

# ADDRESSING GRIEVANCES IN UNHCR

Where to go for help



UNHCR  
The UN Refugee Agency

## DIRECTORY

### **The Mediator's Office**

Phone	Fax	Email
+41 22 739 7770	+41 22 739 7340	Mediator@unhcr.org

### **Staff Welfare Section**

Phone	Fax	Email
+41 22 739 7947	+41 22 739 7370	Suzic@unhcr.ch
+41 (0)79 202 2417 (mobile)		HQSW00@unhcr.org

### **Staff Council**

Phone	Fax	Email
+41 22 739 8591	+41 22 739 7364	HQSR00@unhcr.org

### **Inspector General's Office**

Phone	Fax	Email
+41 22 739 8844	+41 22 739 7380	inspector@unhcr.org

### **Legal Affairs Section**

Phone	Fax	Email
+41 22 739 7831	+41 22 739 7391	HQFLE00@unhcr.org

### **Human Resources (DHRM)**

Phone	Fax	Email
See your respective HR Officer	+41 22 739 7313	HQCC01@unhcr.org HQPE00@unhcr.org

# INTRODUCTION

UNHCR has a proud tradition of service to refugees around the globe. In order to provide the most effective assistance to refugees, UNHCR staff members must uphold the highest standards of ethical and professional conduct at all times. To achieve this, UNHCR is committed to ensuring a respectful and supportive work environment for all staff.

UNHCR staff members represent over 140 nationalities, encompassing a rich diversity of cultures, religions, ethnic backgrounds and experience. Moreover, in carrying out UNHCR's mandate, staff members often work in stressful conditions, living in isolated field locations and coping with difficult physical environments. Security concerns can also add to the challenges UNHCR staff members in the field face in their daily working lives.

This very diversity, coupled with often difficult living and working conditions can lead to misunderstandings and differences in how behaviour is perceived. Stress can also give rise to conflict and other problems in the workplace.

To help meet the challenge posed by those difficulties, a Code of Conduct<sup>1</sup> (CoC) has been developed that takes account of the specific operational needs of the organisation, while reaffirming the core values of dignity and respect.

It was the result of an intensive consultative process with the staff at large, and it reinforced the UN Staff Rules and Regulations by offering more detailed guidance and advice on how to handle a range of scenarios that can involve our relations with those whom we serve and amongst ourselves.

Nevertheless, a range of inappropriate workplace behaviour may give rise to grievances, including:

- Harassment (including sexual harassment<sup>2</sup>)
- Discrimination (including gender and racial discrimination)
- Abuse of power

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<sup>1</sup> IOM/60-FOM/56/2002 – UNHCR Code of Conduct: Initial Implementation Procedures.

<sup>2</sup> See UN Administrative Instruction on “Procedures for Dealing with Sexual Harassment” (ST/AI/379) dated 29 October 1992 and Secretary-General’s Bulletin on “Promotion of Equal Treatment of Men and Women in the Secretariat and Prevention of Sexual Harassment” (ST/SGB/253) dated 29 October 1992.

These behaviours may also constitute misconduct for which disciplinary measures may be imposed.

Alternatively, staff members may be negatively affected by administrative decisions, e.g. concerning entitlements, career development or contractual status, which they may wish to challenge.

To meet these challenges, this brochure aims to provide a useful resource to help staff members and others working with UNHCR find solutions to their problems and thereby foster an atmosphere of trust and mutual respect, as well as promote a harmonious work environment.

## **WHERE TO GO FOR HELP**

There are many resources available to staff members to assist them with resolving workplace difficulties, from the manager, or manager's manager, through informal support services (Mediator, Staff Welfare Section, Staff Council), to formal complaints/recourse bodies (DHRM, IGO, JAB, UNAT).

## **THE MANAGER**

Problems among colleagues would normally be reported to the manager, or if the problem is with the manager, to the manager's manager.

The manager is responsible for ensuring that all staff under his or her supervision has received the Code of Conduct and is expected to set an example, as well as make a proactive effort to foster an understanding and honouring of the Code's provisions within the team.

In the event of allegations of misconduct, the manager is responsible for ensuring that these are reported without delay to the Inspector General's Office (IGO). The Code of Conduct Guidelines for Managers has been issued by DHRM<sup>3</sup> and communicated to all managers. If the document is not available, then contact HQCC01@unhcr.ch to assist.

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<sup>3</sup> IOM/06-FOM/06/2004

## **DIVISION OF HUMAN RESOURCES MANAGEMENT (DHRM)**

DHRM includes the Personnel Administration and Payroll Section (PAPS); the Recruitment and Posting Section (RPS) - also covers JPOs, SIBAs and Career Planning; the Staff Development Section (SDS) with the Performance Management Unit (PMU); and the Director's office with the Policy Unit (PU). Also reporting to the Director's office is the Medical Services (MS) and the Staff Welfare Section (SWS - see below).

The Human Resources Officer can advise and explain the procedures for filing a complaint and eventually also intervene on the behalf of the staff member.

With respect to recourse procedures concerning the granting of promotions or indefinite appointments, international and national professional staff members should communicate their intent to seek recourse to the Secretariat of the Appointments, Postings and Promotions Board (APPB). Para 181 of the current APPB regulations<sup>4</sup> refer. The intent to seek recourse can be addressed by mail or e-mail to the Secretary of the APPB. The APPB secretariat will then revert directly to the staff member for actions needed.

The recourse procedures under the Appointments, Promotions and Postings Committee (APPC) relate only to decisions of non-promotion and recommendations for termination of indefinite appointment for unsatisfactory service for General Services staff (sections VI and IX of the current APPC regulations<sup>5</sup>). Recourse under the APPC should be addressed to the secretariat of the APPC that took the relevant decision.

The Policy Unit deals with policy issues and other aspects of the CoC and its link with related policies. The CoC deals with ethical issues that a staff member is exposed to, both at the professional and personal levels. To assist managers in the continuous dissemination of the CoC and for interpretations, separate guidelines have been prepared and disseminated by DHRM.

For advice and questions concerning the PAR process, grievances mechanisms, guidelines on disagreements/rebuttal of the PAR, contact the Performance Management Unit (PMU) directly. All staff members have a

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<sup>4</sup> IOM/75-FOM/75/2003 – Rules of Procedure and Procedural Guidelines of the APPB

<sup>5</sup> IOM/04-FOM/04/2002 - APPC

focal point in the Unit. Please see the PMU website on the intranet for additional information.

Normally, allegations of entitlement fraud will be referred by the IGO to the Division of Human Resources Management for investigation<sup>6</sup>. This crucial aspect of DHRM's work is undertaken in close co-ordination with the Inspector General's Office in accordance with Chapter X of the Staff Regulations and Rules<sup>7</sup>. Formal allegations of misconduct can only be issued by the Director of DHRM as per para 6 of ST/AI/371.

These allegations may involve:

- violations or abuse of staff entitlements
- insubordination
- workplace harassment
- sexual harassment
- other kinds of unacceptable behaviour by a staff member in the workplace .

An 'Update on disciplinary matters'<sup>8</sup>, was issued by DHRM with the aim to inform staff of the outcome of disciplinary cases that have been referred for investigations.

The information above concerns mainly UNHCR staff members. Non-staff members serving the organisation under different types of contractual arrangements may seek guidance on grievance procedures from their manager or administrative officer, or the units listed below.

## **ADDITIONAL CONTACTS WITHIN DHRM**

### **Appointments, Postings and Promotions Board (APPB)**

hqpe90@unhcr.org (*to the APPB Secretariat*)

### **Appointments, Promotions and Postings Committee (APPC)**

hqpe91@unhcr.org (*to the APPC secretariat at HQ for information*)

### **HR Policy Unit**

Fax: + 41 22 739 7313

hqcc01@unhcr.org (*general inquiries about **the Code of Conduct***)

hqpolicy@unhcr.org (*general inquiries about human resources policies*)

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<sup>6</sup> IOM/65-FOM/65/2003 - The role of the Inspector General's Office Regarding Inspection, Preliminary Investigations and Inquiries.

<sup>7</sup> UN Administrative Instruction ST/AI/371 on "Revised Disciplinary Measures and Procedures".

<sup>8</sup> "Update on Disciplinary matters, January 2002 to December 2003" from Werner Blatter, Director of DHRM dated 14 January 2004 (HCR-01).

### **Medical Services (MS)**

Fax: + 41 22 739 7334  
E-mail ID: HQMS00  
E-mail: Baduraux@unhcr.org  
E-mail: Achard@unhcr.org  
Intranet: Operational Support/ Medical

### **Personnel Administration and Payroll Section (PAPS)**

See your Human Resources Officer or Human Resources Assistant for assistance:

Fax: + 41 22 739 7322  
hqpe00@unhcr.org (*for generic questions – can in exceptional cases be used to initiate contact with staff in PAPS*)

### **PMU - Performance Management Unit**

hqpu00@unhcr.org (*general inquiries about PARs, disagreements, rebuttals*)  
Intranet: hcrnet.org/pmu.htm

### **SDS - Staff Development Section**

hqtr00@unhcr.org (*questions concerning facilitation of the CoC, management learning programmes*)

## **THE MEDIATOR**

The Mediator is a neutral, independent contact who can provide advice and help you explore options for resolving work place related problems and conflicts. All staff members, including senior managers, are expected to facilitate the work of the Mediator.

Recourse to the Mediator is strictly voluntary and is treated with strict confidentiality that can only be waived with the consent of the staff member(s) concerned. However, resorting to the Mediator does not have the effect of suspending an administrative decision or the measure that is being challenged.

#### **The Mediator**

- facilitates solutions to workplace related conflict and problem solving;
- offers neutral, independent, strictly confidential and informal assistance to all UNHCR staff members;
- provides an alternative to formal complaint handling systems and is independent of and separate from other administrative structures;

- is an advocate for fair process in conflict resolution and problem solving;
- after due consultation, formulates recommendations to the parties concerned in order to resolve the matter as expeditiously as possible; and
- intervenes whenever recommendations are not responded to by the parties concerned.

### **Helping staff members to help themselves**

The Mediator facilitates solutions to work-related problems and conflicts of individuals or groups of staff members related to the terms and conditions of employment, working conditions, relations between staff members and supervisors, and between staff members. In doing so, the Mediator assists staff members to develop a range of options to address the conflict or problem at hand and discusses the pros and cons of each option, while remaining impartial, helping staff members to help themselves. The staff member, together with the Mediator, develops a clear understanding of any action necessary to implement the selected option.

### **What the Mediator CANNOT do**

The Mediator has no formal power to make or change or impose decisions (e.g. postings, promotions etc.). Moreover, the Mediator cannot determine rights or bend the rules or compel any person or the organisation to comply with or implement the Mediator's recommendation. The Mediator will however ensure that the problem or conflict resolution process is followed as fully and fairly as possible and that due process is respected.

**CONFIDENTIAL FAX:** +41 22 739 7340  
**TEL:** +41 22 739 7770  
**EMAIL:** [Mediator@unhcr.org](mailto:Mediator@unhcr.org)

### **THE STAFF WELFARE SECTION (SWS)**

Exposure to various forms of misconduct may lead to a number of strong and disturbing psychological reactions such as becoming stressed with the problem in terms of one's thinking, emotions, and behaviour, sleep disturbances, problems of relating to others and so on. The Staff Welfare Section (SWS) and its Staff Welfare Officers provide an opportunity to staff members, their families, as well as to others working with UNHCR, to

understand what is happening to them and help them cope with the emotional impact. Use of a number of appropriate techniques can help staff members to deal with the situation with less pain. The goal is to empower the staff and help them to feel more self-confident.

Like the Mediator, the Staff Welfare Officer will help the staff member to review various options that may be available and help the staff member gain confidence in using such options through appropriate methods. In this sense, the Staff Welfare Officer and the Mediator work hand in hand. Should the Mediator facilitate a “confrontation” between the two parties, the Staff Welfare Officer will ensure that the staff member is able to withstand such a confrontation emotionally.

When necessary, the SWS may refer the person to the UNHCR Medical Service (MS).

When a direct individual consultation is not possible, or if a person prefers to seek support outside the organisation, the SWS can facilitate a suitable referral in Geneva, and in many other duty stations around the world.

In addition, typical issues that are brought to the SWS include:

- fatigue and stress
- feelings of inadequacy and uncertainty
- interpersonal relationship problems
- communication problems
- traumatic stress
- HIV/AIDS
- financial problems
- marital problems
- problems with children
- alcohol abuse/excessive drinking and other forms of dependency
- sexual and psychological harassment.

The SWS is present at Headquarters, Nairobi (Kenya) and Accra (Ghana).

**The Staff Welfare Section is bound by a professional code of ethics to maintain strict confidentiality. The Staff Welfare Officers will NOT undertake any action without prior agreement from the individual concerned.**

**CONFIDENTIAL FAX: +41 22 739 7370**

**TEL:** +41 22 739 7947  
**MOBILE:** +41 (0)79 202 2417 (emergency)  
**EMAIL:** [Suzic@unhcr.org](mailto:Suzic@unhcr.org)  
[HQSW00@unhcr.org](mailto:HQSW00@unhcr.org)  
**INTRANET:** Operational Support/Staff Welfare

## **THE STAFF COUNCIL**

### *Statutory role of the Staff Council.*

The Staff Rules and Regulations of the United Nations call for the establishment of a staff representative body as the sole and exclusive organ for maintaining continuous formal contact and communication between the High Commissioner and staff on issues relating to staff welfare. Under various provisions, elected staff representatives are entitled on behalf of all staff to participate effectively in identifying, examining and resolving issues relating to staff welfare, including conditions of work, general conditions of life and other personnel policies.

### *The functions of the Staff Council*

An important day-to-day function of the Staff Council is handling and interceding on behalf of individual staff cases. The role of the Council in this regard is to help solve problems faced by individual staff whenever the Council is approached by a staff member.

All staff members can seek advice and support from the UNHCR Staff Council based in Geneva or from the local Staff Associations.

### **The Staff Council can assist with:**

- referrals to the right department if you are not sure where to go/whom to consult,
- providing a listening ear to a concerned staff member,
- bringing influence at the policy level if your concern is of global interest to other staff members,
- linking up with the local Staff Association in your office and, if necessary, providing them with coaching and guidance.

Other functions carried out by the Staff Council within UNHCR include administering the Staff Solidarity Fund which is intended to help staff in dire financial need, through voluntary contributions from staff. The Staff Council also organises and supports special activities for staff generally.

The Staff Council is also active in the UN System and participates in the following areas:

- The Staff Council, along with UNHCR management, is an associate member in the United Nations Secretariat Staff Management Consultative Committee (SMCC) which is the highest staff-management consultative body in the UN system.
- The Staff Council advocates concerns of UNHCR staff through the coordination bodies for Staff Councils in the UN family such as the Coordinating Committee for International Staff Unions and Associations of the United Nations System (CCISUA) of which it is full member.
- The Staff Council assists in the election of staff representatives to the UN boards in Geneva such as the UN Joint Appeals Board (JAB) and the UN Joint Disciplinary Committee (JDC).

**FAX:** +41 22 739 7364  
**TEL:** +41 22 739 8591  
**EMAIL:** [HQSR00@unhcr.org](mailto:HQSR00@unhcr.org)  
**INTRANET:** Staff Council

## **THE INSPECTOR GENERAL'S OFFICE (IGO)**

**The IGO is headed by the Inspector General and comprises 3 functions<sup>9</sup>:**

- Inspections of field offices and Headquarters' units
- Investigations of reports of misconduct
- Ad hoc inquiries into incidents of violent attacks on UNHCR staff and operations where these involve fatalities, major injuries, or large-scale damage to UNHCR property.

The IGO is responsible for ensuring the investigation of allegations of misconduct that involve persons with a direct contractual link with UNHCR.

The purpose of such investigations is to determine whether the facts support a finding of misconduct, while the decision to institute disciplinary proceedings is with the Director, DHRM.

### **Where to report**

Staff members who become aware of misconduct should report their observations:

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<sup>9</sup> See IOM/FOM No. 65/2003 dated 9 October 2003

- to the Supervisor/Manager, Representative or Chief of Mission (who should transmit all reports to the IG); or
- to the IG/IGO directly (including in person to the IG or IGO missions in the field).

**CONFIDENTIAL FAX:** +41 22 739 7380  
**TEL:** +41 22 739 8844 (calls are recorded outside working hours)  
**EMAIL:** [inspector@unhcr.org](mailto:inspector@unhcr.org)  
**INTRANET:** Executive Office/Inspector General's Office

### **Protection of sources of information**

No action will be taken against any staff member who reports in good faith information on perceived misconduct that subsequently proves unfounded. However, if a staff member knowingly and wilfully reports false information regarding another staff member, such reporting may constitute misconduct.

### **Confidentiality**

The IGO safeguards the confidentiality of the identity of the person or entity from which it receives a complaint of alleged misconduct (“the complainant”). The complainant’s identity can only be disclosed if all of the following conditions are met:

- the complainant has been informed in advance of the disclosure;
- such disclosure is necessary for administrative, disciplinary or judicial proceedings; and
- the IG has approved such disclosure.

The IG has overall authority and responsibility for ensuring that allegations of misconduct within UNHCR are investigated in a timely and appropriate manner and that findings are transmitted to the High Commissioner.

## **THE LEGAL AFFAIRS SECTION (LAS)**

LAS provides legal advice to UNHCR and its staff on all legal matters concerning UNHCR and its staff, except on refugee law and related issues which fall under the Department of International Protection.

### **The main responsibilities of LAS include the following :**

- Privileges and immunities
- Personnel matters
- Contracts/Property/Copyright/Protection of name and logo/Fund Raising .../

- Liaison with the Office of Legal Affairs of the UN
- Advising the High Commissioner on UNHCR's legal position within the UN

LAS monitors disciplinary cases, including investigations in co-operation with IGO and prepares the final recommendations to the Secretary-General's office. LAS also prepares submissions to the Joint Appeals Board and the Joint Disciplinary Committee.

Individual staff members can go to LAS for legal advice regarding their status as international civil servants, particularly regarding issues of residency and taxation.

**FAX:** +41 22 739 7391  
**TEL:** +41 22 739 7831 (Ms. Kohler)  
**EMAIL:** [HQFLE00@unhcr.org](mailto:HQFLE00@unhcr.org)

## ADMINISTRATIVE APPEALS

Recourse procedures are available to staff members through which they may question, influence or challenge different types of administrative measures relating to them. Recourse procedures enable the organisation to resolve potential or actual disputes with staff in such a way as to achieve results consonant with the applicable legal standards and with perceived principles of equity, as well as consistent with the requirements for the efficient administration of the service.

Resorting to recourse procedures does not automatically have the effect of suspending an administrative decision or measure that is being challenged.

The system for administration of justice within the UN comprises two levels:

**Pre-litigation level:** where a dispute is sought to be resolved through conciliation or through its submission to a pre-litigation body (Joint Appeals Board and Joint Disciplinary Committee).

**Litigation level:** Once pre-litigation remedies have been exhausted, the dispute is resolved by submitting it for decision to the United Nations Administrative Tribunal.

## **APPEAL TO THE SECRETARY-GENERAL AND THE JOINT APPEALS BOARD (JAB)**

### **Staff Regulation 11.1, Article XI**

*The Secretary-General shall establish administrative machinery with staff participation to advise him in case of any appeal by staff members against an administrative decision alleging the non-observance of their terms of appointment, including any pertinent regulations and rules.*

Pursuant to Chapter 11 of the Staff Rules, Joint Appeals Boards have been established in New York, as well as in Geneva, Nairobi and Vienna.

Appeals by UNHCR staff members are considered by the Geneva JAB, unless the Secretary-General decides that a particular appeal should be considered by an appropriate ad hoc body.

### **Appeals procedures**

In the event that a staff member wishes to appeal to the United Nations Secretary-General alleging the non-observance of their terms of appointment (e.g. entitlements, cutting of posts, termination of contracts), the following steps should be noted:

- As a first step in the appeal procedure, a written request for review of the contested administrative decision must be submitted to the Secretary-General within TWO MONTHS after the official notification.

**The request should describe clearly the contested decision and a detailed list of facts and actions taken should be provided<sup>10</sup>, as well as a description of the specific remedy requested.**

- The request for review addressed to the Secretary-General must be sent by REGISTERED MAIL.
- Following reception, the Secretary-General will have 60 days to review the contested decision and eventually reply or not to the request. At the end of the period of 60 days, if no response has been received, the staff member then has 30 DAYS in which to appeal to the Joint Appeals Board in Geneva.

**It should be noted that from the beginning of the action to the final decision made after the JAB has sent its recommendation to the**

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<sup>10</sup> See “Rules of Procedure and Guidelines of the Geneva Joint Appeals Board in Geneva”, Article 16, Page 8.

**Secretary-General, the administrative procedure takes on average 12 MONTHS.**

**Important addresses**

**Mr. Ban Ki-Moon**

United Nations Secretary General  
United Nations Headquarters  
1, United Nations Plaza  
New York, N.Y. 10017  
U.S.A.

**Joint Appeals Board in Geneva (JAB)**

Mr. Victor Rodriguez  
Palais des Nations  
Bureau C107  
Avenue de la Paix 8-14  
1211 Geneva 10

**UNITED NATIONS ADMINISTRATIVE TRIBUNAL  
(UNAT)**

**Staff Regulation 11.2, Article XI**

*The United Nations Administrative Tribunal shall, under conditions prescribed in its statute, hear and pass judgement upon applications from staff members alleging non-observance of their terms of appointment, including all pertinent regulations and rules.*

As mentioned earlier, an appeal can only be submitted to the UNAT after prior consideration by the JAB. Application to the UNAT is directed against the final decision of the Secretary-General, taken on the basis of the recommendation of the JAB. The UNAT is a judicial body, i.e. a court whose decisions are final and binding on the Secretary-General, as well as on the applicant.

If the UNAT finds part or all of the application well-founded, it orders the rescission of the contested decision, but fixes at the same time the amount of monetary compensation which the Secretary-General may choose to pay the applicant as an alternative to rescinding the contested decision. Such alternative compensation is normally not to exceed two years' net base salary. If the UNAT finds that it is not possible to remedy the situation by rescission or specific performance, then it merely awards damages.

The United Nations Administrative Tribunal (UNAT)  
United Nations Headquarters  
1, United Nations Plaza  
New York, N.Y. 10017  
U.S.A.

## **ASSISTANCE AND REPRESENTATION BY COUNSEL**

In general, a staff member should not require any assistance in pursuing any of the informal procedures. Nevertheless, to facilitate the assistance and, where appropriate, representation of staff by suitably qualified persons, **panels of counsel** have been established in Geneva, New York and Vienna, which function independently of both staff and Administration. Members of the counsel are current and retired staff members generally with legal training and/or extensive experience in international administration, who are willing to volunteer to assist colleagues with problems related to conditions of service under the Staff Rules.

These panels of counsel provide information, advice and, where appropriate, representation before the JAB and the Administrative Tribunal and other proceedings where such representation is permitted. They have also settled a substantial number of cases amicably, thus avoiding formal litigation.

Staff members, at their own expense, may also be represented by outside counsel at the Joint Appeals Board and the UN Administrative Tribunal, provided such counsel is admitted to the bar in a UN Member State.

# GLOSSARY

<b>APPB</b>	Appointments, Promotions and Postings Board
<b>APPC</b>	Appointment, Promotion and Posting Committee
<b>CCISUA</b>	Co-ordinating Committee for International Staff Unions and Associations of the United Nations System
<b>CoC</b>	Code of Conduct
<b>DHRM</b>	Division of Human Resources Management
<b>HRS</b>	Human Resources Service
<b>IG</b>	Inspector General
<b>IGO</b>	Inspector General's Office
<b>JAB</b>	Joint Appeals Board
<b>JDC</b>	Joint Disciplinary Committee
<b>MS</b>	Medical Service
<b>JPO</b>	Junior Professional Officer
<b>LAS</b>	Legal Affairs Section
<b>PAR</b>	Performance Appraisal Report
<b>PAPS</b>	Personnel and Administration and Payroll Section
<b>PMU</b>	Performance Management Unit
<b>PU</b>	Policy Unit
<b>SDS</b>	Staff Development Section
<b>SIBA</b>	Staff in-between Assignments
<b>SWS</b>	Staff Welfare Section
<b>UNAT</b>	United Nations Administrative Tribunal
<b>UNSMCC</b>	United Nations Secretariat Staff Management Consultative Committee