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union

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OIT • ILO • BIT
Boletín del Sindicato
Staff Union Bulletin
Bulletin du Syndicat
<http://www.ilo.org/public/english/staffun/info/magazine/index.htm>

Who is that masked man?



The 83rd session of the International Labour Conference, June 1996. Seated, L-R: Saïf Ali Al-Jarwan, Minister of Labour and Social Affairs of the United Arab Emirates, President of the Conference; Boutros Boutros Ghali, former Secretary General of the United Nations; and Jacques Chirac, President of the French Republic. Sharing the joke (standing, 2nd left) is the Assistant to the President of the Conference, who in 2003 celebrated 21 years' continuous service as an ILO official. Who is he? See page 3.

EDITORIAL

Keeping it real

Spring in Geneva. Green shoots emerge blinking into the dim sunshine, and the ILO's plum blossoms struggle but fail to resist the gale-force winds sweeping down from the mountains. Newborn lambs gambol in the open fields, and frisky officials gamble in the casino—

Whoah – hold it right there! Year after year with the flowers and the baa-lambs and the bunny rabbits. Enough already! Hit us with the meat. Issues. Substance. That's what readers want these days.

Such as?

You know. Like where our very future is at stake. Stuff like that. Gotcha. You mean the 12 Sectoral Meetings organized by the SUC to explain the grave threat to staff, the Chair's speech to the PFA, the Extraordinary General Meeting on – what was it again? That stuff, right?

You are such a saddo! No, not that old guff. I mean the genuine issues that confront ILO staff every day.

Frinstance?

The things they really care about. Like...

- That new floor covering in the elevators – who chose it? Are they colour-blind, or is it a cunning plan to force us to raise our eyes and look at each other?

• So now we're supposed to boat across the lake and walk to the office from the Perle du Lac every morning? We'll all be exhausted before we even boot up the PC!

• The latest construction work – surely it isn't true that the way in from the bus stop will now be via the car park? Is it?

• Making us pay to park here – just a rumour, or...? And those security badges we were all supposed to be wearing – when does that happen?

Oh, genuine issues! Why didn't you say so? I can do genuine. Here's two more:

• Six ILO cases before the Tribunal: four of them won by the staff member. Some mistake, surely! Does this mean that if we were dismissed for incompetence after 22 years' service, we might actually stand a chance of winning?

• Now that Kofi has recognized same-sex partnerships, why is the social conscience of the UN family (that's the ILO, to save you searching on Google) still dragging its feet?

I like it! Then we end with:

Answers on an e-card please, to...

The editors
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EDITORIAL

Vrai de vrai

Printemps: Genève. De jeunes pousses émergent de la terre à peine dégelée, et brillent sous un pâle soleil alors que les pruniers en fleurs se battent pour résister le plus longtemps possible aux affres dévastatrices d'une bise glaciale descendue des hauts plateaux. De jeunes agneaux...

Stop! Assez avec ces descriptions bucoliques de la campagne genevoise qui revient comme des marronniers chaque année. L'heure est aux déclarations solennelles et aux débats de fond! Bon, venons-en au fait, de quoi voulez-vous parler?

Eh bien de choses sérieuses qui risquent de compromettre notre avenir...

Allons-y: douze réunions sectorielles organisées pour expliquer que notre sécurité d'emploi était menacée, un discours devant la PFA, une assemblée générale extraordinaire, telles furent les activités du...

Des choses sérieuses, pas des brouilles!

Comme?

Je ne sais pas moi, les choses qui nous concernent vraiment:

- Qui a choisi le linoléum des nouveaux ascenseurs au Nord? Est-ce un nouveau plan pour nous forcer à lever les yeux et à regarder obligatoirement son voisin?

• Qui veut nous forcer à prendre du bon temps avant d'aller travailler? Nous obliger à prendre la mouette pour traverser la rade et marcher depuis la Perle du lac?

• Est-ce vrai que les derniers travaux vers l'arrêt de bus obligeront les piétons à passer par ces horribles garages?

• Et les badges de sécurité? Et les places de parkings payants?

Fallait le dire tout de suite, ça on sait faire, voici encore deux interrogations à vous mettre sous la dent:

• Six nouveaux cas au tribunal – quatre gagnés par nos collègues. Une erreur sans doute! Cela veut-il dire que si vous êtes renvoyé pour incompétence après 22 ans de service, vous pouvez avoir une chance de gagner?

• Maintenant que Kofi a reconnu les couples du même sexe, pourquoi la conscience sociale de la Famille des Nations Unies (c'est le BIT, ne cherchez pas pendant des heures sur Google) continue à traîner les pieds sur ce sujet?

Voilà qui est mieux! Et pour conclure:

Réponses souhaitées par courriel, merci.

Les rédacteurs
unionmag@ilo.org ■



The masked man (see cover) is Baslan Qurashi, dismissed in 2004 for "unsatisfactory service" after 22 years as an ILO official. Maybe next time it will be you...

Seguridad del trabajo: reuniones por sectores

Entre el 25 de febrero y el 12 de marzo de 2004, el Comité del Sindicato de la OIT celebró nueve Reuniones Sectoriales en las oficinas principales a las que asistieron alrededor de 300 miembros. El motivo de este esfuerzo sin precedentes de comunicación directa, completado justo antes del inicio de la sesión de marzo de 2004 del Consejo de Administración en la que la seguridad del trabajo en la OIT y el sistema de Naciones Unidas han constituido el tema principal del mensaje del Comité del Sindicato al PFAC, fue que los representantes del Sindicato informasen a sus colegas sobre las graves preocupaciones relacionadas con este tema.

Aunque la movilización inicial de los trabajadores sobre la cuestión de la seguridad del trabajo fue motivada por el repentino despido por razones no disciplinarias de un compañero que tenía un contrato indefinido y que llevaba más de 20 años al servicio de la OIT – su caso se encuentra en la actualidad en manos del Tribunal Administrativo de la OIT y el Sindicato está organizando un fondo económico solidario para él y para su familia – surgieron rápidamente cuestiones más importantes relacionadas directamente con la seguridad del trabajo que también merecían una atención seria y urgente.

Los participantes de las nueve Reuniones Sectoriales confirmaron que existen múltiples indicios de un posible deterioro en términos de seguridad del trabajo en la OIT:

- El silencio mantenido por la OIT cuando se trata de las propuestas de la CAPI para suprimir el nombramiento de cargos en organizaciones de Naciones Unidas, o promover el sistema de méritos como sustitución al sistema clásico de clasificación o de antigüedad.
- La ausencia en la OIT de sistemas justos de evaluación de rendimiento, lo que implicaría un seguimiento constante y conjunta de los objetivos acordados mutuamente, incluyendo el desarrollo profesional.
- La persistencia de la Junta de Informes por mantener en secreto su composición, lo que desemboca en deliberaciones secretas en las que no hay representación de los empleados, siendo como un “organismo supremo” que realiza evaluaciones de trabajo y estudia sus consecuencias.
- No existen pautas ni procedimientos para tratar los procesos de reestructuración y reorganización, ya sean abiertos u ocultos, y hacer que las consideraciones humanas de los trabajadores sean lo principal en tales procesos.
- No existe instancia o mecanismo establecido para tratar casos individuales y así realizar un seguimiento de las relaciones laborales en aquellas unidades de trabajo que no se limiten a conflictos individuales casi inevitables y que desembocan en confrontaciones que afectan de forma adversa a los miembros del personal.
- Falta de conocimiento de muchos directivos en torno a las tradiciones, valores y principios de la OIT, incluyendo la base para establecer unas relaciones laborales sólidas en unidades de trabajo individuales.
- La persistencia por recurrir a la contratación externa en momentos de restricciones presupuestarias, en lugar de potenciar la promoción interna, incluyendo a los trabajadores senior y al personal de la categoría de servicios generales para cualesquiera puestos.
- El uso continuado de contratos de empleo abusivos utilizados cada vez más en sustitución de contratos de empleo decentes, lo que incrementa la precariedad de muchos miembros del personal. Los participantes de las Reuniones Sectoriales confirmaron su disponibilidad para respaldar las demandas del Sindicato frente al

Director General y al representante de la Administración en el Comité de Negociación Conjunto, promoviendo actos destinados a proteger la seguridad del trabajo en la OIT, para empleados de todas las categorías.

Reiteraron su disponibilidad para responder a posibles llamadas de acción por parte del Sindicato para tratar la seguridad del trabajo en la OIT o en contextos más amplios del sistema común de Naciones Unidas, en caso de que la situación siguiese degradándose, o si las reivindicaciones sindicales siguieran sin respuesta.

Resolución sobre el acuerdo colectivo sobre prevención y solución de conflictos

El Sindicato del personal de la OIT, reunido en Asamblea General Extraordinaria el 23 de marzo de 2004,

NOTANDO LAS PREOCUPACIONES expresadas por algunos miembros sobre el Acuerdo Colectivo para la solución de conflictos firmado por los co-Presidentes del Comité de Negociación paritaria el 24 de febrero de 2004, incluyendo las modificaciones al reglamento del personal y las circulares relevantes,

HABIENDO ESCUCHADO las explicaciones de los representantes sindicales sobre estos textos,

SUBRAYANDO que estos textos son el resultado de un proceso de negociación colectiva largo y complejo conducido según los mecanismos establecidos por el Acuerdo de reconocimiento y procedimiento concertado entre la Oficina Internacional del Trabajo y el Sindicato del Personal de la OIT firmado por el Presidente del Sindicato y el Director General el 27 de marzo del 2000,

NOTANDO que de parte del Sindicato la revisión de los acuerdos colectivos en vigor sobre la prevención y solución de conflictos tenía como propósito remediar las dificultades constatadas por los miembros del personal en la puesta en marcha de los procedimientos correspondientes,

CONSTATANDO las mejoras que aportan estos instrumentos en lo que respecta en especial a la prevención de conflictos de trabajo y el acceso efectivo de los funcionarios del terreno a los mecanismos de prevención y solución de conflictos,

CONSTATANDO IGUALMENTE que no atentan contra ningún derecho esencial de los funcionarios en relación al procedimiento actual de solución de conflictos,

ESTIMANDO que no está en el interés del personal diferir la adopción de las modificaciones estatutarias correspondientes por el Consejo de Administración de la OIT,

TOMANDO NOTA de las opiniones expresadas por los miembros del Sindicato de las oficinas de la OIT basadas fuera de Ginebra, TOMAN NOTA del nuevo texto del Convenio Colectivo sobre Prevención y Solución de Conflictos, así como de los anexos,

PIDEN AL COMITÉ DEL SINDICATO informar rápidamente y de forma completa a todos los miembros, incluyendo en el terreno, sobre el contenido y las modalidades de aplicación de los textos, PIDEN IGUALMENTE AL COMITÉ DEL SINDICATO que junto a los representantes de la Administración hagan lo necesario para que la puesta en marcha de las nuevas disposiciones se haga lo más rápidamente posible en todos los lugares de afectación, ESPERAN QUE EL COMITÉ DEL SINDICATO informe en la próxima sesión de la Asamblea General, de las primeras disposiciones para la puesta en marcha del contenido negociado del convenio colectivo,

DECIDEN que en el futuro debe haber un lapso de tiempo suficiente entre la fecha de la firma de un convenio por los representantes sindicales y la aprobación por el Consejo de Administración de la OIT para permitir informar plenamente sobre el contenido del convenio a los miembros del personal.

¡UNANSE A NOSOTROS!

• Afiliarse • Comunicar • Participar

AROUND THE CORNER

COMMUNICATION FROM THE COMMITTEE

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Union is the press organ of the ILO Staff Union. Its editorial stance and contents are determined by its Editorial Board. The communications of the Staff Union Committee, which is the executive organ of the Staff Union, are identified as such whenever they are published in Union.

Job security in the ILO –

Staff Union holds meetings by constituencies

Between 25 February and 12 March 2004, the ILO Staff Union Committee held nine Sectoral Meetings attended by some 300 Union members at headquarters. The reason for this unprecedented effort of direct communication, completed just before the start of the March 2004 session of the Governing Body where job security in the ILO and the UN system were to represent the core of the SUC address to the PFAC, was to apprise colleagues of the related serious concerns of Union representatives.

While the initial mobilization of staff on the question of job security was motivated by the abrupt dismissal for non-disciplinary reasons of a colleague holding a permanent contract and counting more than 20 years of service with the ILO – his case is now with the ILO Administrative Tribunal, and the Union is organizing financial solidarity for him and his family – it rapidly emerged that there were broader questions directly linked to job security that also deserved serious and urgent attention.

The participants in the nine Sectoral Meetings confirmed the following signals of a possible deterioration in terms of job security in the ILO:

- Silence of the ILO when confronted by proposals from the ICSC to get rid of career appointment in UN organizations, or to promote merit as a substitute for grading and seniority in the common system.
- Absence in the ILO of fair performance appraisal systems, which would imply constant joint monitoring of mutually agreed objectives including career development.
- Persistent secrecy of the Reports Board about its membership, leading to secret deliberations without staff representation as the “supreme body” dealing with job evaluations and their consequences.
- No guidelines and procedures to deal with restructuring and reorganization processes, be they open or hidden, or to place staff and human considerations at the core of such processes.
- No instance or mechanism established to deal with individual cases and actually monitor labour relations in work units other than those corresponding to individual conflicts, almost unavoidably leading to confrontations adversely affecting staff members.
- Lack of familiarity of many managers with ILO traditions, values and principles, including the basis for establishing sound labour relations in individual work units.
- Persistent outside recruitment in times of budgetary constraints, instead of promoting career development, including for senior and competent G staff at all duty stations.
- Continued use and abuse of improper contracts of employment, more and more construed as a substitute for decent employment contracts, leading to increased precariousness for many staff members.

Participants in the Sectoral Meetings confirmed their readiness to support Union demands to the Director General and to the

Administration representative on the Joint Negotiating Committee promoting remedial action to protect job security across the ILO, for all staff from all categories.

They reiterated their readiness to respond to possible calls of action by the Union to address job security in the ILO or in the broader context of the UN common system, should the situation further deteriorate or Union demands remain unanswered.

Resolution concerning the Collective Agreement on Conflict Prevention and Resolution

The Staff Union of the International Labour Office, convened in an Extraordinary General Meeting on 23 March 2004, APPRISED OF THE PREOCCUPATIONS expressed by some of its members concerning the Collective Agreement on Conflict Prevention and Resolution signed by the co-Presidents of the Joint Negotiating Committee on 24 February 2004, including statutory modifications and relevant Circulars, HAVING HEARD the explications of Staff Union Representatives on these texts, EMPHASIZING that these represent the results of a long and complex process of negotiation conducted according to the procedures established by the Collective Agreement on Recognition and Procedure signed by the Chair of the Staff Union Committee and the Director-General on 27 March 2000, NOTING that on the Union side the revision of collective agreements concerning conflict prevention and the resolution of grievances was needed to address the difficulties experienced by staff in implementing its procedures, NOTING FURTHER that the instruments are improved, notably in the resolution of disputes and improved access of field staff to mechanisms of conflict prevention and resolution, NOTING ALSO that they do not adversely impact any fundamental rights of staff acquired under the established procedures for the resolution of disputes, CONSIDERING that it is not in the interests of staff to defer adoption by the ILO Governing Body of the corresponding statutory modifications, HAVING TAKEN INTO ACCOUNT the opinions expressed by the field structure based outside of Geneva, RECOGNIZES the text of the new Collective Agreement on Conflict Prevention and Resolution, CALLS ON THE STAFF UNION COMMITTEE to rapidly organize a campaign to inform all of its members, including field staff, on the contents and procedures for application of the texts, ALSO CALLS ON THE STAFF UNION COMMITTEE to act with representatives of the administration so that implementation of the new agreement proceeds as quickly as possible for all duty stations, WAITS ON THE STAFF UNION COMMITTEE to report at the next session of the General Assembly on the first measures taken to implement the negotiated procedures of the Collective Agreement, DECIDES that, henceforth, a sufficient period of time should be allowed between the date of signature of a collective agreement and its submission to the Governing Body for Staff Union members to be fully informed about the contents of the agreement.

COME AND JOIN US!

- Become a member
- Communicate
- Participate

AUX QUATRE COINS COMMUNICATION DU COMITÉ

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Union est l'organe de presse du Syndicat du personnel du Bureau international du Travail. Son Comité de rédaction détermine la ligne éditoriale et le contenu du journal. Les communications du Comité du Syndicat, qui est l'organe exécutif du Syndicat, sont identifiées en tant que telles dès lors qu'elles sont publiées dans Union.

Sécurité de l'emploi au BIT – le Syndicat se réunit à la base

Entre le 25 février et le 12 mars, le Comité du Syndicat du BIT a organisé neuf Réunions sectorielles à laquelle ont participé quelque 300 adhérents au siège. La raison de cet effort sans précédent de communication directe, mené à bien juste avant le début de la session de mars 2004 du Conseil d'Administration où le thème de la sécurité de l'emploi au BIT et dans le système des Nations Unies était au cœur du message du Comité du Syndicat à la PFA, était de mettre le personnel au fait des graves préoccupations dans ce domaine des représentants du personnel.

La mobilisation du personnel sur la question de la sécurité de l'emploi est partie du licenciement soudain pour raisons non disciplinaires d'un collègue bénéficiant d'un contrat permanent et comptant plus de 20 ans de services au BIT – son cas est désormais devant le Tribunal administratif de l'OIT, et le Syndicat organise la solidarité financière pour lui et pour sa famille. Il est apparu rapidement qu'il y avait des questions plus larges liées à la sécurité de l'emploi qui demandaient elles aussi une attention urgente et sérieuse.

Les participants aux neuf Réunions sectorielles ont confirmé que les points suivants représentaient autant de signaux d'une détérioration possible de la situation de l'emploi au sein du BIT:

- Le silence gardé par le BIT devant les propositions avancées par la CFPI de se défaire des engagements de carrière au sein des organisations de la famille des Nations Unies, ou de remplacer les grades et l'avancement à l'ancienneté par des considérations liées au mérite dans le cadre du système commun.

- L'absence au BIT de mécanismes honnêtes d'évaluation du travail, ce qui supposerait une appréciation conjointe constante d'objectifs agréés d'un commun accord, y compris en ce qui concerne les perspectives de carrière.

- La persistance d'un Comité des Rapports aboutissant dans sa composition secrète à des délibérations secrètes sans représentation du personnel, en tant qu'«organe suprême» traitant des questions d'évaluation du travail et de leurs conséquences.

- L'absence de lignes directrices et de procédures pour traiter des processus de restructuration et de réorganisation, avoués ou dissimulés, et placer les considérations humaines et de personnel au cœur de ces processus.

- L'absence d'instance ou de mécanisme pour traiter des cas individuels et en fait veiller sur l'état des relations professionnelles au sein des unités, si ce n'est pour ce qui a trait aux conflits du travail lesquels dégénèrent presque invariablement en des confrontations dont sont victimes les membres du personnel.

- L'absence de familiarité de beaucoup de responsables avec les traditions, les valeurs et les principes, même les plus élémentaires, régissant l'instauration de relations professionnelles saines au sein d'une unité de travail.

- La persistance du recrutement externe par des temps de rigueur budgétaire, au lieu de promouvoir la promotion interne, y compris pour les personnels qualifiés et compétents de la catégorie des services généraux.

- L'utilisation continue et l'abus de contrats de travail inappropriés, conçus de plus en plus comme une alternative à un emploi décent, ce qui accroît la précarisation de nombreux membres du personnel. Les participants aux Réunions sectorielles ont confirmé leur disponibilité pour appuyer les revendications syndicales soumises au Directeur général et aux représentants de l'Administration au sein

du Comité de Négociation paritaire, pour promouvoir des actions destinées à rectifier le tir pour garantir la sécurité de l'emploi au BIT, pour tout le personnel de toutes catégories.

Ils ont réitéré leur engagement à répondre aux appels à l'action que pourrait avoir à lancer le Syndicat pour défendre la sécurité de l'emploi au BIT ou dans le cadre du système commun, si la situation devait continuer de se dégrader, ou si les revendications syndicales demeuraient sans réponse.

Résolution concernant l'accord collectif sur la prévention et le règlement des différends

Le Syndicat du personnel du Bureau international du Travail, réuni en Assemblée générale extraordinaire le 23 mars 2004, SAISI DES PRÉOCCUPATIONS exprimées par certains de ses membres concernant l'accord collectif sur le règlement des différends signé par les co-présidents du Comité de Négociation Paritaire le 24 février 2004, y compris les modifications statutaires et les circulaires d'application, AYANT ENTENDU les explications des représentants syndicaux sur ces textes,

SOULIGNANT qu'ils représentent le résultat d'un processus de négociation long et complexe conduit selon les modalités établies par l'Accord collectif sur la reconnaissance et la procédure signé par le Président du Syndicat et le Directeur général le 27 mars 2000,

NOTANT que pour la partie syndicale la révision des accords collectifs en vigueur portant sur la prévention et le règlement des différends avait pour objectif de remédier aux difficultés constatées par les membres du personnel dans la mise en œuvre des procédures correspondantes,

CONSTATANT les améliorations qu'apportent ces instruments en ce qui concerne notamment la prévention des conflits du travail et l'accès effectif des fonctionnaires du terrain aux mécanismes de prévention et de règlement des différends,

CONSTATANT ÉGALEMENT qu'ils ne portent atteinte à aucun droit essentiel des fonctionnaires concernant la procédure en vigueur de règlement des différends,

ESTIMANT qu'il ne serait pas dans l'intérêt du personnel de faire différer l'adoption des modifications statutaires correspondantes par le Conseil d'Administration du BIT,

AYANT PRIS NOTE des opinions exprimées par les syndiqués de la structure de terrain du BIT basés en dehors de Genève,

PREND ACTE du texte du nouvel accord collectif sur la prévention et le règlement des différends, ensemble ses annexes,

DEMANDE AU COMITÉ DU SYNDICAT d'organiser très rapidement la pleine information de tous les membres, y compris sur le terrain, sur le contenu et les modalités d'application de ces textes, DEMANDE ÉGALEMENT DU COMITÉ DU SYNDICAT d'agir avec les représentants de l'Administration pour que la mise en place des dispositions nouvelles s'effectue le plus rapidement possible pour tous les lieux d'affectation,

ATTEND DU COMITÉ DU SYNDICAT qu'il rende compte à la prochaine session de l'Assemblée générale des premières dispositions prises pour la mise en œuvre du contenu négocié de l'accord collectif,

DÉCIDE qu'un laps de temps suffisant pour permettre la pleine information des membres du personnel sur le contenu d'un accord collectif devra dorénavant être prévu entre la date de signature par les représentants syndicaux et celle de sa soumission au Conseil d'Administration du BIT.

A flawed grievance procedure: A weakening of staff rights

On 24 February, after minimal consultation with members (especially those outside of Geneva), Staff Union Committee (SUC) representatives in the Joint Negotiating Committee signed a new collective agreement profoundly altering the ILO grievance procedures created in 2001. Overnight, two strong sets of procedures became one weak one. A hastily convened Extraordinary General Meeting on 23 March, called only after pressure of more than 150 members, ratified this agreement. Two-thirds of those in the room voted in favour. No members outside Geneva (half the Union's membership), got to vote. Large numbers of colleagues from Asia, Arab States and Europe who voiced their unease with a patently flawed agreement, and asked for more time for it to be improved, were disenfranchised. When asked pointedly who they had consulted, the SUC repeatedly referred to "wide consultation" and "surveys" of all offices. There are no precise indications of who was consulted, and many members in and out of Geneva have never seen a questionnaire related to a survey, including a number of those who were involved in grievance investigations conducted by the Ombudsperson. There appeared to be no justifiable reason for the SUC not to call for a pause in the ratification by the Governing Body.

We are all losers in the process. In the interests of a fuller understanding by all Union members and staff, we set out below the main losses.

Definitions. The old agreements clearly defined terms and concepts which helped members to know what was meant by "protected persons", "harassment", "bullying/mobbing", "sexual harassment", and many other terms establishing a transparent legal framework. Definitions helped staff to prepare cases with minimal ambiguity, and therefore to win them. The only definition left in the new agreement concerns sexual harassment. Other types of harassment that are no less real, most obviously bullying, are likely to fade from the grievance procedure as the definitional basis has gone or, when raised, result in ambiguities which could jeopardize both complainants and respondents.

Ombudsperson. One of the pillars of the old procedures, an important protection for workers in all progressive national and international administrations, will disappear. The Ombudsperson will become a "mediator", allegedly "impartial" but whose terms and conditions of appointment will be determined by the Administration alone. The investigative powers of the Ombudsperson to force a recalcitrant administration to respond to problematic situations (as has already occurred), and provide essential documents or other evidence to decide a case, have been entirely lost. The new agreement provides no more guarantees than the old one that the proper funding even for this weakened mediator position will be provided. We understand that no new resources have been allocated.

Formal grievances. The new agreement states that complaints which are "frivolous or vexatious shall be summarily dismissed". Who decides what these terms mean or when such complaints can be dismissed is not stated. Employers often believe that grievances against them are "frivolous" or "vexatious", so we can assume there will be many challenges to staff complaints on these grounds. Even more chilling, grievances found to be "malicious" (again undefined) may be considered to constitute "serious misconduct". In other words, under the Staff Regulations members can be sanctioned for misconduct simply for using the grievance procedure. This provision will likely increase fear in officials weighing up whether to lodge a complaint; there must be a clear definition of who decides and on what grounds such terms can be applied.

The Joint Panel. The other major innovation of the old procedures was an internal review body which considered complaints that could not be settled informally or through the Ombudsperson. It had an independent chair not beholden to the ILO administration, with legal knowledge from the world of work, and staff could request an oral hearing to plead their case, something that is never granted to them by the ILO Administrative Tribunal. In other words, a fair and open hearing. The Joint Panel is now gone, replaced by a Joint Advisory Appeals Board with the emphasis very much on "advisory". A legally trained, independent chair is

replaced by former ILO officials to be appointed by the Director-General. They need not know anything about legal or workplace issues. External legal representation if the staff member considers this to be essential to defence of the case is prohibited, removing the existing right to choose. Oral proceedings or hearings are subject to "the most cost-effective manner for the Office". The SUC has argued that the Joint Panel was unnecessary, even meaningless, because (allegedly) 80% of its recommendations were rejected by the Director-General. Did staff win most of the cases before this impartial body? We know that some of the results influenced favourable outcomes for officials in the Administrative Tribunal. Yet we are supposed to believe that transformation of the Joint Panel into a weaker body will not matter!

Informal vs. formal. At the heart of the new agreement is the assumption that informal procedures are good, and that formal and evidence-based ones are somehow unnecessary, even undesirable. The logic flies in the face of knowledge about the behaviour of hierarchical organizations, in which informal procedures can result in pressures of various kinds being brought to bear against isolated, anxious staff. Crucially, under the new procedure no written documentation will be kept at informal stages. This contradicts internationally recommended guidelines to keep records at all stages if staff wish to adequately defend themselves, especially against harassment. Intended as a practical solution to speed things up and avoid unnecessary conflict, this contains the seeds of a disaster for an unsuspecting official who trusts the procedure, only to find later that he/she does not possess the essential papers to make his/her case. This potential trap is compounded by the removal from the new agreement of firm guarantees that the employer must disclose essential documents. Without this guarantee, staff will find themselves in the dark about important written decisions until these are sprung on them in a hearing or at the Tribunal, when it is too late, or are simply withheld altogether.

Responsibility. The new agreement makes HRDD the sole respondent before the Joint Advisory Appeals Board; line managers and immediate supervisors will no longer be directly involved in this process, even if they provoked a grievance. Supposedly, this will eliminate tensions between colleagues; in reality, it could allow managers to act with impunity.

Some good points. The new agreements are not all bad. Trying to resolve minor grievances through mediation before they blow up into major ones, especially in small units or offices outside headquarters, could avoid tension and loss of morale, provided that such procedures are not used to suffocate legitimate complaints. New fast-track procedures for sexual harassment cases could vastly improve the success rate and a healthy working environment for colleagues in subordinate positions (but at the expense of good procedures for other harassment cases). Negotiating parallel changes in the Staff Regulations to make sure an agreement is consistent with the Regulations is undoubtedly a good step forward. More training on conflict prevention for managers could only be welcomed (provided the resources to actually implement these provisions are made available).

So what does the future hold?

The SUC has repeatedly stated that the new agreement and changes in the Staff Regulations are better than the previous procedures. They have ignored many successful applications of the innovative procedures under the previous agreements by officials in Geneva and offices elsewhere. While these procedures were certainly not perfect, it would have made more sense to work to improve rather than simply discard them. The procedure now focuses on efficiency rather than a balance between efficiency and fairness for both complainants and respondents.

For the sake of all ILO staff, we can only hope that the SUC is right, and we are wrong. Otherwise we have to conclude that we have been ill served by our negotiating team, contributing to turning back the clock and restoring an uneven playing field for staff who press complaints, often at great personal sacrifice. In the process, the ILO value base and principles of ILO standards embodied in the previous agreements have been weakened.

From now on, vigilance is required

We are not optimistic about the future chances to repair this damage – employers rarely restore rights that employees have signed away. The only way forward is for officials to use the weakened procedures as best they can, and systematically report on the failures and successes (if any) of the new procedures. Please make known

the performance of the new procedures in coming months to your union reps and the SUC. We are convinced the new agreement will have to be renegotiated, hopefully sooner rather than later. That will depend on members exercising their democratic rights, particularly those members outside Geneva whose views were not fully heard this time and whose votes were not counted. We urge the present SUC to be open-minded in listening to these concerns, reconsider its position and reverse course. In the meantime, we must mobilize to get back our rights as soon as possible.

**Pavan Baichoo, Rosemary Beattie, Dirk Belau,
Patricia Bustos, Mariela Dyrberg, Neliën Haspels,
Victoria Hinch-Majuva, Sangheon Lee,
Deirdre McCann, Jon Messenger, Naoko Okumura,
Kate Pfeiffenberger, Marcia Prates on behalf of all SU
members in Brasilia, Bill Ratteree, John Sendanyoye,
Mike Shone, Christine Smith** ■

Response from the Staff Union Committee

The Staff Union Committee has exercised its right to respond to the article "A flawed grievance procedure: A weakening of staff rights". The resolution adopted on 23 March by the Extraordinary General Meeting (EGM) with the votes of more than three quarters of the staff present, attending in exceptionally large numbers, is in itself the best response to this letter (see text herewith). Saying that the resolution adopted only reflects the views of the staff at headquarters is simply misinformation, since the draft was sent out to all field offices, and the Staff Union received numerous messages of support from the field structure.

The procedure, and hence the legitimacy of the EGM, is also called into question in the article. It is important to recall that the Staff Union Committee (SUC) did not call for this meeting, or initiate the revision of Staff Union rules that kept a decisive role for HQ-based General Assemblies. It may well be of interest to note that when the first agreement on grievances was concluded in September 2000, the staff was informed through a joint Union-HRD bulletin six weeks after the agreement was signed.

Much of the criticism expressed by the signatories of the article focuses on the consultation process preceding the formal opening of the bargaining process. In fact, on 29 May 2003, an e-mail was sent to all our 78 Union representatives both at headquarters and in the field formally requesting their inputs through a detailed questionnaire sent out in three languages. Five of the signatories of the article had indeed received this request.

Union representatives on the Joint Negotiating Committee also had meetings with the Office of the Ombudsperson (including the Ombudsperson and her assistant, who coordinates the facilitators) and the members of the Joint Panel. They received a note from the facilitators in which the main problems in the exercise of their functions were identified and solutions proposed. In-depth interviews were carried out with in-house lawyers who had provided legal assistance to ILO officials, with officials who filed grievances, with officials who were accused by other colleagues and also with colleagues who we thought could have an opinion on the consistency and coherence of the current texts.

As for the rest of the article, it deals with points on which the EGM called "on the Staff Union Committee to rapidly organize a campaign to inform all of its members, including field staff, on the contents and procedures for application of the texts". Without anticipating too much what this information will comprise, a few specific comments are hereafter added.

Definitions. As was said in the Explanatory Note prepared by the SUC for the EGM, moral harassment is extremely difficult to prove. Under the current system, if harassment is not proved, the formal grievance process has to start again on the grounds of "unfair treatment". In order to avoid the problem, moral harassment – which is still "considered contrary to the high standard of conduct required of all officials under Article 1.2 of the Staff Regulations and will lead to disciplinary action (including dismissal, should the circumstances so warrant)" (Circular Series 6, No. 605) – will be treated under the general grievance procedure.

Ombudsperson. The Ombudsperson will become the Mediator, who shall assist at the request of any official in the resolution of grievances through dialogue or mediation. He/she will be independent in his/her functions and shall be nominated by joint agreement of the parties.

Investigation functions currently carried out by the Ombudsperson in harassment-related grievances will be removed, since they are incompatible with mediation. This was pointed out by the Ombudsperson, who herself suggested separating mediation from investigation. As mentioned above, investigation in sexual harassment cases will be carried out, according to the new agreement, by a team of trained independent investigators. As for moral harassment, the Joint Advisory Appeals Board (JAAB) will have the responsibility of preparing the case and deciding on the information that shall be disclosed or on any other appropriate action.

Formal grievances. The agreement states that complaints which are "frivolous or vexatious shall be summarily dismissed". The authors of the article wonder who decides what complaints are "frivolous or vexatious". Reading the agreement one easily understands that the JAAB is the body to be called in the formal proce-

Jean-Victor Gruat - Procedure, Grievance - Procédures, Différends - Procedimiento, Reclamaciones Page 1

De : Jean-Victor Gruat
Dest. : Ahmad, Basharat; ANKARA, Registry; Balaguer, Olga; Ballion, Jean-Bernard; Beheri, Dina; Beilenhoff, Maria; Bernaz, Bertrand; Bhatia, Raminder; Bodossian, Setta; Borrajo, Cristina; Boursas, Soraya; Chen, Qiaoling; Chiovini, Ann; Cisse, Roland; Comte, Catherine; Cuba, Amalia; Dalbard, Nathalie; De Giorgi-Garriy, Caroline; De Smidt, Gérald; Dehaene, Martine; Donati, Arnaud; Fernandez, Diana; Filgueira, Rodrigo; Frederic, Wisler; Fuchs-Devincenti, Susan; Gold, David; Goolsarran, Samuel; Gruat, Jean-Victor; Guido, Horacio; Haspels, Neliën; Hinch-Majuva, Victoria; Humblet, Martine; Humeau, Yannick; Indravitr, Ine; Isimat-Mirin, Patricia; Jaffre, Françoise; Khan, T.I.M. Nurunnabi; Kientzler, François; Kuma, Dida; Lakp, Benjamin; Lee, Chang-Hee; Luanda, Arthur Vitalis; mabasa, Jacky; McArthur, Joan; Mehellou, Yamina; Meyer, Renate M.; Mwamadzingo, Mohammed; Nkambu, Mavinga; Okumura, Naoko; Orz, Lilian; Ouskova, Ludmila; Perera, Joyce; Perez, Guillermo; Person, Michele; Prates, Marcia; Qaryouti, Yousef; Rai, Marina; Ralaivola, Anne-Marie; Ratanasawanya, Niwat; Reade Rounds, Margaret; Recoing, Pierre-François; Rios, Bernice; Rueda-Catry, Marleen; Saengcharnchai, Chinda; Saleshando, Ditiro; Sayour, Pierre; Sendanyoye, John; Sepulveda, Juan Manuel; Shone, Mike; Simaga, Alexandra; Sule, Bridget N.; Tamura, Yuko; Tossa, José; Uzu, Sunday; Vermaut, Vera; Villalba, Yacira; Windell, James; Yap, Julita

Objet : Procedure, Grievance - Procédures, Différends - Procedimiento, Reclamaciones

>>> Jean-Victor Gruat 29.05.2003 18:48:34 >>>
Dear Colleagues,
(Français plus bas - Español a continuación)
The two collective Agreements on resolution of Grievances are due for review. Our representatives on the JNC need your opinion before starting negotiating. Kindly therefore fill in the attached questionnaire and return it as prescribed before or by 16 June.
Your input will be extremely important for all.
With thanks,
JV Gruat

Chers et chères Collègues,
Les deux accords collectifs sur le règlement des différends doivent être révisés. Nos représentants au sein du CNP ont besoin de connaître votre opinion avant d'entrer en négociations. Merci donc de bien vouloir remplir et retourner le questionnaire joint d'ici au 16 juin 2003.
Votre contribution a de l'importance pour nous tous.
Bien à vous,
JV Gruat

Estimados y estimadas Colegas,
Ambos acuerdos colectivos sobre Solución de reclamaciones ya están para revisar. Nuestros representantes en el CNP precisan conocer su opinión antes de empezarse las negociaciones. Gracias entonces por rellenar y enviar le cuestionario adjunto a mas tardar le día 16 de Junio.
Su contribución es de importancia para todos nosotros.
Atentamente,
JV Gruat

CC : Alli, Benjamin Olale; Arteta, Maria; Hamdan, Walid; Kameni, Charles; Lopez, Nicolas; Lopez/Hotmail, Nicolas; Moiret, Céline; SYNDICAT, SECRETARIAT; Van Rijn, Johanna

dures. This provision exists in the rules of the ILO Administrative Tribunal (ILOAT), and its inclusion for the internal process was suggested by the members of the Joint Panel in their submission during the consultative process for revision of the agreements.

The Joint Panel. It will be replaced by the JAAB with similar but more specific functions and the same composition. The chairpersons (the JAAB will be composed of a number of panels) will indeed be independent, and more familiar with UN terms and conditions of employment. Proximity and language and cultural diversity of the chairpersons will ensure a multicultural JAAB. The selection of the "legally trained independent chair" that currently chairs the Joint Panel did not take into account the need to have an available person familiar with administrative procedures that govern our specific terms and conditions of employment.

The JAAB, indeed, has the same advisory functions as the Joint Panel, but there are a number of innovations. For example, the JAAB might determine whether the case is to be dealt with as a matter of urgency, or request the adoption of interim measures pending the resolution of a grievance if exceptional circumstances so require. Another important innovation that strengthens the role of the JAAB is that, from now on, confidential information will be disclosed at the JAAB's request without any other intervention. With the current system the disclosure of confidential information was left to the sole final decision of the Director General.

Informal vs. formal. At the heart of the new agreement there is the recognition that some disputes can be solved in an informal way, while others can only be solved through a formal procedure. The former two agreements were placing unnecessary stress and

anxiety on staff members, obliging officials to start with an informal (and sometimes hopeless) procedure independently of the degree of deterioration of a conflict. What the new agreement promotes and encourages is informal agreements (based on the willingness of the parties) wherever they are possible. But if one of the parties thinks that an informal solution is not possible, an official can go directly to the formal procedure without wasting any time and energy in an informal phase. According to the agreement, an official can file a grievance to the ILOAT without being compelled to follow any other internal process, with the agreement of the Administration.

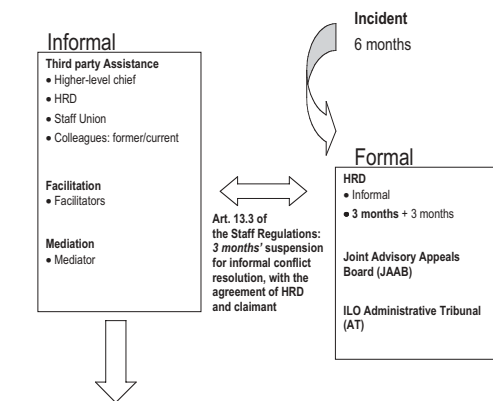
Responsibility. The new agreement makes the Administration the sole respondent before the JAAB (and not HRD, as is stated in the letter). From now on, the Administration will have to answer for the behaviour of all managers and supervisors in the ILO. Staff will not have to face filing grievances against a colleague or a manager.

Some other good points. Apart from the positive point mentioned in the letter, such as a faster sexual harassment grievance procedure (highlighting that it will be extended to interns and external candidates in selection procedures), parallel changes in the Staff Regulations or more focus on conflict prevention, the agreement brings about more coherent procedures vis-à-vis the ILOAT, creates the possibility for a group of officials informally to resolve a conflict, saves ILO officials money by avoiding the use and abuse of external lawyers, and facilitates moving back to informal resolution at any stage of the formal grievance procedure, if openings for peaceful resolution occur – which was not the case with the agreements previously in force.

From Ombudsperson to Mediator

Amendments to Chapter XIII of the Staff Regulations approved by the Governing Body and related documents negotiated by the Joint Negotiating Committee (JNC) eliminate the Ombudsperson function in favour of a Mediator.

New conflict resolution procedures



WHAT?
ALL workplace concerns
 • With the Administration (art. 13.1 "terms and conditions of employment")
 • Interpersonal (art. 13.2 "any other work-related problem")

HOW?
 No time limits
 No records
 Confidential

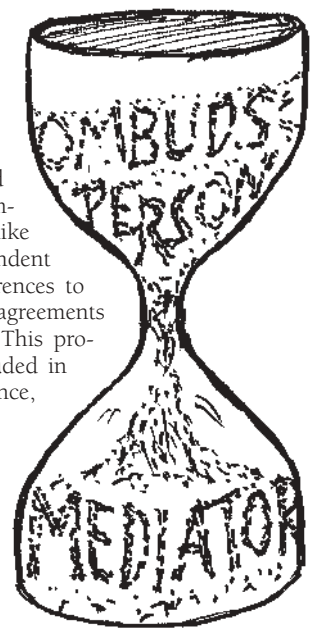
WHO?
 Anyone with a contractual relationship to ILO
 Also job applicants for sexual harassment

Mediator will also assist in conflict prevention through periodic reports to the JNC on systemic work-related problems. The Mediator will have no Ombudsman powers. Although the Union has stated in communications to its members that the Mediator will, like the Ombudsperson, be independent in function, there are no references to independence in the written agreements between the JNC negotiators. This protection for staff could be included in the Mediator's terms of reference, still to be negotiated.

One problematic aspect of the Ombudsperson role in the ILO has been the Ombudsperson's involvement in the formal grievance process, particularly as the sole investigator of harassment. This is because an Ombudsman typically has an informal role only, and does not investigate on behalf of an organization. Under the new procedures, the Mediator will function wholly outside of the formal grievance process, giving staff options for informal resolution of a problem without need to engage a formal process and at each step along the formal procedure once it is engaged.

Like the Ombudsperson, the Mediator will coordinate facilitators who are ILO officials trained in informal conflict resolution. The new procedures foresee recruitment of facilitators from the field to serve their colleagues there. Field facilitators will receive more extensive training than facilitators in headquarters. Implementation of this ambitious programme will depend upon allocation of adequate resources for staff and training to the Mediator.

Transition to the new procedures will be implemented progressively with effective dates and details to be decided by the JNC in consultation with JUR.



Up until now, the Ombudsperson has had Ombudsman powers typical of the other 13 Ombudsmen in UN and Bretton Woods agencies: access to documents, personnel and information in furtherance of her mandate to resolve individual and systemic conflicts. Importantly, the Ombudsperson was independent in function from the Administration and the Staff Union, another hallmark of UN and Bretton Woods Ombudsmen.

The Mediator's principal function will be to help parties to work-related problems to resolve their problems informally; the

Gender equality – how does the ILO compare with the UN Secretariat?

Proportion of women (professional and managerial categories)

Professional category (grade P) and above:

UN: from 38.1% in 1999 to 41.8% in 2003

ILO: from 31.1% in 1999 to 37.6% in 2003

Senior positions, grade D and above only (2003):

UN: 17.3% USG and ASG grade (total of 52 posts)

ILO: 20.0% Executive and Regional Director grade (total of 10 posts)

UN: 30.6% D grade

ILO: 25.8% D grade

The ILO still lags behind the UN Secretariat at the P and D levels. It beats out the UN at the levels of Executive and Regional Directors, which are posts reporting directly to the Director-General. Our organization promotes important standards related to non-discrimination, equal pay for equal work, and maternity leave. However, in terms of gender equity there is still a bit more to be done within our own house before we can be considered a leader of the UN system.

Colleen McGarry ■

Sources: "New Report on UN Staff Shows Women equalling Men in Numbers, Not Seniority" (28 February 2004, UN press release); ILO PFAC/GB reports *The composition and structure of the staff*, published annually in March.

NETiquette

From: Ma Ma [REDACTED]
To: [REDACTED], Juan BC Tout le monde
Date: 2/27/04 8:24:58 pm
Subject: AU REVOIR !

DON'T

Too personal!

EH OUI, ENFIN APRES NEUF MOIS D'ATTENTE ET DE MOBING, ON M'A ACCORDE MA PRE-RETRAITE.

From: HRD_BROADCAST, E-MAIL (User Broadcast)
To: Postmaster, Postmaster
Date: 12/18/03
Subject: Avis de départ - M. B

DO
Stereotype!
Does not hurt!

M. [REDACTED] quittera le Bureau le 31 [REDACTED]. Dans l'impossibilité de le faire individuellement, il tient à exprimer ici sa gratitude à tous ceux qui ont bien voulu lui apporter aide et amitié au cours des années qu'il a passées au Bureau.

Pourquoi les fonctionnaires ne sont-ils pas heureux? Episode XXIII

Bon, je sais, j'avais donné à entendre que face à la sidérante brièveté de nos destins, je ne me laisserais plus aller à de stériles et disproportionnés chevrottements suscités par des brouillilles. Mais voilà les mois en R défilent, atténuant frimas et douleur, et la manie du petit rien dont on fait une montagne et qui nous cache le soleil, du détail qui nous pourrit la vie, commence à me ressaisir, car finalement, ces broquilles, bout à bout, ce sont nos existences qui passent et notre histoire qui s'écrit.

Que les âmes sensibles, éthérées, bienheureusement éloignées des contingences triviales et corporelles, s'abstiennent aujourd'hui, car c'est du côté des toilettes (plus précisément celles de mon étage) que nous allons promener un œil désabusé, sur nos cuvettes entarrées que nous pencherons un nez révolté.

Parce que vous vous en souvenez peut-être, j'avais en son temps dressé le panégyrique sincère de ces fragrances fleuries qu'on nous déversait généreusement dans les latrines. Aujourd'hui, foin de ces gâteries olfactives, on nous a suspendu le dispensateur... Déjà que les ouatères n'ont rien d'extrêmement poétique, la suppression de ce gadget printanier a fait paraître plus terne encore le décor à la couleur improbable décidée par une âme maniaco-dépressive, le papier rêche comme un fragile émeri à la douteuse nuance grisâtre, moult fois recyclé et dans quelles conditions je vous l'de-

mande, les coins encrassés par des années de serpillières dilettantes, les carreaux stoïques sous les néons farouches, et la poussière sournoise, conglutineuse, qui ferait passer pour reluisant comme un sou neuf l'anachorète de longue date. Les toilettes ne sont plus, déguisées par l'odorant canular, un lieu de paix, un havre d'oubli et de relâchement, une île de bienheureuse solitude et de silence, enfin; mais un cachot méphitique et attentatoire. Cependant, le malheur des uns faisant, comme on le sait depuis toujours, le bonheur de quelques autres, le regard en souffrance fuit parfois les rayures noircies, les crochets de guingois, le porte-rouleau désespérément veuf de son papier, la balayette inamicale, et tombe sur le seul être adapté et florissant dans cet univers hostile: un petit poisson d'argent, sorte de cloporte antédiluvien, animalcule aussi suranné que le milieu où il prospère, se faufile, étonnamment agile, au pied du mur, à la recherche de l'inévitable carie où il pourra s'enfoncer et fuir la lumière pourtant parcimonieuse. Voilà bien l'incohérence de notre monde moderne: alors qu'on nous rebat les oreilles avec le gouffre amer de l'assurance maladie et la nécessité de limiter nos frais médicaux, l'inhospitalité des lieux ne peut que multiplier les cas de cystites ou de péritonites, aussi onéreuses qu'inconfortables. Alors je vous le dis encore et toujours, parce que je n'en ai pas fini avec mes dénonciations courageuses et mon étendard brandi, en quatre lettres comme en cent, c.v.t.i.

Ka ■