



*executive committee of
the directing council*

PAN AMERICAN
HEALTH
ORGANIZATION

*working party of
the regional committee*

WORLD
HEALTH
ORGANIZATION



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Washington, D.C.
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AMENDMENTS TO THE STAFF RULES OF THE PAN AMERICAN SANITARY BUREAU

Presentation of the PAHO/WHO Staff Association to the 90th Meeting
of the Executive Committee of PAHO/WHO

I. INTRODUCTION

It is with pleasure that once again the Representatives of the Staff Association take the opportunity to address the Executive Committee of the Pan American Health Organization.

We want to acknowledge the willingness of the new Administration from the beginning of its tenure to provide the Staff Association with other alternatives than to bring to you, as we did in the past, concerns and preoccupations which should rightfully be resolved within the administrative structure of PAHO.

While long-standing staff concerns have not all been resolved, we are at present engaged in a constructive dialogue with the Administration within the framework of technical excellence that Dr. Macedo has promulgated, and entertain the hope that a continued and informed communication will provide the basis for a bipartisan consensus of those outstanding issues.

The Staff Association shall seek the resolution of those issues within the established administrative mechanisms while there is an impetus of goodwill on the part of the administrative authorities to reach out for solutions. The Staff Association has every reason to believe that such initiatives can be maintained so that the burden will not rest solely on the elected representatives of the staff. Accordingly, a number of Joint AM/Staff Working Groups has been established to deal with many of the points of conflict which, in the past, we were obliged to bring to your attention for resolution. Equally important have been the meetings held between the Director and Staff Representatives and with the Assistant Director. Through these constructive meetings appeal cases were settled; mechanisms were established to provide the Staff Representatives access to administrative authorities; and improvements in the facilities as well as financial assistance for the work of the Association were obtained.

All of the above has been achieved in an atmosphere of mutual respect and with full acknowledgment of the legitimate responsibilities of both parties, keeping in mind the goals and purposes of the Organization.

II. AREAS OF CONCERN

We are, therefore, limiting our presentation regarding the Staff Rules to two issues which could not be resolved at the level of the Administration, since by regulation they require the attention of the Executive Committee.

A) Staff Rules

The specific Staff Rules in question are WHO Staff Rule 375 and PASB Staff Rule 1230.

1) WHO Staff Rule 375

Staff Rule 375 provides:

A staff member holding a fixed-term appointment whose appointment is not renewed after he has completed ten years of continuous qualifying service shall be entitled to a grant based on his years of service unless he has either received and declined an offer of renewal of his appointment or has reached 60 years of age. The amount of the grant shall be fixed according to the schedule in Rule 1050.4 for termination of temporary fixed-term appointments.

The benefits of WHO Staff Rule 375 are currently denied to PAHO staff members. Unfortunately, the Governing Bodies of PAHO decided in 1979 not to follow the practice of WHO in this regard. The reality is that a number of staff who work for PAHO are considered WHO employees (for budgetary reasons only). They are entitled to the end-of-service grant provided in Staff Rule 375, while their counterparts, often working side-by-side, are denied this privilege. The situation has created inequities for the staff and for the Administration, for it is difficult to justify why two staff members performing the same duties with the same tenure and at the same duty station should be treated so differently at the end of their successful service with the Organization.

The Staff Association wishes to bring to the attention of the Executive Committee the Organization's commitment to equality of treatment of all staff. The Association therefore requests the Executive Committee to approve the introduction of WHO Staff Rule 375 into the PAHO/WHO Staff Rules. This would allow a correction of an injustice and would eliminate the inequities of treatment of staff.

2) PASB Staff Rule 1230

The WHO amendment to Staff Rule 1230, which the Executive Committee is asked to confirm, eliminates from the Board of Inquiry and Appeal the essential element of Inquiry for the Board as effectively performed since the inception of the Rule in 1949. The Staff Association opposed this amendment on the following grounds:

- (a) The stated purpose of the Governing Bodies regarding conformity with WHO Rules and with policies of the UN Common System approved by PAHO is that the PAHO staff have parity of benefits, as far as possible, with WHO colleagues working side-by-side in this Region.
- (b) In the case at issue, it should be noted that the restructure of WHO Board of Inquiry and Appeal differs from PAHO's. WHO has Boards established in all of its five Regions. Although required by Staff Rules, PAHO does not have such Boards in all Area Offices, and even though urged by the Association during the past 20 years to do so, still does not have such structure, except in Area VI, Argentina. Even though legally questionable, this obligates the Headquarters Board in Washington to hear appeals from grievances of staff in the field, who have little access to documents and papers which more often than not only the BIA can obtain through its present function of Inquiry. With these differences in mind, several years ago, the Executive Committee, approved an amendment to Staff Rule 1230 singularly for PAHO field staff (and not contained in the WHO Rules) extending the limits for filing appeals. It is, therefore, clear that confirmation or non-confirmation of WHO Rules has traditionally been effected by the Executive Committee on the basis of the rationale stated in point (a) above.
- (c) Failure to maintain the function of Inquiry in the PAHO Board will inevitably result in a larger number of appeals going to the ILO Tribunal, with greater cost to the Organization since the appellants will have to rely under the Tribunal's statutory powers of Inquiry to investigate all of the circumstances of the case.
- (d) Lastly, the Staff Association believes that the function of Inquiry is an essential element of justice, the removal of which will weaken the staff confidence in its in-house grievance mechanisms.

The Staff Association, therefore, ask the Executive Committee not to confirm the proposed amendment to Staff Rule 1230. The change will result in confusion as to whether there has been any substantive change in functions or mission of the current Board of Inquiry and Appeal.

B) Security of Staff

The Staff Association trusts that the recent progress in the development of procedures within the UN system for the safety and security of international civil servants would be actively implemented by the Member Governments of PAHO (Annex I). In this regard, it is regrettable that one PAHO staff member has not been accounted for since 1976, despite the numerous efforts by the world community to locate her.

C) Other Matters

In the recent past, this Association has been characterized by its concern over the non--or arbitrary--application of Rules and administrative procedures (post classification, recruitment and selection, performance appraisals, etc.) in the Bureau and especially their adverse effect on the staff. Despite this, we believe there is a great potential within the staff of the Organization to adjust to and meet the new challenges which will come about with the present Administration in the implementation of the resolutions of the Governing Bodies.

It is felt that new approaches or mechanisms need to be developed to permit flexibility in the deployment, retraining and development of staff for current as well as proposed programs, particularly in the administrative changes that will be associated with the restructuring changes in both Headquarters and the Field. We should therefore like to request the Executive Committee to encourage the development and implementation of new and appropriate approaches, policies and procedures within the Bureau, taking into consideration the needs of both professional and general services staff.

III. CONCLUSION

The Staff Association will continue to cooperate with the Administration and work constructively and positively to improve the working conditions in PAHO, and to safeguard the rights of the staff within the framework of the Constitution and Regulations. Nonetheless, in accordance with its mandate, the Staff Association must point out to the Executive Committee those proposed changes in policy which will have a detrimental effect on the staff and ultimately on the Organization. It is hoped that the Executive Committee will give its concerns, as expressed above, the utmost consideration.

Thank you for your kind attention and the opportunity to place these matters before the Committee. It will also be my pleasure to respond to any questions that you might have.

SUMMARY OF
ADMINISTRATIVE INSTRUCTIONS FOR
REPORTING OF ARREST OR DETENTION OF STAFF MEMBERS,
OTHER AGENTS OF THE U.N. AND THEIR FAMILIES*

1. The procedures spelled out below were communicated to designated officials and others responsible for security matters on 16 January 1980.
2. In case of arrest or detention, it is essential that U.N. Headquarters be informed immediately.
3. When evidence suggests that a U.N. staff member, agent or member of such person's family has been detained by a Government, the designated official** for security matters at the duty station shall report the incident to U.N. HQS by fastest means.
4. The designated official shall immediately contact the Foreign Minister of the Government and request:
 - a. All relevant information re. arrest/detention.
 - b. The Government's cooperation in gaining U.N. access to the individual arrested or detained.
5. The report to HQS. shall convey all readily available information, including:
 - a. Name, nationality, employment status of person and official functions performed for the U.N.;
 - b. Time, place and circumstances of arrest/detention;
 - c. Local legal expression used to describe arrest/detention;
 - d. The legal grounds for arrest & charges against person;
 - e. Name of governmental agency responsible for arrest/detention;
 - f. Whether U.N. representative will be given access to person;
 - g. Whether consular protection and/or legal counsel is available, and if so, the identify of same.

* Summarized from U.N. Document ST/AI/299, 10 December 1982.

**Specific officials have been designated for Chile, Cyprus, Ethiopia, Israel, Kenya, Lebanon, Syrian Arab Republic, Thailand; for all other countries and territories the resident or regional representatives for UNDP have been designated.

6. Report should be made as soon as possible and should be supplemented when and if additional information is available.

7. Unless prior clearance by the U.N. HQS, no statements should be made to the news media.

8. The Assistant Secretary-General for General Services will inform the employing agency and for U.N. staff, the Staff Committee, will take up the matter with the Office of Legal Affairs and the Secretary General to determine further action.

9. If detained or arrested by an unauthorized or unknown person or entity, not a governmental authority, the incident shall be reported immediately and the above procedure followed where applicable.

10. In countries where there are no designated officials or where such person is remote from the duty station, the reporting procedures should be followed by the appropriate senior officials in those countries.