

STAFF UNION BULLETIN
BULLETIN DU SYNDICAT
BOLETIN DEL SINDICATO



25 January 2007

**What should I do if I have a problem?
Or how to settle a dispute**

Disputes are part of human nature and problems are a daily occurrence. The difficulty arises when you have to distinguish the kind of everyday dispute that is part of living and working together from a problem that has to do with the working environment, interpersonal relations and/or a breakdown in communication or non-compliance with the rules.

DISPUTES AND PROBLEMS WILL ALWAYS EXIST. THE IMPORTANT THING IS TO KNOW HOW TO RESOLVE THEM.

How can I recognize a workplace problem?

Although disputes or problems are an objective fact, they inevitably comprise an element of value judgement and subjective feelings about something that has happened and the therefore tend to be highly emotive. The problem or dispute exists because that is how “I” interpret the situation and because “I” feel personally involved. Its first symptom is the individual’s own perception of a conflict, so before you can tackle the problem you have to analyse the circumstances yourself so as to identify the various factors and causes involved.

Once the problem is there, how do I go about analysing it properly?

- Make sure that you identify the root cause of the problem; separate it from any extraneous issues and try to define it in abstract terms, in as few words as possible.
- Determine who are the parties involved, and to what extent each one is part of the problem.
- Try to define what you see as the ideal situation that would resolve the problem.

YOU MAY NEED HELP TO DO ALL THIS. THE STAFF UNION CAN HELP YOU MAKE AN OBJECTIVE ASSESSMENT, AS WELL AS INFORM YOU OF YOUR RIGHTS AND OF POSSIBLE ACTION YOU CAN TAKE.

How do I ask the Staff Union for help?

If the problem or dispute is in your unit, talk to your Union Steward, who will be able to tell you what to do and how to take the first steps in consultation with the members of the Staff Union Committee. If you would prefer to talk to someone not so close to the problem, go straight to the Staff Union (Committee members or legal advisor).

ONCE YOU HAVE EXPLAINED THE SITUATION, THEY WILL HELP YOU LOOK AT THE SITUATION OBJECTIVELY TO SEE IF THERE REALLY IS A PROBLEM AND HOW BEST TO DEAL WITH IT.

I have identified the problem (with or without outside help); it definitely exists from an objective standpoint, and now I have to work out how to deal with it. What next?

Since 2004 there has been a new disputes settlement system, negotiated between the Administration and the Staff Union, which provides for different procedures that can be followed when one or more staff members are, or could be, faced with a dispute.

The system is a mixture of the traditional informal approach (mediation/conciliation) and a more formal approach that allows for the whole issue of labour disputes to be dealt with.

The best way of tackling any problem is of course too look for a peaceful solution, preferably through dialogue. The informal system therefore provides for work-related problems to be taken to people who are in a position, and/or have the proper training, to help resolve them.

The informal approach is confidential, straight to the point, and allows the problem to be settled between the persons involved under the best possible conditions for preserving a good working climate. This is the ideal answer to problems of an interpersonal nature, breakdowns in communication, instances of violence or moral harassment. Furthermore, it allows the mediator - who has the authority - to take immediate action in cases of emergency.

In the interests of confidentiality, the Staff Union is not directly involved in this process, though its representatives are always ready to answer any question, listen to ideas you may have, or give any assistance you may need.

REMEMBER THAT THE STAFF UNION DEFENDS AND RESPECTS YOUR NEED FOR CONFIDENTIALITY.

So, if I decide on the informal approach, what are my options?

Any member of the staff can ask for the assistance of the Human Resources Development Department (HRDD), his or her chief, the Staff Union or an ILO official or former ILO official. Your choice will depend on the nature of your problem and on your own position and feelings about the dispute.

THE STAFF UNION CAN EITHER BECOME ACTIVELY INVOLVED OR, IF YOU PREFER, HELP YOU IDENTIFY THE MOST SUITABLE THIRD PARTY.

DON'T FORGET THAT IF THIS INITIAL STEP DOESN'T ANSWER YOUR PROBLEM, YOU CAN ALWAYS OPT FOR SOME OTHER INFORMAL OR FORMAL ACTION.

You also have the option of appealing to an independent mediation mechanism composed of the Mediator assisted by a number of facilitators in the field. This you can do by e-mail, by telephone or in person if you are at the same duty station.

REMEMBER THAT THESE PEOPLE HAVE BEEN TRAINED FOR THIS PURPOSE AND THAT THEY DO THEIR JOB PROFESSIONALLY, IN CONFIDENCE AND WITHOUT ANY WRITTEN RECORDS.

All right, I have done all that and I still haven't found a solution. I feel frustrated. What do I do now if I still want to resolve the problem?

Under the new system, you can take the formal route directly and lodge a **formal complaint** if you feel that the informal approach is not going to lead to any solution.

Any staff member wishing to initiate a formal complaints procedure must notify HRD of the fact in writing within six months of the incident to which the complaint relates. *If, for example, your contract has been terminated for no valid reason, you have six months from the time you were officially informed to lodge your complaint.*

HRD then has three months to take a decision, though this period may be extended for a further three months by common agreement with HRD if you believe that it might be possible to reach a negotiated agreement. For example, instead of being offered an extension of your contract for one year only on the regular budget (RB) with **specific mention** of no possibility for any further extension, you have been offered a post on a technical cooperation project for three years instead.

THROUGHOUT THE WHOLE PROCEDURE THE STAFF UNION CAN PROVIDE YOU WITH LEGAL ASSISTANCE AND HELP YOU PLAN YOUR STRATEGY IN MAKING YOUR CASE IN NEGOTIATIONS WITH THE ADMINISTRATION.

What if no solution can be found?

If you do not accept HRD's decision or if no decision has been taken within six months, you can lodge a complaint with the Joint Advisory Appeals Board (JAAB) within **one month of HRD communicating its decision to you – or in the absence of such a communication.**

The form for lodging a complaint is available on Internet, and the Staff Union can help you fill it out. (<http://www.ilo.org/intranet/english/jaab/index.htm>).

The JAAB normally submits its report to the Director-General within **three months**, after which the Director-General must reach a final decision within **two months**.

And what if I find the decision unfair?

As a last resort you can still appeal to the ILO Administrative Tribunal (ILOAT), in which case the Staff Union can certainly provide you with valuable assistance. The Tribunal is a technical legal body that calls for specific legal expertise for it to produce results. Moreover, appeals to the Tribunal have to be submitted in English or French and the language must be precise.

THE TRIBUNAL AND ITS DECISION ARE YOUR LAST RESORT.

What if my problem is one of sexual harassment?

Instances of sexual harassment require rapid, confidential and effective treatment. For cases of this nature the procedure is different.

If you believe you are the victim of sexual harassment and do not want to use informal channels (which is generally the case), you must inform HRD of the circumstances in writing within **six months** of the occurrence of the behaviour that you consider was humiliating or improper.

HRD then has **one month** to examine the matter, by which time it must inform you of the steps it intends to take, such as the opening of an inquiry.

If you are not satisfied with the steps proposed by HRD, or if you receive no reply, the complaint is then submitted to an independent inquiry (conducted by a group of investigators consisting of ILO officials) within **one month**.

The investigators must normally submit a report to the Director-General within **three months** from the date the complaint was submitted to them, setting out their findings in the case and, if appropriate, their proposals. The Director-General must then reach a decision within **two months** (failing which the investigators' recommendations are considered to be approved).

In all events, an appeal can be lodged with the Administrative Tribunal against the outcome, in accordance with its Statute.

In view of the delicate nature of the matter, the Staff Union can be particularly useful in ensuring that the whole procedure is confidential.

LENGTHY, EXPENSIVE PROCEDURES ARE TO BE AVOIDED IF POSSIBLE. THE BEST SOLUTION CAN GENERALLY BE FOUND THROUGH ANALYSIS AND DIALOGUE, IN STRICT CONFORMITY WITH INTERNAL RULES AND REGULATIONS.

THE STAFF UNION CAN HELP YOU MAKE SURE THAT YOUR RIGHTS PREVAIL WITHIN THE FRAMEWORK OF THESE PRINCIPLES.
