REPORT OF THE STANDING COMMITTEE ON STAFF-MANAGEMENT RELATIONS

Chair
Viera Seben (ICAO Montreal)

Rapporteur
Megan Lehmann (OPCW The Hague)

FICSA General Secretary
Gemma Vestal (WHO/HQ Geneva)

Members, FICSA Executive Committee
Véronique Allain (SCBD Montreal)
Pilar Vilar Estevez (PAHO/WHO Washington)

Regional Representatives
Bernadette Fogue (WHO/AFRO Brazzaville)
Christopher Mason (WIPO Geneva)

Participants

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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 (FICSA/C/71/SMR/CRP.2)
5. Update on staff/management relations issues:
   - WIPO
   - FAO
   - ICO
   - OPCW
6. Update on the agency rating survey and presentation of the revised survey questions (FICSA/C/71/SMR/2/Rev.1)
7. Discussion on joint staff/management bodies and access to governing bodies by staff associations and unions (FICSA/C/71/HRM/CRP.3)
2. A delegate from WIPO requested that an item on FICSA Resolution 70/1 be added under ‘Other business’. The FICSA General Secretary, Ms Gemma Vesta (WHO/HQ Geneva) provided clarification that the resolution was ready for issuance once cleared by the WIPO Staff Association. The agenda was then adopted.

Election of rapporteur (Agenda item 2)

3. Ms. Megan Lehmann (OPCW) was elected rapporteur.

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

4. The Chair informed the SC that activities over 2017 had included actions taken on the cost-sharing proposal, which would be discussed in more detail under Agenda item 4. The Chair also noted that a working group had been formed at the 70th session of the FICSA Council to develop an inter-agency rating system. As the working group had not been sufficiently productive in 2017, the FICSA Executive Committee provided assistance towards the end of the year, specifically by identifying and commissioning a survey expert to assist the working group. The matter would also be covered in more detail under Agenda item 6.

5. The following training courses were provided under the umbrella of the SC/SMR in 2017:

- Nuts and bolts of staff representation; Bullying and harassment in the workplace—(Bonn, SMR);
- Negotiating in the context of performance appraisals, Staff representation in grievance and other disciplinary cases—(Geneva, HRM/SMR);
- FICSA workshop for staff representatives on mental health—(Geneva, SOCSEC/SMR);
- Job classification—(Vienna, HRM/SMR);
- Negotiating in the context of performance appraisals—Botswana (HRM/SMR);
- Staff representation—(Botswana, SMR);
- Negotiating in the context of performance appraisals; Staff representation in grievance and other disciplinary cases—(Manila, HRM, SMR)

In summary: six training courses in Europe, two in Africa, two in Asia, and one distance learning course (webinar) under both HRM/SMR.

6. The SC/MR expressed its gratitude to the FICSA Executive Committee and the Secretariat for organizing the above training activities in 2017.
Update on cost sharing for release of FICSA officers (FICSA/C/71/SMR/CRP.2) (Agenda item 4)

7. The FICSA General Secretary informed the SC on the progress made with on cost-sharing proposal over the course of 2017, including reviewing the proposal that had previously been submitted and doing some background work with WHO to revise and reconfigure the terms of reference of the working group for submission to the High-Level Committee on Management (HLCM).

8. WHO took the lead on the issue and met twice: in December 2017 and late January 2018. The working group reviewed the contribution structure for each organization and achieved a contribution rate of 60% – 75% among the organizations affiliated with FICSA. However, it was noted that more lobbying was needed, including staff associations/unions lobbying with their respective administrations, in order to help move the cost-sharing proposal forward and up through the HLCM. The working group identified those organizations that were still reluctant to participate in the cost-sharing proposal. They would be lobbied ahead of the upcoming meeting of the HLCM in April this year.

9. It was noted that in addition to minimizing the financial burden to be borne by the organizations that were currently covering the costs associated with releasing the Executive Committee officers, implementing the cost-sharing proposal would benefit FICSA and its membership. It would be easier for potential Executive Committee candidates to secure release from their respective organizations, thus leading to a larger number of candidates and greater competition among them.

The Standing Committee recommends that the FICSA Executive Committee continue its work with the HLCM working group on cost-sharing and recommended that the staff associations/unions of full FICSA members continue to lobby for cost-sharing through their respective contacts in human resources and/or their administrations, encouraging them either to join the cost-sharing initiative or confirm the administrations’ support for the initiative.

Updates on staff/management relations issues (Agenda item 5)

10. The WIPO delegate provided the SC with updated background information on the tense situation in his organization (see Appendix 1), which dated back to 2014 when the Director-General summarily dismissed the President of the Staff Council of the WIPO Staff Association. That was followed by the institution of a management-approved Staff Council and irregular elections, which were the subject of an official complaint by the WIPO Staff Association to the ILO Administrative Tribunal (ILOAT) and an internal appeal. That had been followed by an attempt to establish a wholly new management-friendly staff union and confirmed harassment of and retaliation against staff representatives. The Staff Council established unilaterally by the WIPO Director-General was currently seeking legitimacy by requesting membership in one of the staff federations (FICSA, CCISUA and UNISERV). The latter would not recognize any staff council or association other than the one that was legitimately established in 1958.

11. It was noted that it might be necessary to request FICSA to launch an investigation into the mistreatment of the staff representatives at WIPO, further to which remedial action via the
WIPO Governing Body was urgently required.

12. The FICSA President, Mr Diab El-Tabari (UNRWA/ASA Lebanon) stated that it was important to seek both short- and long-term solutions and to make it clear to common system organization that they should not be subject to radical upheavals and sea changes in terms of staff-management relations based on hostile actions by a specific executive head. He added that FICSA should work to identify the best ways of offering protection to the WIPO Staff Association and its staff representatives and to continue negotiating with the WIPO Director-General The FICSA President also requested that the WIPO delegate provide the Executive Committee with a summary of what was needed for its intervention.

13. The meeting participants also agreed to issue a joint resolution on the prohibition of retaliation against staff representatives in International organizations (see Resolution 1, Annex 1). It was subsequently submitted to plenary for approval.

14. The delegate from FAO noted that the staff and their representatives had also been facing persistent problems ever since the arrival of the current Director-General in 2012, with no recent improvements. He noted in particular the latest issues of concern. FAO was the only agency that had publicly declared that it would not implement the MAS65, which was in contradiction to ICSC standards and recommendation. That action also prevented WFP from implementing MAS65. Furthermore, FAO was improperly implementing the rental subsidy procedure, applying the rules for HQ to staff in the field and disregarding the common system parameters (by using average rental costs published by the ICSC as maxima for determining reasonable rents) in order to decrease rental subsidy amounts. It also continued to hire GS staff globally, despite their status.

15. It was noted that the ICSC had taken the unusual step of condemning FAO in its yearly report for 2017, published in September of that year, following FAO’s failure to implement certain ICSC decisions (ref: A/72/30, paragraphs 17 and 19 (a) and (b)). Having considered the said report, the General Assembly then adopted its Resolution 72/255 on 24 December 2017, reiterating the need for compliance with ICSC decisions.

16. The FAO delegate requested the SC to recommend that the Council adopt a resolution to continue raising awareness of the situation and seeking the support of the relevant UN common system bodies for the implementation by FAO of MAS65 and all other ICSC decisions.

17. The Standing Committee recommended the adoption of the resolution (see Annex 1, Resolution 2).

18. The FICSA General Secretary briefed the SC on the latest developments with the ICO. FICSA had funded legal support for three ICO staff members, who were left with no recourse following the failure to uphold ICO headquarters agreement. It was emphasized that the ICO needed to put into place an internal justice system, as the staff of international organizations did not have access to local national courts.

19. The General Secretary further noted that since the initiation of the process, an internal justice system has been put into place and FICSA was currently awaiting feedback from staff
members regarding the effectiveness of the new system.

20. The delegate from the OPCW briefed the SC regarding improvements in staff/management relations in her organization in 2017, especially with the arrival of a new head of human resources. She noted that in line with established practices at the OPCW, Staff Council officers met with representatives from HR, Administration, Finance, and the Staff Welfare Officer on a monthly basis, in addition to ongoing open information and direct communication with the head of HR. She further noted that while the overall situation appeared to be developing in a positive way, a lot of uncertainties remained for OPCW, particularly in 2018, as a new head of administration would be joining the organization at the end of February and a new director-general in July.

**Update on the agency rating survey and presentation of the revised survey questions**

(FICSA/C/71/SMR/2/Rev.1) (Agenda item 6)

21. The FICSA General Secretary provided an update on the status of the Inter-Agency Rating System (IARS) and noted that since the last FICSA Council in 2017, the document had been revised by both the Standing Committee’s working group for the IARS and the Executive Committee. Comments and feedback relating to 2017 were finalized in August of that year. Over the year, FICSA had received feedback that the survey would benefit strongly from the involvement of a survey specialist to ensure that the questions, descriptions, rating scale and language were appropriate, clear and unambiguous. The working group had requested funds from the Executive Committee to hire a survey specialist. A suitable candidate had been identified close to the end of the year.

22. Meeting participants noted, inter alia, certain aspects that should be kept in mind when reviewing the language and format of the survey. First, the initial intention was to have one survey response from each participating organization; however, it had to be borne in mind that some organizations had more than one staff representative body. Secondly, questions had to be worded and follow-up questions developed in such a way as to allow respondents to portray the situation in their respective organisations as comprehensively as possible. For example, while an organization might have a recognition agreement in place, management might not be complying in full with that agreement. Thirdly, it was essential to record how the survey was to be completed. It was debatable whether the President of the Staff Council alone should complete the survey or whether it should be a collective effort involving, for example, five elected staff representatives.

It was decided that the Standing Committee’s core group would focus on the issues pertaining to the agency rating survey rather than establish a separate working group for that purpose, while the core group members would contact each per e-mail no later than two weeks after the 71st session of the FICSA Council so as to begin work on the survey.

The Standing Committee’s core group should complete the collection of feedback and comments on the survey by the close of March 2018 and submit them to the Executive Committee by first week of April 2018.

Discussion on joint staff/management bodies and access to governing bodies by staff
associations and unions (FICSA/C/71/HRM/CRP.3) (Agenda item 7)

23. A number of delegates contributed to the discussion with information about the systems in place within their respective organizations that permitted staff representation to communicate direct with governing bodies. The meeting participants heard from representatives of: WHO, UNAIDS, IFAD, OPCW, WMO, UMWTO, FAO, WIPO, EMRO and UNFCCC, all of which had formal or informal (or both) mechanisms in place for communicating with management and governing bodies.

24. The SC agreed that it would be beneficial for the FICSA membership as a whole to have access to the staff rules and regulations, recognition agreements, and other relevant statutes of FICSA member organizations in order to explore and research best practices and to have solid substantiation for moving initiatives forward in their respective organizations.

Support letter from executive head to supervisors of Staff Representatives regarding their release for staff association/staff union-related work (FICSA/C/71/HRM/CRP.4) (Agenda item 8)

25. The delegate from WHO/HQ opened the discussion of the item with background information on how release time was granted to staff representatives at her organization. The Director-General wrote to the head of the relevant division to request that the staff representative be granted the release time corresponding to the representative's post. The hope was expressed that perhaps other organizations might be able to use that system as an example in facilitating the allotment of release time.

26. Other delegations also contributed to the discussion, with UNAIDS noting that it had a similar mechanism in place and WHO/EMRO informing the SC that after consulting with the FICSA General Secretary at a FICSA training session in 2017, she had begun including her staff representation work in her performance management system (PMS). That had proven to be an effective disincentive to her supervisor against pressuring her to leave the Staff Council.

27. Delegates from UNFCCC, UNWTO, FAO and IFAD also contributed to this discussion with information on the mechanisms in place at their respective organizations for facilitating the allotment of release time for staff representatives.

28. Following the discussions held under Agenda Items 7 and 8, the following steps were recommended:

The Standing Committee recommends that FICSA member organizations should share with the FICSA Secretariat, to the extent possible and as applicable, their internal Staff Rules and Regulations, Recognition Agreements, Memoranda of Understanding and any other statutes stipulating the provisions for communication between staff representatives and (a) management/administration/human resources and (b) governing bodies for the purposes of creating a searchable collaborative tool for FICSA membership in order to foster and develop best practices in staff/management communication across UN common system organizations.

The Standing Committee recommends that the FICSA Executive Committee should collect...
said statutes from FICSA membership and establish, in line with the Terms of Reference for the new FICSA website and the decisions adopted by the Ad hoc Standing Committee for Strategic Development, a searchable collaborative tool compiling Staff Rules and Regulations, Recognition Agreements, Memoranda of Understanding and any other statutes stipulating the provisions for communication between staff representatives and (a) management/administration/human resources and (b) governing bodies with the aim of fostering and developing best practices in staff/management communication across UN common system organizations.

FICSA resolution on harassment (Agenda item 9)

29. Meeting participants were requested to review the draft FICSA resolution on harassment ahead of its adoption at Plenary.

Request for training/workshops in 2018 (Agenda item 10)

30. The OPCW delegates requested that the following training covers courses to be held in The Hague: Emotional intelligence in the workplace, and Organizational change and staff representation.

31. The IMO delegates also requested a training activity on Emotional intelligence in the workplace.

The Standing Committee requested that the FICSA Executive Committee organize the following training sessions in 2018: Emotional intelligence in the workplace (OPCW and IMO; and Organizational change and staff representation (OPCW).

Other business (Agenda item 11)

32. No other business was raised.

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

33. Ms Viera Seben (ICAO) was nominated as Chair and Ms Megan Lehmann (OPCW) and Ms Ata Nour (WHO/EMRO Cairo) as Vice-Chairs.

34. The following were nominated as core group members:

Christopher Mason (WIPO), Bernadette Fogue (WHO/AFRO Brazzaville), Ritesh Singh (WHO/SEARO New Delhi), Maria Helena Capelli Miguel (UNESCO/STU Montreal), Juan Coy (AP-in-FAO), Nasr El Sottohy (WHO/EMRO Cairo), Maria Teresa Fernández (UNWTO), Andrès Orias (WMO), Alex Gellert (UNFCCC), Jalil Housni (WMO) and Irene Waite (IMO).
Annex 1

Resolution 1

At its 71st Session (Bonn, 5 to 9 February 2018), the Council of the Federation of International Civil Servants’ Associations (FICSA),

Recalling FICSA resolutions 70/1 and 69/1 relating to the deteriorating state of staff-management relations in certain common system organizations,

Noting that acts of retaliation against staff representatives are expressly forbidden by the International Civil Service Commission in Paragraph 32 of its Code of Conduct for International Civil Servants,

Further noting that interference by management in the administration or elections of staff unions or staff associations violates the principles of freedom of association and freedom of speech,

Calls urgently upon the UN Secretary-General, the executive heads of common system organizations and their governing bodies as well as Member States to condemn such practices and take all the necessary steps to secure the rights of duly elected staff representatives and staff associations to defend their constituents without fear of threats, intimidation or reprisals.

Resolution 2

The Council of the Federation of International Civil Servants’ Associations (FICSA) at its 71st session (Bonn, 5 to 9 February 2018),

Recalling its Resolution 69/2 on the Status of Staff/Management Relations at FAO, adopted at its Montreal session on 29 January 2016,

Having been apprised of the current situation in that regard and noting that there have been no improvements in the status of relations between FAO Management and the Organization’s staff,

Noting in particular that FAO Management continues to delegitimize the role of the staff representatives and disregard the mechanisms for consultation and negotiation with staff, through their duly elected representatives, provided for in the relevant Recognition Agreements signed with the staff representative bodies and in the Staff Rules and Regulations,

Extremely concerned that FAO Management persists in taking unilateral action on matters that directly affect the conditions of service and welfare of staff, including the abolition of the Joint Commissary Committee and the subsequent closure of the Commissary, thus depriving all staff of a privilege granted by the Italian Government, and the renewal of the contract for the provision of health insurance, entailing a substantial cost increase for staff,
Aware of the refusal of FAO’s Director-General to implement the raise to 65 years of the mandatory age of separation for staff in service prior to 1 January 2014, as decided and instructed by the United Nations General Assembly in resolution RES/A/70/244,

Deeply worried about the far-reaching adverse effects that such actions have on the productivity and morale of FAO staff as well as, in some cases, on the Administrations and staff of other Rome-based agencies who have no say in the decision-making processes,

Cognizant of the criticisms about FAO expressed by the International Civil Service Commission in its report for the year 2017 (United Nations General Assembly document A/72/30) and of the warnings issued by the General Assembly regarding organizations failing to comply with its decisions with respect to the common system (United Nations General Assembly resolution A/RES/72/255):

1. **Calls upon** the Governing Bodies of FAO to impress on its Director-General the absolute and urgent necessity of re-establishing proper and effective staff-management relations, in accordance with the United Nations common system’s principles and in full compliance with the FAO Staff Rules and Regulations and the applicable Recognition Agreements signed with the staff representative bodies;

2. **Requests** once more FICSA to support, as required, the actions of the staff representative bodies as an expression of its solidarity with the members of the Federation; and

3. **Urges** the FICSA Executive Committee to continue pursuing the issue, in cooperation with the staff representative bodies of FAO, in the appropriate platforms, such as the Governing Bodies of FAO, the Fifth Committee of the United Nations General Assembly, the United Nations System Chief Executives Board for Coordination, the High-Level Committee on Management and the International Civil Service Commission.
Annex 2

Presentation by the WIPO delegate

Update on the WIPO Staff Association for FICSA Council, Bonn

“If ever a UN Organization needed a union, it is WIPO”.


1. In March 2017, WIPO Administration held elections for a 'new' Staff Council.

2. This was the culmination of a process which had begun in September 2014 when WIPO Director General Francis Gurry summarily dismissed Moncef Kateb for defending staff members just weeks before he was due to deliver a controversial speech to Member States, criticizing Mr Gurry’s behaviour and management and decision to supply North Korea and Iran with sensitive, dual use IT equipment, allegedly in exchange for votes at the WIPO DG elections.

3. In November 2014, the WIPO DG suddenly announced a “new interpretation of Staff Rule 8.1 claiming that all WIPO Staff members, irrespective of whether they were members of the Staff Association should be allowed to vote for or stand in elections of the WIPO Staff Association. 70 staff members, less than 6 per cent of the WIPO Staff workforce signed a petition in support of the DG’s interpretation (entitled “For a representative Staff Council”), which the Director General subsequently imposed on all WIPO Staff Members.

4. The WIPO Staff Association had been defending and representing staff at WIPO since 1958.

5. Despite filing an official complaint with ILOAT, five members of the Staff Council of the WIPO Staff Association decided to stand for the Director General’s elections for a 'new' staff council on the advice of their lawyer, without prejudice and with full reservation of all rights.

6. They were hopelessly beaten in what they believe to be totally irregular elections. We noted 17 irregularities and are currently appealing against the results, conduct and aftermath in the internal justice system at WIPO with a view to launching a 2nd ILOAT appeal.

7. Alleged irregularities include the following:

   i) The polling officers for the elections, appointed by WIPO Administration, violated their own rules of procedure which were written by a close aide of the WIPO Director General.
   ii) a senior official in WIPO HRMD drew up a question and answers document that...
openly spoke of disbanding the WIPO Staff Association.

iii) Pro-management candidates received preferential treatment in terms of publicity and exposure.

iv) Staff Association candidates were not allowed to be present or even receive a copy of the results of the electronic elections.

v) Staff voted using work computers and e-mail systems which were not confidential – they are expressly monitored by WIPO IT services.

vi) Polling officers authorized the sending of mass–emails for electoral purposes from WIPO work addresses when this was expressly forbidden by the Rules of Procedure.

vii) Voting figures seemed grossly inflated – just like the results, which put the pro-management team ahead despite their disastrous performance at a meet-the-candidates forum in the run-up to the elections and total lack of experience in staff representation (video information on this event exists).

viii) Pro-management team flyers were mysteriously distributed against staff members’ will in their letterboxes at WIPO.

ix) Pro-management team resorted to issuing personal insults against the WIPO Staff Association, which were left unsanctioned.

8. Retribution against the existing Staff Council of the WIPO Association was swift. Within days of the election results, the release time for its President and Administrative Assistant was withdrawn; the Staff Council was evicted from its premises against its will and it was denied the right to send all staff e-mails. The Director of Human Resources subsequently introduced a censorship system for messages emanating from the Staff Council of the WIPO Staff Association. WIPO Administration’s annual subsidy of the WIPO Staff Association (CHF 37,200) was unilaterally withdrawn and redirected to the Director General’s 'new' Staff Council. Three members of the WIPO Staff Council are currently being harassed on a daily basis – the threat of bad performance evaluations; ostracization, and non-renewal of fixed-term contracts.

9. In parallel, the 'new' WIPO Staff Council is trying to take over the WIPO Staff Association’s sporting activities and reach out to the 'new' representative WIPO Staff Union with its estimated 30 members.

10. In January 2018, the WIPO DG formally changed the wording of rule 8.1. to justify post facto his imposition of management-orchestrated staff elections.

11. Several days later, the Head of WIPO HRMD authorized five self-proclaimed officials of a 'new' representative (sic) Staff Union to canvas for members in an all-staff e-mail that purported to charge WIPO Staff Members the modicum sum of CHF 5 per year to join the 'new' Union. The language of the e-mail was highly reminiscent of the original petition against the Staff Council of the WIPO Staff Association and the people involved, like many of the original petitioners, can be traced back to working under the orders of one of the WIPO DG’s closest aides.

12. The Staff Council of the WIPO Staff Association has made it clear from the very beginning that it is pursuing the legal route to put an end to ill treatment of the WIPO Staff Association – via the ILOAT and WIPO Appeal Board. In May it met with the Director of WIPO HRMD to see if some kind of modus operandi could be worked out while the matter is decided
in the courts. The Director of WIPO HRMD refused bluntly and said that the WIPO Staff Association no longer represented staff in front of the WIPO DG, despite the fact that it has more than 500 members, representing approximately half of the WIPO workforce. The WIPO Staff Association is now barred from taking part in selection boards and other committees at WIPO, or entering into discussions with WIPO Management and its memoranda in favour of staff remain unanswered. The WIPO Staff Association is campaigning for the restoration of its rights and it has received support from FICSA Executive Committee whose members made it quite clear that the WIPO DG’s 'new' staff council and 'new' staff union (sic) have no representative power outside WIPO and cannot become a member of a Staff Federation. The WIPO Staff Association is counting upon receiving the same support from CCISUA and UNISERV.

13. What the WIPO Staff Association experienced is a pure case of union bashing and the creation of a fake 'in-house' or 'yellow' union and staff council.

14. The WIPO Staff Association has requested its members to remain calm and collected, to keep their feet on the ground and move forward. Not a day goes past without a new attempt by Management to destroy it.

15. What the WIPO Staff Association would ask of FICSA is to recommend an updated resolution from the FICSA Council asking for intervention in the unhealthy situation at WIPO. The WIPO Staff Association is trying to contact the Head of the Coordination Committee for his help in resolving what it sees as a very clear case of retaliation against whistle-blowers. Historically, the WIPO Staff Association has been a whistle-blower ever since Moncef Kateb denounced the shipment of sensitive, dual use IT equipment to North Korea and Iran in 2012. He paid for it with his job.