



25 January 2007

## What should I do if I have a problem? Or how to settle a dispute

Disputes are part of human nature and problems are a daily occurrence. The difficulty arises when you have to distinguish the kind of everyday dispute that is part of living and working together from a problem that has to do with the working environment, interpersonal relations



*THE STAFF UNION CAN EITHER BECOME ACTIVELY INVOLVED OR, IF YOU PREFER, HELP YOU IDENTIFY THE MOST SUITABLE THIRD PARTY.*

*DON'T FORGET THAT IF THIS INITIAL STEP DOESN'T ANSWER YOUR PROBLEM, YOU CAN ALWAYS OPT FOR SOME OTHER INFORMAL OR FORMAL ACTION.*

You also have the option of appealing to an independent mediation mechanism composed of the Mediator assisted by a number of facilitators in the field. This you can do by e-mail, by telephone or in person if you are at the same duty station.

*REMEMBER THAT THESE PEOPLE HAVE BEEN TRAINED FOR THIS PURPOSE AND THAT THEY DO THEIR JOB PROFESSIONALLY, IN CONFIDENCE AND WITHOUT ANY WRITTEN RECORDS.*

*All right, I have done all that and I still haven't found a solution. I feel frustrated. What do I do now if I still want to resolve the problem?*

Under the new system, you can take the formal route directly and lodge a **formal complaint** if you feel that the informal approach is not going to lead to any solution.

Any staff member wishing to initiate a formal complaints procedure must notify HRD of the fact in writing within six months of the incident to which the complaint relates. *If, for example, your contract has been terminated for no valid reason, you have six months from the time you were officially informed to lodge your complaint.*

HRD then has three months to take a decision, though this period may be extended for a further three months by common agreement with HRD if you believe that it might be possible to reach a negotiated agreement. For example, instead of being offered an extension of your contract for one year only on the regular budget (RB) with **specific mention** of no possibility for any further extension, you have been offered a post on a technical cooperation project for three years instead.

*THROUGHOUT THE WHOLE PROCEDURE THE STAFF UNION CAN PROVIDE YOU WITH LEGAL ASSISTANCE AND HELP YOU PLAN YOUR STRATEGY IN MAKING YOUR CASE IN NEGOTIATIONS WITH THE ADMINISTRATION.*

*What if no solution can be found?*

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***And what if I find the decision unfair?***

As a last resort you can still appeal to the ILO Administrative Tribunal (ILOAT), in which case the Staff Union can certainly provide you with valuable assistance. The Tribunal is a technical legal body that calls for specific legal expertise for it to produce results. Moreover, appeals to the Tribunal have to be submitted in English or French and the language must be precise.

***THE TRIBUNAL AND ITS DECISION ARE YOUR LAST RESORT.***

***What if my problem is one of sexual harassment?***

Instances of sexual harassment require rapid, confidential and effective treatment. For cases of this nature the procedure is different.

If you believe you are the victim of sexual harassment and do not want to use informal channels (which is generally the case), you must inform HRD of the circumstances in writing within **six months** of the occurrence of the behaviour that you consider was humiliating or improper.

HRD then has **one month** to examine the matter, by which time it must inform you of the steps it intends to take, such as the opening of an inquiry.

If you are not satisfied with the steps proposed by HRD, or if you receive no reply, the complaint is then submitted to an independent inquiry (conducted by a group of investigators consisting of ILO officials) within **one month**.

The investigators must normally submit a report to the Director-General within **three months** from the date the complaint was submitted to them, setting out their findings in the case and, if appropriate, their proposals. The Director-General must then reach a decision within **two months** (failing which the investigators' recommendations are considered to be approved).

In all events, an appeal can be lodged with the Administrative Tribunal against the outcome, in accordance with its Statute.

In view of the delicate nature of the matter, the Staff Union can be particularly useful in ensuring that the whole procedure is confidential.

***LENGTHY, EXPENSIVE PROCEDURES ARE TO BE AVOIDED IF POSSIBLE. THE BEST SOLUTION CAN GENERALLY BE FOUND THROUGH ANALYSIS AND DIALOGUE, IN STRICT CONFORMITY WITH INTERNAL RULES AND REGULATIONS.***

***THE STAFF UNION CAN HELP YOU MAKE SURE THAT YOUR RIGHTS PREVAIL WITHIN THE FRAMEWORK OF THESE PRINCIPLES.***

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