REPORT OF THE STANDING COMMITTEE ON STAFF/MANAGEMENT RELATIONS

Chair
Viera Seben (ICAO Montreal)

Rapporteur
Eva Muller (FAO/WFP-UGSS Rome)

FICSA General Secretary
Gemma Vestal (WHO/HQ Geneva)

Members, FICSA Executive Committee
Véronique Allain (SCBD Montreal)

Regional Representatives
Diab El-Tabari (UNRWA/ASA Beirut)

Participants

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**Federation with consultative status**

EMBL
Ayesha Asif
Thomas Heinzmann

**Guest**

UNIDO
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. Report on previous year’s activities
   4. Update on cost sharing for release of FICSA officers
   5. Update on staff/management relations issues:
      • FAO
      • UNESCO
      • UNWTO
      • WIPO
   6. Discussion regarding Staff Representative Bodies (SRBs) and the legal framework
      governing consultation and negotiation (FICSA/C/72/SMR/CRP.2)
   7. Review of the ICSC consultative arrangements and ICSC working methods
   8. Assistance provided by Staff Committees to their members
      (FICSA Handbook on Staff Representation in the International Organizations)
   9. Discussion on feasibility of the agency rating survey
   10. Requests for training
   11. Other business
   12. Nomination of Standing Committee officers and core group members

Election of rapporteur (Agenda item 2)

2. Eva Moller (FAO/WFP-UGSS) was elected rapporteur.

Report on previous year’s activities (Agenda item 3)

3. The Chair provided an overview of the activities undertaken over the past year. Concerning the
   cost sharing for release of FICSA officers, the FICSA Executive Committee had continued its work
   with the HLCM Working Group (WG). That would be covered in more detail under agenda item 4.
   The Agency rating survey was being worked on with the initial aim of submitting the finalized
   version for the FICSA Executive Committee’s review by April 2018. The matter was discussed in detail
   under Agenda item 9.

4. The 71st session of the FICSA Council recommended that FICSA member organizations share
   with the FICSA secretariat, to the extent possible, their internal Staff Rules and Regulations,
   Recognition Agreements, Memoranda of Understanding and any other statutes stipulating the
   provisions for communication between staff representatives and management/governing bodies,
   with the aim of fostering and developing best practices in staff/management communications
   across the UN common system. The Chair advised that while some documents were already
   available on the current site, the Information Officer of FICSA secretariat had confirmed that a
   searchable tool would become available on the new FICSA website and a call for the said
   documentation would go out during 2019.
The Standing Committee recommended, that upon request from the FICSA Secretariat, the FICSA members submit to the Secretariat their internal Staff Rules and Regulations, Recognition Agreements, Memoranda of Understanding and any other statutes stipulating the provisions for communication between staff representatives and management/governing bodies, to the extent possible, to be shared on the FICSA website.

5. The Chair also recalled that while none of the workshops requested by the Standing Committee (SC) at the 71st session of the FICSA Council, namely on Emotional intelligence in the workplace and on Organizational change and staff representation had taken place, there had been other workshops similar to the ones requested that FICSA had organized in 2018, namely:

- Role of the staff representatives during investigations and disciplinary procedures (June, Geneva)
- Staff representation (October, Rome)
- Negotiations skills (October, Rome).

6. Finally, the Chair noted that the SC had monitored the staff-management relations within the membership; it had closely observed the situation in WIPO and FAO. That situation was covered in greater detail under agenda item 5.

Update on cost-sharing for release of FICSA officers (Agenda item 4)

7. The FICSA General Secretary (GS) confirmed that FICSA’s request for cost sharing of the two (2) FICSA posts (President and General Secretary) among FICSA-affiliated staff associations/unions had advanced. The High-Level Committee on Management (HLCM) Working Group had been tasked to work on this issue. She further clarified that because not all the agencies in the HLCM were FICSA officiates, the WG had decided to invite only members from among the FICSA officiates.

8. The WG had worked with the initial intention of having a proposal ready for the HCLM session scheduled for the third quarter 2018. However, the Chair of the WG (from WHO) needed more time to conduct more background work and had subsequently reached out to some organizations where there were current difficulties in obtaining staff release or similar mores. The intention had been to present the proposal to the meeting of the HCLM in the third quarter of 2019.

9. The current intention, however, was to present the proposal to the upcoming meeting of the HCLM in March 2019.

The Standing Committee recommended that the FICSA ExCom continue its work with the HLCM Working Group on cost-sharing for the release of two (2) FICSA officers.
Update on staff/management relations issues (Agenda item 5)

10. The delegate from AP-in-FAO provided a summary of the past year’s staff/management relations, stressing that the situation had remained very difficult. Major issues of concern to staff were either discussed superficially with the staff representation bodies (SRBs) without any consideration being given to staff views or unilateral decisions were taken without any consultation.

11. One of the latest examples of disregard of the SRBs’ views pertained to the re-issuance of the vacancy announcement of the joint position of Ombudsman/Ethics Officer despite the particular concern voiced by the SRBs, in line also with JIU recommendations. However, during the present FICSA council, the SRBs had been notified that FAO had agreed to split the two positions and would create another position for the Ombudsman.

12. The summary dismissal of the President of AP-in-FAO in the first part of 2018 had also delivered a harsh blow to AP-in-FAO and the SRBs’ work overall, and had contributed to the atmosphere of fear, making it difficult to gain members and staff representatives.

13. Some positive progress was to be seen in the indication given by FAO Member States on the occasion of the SRB’s address to the FAO Council in June 2018 when Council had subsequently mandated the FAO Finance Committee to discuss the SRB address further in November 2018. For that occasion, the SRBs had prepared an additional paper, which unfortunately, they were not granted the opportunity to present, and the issue was only briefly discussed in the Finance Committee session. The SRBs’ had hoped that Member States would become more aware of the difficult situation in FAO, using such examples as the request in December 2018 by the FAO Council that a staff satisfaction survey be carried out as well as a review of the mobility policy.

14. In June 2019 an election was to be held for the position of FAO Director-General. The SRBs are compiling a list of the issues to be addressed and developing a strategic plan aimed at improving staff management relations. Once new senior management is in place, the SRBs look forward to an improved relationship with management and an improved working environment for all staff.

15. The UNESCO/STU delegate updated the SC on staff/management relations, highlighting that since November 2017, UNESCO had a new management team with a new Under Director General for Administration and Management and, as of November 2018, a new Supervisor of the Director of HR that had led to much improved relations.

16. UNESCO/STU meets on a regular basis with the Director of Human Resources. In addition, there are monthly meetings covering HR policies in general, where the SRBs are requested to provide their comments on the policies defined in the HR Manual. There are also specific meetings dealing with individual cases of colleagues experiencing difficulty or emergency meetings whenever the situation calls for it (i.e. the situation of our colleagues in Montreal). However, on the negative side, having a less experienced management team has regrettably resulted in blatant violations of the HR manual, such as the decision to freeze the reclassification of all posts. Fortunately, following pressure exerted by the SRBs over a period of several weeks, management reversed its decision.
17. The situation remains difficult in the UNESCO office in Montreal (UIS) where the staff had been heavily affected by financial cuts. Of the 103 posts in 2015, there were currently only 59, equating to a 42% reduction. In addition, there were many staff members on extended sick leave. The FICSA ExCom had been in contact with UIS over the past ten years to help them set up a staff association. In 2017 the Montreal section of the STU was finally created, a major achievement. However, the Director of UIS has been adamantly opposed to that development. The STU had suggested that the issue be taken up by FICSA. The Committee agreed that a letter should be prepared giving the details of the situation in Montreal office and, if possible, to request a meeting with the head of UNESCO.

The Standing Committee recommended that STU and FICSA ExCom prepare a letter to be signed by the President of FICSA and addressed to the Director General of UNESCO detailing the difficult situation in the UNESCO Montreal Office.

18. The FICSA General Secretary read a statement prepared by UNWTO related to their staff representatives having been prevented from attending the Council. She expressed her disappointment over how the situation had worsened in the past year. In late 2016, when the previous Secretary General (SG) had been in the office, relations were so good that the FICSA General Secretary had been invited to provide a workshop on performance management specially for managers.

19. Recently the situation had drastically changed as the newly elected SG failed to respect the Cooperation Framework Agreement signed in 2017, evidenced by a refusal to release staff representatives to attend the FICSA Council or not meeting the SAC every three months for open discussions and exchange of views. Furthermore, it was noted that an audit that an external company had organized at UNWTO, had at some point morphed into an investigation. The new SG was using the investigation as a tool to take disciplinary measures against management. At the moment the situation was such that staff representatives’ actions were repressed for fear of individual retaliation.

20. More recently, there had been even a threat from Administration to dissolve the staff association altogether, including the removal of common e-mail accounts for use by SRBs, the use of facilities for meetings, the removal storage space for archived files, etc. all of which was counter to the rights of association.

Standing Committee encourages the Council to note with concerns the dire situation in UNWTO and to offer full support to the staff here.

21. The President and Vice President of the WIPO Staff Association (WSA) had been unable to attend Council owing to retaliation-related issues (they were both under investigation). With reference to a statement prepared by the WSA Staff Council (see Annex 1), the WSA delegate confirmed that the situation in WIPO remained extremely difficult. For example, WSA had been evicted from their premises, release time was being refused, and the organization’s financial contribution had been withdrawn. WSA is also no longer authorised to send emails to all staff and WSA members have been rejected from all committees and replaced by new members from the
illegal staff council set up by the DG. In addition, WSA was not granted the opportunity to organise recreational activities. Finally, it was noted that the retaliation had been widespread and crippling; of the 750 members seven years ago, WSA currently had only 450 members on account of members withdrawing out of fear, or because they felt that WSA no longer had any influence at WIPO. The DG had effectively destroyed the fundamental rights of association.

22. The FICSA President and General Secretary summarized the past actions organized by FICSA as support of WSA and the Federation’s objections to the Director General’s actions, including sending numerous letters to the DG, organizing a demonstration in front of WIPO, lobbying with WIPO member states, and lastly a joint letter from FICSA, UNISERV and CCISUA to the DG. The matter had also been brought to the attention of the UN Secretary General. Nevertheless, none of those actions had yielded an improvement in the WSA situation.

23. It appeared that previous strategies, such as filing appeals or sending out numerous communications, pressure being placed on the WIPO DG, and so forth, had not bettered but rather worsened the situation. In considering a future strategy, the Committee suggested that damage control be the focus so that WSA and individual staff members would suffer less possible harm or retaliation. To leverage support, the Committee also agreed that FICSA should include a sentence in all speeches made in any context to express their support. Finally, the Committee would encourage FICSA member organizations to offer WSA any direct support they could such as hosting the WSA website.

The Standing Committee recommended that the FICSA ExCom should include the following sentence in all statements and addresses made in any context to express its support: “We support WIPO Staff Association”. It should encourage also all FICSA members to lend, to any extent possible, similar support to the WIPO Staff Association.

24. The UNRWA/ASA delegate recalled that UNRWA was established in 1948 as a temporary agency to deal with what was thought to be a short-term crisis. To that end its mandate had been renewed every two years. Currently, 70 years later, the Agency was still active and recent developments in global politics had heightened the relevance of the Agency’s mandate. The Agency had approximately 3,000 staff members in Lebanon, most of whom were locally recruited. There were two staff associations: one of which was recognized by the executive head and one not, albeit it is a member of FICSA.

25. Despite the USA having withdrawn its contribution of about USD 360 million to the Agency, no existing staff contracts had yet been affected. However, all new recruits would be seriously affected as their contracts would be of limited duration and with fewer benefits. In addition, the developments had had a very serious impact of another kind, specifically in relation to services and staff benefits. Voluntary early retirement was being denied with staff being pressured to resign instead, thus losing their benefits, and the mandatory age of separation of 62 (recently implemented in the Agency) had been reduced to 60. An indirect consequence of the sharp decrease in budget was wide-spread corruption, selectivity and favouritism, such as the unnecessary creation of new senior positions into which the staff association was filing a request for investigation.
The Standing Committee recommended the adoption of the resolution on the situation in UNRWA (see Annex 2) and requested all FICSA members and members from their sister organizations to follow up on the issue by sending letters to the Commissioner General with a copy to the UN Secretary General.

Discussion regarding Staff Representative Bodies (SRBs) and the legal framework governing consultation and negotiation (FICSA/C/72/SMR/CRP.2) (Agenda item 6)

26. The member associations present provided an overview of their legal frameworks and their mechanisms for consultation and negotiation.

27. A number of the delegates (e.g. ICAO, WHO/HQ, WHO/EURO, IMO, UNGSC, UNAIDS, OPCW, UNFCCC, WHO/WPRO) enjoyed good to excellent relations with HR and senior management, with regular and meaningful consultations via various types of committees particularly when policy changes were proposed. In some cases, management and SRBs reached mutual agreements. Some of the organizations (e.g. IMO, WHO/HQ, UNGSC, UNFCCC, UNAIDS, ICAO) enjoyed regular direct access to the executive head (even fixed/recurring scheduled meetings), allowing for dialogue and increased mutual understanding. In UNESCO, the SRB was granted the opportunity to provide comments on policy change proposals in a joint consultative committee. All points of view were then represented in a report that was submitted to the DG for decision. WHO/HQ Geneva had weekly meetings with HR, with each side represented by four representatives. The meetings were either informal (no minutes) or formal (minutes that were agreed to by all). In addition, they had monthly meetings with the DG, HR and other representatives of senior management where any issue could be brought forward.

28. A few organizations (e.g. UNGSC) had no written agreements providing for a legal operational framework, nevertheless SRBs enjoyed good relations. Other organizations (e.g. UNAIDS) had extensive written agreements that also provided for presence at FICSA Councils and on committees; other provisions stipulated that SRBs be consulted on all policy changes. In UNAIDS, the USSA Chair was a member of the mobility and reassignment committee, thus an observer of due process.

29. In a few organizations, such as FAO, the SRBs had individual recognition agreements and internal rules that referred to consultation and negotiation. That notwithstanding, most consultations were merely superficial with management taking unilateral decisions on any issues of real concern. In UPU regular meetings were held in the consultative committee that prepared recommendations addressed to the DG; however, the previous good relations between management and the SRB was declining, owing partly to pressure from Member States to reduce the SRB's involvement, e.g. in the appointment and promotion committee. The latest case occurred when the SRB was not consulted, and only informed after the fact, when UPU decided to move jurisdiction from ILOAT to UNAT.

30. Some of the members associations/unions were allowed to address the governing bodies.
31. The Chair thanked all members for their interventions that bore testimony to the usefulness of good staff/management relations. They demonstrated that the majority of UN agencies were aware of the fact and both appreciated and welcomed staff’s involvement in decision-making processes.

Review of the ICSC consultative arrangements and ICSC working methods (Agenda item 7)

32. The FICSA General Secretary provided a brief update on the latest developments related to the ICSC. She recalled that particular concern had been voiced about the ICSC methodology for post adjustment, leading to an overall lack of confidence in the ICSC. After months of lobbying the three staff federations had met with the ICSC and several heads of UN agencies. Following that meeting, an ICSC Contact Group had been created during a meeting in Paris (in 2018). The group agreed to set up two groups: one to look into statistical issues related to the methodology and one that would consider the operational rules because of the discrepancies that had been discovered. Those two groups would meet early in 2019. The three Federations were allowed to nominate three statisticians and were sharing that cost. For the group on operational rules, FICSA would be represented by current and former FICSA experts. Further information on the topic would be provided to the next session of Council.

Assistance provided by Staff Committees to their members (FICSA Handbook on Staff Representation in the International Organizations) (Agenda item 8)

33. The Chair referred to the FICSA Handbook on staff representation in international organizations and invited the members to provide details on their operational frameworks and the type of assistance provided to staff.

34. Almost all organizations reported that they had formalized arrangements for release time in respect of the staff representatives’ daily work. The release time varied among the members—from 2 hours a week to 100% based on the role of the representative and the need for release. Some members noted that while they might be granted release time officially, in reality their regular tasks were not reduced. In brief, they were not actually released, but were carrying out their staff representation duties on top of everything else. Most of the members had additional release time to attend meetings, such as the FICSA Council and workshops, with the missions often being funded (at least in part) by their UN agency for a number of representatives. Release was approved either by the direct supervisor or, in some cases, by the DG or SG so as to emphasize the close links between them.

35. The delegates, who shared details of their situation in their respective organizations, assisted all staff members and not only paying members of their associations/ unions, although some associations/unions suggested or insisted on membership when requests were repeated. All delegates had any number of ways of assisting staff, including open door policies where staff could come by in person, e-mail contact to handle individual cases, meetings with the HR director on a bilateral basis or the like. Depending on the situation, the SRB would assess the type of action to be taken and advise the staff accordingly. They might advise people to contact the Ombudsman or refer them to a lawyer.
36. Several of the member associations/unions received financial contributions from the agency either by way of staff resources or funds or both. The majority of the delegates who shared their experience of SMR, were provided with physical premises and support staff, at the cost of their respective organizations. In addition, some delegates received full or partial funding for travel for staff representation purposes so that they could carry out their functions.

**Discussion on feasibility of the agency rating survey (Agenda item 9)**

37. The Chair introduced the item and the reasons behind the agency rating survey. The agency rating survey had been proposed during the FICSA Council in 2017. It was intended to be an annual survey answered by all FICSA members, with FICSA publishing the results in order to rate the Agencies’ staff/management relations, and possibly incentivize those with lower ratings to improve.

38. The SMR contacted a specialist to conduct an analysis of the possible advantages and disadvantages of such a survey. The specialist advised against it, referring to the considerable risks involved, including the potential loss of credibility for FICSA, if not done properly. Pragmatically there were also several challenges (e.g. in cases of more than one SRB per agency, problems of determining which SRB should respond to the survey, which member within the SRB should submit the answers, and how could one ensure consistency in terms of the questions and answers over time).

39. Despite that advice, and as mandated by the Council, SMR continued to work on the survey throughout 2018 but encountered numerous challenges. Consequently, another specialist was contacted, who ultimately advised SMR that it would be impossible to ensure objectivity in such a survey unless management was also invited to partake.

40. Finally, the Chair recalled that the JIU had not scored or rated the performance of various organizations in their reports of 2011 and 2012 since they may have had the same reservations about the scoring which in their view might not yield any added value to their reports.

41. After weighing the information on what the survey would achieve against the potential loss of credibility, the member associations/unions agreed to discontinue work on the agency-rating survey until further notice. As for the option of having a consulting company carry out the survey in order to ensure objectivity it could be a very costly undertaking.

The Standing Committee recommended discontinuing any work on the agency rating survey until further notice.

**Requests for training (Agenda item 10)**

42. Both WHO/HQ Geneva and WHO/WPRO Manila each offered to host a workshop on Job classification (by Aaron Peacock) in two distinct regions.
The Standing Committee requested that the FICSA Executive Committee organize two Job classification training courses in 2018, to be held in Geneva (WHO/HQ) and Manila (WHO/WPRO) respectively.

Other business (Agenda item 11)

43. The delegates from UNFCCC informed the meeting that although their agency was going through a major restructuring, UNFCCC management has been consulting and working with the SRB to address any issues. UNFCCC recognized and thanked their management for maintaining respectful SRB/management relations and hoped to continue the same, given the uncertain circumstances that UNFCCC was facing.

44. WHO/EURO Copenhagen suggested that such positive experiences should be showcased on the FICSA website.

45. IMO sought advice and/or templates for available policies on provisions for legal assistance. The Chair noted that the FICSA Secretariat could send out a request to all members.

Nomination of Standing Committee officers and core group members (agenda item 12)

46. Viera Seben (ICAO) was elected as Chair and Eva Moller (FAO/WFP-UGSS) and Mario Cabreja as (UNFCCC) Vice-chairs.

47. The following were nominated as core group members:

Rachelle Anyayahan (WHO/WPRO)
Jakob Skoet (AP-in-FAO)
Catherine Kirorei Corsini (WHO/HQ)
Paola De Mauro (UNGSC)
Cécile Le Duc (IARC)
Ritesh Singh (WHO/SEARO)
Diab El-Tabari (UNRWA/ASA)
Annex 1

Statement by the World Intellectual Property organization (WIPO) Staff Association on the Staff-Management Relationship at the WIPO

The staff-management relationship at WIPO continues to be dominated by fear and reprisal. Since the installation of the management-friendly WIPO Staff Union, which charges symbolic membership fees and depends on the Administration for its existence, and the WIPO Staff Council, which does not have any membership at all, the Staff Council of the WIPO Staff Association, which retains approximately 50% of staff as its members, has been deprived by the WIPO Administration of its right to represent WIPO staff internally, despite the fact that its duly elected Staff Council is the only staff representation body at WIPO to be acknowledged by the three staff federations of the UN common system (CCISUA, FICSA and UNISERV).

The Director General's “new”, unilateral interpretation of Staff Rule 8.1. concerning the election of the WIPO Staff Council is currently being challenged at the Administrative Tribunal of the International Labour Organisation (ILOAT) as a violation of freedom of assembly and freedom of speech. A further appeal is pending at the WIPO Appeal Board relating to the conduct, results and aftermath of the management-imposed March 2016 elections. No doubt that appeal will soon be transformed into a second, official complaint at ILOAT.

In the meantime, the WIPO Administration has unilaterally withdrawn its decades-long tradition of an annual subsidy to the WIPO Staff Association, while absorbing all the costs incurred by the “new” Staff Council that it unilaterally and irregularly set up. It has cancelled all release time for duly elected WIPO Staff Association officials and drastically reduced the allocation time of its administrative assistant thereby endangering the services that the WIPO Staff Association provides to all staff, as per its statutes. The WIPO Staff Association has been evicted from its premises, making it more difficult to receive staff with adequate privacy and confidentiality. Its email communications to all staff are subject to the censorship of the Director of the Human Resources Management Department. Its President and Vice Presidents are suffering retaliation and are routinely harassed with bogus investigations and threats of negative performance evaluations or even constructive dismissal, despite their outstanding records of longstanding service to the Organization. More recently, the WIPO Staff Association was informed that, contrary to its statutes, it no longer had the right to organize social, recreational or sporting events, which are traditionally the prerogative of staff associations across the UN common system.

Despite deliberate attempts by WIPO management to destroy it and its duly elected Staff Council, the WIPO Staff Association is still standing and continuing to assist and advise its members. It is an emblem of staff solidarity, generousness and concern.

Many WIPO staff members are particularly concerned about the WIPO Administration’s abuse of performance management and investigations as tools to harass, retaliate or even constructively dismiss staff representatives, whistleblowers, and other staff at large who dare to speak out.

This concern is heightened by the ever-increasing concentration of power by the Administration
over staff. One recent example concerns the revised WIPO Staff Regulations and Rules (SRR) and the demand that staff produce all sick leave certificates, regardless of their duration, with diagnoses. This new practice was introduced without consulting staff at large and with little regard for staff's privacy.

Staff members at WIPO are also worried about the abolition of the clocking and flexi-time system. Without this system and other tools to keep track of attendance, staff are concerned that they may be vulnerable to the Administration's unjustified investigations. This concern shows a clear deficit in trust between staff and the WIPO Administration.

In short, the staff-management relationship at WIPO has entered its most difficult period in recent history.
Annex 2

DRAFT RESOLUTION ON UNRWA

The Council of the Federation of International Civil Servants Association (FICSA), at its 72nd session in Vienna, which was held from 4 to 8 February 2019,

Noting with grave concern the severe financial situation at UNRWA,

Astonished by the lack of consultation with staff and the continued interference of senior management in the governance of the staff union by imposing amendments to the union’s statutes,

Appalled by the one-sided decision-making process and the obvious breach of human rights in respect of early voluntary retirement despite the UN GA Resolution increasing the mandatory age of retirement to 65, the rights of association, freedom of speech and choice in accordance with Article 20 of the Declaration of Human Rights,

Stressing that objectivity and transparency are essential to healthy staff management relations,

Protesting at the current atmosphere of selectivity and favouritism with regard to the recruitment freeze and, at the current unjustified appointments,

Urges the Commissioner General to address the above concerns without further delay.