

A DISPOSABLE WORKFORCE?

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UNHCR's current practice of not extending staff members' fixed-term appointments (FTA) if they do not manage to obtain a new assignment constitutes de facto a reduction in force. It is highly questionable whether this practice is legal seeing that UNHCR continues to hire new staff members with the same profiles at the same time.

For the past 10 years UNHCR has been recruiting most of its new international staff members through highly competitive selection processes, first through the International Professional Roster and now through the Entry Level Humanitarian Professional Programme. Hundreds of these new recruits currently work on FTA. Despite having been recruited as the top of the top, they have to fear being separated after each assignment if they do not manage to obtain a new one. Many of these staff members choose to go on Special Leave Without Pay instead of getting separated, hoping for a new assignment in the months to come. UNHCR thus treats its highly qualified and motivated new recruits like a disposable workforce.

However, it is highly questionable whether staff members on FTA can actually be separated the way UNHCR currently does routinely. Although FTA do not carry a renewal expectancy, in accordance with the jurisprudence of the UN Appeals Tribunal UNHCR has to give reasons for the non-extension, which are subject to review by the tribunal. The reason given by UNHCR is that "their services are not required anymore". It is very doubtful whether UNHCR can determine this on the sole basis of the current selection and assignment system.

The current system de facto constitutes a continuous reduction in force, but without any rationale. UNHCR has been continuously hiring over the past few years, in direct contradiction with its practice of separating staff members on the basis that their services are not needed anymore. The profiles of most staff members recruited over the past few years are in fact still needed as demonstrated by UNHCR's recent massive recruitment campaign.

Even if there was a need to reduce the current workforce, UNHCR's current selection process does not fairly establish who should be kept or let go. It is often a question of luck whether a staff member manages to secure a new assignment, UNHCR's selection procedures being

undermined by nepotism and favouritism. Also the higher a staff member moves in grades, the less positions there are at any given time that he/she can apply for. In addition, in order for such a continuous reduction in force to be fair, staff members of a certain profile and grade would have to be compared with all other staff members with the same profile and grade, including staff members on indefinite appointments before UNHCR decides who is to be separated.

As the non-extension also has a massive impact on the staff member, UNHCR is under an obligation to be very careful and to particularly look at other possibilities before taking such decision. There are numerous positions available worldwide at any time due to UNHCR's rotation system and concerned staff members could be deployed to these positions on temporary assignments. However, they are often not even considered for these positions. It is currently the managers in the field that decide whether and how to fill these temporary gaps. They often do not fill them or choose outside candidates instead of staff members in need of new assignments. One could argue that the High Commissioner does not effectively exercise his right and duty to assign staff to empty positions. It is thus highly questionable whether UNHCR currently looks effectively at other possibilities before separating staff members on fixed-term appointments.

"The organisation does not effectively assign staff members in between assignments to available positions."

The current continuous reduction in force is thus very likely flawed. It is only a matter of time until the UN Dispute Tribunal rules on it.

The new policy on the Administration of Fixed-Term Appointments is a good start to address the problem of job security for staff members on FTA. It does provide them with slightly more job security. In theory staff members with a good performance record who have been working for UNHCR for at least 5 years are entitled to a 3-year extension of their appointment, regardless of the length of their SAL. However, DHRM's current interpretation of the policy significantly limits its scope. DHRM insists that a staff member, even if he/she fulfils all of the requirements, first has to obtain a new appointment or a temporary assignment before his/her appointment is extended for three years. In addition DHRM is of the opinion that staff members who have taken Special Leave Without

Pay in the three years before the day of the extension are not entitled to a three-year extension. Both limitations are contrary to the wording of the policy and DHRM should immediately change its interpretation of the policy in this regard.

Why is UNHCR so afraid to provide staff members on FTA with more job security? There are two principal reasons:

1. UNHCR has yet to control the SIBA problem because it influences all human resources policies. The High Commissioner has been extremely afraid to create more SIBAs. It is thus time to address the SIBA problem once and for all, the crux of it being that the organisation does not effectively assign staff members in between assignments to available positions. This is detrimental to the moral of concerned staff members and extremely costly for the organisation. The High Commissioner should make more effective use of his right and duty to assign staff members in between assignments to free positions.

2. UNHCR does not have an effective performance policy under which the appointments of underperforming staff members could be terminated and managers are not equipped with the basic tools to initiate a termination process on the basis of underperformance. Instead a culture of mediocrity has spread throughout UNHCR and managers wait until either the underperforming staff member or themselves rotate to a new duty station. Instead of creating a robust policy to deal with underperformance, UNHCR has come to believe that the problem naturally takes care of itself with regard to staff members on FTA. Supposedly those staff members who are not performing are automatically separated. Keeping staff on short FTA linked to their SAL is thus meant to ensure that the problem of underperforming staff members remains contained. However, on the basis of the current system, it is often the unlucky ones and the ones with the least connections rather than the underperformers that are separated.

If both issues were effectively addressed, the High Commissioner would no longer have to fear that more SIBAs are created and could thus provide staff members on FTA with longer-term contracts irrespective of the SAL. The High Commissioner could even consider the introduction of continuing appointments.

Until UNHCR improves its current policy and provides staff members on FTA with more job security, staff members should challenge the non-extension, request a management evaluation and take the organisation to the UN Dispute Tribunal. It is time for this arbitrary continuous reduction in force to be stopped. ■