

WIPO Coordination Committee

Sixty-Third (41st Ordinary) Session Geneva, September 20 to 29, 2010

REPORT

adopted by the Coordination Committee

1. The Coordination Committee was concerned with the following items on the Consolidated Agenda (document A/48/1): 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 20, 21, 36, 37, 38 and 39.
2. The report on the said items, with the exception of items 7, 19(iii), 19(iv), 19(v), 36 and 37 are contained in the General Report (document A/48/26).
3. The report on items 7, 8, 19(iii), 19(iv), 19(v), 36 and 37 are contained in the present document.
4. Ms. Marion Williams (Barbados) was elected Chair of the Coordination Committee; Ms. Liew Li Lin (Singapore) and Mr. Heinjoerg Herrman (Germany) were elected Vice-Chairs.

ITEM 7 OF THE CONSOLIDATED AGENDA

APPROVAL OF AGREEMENTS

5. Discussions were based on document WO/CC/63/1.
6. The Delegation of Egypt, on behalf of the Development Agenda Group (DAG), noted that the DAG took note of the three agreements presented for approval under the agenda item. It stated that the DAG was a strong believer and supporter of the need for WIPO to engage with other intergovernmental organizations, and particularly those sister organizations in the United Nations (UN) System, and was particularly encouraged to see the agreements proposed today with the Food Agriculture Organization (FAO) and the United Nations Industrial Development Organization (UNIDO). In this regard, the DAG recalled recommendation 40 of the Development Agenda which specifically requested them to intensify cooperation on intellectual property (IP) related issues with UN agencies and other relevant international organizations. The Delegation therefore encouraged and approved these agreements. Nonetheless, it stressed that the work to be undertaken under these agreements must, and as stipulated under recommendation 40 of the Development Agenda be “according to Members States’ orientation,” and in consultation with the Member States. The Delegation particularly noted that the proposed agreement with FAO contained references to fields of cooperation under Article III(e) where there might be different perspectives and approaches among Members, and as such, it requested that the Secretariat takes such divergences of views into consideration when implementing cooperation in these areas. The Delegation also noted that under Articles IV and V on Joint Programs of Work and Financial Implications, respectively, development cooperation activities and the implementation of the Development Agenda were to be funded from the regular budget of the Organization.
7. With regard to the proposed agreement with UNIDO, the Delegation wished to emphasize the great potential value in the collaboration between both these specialized agencies of the UN in the area of technology transfer. It particularly encouraged cooperation in this field between both organizations, and looked forward to concrete initiatives in this regard.
8. The Delegation stated that as it approved the three agreements proposed under this agenda item, it would suggest that the WIPO Secretariat prepare a listing of all agreements; memoranda of understanding; and other instruments signed between WIPO and other organizations, and a status report on their implementation. It believed that this information would not only be for Member States, but would also allow Member States to participate in enhancing WIPO’s cooperation and collaboration with other UN and international organizations, in keeping with the spirit of the Development Agenda recommendation 40. It requested that this listing and report be submitted to the next session of the Coordination Committee.
9. The Coordination Committee approved the Agreement between WIPO and FAO, on the express understanding that any policy implications arising from the implementation of this agreement would be put by the Director General before the Coordination Committee for further analysis and decision. The Coordination Committee also approved the Memorandum of Understanding (MOU) between WIPO and the West African Economic and Monetary Union (WAEMU) and the Agreement between WIPO and the United Nations Industrial Development Organization (UNIDO), set forth in Annexes I, II and III, respectively, of document WO/CC/63/1.

ITEM 8 OF THE CONSOLIDATED AGENDA

DRAFT AGENDAS FOR THE 2011 ORDINARY SESSIONS OF THE WIPO GENERAL ASSEMBLY, THE WIPO CONFERENCE, THE PARIS UNION ASSEMBLY AND THE BERNE UNION ASSEMBLY

10. The Delegation of Egypt on behalf of the Development Agenda Group, stated that the Group supported the adoption of these preliminary items, on the understanding that these draft agendas would remain open to the addition of items and/or modifications from Member States during the course of the year.
11. The WIPO Coordination Committee adopted Annexes I and II, the Paris Union Executive Committee adopted Annex III, and the Berne Union Executive Committee adopted Annex IV of document A/48/23.

ITEM 19 OF THE CONSOLIDATED AGENDA

STRATEGIC REALIGNMENT PROGRAM AND PROGRESS REPORTS ON PROJECTS AND INITIATIVES

12. Discussions were based on documents WO/CC/63/2, WO/CC/63/3, and WO/CC/63/4.
13. The Secretariat made a general statement linking the documents being considered and document WO/CC/63/5 under the next agenda item concerning the long-serving temporary employees and a regularization strategy proposal. It explained how the four papers represented an update on a number of initiatives being undertaken to align the Human Resources (HR) policies and practices with the Organization's need to right-size its architecture, in order to ensure that within a Results-Based Management (RBM) framework, HR needs were planned, administered and managed in an effective and fair manner. It then explained that the Voluntary Separation Program (VSP) would enable the Organization to resource programs with the right skilled workforce, while at the same time allowing the Organization to regularize a number of long-serving temporary employees. It then referred to document WO/CC/63/5 on the long-serving temporary employees and outlined the phased approach to the implementation of proper HR planning, whereby staffing needs are defined by actual needs, and not by what it referred to as a "resource based budgeting and planning approach". It indicated that this phased approach would afford the Organization sufficient flexibility to allocate HR where needed, based on the principles of RBM. The Secretariat then referred to document WO/CC/63/2 on the proposed revision of the Staff Regulations and Staff Rules, which would ensure that WIPO would have the much needed regulatory framework to provide its staff with fair conditions of service.

ITEM 19(iii) OF THE CONSOLIDATED AGENDA

PROGRESS REPORT ON THE REVISION OF THE WIPO STAFF REGULATIONS AND STAFF RULES

14. Discussions were based on document WO/CC/63/2.
15. The Secretariat provided a progress report on the revision of the WIPO Staff Regulations and Staff Rules. It indicated that WIPO commenced the revision of the Staff Regulations

and Staff Rules in 2009 which was aimed at supporting (i) the Organization's corporate culture and values, (ii) the efficiency of its business and managerial progresses, and (iii) the rationalization of WIPO's framework of staff contractual arrangements. It further explained that this initiative will also provide an opportunity for the Organization to simplify and streamline its processes, ensure linkages on cross-functional processes and to review the approval and certification processes, which would facilitate the future integration of the HR components into the Enterprise Resource Planning System (ERP) project which Member States had approved last week.

16. The Secretariat further explained that the revision of the WIPO Staff Regulations and Staff Rules was conducted in 2009 by a Working Group composed of management and staff representatives. The Working Group recommended that WIPO Staff Regulations and Staff Rules be more normative in nature, capturing the regulatory framework, and that the Organization's policies and procedures should be better placed in an HR manual. It also indicated that the proposed revision of the Staff Regulations and Staff Rules had been presented to the WIPO Coordination Committee in 2009.
17. The Secretariat then explained that, following briefings to staff, the wish for further clarification and consultations on the proposed revision was expressed. Consequently, the Director General had decided to establish a Consultative Group, composed of staff and management representatives to address the various issues and to move forward with the process. It mentioned that the administration and the staff representatives were presently finalizing the terms of reference of the Consultative Group. It indicated that the proposals of the Consultative Group would be discussed with the Member States through informal consultations, prior to submission for approval to the Coordination Committee in 2011 and that the Director General had also decided to defer the target date for the implementation of the revised Staff Regulations and Staff Rules to January 2012.
18. The Delegation of El Salvador took the floor and conveyed its great satisfaction on the appointment of the Chair of the Coordination Committee and congratulated the Director General on the appointment of Mr. Di Pietro from Argentina to Head of the WIPO Academy.
19. The Delegation of Egypt speaking on behalf of its Delegation and the DAG, believed that this was an important and sensitive undertaking. The Delegation stated that these regulations and rules should be prepared bearing in mind the long-term interest of the Organization, including the need to take into consideration best practices in the UN system, acknowledge due process, uphold and promote the rights of the staff and that the proper way forward should be through extensive consultation with the staff.
20. The Delegation of Egypt further requested that careful consideration be given to all aspects, including those of possible adverse effects such changes might have on the terms and conditions of service of WIPO staff, and looked forward to further consultations to be organized by the Secretariat on this important matter with Member States. The Delegation requested that sufficient time be given to the Staff Association to present their suggestions and comments on the proposed revision exercise during those consultations, and at other times, when they wished to communicate those suggestions and comments to Member States.
21. The Delegation of Spain indicated that it believed that the subject of Rules and Regulations concerning staff was very important as well as the need to bear in mind the opinion of the staff, and that of the Member States, as well as the need for transparency at all levels.

22. The Assistant Director General thanked the Delegations of Egypt and Spain for their interventions and reassured them of an open consultative process at all levels.
23. The WIPO Coordination Committee took note of the information contained in paragraphs 1 to 15 of document WO/CC/63/2.

ITEM 19(iv) OF THE CONSOLIDATED AGENDA

REPORT ON THE IMPLEMENTATION OF THE VOLUNTARY SEPARATION PROGRAM (VSP)

24. Discussions were based on document WO/CC/63/3.
25. The Secretariat indicated that the VSP was the first structured institutional separation program to be launched at WIPO which had been approved by the WIPO Coordination Committee in 2009, and was aimed at responding to the Organization's need to reduce the number of employees, as well as for the Organization to address its evolving business requirements by creating the opportunity to bring in additional skills and competencies, that were necessary to deliver its mandate. It indicated that an evaluation team was established to review the applications composed by representatives from HR Management, the Office of the Director General, the Office of the Controller, and the Staff Association. The Evaluation Group examined 105 applications, based on the age, the number of months to retirement, the cost of separation versus retention cost, and the information provided by the program managers regarding the post and the need for replacement. Of the 105 applications, 6 were not approved, 99 favorable recommendations were made, of which 11 withdrew and a decision on 1 case is still pending, resulting in a total of 87 departures by the end of June 2010. It drew attention to the two graphs in the document that indicated the distribution of the vacated posts by sector and by grade. The Secretariat explained that 30 million Swiss francs were earmarked for this program, and the actual cost has been estimated roughly at 22 million Swiss francs. It further clarified that the posts liberated by the program would allow the Organization to (i) reinvigorate workforce through recruitment of new talents with language and technical skills sets that may not be available internally and which are necessary for the achievement of the Organization's mandate, especially in the context of the strategic realignment program, (ii) reduce the total WIPO headcount by filling in some of the vacated posts with internal candidates, and (iii) regularize the short term status of high-performing and well qualified long-serving temporary employees.
26. The Delegation of El Salvador indicated its favorable impression on the transparency of the process and enquired on the lack of geographical representation of the Central American region in the staffing levels of the Organization and possible measures to improve this situation.
27. The Delegation of Spain referred to ages of staff who had taken advantage of the VSP as well as to the availability of information on the individual indemnity amounts paid to separating staff.
28. The Delegation of Germany considered that the VSP was a success, however wished to have clarification on the total number of staff eligible for each scheme in order to measure the ratio of applicants. The Delegation of Germany also wished to be informed if the 22 million Swiss francs included the adjustments under the International Public Sector

Accounting Standards (IPSAS) and whether the training of the staff taking over the posts was also included in this amount.

29. The Delegation of Egypt on behalf of the DAG thanked the Secretariat for the report on the implementation of the VSP, and also thanked the Audit Committee for reporting on this program in its reports of its 15th, 16th, 17th and 18th sessions. It further noted that the next step would be to identify how these vacated posts would be filled. It also pointed out that the Audit Committee had also requested details on the criteria used to redistribute the post vacated through the VSP among organizational units, as well as on the procedures for filling them and therefore requested that more information be provided in this regard to the Member States and the Audit Committee. It reiterated that attempts should be made to address the geographical imbalance in WIPO staffing during the filling of these vacant posts.
30. The Secretariat, in responding to the issues raised by the Delegation of Spain, pointed out that the details on the compensation elements in the VSP were clearly indicated in document WO/CC/61/3 that had been considered by the Coordination Committee in 2009. It also clarified that on the issues raised by the Delegation of Egypt on the role of the Audit Committee, there was a need to realign the agendas and dates of meetings of the Audit Committee with those of other WIPO statutory meetings and that the Audit Committee will examine the criteria for filling the posts during their next meeting in December.
31. The Secretariat clarified the issues raised by the Delegation of Germany, namely that the training costs of staff assuming new functions were covered by the regular budget. Concerning the IPSAS calculations, the Secretariat confirmed that at the end of the year, the Organization would calculate any possible amount to be charged under the IPSAS rules.
32. The WIPO Coordination Committee took note of the information contained in paragraphs 1 to 19 of document WO/CC/63/3.

ITEM 19(v) OF THE CONSOLIDATED AGENDA

PROGRESS REPORT ON THE PERFORMANCE MANAGEMENT AND STAFF DEVELOPMENT SYSTEM (PMSDS)

33. Discussions were based on document WO/CC/63/4.
34. The Secretariat indicated that the new Performance Management and Staff Development System (PMSDS) was launched in April 2009 and supports the Strategic Realignment Program (SRP) core values: “accountability for results” and “working as one”. There has been a strong commitment from the Senior Management team (SMT), who has also followed extensive training through separate workshops. The first phase introduced a new 5-points rating scale and amended the dialogue between the supervisors and the supervisees improving communications on performance. The second phase, deployed in June 2010, introduced detailed planning functionality for staff work and development, with explicit linkage to the expected results under the RBM framework as well as a competency model covering core and managerial competencies. Provision was also made for the identification of training needs, the closing of organizational skill gaps and for recording expressions of interest for internal staff mobility. It comprised mandatory workshops on SMART objective setting, competency models and performance evaluation

related communication skills in which 1100 employees participated. Further PMSDS oriented training is planned during the Autumn of 2010 and will lead to the third phase in the first quarter of 2011 with the deployment of detailed evaluation functionality. Staff will then be evaluated on their performance in the first quarter of each calendar year. A key objective of the PMSDS is to provide management with HR-related information, in particular, development and training needs, which would feed into the elaboration of staff development and learning strategy that will be reflected in the preparation of the program and budget proposals for 2012/13 and beyond. In support of this objective, an IT system has been developed, specifically for PMSDS, with sophisticated reporting possibilities. The Annex of document WO/CC/63/4 provides, for information purposes, the official guidelines and a description of the core and managerial competencies employed by the system.

35. As no delegation wished to express any views on the document, the WIPO Coordination Committee took note of the information contained in paragraphs 1 to 8 of document WO/CC/63/4.

STATEMENT OF THE PRESIDENT OF THE WIPO STAFF ASSOCIATION

36. The President of the WIPO Staff Association delivered his address to the Coordination Committee of WIPO. The text of his statement is reproduced as Annex I of this document and discussion in paragraphs 68 to 96 below.

ITEM 36 OF THE CONSOLIDATED AGENDA

LONG-SERVING TEMPORARY EMPLOYEES

37. Discussions were based on document WO/CC/63/5.
38. The Secretariat explained that the use of temporary resources to support continuing functions is a problem that many UN organizations are grappling with. WIPO had begun to address the issue since several years. Document WO/CC/63/5 provided an overview of what had been done today in this respect. Temporary contracts initially began to be used in WIPO to cater for resource requirements generated by the exceptional growth of the Organization, particularly in the PCT in the 90's. The problem has been addressed by WIPO in several phases: the first phase started in 2007 with the granting of several entitlements in order to align the conditions of service of temporary employees to that of fixed-term staff. Phase 2 in 2009 saw the creation of 30 new General Service posts specifically used for regularization purposes. In 2009 and 2010, the VSP will provide the opportunity to regularize many long-serving temporary employees. This document presents a strategy to address and resolve the problem over a five year period and the various measures necessary in order to also prevent its recurrence. These measures include legislative and administrative measures relating to the regulatory framework for temporary contracts under the new Staff Rules and Staff Regulations; appropriate contractual instruments to reflect the business needs of the Organization; enhanced workforce planning for program managers; reliable and transparent methods of costing and resourcing activities to be undertaken as mandated by the Member States through the program and budget; appropriate and timely application of the flexibility mechanisms for the PCT, Madrid and Hague systems; and the development of alternative HR solutions to staffing issues. The first two measures will be addressed in the context of the implementation of the SRP and the revision of the WIPO Staff Regulations and Staff

Rules and the last three measures will be addressed in the context of the RBM framework and the program and budget process. It was pointed out that the Organization's headcount had remained relatively stable over the past years, at around 1200.

39. In order to be able to regularize the situation of the long-serving temporary employees, i.e. those having five years or more of continuous and satisfactory service, on January 1, 2012, it is proposed to the Member States to approve in principle the creation of up to 156 posts under the regular budget over a period of five years. The figure of 156 posts represents the difference between the number of posts today and the headcount figure of 1200. This does not mean 156 additional employees but rather that 156 long-serving temporary employees who are performing continuing functions and towards whom the Organization has a social responsibility will be given the opportunity to be regularized without being necessarily replaced. It is stressed that this category of employees does not have the same social coverage and employment conditions as their fixed-term colleagues, despite carrying out similar work. The number of such posts would be provided as part of the budget proposal submitted to the Program and Budget Committee and the Assemblies of the Member States. The process to be put in place for regularization would ensure a thorough review of the functions in order to confirm that they are of a continuing nature.
40. The estimated average annual marginal cost per post is approximately 15000 Swiss francs. The estimated total cost for all the 156 posts will amount to approximately 2.3 million Swiss francs per year, or just over 1 percent of the total personnel cost, once and if, all the posts are filled. The costing for any particular year will be limited to the cost of the number of regularizations in that year. The starting date would be January 2012. The Organization must first be able to assess the results of the VSP in absorbing a number of long-serving temporary employees. It will then be possible to incorporate the proposal for the first phase of the regularization exercise into the 2012-2013 budget proposal that the Organization should be considering in the course of this year.
41. The Delegation of France thanked the Secretariat for the document and the explanations. It supported the proposal as long as the financial impact can be limited. It suggested to the Secretariat to make proposals on other budgetary posts where some savings could be realized and thus compensate the cost of the regularization.
42. The Delegation of Spain requested that the item be suspended because it expected that the Secretariat would want to answer to the very serious statements and allegations presented by the President of the Staff Association which should not be taken lightly. It is important to have the proof of the allegations made. At the same time, it recognized that it was a very long list of allegations and that it had lost track of them after a certain time.
43. The Director General answered by recognizing that he had first considered answering. However, nobody had read the statement beforehand and having then realized that the response would be very lengthy, he proposed that the Secretariat respond in writing to every allegation.
44. The Delegation of Spain stated that it would be useless to be dragged into a long exchange of allegations and counter allegations that will not lead anywhere. Some allegations even related to civil law.

45. The Chair expressed the wish to go back to the item regarding the regularization of the long-serving temporary employees, and proposed to discuss this question under the agenda item "Other staff matters" which would follow.
46. The Delegation of Egypt agreed on this and thanked the Secretariat, on behalf of the DAG, for the document presented, WO/CC/63/5. The DAG valued the interest shown by WIPO's dedicated staff having served the Organization for many years, sometimes more than 10 or 12 years. It was aware of the difficulties that such a situation imposed on staff members and also for the efficient management of the Organization and expressed the wish to have a systematic, fair and balanced approach to resolving this situation. It also underlined the importance of having a system in place to prevent the recurrence of the problem. It was their view that the suggestions presented by the Staff Association should be taken into account. In such case, it could approve the Secretariat's proposal.
47. The Secretariat thanked the Delegation of Egypt for its intervention. It further explained that the document was discussed with the Staff Association and that exchanges had taken place. A certain number of suggested changes were incorporated, others were not. There was still disagreement on some changes, of which the one to create the 156 posts immediately instead of over five years. The Secretariat referred to paragraph 19 of the document, stating that the recruitment/selection modalities that will be used for the fast track approach would be determined and agreed upon, in consultation with the senior management and the Staff Association. The administration has proposed a fast track and streamlined approach but there was not yet a conclusion.
48. The Delegation of India supported the declaration made by the Delegation of Egypt on behalf of the DAG. It welcomed the initiative to regularize the long-serving temporary employees in WIPO. It also underlined the need for consultations with the Staff Association for the implementation of the process and hoped that it would be possible to hold them expeditiously and that the Staff Association's views regarding the criteria, in particular the criteria of seniority and satisfactory performance, for identifying the posts that would be regularized would be taken into account. It also believed that it would be important to address the systemic causes so as to avoid the recurrence of the problem through a policy response in an integrated institutional manner. Finally, it also supported the idea to discuss the intervention of the President of the Staff Association under the agenda item "Other staff matters".
49. The Delegation of Brazil raised a question regarding the figures in the table on page 3 of the document, indicating 160 employees working as temporary employees since more than three years, and not 156. It therefore wondered how the issue of the four employees who are not in the calculations would be addressed.
50. The Secretariat answered by recalling its previous explanations regarding the results of the VSP, thanks to which probably around 55 temporary employees would already be regularized, and that this was the reason for deferring the exercise over a period of five years. At the same time, there were other vacancies for which these employees would apply and would then be regularized as well. Hence, the 156 on the books could actually end up being much lower in number, as the process would move forward. And that explained that flexibility, biennium by biennium. And hopefully, over the period of five years, all the long-serving short term employees would be regularized.
51. The Delegation of Brazil sought another clarification and asked if there was any criteria to tell who of these employees would be regularized first.

52. The Secretariat answered that this was part of the criteria to be worked out together with the Staff Association. This document presented a strategy and the practical modalities would then be managed by negotiations and consultations with the Staff Association.
53. The Delegation of the United Kingdom also supported the statement made by the Delegation of France but hoped to see the process take on board merit, and merit alone, for the selection.
54. The Coordination Committee took note of the information contained in the document WO/CC/63/5 and approved the proposals contained in paragraphs 22 to 28 of the document.

ITEM 37 OF THE CONSOLIDATED AGENDA

OTHER STAFF MATTERS

55. Discussions were based on documents WO/CC/63/6 and WO/CC/63/7.
56. The Chair informed the meeting that under this item, Other Staff Matters, there were two documents, WO/CC/63/6 (Other Staff Matters), and WO/CC/63/7 (Request for the Advice of the Coordination Committee on the Renewal of the Internal Auditor's Appointment in Accordance with the WIPO Internal Audit Charter), and proposed to take WO/CC63/7 first. Furthermore, the Chair proposed that the discussion concerning the intervention by the President of the Staff Association be held under this item which was accepted by the Coordination Committee members.
57. Introducing the document, the Director General highlighted the time-frame within which WIPO's three audit and oversight entities were due to complete their terms and the resulting issue of continuity; the recommendation given by the Audit Committee; and the assessment of the internal audit function carried out by the external auditor.
58. The Delegations of Germany, Switzerland and Egypt, on behalf of the DAG, each underlined that, in view of all the circumstances, including the recently adopted decision in the revised Audit Charter to move to a single, non-renewal term of five years for the Internal Auditor, they would not be in a position to support a renewal of the appointment of Mr. Treen for a period of two years.
59. The Chair suggested a compromise for consideration by the Coordination Committee, which would be consistent with the introduction of the new five-year term, namely that the contract of the Internal Auditor be renewed for one year instead of two. The Chair asked delegates whether there would be agreement on this. In the absence of any views being expressed to the contrary, the Chair moved that the fixed-term contract of the Internal Auditor be renewed for a period of one year from January 15, 2011 until January 14, 2012.
60. The WIPO Coordination Committee noted the contents of document WO/CC/63/7 and recommended that the fixed-term contract of the Internal Auditor (Director of IAOD) be renewed for a period of one year, from January 15, 2011 until January 14, 2012.

I. Amendments to the WIPO Staff Regulations and Staff Rules

Amendments to Regulations Provisionally Decreed under WIPO Staff Regulation 12.1

61. The WIPO Coordination Committee approved the amendment to WIPO Staff Regulation 3.1 ("Salaries"), which has been provisionally decreed and applied by the Director General, as reported in paragraph 1 of document WO/CC/63/6.

II. Termination of Employment Contracts

62. The Delegation of Norway raised the issue concerning the current practice of the International Bureau of naming persons who have been dismissed. In the document presented, the staff member's full name, nationality, date of birth, grade, profession and career were indicated. The document is available on the Internet without restrictions on access. This practice seemed neither appropriate, nor necessary based on the Staff Rules and the information which should be given to the Coordination Committee. If a delegation would wish to know the facts, it could be obtained from the International Bureau. For reporting purposes, the Delegation found it sufficient to know the number of staff who have been dismissed. The Delegation suggested therefore changing the current practice.

63. The Director General thanked the Delegation of Norway for its proposal and indicated that the Secretariat would be happy to realign its practice and to use anonymous statistics and at the same time ensure transparency to be available to answer specific questions upon request from the Member States.

64. The Director General added that this particular case related to the investigation mentioned by the President of the Staff Association that has also elicited a number of criminal complaints and that it all related to incidents that occurred before October 2008. A wide-ranging series of allegations concerning Internet information technology security violations and breaches has just about concluded and it involved heavy use of outside expertise in the assessment of computer systems because it was beyond the competence that anyone within the International Bureau had.

65. The WIPO Coordination Committee took note of the information provided, pursuant to Staff Regulation 9.1(e) and contained in paragraphs 3 to 6 of document WO/CC/63/6 concerning the agreed termination of seven staff members in 2009 and the termination of one employment contract, in 2010, for violations of WIPO Staff Regulation 1.5 ("Conduct") and various breaches of the Organization's Information Security policies and procedures.

III. International Civil Service Commission

66. The WIPO Coordination Committee noted the information contained in paragraph 8 of document WO/CC/63/6.

IV. United Nations Joint Staff Pension Board

67. The WIPO Coordination Committee noted the information contained in paragraph 10 of document WO/CC/63/6.

Discussion Regarding the Intervention of the President of the Staff Association

68. The Chair then requested the Coordination Committee members to discuss the allegations made by the President of the Staff Association in his intervention. She suggested to rather make recommendations on general approaches to deal with some of the issues and avoid finger-pointing as she did not wish that the situation degenerated into an affair of accusations and defense.
69. The Delegation of the United Kingdom raised a point of order. As the Staff Association brought up a number of issues which are sub judice and therefore subject to criminal investigation, it would ask that only members of the Coordination Committee be allowed in the room. It noted that a number of "strangers" were in the room who should be requested to leave.
70. The Chair referred to the Legal Counsel for advice. The Legal Counsel clarified that the practice had been that not only members of the WIPO Coordination Committee could be present but also WIPO Member States. Observers are not allowed and there were none in the room. So there are no inter-governmental organizations, neither non-governmental organizations, and if this had been breached, it will have to be corrected.
71. The Chair consequently requested eventual non-members and those not entitled to be present, to leave the room. She then invited the Director General to speak.
72. The Director General recalled that the Secretariat had not had the advantage of reading the statement, neither seen it beforehand. Nevertheless, if any specific questions were to be raised, the Secretariat would be happy to answer them. He also indicated that the Secretariat would also be happy to furnish a detailed written reply or explanation.
73. The Chair invited the Member States to express their views.
74. The Delegation of Zambia wished to raise two issues in the statement of the President of the Staff Association, for which it would like to make a suggestion. The most important was the allegation about racism or racist incidences having occurred. Such allegations are very serious and go against the core values of the United Nations. It would not be sufficient to write to the Staff Association about such issues. This should be investigated thoroughly to ensure that if there is any iota of truth in the allegations, the perpetrators are identified. Secondly, the issue of delayed disciplinary cases pending for as long as slightly over two years, again if that is true, it is most unfortunate and is a precedent which must be done away with because justice delayed is justice denied, whatever the circumstances may be. It is therefore important that the Director General takes action for these cases to be disposed of and avoid that such situation does not recur in the future.
75. The Delegation of India also took note of the fact that the statement made by the President of the Staff Association had not been circulated, nor had been seen by the Member States. It had also, like the Delegation of Spain, tried to follow all the allegations, but there were too many. It also understood that some of the issues had been subject to consultations with the Staff Association and its representatives. It did not want to go into details of specific cases, but proposed that these issues that are systemic in nature and have an impact on how the institution runs could be grouped in generic terms. They could then be listed on the agenda of the forthcoming Coordination Committee session for a transparent discussion with the Member States, the Secretariat and the Staff Association. It underlined that it was important because the perception of justice actually being done was equally important for trust building, confidence building

and the smooth functioning of WIPO. So, for instance, the creation of new posts, recruitment process, post reclassification could be grouped under one rubric for consideration of the Coordination Committee at the next session. Similarly, other institutional issues such as handbook of investigations, appointment to the post of the Ombudsman and Ethics Office could be classified under another category. Perhaps, there could be consultations prior to the session of the Committee. Another issue, is that there is no mechanism by which the Staff Association can interact with Member States and perhaps things would be smoother if such interaction was established.

76. The Chair thanked the Delegation of India for its proposals which she found valuable.
77. The Delegation of Egypt thanked the President of the Staff Association for his intervention and for the issues he raised. Of course, these serious concerns would necessitate a deeper reading of the statement. It supported the statements made by the other delegations that action needed to be taken on these issues to ascertain details about the facts behind. It suggested to read the statement during the lunch break and to come back later.
78. The Chair thought it would be difficult to re-schedule the meeting and invited the Delegation of the United Kingdom to express its views.
79. The Delegation of the United Kingdom also appreciated the comments made by the Staff Association. However, as stated by the Delegation of Spain, it would be difficult to assess the allegations without substantive proofs. However, it would not want to have a proliferation of working groups or informal meetings. It considered that those were internal WIPO matters which should be dealt with by the management of WIPO and as a number of investigations are subject to criminal proceedings and are sub judice. The Member States should only intervene once the matters have gone through the criminal proceedings and the result was known. It is also a fact that in many organizations, when a serious reform is undertaken, some staff members feel discontent and that is usually a sign that the reforms are bearing fruit and that the organizations are being made much more effective. The most recent case of this effect is the one of the United Nations High Commissioner for Refugees (UNHCR). Therefore, the presentation of the Staff Association should be viewed in this light.
80. The Delegation of Antigua and Barbuda welcomed the report of the President of the Staff Association but wished to associate itself to the statement just made by the Delegation of the United Kingdom within the context of encouraging democracy at its best, given that the report had not been circulated, that the internal system exist and that the persons charged with the responsibility or responding and enquiring have not had sight of that report. Given the complexity of these allegations, the internal mechanism should run its course and as the Director General has said that these complaints require external expertise to get to the root of the problem. It would therefore be useless to have an in-depth discussion on this matter just to make comments on allegations.
81. The Delegation of Angola speaking on behalf of the African Group wished to have a copy of the statement made by the President of the Staff Association for discussion by the African Group.
82. In the light of the declarations of the previous speakers, the Delegation of Germany considered it would be impossible to progress further at this stage and that, as proposed by the Delegation of India, the next Coordination Committee session could report on the

procedures in place. The next step could be a written statement by the Director General responding to the one made by the President of the Staff Association.

83. The Delegation of Spain reiterated that it would not be fair that the Secretariat would have to answer to the statement read by the President of the Staff Association without having seen the document. The declaration is a mixture of subjects which are very complex, and even more without having had the possibility to read it. It believed that certain matters must be respected and that it would be advisable to distribute the document, give time to the Secretariat to address it and the time to the Member States to analyze it. The next Coordination Committee meeting could then study a number of topics including this report. Therefore, it recommended not continuing the discussions at this stage but postponing them to the next committee meeting.
84. The Delegation of El Salvador stated that the Assembly was not a court and that it should not consider the charges. The institution should function with its internal bodies that can address the accusations and it believed that the Staff Association had attained its goal. The Staff Association raised the awareness of the Member States about a number of points that had not been resolved. A lot of accusations have been made but not substantiated.
85. The Chair noted that a consensus seemed to come up by distributing the document to all Members, that the Secretariat would be requested to respond and that other matters that have not been addressed could be raised then at the level of the next Coordination Committee.
86. The Delegation of Bangladesh indicated its agreement on that way of proceeding. However, it would be helpful to have an indication of the timing when the report could be expected from the Secretariat. It also recalled the proposals put forward by the Delegation of India to deal with the more systemic issues and not with the specific cases of allegations or violations that had happened. It proposed therefore to isolate the systemic issues from the other general issues in the nature of complaint and deal with them in the subsequent meetings.
87. The Delegation of Angola requested again to receive the statement in writing at the end of the meeting. It also proposed to examine the document within group meetings at the end of the day and then decide how to proceed further.
88. The Chair noted that group meetings could take place but that it would not be possible to meet again in Plenary. The Secretariat would also need time to prepare its answer.
89. The Delegation of Angola insisted that the groups would need to adopt a common position, otherwise it will not be possible to take position on the document.
90. The Chair invited the Director General to make a statement. The Director General wished to answer the Delegation of Bangladesh, and proposed a delay of two months for preparing the answer. The delay could seem a bit long, but given the considerable amount of information which would need to be put together, and the resources devoted to that, it will be a reasonable timeframe. He also indicated that no session of the Coordination Committee was scheduled for April; the next one would be in September. However, if the Chair wished to decide to convene a meeting in April, this was of course possible. Consultations with the group coordinators could be undertaken in order to clarify the need for an earlier meeting.

91. The Delegation of Antigua and Barbuda thanked the Director General for the information provided and noted that the members must be clear as to what they would wish to discuss during the next meeting. It believed it would not be fair to have the benefit of one report without the benefit of the response. It believed it would be a travesty of justice and if as mentioned before, justice delayed is justice denied, a rushed judgment is equally undesirable and the internal mechanisms should run their respective courses and an update be given at a reasonable time.
92. The Delegation of Switzerland supported the declarations made by the previous speaker. It saw no urgency of convening a meeting even if the situation will of course evolve during the coming year, but it saw no necessity to convene an earlier session.
93. The Delegation of Nigeria supported the declarations made by the Delegation of Angola on behalf of the African Group concerning the necessity to have group consultations. It wanted to note the effort that the Director General had made over the years to reposition the Organization. It was aware of the difficulties in putting some of these issues together in order to move the Organization forward. There will always be issues between the Staff and the management of the Organization, but the efforts of both the Staff Association and the management should be put together to move the programs and the projects forward to make the Organization more efficient in its service delivery. The Delegation wished to note that although the report is not available yet, its tone showed deep divides and antagonism in the Organization. It was happy to note the statement of the Director General on the process and the responses that will be made to some of the issues raised. It hoped that with these responses and internal processes of the Organization, the issues raised by the Staff be addressed and that things will move forward and provide a more congenial atmosphere.
94. The Delegation of India wished clarification if a session of the Coordination Committee should be held during next spring because these issues should be brought to the right forum and be discussed inter-governmentally.
95. The Chair summarized the consensus as follows: the statement by the President of the Staff Association would be distributed; the Secretariat would provide its written response; the Coordination Committee would give the WIPO management opportunity to resolve issues internally; and, if any remained unresolved, there was the possibility of convening a meeting of the Coordination Committee in the Spring.
96. The Secretariat announced that the document with the statement, in English and French, was ready for collection at the Conference desk.

[Annexes follow]

Statement by Mr. Azzeddine Moncef Kateb, President of the WIPO Staff Association, to the Forty-Eighth series of Meetings of the Assemblies of the Member States of WIPO

Geneva, September 22 to 29, 2010

Your Excellency, Chair of the Coordination Committee,
Distinguished Delegates,
Director General,
Ladies and Gentlemen,
Dear colleagues,

It is an honor for me to be able to address you at this important gathering today, in my capacity as President of the Council of the WIPO Staff Association. I am aware of my responsibilities and I wish to fulfill them with the appropriate respect and dignity, given the trust that my colleagues have placed in me, as I address you and share with you their aspirations, concerns and hopes. As I begin this address, please allow me, your Excellency, Chair of the Coordination Committee, to warmly congratulate you on behalf of all my colleagues on your election as Chair of this organ (legislative body set up pursuant to Article 8 of the Convention establishing the World Intellectual Property Organization, concluded in Stockholm on 14 July 1967), and to wish you success in your sessions and deliberations.

The WIPO Staff Association currently has six hundred and sixty-three (663) members. In relation to the one thousand and forty-nine (1049) posts approved in the budget of the current financial year, the number of members represents 63 per cent of posts. The Staff Association is a body elected by the members of the Staff Association and, under the terms of Article 8.1 of the Staff Regulations and Rules, is a statutory representative body of the Association aimed at defending staff interests in dealings with the Director General and the different representatives.

A year has passed since the previous meeting of the Coordination Committee, and the year has been a rich and eventful time.

Five major events have marked the past year:

- 1- New draft Staff Regulations and Rules (Doc WO/CC/62/2) were distributed to Member States at the sixty-second (62) session of the Coordination Committee. A provisional consultation schedule was drawn up, and was initially intended to lead to a meeting of the Coordination Committee to discuss and adopt the final proposed draft.
- 2- Continued implementation of the Voluntary Separation Program (VSP) approved by Member States (Doc WO/CC/61/3 and WO/CC/61/3 ADD) for officials with a permanent contract or fixed-term contract, which ran as initially scheduled until June 30, 2010.
- 3- Sector-by-sector restructuring once the new senior management team had taken office on December 1, 2009 and the Strategic Realignment Program had been adopted.
- 4- Implementation of the second phase of the Performance Management and Staff Development System (PMSDS).
- 5- Drafting and publication of an Investigation Manual.

In terms of the new draft Staff Regulations and Rules, the Staff Association welcomes the establishment of a new consultation mechanism, namely an advisory group with equal representation of four people appointed by the Administration and four individuals elected by the staff. The Council is nonetheless concerned by the approach taken in completing the initial draft, as well as by the substantive provisions that the Administration initially intended to implement from 2011.

It is with considerable interest and extreme vigilance that the Staff Association, in close collaboration with the advisory group, will follow the results that are soon to be launched. The Council also wishes to point out, at this stage, that the principles of acquired rights and the non-retroactivity of new provisions (where these are less favorable than current ones) must be clearly respected. Similarly, transitional provisions should also be introduced, whenever necessary, so as to respect the status of ongoing contracts and their associated rights. In addition, and very importantly, the draft revised Staff Regulations and Rules appears to be leaving too much discretionary power in the hands of the Director General without adequate check and balances which would regulate abuse, if any, of those discretionary powers. Furthermore, we are also concerned that unlike the present situation, several key amendments to the Staff Rules are proposed to come into effect without prior approval and scrutiny of the Coordination Committee.

The implementation of the Voluntary Separation Program (VSP), as approved by Member States, ended on June 30, 2010: the Administration has reported that a total of eighty-seven (87) officials were accepted into the program, at an overall cost of twenty (20) million Swiss francs (DOC WO/CC/63/4).

The Staff Association considers that it would be somewhat premature to draw all the relevant conclusions following the implementation of the Voluntary Separation Program (VSP). In the light of the reported statistics, however, the Council fears that the total number of posts freed up by the program has already been absorbed by the recruitment of 104 temporary employees in under two years. Nevertheless, the Council hopes that the Organization will sensibly use any opportunities offered by the freed up posts to regularize, as a priority, the status of as many long-standing temporary colleagues as possible, since their situation has been uncertain for many years and their duties relate to essential activities and ongoing programs.

Indeed, the Council considers that long-standing temporary employees have been doubly penalized: first, the promise to regularize their situation has been repeatedly put on hold and second, the system of allowances applied to them remains unfair and inequitable, and deprives them of the allowances due to them in the form of family benefits. Paradoxically, many such people would be unable to benefit from these allowances even if they were awarded now or soon, because their children have already reached or exceeded the age limit established for receiving such allowances.

As for the proposal in document WO/CC/63/5 relating to a regularization strategy for long-standing temporary employees, the Council notes that the principle of delaying its implementation (for a total of around thirty (30) posts) until the 2012 financial year is only a partial response to the situation faced by long-standing temporary colleagues. On June 16 and 24, 2010, the Council approached the Director General on the matter but was met with an incomprehensible refusal, particularly considering the resulting financial impact. The Council considers that our colleagues have endured enough suffering and uncertainty, and that they simply cannot be subjected to more of the same. The Staff Association's position on the subject is set out in an annex to this address. The Council invites the Coordination Committee to amend the proposed document and to consider that the criteria of seniority and of satisfactory performance and service should prevail on any other consideration in the process of filling the vacant posts.

On a final point concerning the implications of the Voluntary Separation Program, the Staff Association remains concerned at having been excluded from the consultation process relating to the abolition of certain posts, the assignment of posts by sectors, programs and divisions, but mainly the category downgrading of certain posts to be filled. This is despite the fact that, pursuant to the statutory provisions in force (and particularly Article 2.1 of the Staff Regulations and Rules), this task comes under the responsibility of the Post Classification Committee.

The sector-by-sector restructuring following the adoption of the Strategic Realignment Program continued throughout the year and Office Instructions were published until the end of July 2010.

At present, the Staff Association is analyzing the content of information it has received and will soon submit a detailed report on the subject to the Director General. The Council does, however, wish to communicate its concern about the creation of new posts, some of which seem to have been organized without a prior selection procedure, and others freed up by moving staff

members and filled by other colleagues of the same grade with no selection procedure, mainly in the form of downgradings that have affected the duties or grades of officials, including at least one individual who had been an interim Director for over eight (8) years. The Staff Association wishes to inform Member States of the deep sense of humiliation felt by our colleagues, and regrets this move that is not conducive to respect for the dignity of colleagues and that, in addition, causes them unjustified harm.

The Staff Association wishes to recall that it was solemnly informed during the second half of 2008 that there will be no witch hunting and settling of old scores. Yet we have reasons to believe that, among other things, the process of strategic realignment has been conducted, without any involvement of the Staff Association, in a manner which has favored certain colleagues and punished and humiliated others for no justifiable reasons. Division was downgraded to section; sections and units were closed in an arbitrary and high handed manner and the incumbents were assigned to inferior tasks and responsibilities; and in one instance a successful and useful program was discontinued and contrary to a decision of member states has not yet been reinstated.

Implementation of the second phase of the new Performance Management and Staff Development System (PMSDS) is ongoing. The Staff Association is closely following the remarks and other requests received from many colleagues. Some of these directly relate to the assessment criteria that are difficult to adapt to certain sectors. Other more worrying comments relate to the attitudes linked to the lack of communication between officials and their superiors. At this stage, the Council is gathering information on the cases reported, and wishes to propose readjustments to the Administration once the appropriate conclusions have been drawn.

The recent dissemination of the procedural manual for investigations has raised many concerns, including those around the rights and protection of officials who may be investigated, and more particularly their right to benefit from the assistance of a person of their choice and/or a legal advisor, the obligatory or optional nature of the manual and its actual date of entry into force, to the right of an official who is a subject of an investigation to receive the final report and to be able to submit his or her comments, to the privileges of the Director General and the Internal Auditor with respect to the designation of investigators. The Staff Association considers the outstanding issues to be particularly important and has decided to submit an appeal to repeal the promulgation process of the manual, as well as its substantive provisions.

Furthermore, the Council states that, to date, the staff have received no information on the computer violations suffered by many colleagues in 2008, during which time the Internal Auditor's services were called upon. Similarly, no information has been received about officials who received defamatory and threatening letters and e-mails during 2008. The Staff Association considers that the opacity surrounding these investigations to be particularly disturbing and has created a situation of growing suspicion. This uneasy situation has grown considerably and some colleagues have decided to bring their grievances outside the Organization before the judiciary police of the host country. Even with criminal complaints who are subject to national law, these colleagues have not measured any more progress despite the means at the disposal of the judiciary police. This situation is all the more disturbing because these officials are apparently now facing something akin to a denial of justice. It is within this particularly worrisome context that the Staff Association was apprised of a document concerning a proposal to extend the mandate of the Internal Auditor, in spite of a negative recommendation by the Audit Committee.

The Staff Association insistently invites the Member States to consider the staff's legitimate preoccupations and concerns with respect to this proposal.

Alongside this, questions relating to the recruitment process, post reclassification and other promotions continue to concern the Staff Association. Since November 2009, the Administration has stopped distributing information circulars about staff movements and the recruitment of consultants, as well as the results of the various posts advertised with a selection procedure. The Administration has attempted to attribute the change to the fact that circulars on the sector-by-sector reorganization were being prepared, and stated that the usual procedure would soon be resumed.

The Staff Association disapproves of this situation, as it gives free rein to rumors. The same can be said of the fact that recruitment results are no longer announced, because officials occupy advertised posts that have been filled, thus depriving those wishing to appeal of the opportunity to launch a procedure on the basis of the announced result.

Besides this, the lack of communication about selection procedures in the professional and higher categories makes it impossible to monitor statistics about respect for the principle of equitable geographical distribution by which the selection procedure is bound.

Some recent recruitments were carried out disregarding the most basic rules laid down in job vacancy announcements. This practice of favoritism and cronyism is unacceptable and is promoting a deep sense of unease among staff at the current time. Other recruitments are political ones that contravene the most basic principles of international public service, particularly that of its independence. I take this opportunity to recall that the resources of this organization are owned by some seven (7) billion citizens spread over 184 countries. It is important to remember at all times that we all have a fiduciary duty and obligation to the ultimate masters and owners of this Organization and must ensure at all times that those resources are not misused or used for personal ends. It goes without saying that this principle applies to all including the representatives of the Member States, the Director General and each and every staff member.

The work of the Post Classification Committee set up under Article 2.1 of the Staff Regulations and Rules has progressed with no communication received about the results of reclassification measures approved, or the decisions to reject requests submitted. This lack of transparency is extremely damaging to the credibility of the procedure followed.

In addition, the Staff Association notes that, contrary to the instruction contained at the end of Article 2.1 of the Staff Regulations and Rules that "the grading standards, fixing the level of duties and responsibilities and the requisite qualifications, shall be brought to the notice of the staff", those standards were never brought to the notice of staff. This is a violation of the principle of equal treatment for officials, with which strict compliance is always reiterated in the judgments handed down by the ILO Administrative Tribunal.

The Staff Association considers that this casts doubt on the credibility of the entire post reclassification process.

The removal of the merit-based promotion system and the promise to replace it with a scheme based on other criteria (OI 46/2008) remain pending, and poses the problem of consistency of promotions applied following the post reclassification procedure. Indeed, the lack of a sitting advisory committee begs the question as to which body has the last word on reclassifications applied. There is currently no Office Instruction on this subject.

Many officials are wondering why the new Performance Management and Staff Development System (PMSDS) contains a component which identifies officials who do not achieve their allocated objectives, but does not identify people in the opposite circumstances, even though this might motivate and encourage staff more. This is despite the fact that sanctions are automatic when these same officials do not achieve their assigned objectives.

This inequity is of concern to officials and exposes them to mistakes that are more than theoretical. The Staff Association wishes the appropriate readjustments to be made as soon as possible.

A similarly important subject is also causing considerable concern: internal justice mechanisms.

The post of mediator, one of the key mechanisms of the internal justice system, was not filled in accordance with the applicable standards. Given the particularly sensitive nature of the post, the procedures in force (Office Instructions 18/2006 and 32/2009, paragraph 3) state that the post of mediator should be filled in consultation with the Staff Association. As this procedure was not respected, the Council cannot accept having been excluded from the procedure in force for no reason.

An Ethics Office has also been created within the Office of the Director General, which also appointed the head of this Office without a selection procedure, despite the fact that it is a new post. Besides the fact that the definition of ethics needs to be further clarified, the Staff Association notes its exclusion from the prior consultation procedure (contrary to the provisions of Article 8.1.3 of the Staff Regulations and Rules), and wonders why it is repeatedly marginalized (this is the fifth time since its election in April 2010). The Council strongly deplores this situation, and has unanimously decided to launch an action to overturn the appointment that has been made.

Given the sensitive nature of an issue relating to ethics, the Council considers that only the very widest kind of consultative approach is likely to promote the gradual introduction of a genuine culture of ethics at all levels, prevent problems such as any kind of conflict of interest within and outside the Organization, and encourage the introduction of measures that prevent any kind of reprisals against officials who report unethical practice, as well as the formulation of rules that prevent and deal with cases of abuse of power, fraud and corruption.

With this in mind, and in accordance with the recommendations from the report produced by the United Nations Joint Inspection Unit and published on June 10, 2010, the Staff Association strongly wishes these rules to be enacted by the Coordination Committee, so that this legislative body fully conserves its mandate to oversee the ethics of the Organization's internal bodies.

At the beginning of the year we were informed by a much concerned HRMD Director that there were some seventy (70) grievances pending before the various organs of justice including the ILO Administrative Tribunal. This is a very high number and we must all collectively address the causes for such a high level of dissatisfaction. I also regret to inform you that during our Staff Assemblies this year, allegations of racism, discrimination, degrading treatment and obstructions of justice was raised against officials in high places. The Staff Association is willing to work hand in hand with the Administration and the member states to uproot such unfortunate practices.]

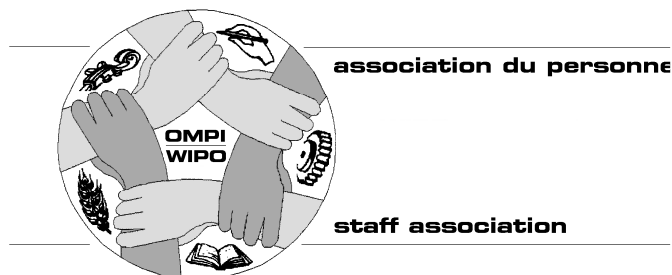
The Staff Association would also like to inform Member States that it remains particularly concerned by the cases of two colleagues who have been suspended for two years, and whose files have not yet been submitted to the Joint Advisory Committee on disciplinary matters.

The Council considers that, whatever the nature of the administrative misconduct of which they stand accused and, where relevant, the sanction they might incur, two years of professional life spent wondering and being on the receiving end of accusing glances or compassion surely represents the very opposite of the notion of justice and can be devastating. In the legislation of all member countries, the key principle of innocence until proven guilty is fully enshrined, yet here it is clearly completely denied or at least seriously questioned.

Your Excellency, in concluding my statement, I would like to once again underline the critical importance of fair play, respect, dignity, justice and humanity in keeping the morale high and without which the core values of service orientation, working as one, accountability for results and social and governance responsibility will remain hollow words and concepts.

Your Excellency, Chair of the Coordination Committee, Honorable Delegates, Ladies and Gentlemen, on behalf of the Staff Association I thank you for allowing me to address you and share with you the major concerns of our Organization's officials.

[Annex II follows]



Internal Memorandum – Mémorandum interne

To/À: Director General **Date:** September 13, 2010

From/De: Staff Council **Cc:** Mr. Sundaram
Mr. Prasad
Mrs. Dayer
Mrs. Wynant

**Subject/
Objet:** Position Paper of the Staff Council on the document WO/CC/63/5 regarding the Long-serving Temporary Employees

1. The Staff Council welcomes the initiative to resolve a long overdue and festering problem of the Long Serving Temporary Employees (LSTE).
2. In general terms, the Staff Council considers that the proposals contained in the document WO/CC/63/5, proposed to be submitted to next session of the Coordination Committee fall short of the requests made by the Staff Council in its memoranda addressed to the Director General on June 24, 2010 (copy attached).
3. In its memorandum of June 24, 2010 to the Director General, among other things, the Staff Council had requested the Director General to:
 - Reserve all Voluntary Separation Program (VSP) vacated posts to regularize short term colleagues (Long Serving Temporary Employees (LSTE));
 - Submit to the PBC session of September 2010 a revised budget for 2010/11 to request the approval of a first lot of 80 new posts (to be filled in 2010 and 2011) for regularizing at virtually zero cost 80 short term colleagues;
 - Submit to the PBC, in 2011, in the framework of the submission of the draft Program and Budget for 2012/13, a request to approve a second lot of 80 additional posts, to be filled by the end of 2013 by another 80 short term colleagues.
4. On a more specific level the Staff Council notes that the request to the Director General to submit a revised budget for the current biennium to the September 2010/2011 session of the PBC (so as to enable an early solution to the problem of short termers at WIPO), was ignored by the administration.

/...

5. The Staff Council further notes that all that the document does is to request the Coordination Committee to agree "*in principle*" to the creation of an additional total number of 156 posts to enable regularization of long-serving short termers over a period of five years (2012 to 2016) and that in order to justify such position the Secretariat states that "*given the current economic situation and the possibility of reduced income levels continuing for some time, it is not foreseen to be possible to propose that all regularizations of long serving temporary employees take place in a single year or biennium*" (document WO/CC/63/5, paragraph 29).
6. In its memorandum of June 24, 2010, to the Director General the Staff Council had pointed out very clearly that the regularization of short termers can be hardly described as a financial issue (indeed the above mentioned document recognizes that the cost of regularizing one person for a year is an average of 15'000 Swiss francs). Based on the available data, the Staff Council does not understand how the Organization may be unable to accommodate such a marginal cost increase.
7. If however what the administration is saying is that it holds information pointing to the risk that some major financial crisis may hit the Organization, the Staff Council respectfully submits that the administration should fully and transparently apprise its staff thereof.
8. The document states that VSP vacated General Service (GS) posts will be open internally to fixed term/permanent staff. While the Staff Council does not object to such proposal "per se" it notes that the document does not give enough guarantee as to the fact that if a fixed term/permanent colleague will be selected on a VSP vacated post, the post vacated by such colleague will be re-advertized to give the opportunity to a long serving short term colleague to apply.
9. Regarding competitions for P and D categories, Staff council wishes to reiterate its position that based on the current provisions of Staff rules and regulations Art. 4.8.(b), it should be advertised internally and externally, and during the selection process preference be accorded to long-serving temporary colleagues in order of seniority and good performance report.
10. Noting that quite to the opposite paragraph 18 (ii) of the document seems to suggest that when a person fills VSP vacated post his or her functions might not be replaced, the Staff Council respectfully requests the administration to clarify its position on this important point in order to prevent the risk of decreasing the opportunities of regularizing the greatest number of long-serving short term colleagues.
11. Noting that the administration intends to reserve some 28 VSP vacated posts for acquiring "missing skills" the Staff Council reserves the right to express itself on future recruitments on such VSP vacated posts, and kindly requests the Administration to precisely identify and communicate as soon as possible, the needs by sectors, divisions, bureaus, sections and units, and to explore all possibilities to use the existing skills within the organization by offering appropriate training before considering external recruitments.
12. With regard to the D level posts, the Staff Council kindly recalls that as a result of its meeting with the representative of the administration, only three (03) cases remain pending and not four (04) as reflected in the document under consideration.
13. The Staff Council understands during its two meetings with the representative of the HRMD, that some 130-140-post vacancies are proposed to be filled by the end of 2010. – Could the Staff Council invite the Administration to provide (a) breakdown by grade, sector and unit of the 130-140 post vacancies which will be announced soon with explanations regarding allocation/distribution of posts to different sectors/units; (b) an updated list of WIPO staff and employees (categorized list); and (c) a table of staff retiring over the coming five years.

14. Regarding the proposed timing of the solution proposed in the CC document the Staff Council wishes to emphasize that by the time the proposed solution will be deployed (that is to say in 2016) the persons who at the present time have less than five years of short term appointment will have become themselves long serving temporary employees. The document, however, is silent on how the Organization intends to deal with the issue.
15. In conclusion the Staff Council observes that while its memorandum of June 24, 2010 had proposed what the Staff Council considers a transparent and consensual solution to the problem of long-serving temporary employees at WIPO, the CC document, as it stands, gives all kind of assurances to member states on the kind of personnel policy the Organization intends to follow in mid term (more outsourcing, less secretarial posts, polling of resources, reassessment of personnel requirements, et cetera) but fails to guarantee such solution.
16. Noting that the agenda of the September session of the PBC does not include a revised budget and that the only updated financial information that will be submitted to the said session of the PBC is only for information purposes, the Staff Council considers that there is a risk that members states will not be ready to approve the proposal made by the Secretariat in the document and would rather wish to postpone the discussion to the PBC session that will be held in the first semester of 2011 to consider draft Program and Budget for 2012/13 and, presumably, a revised budget for current biennium.
17. The Staff Council notes that its request (submitted to the Director General on June 16, 2010 and reiterated on June 24, 2010) to grant family allowance to the long-serving temporary employees was not included in the present proposal. We would encourage the Administration to implement this measure as soon as possible as a concrete step forward toward meeting the principle of 'equal pay for equal work.'
18. Finally, the Staff Council would like to take this opportunity to once again offer its gratitude to all colleagues who played a major role in bridging the gap between the conditions of employment of fixed term staff and those of short termers in 2006.

[End of Annex II and of document]