

## **Minutes of the discussions held on 17 September 2009**

### **Session A: Discussion on health at work**

#### **European Patent Office (EPO)**

- The EPO had adopted an official policy on health three years ago.

The EPO had approximately 7 000 staff (3 500 in Munich, 3 000 in The Hague, with the remainder in Vienna and Berlin), so it had been time to adopt health-related measures, as several people had suffered from work-related illnesses, in particular in connection with using computers

The main measures which had been introduced were:

- creation of an occupational medicine service, which now had three doctors and several nurses;
  - evaluation of risks and introduction of prevention measures; it was only now, after three years, that this aspect was being put in place;
  - creation of an occupational medicine committee 18 months ago;
  - supervision: Contacts also had to be made with supervisory bodies so that inspections could take place; there had not been any thus far.
  - In-house services: EPO employees were entitled to a full examination every two years.
- In reply to the question 'what legislation is in force?', the EPO was protected by immunity. 'We have our own rules and it is not therefore necessary to apply national rules'. Nevertheless, the new occupational medicine service had agreed to national being applied. That was the case in The Hague and Munich.
  - Influenza A: At present the medical service was preparing for influenza. Many people were on sick leave, which would raise some organisational problems.
  - In connection with dignity at work, five years ago the EPO had introduced a policy to promote dignity among staff. That policy had been abandoned by President Alain Pompidou, who said that it had done more bad than good. Staff had been waiting for a new policy to be introduced for three years and hoped that at least some elements would be applied, in particular informal counsellors.
  - Disability: The EPO did not have a policy to encourage the integration of people with disabilities. Someone had recently brought proceedings before the European Court of Human Rights because she had been rejected during the selection procedure for a job, even though she had initially been selected. However, it was well-known that international

organisations often hid behind their immunity so it would not be an easy case.

### **European Court of Auditors (ECA)**

Mr Fiser spoke about the discussions in progress at the ECA with a view to introducing a teleworking strategy. At the ECA only translators were able to request to work from home. Mr Fiser wanted to know how the following issues were handled at the EIB:

- How were working hours calculated for teleworkers?
- What percentage of people worked from home?
- Did they keep their offices?
- To what grade of staff was teleworking available?

### **World Health Organisation (WHO)**

The WHO representative also asked the following questions:

- What grade of staff could work from home?
- Was the percentage higher among support staff?
- Was it only a few days per week or were longer periods possible?
- Could mothers adopt teleworking after their maternity leave?
- Was the EIB guided by Luxembourg national legislation?

### **World Food Programme (WFP)**

Mrs Denton wished to know:

- whether other institutions all had this kind of occupational health service?
- whether this service was always linked to HR? This aspect was a source of concern at the WFP for reasons of confidentiality.
- whether there were ergonomic programmes for preventing office work-related illnesses in other organisations?
- what measures had been taken to prevent terrorist attacks? Mrs Denton explained that the WFP building was located in a cul-de-sac, which would raise considerable problems in the event of evacuation.
- what advice could be given for the effective operation of a health committee? In the case of the WFP, management did not listen to the recommendations made by that committee.

### **European Central Bank (ECB)**

- Mrs Stahl informed the meeting that calls for tenders were in progress at the ECB for a doctor specialising in occupational health and wanted to hear comments on that subject.
- The staff representation at the ECB had requested a health committee but their administration was opposed to the setting-up of joint committees in general because of the additional work this created.
- The ECB was currently in a pilot phase for teleworking and wanted to know how it was being introduced in other organisations:
  - Was it limited to a certain number of days?
  - Who was eligible?
  - Who supplied equipment?
  - Was there an organisation that had used this system for a long time which could share its experiences with everyone?
  - What were the consequences as regards salary and career progression?

### **Organisation for Economic Cooperation and Development (OECD)**

Mr Cusse explained that the OECD had had a Health and Safety Committee since the 1970s and it worked well. It had real power, which had even led to certain buildings being closed for asbestos removal.

Mr Cusse wished to make a comment on the issue of safety legislation. When the international organisation engaged local companies from the host country, it was required to comply with the legislation of the host country in question in respect of those people and this extended to all employees.

Mr Cusse said that the committees were able to contact senior management (secretary-general or director-general) directly to inform them of a serious safety issue, which required the senior manager to face his responsibilities and to act.

Mr Cusse explained the rules on teleworking within the OECD:

- Teleworking applied to all staff except temporary staff
- Three kinds of teleworking would soon be introduced:
  - occasional: limited number of days, without special protocol
  - regular: permanent teleworking
  - abroad: two months per year, divisible

Mr Cusse stressed that teleworking was unfortunately still regarded as a privilege and not as a method of personnel management, whereas the administration should see its benefits, such as space savings, electricity savings etc.

### **International Labour Office (ILO)**

Mrs Olsen wished to go back to the teleworking policy at the ILO, where negotiations were being conducted between staff representatives and the administration: there was a joint working party on family life and working life.

The ILO had recently agreed to allow all grades of staff to work from home and had created specific grades for editors, translators and researchers to facilitate teleworking.

The ILO offered two kinds of teleworking:

- ad hoc or
- regular (limited to 50% of working hours per month)

and the teleworking agreement had to be renewed after one year.

Teleworkers had the same leave entitlements as employees who worked in the office and they kept their office in the ILO buildings. As regards equipment, workers had to prove that they had a safe and healthy environment in which to work (an annex showed the criteria to be observed). The ILO could provide them with a laptop computer with any appropriate software. However, if employees wished to use their own computers, the administration did not provide anti-virus and other software, and employees were responsible for protecting their own computers. Discussions were still in progress and the policy had not yet been adopted.

## **European Organisation for Nuclear Research (CERN)**

Mr Lahaye wished to make some comments regarding health and safety at work:

- He explained that CERN had high-tech installations which could involve many safety regulations and therefore generate costs. Safety always had a cost. The level of safety achieved in a business would therefore depend on the budget allocated to it.
- In terms of legislation, an organisation established in a host country was normally required at least to comply with the legislation of the host country when it engages external companies. Mr Lahaye said that at CERN it had been decided to apply at least the national legislation of the host country and to add other points specific to CERN if necessary.
- At CERN safety was an entire department. At one time that department had even been independent. It could make recommendations, which had certainly bothered the DG, as it required him to take action, and the service had therefore been directly attached to him. This was a pitfall which had to be avoided by the other organisations.

According to Mr Lahaye, staff representatives had to fight to get safety committees and the budgets to make them work.

Mr Lahaye also wanted to speak about teleworking at CERN:

- Employees could request one day per week teleworking. It was limited because teleworking was seen as a reward, as the OECD had explained. CERN did not provide any equipment to workers who wanted to work remotely.

### **Food and Agriculture Organisation of the United Nations (FAO)**

- The FAO's staff representatives had thought that they had won a great victory over flexibility at work, but in reality the management had only implemented flexible working arrangements. Special dispensation was given to some employees to arrive at a certain time or to work longer on that day to make up the time one day each month. This was not flexi-time with freedom to arrive and leave within certain timeslots and hours where presence was mandatory.
- Teleworking at the FAO was open to all grades, but it was very difficult to ensure that staff were treated equally, and there were differences between translators and secretaries as regards access to teleworking.
- The FAO raised the question of the safety of its staff who worked from home. What happened in the event of an accident? Who was responsible?
- The FAO representative returned to health/safety committees. He wished to highlight how difficult it was for such committees to meet regularly. It had to be ensured that the frequency of meetings was indicated in the rules of procedure of those committees and was observed.
- He stressed the benefit of the statistics provided by the administration, in particular in identifying recurrent problems. For example, at the FAO, statistics had shown that there had been many accidents involving pedestrians in the area around the FAO building, and on the basis of those statistics they had realised that this was linked to poor signage for pedestrians and the competent municipal department had been contacted.

### **European Space Agency (ESA)**

The ESA representative said that his organisation had four different sites in different countries, which complicated the coordination of common

policies on all sites, in view of the differences depending on the centre director and how hazardous the activity on the site was.

ESA had already introduced a number of similar schemes, as had already been heard, but she wanted to talk more specifically about two management initiatives:

- 'ESA **side in for structures**': for the first time in 35 years the Council had drawn up a document covering all its sites, with a view to the restructuring of its activities, in particular as regards safety. Measures included renovating the main building.
- 'Life at ESA': the DG had made this project a priority for 2009. The programme included teleworking as a personnel management tool, a change of behaviour on the part of management, with a greater focus on the balance between working life and private life. Staff representatives had been involved in that project.

Unfortunately, it could often be seen that actions did not follow in practice and nothing happened on the ground.

### **Organisation for Economic Cooperation and Development (OECD)**

- The OECD wanted to comment on a point raised by the FAO on the time that had to be devoted to meetings and committees. At the OECD the health/safety representative was seconded part-time, which clearly made his job easier.
- The OECD wanted to know what was being done by the other institutions as regards the pandemic. Were staff representatives involved in business continuity planning?

### **European Patent Office (EPO)**

- The EPO representative wanted to add his contribution on the subject of the pandemic, saying that the EPO had built up a reserve of Tamiflu from the time Alain Pompidou was President. As a former doctor, he had stressed the importance of holding such a reserve. However, the storage of that reserve had raised many problems, as the EPO did not hold a pharmaceutical licence. This matter had been referred to in an in-house article which had been entitled 'Pompiflu'.
- The EPO also wanted to return to the matter of the law applicable to international organisations based in host countries. It was certainly not mentioned in the protocols that the national law of the host country did not apply. The EPO had been faced with this kind of problem in the case of an accident of work resulting in the invalidity of the person

specifically because the EPO had not complied with the legislation in force in the Netherlands on the limitation of working time. The employee, who was disabled, could no longer work and claimed compensation in addition to his disability pension, and the case had been brought before a Netherlands tribunal which had rejected the complaint, giving the EPO's immunity as the pretext. The EPO representative pointed out that there had been no supervision or monitoring. It was mentioned in the EPO statute that the EPO had to cooperate with the host country on safety matters in particular, but it did not, and nothing ultimately required it to do so.

### **European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT)**

- EUMETSAT employees could also work from home, but it was regarded as a privilege. In the minds of managers, it was easier to keep tabs on work from the office.
- At EUMETSAT there was no flexible working time, but fixed working hours. However, the results of a staff satisfaction survey had shown that staff wanted more trust and recognition from senior management, especially as in some departments there was trust and employees came and went as they wished, whilst in others anyone who was five minutes late was seen in a bad light.
- Disability: EUMETSAT wanted to modify its internal regulations, but was faced with the problem of defining categories of disability and wished to know how that was done in other institutions.
- Medical service: There were only 250 employees and EUMETSAT was not therefore large enough to have its own medical facilities and its own medical centre.

### **Council of Europe (CoE)**

- At the CoE, teleworking tended to be seen as a threat, in particular for translators, who regarded it as a measure which would result in the outsourcing of that service.
- A working committee had been set up in 2007 to establish a continuity plan for the avian flu pandemic. That committee had drawn up a plan which had been submitted to the Secretary General at the end of 2007, but that plan had remained on the drawing board. When influenza A had appeared, the staff representatives had tried to get involved in discussions, but had not been able to participate despite their efforts.
- The Council of Europe faced a problem of delegation of responsibility: even though the director-general was responsible for safety, he had delegated it to the person in charge of logistics, who also happened to chair the health/safety committee. Consequently, 95% of the committee's recommendations met with a response along the lines of 'we do not have the budget'. The CoE representative wanted to know how such committees were managed elsewhere.

- He was also very interested in learning more about the application of the national law of the host country to international institutions based in its territory: the CoE had finally obtained an agreement on building fire safety, and the administration had agreed to comply with French legislation. The CoE was based on French soil, but the staff representatives presumed that this had been done for just one reason: the French fire service had had to inform the EPO's administration that in case of problems they would intervene but would take action against them if everything was not in order.

### **European Patent Office (EPO)**

- Flexible working at the EPO: workers had to note themselves the number of hours worked and that worked well.
- As far as teleworking was concerned, a pilot study had been conducted at the EPO. Its activities were perfectly suited to teleworking as 90% of work was done on computer. However, this raised questions such as:
  - If outsourcing became possible, was there no longer a need for officials?
  - How was the allocation of offices organised?
  - Who supplied equipment to teleworkers?
  - Could the national authorities carry out an inspection visit to the home of the teleworker?
  - What was the maximum distance of the teleworking location? Discussion on a distance of less than two hours between the teleworking location and the EPO.
  - Confidentiality: patents were confidential; who was responsible?
  - Insurance problems?

### **World Intellectual Property Organisation (WIPO)**

- As far as safety was concerned, WIPO complied strictly with the legislation of its host country, which was Switzerland. WIPO was currently recruiting a 'professional safety officer' who would work closely with the medical service.
- The WIPO representative stressed that in the event of a safety problem the Director General was informed and had to take the necessary decisions, such the rental of other buildings for their site in Rio de Janeiro, as the present buildings did not meet fire safety standards.
- Health committees: The staff representation is involved in the influenza committee in particular. These committees discussed business continuity planning, an emergency plan and the setting-up of a crisis management team within the organisation.
- At WIPO the director general was responsible for safety in the organisation's buildings. He could of course delegate day-to-day safety activities to the head of the safety department, but the DG remained personally responsible if a problem occurred and he had not put in place the necessary measures proposed by the safety department.



## **Organisation for Security and Cooperation in Europe (OSCE)**

The OSCE representative wished to inform the participants about the way his institution functioned, as it was located at 21 different sites:

- Safety: The OSCE's safety department had a staff of five and was very active.
- Health: The OSCE was visited once a week by a doctor and a nurse who could therefore provide only a limited service, the problem being, as ever, obtaining the budget.
- Committees: The OSCE wanted to know how these health committees worked in other organisations in raising staff welfare matters.
- Situation room: This was a 24-hour emergency number which could be called by staff at any time. They were given advice or redirected to the appropriate service.
- Goal programme: The OSCE had set goals for the future, with important health and safety elements.
- Fire: The OSCE, which was based in Vienna, applied Austrian fire legislation and regularly carried out evacuation drills.
- Flexi-time: After five years of lively discussions with the administration, the OSCE had introduced flexible working time arrangements as a two-month trial. At the end of the two months, the review had not been as positive as expected because employees had felt they were being monitored. A working party had then been formed with HR to find an appropriate solution and the system had been implemented, but without electronic monitoring. Members of staff who wished to use flexi-time had to fill in a form which would be signed by their line manager and the line manager's superior.
- Teleworking: Applicable to all OSCE staff who wanted it. Teleworkers bore the costs of working from home. The OSCE encouraged teleworking because there was a shortage of space in the buildings.

## **Food and Agriculture Organisation of the United Nations (FAO)**

- The FAO representative informed the meeting that the United Nations had recently required its staff travelling abroad to take an online safety test. They also offered this safety course to anyone interested at the link <http://dss.un.org>.
- On whether or not to clock in and out: at the FAO employees clocked in and out only for reasons of safety. There was no monitoring and the idea was more readily accepted by staff when safety was talked about.

## **Office of Harmonisation for the Internal Market (OHIM)**

- Flexi-time: At OHIM staff had mandatory hours of attendance and they integrated their own working hours into the system. Alongside that,

they still had a clocking-in and out system with an access card, but it was not linked to hours of attendance. It was used only for safety reasons. Everything was based on trust and that worked well.

- Teleworking: The content of OHIM's work was suited to teleworking and a large proportion of its staff practiced teleworking and were happy with it, as was their management. Those who worked fully remotely lost their office within the organisation, but they could use an office shared by all teleworkers.
- Health/safety: OHIM applied at least the national law of the host country.

### **European Patent Office (EPO)**

- Disability: The EPO had encountered problems in determining the level of disability of a member of staff, for example someone who had a disability as a result of his work at the EPO and someone who had some other illness which was unrelated to his work, but equally incapacitating. This had been reflected in significant differences in compensation levels. The EPO had now chosen to adopt the European list and it was all much clearer.
- Teleworking: The EPO representatives were opposed to the introduction of teleworking. Among the negative aspects of teleworking they highlighted in particular the concern over offices. They did not agree that teleworkers should not have a personal office in the buildings. They also considered that the social aspect of a job was very important. They were also concerned about data confidentiality.

### **World Health Organisation (WHO)**

Returning to the UN safety training course which the FAO had mentioned, the WHO was part of the UN family and it had had access to this online course. After checking, it transpired that the course was open only to UN member organisations, but the website was interesting: <http://dss.un.org>

### **World Intellectual Property Organisation (WIPO)**

WIPO added that a CD-Rom was available on request through the website.

One of the WIPO representatives wished to share some information regarding flexi-time. WIPO had opted for flexible working hours and had set up two systems:

- The professional category, who chose whether or not to clock in and out
- The general services category, who were required to clock in and out

In the two systems there were timeslots where attendance was mandatory, with 40 hours/week. The system also managed medical appointments,

absences, and leave. HR could possibly use the system as a monitoring tool.

### **World Food Programme (WFP)**

The WFP employed 12 000 people throughout the world, in 19 different countries.

- They encountered problems with coordinating health/safety policy because 90% of their staff worked in the field and not in the offices at the headquarters. Because of their contract, these people did not have dedicated staff representation. The WFP wanted to know what was done in other institutions, and how needs and requests of staff in the field were passed on and dealt with by a central organisation.
- AH1N1 flu: The WFP was concerned about the side-effects of the vaccine. The representative explained that in the United Kingdom and the United States, for example, a compensation fund had been set up to compensate people who had serious side-effects as a result of the vaccination, as the pharmaceutical companies had been relieved of any liability because they had been required to accelerate procedures to provide the vaccine as quickly as possible. However, that compensation fund would certainly not apply to those working in international organisations. This issue was a cause for concern for the WFP because they would have to vaccinate their staff shortly, particularly the priority groups

### **European Organisation for Nuclear Research (CERN)**

- CERN wanted to return to disability: a basic principle had to be observed: it was not for the in-house doctor to determine the level of disability of the worker. An external doctor had to be used. CERN referred to the French or Swiss definition of disability because the rules were changing so quickly that they had to be studied regularly and CERN did not have the necessary resources, so they employed the national systems which were able to do that.
- In-house safety courses: CERN delivered training on safety internally through its intranet. Workers operating in sensitive areas were required to take these in-house training courses before operating, with a closing test.

### **European Court of Auditors (ECA)**

- The ECA was in favour of flexible working hours because it had had a positive response to the staff survey carried out by HR. Flexibility was rated in first place among the measures appreciated by staff in that satisfaction survey. It was necessary to work 7 hours 30 minutes per day and to clock in or out four times. Working hours could be checked by senior management and by HR and, if more hours were due at the

end of the month, HR could reduce leave entitlement by the number of unworked hours. Employees could accumulate up to 40 additional hours per month, which could be reclaimed by taking up to 29 additional days leave per year. HR found this to be excessive and was studying an alternative, but staff representatives were opposed to changing the system and were fighting to retain it.

- Teleworking was also rated highly in that staff satisfaction survey. It applied only to translators at present and in practice they no longer had their own offices, but they were able to use shared offices. The only requirement was that they remain in Luxembourg. However, they could work all their hours remotely. The ECA supplied the equipment for their homes.

### **Food and Agriculture Organisation of the United Nations (FAO)**

The FAO wanted to go back to the UN website and shared the link, accessible to everyone, at <http://dss.un.org/bsitf>, for online training.

### **Organisation for Security and Cooperation in Europe (OSCE)**

Teleworking: The OSCE stated that teleworkers were properly insured against accidents 24 hours/day at their workplace.

### **European Investment Bank (EIB)**

At the EIB, the greatest concern of the staff representatives in discussions with HR on the subject of teleworking and flexible working hours had been to apply it with due regard to the values and principles in which they believed, namely:

- Based on trust
- Ensuring that managers were responsible for managing their teams
- Ensuring the best possible functioning of all services
- Obtaining regular feedback from teleworkers
- Showing a real desire to work. Those who teleworked wanted to prove that they could be trusted and therefore wanted to show that they worked more than others

The staff representative wanted to retain the clocking-in and out system, not for monitoring purposes, but for the employees themselves, so that they could reclaim additional hours worked in particular.

These discussions on flexible working hours were the result of negotiations conducted with HR in compensation for the wage and pension reform. Flexible working hours and arrangements were compensations for staff, who had suffered under the reforms. Nevertheless, these arrangements were also part of the well-being policy outlined by Catherine Albrecht in her presentation.

Unfortunately, some people did exploit the system, but the basic presumption could not be that there were people who cheated, but that there were people who wanted to work.

### **European Bank for Reconstruction and Development (EBRD)**

- Flexi-time: The EBRD stipulated fixed working hours: 9.00-17.00. If agreed with their line manager, employees could start or finish an hour earlier or later, but the staff representatives had never received any complaints in this regard. On the contrary, teleworking was of greater interest to employees. It was permitted but ?? it seemed that there had not really been real equality in the dispensations given to those who wanted to work from home. It depended solely on the decision taken by the manager, and some departments did not even accept teleworking at all. The request had to be made on a form and approved by the line manager and by HR. Someone from the security department performed an inspection at the teleworker's home to check that it was suitable for teleworking. More common than teleworking were ad hoc arrangements, which were permitted to complete a specific assignment at home and which just required the agreement of the line manager.
- Health: As far as medical staff were concerned, the EBRD did not have a medical service. It had an arrangement with an external clinic with which he had a contract. There was a call for tenders every five years. The EBRD representative wanted to know if the doctors and nurses in other institutions were full-time and what department they came under. She wanted to know how the issue of confidentiality was handled if doctors were part of the institution.

### **Council of Europe (CoE)**

In answer to the question asked by the EBRD: the CoE had a doctor specialising in occupational health who was a member of staff, as well as nurses, and they had also had a psychologist under contract for ten years and those people came under HR for administrative matters, but not for medical questions. They did not answer to anyone in medical matters.

### **Food and Agriculture Organisation of the United Nations (FAO) passed on questions from the Federation of International Civil Servants' Associations (FICSA):**

- How were in-house doctors recruited?
- How did the in-house doctor deal with the opinion of an external doctor consulted by an employee on sick leave? What happened in the case of a difference in diagnosis?
- What was the definition of family in connection with leave on family grounds?

## **United Nations Industrial Development Organisation (UNIDO)**

UNIDO wanted to respond to one of the questions asked by FICSA: Its employees were entitled to seven days per year for family emergencies.

UNIDO had a question regarding additional hours. It wanted to know the limit for reclaiming those extra hours. Could they be claimed after a year, after two years, or even longer?

## **European Investment Bank (EIB)**

- To briefly answer that question, Farrah Baut-Carlier explained that the EIB had recently set up a time-savings account and offered to set out the details if UNIDO so wished.
- Eberhard Bömcke wanted to respond to a question asked by FICSA regarding a potential disagreement between an organisation's doctor and the external doctor chosen by the sick employee. At the EIB there was an arbitration mechanism between the external doctor and the Bank's doctor. Mr Bömcke was currently dealing with one particular case which he had spoken about two years ago at the CAPOI. It concerned an EIB employee who was suffering from serious psychological problems as a result of psychological harassment. The Bank's doctor considered that he was perfectly healthy so he had been sent to the Bank's examining doctor (a psychiatrist in Brussels, very well received in the European institutions, who was to be avoided at all costs), who found in about April that the EIB's employee was fit for work, retroactively from 15 January. Since then, he had been hospitalised in a psychiatric clinic and there was to be a new arbitration with another examining doctor.

## **European Space Agency (ESA)**

ESA suggested setting out all this information in table form so as to facilitate the use of the data and to ease comparison.

## **European Investment Bank (EIB)**

The EIB offered to put together this comparison table once the minutes were completed and to make it available on the CAPOI website.

## **Organisation for Security and Cooperation in Europe (OSCE)**

In answer to one of the questions which had been raised, the OSCE informed the meeting that in its Vienna office, for its medical service, the doctor was recruited as a regular employee, the job was advertised, and

candidates had interviews. That employee's status was identical to that of other OSCE employees.

### **European Court of Auditors (ECA)**

The ECA responded to a question asked by UNIDO regarding flexi-time: additional hours were accounted for at the end of the month and up to 40 hours could be accumulated. However, some auditors who travelled a great deal and who were often on mission could have up to 70 extra hours if they travelled through a Sunday or a public holiday. Unfortunately, at the end of the month their total was still reduced to 40 hours. That was the only unsatisfactory point at the present time.

End of discussions

## CAPOI/CSAOI Minutes

**18/09 morning:**

**General discussion: the first part, following the presentations, focused on *Different employment termination methods*.**

The discussion following the presentations started with a question and answer session focusing on different types of contracts, the termination of contracts, outsourcing and social security arrangements. Marie-Christine Delcamp from the Scientific organising team was the moderator of the session.

The following summarises the statements made by the participants from the different organisations.

International Labour Organization (ILO) and European Organization for Nuclear Research (CERN)

ILO asked about CERN's and other organisations' outposts policy. The CERN representative replied that outsourcing and the cost-benefit implications had been extensively discussed at different levels, but it had been concluded that outsourcing was not very efficient at CERN.

World Health Organization (WHO) and European Central Bank (ECB)

WHO asked for more details about the concept of suitability.

The ECB representative said that during the probationary period the Executive Board could terminate the contract with one month's notice if the member of staff in question was considered unsuitable. But there was no defined list of suitability criteria nor any formal written opinion on what constituted a satisfactory performance.

European Molecular Biology Laboratory (EMBL) and European Organization for Nuclear Research (CERN)

EMBL referred to the one-year probationary period at CERN and the appeal procedures. The CERN representative explained that the one-year probationary period applied to all categories of staff. A member of staff who failed their probationary period could appeal against the decision but it might be difficult for them to be properly integrated into the department in question following a successful appeal.

United Nations Industrial Development Organization (UNIDO)

UNIDO raised the cost-benefit issue in the context of outsourcing and wanted to know if there was a discussion forum open for external staff with meeting protocols.

Council of the European Union (COE) and European Organization for Nuclear Research (CERN)

The COE wanted to know if there were different compensation payments/severance allowances for different categories of staff. The CERN representative replied that there was compensation at the end of a contract, a removal and resettlement allowance and an unemployment allowance paid according to the individual situation and the entitlements acquired if the contract was not extended. Ex-employees could still be covered by CERN's health insurance until they had found a new job.

European Investment Bank (EIB)

Farrah-Baut Carlier from the EIB wanted to find out more about the unemployment arrangements of the other institutions, the figures and the reasons for termination of employment and asked whether a national system then applied.



## **In the second part the “jurisprudence” (court rulings) was discussed.**

### North Atlantic Treaty Organization (NATO)

The NATO representative stated that he knew of only a few cases of termination of contract or appeals in his organisation. If the proper procedures were not followed by the organisation, the appeals board would decide in favour of the claimant. But it was pointed out that the claimants had already left the organisation and the resulting vacancies had been filled. The organisation could not therefore be forced to reintegrate the claimant, so compensation would be paid.

### European Police Office (EUROPOL)

At EUROPOL most of the staff were on fixed-term contracts. Renewal of the contract depended on a satisfactory appraisal. The representative mentioned one case where termination of a contract had been successfully challenged owing to a vaguely worded satisfactory appraisal.

### Food and Agriculture Organisation (FAO)

At the FAO fired staff members could be rehired and reintegrated rather than being compensated. For staff fired in accordance with the proper procedures who were taken on again retroactive financial arrangements were possible.

### International Labour Organization (ILO)

The ILO representative added that the situation was more difficult with staff on temporary contracts, who could not go through the appeal procedure or file a claim at a national court. He considered the whole procedure to be unsatisfactory.

### European Patent Office (EPO)

The representative from EPO referred to the problem of the procedures and to the very limited influence that the temp agencies had.

## **The third part of the discussion dealt with questions about offshoring, transfer of staff to other countries, unemployment compensation, the scale of terminations of contract and the reasons for leaving an organisation.**

### World Food Programme (WFP) and United Nations Development Programme (UNDP)

At the WFP certain services had been outsourced and staff cuts had been made. The representative reported on the offshoring of IT services to New Delhi. The colleagues in question had special arrangements, with short-term contracts. WFP staff representatives did not have clear information about the details of the arrangements. They could not represent these people as they were not eligible to join the UNDP staff association. Another service had been outsourced to Dubai, with similar contract terms.

### World Health Organization (WHO)

At WHO some general services were located in Malaysia and the staff employed there worked at a kind of agency belonging to WHO. It was not strictly speaking outsourcing. The staff there had lower wages but were represented by the staff representatives at the headquarters in Geneva. The staff representative reported that fixed-term positions at the Geneva headquarters had been frozen for a year and a half. There was some uncertainty about the two types of budget (regular budget and voluntary donations) affecting both fixed-term and permanent contracts as both types could be covered by voluntary

donations. As a result of the ongoing worldwide streamlining of the WHO software it was not clear whether posts covered by the voluntary budget would be cut.

#### Food and Agriculture Organization (FAO)

The FAO representative referred to the cost reductions achieved by outsourcing in his organisation. The general administrative and personnel staff had been transferred to Budapest. As a result of an initiative taken by the staff representatives a salary survey had taken place and the salaries of the Budapest staff had increased significantly. The representative claimed that the colleagues in Budapest should become members of the FAO headquarters staff and also mentioned the redeployment committees. Since 1988 no staff members on fixed-term contracts had lost their jobs but had been redeployed within the organisation.

#### European Central Bank (ECB)

The ECB representative explained that senior management wanted to outsource IT services but had been dissuaded from doing so on business grounds. He added that since 2003 only three-year contracts and other types of fixed-term contracts existed. The number of permanent staff was decreasing while the overall number of staff was growing. Non-permanent staff were not represented by the staff representatives.

#### World Intellectual Property Organization (WIPO)

At WIPO only the translation department had been outsourced, which meant that translators were not staff members of the organisation. They had a special service agreement. The WIPO representative pointed out that another possible advantage of outsourcing activities was that HR no longer had to manage personnel.

#### European Commission (EC) and European Investment Bank (EIB)

Ms Allegra from the European Commission's Mediation Service raised the question of how harassment cases involving outsourced staff were handled.

COE's representative replied that in his organisation all staff were covered.

With Farrah Baut-Carlier, a certified mediator, an informal mediation unit had been set up at the EIB involving staff representatives. The EIB representative distinguished between harassment cases during the probation period and those occurring in the post-probation period. Staff members were very vulnerable, particularly during the probation period. To date there had been many successful instances of assistance being provided in cases of harassment, especially during the post-probation period. Mediation in cases of harassment during the probation period was more difficult because there was less protection for the staff member. The representative pointed out that a note about probation periods had recently been sent out by HR administration. But the procedures in place were legally driven and clearly designed to protect the Bank in all circumstances and strengthen the position of managers if they intended to fire staff during the probation period. The EIB's College of Staff Representatives had drafted a strongly worded letter stating that it wanted a fair balance to be struck. Instead of the means to get rid of people it wanted a constructive approach to facilitate a successful probation period.

#### Organisation for Economic Co-operation and Development (OECD)

M.-C. Delcamp from the **OECD's** scientific organising team reported that they had successfully conducted extensive negotiations with the French authorities concerning unemployment compensation. All French and non-French European staff members of international organisations with their headquarters in France could register with the French Unédic system in order to obtain unemployment benefit. They had to make the contributions themselves when they were in employment. They were then covered in the

event of unemployment, as under the national system in France, which involved both employees and employers contributing to the system. To date only 30 people at the OECD had expressed an interest in the system.

M.-C. Delcamp referred to the OECD website, which provided more detailed information:

*“All OECD staff members are required to subscribe to the Medical and Social System of the Organisation (OMESYS). Contributions are deducted automatically from monthly emoluments at the rate of 2.5% of basic salary for health care. Compulsory death and invalidity insurance contributions are deducted at the rate of 0.45% of total emoluments. Staff members leaving the Organisation before completing 10 years of service are entitled to a leaving allowance (instead of a pension) calculated at 2.25 times the rate of the personal contributions as applied to the last annual salary (monthly salary multiplied by twelve), multiplied by the number of reckonable years of service.*

*In case of successive rates of contribution, these are applied pro rata temporis.”*

#### North Atlantic Treaty Organization (NATO)

The NATO representative said that the local agencies were dealing at a local level with the local authorities. The Luxembourg agency CSA had agreements in place with the Luxembourg Government whereby NATO staff members who had lost their jobs in Luxembourg and who had been resident in Luxembourg for a certain period of time could apply for unemployment benefit under the Luxembourg system. Cross-border commuters were not eligible.

#### International Criminal Tribunal for the former Yugoslavia (ICTY)

The ICTY representative said that at the UN organisations there was no unemployment insurance but international staff could negotiate unemployment insurance with their home country or a third country.

#### World Health Organization (WHO) and Food and Agriculture Organization (FAO)

The WHO representative said that her organisation did not normally pay any end-of-contract compensation, except at the two centres in Rome. Italian law provided for the so-called “separation payment” scheme, which was mandatory for all employees in Italy. An agreement with the local government had therefore been negotiated for all UN staff members working in Italy. They had to contribute and it was part of the salary package.

The FAO representative added that staff members who had worked under a fixed-term contract for more than 10 years and whose contract would not be renewed would receive severance grant of two months’ pay upon termination of their contract.

#### European Police Office (EUROPOL)

At EUROPOL it was compulsory to contribute to an unemployment fund. Upon termination of their contract staff could continue to be covered by the health insurance scheme for a maximum of two years. Staff had to pay one third of the contribution, calculated on the basis of the unemployment benefit. 80% of the salary (with a ceiling of around EUR 2 000) and other allowances were covered by the unemployment fund. It was not possible to obtain anything from the Dutch authorities.

#### European Investment Bank (EIB)

The EIB staff representative added that the College would be asking for a legal opinion on the refusal to transfer national pension entitlements for staff members from the UK, Sweden and France and all the new Member States. The note in question was based on two legal arguments (violation of the principle of freedom of movement of goods and

persons and discrimination within the Bank). But it still had to be examined by the EIB staff representatives' lawyer. The Management Committee had been informed about this initiative in a note.

Organisation for Economic Co-operation and Development (OECD)

M.-C. Delcamp referred to the situation in France, where the OECD had successfully negotiated an agreement with the French authorities concerning the transfer of pension entitlements. The text had been passed by the Senate but the whole issue was still pending so the rule could not be applied yet.

**18/09 afternoon:**

**Presentation by Ms Allegra (13.00-14.00)**

***European Commission Mediation Service***

**See slides.**

There was no discussion following Ms Allegra's presentation but she could be reached at the Commission for any further information or questions.

**CSAIO website/preparation of next conference**

The following is a summary of the statements made by participants from the European Organization for Nuclear Research (CERN), the International Criminal Tribunal for former Yugoslavia (ICTY), the European Patent Office (EPO), the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT) and the European Investment Bank (EIB).

The CSAIO website is located on CERN's server and one administrative assistant is in charge of updating it with the latest presentations and minutes of the meetings. It contains all presentations and minutes available since 2000. No password is needed to access the website.

The representative from EPO suggested additional mailing lists with the names of staff representatives dealing with specific topics published on the website, to improve cooperation and exchanges in forums on specific topics. Joël Lahaye and his colleague would check the technical requirements for a more decentralised approach. There would be a contact address on the CSAIO website to send ideas and proposals to.

The staff representative from ICTY asked for all information about the upcoming meetings and the related organisational arrangements to be included in the minutes.

Mr Lahaye responded that it would be helpful to focus on the three chosen subjects and the related presentations in the minutes.

As the staff representatives had only time-limited mandates the EIB representative proposed that a permanent structure be set up within the CSAIO to ensure the continuity of the work and facilitate a more professional approach.

Mr Lahaye said that the Scientific Committee should choose the topics of the conferences in order to keep the structures and procedures simple and effective. But he made a note of the comments about interactive and permanent structures.

## **Topics suggested for the next conference:**

- Staff rules and regulations
- Promotion (changing grades or professional categories, staff recognition, merit awards)
- Recruitment and selection practices
- Precarious work within the ICC framework
- Employment relationship
- Harassment (rules and regulations)
- Pensions and social security in international organisations
- Values that international organisations should be promoting, especially regarding HR management – a wide-ranging discussion
- Grading and qualifications/experience required
- What is an efficient consultation process between the staff association and the organisation?
- Relations between staff associations and unions, including a contribution/presentations from external experts
- Performance, appraisals and alignment
- How to retain members and increase membership of staff associations?
- Measures to be taken in the context of reducing the number of staff

## **Next year's conference, September 2010 – organisational requirements**

- A suitable room to host the conference
- Translation facilities
- Somebody to take the minutes
- Organisation of a dinner, lunch and, if necessary, breakfast without participants needing to pay anything/or contribution limited to EUR 40 maximum per participant
- All documents to be sent to all participants
- Scientific Committee support in choosing the topics

EUMETSAT volunteers to host the next conference, subject to confirmation from their colleagues and the organisation. The final decision would be communicated to the Scientific Committee as soon as possible.

ICTY could contribute to the organisation as it would not be possible for it to host the conference on its own premises. The EIB offered its support as well.

Another staff representative mentioned the large number of criteria for hosting a conference. He wanted them to be reviewed in order to make it possible for the smaller organisations to host a conference too.

Mr Lahaye confirmed that compromises were possible. Even if interpretation was a convenient part of the conference's communication services, the possibility of using English and French as conference languages could be considered. If there were major problems in terms of organisation or facilities, CERN volunteered to host the next conference in 2010 as well.

## **A discussion followed the presentations on *International organisations and the environment***

Mr Lahaye from the Scientific Committee was the moderator of the session. The following is a summary of the statements made by the participants from:

European Organization for Nuclear Research (CERN), European Investment Bank (EIB), Organisation for Economic Co-operation and Development (OECD), European Police Office (EUROPOL), International Labour Organization (ILO), Food and Agriculture Organization (FAO), Council of the European Union (COE), European Space Agency (ESA), European Molecular Biology Laboratory (EMBL), European Central Bank (ECB), World Health Organization (WHO), North Atlantic Treaty Organization (NATO), World Intellectual Property Organization (WIPO).

The CERN representative asked about the budget available for environmental projects. Both speakers from the EIB and OECD replied that there were no specific budgets envisaged. At the EIB the budgetary proposals on the cost of such projects had to be approved by management on a case-by-case basis. To date, with two exceptions they had accepted everything that had been suggested. At the OECD no budget was really needed as many projects were based on the voluntary participation of staff, working for free. Only the ongoing environmental audit had a budget.

The EUROPOL representative asked for more details on carbon credits and how this was handled at the EIB. The EIB representative replied that the Bank had invested in carbon funds, buying its carbon credits mainly from KfW in Germany. The issuers of these carbon credits were scrutinised by the EIB.

The ILO staff representative asked about the constitution of the EIB's environmental unit. She also wanted to know whether at the EIB staff opinions

and input on environmental topics were collected before the measures were put in place. The EIB speaker explained that the Environmental Unit at the EIB was currently an operational unit. At the beginning, however, a mixed working group consisting of one staff representative and staff members from different departments had been set up in order to ensure that the relevant measures were applied. The opinions and ideas of EIB staff on environmental projects were considered if they were sent informally by email or posted in a kind of blog on the intranet.

The FAO representative asked about guidelines or other criteria for reducing procurement costs and cases where both environmental protection and cost issues could create conflicts. The EIB representative said that there were guidelines but ultimately price was not always the crucial factor. In the tendering procedures there were a number of criteria. Price was only one of them and could be weighted by the project team.

The COE representative asked about publication policies. The EIB representative said that generally electronic versions were favoured for internal and external communications. The print run of the CSR Report published every two years had been limited. Most copies were sent electronically. But it had to be taken into account that for daily information purposes a printed version would sometimes be kept once received as a hard copy as opposed to an electronic pdf document, which might be printed out many times. The fact that there was an electronic version did not necessarily guarantee an eco-friendly paper-saving outcome but could be counterproductive even though the EIB used recycled paper.

At the OECD electronic transmission was favoured in order to save paper. A hard copy of internal information was still published but only in small quantities and on specific issues. The OECD print shop was going to close down. Publications for external use would be sent out by mail and then be printed on the spot. The cost of carriage and carbon footprint could therefore be reduced and the information flow speeded up.

**In the second part of the discussion the question “*What do the organisations do in the field of environmental protection?*” was discussed.**

The CERN representative reported that in his organisation there was no environmental strategy or eco-friendly approach. CERN did comply with the environmental policy imposed by Geneva (e.g. reduction of air conditioning or green roof covering). The representative claimed that CERN should invest more in eco-friendly sustainable products, for instance energy-saving computers, instead of the cheapest ones, which consumed much more energy.

EUROPOL stated that they had to some extent implemented a green energy policy in their new building (e.g. ground-coupled heat exchanger systems). There was no waste separation nor a regular shutdown of computers at night to save energy.

The ILO representative reported on recycling measures, biodegradable cleaning products, energy-saving measures, carbon-reducing initiatives such as car sharing, a new eco-friendly heating and special cooling system. She mentioned that the high volume of travelling was still a big challenge. In November 2008 a task force “Greening the ILO” had been set up, in which the staff representatives participated. The ILO’s environmental policy was part of the operational plan and the strategy paper.

The ESA representative confirmed that, internally, environmental policies were in place. The staff were highly motivated but she mentioned a need for action to reduce pollution in the satellites business area of the ESA.

At EMBL there was no green core strategy. No special committee existed. Individual departments came up with proposals. An agreement with the local bus company had been negotiated. EMBL subsidised bus tickets. The representative stated that ecological standards were adhered to in the new building (cooling system) but in the old building implementing ecological measures was a cost issue. In order to reduce the amount of travel video and telephone conferences were held regularly.

At the ECB a green initiative on environmental protection (“Green ECB and Green IT in ECB”) existed at staff level without the participation of the staff representatives. As the ECB was located in three rented buildings and the new building had not yet been constructed, the offices did not comply with green standards. Recently the ECB had organised an information day on environmental protection issues. Bus ticket subsidies had been refused because they were considered to be an extra benefit.

The WHO representative said that the future new building in Copenhagen would be located in a low-energy complex accommodating all the UN offices. The staff association was involved in planning the new building. The representative added that the building in which WHO was located at present had many shortcomings in terms of environmental standards.

The NATO representative pointed out that no green policy existed per se, although minor initiatives had been taken. Referring to the statements in the conference, he proposed for all organisations a cohesive top-down policy, to be integrated into their mission statements, managers' strategy and at divisional level. He would also raise this issue with the NATO Secretary General in his next meeting with him.

An EIB staff representative who had been involved in the working group on environmental protection at the Bank expressed some doubts about the carbon footprint of the new EIB building, as it consisted mainly of glass, without any photovoltaic cells on the roof. His suggestion that a photovoltaic system be installed had been rejected on the grounds that it might not be efficient enough given the EIB's location in Luxembourg. Against the background of ongoing global warming the staff representative asked why this conference had not been held as a videoconference to reduce the carbon footprint.

The FAO representative added that they had installed water fountains to avoid plastic water bottles.

Mr Lahaye reported that a start-up from CERN had developed a solar hot water system panel which had been tested in Spain on an industrial scale and seemed to be highly effective in creating green energy products for the future. This example showed that technical innovation also contributed to environmental protection.

At COE, environmental protection was not yet high on the agenda but very soon climate change would be discussed. The representative asked for further information on successful examples in other organisations where the carbon footprint resulting from missions had been reduced.

The WIPO representative replied that owing to cost-cutting measures imposed by management the number of business trips had decreased significantly. Consequently the carbon footprint could be reduced. One of the EIB staff representatives added that about 20 EIB external offices were equipped with video-conferencing equipment, which was used more and more regularly with the result that people were travelling less.

Mr Lahaye, the session chairman, concluded that there were a number of different environmental protection policies. He encouraged the organisations to continue tackling the subject and ended by thanking the interpreters, the EIB for hosting the conference and everyone for attending.

Eberhard Bömcke (EIB) also thanked the audience for attending the conference, the interpreters and the Scientific Committee for its support in organising the conference. He mentioned in particular Marie-Christine Delcamp, saying that she had been the driving force behind all this for many years, acting with authority and professionalism to move CSAIO forward. Farrah Baut-Carlier from the EIB thanked again all those who had organised and supported the conference.