

A LETTER FROM THE PRESIDENT

UNITED NATIONS STAFF UNION

Dear Colleagues,

The General Assembly has set out the principles concerning human resources management and the role of the Office of Human Resources Management (OHRM) of the Secretariat in sections I and II of resolution 53/221, which it has reaffirmed in subsequent resolutions on human resources management. The General Assembly decided that the OHRM shall remain the central authority for the interpretation and enforcement of the Staff Regulations and Rules, and for the monitoring and approval of the recruitment and placement of staff, without prejudice to the provisions of chapter XII of the Staff Regulations.

Nonetheless, the electronic monitoring of staff is about to be implemented in the Department for General Assembly and Conference Management (DGACM). This new scheme will undoubtedly be extended to the entire Secretariat.

The potential for electronic monitoring of staff has existed since the introduction of the electronic grounds pass. The latest sign-in/sign-out scheme suggests that (a) the staff are not being monitored enough; (b) DGACM mistrusts its staff so much that it would rather brand them in one form or another to assure that the staff are responsible; (c) DGACM is not appreciative of the long hours that the staff regularly put in to make the Secretariat function, as it is often required; and (d) DGACM is insensitive to the staff's psychological feeling of indignity that the electronic monitoring engenders.

DGACM has sought to sweeten the pie by proposing that electronic monitoring will be offset by working from home on some weekdays. But that is a policy that already exists but which has not been implemented largely because of mistrust that the staff would not really work at home without supervision. It is curious that even

as the Administration would like to electronically monitor the staff at the Secretariat premises, it will let them work at home, unfettered.

Rather, this overture suggests experimentation with the outsourcing of functions. If a staff member can effectively work at home, then such functions can be performed at any location in the world at a minimal cost.

The disruptions and changes attendant to the Capital Master Plan (CMP) are likely to spur old desires to outsource certain functions or to lead to discoveries of opportunities for cost-saving, convenience and verification of the practicality of programmes. Such discoveries will catch some staff unawares when it is determined that their functions are no longer needed.

These imminent and other changes in the conditions of service are happening in the context of a new system of administration of justice whereby the representation of staff before the United Nations Dispute Tribunal and the United Nations Appeals Tribunal is hamstrung by a lack of independent staff defenders.

The Office of Staff Legal Assistance (OSLA) is undermanned just as the Panel of Counsel it replaced. The expectation is that staff legal assistance should be provided for and/or funded from sources other than the United Nations. The Secretary-General has issued [a draft bulletin that will promulgate the incentives to enable and encourage staff volunteers to assist the OSLA](#).

The draft bulletin turns the concept of an independent system of administration of justice on its head. The Secretary-General is abetting the revival of the old system which was discredited by the Redesign Panel on the United Nations system of administration of justice in paragraphs 63-64; 100-106 and footnote 24 of its report A/61/205.

As the Redesign Panel aptly noted, legal assistance to the management of the Organization is undertaken not by volunteers without legal training, but by a cadre of professional lawyers. Pitting volunteer staff members against the Secretary-General's professional lawyers perpetuates the egregious inequality of arms in the new internal justice system that existed in the old system.

The unwillingness to fund the staff's legal representation is not about cost; it is to render it weak. As noted by the Redesign Panel, while the use of volunteer staff members generates the illusion that they involve little cost, the truth is the exact opposite. Volunteers will still be drawn away from their occupational functions at a cost that might not spur supervisors to release their staff for the voluntary service.

The new system of administration of justice is at a crucial formative and precedent-setting period. The reasoning and judgments during the first two years of the new Tribunals will have far-reaching consequences for many years to come. It would be a good investment for the Staff Union to hire independent professional defenders to represent the staff before the Tribunals to ensure that we get off to a good start.

The President has proposed to the Staff Council to hire two independent staff legal defenders during this critical precedent-setting period. The staff defenders will be appointed by the Staff Council from a list of candidates vetted by the Internal Justice Council in a similar process employed in the appointment of the Tribunal judges. This approach will ensure transparency and enhance objectivity by requesting an independent professional group to recommend a well-considered shortlist of candidates from both inside and outside the United Nations for final decision by the Staff Council.

The Staff Council, on the other hand, wishes to establish its own working group and a selection committee, memberships of which will be

selected from amongst the Council members, to draw the terms of reference, draft a vacancy announcement and interview/recommend suitable candidates for a decision by the Staff Council. Yet, the Staff Council lacks the legal expertise befitting of the process. We have already lost nine months of non-action. It is inopportune, now, to dilly dally in the hiring of staff defenders.

These imminent changes in the conditions of service and the hiring of staff legal defenders require collective deliberation and action by the staff. It is in this regard that the President of the Staff Union would like to call for an Emergency General Meeting of the staff in April 2010 for them to hash over and take necessary actions. Our last attempt to have an Emergency General Meeting on 18 February 2009 was not successful as it was aspersed by some staff representatives who discouraged the staff to attend even as they (the very staff representatives) attended. We have prepared a draft resolution for the staff's review, consideration and adoption. The President will provide, at a later date, an update on the date, time and venue of the proposed Emergency General Meeting this coming April.

In the meantime, we advise our colleagues in the DGACM **to not comply** with the sign-in/sign-out scheme until an administrative instruction to that effect has been drafted, reviewed and issued in accordance with established practice.

Warm regards,



Stephen Kisambira
President, United Nations Staff Union

§§§