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To: Chairs, Member Associations/Unions
Members of the Executive Committee
Chairs, Members with Associate Status
Chairs, Associations with Consultative Status
Presidents, Federations with Observer Status
Chairs and Vice-Chairs of Standing Committees

From: Diab El-Tabari, President

**STATEMENT BY
THE FEDERATION OF INTERNATIONAL CIVIL SERVANTS' ASSOCIATIONS (FICSA)
TO THE FIFTH COMMITTEE OF THE UNITED NATIONS GENERAL ASSEMBLY
AT ITS 70TH SESSION
Agenda Item 141: United Nations Common System
(New York, 10 November 2015)**

*Delivered by Mr. Imed Zabaar, Acting General Secretary of FICSA,
on behalf of Mr. Diab El-Tabari, President of FICSA*

Thank you Mr. Chairman,

On behalf of the Federation of International Civil Servants' Associations, FICSA, which represents thousands of staff from diverse organizations across the UN common system, as well as intergovernmental organizations and international financial institutions, many of which apply the United Nations common system of salaries, allowances and other conditions of service, I have the honour to address you today on several critical challenges that the staff of the common system are facing in the delivery of their organizations' mandates under the UN Charter.

Review of the compensation package – a missed opportunity to strengthen the UN for the future

For nineteen solid months from December 2013 until July 2015, the International Civil Service Commission as the independent expert body, whose mandate it is to regulate and coordinate the conditions of service of staff in the United Nations common system, analysed the salaries and benefits of staff in the Professional category and above. In compliance with General Assembly resolution 67/257, the aim was to modernize, simplify and improve – and I stress the word

improve - the compensation package for that particular category of staff given the limited financial resources that are decreasing by the year.

FICSA and its sister staff federations have actively participated in the process from two main perspectives: (1) sharing views on how a modernized compensation package can help strengthen the UN for the future and support a diverse and highly qualified workforce; and (2) advocating that the interests of serving staff are safeguarded – and in doing so, helping the organizations avoid costly and needless litigation on acquired rights and other grounds.

Staff representatives have gone into this exercise with optimism, good faith and a constructive spirit. The compensation review exercise has the potential to be an important, once-in-a-generation opportunity to modernize conditions of service. We believe it should position the UN to retain and attract talent that enables the organization to have maximum positive impact – supporting countries and the world to respond to a new generation of challenges related to the core pillars of the UN Charter: security, development and human rights.

Regrettably, after this extensive engagement and having reviewed the final outputs of the process, we have concluded that the proposed package risks are weakening the UN and its workforce. Should these proposals be implemented, it will become even more difficult to recruit the much needed people and skills to hardship locations. We are also concerned that the proposals will not be conducive to advancing diversity and inclusion in the UN, or enabling the organization to exert leadership for family-friendly conditions of service. This at a time when leading global employers are increasingly recognizing that new generations of workers expect conditions that enable them to excel in their performance and at the same time meet their family obligations. Of great concern to FICSA, the proposed package represents a backwards step for many women in the organizations. You may be asking, how did such proposals emerge? Our joint conclusion is that the negotiation process focused excessively on cutting costs, rather than purposeful analysis of what it will take to ensure competitiveness, as well as economies related to streamlining the administration of the various benefits and allowances. As noted by one senior official: “this is not a compensation package for the next century, but for the past century”. By concentrating overly on individual ‘trees’ of the package, the ICSC, we feel, lost sight of the ‘wood’. The larger picture was blurred by unnecessary parsimonious detail. The package that ultimately emerged is not fit for purpose.

While we have serious concerns about the content of the proposals that have emerged from this exercise, it should be underscored that FICSA values the role of ICSC and notes that its independence must be protected if it is to live up to its intended purpose. Blatant statements by some executive heads calling for “political pressure to be brought to bear on the ICSC” and “to use the exercise to cut costs” have not been helpful. We count on the wisdom of Member States to ensure the long-term success of the organizations, benefitting from a fully independent ICSC and its expert guidance.

A competitive compensation package attracts the best talent possible. This is all the more important for today’s international organizations at a time when the quest for talent has intensified. The skills needed by the United Nations are also those sought after by other national and international employers. It is because of this increasingly competitive world that there are growing difficulties in attracting and retaining the best people – staff of the highest standards of efficiency, competence and integrity from around the world.

We are worried by suggestions, overheard in the corridors in New York, that the UN could get by with a “second tier” workforce in the future. Any compromises on quality should be non-starters for this body. Not only is it in direct opposition to the spirit and letter of Article 101 of the Charter of the United Nations, it is not conducive to success. To deliver on the UN Charter and advance solutions to the world’s most difficult challenges – for the many millions of people affected by conflict, displacement, illness, poverty and human rights violations – we need a skilled workforce of the highest caliber. It is a workforce for our common humanity – “we the peoples of the United Nations”.

For all these reasons, FICSA would invite Member States to give serious consideration to further consultation on the compensation package, so that we seize the opportunity to modernize conditions of service and position the UN to attract and retain the right people, in the right places, for the future. FICSA firmly believes that it is important to review the compensation package through the principles of fitness for purpose, equity, competitiveness, staff motivation and support for staff in the most difficult duty stations. From our perspective the proposals are severely lacking when measured in this way. The package should be re-discussed and returned to all parties for further consultation.

In particular, when further considering the proposed package, we would encourage Member States to maintain accelerated home leave for international staff in hardship settings, protect hardship allowances, incentivize mobility (recognizing the added value for the organizations as well as the burdens on staff households), continue an equitable approach to salary step increments, and reject the discriminatory treatment meted out to single parents.

The concerns we raise are serious. Adopting the package in its current format will lead to a reduction in skills and expertise across entities; missed opportunities to advance gender equality in the workforce; exacerbated negative impacts on staff health, well-being and performance in difficult locations (as warned by the UN Medical Directors Working Group); retention challenges and the related costs of increased turnover (including stop-gap staffing measures, as well as unnecessary recruitment and on-boarding processes); reduced organizational impact for tackling climate change and attaining the Sustainable Development Goals, among other UN imperatives; and reduced value for money. None of this is in the interests of Member States or the peoples of the world.

Should there be further consideration of the proposals at this time, FICSA would be grateful and honoured if the Fifth Committee were to include the staff representatives in the informal meetings of Member States. We firmly believe we can be a resource in this process for Fifth Committee members as you deliberate and formulate your decision. FICSA would appreciate further discussions of the package so that it becomes fit for purpose in the coming years.

Freeze of allowances

While on this subject, we wish to raise specific issues related to interim measures during the compensation review process. Through our discussions with many of you, FICSA has understood that UN Resolution 67/257 requested a total review of the compensation package, and UN Resolution 68/253, which only refers to the Professional category, requested that there should be no increase in the latter allowances until the submission of the full compensation package to the General Assembly by 2015. Subsequent interpretations of the resolutions by the Commission have resulted in a freeze on the General Service allowances while review of the Compensation Package

is underway. We believe that such a freeze was not the intention of member states, and we would be grateful for your clarifications so that appropriate action can be taken. It is furthermore our understanding that, with the submission of the draft package to the General Assembly, the freeze on allowances is no longer required and can be lifted.

Survey of best prevailing conditions of employment in New York

FICSA wishes to put on record its strong disagreement with the interpretations and conclusions put forward by the ICSC at its 81st session in Vienna with regards to the choice of employers and other assumptions adopted in conducting the New York salary survey. While we acknowledge the prerogative and independence of the ICSC, we also rely on the Commission to ensure that its established methodologies are applied. What has transpired caused a negative result vis-à-vis salaries (5.8 per cent), which is a product of procedural faults and is furthermore totally unrealistic given the generally accepted cost-of-living trends in recent years for New York. The implementation of such a result will have an adverse effect on recruitment in New York and risks demoralizing current staff. FICSA urges you to put on hold the implementation of this result and to carry out a new salary survey.

Mandatory age of separation (MAS)

FICSA fully supports the ICSC's recommendation to implement the new mandatory of age of separation (65 years) for staff recruited before 1 January 2014, taking into account acquired rights, in 2016 and at the latest by 1 January 2017 without any further delay. At the 81st session of the ICSC, this item was extensively discussed but none of the organizations presented a solid argument to justify the postponement of the implementation to a later date.

Currently, three distinct separation dates apply: (i) at the age of 60 for staff recruited before 1990; (ii) at the age of 62 for staff recruited after 1990; and (iii) the latest in the series, at the age of 65 for staff recruited after 2014. FICSA firmly believes that the co-existence of a number of different separation dates is discriminatory. The matter calls for rectification.

We believe it is appropriate and in the interests of organization to be flexible and enable continued service up to the age of 65 years. From the perspective of the UN Joint Staff Pension Fund, continued service up to the age of 65 means that colleagues are deferring their entry into the pension plan, and they continue to contribute during this period. It also enables highly experienced and committed individuals, who wish to continue serving beyond their normal retirement age, to continue contributing to their respective entities and furthermore preserving organizational capacity and institutional memory.

Moving to a mandatory age of separation of 65 years is a “win-win” in the interests of both staff and the organizations. We encourage the Fifth Committee to conclude on this matter at the present session. This issue has been under discussion since 2009 and staff feel it is time to move forward.

Update on staff/management relations, including developments related to the summary dismissal of the former President of the WIPO Staff Association

While we are encouraged by the very constructive staff/management relations in a number of our member associations and unions, FICSA remains gravely concerned by the continuing deterioration in relations in several organizations and continues to advocate for amicable solutions to ongoing alarming situations. Notably, FICSA has been following the problematic developments in WIPO, UPU and FAO and will continue to do so.

The Federation has called for the prompt reinstatement of the former President of the WIPO Staff Association, Mr. Moncef Kateb, who was summarily dismissed on unfounded grounds for exercising the rights of freedom of speech, freedom of association and for whistle blowing. As you may be aware, in October 2014, Mr. Kateb's case was the subject of a communication from the UN Human Rights Council's Special Rapporteurs on freedom of expression and the situation of human rights defenders. The issue is now before the WIPO Appeal Board and FICSA hopes that justice will be served through the recommendation of this internal body. The WIPO Director General needs to be held accountable for his actions. Such incidents should not go unnoticed in the common system.

We are deeply concerned about recent and escalating events of a similar nature at the UPU in Bern, including attempts by UPU management to interfere with the Association's freedom to conduct its own affairs, to regulate its own activities, and to regulate the conduct of its members in relation to those affairs and activities. Such interference runs counter to established jurisprudence of the administrative tribunals of the international organizations. We therefore urge the Fifth Committee to take notice of this issue and to request the Director General in UPU to refrain from interfering in staff issues and violating the rights of freedom of association.

We take this opportunity to thank Member States who have expressed their support for an enabling environment for constructive staff/management relations, and zero tolerance for abuse of authority and other deviations from established principles of international administrative law. We respectfully request the continued support of the Fifth Committee on these and related matters, so as to promote productive working relations across the organizations, and to provide timely remedies where violations occur.

Staff issues in the context of the Ebola outbreak

The Federation followed with great concern the development of the outbreak of the Ebola virus in Guinea, Liberia and Sierra Leone, and joined the calls of local staff for relevant occupational health and safety measures, as well as additional supports for frontline workers. We are pleased that prevention information and supplies were made available in United Nations offices. Particularly important among the measures implemented was the provision of pick up and drop off of national staff to reduce the use of crowded public transportation where they could have risked heightened exposure to the virus.

Excessive and abusive use of non-staff personnel contracts

The increase in the use of non-staff contracts to deliver core functions is of extreme concern for staff representatives, as it should be for the governing bodies of the organizations.

In 2012, FICSA alerted the Fifth Committee to this issue. According to documentation produced by the UN Chief Executives Board, in a system that employs about 185,000 staff members, some 90,000 – i.e. 48.6 per cent of the total workforce – belong to the so-called non-staff category. Such employees can serve for many years on short, precarious contracts, often without the benefit of health insurance for themselves and their families, and they can lack other social security supports such as sick leave, maternity leave and pension.

Non-staff contracts come in many forms, referred to as “*Special Service Agreements, Individual Contractor Agreement, Service Contract, Government Seconded, Supernumerary Contracts, Individual Contractor Contract, External Collaboration Contract, United Nations Volunteer, Individual Consultant, Individual Specialist, Contractual Service Agreement, Consultant, Casual Labor, Visiting Expert, PSA Subscriber, National Project Personnel, National Correspondent, South/South Subscriber, TCDC/TCCT Expert, Editors, Proofreaders, Teachers, Contractual Service Agreement, Agency Field, Ministry Staff, National Staff, Gratis Personnel*” (CEB/2011/HLCM/HR/21).

Non-staff personnel are initially less expensive than regularly employed staff; consequently, their popularity has increased in almost all the organizations, with the result that in certain organizations the share of non-staff contracts is as high as 70 per cent of the total employed workforce.

However, despite perceptions of short-term budgetary relief in an environment of growing constraints, the gains associated with the use of non-staff contracts quickly disappear. The devastating effects on organizational climates are clearly discernible – particularly when staff and non-staff personnel work side-by-side in functions that are similarly crucial to the success of the organization, but with substantially different conditions of service. Many young recruits – who appear to be the segment of the workforce who are most frequently offered these contracts – soon become disillusioned and leave their organizations, realizing that they are not treated fairly. We remain concerned about the shift to private security services in a number of settings, which appear to be decisions driven by cost-containment imperatives rather than optimal delivery of security for staff and UN operations more broadly.

FICSA believes that UN entities have a legal and moral imperative to be guided by international labour standards, and in this regard recalls International Labour Organisation (ILO) recommendation No. 198 (2006), which stipulates that if the work requires an employer-employee relationship, the contract should be an employment contract and staff so employed should be accorded the rights they are due. However, if the work entails an independent contractor relationship rather than an employment relationship, it should be a non-staff contract. We commend the organizations that have sought to apply this distinction and take corrective action where there has been overly-broad use of non-staff contracts.

The High-Level Committee on Management, in its 24th session in Washington, recalled that the growing need for the action and services of the United Nations required a *cadre* of stable, truly international civil servants.

As the global need for peace, development, food security, health and assistance to the most vulnerable populations of the world is on the rise, demands on the UN staff have also become more pressing; however, the recurrent request to the organizations is to “do more with less”.

Similar to what we see taking place in the review of the compensation package, an undisciplined and unprincipled search for the lowest possible human resources price tag will drive the UN system down and compromise its ability to deliver on its mandate – possibly beyond a very dangerous breaking point where the essence of the international civil service will be lost.

Today, more than ever, the world needs an efficient, independent and diverse UN workforce, consistent with the spirit and letter of Articles 100 and 101 of the UN Charter.

Distinguished delegates,

In closing, please allow me to reiterate the Federation’s appreciation for your support and engagement on a wide range of issues affecting staff. The present session is of particular importance given the once-in-a-generation opportunity to modernize UN conditions of service and shape the future of the organization. Should elaboration or clarification on any of the points and concerns we have raised be helpful, we are pleased to make ourselves available to meet with delegates, at your convenience, or discuss any other matter that you feel would benefit from engagement with staff representatives.

We wish you a successful completion of this session.

Thank you.
