



UNITED NATIONS

OCT 0 1980

GENERAL
ASSEMBLYDistr.
GENERALA/C.5/35/16
30 September 1980

ORIGINAL: ENGLISH

Thirty-fifth session
FIFTH COMMITTEE
Agenda item 98 (b)

OTHER PERSONNEL QUESTIONS

Participation of the United Nations
staff in the consultative bodies
within the United Nations systemReport of the Secretary-General

1. This report is submitted in response to General Assembly resolution 34/220 of 20 December 1979, by which the Assembly requested the Secretary-General

"to submit to the General Assembly at its thirty-fifth session a report on the various forms of participation of staff in the consultative bodies of the United Nations Secretariat and within the United Nations system which deal with matters of direct concern to personnel and on the extent to which these bodies have fulfilled the purpose of better staff involvement; in preparing the report, due account should be taken of the views of the United Nations staff on the subject".

2. The General Assembly adopted that resolution following its consideration at the thirty-fourth session of the agenda item relating to the requests submitted by staff representatives for direct access to the Fifth Committee on personnel questions. In the same resolution, the Assembly took note of those requests, as well as the comments and suggestions made by the Secretary-General, 1/ and expressed its willingness to receive and consider fully the views of the staff as set out by a single recognized representative of the staff of the United Nations Secretariat and by a designated representative of the Federation of International Civil Servants Associations (FICSA) in separate documents to be submitted through the Secretary-General and issued under the items entitled "Personnel questions" and "Report of the International Civil Service Commission", respectively.

1/ A/C.5/34/29 and A/C.5/34/CRP.5 and 6.

3. As was explained on behalf of the sponsors of that resolution,

"essentially it acknowledged the need to ascertain the views of the staff in the legislative and evaluative process on personnel matters and other staff concerns. The mechanisms for such access were already in existence, and the purpose of the draft decision ... was to test the adequacy of those forms of access, without, however, in any way, withdrawing recognition of the overriding responsibility of the Secretary-General as the chief administrative officer of the Organization. If the existing forms of access were inadequate - and it had not yet been shown that they were - the Fifth Committee could consider other possible mechanisms and request a report on the matter". 2/

In that context, the resolution concluded with an expression of the Assembly's disposition to consider, as and when appropriate, other forms of communication between the staff and the Fifth Committee.

4. This report is therefore presented as a review of the existing forms of staff participation in the process of consultation on matters of direct concern to the staff, both within the United Nations Secretariat, i.e., at the organizational level, and within the United Nations system, i.e., at the interorganizational level.

Consultation within the Secretariat

5. The principle of consultation with the staff regarding their conditions of service and general welfare is well-established in United Nations legislation and practice. The basic statutory provisions governing staff relations are contained in the Staff Regulations, which were established by the General Assembly. Under the terms of article VIII of the Regulations, "a Staff Council, elected by the staff, shall be established for the purpose of ensuring continuous contact between the staff and the Secretary-General". The Council is to be composed of representatives elected annually under regulations drawn up by it and agreed to by the Secretary-General. These regulations are to provide that the Council be composed in such a way as to afford equitable representation to all levels of the staff. The Council is entitled "to make proposals to the Secretary-General for improvements in the situation of staff members both as regards their conditions of work and their general conditions of life". The Staff Regulations further provide for the establishment of joint administrative machinery with staff participation to advise the Secretary-General regarding these matters.

6. In implementation of those regulations, the Secretary-General has promulgated rules which set out in more specific terms the composition and functions of the Staff Council, as well as of the joint administrative machinery, known as the Joint Advisory Committee (JAC). The rules provide that the Staff Council shall be consulted, through its elected officers comprising the Staff Committee, on questions

2/ Official Records of the General Assembly, Thirty-fourth Session, Fifth Committee, 79th meeting, para. 64, and ibid., Fifth Committee, Sessional Fascicle.

relating to staff welfare and administration, including policy on appointments, promotions and terminations and on salaries and related allowances and shall be entitled to make proposals to the Secretary-General on behalf of the staff on such questions. Except for instructions to meet emergency situations, general administrative instructions or directives on these questions shall be transmitted in advance to the Staff Committee for consideration and comment before being put into effect.

7. The Joint Advisory Committee provides the principal forum in which consultations for those purposes are regularly held between representatives of the Secretary-General and of the Staff Council. It is composed of an equal number of members and alternates representing the Secretary-General and the Staff Council, with the Chairman selected by the Secretary-General from a list proposed by the Staff Council. It is the function of JAC to advise the Secretary-General regarding personnel policies and general questions of staff welfare and to make to him such proposals as it may desire for amendment of the Staff Regulations and Rules. The Committee meets as often as necessary to consider proposals presented by representatives of either side on matters that fall within its purview and to make recommendations to the Secretary-General in regard to such proposals.

8. The institutional arrangements for a Staff Council and a Joint Advisory Committee, which were originally applied only at Headquarters in New York, have been extended over the years to other major established offices and peace-keeping missions to provide for staff representation and consultation at the local level. At present, such arrangements exist in Geneva, Vienna, Nairobi, the regional economic commissions, the United Nations Truce Supervision Organization and the United Nations Interim Force in Lebanon.

9. Apart from the formal machinery of the Joint Advisory Committees established for the purpose of consultation on matters of general policy, there are other joint bodies with staff participation which deal with the application of policies in personnel administration. They are briefly described as follows, with documentary references to their respective terms of reference:

(a) Appointment and Promotion Board and its subsidiary bodies at Headquarters and at other established offices, with the function to make recommendations on the appointment, promotion and review of contractual status of staff (staff rule 104.14 and administrative instruction ST/AI/242);

(b) Panels to investigate allegations of discriminatory treatment in the United Nations Secretariat, established at Headquarters and at other major duty stations (administrative instruction ST/AI/246 and Add.1);

(c) Joint Disciplinary Committees, established at Headquarters and in Geneva and Vienna to examine charges of unsatisfactory conduct against staff members (chap. X of the Staff Rules);

(d) Joint Appeals Boards, established at Headquarters and in Geneva and Vienna to hear staff appeals against administrative decisions or disciplinary action (chap. XI of the Staff Rules);

(e) Career Development Committee for the Information Group (Secretary-General's bulletin ST/SGB/166 and information circular ST/IC/79/52);

(f) Central Examination Board and Boards of Examiners for the competitive examination for promotion to the Professional category (Secretary-General's bulletin ST/SGB/173 and administrative instruction ST/AI/268);

(g) Panel to review applications under the external studies programme (administrative instruction ST/AI/243);

(h) United Nations Staff Pension Committee (Regulations and Rules of the United Nations Joint Staff Pension Fund);

(i) Advisory Board on Compensation Claims, which deals with cases of service-incurred injury, illness or death (appendix D to the Staff Rules).

10. As the staff of the Secretariat is represented by the Staff Councils elected locally at various duty stations, no single staff representative body exists which could strictly claim to have the mandate to speak for the staff as a whole. Traditionally, the Headquarters Staff Council assumed a leading role by virtue of the preponderance of staff it represented. By the same token, the Joint Advisory Committee at Headquarters operated in practice as the main body for consultation with the staff on matters that affected the interests of the entire Secretariat staff. However, with the expansion and dispersal of United Nations activities at offices away from Headquarters and the consequent growth in the size of their staff in recent years, it became necessary to reinforce the over-all basis of staff consultation by setting up a separate body in which staff representatives from all major duty stations may be regularly consulted on matters of Secretariat-wide concern.

11. For that purpose, the Secretary-General established, by his bulletin ST/SGB/176 issued on 13 June 1980, a Secretariat-wide Staff-Management Co-ordination Committee composed of nine members designated by the Staff Councils at all major duty stations and nine members representing the Secretary-General who are selected with due regard to the need for representation from the various duty stations. The Committee is to meet twice a year, under the chairmanship of the Chairman of the Joint Advisory Committee at Headquarters. The functions of the Committee are (a) to identify, examine and monitor Secretariat-wide issues concerning staff-management relations, administration and welfare of staff, and matters affecting conditions of service and staff morale; (b) to undertake an over-all and continuing review of the existing provisions of the Staff Regulations and Rules governing staff relations, with a view to proposing such changes as may be required in the nature of the relationship between the staff and the Secretary-General; and (c) to recommend to the Secretary-General necessary changes in policies and procedures relating to (a) and (b) above. The Committee held its first session from 1 to 5 September 1980 and discussed, along with other subjects, the draft text of the present report, in compliance with the requirement of resolution 34/220 that due account be taken of the views of the United Nations staff on the subject.

12. It appears from the above analysis that an elaborate system of staff consultation already exists within the Secretariat of the United Nations to permit the staff to participate in the process of determining their conditions of service at different levels and to be involved in personnel administration in different areas, in so far as questions fall within the authority of the Secretary-General. Many staff representatives, however, do not consider the present arrangements as satisfactory, particularly with regard to the functioning of the Joint Advisory Committees. In their view, the very notion of "consultation" is paternalistic and precludes the staff from full participation in the decision-making process, since their views, after being heard, may or may not be accepted, in whole or in part, in the decisions of the Secretary-General. They therefore advocate that the existing system be replaced by one based on the principle of "negotiations" resulting in binding "agreements" between the Administration and the staff.

13. In practice, however, the "consultation" within the Joint Advisory Committees has represented a conscious process not simply of "hearing" staff views but of discussing fully the issues involved and endeavouring to reach agreed positions prior to the submission of recommendations to the Secretary-General. Through genuine efforts on both sides to consult actively and affirmatively with a view to agreement, it has been possible for the Joint Advisory Committees to arrive at unanimous recommendations on most issues submitted to them; it is expected that the Staff-Management Co-ordination Committee will operate similarly. In those instances where that did not prove possible after full deliberations in a Joint Advisory Committee, the Secretary-General considered it incumbent upon him, as chief administrative officer of the Organization to take the decision he believed to be most appropriate, after giving due consideration to the views expressed in the Committee.

Consultation within the United Nations system

14. Apart from the framework of consultation which governs the relations between the Secretary-General and the staff within the Secretariat, the General Assembly has provided for the access by representatives of the United Nations staff to the Advisory Committee on Administrative and Budgetary Questions (ACABQ) with regard to matters affecting the staff. In establishing the Advisory Committee by its resolution 14 A(I) of 13 February 1946, the Assembly decided that the Committee "shall deal with personnel matters only in their budgetary aspects, and representatives of the staff shall have the right to be heard by the Committee". The right of access was resorted to in the past mainly in conjunction with revisions of the salary and allowances system. It has rarely been exercised in recent years, presumably because the primary responsibility for the recommendation or determination of the salary scales, allowances rates and other benefits has been transferred to the International Civil Service Commission (ICSC); as explained below, separate procedures have been established to govern access by staff representatives to the Commission.

15. In several other organizations within the United Nations system, staff representatives are allowed, under prescribed conditions, to have their views heard by the governing bodies or subsidiary organs of their respective organizations when matters of direct interest to the staff are under consideration. Thus, the FAO

Staff Regulations provide that the Council may, in exceptional circumstances, grant to recognized staff representative bodies "access to the Council meetings to present their views, provided their application for such access is endorsed by the Director-General" (regulation 301.0813). In ILO, according to a long-standing practice confirmed by a decision of its Governing Body in 1957, staff representatives are invited to express their views orally to the Programme, Financial and Administrative Committee (PFAC) of the Governing Body on pensions and staff questions whenever such questions are on the Committee's agenda. These views are normally presented by the Chairman of the Staff Union Committee and are distributed as a document of PFAC. In UNESCO, though the representatives of the Staff Association have no right to make statements to the General Conference or Executive Board, they have on several occasions been permitted to address the Administrative Commission of the General Conference or the Finance and Administrative Commission of the Executive Board, after their requests to be heard were granted by the Chairman in agreement with the members of the Commission concerned. Pursuant to a resolution adopted by the WHO Executive Board (EB57.R3 of 15 January 1976), a qualified representative of the WHO Staff Associations may submit to the WHO Executive Board, on the invitation of its Chairman and through the Director-General, a statement reflecting the views of the WHO Staff Associations on matters concerning personnel policy and conditions of service. This statement, introduced orally, is prepared ahead of time, so that the Director-General may comply with the Executive Board's request that he submit written comments on the statement where he deems it appropriate to do so. After presentation of the statement, the staff representative remains available for any explanation that may be necessary until consideration of the statement is closed.

16. Consultation with the staff at the interorganizational level is generally carried out through FICSA, apart from staff representatives of the individual organizations. The Federation, which comprises 29 staff associations and unions of the United Nations family of organizations, is recognized as the staff representative body of the common system as a whole by the Administrative Committee on Co-ordination (ACC) and ICSC. In that capacity, FICSA participates regularly in the sessions of the Consultative Committee on Administrative Questions (CCAQ). A designated representative of FICSA is also invited to address ACC when matters concerning the staff are under consideration. Although both ACC and CCAQ as its subsidiary organ are primarily concerned with co-ordination of policies, programmes and activities among the administrations of the common system organizations and have no decision-making authority, access by FICSA to these bodies allows the views of the staff to be heard at the interorganizational level before the administrations themselves reach a common position.

17. Both FICSA and staff representatives of the individual organizations have a statutory right of access to ICSC. Under article 28, paragraph 2, of the statute of the Commission 3/ "staff representatives shall have the right, collectively or separately, to present facts and views on any matter within the competence of the Commission". The modalities for the exercise of that right, which have been established after consultations with staff representatives, are set out in the rules of procedure of the Commission. 3/

19. According to these rules, FICSA and staff representatives of any participating organization who are recognized in accordance with the staff regulations and rules of the organization may submit written statements to the Commission on matters of concern to them, either at the request of the Commission or on their own initiative. In matters that concern the common system as a whole, written statements should, so far as possible, be submitted by FICSA on behalf of the staff representatives. Similarly, on matters of local interest affecting more than one organization, the staff representatives concerned should, so far as possible, submit joint statements, attaching any separate views. These provisions, however, do not preclude staff representatives of any organization from submitting written statements individually.

20. As regards participation in meetings and the right of addressing the Commission on any matter on its agenda, FICSA is on an equal footing with ACC. When matters of particular interest to a single organization are under consideration, its staff representatives participate in the work of the Commission on an equal footing with the representatives of the executive head. On matters of local interest affecting several organizations, the staff representatives concerned may, acting jointly, attend the meetings and address the Commission. In such cases, as well as on matters that concern the common system as a whole, the staff representatives of an individual organization may, at their request, be invited to attend meetings and address the Commission. Thus, under the various circumstances, care has been taken to ensure that staff representatives are given ample opportunity to present their views to the Commission before the latter takes its decision.

21. Another interorganizational body through which staff is consulted about its conditions of service is the United Nations Joint Staff Pension Board, and its Standing Committee, on which elected staff representatives serve on a basis of equality with representatives elected by the General Assembly and by the legislative organs of other participating organizations, as well as those appointed by the executive heads of these organizations. The Board and the Committee have authority to take certain decisions under the United Nations Joint Staff Pension Fund Regulations and Rules, and must be consulted by the General Assembly on certain questions, such as on any amendment of the Regulations.

Conclusions

22. The above review of the existing forms of staff representation in the consultative bodies indicates that numerous procedures exist that allow effective participation by representatives of the staff, at both the organizational and interorganizational levels, in the process of determining conditions of employment. Before a matter reaches the level of the Fifth Committee, it normally has gone through several stages of consultation, in the course of which the views of staff representatives have been taken into account. However, the staff representatives of neither the United Nations nor FICSA consider the existing arrangements to be sufficient. Both seek direct access to the Fifth Committee, in order that the views of the staff may be heard at the final stage of the decision-making process.

23. In the view of the staff representatives of the United Nations and of FICSA, an active and informed presentation of staff views is an essential element at all levels of the decision-making process. Whatever possibilities exist for the views of the staff to be reflected or taken into account at various stages of

consultation, the absence of any staff representation at the level of the Fifth Committee, where final decisions are taken on the most important questions affecting the staff as a whole, is considered by them as a serious gap in the entire structure of staff consultation. The extension of staff consultation to the level of the Fifth Committee would not only be in line with the recent trend, both within and outside the United Nations, for a greater participation of staff in the determination of its conditions of employment, but is also advocated, given the fact that the Fifth Committee has, in recent years, increasingly assumed the responsibility of deciding on matters of direct interest and concern to the staff. Decisions have sometimes been taken by the Fifth Committee without being based on the result of consultations with the staff according to existing procedures. A case in point was General Assembly resolution 33/143 on personnel questions, in which important policies were established with regard to recruitment, career development, extension beyond retirement age, employment of women, post classification etc., without prior consultation with the staff representatives on the matter; neither was there the opportunity to present the consultative opinion of JAC or that of CCAQ or ICSC. So far as the matters that fall within the competence of ICSC are concerned, the Fifth Committee has sometimes not accepted ICSC recommendations (e.g., introduction of an end-of-service grant for fixed-term staff), and, on occasion, has reversed a decision of ICSC (e.g., repatriation grant). With due respect to the authority of the Fifth Committee to take decisions, on the basis of ICSC reports, it would seem that, to the extent that the views of the staff have been sought and taken into account by ICSC in its recommendations or decisions it would be to the benefit of the staff and the Fifth Committee to afford them an opportunity to express their views with regard to proposals that would have the effect of setting aside or significantly modifying ICSC recommendations or decisions.

24. Having taken into account the views of the staff in the context of General Assembly resolution 33/220, the Secretary-General believes that in addition to the measures set forth in that resolution, the purpose of better staff involvement can be served by allowing the possibility for the Fifth Committee, after obtaining the views of the Secretary-General on the matter, to invite a single recognized staff representative of the United Nations or of FICSA, as appropriate, to submit a statement, either orally or in writing, on any proposal concerning staff matters under its consideration.
