47th Staff Council Meeting Minutes

The meeting was quorate at 13:35 PM EDT with 25 Units present. The meeting was recorded. Staff Council Chair Mr. Sebastian Cervantes chaired the meeting and Secretary Ms. Kathryn Kuchenbrod took notes. All members of the leadership were present.

1. Adoption of Agenda

The agenda was adopted, with the discussion of the resolutions on COVID-19 moved to item 2 and discussion of the Arbitration Committee moved to item 3.nc

2. Resolution on COVID-19

The discussion was carried over from the special meeting of 7 September on the resolution on “COVID-19 pandemic and occupational health and safety issues for United Nations Secretariat personnel in New York”

Mr. Stephane Jean (Unit 11) noted that 30 August policy guidance stated that vaccination is not mandated except in certain circumstances. From a policy, legal and medical perspective, we need to determine whether there can be a mandate, whether it should apply to some or all staff members, what kind of exemptions are made and what kind of reasonable accommodation can be made. In the United States and Canada the approach of requiring vaccination has been based on medical data and the risk of spreading the virus, but that is in conflict with international law. We should represent constituents’ wishes, rather than our personal views. An approach could be to support a mandate in order for staff to access buildings, with others to continue to work from home for a certain period of time, for example.

Mr. Ken Rosario (Unit 15) The World Health Organization (WHO) has not mandated vaccination on its premises and encourages voluntary over mandatory vaccination. He would like to hear why WHO has taken that position. The Secretary-General seems to cherry-pick information. The Permanent Mission of the United States has asked the UN to discourage Member States from coming for the General Assembly, but there are still 40
delegations coming, whose vaccination status is unknown, as though it were business as usual.

Ms. Simona Maria Chinea (Unit 23) has stated that there is confusion because only some staff members are being required to be vaccinated, but the Administration claims to be protecting all staff. Ms. Chindea also stated that the effectiveness of the vaccine is not known. We have only the Headquarters in New York mandating the vaccination, not other duty stations. One staff member she knows says she was threatened with having to move jobs or resign. She emphasized that there are issues with current vaccines. We have to get answers from WHO.

Mr. Patel Noble (Unit 13) stated that we aren’t qualified to speak on medical issues. Both vaccinated and unvaccinated can be infected with the virus. If both categories are affected by vaccine. We should hear from staff on their views. We need to know what the legal grounds are of a vaccination mandate. For some staff members the question is pressing because they are facing a deadline. Do staff members have and legal right to refuse and are we obligated to provide representation of those who are against the mandate?

Ms. Sophia Kuylle (Unit 8) noted that we are talking about human rights, but there is no consensus. There can’t be a mandate because several European States don’t have such a mandate, and the positive effects of the vaccination are diminishing. We need to be practical and address the rights of both the vaccinated and unvaccinated. Perhaps we can ask Medical Services to make a determination about the level of vaccination across Headquarters. We need to have Medical Services on the front lines. It’s personal decision on whether to get the vaccination or not. We need the Administration to be clearer.

Mr. Aitor Arauz (President) asked the Council to focus on the resolution rather than on questions of the legality and effectiveness of vaccination. The Leadership does not intend to take a position on those points. If the Staff Council wants to vote on support or opposition to the mandate, it can make the resolution about that. Or the resolution can focus on clarification for staff and support for those who are facing repercussions for not complying with the mandate.

Mr. Predrag Vasic (Unit 25) stated that we should base our actions on factual information, not disinformation. We need to be careful where to source our information.

Ms. Kathryn Kuchenbrod (Unit 30) asked whether we know the position of the Office of Staff Legal Affairs (OSLA) or the rest of the internal justice system. Mr. Arauz replied that to date no staff member has challenged the mandate, and so the position of the internal justice system is unknown.
Mr. Jean stated that we should keep paragraph 8 about alternatives to the vaccination because it is the proximate problem with which we are dealing with. The mandate is not going anywhere, and at the moment we have a partial mandate. We need more information from a medical and legal perspective. He requests a study based on international standards.

Mr. Sebastian Cervantes (Chair) called to postpone discussion in the resolution and proceed with the other agenda items. Ms. Meriam Gueziel (Unit 24) stated that the resolution was important to staff and time was short, so discussion should continue. We don’t have the medical expertise to waste time discussing related issues, so it is inappropriate to focus on the resolution.

Ms. Shirley Abraham (Unit 17) asked why the last three paragraphs would be included. Why include reference to include Leadership’s presence at the Occupational Safety and Health (OSH) committee?

Mr. Jean stated that we need to have an informed approach, so we should make reference to a study in the resolution.

Mr. Arauz stated that we can have a survey, but information from the Division of Healthcare Management and Occupational Safety and Health (DHMOSH) is sufficient to understand the staff’s position regarding vaccination. Regarding paragraph 9, it would be confusing and counterproductive to say too much regarding alternate working arrangements in this resolution.

Mr. Rosario asked whether management consulted with the Leadership before the mandate. Mr. Arauz stated that they did not. Mr. Rosario stated that the Administration was in violation of the rules regarding staff consultation. Mr. Jean stated that the Union should have the opportunity to review plans before they are promulgated. It was agreed to include a paragraph that reminded the Administration of the need to consult staff, as it will provide a legal basis at the tribunal.

Mr. Maurizio Giuliano (Unit 20) stated that there is a lack of clarity regarding working away from the duty station. He suggested that paragraph 9 include language about the reintroduction of alternate working arrangements away from the duty station and flexible working arrangements related to COVID-19, which were both discontinued.

Mr. Noble stated that it was important to include language about religious exemption. He and colleagues wrote a letter to his Chief asking for an extension to the deadline regarding the mandate. He would like to add this information to paragraph 12.

Ms. Chindea introduced a paragraph asking that any deadline be extended until we have results of the studies from the OSH committee.
Mr. Arauz doesn’t believe we can go further on the loss of entitlements, and it’s unlikely that we can make an argument of extensions (paragraph 9). We should include language about exemptions owing to religious beliefs but remove medical reasons because those are already accounted for in the policy. He would add that the issue should be brought to the Joint Negotiation Committee (JNC). He further recommended removing paragraphs 10 and 11 as they could be counterproductive, as the OSH committee will not discuss the issues with the Staff Council. Ms. Gueziel proposed keeping the two paragraphs. Mr. Arauz stated that OSH is not consultative, and it is not a good idea to put in writing something that would undermine the Staff Union President at the OSH committee. There are other venues for consultations.

Mr. Egor Ovcharenko (Unit 28) stated that language should be included that supports the Union’s participation in different levels of consultation and should include a reference to ST/SGB/274.

Mr. Rosario stated that the use of the word “philosophical”, as it is not recognized in the way that “religious” is. It could cause all kinds of problems and essentially make the point meaningless.

Ms. Abraham believes that paragraph 10 should be deleted. The paragraph was amended to say that the OSH committee is a not a staff management consultation body per article 8 in chapter 8 of the Staff Regulations and Rules.

Ms Chindea proposed adding a paragraph asking the Administration to suspend the vaccination pending a study on its effectiveness. Mr. Jean stated that in paragraph 8 we should use the term “reasonable accommodation”, as that is the term used in the Host Country and in Canada and are legally sound. He also suggested that in paragraph 11 should include a statement regarding future plans, with the intention of making sure that staff are included in future discussions.

There was a seconded objection in the Teams chat regarding the proposed addition of the paragraph regarding a study of the effectiveness of the vaccination. Ms. Gueziel stated that a vote would be necessary to remove the paragraph. The paragraph was changed to read so there was no need for a vote.

Mr. Arauz stated that examples of reasonable accommodation (masking, regular testing, etc.) should be included but telecommuting should not because it might lead to abuse by those who claim religious exemption but in fact just prefer to work from home. It undermines those who have a legitimate exception. Regarding the addition of the proposed additional paragraph, it should not be a rehash of arguments for or against the vaccination but rather ask for an extension of the deadline pending consultation.

Both Mr. Gueziel and Mr. Noble noted that the use of the word “religious” is not inclusive. Mr. Jean stated that the question could be avoided if the focus is on reasonable
accommodation for whoever doesn’t want to take the vaccine rather than the validity of the vaccine. Mr. Rosario warned against using “deeply held beliefs” because it would not stand up to legal challenge. We need to be consistent with the Host Country. Mr. Jean stated that the language about beliefs is gone and that the focus should be on reasonable accommodations. There was further discussion about whether the paragraph should include language related to religious beliefs or medical reasons. It was agreed that the term “medical condition” be included, although it is already in guidance by the Administration.

The resolution was passed unanimously with 23 votes in favour.

*Adjourned at 15:24.*