

## 158th SESSION OF THE EXECUTIVE COMMITTEE

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*Provisional Agenda Item 6.3*

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### STATEMENT BY THE REPRESENTATIVE OF THE PAHO/WHO STAFF ASSOCIATION

1. The Staff Association would like to thank the Members of the Executive Committee for their interest and attention to matters related to current staff working conditions, in accordance with the provisions of the International Civil Service. On behalf of the personnel and staff, we reiterate our commitment to the mandates of the Pan American Sanitary Bureau (PASB or the Bureau).
  2. In this session of the Executive Committee, the Staff Association will address three matters crucial to the construction of a healthy and productive work environment: *a)* relations between the Association and Executive Management; *b)* the Bureau's internal system for conflict resolution and the administration of justice; and *c)* contracting of staff members who have retired from the Organization.
  3. We consider the working relationship between the Association and Executive Management to be cordial and one of mutual respect and cooperation. Within this framework, the Staff Association is able to approach, speak with, and advocate to the different Executive Management offices regarding specific cases and issues, and in this regard we consider the relationship to be positive, with the purpose of maintaining a respectful work environment. All the above involves a process of dialogue that is crucial to building trust and achieving transparency and integrity in all aspects of staff/management relations. This process is ongoing and, as far as possible, we identify lessons learned and good practices, thereby contributing to the institutional memory of the Organization.
  4. For this dialogue to be productive, the contributions made by the staff representatives to the Organization's institutional efforts should be accepted and recognized, as well as the value added in the framework of the joint staff/Administration working committees, including the Director's Joint Advisory Committee, staff selection committees, the Staff Health Insurance Surveillance Committee, the WHO Staff Pension Committee, which participates in the United Nations Joint Staff Pension Board, and the WHO Global Staff/Management Council, among others.
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5. The Staff Association reiterates its explicit commitment to the staff and the Director with regard to the Respectful Workplace initiative. We believe that this initiative will contribute positively to individual and institutional responsibility for creating and maintaining a work environment that promotes trust, emphasizing prevention and early resolution of disputes before they escalate to more formal levels. Along the same lines, we think that the results of this initiative should be monitored and evaluated to determine its impact on conflict prevention and its contribution to staff well-being.

6. The administration of justice in the Bureau is an issue that remains unresolved and has not been effectively addressed for reasons unknown to the Association. For years we have advocated for an independent review of the internal system for the administration of justice and, in particular, for a clarification of the roles of the different offices that participate in dispute resolution, in the determination of investigations, and in the imposition and enforcement of sanctions; and finally, for clearly established levels of accountability for the different components of the system, to ensure correct and efficient operations.

7. The administration of justice is not based solely on conflict resolution at the informal level. In our experience, the exercise of internal justice demands a formal process of administration of justice. We are specifically referring to the issue of how investigations are conducted and sanctions imposed, and to the issues of the legal defense of PASB staff and other personnel and the role of the Bureau's Human Resources and Legal Counsel offices in this whole intricate process.

8. Based on the Staff Associations observations, experience, and evidence-based analysis, we believe that PASB has an internal justice system that does not meet the minimum requirements to guarantee due process, transparency, independence, impartiality, credibility, and celerity. PAHO being a small and highly decentralized institution, it is very urgent to review certain services that are part of the internal justice and conflict resolution system, in order to ensure that they operate more effectively and efficiently.

9. The main elements pending resolution are:

a) Investigations triggered by reports of abuse of authority, misconduct, and harassment in the workplace. Specifically, the Staff Association has observed the following:

i. The Ethics Office is responsible for conducting investigations; in PASB the Integrity and Conflict Management System (ICMS) currently works in a way that lacks real independent oversight and does not meet the minimum standards of justice and due process, specifically in the area of investigations.

ii. The functions of the Ethics Office, the Office of Legal Counsel, and the Department of Human Resources are not clearly defined with regard to the investigation process, investigation reports and findings, and the action taken after an investigation. By way of example, we can report that:

- the Coordinating Committee of the Integrity and Conflict Management System (ICMS) is made up of the Chief of the Ethics Office, the Legal Counsel, and the Director of Human Resources; it has no terms of reference and operates in a discretionary manner, resulting in a lack of transparency and accountability;
  - decisions concerning what or who is investigated, the duration and scope of the investigation, and the preparation of the report remain at the absolute discretion of the Ethics Office, with no evidence of due process or documented decision-making;
  - there are no clearly established deadlines for the Department of Human Resources to issue a decision after receiving the investigation report;
  - the intervention of different offices—without a clear definition of their function and scope—in decisions as to what, how, and who is under investigation leads to lack of accountability, confidentiality, and minimum standards of due process;
  - there is a lack of information regarding what is done with the findings of an investigation, the criteria used for the imposition of sanctions, what actions are taken, and how the documentation related to the investigation is handled.
- b) Lack of defined periods or deadlines for every phase of the conflict resolution process, including the total or partial implementation of the recommendations of the reports issued after investigations.
- c) The Bureau has no staff member responsible for handling all matters related to the exercise of the right of appeal, including educating staff, disseminating information, and acting as a point of reference; only the Staff Association provides the staff with organized information on how to exercise this right. Staff members have a right to appeal and the office responsible for operating the ICMS has not really managed to raise staff awareness regarding the free use of this right and other conflict resolution mechanisms.
- d) The rules of procedure of the PAHO Board of Appeals have not been updated even though the issue has been raised for several years; there are no reports containing objective information on any of the cases, as good international practices require.
- e) There is no clear separation of duties, roles, and responsibilities among the different entities that make up the internal justice administration system, with respect to the definition of policies and their implementation.

10. In this context, we are completely in accordance with the statement found in the report of the Audit Committee to the effect that the Ethics Office has a dual function and that this can create situations of conflict of interest or be perceived as such. We understand and share the opinion of the Audit Committee when it says, “*The Committee*

*had hoped that in general there would be more awareness of the requirements to be impartial and to risks of conflicts of interest in the investigation and integrity processes.”*

11. The Staff Association considers that a total restructuring of the Ethics Office is required so that this office does not take on investigations since there are real problems with regard to: process, independence, and the timely delivery of reports, in addition to the Audit Committee’s concerns. The Audit Committee also makes the following recommendation: *“That the functions of ethics and investigation be separated and report to different organizational offices...”*

12. The model to follow for investigations will have to be discussed by experts and with the participation of staff representatives. In addition, if an attempt is made to align practices or functional structures, in WHO, investigations are not under the responsibility of the entity in charge of ethics. In order to stay focused on making progress with the justice administration and conflict resolution system, the Association will be attentive to the implementation of Output 6.2.3 of the Program and Budget 2014-2015 *“Improved ethical behavior, respect within the workplace, and due process across the Organization”*, whose indicator refers to the *“level of staff satisfaction with the ethical climate and internal recourse procedures of the Organization.”*

13. With regard to contracting retirees, as the current management of PASB has been reminded on several occasions, we recognize that some issues require experience and amassed knowledge in order to carry out short-term activities, and that the contracting of retired workers may be justified in certain cases. However, using this kind of services for routine and long-term activities is not appropriate or advisable, given its impact on capacity-building and the careers of active personnel. This type of contracting does not contribute to modernizing the Organization and creates an atmosphere of resentment and demotivation.

14. Finally, we would like to comment on the PASB Information Management System (PMIS). At this time, all staff members are in the midst of a transition where certain administrative tools continue to be used with the old procedures, while other actions are implemented with the new PMIS functionalities. It is clear that in all cases the workload is heavier, that the personnel face a great challenge because the learning and adaptation process takes time, and that this is an added effort because demands have doubled. Staff members have demonstrated outstanding commitment and we hope that this is openly recognized, with respect both to the project team and the personnel that have had to handle a double workload, as well as those who have taken on the responsibility of promoting the change and training their colleagues in the new system.

15. The Staff Association submits this report to the Executive Committee for its comments and also requests that the Committee promote these proposals and recommendations.

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