FOCUS ON FICSA
LE POINT SUR LA FICSA
UNITED, WE ARE BUILDING A STRONGER FUTURE

FEDERATION OF INTERNATIONAL CIVIL SERVANTS’ ASSOCIATIONS
FÉDÉRATION DES ASSOCIATIONS DE FONCTIONNAIRES INTERNATIONAUX
Dear Readers,

In this current edition of the FICSA Magazine you will find numerous interesting articles written by colleagues who are either members of FICSA or working with FICSA. For those of you who are less familiar with the many and varied services provided by the Federation, you will find in the following pages a non-exhaustive list of the advantages of being a member of FICSA, followed by an activity report of the previous FICSA Executive Committee as well as a report of FICSA’s recent annual session of its Council which will inform you of the extensive list of activities undertaken, and accomplishments achieved, by FICSA over the last year, including discussions relative to the ICSC’s current review of the post adjustment methodology and its operational rules, as well as its present review of the salary survey methodologies used for purposes of establishing the salaries of General Service category staff.

By reading through this magazine you will discover that its pages not only inform the readers of issues related to salaries and employment conditions, but also other matters of concern to staff such as mental health and wellbeing in the workplace, issues affecting staff in duty stations where there is rapid inflation combined with devaluation of local currency, the work of the President of a staff association, gender balance, caring for infants, negotiation and consultation, the importance of questioning the documents you are requested to sign, locus standi and international administrative procedural law.

The authors have striven to make the issues presented in the following articles as diverse as possible to ensure that each and every member of FICSA will be able to find information of both individual and collective interest.

It is our hope that these articles will serve as valuable resources.
EVELYN KORTUM, FICSA GENERAL SECRETARY

Evelyn Kortum, the newly elected General Secretary of FICSA took up her functions on 2 April 2019.

I spoke to the membership at the FICSA Council on 6 February 2019 in order to convey my vision as General Secretary of FICSA. I assured the FICSA members present that staff issues have always been important to me, particularly with my background in occupational health and my focus on mental health at work. After many years of active support to the SA, I had supported FICSA in 2014 and 2015 as a member on compensation issues. During six years I also supported the WHO/HQ staff association as ordinary member, vice-president and president. My endeavour has always been connecting the regions and countries with headquarters to speak with one voice on the issues with a common denominator. As General Secretary of FICSA I would take the same approach and quoted Martin Luther King “We may have all come on different ships, but we are in the same boat now”.

I see my responsibility in steering the boat in one agreed upon direction, leaving no-one behind, treating everyone with respect and keeping eyes and ears open to issues that require attention and action, and all that in close collaboration with the President and the FICSA Executive Committee.

I reiterated that I fully support the mission of FICSA which is to defend our rights as staff, to ensure equitable conditions of service and to contribute to building a positive image of the international civil service. We all play important parts in this process, however, that FICSA needs be the overarching voice.

I also thought that it needed to be changed that FICSA with its approximately 25,000 members, a strong force, is not known widely enough. I want to actively raise awareness about the purpose and the importance of FICSA as our common voice on our common denominators. I also mentioned that the young and new staff need to get on board of our ship. Fair, equitable and predictable conditions of service need coordination, solidarity, the understanding of the importance of the subject matter. My current concern is particularly about the erosion of staff contract and the unacceptable increase in precarious and unattractive job conditions. The lack of job security and feeling insecure, has provided a fertile ground for disrespectful behaviours, abuse of power including psychological and sexual harassment, …, often without any consequences for the perpetrators, but instead for those having been perpetrated. I outlined the increasing and devastating consequences on many staff in terms of stress-related symptoms and diseases, mental and physical health repercussions. In order to keep up a positive image of the international civil service this must change. All of us want to stay healthy and enjoy our work and our lives, and only like that we can be instrumental in successfully achieving the missions of our organizations. Therefore, the implementation of the Secretary-General’s Mental Health Strategy is important to me.

I restated the core values of the UN which are integrity, professionalism, respect for diversity and said that as much as we can be expected to respond to the UN values, we can also expect that our human dignity is respected in turn, as well as that we can expect fair and equitable contract conditions, treatment and clearly outlined expectations that we can work towards. In this aspect, I also look to good collaboration with all stakeholders, and particularly the International Civil Service Commission (ICSC).

I am determined to work with clarity and focused attention in my role as FICSA General Secretary. I closed with another quote by Martin Luther King which has been guiding my life and work: ‘Our lives begin to end the day we become silent about things that matter.’
EVELYN KORTUM

Evelyn Kortum, a fun-loving mother, wife, friend and expert in work psychology, is very excited about her new role as General Secretary of FICSA (Federation of International Civil Servants Association.) I am so grateful for the opportunity to sit down and chat with her!

Ever heard of using Tai Chi to relieve your stress? This week, I had the opportunity to sit down with Evelyn Kortum, incoming General Secretary of FICSA, to learn about her passion for practicing mindfulness, as well as about how she ended up where she is today.

Evelyn was born and raised in Hamburg, Germany. Growing up, she always wanted to learn languages and incorporate that into her professional life. Evelyn moved from Germany in 1986 to spend a year in London, and since 1987 has lived almost everywhere in the Pays de Gex. She then moved to Geneva in 2008. She absolutely loves Geneva’s weather! In Hamburg, the weather was often dreary and grey, and usually drizzly. She very much enjoys living in an area surrounded by beautiful mountains and learning how to ski was a special treat for her.

Evelyn started her career at the World Health Organization (WHO) in 1989 in Personnel (today called HR). She returned to her studies to earn a bachelor’s in Psychology and a master’s in Organizational Psychology while earning her life at WHO. In 2007, Evelyn decided to do a PhD in Applied Psychology also via distance courses. Her academic passions have always been centered around the workplace, with a particular focus on mental health. Many of Evelyn’s personal passions are also focused on practicing mindfulness and meditation.

Before work, Evelyn loves to do Tai Chi sessions to center herself. She also enjoys practicing yoga two to three times a week, as well as Nordic walking, exploring nature, doing Reiki, watching the birds in her garden, travelling and reading. On beautiful days or even gloomy ones, you can find Evelyn riding her bike to work! She told me that she is inspired by her husband – not only is he the love of her life, but he is also the best teacher and mentor. He has always been encouraging and supportive of her progress in life and at work.

As a student, it is important to me to find ways to relieve my stress. Because Evelyn seems like the expert on recharging from her stress, I asked her to give me a few pieces of advice. She recommends finding a way to ground yourself through the techniques that she mentioned before. She told me that “at work it is really important to prioritize your work, use your social support network and get the help you need from colleagues and friends. It is best to talk about what you need and why you think you feel stressed. Often you may find that you have too high expectations of yourself when the locus of control lies with others. This can put us under undue pressure, and we need to either accept and deal with it, or try to change it, if that is a possibility.” She believes that proper work organization including good managers is key, but that is too complex to discuss in depth in this interview. If you need advice on approaches to address stress at work from a systemic or even a personal perspective, Evelyn would like to invite you to visit her in Villa Bocage.

At FICSA, Evelyn is excited about the promotion of fair, equitable and predictable conditions for staff at their respective organizations. This includes prevention of work-related stressors that can cause mental and physical diseases, as well as unacceptable behaviors including nepotism and lack of solidarity. She is particularly concerned with the erosion of staff contract conditions and the unacceptable increase in precarious working conditions which dehumanizes our working environment. To effectively combat this, strong collaboration with FICSA members and the International Civil Service Commission (ICSC) is necessary. Evelyn is ready to go!

By: Joelle Marx
Ficsa Intern
MESSAGE D’ADIEU
D’AMANDA GATTI

FORMER FICSA ADMINISTRATIVE ASSISTANT

ADIEU FICSA
Amanda Gatti
janvier 1986 à janvier 2019

Qui aurait pu penser que j’al-лас в 33 ans à travailler au sein de la même fédéra- tion ? Certainement pas moi !! Il me semble que c’était hier que la Chargée de re-cherche à l’époque, Helen Schebesta, m’a contacté pour une position au secré- tariat de la FICSA. Le début d’une carrière merveilleuse et enrichissante travailant pour une fédération représentant une multitude d’associations/ syndicats du personnel et des fédérations des associations/ syndicats du personnel des institutions des Nations Unies dans le monde entier qui travaillait sans relâche pour défendre les droits du personnel et pour sauvegarder leurs conditions de service. La diversité du travail était motivante et les défis auxquels la Fédération était fréquemment confrontée furent souvent difficiles mais stimulants également. Le secrétariat de la FICSA devait être vigilant à tout moment et travaillant infatigablement pour soutenir tous les affiliés.

Après 33 ans au sein de la FICSA, je peux maintenant re- garder en arrière et me sentir fière de tout le travail que le secrétariat a accompli. On n’avait jamais le temps de s’en- nuyer avec les préparations des réunions des agences de l’ONU, ainsi que les divers groupes de travail qui augmentaient constamment en nombre, l’organisation des ateliers de formation, le suivi des nombreuses décisions du Conseil, le suivi aux questions quotidiennes, l’assistance aux demandes juridiques et la prépa- ration de la séance annuelle du Conseil, pour n’en citer que quelques-uns...

Il a été également enrichissant et j’ai eu un immense plaisir de rencontrer et de collaborer avec des gens extraordinai- naires et intéressants provenant de milieux et de cultures diverses, mais tous réunis comme une grande famille, avec les mêmes intérêts et luttant pour les mêmes causes. J’ai travaillé avec de nombreux présidents, secrétaires géné- raux, membres du comité exécutif, officiers des comités permanents, présidents des associations du personnel/ syndicats/fédérations en cours de route et, même si j’ai parfois versé une larme ou deux lorsque leur mandat s’est terminé, le travail a dû continuer et une nouvelle complicité, harmonie et amitié s’installaient avec les nouveaux officiers.

Je suis maintenant de passer à une nouvelle étape dans ma vie où j’espère pouvoir trouver le temps de me détendre et de profiter des nombreuses activités que j’ai découvertes ces dernières années comme la randonnée en montagne et la danse, ainsi que passer du temps précieux avec ma famille et mes amis. J’ai aussi l’intention d’apprendre une autre langue étrangère pour stimuler le cerveau mais surtout gâter ma belle petite-fille !

Pour finir, je souhaite encore une fois féliciter la Fédération pour tous les succès qu’elle a connus et lui souhaiter une expansion encore plus grande pour le futur.

"Ce que nous appelons le commencement est sou- vent la fin. Et pour faire une fin est de faire un début."

T.S. Eliot

FAREWELL MESSAGE
FROM AMANDA GATTI

FORMER FICSA ADMINISTRATIVE ASSISTANT

FAREWELL FICSA
Amanda Gatti
January 1986 to January 2019

Who could have thought that I would work 33 years for the same federation? Certainly not me! It seems like only yesterday that the Research Officer at the time, Helen Schebesta, contacted me for a position in the FICSA secretariat. The beginning of a wonderful and rewarding career working for a federation representing a multitude of staff associations, unions and federations of United Na- tions staff associations worldwide which worked tirelessly to defend staff rights and safeguard their conditions of service. The diversity of the work was motivating and the never-ending challenges the Federation frequently faced were often tough but also stimulating. The FICSA secretariat had to be vigilant at all times and worked tirelessly to serve its membership.

Now, after 33 years in FICSA, I can look back and feel extremely proud of all the work the secretariat managed to accomplish. There was never a dull moment in preparing for high-level meetings, as well as various working groups which constantly increased in number, organizing FICSA workshops, following up on the numerous Council deci- sions, replying to everyday questions, assisting with legal questions and actions, following up on general queries, not forgetting office and administrative matters and preparing for the annual Council session, to name just a few...

It was also enriching and an immense pleasure meeting and working with such wonderful and interesting people coming from diverse backgrounds and cultures but all joined together as one big family, with the same interests and fighting for the same cause. I saw many presidents, general secretares, executive members, standing com- mittee officers, chairs/presidents of staff associations/ unions/federations come and go and, even though I often shed a tear or two when their mandate was over, work had to go on and a fresh complicity, harmony and friendship was immediately formed with the new officers.

I am now moving on to a new stage in life and hoping to have time to relax and enjoy the many activities that I have discovered in recent years such as mountain hiking and dance, as well as spend precious time with my family and friends. I also plan to learn another foreign language to keep the brain active but above all spoil my beautiful granddaughter!

In closing, I wish the Federation every success in its fu- ture endeavours. These are challenging times but FICSA is knowledgeable and strong and with the strength and support of the Executive Committee, secretariat staff and membership at large, it will continue to be the one and only “real” staff federation...

"What we call the beginning is often the end. And to make an end is to make a beginning. The end is where we start from."

T.S. Eliot
BENEFITS OF FICSA

FICSA’S ROLE EXERCISED ON BEHALF OF ITS MEMBER STAFF ASSOCIATIONS/UNIONS

REPRESENTATION
FICSA actively represents the interests of international civil servants in inter-agency bodies and legislative organs of the common system.
FICSA represents staff at the ICSC which periodically reviews all conditions of service, including:
• the post adjustment methodology for the Professional Staff category.
• the salary survey methodologies used for purposes of establishing salaries of local staff, including those of the General Service category.

COORDINATION
FICSA coordinates activities at the local level and exchanges information on conditions of service.
FICSA coordinates industrial action, if required.

INFORMATION
FICSA informs all staff on issues affecting their conditions of service.
FICSA produces position papers on the technical aspects of conditions of service.
FICSA provides guidelines on how staff associations should deal with organizational reform, among others.

PARTICIPATION
FICSA participates in cost-of-living surveys that determine post adjustment.

ADVOCACY
FICSA advocates staff positions with Member States’ representatives.

POLICY
FICSA formulates strategies, both locally and globally, to prevent violations of staff rights.

EXPERTISE
FICSA provides expertise, including training, on legal appeal processes (internal appeals and Administrative Tribunals) in cases of non-observance of terms of appointment.
FICSA advises member associations/Unions on staff-management relations.

TRAINING
FICSA trains staff representatives, and sometimes administrative representatives, on Methodologies I and II used for conducting salary surveys for local staff, including General Service.

OVERSIGHT
FICSA closely follows the biannual sessions of the ILO Administrative Tribunal to ensure consistency in applying ILIAT jurisprudence.

GOVERNANCE
FICSA organizes yearly councils with nine Standing Committees that develop decisions and resolutions on topics ranging from legal questions to staff-management relations.

BENEFITS OF FICSA

FICSA’S ADDED VALUE WITH RESPECT TO THE CCISUA AND UNISERV STAFF FEDERATIONS

FOCUS
FICSA is the only Federation which focuses on issues of specialized agencies which it represents.
• CCISUA and UNISERV represent staff of mainly the UN secretariat.

SECRETARIAT
FICSA has a democratically elected President and General Secretary who are fully released from their organizations for a 2-year term.
• The Presidents of CCISUA and UNISERV must concurrently maintain their additional role as Presidents of their local staff association/union, thus reducing their amount of time available for staff federation work.
FICSA has a staffed secretariat with institutional memory (Information/Research Officer, Administrative Assistant and Secretary/Clerk).
• CCISUA and UNISERV have no secretariats.

TRAINING
FICSA provides members with training, seminars and workshops delivered by topical experts (FICSA training catalogue).
FICSA frequently sends one or more of its experts in preparation for the local salary survey to the duty station to train and prepare the staff representatives involved in the survey process.
FICSA training is freely-accessible to FICSA members.
• CCISUA and UNISERV do not provide training nor do they have their own experts.

RESOURCE
FICSA is based on a solid democratic structure to ensure alignment of its member staff associations/unions with FICSA positions and majority decisions.

COLLABORATION
FICSA collaborates with CCISUA and UNISERV in the development of joint studies, amongst other matters.
FICSA has established cooperation agreements with both of its sister federations.
FICSA and UNISERV deliver statements on each other’s behalf in high-level meetings.
FICSA WORKSHOPS
FOR 2019

• Workshop on Bullying and Harassment FAO Rome 1 and 2 April.
• Workshop on the role of staff representatives during investigations and disciplinary procedures within UN agencies, WHO/HQ in Geneva on 3 May 2019.
• Training course on job classification standards, WHO/HQ Staff Association in Geneva on 3 and 4 June 2019.
• Workshop on the General Service salary survey methodology II (non-headquarters duty stations), WHO/WPRO in Manila, Philippines, from 3 to 7 June 2019.
• Workshop on the General Service salary survey methodology II (non-headquarters duty stations), PAHO Regional Office in Brasilia, Brazil, from 3 to 7 June 2019.
• Training on Negotiation skills, CTBTO Vienna on 19 and 20 September 2019.
• Workshop on the role of staff representatives during investigations on harassment in OPCW, The Hague on 21 October.

WORKSHOPS TO BE CONFIRMED

• Workshop on the General Service salary survey methodology II (non-headquarters duty stations), Peru
• Training on Strategy for successful organizational change, Montreal
• Training of the right of staff during a re-organization
• Training on Mental Health for staff representatives

COMPOSITION OF THE FICSA
EXECUTIVE COMMITTEE FOR 2019 - 2020

PRESIDENT
BRETT FITZGERALD (WIPO GENEVA)

GENERAL SECRETARY
EVELYN KORTUM (WHO/HQ GENEVA)

TREASURER
KAY MILLER (WHO/EURO COPENHAGEN)

MEMBERS, COMPENSATION ISSUES
PIRAR VIDAL ESTEVEZ (PAHO/WHO WASHINGTON)
IMED ZABAAR (IAEA VIENNA)

MEMBER, REGIONAL/FIELD ISSUES
VERONIQUE ALLAIN (SCBD MONTREAL)

MEMBER WITHOUT PORTFOLIO
DIAO EL TABARI (UNRWA/ASA BEIRUT)

REGIONAL REPRESENTATIVES:
AFRICA
ANTHONY NDINGURI (ICAO NAIROBI)

AMERICAS
JESUS GARCIA JIMENEZ (ILO/ITC TURIN)

ASIA
RAJESH MEHTA (WHO/SEARO NEW DELHI)

EUROPE
TANYA QUINN-MAGUIRE (UNAIDS GENEVA)

Le Conseil de la FICSA est la rencontre des associations du personnel ou syndicat.
Il a lieu une fois par ans 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.
Mr. Brett Fitzgerald President of FICSA, opened the 72nd session of the Federation’s Council at 9.25 a.m. and thanked the hosts, the Staff Association of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), for everything they had done in preparation for the meeting. The Staff Association’s efforts and the warm welcome it had prepared were greatly appreciated. He invited Ms. Michelle Delinde, the CTBTO Staff Council President, to address Council.

Ms. Delinde welcomed the participants on behalf of the Staff Association and the staff of the CTBTO at large. As a young organization and with the support of the CTBTO Management, the Staff Association was honoured for having been given the opportunity to host the Council session in Vienna. She expressed her particular thanks to the IAEA Staff Association, the FICSA Secretariat and the FICSA Executive Committee and her colleagues in CTBTO who had gone the extra mile in organizing the Council session.

She pointed out that CTBTO had been a member of the United Nations common system for only two years. As a new child in the family, it was of crucial importance that the Staff Council incorporate the work of FICSA in staff representation matters. The Federation’s spirit of unity was something that staff appreciated, as was its sense of justice in serving the interest of its members.

The FICSA President then introduced Mr. Lassina Zerbo, the Executive Secretary of the CTBTO, who opened the session by welcoming everybody wholeheartedly to the 72nd FICSA council. He extended particular thanks to Ms. Delinde, one of the longest serving staff members in CTBTO, for the lengths to which she had gone in organizing everything: no mean feat considering the size of the host organization. He also noted a few former CTBTO staff among the delegates.

For his part, Mr. Zerbo was proud to have such active partners in the Staff Council, whose representatives worked constructively to achieve the organizational objectives and goals of CTBTO and provided a productive and healthy working environment for staff at large. Admittedly, staff and management might not always agree on the speed with which things progressed or on approaches to individual initiatives. That notwithstanding, both parties ultimately worked in unison to achieve the organizational goals and retain a familial spirit. This was particularly important at a time when multilateralism was being increasingly challenged and ways had to be found to identify the issues at stake and use the discrete advantages that staff and management had in common to the benefit of mankind.

It was incumbent on all to leave behind a safer, peaceful, economically prosperous and ecologically sound world for their children and children’s children.

CTBTO had recently gone through a series of organizational changes, to which the Staff Council had provided an invaluable contribution. Early in 2017, it had joined the International Civil Service Commission (ICSC), whereafter it had been busy aligning itself to the new compensation package for Professional staff. He noted that FICSA had been instrumental in retaining certain benefits for staff. Following years of advocacy on the part of the Staff Council, CTBTO had also joined the UN Joint Staff Pension Fund (UNJSPF) as of 1 January 2019, with only six staff members opting to stay with the Provident Fund. Both moves had helped to dispel the disadvantages of not being a member of the wider UN common system family. Despite the similarity in regulations, rules and conditions of service, certain inconsistencies and inefficiencies had arisen. Given the difficulties associated with the three-year recruitment cycle, for example, effective staff retention had proved unsustainable. The balance struck with the ICSC best practices and experience was proving successful. Member States had also seen merit in the closer alignment as long as CTBTO continued to account for and retain the unique intricacies of the organization. Small organizations such as CTBTO stood to gain from alignment with the ICSC, the new policy on sexual harassment being a case in point. Mr. Zerbo hinted at other organizations that might follow suit. He thus looked forward to the closer collaboration between CTBTO and FICSA. Much stood to be gained from belonging to a broad network of staff associations/unions. In closing, Mr. Zerbo wished the Federation every success in its deliberations.

The FICSA President thanked the Executive Secretary of the CTBTO for his kind words. He reiterated his thanks to the host organization and its staff for having prepared so efficiently for the Council session. He also seized the opportunity to welcome the representatives of the counterpart federations, CCISUA and UNISERV, and extended his thanks to Mr. Larbi Djacta, Chairman of the ICSC, who was accompanied by Ms. Regina Pawlik, ICSC Executive Secretary, and Ms. Cleopatra Todis, for agreeing to address Council as well as having run workshops the days previous.

The FICSA President then asked everybody to stand and observe a minute’s 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.

The FICSA President then invited Mr. Djacta to address Council. As the newly appointed Chair of the Commission, he considered the invitation an honour and he wished the delegates a healthy and productive year.

At the very outset, he assured the Federation that its “perspectives and concerns” would “continue to be heard and receive full consideration.” He was fully aware of the significant role that the ICSC played in the programme delivery of the common system organizations, as well as in the lives of staff members and their families. At a time of profound socio-economic and technological change, his focus was on staff satisfaction as every endeavour was being made to attain the best possible conditions of service. Not only did employers need to be more flexible and adaptable, but employees would need to adapt to rapid cycles of reinvention as well as maintain relevance by observing, reflecting on and learning new skills. Given the austerity measures adopted by member states, staff should not grow complacent and believe that they would not be affected. A new generation with new skills and distinct employment preferences was emerging and would soon constitute the majority of common system staff. The nature of jobs would change and staff would need the skills that enabled them to cope and compete. Under those conditions, organizations should attract and retain the right staff and enhance staff satisfaction by investing in training staff to acquire the latest skills.

As ICSC Chairman, he was seeking more meaningful ways of engaging with organizations and association/union heads alike. He called for two-way dialogue. The success of partnership lay in communication. The new user-friendly website bore testimony to the importance he attached to informing and educating staff. He also intended to be more visible and available to staff and organizations and issue more informative publications so as to keep staff abreast of all staff-related issues. He would supplement those activities with more frequent visits to duty stations and staff.

He listed the shifts in membership within the Commission and the Advisory Committee on Post Adjustment Questions (ACPAQ) as they were undergoing a process of change and rejuvenation. He was optimistic about the positive changes they would bring. Furthermore, the ICSC Secretariat would continue to work in various working groups with staff: a collaborative approach that had helped to build trust among partners. He cited the comprehensive review undertaken by the ICSC Working Group on the operational rules of the post adjustment system, the objective of which was to revise those rules so as to ensure greater accuracy.
The ICSC Working Group on the review of the General Service salary survey methodologies had completed its first meeting the week previous in New York. Set up to analyse and explore issues that had emerged during the seventh round of salary surveys, the Working Group had proposed solutions that incorporated the concerns of staff. The Working Group’s progress report would be reviewed at the spring session of the ICSC.

Despite the soundness of the practice of using working groups, via the Contact Group that had been set up in 2018 the ICSC was reviewing ways of improving the consultative process and working arrangements. For all the complexity the ICSC was reviewing ways of improving the consultative groups, via the Contact Group that had been set up in 2018 the ICSC Working Group on the review of the General Service salary survey methodologies had completed its first meeting the week previous in New York. Set up to analyse and explore issues that had emerged during the seventh round of salary surveys, the Working Group had proposed solutions that incorporated the concerns of staff. The Working Group’s progress report would be reviewed at the spring session of the ICSC.

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The ICSC Chairman was confident that the diversity and talents of the ICSC were a “facilitator of business”; it had to ensure that organizations enjoyed equal conditions of service. In the search for equitable conditions of service, the Commission would be looking to staff representatives to voice their understanding of the term change and enter into a debate yielding balanced and sustainable ideas.

In closing, Mr. Djacta described the type of culture he wished to promote and cultivate throughout the common system. There was a pressing need to create a positive culture that supported inclusivity and equality among the common system organizations, including the ICSC Secretariat. He was proud that the UN General Assembly had adopted the revised ICSC diversity framework. He seized the opportunity to affirm his commitment to ensuring the effective implementation throughout the common system of the Secretary-General’s zero tolerance policy on sexual harassment. Were all individual staff members and the common system as a whole to adopt that policy, everybody would be able to co-exist in a calm and serene workplace, free of bullying, harassment and abuse of power: all in keeping with the ICSC Standards of Conduct.

He wished Council every success in its deliberations. He looked forward to answering questions that delegates might have during the session scheduled for the afternoon, as well as to a continued supportive and meaningful dialogue thereafter.

Report of the Executive Committee for 2018-2019

In the initial stages, the FICSA President introduced the members of the Executive Committee before going on to focus on the major interagency organs with which FICSA actively interacted. The key players were: the Fifth Committee of the United Nations General Assembly; the ICSC and its working groups; ACPAG whose recommendations on post-adjustment issues went to the ICSC; the High-Level Committee on Management (HLCM) whose members were senior administrators at the Under-Secretary-General or Director levels reporting to organizational heads on the Chief Executives Board (CEB); the HLCM working groups; the Human Resources Network (HRN) and its working groups; the United Nations Joint Staff Pension Board (UNJSPB) and the Inter-Agency Security Management Network (IASMN).

The past year had been a hectic year not only on account of the many instances that FICSA had made its views known to the Executive Committee, Mr. Zabaar (IAEA) and Ms. Pilar Vidal (PAHO/WHO Washington DC), both Members for Compensation Issues, had represented FICSA in the Working Group. Other issues of particular concern to FICSA had been raised in the context of the formal organs with which the
FICSA had managed to get things moving where its request to secure cost sharing of the two FICSA officer positions (President and General Secretary) was concerned. The apparent intransigency of the situation was attributable to the reluctance on the part of releasing organizations to grant full-time release as it incurred absorbing the full costs of that release. At the same time, as noted a year previous, a sizeable percentage of the UN organizations involved had subscribed to the idea of paying-cuts in Geneva had led to the active involvement of the pay-cuts in Geneva had led to the active involvement of The pay-cuts in Geneva had led to the active involvement of the FICSA President pointed out that the process was aimed at the United Nations Secretariat and thus should have no immediate impact on FICSA-affiliated specialized agencies. None the less, outposted staff members working for FICSA-affiliated organizations were already feeling the impact of certain changes. It was recalled that changes in the United Nations tended to trickle down throughout the common system. Staff representatives were thus urged to keep a close watch on things and monitor developments closely. As one delegation pointed out, it was essential to report immediately any discrepancies attributable to the UN reform process that had an impact on specialized agencies The FICSA President encouraged everybody to study General Assembly Resolution A/73/372/Add.1 and reread the pertinent chapters in the Executive Committee report. In closing, the FICSA President spoke of the excellence of the Executive Committee. The team had put all personal interests behind them and he could not thank them enough for their commitment that had prevailed throughout the past year. In the brief ensuing discussion, a question was raised about the new human resource service that had been set up in Bonn and what the advantages and disadvantages of such a service were. The FICSA President explained that the newly established centre known as the United Nations Joint Centre for Human Resource Services was concerned with the provision of classification and reference checking services to common system organizations. It served the UN organizations participating in the Joint Centre. Contrary to fears that had been expressed, its remit did not include performance checks. Intended to share services across organizations, the Centre’s aim was to avoid duplication and reduce costs.

Explanatory note on the Two Track System of the United Nations Pension Adjustment System

The Pension Adjustment System (PAS) of the UNJSPF is intended to ensure that the pension benefit payable to retirees and beneficiaries never falls below the “real” value of the US dollar amount and to preserve the purchasing power of the month’s benefit as initially established in the currency of the retiree’s country of residence. All UNJSPF benefits are determined in US dollars (the US Dollar Track benefit). The Two Track feature of the Pension Adjustment System provides for a second benefit to be calculated by converting the dollar track benefit to the local currency at the time of separation (the Local Currency Track benefit). For the conversion of the dollar track benefit to the initial local currency benefit at the time of separation a 36-month average of exchange rates is used.

In order to ensure that retirees never receive less than the real value of the dollar track benefit, every quarter, the higher of the dollar track or the local currency track benefit is paid (converting the dollar track benefit to local currency using the quarterly exchange rate).

The monthly benefit is adjusted on an annual basis on 1 April, provided that the Consumer Price Index (CPI) has moved by at least 2%. The dollar track amount is adjusted by the movement of the United States CPI, the local currency track amount is adjusted by the movement of the CPI of the country of residence. If the applicable CPI has moved by 10% or more since the date of the last adjustment, the adjustment is made on a semi-annual basis on 1 April and also on 1 October.

To preserve the value of the dollar track benefit, the local track benefit can never be less than 80% of the dollar track benefit as adjusted for inflation. There is also a limitation on the dollar track benefit when the US dollar strengthens considerably against local currency. The dollar track amount, when converted to local currency on a quarterly basis, cannot exceed the local currency amount by more than 10%.

In anticipation that there would be a need to have some administrative flexibility to protect the Fund and retirees for situations where the economic situation relative to the US dollar is not stable, paragraph 26 was included in the Pension Adjustment System. This paragraph contains measures that may be exercised by the Fund’s CEO when extreme economic situations develop within a country creating extraordinary relationships between the US dollar or the local currency benefits. These measures include the suspension of existing local currency benefits as well as the suspension of offering the local currency track for new retirees. Currently the local currency track is suspended in 26 countries, including Argentina.

Assistance provided by Staff Committees to their members (FICSA Handbook on Staff Representation in the International Organizations)

The Chair referred to the FICSA Handbook on staff representation in international organizations and invited the members to provide details on their operational frameworks and the type of assistance provided to staff.
Almost all organizations reported that they had formalized arrangements for release time in respect of staff representatives’ daily work. The release time varied among the members - from 2 hours a week to 100% according to the role of the representative and the need for release. Some members noted that while they might be granted release time officially, in reality their regular tasks were not reduced. In brief, they were not actually released, but were carrying out their staff representation duties on top of everything else. Most of the members had additional release time to attend meetings, such as the FICSA Council and workshops, with the missions for a number of representatives often being funded (at least in part) by their agencies. Release was approved either by the direct supervisor or, in some cases, by the executive head so as to emphasize the close links between the parties.

The delegates, who shared details of their situation in their respective organizations, assisted all staff members and not only paying members of their associations/unions, although some associations/unions suggested or insisted on membership when requests were repeated. All delegates had any number of ways of assisting staff, including open-door policies where staff could pass by in person, e-mail contact to handle individual cases, meetings with the HR director on a bilateral basis or the like. Depending on the situation, the SRB would assess the type of action to be taken and advise staff accordingly. They might well advise people to contact the Ombudsman or refer them to a lawyer.

Several member associations/unions received financial contributions from the agency either by way of staff resources or funds - or both. The majority of the delegates who shared details of their experience reported that they were provided with physical premises and support staff, at the cost of their respective organizations. In addition, some delegates received full or partial funding for travel for staff representation purposes, thus enabling them to carry out their functions.

International Civil Service commission (ICSC)
The ICSC is an independent expert body mandated by the UN General Assembly to regulate the conditions of service of staff in the United Nations common system and promote high standards in the international civil service. The Commission is asked either to make decisions itself, on matters such as establishment of daily subsistence allowance and schedules of post adjustment, or to make recommendations to the General Assembly which then acts as the legislator for the rest of the common system. Additionally, the Commission is asked to make recommendations to the executive heads of the organizations on matters such as human resources policy issues.

The UN Common System
The system comprises the United Nations, its affiliated programmes, thirteen specialized agencies, and one organization with a special status under the ICSC statute. The World Bank Group and the International Monetary Fund (also known as the Bretton Woods institutions) are not part of the common system.

SUMMARIES OF THE 72ND FICSA COUNCIL AND EXECUTIVE COMMITTEE REPORTS

International Labour Organization (ILO)
Geneva

Food and Agriculture Organization (FAO)
Rome

World Food Programme (WFP)*
Rome

United Nations Educational, Scientific and Cultural Organization (UNESCO)
Paris

World Health Organization (WHO)
Geneva

International Civil Aviation Organization (ICAO)
Montreal

Universal Postal Union (UPU)
Berna

International Telecommunication Union (ITU)
Geneva

World Meteorological Organization (WMO)
Geneva
In her reply to the second question raised by the ILOAT, the ICSC Executive Secretary noted that ICSC was currently discussing a new system which would aim to provide a more consistent, predictable, and fair method for determining the salaries of United Nations staff. She explained that the new system would be based on a number of factors, including the cost of living in different cities, the quality of services provided, and the level of responsibility and experience required for each position. She also emphasized the importance of transparency and accountability in the decision-making process, as well as the need for regular consultation with staff representatives. Finally, she reassured the audience that the ICSC was committed to ensuring that all staff members would be fairly treated and that their salaries would be adjusted to reflect changes in the cost of living.
The eighth question was also a supplementary question relating to two problems faced by staff serving in the field: (i) the salaries paid to international staff were based on the cost of living in the duty station, those paid to local staff were based on comparators; and (ii) the relevance of location in determining salaries.

The ICSC Chairman pointed out that ICSC was a subsidiary organ of the General Assembly, which had long adopted the Nobletaire and Flemming principles as salary determinants. The salaries paid to Professional staff were adjusted for cost-of-living variations at different duty stations and over time in relation to a base index by means of post adjustment reflecting the classification for the duty station concerned as determined by the ICSC. The salaries paid to General Service staff were based on the best prevailing conditions of employment in the locality, taking into account the recommendations of the ICSC. There were clearly other ways of determining salary levels and there was always room for improvement. Changes, however, could not be introduced without entering into a lengthy constitutional debate. As for the impact of locality, it was not possible to align two countries, but you could realign the system. At present, data on local salaries were being purchased to an ever-greater degree - but blanket exceptions to the current provisions could not be made.

The ninth question, a supplementary question, related to the situation in Egypt where the local currency had suffered sharp devaluation. The next salary survey was scheduled for April 2019, but difficulties loomed large, as local comparators were not willing to cooperate in the customary manner. Under such circumstances, it was asked whether the local salary survey committee would have to purchase data from the comparators, the rider to the question being how could one validate the data so purchased.

The ICSC Executive Secretary was aware of some countries not allowing the sharing of market data. She thus suggested that the local salary survey committee contact UN OHHRM on the matter. The UN OHHRM staff knew about global employers and the data they provided. They could thus best advise on sources for data on local comparators.

During the exchange, a remark was made on the ICSC website. It was said to be vague about the role of the Commission, while its coverage was not as international as it should be. Links to certain duty stations were missing. It was hoped that everything would work once the website was fully operational.

The ICSC Chairman stressed that the Commission was a strictly independent body comprising the commissioners, federations and organizations. He referred specifically to Article 6 of the ICSC Statutes. Its mandate was 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. For his part, the ICSC Chairman assured Council that the Commission would be fully independent during his tenure. Its membership would also reflect international balance. He was committed to the independence of the Commission as his top priority, his other priority being communication so that the mission of the ICSC was understood by all.
Le Président de la FICSA, Monsieur Brett Fitzgerald a ouvert la session du Conseil de La FICSA en remerciant ses hôtes, et l’Association du personnel de l’OTICE, pour toute la préparation concernant cette réunion. Les efforts consentis par l’Association du personnel ainsi que son accueil chaleureux ont été particulièrement appréciés. Il a ensuite donné la parole à Madame Michelle Delinde, Présidente de l’association du personnel de l’OTICE.

Madame Delinde a souhaité la bienvenue, au nom de l’as- sociation du personnel, du personnel de l’OTICE dans son ensemble et aux participants de ce Conseil. Bien qu’étant une organisation récente et grâce au soutien de son ad- ministration, l’Association du personnel de l’OTICE a été honorée d’avoir l’occasion d’accueillir le Conseil de la FICSA à Vienne. Elle a adressé tout particulièrement un remerciement à l’Association du personnel de l’Agence in- ternationale de l’énergie atomique (AIEA), au secrétariat de la FICSA, au Comité exécutif de la FICSA ainsi qu’à ses collègues de l’OTICE qui ont fait des efforts supplémen- taires pour l’organisation de ce Conseil.

Elle a souligné que l’OTICE n’était membre du système commun des Nations Unies que depuis deux ans seule- ment. En tant que nouveau dans cette grande famille, il est d’une importance cruciale que le Conseil du personnel intègre les questions de représentation du personnel par le biais de la FICSA. La volonté de la Fédération concernant l’esprit d’unification est une chose que le personnel appré- cie ainsi que son sens de la justice à servir les intérêts de ses membres.

Le Président de la FICSA a ensuite donné la parole à Mon- sieur Lassina Zerbo, Secrétaire exécutif de l’OTICE qui a souhaité très chaleureusement la bienvenue au 72ème Conseil de la FICSA. Il a remercié tout particulièrement Madame Delinde, un des membres comptant le plus d’an- nées de service au sein de l’OTICE, sur l’étendue des ef- forts qu’elle a dû prendre pour tout organiser ce qui n’est pas une mince affaire considérant la taille de l’organisation hôte. Il a également remarqué quelques anciens membres du personnel de l’OTICE parmi les délégués.


M. Zerbo a laissé entendre que d’autres organisations pourraient suivre cet exemple. Il souhaite une collaboration plus étroite entre l’OTICE et la FICSA. On a beaucoup à gagner à faire partie d’un vaste réseau d’association du personnel ou syndicat. En conclusion, Monsieur Zerbo a souhaité à la Fédération plein succès dans ses délibéra- tions.

Le Président de la FICSA a sali l’opportunité pour présenter les représen- tants des autres fédérations, la CCISUA et UNISERV. Il a ensuite remercié Monsieur Larbi Djacta, Président de la CFPI, accompagné de Madame Regina Pawlik, Secrétaire exécutive de la Commission, et Madame Cleopatra Todis, pour avoir accepté de s’adresser aux membres du Conseil et d’avoir organisé des ateliers la veille.

Le Président de la FICSA a ensuite demandé à tous de se lever et d’observer une minute de silence en hommage aux membres du personnel décédés durant l’année ou ayant perdu leur vie dans le cadre de leur service aux Nations unies en 2018.

Le Président de la FICSA invite ensuite, Monsieur Djacta à prendre la parole. Ce dernier, en tant que Président de la Commission nouvellement nommé est honoré de cette invitation et a souhaité aux délégués une année de santé et de productivité.

Pour commencer, il a assuré que le point de vue et les préoccupations de la Fédération continueront à être en- tendus et recevront toute l’attention de la Commission. Il est parfaitement conscient du rôle important que la CFPI tient dans l’exécution des programmes des organisations du système commun ainsi que de son impact dans les conditions de vies des membres du personnel et de leur famille. Au moment d’importants changements socio-éco-
niques et technologiques, ses objectifs se dirigeront sur la satisfaction du personnel car tout était mis en œuvre pour obtenir les meilleures conditions de service. Non seuls les employeurs doivent être plus flexibles et adaptables, mais les employés doivent eux aussi s’adapter aux cycles rapides d’innovations et conserver leur pertinence en observant, en réfléchissant et en apprenant de nouvelles compétences.

Compte tenu des mesures d’austérité adoptées par les états membres, le personnel ne doit pas croire qu’il ne sera pas impacté. Il doit avoir des perspectives d’avenir. Une nouvelle génération avec de nouvelles compétences et des nouvelles préoccupations doit être mieux formée pour s’adapter à l’évolution du monde du travail. Il a appelé pour un dialogue dans les deux sens. Le succès du partenariat réside dans la communication. Le nouveau site web, plus convivial, montre l’importance qu’il accorde à l’information et à l’éducation du personnel. Il souhaite également être plus accessible et plus disponible pour les membres du personnel et les organisations et diffuser des publications plus informatives afin de tenir le personnel au courant des questions qui le concernent. Il compérirait ces activités par des visites plus fréquentes sur le terrain et auprès du personnel.

Il a cité des modifications dans la composition des membres de la Commission et du Comité consultatif pour les questions d’ajustement de poste (CCQAP). Il est optimiste quant aux changements positifs que cela apportera. En outre, le Secrétariat de la CFPI continuerait de travailler avec le personnel dans des groupes de travail ; une approche collaborative qui a permis d’instaurer un climat de confiance parmi les partenaires. Il a cité l’examen approfondi entrepris par le groupe de contact créé en 2018, la CFPI examine des moyens d’améliorer le processus de consultation et les modalités de travail. Malgré toute la complexité des multiples mandats, le Président de la CFPI est confiant que la diversité et les talents de l’ensemble du personnel « grouilleront d’idées novatrices » et travailleront comme une seule famille garantira la réalisation des objectifs organisationnels dans l’unité du système commun. Pour sa part, le Président de la CFPI demanderait aux membres du personnel de faire des suggestions concrètes sur la manière dont ils pourraient contribuer davantage au processus de prise de décisions permettant ainsi à la Commission de s’acquitter de son mandat, tandis que le système dans son ensemble s’efforcerait de réaliser les objectifs de développement durables à l’horizon 2030.

Même si le statut de la CFPI traitait de la coordination et de la réglementation des conditions de service dans les organisations du système commun, le Président a souligné que la Commission n’était pas pour autant une force de police. Son attention porte sur la préservation de l’équité entre les organisations du système commun. Il est convaincu que la concurrence et les désaccords ne devraient pas empêcher les organisations de s’acquitter de leur mandat. La CFPI est « un facilitateur des affaires » ; il doit veiller à ce que les organisations bénéficient de conditions de service égales. Dans la recherche de conditions de service équitables, la Commission s’appuiera sur les représentants du personnel pour exprimer leur compréhension du terme « changement » et engager un débat donnant lieu à des idées équilibrées et durables.

En conclusion, M. Djacta a déclaré le type de culture qu’il souhaiterait promouvoir et cultiver dans l’ensemble du système commun. Il est urgent de créer une culture positive favorisant l’inclusion et l’égalité entre les organisations du système commun, y compris le secrétariat de la CFPI. Il est fier que l’Assemblée générale des Nations unies ait adopté le cadre révisé de la CFPI pour la diversité.

Il a saisi l’occasion pour affirmer son engagement à assurer la mise en œuvre effective, dans le système commun, de la politique de tolérance zéro du Secrétaire général en matière de harcèlement sexuel. Si tous les membres du personnel et le système commun dans son ensemble adoptent cette politique, tout le monde pourrait coexister dans un lieu de travail calme et serein, sans intimidation, harcèlement ni abus de pouvoir ; le tout dans le respect des normes de conduite de la CFPI.

Il a souhaité au Conseil de la FICSAC plein succès dans ses délibérations. Il attend avec intérêt de répondre aux questions que les délégués pourraient avoir lors de la session prévue dans l’après-midi, ainsi que de poursuivre, par la suite un dialogue constructif et fructueux.
RÉSUMÉ DU 72ÈME CONSEIL DE LA FICSA

Rapport du Comité exécutif pour 2018-2019

Le Président de la FICSA a d’abord présenté les membres du Comité exécutif et a ensuite évoqué les principaux or- ganes inter institutions auxquels la FICSA a activement participé. Les principales agences sont : la Cinquième commission de l’Assemblée générale des Nations unies ; la CFPI et ses groupes de travail ; l’ACPAQ dont les recom- mandations sur les questions post-ajustement ont été transmises à la CFPI ; le Comité de haut niveau sur la ges- tion (HLCM) dont les membres sont des cadres supérieurs aux niveaux du sous Secrétariat général ou de directeurs sous la responsabilité des chefs de de l’Administration au sein du Conseil des chefs de secrétariat (CEB) ; les groupes de travail du HLCM ; le réseau des ressources hu- maines (HRN) et ses groupes de travail ; le Comité mixte de la Caisse commune des pensions du personnel des Na- tions Unies (CCPNU) et le Réseau inter agences de gestion de la sécurité (IASMN).

L’année écoulée a été une année mouvementée princi- palement à cause de nombreux sujets où la FICSA a fait connaître son point de vue lors de réunions organisées par les organes inter agences susmentionnés. L’absence d’un chargé de l’information dont le recrutement a pris toute l’année a également été un obstacle majeur. Malgré cela, la FICSA a lancé un nouveau site Web ; la première étape est chargée de l’information dont le recrutement a pris toute sa signification et la deuxième étape, consistant à mettre à jour le contenu du site, est en cours.

Par ailleurs, le secrétariat de la FICSA a fait l’objet d’un audit fonctionnel. Les conclusions de cet examen ainsi que les commentaires du Comité exécutif sont résumés dans le rapport du comité Ad Hoc sur le développement stra- tégique qui seront examiné durant cette session.

La FICSA a signé un accord de coopération avec UNI- SERV, renforçant ainsi les liens entre les trois fédérations du personnel. Elle a également contribué à la création d’un groupe de contact de la CFPI, au sein duquel la FICSA a demandé une amélioration du processus de consultation avec la Commission. La Fédération a également attiré l’at- tention des révisions et des amendements aux Statuts et au règlement intérieur de la CFPI datant de 1989 qui n’avaient jamais été inclus dans les versions actuelles du même document. À la suite de la récente intervention de la Fédération sur cette question, la CFPI a finalement mis à jour son règlement intérieur.

La FICSA a réussi à obtenir un examen complet de la mé- thode d’ajustement de poste. Il s’agissait de la création d’un groupe de travail de la CFPI chargé d’examiner le cadre conceptuel de l’indice d’ajustement de poste, un rôle clé sur lequel travaille trois statisticiens experts des fédérations du personnel. En outre, la FICSA s’est assurée que le groupe de travail de la CFPI examine les règles opé- rationnelles régissant la détermination des multiplicateurs d’ajustement. La FICSA est représentée dans ce groupe de travail par M. Irned Zabbar (AIEA) et M. Irvan Mohd Razali (OMS/GSC Kuala Lumpur). Dans le même temps, un groupe de travail de la CFPI examine également les méthodes d’enquête salariales utilisées pour déterminer les traitements du personnel des services locaux et des services généraux. M. Zabbar (AIEA) et Mme Vitali (OPS / OMS Washington) membres du Comité exécutif de la FIC- SA ont représentés la Fédération lors de la première réu- nion de ce groupe de travail.

D’autres questions présentant un intérêt particulier pour la FICSA ont été soulevées dans le cadre des organes officiels auxquels la Fédération participe. En plus de la Commission et de l’IASMN, ils comprennent trois groupes de travail du HLCM sur la stratégie en matière de santé mentale, l’obli- gation de diligence (y compris vis-à-vis du personnel) et l’assurance maladie après la cessation de service.

Face à l’inflation galopante et à la déflation rapide de la monnaie locale en Égypte, Mme Véronique Allain (SCBD), membre du Comité exécutif pour les questions régionales et de terrain, a effectué une mission dans ce pays, au cours de laquelle elle avait organisé une vidéoconférence entre un membre du secrétariat de la caisse des retraites et des pensions et des retraités du Caire afin de clarifier la situation. Des entretiens auront également lieu avec le représentant régional en Asie et des interventions à ce sujet seront adressées au Comité mixte de la caisse des pensions (CCPNU). En outre, il est prévu de contacter le nouveau Directeur général par intérim de la Caisse des pensions.

La FICSA a réussi à faire évoluer la situation concernant sa demande du partage des coûts des deux postes officiels de la FICSA (président et secrétaire général). L’intransi- gence apparente de la situation était imputable à la réti- nce des organisations d’accorder une dispense à temps plein et aussi de devoir absorber la totalité des coûts de ce détachement. Par ailleurs, comme indiqué une an- née auparavant, un pourcentage non négligeable des or- ganisations des Nations unies impliquées avaient soumis à l’idée de répartir les coûts entre toutes les organisations. La FICSA est donc en train de rééditer les propositions qu’elle avait envoyées deux ans auparavant.

Les réductions de salaires à Genève ont entraîné une réac- tion active de la FICSA, en particulier de la part de la Secré- taire générale de la FICSA, Madame Gemma Véstas dans la coordination des 2 000 recours juridiques implémentés en signe de protestation.

Il s’est également félicité du succès des ateliers de forma- tion proposés par la FICSA dans une vingtaine d’agences et auxquels ont assisté près de 510 participants. Les ate- liers ont mis en évidence l’un des avantages concurrentiels de la Fédération sur lequel il conviendrait de développer d’avantage cette activité.

Le Président est fier d’annoncer que le budget proposé pour l’année à venir est de cinq pour cent moins élevé que les autres années.

L’ampleur du processus de réforme des ressources hu- maines des Nations Unies est conséquent. Ce système a été conçu pour créer une organisation forte et tournée vers l’avenir dans un environnement difficile et en rapide évolu- tion. Les réformes portent sur un large éventail d’initiatives en termes de politiques, de conditions de service, de ges- tion de la performance en gestion des talents, d’apprentis- sage et de développement de carrière, ainsi que de santé et de bien-être du personnel. Le Président de la FICSA a souligné que le processus vise le Secrétariat des Nations unies et ne devrait donc pas avoir d’impact immédiat sur les agences spécialisées affiliées à la FICSA. Néanmoins, les membres détachés du personnel travaillant pour des organisations affiliées à la FICSA ressentent déjà les effets de certains changements. Toutefois les changements au sein des Nations unies ont tendance à se répéter dans tout le système commun. Les représentants du personnel ont donc été invités à surveiller et suivre de près les évé- nements et l’évolution de la situation. Comme l’a souligné une délégation, il est essentiel de signaler immédiatement toute divergence imputable au processus de réforme de l’ONU et ayant une incidence sur les agences spécialisées. Le Président de la FICSA a encouragé tout le monde à étudier la résolution de l’Assemblée générale A / 73/372 / Add.1 et à relire les chapitres pertinents du rapport du Comité exécutif.

En conclusion, le Président de la FICSA a souligné les bonnes conditions de travail avec le Comité exécutif. L’équipe a mis tous ses intérêts personnels derrière lui et il ne peut que les remercier pour leur engagement qui a prévalu tout au long de l’année.
Au cours de la brève discussion qui a suivi, une question a été posée sur le nouveau service des ressources humaines mis en place à Bonn et sur les avantages et les inconvénients d’un tel service. Le Président de la FICSA a expliqué que le centre nouvellement créé, connu sous le nom de Centre commun des Nations unies pour les services en ressources humaines, est chargé de fournir des services de classification et de vérification des références aux organisations dotées d’un système commun. Il sert les organisations des Nations unies participant au Centre commun. Contrairement aux craintes qui avaient été exprimées, son mandat n’inclut pas les contrôles de performance. Destiné au partage des services entre organisations, le Centre a pour objectif d’éviter les doubles emplois et de réduire les coûts.

Note explicative sur la double filière du système d’ajustement des pensions des Nations unies

Le système d’ajustement des pensions (PAS) de la Caisse communique des pensions du personnel des Nations unies vise à garantir que les prestations de pension payées aux retraités et aux bénéficiaires ne descendent jamais en dessous de la valeur réelle du dollar américain. Afin de garantir que les retraités ne reçoivent jamais moins que la valeur réelle en dollars, chaque trimestre, le montant le plus élevé en dollars du montant en devise locale est versé (en convertissant la devise dollars en devise locale utilisant le taux de change trimestriel).

La prestations mensuelles sont ajustées sur une base annuelle le 1er avril, à condition que l’indice des prix à la consommation (IPC) ait fluctué d’au moins 2%. Le montant en dollars américains est ajusté en fonction du mouvement de l’IPC des États-Unis, le montant en devises locales est ajusté en fonction du mouvement de l’IPC du pays de résidence. Si l’IPC applicable a fluctué de 10% ou plus depuis la date du dernier ajustement, l’ajustement est effectué semestriellement le 1er avril et le 1er octobre.

Pour préserver la valeur du montant en dollars, le montant de la monnaie locale ne peut jamais être inférieur à 80% du montant en dollars après ajustement au titre de l’inflation. Il y a aussi une limitation de l’avantage du dollar lorsque le dollar américain se renforce considérablement par rapport à la monnaie locale. Le montant de la pension en dollar converti trimestriellement en devise locale, ne peut pas dépasser le montant en devise locale de plus de 10%.

Le paragraphe 26 a été inclus dans le système d’ajustement des pensions, car il était nécessaire de disposer d’une certaine souplesse administrative pour protéger le fonds et les retraités dans des cas où la situation économique par rapport au dollar américain ne serait pas stable. Ce paragraphe contient des mesures que l’administrateur du Fonds de pension peut exercer lorsque des situations économiques extrêmes se développent dans un pays et créent des relations extraordinaires entre le dollar américain et les montants en monnaie locale. Ces mesures comprennent la suspension de prestations en monnaie locale optées auparavant ainsi que la suspension de l’offre en monnaie locale pour les nouveaux retraités. Actuellement, la monnaie locale est suspendue dans 26 pays, dont l’Argentine.

Le Président a fait référence au manuel de la FICSA sur la représentation du personnel dans les organisations internationales et a invité les membres à fournir des détails sur leurs cadres opérationnels et le type d’assistance fournie au personnel.

Les membres ont déclaré que presque toutes les organisations avaient pris des dispositions pour libérer du temps pour les activités écologiques des représentants du personnel. Le détachement varie selon les membres, entre 2 heures par semaine et 100%, selon le rôle du représentant et le besoin de libération. Certains membres ont noté que, malgré s’ils pouvaient bénéficier d’un temps de détachement officiel, leurs tâches habituelles n’avaient en réalité pas été réduites. En bref, ils n’ont pas été libérés, mais malgré tout, ils remplissent leurs fonctions de représentation du personnel. La plupart des membres ont eu des temps libérés supplémentaires pour assister à des réunions, telles que le Conseil de la FICSA et des ateliers. Les missions d’un certain nombre de représentants étaient souvent financées (au moins en partie) par leurs agences. Le détachement a été approuvé soit par le supérieur hiérarchique direct, soit, dans certains cas, par le chef du secrétariat ceci afin de souligner les liens étroits entre les parties.

Les délégués, qui partagent leurs expériences dans leurs organisations respectives, acceptent d’aider tous les membres du personnel et pas seulement les membres payants la cotisation de leurs associations / syndicats, bien que certaines associations / syndicats aient rejeté ou insisté auprès du demandeur à ce qu’il devienne membre quand les demandes d’aide sont répétées. Tous les délégués disposent d’un grand nombre de moyens pour aider le personnel, y compris des politiques de porte ouverte permettant au personnel de passer en personne, des contacts par e-mail pour traiter des cas individuels, des réunions avec le directeur des ressources humaines sur une base bilatérale, etc. En fonction de la situation, le SRB évaluera le type de mesures à prendre et informera le membre du personnel en conséquence. Ils peuvent conseiller aux personnes de contacter le médiateur ou de les renvoyer vers un avocat.

Plusieurs associations / syndicats membres ont reçu des contributions financières de l’agence sous forme de ressources en personnel ou de fonds - ou les deux. La majorité des délégués qui ont partagé leur expérience ont déclaré qu’on leur avait fourni des locaux et du personnel de soutien aux frais de leurs organisations respectives. En outre, certains délégués ont reçu un financement total ou partiel pour des voyages à des fins de représentation du personnel, leur permettant ainsi d’exécuter de leurs tâches.
CONSEIL DE LA FICSA

Commission de la fonction publique internationale (CFPI)

La CFPI est un organe d’experts indépendants mandatés par l’Assemblée générale de l’ONU pour réguler les conditions de service des personnels dans le système commun des Nations unies et promouvoir des normes élevées dans la fonction publique internationale. Il est demandé à la Commission de prendre ses propres décisions sur les questions telles que l’établissement des indemnités journalières. Les Nations unies se préoccupent des considérations de profit. La CFPI s’est engagée à prendre des décisions sur les questions qui se posent. La rockets à la suite de laquelle le CCQAP se réunira en mai 2019. En outre, il est demandé au Président de la CFPI si la Commission avait déjà répondu à cette question. Le Secrétariat de la CFPI a répondu que le UNDT est également impliqué. La CFPI est en contact avec les juristes de toutes les organisations. Les questions adressées au tribunal administratif de l’OIT traitent également d’autres problèmes inhérents. Le Tanou a déjà pris sa décision dans un cas. Il faut espérer que le TAOIT prendra la même décision ; sinon, on ne pourrait pas parler d’un système commun.

Le système commun des Nations unies

Le système comprend les Nations unies, ses programmes affiliés, treize institutions spécialisées et une organisation dotée d’un statut spécial en vertu du statut de la CFPI. La Banque mondiale et le Fonds monétaire international (également appelés institutions de Bretton Woods) ne font pas partie du système commun.

ORGANISATION

- Centre de Commerce International (CCI)
- Organisation internationale du Travail (OIT)
- Organisation pour l’Alimentation et l’Agriculture des Nations unies (FAO)
- Programme Alimentaire Mondial (PAM)
- Organisation des Nations unies pour l’Education, la Science et la Culture (UNESCO)
- Organisation Mondiale de la Santé (OMS)
- Organisation de l’Aviation Civile Internationale (ICAO)
- Union Postale Universelle (UPU)
- Union Internationale des Télécommunications (UIT)
- Organisation Météorologique Mondiale (OMM)
- Organisation Maritime Internationale (OMI)
- Organisation Mondiale de la Propriété Industrielle (OMPI)
- Fonds International de Développement Agricole (FIDA)
- Organisation des Nations unies pour le Développement Industrialisé (UNIDO)
- Agence Internationale de l’Energie Atomique (IAEA)
- Organisation Mondiale du Tourisme (OMT)
- UN Women (Mujeres)
- Autorité Internationale des Fonds Marins (IBA)
- Programme Commun des Nations unies sur le VIH/sida (UNAIDS)
- Tribunal International du Droit de la Mer (ITIM)
- La Commission Préparatoire de l’Organisation du Trait d’interconnexion complète des essais nucléaires (LATTICE)
- UNOPS pour les réfugiés de Palestine au Proche-Orient (UNRWA)
- Programme des Nations unies pour le Développement (PNUD)
- Fonds des Nations unies pour la Population (UNFPA)
- Bureau des Nations unies pour les Services d’Appui aux Projet (UNOPS)
- Haut-Commissariat des Nations unies pour les Réfugiés (UNHCR)
- Le Fonds des Nations unies pour l’enfance (UNICEF)
- Office des secours et de travail des Nations unies pour les réfugiés de Palestine au Proche-Orient (UNRWA)

SIEGE

- Genève
- Rome
- Paris
- Bern
- Genève
- Montreal
- Genève
- London
- Genève
- Rome
- Vienne
- Vienne
- Madrid
- New York
- Kingston
- Genève
- Hamburg
- Vienne

RÉSUMÉ DU 72ÈME CONSEIL DE LA FICSA

QUESTIONS ET REPONSES AVEC MONSIEUR LARBI DJACTA, PRESIDENT DE LA CFPI, ET MADAME RÉGINA PAWLIK, SECRETAIRE EXECUTIVE DE LA CFPI

La première question concerne les mesures que la CFPI compte prendre afin d’assurer que la méthode de l’ajustement de poste soit : (i) adaptée à ses besoins ; (ii) facilement compréhensible ; (iii) transparent ; et (iv) prévisible.

Dans sa réponse, la Secrétaire exécutive de la CFPI a expliqué que le système avait été conçu pour lutter contre les écarts du coût de la vie. Il est important de se rappeler que le système est également basé sur celui de New York. La CFPI examine les points soulevés et le groupe de travail fera un rapport à la session de printemps de la Commission. Les statisticiens du groupe de travail de la CFPI étudient également la question, à la suite de laquelle le CCQAP se réunira en mai 2019. En outre, des questions ont été soulevées concernant la philosophie de base du système d’ajustement de poste. Les réponses à toutes ces questions devraient être fournies à la session d’été de la Commission.

La deuxième question portait sur la position du secrétariat de la CFPI concernant la proposition d’utiliser des données externes provenant de fournisseurs pour les futures enquêtes sur les salaires et sa perception du rôle des comités locaux d’enquête sur les salaires. La troisième question concerne le recours juridique auprès du TAOIT de 2’000 fonctionnaires basés à Genève au sujet des réductions de salaire. Depuis lors, le personnel a eu connaissance que certaines administrations de Genève ont demandé au Secrétariat de la CFPI de fournir une réponse. Il a été demandé au Président de la CFPI si la Commission avait déjà répondu à cette demande.

Dans sa réponse, le Président de la CFPI a souligné que le Secrétariat traitait toutes ces questions par des voies très officielles. À l’heure actuelle, la CFPI essaie de surmonter le problème et de trouver une solution à long terme. La Secrétaire exécutive de la CFPI a répondu que le UNDT est également impliqué. La CFPI est en contact avec les juristes de toutes les organisations. Les questions adressées au tribunal administratif de l’OIT traitent également d’autres problèmes inhérents. Le Tanou a déjà pris sa décision dans un cas. Il faut espérer que le TAOIT prendra la même décision ; sinon, on ne pourrait pas parler d’un système commun.

Dans la quatrième question, le Président de la CFPI a décrit la situation actuelle et a suggéré que l’utilisation de données externes était l’une des nombreuses options et qu’elle pourrait être utilisée pour améliorer certaines situations. Diverses sources pourraient être étudiées. Par exemple, on peut contacter directement les fournisseurs, mais il peut s’avérer difficile d’obtenir la meilleure réponse possible. En tant que système multilatéral, les Nations unies ne se préoccupent pas des considérations de profit. La CFPI examine les problèmes, mais il ne peut pas parler de décision finale. Il avait été demandé d’utiliser des données externes. S’agissant de l’amélioration du rôle des comités locaux d’enquête sur les salaires, il convient de rappeler qu’une réunion sur les méthodes d’enquête sur les salaires vient d’être achevée. Malgré la rumeur des délibérations, la question ne sera pas réglée rapidement. Pour sa part, la Secrétaire exécutive n’a pas trouvé de solution permettant de faire sans les comités locaux d’enquête sur les salaires. L’achat de données pourra être limité au seul secteur privé ; cependant, tout dépend des résultats du groupe de travail de la CFPI. Elle n’a pas prévu l’abolition des comités locaux d’enquête sur les salaires.

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La huitième question est également une question complémentaire concernant deux problèmes rencontrés par le personnel en poste sur le terrain : (i) les salaires versés au personnel international sont calculés en fonction du coût de la vie dans le lieu d’affectation, ceux versé au personnel local sont basés sur des comparateurs ; et (ii) la pertinence de la localisation dans la détermination des salaires. Le Président de la CFPI a souligné que la CFPI est un organe subsidiaire de l’Assemblée générale, qui a adopté depuis longtemps les principes de Napoléon et de Flemming en tant que déterminants des salaires. Les traitements des revenus des administrateurs ont été ajustés pour tenir compte de l’évolution du coût de la vie dans différents lieux d’affectation et dans le temps, par rapport à un indice de base, au moyen d’un ajustement de poste reflétant le classement du lieu d’affectation en question et déterminé par la CFPI. Les traitements des agents des services généraux ont été calculés sur la base des meilleures conditions d’emploi en vigueur dans la localité, compte tenu des recommandations de la Commission. Il y a clairement d’autres moyens de déterminer les niveaux de salaire et il y a toujours une amélioration possible. Les changements, cependant, ne pourront être introduits sans entrer dans un long débat constitutionnel. En ce qui concerne l’impact de la dévaluation. La prochaine enquête sur les salaires est prévue pour avril 2019, mais les difficultés sont de taille, les comparateurs locaux ne sont pas appropriés qui les comparateurs. Le président de la CFPI a assuré le Conseil de la FICSA que la Commission a tenu compte de l’importance du choix de la Commission comme priorité principale. Il est attaché à l’indépendance de la Commission en tant que priorité absolue, son autre priorité étant la communication afin que la mission de la CFPI soit comprise de tous.

La Secrétaire exécutive de la CFPI a souligné que le rôle de la Commission est d’être un organe strictement indépendant comprenant les commissaires, les fédérations et les organisations. Il est répété spécifiquement à l'article 6 des statuts de la CFPI. Son mandat est de réglementer et de coordonner les conditions d’emploi du personnel du système commun des Nations unies tout en promouvant et en maintenant des normes élevées dans la fonction publique internationale. Pour sa part, le Président de la CFPI a assuré le Conseil de la FICSA que la Commission sera pleinement indépendante pendant son mandat. Sa composition reflétera également l’équilibre international. Il est attaché à l’indépendance de la Commission comme priorité absolue, son autre priorité étant la communication afin que la mission de la CFPI soit comprise de tous.
The Council of the Federation of International Civil Servants’ Associations (FICSA) at its 72nd Session (Vienna, 2 to 8 February 2019),

Recalling Article 101 of the Charter of the United Nations which stipulates that: “The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity”,

Further recalling the current formulation of the Flemming principle, which stipulates that: “To comply with the standards established by the Charter as regards the employment of locally recruited staff, the organizations of the United Nations system must be competitive with those employers in the same labour market who recruit staff of equally high calibre and qualifications for work which is similar in nature and equal in value to that of the organizations. Remaining competitive in order to both attract and retain staff of these high standards requires that the conditions of service for the locally recruited staff be determined by reference to the best prevailing conditions of service among other employers in the locality. The conditions of service, including both paid remuneration and other basic elements of compensation, are to be among the best in the locality, without being the absolute best.”;

Recalling also UN General Assembly Resolution 62/03 of 6 February 2009 on the ICSC review of the methodologies for surveys of best prevailing conditions of employment at headquarters and non-headquarters duty stations, which resulted in the promulgation of survey methodology I (ICSC R.72/10) and II (ICSC R.72/11), both issued on 26 April 2011;

Noting that, at its eighty-seventh session, the International Civil Service Commission (ICSC) initiated another review of both methodologies and decided to establish a Working Group to facilitate the review, with full participation of the Staff Federations;

Having considered the status report prepared by its representatives in the Working Group and the work plan developed for the work ahead;

Aware of the substantial impact of a large number of changes introduced at the last review, in particular with respect to (i) the categorization of duty stations, (ii) the respective roles of the responsible and coordinating agencies, (iii) the use of national civil service comparators, (iv) the weighting of comparator employers, (v) the use of external data; (vi) the calculation of benefits and, (vii) the existence of multiple salary scales in a single duty station, including secondary salary scales;

Also aware of the immediate and long-term implications of the current review, the outcome of which will have a palpable impact on the conditions of employment of approximately 65,000 locally recruited staff in the General Service and National Officer categories, who represent more than fifty percent of the United Nations staff;

Notes with concern that the restrictive interpretation of the United Nations General Assembly Resolution A/RES/71/284 of 16 January 2017, which in section III requests the Commission “during its next review of the General Service salary survey methodologies under the Flemming principle, to consider the possibility of further increases in the weight of the local national civil services among the retained employers, taking into account that the United Nations is a civil service organization, as well as past experiences of the Commission from the previous round of surveys” may result in fundamental threats to the application of the Flemming principle;

Also expresses its concern regarding the weight attributed to ministries of foreign affairs, which by means of a separate calculation had extremely negative and distorting consequences on the results of salary surveys in many duty stations,

Dismayed that the Human Resources Network in its report CEB/2018/HLCM/HR/7 discussed the reconfiguration of the role of the Local Salary Survey Committee “as a salary survey partner with just 2-4 members per duty station that will provide a communication and change management role that would in turn be channelled to local staff and management more via informative town hall settings, rather than a committee deliberating the process”.

In the interest of ensuring full and effective participation in the ICSC working group on the review of the GS Salary survey methodologies,

The Council,

Urges respect for Article 101 of the UN Charter and the Flemming Principle in all fora;

Seeks assurance that the fundamental role of the Local Salary Survey Committees will be safeguarded whenever the potential use of external data is considered;

Opposes any further increase in the weight accorded to national civil services;

Seeks reconsideration of the mandatory use of Ministries of Foreign Affairs as a comparator and objects to procedures being established that increase artificially the weight of those ministries compared to the rest of the survey sample;

Welcomes cooperation with the other federations in developing joint positions in the Working Group and coordinating advocacy activities at the upcoming ICSC sessions and other high-level meetings, while ensuring that the FICSA membership is kept apprised of progress made.
OPENING STATEMENT
DELIVERED BY THE FICSA PRESIDENT, BRETT FITZGERALD, TO THE 88TH SESSION OF THE ICSC

Mr. Chairman, Members of the Commission and Distinguished Colleagues,

Please allow me to join others in offering FICSA’s congratulations to Mr. Djacta on his election to the position of Chairman of this distinguished body, to Ms. Gardner, Ms. Bechtel on their re-election and to Messrs. Bangali, Kurer and Wink on their election to the Commission. FICSA looks forward to working with you and the other serving members on a rejuvenated Commission as it continues to review a number of important issues during the current year.

Although we take note of the resolution and related decisions adopted by the UN General Assembly on matters which were discussed here in this body last year, we are surprised that two of those matters would appear to have not been taken up by the General Assembly, namely the recommended introduction of an end-of-service grant to fixed-term staff whose contracts are not renewed and the recommendations relative to the ICSC’s review of the level of children’s and secondary’s allowances. We look forward to receiving clarification during this current session when we discuss agenda item 4.

It is refreshing to see that career development has been placed on the agenda for discussion because, for the past several years, staff have been conveying to us their questions as to whether careers still exist within the international civil service. We look forward to the discussions on this subject when we discuss agenda item 4.

Having examined the report of the working group on the review of the operational rules governing the determination of the post adjustment multipliers, we look forward to further discussion on the controlled convergence mechanism proposed by the ICSC secretariat, in particular in respect of the appropriate choices relative to the control parameters and whether such a CCM would meet the required criteria of transparency, accuracy and equity. We would also like to better understand the consequences, if any, of not including New York in the CCM as suggested in the working group’s report. In any case, it seems apparent that the Task Force on the review of the methodology for the compilation of the post adjustment index would need to complete its review first before taking decisions on the operational rules.

The report of the working group on the review of the salary survey methodologies used for purposes of establishing the salaries of General Service and other locally recruited categories of staff demonstrates, on the one hand, the vast number of issues which have been raised and, on the other hand, the desire on the part of one or more quarters to entirely eliminate the conduct of salary surveys and replace them with data purchased from external sources or vendors. FICSA has strong concerns about this latter issue and recalls when the ICSC had discussed it in 2011. At that time, and in respect to private sector data which had been provided by two vendors selected to provide information to evaluate this option, the ICSC working group had found that:

- the food and retail sectors were over-represented in New York City;
- the banking and financial sectors were under-represented;
- the data provided by the vendors was with a different audience in mind;
- the number of common employers from the common system surveys and the vendor database was no more than one or two per survey;
- one of the two vendors could only provide country-wide data;
- the employers chose what data to submit and it could not be confirmed that data for support positions were submitted;
- in general, employers submitted data relating to core professional and managerial jobs; customization of the data set to identify the best employers for each job resulted in limited data sets, and thus resulting in volatility; and the full market data provided did not focus on the best paying employers.

These deficiencies would need to be overcome before one could conclude that the use of purchased data reliably complies with the Flemming Principle.

FICSA welcomes the fact that its request (together with the request of the HR Network) for a review of the consultative process and working arrangements in the Commission has been taken on board and we look forward to the second meeting of this Contact Group scheduled for 5 April 2019, when we would expect to have a comprehensive discussion on the process of consultation and its definition as well as new and innovative ways of working together.

We look forward to our discussions and interactions over the course of the two weeks of this Session of the Commission and we would like to reassuring the Commission of FICSA’s full involvement therein.

I thank you for your attention.
In the course of the year 2018, several Members of the Executive Committee of the FICSA Federation had the opportunity to assist staff in the field as a part of other duty travel missions.

LATIN AMERICA – SALARY SURVEYS

In April 2018, on the occasion of a UN Secretariat training course on the conduct of salary surveys according to the Methodology II, two members of the Executive Committee of the FICSA Federation, Pilar VIDAL (Member for Compensation Issues) and Véronique ALLAIN (Member for Field and Regional Issues) travelled to Santiago de Chile to follow the training in Spanish language. They took the opportunity during this mission to connect with UN colleagues based in Santiago, namely from the Pan-American Health Organization (PAHO), the Economic Commission for Latin America and the Caribbean (ECLAC) and the International Labour Organization (ILO). It has always been a real pleasure to see how well received we are as FICSA representatives, wherever we are among other UN colleagues, because of the wealth of information and knowledge that the Federation represents. You would actually be quite surprised to realize that our colleagues who work for a UN entity in a non-H duty station have many questions to ask about conditions of service in the UN in general and any opportunity is good to share information and find out how a large Federation of staff representation bodies can help in disseminating information. Issues discussed ranged from life and work balance, rights of association of staff, abolitions of posts, health insurance and access thereto, pension benefits and entitlements, training opportunities or lack thereof, types of contracts, etc.

During the training session, Pilar and Véronique seized every occasion to mingle with the participants who were staff members of UNICEF, UNDP, UNHCR, UNFPA, WFP, ILO, in different locations from the Latin America and Caribbean region such as Panama City, Buenos Aires, Lima, Guatemala City, Bogota, La Paz, Santiago.

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We took advantage of our presence in Santiago to organize a video-conference (at the ILO Offices in Santiago) between a representative of the New York-based UN Joint Staff Pension Fund (UNUSPF) and local representatives of UN entities and although the group of participants was quite small, the impact of this two-hour presentation was high. So much information was gathered by colleagues based in Santiago that this event was considered as one of the highlights of the FICSA mission to Santiago. We all know very well that unless we, as UN staff, would come close to the mandatory age of retirement, we have not much interest in the issues of pensions and retirement. Therefore, it is striking to realize how much basic knowledge on those issues needs to be shared in the UN at large and how much the FICSA Federation becomes instrumental in its role of dissemination of information related to conditions of service in the UN at large.

EASTERN MEDITERRANEAN – DEVALUATION OF LOCAL CURRENCY

Later on in the year 2018, keeping in mind the difficulties expressed by the Staff Association of the WHO Regional Office for the Eastern Mediterranean (WHO EMRO) in Cairo, Egypt, regarding the terrible impacts of the devaluation of the local currency on the salaries paid to locally recruited staff and on the pensions paid to retirees, Véronique Allain, (Member for Field and Regional Issues), travelled through Cairo on her way back from an official mission to Egypt for her own organization (SCBD).

Véronique took the initiative to arrange meetings with representatives from WHO EMRO, UNESCO and FAO, which are the three main UN organizations based in Cairo in order to find out more about the currency situation. A complete picture of the economic situation was given to the FICSA representative, i.e. the devaluation of the Egyptian Pound which started early in 2016, with the black market doubling the exchange rate of the USD vs the Egyptian pound. The resulted inflation was reflected on all goods and kept accumulating on a monthly basis until the official floatation of the local currency in November 2016 (from USD 1 = EGP 8.99 to USD 1 = EGP 17.8), 100% devaluation. This situation negatively affected the UN local staff.

In February 2017, the annual food and beverage inflation rates jumped by 41.7 percent. Annual inflation rate from 9.2% in March 2016 to 32.5% in March 2017. At the level of the salaries’ adjustments, the methodology II for conducting salary surveys for locally recruited staff in non-headquarters’ duty stations foresees special measures (paragraphs 114 to 116), i.e.: “X. Special measures

114. Methodology II has been developed in the light of a need for flexibility, not only to account for the considerable differences found among the duty stations, but also in the light of certain administrative constraints. It is emphasized that the methodology is not a rigid framework within which all situations can be resolved, but rather a central core around which local practice can be accommodated. Exceptions to and changes in the methodology will undoubtedly be required and have been anticipated, wherever possible. This does not, however, preclude the need for special and ad hoc measures to be taken in situations of extreme difficulty.

115. Situations of heavy devaluation and/or high inflation may call for some special measures to be taken. In parti-
cual, instances of significant devaluation accompanied by immediate increases in prices are situations requiring close monitoring. It is difficult to provide specific guidelines as to the action that should be taken in such instances. There is often, but not always, a reflection of substantial economic changes in the local wage and salary structure. If local salaries do change frequently and rapidly, then this would be reason to consider equivalent adjustments to the United Nations salaries.

116. It should be noted that special measures are intended to address specific situations where it is not possible to conduct salary surveys in accordance with the usual procedures or where, for a number of reasons, it may be necessary to adopt an approach that is not in strict adherence with the methodology. Nevertheless, it should be noted that the fundamental principle is to compensate local staff in accordance with local conditions. Whenever special measures are contemplated, the first reference point should always be to examine how the comparator employers are addressing the situation so as to ensure that United Nations compensation maintains its relativity to the local labour market. The measures taken by the comparator employers could form the basis for a similar approach by the United Nations.”

The local Federation of UN Staff Associations (FUNSA-Egypt) and the Local Salary Survey Committee (LSSC) interviewed at different levels to alert the Office of Human Resources Management (OHRM) of the difficulty of conducting salary surveys for locally recruited staff when the local currency is being floated, the local labour market is being very unstable and the search for good labour comparators is made more difficult and cumbersome. After these interventions, the UN Secretariat Office of Human Resources Management (OHRM) approved the establishment of a Non-Pensionable Bonus, effective 1 December 2016. Then, an exceptional interim salary survey was also authorized in April 2017 which resulted in an increase of 46.10% in the salaries of GS staff and of 33.80% in the salaries for National Officers. Despite all, the economic situation did not improve much and another interim salary survey was called for October 2017 but it was only conducted in May 2018, after 10 months of hardship for staff locally. This survey resulted in an increase of 10% in the salaries for both GS staff and National Officers. But in June 2018, the Egyptian Government continued the sharp cutting of fuel subsidies as part of the IMF-backed economic reform program, and the electricity prices were raised by an average of 29 percent. The price of piped drinking water went up by 48.5 percent and the price of metro tickets by as much as 350 percent. With the high inflation and the devaluation of the currency, and even after the increases in the local UN salaries in 2017 and 2018, the salaries of local staff have decreased in USD value and the take-home pension money for UN local retirees has seriously decreased too. The FICSA Representative immediately informed the other members of the Executive Committee of the Federation of the difficult and awkward situation of Egypt-based locally recruited staff and this was discussed at the 72nd council of the Federation held in Vienna, Austria in February 2019. Some advice was given and some solutions were put forward, but with no guarantee that these could be implemented during the salary survey exercise due to be organized in April 2019, while this article was written.

The FICSA Representative seized this opportunity of being in the Regional WHO EMRO offices to organize another video-conference, with Geneva-based colleagues from the UNJSPF. The technology allowed for connections with other WHO and UN colleagues in the nearby region. Again, this information session on pensions was well attended and some solutions were put forward, but with no guarantee that these could be implemented during the salary survey exercise due to be organized in April 2019, while this article was written.

Since the ICSC has set up an ad hoc working group to review the two methodologies for salary surveys in the year 2019, no concrete response to this difficult problem can be put forward at this stage. Obviously, in its negotiations with the International Civil Service Commission (ICSC), the FICSA Federation will be striving to ensure that the methodology takes into account special measures that reflect well the conditions of living and working of UN colleagues based in duty stations facing volatile or hard economic conditions such as Egypt, Argentina, Zimbabwe, Venezuela, etc., to name only a few countries, in line with the principle of “leaving no one behind” enshrined in the 2030 Agenda for Sustainable Development.
CARING FOR INFANTS
BY THE AP-IN-FAO AND UGSS

The FAO handbook and manual provisions pertaining to parental leave greatly influence parents’ ability to support their children’s development. They can also contribute to greater gender equality and to enabling FAO to attract a young, gender-balanced and geographically diverse and mobile workforce.

The FAO Staff Representative Bodies acknowledge the progress that FAO has made recently in becoming a more child and family friendly environment. This includes paternity leave of four weeks and, for staff in headquarters, access to a nursery and breastfeeding room.

Nevertheless, the Association is concerned that the:

- duration of parental leave (16 weeks for mothers and 4 weeks for fathers) and limited options for extending this (e.g. half-time arrangements or unpaid leave) curtail parents’ ability to cater for their children’s physical and emotional well-being in the first six critical months of life;
- differences between the duration of maternity and paternity leave places a disproportionate burden of responsibilities for childcare on women so reinforcing gender stereotypes and allowing fathers relatively less time for bonding compared to mothers;
- staff in duty stations away from their places of origin and/or who cannot rely on the support of an extended family are most negatively affected;
- gestational mothers who are able to work but who for medical reasons cannot do so from the office are not allowed to telework and hence forced to take early maternity leave, thereby reducing the maternity leave remaining after the delivery; and
- colleagues on consultancy contracts have no form of insurance coverage for pregnancy and birth related expenses and no parental leave.

It is the view of the FAO SRBs that these conditions undermine FAO’s intentions of creating a more geographically diverse and gender balanced workforce. FAO risks being a less attractive employer to other agencies with more progressive parental leave policies (e.g. IARC, UNICEF, UNAIDS, WHO, WFP).

While FAO’s policy on parental leave is consistent with UN Staff Regulations and Rules, other UN organizations have supplemented these statutory entitlements (IARC, UNICEF, UNAIDS and WHO) provide 24 weeks of paid maternity leave. UNICEF provides 8 weeks paid paternity leave whereas UNAIDS provides 16 weeks paternity leave (see Annex 1 for more details). Moreover, WFP provides maternity leave, medical coverage and pregnancy-related benefits to consultants and short-term staff.

The SRBs propose that FAO consider similar provisions. More specifically:

- Increasing paid leave for gestational mothers to 24 weeks from the current 16 weeks
- Increasing paid leave for non-gestational secondary caregivers to 8 weeks from the current 4 weeks
- Favourably considering leave without pay and temporary half-time work to take care of a newly-born or newly-adopted child following parental leave while protecting the staff member’s right to be reabsorbed after the end of the period
- Favourably considering teleworking for mothers requiring this arrangement for medical reasons
- Providing coverage for pregnancy-related expenses and delivery and paid parental leave also staff on consultancy contracts

<table>
<thead>
<tr>
<th>Annex 1: Summary of parental leave policies</th>
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<tbody>
<tr>
<td>FAO</td>
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<tr>
<td>--------------------------------------------</td>
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<tr>
<td>Maternity leave for staff 18 weeks</td>
</tr>
</tbody>
</table>
| Maternity leave for Consultants No | No | NA | NA | NA | 16 weeks | NA | Can use vacation day | 35 days | NA | NA
| Paternity leave for Consultants No | No | NA | NA | NA | NA | NA | NA | NA |
| Coverage for pregnancy-related expenses for consultants No | NA | NA | NA | NA | Yes | NA | No | NA | No |
| Maternity leave for staff 24 weeks | 16 weeks | 16 weeks | 16 continuous weeks or 48 weeks for multiple birth | 16 weeks | 16 weeks | Maternity leave will normally be increased in the case of a multiple birth |
| Maternity leave for Consultants NA | NA | NA | NA | NA | NA | Nursing mother may take up to 2 hours daily, including commuting time |
| Paternity leave for Consultants NA | NA | NA | NA | NA | Na | 35-days | NA |
| Coverage for pregnancy-related expenses for consultants NA | NA | NA | Yes | NA | No | NA | NA |

NA = data not available in information provided

Source: The Federation of International Civil Servant’s Associations (Document FICSA/C/72/HRM/1) and information gathered from member associations and communicated to AP-IN-FAO.
NEGOTIATION AND CONSULTATION
THE BATTLE OF WORDS

“The Tribunal recalls that, in keeping with the principle tu patere legem quam jussisse, when a text provides for the consultation of a body representing the staff before the adoption of a decision, the competent authority must follow that procedure, otherwise its decision will be unlawful.”

“[T]he case law of the Tribunal which has insisted on consultation and set aside decisions where there has been none ... has been rooted in a legal obligation imposed by a normative legal document (for example, a staff rule or regulation) that the organisation consult a specified body in a specified way. It will be the terms of the normative legal document that will provide the yardstick by reference to which the content of the obligation to consult will be measured and whether it has been satisfied.”

Legal framework governing consultation and negotiation

Most, if not all international organizations, especially those in the UN common system have comparative provisions in their Staff Regulations, Staff Rules, manuals, policies that govern staff/management relations which imply the right to be consulted on matters regarding conditions of work and staff welfare through joint machinery established for that purpose. The two recent judgements cited above clearly affirm the obligation of organizations to consult with staff through their duly elected representatives before taking any decisions that would negatively impact staff or breach their acquired rights.

Negotiation, consultation, the “done deal”

In terms of the activity required there is probably no real difference in meaning between the two processes. The ideal is that both staff association/union representative and management representatives sit down to review a proposed change to or introduction of new staff rules or policies which will have a direct impact on staff’s condition of employment or welfare. The duty is to carry out meaningful consultation with the representatives of the staff to reach an agreement or compromise. In practice, however, the perception among some executive heads is perhaps that negotiation is more far-reaching than consultation and more adversarial in nature and that the sole obligation of management is to inform and consult and not to negotiate, with negotiation seeming to imply giving away power.

As observed by the investigator in the JIU Report on Staff-management relations within the United Nations (JIU/REP/2011/10) there are marked differences both within and among management representatives and staff representatives on how they perceive and understand the term “negotiation”. It is not surprising that staff representatives feel frustrated and powerless when confronted with the “done deal” or when they are told that the issue is a managerial prerogative and outside their mandate and thus are merely informed. It is not surprising that even though the principles and frameworks for mutual information, consultation and negotiation are available via joint bodies, the failure to effectively apply them creates a confrontational atmosphere. The investigator points out that to determine whether an interaction process involves consultation or negotiation, the terms of reference (ToRs) of the joint advisory body or committee concerned can be indicative of the kind of relationship existing between the two parties.

In re Benard and Coffino, filed by staff of GATT, the former WTO, while an often-quoted judgment on acquired rights is also a reference for the definitions of consultation and negotiation. The Tribunal, in defined and differentiated both terms, held that “while in practice the two often overlap, there is a clear distinction between them.”

“21. The distinction lies in the situation. If the end-product of the discussions (to use a wide and neutral term) is a unilateral decision, i.e. an agreement, «negotiation» is appropriate. Decisions are reached after consultation; agreements after negotiation. Negotiation starts from an equality of bargaining power (i.e. legal equality; economic strength may be unequal); consultation supposes legal power to be in the hands of the decision-maker, diminished only by the duty to consult. Where there is only a simple obligation to consult, the decision-maker’s duty is to listen or at most to exchange views. The object of the consultation is that he will make the best decision and the assumption is that he will not succeed in doing that unless he has the benefit of the views of the person consulted. The object of negotiation on the other hand is compromise. This object would be frustrated if either party began with the determination not to make any concession in any circumstances, just as the object of consultation would be frustrated if the decision-maker began with a determination not to be influenced by anything that might be said to him. On both these hypotheses there would be a lack of good faith.”

“22. There is however a situation midway between the two considered in the preceding paragraph. This is where the purpose of what is called «consultation» is not merely to furnish the decision-maker with the other party’s views but also to give him the opportunity of obtaining the assent of the other party to the decision proposed, maybe at the cost of some concessions. When the discussion moves into the second phase it becomes negotiation because it is then in the field of equality of bargaining power. The decision-maker may have the contractual power to command obedience, but he cannot command willing co-operation. Maybe he cannot command co-operation at all. If there is a strike and he is unwilling to discipline the strikers he must settle the dispute by negotiation in which he will start on an equality with the staff...”

“23. ...An obligation to negotiate in good faith is not violated by a refusal to make a concession on a specific point; it is violated if from the outset there is a firm determination not to compromise at all... The spirit of compromise is of the essence of negotiation; it may be born during consultations, but as soon as it emerges and is at work, the borderline between consultation and negotiation is crossed.”

There are those who will say that once you sit at the table and start «trading» you are already in a negotiation stage. What is true, unfortunately, is that the executive head will have the last word, hopefully in full consideration of all the arguments and in full consideration of possible consequences of his or her decision. Where disagreement exists as to the process followed, the issue can be referred to the relevant jurisdiction in charge of the administration of internal justice in an organization to decide as to the legality of the process either by staff who are directly affected or by the staff union or staff association through the individual staff representatives.

For further reading, see judgment Nos. 3544 and 3755 filed by the former President of the ILO Staff Union. Of interest between the two is what constitutes terms of employment where the organization is obliged to consult. Also, for those who are not familiar with the JIU reports on staff-management relations and the role of consultation and negotiation, the following are suggested reading: JIU/REP/2011/10, quoted above, as well as JIU/REP/2012/10 – Staff-Management relations in the United Nations specialized agencies and common system.
A WORD FROM THE PRESIDENT OF THE WHO/HQ
67TH STAFF COMMITTEE,
CATHERINE KIROREI CORSINI

Intense, complex, with a lot of responsibility:

This is what the work of the president is. This post does not bear authoritative leadership. One needs to be a spokesperson – for the SC and staff, interacting with the office of the Director-General, management and even liaising with the Regional Staff Associations for issues that touch global WHO. This entails taking decisions, representing staff in high-level meetings and speaking on their behalf. It is not easy when one speaks for over 2500 colleagues, bringing to light issues related to staff rights and interests. One has to remember: it is not about you as a President, but about everyone working at HQ and WHO as a whole.

It is important to constantly keep abreast of WHO rules and policies, proactively following on new ones to make sure they reflect the interests of both staff and the Organization. The President is responsible for enabling constructive relations with management. He / she oversees the smooth running of the Committee and its secretariat, chairs the SC meetings, facilitates or takes lead in decision makings. Unlike working for a department or unit, being the SA President also means you handle a wide range of subjects, meeting staff of all categories across the hierarchy within the organization. This requires essential skills in listening and analysing situations and advising staff on the correct solutions. A President – as well as any SC member – should not be judgmental. We are always there for all HQ staff.

The President’s work is impossible without the commitment and full support of the whole Committee. I am so grateful to all SC members – those who served in the past, those yet to join and especially those serving now and giving me the full support required to carry on this important task. This is voluntary work. It is not by default that people volunteer to serve the others, it takes courage and a big heart to do that. The SC67 members are people whose hearts go to all staff. They do everything possible, and beyond, to make sure our work is done, and this is on top of their normal work. This group is a very diverse group, WHO wise and background wise. We range from G4 to P5, the youngest is 26 years and the oldest 59. These nine women and eleven men speak a rich range of languages: English, French, Russian and Spanish (from the UN official languages); we also cover among ourselves languages such as Portuguese, German, Swahili, Massai, Bulgarian, Greek, Tagalog, Visayan, Fanti, Twi and Ga… We are from 11 different countries: Australia, Bulgaria, Canada, Djibouti, Germany, Ghana, Kenya, Switzerland, The Philippines, Portugal, and the USA. We carry diverse range of background. Yet, we serve all WHO staff, across categories, functions, geographical and economical origin, cultural and religious beliefs. We are diverse, but we serve as one.

Staff need and deserve support

Even when an organization functions perfectly, employees are not 100% safe from problems that might arise at work. Our diverse cultural background, religious beliefs and geographic and economic origins have inevitably an impact on how we relate to each other in the office. Also, we all have phases in life when we may face personal issues that causes stress and hinder relationships at work. In addition, there may always be misunderstandings or diverging viewpoints between a staff and the Organization, or within teams. We hear about such situations, and the SC does its best to support colleagues. We are flag bearers on behalf of staff while also advocating for staff to respect and adhere to the WHO rules and policies. Besides the above, other issues that may cause concerns to staff in many ways are like the open space, parking spaces, introduction of new policies like mobility, transformation or realignment, shared utilities like the fitness centres or the cafeteria etc. To bring their concerns forward, both big and small, staff talk to us, come to us, write to us or visit the clinics that we hold once every month. The SC also conducts surveys when necessary to get the feel of and feedback from staff so that we can correctly represent them. We are proud of the trust staff have in us!

An exceptional year

During my service, I have seen storms - like the new mobility policy and the pay out of the Professional staff (both launched in 2016). I witnessed how previous Presidents gave their best, empowering the SC to work with staff while collaborating with management to defend staff interests and rights on these dossiers.

2019 is the year when WHO is going into implementing the Transformation, to enable our Organization deliver on the 13th Global Program of Work (GPW13). As previously, changes may cause anxiety and worries amongst staff. This year, SA will need to closely collaborate with management to make sure staff concerns are heard and taken into consideration. I am involved in discussions and take part in several working groups and committees discussing the transformation implementation phase. I also ensure continuous collaboration with regional SAs, as we believe in the value of sharing information across all levels. This is a process led by our Director-General who is committed to a global WHO, one WHO. SAs are also coming together along this thinking, making sure we all work as WHO staff, regardless of where we serve.

Listening, Engaging, Communicating.

As mentioned here above, we hold monthly SC clinics to which staff are invited to come and meet committee members. Colleagues bring all sorts of issues and queries they have, and give us feedback on how we are doing, and what to do to better serve them. Staff also ask for one-on-one meetings with the President or any other SC member, send emails which are then discussed (by the Committee or only by the executive group or the President, depending on sensibility or confidentiality of the case). We also hold open houses upon demand, to share updated information or get feedback on pressing and urgent issues.

Several years ago, when I was encouraged to join the WHO Headquarters’ Staff Committee (SC), I first hesitated. I did not know well what the SC did, neither did I understand how I could be of help. But ok… I put my name forward and was trusted by those HQ colleagues who voted for me. Initially, I worked as a selections coordinator, learning about WHO policies, HR rules and hiring mechanisms. Later in 2018, I was elected as one of the Vice-Presidents of the 66th SC and acquired knowledge and insight into what the challenges for the Committee leadership are. And here I am now – trusted again by colleagues, this time to serve as the HQ Staff Association President.
Acting on behalf of staff

The President holds face-to-face meetings with the Human Resources Director, bringing to HR’s attention individual staff queries. The SC also meets with senior management each week, to discuss broader, systemic issues and WHO policies and rules. There are also the monthly meetings with the Director-General. At the global level, we have WebEx coordinated calls with the regional SAs and an annual meeting with the heads of the regional SAs. Very importantly, we participate in the Global Staff and Management Council (GS&MC) – a group bringing together global WHO SAs with all WHO HR and top management, to discuss and agree on policies and any other issues of concern to both management and staff. This council delivers reports, with recommendations, that are submitted to the DG for approval.

A constructive, trustful collaboration

Management is both a partner and an adversary. We press on issues where we see that management needs to better integrate staff concerns, but we do it with confidence that we will be heard and whatever is reasonable and feasible, will be done. The SC recognizes that WHO is quite unique! We as the HQ Staff Association enjoy the privilege of a very close collaboration with Human Resources and the Office of the Director-General. The monthly meetings with the Director-General are exceptionally beneficial formats of engagement. The DG values staff, and expects his Management team to do so, too. At these meetings, we bring forward issues of concerns to staff, systemic issues and any other issues that could make WHO a better working place.

A lot accomplished, a lot more to do

2019 is especially challenging. I feel an enormous responsibility to help the Committee and staff go through it well. We get a lot done through the engagements described above. Just an example: when we first met Dr Tedros, a day after his being elected, we presented to him the SA’s 10 staff priorities for 2017. We agreed upon and approved 9! The 10th (i.e. flexible working arrangements and teleworking) is still under discussion and he has taken time and effort to explain why the Organization is still not ready for it.

My own experience confirms that the good collaboration with him and his office makes the SC work easier and helps us move fast. We have been challenged to be more agile, so we have gone out to all HQ staff with our Agile April initiative – broadly embraced by many colleagues. The SC is grateful for this great collaboration and we believe a lot more can be achieved when minds, hearts and actions are concerted across all staff – from the most junior person in the system up to our Director General.

Our priorities for 2019
- Staff well being
- Office space
- Flexible working arrangements
- Career development
- New building policy
- Equal partnership with management

I want to finish by thanking my Director, Prof Kate O’Brien, my supervisor, Dr Joachim Hombach, the IVB Programme Officer, Ms Lidija Kamara and the whole IVB department for their encouragement and full support during the years I have served in the committee and especially this year when I was elected President. I also thank the SC67 members for their trust in electing me as their President, their commitment to the work of the committee and their full support, the Department of Human Resources, for their collaboration and partnership. I thank the Director-General, for his value to staff, collaboration with the SC and open access to his office at all times.

A word from the programme manager of the department of Immunization, Vaccines and Biologicals (IVB)

Our team and the IVB department as a whole was thrilled with Catherine’s election as the President of our Staff Association. She is experienced, dynamic, dedicated and passionate about her work. We know her: she is fearless in her plight of ensuring that staff - our Organization’s main asset, are at the front of delivering on our Mission to improve the lives of people across the world, within a thriving, inspiring and respectful working environment. We are proud to have one of our serve as the President in a historic year of transformation and change. Catherine is able to, in her current role, help to contribute to a brighter future for WHO, driven and fully supported by us – the IVB department and the staff of WHO.
"Gender parity at the United Nations is an urgent need – and a personal priority. It is a moral duty and an operational necessity. The meaningful inclusion of women in decision-making increases effectiveness and productivity, brings new perspectives and solutions to the table, unlocks greater resources and strengthens efforts across all the three pillars of our work."

Secretary-General of the United Nations, António Guterres

In his oath of office, the Secretary-General made clear that achieving gender parity was a top priority:

Management reform must ensure we reach gender parity sooner rather than later. The initial target for the equal representation of women and men among United Nations staff was the year 2000. Sixteen years later, we are far from that goal. I pledge to respect gender parity from the start in all my appointments to the Senior Management Group and the Chief Executives Board. By the end of my mandate, we should reach full gender parity at the Under-Secretary-General and Assistant Secretary-General levels, including special representatives and special envoys. We need a clear road map with benchmarks and timeframes to achieve parity across the system, well before the target year of 2030. This objective not only reflects the Organization’s core values and a commitment that is decades old, but is essential to strengthening the work of the UN. The system-wide strategy on gender parity is a milestone in this journey. It operationalizes the goal of gender parity, moving the UN from ambition to action.

Reproductive rights, equal pay, and the right not to experience harassment or assault are issues central to women’s rights. However, another impactful matter that is often overlooked is gender balance in the workplace. Gender balance in the workplace is an incredibly important issue and it should be the priority of organizations to achieve it in order to advance the rights of women.

The UN identified the importance of attaining gender balance over 20 years ago in 1996 when a General Assembly (GA) resolution called for “overall gender equality, particularly at the professional level and above, by the year 2000.” However, the goal of gender balance is one that the UN seems to have brushed to one side, as it has been almost 20 years since the original deadline and gender balance has still not been achieved. It was expressed in a 2017 GA resolution that there was “serious concern” about progress towards the 50/50 goal. This resolution also emphasized the importance of the UN Strategy on Gender Parity stating that the intention of the Secretary-General “to implement a comprehensive strategy to intensify efforts to ensure greater representation of women in the Secretariat, particularly in senior leadership positions” was welcomed. Time and time again, the UN makes statements and resolutions about achieving gender balance for women in the workplace, and although there has been some progress towards this goal, the UN is still falling short.

Gender imbalance in the UN, and by extension the UN common system

For internationally recruited staff, the United Nations current staff body is 39% female. In some agencies, the percentage of female staff is as low as 20%. The current UN Strategy on Gender Parity, “sets targets and monitors the following areas: leadership and accountability; senior management; recruitment and retention; creating an enabling environment; and mission settings.” The strategy also states that it is the United Nation’s goal to reach gender parity, meaning 50% females and 50% males in senior leadership positions, by 2030. This goal is extremely important to the advancement of the UN, however, if it is to be achieved, major changes must be implemented.

All UN Secretary-Generals have been male. Additionally, the International Civil Service Commission (ICSC), a body that mandates employment conditions for international civil servants, has always been headed by a male and is currently an 86.67% male commission. If the UN truly wants to make progress in gender balance, the selections of Secretary-General and members of the ICSC Commission must be examined.

Secretary-General and Executive Heads of the UN Common System

The office of Secretary-General is the highest and most influential post in the United Nations system. The office has always been held by men. Although a variety of nationalities have been represented, no woman has ever held the office. The General Assembly continues to pass resolutions calling for gender parity, but it is the Assembly itself that has not yet elected a woman to the highest UN office.

The issue of gender balance is not isolated to the UN Secretariat, but is problematic in the entire UN common system. An examination of the gender of the executive heads of the 28 organizations belonging to the UN common system, including the UN Secretariat, reveals that 75% are men versus 25% females. This is another area where improvements must be made to achieve gender balance.

International Civil Service Commission

Perhaps an even more worrying issue is the paucity number of women in the Commission, a body which has the responsibility to regulate and coordinate the conditions of service for the United Nations common system staff. The Commission is composed of 15 commissioners, 13 of whom are men. Members of the Commission are appointed by the UN General Assembly. The Chairman of the Commission is responsible for appointing members to the Advisory Committee on Post Adjustment Questions (ACPAQ), after consulting with the Executive Heads of the organizations and the staff federations. This committee is responsible for calculating and advising the Commission on post adjustment. Post adjustment “is an amount added to net base salary, in order to ensure that no matter what duty station United Nations common system staff work in, their net remuneration has a purchasing power equivalent to that of their counterparts in New York City, the base of the system.” Therefore, the work which the ACPAQ does is extremely influential and relevant to the lives of international civil servants. This Committee is composed entirely of men and has been since its establishment.

Like the position of Secretary-General, the members of the Commission and ACPAQ represent a diverse set of nationalities. This, however, does not rectify the fact that women are severely underrepresented in these bodies. How can we expect the decisions of these groups to be well-rounded when women make up only a combined 10% of these two ICSC bodies?

The Value of Women in the Workplace

Many excuses for the underrepresentation of women in the workplace come from the flawed ideology that women are simply not up for the task. However, a research study completed by Hive, an efficiency management company, explains that women are 10% more productive in the workplace than men. Their data shows that women complete more work largely due to the fact that they are, on average, assigned 54.9% of the tasks compared to men who are assigned 45.1%. Both women and men complete on average, 66% of the tasks that are assigned to them.

Another study conducted by McKinsey & Company, a global management and consulting firm, and Lean In, a non-profit company dedicated to helping women achieve their ambitions, displayed the worth of women at work...
when they examined all aspects of women’s roles in the modern workplace. This in-depth study reviewed 279 companies and surveyed 64,000 employees in their research on women in the workplace.

In this study, a variety of factors that contribute to inequality are examined, as well as common practices of women in the workplace. The study stated, “What sets these women apart is their strong belief that they are making a difference, their ability to turn adversity into learning opportunities, their persistence in building relationships with sponsors and others, their willingness to step outside their comfort zones, and the positive energy that comes with loving their work.” Especially in an organization like the UN, which is solely focused on improving the world for all, having employees who have an elevated passion for what they do is especially advantageous.

On a positive note, there is some progress

Although women are still way underrepresented in the UN, progress, albeit at a snail’s pace, has been made toward equal representation. For example, the current President of the UN General Assembly is María Fernanda Espinosa Garcés of Ecuador. Ms. Espinosa Garcés began her term as President of the 73rd session in September of 2018 and is the fourth female President of the UN General Assembly, and the first since 2006. Another example is the current Executive Director of UN Women, Phumzile Mlambo-Ngcuka of South Africa. She has been serving in this position since August of 2013, and is one of few black women to be elected as Executive Head of any UN common system organization.

Conclusion

Women allow for a more diverse, well-rounded workplace as well as contributing more to their organizations, as the above-referenced studies demonstrate. The United Nations, specifically the countries belonging to it, must cast the right vote to ensure that women are equally represented in some of its most influential bodies, like the position of Secretary-General and in the ICSC and its subsidiary committees, in order to achieve gender balance. The votes needed to get women to the top positions of the entire common system rest solely with the voting member states. It is therefore fervently hoped that member states are guided to take the moral high ground and do the right thing. It is time.
READ AND ASK: 
STAFF SHOULD NOT BE SHY ABOUT QUESTIONING THE DOCUMENTS THEY SIGN 
BY MARIA DWEGGAH

Maria Dwegga (former WHO staff and FICSA General Secretary)

Although “retired” since April 2010 from WHO, my interest in staff rights and staff issues has not waned. Through my individual consultations with staff in various agencies and as resource person for FICSA (Federation of International Civil Service Associations), I have been able to keep up to date on issues which most affect staff. Through articles such as this one, I would like to share some of my knowledge with the readers of UNSpecial, which I hope they will find helpful.

As indicated in the title above, the present article is about reading and asking questions. Simple enough, one would think; but, I am repeatedly surprised by the ignorance (not meant in a pejorative sense) and the naivety demonstrated by some UN staff when it comes to their conditions of employment. And it is across the board, support staff as well as staff in the Professional and higher categories and in all service areas. UN staff should not feel singled out, though, as these behaviours are widespread throughout the general workforce.

Read letters

I refer to those persons who haphazardly read or do not read at all letters of appointment, letters of agreement, memoranda of understanding, contracts, administrative decisions, performance evaluations, staff rules and regulations, and information notes on policy and rule changes. I am also thinking of those persons who blindly sign documents, in good faith, without fully understanding the implications and potential negative impact on their conditions of employment. Persons innocently confident that their best interest is being looked after by their managers, their assumptions that what is written is and must be correct, because it comes from those who know more (or should know more) than them about specific terms of employment, some are reluctant to speak up. They are afraid to or feel uncomfortable about asking questions, not wanting to offend anyone or give the impression of mistrust or doubt. Some even believe that asking questions could lead to possible retaliatory actions.

Feel uncomfortable

You might be surprised to learn that, apart people’s assumption that what is written is and must be correct, because it comes from those who know more (or should know more) than them about specific terms of employment, some are reluctant to speak up. They are afraid to or feel uncomfortable about asking questions, not wanting to offend anyone or give the impression of mistrust or doubt. Some even believe that asking questions could lead to possible retaliatory actions.

I can well empathize with those persons, having experienced those fears myself. While for some, the unwillingness to ask questions may have roots in their cultural upbringing, i.e. you do not question authority; for others, it is related to a deep lack self esteem and a feeling of vulnerability. Though organizational fear may also have its role in how people react, in my experience, reluctance to ask such questions has more to do with individual behaviour and individual reaction than organizational fear.

So, whatever the reasons that prevent you from asking questions at the workplace, or outside the work environment for that matter, keep in mind that by asking questions, you are demonstrating self-empowerment, and smart, proactive, take charge approach to your personal and professional life.

One last piece of advice, don’t be pressured or coerced into signing anything on the spot, even though you are told it is a matter of urgency. You have a right to take the document with you, to seek advice from your Staff Association, the Ombudsman, if there is one in your organization, or a legal representative. You have the right to ask question so as to completely understand what you are signing, especially if it relates to an agreement of some sort which involves a lateral transfer, a temporary loan, a secondment or a separation.

If the foregoing gives the impression that I am a cynic, that was not my intention. The reality is that people don’t read and people don’t ask questions. I hope this article will encourage a few of you out there to be more aware of your rights and responsibilities and less naïve about your employment conditions.

Tip

When confronted with a document that you don’t understand and have no choice but to sign, always add “without prejudice, under reservation of all rights.”
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QUALITÉ POUR AGIR - INTÉRÊT À AGIR
DES REPRÉSENTANTS DU PERSONNEL
BY ILONA SUDRES

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Ilona Sudres Korkmaz offre aux organisations internationales, en particulier celles qui ont reconnu la compétence du TAOT, son expertise et ses compétences en droit de la fonction publique internationale, tant en anglais qu’en français, dans les domaines suivants :
- Défense de l’organisation devant l’organe de recours interne et devant le TAOT
- Production d’analyses et d’avis juridiques portant sur tous les aspects du droit de la fonction publique internationale
- Services fournis aux organes de recours internes
- Analyse des cadres et processus administratifs et réglementaires en relation avec le droit de la fonction publique internationale
- Autres services rentrant dans le champ de son expertise (par exemple, enquêtes liées à des cas disciplinaires ou à des plaintes pour harcèlement ou abus de pouvoir)

La jurisprudence du TAOT en la matière a été quelque peu confuse au cours des 10 dernières années. Par un jugement rendu en 2015, le tribunal a reconnu son manque de clarté. En 2016, le tribunal a définitivement dissipé toute ambiguïté. Depuis, la jurisprudence est constante.

Jurisprudence ancienne : Lorsqu’il est allégué qu’une décision fait grief à un grand nombre de fonctionnaires, il y a un intérêt à agir pour défendre ses droits individuels. Toutefois, lorsqu’il est allégué qu’une décision fait grief à un grand nombre de fonctionnaires, il est concevable, dans l’intérêt de l’efficacité, de la cohérence des décisions et de la rapidité du règlement des différends, que les membres du comité du personnel jouent un rôle légitime en soulevant la question.

Jugement 2919

5. Dans le jugement 1618, aux considérants 4, 5 et 6, le Tribunal a fait observer que les membres du comité du personnel peuvent contester une décision de portée générale qui ne sera pas suivie de décisions individuelles et qui fait grief à l’ensemble du personnel. En outre, comme le Tribunal l’a relevé dans le jugement 1451, au considérant 18, il est souvent plus efficace que ce type de question soit soulevée par les membres du comité du personnel plutôt que par les fonctionnaires agissant à titre individuel. Cela vaut également pour le cas d’espèce. S’il est vrai que les membres du comité du personnel peuvent agir dans l’intérêt de l’ensemble du personnel, il est vrai aussi qu’un fonctionnaire qui prévoit qu’une décision lui fait grief peut agir pour défendre ses droits individuels. Toutefois, lorsqu’il est allégué qu’une décision fait grief à un grand nombre de fonctionnaires, il est concevable, dans l’intérêt de l’efficacité, de la cohérence des décisions et de la rapidité du règlement des différends, que les membres du comité du personnel jouent un rôle légitime en soulevant la question.

Jugement 3342

1. […] mais le Tribunal appelle l’attention sur ce qui est dit dans le jugement 1392, au considérant 24 : «une personne n’est recevable à présenter un recours qu’en raison de son rapport d’emploi individuel avec l’organisation et […] elle ne saurait modifier la portée de son action en indiquant, dans l’acte introductif d’instance, sa qualité de représentant syndical». Les requérants contestent une décision du Président de l’OEB qui a nommé par intérim M. McD. E. vice-président chargé de la DGS et une décision prolongeant l’engagement par intérim de M. McD. En tant que vice-président chargé de la DGS, 10. Dans le jugement antérieur, le Tribunal a jugé que les membres du comité du personnel peuvent invoquer la compétence du Tribunal pour faire appliquer les droits que leur confèrent soit les stipulations de leur contrat d’engagement soit le Statut des fonctionnaires. Cela ressort effectivement du jugement 1147, au considérant 4, et a été confirmé depuis plusieurs jugements où le Tribunal a reconnu qu’un fonctionnaire pouvait agir en tant que représentant pour préserver ce qui a été décrit comme des «droits et intérêts collectifs» (voir le jugement 2562, au considérant 10). Toutefois, l’expression «droits et intérêts collectifs» vise des droits et intérêts juridiques dignes de protection qui décorent des stipulations de contrat d’engagement ou du Statut des fonctionnaires. Comme le Tribunal l’a déclaré dans le jugement 2649, au considérant 8, «encore faut-il, pour qu’une requête présentée au nom du Comité du personnel devant le Tribunal de céans soit recevable, que soit invoquée la méconnaissance de garanties que l’Organisation a l’obligation juridique de fournir aux agents liés à l’organisation par un contrat d’engagement ou bénéficiant du statut de fonctionnaire, cette condition étant nécessaire pour fonder la compétence du Tribunal». Il se trouve au principe au jugement 3115, au considérant 3.

11. C’est cette démarche que le Tribunal a suivie assez récemment lorsqu’il a statué sur l’une des diverses questions de recevabilité soulevées dans le contexte de l’engagement par l’OEB de collaborateurs extérieurs (voir le jugement 2919, au considérant 8). Dans ce jugement-là, ce qui revêt un intérêt particulier aux fins de la présente affaire est la façon dont le Tribunal a traité une contestation de l’engagement de collaborateurs extérieurs. Les requérants, fonctionnaires de l’OEB et membres du Comité du personnel de Munich, soulevaient la question de l’opportunité de créer des postes permanents pour l’accomplissement de tâches qui, sinon, seraient effectuées par des collaborateurs extérieurs. Au considérant 6, le Tribunal a statué en ces termes : «La création de postes permanents relevant exclusivement du pouvoir d’appréciation du Président en vertu de l’alinéa d) du paragraphe 2 de l’article 10 de la Convention sur le brevet européen, la requête, qui n’invoque pas l’inobservation, quant au fond ou à la forme, des stipulations d’un contrat d’engagement ou des dispositions du Statut des fonctionnaires est, dès lors, irrecevable.»

12. De même, dans la présente affaire, le pouvoir de nommer des vice-présidents par intérim appartient au Conseil d’administration, soit au Président, soit aux deux. Manifestement, c’est un élément important du débat juridique que les requérants souhaitaient porter devant le Tribunal. Mais ce qui importe en l’occurrence, c’est que les requérants ne reprojettent pas à l’OEB, dans les moyens qu’ils développent, l’inobservation de dispositions du Statut des fonctionnaires ou de stipulations de contrats d’engagement. L’OEB fait observer que le Statut des fonctionnaires n’a pas d’incidence sur les décisions contestées. Sans doute peut-on soutenir que les droits et intérêts collectifs invoqués par les requérants sont des intérêts liés à l’organisation d’une manière à sens large. Toutefois, il ne s’agit pas des droits et intérêts dont la protection relève de la compétence du Tribunal. Les requêtes doivent donc être rejetées comme irrecevables.
Jugement 3449
3. Le requérant a cependant agi aussi en sa qualité de président du Comité du Syndicat du personnel du BIT. La jurisprudence reconnaît aux membres d’un comité du personnel la qualité pour agir en vue de préserver des droits et intérêts collectifs. Il faut entendre par là des droits et intérêts juridiques dignes de protection qui découlerent des stipulations du contrat d’engagement ou du statut des fonctionnaires et qui n’ont pas nécessairement été violés en la personne du membre du comité du personnel qui s’adresse au Tribunal. Une requête présentée au nom d’un comité du personnel est recevable lorsqu’y est invoquée la méconnaissance des garanties qu’une organisation a l’obligation juridique de fournir aux agents liés à elle par un contrat d’engagement ou bénéficiant du statut de fonctionnaire. Cette condition est nécessaire pour fonder la compétence du Tribunal (voir le jugement 3342, au considérant 10, et les jugements cités).

Contradictions et confusions jurisprudentielles résultant du lien fait avec la Jurisprudence sur les décisions individuelles (qui sont attaquables par opposition aux décisions d’application générale qui sont attaquables seulement par voie d’exception) : Les représentants du personnel ne peuvent pas contester une décision d’application générale devant le Tribunal. Une décision individuelle ne peut être contestée que si elle est préjudiciable.

Jugement 3461
6. Le Tribunal considère que les requêtes doivent être rejetées comme étant irrecevables car aucun des deux requérants n’a d’intérêt à agir. La décision contestée CA/D 2/12 ne releve pas de la compétence du Tribunal. En effet, le requérant ne peut prétendre que son application lui a été préjudiciable et il n’est pas recevable, selon une jurisprudence constante, à la contestation (voir le jugement 2922, au considérant 6, qui cite le jugement 1952). Le fait que les requérants soient des représentants du personnel ne leur permet pas de surmonter l’obstacle lié à la nature des décisions contestées, lesquelles sont des décisions d’application générale qui n’avaient pas donné lieu à une application individuelle au moment des faits. En conséquence, les requêtes formées par les requérants en leur qualité de représentants du personnel sont irrecevables.

Clariﬁcation jurisprudentielle : un représentant du personnel peut contester une décision au motif qu’elle viole un droit reconnu aux représentants du personnel (typiquement, violation du droit de consultation des représentants du personnel)

Jugement 3543
4. […] S’agissant de cette question, le Tribunal estime que celui-ci doit être reconnu dès lors que le requérant ne peut prétendre que son application lui a été préjudiciable et il n’est pas recevable, selon une jurisprudence constant, à la contestation (voir le jugement 2922, au considérant 6, qui cite le jugement 1952). Le fait que les requérants soient des représentants du personnel ne leur permet pas de surmonter l’obstacle lié à la nature des décisions contestées, lesquelles sont des décisions d’application générale qui n’avaient pas donné lieu à une application individuelle au moment des faits. En conséquence, les requêtes formées par les requérants en leur qualité de représentants du personnel sont irrecevables.

Jugement 3549
4. Sans qu’il soit nécessaire de déterminer si la qualité de représentant du personnel confère au requérant, en tant que telle, un intérêt à agir pour contester la pratique administrative critiquée dans le présent cas, le Tribunal relève qu’il ne peut prétendre que son application lui a été préjudiciable et il n’est pas recevable, selon une jurisprudence constante, à la contestation (voir le jugement 2922, au considérant 6, qui cite le jugement 1952). Le fait que les requérants soient des représentants du personnel ne leur permet pas de surmonter l’obstacle lié à la nature des décisions contestées, lesquelles sont des décisions d’application générale qui n’avaient pas donné lieu à une application individuelle au moment des faits. En conséquence, les requêtes formées par les requérants en leur qualité de représentants du personnel sont irrecevables.
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défendre l’intérêt général du personnel à voir le poste en cause pourvu par le biais d’une procédure régulière, il n’a pas la qualité pour le faire, ni à titre individuel ni en tant que membre d’un groupe, et se trouve par ailleurs en situation de conflit d’intérêt. En effet, étant donné qu’il a participé à la procédure de sélection, il n’aurait pas pu, même en théorie, présenter sa candidature à ce poste. Sa demande est donc manifestement irrecevable en ce qu’il n’a pas qualité pour la formuler.

Revirement de jurisprudence : Les représentants du personnel doivent démontrer un intérêt à agir, c’est-à-dire qu’ils sont recevables à contester quelque décision que ce soit à condition qu’ils invoquent la violation de droits qui leur sont conférés par le Statut du personnel.

Judgement 3642
9. La jurisprudence du Tribunal relative à la qualité pour agir devant le Tribunal des représentants du personnel élu dans un cas comme le cas d’espèce peut ne pas apparaître claire dans son ensemble. Dans un de ses récents jugements, le jugement 3557, au considérant 3, le Tribunal a indiqué que si, dans certaines circonstances, les représentants du personnel peuvent contester la nomination d’un fonctionnaire ils doivent invoquer une atteinte à leurs droits individuels. Dans un autre jugement récent, le jugement 3546, le Tribunal a conclu qu’il n’était pas nécessaire de déterminer de façon générale si la qualité de représentant du personnel conféré au requérant un intérêt à agir pour contester la prolongation de l’engagement d’un autre fonctionnaire, puisque le requérant, qui était représentant du personnel, avait le droit d’être informé de la proposition de prolongation de l’engagement de ce fonctionnaire et qu’il invoquait une atteinte à ce droit. Le Tribunal a considéré que cela suffisait à donner au requérant qualité pour agir en l’espèce.

10. En outre, le droit d’un représentant du personnel de former une requête pour contester la nomination d’un fonctionnaire a été reconnu comme un aspect du droit des représentants du personnel élus de recourir au nom d’un comité du personnel dans le but de préserver les droits et intérêts collectifs du personnel (voir le jugement 2791, au considérant 2, et le jugement 2755, au considérant 6).

11. Mais, en définitive, l’étendue de la compétence du Tribunal et la question connexe du droit d’une personne à s’en prévaloir doivent être déterminés au regard des dispositions du Statut du Tribunal. Cels deux aspects sont traités à l’article II du Statut. Le Tribunal est compétent pour connaître des requêtes invoquant l’inobservation, soit quant au fond, soit quant à la forme, des stipulations du contrat d’engagement des fonctionnaires du Bureau international du Travail et des autres organisations ayant reconnu la compétence du Tribunal, ainsi que des requêtes invoquant l’inobservation des dispositions du Statut du personnel qui sont applicables à l’espèce. Après avoir ainsi identifié et défini la compétence, l’article II détermine, en son paragraphe 6, la ou les catégories de personnes qui peuvent invoquer cette compétence. Aux termes de ce paragraphe, «[o]nt accès au Tribunal […] le fonctionnaire » et tout personne « ayant succédé mortis causa aux droits du fonctionnaire », ainsi que toute personne autre pouvant justifier de droits résultant du contrat d’engagement du fonctionnaire décédé. Les instruments juridiques qui confèrent à un tribunal une compétence ne sauraient être interprétés de façon restrictive. Toutefois, il ne fait guère de doute que l’expression «[b]c accès au Tribunal […] le fonctionnaire » se réfère à un fonctionnaire dont les stipulations du contrat d’engagement n’auraient pas été respectées ou pour lequel (dans «un cas» précis) les dispositions applicables du Statut du personnel n’auraient pas été respectées. Une telle conclusion s’impose d’autant plus qu’il est fait référence aux «droits du fonctionnaire» au singulier, s’agissant des droits transférés suite au décès du fonctionnaire. Ainsi, la qualité pour agir d’un fonctionnaire dépend de l’application ou de la protection des droits dont il est titulaire.


14. On pourrait penser que tous les fonctionnaires sont en «droit» d’attendre que l’organisation qui les emploie respecte et mette en application les dispositions du Statut du personnel indépendamment du fait que l’inobservation ou le non-respect de telle ou telle disposition ait ou non une incidence sur leur propre situation en tant que fonctionnaires de l’organisation. Si tel était le cas, tous les fonctionnaires auraient qualité pour saisir le Tribunal en vue de contester toute inobservation du Statut du personnel. Or il est fort peu probable que tel ait été le but recherché par le Statut du Tribunal. La question est de savoir si un représentant du personnel élu peut faire respecter le «droit» en question alors même que tous les autres fonctionnaires ne pourraient le faire, à moins que l’inobservation en cause ne leur porte atteinte personnellement. Rien dans les termes ou dans la structure du Statut du Tribunal n’inclut dans la conception de la compétence conférée au Tribunal ne permet de le penser. Conformément à l’esprit du Statut, le droit d’un représentant élu de faire respecter les dispositions du Statut du personnel dans l’intérêt de l’ensemble du personnel de l’organisation se limite aux circonstances dans lesquelles la disposition (dont l’inobservation est invoquée) confère un droit au représentant élu en tant que membre du personnel. Il peut s’agir d’un droit ne concernant que les représentants du personnel (tel que le droit d’être consulté) ou d’un droit dont bénéficient tous les membres du personnel (tel que le droit à la liberté d’association).

15. Compte tenu de ce qui précède, le Tribunal n’accueille pas l’argument selon lequel les requérants auraient une qualité pour agir particulière du fait de leur statut de représentants du personnel élu, qui leur permettrait d’exiger de l’OMPI qu’elle organise un concours en vue de pourvoir le poste auquel Mme S. a été nommée à la fin de l’année 2011.

Judgement 3671
3. S’agissant de l’ordre de service no 13/03, il résulte de la jurisprudence du Tribunal que, dans la mesure où un fonctionnaire invoque une atteinte portée aux prérogatives d’un organe dont il était lui-même membre, il justifie d’un intérêt à agir lui donnant qualité pour introduire une requête (voir, par exemple, le jugement 3546, au considérant 6). En l’espèce, la requérante est membre du Conseil du personnel et souffre que la publication de l’ordre de service no 13/03 n’a pas été précédée de la consultation de cet organe. Dès lors, la requérante a, conformément à la jurisprudence, intérêt à agir devant le Tribunal. Sachant que cet ordre de service présente le caractère d’une mesure réglementaire ne pouvant normalement être contestée que, de façon indirecte,
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à l’occasion d’un recours contre une décision individuelle prise sur le fondement de celle-ci. La requête est donc éga-
lement recevable en ce qui concerne l’ordre de service no 13/03.

Jugement 3885

3. Par ailleurs, aucune disposition du Statut du Tribunal n’autorise le Comité du personnel à représenter, devant le Tribunal, d’autres fonctionnaires auxquels une déci-
sion fait grief (voir le jugement 3642, au considérant 14). Le
requérant n’a fourni aucun élément permettant d’établir que
ta décision aurait eu une incidence sur des fonctionnaires dans d’autres lieux d’affectation. Le Secrétaire exécutif de la
CFPP a indiqué, dans un courriel du 3 janvier 2013 commu-
niqué à la Commission consultative paritaire de recours pour
examiner en camera, que « les indices d’ajustement de poste des autres lieux d’affectation ne ser[ai]ent pas affectés par le
report de l’augmentation du coefficient d’ajustement de poste à New York ». 

4. La Commission consultative paritaire de recours a estimé que « le bon fonctionnement du mécanisme d’ajustement de poste du régime commun en tant que tel [était] une garantie
du fait que l’inobservation ou le non-respect de telle ou telle
disposition ait ou non une incidence sur leur propre situa-
tion en tant que fonctionnaires de l’organisation. Si tel était le
cas, tous les fonctionnaires auraient qualité pour saisir le
Tribunal en tant que fonctionnaires de l’organisation. Si tel était
la disposition ait ou non une incidence sur leur propre atteinte personnellement. Rien dans les termes ou dans la structure du Statut du Tribunal ni dans la conception de la compétence conférée au Tribunal ne permet de le penser. Conformément à l’esprit du Statut,
le droit d’un représentant élu de faire respecter les disposi-
tions du Statut du personnel dans l’intérêt de l’ensemble du
personnel de l’organisation se limite aux circonstances dans
lesquelles la disposition (dont l’inobservation est invoquée)
confère un droit au représentant élu en tant que membre du
personnel. Il peut s’agir d’un droit ne concernant que les re-
présentants du personnel (tel que le droit d’être consulté) ou
d’un droit dont bénéficient tous les membres du personnel
(tel que le droit à la liberté d’association) ».

Jugement 3921

6. S’agissant du droit du requérant d’agir au nom du person-
nel du Fonds mondial en sa qualité de membre du Conseil
du personnel, certains jugements du Tribunal semblent
confirmer l’existence d’un tel droit (voir, par exemple, le
jugement 2919, au considérant 5). Toutefois, ce
jugement ne reflète pas la jurisprudence actuelle du
Tribunal (voir, par exemple, les jugements 3515, au
considérant 3, et, aux considérants 9 à 12 et 14). 
L’adoption de nouvelles modalités concernant la structure
salariale et le système de grades était une décision générale
nécessitant d’être mise en œuvre pour chaque membre du
personnel. Cette décision générale ne peut être contestée à
titre individuel par un membre du personnel, même s’il est
membre d’un comité du personnel, tant qu’elle n’est pas
mise en œuvre. Cela ne signifie pas qu’elle ne pourra pas
être contestée par le biais de la contestation d’une feuille de
paie qui fait état de son application. Un exemple récent a
été fourni dans le cadre d’un gel des traitements. Les requé-
rants ont pu contester la décision générale en contestant
sa mise en œuvre dans leurs feuilles de paie. Même si la
décision générale de geler les traitements n’apparaissait pas
immédiatement dans les feuilles de paie (le traitement des
requérants restait inchangé et le gel n’allait produire ses ef-
fets qu’ultérieurement), le Tribunal a pu conclure, dans cette
affaire là, que la décision générale telle que mise en œuvre
dans les feuilles de paie était susceptible de leur causer un
préjudice, dès lors que la décision de geler les traitements
finirait nécessairement par avoir une incidence négative sur
lesdits traitements (voir le jugement 3740, au considérant
11). Il n’en reste pas moins qu’en règle générale un requé-
rant doit, afin d’avoir un intérêt à agir, soutenir et démon-
trer que la décision administrative attaquée lui a causé un
préjudice ou était susceptible de lui en causer un (voir, par
exemple, le jugement 3168, au considérant 9).

Jugement 4120

6. Les représentants du personnel ont un rôle légitime et
important à jouer dans le fonctionnement des organisations
internationales. Toutefois, ce rôle connaît des limites, à tout
le moins pour ce qui est des droits dont la méconnaissance
can peut être mal comprise et, en tout état de cause, le Tri-
bunal a récemment indiqué qu’une interprétation trop large
du jugement 2919 s’écarterait de la ligne générale de la ju-
risprudence du Tribunal (voir le jugement 3515, au considé-
rant 3). En l’espèce, la question de savoir si l’article 120bis
du Statut des fonctionnaires avait été appliqué correctement
ou incorrectement à la personne visée par l’enquête de l’au-
dit interne n’était pas une question pour laquelle le requérant
avait un intérêt à agir devant le Tribunal. Le requérant ne
pouvait pas non plus se prévaloir d’un droit à la commu-
nication des résultats de l’audit interne. Par conséquent,
le requérant ne justifie pas d’un intérêt à agir et la requête
qu’il a formée devant le Tribunal est irrecevable (voir le juge-
ment 3426, au considérant 16). Partant, la requête doit être
rejetée.
The access to justice rationale behind internal justice systems

The very creation and existence of internal justice mechanisms at international organisations, symbolised by the existence of international administrative tribunals (‘IATs’), can be explained by the demands of human rights generally, and access to justice specifically. International organisations submit to the jurisdiction of IATs not simply to smooth over staff relations as an exercise of human resources policy, but to implement an organisation’s obligation to provide appropriate modes of dispute settlement to its staff members, an obligation often enshrined in treaty law. This obligation to provide appropriate or alternative modes is the flipside to the grant of jurisdictional immunities - Reinisch notes that an international organisation’s ‘immunity from legal process can be regarded as an acknowledgment of the right of access to court as contained in all major human rights instruments’. It is ultimately the procedural bar of institutional immunities that prevents a national forum from adjudicating employment claims against international organisations, entrenching inequality of access at the national level, creating the very demand for IATs. It was precisely such a rationale that led the International Court of Justice (ICJ) in its Effect of Awards Advisory Opinion to conclude that despite the absence of an express power in the UN Charter, the UN General Assembly had the power to create a judicial organ vested with the jurisdiction to resolve employment disputes between the UN and its employees. The facts giving rise to the request for the Advisory Opinion in Effect of Awards is perhaps one of the darkest periods in UN staff affairs, questioning the very independence of the international civil service. Following a secret agreement between the first UN Secretary General and the US Government regarding the ‘US Loyalty Program’ during 1952-1953, several UN staff members possessing US nationality were terminated from their employment at the UN for suspected links to the American Communist Party, within the broader context of the witch-hunt of the McCarthy era. All of the affected staff filed claims before the then UN Administrative Tribunal, the predecessor to the UNDT and the UNAT regimes. Ten out of the eleven claims filed by the permanent staff succeeded for their termination was contrary to the relevant staff regulations and staff rules.

The UN Administrative Tribunal decided that the staff members with permanent appointments were unfairly dismissed for they had neither engaged in any misconduct nor was their performance unsatisfactory; there was no basis on which those staff members could be lawfully terminated. In respect of the successful claims, the UN Administrative Tribunal awarded a total of approximately USD3170,000 in damages. The United States protested against the decisions of the UN Administrative Tribunal and the extent of the damages awarded. Attempting to defy the UN Administrative Tribunal's decisions, the General Assembly issued a request for an Advisory Opinion to the ICJ asking whether the UN could refuse to implement a decision of the UN Administrative Tribunal. The United States, supported by several other Member States, submitted that the General Assembly could refuse to comply with the decisions of the UN Administrative Tribunal. For it was the General Assembly that created the tribunal, and the latter could thus not bind the former. After examining its Statute, the ICJ not only said that the UN had validly created a judicial body empowered to render final and binding decisions, but it laid down the human rights and access to justice based rationale behind the creation of a judicial body in the form of the UN Administrative Tribunal. The Effect of Awards Advisory Opinion explained the very need for judicial mechanisms to resolve employment disputes between the UN and its employees as protecting the latter’s right to access justice when their employment rights were allegedly breached, stating in an off-cited passage: When the Secretariat was organized, a situation arose in which the relations between the staff members and the Organization were governed by a complex code of law. It was inevitable that there would be disputes between the Organization and staff members as to their rights and duties. The Charter contains no provision which authorizes any of the principal organs of the United Nations to adjudicate upon these disputes, and Article 105 secures for the United Nations jurisdictional immunities in national courts. It would, in the opinion of the Court, hardly be consistent with the expressed aim of the Charter to promote freedom and justice for individuals and with the constant preoccupation of the United Nations Organization to promote this aim that it should afford no judicial or arbitral remedy to its own staff for the settlement of any disputes which may arise between it and them. The views of the ICJ in Effect of Awards form the earliest exposition of the principle that staff members of international organisations ought to have access to an independent tribunal or arbitral process based on what may only be described as a human rights rationale. Critically, the ICJ left no doubt as to the independence of the UN Administrative Tribunal as a judicial body, with its decisions being final and binding on the other organs of the UN. While the phrase was not expressly mentioned, the substance of the principle of the separation of powers was unambiguously endorsed. The ICJ said: This examination of the relevant provisions of the Statute shows that the Tribunal is established, not as an advisory or a mere subordinate committee of the General Assembly, but as an independent and truly judicial body pronouncing final judgments without appeal within the limited field of its functions.
IASs must be wholly independent from the political or executive organs of an international organisation, with the concept of the separation of powers applying within the context of institutional dispute resolution. Further support for this proposition can be garnered from another important ruling of the ICJ involving yet another case that concerned the impact of the US Loyalty Program. This time, it was UNESCO that had terminated the employment of certain US nationals within its employment following an agreement between the US Government and UNESCO’s Director-General. On this occasion, the ILOAT went a step further than the UN Administrative Tribunal, not only determining that the termination was contrary to the relevant staff regulations and staff rules, but questioned the very propriety of the agreement between the Director General and the US Government concerning the US Loyalty Program.

Similar to the UN’s reaction in Effect of Awards, unhappy with the ILOAT’s findings, UNESCO triggered the mechanism seeking the ICJ’s Advisory Opinion regarding its jurisdiction in light of their statutes. In short, they possess decisional independence. Political or executive organs, including the member states must not interfere in the administration of justice by wrongly colouring legal disputes as political ones.

The UN’s internal justice regime, as well as the ILOAT were designed to provide independent dispute resolution forums to the employees of international organizations submitting to the jurisdiction of either of those tribunals. Bearing in mind that those two most prominent international administrative regimes were created with the intention to ensure access to an independent forum to aggrieved employees, it now said to be accessed wisdom. Amerasinghe, a leading authority in the field, and a former judge of the World Bank Administrative Tribunal stated extracurially:

“A cogent reason for international organizations submitting to the jurisdiction of specially created administrative courts, it now has come to be realized, is related to respect for human rights. In 1980, when the World Bank Administrative Tribunal (WBAT) was being established, one of the reasons given by the President of the World Bank for establishing a tribunal was one of principle. It was a principle accepted in many national legal systems and reaffirmed in the Universal Declaration of Human Rights. This principle required that where administrative power was exercised, there should be available machinery, in the event of disputes, to accord a fair hearing and due process to the aggrieved party. Hence, there was a need for an independent judicial body to decide complaints relating to the exercise of administrative power.”

Not only at the World Bank, but at numerous other organisations independent judicial mechanisms have been created for employees to seek justice. In addition to the ILOAT, UNDT, and the WBAT (the three best-known IATs), there are at least 22 more IATs currently in operation. Nowadays, international administrative tribunals have come to be seen as mechanisms created to ensure that the employees of international organisations can exercise their right to access an independent forum to resolve their employment claims. In addition to the guarantee of ‘independence’, other fair trial guarantees now constitute an aspect of international administrative procedural law as well. Conclusion on whether the right to a fair trial is being practically realised.

Primarily due to the exceptional candour shown by the UNDT judges in and out of court, by and large, officials having access to those tribunals can said to access a court that can said to be independent and impartial. However, given the deficits identified in this paper, should national or regional human rights courts be confronted with challenges impugning the UN internal justice system, very close scrutiny of the impact of the independence and impartiality deficits ought to be given to ensure that in particular cases fair trial guarantees have not been contravened. If the UN’s internal justice system is to avoid the risk of being impugned before national and human rights courts, immediate steps to counter the independence and impartiality deficit must be undertaken.

The ILOAT however is not rendering justice consistently with the right to a fair trial. Leaving alone the significant independence and impartiality deficit, the excessive delays in the delivery of justice on their own are egregious contraventions. The idiom ‘justice delayed is justice denied’ rings true for the ILOAT. Remarkable though it may be, unless real and significant structural reforms to the regulatory regime governing the ILOAT is made, none of the individuals having access to the ILOAT can receive justice in compliance with fair trial standards. Blame for this lowly state is largely attributably to the ILO and the international organisations responsible to set up the justice machinery.

In sum, the right to access an independent court or tribunal for a vast number of international civil servants is being undermined. Despite the development of an international administrative procedural law of fair trial, its implementation remains a challenge. A move from rhetoric to reality is greatly needed. To make matters worse, increasingly, international organisations, including the UN and the ones subscribing to the ILOAT’s jurisdiction, rely on temporary workers, such as consultants or contractors, to perform roles traditionally performed by fixed or permanent staff. This category of worker does not have access to the procedures set up to ensure access to justice. How to enhance access to justice for this latter category of individuals, and how such mechanisms may be integrated into What I have called an international administrative procedural law of fair trial is a significant issue the discussion of which is left for another day.
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<td><strong>International Atomic Energy Agency (IAEA)</strong></td>
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<td><strong>International Agency for Research on Cancer (IARC)</strong></td>
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<td><strong>International Civil Aviation Organization (ICAO)</strong></td>
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<td><strong>International Maritime Organization (IMO)</strong></td>
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<td><strong>Inter-Parliamentary Union (IPU)</strong></td>
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<td><strong>International Telecommunication Union (ITU)</strong></td>
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<td><strong>The Organization for Security and Co-operation in Europe - Member with Special Status (OSCE)</strong></td>
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<td><strong>Secretariat of the Convention on Biological Diversity (SCBD)</strong></td>
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<td><strong>Joint United Nations Program on HIV/AIDS (UNAIDS)</strong></td>
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<td><strong>United Nations Global Service Center (UNGSC)</strong></td>
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<td><strong>United Nations Relief and Works Agency / Area Staff Association (UNRWA / ASA)</strong></td>
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<td><strong>United Nations World Tourism Organization (UNWTO)</strong></td>
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<td><strong>Universal Postal Union (UPU)</strong></td>
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<td><strong>WHO Regional Office for the Western Pacific (WHO / WPPO)</strong></td>
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<td><strong>World Health Organization - Global Service Center (WHO / GSC)</strong></td>
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<td><strong>World Meteorological Organization (WMO)</strong></td>
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## ASSOCIATE MEMBERS

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<th>City</th>
<th>Role</th>
<th>Person</th>
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<tr>
<td>BIOVERSITY International</td>
<td>Rome</td>
<td>Chair</td>
<td>Ms. Anne Vézina</td>
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<td>Bureau International des Poids et Mesures (BIPM)</td>
<td>Paris</td>
<td>President</td>
<td>Ms. Carine Michotte</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) (Centre international de l’ISSN) (CIEPS/ISSN)</td>
<td>Paris</td>
<td>Chair</td>
<td>Ms. Nathalie Comic</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>
</tr>
<tr>
<td>European Central Bank (ECB)</td>
<td>Frankfurt</td>
<td>Spokesperson Staff Committee</td>
<td>Mr. Carlos Bowles</td>
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<tr>
<td>European Southern Observatory (ESO)</td>
<td>Garching</td>
<td>President</td>
<td>Mr. Gie Han Tan</td>
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<tr>
<td>The Global Fund</td>
<td>Geneva</td>
<td>Chair</td>
<td>Ms. Charlotte Connell</td>
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<td>International Cocoa Organization (ICCO)</td>
<td>London</td>
<td>Chair</td>
<td>Mr. Konan Dédoumonde</td>
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<td>International Coffee Organization (ICO)</td>
<td>London</td>
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<td>The Chair</td>
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<td>International Development Law Organization (IDLO)</td>
<td>Rome</td>
<td>President</td>
<td>Ms. Enid Muthoni</td>
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<td>International Olive Council (IOC)</td>
<td>Madrid</td>
<td>N/C</td>
<td>Ms. Ana Maria Lopez</td>
</tr>
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<td>International Organization for Migration (IOM)</td>
<td>Geneva</td>
<td>Chair</td>
<td>Mr. Jo Rispoli</td>
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<tr>
<td>Thermonuclear Experimental Reactor (ITER)</td>
<td>France</td>
<td>Chair</td>
<td>Ms. Anna Encheva</td>
</tr>
<tr>
<td>Organization for the Prohibition of Chemical Weapons (OPCW)</td>
<td>The Hague</td>
<td>Acting Chair</td>
<td>Mr. Erik Prein</td>
</tr>
<tr>
<td>World Customs Organization - Organisation Mondiale des Douanes (WCO / GMD)</td>
<td>Brussels</td>
<td>Chair</td>
<td>Ms. Medina Michelle Mr. Pirotte Nicolas</td>
</tr>
<tr>
<td>World Trade Organization (WTO / OMC)</td>
<td>Geneva</td>
<td>Chair</td>
<td>Ms. Muriel Salette Carroz</td>
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</table>
ASSOCIATE MEMBERS

AFDB
African Development Bank
Abidjan Chairperson Mr. Batatunde Adenibi

AIC
International Association of Conference Translators
Geneva President

AFME
Financial Cooperative Association of International Civil Servants
Luxembourg Vice Chairman & FICSA focal point Ms. Janine Rivals

AMBL
European Molecular Biology Laboratory
Heidelberg Co-Chair Ms. Amonida Zadissa Ms. Marzia Sidi

EPO
European Patent Organization
Munich Chairman Mr. Alain Rosé

EUAMETSAT
European Organization for the Exploitation of Meteorological Satellites
Darmstadt Chairman Mr. Karim Haggouchi

FAFCS
Federation of Associations of Former International Civil Servants
New York President Ms. Linda Saputelli

FFAO
Association of Former FAO and WFP Staff Members
Rome President Ms. Valeria Morra

IADB
Inter-American Development Bank
Washington D.C President Mr. Phu Nguyen

IMF
International Monetary Fund
Washington D.C Chair Mr. Thomas Elskaer

ICPCF
International Oil Pollution Compensation Fund
London President Mr. Ranjit Pillai

OAS
Organization of American States
Washington D.C President Ms. Kim Osborne

UNW
United Nations Women’s Guild
Geneva President Ms. Nehad Sukayri

UNW
United Nations Women’s Guild
Rome President Ms. Mariza Jurgens

World Bank
The World Bank Group
Washington D.C Chair Mr. David Sellen

FUNSA LEBANON
Federation of United Nations Staff Associations in Lebanon
Lebanon President

FUNSA MEXICO
Federation of United Nations Staff Associations in Mexico
Mexico Interim President Ms. Elsa Gutierrez

FUNSA NEW DELHI
Federation of United Nations Staff Associations in New Delhi
New Delhi President Ms. Archana Bhardwaj

FUNSA NIGERIA
Federation of United Nations Staff Associations in Nigeria
Nigeria President Ms. Noma Owens-Ibie

FUNSA DENMARK
Federation of United Nations Staff Associations in Copenhagen
Denmark President

FUNSA SAO TOME ET PRINCIPE
Federation of United Nations Staff Associations in Sao Tome et Principe
Sao Tome et Principe President Mr. José Manuel Carvalho

FUNSA CONGO
Federation of United Nations Staff Unions and Associations-DRC
Congo President Mr. Ben Nourdine Tamboula

FUNSA LESOTHO
Federation of United Nations Staff Associations in Lesotho
Lesotho Chairperson Mr. Kekelaibso Mabibieng

UNSSAG
Federation of United Nations Staff Associations in Cameroon
Cameroon President Ms. Laure Bassek Atangana

FUNSA CONGO
Federation of United Nations Staff Unions and Associations-DRC
Congo President Dr. Léon Kinuani Mutile

FUNSA SUDAN
Funks United Nations Staff Federation in Sudan
Sudan Chair Mr. Nabil Badri

RAUNPA
Islamabad in Pakistan
Pakistan President Dr. Basharat Ahmad
### FEDERATIONS WITH OBSERVERS STATUS

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<th>President Name</th>
<th>Position</th>
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<td>AFSM-WHO/SEARO</td>
<td>South East Asia</td>
<td>Mr. Ashok Mitra</td>
<td>President</td>
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<tr>
<td>FAPNUU</td>
<td>Uruguay</td>
<td>Ms. Miriana Carriquiry</td>
<td>Vice-President</td>
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<tr>
<td>FASAPUGBA</td>
<td>Argentina</td>
<td>Ms. Irene Nazareno</td>
<td>President</td>
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<td>FASAPUGP</td>
<td>Peru</td>
<td>Ms. Maria Elena Lopez Torres</td>
<td>President</td>
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<tr>
<td>FASPPANCI</td>
<td>Côte d’Ivoire</td>
<td>Mr. Aka Tano-Bian</td>
<td>Acting President</td>
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<tr>
<td>FUNSA BENIN</td>
<td>Benin</td>
<td>Ms. Epiphane Dansou</td>
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<td>FUNSA EGYPT</td>
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<td>Ms. Maha Zaki</td>
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<td>Mr. Emile Fara Tenguiano</td>
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<td>FUNSA ISLAMABAD</td>
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<td>Mr. Raiz Mujtaba Haider</td>
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<td>FUNSA SAO TOME ET PRINCIPE</td>
<td>Sao Tome et Principe</td>
<td>Mr. Agostinho B. De Souza</td>
<td>President</td>
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### FEDERATIONS OF UNITED STAFF ASSOCIATIONS (FUNSA)

Federations with FICSA Membership have been established in the following countries:

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<td>GUINEA</td>
<td>SAO TOME AND PRINCIPE</td>
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