

UNITED NATIONS STAFF UNION
SYNDICAT DU PERSONNEL DE L'ORGANISATION DES NATIONS UNIES**45th STAFF COUNCIL/45ème CONSEIL DU PERSONNEL****Minutes/Actes**

Meeting No: 45/64
Date: 11 October 2018
Time: 13:15
Venue: Room 9
Quorum: 18/27 Units

45th Staff Council Meeting Minutes

The meeting was quorate at 1:25 pm. Staff Council Chair Camille McKenzie chaired and Mériem Harbi (Unit 28) took notes. The meeting was recorded and a copy deposited with the UNSU Administrator. Units present were: 3, 6, 8, 10, 13, 14, 17, 19, 20, 22, 23, 24, 25, 28, 31, 37, 38, 39.

1. Adoption of the agenda

The agenda was adopted with no changes.

2. Adoption of minutes

Minutes of meeting 61, 62 and 63 remained pending.

3. Executive Board report, President's report and summary of communications

The Executive Board had not met on Monday.

Regarding the summary of communication:

- *Point 6 (Working Group reviewing proposals on 2008/5 for complaints of sexual harassment)*

Kenneth Rosario (Unit 39) enquired about the status of his request to Ms. Khan to ask if the USG for DM, head of the taskforce against harassment, was under investigation, following several news reports alleging she harassed whistleblowers on sexual harassment. Ms. Khan stated that she could not meet with the USG, who was away at the time of the CEB meeting. Mr. Rosario subsequently suggested the question be put to the Office of the Secretary General. Ms. Khan agreed to the suggestion.

- *Points 7 and 8*

Michelle Rockcliffe (Unit 6) asked why the 1st Vice-President, Ms. Nemeth, was not involved in the discussions in her capacity as member of a working group in charge of examining G to P issues, and expressed concern about the lack of coordination on the matter and the risk that years of work may be lost if the Union did not speak in

one voice in the appropriate forums. Ms. Nemeth stated that she was meeting Mr. Njuhigo to ensure the position of the Union is clearly stated.

Andraž Melanšek (Unit 17) asked about the outcome of the meeting between the President and the SG, noting that that type of interaction needed to be substantive and was the occasion to raise policy issues of concern to all staff. Ms. Khan stated that the invitation extended to her was a mere courtesy, as the meeting was exclusively dedicated to the situation in Nairobi but that she seized the opportunity to touch upon the perennial lack of transparency surrounding restructuring as per the broadcast she sent to the staff members. Mr. Melanšek and François Charlier (Unit 3) both conveyed the confusion and worry that the broadcast caused staff. Mr. Melanšek, in particular, wanted it placed on record that the Council was not consulted before the broadcast was issued and he objected, in his capacity as representative of unit 17, to the manner the communication was conducted on this issue. Ms. Khan retorted that she was within her prerogatives to address the staff and that there was no confusion. Mr. Charlier reiterated that the Union was in need of a clear communication strategy, and put a motion to that effect to the Council. To the question about the difference between a broadcast coming from leadership as opposed to the Council as a whole, Mr. Charlier replied that any communication from the Union, regardless of who signs the message, was perceived as coming from the Staff Union. He stressed the importance for any substantive message to be the result of consultations and approval by the Council. Several Council members agreed.

During the discussion, several issues were raised. The practical difficulties of running any communication by 50 Council members was pointed out and the importance of consulting the Council members as matter of credibility and individual accountability before their respective constituents was stressed. It was also remarked that consulting representatives of the concerned department before particular broadcasts were sent was of particular importance. The necessity of having the broadcast edited by a native English speaker was also expressed.

It was suggested that like-minded staff members meet to devise a set of guidelines for the Union's communications and discuss the outcome in the following meeting of the Council as a separate agenda item.

The motion regarding the communication strategy was passed.

The item would be discussed at a later meeting of the Council.

4. Retaliation against a staff rep/no contract renewal

The Staff Member's name and the details of their employment have been withheld and edited for confidentiality.

The Staff Member presented the situation in their current office in detail (Council members are invited to read the emails the Staff Member sent prior to the Council meeting).

It appeared that subsequent to their asking the Executive Office for the staffing tables in their capacity as Staff Representative, they were informed that their contract was not being renewed, and no answers as to the reason

were provided despite their numerous enquiries. The Staff Member also explained that the vacancy they were applying for before their current contract expired had been withdrawn and that their interview was cancelled.

The Staff Member pointed out several inconsistencies in the way their employment status was handled by their supervisors since the very beginning and mentioned their exclusion from a training which all their colleagues were invited to attend. The Staff Member expressed a great deal of distress at the urgency of the situation. The Staff Member stated that they sought and were given legal advice from the Union's lawyer and are set to meet their USG as soon as he returned to UNHQ.

Opinions varied regarding the Staff Member's avenues for recourse on whether they should take the legal action route or meet the USG, due to the fact that the treatment they were subjected to was to be considered as a breach of the statutory staff representative protections. The staff members who spoke on the issue agreed, however, on the existence of a clear pattern of harassment against the Staff Member. The intervening Council members agreed that the Staff Member should indeed meet with their USG as soon as possible, accompanied by the Union Leadership.

Most of those who spoke energetically supported a clear case of retaliation against whistleblowers and staff representatives in breach of the protection offered to them by the Staff Rules and the code of conduct. The Council members who took the floor and the affected Staff Member called on the Leadership to defend them on behalf of the Union.

The President was specifically questioned on her silence and inaction on the issue. Ms. Khan rebuffed the characterization, stating that help had been provided behind the scenes including through the services of the lawyer. She deplored that the Council was not responsive to the Staff Member's appeal.

Ms. Khan pointed out that the First Vice-President was most suited to deal with issue by virtue of her membership in the Task Force on Whistleblowers' Protection, and considered the whole thing a misunderstanding. She deemed her handling of the situation to be proper.

The President was reminded that she was a Council member and that she couldn't shake her responsibility by claiming an independent status as President. She was also reminded that she is a member of the Working Group on Abuse of Authority, which is also relevant to the case. She was clearly asked to act, and to use her position and privileged channels of communication to denounce the situation.

Staff representatives stressed that such a blatant violation of the rules, which is not a first against a member of the Council, required a loud and concerted action from the entire Union, spearheaded by the Leadership, namely the President.

However, some Council members questioned the validity of the Staff Member's arguments, from an administrative point of view, and cautioned against rushing to the Administration with a baseless case. The merits of the Staff Member's case were debated at length, as well as the validity of their holding a Staff Representative mandate for contractual reasons. Again, it was pointed out that staff representatives were constantly retaliated

against because of their Union activities and that that solely should constitute the base for an action from the Council.

During the debate, the Second Vice-President expressed doubts as the retaliatory nature of the actions taken against the Staff Member. She demanded the Council be consistent in its support of the President by not disavowing her when it was convenient and then asking her for help. Her statement was rejected, the President's choice not to act on this issue was equated to all her previous unilateral actions. The Council was reminded of the recent the case of a Staff Member who contacted the leadership for help on a serious legal issue only to be sent to their unit representative, who in turn sought the assistance of the Second Vice-President. The Vice-President was also reminded of the political cost of her position for this term, and in the case of her potential running for re-election.

Ms. Khan reaffirmed her unwavering and longstanding commitment to defend staff rights, and attributed her silence to the Council's constant opposition to her. She invited the Staff Member to discuss their case with her in the Staff Union office, and stated that she could not, however, face wild accusation and be expected to engage with the Staff Member. The Staff Member denied ever accusing Ms. Khan and asked again the Staff Union for their help.

Ms. Rockcliffe tabled a motion:

that an appointment be made with the Secretary General without delay, to be attended by all the available staff representatives to discuss abuse of authority and retaliation against staff representatives and staff in general.

The motion was adopted.

Ms. Khan deemed the motion not to include herself and asked the Staff Member to choose which way she wanted to go. The Staff Member asked again for the whole Council, inclusive of the President, to represent them before the Secretary General. Ms. Khan was accused of backpedalling and using false pretences not to be at the meeting. Ms. Silva expressed her fear of ridicule for presenting an unsubstantiated case at such a high level.

After adoption of the motion, the meeting adjourned at 2:32 pm.