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**STATEMENT BY THE REPRESENTATIVE OF THE  
PAHO/WHO STAFF ASSOCIATION**

The Staff Association (SA) presentation to the 122nd Session of the Executive Committee is made possible by a decision taken by the Executive Committee in its 80th Session in 1978. The purpose of this presentation is to convey to the Executive Committee Members the opinion of the SA on matters that affect staff members and the Organization.

The issues contained in this document were discussed during the XVII Meeting of the SA Council, which took place in Guatemala from 10 to 13 November 1997. They relate to the: creation of an ombudsman post; different types of contracts; staff career development; the performance evaluation system; staff rejection of ICSC efforts to manipulate the salary survey methodology for the General Service staff; concerns on the failure to apply the Noblemaire Principle to the remuneration of Professional Staff; staff security; UN reform; work harassment; and separations by mutual agreement.

The SA would like to request the Executive Committee to comment on the issues it raises, and to lend its support to solutions that are in the best interests of the staff and, therefore, of the Organization.

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## **EXECUTIVE SUMMARY**

This presentation reflects the concerns of the Pan American Health Organization staff as represented through the appropriate bodies of the Staff Association. The Staff Association has never ceased to work for the creation of a post of Ombudsman, to solve conflicts arising at the individual staff member level. The practice of the Organization to rely on different types of contract mechanisms outside of the UN system needs to be subject to a specific set of rules and regulations. Staff Association members have expressed time and again their interest in seeing that a career development scheme be implemented to foster staff growth consistent with technological changes. In accordance with the position presented before several levels of the UN System by the Federation of International Civil Servants Association (FICSA), the Staff Association believes that a new evaluation system (the proposed PPES) should be a tool to foster career development by flexibilizing the classification system.

As to compensation mechanisms, the Staff Association respectfully conveys the concern of staff about the efforts made by the International Civil Service Commission (ICSC) to manipulate the salary survey methodology for the General Service staff. Specific requests are being received from staff to express their strong rejection to further deterioration of their income. The Staff Association is also concerned by the failure to apply the Noblemaire Principle, as professional staff are not being paid on the basis of the best paid national civil service.

The security of staff is an ongoing concern in our Region, as safety measures often do not cover all categories of staff. There is still some work to do in this area to produce a comprehensive plan that takes into consideration all staff in an affected area. In this sense, the Staff Association also sent a communication to the Office of the United Nations High Commissioner for Refugees (UNCHR) to support strongly their efforts to call attention to missing and abducted staff members, and to request from Member States that they bring international pressure to bear on whoever violates the rights of UN staff members anywhere in the world.

The process of UN reform is of concern to all staff, and staff repeatedly request that they be involved in all stages of its implementation. The Staff Association also requests the development of guidelines for work harassment cases, so that no one can feel that they have the right to bring undue pressures to bear on subordinate staff members. Involuntary or mutually agreed-upon separations entail a process that is often times costly to staff members both in emotional and financial terms. This is a process that has also been a source of conflict in the past, and experience shows that no one has gained anything from it. The Staff Association believes that negotiation is the best way to solve these cases, taking into account the interests of staff as well as the interests of the Organization. Also, specific procedures should be established to deal with cases of termination of staff.

## 1. Introduction

The presentation of the PAHO/WHO Staff Association (SA) to the 122nd Session of the Executive Committee is made possible by a decision taken by the Executive Committee in its 80th Session in 1978.

The purpose of this presentation is to convey to the Executive Committee the opinion of the SA, obtained through ongoing consultations with its member Local Organizations and continuous dialogue among the SA Executive Committee members, which addresses matters of ongoing concern to the staff of the Organization. The issues contained in this document were discussed during the XVII Meeting of the SA Council which took place in Guatemala, 10-13 November 1997, and were subject to further discussions at the 51st FICSA<sup>1</sup> Council (Geneva, 16-30 January 1998) and the WHO Staff Associations Meeting (Geneva, 2 February; Lyon, 3-5 February 1998).

The issues covered in this document relate to the creation of an ombudsman post, different types of contracts; staff career development; the performance evaluation system; staff rejection of ICSC<sup>2</sup> efforts to manipulate the salary survey methodology for the General Services staff; concerns on the failure to apply the Noblemaire Principle to the remuneration of Professional staff; staff security; UN reform; work harassment, and separations by mutual agreement.

We find ourselves in a changing world, where globalization tendencies make the international civil service more fundamental than ever. There is increasing attention to the human side of economic and financial developments, and an Organization such as ours, outfitted with the finest human resources, will surely be instrumental in shaping a better picture for the health of the people on the American Continent. But these human resources—the single most valuable asset in an Organization like ours—need to be protected against circumstances that could be detrimental to individuals. The current threats to the expatriation elements of staff compensation surely do not take into account that displacement of persons in any civil service is normally compensated, even in the Armed Forces.

The SA requests the Executive Committee to support the ideas and concepts listed, by empowering the Pan American Sanitary Bureau with the mandate to submit to the United Nations bodies in charge of staff and administrative issues (ICSC, CCAQ,<sup>3</sup> ACPAQ,<sup>4</sup> the Fifth Committee of the UN General Assembly, and ultimately the UNGA<sup>5</sup>

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<sup>1</sup> Federation of International Civil Servants Associations

<sup>2</sup> International Civil Service Commission

<sup>3</sup> Consultative Committee on Administrative Questions

<sup>4</sup> Advisory Committee on Post Adjustment Questions

<sup>5</sup> United Nations General Assembly

itself) a strong position to preserve the valuable human resources in which it has invested so much and on which it places so much hope.

## **2. Creation of an Ombudsman Post**

The SA continues to call on the Administration to create a post of ombudsman at PAHO. When conflicts arise, the staff's only resource is the SA, which oftentimes is not granted access to all relevant documents. The absence of vital information and adequate evidence can pose a serious impediment to defending the rights of staff. We believe that the creation of a post of ombudsman at PAHO would facilitate mediation and resolve conflicts before they become full-blown problems. We are attaching a proposal that was presented to the PAHO Joint Advisory Committee regarding the creation of an ombudsman post (see Annex).

## **3. Different Types of Contracts**

There is widespread concern among staff members over the different types of contracting mechanisms presently being utilized by PAHO/WHO with the apparent concurrence of Member States. There seems to be a lack of clarity as to whether hiring is done observing established recruitment procedures, post classification, and established salary scales, and whether recruits are required to adhere to a specific set of rules and regulations. Lately, the issue of budgetary constraints seems to have overshadowed the importance of abiding by established recruitment procedures.

The Director has repeatedly said that technical cooperation cannot be delivered with international staff only. Throughout the years, there has been an unwavering call from staff to regularize contracts and to draft a manual with established norms and procedures, as part of the effort to add consistency to the recruitment process.

## **4. Staff Career Development**

The absence of a career development system for staff who have had training and acquired relevant experience through continued work performance continues to be a major preoccupation of PAHO/WHO staff. Notwithstanding the negative responses from the Administration on this issue, we firmly believe that a career development system could stimulate productivity and improve the quality of work in both the technical and the administrative areas. When organizational restructuring becomes necessary, a more practical approach would be to equip internal resources with additional expertise rather than to seek external candidates. In this way, the specialized personnel needs of the Organization could be provided without the risk of deteriorating staff morale.

## **5. Performance Evaluation System**

Special attention is being given to the new Performance Planning and Evaluation System (PPES) which was recently introduced at three pilot sites. Of concern to us is that this system relies on “work programs” which are agreed between the supervisor and the employee rather than on overall post descriptions. The impact of this approach on post classification—as for example, when work programs are different from Post Descriptions—could be tantamount to holding a position which is not correctly classified. Of particular interest to us is the need to see point rating factors in General Services (GS) posts which could be transformed into a market-oriented point system to facilitate the collection and computation of reliable market data for salary surveys. Also, an inherent part of every new evaluation system should be its own evaluation at some later stage.

## **6. Staff Rejection of ICSC Efforts to Manipulate the Salary Survey Methodology for the General Service Staff**

The XVII Meeting of the SA Council in Guatemala expressed its strong rejection of the ICSC attempts to curtail GS salaries by manipulating the salary survey methodology. The Council approved a resolution committing the SA to fight against the implementation of changes detrimental to staff rights. As these changes are already a fait accompli, despite the numerous and vigorous protests through representative bodies such as FICSA, we stand firm against any further deterioration of GS benefits. Of paramount importance is the relationship between pensionable remuneration and income inversion, and the eroding effects of currency devaluation on GS pensions. The SA will continue to agitate and to use every possible means at its disposal to resist the new salary survey methodology. This new methodology violates the Flemming Principle, which stipulates that competitiveness should be the fundamental criteria in selecting comparators in salary surveys.

## **7. Concerns over the Failure to Apply the Noblemaire Principle to the Remuneration of Professional Staff**

Similarly, staff are seriously concerned by the failure to apply the Noblemaire Principle governing the compensation of Professional staff. The Noblemaire Principle states that the salaries of Professional staff are to be based on those of the best paid national civil service. This is not happening. The recognition by the UN System that professional salaries are not based on the best paid national civil service is a goal of staff. Professional salaries have been deteriorating for 20 years, and there are several UN System organizations that have experienced recruitment problems as a result of noncompetitive salaries, as indicated by the ICSC Annual Report. Recruitment is often particularly difficult in the 30- to 45-year age group. This could cause a negative impact

on the pension system, which is already suffering the impact of a graying workforce, and an increase of staff over 45 years of age would only aggravate the situation.

## **8. Staff Security**

A continuous source of concern within the SA is the disparity between the level of protection afforded to locally recruited staff in times of civil unrest and national disasters, and that afforded to internationally recruited staff. The UN Field Security Manual devotes a total of one-and-a-half pages of a 77-page document to the assistance of locally recruited staff. Among other things, the SA wishes to see equal evacuation opportunities for all staff of the UN. The present practice of leaving behind local staff has on occasion resulted in the loss of life of staff who have served the Organization faithfully for years. The proposal to extend protection to all staff members in cases of emergency needs to be supported by the Governing Bodies of the Organization, by requesting specifically that the UNGA be informed of the serious concern of PAHO/WHO in that regard.

## **9. UN Reform**

The SA takes cognizance of the various efforts of the UN within its reform process and its proposals to consolidate its operations. While we recognize the need to make operations more efficient and suitable to a changing world, we pledge to be especially vigilant towards any kind of negative impact which this might have on the work situation of staff. We call on the Administration to involve staff, and especially staff representatives, in every stage of the UN reform process.

## **10. Work Harassment**

Another issue of concern to the staff is that there are instances of work harassment that need to be dealt with firmly. It is important for the SA to cooperate with the Administration in the development of guidelines applicable to such cases. These guidelines should spell out clearly, and step by step, the manner by which these issues will be dealt with during the redress process. There is nothing inherent in the culture of the Organization that should allow anyone to be so totally in charge that they feel they have the right to bring undue pressure to bear on staff members. An official stance by the Organization is needed to stop these abusive practices

## **11. Separations by Mutual Agreement**

Finally, there is the issue of separations by mutual agreement. In 1996, in the Americas Region, a plan was implemented—without the participation of the SA—and later discontinued. We would like to see a comprehensive plan, devised in accordance with the indications brought by FICSA at its 49th Council Meeting (copies available). We

think it is an excellent reengineering tool that may also be of benefit to the Organization, as savings are likely to be obtained by early retirement of staff members with long tenures.

But the needs and interests of staff should also be protected, and thus we are in favor of essentially one-to-one negotiations with advice being provided to staff members about their individual situation and with a view to meeting their needs to the extent possible. We would like to see a policy containing specific guidelines to avoid any possible pressure to leave the Organization without being provided with full termination benefits.

## **12. Conclusion**

The SA requests the Executive Committee to comment on the issues it has raised: to create a post of Ombudsman in PAHO; to regularize the types of contracts and produce a norms and procedures manual for that purpose; to establish a career development system; to reconcile PPES with post descriptions; to reject ICSC attempts to curtail General Service salaries by manipulating salary survey methodologies; to enforce the application of the Noblemaire Principle governing the compensation of Professional staff; to extend protection to both local and international staff at times of civil unrest and national disasters; to involve the SA at every stage of the UN reform process; to take a firm stand against work harassment; and to draft a policy to regularize separations by mutual agreement.

Annex



## **PROPOSAL FOR A POST OF OMBUDSMAN**

### **I. Introduction**

An ombudsman's office is an additional tool for resolving disputes within an organization. It does not replace but rather complements more widely known tools such as open door policies, suggestion boxes, retreats, etc. and, of course, litigation. In particular, part of its reason for existence is to reduce the need for litigation which is both costly and time consuming to all parties and not necessarily satisfactory even to the winner. The discussion below will highlight the characteristics of any ombudsman's office and examine some of the modalities that have been used to implement the concept of an ombudsman.

### **II. Characteristics of an Ombudsman's Office**

There are three universal characteristics of an ombudsman's office: (1) independence and impartiality, (2) authority to investigate and (3) authority to recommend. These are given some explanation below.

#### Independence and Impartiality

Impartiality requires actual independence and the appearance of independence.

An ombudsman's existence is independent and apart from those organizational parts in which it performs its functions. In government, for example, an ombudsman normally reports to the legislature about findings within the executive branch. Within governmental departments or independent organizations, an ombudsman normally reports to a high authority like a chief executive officer or a board of directors about findings below that level.

An ombudsman is also independent in the performance of functions. In other words, the ombudsman is given certain authority to act and within that scope of authority does not need anyone's permission to act. The ombudsman is a free agent within that scope of authority.

An ombudsman requires a legal foundation for his work, i.e. official terms of reference, security against arbitrary removal and the protection of legal privilege with respect to whatever reports he may issue.

#### Authority to Investigate

Within a given jurisdiction, an ombudsman can investigate any situation brought to his attention by a complaint or on his own initiative. The only exception to this

principle occurs when the authority to which the ombudsman reports requests that he not investigate a given case.

An ombudsman may call for relevant papers and persons during the conduct of a given investigation, taking care of course to preserve all necessary confidentiality including confidentiality of the investigation itself.

The procedure for conducting an investigation is whatever the ombudsman considers appropriate.

However, administrative decisions being investigated are not delayed. They are implemented as would occur without an investigation. Additionally, other deadlines, such as those related to the formal appeal process, are not affected.

#### Authority to Recommend

An ombudsman is empowered to make recommendations both to the individuals involved in a dispute and to higher authority within the organization about wider issues. His findings and recommendations are not binding.

Complainants are entitled to know of the recommendations made by an ombudsman in their case and the official response to those recommendations.

Where recommendations are not followed, the ombudsman may at his discretion so inform the authority to whom he normally reports.

Adverse statements about any person or group can not be included in any recommendation or report without having provided an opportunity to the criticized party to respond to the matter.

### **III. Modalities for the Ombudsman's Functions**

There are basically three modalities for implementing the function of an ombudsman: (1) create a permanent position of ombudsman within an organization, (2) second an existing staff member into this function for a given term of office after which the person returns to his former duties, and (3) hire someone outside the organization to fulfill the function.

These are discussed below:

#### Creating a Permanent Position

This modality tends to occur only in government and other very large institutions.

### Seconding Existing Staff

This is the method most often seen in international organizations. For example, at UNICEF each duty station selects an ombudsman for every 50 staff members up to a maximum of 5 ombudsmen in a given office. In an office of less than 15 persons, staff have a choice between using an ombudsman from another office or selecting one of their own.

Their term of office is 2 years. They are chosen either by consensus or election. They possess the characteristics described in Section II, above. If selected, the duties of ombudsman become part of one's official duties but these are not evaluated by one's supervisor. Once one ombudsman is chosen for a given issue, no other ombudsman may be brought into the case.

At WHO Headquarters, an ombudsman is elected from the staff for a two-year term which can be extended by one year upon mutual agreement among the ombudsman, the Director-General and the Staff Association. The current ombudsman, Ted Webster, splits his time equally between his normal duties and those of the ombudsman. The WHO ombudsman also possesses the characteristics described in Section II above.

### Hiring an Outsider

This modality is also seen in international organizations. The IMF, for example, hires an outside person for a five-year term which is not renewable. The person is provided an office and support staff within the organization and is required to be on the premises for certain hours of the week. This ombudsman also possesses the characteristics found in Section II of this paper.

## **IV. Conclusion**

The modality of implementation is not a key to the functioning of an ombudsman. That is mostly a practical question. What matters is the three characteristics described above, i.e. independence, authority to investigate and authority to recommend. Any proposal that lacks any of these characteristics is a proposal for something other than an ombudsman.

The Staff Association continues to hold the position that an ombudsman would resolve many issues that either are appealed or that are ignored because the appeal process is not suitable for their resolution, i.e. personality clashes. Since a very low cost or cost free method (secondment) of implementing this idea is not only possible but typical, there is no good reason to avoid this tool which has proven so effective all over the world in a vast array of organizations.