



General Conference

40th Session, Paris, 2019

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United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

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Организация
Объединенных Наций по
вопросам образования,
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منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

Item 12.1 of the agenda

40 C/48 Add.2
12 November 2019
Original: French

STAFF REGULATIONS AND STAFF RULES

ADDENDUM 2

COMMENTS BY THE UNESCO STAFF UNION (STU)

OUTLINE

Pursuant to item 9.2.E.7 of the UNESCO Human Resources Manual, the UNESCO Staff Union (STU) submits its comments on the report by the Director-General.



Job: 201913581

Proposal for amendment to Staff Regulation 4.2 (Appointment, Promotion and Transfer)

“The Director-General proposes to implement a new post classification policy, taking into account the External Auditor’s recommendations and United Nations practice.”

In light of the above, it is proposed to the General Conference to amend Staff Regulation 4.2 as follows:

“Regulation 4.2 (additions in bold italics)

“In appointing staff members, the Director-General shall, except in ***those cases*** of appointments resulting from post reclassifications ***as prescribed by the Director-General***, use a competitive process in order to secure the highest standards of efficiency, competence and integrity.”

However, there is no indication of how this new post classification policy will be reflected in the Staff Rules and the Human Resources Manual.

Furthermore, the Director-General’s decision to **delete Staff Rule 102.2**, against the advice of the staff associations and the Advisory Council on Personnel Policies (ACPP), is not mentioned in this document, even though it is a **major infringement of staff rights**.

How can Member States make an informed decision if not all the relevant information is communicated to them? Document 40 C/48 mentions the proposed deletion of Staff Rule 110.2 on Joint Disciplinary Committees (Staff Regulation 10.1). Why, in the same vein, not mention the deletion of Rule 102.2 (Staff Regulation 4.2) so that Member States may have an overview of the proposed amendments?

Proposal for amendments to Staff Regulation 9.1.1; Staff Regulation 10.1 and Staff Regulation 10.2 (Disciplinary Proceedings)

The Administration argued that the professional opinion given by the Assistant Director-General for Administration and Management is incompatible with the Joint Disciplinary Committee composed of staff members, and thus proposed that the Committee be eliminated, following the recommendation of the Director of the Bureau of Human Resources Management.

Staff Rule 110.2 provides that “No disciplinary measure, [...] shall be imposed on a staff member until the case has been referred by the Director-General to a Joint Disciplinary Committee for advice and until he or she has considered its advice.”

The existence of the Joint Disciplinary Committee protects staff members from arbitrary and unsubstantiated accusations. If it was to be eliminated, the Administration would become both the judge and the judged party, and dismissals would be facilitated.

The STU therefore believes that the retention in service of the Joint Disciplinary Committee is essential to complementing the professional opinion given by the Assistant Director-General for Administration and Management and ensuring that the Director-General can make informed decisions.

Proposal for amendment to Staff Regulation 11.1 and to the Statutes of the Appeals Board

Membership

The Administration has provided no valid justification for its proposal to reduce the membership of the Appeals Board to only three members, including the Chairperson.

In the opinion of the UNESCO Staff Union (STU), the membership of the Appeals Board, composed of five people, has never been a problem; rather, it contributes to efficiency. The four members of

the Board, with the exception of the Chairperson, are not necessarily legal experts. Cutting the number of members by half would lead to significant risks to the effectiveness and quality of the work of the Board.

The STU proposes that the current membership of the Appeals Board be kept at five members, namely, a Chairperson and four members, and that two alternate Chairpersons be appointed.

In addition, the STU recalls that no member of the Appeals Board, even those appointed by the Director-General, is “representing the Administration”, as indicated in paragraph 2.b of the proposed statutes. All members of the Appeals Board, no matter their type of appointment, are free to express their opinions in all honesty and to the best of their knowledge.

Time limits

The stated purpose of the revision of the Statutes of the Appeals Board was to reduce procedural periods. The Administration has partly responded to this demand, since the Secretary of the Board now has 60 calendar days to send its report to the Director-General, and the Director-General is to make a decision within 90 calendar days following the receipt of the report.

However, the Administration has amended paragraph 14 of the Statutes of the Appeals Board as follows: “If the Appellant has requested a hearing, the Secretary of the Board shall convene the Board to hear the Appeal **as soon as possible** after receiving the Administration’s Reply [...]”. This could result in procedures lasting two or three years. According to the current version of paragraph 14, the Secretary shall convene the Board to hear the appeal “as soon as possible and **not later than two months** after receiving the reply” of the Administration.

Since it is aware of the difficulties that the Administration faces in assembling the Board of Appeal within two months, the STU considers that it would be appropriate to schedule **three annual meetings** of the Board, that is to say, one session every four months instead of every six months as is currently the case.

If the current limit of two sessions per year stems from insufficient resources, it is the Administration’s responsibility to **provide the Secretariat of the Appeals Board with the necessary resources** for the proper functioning of this essential body.

Role of associations

The STU regrets that in the proposed statutes, the two staff associations will now only be represented by an **observer if the Appellant so requests**.

It wishes to see the wording reversed in order to specify that the **associations will be present at the hearings of the Appeals Board unless the Appellant objects**.