



*executive committee of
the directing council*

PAN AMERICAN
HEALTH
ORGANIZATION

*working party of
the regional committee*

WORLD
HEALTH
ORGANIZATION



88th Meeting
Washington, D.C.
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Provisional Agenda Item 20

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AMENDMENTS TO THE STAFF RULES OF THE PAN AMERICAN SANITARY BUREAU

In accordance with the provisions of Staff Rule 020, the Director submits to the Executive Committee, as Annex to this document, for confirmation, the amendments to the Staff Rules he has made since the 86th Meeting.

These revisions are in line with those adopted by the Executive Board of the World Health Organization at its Sixty-ninth Session (Resolution EB69.R12) and are in compliance with paragraph 2 of Resolution XIX adopted by the Executive Committee at its 59th Meeting (1968), which requested the Director to continue to introduce changes as he deems necessary to maintain close similarity between the provisions of the Staff Rules of PASB and those of WHO.

Some of these amendments result from the decisions taken by the United Nations General Assembly at its thirty-fifth (1980) and thirty-sixth (1981) sessions on the recommendations of the International Civil Service Commission (ICSC) concerning the entitlements of field staff and the method for determining separation payments. Others arise from the decision of ICSC to introduce payment of a financial incentive at designated official stations. Still others are considered necessary in order to bring the Staff Rules into line with similar provisions of WHO, the United Nations and other organizations in the common system.

The Executive Committee is invited to consider a proposed resolution confirming the amendments reproduced in the Annex to this document. The effective dates are 1 January 1981 and 1 January 1982, as indicated.

Amendments considered necessary in the light of decisions taken by the United Nations General Assembly at its thirty-fifth session (1980) on the basis of recommendations of the International Civil Service Commission

The amendments resulted from changes in the entitlements of field staff and required inter-agency consultations in order to work out the details of implementation. The consultations have since been completed and the amendments described in this section have been made.

1. Frequency of home leave

The frequency of home leave at certain designated official stations in the field has been increased to once every 18 or 12 months depending on the degree of difficulty of the local conditions of life and work. Entitlement to rest and recuperation leave has, as a consequence, been abolished. Accordingly, Rules 640.1, 640.4, 640.6, 810.5, 810.5.1, 810.7, 820.2.4 and 820.2.8 have been amended; Rules 640.2, 640.2.1, 640.2.2, 640.2.3 and 640.2.4 have been renumbered 640.3, 640.3.1, 640.3.2, 640.3.3 and 640.3.4, respectively; Rule 640.3 has been amended and renumbered 640.5; Rule 640.5 has been amended and renumbered 640.7; Rule 640.9 has been deleted, its text amended and renumbered 640.6.3; Rule 820.2.5.3 has been amended and renumbered 820.2.5.4; Rule 820.2.5.4 has been renumbered 820.2.5.5; Rules 810.8 and 820.2.9 have been deleted; and Rules 640.2 and 810.5.4 have been added. The effective date of these amendments is 1 January 1981.

2. Frequency of children's travel to visit the staff member at the official station

At certain designated official stations in the field where the limitation in the choice of local schooling so warrants, a child studying abroad may travel to the official station at the expense of the Bureau three times every two years, instead of twice. Thus the number of family reunions provided at the Bureau's expense is increased from three to four in every two-year period at those stations. Staff Rules 810.5.1, 820.1.3, 820.1.4, 820.2.5.4 (now renumbered 820.2.5.5) and 825 have accordingly been amended; new Rule 820.2.5.3 has been added, and former 820.2.5.3 renumbered 820.2.5.4. The effective date of these amendments is 1 January 1981.

Amendments considered necessary in the light of decisions taken by the International Civil Service Commission concerning payment of a financial incentive at certain official stations in the field

At certain designated official stations in the field, where the conditions of life and work are particularly difficult, a financial incentive has been introduced. Thus staff with dependents now receive an additional sum of \$2400 per annum and those without dependents \$1200 per annum. Accordingly, Staff Rule 360 has been amended; new Staff Rules 360.4, 360.4.1, 360.4.2, 360.5, 1310.5 and 1310.6 have been added; Staff Rule 1310.4 has been amended and Rules 1310.5 and 1310.6 have been renumbered, respectively, 1310.7 and 1310.8. The effective date of these amendments is 1 January 1981.

Amendments considered necessary in the light of decisions taken by the United Nations General Assembly at its thirty-sixth session (1981) on the basis of recommendations of the International Civil Service Commission

Prior to 1 January 1977, separation payments for professional and higher category staff (such as for repatriation grant, death grant, termination indemnity and unused annual leave) were based on the gross salary, less staff assessment, excluding post adjustment. In order to reduce the need for consolidation of post adjustment into base salary for separation payment purposes, the organizations in the United Nations system followed a recommendation of ICSC and based separation payments on pensionable remuneration less staff assessment, with effect from 1 January 1977. Thereafter, pensionable remuneration was adjusted periodically between consolidations on the basis of 5% movements of the weighted average of post adjustments.

On the basis of recommendations made by the United Nations Joint Staff Pension Board and approved by the General Assembly, a dual system of pensionable remuneration was introduced in PASB, as well as WHO and all the other organizations in the United Nations system, on 1 January 1981. In consequence, a decision became necessary on the method to be used for determining separation payments. ICSC made appropriate recommendations to the thirty-sixth session of the General Assembly, which subsequently decided that, for the professional and higher-graded categories, the reference to "pensionable remuneration less staff assessment" be amended to read "gross salary adjusted by movements of the weighted average of post adjustments, less staff assessment." As a result, equivalent amendments to the Staff Rules have been made wherever appropriate, with effect from 1 January 1982. The affected Staff Rules are the following: 310, 330.1, 380.2, 1030.3.4 and 1050.4.

Amendments considered necessary for uniformity with the Staff Regulations of the United Nations and other organizations in the common system

1. Unauthorized absences

The United Nations General Assembly decided that salary should not be paid to staff members for unauthorized absences from work and this provision should be incorporated into the Staff Regulations of the United Nations, which have been modified to give effect to this decision. A similar amendment has therefore been made to the WHO Staff Rules. Staff Rule 610.5 has accordingly been added with effect from 1 January 1982.

2. Annual travel home under Staff Rule 810.5

Unlike the other organizations, PASB and WHO paid for travel home between home leaves for staff unaccompanied by dependents at their official station only where removal of household goods and personal effects was not authorized. This distinction is now eliminated. Staff Rules 810.5 and 810.5.2 have accordingly been amended with effect from 1 January 1982.

3. Final one-way passage for children entitled to education grant travel

The time limit of the entitlement to the final one-way passage for a child studying away from the official station in relation to his other travel entitlements is brought into line with the practice of the United Nations. Accordingly, Staff Rule 820.1.3 has been amended and Rule 820.2.5.4 amended and renumbered 820.2.5.5 with effect from 1 January 1982.

Budgetary Implications

The proposed amendments have limited financial implications, and therefore it is not proposed to request additional funds.

After considering the amendments, the Executive Committee may wish to approve a resolution along the following lines:

Proposed Resolution

AMENDMENTS TO THE STAFF RULES OF THE PAN AMERICAN SANITARY BUREAU

THE EXECUTIVE COMMITTEE,

Having considered the amendments to the Staff Rules of the Pan American Sanitary Bureau submitted by the Director in the Annex to Document CE88/9;

Recognizing the need for uniformity of conditions of employment of PASB and WHO staff; and

Bearing in mind the provisions of Staff Rule 020,

RESOLVES:

To confirm the amendments to the Staff Rules of the Pan American Sanitary Bureau submitted by the Director in the Annex to Document CE88/9, with effect from 1 January 1981, concerning the frequency of home leave, the frequency of children's travel, and the payment of a financial incentive; and with effect from 1 January 1982 concerning the non-payment of salary in case of unauthorized absences, the dissociation of entitlement to annual travel home from entitlement to removal of household goods and personal effects, the conditions for entitlement of children to a final one-way passage, and the method for determining separation payments for staff in the professional and higher-graded categories.

Annex

AMENDMENTS TO THE STAFF RULES OF THE PAN AMERICAN SANITARY BUREAU

Texts of the amended Staff Rules

310. DEFINITIONS

310.1 "Base salary" is the salary at a given grade and step established by a salary schedule. It is exclusive of any additions or deductions.

310.1.1 "Gross base salary" is the salary before deduction of the assessment described in Rules 330.1.1 and 330.1.2.

310.1.2 "Net base salary" is the salary after deduction of the assessment described in either Rule 330.1.1 or 330.1.2.

310.2 (Same text as former 310.3)

310.3 (Same text as former 310.4)

310.4 "Terminal remuneration" is the figure used in the calculation of separation payments. For staff in the general service category, "terminal remuneration" is equivalent to pensionable remuneration. For staff in the professional and higher categories it is equivalent to gross base salary adjusted by movements of the weighted average of post adjustments.

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330. SALARIES

330.1 Gross base salaries, and terminal remuneration figures used for computation of separation payments under Rule 380.2, shall be subject to the following assessments:

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360. ASSIGNMENT ALLOWANCE AND FINANCIAL INCENTIVE

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360.4 A financial incentive shall be paid to the staff members defined in Rule 360.1 serving at designated official stations in the form of a supplement to the assignment allowance, at the following annual rates:

360.4.1 Staff without dependents as defined in Rule 310.5.1 and 310.5.2: US\$1200

360.4.2 Staff with dependents as defined in Rule 310.5.1 and 310.5.2: US\$2400

360.5 Payment of the financial incentive shall cease when the official station ceases to be designated for this purpose; it is unaffected by the cessation of the entitlement to the assignment allowance.

380. PAYMENT AND DEDUCTIONS

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380.2.1.1 Each "month of salary" means 1/12 of the annual terminal remuneration less staff assessment;

380.2.1.2 each "week of salary" means 1/52 of the annual terminal remuneration less staff assessment;

380.2.1.3 each "day of salary" means 1/360 of the annual terminal remuneration less staff assessment;

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380.2.2 Payment for each day of accumulated annual leave shall be at the rate of 1/260 of the annual terminal remuneration less staff assessment.

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380.2.4 Separation payments shall be computed in relation to the grade and step held by the staff member on the date of his separation.

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610. WORKING HOURS AND ATTENDANCE

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610.5 No salary shall be paid to staff members in respect of periods of unauthorized absence from work unless such absence was due to reasons beyond their control.

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640. HOME LEAVE

640.1 Home leave is provided so that a staff member who is serving outside the country and area of his recognized place of residence may spend a reasonable period of leave in his home country (or in another country, as provided for in Rule 640.5.2) with a view to maintaining effective association with its culture, with his family, and with his national, professional or other interests.

640.2 The date of eligibility for home leave shall be the date on which the staff member has completed 24 months of qualifying service, except at those official stations designated by the Director as having difficult conditions of life and work. At the designated official stations, the date of eligibility shall be the date on which the staff member has completed either 18 months or 12 months of qualifying service; however, the date may be determined according to criteria established by the Director in cases of reassignment or reclassification of official stations. All official stations are classified for this purpose, according to their home leave cycle, as "24-month stations," "18-month stations," or "12-month stations."

640.3 (Same text as former 640.2)

640.4 Qualifying service under Rule 640.2 consists of continuous service for the Bureau at official stations outside the country and area of the staff member's recognized place of residence, but does not include periods of sick leave under insurance cover in excess of 30 days or leave without pay in excess of 30 days.

640.5 Home leave consists of travel time without charge to the staff member's annual leave with return transportation paid by the Bureau for the staff member, his spouse and eligible children, up to the cost of travel between the official station and the staff member's recognized place of residence. Travel shall be authorized as follows:

640.5.1 at 24-month stations, travel shall be between the official station and the staff member's recognized place of residence or another place in the same country; as a condition for the payment of travel the staff member, his spouse and eligible children must spend a reasonable period of time in that country;

640.5.2 at 18-month and 12-month stations, travel shall be as under Rule 640.5.1, except that every second travel may be between the official station and a country other than that of the recognized place of residence, in which case a reasonable period of time must be spent away from the official station.

640.6 Home leave may be granted subject to the following conditions:

640.6.1 the date of departure on home leave may be at any time during the eligibility period specified below:

<u>Official station</u>	<u>Eligibility period</u>
24-month	6 months before and after eligibility date
18-month	4.5 months before and after eligibility date
12-month	3 months before and after eligibility date

When the date of departure is after the end of the eligibility period, qualifying service towards the next home leave shall accrue from the date of departure, unless the leave has been postponed at the request of the Bureau;

640.6.2 in exceptional circumstances, home leave may be advanced, provided there has been a minimum period of qualifying service as defined by the Director;

640.6.3 travel of the spouse and eligible children on home leave shall normally take place at the same time as the travel of the staff member;

640.6.4 the spouse and eligible children must remain at the official station for at least six months after return from home leave;

640.6.5 the timing of the home leave must be reasonable in relation to other authorized travel of the staff member, spouse or children, and in relation to the exigencies of the service.

640.7 If both husband and wife are staff members in organizations in the United Nations system and eligible for home leave, each shall have the choice of exercising the home leave entitlements as a staff member, or as a spouse, but not as both. Such choice normally may not result in more than one home leave in every home leave cycle.

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640.9 (Deleted)

810. TRAVEL OF STAFF MEMBERS

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810.5 once in each interval between home leave eligibility dates (or once during an appointment of equivalent duration) from the official station to the place where the staff member's spouse and children, as defined in Rule 820.1, are residing, and return to the official station, provided that:

810.5.1 the staff member has waived his entitlements to the travel of his spouse and children under Rules 820 and 825, except for education grant travel under Rules 820.2.5.2 and 820.2.5.3;

810.5.2 his assignment is to continue for at least six months after his return;

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810.5.4 there is a reasonable interval between this travel and travel on home leave (see also Rule 640.6.5);

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810.7 in the case of illness or injury requiring special facilities for treatment, the Director may authorize return travel between the official station and the nearest place where such facilities exist. The Staff Physician advises on the location of the facilities. To the extent feasible, such travel shall subsequently be charged to entitlements becoming due under Rules 810.4, 810.5, 810.6 and 870.

810.8 (Deleted)

820. TRAVEL OF SPOUSE AND CHILDREN

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820.1.3 each such child from whom travel expenses have previously been paid by the Bureau, to the extent of the final one-way passage either to join the staff member at the official station or to return to the country of the recognized place of residence within one year after ceasing to qualify as a dependent. The Bureau's financial responsibility shall be limited to the cost of one-way travel between the official station and the recognized place of residence. However, if a round trip to which the child may be entitled under Rule 820.2.5.2 or 820.2.5.3 is completed after the end of the scholastic year in which the child reaches the age of 21, this travel shall not be authorized;

820.1.4 a child entitled to the education grant under Rule 350.1.2, for purposes of travel under Rules 820.2.5.1, 820.2.5.2, 820.2.5.3 and 820.2.5.5.

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820.2.4 on home leave and return to the official station, if entitled under the provisions of Rule 640;

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820.2.5.3 a second such round trip each scholastic year under the same conditions as under Rule 820.2.5.2 if the staff member is assigned to an official station designated for this purpose, provided that the staff member does not go on home leave during that scholastic year.

820.2.5.4 return travel on home leave between the place of study and the place to which the staff member is authorized to travel under Rule 640.5 (provided that the cost to the Bureau is limited to the cost of return travel between the official station and the staff member's recognized place of residence) if:

- (1) the travel coincides with the staff member's travel on home leave;
- (2) the child is under the age of 21 years; and
- (3) the travel is reasonably timed in relation to other authorized travel under Rule 820.

820.2.5.5 the final one-way passage defined in Rule 820.1.3 within one year after ceasing to qualify for education grant under Rule 350.1.2, provided that such entitlement has not already been exercised under Rule 820.1.3. The Bureau's financial responsibility shall be limited to the cost of one-way travel between the official station and the recognized place of residence. However, if a round trip to which the child may be entitled under Rules 820.2.5.2 or 820.2.5.3 is completed after the child ceases to qualify for education grant under Rule 350.1.2, this travel shall not be authorized.

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820.2.8 In case of illness or injury requiring special facilities for treatment, the Director may authorize return travel between the official station and the nearest place where such facilities exist. The Staff Physician advises on the location of the facilities. To the extent feasible, such travel shall subsequently be charged to entitlements becoming due under Rules 820.2.4, 820.2.5, 820.2.7, 825 and 870.

820.2.9 (Deleted)

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825. SPECIAL EDUCATION GRANT TRAVEL

The Bureau shall, in accordance with terms and conditions determined by the Director, pay travel expenses of a staff member's dependent child in respect of whom he is entitled to the special education grant under Rule 355. In this case, the provisions for education grant travel under Rule 820.2.5 shall not apply, except for the round trips under Rules 820.2.5.2 and 820.2.5.3. The provisions of this Rule shall apply to professional and higher graded staff not serving in the country of their recognized place of residence, and to staff referred to in Rule 1310.4 recruited outside the local area as well as outside the country of the official station. They shall not apply to other staff referred to in Rule 1310, nor to staff referred to in Rules 1320 and 1330.

1030. TERMINATION FOR REASONS OF HEALTH

1030.3.4 shall receive a payment at the rates set out in Rule 1050.4, provided that the total payments in 1030.3.2, 1030.3.3 and 1050.4 due in the 12 months following termination are not more than one year's terminal remuneration less staff assessment;

1050. ABOLITION OF POST AND REDUCTION IN FORCE

1050.4 A staff member whose appointment is terminated under this Rule shall be paid an indemnity in accordance with the following schedule:

Indemnity
(terminal remuneration less staff assessment)

1310. STAFF IN POSTS SUBJECT TO LOCAL RECRUITMENT
(see Staff Regulation 3.2)

1310.4 Persons whom it is necessary to recruit outside the local area for such posts, because qualified candidates are not available locally, shall be appointed under the conditions of employment established for persons locally recruited. In addition, any such staff member whose recognized place of residence is determined to be outside the local area as well as outside the country of the official station may be granted an annual non-resident's allowance in an amount to be fixed by the Director for each area, and any such other entitlement as required to meet extra costs of non-resident status or accepted practices for non-residents employed in the locality.

1310.5 At designated official stations a non-pensionable financial incentive shall be paid to staff members described in Rule 1310.4 in amounts to be fixed by the Director.

1310.6 The non-resident's allowance and other entitlements referred to in Rules 1310.4 and 1310.5 may cease upon determination by the Director that a resident status within the area of the official station has been acquired by the staff member. Payment of the financial incentive referred to in Rule 1310.5 shall cease when the official station ceases to be designated for this purpose.

1310.7 (Same text as former 1310.5)

1310.8 (Same text as former 1310.6)



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88th Meeting
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Provisional Agenda Item 20

CE88/9, ADD. I (Eng.)
9 June 1982
ORIGINAL: ENGLISH

AMENDMENTS TO THE STAFF RULES OF THE PAN AMERICAN SANITARY BUREAU

Presentation by the Staff Association to
the 88th Meeting of the Executive Committee

I. INTRODUCTION

It is with pleasure that once again the representatives of the Staff Association take the opportunity to present before the Executive Committee of the Pan American Health Organization, a report on the development of activities, as well as to express certain concerns of members of the Association.

The Association, which became a truly and continental hemispheric-wide Association in December 1980, has continued to grow not only increasing in membership but also in expanding the number of local associations established in countries of the region within the overall concept of the PAHO/WHO Staff Association.

The development of such a structure within the Organization has led to an ever increasing awareness of the problems and situations related to international staff providing dedicated services for the goals of the Organization in this Hemisphere. Such awareness has further increased the apparent need for greater participation between staff and management.

In the determination of those Staff Rules and conditions of employment which affect the personnel, it is not possible today for one party alone to know all situations and the range of possibilities that could be implemented within the programs of the Region. Once again, consideration must be given to an active and vital process by which staff and their representatives can participate more fully in the discussions and decisions reflecting the way in which the staff in the Organization will be recruited, trained, promoted, transferred or retired; the manner in which Staff Rules are applied, and their impact on the varied body of personnel employed by the Organization.

II. ISSUES AFFECTING STAFF CONDITIONS OF EMPLOYMENT

The specific areas of concern are itemized below:

AREA OF CONCERN	ISSUES	REMARKS
1. Staff Rule 610.5	Withholding of pay for unauthorized absences.	Ambiguous and subject to unilateral implementation. What constitutes unauthorized absence? Is the right to annual leave affected? Rule should first be reformulated as to its intent. The Executive Committee is respectfully requested to postpone any decision until the Rule is further discussed and analyzed.
2. Staff Rules 1040 and 1050	<u>1040</u> : Automatic termination by expiration of contract. <u>1050</u> : Abolition of post. In view of the most recent ILO Judgments 469 and 470, ILO declared, in two PAHO cases, that 1040 could not be used as a maneuver to terminate a staff member by abolition of post without compensation. The application of these two rules should be re-examined.	The Executive Committee is asked to accept the ILO interpretation of the Staff Rules in question; i.e., when the post is abolished, Staff Rule 1040 (automatic expiration of contract) should not be used in order to deprive the staff member of the compensation due under 1050.
3. Staff Association input into proposed revisions to Staff Rules.	Not enough time is provided to staff representatives to evaluate the impact of proposed Rules or amendments to Rules.	Equal time should be given to both the Administration and Staff Representatives before the Rules are presented to the Executive Committee for confirmation. This will provide joint discussion by both PAHO/WHO Administration and Staff Representatives.

AREA OF CONCERN	ISSUES	REMARKS
<p>4. Manual Provision II.1.115 PAHO, quoted below:</p> <p>"When the modification to the duties and responsibilities of the a General Services post are so substantial that such functions should be classified within the Professional category, <u>the post will be eliminated, followed in its place by the establishment of a Professional post.</u> (emphasis added.) Filling of the newly created post will be accomplished in accordance with recruitment selection procedures outlined in Part II.3. For this reason, and to safeguard the interests of the staff concerned, supervisors should beard in mind that concurrence of the Chief, Personnel, is required prior to introducing into the post description changes of the aforementioned magnitude."</p>	<p>Discriminates against GS staff. Abrogates their rights to promotion guaranteed under SR 560.2 by unilaterally declaring the incumbent's post vacant and open to competition through the selection processes.</p>	<p>This is contrary to the provisions of Staff Rules 230 and 560.2 which guarantee entitlement to "promotion resulting from the reclassification of the post he occupies."</p> <p>The PAHO Administration, contrary to WHO practices, has issued a Manual Provision which does violence to the law as expressed above.</p> <p>The administrative policy provides now a <u>new post</u> to be opened for competition (only for those posts reclassified from GS to Professional category) without indicating the incumbent's employment status.</p>
<p>5. Career and Tenure</p>	<p>Reinstatement of: - career appointments - 5-year contracts</p>	<p>This will provide a sense of security and improve staff morale as well as conform with WHO policy. The 5-year contract award is currently under negotiation for re-establishment.</p>
<p>6. Security of Staff</p>	<p>Threat posed to personnel and property at difficult-duty stations. Guarantees for protection of international civil servants and that of personal security; disappearance of staff, establishment of a global mechanism for location, search and obtain release of those detained. A pamphlet should be issued to families of staff members as to the procedures to be followed immediately after a staff member is arrested, detained, or missing.</p>	<p>Time is a crucial factor in protecting lives and securing release.</p> <p>The Executive Committee is requested to provide guidelines to achieve the above.</p>

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AREA OF CONCERN	ISSUES	REMARKS
7. Granting "international recruited" status to General Service staff	<p>In 1975, the XXXVII Executive Committee instructed the PAHO Administration to provide to GS staff recruited outside of the duty station all rights granted to internationally recruited staff.</p> <p>Administration had classified general services staff recruited on "tourist visas" as having Washington, D.C. as "normal place of residence" for the purpose of determining entitlements as defined under the Rules.</p>	<p>PAHO Executive Committee directive to complete investigation of those who are qualified.</p> <p>This was temporarily pursued but such investigation was discontinued in 1978 without fully resolving the matter.</p> <p>It is respectfully requested that the PAHO Administration be instructed to re-establish the Joint Staff/Management Working Group.</p>
8. General Service Salary Surveys	<p>Manual Provisions require staff participation in these surveys.</p>	<p>Unilateral determination by Administration of the survey methodology and the choice of list of "best employers" as experienced in the "survey" of 1979.</p> <p>It is requested that the Provision of the Manual be applied in the next survey in 1983.</p>
9. Selection Committee	<p>The right to vote in selection committees is denied to the staff representative who participates only as an Observer unlike WHO Geneva where the right to vote is guaranteed.</p>	<p>Presently there is one appeal case being prepared for the local Board of Inquiry and Appeal; another appeal is under review by the Administrative Tribunal, ILO.</p> <p>It is respectfully requested that the WHO policy be applied at PAHO.</p>
10. Reclasification Review of General Services and Professional categories	<p>The refusal to provide access to classification files in accordance with Manual Provisions, criteria for rejection or rationale for non-reclassification of a staff member's post.</p> <p>No staff representation in the Reclassification Review Committee.</p>	<p>Under appeal at the local Board.</p> <p>The policy of WHO guarantees participation of staff in the Classification Review Committees.</p>

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AREA OF CONCERN	ISSUES	REMARKS
11. Abuse of appraisal reports.	Personal prejudice on the part of supervisors.	<p>In many appeal cases, both PAHO and WHO Boards as well as the ILO Administrative Tribunal have sustained charges against personal prejudice.</p> <p>Safeguards should be developed to ensure the proper use of the report and that it is not utilized for extraneous and personal reasons.</p>
12. PAHO/WHO Board of Inquiry and Appeal	<p>Improvements in the internal mechanism of appeal (Board of Inquiry and Appeal) are urgently required. The Board's primary function is to render advice to the Director with respect to the administrative action being appealed. The Board's report should serve as final guide for the Director to approve or disapprove the actions of his subordinates, before they are finalized as complaints at the ILO level.</p>	<p>In almost all cases won at the ILO Tribunal level, the BIA has in fact recommended to the Director that the adverse administrative action against the staff member be sustained. The Director has accepted these recommendations which ultimately have been overturned by the ILO Tribunal. Six out of 9 (67%) such BIA recommendations have been rejected by the ILO Tribunal in the last several sessions. This record is rather disturbing with respect to the advisory capacity of the Board of Appeal and its ability to understand the requirements of the rules, or its grasp of the ultimate processes of the ILO Tribunal.</p> <p><u>Some mechanism for negotiated settlements should be seriously contemplated.</u> A decided improvement in dialogue with Appellants and their representatives should be forthcoming, rather than hard-line positions which only lead to costly appeals. (See Annex 1.)</p> <p>During the period 1974 to 1981, the following cases were brought before the local Board most of which were appealed to the ILO Administrative Tribunal:</p>

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CASE APPEALED <u>1/</u>	NUMBER
Job classification.....	14
Termination and transfer.....	22
Reduction in grade as punitive measure.....	3
Selection Committee.....	10
Administrative/procedural irregularities (including interveners).....	7
Rights of international recruitment.....	13
Freedom of Association (including interveners).....	<u>33</u>
TOTAL	<u>102</u>

1/ In 1982/83, 23 (twenty-three) more appeals have been lodged. In ILO, 5 (five) will be heard in May 82, 6 (six) in September 82, 6 (six) in January 83; 6 (six) appeals have been lodged at the PAHO Board of Appeal level.

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Based on Official Document No. 182, April 1982, footnote 1, page 26, a total of \$256,099 was "made to ex-staff members following Tribunal appeals against dismissal." An additional \$20,121 was paid for tribunal awards to PAHO staff. This figure refers to 1981 appeal expenditures and does not include either prior judgment payments, nor future settlement of a 1981 appeal (Judgment 427) now under negotiation for final settlement of pension rights, sustained already by ILO.

RECOMMENDATION OR DECISION REQUESTED FROM THE EXECUTIVE COMMITTEE

1. That SR 1230.2 be complied with and BIA's be established in all Area Offices as required by the Staff Rules.
2. That a Staff/Management negotiation Panel be established in order to reduce the number of appeals and consequently the cost to the Organization.
3. That in order to correct the imbalance of the BIA (3-2) the Chairman and Vice-Chairman be designated in agreement with the Staff Association (this requires only a change in the interpretation of SRI230.4.1 to reflect the above.) The request is made on the basis that the great majority of the BIA's recommendations are ordinarily overturned by the ILO Tribunal, indicating a consistent deficiency in the BIA, both in its technical interpretation of the Rules and in procedures.

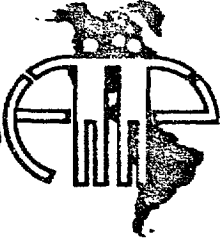
III. CONCLUSION

Progress has been made during the course of the year towards the identification of areas of concern of the staff as a whole, that is represented by HQS, Washington and the Field. However, there still remain many subjects for study in the analysis of the career perspectives of international officials, let alone their work environment and the need for information in the development of international collaborative activities.

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 our staff within the framework of the Constitution and Regulations.

Thank you for your kind attention and the opportunity to place these matters before the Committee.

Annex



PAHO/WHO Staff Association

Asociación de Personal OPS/OMS

Associação de Pessoal OPAS/OMS

525 Twenty-Third Street, N.W. - Washington, D.C. 20037 - U.S.A.

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FROM THE OFFICE OF LEGAL COUNSEL

2 February 1982

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

The ILO Administrative Tribunal heard three PAHO cases of appeal during its Forty Seventh Ordinary Session and rendered the following judgments:

1. CASE 469: In the case of the termination of a GS-6 staff member, after 8 years of service, the Tribunal rejected the Administration's contention that the termination was effected as a result of "completion of appointment" which ruled out any compensation. The Tribunal decided instead that Appellant should indeed be paid indemnity under the abolition of post rule 1050.4.

In addition, the Tribunal awarded her \$2,500.00 for costs.

2. CASE 470. In the case of a P-3 official, also allegedly terminated as a result of "completion of appointment," after 13-1/2 years of service, the Tribunal similarly rejected the Administration's claim and ordered indemnity under the Abolition of post rule 1050.4.

Legal costs in the amount of \$3,000.00 were also awarded to the Appellant.

In both the above cases, the Tribunal called the Administration's attention to the hierarchy of law affecting PAHO Staff and pointed out that the requirements of PAHO Staff Rules and Regulations are superior to the Manual Provisions.

3. CASE 480(2). Although the case of this P-5 official was decided in his favor during the Tribunal's last session of 1980, the question of the diminution of his pension rights for 18 years service, which arose as a result of an irregular termination, was submitted to the Tribunal for further review.

The Tribunal sustained the Appellant's claim that the determination of the final settlement should be based on actuarial calculations and not, as the Administration claimed, on merely providing him a cash amount equivalent to the Organization's 14% contribution to the Pension Fund (approximately \$48,830.00). If the parties cannot arrive at an agreed amount in accordance with the Tribunal's instructions, the Tribunal stated that it would appoint an expert to determine the amount, which Appellant alleges to be about four times greater than the amount of \$48,832.00 offered by the Organization as settlement and which is not based on the actuarial principle sustained by the Tribunal.

In addition, the Tribunal rejected the Administration's decision to diminish by \$112,707.00 the compensation previously awarded by the Tribunal. Although the Administration reduced the \$293,657.00 compensation by \$112,707.00 on the basis that during the

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period of unemployment the Appellant could have earned that much, the Tribunal decided in this session that the total reduction should be of only \$50,000.00, thus instructing the Organization to pay Appellant an additional \$62,707.00 in respect to Judgment #427.

In addition, the Tribunal awarded the Appellant \$10,000.00 for legal costs.

ANALYSIS

As a result of these three judgments alone (not counting the future settlement for loss of pension rights - Judgment 427 - yet to be determined) the cost to the Organization in this session is approximately \$113,000.00.

Two important considerations appear clear from the Tribunal's judgments in this and in past sessions, where PAHO Appellants have been successful in their appeals:

1. Administrative decisions in the resolution of staff grievances appear to have become increasingly costly to the Organization and hence some mechanism for negotiated settlements should be seriously contemplated. A decided improvement in dialogue with Appellants and their representatives should be forthcoming, rather than hard line positions which only lead to appeals.

2. Improvements in the internal mechanism of appeal (Board of Inquiry and Appeal) are urgently required. The Board's primary function is to render advice to the Director with respect to the administrative action being appealed. The Board's report should serve as final guide for the Director to approve or disapprove the actions of his subordinates, before they are finalized as complaints at the ILO level.

In almost all cases won at the ILO Tribunal level, the BIA has in fact recommended to the Director that the adverse administrative action against the staff member be sustained. The Director has accepted these recommendations which ultimately have been overturned by the ILO Tribunal. Six out of 9 such BIA recommendations have been rejected by the ILO Tribunal in the last several sessions. This record is rather disturbing with respect to the advisory capacity of the Board of Appeal, its ability to understand the requirements of the rules, or its grasp of the ultimate processes of the ILO Tribunal.

There are an additional nine PAHO cases scheduled for the Tribunal's May session wherein recommendations have already been sent to the Director.

In order to avoid the increasingly mounting costs to the Organization, not only in satisfying Tribunal judgments but also in actual internal and Tribunal appeals processes, which require staff's and the Organization's time, common effort, and cost, constructive suggestions presented herein deserve the most careful consideration by the Executive Head of the Organization.

The enormous cost to the Organization is disproportionate to the efforts that should be expended to reconcile differences, for over and above the cost already accumulated, the Organization is charged for expenses incurred by the ILO Tribunal in proportion to the number of PAHO cases which the Tribunal reviews at each session. Good management and administrative efficiency demand an urgent review of the increasing number of PAHO appeals reaching the ILO Tribunal and in particular those cases favorably decided for Appellants on the basis of administrative errors or irregularities.