



# WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

General distribution

## OFFICE INSTRUCTION

## No. 31/2009

## THE WIPO JOINT GRIEVANCE PANEL

1. The purpose of the present Office Instruction is to amend with immediate effect Office Instruction No. 16/2006 (Corr.), entitled, "The WIPO Joint Grievance Panel", which was issued to inform staff members and temporary employees of new procedures established to resolve conflicts and grievances that may arise in the workplace. The WIPO policy on the prevention of harassment and the resolution of all forms of grievances includes the establishment of a Joint Grievance Panel to examine and make recommendations on formal complaints of grievances. The amendments mainly consist of references to new Office Instructions and terminology linked to WIPO's new Performance Management and Development System (PMSDS). As compared to Office Instruction No. 16/2006 (Corr.), small changes have been made to paragraphs 1, 2, 9 and 20 of the Office Instruction itself, and to paragraph 5 of Annex A. All other paragraphs remain the same. None of these changes affect the substance of the procedures established pursuant to Office Instruction 16/2006 (Corr.).

2. This Office Instruction shall, as before, apply to staff members and temporary personnel<sup>1</sup> employed by WIPO with immediate effect.

3. The prevention of conflict is closely connected to the conduct of, and working relationships between and among, colleagues. In this regard, the Organization places the highest expectations on its staff members and temporary employees and their standards of conduct as international civil servants. Pursuant to these standards, staff members and temporary employees must respect all persons equally, without distinction, in order to foster the professional climate and collegial environment which is in the interest of the Organization and of benefit to all.

<sup>&</sup>lt;sup>1</sup> Short-term General Service employees, employees administered under the Agreement with the AITC and AIIC, Consultants and holders of Special Labour Contracts

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4. A grievance can be defined as a cause of distress felt to afford reason for complaint. Underlying the grievance normally is conflict, which can be defined as any opposition or difference of wishes, needs, statements, arguments, actions or principles between two or more staff members/temporary employees, or between staff members/temporary employees and the Organization. Conflict is a natural yet also manageable phenomenon that can occur in any organization and that can and should be handled professionally and in good faith. An unresolved conflict may give rise to a grievance, may create a hostile environment, and particular importance is attached to its prevention in the workplace. However, situations of conflict and tensions do not automatically, nor necessarily, qualify as harassment. It is in the interest of all parties that any contentious issue be resolved at an early stage, without the need to resort to recourse procedures to clarify or enforce rights and obligations.

5. The Staff Development Section, HRMD, will organize courses in communication, the handling and resolution of conflict, problem-solving, collaborated negotiation, teamwork and mediation, which are of particular importance for management, as the requisite skills are considered essential in the recruitment, training and appraisal of managers.

THE INFORMAL APPROACH

16. Panel members shall be neutral and do not represent the office from which they are appointed or elected.

## Term of the Panel members

17. The Chairperson and alternate Chairperson are appointed for periods of up to three years; and the members and alternate members are appointed for periods of up to two years.

## Grievances considered by the Joint Grievance Panel

18. If a staff member or temporary employee considers that informal resolution is inappropriate or has been unsuccessful, he or she may initiate the formal complaint procedure by submitting a written complaint to the Secretary of the Panel.

19. The Panel shall consider all grievances, with the exception of a grievance arising in the circumstances outlined in paragraph 20, below. Grievances which may be dealt with under this Office Instruction shall include allegations of discriminatory treatment, as well as allegations of harassment, which may include mobbing, bullying, intimidation and sexual harassment. For more information on harassment, please refer to Office Instruction 17/2006.

20. Grievances which shall not be the subject of this Office Instruction are those arising from:

(a) an administrative decision, as referred to in WIPO Staff Regulation 11.1; or

(b) an evaluation report as defined in Office Instruction No. 19/2009 ("Launch of the new Performance Management and Staff Development System (PMSDS) in WIPO") or Office Instruction No. 22/2009 ("Procedures for Rebuttal of Performance Evaluations for Temporary Employees") and any subsequent Office Instruction governing the handling of performance-related disagreements and the evaluation report.

### Deadline for submission of grievance

21. In order to be receivable, a staff member or temporary employee must submit to the Secretary of the Panel his or her grievance 21. rim6(an dc-.0 TDsix)Tc-8(rRebuarat)]60ees") an88r her grie6

Review

30. This Office Instruction shall be reviewed and adjusted according to the experience gained by the Panel, and may be modified by the Director General with additional or revised administrative processes, upon consultation with the Panel. The Office Instruction shall otherwise continue in effect until further notice.

[Signed by Francis Gurry Director General]

June 23, 2009

[Annexes follow]