



COUNCIL  
96th session  
Agenda item 3

C 96/3(a)/3  
13 April 2006  
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## RESOURCE MANAGEMENT

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

#### Note by the Secretary-General

#### SUMMARY

<b><i>Executive summary:</i></b>	This document reports on proposed amendments to the Staff Rules and seeks Council's approval of amendments to the Staff Regulations
<b><i>Action to be taken:</i></b>	Paragraph 7
<b><i>Related documents:</i></b>	None

#### Paternity leave

1 At its fifty-ninth session in 2005, the United Nations General Assembly adopted Resolution 59/268 which, under paragraph L, endorsed the ICSC recommendation for the provision of paternity leave to be implemented throughout the UN common system.

2 In order to implement the new paternity leave provisions at IMO, the Secretary-General has approved revisions to the existing Staff Rules, viz: subparagraph (a)(vii) of Rule 106.1; subparagraph (b) and (d) of Rule 106.2; and subparagraph (a)(i) of Rule 109.10, with effect from 1 April 2006. The amendments are in line with those adopted by the United Nations. The existing and revised texts are shown at annex 1.

3 These amendments are provisional pending the Council's approval of a change to Staff Regulation 6.2 to include the words "or paternity" as underlined in the following amended text:

*REGULATION 6.2: The Secretary-General shall establish a scheme of social security for the staff, including provisions for health protection, sick leave and maternity or paternity leave, and reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the Organization.*

#### Prevention and detection of fraud

4 In line with the current United Nations' efforts to address concerns related to the inappropriate use of resources and, in order to ensure that the Organization's resources are solely used for the effective and efficient delivery of its mandate, the Secretary-General has established

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a policy on the prevention and detection of fraud, which includes formal procedures for investigations of cases of alleged misconduct.

5 In order to implement this new policy, the Secretary-General has approved the introduction of a new Staff Rule 110.1, entitled “Co-operation in the investigation of misconduct”. The text of this new rule is shown at annex 2.

6 With the aim of reinforcing the new policy, Council is invited to approve a new Staff Regulation, namely Staff Regulation 10.3, under Article X of the Staff Regulations, “Disciplinary Measures”. The text of the new Staff Regulation is as follows:

*REGULATION 10.3: Fraud, abuse of trust or the use of official position for personal gain or advantage of any kind whatsoever constitute serious misconduct.*

#### **Action requested of the Council**

7 The Council is invited to take note of the information contained in this document and to approve:

- .1 the revised text of Staff Regulation 6.2 as shown in paragraph 3 of this document;  
and
- .2 the introduction of Staff Regulation 10.3 as shown in paragraph 6 of this document.

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## ANNEX 1

**EXISTING TEXT****Rule 106.1****SICK LEAVE**

(a) Staff members who are incapacitated from the performance of their duties by illness or injury or whose attendance is prevented by public health requirements will be granted sick leave in accordance with the following provisions:

- (i) all sick leave must be approved on behalf of the Secretary-General;
- (ii) a staff member holding a fixed-term appointment of less than one year or unbroken fixed-term appointments totalling less than one year shall be granted sick leave credit at the rate of two working days per month of contractual service;
- (iii) a staff member holding a probationary appointment, a fixed-term appointment of one year or longer or unbroken fixed-term appointments equal to or in excess of one year shall be granted sick leave up to three months on full salary and three months on half salary in any period of 12 consecutive months;
- (iv) a staff member holding a permanent or regular appointment, a fixed-term appointment of three years or longer or unbroken fixed-term appointments equal to or in excess of three years shall be granted sick leave up to 18 months in any period of four consecutive years, nine months on full salary and nine months on half salary;
- (v) staff members shall be responsible for informing their supervisors as soon as possible of absences due to illness or injury;

**REVISED TEXT****Rule 106.1****SICK LEAVE**

(a) No change.

- (i) No change.
- (ii) No change.
- (iii) No change.
- (iv) No change.
- (v) No change.

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| <p>(vi) except with the approval of the Secretary-General, no staff member may be granted sick leave for a period of more than three consecutive working days without producing a certificate from a duly qualified medical practitioner, to the effect that the staff member is unable to perform his or her duties and stating the nature of the illness and the probable duration of incapacity. Such certificate shall, except in circumstances beyond the control of the staff member, be produced not later than the end of the fourth working day following the initial absence from duty of the staff member;</p>                         | <p>(vi) No change.</p>  |
| <p>(vii) after a staff member has taken periods of non-certified sick leave totalling seven working days within a year (1 January through 31 December), any additional sick leave within that year shall either be supported by a medical certificate or be deducted from annual leave or charged as special leave without pay;</p>   | <p>(vii) after a staff member has taken periods of non-certified sick leave totalling seven working days within a year (1 January through 31 December), any additional sick leave within that year shall either be supported by a medical certificate or be deducted from annual leave or charged as special leave without pay. <u>Part or all of this seven-day entitlement may be used to attend to family-related emergencies, in which case the limitation of three consecutive working days shall not apply;</u></p> |
| <p>(viii) a staff member may be required at any time to submit a medical certificate as to his or her condition or to undergo examination by a medical practitioner named by the Secretary-General. If the Secretary-General is satisfied that such is in the interest both of the Organization and of the individual, further sick leave may be refused or a period of sick leave may be required to enable proper treatment to be undertaken, provided that, if the staff member so requests, the matter shall be referred to an independent practitioner or a medical board acceptable to both the Secretary-General and the staff member;</p> | <p>(viii) No change.</p>  |

- (ix) a staff member shall not, whilst on sick leave, leave the area of the duty station without the prior approval of the Secretary-General. (ix) No change.

(b) When sickness of more than three consecutive working days occurs within a period of annual leave, including home leave, sick leave may be approved on production of an appropriate medical certificate or other satisfactory evidence. In such circumstances, a staff member should submit his or her request for sick leave together with supporting certificate or other evidence as soon as practical, and in any event immediately on his or her return to duty. (b) No change.

(c) A staff member shall immediately notify the Medical Unit in any case of contagious disease occurring in his or her household or of any quarantine order affecting the household. A staff member who, as a result of these circumstances, is directed not to attend the office shall receive his or her full salary and other emoluments for the period of authorized absence. (c) No change.

(d) Entitlement to sick leave shall lapse on the final date of a staff member's appointment. (d) No change.

### **Rule 106.2**

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#### **MATERNITY AND PATERNITY LEAVE**

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(a) A staff member shall be entitled to maternity leave in accordance with the following provisions: (a) No change.

(i) the leave shall extend for a total period of 16 weeks from the time it is granted, except as provided in subparagraph (iii) below; (i) No change.

(ii) the leave shall commence six weeks prior to the anticipated date of birth upon production of a certificate from a duly qualified medical practitioner or midwife indicating this date. However, at the staff member's request and upon production of a certificate from a duly qualified medical practitioner or midwife indicating that she is fit to continue working, the absence may be permitted to commence less than six weeks but (ii) No change.

normally not less than two weeks before the anticipated date of birth. The pre-delivery leave shall extend to the actual date of birth;

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| (iii) the post-delivery leave shall extend for a period equivalent to the difference between 16 weeks and the actual period of pre-delivery leave, subject to a minimum of 10 weeks. However, the staff member, on request, may be permitted to return to work after the lapse of a minimum period of six weeks following delivery; | (iii) No change. |
| (iv) the staff member shall receive maternity leave with full pay for the entire duration of her absence under subparagraphs (ii) and (iii) above.  | (iv) No change.  |

(b) Where both husband and wife are staff members, an unused portion of maternity leave to which the mother would otherwise have been entitled under paragraph (a) above may be used as paternity leave by the father of the child, under conditions established by the Secretary-General. Alternatively, paternity leave may be charged to the father's annual leave entitlement.

(b) Subject to conditions established by the Secretary-General, a staff member shall be entitled to paternity leave in accordance with the following provisions:

- (i) The leave shall be granted for a total period of up to four weeks or, in the case of internationally recruited staff members serving at a non-family duty station, up to eight weeks. In exceptional circumstances, leave shall be granted for a total period of up to eight weeks;
- (ii) the leave may be taken either continuously or in separate periods in the twelve months following the birth of the child, provided it is completed within that period;
- (iii) the staff member shall receive paternity leave with full pay for the entire duration of his absence.

(c) Sick leave shall not normally be granted for maternity cases except where serious complications arise.

(c) No change.

(d) Annual leave shall accrue during the period of maternity leave.

(d) Annual leave shall accrue during the period of maternity or paternity leave.

**Rule 109.10**

**LAST DAY FOR PAY PURPOSES**

(a) When a staff member is separated from service, the date on which entitlement to salary, allowances and benefits shall be determined according to the following provisions:

- (i) upon resignation, the date shall be either the date of expiration of the notice period under rule 109.1 or such other date as the Secretary-General accepts. Staff members will be expected to perform their duties during the period of notice of resignation, except when the resignation takes effect upon the completion of maternity leave or following sick or special leave. Annual leave will be granted during the notice of resignation only for brief periods and for purposes not inconsistent with the provisions of rule 109.7;
- (ii) upon expiration of a fixed-term appointment, the date shall be the date specified in the letter of appointment;
- (iii) upon termination, the date shall be the date provided in the notice of termination;
- (iv) upon retirement, the date shall be the date approved by the Secretary-General for retirement;
- (v) in the case of summary dismissal, the date shall be the date of dismissal;
- (vi) in the case of death, the date on which entitlement to salary, allowances and benefits shall cease shall be the date of death, unless there is a surviving spouse or dependent child. In this event, the date shall be determined in accordance with the following schedule:

**Rule 109.10**

**LAST DAY FOR PAY PURPOSES**

(a) No change.

- (i) upon resignation, the date shall be either the date of expiration of the notice period under rule 109.1 or such other date as the Secretary-General accepts. Staff members will be expected to perform their duties during the period of notice of resignation, except when the resignation takes effect upon the completion of maternity or paternity leave or following sick or special leave. Annual leave will be granted during the notice of resignation only for brief periods and for purposes not inconsistent with the provisions of rule 109.7;
- (ii) No change.
- (iii) No change.
- (iv) No change.
- (v) No change.
- (vi) No change.

<b>Completed years of service in the Secretariat (as defined in rule 109.3)</b>	<b>Months of extension beyond the date of death</b>
3 or less	3
4	4
5	5
6	6
7	7
8	8
9 or more	9

Payment related to the period of extension beyond the date of death may be made in a lump sum as soon as the pay accounts and related matters can be closed. Such payment shall be made only to the surviving spouse or dependent child or children. For staff in the Professional and higher categories, payment shall be in accordance with paragraph 10 of annex 1 to the Staff Regulations. For staff in the General Service category, payment shall be on the basis of net pensionable salary (including language and non-resident's allowances, where applicable). All other entitlements and accrual of benefits shall cease as of the date of death.

- (b) When an internationally recruited staff member is exercising an entitlement to return travel, the last day for pay purposes shall be the date established under (a)(i), (ii) or (iii) above, or the estimated date of arrival at the place of entitlement, whichever is later. The estimated date of arrival shall be determined on the basis of the time it would take to travel without interruption by an approved route and mode of direct travel from the duty station to the place of entitlement, the travel commencing no later than the day following the date established under (a) above.
- (b) No change.

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**ANNEX 2**

**New Rule**

**Rule 110.1**

**CO-OPERATION IN THE INVESTIGATION OF MISCONDUCT**

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:

- fraud;
  - misuse of funds;
  - abuse of trust;
  - breaches of the Organization's regulations, rules and pertinent administrative issuances; and
  - mismanagement.
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