

# WIPO



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GENEVA

## WIPO COORDINATION COMMITTEE

Thirty-Sixth Session (27th Ordinary)  
Geneva, September 23 to October 2, 1996

STAFF MATTERS (ADDENDUM)

*Memorandum of the Director General*

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## I. REMUNERATION OF THE PROFESSIONAL CATEGORY

1. In 1990, the International Civil Service Commission (ICSC) has conducted a place-to-place survey in Geneva to measure the relative purchasing power of Professional staff salaries in Geneva as compared to that of staff of the said category in New York, the base of the United Nations system of remuneration. At that time, the results of the survey showed that the equivalence of purchasing power between Geneva and New York had virtually been achieved (with purchasing power in Geneva 0.2% higher). The results of this survey were implemented in May 1990.

2. At its forty-third session, from April 9 to May 3, 1996, the ICSC examined, and approved with effect from June 1996, the results of a new place-to-place cost-of-living survey in Geneva conducted by its secretariat in November 1995. The results, according to the ICSC secretariat's calculation, showed that the purchasing power is higher in Geneva than in New York and that the current post adjustment index is by 5.1% too high in Geneva, despite the fact that, in both places, the remuneration was adjusted only to cost-of-living movements during that period. This result means that a reduction in the purchasing power of Professional staff based in Geneva will have to be operated.

3. Since 1975, in Geneva, all the decreases in the purchasing power of the staff in the Professional and higher categories decided by the ICSC, following surveys or changes in the methodology approved by them, resulted in a total decrease of about 30%; this raises some questions about the accuracy of the different methodologies used by the ICSC in determining the remuneration of the international civil servants during this period.

4. Following the surprising results of the last place-to-place cost-of-living survey and in view of the responsibility given to the Organization by the Tribunal of the International Labour Organization to check the lawfulness of the elements of the common system before their introduction into its own rules, the Director General, by a letter dated July 18, 1996, has requested the Chairman of the ICSC to provide the International Bureau with all the data on which the ICSC based its decision resulting in the above-mentioned decrease of the post adjustment index in Geneva.

5. On September 11, 1996, the Director General received a letter from the Chairman of the ICSC, dated August 19, 1996, transmitting a few tables giving some interim results of the calculation of the Geneva post adjustment index, namely, as it is listed in the Chairman's letter:

"Geneva data

"(a) Walsh index calculation showing the expenditures for Geneva in United States dollars and in percentage;

"(b) Average prices by expenditure categories (including minimum and maximum prices);

"(c) Housing costs using gross rents and net rents;

“(d) Calculation of housing weights;

“(e) Rent index using external data for Geneva and New York;

“(f) Calculation of housing index (rent plus other housing costs).

“New York data

“(a) Table on average prices (minimum divided by average and maximum divided by average);

“(b) Housing costs using gross rents and net rents;

“(c) Calculation of housing weights.”

6. In total, nine tables of aggregated data, which do not allow for any checking of the calculation undertaken by the ICSC secretariat, were received. The Chairman indicated in his letter that the Commission has decided that price data in New York, the base of the system, “can only be published in conjunction with annual pricing surveys,” i.e., not at the time of a place-to-place survey.

7. The Director General does not intend to publish any data or information received from the ICSC. He only needs the raw data in order to exercise the responsibility given to him by the Tribunal of the International Labour Organization. By a letter dated September 16, 1996, the Director General is therefore again requesting the Chairman of the ICSC that the International Bureau be provided with *all* the data used in the calculation of the post adjustment index for Geneva for the month of November 1995.

8. *The Coordination Committee is invited to note the content of paragraphs 1 to 7 above.*

## II. WORKING HOURS OF PROFESSIONAL STAFF MEMBERS

9. It is recalled that, at its September-October 1991 session, the Coordination Committee established a Working Group on Professional Remuneration which, *inter alia*, studied the question of the difference in the number of working hours, on a yearly basis, applicable to staff in the Professional and higher categories in Geneva on the one hand and in New York on the other hand. On average, the former amounts to 40 hours per week, as opposed to 35,625 hours per week in the latter case. This difference represents, on an annual basis, 11.8% more working hours in the case of staff of the Professional and higher categories employed in Geneva.

10. At its September 1992 session, the WIPO Coordination Committee “noted with approval the intention of the Director General ... to request the ICSC to review the working hours question” (see document WO/CC/XXX/6, paragraph 29 (b)).

11. At its 38th session, held from July 15 to August 3, 1993, the ICSC examined this issue and “considered that the nature of Professional-level work was such that it did not lend itself to strict adherence to work schedule parameters” (see document A/48/30 of the General Assembly of the United Nations). During its 48th session (September-December 1993), the General Assembly of the United Nations considered the report of the ICSC (document A/48/30). It concurred fully with the views expressed by the ICSC on the question of the working hours 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).

12. The findings of the ICSC in 1993, which were subsequently approved by the General Assembly of the United Nations, do not seem to be equitable. The Secretariat of ICSC, in studying alternative approaches to the net remuneration comparison between the remuneration of the Professional and higher categories in the United Nations system and in the United States Federal Civil Service, calculated a “total aggregated annual net compensation amount ... converted to an hourly rate” using a formula which included the number of hours of work per day (see document ICSC/R.232 of July 1980). Subsequently, in 1989, in a new approach of total compensation comparison, the Secretariat of ICSC developed a methodology which included, *inter alia*, a “leave and working hours” element (see document ICSC/29/R.4 of February 3, 1989). At its 30th session, “the majority of the Commission considered that, in the framework of an overall system for the measurement and the management of the remuneration system, total compensation comparisons could be applied in periodic checks for competitiveness” (see document A/44/30, paragraph 157). It is therefore surprising that four years later, in the Report of the ICSC for the year 1993 to the General Assembly of the United Nations (see document A/48/30), “some members of the Commission expressed the view that the consideration of work schedule parameters for Professional staff was demeaning.”

13. More recently, on the occasion of the recent examination of the application of the Noblemaire principle, applicable to staff in the Professional and higher categories, the ICSC has taken into consideration the number of working hours in the comparison of remuneration aiming at identifying the highest-paid civil service (see documents ICSC/42/R.6 (Part II), paragraphs 16 to 19, and ICSC/42/R.7 (Part II), paragraphs 16 to 20). Consequently, it might be deduced that the ICSC has reconsidered its views on the question of working hours for staff in the Professional and higher categories and that the number of working hours be taken into account in respect of their remuneration.

14. Following the decision of the General Assembly of the United Nations in 1993, complaints were lodged, on March 31, 1994, by several WIPO staff members before the Administrative Tribunal of ILO. In its judgment No. 1460, dated July 6, 1995, the Tribunal dismissed the complaint.

15. In its considerations, the Tribunal noted that “hours of work vary between headquarters duty stations in the common system: thus in Montreal they are 34.7, in New York 35.625, in Rome 37.5, in Vienna 39.3, and in Geneva and Paris 40.” It further noted that “the system of post adjustment is of no relevance to differences in working hours, being concerned solely

with parity of purchasing power, and is not an appropriate means of securing compensation for differences in working hours between duty stations. The system makes no provisions for such equalization of working hours." It concluded that "the whole time of staff members in the Professional and higher categories is at the Organization's disposal and they are properly expected to complete the work assigned to them without compensation for any overtime. It is therefore permissible to base their working week on the conditions prevailing at their duty station and to make no adjustment in pay to take account of differences in hours of work within the common system."

16. The Director General fully agrees with the Tribunal statement that "the whole time of staff members in the Professional and higher categories is at the Organization's disposal"; in WIPO, this statement is even included in its Staff Regulation 1.3: "the whole time of staff members is at the disposal of the International Bureau." However, it is to be noted that, despite the fact that this Regulation applies to all categories of staff members, staff members in the General Service category receive, while staff members in the Professional and higher categories do not receive, overtime compensation.

17. The Director General intends to review all the elements of the total compensation of staff in the Professional and higher categories, including the number of working hours, and to make proposals to the Coordination Committee on changes to be made in the Staff Rules and Regulations in order to enhance the conditions of employment of the said staff.

18. *The Coordination Committee is invited to note the content of paragraphs 9 to 17 above.*

### III. AMENDMENTS TO THE STAFF RULES

#### Sick leave - Rule 6.2.2(a)

19. Since November 1, 1979, staff members employed by the International Bureau who had completed *less than five years* of continuous service were entitled to sick leave up to three months at full salary and up to three months at half salary in any period of 12 consecutive months provided that the amount of sick leave permitted in any four consecutive years did not exceed 18 months, of which nine months at full salary and nine months at half salary. Staff members who had completed *at least five years* of continuous service were entitled to sick leave up to 18 months, of which nine months at full salary and nine months at half salary in any period of four consecutive years.

20. The above-mentioned requirement of five years of continuous service has been reduced to three years effective September 1, 1996. This has aligned the Staff Rule of the International Bureau with the corresponding rule of the other Geneva-based organizations within the UN common system and with the United Nations Staff Rule 106.2. The latter reads as follows:

“(iii) A staff member holding a probationary appointment or a fixed-term appointment of one year or longer but less than three years shall be granted sick leave up to three months on full salary and three months on half salary in any period of twelve consecutive months;

“(iv) A staff member who holds a permanent or indefinite appointment, who holds a fixed-term appointment for three years or who has completed three years of continuous service shall be granted sick leave up to nine months on full salary and nine months on half salary in any period of four consecutive years;”

21. The amended text of Staff Rule 6.2.2(a) (Sick leave) is reproduced in the Annex.

22. *The WIPO Coordination Committee is invited to note the information contained in paragraphs 19 to 21.*

[The Annex follows]

ANNEX

AMENDMENTS TO THE STAFF RULES

Sick Leave

(Rule 6.2.2(a))

FORMER TEXT

(a) Staff members who are unable to perform their duties owing to illness or accident or whose attendance is prevented by public health measures shall be entitled to sick leave in accordance with the following provisions:

(1) All sick leave must be approved on behalf of the Director General.

(2)\* A staff member who has completed less than five years of continuous service shall be entitled to sick leave up to three months at full salary and up to three months at half salary in any period of 12 consecutive months provided that the amount of sick leave permitted in any four consecutive years shall not exceed 18 months, of which nine months at full salary and nine months at half salary.

(3)\* A staff member who has completed at least five years of continuous service shall be entitled to sick leave up to 18 months, of which nine months at full salary and nine months at half salary in any period of four consecutive years.

(4) Staff members shall be responsible for informing their supervisors as soon as possible of any absence due to illness or

NEW TEXT

(a) Staff members who are unable to perform their duties owing to illness or accident or whose attendance is prevented by public health measures shall be entitled to sick leave in accordance with the following provisions:

(1) [No change]

(2)\* A staff member who has completed less than three years of continuous service shall be entitled to sick leave up to three months at full salary and up to three months at half salary in any period of 12 consecutive months provided that the amount of sick leave permitted in any four consecutive years shall not exceed 18 months, of which nine months at full salary and nine months at half salary.

(3)\* A staff member who has completed at least three years of continuous service shall be entitled to sick leave up to 18 months, of which nine months at full salary and nine months at half salary in any period of four consecutive years.

(4) [No change]

injury. Where practicable they shall, before absenting themselves, report to the medical adviser.

(5) Except with the authorization of the Director General, no staff member shall be granted sick leave for a period of more than three consecutive working days without producing a certificate from a duly qualified medical practitioner, to the effect that he is unable to perform his duties and stating the probable duration of his absence. Such certificate shall, except in circumstances beyond the control of the staff member, be produced not later than the end of the fourth working day following his initial absence from duty.

(6) [No change]

(6) Where a staff member has taken a total of seven working days of non-certified sick leave within a year, any further absence from duty within that year shall be supported by a medical certificate; otherwise, it shall be deducted from annual leave or, if annual leave is exhausted, charged as special leave without pay.

(7) [No change]

(7) A staff member may at any time be required to submit a medical certificate as to his state of health or to undergo examination by a medical practitioner designated by the Director General. If the Director General is satisfied that the staff member is able to resume his duties, he may refuse to grant further sick leave or cancel the leave already granted; however, if the staff member so requests, the matter shall be referred to an independent practitioner or a medical board acceptable to both the Director General and the staff member.

(8) [No change]

(8) While on sick leave a staff member shall not leave the area of the duty station without the prior approval of the Director General.

\* In force as from November 1, 1979.

\* In force as from September 1, 1996.