

CONFERENCE OF STAFF ASSOCIATIONS OF INTERNATIONAL ORGANISATIONS

CONFERENCE DES ASSOCIATIONS DU PERSONNEL DES ORGANISATIONS INTERNATIONALES



PROCEEDINGS

OF THE

8th

CONFERENCE

13-14 SEPTEMBER 2007
OECD, AIX-EN-PROVENCE

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CSAI08 –Programme

Thursday, September 13th

13:30 – 14:00 Conference Registration

14:00 – 14:20 Conference Introduction

- 14:00 Welcome by Richard Ghévontian, Chairman of the *Institut des Etudes Françaises pour Etudiants Etrangers* (IEFEE)
14:10 Speech by Jean-Pierre Cusse, Chairman of the OECD Staff Association

14:20 – 18:00 Session A / moderator: Marie-Christine Delcamp, Organizing committee

- 14:20 Presentations on discipline
- Christian David, UNO
 - Sarah Burton, Council of Europe
 - Cayetana Borrego, OHIM/AASC
- 16:00 Coffee break
16:15 Discussion
18:00 End of Session A

19:30 Conference Dinner

Restaurant "Les Deux Garçons", 53 cours Mirabeau (04.42.26.00.51)

Friday, September 14th

08:15 – 09:00 Breakfast

09:00 – 12:15 Session B / moderator: Sarah Burton, Council of Europe

- 09:00 Presentations on protection of staff representatives
- Joel Lahaye, CERN
 - Niels Bracke, Council of the European Union
 - Phil Bocking, EPO
- 10:30 Coffee break
10:45 Discussion
12:15 End of Session B

12:15 – 13:45 Buffet lunch on the premises

13:45 – 14:15 Preparation of next Conference

Venue and format
Themes/topics

14:15 – 16:45 Session C / moderator: Joel Lahaye, CERN

- 14:15 Presentations on diversity
- Michael Naumann, ESO
 - Pénélope Denu, Council of Europe
- 15:15 Discussion
16:45 End of session C

16:45 – 17:00 Conference wrap-up

INTRODUCTION

Welcome by Richard Ghévontian, Director of the *Institut des études françaises pour étudiants étrangers* (IEFEE)

“Mr. Chairman and Conference delegates, I am particularly honoured to be welcoming you today to the Hôtel Maynier d’Oppède, a former private mansion that is now the headquarters of the *Institut des études françaises pour étudiants étrangers*. Obviously, I am honoured that this Eighth Conference of Staff Associations of International Organisations is being held here in our city of Aix-en-Provence and in this building. I would like to thank the organisers who chose this venue, Marie-Christine Delcamp first of all, and the entire team that has been with us for several days and with which we have established thoroughly excellent relations.

If you would allow me, I should like, as director of the Institute and Vice-President of the *Université Paul Cézanne Aix-Marseille III*, to say a few words about the place where your conference is being held. First of all, about the architecture of the building you are in. This is one of the loveliest historic mansions of Aix-en-Provence. It dates from the 18th century and is famous, not so much for its interior – the only room of any real interest is my office, so it would be selfish of me to dwell on that – but rather for its courtyard and for its fountain which is said to have almost magical powers, but I will let you discover these delights and charms on your own during the hours that you spend here. From a more institutional standpoint, you are in one of the components of the *Université Paul Cézanne Aix-Marseille III*, which is one of France’s major universities. Its faculties include a number of scientific fields, sciences and technologies, law, economics, political science and management as well as some of the humanities with the Institute of which I am director, though I am actually a lawyer.

I am pleased that this international conference is being held in our Institute, for it is an institution that is international by its very nature. Every year we enrol approximately a thousand students of seventy different nationalities who come here to learn French and study French culture and civilisation. Your presence here today is symbolic of this Institute’s openness to the international sphere. And I am obviously honoured to have you here primarily because of the quality of the speakers and the participants in this conference, but also because of the significance of your work. I believe that the staff of international organisations play a key role in these organisations and that any reflection on their role, place and status and all the perspectives that can be drawn from this can only be useful – not only to the staff, but to the international organisations themselves and thus to the international community as a whole.

But I am not here to discuss these issues and I must unfortunately be leaving you soon because I have other duties to which I must attend downstairs.

But I would again like to thank the organisers and extend my best wishes for excellent and productive work. I hope that you will return home with fond memories of the time that you spent in Aix-en-Provence and in the Hôtel Maynier d'Oppède. Thank you."

* * *

Remarks of Jean-Pierre Cusse, Chairman of the OECD Staff Association

"Good morning everyone.

I would like to begin by welcoming you to Aix-en-Provence both personally and on behalf of my colleagues in the OECD Staff Association. We had originally planned to hold our meetings in our new Conference Centre in Paris, but unfortunately – or perhaps fortunately – the work is still not finished and so we are meeting here in Aix. On behalf of everyone here, I would like to thank Richard Ghévantian and his entire team who are welcoming us here in this magnificent Hôtel Maynier d'Oppède, where Mazarin stayed in 1660 during Louis XIV's visit to Provence. As you leave the building, be sure to look at its façade decorated with Corinthian pilasters, its classical cornice and its windows topped by carved stone masks.

I am going to present to you briefly the OECD Staff Association, which is a statutory body. All staff members are free to join it and pay a monthly member's contribution of 0.3% of their salary. Today, the Staff Association has some 1700 members, or over 70% of the staff, who elect 31 representatives. Nine of them sit on the Executive Committee, which has a chair and two vice-chairs. To work effectively, the bureau is assisted by a secretariat consisting of two legal advisors – Marie-Christine Delcamp, who is also a member of CSAIO's Scientific Organising Committee, and Anya Demarle – and an assistant, Pauline Stewart.

In the course of its activities, the Staff Association has frequent contacts with the Secretary-General and the Executive Director, Mr. Van Haute, who was planning on being with us here today but was unfortunately detained in Paris for work reasons. However, he asked me to welcome you on his behalf and to convey his best wishes for the success of CSAIO's 8th Conference. Naturally, the Association works in close co-operation with the human resources department and meets regularly with the representatives of the Member countries. The Staff Association has shown that it is a constructive partner that actively contributes proposals, but that it can also be when necessary a partner capable of taking strong positions.

I will now give the floor to the Scientific Organising Committee, which will present the programme of this conference and give you some practical details to ensure that it goes smoothly.

I hope that this conference will meet your expectations and enable you to strengthen even further the ties that unite staff associations in order to make them even more effective."

Lastly, Marie-Christine Delcamp would like to indicate that Jean-Pol Matheys, who has been participating in the conference for years and who, together with herself, has been one of its mainstays, was unable to attend this year. He therefore asked one of his colleagues who has participated in our CSAIO since its inception – Joël Lahaye – to help her with her responsibilities in the Scientific Organising Committee. She would like to thank him for his assistance."

SESSION A

DISCIPLINE

➤ Presentations

Presentation by Christian David, United Nations Organisation (UN)

(Annex [CSAIO8 Presentations\discipline ONU def.pdf](#))

Christian David, Deputy Executive Secretary of the Staff Co-ordinating Council (UN, Geneva), presented the disciplinary measures applied in the United Nations system.

The Organisation was in the midst of reform and justice was one of the three pillars of the reform. A panel of independent experts mandated by the previous UN Secretary-General had described the justice system as outmoded, dysfunctional, ineffective and lacking independence.

The experts' report focused on decentralisation, shorter time limits and harmonisation of procedures. This was because the justice system was currently centralised in New York. It was an unwieldy, costly and slow-moving system that was sometimes improvised. It was therefore planned to create structures for each entity, special better-adapted jurisdictions and revised procedures for investigations.

The UN had an internal justice system. In addition to "informal" procedures, the system had two levels of "formal" ones. The first of these led to one of the two internal justice bodies located in Geneva that only had a power of recommendation. These bodies advised the Secretary-General, the UN's supreme authority. The second level was the UN Administrative Tribunal (UNAT) based in New York, which issued binding decisions.

The aim of the informal procedures was to try to resolve problems. The UN currently had the Office of the Ombudsman in New York. The reform provided for the creation of mediation offices at all the main duty stations.

Staff representatives often improvised dispute resolution. Human resources services could be asked to assist staff members in the informal resolution of cases as part of their official duties. Given the unwieldiness of the formal procedure, it was preferable to favour the informal phase. The new justice system would be decentralised, streamlined and independent.

The standards of conduct for all officials were established by the Staff Rules and Regulations and by the Charter of the United Nations. The paramount consideration in the employment of staff and in the determination of the conditions of service was the necessity of securing the highest standards of efficiency, competence and integrity. Chapter I of the Staff Rules specified that the duties, obligations and privileges defined the core values expected of international civil servants in the light of their status as well as certain types of conduct reflecting

these core values. Chapter X of the Staff Rules governed disciplinary measures. The Secretary-General might impose disciplinary measures on staff whose conduct was unsatisfactory within the meaning of the Regulations. Staff who did not meet the obligations laid down by the Regulations, the Charter and other administrative texts or who did not comply with the standards of conduct expected of an international civil servant might be considered as engaging in conduct that was unsatisfactory, leading to the initiation of disciplinary proceedings.

Other measures were provided for by the texts: written or oral reprimands, warnings and letters of warning, and the rating and monitoring of professional conduct. There was a problem with the rating system, which was often not implemented correctly. Those performing the rating rarely had the courage to use it as a disciplinary measure, which resulted in the continuing of misconduct such as harassment.

The legal basis: United Nations Charter, Staff Regulations, Rules, the Secretary-General's bulletins and administrative instructions. UNAT case law.

The staff lacked confidence in the UN justice system.

C. David then described the three phases of the procedure.

- Pre-disciplinary phase

All officials were required to report misconduct. When such misconduct was reported, under the rules in force, the Organisation undertook the following: a fact-finding procedure (the investigation), consultation of legal opinions by those who requested the investigation. Within the framework of the reform, a harmonisation of the inquiry procedure is provided for through equational procedures, notification of the allegations to the person accused, the decision to place the staff member on administrative leave during the investigations and, lastly, an evaluation of the investigation procedure.

Under the proposed reform, the investigator's terms of reference would be presented to the accused person as soon as the investigator was appointed; the accused might request assistance and the general evaluation of the investigation would be conducted on the basis of a legal opinion. The staff representatives had insisted that accused staff members be informed in writing of the allegations against them, the evidence and investigations, their rights to a legal procedure, to consultation of a legal advisor and their right to be heard.

The UN was currently using a pre-disciplinary system that was midway between the existing procedure and the new system that would become effective on 1 January 2009.

With regard to investigations, the staff representatives and the Administration had requested standardised sequential procedures, the professionalisation of

investigators and very specific terms of reference, and that the evaluation of the allegations be based on a legal opinion.

- Disciplinary phase

- *The current first-instance formal disciplinary procedure*

- Referral to the Appeals Board if the staff member contested an administrative decision
 - Referral to the Joint Disciplinary Committee in cases of alleged misconduct by a staff member.

Both of these joint bodies were going to be reformed.

- *The current second and final tier of the formal legal procedure*

- UNAT, whose decisions could not be appealed.

The staff representatives had suggested the following: notification of the allegations to the person accused, guarantee of due process, notification of the facts established and the right to counsel to reply to the allegations.

The new system provided for a Dispute Tribunal (contracts, discipline and administrative decisions) and an Appeals Tribunals (binding decisions; composed of professional judges).

- *Time limits*

- 30 for the review of an administrative decision
 - 45 days for the reply
 - 30 days after the reply for submission of the case to the Dispute Tribunal
 - 45 days for the Appeals Tribunals

- Appeals

Currently, staff members could submit their cases to the Joint Appeals Board or the Joint Disciplinary Committee.

In cases of summary dismissal imposed without prior submission of the case to a Joint Disciplinary Committee, the staff member or former staff member concerned might, within two months of having received written notification of the measure, request that the measure be reviewed by such a Committee. It should be pointed out that this request did not have the effect of suspending the measure.

In addition, an appeal in respect of a disciplinary measure considered by a Joint Disciplinary Committee might be submitted directly to UNAT.

The staff member could arrange to have his or her case presented by unpaid voluntary counsel (Panel of Counsel or any other staff member or retired staff member of the United Nations wishing to provide assistance). The Staff Rules also allowed staff members to be represented by outside counsel at their own expense.

Staff members could not bring cases involving their contractual rights with the United Nations before a national court. However, the Secretary-General might waive the jurisdictional immunity of the staff of the Organisation if necessary.

Lastly, under the reform, this entire structure would be replaced by the Dispute Tribunal and the Appeals Tribunal.

- Actual cases

Examples of actual cases were then presented to the participants, together with examples of the disciplinary measures imposed:

- Abuse of authority

e.g. abuse of authority: summary dismissal with compensation in lieu of notice.

- harassment

e.g. sexual harassment of a staff member, harassment of another staff member and interference with an official investigation: demotion by one grade for a period of five years without possibility of promotion.

e.g. sexual and professional harassment: summary dismissal.

- Fraud and false statements

e.g. false statement in a report about ownership of the staff member's personal effects: dismissal.

e.g. submission of a false invoice in order to obtain an education grant: summary dismissal.

- Theft and embezzlement

e.g. unauthorised loan to a third party of property belonging to the Organisation: written censure.

- Sexual exploitation and abuse

e.g. sexual abuse: summary dismissal.

- Miscellaneous

e.g. disclosure of highly confidential information: summary dismissal.

e.g. driving under the influence of alcohol: censure.

- Disciplinary measures

The various disciplinary measures provided for by the staff rules were as follows:

- ✓ Written censure
- ✓ Loss of one or more steps in grade
- ✓ Deferment, for a specified period, of eligibility for within-grade increment (administrative leave)
- ✓ Suspension without pay
- ✓ Fine
- ✓ Demotion
- ✓ Separation from service, with or without notice or compensation in lieu thereof
- ✓ Summary dismissal

- Comments

The length of the time limits was unfortunate, as was the fact that managers were not made to feel responsible for resolving disciplinary issues. Lastly, zero tolerance for the abuses committed by peacekeepers, recommended by the Secretary-General, should be enforced throughout the system. The UN needed an independent justice system with unified procedures.

In conclusion, only if the Organisation functioned properly so that everyone with responsibility assumed their role would it be possible for fairly enforced disciplinary measures to be dissuasive and formative.

Presentation by Sarah Burton, Council of Europe

(Annex [CSAIO8 Presentations\discipline_CoE_def.pdf](#))

In a preliminary comment, S. Burton pointed out that there was a separate procedure for cases of harassment. She wished to draw attention in this regard to the problem of unresolved cases of harassment in the Council of Europe.

Presentation by Cayetana Borrego-Cabezas, Office for Harmonization in the Internal Market (OHIM) / Assembly of Agency Staff Committees (AASC)

(Annex [CSAIO8 Presentations\Discipline_Borrego_AASC_def.pdf](#))

➤ Discussion

❖ Questions to speakers

UN system

In reply to the representative of the union of the International Telecommunication Union (ITU), who was also a member of the Executive Committee of FICSA (Federation of International Civil Servants' Associations), it was explained that the Dispute Tribunal was part of the UN's internal justice system and would not replace the Administrative Tribunal of the International Labour Organization (ILOAT).

In reply to the Chairman of the Staff Committee of the European Court of Auditors, the Deputy Executive Secretary of the Staff Coordinating Council said that at the present time in the UN, referral to national criminal courts had no impact on the internal disciplinary procedure, but that this had been recommended as part of the reform of the system.

In reply to the Chairman of the Staff Committee of the Secretariat of the Organisation for Security and Co-operation in Europe (OSCE), it was explained that the staff representatives participated every year in meetings with the Administration. In particular, the representatives had asked it to be guided by international management standards in order to draw on best practices in this field.

Definition of permanent staff

At the Council of Europe, permanent staff were officials whose conditions of employment were governed by the Staff Regulations, whether they held fixed-term or indefinite-term contracts. Temporary staff were not covered by the Staff Regulations; under the reform under way, it would soon no longer be possible for such staff to be employed by the Council of Europe for more than six months a year.

Whistle-blowing

Provisions on whistle-blowing were to be found in the Staff Regulations of Officials and other staff (temporary, auxiliary, local) of the European Communities and applied to all European institutions. No such provisions existed in the ITU or in the United Nations Development Programme (UNDP) in New York.

The Vice-Chair of the Central Committee of ESA's Staff Association said that in his organisation it had been decided, when a code of ethics had been adopted, not to impose whistle-blowing procedures. He said that he would like to know what the attitude of the staff representatives was when this practice was applied in organisations. Could they refer to a mediator or another body able to act as an interface?

The Deputy Executive Secretary of the UN's Staff Coordinating Council said that he himself had reported conduct that had previously been observed by the UN's investigation body. The allegations had later been shown to be true, but only half-measures had been taken to remedy the situation.

The representative of the Staff Committee of the Office for Harmonisation in the Internal Market (OHIM) said that her Organisation did not have procedures for whistle-blowing. She also said that she was shocked by this practice which she equated with informing.

There was no policy in this regard at the Council of Europe. The concept itself had not even gained wide acceptance. A charter of ethics had very recently been introduced, but its scope was still not very clear. The representative of the Council of Europe said that regulations on fraud and corruption were being prepared, and that this would perhaps be an opportunity to introduce the concept of whistle-blowing into the Organisation. With regard to such practices, she referred to a recent case in which a staff member of the Council of Europe had distributed racist leaflets and later published a book. She said that after much discussion, the Staff Committee had decided to intervene and had asked the Secretary-General to address the issue as it considered that such behaviour tarnished the reputation of the entire staff of the Organisation. She also said that she herself had advised certain staff members to contact the Council of Europe's mediator and provide her with information concerning a colleague. She thought that this approach was a useful way of preventing certain situations from deteriorating. Lastly, in reply to a representative of EPO's Central Staff Committee, she said that since 2005 the preamble of the Staff Rules had referred to the European Convention on Human Rights.

The representative of the Central Staff Committee of the European Patent Office (EPO) said that his Organisation did not have a specific policy in this field.

The spokesman for the staff representatives of the European Investment Bank (EIB) pointed out that the staff representatives' role was to defend colleagues rather than to make accusations against them. He stressed the importance of the principle of the presumption of innocence.

Bias

The representative of the EPO's Central Staff Committee then raised the issue of bias. How could a disciplinary procedure be effective when the Administration was guilty of bad faith? He cited the example of the World Meteorological Organisation (WMO), which had preferred to dismiss an auditor who had filed a report containing allegations of corruption rather than initiate a disciplinary procedure. He also mentioned the example of the World Health Organisation (WHO), which had dismissed one of its doctors who had reported some sixty cases of sexual abuse involving refugees.

With regard to the Council of Europe, there did not seem to be any examples of such bias. However, there was a problem regarding harassment because of the

confidentiality of all phases of the procedure. For example, since the identity of the person accused was unknown, there was no way of knowing whether the relevant panel had established the facts of the case or whether the Secretary-General had agreed with the panel's conclusions or even whether the Secretary-General had decided to take disciplinary action against the staff member concerned. As a rule, the alleged victim was transferred before the procedure had been completed and had no way of explaining his/her career development because of the confidentiality to which he/she was bound.

❖ **General discussion**

During the discussion and through the various questions asked, the following issues were addressed:

Role of Staff Representatives

In reply to the OSCE representative, it was pointed out that UN staff representatives were not involved in the disciplinary procedure in all cases, for staff members did not always ask for their help. There was no formal mechanism in this regard. The staff representatives' powers were moreover limited, as was their competence in the medical, psychological and personal fields.

The representative of the Council of the European Union thought that the role of staff representatives in disciplinary matters was a sensitive issue. He stressed in particular that they did not have the power to launch a disciplinary investigation in order to hear the other party and could not make judgements about the case without knowing all the elements involved. All they could do was to discuss the matter with the Director General and ask him to manage the problem, as this was his responsibility.

The Chairman of the Staff Union of the International Criminal Tribunal for the Former Yugoslavia (ICTY) thought that it was not the job of staff representatives to judge who was right or wrong. He considered that it was essential for them to show themselves to be impartial. For example, several union representatives might be involved in a disciplinary procedure on behalf of both the person accused and the person making the accusation. He also stressed the importance of a transparent and fair procedure for all parties and of respect for the presumption of innocence, adding that the burden of proof was on the person making the accusation. Lastly, he said that the Staff Union made a distinction between persons who were members of it and those who were not, and that it did not represent the latter in their defence but only gave them advice.

The representative of the Staff Committee of OHIM said that in her Organisation there was a social worker who belonged to the human resources department, but who was independent. The Staff Committee maintained regular contacts with this social worker. It was interesting to note that the staff sometimes went to this mediator rather than to the staff representatives.

The Deputy Executive Secretary of the UN's Staff Coordinating Council pointed out that staff representatives could sometimes exert pressure on management. He gave the example of a group request by several staff members who said that they were victims of harassment by a project leader; the staff representatives were able to arrange a meeting with the director of the entity concerned after sending her a copy of a letter they had sent to the Ombudsman in New York. In this specific case, the advice of the staff representatives was requested.

The representative of the Staff Committee of the Council of Europe said that the new rules that had entered into force on 10 June 2006 specified that the Staff Committee be kept informed of the opening of internal investigations and their time frame, but that the Staff Committee had not yet received any information in this regard.

The representative of the World Intellectual Property Organization (WIPO) said that she was surprised by the fact that staff members did not ask for the Staff Association's assistance in cases of unjustified disciplinary measures.

The spokesman of the staff representatives of the European Investment Bank (EIB) described his personal experience, observing that management ethics and moral standards had deteriorated considerably in recent years. In his view, the reason for this development was a certain blurring of standards and a lack of supervision. There had been a sharp increase in cases of individual conflicts at the EIB; this was largely due to a gap between the results of performance evaluation and expectations. These cases of conflict were being brought to the Staff Committee, which was expected to take a position. He thought that the human resources services were in a better position to make decisions on these conflicts, but they were not eager to do so. Lastly, the spokesman of the EIB staff representatives deplored the fact that conflict resolution bodies were sorely lacking. He thought that it would be useful to harmonise the procedures of institutions in order to achieve best practices.

Disciplinary procedure

Within the European Union, special rules were applied in European institutions. A problem arose when several persons belonging to different institutions were involved, for the procedures were not the same. IDOC conducted disciplinary investigations for all staff concerned. The staff committees were strongly opposed to the idea of delocalising the administrative investigation preceding a possible disciplinary measure since this task was the responsibility of another institution. This problem had yet to be resolved.

The representative of the Staff Committee of the OHIM said that IDOC acted only for the European Commission. She added that each institution had the power to initiate an administrative investigation. Lastly, she noted that it was against temporary staff that disciplinary action was most "easily" taken.

Disciplinary Board

The representative of the Staff Committee of the Council of Europe said that in her Organisation, a staff member whose case was submitted to the Disciplinary Board had to be "evaluated" by staff members who had at least the same grade. This meant that A7 staff members, the highest grade, could only be "evaluated" by their peers, which meant that lower grades never had an opportunity to express an opinion on a manager in this kind of system.

The representative of the union of the ITU told participants that in his Organisation there were no such conditions regarding the grade of the staff members sitting on the Disciplinary Committee.

The representative of EPO's Central Staff Committee described the experience of his Organisation, in which the decisions taken by disciplinary and appeals boards tended to depend on evidence provided by an Administration that was not always impartial.

Disciplinary measures

Poor performance

The Chairman of the Staff Committee of the European Court of Auditors referred to the new Community Staff Regulations that had entered into force on 1 May 2004, which had introduced grounds for dismissal on the basis of unsatisfactory professional services. This type of dismissal was separate from the disciplinary procedure. He pointed out that to his knowledge, no European institution had made use of this provision. In his opinion, the Administration's reluctance was explained by the fear of appeals to the Court of Justice of the European Communities (CJEC). This was why the Administration preferred to "sideline" such staff.

The Chairman of the Staff Committee of the Council of the European Union said that the Council did not want to apply the new regulation on poor performance, which entailed a burdensome procedure (two performance evaluation reports, training, etc.). In practice, the Council solved performance problems by using mobility. In addition, for the highest posts – Directors and the Director General – no disciplinary measures were taken, but early retirement, as provided for under Article 50, was imposed. This was difficult to contest before the Court.

Range of disciplinary measures

There was a wide range of disciplinary measures in the European Union – eight in all – ranging from a simple warning to dismissal. Should a specific disciplinary measure be established for a specific kind of misconduct? This would be very difficult for it would be equivalent to creating a kind of penal code. Few disciplinary measures were taken in the Council of Europe, for a considerable body of case law required the Administration to respect principles such as proportionality. Each of the five European institutions had its own authority in the field of discipline.

The Chairman of the Staff Committee of the European Court of Auditors referred to one of the disciplinary measures provided for by the Staff Rules, i.e. demotion. He said that in the past, this had referred to a lower grade or category, but now there were only two groups of posts, i.e. assistants and administrators. The lowest grade was grade 1 and the highest was 16. Between grades 5 and 11, salaries were identical between assistants and administrators. Consequently, demotion now took place inside the group in question. He said that in any case over the past 25 years, to his knowledge, demotion had only been applied once in a case of misappropriation of funds. As a rule, he observed that disciplinary measures were very rarely applied in the European Union.

The representative of the Staff Association of UNESCO deplored the fact that her Organisation used means that did not really resolve problems, such as "sidelining" staff and early retirement negotiations. This situation created a feeling of unease and demotivation among staff. It also showed the great unfairness between the disciplinary measures taken against managers and those taken against lower level staff. Lastly, she was doubtful about the effectiveness of the reform of justice under way in the UN, which provided for the training of managers in certain ethical standards and the establishment of an ethics office.

The representative of EPO's Central Staff Committee said that his Organisation essentially relied on administrative measures and administrative investigations rather than disciplinary measures.

Lastly, the representative of the Staff Committee of the Council of Europe mentioned an unusual action by the Administration, in which a staff member accused of harassment was transferred at the request of the entire department concerned.

SESSION B

PROTECTION STAFF REPRESENTATIVE

➤ Presentations

Presentation by Niels Bracke, Council of the European Union

(Annex [CSAIO8 Presentations\Legal protection Conseil UE Bracke.pdf](#))

Presentation by Joel Lahaye, CERN

(Annex [CSAIO8 Presentations\Guarantees CERN.pdf](#))

Presentation by Phil Bocking, European Patent Office (EPO)

(Annex [CSAIO8 Presentations\Protection of Staff Reps EPO.pdf](#))

➤ Discussion

❖ Questions to speakers

Time spent on Staff Association activities

In reply to the Chairman of the Staff Committee of the European Court of Auditors, the representative of the Staff Association of CERN explained that there were not really any checks in relation to the number of hours allocated to staff representatives in order to carry out their activities (four hours a week + extra time for participation in joint and other committees). It was true, nevertheless, that a staff representative who did not manage to perform all the tasks allocated to him because of the time spent on Association activities could suffer the consequences by way of performance evaluation and possibly suitability for promotion. The reason why there was flexibility at CERN in relation to time dedicated to the Association was that the Organisation had only 52 elected delegates for 70 posts. This freedom however depended on the goodwill of supervisors and their perception of the Association's work.

Facilities

As regards facilities, the CERN Staff Association had a secretariat made up of three full-time staff, an office and a meeting room. The meetings organised by the Association were held during office hours (8.30 a.m. to 5.30 p.m.). The Association chose the time and room for meetings. It was provided in the rules and regulations that the Organisation should make suitable rooms available to the Association for its meetings.

Budget

In reply to a representative of FICSA, the Chairman of the Staff Committee of the Council of the European Union said that the Staff Committee had two budget lines in the global European Union budget which were negotiated each year with the Administration and then approved, usually without any problem, by the budgetary authority of the European Parliament. There was, however, a difficulty in that the Staff Committee had no legal personality. Contracts had therefore to be signed by representatives of the Staff Committee in their own names. The system was due to be changed the following year, with the Chairman of the Staff Committee being recognised as having the right to represent the Committee. As for the amount of the Committee's budget, which could seem sizeable, it was not so big when compared to the numbers of European Union staff (3 500 officials). Lastly, the missions of those elected to the Staff Committee were financed by the Administration and authorised without any difficulty.

Role of the trade unions

As far as the Council of the European Union was concerned, the trade unions negotiated general agreements, about the system for compensating hours of work performed on mission for example. The Staff Committee had only the status of observer in this type of negotiation. Unions were not entitled to represent a member of staff before a court, but were authorised to provide a lawyer.

Joint bodies

Lastly, replying to a representative of FICSA, the Chairman of the Staff Committee of the Council of the European Union stressed the importance of the joint mobility Committee which obliged the Administration to be transparent with regard to mobility and also enabled the Staff Committee to have a social policy. Despite the advisory nature of this body, the Administration had always followed its opinions except for one recent case (2007) in which the Committee had made an actual mistake. As for the other Committees (equal treatment, medical insurance, etc.), they were also advisory bodies.

❖ General discussion

S. Burton, the moderator, started by emphasising the importance of protecting the rights of staff associations with respect to their proper functioning and of the rights of staff representatives themselves. From the preceding presentations, she identified several themes on which it would be useful to know the position and experience of the various Associations present, namely: freedom of association, facilities, time spent on Association activities, freedom of expression, protection of staff representatives and the issue of legal personality for the body representing staff.

Freedom of association

The rules of the Council of the European Union expressly guaranteed the right of association. Members of staff were free to join a trade union provided it was recognised by the Council as a negotiating partner and that it was representative. The Administration made available five secondments and five posts of assistant to represent unions, and it was up to them to divide up these posts. Council unions did not have legal personality as such but belonged to European unions which did have legal personality (for example the *Union syndicale*).

Facilities accorded by the Administration

The Chairman of the Staff Union of the International Criminal Tribunal for the Former Yugoslavia (ICTY) thought it was important to use the Conference of Staff Associations of International Organisations (CSAIO) to share experiences and ideas among staff representatives. This discussion forum should help those Associations with few facilities to negotiate for more with their Administration. He therefore encouraged staff representatives to maintain contact between themselves using CSAIO's contact list.

Marie-Christine Delcamp reminded participants that the Internet site created by J. Matheys reported on all the topics addressed by CSAIO since its origin (2000) and that in 2002, the question of the functioning and competences of Staff Associations had been addressed.

The representative of the Central Staff Committee of the EPO pointed out the existence of a "SAIO" electronic contacts list administered by SUEPO and emphasised the difficulties of keeping such a list up to date given the important turnover of staff representatives. There was also a Web interface for archives, protected by a password. New communication tools, such as discussion forums, could be created provided that there were volunteers to set them up and administer them.

Freedom of expression

At the Council of the European Union, freedom of expression was recognised in the staff rules, and there was a significant body of case law in this area which protected this freedom.

At the OECD, the Staff Association had communicated with the press a few years previously about the risks represented by the presence of asbestos in one of the Organisation's buildings. The Administration subsequently sent a letter to the office bearers of the Association reminding them that they were bound by the same obligations of discretion as all the other officials of the Organisation. Things were taken no further. According to the Chairman of the Staff Association, the most important thing was to ensure the credibility of the body representing the staff in the eyes of the Administration by working in a professional manner on the issues being addressed. He said that today, the Staff Association of the OECD took initiatives in suggesting proposals.

Protection of staff representatives

At the UN, the staff regulations provided for the protection of staff representatives against any discriminatory treatment or any prejudicial measure taken against them in their capacity as such representatives or in relation to the activities conducted by them in this capacity, both during and after their mandate. Implied threats had on occasion been made against staff representatives. On the other hand, a few staff representatives did not always behave ethically and used their status as an elected representative to obtain a promotion or a golden handshake.

The representative of the UNESCO Staff Association reported a fall in the number of members due to a loss of confidence in managers and, consequently, in the rules and procedures. Some members of staff were subjected to verbal pressure and therefore reluctant to join the Association.

A former Chairman of the United Nations Industrial Development Organization (UNIDO) union who was, from one day to the next, placed on part-time by the Organisation, won his case before the Administrative Tribunal of the International Labour Organization (ILOAT). The decision to place him on part time was held to be illegal and must therefore be rescinded because the Organisation imposed a measure which had major repercussions on the functioning of the Staff Council without taking the appropriate steps to see if the work of the Staff Council could be carried out effectively with its Chair only relieved of duties on a half time basis. It would only have been possible to answer this question by consulting the Staff Council and taking its opinion into account. However this was not done.

In another case, ILOAT held that the Organisation was obliged to hand over to the complainant all the documentation available. As to standards of conduct, UNIDO applies those of the International Civil Service Commission (ICSC).

The spokesman for the EIB staff representatives said that they were competent to give advice only. Thus, when whole body of the representatives of his Organisation resigned *en masse* at the end of 2006, the Administration was in a very difficult position since it could not obtain approval of the measures for which the opinion of the staff representatives was solicited. That is why, when the management did not succeed in organising relevant elections for lack of candidates, the Chairman of the EIB staff representatives launched a major publicity campaign on the importance of commitment for the defence of the interests of staff. Since the election of the new body of representatives, consultations had taken place in a civilised manner though this did not mean that the opinion of the staff representatives was necessarily followed.

The situation was different with regard to individual cases. The spokesman for the EIB staff representatives had himself recently had occasion to support a colleague in difficulty in his Division. After briefly describing the case in question, he said that his intervention with the Administration had not been well perceived and he had been clearly told that if he continued to support the colleague in question, this could have adverse consequences for his future career.

The representative of the staff of the Council of Europe Development Bank said that he personally had never suffered any pressure from the Administration but that other representatives, in the past, had complained of this. He considered, however, that pressure was inherent to the system of staff representation. While it was difficult to dismiss a staff representative, it was easier to exert pressure on him/her through promotions. That said, he considered it dangerous to introduce a system whereby staff representatives were automatically promoted since that would risk inciting staff to become representatives for that reason alone.

The Chairman of the OECD Staff Association said that in his Organisation, only the Chairman benefited officially from a guarantee not to be dismissed during the year following expiry of his mandate. He added that in practice, no staff representative had been the subject of retaliation on the part of the Administration. He felt that by accepting the duties of staff representative, an official accepted a range of constraints, notably the fact of putting his/her career "on the backburner" provisionally, and sometimes suffering pressure from the Administration.

The Chair of the Staff Committee of the Council of Europe said that there were few rules specifically dealing with the protection of staff representatives in her Organisation. The regulations were general in scope and applied to the staff as a whole. She added that the Staff Committee was too far integrated into the system to constitute a real danger. Consequently, few disciplinary measures were applied. Union representatives, on the other hand, who were better placed to exert pressure on the Administration, were more exposed to the risk of disciplinary measures.

Careers of staff representatives

For the moment, performance evaluation reports at the Council of the European Union rarely took account of the extra work done by members of the Staff Committee or officials representing it in joint committees. But in the new performance evaluation system being prepared, it was planned to introduce into the report a specific category for the activities of the Staff Committee and unions. As for staff seconded to the Staff Committee or the unions, the staff rules provided for a guaranteed average promotion rate (33, 25 or 20%). An agreement aimed at replacing their performance evaluation reports with an average career guarantee was in the course of negotiation. This system was advantageous for officials whose performance was not satisfactory, but unfavourable to top performers. In any event, it meant that seconded staff could be protected from any retaliatory measures by their Administration.

The Chairman of the Staff Union of the ICTY, who had attended a training session for UN staff representatives, said that it was not prudent to claim that retaliatory measures had been taken against staff representatives without having proof of a causal link. Staff found this way of speaking off-putting and it constituted an obstacle to the engagement of staff in union activities. Moreover, it was often the contrary which happened: staff representatives had sometimes been helped in their careers. He used as an example of this certain Secretaries-General of the United Nations who had been staff representatives. Thus, it was important to promote the notion that representing the staff was a professional asset.

A representative of the staff of the European Bank for Reconstruction and Development (EBRD) noted the specificity of his Organisation which operated in a highly competitive banking market in which it was normal to recruit and dismiss very rapidly. There were neither international civil servants nor secondments. It was therefore very difficult to find active members in the Staff Council. At the moment there were fourteen representatives out of a total staff of some 1 350. Very often, staff were not interested in such a mandate or feared for their career prospects. It was therefore essential to overturn the received wisdom that joining the Staff Council was bad for career prospects. So far, no representative had been harassed or been the subject of disciplinary proceedings because of his/her activities in the Staff Council. It was necessary to motivate staff to become a representative. Lastly, the EBRD did not have any mechanism for ensuring that careers were not harmed by the fact of being a member of the Staff Council.

The Chairman of the Staff Committee of the European Court of Auditors said that in his Organisation, there was no problem relating to promotion for staff representatives since there existed a joint promotion committee, comprising an equal number of Directors and staff representatives, who all had access to the personal files of persons who might be promoted. With a view to establishing a joint list of the best candidates for promotion, each party proposed names. In practice, the Directors and staff representatives reached agreement on a large number of persons and for the rest, it was rare for the Committee to proceed to a vote.

The representative of the Central Staff Committee of the EPO considered that it was impossible to stop some people from thinking that officials who chose to become staff representatives did so in order to have direct dealings with the Administration and thereby obtain personal advantage. He added that his own performance evaluation reports took no account of his activities in the Staff Committee. It was important to correct the false idea that a staff representative did not devote sufficient time to the interests of the Organisation.

At the Council of Europe, staff representatives also participated in promotion panels. In as far as possible, the Staff Committee tried to ensure that its representatives ran no risk of entering into direct conflict with their line managers. It was also said that some staff representatives, and in particular the Chairman/Chairwoman of the Staff Committee, received a promotion which was, in general, not well received by the members of staff.

At the request of the staff representatives of the Council of Europe, the Administration had, a few years previously, drafted a letter in which it invited managers to take account, in performance evaluation, of activities carried out on behalf of the Staff Committee. That said, this practice was not applied uniformly throughout the Organisation.

The representative of the staff of the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT) said that relations between staff and management did not give rise to any particular problem in his Organisation. This was due largely to the fact that staff representatives did not adopt a hostile attitude towards the management. Thus, there were no adverse

effects on the career of staff representatives. In fact, the Management Board of EUMETSAT had very recently recognised that working for the Staff Association was also a way of working for the Organisation in general. On the other hand, the Staff Association sometimes found itself in conflict with members of the staff themselves. He gave the example of a staff member who, not being satisfied with the financial contribution made by the Association to his legal costs, had launched a campaign denigrating the Association.

The representative of the staff of the World Meteorological Organisation (WMO) said that the staff regulations of her Organisation contained no guarantee for staff representatives. One reason for this was the absence of lawyers within the Staff Association. The WMO being a very small Organisation, staff members were aware that by becoming representatives of the staff, they accepted that their career would be put on the backburner.

Miscellaneous

The Chairman of the Staff Committee of the European Court of Auditors said that the situation of staff representatives was different in the European Union from other international organisations. Under the Staff Regulations of the European Union, there was an obligation to set up a Staff Committee. As for the number of elected representatives, it was generally for the institution concerned to establish this, after consultation. At the European Court of Auditors, for example, officially there were eight full members and eight deputy members, but in practice, the Staff Committee comprised sixteen members with equal competences and responsibilities. There was an obligation under the Staff Regulations to consult the Staff Committee in many cases.

The assistant of the Staff Council of UNIDO said that there were many members of the union in this Organisation because of the services made available to them, in particular with regard to housing in Vienna and legal support. For example, the Staff Union had taken out insurance covering legal costs in the event of an appeal, and it used this to the benefit of staff when the case had a chance of being successful. If it was, any costs reimbursed to the complainant were paid back to the insurance company. That said, it was difficult to get members of staff interested in union activities.

The representative of the Central Staff Committee of the EPO said that the staff, and in particular new recruits, trusted their Administration. It was only if they were confronted with an error by the Administration that they asked the Staff Committee for help.

The representative of the Central Staff Committee of the EPO noted that it was at Management level that authority lay, and not at the level of the body representing staff, irrespective of how competent and co-operative its members might be. The Management considered that it was not for the body representing staff to take decisions. On the other hand, staff representatives who were too conciliatory and not critical enough ran the risk of not being re-elected, at least at

EPO.

Conclusion

Although there were few specific rules protecting staff representatives in most international organisations, international civil service law could be invoked by staff representatives. It was necessary to get the message across that working for the Staff Association was working for the Organisation as a whole. Lastly, as regards retaliatory measures and particularly indirect ones, it was important to make a distinction between two types of staff representatives: those who worked full time for the Association and the others. The situation was more difficult for those who combined their own duties with those related to the activities of the Association.

SESSION C

DIVERSITY

➤ Presentations

Presentation by Michael Naumann, European Organisation for Astronomical research in the southern hemisphere (ESO)

(Annex [CSAIO8 Presentations\diversité ESO def.pdf](#))

Presentation prepared by M. Naumann, deputy chairman of the International Staff Association (ESO) and F. Puech, responsible for relations with FICSA (ESO), presented by M. Naumann.

Presentation by Pénélope Denu, Council of Europe

(Annex [CSAIO8 Presentations\diversité CoE def.pdf](#))

Presentation prepared and presented by P. Denu (Chair of the Staff Committee of the Council of Europe), who made available to participants brochures recapitulating the data on diversity in the Council of Europe, as well as pins distributed during the second "*All different – All equal*" campaign.

➤ Discussion

Joel Lahaye (CERN) chaired the session on diversity, the Conference's third topic. He stressed this issue's relevance for international organisations and the many fields in which it could/should apply. He proposed that the presentations be followed by a session of questions to speakers and then by an overview of the practices in each of the organisations.

❖ Questions to speakers

ESO confirmed that detailed statistics had been gathered on the use of the new measures to promote diversity since the Administration thought that these schemes could only be made permanent if their use was measured. In fact, the data showed that staff had been reasonable in their use of the measures implemented, for example by not using all of the parental leave. ESO also recognised that part-time work and day-care facilities were generally considered to be "women's" issues and were associated with gender equality initiatives. It thought – and a number of organisations agreed with it on this point – that this view was not only unfortunate but also untrue. It noted that this mentality was beginning to change in its organisation. Lastly, ESO, which had eliminated age criteria from its job offers, had not developed a specific policy beforehand to address the problems that might be generated by recruiting retired people.

The Council of Europe said that it would provide anyone who so wished with documentation on its initiatives to raise general awareness of inequalities in this

organisation. It also said that all information on Women's Day was public and accessible on the Organisation's website.

* * *

❖ **General discussion**

The discussion mainly focused on equal treatment for men and women and on cultural diversity. Issues related to age and sexual orientation were mentioned briefly.

The Council of Europe also asked the organisations present about how they defined under-representation, since the Council's definition was limited to promoting the gender that accounted for less than 40% of staff within a grade, but without taking into account disparities within the same grade.

▪ **Gender diversity**

Situation in international organisations

In all the organisations that took the floor on the topic of diversity, the status of women was an issue familiar to staff associations that had been addressed regularly and in most cases the Administration had introduced measures in this field.

The Council of Europe's first campaign dated from 1993. In 1999, ESA, at the initiative of the English-speaking and Nordic countries, had shown concern over the low percentage of women in technical posts and high grades.

For its part, the FAO Council and Conference had commissioned a review of the functioning of the Organisation in 2005¹ and diversity was included as an issue in its own right in the report.

A number of organisations welcomed this new awareness and the initiatives taken since then; they used their own experience to demonstrate the progress being made. For example, in the UN, all the key posts were held by women; in OSCE, three directors were women; CJEC had had more women judges over the past ten years or so; many key posts (chiefs of Administration, presidents, prosecutors) were held by women in ICTY; UNESCO also thought that the professional situation of women had evolved considerably, in particular with regard to high-level posts.

In contrast, CERN and OHIM said that they only had a single woman in the top management of their organisations, saying that this figure illustrated a two-fold problem in women's employment: there was a flagrant imbalance in most organisations between women in administrative sectors, where they were

¹ Working paper for consultation drafted by an independent external evaluation team in July 2007. The final report : "FAO, the challenge of renewal" published in September 2007 and available on the FAO site <http://www.fao.org/pbe/pbee/fr/219/index.html>

over-represented, and in high-level posts and management, where they were extremely under-represented. This was the conclusion of FAO's report which also criticised the very slow pace at which the situation was changing.

UNESCO said that it had the same problem, as did all the organisations that spoke on the issue of gender diversity. At the Council of the European Union, recruitment and career development were conducted in accordance with the principle of equal opportunity, but there were no women in posts of Director or Director General. In OHIM, the majority of staff were women, but these consisted mainly of staff in lower grades, and among the ten high-level managers there was a single woman only.

Some organisations such as ECA, but also scientific and technological organisations such as CERN and ESA, said that their situation was different, for the total number of women was much lower than the number of men. Only 20% of staff were women at ESA for example.

There were differing analyses of the reasons explaining these two situations.

The reasons why women were under-represented in organisations and in management posts in particular.

Lack of women applicants

According to the representatives of some organisations (CERN, ESA, ECA), the lack of women in their organisations was explained largely by the lack of women applying. The reasons given for this were:

- a limited pool of women with diplomas in their organisations' field of intervention and thus a rate of representation that simply reflected this pre-existing situation;
- job duties that were unattractive to women (ECA);
- a regional recruitment process that resulted in a pre-selection of applicants by member countries, leading to unequal treatment caused by national systems and which the organisation did not have the means of correcting (EU Council).

Deleted:

Several organisations disagreed with these explanations:

The OSCE representative's experience tended to contradict the assertion that women were less willing to go on mission: most of those volunteering at the OSCE were women, often mothers, who sometimes left for several months at a time.

WMO wondered about the sources according to which an insufficient number of women studied engineering. It admitted that this might be the case in some European countries, but was in no way true for the rest of the world. OHIM supported these comments and pointed out that the key legal posts in its organisation were held by men even though Spain had large numbers of women lawyers.

Quoting a study from the Consultative group on international agricultural research (CGIAR), the FAO independent external evaluation did

not agree that academic specialisation constituted a real barrier to recruiting women. In fact, according to the report², the CGIAR study “noted two decisive factors inducing women to apply for a post : the location of the institution and how serious it is perceived to be in the way it deals with the matter of equal opportunity”.

ICTY said that it had many women on its staff although its field of activity (police) might appear to be more male-oriented.

Lack of career development

Some organisations which thought that the general recruitment process ensured equal treatment (ECA, CERN) considered that the main problem that they faced lay in the lack of recognition and career development prospects for women after they had been hired. In an equivalent post, they had to wait longer for promotion than men.

Preconceived notions about women

Agreeing with some of these comments, WMO and OECD thought that the real barrier to the equal integration of women lay in stereotypes about women and their expectations, behaviour, etc. It was not enough to base selection criteria solely on merit and qualifications since this would not prevent recruitment teams from thinking, for instance, that a woman, even though well qualified for a post, would ask for more leave than a man, and would base their final decision on these considerations rather than on her professional skills. As long as these types of reactions remained, the measures taken to promote diversity would remain little more than statements of principle, special theme days and “recruitment marketing”, but would not lead to in-depth changes in the composition of organisations (OHIM). A real, substantive effort had to be made in this regard.

Location of work

ICTY pointed out that depending on the regions where the United Nations was operating, the Administration’s freedom to hire women might be limited by customs, the unwillingness of the inhabitants themselves, threats against women, etc., which sometimes led them to find “pragmatic” solutions, such as recruiting the husband of the woman initially chosen.

Women less mobile because of their family

According to ESA, on the basis of a study conducted by its human resources management directorate, it was more difficult to relocate a woman’s family than a man’s.

Measures to achieve genuine gender diversity

Existing measures, to judge by the examples given, were aimed mainly at promoting women’s access to organisations; the measures proposed for adoption, on the other hand, were aimed at enabling women to break through the *glass ceiling* and attain high-level posts.

² Report prepared by an outside firm published in August 2007, available on the FAO website “Challenge for renewal”. Cf note 2.

Promote the labour market and applications

ESA was developing specific programmes with universities and was organising on-site visits to make itself known to women, and the number of female recruited had increased as a result. FAO was also seeking to develop its policies aimed at encouraging more women applicants (both outside and inside the Organisation). Similarly, ICTY was actively promoting its organisation among policewomen.

At CERN, the recruitment service was encouraged to do all it could to have at least one woman applicant for each vacant post. UNESCO asked its member states to present at least two candidates including one woman for political posts.

Increase women's chances in the selection process

Three methods were presented:

- Panel membership aimed at ensuring a more objective opinion. The European Communities regulations specified, for example, that at least one-third of recruitment panel members had to be of the opposite sex to that of the applicant. At CERN, panels included at least one woman.

- In ICTY, when a woman was not selected, the panel had to explain the reasons why not.

- A policy of giving preference to women when qualifications were equal: this was the case in CERN and ESA. The statistics showed that a woman had a better chance of being hired than a man. However, affirmative action and quotas as a policy that might lead to giving preference to women independently of their qualifications was rejected by the organisations that mentioned this tool (CERN, ESA). This kind of approach was considered counter-productive and demeaning to women, who generally did not view such measures favourably. Nevertheless, some organisations seemed to be moving towards setting general numerical objectives by department or type of post. For example, FAO was going to require that at least 35% of its staff be women, with women holding 35% of management and representative posts.

Beyond the differing views of the various organisations, the representatives agreed as to the need for recruiters to base their decisions on the only objective, identical criterion for all applicants, i.e. their qualifications for the post (OSCE, WMO).

Develop arrangements making it easier for staff to reconcile their private and professional lives

This aspect appeared in FAO's report. In the Council of the European Union and ESA, day-care facilities had been created specifically to facilitate the integration of young mothers. The results were conclusive. Similarly, part-time work had increased significantly.

However, OHIM wondered about the real motivations behind the strange generosity of Administrations that granted their staff parental leave, teleworking, etc.

Show the Organisation's determination to promote a policy of diversity

In its recommendations, FAO's report stressed the need for top management to support and become personally involved in implementing initiatives to promote diversity.

- **Cultural diversity**

Situation in international organisations

ILOAT had recognised as a principle that international organisations were obliged to recruit candidates from all their member states. In practice, the situation was less clear cut.

In some organisations such as ECA and UNESCO, the respect for cultural diversity stemmed from the fact that geographic diversity was imposed by the Staff Regulations.

Other organisations spoke of the efforts they had made over the past few years to promote cultural diversity which had led to a significant improvement in the representativeness of different countries and cultural regions. This was the case at FAO with a policy implemented in 1994, and also at ICTY.

Reasons for the low level of cultural diversity in international organisations

A number of reasons were given to explain why certain regions were under-represented in international organisations.

The location of the international organisation

In many organisations, the nationals of the host country were significantly over-represented to the detriment of other nationalities.

Attractiveness of salaries

CERN drew attention to the rules recognised by ILOAT according to which international organisations had to offer a salary level higher than that of the best civil service of their member countries. This principle was not applied at CERN and this might lead candidates from some countries to refuse posts. The Council of the European Union shared this opinion.

The impossibility of predicting who would apply for a post

According to the Council of the European Union, it was impossible for Administrations to predict how the citizens of member states would react to a job

announcement, and the selection process, since it had to be as objective as possible, prevented them from correcting any lack of representativeness.

Political “string-pulling”

The Council of the European Union also raised the issue of political “string-pulling” to place candidates in high-level posts as an obstacle to establishing greater diversity.

Problems generated by cultural diversity in international organisations

FAO’s report supported measures promoting cultural diversity, but pointed out that overemphasising it could be detrimental to the Organisation since it might reduce trust between member states and limit the pools of qualified applicants.

Another problem regarding cultural diversity concerned the representation of a more culturally diversified staff by staff associations. UNESCO discussed its experience in this regard, which had led to the creation of a second committee considered to be less “European”. The UN Staff Committee, on the other hand, thought that it represented all cultures and geographical areas successfully. The Council of Europe discussed cultures of democratic participation that differed across regions, particularly between Western Europe and the former communist countries.

CERN, composed of states having Latin and English-speaking cultures, noted that there were indeed different attitudes towards situations involving strikes and negotiations with management, but did not consider that these were problems in their own right.

Influence of nationality and gender on the perception of status

The Council of Europe summarised the initial findings of a study³ on staff members’ perception of their professional integration and status depending on their nationality and gender. According to these data, men and women from Eastern Europe had reactions opposite to those of Western Europe staff: Western European men and women thought that they were treated properly vis-à-vis their nationality, but women thought that they were treated unequally because of their gender. Conversely, Eastern European men and women did not think that they were treated properly in terms of their nationality and the men also thought that they received unequal treatment because of their gender. Eastern European women thought that Western European women gave too much importance to the issue of gender equality.

- **Age-related diversity**

A number of organisations had eliminated age barriers for recruitment and retirement.

³ Study conducted by the Council of Europe and the European Parliament.

Situation in international organisations

This was the case at the CJEC, the Council of the European Union and EUMETSAT (where contracts were nevertheless limited to two years).

Problems caused by the elimination of the age criterion

Three problems related to elimination of the age barrier were discussed: the potential development of conflicts between a staff member and a younger manager (ECA); the possible gap between the post and the staff member's experience, leading him/her rapidly to leave the organisation that hired him/her (Council of the European Union); and the inappropriateness of the health-care system for older recruits (CJEC).

- **Diversity related to sexual orientation**

The Council of the European Union pointed out that unions between persons of the same sex were recognised by the Staff Regulations if marriage was not authorised by their state of origin.

The other organisations had not yet decided on this issue.

- **Diversity related to diplomas**

A maximum level of qualifications had been eliminated in some organisations. The Council of the European Union and the CJEC described the absurd situations generated by these new provisions: because of equal treatment provisions, secretarial posts were open to university graduates, who outperformed "traditional secretaries" on the general test but then failed to pass the typing tests. As a result, these posts remained unfilled.

- **Problems related to diversity in general and equal treatment**

According to FAO's report, the measures taken to promote diversity led to a certain loss of productivity (which had not been quantified).

Conclusion

The session chairman concluded the topic of diversity by stressing the opportunity that this issue might provide to organisations since it introduced new ways of thinking and operating into teams, thereby facilitating the development of original proposals and solutions. He called on the organisations to continue on this path, which was justified by the inequality of the current situation.

**LIST OF
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(CSAIO 8)**

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