FICSA COUNCIL

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REPORT OF THE STANDING COMMITTEE ON HUMAN RESOURCES MANAGEMENT

Introduction

1.   The Standing Committee on Human Resources Management (HRM – see Appendix 1 for participants) met on 12 and 14 January 2021 to address its agenda. It adopted an agenda and elected Fernando Russo (UNIDO) as Rapporteur.

Agile contractual modalities and the international civil service

2.   During the meeting of the High-Level Committee on Management (HLCM) in August 2020, the Chief Executives Board for Coordination (CEB) Task Force on the Future of the UN System Workforce sought HLCM's endorsement to proceed with the development of a new model contractual modality that would:

(a) complement existing contract modalities;

(b) support the UN in becoming a more agile organization;

(c) provide personnel with transparency around contract durations and predictability;

(d) enable career development and agility;

(e) be simple to administer and to understand;

(f) be financially sustainable for the organizations;

(g) ensure appropriate cover for social-protection and duty-of-care provisions;

(h) foster diversity and inclusion;

(i) allow for flexible and virtual working arrangements; and

(j) be fair and transparent, and ensure accountability.

3.   The Task Force's scope of investigation included soliciting experiences from organizations, as well as best practices and benchmarks from the private and public sectors, and considering environmental factors. A key request was to explore options with sufficient flexibility for individual UN system entities to adapt the modality to their specific needs. Well-being in general, family care, part-time work, career development, mobility and compensation were most often cited as critical areas to take into account.

4.   HLCM based its discussion on ICSC's review of the implementation of the current three types of contract: continuing, fixed term and temporary. The _Interim_

report of the CEB Task Force on the Future of the United Nations System Workforce (CEB/2020/HLCM/16), submitted to HLCM as a conference paper, included the findings collected in a questionnaire circulated in 2019.

5.   While HLCM's overarching ambitions were admirable, the conference paper failed to mention organizations' other cited drivers of their pursuit of additional contractual modalities:

- greater need for technical cooperation staff on extrabudgetary positions and positions funded with programme support income;

- budgetary constraints;

- budgets with zero nominal growth;

- refinement of temporary appointments;

- alternative sources of funding;

- quick deployment for accelerated project delivery outside of seasonal and peak workloads;

- reducing obligations to long-term staff.

Interestingly, some entities with sufficient funding and widespread political support had already found that existing "contractual arrangements continued to meet their needs".

6.   A 2020 ICSC report, *Contractual arrangements: review of the implementation of the three types of contracts* (ICSC/90/R.3), on which HLCM based its work, noted recent trends that indicated the need for diversification in the use of contractual arrangements, including the rise of the gig economy and business models such as Uber's, which had led to greater and more flexible opportunities for employers and employees around the world. HRM agreed that staff unions and associations of civil service bodies needed to reject that trend in its entirety, even though it was already a reality in many organizations' overuse of irregular employment practices. Noting HLCM's guiding principles, HRM concluded that the gig-economy approach was in any case incompatible with the Task Force's ambitions.

7.   HRM noted that the work going forward on the new model contract would need:

- to consider lessons learned from COVID-19, in terms of both opportunities and risks;

- to build a stronger foundation for the UN in the longer term;

- to be financially sustainable, and to include efforts to provide transparency on the financial implications of the proposal (including potential savings);

- to consider fully virtual or non-location-specific contracts that explore cost-savings as a result of not granting expatriate entitlements;

- to be developed in consultation with relevant stakeholders, including staff unions and ICSC;

- to embed considerations of the diversity of the workforce, to ensure that no particular group was left behind, including such dimensions as: nationality, gender, ethnicity, age, dis/ability, sexual orientation, marital status, parental status including single, childless or childfree status, religion and hierarchical level;

- to permit virtual work locations when an organization wants to maximize mobility, and flexible working arrangements to allow a staff member to work from a different location (post-adjustment work-around);

- to be voluntary, allowing organizations to choose whether to participate.

8.   HRM appreciated seeing that a role for the staff union was considered from the start in negotiating the new contractual modality, which indicated the seriousness of political leadership's consideration of the endeavour. HRM questioned, however, the necessity of an endeavour originating from financially and politically challenged organizations.

9.   As all staff associations'/unions' primary objective was to protect the interest of their constituencies, HRM thought that continuing FICSA's conservative stance on the definition international civil servants was entirely appropriate. The term was over 100 years old, and the core concept relied on a service that catered to multilateral needs, rather than those of individual countries. Imminent challenges, such as climate change, and emerging ones, such as new digital technologies, increased the need for a high-quality civil service. In addition, UN staff provided continuous service to world and were not a pool of individual experts. The core work of UN staff was enshrined in [Article 100](#) of the UN Charter:

In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

HRM therefore could not support notions that would make employment overly reliant on short-term budgets and extrabudgetary resources, and where advocated by Member States and other stakeholders expecting that such a business culture be replicated in the United Nations common system.

10.   While phrases such as "being flexible to better serve our Member States" were popular and familiar, in reality UN staff did not serve Member States, but the mission they had chosen. Similarly, national civil services served their constitutions, not the current political leaders. The principle of independence from national governments was why executive heads enjoyed full diplomatic immunity, and staff travelled with *laissez-passers*.

11.   Looking at how Member States deployed their civil services, HRM found a distinct employment framework for statutory civil servants across all Organisation for Economic Co-operation and Development (OECD) countries, while private-sector labour law governed other personnel, such as government employees, and consultants, who enjoyed a different set of employment conditions. Deviations in conditions entailed compensation, pension, health benefits, access to training and career progression. Most national administrations had recognized the impact of a strong civil-service framework on public employment systems' effectiveness in attracting and retaining skilled employees and motivating them to realize their potential to produce good governance outcomes. Finding a good balance between the different employment modalities was critical to give public services the flexibility they needed to develop and manage a workforce with the optimal range of skills. Without a clear understanding of the ideal mix of modalities and employment contracts for various occupational functions, however, public administrations risked fragmentation of their internal labour market.

12.	Across OECD countries, an average of 68% of government employees were statutory civil servants. Good governance required clear and transparent employment modalities, that aligned to the principles of government work and supplemented specific labour-market requirements. A sound framework for civil service employment was also key to enticing prospective candidates to join and remain in the public sector, and be dedicated, knowledgeable and impartial in their work.

13.	Impartiality would remain an international organization's biggest strength and competitive advantage in finding and implementing solutions to multilateral problems. Nevertheless, impartiality was not easy to maintain, and those attempting to re-engineer the core of the UN contractual framework needed to ask themselves whether the UN could remain impartial under the new circumstances proposed. Reviewing anecdotal evidence of Member States or other stakeholders trying to influence organizations through their officials and networks, HRM wondered whether agile contracts would facilitate or impede such efforts. HRM also noted that future staff members employed under the proposed provisions would be equal members in their staff associations/unions, but unequal in terms of the benefits and privileges of its employment framework. That would create a cultural divide across a number of employment dimensions.

14.	HRM agreed on the need for FICSA and all its members to stand behind UN staff and remained confident that the status quo fully reflected the meaning of Article 100 of the UN Charter. It therefore concluded that the best way forward was firm advocacy of retaining the current contractual framework.

15.	While acknowledging public criticism of the UN's impartiality and independence, HRM agreed that the challenges faced by the multilateral system required a framework driven by cooperation, science and global governance, thus requiring a functioning, impartial international civil service. Because Member States still primarily sought a fully global multilateral system that took a coordinated approach to the current, unprecedented opportunities and threats, which transcended political borders, FICSA and staff associations/unions could confidently advise caution to those attempting to alter the status quo, particularly if financial motives were not the most important driving factors.

Conclusion

16.	HRM found no convincing evidence that a new contract modality could be verifiably more effective and/or attractive to potential staff, UN organizations, Member States and other stakeholders. It agreed, however, that more data could be collected to substantiate this hypothesis.

17.	Because the UN could look back at a system that had proved itself a reliable driver for global collective action for over 100 years, change would need to be carefully considered, and not based on short-term expectations of value for money.

18.	Staff representatives' scepticism about new contractual modalities stemmed from caution, risk awareness and the knowledge that the current framework was the most suitable to deliver on the UN Charter's ambitions, not from fear of change.

19.	Discussions on adopting a more supposedly agile contractual framework for international civil servants were luckily still in their infancy. Looking at similar exercises, HRM anticipated that concrete action was still years away. As the Secretary-General would have strong involvement in those discussions, his re-election would further delay proceedings, giving staff representatives ample time to prepare further.

20.   Looking at the wide possibilities and tools available to the UN General Assembly to shape the international civil service, HRM concluded that introducing a competing employment framework was not feasible.

21.   With the support of the FICSA ExCom, HRM would collect data from the membership on organizations' use of non-regular personnel, particularly on their geographic representation and educational background. That research would also include analyses of risk and strengths, weaknesses, opportunities and threats (SWOT), focusing on business needs rather than budgetary advantages.

22.   HRM would use those data to draft a white paper that would dive deeper into the nature of the international civil servant and present a credible vision for the future working culture and sustainability of the UN workforce. The paper would give data-driven arguments for use by negotiators.

Recommendations

23.   HRM recommended that FICSA and its members should continue advocating the current contractual modalities available in the UN common system as fit for purpose to both HLCM and the Task Force on the Future of the UN System Workforce. FICSA and its members should continue to dismiss the idea of the UN adopting any gig-economy practices.

24.   HRM recommended that FICSA leadership should continue discussions on contract modalities at the 75th Council based on the white paper (refer to para 21/22.)

Joint standing committee session on flexible working arrangements

25.   HRM acknowledged the importance of finding a common set of principles to ensure the fair and equitable implementation of flexible working arrangements (FWA) across all organizations. Discussion at the previous joint session on that topic had highlighted the status of various agencies and the specific transformative changes due to COVID-19. Organizations would strongly reflect on their current provisions for FWA going forward and significant changes were imminent. FWA lacked both clear definitions across most agencies and equal application among field duty stations, and involved post-adjustment and logistical complications and dimensions; further, organizations' established policies on FWA varied widely.

26.   Recalling its commitment to provide progressive talking points and guides for members and concise opinions for the FICSA ExCom to use during negotiations, HRM called for agencies to follow the principles below by when developing or amending FWA policies.

(a) The organization and its varying levels of management support and adopt a default positive stance to FWA, based on the recognition that good work is based on performance, not staff's presence on premises.

(b) Recommendations for new/improved FWA policies are evidence-informed, and open to adopting or innovating on best practices from other UN agencies, NGOs, and the private sector.

(c) FWA are made available to all remunerated on-site members of the workforce, where practicable. This includes, for example, middle and senior management, professional staff, general services staff, national professional officers, and consultants in all duty stations.

(d) Organizations select appropriate FWA mechanisms based on an individual's roles and responsibilities, rather than their contract type or duty station.

(e) FWA mechanisms and their application avoid discrimination and stigmatization at all levels

27.   FICSA needed to continue its nondiscriminatory approach, meaning that FWAs were neither a right nor a reward. Multiple accounts reported stigmatization of FWA by linking them to either performance or predefined personal circumstances. Further risks were identified relating to post adjustment and salary.

Conclusion

28.   All members of FICSA needed to have a common understanding of FWA, including using a common set of principles in negotiations around them.

Enabling technologies

29.   In anticipation of the joint session of standing committees on that topic, HRM discussed the increasing role of digital technology in the ways that the UN worked, connected, communicated and collaborated. New technologies were one of the three focus areas and proposals highlighted in the *Interim report of the CEB Task Force on the Future of the United Nations System Workforce* (CEB/2020/HLCM/16) for HLCM.

30.   The current high-level discussions showed that organizations and their personnel needed to embrace new technologies and maximize personal learning and training, to keep up with the digital transformation. The risks to personnel management identified included virtual micromanagement, expectations that personnel were always online and irregular working hours. General risks were identified in relation to data and personal privacy, bias embedded in algorithms for artificial intelligence (AI), and legal concerns. All those issues would be further discussed at the joint session.

31.   HRM had sent out a short questionnaire on enabling technologies to FICSA members (see Appendix 2 for slides showing its results). The collected data suggested that members were most concerned about compliance, unbiased use of data and ethical issues.

Conclusions

32.   HRM concluded that the principle that the human remained in control needed to be pursued across all tools and processes, and endorsed FICSA's plan to hold expert sessions to discuss the topic in more depth throughout 2021. HRM encouraged interested staff representatives to take part in any upcoming joint sessions, as well as the expert sessions.

33.   Training would be fundamental to the success of any endeavours to implement new technologies. Training was needed not only for the users of technology but also their managers, who needed to know how to manage, evaluate and fully utilize a workforce enabled by technology to meet organizations' goals. Organizations needed to plan and execute any major upskilling and reskilling efforts in cooperation with staff associations/unions, to avoid overburdening their information technology departments and to ensure that existing technologies we correctly and efficiently used.

Recommendation

34.   HRM recommended that it should produce one-page document relevant angles for FICSA to use in negotiations with HR Network and HLCM.

Nomination of HRM officers and core group members

35.   The following delegates were nominated as HRM officers:

- Steven-Geoffrey Eales (UNIDO) as Chair

- Ambretta Perino (UNFCCC) as Vice-Chair

- Sofya Hambaryan (IAEA) as Vice-Chair

36.   The following participants were nominated as members of the core group:

- Veronique Allain (SCBD)

- Andrea Palazzi (UNAIDS)

- Silvia Mariangeloni (WFP)

- Paola Franceschelli (FAO)

- Anthony Ndinguri (ICAO).

Appendix 1. Participants

Chair	Steven-Geoffrey Eales (UNIDO)
Vice-Chair	Sofya Hambaryan (IAEA)
Vice-Chair	Ambretta Perino (UNFCCC) as
Rapporteur	Fernando Russo (UNIDO)
FICSA President	Tanya Quinn-Maguire (UNAIDS)
FICSA General Secretary	Evelyn Kortum (WHO/HQ)
FICSA ExCom members	Véronique Allain (SCBD), Kay Miller (WHO/EURO), Pilar Vidal (WHO/PAHO)
Regional Representatives	Rajesh Mehta (WHO/SEARO), Anthony Ndinguri Karanja (ICAO)

Staff associations/unions

AP-in-FAO	Jakob Skoet
FAO/WFP-UGSS	Paola Franceschelli, Susan Murray, Silvia Mariangeloni
IAEA	Anna Schlosman, Elisabeth Feit,
ICAO	Andrew Brown, Sanya Dehinde, Viera Seben
IARC	Cécile Le Duc
IMO	Shereen Barry, Juan Lyu, Fola Odulana
OSCE	Nizar Zaher
SCBD	Lisa Pedicelli
UNAIDS	Andrea Palazzi
UNFCCC	Tracy Tollmann, Melita Kolundzic Stabile, Marie Jean Abrazado
UNESCO	Elia Matias, David Storti
UNGSC	Cosimo Melpignano
UPU	Stéphane Vuillemin
WHO/AFRO	Hamidou Bague
WHO/EURO	Antonella Biasiotto, Nathalie Germain Julskov
WHO/GSC	Khalid Aizat

Members with associate status

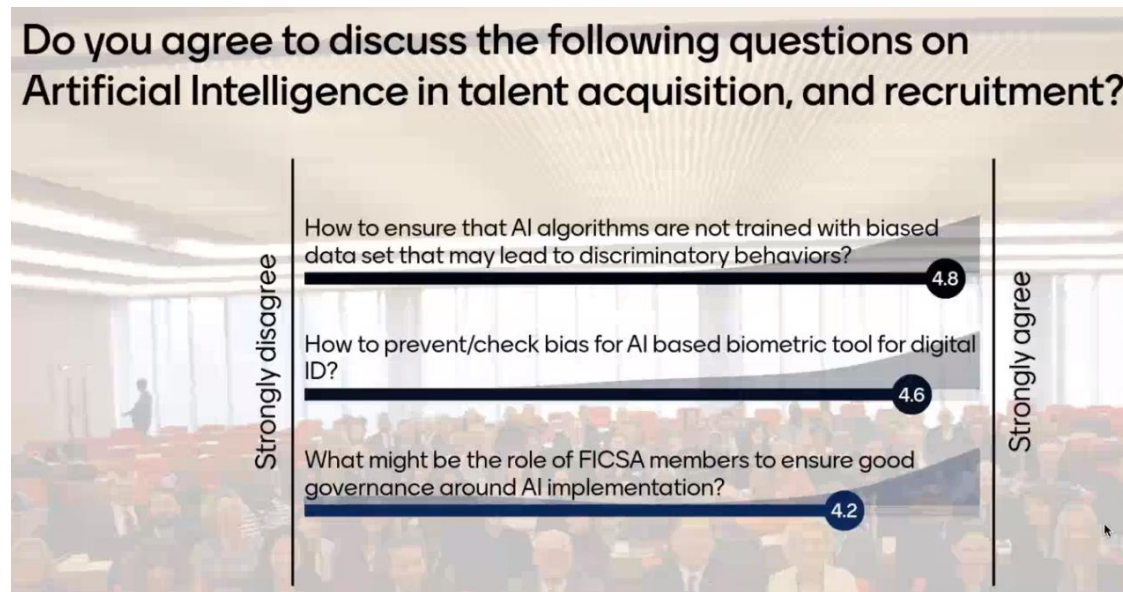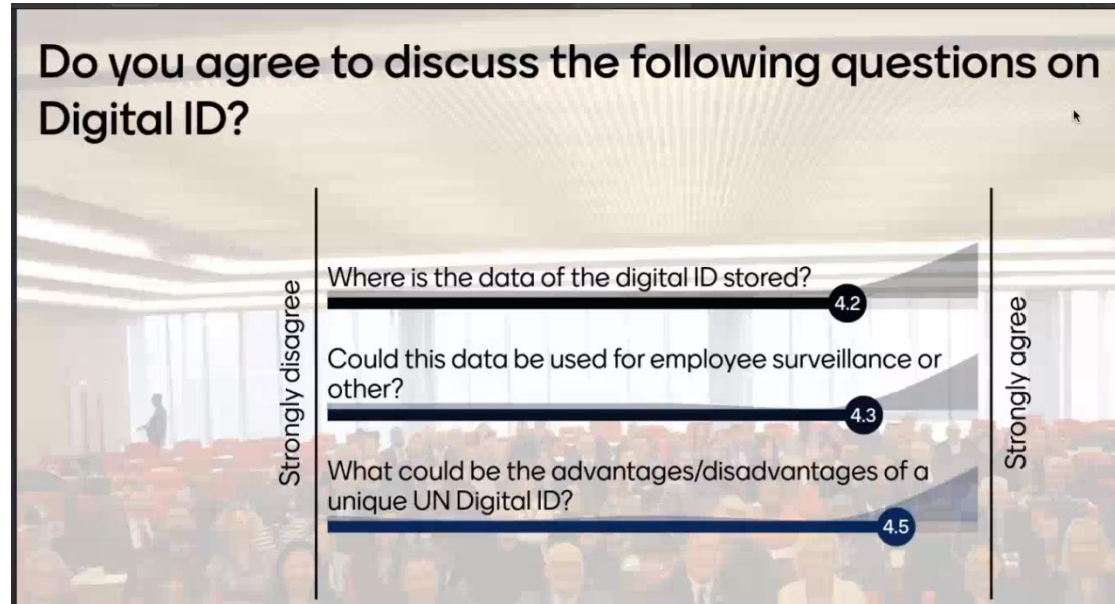|	
CTBTO	Michelle Delinde
OPCW	Alberto Fernandez
WTO/OMC	Muriel Carroz Salette

Members with consultative status
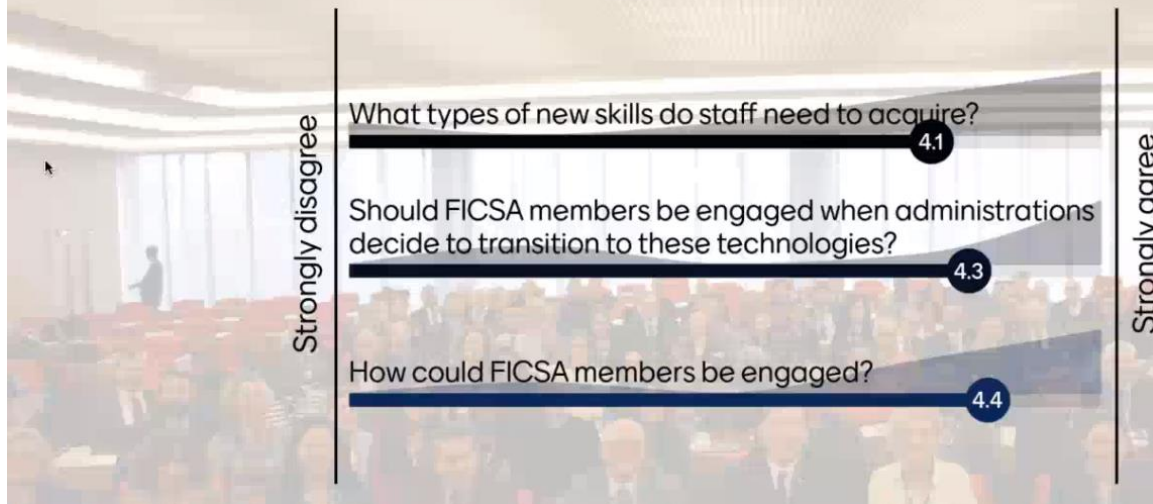
UNFCU   Elizabeth Philippe

Appendix 2. Results of HRM's poll on enabling technologies

The survey was sent to all FICSA members on 14 December 2020 and closed on 20 December. It asked respondents to evaluate (on a scale of 1 to 5) the relevance of some questions in order to have a more focused discussion during the joint standing committee session on 15 January 2021. (The original results are available here.) An average of 11 members answered the survey.

Do you agree to discuss the following generic questions in this session?

Strongly disagree — **Strongly agree**

What types of new skills do staff need to acquire? **4.1**

Should FICSA members be engaged when administrations decide to transition to these technologies? **4.3**

How could FICSA members be engaged? **4.4**

Please submit your questions/feedback for the Emerging Technology joint session

Would teleworking/working from home affect the entitlements of internationally recruited staff if they wish to work from outside the duty station?

More about social impact and ethical impact of the use of these technologies

Some introduction not too technical to Digital ID and what they are, how they work

Focus on ethical, impartial use of technology; respect for privacy; and buy-in from staff associations before these solutions are implemented are the focus. You have identified them well.

What regulating body will have authority and oversight?

This is a very useful initiative as the world transitions t remote working in response to COVID crisis. 1. How ar organizations preparedness reflected in this respons How will staff be supported in the long term with the d data?

How can we make sure that technology works for us and not against us, leading also to job loss?

Please plan for multi-lingual sessions to ensure staff participation is effective and productive.

What are the ethical issues related to AI and emerging technologies?

Appendix 3. Detailed information on recommendations

Recommendation for agenda item	Agile Contractual Modalities and the International Civil Service
Summary of issue	Notions to discuss the development of a new model contractual modality. International Civil Service and its distinct legal employment framework are once more under review under the premise of agility, transparency and sustainability.
Responsible person(s)	HRM Standing Committee
Next step(s)/ specific action(s)	4.1 FICSA to continue pursuing the conservative stance on the subject vis-à-vis the HLCM as well as the Task Force on the Future of the UN System Workforce that the current contractual modalities available in the UN common system are fit for purpose; 4.2 Collect data from constituent members on non-regular personnel use in particular geographic representation and educational background; 4.3 Draft a white paper, diving deeper into the nature of the International Civil Servant, delivering a credible outlook into a possible future working culture and sustainability of the UN workforce. Research should also include Risk and SWOT analyses focusing on business needs rather than budgetary advantages. The culminated research would support negotiators by adding data driven arguments for sustaining the status quo and denouncing agile contract ideas. 4.4 Continue discussions at the 75th Council including adoption of the white paper. 4.5 Continue to dismiss the ideas of 'gig-economy' practices in their entirety
Deadline	75th FICSA Council
Resources required (indicate estimated cost if applicable)	☐ Specialist/Consultant ☐ Legal Adviser ☐ SC Chair/Vice-Chair ☐ Core group member(s) ☐ FICSA Secretariat ☐ FICSA ExCom (Compensation, Field, Treasurer, Other) ☐ Volunteer/Intern ☐ Other (Please specify)
Deliverable	☐ Literature review ☒ Paper/Article ☐ Background paper with options

	☐ Legal article/review/opinion ☒ Talking points for high-level fora/forum – Advocacy ☐ Comparative study ☐ Good practices ☒ Recommendations/ guideline for SAs/unions
Issue for high-level fora	☐ International Civil Service Commission (ICSC) ☒ High-Level Committee for Management (HLCM) ☒ HR Network ☐ Joint Pension Board ☐ UN General Assembly ☐ Inter-Agency Security and Management Network (IASMN) ☐ Other (Please specify)

Recommendation for agenda item	Debrief on the Joint Session on Flexible Working Arrangements
Summary of issue	Member Organizations have administrations which express varying levels of support (in policy and in practice) for FWA. This makes a harmonized UN-wide policy in the short/medium-term. More realistic is a set of principles which Associations/Unions can take to their Administrations when advocating for improvements within their respective policies.
Responsible person(s)	HRM Standing Committee
Next step(s)/ specific action(s)	The committee would produce a one-page guide for the membership's perusal.
Deadline	75th FICSA Council
Resources required (indicate estimated cost if applicable)	☐ Specialist/Consultant ☐ Legal Adviser ☐ SC Chair/Vice-Chair ☐ Core group member(s) ☐ FICSA Secretariat ☐ FICSA ExCom (Compensation, Field, Treasurer, Other) ☐ Volunteer/Intern ☐ Other (Please specify)
Deliverable	☐ Literature review ☐ Paper/Article ☐ Background paper with options ☐ Legal article/review/opinion ☐ Talking points for high-level fora/forum – Advocacy ☐ Comparative study ☐ Good practices ☒ Recommendations/ guideline for SAs/unions
Issue for high-level fora	☐ International Civil Service Commission (ICSC) ☐ High-Level Committee for Management (HLCM)

	☐ HR Network
	☐ Joint Pension Board
	☐ UN General Assembly
	☐ Inter-Agency Security and Management Network (IASMN)
	☐ Other (Please specify)

Recommendation for agenda item x (title)	Enabling Technologies
Summary of issue	This issue is related to one of the three focus areas and proposals highlighted in the interim report of the Chief Executives Board for Coordination (CEB) Task Force on the Future of the United Nations System Workforce (CEB/2020/HLCM/16) for the High-Level Committee on Management (HLCM).
Responsible person(s)	HRM Standing Committee
Next step(s)/ specific action(s)	Produce a One-Pager with relevant discussion angles for negotiations with HR Network and HLCM. Interested colleagues to join any upcoming Joint Sessions as well as Expert Sessions hosted by FICSA.
Deadline	75th FICSA Council
Resources required (indicate estimated cost if applicable)	☐ Specialist/Consultant ☐ Legal Adviser ☐ SC Chair/Vice-Chair ☐ Core group member(s) ☐ FICSA Secretariat ☐ FICSA ExCom (Compensation, Field, Treasurer, Other) ☐ Volunteer/Intern ☐ Other (Please specify)
Deliverable	☐ Literature review ☐ Paper/Article ☐ Background paper with options ☐ Legal article/review/opinion ☐ Talking points for high-level fora/forum – Advocacy ☐ Comparative study ☐ Good practices ☒ Recommendations/ guideline for SAs/unions

Issue for high-level fora	☒ International Civil Service Commission (ICSC)
	☒ High-Level Committee for Management (HLCM)
	☒ HR Network
	☐ Joint Pension Board
	☐ UN General Assembly
	☐ Inter-Agency Security and Management Network (IASMN)
	☐ Other (Please specify)