

Statement by the representative of the WHO staff associations

Mr Chairman, honourable members of the Executive Board, Dr Chan, delegates, and colleagues,

1. We would like to open our statement by expressing our gratitude for the excellent collaborative work in 2011 and by extending our best wishes for 2012 to our Director-General, Dr Margaret Chan, and to all Executive Board members. The WHO staff associations strongly believe that fruitful debate and consensus-building on important issues will pave the way for our Organization to overcome current difficulties and to meet the demands of Member States for renewed strategic WHO leadership in the global health arena. We appreciate your understanding that adequate time must be allocated for staff representatives to express the staff's point of view and contribute to the reform process.

Staff care about WHO reform

2. The staff associations of the Organization from all its offices – headquarters, regions and countries – welcome the concept of WHO reform because staff care greatly about our Organization.

3. In a survey of headquarters staff last month, 90% of staff stated that they are proud to work for WHO, yet 65% stated that they are concerned about the future of the Organization. There were 1035 responses to the survey, i.e. more than half the number of staff at headquarters, thus the sample was relatively representative. (A copy of the survey is available upon request and on the WHO Intranet.) So on behalf of the staff, in a collective voice, we can say with confidence that staff welcome reform that will make the Organization stronger. How do staff define a stronger Organization? Strengths that staff are particularly keen to see are:

- better management and accountability
- more responsive human resources support
- improvements in other support services that enable staff to work.

These are features of an enabling environment for staff to perform – and excel in – their duties and responsibilities, so that staff can contribute and carry out the Organization's mandate.

4. In fact, staff share a common vision with the administration of a WHO that is fit for purpose, adapted to the new global public health environment and focusing its energies in order to have an impact at the country level. Staff want to respond to the collective mandate our governing bodies ask us to fulfil. We are a **knowledge organization** and staff are the Organization's greatest asset, and the best means of carrying out WHO's mandate in a systematic way. So staff care very much about the direction of reform.

5. Since May 2011, on behalf of staff at headquarters and in collaboration with staff associations in regional offices across WHO, the staff associations provided updates to the special session of the Executive Board in November 2011, and more recently during the 130th session of the Executive Board in January 2012, on staff involvement in the reform process. For example, staff associations compiled some 20 pages of input on earlier reform, participated in the high-level task force, and have also provided input through other means, sometimes in direct dialogue with management, including the Director-General's Office. We have welcomed opportunities to participate in these formal and informal consultations. Sadly, we realize that our input is sometimes seen as fulfilling a checklist in the consultation process, rather than really informing or even shaping transformation, even in the areas that we have the mandate to be consulted on, specifically, on terms and conditions of employment. Rather than complaining, we note this so that our input can be seen as part of a constructive dialogue, towards a stronger WHO. We also recognize that management is trying to balance different and sometimes competing interests – yet in a knowledge organization such as ours, **staff are the most important asset**, and their interest should be considered with appropriate weight.

6. In the interests of staff: (1) we will briefly reflect on the current reorganization that has particularly affected headquarters and the Regional Office for Africa; (2) we will underline what makes international civil servants different from national civil servants and why that matters for our conditions of employment; and (3) we address internal justice as a service, which staff consider to be in need of the greatest improvement, in line with the results from the survey of staff at headquarters, the Pulse Survey.

7. **The first area** is the major downsizing and laying off of staff particularly in headquarters and the Regional Office for Africa. During 2011 and as at 13 May 2012, 495 posts had been abolished, of which 214 were posts at headquarters and 235 were posts in the Regional Office for Africa alone. The downsizing was supposed to be based on strategic priorities, informed by a financial vulnerability analysis. But as the governing bodies know well, the Organization has not yet communicated clearly what its priorities are. The difficult choices in 2011, on what activities and which staff can stay, were made without knowing the new strategic priorities.

8. We understand that financial pressures were the main reason given on why job cuts had to be. In reality, this has translated into fewer staff doing work on behalf of the Organization, but not necessarily a reduced mandate – our Director-General has also pointed out this paradox. Staff bear the brunt: based on the headquarters staff survey, 68% staff noted that their own work responsibilities have increased significantly. This is a direct result of the job cuts – a slogan many staff are told is to “do more with less”. Many staff are, but there is a limit even for the most efficient and effective staff.

9. As the cuts have taken place before strategic priorities have been set, staff asks our governing bodies:

- How do we know that we cut the right posts?
- How many of these “cut” functions will have to be replaced through new recruitment?

10. The real-life story of these job cuts is truly dramatic. “Inside job cuts”: there were 500 individuals and their families – many who were given notice in the start or middle of the school year – with some only having three months to relocate and try to find schools for their children in their home country or elsewhere, at very short notice. Besides this disruption that could have been avoided with some planning, if we wish to re-hire persons for these functions, it will be tremendously expensive and inefficient.

11. Were such job cuts truly necessary? We say no. We have mentioned on several occasions that some posts could have been saved if the Organization better managed its finances and contracts. As a matter of fact, the most recent financial statement and human resources report confirmed our assessment of the situation, as indicated in the table below (Table 1).

Table 1. Distribution of contractual services and total expenses incurred by contractual services in 2010–2011

	Individuals holding an APW (1) in 2011	Total of APWs issued during 2011	Number of individuals holding consultant contracts	Number of consultant contracts issued during 2011	Number of SSAs (2) issued during 2011	Budget spent on contractual services
Headquarters	1 292	2 565	483	750	0	US\$ 591 million (14% of total WHO expenses)
Regional Office for Africa	537	1 306	79	95	241	
Total (all regions)	5 040	9 104	869	1 265	3 270	

(1) APW: Agreement for Performance of Work; (2) SSA: Special Service Agreement.

Source: Human resources: annual report, 15 May 2012, document A65/34; Financial Report and Audited Financial Statement for the period 1 January 2010–31 December 2011, 31 March 2012, document A65/29.

12. Table 1, documented by the administration, shows that about US\$ 591 million were paid in contractual services and about **5040 individual non-staff members were holding APWs**. This clearly shows that it was indeed possible, if a strong commitment was expressed: (1) to audit these contractual services; and (2) to identify and generate some savings. This could have benefited the currently affected staff. Unfortunately, no commitment was shown. In fact, contractual services were not audited to identify the potential savings and these resources could not be shifted to affected areas in order to maintain the staff – experienced, well-serving staff instead lost their jobs. Alternatively, with better planning across the Organization, we could have provided a rational and logical mechanism to match staff expertise to the Organization’s priorities, and at the same time, become more efficient. But this did not happen. It is thus not surprising that in the headquarters staff survey, less than 20% of staff thought that top management cares about staff.

13. We already know that across the Organization, 15% of staff (1031 individuals) will retire in the next five years and, cumulatively, 32% of staff (2198 individuals) will retire in the next 10 years. Through the intelligent management of natural attrition, the Organization can achieve even greater savings than those so far realized, and with far less disruption to peoples’ lives and of the work that we all care so deeply about. Unfortunately, our proposal was never listened to or implemented: it could have reduced the social impact on the staff, improved motivation and reduced a conflict between

management and staff. It would have **definitely avoided the current 150 appeals that may lead** the Organization to pay additional costs during the next biennium if the ILO Administrative Tribunal challenges the Organization's decision regarding post abolitions connected with the current downsizing.

14. Another question staff are asking is, what is the consistency in the reform proposals – across the four areas proposed for reform? For example, in the area of human resources, a proposal for a new human resource model is very specific – core and non-core staff – yet it does not define the skills and functions required for staff. At this important milestone in the reform process, we believe what the reform document *should* articulate is *how* WHO will empower partners and countries to achieve excellence in the implementation of its mandate, recognizing that the Secretariat is not the sole gatekeeper of expertise. This is the moment to make transformational changes and define the substance of a new human resources model.

15. Instead, the human resources reform proposals focus more on reducing staff benefits and entitlements. For a knowledge-based organization, **this is both short-sighted and perhaps even self-destructive** as it makes WHO less attractive to the very experts with skills and competencies we need to attract now.

16. The proposal calls for restrictions on the granting of continuing appointments, appointments that were introduced in the United Nations General Assembly-led reform of 2006. Overall, the Organization had seen its long-term appointments decrease by 279 (3.9%) by the end of 2010. This is the lowest staffing level since 2003. WHO staff have no job security and some of them are taking risks in leaving positions where they enjoyed some job security. WHO staff also do not have employment insurance.

17. Let us be clear. Nowhere is a continuing appointment equivalent to a “contract for life”. Continuous appointments remove the administrative burden of having to go through a full selection or contract renewal process every few years when the functions are needed, on the condition that funding is available and that the incumbent's performance is more than satisfactory. During the past year, we have had many staff who had continuing appointments but were given notice and their contracts terminated. Restricting eligibility for continuing appointments, conversely, adds a layer of bureaucracy and costs, increases uncertainty and anxiety for the staff member, and adds no new flexibility for management. Staff see this proposal as a “window dressing” measure with only negative consequences. This is quite simply the opposite direction from creating an enabling environment. This is window dressing as the current contractual framework of WHO already provides ample flexibility to manage WHO's human resources – if the current rules are applied.

18. The staff associations are concerned that the only result will be a reduced quality of services by increasing the use of temporary contracts or non-staff contracts and the more experienced staff will continue to be expected “to do more with less”. Already the average length of service is estimated at between seven and eight years, indicating that WHO's workforce is not about individuals having a very long career. WHO staff are also versatile, as some 7.7% of staff (164 individuals) have changed their duty station in 2011, in just one year.

19. **We now turn to the second area of concern**, the proposed reduction in entitlements – entitlements that are the only social protection for international civil servants. The reform proposal is to cut the period of reassignment from six months to three. For the staff associations, **this is an unacceptable reduction in our entitlements**: this is not a knee-jerk reaction, rather it is a principled and rules-based reaction for two reasons.

20. **The first** is that international civil servants are not benefiting from any national social security scheme for unemployment, as mentioned, nor health insurance after separation from WHO, and that the pension fund benefits only very long-serving staff. The right of reassignment – as outlined in our Staff Regulations and Staff Rules – gives staff members who have completed five years of uninterrupted service on a fixed-term contract and whose posts have been abolished, the right to go through a reassignment period, usually about six months.

21. **The second reason** is that WHO, in its own technical documents and recommendations to governments and other United Nations bodies, documents that adequate social protection is necessary for the health of workers and their dependents. Why would the Organization, the World Health Organization, want to contradict its norms and standards and remove minimal employment safety nets?

22. In practice, WHO has for the most part taken the responsibility of reassignment seriously and made good faith efforts to place well-performing staff as part of their mandatory responsibility of duty of care. Reducing the reassignment period to three months would be a strong signal that the Organization no longer takes its obligations to staff seriously in the area of social protection.

23. According to the Human Resource department's own statistics, the average selection takes between 8 and 12 months. Even six months is sometimes too short, given the current administrative systems – and resources – in place. Promises of more efficient recruitment and selection processes, including limiting direct appointments, should also be carefully scrutinized. Thus far, the staff associations have repeatedly stated that human resources in the Organization have not been given sufficient resources – both money and well-trained staff – for its current mandate. Actually, human resources services are needed even more now, during the downsizing we have just gone through. Yet human resources staff were also cut, or those who left were not replaced, contrary to best management practices to cope with downturns or major organizational change.

24. **A related issue** is that we have seen an increasing trend over the last few years towards unilateral decision-making by the administration on policies and actions that affect the terms and conditions of service of staff. **This is contrary to Staff Rule 920** which spells out the need to consult with the duly-appointed representatives of staff on any decision that affects the terms and conditions of service, and that our right of association should in no way be infringed. We ask the administration to reverse this trend and include us in the formal consultation on all decisions that affect staff and their working conditions. The staff associations **acknowledge that we do have good dialogue with some senior managers**, and can openly express our views. We also acknowledge that good dialogue is not the case with all senior managers. There is a frustration that our efforts in good faith are not heard and sometimes completely ignored, and that there have been attempts to discredit or retaliate against some staff association representatives. Even if limited, and often difficult to prove, retaliatory actions against staff representatives is of course detrimental to the entire Organization, and against staff rules and our code of conduct.

25. **Another related issue** is that staff at WHO are not protected by any labour laws that most people enjoy in their national settings. Note that the United Nations, its technical agencies including WHO and many other international organizations, benefit from international immunity, a functional immunity designed to protect them and to ensure the independence of their internal functioning from Member States. Staff members do not generally have recourse to local mechanisms nor fall under the jurisdiction of national laws or legal systems. Important for our governing bodies to note is that this immunity also extends to all legal processes within WHO and its staff on all labour issues (including dismissal, discrimination and harassment or compensation for unfair termination). As a result of this exceptional status, the United Nations and its technical agencies, including WHO, have an obligation

to provide a separate system of justice that examines adherence to rules, and provides formal dispute resolution mechanisms and judgements. But too many judgements concerning staff and working conditions within WHO highlight procedural flaws and other errors – based on judgements against WHO, in favour of staff, that are handed down within the second instance, that is at the ILO's Administrative Tribunal.

26. **This brings up the third area of concern.** Within the headquarters staff survey, one of the most important agenda items that staff prioritized as urgent – that is 93% of staff – asked to improve **the internal justice system**. A system of justice has to meet several criteria, including **independence, professionalism, fairness and timeliness**. These are the main ingredients needed to provide an enabling environment for due process and a fair outcome. The first instance system of justice within WHO is neither independent, nor timely. Internal judgements overturned by the ILO Administrative Tribunal, in the second instance, also document that some aspects of WHO's internal justice system are not professional and the outcomes are often not fair. It is important to highlight that these judgements relate to the small subset of staff who have the stamina and persistence (and money) to exercise their right to submit a complaint and seek justice, and somehow survive or ignore attempts to discredit or retaliate against them for exercising this right.

27. WHO has a number of entities that make up the first instance or internal justice system. This typically takes two forms: staff who are hired to do other work – their “normal” job – are also nominated to be on internal boards, committees or panels, and take part in different aspects of formal dispute mechanisms. A new case submitted today to the Headquarters Board of Appeal will take about two years to be finalized within WHO. The current load of the Headquarters Board of Appeal is about 150 cases, with about 135 active cases. Why such a backlog? In 2011, the staff associations predicted that there would be a surge of cases during a period of massive downsizing. They also tried to put in place an early warning system and sought to minimize complaints and maximize transparency and rule-based approaches towards finding solutions with management, so that staff would not submit appeals. Yet the administration did not **fund or resource the justice mechanisms in a timely manner to meet the need**, and in fact took a “no negotiation” stance across the board, which created an unnecessarily volatile, litigious and unsustainable situation. The staff associations raised these concerns repeatedly. With staff association insistence, now **new resources** have recently been allocated to the Headquarters Board of Appeal, along with new procedures that we hope will streamline and make for a more efficient and timely process.

28. It is also important to note that, for our internal justice system, it is the head of the agency – the Director-General – who makes the final decision. If a staff member wishes to appeal, then this goes to the ILO Administrative Tribunal, which could take up to another two years. Staff whose posts have been abolished and who believe they have a legitimate cause for complaint will be **long gone** from the Organization by the time their case is even heard. This is truly an example of “justice delayed is justice denied”.

29. Another form of our internal justice system is the hiring of professional investigators, who report to the management and who conduct investigations on staff and provide findings for the Director-General to make a final decision. Currently in WHO, it is the Office of Internal Oversight Services that conducts such investigations, for a long time in the area of fraud and audit. Since 2010, **behavioural misconduct** has been added to its portfolio, although **without** the inclusion of investigators who have specialized training in investigating behavioural misconduct, such as harassment. Yet it is well documented that investigating harassment at the workplace requires different competencies and approaches than investigating fraud. Sadly, it is also well documented throughout the United Nations system that behavioural misconduct is not understood, is often minimized, not

investigated, or when investigated, is not investigated fully, or is investigated without due process. This evaluation comes from external, independent reviews.

30. In WHO, the staff associations are made aware that accusations of misconduct against the lower grades brought by senior management are investigated quickly – whereas accusations of misconduct brought by staff in lower grades against upper management, or favoured employees of upper management, are slow to be processed and routinely ignored or that dual standards of sanctions are applied. As evidence for this claim, please see the section “Investigations” (paragraphs 34–40) of the most recent Report of the Internal Auditor (document A65/33), noting that, of the 30 complaints in relation to allegations of harassment or wrongdoing that were received by the Office of Internal Oversight Services in 2011, no more than six are reported on. **And even for the cases reported on**, staff have brought to the attention of the staff associations that there appears to be failure of due process, delayed response or investigation, bias, impartiality and conflicts of interests, lack of good faith, and lack of transparency, on the part of the investigatory process. Often, even if cases come to closure, there is a mix-up between victims and perpetrators; no sanctions of any kind; or a set of actions so diluted as to be almost meaningless.

31. The staff associations have also made it clear that prevention of misconduct, including all forms of harassment, should be put into practice – not simply empty slogans. For instance, WHO has produced excellent technical guidelines on what is workplace harassment and how to prevent it and swiftly address early warnings and concerns expressed by staff and management alike. Yet why is WHO not able to implement its own technical guidelines, as well as its formal policy on the **prevention** of harassment at the workplace?

32. **Introducing real accountability** at the level of senior management will reinforce a sense of trust and coherence – trust as we know is crucial for building a sense of team spirit and motivation. **The headquarters staff survey found that good team spirit was only reported by 48% of staff and that 76% of staff thought that management accountability needed to be urgently addressed.** This proportion did not vary much by professional or general service grades, or whether by dues-paying members or by non-dues-paying members of the staff associations.

33. By the same token, it is essential to ensure that the internal system of justice is truly independent and we urge the administration and our governing bodies to consider alternative, independent models to address **behavioural misconduct** that would be more efficient, professional, fair and timely, and ensure due process. To date, all the major players in the internal justice system report directly to senior management.

34. **The staff associations’** contribution to this important session of the Executive Board, we would like to strongly urge the administration to rethink its approach to reform particularly on the unclear workforce model and to engage the staff associations, not merely as a statutory obligation, but a collaborative partner with intimate knowledge and insight into what can be done to improve and strengthen WHO. A WHO with harmonious and meaningful staff management relations will be a stronger WHO. Staff care greatly about the future of our Organization. We look forward to understanding the views and priorities of Member States in relation to staff concerns.

Thank you very much.

= = =