

REPORT OF THE STANDING COMMITTEE ON HUMAN RESOURCES MANAGEMENT

Chair	Lisa Villard (IAEA Vienna)
Vice-Chair	Marina Appiah (WHO/HQ Geneva)
Rapporteur/Regional Representative	Jesús García Jiménez (ITC/ILO Turin)
FICSA President	Brett Fitzgerald (WIPO Geneva)
FICSA General Secretary	Gemma Vestal (WHO/HQ Geneva)
Member, FICSA Executive Committee	Véronique Allain (SCBD Montreal)
Regional Representative	Pilar Vidal Estevez (PAHO/WHO Washington DC) Diab El-Tabari (UNRWA/ASA Beirut)

Participants

AP-in-FAO	Juan J. Coy Girón Jean Risopoulos Jakob Skoet
FAO/WFP-UGSS	Eva Moller Luca Vecchia
IAEA	Nabil Sahab
IARC	Cécile Le Duc
ICAO	Sanya Dehinde Ray Reynolds Viera Seben
IMO	Edwin Titi Lartey Alfredo Parroquin Ohlson Tamara Vassilissin Irene Waite
ITU	Henri-Louis Dufour Christine Gimenez Carmen Montenegro

OSCE	Michèle Schmiedl Nizar Zaher
UNAIDS	Tanya Quinn-Maguire Andrea Palazzi
UNESCO	Elia Matias
UNFCCC	Santhosh Thanjavur Prakasam
UNGSC	Paola De Mauro Cosimo Lunedi Vito Musa
UNRWA/ASA	Daoud Korman
UPU	Birahim Fall Franck Landauer
WHO/AFRO Brazzaville	Simplice Ntsiba Namouna Christian Pethas-Magilad
WHO/EURO Copenhagen	Oleksandr Martynenko
WHO/HQ Geneva	Evelyn Kortum
WHO/SEARO New Delhi	Rajesh Mehta
WHO/WPRO Manila	Rachelle Anyayahan
WMO	Jalil Housni
Members with associate status	
CERN	Joel Lahaye Isabelle Mardirossian Ghislain Roy
CTBTO	Michelle Delinde
OPCW	Erik Prein Nuria Reques

Federation with consultative status

EMBL

Ayesha Asif
Thomas Heinzmann

Guest

UNIDO

Dagmar Diaz Costanti
Muge Dolan
Steven Eales

Adoption of the agenda (Agenda item 1)

1. The Standing Committee (SC) approved the following agenda:
 1. Adoption of the agenda
 2. Election of the rapporteur
 3. Update from members regarding their parental leave policies (FICSA/C/72/HRM/1)
 4. Update on whistleblowing seminar held in Geneva, 15 November 2018
 - Report of the Working Group
 5. Review of the differences relating to conditions for dismissal through the performance appraisal/assessment/evaluation (FICSA/C/70/D/5 and FICSA/C/71/HRM/1)
 6. Increase in use of non-staff contracts and the effect on the UN system (FICSA/C/71/HRM/4)
 7. Telecommuting policies of organizations (FICSA/C/72/HRM/3)
 8. Mobility incentives
 9. FICSA survey on alternative working arrangements (FICSA/C/72/HRM/2/Rev.1)
 10. Implementation of the CEB model policy on sexual harassment (policy)
 11. Guidelines for organizations in crisis (FICSA/C/71/HRM/5)
 12. What to expect when an organization 're-organizes': **SC members are requested to provide their practical experience**
 13. Update on training given in 2018
 14. Requests for training
 15. Other business
 16. Nomination of Standing Committee officers and core group members

Election of the rapporteur (Agenda item 2)

1. The Standing Committee (SC) elected Jesús García Jiménez (ILO ITC) as rapporteur.

**Update from members regarding their parental leave policies (FICSA/C/72/HRM/CRP.2)
(Agenda item 3)**

2. The Chair informed the SC that the compendium had been made available on the FICSA website for use by the membership.

Update on whistleblowing seminar held in Geneva, 15 November 2018

- **Report of the Working Group (Agenda item 4)**

3. A presentation was given by the Vice Chair of the working group on the work that was done in 2018. There was also a presentation regarding the workshop that took place in November 2018 in Geneva. The participants of the workshop discussed two important concepts: whistle-blowing and retaliation, plus the important role of independent investigation. The training also highlighted that some UN organizations did not yet have a whistle-blower protection policy.

4. The SC addressed an issue raised by one staff association in which some embassies were requesting a list of names of their nationals working in UN organizations. The Staff Association was concerned about the safety of some staff who might be targets on account of their status (refugees). It was asked whether requesting such lists of names was normal practice. In the course of the discussion, it became clear that that it is in fact practice for embassies to receive lists of names of those staff members who were their own nationals. It was clear, however, that such lists were not routinely provided to all embassies in general.

The Standing Committee recommended that the Working Group, established at the 70th session, continue with its mandate in 2019: (a) Prepare a template of common policies that the SC could share at the 73rd session of the FICSA Council; (b) Look into the establishment of a platform for FICSA members to facilitate the sharing of lessons learned, best practices and successes; (c) Develop a questionnaire to send to the membership so that an inventory of current whistleblowing policies could be compiled; (d) Investigate whether the General Data Protection Regulation was being applied to the UN; and (e) Develop a resolution on whistleblowing protection in the UN Common System for the review of the SC at the 73rd FICSA Council .

The Standing Committee also recommended that the FICSA Executive Committee (a) advocate in all relevant bodies that the definition of “retaliation” be broadened in order to include any action or lack thereof that could harm persons who disclose or contribute to the disclosure of misconduct/wrongdoing; (b) Strongly advocate that, in line with the duty of care of all UN organizations, any whistle-blower protection policy should apply to both serving and former UN staff members, as well as so-called “non-staff”; (c) Promote training for staff representatives on the topic of whistle-blower protection in line with applicable UN policies; and (d) Take the lead in the creation of a cross-federation whistle-blower protection task force in order to encourage dialogue and information-sharing among the staff associations and ascertain the best practices across the UN system.

Review of the differences relating to conditions for dismissal through the performance appraisal/assessment/evaluation (FICSA/C/70/D/5 and FICSA/C/71/HRM/1) (Agenda item 5)

5. The SC noted that the wording used in performance appraisal/assessment/evaluation policies in some organizations allowed for ‘personality driven’ implementation and dismissal of staff. There continues to be no uniform system throughout the organizations. This made it difficult for staff representatives to safeguard those undergoing performance improvement plans. The SC noted that although information was available on the FICSA website, it might not be easily understood. The SC encouraged those Staff Associations that had not already done so to share with the FICSA Secretariat their conditions for dismissal through the performance appraisal/assessment/evaluation policies so that the Secretariat could compile a compendium for reference for Staff Associations to use when reviewing current policies or establishing new ones.

The Standing Committee recommended that FICSA Executive Committee compile and evaluate the information it had received on conditions for dismissal via the performance appraisal/assessment/evaluation and provide the FICSA membership clear and concise recommendations on best practices.

Increase in use of non-staff contracts and the effect on the UN system (FICSA/C/71/HRM/4) (Agenda item 6)

6. The SC had a lively discussion on the issue and recognized that there was a need to have a strategy that FICSA could use with regard to ‘non-staff’ contracts and their impact on staff employment. It was noted that there was no clear unified definition of ‘non-staff’ and their rights and benefits, if any. The SC also noted that ‘non-staff’ was a very broad term which touched on many issues such as access to justice, privileges and benefits and pension plans. Therefore, the SC decided that a Working Group should be established to address those issues as well as any other relevant matters identified by the Working Group.

**The Standing Committee recommended that a Working Group be formed to address the implications on staff employment of ‘non-staff’ contracts by organizations. The Working Group should report their findings to the 73rd FICSA Council. The Standing Committee recommended that the Working Group be constituted as follows:
Chair: Jesús García Jiménez (ILO/ITC), Vice Chair: Diab El-Tabari (UNRWA/ASA)
Core members: Marina Appiah (WHO/HQ Geneva), Oleksandr Martynenko (WHO/EURO Copenhagen), Santhosh Thanjavur (UNFCCC), Mamouna Simplicie Ntsiba (WHO/AFRO Brazzaville), Vito Musa (UN), Amani El-Sheikh (UNESCO/STU Cairo).**

Telecommuting policies of organizations (FICSA/C/72/HRM/3) (Agenda item 7) AND FICSA survey on alternative working arrangements (FICSA/C/72/HRM/2/Rev.1) (Agenda item 9)

7. The SC discussed the topic and shared the various practices throughout the organizations. It was again noted that some organizations had well-defined family friendly teleworking policies and practices, whereas others had very restrictive practices.

8. The various alternative working arrangements and their impact on staff in organizations were also shared. It was noted that in some organizations, staff that availed themselves of part-time work were penalized with low rated evaluations, although they worked longer hours than they were being paid for.

9. It was mentioned that there were guidelines and best practices available in both documents *FICSA/C/72/HRM/3* and *FICSA/C/72/HRM/2/Rev.1*. However, more information was needed.

The Standing Committee recommended that the FICSA Secretariat request, once again, the membership to provide information on any policies or practices relating to compressed working schedules. In providing the information, it requested that the membership also provide details on how their policies and practices were negotiated with their respective managements and implemented thereafter.

Mobility incentives (Agenda item 8)

10. The SC discussed the difference between mandatory mobility and voluntary mobility. Most of the discussion focused on possible incentives that would encourage staff to move among the different duty stations when mobility was mandatory. The prevailing practices in various organizations were shared. It was noted that the ICSC had recommended that a financial incentive be used by organizations where mobility was mandatory. The exact amount was not yet clear.

11. Other incentives mentioned during the discussion included: promotion possibilities, use of extra-budgetary funds rather than regular budget funds in order to retain the right to return to the original post and transfer to other UN organizations.

12. There was also a discussion on how to ensure that mobility policies and their implementation did not negatively affect staff.

13. There was also a general perception that mandatory mobility was being used as a tool in downsizing exercises in some organizations.

Implementation of the CEB model policy on sexual harassment (policy) (Agenda item 10)

14. A report was presented by UNAIDS which described their analysis of the model policy (Annex). The SC noted that the CEB model was a good starting point for any organization but would be strengthened were the recommendations in the Annex incorporated.

Guidelines for organizations in crisis (FICSA/C/71/HRM/5) (Agenda item 11)

15. The Chair drew the SC's attention to the guidelines for those staff associations whose organizations were in crisis that the FICSA Executive Committee had made available on the website.

What to expect when an organization ‘re-organizes’: SC members are requested to provide their practical experience (Agenda item 12)

16. The staff associations whose organizations had undergone a re-organization shared their experiences. It was clear that staff associations/unions play a key role in keeping the anxiety levels of staff to a minimum. It was noted that the experiences of the staff associations in each organization varied. The SC would thus recommend gathering more information from the membership.

17. The SC also noted that the impact on staff of the ongoing UN Reform was unclear.

The Standing Committee recommended that the FICSA Secretariat request that those staff associations/unions whose organizations that had gone through a re-organization that had had an impact on staff, share their experience, their role and include any steps taken to ensure transparency in the process, and compile a compendium to upload on to the website for membership reference.

The Standing Committee also recommended that FICSA Executive Committee keep abreast of the UN Reform and its impact on organizations and brief the FICSA Membership at the 73rd FICSA Council.

Update on training courses given in 2018 (Agenda item 13)

18. All the training courses requested had been conducted.

Requests for training (Agenda item 14)

19. Other organizations prepared to host trainings: OPCW, ITU

The Standing Committee recommended that the following training courses be conducted in 2019:

- (a) Workshop on whistle-blowing issues for Africa and Europe (WHO/AFRO) (WHO/HQ);**
- (b) Job classification (WHO/WPRO);**
- (c) Strategy for successful organizational change (SCBD);**
- (d) Communication and negotiation skills (CTBTO);**
- (e) Training on the rights of staff during a re-organization (UNFCCC) (WMO).**

The Standing Committee also recommended that the FICSA Executive Committee explore the possibility of developing an Active Bystander Intervention training course.

Nomination of Standing Committee officers and core group members (Agenda item 13)

20. Lisa Villard (IAEA) was nominated as Chair and Marina Appiah (WHO/HQ Geneva) and Jesús García Jiménez (ILO/ITC Turin) as Vice-Chairs.

21. The following participants were nominated as core group members:

Susan Murray (FAO/WPF-UGSS)
Birahim Fall (UPU)
Ambretta Perrino (UNFCCC)
Veronique Allain (SCBD)
Nuria Reques (OPCW)
Tanya Quinn-Maquire (UNAIDS)
Michelle Delinde (CTBTO)
Viera Seben (ICAO)
Simplice Ntsiba (WHO/AFRO Brazzaville)
Christian Pethas (WHO/AFRO Brazzaville)
Tamara Vassilissin (IMO)
Cecile Le Duc (IARC)
Ritesh Singh (WHO/SEARO New Delhi)

Annex

The UNAIDS Secretariat Staff Association Analysis of the CEB Model Policy on Sexual Harassment as presented to the FICSA Standing Committee on Human Resource Management

The UNAIDS Secretariat Staff Association is advocating for a policy on the prohibition of harassment, sexual harassment, discrimination and abuse of authority (rather than for a separate policy on sexual harassment). This is because we believe that all these issues have similar root causes (e.g. inequality of power) and they need similar responses. We are also concerned that having separate policies for harassment and sexual harassment might make it difficult for staff members to navigate the system resulting in different processes to follow.

We would hope to adapt the good provisions of the CEB Task Force model policy to an omnibus policy. These include the following:

- Provisions which make it clear that there is not requirement to directly confront the harasser, particularly where disparity in power or status may lead to vulnerability or retaliation.
- Removing the emphasis on informal processes as the primary resolution method for sexual harassment (or any form of harassment, discrimination or abuse of authority).
- Removal of deadline to file allegations of harassment.
- Enabling the examination of anonymous complaints of (sexual harassment).
- Improved screening of complaints to ensure that none are improperly rejected because of incomplete information without comprehensive efforts being taken to secure relevant information.
- Improved protective measures that may be implemented on an interim basis to support affected individuals and to ensure the integrity of an investigation.
- Improved access to guidance and advice for affected individuals.

We do not believe, however, that all the provisions of the CEB model policy represent an improvement to existing policies. We believe we should aim for a truly transformative policy and not be limited by budgetary constraints or existing legal frameworks that are currently in place across the UN system. For example:

- The model policy states that “reports of sexual harassment can be made by any person, irrespective of whether the person reporting has any contractual status with the entity and that non-staff personnel will also be held to account for sexual harassment”. However, this broad statement of scope is undermined by language such as “*non-staff personnel shall be covered to the extent applicable under the entity’s policies and practices*” throughout the model policy. Current policies and practices do not generally provide adequate protection to non-staff personnel (interns, volunteers, consultants, vendors, etc.), no access to psycho-social support, information and advice on the reporting options, legal advice.

- The model policy also falls short in ensuring the duty of care of the organizations to investigate any suspected misconduct it becomes aware of. The burden of resolution continues to rest with the affected individual alone.
- It also doesn't address the issues of the burden and standards of proof in investigations. We believe that the standard of proof currently used by the investigative entity of WHO (IOS) and the by the ILOAT (namely "beyond any reasonable doubt") is too high.
- The model policy does not include sufficient provisions on the follow-up to investigations, including on actions that should be taken in situations in which an investigation does not find sufficient evidence of misconduct but does identify evidence of a difficult or hostile working environment.