

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

WORLD INTELLECTUAL PROPERTY ORGANIZATION

COORDINATION COMMITTEE

Thirty-Third Session (25th Ordinary)  
Geneva, September 26 to October 4, 1994

STAFF MATTERS  
(SECOND SUPPLEMENT TO DOCUMENT WO/CC/XXXIII/2)

Memorandum of the Director General

DIFFERENCE OF WORKING HOURS OF PROFESSIONAL STAFF BETWEEN  
GENEVA AND THE BASE CITY OF THE COMMON SYSTEM (NEW YORK)

1. At its September-October 1991 session, the Coordination Committee decided that a Working Group on Professional Remuneration be created in order to establish, in particular, "the facts concerning the alleged inequality of treatment between staff serving in Geneva and those serving at the base of the common system (New York)" (see document WO/CC/XXVIII/7, paragraph 38). The Working Group held three sessions in the first part of 1992 and its report was presented to the Coordination Committee at its September 1992 session.
  
2. At that time, the WIPO Coordination Committee "noted the report of the Working Group on Professional Remuneration ... and noted with approval the intention of the Director General ... to request the ICSC to review the working hours question." It is recalled that this question deals with the difference in the number of working hours, on a yearly basis, applicable to WIPO Professional staff members in Geneva on the one hand and to United Nations Professional staff members in New York on the other hand. This difference has been reckoned by the International Bureau to be 11.8% more for the former than for the latter. In October 1992, the Director General so requested the ICSC and subsequently, in December 1992, the General Assembly of the United Nations noted that the ICSC would study in 1993 the issue of working hours (Resolution 47/216, Section I.A., paragraph 5).

3. At its 38th session (from July 15 to August 3, 1993), the ICSC examined this issue under an agenda item entitled "Relationship Between Hours of Work and Remuneration." In its report to the General Assembly of the United Nations (see document A/48/30), the ICSC "considered that the nature of Professional-level work was such that it did not lend itself to strict adherence to work schedule parameters" and decided to maintain the current common system practices with regard to working hours and to inform the General Assembly of the United Nations accordingly.

4. The relevant excerpt of the ICSC report to the General Assembly of the United Nations was presented to the WIPO Coordination Committee at its September 1993 session together with the comments made by the Director General (see document WO/CC/XXXI/3, paragraphs 18 to 28). During the discussions, the Director General took strong exception to the findings of the ICSC on the question of the difference of working hours of Professional staff between Geneva and New York. He noted, however, that those findings would go to the General Assembly of the United Nations at the end of 1993 as part of the annual report of the ICSC. He therefore decided to wait for the consideration of the issue by the General Assembly of the United Nations before reverting to the issue at the next (present) ordinary session of the WIPO Coordination Committee. The declarations of the Director General were noted by the WIPO Coordination Committee.

5. At its 48th session (September-December 1993), the General Assembly of the United Nations considered the report of the ICSC (document A/48/30). As far as the relationship between hours of work and remuneration is concerned, the General Assembly of the United Nations concurred fully with the views expressed by the ICSC as set out in its annual report and endorsed the decision of the ICSC to maintain the current common system practices with regard to working hours (see Resolution UNGA 48/224, Section F).

6. After the decision of the General Assembly of the United Nations and the previous decisions by the ICSC not to take into account the difference of working hours of Professional staff members between Geneva and the base of the common system (New York) in the determination of their remuneration, appeals were lodged, on March 31, 1994, by several WIPO staff members before the Administrative Tribunal of ILO. United Nations General Assembly Resolution 48/224, Section VI, paragraph 5 (adopted on December 23, 1993), calls for consultation with the ICSC when such cases are before the Administrative Tribunals. Accordingly, the Director General transmitted to the Chairman of the ICSC copies of the complaints, on April 11, 1994, and a copy of the rejoinder, on August 9, 1994. The ICSC's comments were transmitted to the Registrar of the Administrative Tribunal of ILO.

7. Since the Administrative Tribunal of ILO will render its judgement on the appeals at the beginning of 1995, the Director General will wait for that judgement and revert to the matter at the next session of the WIPO Coordination Committee.

8. The WIPO Coordination Committee is invited to note the contents of this memorandum.