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REPORT BY THE DIRECTOR-GENERAL ON THE JUDGMENTS CONCERNING UNESCO ISSUED BY THE INTERNATIONAL LABOUR ORGANIZATION ADMINISTRATIVE TRIBUNAL (ILOAT)

ADDENDUM

COMMENTS BY THE INTERNATIONAL STAFF ASSOCIATION OF UNESCO (ISAU)

SUMMARY

Pursuant to Item 9.2.7 of the UNESCO Human Resources Manual, the International Staff Association of UNESCO (ISAU) submits its comments on human resources issues (document 206 EX/5.III.INF).

1. This report demonstrates the existence of a major problem in the internal justice system within UNESCO and in the management of individual cases by the Administration.
2. The report shows in particular that the current system has become obsolete and no longer meets the standards of the procedures in force under international human rights instruments. It is extremely slow, cumbersome and inefficient. We believe that UNESCO deserves a more sophisticated system of internal justice, allowing it to deal with different types of appeals (Review Panel, Reports Board, Appeals Board, ILO Administrative Tribunal), in keeping with an Organization that promotes human rights. We therefore welcome HRM's decision to reform the justice system, which is currently very complex and clearly has gaps and shortcomings.
3. ISAU will continue to work closely with HRM in preparing the revision of the Statutes of the Appeals Board, which should lead to a fairer and more effective internal justice system, particularly in terms of time limits. In order to do so, **the necessary financial and human resources are essential**. Such a system of justice will be to the benefit of the Organization and its staff. The new system should be based on basic principles of law such as access to justice for all and equality of the parties. It would also be desirable for legal advice to be accessible to all.
4. ISAU further considers that internal justice reform is not an end in itself, but a means of improving the current system.



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5. It is alarming to note that the incorrect application of rules and procedures, particularly those relating to the Medical Benefits Fund (MBF), accounts for 64% of cases lost by the Organization. This mismanagement was damaging, especially since it could have been avoided if HRM had taken into account the serious warning issued by the staff associations. We would also like to recall that lack of communication is a major cause of conflict, so it is important that managers are trained in conflict management and interrelational communication. The other cases lost (36%) are due to obvious failings in case management.

6. Therefore, for all the reasons mentioned above, we support the corrective measures announced by the Administration and its intention to focus on the development of conflict prevention mechanisms, in particular through mediation. ISAU intends, in this respect, to play its role in full in the settlement of disputes.

7. In conclusion, ISAU encourages the Administration to take swift action to set up the new system of internal justice, to apply rules and procedures strictly, and to invest in conflict prevention and manager training.