



Secretariat

ST/IC/88/10
1 March 1988

INFORMATION CIRCULAR

To: Members of the Staff

From: The Under-Secretary-General for Administration and Management

Subject: ADMINISTRATION OF INTERNAL APPEALS AND DISCIPLINARY
SYSTEMS: TRANSFER OF RESPONSIBILITIES AND REFORM
PROGRAMME

1. The Secretary-General, on 16 October 1987, stated to the Fifth Committee of the General Assembly that:

"At a time of acute financial stringencies, when increased demands are being made on staff, it is especially necessary to look carefully at our internal administrative processes in terms of efficiency and quality. There is much to do ... We must, for instance, in compliance with resolution 41/213, take effective action to overhaul and streamline our system of redress and appeals, which has not developed evenly. A just and speedy system of dealing with grievances is not only right in itself, and necessary; it is also an indispensable aid to staff/management relations and to the upgrading of management practices."

Pursuant to the Secretary-General's report to the General Assembly of 3 November 1987 on the streamlining of the appeals procedures, 1/ the Under-Secretary-General for Administration and Management has assumed direct responsibility for the administration of the internal justice system with effect from 1 February 1988. This transfer is intended to simplify the administrative process and to streamline and expedite its appellate and disciplinary aspects. It does not otherwise affect the functions of the Office of Human Resources Management in reviewing contested decisions and, if possible, settling such questions, as described below.

Appellate process

2. The administration of the Joint Appeals Boards (JABs) and their secretariats at the various duty stations will henceforth be undertaken by the

Under-Secretary-General for Administration and Management. JABs will report directly to him, and he will consult as necessary with the Legal Counsel, the Controller and the Assistant Secretary-General for Human Resources Management, where questions of law or of principle arise. He will analyse the report and notify the appellant and all concerned in the case regarding the final decision of the Secretary-General under staff rule 111.2 (o). The existence of Boards away from Headquarters is being reappraised.

3. The Assistant Secretary-General for Human Resources Management will continue to carry out the administrative review of contested decisions, in close consultation and co-operation with the departments/offices concerned, submit the respondent's reply to appeals and represent the Secretary-General before JAB in accordance with the provisions of staff rule 111.2. In this connection, the Assistant Secretary-General for Human Resources Management is making arrangements to provide a substantive reply to all requests for review, in consultation with the departments/offices concerned, and to take appropriate action at this initial stage. Further measures are being taken to facilitate the settlement of cases, where appropriate, by conciliation or mediation prior to formal appellate proceedings.

4. At the same time, the composition, structure, functioning and procedures of JABs will be revised with a view to strengthening these advisory bodies to the Secretary-General and to providing them with the necessary assistance and resources for their effective functioning. Without prejudice to this review, rosters of chairpersons and Board members and of alternate secretaries will shortly be established to ensure the availability of qualified personnel to clear the backlog. This will require the reassignment from their normal duties, for limited periods, of staff with suitable qualifications to assist or serve on JABs. The co-operation of programme managers will be required in order to overcome, on an emergency basis, the difficult situation in the New York JAB. Time-limits in cases before the Boards will be strictly enforced. A joint working group will be established to consider whether and how to amalgamate the functioning of other specialized appeals bodies with the Headquarters JAB. As also noted in the Secretary-General's report, the practice has recently been established whereby unanimous reports of JABs are accepted by the Secretary-General provided that, in the opinion of the Secretary-General, they do not impinge on major questions of law or principle. In those instances where he decides not to accept the report of the Board, he sets out the reasons for its rejection.

Grievance panels

5. The composition, structure, procedures and functioning of the Discrimination and Grievance Panels will be thoroughly reviewed with a view to establishing an effective procedure for the informal resolution of disputes. The Under-Secretary-General for Administration and Management will have responsibility for the organization of the Panels and will in future issue the annual report on their work. Substantive questions arising out of their tasks will, as now, in principle be dealt with by the departments/offices concerned, including senior programme managers, the Controller and the Assistant Secretary-General for Human Resources Management.

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Disciplinary process

6. Responsibility for the administration and functioning of the Joint Disciplinary Committees (JDCs) and their secretariats will be exercised by the Under-Secretary-General for Administration and Management with effect from 1 February 1988. All other functions of the disciplinary process including preliminary investigation of cases, presentation to JDCs, including the filing of charges, the representation of the Secretary-General before JDCs and all functions relating to the disciplinary procedure for staff serving at offices away from Headquarters and Geneva, as set out in PD/1/76, remain the responsibility of the Office of Human Resources Management.
7. JDCs at the various duty stations will in future report directly to the Under-Secretary-General for Administration and Management who will consult, as necessary, with the Legal Counsel, the Controller and the Assistant Secretary-General for Human Resources Management. This is intended to streamline and abbreviate the post-JDC stage in the disciplinary process. The Under-Secretary-General will evaluate the reports, notify the staff member concerned and all involved in the case of the disciplinary measure, if any, imposed by the Secretary-General in accordance with staff regulation 10.2 and the provisions of chapter X of the Staff Rules.
8. New chairpersons and members of the Headquarters JDC will be appointed shortly by the Secretary-General and arrangements are being made for election of staff to JDC in accordance with staff rule 110.2.
9. The situation at the main duty stations away from Headquarters, Geneva and Vienna is being studied to determine whether the establishment of local JDCs may be appropriate, or whether the disciplinary procedure under PD/1/76 should be continued there.
10. Pursuant to the agreement reached at the fourth special session of the Staff/Management Co-ordination Committee in October 1987 and to the report of the Secretary-General, 1/ a joint working group will be established to consider the possibility of drawing up a disciplinary code, together with appropriate procedural standards. Provision will also be made for appeals against the Secretary-General's decisions on JDC recommendations to go directly to the Administrative Tribunal and no longer to JAB. As stated by the Secretary-General in his report to the General Assembly, it has been decided to assign a qualified staff member as full-time secretary of the Headquarters JDC for as long as is necessary to clear the backlog.

Panel of Counsel

11. It has been decided to reinstate the role of Co-ordinator of the Panel of Counsel in order to assist staff to obtain relevant advice and, as required, representation.

Notes

1/ A/C.5/42/28.
