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FINANCE COMMITTEE

Hundred and Thirty-eighth Session

Rome, 21 – 25 March 2011

**Proposed Amendment of Staff Regulation 301.11.1
(Appeals Committee)**

Queries on the substantive content of this document may be addressed to:

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EXECUTIVE SUMMARY

- The Secretariat proposes an amendment to Staff Regulation 301.11.1 in order to increase the numbers of alternate members of the Appeals Committee. This is required in light of an agreement between FAO and ICCROM allowing the latter to rely on the services of the Appeals Committee and permit adequate representation on the Appeals Committee of ICCROM staff members.

GUIDANCE SOUGHT FROM THE FINANCE COMMITTEE

- The Committee is requested to endorse the proposed amendment and refer it to the Council for approval, under the terms of Rule XL.3 of the General Rules of the Organization.

Draft Advice

- **The Finance Committee recommends the approval of the amendment to Staff Regulation 301.11.1, as per the text reproduced in the Annex hereto.**

1. The Appeals Committee advises the Director-General in cases of appeal by individual staff members regarding a grievance arising out of disciplinary action or arising out of an administrative decision which is alleged to be in conflict, either in substance or in form, with terms of appointment or with any pertinent Staff Regulation, Staff Rule or administrative directive. The Appeals Committee currently reviews appeals from staff members of FAO and WFP.
2. On 14 April 2010, the Director-General agreed to a request made by the Director-General of ICCROM (International Centre for the Study of the Preservation and Restoration of Cultural Property) that it be permitted to rely on the services of the Appeals Committee to advise on appeals against administrative decisions lodged by ICCROM staff members. ICCROM advised that it had recently accepted the jurisdiction of the International Labour Organization Administrative Tribunal (ILOAT) but that given ICCROM's relatively small size, there would hardly be any justification for it to establish its own mechanisms for the adjudication of disputes, and an autonomous advisory body such as an Appeals Committee.
3. In order to give effect to the above agreement, it will be necessary to increase the current number of alternate members of the Appeals Committee (both those appointed by the Director-General and those elected by the staff)¹. These are currently composed of FAO and WFP staff members. The justifications for such an increase are twofold: firstly, there is a requirement of due process to guarantee to ICCROM staff appropriate peer review of their administrative appeals by the Appeals Committee and thus to include alternate members from ICCROM. Secondly, it would not be advisable to reduce the existing numbers of FAO or WFP alternates, both in the category of those appointed by the Director-General (currently five, composed of two from FAO and three from WFP as per Manual paragraph 331.2.21) and those elected by the staff (currently five²) as the Appeals Committee Secretariat already experiences difficulties in achieving the required quorum for the convening of hearings, which in turn leads to delays in the administration of justice.
4. The number of alternate members of the Appeals Committee in both categories should be increased from five to six, in order to allow appropriate ICCROM representation thereon.
5. In addition, the Secretariat wishes to use this opportunity to render Staff Regulation 301.11.1 gender neutral by replacing the term Chairman with the term Chairperson.
6. Whilst changes to the provisions of the FAO Administrative Manual and the Staff Rules that will be necessary to implement the above agreement may be approved by the Director-General (or delegated authority as the case may be), amendments to Staff Regulations require the approval of the FAO Council.
7. Approval for the amendment of related Staff Rules and Administrative Manual provisions will be requested pending the amendment of Staff Regulation 301.11.1.
8. The Committee is requested to endorse the proposed amendment of Staff Regulation 301.11.1, as set out in the annex to this document and refer it to the Council for approval, under the terms of Rule XL.3 of the General Rules of the Organization.

¹ Incremental costs for FAO arising from the agreement will be covered by ICCROM

² There is no express requirement that any number of elected alternates be from WFP or FAO. However, both WFP and FAO staff may run for election and the five candidates achieving the highest number of votes are elected. This has always resulted in a balanced representation amongst the two organizations. Eligibility to run for election could be extended to ICCROM staff, or ICCROM may wish to request its staff body to nominate an alternate member of the Appeals Committee. This issue is still to be defined.

ANNEX

The proposed new version of Staff Regulation 301.11.1 would read (new insertions in bold):

*“The Director-General shall establish a Committee within the Organization to advise him in cases of appeal by individual staff members regarding a grievance arising out of disciplinary action or arising out of an administrative decision which staff members allege to be in conflict, either in substance or in form, with the terms of their appointment or with any pertinent Staff Regulation, Staff Rule or administrative directive. At the request of the staff member, the Director-General may render a final decision without recourse being made to the said Committee. The Committee shall consist of two members and ~~five~~ **six** alternate members nominated by the Director-General, two members and ~~five~~ **six** alternate members elected by the staff as a whole, and an independent ~~Chairman~~ **Chairperson** appointed by the Council. The Council shall appoint two alternate ~~Chairmen~~ **Chairpersons** to serve when the ~~Chairman~~ **Chairperson** is unavailable; if the ~~Chairman~~ **Chairperson** and alternate ~~Chairmen~~ **Chairpersons** are unavailable, the remainder of the Committee may select an ad hoc ~~Chairman~~ **Chairperson**, who shall not be a staff member.”*