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Salaries: Noblemaire and Flemming principles at stake!

Today me, tomorrow you, or, today Noblemaire, tomorrow Flemming

Just as relations with ILO management have begun to normalize, following the intervention of an independent external mediator, and with a new commitment by both sides to seek common solutions through social dialogue, we now find ourselves in a position to react to threats to our salaries, pensions and conditions of work at the UN Common System level.

...Today Noblemaire...

Just last December, when we were preparing for the holidays and end-of-year celebrations, our representatives in CCISUA were actively involved in fighting off an effort in the Fifth Committee of the UN General Assembly to adjust the net remuneration margin and use the Post Adjustment system to reflect the pay freeze in the United States Federal Civil Service, effectively resulting in an immediate cut in P and D salaries of between 8-10%. This would have translated roughly into a \$6,000 to \$16,000 cut in take home pay, with further consequences on pensions. CCISUA mobilized, wrote letters¹ to the Secretary-General and the Fifth Committee, disseminated our position to, and lobbied the Member States, in what was an ultimately successful effort to defend our staff. We commend the work undertaken by the CCISUA Bureau and our brothers and sisters in the United Nations Staff Union, New York in this regard.

However, while the battle may have been won, the war is far from over. No sooner had the ink dried on the resolution maintaining the margin where it has historically delivered on the Noblemaire Principle² that the International Civil Service Commission will, at its 74th Session, consider controversial proposals relating to using the Post Adjustment

¹ These letters can be found on the Union's website.

² "The Noblemaire principle, which dates back to the days of the League of Nations and which the United Nations took over, embodies two rules. One is that, to keep the international civil service as one, its employees shall get equal pay for work of equal value, whatever their nationality or the salaries earned in their own country. The other rule is that in recruiting staff from their full membership international organisations shall offer pay that will draw and keep citizens of countries where salaries are highest." ([ILOAT Judgment 825](#))

"The purpose of the Flemming principle is to ensure that the pay of international civil servants matches the best conditions of service at the duty station [...] Its purpose is to ensure parity of pay between international civil servants in the General Service category and the best-paid local workers in comparable jobs." ([ILOAT Judgment 1641](#))

system to reflect the pay freeze of the United States Federal Civil Service. The Union, through our Federation, CCISUA is already preparing a legal and technical response to defend Noblemaire.

...Tomorrow Flemming...

Just recently, the Chairperson of the Staff Union Committee received a declaration from the local Union representatives in Santiago, calling for global action in the face of an opaque application of the local salary survey in several duty stations, with severe negative results for local staff. At the same time, we have learned, both through our local Committee and the ESCAP Staff Council, that the local salary survey in Bangkok had produced negative results on the order of -21% (for GS) and -41.4% (for NO). Serious concerns regarding the transparency and fairness of both survey exercises have been raised locally, and we are working actively to support both local and global efforts to respond to these issues.

It must be recognized that, had the new ICSC methodologies which came into force on 1 January 2012 been used in these instances, the results would have been **even worse!** Despite the best efforts of CCISUA and FICSA to defend the Flemming Principle in the ICSC Working Group reviewing the methodology, a series of changes related to, *inter alia*:

- Increased weighting of the national civil service as a comparator employer;
- The forced use of the Ministry of Foreign Affairs as a national civil service comparator, irrespective of whether they are among the best employers;
- Ending the quantification of numerous in-kind benefits provided by employers, and
- Quantification of meals and other fringe benefits on a “cost to the employer” rather than a “value to the employee” basis.

Had these changes been applied to the methodology in the recent Bangkok survey, it stands to reason that the result could have surpassed a 50% reduction!

Of course, none of this can be looked at in a vacuum. Decisions to make methodological “adjustments” are thinly-veiled – or even deliberate – efforts to save money for the member states on the backs of the staff. One need look no farther than the report³ on “Civilian capacity in the aftermath of conflict” delivered simultaneously to the General Assembly and the Security Council, which recommends: “that the General Assembly **review the wage principles applicable for locally recruited United Nations staff.** Those principles, developed in 1949, were not designed to nurture national capacities in conflict-affected States.”

Or more recently, where U.S. Ambassador Joe Torsella, U. S. Representative for UN Management and Reform, in a recent speech to the Council on Foreign Relations⁴ at once called for “a pay freeze for UN employees to fix the anachronisms in the International Civil Service System” while at the same time seeking a review of “everything from employee health care to annual leave to pensions, to give UN employees **the benefits they deserve at a price we can afford.**”

³ [A/65/747](#)

⁴ <http://usun.state.gov/briefing/statements/182321.htm>

Ignoring the at-best debatable claims in the speech that the average UN professional staff earns “nearly 130% of average US federal civil-service pay” it is unclear how a pay freeze can be considered to deliver on Noblemaire. It is unclear how an answer can be found to his recent tweet by Ambassador Torsella⁵: “Can we find ways for top #UN managers to incentivize crowd-sourcing solutions & savings at the UN from the UN's rank-and-file?” given the complete absence of engagement with the elected representatives of the rank-and-file.

To be clear: Our Union has never been opposed to working better and smarter, or to negotiating policies which could save money while protecting the rights and furthering the interests of the ILO workforce. However, recent events at the level of the General Assembly and ICSC beg the question: is the Common System still the best mechanism for ensuring a motivated, committed and productive ILO workforce? Or would collective bargaining deliver better results?

And while we fully recognize that our staff are far from being immune to the impact of the financial crisis, it should also be recognized that the measures imposed in response to the crisis at the national level have not gone without response. And the more they are unilaterally imposed, absent negotiation or social dialogue, the more severe the reaction!

⁵ https://twitter.com/#!/USJoe_UN