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**Will the ILO grant a decent contract for the
 Staff Union's Legal Adviser ?**

THE ISSUE: Freedom of Association for the ILO Staff Union

The second session of the ILO Staff Union's Annual General Meeting last month adopted two resolutions: the first on social dialogue in the ILO, and the second concerning the position of Legal Adviser to the ILO Staff Union.

The latter resolution touches on a fundamental principle: ILO officials' right to freedom of association, and more particularly the right of the Staff Union to hire its own staff. This principle does not exist in a vacuum. It is enshrined in Convention No.87, which provides that a union must be able to organize its administration, activities and programmes free of interference from management. Today this basic right is being challenged: the Union's Legal Adviser is currently working without a regular ILO contract because the Administration refuses to grant one. This is both unprecedented and unacceptable.

Consider the following:

- For more than 40 years, the Union has – unchallenged – exercised the right to hire its own secretarial support staff, on regular ILO contracts.
- A number of other staff unions, associations and federations throughout the international civil service also use the contracts of their UN agency to employ staff.
- The ILO has allowed other independent entities to operate within the Office with staff employed on ILO contracts.

THE BACKGROUND: Why a Legal Adviser for the Staff Union?

The ILO Staff Union has engaged the services of a legal adviser since 2003. The adviser's role has been to provide the Staff Union Committee with specialized advice and analysis on its activities involving policy, as well as to assist in the Union's handling of grievances. The results have been extremely positive, helping staff both at Headquarters and in the field to their satisfaction.

Given the specificity of the international civil service, it is to the advantage of the staff to have its own Legal Adviser, thoroughly familiar with the ILO's unique rules and institutions. Our employment conditions are governed by the ILO's own regulations, not by any national legislation. Furthermore, ILO staff members, by their legal status, cannot seek remedy from a national court for their grievances. And using the services of an external lawyer would very likely prove both inefficient and uneconomical, considering the scarcity of legal specialists with experience of common system staff issues, and the probability of high fees charged on an hourly basis.

The Staff Union has, through various means both informal and formal, sought a resolution to this issue since 2004.

THE WAY FORWARD: Working out the Solution

We are not asking the ILO to act as employer. The Union will continue to finance its staff and assume all of the obligations that fall to any employer in the course of an employment relationship.

What the Union seeks is a negotiated solution through dialogue with the Administration to ensure employment conditions that are appropriate for the Legal Adviser to staff of the ILO. And we call on the Administration to honour its obligations.
