

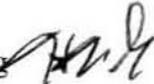


United States Department of State
and the Broadcasting Board of Governors

Inspector General

MEMORANDUM

TO: DGHR – Harry K. Thomas, Jr.
S/OCR – John M. Robinson

FROM: OIG – Harold W. Geisel, Acting 

SUBJECT: Equal Employment Opportunity for Foreign National Employees
(ISP-I-09-13)

NOV 21 2008

In FY 1997, the Inspector General (IG) issued a memorandum report addressed to the Director General, Human Resources; the Legal Adviser; and the Director, Office of Equal Employment Opportunity and Civil Rights, advising that during recent inspections of posts, inspectors found limited application of Equal Employment Opportunity (EEO) law, policy, and regulations to foreign national employees to be a recurring issue. The IG recommended that the Department engage immediately in a review of the legal, policy, and administrative issues involved in providing greater EEO protection to its foreign national staff. A second memorandum "Improvements Needed in EEO Programs Overseas," dated November 19, 2004 (ISP/I-04-33), was sent to the Director, Office of Civil Rights and the Director General. This memorandum recommended that the Office of Civil Rights should take steps to ensure that all overseas missions are aware of the necessity and importance of the Department's EEO program; that all employees are aware of the responsibilities and protections available to all employees; and that the Department should emphasize the application of EEO principles to LE staff more prominently in its training not only to outgoing embassy leadership, but also to lower echelons. The Department agreed.

Secretaries Albright, Powell, and Rice have issued Statements on Equal Employment Opportunity and Diversity endorsing greater EEO protections for the foreign national staff. Inspectors, however, continue to find that little has been done to implement EEO protections that could be made available to national employees. Verbal abuse along with cultural insensitivity on the part of officers and a lack of implementing procedures and education continue to occur.

OIG's inspection of Embassy Dushanbe, Tajikistan (ISP-I-08-18A), conducted in October 2007, reported that there had been several EEO training sessions conducted, but embassy leadership needed to put more emphasis on cross-cultural relations within the embassy community. The OIG team received accounts of LE staff at all levels being subjected to insensitive behavior, and some expressed concern about a prevalent lack of respect within the embassy community. To its credit, embassy management had curtailed one of the more egregious violators for both behavioral and other issues.

The OIG team that inspected Embassy Tbilisi, Georgia (ISP-I-07-42A), in May and June 2007 heard of incidents where American personnel used the comment “dumb foreigners.” When the EEO counselor was informed of one particular incident, she immediately counseled the parties concerned. Embassy officials reported other incidents where they personally witnessed individuals being treated poorly. One official said that some local employees may have been loath to report such incidents because of a perception that the American’s version of the situation would always prevail.

In Tbilisi, the OIG team also received numerous reports that an environment of distrust existed in some offices and that many local employees did not complete the OIG management questionnaires because of distrust in its confidentiality and for fear of retribution. Out of 540 local employees, only 29 completed the questionnaire. The OIG team also received isolated reports about American supervisors taking advantage of LE subordinates by requiring them to perform tasks during the work day that were not job-related but were personal errands. The management officer, who had arrived about a year before the OIG inspection, had improved the dialogue about these issues with LE staff and the committee that represented them, but much remained to be done.

During the inspection of Embassy Managua, Nicaragua (ISP-I-08-54A) in May 2008, embassy personnel told the OIG team that they had witnessed or been the recipients of verbal abuse and harassment due to cultural insensitivity and inattention to EEO principles on the part of some American officers. Public or semipublic displays of ill temper had been all too frequent. In addition, the LE staff handbook was out of date, and policies and procedures for EEO and the grievance process as they pertain to LE staff were incomplete.

In Managua, the EEO program, particularly as it pertained to LE staff, needed considerable strengthening. Although the embassy did take appropriate corrective action in one case in 2007,

The Department's policy governing mandatory EEO/Diversity Awareness training is outlined in 13 FAM 312 for Civil Service and Foreign Service employees. There is no systematic training plan for national employees to explain their duties, rights, and the rules of proper behavior. Actual guidance for implementing EEO programs for national employees is minimal at best. There is a comment in the HR/OE Local Employment Policy: "Policy Statement and Legal Authority," as well as 3 FAM 1511.1 a. and 3 FAH-2 H-312 b. (8)(c) that tells HR officers that they should "develop and implement an effective employee-management program by...assuring active support of equal employment opportunity programs."

More needs to be done to address what is clearly a leadership issue in missions to ensure that national employees are treated properly and fairly.

Recommendation 1: The Bureau of Human Resources, in coordination with the Office of Civil Rights, should establish a task force including representatives of the Office of Civil Rights, the Office of Overseas Employment, and the Foreign Service Institute to develop, codify, and promulgate processes and procedures to provide Equal Employment Opportunity protection to the foreign national staff. (Action: DGHR, in coordination with S/OCR)

COMPLIANCE INFORMATION SHEET

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Response Due Date:
30 days from receipt of this report

PRODUCT NAME: EQUAL EMPLOYMENT OPPORTUNITY FOR FOREIGN NATIONAL EMPLOYEES, ISP-I-09-13

Action Entity:
DGHR

Recommendation(s):
1

Participating Entity:
S/OCR

Recommendation(s):
1