

directing council



PAN AMERICAN
HEALTH
ORGANIZATION

XI Meeting

regional committee

WORLD
HEALTH
ORGANIZATION

XI Meeting



Washington, D. C.
September 1959

CD11/17 (Eng.)
17 August 1959
ORIGINAL: ENGLISH

Topic 25: RECRUITMENT OF PROFESSIONAL PERSONNEL

At its 37th Meeting (May 1959), the Executive Committee took under consideration the matter of the recruitment of professional personnel and adopted Resolution VIII, as follows:

The Executive Committee,

Bearing in mind that one of the main difficulties encountered in the recruitment of professional personnel lies in the present system of appointments, since these either are of very short duration or are permanent;

Considering that the establishment of a medium-term appointment system would make it easier for governments and other institutions to authorize their technical staff to render temporary service in international organizations;

Considering that such a system would be of great benefit both to the international organizations, which could utilize the services and knowledge of national specialists, and to those specialists' countries of origin, for on return to their respective posts such personnel would take with them the experience acquired in activities of an international character; and

Bearing in mind the opinions expressed during the discussion of this topic,

RESOLVES:

To instruct the Director to explore the possibilities of establishing a medium-term appointment system to facilitate the recruitment of professional personnel, and to report the results of this study to the next meeting of the Directing Council.

The Director has the honor to present the results of his study on this matter.

The recruitment of qualified professional staff has been a significant problem in the Pan American Sanitary Bureau since the reorganization of the Bureau in 1947. With the expansion of program in the recent past this matter has become increasingly difficult. Action taken in recent years by the governing bodies and the Director to effect changes in the Staff Rules and Regulations has been directed, in large measure, toward the objective of making more attractive the conditions of employment in the PASB and thereby ensuring recruitment and retention of able professional staff.

The above-cited resolution requested that a review be made of the means by which professional personnel could be appointed on a medium-term basis. If medium-term appointment is considered to be an appointment of 1 to 4 years, the Director is happy to inform the Directing Council that there exists in the Staff Rules and Regulations of the PASB authority to appoint persons on medium-term assignments. No changes in the Rules are required to provide the type of medium-term secondment to the PASB of personnel of national public health ministries suggested in the discussions at the 37th Meeting of the Executive Committee.

The Director wishes to suggest that consideration should be given not only to the medium-term appointment, but also to short- and long-term appointments in any action to be taken on this matter. There exists a need for persons to be assigned for varying periods, from permanent tenure to medium- and short-term service, depending on the requirements of specific projects, programs, or other activities.

The international staff of PASB may be classified into these two principal categories according to functions: (1) the permanent, or long-term, cadre of the Organization, and (2) the short-term and medium-term personnel. The former group represents the career service of the PASB. For the most part these will be personnel assigned to posts at official stations as contrasted with those assigned to projects. The latter group should comprise staff appointed for a period of time varying according to the nature of the project, the requirements of the government service, and the personal interests of the individual. The Director maintains that the Bureau should avail itself of competent personnel, but in no instance should it do so at such time, and in such manner, that the progress of national programs is adversely affected by such action.

In the discussions on this subject at the 37th Meeting of the Executive Committee, it was suggested that arrangements should be made for a provident-type fund which would provide a substantial sum as a terminal emolument for the medium-term employee as another means of attracting personnel. The Director wishes to bring to the attention of

the Directing Council the existing arrangement in Staff Rule 265 for the payment of a service benefit at termination to persons on a medium-term appointment. Under this staff rule the PASB contributes a sum equal to 8 per cent of the salary of a medium-term appointee serving outside his home country. This money is held in a fund pending the end of service of the staff member. Upon completion of service, the medium-term appointee receives this sum. The staff member makes no contribution to this fund. Furthermore, he not only receives the service benefit noted above, but also receives associate participation in the U.N. Joint Staff Pension Fund. The Director believes that the present arrangement for a service benefit and associate participation in the U.N. Joint Staff Pension Fund substantially meets the point made at the 37th Meeting of the Executive Committee. He suggests, therefore, that there is no pressing need to make further changes in the Staff Rules at this time.

This problem also should be considered from the viewpoint of the national governments. During the Executive Committee meeting, there was discussion of the legislative provision for secondment in a few countries and the need for having such an arrangement in all countries. The Director believes that legislation should be adopted by all the Member Governments in order to facilitate secondment and to provide maximum assurance of job security for the seconded staff member.

The Director wishes, in addition, to bring to the attention of the Directing Council the action being taken on the matter of recruitment and secondment of professional personnel by the World Health Organization, and believes that the PAHO should relate its action on this matter to that of the governing bodies of WHO.

The World Health Organization, in 1958, undertook a study of the recruitment and secondment of professional personnel and reviewed both WHO rules and national government laws on this subject. The results of this survey were incorporated in a report, Secondment of Staff from Member States (Document EB23/51), presented in January 1959 to the Executive Board (see Annex I). In this report it was declared that "a system of secondment of national officials to the World Health Organization on the basis of rules and procedures to be drawn up would constitute at the present the system most suitable both to the national level as well as to the international level."

It was recognized there would be difficulties in establishing a pattern of mutual cooperation but it was declared these difficulties were not insurmountable. The result of the survey gave indication that "relatively few countries have provided laws or regulations for the secondment of national officials to international organizations subject to the guarantees necessary to foster such interchange." A series of minimum conditions appeared necessary for the secondment of a national official. It was felt that:

"(1) He should be assured of his acquired seniority in his own service during the whole of the period of secondment.

"(2) He should have the assurance of being able to return to a post at least equivalent to the one he occupied before his secondment.

"(3) He should keep his acquired rights towards a pension.

"(4) He should be enabled either to continue his affiliation to the national pension fund, or have the possibility of validating his period of secondment on his return from secondment."

It was also maintained that "apart from these basic conditions, the preservation of certain other benefits such as social security, leave entitlements, etc., might also be considered."

The World Health Organization also visualized opportunity for the secondment of WHO staff to national governments for short periods. This arrangement is feasible under the existing Staff Rules and Regulations of both WHO and PASB.

The Executive Board of the World Health Organization in Resolution EB23.R25 (see Annex II) agreed to the principles for secondment suggested by the Director-General, indicated minimum conditions for such service, and requested the Director-General to prepare a document containing the principles which should govern secondment. The Board further recommended that all Member Governments of the WHO which did not have such legislation include in their national legislation provisions regarding the secondment of their officials to international organizations; and requested the Director-General to transmit the resolution to the Secretary General of the United Nations and to the executive heads of the other specialized agencies for appropriate consideration by the governing bodies of those organizations.

The document requested by the Executive Board is to be circulated to the Member Governments of the WHO, inviting their comments on it, and doubtless will cover the critical matters of tenure, pension, and other service benefits which were subjects of discussion on this topic at the 37th Meeting of the Executive Committee.

In view of the action being taken by the WHO, the Director believes it appropriate that the PAHO await the development of this action by WHO in order that a basically similar position be taken by the two agencies.

The Directing Council may wish to consider a resolution along the following lines:

Proposed Resolution

The Directing Council,

Having considered the report of the Director on the matter of recruitment of professional personnel and the secondment to the Pan American Sanitary Bureau of qualified national public health personnel;

Noting that the present Staff Rules and Regulations make possible medium-term appointment and the granting of a terminal emolument under the service benefit; and

Considering the action being taken on this matter by the World Health Organization,

RESOLVES:

1. To request the Director to report to the Executive Committee on the results of the action of the World Health Organization on this matter and on his proposals for action by the Pan American Health Organization,

2. To call upon the Member Governments to draft legislation, in keeping with the minimum conditions established by the WHO Executive Board, to provide for secondment of officials to PAHO.

CD11/17 (Eng.)
ANNEX I
ORIGINAL: ENGLISH

ANNEX I

Document: EB23/51

SECONDMENT OF STAFF FROM MEMBER STATES

and

Annexes: A, B, C, and D

WORLD HEALTH
ORGANIZATION

EXECUTIVE BOARD

Twenty-third session

Provisional agenda item 8.17

ORGANISATION MONDIALE
DE LA SANTÉ

EB23/51

19 December 1958

ORIGINAL: ENGLISH

SECONDMENT OF STAFF FROM MEMBER STATES

1. Almost from the inception of WHO representatives of Member States have shown interest in the problem of the secondment of national staff to WHO. The First World Health Assembly discussed at some length a proposal on this subject made by the representative of Venezuela¹ and at its fifth session the Executive Board adopted resolution EB5.R64² which was transmitted by the Director-General to the Member Governments with his circular letter C.L.11.1950 dated 10 March 1950.
2. At the opening meeting of the Committee on Administration, Finance and Legal Matters of the Eleventh World Health Assembly the representative of the Director-General made reference again to the problem of the interchangeability of staff with national services. In the text of his statement there appears the following passage:

" . . . ; the second staff matter presents the so far intractable problem of how to create opportunities for professional staff members to move back and forth between the national and international services as the needs of the two require and to the enrichment of both. There have been a few notable instances of this practice, to the merit of the few governments concerned, but these have been sporadic and ad hoc arrangements, whereas what is needed is an organized systematic interchange to which a large number of governments are willing to subscribe. Such an arrangement would provide very rich opportunities for the improvement of both the national and international services."

These remarks were received with great interest and a number of delegations commented upon them and requested further study and recommendation on this important question.

¹ See Off. Rec. Wld Hlth Org. 13, 201

² See Off. Rec. Wld Hlth Org. 25, 24

3. The World Health Organization has considerably developed from the time of its inception and this development is far from being complete. Additional activities are being undertaken and these activities require a continually increasing number of technically qualified persons. The recruitment of public health personnel, medical officers, engineers, nurses, scientists and administrators capable of carrying out all the duties required of them and having the necessary skill and authority to provide to governments the assistance they require is becoming more and more difficult. These persons can only be recruited from countries which have fully trained officials and their recruitment by international organizations is likely to deprive the national administrations of many of their most valuable officials. If the international organizations are unable to find the persons capable of implementing the increasingly numerous requests for assistance, they are placed in a position where it is not possible for them to carry out the functions for which they were created. In consequence, it is necessary to find a method by which the necessary assistance can be obtained without prejudicing the duties incumbent on those national administrations whose officials would be internationally recruited; these administrations should consequently have the possibility of having their officials return to them after a period of service with the organization so that they would come back with knowledge gained during the period of their international service which could only be of value to their national administration. Thus the international organization would benefit from the assistance given to it by experienced national officials and the national administration would, in turn, benefit from the knowledge gained by these officials during the period of their secondment at such time as they returned to their administrations.

4. Conversely, there may be a need from time to time for a permanent WHO staff member to return to national service, for some period of time, for the purpose of assisting his own national administration on some special project. In such instance, there may be a desire on the part of a national administration to request the secondment from the Organization of this particular staff member.

5. Secondment from a national administration

5.1 With regard to the type of secondment envisaged in paragraph 3, it appears that a system of secondment of national officials to the World Health Organization on the basis of rules and procedures to be drawn up would constitute at the present the system most suitable both to the national level as well as to the international level. Such an attractive method of mutual co-operation gives rise to some difficulties, but these are not insurmountable. A rapid survey has indicated that relatively few countries have provided laws or regulations for the secondment of national officials to international organizations subject to the guarantees necessary to foster such interchange.

5.2 The following minimum conditions would appear necessary to make such secondment acceptable for the national official concerned:

5.2.1 He should be assured of his acquired seniority in his own service during the whole of the period of secondment.

5.2.2 He should have the assurance of being able to return to a post at least equivalent to the one he occupied before his secondment.

5.2.3 He should keep his acquired rights towards a pension.

5.2.4 He should be enabled either to continue his affiliation to the national pension fund, or have the possibility of validating his period of secondment on his return from secondment.

5.3 Apart from these basic conditions, the preservation of certain other benefits such as social security, leave entitlements, etc. might also be considered.

5.4 At the same time, the Organization would have to consider in what manner it would deal with those problems which would arise in its regard, such as the salary and the method of payment, the question of compensation for accident or sickness attributable to service with the Organization, the participation in the cost of those benefits guaranteed to the officials concerned by their national administrations and other like matters. The Organization's rules in general provide ample latitude to the Director-General to arrange these matters with satisfaction to all concerned.

5.5 By way of information there is annexed to this document synopses of several national regulations dealing with secondment of national officials to international organizations of which the governments concerned are members. In these regulations will be found principles which might serve usefully as a guide for the drawing up of general provisions which might be acceptable to the majority of the Members of the World Health Organization. These could be the subject either of a convention or of a recommendation setting forth the guiding principles to be included in any national regulations regarding the secondment of national officials and which the States Members of the World Health Organization might be invited to adopt individually.

6. Secondment from the Organization

Under the present staff regulations and rules, there would not be any great difficulty in seconding WHO permanent staff members for relatively short periods of time to a national administration. In such cases, the Director-General can grant special leave of absence to the staff member under Staff Rule 650. Provision is made in the rules which would enable the staff member either to continue to participate in the UN Pension Fund or to revalidate his period of secondment and he may even under certain circumstances retain coverage by the Sickness and Accident Insurance.

7. Recommendations

The Board may wish to discuss the principles on which secondments from a national administration should be based and decide on what would be the most appropriate way to encourage all member governments which have not already done so to include in their national legislation adequate provisions regarding the secondment of their officials to the World Health Organization.

SUMMARY OF THE PROVISIONS ON SECONDMENT IN FRENCH LAW
GOVERNING THE CIVIL SERVICE

(Law No. 46-2294 of 19 October 1946 as amended)

1. On his request a French civil servant may be seconded to an international organization. Secondment is revocable.
2. The civil servant seconded to an international organization retains his entitlements to promotion and pension in his original service.
3. There are two sorts of secondment:
 - (a) short-term secondment, and
 - (b) long-term secondment.
4. Short-term secondment may not exceed six months; it cannot be renewed. At the expiry of the period of secondment or, in any event, of the six months' period, the person concerned is reinstated to his former position.
5. Long-term secondment may not exceed five years. It may, however, be renewed indefinitely by five-year periods. In the case of long-term secondment to an international organization, the person concerned is immediately reinstated in his original service in the following circumstances:
 - (a) if secondment comes to an end after a period of at least two years for a reason other than a fault committed in the exercise of the functions;
 - (b) if secondment of whatever duration comes to an end by reason of suppression of the post to which the seconded person was assigned.
6. The civil servant concerned becomes subject to the regulations and rules governing the service to which secondment is made.
7. Pension fund deductions are made on the salary attaching to the post in the original service.

SUMMARY OF THE PROVISIONS ON TRANSFER AND DETAIL
CONTAINED IN THE UNITED STATES PUBLIC LAW 85-795

"The Federal Employees International Organization Service Act"

1. Provision is made in the Law for the transfer and for the detail of federal employees to international organizations.
2. Detail is the assignment or loan of a federal employee to an international organization without the employee's transfer from the federal agency by which he is employed. Transfer is the change of position by a federal employee from a federal agency to an international organization.
3. A federal employee may be detailed to an international organization requesting services for a period not exceeding three years.

While so detailed, the employee concerned is considered to be an employee of the federal agency from which detailed for the purpose of preserving allowances, privileges, rights, seniority and other benefits. Allowances or expenses, incurred in the performance of duties required by the detail are to be paid or reimbursed by the international organization to the employee detailed to it.

Details may be made:

- (a) without reimbursement to the United States by the international organization; or
 - (b) with agreement by the international organization to reimburse the United States for compensation, travel expenses, allowances, or part thereof, payable during the period of detail.
4. A federal employee serving under an appointment not limited to one year or less may transfer to an international organization. If the transfer is made with the consent of the head of his agency, the employee so transferred is entitled to the following:

- (a) to retain coverage and all rights and benefits under any system established by law for the retirement of civilian employees of the United States, provided all necessary employee deductions and agency contributions for the period of employment with the international organization are currently deposited in the system's fund.
- (b) to retain coverage and all rights and benefits under the Federal Employees' Group Life Insurance Act of 1954, as amended, provided all necessary employee deductions and agency contributions for the period of employment with the international organization are currently deposited in the Employees' Life Insurance Fund.
- (c) to retain coverage and all rights and benefits under the Federal Employees' Compensation Act. However, payments received from the international organization on account of injury, disability or death are to be credited against the benefits payable under the Federal Employees' Compensation Act.
- (d) to elect to retain to his credit all accumulated and current accrued annual leave to which entitled at the time of transfer to the international organization, which would otherwise be liquidated by a lump-sum payment.
- (e) to be re-employed within thirty days of his application in his former position or a position of like seniority, status and pay, in the agency from which he transferred, if separated from the international organization within three years after the date of transfer or, if separated from the international organization within a shorter period as specified by the head of the federal agency and application for re-employment is made not later than ninety days after separation.
- (f) upon re-employment, to the rate of basic compensation to which he would be entitled had he remained in the federal service. Upon re-employment, the sick leave account of the employee shall be restored by credit or charge to its status at the time he left the federal service. The period of employment with the international organization and the period necessary to effect re-employment is creditable service for all appropriate federal employment purposes.

Annex B

For the purpose of (a), (b) and (c) above, service with the international organization is considered to be service as an officer or employee of the United States. The provisions of the law summarized under 4. above, apply only provided employment with the international organization does not exceed three years or such shorter period as may be specified by the head of the federal agency from which the employee is transferred at the time of the transfer.

EXCERPTS FROM THE LAW No. 210-1951 OF THE UNITED ARAB REPUBLIC
(PROVINCE OF EGYPT) ON THE STATUS OF CIVIL SERVANTS
RELATING TO SECONDMENT

(Translated from Arabic)

1. Provision is made in the law for the secondment of civil servants to international organizations.
2. The duration of secondment is taken into consideration as regards pension, indemnity, provident and insurance funds, salary increase and promotion.
3. Secondment may not exceed four years, except that if the seconded civil servant is a staff member of the Ministry of Education, Universities, Al Azhar Mosque or Religious Institutes, secondment may exceed this duration.
4. During secondment the Government does not pay any remuneration to the person concerned, such payment being a charge of the institution to which secondment is made.
5. The following formalities have to be observed:

A ministerial decree stating the conditions of secondment is issued at the request of the authority to which secondment is made, with the agreement of the official concerned and of the Ministry from which he is seconded. Mention is made in the decree of the grade and salary of the official, the duration of secondment, designation of the authority to which seconded, salary on secondment, and any other relevant binding conditions.

A copy of the conditions of secondment is given to the authority to which secondment is made, for execution.

6. Confidential appraisal reports on the official's conduct and ability or fitness to fulfil his duties have to be sent by the authority to which secondment is made to the original authority.

Annex C

7. Secondment may be renewed under the following conditions:

Two months at least before the expiration of secondment, the authority to which secondment is made should send a request for renewal to the original authority. Such request must be accompanied by a statement of the official concerned accepting renewal of the secondment. The original authority must reply in writing to the requesting authority, accepting or refusing renewal sufficiently in time before the expiry of the original term of secondment.

8. Secondment is not possible for periods extending beyond the dates on which the seconded official reaches the age of retirement as determined by the Government.

EXCERPTS OF DECREE-LAW NO 9.538 OF 1 AUGUST 1946
OF BRAZIL
PROVIDING FOR LEAVE OF ABSENCE OF BRAZILIAN PUBLIC SERVANTS
TO WORK WITH INTERNATIONAL ORGANIZATIONS
WITH WHICH BRAZIL CO-OPERATES

(Translation from Portuguese)

Article 1. A servant of the Nation, through express authorization of the President of the Republic, is permitted leave of absence from the country for the purpose of filling a post with any international organization with which Brazil co-operates.

Paragraph 1. For the effects of the present Law, the aforesaid leave of absence shall be counted from the day following the public servant's departure from the branch or service to which he is assigned, to the day of his return to his normal administrative activities.

Paragraph 2. When the assignment referred to in this Article has been completed, the public servant shall be allowed a period of one hundred and twenty days to report to the branch or service where he had been assigned at the time of his departure.

Article 2. Public servants in the status referred to in the preceding Article shall lose salary, remuneration, or wages payable for the respective posts or functions, and they shall be entitled, for purposes of retirement and reserve status on full pay, to credit for the time of service corresponding to the aforesaid leave of absence.

Article 3. Except in the case of invitations by name, made through the Ministry of Foreign Affairs, the selection of candidates for the aforesaid posts shall be made by the Administrative Department of Public Service (Departamento Administrativo do Serviço Publico).

Annex D

Article 4. In any event, it shall be incumbent upon the Administrative Department of Public Service to propose the granting of leave of absence on the basis of invitations by name or through selection, as well as to prepare the necessary communications and supplementary transactions.

Article 5. It shall be incumbent upon the Ministry of Foreign Affairs to notify the Administrative Department of Public Service of invitations by name and of requests for personnel that may be made through its offices, as well as of the termination of the assignment of the public servant.

Article 6. The present Decree-Law shall enter into force on the date of its publication.

Article 7. Provisions to the contrary are hereby revoked.

CD11/17 (Eng.)
ANNEX II
ORIGINAL: ENGLISH

A N N E X I I

Resolut ,on EB23.R25

SECONDMENT OF STAFF FROM MEMBER STATES

EB23.R25 Secondment of Staff from Member States

The Executive Board,

Having considered the study made by the Director-General on the subject of secondment of staff to the Organization by Member States, as well as the occasional short-term secondment of a staff member from the Organization to a government;

Noting that provision for the latter exists in the WHO Staff Rule governing leave of absence and in the regulations of the United Nations Joint Staff Pension Fund; and

Noting, however, that satisfactory national legislation regarding secondments to the Organization does not in many cases exist,

1. AGREES with the principles for such secondments suggested by the Director-General;
2. CONSIDERS that the following minimum conditions appear necessary to facilitate the secondment to the Organization of the national official concerned :
 - (a) he should be assured of his acquired seniority in his own service during the whole of the period of secondment;
 - (b) he should have the assurance of being able to return to a post at least equivalent to the one he occupied before his secondment; with total emoluments at least equal to those he would normally be receiving had he not been seconded;
 - (c) he should keep his acquired rights towards a pension;
 - (d) he should be enabled either to continue his affiliation to the national pension fund, or have the possibility of validating his period of secondment on his return from secondment;
3. CONSIDERS further that, apart from these basic conditions, the preservation of certain other benefits such as social security, leave entitlements, etc., might also be considered;
4. REQUESTS the Director-General to prepare on the basis of these considerations a document containing the principles which should govern secondment of national officials to the Organization, together with appropriate observations, and to circulate this document to Member States of the Organization, inviting their comments thereon;
5. RECOMMENDS that all Member States of the Organization which have not already done so include in their national legislation the necessary provisions regarding the secondment of their officials to international organizations, including the World Health Organization; and
6. REQUESTS the Director-General to transmit this resolution to the Secretary-General of the United Nations and the executive heads of the other specialized agencies for any appropriate consideration by the governing bodies of those organizations.