



# XIX PAN AMERICAN SANITARY CONFERENCE

## XXVI REGIONAL COMMITTEE MEETING

WASHINGTON, D.C., U.S.A.

September-October 1974

### Provisional Agenda Item 26

CSP19/30 (Eng.)  
13 September 1974  
ORIGINAL: ENGLISH

### AMENDMENTS TO THE STAFF RULES OF THE PAN AMERICAN SANITARY BUREAU

In accordance with operative paragraph 2 of Resolution XIII of the XXII Meeting of the Directing Council, the Director has the honor to submit to the XIX Pan American Sanitary Conference a review which he has undertaken on the Zone Board of Appeal of the Pan American Sanitary Bureau.

#### INTRODUCTION

The question on the Zone Board of Appeal arose from the discussion in the Executive Committee at its 70th Meeting on an agenda item dealing with the amendments to the Staff Rules of the Pan American Sanitary Bureau (Document CE70/13, attached).

This agenda item included a proposal to delete references in Staff Rules 1030.2, 1030.3, 1030.5, 1030.7, 1030.8(c), and 1030.9 to the Zone Board of Appeal, an administrative machinery established at each Zone office to hear appeals from the PASB field staff on matters reserved to the competence of the Board.

These Staff Rule changes were proposed as part of the Bureau's endeavor to reconcile the remaining differences between the Staff Rules of PASB and those of WHO, and were based, in particular, on the observation that WHO possesses no appeal machinery in parallel with that of the PASB Zone Board. The proposed abolition of the Zone Board was aimed at achieving a procedural change in order that all appeals arising within the Bureau, regardless of duty station, would be heard by the Headquarters' Board of Inquiry and Appeal.

In the course of the discussion, the 70th Meeting of the Executive Committee was informed of the objection expressed by the PASB staff representatives to the elimination of the Zone Board, which in their view could represent a hardship for the field staff immediately affected. The staff representatives contested that the field staff would have to pay their fare

to Washington to appear before the Headquarters' Board of Inquiry and Appeal, which might not necessarily have sufficient knowledge of local conditions to put the facts into context.

The 70th Meeting of the Executive Committee examined the proposed abolition of the Zone Board of Appeal and the opposing views of the staff representatives, and requested in operative paragraph 2 of Resolution XXIII that the Director restudy Staff Rule changes with a view to retaining the Zone Boards of Appeal, and report thereon to the XXII Meeting of the Directing Council.

The XXII Meeting of the Directing Council, in turn, endorsed the Director's plan to continue a restudy of Staff Rule changes regarding the Zone Board (Resolution CD22.13, attached).

#### REVIEW OF THE PRESENT SITUATION

##### 1. The Zone Board of Appeal and the Present Organizational Structure

It is axiomatic to state that systems and structures of the past which met the requirements of an earlier day are not fully adequate a dozen years afterwards. On the other hand, an analysis of the material concerning the present structure of the Bureau does not seem to give grounds for suggesting continuation of the Zone Board.

It will be recalled that the Zone Board of Appeal was established at each Zone office in June 1954 (Resolution CSP14.5) as a part of the administrative process of decentralization then in progress. The origin of the Zone Board, therefore, was related to the steps taken to provide administrative services at the Zone level for personnel in the Zone offices and for those working on PAHO projects in the countries, as a consequence of the establishment of the Zone structure in 1950-1952. It is noteworthy that, throughout their whole period of existence, none of the Zone Boards has heard a single case.

The subsequent twin programs of the Bureau undertaken in 1960-1964 to (1) incorporate into the Washington administrative machinery the major part of the Zone and field administrative operations, and (2) decentralize a significant body of responsibility in the technical operations from the Zone to the country level, resulted in a gradual reorientation of the field administrative operations, leaving the Zone Board as a residue. This reorganization has freed the Zone offices for the performance of their important responsibilities in liaison with governments, stimulation of program, and general surveillance of technical activities. In practice, thus, much of the zonal administrative effort, particularly on problem and appellate matters, has undergone review and approval at the Washington level.

Moreover, during the 1960's, the structure of the Pan American Sanitary Bureau grew from its three echelon operation --with a headquarters' establishment in Washington, an intermediate level at six Zone stations, and a basic

operating level in the countries of the Hemisphere-- to embrace a number of multinational centers established for research and graduate education in the health sciences. These centers constitute a network of facilities for dealing with important aspects of the health sector, and are at the service of the entire membership of the Organization.

It is to be noted that the task of coordinating cooperative multinational programs has been carried out under the direct administrative and technical supervision of the Washington Headquarters. As of present, 379 staff members are working for these centers.

In addition to this group of staff members, account must likewise be taken of 38 staff members, stationed in the Zones but assigned to inter-zonal AMRO projects, who function under the supervisory directive of the Washington Office.

2. PASB Headquarters' Board of Inquiry and Appeal as the WHO Regional Board of Appeal for the Americas

In examining the question of the Zone Board, equal consideration should be given to the fact that the PASB Headquarters' Board of Inquiry and Appeal functions as the Regional Board of Appeal of WHO for the staff members of this Region under WHO funds.

Since the WHO system of appeal does not operate at a level lower than that of the Regional Offices, appeals by the WHO staff members in the Americas must be made, irrespective of duty station, to the PASB Headquarters' Board of Inquiry and Appeal, functioning as the Regional Board of Appeal of WHO. Incumbents of WHO funded posts in the field, exclusive of the centers, number 146.

In addition to the above observations, a review has been made of the relative efficiency of the Zone Board. Despite the fact that the Zone Board was instituted as a local board, its services, if rendered, would be of disproportionate advantage to staff members in the immediate vicinity of the duty station where a Zone office is located. More travel is involved for appellants stationed in areas outside of the Zone offices, and their negotiations with the Zone Boards would tend to be restricted.

Of 852 staff members presently stationed outside the Washington Headquarters, 563 (or 66%) are assigned either to the centers or inter-zonal AMRO projects, or to WHO funded posts. These staff members, therefore, are administratively outside the jurisdiction of the Zone Boards. Of 289 staff members falling under the supervision of the Zone offices, 97 (or 34%) are working in countries other than those in which the Zone offices are located.

CONCLUSION

Considering the advisability of maintaining uniformity of rules and conditions of employment for PASB and WHO staff, and bearing in mind the present structure of the Bureau, it is the belief of the Secretariat that the Zone Boards of Appeal of the Pan American Sanitary Bureau should be abolished.

Annexes



*executive committee of  
the directing council*

PAN AMERICAN  
HEALTH  
ORGANIZATION

*working party of  
the regional committee*

WORLD  
HEALTH  
ORGANIZATION

CSP19/30 (Eng.)  
ANNEX I



70th Meeting  
Washington, D.C.  
July-August 1973

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Provisional Agenda Item 16

CE70/13 (Eng.)  
4 June 1973  
ORIGINAL: ENGLISH

AMENDMENTS TO THE STAFF RULES OF THE PAN AMERICAN SANITARY BUREAU

In accordance with the provisions of Staff Rule 030, the Director submits as an Annex to this document, for confirmation by the Executive Committee, amendments to the Staff Rules which he has made since the 66th Meeting.

Amendment to Staff Rule 255 - Education Grant

Pursuant to Resolution a/res/2990 (xxvii) of the United Nations General Assembly, based on a recommendation of the Special Committee for the Review of the United Nations Salary System, the World Health Organization resolved at the 51st Session of the Executive Board in January 1973 (Res. B51.R35) to increase the amount of the education grant.

Amendments to the Staff Rules 1000-1099 - External Administrative Tribunal

At the XVIII Pan American Sanitary Conference, Resolution XVII was approved to endorse the Director's plan to provide an appropriate administrative tribunal for those staff members who did not have access to an external tribunal. Thereupon, the Director entered into negotiations, through the Director-General of the World Health Organization, with the International Labour Organization to implement this resolution.

The Director-General of the International Labour Organization advised that, in accordance with Article II, paragraph 5 of the Statute of the Administrative Tribunal, a declaration extending its competence to cover the staff of the Pan American Sanitary Bureau so that, subject to reconsideration at a future date, the Tribunal shall be competent to hear complaints alleging non-observance, in substance or in form, of the terms of appointment of officials of the Pan American Sanitary Bureau and of the provisions of its Staff Regulations, raised no new or separate issues.

This extension of the scope of recognition to officials of the Pan American Sanitary Bureau has been effected and staff now have access to an external tribunal.

The amendments are in line with those adopted by the Executive Board of the World Health Organization and are in compliance with paragraph 2 of Resolution XIX adopted by the Executive Committee of the Pan American Health Organization at its 59th Meeting, which reads as follows:

To request the Director to continue to introduce changes as he deems necessary to maintain close similarity in the provision of the Staff Rules of the Pan American Sanitary Bureau to those of the World Health Organization.

The Executive Committee may wish to approve a resolution along the following lines:

Proposed Resolution

THE EXECUTIVE COMMITTEE,

Having considered the amendments to the Staff Rules of the Pan American Sanitary Bureau contained in the Annex to Document CE70/13 submitted by the Director of the Pan American Sanitary Bureau; and

Bearing in mind the provisions of Staff Rule 030,

RESOLVES:

To confirm the amendments to the Staff Rules of the Pan American Sanitary Bureau submitted by the Director in the Annex to Document CE70/13, to be effective as of 1 January 1973.

Annex

AMENDMENTS TO THE STAFF RULES OF PASB

<u>No.</u>	<u>Present Text</u>	<u>New Text</u>	<u>Comments</u>
255	EDUCATION GRANT		
255.1	For full-time attendance at an educational institution outside the country or area of the duty station, the amount of the grant shall be:  (a) where the institution provides board for the student, 75 per cent of the cost of attendance and board up to a maximum grant of US \$1,000 a year;  (b) where the institution does not provide board, US \$500 plus 75 per cent of the cost of attendance up to a maximum grant of US \$1,000 a year.	For full-time attendance at an educational institution outside the country or area of the duty station, the amount of the grant shall be:  (a) where the institution provides board for the student, 75 per cent of the cost of attendance and board up to a maximum grant of <u>US \$1,500</u> a year;  (b) where the institution does not provide board, <u>US \$650</u> plus 75 per cent of the cost of attendance up to a maximum grant of <u>US \$1,500</u> a year.	These changes, effective 1 January 1973, are pursuant to Resolution a/res/2990 (xxvii) of the UN General Assembly and were adopted by WHO at the 51st Session of the Executive Board in Resolution EB51.R35.
255.2	For full-time attendance at an educational institution in the country or area of the duty station, the amount of the grant shall be equal to 75 per cent of the cost of attendance, up to a maximum of US \$1,000 a year.	For full-time attendance at an educational institution in the country or area of the duty station, the amount of the grant shall be equal to 75 per cent of the cost of attendance, up to a maximum of <u>US \$1,500</u> a year.	

1010.1

A decision based on Rule 960 not to confirm a staff member's appointment because of unsatisfactory performance or conduct, or because of unsuitability, may be appealed by him if he considers that such decision has been made for reasons not connected with his performance, conduct or suitability for international service. Such appeal must be made in writing to the Director within eight days of receipt of notice of non-confirmation. The Director's decision shall be final and none of the other appeal procedures described in this section shall apply.

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This is essentially an editorial revision to indicate access to the ILO Tribunal. The new text is synonymous with WHO Staff Rule 1010.1.

1020.2

Upon receipt of such an appeal the Director shall refer the appeal to a medical board of review consisting of three medical practitioners, one chosen to represent the Director, one selected by the staff member and a third selected by the first two. This board shall have available to it the Bureau's medical records concerning the staff member and shall conduct such examinations of the individual as it may deem necessary. The decision of this board shall be final and none of the other appeal procedures described in this section shall apply.

Upon receipt of such an appeal the Director shall refer the appeal to a medical board of review consisting of three medical practitioners, one chosen to represent the Director, one selected by the staff member and a third selected by the first two. This board shall have available to it the Bureau's medical records concerning the staff member and shall conduct such examinations of the individual as it may deem necessary. The decision of this board shall be final and none of the other appeal procedures described in this section shall apply, except as provided in Rule 1040.

This is essentially an editorial revision to indicate access to the ILO Tribunal. The new text is synonymous with WHO Staff Rule 1020.2.



1030.2 To hear appeals on these grounds there shall be established at Headquarters a Board of Inquiry and Appeal and at each zone office, a Zone Board of Appeal. Only the Headquarters' Board of Inquiry and Appeal shall have competence to hear appeals under Rule 1030.1(d) regarding posts subject to international recruitment. At the request of the Headquarters' Board of Inquiry and Appeal, a Zone Board may conduct a hearing on any matter referred to the competence of the Headquarters' Board, the findings of such hearing to be reported to the Headquarters' Board for review.

To hear appeals on these grounds there shall be established at Headquarters a Board of Inquiry and Appeal. The Headquarters' Board of Inquiry and Appeal shall have competence to hear appeals under Rule 1030.1 above.

To provide that all appeals arising within the Bureau regardless of duty station would be heard by the Headquarters' Board.

1030.3 The Headquarters' Board of Inquiry and Appeal shall report its findings and recommendations to the Director with whom the final decision shall rest. Zone Boards of Appeal shall report to the Zone Representative. The Director shall inform the appellant of his decision, and shall at the same time inform the appellant of the recommendations made by the Board. The Zone Representative shall follow a similar procedure in the case of appeals heard by Zone Boards of Appeal.

The Headquarters' Board of Inquiry and Appeal shall report its findings and recommendations to the Director with whom the final decision shall rest. The Director shall inform the appellant of his decision, and shall at the same time inform the appellant of the recommendations made by the Board.

To provide that all appeals arising within the Bureau regardless of duty station would be heard by the Headquarters' Board.

1030.5 The Zone Board of Appeal shall be composed of three members having equal vote, selected as follows: one person and one alternate designated by the Zone Representative, one person and one alternate elected by the staff, and a third member who will serve as Chairman designated by the Zone Representative on the nomination of the two other members.

To be deleted

To provide that all appeals arising within the Bureau regardless of duty station would be heard by the Headquarters' Board.

1030.7	<p>The Board of Inquiry and Appeal shall establish rules of procedure governing its own activity, which, so far as practicable, shall be followed by Zone Boards, provided that the appellant shall, if he so wishes, be heard by the appropriate board in person and/or through a representative of his choice. Any travel occasioned by such appearance shall be at the appellant's expense unless the Board hearing the appeal determines otherwise. The appearance of the staff member himself is essential to the proper consideration of the appeal and the Board ultimately finds in favor of the appellant.</p>	<p>The Board of Inquiry and Appeal shall establish rules of procedure governing its own activity, provided that the appellant shall, if he so wishes, be heard by the board in person and/or through a representative of his choice. Any travel occasioned by such appearance shall be at the appellant's expense unless the Board hearing the appeal determines that the appearance of the staff member himself is essential to the proper consideration of the appeal and the Board ultimately finds in favor of the appellant.</p>	<p>This is essentially an editorial change to provide that all appeals arising within the Bureau regardless of duty station would be heard by the Headquarters' Board. The new text is synonymous with WHO Staff Rule 1030.7.</p>
1030.8(c)	<p>A staff member shall have the right to appeal to the Board of Inquiry and Appeal at Headquarters against the decision of the Zone Representative based upon the recommendation of a Zone Board of Appeal. Notification of such appeal must be dispatched to the Board in writing within thirty calendar days after receipt by the appellant of the Zone Representative's decision on the original appeal.</p>	<p>To be deleted</p>	<p>To provide that all appeals arising within the Bureau regardless of duty station would be heard by the Headquarters Board.</p>
1030.9	<p>In any case involving interpretation of the Staff Regulations or Staff Rules, the Zone Representative shall consult the Director before taking a final decision on a recommendation from a Zone Board of Appeal. In case of appeal against the decision of the Zone Representative referred to in Rule 1030.8 above, the complete record of the Zone hearing shall be forwarded to the Board of Inquiry and Appeal at Headquarters, which shall decide what further evidence, if any, needs be obtained before making a recommendation to the Director for a final decision.</p>	<p>To be deleted</p>	<p>To provide that all appeals arising within the Bureau regardless of duty station would be heard by the Headquarters' Board.</p>

<u>No.</u>	<u>Present Text</u>	<u>New Text</u>	<u>Comments</u>
1040	<p>Note: The Pan American Sanitary Bureau has no Administrative Tribunal, the Board of Inquiry and Appeal being the final recourse in appeals. The IV Meeting of the Directing Council, held at Ciudad Trujillo during September 1950, authorized the Director to negotiate for participation in the Administrative Tribunal of the United Nations at the same time as, and through, the World Health Organization. (CD 4/R/XVII Res. 2).</p>	<p>1040.1 Pending definitive arrangements for the use of either the Administrative Tribunal of the United Nations or the Administrative Tribunal of the Organization of American States, disputes between the Bureau and a Staff member which cannot be resolved internally may be referred to the Administrative Tribunal of the International Labour Organization, provided that such disputes relate to observance of the terms of a staff member's contract or arise out of a disciplinary action. No other appeals are receivable by the Administrative Tribunal.</p>	<p>Recognition that staff members of the Bureau have access to the Administrative Tribunal of the International Labour Organization. The new text is synonymous with that of WHO Staff Rules 1040.1 and 2 and the inclusion of possible arrangements at a future date for the PASB to use the Administrative Tribunal of the Organization of American States.</p>
1040.2		<p>An appeal shall be made in accordance with the Statute of the Tribunal and shall not be receivable by the Tribunal unless the decision contested is a final decision and the person concerned has exhausted such other means of redress as are open to him under these Staff Rules and in particular Rules 1010 to 1030.</p>	
1050	<p>Copies of the rules of procedure of the Board of Inquiry and Appeal shall be maintained in the personnel offices of the Bureau and made available to any staff member on request.</p>	<p>Copies of the rules of procedure of the Headquarters' Board of Inquiry and Appeal and the Statute of the Tribunal shall be maintained in the personnel office of the Bureau and made available to any staff member on request.</p>	<p>Editorial change in view of Rule 1040 above. This is synonymous with WHO Staff Rule 1050.</p>



DIRECTING COUNCIL

PAN AMERICAN  
HEALTH  
ORGANIZATION

REGIONAL COMMITTEE

WORLD  
HEALTH  
ORGANIZATION



XXII Meeting

XXV Meeting

RESOLUTION XIII

AMENDMENTS TO THE STAFF RULES OF THE PAN AMERICAN SANITARY BUREAU

THE DIRECTING COUNCIL,

Bearing in mind the provisions of Staff Regulation 12.2;  
and

Having considered the contents of Resolution XXIII approved  
by the 70th Meeting of the Executive Committee,

RESOLVES:

1. To take note of the following amendments to the Staff Rules of the Pan American Sanitary Bureau on Education Grant, presented by the Director in the Annex to Document CE70/13, and approved by the Executive Committee at its 70th Meeting, to be effective as of 1 January 1973: 255.1 and 255.2.
2. To endorse the Director's plan to continue a restudy of Staff Rule Changes regarding the Zone Boards of Inquiry and Appeal and to report thereon to the XIX Pan American Sanitary Conference.

(Approved at the tenth plenary session, held on  
15 October, 1973)