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Statement by the Chairperson of the Staff Union

346th Session of the Governing Body
(1 November 2022)

Chairperson, Director-General, delegates and colleagues,

It is an honour to address the Governing Body. It is necessary to begin my address giving a warm welcome to the new Director-General, Mr Gilbert F. Houngbo. This year, 2022, has been marked by a climate of intense consultation and collaboration, where we have seen social dialogue in action within the ILO. The Office and the Staff Union have spent a lot of time establishing a new flexible working policy and a new recruitment policy, which we propose to continue with the new Administration. In addition, we are negotiating new descriptions of the different job families at headquarters, following the conclusion in 2019 of a collective agreement on the new generic job descriptions for the National Professional Officer and General Service categories in non-headquarters duty stations and their introduction. We also thank the Transition Team for the opportunity it gave us to share our concerns in five meetings held since Mr Houngbo's election.

The arrival of a new Director-General invariably generates expectations of change and an interest in seeing his initiatives. ILO staff stand ready to accompany him in his determination to make the ILO a lead agency that remains true to its principles of social justice, including the harmonization of working conditions for staff recruited to work on technical cooperation projects and those on regular budget posts. This includes real mobility that opens the way for professional development even for local staff, and for an ILO that practises what it preaches in terms of new ways of working with a human-centred approach.

For a number of our colleagues in certain parts of the world, military, political or economic events have not only completely disrupted their professional lives, but have sometimes literally put their lives in danger. The Staff Union has actively sought to protect them through active dialogue with the Administration and the support of the excellent colleagues in charge of security. The Staff Union has represented colleagues of all categories, in particular the growing number of colleagues on technical cooperation contracts. In this regard, we welcome the arrival at the ILO of the new Mediator, Ms Gabriela Ourivio Assmar, who took up her duties on 17 October.

The all-staff survey on different contractual arrangements recently conducted by the Staff Union received 1,734 responses, which will help us to get a better idea of the current situation of many colleagues, especially those in technical cooperation projects, who spend years with precarious contracts of very short duration and are further affected by delays in contract renewal, involuntary contract terminations and administrative procedures related to residence permits. Most colleagues do not have any unemployment cover, and most staff would be interested in having it, depending on the conditions. An important finding of the survey concerns the tasks performed by technical cooperation staff: the survey confirms that most technical cooperation staff spend a significant amount of time on "core ILO functions". They are not only project staff, but co-manage the Organization, which makes the notion of two

categories of staff somewhat artificial. Moreover, the survey reveals a high level of demotivation and anxiety, especially among the higher grades.

Indeed, when one is recruited for a technical cooperation project, all the problems encountered at the general level are amplified by situations of contractual insecurity, which generates a lot of stress, and by the feeling of not being part of the community, which sometimes paralyses any desire to fight for one's rights. The Staff Union has continued its efforts in this area by providing support to all colleagues who request it. Technical cooperation staff report more difficulties and anxiety than regular budget staff, women fear the negative impact on their careers and contracts more than men and field staff experience more difficulties than headquarters staff. Due to the differences in working conditions and job security mentioned above, there are differences in the level of priority given to a particular issue, depending on whether it concerns a colleague under a technical cooperation contract or a colleague on a regular budget contract.

Before this presentation, the Governing Body discussed document GB.346/PFA/4, containing the progress report on the development of the ILO strategy on knowledge and innovation across the Organization. At the March session, the Staff Union objected to the lack of consultation in the development of this strategy, which unfortunately was repeated on this occasion. In a context of social dialogue, it is crucial that the Staff Union be consulted on any document that mentions the staff. On the other hand, we note the more constructive tone of this document compared to the document presented in March. We note with interest this time the recognition of the Staff Union's role in fostering an institutional ecosystem conducive to innovation. We underline that ILO staff have the talent and interest in promoting these goals, provided that a climate of openness, diversity and respect is fostered. The two must go hand in hand.

I now turn to document GB.346/PFA/11, "Amendments to the Staff Regulations: Appraisal of ILO officials designated as members of United Nations country teams". Since the beginning of the United Nations (UN) reform, the Staff Union has expressed its concern with the dual hierarchy scheme. The Staff Union appreciates the consultations held between the Staff Union and the Administration, which produced the document submitted to them to amend the Staff Regulations. The contribution of ILO staff to the UN family must be recognized, as many colleagues, whether national officers, chief technical advisers or technical officers, have to contribute to the achievements of the Sustainable Development Goals often beyond their normal duties, in collaboration with more senior officials in their agencies, without due recognition or the provision of representation allowances. While we are in a position to support the document, the Staff Union will be attentive to its application in practice, as it does not consider that officials who are not accountable to this Governing Body should assume the supervision of ILO officials. The scope of the dual reporting line should be that necessary to fulfil its purpose without threatening the independence of our colleagues. In this regard, the word "evaluate" in paragraph 4 of the document should be understood as a contribution to the official's responsible chief as defined in article 2.4(2) of the Staff Regulations, as amended in this proposal. We welcome proposals to advance career development and recognition in the field. At the moment we have also started conversations with the Administration to ensure that the appraisal processes for technical cooperation colleagues reflect the actual reporting lines, which is not the case now.

I will now discuss in more detail document GB.346/PFA/12(Rev.1), "Matters relating to the Administrative Tribunal of the ILO: Review of the jurisdictional set-up of the United Nations common system". The Staff Union expressed its views on this issue in consultations with the UN Secretariat together with the other staff organizations grouped under the Coordinating

Committee for International Staff Unions and Associations of the United Nations System. The Union also takes note of the opinions of the ILO Administrative Tribunal judges and wishes to express its deep concern with the proposals discussed in this document, which are based on several erroneous premises, in particular the alleged inconsistency between the decisions of administrative tribunals. As a result, the proposals attempt to solve problems that do not exist and could undermine the independence of adjudicative forums. Moreover, the process of drafting these proposals was coordinated by jurists representing the interests of the agencies before the tribunals under review, and many of the staff federations' comments were not taken into account.

The first proposal merges the interests and functions of the respondent organization and International Civil Service Commission (ICSC), two entities that should be separate and distinct. The entities should maintain their distinct roles, with no apparent alliance between them. The proposal gives the appearance that the respondent organization and the ICSC are, in effect, communicating only identical responses. As stated in the final proposal, the submission of observations by the ICSC is already permitted under the current legal framework and does not require changes to the statutes or rules of procedure of the courts.

Implementation of an ICSC recommendation is the sole responsibility of the implementing agency. That agency is responsible for its actions. The decision to seek input or representations from the ICSC or another entity should rest with the court and not with the implementing agency.

It may be that neither the Tribunal nor the respondent organization believes that value would be added by receiving input from the ICSC during the proceedings, but the appellant staff member would think that such input might be useful. This proposal would leave the staff member without an effective recourse to obtain potentially relevant evidence or testimony, in violation of the principle of conditions of equality and basic notions of fairness. Placing organizations in a position to make decisions regarding the inclusion in their response of an ICSC statement would create a "gatekeeping" role of communication for the legal office of the respondent agency. In addition, the proposal to keep confidential the information submitted by the agency to the ILO establishes a closed channel of communication between the respondent and the ICSC, which would not be verifiable to the other disputing parties, which is unacceptable.

As for the second proposal, the Staff Union wishes to note that prior to the Geneva post adjustment decision, the most recent recommendation or decision of relevance was made 22 years earlier, in 1995. It is therefore an unnecessary proposal. Examining the proposal together with the other two proposals, it is noted that together they potentially contribute to weakening the independence of the ICSC and imply that the respondent's legal office will be able to determine the flow of information to and from the courts.

With respect to the third proposal, the Staff Union notes that the joint approach would exacerbate the already considerable delay in rendering a final judgment in either of the two current court systems; would likely incur higher costs due to the processes and difficulties in implementing it; and could undermine the principle of stability of legal relationships. Interpretative and preliminary rulings would serve as a serious limitation on the independence and authority of the Tribunals in the consideration of individual claims or applications before them and would jeopardize the autonomy of the ILO Administrative Tribunal and the UN Appeals Tribunal.

Document GB.346/PFA/13(Rev.1), "Other personnel matters: Recent developments concerning the determination of the post adjustment by the International Civil Service

Commission", discusses recent developments concerning the post adjustment. The Staff Union commends the position taken by the Administration to respect the rule of law, and reiterates its support for the steps it has taken. The Staff Union has been consulted on this document and expresses no general objection to it, on the understanding that it concerns wording proposed to this Governing Body to bring to the attention of the UN General Assembly the challenges of implementing ICSC recommendations without a corresponding mandate. In addition, we can say that the review of the methodology for conducting the 2021–22 cost-of-living survey was satisfactory. However, it is necessary to clarify that the ILO Administrative Tribunal found it unnecessary to discuss numerous points raised by the complainants, as the consideration of the ICSC Statute was sufficient to reverse the Administration's decision. Thus, amending the Statute would address only one of the issues raised. The Staff Union maintains that a comprehensive reform of the ICSC is required, with a view to maintaining its independence and regaining the confidence of international civil servants. It is not enough to amend a specific paragraph of the Statute; rather, it is necessary to review the entire legal framework. Such a process must be accompanied by a robust social dialogue, with full participation of staff representatives.

Lastly, I will speak about document GB.346/INS/14, "Report on developments relating to the resolution concerning the Russian Federation's aggression against Ukraine from the perspective of the mandate of the International Labour Organization". The Staff Union and the Administration have discussed these proposals at length, not because the Staff Union seeks to influence the decisions of the Governing Body, but because they have a significant impact on the staff. The Staff Union is grateful to the Office for the effort it has taken to prepare the report and for the consultations with the staff and the Staff Union. In these consultations, we have taken into account the frankly expressed views of both local and international staff. We also welcome the position taken by the Director-General, as expressed in the report. The Staff Union stresses that any move to relocate the Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia will have severe consequences for the staff. First, any relocation would entail a drastic change in their family situation, especially for staff of Russian nationality. It would also affect their official status in the host country, and that of their family members. They would have to find ways to maintain the appropriate level of family income to cover their needs in terms of children's schooling, medical expenses and so on. Locally recruited officials would need to be prepared morally, financially and in terms of language skills, to leave their home country. They might therefore be forced to refuse relocation in circumstances they cannot overcome and remain unemployed and without financial support; they might even find themselves unemployed in Moscow due to economic sanctions that have severely affected the labour market. Relocation, which is a complex administrative process, would jeopardize the normal functioning of the office and the provision of technical assistance for quite some time.

I cannot conclude my statement without expressing our solidarity with colleagues who are currently in Ukraine. We had believed that they were safer, but in the light of the recent hostilities, they have had to seek refuge to protect themselves.

Chairperson, Director-General and delegates, thank you very much.