

PERSONNEL QUESTIONS

PARALLEL REPORT

Submitted By

THE STAFF UNIONS AND ASSOCIATIONS OF
THE UNITED NATIONS SECRETARIAT

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ANNEXES

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I. INTRODUCTION

This parallel report on personnel questions is being presented to the Fifth Committee by the Staff Unions/Associations of the United Nations Secretariat in order to acquaint you with our concerns on personnel policies and practices. Not all of the matters dealt with by the Secretary-General in his report are covered in ours, and by the same token some subjects raised in our report are not touched in his. Taking these two reports together, a much fuller picture of personnel problems emerges. Of course, it is our belief that this report taken by itself is not sufficient to fully elucidate the staff viewpoint and it must be supplemented by a verbal presentation and the opportunity to respond to any questions that may arise from the information supplied in this report or to elaborate on any points that may not be clear to Member States.

II. COMPOSITION OF THE SECRETARIAT

A. Equitable geographical balance

We wish to reiterate our strong commitment to the principle of equitable geographical distribution as outlined in the conference room paper of the United Nations Staff Union submitted at the thirty-third session of the General Assembly to the Fifth Committee (A/C.5/33/CRP.7) on 7 December 1978. The Secretariat, and indeed the entire system, must have a balanced composition with staff members drawn from all countries, nationalities, racial groups, sexes, ages and professional backgrounds. Geographical distribution should be applied to all staff consonant with our commitment to a unified personnel structure. It should be looked at on a global, system-wide basis and encompass all those employed by the United Nations throughout the world, whether they are locally (General Service) or internationally (Professional) recruited.

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As noted in the above-mentioned conference room paper, the success of any effort to improve the composition of the Secretariat must rest on an entirely new approach to recruitment. We need a recruitment programme based on modern techniques of identifying, attracting and screening candidates from all countries and backgrounds. There are certain basic principles that must underlie such a recruitment programme, namely:

(1) Maintain a balance between external recruitment and internal promotion as required by Regulation 4.4, which states that, inter alia: "... fullest regard shall be had, in filling vacancies, to the requisite qualifications and experience of persons already in the service of the United Nations".

(2) Base external recruitment on an effective out-reach or search programme so that we do not become excessively dependent on the political/diplomatic circle for the identification and nomination of new recruits. It is necessary to have a system that allows entry to qualified candidates of all nationalities without regard to one's political connexions, or lack thereof. This means advertising job openings and career opportunities on a much broader basis than is currently the case. Such advertising should be focused on institutions of higher learning throughout the world, utilizing widely circulated periodicals and professional journals in all major languages. Also implied are more open and competitive entry procedures.

(3) Maintain the possibility of internal promotion from lower to higher levels for staff who gain the requisite skills and education. The best way to ensure openness and equality of opportunity within the system, thereby securing a properly motivated and productive staff at all levels is by elimination of the present category structure and its replacement by a unified personnel system based on proper job classification and remuneration linked to the functions performed and qualifications required.

It is regrettable, indeed, that so little progress has been made over the years in establishing the kind of recruitment programme needed by the Organization. If such a programme were established, it should end, in very short order, the annual debate on over-, under- and unrepresented Member States by solving this problem once and for all.

B. Undue governmental pressures

In addition to the recruitment problem, staff members over the last several years have been experiencing increasing frustration from what they feel has been the lack of any meaningful policy aimed at career development and the full

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utilization of the employment resources already available in the Secretariat. As we view it, the situation has been brought about by the steady erosion of the Secretary-General's influence in matters pertaining to the appointment and promotion of staff members to the Secretariat, resulting from the constant intervention by government representatives on behalf of their own nationals.

One of the glaring distortions of the Charter found in the administration of the Organization is its silent acquiescence in the claims of some Governments that certain posts in the Secretariat are exclusively theirs, to be filled successively by nationals of a particular country or regional group. To compound this situation, the incumbent who may have been promoted to the next grade before retiring is then replaced by a national at the higher grade. As time has passed, and in the absence of any rigorous attempt to oppose these tendencies, the situation has entrenched itself to the point where it is regarded as a "fact of life" and has therefore become even more difficult to reverse.

While we welcome the reaffirmation by the Fifth Committee that "no post be considered the exclusive preserve of any Member State or any group of States", (A/C.5/33/L.33), the practice in this regard has not yet come up to the standard, and we recommend that the Secretary-General and/or the Fifth Committee issue a policy statement which would make clear to all concerned that:

(1) The principle of equitable geographical distribution should be applied on a Secretariat-wide basis and not in every unit, large or small;

(2) No staff member should be excluded from consideration for transfer, assignment or promotion to any post in the Secretariat on the grounds of nationality;

(3) There should be interchangeability and rotation of different nationalities in posts where this would contribute to the career development and opportunity for staff already in the service of the Organization;

(4) In order to improve the geographical situation of the Secretariat and open up career prospects for deserving staff members, consideration should be given to placing all departmental proposals for extension beyond the age of retirement before the Appointment and Promotion bodies prior to their consideration by the Secretary-General;

(5) Considering the pressures on the Secretary-General for posts at the senior level, all appointments and promotions to the D-2 level should be considered by the Appointment and Promotion bodies.

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III. SECURITY AND INDEPENDENCE OF THE INTERNATIONAL CIVIL SERVICE

A. Erosion of the independence of the International Civil Service

Increasingly in recent years staff members at all levels and grades have become conscious of the fact that, contrary to the Charter, political pressure and interference by Member States occurs at all stages of the appointment and promotion process in the United Nations Secretariat. Whereas in the past it had been considered "acceptable" for political pressure to be exerted only at the highest levels of the Organization - where the appointment and promotion of staff takes place at the discretion of the Secretary-General - today, staff are deeply disturbed at the fact that it has become routine for permanent missions to interfere in the recruitment and promotion of their nationals at all levels of the Organization.

The pervasive "politicization" of the Organization is a source of widespread frustration and disillusionment amongst staff, many of whom have come to the regrettable conclusion that they have little prospect of advancement in the Organization if they lack political pull. In other words, they have come to believe that a successful career in the United Nations is contingent, above all, on "contacts", "knowing someone" and having pressure applied on their behalf by members of their national mission to the United Nations.

It is precisely this widespread perception that has caused staff members to go directly to their Governments to gain advancement or even to remedy a grievance and, for the most part, it seems that Governments have been ready and even willing to intercede on behalf of nationals of their country.

The perception that a staff member's career in the United Nations depends not on merit and effort but on the politics of patronage and favouritism is eroding, on a daily basis, the concept and reality of an independent international civil service. It calls into question the principles, enshrined in the Charter, on which the Organization was founded. For example, the requirement in Article 10 of the Charter that the "paramount consideration in the employment of staff in the determination of conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity ..." is certainly in question.

Obviously, this erosion can only occur where there is a low level of resistance on the part of members of the administration to political pressures. The Assistant Secretary-General of Personnel, Mr. Jonah, has spoken out vigorously against political pressures by Member States and the staff applaud him for having taken this stand. At a staff meeting last year, for example, Mr. Jonah observed

that what was "unthinkable in 1945" has become not only thinkable but "commonplace" today. He said he knew of no Member State which was not guilty of interference in the workings of the Secretariat. The process of political interference, he said, was a vicious circle. "By subverting the independence of the Secretariat, Governments do not take the United Nations seriously. Because they do not take it seriously, more and more subversion is undertaken." He added, however, that he thought that there would come a time when Governments would realize that they had made a very serious mistake, "because if you have a Secretariat that is not independent, and it is not known to be independent, Governments are not going to entrust it with anything."

The Secretary-General, in his annual report on the work of the Organization last year, also remarked on the serious consequences of these pressures to the future of the Organization. He said he felt that the international civil service was "at a critical juncture" in that "an increasing number of Member States seem less willing to observe, in practice, the obligations they assumed under the Charter with respect to the independent nature of the Secretariat. This trend is self-sustaining in the sense that, if one State or group of States does not observe these obligations, other States tend to follow suit for fear of losing their stake in the Secretariat."

The Staff Unions/Associations of the United Nations Secretariat fully endorse these expressions of concern. We believe that what is at stake is nothing less than the future of the United Nations as an independent institution. Furthermore, we are convinced that most Member States realize that their long-term interests are best served by an organization which is impartial and independent. If it is not - if Member States come to believe that the United Nations Secretariat is biased in favour of one group of States or one ideological group - then the credibility and confidence of the Organization as a whole would suffer to the disadvantage of all since, in the final analysis, all Governments will lose confidence in a Secretariat that is not totally independent. Yet, the cumulative effect of the present practices - which it seems almost all Member States engage in to a greater or lesser extent - is precisely the subversion of the independence and impartiality of the Organization.

B. Payment of supplemental compensation to United Nations staff members

The staff of the Secretariat is also concerned at the fact that, contrary to the Charter, some Governments pay regular supplements, in various forms, to nationals of their countries working at the United Nations. The staff welcome the report of the Administration Committee on Co-ordination (ACC) on the question of national supplements contained in document ACC/1980/19/Rev.1. The report draws attention to three legislatively sanctioned systems of supplementary payments (the United States of America, Japan and the Federal Republic of Germany) and points out that these payments not only "raise questions regarding the adequacy of the conditions of service as determined by the application of the Noblemaire principle in general and the use of the Federal Civil Service of the United States of America as the comparator, in particular ..." but also raise "serious questions of law and equity".

Specifically, these payments (which are made less overtly by a number of additional Governments) violate Article 100 (para. 2) of the Charter, which States that "Each Member State of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the Staff and not to seek to influence them in the discharge of their responsibilities." It also violates United Nations Staff Regulation 1.2, which states that "no staff member shall accept ... any remuneration from any source external to the Organization without first obtaining the approval of the Secretary-General." As the report points out, "even if a Government does not otherwise seek to influence staff members in the discharge of their responsibilities by payments or a system of payments, the very fact that such an offer was made, the acceptance of which is contrary to a staff regulation, could influence the staff members to violate their oath of office."

The staff view with alarm the practice of paying national supplements to international civil servants. Whatever the motivations for paying these supplements, we see this practice as a further step in the erosion of the independence of the international civil service and in the creation of different "classes" of United Nations officials. It therefore appeals to all Member States that pay national supplements to refrain from this practice. If, as some Governments have argued, a supplementary payment is necessary to recruit persons who, for financial reasons, would otherwise not be attracted to the international civil service, then the obvious and equitable remedy is to adjust the over-all salaries of United Nations staff members so that the Noblemaire principle - that staff should be paid according to the best paying national civil service - can be applied in practice within the Organization.

C. Physical security and protection of International Civil Servants

The staff of the Secretariat are profoundly disturbed at the number of recent instances in which United Nations staff members have been arbitrarily arrested and detained without due process, in violation of their basic legal and human rights, by Member States of the United Nations - all of whom are signatories to the United Nations Convention on the Privileges and Immunities of the United Nations, an instrument of international law designed to ensure that, in accordance with Article 105 of the Charter, international civil servants enjoy "such privileges, immunities as are necessary for the independent exercise of their functions in connexion with the Organization".

We should like to stress in this connexion that Member States of the United Nations freely assume certain obligations when they sign the United Nations Charter, the Convention on the Privileges and Immunities of the United Nations and various other conventions relating to human, political and civil rights. In calling upon Member States to respect these legal instruments, therefore, we are not in any way impinging on their national sovereignty; we are simply appealing to them to respect their own freely undertaken obligations.

For example, all United Nations officials* and experts on mission for the United Nations are immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity.

Nevertheless, in all the cases outlined in annex to this document, the immunity of the staff members in question was ignored and all were arbitrarily arrested and detained without being accorded a fair trial. Furthermore, in none of these cases was a United Nations official, in compliance with the United Nations Convention on the Privileges and Immunities, able to:

- (a) Visit and converse with the staff member in question;
- (b) Apprised of the grounds for the arrest or detention including the main facts and formal charges;
- (c) Assist the staff member in arranging legal counsel for his or her defence, and
- (d) Appear at legal proceedings to defend any United Nations interest affected by the arrest or detention.

The above-mentioned measures constitute, in the official position of the United Nations Secretariat, "the minimum initial steps required in order for the United Nations to safeguard and maintain its interests and legal rights".

* By "United Nations officials" it is meant, according to General Assembly resolution 76 (II), adopted on 7 December 1946, "all members of the staff of the United Nations, with the exception of those who are recruited locally and are assigned to hourly rates".

In addition, in all these cases, the staff member is entitled to the following rights under the International Covenant on Civil and Political Rights:

- The right not to be subjected to arbitrary arrest or detention;
- The right to be informed of the reasons for arrest, and the specific charges against them;
- The right to be tried promptly;
- The right to take proceedings before a court to determine the lawfulness of their detention;
- The right to legal assistance of their own choosing.

The failure of the Member States in question to respect their obligations vis-à-vis these imprisoned staff members therefore implies a serious disregard for the institution of the United Nations itself, its Charter and the various legal instruments on which it is based. It also implies disregard for the authority of the Secretary-General and of the executive heads under whose exclusive authority these staff members are supposed to serve. In other words, the failure of these Member States to respect the legal and human rights of individual staff members poses a serious threat to the authority and independence of international institutions (which are the instruments of international co-operation) and calls into question the authority of the instruments of international law whose provisions they have violated.

In short, as the executive heads stated in their joint statement on the security and independence of international civil servants (see annex I), "any infringement of the security and independence of staff members of the organizations of the United Nations system by a Member State is a serious threat to international co-operation."

The staff fully endorse the above-mentioned statement by the ACC and the vigorous stand by various executive heads to protect the rights of staff members.

We are fully conscious of the fact that if the Secretary-General and the executive heads of organizations in the United Nations are unable to protect the human rights of, and guarantee minimal standards of justice and due process for, staff members under their exclusive authority, then it follows that no assurance can be given to international civil servants that their legal and other rights - let alone their functional immunity - can be safeguarded when they work in the service of the Organization.

Finally, we should like to suggest that the test of the commitment of the United Nations to human rights and the measure of its moral authority in this

field is how it responds to violations of the human rights of its staff members. Apart from the resolution on this subject adopted by the Commission on Human Rights at its thirty-sixth session, Member States have so far responded with silence. But we, the staff, are obliged to ask: Can the United Nations have any moral authority in promoting human rights throughout the world if it proves incapable of protecting and safeguarding the rights of its own staff members?

IV. STAFF/MANAGEMENT RELATIONS IN THE SECRETARIAT

A. Current status of staff/management relations

At present relations between the staff and management are governed by Staff Regulations 8.1 and 8.2 and Staff Rules 108.1 and 108.2. These rules and regulations provide, inter alia, for a system of consultation whereby the Secretary-General may seek the comments and views of the elected staff representatives "on questions relating to staff welfare and administration, including policy on appointments, promotions and terminations and on salaries and related allowances". Except for emergency situations, general administrative instructions and directives are to be transmitted to the respective staff committees "for consideration and comment" before being put into effect. These consultations normally take place within the context of the Joint Advisory Committee (JAC) where both staff and management are represented. The JAC provides the Secretary-General with advice on matters which fall within the scope of the above-mentioned staff rules and regulations. The Secretary-General is free to accept or reject the advice given and is not bound by any agreements his representatives may work out with the staff representatives in the context of the JAC. The system of "consultation" provided for under current rules is "a process whereby the decision-maker (e.g. the Secretary-General or Executive Director) secures information from and discusses questions with staff representatives. The essence is to receive the views of the staff and to exchange views with them". The decision-maker can and may strive to reach agreement with the staff representatives, "but basically the ultimate decision is his alone and he accepts the proposals of the staff representatives only if he is convinced by them that these proposals are within his discretion and constitute the most desirable solution. An undertaking or obligation to consult does not detract from his right and obligation to reach a unilateral decision". (Paul Szasz, Legal Aspects of Staff-Management Relations)

There is a growing discontent at several duty stations with the system of consultation as it has been practised over the years. Many staff representatives advocate a system of negotiation since they consider consultation to be paternalistic, outmoded and leaving too much scope for unilateral decision-making without due regard for the interests of the staff. Progress, however, in modernizing and updating the basis of staff/management relations is uneven at best. At some duty stations not even the minimal standard of employee

participation (as represented by consultation) in setting the terms and conditions of service is observed, while at other duty stations there is growing pressure for a fundamental change in the basis of the relationship between staff and management. While executive heads at some duty stations have shown themselves receptive to the need for change and improvement, in others the state of staff/management relations is best characterized by the executive head who told his staff that if they did not like conditions they should "get out". While the "love it or leave it" school of administration may have its place in certain institutions - such as the army - it is hardly the most rational or productive approach in an institution such as the United Nations which aspires to serve as a model and which, more importantly, needs to achieve optimal results from its limited human and material resources if it is to deliver the services required by the Member States.

A fundamental reorientation of staff/management relations is required, a reorientation that would bring United Nations practice into line with public service practice in the most socially advanced countries of the world, and ensure its conformity with currently accepted international standards for the public service as defined by the International Labour Organisation (ILO).

B. Principles for reform of staff/management relations in the Secretariat

1. The Charter, the Declaration of Human Rights and all ILO Conventions, decisions and recommendations governing labour/management relations are applicable to international organizations in the same measure and to the same degree they are applicable to Member States. Staff Rules and Regulations governing staff/management relations should be based on the fundamental principles contained in these documents. Of particular importance in this regard is ILO Convention 151 on the right to organize and determine conditions of employment in the public service (see annex II).

2. Every employee has the right to join with other employees in the formation of unions and/or associations for the furtherance and protection of common interests. Orderly procedures should be established for the formal recognition by the United Nations of unions/associations so formed.

3. Negotiation is the most sensible basis for relations between staff and management. The present system of employee/management relations is based on consultations. Consultation, as presently practised, is paternalistic and outmoded. Sound relations must be based on the equality of the two parties.

4. Negotiations must result in written, signed and binding agreements between employees and employer. It is no longer acceptable that executive heads should make unilateral decisions. Decisions on terms and conditions of service

should result from agreements between the parties concerned arrived at through the give-and-take of bargaining and negotiation.

5. Negotiations must be carried out in "good faith" on both sides.

6. Mechanisms for conciliation, mediation and arbitration must be established and available to all agencies and staff of the common system.

7. Management cannot act unilaterally, nor can unions/associations resort to strikes or job actions, unless all the processes of negotiation and impasse resolution have been exhausted.

8. The proper role of the International Civil Service Commission (ICSC) is fact-finding. The Secretary-General should negotiate agreements with the staff before any "facts" presented by the ICSC can be used to change the terms and conditions of service of the staff.

9. Since the General Assembly is assuming more managerial responsibility, it is imperative that staff have full access to the Fifth Committee in order to provide information relating to the staff's views, on which sound decisions can be taken. As a matter of principle, however, we oppose the intervention of the Fifth Committee in non-policy areas, and believe that administrative and managerial decisions related to the terms and conditions of service should remain within the power of the Secretary-General, and that the Secretary-General should in turn negotiate with the staff all changes in such terms and conditions of service.

10. Where the United Nations provides facilities to the staff unions/associations, the unions/associations must be ensured "adequate protection against any acts of interference ... in their establishment, functioning or administration" (ILO Convention 151, article 5).

11. Staff representatives and union officers should be given sufficient time, free from regular work assignments, to pursue staff matters, without repercussions to their careers.

C. Revised Staff Regulation on staff/management relations

Consonant with the principles set out in B. above, the staff propose that Staff Regulations 8.1 and 8.2 be revised as follows:

EMPLOYEE RELATIONS

Regulation 8.1

In conformity with the provisions of article 23, paragraph 4, of the Universal Declaration of Human Rights, every employee shall have the right to join with other employees in the formation of unions and/or associations for the furtherance and

protection of common interests related to the terms and conditions of their employment. The duly elected and recognized representatives of the unions/associations shall have the right to initiate and enter into negotiations with the Secretary-General or his representatives on questions of employee welfare and administration, including policy on appointments, promotions and terminations and on salaries and related allowances, and such other matters as may affect the terms and conditions of employment.

Prior to the issuance of any administrative instruction, directive or circular which changes existing terms and conditions of employment, the Secretary-General or his representatives shall submit such proposals to the duly recognized union/association representatives for negotiation with a view to reaching an agreement with them. The parties shall meet and confer at reasonable times and places and negotiate in good faith. If agreement cannot be reached on the issue under negotiation, the parties may have recourse to impasse resolution procedures such as conciliation, mediation and arbitration. Neither party shall act unilaterally unless every effort has been made to resolve the differences and reach agreement.

The principles to govern the rights of staff and management in their mutual relations shall be based in particular on the following international instruments:

- (a) Universal Declaration of Human Rights;
- (b) ILO Convention 87;
- (c) ILO Recommendation 143;
- (d) ILO Convention 151 concerning Protection of the Rights to Organize and Procedures for Determining Conditions of Employment in the Public Service, adopted on 27 June 1978.

Regulation 8.2

A Staff/Management Committee (SMC) shall be established at each duty station consisting of representatives of the Secretary-General and representatives designated by recognized employee unions and/or associations. The Staff/Management Committee shall be the principal forum at each duty station for negotiations on questions of staff welfare and administration, including policy on appointments, promotions and terminations and on salaries and related allowances and such other matters as may affect the terms and conditions of service. The purpose of the negotiations within the SMC shall be to arrive at written and binding agreements between the Secretary-General/Executive Director and the employee unions/associations represented therein.

V. CONDITIONS OF EMPLOYMENT OF THE STAFF

A. Competitive examinations

The General Assembly, at its thirty-third session, in resolution 33/143, decided to limit the number of General Service staff who could be promoted to the Professional category to 30% of the available posts at the P-1/P-2 level and to require that such promotion take place exclusively through competitive methods of selection. This decision, which proved controversial at the time, has continued to be a source of discontent and turmoil among the General Service staff who comprise more than 60% of the total number of staff members in the Secretariat.*

At the time, the staff unions/associations strongly protested the decision to impose a quota on such promotions and expressed reservations about the practicality of introducing competitive methods of selection. Once the General Assembly had taken its decision, however, we agreed to enter into negotiations with the administration on the modalities of such methods, believing a constructive approach would prove more fruitful in the long term.

From the outset of these discussions we took the position that competitive examinations, if they were to be implemented at all, must be applied uniformly to all eligible General Service staff, without exceptions, and that examinations should, moreover, apply to all those recruited to the P-1/P-2 level from outside, and could, with equal validity, be used at all Professional levels. In other words, we believe there should not be some staff required to sit the examination while others are not. Given the favouritism that existed under the previous system with regard to the way in which staff were selected for positions to which they could be promoted to the Professional category, it was felt that examinations could open up promotional opportunities to those General Service staff excluded in the past.

Over-all, the negotiations with the administration on the modalities of the examination went well, and it was possible to accommodate many of the concerns expressed by the staff and to provide suitable transitional measures to bridge the gap between the old promotion system and the new competitive examination system. Special attention was given to the situation of incumbents who had been

* It is our hope that future reports of the Secretary-General on personnel questions will deal more systematically with the General Service category, including its composition and structure, as well as the problems particular to that category of staff.

serving in Professional posts for at least one year at the time the decision was taken to change from one system to the other. It was decided to waive the requirement for post-secondary educational qualifications for incumbents, and to provide to them a bonus of 10% on the written part of the examination in recognition of their prior service in post.

The circulars announcing the procedure were the subject of thorough and intensive discussions within the context of the Headquarters Joint Advisory Committee (JAC) and extended debates took place particularly within the Headquarters Staff Council and at a General Meeting of the Headquarters Staff Union. The staff associations and unions at the other duty stations were not consulted to the same degree as Headquarters, and there was considerable dissatisfaction that the modalities for the examination had been developed without fully considering the views of those outside Headquarters. Moreover, some of the duty stations away from Headquarters viewed the competitive examination scheme with distrust from the outset. The UNIDO Staff Union, in fact, repeated requests, through its JAC, to be excluded from the 1970 competitive examinations, which were seen as an experimental exercise. The staff and administration of UNIDO were united on this issue. It was felt that the organization of the scheme on a world-wide basis was a gargantuan task, and that the staff should not be penalized while difficulties in the holding of the examinations were being worked out. The requests were denied by Headquarters. In the event, the fears expressed were shown to have been all too warranted. Despite these reservations, it was assumed at Headquarters that the arrangements were, by-and-large, acceptable. Two circulars on the subject, i.e., those listing the posts being put up for the examination and giving the occupational groups were not, however, discussed in sufficient detail with the staff, even at Headquarters, in the rush to complete all arrangements for the November examination date. Although the staff had previously been informed that the examination would be given for occupational groups, there was an expectation that those occupational groups would be more narrowly defined than subsequently turned out to be the case. This resulted in a good deal of apprehension among the incumbents of posts who, while they may have felt comfortable competing in an examination focused on the specific posts, became worried at the prospect of competing in the broader occupational field. There was the natural concern expressed that the person actually doing the job might be "bumped" by another

competitor because of the way the occupations were defined. These anxieties led to a fairly broad protest among the staff at Headquarters and resulted in the convening of several general meetings of the staff and reconsideration of the entire examination procedure by the Headquarters Staff Council. The Headquarters Staff Council therefore passed a resolution on 30 October 1979* which called upon the President of the Headquarters Staff Committee to request the Secretary-General to:

"(a) Postpone the competitive examinations in order to re-evaluate and revise the present terms and conditions of such examinations in view of their complexity;

(b) Establish just and adequate transitional promotion procedures for incumbents of Professional posts;

(c) Issue a revised list of new and vacant posts; and

(d) Ensure that any action on personnel matters be taken without infringement on the acquired rights of staff members."

In response to this resolution and the "concerns that had been voiced by a number of delegations to the Fifth Committee", the administration introduced a document in the Headquarters JAC which contained a proposal that a special review of incumbents be undertaken. And, "since the posts encumbered by these staff members would have to be utilized to implement their promotion, the same number of additional posts in the relevant occupational group would be earmarked ... to accommodate those successful candidates in the examination who would have to be promoted."

This special review would be undertaken by the Central Examination Board, supplemented by two members of the Appointment and Promotion Committee, and based on criteria developed by the JAC and the Board itself. The administration agreed that posts taken off the list by the promotion of incumbents in this manner would be replaced by a comparable post in the same occupational group and at the same location, so that the number of posts available for the examination, i.e., 51, would remain the same.

A cut-off date of 20 December 1978 was agreed to, which meant that 27 posts would be subject to the special review and, if all 27 staff members were successful in the special review, 27 replacement posts would have to be found. Even at that stage the staff representatives were skeptical about the ability of the administration to make available 27 additional posts for replacement, and stipulated that such additional posts should in no way affect the 1980

* Although the resolution was not consulted with the Staff Associations at other duty stations, there was general support among them for some kind of improved transitional measures for incumbents.

examination exercise. "The question arose as to how many posts would actually be available for 1979, and as a consequence, for 1980. A written statement was requested from the Budget Division that the extra posts promised would in fact be available, should the proposal for the revised procedure be accepted." The Secretary-General's representatives stated, "it had already been made clear that although the General Assembly had fixed a 30 per cent ceiling on the number of posts available for promotion through the competitive examinations, a flexible approach (emphasis added) would be adopted for the first year and the Secretary-General would be responsible for reporting that fact to the Fifth Committee." Furthermore, "it was impossible to predict exactly how many posts would be available in 1980, but the 30 per cent ceiling set by the General Assembly would, of course, apply." In reply to the staff's request for assurances that the extra posts would be available, the Secretary-General's representatives said, "it was obvious that, if the Secretary-General accepted a recommendation from the JAC in that regard, it would be in full awareness of the consequences. There was no need for anyone else to give any written assurances."

From the discussions that took place in the JAC Working Group appointed to study the administration's proposal, it was obvious that this revised procedure was "for the promotion of staff members to the Professional category in 1979". The Working Group agreed and the JAC subsequently endorsed the position that the "extra posts will be drawn from the posts that are available for the period from 1 April 1979 to 31 March 1980. The Working Group considered it important that the provision of extra posts as a transitional measure for the 1979 examination should not affect the totality or percentage of P-1/P-2 posts that would otherwise be made available for the next competitive examination". It was also manifest that these additional replacement posts would not be taken from the 1980 posts that might otherwise be earmarked for examination, but "that the net addition of posts to which the Under-Secretary-General for Administration, Finance and Management had committed himself were posts which would have otherwise been filled by outside recruitment". Furthermore, "if there was any question of the legality of such measures, the Secretary-General had taken responsibility for justifying his action before the General Assembly".

As a result of the staff request for postponement and the special review, a compromise solution was worked out in which the core examination was conducted in November 1979 and all interested staff, including incumbents, were required to sit for that part, on the understanding that if the incumbents were successful in

the special review, they would not have to sit the remaining parts of the examination. The specialized sections of the examination were consequently postponed until February 1980.

The special review was carried out by the Central Examination Board between , prior to the specialized examination. In the event, 35 incumbents were successful in the special review and were informed that they would not be required to sit the specialized paper. There was some surprise on the part of the staff that the Central Examination Board recommended the exclusion of 35 staff members from the examination since, according to the cut-off date agreed to with the administration in JAC, a maximum of only 27 staff members fell within the period covered by the review. The Staff Committee of the Headquarters Staff Council was consequently very eager to receive the report of the Central Examination Board in order to review the criteria used by the Board in deciding on 35 staff members. Despite repeated and continued requests for the report, as of this date, none of the staff representatives either at Headquarters or in other duty stations has received the report of the Central Examination Board.

An even more critical problem, however, has been the question of posts to replace the 35 which were withdrawn from the competitive examination procedure due to the special review. The agreement of the staff to the special review was predicated on the provision of replacement posts so that those taking the examination would not be short-changed because of the special review. It had been agreed in JAC that the list of replacement posts would be made available to the staff as soon as the special review was completed, and before the specialized examination and the interview took place. Those taking the examination had been promised an opportunity to reapply for posts since their original application for the examination had been based on the first list of posts published. Despite repeated promises by the administration to give the list of replacement posts, and the setting of deadlines in which to do it, the list of replacement posts was only finalized at the end of July, without any consultation with the staff. Many of those who took the examination felt definitely cheated because of the uncertainty over the availability of replacement posts and, if they were indeed available, whether they would be of a similar nature at the same duty station.

Further controversy between the staff and administration arose in April and May, first when representatives of the administration suggested that there would be no competitive examination in 1980, and then when the administration issued a circular covering the modalities for the interview procedure without completing the process of consultation with the staff representatives. The

staff, in the first instance, were astounded to learn that there might not be an examination in 1980, nor for that matter any promotion review from the General Service to the Professional category since there were no posts available because the 1979 quota had been exceeded. This was despite the fact that at the time we agreed to the special review, every assurance was given that the provision of replacement posts would in no way affect the availability of posts for 1980. The administration has since modified its position to suggest that even though the next examination may be given in 1981, the results will be made retroactive to 1980. Nevertheless, it is an open question whether the administration will be able to keep this commitment or will find itself in the position of having to renege as it has on other occasions.

The procedures for the interview were not the subject of complete consultation and agreement either with the staff representatives at Headquarters or at any other duty station. Although the administration accused the Headquarters Staff Committee of refusing to discuss the circular on the interview procedure within the context of the full JAC, this was not the case. The Staff Committee never refused to discuss the circular, but did insist that the list of replacement posts and the report of the Central Examination Board on the special review, which were solemnly promised months before, be made available before finalizing the interview procedure. It was particularly important to have the list of replacement posts at the time the interviews took place so that staff could indicate anew their preference for the posts available. As stated in ST/IC/79/66/Add.1 of 11 January 1980, "staff members ... who applied for any of the posts listed in document ST/IC/75/54 and Add.1, will be provided with the opportunity to list anew ... the posts for which they wish to apply. To this end, a new list of posts will be published after completion of the review undertaken in accordance with ST/AI/268/Add.1." Since such a list had never been published and staff were never given an opportunity to reapply, the only chance to do so would be at the time of the interview. The Staff Committee viewed the replacement posts and the reapplication as closely interlinked with the interview procedure and believed that both had to be dealt with simultaneously.

The final fate of the competitive examination is at this stage very much up in the air. Given the experience of the last year, there are many among both the staff and administration who believe the examinations should be abolished, along with the quota which everyone agrees is discriminatory and odious.

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Certainly examinations cannot be carried out in the atmosphere of distrust and bad faith that has characterized some of the occurrences during this last exercise. The failure of the administration to keep in a timely manner the promises it made has caused the staff to be even more skeptical than might otherwise be the case. In terms of the future we recommend the following:

(1) A complete review of the competitive examination experience in 1979 should be undertaken jointly by staff and administration to assess the results, determine if examinations should be continued and, if they should, to devise improved methods for preparing and conducting the examinations;

(2) If competitive examinations are found to be a valid promotion mechanism they should be generalized to cover those being recruited from outside at the P-1/P-2 level, as well as for promotions at all levels from P-1 to D-2;

(3) No year should elapse without promotions from the General Service to the Professional category, whether through competitive examinations or other competitive methods;

(5) Regardless of the system of promotion finally decided, the quota for promotions from General Service to Professional should be eliminated once and for all since the quota system is prejudicial to the career opportunities, morale, and incentive of the General Service staff, and establishes discriminatory treatment vis-à-vis other staff members;

(5) Given the advantages that accrue to those stationed at Headquarters, better orientation and training courses should be made available to local staff serving in the field so they can compete on a more equal basis with their Headquarters colleagues.

B. Employment of women

It is apparent from the latest promotion registers and the Secretary-General's Report on the composition of the Secretariat that very little has happened to improve the situation of women in the United Nations system despite years of discussions, studies and reports. A variety of recommendations have passed around the alphabet soup of United Nations committees but with little effect. There has been a clear failure to meet the stated and implied wishes of the General Assembly. Despite much lip service and excuses, the Secretariat has simply failed to act.

(1) Promotions

The lack of women included in the 1979 and 1980 Professional promotion registers is a matter for shock and disappointment. The percentage of women among those recommended for promotion in 1979 was lower at every level than in 1978. Moreover, if we compare the number of those recommended for promotion with the number of women at each level in June 1978 the percentage is again lower than that for men, except at the P-2 level.

LEVEL	Number at level	WOMEN		MEN		
		Recommended for promotion	Per cent promoted	Number at level	Recommended for promotion	Per cent promoted
P-5	55	1	1.8	480	32	6.7
P-4	143	7	4.9	802	56	11.7
P-3	304	19	6.2	760	73	9.6
P-2	210	21	10.0	405	40	9.9

These figures do not illustrate a new development. Women have traditionally been hired at lower levels and promoted more slowly than men. As a paper presented at the UNITAR Colloquium on Women in the United Nations (1977) pointed out, 19 per cent of men who started at P-1 and P-2 levels reached D-1 level after 20 years whereas only 3 per cent of women who started similarly rose to D-1 in the same space of time.

It is clear that either women are being overlooked when promotion recommendations are put forward or departments have failed to put women in jobs of greater responsibility where they can prove their potential. The Panel to Investigate Allegations of Discriminatory Treatment in the United Nations Secretariat in its report points to two factors which merit close attention. One is the "resistance on the part of substantive departments to the placement of qualified staff members where suitable openings exist".

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All too often this resistance is directed against women. The report also notes that "Promotions in many instances seem to depend not only on qualifications and the ability of staff members to assume higher responsibility but on the availability of posts ..." (para. 15 B iii). Thus even if women are suitably placed and prove they merit promotion, they may still lose out because the post has not been budgeted for at the higher level.

Suggestions for action

Departments should be required to document efforts they have made to assign women to positions of greater responsibility.

Promotions should be based on merit and not on the availability of specific posts.

Where the number of posts available for promotion are limited, preference should be given to women. In this regard, departmental profiles should be brought to the attention of the Appointment and Promotion bodies.

There should be a proper representation of women in all the Appointment and Promotion bodies; the task of identifying suitable women should not be left only to the staff side.

Where it is merited, women should receive accelerated promotions; statistics on accelerated and ad hoc promotions giving a breakdown between men and women, should be made public in the same way the promotion registers are.

The role of the Appointment and Promotion bodies should include making recommendations for career development and placement of staff with potential whose present assignment provides no opportunity for upward mobility.

(2) Recruitment

Out of 303 appointments made to posts subject to geographic distribution during the year to 30 June 1979 only 47 (15.5 per cent) were women. This represents a lower proportion than that for women already in such posts (17.8 per cent at 30 June 1978) and an increase of only 9 over the 38 recruited in the previous year.

Even more disappointing is that in spite of the attention focused on identifying women for posts at high levels of responsibility, only 9 out of 138 (6.5 per cent) appointed at the P-4 level and above were women. This was even fewer than the 11 out of 117 (9.4 per cent) appointed in the previous year. Although we are pleased to see two women appointed at the ASG level, one of these is only for a short term and another comes from UNDP. The pleasure is also somewhat dampened by the fact that there were no appointments at the USG, D-2 and D-1 levels. We can only question the sincerity of assurances that the organization is trying to do anything about all this.

It was reported in 1978 that there were 758 women on the roster representing 96 nationalities. In 1979 we are told that this number has increased by over 20 per cent. Surely some of these women must fit into the required occupational groups and/or come from countries which are not over-represented.

On the question of recruitment from over-represented countries, according to our calculations 90 men and only 13 women (12.6 per cent) were recruited in this category. It is apparent that the policy on over-representation is being waived for men and used as an excuse for not recruiting women. The table below provides a regional breakdown of this situation.

	<u>Appointments to GD posts</u>		
	<u>Men</u>	<u>Women</u>	<u>Total</u>
Africa	21	-	21
Asia and the Pacific	23	2	25
Europe (Eastern)	1	-	1
Europe (Western)	24	6	30
Latin America	12	2	14
Middle East	7	2	9
North America and Caribbean .	2	1	3
	<hr/>	<hr/>	<hr/>
	90	13	103

Suggestions for action

We welcome the initiative taken by the Office of Personnel Services that at least 2 out of 5 candidates presented for posts should be women and that a department or office who rejects a woman candidate proposed by the Office of Personnel Services should provide written justification for the rejection.

If recruitment from over-represented countries is to continue, then this should be limited to women candidates only (this was recommended by the Joint Inspection Unit), but special attention and efforts must be made to recruit and promote women from developing and unrepresented countries.

Reliance on Governments to recommend candidates is obviously not sufficient. Contact must be made with women's professional organizations, universities, etc., and their co-operation sought in advertising vacancies for United Nations posts.

The Joint Inspection Unit made several recommendations on improving the use of the roster of candidates. These included requirements that use of the roster should be made compulsory and that its technical operation be improved in order to obtain for each vacant post a list of all possible candidates. These recommendations should be implemented.

Entrance examinations should be introduced for all United Nations Professional posts and not limited only to existing staff in the General Service category.

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(3) Present levels of women

While the Secretary-General's Report on Personnel Questions shows an overall percentage of 22.1 per cent women, this is only so because of the relatively high proportion (33 per cent) of women in posts with special language requirements. In posts subject to geographical distribution only 18.6 per cent are women, an increase of only 0.8 per cent over the previous year's level of 17.8 per cent. The proportion of women in this category over the last 5 years has been as follows:

1975	16.0 per cent
1976	16.9 " "
1977	17.9 " "
1978	17.8 " "
1979	18.6 " "

As has been pointed out before, at this rate it will take 48 years to achieve equality.

At current staff levels there would have to be 922 women in the Secretariat in order to meet the modest target of 25 per cent women by 1980. Assuming a zero growth rate over the next year, this means an increase of 109 women. In addition, as approximately 38 women leave the Organization every year, at least 147 women must be either promoted from the General Service or recruited in order to achieve the target. As it is apparent that recruitment alone cannot solve this problem, it is essential that more women be promoted from the General Service category. The limit of 30 per cent placed by the Fifth Committee on the movement of General Service to Professional is a hindrance to the achievement of the target, and clearly discriminates against the General Service category, the majority of whom are women.

In addition to the overall low proportion of women in the Professional category and above, the proportion in the upper levels (P-4 and above) is dismally low at 12 per cent at 30 June 1979, and not much better than the 10.2 per cent at 30 June 1975. While the majority of men (58 per cent) are at levels P-4 and above, the majority of women (77.7 per cent) are at levels P-3 and below. At UNIDO, the situation is even more alarming where they have only one woman at the D-1 level and 28 women at the P-1 and P-2 levels in an organization with a total of 1,200 staff members.

It is also revealing to examine the changes in the number of women as compared with men since 1975:

	1975		1979		INCREASE		
	<u>Women</u>	<u>Men</u>	<u>Women</u>	<u>Men</u>	<u>Women</u>	<u>Men</u>	<u>Total</u>
USG	0	17	0	27	0	10	10
ASG	1	15	3	18	2	3	5
D-2	2	69	2	77	0	8	8
D-1	7	196	13	211	6	15	21
P-5	41	415	53	504	12	89	101
P-4	110	708	170	830	60	122	182
	161	1 420	241	1 667	80	247	327

This shows that 75 per cent of the increased number of women was at the lowest level of decision-making positions and that there was no change at all at the USG and D-2 levels in spite of a net increase of 18 posts at these levels. The number of posts which became available since 1975 would be substantially greater than the increase of 327 shown above. This figure does not reflect vacancies created by separations from the Organization, statistics for which are not published in the Report (A/34/408).

Suggestions for action

The present limit on movement by the General Service staff to the Professional category should be abolished.

On resignation, staff should be required to send a copy of their resignation to the Office of Personnel Services so that the post can be advertised as widely as possible.

All vacant posts should be openly advertised among the staff.

(4) Guidelines for promoting equal treatment of men and women

Guidelines for promoting equal treatment of men and women were approved by JAC in 1979 and circulated to the staff in document ST/IC/79/17. We wish to reiterate our suggestion that these guidelines be included in the introductory material for new staff members and in the programme of induction courses.

In the survey of staff attitudes on sex discrimination prepared by the Ad Hoc Group for Women in 1975 virtually every department was charged with practising discrimination against women. It is revealing to note in the Report of the Panel on Discrimination that "in several instances, an underlying cause for discrimination seemed to be based on the fact that the staff members were female".

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It is apparent therefore that the situation may not have changed very much either in so far as attitudes or actions are concerned. The extremely poor promotion and appointment record over the last year is only one symptom of the resistance which exists to taking any affirmative action to improve the situation of women. For this reason we consider it important that measures be taken to encourage discussion of the guidelines within the departments and offices of the Secretariat.

(5) Departmental profiles

The General Assembly, in its resolution 31/27 of 11 November 1977, requested the Secretary-General to submit a breakdown of staff composition by grade and sex at the divisional level within departments and to include information on efforts made within each department to establish conditions of equality and an equitable balance between men and women. In response, the Office of Personnel Services requested the departments and offices to submit annual progress reports including statistics on appointments, promotions, extensions beyond retirement, separations, staff sent on training courses, chief reasons for changes in the percentages of men and women, efforts made to assign women to positions of authority and steps planned for 1978 to improve the proportion of women at all levels. Although some of the statistics are included in the Report on Personnel Questions, the other information has not been made public.

Suggestions for action

Progress reports should be submitted annually.

The responses not only on statistics but also on reasons for changes, efforts made and future plans should be made public via an information circular to all staff and also as a report to the Fifth Committee.

C. Work and family responsibilities

We wish to bring to your attention some of the difficulties staff members experience in combining their work and family responsibilities, the effect of these difficulties - in particular the effect of these difficulties on the employment of women - and some suggested measures to alleviate the problem. In particular we would point out the urgent need for provision of adequate educational and child-care facilities for children of staff members. These are matters having budgetary implications that will have to be discussed in another context; however, they are of such great importance for the proper functioning of the Secretariat that it seems imperative to address them in connexion with the Secretary-General's report on personnel questions.

It is clear that staff members with children cannot work to their best capacity if they are plagued by anxieties about the welfare of their children. It is equally clear that in most cultures at the present time the responsibility and anxiety of child-rearing falls particularly upon women.

(1) Marriage and career development

An important document from the ILO Staff Union entitled "Report of the Working Party on Equality of Opportunity and Treatment for Women in the ILO" of 9 March 1979, shows a significant relationship between marriage and career development among men and women staff members at the ILO. It also suggests that there is a relationship between these and the average ages of men and women staff members. (The report of the Secretary-General addresses the matter of average age of Professional staff members in the Secretariat but the table relating to the subject is not broken down according to sex). Although the data collected through the questionnaire at the ILO does not indicate the number of staff members having children, it may be assumed that a number of the married staff members do have children.

The ILO document shows that among women working at the ILO, the proportion of those who are married is smaller (50 per cent at P-5, 33.3 per cent at G-2) than the proportion of those who are single, whereas among men the proportion of those who are married is much larger (88.3 per cent at P-5, 85.7 per cent at G-2). It is also to be noted that in the higher grades in both categories single women tend to be appreciably younger than married women (average age of married women at P-4, P-5, D-1 levels - 53; average age of single women at the same levels - 49.7). This should be seen in conjunction with the fact that the overall average age of women at P-4, P-5 levels is 51.3, 53.0 whereas the average age of men is 47.2, 50.5).

One of the reasons for the low proportion of women in higher grades and their higher average age is their central biological role in child bearing and, to a lesser extent, their related social role in child-rearing. Every effort should be made in designing and providing training, experience and promotion opportunities for women, to take into consideration and to minimize the effect on women's career patterns of their commitment to child bearing and child rearing.

(2) Maternity leave

The staff welcomes the extension of maternity leave to 16 weeks as an essential minimum for the protection of the health of both mother and child.

Many women will be eager and in good physical and psychological health to return to work after 16 weeks maternity leave. However, others will wish to spend more time caring for their very young children - for instance, in order to continue breast-feeding - and should be supported in doing so. The United Nations Staff Union has emphasized the need to make provision for both men and women for special leave, part-time work, flexi-time, and time off to care for sick children so that women do not feel they have to drop out of work completely in order to give the care they wish to their young children and so that men as well as women can play a role in the care of children and at the same time continue their work in the service of the Organization. It should be noted that it is very much in the interest of the Organization to retain, in the long run, the services of its experienced personnel, many of whom are women working in support services with great dedication and expertise. The public work of all the committees and commissions, diplomats and ambassadors could not go forward without the unknown work of ordinary people who try to maintain manageable personal as well as working lives.

(3) Child-care centre

The staff is in particular asking for the establishment of child-care centres at duty stations where this seems appropriate. Particular requests have been made for New York and Vienna.

Child-care centres for children of staff members have been established at Geneva - a joint ILO/WHO/United Nations centre - and at UNESCO in Paris. The Joint Inspection Unit observed in March 1978 that "the principle of financial support for educational and other facilities for children of staff members is generally accepted in the United Nations system" and "supports the recommendations regarding day-care centres made in paragraph III (e) of the JIU Report on Women in the Professional Category and Above in the United Nations System (JIU/REP/77/7 of December 1977), with

the additional recommendation that special consideration should be given to helping handicapped children" (JIU/NOTE/78/2, para. 61). Staff at Headquarters have been asking since 1975 that a child-care centre be established in New York; in early 1979 the response to a desk-to-desk questionnaire established that the need for such a centre was urgent. A similar request has been made for Vienna where the need for such a centre is particularly urgent due to the isolated location of the Vienna International Centre. The United Nations Staff Union took up the matter and an outline as to the minimal requirements for such a centre was presented and approved by JAC. A detailed proposal supported by the Secretary-General is being submitted to the Fifth Committee for its approval.

All working parents are concerned about pre-school and out-of-school care for their children; appropriate centres may not be available near their residence or their working place, and individuals willing to provide child-care service may be untrained as well as expensive. In the United Nations Secretariat, where so many staff members in both the Professional and General Service categories are expatriates, far from the support systems of their own family, language background and social and educational customs, the situation is particularly difficult.

We would observe, too, that the United Nations gives leadership to the world in formulating the ideals and principles by which the community of nations should live. The General Assembly has resolved to observe not only two United Nations Decades for Women but also an International Year of the Child, an International Youth Year and an International Year for Disabled Persons. While the Organization is advocating concern for the needs of these groups on an international scale, it is spending its money at Headquarters not on women, children, young people and the disabled but on private dining rooms, executive office space and cars..

We urge the establishment of a United Nations child-care centre at Headquarters and in Vienna that would be a model facility, drawing upon the best experience of Member States that have such facilities either in the public or the private sector. It should stand as an example to delegates, non-governmental organizations and visitors of what can and should be done for the care of children. Physically, the centre should be designed to provide for the greatest safety, health and convenience - including versatility - but also to be beautiful, since no child is too young or too unaware to learn from his or her physical environment and to start developing aesthetic sensitivity.

(4) Educational facilities

(a) New York

The uncertainty over the finances of the United Nations International School (UNIS) increased rapidly during the spring of 1979 and threatened the improvements which had been achieved earlier in the school year. In 1979-1980 the bursary fund was reduced to \$185,000 and the remissions of \$400 that was automatically extended to United Nations-related parents abolished, therefore staff members, especially those without the education grant, experienced hardship in meeting higher fees. In addition, a surcharge of \$200 per family was levied by the Board of Trustees in May 1979. There was need for more substantial bursaries or other forms of assistance for United Nations staff, given the increased tuition fees for the year 1979-1980. The Board of Trustees informed the Secretary-General of the need to request assistance from the General Assembly to save the school from its deficit situation.

The 1978-1979 academic year ended on a disquieting note at UNIS. The School's accumulated deficit stood at \$3.5 million and the contract negotiations between the Board of Trustees and the Teachers' Association remained deadlocked. There was an atmosphere of unrest and uncertainty in the School. The Board of Trustees therefore requested the Secretary-General to seek substantial financial relief for the School from the General Assembly, since the Organization recognized that UNIS provides a special service to the United Nations community and was therefore entitled to some support, despite its basic obligation to be self-supporting.

In December 1979, the General Assembly voted an allocation of \$3.5 million to the School: \$2 million intended for the most part to pay off the accumulated deficit, and \$1.5 million for a bursary fund.

The staff believes it desirable for the Secretary-General to appoint a representative of the staff to the Board of Trustees as one of his nominees in order to afford more effective participation of United Nations parents in setting policies for the school and to ensure that it remains accessible to children of all United Nations staff, regardless of level, grade or nationality.

In an attempt to set the School on a firm financial/administrative basis, the Board of Trustees requested the Administrative and Management Services of the United Nations to undertake a study of the school's structure and to make recommendations for its improvement. The AMS group of experts sought the views of parents members of the Committee, and copies of its final report were made available to the staff.

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The question of increased bursaries and some form of education assistance for all staff members are extremely important. The staff urged that the total bursaries for 1980-1981 be increased to \$325,000, i.e. \$185,000 plus \$150,000, the income of 10 per cent to be earned from the \$1.5 million allocated by the General Assembly. The individual bursary grants should be higher and more United Nations parents at all levels should receive a bursary to ensure that the School fulfils the purpose for which it was established.

The level of fees for 1980-1981 are extremely high, especially at the Junior level where younger parents would be least able to pay them. It is felt that the level of fees endangers the existence of the Parkway School and might well lead to an exodus of students from both the Parkway and Manhattan schools, especially of children of United Nations-related families. The staff feels the new fee schedule is too high, given the income levels of United Nations employees without the education grant, and requested that bursary awards be substantially increased and extended.

UNIS, like all other private educational institutions in New York, is experiencing spiralling operating costs. However, unlike those institutions, UNIS has no vigorous fund-raising programmes and therefore relies on tuition increases to offset, in part, its deficit. This has led to a situation where there are virtually no "enrichment programmes" in the School and budgets are drawn up on the assumption that there will be no such programmes. In addition, there is a constant erosion of existing programmes. The Board of Trustees should immediately appoint a fund-raising/development officer who would co-ordinate activities and fund-raising events. The numerous banks and multinational corporations in the area could be persuaded to contribute generously to scholarships, bursaries, science or other activities and programmes in the School. Hence, the Board should appoint an officer with the necessary authority and competence to undertake such a programme. It is extremely important since further increases in tuition fees will be unacceptable, if the School is to remain accessible to United Nations families.

b. Vienna

The majority of United Nations parents send their children to the Vienna International School, previously the English School. Throughout the period of a United Nations presence in Vienna, this school has been housed in temporary and sometimes highly inadequate facilities. The present facilities available to the School are such that it would be difficult to introduce the International Baccalaureate Curriculum into the School. With the assistance of the Austrian

authorities efforts are currently under way to provide a permanent location for the School in an area which would be convenient to the majority of United Nations staff members.

The School is currently encountering severe financial difficulties. This is, in part, as a result of an endeavour to maintain fees at a level which would put education within the reach of those less able to afford it. Already a number of General Service staff parents have had to apply for bursaries in order to educate the children at the School.

The School was founded with the explicit support of the Executive Director of UNIDO and the Secretary-General of the International Atomic Energy Agency. Bearing in mind the financial support which is offered to UNIS and the desire of staff members to have a genuine international curriculum and adequate schooling facilities, the staff feels it imperative that a certain financial support is offered by the United Nations to the School. This would at least allow the School to offer bursaries to United Nations staff members unable to afford the current level of fees.

D. Performance evaluation reviews

The existing performance evaluation review system has been in effect since 1 February 1977, long enough to assess it in the light of experience.* Although no one wishes to return to the old system, in force from 1956 to 1977, reports from many quarters in the Secretariat suggest that the present system leaves much to be desired. This is not surprising and indeed paragraph 19 of ST/AI/240 provides for "monitoring" of the system by the Office of Personnel Services.

Article 101 of the Charter mandates the "highest standards of efficiency, competence and integrity" as the paramount consideration in the employment of staff and in the determination of the conditions of service". Staff Rule 112.6 provides for a performance evaluation system: "In the salary levels below the D-2 level, the service and conduct of a staff member shall be the subject of reports made from time to time by the staff member's supervisors. Such reports, which shall be shown to the staff member, shall form a part of his or her permanent cumulative record". The performance evaluation review system, like its predecessor, is based on that Staff Rule.

As far as the staff is concerned, it appears that the present system is particularly deficient in the following respects.

(1) The "continual and constructive dialogue on work performance between staff members and their supervisors" mentioned in ST/AI/240, paragraph 2, has often failed to materialize. The regular and frequent "job-related discussions" called for therein are seldom held. In the same vein, notwithstanding the high-minded provisions in ST/AI/240, paragraph 10, many supervisors are still inadequately familiar with their staff members' work, inconsistent in their ratings and comments and, more often than not, still influenced by ratings in past reports. Moreover, the requirement for "objectivity" with no "moral judgements" is not always met.

(2) There is a lack of precise, binding time-limits for supervisory personnel.

(a) ST/AI/240, paragraph 5 (c): "Reports shall be made ... when the immediate supervisor is about to leave on another assignment or to be separated from the Secretariat". No guidelines are given, however, as to how long before leaving the supervisor is required to prepare his report. And some supervisors wait so long that they have already departed by the time the report reaches the second reporting officer.

* A rather thorough study of performance evaluation practice in the common system has been completed by ICSC and substantiates some of the deficiencies identified by the staff. The ICSC has also prepared some useful recommendations and models for change which can be applied in the Secretariat.

(b) Under the "Guidelines and Procedures for completing the Performance Evaluation Report", paragraph 6, the staff member must complete his/her part "within one week of the date of receipt". No such restriction applies to the supervisor, either to transmit the report to the staff member when the supervisor first gets it from the Executive Officer, to hold the mandatory discussions with the staff member, to fill out the ratings or to transmit the report to the second reporting officer, who is likewise not bound by any time-limit. The staff member alone must meet deadlines.

(c) The same lack of time-limits is found in the rebuttal procedure; the staff member must submit his/her rebuttal "within one month" to the Office of Personnel Services which, in turn, transmits it "within two weeks" to the department or office concerned (ST/AI/240, para. 13). Beyond that, there are no time requirements.

(3) Many second reporting officers do not avail themselves of the provision in paragraph 13 of ST/AI/240 enabling them to meet with staff members under evaluation. It seems they seldom check the first supervisor's assessments by contacting staff members directly and usually endorse the first supervisor's ratings with little questioning.

(4) It follows that the present system still generates a significant number of rebuttals. In addition to the time-limit issue, a main short-coming seems to be the fact that, even when a rebuttal panel supports a staff member's case its findings are withheld from the staff member to be only summarized in the department heads' appraisal which does not even have to accept the rebuttal panel's findings. Moreover, even in the best of circumstances, a Performance Evaluation Report found to contain unfair or even offensive material is never quashed, with a new one substituted for it. Instead, it remains on file and its ratings stay in the staff member's fact sheet, which is used for the promotion review. Thus even a rebuttal on solid grounds may bring no remedy to the aggrieved staff member. As a result, many are reluctant to exercise their right to rebut, feeling that however strong their case, they stand to gain little or nothing by making it, or may, indeed, be harassed for daring to challenge a supervisor's opinion. As for those supervisors whose ratings are found to be consistently wrong - they need have no fear, the system provides no deterrent to, and no sanction against, unfair supervisory evaluations, whether deliberate or negligent.

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All in all, how much better is the present system? It does allow the staff member to describe his/her main assignments and training; it does mandate a discussion between the supervisor and the staff member prior to rating; it does require the second reporting officer to discuss the staff member's performance with the first supervisor; and it does provide for investigatory rebuttal panels.* None of these improvements are as substantive as might be wished and the less so since there are many loopholes in the procedure and the unchanged attitude of many supervisors further weakens the system. Thus an overhaul is both necessary and timely.

The Staff Union would make recommendations for changes:**

(1) Time-limits should be imposed on all parties in the reporting and rebuttal procedures.

(2) Supervisors should be encouraged to meet on a continuing basis with the staff member to discuss his/her performance. At such job-related discussions, the staff member should be free to call upon the advice and presence of his/her staff representative.

(3) Special seminars might be held to teach and/or refresh supervisory skills and remind supervisors of the requirements in ST/AI/240. The same holds true for second reporting officers. Also a system should be devised to ensure that supervisors evaluate their staff according to consistent standards so that staff who perform their duties in a comparable way do not get widely divergent ratings based on personal or extraneous considerations.

(4) Space should be provided in the report itself for comments by the staff member both on the ratings and, more importantly, the supervision received. Also there should be a section of the report devoted to the career development objectives and plans of the staff member.

(5) The rebuttal panel's report should be made available to the staff member. If the Panel supports the staff member's case, then a new performance evaluation report should be prepared reflecting the recommended changes and, should be substituted for the contested report. The findings should be reflected in the supervisor's file and the Office of Personnel Services fact-sheet.

* None of these provisions apply to short-term staff who are evaluated on a P.91 form which is never made available to them, nor subject to rebuttal. This situation should be corrected so that short-term staff can also be aware of what is being put on the file with respect to their performance.

** See also annex 3.

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E. Panel to Investigate Allegations of Discrimination

The Panel to Investigate Allegations of Discrimination is a body of great importance for protecting the rights and status of all staff members. Such Panels have been established in New York and Vienna. The UNIDO Panel was established in June 1978 and has so far handled only one case of alleged discrimination. It is hard to say whether the lack of cases is due to lack of confidence of staff in the effectiveness of the Panel, fear of retaliation, or the just and impartial administration of UNIDO.

Although the Panel performed its work reasonably well during 1979/80 we are not entirely satisfied that it is performing up to the standard that could be expected, and various measures should be taken to improve its effectiveness.

The Panel was greatly handicapped by the resignation, within the first quarter, of three of the five original members; two because of new assignments to departments where there might have been a potential conflict of interest, and one because of the burden of work. The new members performed ably; but there was a break in continuity while they got acquainted with their functions. Work on the Panel is extremely time-consuming and demanding and, although in theory Panel members are relieved of some of their official duties during their term of office, in practice this is seldom so. The administration must be more diligent in ensuring Panel members get the release time required to do their cases. Cases may be brought either through the co-ordinator, who allocates them among Panel members, or directly to individual Panel members, so that some members are so inundated with cases that it becomes hard to do justice to all of them. The Panel has recently been enlarged to seven members so that work could be more equitably distributed, and rapidly completed.

Although we were satisfied with the work of the previous co-ordinator, there was some feeling on the staff side that the co-ordinator need not be a member of Personnel Services, since in some cases a conflict of interest might arise. As an experiment, the co-ordinator for 1980/81 has been appointed from outside the Office of Personnel Services. The effectiveness of this change will have to be evaluated in the light of experience.

Unlike other grievance procedures, such as the Joint Appeals Board and the Administrative Tribunal, the Panel on Discrimination is supposed to work fast and informally. The target time for completing the investigation and disposition of a case is one month, although this cannot always be met, particularly in cases from the field. In this regard, a travel budget should be approved for the Panel so that

members can better investigate problems which arise in the field. The Panel takes all allegations of discriminatory treatment seriously, and investigates, even if they lack face validity. The Panel has determined that not all cases turn out to be discrimination as such, but rather cases of people caught up in some frustrating bureaucratic dead-end, who feel they have nowhere else to turn.* In this respect, we greatly need improved and speedier grievance procedures to deal effectively with such problems. Sometimes there are misperceptions on both sides, staff member and supervisor, which are revealed in the process of investigation. Sometimes the investigation itself, and the discussions of problems, clears the air. Other times, if a case of discriminatory or unjust treatment is established, a creative solution must be sought, suggested to the relevant chiefs, monitored and actively pushed. If necessary, once all the facts are established, the Panel can make a recommendation to the Assistant Secretary-General, Personnel, for specific action. The Panel needs more "teeth" than it presently has to ensure that its recommendations for corrective action are actually implemented. The work of the Panel is strictly confidential: No "findings" are published; nothing goes into the staff member's file.

Many staff members with genuine cases of discrimination are afraid to bring a complaint for fear of retaliation. Both Panel members and complainants are guaranteed protection against retaliation, although the forms of retaliation may be subtle and difficult to prove. One allegation of retaliation was investigated by a Panel member and discovered to be unfounded; although since there is likely to be a time-lag between the investigation and any retaliatory action there is a danger that the term of the Panel member involved might have expired. The Panel is extremely concerned about this problem and anxious to guard against it.

Outposted staff members have the option of appealing to their local Panel, if there is one, or directly to Headquarters; but not to both. Cases outside Headquarters are extremely difficult to investigate and even harder to remedy. The volume of complaints from certain locations leads to a suspicion of several endemically bad situations, and future panels should have the power to make on-the-spot investigations in such cases.

The Panel can be an important source of protection to staff members, but must be able to investigate all cases quickly and effectively and ensure that whatever recommendations are made are carried out by the officials concerned. It is particularly important that Panel members be able to devote the requisite time to these investigations, have the resources to pursue their cases, including those in the field, and get proper support from the Administration.

* More comprehensive statistics need to be maintained by the Panel and made available to all concerned indicating the number and types of cases dealt with and how they were resolved.

F. Extensions beyond the age of retirement

We wish to bring to your attention our views on the question of "extensions beyond the age of retirement".

As a matter of principle, the staff favours the uniform application of the rule of no extensions beyond the age of retirement, without exceptions. When exceptions do take place, they should be made on very clearly articulated and well justified grounds, and should fit the requirements of the Service without prejudice to other staff members. The exception of one entire category or group of staff from this rule must be based on extremely convincing reasons, be well documented and supported by factual evidence of the need for such exceptions. Moreover, the granting of any exceptions must be done only after review by a joint staff/management body such as the Appointment and Promotion Board rather than being left exclusively in the hands of the Office of Personnel Services. Clearly, no such evidence has been adduced for the category of exceptions proposed in Section G, paragraphs 24-28, of the 1979 Report of the Secretary-General and Personnel Questions (document A/34/408).

Many of the statements contained in Section G are evidently based on the mistaken assumption that all the language staff had been consulted on the matter and uniformly favoured extensions beyond the age of retirement, but there is anything but consensus on this matter.

It should be specifically pointed out that paragraph 26 of A/34/408 was imprecise and even misleading in several respects: in using interpreters as an illustration of free-lance staff costs, when translators have a different scale; in ignoring differences between New York and Geneva; and in assuming that one could legitimately compare a free-lance assignment, focused on clear and assessable need (General Assembly, Law of the Sea, etc.) with an extension granted on the basis of general need, but whose time might encompass calmer periods.

It was also observed that it is not necessarily cheaper to retain staff beyond the age of retirement. Those already being extended are normally at the top of their category and therefore more highly paid than new staff. Moreover, they are more often doing administrative and supervisory work than using their language or technical skills.

Many General Service staff felt that, with the choice left up to the department, the beneficiaries of extensions would invariably be supervisory or administrative personnel. This would not only block the pitifully few avenues for promotion open to the staff but, in some cases, compound the injury by prolonging the tenure of supervisors whose previous interaction with the staff had been a source of difficulty.

It must be borne in mind that both the Professional and General Service categories have a very "flat" grade structure, with very heavy bunching of staff at the middle levels G-4 and P-3/P-4 and that the only prospect many staff have for promotion is when someone higher up retires. This is particularly true in the language services where the number of higher level career opportunities is very limited.

Hence, the staff objects to efforts to treat one category of staff differently from others,* unless there is very good reason for so doing. To date, we do not find the reasons stated by the administration convincing on this subject.

Having said this, as a general policy consideration, the Fifth Committee should bear in mind that in many localities where the United Nations has offices, prevailing local conditions allow for a much higher retirement age than 60, or no retirement age at all. Likewise, the current national comparator for the Professional category recognizes a higher retirement age. The Fifth Committee and the General Assembly may, therefore, wish to keep in view the theme of an upcoming United Nations concern and event, the World Assembly on the Elderly, which will surely address the serious problems of the financial and psychological dislocation common among those who have to retire when they are still functioning perfectly well in their work, and decide whether the current retirement age is based on sound considerations. Certainly a higher retirement age would have practical benefits in regard to the actuarial balance of the Pension Fund,

The staff would not be opposed to a higher retirement age for everyone, provided that the retirement age is applied uniformly to all staff. Exceptions based on favouritism or political connexions should be avoided at all costs.

* This includes former staff rehired as highly paid consultants.

G. Appointment and promotion system

Appointments and promotions are essentially a management function. However, the appointment and promotion bodies, which are composed of administration and staff-nominated representatives, are set up to help ensure that the appointment and promotion process is conducted fairly. The system, despite the constraints under which it has to operate, has worked reasonably well in most duty stations. Nevertheless, there are some definite short-comings which require correction. These short-comings are outlined below along with specific recommendations that we believe would help to make the system more responsive to the needs of both the Organization and the staff:

(1) Performance Evaluation Reports

Section D of this report deals extensively with this area, but because of the weight attached to the Performance Evaluation Reports in the promotion process, we cannot overstate the need for a complete overhaul of the present evaluation system. For this purpose we are recommending that a combined staff/management body be set up to review the Performance Evaluation Report system, taking into consideration the recommendations outlined in section D of this report, as well as the work and recommendations made by the International Civil Service Commission on the subject.

(2) Availability of posts

When the present promotion system was initiated in 1957, eligibility for inclusion in the promotion registers was not as closely tied in with availability of posts as is the case today. As applied at present, the availability of posts has a direct link with the number of staff members who are ultimately included in the promotion register. This appears to contravene Staff Rule 104.14 (f) (iii) (A), which states, inter alia: "... these registers shall be established in relation to an estimate of the total number of known and foreseeable vacancies to be filled by promotion of each grade level in the period until the next general review of staff."

The rigid adherence to the principle of availability of posts, particularly at the lower levels of a department or division, together with the difficulty of transferring posts between departments or offices and, even between divisions, sections or units of the same department or office, tends to jeopardize the fair and equitable operation of the entire system.

We therefore submit the following recommendations:

(a) Eligibility for the promotion register should be based on meritorious performance and not strictly on the availability of posts.

(b) The Office of Personnel Services should provide the Appointment and Promotion bodies, at the beginning of the annual review, with a comprehensive

picture of the estimated actual and prospective vacancies during the year in question by categories and levels.

(c) If a staff member cannot be placed at a higher level in his/her unit or department, the staff member should be considered for openings in other units or departments. In other words, a policy of filling posts through redeployment should be implemented, where such practice would not also block other staff members' rights to promotion.

(d) Departments should provide an organizational chart (staffing table) of their departments with up-dated information.

(3) Need for fuller implementation of restrictions on appointments for limited purposes

The Appointment and Promotion bodies have often dealt with proposed appointments of staff for limited purposes, including those to be assigned to senior officers, for specified temporary programmes, or for special missions. The possibility always exists that such limitations on appointments cannot be fully implemented without an efficient monitoring mechanism. It is a fact that candidates have been transferred without their cases even being referred back to the Appointment and Promotion body concerned.

With a view to preventing such practices from occurring, limitations on appointments set by the Appointment and Promotion bodies should not only be reflected in its reports, as is now the case, but should also be reflected in the personnel action (P-5) for such appointments.

(4) Need to interview staff members

Under the present system, the Appointment and Promotion bodies do not have any direct contacts with the staff members who are under review. This situation should be corrected so that the individual staff members could be interviewed by the A and P bodies if and when they so desire. Also, when the final recommendations are made, all staff members involved should be informed of the results. Those who were not recommended should be told why.

(5) Need to attach more weight to seniority

In the present system very little weight is attached to seniority. As a consequence, the system gives rise to a serious morale problem which is manifested in the proliferation of recourse letters. The seniority factor should be adjusted in certain circumstances to take account of total seniority in the present grade and the immediately preceding grade.

(6) Recourse procedure

This is a particularly sensitive area since it is the only medium through which a staff member can seek redress from the system. Unfortunately, there is an inherent contradiction in the procedure in that recourse letters are reviewed by the same A and P body which either overlooked or rejected the staff member in the first instance. A and P bodies are usually reluctant to admit an oversight and the limited extent to which recourse letters are upheld is indicative of this. Special bodies composed of staff and administration representatives who are not members of any A and P bodies should be established to deal with recourse procedures. In any event, the number of recourse letters could be reduced dramatically if the recommendations contained in this report are implemented.

Also, the present grounds for recourse are highly questionable. The A and P bodies will only consider a recourse letter favourably if the staff member can demonstrate that there is some new piece of information available which the A and P body did not have when it made its original decision. Since the promotion review process is confidential there is no way for the staff member to know what information the reviewing body had at its disposal. Hence, to a great extent, the staff member has to work on the basis of supposition and the bodies frequently turn down staff members because they have not presented new information. The grounds for appeal or recourse should be changed and be related to the specific reasons for the failure to promote as well as the provision of new information. This would require the A and P bodies to specify in greater detail to each eligible staff member the reasons why they have been excluded from the promotion register. This would require the A and P bodies and the administration to define with greater precision the criteria for promotion and give the staff member a clearer idea of where he or she stands. It would also eliminate the practice of blocking some promotions for factors unrelated to job performance.

(7) Need for a systematic repertory of practice

The A and P bodies suffer from the lack of an organized record of the key decisions taken at past meetings and in past years, and of issues and considerations taken into account in arriving at those decisions. It is of paramount importance to have access to decisions previously taken in order to ensure uniformity in the application of principles and guidelines.

The compilation of such a repertory of practice would not be costly and would add to the credibility and integrity of the system.

(8) Appointment and promotion procedures at duty stations away from Headquarters

While the appointment and promotion system at Headquarters and Geneva has been institutionalized to a large degree and functions fairly well, the same cannot be said about procedures existing at some duty stations away from Headquarters. While at Headquarters provision is made for parity between staff and administration nominees on the A and P bodies, this is not the case with A and P bodies in some of the economic commissions. There should be uniformity of practice throughout the Secretariat. At Headquarters the final list of names for the A and P bodies are arrived at after discussions between the staff and the administration. This is not true of Vienna and some other duty stations, where names of staff members are arbitrarily omitted by the administration without explanation or consultation. The final selection from the names should, by common practice, be a joint staff/management exercise.

In some of the regional commissions the members of the A and P bodies often lack necessary experience, and there should consequently be regular visits, prior to the annual promotion review, of personnel officers from Headquarters to brief the A and P bodies on the work to be carried out.

H. Transfer and assignment within the Secretariat

(1) Movement of staff - definition of terms

The definitions given below are those that are officially recognized by the Office of Personnel Services, as excerpted from a memorandum dated 7 November 1975 by the Director of the Division of Personnel Administration.

Transfer is the movement of a staff member from one office or department of the United Nations Secretariat to another for an indefinite period of time. A transferred staff member does not retain any administrative link with the releasing office or department, which has no obligation to reabsorb him or her at a later date.

Assignment is the movement of a staff member from one office or department of the United Nations Secretariat to another or from a regular post (100 series) to a project personnel post (200 series) for a limited period of time. During the period of the assignment, the releasing office or department remains responsible for reabsorbing the staff member. Assignment therefore implies the blocking or earmarking of a post in the releasing office or department.

Detail is the movement of a staff member from an office or department of the United Nations Secretariat to a designated mission (i.e. UNFICYP, UNTSO, etc.) for a limited period of time. During the detail, the releasing office or department remains responsible for the reabsorption of the detailed staff member.

Loan is the movement of a staff member from one office or department of the United Nations Secretariat to another for a limited period of time, normally not exceeding one year during which the staff member continues to encumber his/her post in the releasing department, which remains responsible for his or her reabsorption.

(2) Relevant staff rules, regulations, administrative instructions

Staff Regulation 1.2

"Staff members are subject to the authority of the Secretary-General and to assignment by him to any of the activities or offices of the United Nations. They are responsible to him in the exercise of their functions. The whole time of staff members shall be at the disposal of the Secretary-General. The Secretary-General shall establish a normal working week."

The Secretary-General's authority under Staff Regulation 1.2 was recently emphasized in ST/SGB/165 dated 24 April 1978 addressed to all staff members in the Professional and higher categories. It was found necessary to remind

Professional staff members that "in view of continuing developments requiring the relocation of staff members as groups within offices being relocated, or as individuals in career-related rotation, or selected to staff emergency situations ..." the staff member "may be assigned to any of the offices of the United Nations, and has the duty to accept ...".

As the Staff Regulation does not distinguish between Professional and General Service, it can be assumed that the reminder also applies to the General Service staff.

Staff Regulation 4.4

"Subject to the provisions of Article 101, paragraph 3, of the Charter, and without prejudice to the recruitment of fresh talent at all levels, the fullest regard shall be had, in filling vacancies, to the requisite qualifications and experience of persons already in the service of the United Nations. This consideration shall also apply on a reciprocal basis to the specialized agencies brought into relationship with the United Nations."

It is generally agreed that the "fullest regard ... to the requisite qualifications and experience of persons already in the service of the United Nations ..." has steadily and continuously been subordinated to pressure from Member States, thereby steadily and continuously limiting the opportunities of staff for movement within the Secretariat.

Information Circular ST/ADM/SER.A/437

"Para. 10. The Board (Appointment and Promotion Board) would be provided by the Office of Personnel, in consultations with the Office of the Controller and with Departments or Offices concerned, with an analysis of the vacancy position at each grade, listing the authorized posts and incumbency actual and committed ... to divide these differences according to the needs and possibilities of inside movements (by way of transfers, promotions or other assignments) or of appointment from outside the Secretariat. In this process the fullest regard will be had to the qualities and experience of career staff to be considered for promotion, as well as to the importance of providing opportunities for their career development ... The Office of Personnel will be in contact with the Staff Committee through its Chairman as these figures develop. Moreover, arrangements will be made for general consultation with staff representatives concerning the carrying out of the assurances given by the Secretary-General regarding the security of the tenure of the staff and preservation of their reasonable promotion prospects; ... Staff representatives will also be provided twice a year with a statistical summary of the personnel actions taken in the six preceding months, showing the proportion of promotions, transfers and outside appointments in the total filling of vacancies. At regular intervals of approximately two months, the staff will be provided with information relating to existing openings, indicating location, field of work, level of responsibility, etc.

"Para. 14. The transfer of staff members, in the interests of the Organization, is already established policy and will continue to be administered under the guidance of the Office of Personnel. The objective is twofold: to utilize the available personnel resources in response to the needs of the work of the Organization; and to help develop the individual staff member's ability and experience. The new arrangements ... will tend to facilitate staff interchange and transfer, and so the scope for constructive placement. Thus, it is likely that a certain number of the promotions made (as a result of the over-all review of vacancies and of staff) will involve staff movements from one department or office to another or between duty stations. It may also be the case that the review will indicate that there would be advantage in transferring or otherwise shifting a staff member who was not yet recommended for promotion.

"Para. 15. Finally ... the Office of Personnel will continue to take due account of suggestions coming from staff members on their own behalf, concerning their interest in being transferred or moved, and in consultation with the department or offices concerned will examine sympathetically the possibilities in that direction."

Paragraphs 14 and 15 of this circular dated 17 October 1957 constitute the only available clear policy statement by the administration on the subject of transfer or movement of staff. Paragraph 10 contains some provisions of great interest and significance to staff, specifically in relation to the procedure to be followed in estimating and filling actual and prospective vacancies and the role of the staff representatives. What is the extent of the involvement of the present staff representatives in this procedure? Virtually nil. Moreover, there are no existing arrangements for general consultation with the staff representatives as provided for in the directive.

Personnel Directive No. 8/61

"2. Requests for transfer may be initiated by the Office of Personnel, the Department or Office concerned, or by the interested staff member. In all cases, it is essential that the information on the availability of the staff member for transfer should be handled promptly and channelled properly.

"3. In the case of staff members in the Professional category, when a staff member becomes available for transfer, either at his own request or on the initiative of his department or office, it is the responsibility of the Personnel Officer to forward information, together with any recommendation that may be appropriate, to the Director of Department Services.

"4. In the case of staff members in the General Service category, such information should be forwarded by the Personnel Officer to Recruitment Services, Assistant Chief in charge of General Service Recruitment and Placement.

.....

"6. Requests for transfers are often made on a confidential basis. Information on such cases should be marked accordingly."

/...

The co-ordination of assignment and transfer of staff in the Professional category and that of the General Service to the Professional category between departments or offices and their detail to United Nations missions are now the responsibility of the Division of Personnel Administration. The General Recruitment Section is responsible for the assignment and transfer of staff in the General Service category between departments and offices at Headquarters.

(3) Administrative practice

Movement of staff within the Secretariat normally comes about through the personal initiative of those who wish to move rather than by an intentional effort to promote staff mobility.

If a vacancy occurs in the Professional category, which can be filled through internal transfer, the Division of Personnel Administration arranges the transfer with the approval of the Assistant Secretary-General, Personnel Services. It is the responsibility of the Career Development and Placement Section to identify suitable candidates among existing staff and recommend the transfer. Unlike the ILO, however, where "the emphasis ... is definitely upon filling positions from within, before external appointments are considered ..." 1/ the practice in the Secretariat is to conduct a simultaneous internal and external search for candidates. If the department where the vacancy occurs decides to fill it by promotion from within, no such search is made. 2/

Movement of General Service staff within the category is done largely on an ad hoc basis. Vacancies are filled at the initiative of the departments and offices and unless one is close enough to know of the vacancy or follows closely the decisions of the Advisory Committee on Administrative and Budgetary Questions concerning new posts, there is practically no other way one might have an idea of available posts. Unlike other agencies, such as the Food and Agriculture Organization or the Geneva Office, the Secretariat Headquarters does not have a system of publicizing vacancies in the General Service category. Opportunities for movement among the General Service staff are so minimal that staff wishing to transfer automatically resort to the grapevine. There are even some individuals who, out of frustration with the Office of Personnel, systematically call each of the administrative and executive offices to signify their availability for transfer.

1/ ICSC/R/112, para. 87.

2/ Ibid., para. 115.

(4) Specific problems

(a) Career development and staff mobility - There is no doubt that prospects for career development and staff mobility are now closely linked. Instructions for the 1979 promotion review underline the requirement that all recommendations for promotion in the Professional category should include the mobility factor. This trend has been emphasized by the requirements of programme budgeting that any transfer of posts from one programme to another must be justified in the budget, and that posts may not be transferred for purposes of promotion. Therefore, there is more need to promote mobility of staff to facilitate career development. The link between career development and staff mobility as emphasized in the 1979 promotion review raises some concerns. Does the mobility factor relate to mobility between duty stations/departments/offices or between occupational groups, or both? If service in various types of offices and duty stations and occupational groups is a positive factor in considering a staff member's eligibility for promotion, does it follow that lack of occupational versatility and geographical mobility is a negative factor? If so, to what extent?

(b) Vacancy announcements - The effectiveness of the posting of vacancy announcements is, in general, seriously doubted. Staff are convinced that many vacancy announcements are posted merely as a token of compliance with the administrative requirement; that before these announcements are made, candidates have already been chosen by the department/office concerned. In some cases, the "vacancies" are already occupied by the favoured candidate on an initial short-term contract. This is especially a problem in field offices which have been delegated by OPS the authority to appoint staff members. The Office of Personnel Services has a policy against such procedures, but department heads continue to request exceptions. In addition, there are vacancies which are not announced and are filled as exceptions to the requirement for a variety of justifications; some of these cases are in clear contradiction with the organizational policy that no post should be the exclusive preserve of any one Government or regional group.

(c) Job satisfaction - It is not true in all cases that a desire to move within the Organization is dictated by career ambitions. There are many individuals whose modest wish is for a certain degree of job satisfaction, either by way of better work assignments or of more harmonious work relationships. These, too, are legitimate reasons for transfer.

Many staff members find, after having accepted a post on the basis of a job description and interviews, that the actual work does not correspond to the description and/or does not fit the staff member's expressed requirements and

capabilities. It compounds the disappointment when, having realized the discrepancy and having made a quick recourse to the Office of Personnel Services, the staff member is told that a request for transfer could not be entertained as he or she has just been appointed. There were those who chose to leave the Organization, probably with the Organization as the loser, and those who chose to live with their disappointment, which is hardly an auspicious way to begin one's career in the international civil service.

(d) Resistance of supervisors to movement of staff - Paragraph 114 of document ICSC/R/112 specifically mentioned that among the impediments to the establishment and functioning of a career development policy and programme at the Secretariat are the "restrictions on mobility due to resistance of supervisors (to the releasing of good staff members) and for reasons of efficiency(?)".

In almost all cases, releasing offices require that transfer take effect only after a suitable replacement is found - a process which can take months. This is prejudicial both to the staff and the service. There have been cases where releasing offices deliberately delay the process of finding a replacement as a way of getting back at the transferring staff member or at the receiving office department.

(e) Understaffing in the Office of Personnel - The initial effort by the administration several years ago to respond to a mutual need for a systematic procedure for the career development and mobility of staff has not been adequately followed through in recent years. The Career Development and Placement Unit has not, up to this time, fully assumed its longer-ranging responsibilities because of lack of staff resources. The same problem exists in the General Recruitment Section. The continuing and serious understaffing of the two offices concerned could only be construed as a lack of seriousness on the part of the administration in promoting staff mobility.

(f) Post categorization - There are many cases of staff belonging to a certain category or occupational group who have gained skills which will qualify them for transfer to another category or occupational group. Many of these staff members pursued academic training on their own resources in the hope of advancing their careers in the Organization.

For example, the problems found in transfers from one geographical post to another, or from one non-geographical post to another, are dwarfed by those encountered in efforts to transfer from a non-geographical post into a

geographical post. Many language staff are equipped with substantive qualifications which should make them eligible for transfers to geographical posts requiring such qualifications. Many such staff, however, are from over-represented countries. The administration is understandably reluctant to deepen any existing geographical imbalances within the Secretariat. At the same time, it would seem only fair to give individuals, whose qualifications are enhanced by relevant United Nations experience, opportunities to serve the Organization in areas from which they are excluded because of nationality, a factor beyond their control.

(5) Conclusions

(a) The basic principle of movement of staff should be akin to the law of supply and demand, tempered only by common interoffice courtesies. If a receiving office is ready to receive and the staff member is ready to move, the releasing office must release the staff member within a reasonable period of time with or without replacement.

(b) The administrative procedure - whatever has been spelled out - is basically sound. The provisions of ST/ADM/SER.A/437 relating to consultations with staff representatives on filling of vacancies are particularly commendable. The misfortune is that no one could say whether it was ever implemented, or if so, how it fell out of practice. The fact remains that such consultations do not occur at all.

(c) It is time to review the procedure for requesting transfer as contained in Personnel Directive No. 8/61 of 28 November 1961. The essence of the exercise is timing. It will be useful to adopt a system involving a time frame from the point when a staff member signifies availability for movement up to the point when movement actually takes place. A two to three month period is considered reasonable. There must be a specific time-limit set between the agreement of a receiving office/department and the actual release by the losing office/department. A two to four week period is suggested.

It is also envisaged that by reducing the power of releasing offices in impeding the movement of a good staff member, supervisors will take better account of staff members' job satisfaction and career prospects.

(d) Individuals who have acquired additional occupational skills outside on their own account while in the service of the Organization should receive special attention from the administration in the promotion of mobility, as these are the individuals who are very likely to have the motivation and the ability to be useful to the Organization.

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(e) In both the Career Development and Placement Unit and the General Recruitment Section, the inability to respond adequately is attributable to a large extent to serious understaffing and resistance by releasing offices/ departments.

(f) It is important for staff to know how the concept of the mobility factor will be interpreted in the appointment and promotion bodies in each year's promotion review.

(6) Recommendations

(a) In consultation with staff, Personnel Directive No. 8/61 should be revised and issued as an administrative instruction, outlining the principles and procedure for transfer and other movements of staff, including transfers from non-geographical to geographical posts.

(b) The administration, in consultation with the staff, should devise a way to publicize internally the vacancies in the General Service category, such as the practice now instituted in the Geneva Office. Furthermore, administration representatives should call upon all persons involved in the transfer process, such as supervisors, administrative and executive officers, the Career Development and Placement Unit to facilitate and expedite the process of transfer within a reasonable period of time.

(c) The Career Development and Placement Unit and the General Recruitment Section should be strengthened. The Career Development and Placement Unit should be strengthened not only by additional staff resources but also by vesting it with greater authority over departments and offices in so far as it concerns the movement of staff.

I. Education grant equalization

The present Staff Regulations (Regulation 3.2) and Rules (Rule 103.20) require that in order for a staff member whether Professional or General Service to receive an education grant, that staff member must be serving at a duty station outside his or her (recognized) home country. Therefore, Professionals and General Service and staff in related categories who are nationals of the host State in which they are serving are excluded from education grant benefits, while all other staff are entitled to receive these benefits. This creates a clear system of discrimination and inequality of treatment among the staff.

While all Professionals and some General Service staff are considered international recruits, host country nationals and locally recruited non-nationals are deprived of rights and benefits which their colleagues receive. This has been implicitly recognized by new rules and regulations which provide that all staff members, including host country nationals (but not locally recruited General Service staff) may receive an education grant when the staff member's child is unable, by reason of physical or mental disability, to attend a normal educational institution or requires special teaching or training in overcoming the disability. The eligibility now of host country universities or education grant coverage in the case of children of expatriates has put to rest the long-held belief that re-assimilation into the home country school system was a purpose to be served by the education grant. These, taken from General Assembly resolution 33/119 of 19 December 1978, represent recent examples of the progressive broadening of the scope of the grant since 1946 and a recognition of the steep rise, at least at some duty stations, in the cost of the kind of education which international civil servants, as all other parents, are entitled to choose for their children and for which they are sometimes obliged to pay due to circumstances at some duty stations. The exclusion of host country nationals and locally recruited General Service staff from the benefits of education grant provisions has become an anomaly which warrants prompt corrective measures.

The chief executive officers of international organizations which apply such discriminatory treatment should immediately take whatever steps are necessary to review and redress the present unequal schemes and to establish the education grant on principles of fairness and equity, principles which are at the very foundation of the international civil service.

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(1) Host country Professionals

(a) The ICSC, in its report to the thirty-third session of the General Assembly (Official Records of the General Assembly, Thirty-third Session, Supplement No. 30, (A/33/30), paras. 212-223) re-examined the evolution of the conditions of eligibility for the education grant over the past 30 years. A small group of staff members in the Professional category, those who serve the Organization in their home country, find that their continued exclusion from education grant benefits adversely affects morale and is anachronistic, discriminatory and no longer tenable, particularly in the light of General Assembly resolution 33/119 of 19 December 1978.

(b) The concept of the education grant, as originally intended, has undergone constant change. For example, the purported rationale that the education grant was intended to facilitate a child's re-assimilation in the staff member's recognized home country was clearly abandoned when it was decided to provide expatriate staff members the grant for their children attending host country universities. While this testifies to the good sense and sensitivity of the United Nations, one cannot abandon all sense of purpose and the need for logical guidelines. From the history of the education grant there emerges a single, overriding concern - namely, the ability of the United Nations to recruit and retain the best staff possible in competition with other employers, public and private.

(c) In the above-mentioned report, the Commission argued that the education grant was justified only in connexion with expatriation. This may have been true in the past but not today. The grounds on which it was argued, as will be shown below, are clearly out of date and, when considered individually or together, are not as meritorious as the principle of non-discrimination in employee compensation.

(d) One reason cited was that expatriate parents incurred greater expense than they would have had they remained in national service, that they had no choice but to pay for their children's education since considerations of adaptation and language made it difficult for their children to attend the State-subsidized schools of the duty station, while international civil servants living in their own country could share in the benefit of State-subsidized schooling in the same way as other citizens of that country. The Commission, furthermore, found no merit in the charge that the education grant discriminates against non-expatriate staff, one reason being that the education expenses the non-expatriate has to bear are no different from those of any other citizen.

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(e) But the fact is that all citizens bear very different expenses depending on many factors. Where quality public schools are available, most parents will prefer to send their children there. Such, unfortunately, is not the case at some duty stations today, where State-subsidized education is not a real choice. To deny the existence of this condition, as some do, is as illogical as declaring that the cost of living is the same everywhere. The mere fact that one international recruit is working in his or her own country should not result in being burdened with expenses for which his or her colleagues are partially reimbursed.

(f) Furthermore, staff regulation 1.2 clearly sets out that staff members are subject to assignment by the Secretary-General to any of the activities or offices of the United Nations. All parents who are international recruits and have chosen a mobile international career, including those who at a given time are serving in their own country, should therefore be able to choose for their children an education that reduces the disadvantage of going from one educational system to another when the parent is transferred from one duty station to another. Such education is not always available in the national schools of the duty station country which may force these parents to pay for high-cost specialized education to meet the requirements of their life as full members of the international community. Since the founding of the Organization, the number of United Nations duty stations to which a staff member might be assigned has increased greatly and such transfers as described above will no doubt be more frequent in the future. Thus the need to minimize as much as possible disruptions in the lives of staff members and their families which might occur upon assignment to a new duty station becomes imperative. Also, an expatriate staff member whose child attends a university in the host country would be placed in an invidious position were he or she to be reassigned to another duty station which happened to be located in his or her own country. This would mean the cutting off of the education grant entitlement and endangering the continuity of the child's university education.

(g) It must be borne in mind that all international recruits serve the Organization in similar capacities, their aspirations for their children are the same, but expatriates currently receive subsidies for fulfilling those aspirations while non-expatriates do not. It is simply illogical to maintain such an inequitable system when the rationale for the unequal treatment today no longer obtains. The adjustment needs and the cost of education of children of all staff are in most instances exactly the same, and therefore the distinction between expatriate and non-expatriate is no longer valid for purposes of the education grant scheme. In the final analysis, the key to the matter is fairness, equality of treatment and recognition that all staff should have the same rights which flow from having chosen a career in international service.

(h) Another reason for the exclusion of education assistance to non-expatriates was stated to be the lack of national practice, especially in the comparator country for public and private sector employers to provide the same. This statement is an over-simplification. Actually, there is no uniform national practice in the matter, but because of education's importance to parents and an organization's interest in attracting the best employees, the practice of private employers runs the whole gamut of educational assistance, including maintaining schools for their employees, creating education funds, donating scholarships, or contributing substantial sums to the school systems, both public and private.

(i) Most importantly, it has also been argued that no parallel can be found in the comparator country for corresponding provisions for non-expatriate employees. But, thankfully, rigid adherence to any one stance has not been the United Nations custom. For instance, the United States Civil Service does not make assistance available for the post-secondary studies of children of expatriates (national civil services, in general, rarely extend financial assistance to post-secondary education) and yet university studies are eligible for financial assistance under the United Nations education grant. In the areas of maternity and annual leave, to mention but two, the United Nations has gone beyond comparator country practice to espouse a more fair and humanitarian policy.

(j) Finally, it has been said that non-expatriates are already benefiting from a salary scale designed to meet the needs of expatriates. But the reality of life in most major cities in the world is that the compensation package designed to recruit and retain an expatriate to work there should not be any lower to attract a host country national. After an initial period at a given duty station, an expatriate's expenses are very similar to a non-expatriate's. The compensation package offered to the non-expatriate is further reduced since he or she is not entitled to home leave or installation or relocation allowances even though at a number of duty stations, the great likelihood is that the non-expatriate was not originally from the duty station city.

(k) It should also be recalled that only a proportion of the costs actually incurred are reimbursed to the parent, barely one half of them at the upper limit (75 per cent of the first \$2,000, 50 per cent of the next \$1,000 and 25 per cent of the fourth \$1,000, with no reimbursement above \$4,000). This guarantees that the grant is not abused - the staff member is not relieved of his or her normal responsibilities for providing for the children's education but is assisted where necessary. Where good cost-free education is available, most staff members would

not claim an education grant, which presupposes paying hundreds of dollars per child per year. And where it is not available, why should non-expatriate Professionals serving the Organization in the same capacity as their expatriate colleagues and giving their children the same education come to the end of their careers having received much lower remuneration?

(l) In sum, a hard look at the real purpose of the education grant in light of current reality will demonstrate that the grounds for excluding non-expatriate Professionals are no longer valid and certainly are not sufficient to take precedence over the principle of fair and equal treatment of staff. The evolution of the United Nation's rules over the years reveals a trend toward equal treatment of employees being of the highest consideration.

(m) It should also be noted that non-expatriate Professionals at Headquarters, where education is particularly costly, have tried, unsuccessfully, to tap other sources of financial assistance. The United Nations International School used to offer partial relief to staff members through tuition remissions, but these were discontinued abruptly on 14 March 1979. Bursary assistance is not available at the salary levels of Professional staff. In the meantime, the General Assembly has raised the grant for expatriate colleagues. The resulting salary differential between expatriates and non-expatriates has become very unfair.

(n) While an estimate of the administrative and financial implications of removing this exclusion is not yet prepared, it is hoped that the small number of Professional staff involved relative to those who perform the same service for the Organization and currently receive the benefit will permit a decision on the merits at this session. The additional cost of the recommendation below should be weighed against the principle of non-discrimination in staff compensation and the interest of the Organization in having a policy that attracts and retains the best international civil service.

(2) General Service and related categories

Many of the arguments put forward above in relation to the equalization of the education grant provisions for host country Professionals can be made with respect to staff serving in the General Service and related categories. As pointed out above, the education grant is viewed and treated as a social benefit that comprises part of the total remuneration package. It is increasingly difficult to argue that this social benefit should be accorded to some staff and not to others. The question is pointedly asked by many General Service staff if their children deserve less of an educational opportunity than the children of Professional staff members. The staff must therefore urge that necessary action be taken to ensure

that all divergencies in the education grant policy be abolished so as to extend equal opportunity in education to the children of all staff members.

(3) Proposed amendments to the Staff Regulations and Rules of the United Nations

Regulation 3.2: "The Secretary-General shall establish terms and conditions under which an education grant shall be available to a staff member whose dependent child under the age of 21 is in full-time attendance at a school, university or similar educational institution. The amount of the grant ...".

Staff Rule 103.20 (b): "A staff member shall be entitled to an education grant in respect of each child in full-time attendance at a school, university or similar educational institution. The grant shall not be payable in respect of ...".

J. The "justice" system

Staff who are looking for justice or redress of grievances in the United Nations are often disappointed by the way the system works. The fact is that the quasi-judicial bodies which were set up to deal with employee grievances and which were intended to protect the staff against arbitrary administrative power have become so distorted by politics, outside pressure, antiquated procedures, and slowness that justice is routinely denied. There is, as one former staff member charged, only the "illusion of justice".

There are three quasi-judicial bodies within the United Nations which are supposed to ensure that staff members are treated fairly and justly. These are the Joint Disciplinary Committee, the Joint Appeals Board, and the Administrative Tribunal. The Joint Disciplinary Committee was set up to advise the Secretary-General on the disciplinary measures to be taken in cases referred to it. The Disciplinary Committee normally only hears cases that are brought against staff members by the Administration. The Appeals Board is supposed to advise the Secretary-General in cases where a staff member appeals against adverse administrative decisions resulting from the recommendations of the Joint Disciplinary Committee. The Secretary-General's acceptance or rejection of the recommendations of the Appeals Board may be further appealed to the Administrative Tribunal which is usually the court of last resort as far as staff members are concerned. Disciplinary cases may take up to a year or more to process and resolve, whereas appeals may last anywhere from three to five years if it is necessary to go to the Tribunal. In the Joint Appeals Board there are currently 82 cases pending. The waiting period for the Appeals Board to hear a case is anywhere from two to three years.

Both the Disciplinary Committee and the Appeals Board are advisory bodies to the Secretary-General, the "Secretary-General" in this case being the Administration, and more specifically, the Office of Personnel Services. This means that while the Secretary-General may accept the advice of these two bodies, he is not bound to, and can in the final analysis decide as he sees fit. In other words, in an appeal against a decision of the Administration, it is that self-same Administration which finally decides if the appeal is worthy. The Administration is the only judge of its own acts. If you tried to imagine something equivalent on the outside, it would be as if you brought a lawsuit against someone, and the judge ruled in your favour, but left the decision of compliance up to the party against which the suit was filed. This irregular state of affairs was illustrated recently in a case

brought against a staff member in the Disciplinary Committee. In an unusual step, the Disciplinary Committee actually reprimanded the Administration for preparing a fraudulent case against the staff member, but the very same officials who concocted this case were responsible for deciding whether or not the "Secretary-General" would accept the findings of the Disciplinary Committee vindicating the staff member. It was only through the intervention of persons not directly involved that the initial decision of these officials not to accept the findings of the Disciplinary Committee was finally overturned. But this is only one of many cases where the same administration officials serve as investigators, prosecutors and final arbiters in cases brought before the Disciplinary Committee and Appeals Board.

Conventional wisdom has it that it is almost impossible to fire or terminate anyone at the United Nations, but this is not at all accurate. For example, a General Service staff member of African nationality was recently summarily dismissed for making illicit overseas telephone calls, an act requiring disciplinary measures, but not summary dismissal. At present, there are no written criteria or rules defining "serious misconduct" which is the basis for summary dismissal. The above case stands in stark contrast to another recent one where a staff member (D-1) pushed another staff member (M-3) from a step ladder, seriously injuring him, but only received a reprimand. There is a consistent bias running through the whole system, i.e., the staff member is wrong unless proven otherwise. There is also the further bias that the Disciplinary Committee and Appeals Board are allowed access to confidential information that may be only partially available to the staff member or the staff member's counsel.

Despite the fact that both the Appeals Board and the Disciplinary Committee have staff elected members, their decisions are not binding on the Secretary-General. Still, there is the Administrative Tribunal if the staff member is not successful at these earlier stages. But even the Administrative Tribunal cannot compel the Secretary-General to abide by its decisions, although in most cases he usually does, with one important exception. The Tribunal cannot order specific compliance; that is, if a staff member is dismissed or terminated and that dismissal is found unjust, the Tribunal cannot order the staff member reinstated, but is limited to awarding damages or payment of salary withheld. Consequently, if a staff member is unjustly fired, there is no way that employment can be restored. There is, in fact, no real appeal against a decision of the "Secretary-General". This is confirmed by Regulation 1.2 which states that, "The whole time of staff members shall be at the disposal of the Secretary-General". This provision, under which almost any action can be justified, constitutes very regressive public employment policy. One would have to search hard to find a public service code that gives more authority over the employees.

If there is scant enough protection for the individual, the record of our "judicial system" in class action and collective cases is even more problematic. There is no specific provision in the State of either the United Nations Administrative Tribunal or the ILO Tribunal for a group of staff members or for a Staff Union/ Association to bring a class action against the Administration, or on behalf of a group of staff members. All such cases have to be dealt with on an individual basis. Likewise there is no provision for a staff member or group of staff members to initiate action when authority is being abused or staff are not treated according to accepted standards.

In cases having to do with the staff right to organize and to negotiate with the Administration, the two Tribunals have shown themselves to be overly sensitive to outside political pressure and plainly backward with respect to applying ILO Conventions on labour relations to the United Nations system itself. To cite an example of this bending to pressure, we need only note the performance of the ILO Tribunal in the case of Benard and Coffino, Judgement No. 380, which had its parallel in the United Nations Tribunal as the Bellchamber Case. Very briefly, the case was brought by the Geneva staff when the Administration decided to impose new, lower salary scales without prior negotiation. The ILO Tribunal which first heard the case sitting in its individual capacity, and giving an advisory opinion, found in favour of the staff. The United Nations Tribunal subsequently heard the case in formal session, and as to be expected, found against the staff. After the United Nations Administrative Tribunal decision, some strong statements were made condemning the ILO Tribunal for having given an advisory opinion that differed from that of the United Nations Tribunal, and the ILO completely reversed its original opinion on the case when it finally met in formal session.

There is a crying need for a new system for dealing with grievances and ensuring justice for the staff. None of the proposals put forward, for example, to consolidate the two Administrative Tribunals even addresses itself to this problem. In thinking about reform of the grievance machinery certain principles should be kept in mind:

(1) Despite the practice of the Tribunals and the Appeals Board, these bodies were set up to deal with staff grievances and the key should be speedy, simplified and effective justice, not formalism, legalism and time-wasting. In most union practice, employee grievances are resolved within one or two month's time, using very simplified procedures.

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(2) The Secretary-General must be bound by the decisions of the Disciplinary Committee, Appeals Board and Tribunals. If the Secretary-General does not agree with a decision of either the Appeals Board or the Disciplinary Committee then he, like the staff, should be able to appeal to the Tribunal, but he should not have the option of rejecting their decision.

(3) The Tribunals, by the same token, should be able to order specific compliance, particularly important, if a staff member has been unjustly terminated. The payment of money cannot substitute for lost employment, nor compensate for the humiliation, if the reasons for termination are unfounded.

(4) More systematic rules and procedures must be formulated and widely distributed to the staff governing the operations of the JDC and the Appeals Board, and the support staff of these bodies must be increased to ensure that the waiting time for a case to be heard is reduced to the absolute minimum.

(5) Summary dismissal should not be allowed until the JDC has heard the case and made a judgement. The basis for summary dismissal, namely "serious misconduct" should be clearly defined so there is no double standard of practice.

(6) The Tribunals are not qualified to deal with collective cases involving labour/management relations, and a labour/management arbitration panel should be established for the entire system which, composed of experienced arbitrators, would hear and arbitrate labour disputes involving large numbers of staff. The Tribunals could then confine themselves to individual cases.

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