

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

## **WIPO COORDINATION COMMITTEE**

**Forty-Fourth (30<sup>th</sup> Ordinary) Session**  
**Geneva, September 20 to 29, 1999**

### REPORT

*adopted by the Coordination Committee*

1. The Coordination Committee was concerned with the following items on the Consolidated Agenda (document A/34/1 Prov.3): 1, 2, 3, 4, 5, 6, 8, 23, 26, 27, 28 and 29.
2. The report on the said items, with the exception of item 27, is contained in the General Report (document A/34/16).
3. The report on item 27 is contained in the present document.
4. Mr. Christian-Claude Beke Dassys (Côte d'Ivoire) was elected Chair of the Assembly; Mr. Philippe Petit (France) and Mrs. Angelina M. Sta. Catalina (Philippines) were elected Vice-Chairs.

### ITEM 27 OF THE CONSOLIDATED AGENDA:

#### STAFF MATTERS

5. Discussions were based on document WO/CC/44/1.

### WIPO Staff Association

6. At the invitation of the Chairman of the Coordination Committee, the President of the WIPO Staff Association made a statement, which is reproduced in its entirety in the Annex.

### Amendments to the Staff Regulations provisionally decreed and applied under Staff Regulation 12.1

7. The WIPO Coordination Committee approved the amendments to Staff Regulation 3.15 (Scale of pensionable remuneration for the Professional and higher categories), 3.16*bis* (Salaries and internal taxation for the Professional and higher categories), Regulation 3.12A (Dependency allowances for the Professional and higher categories) and Regulation 3.1 (Salaries for staff members in the General Service category), under Staff Regulation 12.1, as reflected in document WO/CC/41/1, Annexes I to IV.

### Amendments to the Staff Rules under Staff Regulation 12.2

8. The Delegation of the United States of America expressed its concern over the accuracy of the lump sum under Staff Rule 3.11.1 for expenses incurred in Luxembourg francs (LF113,176), as indicated in Annex V of document WO/CC/44/1.

9. In response to the above, the Secretariat stated that the correct figure will be so reflected following further verification.

10. The WIPO Coordination Committee took note of the amendment to Staff Rule 3.11.1, as reported in paragraphs 12 to 15 of document WO/CC/41/1.

### WIPO Appeal Board

11. The WIPO Coordination Committee designated Ambassador Jean-Marie Noirfalisse, Permanent Representative of Belgium to the United Nations in Geneva, as Chairman of the WIPO Appeal Board.

### International Civil Service Commission

12. The WIPO Coordination Committee noted, without discussion, the information as reported in paragraph 20 of document WO/CC/41/1.

### United Nations Joint Staff Pension Board

13. The WIPO Coordination Committee noted, without discussion, the information as reported in paragraph 22 of document WO/CC/41/1.

### WIPO Staff Pension Committee

14. The WIPO Coordination Committee elected Mr. Ulrich Kalbitzer, Counsellor, Financial Affairs, Permanent Mission of Germany, as an alternate member of the WIPO Staff Pension Committee for a term running until the Ordinary Session of the WIPO Coordination Committee in 2003.

[Annex follows]

ANNEX

Statement by the President of the WIPO Staff Association to  
the WIPO Coordination Committee

(Friday, 24 September 1999)

Mr. Chairman,

Honorable Delegates,

On behalf of the staff, I should like to thank you for the opportunity to share with you some of our aspirations and concerns. I shall limit myself to two points which are of direct relevance to your task as policy makers for the well-being of this Organization.

Status of the WIPO staff

Mr. Chairman,

Honorable Delegates,

Our Organization — and under “our” I mean the Organization that is served by both you as Delegates and us as staff members — now has some 1 150 staff members. Some 770 of us are “regular staff members” holding fixed-term contracts of one year or more or contracts of unlimited duration. Some 80 are “consultants” or work under “special agreements”, and some 300 are “temporaries”, that is collaborators hired on the basis of daily, weekly or monthly contracts for periods of at most six months. It is common knowledge that the great majority of our colleagues with an insecure position are performing tasks of an ongoing nature. Indeed, some of them have been on board for more than four years.

Short-term employees do not only have to cope with the fear to be out of job by the end of the contract in both their professional and private life. The insecurity of their position also creates special difficulties, such as the quasi-impossibility of obtaining loans and, when they are non-Swiss, restrictions in the kind of housing they may seek.

This clearly runs counter to the Director General’s policy of broadening the geographic distribution of the staff at all levels.

At the same time, this is not conducive to a smooth and efficient functioning of our Organization. There are many reasons for this. Some of them are known from experience. All around the world, it has been recognized that good employers offering good employment conditions have the most productive staff and are the most profitable. Others are measurable, such as the time and energy that is wasted by the concerned staff, the program managers, the Human Resources Management Division and other administrative support units, and even the Director General.

Our Organization, which is expanding its activities, can do much better for the benefit of all. It can do so without any major changes in the Program and Budget. It seems to us that it would be able

to mobilize more funds for the realization of its objectives through savings on the management of what we may call “micro-contracts”.

Mr. Chairman,

Honorable Delegates,

The staff of this Organization would appreciate it if the Coordination Committee were to request the Director General to take measures to reduce the complement of temporary staff to those who are truly performing temporary functions.

#### The Common System and the International Civil Service Commission

Mr. Chairman,

Honorable Delegates,

My predecessors – who were by the way all men – have never failed to complain about the way in which the United Nations Common System was managed, in fact mismanaged, by the International Civil Service Commission and its secretariat. I will do so too, and provide you with evidence.

That things have gone awry has been recognized in many quarters. Many of you will remember that the staff's dissatisfaction has been no smaller than that of the former Director General Arpad Bogsch whom you decided to honor last week. That the World Trade Organization decided to quit the common system is not based upon a whim. That the United Nations General Assembly decided, on the suggestion of Secretary-General Kofi Annan, to appoint a high-level review group is by no means a delaying tactic, although many interested parties are very pessimistic about the ability of the Commission to reform, and even evolve and adjust to modern realities.

In fact, the problem is even more fundamental as evidenced by two recent judgments of the International Labour Organization Administrative Tribunal.

Judgment 1765, of July 9, 1998, concerned an error made by the Secretariat of the Commission in the calculation of the Geneva post adjustment – in effect the salaries of Professional staff – in the period from July 1994 to June 1995, which error the Chairman of the Commission refused to correct retroactively upon request from the WIPO Administration. The Tribunal decided in favor of the complainants, four WIPO (and one UPOV) staff members, and ordered the Organization to reckon anew the sums due to the complainants as from July 1994 and to pay the complainants a total of 5,000 Swiss francs in costs.

The Tribunal was extremely critical about the competence of the Commission and its secretariat, qualifying the mistake as “starkly straightforward” and as one which “should not have occurred in the first place” and came about “for want, not of information, but of care on the part of the Commission or its secretariat” It went as far as considering that the refusal of the Chairman of the Commission to correct the mistake “betrays an utter failure to grasp what the four-month rule means”.

In this particular instance, it was our Organization, not the Chairman of the Commission, which stood as the unsuccessful defendant, which had to bear the costs of calculating backpay and serving interest on the sums that had been unduly withheld.

In judgment 1841, of January 28, 1999, the Tribunal reckoned that an error had been made in the calculation of the salaries paid to General Service staff as from September 1995. Though the error was blatant, the Chairman of the Commission denied its existence until the very end of the judicial procedure, where he tried to minimize it despite previous admonition that the *de minimis non curat lex* plea fails in salary issues.

The judgment has not been implemented yet by this Organization, not want of information from the Chairman and the secretariat of the Commission. If nothing is done within the next weeks, the complainants will be forced to file an application for execution with the Tribunal.

Mr. Chairman,

Honorable Delegates,

We, the staff, respectfully suggest that the Coordination Committee may wish to do two things: firstly, instruct the Director General to implement judgment 1841 without delay, and secondly invite him to report to your next session on the functioning of the Common System.

Mr. Chairman,

Honorable Delegates,

We, the staff, are well aware that you expect a lot from us at the turn of this millennium. We will not disappoint you. We, the staff, also expect a lot from you, but we are making modest requests today. I am confident that you will not disappoint us.

I thank you for your attention.

[End of Annex and of document]