



General Assembly

Distr.  
GENERAL

A/C.5/37/63  
1 December 1982

ORIGINAL: ENGLISH

Thirty-seventh session  
FIFTH COMMITTEE  
Agenda item 103

PROGRAMME BUDGET FOR THE BIENNIUM 1982-1983

Section 28J - Staff training activities (Headquarters,  
Geneva and the regional commissions)

Contractual status of language teachers

I. Introduction

1. At the thirty-sixth session of the General Assembly, the Secretary-General proposed 1/ that the contractual status of 20 full-time language teachers at Headquarters be changed from that of hourly-paid employees to that of locally-recruited staff members, under the 100 Series of the Staff Rules. The objectives of the proposal were twofold. The first was to improve the efficiency of the language training programme through a greater participation and contribution of the full-time language teachers to the overall conduct and delivery of the programme. More specifically, they would assist in refining, updating and completing pedagogical material as proposed in paragraphs 25, 26 and 27 of the report of the Secretary-General on the review and evaluation of the United Nations language training programme. 2/ The second objective was to provide language teachers who at that time had served the Organization an average of nearly nine years under uncertain conditions of service with a regularized status which would encompass greater security of tenure, pension coverage, and those benefits and allowances normally available to locally-recruited staff members. The proposal therefore took into account the interest of the Organization as well as that of the full-time language teachers at Headquarters.

2. The method proposed for regularizing the contractual status of language teachers consisted of equating on a provisional basis their pay and pensionable remuneration to that provided in the principal (G-5) level of the salary scale applicable to the General Service category in New York pending a determination by the International Civil Service Commission (ICSC) of their classification and remuneration structure.

3. The Advisory Committee on Administrative and Budgetary Questions (ACABQ) in its report of 9 December 1981 (A/36/7/Add.18) recognized that full-time teachers with a substantial length of service with the Organization should not be regarded as casual employees and should in principle have access to pension benefits. The Committee, however, raised several questions relating particularly to the definition of full-time employment for language teachers, the implications which the proposal of the Secretary-General could have on teachers serving at other duty stations and throughout the common system, the provisional nature of the proposed arrangement, superannuation benefits and the use of general temporary assistance for teachers' pay. Accordingly, the Advisory Committee recommended that the General Assembly postpone decision on the status of language teachers at Headquarters until it had received additional information on the issues it had raised and until the recommendations of ICSC were obtained.

4. By resolution 36/235, section XV, the General Assembly endorsed the recommendations of ACABQ and requested the International Civil Service Commission and the Secretary-General to consider this matter and report thereon to the General Assembly at its thirty-seventh session. ICSC considered the matter at its sixteenth session and decided "to take no specific action at this time, as the contractual status of non-staff members in one organization of the common system did not fall within the mandate of the Commission". 3/

5. This report is submitted by the Secretary-General in compliance with the request indicated above. It provides additional information and clarification on the desirability of granting language teachers the status of staff members taking into account the comments of ACABQ as well as the questions raised by members of the Fifth Committee during its deliberations on the item, as well as the ICSC decision referred to above. It also outlines an alternative means of providing pension coverage to the full-time teachers within the existing contractual arrangements.

## II. Granting of status of staff members to full-time language teachers

6. This approach requires a clear definition of the assignments, classification and pay structure of the full-time language teachers in the United Nations Secretariat. These questions are addressed in the following paragraphs.

7. The United Nations employs language teachers at Headquarters and at seven other duty stations. Statistical data on the number of teachers and students at each duty station are provided in the report of the Secretary-General on the review and evaluation of the United Nations language training programme. The proposal submitted by the Secretary-General last year envisaged the conversion of the contractual status of 20 full-time teachers at Headquarters to that of staff members. It is estimated that some 28 full-time teachers serving at other duty stations may expect that their contractual status be made analogous to that of their colleagues at Headquarters, should the latter group be granted the status of staff members. Of the 28 full-time teachers serving away from Headquarters, 15 are in Geneva, 6 in Vienna, 3 in Nairobi, 2 in Bangkok and 2 in Addis Ababa. There are no full-time teachers in ECLA, Santiago and the needs in ECWA cannot be determined at present because of the problem of relocation. In Geneva and Vienna, United

Nations teachers are providing instruction to the staff of other organizations in the common system on a cost-sharing basis. At Headquarters, other organizations are paying the applicable fee for each of their staff that enrol in the language programme.

8. Following a further review of the initial proposal, the Secretary-General is of the view that, for reasons of equity, any improvement in the contractual status of language teachers at Headquarters should at the same time be extended to the full-time teachers serving in other duty stations, taking into account the requirements of the language training programme and the prevailing local conditions.

9. As indicated above, all Geneva-based organizations of the common system avail themselves of the services of the United Nations language teachers. These include GATT, ILO, ITC, WHO, WMO, ITU, IEC, ICEM, LSCR, UNICEF, UNHCR, ICRC and WIPO. In Vienna, the United Nations language training programme provides language classes to IAEA. The information available from other organizations indicates that FAO and the World Bank have granted the status of staff members to their teachers. Therefore, granting the status of staff members to full-time teachers in the Secretariat would not be inconsistent with the practice followed by at least two other organizations of the United Nations family.

#### Assignments, classification and pay structure of language teachers

10. Full-time teachers at Headquarters would teach an average of 15 hours per week. On average, an equivalent number of hours would be spent to prepare classes and correct assignments. They would also be assigned some 6 hours a week for pedagogical work. All above assignments would be performed at Headquarters' premises. The yearly schedule of work consists of three 13-week trimesters with an 8-week summer recess during which classes cannot be organized because of annual leave taken by the staff. The definition of full-time employment should reflect the characteristics inherent in the profession as illustrated by the practice followed by outside institutions as well as the requirements of the language training programme of the Organization.

11. The functions of the teachers, based on the academic qualifications and the responsibilities attached to the job, have been determined by the Classification Section to be of a professional type. However, some inherent characteristics of this profession distinguish teachers from the Professional and other categories of Secretariat staff. These relate mainly to their work schedule which follows an academic cycle more akin to the one prevailing in teaching institutions. Furthermore, teachers are employed on a local basis and are not subject to international recruitment as in the case of Professional staff. Therefore no proposal could be made for their integration into the Professional category. On the other hand, because of the academic qualifications and the pedagogical responsibilities of the teachers, they could not be assimilated to the General Service category. The Secretary-General therefore proposes to establish a separate group of locally-recruited staff to be called "language teachers", to be remunerated in accordance with the best prevailing conditions of employment in the locality. Their salary rates will be included in appendix B of the Staff Rules, the heading of which will be changed to that of "Salary scales for locally-recruited staff".

12. For the sole purpose of determining the pay and pensionable remuneration of the full-time language teachers during the interim period prior to the determination of their salary level by ICSC and its implementation, a provisional measure would have to be adopted consisting of using an existing salary scale as a point of reference. Inasmuch as teachers are recruited locally, it is more appropriate to use an existing scale applicable to a locally-recruited category. At Headquarters, an independent survey of conditions of service of teachers with similar qualifications and functions in outside institutions conducted in 1981 indicated that the level of remuneration of teachers, taking into account their weekly and yearly workload, would be approximately equivalent to that of the principal (G-5) level of the General Service category. Consequently, for reasons of administrative expediency and for the sole purpose of determining the pay and pensionable remuneration of full-time teachers in the interim period, they would receive a salary equivalent to that of the principal (G-5) level of the General Service category. Similar methodology will be followed in determining the salary rates for teachers at other duty stations. For the purpose of cost estimates, their salary level in the interim period would be equated to the appropriate level of the local General Service salary scale, as may be determined on the basis of preliminary survey of the level of remuneration for comparable functions at outside institutions.

13. The approach described above consisting of granting full-time teachers the status of staff members best meets the requirements of the language training programme. While it has received wide support from teachers serving at outside duty stations, it fell short of the expectations of the language teachers at Headquarters. They would have preferred the establishment of a locally-recruited Professional category, with flexibility as regards the requirement of full-time attendance at the office outside teaching hours and scheduled pedagogical assignments.

### III. Superannuation benefits within the existing contractual arrangement

14. As noted above, the proposal submitted last year to grant language teachers the status of staff members was not essentially based on the need to provide pension coverage for the teachers. Its major purpose was to achieve greater efficiency in the overall conduct of the language training programme, to the benefit of the United Nations and accredited mission staff of the organizations which are participating in this programme. Other considerations included a greater security of tenure and an equal access to the social benefits available to regular staff such as maternity and sick leave. Nevertheless, alternative means of providing pension coverage to language teachers within the existing contractual arrangements have been explored. These include:

- (a) Contributions towards individual retirement plans;
- (b) Membership in the superannuation scheme of the teachers of the United Nations International School (UNIS);
- (c) Establishment of a United Nations administered provident fund;
- (d) Participation in the United Nations joint pension fund as non-staff members.

15. The pension benefits to be derived from (a) and (b) above are limited. The main disadvantage is that such retirement plans do not provide for disability, child's or survivor's benefits as defined in articles 34, 35, 36, and 37 of the Regulations of the UNJSPF. Usually a lump sum is given to a separating teacher who may elect thereafter to buy annuities. Moreover, should at a later stage the teachers become staff members, the monies contributed toward individual retirement plans would be lost and the cost to the Organization of the change from one scheme to the other would be substantial. The superannuation scheme of the teachers of UNIS established under an agreement between the UNIS Board of Directors and the association of teachers calls for a contribution to a savings account of 8 per cent by the school and a mandatory contribution of 7 per cent by the teachers earning \$25,000 or more a year. Upon separation, a teacher with five years or more of service receives the total contribution plus interest and may elect thereafter to buy annuities. This scheme provides only limited benefits and would not be available, in any case, to United Nations teachers who are contract holders and are distinct from teachers of chartered public or private schools.

16. Considering the average age of the United Nations teachers (41) and the average length of their non-pensionable service of nearly 10 years, a limited pension plan, though an improvement over the present situation, does not do justice to the full-time teachers who have already spent a sizeable part of their working lives in the service of the Organization.

17. Alternative (c) is more desirable than (a) and (b) above and would consist of establishing a United Nations administered provident fund as is now done for members of the Joint Inspection Unit. Under this scheme, they would contribute 7 per cent and the United Nations 14 per cent as in the case of direct participation in the UNJSPF.

18. The most effective solution would consist of direct participation in the United Nations Joint Staff Pension Fund. Consideration was given to such participation under the terms of the recommendation of the Pension Board at its thirtieth session submitted to the General Assembly regarding extension of pension coverage to officials other than staff members. 4/ According to the Pension Board "all those performing functions for the organization for which they receive monetary compensation but who, irrespective of the period involved, receive no pension coverage, should be participants in the Fund, despite the fact that they are not staff members". The Board accordingly recommended an amendment to the Pension Fund Regulations that would permit pension coverage be extended to "officials covered by the Convention on the Privileges and Immunities of the United Nations, and the specialized agencies who perform such functions for the member organizations of the Fund which, if provided by their staff members, would be considered as full-time or part-time employment for the purposes of these Regulations". Pension coverage of full-time language teachers may not be possible under those terms. Should the General Assembly approve the recommendations of ACABQ to defer consideration of that proposal of the Pension Board until its full implications have been examined. 5/

19. The Secretary-General believes that the granting of the status of staff members to the full-time teachers provides a more appropriate solution in the long run since it is consistent with the needs and interests of the language training programme as well as the position of the United Nations as a good employer.

Financial implications

20. The above proposal would result in a change of the contractual status of a maximum of 48 full-time language teachers at all duty stations and grant to them the status of staff members. Its implementation requires an additional appropriation of \$310,300 including common staff costs under Section 28J for 1983. This amount provides a salary equivalent to that of the appropriate level in the General Service category at the respective duty stations and consists of \$109,500 representing the difference in salary costs, \$157,600 relates to the 14 per cent contribution of the United Nations to the Pension Fund and \$43,200 for dependency allowance entitlements.

21. As indicated in paragraph 9 above the language programme in Geneva and Vienna is on a cost-sharing basis between the United Nations and other organizations in the common system. At Geneva, the reimbursement rate is approximately 50 per cent of the cost while at Vienna approximately 40 per cent of the cost is reimbursed by IAEA. Of the additional appropriation (\$310,300) mentioned in the preceding paragraph the amounts relating to Geneva and Vienna are estimated at \$164,200 and \$36,600, respectively. On this basis it is estimated that an amount of \$96,700 would be reimbursed by the other organizations located at Geneva and Vienna to be credited to Miscellaneous Income, Income Section II.

22. In addition, an amount of \$265,100 would be required for staff assessment under Section 31, offset by a credit in the same amount under Income Section I.

23. For reasons of flexibility due to the fluctuations in enrolment and in view of the ongoing review and evaluation of the language programme, it is not proposed that individual posts be established for language teachers, but rather that the language teachers be granted the status of staff members on fixed-term appointments, initially for one year renewable thereafter on a two-year basis taking into account the programme budget cycle and the requirements of the language programme.

Notes

1/ A/C.5/36/67.

2/ A/C.5/36/2.

3/ Report of the International Civil Service Commission, A/37/30, para. 24.

4/ Report of the United Nations Joint Staff Pension Board, A/37/9, para. 32 and annex II.

5/ Report of the Advisory Committee on Administrative and Budgetary Questions, A/37/674, para. 20-27.

-----