

**STATEMENT BY THE PRESIDENT OF
THE WIPO STAFF ASSOCIATION
TO THE WIPO COORDINATION COMMITTEE
(Full Version)
(October 12, 2015)**

Mr. Chair, Excellencies, Distinguished Delegates,

It is an honor for me to be able to address you today in my role of President of the WIPO Staff Association. At the same time it is also my responsibility to inform you of the views and concerns of the staff of this Organization.

I would like to warmly congratulate you, Mr. Chair, as well as your Vice Chairs, on your elections to this important committee. The staff representatives hope to have the possibility to consult and work with you in a collaborative and fruitful manner, and would welcome the opportunity to have regular follow-up discussions with you on staff-management matters at WIPO.

The Staff Council is pleased with some of the engaging discussions with member States and looks forward to continued dialogue and exchange.

WIPO continues to go through some very difficult years. Following the Administration's summary firing of the previous President of the Staff Association, staff-management relations naturally deteriorated and the consultative process came to a halt. The situation remains very troubling. The new Staff Council, elected in March of this year, has repeatedly expressed its willingness to have dialogue with the Administration when such dialogue is transparent, meaningful, based on good faith, and when the Administration ceases to interfere in the long-established criteria and procedures for election of the staff representatives on the Staff Council.

A recent example of lack of transparency and meaningful dialogue is that of the proposed amendments to the WIPO Staff Regulations and Rules presented to you today for approval. There have been numerous written exchanges on the matter between the Administration and the Staff Council as a result of lack of transparency. We continue to attempt to explain to the Administration that WIPO needs to follow the best practices of other common system organizations and not discriminate against one group of staff, namely French colleagues residing in France. The UN Administrative Tribunal found in its Judgment No. 656 that the UN's policy to not give the repatriation grant to French colleagues working in Geneva while residing in France "...amounts to discrimination, thereby violating a fundamental principle of equality. The denial of the repatriation grant constitutes a dual discrimination on the basis of nationality and of the place of residence, which in the Tribunal's view is not justified." Therefore, it is even more important to await the UN General Assembly decisions later this year with regard to the ICSC's review of the compensation package.

The general overall atmosphere in the Organization is one of pervasive fear and distrust. Staff morale is at an all-time low. The Administration continues with its efforts to rid the Organization of long-serving staff while recruiting others on precarious types of contracts. The Staff Council has not seen any independent analysis of the claimed cost savings as a result of this strategy. Moreover, replacing long-serving staff by temporary staff or non-staff on precarious contracts is creating an important loss of institutional memory without any proper succession planning in place. This will have negative consequences on the quality of services provided and may even increase the costs. You may have seen a document presented as a succession planning policy which can hardly be described as a structured approach but rather a paper used to justify a recommendation of the Joint Inspection Unit (JIU). Combined with deteriorating employment conditions, an ever-increasing amount of

harassment, continuous changes to the Staff Regulations and Rules, the work environment at WIPO today is unhealthy and de-motivating. Indeed, it breeds fear and increases uncertainty. On a daily basis the Staff Council receives colleagues in distress who are frequently afraid to turn to anyone else for assistance. In summary, the staff at WIPO are suffering. The 2014 annual report of the Ombudsperson informs us that "A pervasive commentary heard with the Ombuds-Office is a felt impoverishment of the workplace and a dehumanization of HR practices. The perceived lack of consideration given to the human dimension has affected morale and trust and exacerbated a sense of separation and polarity creating organizational tension."

Furthermore, it is regretful that we were without an Ethics Officer for such a long period of time, that the ad interim colleague designated was without knowledge of the subject, that we have not had an Ombudsperson since June of this year, that we have had only a part-time acting staff welfare officer for months and that we lost our Director of IOD, Mr. Rajobelina. Staff have not been informed of the recruitment and appointment process of a new IOD Director, the official responsible for the oversight charter.

Staff members, after reading in the press that an investigation process is being conducted by OIOS, contacted the Staff Council to voice questions and concerns. In line with its staff representative duties and responsibilities, the Council conveyed those questions to the Chairs of the Assemblies and Coordination Committee in writing on July 13, 2015. Two and one-half months later we received a reply from the two Chairs in which they wrote that their tenure as Chairs was coming to an end and, therefore, that they would inform their successors of the issues.

The Staff Council welcomes the investigation in the hope that it will provide answers as to why staff allegedly had their personal effects stolen, given to the judicial police, and then DNA extracted therefrom, all without their knowledge or consent and without the lifting of their functional immunity. However, we are deeply concerned about the protection of whistleblowers and witnesses. We have read that the US State Department has taken the decision to deny certification for WIPO on whistleblower protection. WIPO, therefore, is the only UN specialized agency to have been denied certification. The situation of whistleblower protection at WIPO needs the urgent attention of the member States.

We would like to report on the interference of the Director General in matters of staff representation which we have strongly objected to. On November 3, 2014, the Director General sent an e-mail to all WIPO staff informing them of his new interpretation of Staff Regulation 8.1 which refers to the Staff Council and the elections thereto, and he encouraged all staff to take action in line with his new interpretation which some colleagues naturally did by subsequently circulating a petition.

This violates ILO Administrative Tribunal rulings which clearly state that staff representation activities are outside the scope of the competence of the Director General. It should also be noted that the Director General's new interpretation of this Staff Regulation contradicts the established practice respected by the two previous Directors General as well as the current Director General during his first mandate.

The state of unrest and dissatisfaction at WIPO is evident from the number of legal appeals which have skyrocketed in recent years. In 2014 the Administration revised the internal system of justice and since then staff have been conveying to us their dissatisfaction with and distrust of the revised and imposed system.

Prior to the changes, all sanctions against staff members (except reprimands and warnings) could only be applied by the Director General after having consulted an administrative body which was called the Joint Advisory Committee, a member of which was, in accordance with

the Statutes of the WIPO Staff Association, the President of the Association. This body was abolished in the review of the new internal system of justice allowing the Director General to apply all sanctions, including dismissal, without consulting any disciplinary body. This is not in the best interests of the staff or the Organization. Good management practices as well as a credible system of justice call for a proper system of checks and balances. Other UN common system Organizations have a joint disciplinary mechanism or body which examines disciplinary cases and makes recommendations to the Director General. Likewise, we would like to request that the Joint Advisory Committee be reintroduced at WIPO in the same previous composition in order to enable a fair and thorough examination of disciplinary cases.

Referring to one of the documents which you have in front of you entitled "Designation of the Chair and Deputy Chair of the WIPO Appeal Board," some colleagues have expressed their disappointment with the lack of gender balance and geographical distribution in the selection of the Chair and Deputy Chair. With all due respect to the persons proposed to chair this important Board, it has been brought to our attention that working knowledge of the French language is apparently missing, which is one of the two official languages of communications at WIPO and, therefore, one of the two languages in which an appeal can be filed. This is of significant concern to our French-speaking colleagues.

Concerning the document in front of you entitled "Proposed Amendments to the WIPO Staff Regulations and Rules", the Staff Council has already transmitted to the members of the Coordination Committee our views, positions and requests.

In summary, the Staff Council respectfully requests the Coordination Committee to postpone its consideration of the proposed modifications to those Staff Regulations and Rules governing benefits and allowances until next year after the UN General Assembly will have taken its decisions on the ICSC's recommendations with regard to its review of the total compensation package. This concerns Staff Regulations 3.14, 3.2(a), 5.3, 9.9 and 12.4. This request is to not only avoid duplication of work but also to ensure that staff benefits and allowances at WIPO are non-discriminatory and remain consistent with the recommendations of the ICSC and subsequent decisions of the UN General Assembly which are to be uniformly applied in all UN common system organizations and agencies.

For all other proposed changes to the Staff Regulations and Rules the Staff Council would like to respectfully request the Coordination Committee to postpone its deliberations thereon until such time as the Staff Council can have extensive discussion on the matters with the Administration.

In closing, we would like to state that our objectives are simple. We want to have a work force which loves to work at WIPO, that trust and respect be restored and that fear be diminished, if not eliminated, so that staff can better contribute to working towards your goals and in a manner in which costs can be reduced in a transparent, fair and agreeable manner without favoritism. We understand your concerns and objectives, and we would like to do our part towards achieving your objectives through a work force which is motivated to work in a healthy environment.

Notwithstanding the continued tensions in staff-management relations we remain hopeful. We shall continue to strive for the restoration of transparent and meaningful dialogue based on good faith, fairness and respect, and we shall keep this important Committee informed accordingly.

Thank you for your attention.