

*executive committee of
the directing council*



**PAN AMERICAN
HEALTH
ORGANIZATION**

*working party of
the regional committee*

**WORLD
HEALTH
ORGANIZATION**



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

CONTENTS

	<i>Page</i>
1. Staff Representation on Selection Committees and Advisory Committee on Post Reclassification	2
2. General Services Salary Survey	3
3. Relocation of the Staff Association Offices	3
4. Local Contracts	4
5. Technical Leadership	4
6. Pensions and Salaries	5
7. Staff Development and Training	5
8. ILO Appeals	6
9. WHO and the Federation of International Civil Servants' Associations (FICSA) Meetings	6
10. Status of Women in PAHO	7
11. Other Concerns	7
Annexes	

In reviewing our presentation to the 111th Meeting of the Executive Committee in June 1993, it is clear that staff are deeply concerned about the capability of the Organization to provide technical cooperation with the degree of expertise provided in the past. This concern is expressed by both technical staff and administrators in the field and in Headquarters.

PAHO is having difficulties recruiting and retaining qualified staff. Unfortunately, this has led some administrators to employ dubious hiring practices and to ignore existing UN rules and regulations. This fact is manifested by the type and importance of the appeals lodged against PAHO/WHO over the past years. Legal costs amounted to almost two million dollars over the last ten years. Losing an appeal may be a factor contributing to an unspoken policy of ignoring selection procedures. Reference is made to the Washington Local salary survey appeal, the CEPANZO appeal, and various appeals related to unethical selection practices.

The following are the areas of greatest concern: selection committees; lack of staff representation (as done in WHO) on the Advisory Committee on post reclassification; lack of compliance with ILO decisions, as in the General Service salary survey case; relocation of the Staff Association Offices; special contractual arrangements, such as national professional officers; loss of technical leadership to other international organizations; deterioration of pensions and salaries; staff development; and the status of women in PAHO.

1. Staff Representation on Selection Committees and Advisory Committee on Post Reclassification

Over the last two years, we have become alarmed at the number of posts for which no vacancy notice was issued and which have been filled without proper selection procedures. According to Staff Rule 410.4, each post below P6 must be announced and passed through a selection committee. Posts below P6 should normally be filled on a competitive basis, according to Staff Regulation 4.3. (There are exceptions in the rules for staff affected by reduction in force procedures.) In 1993, a selection was appealed before the ILO tribunal, because the vacancy was not even announced. The appellant won the case (Judgment No. 1268), but still lost the opportunity to fill the post.

A survey for 1992 and 1993 showed that many posts were appointed without a vacancy notice being issued and many other appointments were made without going through either a regular or senior selection committee. The process of issuing a vacancy notice is mandated by the UN to provide some possibility for advancement or transfer within the system. This possibility is being lost.

Violation of selection procedures is found not only at Headquarters, but also in field offices. We, therefore, ask the members of the Executive Committee to consider our concerns, to reconfirm support of the rules and regulations, or to suggest to the UN system changes to the selection procedures, if the Executive Committee believes that is in the best interest of the Organization.

Also during your deliberations we ask you to consider that the Staff Association be represented on the Advisory Committee on post reclassification procedures. We believe that PAHO staff should be afforded the same right as their colleagues in WHO, in the best interest of the Organization. In general the UN encourages that rules and procedures be standardized as much as possible. For your information, we are attaching rules pertaining to selection procedures (see Annex 1) and those pertaining to the post reclassification committee (see Annex 2).

We ask the members of the Executive Committee to request the Director to provide the Staff Association participation on the Advisory Committee on post reclassification similar to what is a standard procedure in selection committees.

2. General Services Salary Survey

On 14 July 1993, the ILO Tribunal decided in favor of PAHO General Services staff who had appealed an administrative decision in relation to the salary survey conducted in 1990. However, the PAHO/WHO Administration did not fully carry out the judgment, and the case was returned to the Tribunal for further adjudication. Details of the judgement are explained in PAHO SA Bulletin No.33, attached (see Annex 3).

The action taken by the Administration is an illustration of the lack of compliance with the rules and regulations it is charged to enforce, and with the decisions of the court. As a result, GS staff in Washington have been denied a salary scale established by ILO.

3. Relocation of the Staff Association Offices

The Staff Association has been notified that its offices will be moved from their present location. The offices have been moved twice in the past, and are now located approximately half a mile away from the main building, eliminating effective staff access to the Association's facilities. The ILO Tribunal has commented on this matter. The principle involved in withdrawal of facilities was stated by the Tribunal as follows:

The withdrawal of facilities could violate the right to associate if, irrespective of scale, it was designed to coerce the Association into acting in a way of which the Administration approved or to punish it for having acted in a way of which the Administration disapproved. This would strike at the freedom and independence which is an essential part of the right to associate.

We request that in consideration of the Staff Rules, the opinion of the ILO Tribunal, and common sense as to the need for proximity of the Staff Association offices to the staff, that Member Government representatives support the establishment of Staff Association offices in the same building that houses the majority of staff.

4. Local Contracts

There exists in the Organization a variety of contracts to recruit local and/or national personnel who are not within the UN system and are also outside the labor laws of the countries. These contracts are being offered to recruit local/national personnel to the detriment of the working conditions of employees and the deterioration of the basic staff benefits, resulting in inadequate accident insurance, lack of health insurance, no retirement plan, and job insecurity. This situation creates serious problems for staff under these types of contracts who received considerably fewer benefits than their counterparts in other UN agencies for the same level of work and responsibility. This is a very irregular situation.

Sometimes funds budgeted for regular posts are utilized to hire persons under other types of contracts. This means that money meant for regular posts for permanent or long-term work in the Organization is being spent on consultants and others to the detriment of staff morale as well as the financial condition of the pension and health funds.

This variety of contracts creates a very precarious environment which results in a lack of cooperation among staff, creates division between groups and very poor commitment to the Organization; furthermore, the low salaries attached to these contracts result in recruitment of poorly qualified personnel.

As a solution to this problem, we request the members of the Executive Committee to urge the Administration to maintain the UN system category of contracts in the PAHO offices, to provide a more secure and beneficial environment for staff.

5. Technical Leadership

In order to insure technical leadership it is imperative that PAHO improve its recruitment procedures. It is necessary that our Organization attracts the best professionals in the health system by providing better circulation of vacancies among the scientific community. A better defined and organized staff development system should be provided in order to maintain the expertise necessary to cope with new procedures and stay abreast of the other agencies that are beginning to offer solutions to health problems.

Professionals should not be recruited to key positions unless they are fully qualified to do the job. At the same time, management must provide better post reclassifications in order to keep specialized staff of the high caliber needed to maintain the level of excellence required of our Organization.

Continuing education and sabbaticals could be offered as an incentive to remain with the Organization.

6. Pensions and Salaries

We continue to note with concern the decreasing purchasing power of salaries in soft currency duty stations, particularly in those countries where the inflation rate is so high that by the time a salary scale revision is implemented the increase is less than originally estimated. With decreases in GS salaries in comparison to the dollar, GS pensions for these staff are sometimes cut in half.

Therefore, we urge Member Governments to press the PAHO Administration to generate an appropriate and timely monthly payment scheme for field General Service salary scale revisions.

Furthermore, the removal of the meritorious increase award for years of service beyond 20 is another loss of acquired rights of staff, undermining morale by decreasing expected salaries and pensions.

FICSA has expressed concern over the cost of living survey for professionals, as well as changes to the methodology of the General Service salary surveys. It has requested that they be put aside until such time as they have been adequately reviewed. Proper implementation of these surveys is the backbone of the UN General Service remuneration scheme and must be safeguarded.

7. Staff Development and Training

PAHO has a staff training program, but in order to keep abreast in this rapidly changing world, where advances in all fields are occurring daily, a fully comprehensive study should be done taking into account the proper analysis of human resources, human needs and country requirements to satisfy the skills and qualifications that are not fully developed.

There must be an integrated system to match the "demand" with the "offer" to obtain an effective and productive training package. The general objectives of the Organization must be taken into account when designing a personnel development program.

A person assigned to a post should be thoroughly trained for the new position. A person that is well-developed in his/her field is an effective and satisfied worker.

A development system should also be considered as an incentive towards attaining excellence; furthermore, training must be linked to the appraisal system. The training department should monitor the appraisal forms to obtain input from staff so that they can assess their own training path. Supervisors should encourage staff to attend relevant seminars and courses.

8. ILO Appeals

Of the four cases PASB staff had before the ILO Tribunal in its latest session in February of this year, appellants won two, lost one and one was postponed to the next session of the Tribunal. All these appeals were presented to the Tribunal because of defiance by Administration to adhere to the rules and regulations of the Organization.

If we analyze all the cases presented, they all reflect a common problem: "lack of negotiation." There may not be lack of communication between the Administration and the Staff Association, but there certainly is a lack of negotiation. We believe that if the Administration and the Staff Association could negotiate solutions, a lot of litigation and expenses could be avoided.

9. WHO and FICSA Meetings

On 26-28 January 1994, representatives of the Staff Associations of the HQ and Regional offices of WHO met in Geneva.

There was concern about the lack of feedback by HQ's Administration following proforma consultation, especially on the revision of Staff Rules/Manual.

The Staff Assembly gave PAHO/WHO Staff Association its total support and endorsement on its position regarding the GS salary survey case.

During the FICSA Council held in Rome in February 1994, with participation of representatives from all over the UN system, the FICSA Council decided to maintain the non-participation in ICSC meetings until changes to the methodology for General Services salary surveys are on the agenda for revision and discussion.

The issue of the restructuring of the UN system was discussed. Experience showed that staff representatives are very essential in the process, and they must be fully informed and involved from the beginning.

The PAHO Staff Association asks the members of the Executive Committee to request the Director to include staff representation in organizational restructuring.

10. Status of Women in PAHO

Correction of the under-representation of women in professional positions in PAHO, especially in field offices and at the decision-making and higher managerial levels (P5 and above), has been very slow and uneven in the eight years since the goal of 30% was set in 1986. Among professional women, most of whom are clustered below the P4 level, a larger number of women than men receive less compensation than their counterparts of the same grade level because they were locally recruited (even though they are often not nationals of the country of the duty station), and therefore do not receive the international benefits, such as education allowance and home leave, which compensate somewhat for the low UN salaries.

The studies under way by the Administration on spouse employment and other barriers that limit the recruitment of women to professional posts, especially to the decision-making levels, can be very useful if the right data is collected. It is hoped that these studies can be rapidly completed, and the much more important steps of analysis of the results, and design of corrective action, set in motion.

A PAHO policy on sexual harassment is long overdue. The policy on sexual harassment that is on the drawing boards should be finalized and implemented as soon as possible.

The aspects of the "barriers" study which call for a re-examination of the need for a medical degree and MPH for so many professional positions (P5 and higher), and in field offices in particular, are endorsed by the Staff Association. While realizing that quota-setting goals are not in themselves an end, the Staff Association has advocated the setting of new five-year goals as a useful short-term affirmative action tool, and would like to see a policy established that makes managers responsible and accountable for improving the ratio of women to men in their administrative units.

11. Other Concerns

The Staff Association is very concerned with several expenses incurred by the Administration:

- The large amount of money spent on the search for a new building site.
- The \$17,000 spent on unnecessary costs for the GS salary survey case and \$39,000 for other appeals.

- The cost of the new Finance computer system.
- The money that will have to be paid for unnecessary legal costs for the CEPANZO case and for the pending execution of judgement of the GS salary survey case at the Tribunal.

We ask the Executive Committee to encourage the PAHO Administration to include Staff Association representation in the decision-making process in a consultative manner to help curtail such unnecessary expenses.

In summary, it is necessary for PAHO Administration to:

- review its hiring practices;
- ensure participation of the Staff Association on the Reclassification Committee;
- maintain the UN system category of contracts;
- reevaluate its staff development program;
- generate a more effective policy for the hiring of women; and
- establish guidelines to involve the Staff Association in a consultative manner in decision-making processes affecting staff.

Annexes

Selection Committees

310 PASS The composition and functions of PASS ad hoc selection committees are described below.

310.1 Ad hoc selection committees for professional posts as well as general service posts at Headquarters are convened by the Department of Personnel with the following composition to include a minimum of five voting members. At least one member of the committee should normally be a woman. All members of the Selection Committee shall be bound to respect the confidentiality of the selection process.

1. Voting Members:

A chairperson, selected from a panel of staff members designated by the Director.

The senior staff member or his/her designated representative from the office having the vacancy.

Two staff members from offices not concerned with the post under consideration randomly selected by Personnel.

One staff representative randomly selected by the Staff Association.

The voting members of these selection committees must be of a grade level not lower than that of the post under consideration.

2. Non-voting Members:

Personnel Officer in the capacity of an advisor and Secretary to the Committee without the right to vote.

Personnel secretary

The Secretary of the Committee shall prepare the only report of the proceedings which will be initialed by the Chairperson of the Selection Committee.

310.2 Country Representatives and Directors of Centers have the responsibility of forming ad hoc selection committees of at least three members for posts under their supervision. Members of these selection committees should include a staff member with administrative functions, one staff representative, with the right to vote from the local staff association if one exists and, if appropriate, the technical adviser concerned with the selection. Their recommendations are sent to the Washington Office for review. The minutes of each selection should also be sent to the Washington Office.

100 PAHO The recommendations of the Classification Unit derived from the reclassification studies of posts up through P.4 level will be analyzed by the corresponding Advisory Committee on Post Reclassification for either General Services posts or Professional posts, as the case may be. Recommendations concerning posts graded P.5 or above will be forwarded by the Classification Unit to the Director.

105 PAHO The Advisory Committee on Post Reclassification for the General Services posts and the one for the Professional posts are composed of a chairman and two members (and two alternates) appointed by the Director for a period of one year. The Committees examine the information and conclusions contained in the Classification Unit report and make their own recommendations to the corresponding administrative authority. The Committees may, if deemed necessary, request additional information of any kind from the Classification Unit. Each Chairman is responsible for communicating in writing to the Director the Committees' criteria and conclusions and forwarding a copy thereof to the Classification Unit.

110 PAHO The recommendation on reclassification of vacant posts, or those which are not derived from individual reclassification requests, but from general studies, are to be forwarded directly to the corresponding administrative authority. The same procedure is to be applied in the case of re-evaluation of "classes," even when the recommendation is the result of a reclassification study.

*115 PAHO (Deleted)

HEADQUARTERS STANDING COMMITTEE ON
POST CLASSIFICATION REVIEWS

COMPOSITION AND PROCEDURES

10 The Headquarters Standing Committee on Post Classification Reviews [see II.1.170] is composed of a Chairman (and two alternate chairmen) appointed by the Director-General after consultation with the Staff Committee, five members appointed by the Director-General and representatives of staff appointed by the Staff Committee. Requests for classification reviews of posts in the general service category are examined by the Chairman and by two members, one designated by the Director-General and the other by the Staff Committee. Requests for classification reviews within and to the professional grades are examined by the Chairman and by two members similarly designated but who must hold professional grades.

20 The Standing Committee meets as required to review requests for classification review of occupied general service and professional posts at headquarters involving a change in grade up to and including P.4. Requests may originate with the staff member, or with the supervisor, or with Personnel/GSA [see II.1.90]

30 The secretariat of the Standing Committee is provided by Personnel

40 Requests for classification reviews of posts are submitted to Personnel/GSA [see II.1.130].



PAHO/WHO Staff Association

21 July 1993

FROM THE OFFICE OF THE LEGAL COUNSEL

EXECUTIVE COMMITTEE BULLETIN No. 33

THREE PAHO CASES OF APPEAL HEARD BY THE ILO TRIBUNAL WON BY APPELLANTS

The staff won all three of their cases before the ILO Tribunal in its latest session.

1) The GS Salary Case

This was the most eagerly awaited decision. Although one judge voted to dismiss the case on the issue of time limits, two judges accepted the case and gave the staff an important victory that will have favorable repercussions throughout the common system. No doubt staff all around the world are excited by the victory. Congratulations to all staff who had the courage to appear in the case and to Mr. Jean Sicault, the FICSA lawyer who handled the case. Executive Committee Bulletin No. 32 issued on 19 July 1993 gives details about the case.

2) Judgment No. 1293 (P3 official in the field)

This appellant's post was abolished in 1987, and the person was dismissed without the benefit of a rif procedure. In 1990, the ILO Tribunal reinstated the person retroactive to the date of dismissal and ordered PAHO to do a rif procedure.

PAHO began a rif procedure but then stopped the process prematurely by not permitting the person to compete for a position at a lower grade or in a different occupational group as the rules allow. PAHO dismissed the person once again, and now the Tribunal has reinstated appellant once again retroactive to the date of the second dismissal. Thus, appellant will get about two-and-a-half years of back pay and that much more time towards a pension. The Tribunal has again ordered PAHO to conduct a proper rif procedure, and until it does appellant is on salary. The Staff Association will be awarded \$3,000 in legal costs.

This case upholds the principles that are in play in several upcoming cases. However much the Administration may despise the rif procedure, the Tribunal is holding them to it. All PAHO/WHO staff can be thankful for the Tribunal's persistently tough stance on rif issues which are so vital to job security.



3) Judgment No. 1268 (P3 official in Washington)

This person appealed against a selection process for a P5 post (chief of a department) in which the vacancy was not publicly announced. The Administration based its position on PASB/WHO Manual Provision II.3.320 which permits the Senior Staff Selection Committee to make selections to various high posts including department chiefs. These selections are done confidentially.

The Tribunal found that despite this Manual Provision, Staff Rule 410.4 still operates. SR 410.4 says all vacancies graded below P6 should normally be announced and be open to competition.

It also ruled that even though appellant was on the list of candidates (which appellant did not know), the committee interviewed the successful candidate but not appellant. This put appellant on an unequal footing which violated general principles about equal treatment of all candidates for vacancies.

It also found that the selection committee disregarded this person's outstanding record. This violated Staff Regulation 4.4 which provides for promotion of internal candidates over recruitment of external candidates in some circumstances.

The Tribunal awarded a total of \$10,500 in costs and damages.

Special congratulations go to this appellant. This person chose to appeal without a lawyer and was successful. The overall winning record of staff at the Tribunal is roughly 30 percent. The record is even lower when staff represent themselves.