



NOTE ON THE RIGHT TO SOCIAL SECURITY PROTECTION OF STAFF IN ORGANIZATIONS OF THE UNITED NATIONS FAMILY

The UN Charter (article 101) establishes that, in determining conditions of service for its staff, the United Nations organizations should be guided by “*the necessity of securing the highest standards of efficiency, competence, and integrity.*” Enjoying decent levels of social security is therefore part of the basic expectations of any staff member joining the United Nations.

According to established international principles – notably those featured in relevant ILO Conventions and Recommendations as well as in the International Covenant on Economic, Social and Cultural rights - and based on advanced national practices, decent social security schemes should ensure protection against risks or contingencies such as old age, disability, death of the breadwinner, sickness, occupational accident or disease, unemployment, required health and medical care, responsibility for the maintenance of children and other dependent family members, as well as other cases of emergency expenses. Further, provision of the related benefits should normally be collectively financed, democratically managed, established according to the principle of non-discrimination, and also cover family members where appropriate.

The UN and organizations in the UN family where they are established generally enjoy exemption of national social security taxes and contributions, because they are supposed to provide their staff with at least equivalent provisions than those derived from national social security provisions. Staff Associations and Unions in the UN Common system consider however that this prerequisite is far from being met by those organizations benefiting from social security tax exemption while not providing any or part of their staff with adequate social security protection.

In this respect, Staff Associations and Unions in the UN Common system are particularly preoccupied with:

- The almost complete lack of social security protection of all those staff members who do not benefit from long term, statutory contractual arrangements – one year or more -, who represent a growing portion of the workforce employed by the UN and other organizations members of the UN family;
- The non-justified differences in social security coverage established between local and non local staff, as well as for some organizations between HQ and field staff, which corresponds to differences in fact mostly based on criteria of nationality, running counter the principle of non-discrimination;
- The total absence of protection for staff not granted employment contracts without limit of time against the growing risk of unemployment in case of termination of employment;
- The opacity of, and discrepancies among provisions governing compensation in case of occupational accident or diseases, resulting in some UN Organizations trying to escape their liability as an employer;

- The frequent exclusion of staff representatives from the management of social security provisions, where this is not prescribed at the common system level;
- The obsolescence of a number of social security provisions and persisting loopholes in social security family coverage in many Organizations, where provisions governing the nature, extent and access to certain benefits still reflect societal situations prevailing 60 years ago;
- The low level of certain social security benefits in comparison with established advanced international standards, notably in terms of replacement levels of past income and access to supplementary benefits in cases of long and costly medical treatment;
- The persisting absence of linkage between the 3 fundamental components of any modern approach to health, which should equally include preventative, curative and functional or vocational rehabilitation measures;
- The absence of continuity in social security protection for staff entering or leaving the UN, concerning notably the vesting or portability of pension rights, the access to health care and the protection against the risk of unemployment;
- The apparent lack of interest of the UN and many UN Organizations as employers for the promotion of staff and family welfare, including help to be provided to staff members confronted to family emergency and hardship situations;
- The absence of any established comprehensive staff social protection policy across the UN as well as at the level of the Common system, while this is a reasonable requirement for any decent employer, especially for multinational corporations.

Staff Associations and Unions might therefore decide:

- To request the Joint Inspection Unit to include on its programme of work a review of social protection coverage for staff in Common System UN Organizations;
- To establish as its priority for improvements in social protection mechanisms for UN staff the extension of the personal scope of coverage first concerning pensions, health insurance and occupational accidents and diseases;
- To request Executive Heads in organizations where this is still lacking to establish proper schemes of compensation in case of occupational accident or disease, based on full recognition of employer's liability in this regard;
- To strive for the access of all staff, including locally recruited staff at all duty stations, to appropriate credit schemes, and to jointly summon both the MEC and the UNFCU to react positively to this demand;
- To encourage the creation and subsidization by employing Organizations of substantial staff assistance and staff welfare funds managed by elected staff representatives.

Staff Union, April 2004

PROTECTION OF UN STAFF BY SOCIAL SECURITY MECHANISMS:

A FEW REFERENCES

The UN Charter, art.101:

"3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity."

The International Covenant on Economic, Social and Cultural Rights, art.9:

"The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance."

ILO - Tripartite declaration of principles concerning multinational enterprises and social policy, 1977:

"25. Multinational enterprises equally with national enterprises, through active manpower planning, should endeavour to provide stable employment for their employees and should observe freely negotiated obligations concerning employment stability and social security. In view of the flexibility which multinational enterprises may have, they should strive to assume a leading role in promoting security of employment, particularly in countries where the discontinuation of operations is likely to accentuate long-term unemployment."

The Global Compact, 1999, Principle One:

"Businesses should support and respect the protection of internationally proclaimed human rights within their sphere of influence."

ILO Income Security Recommendation (n.67), 1944

(...) Social Insurance

5. The range of contingencies to be covered by compulsory social insurance should embrace all contingencies in which an insured person is prevented from earning his living, whether by inability to work or inability to obtain remunerative work, or in which he dies leaving a dependent family, and should include certain associated emergencies, generally experienced, which involved extraordinary strain on limited incomes, in so far as they are not otherwise covered.

6. Compensation should be provided in cases of incapacity for work and of death resulting from employment.

7. In order that the benefits provided by social insurance may be closely adapted to the variety of needs, the contingencies covered should be classified as follows:

- (a) sickness;
- (b) maternity;
- (c) invalidity;
- (d) old age;
- (e) death of breadwinner;
- (f) unemployment;
- (g) emergency expenses; and
- (h) employment injuries.

Provided that benefits should not be payable at the same time for more than one of the following contingencies: invalidity, old age and unemployment.

8. Supplements for each of the first two children should be added to all benefits payable for loss of earnings, provision for further children being left to be made by means of children's allowances payable out of public funds or under contributory schemes.

9. The contingency for which sickness benefit should be paid is loss of earnings due to abstention from work necessitated on medical grounds by an acute condition, due to disease or injury, requiring medical treatment or supervision.

10. The contingency for which maternity benefit should be paid is loss of earnings due to abstention from work during prescribed periods before and after childbirth.

11. The contingency for which invalidity benefit should be paid is inability to engage in any substantially gainful work by reason of a chronic condition, due to disease or injury, or by reason of the loss of a member or function.

12. The contingency for which old-age benefit should be paid is the attainment of a prescribed age, which should be that at which persons commonly become incapable of efficient work, the incidence of sickness and invalidity becomes heavy, and unemployment, if present, is likely to be permanent.

13. The contingency for which survivors' benefits should be paid is the loss of support presumably suffered by the dependants as the result of the death of the head of the family.

14. The contingency for which unemployment benefit should be paid is loss of earnings due to the unemployment of an insured person who is ordinarily employed, capable of regular employment in some occupation, and seeking suitable employment, or due to part-time unemployment.

15. Benefits should be provided in respect of extraordinary expenses, not otherwise covered, incurred in cases of sickness, maternity, invalidity and death.

16. The contingency for which compensation for an employment injury should be paid is traumatic injury or disease resulting from employment and not brought about deliberately or by the serious and wilful misconduct of the victim, which results in temporary or permanent incapacity or death.

17. Social insurance should afford protection, in the contingencies to which they are exposed, to all employed and self-employed persons, together with their dependants, in respect of whom it is practicable--

(a) to collect contributions without incurring disproportionate administrative expenditure; and

(b) to pay benefits with the necessary co-operation of medical and employment services and with due precautions against abuse.

18. The employer should be made responsible for collecting contributions in respect of all persons employed by him, and should be entitled to deduct the sums due by them from their remuneration at the time when it is paid.

19. In order to facilitate the efficient administration of benefits, arrangements should be made for the keeping of records of contributions, for ready means of verifying the presence of the contingencies which give rise to benefits, and for a parallel organisation of medical and employment services with preventive and remedial functions.

20. Persons employed for remuneration should be insured against the whole range of contingencies covered by social insurance as soon as the collection of contributions in respect of them can be organised and the necessary arrangements can be made for the administration of benefit.

(...)