

# Employment Protection Standards in International Organisations

Prepared on behalf of the Staff Union of the European Patent Office (SUEPO)

## Introduction

In February 2006 the Staff Union of the European Patent Office (SUEPO) conducted a survey into the employment protection standards for staff of international organisations. The methodology taken was that of a written questionnaire addressed to staff associations of international organisations with a total of 135 questions covering the following topics:

- Seat Agreement / Immunity and Applicable Law
- Health and Safety at Work
- Equal Opportunities
- Harassment (or Dignity) Policy
- Organisational Climate
- Conflict Resolution - Internal Conflict Resolution Body - Tribunal or Judicial Instance - General questions related to conflict resolution
- Disciplinary Procedures
- Right to information and Freedom of Expression
- Freedom of association and freedom of assembly
- Property rights - Nature of employment contracts - Location and nature of work - Pension rights

Of the 40+ staff associations which were invited, 12 responded. Two staff associations informed SUEPO that they had been explicitly prohibited from responding by their administrations. The 12 responses were as follows:

- 6 European based organisations
- 4 UN Specialised Agencies
- 1 UN Subsidiary Body
- 1 non-UN Worldwide organisation

11 of the organisations are based in EU member states; 1 organisation is based in the United States.

This paper presents the results of the survey. For reasons of confidentiality the data is presented anonymously. For this reason some questions have also been omitted from this report.

## Further Information

Further information can be obtained from [legal@suepo.org](mailto:legal@suepo.org)

# Presentation of the Results

The results are presented in one of 3 formats. For simplicity axis labels have been omitted from the results. From some of the results it will be clear that not all respondents replied to all questions. In some cases it was clear that this should be interpreted as a neutral or "don't know" response; on other cases it was not clear how to interpret the response, and the results presented for those questions are limited to those associations which responded.

## Presentation Formats

### 1) Numerical

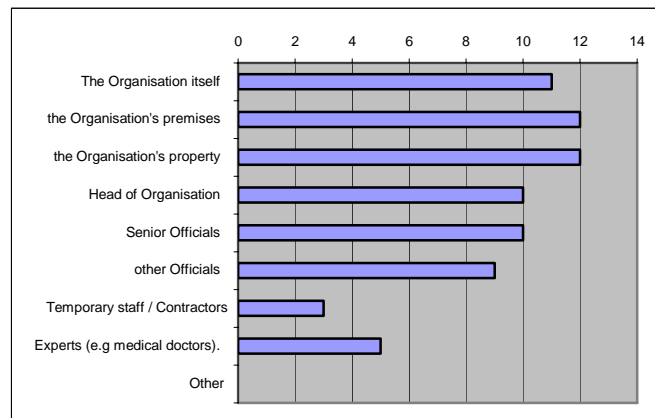
e.g.

Yes 9

No 3

### 2) Bar chart

#### Who/what is covered by the Immunity? (tick all relevant boxes)

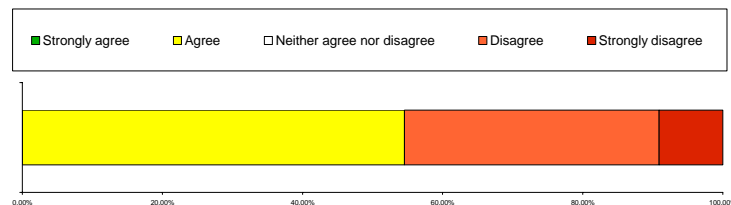


In this format the numbers on the top of the bar chart indicate the number of responses in each category.

### 3) Percentage bar chart

#### Indicate your view with respect to the following statement

"The goals of our organisation are clearly defined and communicated"



The colour indicates the % of responses in each category.

# Questionnaire Results

## Seat Agreement

### Question 1

**Does your organisation have a seat agreement with the host state?**

Yes 12

### Question 2

**Can you provide a copy of any such agreement?**

Yes 9

No 2

No answer 1

## Immunity Of Organisation

### Question 3

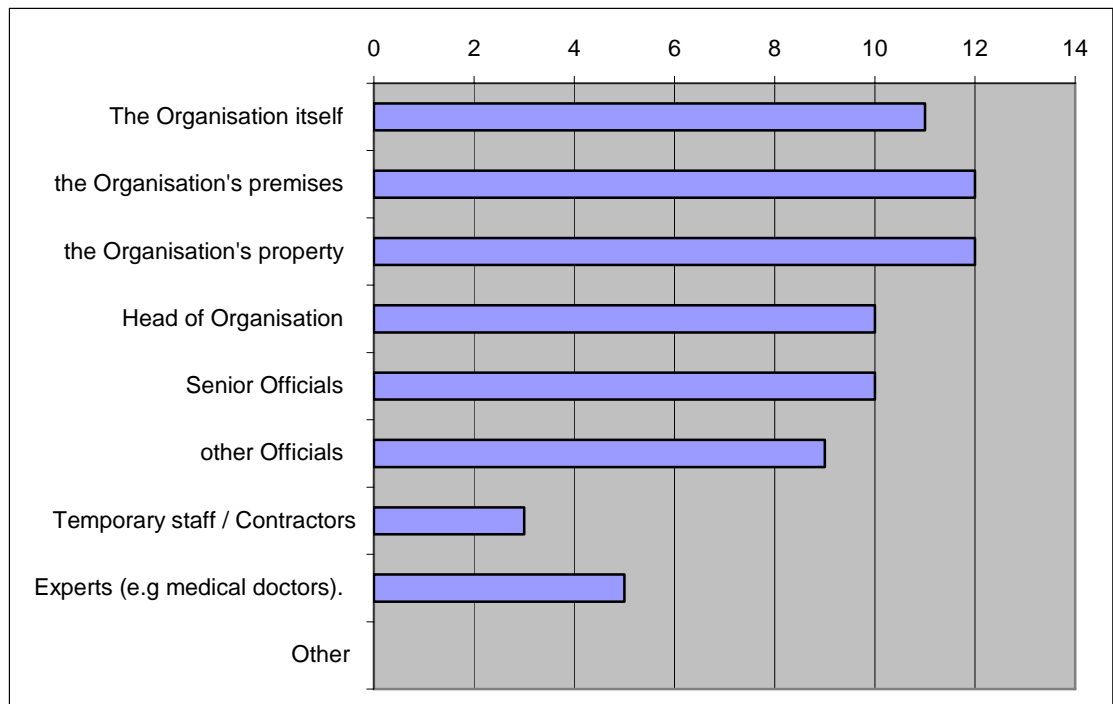
**Does your organisation enjoy immunity from jurisdiction of national courts?**

Yes 12

No

### Question 4

**Who/what is covered by the Immunity? (tick all relevant boxes)**



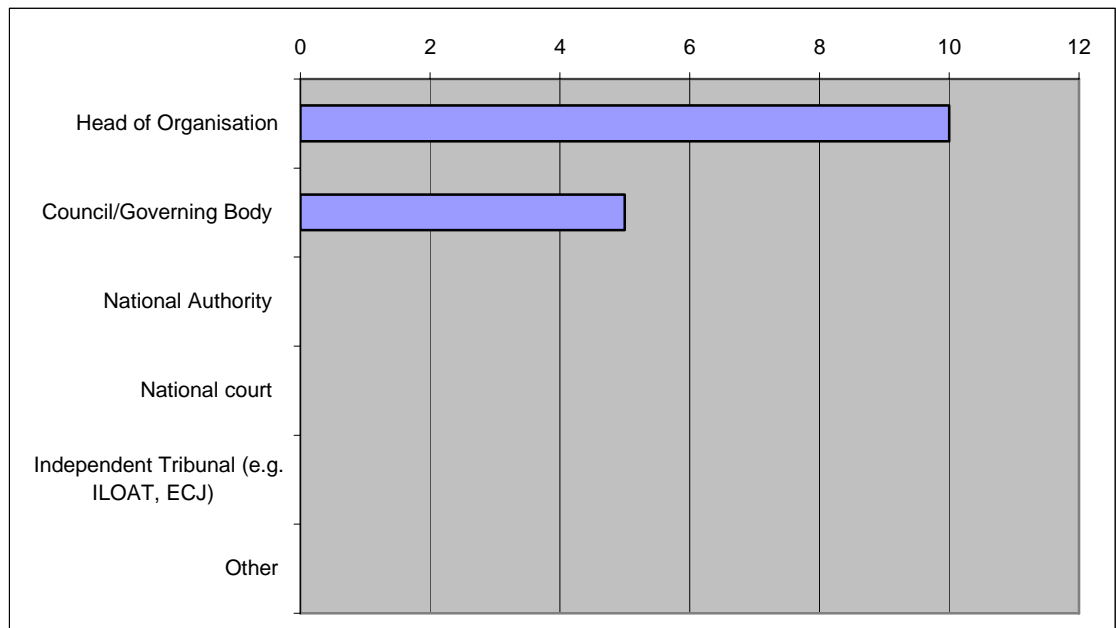
### Question 5

Are there any provisions provided to lift the immunity?

Yes 11  
No 1

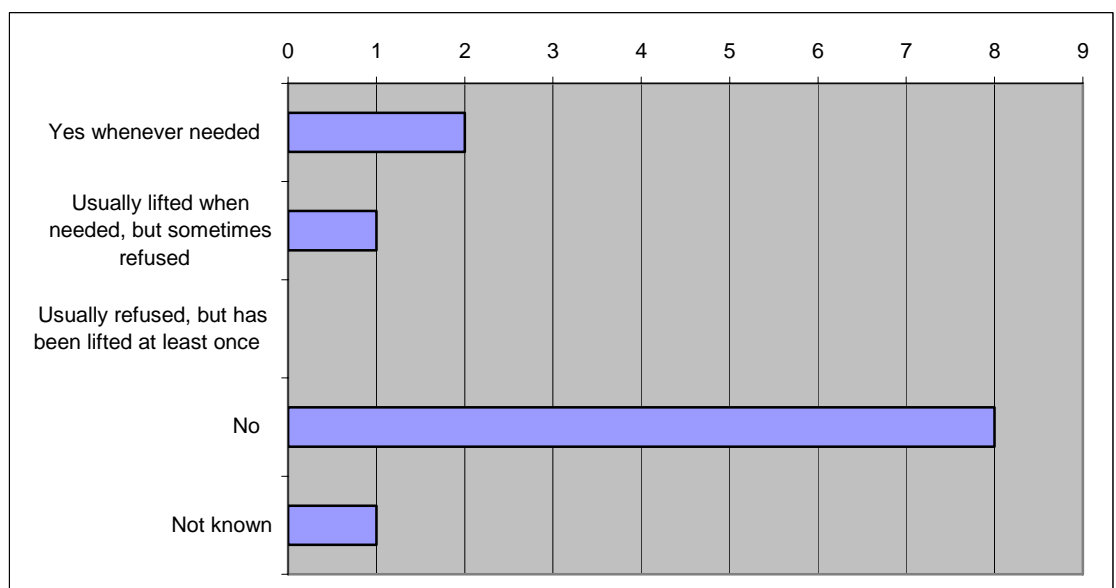
### Question 6

Who has the authority to lift the immunity? (tick all relevant boxes)



### Question 7

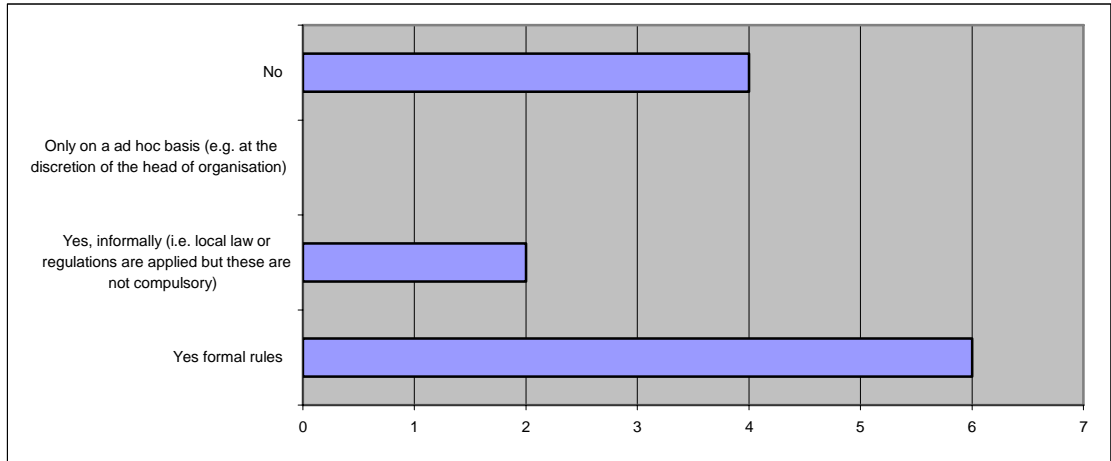
Has the immunity been lifted during the last 5 years?



# Application of National and International Law

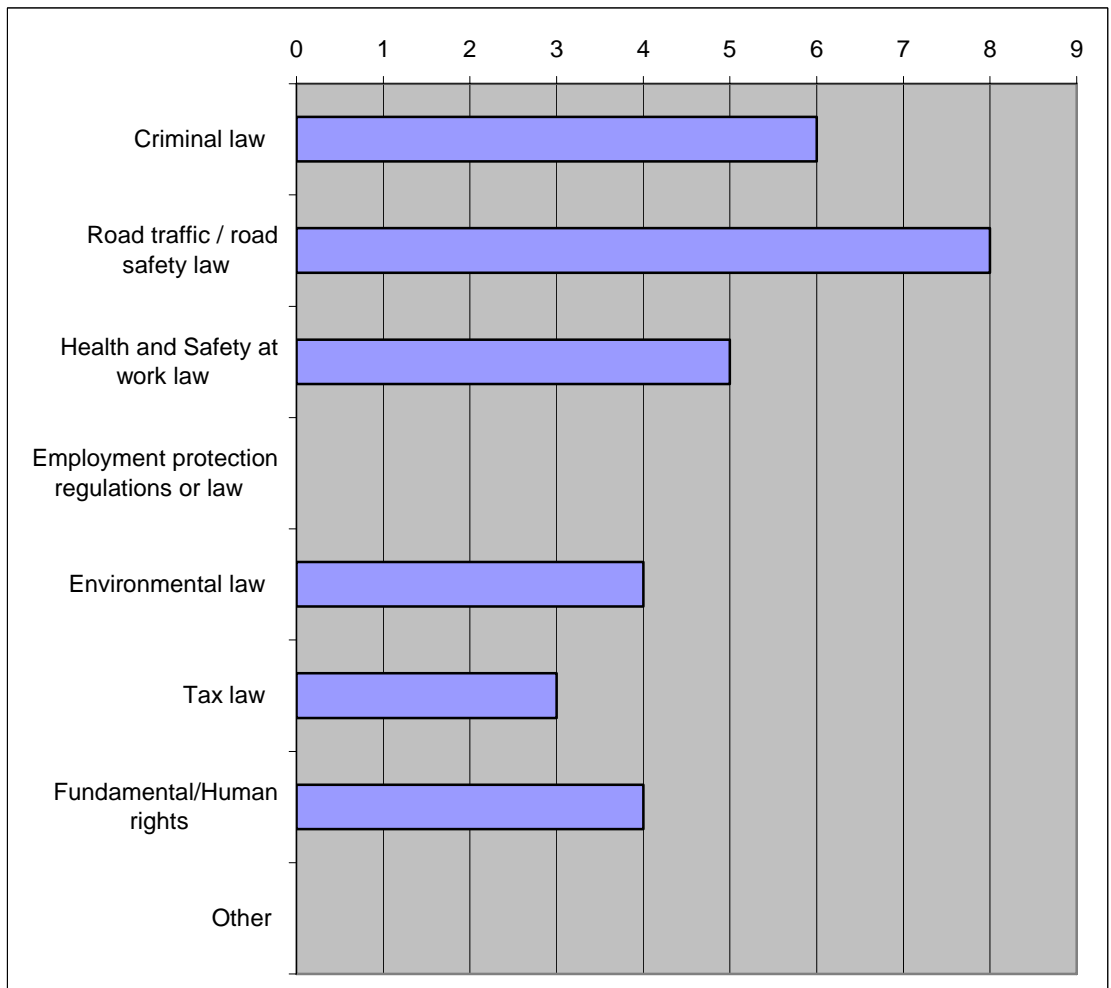
## Question 8

Does your organisation have any provisions governing the application of national or international law to your organisation?



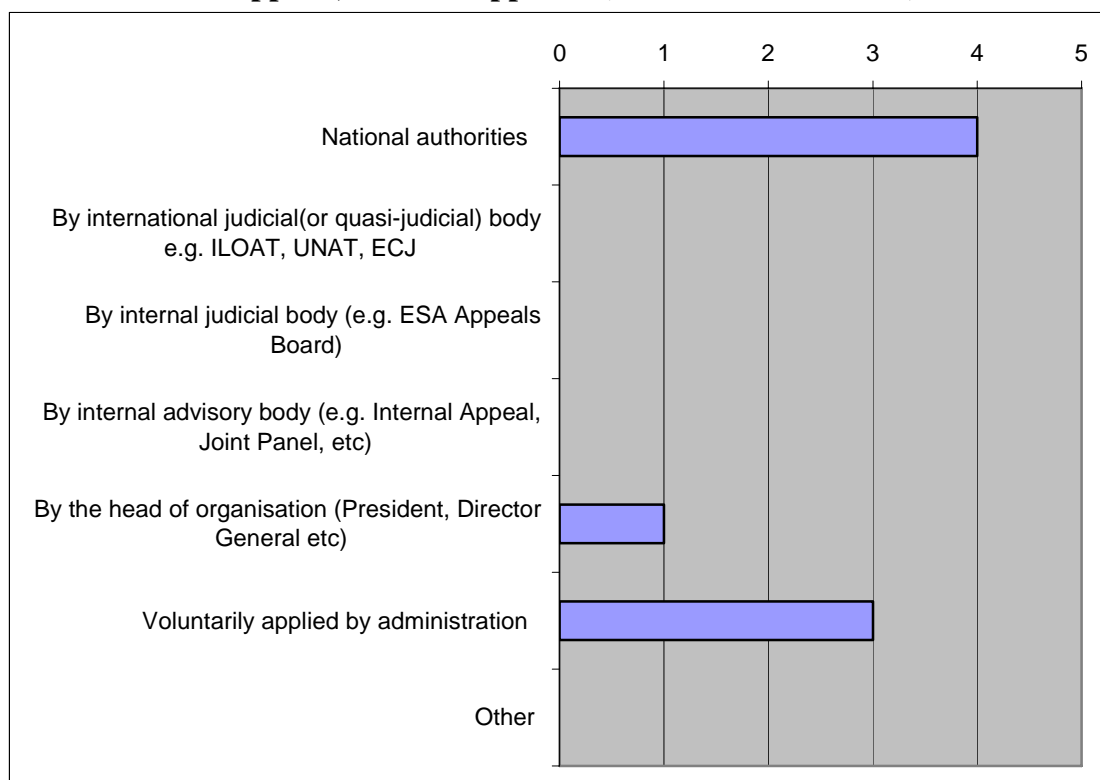
## Question 9

What national law is applied? (tick all relevant boxes)



### Question 10

**If national law is applied, how is it applied? (tick all relevant boxes)**



### Question 11

**Does your organisation recognise any of the following treaties as being applicable within your organisation.**

International Covenant on Civil and Political Rights (ICCPR)	0
European Convention on Human Rights and Fundamental Freedoms (ECHR)	0
European Social Charter	0
Other human rights treaty or convention (please state below)	0
ILO Freedom of Association and Protection of the Right to Organise Convention, 1948	0
ILO Right to Organise and Collective Bargaining Convention, 1949	0
ILO Forced Labour Convention, 1930	0
ILO Discrimination (Employment and Occupation) Convention, 1958	0
ILO Equal Remuneration Convention, 1951	0
ILO The Labour Inspection Convention, 1947	0
ILO Protection of Wages Convention, 1949	0
ILO Social Security (Minimum Standards) Convention, 1952	0
ILO Workers' Representatives Convention, 1971	0
<b>None of the above</b>	<b>12</b>
Other	0

# Health and Safety at Work

## Question 12

**Do you have a policy on health and safety at work?**

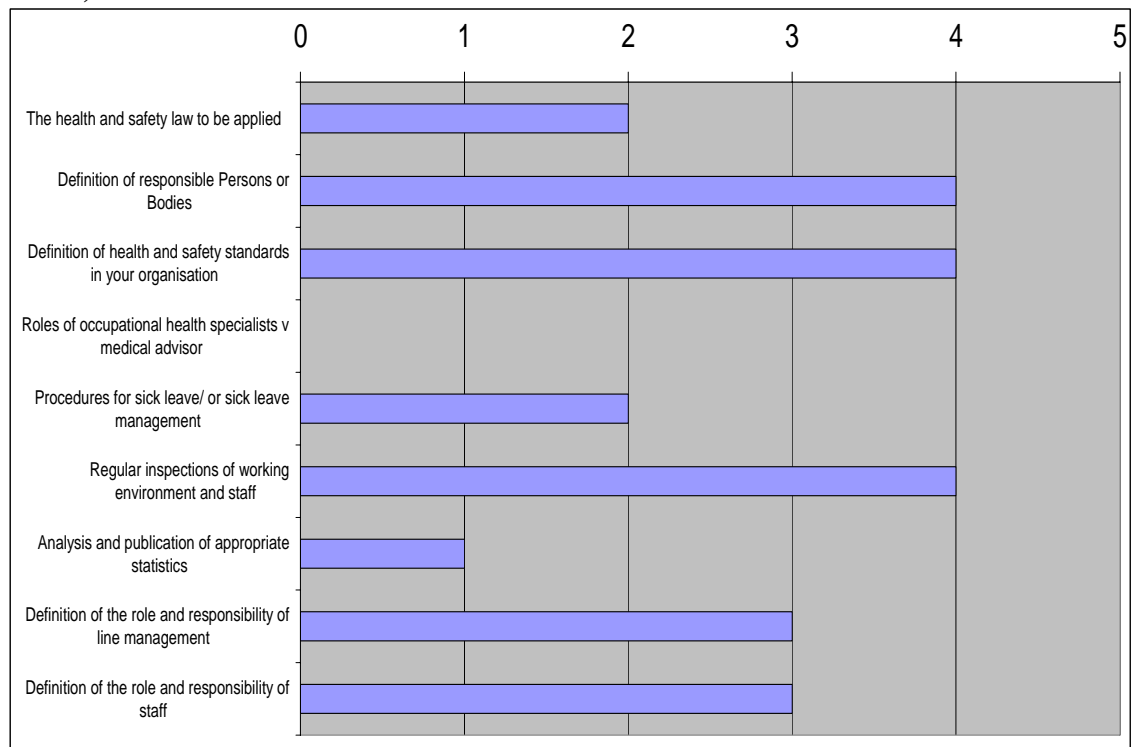
Yes 4

No 7

No answer 1

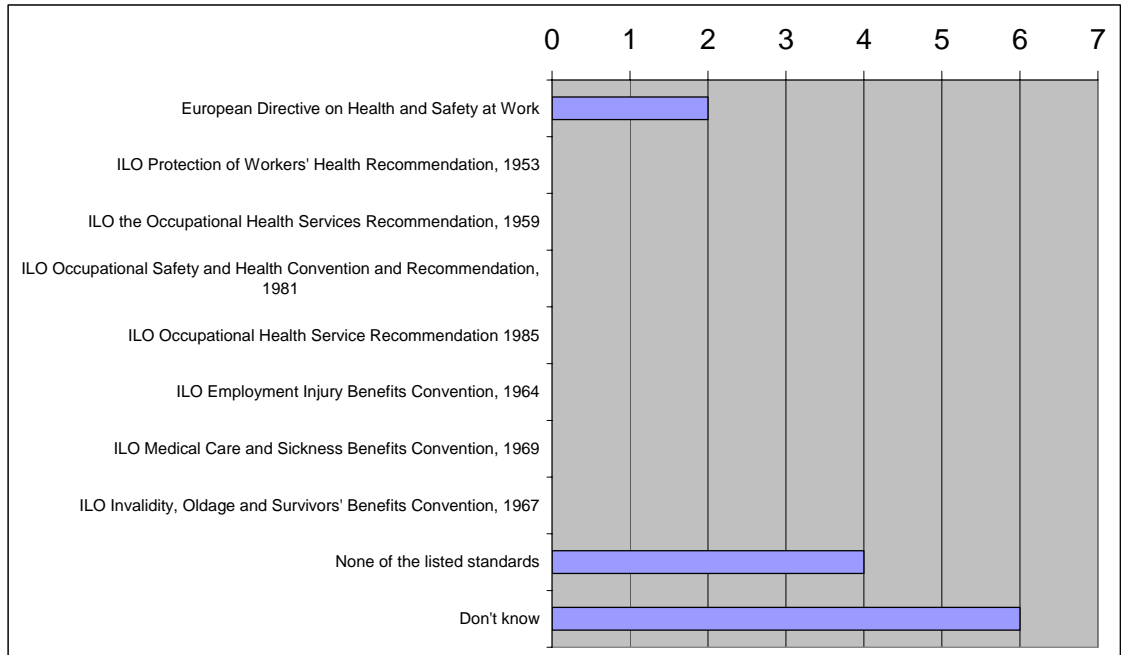
## Question 13

**(IF YES to the previous question) What does the policy cover? (tick all relevant boxes)**



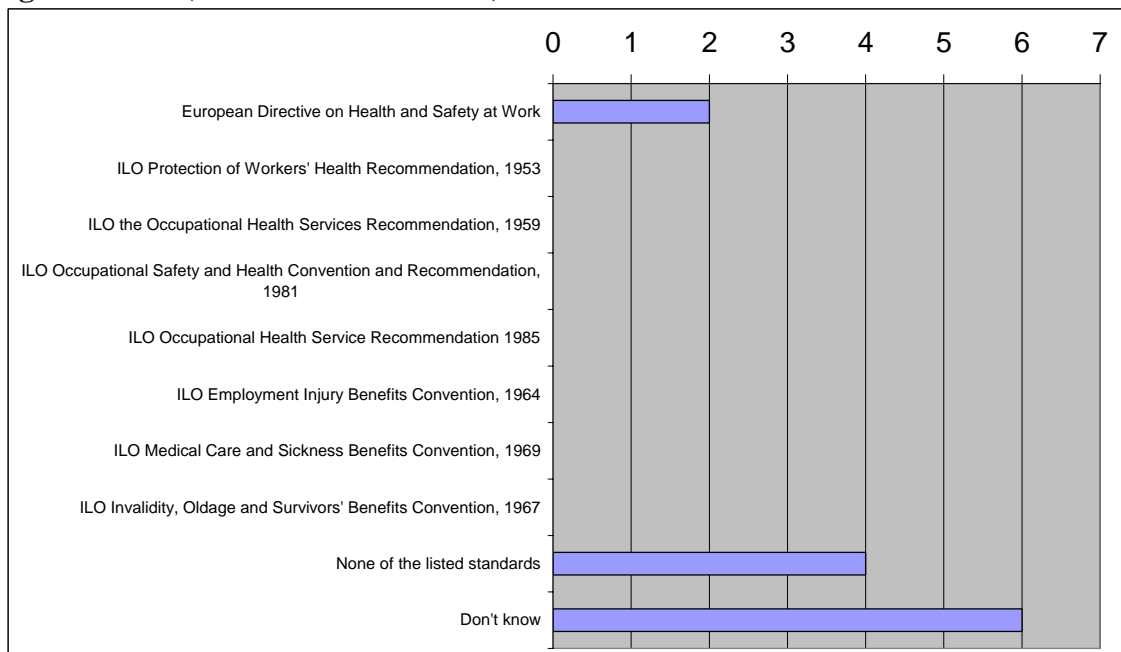
### Question 14

**What health and safety protection or regulations are applied at your organisation?**



### Question 15

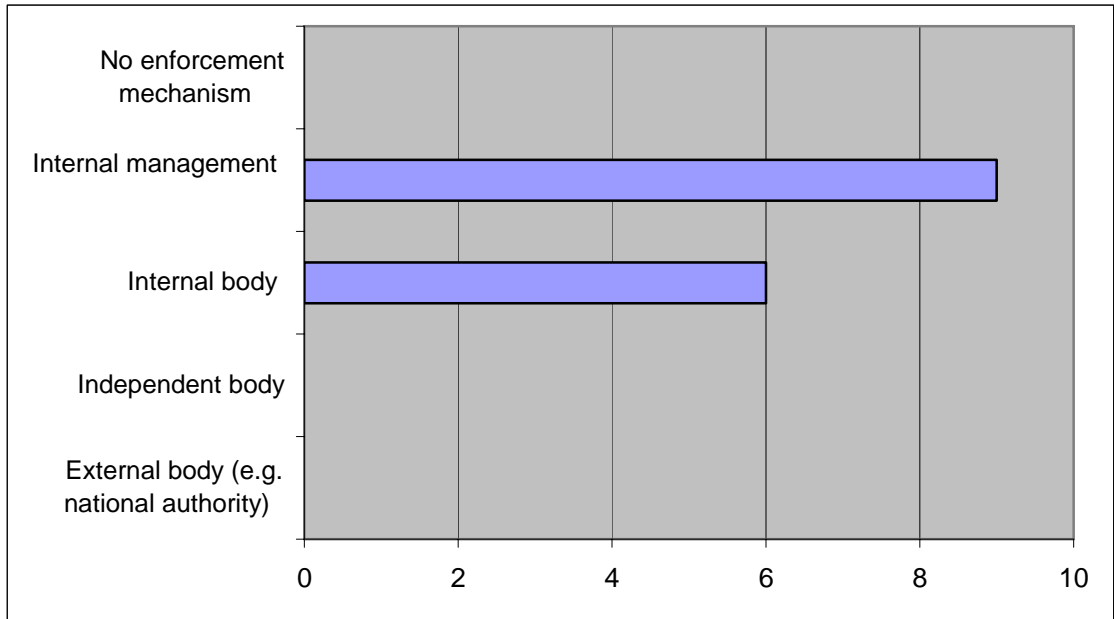
**Is your health and safety at work policy consistent with the following directives/ agreements? (tick all relevant boxes)**





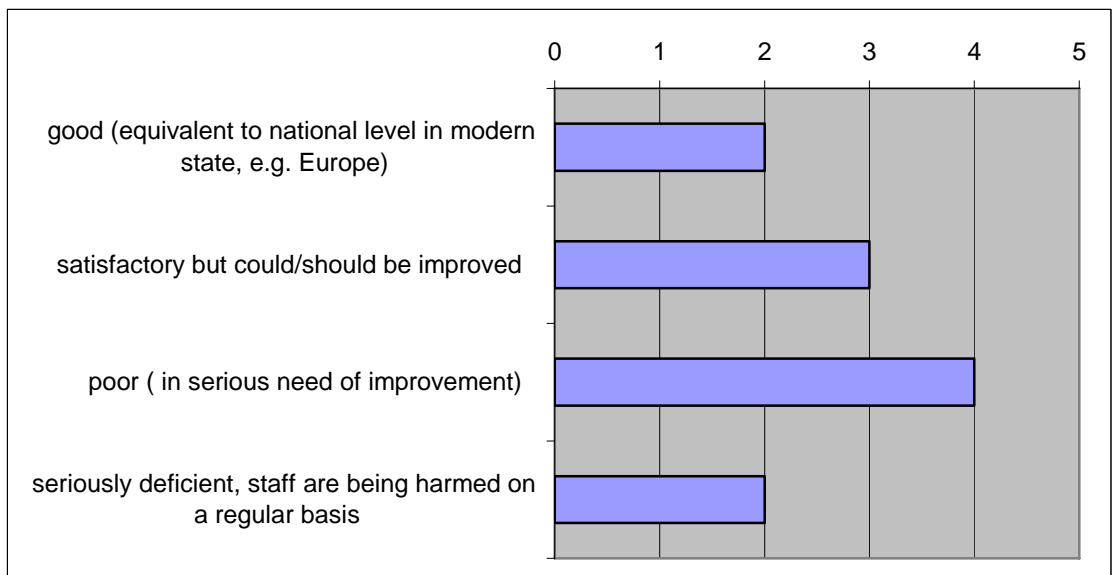
### Question 16

**How are your health and safety rules enforced?**



### Question 17

**How would you estimate the level of health and safety protection in your organisation?**



### Question 18

**Have you formally requested improvement to the Health and Safety protection in your organisation?**

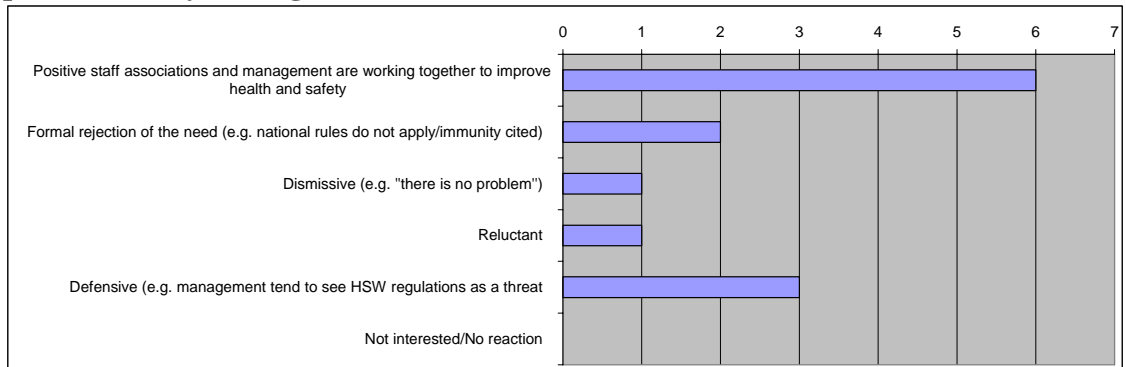
Yes 10

No 2

(NB for yes, last time request was made: Between 1 week and 2 years)

### Question 19

**What is the attitude of your administration/management to Health and Safety protection in your organisation?**



# Equal Opportunities

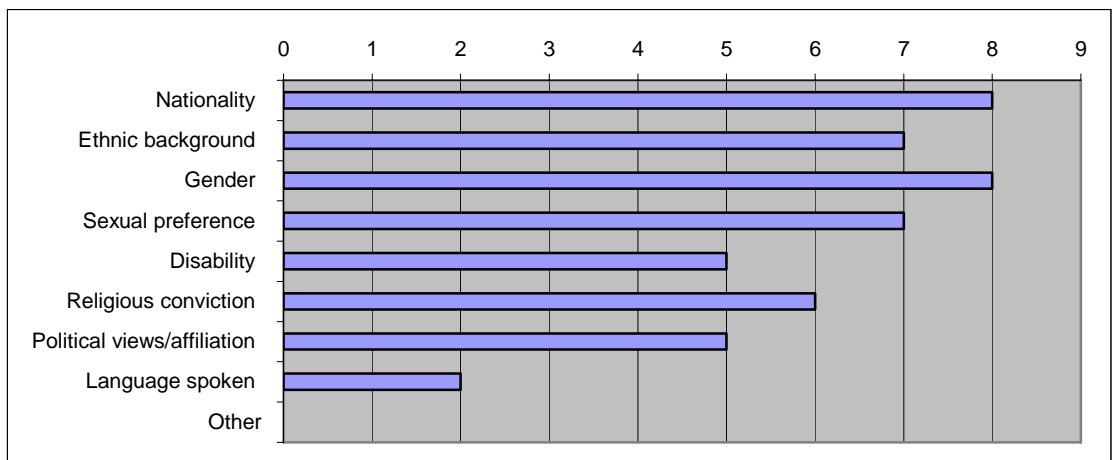
## Question 20

Does your organisation have an Equal Opportunities Policy?

Yes 5  
No 7

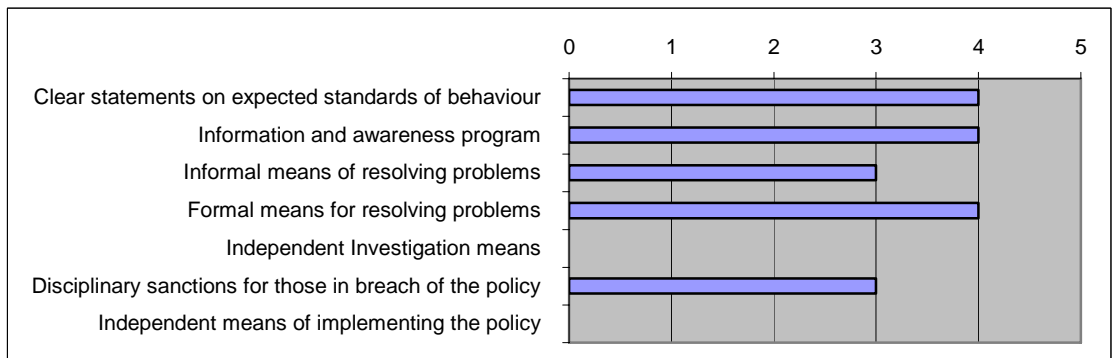
## Question 21

Please indicate which of the following types of discrimination are covered by your policy? (tick all relevant boxes)



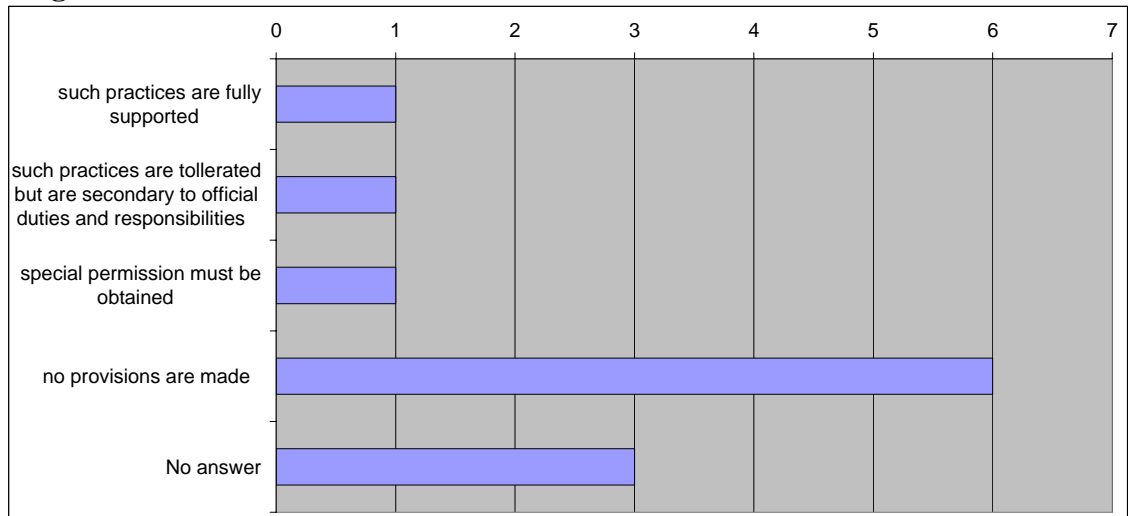
## Question 22

Please indicate which of the following features are part of the policy (tick all relevant boxes)



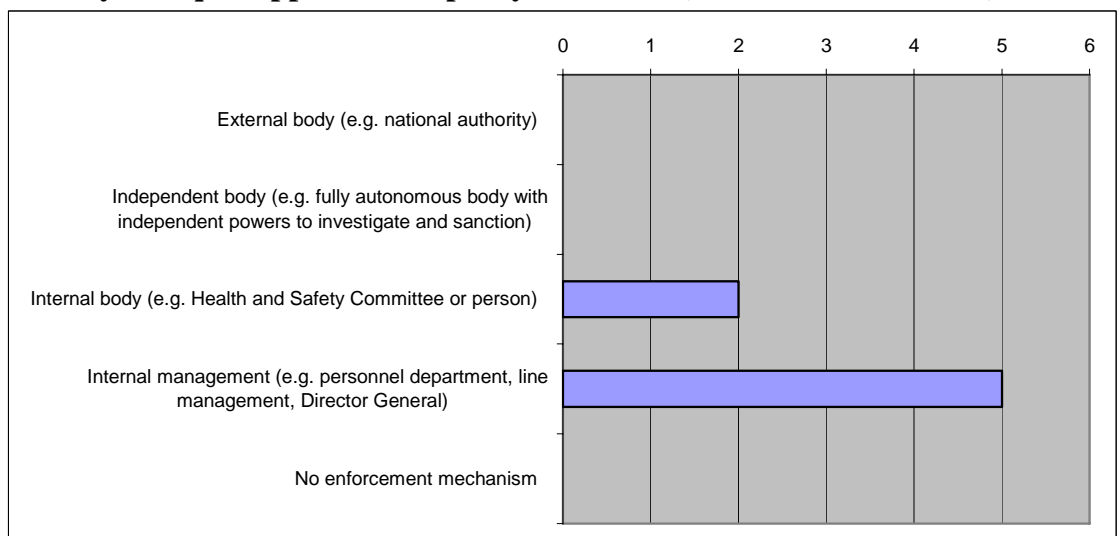
### Question 23

**To what degree does the organisation make provisions for staff to observe their religious or cultural beliefs/rituals**



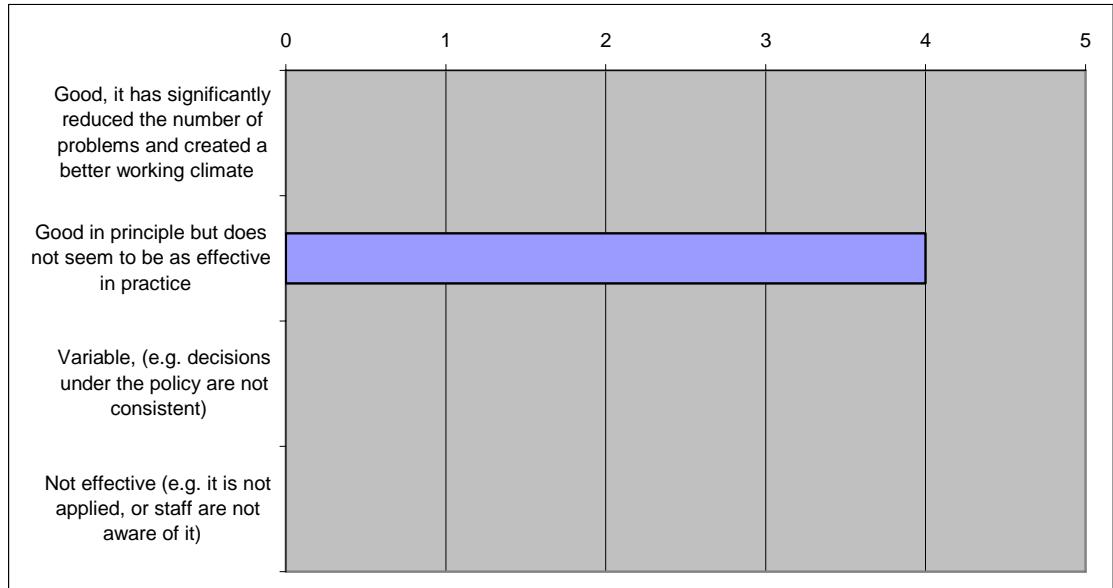
### Question 24

**How is your equal opportunities policy enforced? (tick all relevant boxes)**



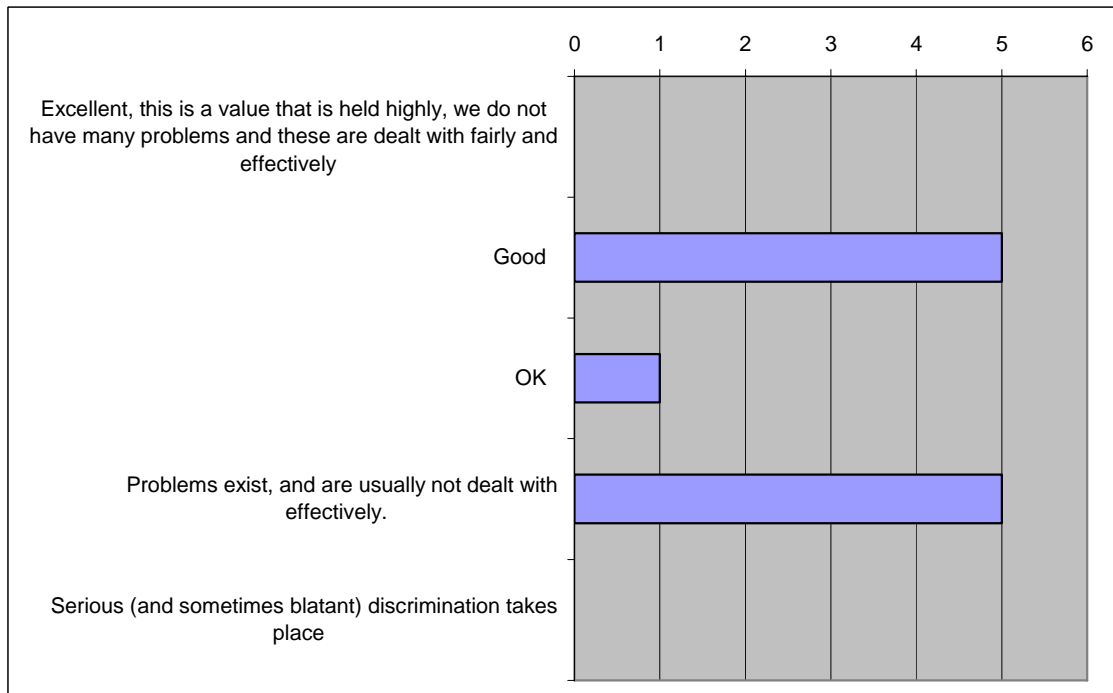
### Question 25

**How would you estimate the effectiveness of this policy?**



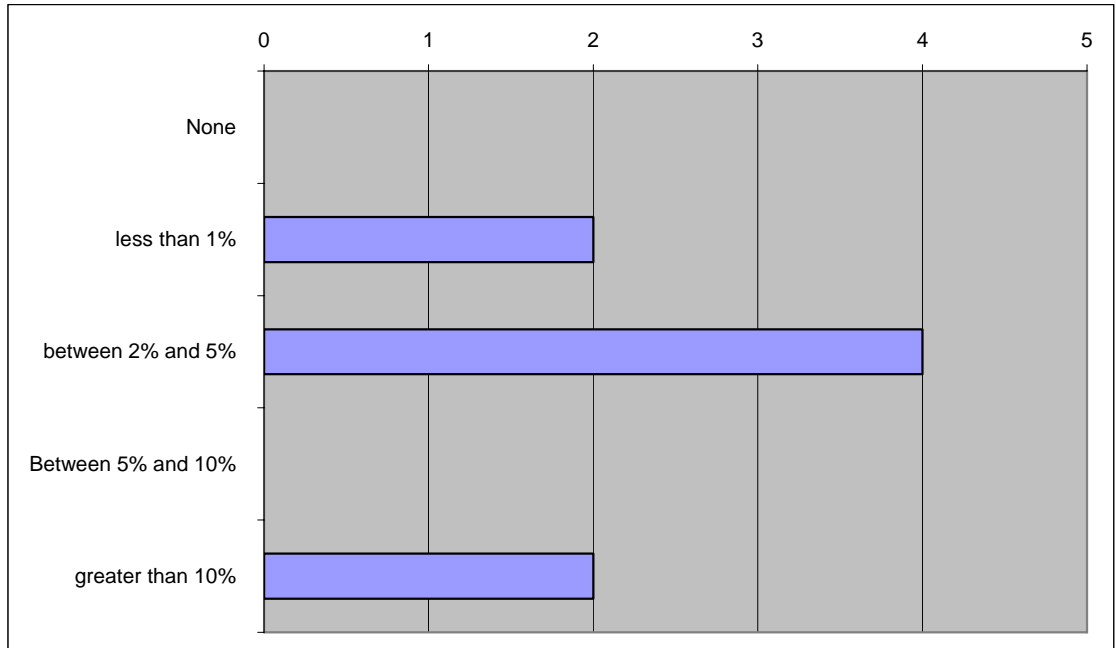
### Question 26

**How would you estimate the working climate in your organisation with respect to Equal Opportunities?**



**Question 27**

**In your estimation, what proportion of your staff experience some form of discrimination?**



**Question 28**

**Are you able to provide any detailed statistics to support your answer to questions 25-27?**

Yes 1

No 9

# Harassment (or Dignity) Policy

## Question 30

Does your organisation have an (Anti) Harassment or Dignity Policy?

Yes 9

No 3

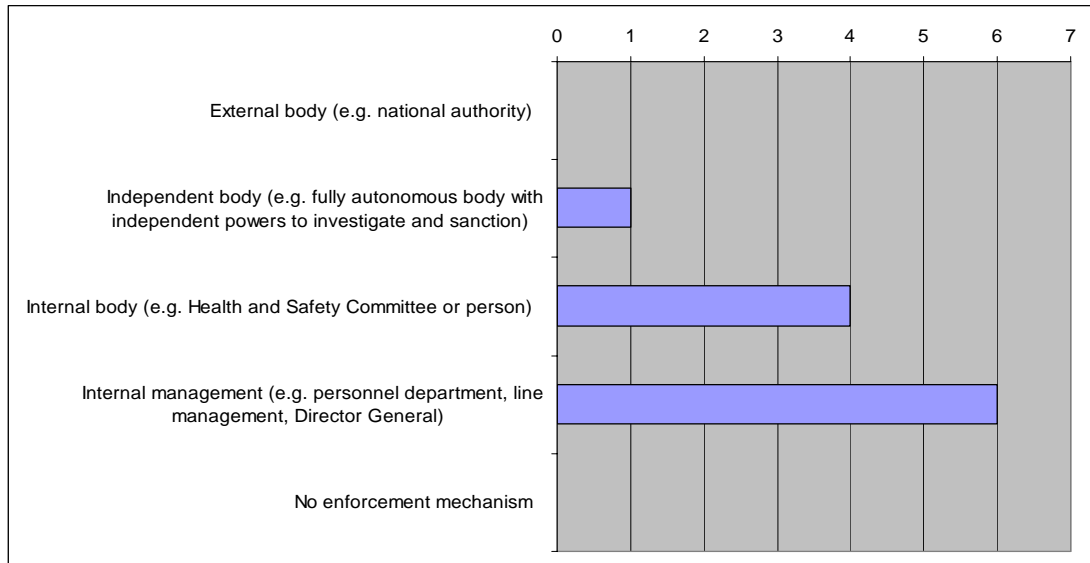
## Question 31

Please indicate the main features of this policy (tick all relevant boxes)



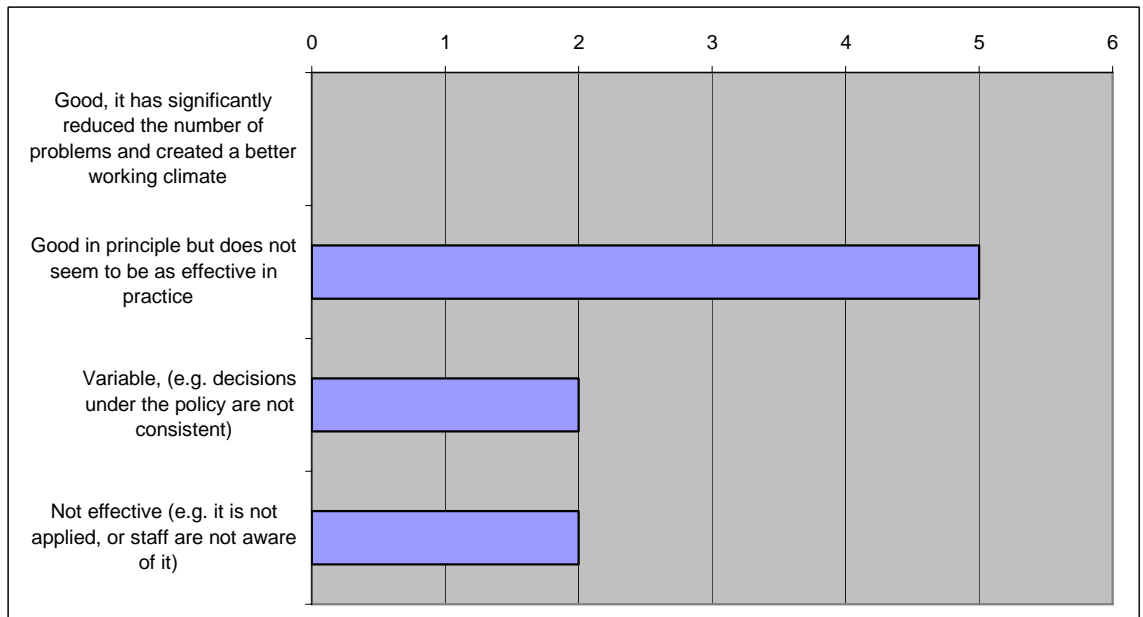
### Question 32

**How is your (anti) harassment policy enforced? (tick all relevant boxes)**



### Question 33

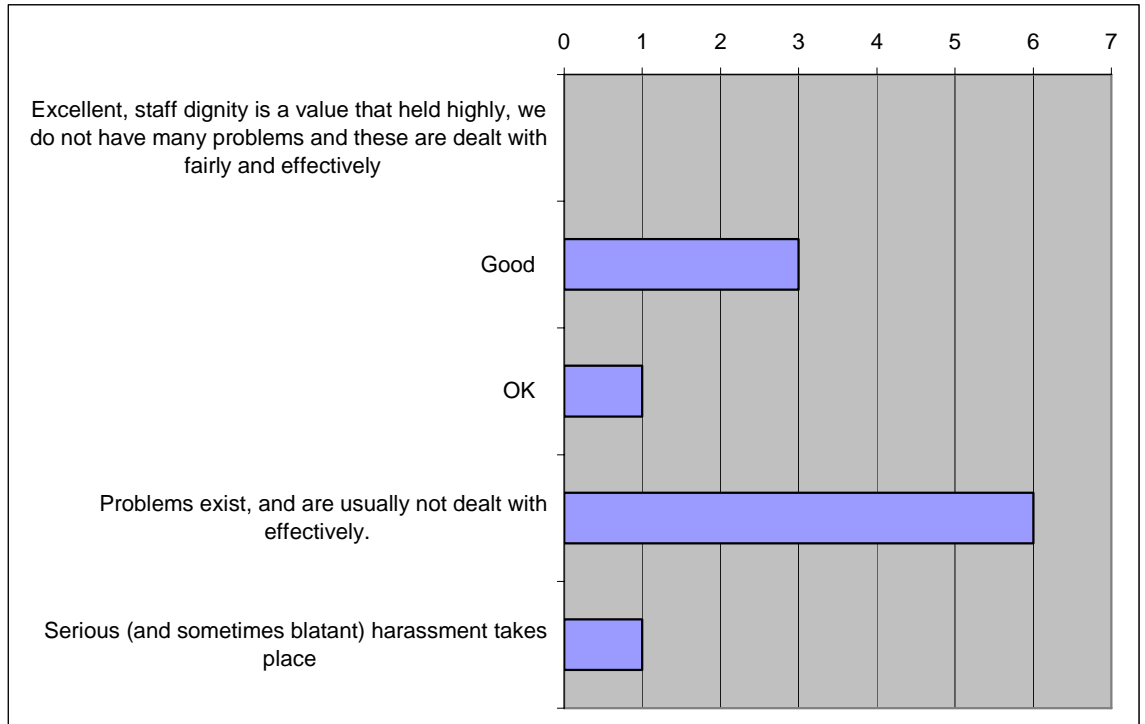
**How would you estimate the effectiveness of this policy?**





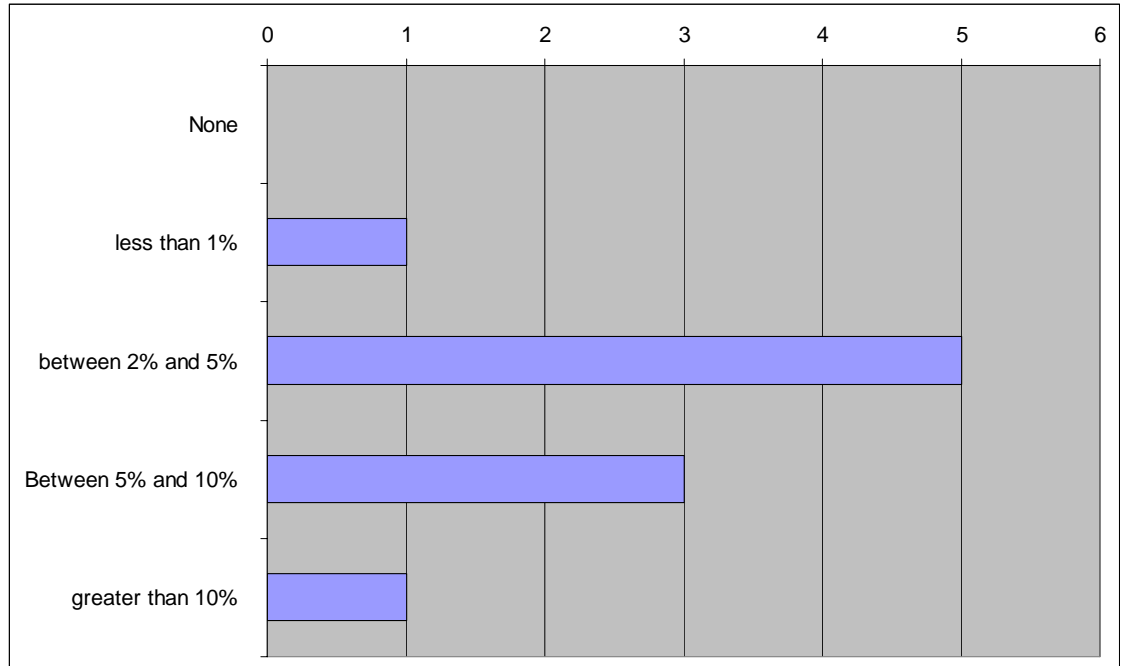
### Question 34

**How would you estimate the working climate in your organisation with respect to staff dignity?**



**Question 35**

**What proportion of your staff experience some form of harassment?**



**Question 36**

**Are you able to provide any detailed statistics to support your answer to questions 33-35?**

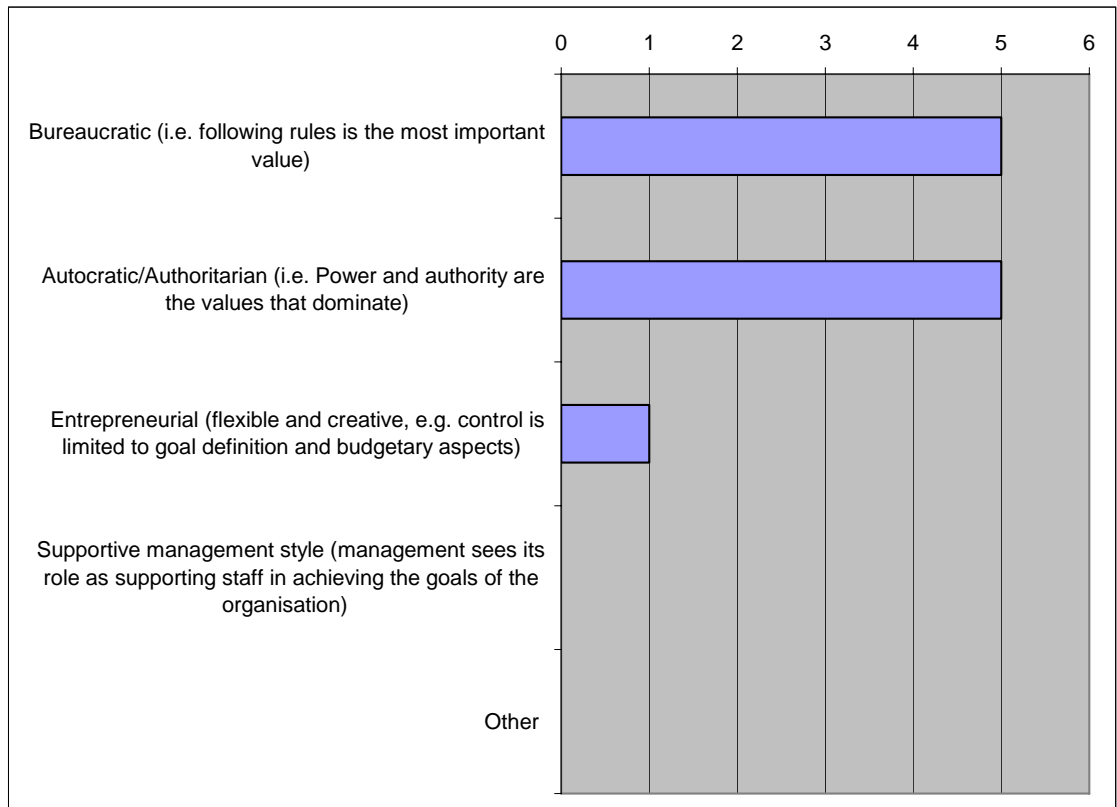
Yes 4

No 8

# Organisational Climate

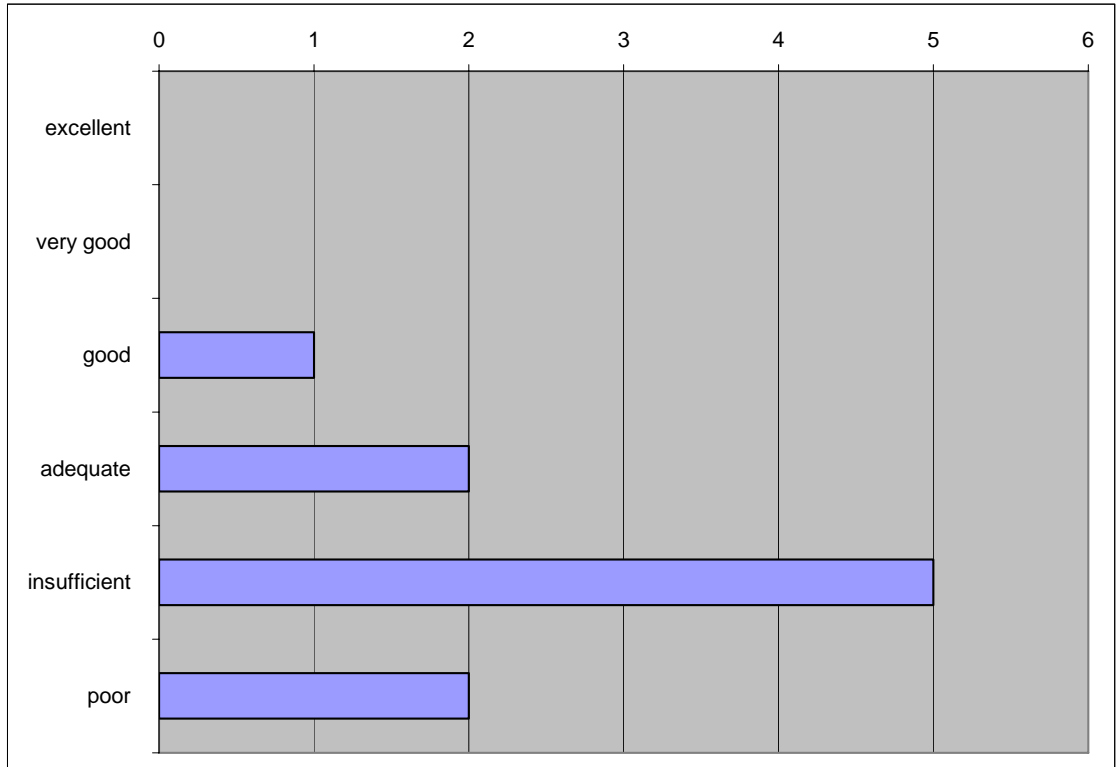
## Question 38

How would you assess the organisational culture in your organisation?



### Question 39

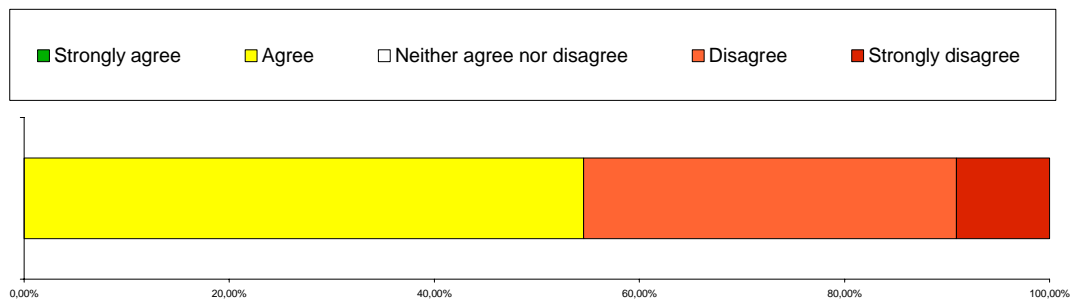
**How would you assess the general competence of the management in your organisation.**



### Question 40

**Indicate your view with respect to the following statement**

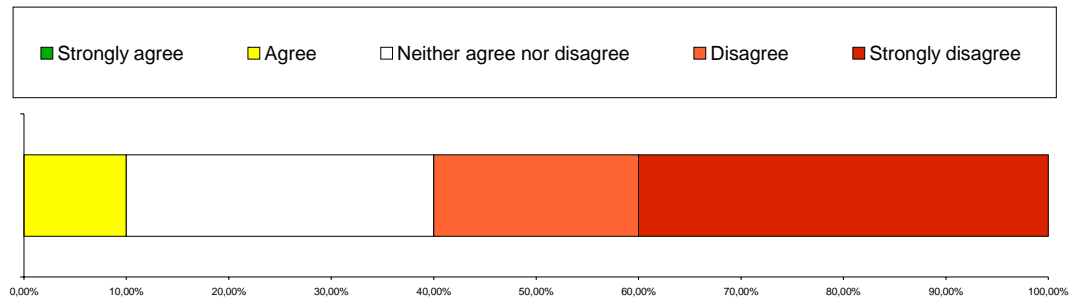
"The goals of our organisation are clearly defined and communicated"



### Question 41

**Indicate your view with respect to the following statement**

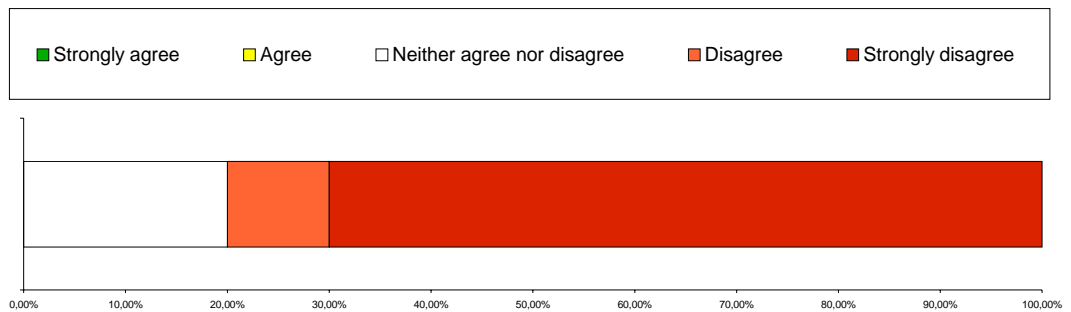
"The management of our organisation act in a manner which is clearly consistent with the declared organisational goals"



### Question 42

**Indicate your view with respect to the following statement**

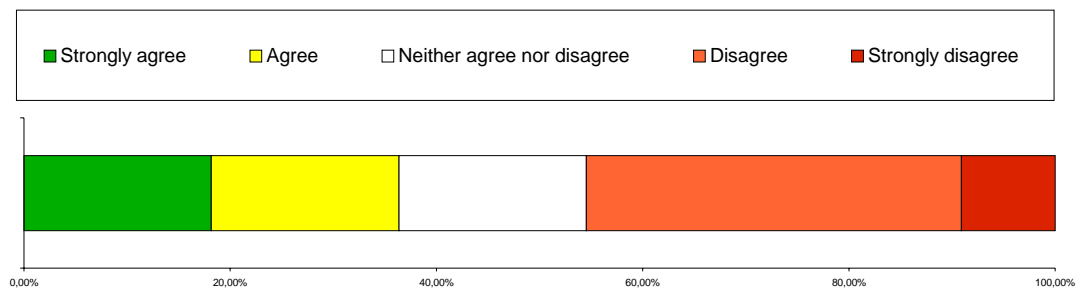
"There is a high degree of trust between management and staff"



### Question 43

**Our management/administration holds the following view of staff**

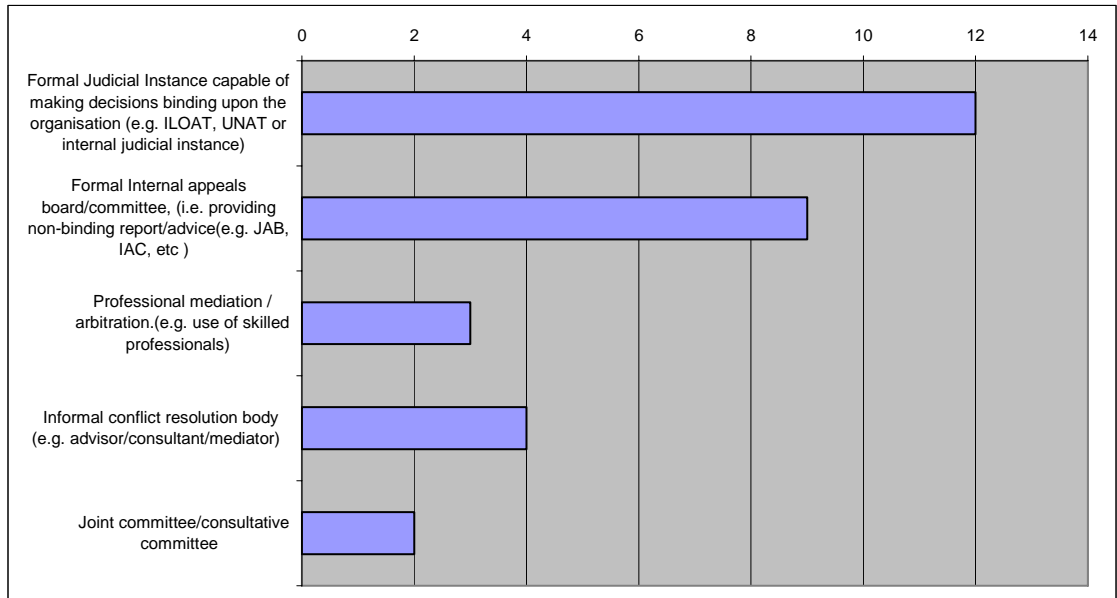
"most people must be coerced, controlled, directed and threatened in order to get them to make an adequate effort towards the organisational objectives"



# Conflict Resolution

## Question 44

Which of the following conflict resolution mechanisms exists in your organisation?  
(tick all relevant boxes)



# Internal Conflict Resolution Body

## Question 45

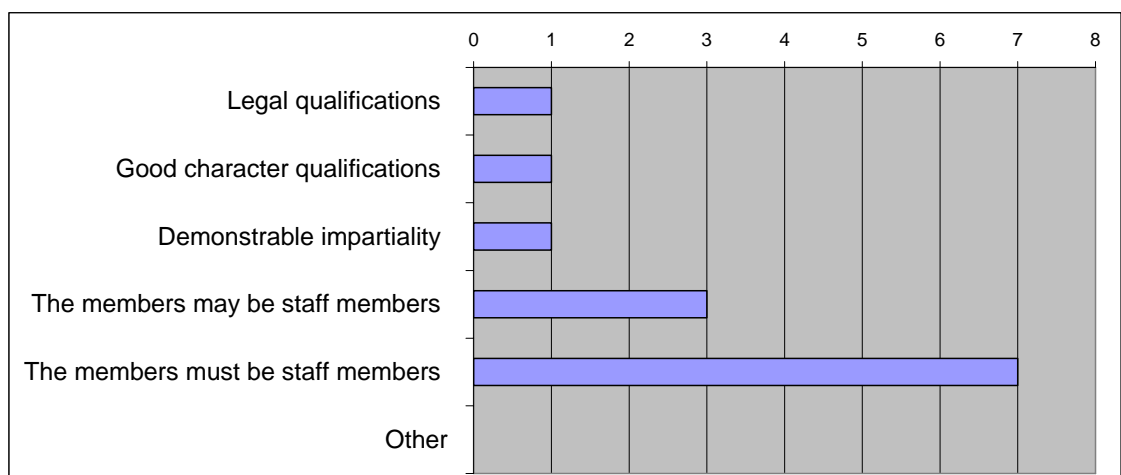
### What is the composition of the body?

Of the 9 organisations having an internal appeals body, the following composition types were identified.

- Two organisations has a true paritary composition, e.g. 1 member nominated by management ; 1 member nominated by staff association ; 1 president chosen by the first 2 members jointly
- Five organisations has a pseudo-paritary composition of 3-7 members, e.g. for 3 person committee: 1 nominated by staff, one nominated by organisation, with an chairperson nominated by the head of organisation.
- One organisation has a 3 person committee; 2 members nominated by head of organisation, 1 nominated by staff association.
- One organisation has an ad hoc structure with no clear rules regarding the composition.

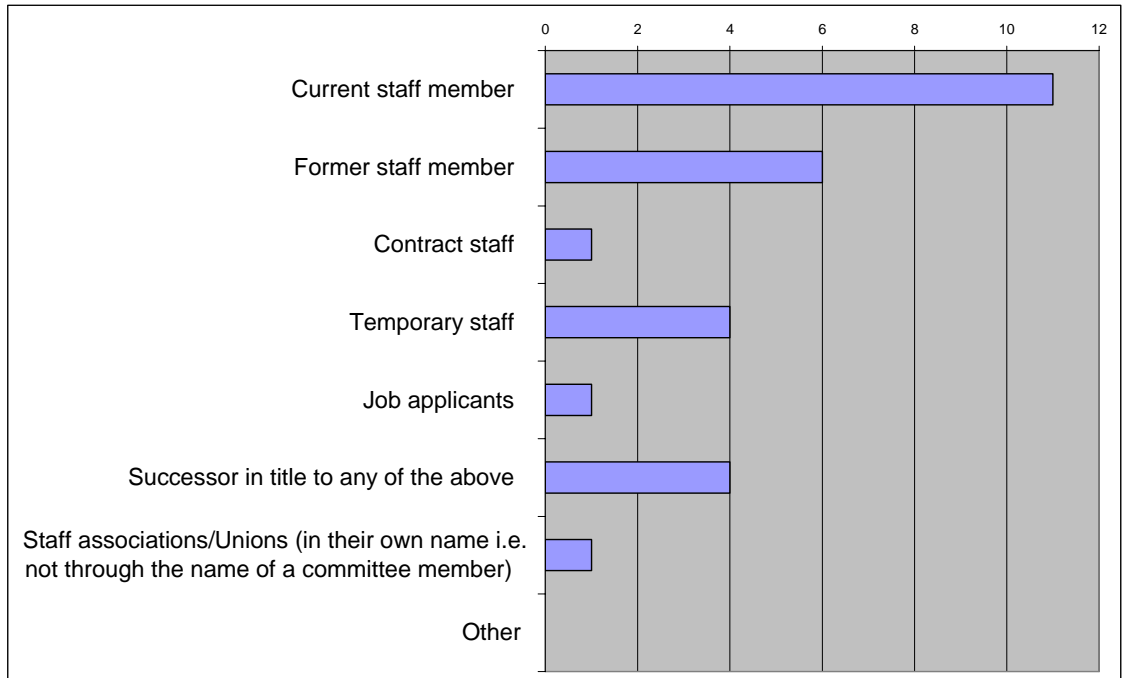
## Question 46

### Are there any requirements/qualifications on the members of the internal body? (tick all relevant boxes)



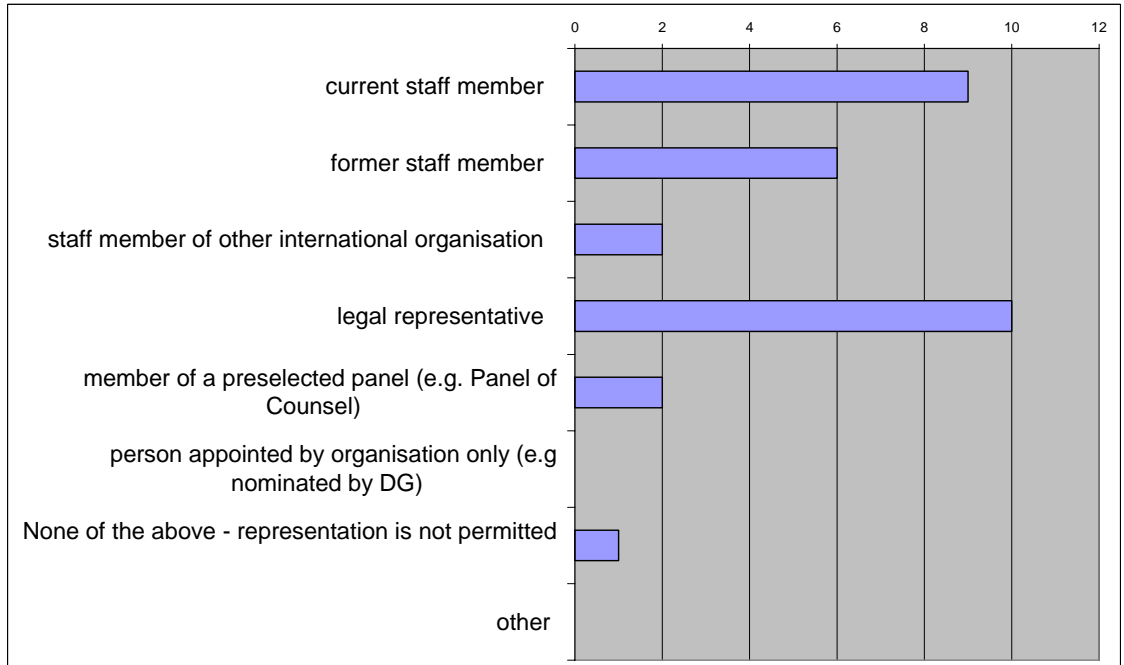
### Question 47

**Who may file a case with the internal body? (tick all relevant boxes)**



### Question 48

**Who may an applicant choose to represent him/her? (tick all appropriate boxes)**





**Question 49**

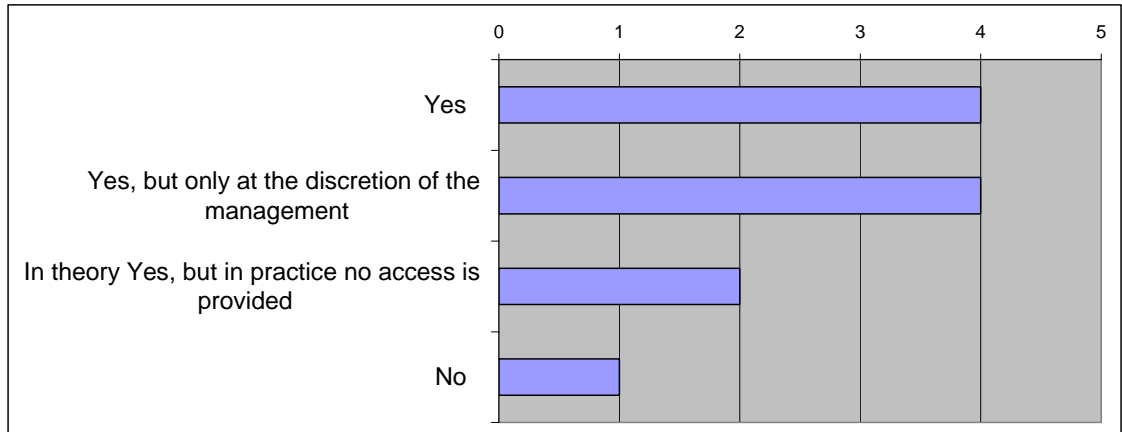
**Do applicants have the right of oral proceedings?**

Yes 11

No 1

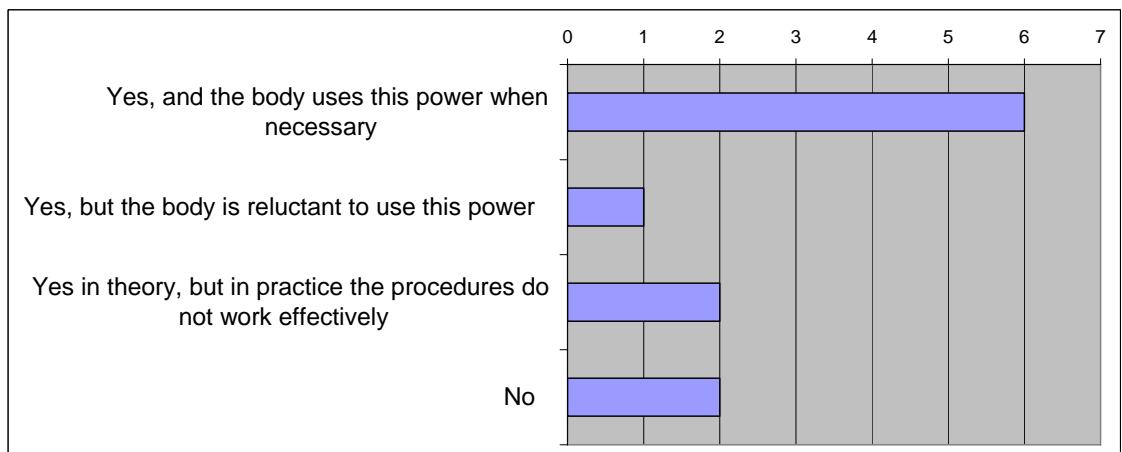
**Question 50**

**Are applicants permitted access to official documentation relevant to their case?**



**Question 51**

**Does the internal conflict resolution body have the power to order the disclosure of information?**



**Question 52**

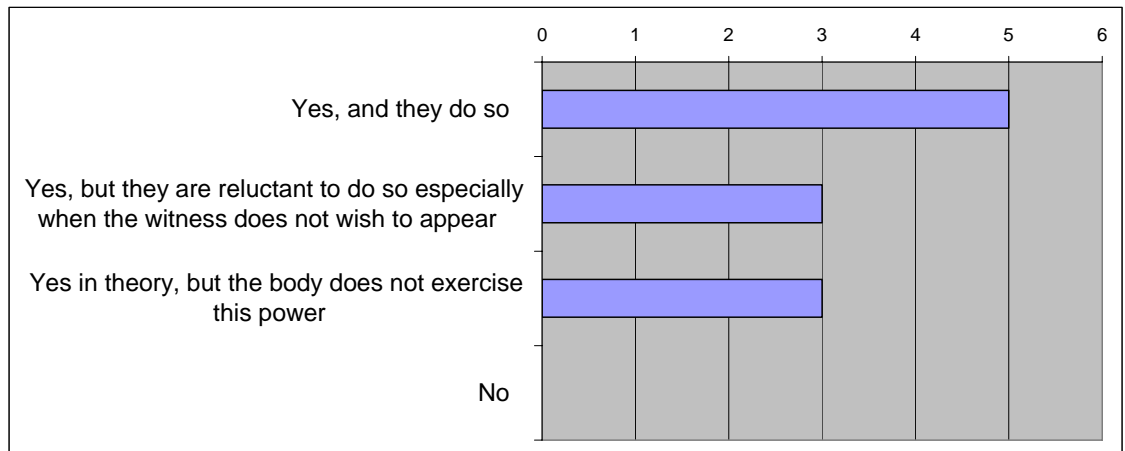
**Are applicants permitted access to the case file maintained by the internal conflict resolution body?**

Yes 2

No 9

**Question 53**

**Does the internal conflict resolution body have the power to summon witnesses?**



**Question 54**

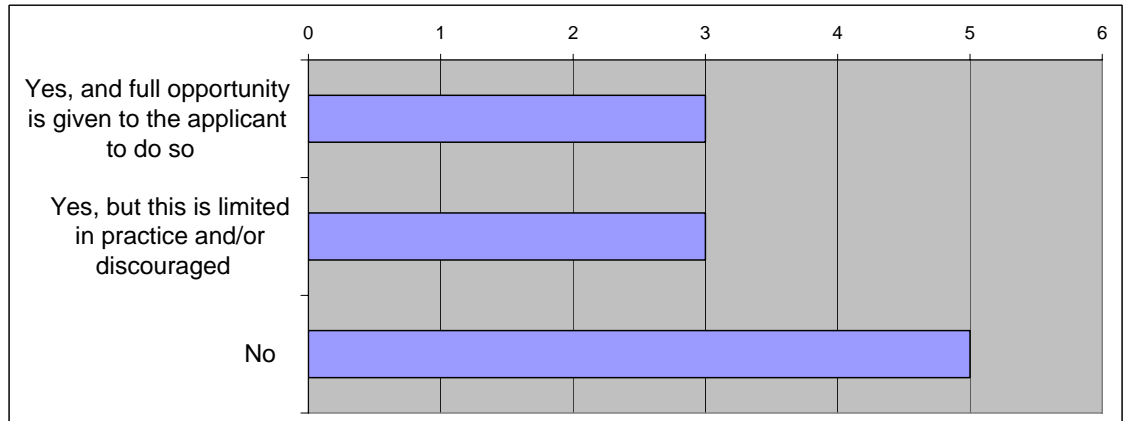
**Are applicants permitted to call witnesses?**

Yes 2

No 9

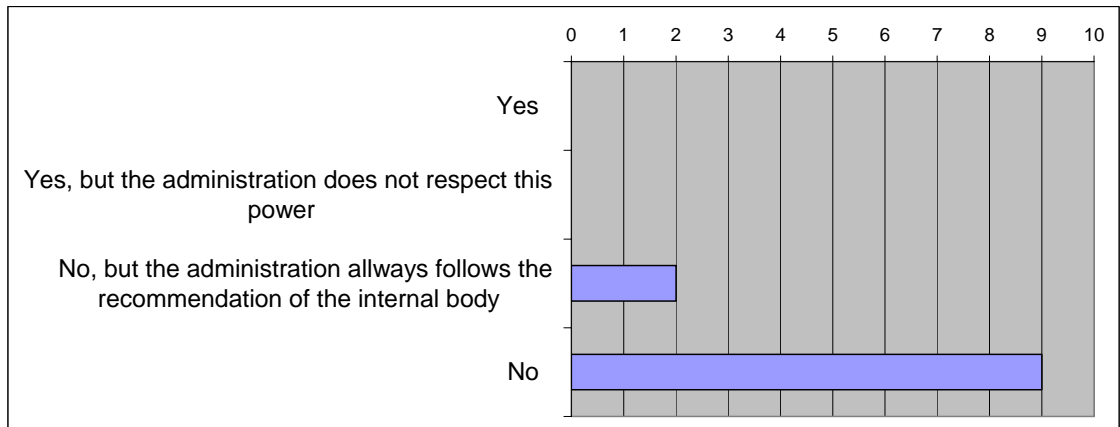
**Question 55**

**Does an applicant have the right to cross examine evidence and witnesses presented by the organisation?**



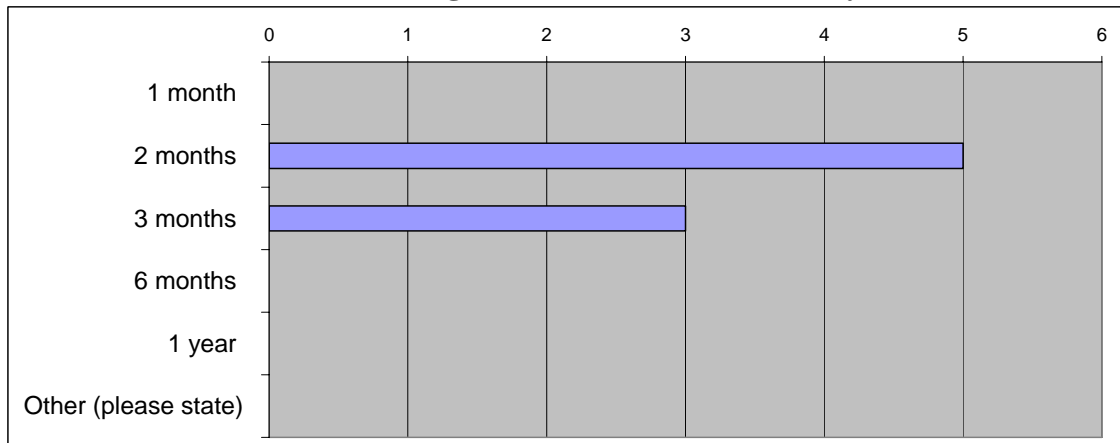
### Question 56

**Does the internal conflict resolution body have the power to make binding decisions?**



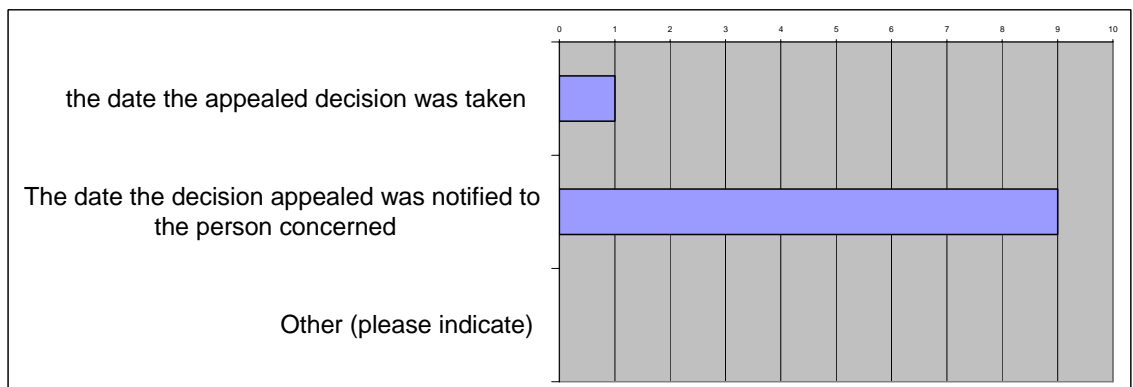
### Question 57

**What are the time limits for filing a case with the internal body?**



### Question 58

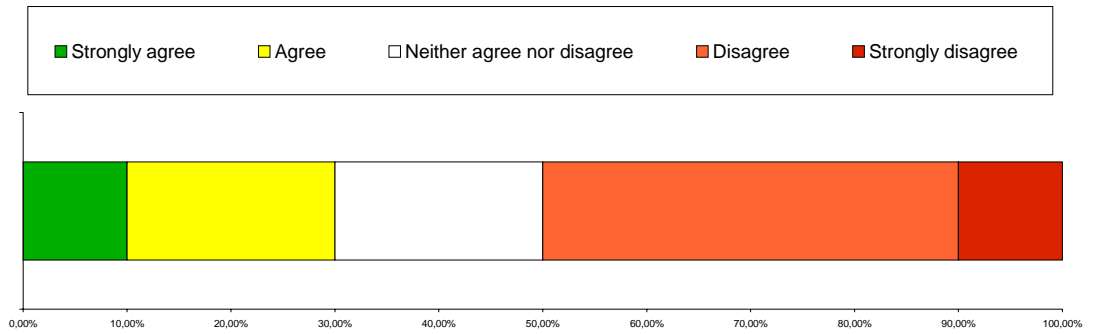
**What is the starting point for time limits?**



### Question 59

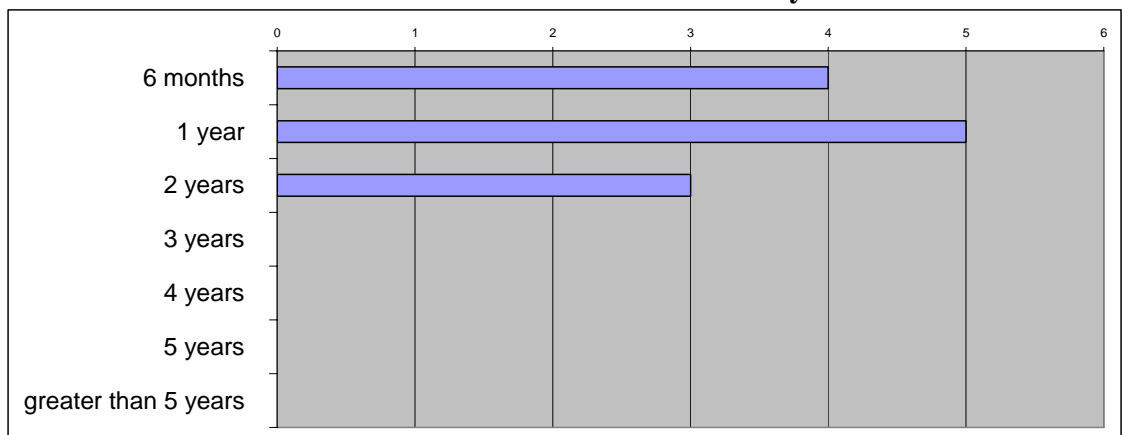
Indicate your views with respect to the following statement:

"The fact finding with our informal means of conflict resolution is very effective and provides an independent and fair representation of the facts relevant to the case"



### Question 60

What is a typical time delay from first filing a complaint to receiving final recommendation from the internal conflict resolution body?



# Tribunal or Judicial Instance

## Question 61

Please state the full name and abbreviation of the "Tribunal" used by your organisation.

Six organisations use the Administrative Tribunal of the ILO

Two organisations use the United Nations Administrative Tribunal

One had its own internal Appeals Board

One used the European Union system of Justice

Two had an "internal" administrative tribunal.

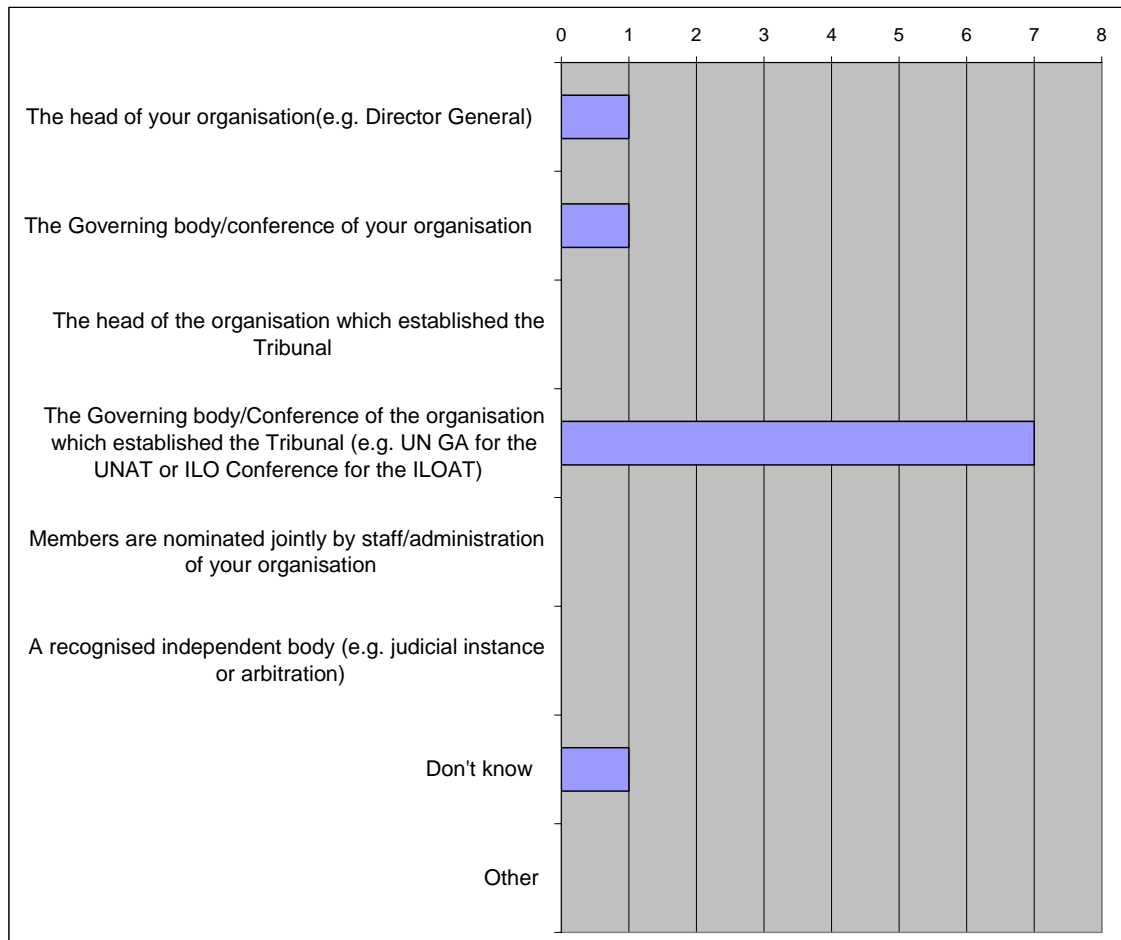
## Question 62

To whom does the Tribunal report?



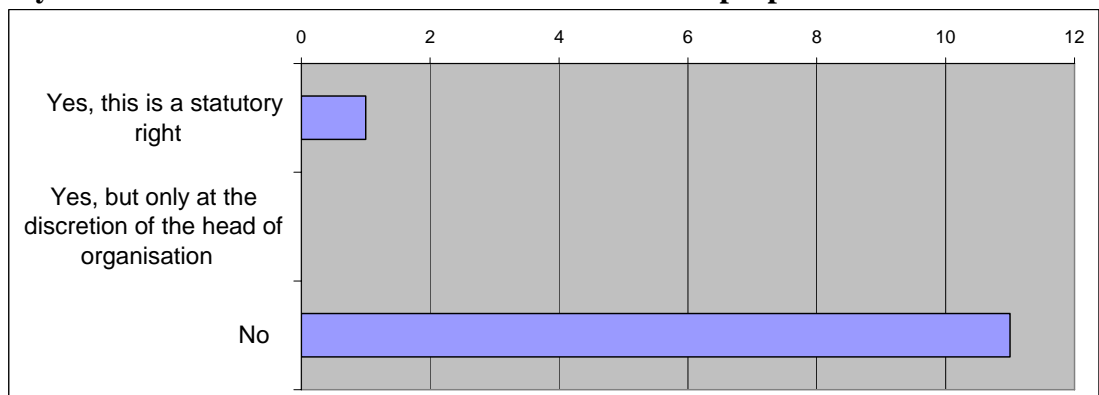
### Question 63

#### Who appoints the Members of the Tribunal?



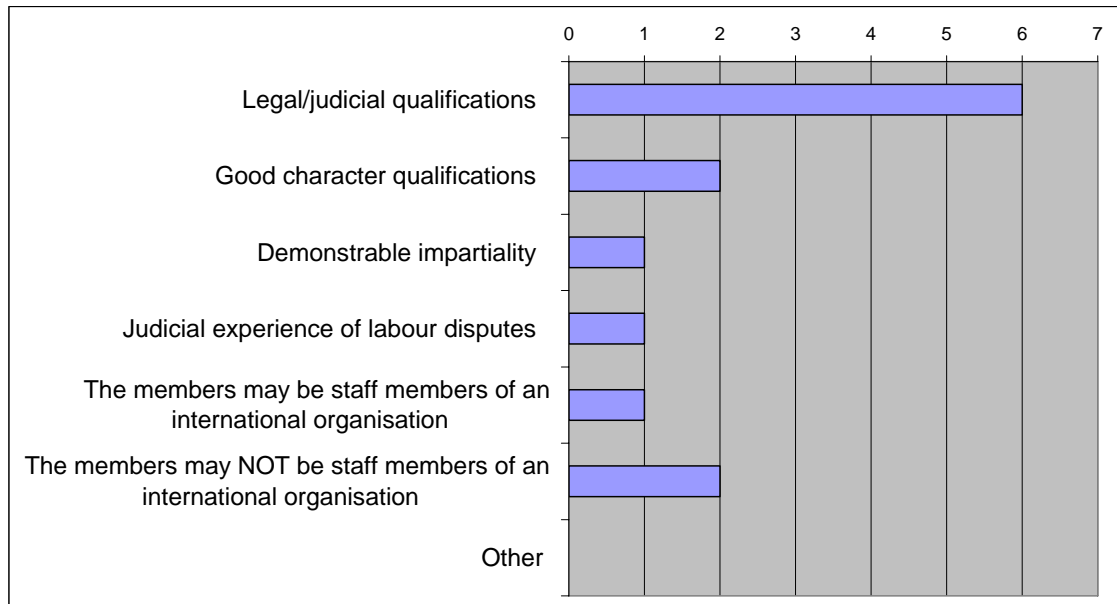
### Question 64

#### Is your Staff Association involved in the selection/or proposal for nomination?



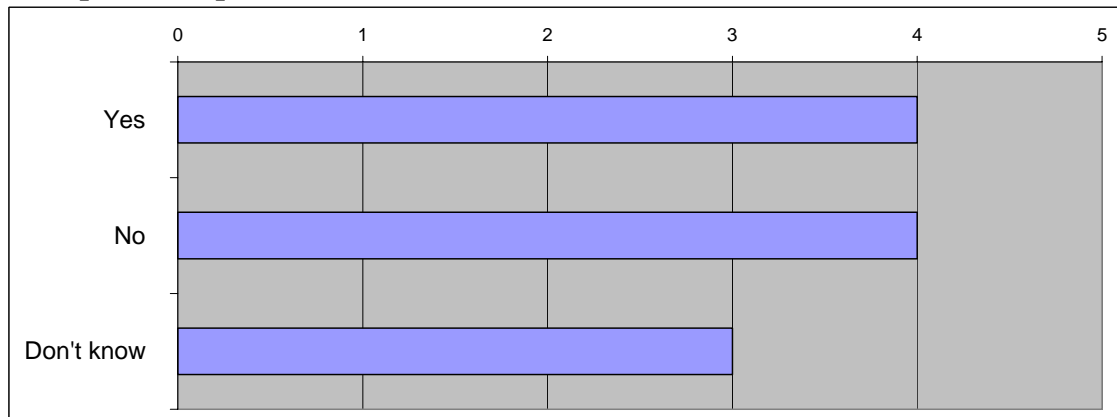
### Question 65

Are there any requirements/qualifications on the members of the Tribunal? (tick all relevant boxes)



### Question 66

In your opinion, is the appointment of Tribunal members a genuinely "independent" procedure?



### Question 67

How is the "Tribunal" funded?

6 (ILOAT) - ILO - fees are charged per case to the organisations using Tribunal

2 (UNAT) - UN Secretariat Budget

3 - directly from the organisations own budget

1 - from the budget of the organisation which established the court.

### Question 68

**Who determines the budget of the "Tribunal"?**

6 - ILO Governing Body/Conference for ILOAT

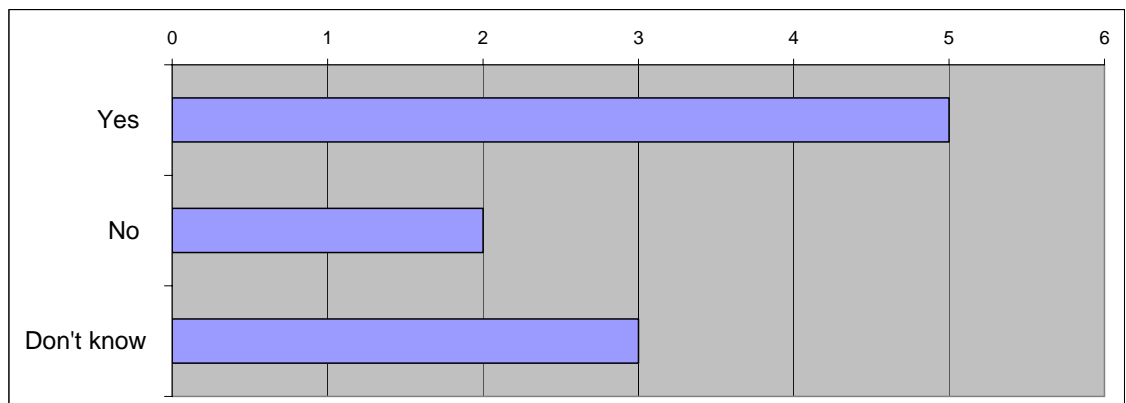
2 - UN Secretariat/General Assembly for UNAT

3 - organisations own governing body.

1 - Governing body of organisation which established the court.

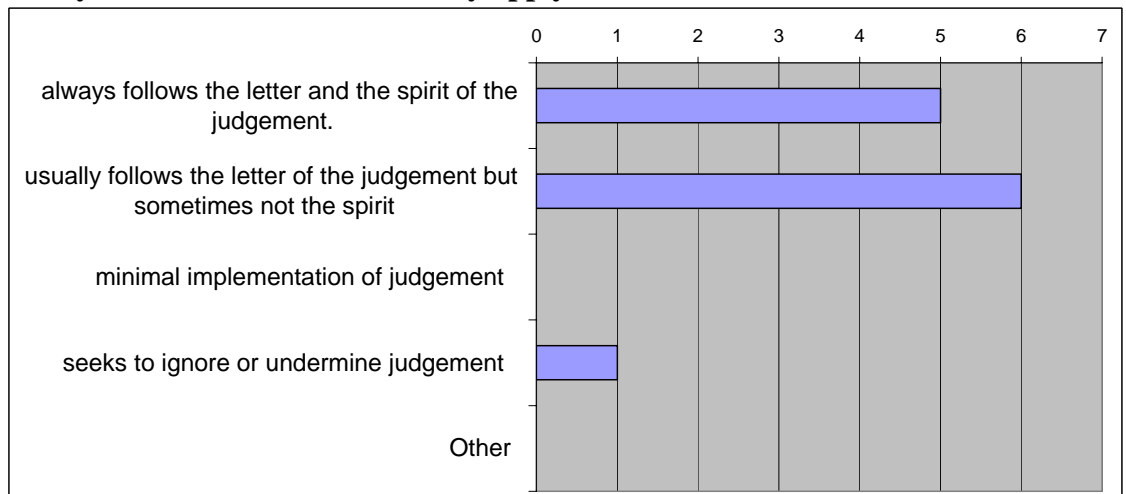
### Question 69

**In your opinion, is the funding of the Tribunal a genuinely "independent and impartial" procedure?**



### Question 70

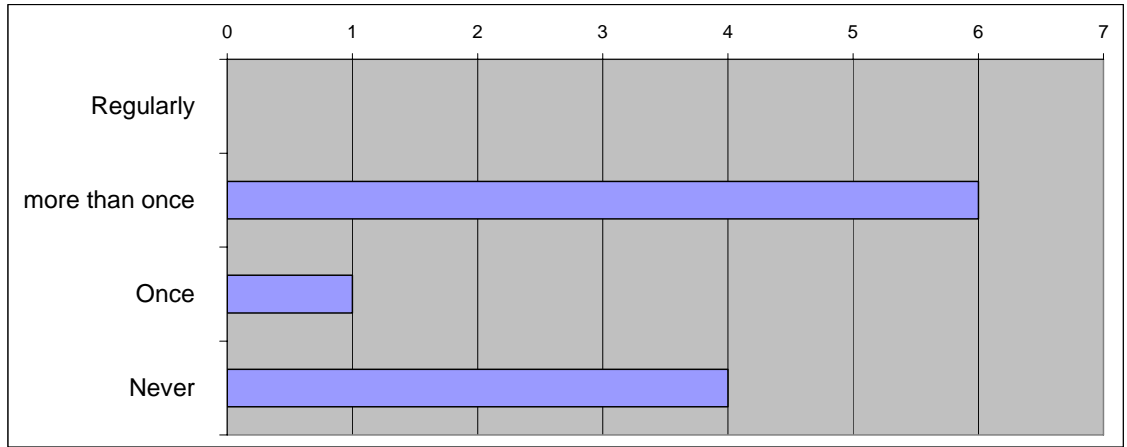
**Does your administration normally apply decisions of the Tribunal?**





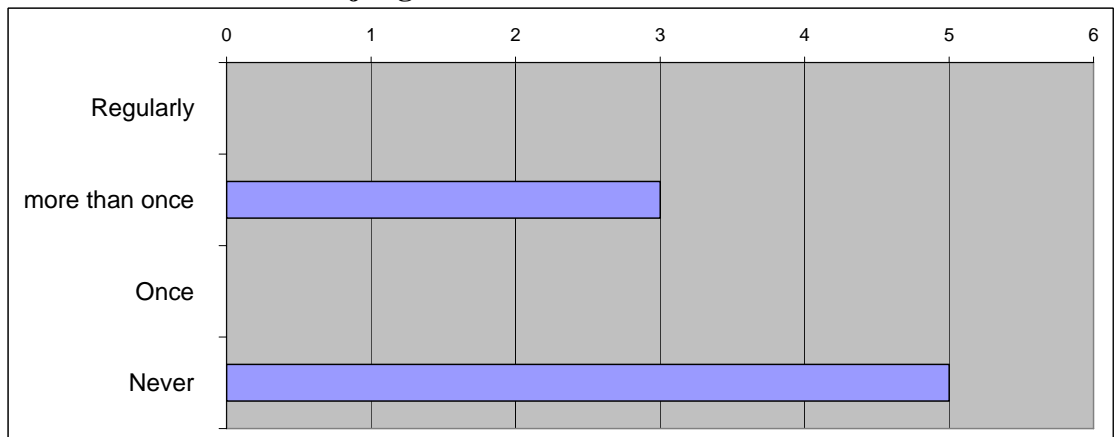
**Question 71**

**How often has your organisation made a change to a service regulation to give general effect to a judgement?**



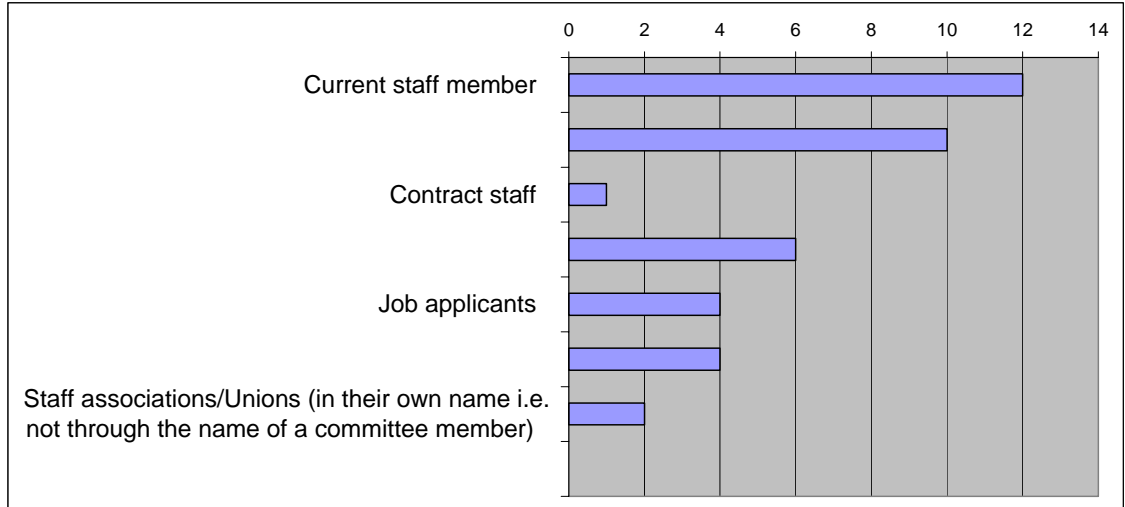
**Question 72**

**How often has your organisation made a change to a service regulation to negate or undermine the effect of a judgement?**



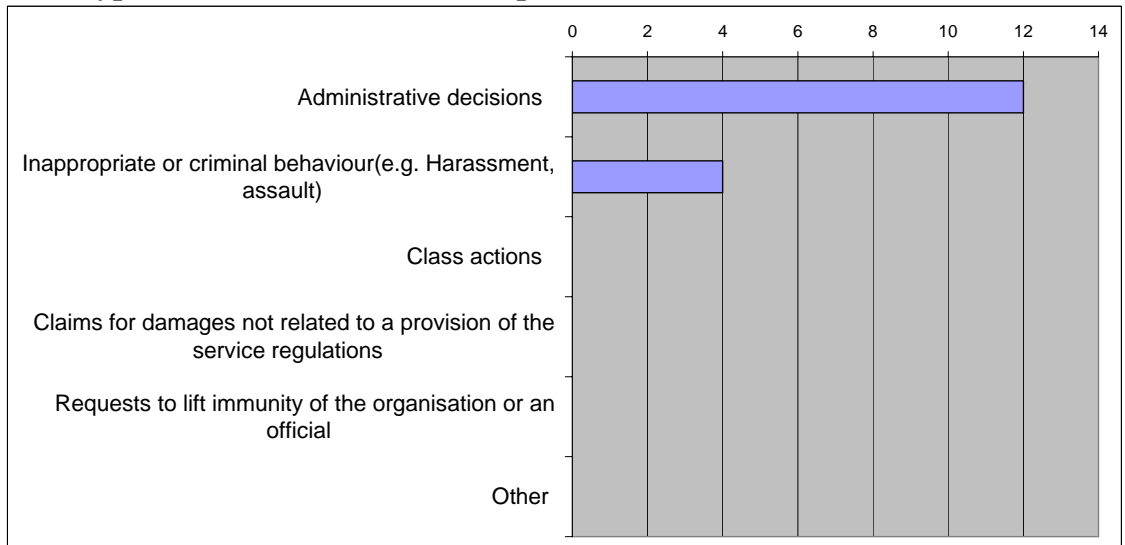
**Question 73**

**Who may file a case with the Tribunal? (tick all relevant boxes)**



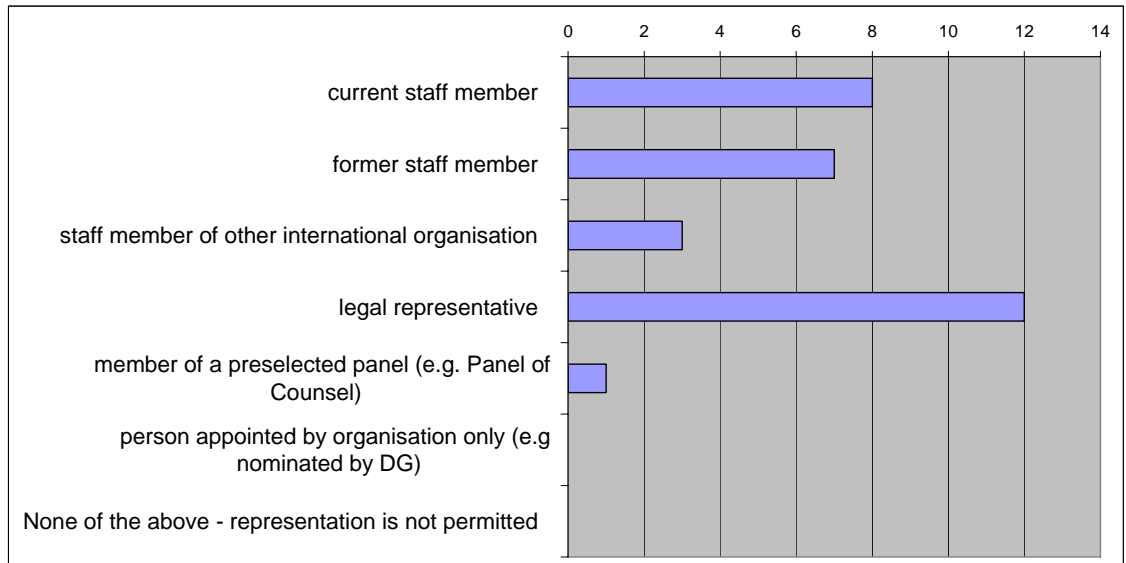
**Question 74**

**What type of cases is the Tribunal empowered to hear? (tick all relevant boxes)**



**Question 75**

**Who may an applicant choose to represent him/her in cases before the "Tribunal"?  
(tick all appropriate boxes)**



**Question 76**

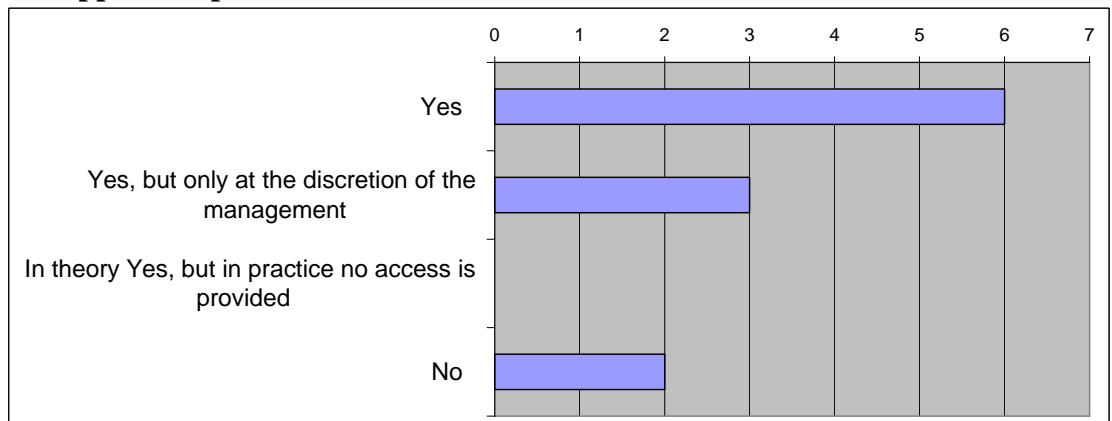
**Do applicants have the right of oral proceedings?**

Yes 7

No 4

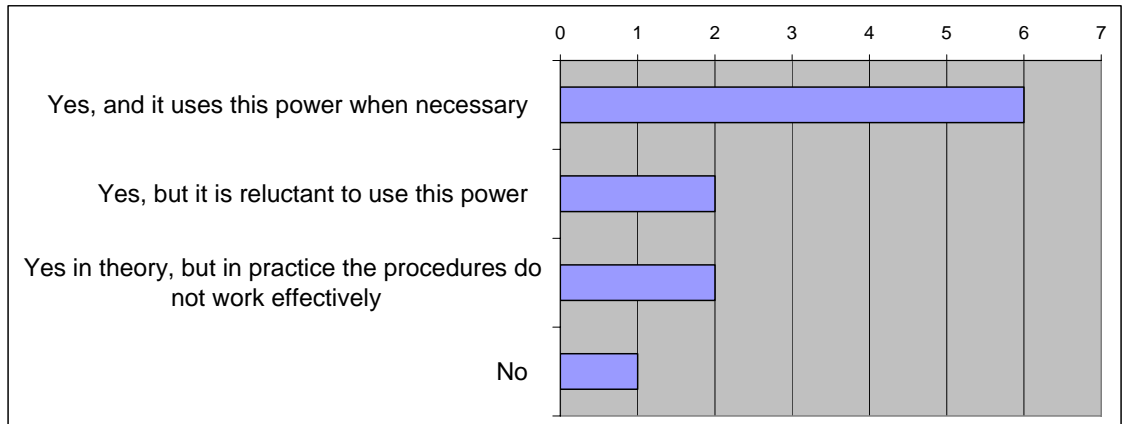
**Question 77**

**Are applicants permitted access to official documentation relevant to their case?**



**Question 78**

**Does the "Tribunal" have the power to order the disclosure of information?**



**Question 79**

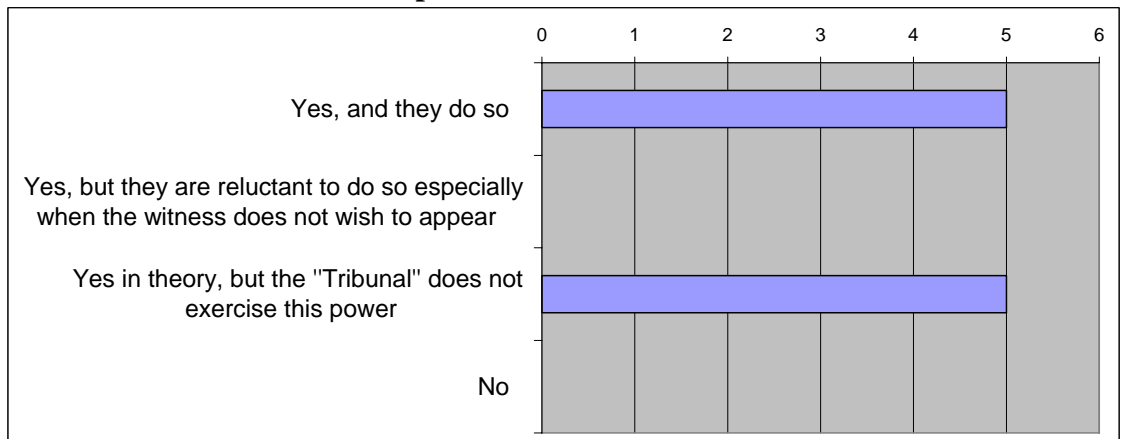
**Are applicants permitted access to the case file maintained by the "Tribunal"?**

Yes 3

No 6

**Question 80**

**Does the "Tribunal" have the power to summon witnesses?**



**Question 81**

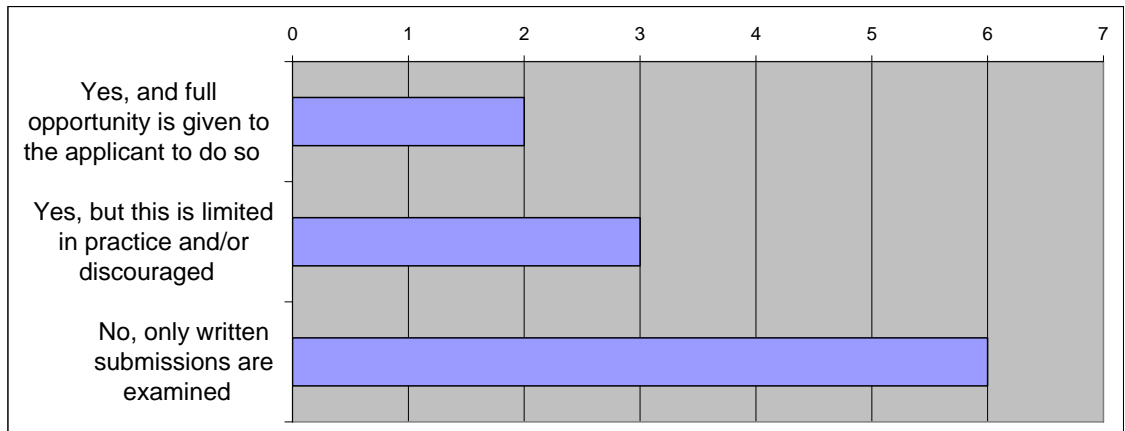
**Are applicants permitted to call witnesses?**

Yes 8

No 3

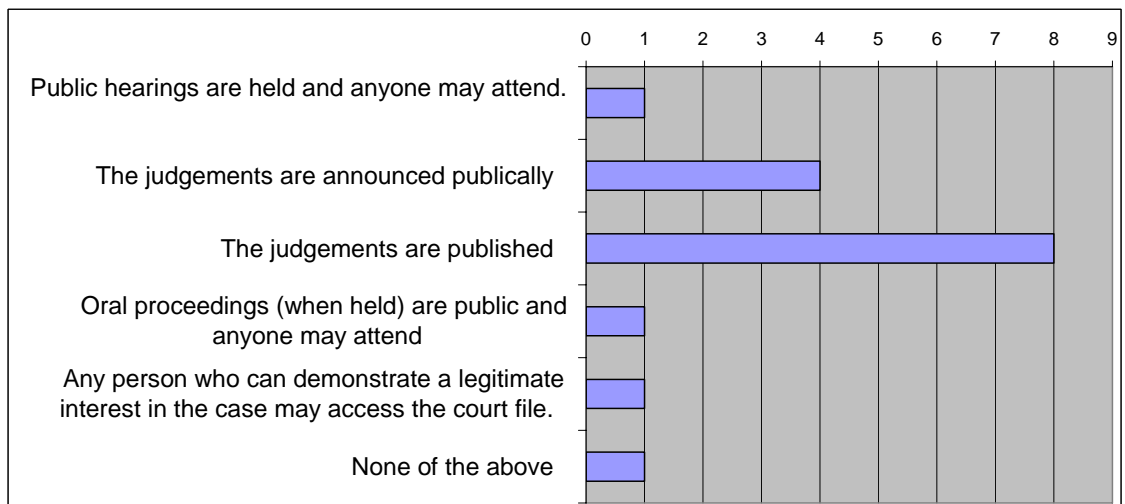
**Question 82**

**Does an applicant have the right to cross examine evidence and witnesses presented by the organisation?**



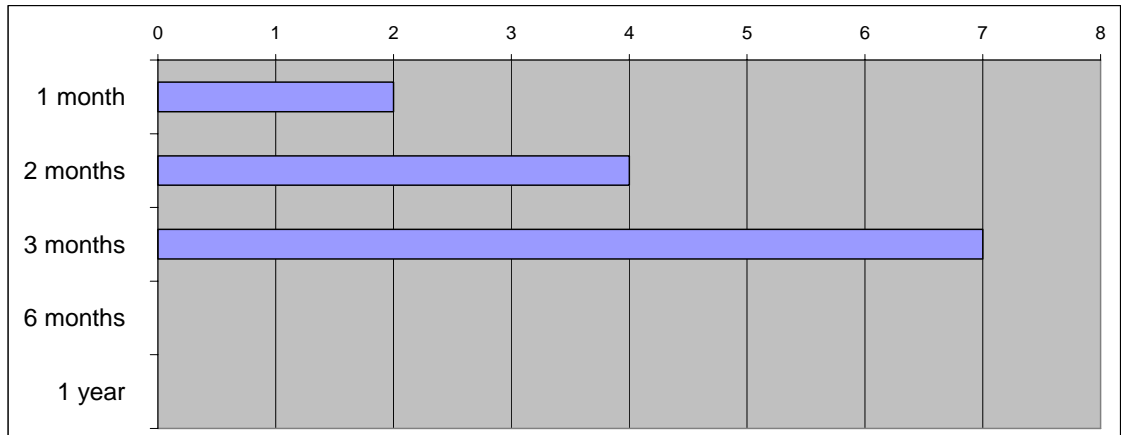
**Question 83**

**To what degree are the proceedings before the "Tribunal" public? (tick all relevant boxes)**



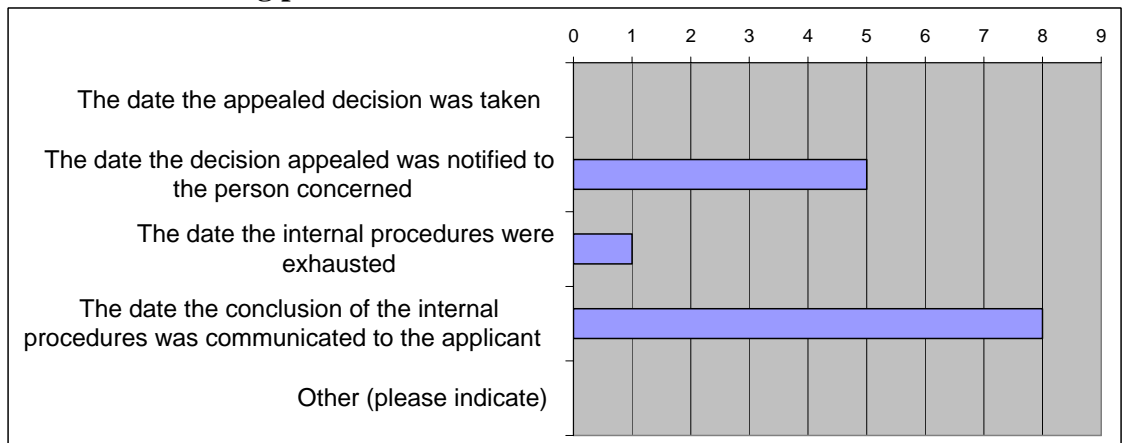
**Question 84**

**What are the time limits for filing a case with the "Tribunal"?**



**Question 85**

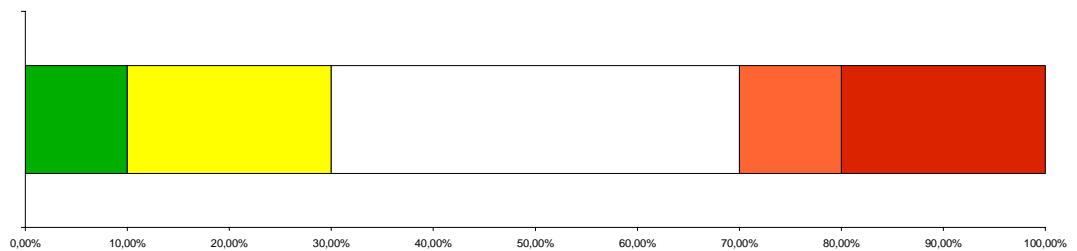
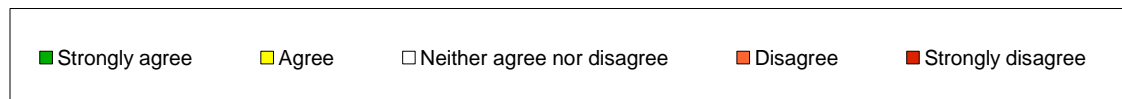
**What is the starting point for time limits?**



**Question 86**

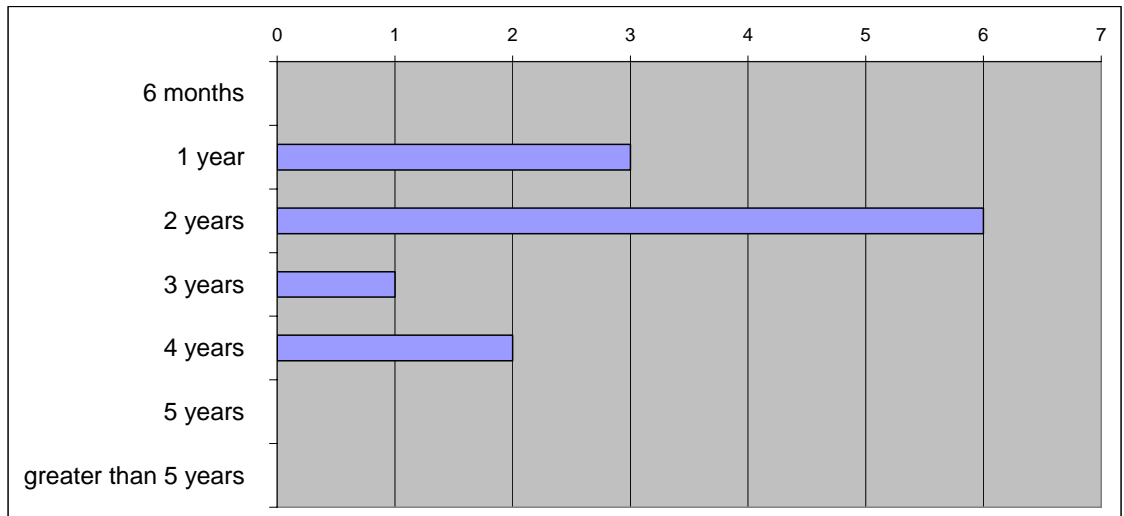
**Indicate your views with respect to the following statement:**

"The fact finding by the "Tribunal" is very effective and provides an independent and fair representation of the facts relevant to the case"



**Question 87**

**What is a typical time delay from first filing of a complaint to receiving final decision by the "Tribunal" ? (e.g. ILOAT/UNAT)**



**Question 88**

**Does the answer to the previous question include the time taken in any compulsory internal procedures?**

Yes 4  
No 8

## General questions related to conflict resolution

The following questions are general and apply to all conflict resolution mechanisms.

### Question 89

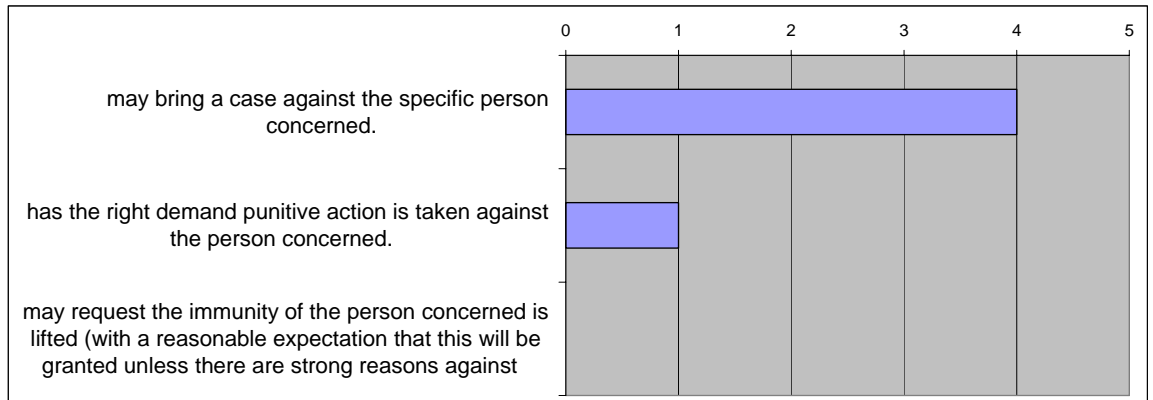
**Are staff required to "exhaust" the internal means of conflict resolution before filing a case with the Tribunal?**

Yes 11

No 1

### Question 90

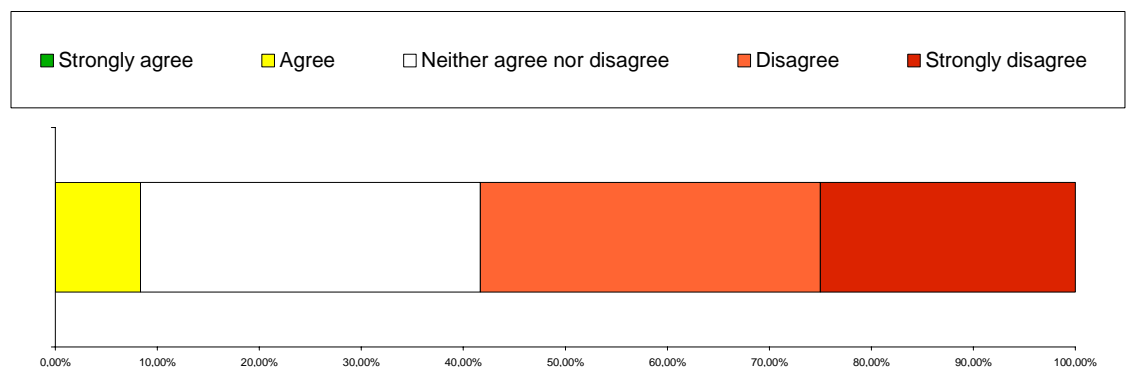
**Where a complaint relates to the illegal actions of an individual who is a member of your organisation, an applicant ...: (tick all relevant boxes)**



### Question 91

**Indicate your views with respect to the following statement:**

"Overall, the conflict resolution means in our organisation are a fair, impartial and effective means of resolving disputes"

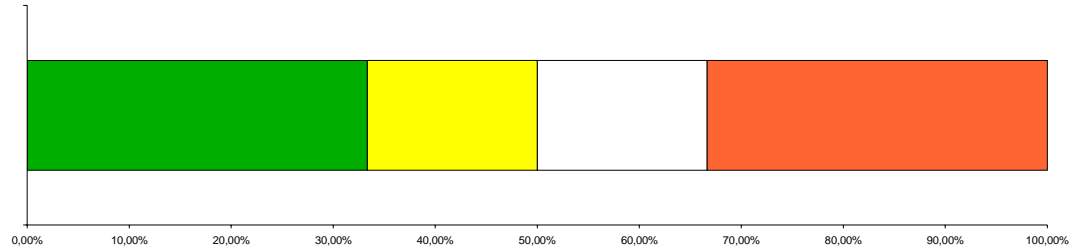
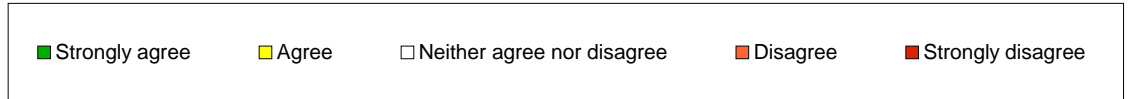




### Question 92

**Indicate your views with respect to the following statement:**

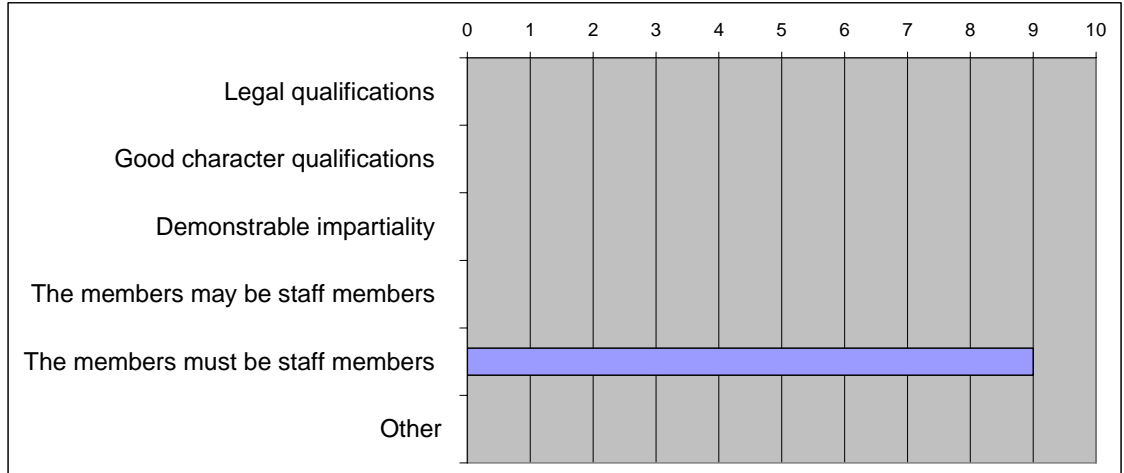
"the conflict resolution procedures in our organisation are adversarial and damage relationships between the parties"





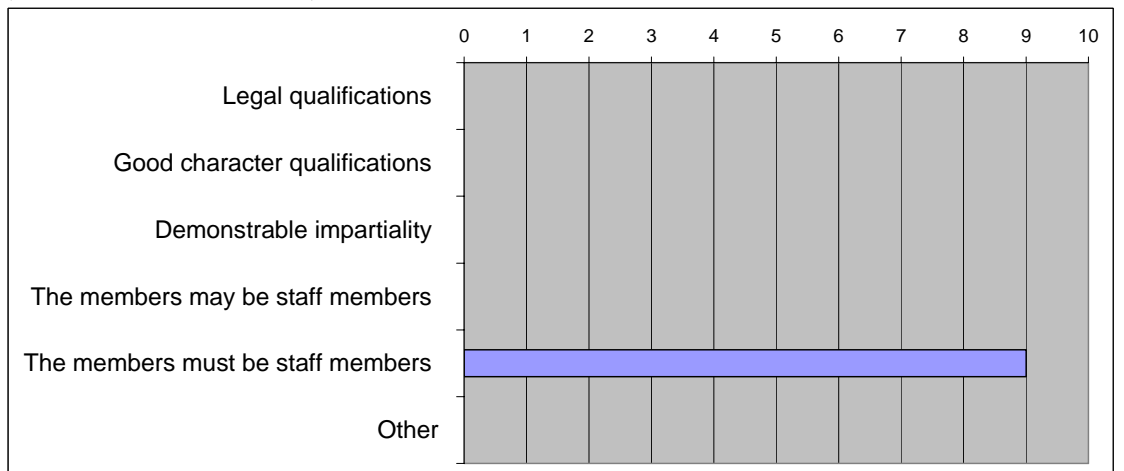
**Question 96**

**What is the composition of the disciplinary body?**



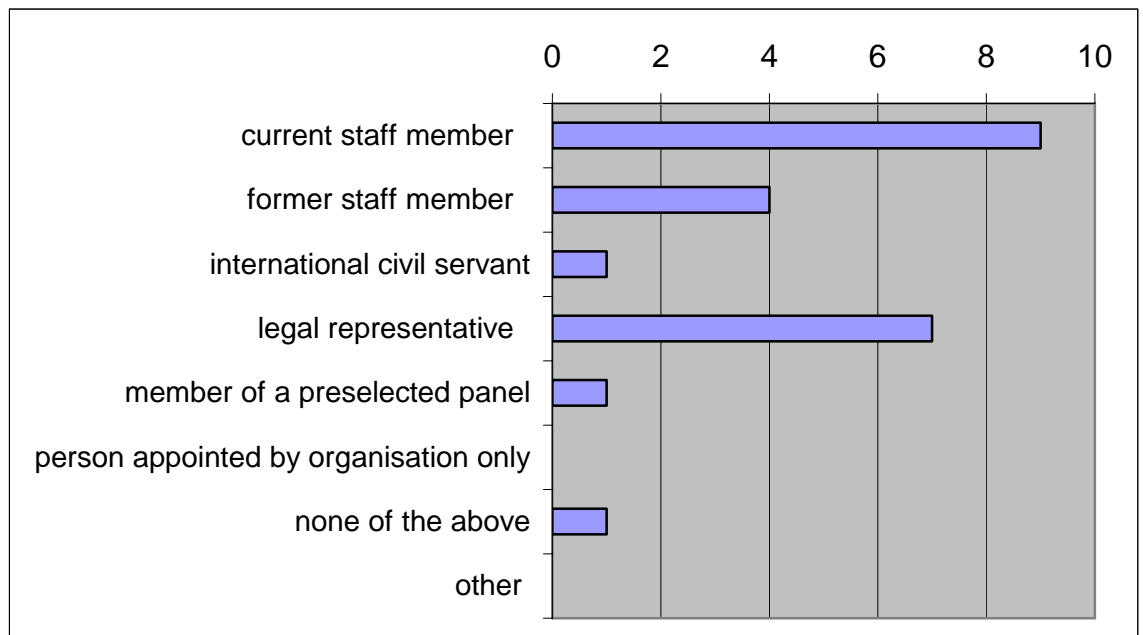
**Question 97**

**Are there any requirements/qualifications on the members of the disciplinary body?  
(tick all relevant boxes)**



**Question 98**

**Who may an person accused of a disciplinary offence choose to represent him/her?  
(tick all appropriate boxes)**



**Question 99**

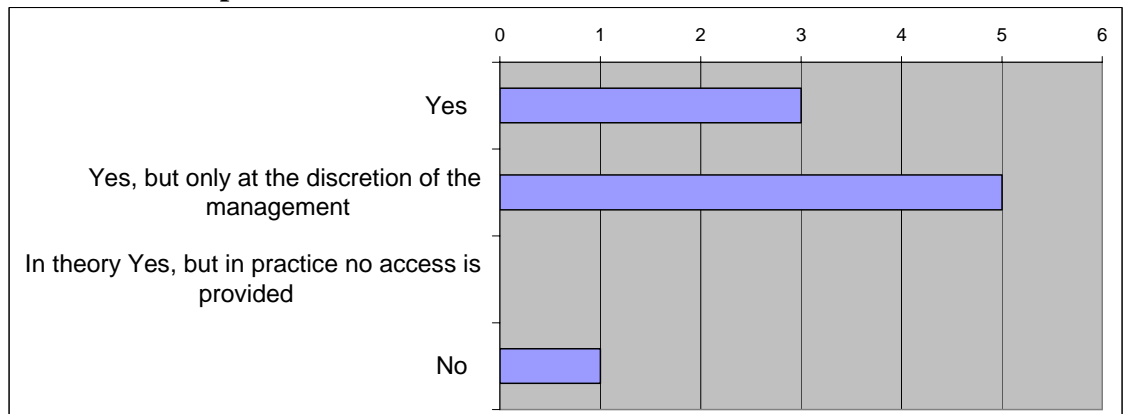
**Do defendants have the right to oral proceedings?**

Yes 8

No 2

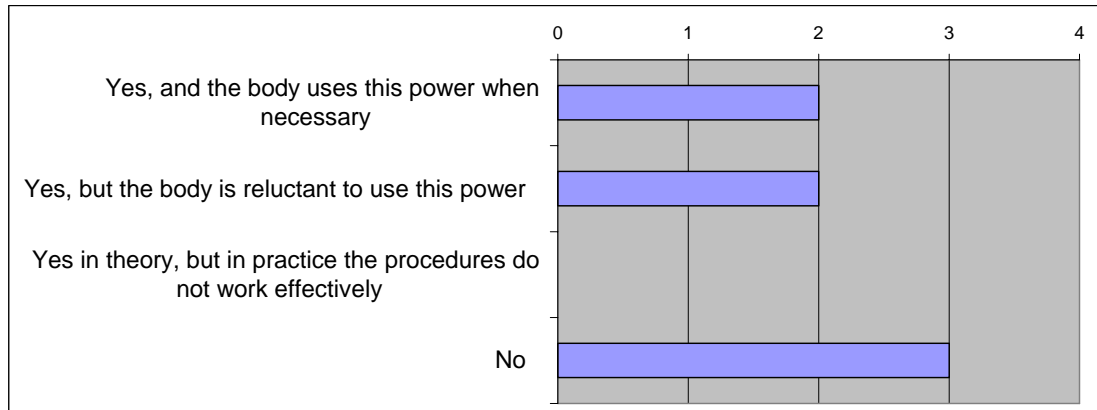
**Question 100**

**Are defendants permitted access to official documentation relevant to their case?**



**Question 101**

**Does the disciplinary body have the power to order the disclosure of information?**



**Question 102**

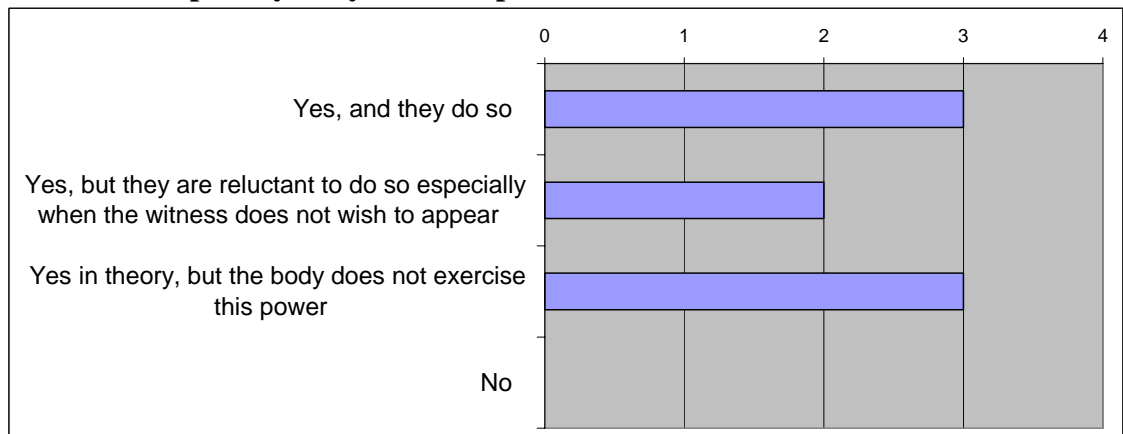
**Are defendants permitted access to the case file maintained by disciplinary body?**

Yes 4

No 5

**Question 103**

**Does the disciplinary body have the power to summon witnesses?**



**Question 104**

**Are defendants permitted to call witnesses?**

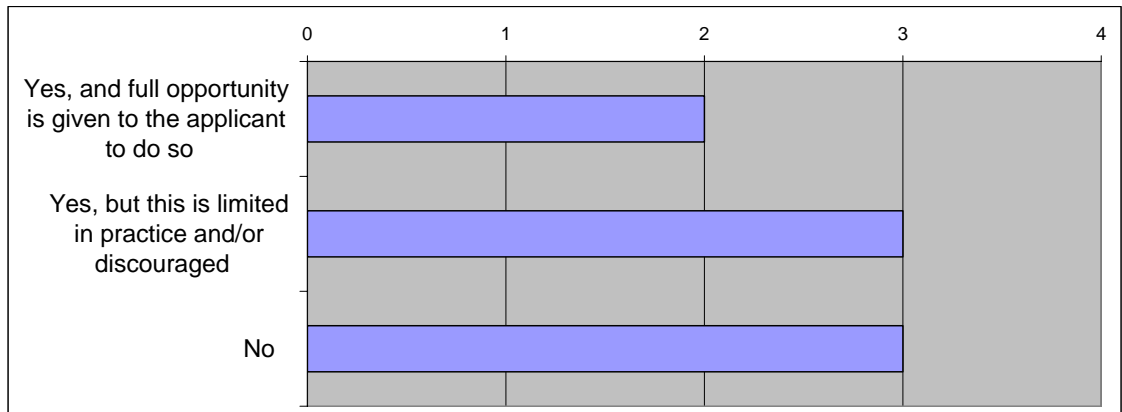
Yes 7

No 1

Don't know 4

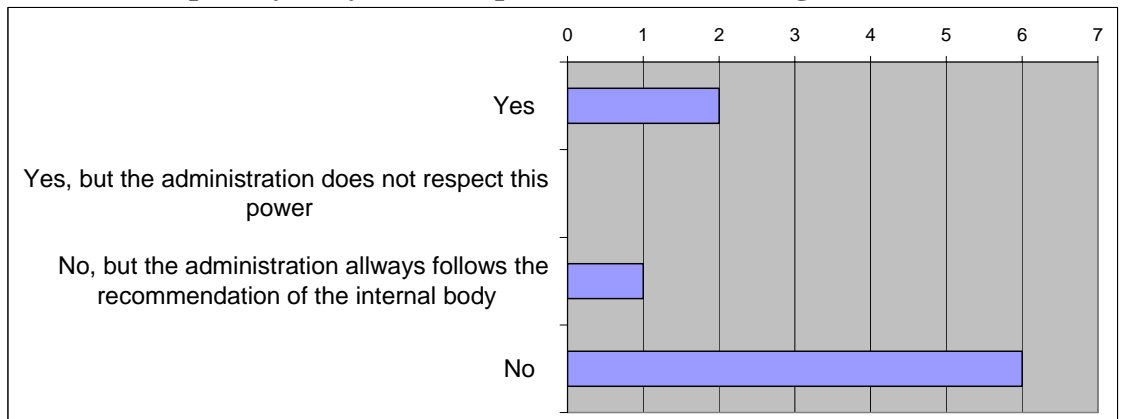
**Question 105**

**Does a defendant have the right to cross examine evidence and witnesses presented by the organisation?**



**Question 106**

**Does the disciplinary body have the power to make binding decisions?**



**Question 107**

**Are there any time limits for proceedings before the disciplinary body?**

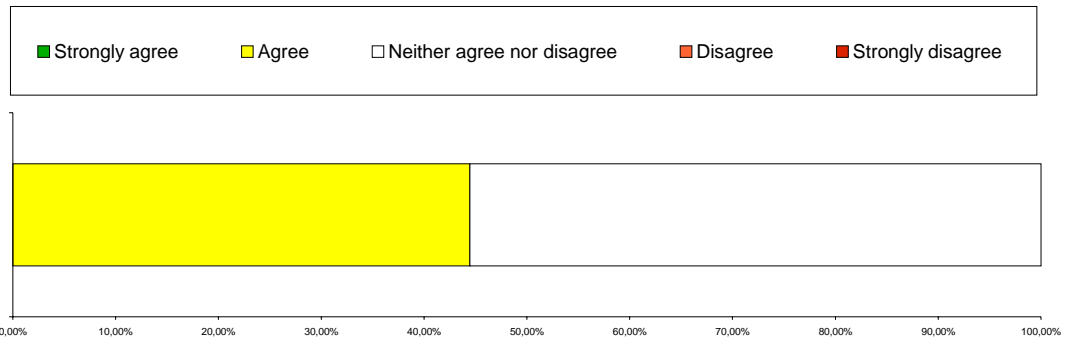
Yes 5

NO 2

### Question 108

**Indicate your views with respect to the following statement:**

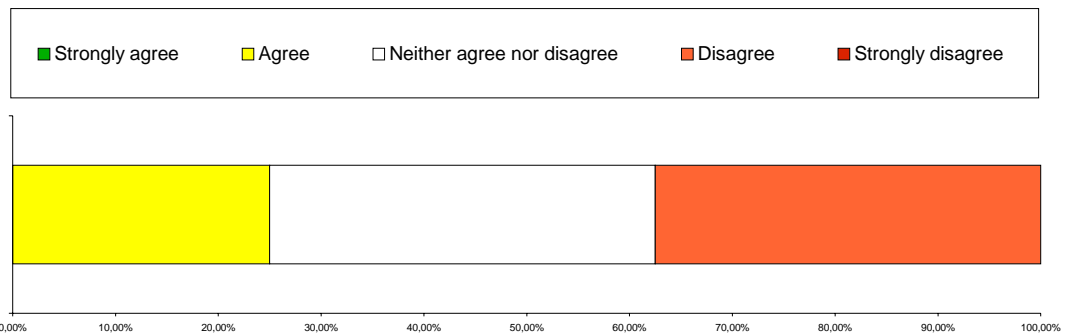
"The fact finding of the disciplinary body is very effective and provides an independent and fair assessment of the facts"



### Question 109

**Indicate your views with respect to the following statement:**

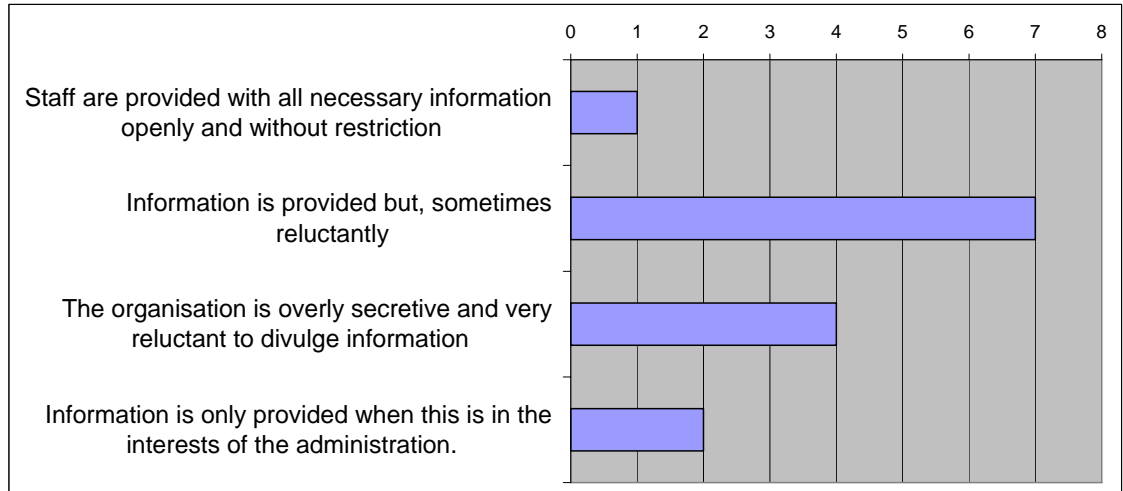
"In our organisation anyone suspected of a disciplinary offence is assumed innocent until this is otherwise demonstrated in a fair and impartial process"



# Right to information and Freedom of Expression

## Question 110

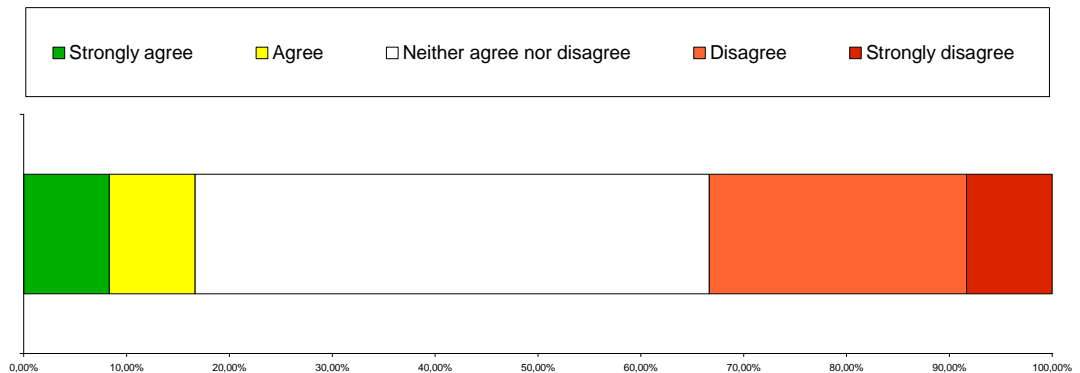
Please indicate which of the following statements best reflects your organisation's policy towards freedom of information?



## Question 111

Indicate your views with respect to the following statement:

"The organisation supports full and free access to documentation regarding rules and regulations including case law and interpretations of these rules, to all persons who may be affected by them"

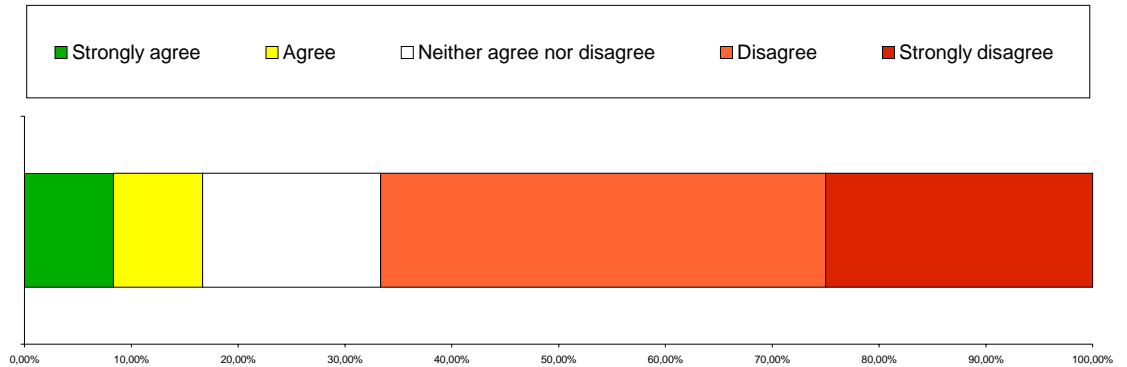




### Question 112

**Indicate your views with respect to the following statement:**

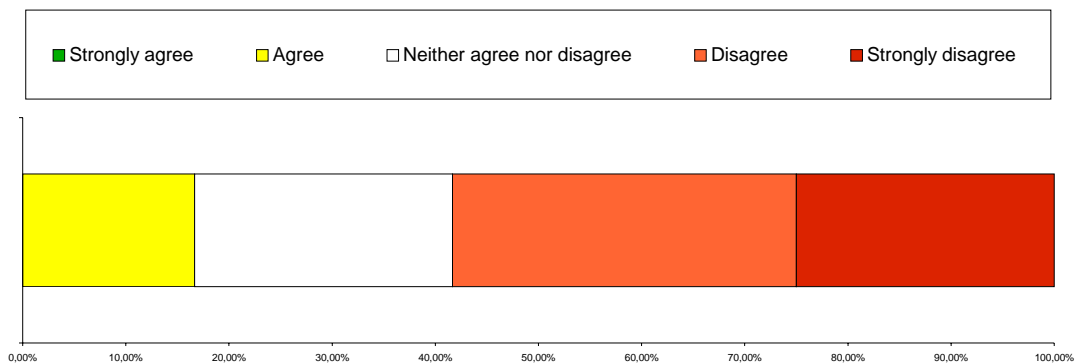
"Our management takes care to ensure that staff fully understand their rights and the rules and regulations applicable (for example, they provide brochures and guides to help staff understand the rules and regulations)"



### Question 113

**Indicate your views with respect to the following statement:**

"Our organisation has an open policy towards providing staff with the information they need to protect their rights.(for example, where a staff member suspects he has been treated unequally, the organisation will



### Question 114

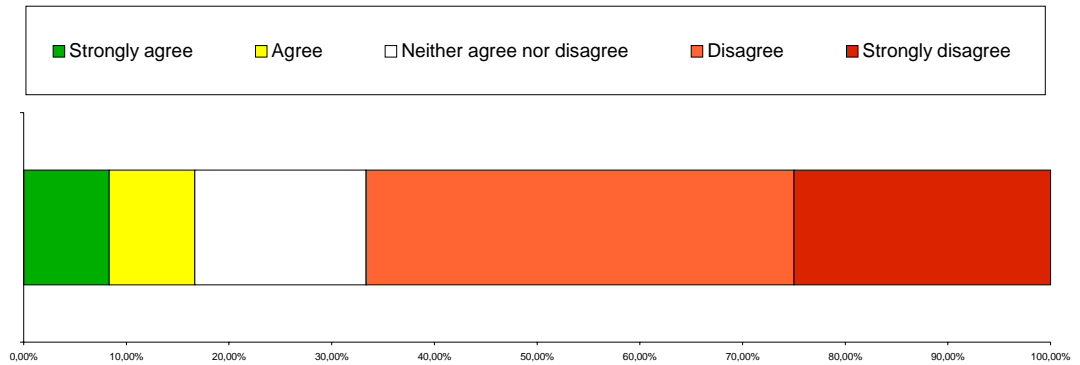
**Do you have any formal rules protecting "whistle blowers"**

Yes 1  
No 10

### Question 115

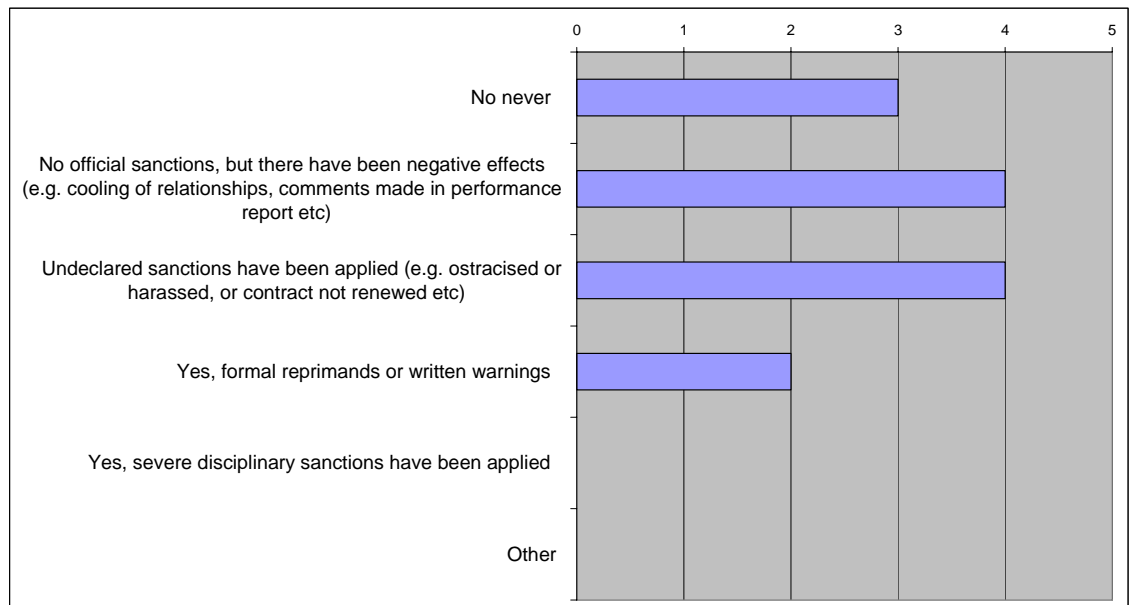
**Indicate your views with respect to the following statement:**

"In our organisation we have a culture in which Whistle blowers are encouraged to come forward and are protected from any negative consequences"



### Question 116

**Have sanctions been taken against staff as the result of them expressing an opinion e.g. in a report or publication (tick all appropriate boxes)**



# **Freedom of association and freedom of assembly**

## **Question 117**

**Do staff have the right to join a trade union or staff association?**

Yes 12

No 0

## **Question 118**

**Are staff free to join any trade union or staff association of their choice?**

Yes 5

No 6

## **Question 119**

**Are staff obliged to join a particular staff association or trade union?**

Yes 4

No 8

## **Question 120**

**Is your trade union / staff association officially recognised as a bona fide social partner by your administration?**

Yes 11

No 1

## **Question 121**

**Is your trade unions / staff associations provided with adequate facilities to enable you to fulfil your function?**

Yes 9

No 3

## **Question 122**

**Are there any improper restrictions applied to your staff association / union?**

Yes 2

No 9

**Question 123**

**Have any staff suffered negative consequences as a result of their membership of a union or staff association?**

Yes 4

No 6

### Question 124

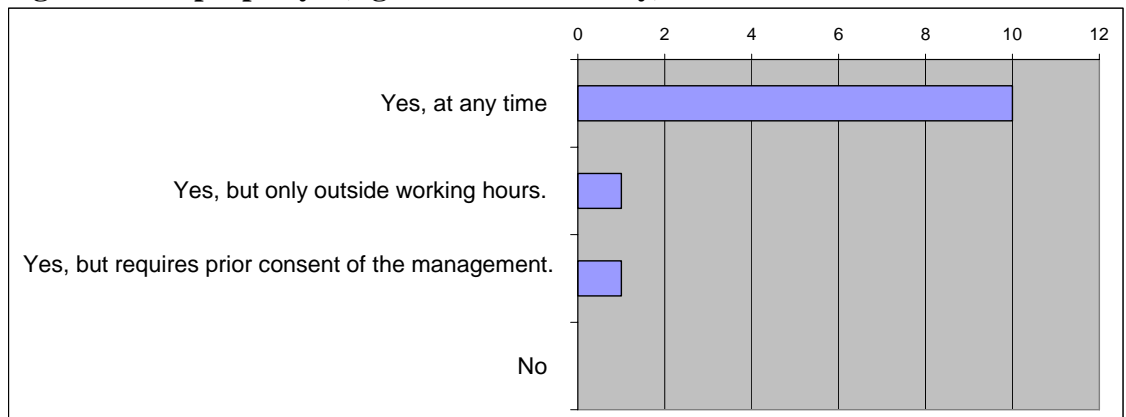
**Have there been any negative actions taken against your staff association/union or any of its officials?**

Yes. 4

No 7

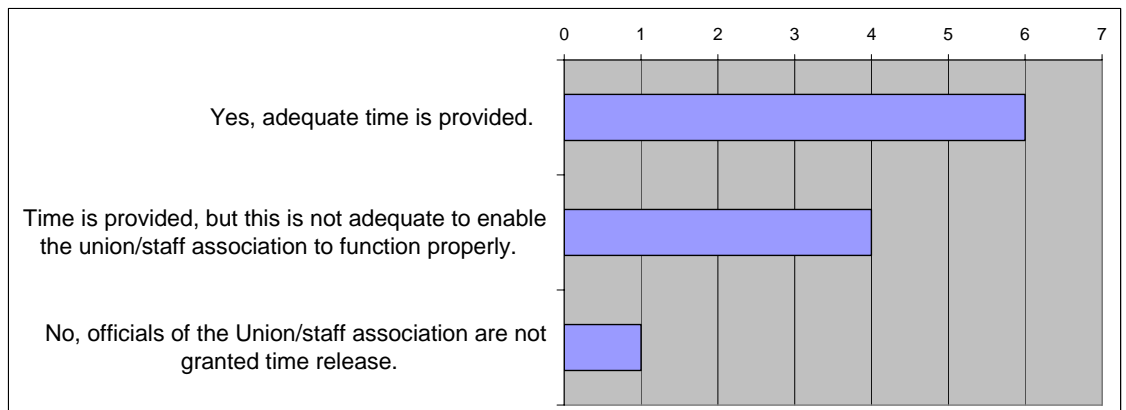
### Question 125

**Is your staff association/Union permitted to hold meetings with staff on the organisations property? (e.g. General Assembly)**



### Question 126

**Are officials of your staff association/union granted time release to undertake their functions?**



# Property rights

Property rights in an employment situation relate to matters such a salary, contracts of employment, pension (as deferred salary), allowances etc.

## Nature of employment contracts

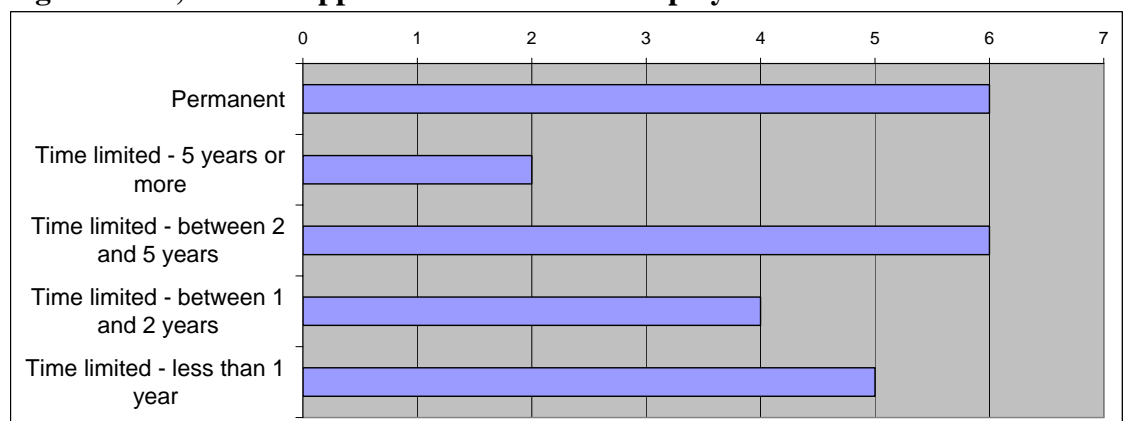
### Question 127

Please indicate the main form of employment "contract" in your organisation



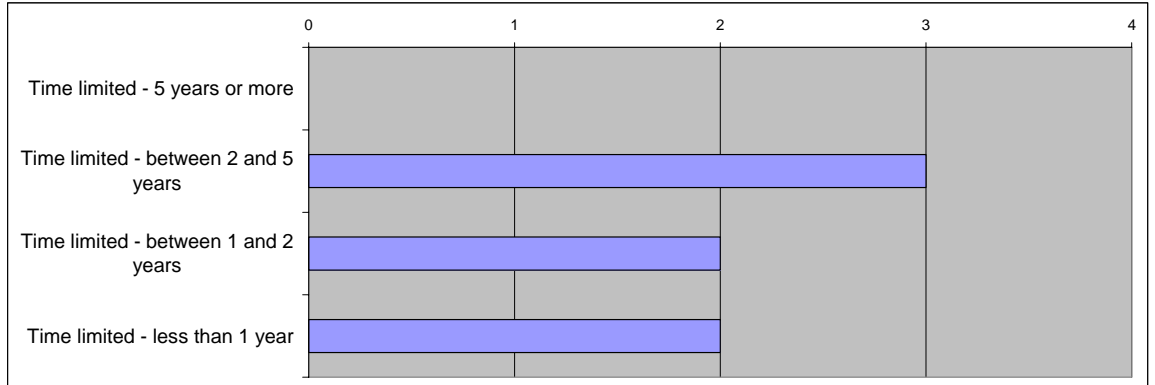
### Question 128

Please indicate which of the following types of contract are used in your organisation, and the approximate % of staff employed on such a contract.



**Question 129**

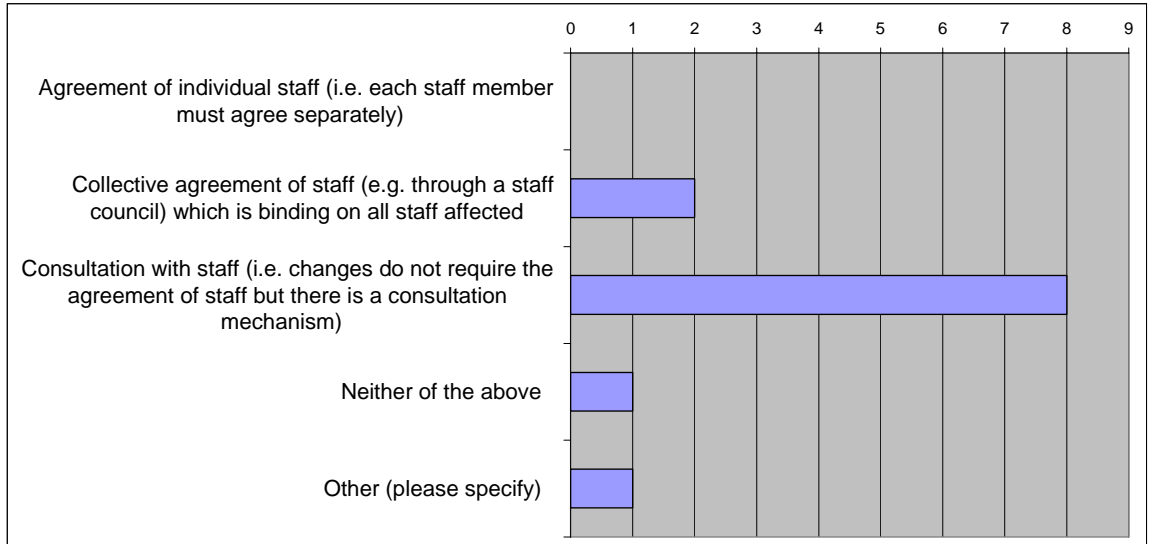
**For those staff on time limited contracts, please indicate approximately what percentage of their posts are of a permanent character. Time limited - 5 years or more % of**



# Location and nature of work

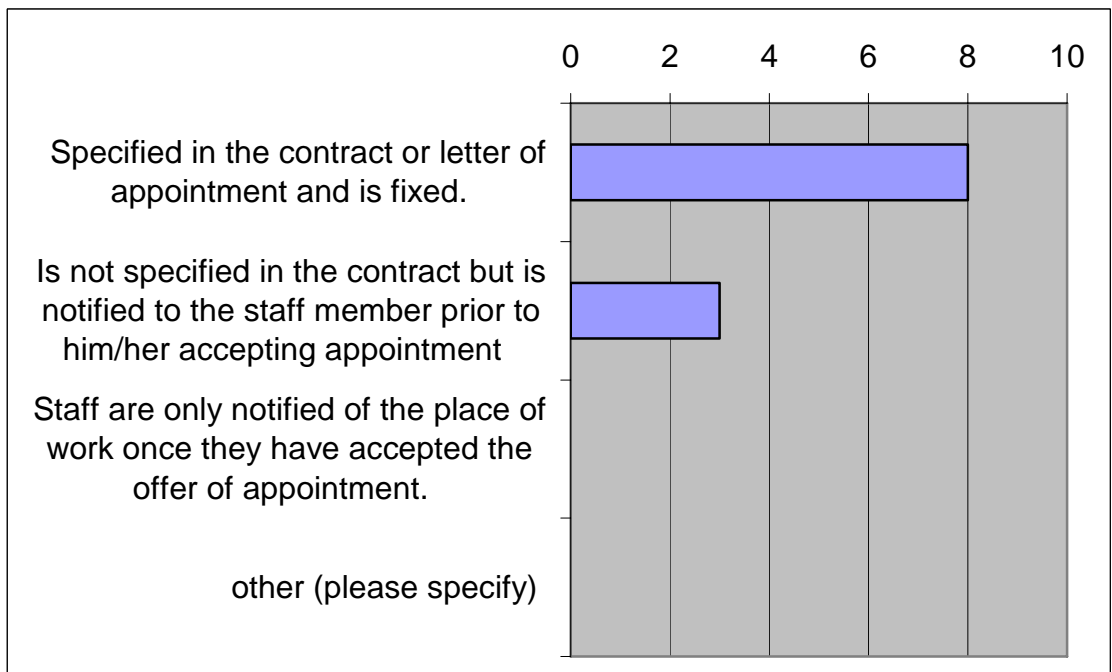
## Question 130

Changes to the terms and conditions of employment require:



## Question 131

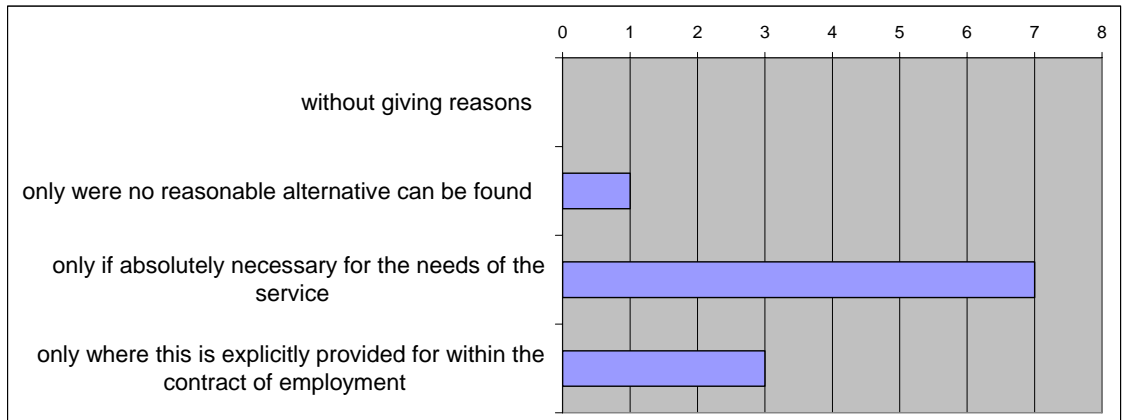
Place of work is generally:





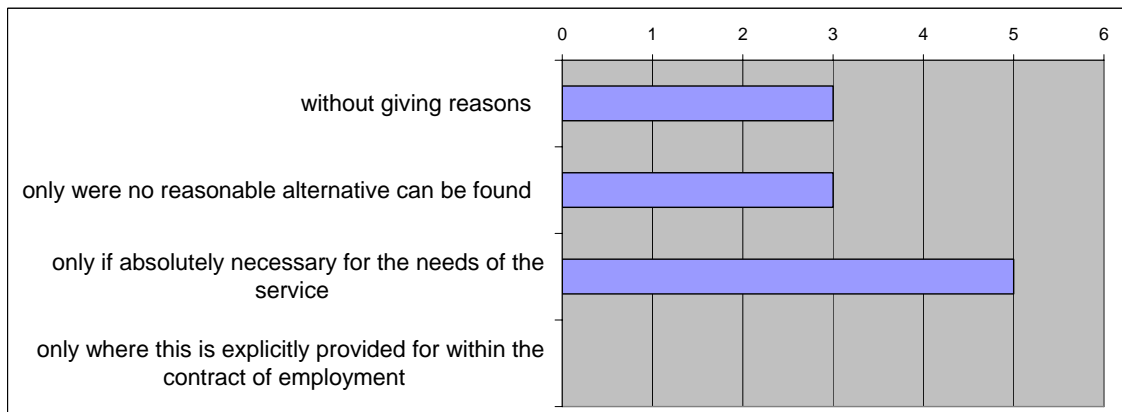
### Question 132

**The organisation may relocate a member of staff without the consent of the staff member.**



### Question 133

**The organisation may change the task/work assigned to an individual without the consent of the staff member**



# Pension rights

## Question 134

**Who has a right to a pension in your organisation?**

10 Permanent staff

3 Fixed term/contract staff with a contract more than limit (e.g. 1 year)

## Question 135

**Can the organisation change the terms and conditions of the pension scheme without the consent of the staff ?**

