

# **STAFF SELF-DEFENSE**

The following discussion is intended for the vast majority of UN staff members who are competent, conscientious, and motivated, but who might well, at some point, have the misfortune to work for a UN manager who is incompetent, arrogant, and/or abusive.

In the past decade all UN managers have been given much more power and freedom, without the much-discussed accountability mechanisms and sanctions. The bad managers can exercise their impunity and create great difficulties for their staff. (Staff, of course, can include managers bullied by higher-level managers -- if such mid-level managers would blow the whistle while in the UN (instead of after they leave), what amazing accountability gains and behavioral changes might result organization-wide!)

Years ago an excellent book, now long out of print, provided a detailed reflection on what employees can do when caught in a malfunctioning organization. Briefly, the choices were three: (a) "exit", that is to leave; (b) "voice", to raise objections to what is going on; and (c) "loyalty", meaning to remain silent because of a continuing belief in the larger objectives of the organization. All three choices are of course available in the UN as well, although transfer among assignments has not been easy because of 'pre-determined appointment processes; expressing "voice" can risk your becoming a disappeared whistle-blower; and "loyalty" can become ever harder as the negative management climate and impunity continue.

Some basic advice on what to do if you realize that you are becoming embroiled in a staff/management dispute was provided in 1997, in a list of some important and reasonable DO's and DON'Ts to remember:

- "1. DO keep records or a journal of all incidents as they occur.
2. DO speak to colleagues ... [and knowledgeable others.] Ask advice and for information from as many sources as possible.
3. DO take a positive attitude when speaking to administrators and/or upervisors. Tell them you don't understand their position. Always give them the opportunity to do the right thing.

1. DON'T send a written reply or statement of position before talking with the Panel. In fact, if you have reached this point, it is late in the process; you should have sought the Panel's assistance earlier.
2. DON'T agree [to] or refuse any offer made to you unless you are confident you have all the information necessary to make the right decision [i.e., don't let yourself be pressed into hasty actions, a very important tactic to counter any bullying pressure by the Administration.]
3. DON'T ever lose your temper. If you feel angry, politely excuse yourself and return only after you have regained control. Losing your temper is a sure sign that you need assistance -- even if all you need is an unbiased listener."

JoanEllen Miller, "Panel on Discrimination and other Grievances", UN Staff Report (New York), **December 1997**, p. 14.

[Note: the grievance panel seems presently seems to be largely in limbo, but contacting knowledgeable sources (see below), and as soon as possible, is indeed essential.]

**There are many major considerations and nasty possibilities for staff who have chosen (or become forced) to "voice" their problems rather than to "exit" or to accept "loyalty".** IO Watch presents some further tips below for you, a UN staff member deciding whether to speak out and defend herself or himself from a negative administrative decision or act, or on a matter of serious abuse, misconduct, or mismanagement by your manager, which that manager shows no willingness to openly discuss and informally resolve.

IO Watch's network of UN veterans have considerable direct in observing (and suffering) the UN behind-the-scenes activities, but because of their very secretive nature no person or group of victims can possibly know all the hazards, nuances, and traps. With that caveat in mind, how can we advise thee on all the challenges and counter-moves that may be involved? Let us count (at least some of) the ways.

1. If you join a new unit, or if your unit gets a new manager, assess him carefully and continuously for "the good, the bad, and the ugly" characteristics of his leadership. Is he a fair and competent person, concerned with teamwork, open to discussion, and engaged seriously in performing his own duties? Or is he aggressive or arrogant; not competent for, or willing to do, his work; autocratic; and/or a meddler? If he is a bad manager, what type does he seem to be (for instance, as discussed in the IOWatch subsection on Unleashed managers , is he simply untrained or really "toxic," and if the latter, is he a "gang leader" or a "bully," and/or a person who employs an "enforcer" to do such things for him?

2. Probably the worst type of manager to encounter would be the toxic and abusive person who is also unable and unwilling to

do his work, and often has limited skills in the Secretariat working languages of English and French. He will begin by delegating some of his work (but not the decisions, and tone) to his staff to prepare in addition to their own work. Gradually, he will demand more and more from them, then get angry and then contemptuous (because deep down he knows he must have their help and resents it), so that he must finally push them out to be replaced by new people and begin the work-dumping cycle all over again. He will of course take personal credit for the work that his subordinates do in his name (but no blame for anything that goes wrong.)

3. Check his manager in the next level of the hierarchy, that is, "Ms. Big." Is she fair, competent, an open-minded team player and a hard worker, or is she a toxic manager in her own right? If the latter, you may eventually be caught up in her larger manipulations and bullying or "post and assignment games", even if your own manager is a reliable and competent person.

4. If you indeed have a "toxic" and abusive manager, check for any "weasels". These are usually general service staff, often under heavy pressure from the manager, who are told to wander around, listen, observe who is talking to whom and try to learn about what, see what alliances are taking shape, and report all this back to the manager. Because they are usually trapped into this role, they are not an enemy, but they do report to the manager who may become or already is your enemy.

5. Check any staff status oddities in your unit that indicate that this is a unit where "games are played.". Are there "friends and lovers" on the staff, or other favorites pushing for special treatment and rapid promotions? Are there deadwood staff just sitting around? Are there people on temporary contracts, or unassigned "floaters" who are "just passing through" for a while, or people about whom no one has a clue as to their duties? Most importantly, does the unit have (or is a new manager instituting) an unusually large turnover of staff, and achieving it through a lot of unrest and unpleasantness? Even if things seem quiet, has there been a big recent staff turnover in staff, and are others attempting to leave? Does the day-to-day climate seem tense, are there a lot of rigid and petty workplace rules?, Is there any obvious harassment going on, or ill-will floating around?

6. Finally, who is the "enforcer" for the Administration in your department, or office, or geographic location? There always is such a person to deal with disciplinary matters or strained relationships or "relocation" situations that arise. Is that

person at least a fair and reasonable one, or a true "enforcer" who revels in "taking care of" situations and people? This is important. If, early on in your struggles, you suddenly receive a message that Mr. X, whom you may scarcely know, would like to have a talk with you, you are fast approaching either departure or the gulag, since most managers preparing for drastic action will much prefer turning the serious negotiations over to an expert.

7. These assessments of the "lay of the land" may all seem like so much paranoid "cops and robbers" fantasies, but they can become very real and pressing considerations if you are about to challenge a manager's decision or his misconduct and abuse. If you express your views or object directly to your manager, then object on the record when he refuses a joint solution, and then decide to formally appeal to the JAB, you will find yourself increasingly very much ALONE, branded as a troublemaker who stands versus the Secretary-General and the entire "Administration."

8. Even before you consider making an appeal of a decision of mismanagement, your manager may beat you to the punch because he has decided that you ask too many questions and do not have a "cooperative" attitude toward "his" unit's work. Various conversations may follow, especially if you are a newcomer to the UN on a probationary contract, or on a fixed-term contract. The manager begins to suggest strongly that it would be good for you to start planning for departure, because he will make sure that you get a bad rating if you do attempt to stay on.

9. You are also really in trouble if word filters back to you through the grapevine that your manager is informally offering your job to people in other UN units or at other duty stations, even as you occupy it. This may sound far-fetched, but it is a key behavioral indicator for very toxic UN managers who do regard their posts as just so many bargaining chips to play with and use to further their own selfish aims.

10. You may have a clear situation of management abuse, misconduct, and/or gross mismanagement. But, unless you want to "get your ticket punched" as having tried, reporting it to OIOS seems to be a waste of time. As discussed especially in the preceding subsection on Investigation efforts: Is the OIOS a fig leaf , not only is the OIOS motivation in question where managers are concerned, but even they admit their small staff and a large backlog of hundreds of reports which (after an asserted "careful review") are not followed up on. Even worse, they might get back

to your manager (but not you), if only to enquire about someone complaining about xxx, which only makes things worse.

11. Returning to appeals, however, unless your case seeks only a very narrow interpretation of a very specific rule or administrative procedure, you probably may not be able to involve your friends or colleagues. The pressures from the manager to treat you as a pariah may be intense, and it is an all-too-human response to think "better you than me" and keep one's distance in a tense situation. You may be motivated to speak out for others being mistreated, as well as for yourself, but when you "go public" you are on your own and cannot, and probably should not, drag others into the situation, unless they sincerely wish to become involved.

12. In all the following, we assume that you are in this predicament because you are a conscientious staff member, who has been wronged, or has seen abuses and mismanagement, and feel you must speak out. But you are nevertheless a marked person singled out for having protested. You must be dealt with firmly, if gently at first, as a threat to the managerial class, and as an example to other potential troublemakers who might challenge UN autocracy. As one very senior UN official put it informally but bluntly to a senior outsider a decade ago, "Staff who challenge their boss on the record have destroyed their career prospects in this Organization."

13. If you still wish to speak out, get your act (and your DO's and DON'T's) together. Keep calm and polite and document, document, document what happens. Focus your emerging case on the key elements, and don't confirm your assigned "troublemaker" label by overreacting or showing your emotions. If you don't need this documentation later on, wonderful. But it is worth effort to keep track of events, since it can be very hard to go back and sort out dates, events, evidence, and situations later on.

14. The whole confrontation can be resolved at any time by your agreement to transfer out of the unit. There are many minefields in a transfer or reassignment offer, so they are included in a separate list below. But if you have strong reasons for wanting to stay in your unit for the long term, or at your current duty station, you have the right to attempt to (literally) hold your ground and to stay in your current job, and post, and office.

15. Begin preparing your case by concentrating on the improper administrative decision (or the implicit grievous decision or behaviour patterns) that you contest (without specifying this element, you cannot even start an appeal), eventually gathering all available evidence, relevant staff rules violated, and precedents from past UNAT judgments establishing the validity of your claim. But be aware that the JAB may be shameless in ignoring what you present, citing obscure staff rules or dubious precedents, or simply ignoring the "rules" issues and past precedents entirely.

16. Where to get help? Very rarely from personnel staff, because you are not merely protesting a abusive and bullying boss face to face, but instead the entire administrative apparatus, from your new status as an appellant "versus the Secretary-General"). Everybody in personnel is obliged to support the manager. Some people there may offer you informal sympathy, but others will take pleasure in helping punish you. In general you are most definitely becoming *persona non grata*.

17. You may also not get much assistance or support from the JAB secretariat, which is supposedly the "staff's" body, but is there really to solve smaller and "cleaner" administrative problems like improper consideration for a promotion, and not so often on your terms. Despite their soothing words along the way, you might only discover after a year or so of effort, if and when you receive and read for the very first time a slipshod and very unfavorable JAB report, that you "have been had." You must then decide if you want to pursue the appeal for several more years through the UNAT, where you may -- or may not -- obtain the same discouraging result because they rely so heavily on the JAB presentation.

18. Staff representatives and members of the panel of counsel, but probably not the new tiny ombudsman's office, may be of great help. But you need to ask around as much as possible to be able to contact the competent, knowledgeable, and fearless ones (of whom there are not many for this often thankless voluntary role.)

19. Keep the threat factor in mind, and be aware of your tolerance levels for stress. The Administration does not fear you, but it may well fear your behaviour and the issue you have raised, particularly if an aggressive and abusive manager is on the other end, and most certainly if he is a higher-level official.

20. For instance, be aware of the deviousness and petty tyranny that a toxic manager, already recently designated as a "manager/investigator", can display when toying with the rules. One "toxic" manager became dissatisfied with the secretary who had quietly served him for years. In an excellent example of overzealous misuse of a rather silly "Staff Rule", he informed her that he would not renew her fixed-term contract because she had maliciously tampered with an outgoing memorandum (in reality, performed minor editing). The relevant staff rule (Rule 111.2(g)) states that "staff members shall not intentionally alter, destroy, misplace or render useless any official document entrusted to them ... ." So much for motivating editors and encouraging proper memoranda.

21. On some alternatives, you are damned if you do and damned if you don't. The appeal to the JAB and subsequent trek to the UNAT are intended to at least win some financial recompense, with no remedial action. But if you don't file a contested situation, it appears that you acquiesce and admit your guilt in whatever happened. In fact, however, going to the JAB and the UNAT can be a strategy that protects you from further damage, by showing the Administration that you are serious, determined, keeping records, and defending yourself in a matter that may be quite embarrassing for the organization if you persist with your case. They are aware and may fear even more that -- playing hardball -- you may turn to your national diplomatic mission for help (you cannot do this, but most people do do this), or approach the media, who may or may not be in the mood to make a story or scandal out of it.

22. An aggressive boss may actually suspend you from the unit's work programme, although such suspensions are supposed to be invoked only by the Secretary-General, and for short periods. In fact, some managers can and do invoke this humiliation on one or more staff, and the suspension can run on for months or even years with no written justification or judicial remedy available, in an attempt to force you into "transferring yourself" out of the unit. (Unfortunately for you, this is often not a viable option since the established UN promotion and placement process is so slow, rigid, and limited, although the new "mobility" system may change this rather decisively.)

23. If the issues are important enough, you may also be offered an "early separation" from the Organization. An apparently large amount of money may be offered, but you must assess this offer very, very carefully if you are near retirement age or contemplating retaining your eventual pension benefits. You must determine carefully just how much an abrupt end to your service may affect your lifelong pension benefit flows. Leaving

early might cost you hundreds of thousands of dollars in the future, and the "enforcer" who makes the offer to you will not explain this, since his task is just to get you out the door. Discuss the matter in detail with the pension officials. There are also various levels of "buyout largesse" that can be offered to you by the Administration, so if you decide to "take the money", you should get advice, somewhat like a game show, on what a "good offer" really and currently is.

24. Another important factor in offering you an agreed separation is that the formal separation agreement that you must sign added a "gag clause" about a decade ago. In return for the cash, you agree that you will drop any current or future appeals against your treatment by the organization. Consider carefully the costs and values of this choice to you -- accepting can give you a substantial cash amount (subject to the pension cautions in the item above). But if you are stubborn about maintaining your integrity, you might later regret a decision to fall silent. It is also worth remembering that, with this action, the Administration is using taxpayer funds entrusted to the Organization as "hush money" to you.

25. The road ahead is long and hard -- the full appeals sequence usually stretches out for up to five years, and the success mantra (and operational objective) of the Administration is that "justice delayed is justice denied". The course through the various processes involves incessant delays and a 'ping-ponging' series of documentation exchanges with the JAB secretariat and the Administration's respondents, which leads many people to eventually fall by the wayside like thirst-stricken journeyers collapsing somewhere in a vast and uncharted desert.

26. The greatest threat is always summary dismissal from the organization, rarely used (so they say) but invoked swiftly and with immediate career-destructive effect when it is. It is thus enormously effective as a shock treatment. The chill that goes down your spine when you, especially if you have a "permanent contract", are told by a senior Administration official (the "enforcer") that "I can have you out on the street in a week" is indeed indescribable. It is perhaps only approached for shock value by an Administration letter stating that "you have been placed on the short list for the post of ... in ... ", the ... being a very, very dangerous and unpleasant duty station.) Such moments of shock are much enjoyed by the more vengeful Administration "enforcers" you may encounter. And so much for the fiction that only the Secretary-General can engage in such draconian treatment.

27. If you have come so far as to be a "floater", sitting in your unit without work assigned, or pushed out into the void between UN units -- "on the payroll, but not on the job" -- it is because the Administration knows that you have done nothing wrong but fears the scandal you could make, usually in terms of a manager's misbehaviour. It will try various tricks and pressures to get rid of you, but you might just stay in this status for months or years, or indeed until you reach retirement age (many objectors are more senior UN staff, either professional or clerical, who have simply seen too much for too long.)

28. You can carry on as a floater or other isolated status, awaiting action on your appeal for months or years. But always be aware of the damage that this situation can do to your overall health. Being an outcast or subject to "mobbing", as it is known in Europe, is tough. IOWatch knows people whose health has been destroyed by abusive managers. As the two most recent entries below state, in Switzerland it is estimated that 7.6 percent of the working population suffer from "mobbing", and a decades-long study of status pressures everywhere leads bluntly to the conclusion that "long-term stress damages health and ultimately shortens lifespans."

29. If you are suffering from an abusive UN boss, it is bad enough that he or she ruins your well-being, motivation, and working life. And only you -- not the Administration -- know if and "where it hurts." Under UN rules, your doctor can certify that you need an extended medical leave, and the Medical Service will almost always endorse it if you explain the situation. Take that time to recover, to reconsider your UN situation, and to lengthen your life. Let the UN, which is responsible for tolerating that abusive boss, at least pay the cost of your salaried absence and recovery.

"Mental health - Medical and employee assistance facilities", UN document IC/Geneva/4423 of **18 June 1998**, paras. 5, 13 and, from among many such sources,

Roger Barbier, "Les révélations du 8e Congrès international sur le stress", vivre positif No. 51,(Switzerland), **1998**,

Jerry Adler with Claudia Kalb and Adam Rogers, "Stress: In the short term it's vital but in the long term it turns destructive", Newsweek International, **June 28, 1999**, pp. 50-57,

Karen Lowry Miller, "They call it mobbing: ... Europeans are upset", Newsweek International, **August 14, 2000**, pp. 44-46,

Elizabeth Olson, "UN [the ILO] warns of 'alarming' rise in depression at work", International Herald Tribune, **October 11, 2000**,

Erica Goode, "Heavy cost of chronic stress: It can lead to cancer, heart disease, and other illnesses", New York Times, **December 2000**,

Geoffrey Cowley and Claudia Kalb, "Our bodies, our fears: ... how our brains and bodies process fear shows how damaging it can be", Newsweek International, **March 3, 2003**, pp. 41-45,

Marie-France Hirigoyen, Wenn der job zur hölle wird, C. H. Beck, München,

to be published in **September 2004**,

Aude Marcovitch, "Le mobbing s'aggrave mais la justice reste aveugle", Tribune de Genève, **28 May 2004**, and

"Social status: it's tough at the bottom" [a review of Status syndrome: How your social standing directly affects your health and life expectancy, by Michael Marmot, Bloomsbury and to be published by Times, New York, **2004**.

30. In the "floater" circumstances, a certain peculiar etiquette also exists. You are a non-person, with no instructions as to what to do. But it is best that you pass through the office every working day, even leaving a memo to the manager that you were there and awaiting assignment. This is considered necessary so that you cannot be charged with, and forced out for, "abandoning your post", which of course you may no longer have anyway. Meanwhile, you can work on the grinding task of preparing your JAB and even UNAT appeals and sparring continually with the various secretariats and respondents of the Administration.

31. To keep your annoying presence away, the manager may get personnel to offer you a shabby little office off in a dark corner of some other unit, with a desk and telephone. This is a quite depressing situation, and not worth taking. Continue to annoy.

32. Be particularly wary if you have an appeal underway and a "redeployment exercise" or UN "downsizing" comes along because of a financial crisis. Redeployment schemes offer managers a wonderful opportunity for settling scores, especially if the Administration just happens to publish the rules for the process at a very late date, or not at all. In "downsizing", you as a floater or "troublemaker" are an obvious target for management. Actually, everyone should pay close attention to the rules, processes, and "safeguards" of a UN redeployment exercise, because even if you think you are a non-troublemaker you may suddenly find that you are marked as one of those chosen for redeployment or early separation.

33. Finally, if you express concern to anyone along the way in your appeals process at the incredibly slow progress made, and that person tells you with annoyance that the "Secretary-General is too busy" to pay attention to your languishing case, be wary. You have just met the "Secretary-General", at least as it concerns your case. It may be the JAB secretariat staff member at a mid-level professional range, since the decision on your case that he or she formulates will (statistically) likely pass all the way through to the UNAT with everybody -- the JAB panel, the Secretary-General's representative, the respondent from the Office of Legal Affairs, and the UNAT itself -- eventually

signing off on it.

As noted above, the topic of a transfer out of your unit deserves special treatment, both because there can be many nasty surprises involved among the alternative choices given to you, and because the grand new UN Secretariat global "mobility" scheme may make the assignment merry-go-round spin at a much faster pace than the old, clogged system of the past. Some of the considerations involved are the following. It should be noted that these problems might also befall someone who is not a "troublemaker" appellant in the internal justice system, but merely someone due for a rotation to a new assignment.

1. Realize that there are, unfortunately, some ambitious and self-obsessed managers in the UN Secretariat who have no interest in their staff as people, but instead concentrate only on the "posts" that their staff occupy. They regard these posts as currency that they can use to work out deals, or curry favor, or reward a friend, offer as bait, use to make themselves feel powerful, or simply play with. Despite the Secretary-General's insistence in 1998 that UN managers' decisions must be justified, documented, and defensible, they have many options to apply rapid "turnover" of "their" posts for their own purposes, and you may be caught in those schemes.

2. If you have a "permanent post" and contract, be very sure when offered another assignment to determine the formal status of the post you would move to. You might well be being offered an acceptable job but on a temporary post, meaning that you have surrendered a great deal of career security. As noted previously, staff have on occasion been switched from core posts to short-term posts without their knowledge, placing their continued employment in jeopardy, in decisions that are unilaterally taken, in isolation and under a cloak of secrecy. If you are an appellant under pressure, your "enforcer" in particular has no desire to carefully explain all options and details to you, and lots of incentives not to do so.

3. Another classic hazard in transfers is the old adage "out of sight, out of mind." You can be offered a tough assignment in a difficult duty station with assurances that a good one will await you on your return. But (a) the manager who made that offer may be long gone when your new distant assignment ends, (b) circumstances always can and do change, and it can easily be

argued that this is the case when you are ready to come back, and (c) there are many eager and influential candidates in the UN for the good jobs, but not many at all for that lousy field job in which you may be being placed.

4. It has never been easy to follow the challenge of some belligerent managers to "transfer yourself", because many UN vacancy announcements have been tailor-made or tied to particular people, particularly at the higher clerical or professional levels from which staff whistle-blowers and appellants are most likely to emerge. (Such movement might become much easier when the new mobility system kicks into high gear.) The standard offer and "motivator" from a manager in this situation is that, if you do find yourself a position she will reward you with a good performance rating, but if you do not you will get a bad one.

5. A fair number of informal transfers can be lateral exchanges of "troublemakers" between units, much like "swap shop" activity to exchange used furniture at a street fair. Such exchanges can provide a fresh start for both people, but because of managerial eagerness to rid themselves of a stubborn problem, they often take place with very little regard to staff careers, well-being, feelings, or suitability for the posts concerned. Two hazards which you might face are that the new assignment may be in a much different specialty field than your own (but the managers will reassure you that "you can learn it quickly", and you should realize that the circumstances indicate that you may simply be switching one difficult manager for another.

6. As mentioned above, a terrible icy shock comes if you suddenly receive an unsolicited letter from "the Administration" stating that you have been "placed on the short list for the post of ... in Nowhereland" and that "we believe that your qualifications are quite appropriate for the post" (especially when you can readily determine that the post description does not match your skills and experience profile at all.) In the past this situation arose either where the Administration became desperate to find someone for an unappealing post, or simply wished to harass you a little ("we thought you would be interested.") If you ever receive such a letter, and the post is indeed a mismatch and extremely unattractive, do respond with a letter carefully but explicitly expressing your reasons why it is bad for you and bad for the Organization to put you there.

7. Finally, there is also a very important "two-step" gambit involving transfers, which may seriously affect even those who do not think they have a conflict with their manager or the

organization. If you have been or are being pushed out of your current unit by a bullying manager, the Administration can figure out where you would least like to go. It then offers you an undesirable, or maybe a relatively acceptable assignment, if they are feeling kind. If you refuse, they offer a second one, but in this case, a very unpleasant one (at least according to your preferences and needs). If you refuse again, summary dismissal is in order, because you are a troublemaker who refused to be responsive to the choices that a generous and conscientious Administration has offered you.

In summary, decisions to speak out all come down to questions of integrity and of your personal, career, and family situation. Some people who initially contemplated protest (and who can) will eventually decide to take the exit alternative of just leaving the unit or the Organization. Others will decide that the costs are too high, and resign themselves to the "loyalty" option of accepting an unpleasant workplace. Still others, however, may be bothered by nagging doubts for the rest of their lives if they do nothing. As you consider this pivotal decision, by all means find the people who can give you good advice at an early stage and along the way. But in the end only you can decide. Exercising your integrity is truly tested when you risk severely negative consequences as a result, but one must also recall the old adage that:

"all that is necessary for the triumph of evil is for good men to do nothing."

IO Watch believes that powerful elements of the old autocratic attitudes of UN management remain embedded in the Secretariat today. They are aided and abetted by the new arrangements for managers, not independent outsiders, to "investigate" and control fraud, waste, and abuse cases. It would also note that the first of the desirable attributes of an international civil servant listed by Mr. C. W. Jenks (who later became head of the ILO) in 1943 -- integrity -- is in fact one of the three paramount considerations in staff matters that is stated in article 101 of the UN Charter. Is it not time for Member States to insist that the fundamental betrayal of the Charter, as shown by abusive managers who operate with impunity and by punished (and therefore "voiceless") whistle-blowers, finally come to an end?