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## WIPO Coordination Committee

**Seventy-Fourth (48<sup>th</sup> Ordinary) Session**  
**Geneva, October 2 to 11, 2017**

### REPORT

*adopted by the WIPO Coordination Committee*

1. The WIPO Coordination Committee was concerned with the following items of the Consolidated Agenda (document A/57/1): 1, 2, 3, 4, 5, 6, 7, 10, 12, 28, 29, 30 and 31.
2. The reports on the said items, with the exception of items 7, 28, and 29 are contained in the General Report (document A/57/12).
3. The reports on items 7, 28 and 29 are contained in the present document.
4. Mr. Daniiar Mukashev (Kyrgyzstan) was elected Chair of the WIPO Coordination Committee; Mr. Yukio Ono (Japan) and Mr. Faizal Chery Sidharta (Indonesia) were elected Vice-Chairs.

## ITEM 7 OF THE CONSOLIDATED AGENDA

### APPROVAL OF AGREEMENTS

5. Discussions were based on documents WO/CC/74/1, WO/CC/74/1 Add. and WO/CC/74/1 Add.2.

6. The Chair thanked the delegations for having elected him as Chair of the WIPO Coordination Committee and invited the Legal Counsel to introduce the agenda item.

7. The Legal Counsel recalled that, in accordance with Article 13(1) of the WIPO Convention, any general agreement entered into with a view to establishing working relations and cooperation with other intergovernmental organizations shall be concluded by the Director General after approval by the WIPO Coordination Committee. He recalled that six such general cooperation agreements were proposed to be approved by the WIPO Coordination Committee, as reflected in document WO/CC/74/1. The Legal Counsel pointed out that, additionally, Article 12(4) of the WIPO Convention stated that "the Director General may negotiate and, after approval by the Coordination Committee, shall conclude and sign on behalf of the Organization" bilateral agreements with Member States, with a view to the enjoyment by the Organization, its officials and representatives of all Member States, of such privileges and immunities as may be necessary for the fulfillment of its objectives and for the exercise of its functions. In that respect, he stated that two such agreements had been negotiated with Algeria and Nigeria, respectively, for the opening of External Offices in those countries consistent with paragraph 5 of the Guiding Principles Regarding WIPO External Offices. These agreements, reflected in documents WO/CC/74/1 Add. and WO/CC/74/1 Add.2, were being proposed to be approved by the WIPO Coordination Committee. Both agreements provided for privileges, immunities and facilities necessary for the fulfillment of the objectives of the External Offices, and for the efficient exercise of their functions in accordance with Article 12(3) of the WIPO Convention. As such, the agreements would serve as a model for future agreements on the opening of External Offices. Finally, the Legal Counsel noted that the Agreement with Algeria was produced in two original languages, in Arabic and French, both texts being equally authentic. He wished to clarify that following further consultations with the Delegation of Algeria, some additional editorial and non-substantive changes had been made to the Arabic text, as reflected in document WO/CC/74/1 Add. Rev.

8. The Delegation of the United States of America thanked the Chair and welcomed the opportunity to review the External Office agreements. It stated that it was very pleased to see that they accorded a full host of privileges and immunities to those employees who would be posted to those WIPO offices, as well as to those travelling to those WIPO offices for work-related meetings and conferences. Furthermore, its Delegation was also pleased that those agreements did not detract from the privileges and immunities already accorded to diplomatic missions.

9. The Delegation of Senegal, speaking on behalf of the African Group, welcomed the initiative of signing Memoranda of Understanding (MoUs) in order to establish common activities and programs within the mandates that were granted on behalf of the interested Member States. The Group would be looking, in particular, at the ECOWAS agreement as well as the agreements for the opening of the offices in Algeria and Nigeria.

10. The WIPO Coordination Committee approved the Memorandum of Understanding (MoU) between WIPO and ECOWAS; the Cooperation Agreement between WIPO and IPA CIS; the MoU between WIPO and ECO; the MoU between WIPO and LAS; the MoU between WIPO and IRENA; and the partnership of WIPO in the Joint Declaration with Heads of certain international organizations, as set forth in Annexes I, II, III, IV, V and VI, respectively, of document WO/CC/74/1.

11. The WIPO Coordination Committee approved the Agreement between WIPO and the Government of the People's Democratic Republic of Algeria as set forth in the annex of document WO/CC/74/1 Add. (WO/CC/74/1 Add. Rev. – Arabic version).

12. The WIPO Coordination Committee approved the Agreement between WIPO and the Government of the Federal Republic of Nigeria as set forth in the annex of document WO/CC/74/1 Add.2.

13. The Delegation of Nigeria thanked Member States and the Secretariat for the trust and confidence placed in its country by approving the host-country Agreement between WIPO and the Government of Nigeria to establish one of the two pioneer WIPO External Offices in Africa within the 2016/2017 biennium. That development was a mutually beneficial strategic partnership between WIPO and Nigeria and, indeed, Africa. Together with WIPO, Member States and other stakeholders, its Delegation looked forward to working to ensure that the WIPO External Office in Abuja, assisted the stimulation of innovation and creativity in Nigeria and other African countries. In particular, the Delegation stated that they would work in collaboration with all stakeholders to ensure that the office facilitates the use of IP for development in Nigeria and other African countries.

14. The Delegation of Algeria offered the support of Algeria in the success of his mission. The Delegation thanked the Secretariat for the effectiveness and the availability it had shown from the beginning of the process, which would very soon lead to the opening of an External Office in Algeria. It also thanked all Member States for their support, confidence and trust placed in its country and reiterated its full commitment to the appropriate functioning of the office.

## ITEM 28 OF THE CONSOLIDATED AGENDA

### REPORTS ON STAFF MATTERS

#### (i) Report on Human Resources

15. Discussions were based on documents WO/CC/74/2, WO/CC/74/2 Corr., WO/CC/74/5 and WO/CC/74/6.

16. Concerning the “Annual Report on Human Resources”, the Secretariat stated that the report summarized the Human Resources Management Department’s (HRMD) activities from July 2016 to end-June 2017, gave an overview of the work of the Department and listed key metrics relating to the workforce of the Organization. It highlighted the following four areas: (i) over the past year, the Organization’s workforce numbers continued to be stable while productivity had again increased; (ii) the Organization had also achieved a better balance between long-term staff contracts and more flexible contractual tools to meet temporary needs, which allowed it to be more agile and flexible and to respond to business needs more quickly; (iii) the percentage of staff costs on overall expenditure continued to decrease and was now projected at 62.4 per cent for the 2018-2019 biennium; and (iv) the Human Resources (HR) Strategy in place, which had been approved by Member States in 2012, had been carefully implemented to realign jobs that became vacant and to redeploy resources in line with current and future business needs. The Secretariat mentioned that the Organization operated in a rapidly changing environment and that the mis-alignment of the workforce with WIPO’s business needs had been identified as a key organizational risk. It added that skills shortages existed, for example in the PCT with regard to Asian languages and more broadly with regard to IT capacity in the Operations Departments across the Organization, where processes were increasingly electronic and no longer paper-based. The Secretariat stated that the Organization had achieved good results with the gradual realignment of the workforce, but that it was essential to pursue this process. With regard to Member States requests to increase geographic diversity of

the workforce, the Secretariat informed the Committee that it had conducted further outreach in the last 12 months and it had again increased the number of Member States represented in its staff. It mentioned that there were currently 122 countries represented in the professional staff component of the workforce, which was an all-time high. It stated that achieving gender balance at all levels continued to be challenging and that, while some progress had been made, much more needed to be done, particularly with regard to gender balance at the senior levels. It added that some of the initiatives undertaken in this respect were documented in the report. The Secretariat also highlighted that it had again invested significant resources in training and staff development, with a broad menu of training options available to staff including technical and management training. In this respect, it added that staff were also given support to pursue higher studies and that it was piloting a tailored career development program to support the achievement of gender balance at all levels. Moreover, the Organization's Rewards and Recognition Program encouraged innovation and good work practices through which some excellent results had again been achieved by staff, for example in the area of machine translation. During the period in review, operational efficiency had been further improved, with many of the HR services and processes now being based on self-service and electronic document management. It mentioned that such processes would continue to be put in place, with a further five ERP projects currently in the process of being implemented in the Department. Concerning the "Human Resources Strategy 2017-2021", the Secretariat introduced document WO/CC/74/5 stating that the new HR Strategy was based on the Organization's Medium-Term Strategic Plan (MTSP) covering the period 2016–2021. It mentioned that human resources play a key role in achieving one pillar of WIPO's Strategic Goal IX of an efficient administrative support structure to enable the Organization to deliver its Programs. The Secretariat informed the Committee that the four primary objectives of the HR Strategy were as follows: (i) to support a sustainable future for WIPO as a self-funded specialized agency of the UN system that was operating in a fast-changing environment; (ii) to establish a diverse and inclusive workforce and to create an innovative workplace; (iii) to promote WIPO as an employer of choice through best talent management practices; and (iv) to provide efficient client-oriented processes, responsive communication and data-driven decision-making. It also stated that the Organization's Human Resources policies and systems were designed to support the achievement of these objectives. Some of the measures put in place to achieve these objectives included careful workforce planning and skills realignment, addressing talent gaps, investment in training and staff development; rewards and recognition of achievement; improved time management with flexible working arrangements; and a broad staff support system by social welfare and medical services. Furthermore, targeted outreach to unrepresented Member States would help the Organization to improve geographic diversity of the workforce, whilst the Organization's gender policy and the broad work on gender mainstreaming would bring it closer towards the achievement of gender balance at all levels. The Secretariat concluded the presentation of the document by highlighting the fact that the Human Resources strategy would be implemented within the budgetary envelope. Concerning the "Age Limit for Retirement", the Secretariat introduced document WO/CC/74/6, which proposed to introduce a general retirement age of 65 for all staff on January 1, 2021. It noted that the UN Secretariat and the Funds and Programs would implement the retirement age of 65 on January 1, 2018, based on a decision by the United Nations General Assembly. The Secretariat stated that the Organization was committed to harmonize its HR policies with those of the UN Common System and that in this respect, it had implemented in 2014, the retirement age of 65 for all staff hired after January 1, 2014, which corresponded to around 20 per cent of staff that would already retire at age 65. The Secretariat emphasized that the Organization had very specific business needs and that the field of IP was undergoing rapid transformation around the world. It highlighted that the Organization generated more than 95 per cent of its income by fees from global clients and that this client base and the manner in which services were provided had changed significantly in recent years. It underlined that the Organization found it challenging to transform its workforce rapidly enough to keep pace with this rapid external transformation and that this had been identified as a key strategic risk for the Organization. In this respect, much had been done in terms of risk management, for the past

several years, the Organization had addressed skills gaps and realigned its workforce. Moreover, efficiency had improved, whilst costs were maintained and despite increasing filing rates, no new posts had been added. Rather, there had been a decrease in the proportion of staff costs compared to WIPO's overall expenditure. Nevertheless, the Secretariat acknowledged that more workforce realignment was needed, whilst noting that the Organization had a very low staff turnover. It recalled that the principal vehicle to create space for workforce realignment was the retirement of staff and that whenever a post became vacant, it was carefully examined and brought in line with business needs and organizational priorities. The Secretariat disclosed that an area of particular concern was the PCT, where approximately 33 per cent of WIPO's staff was employed and where 75 per cent of the Organization's income was generated, as there was a lack of Asian language capacity and where more IT competence was needed. While there was a significant amount of investment in language and IT training, it was not sufficient, there was a need for new staff to be hired with Asian language skills (Chinese, Korean and Japanese) and for staff that could be trained to handle e-PCT processes and systems. The Secretariat stated that 24 retirements were expected in 2018 and in 2019, whilst 39 staff would retire in 2020. The largest proportion of these retirements would be in PCT Operations, precisely where significant skills gaps have been identified. If these gaps could not be addressed through retirements, the Organization would need to hire additional personnel increasing its staff costs considerably. The Secretariat concluded its presentation by stating that, based on the information provided, it considered that there was sufficient justification, given the Organization's specific business model and business needs, for the implementation of a temporary measure, in the form of a three-year transition period, at the end of which the Organization would be fully harmonized with the UN Common System.

17. The Delegation of Japan, speaking on behalf of Group B, thanked the Secretariat for preparing document WO/CC/74/2 entitled Annual Report on Human Resources and document WO/CC/74/5 entitled Human Resources Strategy 2017-2021. It welcomed the continuous improvement of this report, which had established its role as a key source of information on human resources for Member States. Taking into account the nature of the Organization, motivated personnel and its effective management were critical to achieving its mandate and objectives, and that fact was also reflected in the percentage of personnel costs compared to overall expenditure of the Organization. From this perspective, appropriate administration of human resources was important and the Group understood that the convergence of the Organization as a service provider in a fast changing environment and the demand of cost containment from Member States was very challenging. In that regard, it appreciated the Secretariat's efforts to respond to such challenging demands by attaining stability and flexibility in the workforce through non-staff contracts and outsourcing mechanisms. With respect to recruitment, the Group wished to reiterate the importance that it should be conducted based on merit and on the highest standards of efficiency, competence and integrity, taking into account the very technical nature of the Organization and of the services which it provided. This overarching principle was essential in order to achieve the unique mandate of the Organization within the UN context. The Group also appreciated the Secretariat's continuous efforts on geographical diversity and gender balance. With respect to the age limit for retirement, it stated that further discussions were required on the proposal to postpone the mandatory age of separation at 65 by three years.

18. The Delegation of Georgia, speaking on behalf of the Central European and Baltic States (CEBS) Group, thanked the Secretariat for preparing the respective documents and the Director of HRMD for her comprehensive presentation. With respect to the Annual Report on Human Resources, it stated that it was in line with the Organization's HR Strategy priorities, which included re-alignment of skills and competencies to evolving business needs and the pursuit of geographical parity. The Group appreciated the progress made in the implementation of the HR Strategy in 2017, which resulted in a number of improvements, and wished to commend the work of the Secretariat for continuing to achieve greater flexibility in the composition of its workforce. As diversity in the workplace was a strategic business imperative for the

Organization, the Group expressed its satisfaction with regard to continuing efforts by the Secretariat to further broaden geographical distribution and diversity of its staff.

19. The Delegation of the United States of America expressed its appreciation for the informative Annual Report on Human Resources and the Human Resources Strategy for 2017-2021. It was pleased that the Organization had made strides with the performance management and development system, and very much looked forward to further developments in performance management under the new HR Strategy. With respect to the mandatory age of separation, the Delegation appreciated the information provided, however it was of the view that there was a responsibility inherent in participating in the UN System to abide by certain International Civil Service Commission (ICSC) and UN General Assembly decisions, which ensured consistency in staff compensation and benefits across UN Organizations. It was concerned about not implementing the ICSC recommendation to raise the mandatory age of separation to 65, for staff recruited before January 1, 2014, by January 1, 2018. As a Common System Organization, WIPO was required to implement recommendations from the ICSC that were approved by the UN General Assembly and it did not understand how delaying the implementation would lead to cost savings, since the vacated posts would be filled with new staff that eventually would advance in grade and step levels. Furthermore, the Delegation mentioned that when this issue was discussed at the World Health Organization (WHO), Member States were advised that delaying the implementation date posed risks to WHO. Consequently, it queried whether the Secretariat had identified any risks to the Organization if it was the only one to delay implementation until 2021, while other members of the UN Common System were implementing the new mandatory age of separation by January 1 of 2018 or 2019. Moreover, the Delegation requested the Secretariat to provide Member States with the estimated cost to the Organization if staff appealed the delayed implementation to the International Labour Organization (ILO) Administrative Tribunal, as it had similarly provided on the recent post adjustment issue.

20. The Delegation of Germany stated that raising the age limit for retirement to 65 is an important measure, which would align the UN Common System with current trends in the public and private sectors worldwide. It therefore supported a swift implementation of the decision in all agencies of the UN Common System. However, having looked at the specific proposal for a decision concerning the situation at this Organization, it believed that the proposal needed more careful consideration. The Delegation also stated that it was not in the position to support a decision on the basis of the text as proposed, as it had questions concerning the date of a possible deferral of implementation, the arguments put forward in order to justify such a deferral, as well as the position of the WIPO Staff Council, which it deemed useful to know and be taken into account. On these grounds, the Delegation suggested that informal consultations between the Secretariat and Member States should take place in order to come to a better informed and more balanced decision.

21. The Delegation of Iran (Islamic Republic of) congratulated the Chair on his election and thanked the Secretariat for having presented the documents. The Delegation stated that it attached great importance to HR issues in the Organization, as they were related to organizational efficiency and service orientation, as well as resilience to confront new developments promptly and adequately. With regard to the Human Resources Strategy 2017- 2021, it stated that it was not in a position to support the noting of the document by the WIPO Coordination Committee in its current format, as, in its view, there were some controversial elements contained therein.

22. The Delegation of Canada thanked the Secretariat for the HR Strategy and for its detailed and useful presentation on the Organization's current HR needs and the reasoning behind the proposal. It stated that it was a strong supporter of the UN Common System and had noted with satisfaction the timely implementation of UN General Assembly Resolution 70/244 on raising the mandatory age of separation for staff recruited before January 1, 2014, to 65, across the UN Secretariat, Funds and Programmes. The Delegation also took note that the

Organization, like others in the UN System, was committed to making progress with respect to gender balance and geographic representation and it recognized the specific challenges faced by the Organization as a service-providing entity faced with an evolving business landscape. However, it was of the view that this Organization was not alone in the UN System in facing particular challenges related to its evolving workplace needs and it believed that, as had occurred in other UN agencies, Member States and the Secretariat could strike a balance between the need for coherence across a system and a recognition that an agency's specificities may require some flexibility in applying common policies. The Delegation concluded by stating that it would be pleased to continue to engage on this issue in the coming days with a view to striking such a balance.

23. The Delegation of the Republic of Korea congratulated the Chair on his election and expressed its belief that his leadership would positively guide this WIPO Coordination Committee meeting. It thanked the Secretariat for having prepared the document on the age limit for retirement for the Organization and stated that, being one of the UN Specialized Agencies, it should follow the UN General Assembly decisions. However, it also stated that it took note of the Organization's unique situation and environment compared to other UN Organizations, with its specific business needs, whilst providing global services to users which generated about 95 per cent of the total income of the Organization. It was of the view that these aspects should also be taken into account when considering this issue.

24. The Delegation of Sweden congratulated the Chair on his election and expressed its appreciation for the Annual Report on Human Resources. It particularly welcomed the Organization's reporting of the work towards fulfilling the UN System-wide Action Plan on gender equality and the empowerment of women also known as UN-SWAP. It added that it strongly supported the Secretariat's endeavors to further change the skewed gender balance at senior levels. The Delegation welcomed the document on the Age Limit for Retirement as well as the principle objectives contained in the HR Strategy and wished to express the shared view that diversity drives creativity and innovation. With respect to the document on the HR Strategy, it requested the Delegation of Iran (Islamic Republic of) to clarify which passages it was dissatisfied with in the said-document and why it could not take note of it. With regard to the Age Limit for Retirement, it expressed its support for the statements made by the Delegations of the United States of America and Germany, and in this respect, it wished to see uniform implementation the new mandatory age of separation for staff across all UN agencies. It regretted that some Organizations had decided to delay the implementation, but was still keen that the majority would implement the measure on time. It concluded by stating that further discrepancies in terms and conditions of employment within the UN Common System should be avoided in order to prevent competition in the recruitment of personnel and to facilitate the inter-agency mobility.

25. The Delegation of Mexico expressed its appreciation for the Annual Report on Human Resources, which provided the Delegation with a global view of the Organization's human resources and actions undertaken to achieve its strategies. With respect to the retirement age, while the Delegation understood that there were particular contexts in each Organization, it attached particular importance to maintaining consistency throughout the UN Common System regarding the application of measures and decisions that had an impact on budgets and the administration. Furthermore, the provision of HR needed to be considered in a crosscutting way, after careful planning for foreseeable needs, taking into account gender equity and equitable geographic distribution. It was of the view that, to constrain the discussion linking HR needs to the age limit for retirement would not achieve what Delegations were seeking on this subject. The Delegation mentioned that it would like more data on current efforts to cover staffing needs with the specific requirements at present and in the future, such as the training of new staff in the skills required by the Organization.

26. The Delegation of Belgium thanked the Secretariat for the detailed information on the age limit for retirement, which was adopted by the UN General Assembly at the end of 2015. It stated that it was very strongly attached to the principle of unison in the UN System and the consistent application of decisions throughout the UN System so as to ensure equal treatment for all UN staff. It mentioned that it had taken note of the arguments put forward by the Secretariat and agreed that a certain amount of flexibility was justified. However, it added that it would like a decision on that matter to specify the particular characteristics of the Organization that would justify such a decision, and also highlight that it would be a one-off decision. The Delegation was of the view that more information and reflection was needed in order to take an appropriate decision.

27. The Delegation of Brazil congratulated the Chair on his election and thanked the Secretariat for the preparation of the documents and for the presentation. It stated that the Annual Report on Human Resources provided a comprehensive overview of the current state in the Organization, which it appreciated. It mentioned that it attached great importance to geographical diversity, especially at the P and D levels, as it had previously stated, and that it had taken note of and commended the increase in the number of Member States represented in the workforce. It added that there was a need for further action to ensure balanced geographical representation, whilst maintaining the professionalism required by the specific needs of the Organization, and therefore urged the Secretariat to maintain and expand its outreach activities towards under-represented regions. With respect to gender diversity, the Delegation also took note of the slight reduction in the representation of women at the professional level and mentioned that it would continue to follow those issues with interest at the next session. Regarding the increase of the retirement age, the Delegation wished to join all delegations in requesting a uniform implementation of the policy across the UN System.

28. The Delegation of the Russian Federation congratulated the Chair on his election and wished him success in carrying out his mandate and mentioned that it would do its utmost to facilitate his work. The Delegation thanked the Secretariat for the presentation of the reports and noted the Secretariat's efforts to ensure equitable geographic distribution throughout the Organization. However, it stated that, in order to have a full picture, it would be useful for Member States to know the distribution of posts throughout the Secretariat, not only for a given geographical region, as contained in the Report, but also by regional group. The Delegation explained that, as an example in the Report, the Eastern European and Central Asian region was mentioned, but that this region comprised not only of Member States of Central Asian, Caucasus and Eastern European Countries (CACEEC) Group, but also from the CEBS Group, hence it would be grateful to the Secretariat for more detailed breakdown in the future. As regards to the HR Strategy, it wished to point out that HR management was one of the key areas of the work of the Organization and that staff was the most valuable asset of the Organization. The HR Strategy should be considered and discussed taking into account the views of all Member States and not just submitted to the Committee to take note of, as in its view, a number of elements had not received wide support from all Member States. As such, the Delegation was not in a position to proceed with a decision on the document in its present form and it requested for an opportunity to have additional negotiations on those issues. With respect to the report on the age limit for retirement, it mentioned that the Organization should follow common practice in the UN System, whilst fully understanding the Secretariat's argument relating to deferred implementation of the mandatory age of separation.

29. The Delegation of Australia congratulated the Chair on his election and thanked the Secretariat for the detailed reports and presentation. The Delegation stated that it supported the UN Common System and encouraged the Organization to implement the ICSC recommendations regarding increasing the mandatory age of separation. It added that it would be willing to engage in discussions on this issue in order to reach an acceptable decision.

30. The Delegation of Spain thanked the Secretariat for its work and co-operation and took note of the progress made on HR through improvements such as reconciling work-life balance. It stated that the Organization was part of the UN family and it had to align its practices with those of the other agencies, and as such, it was not in a position to support the Secretariat's proposal on the age limit for retirement as presented. The Delegation added that it was open to reach an agreement for the Organization that wouldn't be too distinct from the UN Common System. It also pointed out that, although it understood that there was a high demand for skills in Asian languages, necessary attention should also be given to other languages that were used in the Organization.

31. The Delegation of China congratulated the Chair on his election and thanked the Secretariat for the very informative and detailed Annual Report on Human Resources, which provided Member States the opportunity to fully understand the concrete measures and strategic planning on human resources. The Delegation also appreciated the efforts made with respect to geographical representation and gender balance. With regards to the HR Strategy, it agreed with the Secretariat's efforts with respect to training, performance management and human resources planning and with the Organization's need to increase the flexibility of human resources to satisfy business needs. It hoped that the recruiting process would also take into consideration market and business needs. The Delegation mentioned that some concepts contained in the HR Strategy were still under discussion by Member States. With regard to the age limit for retirement, it mentioned that it had taken note of the report of the Director General, which was presented on the first day of the Assemblies, in which the Director General had stated that the PCT System had increasingly strengthened since it began functioning in 1978, 39 years ago, and particularly in 2016, with a growth rate of 7.3 per cent. The growth rate of other registration systems, namely the Madrid and the Hague Systems, was respectively 7.2 per cent and 35 per cent in 2016. However, the number of staff and corresponding costs had remained the same. As the Organization relied on fees for income and in order to face business challenges and to secure the smooth functioning of the Organization, the Delegation was of the view that it was reasonable to increase the number of posts, in particular in the areas of strong growth, to guarantee the growth of the Organization and as well as to increase the competitiveness of the Organization in the future. With regard to actively implementing UN decisions, it stated that the specific characteristics of the Organization should also take into consideration, so that HR strategies and policies were in line with the growth of the Organization.

32. The Delegation of Singapore joined the other delegations in congratulating the Chair on his election to this important body and in thanking the Secretariat for the background documents and presentation. It mentioned that, in general, it advocated for the uniform implementation and application of the UN General Assembly resolutions across the UN System, which included this Organization. However, it was also mindful of the special circumstances that the Organization faced in terms of its business needs and the need for better geographical representation and gender balance in the Secretariat, and as such, it understood the Secretariat's proposal to delay the implementation of the mandatory age of separation as an effort to balance the competing demands and constraints faced by the Organization. The Delegation stated that it looked forward to discussing this proposal further in a manner that would take into account the concerns of all Member States.

33. The Delegation of the United Kingdom congratulated the Chair and Vice-Chairs on their election and thanked the Secretariat for the reports presented under this item. With respect to document WO/CC/74/6, on the age limit for retirement, it encouraged the Organization, as an important member of the UN Common System, to implement ICSC outcomes, whilst acknowledging the specific situation of the Organization, especially with regards to PCT Operations. As such, the Delegation stood ready to engage with all Member States to come to a consensual decision.

34. The Delegation of Oman congratulated the Chair on his election and stated its interest in matters pertaining to HR in the Organization. It thanked the Secretariat for paying attention to staff issues, for providing the means for the business needs of the Organization as well as for all the success achieved in this regard. It mentioned that the number of represented Member States in the workforce had reached 120 and expressed its appreciation for all the efforts to ensure gender balance as well. With regard to document WO/CC/74/5, on the Human Resources Strategy 2017-2021, the Delegation was of the view that the document contained a number of issues that required further consultation among Member States and therefore was not ready yet to take full note of the contents of this document.

35. The Delegation of Egypt congratulated the Chair on his election and thanked the Secretariat for their efforts in ensuring gender balance among its staff. With regard to document WO/CC/74/5, on the Human Resources Strategy 2017-2021, the Delegation stated that it still required further consultation on some of its content. It added that the general direction of the Organization was to ensure equal representation and the enjoyment of rights by all staff, and although these had been worked on a daily basis, the Delegation still needed further clarification on those specific contents of the document.

36. The Delegation of Iraq thanked the Secretariat for its efforts and called upon the Secretariat to reconsider document WO/CC/74/5, on the Human Resources Strategy 2017-2021, in order for the Secretariat to formulate language that met the satisfaction of all Member States.

37. The Delegation of Lithuania congratulated the Chair on his election and thanked the Secretariat for preparing all the documents and for its presentation. The Delegation, being a Member State of the European Union and of the Baltic States, aligned itself with the statement made by the CEBS Group. It added that, until September of that year, it was on the list of unrepresented countries, however, with the implementation of the Organization's HR strategy in 2017, one of its nationals was on the Organization's workforce and thus given an opportunity to gain important experience working for the Organization. The Delegation took the opportunity to thank the Secretariat's outreach mission to Lithuania, which took place a few weeks prior to that session. It believed that the information shared by the Secretariat during that mission with local institutions, discussions about common future activities and the appointment of a local focal point for the dissemination of information about the Organization's HR policies and practices, would assist it to reach important goals of the Organization, and in particular to increase and broaden geographical distribution and diversity of staff from all over the world.

38. The Delegation of Morocco congratulated the Chair and Vice-Chairs on their election and thanked the Secretariat for the reports. The Delegation stated that it would be a positive development if the Organization remained within the general direction of the United Nations System with regards to the age limit for retirement. With respect to the document on the HR Strategy 2017-2021, which it considered as a highly important document, the Delegation mentioned that it required further consultation between Member States in order to obtain further consensus.

39. The WIPO Coordination Committee:

- (i) took note of the information contained in paragraphs 84 to 88 of document WO/CC/74/2, and elected Mr. Vladimir Yossifov as member of the WIPO Staff Pension Committee (WSPC) for the period until the ordinary session in 2021 of the WIPO Coordination Committee.
- (ii) took note of the information contained in paragraphs 91 and 92 of document WO/CC/74/2.

40. The Chair then proceeded to read the decision paragraph relating to the Human Resources Strategy 2017-2021 and asked the delegations whether there were any objections.

41. The Delegation of Iran (Islamic Republic of) mentioned that there were many delegations that had expressed their concern on some elements of the document and that, to its understanding, they were not in a position to support the noting of the document. The Delegation reiterated its position that it was not in a position to support the noting of the document by the Committee in its current format.

42. The Delegations of Oman, Iraq, the Russian Federation and Morocco, respectively, took the floor to support the statement made by the Delegation of Iran (Islamic Republic of).

43. The Chair suggested to the delegations to proceed with informal consultations on the issues raised by the Delegation of Iran (Islamic Republic of).

44. The Delegation of Mexico stated that whilst it agreed to the language used in the Human Resources Strategy 2017-2021, it was interested in participating in any consultations on the drafting of the language to be decided upon.

45. The Delegation of the United States of America mentioned that it wasn't entirely clear what the discussion would be on or what issue had been raised with respect to the HR Strategy. In its view, the language used in the document was consistent with UN practice.

46. In response to clarifications by the Chair, the Delegation of Iran (Islamic Republic of) stated that the issue was controversial and considered it to be outside the mandate of the Organization. It did not want to start a discussion at the plenary with respect to this issue, but rather consultations.

47. The Chair proposed that all stakeholders involved in the issue relating to the language contained in the HR Strategy engage in informal consultations, in order to ensure that consensus was reached. With respect to the Age Limit for Retirement, since a diversity of opinions was expressed by Member States, the Chair requested the Secretariat to be involved in the informal consultations with the Member States concerned.

48. The Delegation of Sweden expressed its regret for having to revert to the discussion on the HR Strategy, but it did not want to engage in informal consultations as it did not know what the issue was that was raised by the Delegation of Iran (Islamic Republic of).

49. In response to the statement made by the Delegation of Sweden, the Chair stated that that was the purpose of his previous suggestion. He mentioned that it would be appropriate for all Member States that had a stake in this issue to be involved in informal consultations with the Secretariat, as there were many opinions that had been expressed by Member States. He added that, during those informal consultations, the Delegation of Sweden would be briefed about the diverse opinions on the part of the Member States.

50. The Delegation of the United States of America agreed with the statement made by the Delegation of Sweden and stated that it would participate in the informal consultations, but cautioned that, as the issue at hand was not clear, a number of Member States may not attend the consultations. The Delegation requested more clarity on the issue in order that Member States that did have an interest in the discussions would attend.

51. In response to the statement made by the Delegation of the United States of America, the Delegation of Iran (Islamic Republic of) clarified that the Organization was a Member State-driven Organization and that all strategies including HR strategies should be consistent with the norms and values acceptable to all Member States. It added that it supported equal treatment to all individuals without any discrimination and that all facilities and equipment in the workplace should be provided without any discrimination to all individuals. However, the

Delegation stated that highlighting a specific group in the document was not an issue which it could support.

52. The Delegation of the United Kingdom sought a clarification from the Chair as to whether the informal consultations dealt with the HR Strategy itself in its entirety or only with the decision reflected in paragraph 26 of the document.

53. The Delegation of Japan aligned itself with the statements made by the Delegations of Sweden, United States of America and the United Kingdom.

54. The Delegation of Germany took note of the Human Resources Strategy as described in document WO/CC/74/5, and it especially welcomed the Organization's commitment to promote an inclusive workplace. It added that it supported the objective of ensuring diversity and inclusion and was committed to the principle of the universality of human rights. The Delegation also wished to reaffirm that cultural, traditional or religious values cannot be invoked to justify any form of discrimination, including discrimination on grounds of sexual orientation and gender identity.

55. The Chair thanked all delegations for their statements, and since there were diverse opinions and questions on the two decisions relating to the Age Limit for Retirement and the HR Strategy 2017-2021, invited all Member States who had concerns about those two subjects for informal consultations during which he would brief them on the substance of the issues.

56. The Chair re-opened Agenda Item 28, the sub-item (i), "Report on Human Resources" and was pleased to inform the Committee that a consensus had emerged between delegations during the informal consultations which took place over several days and to which all interested delegations had been invited. He added that the text of the decision paragraph had been made available to delegations. He announced that he would open the floor to any delegation that wished to make a closing statement on this item. The Chair then proposed to the plenary the decision agreed upon during the informal consultations.

57. The WIPO Coordination Committee,

- having considered the proposal of the Secretariat as explained in document WO/CC/74/6;
- reaffirming WIPO's commitment to align its policies and practices with the UN Common System;
- mindful of WIPO's specific business needs and related treaty obligations in the delivery of global IP registration services; and
- noting with particular attention the increasing demand for WIPO's global IP services, in particular the current geographical shift in the origin of PCT applications and the need to reconfigure the language and IT skills of its staff to address those;

decides to exceptionally approve the implementation of the age limit for retirement at 65 for staff recruited before January 1, 2014, to take effect from January 1, 2020. Doing so would maintain WIPO's competitiveness and ensure its compliance with treaty obligations.

(ii) Report by the Ethics Office

58. Discussions were based on document WO/CC/74/3.

59. The Chief Ethics Officer introduced the Annual Report by the Ethics Office, which presented the Ethics Office's activities of the year 2016 (document WO/CC/74/3). The Chief Ethics Officer referred to the Convention Establishing the World Intellectual Property

Organization, which underlined the importance for the Organization of securing the highest standards of efficiency, competence and integrity. The establishment at WIPO of a comprehensive ethics and integrity system and of the Ethics Office followed from this. The Chief Ethics Officer highlighted that the Ethics Office was independent of WIPO's other services. The Ethics Office dealt with four main areas of activity, namely, undertaking promotional activities, particularly training and awareness building activities, providing confidential advice to senior management, managers and all staff members and standard-setting and policy development. Furthermore, the Office implemented policies assigned to it. With respect to promotional activities, there had been mandatory training on ethics and integrity for all staff at every level of the Organization since the launch of the WIPO Ethics and Integrity policy in 2012. In 2016, 622 employees, around 53 per cent of all WIPO staff, participated in ethics training and awareness activities. The activities included sector-specific outreach, the Ethics Office mandate and the services provided to staff, and the availability of its 24/7 helpline. Feedback surveys indicated that 80 per cent of respondents rated the course as having increased their understanding. Regarding confidential advice to all staff, the Ethics Office received 36 requests for advice in 2016. Most of the requests were on outside activities, conflicts of interest and declarations of interests, followed by issues related to communications and employment related matters. The Chief Ethics Officer furthermore mentioned that, in the area of standard-setting and policy development, internal work to develop a new financial disclosure policy for senior staff and other designated members of staff had resumed and had meanwhile been concluded. Work on the review of the Policy to Protect Against Retaliation for Co-operating in an Oversight Activity or Reporting Misconduct or other Wrongdoing, the PAR, or Whistleblower Protection Policy, was also undertaken in 2016. In the review, note was taken of observations and recommendations reflected in the audit of WIPO's Ethics Framework. Meanwhile, the review had been concluded. The work's outcome was submitted for review and comment to the Independent Advisory Oversight Committee (IAOC), and the policy had been promulgated. On implementation of policies assigned to the Ethics Office, the Office received complaints of retaliation and conducted preliminary reviews to determine whether a complainant had engaged in a protected activity under the PAR. Based on its preliminary review of a complaint, the Ethics Office determined whether *prima facie* there was a case of retaliation requiring adequate protection of the complainant concerned. In 2016, the Ethics Office concluded preliminary reviews on two claims for Protection Against Retaliation. The complaints were determined to fall outside of the PAR policy. Comparison showed that WIPO's numbers of inquiries were comparable to that of other United Nations bodies. WIPO's Ethics Office was also responsible for the implementation of the declaration of interest program for WIPO's staff members at the level of D1 and above, and a limited number of other specific categories. A 100 per cent rate of compliance with IPSAS disclosure requirements concerning related party transactions was achieved for the 2016 reporting period. A survey of awareness of WIPO's ethics principles, and staff's commitment to these principles was conducted in 2016. 86 per cent of respondents reported being aware of ethics principles and 87 per cent reported being committed to these principles. Some other areas of activity of the Ethics Office in 2016 mentioned in the report were the co-operation on the audit of the ethics framework and the Ethics Office's active engagement with the IAOC. In these interactions, the Ethics Office remained mindful of the vital prerequisites for the functioning and operation of an Ethics Office, namely independence, impartiality and confidentiality. The Chief Ethics Officer furthermore reported the Office's efforts for harmonization of best practices within the UN common system, to which end, the office actively engaged with the Ethics Network of Multilateral Organisations (ENMO), which aims to promote system wide collaboration on ethics related issues within the UN system, and which provided a structure for the exchange of ethics policies and practices.

60. The Delegation of the Russian Federation thanked the WIPO Secretariat, in particular the Ethics Office, for very carefully preparing its report and said that it was pleased to note the cooperation between the WIPO Secretariat and the UN Secretariat on ethics issues.

61. The Delegation of Germany thanked the Secretariat and in particular the Chief Ethics Officer for the preparation and presentation of the comprehensive report. With respect to the policy to Protect against Retaliation, and the 2016 decision to review the policy, the Delegation noted that the Director General had promulgated the revised policy on September 29, 2017, and that two days prior to the promulgation, the IAOC had provided comments. The Delegation expressed gratitude to the IAOC for the contribution to the revision process and especially for having found a feasible procedure to provide these comments outside of its regular meeting schedule, so that its observations and recommendations could be incorporated in the policy. The Delegation acknowledged the incorporation in the policy's text of many of the IAOC's comments, as well as of some of the comments it had submitted in its national capacity. The Delegation also commended the excellent work of the Legal Counsel and his team for inclusion of the comments in a legally coherent manner in the policy. The Delegation furthermore, said that a well-designed Whistleblower Protection Policy was an effective instrument to build mutual trust among all employees of an organization. It was up to the Ethics Office to assess if it would stand the test of reality. The Delegation thanked the Director General for the openness he already expressed to further develop the Policy in case any deficits became apparent. In that context, regular and substantial reporting of the Ethics Office on claims for protection against retaliation, and how these claims had been processed, would be an important and indispensable part of the annual report of the Ethics Office in the future.

62. The Delegation of the United States of America recognized the valuable role the Ethics Office played in providing a strong function at WIPO. The Delegation thanked the office for conducting in-person and online training and asked how many staff were expected to complete the course as a refresher. The Delegation believed in the international organizations' need to have robust financial disclosure and declaration of interest policies, and inquired about any notable changes to the policy and when it would be implemented. The Delegation requested clarifications on the status of one request for advice on retaliation that was not reported as having been concluded in 2016. The Delegation asked that future analytical reports contain the office's priorities for the upcoming year, and observations or recommendations the Ethics Office made to management. This was in line with annual ethics reports such as of the International Civil Aviation Organization (ICAO) and the United Nations Population Fund (UNPF). The Delegation also asked for inclusion of a comparative chart or table that included the number of retaliation complaints and ethics inquiries from previous years, to allow Member States to evaluate and assess the ethics framework and culture of the Organisation over time. Lastly, the Delegation appreciated that Member States had had an opportunity to provide feedback into the revised policy to Protect Against Retaliation, and thanked the IAOC for providing their feedback out of their normal meeting schedule and over a fairly short time. The Delegation thought it resulted in a better policy, and looked forward to its effective implementation. The Delegation encouraged the Secretariat to make the new policy publicly accessible in the spirit of transparency, as this would send a message to the public that Whistleblower protection was taken seriously. The United Nations, the WHO, the World Meteorological Organization (WMO), the Food and Agricultural Organization (FAO) and the ILO had their policies published on their public websites. The establishment of independent ethics functions and credible Whistleblower protections had been long-time priorities of the United States of America and the Delegation was pleased to see WIPO's progress in realizing these priorities, and welcomed WIPO's continued commitment to that end.

63. The Delegation of Mexico repeated the importance for its Delegation of the proper management of human resources in WIPO and the transparent use of human resources. The Delegation was grateful for the information provided by the Ethics Office, and urged the Director General, the Secretariat and his team to continue to implement best practices. The Delegation mentioned the importance to follow up awareness raising efforts, and the need for maintaining records of the advisory work, while maintaining confidentiality. In that respect, the Delegation asked if in forthcoming reports more details could be provided about follow-up on cases, present and past. The Delegation stated that the office should have the necessary resources to handle its mandate, and thanked the Director General and the Secretariat for support to that end.

64. The Delegation of Australia thanked the Chief Ethics Officer for her report and presentation. Australia considered a strong and independent ethics function of vital importance to WIPO, as well as other UN agencies. The Delegation commended the Ethics Office particularly on its ethics and integrity training and awareness raising activities. The Delegation noted the finding of the audit of the ethics framework, which was that the framework was adequate and in line with good practices in the UN system. Furthermore, the Delegation encouraged the Ethics Office to take on board the suggestions of the IAOC in its annual report regarding the need for more ambitious implementation target dates of the audit report's recommendations. Australia strongly supported effective, efficient, and transparent Protection Against Retaliation policies and procedures in WIPO that reflected best practices in the UN system. The Delegation thanked the Ethics Office for its review of WIPO's policy on Protection Against Retaliation and the IAOC for its contributions, and was pleased that the policy had been promulgated and had taken into account IAOC's comments. The Delegation supported the suggestion of the Delegation of the United States of America to publish WIPO's Protection Against Retaliation policy online to increase transparency.

65. Answering questions from delegations, the Chief Ethics Officer indicated that a third request for advice on retaliation mentioned in the report had been closed by early 2017. As the report concerned 2016, it had not been reported. Regarding training, the online training course would be mandatory, as a refresher course for all staff, and would be available in two languages. The English version was already online, and the French version was coming soon. Regarding the publishing of the Whistleblower Protection Policy, the Secretariat clarified that, as Office Instructions were internal documents, they were published on the WIPO Intranet and shared with all staff as per the normal procedure. They were not formally communicated to Member States. However with respect to the Whistleblower Protection Policy and considering that inputs from Member States had been received and that there was interest in the policy, the Secretariat was in the process of conveying the Whistleblower Protection Policy to all Member States.

66. The WIPO Coordination Committee took note of the "Annual Report by the Ethics Office" (document WO/CC/74/3).

## ITEM 29 OF THE CONSOLIDATED AGENDA

### AMENDMENTS TO STAFF REGULATIONS AND RULES

67. Discussions were based on documents WO/CC/74/4, WO/CC/74/4 Add., WO/CC/74/7 and WO/CC/74/7 Corr.

68. Referring to documents WO/CC/74/4 and WO/CC/74/4 Add., the Secretariat informed the Committee that three Staff Regulations were presented for approval by the WIPO Coordination Committee. The first concerned Regulation 3.5 – Initial Salary, which was a proposal to pay a time-limited recruitment bonus in situations where WIPO faced difficulties in the recruitment of candidates from highly specialized fields. The proposal was made on the basis of the ICSC proposal in its 2015 annual report and a UN General Assembly Resolution. It added that similar provisions had already been introduced in the Staff Regulations of the UN Secretariat and of the WHO and that this recruitment incentive would only be applied on an as-needed basis. The second Regulation concerned Regulation 12.5 – Transitional Measure on Education grant. The Secretariat highlighted that with the revised compensation package introduced in the UN system in 2017, certain amendments to the Education Grant rules were made, which resulted in less favorable provisions for post-secondary education, details of which could be found in paragraph 7 of document WO/CC/74/4. The Secretariat was proposing a transitional measure for staff members who had already enrolled their children in post-secondary programs of less than four years at the time the new rules were announced. This transitional measure would mitigate the significant impact of the loss of the entitlement to education grant and it concerned a total of 18

staff members and 19 children, at an estimated cost of US dollars 190'000. The third Regulation concerned Regulation 9.10 – Age limit for retirement. The Secretariat stated that currently, Staff Regulation 9.10 allowed the Director General to retain in service, until age 65, staff members whose statutory retirement age was 60 or 62. However, it did not allow the retention in service beyond retirement age of staff members whose statutory retirement was 65. In order to align WIPO's legal provisions with those of the UN Common System, the Secretariat was proposing to amend the regulation to give the Director General the possibility to extend any staff member beyond the statutory retirement age, in exceptional cases, if he or she considered it to be in the interests of the Organization. In addition to these three amendments to Staff Regulations, the Secretariat stated that there were a number of other amendments which were less substantive in nature and were listed in paragraph 13 of the document. The Secretariat informed the Committee that a list of Staff Rule amendments, which would become effective on January 1, 2018, were included for noting by the WIPO Coordination Committee including Rules on Time Management, on Health Protection and Insurance for Temporary Staff and some amendments of an editorial nature. These were contained in Annex II of document WO/CC/74/4. The Secretariat added that the document also contained a list of amendments to Staff Rules implemented between July 2016 and June 2017, also for notification by the WIPO Coordination Committee, such as Amendments to Dependency Allowances payable to General Services Staff in Geneva, Amendments to the WIPO Appeal Board and a change to Annual Leave Rules. The Secretariat concluded its presentation by mentioning that the WIPO Coordination Committee was invited to take note of the WIPO Policy on mobility to offices away from Headquarters and invited the WIPO Coordination Committee to maintain Staff Regulation 3.25, which provided for a time-limited financial incentive to encourage staff mobility to external offices.

69. The Delegation of the United States of America praised the positive measures taken by the Secretariat to improve and clarify the Staff Regulations and Rules. It appreciated the Secretariat's implementation of the policy on mobility to offices away from headquarters. However, it requested that the WIPO Coordination Committee review the special salary increment, Regulation 3.25, once it was granted to a staff member, to decide whether the regulation should be maintained. In its view, this would allow Member States to better assess the value of the special salary increment, once the delegations saw how it was applied. It mentioned that this request would be in keeping with its approval of the special salary increment at the previous session of the WIPO Coordination Committee where it discussed the need for a WIPO Coordination Committee review.

70. The Delegation of Sweden thanked the Secretariat for the changes in the Staff Regulations. The Delegation requested clarification in respect of the suggested change in Regulation 3.5 regarding the recruitment incentive. It mentioned that it was suggested that it made it possible to have an increased initial salary up to 25 per cent for experts in highly specialized fields. First, it inquired if WIPO had a problem finding the proper competence and whether this measure could be useful. The Delegation's second question concerned the estimate of additional costs linked to the suggested change in such a case. As regards the special salary increment, the Delegation stated that it supported the statement made by the Delegation of the United States of America, and would like to be informed to what extent the special salary increment had been used, how many staff it involved and the cost of the measure.

71. The Delegation of Canada stated that it would be grateful for more information from the Secretariat concerning the recruitment incentive. The Delegation wondered what highly specialized fields the measure would target, how many positions it would target, and what was the Secretariat's estimation of the planned annual costs of this measure. Moreover, it mentioned that it would also be grateful for information as to whether any external office was experiencing the staffing shortfalls that underpinned the creation of that Regulation.

72. The Delegation of the Russian Federation expressed its appreciation to the Secretariat for the detailed document on the Amendments to the Staff Regulations and Rules and mentioned that it was of the view that the Rules were in line with WIPO's priorities and followed practice in the UN Common System.

73. The Secretariat responded that it did not possess any cost estimates for the recruitment incentive because it had not applied this measure so far. It added that there were occasionally situations when the Organization advertised posts and was not able to find the quality of staff that was needed, and hence had to re-advertise jobs. The Secretariat clarified that it could be specific jobs in the areas of translation and IT, or some other specialized areas. It mentioned that it would first have to experience how it was going to work and the idea was, clearly, to use it only on an as-needed basis, and that it could report to the Committee on how often it had been necessary. The Secretariat stated that it did not know whether other organizations had used it widely, but that it had been included as a contingency for the time being. On the special salary increment, the Secretariat explained that it had been in place for a year, but that it had not used it yet as it had not yet been in a situation where it had to transfer staff from Geneva to an external office on a long-term basis.

74. Referring to documents WO/CC/74/7 and WO/CC/74/7 Corr., the Chair of the WIPO IAOC made the following Statement:

"Thank you, Chair. Excellencies, distinguished delegates, I am pleased to present to you the Proposed Amendments to WIPO's Staff Regulations that can be found under reference WO/CC/74/7.

"As you will recall, the General Assembly amended the Internal Oversight Charter to include stipulations regarding investigations into allegations against members of the Senior Management Team of WIPO.

"While the investigation-related aspects of such a situation are now appropriately dealt with, it was noted that the disciplinary stipulations of the Staff Regulations were incomplete in this regard. Consequently, the 48<sup>th</sup> session of the WIPO General Assembly requested the IAOC to propose appropriate modalities and procedures, including any necessary amendments to the Staff Regulations pursuant to the revisions of the Internal Oversight Charter.

"During its 44<sup>th</sup> and 45<sup>th</sup> session, the IAOC deliberated on the matter and after consultation with the Secretariat and Member States prepared the document submitted to the Coordination Committee.

"The proposed amendments clarified the roles and responsibilities in case an investigation has substantiated allegations against the Director General. It is suggested that the Coordination Committee assumes the functions normally assumed by the Director HRMD, and that the General Assembly assumes the functions normally assumed by the Director General.

"It is also suggested to make a clearer distinction between performance and conduct issues, and to consistently use the term "misconduct" throughout the Staff Regulations.

"Finally, it is suggested to clearly establish the duty of staff members to report misconduct, as such duty is the foundation of whistleblowing and whistleblower protection. In this context, the IAOC suggests to establish the Internal Oversight Division as the primary channel for reporting misconduct.

"I am happy to inform you that after further discussion with HRMD and the Office of Legal Counsel, a consensus has been reached in relation to Staff Regulation 1.7(c). The proposed new text is also aligned to language used in recently promulgated WIPO Policy on Protection against Retaliation.

"Additionally, unrelated to the above matter, the Committee made the recommendation to the Director General to amend certain other aspects of the general disciplinary rules in the Staff Rules – detailed in paragraph 12 of our report. We have recently been informed that the Director General decided not to implement the IAOC's recommendation.

"The Committee is of the view that the proposed amendment, if adopted, would allow to adequately deal with allegations of misconduct against members of the WIPO Senior Management Team.

"Thank you very much."

75. The WIPO Coordination Committee:

- (i) approved the amendments to the Staff Regulations as provided in Annex I of document WO/CC/74/4, to be effective as from January 1, 2018;
- (ii) took note of the amendments to the Staff Rules and related annexes as provided in Annexes II and III of document WO/CC/74/4;
- (iii) took note of the "WIPO Policy on mobility to offices away from Headquarters" attached as Annex IV of document WO/CC/74/4;
- (iv) decided to maintain Staff Regulation 3.25 in the WIPO Staff Regulations; and
- (v) decided to approve the amendment to Staff Regulation 9.10 as provided in the Annex to document WO/CC/74/4 Add., to be effective as from January 1, 2018.

76. The WIPO Coordination Committee approved the Amendments to the Staff Regulations Proposed by the IAOC (documents WO/CC/74/7 and WO/CC/74/7 Corr.).

[Annex<sup>1</sup> follows]

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<sup>1</sup> It is customary practice that, on request, the Chair allows a representative of the WIPO Staff Council to address members of the WIPO Coordination Committee after the conclusion of its agenda in order to provide the perspectives of staff. The Chair informed that he would follow the precedent set forth with the agreement of the Member States, and so he proceeded. The statement of the representative of the Staff Council is annexed.

WIPO Staff Council Intervention before the  
Coordination Committee of Member States  
World Intellectual Property Organization  
October 6, 2017; Geneva, Switzerland

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

It is a great honor to address the Coordination Committee this morning on behalf of the World Intellectual Property Organization Staff Council. My name is Tom Bombelles, and while I am the one speaking today, I emphasize that my remarks today are on behalf of the Staff Council as a whole. We are a collegial group, and my colleagues are with me here in the room today. We will focus today on providing you with the perspectives and concerns of ALL WIPO Staff, with an emphasis on ALL. For the first time at WIPO, the staff representatives have been elected on the basis of universal suffrage, without any limits or criteria as to who could vote and express their preferences.

The WIPO Staff Council was established pursuant to a staff-wide election held in March 2017. As such, we are a new body with a one-year mandate, during which time we will establish ourselves, our rules and procedures and build a foundation for future Staff Councils to represent the interests of all Staff. In all these endeavors, and in the best democratic tradition, our emphasis is on **inclusivity**.

A key question for the WIPO Staff Council as it has worked into its new role, has been to consider what is the most effective way in which it can represent the interests of all Staff before the Director General and the Administration, with an emphasis on achieving concrete results. In this spirit, the WIPO Staff Council has constructively engaged with the Director General and the Administration. However, at the same time, it remains vital that the Staff Council acts as a watchdog, ensuring that decisions taken by the Director General and the Administration are in the best interests of all staff and that a workplace characterized by inclusivity, fairness, professionalism, and respect, prevails at WIPO.

To achieve this vision, immediately upon its establishment, the WIPO Staff Council reinitiated dialogue with the Director General and the Administration. In the six months since our March 2017 election, we have had five meetings with the Director General. Sometimes we agree, sometimes we disagree, but always we find open and honest dialogue, and in most cases common ground.

Our approach results in a range of benefits, small and large, for Staff. For example:

- 1 In our comments on the proposed changes to the education grant, we urged the Administration to protect eligible staff from significant decreases in benefits from the changes, and the Administration implemented some transition measures that mitigated the negative impact on a number of staff.
- 2 We have instituted working groups and recruited staff from all WIPO sectors to work on a range of issues, thereby promoting in tangible ways the inclusivity I mentioned a few moments ago.
- 3 We have organized two social events, and successfully requested the opening of two previously unused, terraces for staff use. Among the many advantages of working for WIPO is our campus and physical plant, and small gestures can have a positive effect on morale.

- 4 In all of this we have endeavored, and successfully, if I may say so, to change the tone and atmosphere regarding the relationship between Staff and the Administration. As I said, if and when we disagree, we say so and we advocate strongly for our position. But we do so constructively, professionally and respectfully. And based on the feedback we get from our colleagues, our approach has been noticed and appreciated.

Such progress, small and big, is welcome, but of course the most important issue facing staff in WIPO but indeed all UN professional staff in Geneva is the International Civil Service Commission's (ICSC) decision to change the post adjustment multiplier for Geneva, resulting in a threatened precipitous decline in take-home pay for professional staff. As originally proposed, the change would have resulted in a de facto loss of one month's pay, playing havoc with staff members' household budgets. The Staff Council supported a petition initiated by Staff and signed by 602 staff members to express staff's unequivocal opposition to the ICSC's opaque and flawed decision.

There are two principal problems with ICSC's approach.

First, and as the ICSC themselves heard loud and clear from all Geneva-based organization and staff representatives at their July 2017 meeting in Vienna, their opaque and flawed methodology has fatal errors, and should not be allowed to move forward.

Member States rightly demand transparency, accountability, and compliance with established procedures and methodologies. As was clear at the Vienna meeting, there is a strongly held view, supported by numerous experts from the Geneva-based organizations that the ICSC failed on all counts. Shouldn't you, the Member States, demand the same of the ICSC as you demand of us?

Second, on the practical side, the blunt, thoughtless approach by the ICSC holds the prospect of real damage to many colleagues who could not be expected to have prepared for such a large reduction in take-home pay. Many staff members have accepted jobs at WIPO with the entirely reasonable expectation that the post adjustment multiplier, while fluctuating mildly month-to-month, would remain in its historical range. Rents, mortgages, loans, school fees, support for extended families, ageing parents, etc., are all part of a UN staff member's financial planning. None of these obligations are going to be reduced by 7% just because the ICSC decided to change its methodology for Geneva.

In addition, as hundreds of our colleagues remind us, their duly elected representatives, the ICSC's decision must be taken in context. At WIPO, the level of staff benefits, largely at the insistence of you, the Member States, has been cut in a relatively short period of time and continues to erode. These include changes in the calculation of dependent benefits, diminution of the education grant, decrease in the home leave allowance, all resulting in a significant decline in financial compensation for most of us.

Moreover, from 2015 to 2018 the Organization has not added one post; the number of fixed term posts remaining at 1,205. Yet, we are all asked to do more with less, even as the level of compensation decreases, and then we are further threatened by more cuts.

For example, in our two main service areas, PCT and Madrid, applications processed by WIPO increased 8% and 9% respectively. The efficiency gain is impressive, but these efficiencies should be rewarded by incentives, including financial, but in fact we are being penalized.

Finally, while the principle is important, let us all remember that here at the World Intellectual Property Organization we anticipate a 10% income growth in the next biennium, while personnel costs are being contained at a 0.8% increase. And we have over CHF 300 million in reserve.

The questions then are simple: Why should staff accept a pay decrease for delivering efficiency gains, for doing more with less, and for being the single most important asset this Organization has?

WIPO and its staff do enjoy the privileged status that comes with being a member of the UN system, but the WIPO staff urge the Member States to keep in mind WIPO's particular business model, our self-funding status, and the resulting healthy financial situation.

The Staff Council welcomes the Director General's April 13, 2017, letter to the ICSC and the letter's clear, direct language questioning the ICSC's decision. In particular, the Director General stressed the need for ensuring that implementing the ICSC decision would not be in breach of the Organization's obligations to its own staff. In other words, there is a serious obligation to perform essential due diligence.

In addition, the Director General's April 13 letter emphasizes the fact that WIPO competes in the global marketplace for talented individuals with skillsets that are in high demand and valued in the 21<sup>st</sup> century economy. A one-size-fits-all approach to compensation for our Organization is wrong-headed, and our concerns deserve to be taken with the utmost seriousness by you, the Member States.

Moreover, in the draft Program and Budget, WO/PBC/27/8, dated August 15, 2017, prepared for the September 2017 PBC meeting, Member States were informed (page 22, para 29) of potential legal risks and financial liability to the Organization if it were to be faced with litigation in response to the downward adjustment in salaries envisioned by the ICSC decision.

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen, WIPO is a crown jewel in the UN system, it is aligned with the most advanced sectors of the global economy and provides services that are valued by its clients and customers. At the same time, as a UN agency, we use our special place of privilege to focus on development-related goals to help all Member States benefit from the innovation economy.

To do so, we need to attract the best and the brightest, and to retain them with competitive compensation packages. Our responsibility is to do our jobs and deliver the results that you expect, and we do so. If we may, we state that in return, our request to you is that you pause and reflect carefully at your constant pressure to not add posts, and to cut staff benefits and compensation. We are delivering good, often superlative program performance and excellent financial results. Please consider carefully if, in return, the appropriate response is to lower our monthly take-home pay and cut our benefits.

In conclusion, WIPO remains a good, sometimes great, place to work and make a career. Of all the things about WIPO you may wish to change, that should certainly not be one of them. Thank you for your attention and the opportunity to address you today on behalf of all Staff.

[End of Annex and of document]