



Monday, 24 April 2017

Subject: WIPO

Dear Distinguished Delegates to the UN General Assembly,

Dear UN Secretary-General,

For several years now, the staff federations of FICSA, CCISUA and UNISERV, representing 120,000 international civil servants worldwide, have been raising serious concerns regarding staff-management relations at WIPO under the leadership of Mr. Francis Gurry.

The deterioration in relations with the WIPO Director General and his management team began with allegations that he had illegally corrupted a procurement process (which was later confirmed by the OIOS investigation findings), that he had transferred sensitive computer equipment to North Korea against US sanctions and that he had allegedly been involved in the theft of staff members' personal effects for subsequent DNA analysis. Further details are available in the OIOS investigation report which has been published by several news agencies. A link to the report is available at: <http://www.foxnews.com/world/interactive/2016/09/27/un-world-intellectual-property-organization-report.html>

When a few WIPO colleagues blew the whistle on these alleged wrongdoings, retaliation was swift in coming. The Director General fired the President of the WIPO Staff Association and Staff Council, Mr. Moncef Kateb, and the Director General's Strategic Adviser, Ms. Miranda Brown, was forced out of WIPO, even though she had tried to advise the Director General to do the right thing.

Some WIPO Member States, which are the same Member States which have seats in the UN General Assembly, raised concerns over Mr. Gurry's actions. The United States withheld 15% of its contributions to WIPO as it found that WIPO's whistle-blower protection policy did not meet their standards.

Sadly, and clearly for political reasons, WIPO Member States decided not to act on the findings and conclusions of the OIOS investigation report. Some of those reasons are best not shared in writing for reasons of sensitivity.

Once the WIPO Member States chose to not act on the findings of the OIOS investigation conclusions, the WIPO Director General then expeditiously retaliated against the whistle-blowers, including the WIPO Staff Association and its Staff Council.

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Despite the fact that the WIPO Staff Association has been the officially recognized staff interlocutor with past and present WIPO Directors General since 1958 (see attached Office Instruction), the current WIPO Director General has decided that he will no longer respect this recognition accorded by the Organization. Instead, he has decided to apply an age-old union busting practice whereby if the current Staff Council/Association/Union does not do his bidding he conveniently creates a new one. Thus, he has created his own stand-alone management-friendly Staff Council which is not representative of and does not belong to any staff association/union or staff federation.

The relevant regulation of the WIPO Staff Regulations and Rules reads as follows: "Regulation 8.1, Staff Council: The staff shall have the right of association. The interests of the staff shall be represented before the Director General and his representative by a Staff Council elected by the staff members."

Past and present Directors General have always viewed this Regulation to mean that the Staff Council (which is the heading of this Regulation) is elected through staff's right of association, i.e. elected by staff who exercise their right to vote by joining the WIPO Staff Association and voting. This interpretation was upheld by the WIPO Appeals Board which found that this long-established practice fulfilled the requirement to allow all staff to vote in Staff Council elections.

Moreover, the Statutes of the WIPO Staff Association specify that the WIPO Staff Association represents all staff, regardless of whether or not they are dues-paying members.

With serious concern and alarm we must inform you that the WIPO Director General has decided that he will not abide by the Organization's recognition of the WIPO Staff Association's right to discuss and defend its 600 current dues-paying members in discussions with the Director General. This unilateral action on the part of the WIPO Director General denies more than 600 WIPO staff, who are current dues-paying members of the WIPO Staff Association, their right to have their interests represented by the WIPO Staff Association in discussions with the Director General.

We are horrified to learn that the WIPO Administration has informed the WIPO Staff Association of the following: 1) The WIPO Staff Association must vacate its office and meeting room; 2) The Secretary of the WIPO Staff Association will be transferred to another sector; and 3) There will no longer be any release time for staff representatives of the WIPO Staff Association.

The latest development is that WIPO Administration has removed the WIPO Staff Association's right to publish e-mail messages to all WIPO staff, and is even insisting on receiving a list of all members of the WIPO Staff Association before according the Staff Association the right to send emails to its membership.

In the Joint Inspection Unit's (JIU) report entitled "Staff-Management relations in the United Nations specialized agencies and common system", document JIU/REP/2012/10,

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“The Inspector found that the attitude of the Executive Head serves as a critical factor in the success or failure of staff-management relations in an organization.” WIPO is certainly a case in point.

The former WIPO Ombudsperson wrote, in her report covering the period from 1 November 2015 through 30 April 2016, of her observations at WIPO of high levels of stress/burnout, mental health issues, sickness, presenteeism and absenteeism. She also reported general paranoia, mistrust, feelings of discrimination, environment of suspicion, environment of blaming, fear of speaking up, fear of making mistakes, job insecurity, perception of the lack of fairness in decision making, feelings of like and dislike as well as the perception of abuse of authority. The Ombudsperson “noticed that mental health issues account for almost half of all illness-related issues among WIPO staff.”

Now, however, with the WIPO Director General’s continued insistence on effectively destroying the WIPO Staff Association and replacing its Staff Council with his own, the level of fear and mistrust amongst WIPO staff has reached an all-time high.

Having read the article published on 17 April 2017 by the Government Accountability Project (GAP), which has been working to protect whistle-blowers since 1977, FICSA can confirm that the situation at WIPO is as bad as that described in the article which is available at <https://www.whistleblower.org/blog/041917-gap-requests-accountability-unwipo>.

The staff federations have always made efforts to diplomatically address various staff concerns by, whenever possible, creating the least possible fuss in an effort to find some mutual grounds of understanding.

In this present case, following Member States’ decisions not to act on the OIOS investigation report and its conclusions, we had expected that the issue would, although sadly, end up somewhere in the archives of the UN system, and that we would all move on while awaiting the completion of Mr. Gurry’s current term of office. However, Mr. Gurry has decided otherwise and is continuing to retaliate against the legitimate Staff Association and its Staff Council.

Therefore, we now call on the UN Secretary-General and Member States of the UN General Assembly to put an end to these retaliatory actions. Although we understand that accountability in the UN common system is sadly weak, especially when it comes to a high-ranking Executive Head, we would like to hope that the UN reform, under the current UN leadership, will correct that, and we call on the UN Secretary-General and Member States of the UN General Assembly to hold Mr. Gurry accountable for all of his actions.

Given the deplorable situation at WIPO, and in view of the upcoming CEB meeting which will be held at WIPO this week, FICSA has called upon each and every Executive Head of the international organizations to intervene in their respective capacities in a

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combined effort to restore the rights of more than 600 dues-paying members to be represented by, and have their interests defended by, their WIPO Staff Association before the WIPO Director General, in accordance with Office Instruction N° 17 / 1958 (dated 18 December 1958) and WIPO Staff Regulation 8.1.

The Staff Federations await your actions on this urgent and serious matter, and we remain available to provide any further clarification as may be required.

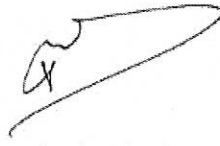
We look forward to meeting with you to discuss this dire situation.

Please accept, Sir, the assurances of our highest consideration.

Yours sincerely,



Ian Richards
President
CCISUA



Diab El-Tabari
President
FICSA



Dimitri Samaras
President
UNISERV

cc. CCISUA
FICSA Executive Committee
UNISERV
WIPO Staff Association

Attachments:

Office Instruction N° 17/1958 dated 18 December 1958
FICSA letter to other Executive Heads dated 19 April 2017

BUREAUX INTERNATIONAUX REUNIS
POUR LA PROTECTION DE LA PROPRIETE
INDUSTRIELLE, LITTERAIRE ET ARTISTIQUE

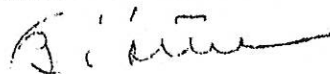
Distribution:
générale

Ordre de service No 17 / 1958
concernant l'Association du Personnel
des Bureaux internationaux réunis

L'"Association du Personnel des Bureaux internationaux réunis"
fondée à Genève et Berne le 3 décembre 1958 est reconnue comme
ayant qualité de représenter les intérêts professionnels de ses
membres tant auprès du Directeur des Bureaux ou de ses représen-
tants qu'auprès des autres associations similaires des Organi-
sations internationales, et ce aussi bien en ce qui concerne
leurs conditions de travail qu'en ce qui concerne leurs condi-
tions de vie en général.

Genève, le 18 décembre 1958

Pour le Directeur :
Le Chef de la
Division administrative :



Sir,

The Federation of International Civil Servants' Associations (FICSA), which represents approximately 30,000 international civil servants worldwide, has the urgent and important duty to write to you today.

Although you may already have some knowledge of the troubling and turbulent times at WIPO (where the WIPO Staff Association is an official member of FICSA), we must urgently draw your attention to some new and serious developments.

Despite the fact that the WIPO Staff Association has been the officially recognized staff interlocutor with past and present WIPO Directors General since 1958 (see attached), the current WIPO Director General has decided that he will no longer respect this recognition accorded by the Organization. Instead, he has created his own stand-alone management-friendly Staff Council (which is not representative of and does not belong to any staff association/union or staff federation).

The relevant regulation of the WIPO Staff Regulations and Rules reads as follows: "Regulation 8.1, Staff Council: The staff shall have the right of association. The interests of the staff shall be represented before the Director General and his representatives by a Staff Council elected by the staff members."

Until now, past and present Directors General have always viewed this Regulation to mean that the Staff Council (which is the heading of this Regulation) is elected through staff's right of association, i.e. elected by staff who exercise their right to vote by joining the WIPO Staff Association and voting. This interpretation was upheld by the WIPO Appeals Board which found that this long-established practice fulfilled the requirement to allow all staff to vote in Staff Council elections.

Nevertheless, after the duly elected WIPO Staff Council blew the whistle on alleged wrongdoing at WIPO at the highest levels, the WIPO Director General decided that he would no longer adhere to this recognition and practice which is as old as the organization itself, and he decided to create his own Staff Council as described above. It is recalled that he also fired the President of the WIPO Staff Association.

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To: Executive Heads of the International Organizations

FICSA

Federation of International
Civil Servants' Associations

Fédération des associations
de fonctionnaires
internationaux

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He has now recognized his new Staff Council as the valid interlocutor between the staff and himself and has decided to no longer recognize the Staff Council of the WIPO Staff Association as being representative of staff in discussions with him even though more than fifty per cent of WIPO staff are currently dues-paying members of the WIPO Staff Association. This unilateral action denies more than 600 staff members, who are members of the WIPO Staff Association, their right to have their interests represented by the WIPO Staff Association in discussions with the Director General.

Most recently, FICSA learned that the WIPO Administration informed the WIPO Staff Association of the following: 1) The WIPO Staff Association must vacate its office and meeting room; 2) The Secretary of the WIPO Staff Association will be transferred to another sector; and 3) There will no longer be any release time for staff representatives of the WIPO Staff Association.

The latest development is that WIPO Administration has removed the WIPO Staff Association's right to publish e-mail messages to all WIPO staff, and is even insisting on receiving a list of all members of the WIPO Staff Association before according the Staff Association the right to send emails to its membership.

What the WIPO Director General is doing is an age-old union busting practice whereby if the current Staff Council/Association/Union does not do his bidding he conveniently creates a new one.

In the Joint Inspection Unit's (JIU) report entitled "Staff-Management relations in the United Nations specialized agencies and common system", document JIU/REP/2012/10, "The Inspector found that the attitude of the Executive Head serves as a critical factor in the success or failure of staff-management relations in an organization." WIPO is certainly a case in point.

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Given the deplorable situation at WIPO, and in view of the upcoming CEB meeting which will be held at WIPO, FICSA would like to call upon each and every Executive Head of the international organizations to intervene in their respective capacities in a combined effort to restore the rights of more than 600 dues-paying members to be represented by, and have their interests defended by, their Staff Association before the Director General, in accordance with Office Instruction N° 17 / 1958 (dated 18 December 1958) and WIPO Staff Regulation 8.1.

FICSA remains available to meet and discuss this matter with you further should you so wish.

Please accept, Sir, the assurances of our highest consideration.

A handwritten signature in black ink, appearing to be 'Diab El-Tabari', enclosed within a large, loopy, oval-shaped flourish.

Diab El-Tabari
President

cc. FICSA Executive Committee

Attachment: Office Instruction N° 17 / 1958 dated 18 December 1958