



EXECUTIVE BOARD

Fifty-seventh Session

PROVISIONAL SUMMARY RECORD OF THE FOURTH MEETING

WHO Headquarters, Geneva
Thursday, 15 January 1976, at 2.35 p.m.



CHAIRMAN: Professor J. Kostrzewski

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MEMBERS AND OTHER PARTICIPANTS

(For list of members and other participants at the fifty-seventh session, see separately issued document of 15 January 1976.)

FOURTH MEETING

Thursday, 15 January, at 2.35 p.m.

Chairman: Professor J. KOSTRZEWSKI

1. WHO STAFF ASSOCIATIONS, RELATIONSHIP WITH THE EXECUTIVE BOARD: Item 36 of the Agenda (Document EB57/48) (continued)

The CHAIRMAN drew attention to the following draft resolution proposed by the Rapporteurs:

The Executive Board,

Noting the request of the Headquarters Staff Committee to be authorized to present its views, and those of regional staff committees, to the Board on matters concerning personnel policy and conditions of service, and the Director-General's recommendation on that request,

AUTHORIZES the Chairman of the Board to invite one qualified representative of the WHO staff associations to submit, through the Director-General, a statement reflecting the views of the WHO staff associations on such matters, and to be available for any explanations if necessary.

Decision: The draft resolution was adopted.

Professor AUJALEU assumed that due note had been taken of the fact that, for reasons he had explained at the previous meeting, he had abstained from voting on the draft resolution.

The CHAIRMAN said that, in view of the decision just taken, he would invite the Chairman of the Headquarters Staff Association to address the Board.

Professor AUJALEU requested clarification as to whether the representative of the staff would be submitting a statement through the Director-General or whether he would be giving explanations on points which might arise. The wording of the draft resolution implied either that the staff representative submitted a written statement or that the Director-General himself conveyed that statement orally.

The DIRECTOR-GENERAL said that it was his understanding that the connotation of the words "through the Director-General" was that any such statement had been brought to the knowledge of the Director-General and seen by him and that that statement was then, with his agreement, submitted either in writing or orally by the staff representative.

Dr YANEZ expressed the view that the text in Spanish conveyed the same meaning as that which Professor Aujaleu gave it in French.

Dr TARIMO said that it was his impression, basing himself on the English text, that the procedure approved by means of the resolution would be either for the Director-General to introduce a statement on behalf of the Staff Association or for a staff representative himself to speak.

Dr VALLADARES agreed with Dr Tarimo. It was to be assumed that the Director-General was fully aware of the contents of the statement to be submitted and transmitted it to the Board. For the Director-General to introduce the statement by the staff representative would eliminate any problem.

The DIRECTOR-GENERAL believed that the consensus of the Board was in support of the interpretation of the resolution given by Dr Tarimo. Accordingly, he would propose, in view of the resolution just adopted by the Board that, since a number of matters on the agenda of the present session were of direct interest to the staff of the Organization, the Board might wish to invite a representative of the Staff Association to make the views of the staff known.

Dr VENEDIKTOV wondered whether that decision would mean that the Board would be hearing the views of the Staff Association as well as of the Director-General on a large number of questions.

Sir Harold WALTER emphasized the fact that the text should be judged on the intentions of those responsible for its drafting. That meant that, as a procedural convenience, it had been considered desirable that the views of the Staff Association, through the Director-General, should be put to the Board. There accordingly seemed to be no objection for a statement to be made by a staff representative following an introduction by the Director-General. Indeed, were the Board to appear to give a restrictive interpretation to the resolution just adopted, the staff might well think that members of the Executive Board did not wish to hear their case.

The CHAIRMAN believed that the resolution adopted had been intended to reflect the discussion which had taken place and during which agreement had been reached that a qualified representative of the staff should be afforded an opportunity to address the Board.

Professor AUJALEU said he merely wished to call attention to the fact that the resolution, in the form in which it had been adopted, had not been worded with the requisite clarity. The position in effect was that the staff representative would be making a statement with the authorization of the Director-General rather than through the Director-General.

Dr VENEDIKTOV thought that the practice followed in other organizations of the United Nations system was relevant.

The CHAIRMAN recalled that the position in other United Nations bodies had been clarified at the previous meeting and that representatives of their staff associations were permitted to make statements to the executive organs. It was important to have full agreement on the position in respect of the Board.

Dr EHRLICH considered that the wording of the resolution was adequate to meet the situation.

Dr CHILEMBA believed that the question had been thoroughly discussed and that it would now be appropriate, in view of the decision taken, for the Chairman to invite the representative of the staff to address the meeting.

Dr KHALIL concurred with that view.

Speaking at the invitation of the Chairman, Dr GRAMICCIA (Chairman of the Headquarters Staff Association) expressed regret that the question of a statement by a staff representative had given rise to some difficulties. He was sure, however, that, in the spirit of great understanding which prevailed between the Director-General and his staff, that question would be solved at future meetings of the Board. The present occasion was an historic one for the staff of WHO.

The most important factor for ensuring, over the next 10 or 15 years, the recruitment and service of competent and truly international civil servants to carry out the programme decided upon by the executive bodies was the promotion of a real career system for both professional and general service staff members. It might be surprising to some members of the Board to know that there was no established means for staff members to be promoted systematically from one grade to another on merit; that there was no clear policy allowing for movement of professional staff between field, regional offices and headquarters assignments for the benefit of the Organization and their experience; that there was, for almost 80% of the staff including some with more than 10 years of satisfactory service, no security of tenure beyond the renewal of a contract, which was often only for a couple of years; and that there was no security offered by most national administrations for the employment or re-employment of their citizens who had been international civil servants, should the international employment be terminated through no fault of the incumbent.

The staff felt that there was a need for a collaborative effort on the part of governments, administration and staff representatives to establish an adequate personnel policy. The resolution just adopted had certainly given the staff a greater sense of participation in the programme of the Organization, and it was conducive to a greater sense of responsibility of the staff in implementing the programme of the Organization now that they could express their views on matters of personnel policy. Staff associations felt that staff representatives should participate in the selection procedures for recruitment of all staff members of WHO, including all the professional categories.

Giving the views of the staff on matters which were on the agenda of the Board, he stated first of all, with regard to agenda item 8 (Application of minus post adjustments), that the staff felt that, under the present economic and monetary situation, it was an anomaly that nine classes of post adjustment should be applied to international professional salaries in the base city of New York and 17-1/5 in Geneva. It would be hard for the field staff and of no real financial advantage for the Organization to apply the minus post adjustment in a few duty stations. The staff, therefore, fully supported the previous decision of the Board in resolution EB53.R8 suspending the application of minus post adjustment.

On item 34.2 (International Women's Year), the staff supported the content of document EB57/41 as regards the efforts required for achieving conditions of employment of women in WHO comparable with those of men at the levels where that was required.

On item 27 (Confirmation of amendments to the Staff Rules), he stated that the staff committees had approved the amendments to the Staff Rules as presented to the Board.

The Board might consider in the course of the present session an item raised at the previous meeting that day concerning the appointment of nationals to WHO Representative posts, etc. That might call for some expression of opinion by the staff, should the matter come up for discussion, as it might have certain repercussions on the conditions of employment of international civil servants.

Supplementary agenda item 2 concerning revalidation of services of field staff prior to 1 January 1958 for pension purposes related to an anomaly in the regulations of the Organization, since field staff employed between 1951 and 1958 had not had the right of participation for that period in the Joint Staff Pension Fund of the United Nations. Ways and means had now been found for rectifying that anomaly, which had already been rectified in other organizations belonging to the United Nations system. The staff therefore approved the recommendations in document EB57/53, and also agreed that that revalidation would not draw upon the budget of the Organization provided the necessary funds could be deducted from the terminal payments account for staff. In connexion with document EB57/31, the staff accepted that, in emergencies, the funds in the terminal payments account could be used to meet temporary cash shortages due to late payment of contributions by Member States, as had already been done when the available Working Capital Fund was insufficient to ensure the uninterrupted delivery of the programme. The staff was confident that the Director-General would keep them informed on those matters.

He wished also to comment on a few points which were not included in the agenda of the current session. The first of those related to security of tenure, to which he had already referred. It was noteworthy that only one staff member out of five had a career service appointment in WHO, that ratio being one of the lowest percentages in the international civil service. That was partly justified by the technical nature of WHO, taking into account the degree of scientific and technical competence required of staff members coming from the various countries. However, the staff felt that, after a certain number of years of satisfactory service, staff members should have the right to career service appointments, in either professional or general service categories. In other cases, service with WHO should not be dissociated from the careers of staff members within their own countries. Otherwise, urgent consideration should be given to a bipartite unemployment insurance scheme, as was the case in most national administrations, financed by the Administration and the staff.

On the question of field staff, the staff felt that most professional careers with the Organization should normally include assignments in the field and in regional offices, and in that it fully agreed with the Director-General. However, staff members assigned to field duties often lost in terms of security of tenure and financially, through local post adjustments being applied to the whole of their salary and cost of rents, etc. In order to encourage field service, which was in the interests of the delivery of the programme, field allowances and a revision of conditions of employment of staff members serving in hardship areas should be considered by the Board after adequate study by the Administration and the staff representatives.

On revaluation of salaries and allowances, he drew attention to the fact that the value of the base salary of WHO staff members had increased by only 20% since 1966 and that some allowances had remained unchanged since 1962. As a consequence of the inadequacy in updating salaries and allowances, new appointments in professional categories had been made in WHO in recent years at grades higher than the ones used several years ago, simply in order to secure staff of the required calibre. That was a source of injustice for staff appointed earlier and pointed to the need for the revision of the post classification system and for its application in a uniform manner to all WHO staff.

With regard to pensions, the serious depreciation of the United States dollar vis-à-vis the local currency had greatly decreased the value of pensions, expressed in United States dollars in some areas. The available compensatory measures in most instances were still inadequate. Furthermore, account should also be taken of the fact that the more specialized was the staff member, the more advanced usually was his age at recruitment and hence the shorter his total length of service in WHO was likely to be. The adoption of a higher accumulation of pension entitlement during the first years of service or during the period of field assignments as an incentive might provide an adequate solution. General service staff, on the other hand, who were recruited at a younger age, usually served for longer than 30 years before reaching the pensionable age and whatever contributions they made to the pension fund after 30 years of service would not increase the amount of their eventual pensions. The staff considered that they should be able to leave the Organization between the ages of 55 and 60, as soon as 30 years of service had been completed, without any actuarial reduction in the pension level.

He expressed appreciation to the Board for having listened for the first time to the point of view of the staff, as well as the sincere hope that that would become a regular feature on the agenda of the Executive Board.

DR HOSSAIN said that national civil servants often tended to envy the privileges and better standard of living enjoyed by international civil servants. The points made by the staff representative, including the question of lack of security of tenure, had been of great interest. The principle of interchange of staff as between headquarters and the regions was of great importance, particularly within the context of the goal of improving health conditions by the year 2000. The provision of primary health care to the entire population constituted an immense challenge. He always felt that the means justified the end, rather than vice versa, and it was accordingly imperative that the staff should have a measure of security. He had heard of a particular case where an individual, who had given dedicated service to the Organization for many years, had not been able to find a post worthy of his capacities

elsewhere. Cases of that sort should not be allowed to occur. The calibre of the staff engaged by WHO to carry the hope of better health conditions to the furthest corners of the world was of the utmost importance. Since WHO depended on those individuals for its action to have its true dynamic value, the Organization should see to it that their conditions were secure.

Dr TARIMO thought that important points had been raised by the representative of the Staff Association. Where security of tenure was concerned, it seemed to him that the best way to achieve that would be through cooperation between WHO and Member countries. The matter was of particular relevance to developing countries where there was a shortage of trained manpower. It was necessary that such countries should realize the value of participation in international work by nationals of the developing countries and should, therefore, provide those of their nationals who accepted employment with international organizations with an assurance of security on their return to their own countries; that should do much to ensure that WHO obtained high-calibre staff. The principle of involvement and participation by developing countries, to which he had called attention in connexion with the technical reports presented, was valid as a general principle for the Organization as a whole.

Dr YANEZ considered that the statement made by the representative of the Staff Association called for careful study.

Dr VENEDIKTOV agreed that the problems concerning the international staff of WHO were most important and called for some solution. He first of all paid tribute to the quality and devotion of the staff both at headquarters and in the regions, reiterating the appreciation that had been expressed in various resolutions and on numerous occasions over the past 30 years.

A number of problems had to be solved within the framework of the United Nations system as a whole - in connexion with pensions, the status of women employees, staff development and promotion, and security of tenure. It was a question of the interests not only of staff members themselves, but also of the Organization as a whole, which had the delicate task of ensuring international cooperation in health. The international problems with which WHO was faced were constantly changing, calling for radically new approaches and bold decisions. In view of the wide range of requirements, there was a need for flexibility in the recruitment of staff, and it was necessary to ensure that countries at different stages of development and with different social structures were represented, so that the Organization benefited from the widest possible range of experience. The staff, who gave their best years to international service, should be provided with adequate working conditions and pensions. Governments should be called upon to ensure the social and economic welfare of staff members at the end of their period of service with WHO, regardless of the length of that service; otherwise, the effect of currency fluctuations on pensions could give rise to real hardship for retired staff. A comprehensive study of the whole policy of staff recruitment was required. In his opinion, career contracts were not realistic; other solutions should be sought, in close coordination with the entire United Nations system.

On the question of minus post adjustments, he believed that WHO should adopt even those recommendations with which it was not entirely happy, if that were necessary in the interests of uniformity within the United Nations system as a whole.

Dr VALLADARES said that in his experience the majority of professionals retired from international organizations after about five years' service, at a time when they stood to gain the maximum benefit and suffer the least disadvantage from such a move. He thought that the Board had done right to allow a representative of the Staff Association to participate in its deliberations; the staff would thus be able to feel that they were playing a greater part in the Organization's work, while members of the Board for their part would be able to gain a better understanding of the problems confronting those who worked on their behalf. Security of tenure was not to be expected from the Organization itself, since the technical and scientific nature of WHO assignments required mobility of personnel. The solution was to find some means of interesting Member States in the welfare of their nationals when they retired from service with international organizations. It was important that the Director-General should be able to offer conditions of service that would ensure recruitment of staff of the highest calibre.

Dr DLAMINI sympathized with the views expressed by the representative of the Staff Association. The Board should adopt a resolution calling on governments to make available staff of high calibre for the service of the Organization. Governments who contributed such personnel should assure them employment when they returned to their home countries at the end of their tour of duty.

Dr HASSAN urged that WHO should take more account of equitable geographical distribution when recruiting staff.

Sir Harold WALTER said members of the Board would be glad to be made aware of any dissatisfaction felt by WHO staff with their conditions of service. However, he had some qualifications to make to the suggestions that had been put forward. Concerning the plea for guaranteed career prospects, he stressed that it was better for promotion to be on the basis of ability rather than seniority. It was important that the efficiency of the international civil service should not suffer through a system of automatic promotion, such as existed in many national civil services. On the suggestion that staff should play more part in the selection of personnel, experience had shown that such participation was not likely to be beneficial to the service as a whole. If recruitment criteria were clearly defined, there should be no difficulty over the selection of suitable personnel. He stressed that recruitment should be on a wide basis and should be as much from developing countries as from developed countries.

On the question of security of tenure, he did not think that a staff member who had worked for a period in an international organization should automatically be guaranteed employment in his country of origin when his term of office ended. If an individual chose to leave his native country and make his skills available elsewhere in order to advance his career, he should face the consequences of that choice. As far as the question of equal rights was concerned, he saw no difficulty; he agreed the time was now ripe for women to enjoy the same advantages as men in the field of employment, provided that they bore an equal share of responsibility.

The question of minus post adjustment was a difficult one. He himself did not see why remuneration should be dependent on the standard of living prevalent in the area to which the staff member was posted; the staff member had not chosen the area, but had been assigned to it. Remuneration should be on the basis of the skills required for the post, and not on the basis of local conditions. In conclusion, he did not see why individual governments should be expected to involve themselves in matters relating to the conditions of service of WHO employees. WHO was a fully independent, legally constituted international body, whose Members had entrusted the Director-General with full responsibility for directing its affairs. The Director-General should be left to carry out that task without interference.

Dr DEL CID PERALTA said he had been interested in the statement given by the representative of the Staff Association and considered the points he had made well founded. If the Organization was to survive, and if its work was to be of increasing benefit to all countries, it must attract staff of the highest calibre. That could be achieved only by offering fair working conditions, including security of tenure and provision for retirement. The Organization would have to undertake a detailed review not only of the current working conditions of its staff but also of the conditions of employment of those who would be working in it in the future. The future manpower of the Organization was of vital importance, and he suggested that, since the Board could not at its present session embark on detailed discussion of the points that had been raised, a working group should be set up to consider in depth the economic, political and humanitarian implications of working for an institution such as WHO.

The CHAIRMAN said he was sure the Director-General would take into account all the points that had been put forward during the discussion of the statement by Dr Gramiccia.

2. CONFIRMATION OF AMENDMENTS TO THE STAFF RULES: Item 27 of the Agenda (Documents EB57/32 and EB57/32 Add 1)

Mr FURTH (Assistant Director-General) said the proposed amendments to the Staff Rules submitted for the confirmation of the Board had been considered necessary in the light of experience, and in the interests of good personnel management and conformity within the United Nations system. They involved almost no budgetary implications, and any additional cost which might arise could be absorbed within the approved budget.

Professor VON MANGER KOENIG noted that Staff Rule 220.1 authorized the Director-General to grant extra pay as from the beginning of the fourth consecutive month of temporary higher grade service. He felt that the rule should be brought into line with those of other organizations in the United Nations system, and should allow such extra pay only from the beginning of the seventh month.

Dr DLAMINI asked what period of maternity leave was granted by WHO and whether such leave was paid. Efforts were being made to encourage governments in many developing countries to provide paid maternity leave for women workers and it would be helpful to know what the WHO practice was.

Professor AUJALEU, referring to Rule 830.1, asked whether the addition in the revised text of the phrase "at 50% of the rate to which the staff member is entitled" in the provision relating to dependants represented an innovation, or whether it was merely a reflection of an already existing practice.

Dr SHAMI, referring to Rule 220.1, asked whether in the case of a staff member temporarily filling a vacant position of a higher grade, a series of staff changes would have to be made in order to fill the vacancy created by the changeover.

Dr HOSSAIN, on the subject of maternity leave, did not think it consistent with WHO's commitment to family planning to encourage larger families by offering paid maternity leave.

Mr FURTH (Assistant Director-General), replying to the questions raised, said that with regard to Rule 220.1, WHO proposed to maintain the rule of extra pay after four months, even though this might not be consistent with the practice of some other organizations, since to change it would be detrimental to staff. Maternity leave provisions were the same in WHO as throughout the United Nations system; paid leave was for a period of twelve weeks from the date it was granted, except that in no case did it terminate less than six weeks after the date of confinement. The change to Rule 830.1 was an editorial change only; dependants were in fact already paid at 50% of the rate to which staff members were entitled. In cases where a staff member temporarily assumed the duties of a higher graded post, no additional staff were normally recruited to take over his post, since it was understood that he would be assuming the new duties in addition to his normal ones.

The CHAIRMAN drew attention to the following draft resolution:

The Executive Board

CONFIRMS, in accordance with Staff Regulation 12.2, the amendments to the Staff Rules that have been made by the Director-General, with effect from 1 January 1976.

Decision: The draft resolution was adopted.

Mr FURTH (Assistant Director-General) said that following a recommendation of the International Civil Service Commission, the thirtieth session of the United Nations General Assembly had approved an interim change in the post adjustment system relating to staff members without dependants at duty stations classified above class 7. The amendment was intended to compensate them for the significant losses suffered due to currency fluctuations over the past few years.

Dr EHRLICH asked for clarification of the budgetary implications of the amendment. He would like to know how it would affect the distribution of monies between sections in the appropriation resolutions.

Mr FURTH (Assistant Director-General) said that the effect on the question of transfers between the Appropriation Sections would be minimal. The amendment would merely mean that certain staff without dependants (those located in duty stations where the post adjustment was above class 7) would receive a small supplementary allowance in addition to their normal post adjustment allowance.

The CHAIRMAN drew attention to the following draft resolution:

The Executive Board

CONFIRMS, in accordance with Staff Regulation 12.2, the amendment to Staff Rule 235.1 made by the Director-General, effective 1 January 1976.

Decision: The draft resolution was adopted.

3. APPLICATION OF MINUS POST ADJUSTMENTS: Item 8 of the Agenda (Document EB57/5)

Mr FURTH (Assistant Director-General) said the document was presented as a result of the decision of the Board at its fifty-third session to re-examine the question of non-application of minus post adjustments at its fifty-seventh session. The Board was invited to decide whether to continue non-application, or whether to introduce the application of minus post adjustments. In the latter case, it might wish to consider whether some formal transitional arrangements should be envisaged to avoid undue hardship to staff already serving in minus areas. Certain factors should be borne in mind. First, duty stations in minus post adjustment areas were few at present, and the number of staff affected not great. Whereas in January 1974 when the Board last considered the question there had been 32 such stations, including three at which regional offices were located, with 457 professional posts affected, in January 1976 there were only 5, with 21 posts affected. The situation tended to change from month to month owing to currency instability and inflation, but the long-term trend was for duty stations in minus classes gradually to disappear. That trend could be reversed if there was a sudden devaluation of local currencies, or a decision by the United Nations General Assembly to consolidate into the base salary a number of classes of post adjustment. Finally, it was possible that there would be a change in the whole post adjustment system as a result of the International Civil Service Commission's review, which was to be completed by the autumn of that year.

Professor VON MANGER-KOENIG felt the time had come for WHO to apply the system of minus post adjustments common to all the specialized agencies of the United Nations system. He proposed that the Board should agree in principle to the application of minus post adjustments in WHO as from 1977. Before becoming effective, that decision should be reviewed by the Board, at its session in January 1977, in the light of the findings of the Commission.

Professor AUJALEU stressed that WHO should not bring itself into line with the practice of other United Nations organizations only when it suited its interests to do so. He would be in favour of following United Nations practice in this respect, but in view of the fact that the Commission was to investigate the question, the Board should wait to take a final decision until the Commission's findings were known.

Dr CUMMING supported that view. The Board should not commit itself in principle either way until the Commission had made its recommendations.

Dr EHRLICH agreed that WHO ought to align itself with the rest of the United Nations system regarding salary scales and allowances, and now was a favourable time for doing so since the impact on staff organization would be minimal. However, he was concerned at the proposal to defer any adjustments until after the whole salary system had been reviewed by the Commission. If that were done, WHO might find itself at a disadvantage. A way of minimizing

the impact of the adjustments would be to allow staff now serving to continue with their present salaries, and to apply the adjustments only to new recruits, pending the recommendations of the Commission.

Sir Harold WALTER said that he failed to see why such an issue should be introduced at the present juncture for the sake of a saving of a mere \$ 6700. Staff members would hardly volunteer to go to the places in which the minus post adjustment would be applied and it would be necessary to apply pressure to induce them to do so. He strongly urged that the item should be dismissed.

The CHAIRMAN said that what was being discussed was an important question of principle which was universally applied by all the organizations of the United Nations system with the exception of WHO. It was not merely a question of the saving of \$ 6700.

Dr EHRLICH said that perhaps the principle had not been spelled out sufficiently clearly. It was that WHO should do everything it could to coordinate its activities, particularly at country level, with other organizations involved in the development process. Coordination would not be encouraged if two officers of the same level from different organizations were receiving different pay.

Dr de VILLIERS said that efforts were rightly being made to establish a uniform system. He supported Dr Ehrlich's suggestion that the emoluments of individuals at present in employment should remain unaffected pending the recommendations of the International Civil Service Commission.

Dr SAUTER also supported Dr Ehrlich's suggestion. It was undesirable to have too frequent changes in pay, passing from non-adjustment one year to a minus adjustment the next and the application of the recommendations of the International Civil Service Commission the third year.

Mr FURTH (Assistant Director-General) said that, in his view, the Board should take an immediate decision on whether or not to apply the minus post adjustment and whether, if appropriate, to make a transitional arrangement, and should not postpone the decision until the following year, when the situation might be less favourable. If it was decided to maintain the status quo, the matter would be taken out of the Board's hands if at a later stage the International Civil Service Commission decided that minus post adjustments had to be applied, since the Health Assembly, by accepting the Commission's Statutes, had agreed that the Commission would have authority over this matter. It might be more difficult to arrive at transitional arrangements the following year if, for example, the General Assembly of the United Nations decided to consolidate one or more classes of post adjustment, which it was under pressure to do in view of the fact that a large proportion of the remuneration of professional staff serving in places where the cost of living was high, such as Geneva, was in the form of post adjustment. The number of duty stations with minus post adjustments would then rise significantly. The best course would therefore be for the Board to take a decision at its present session for or against the application of minus post adjustments, making appropriate interim arrangements as necessary, as suggested by Dr Ehrlich, to ensure that no staff member suffered an immediate reduction in his total remuneration.

The CHAIRMAN suggested that the Rapporteurs, together with Dr Ehrlich, the Secretariat and any other member of the Board who so desired, should prepare a text of a draft resolution before the discussion was continued at a later meeting.

Professor AUJALEU said that there appeared to be no difference in the effect of the two alternative courses: whether it was decided to maintain the status quo or to leave the salaries of existing staff unaffected pending the decision of the International Civil Service Commission, the end result appeared to be the same. He would be interested to know why one of those solutions should be preferred to the other.

Mr FURTH (Assistant Director-General) said that the Board could, for example, decide that WHO should apply minus post adjustments as from 1 January 1976 and could further decide that staff serving at duty stations at which minus post adjustments were at present applied should

suffer no immediate reduction in their emoluments. To achieve this result, the Board could decide that, as a transitional measure, minus post adjustments should be applied to the base salaries of staff serving at duty stations at which the post adjustment class was at present negative only when such a duty station, having first moved to class zero or above, was subsequently given a minus post adjustment classification. Malta, for example, at which one WHO staff member was at present serving, was in a minus class. Assuming that the staff member was grade P.4 step 5, he would, if a minus post adjustment were applied to him, have a sum of \$ 558 deducted annually from his base salary. If the suggested transitional arrangement were decided upon, it would mean that as long as Malta remained in a minus class his base salary would not be reduced. Only after Malta moved to class zero or above and at a later stage moved back into a minus class would WHO begin to apply the minus post adjustment in line with all the other organizations. As a move from class zero or above to a minus class involves necessarily a reduction in the cost of living, the application of minus post adjustments at that stage would not result in an immediate or unjustifiable reduction in the purchasing power of the salary of the staff member.

Professor AUJALEU said that the situation was now clear but he would be interested to know what arrangement would be applied to any new staff member who might be appointed to Malta in, say, six months' time.

Dr DLAMINI suggested that the minus post adjustment might be applied to new recruits only, and that those already serving should continue to draw their existing salaries.

Sir Harold WALTER said that in his opinion no decision taken by the Board could have any legal effect on a contract between an employer and an employee. He would like to hear the comments of the Legal Division on whether it was possible for a contract to be varied unilaterally. He would further be interested to know which law would apply in such a case. Under French law, for example, a person would be entitled to heavy compensation for the loss of acquired rights.

Mr GUTTERIDGE (Legal Division) said that the Administrative Tribunals of the United Nations and the International Labour Organisation, to the latter of which WHO adhered, had stated in judgements that there were two elements in the appointment status of staff members: contractual and statutory. The contractual element could only be modified by agreement between the Organization and the staff member but the statutory element (basically the provisions of the Staff Regulations and Staff Rules) could be modified either by the Administration or by the Governing Bodies, where appropriate, without reference to the staff member. The question of negative post adjustments was a statutory matter and could therefore be modified without the approval of the staff member. The applicable law governing payment of staff members was that laid down in the Staff Regulations and Staff Rules and in the terms of the contract. Appointments of international civil servants were not regulated by the national laws of any one member country.

Sir Harold WALTER said that if he were an officer of WHO and his contract were modified by the other side he would take the matter to court, whatever might be laid down in the Staff Rules. He formally moved that the status quo should be maintained.

The CHAIRMAN said that he would be interested to know how other organizations in the United Nations system had dealt with the matter.

Mr FURTH (Assistant Director-General) said that WHO was the only organization to have experienced difficulties in the application of the minus post adjustment. All the other organizations had applied it immediately. With regard to Professor Aujaleu's question concerning new staff members, Professor Reid had raised a similar question at an earlier session and the Director-General had replied that the proposal was administratively feasible but that he was not in favour of such a course because it was likely to create unpleasant tensions if staff of the same grade in the same offices would be receiving different emoluments.

Professor AUJALEU said that the idea behind his question had been whether, in maintaining the acquired rights of existing staff members, the Organization would have to give similar treatment to new staff members. If that were the case, the minus post adjustments could

never be applied. He would support the maintenance of acquired rights but new staff should be recruited under new conditions.

The DIRECTOR-GENERAL said that, while there would be no obligation to accord the same treatment to new staff members as to existing ones, differing treatment would undoubtedly give rise to resentment and protest. Whatever the Board desired would nevertheless be applied.

Professor AUJALEU said that he fully understood the Director-General's arguments but he maintained that if all staff were given the same treatment the minus post adjustment would never be applied.

Mr FURTH (Assistant Director-General) said that minus post adjustments would be applied immediately whenever a duty station at present in class zero or above moved into a minus class. The transitional arrangement he had described would apply only to those five duty stations at present in a minus class. They would all probably move sooner or later into class zero or above and thus minus post adjustments would be applied at these five duty stations when, if ever, they subsequently moved back into the minus class.

In reply to a question by the CHAIRMAN, Mr FURTH (Assistant Director-General) said that if the Board decided to maintain the status quo, one possibility was that the International Civil Service Commission would decide that minus post adjustments need not be applied, in which case there would be no problem for WHO. Another, and more likely, possibility was that the International Civil Service Commission would maintain the minus post adjustment system, in which case the matter would be taken out of the Board's hands and WHO would have to apply minus post adjustments by 1977, when more duty stations than at present might be in a minus class.

The CHAIRMAN asked what would be the effect on the transitional arrangement of any decision that might be taken by the International Civil Service Commission.

Mr FURTH (Assistant Director-General) said that the Commission might well allow any transitional arrangement decided upon by the Board to continue. It would probably recognize the difficulties with which WHO was faced and take a sympathetic view, though it could, of course, insist on the immediate application of minus post adjustments without regard to any transitional arrangement already in effect.

Professor AUJALEU said that the explanations which had been given had clarified the situation and shown the advantages of taking an immediate decision, while only five duty stations would be affected by the minus post adjustments.

Dr VALLADARES said that although the Health Assembly had to take a decision to follow the common system in the application of minus post adjustments, he did not consider that they should be applied immediately to those at present in employment. He could agree to the transitional arrangement outlined by Mr Furth, and suggested that it should be submitted in writing so that a vote could be taken on it.

Sir Harold WALTER, speaking on a point of order, moved the closure of the debate under Rule 35 of the Rules of Procedure and requested that a vote should be taken on whether or not the minus post adjustments should be applied. He would vote against such application. The Director-General's comments had shown that it would give rise to considerable resentment and cause frustration in the Organization. The Board should not be required to assume responsibilities in advance of the International Civil Service Commission.

The DEPUTY DIRECTOR-GENERAL read out Rule 35 of the Rules of Procedure.

Professor AUJALEU opposed the closure of the debate. The Board had no clear draft resolution before it on which to vote and time should be allowed for adequate preparation.

Dr VENEDIKTOV said that there was a middle course that might be followed. The debate could be closed and two alternative draft resolutions could then be prepared, one by the Rapporteurs and the other by Sir Harold Walter.

The CHAIRMAN asked whether any other member wished to speak against closure.

Sir Harold WALTER, speaking on a point of order, said that only two members were permitted to speak against closure under Rule 35 of the Rules of Procedure. Two had already done so.

The CHAIRMAN said that he would therefore put the motion for closure to the vote.

Professor AUJALEU, speaking on a point of order, said that he had spoken against the closure of the debate but he was not certain that Dr Venediktov had done so.

Dr VENEDIKTOV said that he was in favour of closing the debate but against an immediate vote being taken on the substance of the matter under discussion.

The CHAIRMAN said that one other member could therefore speak against closure.

Dr VALLADARES regretted the necessity for solving problems by rules instead of in the usual cordial spirit. He had been taken aback by the move for the closure of the debate and the request for an immediate vote and was opposed to such a proposal.

Sir Harold WALTER said that he wished to speak on a point of personal explanation.

The CHAIRMAN said that, under the Rules of Procedure, he was unable to permit any further statements to be made. He put to the vote the motion against the closure of the debate.

Decision: The motion against closure of the debate was adopted by 22 votes to 5, with 2 abstentions.

The CHAIRMAN suggested that the discussion should now be adjourned until a later meeting. The issue was an extremely important one and care should be taken to deal with it in a manner that would not give rise to misunderstandings among WHO employees. He proposed that the Rapporteurs, with the assistance of the Secretariat, should draw up two alternative draft resolutions, the first for a transitional arrangement on the lines of Mr Furth's explanations and the second for the maintenance of the status quo.

Dr VENEDIKTOV said that the Rapporteurs had the right to draw up any draft resolutions they considered necessary, in the same way as any other member of the Board. If they chose to submit only one draft resolution, rather than two conflicting ones, the Board should vote on that one alone.

Professor AUJALEU suggested that Sir Harold Walter and Dr Ehrlich should each prepare a draft resolution reflecting their views.

Sir Harold WALTER pointed out that the Board was invited in document EB57/5 to decide whether or not to continue the non-application of minus post adjustments. He could see no difficulty in taking such a decision.

The CHAIRMAN said that the two draft resolutions proposed would no doubt be ready for the continuation of the Board's discussion at its next meeting, when a decision could be taken on them.

The meeting rose at 5.40 p.m.