



# **THE 13<sup>TH</sup> CONFERENCE OF STAFF ASSOCIATIONS OF INTERNATIONAL ORGANISATIONS (CSAIO13)**

TPIY, The Hague, The Netherlands

Thursday 4<sup>th</sup> October & Friday 5<sup>th</sup> October 2012

## DRAFT MINUTES

### ATTENDEES:

George AELION	WFP
Jacques AUDRIC	ESA
Bénédicte BALOT	Court of Justice
Anna BERGGREN	OHMI VOHIM
Massimo BERNACCONI	EUROCONTROL
Catherine BONY-BRANDT	Council of the European Union
Marie BRACQUEMONT-WEC	Frontex
Dalila BUNDY	European Investment Bank
Marie-Thérèse CONILH DE BEYSSAC	FICSA
Sven CORTHOUT	European Parliament
Sidiki COULIBALY	UNESCO
Jean-Pierre CUSSE	OECD
Philippe DEFERT	CERN
Anya DEMARLE	OECD – Scientific Committee
Marie-Odile DORER	UNIDO
Steven-Geoffrey EALES	UNIDO
Céline FELLAG ARIOUET	BIPM
Tillmann FROMMHOLD	European Central Bank
Anders GJOEN	EFTA Secretariat
Judith JACKSON	GFTU
Nina KOJEVNIKOV	OPCW
Joël LAHAYE	CERN – Scientific Committee
Christopher LAND-KAZLAUSKAS	ILO
Laura LO CICERO	WFP
Nanette LOMARDA	WMO
Nicholas LOPEZ-ARMAND	ILO
Joeri MAAS	STL
Barbara M <sup>ac</sup> INNIS	OSCE
Nodira MANSUROVA	EBRB
Sergio MARINELLI	EEAS
Nadine MICHALAK	Council of Europe
Philippe MOUSSAY	BIPM



Christel OSTERROTH  
Gianni PALMIERI  
Alberto PARPAGLIONE  
Marina PARSONS  
Christelle PATTERSON  
François PICOULEAU  
Erik PREIN  
Cinzia ROMANI  
Luigia SFORZA  
Pauline STEWART  
Cécile TOURNAYE  
Gianni TRUPIA  
Peter URMSTON  
Patrick VANHOUDT  
Bernard WACQUEZ  
Aleksandra WRÓBLEWSKA-ZGÓRZAK  
Imed ZABAAR  
Nizar ZAHER  
Janine RIVALS  
Dominique BERTAUD  
Hélène QUINIOU  
Rick COTTAM

OECD  
Council of Europe  
EUMETSAT  
EBRD  
EUMETSAT  
European Court of Auditors  
OPCW  
FAO  
FAO  
OECD – Secretariat of the Scientific Committee  
CCNR  
FAO  
ESA  
European Investment Bank  
AAPOCAD  
Frontex  
FICSA  
OSCE  
AMFIE  
AMFIE  
ICTY  
ICTY

MINUTES:

Terry LEE



**INFORMAL SESSION** (Thursday 4 October, morning)

**A. INTERNATIONAL CIVIL SERVANTS' LACK OF JOB SECURITY**

**B. RIGHTS OF EXPATRIATE CIVIL SERVANTS**

**C. STATUS OF ELECTED REPRESENTATIVES IN STAFF REPRESENTATIVE BODIES - DISCUSSION**

**MAIN SESSION** (Thursday 4 October afternoon – Friday 5 October)

**1- THE DISPUTE SETTLEMENT SYSTEM (PRE-LITIGATION AND LITIGATION) IN INTERNATIONAL ORGANIZATIONS**

- [Presentation by Dalila Bundy and Patrick Vanhoudt - EIB](#)
- [Presentation by Tillmann Frommhold – ECB](#)

**2- MEDICAL AND SOCIAL PROTECTION**

- [Presentation by Joël Lahaye – CERN](#)

**\*\*\*Preparation of next conference (Venue, format and topics)\*\*\***

**3- FAMILY ALLOWANCES**

- [Presentation by Anya Demarle– OECD](#)
- [Presentation by Philippe Defert - CERN](#)



Thursday 4<sup>th</sup> October 09.30 – 12.00 hrs

**INFORMAL SESSION**  
**update from last year's participants**

SESSION OPENED at 09.30. Welcome by Anya Demarle (OECD)

The three topics dealt with last year were:

**A. INTERNATIONAL CIVIL SERVANTS' LACK OF JOB SECURITY**

**B. RIGHTS OF EXPATRIATE CIVIL SERVANTS**

**C. STATUS OF ELECTED REPRESENTATIVES IN STAFF REPRESENTATIVE BODIES - DISCUSSION**

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**A. INTERNATIONAL CIVIL SERVANTS' LACK OF JOB SECURITY - DISCUSSION**

Catherine Bony-Brandt – COUNCIL OF THE EUROPEAN UNION

The question of job security has not improved, and is in fact worsening. Member States want to decrease the administrative budget of European organisations. European institutions have high operation budgets. An entire segment of our organization was to disappear, thereby doing away with secretaries and administrative staff and being brought back under worse conditions. In comparison to last year, some of the Member States wish to see a deterioration of the situation. Members of European Institutions are civil servants and have been protesting but others do not want to demonstrate for fear of repercussions. Some colleagues are on strike, and in fact a strike has been organized which will take place in October. This is important since we make aware that what is happening in European Institutions has been mirrored in other international organizations that are not part of European institutions and operate under various treaties. Member States wish to tax various benefits that so far are not taxed. Some people are receiving expat allowances, such as family allowances, child allowances etc. and Member States want to tax these, up to 45% of the benefit, the maximum tax rate. This is new information and will likely not be accepted as it is an extreme position. This is a position of the major Member States (Net contributors). These Member States have asked the European Commission to make savings of 5/10 /15 million Euros per year. 1 billion euros over 7 years is planned. The President of the European Community said if that this was the case we would not be able to function anymore. The main problem is the funding of the retirement scheme of which Member States never paid their share. We have grown and matured and the money is now required. This and next year the Member states need to contribute 1 billion Euros. We should have 7 billion Euros (which we don't have). We have seen a marked deterioration of working conditions in the European Commission, the largest organization employing part time people in office work and also senior officials.



Philippe Defert - CERN

Q: I would like to ask for clarification on how Member States have justified this. Why have they not paid their contributions into a pension scheme?

Catherine Bony-Brandt -COUNCIL OF THE EUROPEAN UNION:

Member States said they would guarantee payment of retirement money and should have paid up. We could have turned to larger Member States to ensure payments are made. One of the ideas is to do away with many civil servants and turn to agencies to focus on the tasks. Administration work is now being done by agencies. We have lost 14 persons from one division that have been employed elsewhere. Their work is being outsourced and they are receiving a 40% lower salary than what they had as staff members. By using agencies the idea is to create more temporary jobs. Permanent Temporary contracts are the new thing. We have contemplated part time permanent jobs. There are 7,000 people working in European Union through these agencies and they are no longer civil servants. Many staff members are second category staff members and Member States would like to have work outsourced - (Translation work was specifically mentioned)

Anya Demarle - OECD

Q: With reference to the strike you are organizing in October, does it have to do with what you just talked about – what are the reasons for it?

A: In November 2012 we will have the European Summit in which it will be decided on the biannual financial framework. Item 5 on the agenda is to be the maximum amount allocated between now and 2020. Retirement schemes are the hardest part on the system according to figures produced by largest Member States and statistics that have come to light in September. It seems that the European Council will make far reaching decisions in November, after which we will have our hands tied. The Member States will have to state in which areas they wish to make savings.

Jacques Audric - ESA

Q: ESA has the same situation with outsourcing agencies. An example is where great number of staff from the coordinating organization became part of the Madrid organization. The ESA could turn out to be like EDA. I understand you are talking of Contracts for second rate staff. Are the working conditions in the Western European Union same as for staff members of the European Union. What happened when European Defence Agency (EDA) was incorporated into a larger organization?

A: WEU had a number of staff taken onboard by us. Colleagues had fixed term contract and ended up with permanent contracts. Others were fired. The WEU no longer exists and is taken over by External Action European Service and as for the Defence agency we don't have much information. Those colleagues have a staff union but we have no relationship with them. There are a lot of military staff employed under diplomatic contracts. i.e. sent to work for a number of years. Unfortunately I cannot give any concrete information as we don't have contact with the EDA.

Bernard Wacquez – AAPOCAD

I am the representative for retirees from coordinated organizations.

Q: You talked of a debt of billions of euros from Member States. What is the meaning that staff contribute to the pension scheme and Member States do not? What is the contribution - 2/3 to 1/3 basis? So staff have contributed 1/3 and Member States have not contributed anything, which means that working staff is entitled to a pension as it was pre-financed by them.

A: Yes



Catherine Bony-Brandt - COUNCIL OF THE EUROPEAN UNION

We have a right to a pension but future retirees will need to think of the younger generations as new staff arriving since 2004 and also those staff members from former Eastern European countries are bitter. They have been told that they will never have the same pension. Another point is that our pensions may be frozen. This is one aspect of negotiations as Member States are asking to make a distinction between workers and retirees. Workers would have different type of salary scheme.

Colleagues will have to make a crisis contribution. Member States would like retirees to pay this contribution. My pension is guaranteed but it is the staff who is contributing and Member States want to reduce this by technical calculations. Member States want the contribution reduced to 1.75 % so this will mean a working life of 40-42 years. For the younger generations the situation is going to get worse. I have asked retirees to also demonstrate with us and show solidarity.

George Aelion – WFP

Q: Is there consideration being given to increasing retirement age from 62-65? Re health insurance, is the health insurance for retirees uncovered or covered liability? Do you continue to receive health insurance after retirement?

Catherine Bony-Brandt – COUNCIL OF THE EUROPEAN UNION

A: Retirees will stay in the system for health cover and taxes. We are not subjected to income tax as retirees so we are in the same pension scheme up till now. The Pension fund could move into the red as we have increasingly more medical costs.

The pension age increase has been moved up to 67, the maximum age for retirement. Early retirement is possible at 63, that was previously 60. Member States questioning pre-retirement part time scheme for 5 years before retiring. Depending on seniority you get a bonus. I got a bonus because I had almost 35 years of seniority but this will be abolished and only work part time for 1 year will be allowed. It caused logistical issues since only half of the work was being done and seemed unfair to other workers. The system will likely disappear.

Jean-Pierre Cusse - OECD

Q: Re the freezing of pensions – what do you mean by it will be pegged on inflation?

A: For example, pensions frozen at 3000 euro net will nominally stay at 3000 euro before being revised by the Member States, according to the inflation rate, and adjustment being made.

Q unknown: With high inflation rates you will have loss of income over 5 years, and a drop in purchasing power.

Catherine Bony-Brandt - COUNCIL OF THE EUROPEAN UNION

This has been discussed and done satisfactorily. A weighted average. In Belgium we have a pension that matches the inflation rate in Belgium, but freezing will mean a loss of income. This request is coming from Member States, but given things at moment, some colleagues are frustrated as they are aware of the financial conditions of senior staff. Some staff needed promotions to reach the level of those recruited before 2004. Member States want to reduce the promotion rates.

Philippe Defert - CERN:

There are plans to freeze the pensions safety net up to 8%. Contributions are increased to 34% of salary which is the highest of all organizations. At CERN retirement age is 65 and 60 for those who joined before 1987. An OECD document of 10 years ago was similar whereby management was



advised to set up different categories of staff. Those in the privileged category could not join forces with the non-privileged and we now have worse conditions for new staff which leads to feelings of unfairness.

Joël Lahaye – CERN

As a follow up, the 1/3 to 2/3 breakdown is now 40-60 breakdown in order to retain same contributions breakdown. CERN is paying less and the staff are paying the same.

Q: Mrs Bony Brandt – is that capitalization fund – or budgetized?

Catherine Bony-Brandt - COUNCIL OF THE EUROPEAN UNION

A: In theory it should have been capitalized at 3% per year, which means we would have 37 billion euro fund. In the rules it is a capitalized fund but in fact part of the budget is void, so it is a virtual fund.

Anya Demarle – OECD: Let us move on to the Banks.

Tillmann Frommhold - EUROPEAN CENTRAL BANK

The ECB president stated that European social model is dead. We need a new social model. An element is easier hiring and firing, longer working hours (6 day week?), and pensions. ECB should lead by example. We have permanent contract staff : 50%, hired before 2005 and after 2005 on fixed term convertible contract (3 years) sitting on permanent positions. Fixed term convertible contracts are for 3/5 years. Fixed term unconvertible contracts are for project work e.g. Contractors, administrative, IT. These are from external companies and hired under German Law. One other category is people from national central banks with contracts up to 2 (later 3) years. There are also new budgetary rules for agencies. and for agency staff. For permanent positions there is a career transition support system (basically how to get rid of people) for up to 50 persons. It is concerned with special training, special leave, financial support to find a job outside of ECB plus bridging of periods in between. Improvement on the financial side is that training is open to all staff as from January 2013. We are in a consultation process for the Underperformance procedure. In the current situation, if a staff member has continued unsatisfactory performance – we have an appraisal process and ASBR (salary and bonus review) which is comparative exercise. In 2011 statistics show there was not one red zero showing under performance. Planning without pre warning is not linked to the appraisal process or ASBR. There is no involvement of staff representatives in the assessment panel. Assistance by a staff representative is only possible in the final part of the procedure. There are short deadlines, and no second chance, i.e. no move to another business area. It is the decision of executive board. Officially the procedure focuses more on getting people into acceptable levels but actually they are trying to get rid of staff member. We are making staff aware of the consequences that this procedure can have and the miss- use that is possible.

Re disciplinary cases – We have had mostly cases of double payment of child allowances, both from ECB and as a national benefit. This is mostly a genuine error because the HR administration used a form that did not show clearly the tick mark for non-receipt of the national benefit. The process was not dealt with transparently. No staff representative was involved. We face long delays from the HR side. For example, participants to panel hearings were invited only 3 days in advance, one day of which was a holiday, which is not long enough to prepare and unacceptable.



Jacques Audric - EUROPEAN SPACE AGENCY

Permanent contracts are given from beginning since 2005. Before you get a permanent contract there is a fixed term convertible contract for 3-5 years. If you survive this after a long probation period, you can get the permanent contract. But employment can also be terminated due to redundancy, under performance etc.

Christel Osterroth - OECD

Q: Re contract duration - At what point does the staff member get loss of employment indemnity – is it linked to contract type?

A: (unknown) It is linked to contract type– depends on contract duration.

George Aelion – WFP

Q: After 3 years, is there a review process and procedure is required to get permanent contract?

Tillmann Frommhold - EUROPEAN CENTRAL BANK

A: If a person stays in a certain position it is automatic. There are certain conditions – for appraisals at least 3 points should be awarded which is a little higher than ‘satisfactory’. Then contract is automatically changed into a permanent contract.

George Aelion – WFP

Q: if you go below the 3 points, will it be renewed again?

Tillmann Frommhold - EUROPEAN CENTRAL BANK

A: No after gaining a permanent contract, a 3 is considered green area

Luigia Sforza - FAO

Q: You said after 3 years you can get a permanent contract. Is it easy to get 3 continuous years at work as we have 6 at FAO. Now a contract has been invented that breaks after 11 months and then restarts. So you might spend years on such a temporary position.

Tillmann Frommhold - EUROPEAN CENTRAL BANK

We have short term contracts. For getting permanent contracts the pre-condition is that you have 3 years and are on a position that is permanent. There are situations where positions are moved without moving the tasks – they find a way out. We have for IT staff who are on a series of 10-15 contracts for more than 10 years and are on short term contracts. We are hoping that due to changes they might get permanent contracts but some fear this may be used to get rid of them as contracts cannot be prolonged.

Nizar Zaher – OSCE

Q: How far are you as staff representative involved in any panel? Concerning changes in this kind of contract, what kind of involvement do you have?

Tillmann Frommhold - EUROPEAN CENTRAL BANK

A: We are not informed about recruitment at all. When it comes to changes in staff rules we are involved in 2 rounds of consultations. The first round is to provide information and there is a second





round of technical meetings and then on to the executive board. We have the same problems with pensions that the commission have some interests in keeping role of the ECB limited as it would impact their own role.

Nizar Zaher – OSCE

Q: When you provide feedback to the committee will they take it into consideration?

Tillmann Frommhold - EUROPEAN CENTRAL BANK

A: They sometimes do not take our feedback.

Philippe MOUSSAY – INTERNATIONAL ORGANIZATION FOR WEIGHTS AND MEASURES

We are an organization for weights and measures with approximately 70 staff with permanent contracts. Our staff representation is probably not optimum as it is separated into elected committees with narrowly defined interests. I wish to establish contact with you to see how the staff members are represented.

COFFEE BREAK AT 10.50

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MEETING RESUMED AT 11.00

## **B. RIGHTS OF EXPATRIATE CIVIL SERVANTS - DISCUSSION**

Philippe Defert - CERN

There is an allowance for non-resident staff -based on the fact that staff is far removed from home at the time of hiring. There is an expatriation bonus or non-resident bonus which disappears as soon as a fixed term contract is provided. There are 2 types of contract: 5 year and 2.5 year contract not fixed. After that people can apply for a real fixed contract after 5 years and after taking an exam. After that the expat bonus melts down to nothing. This was adopted since 2005 and applies to various categories. In 1987 I joined and the resident allowance remains unchanged throughout career.

Joël retained same allowances, but in the case of others the allowance dropped afterwards by 50%. People joining since 2005 have a non- resident bonus based on lowest step and this drops after 5 years. There is no expat bonus after a 6 year fixed term contract is granted. Conditions are poor at the moment, and our staff reps don't wish to see this diminish further.

It is an important issue to be addressed at conferences and we are looking at other organizations for comparison. This is why it is important to hold meetings to see what other organizations /staff reps are doing. We can take our queue from them.

Catherine Bony-Brandt - COUNCIL OF THE EUROPEAN UNION

I wanted to say that this expat allowance is also an issue which is called into question by Member States. In 2000 they attempted to change it, stating that after a number of years of residency, you were no longer considered an expat. Today, this issue is addressed as salaries will be dropped. 16% would apply for the number of years and after that the rate is gradually dropped. This will not be the case I believe. Member States have requested this and are insisting on it once more. Member States will put this forward and we will be in negotiations to keep the expat grant or compensate with something else.



Gianni Palmieri – COUNCIL OF EUROPE is on the presiding Committee for Staff organizations and presided at last year's conference. It was discussed that revising the expat allowance in coordinated organizations is being reviewed, approved and applied.

Jean-Pierre Cusse - OECD

We have 5 organizations represented. We discussed solidarity between the generations we work with and with retirees and workers. In our case, what the EU is doing to others will come to us very soon. Re the expat system, from 1996 to 2012 it was 18% expat allowance, provided throughout career. Now everyone gets 10% up to 5 years and after 5 years –2% per annum to zero after 10 years. It will be very difficult to attract staff members – when new bonuses are created, these are denied. We have two short term contracts. If an expat is hired, s/he will not necessarily get a fixed term contract after 5 years. And even if s/he does the expatriation allowance, this diminishes by 2% per year, so these are not very attractive conditions.

Joël Lahaye - CERN

Q: For newly hired people there is a layering system...is that right?

A: Yes that's right.

Philippe MOUSSAY – INTERNATIONAL ORGANIZATION FOR WEIGHTS AND MEASURES

Q: Everybody is experiencing the same issues. Do you feel it difficult to hire new people given these conditions?

Jean-Pierre Cusse - OECD

Yes of course, particularly compared to other countries. Being in Paris, it is expensive and it is hard to hire. People come for 2-3 years (short term hiring) because it looks good on a business card. The post of Civil Servant is no longer attractive. In our organization we have voluntary contributions. A budget on a fixed basis of 50% and the other 50 % is contributed by other people. Member States are commenting 'you can't attract people yet you have 300 applicants for one vacancy'. The problem is that much depends on where you place your benchmark and Member States want excellence. This is a huge issue and our number one problem is hiring good people.

Unknown speaker

Our administration was totally opposed to the expat allowance being modified. It is hard to hire good people and offset the decrease of expat allowance rather than hiring at a higher step. Hiring is done at a level just lower so that the basic salary increases to compensate a lack or drop in allowance.

Jacques Audric – ESA

We are also a coordinated organization. A survey demonstrated that before the expat procedure was implemented, we were not competitive and we fought against the new rules. ESA hires highly qualified technological people. This is a serious issue.

Catherine Bony-Brandt - COUNCIL OF THE EUROPEAN UNION

As far as the European institutions are concerned, and as the largest entity, we have serious issues in terms of hiring and on nationalities. Especially for the British as entrance tests are difficult at the level of administration. For example, we had an entrance test for Language Assistants for English native speakers. There were lots of applicants. Nationals from other Member countries of former



Eastern Europe applied because there is no entrance test for them. Since we need good quality staff, we were unable to get adequate staff. For one position we had 8,000 applicants. 125 were shortlisted. Some staff reps objected on the basis that the quality was not high enough. The EPSO recruitment centre felt we had to find a way of hiring these people. This turned political because the U.K. wants to change our recruitment methods by presenting lists, for example, if 5 English speakers have to be hired, these should be put together with U.K. nationals. One Member State suggested that civil servants and organizations should not be independent. We have been able to defend this. Member States are trying to influence the recruitment process in European Institutions by bypassing the demanding recruitment system, meaning that, according to British idea, they would not be international civil servants but would remain loyal to their own country of nationality. More allowances are provided since the salary is not attractive. An additional allowance is provided. Member States are aware of this and in some cases we have asked to hire people at a higher level. In the European Institutions we are confronted with recruitment problems. This does not include Director Generals who don't go through the standard recruiting processes. Some organizations have problems hiring temporary officials, i.e. diplomats from Member States because salaries are not high enough.

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### **C. STATUS OF ELECTED REPRESENTATIVES IN STAFF REPRESENTATIVE BODIES - DISCUSSION**

Anya Demarle - OECD

I suggest spending the next 20 minutes on the status of elected representatives. Would anyone like to say something?

Philippe Defert – CERN

We decided to think on how to recruit representatives. We have a staff committee according to types, e.g. administration, research, and according to difference types of working areas. We should be 60 but we are 47. Elections of the number of candidates is less than number of positions to be filled. How better to motivate elective officials? The second problem is that HR was managed by non-specialists and it was easier to fight against bad ideas, but now they have hired an HR specialist and a labour law specialist – so we are facing a problem. Now we are dealing with professionals with legal advisors which allows us to produce good arguments. We are looking into this and trying to compete. We want a staff committee to have 2 levels:

Less staff representatives, as we have a number of hours given to the staff committee: in total 300 weekly hours are granted to the association with a Vice President and a President, so 12 full time equivalent. We will try to overrule this by having specialized people. We have an executive committee which Governing body is elected by staff reps.

We also need to work on the motivation of Staff reps. We made a survey and most staff reps feel that their promotion may be adversely impacted because they are staff reps. We had a 5 year review and 1 part of promotion is on seniority and 1 part on performance. It is easier to decide on performance so delegates feel they may be penalized by being staff reps. We will make sure objectives are set, results are set and the President of Staff Committee will set the results that have to be to be achieved so we can have clear targets.



If other organizations are doing the same process it would be useful to exchange notes. If other organizations have achieved results, either good or bad, please give feedback.

Marie-Odile Dorer - UNIDO

A report from the Joint Inspection Unit is to be produced. One suggestion is that the president, who is elected by staff members, is not subjected to a performance review. As Chairperson of the Staff union representatives, I have no performance evaluation or supervisor.

They suggest an average rating should be included in my file – I said let's assume the President goes back to a regular job – (merit award). Could this person be in competition with colleagues that have received a performance review? As president they could have achieved a lot and I suggest they remove this recommendation.

It's a typical example whereby they are trying to create rules that are impossible to put in practice. The President is elected so can be at any step (manager, assistant, director) so long as they are reliable. There have been thoughts as to which level position should be defined and it should be P-2. P are professional staff. P-2 was the level looked into but I said I think that the person elected is CEO of the union. P-3 level from responsibility point of view is still the same person running the Staff Union. In reality that's how it works. If the position is at P-2 or P-3 level, you will never have a P-5 wanting to be president of the Staff Union, so a lower level of entry for the President of the Staff union. We need to be careful when advising these changes.

Marina Parsons - EBRD

Q: I would like to ask the staff reps – do your organizations have a job description for the President – are they assessed as people managers?

Philippe Defert – CERN

This is the problem - the President is not assessed at all. He keeps his job description, but he is detached to Staff Association, and every delegate is the same. Doesn't have premium for function or an increase of salary, performance, etc. I am 60% in Staff Association and will be assessed only on 40% doing the information division. This needs to be changed e.g. if I am 60% staff delegate, my President will pass this to my supervisor, will have my job description and my objectives and results as staff delegated of Staff Association. We want to change this as, for example, career evolution will be taken into account. We want to organize a school for staff representatives. FICSA is already organizing some courses and we also have courses for staff representatives on health insurance, pension fund, rules and regulations, rights of civil servants, communications, speaking in public etc. We would like this training to be put in the performance appraisal as an assessment on training. We want things to be recognized.

Nizar Zaher – OSCE

I think that what we have in Staff representatives bodies everywhere is how to motivate people, how to become a staff representative. This issue has been going on for 4-5 years. We need an action plan on how to motivate – how can we advertise and communicate to staff representatives. In our case our committee is elected every 2 years but it is hard to get people to come forward to apply. Communications are getting better now. Roundtables were held with all representatives of European organizations and promotion of the staff committee started.



Re the performance of staff representative, it depends on terms of reference and staff regulations. How are you identified in your organization? As staff representative, you don't have a supervisor. But there are Members of the committee who could evaluate you and vice versa. It should be within the entity.

Jean-Pierre Cusse - OECD

Q: How is the assessment carried out? Who assesses you when you put your own career on standby? I have 3 legal officers and am seconded fulltime and occupy this position for 10 years. However when we talk of Professional Staff representatives we have a side effect. Staff feels what is the point of getting involved since they do a good job. So we become a lifeline and when nothing goes wrong we are almost invisible. President of Staff Association means you have to use your guts to promote an idea. How can you be assessed? Results and work speak for themselves. Always fully satisfactory as a performance award.

George Aelion - WFP

I think there is an evaluation process and re-election every 2 years.

With us, we have the President at P-5 level and consultative committees but they request a D1 to be present so we can't be there. I am not sure that this is right. At lower levels it can be a promotion being President so not quite the motivation you want.

Hélène Quiniou – ICTY provided practical information.

Lunch break at 12.00



## **THE 13TH CONFERENCE OF STAFF ASSOCIATIONS OF INTERNATIONAL ORGANISATIONS (CSAIO13)**

The Conference opened at 14.05.

Rick Cottam (ICTY Staff Union) opened the Conference, welcomed the conference members, and introduced the ICTY Registrar John Hocking.

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Welcome from John Hocking.

John Hocking stated his opinion that staff unions play a critical role in the workplace. Openness, honesty, communication and dedication for the best of the staff are the highlights. The pre-emption of disputes is high on the agenda for the Staff Union by openness and providing information. Success story relates to ICTY downsizing after the completion of the mandate. ICTY set up in 1993 to prosecute the most responsible individuals for crimes. It was always envisaged that ICTY would close its doors at some point. We are now coming to the end of the mandate. We have already started and in 2010-2011 seventy posts have been downsized and another 120 anticipated for next year, being about a 30% reduction of 3-4 years. At our peak we had 1,300 staff members. This impacts on morale, creates tensions, and impacts on the ability to complete operations. Those involved in the downsizing strategy have contributed greatly in the development of this downsizing process. How did we do it? A Joint Negotiating Committee (JNC) was formed of senior management and Staff Union. The JNC engaged in negotiations and established parameters for the downsizing process, and came with recommendations with rules and procedures. The Registrar then worked with Staff Union and senior managers, by issuing downsizing decisions, publishing information, holding Townhall meetings. The importance of communication was demonstrated that at the first Townhall in this conference room, it was absolutely packed with staff. As attendance to the regular townhall meetings decreased, it became apparent that staff were aware of and understood what was going on. Unforeseen issues were sent back to the JNC and modified accordingly. The downsizing mechanism was based on 3 parts.

1. (multiple models) – Operational requirements and looking at what models fit operational requirements
2. Objective criteria / transparency
3. Internal control mechanism. This involving staff and management. The default model was the Comparative Review Process. For example, where there are 2 or more staff fulfilling comparable functions the following criteria is applied: performance, integrity, length of service. So not just first in, last out. Staff themselves wanted this taken into account. Points were awarded to each staff member for each criteria with the result that everybody knows where they stand in the list. The second approach was for stand-alone posts performing unique functions and depended on the workload and requirement for the post. The third model was the team approach, for example, a trial team. Once the trial finishes, the entire team will be downsized. It was crucial to show transparency and have objective sets of rules and very important to communicate with staff.

The internal control mechanism's success was due to an internal Review Board established including one external person as chairperson. Staff could bring whatever issues they liked to the Review Board including issues with their comparative reviews and these would be dealt with as best as possible. The



outcome was that of 90 staff in first process, only 2 challenged the downsizing decisions by formal justice process. No process is perfect so it is important to modify and adjust.

The key lessons learned from managing change – it requires leadership from Staff Union and senior management. Need to be visible and directly involved. The management of staff morale through talking to staff is very important, such as the early meetings with staff to explain that ICTY will actually close its doors and it is a fact. Internal control mechanism and ability to correct mistakes.

John Hocking stressed the importance of Staff Unions and wished everybody a successful conference.

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Anya Demarle – OECD

Thanked John Hocking for his introduction and for sharing his experience and thanks to the organisers of the Conference.

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### **1- THE DISPUTE SETTLEMENT SYSTEM (PRE-LITIGATION AND LITIGATION) IN INTERNATIONAL ORGANIZATIONS**

- [Presentation by Dalila Bundy and Patrick Vanhoudt - EIB](#)
- [Presentation by Tillmann Frommhold – ECB](#)

### **2- MEDICAL AND SOCIAL PROTECTION**

- [Presentation by Joël Lahaye – CERN](#)

### **3- FAMILY ALLOWANCES**

- [Presentation by Anya Demarle– OECD](#)
- [Presentation by Philippe Defert - CERN](#)



## **1- THE DISPUTE SETTLEMENT SYSTEM (PRE-LITIGATION AND LITIGATION) IN INTERNATIONAL ORGANIZATIONS**

Joël Lahaye – CERN

Opened the first session and called on Mr Coulibaly to chair (UNESCO)

\* Presentation by Dalila Bundy and Patrick Vanhoudt - EUROPEAN INVESTMENT BANK

- Sketch of procedures of conflict on the work floor
- Decisions affecting staff member negatively
- conclusion

Patrick Vanhoudt:

Situations of conflict on the work floor could be of a cultural origin, but also due to lack of information from management. Usually the person found to be key source of a conflict is left alone and the victim is moved. At EIB we have individual contracts and no civil servant statute so contractual relations prevail in matters of labour. If decisions affect staff negatively, the staff member has the right to meet with various departments (HR, Staff Union, Management) who will give options. Sometimes this is non-transparent and usually if the staff member is recommended a solution, he will not communicate it. If HR is not involved in your concerns, you have the option of a formal approach which is conciliation procedure where bank appoints a lawyer. Staff reps appoint a lawyer and a chairman and a recommendation will be given to President. Recommendation is not binding so the Bank tries to play inadmissibility, i.e. deadline of 3 months before filing and by stretching the deadline. If the 3 months have passed, it is inadmissible and the reconciliation procedure is not recognized.

Re: Annual appraisal – you can challenge the outcome before an adjudication panel. The panel cannot take over from the staff member's Superior but can say whether it was carried out correctly. The Adjudication panel will formulate recommendations which are binding on the President. The Bank's HR director will implement recommendations yes or no, but the Bank does not. The argument is 'If you don't like it, go to European Court of Justice and file a complaint there and see what happens.' The European Court of Justice is the highest court to settle labour disputes in the bank and bank will not react until the appeal level is reached.

Breach of staff rules. If there is a non-compliance of rules there is a disciplinary procedure launched. A panel is put in place consisting of Secretary General, Director of HR and a Manager not related to the staff member, plus 2 staff reps. There are only 3 outcomes – written reprimand – 1 year suspension or summary dismissal for misconduct. This menu of sanctions is insufficient to address specific issues. If fraud is in place, Staff have a duty to report that it was witnessed and OLAF (anti fraud) comes into place and triggers a procedure. For the Bank, OLAF is an extra procedure which makes the disciplinary procedure lengthy and the bank cannot give reasoned opinion to the President within 3 months so this puts huge emotional stress on the person under investigation. As long as there is no verdict from the panel, the person can be very stressed and this will have consequences affecting his/her private life. There is a tendency to dehumanize the approach. No staff reps are involved.





Dalila Bundy

Patrick mentioned the origin of negative decisions on staff members. I present the Dignity at Work policy at EIB. The Bank tried to amend the Dignity at Work procedures to ring fence it so that as few people as possible can use the procedure. Before a Dignity at Work procedure is initiated, for example for workers feeling bullied or harassed, they firstly try and set up meetings with staff reps, management, HR etc. If after the meetings they still feel the victim, and issues have not been addressed, a Dignity at Work procedure can be launched. There is a Panel to assess the case in a neutral and objective way and a panel makes recommendations to be made to the President. But this is non-binding. If only a recommendation and not a decision is given, whoever in charge can still make a different decision. Risks have been identified and we want to review the Dignity at work procedure, for example, if I bring proof but the panel establishes that I am not a victim, then the person I have launched the process against can claim disciplinary measures against me. This is a big risk and acts as a deterrent to launch the procedure. If the outcome does not go in your favour, you will risk counter effect and face disciplinary measures. This is referred to as unfounded vs malicious. This has a negative impact on staff and the working atmosphere. We identified serious data protection issues by use of personal data in the annual appraisal and complaints about medical data being used against a person. How do you prove it? Proving harassment and bullying is difficult.

Patrick Vanhoudt

Referred to the importance of social dialogue. Recommendations are issued to the President, ranging from the system in line with what is best practise etc. None of the recommendations have been executed. There are regular talks with HR but these are often ignored. After a while we have to draw a line. We had a mass negotiation procedure regarding pension reform and salary increase. The bank's management reached a Memorandum of Understanding and challenged it. We have two court actions ongoing in the capacity as Staff reps and on behalf of staff due to lack of resources of the bank and limited resources for the staff member. We decided that it is important to look for some legal insurance for staff to cover court actions in international courts. There are a limited number of companies offering this kind of insurance and fees are high. It is an important item for staff against legalizing and dehumanizing conflicts at the Bank.

*End of presentation*

Sidiki Coulibaly thanked them for their presentation and found it interesting to find out what kind of appeals mechanisms are available to employees of the bank and impacts on staff. As regards implementation of decisions, it could be dehumanizing since parties not always equal as it is one sided.

- Presentation by Tillmann Frommhold – ECB
  - Informal Dispute settlement at the ECB
  - Administrative Review and Grievance procedure
  - Court action

The ECB is considered an EU institution. In order to fulfil its job, it has independency and has a right to set its own labour law, social security rules, etc. The ECB tries to create its own specialized procedures and some national aspects of which the outcome is not always effective.



The informal dispute settlement has only one statement which is the right of the employee to be assisted by a staff rep at an individual dispute. The ECB has hired a social counsellor to provide advice to staff including mediating interpersonal problems and solving conflicts. You can also talk to your manager, HR, staff union, etc. HR has business partners who also are expected to help in these conflicts but in reality these have more to do with the business areas.

Formal Process – administrative review (1) and Grievance procedure (2)

The administrative review cannot be initiated if it is a decision taken by the governing counsel. It is also not possible against a policy laid down by ECB conditions of employment. If there is a general decision not having a direct effect on the staff member you cannot go against it. You can only go against a direct decision impacting on you. If you are impacted you can request a decision on a subject e.g. if there is a change of working hours and this is communicated as a general rule you can oppose and request a written rule that this change of working hours is required from you. Staff has a right to contact a staff representative but this has no effect on the decision contested. The Director-General of HR may on discretion decide to do so – not a right as a staff member.

Administrative review – Within 2 months within the date when the decision was communicated to you, you have to file a petition addressed to the Director General HR. The history of successful administrative reviews has been limited. The Director General has 2 months to come back to the requester of the administrative review in writing to communicate its decision. 2 more months following the decision the grievance procedure starts. If the Director General does nothing after 2 months of filing, it is treated as rejected and grievance can be put into force.

Court action – the procedure has to have been completed if the President has not replied in time. However a reply may come and before you go to court and you have to take this into account. Another court procedure should take place within 2 months to the civil service tribunal of the Court of Justice in Luxembourg. The process starts which can take a long time and appeals can be done at general court. There are a considerable number of procedural risks and it is a very lengthy process.

E.g. A pension court case - there was a pension reform against which colleagues went to court. In all cases the ECB requests additional time and this is always granted by court (additional months). There will always be delays and not yet a hearing set, even after 2 years of filing the court case.

Cost decisions do not take into account the risk levels for staff members. Costs are usually on the staff member's side. For internal procedures, the staff committee has a budget for consultancy to assist staff members but this is not allowed for court cases against ECB. We have a kind of Legal support scheme with a type of internal assessment, for example will it be successful or not, do we have political reasons to go through? The Union takes care of costs. Legal insurance was investigated but costs are too high.

Special procedures – there is an internal appeal procedure decisions taken by the executive board of ECB meaning it is the same as the Grievance procedures which go to the President. Appeals challenging disciplinary measures, depends on which level the decision has been taken, the involvement of President etc. One specific disagreement procedure related to medical costs where complaint procedure policy is laid down by medical insurance. We have a Dignity at Work in place.

*End of presentation*



Sidiki Coulibaly:

Thank you for the presentation and description of dispute settlement steps.

Joël Lahaye - CERN:

Q: I am representing FICSA. Colleagues from the European Investment Bank mentioned presentation meetings with HR. I wanted them to clarify the basis of these meetings, or the first meeting with HR. Is it to investigate, or to reconcile or resolve before escalation? And to ECB – the scheme to cover legal costs was not clear. Is it meant to cover cost for staff members? It is not clear whether decisions of court are implemented compared to the European Investment Bank and cases where administration would not implement the decision of the court in the first instance.

Dalila Bundy- ECB

The informal parts consist of the Staff member who can speak to a member of the immediate hierarchy if they wish. The staff reps don't intervene until asked – we can be in on the first to last meeting if desired but it depends on the problem. We try to focus on the individual and some come first to get advice and communicate, or follow up after talking to hierarchy. ECB mentioned business partners. We also have some newly acquired.

They also represent HR and can attend meetings. First look at hierarchy up to Director-General level. There is a tendency with the way that HR service has been restructured with new Director General to put back the responsibility on Director Generals. The HR Director General when starting in the new function in HR has up to now provided advice but now wants people in management to take action and be accountable. We use our knowledge of people and interact with all. If we feel there is no point, we share the cases and discuss with each other to see if it's not a waste of time. Staff often want us as a witness.

Tillman Frommhold – European Central Bank

Staff committee has its own budget for legal costs hidden in a type of professional assistance. The limitation is that it cannot be used to finance a court case but can get legal assessments in preparation for admin reviews and grievance procedures. We recommend that staff take an experienced lawyer from beginning.

Marina Parsons– EBRD

At what stage is an outside legal Counsel allowed to take part in legal proceedings? Do International organizations bear some costs? Does the international organization make outside council available to employment matters?

Patrick Vanhoudt - EIB

In EIB's case the outside council is allowed at any point of the proceedings. If you go to court, Staff member has to have a council that represents him. We have lawyers we tender for. Re the shared cost issue in EIB we have a similar budget procedure as ECB. Staff reps get a budget from the bank. We can assist staff with questions of general interest, but cannot be used for court unless of general interest. Costs for internal procedures are not accounted for. For internal procedures such as Dignity at Work or conciliation procedures the costs are fully borne by bank. E.g. on appraisal appeals –this consists of 3 lawyers, and the cost run to 15,000 per case. HR should limit such cases and staff could tell reporting officers this is ground for appeal. No list of lawyers is provided to assist staff members.



The Institution has its own legal service and secondly, the court decision in appeal of that institution having access to legal opinion cannot ask for recuperation of legal costs from the person challenging the bank.

Tillmann Frommhold – European Central Bank

You asked this question about Legal assistance at which level is possible? In Disciplinary procedures you have the right to have lawyer OR staff rep. Not both. In Internal procedures you can involve legal assistance but pay costs or staff committee has to pay on issues of general interest.

George Aelion - WFP

Q: You have an internal informal procedure for resolving conflicts – are they really resolved at that level or is it just a process for prolonging final decisions? Delay tactic before going to ILOAT. Is there a real effort or do they just want to drag it on without making a decision. I think it should go directly to ILOAT.

Bernard Wacquez - AAPOCAD

Q: Have pensioners from your organization had disputes concerning methods of payment calculations and did they have the possibility to appeal to judicial authorities in your organization? What legal remedy is available?

Nizar Zaher- OSCE

1. For EIB re Panel who establishes the panel? Will you be a representative in the panel? Will Staff be able to agree on members of the panel?
2. Equal access to legal assistance – explain.
3. ECB re Social counsellor – who hires the social counsellor? HR?
4. ECB – decision taken by governing council that staff member cannot make any appeal. Before reaching council, do you have any input as staff representative? Governing Council will get what is presented to them

Alberto Parpaglione – EUMETSAT

Q: If the appeal gets to a certain stage, will the decision of court affect other staff? Is there a follow up of the staff association committee together with the person to stop it happening in the future?

Patrick Vanhoudt – EIB

First questions relating to internal procedures resolving conflicts. It depends on who you know and who you are friends with. It is a delay tactic in the hands of HR very often. First they get a lot of requests and cannot process them. Secondly, they don't like being challenged on their decisions (if you don't like it – go to court.) Question no. 4: re Panel, if we go to court, is the decision binding on all staff? The decision of the management committee affects me negatively. The court judges yes or no and comes with recommendations to bank. The Bank has options: e.g. before the judge reaches a verdict – they come with a settlement offer which is very tempting. Or the Judge can say after the verdict, we can give compensation to you only, anyone else with the same compensation has to go to court. Thirdly, class action type of procedure – go to court with support letters. The Court would say give compensation to X, Y and Z but also expect it is a bank- wide implementation. It can be challenged by the bank for new procedure and costs.



Pensioners are integrated in joint committees on pension/health insurance, they are part of the decision making affecting pensioners. They also do not hesitate to go to Court, and cases have been won.

Dalila Bundy:

Re the Court case – although in our court cases we go as individual members, one of the points that we denounce is non-respect of the Memorandum of Understanding principle: if you can dispute and can unilaterally break the agreement bilaterally signed on the MOU and if we are right and only 8 of us and not the whole staff, the bank will be in trouble. How will they sign another agreement with trust? It's not legally binding and we have grounds to force them to apply to all staff, everyone else can say it's too late, we have letters of support from 700 people. It's a question of principle. What is the value of a signed agreement? The bank is interested in knowing the value of that agreement. Re: Panel and establishment of (adjudication panel). That is an internal procedure in which staff reps take part. This year there is one reporting judge selected by HR, another one by staff reps and the 2 judges (lawyers) appoint an independent chairman of the panel. The HR person was kept on this year and we selected a new one, interviews were done and we selected a reporting judge and decided to keep on the President. We have been attending appeals. You can represent staff more effectively but in terms of selection we are involved. Judges can be under pressure by the bank who pays them.

Nizar Zaher – OCSE

Does the staff member have any choice in the selection of the panel – sometimes if it is within the bank, the lawyer could be in the situation of conflict of interest.

Dalila Bundy –Patrick Vanhoudt – EIB

They are external. Re Equal access to legal assistance – the bank has unlimited access through its own legal directorate to external lawyers and the Staff Member is just there with his salary and his family will suffer. The bank has record of losing cases but at least they say we have more stamina to continue. This shows the imbalance.

Tillmannn Frommhold – ECB

Are conflicts really resolved? I would say, mostly not, some are resolved. One case a staff member had an offer made that he could not resist.

George Aelion – WFP

Is there a good will intent to settle in this process?

Tillmann Frommhold

Yes the Director General would have lost in court. It was also somewhere supported. We had rumours that our new president has given a request to the Director General to reduce the number of court cases which may have supported this particular case.

Pensioners having a dispute, same rules apply to them too i.e. Administrative review and grievance procedure. For Staff committee assume we do not represent pensioners. Our Union has taken pensioners on board and we may soon have a separate section within the Union to deal with them.

Social counsellor who hires and who pays: The Director General HR in both cases. We are involved in the procurement process of external consultant and we are observers in how procurement conditions are set up.



Re the Decision of the governing counsel- the staff committee has to be consulted on issues on staff impact but our remarks can also be ignored. We cannot go to court but the union can step in.

Anya Demarle – practical information

Break for coffee at 16.00 / 16.40 The conference resumed.

Christopher Land-Kazlauskas – ILO

I have two questions – does anyone recognize the jurisdiction of UN Tribunals? This bears discussion since there are advances in putting in place a 2-tier system with professional judges at both tiers. Judgements coming out are much more in depth and there is a small improvement in the situation of labour/ administrative law in the UN system. Now at General Assembly level they are trying to restrict what judges could do.

Second point – re the ILO admin tribunal and general principle of law. There have been regular case law talks about the lower level appeals bodies having authority/responsibility to carry out a more rigorous review of cases including investigation. The Tribunal said in its last session where the Tribunal reiterated its belief that the Tribunal has to do the minute review but the Tribunal has held that lower level bodies can investigate the case.

Jacques Audric – ESA

I have questions for the two previous speakers. We have no idea how many court cases there have been, or how many judgements have been handed down. Can you tell me how many successes there have been. At ESA we have had 92 such cases, being 2-3 per annum and 10 % won by staff members.

Marie-Odile Dorer – UNIDO

On our side as far as joint appeals is concerned, we have in the first instance a body and judicial appeals board. Over the last years, they have been working much faster and therefore proceedings are shorter and as a rule staff members have won their cases but they are only recommendations. It depends on the courage of people elected to deal with matter and their level of commitment. Important criteria. How to bring those people out and nominate them? We have a high rate of appeals. UNIDO exists from 1967 and up to 1986 we have had 2 or 3 appeals and after that date they have increased.

Marie-Thérèse Conilh de Beysac – FICSA

We had an answer the ILOAT in July 2012 there were 224 pending cases and 50 cases per annum so there is a big backlog.

Gianni Palmieri – Council of Europe

Our colleagues have a two tier system – in the first instance and appeals. Re the system in UN – question I have is – do we have officials who lose before these tribunals? Can they refer to a court of justice and does the bank refer the case to the court of justice? These are claims made by international organizations and need an appeals court. I would recommend a case to be filed only if they have a lot of time to waste.

Because these people are very busy and it is difficult to deal with these issues – for us it's a waste of time. We have an administrative tribunal – if you lose, you lose. If it is a disciplinary issue, then the



conciliation committee will approve claim of person presenting his case, then a sanction can be overturned or it may be stated why recommendation was not a good one.

Imed Zabaar -FICSA

Comment: After listening to John Hocking, there were 2 terms that resounded – I liked the operational requirement and integrity. When we discuss disputes, we act as fire fighters and when problem arises, we step in, but it is important to know where problems stem from. Problems occur either because managers are not doing good job or the Staff Member pushes things too far. On operational requirement the idea is that before things get out of control, a program is set up and the organization steps in and checks if a future employee is suited to their environment. Do other organizations have a similar system?

Nisar Zaher – OSCE

The majority of problems in organizations is because of lack of communication or misunderstandings between managers or staff. In our case we have training for managers to improve their skills. We as staff representatives have to realize that staff sometimes need to be educated and awareness be raised. We can't always go against management. We need always to find ways to compromise and find solution.

On Dispute – It would be useful to share information on internal appeals as not all organizations have a budget for legal costs.

Nicolas Lopez-Armand – STL

Comment: You can do all the training you want, managers will behave in an arbitrary fashion so long as they are not held accountable and there is no decent internal justice system. There are two strands operational for the EU and UN – there is a double level of recourse. For the UN: UNDT and for European organizations there is the civil service tribunal. Organizations could take some inspiration from the UN and improve the system. Let us try and promote and improve.

Catherine Bony-Brandt – Council for EU

In EU institutions – staff is less protected than before. The Civil Service tribunal has changed operating procedures. Staff representatives should be aware because if as staff representative, I feel my staff union has lost a procedure we may have to pay damages to the other party. The EU Commission is huge and can afford to pay expensive lawyers. We have to carry on fighting for that. Through financial penalties you are reducing the means for the workers. Fewer people will be willing to go as far as European Court of Justice. Although we have good protection, there are limitations. As for judges, we don't have that in EU system. Job security is getting less available and within international organizations the security is decreasing. The workers' representatives have seen that possibilities to protect have decreased.

Gianni Palmieri – Council of Europe

The coordinated organizations have been mentioned and they have tried to request a second instance and change in how judges are appointed and that there should be a single tribunal for all coordinated organizations. As for the legal entities we have to make a distinction. If we look at some Tribunals they are made of professional judges. Legal entities from the EU are part time judges but we see there is more consistency in a tribunal made of professional judges.



Nicolas Lopez-Armand – STL

There are good signs within UN system with a double level of legal system, appointment of judges and a representative of staff unions and management, so good results. The UNAT 4 years ago was very conservative but UNDT was quite useful. Now UNDT seems to make decisions that are no longer as good as those taken by UNAT. This is dependent on the judges but also on staff of legal assistance office. This is a small body of lawyers that give free legal assistance to staff members. It is under pressure because of its success but an example of internal justice reforms work. Commitment to reform and internal office to offer assistance is very good.

STL

Talking is one thing, doing is another. What we are identifying are principles of good governance of your institution. We need a Charter re the respect of staff rights which needs to be implemented in every institution. Would participants like to make such a statement?

Sidiki Coulibaly – UNESCO

Does everyone agree on this point? I was wondering who would receive this statement?

Unknown speaker:

The point may be not to issue a statement but to share between us values and principles. Some will have to go to UNDT some to ILO, European Court of Justice, etc. We have to see what principles need to be applied in order to meet out good justice. Nothing will happen if there is no strict control. It has to be within managers and the organizations. Managers have to be checked by review procedures but I doesn't believe it make sense to make a statement.

Chris Land-Kaslauskas – STL

It would make more sense to consider re-launching a reform project to ILOAT etc and identify the three points raised with his organization and that we do this collectively with every organization, We could make things move. The reform process of the U.N. internal system is done by an expert panel. If we could identify 3 points on a 2-tier system and include professionalization of judges, and to have a joint system of nominating judges, we could identify something more focussed.

Dalila Bundy - EIB

I would like to comment on the last 2 comments. Maybe it is wrong to be focussing on the different things. We should focus on what we have in common. We should agree on a list of principles that the association of staff representatives in international organizations endorses and this will give a strong message of unity between staff associations. This can also put pressure on our organizations. If we just discuss, this will not change decisions. We need something we can all endorse and send to the presidents of organizations saying that these principles have been agreed upon at the annual meeting. Talking is not active.

Nizar Zaher - OSCE

Dalila, I agree and I believe we should come up with a statement. I share the minutes of this meeting with the director of HR and other senior managers this makes some changes. I believe that we do come from the meeting with knowledge. We find ways that we can meet and exchange experience. We should try to come up with a statement as I believe we can make a change.





Peter Urmston - ESA

We have a system in ESA which is a peer review by 6 staff members and move through them to the legal system. There are 3 persons on the advisory board and 3 more have to be picked. No criteria is provided. Our Appeals board has 6 judges. The Appeals panel has 3 judges from the 6 but only 2 need legal qualifications. There is a difference in what a Staff Member can afford and what staff associations have to pay if they lose. We have problems at ESA on inequality but the Staff association has no legal standing at appeals board. Staff Member has to do it in own name if he wants to fight, do you have this problem? We want a position where the staff association has legal standing in front of the appeals board. To bring the question of accountability before the board.

Sidkiki Coulibaly - UNESCO

I think we have reached the most critical issue. What shall we do as staff representatives? Are we happy to have discussed it or do we take decisions? Some hesitations regarding adoption of a resolution text . This is not the first time that it has been proposed. There is also a Statement issued by FICSA and by the UN Geneva. There is such a statement, so we are not really innovating. Best thing to do is to examine statements and texts already in existence. We could use them as a basis to advance. There is nothing new here. If we can agree on this – I am open to suggestions regarding actions.

Hélène Quiniou - ICTY gave some practical information.

The meeting finished at 17.30

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**Friday 5th October, 2012**

## **2 – MEDICAL AND SOCIAL PROTECTION**

The meeting opened at 09.15 and Anya Demarle presented the subject of Medical and Social Protection.

Mr Nizar Zaher of OCSE opened the meeting and gave some information about his organization, OCSE. Organization for Security and Cooperation in Europe, based in Vienna with 56 participating states, approx. 2,800 staff members, distributed through 4 different regions. We deal mainly in fields of Human Rights, trafficking, conflict protection etc. and assist host countries on many issues. There are operations in environment and economics. We have a one year budget valuing approx. 20 million euros. We have meetings every week to discuss staff interests. We are not a member of any federation but are considering joining FICSA.

We are all aware that medical and social protection is of utmost importance for staff, yet cutbacks will likely focus on these areas. Joël Lahaye of CERN will do a presentation.

- Presentation by Joël Lahaye – CERN

The CERN Health insurance is an internal system for 30 years. Our scheme is for staff only. Costs are expensive as we are in Switzerland. There have been changes in system principles in the past 2 years. The CERN is a scheme based on contributions from Member states. Staff pay one part and the organization pays one part. Pensioners can contribute but are excluded from the scheme once they have left. Pensioners pay a different contribution, based on their last earned salary. We have had voluntary contributions, sometimes obligatory and it also covers spouses. Spouses who do not work, are fully covered but in the case of a working spouse, they pay a fixed contribution. These new rules were introduced January 2012 for allowances and contributions and there were increases for dependents and sickness allowances. Actuarial studies were done as the insurance scheme had not been reviewed in 5 years.

Basic principles of the system– it is obligatory for all staff. It is voluntary for pensioners but after leaving the scheme one can no longer return. All family members are covered. It is a CERN scheme and one has freedom of choice in care providers. There can be bonus reimbursement schemes but also reimbursement can be diminished linked to different costs between France and Switzerland, the latter being more expensive. Depending on one's needs, it is sometimes necessary to go to Geneva for treatment. The scheme has an administrative body, divided into 2 parts – CERN is responsible for the scheme and lays down the rules and monitors the scheme monthly. The Staff representative body discusses what happens at the exterior re the changing medical environment and adoption of rules and regulations and financial follow up. We have about 14,000 members of the scheme including pensioners, spouses etc. As far as the daily administration, we have 2 options: a CERN unit and an external management body called UNIQA. UNIQA is the daily service provider who is nominated to receive claims and provide administrative feedback. We have a regular bidding system but UNIQA has been satisfactory so far. An actuary study was done in 2009 to see how the system was functioning in terms of finances, because we were going into deficits: more money was going out



than coming in. A copy of the study can be provided. Action was taken and contributions were raised and services modified. Provisions remain the same although medical inflation is rapid. Maturing and ageing of the population will add to higher contributions.

We changed the scheme in 2012 and updated/simplified some items. Reimbursement rate has to be 80%. In the past we had a franchise of 200 CH francs, 90% was reimbursed and a small portion paid by beneficiary. Further to a survey of the system done with other organizations, their reimbursement rate overall was 80%, 90% or 100%. Preventive care is reimbursed at 100%, basic treatment at 80%. We wanted to cover the higher end of this medical care when involving large expenses. We wanted to balance the system between younger and older participants.

The current system works as follows. We have done away with a franchise of 200 CH francs. We switched to a system of 80%, 90% and 100% for each member. Reimbursement rates coincide with expenses incurred and to be paid by member. Expenses based on annual expenses of member, for example when less than 500 CH francs is spent they are reimbursed 80%, after which the reimbursement rates are adjusted according to expenditure.

As far as ceilings are concerned these were increased by 10%. Now we have rates of 80%, 90% and 100%, so the reimbursement rate is established on ceilings and not expenses. Previously we had a system whereby costs of above 80,000 CH francs for patient expenses over a lifetime, was reimbursed 100% which was better for long term health care. Indeed, a better system for a member with long term disease. For further information, our website is available to look at.

Re treatment in Switzerland or France, it may be interesting to go to France for some treatments as costs could be lower. We would pay a 5% bonus on the reimbursement of medical care done in France. Some people disagreed as many already lived in France. All countries whose medical costs are 20% lower will also benefit from this bonus. We will monitor who opts for treatment in France and Switzerland to see the results.

Reimbursements are at 80%-90% in semi-private hospitals. In private hospitals, 90% reimbursement has dropped to 80%. There is an approval system of hospitals which are not public hospitals and have agreements with national hospitals. Their fees are connected with the social protection system of the country in question and are not too high. They are approved by us and UNIQA. If additional costs are incurred (e.g. extra services in a hospital room), these are not reimbursed to the member. There are some changes in benefits in optical and dental, and mobility items for handicapped persons. New benefits were introduced for convalescence and rehabilitation. Refractive surgery was not reimbursed before and is now reimbursed at 2000 CH francs per eye.

Long term care scheme: An actuary study was done to introduce the scheme especially for pensioners who had not paid contributions during their active life in CERN. We introduced contributions which were paid into a fund and the fund turned out to be sufficient to pay for expenses for dependents for a 20 year period. There are 3 levels of dependency: low, medium, and high. These levels are defined by eight actions that people are unable to perform, as seen on the chart. The idea is not for hospitalization but to remain at home and have cares. Care providers at home are covered by 50% in Switzerland and 70% France. If a person has to go to hospital, then the expenses are entirely covered.



Financing of long term care: Contributions are paid by CERN active personnel at 0.8. Pensioners pay contributions. Active members paid 0.6% and 0.1% for pensioners. Now the rates are 0.8% and 0.8%. The organization pays 0.8 for the pensioners. The fund is capitalized so accrues interest. The advantages of scheme are that it reduces hospital costs and dependents are better covered and lifestyle is improved.

Conclusions: We have maintained the same level of services/benefits but adapted to changes in society and the environment. I would say it is a mutual system and not an insurance scheme. It is based on ones needs and one can choose services and providers. Concerning the dependency cover system, we are happy with it. It is a capitalized fund, so there is no need to discuss matters with Member States, which allows us to confront many situations.

*End of presentation*

Anya Demarle - OECD

Q: One ambiguous point: what was role of the personnel when system was being reviewed? Were they consulted? As far as the fund was concerned, what was position of the Staff Union? Did they agree, disagree, have suggestions?

Joël Lahaye – CERN

There were many meetings and discussions with the permanent consulting body that consults the staff union, and the cheeseboard system for monitoring the scheme, together with health insurance supervisory board and a technical body. Results we obtained through discussions and negotiations. E.g. we said we did not want hospitalization to be part of the 80%-90%-100% reimbursement, we wanted something different.

We wanted 90%-100% in certain hospitals. Administration did not accept this so a compromise was found and a consensus reached in CERN. If an agreement has been reached, they suggest to Member States whether they accept or not. Staff Union and staff administration discuss beforehand and then CERN's committee and assesses, authorizes and approves results of negotiations. The supervisory committee of the scheme is not conflictual, as the system will be needed by all persons. The Insurance scheme was reviewed and our colleagues were in favour of raising contributions to have the same services instead of keeping same contributions and having worse services.

Alberto Parpaglione - EUMETSAT

If reimbursement is made by UNIQA, how does staff Association make sure that confidentially is respected with regards to reimbursement? Does the system reimburse medical costs while travelling or for repatriation? Is the coverage worldwide?

Joël Lahaye – CERN

Cover is worldwide. 0.12% is paid by the organization alone. If someone on mission falls ill s/he are covered at 100% by the organization through this scheme. This falls under professional activities. Of course, UNIQA cannot disclose medical information. CERN or HR have no access to this information. Funds are not managed by UNIQA, they only do reimbursement and administration.



Tillmann Frommhold - ECB

Re Slide 3 on contributions. You stated that the rule is 1/3 – 2/3 but I do not see it reflected in the presentation. How are the divisions? Re long term care – you say no contributions are from employer except for pensioners. For pensioners, they have to pay double contribution and that's why they never paid during their working life. Will new pensioners have to pay double premium?

Joël Lahaye – CERN

The 1/3-2/3 system was calculated that overall we are not talking about contributions, only it is on a 50-50 basis. When we had an excess, reimbursements were made at 80-90 100%. Contributions in monetary terms are on a 50-50% basis. This ratio was established and Member states do not wish to change it. Re Long Term Care – There are no contributions on part of employer for the people who are active. 0.08% is paid by active staff members and on part of the employer for retirees. CERN pays for pensioners allocated for Long Term Care. Retirees paid 1.01% of last salary amounting to their contributions. This was reduced to 0.8 and next time we want the organization to pay 0.8 for active members too. When retirees will have paid during their working life they will not pay more and adjustments will have to be made.

Sidiki Coulibaly - UNESCO

Re the reasons for change as mentioned at the beginning of the presentation One of the reasons was that member states asked to have changes made, not the beneficiaries. What stands behind these reasons? Economic? Updating? I want to know whether you have achieved considerable savings on the reimbursement to meet requirements of member states?

Joël Lahaye – CERN

It is a combination of all. We didn't know what Member States wanted. We were asked to look at healthcare system anyway at CERN. We took the opportunity to add and update benefits. We didn't want to initiate it ourselves – we waited for the Member States to ask us. We did not want to change the reimbursement rate, we posted a global reimbursement rate of 80% and were able to turn to Member States and tell them we are updating and our reimbursement rate which now is in line with UN organizations. We have readjusted contributions for Long Term Care – retirees will pay a bit less. Changes have been approved but there are no real savings. Reimbursements and allocations have changed. We are better able to reimburse what is best for members.

George Aelion - WFP

Q: Re Uncovered liability. You have responsibility for retirees. Does capitalization fund cover liability if CERN disappears? What happens if for some reason CERN is not capable of paying?

Marie-Odile Dorer - UNIDO

Q: You said the Organization does not subsidize Long Term Care component. Is Long Term Care part of the health insurance, or is it covered separately? Is it mandatory, since it is the staff who pays? Did you get a legal opinion on how to implement a mandatory scheme without subsidization from the organization? Question to EU organizations: the diplomats in health care packages have long term care included. Is this something to do with EU directives? Our organization says for e. g. we cannot tell the Greek delegate that we want an added benefit for staff (0.8%) so a political decision was taken not to include long term care into our health insurance, even though it would reduce hospital costs.



Imed Zabaar - FICSA

Q: I understand that the scheme is under control of administration. Do you have a joint body involving staff reps to discuss the scheme before decisions are made? Re the involvement of UNIQA - was that to have independent body for administration and do they give objective feedbacks and statistics? If yes, how transparent are these results when sent to staff?

Philippe Moussay – BIPM

Q: You have 14,000 beneficiaries in your system. Are there organizations that have a mutual insurance scheme similar to yours but on a smaller basis? If so, is it better to have an insurance system or mutual insurance system?

Bernard Wacquez – AAPOCAD

Q: Re retirees or people who have another insurance scheme, e.g. national insurance. Can they use your system or come back to the national system? Would you encourage people to turn back to a national system or would you keep them on your roster?

Is the bonus applicable irrespective of the bill paid and the condition that it has to be outside Switzerland? If a member goes to an expensive French doctor, does he still get a bonus when he could have gone to a cheaper Swiss doctor?

Jacques Audric - ESA

The contribution by employees is 2% at ESA but no contribution by the employer. We have mutual insurance system and adjustments are made.

ESA encourages people to refer to national systems, and a few years ago it was mandatory. Now it is strongly recommended to turn to national systems.

Patrick Vanhoudt - EIB

Q: We have 2000 employees, we pay 2% by staff and bank 4%. There is a 5 year revision and bank is seeking to increase contributions – rates are part of our private contract with the bank. Staff rules say the deficit will be borne by the bank so we will put up resistance to any increase in staff contributions. We consider health insurance as a defined cost. It is a defined benefit scheme so if there is a deficit, the bank has to pay. New contracts will be beyond our control. Is this similar in your institute?

Christelle Patterson - EUMETSAT

Q: We have limited contracts of 5 years at CEPMMT. For Long Term sickness and salary we have a 9 month paid sickness possibility. After a further 9 months we have prolonged sickness but a 50 % salary drop. After 18 months salary drops to zero. Management is able to stop any contract because of illness. This causes financial difficulty after 9 months of sickness, and worse after 18 months. We have van Breda, which is expensive if you have no income. Signing a contract with UNISAT limits staff going back on public health insurance system. E.g. in Germany once in a private system, you can't go back to a public one. Full and permanent invalidity is recognised by our organization and we have an invalidity board. Does anyone have information or advice on this?

Break taken at 10.50 / Resumed at 11.00



Joël Lahaye – CERN

A: George's question: I have not talked about medical health cover or pension cover yet in the case that the organization no longer exists. You understand that the Long Term Care and medical cover is a single system is compulsory with CERN and you must pay contributions. You can opt out if you retire and if you don't want to contribute any longer. I will answer Bernard question too; if you retire you can join the national health system, but you can no longer re-join the CERN system. In case the organization no longer exists, funds are no longer contributed to and for dependency cover the money should be there. There is no problem re dependency cover. For medical health, it is obvious that for retirees it is difficult, as they cannot find another employer in the case of having to find another medical cover. Problem is not solved yet.

Philippe Defert – CERN

There is no jurisprudence so it is not sure that retirees have the right to claim insurance if the organization closes.

George Aelion – WFP

At WFP some funding has been set aside, to cover the liability for a number of years.

Joël Lahaye – CERN

At CERN we have a few figures: it's between 1 – 2 billion Swiss Francs of cover up to the last member that joined medical scheme. These are high figures and scary for member states.

Re UNIQA it was basically a bid. We did not want an administration unit in CERN so we put out a tender. A new tender will be put out in 2.5 years and we hope UNIQA will win.

UNIQA statistics are shared with the governing body of medical health. We have access to statistics and so does admin.

Re the question of the pooling of resources, we have ILO and ITU in Geneva who have a mutual based system with 4,000-5,000 staff. We are only 14,000 so it is a smaller system. To answer Jacques' question – when we have serious medical care, it impacts the system. Our contribution level is for the whole family. In the UN it's per person. If you have extensive medical costs, you can see that up to 1 million CH Francs will dent the fund. It is impossible to lower as we have a reserve fund that was set aside during the good years. We also talked about hospitalization and rates related to Switzerland. Switzerland is expensive for medical costs. Geneva has different rates, so the local rate has 3,500 to 4,000 francs for hospitalization. Non Geneva based Swiss citizens pay 6,500 – 7,000 Francs. A non-Swiss in Geneva will have a rate of 10,000 francs. International staff pay 13,000-16,000 francs. The pricing for the same surgery will be different depending on the category. This will affect reimbursement. As international civil servants we have a rate around 12,000 francs. It is a rate of three times the amount of a Geneva based Swiss citizen. As for national systems, (question from Bernard), people benefiting from a National Health System, within CERN we encourage people to first go to their National Health System but it is not obligatory. Staff Member will pay UNIQA and if want to be treated in NHS. If spouses of international civil servants work, they can use UNIQA in primary health care. Now they pay contributions based on salary. They can also have UNIQA as secondary health care but do not have to pay contributions. First they have to get the first reimbursement through insurance cover of people living across the border. They also have limits, e.g. UNIQA system does not cover deductible. There is a clause that states everything in excess will not be covered by UNIQA.



Re Bernard's question: about charges of health care rates. There is a clause saying rates should be similar and comparable. UNIQA can draw attention to managers if you have medical rates that are overrated compared to the average rate for medical care in the region.

As for the National system, retirees can stay in the system or opt out. Most retirees stay in the system as it is slightly better than NHS system in France.

Can retirees opt for a secondary health system? No, the civil servant has to retain UNIQA as the primary provider or opt out.

As for the bonus – it applies to all countries below 20% calculations of OECD. But calculations lag 1-2 years behind.

Contribution rate - the 3.47% rate goes up and we have half retirees – half- half.

Otherwise as for fallback on the NHS it is not compulsory but advised.

As for the invalidity, after 12 months the salary is not paid in full. After 24 months, if invalidity still applies and is serious, the organization will look into it and move the staff member to long term care. You automatically move to the pension fund and are not an active staff member any more. It is a long process. There is a 6 month period when you are not paid by CERN. The staff association provides insurance to cover this vacuum. Members can subscribe to it or not.

As far as insurance for dependents it is obligatory – it is part of scheme for CERN. You pay contributions and have right to it.

Re Long term care on fixed term contracts and when you leave the organization. When you leave, it's gone. The contract is not extended to end of your career. You can no longer have the benefit of Long term care. Long term care insurance is if someone has an accident at work.

Question from EIB:

re increasing staff contributions. We have not opposed this measure because the Organization makes 2/3 a contribution. Health insurance was a priority with staff so they were ready to increase contributions to maintain levels of service. It was not a great increase.

Nizar Zaher - OSCE

I would like to take this opportunity to briefly talk about the insurance in OSCE. We use Van Breda and there is the option for the Staff Member to choose Van Breda or the NHS. We organize meetings with staff and Van Breda representatives. The Staff committee has negotiated a list of doctors, hospitals, pharmacies etc, where we can get discount because Van Breda reimburses at 80%. Van Breda is encouraged to do negotiations with doctors to get decent prices as it is a private insurance. We do profit sharing with Van Breda. Contributions are 50-50 shared. We also have a Medical evacuation insurance included because we have many field operations. We still manage to keep the same premium and Van Breda gives worldwide coverage. The Contract is negotiated every 2 years.

Celine Fellag Ariouet – BIPM

My question has been partly answered. Why did you choose to have a service provider to deal with the claims instead of setting up an internal service?

A: We have external auditors and they tend to say contradictory things so their recommendations are confusing. We have a service provider who works for us, and such bodies have good contact with hospitals etc. CERN is not able to do this and we don't intend to change this system.





Gianni Palmieri – Council of Europe

This medical protection has been sheltered from the desire of member states to make cuts. In the Council of Europe there is a body appointed by the General Council and by Staff Association. The budgetary committee have made proposals to the Council. There is the risk of by-passing the system. There are legal problems. At NATO the 1/3 – 2/3 system is legally inscribed.

Sidiki Coulibaly - UNESCO

Q: In the legal arena I wanted clarification – whether CERN is answerable to ILOAT? If so, had there been any decisions or disputes and what were they about?

Joël Lahaye – CERN

CERN has to go to ILOAT. We have an internal committee for health matters. If the staff member is not happy with a decision, a review request is made and if the review result is good then OK. If not, the Staff member can request a meeting with the Governing Board of the health system. A recommendation will be made to the Director General who makes the decision. I don't believe any case has been brought before ILOAT related to health care.

François Picouveau – European Court of Auditors

- Re the location of health care. The medical cover from CERN and OSCE is worldwide. However ECA Member States have regularly requested to limiting health care to one location i.e. where you live and work. This goes against our freedom of choice.
- Rates are different in Switzerland depending on status of the people. The same is in Luxembourg. There are different rates depending where you work, i.e. an EU institution or private company.
- Resources of systems based on contributions/salary. Lower salaries mean contributions are lower. With a maturing workforce and arrival of families and ageing, there is more use of the health care. We now have more expenses and less resources. Have you any solutions?

Philippe Moussay - BIPM

We have to be careful when people have been working for a period for an organization – you can continue paying contributions outside of CERN and be entitled to have a pension, and then you can decide to remain in the CERN medical scheme or not. However once you leave the system you are not allowed to go back to the medical scheme when you are in retirement.

Joël Lahaye – CERN

Medical Health rates are decided by the government in Geneva. If you have a Private insurance and you work for an international organization, the basic rate charged by medical organizations tends to change. We suddenly pay more.

Question from BIPM colleague – We have to be careful when people have worked for a period for an organization– you can continue paying contributions outside of CERN and have the right to pension, and then you can decide to stay in the CERN medical scheme or not. However once you leave the system you are not allowed to join the medical scheme once they retire.



Joël Lahaye – CERN

On the CSIO website I made a presentation some years ago that is a lot more detailed than my presentation today. Actuary studies were carried out covering 4 years. There are formulas and calculations explaining our decisions. It may be interesting for you to look at.

The meeting closed at 12.00

### **Preparation of next conference Venue, format and topics**

The meeting opened at 13.40.

Philippe Defert - CERN

We have a new website that was developed last year. To access it you will need a CERN external account. You can register with the following web address. [CSAIO.WEB.CERN.ch](http://CSAIO.WEB.CERN.ch). We have a forum on this site. We have a free software called Drupel to manage fora and blogs. Surveys can be carried out. If you have a subject you would like to discuss, or share documents, share ideas for the future, share your fears, then the forum is ideal. For surveys there is a questionnaire. You have to first ask the scientific committee to open the forum and we will open if accepted. We will need a moderator for the forum. For the questionnaire make sure you know how you would like people to answer. If answer is with free text, it is difficult to analyse, so please think carefully. The subject is at the authorization of scientific committee. This is useful in the preparation of the next meetings. The site is managed by the secretary of the CERN staff association. (my responsibility). We are looking for ideas to see how it works.

We will initiate some discussions on the forum a within the next weeks. So I repeat: [CSAIO.WEB.CERN.ch](http://CSAIO.WEB.CERN.ch). We look forward to receiving suggestions from you.

First register at CERN with webmail, create a password and afterwards you can enter the site.

➤ Topics for next year:

Gianni Palmieri - Council of Europe:  
(in French only) – Clause dérogatoire.

Philippe Defert – CERN

There is a lot interest in the evolution of pension benefits. This is one of the first attacks on the social condition of all European citizens.

François Picouleau – European Court of Auditors

1. I would like to propose discussing Telework. Is it used in your organization or do you plan to use it? Do you have any feedback?
2. Do you have any flexible working arrangements in your organization? Specifically flexitime.
3. Equal opportunities within organizations.



Christel Osterroth - OECD

I would like to discuss arrangements for staff members to reconcile work life and private life.

Christopher Land-Kazlauskas - ILO

I would like to discuss campaigning i.e. something concrete and practical. I would like examples of efforts to develop campaigns, establish strategy and move to where you want things to be in the next 6 months or years' time. This includes also for developing, political issues, staff mobilisation issues, legal strategy etc.

Catherine Bony-Brandt - Council of the EU

It would be interesting to know what will happen with European civil service reform given the member states will be everyone's Member States. What reform will be implemented? Sven Corthout may be able to advise how civil service reform is panning out and if you are interested, I will make sure that someone can make a presentation on the major aspects of this reform.

Sidiki Coulibaly - UNESCO

I would like to add to the European civil service reform. I would be very keen to have someone tell us what is happening in UNESCO.

Laura Lo Cicero - WFP

1. I would like to consider mediation of conflicts in workplace.
2. The infrastructures available for harassment and abuse of power in organizations and remedies that are in place
3. Negotiation between staff representatives and management where we are in each organization. I would like comparisons.

Joël Lahaye – CERN

We will take into account what has been done over previous years. We don't want to repeat issues unless it is very important.

- The location of the next conference:

Last year Marie-Odile from UNIDO suggested hosting the 14th Conference in 2013 in Vienna and this has been agreed upon and confirmed. So, unless there are any other offers, they will be considered but it looks certain that the next conference will be in Vienna at UNIDO. Thank you colleagues from UNIDO.

Jacques Audric - ESA

The ESA had offered last year to host the conference in the south of Rome, but since Vienna will be the venue, we could offer to host the Conference in 2014 in Rome.



### 3 – FAMILY ALLOWANCES

Bernard Wacquez - AAPOCAD

We are an association of retirees for 6 organizations. We represent these organizations within the body which coordinates the legal activities of the 6 organizations.

We will hear 2 presentations on family allowances with examples of OECD. These topics are interesting because we are all beneficiaries of family allowances and coordinated organizations. Comparisons can be drawn afterwards. I believe that the presentations will show how our benefits are slowly being eaten away. I understand that we would see the evolution of benefits and how it will change in the future.

- Presentation by Anya Demarle – OECD

I am going to do a presentation on coordinated organizations. I will focus on OECD given that although we have common framework when we have allowances, there are specific systems. Coordinated organizations share salary scales, pension schemes and allowances etc. There are 3 committees within the 6 organizations – reps of the Member States, reps of Secretary Generals, and staff representatives.

There are several allowances common to all organizations – family based allowances. As well as other allowances such as DSA, settlement allowance, expat allowance, educational grant. This year after dealing with expat allowance the Member States decided to revise family allowances. Recommendations are 4 major allowances: household allowance (6% of your basic salary) is granted your spouse earns a low salary or without a salary and the organization will compensate with a household allowance. There are allowances for a dependent child, and also an allowance for direct parents or spouse's parents. The dependent person does not have much financial means of their own and the staff member is paying for their upkeep. This is same allowance as child allowance. Allowances are adjusted in duty stations. There is an additional allowance for a disabled child based on decisions made by social workers, medical doctors etc. which is looked at to meet the costs for specialized education. Member States have 3 objectives for revising these allowances:

- First one is to modernize the system
- Second is to uphold attractiveness of salaries within organizations
- Thirdly try and get savings

From negative experience, the staff committee was against the revision of this allowance. Member States want to devise own solutions.

Representatives of Secretary Generals came up with a project structure, in the way allowances are set and conditions and adjustment formula. Reps of the Secretary Generals don't want this system to be applied to current staff and retirees.

The revision was to have an allowance for family and allow for mobility. Re the family allowance, the idea is to keep the household allowance and change the terms and be called the basic family allowance. Disabled children would get an extra allowance if the disability is severe.

For basic family allowance, the idea is to grant allowances based on the situation of spouse. (Single parent families could also benefit from a child allowance). The idea was to abolish this system and have a set amount corresponding to the current allowance for a dependent person. The allowance would not be pegged to salary but a new adjustment formula linked to price index would be put in place.



Eligibility criteria is to have a dependent child up to age 18. After 18, it could be granted to age 24 instead of 26 if child is a fulltime student. If child handicapped there are no limits.

To sum up, threshold and age of child has been lowered, adjustment is indexed to cost of living and not salary. Creation of a supplemental allowance for a serious handicap. (But it has to be linked this to the loss of basic family allowance for some people). Dependent person has to be handicapped or dependent parents. There is also Criteria of minimum age threshold.

Staff reps have criticism on the methods used – the idea was to revise allowances and the CRP wanted to have a technical group to examine all the allowances but this was not allowed. As far as the draft scheme is concerned, staff reps saved the allowance for dependent persons, for handicapped parents and not to ignore single parent families so they can continue to receive basic family allowance.

The CRP is opposed to the fact that having a child does not give the right to basic family allowance. It is against lowering threshold of age limit for child. It criticized the fact that the Basic allowance ceases if the dependent parent goes into a home. CRP is against lump sums for the former family allowance.

Second element, is mobility allowance. A new allowance is to be introduced for when a working spouse gives up their job to follow his/her spouse.

Member States are opposed to an allowance for handicapped parents and are not in favour of keeping both the household allowance and the mobility one. Some are in favour applying the new rules to current staff. If cuts affect pensioners and workers a large scale mobilisation campaign will take place to oppose these measures.

*End of presentation*

- Presentation by Philippe Defert - CERN

We inform personnel in public meetings on changes and management decisions.

Every 5 years in the staff rules we review the employment conditions at CERN. There are 2 subjects to be reviewed.

Salaries are based on recruitment market. In 2005 there was no salary adjustment.

- Family benefits were reviewed. Families coming to CERN find conditions bad – for childrens' schooling, spousal work etc. So often they do not stay long at CERN. There was an improvement in the merit advancement system, where the budget maintained in value but instead of being  $\frac{3}{4}$  for experience and  $\frac{1}{4}$  Merit, it was 50% experience and 50% Merit. This created frustration among staff. In 2010 the only salary adjustment was done as it was 30% compared to Swiss industry. An adjustment was done at 2% for middle grades and 4% for higher grades.

- For family policies, allowances are 60% higher in other organizations and child allowances 20% more. They decided that we will increase family allowance by 20%, child allowance by 30% and introduce a new allowance – a child allowance for crèche or nursery. For primary and secondary education, it was reduced. For local staff, – no reimbursement of fees for international schools. If you



are in the international scale you have the right for 75% of fees reimbursed for international school or for private school back home. For university, there are improvements – for low qualified staff there used to be no reimbursement of university fees for their child as they are local. Now everybody has a right for reimbursement of University fees.

We are planning a Creche (nursery.). A new nursery is being constructed. The Staff Association has organized the school for staff member's children. We are hiring teachers for kindergarten for children 2– 6 yrs. Contributions are being given to Kindergarten for their functioning. Opening Sept 2013.

FICSA – recognition of same sex marriage provided it is done in country where it exists and also the recognition of registered partnerships including same sex.

Definition of how to help families with work and private life – there were some change to maternity leave. Switzerland refused to increase maternity leave by referendum. The Paternity leave has been adapted to some International organizations.

Now we have adoption leave: which can be shared and is 10 weeks.

Parental leave: If you need to take unpaid leave because of birth, adoption, CERN will offer some social contributions.

Special leave to take care of sick child or parent, you can ask for up to 7 days per year, fully paid.

Conclusions: in 2005 we had nice actualization. But it is trying to compensate a number of benefits that were already in other organizations but not at CERN. The Nursery project is becoming probable and the Creche is sorely needed because of high costs in Switzerland.

The Health insurance is OK but in a partnership when retired it is not guaranteed.

The Survivor pension is not guaranteed for a partnership so these items will be included in the next 5 years review in 2015.

Subjects for next 5 year review: A survey will be prepared to ask personnel for their priorities.

*End of presentation*

Floor is opened for Q and A, one part dedicated to technical issues and second part what you feel about what is happening in your organization.

Unknown speaker:

Q: I would like to ask about Parental leave. Is the leave irrespective of the child's age, is there a limit?

A: I think it's for children under age of 10, certainly for adopted children.

Q: For parental leave of up to 3 months will the Staff Member still have the benefit from its insurance scheme – does the organization pay into the Pension fund?

A: Only health insurance scheme but not pension fund. I think one has 2% of the rights accumulated per annum.

Sidiki Coulibaly - UNESCO

Q: As far as the education allowance is concerned, is it paid beforehand or afterwards? In the past with the high costs, the parents got an advance payment. We are changing now and it will be a



reimbursement, which is a heavy item on household budgets. Do you receive an advancement or a reimbursement afterwards?

A: For CERN: The full amount is reimbursed on presentation of the invoice. From 2005 onwards it is on lump sum basis. Before it was difficult to receive an advance payment, but now fees can be requested for advance payment and reimbursed later.

A: For OECD: Advance payment – An estimate provided and amount is paid on a monthly basis  
For OECD: in UK there are high fees and Staff Member was not allowed an advance payment.  
Fees are reimbursed but there is a ceiling multiplied 3 x for each dependent child.

Jacques Audric – ESA

An estimate of fees provided and there is a monthly reimbursement which is adjusted later.

Philippe Moussay - BIPM

Q: When some schools have requested the bill for fees at the beginning of the year, can Staff Member be reimbursed at beginning of year on the basis of this invoice?

A: at CERN: you can request 2-3 reimbursements per annum and adjustments are made later.

Alberto Parpaglione - EUMETSAT:

Q: Is educational allowance linked to expat allowance?

A: CERN: You can only have reimbursement if you are international staff (non-resident, living more than 100 km from Geneva on hiring). For University fees – everyone gets the same. You can only be reimbursed in Member State or in host state or own country.

Unknown speaker: Conditions have changed and worsened since 2005. Before 2005 all staff members could have educational fees reimbursed. The thresholds have not increased, it stays identical in all organizations.

Marie-Thérèse Conilh de Beyssac - FICSA

Q: Have other organizations tried to have paternity leave at same level as maternity leave?

Dalila Bundy - EIB:

A: I think it is called Parental leave these days and not maternity leave. I believe the salary is not paid 100%. I believe a parent can take parental leave and there is no difference with maternity leave. Paternity leave is within a year of the birth at 4 weeks taken over a year.

Catherine Bony-Brandt – Council of the EU

A: Parental leave is granted at 10 days leave after birth. For parental leave it is 6 month per child and you receive allowance if you don't work. You are still part of the family allowance scheme and can enjoy promotion. Some people take Special leave without pay. Parental leave is for child under age 12 and you can work part time if you wish. Under the forthcoming new conditions, Member states want to tax family based allowances. We want to fight this.



Christopher Land-Kazlauskas - ILO

A: Re adoption leave you mentioned if adoption leave was granted to married couples it has to be shared. You don't have to share home leave or annual or sick leave. We recognised that adoption leave is 8 weeks, and paternity leave 4 weeks, and we proposed to increase adoption leave to 12 weeks if both parents worked in the organization – then share the time.

François Picouleau – European Court of Auditors

A: re family allowances – as you know we are about to revise working conditions of civil servants for EU staff. We wanted to increase Paternity leave but member states want to make cuts.

Christelle Patterson – EUMETSAT

Q We have special leave for parents of sick children. Half days of special leave can be accumulated with half day of flexi leave for a maximum of 2 days. How is the Regulation in CERN for sick children? Do you have special leave regulations?

Philippe Defert - CERN

A: You can take up to up to 7 days per year justified by a certificate stating presence of parent needed at child.

Unknown speaker

A: We have special leave for sick child which is 8 days per year. But if the child is very sick and hospitalized, the organization is flexible.

Sidiki Coulibaly - UNESCO:

Q: Re leave – do you have specific cases whereby if a staff member has twins/triplets? Is leave worked out accordingly?

Q re crèche – As an employee and CERN having own crèche, can you be held legally responsible?

Joël Lahaye - CERN

A: In the case of multiple births, you get an additional 2 weeks. The new allowances apply to new staff members when there was a decrease educational grant. Increases apply for everyone.

A: re crèche - we hire 32 staff for running the kindergarten, we have 160 children ages 2 -6 years of age. We are regulated by Swiss law – because local hiring is done. We have to uphold Swiss law re number of adults per child and other types of law applicable. Is the organization legally responsible? Yes, but so far there are no problems so it is difficult to say.

For OECD: Maternity leave – we follow French law and the maternity leave is increased in case of multiple births allowances. There is also a paternity leave of 14 days. We do not have crèche but we tried to get one.

A: UNIDO have financed a crèche project.

George Aelion - WFP:

We have uncertified sick leave of 7 days per year without a doctor's note if not more than 2 days are taken consecutively.

A: ESA we have maternity leave up to 27 weeks. For multiple births we have an additional 2 weeks.





Nizar Zaher - OSCE

A: we have uncertified sick leave of 6 days per year but not more than 3days in a row can be taken without doctor certificate. We have paternity leave of 1 month and we have special leave with pay. You can apply for it and it is mostly approved when you provide valid justification. You can also take special leave without pay. You can negotiate with van Breda, to pay salary if you are sick for more than 2 months as we do have this in place, when staff member is sick for long period, VB will pay 80% of the salary as of the 3<sup>rd</sup> month. We have disability insurance.

Marie-Odile Dorer – UNIDO

You say it is possible to have special leave of 3 months. Is this leave only for children who have been born, or can be used for private purposes?

Nizar Zaher – OSCE

No, you have to have a valid reason. You can use it for example, to finish exams that are related to your job. Then it is granted.

Unknown speaker:

Q: Could we have list of examples for next year's conference of which kind of paid special leave has been granted by your organization?

Marie-Odile Dorer - UNIDO

We have uncertified sick leave 7 days per year without a requirement of a certificate, for any use e.g. sick child, compassionate leave.

Philippe Moussay - BIPM

We have certified and uncertified leave. For uncertified it is 5 days for health reasons for self or family member. Not more than 2 days in a row.

Unknown speaker:

We would like to have an inventory of all these different kinds of leaves.

Sidiki Coulibaly - UNESCO

Q: Has there been any situation that anyone's rights were curtailed, violated. Are there any cases that were ruled on by internal courts in CERN or OECD? What were most problematic aspects?

Q : it is obvious that our Rights and benefits are under attack. What propositions could be made, how could we take action to protect our rights?

Philippe Defert – CERN

A: Our rights are guaranteed in circulars but these could be amended. Nothing in particular has been contested so far. But anyone can go in our association and we have a commission that can see people on a confidential basis. If rights are violated, there is an ombudsman in CERN in case the code of conduct has not been respected. I have rarely seen anything on dispute.

OECD: One dispute was a pensioner receiving 2 family allowances, one from the organization and one from another. Did he have the right to receive both? He won the case and it was deemed legitimate to receive both. Matters are taken up if it concerns staff. Re family allowances and spouses



and couples registered in OECD. There are some changes as to the recognition of same sex partner as a spouse, while in some cases it is not same for hetero partnerships.

Unknown speaker:

Q: Our organization involves agencies outside the EU. Our benefits are a consortium of different expectations from around the world. We do get the 3 months off for maternal leave. Getting consensus among different groups is very difficult. The staff committee tries to keep projects on all agendas. How to go about addressing concerns? From a legal standpoint it is hard to fit under a legal guidance for us.

Q: François Picoulet – European court of Auditors

European institutions rights are under threat – and concerning the precedents in organizations, have any rights been violated?

In 2004, there was new statute for civil servants. Main new reform concerned salaries and there was a 30% reduction for entry level posts.

Staff members who were going to be recruited went through. No one with a job already was affected, only new arrivals. The Union wanted to defend Staff Members already employed. New arrivals compared their colleagues and viewed them as people who had sacrificed them. The Commission came with proposals and they wanted to reduce salaries for people already employed.

Re Reforms to threaten functioning – there is a proposal for reforms in European institutions and they want reductions of 5-7%. State members want to reduce personnel by  $\frac{3}{4}$  to save 1 billion. The 5% requested would not allow the institutions to perform. Their response is that institutions are implementing 5% reduction policy.

Re the concern of staff reps that salaries would be pegged to a different type of index. The method is to be changed and will be CPH index, which is not advantageous.

Method of adjustment: The Council has to apply adjustments to salaries for international civil servants. Salaries should be raised. The Council refused. The Commission responded and took the Council to the EU court of justice and after a one year delay we got our due. One year later the same thing happened and we are waiting again for a new judgement from the Court of Justice. Council is refusing to play the game and the solution is to go to court of justice.

Cuts are made in leave and pensions, and to tie up with similarities in our organizations, we started negotiations re the establishment of working conditions. Suggestions from Member states that they want wish list for allowances, salaries, pensions, leave. The Staff committee was left in a dramatic situation. We have been offered remuneration that is lower than the minimum wage in Luxembourg. How can you hope to attract the best in a country that is expensive? What kind of lobbying do you do? We can mobilize people when we have the whole package. When it has to do with complex rights, we inform people as best we can. For lobbying we rely on the Council to get involved.

Bénédicte Balot – Court of Justice

Since I work at the Court of Justice, I have a correction: there will be a 5% cut in staff over a period of 5 years but the HR manager asked that it be turned down and it would only apply to judges. There will be a cut in staff levels. Our advantage is 4 weeks granted for a birth of twins/triplets.

Philippe Defert - CERN

In 2011 we organized a half day strike for 500 persons in the hall because of the deterioration of pensions rights for new people. However we had no problems and we met up in CERN and prevented



the board from holding their meeting. I think it has to be organized in a playful manner. On 15 October we will see all people from CERN. There will be public meetings and we will provide information on promotions, pension fund, deflation and impact on salaries etc. Generally 350-400 people attend, very often the same people.

Gianni Palmieri – Council of Europe

If the expat allowance drops, the EU will say it's been done in the coordinated organizations. We now want to reach out to people currently working.

The acquired rights system is important and has to do with the Contractual link and not a statutory right like the EU. What States can do is limited even if we have jurisprudence. You cannot take away benefits but can amend them for eligibility. Member States have a number of alternatives. They have always supported staff members up to now but have changed their position and we don't have their support. If we don't want to lose jobs we have to give up allowances and benefits which is a suicidal approach. A strike is organized, and also public meetings, but this requires a lot of work.

Catherine Boni-Brandt – Council of EU

I have a document signed by 10 member states. This document had been considered secret until there were leaks. I don't think they will achieve their goals. They want to increase the forecast about pensions from 1,235 million in 2010. This might hit us all since it is a request on the part of Member States for the future. Pension could be calculated on basis of career overall. Also for colleagues working for the organization e.g. after working for 10 years and having contributed, for next 25 years, the system applied would be an average of the time at work. This is what we call the accumulative rate. So a switch from 2% to 1.9% and it would go down to 1.5%.

Staff pension contribution – we are paying 1/3 and employer pays 2/3. 40-50 would be our contribution, which is in line with actual practise and trends in other relevant international organizations. Member States are saying this is what is happening in International organizations and international organizations are saying vice versa. Starting from age 40, 45 and 50 instead of age 30. No details provided. These are transitional measures. We will let you know next year. We have a long list and there will be a great impact on international institutions. We have always fought for our rights over the years and Member States know this, so there are two areas where Member States focus on. One is my organization and the other is the EC. Recently hired colleagues realize this also applies to newcomers and active staff members. It is clear that not everything will be implemented. We had accepted that 1 billion euros could be saved. Likely a strike will be organized in near future.

Philippe Moussay - BIPM

One reason for my presence is that our overall retirement and employment conditions will be reviewed in the near future and I am very fearful at what I have just heard.

François Picouleau – European Court of Auditors

We are not supported by MEPs but are still supported by European Parliament. Member states had not provided information on the salary scales of member states but nothing posted on diplomatic civil servants working abroad. (*Part of a letter from the European Parliament Chairman to the Danish Ambassador was read out*). Member states do not provide open information on civil servants working for foreign service. The foreign service finds it difficult to hire due to unattractive salary levels. We can provide copy of letter if you wish.



Christopher Land-Kazlauskas - ILO:

A point has been repeated: our national civil service having cuts. Based on:

1. Premise that we are not suffering. From the UN Common Service, there are cuts. The more precarious situations are people without salary and pensions due to cuts in posts.
2. We now have a never ending attack, e.g. a reduction of salaries in Bangkok up to 42% salaries frozen for the next 30 years.
3. In Rome there is a cut of 9.2% because they were forced to change comparators on Fleming principle
4. Impact on people on Technical cooperation and people moving from one post to another e.g. they will have to do job for half price in BKK.
5. They have frozen Post adjustment in NY which will have a knock on effect.

The premise that Unions and workforce in Member States are suffering silently is not true. It is daily in the press and states that the work cannot be delivered because cuts are too much. Not able to retain right people anymore because pay is too low. Future agenda item: we need to find a way to campaign better. To Communicate and formulate and get ideas. Better than striking.

Unknown:

Why is it that we don't succeed into mobilising people?

Philippe Defert – CERN

How do we motivate people? The strike is not an aim but an outcome. There are talks of pensions going to be cut. We prepared a table and compared all pension schemes of international organizations. And we demonstrated that CERN has the highest contribution and lowest profit level. For new entrants the situation is even worse. Our pension fund is worse than any others. It's a question of circulating the information and getting people involved. It is important not to show there is no point in feeling guilty.

Céline Fellag-Ariouet - BIPM

All the organization have to cope with similar issues and in many organizations staff recently realized that a number of benefits could be suddenly cut; what could be the strategy to avoid this, and how can we face together the coming difficulties?

Bernard Wacquez - AAPOCAD

We won't have time to answer this question. Perhaps we can use the forum. The forum should be a follow up to this conference.

Marie-Thérèse Conilh de Beyssac - FICSA

I wanted to sum up that we have to know our Rights and the rights of everyone; there should be a co-ordination and we should be proactive and through the forum we should find some information. Within the international organizations, there used to be an induction seminar for work showing the mandate of the organizations, rules and regulations and allowances and there was an HR manual, you could always get in touch with HR. Now there is ignorance and this is useful for Admin trying not to educate staff.



Rick Cottam - ICTY

I wanted to give some ideas. I think it is common for staff representatives and union officials of international organizations who are doing valuable work but often working with little previous expertise in Trade Unions. It is easy that if the employer says something, the more likely you will believe them.

Because of the financial crisis, there has been a mantra from governments on austerity, cuts, etc and we are furthering it by agreeing with it. Today the U.S. job stats have come out for the first time in Obama's term. Unemployment has dropped to 7%, which is significant.

The interpretation of where we are needs expertise sourced from outside or by experts in those areas of, for example, economics. We should work more politically than in a staff union role.

One example is the proposal which has been on the books since 1980 for an end of service grant for General Service staff when their posts are abolished, i.e. a redundancy payment would be given. This was debated for years. When it came up the last time, we commissioned a labour research department in the UK to do a comparative analysis of the national civil service of redundancy payments from EU countries plus countries worldwide. The results of the expert report were that some member states were paying generous redundancy. The report was presented to the ICSC. One country representative stated the amounts they were paying were incorrect. However, it was absolutely correct. That document was a turnaround in the proposal and the ICSC had to accept it. The Member States deferred it to 2016 as they had no other movement and we had a document beyond any debate, it was absolute fact.

To Summarize: We should coordinate more in this forum and with the federations in existence. We should commission external expertise. We should have training to staff representatives in a variant of political lobbying. Using people who have that ability and then go and pitch an idea or defend a challenge. We should use the forum to look at things that are coming on the horizon. And prepare for it and be strategic. These are fundamental things that could have a change.

We should have training, opportunities and coordinated responses.

Bernard Wacquez- AAPOCAD

Thanked the participants and stated his conclusion that from family allowance you could move to wide ranging debates but it is the objectives that matter.

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Anya Demarle - OECD

Thanks to participants and organizers and thanked for fruitful discussions.

She requested that they be made aware of any new organizations so that they can be approached.

Hélène Quiniou – ICTY thanked everyone for assistance and for coming.

The conference closed at 16.50.