



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/C.5/35/17  
30 September 1980

ORIGINAL: ENGLISH

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

OTHER PERSONNEL QUESTIONS

Views of the staff representatives  
of the United Nations Secretariat

Note by the Secretary-General

The Secretary-General transmits herewith for consideration by the Fifth Committee a document entitled "Personnel Questions: report submitted by the Staff Unions and Associations of the United Nations Secretariat". This document is presented pursuant to the provisions of paragraph 4 of General Assembly resolution 34/220 of 20 December 1979, whereby the General Assembly expressed "its readiness to receive and consider fully the views of the staff as set out by a single recognized representation of the staff of the United Nations Secretariat in a document to be submitted through the Secretary-General and issued under the item entitled 'Personnel Questions'".



PERSONNEL QUESTIONS

REPORT

Submitted By

THE STAFF UNIONS AND ASSOCIATIONS OF  
THE UNITED NATIONS SECRETARIAT

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## SUMMARY OF RECOMMENDATIONS

### II. SECURITY AND INDEPENDENCE OF THE INTERNATIONAL CIVIL SERVICE

#### A. Undue Governmental Pressures and Erosion of the Independence of the International Civil Service

(1) The principle of equitable geographical distribution should be applied on a Secretariat-wide basis and not in every unit, large or small.

(2) No staff member should be excluded from consideration for transfers, assignment or promotion to any post in the Secretariat on grounds of nationality.

(3) There should be interchangeability and rotation of different nationalities in posts where this would contribute to the career development of and provide opportunities to staff already in the service of the Organization.

(4) In order to improve geographical distribution of the Secretariat and to avoid limiting career prospects for deserving staff members, all departmental proposals for extension beyond the age of retirement should be placed before the Appointment and Promotion bodies for approval prior to their consideration by the Secretary-General.

(5) All appointments and promotions to the D-2 level should be considered by the Appointment and Promotion bodies.

#### B. Payment of Supplemental Compensation to U.N. Staff Members

(1) All Member States who pay salary supplements to U.N. staff members should refrain from this practice.

(2) If a supplementary payment is necessary to recruit persons who, for financial reasons, would otherwise not be attracted to U.N. service, then the equitable remedy is to adjust the over-all salaries of U.N. staff members in line with the Noblemaire principle of the best paying national civil service.

C. Physical Security and Protection of International Civil Servants

(1) Calls upon Member States of the United Nations to respect the basic legal obligations assumed when they signed the Convention on the Privileges and Immunities of the United Nations and the Covenant of Civil and Political Rights, and to ensure the minimal steps requested by the U.N. in order to safeguard and maintain its interests and legal rights.

(2) Strongly supports the statement adopted by the Administrative Committee on Coordination and urges that this statement be endorsed by the General Assembly.

(3) Suggests that the test of the commitment of the U.N. to human rights and the measure of its moral authority in this field lies in how it responds to violations of the human rights of its own staff members.

(4) In regard to service at difficult duty stations and in peace-keeping missions, the staff recommend the following specific measures to alleviate and compensate for the difficulties faced:

- A clear definition of who is a "staff member";
- A list of staff members to be made available to host countries;
- Full insurance coverage of staff members on fixed or short-term contracts in instances of death or injury while serving in a mission or difficult area;
- Full pension benefits for staff members on fixed or short-term contracts in instances of death or injury while serving in a mission or difficult area;
- Availability of communication equipment for areas designated as "difficult" or hazardous;
- Residential security systems where appropriate;
- A hardship or hazardous pay allowance;
- Organized transportation for staff members and dependents where it is dangerous or impossible to utilize public transportation;
- Assurance that medical facilities are available and of adequate standard.

III. STAFF/MANAGEMENT RELATIONS

(1) Effective participation of the staff in decision-making related to the terms and conditions of service can only come about through establishment of a system of negotiations and by bringing U.N. practice into line with public service practice in many countries of the world, and with international standards for the public service adopted by the ILO.

(2) Access to the Fifth Committee in terms of the submission of both oral and written statements on matters affecting the terms and conditions of service is essential and in accord with precedent established by other international agencies.

#### IV. CONDITIONS OF EMPLOYMENT OF THE STAFF

##### A. Competitive Examinations

(1) A complete review of the competitive examination experience in 1979 should be undertaken jointly by staff and management to assess the results, determine if examinations should be continued and, if they should, to devise improved methods for preparing and conducting the examinations.

(2) No year should elapse without promotions from the General Service to the Professional category, whether through competitive examinations or other competitive methods.

(3) All posts at the P-1/P-2 level, not just those reserved for the General Service category, should be subject to competitive methods of selection.

(4) The quota for promotions from the General Service and related categories to the Professional category should be increased since at its present level the quota is prejudicial to the career opportunities, morale and incentive of General Service and other staff members.

(5) Given the advantages that accrue to those stationed at Headquarters, better orientation and training courses should be made available to local staff serving in the field so they can compete on an equal basis with their colleagues at Headquarters.

##### B. Employment of Women

(1) Departments should be required to document efforts they have made to assign women to positions of greater responsibility, and reports should be submitted annually.

(2) Promotions should be based on merit and not on the availability of specific posts.

(3) Where the number of posts available for promotion are limited, preference should be given to women. In this regard, departmental profiles should be brought to the attention of the Appointment and Promotion bodies.

(4) There should be a proper representation of women in all the Appointment and Promotion bodies; the task of identifying suitable women should not be left only to the staff side.

(5) Where it is merited, women should receive accelerated promotions; statistics on accelerated and ad hoc promotions giving a breakdown between men and women, should be made public in the same way the promotion registers are.

(6) The role of the Appointment and Promotion bodies should include making recommendations for career development and placement of staff with potential whose present assignment provides no opportunity for upward mobility.

(7) At least 2 out of 5 candidates presented for posts should be women and a department or office who rejects a woman candidate proposed by the Office of Personnel Services should provide written justification for the rejection.

(8) If recruitment from over-represented countries is to continue, then this should be limited to women candidates only (this was recommended by the Joint Inspection Unit), but special attention and efforts must be made to recruit and promote women from developing and unrepresented countries.

(9) Reliance on Governments to recommend candidates is obviously not sufficient. Contact must be made with women's professional organizations, universities, etc., and their co-operation sought in advertising vacancies for United Nations posts.

(10) Recommendations of JIU for improving the use of the roster of candidates should be implemented.

(11) Examinations should be introduced for all entry level Professional posts and not limited only to staff in the General Service and related categories.

(12) The responses not only on statistics but also on reasons for changes, efforts made and future plans with regard to the appointment and promotion of women, should be made public via an information circular to all staff and also as a report to the Fifth Committee.

### C. Education and Child Care

(1) Establishment of child-care centres in New York and Vienna is strongly recommended.



(2) A representative of the staff should be appointed to the Board of Trustees of the United Nations International School in New York (UNIS).

(3) The new fee schedule for UNIS is too high and bursary awards should be substantially increased for those who do not receive an education grant.

(4) A fund-raising development officer should be appointed to UNIS who would undertake fund-raising activities.

(5) With regard to the Vienna International School, financial support should be provided to the School by the U.N. so that bursaries can be offered to U.N. staff members who are unable to afford the current level of fees.

(6) Due to severe educational problems in Addis Ababa, it is recommended that a United Nations international school be established in that duty station.

#### D. Panel to Investigate Allegations of Discrimination

(1) A travel budget should be provided for the Panel so its members can more effectively investigate problems and complaints arising in field duty stations where no local panel has been established.

(2) Panel members must be allowed sufficient time off from their normal duties to pursue their investigations. They should get proper support from the Administration. Also the Panel needs more "teeth" to ensure that recommendations for corrective action are actually implemented.

#### E. Extensions Beyond the Age of Retirement

(1) The provisions of General Assembly Resolution 33/143 with respect to extensions beyond the age of retirement should be applied strictly to all staff without exception.

(2) All requests for extension must be subject to prior review and approval by a joint staff/management body such as the Appointment and Promotion Board.

(3) Retired or former staff members should not be brought back as consultants to do exactly the same job they were doing as staff members.

(4) As a general policy consideration the Fifth Committee may wish to consider raising the age of retirement. The staff would not be opposed to a higher retirement age for everyone, provided it is applied uniformly to all staff. Exceptions based on category, favoritism or political connexions must be eliminated.

(5) On the other hand, more favourable financial incentives should be offered to staff members who wish to take early retirement, for example, after 25 years' service. This option is available to foreign service personnel of the comparator civil service.

#### F. Appeals and Grievance Procedures

(1) Despite the practice of the Tribunals and the Appeals Board, these bodies were set up to deal with staff grievances and the key should be speedy, simplified and effective justice. Employee grievances should be resolved in no more than two month's time using very simplified procedures.

(2) The Secretary-General must be bound by the decisions of the Disciplinary Committee, Appeals Board and Tribunals. If he does not agree with a decision of either the Appeals Board or the Disciplinary Committee then he, like the staff, should be able to appeal to the Tribunal, but he should not have the option of rejecting their decisions.

(3) The Tribunals, by the same token, should be able to order specific compliance, particularly important, if a staff member has been unjustly terminated. The payment of money cannot substitute for lost employment, nor compensate for the humiliation, if the reasons for termination are unfounded.

(4) More systematic rules and procedures must be formulated and widely distributed to the staff governing the operations of the JDC and the Appeals Board, and the support staff of these bodies must be increased to ensure that the waiting time for a case to be heard is reduced to the absolute minimum.

(5) Summary dismissal should not be allowed until the JDC has heard the case and made a judgement. The basis for summary dismissal, namely "serious misconduct" should be clearly defined so there is no double standard of justice.

(6) The Tribunals are not adapted to dealing with collective cases involving labour/management relations, and a labour/management arbitration panel should be established for the entire system which, composed of experienced arbitrators, would hear and arbitrate labour disputes involving large numbers of staff. The Tribunals could then confine themselves to individual cases.

Report of  
The Staff Unions/Associations  
of the United Nations Secretariat on Personnel Questions

## I. INTRODUCTION

1. This report on personnel questions is being presented to the Fifth Committee by the Staff Unions/Associations of the United Nations Secretariat.\* Taking this report together with that of the Secretary-General, a much fuller picture of personnel problems emerges. Of course, it is our belief that this report is not sufficient to fully elucidate the staff viewpoint; it must be supplemented by an oral presentation and the opportunity to respond to any questions that may arise.

## II. SECURITY AND INDEPENDENCE OF THE INTERNATIONAL CIVIL SERVICE

### A. Undue Governmental Pressures and Erosion of the Independence of the International Civil Service

2. Contrary to the Charter, political pressure and interference by Member States occurs at all stages of the appointment and promotion process in the United Nations Secretariat. Whereas in the past it had been considered "acceptable" for political pressure to be exerted only at the highest levels of the Organization - where the appointment and promotion of staff takes place at the discretion of the Secretary-General - today, it has become routine for Governments to intervene in the recruitment and promotion of their nationals at all levels of the Organization.

3. The "politicization" of the U.N. is a source of widespread frustration and disillusionment amongst staff, many of whom have come to the regrettable conclusion that they have little prospect of advancement in the Organization if they lack political pull. In other words, they have come to believe that a successful career in the United Nations is contingent, above all, on "contacts", "knowing someone" and having pressure applied on their behalf by members of their national mission to the United Nations.

4. It is precisely this widespread perception that has caused staff members to go directly to their Governments to gain advancement or even to remedy a grievance and, for the most part, it seems that Governments have been ready and even willing to intercede on behalf of nationals of their country.

\*This report has been prepared and endorsed by the Staff Unions and Associations of the following organizations and duty stations: U.N./New York, U.N./Geneva, UNIDO/Vienna, UNEP/Nairobi, ECA/Addis Ababa, ECLA/Santiago, ESCAP/Bangkok, ECWA/Beirut and the Peace-Keeping Missions. Staff representatives from Habitat/Nairobi and U.N./Vienna also assisted in the preparation of the report.

5. The perception that a staff member's career in the United Nations depends not on merit and effort but on the politics of patronage and favouritism is eroding, on a daily basis, the concept and reality of an independent international civil service. The principle inscribed in the Charter that the "paramount consideration in the employment of staff in the determination of conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity...", is increasingly disregarded.

6. The Secretary-General, in his annual report on the work of the Organization last year, remarked on the serious consequences of political pressures for the future of the Organization. He said he felt that the international civil service was "at a critical juncture" in that "an increasing number of Member States seem less willing to observe, in practice, the obligations they assumed under the Charter with respect to the independent nature of the Secretariat. This trend is self-sustaining in the sense that, if one State or group of States does not observe these obligations, other States tend to follow suit for fear of losing their stake in the Secretariat." If Member States come to believe that the United Nations Secretariat is biased in favour of one group of States or one ideological group - then, in our view, the credibility and confidence of the Organization as a whole will suffer to the disadvantage of all. The cumulative effect of the present practices - which it seems most Member States engage in to a greater or lesser extent - is precisely to undermine the independence and impartiality of the Organization

7. While we welcome General Assembly Resolution A/RES/33/143, reaffirming that "no post be considered the exclusive preserve of any Member State or any group of States," the practice in this regard has not yet come up to the standard, and we recommend that the Secretary-General issue a policy statement which would make clear that:

(1) The principle of equitable geographical distribution should be applied on a Secretariat-wide basis, not in every unit, large or small;

(2) No staff member should be excluded from consideration for transfer, assignment or promotion to any post in the Secretariat on the grounds of nationality;

(3) There should be interchangeability and rotation of different nationalities in posts where this would contribute to the career development of and provide opportunities for staff already in the service of the Organization;

(4) In order to improve the geographical distribution of the Secretariat and to avoid limiting career prospects for deserving staff members, all departmental proposals for extension beyond the age of retirement should be placed before the

Appointment and Promotion bodies for approval prior to their consideration by the Secretary-General;

(5) All appointments and promotions to the D-2 level should be considered by the Appointment and Promotion bodies.

B. Payment of Supplemental Compensation to United Nations Staff Members

8. The staff of the Secretariat is also concerned by the fact that, contrary to the Charter, some Governments pay regular supplements, in various forms, to nationals of their countries working at the United Nations. The staff welcome the report of the Administration Committee on Co-ordination (ACC) on the question of national supplements contained in document ACC/1980/19/Rev.1. The report draws attention to three legislatively sanctioned systems of supplementary payments and points out that these payments not only "raise questions regarding the adequacy of the conditions of service as determined by the application of the Noblemaire principle in general and the use of the Federal Civil Service of the United States of America as the comparator, in particular..." but also raise "serious questions of law and equity".

9. Specifically, these payments (which are made less overtly by a number of additional Governments) violate Article 100 (para. 2) of the Charter, which states that "Each Member State of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities." It also violates United Nations Staff Regulation 1.2, which states that "no staff member shall accept ... any remuneration from any source external to the Organization without first obtaining the approval of the Secretary-General." As the report points out, "even if a Government does not otherwise seek to influence staff members in the discharge of their responsibilities by payments or a system of payments, the very fact that such an offer was made, the acceptance of which is contrary to a staff regulation, could influence the staff members to violate their oath of office."

10. The staff view such a practice with alarm. Whatever the motivations for paying these supplements, we see this practice as a further step in the erosion of the independence of the international civil service and in the creation of different "classes" of United Nations officials. It therefore appeals to all Member States that pay national supplements to refrain from this practice. If, as some Governments have argued, a supplementary payment is necessary to recruit persons who, for financial reasons, would otherwise not be attracted to the international civil service, then the obvious and equitable remedy is to adjust the over-all salaries of United Nations staff members so that the Noblemaire principle - that staff should be paid according to the best paying national

civil service - can be applied in practice within the Organization.

C. Physical Security and Protection of International Civil Servants

(1) Arbitrary arrest and detention

11. The staff of the Secretariat are profoundly disturbed at the number of recent instances in which United Nations staff members have been arbitrarily arrested and detained without due process, in violation of their basic legal and human rights, by the authorities in Member States of the United Nations - the majority of whom are signatories to the Convention on the Privileges and Immunities of the United Nations.

12. We would like to stress in this connexion that Member States of the United Nations freely assume certain obligations when they sign the United Nations Charter, the Convention on the Privileges and Immunities of the United Nations and various other conventions relating to human, political and civil rights. In calling upon Member States to respect these legal instruments, therefore, we are not in any way impinging on their national sovereignty; we are simply appealing to them to respect their own freely undertaken obligations.

13. For example, all United Nations staff members and experts on mission for the United Nations are immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity.

14. Nevertheless, in all recent cases, the immunity of the staff members in question was ignored and all were arbitrarily arrested and detained without being accorded a fair trial. Furthermore, in none of these cases was a United Nations official able to: (a) Visit and converse with the staff member in question and have a medical officer present; (b) be apprised of the grounds for the arrest or detention including the main facts and formal charges; (c) assist the staff member in arranging legal counsel for his or her defence, and (d) appear at legal proceedings to defend any United Nations interest affected by the arrest or detention.

15. The above-mentioned measures constitute, in the official position of the United Nations Secretariat, "the minimum initial steps required in order for the United Nations to safeguard and maintain its interests and legal rights".

16. In addition, in all these cases, the staff members in question were denied the following rights to which they were entitled under article 9 of the International Covenant on Civil and Political Rights:

- The right not to be subjected to arbitrary arrest or detention;
- The right to be informed of the reasons for arrest, and the specific

charges against them;

- The right to be tried promptly;
- The right to take proceedings before a court to determine the lawfulness of their detention;
- The right to legal assistance of their own choosing.

17. The failure of the Member States in question to respect their obligations vis-a-vis these imprisoned staff members therefore implies a serious disregard for the institution of the United Nations itself, its Charter and the various legal instruments on which it is based. Hence, we strongly support the statement adopted by ACC that "any infringement of the security and independence of staff members of the organizations of the United Nations system by a Member State is a serious threat to international cooperation." We hope the ACC statement will be submitted to the General Assembly for endorsement and follow-up. If the Secretary-General and the agency heads are unable to protect and guarantee minimal standards of justice and due process for staff members under their exclusive authority, then it follows that no assurance can be given to international civil servants that their legal and other rights - let alone their functional immunity - can be safeguarded when they work in the service of the Organization.

18. Finally, we should like to suggest that the test of the commitment of the United Nations to human rights and the measure of its moral authority in this field lies in how it responds to violations of the human rights of its staff members. Apart from the resolution on this subject adopted by the Commission on Human Rights at its thirty-sixth session, Member States have so far responded with silence. But we, the staff, are obliged to ask: Can the United Nations have any moral authority in promoting human rights throughout the world if it proves incapable of protecting and safeguarding the rights of its own staff members?

## (2) Difficult duty stations and peace-keeping missions

19. A special situation exists in political and peace-keeping missions where staff members are regularly involved in situations of limited war, open hostilities between national and de facto forces, and civil strife. In some duty stations, either because of the political, social or economic climate, staff members and their dependents are faced with a high level of physical danger. Such dangers to the physical security of staff members usually come from "outside the law". Banditry, theft and physical assault may in some cases be so serious that staff members are afraid to travel at certain hours and have to make substantial

out-of-pocket investments to safeguard their personal security. Embassies and international companies regularly provide transport, radio connexions to central security units, residential protection schemes and theft insurance to their employees.

20. The following measures, where appropriate, would alleviate and compensate for the difficulties mentioned above:

- (a) A clear definition of who is a "staff member";
- (b) A list of staff members to be distributed to host nations;
- (c) Full insurance coverage of staff members on fixed-term or short-term contracts, and on their possessions;
- (d) Full pension benefits for staff members on fixed or short-term contracts in instances of death or injury while serving in a mission or difficult area;
- (e) Availability of communication equipment for areas designated as "difficult" (bearing in mind that no evacuation programme can work effectively in the absence of a communications system);
- (f) Residential security systems in terms of security devices, alarm services and residential office premises located in relatively safe areas;
- (g) A hardship or hazardous pay allowance;
- (h) Organized transportation for staff members and dependents where it is dangerous or impossible to utilize public transportation;
- (i) Assurance that medical facilities are available and of adequate standard.

### III. STAFF/MANAGEMENT RELATIONS

1. There is widespread conviction within the Secretariat that the existing system of consultation does not guarantee the staff an effective voice in the decision-making process through which their terms and conditions of service are determined. The staff's main concern is that decisions are arrived at without their full participation and agreement. Although a number of bodies have been established within the Secretariat to provide for consultation with the staff, decisions are often taken outside such bodies or without the concurrence of the staff. If effective participation is to be ensured then means will have to be devised to establish a system of negotiation.

2. Furthermore, it is an anomaly that whereas a fundamental aspect of staff/management relations, namely access to all decision-making bodies, is the right of our colleagues in other organizations within the common system,



such access is denied to staff of the United Nations Secretariat. We urge the Fifth Committee to correct this situation by granting us access in terms of the submission of both oral and written statements on matters affecting the terms and conditions of our service.

3. We therefore advocate a fundamental reconsideration of staff/management relations to bring United Nations practice into line with public service practice in many countries of the world, and the international standards for the public service adopted by the International Labour Organization (ILO).

#### IV. CONDITIONS OF EMPLOYMENT OF THE STAFF

##### A. Competitive Examinations

21. At its thirty-third session, the General Assembly, in resolution 33/143, decided to limit the number of General Service staff who could be promoted to the Professional category to 30% of the available posts at the P-1/P-2 level and to require that such promotion take place exclusively through competitive methods of selection. This decision, which proved controversial at the time, has continued to be a source of discontent and turmoil among the General Service staff who comprise more than 60% of the total number of staff members in the Secretariat.

22. From the outset the staff took the position that competitive examinations, if they were to be implemented at all, must be applied uniformly to all eligible General Service staff, without exceptions, and that examinations should, moreover, apply to all those recruited to the P-1/P-2 level from outside. In other words, we do not believe some staff should be required to sit the examination and others not.

23. Over-all, the initial negotiations with the Administration on the modalities of the examination went well, and it was possible to accommodate many of the concerns expressed by the staff and to provide transitional measures to bridge the gap between the old promotion system and the new competitive examination system. Special attention was given to the situation of incumbents who had been serving in Professional posts for at least one year at the time the decision was taken to change from one system to the other. It was agreed to waive the requirement for post-secondary educational qualifications for incumbents, and to provide to them a bonus of 10% on the written part of the examination in recognition of their prior service in post.

24. The circulars announcing the procedure were the subject of thorough and intensive discussions within the context of the Headquarters Joint Advisory Committee (JAC) and extended debates took place particularly within the

Headquarters Staff Council and at a General Meeting of the Headquarters Staff Union. The staff associations and unions at the other duty stations were not consulted to the same degree as Headquarters, and there was considerable dissatisfaction that the modalities for the examination had been developed without fully considering the views of those outside Headquarters. Moreover, some of the duty stations away from Headquarters viewed the competitive examination scheme with distrust from the outset. The UNIDO Staff Union, in fact, made repeated requests, through its JAC, to be excluded from the 1979 competitive examinations, which were seen as an experimental exercise. It was felt that the organization of the scheme on a world-wide basis was a gargantuan task, and that the staff should not be penalized while difficulties in the holding of the examinations were being worked out. The requests were denied by Headquarters. In the event, the fears expressed were shown to have been all too warranted.

25. Despite these reservation, it was assumed at Headquarters that the arrangements were, by-and-large, acceptable. Two circulars on the subject, i.e., those listing the posts being put up for the examination and giving the occupational groups were not, however, discussed in sufficient detail with the staff, even at Headquarters, in the rush to complete all arrangements for the November examination date. Although the staff had previously been informed that the examination would be given for occupational groups, there was an expectation that those occupational groups would be more narrowly defined than subsequently turned out to be the case. This resulted in a good deal of apprehension among the incumbents of posts who, while they may have felt comfortable competing in an examination focused on the specific posts, became worried at the prospect of competing in the broader occupational field. There was the natural concern expressed that the person actually doing the job might be "bumped" by another competitor because of the way the occupations were defined. These anxieties led to a fairly broad protest among the staff at Headquarters and resulted in the convening of several general meetings and reconsideration of the entire examination procedure by the Headquarters Staff Council. The Headquarters Staff Council therefore passed a resolution on 30 October 1979 which called upon the Secretary-General to:

"(a) Postpone the competitive examinations in order to re-evaluate and revise the present terms and conditions of such examinations in view of their complexity;

(b) Establish just and adequate transitional promotion procedures for incumbents of Professional posts;

(c) Issue a revised list of new and vacant posts; and

(d) Ensure that any action on personnel matters be taken without infringement

on the acquired rights of staff members."

26. In response to this resolution and the "concerns that had been voiced by a number of delegations to the Fifth Committee", the Administration introduced a document in the Headquarters JAC which contained a proposal that a special review of incumbents be undertaken. And, "since the posts encumbered by these staff members would have to be utilized to implement their promotion, the same number of additional posts in the relevant occupational group would be earmarked... to accommodate those successful candidates in the examination who would have to be promoted."

27. This special review would be undertaken by the Central Examination Board, supplemented by two members of the Appointment and Promotion Committee, and based on criteria developed by the JAC and the Board itself. The Administration agreed that posts taken off the list by the promotion of incumbents in this manner would be replaced by a comparable post in the same occupational group and at the same location, so that the number of posts available for the examination, i.e., 51, would remain the same.

28. A cut-off date of 20 December 1978 was agreed to, which meant that 27 posts would be subject to the special review and, if all 27 staff members were successful in the special review, 27 replacement posts would have to be found. Even at that stage the staff representatives were skeptical about the ability of the Administration to make available 27 additional posts for replacement, and stipulated that such additional posts should in no way affect the 1980 examination exercise. "The question arose as to how many posts would actually be available for 1979, and as a consequence, for 1980. A written statement was requested from the Budget Division that the extra posts promised would in fact be available, should the proposal for the revised procedure be accepted." The Secretary-General's representatives stated, "it had already been made clear that although the General Assembly had fixed a 30 per cent ceiling on the number of posts available for promotion through the competitive examinations, a flexible approach (emphasis added) would be adopted for the first year and the Secretary-General would be responsible for reporting that fact to the Fifth Committee." In reply to the staff's request for assurances that the extra posts would be available, the Secretary-General's representatives said, "it was obvious that, if the Secretary-General accepted a recommendation from the JAC in that regard, it would be in full awareness of the consequences. There was no need for anyone else to give any written assurances."

29. From the discussions that took place in the Joint Advisory Committee, it was obvious that this revised procedure was "for the promotion of staff members to the Professional category in 1979". The JAC endorsed the position that the

"extra posts will be drawn from the posts that are available for the period from 1 April 1979 to 31 March 1980... it is important that the provision of extra posts as a transitional measure for the 1979 examination should not affect the totality or percentage of P-1/P-2 posts that would otherwise be made available for the next competitive examination". It was also manifest that these additional replacement posts would not be taken from the 1980 posts that might otherwise be earmarked for examination, but "that the net addition of posts to which the Under-Secretary-General for Administration, Finance and Management had committed himself were posts which would have otherwise been filled by outside recruitment".

30. As a result of the staff request for postponement a compromise solution was worked out in which the core examination was conducted in November 1979 and all interested staff, including incumbents, were required to sit for that part, on the understanding that if the incumbents were successful in the special review, they would not have to sit the remaining parts of the examination. The specialized sections of the examination were consequently postponed until February 1980.

31. The special review was carried out by the Central Examination Board prior to the examination. In the event, 35 incumbents were successful in the special review and were informed that they would not be required to sit the specialized paper. There was some surprise on the part of the staff that the Central Examination Board recommended the exclusion of 35 staff members from the examination since, according to the cut-off date agreed to with the Administration in JAC, a maximum of only 27 staff members fell within the period covered by the review. The Staff Committee of the Headquarters Staff Council was consequently eager to receive the report of the Central Examination Board in order to review the criteria used by the Board in deciding on 35 staff members. When the report was finally received in August 1980, after repeated requests, it was mute on the criteria used by the Board in deciding on the exclusion of 35 staff members.

32. An even more critical problem, however, has been the question of posts to replace the 35 which were withdrawn from the competitive examination procedure due to the special review. The agreement of the staff to the special review was predicated on the provision of replacement posts so that those taking the examination would not be short-changed because of the special review. It had been agreed in JAC that the list of replacement posts would be made available to the staff as soon as the special review was completed, and before the specialized examination and the interview took place. Those taking the examination had been promised an opportunity to reapply for posts since their original application for the examination had been based on the first list of posts published. Despite repeated promises by the administration to give the list of replacement posts, and the setting of deadlines in which to do it, the list of replacement posts

was only finalized at the end of July, without any consultation with the staff. Many of those who took the examination felt definitely cheated because of the uncertainty over the availability of replacement posts and, if they were indeed available, whether they would be of a similar nature at the same duty station.

33. Further controversy between the staff and Administration arose in April and May, first when representatives of the Administration suggested that there would be no competitive examination in 1980, and then when the Administration issued a circular covering the modalities for the interview procedure without completing the process of consultation with the staff representatives. The staff, in the first instance, were astounded to learn that there might not be an examination in 1980, nor for that matter any promotion review from the General Service to the Professional category since there were no posts available because the 1979 quota had been exceeded. This was despite the fact that at the time we agreed to the special review, every assurance was given that the provision of replacement posts would in no way affect the availability of posts for 1980.

34. The final fate of the competitive examination is at this stage up in the air. Certainly examinations cannot be carried out in the atmosphere of distrust and bad faith that has characterized some of the occurrences during this last exercise. In terms of the future we recommend the following:

(1) A complete review of the competitive examination experience in 1979 should be undertaken jointly by staff and Administration to assess the results, determine if examinations should be continued and, if they should, to devise improved methods for preparing and conducting the examinations;

(2) All posts at the P-1/P-2 level, not just those reserved for the General Service and related categories, should be subject to competitive methods of selection;

(3) No year should elapse without promotions from the General Service to the Professional category, whether through competitive examinations or other competitive methods;

(4) Regardless of the system of promotion finally decided, the quota for promotions from General Service to Professional should be increased since at its present level the quota is prejudicial to the career opportunities, morale, and incentive of the General Service staff, and establishes discriminatory treatment vis-a-vis other staff members;

(5) Given the advantages that accrue to those stationed at Headquarters, better orientation and training courses should be made available to local staff serving in the field so they can compete on an equal basis with their

Headquarters colleagues.

B. Employment of Women

35. While we appreciate the measures taken by the Secretary-General to improve the morale of women and make certain changes in their conditions of service, it is apparent from the latest promotion registers and the Secretary-General's Report on the composition of the Secretariat that very little has happened to improve the situation of women in the United Nations system despite years of discussions, studies and reports.

(1) Promotions

36. Due to the urgent need to have women in senior positions, we are particularly disturbed to see that, at present, only about 5 per cent of staff at the D-1 level and above are women. We are, further alarmed that in 1979 only two women were appointed at the levels of D-1 and above (and 28 men) and that only one woman was on the D-1 promotion register (and 32 men). In 1980, 4 women (and 40 men) were promoted to the D-1 level.

37. We note that the Assistant Secretary-General for Personnel Services, in his remarks to the Fifth Committee on 22 October 1979, conceded that "the steps taken to achieve an equitable proportion of men and women in posts at the D-1 level and above", have not produced results and we most emphatically agree with him that "the efforts made... were not sufficient". In 1980, the same is still true.

38. The total number (and the proportion) of women promoted in 1979 was far lower than even the very inadequate number (and proportion) of women promoted in 1978, as is shown by the analysis of the 1978 and 1979 promotion registers in the following table. The results for 1980 are mixed. While the proportion of women promoted at the D-1 level is higher in 1980 than 1979, it is still lower than in 1978. The proportion of women promoted to the P-5 level has diminished every year since 1978. Even at the P-4 level the 1980 figures are lower than those of 1978. Only in the case of P-3's, is the proportion of women promoted in 1980 greater than in 1978.

TABLE 1: PROPORTION OF WOMEN PROMOTED AT VARIOUS LEVELS BY YEAR

<u>Level</u>	<u>1978</u>			<u>Level</u>	<u>1979</u>		
	<u>Women</u>	<u>Men</u>	<u>Proportion of women out of total promotions in level</u>		<u>Women</u>	<u>Men</u>	<u>Proportion of women out of total promotions in level</u>
D-1	3	19	14 %	D-1	1	32	3 %
P-5	10	68	14 %	P-5	7	56	11 %
P-4	39	112	26 %	P-4	19	73	21 %
P-3	40	68	37 %	P-3	21	40	34 %

<u>1980</u>			
<u>Level</u>	<u>Women</u>	<u>Men</u>	<u>Proportion of women</u>
D-1	4	40	9%
P-5	5	59	8%
P-4	34	105	24%
P-3	45	62	42%

39. It is clear that either women are being overlooked when promotion recommendations are put forward or departments have failed to put women in jobs of greater responsibility where they can prove their potential. The Panel to Investigate Allegations of Discriminatory Treatment in the United Nations Secretariat in its report points to two factors which merit close attention. One is the "resistance on the part of substantive departments to the placement of qualified staff members where suitable openings exist". All too often this resistance is directed against women. The report also notes that "Promotions in many instances seem to depend not only on qualifications and the ability of staff members to assume higher responsibility but on the availability of posts..." (para. 15 B iii). Thus even if women are suitably placed and prove they merit promotion, they may still lose out because the post has not been budgeted for at the higher level.

(2) Recruitment

40. Out of 303 appointments made to posts subject to geographical distribution

during the year to 30 June 1979 only 47 (15.5 per cent) were women.\* This represents a lower proportion than that for women already in such posts (17.8 per cent at 30 June 1978) and an increase of only 9 over the 38 recruited in the previous year.

41. Even more disappointing is that in spite of the attention focused on identifying women for posts at high levels of responsibility, only 9 out of 138 (6.5 per cent) appointed at the P-4 level and above were women. This was even fewer than the 11 out of 117 (9.4 per cent) appointed in the previous year. Although we were pleased to see two women appointed at the ASG level, one of these is only for a short term and another comes from UNDP. The pleasure is also somewhat dampened by the fact that there were no appointments in 1979 at the USG, D-2 and D-1 levels. We can only question the sincerity of assurances that the Organization is trying to do anything about all this.

42. It was reported in 1978 that there were 758 women on the roster representing 96 nationalities. In 1979 we were told that this number has increased by over 20 per cent. Surely some of these women must fit into the required occupational groups and/or come from countries which are not over-represented.

43. On the question of recruitment from over-represented countries, according to our calculations 90 men and only 13 women (12.6 per cent) were recruited in 1979 in this category.\* It is apparent that the policy on over-representation is being waived for men and used as an excuse for not recruiting women. The table below provides a regional breakdown of this situation.

Appointments to GD posts

	<u>Men</u>	<u>Women</u>	<u>Total</u>
Africa .....	21	-	21
Asia and the Pacific.....	23	2	25
Europe (Eastern).....	1	-	1
Europe (Western).....	24	6	30
Latin America.....	12	2	14
Middle East .....	7	2	9
North America and Caribbean.	<u>2</u>	<u>1</u>	<u>3</u>
	90	13	103

\*Figures for 1980 were not available at the time this report was being prepared.



(3) Recommendations for action

a. Departments should be required to document efforts they have made to assign women to positions of greater responsibility and progress reports should be submitted annually.

b. Promotions should be based on merit and not on the availability of specific posts.

c. Where the number of posts available for promotion are limited, preference should be given to women. In this regard, departmental profiles should be brought to the attention of the Appointment and Promotion bodies.

d. There should be a proper representation of women in all the Appointment and Promotion bodies; the task of identifying suitable women should not be left only to the staff side.

e. Where it is merited, women should receive accelerated promotions; statistics on accelerated and ad hoc promotions giving a breakdown between men and women, should be made public in the same way the promotion registers are.

f. The role of the Appointment and Promotion bodies should include making recommendations for career development and placement of staff with potential whose present assignment provides no opportunity for upward mobility.

g. At least 2 out of 5 candidates presented for posts should be women and departments or offices who reject a woman candidate proposed by the Office of Personnel Services should provide written justification for the rejection.

h. If recruitment from over-represented countries is to continue, then this should be limited to women candidates only (this was recommended by the Joint Inspection Unit), but special attention and efforts must be made to recruit and promote women from developing and unrepresented countries.

i. Reliance on Governments to recommend candidates is obviously not sufficient. Contact must be made with women's professional organizations, universities, etc., and their co-operation sought in advertising vacancies for United Nations posts.

j. The Joint Inspection Unit made several recommendations for improving the use of the roster of candidates. These included requirements that use of

the roster should be made compulsory and that its technical operation be improved in order to obtain for each vacant post a list of all possible candidates. These recommendations should be implemented.

k. Examinations should be introduced for all entry level Professional posts and not limited only to staff in the General Service and related categories.

l. Plans with regard to the appointment and promotion of women should be made public in the form of an information circular to all staff as well as a report to the Fifth Committee.

C. Education and Child Care

(1) Child-care centres

44. The staff is in particular requesting establishment of child-care centres at duty stations where this seems appropriate. Requests have been made by several duty stations and most particularly New York and Vienna.

45. The Joint Inspection Unit observed in March 1978 that "the principle of financial support for educational and other facilities for children of staff members is generally accepted in the United Nations system," and "supports the recommendations regarding day-care centres made in paragraph III (e) of the JIU Report on Women in the Professional Category and Above in the United Nations System (JIU/REP/77/7 of December 1977).

46. Staff at Headquarters have been asking since 1975 that a child-care centre be established in New York; in early 1979 the response to a desk-to-desk questionnaire established that the need for such a centre was urgent. The United Nations Staff Union took up the matter and an outline as to the minimal requirements for such a centre was presented and approved by the Headquarters JAC. A detailed proposal supported by the Secretary-General is being submitted to the Fifth Committee for its approval. A similar request has been made for Vienna where the need for such a centre is particularly urgent due to the isolated location of the Vienna International Centre.

47. All working parents are concerned about pre-school and out-of-school care for their children; appropriate centres may not be available near their residence or their working place, and individuals willing to provide child-care service may be untrained as well as expensive. In the United Nations Secretariat, where so many staff members are expatriates, the situation is particularly difficult.

48. We urge the establishment of United Nations child-care centres where requests for such centres have been made, drawing upon the best experience of Member States. Physically, the centres should be designed to provide maximum safety, health and convenience - including versatility - but it should also be beautiful, since no child is too young to learn from his or her physical environment.

(2) Education

a. New York

49. The uncertainty over the finances of the United Nations International School (UNIS) increased rapidly during the spring of 1979 and threatened the improvements which had been achieved earlier in the school year. In 1979-1980 the bursary fund was reduced to \$185,000 and the remission of \$400 that was automatically extended to United Nations-related parents was abolished. Staff members, especially those without the education grant, therefore experienced hardship in meeting higher fees. In addition, a surcharge of \$200 per family was levied by the Board of Trustees in May 1979. There was need for more substantial bursaries or other forms of assistance for United Nations staff, given the increased tuition fees for the year 1979-1980. The Board of Trustees informed the Secretary-General of the need to request assistance from the General Assembly to save the school from its deficit situation.

50. The 1978-1979 academic year ended on a disquieting note at UNIS. The School's accumulated deficit stood at \$3.5 million. There was an atmosphere of unrest and uncertainty in the School. The Board of Trustees therefore requested the Secretary-General to seek substantial financial relief for the School from the General Assembly, since the Organization recognized that UNIS provides a special service to the United Nations community and was therefore entitled to some support, despite its basic obligation to be self-supporting.

51. The staff believes it desirable for the Secretary-General to appoint a representative of the staff to the Board of Trustees as one of his nominees in order to afford more effective participation of United Nations parents in setting policies for the school and to ensure that it remains accessible to children of all United Nations staff, regardless of level, grade or nationality.

52. In an attempt to set the School on a firm financial/administrative basis, the Board of Trustees requested the Administrative and Management Services of the United Nations to undertake a study of the School's structure and to make recommendations for its improvement. The AMS group of experts sought the views of parents and copies of its final report were made available to the staff.

53. The question of increased bursaries and some form of educational assistance for all staff members is extremely important. The staff urged that the total bursaries for 1980-1981 be increased to \$325,000 i.e., \$185,000 plus \$150,000, the income of 10 per cent to be earned from the \$1.5 million allocated by the General Assembly. The individual bursary grants should be higher and more United Nations parents at all levels should receive a bursary to ensure that the School fulfils the purpose for which it was established. The staff believes the new fee schedule is too high, given the income levels of United Nations employees without the education grant, and requested that bursary awards be substantially increased and extended.

54. UNIS, like all other private educational institutions in New York, is experiencing spiralling operating costs. However, unlike those institutions, UNIS has no vigorous fund-raising programmes and therefore relies on tuition increases to offset, in part, its deficit. This has led to a situation where there are virtually no "enrichment programmes" in the School and budgets are drawn up on the assumption that there will be no such programmes. In addition, there is a constant erosion of existing programmes. The Board of Trustees should immediately appoint a fund-raising/development officer who would co-ordinate activities and fund-raising events. The numerous banks and multinational corporations in the area might be persuaded to contribute generously to scholarships, bursaries, science or other activities and programmes in the School. It is extremely important since further increases in tuition fees will be unacceptable, if the School is to remain accessible to United Nations families.

b. Vienna

55. The majority of United Nations parents send their children to the Vienna International School, previously the English School. Throughout the period of a United Nations presence in Vienna, this School has been housed in temporary and inadequate facilities. The present facilities available to the School are such that it would be difficult to introduce the International Baccalaureate Curriculum into the School. With the assistance of the Austrian authorities efforts are currently under way to provide a permanent location for the School in an area which would be convenient to the majority of United Nations staff members.

56. The School is presently encountering severe financial difficulties. This is, in part, as a result of an endeavour to maintain fees at a level which would put education within the reach of those less able to afford it. A number of staff parents, both Professional and General Service, have had to apply for bursaries in order to educate their children at the School, although the bursary scheme presently operated by the School is being phased out.

57. The School was founded with the explicit support of the Executive Director of UNIDO and the Secretary-General of the International Atomic Energy Agency. Bearing in mind the financial support which is offered to UNIS and the desire of staff members to have a genuine international curriculum and adequate schooling facilities, the staff feels it imperative that a certain financial support is offered by the United Nations to the School. This would at least allow the School to offer bursaries to United Nations staff members unable to afford the current level of fees. It should be noted that of the student population at the School approximately 50 per cent are the children of United Nations staff members.

58. Attention should also be drawn to the situation in Vienna and the Education Grant. Unlike the other two major United Nations centres, New York and Geneva, the local language in Vienna is not a U.N. language. For this and other reasons, relatively few staff members have taken advantage of the Austrian schooling system. This contrasts with the situation in New York and Geneva. Staff members have relied heavily on the foreign language schools in Vienna. However, given the limitations of certain of these schools in terms of curriculum and facilities, a large number of staff members have been forced to educate their children abroad. Hence the inadequacy of the Education Grant for these Vienna-based staff members becomes clearly apparent.

c. Addis Ababa

59. There are three main schools to which the majority of the international community send their children. These are the International Community School (formerly the American Community School), the Sandford School (formerly the English School) and the Lycee Gebremariam (French) School. Until about two years ago, education was not a major problem for the children of United Nations staff in Addis Ababa. Since early 1979, serious problems have developed which require immediate attention. One such problem is that these schools have experienced increasing difficulties in attracting new teachers and retaining existing ones due to what is considered as "unfavourable" living conditions in Addis Ababa. Frequent use of "substitute" teachers, with questionable teaching qualifications, and rapid teacher turn-over twice during the last school year was a chronic problem. This led to a fall in the performance and grades of many children. Consequently, parents were forced to send their children to schools in other countries of Africa and to Europe. The stress and impact on both parents and children of split families, especially when the children are still too young for boarding school, cannot be over-emphasized. In some cases, staff members have requested transfers on account of this issue.

60. In recognition of these and related problems, the Secretary-General

appointed a UNESCO expert to study the situation. His report was submitted in early 1980 and staff are still awaiting its outcome.

61. In a nutshell, the problem is to provide a school that would guarantee full-time uninterrupted education to ECA children. Therefore, the staff request the Secretary-General to establish a United Nations International School in Addis Ababa with a sufficiently broad curriculum to enable the graduates of the school to enter recognized and accredited institutions of higher education. The staff believe that the International Community School in Addis Ababa appears to have adequate physical and other facilities to accommodate the proposed school.

#### D. Panel to Investigate Allegations of Discrimination

62. The Panel to Investigate Allegations of Discrimination can be body of considerable importance for protecting the rights and status of all staff members. Such Panels have been established in New York and Vienna. The UNIDO Panel was established in June 1978 and has so far handled only a few cases of alleged discrimination. It is hard to say whether the lack of cases is due to lack of confidence of staff in the effectiveness of the Panel, fear of retaliation, or the just and impartial administration of UNIDO.

63. Unlike other grievance procedures, such as the Joint Appeals Board and the Administrative Tribunal, the Panel on Discrimination is supposed to work fast and informally. The target time for completing the investigation and disposition of a case is one month, although this has frequently not been met, particularly in cases from the field.

64. Outposted staff members have the option of appealing to their local Panel, if there is one, or directly to Headquarters; but not to both. Cases outside Headquarters are extremely difficult to investigate and even harder to remedy. The volume of complaints from certain locations leads to a suspicion of several endemically bad situations, and future panels should have the power to make on-the-spot investigations in such cases. In this regard, a travel budget should be approved for the panel so members can better investigate problems which arise in the field.

65. The Panel takes all allegations of discriminatory treatment seriously, and investigates, even if, prima facie, they lack validity. Not all cases turn out to be discrimination as such; they are sometimes brought by people caught up in some frustrating bureaucratic dead-end, who feel they have nowhere else to turn.\*

\*More comprehensive statistics need to be maintained by the Panel and made available to all concerned indicating the number and types of cases dealt with and how they were resolved.

66. Some staff members with genuine cases of discrimination are afraid to bring a complaint for fear of retaliation. Both Panel members and complainants are guaranteed protection against retaliation, although the form of retaliation may be subtle and difficult to prove since there is likely to be a time-lag between the investigation and any retaliatory action.

67. The Panel can be an important source of protection to staff members although to-date it has not fully lived up to expectations. To be effective, it must be able to investigate all cases quickly and ensure that its recommendations are carried out by the officials concerned. It is particularly important that Panel members be able to devote the requisite time to these investigations, have the resources to pursue their cases, including those in the field, and get proper support from the administration. Also the Panel needs more "teeth" than it presently has to ensure its recommendations for corrective action are actually implemented.

#### E. Extensions Beyond the Age of Retirement

68. As a matter of principle, the staff favours the strict application of the provisions of General Assembly resolution 33/143 to all staff, without exception. On the basis of that resolution, extensions should not be granted except for the minimum time required to find a suitable replacement... not normally for more than six months after the established age of retirement.

69. In our view, the granting of any such extensions must be subject to prior review by a joint staff/management body, such as the Appointment and Promotion Board; it should not be left to the discretion of the Office of Personnel Services. In general, there should be little, if any, need for extensions because the date on which a staff member will reach retirement age is known in advance and forward-planning to recruit or train a replacement should present no problem.

70. In Section G (paras. 24-28) of his report (A/34/408) to the General Assembly at its thirty-fourth session, the Secretary-General requested permission to make exceptions with respect to staff in posts with special language requirements and for certain staff in the General Service and related categories. However, the Assembly took no specific decision on that request.

71. We object to efforts to treat any category of staff in a manner which is discriminatory in relation to others. The reasons adduced in paragraphs 26 and 27 of the report fail to convince us that exceptions should be made for the groups of staff in question, and we are seriously disturbed that the lack of

definition of "language requirements" or "technical skills" could lead to widespread abuse.

72. Many General Service staff felt that, with the choice left up to the department, the beneficiaries of extensions would invariably be supervisory or administrative personnel. This would not only block the pitifully few avenues for promotion open to the staff but, in some cases, compound the injury by prolonging the tenure of supervisors whose previous interaction with the staff had been a source of difficulty.

73. Indeed, the extension of some staff members beyond the age of retirement cannot fail to have an adverse effect on the career prospects of the rest of the staff, particularly in the language services and in the General Service category where the number of higher level career opportunities is very limited and the only prospect many staff may have of promotion is when someone at the higher level retires.

74. Another matter of serious concern is the increasing practice of bringing back retired staff members as "consultants" to do exactly the same job they were doing before, but at a much higher level of pay. This practice is seriously damaging staff morale and must be stopped.

75. Having said this, as a general policy consideration, the Fifth Committee should bear in mind that in many localities where the United Nations has offices, prevailing local conditions allow for a much higher retirement age than 60, or no retirement age at all. Likewise, the current national comparator for the Professional category recognizes a higher retirement age. The Fifth Committee and the General Assembly may, therefore, wish to keep in view the forthcoming United Nations World Assembly on the Elderly, which will surely address the serious problems of the financial and psychological dislocation common among those who have to retire when they are still functioning perfectly well in their work, and decide whether the current retirement age is based on sound considerations.

76. The staff would not be opposed to a higher retirement age for everyone, provided that the retirement age is applied uniformly to all staff. Exceptions based on category favouritism or political connexions should be avoided at all costs.

77. Consideration should also be given to providing more favourable financial incentives for those staff members who wish to take earlier retirement, for example, after 25 years' service. This option is available to foreign service personnel of the comparator civil service.



## F. Appeals and Grievance Procedures

78. There are three quasi-judicial bodies within the United Nations which are supposed to ensure that staff members are treated fairly and justly. These include the Joint Disciplinary Committee, the Joint Appeals Board, and the Administrative Tribunal. The Joint Disciplinary Committee was set up to advise the Secretary-General on the disciplinary measures to be taken in cases referred to it. The Disciplinary Committee normally only hears cases that are brought against staff members by the Administration. The Appeals Board is supposed to advise the Secretary-General in cases where a staff member appeals against adverse administrative decisions including those resulting from the recommendations of the Joint Disciplinary Committee. The Secretary-General's acceptance or rejection of the recommendations of the Appeals Board may be further appealed to the Administrative Tribunal which is usually the court of last resort as far as staff members are concerned. Disciplinary cases may take up to a year or more to process and resolve, whereas appeals may last anywhere from three to five years if it is necessary to go to the Tribunal. In the Joint Appeals Board there are about 82 cases currently pending. The waiting period for the Appeals Board to hear a case is anywhere from two to three years.

79. Both the Disciplinary Committee and the Appeals Board are advisory bodies to the Secretary-General, the "Secretary-General" in this case being the administration, and more specifically, the Office of Personnel Services. This means that while the Secretary-General may accept the advice of these two bodies, he is not bound to, and can in the final analysis decide as he sees fit. In other words, in an appeal against a decision of the administration, it is that self-same administration which finally decides if the appeal is worthy. The administration is the only judge of its own acts.

80. Despite the fact that both the Appeals Board and the Disciplinary Committee have staff elected members, their decisions are not binding on the Secretary-General. Even the Administrative Tribunal cannot compel the Secretary-General to abide by its decisions, although in most cases he usually does, with one important exception. The Tribunal cannot order specific compliance; that is, if a staff member is dismissed or terminated and that dismissal is found unjust, the Tribunal cannot order the staff member reinstated, but is limited to awarding damages or payment of salary withheld.

81. If there is scant enough protection for the individual, the record of our "judicial system" in class action and collective cases is even more problematic. There is no specific provision in the Statute of either the United Nations Administrative Tribunal or the ILO Tribunal for a group of staff members or for

a Staff Union/Association to bring a class action on behalf of a group of staff members. All such cases have to be dealt with on an individual basis. Likewise there is no provision for a staff member or group of staff members to initiate action when authority is being abused or staff are not treated according to accepted standards.

82. In cases having to do with the staff right to organize and to negotiate with the Administration, the two Tribunals have shown themselves to be overly sensitive to outside political pressure and slow to apply ILO conventions on labour relations to the United Nations system itself. To cite an example of this bending to pressure, we need only note the performance of the ILO Tribunal in the case of Benard and Coffino, Judgement No. 380, which had its parallel in the United Nations Tribunal as the Bellchamber Case.

83. There is real need for a new system for dealing with grievances and ensuring justice for the staff. None of the proposals put forward, for example, to consolidate the two Administrative Tribunals even addresses itself to this problem. In thinking about reform of the grievance machinery certain principles should be kept in mind:

(1) Despite the practice of the Tribunals and the Appeals Board, these bodies were set up to deal with staff grievances and the key should be speedy, simplified and effective justice. Employee grievances should be resolved in no more than two months time using very simplified procedures.

(2) The Secretary-General must be bound by the decisions of the Disciplinary Committee, Appeals Board and Tribunals, If he does not agree with a decision of either the Appeals Board or the Disciplinary Committee then he, like the staff, should be able to appeal to the Tribunal, but he should not have the option of rejecting their decisions.

(3) The Tribunals, by the same token, should be able to order specific compliance, particularly important, if a staff member has been unjustly terminated. The payment of money cannot substitute for lost employment, nor compensate for the humiliation, if the reasons for termination are unfounded.

(4) More systematic rules and procedures must be formulated and widely distributed to the staff governing the operations of the JDC and the Appeals Board, and the support staff of these bodies must be increased to ensure that the waiting time for a case to be heard is reduced to the absolute minimum.

(5) Summary dismissal should not be allowed until the JDC has heard the case and made a judgement. The basis for summary dismissal, namely "serious

misconduct" should be clearly defined so there is no double standard of justice.

(6) The tribunals are not adapted to deal with collective cases involving labour/management relations, and a labour/management arbitration panel should be established for the entire system which, composed of experienced arbitrators, would hear and arbitrate labour disputes involving large numbers of staff. The Tribunals could then confine themselves to individual cases.

## V. CONCLUSION

84. This report has by no means provided a comprehensive review of all personnel problems and issues currently faced by the staff of the Secretariat. We have not, for example, touched on such important questions as job classification and grade structure, career development, the appointment and promotion system, transfers and assignments within the Secretariat, performance evaluation reviews, and education grant equalization to name only a few. Moreover, we have not gone into as much detail on some issues, such as staff/management relations, as we would have liked. Time constraints and the desire to keep this first report to manageable length have caused us to limit the range and depth of our coverage. Instead, we have focused on those issues which seem to be of immediate concern and which are most likely to be discussed by the Fifth Committee this year.

85. What clearly emerges is that there is an ample agenda for reform of personnel practices within the United Nations. Many of these reforms are long overdue, despite, in some cases, years of discussion and debate. Reform of personnel practice in the United Nations must receive priority attention, if the aims and objectives of the U.N. are to be realized, particularly as they relate to the needs and aspirations of the developing countries.

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