

# CCISUA Position on Interim Report of the CEB Task Force on Future of Work

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## Contents

Statement .....	2
Principles.....	2
Review of contract modalities .....	2
Pilot initiatives.....	2
Review of visionary approach past COVID-19.....	3
Agile Contractual Arrangements including non-location specific clauses .....	3
Remote Working .....	4
Remote work options for the field.....	5
Lower Salary Costs .....	5
Agile Contract Modality .....	6
Applicability of new contractual framework .....	6
Social Security under new framework .....	6
Non-location contracts .....	6
Enabling Technology .....	7
Annex – Resolution CCISUA/XXXV/2020/Res.2 .....	8

## Statement

CCISUA fully agrees that the role of the UN remains as relevant now as it has ever been. We recognize that the UN as well as the entire global community, is facing challenges to which sensible and pragmatic responses need to be found.

While CCISUA received a copy of the interim report and are invited to the open discussions at the HLCM, it is regrettable that our input is not sought in the actual working group. CCISUA is deeply concerned about being excluded from these discussions as a lot of the changes that are proposed, need to be properly evaluated and discussed, not only in the light of their feasibility for implementation but also with regards to potential impacts. A proper social dialog on fundamental issues, such as *contract modalities*, requires a clear inclusion of the bodies who are representing those directly affected by the proposed changes, i.e. the staff representative bodies and, in the context of the HLCM, the staff federations.

CCISUA therefore insists to be included in all relevant discussions, within the scope of *future of work*.

## Principles

### Review of contract modalities

We believe the current contract options to be fit for purpose. While we acknowledge that there is a need to optimize and streamline the processes, particularly with regards to reducing the time between identifying the need to fill a post to actually filling it, we are of the view that the three contract types (continuous/permanent, fixed-term and temporary), if applied adequately, cover the full range of employment needs for the organisations.

Any review of the contract modalities must take place with the full and effective participation of the staff federations and in close cooperation with the ICSC.

### Pilot initiatives

We would like to be informed and consulted about the planned *pilot initiatives*, particularly on

- the scope and target of the initiatives,
- how the principle of equal compensation for equal work is upheld,
- what the parameters as well as the success, failure criteria are,
- whether the conditions of service of any currently serving staff will be affected;

## Review of visionary approach past COVID-19

CCISUA recognizes that a lot of effort has been invested by both the organisations and individual staff members in ensuring that the organisations remain effective during periods of lockdown, quarantine and physical distancing, despite the challenges of additional costs (some borne by the administration, some borne by staff members), uncertainty, isolation, unavailability of required resources, as well as the very personal implications caused by concerns about health, safety and job security for oneself as well as loved ones.

We believe that, in order to not compromise the considerable achievements that both the administrations and colleagues helped contribute to, it is important that, prior to any initiatives that further prescribe technological or organisational enhancements, particularly while we currently find ourselves in a phase of 'stabilizing the changes', we take a step back and take inventory, clearly acknowledge the tremendous efforts that have been undertaken, carefully analyse the findings and provide recommendations that are sensible and are not leading to reactions of fear, uncertainty and doubt by colleagues.

## Agile Contractual Arrangements including non-location specific clauses

Due to the absence of detailed information at this point it is difficult to analyse the proposal more thoroughly. Our concerns around the concept of agile contracts, particularly when used without reference to local compensation factors are:

- a. Violation of the Flemming and Noblemaire Principle,
- b. Pushing the burden on contract holders while denying them appropriate compensation,
- c. Issues stemming from disconnect between office location and work location, including but not limited to recognition of residency,
- d. Push effect of workforce out of more expensive duty stations into lower cost locations,
- e. Uncertain impact on geographic representation of the workforce; inter alia, as working from the home country may not be equally attractive or viable for candidates from different countries and regions, further skewing the balance in favour of candidates from developed nations,
- f. Uncertain impact on gender representation, if is conceivable that agile contracts would be predominantly used for female colleagues to supplement the career of their significant others, this may lead large-scale discrimination against women, including an increase in the gender pay gap and potentially leading to increased dependency on the significant other concerning After Service Health Insurance and pension (particularly if agile contracts are 'all-in'),
- g. Serious concerns regarding independence of the international civil service from national interference,
- h. Serious concerns regarding the potential erosion of exclusive dedication to the United Nations and commitment to its core values under a scenario of fragmented and distributed workforce,
- i. No information available on the determination of the salary scales for agile contracts – would this be a global average, a fully negotiated rate, a regional scale?
- j. Concerns about due diligence and *ultima ratio* in terminating agile contracts,
- k. Unclear legal basis of the proposed contractual framework,

- l. Unclear impact on financial obligations currently held by staff members (e.g. double residency),
- m. No information is available how and when the federations will be involved in the discussion in relation to the discussion on agile contractual modalities;

In short, we are concerned that the introduction of *agile contracts*, particularly with the flavour of *non-location clauses* will lead to precarious working situations and will open the door to a downwards spiral in the cohesion, engagement and sustainability of the international civil service.

### **Commitment to flatten the hierarchy**

We are in full support of flattening the hierarchy in the common system organisations, however, we believe that this needs to be demonstrated by a good example for senior managers. A reduction of the hierarchical levels needs to start from the top and needs to go hand in hand with changing the culture of the organisation away from ‘performance evaluations’ towards a *results-only work environment* (ROWE) that is based on modern motivational frameworks, embracing autonomy, mastery and purpose, as core principles. “Tone at the top” and accountability for sound people management must be more than hollow slogans.

### **Aggressively pursuing the simplification of rules and policies**

While a review of the rules and policies is prudent, it is important that it be supported by:

- a. a thorough legal review and impact analysis,
- b. clear mechanisms for the grandfathering of compensation including benefits and entitlements,
- c. commitment to social dialog and inclusion of staff federations and staff unions in any discussions, as the sole legitimate representatives of staff constituencies;

## **Remote Working**

As a result of the pandemic, comprehensive remote working has become the de-facto standard. While we recognize the benefits, it is important to also highlight the negative implications on colleagues, which must be considered when planning the way forward.

These are, *inter alia*:

- a. increased disrespect for work / life balance,
- b. impact on health and wellbeing through isolation, ‘always-on’ expectations as well as workplace ergonomics,
- c. non-availability of appropriate resources to work effectively,
- d. increased costs for colleagues (electricity, connectivity, equipment, licenses),
- e. impact on family role model, potential burden increase on colleagues with caretaking responsibilities
- f. impact on applicable post adjustment index and determination of local salaries for GS / FS staff,

We believe that the social dimension of working cannot be underestimated, it is therefore important to provide facilities for colleagues to meet in person and to carry out their work in the office, if they so choose.

Furthermore, the organisations must provide all necessary support for persons with disabilities to perform their work from a remote location. The organisation bears a responsibility to provide them with the facilities, tools and technologies to carry out their work while fully respecting their needs.

Core Hours also need to be discussed in detail. In a fully global and virtual environment, it is impossible to require attendance during core hours. This needs to go hand in hand with a fundamental right of colleagues to disconnect from work. Meetings and timelines outside the normal office hours of the remote location need to be minimized and expectations to reply to inquiries outside these hours need to be curtailed. Managerial accountability on these matters is critical.

### Remote work options for the field

While it makes sense to offer remote working in field locations, the discussions need to include:

- a. impact on benefits and entitlements, including hardship allowances and danger pay,
- b. impact on R&R and accelerated home leave,
- c. determination of salary and applicability of PAI,
- d. responsibility for DoC when the colleague is working from outside the DS, including potential medical evacuations,
- e. general guidelines on working outside DS in field settings,
- f. pay protection and respect for increased costs through potential multi-residency of staff members;

### Lower Salary Costs

While, on the surface, the move towards *remote working* may lead to cost savings, this may not hold true for all locations. A detailed cost/benefit analysis should be conducted also factoring in:

- a. increased costs for equipment and remote office outfitting,
- b. cost contributions towards electricity and connectivity,
- c. cost contributions towards pro-rated private office space,
- d. actual savings through reductions of leases and operational costs;

Also, in order to allow a more detailed discussion, more information on the 'agile contracts' is required.

## Agile Contract Modality

### Applicability of new contractual framework

CCISUA is deeply concerned about the notion to ‘progressively replace the contractual framework’. It must be avoided that colleagues are switched over to the new contract modality against their will. This includes contract switches related to:

- a. selection / placement,
- b. lateral reassignment,
- c. inter-agency transfers,
- d. unilateral notices of change (particularly relevant for fixed-term contracts);

Referencing footnote # 2 in the interim report, it is currently unclear to who the new contracts would apply to. Would contract holders be *staff members* or *affiliate personnel*? A switchover, particularly from being a staff member to becoming *affiliate personnel* holds significant legal implications that may lead to litigation.

### Social Security under new framework

The organisations bear a responsibility towards their staff. It is therefore important that any proposal must incorporate

- a. social security,
- b. pension benefits,
- c. after service health insurance

These concepts need to be supplemented by, given the ‘quick onboarding and offboarding’ target, a mechanism for covering periods of unemployment as well as mitigating effects related to potential and significant pay cuts.

In order to be compatible with the organisations’ social security obligations to employees, any ‘agile’ or ‘portfolio career’ proposal that implies periods of unemployment would require the establishment of an unemployment benefit scheme within the UN System. An honest cost/benefit analysis must be presented to the ICSC and Member States on this matter.

If the proposal expects staff members to rely on their national social security schemes, this generates serious concerns in terms of equitable geographic representation and the attractiveness of the UN as an employer for all candidates from around the globe. The inherent bias towards candidates from developed countries with strong social security schemes in this proposition runs counter the Secretary-General and General Assembly’s stated goal of a more diverse, balanced and inclusive workforce at all levels.

### Non-location contracts

As stated above, this requires a thorough discussion as, despite the obvious cost savings effects, significant repercussions can be caused as a direct result. The impartiality, independence and truly international nature of the international civil service is at stake.

## Enabling Technology

We believe that any change project needs to be based on a proper value proposition. While the projects that are being proposed sound sensible, it is unclear what the actual issues stemming from the underlying processes are.

It is therefore important to document the 'as-is' status, design the 'to-be' processes and conduct a fit-gap analysis.

Any technological enhancements need to incorporate the following elements in their evaluation, design and implementation:

- a. fundamental right to privacy,
- b. privileges and immunities of the UN,
- c. applicability of GDPR and similar instruments,
- d. retention periods for electronic records,
- e. impact on fairness and transparency,
- f. potential risks as a result of the new technology,
- g. potential bias and discrimination caused by the technology.

The push for modernization is sensible but any solution needs to take into consideration the current practice within the organisations as well as the realities on the ground. Particularly in combination with pushing for non-location contracts and teleworking, the risk of a systemic exclusion of regions based on their limited internet connectivity / speed / stability is highly problematic.

As stated above, we believe that it is important to stabilize the current situation, carefully evaluate what went well and what did not, in response to the pandemic and then evaluate the need for modernization based on a thorough analysis, starting with low cost / high impact projects.

## Annex – Resolution CCISUA/XXXV/2020/Res.2

The XXXV CCISUA General Assembly,

*Recognizing* the importance of the ILO Centenary Declaration for the Future of Work in reaffirming the need to strengthen the public sector as a significant employer,

*Reaffirming* the need to increase investment in people’s capabilities and skills, whilst ensuring decent and sustainable work opportunities,

*Recognizing* the impact of rapid technological development in shaping new forms of work, as well as the importance of harnessing them for a better delivery of mandates,

*Acknowledging* the cost pressures and the lack of financial predictability weighing on international organizations, were factors recently exacerbated by the COVID-19 outbreak,

*Concerned* that current attempts to link the future of work discussion to a weakening of contract modalities is in contradiction with the conclusions of the ILO report on the Future of Work, which calls for addressing contract precarity and strengthening labour institutions.

1. Supports the conclusions of the ILO report on the Future of Work.
2. Reaffirms that the UN system as a whole, as one of the largest public sector employers, should ensure the respect of labour rights and promote an enabling working environment for all employees, regardless of their age category, whereby employment security and predictability are guaranteed.
3. States that technological tools, while providing added value in terms of data processing and generating efficiencies in processes and delivery, is a complement to rather than a replacement for a human workforce.
4. Rejects any attempt to revise the current contractual modalities or to move further towards non-career personnel, more flexible contracts or modalities for time-bound project-type work, given that current contractual arrangements are deemed to be flexible enough.
5. Opposes in the strongest terms any attempt to transform what is at the core of the international civil servant’s function today, by drawing misleading parallels with private sector practices.
6. Calls for the UN Common System to fully respect ILO conventions on job security.
7. Calls for the full involvement and proper consultation with CCISUA regarding any change in workforce composition and contractual modalities.
8. Requests the President of CCISUA to convey this resolution to the Secretary-General, heads of agencies of CCISUA members, and to the Chair of the International Civil Service Commission.

*Adopted 17 July 2020*

*Virtual General Assembly*