introduced in the form of three to four 15-20 minute presentations, each followed by a question and answer session, allowing everyone to reflect upon the problems and proposals put forward by the speakers in relation to their respective organizations or agencies. Detailed discussions follow where all participants are encouraged to share their experience and ideas on the themes and proposals presented. Staff associations are often a powerful source of proposals and progress.

All presentations and legal analyses are available on the website of CSAIO (http://csaio.web.cern.ch), which contains all contributions dating back to the first conference held in OECD in 2000.

17th Edition in September 2016 at the Court of Justice of the European Union

The conference was organized from 22 to 23 September at the Court of Justice of the European Union (CJEU) in Luxembourg. The three main themes discussed were:

- **Leave for Family Reasons**
  On the occasion of certain family events (birth, marriage, death, etc.), the staff of international organizations may be absent for a few days up to a few months under specific conditions. These types of leave have, in many cases, seen profound transformations due to societal change. An analytic report of our respective regulations could thus be drawn up.

- **Career and Professional Development**
  Is it still possible to build a career in an international organization? The question has been debated many times as the contractual policies have changed significantly. A summary was made of the actions taken by our employers to retain their staff, focusing primarily on the proposed career development and the assistance provided in professional development.

- **International Organizations in the Digital Age**
  Much like businesses, international organizations are not oblivious to the arrival of all things digital. The rise of digital technology changes work organization drastically, and the growing number of internal collaboration tools requires the ability to adapt to change for all staff. This digital boom inevitably leads to tension between professional and private life. The experiences and solutions of monitoring the potential adverse effects of these changes were also discussed.
Follow-up on debates of the previous conference (16th CSAIO) – Jurisprudence

During the 17th edition, a novelty introduced during the previous conference on a proposal from the Scientific Committee was reintroduced in a slightly different format. Indeed, in the previous conference, legal aspects related to the three themes were included in the debates through a synthesis of the relevant jurisprudence of past two to three years.

This year, a minor modification was made in proposing a legal approach to only one of the three themes (International Organizations in the Digital Age) but with a thorough overview, making it possible to focus on relevant details.

This legal approach was carried out by Anne-Marie Thévenot-Werner, doctor at University Paris 1 Panthéon-Sorbonne, lecturer in public law, who has previously made a synthesis of the jurisprudence of several administrative tribunals, such as ILOAT (Administrative Tribunal of the International Labour Organisation), UNAT (United Nations Administrative Tribunal), ATCE (Administrative Tribunal of the Council of Europe). During the conference, at the end of the 3rd session, Anne-Marie gave a short presentation followed by questions on the potential interpretation of jurisprudence on the matter. This presentation was more detailed than in previous year and made reference to several judgements. The participants really appreciated this additional information, since they were able to get a better idea on how the judges of administrative tribunals have handled the appeals made in previous years.

Given the framework of discussions that staff associations can have with the management of their organization, it is essential to understand the legal context in order to be prepared to make solid arguments if the management wants to implement regulatory or fundamental changes that are not in line with the staff’s aspirations.

18th CSAIO in Lyon in 2017

The Scientific Committee and the organizers were delighted to see the increased participation of colleagues representing the staff of various international organizations and European agencies, much like in the European Central Bank in Frankfurt the previous year.

Indeed, more than 30 organizations were present with important participation from FICSA (Federation of International Civil Servant Association) and UN agencies with a global specificity that makes their presentations always interesting and their contributions in debates insightful. The meeting of various families of organizations is always an opportunity to compare the improvements or setbacks and acquire large amounts of information based on the experience of different participants.

In 2017, the conference will take place at the headquarters of INTERPOL in Lyon. The first circular will be sent in May to all the staff associations that participated in the conference last year. Details for the next conference can be found on the website (http://csaio.web.cern.ch/) and online registration will be available soon. The Scientific Committee would already like to warmly thank the INTERPOL Staff Committee for proposing to host and organize the upcoming conference.

J. Lahaye
CSAIO Scientific Committee
CSAIO - UN OUTIL EN MOUVEMENT
AU SERVICE DES ASSOCIATIONS
DU PERSONNEL DES ORGANISATIONS
INTERNATIONALES ET AGENCES
EUROPÉENNES

Chaque année, en automne, se déroule sur deux jours la conférence CSAIO (Conference of Staff Associations of International Organizations) ; cette conférence est réservée aux Associations du personnel des Organisations internationales, principalement basées en Europe, ainsi qu’aux Agences européennes.

Création, buts et évolutions

CSAIO, créée par les Associations du personnel du CERN et de l’OCDE en 2000, permet à une trentaine d’associations du personnel de partager leurs expériences et leurs idées afin de mieux cerner les attentes et aspirations du personnel évoluant au sein d’organismes internationaux et européens.

Au fil du temps, le déroulement de la conférence a évolué pour s’adapter aux demandes des représentants du personnel venant de différents horizons. Depuis deux ans s’est institué le suivi informel, durant la première demi-journée de la conférence, des thèmes débattus l’année précédente. Ce suivi permet de partager les mises en œuvre et impacts de certaines propositions dans les organisations ou agences respectives des orateurs. Ce débriefing devrait d’ailleurs bientôt faire partie intégrante de la conférence.

Les trois autres demi-journées sont réservées à un thème particulier, traité sous la forme de trois ou quatre présentations de 15 à 20 minutes chacune suivies de questions permettant à chacun de s’approprier les problématiques et pratiques exposées par les orateurs dans leurs organisations ou agences. Interviennent ensuite des discussions visant à partager les expériences et idées de l’ensemble des participants sur les thèmes abordés. Les Associations du personnel sont souvent force de proposition et de progrès.

L’ensemble des présentations ainsi que les analyses juridiques peuvent être consultées sur le site web CSAIO (http://csaio.web.cern.ch/), qui reprend toutes les interventions depuis la première conférence qui s’était tenue à l’OCDE en 2000.

17ième édition en septembre 2016 à la Cour de Justice de l’Union européenne

La conférence s’est déroulée les 22 et 23 septembre à Luxembourg à la Cour de Justice de l’Union européenne (CJUE). Durant ces deux jours, les trois thèmes suivants ont été abordés :

• Congés pour évènements familiaux
À l’occasion de certains événements familiaux précis (naissance, mariage, décès, etc.), le personnel des Organisations internationales peut s’absenter quelques jours, voire plusieurs mois, sous certaines conditions. Ces types de congés ont, dans bien des cas, connu de profondes transformations sous l’influence de l’évolution sociétale. Un état des lieux de nos réglementations respectives a pu ainsi être dressé.

• Carrière et développement professionnel
Est-il encore possible de faire carrière dans une organisation internationale ? La question revient souvent tant les politiques contractuelles ont changé. Le point sur les mesures prises par nos employeurs pour fidéliser leur personnel a été fait, en se concentrant notamment sur les évolutions de carrières proposées et l’aide offerte au développement professionnel.

• Organisations internationales à l’ère du tout numérique
Retour sur les débats de la précédente édition (CSAIO 16ème) – Jurisprudence

Lors de cette 17ème édition, une nouveauté introduite lors de la conférence précédente sur proposition du comité scientifique a été reconduite sous une forme légèrement différente : en effet, lors de l’édition précédente, les débats ont intégré les aspects juridiques en lien avec les trois thèmes abordés, par le biais d’une synthèse de la jurisprudence sur deux ou trois ans.

Cette année, une modification mineure est intervenue en proposant une approche juridique sur un seul des trois thèmes (les organisations internationales à l’ère du tout numérique), mais avec une synthèse approfondie permettant de se concentrer également sur des détails pertinents.

Cette approche juridique a également été menée par Mme Anne-Marie Thévenot-Werner, docteur de l’université Paris 1 Panthéon-Sorbonne, chargée d’enseignement en droit public qui a fait au préalable une synthèse de la jurisprudence de plusieurs tribunaux administratifs comme le TAOGIT (Tribunal administratif de l’Organisation internationale du Travail), le TANU (Tribunal administratif des Nations Unies), le TACE (Tribunal Administratif du Conseil de l’Europe). Durant la conférence et à la fin de la 3ème session, une courte présentation a été effectuée par Anne-Marie, suivie de questions sur l’interprétation possible de la jurisprudence en la matière. Cette présentation plus détaillée que l’année précédente a fait référence à plusieurs jugements. Ce complément d’information a été très apprécié par les participants qui ont pu ainsi se faire une idée de la façon dont les juges des Tribunaux administratifs ont traité les recours déposés les années précédentes.

Il est fondamental, dans le cadre des discussions que les Associations du personnel ont avec les administrations, de bien connaître le contexte juridique afin d’être en position d’élaborer une argumentation solide face à des administrations souhaitant mettre en œuvre des modifications réglementaires ou de principe non désirées par le personnel.

18ième édition en 2017 à Lyon

Le comité scientifique et les organisateurs se sont réjouis de la participation accrue de nos collègues représentants du personnel des diverses organisations internationales et agences européennes, comme cela a été le cas l’année dernière à la Banque centrale européenne à Francfort.

En effet, plus de 30 organisations étaient présentes avec une participation importante de la FICS et des agences Onusiennes qui apportent une spécificité mondiale rendant leurs présentations toujours intéressantes et leurs interventions pertinentes lors des débats. La rencontre des différentes familles d’organisations est toujours un moment où l’on peut comparer les avancées ou reculs et retirer quantités d’information sur la base des expériences des différents participants.

En 2017, la conférence se tiendra à INTERPOL basée à Lyon. La première circulaire sera envoyée en mai aux associations du personnel ayant participé l’année précédente. A toute fin utile, les informations complètes sont aussi disponibles sur le site web (http://csaio.web.cern.ch/) avec la possibilité de s’enregistrer pour la conférence.

Le Comité Scientifique tient déjà à remercier chaleureusement l’Association du personnel d’INTERPOL pour s’être proposée pour l’accueil et l’organisation de cette conférence à venir.

J. Lahaye
CSAIO Comité Scientifique
L’Association du personnel a décidé de se lancer dans une nouvelle aventure appelée « VICO », Visite des Collègues. Nous avons compris de notre expérience passée la valeur d’entrer personnellement et directement en contact avec les personnes que nous représentons. Nous pensons que le meilleur moyen d’y parvenir est de venir frapper à votre porte et de vous rendre une courte visite. Nous ne voulons pas vous faire remplir un nouveau questionnaire en ligne et préférons recueillir vos commentaires dans une brève conversation en tête à tête.

Nous nous sommes bien sûr préparés avec soin pour ces visites car nous ne souhaitons pas vous faire perdre votre temps. Les critiques sont les bienvenues car elles nous permettent de prendre conscience de nos lacunes, nous informent sur la manière dont vous percevez notre travail et nous aident à nous améliorer le cas échéant. Lorsque nous nous présenterons aimablement à votre bureau, nous allons donc simplement vous poser quelques questions et prendre quelques minutes de votre temps. Nous sommes toujours désireux d’entendre votre opinion sur différents sujets.

The Staff Association has decided to embark upon an adventure called “VICO”, Visiting Colleagues. From past experience, we have understood the value of personal, direct contact with the people we represent. We believe that the best way to achieve this is to knock on your office door and pay you a short visit. We do not want to make you fill in yet another online questionnaire and would much rather collect your feedback in a short conversation face to face.

Of course, we have prepared ourselves thoroughly for these visit rounds, because we do not want to waste your time. We welcome criticism because it can make us aware of our shortcomings, tell us about how you perceive our work, and help us improve when needed. So, after friendly introducing ourselves into your office and taking a brief moment of your time, we will merely ask you a few questions. We are always eager to hear your opinions on different topics.
At the beginning of June 2016, members of CERN Clubs hosted the Summer Mini Atomiades at CERN, with the support of the CERN Staff Association and in conjunction with ASCERI (Association of the Sports Communities of the European Research Institutes). ASCERI aims to contribute to a united Europe through regular sports meetings, bringing together members of European public research institutes. The members of ASCERI come from over 40 research institutes spanning 16 countries. Numerous sports and leisure activities are represented at regular events and each tournament is organised by a different research institute.

CERN Clubs, in collaboration with the CERN Staff Association, have sent teams to previous Winter and Summer Games, and last year the CERN Clubs Coordination Committee (CCC) took on the challenge of organising the Mini Atomiades in Divonne-les-Bains from Friday, 3 June to Monday, 6 June 2016.

The games are made up of four different competitions: small field football, golf, tennis and a 10 km running race. During the day, participants were busy with their sport activities and in the evening, they enjoyed a well-earned dinner, followed by entertainment courtesy of the CERN MusiClub and the CERN Jazz Club.

The Mini Atomiades also serve as a meeting point for enthusiasts of sport and culture, help strengthen ties between institutes, and create a greater sense of community and camaraderie. These interactions among colleagues also lead to improved communication, a better understanding of colleagues’ roles and more effective collaboration. This project was also a great opportunity to increase CERN’s visibility amongst the 40 research institutes. The ASCERI sports events provide an excellent possibility for team building among the members of the CERN team and with the participants of other institutes. Finally, organising the games in Divonne-les-Bains was a great way to strengthen links with the local community.

The Mini Atomiades were a great success and we would gladly host the games again, perhaps in the wintertime at one of the many ski resorts of the area.
RALLY IN GENEVA CALLING FOR THE OUSTER OF THE WIPO DG

Why would staff that does not even work for the World Intellectual Property want to protest the organization’s Director General in near-freezing temperatures?

They would do this because it is time to say that enough is enough. The DG’s behavior has been unacceptable, and staff members of various Geneva-based international organizations, including CGAS, the Geneva Community of Trade Unions, took a stand to call for his resignation. In a demonstration jointly called by FICSA and COISUA on Wednesday, 25 January at Place des Nations, these staff members stood in solidarity with colleagues at WIPO and made statements of support in the effort to oust the DG.

This protest has been a long time coming. Over the past few years, WIPO’s DG has displayed inappropriate and unacceptable conduct for someone in a position of power. Among this behavior is his dismissal of the former head of the staff council, who blew the whistle on the DG for his involvement in transferring computer equipment to North Korea and Iran. In addition, staff members have been subjected to DNA theft, interference in procurement processes, and intimidation of those who chose to speak out. The DG has also attempted to shut down the elected staff council and replace it with one that is compliant to his leadership.

Leadership is a questionable term to use when describing the role of the DG. A true leader does not use fear and intimidation as motivation for his staff. A respectful and effective workplace cannot exist under such conditions. This demonstration not only called for the ousting of WIPO’s DG, but it also served as a message that these abuses will not be tolerated by any organization, both now and in the future. After all, today it is happening to WIPO staff, but tomorrow it could be any of us.

Among the speakers at the event were Miranda Brown, former WIPO strategic advisor, and Ed Flaherty, a local Geneva lawyer handling a number of WIPO cases. Brown described being forced to leave the organization after blowing the whistle on the shipping of computers by WIPO to North Korea and Iran. Flaherty spoke about the outrage that we should all be feeling in response to what is happening. This outrage can be utilized to create change and to take action.

When staff associations work together, we can successfully remove a threat to the wellbeing of our colleagues and prevent future threats to staff members in all organizations. Let’s work together to oust the WIPO DG!

Diab El-Tabari - FICSA President.
The World Intellectual Property Organization (WIPO), a specialized agency of the United Nations headquartered in Geneva, poses increasing difficulties for the United States and for whistleblowers. The real problems became public in 2014, when the US-nominated Deputy Director General, James Pooley, submitted a Report of Misconduct to WIPO’s Internal Audit and Oversight Division. The report was startling in the chronicle of offenses alleged against Francis Gurry, WIPO’s Director General, and it was understated in its silence about the potential consequences of the actions Gurry had taken.

Around that time, Gurry began to retaliate against those he viewed as attacking him, including Pooley. That was over two years ago now. To date, the Member States have been unwilling to control Gurry, and the scale of the retaliation against whistleblowers who speak out about his misconduct ratcheted up.

Most recently, Gurry decided to replace the elected WIPO Staff Council with another Council he selected himself. The stooge-council was also elected, although numerous procedural irregularities marred the process, which the duly-elected WIPO Staff Council is currently challenging. This week, the real WIPO Staff Council members were told to vacate their premises, their administrative support was eliminated, and the Staff Council President (Chris Mason) and other members’ release from normal duties to perform Staff Council work was cancelled. Gurry’s attacks on the legitimate Staff Council began when he dismissed its President, Moncef Kateb, in 2014. This campaign escalated into a blatant dictator-style effort to replace all of them, just before Kateb was scheduled to speak to WIPO’s General Assembly about internal abuses.

The Federation of International Civil Servants’ Associations (FICSA) has written a letter to all staff association representatives in Geneva urging them not to recognize the Gurry stooge-council. Nonetheless, it has been established that Gurry has:

- Secretly shipped American high-end IT equipment to North Korea and Iran, in violation of US domestic sanctions (allegedly in exchange for these countries votes in his election), without the consent of Member States;
- Refused to allow WIPO staff-member witnesses to testify before the US Congress as Congressional committees sought to investigate these shipments. (They testified only after they had left WIPO);
- Refused to step down, even as the US Congress (House Committee on Foreign Affairs sub-committees) called for his removal from office;
- Opened WIPO external offices in China and Russia, without the approval of Member States, and without providing them with a risk assessment, which would have identified possible threats to the patent system;
- Ignored a finding by UN investigators that he was guilty of procurement corruption (in which he steered a contract to a cronny);
- Summarily dismissed the President of the WIPO Staff Association, Moncef Kateb, days before he was going to speak to Member States about Gurry’s abuse of authority;
- Harassed his Strategic Adviser Miranda Brown, forcing her to resign after disclosing to the US government the North Korea and Iran shipments and other abuses of authority;
- Retaliated against American Deputy Director General Jim Pooley for his whistleblowing and disclosure to Member States concerning Gurry’s:
  - Corruption of a procurement exercise to steer a contract to a friend;
  - Intrusive secret searches of staff members’ personal effects for the purpose of identifying “enemies”;
  - Secret shipments of American computer equipment to Iran and North Korea.
• Retaliated against the procurement whistleblower Wei Lei, subjecting him to harassment, ostracism and bogus negative performance reports (with a view to contract non-renewal);

• Retaliated against individual WIPO Staff Council members through:
  • bogus negative performance reports;
  • intimidation;
  • threats of bogus investigation; and
  • threats of contract non-renewal.

• Earned a determination by the US Secretary of State that WIPO is non-compliant with US legislation on protecting UN whistleblowers from retaliation for two consecutive years. (WIPO is the only UN agency that the Obama Administration determined had failed to meet the minimum standard for protecting whistleblowers set out in US law);

• Replaced the duly-elected WIPO Staff Council with his stooge council.

It beggars belief that Francis Gurry can get away with all this, and yet, unmistakably, he has. In October 2016, the Obama Administration’s US Ambassador in Geneva issued a statement after WIPO’s governing body decided to ignore Gurry’s corruption, retaliation and abuse of authority «For several years, allegations of wrong-doing have undermined confidence in the organization, shifted focus away from its important work, and diminished perceptions of its integrity. On repeated occasions, WIPO staff have asserted that they have been retaliated against for speaking up about perceived wrong-doing, or for expressing concerns about the organization’s leadership…

As Member States it is our collective responsibility to ensure that WIPO staff and others who participated in the recent investigation (of Gurry) and whose identities have been disclosed suffer no adverse consequences for having participated in the investigation…

We need to promote accountability and adherence to the highest ethical standards, and ensure that WIPO staff feel free to express concerns and make suggestions for improving the organization without fear of retaliation or negative consequences for their careers.»

This statement remains a rhetorical commitment and nothing more. Retaliation continues unchecked and has intensified. Gurry’s decision to replace the legitimate WIPO Staff Council with a dummy Council of his choosing is a brazen attack on whistleblowers, never mind labor rights. Despite the situation at WIPO, none of its Member States seems willing to intervene—the US, under the Obama Administration, was unwilling to act because Australian officials asked the US delegation not criticize their most senior UN official.

The US Administration and Congress must demand an end to Gurry’s impunity at WIPO. Under Francis Gurry, WIPO is non-compliant with best practice for the protection of whistleblowers, procurement processes have been corrupted and staff members have been abused. If the Director General can manipulate procurement without penalty, how can any other staff member be disciplined for doing the same thing? Moreover, Gurry has defiantly made the international patent system vulnerable to intrusion and violation by rogue governments around the world.

The new US Administration must take immediate action to:
  • protect WIPO whistleblowers and US Congressional witnesses;
  • prevent Francis Gurry from replacing the duly-elected Staff Council with his stooge council
  • call for Gurry to step down or be removed from office

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Bea Edwards
Subject: WIPO

Dear Distinguished Delegates to the UN General Assembly,

Dear UN Secretary-General,

For several years now, the staff federations of FICSIA, CCISUA and UNISERV, representing 120,000 international civil servants worldwide, have been raising serious concerns regarding staff-management relations at WIPO under the leadership of Mr. Francis Gurry.

The deterioration in relations with the WIPO Director General and his management team began with allegations that he had illegally corrupted a procurement process (which was later confirmed by the OIOS investigation findings), that he had transferred sensitive computer equipment to North Korea against US sanctions and that he had allegedly been involved in the theft of staff members’ personal effects for subsequent DNA analysis. Further details are available in the OIOS investigation report which has been published by several news agencies. A link to the report is available at: http://www.foxnews.com/world/interactive/2016/09/27/un-world-intellectual-property-organization-report.html

When a few WIPO colleagues blew the whistle on these alleged wrongdoings, retaliation was swift in coming. The Director General fired the President of the WIPO Staff Association and Staff Council, Mr. Moncef Kateb, and the Director General’s Strategic Adviser, Ms. Miranda Brown, was forced out of WIPO, even though she had tried to advise the Director General to do the right thing.

Some WIPO Member States, which are the same Member States which have seats in the UN General Assembly, raised concerns over Mr. Gurry’s actions. The United States withheld 15% of its contributions to WIPO as it found that WIPO’s whistle-blower protection policy did not meet their standards.

Sadly, and clearly for political reasons, WIPO Member States decided not to act on the findings and conclusions of the OIOS investigation report. Some of those reasons are best not shared in writing for reasons of sensitivity.

Once the WIPO Member States chose to not act on the findings of the OIOS investigation conclusions, the WIPO Director General then expeditiously retaliated against the whistle-blowers, including the WIPO Staff Association and its Staff Council.

Despite the fact that the WIPO Staff Association has been the officially recognized staff interlocutor with past and present WIPO Directors General since 1958 (see attached Office Instruction), the current WIPO Director General has decided that he will no longer respect this recognition accorded by the Organization. Instead, he has decided to apply an age-old union busting practice whereby if the current Staff Council/Association/Union does not do his bidding he conveniently creates a new one. Thus, he has created his own stand-alone management-friendly Staff Council which is not representative of and does not belong to any staff association/union or staff federation.

The relevant regulation of the WIPO Staff Regulations and Rules reads as follows: “Regulation 8.1, Staff Council: The staff shall have the right of association. The interests of the staff shall be represented before the Director General and his representative by a Staff Council elected by the staff members.”

Past and present Directors General have always viewed this Regulation to mean that the Staff Council (which is the heading of this Regulation) is elected through staff’s right of association, i.e. elected by staff who exercise their right to vote by joining the WIPO Staff Association and voting. This interpretation was upheld by the WIPO Appeals Board which found that this long-established practice fulfilled the requirement to allow all staff to vote in Staff Council elections.

Moreover, the Statutes of the WIPO Staff Association specify that the WIPO Staff Association represents all staff, regardless of whether or not they are dues-paying members.

With serious concern and alarm we must inform you that the WIPO Director General has decided that he will not abide by the Organization’s recognition of the WIPO Staff Association’s right to discuss and defend its 600 current dues-paying members in discussions with the Director General. This unilateral action on the part of the WIPO Director General denies more than 600 WIPO staff, who are current dues-paying members of the WIPO Staff Association, their right to have their interests represented by the WIPO Staff Association in discussions with the Director General.

[...]
We are horrified to learn that the WIPO Administration has informed the WIPO Staff Association of the following: 1) The WIPO Staff Association must vacate its office and meeting room; 2) The Secretary of the WIPO Staff Association will be transferred to another sector; and 3) There will no longer be any release time for staff representatives of the WIPO Staff Association.

The latest development is that WIPO Administration has removed the WIPO Staff Association’s right to publish e-mail messages to all WIPO staff, and is even insisting on receiving a list of all members of the WIPO Staff Association before ordering the Staff Association the right to send emails to its membership.

In the Joint Inspection Unit’s (JIU) report entitled “Staff-Management relations in the United Nations specialized agencies and common system”, document JIU/REP/2012/10. “The Inspector found that the attitude of the Executive Head serves as a critical factor in the success or failure of staff-management relations in an organization.” WIPO is certainly a case in point.

The former WIPO Ombudsperson wrote, in her report covering the period from 1 November 2015 through 30 April 2016, of her observations at WIPO of high levels of stress/burnout, mental health issues, sickness, presenteeism and absenteeism. She also reported general paranoia, mistrust, feelings of discrimination, environment of suspicion, environment of blaming, fear of speaking up, fear of making mistakes, job insecurity, perception of the lack of fairness in decision making, feelings of like and dislike as well as the perception of abuse of authority. The Ombudsperson “noticed that mental health issues account for almost half of all illness-related issues among WIPO staff.”

Now, however, with the WIPO Director General’s continued insistence on effectively destroying the WIPO Staff Association and replacing its Staff Council with his own, the level of fear and mistrust amongst WIPO staff has reached an all-time high.

Having read the article published on 17 April 2017 by the Government Accountability Project (GAP), which has been working to protect whistle-blowers since 1977, FICSA can confirm that the situation at WIPO is as bad as that described in the article which is available at https://www.whistleblower.org/blog/041917-gap-requests-accountability-unwipo.

The staff federations have always made efforts to diplomatically address various staff concerns by, whenever possible, creating the least possible fuss in an effort to find some mutual grounds of understanding.

In this present case, following Member States’ decisions not to act on the OIOS investigation report and its conclusions, we had expected that the issue would, although sadly, end up somewhere in the archives of the UN system, and that we would all move on while awaiting the completion of Mr. Gurry’s current term of office. However, Mr. Gurry has decided otherwise and is continuing to retaliate against the legitimate Staff Association and its Staff Council.

Therefore, we now call on the UN Secretary-General and Member States of the UN General Assembly to put an end to these retaliatory actions. Although we understand that accountability in the UN common system is sadly weak, especially when it comes to a high-ranking Executive Head, we would like to hope that the UN reform, under the current UN leadership, will correct that, and we call on the UN Secretary-General and Member States of the UN General Assembly to hold Mr. Gurry accountable for all of his actions.

Given the deplorable situation at WIPO, and in view of the upcoming CEB meeting which will be held at WIPO this week, FICSA has called upon each and every Executive Head of the international organizations to intervene in their respective capacities in a combined effort to restore the rights of more than 600 dues-paying members to be represented by, and have their interests defended by, their WIPO Staff Association before the WIPO Director General, in accordance with Office Instruction N° 17 / 1958 (dated 19 December 1958) and WIPO Staff Regulation 8.1.

The Staff Federations await your actions on this urgent and serious matter, and we remain available to provide any further clarification as may be required.

We look forward to meeting with you to discuss this dire situation.

Please accept, Sir, the assurances of our highest consideration.

Yours sincerely,

Ian Richards
President
CCISUA

Dibei A. Tabari
President
FICSA

Dimitri Samaras
President
UNISERV
In the modern world, freedom of the press is under attack as it never has been before. Crank tinpot dictators, so absurd that nobody would ever normally take them seriously, have become dangerous because they dominate the media ruthlessly, using the might of the state to suppress freedom of expression. Tyrants who act in ways so repellent to universally held principles of media freedom and liberty of expression are rightly condemned and ostracised for their disregard of one of the most shining emergent principles of the last two hundred years: a free and open media, that can hold people of power to account. Authoritarian efforts to control the free flow of media information are to be uncompromisingly condemned.

The United Nations has always respected freedom of the press, serving as a bulwark of this universal value held equally in high regard amongst all civilised nations. Article 19 of the UN’s Universal Declaration of Human Rights, one of the founding instruments of the institution, provides that “[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. In other words, free media is a fundamental tenet of the United Nations Organisation and all of its constituent member states. It has always been so.

For this reason, the United Nations Organisation has consistently supported measures designed to decriminalize freedom of expression. Acts of journalism, or other expressions of the fundamental human right to free speech, cannot possibly be sanctioned by the criminal law and the coercive forces of the state. Were such penalties to be applied to legitimate expressions of journalists’ views, the chilling effect of the use of state force would surely render the human right to free speech entirely nugatory.

Accordingly it was with some bemusement, if not sadness and anger, that I recently found myself assisting a journalist in United Nations’ second home of Geneva, in Switzerland, in a criminal complaint filed against him by the WIPO DG for reporting allegations that the latter was corrupt. The journalist was subject to criminal investigation for reporting allegations, widely spread across the media, that the Director-General in question is corrupt. Indeed these were not just allegations: a United Nations Office for Internal Oversight Services report had confirmed their veracity in substantial part. Nevertheless reporting upon affirmed conclusions of corruption now appears to be a matter for criminal investigation by the Geneva law enforcement authorities.

I would like to mention a few observations about the case to which I refer. Firstly, the UN agency and its Director General were complainants or alleged aggrieved parties. I have never in all my career heard of both an international organisation and its Chief Executive Officer filing a criminal complaint for defamation in respect of reports of accusations of corruption, before domestic authorities where it is obviously in the public interest be aired. The very notion of a criminal complaint for defamation being an anachronism to the principles and values underlying the United Nations, it is unthinkably improper that a UN agency itself, and its Director-General, initiate a domestic legal procedure so abhorrent to UN values.

Secondly, the criminal complaint was palpable nonsense in its content. Nevertheless the Swiss Ambassador had lent his name to it, himself personally sending it to the Geneva Prosecutor. It is not clear why the Swiss Ambassador participated so cosily as to the origin of the haste, just as one can only speculate as to why the Swiss Ambassador participated so cosily in its pursuit. But one possible inference might be that Mr. Gurry has close relations with the Swiss Ambassador, who might have used all his will to ensure that these complaints were not just allegations, but a warrant compelling him to attend a high-security Geneva police station used to detain the most dangerous criminals in the city, replete with burly and armed police officers. He was thereupon locked in a secure part of the police station, placed upon a plastic seat and with a view to intimidate him, so that the journalist would not dare criticise Mr. Gurry again. That might be why such a high-security police station and facility were likewise used for the journalist’s detention: raw intimidation. Were that hypothesis to be right, the Geneva system of criminal justice might not emerge appearing in an entirely positive light. [...]
The matter is vile. This was a local journalist. The allegations of corruption leveled against Mr. Gurry are all over the Internet. A number of the world’s biggest international broadcasters have reported them at length. Mr. Gurry has not sought to pursue those media outlets with criminal charges. Presumably he would not dare. One might be tempted to infer that he has no guts. Instead he pursued a small local journalist of comparatively modest means, who he might imagine that he could crush. If those were his motives, then he is despicable and arguably unfit to hold any international public office.

This is not the first time that accusations have been raised to the effect that Mr. Gurry has misused the Geneva criminal justice system, politicised because its prosecutors are political nominees with broad powers subject only to the most limited of judicial constraint, to perpetrate his own bizarre goals. After an anonymous memorandum accusing Mr. Gurry of corruption was circulated in the halls of WIPO, it is alleged that Mr. Gurry unlawfully engaged the Geneva Police to seize DNA samples of certain persons he imagined might be behind the memorandum, in order to establish whether they were participants in its authorship. All of this, it has been asserted, took place without apparent regard to the principles of inviolability of UN premises.

Criminal investigations for defamation are virtually unheard of in Switzerland. It has long been thought that these provisions of the Swiss Criminal Code are close to obsolete. It might be thought extraordinary that Mr. Gurry, through the Swiss Ambassador (the same individual in the DNA case as now), is almost uniquely able to ensure the exceptionally swift investigation of such complaints in respect of legislative provisions commonly regarded as close to dead.

There are a number of profound concerns that might arise from the foregoing narrative. Firstly, if Mr Gurry has orchestrated repression of the free media through use of the Geneva criminal justice system, then what does that reveal about his possible personal qualities, his professional sense of balance as opposed to vindictiveness, and his suitability to serve as the leader of a major and important UN agency? Secondly, why did the Geneva Prosecutor’s office go along with so undignified a scheme, and what improper pressure if any was brought to bear upon them through the annals of the relevant Swiss Ambassador or otherwise? Thirdly, if the Swiss Ambassador was a participant in a scheme of misconduct, then why would he do such a thing, save in circumstances in which one might speculate as to why he and Mr. Gurry harboured such close relations?

This is not the first time that Mr. Gurry, or the organisation he runs, have used legal means with a view to silencing critical media. Perhaps this should not be regarded as surprising. References to Mr. Gurry’s alleged corruption are so common in public sources that one might be forgiven for imagining that Mr. Gurry’s name is nothing more than linguistic synonym for corrupt behaviour. A simple Google search of Francis Gurry and the word “corruption” delivers some 96,000 results. His name is so dirtied in public media that one might speculate as to whether he achieves some moderate sense of solace or revenge in persecuting individual journalists through what might, upon the foregoing narrative, be inferred as the potentially improper exercise of influence over the criminal justice process. In any event, his name is mud. Actions like this will not rub the mud off.

The mud will stick. It will stick to the end of his days.

Matthew Parish • 25 April 2017
### FICSA Member Associations and Unions

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
<th>Position</th>
<th>Chair/President</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food and Agriculture Organization of the United Nations Association of Professional Staff (FAO-AP-in-FAO)</td>
<td>Rome</td>
<td>President</td>
<td>Mr. Roberto Bonafede</td>
</tr>
<tr>
<td>Union General Service Staff (FAO/WFP-UGSS)</td>
<td>Rome</td>
<td>General Secretary</td>
<td>Ms. Elena Rotondo</td>
</tr>
<tr>
<td>International Atomic Energy Agency (IAEA)</td>
<td>Vienna</td>
<td>President</td>
<td>Ms. Imed Zabaar</td>
</tr>
<tr>
<td>International Agency for Research on Cancer (IARC)</td>
<td>Lyon</td>
<td>Chair</td>
<td>Ms. Tracy Lignini</td>
</tr>
<tr>
<td>International Civil Aviation Organization (ICAO)</td>
<td>Montreal</td>
<td>President</td>
<td>Mr. Walter D. Parks III</td>
</tr>
<tr>
<td>International Fund for Agricultural Development (IFAD)</td>
<td>Rome</td>
<td>Chair</td>
<td>Ms. Daniela Cuneo</td>
</tr>
<tr>
<td>International Training Center of the ILO (ILDTC)</td>
<td>Turin</td>
<td>Chair</td>
<td>Mr. Jesús García Jiménez</td>
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<tr>
<td>International Maritime Organization (IMO)</td>
<td>London</td>
<td>President</td>
<td>Ms. Sarah Rabau-Dunitz</td>
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<tr>
<td>Inter-Parliamentary Union (IPU)</td>
<td>Geneva</td>
<td>Chair</td>
<td>Ms. Valeria Sistek</td>
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<td>International Telecommunication Union (ITU)</td>
<td>Geneva</td>
<td>President</td>
<td>Mr. Henri-Louis Dubour</td>
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<tr>
<td>The Organization for Security and Co-operation in Europe - Member with Special Status (OSCE)</td>
<td>Vienna</td>
<td>Chair</td>
<td>Mr. Nizar Zaher</td>
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<tr>
<td>Pan American Health Organization - WHO Regional Office for the Americas (PAHO-WHO)</td>
<td>Washington D.C.</td>
<td>President</td>
<td>Ms. Pilar Vidal</td>
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<td>Secretariat of the Convention on Biological Diversity (SCBD)</td>
<td>Montreal</td>
<td>President</td>
<td>Ms. Véronique Allain</td>
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<td>Joint United Nations Program on HIV/AIDS (UNAIDS)</td>
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<td>Chair</td>
<td>Mr. Taavi Erkola</td>
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<tr>
<td>United Nations Educational, Scientific and Cultural Organization (UNESCO)</td>
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<td>President</td>
<td>Mr. Elia Matias</td>
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<td>United Nations Framework Convention on Climate Change (UNFCCC)</td>
<td>Bonn</td>
<td>President</td>
<td>Mr. Santhosh Thanjavur Prakasan</td>
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<tr>
<td>United Nations Global Service Center (UNSSC)</td>
<td>Brindisi</td>
<td>Chairman</td>
<td>Mr. Vincenzo De Leo</td>
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<tr>
<td>United Nations Relief and Works Agency / Area Staff Association (UNRWA / ASA)</td>
<td>Beirut</td>
<td>Chair</td>
<td>Mr. Daoud Komnan</td>
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<td>United Nations World Tourism Organization (UNWTO)</td>
<td>Madrid</td>
<td>Chair</td>
<td>Ms. Maria teresa Fernandez</td>
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<td>Universal Postal Union (UPU)</td>
<td>Bern</td>
<td>President</td>
<td>Mr. Brijmohan Fall</td>
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<td>World Health Organization (WHO)</td>
<td>Geneva</td>
<td>President</td>
<td>Mr. Laurent Nicolas Constantin</td>
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<tr>
<td>WHO Regional Office for Africa (WHO / AFRO)</td>
<td>Brazzaville</td>
<td>President</td>
<td>Ms. Bernadette Fogue Kongape</td>
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<tr>
<td>WHO Regional Office for the Eastern Mediterranean (WHO / EMRO)</td>
<td>Cairo</td>
<td>President</td>
<td>Dr. Mohammed Abdul Aziz</td>
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<tr>
<td>WHO Regional Office for Europe (WHO / EURO)</td>
<td>Copenhagen</td>
<td>President</td>
<td>Ms. David Barrett</td>
</tr>
<tr>
<td>WHO Regional Office for South-East Asia (WHO / SEARO)</td>
<td>New Delhi</td>
<td>President</td>
<td>Dr. Palanjiangi Dev Nayar</td>
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<tr>
<td>WHO Regional Office for the Western Pacific (WHO / WPPO)</td>
<td>Manila</td>
<td>Chairperson</td>
<td>Ms. Mina Kashwabara</td>
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<td>WHO Global Service Center (WHO / GSC)</td>
<td>Selangor</td>
<td>President</td>
<td>Mr. Shiekh Feruq Fansuri</td>
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<td>World Intellectual Property Organization (WIPO)</td>
<td>Geneva</td>
<td>President</td>
<td>Mr. Christopher Mason</td>
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<tr>
<td>World Meteorological Organization (WMO)</td>
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<td>President</td>
<td>Ms. Nadia Oppliger</td>
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## MEMBER WITH ASSOCIATE STATUS

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<td>BIODIVERSITY International</td>
<td>Rome</td>
<td>Chair</td>
<td>Ms. Barbara Vinceti</td>
</tr>
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<td>Bureau International des Poids et Mesures (BIPM)</td>
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<td>Vice-President a.i.</td>
<td>Mr. Ralph Josephs</td>
</tr>
<tr>
<td>European Organization for Nuclear Physics (CERN)</td>
<td>Geneva</td>
<td>President</td>
<td>Mr. Ghislain Roy</td>
</tr>
<tr>
<td>Centre International d’enregistrement des publications en série (CIEPS/ISSN)</td>
<td>Paris</td>
<td>President</td>
<td>Mr. Clément Oury</td>
</tr>
<tr>
<td>Commonwealth Secretariat Staff Association (CSSA)</td>
<td>London</td>
<td>Chair</td>
<td>Dr. Roger Korantang</td>
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<tr>
<td>Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)</td>
<td>Vienna</td>
<td>President</td>
<td>Ms. Michelle Delinde</td>
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<tr>
<td>European Central Bank (ECB)</td>
<td>Frankfurt</td>
<td>Spokesperson</td>
<td>Staff Committee</td>
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<td>European Southern Observatory (ESO)</td>
<td>Garching</td>
<td>Chair</td>
<td>Mr. Gianv Marconi</td>
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<td>The Global Fund</td>
<td>Geneva</td>
<td>Chair</td>
<td>Ms. Nicole Delaney</td>
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<td>Chair</td>
<td>Mr. Loke Fong Han</td>
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<td>Thermonuclear Experimental Reactor (ITER)</td>
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<td>Mr. Keith Powell</td>
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<td>World Trade Organization (WTO / OMC)</td>
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## FEDERATIONS WITH OBSERVER STATUS

### ASSOCIATE MEMBERS

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<td>FAPNULU</td>
<td>Uruguay</td>
<td>President</td>
<td>Ms. Miriana Carriquiry</td>
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<td>Federación de Asociaciones de Personal del Sistema de Naciones Unidas en Buenos Aires</td>
<td>Argentina</td>
<td>President</td>
<td>Mr. Pablo Uruty</td>
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<tr>
<td>FASAPNUJP</td>
<td>Peru</td>
<td>President</td>
<td>Ms. Maria Elena Lopez Torres</td>
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<tr>
<td>Federation des associations et syndicats du Personnel des Agences et Institutions des Nations Unies en Côtes d’Ivoire</td>
<td>Côte d’Ivoire</td>
<td>President</td>
<td>Mr. Aka Tano-Biani</td>
</tr>
<tr>
<td>FUNSA BENIN</td>
<td>Benin</td>
<td>President</td>
<td>Ms. Epiphane Dansou</td>
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<tr>
<td>Federation of United Nations Staff Associations in Benin</td>
<td>Côte d’Ivoire</td>
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</tr>
<tr>
<td>FUNSA CONGO</td>
<td>Congo</td>
<td>President</td>
<td>Mr Ben Nourdine Tamboula</td>
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<td>Mr Ben Nourdine Tamboula</td>
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<td>FUNSA DENMARK</td>
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<td>Ms Joseph Baricenko</td>
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<td>Federation of United Nations Staff Associations in Denmark</td>
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<td>Ms Joseph Baricenko</td>
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<td>FUNSA EGYPT</td>
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<td>Ms Steven Akiyem Affia</td>
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<td>President</td>
<td>Ms Steven Akiyem Affia</td>
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<tr>
<td>FUNSA GHANA</td>
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<td>President</td>
<td>Mr Steven Akiyem Affia</td>
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The world of FICSA

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<tr>
<th>FICSA GUINEA</th>
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<td>President</td>
<td>Mr. Razi Mujtaba Haider</td>
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<td>President</td>
<td>Ms. Elsa Gutierrez</td>
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<td>FICSA MEXICO</td>
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<td>Interim President</td>
<td>Ms. Elisa Gutierrez</td>
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<td>FICSA NEW DELHI</td>
<td>Federation of United Nations Staff Associations in New Delhi</td>
<td>New Delhi</td>
<td>President</td>
<td>Ms. Archana Bhardwaj</td>
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<td>FICSA NIGERIA</td>
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<td>President</td>
<td>Ms. Noma Owens-Ibie</td>
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<td>President</td>
<td>Mr. José Manuel Carvalho</td>
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<td>FICSA CONGO</td>
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<td>FICSA LESOTHO</td>
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<td>RAUNPA</td>
<td>Federation of United Nations Staff Associations in Pakistan</td>
<td>Pakistan</td>
<td>President</td>
<td>Dr. Basharat Ahmad</td>
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| SYPNUS | Syndicat du Personnel du Système des Nations Unies au Sénégal | Senegal | President | Mr. Nabawi Badi |
| FICSA UNSF | Federation of United Nations Staff Associations United Nations Staff Federation | Sudan | Chair | Ms. Laure Bassek Atangana |
| UNESAG | Federation of United Nations Staff Associations in Cameroon | Cameroon | President | Ms. Laure Bassek Atangana |
## ASSOCIATIONS WITH CONSULTATIVE STATUS

### ASSOCIATE MEMBERS

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<th>Position</th>
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<td>AfDB</td>
<td>Abidjan</td>
<td>Chairperson</td>
<td>Mr. Batatunde Adenibi</td>
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<tr>
<td>ICTC</td>
<td>Geneva</td>
<td>President</td>
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<tr>
<td>AMFIE Financial Cooperative Association of International Civil Servants</td>
<td>Luxembourg</td>
<td>Vice Chairman &amp; FICSA focal point</td>
<td>Ms. Janine Rivals</td>
</tr>
<tr>
<td>EMBL European Molecular Biology Laboratory</td>
<td>Heidelberg</td>
<td>Co-Chair</td>
<td>Mr. Vladimir Benes &amp; Mr. Thomas Juettmann</td>
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<tr>
<td>EPO European Patent Organization</td>
<td>Munich</td>
<td>Chairman</td>
<td></td>
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<tr>
<td>EUMETSAT European Organization for the Exploitation of Meteorological Satellites</td>
<td>Darmstadt</td>
<td>Chairman</td>
<td>Mr. Karim Haggouchi</td>
</tr>
<tr>
<td>FAICS Federation of Associations of Former International Civil Servants</td>
<td>New York</td>
<td>President</td>
<td>Ms. Linda Saputelli</td>
</tr>
<tr>
<td>FFOA Association of Former FAO and WFP Staff Members</td>
<td>Rome</td>
<td>President</td>
<td>Mr. Alan Phan</td>
</tr>
<tr>
<td>IADB Inter-American Development Bank</td>
<td>Washington D.C</td>
<td>President</td>
<td>Mr. Phu Nguyen</td>
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<tr>
<td>IMF International Monetary Fund</td>
<td>Washington D.C</td>
<td>Chair</td>
<td>Mr. Gamal Lel-Masary</td>
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<tr>
<td>IOCPF International Oil Pollution Compensation Fund</td>
<td>London</td>
<td>President</td>
<td>Mr. Ranjit Pillai</td>
</tr>
<tr>
<td>OAS Organization of American States</td>
<td>Washington D.C</td>
<td>President</td>
<td>Ms. Kim Osborne</td>
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<td>UNWG United Nations Women’s Guild</td>
<td>Geneva</td>
<td>President</td>
<td>Ms. Nehad Sukayri</td>
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<td>UNWG United Nations Women’s Guild</td>
<td>Rome</td>
<td>President</td>
<td>Ms. Mariza Jurgens</td>
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<td>WORLD BANK The World Bank Group</td>
<td>Washington D.C</td>
<td>Chair</td>
<td>Mr. David Sallie</td>
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<td>Advisory Committee Administrative and Budgetary Question</td>
<td>ACABQ</td>
<td>The Advisory Committee on Budgetary Question, subsidiary organ of the general assembly, in UN</td>
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<tr>
<td>Joint Inspection United Nation</td>
<td>JIU</td>
<td>Independent External oversight body of the United Nation system mandated to conduct evaluations, inspections and investigations system-wide.</td>
<td></td>
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<tr>
<td>Chief Executive Board</td>
<td>CEB</td>
<td>The UN systems chief executives board improve the organization of all the distinctive, specialized bodies that make up the United Nation, so that the main body of the United Nation could specifically deal with issues of peace &amp; security.</td>
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<tr>
<td>Normal Retirement Age</td>
<td>NRA</td>
<td>The Normal Retirement Age (62 for participants entering or reentering or a after 1 January 1990 instead of 60) is the age at which a UNJSPS participants can retire with a retirement benefit on reduced on account of age.</td>
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<tr>
<td>Mandatory Age of Separation</td>
<td>MAS</td>
<td>The Mandatory Age of Separation is the age at which a staff member must separate from the service of his or her employing organization.</td>
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ABBREVIATIONS

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<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>IFAD</td>
<td>International Fund for Agricultural Development</td>
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<tr>
<td>IGO</td>
<td>Inter-Governmental Organization</td>
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<tr>
<td>ILC</td>
<td>International Labour Conference</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<tr>
<td>ILO-SU</td>
<td>ILO Staff Union</td>
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<td>ILOAT</td>
<td>International Labour Organization Administrative Tribunal</td>
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<td>ILS</td>
<td>International Labour Standard</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>International Maritime Organization</td>
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<td>IOM</td>
<td>International Organization for Migration</td>
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<td>International Trade Centre</td>
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<td>ITC-SA</td>
<td>ITC Staff Association</td>
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<td>ITU</td>
<td>International Telecommunication Union</td>
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<td>ITU-SU</td>
<td>ITU Staff Union</td>
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<tr>
<td>JAC</td>
<td>Joint Advisory Committee</td>
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<td>JB</td>
<td>Joint Staff-Management Body</td>
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<td>JIU</td>
<td>Joint Inspection Unit of the United Nations System</td>
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<td>JNC</td>
<td>Joint Negotiating Committee</td>
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<td>NSA</td>
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<td>MR</td>
<td>Management Representative</td>
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<td>OECD</td>
<td>Organization for Economic Co-operation and Development</td>
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<td>OECD-SA</td>
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<tr>
<td>OIOS</td>
<td>Office of Internal Oversight Services</td>
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<td>OSCE</td>
<td>Organization for Security and Co-operation in Europe</td>
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<td>P</td>
<td>Professional Category Staff</td>
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<td>PAHO</td>
<td>Pan American Health Organization</td>
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<tr>
<td>PBAC</td>
<td>Programme, Budget and Administration Committee</td>
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<td>PEMS</td>
<td>Performance Evaluation Management System</td>
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<td>PO</td>
<td>Participating Organization</td>
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<td>PSA</td>
<td>Professional Service Agreement</td>
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<td>R/CA</td>
<td>Recognition/Co-operation Agreement</td>
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<td>R/PA</td>
<td>Recognition and Procedural Agreement</td>
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<td>SA</td>
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<td>SC</td>
<td>Staff Council</td>
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<tr>
<td>S-M</td>
<td>Staff-Management</td>
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<tr>
<td>SMC</td>
<td>Staff-Management Committee (Since 2012)</td>
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<td>SMCC</td>
<td>Staff-Management Coordination Committee (Until 2011)</td>
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<td>SR</td>
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<td>SRR</td>
<td>Staff Regulations and Rules</td>
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<td>SSA</td>
<td>Special Service Agreement</td>
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<td>ST/A</td>
<td>United Nations Secretariat Administrative Instruction</td>
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<td>ST/SGB</td>
<td>Secretary-Generals Bulletin</td>
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<td>SU</td>
<td>Staff Union</td>
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<tr>
<td>TCDC</td>
<td>Technical Co-operation among Developing Countries</td>
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<td>TCCT</td>
<td>Technical Co-operation among Countries in Transition</td>
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<tr>
<td>UDHHR</td>
<td>Universal Declaration on Human Rights</td>
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<tr>
<td>UNAIDS</td>
<td>FAO-WFP Union of General Services Staff</td>
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<tr>
<td>UNAT</td>
<td>United Nations Appeals Tribunal</td>
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<td>UNCTAD</td>
<td>United Nations Conference on Trade and Development</td>
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<td>United Nations Development Program</td>
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<td>UNTD</td>
<td>United Nations Dispute Tribunal</td>
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<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
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<td>Internation Staff Association of UNESCO</td>
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<td>UNESCO-STU</td>
<td>UNESCO Staff Union</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<tr>
<td>UNIDO</td>
<td>United Nations Industrial Development Organization</td>
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<tr>
<td>Abbreviation</td>
<td>Full Name</td>
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<td>UN-WO Staff Association</td>
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<td>Universal Postal Union</td>
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<td>UPU International Bureau Staff Association</td>
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<td>World Intellectual Property Organization</td>
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The UN Systems Chief Executives Board was founded in 1946, at which time it was called the Administrative Committee on Coordination (AAC). It was established by the Secretary-General at the request of the Economic and Social Council (ECOSOC) to bring about more organization to the UN system due to all of the distinctive, specialized bodies that make up the United Nations, and so that the main body of the United Nations could specifically deal with issues of peace and security. Since all of the individual bodies have their own constitutions, mandates, governing bodies, and budgets the Chief Executives Board brings them together into a common body that holds strong to the aims of the United Nations as a whole while not over burdening the main body. Over the years, since its inception, there have been many reforms and revisions of the coordination of the committee. In 2001, the AAC was renamed as the UN System Chief Executives Board for Coordination, which it is still called today. It is the board of highest level board, and also the longest standing in the United Nations.

The Chief Executives Board meets twice a year. It is responsible for keeping up to date on the current political issues and concerns that face the United Nations. Additionally, it approves policy statements on behalf of the system when the reporting bodies make recommendations to do so.

There are three committees that support the Chief Executives Board, the High-Level Committee on Programmes (HLCP) which deals with global policy and other items that face the world at large, the High-Level Committee on Management (HLCM) which works to make businesses across the system work together, and the United Nations Development Group (UNDG) which works to promote country level efforts within the system. Additionally, UNESCO joins in on the discussions and consultations of the CEB when they have common interests. Such interests include administration and personnel issues, follow-up on past UN reform and the status of women in the UN System.

**ACRONYMS**

**ICSC**
International Civil Service Commission

The ICSC is an independent expert body established by the United Nations General Assembly. Its mandate is to regulate and coordinate the conditions of service of staff in the United Nations common system, while promoting and maintaining high standards in the international civil service. The Commission is composed of fifteen members who serve in their personal capacity. They are appointed by the General Assembly for four-year terms, with due regard for broad geographical representation. The Chairman and the Vice-Chairman are full-time members and are based in New York. The full Commission meets twice a year.

ICSC is assisted by an expert subsidiary body, the Advisory Committee on Post-Adjustment Questions (ACP AQ), which provides technical advice on the operation of the post-adjustment system. Other working groups and panels are established on an ad hoc basis as the need arises.

ACP AQ is composed of six members and is chaired by the Vice-Chairman of ICSC.

**IASMN**
Inter Agency Security Management Network

The Inter-Agency Security Management Network (IASMN) brings together representatives of all partners in the UN security management network including UN agencies, funds, and programmes to coordinate security practices and policies across the UN System.

**UNJSPF**
United Nations Joint Staff Pension Fund

The United Nations Joint Staff Pension Fund is a fund that was established in by the United Nations General Assembly in 1949 to provide retirement, death, disability and related benefits for staff of United Nations and the other organizations admitted to membership in the Funds. As of 31 December 2010, the Fund was serving 23 member organizations, with 121,138 active participants and 63,830 beneficiaries.

On 31 December 2010, the value of the assets of the UNJSPF stood at 41.4 billion US dollars.

**HLCM**
UN Systems High Level Committee on Management

The UN Systems High-Level Committee on Management reports to the Chief Executives Board and is responsible for making sure that the UN System has coordinated management and administration. Their purpose is to find and analyze marginal issues that concern the system as a whole and necessitate a system-wide response. They have the authority to make decisions on the behalf of the Executive Heads and reforms that will help to make the United Nations System more productive, efficient and effective as well as to improve the services that it has to offer the global community. In this way they can work towards achieving the recommendations to conquer fragmentation in the United Nations System, as set forth in the 2006 report titled «Delivering as One».

<table>
<thead>
<tr>
<th>ACRONYM</th>
<th>DESCRIPTION</th>
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<tr>
<td>UNGA</td>
<td>General Assembly Of The United Nations</td>
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<td>UNJSPF</td>
<td>United Nations Joint Staff Pension Fund</td>
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<tr>
<td>CEB</td>
<td>Chief Executives Board (Formerly ACC)</td>
</tr>
<tr>
<td>ICSC</td>
<td>International Civil Service Commission</td>
</tr>
<tr>
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<td>Inter Agency Security Management Network</td>
</tr>
<tr>
<td>FICSA</td>
<td>FISCA is represented in the 5th Committee</td>
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<tr>
<td>ACP AQ</td>
<td>Advisory Committee on Post-Adjustment Questions</td>
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<td>ACRYNAMES</td>
<td>The Human Resources Network collects statistic from the UN system organizations as well as develops and maintains personnel standards for system-wide use. The Finance and Budget Network works with those who are responsible for the financial management throughout the UN system. The Information, Communication and Technology (ICT) Network is comprised of those who are in charge of information communications technologies in the United Nations. The procurement Network works towards creating a policy framework and practical implementation of procurement. The Legal Network was established in 2007 and is aimed at improving legal services system-wide and maintaining congruence while also allowing for the autonomy of member organizations.</td>
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