



COUNCIL
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Agenda item 5(a)

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20 April 2009
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RESOURCE MANAGEMENT

(a) Personnel matters, including amendments to the Staff Regulations and Staff Rules

Note by the Secretary-General

SUMMARY

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| <i>Executive summary:</i> | This document reports on amendments to the Staff Rules recently decided by the Secretary-General |
| <i>Strategic direction:</i> | 4 |
| <i>High-level action:</i> | 4.1.1 and 4.3.1 |
| <i>Planned output:</i> | Not applicable |
| <i>Action to be taken:</i> | Paragraph 4 |
| <i>Related documents:</i> | None |

Amendments to the Staff Rules

1 In accordance with staff regulation 12.2, this document reports to the Council on a number of amendments to the Staff Rules made by the Secretary-General in 2009, in order to bring them up to date and to implement evolving staff requirements at IMO as well as new developments in the UN common system.

2 The principal rules enacted deal with the following subjects:

- introduction of a code of core values for observance by staff members reflecting current rights, obligations and standards of conduct of international civil servants throughout the UN system, as promulgated by the International Civil Service Commission (ICSC);
- provisions relating to enforcement of the IMO policy on prohibition of discrimination or harassment and other unacceptable conduct or practices in the workplace, and the IMO policy on the prevention and detection of fraud;
- regulation of outside activities, conflicts of interest, membership of political parties and political activities;

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- application of the UN Inter-Agency Mobility Accord to transfer staff members to other agencies;
- new criteria for enhancing work performance;
- compensatory leave for overtime for Professional staff;
- classification of Professional and General Service posts; and
- a new comprehensive regime for dealing with disciplinary matters, consistent with current judicial principles, while balancing just procedures for staff with the needs of the Organization.

3 The text of the said amendments is set forth at annex 1, together with an explanation of the changes, apart from those of an editorial nature. Some of the new Rules require additional appendices to the Staff Rules, which are shown at annex 2.

Action requested of the Council

4 The Council is invited to note the amendments to the Staff Rules set forth at annex 1 and the new appendices to the Staff Rules, as shown at annex 2. The text of these appendices will be developed in due course.

ANNEX 1

| STAFF RULES | REVISED STAFF RULES | RATIONALE (Source) |
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| <p>Rule 101.2 Renumbered as 101.3</p> <p>HOURS OF WORK</p> | <p>New Rule 101.2</p> <p>STAFF MEMBER OBLIGATIONS AND ACTS OF MISCONDUCT</p> <p>(a) Staff members shall comply with his or her obligations under the Convention on the International Maritime Organization, the Staff Regulations and Staff Rules, the Financial Regulations and Rules and the terms and conditions of his or her appointment. In applying this rule, account shall be taken of all administrative memoranda, directives and policy guidelines and of the Standards of Conduct for the International Civil Service, promulgated by the International Civil Service Commission, as applicable from time to time.</p> <p>(b) Disciplinary measures and procedures set out in Article X of the staff regulations and staff rules 110.1 to 110.4 may be instituted against a staff member who commits an act of misconduct or fails to comply with his or her obligations under this rule.</p> <p>(c) Staff members shall follow the directions and instructions properly issued by the Secretary-General and their supervisors.</p> <p>(d) Staff members must comply with local laws and honour their private legal obligations, including, but not limited to, the obligation to honour orders of competent courts.</p> <p>(e) Any form of discrimination or harassment, including sexual or gender harassment, as well as physical or verbal abuse at the workplace or in connection with work, is prohibited, in accordance with the IMO Policy and Procedures on the Right</p> | <p><i>(UN rules 101.2 and 101.3 and existing IMO rules 101.6 and 101.7)</i></p> <p>This new rule is based on new UN Rules, and introduces a code of core values for observance by IMO staff members, based on current rights, obligations and standards of conduct for international civil servants throughout the UN system, as set down by the International Civil Service Commission (ICSC). In so doing it updates and gives effect in greater detail to principles set forth in IMO Staff Regulations, Article 1 (“Duties, Obligations and Privileges”).</p> <p>In particular, the new rule deals with fraudulent behaviour, harassment, discrimination, conflicts of interest; and political and other outside activities.</p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| | <p>to Work in a Harassment Free Environment, which is attached in appendix E and will be considered to be an act of serious misconduct under this rule.</p> <p>(f) Failure by a staff member to comply with the IMO Policy and Procedures on the Prevention and Detection of Fraud, which is attached in appendix F, will be considered to be an act of serious misconduct under this rule.</p> <p>(g) Misuse of funds, abuse of trust or mismanagement will be considered acts of serious misconduct under this rule.</p> <p>(h) Staff members shall not intentionally misrepresent their functions, official title or the nature of their duties to Member States or to any entities or persons external to the Organization.</p> <p>(i) Staff members shall not intentionally appropriate for personal use, alter, destroy, misplace or render useless any official document, record or file entrusted to them by virtue of their functions, which document, record or file is intended to be kept as part of the records of the Organization.</p> <p>(j) Staff members shall not seek to influence Member States, principal or subsidiary organs of the Organization or expert groups in order to obtain a change from a position or decision taken by the Secretary-General, including decisions relating to the financing of Secretariat programmes or units, or in order to secure support for improving their personal situation or the personal situation of other staff members or for blocking or reversing unfavourable decisions regarding their status or their colleagues' status.</p> | |

| STAFF RULES | REVISED STAFF RULES | RATIONALE (Source) |
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| | <p>(k) Staff members shall neither offer nor promise any favour, gift, remuneration or any other personal benefit to another staff member or to any third party with a view to causing him or her to perform, fail to perform or delay the performance of any official act. Similarly, staff members shall neither seek nor accept any favour, gift, remuneration or any other personal benefit from another staff member or from any third party in exchange for performing, failing to perform or delaying the performance of any official act.</p> <p>(l) Staff members shall not unduly interfere or seek to interfere in the proper establishment or the functioning of the joint bodies established under articles X and XI of the Staff Regulations to advise the Secretary-General on disciplinary matters or on appeals by staff members against an administrative decision. Similarly, staff members shall not unduly influence or attempt to influence any individual participating in the process in the exercise of his or her functions. Nor shall any staff member threaten, retaliate or attempt to retaliate against such individuals or against staff members exercising their right to appeal against administrative decisions.</p> <p><i>Representative Activities</i></p> <p>(m) Staff members, as part of their official activities, will be expected from time to time to attend governmental or other functions, conferences and events associated with IMO's activities. Such attendance is not considered receipt of a favour, gift or remuneration within the meaning of the Staff Regulations and Staff Rules.</p> | |

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| | <p><i>Conflict of interest and outside activities</i></p> <p>(n) A staff member, who has occasion to deal in his or her official capacity with any matter involving a profit-making, business or other concern in which he or she holds a financial interest, directly or indirectly, shall disclose the measure of that interest to the Secretary-General and, except as otherwise authorized by the Secretary-General, either dispose of that financial interest or formally excuse himself or herself from participating with regard to any involvement in that matter which gives rise to the conflict of interest situation.</p> <p>(o) No staff member may be actively associated with the management of, or hold a financial interest in, any business concern if it were possible for the staff member to benefit from such association or financial interest by reason of his or her official position with IMO.</p> <p>(p) The mere holding of shares in a company shall not constitute a financial interest within the meaning of this rule unless such holding constitutes a substantial control.</p> <p>(q) Staff members shall not engage in any continuous or recurring outside occupation or employment without the prior approval of the Secretary-General, who shall establish procedures whereby staff may seek in confidence clarification as to whether proposed outside activities would conflict with their status as international civil servants.</p> | |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| | <p>(r) The Secretary-General may establish procedures for the filing and utilization of financial disclosure statements as set forth in appendix G.</p> <p>(s) Staff members shall not, except in the normal course of official duties or with the prior approval of the Secretary-General, engage in any of the following acts, if such act relates to the purpose, activities or interests of IMO:</p> <ul style="list-style-type: none">(i) Issue statements to the press, radio or other agencies of public information;(ii) Accept speaking engagements;(iii) Take part in films, theatre, radio or television productions;(iv) Submit articles, books or other material for publication. <p><i>Membership of Political Parties and Political Activities</i></p> <p>(t) Membership of a political party is permitted, provided that such membership does not entail action, or an obligation to take action, by the staff member contrary to staff regulation 1.7. The payment of normal financial contributions to a political party shall not be construed as an activity inconsistent with the principles set out in staff regulation 1.7.</p> | <p><i>(UN rule 101.2)</i></p> <p><i>(Existing rule 101.7)</i></p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| <p style="text-align: center;">Rule 101.2 Renumbered as 101.3</p> <p style="text-align: center;">HOURS OF WORK</p> <p>(a) Normal working hours shall be from 9 a.m. to 5.30 p.m. Monday through Friday, with an interruption of one hour for lunch. Exceptions may be made by the Secretary-General as the needs of the service may require.</p> <p>(b) Staff members shall be required to work beyond the normal tour of duty whenever requested to do so.</p> | <p style="text-align: center;">Revised Rule 101.3</p> <p style="text-align: center;">HOURS OF WORK <i>(New proposal)</i></p> <p>(a) The normal working hours for full-time staff members shall be from 9 a.m. to 5.30 p.m. Monday through Friday, with an interruption of one hour for lunch. The normal working hours may be varied by the Secretary-General as the needs of the service may require.</p> <p>(b) All staff members shall be required to work beyond their normal working hours whenever requested to do so.</p> | <p>This clarifies the meaning of normal working time for the purpose of determining when overtime applies.</p> |
| <p style="text-align: center;">Rule 101.3 Renumbered as 101.4</p> <p style="text-align: center;">OFFICIAL HOLIDAYS</p> | <p style="text-align: center;">Rule 101.4</p> <p style="text-align: center;">OFFICIAL HOLIDAYS</p> | |
| <p style="text-align: center;">Rule 101.4 Renumbered as 101.5</p> <p style="text-align: center;">CHANGE OF OFFICIAL DUTY STATION</p> | <p style="text-align: center;">Rule 101.5</p> <p style="text-align: center;">CHANGE OF OFFICIAL DUTY STATION</p> | |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| <p style="text-align: center;">Rule 101.5 Renumbered as 101.6</p> <p style="text-align: center;">INTER-AGENCY LOANS AND SECONDMENTS</p> <p>The Secretary-General may loan or second the services of a staff member for a specified period to the United Nations, a specialized agency or other intergovernmental organization, provided such loan or secondment in no way diminishes the right or entitlements of the staff member under his or her letter of appointment to IMO.</p> | <p style="text-align: center;">Revised Rule 101.6</p> <p style="text-align: center;">INTER-AGENCY MOBILITY</p> <p>The Secretary-General may approve the transfer, or inter-organization exchange of the services of a staff member for a specified period to the United Nations, a specialized agency or other intergovernmental organization, with the staff member's consent, provided the terms and conditions of such transfer or inter-organization exchange are in no way inferior to the rights or entitlements of the staff member under his or her letter of appointment to IMO. The Inter-Agency Mobility Accord of Chief Executives Board of the United Nations system for Coordination, shall apply to such transfer or inter-organization exchange.</p> | <p style="text-align: center;"><i>(United Nations Inter-Agency Mobility Accord)</i></p> <p>Amended for consistency with the terminology of the UN Inter-Agency Mobility Accord, and making provision for staff members to consent to a transfer or inter-organization exchange.</p> |
| <p style="text-align: center;">Rule 101.6</p> <p style="text-align: center;">OUTSIDE ACTIVITIES AND INTERESTS</p> <p>Moved under new rule 101.2.</p> | | |
| <p style="text-align: center;">Rule 101.7</p> <p style="text-align: center;">MEMBERSHIP IN POLITICAL PARTIES AND POLITICAL ACTIVITIES</p> <p>Moved under new rule 101.2 as paragraph (t).</p> | <p style="text-align: center;">New Rule 101. 7</p> <p style="text-align: center;">PERFORMANCE OF STAFF</p> <p>(a) Staff members are required to uphold the highest standards of efficiency, competence and integrity in the discharge of their functions. Their performance will be appraised periodically to ensure that the required standards of performance are met.</p> | <p><i>(UN staff regulation 1.3 and UN staff rule 101.3)</i></p> <p>Aims to achieve high working standards, and maintain performance appraisal and development programmes, taking into account current UN practice and IMO internal guidelines.</p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| | <p>(b) The Secretary-General shall seek to ensure that the paramount consideration in the determination of the conditions of service shall be to achieve the standards set forth in subparagraph (a).</p> <p>(c) Performance reports shall be prepared regularly for all staff members in accordance with the Organization guidelines on performance appraisal.</p> <p>(d) Appropriate learning and development programmes shall be made available.</p> | |
| <p style="text-align: center;">Rule 102.1</p> <p style="text-align: center;">PROCEDURES FOR CLASSIFICATION OF PROFESSIONAL POSTS</p> <p>Professional posts shall be classified in accordance with the methodology promulgated by the International Civil Service Commission and with procedures established by the Secretary-General.</p> <p style="text-align: center;">Rule 102.2</p> <p style="text-align: center;">PROCEDURES FOR CLASSIFICATION OF GENERAL SERVICE POSTS</p> <p><i>Classification of established posts</i></p> <p>(a) Established posts shall be reviewed for classification purposes only if:</p> | <p style="text-align: center;">Revised Rule 102.1</p> <p style="text-align: center;">PROCEDURES FOR CLASSIFICATION OF POSTS</p> <p>Professional and General Service posts shall be classified in accordance with the methodology promulgated by the International Civil Service Commission and with procedures established by the Secretary-General.</p> <p>Classification of established posts</p> <p>(a) to (g) No change.</p> <p>Classification of new posts</p> <p>(h) No change.</p> <p>Evaluation system</p> <p>(i) No change.</p> | <p style="text-align: center;"><i>(Rules 102.1 and 102.2 have been merged)</i></p> <p>Merges into a single rule, procedures for classifying both Professional and General Service posts, in accordance with the ICSC methodology.</p> |

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| <p>(i) there is supporting evidence that the duties and responsibilities attached to a post have changed significantly since the current grading level was established; and</p> <p>(ii) the change in duties and responsibilities has been sustained for at least six months and is expected to be of a lasting nature.</p> <p>(b) A review of an established post may be requested by the Director of the Division to which the post belongs, by the supervisor or by the incumbent, not earlier than six months after the change of duties and responsibilities referred to in (a) above has taken place.</p> <p>(c) Requests for review shall be made in accordance with procedures established by the Secretary-General.</p> <p>(d) The duties and responsibilities attached to a post under review shall be evaluated by a Classification Committee comprising an independent job classification expert (from a panel of three experts chosen in consultation with the Staff Committee), the Head, Human Resources Services or his or her alternate and a representative nominated by the Staff Committee or his or her alternate for a period of two years. The Classification Committee will normally meet twice a year and will</p> | | |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| <p>submit its recommendations to the Secretary-General.</p> <p>(e) The Secretary-General’s decision, which shall be final, will be communicated to the Director concerned, the supervisor and the incumbent. The effective date of the reclassification of a post, which will normally be the first of the month following receipt in Human Resources Services of the request for reclassification, will be included in this communication.</p> <p>(f) In the case of a post being upgraded, a recommendation regarding promotion of the present incumbent will be sought from the Division or Office concerned. If promotion is approved by the Secretary-General, the effective date will normally be the date of reclassification of the post.</p> <p>(g) In the case of a post being downgraded, the incumbent will retain the grade already held, on the basis of “present incumbent only” in that post. If and when the post subsequently falls vacant, it will be filled at the new, lower grade.</p> <p><i>Classification of new posts</i></p> <p>(h) Any proposed new post or vacant post in which there has been a substantial change of duties shall be described in a job description questionnaire which shall be completed by the</p> | | |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| <p>responsible supervisor and approved by the Director of the Division concerned. The duties and responsibilities attached to the proposed post shall be evaluated by the Human Resources Services.</p> <p><i>Evaluation system</i></p> <p>(i) The duties and responsibilities attached to posts shall be evaluated according to the system established by the Secretary-General. The relationships between posts shall be analysed on the basis of the various factors in the system, and the grade of each post shall be determined according to the level at which it fits into the overall structure.</p> | | |
| <p style="text-align: center;">Rule 103.1</p> <p style="text-align: center;">SALARY SCALES</p> <p>(a) The gross salary scales for the General Service category shall be those specified in appendix A to these Rules. A staff assessment shall be applied to the gross salary scales at the rates specified in appendix B to the Rules. The amount remaining after deduction of the assessment shall be the net salary specified in appendix A to these Rules and shall be the amount payable to the staff member.</p> | <p style="text-align: center;">Revised Rule 103.1</p> <p style="text-align: center;">SALARIES AND ALLOWANCES</p> <p>Salaries</p> <p>(a) The gross and net salaries for the Professional and higher categories shall be those specified in table 1 of annex 1. A staff assessment shall be applied to the gross salary scales at the rates specified in table 2 of annex 1 to determine the net salary. The amount remaining after deduction of the assessment shall be the net salary specified in table 1 of annex 1, and shall be the amount payable to the staff member.</p> | <p><i>(Annex 1, paragraph 3(a), of IMO Staff Regulations and Staff Rules)</i></p> <p>This is a single, expanded rule dealing with salaries, post adjustments and salary increments in one place, and taking into account recent practice in the UN system. It does not replace the annexes to the Staff Rules, but for convenience, it refers to some of the provisions set out in those annexes.</p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| <p>(b) Except where otherwise provided in these Rules, “salary” shall mean the net salary arrived at under (a) above.</p> <p>(c) Staff assessment shall be applied to language allowances.</p> <p>(d) No staff assessment shall be applied to dependency benefits or non-resident's allowances.</p> | <p>(b) The gross salary scales for the General Service category shall be those specified in appendix A to these Rules. A staff assessment shall be applied to the gross salary scales at the rates specified in appendix B to the Rules. The amount remaining after deduction of the assessment shall be the net salary specified in appendix A to these Rules and shall be the amount payable to the staff member.</p> <p>(c) Except where otherwise provided in these Rules, “salary” shall mean the net salary arrived at under (a) and (b) above.</p> <p>(d) Staff assessment shall be applied to language allowances.</p> <p>(e) No staff assessment shall be applied to dependency benefits or non-resident’s allowances for staff in the General Service category.</p> <p>(f) No staff assessment shall be applied to dependency benefits or post adjustment for staff in the Professional category.</p> <p>Post adjustment</p> <p>(g) Post adjustments under annex 1, paragraph 8, to the Staff Regulations shall be applied in accordance with paragraph (h) below in the case of staff members in the Professional and higher categories.</p> | <p><i>(Annex 1, paragraph 3(c), of IMO Staff Regulations and Staff Rules)</i></p> <p><i>(UN rule 103.7 paragraphs (a) and (b))</i></p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| | <p>(h) (i) The amount of post adjustment of each level and step of the Professional and higher categories shall be determined for each duty station by applying the multiplier of the post adjustment classification for the duty station to 1 per cent of the corresponding net base salary rates;</p> <p>(ii) A staff member who is entitled to salary at the dependency rate shall be paid post adjustment calculated on the basis of such salary regardless of where the dependants reside.</p> <p>Salary Increments</p> <p>(i) For the award of periodical salary increments, and unless the Secretary-General decides otherwise in a specific instance, satisfactory service shall be defined as satisfactory performance and conduct of staff members in the posts to which they have been assigned, as contained in their performance reports prepared pursuant to staff rule 101.7.</p> <p>(j) Periodical salary increments shall be effective as from the first day of the month in which the staff member has completed the required period of service, subject to the application of rule 103.5 when the staff member is promoted. A staff member who resumes his duties after a period of leave without pay shall be entitled to a salary increment only as from the first day of the month in respect of which his or her name again appears on the payroll.</p> | <p><i>(WIPO rule 3.4.1(a)-(c), and ICAO rule 103.2, paragraphs (4) and (5))</i></p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| | <p>(k) When a staff member whose service has been satisfactory is moved to a post at a lower grade, the date on which the entitlement to the next periodical salary increment shall be determined taking into account the period of service completed since the last increment. When a staff member whose service has not been satisfactory is moved to a post with a lower grade, the entitlement to a periodical salary increment shall only be made if his service in the latter post is satisfactory.</p> <p>(l) When a salary increment has been withheld, a review will be made after six months have elapsed, on the basis of a written report by the staff member's supervisor or supervisors. If this report recommends that the increment should continue to be withheld, a copy thereof shall be furnished to the staff member who may make representations to the Secretary-General within a specified time. The Secretary-General shall decide whether to grant or continue to withhold the increment, subject to further review after another six months has elapsed.</p> | |

| STAFF RULES | REVISED STAFF RULES | RATIONALE (Source) |
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| <p style="text-align: center;">Rule 103.7</p> <p>OVERTIME AND COMPENSATORY TIME OFF</p> <p>(a) Staff members in the General Service category who are required to work in excess of the working week established for this purpose, shall be given compensatory time off, or may receive additional payment, under the conditions set forth in appendix C to these Rules.</p> <p>(b) Should the exigencies of the service permit, and subject to the prior approval of the Secretary-General, occasional compensatory time off may be granted to staff members in the Professional category who have been required to work substantial or recurrent periods of overtime.</p> | <p style="text-align: center;">Revised Rule 103.7</p> <p>OVERTIME AND COMPENSATORY TIME OFF</p> <p><i>All staff members – general principles</i></p> <p>(a) As a general principle, it is recognized that the normal working hours established in rule 101.3 (a) should be observed, and that overtime should not be required. However, attendance beyond the normal working hours may be required during periods of peak activity. In that event, additional payment or compensatory time off shall be given, in accordance to this rule, to staff members for all hours worked in excess of the normal working hours, provided that they have worked more than 40 hours during that week.</p> <p>(b) Time spent in travel is not considered to be overtime.</p> <p>(c) Work required to be performed by a staff member on an official holiday shall be compensated in accordance with the provisions of this rule. However, in exceptional circumstances, the Secretary-General may require all staff members to work on an official holiday. In that event, another working day shall be set and observed as the holiday and no overtime payment or compensatory time off shall be granted in respect of work performed on the official holiday.</p> <p>(d) Where staff members are given compensatory time off, this shall be equal to the number of hours of overtime worked. Such time off shall be credited to the entitlement to annual leave of the staff member.</p> | <p style="text-align: center;"><i>(ICAO, rule 105.3)</i></p> <p>A revised and expanded rule, introducing compensatory leave for professional staff, reflecting the desirability of avoiding excessive overtime, and taking account of current practice elsewhere in the UN system.</p> <p style="text-align: center;"><i>(Appendix C, paragraphs (a) and (b), of IMO Staff Regulations and Staff Rules)</i></p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| | <p>(e) The amount of overtime required of a staff member shall normally not exceed 15 hours in any period of seven consecutive calendar days, or 40 hours in any period of 28 consecutive calendar days.</p> <p>(f) If time off cannot be granted without seriously hampering the work, the staff member shall be compensated for the overtime hours worked by an additional payment at the rate of one and a half times the aggregate of his or her salary and language allowances.</p> <p>(g) Overtime payments shall be reckoned to the nearest hour and work periods of less than one half hour shall not be considered.</p> | <p><i>Staff members in the Professional and higher categories (ICAO, rule 105.3 paragraph (d))</i></p> <p><i>Staff members in the General Service category (Appendix C, paragraph (a), of IMO Staff Regulations and Staff Rules)</i></p> <p><i>(Appendix C, paragraph (c), of IMO Staff Regulations and Staff Rules)</i></p> |
| <p style="text-align: center;">Rule 103.13</p> <p style="text-align: center;">MOBILITY AND HARDSHIP ALLOWANCE</p> <p>A mobility and hardship allowance shall be payable to staff under the conditions specified below.</p> <p>(a) The allowance shall be payable only to staff members who have had previous assignments at three or more locations, two of which were in the field, whilst working in the United Nations common system.</p> <p>(b) The allowance shall be payable only where each of the previous assignments has been for one year or more and where the staff member has served for a total of five consecutive years.</p> | <p style="text-align: center;">Revised Rule 103.13</p> <p style="text-align: center;">MOBILITY AND HARDSHIP ALLOWANCE</p> <p>A mobility and hardship allowance shall be payable to eligible staff members, under the conditions set out by the International Civil Service Commission.</p> <p>(a) to (e) Deleted</p> | <p>Substitution of the current conditions set out by the ICSC for the existing rule.</p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE (<i>Source</i>) |
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| <p>(c) The amount of the allowance for staff with eligible dependants shall be:</p> <ul style="list-style-type: none"> (i) for staff at P.4 and P.5 with three previous assignments, four per cent per annum of the annual net base salary of a P.4 step VI; (ii) for staff at P.4 and P.5 with four or more previous assignments, six per cent per annum of the annual net base salary of a P.4 step VI; (iii) for staff at P.1 to P.3 with a total of three previous assignments, 87 per cent of (i) above; (iv) for staff at P.1 to P.3 with a total of four or more previous assignments, 87 per cent of (ii) above; (v) for staff at D.1 and above with a total of three previous assignments, 113 per cent of (i) above; (vi) for staff at D.1 and above with a total of four or more previous assignments, 113 per cent of (ii) above. <p>(d) The amount of the allowance for staff with no eligible dependants shall be 75 per cent of the amounts shown under (c) above.</p> | | |

| STAFF RULES | REVISED STAFF RULES | RATIONALE (Source) |
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| <p>(e) After five years' service under the current assignment the allowance shall no longer be paid. However, the Secretary-General may extend the duration of the payment of the allowance to a maximum of six years if the staff member remains at the duty station because of the needs of the Organization or is expected to be reassigned before the end of the sixth year.</p> | | |
| <p style="text-align: center;">Rule 105.1</p> <p style="text-align: center;">ANNUAL LEAVE</p> <p>(a) Staff members shall accrue annual leave while in full pay status at the rate of six weeks a year, subject to the provisions of rule 105.2(c). No leave shall accrue when a staff member is receiving compensation equivalent to salary and allowances under rule 106.3.</p> <p>(b) Annual leave may be taken in units of days or half-days.</p> <p>(c) Leave may be taken only when authorized. If a staff member is absent from work without authorization, payment of salary and allowances shall cease for the period of unauthorized absence. However, if, in the opinion of the Secretary-General, the absence was caused by reasons beyond the staff member's control and the staff member has accrued annual leave, the absence will be charged to that leave.</p> | <p style="text-align: center;">Revised Rule 105.1</p> <p style="text-align: center;">ANNUAL LEAVE</p> <p>(a) Staff members shall accrue annual leave while in full pay status at the rate of six weeks a year, subject to the provisions of rule 105.2(d). No leave shall accrue when a staff member is receiving compensation equivalent to salary and allowances under rule 106.3.</p> <p>(b) to (f) No change.</p> | <p style="text-align: center;"><i>(IMO Staff Rules and Regulations)</i></p> <p>Editorial change.</p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| <p>(d) All arrangements as to leave shall be subject to the exigencies of the service, which may require that leave be taken by a staff member during a period designated by the Secretary-General. The personal circumstances and preferences of the individual staff member shall, as far as possible, be considered.</p> <p>(e) Annual leave may be accumulated, provided that not more than 12 weeks of such leave shall be carried forward beyond 1 January of any year.</p> <p>(f) In exceptional circumstances a staff member may be granted advance annual leave up to a maximum of two weeks, provided his or her service is expected to continue for a period beyond that necessary to accrue the leave so advanced.</p> | | |
| <p style="text-align: center;">Rule 105.2</p> <p style="text-align: center;">SPECIAL LEAVE</p> <p>(a) Special leave, with full or partial pay or without pay, may be granted in cases of extended illness, or for other important reasons for such periods as the Secretary-General may prescribe.</p> <p>(b) A staff member who has completed one year of satisfactory probationary service or who has a permanent or regular appointment and who is called upon to serve in the armed forces of the State of which the staff member is a national, whether for training or active duty, may be</p> | <p style="text-align: center;">Revised Rule 105.2</p> <p style="text-align: center;">SPECIAL LEAVE</p> <p>(a) No change</p> <p>(b) No change</p> | |

| STAFF RULES | REVISED STAFF RULES | RATIONALE (Source) |
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| <p>granted special leave without pay for the duration of such military service.</p> <p>(c) Staff members shall not accrue service credits towards sick, annual and home leave, salary increments, termination indemnity and repatriation grant during full months of special leave with partial pay or without pay. Periods of less than one calendar month of such leave shall not affect the ordinary rates of accrual; nor shall continuity of service be considered broken by periods of special leave.</p> | <p>(c) The Secretary-General may grant, subject to conditions, special leave with full pay up to a total of 20 days per child, in the case of a legally recognized adoption;</p> <p>(d) Staff members shall not accrue service credits towards sick, annual and home leave, salary increments, termination indemnity and repatriation grant during full months of special leave with partial pay or without pay. Periods of less than one calendar month of such leave shall not affect the ordinary rates of accrual; nor shall continuity of service be considered broken by periods of special leave.</p> | <p>(UN rule 105.2(a)(iii)) Incorporation of special leave in adoption cases based on current UN practice.</p> |
| <p style="text-align: center;">Rule 105.3</p> <p style="text-align: center;">HOME LEAVE</p> <p>(a) Staff members who are serving outside their home country and who are otherwise eligible shall be entitled once in every two years of qualifying service to visit their home country at IMO's expense for the purpose of spending in that country a substantial period of annual leave. Leave taken for this purpose and under the terms and conditions set forth in this rule shall hereinafter be referred to as home leave.</p> <p>(b) A staff member shall not be entitled to home leave unless his or her service is expected by the Secretary-General to continue at least six months</p> | <p style="text-align: center;">Revised Rule 105.3</p> <p style="text-align: center;">HOME LEAVE</p> <p>(a) No change.</p> <p>(b) No change.</p> | <p>Introduces some flexibility into home leave conditions, based on current UN practice.</p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE (Source) |
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| <p>beyond the date of the staff member's return from home leave.</p> <p>(c) The country of home leave shall be the country of the staff member's nationality, subject to the following terms, conditions and exceptions:</p> <p>(i) the place of home leave of the staff member within his or her home country shall be, for purposes of travel and transportation entitlements, the place with which the staff member had the closest residential ties during the period of the staff member's most recent residence in his or her home country preceding appointment;</p> <p>(ii) a staff member who has served with another public international organization immediately preceding his or her appointment shall have the place of home leave determined as though his or her entire previous service with the other international organization had been with IMO;</p> <p>(iii) the Secretary-General, in exceptional and compelling circumstances, may authorize as the home country, for the purposes of this rule, a country other than the country of nationality. A staff member requesting such authorization will be required to satisfy the Secretary-General that he or she maintained normal residence in such other country for a prolonged period preceding the staff member's appointment.</p> | <p>(c) No change.</p> <p>(i) No change.</p> <p>(ii) No change.</p> <p>(iii) The Secretary-General, in exceptional and compelling circumstances, may authorize as the home country, for the purposes of this rule, a country other than the country of nationality. A staff member requesting such authorization will be required to satisfy the Secretary-General that he or she maintained normal residence in such other country for a prolonged period preceding the staff member's appointment;</p> | <p>(UN rule 105.3(d)(iii)(a))</p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE (Source) |
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| <p>(d) Except in the case of staff members serving on probationary appointments, the first home leave for an eligible staff member shall fall due in the second calendar year after the one in which he or she was appointed or in which entitlement is acquired. A staff member appointed on a probationary basis shall not be entitled to his or her home leave until the staff member has been granted a permanent appointment or an extension of his or her probationary period.</p> <p>(e) A staff member may be required to take his or her home leave in conjunction with travel on official business, due regard being paid to the interests of the staff member and his or her family.</p> <p>(f) Subject to the conditions specified in chapter VII of these Rules, a staff member shall be entitled to claim in respect of authorized travel on home leave, travel time and expenses for the staff member and eligible dependants for the outward and return journeys between his or her official duty station and the place of residence in his or her home country.</p> <p>(g) Travel of dependants shall be in conjunction with the approved home leave of the staff member provided that exceptions may be granted if the exigencies of the service or other special circumstances prevent the staff member and his or her dependants from travelling together.</p> | <p>(iv) Home leave travel to a country other than the home country may be authorized by the Secretary-General, subject to conditions established by the Secretary-General. In such a case, the travel expenses borne by IMO shall not exceed the cost of travel to the home country.</p> <p>(d) No change.</p> <p>(e) No change.</p> <p>(f) No change.</p> <p>(g) No change.</p> | <p>(UN rule 105.3(d)(iii)(b))</p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| <p>(h) If both husband and wife are staff members eligible for home leave, they shall be granted home leave when due, with or without the other spouse, except that neither shall be entitled to travel more than once every two years. Dependent children whose parents are staff members, each of whom is entitled to home leave, may accompany either parent provided that the frequency of travel does not exceed once in every two years.</p> <p>(i) A staff member travelling on home leave shall be required to spend a substantial period of leave in his or her home country. The Secretary-General may request a staff member, on his or her return from home leave, to furnish satisfactory evidence that this requirement has been fully met.</p> | <p>(h) No change.</p> <p>(i) A staff member travelling on home leave shall be required to spend no less than seven full days, exclusive of travel time, in his or her home country. The Secretary-General may request a staff member, on his or her return from home leave, to furnish satisfactory evidence that this requirement has been fully met.</p> | <p><i>(UN rule 105.3(l))</i></p> |
| <p style="text-align: center;">Rule 107.18</p> <p style="text-align: center;">EXCESS BAGGAGE</p> <p>(a) When the approved travel is by air, each authorized traveller who so requests shall be allowed 66 pounds of baggage; only baggage in excess of 66 pounds per person shall be considered to be “excess” baggage.</p> <p>(b) Regardless of the mode of transport, charges for excess baggage shall be reimbursed only on appointment and separation. They must be authorized by the Secretary-General prior to travel.</p> | <p style="text-align: center;">Revised Rule 107.18</p> <p style="text-align: center;">EXCESS BAGGAGE</p> <p>(a) For the purpose of these rules, “excess baggage” shall mean baggage in excess of accompanied baggage carried without extra charge by transportation companies.</p> <p>(b) Staff members travelling by air shall be entitled to reimbursement of the cost of excess baggage for themselves and their eligible family members for one bag in addition to their free baggage allowance or up to 10 kilograms per traveller.</p> | <p><i>(UN rule 107.21)</i></p> <p>Updated to take account of changed airline baggage allowance rules, and to convert to metric measures.</p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE (Source) |
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| | (c) Regardless of the mode of transport, charges for excess baggage shall be reimbursed only on appointment and separation. | <i>(IMO rule 107.18(b))</i> |
| <p style="text-align: center;">Rule 110.1</p> <p style="text-align: center;">CO-OPERATION IN THE INVESTIGATION OF MISCONDUCT</p> <p>Staff members must respond promptly and fully to requests for information from other staff members of the Organization and/or other officials duly authorized to investigate cases of alleged misconduct such as:</p> <ul style="list-style-type: none"> - fraud; - misuse of funds; - abuse of trust; - breaches of the Organization's regulations, rules and pertinent administrative issuances; and - mismanagement. | <p style="text-align: center;">Revised Rule 110.1</p> <p style="text-align: center;">CO-OPERATION IN THE INVESTIGATION OF MISCONDUCT</p> <p>(a) An allegation that a staff member has failed to comply with an obligation or has committed an act of misconduct under rule 101.2 will be promptly referred to the Director, Administrative Division for examination or investigation under rule 110.3.</p> <p>(b) Staff members must respond promptly and fully to requests for information from other staff members of the Organization and/or other officials duly authorized by the Secretary-General to examine or investigate cases of alleged failure to comply with an obligation or of an alleged act of misconduct under rule 101.2.</p> | |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| | <p style="text-align: center;">New Rule 110.2</p> <p style="text-align: center;">SUSPENSION DURING INVESTIGATION AND DISCIPLINARY PROCEEDINGS</p> <p>(a) If a charge of unsatisfactory conduct or serious misconduct is made against a staff member and the Secretary-General so decides, the staff member may be suspended from duty during investigation and pending completion of disciplinary proceedings for a period necessary to establish facts, which should normally not exceed three months. Such suspension shall be with pay unless, in exceptional circumstances, the Secretary-General decides that suspension without pay is appropriate. The suspension shall be without prejudice to the rights of the staff member and shall not constitute a disciplinary measure.</p> <p>(b) A staff member suspended pursuant to paragraph (a) shall be given a written statement of the reason for the suspension and its probable duration.</p> <p>(c) If a suspension pursuant to paragraph (a) is without pay and the charge of misconduct is subsequently not sustained, any salary withheld shall be restored.</p> | <p><i>(New rules 110.2 to 110.8 are based on UN staff rules 110.1 to 110.7)</i></p> <p>The new rules are based on the current UN Staff Rules, and incorporate a new and comprehensive regime for dealing with disciplinary matters, consistent with current judicial principles, balancing just procedures for staff with the needs of the Organization.</p> |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| | <p style="text-align: center;">New Rule 110.3</p> <p style="text-align: center;">DUE PROCESS</p> <p>(a) No disciplinary proceedings may be instituted against a staff member unless he or she has been notified of the allegations against him or her, as well as of the right to seek the assistance in his or her defence of another staff member or retired staff member, and has been given a reasonable opportunity to respond to those allegations, provided that:</p> <ul style="list-style-type: none"> (i) subject to (ii) and (iii), an allegation of failure to comply with an obligation or of an alleged act of misconduct under rule 101.2 will be examined, and, when necessary, investigated, in accordance with the procedures set out in appendix H; (ii) an allegation of misconduct under rule 101.2(e) concerning discrimination or harassment will be investigated in accordance with the procedures set forth in appendix E. Where an investigation is conducted, a Joint Disciplinary Committee shall not be convened until the outcome of the investigation is available; and (iii) an allegation of misconduct under rule 101.2(f) and (g) concerning fraud and serious misconduct will be investigated when an initial review by the Head of Human Resources Services (or by the Director of the Administration Division in any case involving the Head of Human Resources Services) determines that the facts as alleged would, if true, constitute an act of | |

| STAFF RULES | REVISED STAFF RULES | RATIONALE <i>(Source)</i> |
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| | <p>misconduct. The procedures for investigation will conform to those set out in appendix F. Where an investigation is conducted, a Joint Disciplinary Committee shall not be convened until the outcome of the investigation is available.</p> <p>(b) Subject to rule 110.2 (a), no staff member shall be subject to disciplinary measures until the matter has been referred to a Joint Disciplinary Committee for advice as to what measures, if any, are appropriate, except that no such advice shall be required:</p> <p>(i) if referral to the Joint Disciplinary Committee is waived by mutual agreement of the staff member concerned and the Secretary-General; or</p> <p>(ii) in respect of summary dismissal imposed by the Secretary-General in cases where the seriousness of the misconduct warrants immediate separation from service.</p> <p>(c) In cases of summary dismissal imposed without prior submission of the case to a Joint Disciplinary Committee in accordance with subparagraphs (b)(i) and (ii), the staff member or former staff member concerned may, within two months of having received written notification of the measure, request that the measure be reviewed by such a Committee. A request shall not have the effect of suspending the measure. After the advice of the Committee has been received, the Secretary-General shall decide as soon as possible what action to take in respect thereof. An appeal in respect of such a decision may not be submitted to the Joint Appeals Board.</p> | |

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| | <p style="text-align: center;">New Rule 110.4</p> <p style="text-align: center;">DISCIPLINARY MEASURES</p> <p>(a) When a staff member has been found on the basis of procedures set out under these rules to have failed to comply with an obligation or to have committed an act of misconduct under rule 101.2, the Secretary-General may take the following disciplinary measures, taking into account any advice that may be provided by the Joint Disciplinary Committee:</p> <ul style="list-style-type: none"> (i) Written censure by the Secretary-General; (ii) Loss of one or more steps-in-grade; (iii) Deferment, for a specified period, of eligibility for within-grade increment; (iv) Suspension without pay; (v) Fine; (vi) Demotion; (vii) Separation from service, with or without notice or compensation in lieu thereof, notwithstanding rule 109.2; (viii) Summary dismissal. <p>(b) The following measures shall not be considered to be disciplinary measures, within the meaning of this rule:</p> | |

| STAFF RULES | REVISED STAFF RULES | RATIONALE (Source) |
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| | (i) Reprimand, written or oral, by a supervisory official; (ii) Recovery of moneys owed to the Organization; (iii) Suspension pursuant to rule 110.2. | |
| <p align="center">APPENDIX C Conditions governing overtime and Compensatory time off</p> | <p align="center">APPENDIX C Content moved to rule 103.7. Appendix deleted.</p> | |

ANNEX 2

**NEW APPENDICES TO THE STAFF RULES AND STAFF REGULATIONS
OF IMO**

**Staff Rules
Appendix E**

**Policy and Procedures for Investigation of Alleged Breaches of IMO Policy
on Right to Work in a Harassment Free Environment**

PROCEDURES TO BE DEVELOPED

(Present policy is referred to in rule 101.2(e) and rule 110.3(a)(ii))

**IMO Policy and Procedures on Prevention and Detection of Fraud
and Serious Misconduct**

(This refers to rule 101.2(f) and (g) and rule 110.3(a)(iii))

**Staff Rules
Appendix G**

Procedures for the Filing and Utilization of Financial Disclosure Statements

TO BE DEVELOPED

(This refers to rule 101.2(r))

Procedures for Investigation of Alleged Acts of Misconduct

TO BE DEVELOPED

(This refers to rule 110.3(a)(i))
