

## DIRECTIVE

# Staff Consultation and Staff Council Working Arrangements

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**DIRECTIVE****Staff Consultation and Staff Council Working Arrangements****Section I: Purpose**

This Directive sets out general provisions relating to staff consultation, the role of the Staff Council and its working arrangements.

**Section II: Definitions and General Provisions**

Except as defined below, the capitalised terms used in this Directive have the meaning given to them in the Glossary of Terms set out in the Directive on General Provisions and Glossary of Terms for the Staff Handbook and the general provisions set out in the Directive on General Provisions and Glossary of Terms for the Staff Handbook shall apply to this Directive.

<b>BAAC</b>	Budget and Administrative Affairs Committee;
<b>CDRPs</b>	Directive on the Conduct and Disciplinary Rules and Procedures, as amended from time to time;
<b>FTE</b>	Full Time Equivalent;
<b>HROD</b>	Human Resources and Organisational Development Department;
<b>MDHROD</b>	Managing Director, Human Resources and Organisational Development;
<b>Protected Activity</b>	Subject to Section IV, paragraph 2(c), has the meaning ascribed to it in the CDRPs;
<b>Retaliation</b>	Subject to Section IV, paragraph 2(c), has the meaning ascribed to it in the CDRPs;
<b>SC Bylaws</b>	The Staff Council bylaws adopted by the Staff Council on 16 February 2007, as amended from time to time;
<b>SC Constitution</b>	The constitution of the European Bank for Reconstruction and Development Staff Council adopted on 30 January 2018, as amended from time to time;
<b>SC Election Rules</b>	The election rules adopted by the Staff Council on 30 January 2018, as amended from time to time;
<b>SC Organisational Documents</b>	The SC Constitution, the SC Bylaws and the SC Election Rules;
<b>Staff Council</b>	The Staff Council of the Bank created consistent with Section 11 of the Staff Regulations;
<b>Staff Council Activity</b>	The activity of an elected Staff Council representative in exercising their mandate pursuant to this Directive, as amended from time to time;
<b>Staff Council Representative</b>	A current elected member of the Staff Council;
<b>Steering Group</b>	A group set up by the Bank's management in relation to any matter referred to in Section 11 of the Staff Regulations, the purpose of which is to review and recommend relevant proposals for submission to the Bank's Executive Committee.

### **Section III: Legal Basis**

The Staff Regulations, Section 11.

### **Section IV: Scope**

#### **1. Staff Council – general**

- (a) Section 11 of the Staff Regulations provides for the right of Staff Members to associate in order to present their views to the President and the Board of Directors through their representatives on matters pertaining to personnel policies, their conditions of service, and the establishment of procedures for the consideration of complaints and grievances of individual persons on the staff of the Bank.
- (b) The Staff Council is a body elected by Staff Members and the SC Organisational Documents provide that it shall foster a sense of common purpose among Staff Members, promote and safeguard the rights, interests and welfare of Staff Members and represent the collective interests of Staff Members as a whole or groups of Staff Members and make representations to the management of the Bank on issues that concern such collective interests of Staff Members as a whole or groups of Staff Members.
- (c) The management of the Bank recognises that the Staff Council has an important role in making representations on issues that concern Staff Members as a whole or groups of Staff Members.
- (d) Further to the provisions of paragraphs 1(b) and 1(c) above, the Staff Council shall not involve itself in formal complaints by individual Staff Members that do not concern the collective interests of Staff Members as a whole or groups of Staff Members.
- (e) The Staff Council and the management of the Bank shall engage in respect of the consultation process set out at paragraph 6 below. In order to facilitate the role of the Staff Council as envisaged under Section 11 of the Staff Regulations, the working arrangements set out at the following paragraphs of this Directive shall be followed.

#### **2. Staff Council – working arrangements – general**

- (a) The Bank's management and the Staff Council commit to a constructive and respectful working relationship in which open dialogue and expression of diverse views is encouraged.
- (b) As a condition for receiving information of a confidential nature from the Bank's management regarding matters covered by this Directive, the Staff Council shall be obliged to respect the secrecy of, and not to divulge, any fact or information of confidential nature brought to their knowledge in the exercise of their duties save when seeking advice from external consultants in relation to their duties as Staff Council. In such instance, the Staff Council shall make appropriate arrangements for any such external consultants to be bound by confidentiality obligations.

- (c) Engagement in Staff Council Activity shall be considered to be a Protected Activity for the purposes of the CDRPs, and accordingly Retaliation because of such engagement is prohibited.

### **3. Staff Council – working arrangements – Staff Council Representatives**

- (a) Subject to the below provisions, Staff Council Representatives shall be afforded the time needed to carry out their duties as staff representatives, including but not limited for their own internal meetings or those held with Bank management. The time devoted to fulfilling their duties as Staff Council Representatives, including whilst travelling on Staff Council business, shall be deemed working time, and shall fall within the following overall limits (to be assessed and reviewed from time to time by the Bank’s management in collaboration with the Staff Council):
  - i. Chair: Between 40% and 50% of their FTE role;
  - ii. Vice-Chairs: Between 30% and 40% of their FTE role;
  - iii. Remaining Staff Council Representatives: Up to 25% of their FTE role.
- (b) The time allocation referred to in paragraph 3(a) above shall be acknowledged and accommodated by the line manager of each Staff Council Representative and shall be taken into account in the setting of annual objectives. Any decisions regarding salary increases, performance ratings and/or performance-based compensation for Staff Council Representatives shall not be impacted by the consequent reduced time that they spend carrying out their regular non-Staff Council employment activity as Bank Staff Members.<sup>1</sup>
- (c) The Bank’s management shall collaborate with the line managers of Staff Council Representatives in relation to the accommodation of the time allocation referred to at paragraph 3(a) above. An assessment shall be made by the Bank’s management, on a case-by-case basis and in collaboration with such line managers, as to whether any of the line managers may require additional resources, in light of the time allocations referred to in paragraph 3(a) above.

### **4. Staff Council – working arrangements – facilities and resources**

- (a) Subject to paragraph 2(b) above, Staff Council Representatives shall be entitled to reasonable use of the Bank’s facilities to disseminate to Staff Members as a whole or groups of Staff Members any communication (including but not limited to emails and intranet posts and articles) connected with the performance of their duties. Staff Council Representatives shall be entitled to consult all or any group of Staff Members, in writing or by convening a meeting.

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<sup>1</sup> By way of example, in the event that a Staff Council Representative spends 25% of their FTE role undertaking their Staff Council role and 75% of their FTE role undertaking their non-Staff Council role: (i) their annual objectives shall be adjusted to take into account the reduced amount of time spent on their regular non-Staff Council employment activity; and (ii) decisions regarding salary increases, performance ratings and/or performance based compensation will be based entirely on the time spent on the regular non-Staff Council employment activity (with no impact or reduction in relation to the time spent on the Staff Council role).

- (b) The Staff Council may prepare communications for distribution to Staff Members as a whole pursuant to paragraphs 4(a) above and/or 7(j) below, subject to any confidentiality restrictions.
- (c) The Staff Council shall receive reasonable resources to enable it to carry out its mandate (as set out in this Directive), including a permanent resource responsible for administrative management of all aspects of Staff Council activities, with the requisite facilities and equipment.
- (d) Any additional resource (for example in the form of a secondee position, or short-term contract position), reasonably required by the Staff Council shall be agreed upon between the Staff Council and the Bank's management each year following the Staff Council elections.
- (e) Management will provide reasonable resources to enable Staff Council Representatives to identify and attend where practicable training courses relevant to their Staff Council role.

#### **5. Staff Council – working arrangements – financial resources**

- (a) The Staff Council shall be accorded an annual budget taking into account the expenses incurred in the performance of its role. This includes (inter alia) the selection of external consultants (including external legal counsel) to obtain independent advice to enable it to address staff issues adequately, travel costs, training, hospitality, and support to the Bank's clubs, societies and sporting and social events. The budget shall take into account the composition of Staff Council to allow for adequate and reasonable travel in relation to (inter alia): (i) annual visits by Staff Council Representatives from any of the Bank's Resident Offices to the London Headquarters; (ii) annual visits by Staff Council to Resident Offices; and (iii) attendance at Staff Association meetings of International Organisations.
- (b) The amount of this budget and the manner of its administration shall be reviewed annually as part of the Bank's general budgetary procedure and adjusted as warranted and agreed by the Bank's management. In addition, the Staff Council may make specific requests for additional ad-hoc budgetary contributions to fund advice for and/or representation of any particularly critical unforeseen matters which affect the Staff Members of the Bank.

#### **6. Staff Council – working arrangements – consultation**

- (a) The Staff Council may make representations concerning all matters set out in Section 11 of the Staff Regulations for consideration by the management of the Bank, via the MDHROD. Personnel policies and conditions of service (as referred to in Section 11 of the Staff Regulations) include, inter alia, the following matters: (i) salaries and benefits; (ii) occupational health and safety; (iii) career development; (iv) matters concerning the general welfare of Staff Members and their families; (v) social and cultural activities at the Bank; and (vi) any material changes in the organisational structure of the Bank.
- (b) Through the process set out in this paragraph 6, the Bank's management shall inform and consult with the Staff Council regarding the matters referred to in Section 11 of the Staff

Regulations, when preparing relevant proposals in respect of the adoption of new policies, directives or procedures or changes in existing policies, directives or procedures for consideration by the Bank's Executive Committee.

- (c) The aim of the consultation under this paragraph 6 is, inter alia, to strive to achieve consensus on a particular issue. The ultimate decision on policies, directives and procedures shall be taken by the management of the Bank on the basis of what it considers to be in the best interests of the Bank.
- (d) The Staff Council shall be provided with an opportunity to be represented in Steering Groups convened by the Bank with respect to the matters referred to in Section 11 of the Staff Regulations.
- (e) The views of the Staff Council shall be considered within the relevant Steering Group and the Staff Council shall be provided with a reasonable opportunity to provide its comments in the course of the working discussions of the Steering Group.
- (f) In April each year, the Bank's management shall, as far as is reasonably practicable inform the Staff Council of those matters covered by Section 11 of the Staff Regulations which it is intending will form part of its work plan for the following 12 months, together with the estimated timetable in respect of such matters.
- (g) Prior to any submission by the Bank's management to the Bank's Executive Committee concerning matters covered by Section 11 of the Staff Regulations, the Staff Council shall be given 10 working days to provide to the MDHROD any formal comments in writing on the relevant submission. The Bank's management may shorten such 10 working day period either: (i) in exceptional circumstances (subject to prior discussion with the Staff Council Chair or (in their absence) one of the Vice-Chairs); or (ii) if agreed by the Staff Council.
- (h) The ultimate decision on the content of any submission concerning matters covered by Section 11 of the Staff Regulations to the Bank's Executive Committee shall be taken by the relevant Bank management lead in respect of the submission on the basis of what they consider to be in the best interests of the Bank. Any formal submissions received from the Staff Council pursuant to paragraph 6(g) above, shall be annexed to the relevant final submission to the Bank's Executive Committee.
- (i) The Staff Council may request attendance at a meeting of the Bank's Executive Committee at which submissions from the Bank's management in respect of matters covered by Section 11 of the Staff Regulations are being considered, following the consultation with the Staff Council pursuant to this paragraph 6. Any such request shall be considered by the President and shall not be unreasonably refused. Where the Staff Council are permitted to attend meetings of the Bank's Executive Committee, such attendance shall be for the purposes of presenting its views, commenting on any presentation by the Bank's management and addressing questions from members of the Executive Committee. Attendance by the Staff Council shall not be permitted for the part of any Executive Committee meeting during which its members wish to engage in internal discussion regarding the matters presented to them.

- (j) After the Executive Committee has considered a matter as referred to in paragraph 6(b) above, the Executive Committee, normally via the representatives of the HROD, shall provide the Staff Council with written and verbal feedback in respect of the final decision it takes. Such written feedback shall include a summary of the Executive Committee's reasoning behind its final decision (including a summary of why such decision may not have accorded with the Staff Council's representations (if applicable)) but shall not disclose any positions or views expressed by individual Executive Committee members.
- (k) As part of the consultation process under this paragraph 6, the Staff Council shall be entitled to receive (subject to paragraph 2(b) above) relevant information in respect of matters covered by Section 11 of the Staff Regulations that is relied upon by: (i) the relevant Steering Group in which the Staff Council is participating; and/or (ii) by the Bank's management, in all cases to support any relevant submission made to the Bank's Executive Committee pursuant to paragraph 6(g) above. The Staff Council shall also be entitled to make ad hoc requests for information concerning matters covered by Section 11 of the Staff Regulations that it may reasonably require in order to exercise its mandate under this Directive. Any such request shall be made to the Director, HR Operations, Data & Analytic and the relevant Director level Staff Member who is responsible for the information requested and shall not be unreasonably refused. Information provided pursuant to this paragraph 6(k) shall be sent to the relevant Staff Council Representative within 5 working days of the request being made (or such longer period as may be required, depending on the nature and complexity of the information sought).<sup>2</sup>

## **7. Staff Council – working arrangements – meetings**

### **General**

- (a) Meetings between Bank management and the Staff Council may take one of the following two forms:
  - i. Regular meetings;
  - ii. Ad hoc meetings.
- (b) These meetings shall normally be held with representatives of the HROD and/or the Bank's management.
- (c) If both the Bank's management and the Staff Council agree, outside consultants may, as an exception, attend these meetings, subject to such consultants agreeing to applicable conditions regarding confidentiality of information.

### **Regular meetings**

- (d) Meeting between the Staff Council and the MDHROD shall generally be held once a month.
- (e) The Staff Council shall have the opportunity at least twice a year to meet with, the President and, where applicable, MDHROD and members of the Executive Committee

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<sup>2</sup> Information provided under this paragraph may also be redacted in accordance with the data protection obligations of the Bank.

or others as decided by the President, on the matters pertaining to the work of the Staff Council.

- (f) With respect to matters covered by Section 11 of the Staff Regulations that fall within the competency of the Board of Directors, the Staff Council may meet with the representatives of the Board of Directors when necessary for the fulfilment of their duties as Staff Council Representatives.
- (g) Further, the Staff Council shall have the opportunity to deliver presentations to and exchange views with the BAAC with respect to matters covered by Section 11 of the Staff Regulations, according to the BAAC's Terms of Reference, as amended from time to time.

**Meeting agendas and outcomes**

- (h) With regards to the meetings with the MDHROD an agenda for the meeting shall be discussed and agreed by the Staff Council and the MDHROD in advance of such meeting. Following the meetings, the relevant participants in those meetings shall draw up an agreed list of action points. Actions agreed at the meeting) shall be followed up accordingly.
- (i) With regards to the meetings with the President, an agenda for the meeting shall be proposed by the Staff Council for the consideration of the President.
- (j) The Staff Council may prepare communications regarding the outcomes of the meetings referred to under paragraphs 7(e), (f) and (g) for distribution jointly to all Staff Members, in accordance with the provisions of paragraph 4(b) above.

**Ad Hoc meetings**

- (k) Should the need arise, the Bank's management or the Staff Council may request ad hoc meetings for an exchange of views on a matter of importance or urgency.

**8. Staff Council – working arrangements – review of implementation**

The MDHROD and the Staff Council shall discuss the implementation of the provisions of this Directive at least twice a year and the Staff Council may choose to discuss such implementation during their meetings with the President, pursuant to paragraph 7(e) above.

**Section V: Waivers, Exceptions and Disclosure**

**Waivers**

The President may grant a deviation from a requirement of this Directive.

**Exceptions**

Not applicable.

**Disclosure**

This Directive shall be disclosed on the Bank's website.

**Section VI: Transitional Provisions**

Not applicable.

**Section VII: Effective Date**

The Directive is effective on 6 July 2021.

**Section VIII: Decision Making Framework**

**Accountable**

The President is accountable for this Directive.

**Responsible**

The Managing Director, Human Resources and Organisational Development is responsible for the implementation of this Directive.

**Section IX: Review and Reporting**

**Review**

Not applicable.

**Reporting**

Not applicable.

**Section X: Related Documents**

Staff Regulations