

# FOCUS

## on staff



## News from the United Nations Staff Union - Vienna

SPRING 2011

[www.unodc.org/intranet\\_sc](http://www.unodc.org/intranet_sc)

### Nothing more, nothing less: The battle for fair and just contracts.

Two years ago as the global financial crisis was exploding, the Staff Unions in the UN stated clearly that the crisis was no excuse to reduce the conditions of service and security of staff. We said that at that time "The global financial crisis and the conflicts that continue to erupt in various parts of the world need a stronger United Nations and a motivated and well-resourced international civil service."

In the last two years we have seen the Member States and the Administrations using the financial crisis to do exactly what we warned against.

In December 2010 the General Assembly's resolutions on continuing contracts and on harmonization dealt a blow to a number of staff.

Staff in the Secretariat, while being grateful that continuing contracts are finally in the staff rules, find themselves with scarcely more to celebrate. There is a great deal of disappointment at the fact that the continuing contract, which should have replaced and bettered the permanent contract by covering a larger cross-section of staff, in fact remains extremely limited.

The introduction of a point system to determine who will be awarded the continuing appointment or not, goes against the basic principle applied by almost all national civil services around the world. The representatives of the Member States (who are themselves civil servants with continuing or permanent appointment in their own administration) did not think that the staff of the UN deserve what is the norm in the rest of the world.

Also, our Union deplores the fact that our colleagues in ICTY and ICTR have been expressly excluded from consideration for continuing contracts. In addition, although they had agreement in SMCC on their inclusion for consideration for permanent contracts in the one-time review, they seem to be effectively excluded, in that so far no such contracts have been awarded to them. The General Assembly has also deferred to the distant future the consideration for separation payments for staff on fixed term assignments.



### Remembering Patricia, Maria Cinthia, Ivan, and Stephan.

Four UNODC colleagues and two pilots of the Bolivian Air Force lost their lives in Bolivia on 5 May 2011. They were on flight with a Bolivian Air Force plane Cessna T210 to monitor the extent of coca cultivation in the area of Los Yungas.

The accident has been investigated by the Bolivian Air Force and it has been reported that the accident was due to an "operational factor".

Many colleagues, some of whom worked together with those who died, were shocked and saddened. Memorials were organized in Bolivia and in Vienna.

The Staff Union joined the Secretary General and Mr. Fedotov, Executive Director of UNODC, and sent its sincere condolences to the families, friends and colleagues of the UNODC staff and the Bolivian military pilots who died serving the cause of the United Nations.





## Mobility models for the United Nations under discussion.

In resolution A/RES/65/247, the General Assembly called for a "comprehensive proposal" on mobility, recognizing "... the importance of mobility as a means of developing a more versatile, multi-skilled and experienced international civil service that is capable of fulfilling complex mandates."

Staff representatives, including our Staff Union, have been discussing with the Administration how to respond to the request of the General Assembly. A joint working group met in Vienna in May to discuss various options in preparation for the SMCC to be held at the end of June in Belgrade.

Should mobility be mandatory or voluntary? In the view of the working group mobility can neither be wholly mandatory nor wholly voluntary. Any policy has to take into account the interest of the organization and considerations of equity with regards to the career development of all staff.

There is a broad spectrum of positions available to the organization between the two extremes of completely mandatory or completely voluntary. The organization can put in place incentives and disincentives for mobility, which can make mobility more or less encouraged.

At present mobility is encouraged by a number of factors – the hardship and mobility scheme and discouraged by a number of others, such as family, career, loss of experience and expertise, costs of mobility, recruitment procedures, living conditions.

The working group is of the opinion that the organization should put more incentives in place to encourage mobility. At the same time the organization needs to recognize that staff at different stages of their lives and careers can be more or less mobile. The organization should allow for staff to pursue different patterns of mobility at different stages in their lives. Staff should have the option to be less mobile when they wish. At the same time staff who opt to be less mobile need to accept that there is a trade off in terms of career development.



## "Out of sight, out of mind": Field staff issues.

The death of the four colleagues in Bolivia has also renewed the focus on the working conditions of locally recruited staff.

Many colleagues working in the field offices do not have the same benefits and job security that staff in HQ have. The UNSU has been advocating for parity of treatment for all staff. In the field, locally recruited project staff are only eligible to be recruited on UNDP Service Contracts (SCs), with limited benefits.

For example, their participation in the joint medical scheme is limited to themselves only and in some duty stations SC holders became eligible to a pension allowance payable to them so that they can buy themselves private pensions.

Although they are referred to as staff, in reality SC holders do not qualify to be called staff, because their services are supposed to be temporary. In reality, the service contracts last for decades.

The General Assembly has called for the harmonization of conditions of service for all staff. However, because of the increased earmarking of voluntary funds, UNODC, like many other programmes, is using more and more service contracts to save money.

We believe that our Administration should argue with the donors that it is important for UNODC to offer the same working conditions both in Vienna and in the field. If there is the need of continuous services, then UNODC should offer fixed-term contract with related benefits to all staff and eliminate long-standing precarious contracts that have lasted too long.



## Place to Place survey for Post-Adjustment in Vienna.

Last year many staff participated in the place-to-place survey for establishing the level of the post adjustment for professional salaries in Vienna. Early this year the Advisory Committee on Post Adjustment Questions of the ICSC met in New York to evaluate the result. For Vienna, the result was a meager 0.8%. A Staff Union representative put forward a series of complaints on the methodology.

First the inflated out of area expenditure. We argued that the assumption that all UN staff in Vienna spend 20 percent of their income outside the duty station is not correct and asked the ICSC to run the numbers to see what the results would be if the actual out of area expenditure weight was used. Noting the different results we asked for a review of the methodology for the next round.

Secondly, the methodology and sources of rent data are neither clear nor transparent to us. Given the weight of this item it is important to ensure that apartments priced in Europe are similar to those in New York (in terms of size, furnishing, location, facilities provided, inclusion or not inclusion of the maintenance costs, etc.)

It seems that some elements in the methodology are arbitrarily fixed or introduced to achieve the desired result of containing costs and not to ensure that the organization is able to retain staff with the highest standards of efficiency, competence and integrity to do its work.





## You Rights will be protected: Professional legal assistance to United Nations Staff Union contributing members.

The Office of Staff Legal Assistance (OSLA) funded by the UN Budget has limited resources. In Geneva, there is one P3 lawyer to assist staff whose duty station is or was located in Europe or part of Western Asia.

Given this situation the Staff Union has been considering other options and in its last meeting on 1 June 2011 the Staff Council decided to offer to contributing members of the Staff Union the opportunity to have professional legal representation in the Tribunal.

The Staff Council is considering the possibility to either establish a contract with an insurance company to cover legal fee or to use directly its own funds.

A final decision will be taken after a review of the pros and cons of the different options. In any case there will be some guidelines such as:

- To be covered staff need to have been a contributing member for a certain time before the request is submitted.
- The Staff Council will decide to accept the request based on a legal opinion on the chances of success of the case.
- If the appeal is successful and the tribunal decide that the legal costs of the staff member need to be reimbursed then the staff member will return the money to the Staff Union.
- A ceiling could be established to

## A Tribunal in Geneva for UN staff members.

Since 1 July 2009, current and former United Nations staff members whose duty station is or was located in Europe or part of Western Asia (including Armenia, Azerbaijan, Georgia, Russia and Turkey) and who wish to challenge administrative decisions affecting their rights can address their claims to the Dispute Tribunal in Geneva. The Tribunal has jurisdiction to hear and determine disputes concerning a wide range of matters, including promotions and career progress, disciplinary measures, separation, benefits and entitlements, harassment complaints, etc.

Among the remedies the Tribunal may order are the rescission of an unlawful decision and financial compensation for both material and moral damage suffered. The Tribunal may also issue any order which it deems appropriate (such as an order to suspend a specific action and/or decision, an order to call witnesses or disclose documents, etc.) for the fair and expeditious disposal of a case.

Under the new internal justice system, the Dispute Tribunal is the first instance court, whilst the Appeals Tribunal is the appellate court reviewing appeals against judgments rendered by the Dispute Tribunal.

In order to fulfill its mandate, the Dispute Tribunal is supported by three Registries, respectively established in Geneva, Nairobi and New York. Judge Thomas Laker and Judge Jean-François Cousin operate at the Geneva Registry of the Tribunal.

Several core principles underpin the mandate and activities of the Dispute Tribunal. **Professionalism** is the first of these principles. Judges must possess at least ten years of judicial experience in the field of administrative law, and indeed all of them have held judicial offices in their respective countries. Their legal expertise and the fact that they are appointed by the General Assembly are the best guarantee of the **independence** of the Tribunal, which constitutes another core principle governing its activities. Their legal expertise and the fact that they are appointed by the General Assembly are the best guarantee of the **independence** of the Tribunal, which constitutes another core principle governing its activities. **Transparency** is also key to the work of the Tribunal, whose hearings are held in public, unless exceptional circumstances require otherwise, and whose judgments are available on the Tribunal's website ([www.un.org/en/oai/dispute/](http://www.un.org/en/oai/dispute/)) immediately upon their delivery.

Their legal expertise and the fact that they are appointed by the General Assembly are the best guarantee of the **independence** of the Tribunal, which constitutes another core principle governing its activities.

**Transparency** is also key to the work of the Tribunal, whose hearings are held in public, unless exceptional circumstances require otherwise, and whose judgments are available on the Tribunal's website ([www.un.org/en/oai/dispute/](http://www.un.org/en/oai/dispute/)) immediately upon their delivery.



In adjudicating matters, the Judges of the Tribunal have striven to dispense justice promptly. Out of the 588 cases received between 1 July 2009 and 31 December 2010, 329 cases have been disposed of by the Tribunal, 156 of which were determined by the Geneva Judges. Currently, staff members can expect their case to be processed within less than a year. This being said, the expeditiousness of proceedings will largely depend on the decision which will be taken by the General Assembly in the second half of 2011 to either maintain or reduce the number of Judges and their support staff.

The procedure before the Tribunal is governed by the provisions of its Statute and Rules of Procedure, which can be downloaded from its website (<http://www.un.org/en/oai/dispute/reference.shtml>). A current or former staff member who wishes to contest an administrative decision before the Tribunal must, as a first step, submit to the Secretary-General a request for management evaluation of the contested decision within 60 days from the date of notification of the decision. Within 90 days from the receipt of the Administration's response to the request for management evaluation (or, where no response was received, within 90 days after the expiry of the response period), an application may be filed with the Tribunal.

While staff members may hope in some cases to reach an informal agreement with the Administration, it is in their interest to submit an application to the Tribunal within the prescribed time limits in order to preserve their rights. Should an amicable settlement be reached at a later stage during the proceedings, it will remain open to them to withdraw such application.

The Tribunal is easily accessible, since applications can be filed electronically and all communications can be by email ([www.un.org/en/oai/dispute/forms.shtml](mailto:www.un.org/en/oai/dispute/forms.shtml)). Applicants may choose to be self-represented or to seek free legal assistance through the Office of Staff Legal Assistance ([www.un.org/en/oai/legalassist/](http://www.un.org/en/oai/legalassist/)). They may also choose to be represented by a current or former staff member, or a legal counsel authorized to practice law in a national jurisdiction.

Since its inception, the Dispute Tribunal has built up a body of innovative and authoritative case law, which should positively impact on managerial decisions and provide adequate guidance to both the Organization's staff and management.

For a French version of this article, please visit the UN Special website: <http://www.unspecial.org/>

Víctor Rodríguez, Registrar  
Fanny Martin, Legal Officer  
United Nations Dispute Tribunal in Geneva

## Office space.



In the past months Management has opened a discussion on office space. Additional requests for space have been prompted by the arrival of new staff and staff moves especially following the DO/DTA realignment. The Staff representative argued that the open-plan office space and also sharing offices was a sensitive issue for many staff. Following negotiations between the Staff Council and Management, adjustments were made to the original proposal. In particular, the idea of large-scale open-plan office spaces had been set aside in favour of staff sharing regular offices where necessary. An agreement was reached by the JAC in May and it is being recommended to the ED/DG who has to take the final decision.

The JAC recommended that criteria for sharing will follow a parallel approach across the two categories, GS and P, e.g. there would be a recognition of level in both categories, with the lower-level GS staff (G3) sharing first and, at the same time, the lower-level P staff (P2) sharing. After level, supervisory duties and years of service should be used to determine who should be sharing or not (i.e. staff with less years of service or no supervisory duties to share first).

Among proposed measures to be implemented, and agreed to by the JAC, to limit the impact on staff, were the following:

- Office sharing should be limited to 2 staff per office (3-4 modules) where possible (occasionally 3 or more staff in a larger office, as appropriate)
- In an effort to share the burden across the Organization, it is suggested that all P5 (or lower grade in case such a situation exists) having a 4 module office are moved to 3 module offices, to make the larger office available for the two staff who are supposed to share an office;
- The situation is to be considered as of a temporary nature and if more space is available in the future the old arrangements should be re-established;
- In agreeing with the implementation of these temporary measures, the Staff Council requested the Administration to find ways of acquiring more office space by rationalising the use of the space available to UNOV in the VIC, and in consultation with the other VBOs and the other Staff Unions of the VIC, use of C tower when it becomes available.

## Merit Award.

The Staff Union has proposed to the Administration the establishment of a Merit Award scheme for all staff serving UNOV/UNODC in Vienna and in the field offices. A joint working group prepared a proposal that has been recommended by the Joint Advisory Committee to Mr. Fedotov.

The merit award is for staff from staff, i.e. staff should be given the opportunity to nominate colleagues and also be involved in the selection process. The award categories proposed are: client service, outstanding achievement, leadership, innovation/ creativity, "I care": for putting others' needs first, cost-savings, ethics and integrity.

All award categories are open to staff members at all categories and levels (GS, P and D). Nominations will be received and reviewed by the Awards Committee, who will establish a shortlist of candidates in each category. The shortlist will contain no more than three nominations for each category.

All nominations will be evaluated against objective criteria with a justification by the Committee for inclusion in the shortlist. The shortlist should be endorsed by the UNOV Director-General/ UNODC Executive Director before being opened to popular online voting. The online voting process will determine the winner in each category.



## Contact

UN Staff Union – Vienna  
Room E-1112  
Tel.: (+43) 1 26060 3588/5534  
Website:  
[www.unodc.org/intranet\\_sc](http://www.unodc.org/intranet_sc)  
E-mail: [staffcouncil@unvienna.org](mailto:staffcouncil@unvienna.org)



## Show your Card: New Card for Staff Union Members.

The Staff Union has produced new cards for members. The card will enable contributing members to have access to the benefits offered by the Staff Union such as, the professional legal assistance for cases of internal justice, the discounts by local shops and services providers, reduced fee at the VIC Housing Service, two free legal consultations per year, special tariffs with T-Mobile and Orange.



## Moving on: Goodbye to Staff representatives.

Jamshid Gaziyeu, Staff Council Representative from OOSA and Secretary of the Staff Committee moved to HCHR in Geneva. Elizabeth Waechter alternate from UNIS moved to New York. Kate Lannan representative from UNCITRAL/OLA moved to WHO in Geneva. Nicole Galeazzi CMS representative retired at the end of 2010. Jason Muir alternate for UNSSS left the UN. The Staff Union would like to thank all of them for their contribution.