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Recommendation 1102 (1989)[1]

Conclusions of the Colloquy on Relations between Administrations and their Staff (national civil services and international civil service) (Trieste, 15-16 November 1988)

Parliamentary Assembly

The Assembly

1. Having regard to the report of its Committee on the Budget and the Intergovernmental Work Programme concerning the conclusions of the Colloquy on Relations between Administrations and their Staff (national civil services and international civil service), held in Trieste on 15 and 16 November 1988 (Doc. 6001) ;

2. Considering that the colloquy was a highly fruitful exercise thanks to the documentary material collected for its purposes on civil services, both national and international, as well as the information provided by its participants on the functioning of various systems ;

3. Re-emphasising the importance it attaches to matters concerning the status of the Organisation's staff, and reiterating the views it has already expressed on the subject, notably in Recommendation 944 (1982) on salary negotiation policy in the ‘‘Co-ordinated Organisations", and in Recommendation 1000 (1984) on the European civil service ;

4. Deploring that the Committee of Ministers has not yet given a final reply to Recommendation 944 (1982), showing, in this way, that it does not take sufficient account of the Assembly's decisions ;

5. Having regard to the Committee of Ministers' reply to Recommendation 1000 (1984), in which it stated that ‘‘there might be grounds for seeking a progressive approximation of the employment conditions" of the staffs of the European Communities and the Council of Europe, and regretting that no progress has yet been made in this direction ;

6. Considering that there was general agreement among the participants in the colloquy that the staff regulations of the various international civil services, with the exception of those of the European Communities, were now largely obsolete, having failed to emulate the liberalisation efforts of national civil services and their adaptation to circumstances in the private sector ;

7. Convinced of the need to remedy the unfavourable position of the Organisation's staff, especially as regards their right to take part in decision-making concerning their conditions of employment and remuneration ;

8. Concerned at the malfunctioning of the ‘‘Co-ordinated Organisations" system, with its deplorable inertia and its lack of any genuine dialogue between the budget experts and the representatives of the staff who are still denied the most elementary rights of consultation and negotiation ;

1. Assembly debate on 3 February 1989 (25th Sitting) (see Doc. 6001, report of the Committee on the Budget and the Intergovernmental Work Programme, Rapporteur : Mr Villalonga). Text adopted by the Assembly on 3 February 1989 (25th Sitting).

9. Believing that the salaries of the Organisation's staff should in future be adjusted by reference to the level and trend of European Community salaries and that, in the immediate future, any disparity should be eradicated in accordance with the undertakings first given by the Committee of Ministers in 1984 and repeatedly confirmed to the Assembly by its various Chairmen-in-Office ;

10. Considering that the legal protection of the Organisation's staff and particularly the functioning of the Appeals Board and the method by which its members are appointed should be improved ;

11. Being anxious to uphold the basic principles of the international civil service, with particular regard to the independence and motivation of officials under the United Nations common system,

12. Recommends that the Committee of Ministers :

a. As regards the legal system of the Council of Europe :

1. implement without further delay the progressive approximation of the employment conditions of the staffs of the Council of Europe and the European Communities ;

2. align the rights of the Organisation's staff on those of member countries' civil servants, which implies, amongst other things, the following :

a. that the Organisation's officials be afforded the rights embodied in Article 6 of the European Social Charter (right to bargain collectively) and in Articles 2 and 3 of the additional protocol thereto (right to information and consultation ; right to take part in the determination and improvement of working conditions and the working environment) ;

b. that the rights afforded to national civil servants by International Labour Organisation Convention No. 151, on labour relations in the public service, be extended to the staff of the Organisation ;

3. improve and intensify the dialogue with the staff's representatives, so that it becomes the rule rather than remaining a rare exception ;

4. authorise the secondment of one member of the Staff Committee for his or her period in office ;

5. study the possibility of appointing a mediator with responsibility for examining, during a precontentious phase, the problems encountered by staff members in their relations with the administration, as well as for giving advice and seeking compromises ;

6. ensure that any negotiating procedure instituted along the lines recommended in sub-paragraph ii above is accompanied by a conciliation procedure ;

7. improve the legal protection of the Organisation's staff in the following ways :

a. by ensuring that those members of the Appeals Board who are appointed by the Committee of Ministers offer full guarantees of competence and independence, which implies, amongst other things, that they should not also exercise or have exercised functions that might suggest a lack of impartiality on their part ;

b. by amending the regulations so as to provide for the election by the Parliamentary Assembly, following nomination by the Committee of Ministers, of the members of the Appeals Board other than the Chairman and his substitute ;

c. by allowing the staff's representatives to make proposals concerning the appointment of the members of the Appeals Board ;

d. by amending the regulations so as to entitle the staff's representatives to submit cases to the Appeals Board or at least act as a party on behalf of the staff as a whole in individual cases brought before the Appeals Board ;

e. by amending the regulations so as to enable the Secretary General to have the legality of the Committee of Ministers' decisions verified by the Appeals Board ;

b. As regards the functioning of the ‘‘Co-ordinated Organisations" system :

1. make every effort to ensure that a salary negotiation right is granted without delay to the Standing Committee of Staff Associations of the Co-ordinated Organisations (CPAPOC) ;

2. reject the plan recently adopted by the OECD Council for reforming the ‘‘Co-ordinated Organisations" system in that it precludes any prospect of the Co-ordinated Organisations' staffs significantly participating in the procedure for fixing and adjusting their remuneration ;

3. examine in the light of the above principles any proposal made to it by the Co-ordinating Committee of Government Budget Experts (CCG), bearing in mind the subsidiary and advisory nature of the CCG's role, as well as its own decision-making responsibility ;

c. As regards the United Nations system : urge the governments of member states to adopt a positive attitude towards the international civil service, by seeking to safeguard the independence of officials under the United Nations common system and ensuring that they are afforded the rights embodied in Convention No. 151 of the International Labour Organisation.