

Message from the staff unions of the United Nations System on the new payroll charge for access to legal defense at work

Since the establishment of the internal justice system of the United Nations, funds and programmes in July 2009, we have consistently raised the issue of inequality of arms between staff and management and stressed the importance of the administration of justice for the Organization. While management can make use of a large contingent of administrative lawyers to defend its decisions, the 65,000 staff, only have access to less than a dozen lawyers provided by the Office of Staff Legal Assistance (OSLA).

Notwithstanding the good work that the lawyers at OSLA have performed in defending staff, OSLA has had to turn away many cases for lack of resources, often at huge expense to the staff member, who has had to seek external counsel. This has denied staff their basic right for equal treatment in an organization that outwardly promotes the concepts of justice, equality and the fundamental rights of each and every person.

Up to now, the services of OSLA have been provided free of charge to staff. This has been on the basis that the UN Dispute Tribunal does not refund legal costs except in exceptional circumstances and that staff should not have to pay the price of an unfair decision made against them.

Having considered various options proposed by the Secretary-General for the additional financing of OSLA, the General Assembly, in resolution 68/254, decided that as of 2014, staff should be charged a payroll deduction of 0.05 percent of their salary. This is a voluntary scheme (staff can opt-out) introduced on a trial basis for two years. The pilot scheme is aimed to finance additional OSLA posts (2 P4 and 4 GS). At the end of the period, the General Assembly will review whether the funds raised justify maintaining the charge.

Staff unions had consistently indicated their opposition to this scheme (the Secretary-General also raised his reservation), as it marks a dangerous precedent, as for the first time, the General Assembly has established a body, which it does not wish to fully fund and is requiring staff to make up the shortfall. Thus, staff are taxed from their salaries for additional posts that the Organization requires but is not willing to pay. This runs counter to Article 17.2 of the UN Charter and leads to a two-tier system with those staff without access to legal defense being left in a vulnerable position as a result.

This new tax is also discriminatory. Senior managers are not asked to contribute to the costs management incurs in defending their decisions, whereas staff at the receiving end of such decisions are being asked to pay.

With the administrative arrangements for the voluntary scheme now in place, payroll deductions will begin in April 2014. During the trial period, staff can choose to opt out of payroll deductions. According to the resolution, colleagues who opt out during the trial period will have full access to OSLA and will not be penalized.

The staff unions of the United Nations System remain opposed to the principle of charging staff for a work-related facility. We urge all colleagues to opt out of the taxation for additional posts. Each union will provide its members with information on how they can opt out.

Real justice cannot be achieved unless it is accessible to all, without discrimination, and unless there is equality of arms. We urge the Secretary-General to work with staff unions to find other means of financing additional posts for OSLA and address the real

reason for the large number of cases being brought by staff against the organization: the poor quality of decisions being taken by many of his managers. Ultimately, justice and fairness in the workplace is not only in the interest of staff but it's also paramount to the Organization.

This letter is sent on behalf of the Staff Unions and associations listed below:

- UN Staff Union
- ESCAP Staff Association
- Field Staff Union
- Staff Council of ESCWA
- Staff Council of ECA
- Staff Council of ECLAC
- Staff Union of the International Criminal Tribunal for former Yugoslavia
- Staff Union of the International Criminal Tribunal for Rwanda
- Staff Council of UNHCR
- UNDP/UNOPS/UNFPA/UNWOMEN Staff Council
- UNICEF Global Staff Association
- UNOG Staff Coordinating Council
- UN Staff Union Nairobi
- UN Staff Union Vienna
- UN University Staff Council