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**STATEMENT BY THE REPRESENTATIVE OF THE STAFF UNION COMMITTEE  
TO THE PROGRAMME, FINANCIAL AND ADMINISTRATIVE  
COMMITTEE OF THE ILO GOVERNING BODY**

**(303<sup>rd</sup> Session – November 2008)**

Mr Chairperson,  
Director-General,  
Members of the Governing Body,  
Dear colleagues and others present here today,

Last week, my home country, the United States of America, elected its first African-American President. This has already been referenced on several occasions here in the Governing Body. President-elect Obama spoke with a great deal of eloquence. My concern here today is that you may have come to expect that level of public speaking ability from *all* Americans, and I can only hope that I don't disappoint too much!

The election scheduled for next week in the Governing Body leads us to reflect on the changes brought about under the leadership of our Director-General over the last decade. He coined the term "decent work" to encompass the hopes and aspirations of the workers and employers of the world, and the ideals of the ILO itself. He provided backing for gender equality unrivalled among his predecessors. He championed the Declaration on Social Justice for a Fair Globalization, which recognizes the critical role of freedom of association and collective bargaining in attaining the strategic objectives of the ILO.

On the subject of collective bargaining itself, the Director-General broke new ground, signing what is still the only collective bargaining agreement in the history of the international civil service. Following the ILO's example, a number of UN agencies are now moving away from purely advisory mechanisms towards joint negotiating committees of their own. Given our unique mandate, the ILO *should* serve as a model for staff-management relations across the common system.

However, if we take a critical look at staff-management relations in the ILO, we find that a considerable amount of work remains to be done.

As you, the members of the Governing Body, renew your confidence in the Director-General, I as a representative of the ILO staff would like to invite the Director-General to work

together with representatives of staff to address the most pressing problems that face the smooth functioning of our Office in the foreseeable future.

### ***Restoring a culture of collective bargaining at the ILO***

One of the major hurdles we face is the full implementation and respect of collective agreements which have been signed by the administration.

In March 2000, the Director-General and the then President of the ILO Staff Union signed a recognition and procedural agreement. This agreement committed the Office to promoting the principles and rights embodied in Conventions Nos 87, 98 and 151, and in Article 20 of the Universal Declaration of Human Rights. It reflected the intention of both the Office and the Staff Union to work in a spirit of partnership, in good faith and mutual respect; it called for social dialogue so that all staff members could influence the evolution of the Organization; and it established the duty to bargain in good faith on terms and conditions of employment in the broadest sense of the term.

Efforts must be made to better implement the provisions of the recognition and procedural agreement.

Despite the numerous requests made by the Staff Union, following two pilot exercises, the Collective Agreement on Personal Development Plans has never been implemented.

The Collective Agreement on Recruitment and Selection has been under revision for a number of years now. As the annual report on HR Strategy before you points out, the Staff Union suspended negotiations on the new agreement pending the outcome of a case which it had referred to the Review Panel, the body to which collective disputes are referred.

Our action was motivated by unilateral changes made to the recruitment and selection procedures in the framework of the RAPS, in violation of the provisions of the collective agreement in force. The decision to suspend negotiations was not taken lightly and followed a number of attempts by the Staff Union to settle this dispute.

The Staff Union welcomes the findings of the Review Panel, which provide important clarification. We remain hopeful that the advice of that body will pave the way to re-launching negotiations, where both parties can commit themselves to entering into a collective agreement and abiding by it. This is a clear example where, had the unilateral changes been subject to negotiation, we may have been able to catch some of the problems that are coming to the surface today, with staff raising questions about the objectivity and transparency of the procedures.

In other areas of policy, which touch on terms and conditions of work, the Staff Union is sometimes informed or consulted only at a very late stage. For example, on the very important subjects of performance management and staff mobility, which elsewhere in the UN system was the subject of in-depth policy discussions from early on, here in the ILO, consultations began only once the policies had been well established and just before their promulgation. There are obvious limitations in being consulted so late in policy development, not least of which is the difficulty to fully analyse or consult with our own representative structures.

Despite these problems, some progress has been made, and we have to recognize this and appreciate it when it does occur. For example, the Staff Union and the administration have advanced on the subject of contracts policy, which we hope will bring an end to precarious employment in the Office through an approach which balances flexibility with security.

Another notable development is the adoption leave policy which you will consider during this session. We note that this policy could have been adopted when it was originally submitted to the PFAC two years ago, had it been subject to negotiation at that time. Nevertheless, I can attest to the fact that the proposal before you represents a negotiated compromise, and a more logical policy compared with what is available elsewhere in the common system. This is a positive indication of what good-faith negotiations can produce.

Two items which are not before you at this time, namely, the Statute of the ILO Administrative Tribunal, which has been deferred until March, and the field structure review, which was discussed in the Technical Cooperation Committee earlier in the week, will obviously have major implications for ILO staff.

The latter subject was discussed between the Staff Union – and in particular our titular representatives from the regions – and a representative of the Director-General's Office, and this was greatly appreciated. It was an important opportunity for our staff representatives from the field to provide their inputs and voice their concerns, as the consultants for the initial study on the field structure review did not consult or even meet staff representatives in most field offices.

We hope that we will be party to any consultations which will take place prior to presentation of these two items to this Committee in March.

### ***A Legal Adviser for the Staff Union***

Freedom of association is an essential element for promoting collective bargaining in any workplace. This includes the right of a union to organize its administration, its activities and its programmes.

Despite our best efforts over the past four years, I find myself with the unenviable task of reporting to you, once again, that the Staff Union continues to be prevented from providing its Legal Adviser with the protection of an appropriate employment contract. I will not enter into too many details here today, as I and each of my predecessors have raised the subject in our statements to this Committee over the past several years. However, to recap:

- The Staff Union Legal Adviser has been employed by the Union since 2003, and without a contract since 2004.
- This position has provided the Staff Union with specialized advice and analysis, assisting with preparations for collective bargaining, reviewing policy proposals, and assisting staff in the settlement of disputes.
- Given the specificity of the international civil service, the Staff Union considers that the permanent presence of a legal adviser who is familiar with the ILO's unique rules and institutions is essential to protect and defend the interests of the staff.
- As the ILO Administrative Tribunal confirmed in a recent judgment, the independence of the international civil service prevents the Staff Union from registering itself in a member State and from recruiting its staff through an employment contract concluded under domestic legislation. The only possibility for the ILO Staff Union to recruit a legal adviser is to do so by using the legal framework of a regular ILO contract.
- This question touches on a fundamental principle: the right of ILO officials to freedom of association, which is enshrined in Convention No. 87, and, more particularly, the right of the Staff Union to hire its own staff.

■ Precedents exist both inside and outside the ILO. This is the first time that the administration has refused to issue a contract for staff employed by the Staff Union. Staff representative bodies in other international organizations have engaged such staff without any difficulty, and several independent or quasi-independent bodies exist within the Office, using regular ILO contracts for their own staff.

Once again, the ILO Staff Union is *not* asking the ILO to act as employer in this case. The position would be financed through our own dues.

What the Union is asking for is a negotiated solution which will ensure employment conditions that are appropriate for the Staff Union Legal Adviser. We believe a solution can be found which respects the Staff Union's freedom of association without imposing liabilities on the ILO administration.

### ***Staff safety and security***

The ILO Staff Union, through our International Federation, has been increasingly active in matters of staff safety and security. Following the Algiers attacks of 11 December 2007, we have been committed to working actively on security policy, in order to ensure that everything is being done to guard against such a tragedy repeating itself in the future. While we have successfully influenced policy at the inter-agency level, and we enjoy a positive working relationship with the headquarters security focal point, we would welcome a greater consultative role when the policies to which we have contributed at the inter-agency level are translated into action within the ILO.

We know that the Office has a special responsibility when it sends international staff and their dependants into the field. But the fact that national staff are citizens of the country where they serve should not in itself disqualify them from many of the benefits enjoyed by their international colleagues. Our concern is for the removal of any *artificial* barriers between colleagues who face the same risks because they serve under the same banner – that of the United Nations and the ILO.

To highlight the extent to which this discrimination has very real implications for national staff in the field, I want to share with you the story of Roger, a staff member working in a conflict zone in the African region.

Roger carried out his work for an ILO project over 2,000 kilometres from his home, family and support networks, and in a region where the security alert levels were high.

In his duty station, national staff receive hazard pay, amounting to one-fifth of the level of hazard pay received by international staff. International staff benefit from “rest and recuperation” leave and are reimbursed for private security personnel. Internationals are required to live within the security zone established by the UN system, through which they are protected by the police and UN security personnel. Such secure living conditions are inaccessible for many national staff because housing costs in secure locations far exceed what national staff can afford.

Problems of insecurity are real. With the United Nations having been recently accused of supporting one side in the conflict, which continues to grow in the region, it is understandable that local staff outside the security zone would fear that they may be targeted because of their association with the United Nations.

Of course, Roger is but one of many ILO staff members who serve the Organization in an increasingly insecure global climate. Indeed, of the 270 UN staff killed as a result of malicious acts since 1992, a full 80 per cent were national staff. We welcome the fact that the Brahimi report –

which reviewed global security for the United Nations in the aftermath of the Algiers bombings – acknowledges the differences in treatment between national and international staff and calls on the United Nations to address these problems proactively.

As the ILO increases the presence of its staff in the field, with projects and activities being undertaken in increasingly exposed locations, it is essential that the Office rises to the level of best practice among the agencies, funds and programmes in security matters. The ILO's global presence must be monitored and supported by a team of professional security experts, to advise those responsible for field activities at the highest levels.

The problems I have outlined to you here today are not insignificant, and they will not be resolved in the blink of an eye. However, I do believe that, with dedication, perseverance and a commitment to work in a spirit of partnership, in good faith and mutual respect, we can overcome them. The Staff Union is ready to make all necessary efforts to achieve this goal and is hoping that the administration is also willing to work towards a renewal of a culture of collective bargaining here in the ILO, in the very institution that promotes social dialogue and collective bargaining in the rest of the world.

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