Une école qui se réinvente en permanence


Qu’est-ce que l’école Moser aujourd’hui?
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L’une de nos particularités est en effet d’avoir développé un concept de pré université pour les deux dernières années de préparation à la maturité. Les élèves suivent des cours de 20 mn en amphithéâtre suivis de 1 h 15 de travaux pratiques. Il faut savoir que l’échec à l’université ne vient généralement pas des compétences académiques de l’élève, mais plutôt d’un manque de savoir-faire propre au niveau universitaire. Par cette méthode, les élèves peuvent acquérir l’autonomie et le partage de connaissances entre pairs afin qu’ils soient en phase avec les attentes universitaires.

Votre dernière nouveauté est la filière sport-art-études. Qu’est-ce-ce?
Une quinzaine d’élèves, qui ont des niveaux semi-professionnels dans différents domaines comme l’art ou le sport, peuvent continuer à suivre un cursus normal, dès le collège, grâce à notre concept de campus virtuel online (www.matuonline.ch). Ce dernier comprend des cours complets donnés par les professeurs de notre école, avec des exercices, des corrigés et des aides en ligne. Il n’est pas réservé aux élèves de l’école mais ouvert à tous via différents types de forfaits, pour notre filière il est idéal quand les élèves sont en déplacement. Quand ils reviennent à Genève, ils n’ont aucun retard et reprennent le « cours des cours » sans soucis. Encadré par un coach pédagogique, un point est fait chaque semaine pour voir où en est l’élève. Ceci est unique en Suisse et marche très bien.

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Dear Readers,

It is not without reason that FICSA chose, as its theme for the current year: “Fighting for decent working conditions for the diverse staff who serve the people of the world. United we are heard, divided we are ignored.” To better illustrate this need for us to be united we only need to take a brief look at the history of labor movements.

Mainly as a consequence of the industrial revolution, which formed the transition to new manufacturing processes from approximately 1760 to sometime between 1820 and 1840, the labor union movement (known in Europe as the trade union movement) began. As the number of agricultural jobs declined and employment moved to more industrial areas, workers saw the need to collectively organize themselves in order to campaign for better working conditions and treatment from their employers and better labor laws established by their respective governments. Basically, the labor movement came about in response to the deprivations of industrial capitalism, and with the goal to protect and strengthen the interests of labor within capitalism.

From the mid-nineteenth century onward the labor movement became increasingly globalized. The movement gained major momentum during the late 19th and early 20th centuries. It is thanks to the actions of the labor movements throughout the world that today we enjoy two-day weekends, eight-hour workdays, paid holidays and minimum wage in many countries.

An analysis of Historical Statistics of the United States shows that the highest percentage of workers belonging to a private sector union was during a period of approximately ten years between the late 1940s to the late 1950s. During that same period, the share of income which was going to the top ten percent of workers was at its lowest point. In other words, the higher the number of workers who belong to private sector unions, the more equally the income is distributed.

During the industrial revolution and accompanying flurry of new innovations and employment opportunities there were few, if any, regulations governing how employees were to be treated in the factories and mines. Consequently, new labor unions took on the role of protecting workers mainly against arbitrary decisions, wage cuts, layoffs, firings, dangerous working conditions or overly long working hours. Workers wanted better job security and improved working conditions. As unions grew and became stronger, they eventually began requesting higher wages for the workers as well.

The creation of labor unions, however, has not always gone well with business owners nor with national governments. In fact, tensions frequently exist between business owners and unions, tensions which have sometimes even led to violence. Business owners want a great deal of flexibility in hiring and firing, cutting wages and adding extra hours of work or, conversely, trimming back work hours when needed be. Business owners want to be in charge and too frequently do not want to have to address requests and concerns of union representatives.

As the power and influence of large private sector unions rose, corporate resistance to unions strengthened as manufacturing companies faced stronger competition from abroad and a need to automate their production processes. Corporate leaders were not willing to have their right to manage challenged and thus began stepping up their lobbying of some national governments to get them to curb the power and influence of private sector unions, particularly in the more developed countries. These attacks on unions, combined with the following factors, have caused membership in private sector unions in developed countries to become significantly reduced: automation; a shrinking manufacturing base accompanied by a shift to a service industry; deregulation in traditionally unionized industries; globalization; the change from a corporatist-regulated economy to one based on free competition; and governments taking over one of the roles of unions by legislating working time, overtime, guaranteed days off and employees’ rights.

Conversely, membership in private sector unions in some of the lesser developed countries and membership in public-employee unions in general continue to grow. Although unions in the US such as the American Federation of Teachers, the International Firefighters Association and the National Federation of Federal Employers actually originated around the time of World War I, most public-employee unions were not able to gain a stronghold in US cities and states until the 1950s. Around that time, the growth in public-employee unions was a huge breakthrough for labor.

Shortly thereafter, staff representatives who proceeded us had the foresight to identify the need of a federation of staff associations and unions of the UN common system and thus founded the Federation of International Civil Servants’ Associations (FICSA) in Paris in 1952. Today, FICSA is a federated group of 29 staff associations/ unions which are members of FICSA and represents the interests of international civil servants in interagency bodies and legislative organs of the UN common system, it also advises member associations/ unions, coordinates activities at the local level, provides information to its members and staff on conditions of service, coordinates industrial action, supports the use of the legal appeal process, advocates staff positions with representatives of Member States and organizes training and workshops on a variety of topics.

Although the mere existence of FICSA makes a difference, its strength and achievements are also due to the efforts and quality of participation of each of its member associations and unions. As stated at the beginning of this article, united we are heard, divided we are ignored.

Brett Fitzgerald
FICSA President
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The Hôpital de La Tour offers complete and pluridisciplinary treatment of obesity

To address a growing public health issue, The Hôpital de La Tour has created a new organisation and adopted the necessary infrastructure to provide patients with complete and multidisciplinary care of obesity, providing all the currently known therapeutic methods. This is a personalised programme that takes into account the various medical conditions associated with the disease and that meets the specific needs of each patient.

La Tour obesity is a healthcare pathway which offers two therapeutic options, discussed with the patient in relation to their personal history and their objectives:
- conservative care;
- surgical care.

Who provides the care?

La Tour obesity gathers around the patient a pool of specialists from various disciplines who are able to treat all aspects of the disease: endocrinology and diabetology, bariatrics, sports medicine, gastroenterology, pneumology, cardiology, dietetics, psychology, physiotherapy and sports coaches.

Who is this for?

La Tour obesity is open to any adult wanting to manage excess weight or obesity more effectively and aims to provide advice and support in this process.

What is the objective?

Obesity has been rising in Switzerland since the 1980s and represents a public health problem. This is a chronic and complex disease that causes difficulties in everyday life and requires specific care. Severe obesity is often associated with other diseases:
- high blood pressure;
- type 2 diabetes;
- high cholesterol;
- cardiovascular complications;
- respiratory symptoms.

These additional diseases are what make obesity so serious, and they also contribute to the complex nature of its management. In this way, La Tour obesity is a response to a specific growing needs.

The care objectives of the La Tour obesity programme are:
- healthy and controlled weight loss;
- prevention of relapses;
- treatment of associated diseases;
- improvement in overall health.

Who provides the care?

La Tour obesity gathers around the patient a pool of specialists from various disciplines who are able to treat all aspects of the disease: endocrinology and diabetology, bariatrics, sports medicine, gastroenterology, pneumology, cardiology, dietetics, psychology, physiotherapy and sports coaches.

What are the therapeutic options?

The request for treatment is made by the patient himself or herself or by the attending doctor. The obesity specialists at La Tour then suggest a personalised treatment programme based on one of the following options.
- Conservative care: this consists of helping patients with obesity to introduce sustainable modifications to their lifestyle and to support them as they implement these changes. The main aim here is to intervene in the fields of diet and physical activity, offering appropriate psychological support if required. Somatic complications associated with obesity are identified and treated. Realistic and measurable goals are set for an intervention that is limited to a maximum of two years.
- Surgical care: this consists of offering gastric surgery to patients with obesity. The multidisciplinary team evaluates the indications and contraindications of surgery of this kind. This type of care includes appropriate medical and psychological preparation, which is essential prior to the procedure as well as long-term post-surgical follow-up care. Diet-related, behavioural and, if necessary, psychological approaches are suggested. The aim of these approaches is to deal with eating disorders to obtain the best possible weight loss, while also limiting the risk of weight regain.

For the whole duration of the programme, aims and treatment options are constantly re-evaluated and adapted to the patient’s personal journey.

Medical services:
- Diagnosis and treatment of metabolic and nutritional diseases (nutritional imbalances and deficiencies, diabetes, high cholesterol);
- Diagnosis and treatment of cardiovascular complications (coronary disease, high blood pressure);
- Diagnosis and treatment of sleeping problems associated with obesity.

Surgical services:
- Bariatric surgery procedures:
  - sleeve gastrectomy;
  - gastric bypass;
- Diagnosis and treatment of digestive complications associated with bariatric surgery;
- Plastic surgery procedures.

Support services for implementing change:
- Diet advice and management;
- Diagnosis and treatment of eating disorders:
  - cognitive behavioural therapy;
  - psychotherapy;
  - mindfulness meditation;
- Diagnosis of physical capacity – exercise through physical activity;
- Motivational support – therapeutic education.

The aim of the suggested approaches is to initiate a genuine and lasting lifestyle change based on exercise and healthy eating. The specialists support and accompany every patient and help him or her maintain the motivation required.

La Tour obesity offers the patient a real dietary and metabolic rehabilitation, an approach opposed to that of traditional diets.

Services

Which types of treatment are available?

La Tour obesity offers medical and surgical services as well as support in implementing behaviour changes.

Medical services:
- Diagnosis and treatment of metabolic and nutritional diseases (nutritional imbalances and deficiencies, diabetes, high cholesterol);
- Diagnosis and treatment of cardiovascular complications (coronary disease, high blood pressure);
- Diagnosis and treatment of sleeping problems associated with obesity.

Surgical services:
- Bariatric surgery procedures:
  - sleeve gastrectomy;
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- Diagnosis of physical capacity – exercise through physical activity;
- Motivational support – therapeutic education.

La Tour obesity offers the patient a real dietary and metabolic rehabilitation, an approach opposed to that of traditional diets.
THE VOICE OF INTERNATIONAL CIVIL SERVANTS

AIMS

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

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

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

ACTIONS

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

COUNCIL & OFFICES

A Council of member association/union representatives meets annually to define the Federation’s policy. Each year the Council elects an Executive Committee, (consisting of a President, General Secretary, Treasurer and four members) and four regional representatives who are responsible respectively for implementing the Federation’s policies and representing the Federation. The Executive Committee draws up the annual programme of work, based on the decisions and recommendations adopted by Council. Standing committees specialize in General Service Questions, Professional Salaries and Allowances, Conditions of Service in the Field, Social Security/Occupational Health and Safety, Human Resources Management/Staff Management Relations; and Legal Questions. The Secretariat in Geneva has four staff members.
A blend of elegance and modernity

Positioned on the storied shores of Lake Geneva, with Switzerland’s iconic Mont Blanc as a timeless backdrop, The Ritz-Carlton Hotel de la Paix, Geneva, is host to a prestigious heritage that has endured for over 150 years. Celebrated by generations of high society for bespoke service, uncompromising elegance and a rich culinary tradition, the hotel has been thoughtfully renovated to craft a new era in its evolving story.

Entre élégance et modernité

Installé sur les rives pentues du lac Léman, en Suisse, avec comme toile de fond éternelle le célèbre Mont Blanc, The Ritz-Carlton Hotel de la Paix, Geneva est doté d’un prestigieux patrimoine depuis maintenant 150 ans. Célébré par des générations successives de membres de la haute société pour son service hors du commun, son élégance sans compromis et sa riche tradition culinaire, l’hôtel a été soigneusement rénové pour marquer une nouvelle ère de son développement.

Influenced by elements synonymous with Swiss culture and tradition, the refreshed interiors take inspiration from art, time and nature. Subtly blending majestic Italianate architecture with contemporary, scaled-back design, the marble-clad lobby is offset by clean, white walls and refined, dove grey furnishings. Suspended from the heights of the galleryed space, a glittering jeweled chandelier creates an impressive centerpiece, connecting historic opulence with stylish flair.

Named after one of the hotel’s most esteemed guests, the Grace Kelly Suite encapsulates The Princess of Monaco’s inimitable, timeless style. Encompassing 105m2 of sophisticated space, the suite houses a master bedroom, separate living area, dining room, kitchenette and a well-appointed bathroom. Using a soft color palette of grey, cream and taupe, the muted décor is lifted by art deco embellishments and gold leaf gilding, alongside wall art including iconic photography from moments in Grace Kelly’s remarkable life. The high ceilings, with original decorative cornicing, and large bay windows fill the suite with natural light, whilst views across Lake Geneva, towards the snowcapped Alps, can be marveled at from the balcony, furnished with seating area.

La Suite Grace Kelly, qui porte le nom d’une des hôtés les plus estimées de l’hôtel, reflète le style inimitable et temporel de la Princesse de Monaco. Avec ses 105 m2 d’espace sophistiqué, la suite comprend une chambre principale, un salon séparé, une salle à manger, une kitchenette et une salle de bains somptueusement équipée. Le décor au style discrét, à la palette dans de douces tonalités grises, crème et taupe, est rehaussé par des embellissements Art Déco et des dorures à la feuille d’or. Sans compter les œuvres d’art murales, comme des photographies mythiques représentant la vie hors norme de Grace Kelly. Les hauts plafonds, ornés de moulures décoratives originales, et les larges baies vitrées remplissent la suite de lumière naturelle. La vue sur le lac Léman et les Alpes recouvertes de neige forment une toile de fond à savourer depuis la terrasse meublée.

Firmly rooted in Geneva’s cultural and social landscape, Hotel de la Paix has been witness to a multitude of historic world events since its opening in 1865. With only 74 guestrooms, its boutique size combined with a prominent lakeside location just steps away from the center of Old Town, have inspired memorable gatherings, from the Alabama Claims dinner in 1872, to a constant flow of high-profile guests across the 19th, 20th and 21st centuries.

Ancré dans le paysage culturel et social de Genève, l’Hôtel de la Paix a été témoin d’un grand nombre d’événements historiques mondiaux depuis son ouverture en 1865. Avec seulement 74 chambres, cet écrin bénéficie d’un emplacement proche du lac, à quelques pas de la vieille ville. Il a été le théâtre de rassemblements mémorables, depuis le dîner des réclamations de l’Alabama en 1872 jusqu’aux hôtes de marque qui y ont séjourné aux XIXème, XXème et XXIème siècles.
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Le Conseil de la FICSA est la rencontre des associations du personnel ou syndicat.

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

Le Comité exécutif est chargé de d’élaborer le plan de travail sur la base des décisions et des recommandations, adoptées 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.

Comité Exécutif

- Président: Brett Fitzgerald (OMPI Genève)
- Secrétaire générale: Gemma Vestal (OMS Genève)
- Trésorier: Irwan Mohd Razali (OMS/GSC Kuala Lumpur)
- Membres pour les questions relatives : aux compensations: Pilar Vidal Estevez (OPS/OMS Washington) Imed Zabaar (IAEA Vienne)
- Membres pour les questions relatives : au personnel basé sur le terrain Véronique Allain (SCBD Montréal)
- Membre sans portefeuille: Jason Sigurdson (ONUSIDA Washington DC)

Représentants Régionaux

- Afrique Anthony Ndinguri (ICAO Nairobi)
- Ameriques Jesus García Jiménez (OIT/ITC Turin)
- Asie Diab Khalil El-Tabari, (UNRWA/ASA Lebanon)
- Europe Christopher Mason, (OMPI Genève)

Un savoir-faire au service des fonctionnaires internationaux,
Depuis plus de 10 ans, Corinne Angot, conseillère mutualiste à l’agence de Ferney Voltaire, accompagne et conseille les fonctionnaires internationaux. Elle a au préalable travaillé pendant 17 ans au sein de différentes organisations internationales à but humanitaire comme : Médecins Sans Frontières, la Croix Rouge et l’OMS, ce qui lui permet d’avoir une véritable expertise de cet environnement et de pouvoir échanger en français et en anglais en fonction du public.

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Ma complémentaire santé est-elle adaptée à mon statut de fonctionnaire international ? Compte tenu de leur statut, les fonctionnaires internationaux ont des besoins spécifiques en termes de complémentaire santé. En effet ils doivent bénéficier d’une couverture santé, quel que soit leur lieu de domiciliation, accéder à leurs remboursements simplement et rapidement, et pouvoir couvrir l’ensemble de leur famille.


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In introducing the Report of the Executive Committee for 2017-2018 (document FICSA/C/71/7), the FICSA President remarked that no fewer than 64 major decisions that bore profound implications for staff had been taken in the HR Network, the High-Level Committee on Management (HLCM), the ICSC, ACPAQ, the Fifth Committee of the United Nations General Assembly, IASMN and the United Nations Joint Staff Pension Board (UNJSPB).

Given the plethora of decisions and action, the FICSA President highlighted certain major features. For example, the HR Network had focused, inter alia, on the duty of care for UN personnel, in particular those staff members operating in high-risk environments, the work of the HLCM Mental Health Working Group, after-service health insurance and the conclusions of the ICSC on the cost-of-living surveys in 2016. The HLCM had focused on integrated approaches to the 2030 Agenda for Sustainable Development, progress towards achieving diversity, as well as the safety and security of staff. The HLCM had also focused on supporting the Secretary-General in his vision for management reform, duty of care and innovation.

The issues of particular concern to FICSA in the context of the ICSC were: (i) the adverse impact of the new compensation package; (ii) those organizations that were resisting or refusing implementation of MAS 65; and (iii) the monitoring of the margin, which was still adjusted annually despite attempts to introduce a five-year cycle.

Furthermore, it had been stated that the outcome of the ICSC Working Group on the review of pensionable remuneration recently held in Madrid would have no impact on salary scales in any category of staff. If that proved not to be the case, staff members should alert FICSA to any instances of loss. In the context of the post-adjustment exercise, the abolition of the gap closure measure had had an impact, while the manner in which the ICSC applied its methodology and collected data, in particular ECP data, gave rise to demonstrations in Geneva that had also been supported by executive heads of the Geneva-based organizations. Demonstrations were also organized in Rome and Madrid. Given the extent of the impact on salary scales, the Federations were considering litigation.

The FICSA President was able to provide more positive news on the cost-sharing mechanisms for the release of officials to serve as staff representatives, which, in their current guise, restricted the selection process to a limited pool of candidates. As things stood, some 70 per cent of the UN organizations subscribed to the idea of spreading the costs across all organizations. With respect to IASMN, the President also stressed that there could be no compromises where the security of staff was concerned. Regrettably, there was no discrete security budget; resort had been taken to a cost-sharing mechanism that could not always be enforced. Given the importance that both Federations attached to the safety and security of the staff,

Report of the Executive Committee for 2017-2018 (Agenda item 8)

To the 71st FICSA Council
a representative of CCISUA was representing FICSA at the concurrent IASMIN meeting in New York, as had also been the case on a previous occasion in Washington DC.

The FICSA President was also pleased to report that the delays in the payment of pensions to ‘new’ retirees were no longer an issue, while the current value of the UNJSPF was reassuringly high. Another bone of contention had arisen in connection with the extension of the contract of the Chief Executive Officer (CEO). He assured Council that the disagreement was not ad hominem, but exclusively related to the operational processes.

Turning to General Service issues, the President stressed that FICSA was focused on helping members to understand the methodological changes. Trainers were being retrained and 24 workshops had been held, with participation of non-FICSA trainees. The ICSC was to take up a review of the General Service salary survey methodology in 2019, with some preparatory steps possibly starting in the current year.

As for Professional issues, a major development had been the United Nations Dispute Tribunal (UNDT) having found that the Secretary-General had an obligation to act lawfully in implementing the unified salary scale for the applicants and to respect their acquired rights, which took precedence over the new conditions of employment set out in the amendments to the Staff Regulations and the Staff Rules. What the Secretary-General would ultimately decide was unknown, despite the three Federations having sent him a collective letter urging him not to lodge an appeal against the UNDT judgement. The Staff Associations of PAHO, WHO/EURO and FAO were filing appeals against the impact on their acquired rights suffered on account of changes brought about by the new compensation package. The FICSA President also spoke of the difficulties faced by staff in the field in terms of the classification of hardship posts. However, health care, an essential feature of the duty of care, had undergone some improvement with account being taken of such factors as stress, weather, pollution, isolation and violence. One explanation might be that nobody took the risk of shirking responsibilities that were matters of life or death.

In addition to the problems associated with the implementation of MAS65, other factors that had led to a deterioration in staff-management relations included the worrisome situation in both the European Patent Office (EPO) and FAO, as well as the emergence of a second ‘in-house’ Staff Association in WIPO. Whereas the long drawn-out battle in the International Coffee Organization (ICO) to achieve a semblance of justice had not yielded the results that the appellants had hoped for, a legitimate and functional internal justice system ‘enforced’ by the Foreign and Commonwealth Office in the United Kingdom had become operational in mid-2017.

Despite the General Assembly supporting the continuation of the pay-as-you-go approach to after-service health insurance (ASHI), other approaches were still being sought in an attempt to check the escalation of the United Nations’ ASHI liabilities and limit the impact of the organization’s pay-as-you-go obligations on future budgets. FICSA had worked hard with FAPICS on common concerns such as the requirement that people enrol in national health systems, a proposal that was continually being mooted.

The members of the Executive Committee were thanked for their perseverance throughout the year and the comprehensive presentation of their work.
En présentant le rapport du Comité exécutif pour la période 2017-2018, le Président de la FICSA a fait remarquer que pas moins de 64 décisions majeures ayant de profondes implications pour le personnel avaient été prises par le Réseau des ressources humaines (HR Network), le Comité de haut niveau chargé des questions de gestion du personnel (HLCM), la Commission de la fonction publique internationale (CFPI), le Comité consultatif pour les questions administratives (CCQA), la Cinquième Commission de l’Assemblée générale des Nations Unies, l’IASMN et le Comité mixte de la Caisse commune des pensions du personnel des Nations Unies (CCPNU).

Compte tenu de ces nombreuses décisions et actions, le Président de la FICSA a mentionné certains sujets importants. Par exemple, le Réseau des ressources humaines s’est concentré, entre autres, sur le devoir de diligence pour le personnel des Nations Unies, en particulier les membres du personnel travaillant dans des environnements à haut risque ; le travail du groupe de travail sur la santé mentale du HLCM, l’assurance maladie après la cessation de service et les conclusions de la CFPI sur les enquêtes sur le coût de la vie en 2016. Le HLCM s’est concentré sur des approches intégrées dans l’agenda pour le développement durable, l’état de l’avancement de la diversité, ainsi que la sûreté et la sécurité du personnel. Le HLCM s’est également attaché à soutenir le Secrétaire général dans sa vision de la réforme de la gestion, du devoir de diligence et de l’innovation.

Les questions qui préoccupaient particulièrement la FICSA dans le contexte de la CFPI étaient les suivantes : i) l’impact négatif du nouveau programme de rémunérations ; (ii) les organisations qui résistaient ou refusaient la mise en œuvre de la retraite obligatoire à 65 ans ; et (iii) le suivi de la marge, toujours ajustée chaque année malgré les tentatives d’introduction d’un cycle quinquennal.

En outre, il a été déclaré que les résultats du groupe de travail de la CFPI sur la révision de la rémunération considérée aux fins de la pension, qui s’est récemment tenue à Madrid, n’auraient aucune incidence sur les barèmes de rémunération dans aucune catégorie de personnel. Si cela ne s’avérait pas être le cas, les membres du personnel devraient avertir la FICSA. Dans le contexte de l’exercice des indemnités de postes, l’abolition de la mesure de réduction des écarts avait eu un impact. La façon dont la CFPI a appliqué sa méthodologie et recueilli des données, en particulier les données du PEC, a donné lieu à des manifestations du personnel à Genève qui ont également été soutenues par les chefs de secretariat des organisations basées à Genève. Des manifestations ont également été organisées à Rome et à Madrid. Compte tenu de l’ampleur de l’impact sur les échelles salariales, les Fédérations envisageaient avoir recours à des actions juridiques.

Le Président de la FICSA a été en mesure de fournir des informations plus positives sur les mécanismes de partage des coûts concernant le détachement des fonctionnaires désirant représenter le personnel, qui, sous sa forme actuelle, limitait le nombre de candidats voulant se présenter aux élections. Actuellement quelque 70% des organisations des Nations Unies ont approuvé l’idée de répartir les coûts entre toutes les organisations. En ce qui concerne l’IASMN, le président a également souligné qu’il ne pouvait pas avoir de compromis en matière de sécurité du personnel. Les deux Fédérations sont unies devant l’importance de cette question qui est la sûreté et à la sécurité du personnel, aussi un représentant de la CCISUA a représenté la FICSA, comme cela avait déjà été le cas auparavant, lors de la réunion de l’IASMN à New York qui se déroulait en même temps que le conseil de la FICSA.

Le Président de la FICSA a également été heureux d’annoncer que les retards dans le paiement de la pension aux «nouveaux» retraités ne posaient plus de problème, alors que la valeur actuelle de la Caisse commune des pensions du personnel des Nations Unies était plus que rassurante. Un autre sujet de discorde a été soulevé concernant la prolongation du contrat du Chef exécutif. Il a assuré le Conseil que le désaccord n’était pas ad hominem, mais exclusivement lié aux processus opérationnels.

Concernant les problèmes liés à la catégorie des services généraux, le Président a souligné que la FICSA s’efforçait d’aider les membres à comprendre les changements des méthodes. La CFPI devrait pro-
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Du 71ème conseil de la FICSA

céder à un examen de la méthode d’enquête sur les salaires dans la catégorie des services généraux en 2019, certaines étapes préparatoires commenceront probablement dans l’année en cours.

Pour ce qui est des questions concernant le personnel des catégories professionnelles, le Tribunal du contentieux administratif des Nations unies (UNDT) a jugé que le Secrétaire général avait l’obligation d’agir en conformité avec la loi dans l’application du barème unifié des traitements des requérants et de respecter leurs droits acquis qui prévalaient sur les amendements apportés aux statuts du personnel et au Règlement du personnel sur les nouvelles conditions d’emploi. La décision du Secrétaire général reste inconnue, malgré une lettre collective envoyée par les trois fédérations (FICSA, CCISUA et UNISERV) l’invitant à ne pas introduire un recours contre le jugement du tribunal (UNDT). Considérant que la longue bataille de l’Organisation internationale du café (OIC) pour obtenir un semblant de justice n’a pas donné les résultats satisfaisants pour les appelants, un système de justice interne légitime et fonctionnel “appliqué” par le Foreign and Commonwealth Office au Royaume-Uni est devenu opérationnel à la mi-2017.

Malgré le soutien de l’Assemblée générale des Nations unies pour la poursuite de la méthode de comptabilisation au décaissement pose un certain problème pour les primes de l’assurance maladie après la cessation de service. D’autres approches sont toujours recherchées pour essayer de contrôler l’escalade des charges à payer par les organisations au titre de l’assurance maladie et limiter les obligations des organisations au titre du principe de la répartition. La FICSA avait travaillé conjointement avec la FAAFI (Fédération des associations des anciens fonctionnaires internationaux) sur ces préoccupations communes et avait proposé d’exiger que les personnes s’inscrivent dans les systèmes de santé nationaux, une proposition qui était continuellement évoquée.

Le Président de la FICSA a souligné la nécessité de maintenir des relations de travail étroites avec M. Ian Richards (Président du CCISUA) et M. Dimitri Samaras (Président d’UNISERV). Ces forces jointes permettent de partager les coûts financiers de diverses études et enquêtes et surtout d’unir nos forces pour une meilleure synergie.

Les membres du Comité exécutif ont été remerciés pour leur persévérance tout au long de l’année et la présentation complète de leur travail.

concernant la classification des postes dans les lieux d’affectation difficiles. Cependant, les soins de santé, élément essentiel du devoir de diligence, ont connu une certaine amélioration tenant compte de facteurs tels que le stress, le climat, la pollution, l’isolement et la violence. Une explication à ceci pourrait être que personne n’a pris le risque de se dérober face aux responsabilités sur des questions de vie ou de mort.

Outre les problèmes liés à la mise en œuvre de la retraite obligatoire à 65 ans, d’autres facteurs ont conduit à une détérioration des relations entre le personnel et l’administration tel que la situation préoccupante de l’Office européen des brevets (OEB) et de la FAO, ainsi que l’émergence d’une deuxième association du personnel interne à l’OMPI. Considérant que la longue bataille de l’Organisation internationale du café (OIC) pour obtenir un semblant de justice n’a pas donné les résultats satisfaisants pour les appelants, un système de justice interne légitime et fonctionnel “appliqué” par le Foreign and Commonwealth Office au Royaume-Uni est devenu opérationnel à la mi-2017.

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BIENVENUE A TOUS LES AMOUREUX DE SPORTS EQUESTRES

CENTRE ÉQUESTRE DE VERSOIX LA BÂTIE

NOS INSTALLATIONS
Sur un parc de plus de 5 hectares, au cœur des bois de la Versoix et longés par la rivière sont à votre disposition: 60 boxes, une carrière en sable, des paddocks en herbes, une piste de galop privée, un marcheur, un rond de longe, et un manège couvert en sable. Un cadre unique pour une grande variété de promenades.

NOS PRESTATIONS
Le Centre Equestre de Versoix La Bâtie vous propose des prestations de pension pour votre cheval ainsi que des cours dispensés par nos deux cavaliers résidents du centre.
Mr. Diab El-Tabari (UNRWA/ASA Lebanon), President of FICSA, opened the 71st session of the Federation’s Council and thanked the hosts, the Staff Association of the United Nations Framework Convention on Climate Change (UNFCCC), for everything they had done in preparation for the meeting.

As was the custom at sessions of the FICSA Council, the President asked the participants 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. He expressed his sincere condolences to their families.

Mr. Santhosh Thanjavur Prakash, President of the UNFCCC Staff Association, welcomed the participants on behalf of the Staff Association and the staff of UNFCCC at large. He thanked the Federation for having given the Staff Association the opportunity to host the Council session in Bonn and a very productive meeting.

The FICSA President then introduced Mr. Ovais Sarasad, the Deputy Executive Secretary of the UNFCCC. He had stepped in at short notice on behalf of Ms. Patricia Espinosa, the Executive Secretary of the UNFCCC who had fallen ill.

As somebody who had once served on the Staff Association of the IOM, he bade the participants a particularly warm welcome. He thanked the UNFCCC and the German Government for the facilities they had provided to ensure the success of the meeting.

Furthermore, as somebody who had been but five months in his current post, he had come to realize the magnitude of the tasks related to combating climate change. It was humbling to remember those on the front line in that struggle, who were in dire need of support. It was a matter of empowering the developing countries and heeding the voices of the many individuals.

The FICSA President thanked the Deputy Executive Secretary of the UNFCCC for his kind words. He assured him that FICSA treated everybody in the same manner and with mutual respect. He did not deliver a speech on the grounds that the work of the Fede-
ration spoke for itself. He then introduced two guest speakers: Mr. Andie Hill, Chairman, Confederation of NATO Civilian Staff Committees (CNCSC), and Ms. Catherine Comte-Thiberghien, CCISUA representative and President of the ILO Staff Union.

From the very outset of his PowerPoint presentation, Mr. Hill stressed the striking similarities between FICSA and the CNCSC. The Confederation comprised 29 discrete civilian staff associations. Its representatives together with members of the Advisory Panel on Administration, the executive management and human resources coordination at NATO headquarters met in a Joint Consultative Board to discuss civilian personnel regulations, terms and conditions of employment and implementing instructions. The Board’s proposals went to the Secretary-General and the two Supreme Commanders.

NATO had a coordinated process for salaries, allowances and pension schemes and a tripartite-structure encompassing 58 Member States, 6 secretariats-general, staff and retirees. The Confederation enjoyed direct access to the Secretary-General and his private office. It also collaborated with the Assistant Secretary-General (ASG) and the Deputy ASG in his private office. It also ensured protection against retaliation. Its officers were on full-time detachment and their jobs were protected.

Ms. Comte-Thiberghien thanked the Federation for granting her the honour and opportunity to address Council. She also extended thanks on behalf of CCISUA, which was defending the interests of both Federations at the meeting of the Inter-Agency Security Management Network (IASMN) concurrently being held in New York. Over the past year, CCISUA and FICSA had successfully joined forces in a common campaign protesting against the pay-cuts not only at headquarters duty stations but also in the field. All endeavours to defend and ensure the independence of the international civil service were predicated on stable employment and working conditions. The joint endeavours of the two Federations had led to: the implementation of the mandatory retirement age in most organizations; favourable judgements in the administrative tribunals relating to salaries; guarding against slippage in the margin to below 113; the classification of hardship duty stations; and the introduction of policies relating to the duty of care.

Both examples pointed to the need for staff to continue fighting. They had no choice but to seek a reform of personnel policy. The Federations should strive to re-establish the respect of their employers for international civil servants: an objective that called for their being granted an equal voice in the decision-making fora. To that end, the Federations would have to set their short- and long-term objectives, continue their fruitful work to date and focus on the United Nations of the future - in terms of the staff’s well-being and conditions of work. Ms. Comte-Thiberghien closed by wishing Council every success in its deliberations and expressed her willingness to discuss closer and more effective collaboration with everybody.

In the afternoon of the first day, the FICSA President invited Mr. Kingston Rhodes, Chairman of the ICSC, to address Council and to respond to questions from his audience.

Prior to embarking on his speech, Mr. Rhodes spoke of having worked with Mr. El-Tabari over the years. He had represented his constituents most ably - and always from a position of reason. The Commissioners had always listened to what the FICSA President had to say. As an introductory remark, Mr. Rhodes drew attention to the changes taking place within the common system at an ever-increasing pace. It was essential that the staff federations start discussing those very changes. He looked forward to a productive discussion, as the Commission valued its constructive relationship with the staff representative bodies. He thus saw the interaction with Council as an opportunity to continue enhancing that mutual cooperation.
He first focused on the resolutions and decisions adopted by the UN General Assembly the previous year in relation to the work of the Commission. The Assembly had approved the ICSC recommendations pertaining to the United Nations/United States net remuneration margin, the base/floor salary scale and pensionable remuneration. The Commission’s decisions on post adjustment for 192 countries and the results of the General Service salary survey in Vienna had been noted.

The General Assembly had also approved revised guidelines for the use of National Professional Officers (NPOs), underscoring the need to respect the rules and regulations governing the use of NPOs. It had called upon organizations to refrain from posting NPOs on repeated short-term duty assignments to locations outside their country of recruitment. Furthermore, the General Assembly had approved the Commission’s proposed guidelines for performance management and recognition of different levels of performance, including the use of non-cash rewards. As for the report on diversity, the General Assembly had asked the ICSC to continue providing it with reports on the progress achieved by organizations in the implementation of gender policies. It had also requested the ICSC to monitor the age distribution of the workforce and report on its findings. Mr. Rhodes reminded Council that the average of entry into the United Nations was 38; younger people should be encouraged to join.

At the upcoming ICSC session in March, the focus would be on pensionable remuneration, post adjustment, human resources management, the Noblemaire principle and the revision of the hardship classification methodology, which had been approved and tested for African countries. The upcoming session would also focus on a proposal by the CEB Human Resources (HR) Network relating to non-family duty stations.

At its recent meeting in Madrid, the ICSC Working Group on pensionable remuneration had reviewed options regarding grossing-up factors and the alignment of pensionable remuneration with the revised salary structure when a unified salary scale was already in place. The Commission would take the issue up at its session in March. The report of the Advisory Committee on Post Adjustment Questions (ACPAQ) would also be reviewed at the same session. The report contained several recommendations relating to the post adjustment methodology and proposals on price-related data sources in New York. Some FICSA members might well recall the use of the European Comparison Programme (ECP) data for surveys undertaken in a number of European countries.

As part of periodic review of the highest paid national civil services, the Commission would be undertaking an examination of such civil services and compare cash compensation in those countries vis-à-vis the United States, the current comparator. At the same session, the impact of the changes in the hardship review methodology introduced the previous year would be assessed, based on the review of the outcome of the recent hardship review of duty stations in Africa. Field-based organizations had raised the issue of the “D” and “E” rated hardship duty stations not being designated as non-family locations. A CEB/HR Network proposal on those duty stations would be taken up at the ICSC session in March. The Commission would also be considering a proposal for reinforcing the diversity component in the framework for human resources management.

Mr. Rhodes reverted to the rapidly changing global landscape and its impact on operations throughout the common system. Budget constraints, ageing workforces, political uncertainties and the rapid advancement of technologies had been transforming the way people lived and worked. Whereas nearly all government employees in OECD countries had been paid on incremental or graduated pay scales, several decades later a large number of civil servants were being compensated in accordance with performance-related pay schemes. The latter yielded improved organisational performance as well as permitting greater flexibility in times of fiscal difficulty. The changes were of particular relevance to the Noblemaire principle. As more countries were adopting different pay philosophies, identifying countries to which the international civil service could be compared was becoming an increasingly challenging task. Other challenges were the growing impact of the use of artificial intelligence. Mr. Rhodes cited the transformation of the legal profession and accountability that were being anticipated. Many job functions within the common system might thus be affected as technology accelerated. Employees would need to adapt. Investment in staff training to acquire the latest skills was becoming more important than ever. Internal and external staff mobility as well as movements between functional areas might also be conducive to staff development and the creation of a more adaptable workforce.

All those global socio-economic and technological changes bore major implications for the common system, as evidenced by the growth of the NPO category. At present, one in every four Professional officers was an NPO. They currently accounted for more than half of the Professional work force in two organizations: UNICEF and UNFPA. The increase was attributable to two factors: the growing availability of local expertise and cost considerations. The trend was projected to continue, all the more so when extra-budgetary resources were being used.

A common system dialogue on an organizational culture that was more flexible, agile and adaptable to change was increasingly imperative. The present environment required people to adapt continuously in order to survive. If the common system failed to learn from the continual changes outside the system, it would run the risk of finding itself having change imposed in a manner that might threaten the very existence and continuity of the international civil service.

Citing both Louis Pasteur and the Ancient Romans, Mr. Rhodes spoke of individuals’ capacity to decide their own fate through decisive action. It was essential that countries initiate a dialogue on the long-term existential threats that would challenge the very continuity of the United Nations system, if they were not headed and solved. He thus appealed to both human resource...
At a later stage in the session, it was pointed out that the particular nature of the case, the matter should be taken up with the FICSA President. The Fleming principle was applied to determine levels. In his reply, Mr. Rhodes stressed that employers must have the methodologies that were used to set salaries. The Fleming principle was applied to determine levels. He also pointed out that in certain instances General Service salaries exceeded Professional salaries, the overlap was currently at the P4 level. It was suggested that rather than providing training in the current salary survey methodology, it would be more appropriate to have a company first assess the actual situation and then set the date for a comprehensive survey at an earlier juncture than currently envisaged.

In his reply, Mr. Rhodes stressed that employers must have the methodologies that were used to set salaries. The Fleming principle was applied to determine levels. He also pointed out that in certain instances General Service salaries exceeded Professional salaries, the overlap was currently at the P4 level. It was suggested that rather than providing training in the current salary survey methodology, it would be more appropriate to have a company first assess the actual situation and then set the date for a comprehensive survey at an earlier juncture than currently envisaged.

The first question related to the situation in Egypt and the floating of the Egyptian pound, which was posing inordinate challenges for the local staff. In the course of the current year they had first lost one-third of their entitlements and later one eighth. It was suggested that rather than providing training in the current salary survey methodology, it would be more appropriate to have a company first assess the actual situation and then set the date for a comprehensive survey at an earlier juncture than currently envisaged.

In his reply, Mr. Rhodes spoke of a shared concern. The United Nations would have to start thinking about the use of NPOs and non-staff was on the increase. The fifth question related to maintaining the international character or profile of the United Nations at a time when the use of NPOs and non-staff was on the increase. In his reply, Mr. Rhodes stated that the issues related to NPOs had already been addressed. As for the methodology, national civil services should be included in salary surveys to a greater extent than at present (the current proportion was 10%). Member States were actually pressing for a higher fraction. For General Service staff and NPOs in headquarters locations, it was proving very difficult to obtain salary details from local companies, thus making it necessary to review once again the source and type of data used. The situation was similar to the previously experienced lack or reluctance of comparators to participate in such exercises.

In his reply, Mr. Rhodes stressed that the structure of the Commission and its relationship to the General Assembly was a creation of the General Assembly and a subsidiary body of the same, although at one stage staff had wanted it to be a tri-partite body. It should be recalled, however, that the ICSC had dispensed with closed sessions, thus permitting both staff and the HR network an opportunity to comment and make their views known.

In a third question, it was noted that The United Nations was at the heart of an intense debate about the changes to be introduced throughout the system. In a healthy relationship, all parties to that debate should be on an equal footing. Staff representatives were not an adjustable variable. It was felt to be time for the ICSC to reform its practices and break with traditions of the past and act as an independent technical body.
growth in drawing on the services of NPOs. Extensive work on the Sustainable Development Goals was being carried out at the local level. The United Nations should perhaps focus on providing the highest level of expertise. Local talent was currently performing functions that had previously been carried out by expatriate/international staff.

In the sixth question, Mr. Rhodes was asked about the independent statisticians who had prepared a CRP at the ICSC session on various issues surrounding the survey methodology. Some of the questions raised by the statisticians had remained unanswered. The Federation did not expect an immediate reply; however, in the interests of transparency and trust in the neutrality of the Commission, the Federation would like to know by which date a written response would be forthcoming.

In his reply, the ICSC Chair pointed out that answers had been given at Geneva at the time the CRP was issued. Responses would also be given at the upcoming ACPAQ meeting, together with the responses of the ICSC statisticians.

The seventh question related to the General Assembly having adopted a resolution approving the new compensation package for Professional Staff and higher categories in accordance with an ICSC recommendation. Of the many changes introduced in keeping with that resolution, the General Assembly had decided to abolish the payment of boarding-related expenses to staff in H duty stations. The change had led to substantial financial losses - not to mention the disruption caused to families’ schooling arrangements. Some parents would have to take their children out of school and bring them back to their duty station or adopt other burdensome solutions. It was also to be noted that the General Assembly had recommended a number of transitional measures specifically designed to facilitate the implementation of the compensation package without imposing a burden on staff. The General Assembly resolution stated categorically that “in exceptional cases, boarding assistance should be granted to staff at H duty stations under the discretionary authority of executive heads”.

In his reply, Mr. Rhodes assured Council that everything was being done in accordance with the General Assembly resolution. He answered in a similar manner to a follow-up question on the reasons for the UN conducting a GS salary survey in Brussels under Methodology I.

In the eighth question information was sought on the reasons for setting the dependency rate on a ‘hard’ fixed amount and not on a sliding scale. Mr. Rhodes replied saying that the sliding scale was a newly introduced ‘wrinkle’ and no thought had been given to changing cut-off levels. Staff representatives should raise the issue at the next opportunity.

The ninth question focused on the global discussion on sexual harassment: an issue that the FICSA Council would be taking up at its current session. Staff welcomed the Secretary-General’s commitment to zero harassment and his creation of a task force on the issue. Given that the ICSC was the guardian of the Standards of Conduct of the International Civil Service, it would be interesting to know what discussions the Commissioners may have had among themselves on the issue and whether the ICSC Chair wished to share any other perspectives.

In his reply, Mr. Rhodes pointed out that the Commission had issued a document that spoke of harassment ‘in all its forms’. Each agency/organisation might wish to include similar wording in their Code of Conduct.

The tenth question focused on the form that the performance management framework would take. In his reply, Mr. Rhodes spoke of the Commission having a document that spoke of both cash and non-cash rewards. For their part, Member States had already had pilot performance management schemes in place, whereas good reward schemes took years before the systems were up and running.

The eleventh question was an enquiry about the unsuitability of the data submitted by staff in Guinea in connection with a salary survey. Mr. Rhodes replied that the unacceptability of the data provided by staff was due to the collapse of the mining companies in that country. He did, however, hint at the feasibility of an early comprehensive survey.

The twelfth question referred to the disconcerting reference that Mr. Rhodes had made in his speech on the rise in the use of artificial intelligence and study undertaken at Oxford that projected that 94 per cent of all accountants would be replaced by robots in the not too distant future. That notwithstanding, methodologies still took up a key position in salary surveys and compensation reviews.

In his reply, the ICSC Chair stated that the conduct of salary surveys for HQ duty stations was the responsibility of the Commission, but in non-HQ locations it was the responsibility of the United Nations. The General Assembly had asked the ICSC to look into the possibility of according greater weight to the public
sector in non-HQ duty stations in countries that lacked the requisite number of comparators. Staff could suggest switching to the private sector, to which the United Nations was already losing staff. A key factor was the data used. If a large multinational company was selected as the comparator, data relating to the local level could be obtained from the company’s headquarters.

In the thirteenth question reference was made to the negative outcome of the survey in Madrid that had been undertaken at the time of an extreme financial crisis and the date of the next survey. In his reply, the ICSC replied that the consumer price and the cost-of-living indices were closely monitored, whereas in field duty stations they were checked annually.

The fourteenth question touched on the fact that a training course on survey methodologies took a week and whether material was available in advance. Mr. Rhodes pointed out that documents were available beforehand in respect of methodologies I and II. Furthermore, both the ICSC and FICSA organised seminars on the same. The fifteenth question was on the work of the ICSC, which was seen to be very difficult and sensitive. The ICSC Chair was asked whether he was willing to admit to the ICSC having made errors where the surveys were concerned. As rider to that question, he was also asked whether he thought it was time to reform the Commission, to which Mr. Rhodes replied that there was no short answer to that particular question. He pointed out that, in his opinion, no mistakes had been committed by the ICSC Secretariat.

The sixteenth question focused on the post adjustment in Rome where the personal transitional allowances reduced by 7 per cent over a period when inflation was close to 8.4 per cent. In his reply, Mr. Rhodes pointed out that in accordance with the provisions of the gap closure measure to mitigate the impact of highly negative survey results on take-home pay, the most recent revision of those allowances had resulted in the reduction to the negative impact for both Italy and Spain.
Le Président de la FICSA, Monsieur Diab El-Tabari (UNRWA/ASA Liban), a ouvert la 71ème session du Conseil de la Fédération et a remercié de leur accueil l’association du personnel de la Convention cadre des Nations Unies sur les changements climatiques (CCNUCC) ainsi que de tout ce qu’ils ont fait pour la préparation de ce Conseil.

Comme il est d’usage au Conseil de la FICSA, le Président a demandé à ce que soit observée une minute de silence en mémoire des membres du personnel décédés ou morts dans l’exercice de leurs fonctions au cours de l’année précédente. Il a exprimé ses sincères condoléances à leurs familles.


Le Président de la FICSA a ensuite présenté Monsieur Ovais Sarmad, Secrétaire exécutif du CCNUCC. Monsieur Ovais Sarmad a fait une brève intervention ayant dû remplacer Madame Patricia Espinosa, Secrétaire Exécutive du CCNUCC tombée malade.

Après cinq mois passés dans son poste actuel, il a pu mesurer l’ampleur des tâches concernant la lutte contre les effets du changement climatique. Il est important de se souvenir de tous ceux qui se sont trouvés en première ligne dans cette lutte et qui ont encore un grand besoin d’aide et d’encouragement. Cette question est liée à la responsabilisation des pays en voie de développement. Il faut aussi tenir compte des voix qui s’élèvent parmi de nombreux individus. FICSA n’est pas liée à une seule agence. La Fédération est là pour représenter le personnel des Nations Unies dans son ensemble, personnel sans lequel aucune organisation ne pourrait exister. Le bien-être du personnel est la préoccupation principale du Secrétaire général du CCNUCC. Par ailleurs, la parité entre les sexes a été atteinte au niveau des plus hauts échelons de la direction. En fait, l’équilibre entre les sexes ainsi que l’équilibre géographique sont la considération principale au sein des comités de recrutement au CCNUCC.

Le changement climatique ainsi que la sécurité sont des questions intersectorielles parmi toutes les organisations. Afin de pouvoir traiter de telles questions, les Nations Unies ont besoin d’un personnel possédant les plus hautes qualifications. Les Nations Unies doivent aussi insister plus fortement sur la sauvegarde des droits des membres du personnel et ce à tous les niveaux. Cette insistance fera en sorte que les droits des membres du personnel puissent être sauvegardés et respectés à tous les niveaux, et l’extension des droits et des intérêts profitera à des milliards à travers le monde.

Nous défendons tous les mêmes valeurs. Les objectifs du développement durable (SDGs) sont des exemples typiques. Ils sont la base de l’amélioration de la vie des populations et du développement durable. En plus du SDG13 concernant la lutte contre le changement climatique ainsi que ses impacts à travers le monde, une attention particulière est accordée au SDG4 qui cherche à obtenir une éducation de qualité et inclusive pour tous et une formation tout au long de la vie.

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De l’avis de Monsieur Ovais Sarmad l’éducation pour tous est essentielle pour un changement sociétal. Pour conclure, il a réitéré son appel au courage et à l’audace afin de sauvegarder les droits et les intérêts de tous. Il a souhaité beaucoup de succès à la Fédération dans ses délibérations.
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Le président de la FICSA a remercié le Secrétaire exécutif du CCNUCC pour ses paroles aimables. Il l’a assuré que la FICSA traitait tout un chacun de la même manière et avec un respect mutuel. Le travail de la Fédération parlant pour lui-même, le Président n’a donc pas prononcé de discours aux participants. Il a ensuite présentés deux intervenants invités. Monsieur Andie Hill, Président de la confédération des comités des membres du personnel civil de l’OTAN (CNCCS), et Madame Catherine Comte-Thiberghien, représentante de la COSUJA et Présidente du syndicat du personnel de l’OTAN.

Dès le début de sa présentation power-point, Monsieur Hill a souligné les ressemblances frappantes entre la FICSA et la CNCSC. La confédération est composée de 29 associations du personnel civil distinctes. Ses représentants sont aussi membres du Comité consultatif sur l’administration, la coordination de la direction générale et les ressources humaines au siège de l’OTAN. Ils se réunissent en bureau consultatif conjoint permettant de discuter des règlements, des termes et conditions d’emploi du personnel civil de l’OTAN ainsi que de la mise en œuvre des instructions. Les propositions du bureau vont ensuite au Secrétaire général et les ressources humaines au siège de l’OTAN.

L’OTAN a un processus coordonné pour les salaires, les allocations et les régimes de pension, c’est une structure tripartite comprenant à la fois l’État membre, le Secrétaire-général, le personnel et c’est une structure tripartite comprenant à la fois 58 associations du personnel civil distinctes. Ses représentants sont aussi membres du Comité consultatif sur l’administration, la coordination de la direction générale et les ressources humaines au siège de l’OTAN. Ils se réunissent en bureau consultatif conjoint permettant de discuter des règlements, des termes et conditions d’emploi du personnel civil de l’OTAN ainsi que de la mise en œuvre des instructions. Les propositions du bureau vont ensuite au Secrétaire général et les ressources humaines au siège de l’OTAN.

La confédération a fourni d’importants services au nombre croissant de personnel au moment de la mise sur pied de la nouvelle organisation. Elle a aidé à la préparation des appels, a fourni une assistance financière et juridique dans les cas d’intérêt commun : elle a appliqué les principes argués comme différents du locus standi. La confédération a remis des dossiers, mais aussi entre leurs membres. Madame Comte-Thiberghien a remercié la Fédération au nom de lui permettre d’avoir l’honneur et l’occasion de s’adresser au Conseil. Elle a aussi remercié la Fédération au nom de la COSUJA, qui à ce moment-là, représentait les deux fédérations. À la réunion du réseau inter-organisations pour la gestion des mesures de sécurité (IASMN) se tenant comme d’habitude à New York. L’année dernière, la FICSA et la COSUJA ont joint leurs forces dans une campagne commune protestant contre les coupures dans la rémunération, non seulement dans les lieux d’affectation aux sièges mais aussi sur le terrain.

Les efforts déployés pour défendre et assurer l’indépendance de la fonction publique internationale reposent sur des conditions d’emploi et de travail stables. Les efforts communs déployés par les deux fédérations ont conduit à la mise en œuvre de l’âge obligatoire de la retraite, à des jugements favorables concernant les salaires auprès des tribunaux administratifs, la protection contre la dégradação de la charge en dessous de 113, la classification des lieux d’affectation difficiles, et l’introduction de politiques relatives au devoir de diligence.

Tout cela exigé une coopération étroite entre les membres des Fédérations, mais aussi entre leurs dirigeants. Madame Comte-Thiberghien a rendu hommage à la ténacité du président de la FICSA. Elle a aussi alerté la Fédération sur les défis qui s’accumulaient et la nécessité de travailler ensemble encore plus étroitement. La semaine précédant le Conseil, le personnel de Bangkok a manifesté contre la troisième diminution de salaire de 13% qui fut précédemment de 25% si elle se souvient bien. Elle a évoqué le mépris dont la Commission internationale de la fonction publique (CFPI) fait preuve sur le principe de « à travail égal, salaire égal ». En outre, la coupure du salaire du personnel à Genève sera plus haute que les 5% annoncés auparavant ; difficile d’y voir un exemple de bonne foi.

Les deux exemples ont établi la nécessité pour le personnel de continuer à se battre. Ils n’ont pas d’autre choix que de demander une réforme de la politique du personnel. Les Fédérations devront s’efforcer de rétablir le respect de leurs employeurs à l’égard des fonctionnaires internationaux : un objectif qui exige qu’on leur accorde une voix égale dans les forums décisionnels. Pour ce faire, les fédérations devront fixer leurs objectifs à court et long terme, tout en continuant comme à présent leur travail efficace et en mettant l’accent sur l’avenir des Nations Unies – en termes de bien-être du personnel et des conditions de travail. Madame Comte-Thiberghien a conclu en souhaitant un succès au Conseil dans ses délibérations et a
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exprimé sa volonté de discuter d’une collaboration plus étroite et plus efficace avec tout le monde.

Dans l’après-midi du premier jour, le Président de la FICSA a invité M. Kingston Rhodes, Président de la CFFI, à prendre la parole devant le Conseil et à répondre aux questions de son auditoire.

Avant de commencer son discours, Monsieur Rhodes a rappelé qu’il a travaillé avec Monsieur El-Tabari au fil des ans. Il a toujours très bien représenté ses membres et toujours dans une position de bon sens. Les membres de la Commission ont toujours écouté ce que le président de la FICSA a à dire.

Dans son introduction, Monsieur Rhodes a attiré l’attention sur les changements s’opérant dans le système commun à un rythme toujours plus rapide. Il était essentiel que les fédérations du personnel commencent à discuter de ces changements il espérait que le débat serait fructueux car la Commission apprécie ses relations constructives avec les organes représentatifs du personnel. Il voulait ainsi l’interconnexion avec le Conseil comme une opportunité de continuer à renforcer cette coopération mutuelle.


L’Assemblée générale a également approuvé des directives révisées à l’usage des administrateurs recrutés sur le plan national (NPO), soulignant la nécessité de respecter les règles et réglementations régissant l’utilisation des administrateurs recrutés sur le plan national. Elle a demandé aux organisations de s’abstenir d’affecter des fonctionnaires non rémunérés à court terme dans des lieux situés en dehors de leur pays de recrutement. En outre, l’Assemblée générale a approuvé les directives proposées par la Commission pour la gestion des performances et la reconnaissance des différents niveaux de performance, y compris l’utilisation de récompenses non monétaires. En ce qui concerne le rapport sur la diversité, l’Assemblée générale a demandé à la CFFI de continuer à lui fournir des rapports sur les progrès accomplis par les organisations dans la mise en œuvre des politiques de genre. Elle a également demandé à la CFFI de surveiller la répartition par âge de la population active et de faire rapport sur ses conclusions. M. Rhodes a rappelé au Conseil que la moyenne d’âge d’admission à l’Organisation des Nations Unies était de 40 à 41, les plus jeunes devant être encouragés à devenir membres.

Lors de la prochaine session de la CFFI en mars, l’accent sera mis sur la rémunération considérée aux fins de la pension, l’ajustement de postes, la gestion des ressources humaines, le principe Noblemaire et la révision de la méthodologie sur la classification des lieux d’affectation difficiles, qui a été approuvé et testé pour les pays africains. La prochaine session portera également sur une proposition du Réseau des ressources humaines (HR) du CEB concernant les lieux d’affectation découragés aux familles.

Lors de sa récente réunion à Madrid, le Groupe de travail de la CFFI sur la rémunération considérée aux fins de la pension a examiné les options concernant les facteurs d’extrapolation et l’alignement de la rémunération avec la structure salariale révisée lorsqu’une échelle salariale unifiée était déjà en place. La Commission examinera la question à sa session de mars. Le rapport du Comité consultatif sur les questions d’ajustement (ACFPAQ) sera également examiné à la même session. Le rapport contient plusieurs recommandations concernant la méthode d’ajustement des postes et des propositions sur les sources de données liées aux prix à New York. Certains membres de la FICSA se souviennent peut-être de l’utilisation des données du Programme de comparaison européen (PCE) pour les enquêtes menées dans un certain nombre de pays européens.


Monsieur Rhodes est revenu sur le paysage mondial en évolution rapide et son impact sur les opérations dans l’ensemble du système commun. Les contraintes budgétaires, le vieillissement de la main-d’œuvre, les incertitudes politiques et l’évolution rapide des technologies ont transformé la façon dont les gens vivent et travaillent. Alors que presque tous les fonctionnaires et le personnel de la société des Nations Unies ont été payés selon une échelle salariale progressive ou graduée, plusieurs décennies plus tard, un grand nombre de fonctionnaires ont été rémunérés en fonction des systèmes de rémunération liés à la performance. Ce dernier a permis d’améliorer la performance organisationnelle et de permettre une plus grande flexibilité en période de difficultés financières. Les changements sont particulièrement pertinents pour le principe Noblemaire. A mesure que de plus en plus de pays adoptaient des philosophies salariales différentes, identifier les pays auxquels la fonction publique internationale pouvait...
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étant comparée devenait une tâche de plus en plus difficile. D’autres défis ont été l’impact croissant de l’utilisation de l’intelligence artificielle. Monsieur Rhodes a cité la transformation de la profession juridique et comptable qui sont attendus. De nombreuses fonctions du système commun pourraient ainsi être affectées par l’accélération de la technologie. Les employés devront s’adapter. L’investissement dans la formation du personnel pour acquérir les compétences les plus récentes devient de plus en plus impératif. L’environnement actuel oblige les gens à s’adapter continuellement pour survivre. Si le système commun ne parvient pas à tirer les enseignements des changements continus hors du système, il risquerait de se voir imposer des changements d’une manière qui pourrait menacer l’existence même et la continuité de la fonction publique internationale.

Citant à la fois Louis Pasteur et les anciens Romains, Monsieur Rhodes a parlé de la capacité des individus à décider de leur propre sort par des mesures décisives. Il est essentiel que les pays engagent un dialogue sur les menaces existentielles à long terme qui mettraient en péril la continuité même du système des Nations Unies, si elles n’étaient pas prises en compte et résolues. Il a donc lancé un appel aux responsables des ressources humaines et, en particulier, aux représentants du personnel pour assurer l’avenir de la fonction publique internationale en ouvrant la voie vers un système commun des Nations Unies plus moderne, résilient et durable. Il a assuré le Conseil que ses collègues commissaires étaient prêts à s’acquitter de leur mandat et à aider le personnel dans ses efforts pour actualiser les conditions de travail dans la fonction publique internationale.

QUESTION ET REPONSE AVEC MR RHODES, PRESIDENT DE LA CFIPI.

La première question concernait la situation en Egypte et le flottement de la livre égyptienne, qui représente un défi colossal pour le personnel local. Au cours de cette année ils ont d’abord perdu un tiers de leur rémunération et plus tard encore un huitième, de demander à une entreprise d’évaluer la situation actuelle et de fixer la date d’une enquête complète plus tôt que prévu. Il a été suggéré que, plutôt que de faire une formation sur la méthodologie de l’enquête salariale, il serait plus judicieux de demander à une entreprise d’évaluer la situation actuelle et de fixer la date d’une enquête complète plus tôt que prévu. Il a également souligné que dans certains cas, les salaires des agents des services généraux dépassaient les salaires des administrateurs, le chevauchement était actuellement au niveau P4.

Dans sa réponse, Monsieur Rhodes a souligné que les employés doivent travailler sur les méthodologies qui sont utilisées pour établir les salaires. Le principe Fleming a été mis en place pour déterminer les niveaux. Il a aussi mentionné que dans certains cas les salaires des services généraux étaient plus élevés que ceux du cadre organique, il a également souligné que dans certains cas, les salaires des agents des services généraux dépassaient les salaires des administrateurs, le chevauchement était actuellement au niveau P4. Il a souligné la nécessité de sélectionner les employés avec soin; on devrait agir sur le côte. Une approche différente devrait être adoptée et le point de départ était l’administration.

Monsieur Rhodes a répondu que la suppression n’était pas une erreur. Les calculs sur les coûts de la vie sont liés à un panier de biens et services. Il a rappelé que la CFIPI a organisé des ateliers et tenu des séances d’information sur les développements relatifs aux méthodes d’austérité de poste. L’indice du coût de la vie s’apparente à l’indice des prix à la consommation. Comme pour tout processus d’apprentissage, les choses ont pris leur temps.
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Les administrations ont appuyé l’élargissement de la mesure de réduction des écarts de 5%. Des réductions similaires s’étaient déjà produites auparavant. Dans le cas de Genève, la base était Genève, mais a ensuite été transférée à New York. On a connu initialement des réductions de 20 à 9.6%. Les spécialistes des statistiques de la CFPI et de l’APPAQ ont confirmé que les méthodologies avaient été appliquées correctement. Dans le cas de la marge, les facteurs déterminants ont été les nouvelles dispositions fiscales introduites par l’administration américaine, une augmentation salariale de 2,29% en termes bruts dans le service de comparaison, et un taux d’inflation estimé à 1,4%, pour cent. La marge a été fixée à 113,1%, c’est-à-dire qu’elle est restée dans la fourchette 113-117, en diminuant ainsi toute justification pour revenir à 115%. Si la marge avait dépassé 117, l’Assemblée générale aurait imposé un gel des salaires. En l’état actuel des choses, aucune mesure spécifique n’a été requise de la part de la Commission.

Troisième question : Il a été noté que les Nations Unies à une époque où le recours au personnel recruté localement était en augmentation. La cinquième question concernait le maintien du caractère ou du profil international de l’Organisation des Nations Unies. Sur ce point, M. Rhodes a déclaré que les spécialistes de la CFPI ont interprété l’intégrité du système de rémunération comme un critère crucial. Les spécialistes des statistiques de la CFPI ont rappelé que des réponses avaient été données à Genève au sujet de la publication du document de séance.

Dans sa réponse, M. Rhodes a déclaré que des problèmes liés aux NPOs avaient été régulièrement soulevés. En ce qui concerne la méthodologie, les services publics nationaux devraient être inclus dans les enquêtes sur les salaires dans une plus large mesure qu’aujourd’hui (la proportion actuelle était de 10%). Les États membres réclameraient en fait un rapport plus détaillé. Pour le personnel de la catégorie des services généraux et les administrateurs recrutés sur le plan national, il était très difficile d’obtenir des informations sur le salaire des comparateurs à participer à de tels exercices.

La cinquième question concernait le maintien du caractère ou du profil international de l’Organisation des Nations Unies à une époque où le recours au personnel recruté localement et la main d’œuvre non fonctionnaire était en augmentation.

Dans sa réponse, M. Rhodes a parlé de la préoccupation commune. L’Organisation des Nations Unies devrait commencer à raffiner jusqu’au jour que cela peut être gérable. L’expertise et les connaissances étaient de plus en plus disponibles au niveau local, d’où la croissance de l’utilisation des services des NPOs. Des travaux approfondis sur les objectifs de développement durable étaient en cours au niveau local. L’ONU devrait peut-être s’attacher à fournir le plus haut niveau d’expertise. Les talents locaux exerçaient actuellement des fonctions qui avaient précédemment été exécutées par des expatriés internationaux.

Dans la sixième question, M. Rhodes a été interrogé sur les statistiques indépendantes qui avaient préparé un document de séance à la session de la CFPI sur diverses questions relatives à la méthodologie de l’enquête. Certaines des questions soulevées par les statisticiens étaient restées sans réponse. La Fédération n’attendait pas une réponse immédiate. Toutefois, dans l’intérêt de la transparence et de la confiance dans la neutralité de la Commission, la Fédération jurerait savoir à quelle date une réponse écrite serait reçue.

Dans sa réponse, le président de la CFPI a indiqué que des réponses avaient été données à Genève au moment de la publication du document de séance. Des réponses seront également données lors de la prochaine réunion du ACPAQ, ainsi que les réponses des statisticiens de la CFPI.

La septième question concernait l’adoption par l’Assemblée générale d’une résolution approuvant le nouveau programme de rémunération du personnel professionnel et des catégories supérieures, conformément à une recommandation de la CFPI. Parmi les nombreux changements apportés conformément à cette résolution, l’Assemblée générale a décidé d’abolir le paiement des frais d’internat au personnel des lieux d’affectation et de faire connaître leurs points de vue.

Dans sa réponse, le président de la CFPI a indiqué que des réponses avaient été données à Genève au moment de la publication du document de séance. Des réponses seront également données lors de la prochaine réunion du ACPAQ, ainsi que les réponses des statisticiens de la CFPI. Dans sa réponse, M. Rhodes a parlé de la préoccupation commune. L’Organisation des Nations Unies devrait commencer à raffiner jusqu’au jour que cela peut être gérable. L’expertise et les connaissances étaient de plus en plus disponibles au niveau local, d’où la croissance de l’utilisation des services des NPOs. Des travaux approfondis sur les objectifs de développement durable étaient en cours au niveau local. L’ONU devrait peut-être s’attacher à fournir le plus haut niveau d’expertise. Les talents locaux exerçaient actuellement des fonctions qui avaient précédemment été exécutées par des expatriés internationaux.

Consciente de ce pouvoir discrétionnaire, la RICS avait demandé que, sans dépasser les dépenses maximales admissibles de 40 600 dollar les parents dont les enfants fréquentent déjà un pensionnat devraient, à titre exceptionnel, bénéficier d’une aide à l’internat et à l’octroi de bourses d’études jusqu’à la fin de la scolarité de leurs enfants, avant leur entrée en vigueur des amendements. Malheureusement, à ce jour, aucun des chefs de secrétariat n’a accordé
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Cette exception. La CFPI étant l’organe chargé d’éta-
briller les conditions de service et de recommander les
méthodes de compensation, il a été demandé si la
mannerie dont la nouvelle rémunération était mise en
œuvre était équitable et si la CFPI pouvait intervenir
et encourager les chefs de secrétariat à prendre des
mesures transitoires.

M. Rhodes a assuré le Conseil que tout se faisait
conformément à la résolution de l’Assemblée générale.
Il a répondu de la même manière à une question de
suivi sur les raisons pour lesquelles l’ONU a mené une
enquête sur les salaires des GS à Bruxelles dans le
cadre de la méthodologie I.

Dans la huitième question, des informations ont été
demandées sur les raisons pour lesquelles le taux
applicable aux fonctionnaires ayant des charges de
famille était fixé sur un montant fixe « dur » et non sur
une échelle mobile.

M. Rhodes a répondu en disant que l’échelle mobile
était une nouvelle donnée introduite et qu’il n’avait pas
été envisagé de modifier les seuils. Les représentants
du personnel devraient soulever la question à la pro-
chaine occasion.

La neuvième question était axée sur le débat mondial
sur le harcèlement sexuel, question que le Conseil
de la FICSA allait examiner à sa session en cours.
Le personnel s’est félicité de l’engagement pris par le
Secrétaire général pour un « harcèlement zéro »

M. Rhodes a souligné que la CFPI avait publié un document évoquant le
harcèlement « sous toutes ses formes ». Chaque
agence / organisation pourrait souhaiter inclure un
libellé similaire dans son code de conduite.

La dixième question portait sur la forme que prendrait
le cadre de gestion du rendement.

Monsieur Rhodes a mentionné que la Commission
avait un document portant à la fois sur une récom-
 pense financière et non financière.

Pour leur part, les États membres ont exprimé leur
préoccupation quant aux implications financières sur
le régime de rémunération globale et des plafonds
ont été imposés par la suite. Cinq organisations
ont déjà mis en place des systèmes pilotes de gestion
des performances, alors que de bons systèmes de récompense prennent des années avant que ceux-ci soient opérationnels.

La onzième question portait sur l’inadéquation des
données soumises par le personnel en Guinée dans
le cadre d’une enquête sur les salaires.

Monsieur Rhodes a répondu que le caractère inac-
ceptable des données fournies par le personnel était
dû à l’effondrement des sociétés minières dans ce
pays. Il a toutefois fait allusion à la faisabilité d’une
enquête exhaustive dans un bref délai.

La douzième question renvoyait à la référence décon-
certante que M. Rhodes avait faite dans son discours
sur l’utilisation accrue de l’intelligence artificielle et des
études entreprises à Oxford qui prévoyait que 94%
de tous les comptables seraient remplacés par des
robots dans un avenir assez proche. Malgré cela, les
méthodologies occupent toujours une position clé
dans les enquêtes sur les salaires et les examens de
la rémunération.

Dans sa réponse, le président de la CFPI a déclaré
que la conduite des enquêtes sur les salaires dans les
lieux d’affectation du siège relévaient de la responsabilité
de la Commission, mais dans les lieux d’affectation
non siège cette enquête est sous la responsabilité des Nations Unies. L’Assemblée générale a demandé à
la CFPI d’examiner la possibilité d’accorder plus de
poids au secteur public dans les lieux d’affecta-
tion hors siège dans les pays qui ne disposent pas
du nombre requis de comparateurs. Le personnel
pourrait supposer que les comparateurs passent au
secteur privé, car les Nations Unies sont déjà en
train de perdre du personnel. Un facteur clé est l’utilisation des données. Si une grande multina-
tionale est choisie comme comparateur, les données
relatives au niveau local pourraient être obtenues au
siège de la société.

Monsieur Rhodes a fait remarquer que des docu-
ments étaient déjà disponibles sur les méthodologies
I et II. En outre, la CFPI et la FICSA ont organisé des
séminaires sur le sujet.

Dans sa réponse, la CFPI a répondu que les indices
de la prochaine enquête sont sous la responsabilité
du Secrétariat de la CFPI.

La seizième question portait sur l’ajustement de poste
to Rome, où les allocations transitoires personnelles ont
été réduites de 7 pour cent au cours d’une période
où l’inflation était proche de 8,4 pour cent.

Monsieur Rhodes a souligné que, conformément aux
dispositions de la mesure de réduction des écarts
visant à atténuer l’impact des résultats très négatifs
des enquêtes sur les salaires nets, la révision la plus
récente de ces indemnités avait permis de réduire
AGAINST HARASSMENT IN THE UN COMMON SYSTEM

The Council of the Federation of International Civil Servants’ Associations (FICSA), at its 71st session in Bonn, 3 to 9 February 2018),

Noting its profound concern over reports of harassment experienced by UN staff and other personnel in their workplace, and the resulting harm to those colleagues,

Recalling the ICSC Standards of Conduct for the International Civil Service which provide that “International civil servants have the right to a workplace environment free of harassment or abuse. All organizations must prohibit any kind of harassment. Organizations have a duty to establish rules and provide guidance on what constitutes harassment and abuse of authority and how unacceptable behaviour will be addressed”;

Underscoring the need for all organizations to uphold fully the UN policy of zero tolerance for all forms of harassment in the workplace, including sexual harassment, in all offices and duty stations,

Further noting the fundamental importance to the United Nations of an inclusive, respectful and supportive workplace environment as being essential for the effective performance of its functions and delivery of its mandate,

1- Welcomes the establishment by the UN Secretary-General of a task force in order to step up efforts to tackle harassment and boost support for all those who have experienced harassment of any kind, and offers the full support of FICSA to the task force;

2- Welcomes plans announced by the Secretary-General to survey all UN staff on the prevalence of harassment and reporting rates, and invites the Secretary-General to expand those efforts to include consultants, interns and other beneficiaries of United Nations activities;

3- Invites the Secretary-General to consider the creation of a UN system-wide campaign to educate staff and other personnel on their rights in the workplace and the means whereby they can secure access to support services (e.g. Ombudsman, staff counsellor, legal, human resources and ethics advisors) and formal complaint and internal justice mechanisms;

4- Calls on all executive heads, if they have not already done so, to make it mandatory for their staff and other personnel to complete the UN system-wide e-learning module on Prevention of Harassment, Sexual Harassment and Abuse of Authority in the Workplace;

5- Calls on all executive heads to review, jointly with staff representatives, their organizations’ policies on harassment or to formulate and implement policies, if none exist, to ensure that there is clear guidance on what constitutes harassment and abuse of authority, as well as how unacceptable behaviour will be addressed, in accordance with the Standards of Conduct for the International Civil Service and taking into account best practice;

6- Calls for the review and strengthening of internal justice mechanisms and legal support, or the establishment of such mechanisms where they do not exist, so as to ensure that: (i) information and mechanisms are fully accessible to all staff, as well as consultants, other personnel, interns and beneficiaries of United Nations activities in all locations; (ii) allegations of harassment are investigated promptly and in accordance with due process and confidentiality standards; (iii) policies on whistleblowing and protection against retaliation are fully implemented, thus protecting all people who bring forward complaints or otherwise cooperate in investigation processes; and (iv) support and protection are provided by the United Nations to alleged victims of harassment and abuse;

7- Calls on all executive heads to facilitate and respect the independence of their Offices of Internal Oversight when investigating cases of harassment;

8- Calls on all executive heads, if they have not yet adopted the practice, to publish summary outcomes of investigations and disciplinary matters to all staff, thus reinforcing a culture of accountability across the UN system;

9- Calls for regular reviews and comprehensive monitoring of harassment in the UN workplace and evaluations of actions carried out to promote an inclusive, respectful workplace, until the objective of zero harassment has been attained;

10- Further encourages the sharing of information and resources among entities of the UN system towards those ends;

11- Instructs the FICSA Executive Committee to transmit this resolution to the UN Secretary-General and executive heads of FICSA member organizations.
ALTERNATIVE WORKING ARRANGEMENTS IN THE UN COMMON SYSTEM

By: Gemma Vestal 1, Trevor Griffin, and Caroline Southard 2

Why should we utilize alternative working arrangements and what are their potential benefits to the workplace?

Alternative working arrangements are critical in promoting a healthy work-life balance and improving productivity. Flexible workplace policies are a modern-day management approach that would ultimately enable staff to achieve peak performance. As external stressors can detract from staff productivity, arrangements to make workdays and work locations more negotiable may drive staff to be increasingly focused and efficient.

Staff frequently face family demands or issues when they are at work. A staff member may be responsible for taking someone in their family who is sick to a doctor’s appointment. Unforeseen emergencies like this greatly conflict with fixed and non-negotiable working schedules. In contrast, a staff member who benefits from flexible working arrangements can deal with, and adjust to, the unpredictable more quickly and appropriately, assured that he or she can compensate for the missed hours at another time within that 24-hour period.

Without this ability, staff may fall behind in their work and face negative consequences, causing stress and hindering their professional development.

Flexible policies can, likewise, ensure safety in emergencies. Extreme weather conditions can endanger those commuting to work. Flexible work arrangements would give staff the ability to work from home instead, so an entire work day is not lost because of uncontrollable circumstances.

Technical Innovations makes alternative working arrangements possible

Alternative working arrangements could also be beneficial in lessening the stress from lengthy commutes. Working from home and eliminating this commute for certain days will reduce stress from traffic and time lost to travel, as well as fossil fuel emissions and consumption.

Types of alternative working arrangements

Compressed working week policies allow staff to add on extra hours to normal work days and work one day less in a 2-week period. Essentially, this redistribution of normal working hours allows staff members, every other week, to work only four days, freeing time for family or leisure. Teleworking arrangements let staff work via email, phone calls, and videoconferences. Ad hoc teleworking relies on these arrangements infrequently and in specific contexts such as projects that require extra hours offshore. Part-time arrangements give staff the opportunity to work fewer hours a week, while job-sharing arrangements for two part-time staff members to split one full-time position.

“Hot-desking” is a practice in which limited, shared supply of workspaces prompt staff to alternate who works on and offsite. This could help conserve valuable space in an office, cut costs and keep the office atmosphere calmer. This is also feasible given that most staff go on duty travel a significant number of days a year.

Technology and these work alternatives pose questions challenging conventional workplace arrangements. With digital access outside of the office, why should staff have to work onsite every day?

Which alternatives are best for a certain organization’s work? To what extent do these programmes hold staff accountable for their responsibilities?

These questions must be considered in the context of each organization, but potential benefits of these technologies and arrangements can certainly extend to a multitude of workplace environments.

Potential downside

Technology provides an incredibly convenient alternative to in-office work completion and communication, but heavier reliance on virtual work may reduce the accountability that employees must maintain in order to be as productive as possible. This can also interfere with the building of a workplace community, and possibly make a staff member feel isolated, which could affect morale and hinder individual and team productivity.

FICSA survey and results

In October of 2017, the Federation of International Civil Servants’ Associations (FICSA) released an alternative working arrangements survey to staff associations and unions of international organizations 3 in order to understand how they have implemented alternative working arrangements. We received responses from 29 international governmental organizations, including one private sector organization 4.

Gemma Vestal - FICSA General Secretary

Caroline Southard - FICSA Intern

1 - WHO staff member who is currently released to serve as the General Secretary of the Federation of International Civil Servants’ Associations (FICSA).
2 - Boston College Students serving as FICSA interns.
3 - Organizations that completed the survey: BIPM, CERN, ESO, EUMETSAT, FAO, IAEA, IARC, ICAO, ICTP, IDLO, IFAD, IMO, IOM, IOPCF, IPU, ITER, ITU, OAS, PAHO, SCBD, UN, UN Geneva, UNFCCC, UNIDO, UNWTO, UN/CEFDIT, UNESCO, WFTO, and WMO.
4 - One private sector staff member agreed to also fill out the survey.
Approximately 93% of the survey participants responded that they do have flexible hour arrangements. To monitor these hours and hold staff accountable, some organizations utilize badging and clocking systems, but most mainly employ trust. The duration of teleworking arrangements differs between organizations: approximately 56% of surveyed staff could not telework outside their duty station and about 44% of staff could. Some teleworking policies allow for negotiations based on circumstances and project duration, while others maintained specific and predetermined stipulations. Duration varied from one day a week, three days a week and two days a month. For the respondent from the private sector, their responses did not deviate significantly from the average UN answers. However, the only telling difference was that their organization offers regular teleworking arrangements.

Results of whether an organization provided a rest period following duty travel showed great variability. Teleworking negotiations could facilitate for periods of time when staff would like to rest post-travel but still finish work obligations in a more accommodating way.

The survey found diverse types and durations of leave. Maternity leave ranged vastly from eight weeks to up to twenty-four weeks, a significant gap that could be corrected by a standard length of leave. Paid study-leave is useful for staff looking to undertake courses in order to become a greater asset in their organization and have more potential for promotion. Furthermore, 72% of respondents answered that their organizations do not offer childcare. This workplace benefit would alleviate the stress of working parents with children younger than school age and especially enable women who want to stay in their positions following the birth of a child.

Additionally, nearly half of the organizations (48%) had not implemented any initiatives to address work-life balance. The value of these types of initiatives should be emphasized to organizations, as they create 1) incentives for staff to complete quality work, 2) a more manageable work-life balance, and 3) a positive work atmosphere.

Conclusions and recommendations

The data gathered by the FICSA survey show that within the UN common system there exists a widespread variability in the extent of alternative work arrangements. Many responses discuss how teleworking and leave are circumstantial, not standardized. We suggest that a more standardized approach ensuring flexible arrangements for all would facilitate a healthy work-life balance while improving productivity and workplace environment across the organizations. These arrangements can be easily actualized through extending the use of technology already employed by these organizations. Technology can certainly never replace the value of face-to-face interaction for professional purposes, but its application provides viable alternatives to onsite work that enable more flexible working arrangements. FICSA aims to convey that implementing standardized flexible work arrangement policies in the UN common system is a way to allow work, personal life, and the unpredictable to coexist more smoothly for its staff, while ensuring the delivery of quality work products.

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As a guest in a hotel, we are, hopefully, blissfully unaware of all the planning, organisation, evaluation and adjustments required to meet and exceed our guest experience. At every touchpoint along the customer journey, from check-in to check-out, there is one primary goal for every hotelier: to ensure their guest has an exceptional experience. Whether it is ensuring dietary needs are met at breakfast, or the valet bringing your car around in a timely manner, every interaction is a potential ripple in the ocean of customer service.

Once traditionally reserved for designers aiming to improve the user experience of a product, design thinking is not just a process, it is a discipline that solves problems and redesigns tasks from a customer’s viewpoint. By using a fresh approach to address common problems, it ensures the focus embraces the core identity of the brand while empathising with the user. But what does design thinking truly involve? Teams are encouraged to concentrate not only on demographics but to place themselves in the role of the customer, understanding their needs, frustrations and emotions. This provides a variety of tools, such as personas and empathy maps, to frame the challenge presented.

Another aspect involves “ideating”, an updated version of brainstorming, generating ideas and then re-examining them from multiple angles. By honing in on the problem, and evaluating and re-evaluating it from multiple angles, it allows room for growth and innovation and room for new solutions.

At IHTTI School of Hotel Management, a hospitality management school in Switzerland and the first of its kind to offer Undergraduate and Postgraduate studies in Hospitality and Design Management, design thinking has been fully incorporated into their studies. Jaco Von Wielligh, Academic Director, explains further:

“Emotional engagement and authentic interactions between the hotel, staff and guests need to become the new benchmark. We are seeing more and more of the hospitality industry blending design into their strategies, as Hoteliers recognise that change and adapting to new approaches and methods of thinking are no longer an option and has instead become a necessity. Using design thinking to reboot their strategies is precisely where they need to start.”

Hospitality is not alone in the implementation of design-thinking. In the past few years, it has been introduced to the boardroom of many major corporations to open up minds and conversations.

Companies who have embraced design thinking include Apple, Coca-Cola, IBM, Nike, Procter & Gamble and Whirlpool.

Design-thinking companies outperformed the S&P 500 over the past 10 years by an extraordinary 211%, according to a 2015 study by the Design Management Institute.

The school has also recently been accredited by the Chartered Society of Designers, an internationally recognised body within the design profession. Alongside partnerships with hospitality leaders, including HBA Hirsch Bedner Associates and John Paul, the luxury concierge company, IHTTI graduates are fully prepared for this new era of hospitality.

If you would like to learn more about the courses on offer, please visit: ihtti.com
What does lifelong learning mean in today’s highly connected world?
Sophie Huber: Training and more specifically lifelong learning is often viewed as a promising individual and organizational strategy to ease transitions. It can thus be highly valuable as we face simultaneously digital, environmental, economic and social transitions. However, the narrative about lifelong learning has so far failed to create a real momentum towards training. Organizations, private and public, professionals and citizens are positive to continuing education opportunities, but are few to engage in them.

Considering that Education is one of the SDGs (SDG 4), what can we do to address this challenge?
Sophie Huber: Lack of time is often identified as the main issue when it comes to lifelong learning. Education institutions often fail to demonstrate the return on investment. There is often too much uncertainty about the effective transfer of learning outcomes in work settings. Very short-term objectives often clash with longer term goals. And continuing education pertains more to a short to medium-term perspective.

You mean there is a minimum of time required to really acquire knowledge?
Sophie Huber: Days or weeks are often necessary to just acquire and co-create new knowledge. Weeks or months are necessary to transform new knowledge and competencies into processes and tools needed in a professional setting. Weeks or months, even years, may be necessary to perceive an impact at the organizational level.

Although lack of time is one of the evils of our time, let’s take time, invest time in continuing education. The University of Geneva is committed to make sure that the time invested by participants becomes a time well spent, saved, and transformative.

What are the professional skills and competencies you foresee as being crucial in the future?
Sophie Huber: Essential digital and cross-functional skills are key. A number of recent studies have identified about ten skills considered key to master in the future: creativity and design thinking - complex adaptive problems solving - critical thinking - social and emotional intelligence – collaboration, decision-making and negotiation skills - environmental conscious thinking and acting – digital competencies.

What are the specific needs of professionals working in the international organizations?
Sophie Huber: Design thinking, complex adaptive problems solving, collaboration, negotiation, including at a distance and across cultures will remain key for professionals in international organizations and may stand out in the list provided above. Data science skills may be added to the list as well.

Which formats are preferred by professionals today?
Sophie Huber: Professionals are expecting more and more flexibility. Alternation of presential and distance learning (so-called «blended learning») is currently the preferred format for busy professionals, as they get the flexibility without losing on the networking opportunities. At UNIGE, we are convinced that distance learning may foster transversal and transferable digital skills, that’s why our offer includes more and more such formats.
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A HOLISTIC APPROACH TO PROFESSIONAL DEVELOPMENT

By: Gemma Vestal, Alexander Senchenko, Caroline Southard, and Brett Fitzgerald

Introduction

Most organizations in the UN Common System\(^5\) tout their commitment to their staffs’ continuous learning and professional development. The United Nations common system is competency-based, meaning it relies on competencies, or “combination of skills, attributes and behaviors that are directly related to successful performance”\(^6\) on the job and uses them as a standard and metric for performance. The United Nations’ “commitment to continuous learning” is one of its eight organizational core competencies “considered important for all staff, regardless of their function or level.”

The measurable qualities of the core competence of “commitment to continuous learning” include:

1- keeping abreast of new developments in one’s occupation or profession;
2- actively seeking to develop oneself professionally and personally;
3- contributing to the learning of colleagues and subordinates;
4- showing willingness to learn from others; and
5- seeking feedback to learn and improve\(^7\).

Organizations in the common system allot staff 40 to 80 hours per year for paid study leave for purposes of personal growth and self-actualization. Some human resources departments in the UN common system have a limited vision of what professional development means, ultimately blocking the pursuit of opportunities for development and hindering the continuous-learning culture that they espouse to promote. The criteria for a worthy class, course, training, workshop or seminar should stretch beyond how the skills taught immediately contribute to a staff member’s department and consider the long-term, holistic results from which both individual staff members and their organizations will benefit.

Engagement in the workplace

According to a 2013 Gallup study, only 13% of employees around the globe are engaged, meaning only 13% are “emotionally invested in and focused on creating value for their organizations every day”. Meanwhile, 63% are not engaged, meaning approximately 900 million are disengaged workers around the globe who have lost touch with their underlying motivation, with the “why they do what they do” every day. This results in apathy, low morale, decreased creativity and ultimately poor performance and substantial losses for their employer. Since engaged staff is the lifeblood of a preeminent organization, increasing workplace engagement is vital to achieving lofty organizational mandates.

The key to re-engaging staff members is to rekindle their “whys” – why they pursued this path in the first place, why they wake up in the morning and come to work, why the mission of the organization resonates with them. A workplace environment that does not evoke these “whys” does not promote a culture of creativity and excellence but, rather, mere survival.\(^8\)

Some examples, but certainly not an exhaustive list, of classes, courses, trainings, workshops and seminars that could help staff members rediscover their “whys” and that should be considered for the 5 - 10 day paid study leave for professional development are as follows:

1- Vipassana, an ancient meditation technique that focusses on eliminating mental clutter and attaining profound peace;
2- Yoga intensive courses from 5 to 10 days for physical, mental and spiritual calmness and strengthening;
3- Mediation trainings to improve the ability to positively contribute to resolving workplace issues;
4- Coaching trainings that instruct constructive methods of leadership, change management, goal setting and conflict resolution in the workplace;
5- Non-violence trainings to teach practical methods of conflict resolution;
6- Neuro-linguistic programming course that teaches the influence of perspective in life experiences and how to positively change those perspectives.


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\(^3\) The common system represents common standards, methods and arrangements being applied to salaries, allowances and benefits for the staff of the United Nations and a number of other international organizations. The common system is designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel and to facilitate the interchange of personnel. It applies to over 52,000 staff members serving at over 600 duty stations.

\(^5\) “The common system represents common standards, methods and arrangements being applied to salaries, allowances and benefits for the staff of the United Nations and a number of other international organizations. The common system is designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel and to facilitate the interchange of personnel. It applies to over 52,000 staff members serving at over 600 duty stations.”

\(^6\) “United Nations Competencies for the Future.”
Why new hires fail

The level of technical skills is the least important reason why newly hired employees fail. A leadership IQ study on “Why New Hires Fail,” found that after collecting data from 5,247 hiring managers from 312 public, private, business and healthcare organizations, the biggest reasons new hires fail are: 1) coachability (“the ability to accept and implement feedback from bosses, colleagues ... and others”) (26%) and 2) emotional intelligence (“the ability to understand and manage one’s own emotions and accurately assess others’ emotions”) (23%). Both are skills and abilities that could be fostered through professional development programs. Human resources departments should understand the importance of these factors in enabling new hires to have a successful start within an organization and, thus, should find this a worthy investment. The return on investment for these programs would help to preemptively prevent these shortcomings and help integrate new hires in the organization, allowing them to build a career that will contribute positively to the United Nations common system as a whole.

Conclusion and recommendation

The approved development opportunities should shift the heavy emphasis from technical skills to softer skills that are essential to workplace contribution. These types of classes, courses, trainings, workshops, and seminars should be approved for the 5 - 10 paid study leave days because the expense of participation – the pay for these days – is minimal relative to an organization’s return on investment. While staff members are responsible for the costs of the programs they pursue, the paid study leave days make these opportunities much more feasible, as they do not have to use their limited vacation days. The outcome might not be tangible or technical, but the overall effects on the lives of staff will be holistically profound. Staff would immensely benefit from reigniting their motivation, from rediscovering their “why” and their new sense of personal mission and vision, which in turn would be advantageous to their organizations.

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Probation, performance appraisals and staff reports are areas in international civil service law with recurring problems. The law on these issues is not always straightforward. To this end, it would be helpful to have a non-exhaustive checklist of things which a staff member or staff council should be guided by when a problem relevant to this area crops up in the future or to prevent them altogether, when possible. This is not an academic article or jurisprudential analysis per se, but more a pointed and practical guide to international civil servants.

**Part 1 - General Principles relating to Probation and Performance Appraisal**

1- Clear objectives need to be set in advance so that a probationer is aware of the yardstick by which future performance will be assessed. (See 9(ii) of Part 2)

2- Where a conflict arises with a supervisor during the probationary period, it is imperative to address the issue immediately and in writing.

3- The Organization has a duty to provide feedback, training, guidance and support (for improvement) to probationers in the performance of their duties during the probationary period, no matter how senior the post.

4- Probationers must be warned about their inadequate performance

   (i) in a timely manner (if there is a specific time limit in the internal rules, it must be followed or else a reasonable amount of time must be allowed),

   (ii) in specific terms (about the risk of dismissal, should their performance not improve to meet the required standards),

   (iii) identify the areas where performance is lacking and

   (iv) stating the specific steps taken to remedy the situation.

5- Mere verbal warnings will not suffice. There has to be a clear and formal warning included in the probationer’s file containing the date and substance of the warning. It is important to note that while following all the steps mentioned in note 3 above, care must be taken to ensure that the warning is not worded in insulting terms or to stigmatise the probationer’s shortcomings.

6- Probationers who have been warned about the need to improve their performance should be given a reasonable amount of time to demonstrate such improvement. What is essential is that the lapse of time between first and second reports should be long enough to give the probationer a proper opportunity of showing his/her mettle before the second report has to be made. If there is a definite period of time mentioned in the internal laws, it must be followed.

7- If all this is followed and the probationer’s performance still proves to be unsatisfactory, dismissal will be in order even if founded on new shortcomings.

8- If probation is extended, it gives the probationer reason to believe that if his/her work was found satisfactory, he/she would get appointed.

9- Supervisors are allowed to make a substantive assessment of the “personal attributes” of a probationer beyond the objective work plan.

**Part 2 - General Principles relating to Work Appraisals and Performance Reports**

**PARTIES INVOLVED**

1- Performance reports are to be compiled and signed off by the person(s) required/authorized by the internal laws. Normally, the assessment has to be carried out by the staff member’s immediate supervisor, to maintain objectivity. This cannot be changed arbitrarily and the Organization cannot bypass the immediate supervisor for performance appraisal when there is a specific rule.

2- If the second-level supervisor has to sign a performance report, he/she has to do the same as this is to ensure the sharing of responsibilities and avoiding any biased assessment. This is also crucial, even if it is not required by the internal laws, when a performance report is prepared during a period of conflict between the staff member and the immediate supervisor.

3- The staff member concerned has to be involved at all stages — at the initial stage (while identifying targets and preparing a work plan), during periodic and final evaluations. The staff member has to be given sufficient time to provide his/her comments and should also be permitted to include his/her objections to the final assessment.

**TIME**

4- Performance Reports ought to be initiated, updated and completed on time.

(i) The initiation of a performance report is usually at the beginning of a calendar year or that of a staff member’s appointment date, whichever is earlier.

(ii) The completion of a performance report is normally the end of a calendar year or prior to the expiration of a staff member’s contract, whichever is earlier.

(iii) Periodical evaluation ought to be carried out where such evaluation is required by the internal laws. It is better to carry out periodical evaluation even where there is no formal requirement, so that a staff member can be warned in a timely manner about his/her unsatisfactory performance. Periodic evaluation is also beneficial to update the changes to the objectives and work plan, if any.

5- The completion of a performance report on time is crucial, as the effect any delay has on either the content of the report or the consequence of such report (salary increment, renewal of contract, etc.) could be substantial.

6- It is important to factor in the time required to obtain and incorporate the staff member’s comments while determining the date for evaluation, so as to ensure the completion of the report on time.

7- It would be helpful for a staff member with supervisory functions to keep a chart containing the dates for the commencement, periodic and final evaluations of all staff members under his/her supervision.

**PROCEDURE**

8- The performance evaluation/appraisal procedure must be in compliance with the internal laws, transparent and adversarial. This implies setting clear targets and work plan at the beginning, regular discussions
Probation, Performance Appraisal and Staff Reports

By: Renuka Dhinakaran, Dhinakaran International Law Consultancy

with the staff member throughout the evaluation period, sufficient, specific and timely warnings in the case of unsatisfactory performance, giving an opportunity to the staff member to provide his/her comments on the evaluation and completion of the report on time.

9- Commencement:

(i) At the beginning of the evaluation period, clear targets/objectives need to be set after a discussion between the immediate supervisor and the staff member. It is important to be as specific as is reasonably possible and avoid vague statements. Further, including objective standards for determining the achievement of a target would preclude any future disagreements.

(ii) This needs to be accompanied by a plan of work for the evaluation period.

(iii) Competencies for the post need to be identified (after referring to the relevant internal laws).

(iv) The dates for the periodic evaluations, if any, need to be decided. If the internal laws prescribe specific periods, they have to be followed.

10- Periodic evaluation:

(i) Update how far the staff member is with respect to the achievement of the agreed targets/objectives.

(ii) Update addition, deletion or any other changes to the targets and/or work plan required and the reasons for the same.

(iii) Should the staff member’s performance prove to be unsatisfactory, he/she must be provided with a formal, written warning:

(a) in a timely manner (if there is a specific time limit in the internal rules, it must be followed or else a reasonable amount of time must be allowed),

(b) in specific terms (about the risk of dismissal should their performance not improve to meet the required standards),

(c) identify the areas where performance is lacking,

(d) stating the specific steps taken to remedy the situation, and

(e) setting a reasonable time and providing sufficient opportunity for the staff member to demonstrate his/her improvement. (See points 3-5 of Annex 1). It is essential that the staff member must be fit during this period to perform his/her duties and to make full use of his/her abilities.

It is very crucial to inform a staff member whose performance is found to be unsatisfactory, in a timely manner, about the specific aspects which need improvement and the time within which such improvement ought to be demonstrated. It is also essential that the staff member be warned of the risk of dismissal should such an improvement not be demonstrated within the agreed time.

Failure to do so will usually render a decision not to extend an appointment, or to confirm a probationary appointment, for lack of satisfactory performance unlawful. In cases of non-extension of contract, damages will consist of the value of the lost opportunity for possible contract extension since there is no presumption that if the organization had acted properly, the staff member would have been extended, and moral damages. In cases of probationary appointments, the damages will normally consist of the contract value and moral damages.

11- Completion:

(i) All performance reports ought to be completed on time, which is usually the end of a calendar year or prior to the expiration of a staff member’s contract, whichever is earlier.

(ii) At the end of an evaluation period, there has to be a meeting between the immediate supervisor and the staff member for a discussion on the drafting of the latter’s performance appraisal report.

(iii) Following such discussion, a draft of the report should be sent to the staff member for his/her comments. A reasonable amount of time should be allowed for the staff member to provide his/her comments.

(iv) The final report should be drafted keeping in consideration the staff member’s comments. Should the immediate supervisor not agree with them, the staff member ought to be allowed to include these comments in the report. The right to submit statements and evidence to rebut a poor performance report is a basic right to due process.

(v) The final report should then be sent to person approving the report, if required so by the internal laws. It should not be sent without including the staff member’s comments.

(vi) The person approving the report

(a) Should allow the immediate supervisor freedom of expression

(b) Should ensure that the report includes the staff member’s comments

(c) Should ensure that the assessment submitted for his/her approval does not require modification

(d) Should look for an explanation if there is a sudden turnaround in the assessment of a staff member’s performance

(e) Should not approve the report

- If the immediate supervisor has made an obvious mistake of fact over some important point

- If some essential fact was neglected

- If the immediate supervisor’s remarks are grossly inconsistent

- If the immediate supervisor could be shown to have been prejudiced

(vii) It is crucial that the procedure should be followed meaningfully. Supervisors should always consider a staff member’s comments while preparing an appraisal. The person approving a performance report should not write any comments in the same until the staff member’s comments are answered. The process is not a dialogue if one party does not listen to another.

12- If there are rebuttal procedures available for challenging a negative performance appraisal, a staff member has to follow them prior to filing an internal appeal.
By: Renuka Dhinakaran, Dhinakaran International Law Consultancy

13- Performance appraisal reports cannot be avoided on the ground that it was done to avoid any confrontation between a staff member and his/her supervisor who are in the middle of a dispute.

14- If a supervisor makes a prejudicial comment about a staff member’s performance to an advisory body, the staff member should be given a chance to respond to the same.

15- Performance appraisals are a fundamental obligation of international organizations, and normally any decision resting on unsatisfactory performance taken without an appraisal will be unlawful.

16- The Tribunal will gauge its review of a termination decision based on the reason of unsatisfactory performance depending on the type of appointment at issue: probationary (least review); fixed-term (more thorough review); long-term or career (“vigilant” review).

ASSESSMENT

The following contain guidelines for the author of a performance report in assessing a staff member’s performance and in drafting the report (and as a corollary, can be used by a staff member to ascertain whether the assessment has been fair and lawful):

17- Make an assessment of a staff member’s achievement of the targets based on the objective criteria agreed upon at the beginning of the evaluation period. Consider the work plan allotted to the staff member and the extent to which it has been executed. Note the discrepancies between the two and consider the staff member’s reasons for such discrepancies.

18- Make an assessment of a staff member possessing (or not possessing) the requisite competencies for his/her post. Check the internal laws to identify the criteria to be fulfilled for a staff member to be considered as possessing a particular competency.

19- Make an assessment of a staff member’s performance in full knowledge of the facts. This means obtaining all the necessary information from the staff member, work records, and if necessary, from the associates with whom the staff member collaborates.

20- The considerations on which a performance appraisal is based must be accurate and properly established. This means that these considerations should be supported by facts and evidence, the absence of which may affect the organization’s case in the event of a dispute.

21- Record mistakes and errors clearly, with specific details. This means documenting mistakes/errors as and when they occur (date, substance), periodic discussions with the staff member about these errors and the ways to rectify them, where possible.

22- Strongly worded criticisms shall be included merely for the purpose of ensuring an objective rating and to increase the staff member’s efficiency, but not to stigmatize a staff member’s shortcomings. No insulting remarks should be included in a performance report, either by the supervisor or the staff member.

23- Learn to distinguish between allegations of unsatisfactory conduct and allegations of unsatisfactory service. This is essential because unsatisfactory conduct may or may not affect the quality of a staff member’s service (for instance, insubordination). For instance, should there be any investigation against a staff member, that should not be the basis for an appraisal report, which should be concerned with his/her work alone. In other words, while unsatisfactory conduct may be mentioned, where appropriate, it should not form the basis of a performance appraisal report – unsatisfactory service alone should.

24- Do not issue a rating that is not envisaged in the internal laws (for example, rating 0). It is a breach of the applicable rules and is likely to leave the staff member feeling that his/her competencies or performance are so sub-standard that they do not even merit an assessment on the part of the supervisor.

25- Always assess the work on the basis of previously established rules, i.e. if rules relating to performance appraisals change during the period of evaluation (for instance with respect to definition of competencies), do not apply them but only those which were in place at the beginning of the evaluation period.
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Introduction

1- The Standing Committee on Human Resources Management tasked the FICSA Executive Committee to undertake a review of the differences relating to conditions for dismissal through the PMS in terms of time and process, while outlining the best and worst practices (ref. FICSA/C/71/D/xx). Best practices in terms of performance management can be defined as rules and policies in place that adhere to the jurisprudence of the Tribunals which uphold the basic principles of procedural fairness, respect of due process, timely warning of unsatisfactory performance with an adequate opportunity to improve through a performance improvement mechanism.

2- W. E. Deming is the recognized guru in the work quality movement, engineer, statistician, professor, author, lecturer and management consultant, famous for his critique of performance ratings. He identified them as one of management’s deadly diseases. Regarding the performance appraisal, he wrote: “It nourishes short-term performance, annihilates long-term planning, builds fear, demolishes team-work, nourishes rivalry and politics. It leaves people bitter, crushed, bruised, battered, desolate, despondent, dejected, feeling inferior, some even depressed, unfit for work for weeks after receipt of rating, unable to comprehend why they are inferior.”

3- The appraisal process within the UN continues to be one of the most contentious features of performance management often leading to appeals when complete and fair procedures have not been followed, characteristically accompanied by allegations of harassment, prejudice or improper motives. The anticipated interpersonal conflict stemming from disagreement is in fact one of the reasons why managers dislike the performance appraisal process and are more likely to ignore performance issues until the situation gets out of hand.

4- Staff representatives who are asked for guidance or assistance on issues of performance are advised to approach with caution and most importantly to avoid substituting their own assessment of the staff member’s performance for that of the supervisor(s). Objectivity is essential; focus should be on due process, adherence to the staff rules and policies in place governing performance appraisals and timely warning of any unsatisfactory aspects of the staff member’s service.

Background

5- A brief history might make it easier to understand the evolution of the appraisal process in the UN and how concern of under-performance is currently in the forefront.

6- Performance appraisal systems have been on the forefront. Performance appraisal systems have been on the agenda of the International Civil Service Commission (ICSC), the UN General Assembly and other high level interagency bodies for almost four decades, from deciding on which type of performance appraisal forms to be used, to differentiating levels of performance, number of ratings, establishing links to proper career arrangements containing incentives and sanctions based on individual performance 2.

7- Following the call by the Member States for reform, the UN moved to a results-based management strategy (RBM) in the early 2000’s. This new approach to management called for high performance, increased accountability, proper monitoring and a more credible, effective, results based performance management system. This new system was to focus greater attention to the specification of expected performance by agendas and officials and results-oriented employment arrangements, containing incentives and sanctions based on individual performance 2.

8- When reading current policies of individual organizations on performance management, one cannot fail to observe that while there has been an evolution in international organizations in the forms used (electronic applications or paper based), the increased or decreased number of pages, the rating level systems, the diverse terminology - unsatisfactory, satisfactory, fully satisfactory, outstanding, exceeds expectations, meets all expectations, meets most expectations, effective performance, improvement in performance required, etc. - performance management remains as challenging today for organizations, their managers and staff members alike as it was back in the 1960s and 90s.

9- As can be noted by the principles listed below, affirmed by the ICSC at its 12th session held in July/August 1980, 3 not much progress has been made to date (not for the want of trying) as allegations of bias, lack of time, interest and will on the part of supervisors, lack of intervention and input by the second level supervisors still continue.

(a)- Appraisals should be made on the basis of work done by the staff member and not on personality traits;

(b)- Peer appraisal and subordinate appraisal should be discouraged. However, second-level supervisors should be involved in the appraisal process, both to ensure greater objectivity and as a control for consistency in the application of appraisal criteria among several immediate supervisors;

(c)- The problem of lack of time, interest and will on the part of supervisors to distinguish differences among staff members’ performance called for serious attention;

(d)- The institution of appeals machinery was an important aspect of performance appraisal, especially in a multicultural environment such as existed in common system organizations;

(e)- With regard to the confidentiality of performance appraisals, the staff member should be given a complete copy of the appraisal, and the report should be given to future employers only with the agreement of the staff member.

10- Issues of consistency, fairness, objectivity, roles of first and second level supervisors, perception by both staff and managers on the effectiveness and credibility of performance appraisals and their link to career advancement and access to an appeals machinery were as significant then as they are in 2018.

11- Throughout the years, the focus has been primarily on differentiating performance, recognition and rewarding excellence through a variety of cash and non-cash reward measures. There was a failed attempt by the ICSC in 2003/2004, in the context of the review of the pay and benefits system, to introduce «broad-banding», a pay for performance scheme. The introduction of pay for performance or merit based pay was again attempted within the context of the recent review of the compensation system.

Guidelines for staff representatives by Maria Dweggah
Performance Management System: Dismissals linked to Underperformance

Guidelines for staff representatives

12- Following UN Resolution 70/244 adopted by the General Assembly on 23 December 2015, the ICSC established the Working Group on Performance Incentives and Other Human Resources Issues. One of its tasks was to conduct a study on the performance management schemes in the common system organizations and to formulate recommendations on performance incentives based on merit that were not related to cash awards. On the basis of 19 responses to a questionnaire sent to organizations of the UN common system, the working group considered current practices on those organizations’ performance management policies.

13- In its report to the 80th session of the ICSC, held in New York, 16 to 27 March 2015, the working group noted that all organizations had continued to refine and implement their systems for evaluating staff performance and that all had implemented protocols to address underperformance. The working group identified some challenges facing common system organizations which needed to be addressed. It is not surprising that the challenges identified by the working group were not so dissimilar to those identified by the ICSC in 1980: consistency, fairness, lack of commitment and desires at all levels of the organization to achieve a performance oriented culture. The training of managers and supervisors responsible for assessing the performance of staff remains a key concern.

14- The document «Study on Performance Management and Proposals on Performance Incentives,» was presented at the 85th session of the ICSC held in Vienna from 10 to 21 July 2017. The Summary of Organizational Practices of the 19 agencies is found in Annex 1 of the ICSC document 5.

What is performance management?

15- Performance management is the process of creating a work environment or setting in which people are enabled to perform to the best of their abilities. It is a strategic management technique that supports the overall objectives of the organization by linking each individual’s work goals to the overall mission. Performance management is a whole work system that begins when a job is defined as needed. It ends when an employee leaves the organization. Many use the term “performance management” as a substitution for the traditional appraisal system. Performance appraisal/evaluation is only one component of performance management.

16- A performance management system includes the following actions:

- Development of clear job descriptions
- Selection of suitable people with an appropriate, transparent and credible selection process
- Effective orientation/on-boarding and training
- On-going coaching and feedback, with regular performance development discussions
- Effective compensation and recognition systems that reward people for their contributions
- Promotional/career development opportunities for staff
- Exit interviews to understand why valued employees leave the organization. (There are differences of opinion on the value of the exit interview.)

Difficulties in performance assessment

17- Difficulties identified in performance assessment include the lack of quantifiable indicators; too numerous or unrealistic and sometimes misunderstood or non-agreed objectives; difficulty in differentiating average performance; problems with detailed and highly formalized ratings; lack of ongoing dialogue; situations where first and second level supervisors are the same person or when the second level supervisor is not committed, involved, or simply rubber stamps the first level’s evaluation; compliance with timelines; untrained managers; potential of legal appeals which discourages managers from truthful and objective evaluations.

Conditions for dismissal – best and worst practices

18- While underperformance and how to address it have been of concern, policies on managing underperformance are relatively new with the formal introduction of the performance improvement plans (PIP). Performance management policies and processes across the UN system are largely the same 6 albeit the appearance of great differences suggested by the variety of acronyms used - PEMS, PALM, e-PMDS, PMSDS, PACE, PIPES, e-PAS, etc. Each organization has a mechanism for dealing with underperformance specific to the type of appointment or in terms of their culture and requirements: informal as well as statutory performance improvement schemes; withholding steps, warning letters, non-extension of contracts, termination; rebuttal panels, review panels and appeal mechanisms; specific procedures for probationers, length of probationary periods which can range from six months to a year with possible extensions of up to one or two years respectively; as well as varying notice periods on dismissal linked to the type of contract.

19- According to the responses of the aforementioned working group, the ICSC noted that all organizations had continued to refine and implement their systems for evaluating staff performance and that all had implemented protocols to address underperformance. Unfortunately, organizations offered limited information under the heading “addressing unsatisfactory performance” regarding their performance improvement plans, with most agencies listing only the administrative consequences of under-performance.

20- While specific information on the process for initiating dismissal for under-performance was not included in the questionnaire, review of the staff rules from selected organizations confirm the different approaches linked to contractual status, i.e. fixed-term probationary, fixed-term non-probationary, continuing or permanent or temporary contracts. In some organizations such as WFP, a staff member who holds a confirmed appointment may be separated following two successive WIGSI qualification periods during which his or her service has been reported as unsatisfactory. The staff member must have been notified of the performance shortcomings and, after a reasonable opportunity to improve, failed to achieve the expected performance. At ICAO, if performance is appraised overall as not satisfactory at the end of the performance cycle, the appointment may be terminated as long as the relevant remedial actions had been acted upon: counselling, transfer to more suitable functions, additional training, including a performance improvement plan, which was initiated not less than three months before the end of the performance cycle. Similarly, at WHO, prior to termination

4- ICSC/80/R.4
5- ICSC/80/R.3
action, a staff member with a continuing or fixed-term appointment would be given a written warning and a reasonable time to improve. If there is reason to believe that the unsatisfactory performance results from assignment to duties and responsibilities beyond the capacity of the staff member, consideration shall be given to reassignment to a post more suited to the staff member’s abilities. The staff member would be given not less than 3 months’ notice. On the other hand, if, during an initial or extended probationary period, a staff member’s performance or conduct is not satisfactory, or if the latter is found unsuited to international service, the appointment shall not be confirmed but terminated. The staff member shall be given one month’s notice. WIPO’s staff rules provide that if the rating at the end of the RMSDS cycle is rated unsatisfactory, following performance improvement schemes, the staff member will be separated.

1. Of significant note is that in most organizations (if not all) provisions exist that filing an appeal or a rebuttal against non-renewal of contract for under-performance did not defer the decision to terminate. The step-by-step adherence to the process and assisting staff with performance issues. These include:

- The importance of continuous dialogue to avoid unpleasant surprises at the end.
- Consideration by the supervisor, when evaluating the staff member, of external factors such as job design, skill fit, emotional or physical causes, training possibilities.

24- These different approaches allow organizations to take account of their specific organizational culture, as well as their prevailing policies. Staff representatives must nevertheless keep in mind key common features of the performance management tools recognized by the Tribunals when assisting staff with performance issues. These include:

- The importance of continuous dialogue to avoid unpleasant surprises at the end.
- Consideration by the supervisor, when evaluating the staff member, of external factors such as job design, skill fit, emotional or physical causes, training possibilities.

25- Cultural considerations in performance evaluations are at times ignored and yet these play an important role in how messages are communicated. In its 1981 annual report (para. 220), the ICSC noted that performance appraisal within the multicultural context of the international civil service must, of necessity, be based as far as possible on objectively measurable data. Recent trends in appraisal technique indicating a move away from judgments of personality or character towards more objectively measurable bases of evaluation supported that approach. Expectations of foreign behavior brought about by ignorance of the cultural values of others and personality conflicts resulting from differing behavioral norms were pitfalls to be avoided in international organizations. The Commission decided that the approach least vulnerable to such problems was that in which the objectives that needed to be achieved in a given job were identified and communicated to the incumbent in advance of the appraisal period. The Commission identified several other benefits accruing from such an approach, including a strengthening of the links between performance objectives of individual jobs and the objectives of the organizational unit and identification of individual development objectives contributory to job objectives.

Proposed solutions and role of staff associations and unions

26- Relying on the general guidance and measures outlined by the Commission in Annex VI of its 2017 Report to the UN General Assembly, as well established case law, staff representative bodies can promote best practice in their own organizations on effective performance management. They can encourage
Guidelines for staff representatives

good induction programme for newcomers (and why not serving staff) which emphasizes a culture of high performance, personal development and continuous learning. They can ensure that managers as well as staff themselves receive training on how to develop objective criteria to measure performance and link it to overall organization strategy. They can advocate for the creation, if they do not exist already, of an overview body such as a Rebuttal Panel or Performance Review Committee. They can also stress the critical need for a focal person within the HR department who can be called upon to support, guide and advise both supervisors and staff members and who has the authority to intervene or mediate (should both parties agree) when there is a breakdown in communication, apparent personal conflicts or differences of opinions.

27- The staff representative bodies can also ensure that administrations reinforce the link between performance and selection, promotion, transfer, staff training and development, classification, reassignment, interagency transfer and mobility and that the performance management system is taken seriously and that its implementation is consistent and transparent across departments and duty stations.

Right of rebuttal/appeal

28- When addressing performance issues, it is important for the staff representative to inform the staff member that his or her signature on the appraisal form constitutes an acknowledgement that the performance review has been conducted. It does not indicate that the staff member is in agreement with the performance of their duties and to warn them in specific terms if they are not giving satisfaction and are in risk of dismissal...More recently, in Judgment 2414 the Tribunal held that:

"23. [...] A staff member whose service is not considered satisfactory is entitled to be informed in a timely manner as to the unsatisfactory aspects of his or her service so that steps can be taken to remedy the situation. Moreover, he or she is entitled to have objectives set in advance so that he or she will know the yardstick by which future performance will be assessed. These are fundamental aspects of the duty of an international organisation to act in good faith towards its staff members and to respect their dignity. That is why it was said in Judgment 2170 that an organisation must ‘conduct its affairs in a way that allows its employees to rely on the fact that [its rules] will be followed.’"

Conclusion

31- While there may be differences in rules and policies governing performance appraisals in individual organizations, staff representatives are reminded that the principles of due process and procedural fairness are general principles of law which have been confirmed by the tribunals.

32- Staff have a right to be managed and treated fairly, objectively and respectfully. Any decision to terminate a contract, regardless of the contractual appointment, for unsatisfactory service must be supported by facts and not tainted with prejudice, inconsistencies or irregular motives. Staff have a right to be informed in a timely manner of any performance deficiencies to allow them to remedy their shortcomings through a performance improvement mechanism which could include coaching, guidance and training. Any deviation from the written rules, policies or procedures will result in the violation of those rights.

33- All too often, staff are ignorant of their rights and procedural requirements of performance appraisals and unfortunately seek help too late. Regular lunchtime seminars or other media techniques should be considered to keep staff informed of their rights as well as their responsibilities.
4 QUESTIONS À…
PIERRE PALEY, ARCHITECTE

Actif depuis 2009, Paley Architectes est un bureau reconnu dans le design architectural et vos activités embrassent une clientèle variée et exigeante. Comment vous définiriez-vous ?

Pierre Paley : C’est toujours difficile de se définir de manière précise et immuable lorsque nous évoluons dans un domaine en constante évolution. Je dirai que ce qui définit le mieux notre travail c’est l’application que nous mettons à requestionner constamment nos acquis afin de pouvoir répondre, justement, aux évolutions contextuelles, programmatiques et économiques encadrant notre métier.

On dit généralement que l’inspiration vient d’un ensemble d’images, de rencontres, d’événements qui aident à formuler des idées au moment voulu. Quelles sont vos sources d’inspiration quand vous abordez un nouveau projet ?


Avec l’essor des centres commerciaux, des supermarchés, l’espace public s’est détérioré. La ville est devenue moins praticable pour le piéton et par là même moins agréable. Comment rendre nos villes accueillantes ?

Pierre Paley : Vous pointez du doigt les centres commerciaux et supermarchés comme étant des acteurs de la détérioration des espaces publics. Hors ce qui définit un espace public sont les échanges sociaux. Je parle d’échanges sociaux aux sens large. Dans l’histoire des civilisations je vous rappelle tout de même que les marchés abrités (qui sont par ailleurs les ancêtres des supermarchés et centre commerciaux) bouillonnaient de vie sociale.

La vraie raison de la détérioration des espaces publics est la non considération du tissu urbain dans lequel l’on implante tel ou tel projet. De mon point de vue, la vraie raison de la détérioration des espaces publics ce n’est pas le programme en lui même et quel qu’il soit, c’est la non considération du tissu urbain dans lequel l’on implante tel ou tel projet. Mais vous soulevez là une réelle problématique qui est l’héritage au niveau politique du manque d’égard quant à l’importance de ces espaces dans les années 80. Aujourd’hui nous commençons à percevoir les efforts qui sont fournis par nos politiques afin de remédier à ce problème. Donc oui, j’ai bon espoir de croire que tout est mis en œuvre à toutes les échelles du développement urbain pour rendre nos villes plus accueillantes.

Une urbanisation durable n’est pas possible que si l’on met l’humain au cœur du débat, et non pas uniquement les valeurs économiques

Pierre Paley : Une urbanisation durable n’est possible que si l’on met l’humain au cœur du débat, et non pas uniquement les valeurs économiques. C’est-à-dire, assoir des réflexions approfondies qui portent des réponses concrètes quant à la valorisation des relations sociales. En d’autre terme concevoir un développement urbain basé sur une réflexion globale et non pas au cas par cas.
WHAT TO DO WHEN YOU FACE POTENTIAL DISMISSAL DUE TO PERCEIVED UNDERPERFORMANCE

By: Gemma Vestal and Caroline Southard

What to do When You Face Potential Dismissal Due to Perceived Underperformance

When faced with dismissal due to a perceived underperformance, staff members may not understand their rights, responsibilities, and participation in the performance evaluation procedure. This is a disadvantage that can lead to termination of appointment without a chance for improvement. There are many ways for staff members who face these setbacks and their supervisors to maintain a meaningful dialogue. Both sides must communicate clearly, listen to each other, and follow internal organizational procedure in order to ensure fairness and due process.

Preventing Underperformance while Avoiding Disagreement and Conflict

An organization must clearly inform its staff of expectations and requirements from the start. It must be known how the organization defines success and what measures can be taken to achieve it according to organizational criteria. This will prevent discrepancies between expectations of the organization and performance of the staff members.

When a supervisor raises concerns that a staff member is not performing up to expectations, it may cause conflict, exacerbating the situation and hindering the chance of improvement. Avoid conflict by adhering to formal procedure, listening to each other, engaging thoroughly in conversations about improvement, and being clear with any concerns or comments. If this process is viewed as a collaboration, rather than a threat, the staff member will be more likely to respond positively and improve.

Role of the Staff Member

If you are the staff member in question, be vigilant that your supervisor complies with organizational standards and Tribunal jurisprudence. A warning that your performance is unsatisfactory must be in written form, not verbal, and be provided "in a timely manner... in specific terms... identifying the areas where performance is lacking... stating the specific steps taken to remedy the situation." If you are on a Performance Improvement Plan (PIP), the length of time should be specified, as well as the required procedure going forward.

At every point in this process, concrete evidence and examples must be provided by the supervisor to justify any claims of underperformance. This will give you a fair chance to step back and reflect on how you can remedy the situation, as well as demonstrate your willingness to improve.

If you have assessed yourself and know that you truly have made your best efforts but still are alleged as underperforming, there are avenues for you to explain and advocate for yourself in the evaluation process. For example, in the initial and subsequent meetings with your supervisor, while you should listen attentively to the criticisms, you can also offer any relevant explanation as to why it appears that you have not met the organization’s standards.

With your supervisor, you should collaborate on a plan with specific, measurable, achievable, relevant, time-limited (SMART) objectives that includes guidance and coaching to improve your performance. Take advantage of this opportunity to improve the skills necessary to meet the outlined objectives.

The performance evaluation process is open for your input, and the final report must include your comments. Use this as a chance to explain the context of your alleged shortcomings, if there are any salient explanations. Make sure that the progress notes give justice to your efforts.

Understand that any statement or claim against your performance that is prejudiced is neither allowed nor valid. Criticism of your performance should be based on organizational expectations and requisites, not any external factors. If you sense any traces of prejudice, you are allowed to call attention to it.

Dismissing will occur if improvement is not exhibited before the designated period or PIP time frame elapses. This time period is typically substantive, so it provides adequate time to get back on track. In the case that you are dismissed from your position, your performance appraisal can only be released to future employers with your consent.

Role of the Supervisor

To follow the “best practices” of performance management, supervisors must act according to the “rules and policies in place that adhere to the jurisprudence of the Tribunals which uphold the basic principles of procedural fairness, respect of due process, timely warning of unsatisfactory performance with an adequate opportunity to improve through a performance improvement mechanism.”

Additionally, beginning a dialogue about what has led to the situation and how to move forward can be invaluable. You must respectfully consider any comments or questions made by the staff member in order to maintain a fair and unbiased dialogue. This will help to understand any explanations and bridge discrepancies between your expectations and their actions.

To assess the progress made within the evaluation period, the supervisor must write the report based on the goals set forth and agreed upon in the work plan and to what extent these goals were met. Then, the supervisor must evaluate the performance improvement of the staff member, based on the organization’s internal laws, standards, and rating scale. Finally, the supervisor needs to “assess the work on the basis of previously established rules,” not any that were amended during the time period.

Objectivity is required at every point in this process. An allegation of underperformance that conveys any prejudice or intent of stigmatization is inadequate grounds on which to claim dissatisfaction. Evaluation procedure steps may depend on sets of organizational internal laws, but the fundamentals of due process and objectivity remain constant. Note that, for example, the Tribunals may consider that any form of discrimination is not allowed. If it produces significant influence on the performance of their duties and to warn them in specific terms if they are not producing satisfactory work and are at risk of dismissal. If a staff member under your supervision fails to meet organizational standards, you must immediately inform this staff member with a written warning, clearly identifying the “aspects which need improvement and the time within which such improvement ought to be demonstrated.”

1. - This article relied heavily on previous works, “Probation, Performance Appraisal And Staff Reports,” by Renuka Dhinakaran, Dhinakaran International Law Consultancy.
   2. - As well as “Performance Management Systems: Dismissals Linked to Underperformance: Guideline for Staff Representatives,” by Maria Dweggah.
What to do when you face potential dismissal due to Perceived Underperformance

By: Gemma Vestal and Caroline Southard

Conclusion and Recommendation

It is a given that staff members in the U.N. Common System must perform in order for their respective organizations to fulfill their mandates. However, when staff members face possible dismissal due to perceived underperformance, this golden learning opportunity allows them to look inward and to do some internal assessment. Additionally, the situation provides a chance for staff members to demonstrate their willingness and ability to improve. On the track towards improvement, they should also thoroughly understand the internal administrative processes of their organizations so that they can proactively and strategically stem the tide of their possible dismissal and turn it around for the better. Likewise, for supervisors dealing with underperforming staff members who challenge their evaluation, it is a golden learning opportunity to see how they can improve and better understand internal administrative processes in order to resolve conflicts with supervisees and maximize outputs. For the organization, there must be a continuous learning and coaching culture that provides a safe and confidential environment for all staff to seek guidance and coaching on these issues.
Seventy years after its adoption by the UN General Assembly, the Universal Declaration of Human Rights is just as powerfully relevant as it was on its first day.

Thanks to the Universal Declaration of Human Rights, and States’ commitments to its principles, the dignity of millions has been uplifted, untold human suffering prevented and the foundations for a most just world have been laid. While its promise is yet to be fulfilled, the very fact that it has stood the test of time is testament to the enduring universality of its perennial values of equality, justice and human dignity.

A year-long campaign to promote, engage and reflect

To highlight what the Universal Declaration means for people in their everyday lives, UN Human Rights launched a year-long campaign that will culminate in the actual occasion of the Declaration’s 70th anniversary celebration on 10 December 2018.

The campaign has three core objectives: to promote, engage and reflect.

Our aim is to engage a broad base of audiences the world over; to help promote understanding of how the Universal Declaration empowers us all; and encourage further reflection on the ways that each of us can stand up for rights, every day.

The anniversary is a chance for the world to celebrate the gift of the Universal Declaration and to help reaffirm the enduring human rights principles and standards it has helped establish.

Take action and #Standup4HumanRights

All of us can promote and defend human rights. The UDHR 70 campaign is an opportunity for all actors, in partnership with UN Human Rights, or on their own, to express, celebrate and encourage support for human rights.

#Standup4humanrights

www.standup4humanrights.org and follow us on

facebook.com/unitednationshumanrights
twitter.com/unhumanrights
instagram.com/unitednationshumanrights

The declaration and its drafters

The Declaration was drafted by representatives with different legal and cultural backgrounds from all regions of the world, including: Eleanor Roosevelt, of the United States, was the first chair of the United Nation’s Commission on Human Rights; Chang Peng-Chun, the Chinese playwright, philosopher and diplomat was vice-chair of the Commission; Dr. Charles Malik, the Lebanese academic, philosopher, and ethnicist who, as rapporteur, played a vital role in shaping the ethical contents of the UDHR. René Cassin, a French jurist, judge, and advisor to Charles de Gaulle, played a major drafting role. The Declaration was proclaimed by the United Nation’s General Assembly in Paris on 10 December 1948 as a common standard of achievement for all peoples and all nations.

The most translated document in the world

From Abkhaz (a language spoken by 13,000 in a north-western corner of Georgia) to Zulu (a language spoken by more than 10 million in southern Africa), the Universal Declaration of Human Rights is a truly global document. In 1999, the Guinness Book of World Records declared the UDHR to be the most translated document in the world. Today, with 505 translations, it still is.

Take the pledge

I will respect your rights regardless of who you are. I will uphold your rights even when I disagree with you. When anyone’s human rights are denied, everyone’s rights are undermined, so I will stand up. I will raise my voice. I will take action. I will use my rights to stand up for your rights.

Do you agree with this commitment?

Join us and take the pledge on www.standup4humanrights.org
The declaration has helped countless people achieve greater freedom

**Human rights are more recognized and guaranteed for everyone**

To protect the most vulnerable, explicit protections now exist in international law to cover, among others, children, women, victims of torture and persons with disabilities.

Since 1948, 18 treaties and optional protocols that advance human rights have been internationally agreed.

Today, 59% of countries have a national human rights institution. In 1948, such institutions were practically unheard of.

More democracy

Today, 59% of countries have a national human rights institution. In 1948, such institutions were practically unheard of.

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More freedom

Today, women have the right to vote in 198 countries versus 91 countries in 1948.

198 countries have women's right to vote, compared to 91 in 1948.

**But its promise is yet to be fully realised**

**Right to a free and fair world**

In 2015, 65 million men, women and children were forced from their homes by war and persecution. This represents one in every 113 people.

**Slavery**

Around 1 in 10 children worldwide are engaged in child labour.

**Detention**

Almost 1 in 3 people in detention are held without being tried or sentenced for a crime.

**Freedom of expression**

101 journalists were killed in the pursuit of a story in 2016, which on average constitutes one casualty every four days.

**Right to partake in public affairs**

Women represent only 24% of national parliaments.

**Right to take part in cultural, artistic and scientific life**

In 2016, about 80% of the population in developed regions had Internet access, compared to 40% in developing regions and 15% in least developed countries.

169 States have ratified the International Covenant on Civil and Political Rights which states that every citizen shall have the right and the opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives. Every person shall have the right to vote and be elected, and to have access to public service, as well as to free expression, assembly and association.

Today, women have the right to vote in 198 countries versus 91 countries in 1948.

104 countries have now outlawed capital punishment. Only 9 countries had abolished the death penalty when the UDHR was adopted in 1948.

104 countries have abolished the death penalty, compared to 9 in 1948.

Today, 59% of countries have a national human rights institution. In 1948, such institutions were practically unheard of.

104 countries have now outlawed capital punishment. Only 9 countries had abolished the death penalty when the UDHR was adopted in 1948.

101 journalists were killed in the pursuit of a story in 2016, which on average constitutes one casualty every four days.

Freedom of information laws and policies have been adopted by 111 countries, with at least 15 countries adopting such laws over the past four years.

111 countries have adopted freedom of information laws, compared to at least 15 in the past four years.

Today, women have the right to vote in 198 countries versus 91 countries in 1948.

Today, 59% of countries have a national human rights institution. In 1948, such institutions were practically unheard of.

Worldwide, 860 million urban residents live in slums.

Right to a Nationality

29% of children under the age of 5 worldwide have not had their births registered.

9% of children under the age of 5 worldwide have not had their births registered.

The proportion of primary school age children out of school has stagnated at about 9% since 2008.

1 in 4 women aged 20-24 were married before age 18 in 2015.

1 in 4 women aged 20-24 were married before age 18 in 2015.

Adequate standards of living

Worldwide, 860 million urban residents live in slums.

169 States have ratified the International Covenant on Civil and Political Rights which states that every citizen shall have the right and the opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives. Every person shall have the right to vote and be elected, and to have access to public service, as well as to free expression, assembly and association.

Right to marriage and to found a family

1 in 4 women aged 20-24 were married before age 18 in 2015.
The current state of the law:

In order for the staff member to know what happened and what facts led to the decision, access to written evidence is critical during the appeal process. Does the Tribunal in the last 2 years involving dismissal and specifically the staff member’s right to discovery (i.e., relevant and material documentary evidence) during the appeal process in a trio of judgments issued by the Tribunal stated:

"When there is a process of selection to fill a post or destroy some boon the records are indeed ordinarily privileged; the organisation may not reveal to one candidate information about any of the others. Yet if there is a dispute a candidate has a rightful interest in proving material facts. So the case law prescribes disclosure of any privileged item of evidence that goes to the hub. Precautions may be taken to keep from the complainant’s ken immaterial information on a third party such as another candidate . . ."

To ensure due process both in internal proceedings and before the Tribunal the staff member must get any items of information material to the outcome. And one such item is the names of the advisory body’s members. Who they are may of course affect its reasoning and the weight its report carries, and so the staff member should be allowed at least to comment."

On the other hand, in Judgment No. 2163 the Tribunal stated: "Arm case law has it that the Tribunal will not interfere with the comparison of entrants in a competition. Only when it appears that the choice of candidate may rest on some mistake of fact or law or there may have been misuse of authority will the Tribunal order the production of evidence so that it may review such comparison and will the complainant be entitled to see such evidence (see Judgment 1564, under 8)."

In Judgment No. 3209, the Tribunal ordered the production of documents on its own motion since neither party had provided the documents and they were needed to decide the case. However, the Tribunal has sometimes denied requests for discovery on the grounds that the request was nothing more than a fishing expedition.

In 2016, the Tribunal rendered two very significant judgments involving the loss of employment based on alleged financial constraints. Judgment No. 3568 involved an appeal of a decision not to extend a fixed-term appointment. The Tribunal stated that the principle of equality of arms must be observed by ensuring that all parties in a case are provided with all information about any of the others. Yet if there is a dispute a candidate has a rightful interest in proving material facts. So the case law prescribes disclosure of any privileged item of evidence that goes to the hub. Precautions may be taken to keep from the complainant’s ken immaterial information on a third party such as another candidate . . .

"Whether the post was abolished for financial reasons is a question of fact. Those facts were within the knowledge of WHO and it must show that when it advanced financial reasons as a ground for the abolition of the complainant’s post this was genuine. It has not done so. In the absence of that evidence, it is determined that the complainant’s post was unlawfully abolished and the claim on this ground is well founded."

As with the earlier judgment, the Tribunal did not remand the case back to the organization for further proceedings with an order to produce the financial records, but instead found that the reasons advanced were not true and awarded 90,000 USD in material damages and 70,000 USD in moral damages. I represented a client before the ILO Administrative Tribunal (Judgment No. 3948 issued in January 2018) in an appeal involving non-extension of appointment for alleged financial constraints. During the appeal, the request for relevant financial documents was rejected by the administration on the grounds of confidentiality, and even though the appeals board did not find any objective evidence of financial constraints, it did not request the administration to provide such documents. I cited the above two cases in the appeal and the Tribunal indeed relied on its holding in Judgment No. 3568 in deciding:

"The Tribunal also considers that IOM should have disclosed to the JARB the documents that it had in its possession, as they could have assisted it to de-
The ILO Administrative Tribunal awarded the sum of 80,000 USD for material and moral damages.

The message sent by the Tribunal to the administrations in this trio of judgments is very clear. The Tribunal will not allow the organization to “bolster its case” by alleging financial constraints and not producing evidence of such constraints. First, it will not accept the administration’s bald allegation that financial constraints actually exist; second, the failure to produce financial documents to the appeals board and the appellant amounts to a fundamental breach of due process since it prevents the board from deciding the appeal (“incomplete examination”); and, third, the Tribunal is drawing an adverse inference against the organization and in favour of the appellant, and in effect concluding that the financial constraints as alleged by the administration do not actually exist since they were not voluntarily produced by the administration.

These cases have breathed new life into the principle of equality of arms. I would add that the principle of these cases should apply in cases not involving loss of employment, although the Tribunal has not gone that far in its judgments, yet.
EVOLVING JURISPRUDENCE OF THE UN APPEALS TRIBUNAL ON PENSION MATTERS

By: George G. Irving, Esq.

Under Article 48 of the UNJSPF Regulations and Section K of the UNJSPF Administrative Rules, appeals of decisions of the Standing Committee, acting on behalf of the Pension Board, are made to the United Nations Appeals Tribunal, which replaced the UN Administrative Tribunal in 2009.

One of the last judgements issued by the former UN Administrative Tribunal was the case of Annan v. the UNJSPF 1 in which I acted as counsel for the Applicant. In Annan the Administrative Tribunal reviewed the claim of a former Secretary-General of the United Nations for payment of accumulated benefits during the period he served as Secretary-General, which had been withheld by the Pension Fund. It was a groundbreaking decision, not only because it represented the first and only time a UN Secretary-General, who had formerly served as a staff member, brought an individual case as an appellant, but also because it established a number of important legal principles. The Tribunal found that the cause of action arose not earlier when the context of the contested interpretation was first elaborated, but only after the appellant had received notice and questioned the payment of his accumulated benefits since “a decision could not validly be reached until a clear case was made for payment of accumulated benefits was made…” 2 On the merits, the Administrative Tribunal found in favour of the appellant noting, “…the Tribunal is guided by the principle, well established in its jurisprudence, that in complex matters relating to pensions, ‘the Administration has to be especially careful’ (Judgement No. 1185, Van Leewen (2004) and transparent (Judgement No. 1091, Droesse (2003)).” 3 It further noted that the Tribunal should also be guided by the principle that decisions should be construed as having a lesser rather than greater adverse effect on the rights of staff. Under the new UN justice system, the Appeals Tribunal (UNAT) is not bound by the decisions of the former Tribunal but can find them persuasive. A number of appeals from the Standing Committee of the UNJSPF have now been adjudicated under the new system.

In an early decision, the UNAT recognized the continuing applicability of the Noblemaire principle (comparison with the best paid international civil service) to pensions. 4 In so doing, it implicitly recognized the binding nature of the decisions of the UN General Assembly and the Regulations it has adopted in furtherance of that principle.

Much of the jurisprudence arising from the subsequent cases reflects the fact that the Pension Fund is a creature of statute and the Fund is required to apply the UNJSPF Regulations with relatively little room for discretionary interpretation. In addition, both the UNJSPF Regulations and Rules as well as the Tribunal’s own Statute require the strict application of time limits in making an appeal, which is 90 days from the date of a decision by the Standing Committee. 5 This means in practice that as soon as benefits are determined for each individual case and a final decision is made, a brief window of opportunity is opened to make a challenge by following the procedures to ask for review. Pensioners are thus on notice to file claims as soon as possible once they are notified of their entitlements. 6 This does not exclude challenges to the later application of the Rules and Pension Adjustment System if a problem arises in their application. 7

Out of concern for due process issues, the Tribunal, in an early decision, established a standard for judging the decisions of the Standing Committee, which operates differently from the Tribunal. In Ansa- Emmim v. UNJSPF 2011-UNAT-155, the Appeals Tribunal found, “all proceedings which culminate in appealable decisions must be conducted in a reviewable manner, by observing the principles of natural justice. The affected party must get a proper hearing, and the order detailing a decision must contain sound reasons which can be judicially scrutinized upon appeal.” 8 In other words, the decisions of the Standing Committee must be based on a reasoned analysis of the evidence. The Tribunal stopped short of requiring the presence of the pensioner when the case is considered, noting that FICSA was present in the Standing Committee. The exact role of FICSA, however, has never been clearly defined and its advocacy role for individual appellants is far from evident. Appellants are therefore advised to ensure that all the relevant evidence is submitted to the Standing Committee and that their representatives on the Board are fully informed.

The UNAT has reviewed a number of claims alleging non-observance of the Fund’s Regulations and has strictly interpreted the Regulations of the Fund in cases dealing with, inter alia, the two-track system, 9 selection of benefits 10, right of election 11 and in several cases dealing with Article 45 on the assignment of benefits and the rights of former spouses. 12 For the most part, the decisions of the Standing Committee were upheld unless there was an inconsistency with the plain meaning of the Regulations or evidence of some issues of due process, generally resulting in remanding cases back to the Standing Committee for further review.

More recently, the UNAT has gone further and overturned decisions of the Standing Committee it found to be in violation of its own law. In late 2017, the Appeals Tribunal adjudicated an unusual case dealing with a decision of the Standing Committee denying access of two elected UN participants representative to the proceedings of the Pension Board. (Faye v. UNJSPF 2017-UNAT-801 and Rockcliffe v. UNJSPF 2017-UNAT-807) I acted as counsel in the latter case. The two judgements are largely identical and resulted in overturning the respective decisions of the Standing Committee acting on behalf of the Pension Board and ordering that the duly elected representatives be given full access to participate and function in all aspects of the Board’s work. These cases represent the first instance of the UNAT’s consideration of matters of internal Governance of the Pension Fund.

The Appeals Tribunal first addressed the Pension Fund’s argument that its decisions were not reviewable by finding that under its Statute and the Fund’s own Regulations, it had broad competence to review any alleged violation of the Fund’s Regulations including representational rights. It thus affirmed the Fund’s general accountability and liability to judicial review of its decisions. Substantively, it found that “[t]here is no provision in the law which empowers the Standing Committee to remove, restrict or interfere with any of these rights and privileges” under Article 6 of the Regulations. It consequently ordered that the two appellants, whom the Pension Fund leadership had refused to recognize, be allowed to participate and function as fully elected members in all the relevant areas of the Board’s work.

In upholding the rights of duly elected representatives, the decision is far reaching in that it sustains the primacy of the UNJSPF Regulations in the Fund’s own governance notwithstanding the divergent views of the Pension Fund Secretariat, the UN Office of Legal Affairs, the Standing Committee or the Board itself. Active participants and retirees may take some comfort from the recent resolution of the General Assembly requesting “a comprehensive audit of the governance structure of the UN Joint Staff Pension Fund Board, to include a review of the checks and balances between the Board and the Pension Fund leadership” (para. 8 of GA resolution A/RES/72/262). Both the ILO and the UN Dispute and Appeals Tribunals have adjudicated cases involving the duty of employers in respect of pension issues. A general duty of full disclosure

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1. George Irving is a former UN staff member who served on the Pension Board; he is presently a private attorney located in the US whose practice includes International Administrative Law and who has over thirty years’ experience acting as counsel in cases before the UN Dispute and Appeals Tribunals and the ILO Administrative Tribunal. His email is GIrving030@aol.com.


4. Laeijndicker v. UNJSPF 2010-UNAT-168

5. The time limit for challenging a decision before the Standing Committee as well as for appealing that decision to the UNAT is 90 days.

6. FICSA

7. 9

8. Article 6 of the Regulations. It consequently ordered that the two appellants, whom the Pension Fund leadership had refused to recognize, be allowed to participate and function as fully elected members in all the relevant areas of the Board’s work.

9. Article 60 of the Regulations

10. Article 9 of the Regulations

11. Article 45 of the Regulations

12. Article 45 of the Regulations
Evolving Jurisprudence of the UN Appeals Tribunal on Pension Matters

and fair treatment has been affirmed. In addition, a number of cases have been remanded or referred to the UNFSPP by the UNAT urging resolution of disagreements. Recently, in a case involving a claim against the ICJ involving the transfer of pension rights of a former ICJ staff member, the UNAT under article 6 of its Statute deferred consideration of the case against the ICJ and “invited” the Pension Fund to consider alternatives to resolve the matter.

5. The time limit for challenging a decision before the Standing Committee as well as for appealing that decision to the UNAT is 90 days.
6. Larghi v. UNJSPF 2013-UNAT-343
The organisation has put in place a two-tier judicial system whereby either party can appeal the decision of the first body to a second higher body, but these examples remain the exception rather than the rule. 2

The UNAT conundrum

The UNAT Statute, as originally adopted by the General Assembly in resolution 63/253 on 24th December 2008, is very clear regarding the Tribunal’s purpose: “A tribunal shall be established by the present statute as the second instance of the two-tier formal system of administration of justice” (Article 1). The UNAT, as its name suggests, is an appellate body, and as long as cases come before it from the UNDT, its nature (as an appellate body) does not change.

The nature of the UNAT’s work arguably changes when appeals come before it from bodies other than the UNDT. For example, administrative decisions at the International Tribunal for the Law of the Sea (‘ITLOS’). 3 must first be reviewed by the ITLOS’ Joint Appeals Board (‘JAB’). 4 The JAB can establish its own rules of procedure and its final report must include a statement of reasons, fact and law. 5 That report is then submitted to the ITLOS Registrar which the staff member can appeal to the UNAT. At first glance, therefore, the JAB appears to be the ITLOS’ equivalent of the UNDT. But such a comparison is simplistic and procedurally incorrect, because the JAB has no power to make decisions; it makes recommendations which can be either accepted or rejected by, more often than not, the head of the organisation. It is this characteristic in particular that prevents this body from amounting to a judicial body at first instance, even if many of them come close to establishing quasi-judicial bodies in practice by, for example, being chaired by independent lawyers or judges, holding oral hearings, and providing for transcripts of the hearing. There are a few examples where the organisation has put in place a two-tier judicial system.

Due to the immunity generally granted to IOs, their employees are in principle barred from having recourse to national tribunals. IATs are part of the internal systems of administration of justice put in place by IOs to settle employment disputes which would otherwise fall under no jurisdiction.

Similarly, the Staff Appeals Board (‘SAB’) of the International Maritime Organisation (‘IMO’) can review administrative decisions in a ‘neutral first instance process’. The SAB can decide to hold oral hearings, call witnesses and experts, and its final report to the IMO Secretary-General must include a decision providing reasons, fact and law. But once again, the staff members lodge an appeal against the Secretary-General’s decision. Notwithstanding the SAB’s quasi-judicial powers in practice, it remains closer to an advisory body for the benefit of the Secretary-General.

The stark contrast in nature between the EBRDAT and the IDBAT

Most IATs within the internal justice systems of MDBs sit above some form of peer-review (e.g., the systems of justice at the World Bank, the Asian Development Bank and the African Development Bank). Two MDBs have, however, evolved in almost opposite directions to the extent that their IATs are considerably different in nature.

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One would be forgiven for assuming that all international administrative tribunals (“IATs”) have a corresponding and equivalent jurisdictional function in the nature of the work they carry out. A further analysis of the Statutes and Rules of Procedure of certain IATs, however, as well as the internal justice system as a whole that these IATs oversee, reveals a somewhat nuanced divergence. This article looks into the arguably different roles of the United Nations Appeals Tribunal (“UNAT”) depending on which international organisation (“IO”) the appeals emanate from, and compares the Administrative Tribunals of two Multilateral Development Banks (“MDBs”).

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are at times contradictions between the language of the EBRDAT’s Appeals Procedure and its role, in law, as a tribunal of first (and last) instance. The bottom line is that the EBRDAT relies heavily on the GC and, without it, it would be unable, in its current form, to deliberate properly on cases.

The contrast with the Inter-American Development Administrative Tribunal (IDBAT) is remarkable. At the IDB, there is no peer-review phase or body which makes a recommendation. After mediation, the IDBAT represents a one-stop shop which hears cases de novo and routinely holds oral hearings. There is no appellate jurisdiction, in the true sense of the term, as the IDBAT is, in effect, a tribunal of first instance. The nature of the IDBAT’s work is, therefore, vastly different to that of the EBRDAT.

Facing the beast

This brief review of the procedures of select IATs already reveals the lack of uniformity in the internal judicial proceedings of IOs. Whereas the UNAT clearly has appellate jurisdiction for cases originating at the UNDT, there is a disconnect between its constitutional role and its role in practice when appeals come before it from organisations such as the IMO and ITLOS. A comparison of the roles of IATs of MDBs also highlights this disconnect. This article does not seek to argue that any particular system is better, but staff engaged in contentious proceedings ought to look to the staff rules and regulations of their organisation in order to properly understand the avenues of appeal. Such an understanding is essential in helping devise an effective strategy because, while each case depends on its facts, the limitations in procedure imposed by their internal appeals bodies and the IATs will also impact upon the likelihood of success at the appellate stage.

6- Regulation 11.2(m) of the ITLOS Staff Regulations and Rule 11.5 of the ITLOS Staff Rules.
7- Staff Rule 111.1(j) and (k).
8- Staff Rule 111.1(1)-(gg).
9- Staff Rule 111.1(f) and Staff Regulation 11.2.
10- The IMO and the ITLOS are not the only IOs in this position: the International Court of Justice also utilises the UNAT in a similar manner.
So what can be done in the interim? I can offer three suggestions borne out of my more than two decades fighting IO administrations for the benefit of my clients—two require collective action, but one is something that every international civil servant can do to protect themselves against an adverse employment action. Here they are—the following reflects my personal opinion based on my own experiences, and do not necessarily represent the views of my clients or the editors of The FICSA Magazine.

Collective Bargaining

The ILO’s Conventions N°s 98, 151 and 154 promote collective bargaining for public employees, but no IO that I am aware of today enjoys true collective bargaining (the ILO had a relatively robust form of collective bargaining in 1999-2003, but it was too successful in protecting staff rights, and was subsequently pared back to what is now in my opinion an empty shell of its former self). The best and quickest way that international civil servants will ever be able to remedy the deficiencies and conflicts in their organizations’ internal justice systems to ensure a level playing field that is the reasonable equivalent of national court systems is through real collective bargaining.

IOs, particularly those that are specialized agencies of the United Nations, are generally bound by the ILO Conventions, and should not impede the efforts of their staff to engage in collective bargaining. Each and every IO staff association, with the assent and support of its members, should seek a collective bargaining agreement from its administration without delay. Perhaps if more organizations had had such agreements today, the recent reduction in the Geneva organizations’ benefits might not have happened, or the adverse and abrupt reduction in salary now being felt by international civil servants in Geneva could have been delayed or reduced through collective bargaining.

In 2018, there is no valid reason why IOs do not have collective bargaining agreements with their staff other than a desire to perpetuate inequality in wages, lower and less persistent employment, and lower staff morale.

Access to Recognized Unions

While I currently represent a number of staff associations in various IOs around the world, and applaud and support their incredible efforts to advocate on behalf of their members about conditions of service and in employment disputes, the reality is that most staff representatives serve at the pleasure of the Administration officials with whom they interact on behalf of their members, and if one were to advocate too strongly, one cannot dismiss the possibility that the Administration interlocutors might not look so kindly on the staff representative in matters relating to their own personal employment status—that is a simple reality.

In the world outside IOs, unions employ permanent negotiators and officials who are paid by and serve at the pleasure of their union members, not the administration officials with whom they are negotiating. This eliminates any suggestion of conflict of interest on the part of the union officials who do not have to worry about calibrating the force of their intervention with an administration on behalf of a fellow union member, lest it come back to adversely affect their own employment status. This fear has been enforced in recent years where staff representatives have been dismissed from a number of IOs solely on account of their staff representational activities. This would likely have a chilling effect on others who might not want to make the ultimate sacrifice in the careers out of solidarity, and nor should staff representatives be forced into such a Hobson’s choice.

1. Edward Patrick Flaherty is an American lawyer admitted to practice before the Massachusetts SJC, and the US Supreme Court; he is founder and a senior partner in the Swiss international law firm of Schwab, Flaherty & Associés, Geneva, and focuses his practice on the representation of staff members of international organizations, and third parties injured by UNOs, as well as whistle blowers. He is currently representing the States not for profit association Hear Their Cries—Stop Child Rape in Aid cases against the UN and other UNOs and NGOs on behalf of child rape victims of their staff members. He was also lead counsel in two cases filed before the 2nd Circuit Federal Court of Appeals challenging the immunity of UNOs (Alec and Iniki v. L. Lubbers, Annan et al., [D10CV104], national altar, and Veiga v WMO, Jarraud et al., [D10CV399]), He is also the co-founder of the Centre for Accountability of International Organizations and CI Watch. He can be reached at flaherty@alawag.com.
APPLICATION FOR REVIEW OF JUDGMENTS DELIVERED BY THE ILO ADMINISTRATIVE TRIBUNAL

By: Dr. Nathalie Rossette Cazel

Article VI of the Statutes of the Tribunal stipulates: “the Tribunal shall take decisions by a majority vote; judgments shall be final and without appeal.” In practice, however, there will be review only in exceptional cases. This practice exists in most judicial systems. However, contrary to the majority of judicial systems, the Tribunal will not allow extremely limited pleas in favor of review.

Only very few applications for review have been successful over 50 years of ruling. The Tribunal’s interpretation of the grounds for successful review has always been very restricted, and not always intelligible.

The grounds on which the Tribunal may review a judgment are set out in Judgment 442, under 3, “an omission to take account of particular facts; a material error, i.e. a mistaken finding of fact which, unlike an omission to exercise of judgment; an omission to find of fact which, unlike a mistake in appraisal of the account of particular facts; a material error, i.e. a mistaken investigation means should have been applied to clarify the “opaqueness” noted by the Tribunal.

Paragraph 4.4 of the Inter-Agency Mobility Accord 2005 stipulates that: “Appeals against an administrative decision taken during the period of an exchange shall be heard by the appropriate appeals body of the Organization, which took the decision appealed against, and be dealt with under the Regulations and Rules of that Organization.”

The challenged decision was without doubt the sole and unique decision of the Executive Director of the Global Fund to terminate the Complainant’s contract. After that decision she had no contract and could not return to UNOPS. It had been an opportunity for the Tribunal to clarify that situation and other witnesses, the consultation of any competent international authority, and expert inquiry. Such important measures of investigation as it deems fit, including the appearance of the parties before it, the hearing of expert and other witnesses, the consultation of any competent international authority, and expert inquiry. Such important measures of investigation means should have been applied to clarify the “opaqueness” noted by the Tribunal.

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Application for Review of Judgments Delivered by the ILO Administrative Tribunal

By: Alex Haines and Neha Dubey

also allow its judgments to be questioned systematically by complainants who are dissatisfied with the Tribunal’s decision.«

Same for Judgment 1529: «In Judgment 442 […] and in many later judgments the Tribunal has declared an alleged mistake of law to be an inadmissible plea for review. To allow an application for review on the grounds that the Tribunal’s legal reasoning was wrong would be to let anyone who was dissatisfied with a decision question it indefinitely in disregard of the res judicata rule. […] The application must be summarily dismissed as clearly irreceivable under Article 7 of the Tribunal’s Rules.»

So, the tribunal refuses to consider its mistake of law based on the fact that the decision could be “indefinitely” challenged. But this is not the principle of application for review when properly applied. Judges are human, humans can make mistakes, judges can make mistakes. The justice system needs to allow for this possibility and its recourse. There should be an effective mechanism to correct these limited cases and provide justice for all.

We do not know for sure if the applications for review of the cases detailed above would have been successful if the Tribunal accepted to review them under the criteria of “mistake of law”. What seems to be important at this stage is that a discussion continues to better ensure that justice will finally be served for all complainants and defendants that have been through a very long process.

1- Dr. Nathalie Rossette Cazel has specialized in UN employment law for over 14 years. She is the Director of LexAct limited. She currently defends UN staff members of WHO, Global Fund, OIT, UNHCR, WHO, ITU and IOM before the Organisational Staff of Appeal, the Administrative Tribunal of the ILO (ILOAT), and the United Nations Dispute Tribunal (UNDT) with UNDP/UNOPS cases. Her email is avaiki@mac.com and website is lexact.org.
In the following two WHO cases, the Tribunal awarded the Complainant relatively generous amounts for material and moral damages and a small amount for costs, presumably including legal costs. Of course, all cases are different.

In Judgment No. 3586 adopted on 3 November 2015, the complaint was against a decision not to extend the Complainant’s contract of employment. The Tribunal recalled that the scope of its review in such cases is limited to well-known conditions. The Complainant, a senior malaria specialist employed at WHO Headquarters in Geneva submitted that WHO breached its rules because it gave no written reason for not extending the contract, although he was informed verbally that it would be due to financial constraints and a future reorganization.

The Tribunal considered that in addition to the verbal advice, the reason should have been repeated in the written notice particularly because of the serious implications it held for the complainant and his seniority. A firm reason not to extend a fixed-term contract must be a valid one, and not one given to conveniently get rid of a staff member. The Tribunal found that WHO breached due process by not having provided all relevant financial documents to the Complainant, which would have assisted the WHO Headquarters Board of Appeal (HBA) to make a properly informed determination whether financial constraint had been a valid reason for non-extension.

The Tribunal recalled that it has consistently stated that a staff member must, as a general rule, have access to all evidence on which the authority bases (or intends to base) its decision against him. The Tribunal has also consistently stated that the principle of equality of arms must be observed by ensuring that all parties in a case are provided with all of the materials an adjudicating body must be observed by ensuring that all parties in a case are provided with all of the materials an adjudicating body must be informed by the other parties in a case. The Tribunal found that WHO breached due process by not having provided all relevant financial documents to the Complainant, which would have assisted the WHO Headquarters Board of Appeal (HBA) to make a properly informed determination whether financial constraint had been a valid reason for non-extension.

The Tribunal found that it was not necessary that the Kuala Lumpur positions be created as NPO positions other than, perhaps and from WHO’s perspective, as a mechanism to create economies through local pay scales and other employment conditions (less costly than Geneva’s pay scales and other employment conditions). However, the creation of these NPO positions had a direct effect of diminishing the rights of the Complainant to secure further employment within WHO.

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The second Judgment 3752 adopted on 26 October 2016, concerned a P3 Network Engineer employed at WHO Headquarters in Geneva with a continuing (indefinite) appointment. He was informed that his post had been abolished – no suitable post among 70 vacant positions was found for him in a reassignment process and the termination became effective. In an appeal against his termination, the HBA noted that an IT position grade P.2 based in Kuala Lumpur had remained vacant. While the Complainant had not expressed interest in that position, the Reassignment Committee was obliged to examine the suitability of staff for all positions whether they expressed interest or not. The HBA said that there was a possibility that he could have matched to this post: this was a “missed opportunity.”

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The second issue concerned the use of National Professional Officers (NPOs) by WHO, raised by the Complainant. The HBA found that NPO positions created in Kuala Lumpur did not require the full definition of NPOs by the ILO, and that the Complainant had been barred from applying for the Kuala Lumpur posts that had no national content but constituted a transfer of functions from Geneva to Kuala Lumpur.

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The Complainant was awarded CHF. 120,000 for material damages, CHF. 25,000 for moral damages and CHF. 4,000 for costs, no doubt a rewarding outcome.

A third case, involving a staff member of a non-UN international body based in Geneva, may be selected for the April-May 2018 session of the Tribunal. Reference is made to it only to show and deplore the long delay experienced by my unhappy client before a judgment may be rendered. The defendant organization deposited its surrejoinder on 2 September 2015: 2 years and 8 months have passed and we still have no assurance that the case will be judged in April 2018. Such excessive delays might have been avoided if the Conference of the ILO had appointed a few ad hoc judges to deal with outstanding cases.

NOTES ON A FEW ILOAT JUDGMENTS

By: Dr. Yves Beigbeder

In the following two WHO cases, the Tribunal awarded the Complainant relatively generous amounts for material and moral damages and a small amount for costs, presumably including legal costs. Of course, all cases are different.

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1 Yves Beigbeder is a lawyer, author, lecturer, and former UN senior official. He focuses on international organizations, international criminal tribunals, international public health and humanitarian issues, the United Nations, Food and Agriculture Organization and the World Health Organization. His email is yves.beigbeder@free.fr.
INTERNERSHIP AT THE UN:
A COMPARATIVE PERSPECTIVE

By Fanny Badache and Morine Mabboux

Fanny Badache is a PhD candidate and teaching assistant at the University of Lausanne. Her research deals with geographical diversity in the international civil service of the United Nations. She started a nine-month internship within the Human Resources Network of the Chief Executive Board of Coordination (UNSC) in Geneva in 2015 in the context of Master in Public Management at the University of Geneva.

Morine Mabboux is in her second year of bachelor in Business Administration at INSEEC in Lyon. She carried out her internship with the Federation of International Civil Servants’ Associations (FICSA) in Geneva during three months in 2015.

For 2014-2016, the United Nations Secretariat engaged 4,475 interns. Among them, 45 Member States were represented and 33 percent were women. Recently, the UN internship system has faced criticism. We aim to offer a comparative perspective on our two experiences conducted in two different but related organizations of the UN, though fully understanding that the content of this article does not reflect on all internship experiences. The first is about the internship experience of Fanny Badache, who was in charge of assisting the Working Group on performance preparation of the 71st FICSA Council which took place in Geneva. Throughout the years, FICSA has worked to modernize the administrative organization of the United Nations, such as the General Assembly and Security Council, rather than courses on UN internal functioning and administration. We have expanded our knowledge of the UN’s complexity, as we have learned much about the relationships, links and power dynamics between the different organizations that constitute the UN. Our respective internships enabled us to understand the working culture of the UN as diverse and multicultural. Additionally, the United Nations is a codified environment with many internal formalities and procedures unknown to outsiders, but our positions gave us access to various resources and organizational documents that are not publicly available, allowing us to enter the institutional memory through the archives.

Our experiences also gave us first-hand experience in observing the UN as insiders by participating in official meetings. At FICSA, Morine Mabboux was the first intern to attend a FICSA Council, which gathers the FICSA members each year. Her role was to set up a platform for sharing documents and schedules in order to modernize the administrative organization of the Council. Throughout the years, FICSA has worked to eliminate all printed documents for distribution to participants. This new and easier approach enabled FICSA members to access Council materials on their tablets, laptops and smartphones, while receiving notifications of any modifications.

At the CEB, Fanny Badache had the opportunity to attend the 30th session of the Human Resources Network in Madrid. The HR Network usually meets twice a year, bringing together HR directors of UN organizations. Taking part in this meeting was a unique opportunity to discover the pressing human resources management issues currently faced by the UN. From a sociological perspective, it was very interesting to observe how this meeting provided a forum in which HR directors could exchange good practices, leading to mimetic isomorphism, meaning that UN organizations tend to reform their human resources systems in the same direction.

In order to convey a balanced picture, we will include some less positive aspects of our experiences. The short timeframe of internships at the UN, which usually only last three to six months, posed one of the largest challenges we faced. FICSA mostly functions thanks to staff representatives who work on a voluntary basis, requiring them to combine their own job duties with FICSA work, which influences the pace of the Federation. In the case of the CEB, the small team of staff relies on UN organizations to provide their inputs in order to progress on and complete projects. Furthermore, each agency, as well as every organization in the UN, has also its own timing. Linked to that, another challenge is that we were not able to observe the final outputs of our work.

Overall, our internship experiences were very positive: they allowed us to develop several transferable skills and to acquire UN-related knowledge that we would not have been able to access otherwise. We have highlighted the benefits associated with participant observations, a subject that several scholars have already examined and emphasized. In our opinion, we believe that the UN internships system contributes to making the UN more transparent and accessible to general society— in our cases students and universities—and that this trend of opening up should be encouraged and continued.

2. Whereas a lot of courses on European institutions do exist in many degrees.
3. Reports of the HR Network can be found here: http://www.unsystem.org/content/hr-network-page/title.
8. Reviews of the HR Network are available at: http://www.unsystem.org/content/hr-network-page/title.
IT IS IN YOUR INTEREST TO REGULARLY UPDATE YOUR POST DESCRIPTION

By Gemma Vestal, Caroline Southard, and Brett Fitzgerald

Introduction
As staff members occupy their posts for an extensive period of time, the realm and complexity of their work inevitably evolve. Staff members may take on new responsibilities or broaden their area of work in ways that exceed their original post descriptions. An individual’s characteristics, aptitude, and skill set, especially if a staff member possesses a diverse educational and professional background, may supplement and facilitate post requirements in a way that expands the scope and level of their work.

The UN common system aims to foster a culture of continuous learning by allocating 80 paid study hours for professional development each year. From these programs, staff may obtain new skills, interests, or methods of completing their tasks and potentially rerouting the direction of their posts’ development. If a post evolves even in small increments, over time the changes may be drastic enough to invalidate the original post description accuracy and relevance. Job classifications should not be stagnant as staff grow in capabilities and responsibilities that exceed their original posts. To ensure fairness and to reflect the value of staff members, job classifications and, further, salaries must catch up to reflect the dynamic nature of positions within the UN common system.

Expanding roles should be encouraged and acknowledged as long as the new realm of work can complement and exist symbiotically with the established post requirements and expectations and benefit the organizational structure and mandates. A staff member’s work becoming more valuable and advanced over time certainly warrants a higher level of pay. UN common system agencies and organizations should not let changes that warrant a job reclassification and salary increase slip through the cracks.1 This neither treats staff fairly nor acknowledges that “the biggest asset of the United Nations is the knowledge, skills, experience and enthusiasm of its staff.” 2

For General Service (GS) category jobs, the ICSC’s New GS Master Standard, implemented in 2010, defines the Four Factors of job classification as: 1) nature of work; 2) organizational environment; 3) teamwork and relationships; and 4) results.

Examples, but certainly not an exhaustive list, of skills that correspond with these four factors for GS Staff and that would qualify a staff member’s job for an upgrade are:
- Increase in scope and difficulty of work, increase in both breadth, or extent, and depth, or level of intricacy
- Increased technical skills and knowledge
- Increased skills and knowledge that justify increasing the empowerment, autonomy, responsibility of an individual
- Improved skills in a working language
- Specialization or niche skills that distinguish a staff member within the organization.

The Revision of the Professional Master Standard includes the Four Factors of job classification for Professional (P) category jobs as: 1) nature of work; 2) enabling environment; 3) partnerships; and 4) results.

A component of nature of work is “reinventing the profession by expanding the boundaries and opening new horizons – acting as a leader in the field/directing the profession.”3 Within the ICSC’s definition itself, P staff should focus on broadening the scope and realm of their work, so it is essential that they are fairly compensated for what they are already encouraged to do.

Staff members who believe their skills and abilities have exceeded the original scope of their post descriptions and classifications must advocate for themselves in receiving the treatment and compensation they deserve. Staff members that are unaware of how their day-to-day work has surpassed their original post description are at a great risk of missing out because organizations seldom have an impetus to update descriptions and reclassify existing staff. No one will raise this question for staff, as it’s easy and cheaper for management to maintain the status quo.

The value and constraints of job descriptions
Not only does a proper job description bring clarity to the incumbent, outlining how he or she fits into the organization’s work plan and competencies, it also provides tools for recruiting the right talent, accurately evaluating performance, and determining compensation and salary. Factors constraining the creation of well-crafted job descriptions include time, budget, organizational structure, an overlap of performance and function within the organization, and conflicting strategic objectives.

Job analysis and evaluation
When examining the evolution of a post, the tasks, projects and assignments that a staff member completes must be considered in relation to the original post description and job classification, and if these changes “affect the key functions of the post” and “justify a higher grade level,”4 implementation of the new Master Standard provides a standardized approach to job classification across the UN common system.

Even with a thorough classification method, the “starting point” of a job evaluation is “a well-documented post and an understanding of the post and its role.”5 It is imperative that post descriptions employ the most accurate, up-to-date and precise information and language.6 For example, if a role includes supervising, then the word “supervise” therefore needs to be in the post description if such is the intention. Otherwise, those completing a desk audit for reclassification may relate their observations to an incorrect benchmark, compromising the accuracy of the process. It is likewise important to note that a desk audit should examine function, rather than performance, further preserving accuracy, as well as objectivity.7

When evaluating how a staff member’s post has changed and whether this justifies updating the classification, the managing supervisor must consider not only the new functions that the staff member has assumed, but also the cause of these changes, i.e., a specific context requiring temporary performance above a grade level versus a gradual yet consistent elevation of performance level. This will help indicate whether the changes do justify a grade and salary elevation.

ILOAT Judgments concerning this matter
Several International Labour Organization Administrative Tribunal (ILOAT) cases demonstrate the critical nuances of dealing with post description and classification issues and precautions to take so that issues will not accelerate to this level.

Judgment Nos. 3834 and 3855 both ruled in favor of complainants whose inaccurate post descriptions impeded the proper completion of audits and resulted in incorrect classifications.8

1. For example, when the new GS Master Standard was implemented, there was a rise in applications for positions similar to those of current GS positions, which increased GS salary and classification.
2. ICSC Resolution 41/7, 2008.
4. ICSC Resolution 41/7, 2008.
5. ICSC Resolution 40/5, 2007.
6. ICSC Resolution 41/7, 2008.
8. ICSC Resolution 41/7, 2008.
It is in your interest to regularly update your post description.

In Judgment No. 3589 the complaint was dismissed due to lack of evidence that his organization had failed to follow protocol. Additionally, many claims he made against his organization’s Human Resource Management Office (HR) were, in fact, decisions completely at the discretion of HR and that the ILOAT could not have challenged in this context. The highlights the authority of HR in reclassification, and had they not followed their own procedures correctly, the complainant may have won. It is HR’s responsibility to follow the procedures fairly and thoroughly while assuring that all descriptions are accurate enough to make a proper evaluation of whether reclassification is necessary. Emphasis should be put on keeping descriptions entirely up to date to avoid any incorrect evaluations.

Several cases demonstrate the time-sensitivity of the issues surrounding post descriptions and classification. The Tribunal ruled that it does not have the authority to require each complainant’s respective organization to retroactively reclassify a position, for cases in which complainants had already retired. Judgment No. 3374 shows how excessively prolonged internal appeal procedures may hurt an organization’s defense: the ILO had to pay the complainant compensation for moral injury because of their delay in acting on an internal appeal. As the time period in which reclassification issues can be adjudicated may elapse, staff members challenging their organization in terms of post classification also must be timely in filing appeals or complaints. In Judgment No. 3839, the complaint of a staff who requested post reclassification was dismissed due in part to not acting within the time frame for his complaint to be valid.

Conclusion and recommendation

It is crucial that staff members understand how their posts have evolved during their tenure and if these changes justify a reclassification, because their unawareness can cost them significant financial losses and career advancement. Roles don’t stay stagnant over time, and should adapt to the needs and available technology of the present context, which will be mutually beneficial for both staff and their organizations. Post descriptions should be updated at a minimum every five years in order to properly reflect the changing reality of a post. Growth and development within roles will keep organizations fresh, lively, and preeminent. Furthermore, ensuring due compensation based on staff member’s post descriptions and classifications would promote a work culture of respect and sense of fairness.

1. FICSA regularly offers workshops on job descriptions and classifications for staff representatives.
2. Strengthening the UN, Human Resources.
3. Overview of Job Classification, FICSA 2017, Aaron Peacock, Slide 24
4. Overview of Job Classification, FICSA 2017, Aaron Peacock, Slide 6
5. Presentation of the New GS Master Standard, FICSA -October 2017, Aaron Peacock, Slide 25
7. Overview of Job Classification, FICSA 2017, Aaron Peacock, Slide 10
9. 121st Session, ILOAT Judgment No. 3374.
10. Judgment referenced occurring after the retirement time of the complainant: Nos. 3834
11. 118th Session, ILOAT Judgement No. 3374
CAN WE ACHIEVE REAL ACCOUNTABILITY IN THE UN COMMON SYSTEM & TRULY PROTECT WHISTLEBLOWERS?

By: Gemma Vestal, Alexa Tecson, Caroline Southard, and Brett Fitzgerald

Though whistleblowing may bring misconduct to light, confidentiality, competence, and integrity.2 Such sections are founded on the UN Charter itself, which, ideally, is supposed to not only encourage transparency in the organization, but also to uphold the “highest standards of efficiency, competence and integrity” of working conditions.3 Supposedly, this protection extends to all UN staff members, interns and volunteers.4 But despite the UN claiming otherwise, certain employees, particularly those in powerful positions, easily evade the consequences of their actions by shifting the blame and criticism on whoever sounded the alarm.

Feedback from Staff

The Global Staff Satisfaction Survey conducted by the staff unions of the UN Secretariat in 2017 shows that UN staff are largely dissatisfied with the efficacy of their management, particularly within the Office of Internal Oversight Services (OIOS).5 The most common complaints include weak leadership, poor communication skills, an overall lack of integrity and commitment to following protocol. Many of the written responses to this survey describe how there is a serious need for enacting increased accountability, rather than rhetoric.6

What has happened to whistleblowers?

Recently, the reputation and competency of the UN have been tainted by several cases in which whistleblowers were punished, rather than protected, for bringing to light the misconduct they observed. In perhaps the most controversial, the case of Anders Kompass highlights how in the UN, there is an accepted practice to sweep extreme misconduct under the rug for the sake of keeping scandals hushed, while scapegoating those bringing the misconduct to light. Reporting sexual harassment of young children by peacekeeping troops in the Central African Republic, Kompass himself was put under investigation “for improperly disclosing confidential information.”8 The United Nations High Commissioner for Human Rights immediately put Kompass under investigation for including the names of victims in his report.9 Asked to resign but refusing, Kompass faced suspension and defamation by UN senior officials. Though later exonerated, Kompass revealed he never felt “fully accepted back on board as a valuable staff member” and decided that it would be best for him to resign, believing that the UN cannot properly keep its promises of progress and protection without dramatic change towards ethical behavior.10

Later in 2016, Emma Reilly reported that an Office of the United Nations High Commissioner for Human Rights (OHCHR) senior official had provided the Chinese government the names of Chinese human rights activists applying to attend the Human Rights Council in Geneva. The Chinese government subsequently detained them. This act of disclosure completely contradicted the intentions of the OHCHR to protect these activists. Surprisingly, Reilly’s report received no reaction from OHCHR Administration and instead, Reilly suffered from workplace harassment.11 Seeking the intervention of the Ethics Office in New York, Reilly was denied the support she needed, as the Office did not see any viable evidence of this retaliation.12

Accountability in the International Civil Service Commission

It has been reported in the press that the International Civil Service Commission (ICSC) faces numerous charges of sexual abuse in its New York Office. Although part of the investigation conducted by the UN’s Office of Internal Oversight Services (OIOS) is apparently still ongoing, and although the charges have allegedly been denied, it is debated whether the Commission is accountable for the “zero tolerance policy” instated by Secretary-General Guterres. As “an independent expert body established by the United Nations General Assembly,” the ICSC seems to be an exception to the UN’s authority. Its status as an “exception” from policies combating such a grave matter discredits both its capacity to handle its own internal monitoring and its commitment to accountability, as well as the efforts of the UN. This, in addition to the ICSC’s neglect in reviewing the 2016 cost-of-living survey results when recommended by consultants, challenges its legitimacy. At the 35th session of the High-Level Committee on Management, ICSC intervened with the idea of having a review of the ICSC and its work on a periodical basis. Operating outside of the UN’s realm does not exempt the ICSC from the reality that without accountability, faith and trust in it will be lost.

A Danger to the UN

The lack of accountability and protection for whistleblowers damages the United Nations’ reputation. Scandals like these make the United Nations appear as a hypocritical bureaucracy which prioritizes the

NB: Although UN documents are cited in this article and the Secretary General’s Bulletin is quoted, the authors want to emphasize that the UN common system organizations specifically and the UN common system as a whole need to address organizational accountability and ensure the protection of whistleblowers.

The UN defines accountability as “the obligation of the Secretariat and its staff members to be answerable for all decisions made and actions taken by them, and to be responsible for honoring their commitments, without qualification or exception.”1 Following the Secretary General’s bulletin for the “Protection Against Retaliation,” UN staff members are obligated to “blow the whistle” and report any misconduct they observe in their organizations.2 Anyone who blows the whistle “in good faith has the right to be protected against retaliation.”3 Whistleblowers act as a valuable primary source of information in an investigation of misconduct or abuse allegations. Pricewaterhouse-Coopers’ 2007 crime survey reports that globally, 8% of fraud incidents had been brought to light thanks to whistleblowing hotlines and 21% reported through tip-offs from internal sources.4

Does this reflect reality?

This straightforward approach to reporting misconduct is often complicated by office hierarchy and politics. In theory, anyone who reports injustice or immoral conduct should be commended, or at the very least, protected from those who seek to silence them. In order to safeguard the reputations of the guilty parties. Though whistleblowing may bring misconduct to light, it has been repeatedly demonstrated that the policies to protect whistleblowers have seen little success. The level of commitment to accountability fluctuates depending on who is accused, often resulting in whistleblowers becoming targets for retaliation and at the mercy of a high-powered individual who has influence over their careers.

The Secretary General’s bulletin states that this perverse result “violates the fundamental obligation of all staff members to uphold the highest standards of efficiency, competence, and integrity.”5 Such sections are founded on the UN Charter itself, which, ideally, is supposed to not only encourage transparency in the organization, but also to uphold the “highest standards of efficiency, competence and integrity” of working conditions.6 Supposedly, this protection extends to all UN staff members, interns and volunteers.7 But despite the UN claiming otherwise, certain employees, particularly those in powerful positions, easily evade the consequences of their actions by shifting the blame and criticism on whoever sounded the alarm.

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highly-ranked over those who seek and deserve justice and which turns a blind-eye to the conduct it ostensibly seeks to eradicate. Why would someone trust and respect organizations that promise to help fight injustice and inequality yet prosecute the very people who speak out when they observe violations and exploitations? Saving the reputation of those who have violated ethical standards compromises the reputation of the whole system. The more the public, member states, and other international organizations are aware of how these transgressions were not properly managed, the less trustworthy and legitimate the United Nations’ words and actions become.

The cases of Kompass and Reilly seem more of a cautionary tale than inspiration to those who aim to uphold values and policies of the UN. Why would anyone risk the trials and job losses that previous whistleblowers have faced? How can we expect anyone to come forward when there is no guarantee of protection?

Scapegoating whistleblowers instead of holding the perpetrators accountable perpetuates the issues. Misconduct like the sexual exploitation and abuse that occurred in the Central African Republic may be uncovered, but never actually solved, allowing those who have committed the infractions to walk away free. The disregard for accountability fails the victims of misconduct, as they are cheated out of the safety and justice they deserve. It is hardly encouraging for whistleblowers to speak up if the sacrifice of their careers cannot even help those who were victimized by breaches of policy. Moreover, the lack of protection for whistleblowers deters acting with the integrity required to save the UN’s reputation.

Conclusion and Recommendation

The UN common system, as well as any international organization that aims to pursue the common good, needs action that enforces accountability and protects whistleblowers, not empty rhetoric. A strict commitment to accountability, regardless of who is being held accountable, is necessary to maintain long-term trust and credibility. Staff cannot be afraid to act ethically; their jobs should not be a sacrifice for the sake of doing what is right. Accountability can be ensured by conducting audits by a third party in order to preserve unbiasedness in reports and disciplinary actions. In particular, the ICSC should be reviewed once every 5 years and be accountable for their decisions and recommendations, which affect all staff of the UN common system. Once the precedent is set that no one, regardless of their position, is above accountability in the UN common system, the world at large would regain its respect and be once again fully supportive of the various lofty UN mandates.

2. Article 101, section 3
3. Page 10, survey based on interviews conducted over 5,400 companies in 40 countries
4. Section 2, ST/SGB/2017/2
5. Section 1.3, ST/SGB/2017/2/Rev.1
7. Id. 
10. Id.
## FICSA MEMBERS ASSOCIATIONS AND UNIONS

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<td>Rome</td>
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<td>Rome</td>
<td>General Secretary</td>
<td>Ms. Silvia Mariangeli</td>
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<td>Vienna</td>
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<td>Mr. Ibrahim Fall</td>
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<td>Mr. Shahin Huseynov</td>
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<td>New Delhi</td>
<td>President</td>
<td>Dr. Pawanjali Dev Nayar</td>
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<td>Ms. Mina Kashiba Bheera</td>
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<td>Kuala Lumpur</td>
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<td>Mr. Irwan Shahreza Mohd Razali</td>
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<td>Geneva</td>
<td>President</td>
<td>Mr. Christopher Mason</td>
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MEMBERS WITH ASSOCIATE STATUS

ASSOCIATE MEMBERS

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<td>Ms. Carine Michotte</td>
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<td>Mr. Ghislain Roy</td>
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<tr>
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<td>Vienna</td>
<td>President</td>
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<td>Mr. Carlos Bowles</td>
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<td>Garching</td>
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<td>Mr. Gie Han Tan</td>
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<td>The Global Fund</td>
<td>Geneva</td>
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<td>London</td>
<td>Chair</td>
<td>Mr. Esteban Tinoco</td>
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<td>International Coffee Organization (ICO)</td>
<td>London</td>
<td>Chair</td>
<td>Mr. Darcio De Camillis</td>
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<td>International Development Law Organization (IDLO)</td>
<td>Rome</td>
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<td>Ms. Eind Muthoni</td>
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<td>N/C</td>
<td>Ms. Ana Maria Lopez</td>
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<td>International Organization for Migration (IOM)</td>
<td>Geneva</td>
<td>Chair</td>
<td>Mr. Laurent de Boeck</td>
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<tr>
<td>Thermonuclear Experimental Reactor (ITER)</td>
<td>France</td>
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<td>Organization for the Prohibition of Chemical Weapons (OPCW)</td>
<td>The Hague</td>
<td>Acting Chair</td>
<td>Ms. Megan Lehmann</td>
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<td>Brussels</td>
<td>Chair</td>
<td>Ms. Deborah La Monica</td>
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<td>World Trade Organization (WTO / OMC)</td>
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<td>Chair</td>
<td>Ms. Sara Thizy Nilsson</td>
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ASSOCIATE MEMBERS

FEDERATIONS OF UNITED NATIONS STAFF ASSOCIATIONS (FUNSA)

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

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<tr>
<th>Federation</th>
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OBSERVER STATUS

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<td>Sudan</td>
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<td>India</td>
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</tbody>
</table>
UNE ENTREPRISE ÉCORESPONSABLE
Partenaire des fonctionnaires internationaux

Par Patrice Bièvre
La rédaction
redaction@monde-economique.ch

Desde sa création, cette société est très impliquée dans le domaine du développement durable. C’est au niveau de sa politique de recrutement que les conséquences de ces décisions relevant du bon sens sont le plus visibles. Par exemple chez « Dallais SA » en vue de réduire l’impact carbone au quotidien, il a été décidé de ne recruter que des collaborateurs vivant à proximité de l’entreprise. Aujourd’hui 90% des employés habitent à proximité de leur travail ce qui engendre un effet très positif sur leur moralé et qui accroît le temps disponible pour leur vie privée. N’oublions pas que ces mêmes collaborateurs, quand ils se rendent sur le lieu d’une intervention utilisent une flotte de véhicules non polluante fonctionnant au gaz naturel.

Ce qui a un impact hautement positif sur le compte d’exploitation de l’entreprise puisque l’usage de cette énergie propre a contribué à réduire les frais d’entretien des véhicules d’intervention de 40%. Outre ceci, la gestion des déchets est aussi de rigueur tous les jours les mètaux, les papiers les cartons et les gravats font l’objet d’un tri sélectif.

En sus de cela, à l’occasion de la rénovation de ses locaux, la société s’est dotée d’une citerne d’une capacité de 3000 l lui permettant de stocker durant toute l’année des eaux de pluie. Résultat des courses elle peut réduire de manière significative sa consommation d’eau potable. C’est ainsi que pour faire marcher ses installations sanitaires et nettoyer ses outils elle consomme moins d’eau courante. D’ailleurs c’est après avoir visité cette installation qu’une entreprise du secteur du bâtiment a décidé de se doter d’un kit similaire pour réaliser des économies lors du lavage de ses véhicules de chantier.

Quand on écoute Olivier Dallais l’actuel dirigeant, on comprend tout de suite qu’il ne propose à ses clients que des produits, qu’il a testé lui-même et qu’il utilise pour de bonnes raisons. Par exemple c’est lors de la visite d’une région d’Amazonie où il a testé lui-même et qu’il utilise pour de bonnes raisons. Par exemple c’est lors de la visite d’une région d’Amazonie où la pénurie d’eau se faisait cruellement sentir, qu’il a décidé de se lancer dans la mise en place d’installations permettant de gérer cette ressource de manière optimale. Les produits qui sont proposés aux clients poursuivent deux objectifs : le premier réduire la consommation d’énergies fossiles et le deuxième réduire la production de déchets. C’est pour cela que quand ses techniques installent une chaudière ils la couplent à un panneau solaire pour réduire sa consommation de mazout ou de gaz. Pour éviter l’achat de bouteilles d’eaux gazeuses dans les bars, ils leur proposent de fabriquer eux même leur eau gazéifiée.

Aujourd’hui l’expertise de la maison « Dallais SA » en matière de développement durable ne fait plus l’ombre d’un doute. La preuve en est, cette maison est régulièrement sollicitée par les régies, les architectes et les services industriels pour la rénovation ou la conception d’installations. Avoir sa pérennité dans le milieu, il apparaît évident que démarche écoresponsable et rentabilité ne sont pas incompatibles.

Avant de finir il est important de rappeler que la maison Dallais, c’est aussi une forme de management fortement influencée par les valeurs issues du compagnonnage puisque le fondateur de l’entreprise Monsieur Jacques Dallais est Compagnon. Cette branche du mouvement ouvrier français existant depuis le moyen Age, très présente dans le domaine de la formation artisanale. Parmi les valeurs que prône cette institution il y a en sus de la solidarité et le respect entre les membres, l’amour du travail bien fait, la conscience professionnelle et surtout le partage du savoir pour assurer la pérennité du métier. Depuis 2010, le compagnonnage français est inscrit au patrimoine culturel immatériel de l’humanité pour sa contribution à la transmission des savoirs et savoir faire.
FEDERATIONS WITH OBSERVER STATUS

The world of FICSA

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<thead>
<tr>
<th>FEDERATIONS WITH OBSERVER STATUS</th>
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<td><strong>FASAPNUP</strong> Federation of United Nations Staff Associations in Peru</td>
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### ASSOCIATIONS WITH CONSULTATIVE STATUS

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<td>IMF</td>
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### ABBREVIATIONS

**ASSOCIATIONS**

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