

FOCUS

on staff



News from the United Nations Staff Union - Vienna

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Surgeons or Butchers: who is going to cut the UN budget?

In the town hall meeting of 14 September 2011 the Secretary-General answering a question on budget cuts said that it was possible to cut “through the fat” without “cutting through the muscles or the bones”. Easier said than done. Especially if the cutting process is going to be in the hands of almost 200 improvised surgeons (the representatives of the Member States in the GA) who do not have the same view of what and where to cut.

So far what we have seen are cuts in what is often defined as the “most valuable asset” of the Organization: the staff. There have been cuts to the benefits and conditions of service of staff and saving on security. Over the last years the ICSC has recommended to the General Assembly a series of measures aimed at containing the possible increase of the GS salary, the reduction of second household allowances for staff of the fund and programmes in favour of a lower allowance extended to peace-keeping and political mission, the introduction of danger-pay and the reduction of non-family duty stations, the new mobility and hardship scheme, and the policy on rest and recuperation counting calendar days and no longer working days.

We are appalled by the lack of independence demonstrated by the ICSC, and seemingly arbitrary decisions based not on technical arguments but on the Resolution 65/248 that asks the ICSC to “[bear] in mind the limitations imposed by Member States on their national civil services.” At the same time, it is interesting to note that there seems to be no lack of funds for the establishment of senior management positions. In 1998, for example, there were 39 USG and ASG positions. At the end of 2010, the number was 149. Still a way to go to reach 193, the number of UN Member States. Cut through the fat or more fat cats?



New End of Service Allowance under discussion.

The end of service allowance (EOSA) is part of the condition of service for GS staff in Vienna in line with the best prevailing conditions of service in the local labor market. Since July 2002, a new law came into effect in Austria introducing a new EOSA system (“Abfertigung Neu”). The Austrian EOSA is payable at the rate of 1.53% of the gross monthly salary and is deposited through WGKK into a “provident fund” and payable at the end of service.

The Administrations and the Staff Unions of the Vienna-based Organizations are discussing the issue. The proposal currently on the table includes the payment of the EOSA as a lump sum at end of service. The amount will be calculated at the rate of 2% of the final monthly net base salary multiplied by the total number of months completed service starting with the second month of service. The rate of 2% is proposed (instead of 1.53%) to make up for the difference between the gross and net salaries. The EOSA will be payable irrespective of the reason for separation (including resignation). Current GS staff will be given the option to remain under the old EOSA system or switch to the new system by freezing the entitlement under the old system at an agreed date. The Staff Union will discuss the proposal in the next month to arrive at an agreement before the end of the year.

60, 62 or 65? What age of retirement?



The possible review of the retirement age provisions in the UN common system has been debated for some time and a number of arguments in favour of a review have been put forward. Some of the arguments, however, do not seem to be supported by the actuarial analysis. We believe it is important that financial and other arguments are carefully considered against the evidence of the actuarial evaluation and the informed opinion of the Pension Board.

The Staff Unions have expressed the view that the impact of any change in the current provision needs to be carefully considered before taking a decision. CCISUA (our Federation) and UNISERV launched (from mid-July to the end of August 2011) a survey to gain the staff's perspective on the possible Mandatory Age of Separation.

A total of 8,237 staff participated in the survey and 88.2 per cent or 7,266 completed it. The sample is significant by statistical standard.

From the survey it is clear that staff support an increase in the mandatory age of retirement. However, this should be without prejudice to the acquired rights of those who are currently in the system to retire with full benefits at their current mandatory retirement age of 60 or 62.

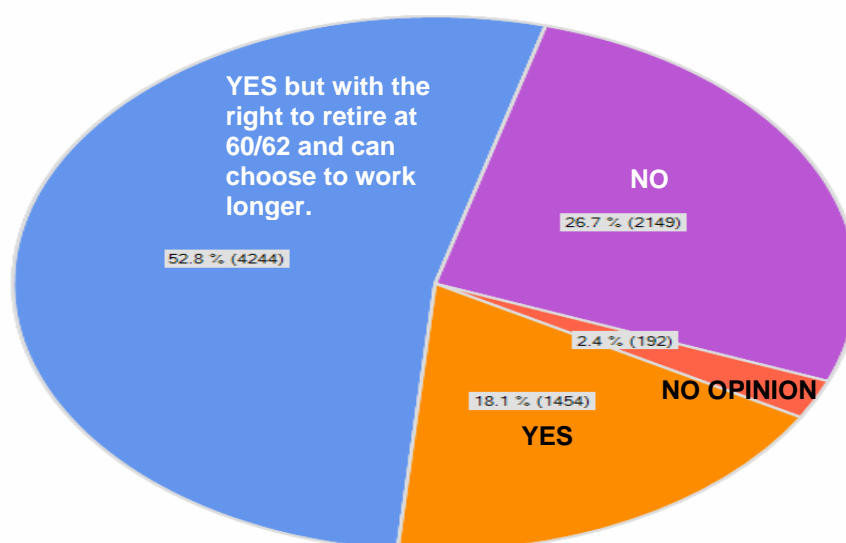
In the survey organized by CCISUA and UNISERV, the majority of the staff does not disfavour an increase in the mandatory age of separation (70.9 per cent).

However, for 52.8 per cent such agreement is subject to maintaining the right to retire without penalty at 60/62 and having free choice about continuing to the age of 65.

About 75 per cent of the staff surveyed believe that the decision to continue to work beyond the current mandatory age of retirement should be made by the staff member. If not, it would be without parallel in any national system: in no other setting does the employer have the authority to grant or deny employment on a discretionary basis. A waiver under the sole authority of the Executive Head is considered arbitrary and unfair.

The Staff Union believe that staff opinion must be carefully considered in all relevant fora in order to make decisions that respect the terms of employment valid at the time of recruitment and that provide staff with the essential financial security once they leave active service.

Do you think that the Mandatory Age of Separation should be raised to 65?



Important judgement on reorganization and realignment.



Re-alignment, re-structuring, re-profiling, re-organization. You probably have seen them all. Most of the times these exercises do not affect much your work: your position might be moved from one unit to another, your second reporting officer might change, you have new colleagues, etc. But overall, you continue to do your regular work.

In some cases, however, together with the other **RE-things** mentioned above, a re-assignment comes along and this may change your life. It may imply considerable change of your job description and change of the funding of your contract and consequently reduce your job security.

A case of this kind has recently been the subject of a judgment of the UN Dispute Tribunal. The tribunal rejected the request of the staff member who challenged the decision of his Organization to abolish his post and to reassign him to another position. In the judgment, the Tribunal identified a general principle of law according to which “[a]n employer is entitled to re-organise the work or business to meet the needs and objectives set by the employer at a particular time”.

The former UN Administrative Tribunal recognized in a series of judgments the Administration’s broad discretion to reorganize its offices and departments (see Judgments Nos. 117, Van der Valk (1968); 350, Raj (1985); 412, Gross (1988); 719, Kartsev (1995) and 1217, Lorient (2004).

In general, it is for the Organization to determine whether or not a measure of this nature is in its interest or is not. The obligation of staff to accept such assignments in the interest of the Organization has been consistently upheld by UNAT, provided the decision was not improperly motivated.

In fact, the broad discretion is recognized unless the measures are illegal, irrational or procedurally flawed, or in exceptional cases, where a measure is disproportionate (Doleh 2010-UNAT-025, para. 20; Hallal UNDT/2010/046, para. 59).

The Tribunal stated that there should not be abuse, such as in cases where a decision is arbitrary or based on improper motives, or taken in violation of mandatory procedures.

It is however the staff member who has to demonstrate that the reorganization was tainted by prejudice or some other improper motive.

“The Tribunal will only interfere where the Applicant meets his burden with regard to such decisions being based on a mistake of fact, a lack of due process, or if it is arbitrary or motivated by prejudice or other extraneous factors.”

At the same time, the Tribunal recalled that, when a justification is given by the Administration for the exercise of its discretion, it must be supported by the facts (Islam 2011-UNAT-115).

Remembering Ingrid Midtgaard

Ingrid, a lawyer by training with a Specialization in Human Rights, Criminology and Criminal Procedure arrived in Nigeria in November 2010 and started working there as Associate Expert, sponsored by the Government of Norway, for the United Nations Office on Drugs and Crime.

Prior to joining UNODC in Nigeria, she held positions at the Norwegian Ministry of Justice and the Police where she was a team leader of the Legal Aid Team and the Norwegian Directorate of Immigration (UDI) handling applications of asylum seekers. She also did voluntary work in East Timor where she worked on a project aimed at the development of a fair justice system, specifically focusing on access to justice for women.

Ingrid was killed in the attack on the United Nations building while carrying out her work. That work covered issues including the fight against corruption, drug trafficking, drug abuse and terrorism and represented an important contribution to efforts that are critical to the pursuit of Nigeria's development objectives. Ingrid leaves behind her husband and her father.

This is how she is remembered by her friends and colleagues:

Ingrid - caring, loving, always sharing and ever smiling. She gave her time, energy and resources and ultimately her life in her utmost dedication to development work at the United Nations.

Ingrid, in you I found a kind-hearted, thoughtful and sincere person without borders.

Ingrid was a good team mate as well as a friend, always giving without expecting, smiling no matter the pressure.

You shall for ever be remembered as a bright shining star, a dedicated and committed young lady, a beautiful soul with cheerful smiles.

Ingrid represented the best the United Nations has to offer. She was a true inspiration to me.

The Ingrid I know is a lady ever full of smiles, small in stature but with a big heart of love towards all.

You have left your traces not only in our lives but also in our hearts.

You are a star that shined for a moment, but affected lives around you positively. Your love for humanity led you to Nigeria to serve.

On this earth just a while, but your memory will never leave us.

I will always hold on to the memories of this young Norwegian lady, who came to Africa to serve humanity and died in the course she so much believed in.

You were simple, hardworking and ever full of smiles (which were also infectious) and always ready to take up challenges.

Never tired to help, take on important work, and walk extra miles in serving our mission of human development and security, and in providing true friendship and support in personal relations, you managed to inspire and motivate in your very own calm, friendly and always positive style.

Ingrid combined: very considerable intellect; astute judgment; genuine modesty and fine wit. Such a rare and rich combination made anytime with her a very real pleasure.



Attack at the UN in Abuja.

The United Nations House in the Nigerian capital, Abuja, was struck by a car bomb on Friday, 26 August 2011. In this shocking attack 23 people died and many more were injured. Two UNODC colleagues (Ukamaka Osigwe and Ugonna Ezekwem) were injured and one died. The victim was Ingrid Midtgaard, a thirty-year-old lawyer. The United Nations Staff Union at Vienna, on behalf of all its members, extends its heartfelt sympathy to the families and colleagues of the victims. At the same time, we ask USG Gregory Starr of the Department of Safety and Security to clarify the circumstances of the attack and verify whether the appropriate security measures were in place.

We also request the Administration to demand the Nigerian authorities to comply with obligations of the host country to ensure the security and safety of staff and to bring the organizers of this terrible act to justice.

The United Nations Staff Union at Vienna has started to collect donations for the assistance of families and non-staff who have been affected by this terrible crime and who are not covered by the existing UN provisions. Staff interested in donating are invited to visit the office of the Staff Union, E-1112, where a collection box is available. Also, the Staff Council decided to devote part of its annual donation to charity originating from the profit of the Gate 1 Gift Shop to assist those in need. The Staff Union will join a mission of Staff Representatives to Abuja for an independent assessment of the Security situation and to express solidarity to UN staff.