



UNITED NATIONS STAFF UNION
SYNDICAT DU PERSONNEL DE L'ORGANISATION DES NATIONS UNIES
45th STAFF COUNCIL/ 45^{ème} CONSEIL DU PERSONNEL

Resolution/Résolution

Resolution No.:15

Meeting No.: 18

Date: 7 September 2017

**In support of Staff Representative Kenneth Rosario of the
Department of Safety and Security**

The Staff Council

Bearing in mind the aims and objectives contained in the Staff Union's Statute, namely, "to contribute to the promotion of the objectives of the Charter of the United Nations, in particular, by the efficient discharge of functions assigned to the Secretariat" and "to promote and safeguard the rights, interests and welfare of all members of staff of the United Nations assigned to the Secretariat";

Reaffirming its commitment to promoting the adherence to the Rules, Regulations and administrative issuances of the Organization, the enjoyment of the rights and compliance with the obligations contained therein;

Recalling in particular the standards of conduct for the international civil service reflected in Regulation 1.2 on the Basic rights and obligations of staff, which states, under Core Values that "staff members shall uphold the highest standards of efficiency, competence and integrity", adding that "the concept of integrity includes but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status" and also under General Rights and Obligations that "...the Secretary General shall seek to ensure, having regard to the circumstances, that all necessary safety and security arrangements are made for staff carrying out the responsibilities entrusted to them";

Recalling furthermore that in Rule 1.2 on Basic Rights and Obligations of Staff, under General, it is established that "staff members have the duty to report any breach of the Organization's regulations and rules to the officials whose responsibility is to take appropriate action and to cooperate with duly authorized audits and investigations" and that "Staff members shall not be retaliated against for complying with these duties";

Recalling also that under Specific instances of prohibited conduct, the Rules establish that staff members shall not "threaten, intimidate or otherwise engage in any conduct intended, directly or indirectly, to interfere with the ability of other staff members to discharge their official functions" and that "Staff members shall not threaten, retaliate or attempt to retaliate against such individuals or against staff members exercising their rights and duties under the present Rules";

Bearing particularly in mind the right to freedom of association recognized in Article VIII, Staff Relations of the UN Regulations and Chapter VIII Staff Relations of the Rules, and specifically letter (e) of Rule 8.1 which establishes that “No staff member shall threaten, retaliate against or attempt to retaliate against a staff representative exercising his or her functions under the present chapter”;

Recalling finally Secretary General’s Bulletins ST/SGB/2017/2 on Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations; ST/SGB/2008/5 on Prohibition of discrimination, harassment, including sexual harassment and abuse of authority; Administrative Instructions ST/AI/371/Amend. 1 on Revised disciplinary measures and procedures and ST/AI/293 on Facilities to be provided to staff representatives;

The Staff Council;

Expresses its grave concern for the situation of staff member and staff representative Mr. Kenneth Rosario, Security Analyst with the Department of Safety and Security -a staff member with an impeccable record of performance and dedication for 29 years- who has been subjected to retaliation, harassment and abuse of authority for his complying with the Rules and Regulations in connection with the fulfilment of his duties to protect staff members’ safety and security, to report the breach in the rules and regulations providing therefor and to deliver in his capacity as staff representative and as Security Advisor to the Coordinating Council of International Staff Unions and Associations;

Further expresses its grave concern and alarm at the various forms of retaliation and prohibited conduct being suffered by Mr. Rosario for complying with his obligations under the United Nations rule of law, including his being subjected to defamatory comments by the USG of Safety and Security and intentionally prevented from fulfilling his duties as staff representative under the legal framework of freedom of association referred to above, and in a position that is protected as defined in Article VIII. Mr. Rosario was exposed to unfounded and biased public comments unfairly and intentionally attributing to him responsibility for third parties' actions and depriving him of any possibility of defense, due process or right to a fact -finding exercise as provided for in ST/AI/371/Amend. 1, which clearly demonstrates the total absence of any wrongdoing on his part;

Respectfully draws the Secretary General’s attention to the issues raised by Mr. Rosario, which deserve careful consideration and a thorough investigation under the current rules, regulations and administrative issuances, as they involve matters relating to staff’s safety and security and which have been raised by Mr. Rosario through the established channels, including DSS senior officials, OIOS and the Ethics Office. Due to the sensitive nature of these matters and the fact that they are subject of proceedings initiated by Mr. Rosario, it is not the place of the Union to enter further into them in this Resolution;

Also respectfully request the Secretary General to instruct Management officials of the organization's policy of zero tolerance for acts of retaliation against staff members while serving in their official functions and reporting wrongdoing. The scope and remedial actions in connection with prohibited conduct and retaliation are clearly defined and at no time are to be ignored or dismissed as was intentionally done in this particular case of retaliation.

In view of the above, the Staff Council decides to:

1. Request the President of the Union to address the issues described in this Resolution with the Secretary General or with whom he may designate, so as to:
 - 1.1 initiate an investigation according to the standards set in the regulations, rules and administrative issuances, on the facts reported by Mr. Rosario and on the retaliation and harassment of which he is a victim, as an additional measure to the proceedings already initiated by the staff member before the Ethics Office and the Office of Internal Oversight Services;
 - 1.2 put an end to the defamation and unsubstantiated accusations against Mr. Rosario by means of a written statement clearing him of any wrongdoing;
 - 1.3 re-activate the Standing committee on safety and security in the framework of the Staff Management Committee, which has a distinct and separate function from that of the IASMN and which was established in order to approach safety and security issues from the privative competences of the SMC dealing with staff welfare, including conditions of work, general conditions of life and other human resources policies.
 - 1.4 hasten the issuance of the new policy on investigations and disciplinary matters that introduces new standards of investigations, due process and privacy rights along the lines requested by the General Assembly and was endorsed by SMC in 2016 and already cleared by the Office of Legal Affairs.
2. Make this Resolution available to staff at large and to CCISUA and Unions and Associations members thereof.

Adopted	YES
For	8
Against	0
Abstention	0