



COMMUNICATIONS

FICSA RESOLUTION ON THE PROTECTION OF ELECTED STAFF REPRESENTATIVES

31/22

**Geneva
26 October 2022**

To: All FICSA Members

From: Tanya Quinn-Maguire, President

Dear Colleagues,

You will have seen that FICSA Resolution 75/1 was recently sent to the UN Secretary General with copies to all the Executive Heads of organizations with FICSA members (message attached for ease of reference).

The FICSA Executive Committee strongly urges all member staff associations / unions to follow-up with their respective administrations with a view to discussing what steps have / will be taken within the organization to ensure that elected staff representatives are protected against retaliation, harassment and bullying.

In line with the 75th Council's recommendation on this item, we look forward to your feedback to the FICSA Secretariat on any discussions on this topic which will assist us in reporting back to the 76th FICSA Council which will take place in Valencia from 6 to 10 February 2023 (pre-meetings on 5 February).

The FICSA Secretariat and Executive Committee members remain at your disposal to discuss this issue further as required.

Encl.

Ref. UN NY Admin

Geneva, 21 October 2022

Dear Mr. Secretary-General,

Staff representatives have long underscored the importance of freedom of association for staff representation within their organizations, and respectful and supportive environments as fundamental to the rights of staff and essential for the effective performance of the UN's functions. In this respect at the 75th Council of the Federation of International Civil Servants' Associations (FICSA) held at the IAEA in Vienna from 25 to 29 April 2022, we took the opportunity to discuss this issue in the context of our own UN workplaces.

The attached resolution was unanimously adopted by the members of FICSA, representing almost 40,000 UN staff, during the 75th FICSA Council. The resolution calls for each organization to review their respective policies and/or formulate new policies related to staff representation as necessary.

FICSA's member staff associations and unions look forward to working with you and their respective senior management counterparts to address concerns related to staff representation. Together we can reinforce a culture of accountability in the UN and ensure that all UN personnel can benefit from and contribute to an inclusive and respectful workplace.

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



Tanya Quinn-Maguire
President

Mr. António Guterres
Secretary-General
United Nations
New York, NY 10017, USA

Cc: Ms. Catherine Pollard, Under-Secretary-General for Management Strategy, Policy and Compliance
Ms. Martha Helena Lopez, Assistant Secretary-General for Human Resources Management
Executive Heads of FICSA member organizations
FICSA member associations/unions

Resolution 75/1

Resolution of the 75th FICSA Council on the protection of elected staff representatives against retaliation, harassment and bullying

The 75th FICSA Council, meeting at the Vienna International Centre in Vienna from 25 to 29 April 2022, **Recalling** [resolution No. 71/1](#) against harassment in the UN Common System adopted by the 71st FICSA Council;

Recalling also Articles 30, 31 and 32 of the International Civil Service Commission's [Standards of Conduct for the International Civil Service](#);

Recalling UN General Assembly [resolution A/RES/73/342](#), adopted by its seventy-third session, which reaffirms the United Nations' commitment to the [International Labour Organization Centenary Declaration for the Future of Work](#)¹;

Further recalling the International Labour Organization [Workers' Representatives Recommendation No. 143 of 1971](#), and [Freedom of Association and Protection of the Right to Organise Convention, Recommendation No. 87 of 1948](#);

Underscoring the need to uphold the protection of staff representatives and staff representative bodies provided for, *inter alia*, by [item 8.1](#) in chapter VIII of the United Nations staff rules and regulations, as well as by the majority of the staff rules and regulations of FICSA member organizations², and noting the relevance of such rules and regulations for all the Organizations and Agencies members of FICSA and under the umbrella of the United Nations Common System;

Reiterating the findings of the Joint Inspection Unit ([JIU](#)) in its [2012 report on Staff-Management relations](#) in the United Nations specialized agencies and common system, which noted that staff representatives are "[...] entitled to specific protections in the performance of their representational functions, as recognized both by international administrative tribunals – ILO Administrative Tribunal (ILOAT), United Nations Dispute Tribunal (UNDT), the former United Nations Administrative Tribunal (UNAT) – as well as in the Staff Rules and Regulations (SRRs) of several, but not all, the organizations concerned. UNAT has clearly stated that: 'It is an indispensable element of the right of association that no action should be taken against a member of the staff on the ground that he [or she] is or has been an officer or representative of the Staff Association or has otherwise been active in the Association'";

Further noting the fundamental importance to the United Nations and, in general, to all international organizations, of an inclusive, respectful, and supportive work environment as essential for the effective performance of their functions and delivery of their mandate;

¹ Para 4 of [A/RES/73/342](#): "Recognizes the particular relevance of the International Labour Organization Centenary Declaration for the Future of Work in informing the work of the United Nations system to shape a human-centred approach to the future of work, and in this regard encourages active dialogue and collaboration among the various bodies, funds, programmes and specialized agencies of the United Nations system, including representatives of employers' and workers' organizations, the private sector, civil society and other non-governmental organizations, with a view to strengthening policy coherence;"

² See for example other Staff Rules and Regulations of UN Common System entities at <https://ficsa.org/topics/un-common-system.html>

Acknowledging, with appreciation, the Organizations' continued support and commitment to strengthening staff representation at the UN Common System level through adoption of the HLCM Cost-Sharing for FICSA Elected Officials;

1. **Notes with grave concern** the increasing number of reports received by FICSA from their members over the past years of staff representatives alleging retaliation, bullying, or harassment against them at their workplace in the conduct of their staff representative duties and of the harm inflicted as a consequence;
2. **Reaffirms** FICSA's continued readiness to support Organizations and Staff Representative Bodies to improve dialogue and staff-management relations;
3. **Reminds all parties of** article 32 of the [ICSC Standards of Conduct for the International Civil Service](#), which states that all "*Organizations should avoid unwarranted interference in the administration of their staff associations or unions*", and that "[...] *staff representatives must be protected against discriminatory or prejudicial treatment based on their status or activities as staff representatives, both during their term of office and after it has ended.*";
4. **Stresses** that any such interference by an administration constitutes a violation of the basic principle of the right of representation and freedom of association and is against the conditions of service of all staff in the United Nations Common System;
5. **Reiterates** that a key factor in creating an enabling environment is the freedom of association, which is a fundamental human right and is essential for healthy, collaborative, and constructive staff-management relations and for improving transparency, ensuring due process, reducing conflicts and enhancing staff engagement;
6. **Reminds** Organizations that when staff representatives are elected the Organization is required to allow the respective staff to perform their representative duties without them suffering any prejudicial act, retaliation, or discrimination in accordance with, *inter-alia*, the above-recalled [ILO Recommendation 143](#), paragraph 5³ and [item 8.1 \(e\)](#) in chapter VIII of the United Nations staff rules and regulations and the [ICSC Standards of Conduct for the International Civil Service](#);
7. **Further reminds** Organizations of the United Nations administrative instruction [ST/AI/293](#), which specifically provides that the functions of staff representatives are official and can be considered a model of good practices for the facilities to be provided to and the rights of staff representatives;
8. **Calls** on the Executive Heads of Organizations to reinforce their efforts in ensuring that all staff representatives are protected against retaliation, harassment and bullying, and not deprived of career development opportunities as a result of performing their duties;

³ Workers' representatives in the undertaking should enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.

9. **Instructs** the FICSA Executive Committee to share this resolution with the UN Secretary General, as the Chair of the CEB, and the Executive Heads of Organizations whose staff associations or unions are members of FICSA, as appropriate, and to keep the membership apprised of future developments.

Adopted in Vienna on 29 April 2022
