47th Staff Council Meeting Minutes

The meeting was quorate at 13:19 EDT with 20 Units present. The meeting was recorded. Staff Council Chair Mr. Patel Noble chaired the meeting and Secretary Ms. Kathryn Kuchenbrod took notes. All members of the Leadership were present.

1. Adoption of Agenda

Ms. Barbara Tavora Jainchill (Unit 25) asked whether we had more information about the invitation to Ms. Alicia Lovell-Squires, former member of the Arbitration Committee. Mr. Patel Noble (Unit 13, Chair) stated that there was no new information. The agenda was adopted.

2 Resolution on “Establishment of the Legal Assistance Committee”

Mr. Ken Rosario (Unit 15) states that members of the Legal Assistance Committee should have knowledge of the legal apparatus of the Organization. There was also discussion about the need for the Committee to be able to consult a trained investigator or legal expert, as needed. Mr. Rosario offered his help as a certified investigator and Mr. Stephane Jean (Unit 11) said that he would be able to offer backup legal advice to the Committee.

The resolution was adopted unanimously, with 19 YES.

3 Adoption of Minutes

Adoption of the minutes for meeting 47/8 was deferred until next week.

4 Reports by Units

Mr. Rosario stated that regarding letter sent to Under-Secretary-General and staff regarding COVID-19 during the General Assembly, the Union needed to have a consensus on the subject. Mr. Aitor Arauz (President) stated that the Leadership has requested a Joint Negotiation Committee (JNC) but has not received a reply.
Ms. Gabriela Conti (Unit 7) reported that a staff member has been talking to management in private and was told that they would not allow a Staff Representative to be present. The President stated that a staff member, whatever the issue, with the exception of a performance rebuttal, is always allowed to have a Staff Representative present. If the manager refuses the request, he or she needs to put it in writing, and the staff member should bring it to Leadership. Mr. Rosario stated that the staff member has a right to take this issue to the head of the Department and suggested copying the Assistant-Secretary-General and attaching a copy of ST/SGB/274. He further stated that the affected staff member should not meet with the Director until the issue is resolved. Ms. Tavora Jainchill stated that it was harassment and prohibited conduct to require a staff member to meet without a Staff Representative present. The result would be escalation up to the highest levels.

Ms. Simona Chindea (Unit 23) asked about the case of staff members in unrepresented units. The President stated that first they would work with other Staff Representatives in the same department or, if there were none, the Leadership would take up the issue.

5 President’s report

The President reported that the parental leave meeting with the International Civil Service Commission (ICSC) has been frustrating. Although a detailed report has been sent and the federation has been clear, the management continue to debate, making presentations that amount to a rehash of what is in the report. One difficulty is that the Secretariat’s human resources data is hard to get hold of. Hard information on how much it will cost is not available because of decentralization. Individual departments may or may not reply when asked, so there is nothing the Office of Human Resources can do in terms of reporting figures. It is left to the federations to put pressure on departments. All the information is in Umoja, and it should be a simple matter to extract the reports. Mr. Francisco Brito (First Vice President) stated that within the management reform, a new division was created, called Business Transformation and Accountability Division, which should be the one providing the necessary data.

6 Executive Board report

No comments.

7 Finances

Ms. Meriam Gueziel (Unit 24, Treasurer) stated that the Zoom account was updated to cancel the unused webinar feature. Once computer issues are handled, she will give monthly financial reports.
There were four late MetLaw applications. The company agreed to open a window of two days for those applications to be submitted.

A check for $7,000 was withdrawn for the Relief Fund for Saint Vincent and Grenadines. There was a problem setting up the account link, but it has been resolved.

Regarding the Relief Committee for Haiti, there was a technical problem with the account, but that has been resolved, and people have started to donate.

Ms. Kathryn Kuchenbrod (Unit 30, Secretary) gave an update on obtaining a quote from the audit company for the finances for the last three months (1 May through 31 July 2021) of the 46th Council.

Ms. Ellen Alradi (Unit 10) suggested that the Council come up more ways to recruit dues-paying members. Ms. Gueziel stated that we should have a membership committee. Mr. Jean raised the issue of changing the contribution system from opt in to opt out. Mr. Gueziel stated that there has been a lot of resistance to this change by staff over the years. Mr. Jean suggested trying to change the approach again. Mr. Rosario stated that legal assistance should be available only to dues-paying members.

8 COVID-19 Special Leave Without Pay

Mr. Patrick Caffrey (Unit 31) and Mr. Michael Gamage (Unit 31) reported that the staff members they represent are considered necessary staff and are mandated to be vaccinated, but some staff members object. They were told this week that if they were not vaccinated, they would be put on special leave without pay (SLWP) as of 4 October. Managers have been asking staff members about their vaccination status, which is a violation of privacy rules. They asked what can be done to help staff members.

Mr. Rosario stated that before the JNC the Council should draft a letter to Secretary-General regarding punitive measures. SLWP is a disciplinary measure and is being used in this case without due process. This would be a good case for suspension of action at the Dispute Tribunal. He also suggested drafting a letter to all staff regarding fairness, transparency and due process.

Mr. Jean recommended that those affected staff members should go to the Office of Staff Legal Assistance (OSLA). Regarding the mandate, he stated that the approach the Organization is not consistent with the approach taken by the Host Country (mandatory vaccination, with limited exceptions, for all Federal employees and private employers with more than 100 employees, with the option of weekly testing). Adopting such an approach would decrease risk of transmission and would provide reasonable accommodation.
Mr. Sherif Mohamed (Unit 30) stressed that we need immediate action to help the affected staff members. He suggested going to the USG immediately, stating the next step would be to go to the Management Evaluation Unit (MEU).

Ms. Conti stated we should keep in mind that the majority of staff support vaccination but that our concern is the lack of due process. Ms. Chindea suggested that the affected staff members should ask for religious exemptions. She stressed the need for informed consent.

Mr. Predrag Savic stated that the vaccination requirement is not without precedence, and there are rules in place for staff at duty stations where vaccinations are required. He also expressed a concern that there is no way to control exemptions to the mandate, which can work only if it can be enforced effectively.

Mr. Caffrey stated that the Executive Office (EO) reached out to the affected staff members, and expressed concern that the EO knew about their status. He also asked about the situation in which a staff member had had only one dose of the vaccination only a few days before the deadline they were given. What would be cut-off date for the Organization to take action?

Ms. Gueziel stated that urgent action should be taken. Several things need to be done. The staff member needs to contact OSLA and MEU, and the Leadership should work with the Staff Representatives. A paper trail is needed.

Ms. Tavora Jainchill stated that all staff members’ rights need to be respected, including the majority who are vaccinated, as everyone wants to feel safe. She stated that staff members who were only partially vaccinated should approach their managers and ask for their patience as they wait for the time when they have had their second dose. We should take the lead of Host Country, where there is mandate.

Mr. Rosario stated that, with regard to the Host Country, which requested that the United Nations not have a large event at the General Assembly, the United Nations did it anyway. He stated that staff members have not violated staff regulations and there are no legal grounds to punish staff with SLWP without due process. He noted that the Organization to date has not provided any legal basis for how they have arrived at the actions they are taking. He questioned how one department could go ahead with punitive action without a clear position of the Organization, and taking the case to OSLA would drag out the process. He suggested that the Staff Union’s legal adviser, Mr. George Irving, prepare a letter. Ms. Gueziel stated that we have to go through OSLA first and, given the urgency of the case, they may be prepared to help. Ms. Chindea stated that a mandate is not a law. Mr. Jean recommended that Mr. Caffrey and Mr. Gamage immediately apply to OSLA on their website and follow up with a call.

The President stated that the United Nations has its own legal basis, which is not the same as that of the United States. We need ask on what basis a vaccination can be required
and in which case can employment be terminated or punitive measures taken. The current situation is that we have a vaccination mandate, and we shouldn’t debate whether people need to be vaccinated or not. Given that 80% of the staff support vaccination, the Union would have to come out in favour of it, regardless of whether some staff do not, but those staff members who choose not to adhere to the mandate also have rights. We support a mandate that respects people’s rights and provides reasonable alternatives to keep everyone safe. The UN’s is the only mandate that doesn’t have exemptions or alternatives, such as weekly testing. Managers all agree that testing is the best option, except Medical Services. We need to make a testing alternative viable. The problem now is that the Office of Human Resources has not given clear guidance, and department heads are going their own way, some choosing not to impose any punitive measures, while one has. The choice of imposing SLWP is extreme. The Staff Regulations and Rules lays out a succession of penalties. Whether or not we agree with staff who choose not to be vaccinated, SLWP is a violation of their labour rights. The Leadership will file a suspension of action and can talk to OSLA and the Ombudsman. The President suggested that the affected staff members take annual leave or uncertified sick leave in order to buy some time while other actions are taken. Staff Representatives should not encourage staff to break the rules. The rules need to be tested at the level of the Dispute Tribunal. Mr. Brito reiterated that SLWP negatively affects both health insurance and pension contributions.

Mr. Rosario asked whether the SGB states that there should be 72 hours notice for a JNC. The President stated that there was a provision for an urgent meeting in the SGB. He requested one but not has received a reply, which underlines the need for urgent action.

Mr. Jesus Parado (Unit 32) asked whether staff from the Department of Operational Support (DOS) were complaining about being asked about their status. The President stated that currently no staff members in DOS are affected by the mandate.

9 AOB

The President reminded the Council to make any comments on the paper for the ICSC on parental leave, which is located on Teams. Also there is a spreadsheet for Council members to sign up for slots for each agenda item at the upcoming Staff Management Committee (SMC) meeting. He will also share materials about the upcoming UNISERV annual general meeting and the upcoming High-level Committee on Management (HLCM).

*Adjourned at 15:14.*