



18 December 2024

## DIRECTOR-GENERAL'S BULLETIN

OPCW-S/DGB/31

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### OPCW STAFF REGULATIONS AND INTERIM STAFF RULES

1. The OPCW Staff Regulations adopted by the Conference of the States Parties (CSP) at its Fourth Session (C-IV/DEC.25 dated 2 July 1999), were annexed to Director-General Bulletin OPCW-S/DGB/3, dated 15 September 1999.

2. Subsequently, the following Staff Regulations were amended:

- Staff Regulations 3.2 and 9.1 and Annexes I, III and IV to the OPCW Staff Regulations were amended by the CSP at its Tenth Session (C-10/DEC.4 dated 8 November 2005) and annexed to Director-General Bulletin OPCW-S/DGB/8\*, dated 10 March 2006;
- Staff Regulation 3.2 was amended by CSP at its Twelfth Session (C-12/DEC.8 dated 7 November 2007) and annexed to Director-General Bulletin OPCW-S/DGB/13, dated 27 November 2007;
- Staff Regulation 2 was amended by the CSP at its Seventeenth Session (C-17/DEC.7, dated 27 November 2012) and annexed to Director-General Bulletin OPCW-S/DGB/21, dated 11 December 2012;
- The "Scope and Purpose of the Staff Regulations", Staff Regulations 1.2, 3.2, 3.4, 4.4, 6.2, 7.1, 7.2, 8, 9.4, 12.4 and Annexes I and IV were amended by the CSP at its Twenty-Second Session (C-22/DEC.13, dated 30 November 2017), as reflected in the consolidated text annexed to Director-General Bulletin OPCW-S/DGB/26, dated 12 December 2017;
- Staff Regulations 1.11, 3.2(b) and 4.2 were amended by the CSP at its Twenty-Third Session (C-23/DEC.9, dated 19 November 2018) and annexed to Director-General Bulletin OPCW-S/DGB/28, dated 21 December 2018;
- Staff Regulation 6.1 was amended, and Staff Regulation 11.4 was established, by the CSP at its Twenty-Ninth Session (C-29/DEC.9, dated 25 November 2024), effective 1 January 2025.

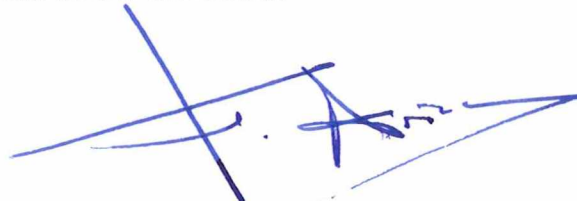
3. The Interim Staff Rules of the OPCW ("Staff Rules"), promulgated by the Director-General on 15 November 1999 in order to implement the Staff Regulations approved by the CSP at its Fourth Session (paragraph 1 above), were annexed to Director-General Bulletin OPCW-S/DGB/4, dated 15 November 1999.

4. Subsequently, the following Staff Rules were amended:

- Staff Rule 1.2.02, annexed to Director-General Bulletin OPCW-S/DGB/5, dated 21 November 2000;
- Staff Rule 6.2.01, annexed to Director-General Bulletin OPCW-S/DGB/6, dated 10 September 2001;
- Staff Rules 10.1.02 and 11.2.01, annexed to Director-General Bulletin OPCW-S/DGB/7, dated 26 September 2001;
- Staff Rule 6.2.02, annexed to Director-General Bulletin OPCW-S/DGB/12, dated 20 July 2007;
- Staff Rules 5.1.01(c) and 9.4.02, annexed to Director-General Bulletin OPCW-S/DGB/16, dated 27 October 2010;
- Staff Rules 4.1.05 and 9.1.01(b), pursuant to the Executive Council's decision EC-76/DEC.6, dated 24 July 2014, as respectively reflected in the consolidated text annexed to Director-General Bulletin OPCW-TS-/DGB/23, dated 19 August 2014, and in the consolidated text annexed to Director-General Bulletin OPCW-S-DGB/25, dated 11 November 2014;
- Staff Rule 12.0.05, pursuant to the Executive Council's decision EC-77/DEC.5, dated 09 October 2014, as reflected in the consolidated text annexed to Director-General Bulletin OPCW-S/DGB/25, dated 11 November 2014;
- Interim Staff Rule 8.1.01, annexed to Director-General Bulletin OPCW-S/DGB/24, dated 14 October 2014;
- Interim Staff Rules 1.2.02, 1.5.02, 1.5.03, 1.7.01, 3.1.01, 3.1.02, 3.1.03, 3.1.04, 3.2.01, 3.2.03, 3.4.01, 3.4.02, 4.1.04, 4.5.01, 5.1.01, 5.2.01, 6.2.05, 7.1.02, 7.1.04, 7.1.05, 7.1.09, 7.1.10, 7.1.13, 7.1.14, 7.2.01, 7.2.02, 7.2.03, 7.2.04, 8.1.02, 9.2.01, 9.4.01, 9.4.02, 10.1.02, 10.2.02, 10.3.02, 13.0.01, 13.0.02 and 13.0.03, pursuant to the Executive Council's decision EC-86/DEC.8, dated 11 October 2017, as reflected in the consolidated text annexed to Director-General Bulletin OPCW-S/DGB/26, dated 12 December 2017;
- Interim Staff Rules 3.1.04, 3.1.07, 4.1.05, 5.3.01, 6.1.01, 6.1.02, 9.1.01, 9.3.02, 13.0.01, and Annex I, pursuant to the Executive Council's decision EC-107/DEC.6, dated 8 October 2024, effective 1 January 2025.

5. Annex V was updated to reflect the conversion of the Office of Special Projects to the Office of Strategy and Policy, as published in the Programme and Budget of the OPCW for 2013 (C-17/DEC.4, dated 27 November 2012).

6. A consolidated text comprising the Staff Regulations approved by the Conference of the States Parties at its Fourth Session and amended at its Tenth, Twelfth, Seventeenth, Twenty-Second, Twenty-Third and Twenty-Ninth Sessions, and the Staff Rules, as amended, is annexed hereto. In accordance with the Executive Council's decision EC-107/DEC.6, dated 8 October 2024, and the Conference of the States Parties' decision C-29/DEC.9, dated 25 November 2024, the consolidated text annexed hereto shall be observed from 1 January 2025 until further notice. This Bulletin replaces OPCW-S/DGB/26 and OPCW-S/DGB/28.



Fernando Arias  
Director-General

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**STAFF REGULATIONS  
AND  
INTERIM STAFF RULES**

**OF THE**

**TECHNICAL SECRETARIAT  
OF THE  
ORGANISATION FOR THE PROHIBITION OF CHEMICAL  
WEAPONS**

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## **SCOPE AND PURPOSE OF THE STAFF REGULATIONS**

The staff regulations (hereinafter referred to as the “Staff Regulations”) contain fundamental conditions of service and basic rights, duties and obligations of the Technical Secretariat (hereinafter referred to as the “Secretariat”) of the Organisation for the Prohibition of Chemical Weapons (hereinafter referred to as “OPCW” or the “Organisation”). These Staff Regulations embody the broad principles of human resources policy for the staffing and administration of the Secretariat. For the purposes of these Staff Regulations, the expressions “staff members” or “staff” shall refer to all the staff members of the Secretariat, within the meaning of Article 8 of the Chemical Weapons Convention, whose employment and contractual relationship are defined by a letter of appointment subject to regulations promulgated by the Conference of the States Parties pursuant to its decision C-IV/DEC.25, dated 2 July 1999. The Director-General, as the chief administrative officer, shall provide and enforce such staff rules consistent with these principles as he or she considers necessary.

### **Rule 0.0.1 Applicability**

These staff rules (hereinafter referred to as the “Staff Rules”) are applicable to all staff members appointed by the Director-General.

## **ARTICLE I DUTIES, OBLIGATIONS AND PRIVILEGES**

### **Regulation 1.1**

Staff members of the Secretariat are international civil servants. As such, their responsibilities are not national but exclusively international. By accepting appointment, they pledge to discharge their functions and to regulate their conduct with the interests of the Organisation only in view.

### **Rule 1.1.01 Loyalty**

The interests of the Organisation and the loyalty that staff members owe to it shall always take precedence over their other interests or ties. Staff members shall act in such a manner as to ensure their independence of any person, entity or authority outside the Organisation.

### **Regulation 1.2**

Staff members are subject to the authority of the Director-General and to assignment by him or her to any of the activities or offices of the Organisation. They are responsible to the Director-General in the exercise of their functions. The whole time of staff members shall be



at the disposal of the Director-General. The Director-General shall establish a normal working week.

**Rule 1.2.01**  
**Obligation to supply information**

- (a) Staff members shall be responsible on appointment to supply the Director-General with whatever information may be required for the purpose of determining their status under the Staff Regulations and Rules or of completing administrative arrangements in connection with their appointments.
- (b) Staff members shall also be responsible for promptly notifying the Director-General, in writing, of any subsequent changes affecting their status under the Staff Regulations and Rules.
- (c) A staff member may at any time be required by the Director-General to supply information concerning facts anterior to his or her appointment and relevant to his or her suitability, or concerning facts relevant to his or her integrity, conduct and service as a staff member.

**Rule 1.2.02**  
**Hours of work**

- (a) The Director-General shall determine in an Administrative Directive the normal working hours within a normal working week of 40 hours as well as any exceptions thereto required by the needs of service.
- (b) A staff member shall be required to work beyond the normal working hours whenever required to do so on the terms and conditions determined by the Director-General in an Administrative Directive.
- (c) Staff members in the General Service category who are to work in excess of the normal working hours shall receive additional payments or shall be given compensatory time off under terms and conditions determined by the Director-General in an Administrative Directive.
- (d) Staff members may be placed on standby duty and shall receive a standby duty rate of compensation as determined by the Director-General in an Administrative Directive.

**Rule 1.2.03**  
**Official holidays**

The Director-General shall set a maximum of 10 official holidays annually.

**Regulation 1.3**

All Secretariat documents shall be issued on the responsibility of the Director-General.

**Rule 1.3.01**  
**Secretariat documents**

The Director-General shall issue an Administrative Directive setting out internal controls over the issuance of Secretariat documents in such a way as to ensure consistency and accountability.

**Regulation 1.4**

- (a) In the performance of their duties, staff members of the Secretariat shall neither seek nor accept instructions from any Government or from any other authority external to the Organisation.
- (b) Any staff member who in the performance of his or her duties is confronted with any attempt by a Government or by a third party external to the Organisation to induce him or her to violate his or her obligations of loyalty shall promptly inform the Director-General thereof.

**Regulation 1.5**

- (a) Staff members of the Secretariat shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the Organisation. They shall avoid any action, and in particular any kind of public pronouncement, which may adversely reflect on their status or on the integrity, independence and impartiality which are required by that status. While staff members are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.
- (b) No staff member shall be actively associated with the management of or hold a financial interest in any business concern if his or her official position with the Secretariat would make it possible for him or her to promote the interest of that concern or to derive additional benefits from his or her participation in that concern. Any staff member who deals in his or her official capacity with any matter involving a business concern in which he or she holds a financial interest shall at once disclose the nature and extent of that interest to the Director-General.

**Rule 1.5.01**  
**Incompatible activities**

Staff members shall not, except in the normal course of official duties and with the prior approval of the Director-General or other officer duly authorised by the Director-General, perform any one of the following acts, if such an act relates to the purpose, activities or interests of the Organisation:

- (a) issue statements to the press, radio or other agencies of public information;
- (b) accept speaking engagements;
- (c) take part in film, photo, theatre, radio or television productions;
- (d) submit articles, books or other material for publication.

**Rule 1.5.02**  
**Prohibited Conduct**

- (a) The Director-General shall promulgate an Administrative Directive defining prohibited conduct and the process by which disciplinary or other appropriate action may be instituted against any staff member demonstrating unsatisfactory conduct in this regard, in accordance with Article X of the Staff Regulations and Rules.
- (b) Any form of discrimination or harassment, including but not limited to sexual or gender harassment, as well as abuse in any form at the workplace or in connection with work, is prohibited.

**Rule 1.5.03**  
**Outside activities and interests**

- (a) Staff members shall not engage in any continuous or recurring outside occupation or employment, whether remunerated or not, without the prior approval of the Director-General. The Director-General shall establish procedures whereby staff members may seek approval for outside activities which do not conflict with their status as international civil servants in an Administrative Directive.
- (b) A staff member who has occasion to deal in his or her official capacity with any matter involving a business concern in which he or she holds a financial interest shall disclose the measure of that interest to the Director-General.
- (c) The mere holding of shares in a company or other similar holding in a commercial entity shall not constitute a financial interest within the meaning of this Rule unless such holding constitutes a substantial control.

**Regulation 1.6**

- (a) Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate even after termination of their functions to any person, organisation or other entity any information known to them by reason of their official position which has not been made public, except by authorisation of the Director-General in the performance of their duties. They shall not at any time use such information to private advantage and they shall not at any time publish anything based thereon except with the written approval of the Director-General.
- (b) Staff members of the Secretariat shall not disclose even after termination of their functions to any unauthorised person, organisation or other entity any confidential information coming to their knowledge in the performance of their official duties. They shall also not communicate to any State, organisation or person outside the Secretariat any information, to which they have access in connection with their activities, in relation to any State Party.

**Rule 1.6.01  
Confidential information**

- (a) The Director-General shall, in conformity with the Annex on the Protection of Confidential Information to the Convention (“Confidentiality Annex”) and the OPCW Policy on Confidentiality, promulgate an Administrative Directive containing procedures for the receipt, handling, reproduction, despatch, storage, destruction and/or release of confidential information.
- (b) If a staff member is cleared for access to confidential information, the scope of such access shall be specified at the time of such clearance in accordance with the Administrative Directive referred to in sub-paragraph (a) above.
- (c) In evaluating job performance, specific attention shall, in accordance with paragraph 12 of the Confidentiality Annex, be given to the staff member’s record regarding the protection of confidential information.

**Rule 1.6.02  
Secrecy Agreement**

Staff members are required to enter into individual secrecy agreements with the Secretariat, in accordance with paragraph 9 of the Confidentiality Annex.

**Regulation 1.7**

No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government or any other source external to the Organisation, without first obtaining the approval of the Director-General. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the terms of these Staff Regulations and with the individual's status as an international civil servant.

**Rule 1.7.01**  
**Academic awards and commemorative tokens**

The provisions of Staff Regulation 1.7 do not preclude approval of the acceptance by staff members of academic awards and other tokens of a commemorative character.

**Regulation 1.8**

Staff members may exercise the right to vote but shall not engage in any political activity which is inconsistent with, or might reflect upon, the independence and impartiality required by their status as international civil servants.

**Rule 1.8.01**  
**Membership of political parties and participation in political activities**

- (a) Membership of a political party is permitted provided that such membership does not entail action, or obligation to action, contrary to Staff Regulation 1.8. The payment of normal financial contributions shall not be construed as an activity contrary to Staff Regulation 1.8.
- (b) In any case of doubt as to the interpretation or application of Staff Regulation 1.8 and the present Rule, the staff member concerned shall request a ruling from the Director-General.

**Regulation 1.9**

Any privileges and immunities enjoyed by the Organisation and by its staff members are conferred in the interests of the Organisation, and such privileges and immunities furnish no excuse to the staff who enjoy them for non-performance of their private obligations or failure to observe laws and regulations. In any case where a question of these privileges and immunities arises, the staff member concerned shall immediately report to the Director-General who shall decide, in consultation with the Executive Council where appropriate, whether they shall be waived.<sup>1</sup>

**Rule 1.9.01**  
**Supply of information**

A staff member who is arrested, charged with an offence other than a minor traffic violation, or summoned before a court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for any offence other than a minor traffic violation shall immediately report the fact to the Director-General.

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<sup>1</sup> It is understood that privileges and immunities provided by the Host Country in the Headquarters Agreement do not form part of the terms and conditions of employment.

**Regulation 1.10**

Staff members shall subscribe to the following oath or declaration

"I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the Organisation for the Prohibition of Chemical Weapons, to discharge these functions and regulate my conduct with the interests of the Organisation only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or authority external to the Organisation."

**Regulation 1.11**

The oath or declaration shall be made orally by the Director-General at a session of the Conference of the States Parties. All staff members of the Organisation shall make the oath or declaration before the Director-General or his authorised representative or in writing.

**ARTICLE II  
CLASSIFICATION OF POSTS**

**Regulation 2**

In conformity with principles laid down by the Conference of the States Parties, with due regard to the Programme of Work and Budget and the OPCW Financial Regulations and Rules, and taking into consideration the master standards of job classification as developed by the International Civil Service Commission (hereinafter the "ICSC"), the Director-General shall make appropriate provision for the downward classification of posts according to the nature of the duties and responsibilities required. Notwithstanding the foregoing, proposals concerning the classification of the top structure positions referred to in Staff Regulation 4.4(d) and specified in Annex V, and proposals for all upward classifications, shall be submitted to the Executive Council for its consideration and approval.

**ARTICLE III  
SALARIES AND RELATED ALLOWANCES**

**Regulation 3.1**

Salaries of staff shall be fixed by the Director-General, and shall be adjusted in accordance with the levels authorised by the United Nations General Assembly for staff in the Professional and higher category and by the ICSC for staff in the General Service category, with due regard to the Programme of Work and Budget approved by the Conference of the States Parties and having due regard to the financial situation of the Organisation. The salaries of staff shall be determined in accordance with Annex I to the present Staff Regulations.

**Rule 3.1.01**  
**Post adjustment**

- (a) Post adjustment, in terms of paragraph 7 of Annex I to the Staff Regulations, shall be applied in accordance with paragraph (b) below in the case of staff members in the Professional and higher category.
- (b) The amount of post adjustment for each level and step of the Professional and higher category shall be determined by applying the post adjustment multiplier for The Hague, as published by the ICSC, to the corresponding net base salary rates.
- (c) While the salary of a staff member is normally subject to the post adjustment for The Hague during an assignment for one year or more, the Director-General may decide, if a staff member is assigned to The Hague for less than one year to either:
  - (i) apply the post adjustment applicable to The Hague and, if appropriate, to pay the settling-in grant under Staff Rule 7.1.13; or
  - (ii) in lieu of the above, to authorise payment of the subsistence allowance.
- (d) Internationally recruited staff members who rent housing accommodation in The Hague may be paid a rental subsidy under terms and conditions determined by the Director-General in an Administrative Directive based on the thresholds and maximum amounts applied by the United Nations common system.

**Rule 3.1.02**  
**Salary increments**

- (a) Subject to satisfactory service, salary increments shall be awarded in accordance with Annex I to the Staff Regulations.
- (b) The normal qualifying period for in-grade movement between consecutive steps is one year, except as provided in paragraphs 2, 3 and 4 of Annex I to the Staff Regulations, for which a two-year period at the preceding step is required.
- (c) Satisfactory service for the purpose of awarding a salary increment shall be defined, unless otherwise decided by the Director-General in any particular case, as satisfactory performance and conduct of staff members in their assignments as evaluated by their supervisors.
- (d) Salary increments shall be effective on the first day of the pay period in which service requirements are completed.

**Rule 3.1.03**  
**Salary policy on step and level changes**

- (a) If a staff member whose service has not been satisfactory is demoted, the staff member's eligibility for salary increment at the lower level will be based on satisfactory service at the lower level.

- (b) Following a recruitment or promotion process, should a staff member be appointed or promoted to a post of a higher level, he or she shall be placed at the lowest step in the higher level that provides an increase in net base salary equal to at least the amount that would have resulted from the granting of two steps at the lower level.
- (c) If the advancement is effective on the month in which an increment at the lower level is due, such increment will be included in the salary at the lower level, to which two steps will then be added to determine the staff member's salary after such advancement in accordance with paragraph (b) above.
- (d) The date of the first salary increment at the higher level shall be the anniversary date of the advancement, except that in the case of those increments that require two years of satisfactory service, the first increment at the higher level will become due two years from the date of the advancement.
- (e) Where the total net remuneration before promotion of a staff member in the General Service category exceeds that at the Professional level after promotion, a personal transitional allowance in an amount sufficient to meet the requirements in accordance with the methodology applied by the United Nations common system will be paid until such time as it is overtaken by increases in remuneration at the Professional level.

**Rule 3.1.04**  
**Special post allowance**

- (a) Staff members shall be expected to assume temporarily, as a normal part of their customary work and without extra compensation, the duties and responsibilities of higher-level posts.
- (b) A staff member who is officially requested to assume the full duties and responsibilities of a post at a level clearly recognisable as higher than his or her own for a temporary period exceeding three months may be granted a non-pensionable special post allowance from the beginning of the fourth month of service at the higher level.
- (c) In the event that a staff member in the General Service category is required to serve in a higher level post in the Professional category, or when a staff member in any category is required to serve in a post which is classified more than one level above his or her level, the allowance may be made effective from the date upon which the staff member assumes the higher duties and responsibilities, provided at least three months of service in the higher level function are completed.
- (d) The amount of the special post allowance shall be equivalent to the salary increase (including post adjustment and dependency allowances, if any) which the staff member would have received had the staff member been promoted to the next higher level.
- (e) Further terms and conditions under which a special post allowance may be payable shall be established by the Director-General in an Administrative Directive.



**Rule 3.1.05**  
**Salary advances**

- (a) Salary advances may be made to staff members:
  - (i) upon departure for extended official travel or for approved leave involving absence from duty for a minimum period of 17 days including one pay day, in the amount that would fall due for payment during the anticipated period of absence;
  - (ii) in cases where staff members do not receive their regular salary payment through no fault of their own, in the amount due;
  - (iii) upon separation from service, where final settlement of pay accounts cannot be made at the time of departure, subject to the advance not exceeding 80 per cent of the estimated final net payments due;
  - (iv) in cases where new staff members arrive without sufficient funds, in such amount as the Director-General may deem appropriate.
- (b) The Director-General may, in exceptional and compelling circumstances, and if the request of the staff member is supported by a detailed justification in writing, authorise an advance for any reason other than those enumerated above.
- (c) Salary advances other than those referred to in subparagraphs (a)(i), (ii) and (iii) above shall be liquidated at a constant rate as determined at the time the advance is authorised, in consecutive pay periods, commencing not later than the period following that in which the advance is made.

**Rule 3.1.06**  
**Retroactivity of payments**

A staff member who has not been receiving an allowance, grant or other payment to which he or she is entitled shall not receive retroactively such allowance, grant or payment unless the staff member has made a written claim:

- (a) in the case of the cancellation or modification of the Staff Rule governing eligibility, within three months following the date of such cancellation or modification;
- (b) in every other case, within one year following the date on which the staff member would have been entitled to the initial payment.

**Rule 3.1.07**  
**Deductions and contributions**

- (a) Staff assessment, and contributions of staff who are participants in the United Nations Joint Staff Pension Fund, shall be deducted each pay period from the total payments due to each staff member.

- (b) Deductions from salaries and other emoluments may also be made for the following purposes:
- (i) for contributions, other than to the United Nations Joint Staff Pension Fund, for which provision is made under these Staff Rules;
  - (ii) for indebtedness to the Organisation;
  - (iii) for indebtedness to third parties when any deduction for this purpose is authorised by the Director-General;
  - (iv) for lodging provided by the Organisation, by a Government or by a related institution;
  - (v) for contributions to the Staff Representative Body established pursuant to Staff Regulation 8, provided that each staff member has the opportunity to withhold his or her consent to, or at any time to discontinue, such deduction, by notice to the Director-General.

## **Regulation 3.2**

- (a) The Director-General shall establish terms and conditions under which an education grant shall be available to an internationally recruited staff member serving outside his or her recognised home country whose child is in full-time attendance at a school, university, or similar educational institution of a type that will, in the opinion of the Director-General, facilitate the child's re-assimilation in the staff member's recognised home country. The grant shall be payable in respect of a child up to the end of their fourth year of post-secondary studies, but in any case not exceeding the age of 25. The amount of the grant per scholastic year for each child will be determined by the Director-General in an Administrative Directive and shall be in accordance with the amount approved by the United Nations General Assembly for the United Nations common system.
- (b) The Director-General shall also establish terms and conditions under which an education grant, not in excess of levels authorised for the United Nations, shall be available to a staff member serving in a country whose language is different from his own and who is obliged to pay tuition for the teaching of the mother tongue to a dependent child attending a local school in which the instruction is given in a language other than his or her own.
- (c) The Director-General shall also establish terms and conditions under which a special education grant shall be available to a staff member whose child is unable, by reason of physical or mental disability, to attend a regular educational institution and therefore requires special teaching or training, or while attending a regular educational institution, requires special teaching or training to assist him or her in overcoming the disability. The amount of this grant per year for each child with a disability shall be determined by the Director-General in an Administrative Directive and shall be in accordance with the amount approved by the United Nations General Assembly for the United Nations common system.
- (d) Travel costs of each child covered by the special education grant may be paid for an outward and return journey twice in each scholastic year between the educational institution and The Hague.

### **Rule 3.2.01 Education grant**

#### Definitions

- (a) For the purposes of the Education grant:
  - (i) "child" means a child of a staff member who is dependent upon the staff member for main and continuing support, as defined in Staff Rules 3.4.02(b);
  - (ii) "child with a disability" means a child who is unable, by reason of physical or mental disability, to attend a regular educational institution and therefore requires special teaching or training to prepare him or her for full integration

into society or, while attending a regular educational institution, requires special teaching or training to assist him or her in overcoming the disability;

- (iii) "home country" means the country of home leave of the staff member under Staff Rule 5.2.01. If both parents are eligible staff members, "home country" means the country of home leave of either parent;
- (iv) "The Hague" means the municipality of The Hague or the area within commuting distance as determined by the Director-General in an Administrative Directive.

#### Eligibility for education grant

- (b) A fixed-term staff member who is regarded as an international recruit under Staff Rule 4.1.04 and who is serving outside his or her home country shall be entitled to an education grant in respect of each child in full-time attendance at a school, university or similar educational institution, at or outside The Hague, in accordance with the provisions of Staff Regulation 3.2.
- (c) The grant shall not, however, be payable in respect of:
  - (i) attendance at a kindergarten or nursery school at the pre-primary level;
  - (ii) attendance at a free school or one charging only nominal fees;
  - (iii) correspondence courses, except those which in the opinion of the Director-General are the best available substitute for full-time attendance at a school of a type not available in The Hague;
  - (iv) private tuition, except tuition in a language of the home country if satisfactory school facilities for learning that language are not available in The Hague;
  - (v) vocational training or apprenticeship which does not involve full-time schooling and in which the child receives payment for services rendered.
- (d) The grant will not normally be payable beyond the school year in which the child reaches the age of 25 years. If the child's education is interrupted for at least one school year by national service, illness, or other compelling reasons, the period of eligibility shall be extended by the period of interruption.
- (e) Where attendance is for less than two thirds of the scholastic year, the amount of the grant for that year shall be that proportion of the grant otherwise payable which the period of attendance bears to the full scholastic year.
- (f) Where the period of service of the staff member does not cover the full scholastic year, the amount of the grant for that year shall normally be proportionally adjusted.

Travel expenses related to the special education grant

- (g) Travel expenses payable in terms of Staff Regulation 3.2 shall not be paid if the requested journey is unreasonable, either because of its timing in relation to other authorised travel of the staff member or his or her eligible family members or because of the brevity of the visit in relation to the expense involved.
- (h) Where attendance is for less than two-thirds of the school year, travel expenses shall not normally be payable.
- (i) Transportation expenses shall not exceed the cost of a journey between the staff member's home country and The Hague.

Claims for the education grant

- (j) Claims for the education grant shall be submitted through the relevant electronic system and supported by evidence satisfactory to the Director-General, when requested.

**Rule 3.2.02**  
**Mother tongue tuition**

The Director-General will decide in each case whether the education grant shall be paid for tuition of the mother tongue under Staff Regulation 3.2(b).

**Rule 3.2.03**  
**Special education grant for a child with a disability**

- (a) A special education grant for children with a disability shall be available to all fixed-term staff members of all categories, regardless of whether or not they are serving in their home country.
- (b) The amount of the grant shall be as provided for in Staff Regulation 3.2(c). "Educational expenses" reimbursable under the special education grant shall comprise the expenses incurred to provide an educational programme designed to meet the needs of the child with a disability in order that he or she may attain the highest possible level of functional ability.
- (c) The grant shall be computed on the basis of the calendar year if the child is unable to attend a regular educational institution, or on the basis of the school year if the child is in full-time attendance at a regular educational institution while receiving special teaching or training. The grant shall be payable in respect of any child with a disability from the date on which the special teaching or training is required up to the end of the school year or the calendar year, as appropriate, in which the child reaches the age of 25 years. In exceptional cases, the age limit may be extended up to the end of the school year or the calendar year, as appropriate, in which the child reaches the age of 28 years.

- (d) Where the period of service does not cover the full school year or calendar year, the amount of the grant shall be that proportion of the annual grant which the period of service bears to the full school or calendar year.
- (e) Claims for the grant shall be submitted annually through the relevant electronic system and supported by medical evidence satisfactory to the Director-General regarding the child's disability, as required. The staff member shall also be required to provide evidence that he or she has exhausted all other sources of benefits that may be available for the education and training of the child. The amount of educational expenses used as the basis for the calculation of the special education grant shall be reduced by the amount of any benefits so received or receivable by the staff member.
- (f) Where the child with a disability attends an educational institution away from The Hague, travel costs may be paid for up to two round trips per school year between the educational institution and The Hague, provided the Director-General is satisfied that the needs of the child with a disability require attendance at the educational institution. In very exceptional circumstances, travel may also be reimbursed for the person accompanying the child with a disability.
- (g) The Director-General shall specify the terms and conditions applicable to travel associated with the education grant in an Administrative Directive.

### **Regulation 3.3**

- (a) In the event a staff member is subject to national income taxation with respect to the net salaries and emoluments paid by the Organisation to staff members, the Director-General is authorised to refund to him or her the amount of those taxes paid. The Director-General will make arrangements with the States Parties concerned for the reimbursement to the Organisation.
- (b) If taxes are levied by States Parties on the salaries and emoluments paid by the Organisation to staff members who are citizens of those States Parties, the Organisation shall, however, only refund the amounts of taxes to the extent that such amounts are reimbursed to the Organisation by the States Parties concerned.

#### **Rule 3.3.01 Staff assessment**

Staff assessment is an amount consisting of the difference between the net and gross salary as it appears in the salary scale for staff members as contained in Annex I of the Staff Regulations.

### **Regulation 3.4**

- (a) Staff members in the Professional and higher category shall be entitled to receive a dependent spouse allowance in the amount of six percent of net base salary plus post adjustment, under conditions established by the Director-General.

- (b) Staff members in the Professional and higher category without a spouse shall be entitled to receive a single parent allowance in respect of the first dependent child in the amount of six percent of net base salary plus post adjustment, under conditions established by the Director-General.
- (c) Staff members in the Professional and higher category shall be entitled to receive further dependency allowances as follows:
  - (i) For each dependent child an annual amount equal to the amount approved by the United Nations General Assembly for the United Nations common system, except that the allowance shall not be paid in respect of the first dependent child if a staff member receives a single parent allowance under paragraph (b) above;
  - (ii) For each disabled child an annual amount equal to the amount approved by the United Nations General Assembly for the United Nations common system. However, if the staff member is entitled to the single parent allowance under paragraph (b) above in respect of a disabled child, the further dependency allowance shall be the same as the allowance for a dependent child in subparagraph (c)(i) above;
  - (iii) Where there is no dependent spouse, a single annual amount equal to the amount approved by the United Nations General Assembly for the United Nations common system for either a dependent parent, a dependent brother or a dependent sister.
- (d) If both spouses are staff members, one may claim for dependent children under subparagraphs (c)(i) and (ii) above, in which case the other may claim only under subparagraph (c)(iii) above, if otherwise entitled.
- (e) With a view to avoiding duplication of benefits and in order to achieve equality between staff members who receive dependency benefits under applicable laws in the form of governmental grants and staff members who do not receive such dependency benefits, the Director-General shall prescribe conditions under which the dependency allowance for a child specified in paragraph (b) and subparagraph (c)(i) above shall be payable only to the extent that the dependency benefits enjoyed by the staff member or his or her spouse under applicable laws amount to less than such a dependency allowance.
- (f) Staff members in the General Service category shall be entitled to receive dependency allowance at rates and under conditions determined by the Director-General, due regard being given to the circumstances in The Hague.
- (g) Claims for dependency allowances shall be submitted through the relevant electronic system and supported by evidence satisfactory to the Director-General. A separate claim for dependency allowance shall be made each year.

**Rule 3.4.01**  
**Dependency allowances**

- (a) All staff members whose salary rates are set by the Director-General under paragraph 1 of Annex I to the Staff Regulations shall be entitled to receive dependency allowances. The terms, conditions and rates of the dependency allowances shall be as determined by the Director-General in an Administrative Directive and based on the rates applied by the United Nations common system.
- (b) Where the staff member or his or her spouse receives a direct governmental grant in respect of a child, the dependent child allowance or single parent allowance payable under this Rule for such a child shall be the approximate amount by which the governmental grant is less than such a dependent child allowance or single parent allowance. In no case shall the sum of the two payments be less than the rate applicable under the Staff Regulations and Rules. In the event that the governmental grant equals or exceeds the dependency allowances payable under this Rule, no such allowance will be payable to the staff member concerned.
- (c) Staff members shall be responsible for notifying the Director-General through the relevant electronic system of claims for a dependency allowance and may be required to support such claims by documentary evidence satisfactory to the Director-General. They shall be responsible for reporting to the Director-General any change in the status of a dependant affecting the payment of this allowance.
- (d) A dependency allowance shall be paid in respect of not more than one dependent parent, brother or sister qualifying as a secondary dependant, and such payment shall not be made when a payment is being made for a dependent spouse.

**Rule 3.4.02**  
**Definition of dependency**

For the purposes of the Staff Regulations and Rules:

- (a) A "dependent spouse" shall be a spouse whose earnings, if any, do not exceed the lowest entry level of the General Service category's gross salary scales in force on 1 January of the year concerned at the UN duty station in the country of the spouse's place of work, provided that for the spouse of a staff member in the Professional and higher category the amount of such entry level shall not be less than the equivalent of the lowest entry level at the base of the salary system (GS-2, step I, for New York).
- (b) A " child" is any of the following children for whom the staff member provides main and continuing support:
  - (i) a staff member's natural or legally adopted child; or
  - (ii) a staff member's stepchild who is residing with the staff member; or
  - (iii) any other child as may be determined by the Director-General under special conditions set out in an Administrative Directive.



- (c) A “dependent child” is a child who meets one of the following criteria:
- (i) The child is under the age of 18 years;
  - (ii) The child is between the ages of 18 and 21 years and attends university or its equivalent full-time; the requirements of residing with the staff member does not apply in this case; or
  - (iii) The child is of any age and has a disability that is permanent or for a period that is expected to be long-term that prevents substantial gainful employment.
- (d) A staff member claiming a child as dependent must certify that he or she provides main and continuing support for the child. This certificate must be supported by documentary evidence satisfactory to the Director-General, if a child:
- (i) does not reside with the staff member because of divorce or legal separation of the staff member;
  - (ii) is married; or
  - (iii) is regarded as a dependant under the special conditions referred to above.
- (e) A “secondary dependant” shall be the father, mother, brother, or sister of whose financial support the staff member provides one half or more, and in any case at least twice the amount of the dependency allowance. The conditions regarding age, school attendance and disability are the same for a brother or sister as those applicable to a staff member’s child in paragraph (c) above.

#### **ARTICLE IV APPOINTMENT**

##### **Regulation 4.1**

- (a) The power of appointment of staff rests with the Director-General. Upon appointment each staff member shall receive a letter of appointment in accordance with the provisions of Annex II to the present Staff Regulations and signed by the Director-General or by an official in the name of the Director-General.
- (b) Only citizens of States Parties shall be appointed or employed by the Organisation as staff members or engaged in any form of special services agreement.

**Rule 4.1.01**  
**Letter of appointment**

The letter of appointment granted to every staff member contains expressly or by reference all the terms and conditions of employment. All contractual entitlements of staff members are strictly limited to those contained expressly or by reference in their letter of appointment.

**Rule 4.1.02**  
**Effective date of appointment**

- (a) The appointment of every locally recruited staff member shall take effect from the date on which the staff member starts to perform his or her duties.
- (b) The appointment of every internationally recruited staff member shall take effect from the date on which the staff member enters into official travel status to assume his or her duties or, if no official travel is involved, from the date on which the staff member starts to perform his or her duties.

**Rule 4.1.03**  
**Local recruitment**

- (a) The conditions under which staff members shall be regarded as local recruits for the purpose of these Staff Rules shall be as determined by the Director-General in an Administrative Directive.
- (b) A staff member regarded as having been locally recruited shall not be eligible for the allowances or benefits indicated in Staff Rule 4.1.04(a).

**Rule 4.1.04**  
**International recruitment**

- (a) Staff members other than those regarded under Staff Rule 4.1.03 as having been locally recruited shall be considered as having been internationally recruited. The allowances and benefits in general available to internationally recruited fixed-term staff members include: payment of travel expenses upon initial appointment and on separation for themselves and their spouses and dependent children, relocation shipment or shipment of personal effects, settling-in grant, home leave where applicable, education grant and repatriation grant as detailed in the relevant Staff Rules.
- (b) A staff member who has changed his or her residential status in such a way that he or she may, in the opinion of the Director-General, be deemed to be a permanent resident of any country other than that of his or her nationality may lose entitlement to the allowances referred to in paragraph (a) above, if the Director-General considers that the continuation of such entitlement would be contrary to the purposes for which such allowances were created.

**Rule 4.1.05**  
**Mandatory age of separation**

- (a) Staff members shall not normally be retained in service beyond the age of sixty-five years. The Director-General may in the interest of the OPCW extend this age limit in individual cases.
- (b) Staff members who separate from service on or after reaching the mandatory age of separation may be eligible for retirement benefits as provided for under article 28 of the Regulations of the United Nations Joint Staff Pension Fund.

**Rule 4.1.06**  
**Citizenship**

- (a) In the application of Staff Regulations and Rules, the Director-General shall, in the event a staff member holds citizenship of more than one State Party, only recognise one citizenship for that staff member.
- (b) When a staff member has been legally accorded citizenship by more than one State Party, the staff member's citizenship for the purposes of the Staff Regulations and Rules shall be the citizenship stated in the staff member's letter of appointment.
- (c) The application for recruitment by the OPCW shall contain a declaration by the applicant of all citizenships he or she possesses. The Director-General has the right to verify, by every possible means, this information as well as all other data provided by the candidate.

**Rule 4.1.07**  
**Change of residence or citizenship**

A staff member who intends to acquire permanent residence status in any country other than that of his or her citizenship or who intends to change his or her citizenship shall notify the Director-General of that intention before the change in residence status or in citizenship takes place.

**Regulation 4.2**

The paramount consideration in the appointment, transfer and promotion of staff shall be the necessity of securing the highest standards of efficiency, professional competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper discharge of the responsibilities of the Secretariat.

**Regulation 4.3**

Selection of staff shall be made without distinction as to race, gender or religion. So far as practicable, selection shall be made on a competitive basis. Selection and appointment of candidates shall also be done in a manner that ensures transparency of the process and consistency with the principles contained in Staff Regulation 4.2, as well as with decisions taken by the Conference of the States Parties or the Executive Council.

**Rule 4.3.01**  
**Family relationships**

- (a) Except where another person equally well qualified cannot be recruited, appointment shall not be granted to a person who is the father, mother, son, daughter, brother or sister of a staff member.
- (b) The spouse of a staff member may be appointed provided that he or she is fully qualified for the post for which he or she is being considered and that the spouse is not given any preference by virtue of the relationship to the staff member.
- (c) A staff member who bears to another staff member any of the relationships specified in (a) and (b) above:
  - (i) shall not be assigned to serve in a post which is superior or subordinate in the line of authority to the staff member to whom he or she is related;
  - (ii) shall disqualify himself or herself from participating in the process of reaching or reviewing an administrative decision affecting the recruitment, status or entitlements of the staff member to whom he or she is related.
- (d) The marriage of one staff member to another shall not affect the contractual status of either staff member but their entitlements and other benefits shall be modified as provided in the Staff Regulations and Rules.

**Regulation 4.4**

- (a) The OPCW is a non-career organisation. This means that no permanent contracts shall be granted. Staff members shall be granted one of the following types of temporary appointments: short-term or fixed-term. The initial contract period shall not normally exceed three years. Contract extensions are possible; however, contracts, including extensions, carry no expectation of renewal or re-employment. Contract extension will become progressively more difficult, and shall be assessed upon, inter alia, the staff member's performance measured in accordance with a rigorous performance appraisal system. Any contract extension will be based on a continuing need on the part of the Organisation for the specific skill and knowledge of the staff member.
- (b) The total length of service of Secretariat staff shall be seven years unless otherwise specified below:

- (i) The Director-General may exclude locally recruited General Service staff from the maximum length of service requirement on the basis of the needs of the Organisation, and may grant these staff members additional fixed-term contracts.
  - (ii) The Director-General may also exclude linguist staff from these requirements on the basis of the needs of the Organisation and, in consultation with States Parties concerning options for improving linguistic services, may grant these staff members additional fixed-term contracts. Each such extension shall be subject to the same procedure.
  - (iii) The Conference of the States Parties may take decisions to exceptionally grant the Director-General the authority to extend the maximum length of service requirement for other categories of staff members under conditions specified in any such decision.
- (c) Staff members shall be required to serve a probationary period of six months. In individual cases, especially for short-term appointments, the Director-General may, in the best interest of the Organisation, adjust the terms and conditions of the probationary period.
- (d) For the top structure positions spelled out in Annex V, the initial contract period will be three years, with up to four one-year extensions.

#### **Rule 4.4.01 Appointments**

Staff members may be granted one of the following types of appointments: short-term appointment or fixed-term appointment.

(a) Short-term appointment

- (i) A short-term appointment may be granted where the total period of service is expected to be less than one year.
- (ii) A short-term appointment does not carry any expectation of renewal of appointment or of conversion to any other type of appointment.
- (iii) Short-term appointments shall be granted on the terms and conditions determined by the Director-General in an Administrative Directive and based on the Staff Regulations and Rules.

(b) Fixed-term appointment

- (i) A fixed-term appointment, having an expiration date specified in the letter of appointment, may be granted for such period or periods as the Director-General determines in light of the provisions of Staff Regulation 4.4.

- (ii) A fixed-term appointment does not carry any expectation of renewal or of conversion to any other type of appointment.

**Rule 4.4.02**  
**Expiration of appointments**

- (a) All appointments shall expire automatically and without prior notice on the expiration date specified in the letter of appointment.
- (b) Separation as a result of the expiration of an appointment shall not be regarded as a termination within the meaning of the Staff Regulations and Rules.

**Regulation 4.5**

The Director-General shall establish appropriate medical standards which staff shall be required to meet before appointment.

**Rule 4.5.01**  
**Medical report**

All offers of fixed-term appointments shall be made subject to a satisfactory report from the Organisation's medical officer.. The report will be based on the results of a medical review conducted by the Organisation's medical officer or a designated alternate physician. Should the result of the review be unfavourable, the Director-General may cancel the offer of appointment or amend its terms.

**ARTICLE V**  
**ANNUAL LEAVE AND SPECIAL LEAVE**

**Regulation 5.1**

Staff shall be allowed appropriate annual leave, as provided in the Staff Rules.

**Rule 5.1.01**  
**Annual leave**

- (a) Staff members shall accrue annual leave while in full pay status at the rate of 30 working days a year, subject to the provisions of Staff Rule 5.3.01(c). No leave shall accrue while a staff member is receiving compensation equivalent to salary and allowances under Staff Rule 6.2.03.
- (b) (i) Annual leave may be taken in units of full days and half-days.

- (ii) Leave may be taken only when authorised. If a staff member is absent from work without authorisation, payment of salary and allowances shall cease for the period of unauthorised absence. However, if, in the opinion of the Director-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.
  - (iii) 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 Director-General. The personal circumstances and preferences of the individual staff member shall, as far as possible, be considered.
- (c) Annual leave may be accumulated, provided that not more than 30 working days of such leave shall be carried forward beyond 1 January of any year without the prior approval of the Director-General.
  - (d) A staff member may, in exceptional circumstances, be granted advance annual leave up to a maximum of 10 working days, provided his or her service is expected to continue for a period beyond that necessary to accrue the leave so advanced.

## **Regulation 5.2**

Eligible staff shall be granted home leave once in every two years subject to the Staff Rules.

### **Rule 5.2.01 Home leave**

- (a) Fixed term staff members regarded as international recruits under Staff Rule 4.1.04 and not excluded from home leave under Staff Rule 4.1.04(b), who are serving outside their home country and who are otherwise eligible, shall be entitled, along with their eligible family members, once in every two years of qualifying service, to visit their home country at the Organisation's expense for the purpose of spending in that country a substantial period of annual leave. The Director-General shall determine the terms and conditions of leave taken for this purpose in an Administrative Directive.
- (b) A staff member shall be eligible for home leave provided his or her service is expected by the Director-General to continue:
  - (i) at least six months beyond the date of his or her return from any proposed home leave; and
  - (ii) in the case of the first home leave, at least six months beyond the date on which the staff member will have completed two years of qualifying service.
- (c) The home country shall be the country of the staff member's nationality, subject to the following terms, conditions, and exceptions:

- (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 tie during the period of his or her most recent residence in the home country. In exceptional circumstances, a change in the place in the country of home leave may be authorised, under conditions established by the Director-General;
- (ii) a staff member who has served with another public international organisation 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 organisation had been with the Organisation;
- (iii) the Director-General, in exceptional and compelling circumstances, may authorise:
  - (aa) a country other than the country of nationality as the home country, for the purposes of this Rule. A staff member requesting such authorisation will be required to satisfy the Director-General that the staff member maintained normal residence in such other country for a prolonged period preceding his or her appointment, that the staff member continues to have close family and personal ties in that country and that the staff member's taking home leave there would not be inconsistent with the purposes and intent of Staff Regulation 5.2;
  - (bb) travel in a particular home leave year to a country other than the home country, subject to conditions established by the Director-General. In such a case, the travel expenses borne by the Organisation shall not exceed the cost of travel to the home country.
- (d)
  - (i) A staff member's first home leave shall fall due in the calendar year in which the staff member completes two years of qualifying service.
  - (ii) Home leave may be taken, subject to the exigencies of the service and to the provisions in subparagraph (i) above any time during the calendar year in which it falls due.
- (e) If both spouses are staff members who are eligible for home leave, and taking into account Staff Rule 4.3.01(d), each staff member shall have the choice either of exercising his or her own home leave entitlement or of accompanying the spouse. A staff member who chooses to accompany his or her spouse shall be granted travel time appropriate to the travel involved. Dependent children whose parents are staff members, each of whom is entitled to home leave, may accompany either parent. The frequency of travel shall not exceed the established periodicity of the home leave both with regard to staff members and to their dependent children, if any.
- (f) If a staff member delays taking his or her home leave beyond the calendar year in which it falls due, such delayed leave may be taken without altering the time of his or her next and succeeding home leave entitlements, provided that normally not less than twelve months of qualifying service elapse between the date of the staff member's



return from the delayed home leave and the date of his or her next home leave departure.

- (g) In exceptional circumstances, a staff member may be granted advance home leave, provided that, normally, not less than 12 months of qualifying service have been completed or that not less than 12 months of qualifying service have elapsed since the date of the staff member's return from home leave. The granting of advance home leave shall not advance the calendar year in which the next home leave falls due. The granting of advance home leave shall be subject to the conditions for the entitlement subsequently being met. If these conditions are not met, the staff member will be required to reimburse the costs paid by the Organisation for the advance home leave.
- (h) 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.
- (i) A staff member shall be entitled to claim, in respect of authorised travel on home leave, travel time and expenses for himself or herself and eligible family members for the outward and return journeys between The Hague and the place of home leave.
- (j) Travel of eligible family members 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 family members from travelling together.
- (k) A staff member travelling on home leave shall be required to spend a substantial period of leave in his or her home country. The Director 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.

### **Regulation 5.3**

Special leave may be authorised by the Director-General in exceptional cases, and normally without pay, in accordance with the Staff Rules.

#### **Rule 5.3.01 Special leave**

- (a) Special leave may be granted, normally without pay, for advanced study or research in the interest of the Organisation, in cases of extended illness, for child care, or for other important reasons for such period and on such conditions as the Director-General may determine in an Administrative Directive in accordance with the relevant United Nations rules. In exceptional cases, the Director-General may, at his or her own initiative, place a staff member on special leave with partial or full pay if he or she considers such leave to be in the interest of the Organisation.
- (b) A staff member 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 granted

special leave without pay for the duration of such military service, in accordance with terms and conditions determined by the Director-General in an Administrative Directive based on the relevant United Nations rules to the extent possible.

- (c) Without prejudice to the total length of service established in Staff Regulation 4.4, paragraph (b), the Director-General may authorise special leave without pay for pension purposes to protect the pension benefits of staff who are within two years of reaching the applicable qualifying age for an early retirement benefit under the Regulations of the United Nations Joint Staff Pension Fund and 25 years of contributory service, or who are over that age and within 2 years of 25 years of contributory service.
- (d) Staff members shall not accrue service credits towards sick, annual and home leave, salary increment, seniority, termination indemnity and repatriation grant during periods of special leave with partial pay or without pay. Periods of less than one full month of such leave shall not affect the ordinary rates of accrual. Continuity of service shall not be considered broken by periods of special leave.

## **ARTICLE VI SOCIAL SECURITY**

### **Regulation 6.1**

Provision shall be made for the participation of staff members in the United Nations Joint Staff Pension Fund in accordance with the Regulations of that fund.

#### **Rule 6.1.01**

#### **Participation in the United Nations Joint Staff Pension Fund**

Staff members whose appointments are for six months or longer or who complete six months of service under shorter appointments without an interruption of more than 30 calendar days shall become participants in the United Nations Joint Staff Pension Fund, provided that participation is not expressly excluded by their letters of appointment.

#### **Rule 6.1.02**

#### **Pensionable remuneration**

- (a) The definition of pensionable remuneration shall be as set out in the Regulations of the United Nations Joint Staff Pension Fund, as may be amended from time to time.
- (b) A non-pensionable worktime differential shall be set by the Director-General, which shall be payable to staff members in the General Service category to account for any difference in working hours based on which pensionable remuneration is calculated and the normal working hours established by the Director-General pursuant to Rule 1.2.02(a).

- (c) If the promotion of a staff member from the General Service category to the Professional category entails a decrease in his or her pensionable remuneration, he or she may request, for the purpose of participation in the United Nations Joint Staff Pension Fund, that his or her pensionable remuneration be maintained at the level applicable on the first day of the month immediately preceding his or her promotion until such time as that level is attained or exceeded by the pensionable remuneration applicable to the staff member's new grade and step.

### **Regulation 6.2**

The Director-General shall establish a cost-effective and administratively efficient scheme of social security for the staff, which includes adequate provisions for health protection, sick leave, maternity and paternity leave and reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the Organisation.

#### **Rule 6.2.01 Sick leave**

- (a) Staff members who are incapacitated from the performance of their duties by illness or injury or whose attendance at work is prevented by public health requirements will be granted sick leave in accordance with the terms and conditions to be determined by the Director-General in an Administrative Directive, at the rates set out below:
- (i) A staff member holding a short-term appointment shall be granted sick leave credit at the rate of two working days per full month of service;
  - (ii) A staff member holding a fixed-term appointment of one year or longer but less than three years shall be granted sick-leave for up to three months on full salary and three months on half salary in any period of twelve consecutive months;
  - (iii) A staff member holding a fixed-term appointment of three years or longer or who has completed three years of continuous service shall be granted sick leave up to nine months on full salary and nine months on half salary in any period of four consecutive years.
- (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.
- (c) A staff member shall immediately notify the Organisation's senior medical officer of any case of contagious disease occurring in his or her household or of any quarantine order affecting the household. In such a case, or in the case of any other condition which may affect the health of others, a staff member may be directed not to attend the office. He or she shall receive full salary and other emoluments for the period of authorised absence.

- (d) In cases of family emergency, a staff member may use part of his or her sick leave entitlements, without medical certification or consultation but with the approval of the Director-General, to attend to such emergency. All sick leave entitlements shall lapse on the last day for pay purposes.

**Rule 6.2.02**  
**Maternity and paternity leave**

- (a) A staff member shall be entitled to maternity or paternity leave in accordance with the terms and conditions determined by the Director-General in an Administrative Directive in accordance with the relevant United Nations rules.
- (b) Annual leave shall accrue during the period of maternity or paternity leave, provided that the staff member returns to service for at least six months after the completion of maternity or paternity leave.

**Rule 6.2.03**  
**Compensation for death, injury or illness attributable to service**

Staff members or their beneficiaries, as appropriate, shall be entitled to compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the Organisation, in accordance with the terms and conditions determined by the Director-General in an Administrative Directive based on the relevant United Nations rules.

**Rule 6.2.04**  
**Compensation for loss or damage to personal effects attributable to service**

Staff members shall be entitled, within the limits and under terms and conditions determined by the Director-General in an Administrative Directive in accordance with the relevant United Nations rules, to reasonable compensation in the event of loss or damage to their personal effects determined to be directly attributable to the performance of official duties on behalf of the Organisation.

**Rule 6.2.05**  
**Medical insurance**

- (a) Staff members shall participate in the Organisation's medical insurance scheme under the terms and conditions determined by the Director-General in an Administrative Directive.
- (b) The amount of contributions to such medical insurance scheme shall be as determined by the Director-General in an Administrative Directive.

**ARTICLE VII  
TRAVEL AND RELOCATION EXPENSES**

**Regulation 7.1**

- (a) Subject to the conditions and definitions prescribed in the Staff Rules promulgated by the Director-General, the Director-General shall in appropriate cases pay the travel expenses of staff members, their spouses and dependent children bearing in mind the need for maximum economy.
- (b) For official travel by air by inspectors for the purpose of conducting inspections the standard of accommodation may, at the discretion of the Director-General, exceed economy class, but remain below first class, for official travel of more than ten hours duration without stopover. Except for special cases, such as challenge inspections and investigations of alleged use where a stopover would be inconsistent with the short time lines involved, the less expensive of a stopover or business class travel by air shall be used.

**Rule 7.1.01  
Official travel of staff members**

- (a) Subject to the conditions laid down in these Rules and determined by the Director-General in an Administrative Directive, the Organisation shall pay the travel expenses of a staff member under the following circumstances:
  - (i) on initial appointment, provided that the staff member is considered to have been internationally recruited under Staff Rule 4.1.04 for service outside his or her home country;
  - (ii) when required to travel on official business;
  - (iii) on home leave, in accordance with the provisions of Staff Rule 5.2.01;
  - (iv) on separation from service, in accordance with the provisions of Article IX of the Staff Regulations and Rules;
  - (v) on travel authorised for medical or security reasons or in other appropriate cases, when, in the opinion of the Director-General, there are compelling reasons for paying such expenses.
- (b) Should a staff member, on separation, wish to go to any place other than the place of recruitment or the place of home leave, the travel expenses borne by the Organisation shall not exceed the maximum amount that would have been payable on the basis of return transportation to the place of recruitment or home leave.

**Rule 7.1.02**  
**Official travel of family members**

- (a) Subject to the conditions laid down in these Staff Rules and determined by the Director-General in an Administrative Directive, the Organisation shall pay the travel expenses of a staff member's eligible family members under the following circumstances:
- (i) on the initial fixed-term appointment of a staff member who is considered to have been internationally recruited under the provisions of Staff Rule 4.1.04, provided the staff member's services are expected by the Director-General to continue for more than six months beyond the date on which travel of his or her family members commences;
  - (ii) following completion by the staff member of not less than one year of continuous service, provided his or her services are expected by the Director-General to continue for more than six months beyond the date on which travel of his or her family members commences;
  - (iii) on home leave, in accordance with the provisions of Staff Rule 5.2.01;
  - (iv) on separation of a staff member from service, provided the staff member's appointment was for a period of one year or longer or the staff member had completed not less than one year of continuous service;
  - (v) on journeys approved in connection with the special education of a staff member's child;
  - (vi) on travel authorised for medical or in other appropriate cases, when, in the opinion of the Director-General, there are compelling reasons for paying such expenses.
- (b) Under subparagraphs (a)(i) and (ii) above, the Organisation shall pay the travel expenses of a staff member's eligible family members either from the place of recruitment or from the place of home leave. Should a staff member wish to bring any eligible family member to The Hague from any other place, the travel expenses borne by the Organisation shall not exceed the maximum amount that would have been payable on the basis of travel from the place of recruitment or home leave.
- (c) Under subparagraph (a)(iv) above, the Organisation shall pay the travel expenses of a staff member's eligible family members from The Hague to the place to which the staff member is entitled to be returned in accordance with the provisions of Staff Rule 7.1.01. Where both spouses are staff members and either or both are entitled to the payment of travel expenses on separation from service, and taking into account Staff Rule 4.3.01(d), travel expenses shall be paid for each of them only upon their own separation from service. Where both spouses are entitled to return travel expenses, each staff member shall have the choice either of exercising his or her own entitlement or of accompanying the other spouse, provided that in no case shall such expenses be paid for a staff member while he or she remains in the service of the Organisation.

**Rule 7.1.03**

**Loss of entitlement to return transportation**

- (a) A staff member who resigns before completing one year of service or within three months following the date of his or her return from travel on home leave shall not be entitled to payment of return travel expenses for himself or herself and family members unless, in the opinion of the Director-General, there are compelling reasons for authorising such payment.
- (b) Entitlement to return travel expenses shall cease if travel has not commenced within six months after the date of separation. However, where both spouses are staff members and the spouse who separates first is entitled to return travel expenses, and taking into account Staff Rule 4.3.01(d), his or her entitlement shall not cease until six months after the date of separation of the other spouse.

**Rule 7.1.04**

**Eligible family members**

- (a) Eligible family members, for the purposes of official travel, shall be deemed to comprise the staff member's spouse and those children recognised as dependent under Staff Rule 3.4.02(c). In addition, children in respect of whom a special education grant is payable shall be eligible for education grant travel.
- (b) The Director-General may authorise payment of the travel expenses of a child for one trip either to The Hague or to his or her home country beyond the age when the dependency status of the child would otherwise cease under the relevant Staff Regulations and Rules, either within one year of the time that the child is no longer considered a dependent or upon completion of the child's continuous full-time attendance at a university, when the attendance at the university commenced during the period of recognised dependency status.
- (c) Notwithstanding Staff Rule 7.1.02(a)(iv), the Director-General may also authorise payment of the travel expenses for repatriation purposes of a former spouse.

**Rule 7.1.05**

**Authority for travel**

Travel shall be authorised through the relevant electronic system before it is undertaken. In exceptional cases, staff members may be authorised to travel on oral orders, but such oral authorisation shall require written confirmation. A staff member shall be personally responsible for ascertaining that he or she has the proper authorisation before commencing travel.

**Rule 7.1.06**  
**Reimbursement of expenses**

For all official travel to or from The Hague, a staff member may claim reimbursement of expenses incurred on the terms and conditions and at the rates determined by the Director-General in an Administrative Directive and based on the terms, conditions and rates generally applied by the United Nations common system.

**Rule 7.1.07**  
**Travel expenses**

- (a) Travel expenses that shall be paid or reimbursed by the Organisation under the relevant provisions of these Staff Rules include:
  - (i) transportation expenses (i.e., carrier fare);
  - (ii) terminal expenses;
  - (iii) transit expenses;
  - (iv) travel subsistence allowance;
  - (v) necessary additional expenses incurred during travel.
- (b) Staff members shall exercise the same care in incurring expenses that a prudent person would exercise if travelling on personal business.

**Rule 7.1.08**  
**Route and mode of transportation**

Official travel shall, in all instances, be by a route and mode of transportation as determined by the Director-General to be the most economical and efficient.

**Rule 7.1.09**  
**Standard of accommodation**

- (a) For all official travel by air by staff members and their eligible family members the standard of accommodation shall not exceed full fare economy class for trips of less than 14 hours duration. For trips of more than 14 hours duration the Director-General will authorise a stopover.
- (b) Air travel accommodation under paragraph (a) above shall be provided at the most economical rate appropriate. Children under two years of age travelling by air shall be provided with a ticket giving entitlement to a seat.
- (c) For all official travel by sea approved by the Director-General in exceptional cases, staff members and their family members shall be provided with the standard of



accommodation which is, in the opinion of the Director-General, appropriate to the circumstances of the case.

- (d) For official travel by train approved by the Director-General, staff members and their family members shall be provided with regular first class or equivalent accommodation, including sleeper and other facilities, as appropriate.
- (e) A higher standard of accommodation may be approved when, in the opinion of the Director-General, exceptional and special circumstances warrant it.
- (f) If a staff member or family member travels by more economical accommodations than the approved standard, the Organisation shall only pay for the standard of accommodations actually used by the traveller.

**Rule 7.1.10**  
**Travel by automobile**

Staff members who are authorised to travel by automobile shall be reimbursed by the Organisation at rates and under conditions determined by the Director-General in an Administrative Directive and based on the terms, conditions and rates generally applied by the United Nations common system.

**Rule 7.1.11**  
**Purchase of tickets**

- (a) Unless the staff member concerned is specifically authorised to make other arrangements, all tickets for transportation involving official travel of staff members and eligible family members shall be purchased by the Organisation in advance of actual travel or, where circumstances so require, shall be secured by the staff member. The Director-General shall endeavour to negotiate contract fare rates especially for the most frequently travelled routes.
- (b) When a staff member, for reasons of personal preference or convenience, requests a standard of accommodation in excess of his or her entitlement or requests travel by other than the approved route or mode of transportation, the staff member shall be required to reimburse the Organisation for any additional costs thus incurred before the Organisation provides him or her with the necessary tickets.

**Rule 7.1.12**  
**Travel subsistence allowance**

A staff member authorised to travel at the Organisation's expense shall receive an appropriate daily subsistence allowance on the terms and conditions and at the rates determined by the Director-General in an Administrative Directive and based on the terms, conditions and rates generally applied by the United Nations common system.

**Rule 7.1.13**  
**Settling-in grant**

- (a) A staff member who travels at the Organisation's expense to The Hague for an assignment expected to be of at least one year's duration shall be paid a settling-in grant, subject to the conditions set forth below and as determined by the Director-General in an Administrative Directive in accordance with the relevant United Nations rules.
- (b) The amount of the settling-in grant shall be equivalent to:
  - (i) 30 days of subsistence allowance at the daily rate applicable under subparagraph (c)(i) below; and
  - (ii) 30 days of subsistence allowance at half such daily rate in respect of each family member for whom travel expenses have been paid by the Organisation under Staff Rule 7.1.02 (a)(i) or (ii).

The above-mentioned amounts shall be calculated on the basis of the rate prevailing on the date of arrival at The Hague of the staff member or of the staff member's family member, as appropriate.

- (c)
  - (i) The Director-General may establish special rates of subsistence allowance for the purposes of the settling-in grant for specific categories of staff and publish such rates in an Administrative Directive.
  - (ii) Under conditions determined by the Director-General, the limit of 30 days provided in paragraph (b) above may be extended to a maximum of 90 days. The amount of the grant during the extended period shall be up to 60 per cent of the appropriate prevailing rate.
- (d) Where both spouses are staff members who are travelling at the Organisation's expense to The Hague, and taking into account Staff Rule 4.3.01(d), the settling-in grant shall be paid each in respect of himself or herself. If they have a dependent child or children, the settling-in grant in respect of such child or children shall be paid to the staff member on whom the child is recognised to be dependent.
- (e) In cases where the staff member has not completed one year of service, the grant shall be adjusted proportionately and recovery made under conditions determined by the Director-General who, in exceptional circumstances, may decide to waive recovery for reasons to be recorded in writing.
- (f) The Director-General may, in appropriate cases, authorise payment of all or part of the settling-in grant where the Organisation has not been required to pay travel expenses upon the appointment of a staff member regarded as internationally recruited under Staff Rule 4.1.04.

**Rule 7.1.14**  
**Excess baggage and unaccompanied shipments**

- (a) For the purposes of these Staff Rules "excess baggage" shall mean accompanied baggage in excess of the weight or volume carried without extra charge by transportation companies, and "personal effects and household goods" shall be as defined in Staff Rule 7.2.01(e).
- (b) Staff members travelling at the Organisation's expense shall be entitled to payment of excess baggage for themselves and their eligible family members to the extent determined by the Director-General in an Administrative Directive in accordance with the relevant United Nations rules.
- (c) When the authorised travel is by air or by land, charges for unaccompanied shipment of personal baggage relating to travel on home leave or special education grant may be reimbursed to the extent determined by the Director-General in an Administrative Directive in accordance with the relevant United Nations rules.
- (d) For travel on appointment for one year or more or on separation from service in the case of an appointment for one year or more, where no entitlement to relocation shipment exists under Staff Rule 7.2.01, a staff member shall be paid expenses incurred in transporting personal effects and household goods by the most economical means up to a maximum as determined by the Director-General in an Administrative Directive in accordance with the relevant United Nations rules.

**Rule 7.1.15**  
**Insurance**

- (a) Staff members shall not be reimbursed for the cost of personal accident insurance or insurance of accompanied personal baggage. However, compensation may be paid in respect of loss or damage to accompanied personal baggage, in accordance with such arrangements as may be in force pursuant to Staff Rule 6.2.04.
- (b) In the case of unaccompanied shipments, such insurance coverage will be provided by the Organisation as determined by the Director-General in an Administrative Directive and based on the general practice followed in the United Nations common system.

**Rule 7.1.16**  
**Travel advances**

Staff members authorised to travel shall provide themselves with sufficient funds for all current expenses by securing an advance of funds if necessary. A reasonable advance of funds against the estimated reimbursable travel expenses may be made to a staff member or his or her family members for authorised expenses in accordance with the terms and conditions determined by the Director-General in an Administrative Directive.

**Rule 7.1.17**  
**Illness or accident during travel**

The Organisation shall pay or reimburse reasonable hospital and medical expenses, in so far as these are not covered by other arrangements, which may be incurred by staff members who become ill or are injured while in travel status on official business.

**Rule 7.1.18**  
**Transportation of decedents**

Upon the death of a staff member or of his or her spouse or dependent child, the Organisation shall pay the expenses of transportation of the body from The Hague, or in the event of death having occurred while in travel status, from the place of death, to a place to which the deceased was entitled to return transportation under Staff Rules 7.1.01 or 7.1.02. These expenses shall include reasonable costs for preparation of the body. If local interment is elected, reasonable expenses incurred for the interment may be reimbursed.

**Regulation 7.2**

Subject to the conditions and definitions prescribed in the Staff Rules promulgated by the Director-General, staff members shall be entitled to a relocation shipment of those household goods and personal effects that were in the staff member's possession at the time of appointment or separation, provided that the goods and personal effects are being transported for the staff member's own use.

**Rule 7.2.01**  
**Relocation shipment**

- (a) An internationally recruited staff member who is serving outside his or her home country is to serve for a continuous period that is expected to be one year or longer, shall be entitled to relocation shipment for full removal of the staff member's personal effects and household goods under the following circumstances and in accordance with conditions established by the Director-General:
  - (i) on initial appointment for a period of one year or longer;
  - (ii) upon completion of one year of continuous service;
  - (iii) upon separation from service, provided that the staff member had an appointment for a period of one year or longer or had completed not less than one year of continuous service and had been granted a relocation shipment to The Hague.
- (b) Under subparagraphs (a)(i) and (ii) above, the Organisation shall pay the expenses of a relocation shipment either from the place of recruitment or from the place of home leave under Staff Rule 5.2.01. Payment of the relocation shipment expenses from a place other than one of those specified above may be authorised by the Director-

General in exceptional cases, on such terms and conditions as the Director-General deems appropriate. No relocation shipment expenses shall be paid for removing a staff member's personal effects and household goods from one residence to another in the Netherlands.

- (c) Under subparagraph (a)(iii) above, the Organisation shall pay the expenses of the relocation shipment from The Hague to any one place to which the staff member is entitled to be returned in accordance with the provisions of Staff Rule 7.1.01 or any other one place authorised by the Director-General in exceptional cases on such terms and conditions as the Director-General deems appropriate.
- (d) The relocation shipment shall be by the most economical means and subject to such further terms and conditions as determined by the Director-General in an Administrative Directive and based on the terms and conditions normally applied by the United Nations common system, including reasonable limits on the volume of personal effects and household goods which are covered.
- (e) For the purposes of unaccompanied shipments and relocation shipments, personal effects and household goods shall include all effects and goods normally required for personal or household use, provided that animals, boats, automobiles, motorcycles, trailers and other power-assisted conveyances shall in no case be considered as such effects and goods.
- (f) Where both spouses are staff members and each is entitled to relocation shipment or to unaccompanied shipment under Staff Rule 7.1.14(d), and taking into account Staff Rule 4.3.01(d), the maximum weight or volume that may be removed at the Organisation's expense for both of them shall be that provided for a staff member with a spouse or dependent child(ren) residing at The Hague.
- (g) A lump sum amount may be paid in lieu of the relocation shipment under conditions established by the Director-General.
- (h) The Director-General shall promulgate the terms and conditions of the relocation shipment in an Administrative Directive.

#### **Rule 7.2.02**

##### **Insurance of Relocation shipment**

The cost of insurance of personal objects and household goods in transit under Rule 7.2.01 shall be reimbursed up to a maximum valuation as determined by the Director-General in an Administrative Directive and based on the valuation generally applied by the United Nations common system.

#### **Rule 7.2.03**

##### **Loss of entitlement to unaccompanied shipment or relocation shipment expenses**

- (a) A staff member who resigns before completing one year of service shall not normally be entitled to payment of relocation shipment expenses under Staff Rule 7.2.01 above.

- (b) Entitlement to relocation shipment expenses under Staff Rule 7.2.01(a)(i) and (ii) shall normally cease if relocation shipment has not commenced within one year after the date on which the staff member became entitled to such shipment expenses or if the staff member's services are not expected to continue for more than six months beyond the proposed date of arrival of the personal effects and household goods.
- (c) Upon separation from service, entitlement to unaccompanied shipment expenses under Staff Rule 7.1.14(d) or relocation shipment expenses under Staff Rule 7.2.01 shall cease if the unaccompanied or relocation shipment has not commenced within six months or one year, respectively, after the date of separation. However, where both spouses are staff members and the spouse who separates first is entitled to unaccompanied shipment or relocation shipment expenses, and taking into account Staff Rule 4.3.01(d), his or her entitlement shall not cease until six months or one year, as the case may be, after the date of separation of the other spouse.

## **ARTICLE VIII STAFF RELATIONS**

### **Regulation 8**

- (a) The Director-General shall establish and maintain continuous contacts and communication with staff in order to ensure their effective participation in identifying, examining and resolving issues relating to conditions of work.
- (b) A staff representative body shall be established and shall be entitled to initiate proposals to the Director-General for the purpose set forth in paragraph (a) above. It shall be organised in such a way as to afford equitable representation to all staff.
- (c) The Director-General shall establish joint staff/management machinery to advise him or her regarding human resources policies and general questions of staff welfare and to make to him or her such proposals as it may desire for amendment of the Staff Regulations and Rules.

### **Rule 8.1.01 Staff Representative Body**

- (a) A staff representative body (hereinafter the "Staff Association" or "Association") shall be established for the purpose of maintaining continuous contacts and communication with staff in order to ensure their effective participation in identifying, examining and resolving issues relating to conditions of work..
- (b) The Staff Council shall be composed in such a way as to afford equitable representation to all levels of staff.
- (c) The Staff Association shall be entitled to act in accordance with the foregoing paragraph through its duly elected executive committee (hereinafter the "Staff Council" or "Council"). Election of the Staff Council shall take place once every year

under regulations drawn up by the Staff Council and agreed to by the Director-General. Each staff member may participate in such elections and shall be eligible for election.

- (d) The Staff Council shall be consulted on questions relating to conditions of work and shall be entitled to make proposals to the Director-General on behalf of the staff on such questions.
- (e) Except for instruction to meet emergency situations, general administrative instructions or directives on questions within the scope of paragraph (a) above shall be transmitted in advance to the Staff Council for its consideration and comments.

**Rule 8.1.02**  
**Joint Advisory Board**

- (a) A "Joint Advisory Board" shall be established.
- (b) The Joint Advisory Board shall advise the Director-General on:
  - (i) the Secretariat's human resources policies;
  - (ii) general questions of staff administration and welfare; and
  - (iii) amendment of the Staff Regulations, Rules and Administrative Directives.
- (c) The Joint Advisory Board shall be composed of three members and three alternate members designated by the Director-General and three members and three alternate members designated by the Staff Council.
- (d) The Joint Advisory Board shall determine its own rules of procedure and shall elect its own chairperson and alternate chairperson.
- (e) The agenda of the Joint Advisory Board shall consist of items requested by the Director-General or by the Staff Council.

**ARTICLE IX  
SEPARATION FROM SERVICE**

**Regulation 9.1**

- (a) The Director-General may terminate the appointment of a staff member prior to the expiration date of his or her contract if the necessities for the service require abolition of the post or reduction of the staff; if the services of the individual concerned prove unsatisfactory; if the conduct of a staff member indicates that he/she does not meet the highest standards of integrity required by the Organisation; if the staff member is, for reasons of health, incapacitated for further service, or if facts anterior to the appointment of the staff member and relevant to his or her suitability come to light that, if they had been known at the time of appointment, should, under the standards established under these Staff Regulations, have precluded his or her appointment.
- (b) No termination under subparagraph (a) shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Director-General.
- (c) The Director-General shall terminate the appointment of a staff member in case the State Party of which the staff member is a citizen ceases to be a member of the Organisation.

**Rule 9.1.01**

**Consideration of termination of appointment and definition of termination**

(a) Special Advisory Boards

The special advisory board(s) referred to in Staff Regulation 9.1(b) shall be composed of representatives of both staff and management. The Director-General shall set out the specific composition of such boards, as well as their terms of reference, in an Administrative Directive.

(b) Definition of termination

A termination within the meaning of the Staff Regulations and Rules is any separation from service initiated by the Director-General other than the expiration of a contract, non-confirmation of a contract at the end of probation, mandatory separation at the age of sixty-five years or more or summary dismissal for serious misconduct.

- (c) The appointment of a staff member who has not attained the normal age of retirement as defined under Article 1 (n) of the Regulations of the United Nations Joint Staff Pension Fund but whose physical or mental condition or extended illness has rendered the staff member incapacitated for further service may be terminated after exhaustion of any sick leave entitlement.



**Regulation 9.2**

Staff members may resign from the Secretariat upon giving the Director-General the notice required under the terms of their appointments.

**Rule 9.2.01  
Resignation**

- (a) A resignation, within the meaning of the Staff Regulations and Rules, is a separation initiated by a staff member.
- (b) Unless otherwise specified in their letters of appointment, 60 days' written notice of resignation shall be given by staff members having a fixed-term appointment and five working days' written notice of resignation by those having short-term appointments. The Director-General may, however, accept resignations on shorter notice.
- (c) The Director-General may require the resignation to be submitted by the staff member in person in order to be acceptable.

**Regulation 9.3**

If the Director-General terminates an appointment, the staff member shall be given such notice and such indemnity payment as may be applicable under these Staff Regulations. Payments of termination indemnity shall be made by the Director-General in accordance with the rates and conditions established by the United Nations General Assembly for the United Nations common system and specified in Annex III to the present Staff Regulations.

**Rule 9.3.01  
Notice of termination**

- (a) If the fixed-term appointment of a staff member is to be terminated, such staff member shall be given not less than 60 days' written notice of such termination.
- (b) A staff member whose short-term appointment is to be terminated shall be given not less than five working days' written notice for contracts of three months or less and not less than ten working days' written notice for contracts with a duration longer than three months.
- (c) The notice of termination shall state the reasons for the termination.
- (d) In lieu of these notice periods, the Director-General may authorise compensation calculated on the basis of the salary and allowances which the staff member would have received had the date of termination been at the end of the notice period.

**Rule 9.3.02**  
**Termination indemnity**

- (a) Payment of termination indemnity under Staff Regulation 9.3 and Annex III to the Staff Regulations shall be calculated:
  - (i) for staff in the Professional and higher category, on the basis of the staff member's gross salary less staff assessment in accordance with Annex I to the Staff Regulations;
  - (ii) for staff in the General Service category, on the basis of the staff member's gross remuneration less staff assessment in accordance with Annex I to the Staff Regulations.
- (b) Length of service shall be deemed to comprise the total period of a staff member's full-time continuous service with the Secretariat, regardless of types of appointment. Continuity of such service shall not be considered as broken by periods of special leave. However, service credits shall not accrue during periods of special leave with partial pay or without pay of one full month or more.
- (c) Termination indemnity shall not be paid to any staff member who:
  - (i) has reached the mandatory age of separation of sixty-five years or more and will receive a retirement benefit under the Regulations of the United Nations Joint Staff Pension Fund; or
  - (ii) upon separation from service, will receive compensation for total disability under Staff Regulation 6.2.03 (Compensation for death, injury or illness attributable to service).

**Regulation 9.4**

The Staff Rules shall establish a scheme for the payment of repatriation grants to defray expenses associated with repatriation upon separation from service. In principle, the repatriation grant shall be payable to staff members who have completed at least three years of qualifying service, whom the Organisation is obliged to repatriate and who at the time of separation are residing, by virtue of their service with the OPCW, outside their country of nationality. The repatriation grant shall not, however, be paid to staff members who are summarily dismissed. Staff members shall be entitled to a repatriation grant only upon relocation outside the Netherlands. The amount of the grant shall be determined in accordance with the relevant Staff Rules. Detailed conditions relating to eligibility and requisite evidence of relocation shall be determined by the Director-General.

**Rule 9.4.01**  
**Repatriation grant**

Payment of repatriation grants under Staff Regulation 9.4 and Annex IV to the Staff Regulations shall be subject to the following conditions and definitions:

- (a) "Obligation to repatriate", as used in Annex IV to the Staff Regulations, shall mean the obligation to return a staff member and his or her spouse and dependent children, upon separation, at the expense of the Organisation, to a place outside the Netherlands.
- (b) "Home country" shall mean the country of home leave under Staff Rule 5.2.01 or such other country as the Director-General may determine.
- (c) "Country of nationality" shall mean the country of nationality recognised by the Director-General.
- (d) "Qualifying service" shall mean three or more years of continuous service and residence away from the home country and the country of nationality of a staff member, or the country where the staff member has acquired permanent resident status.
- (e) If at any time a staff member was considered to have acquired permanent residence in the Netherlands and subsequently changed from such status, the staff member's continuous service will be deemed to have commenced at the time the change was made. Continuity of such service shall not be considered as broken by periods of special leave. However, for the purpose of calculating the amount of the grant payable, service credit shall not accrue during periods of special leave with partial pay or without pay of one full month or more.
- (f) Payment of the repatriation grant shall be subject to the provision by the staff member of documentary evidence of relocation away from the Netherlands.
- (g) Entitlement to repatriation grant shall cease if no claim for payment of the grant has been submitted within two years after the effective date of separation. However, where both spouses are staff members and the spouse who separates first is entitled to repatriation grant, his or her entitlement to repatriation grant shall cease if no claim for payment of the grant has been submitted within two years after the date of separation of the other spouse.
- (h) Payment of the repatriation grant shall be calculated:
  - (i) for staff in the Professional and higher category, on the basis of the staff member's gross salary, less staff assessment in accordance with Annex I to the Staff Regulations;
  - (ii) for staff in the General Service category, on the basis of the staff member's gross remuneration, including a language allowance, if any, less staff assessment in accordance with Annex I to the Staff Regulations.
- (i) The amount of repatriation grant for eligible staff members shall be computed on the basis of Annex IV to the Staff Regulations and in accordance with terms and conditions established by the Director-General for determining the length of qualifying service for repatriation grant purposes.

- (j) No payments shall be made to any staff member who abandons his or her post or to any staff member who is residing at the time of separation in his or her home country while performing official duties.
- (k) A dependent child, for the purpose of a repatriation grant, shall mean a child recognised as dependent under Staff Rule 3.4.02(c) at the time of the staff member's separation from service.
- (l) Where both spouses are staff members and each is entitled, on separation, to payment of a repatriation grant, and taking into account Staff Rule 4.3.01(d), payment shall be made to each at the rate for a staff member with neither a spouse nor a dependent child at the time of separation, according to their respective entitlements. In cases where dependent children are recognised, the first parent to be separated may claim payment at the rate applicable to a staff member with a spouse or dependent child. In this event, the second parent, on separation, may claim payment at the rate for a staff member with neither a spouse nor a dependent child at the time of separation for the whole period of qualifying service. Alternatively, if eligible, the second parent may claim payment at the rate applicable to a staff member with a spouse or dependent child for the whole period of his or her qualifying service, from which shall be deducted the amount of the difference between the rate for a staff member with a spouse or dependent child and the rate for a staff member with neither a spouse nor a dependent child of the repatriation grant paid to the first parent.
- (m) Loss of entitlement to payment of return travel expenses under Staff Rule 7.1.03 shall not affect a staff member's eligibility for payment of the repatriation grant.
- n) In the event of the death of an eligible staff member, no payment shall be made unless there is a surviving spouse or one or more dependent children whom the Organisation is obligated to return to their home country. Payment shall be subject to proof of relocation. If there is one such survivor, payment shall be made at the rate for a staff member with neither a spouse nor a dependent child at the time of separation; if there are two or more such survivors, payment shall be made at the rate applicable to a staff member with a spouse or dependent child.

#### **Rule 9.4.02**

##### **Commutation of accrued annual leave**

- (a) If, upon separation from service, a staff member has accrued annual leave, the staff member shall be paid a sum of money in commutation of the period of such accrued leave up to a maximum of 30 working days.
- (b) The payment in commutation of the period of accrued annual leave shall be calculated:
  - (i) for staff in the Professional and higher category, on the basis of the staff member's net base salary plus post adjustment; and
  - (ii) for staff in the General Service category, on the basis of the staff member's gross remuneration less staff assessment, in accordance with Annex I to the Staff Regulations.

**Rule 9.4.03**  
**Restitution of advance annual and sick leave**

Upon separation, a staff member who has taken advance annual or sick leave beyond that which he or she has subsequently accrued shall make restitution for such advance leave by means of a cash refund or an offset against moneys due to the staff member from the Organisation, equivalent to the remuneration received, including allowances and other payments, in respect of the advance leave period. The Director-General may waive this requirement if in the opinion of the Director-General there are exceptional or compelling reasons for so doing.

**Rule 9.4.04**  
**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 cease (i.e., the last day for pay purposes) shall be determined according to the following provisions:
- (i) upon resignation, the last day for pay purposes shall be either the date of expiration of the notice period under Staff Rule 9.2.01 or such other date as accepted by the Director-General. Staff members will be expected to perform their duties during the notice period, except when the resignation takes effect upon the completion of maternity leave or following sick or special leave;
  - (ii) upon expiration of a fixed-term appointment, the last day for pay purposes shall be the date specified in the letter of appointment;
  - (iii) upon termination, the last day for pay purposes shall be the date provided in the notice of termination;
  - (iv) in case of summary dismissal, the last day for pay purposes shall be the date of dismissal;
  - (v) in case of death, the last day for pay purposes shall be the date of death, unless there is a surviving spouse or dependent child. In this event, the last day for pay purposes shall be extended beyond the date of death by one month for each completed year of service, with a minimum of three months.
  - (vi) 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 and dependent children. For staff in the Professional and higher category, the payment shall be calculated on the basis of the staff member's gross salary, less staff assessment in accordance with Annex I to the Staff Regulations. For staff in the General Service category, the payment shall be calculated on the basis of the staff member's gross remuneration, including language allowance

if any, less staff assessment in accordance with Annex I to the Staff Regulations.

- (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 subparagraphs (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 Hague to the place of entitlement, the travel commencing no later than the day following the date established under paragraph (a).

**Rule 9.4.05**  
**Certification of service**

Any staff member who so requests shall, on leaving the service of the Organisation, be given a statement relating to the nature of his or her duties and the length of service. On the staff member's written request, the statement shall also refer to the quality of his or her work and his or her official conduct.

**ARTICLE X**  
**DISCIPLINARY MEASURES AND PROCEDURES**

**Regulation 10.1**

The Director-General shall establish an administrative body which will advise him or her in disciplinary cases.

**Rule 10.1.01**  
**Joint Disciplinary Committee**

A Joint Disciplinary Committee shall be established and shall be available to advise the Director-General in disciplinary matters.

**Rule 10.1.02**  
**Composition of Joint Disciplinary Committee**

- (a) The Joint Disciplinary Committee shall be composed of:
- (i) a chairperson, appointed by the Director-General from among a list presented by the Joint Advisory Board;
  - (ii) one member appointed by the Director-General;
  - (iii) one member elected by the staff.

- (b) An alternate for each person in paragraph (a) shall be selected at any time in the same manner as indicated in that paragraph.
- (c) The chairperson and members of the Joint Disciplinary Committee shall be appointed or elected for two years, shall be eligible for reappointment or re-election, and shall remain in office until their successors are appointed or elected, as long as they are staff members.
- (d) The chairperson may be removed from the Joint Disciplinary Committee by the Director-General after consultation with the Joint Advisory Board. The member appointed by the Director-General may be removed by him or her. The member elected by the staff may be recalled by a majority vote of the staff, taken at the initiative of the Staff Council.
- (e) The Director-General may, at the request of either party, disqualify the chairperson or any member from consideration of a specific case if, in the opinion of the Director-General, the action is warranted by the relation of that Committee member to the staff member whose case is to be considered or by any possible conflict of interest. The Director-General may also excuse any member from consideration of a specific case at that member's request. A person so disqualified or excused will be replaced by an alternate referred to in paragraph (b) above.

#### **Rule 10.1.03**

##### **Joint Disciplinary Committee procedure**

- (a) In considering a case, the Joint Disciplinary Committee shall act with maximum dispatch and shall make every effort to provide its advice to the Director-General within four weeks after the case has been submitted to it.
- (b) Proceedings before the Joint Disciplinary Committee shall normally be limited to the original written presentation of the case, together with brief statements and rebuttals, which may be made orally or in writing, but without delay. If the Committee considers that it requires the testimony of the staff member concerned or of other witnesses, it may, at its sole discretion, obtain such testimony by written deposition, by personal appearance before the Committee, before one of its members or before another staff member acting as a special master, or by telephone or other means of communication.
- (c) The Joint Disciplinary Committee shall adopt its own rules of procedure which shall be consistent with these Staff Rules and with any applicable administrative instructions, as well as with the requirements of due process.
- (d) The Joint Disciplinary Committee shall permit a staff member to arrange to have his or her case presented before it by any other staff member or former staff member of the Organisation or by any other person who is a staff member or retired staff member within the context of the United Nations common system.

**Regulation 10.2**

The Director-General may impose disciplinary measures on staff whose conduct is unsatisfactory.

**Rule 10.2.01  
Unsatisfactory Conduct**

Failure by a staff member to comply with his or her obligations under the Staff Regulations and Rules, the Financial Regulations and Rules, or an Administrative Directive may amount to unsatisfactory conduct within the meaning of Staff Regulation 10.2. The Director-General may impose such disciplinary measures as are in the Director-General's opinion appropriate on staff members whose conduct is unsatisfactory.

**Rule 10.2.02  
Disciplinary measures**

- (a) Disciplinary measures under Staff Regulation 10.2 may take one or more of the following forms:
  - (i) written censure by the Director-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;
  - (vi) demotion;
  - (vii) termination of appointment, with or without notice or compensation in lieu thereof, notwithstanding Staff Rule 9.3.01.
  
- (b) The following measures shall not be considered to be disciplinary measures, within the meaning of this Rule:
  - (i) reprimand, written or oral, by a supervisory official;
  - (ii) recovery of monies owed to the Organisation;
  - (iii) suspension pursuant to Staff Rule 10.3.02.



**Rule 10.2.03**  
**Due process**

- (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 former staff member of the Organisation or of any other person who is a staff member or retired staff member within the context of the United Nations system, and has been given a reasonable opportunity to respond to those allegations.
- (b) No staff member shall be subject to disciplinary measures until the matter has been referred to the Joint Disciplinary Committee for advice as to what measures, if any, are appropriate, except that no such advice shall be required:
  - (i) if referral to the Joint Disciplinary Committee is waived by mutual agreement of the staff member concerned and the Director-General;
  - (ii) in respect of summary dismissal imposed by the Director-General in cases where the seriousness of the misconduct warrants immediate separation from service.
- (c) An appeal in respect of a disciplinary measure considered by a Joint Disciplinary Committee pursuant to either paragraph (b) above or pursuant to Staff Rule 10.3.01(c) may be submitted to the Appeals Council.

**Regulation 10.3**

The Director-General may summarily dismiss staff for serious misconduct. In such cases no termination indemnity shall be payable.

**Rule 10.3.01**  
**Summary dismissal for serious misconduct**

- (a) A serious breach, as determined by the Director-General, of the OPCW Policy on Confidentiality, will be considered serious misconduct.
- (b) Summary dismissal of a staff member for serious misconduct does not prejudice such staff member's right to due process as provided for in Staff Rule 10.2.03.
- (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) of Staff Rule 10.2.03, 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 the Joint Disciplinary Committee. A request shall not have the effect of suspending the measure. After the advice of the Committee has been received, the Director-General shall decide as soon as possible what action to take in respect thereof.

**Rule 10.3.02**  
**Suspension during investigation and disciplinary proceedings**

- (a) If the Director-General considers that there is prima facie evidence of a breach of the OPCW Policy on Confidentiality or other serious misconduct by a staff member, the Director-General may suspend the staff member from duty, pending conclusion of the investigation into the alleged breach or misconduct. Such suspension shall be for a period which should normally not exceed three months and shall be with pay unless, in exceptional circumstances, the Director-General decides that suspension without pay is appropriate. Suspension pending conclusion of the investigation shall not be considered a disciplinary measure and shall be without prejudice to the rights of the staff member if the evidence of serious misconduct is not sustained.
- (b) If a staff member, following investigation, is not summarily dismissed, he or she shall be paid for any period of suspension without pay as if he or she had not been suspended. In the event of summary dismissal, the dismissal may be made effective from the date of suspension; in that case no entitlements shall accrue during the period of suspension without pay.
- (c) A staff member suspended pursuant to paragraph (a) shall be given a written statement of the reason for the suspension, its probable duration and any recourse available.

**ARTICLE XI**  
**APPEALS**

**Regulation 11.1**

Staff members have the right of appeal against any administrative decision alleging non-observance of the terms of appointment, including relevant Staff Regulations and Rules, and against disciplinary action.

**Regulation 11.2**

The Director-General shall establish an administrative body to advise him or her in case of any appeal by a staff member.

**Rule 11.2.01**  
**Appeals Council**

- (a) An "Appeals Council" shall be established to consider and advise the Director-General on appeals filed under the terms of Staff Regulation 11.1.
- (b) The Appeals Council shall be composed of:

- (i) a chairperson appointed by the Director-General from among a list presented by the Joint Advisory Board;
  - (ii) one member appointed by the Director-General;
  - (iii) one member elected by the staff.
- (c) An alternate for each person in paragraph (b) shall be selected in the same manner as indicated in that paragraph.
  - (d) The chairperson and members of the Appeals Council shall be appointed or elected for one year, shall be eligible for reappointment or re-election, and shall remain in office until their successors are appointed or elected.
  - (e) The chairperson of the Appeals Council may be removed by the Director-General upon the recommendation of the Joint Advisory Board. The member appointed by the Director-General may be removed by the Director-General. The member elected by the staff may be recalled by a majority vote of the staff, taken at the initiative of the Staff Council.
  - (f) The Appeals Council shall establish its own rules of procedure.
  - (g) The Appeals Council may, by a majority vote of its members, recommend to the Director-General changes in the present chapter of these Rules.
  - (h) The secretariat of the Appeals Council shall consist of a Secretary and such other staff as may be required for its proper functioning.

**Rule 11.2.02**  
**Objections in respect of administrative decisions**

- (a) A staff member wishing to appeal an administrative decision pursuant to Staff Regulation 11.1 shall, as a first step, address a letter to the Director-General, requesting that the administrative decision be reviewed; such a letter must be sent within two months from the date the staff member received notification of the decision in writing.
  - (i) If the Director-General replies to the staff member's letter, the staff member may appeal against the answer within one month of the receipt of such reply;
  - (ii) if the Director-General does not reply to the letter within one month, the staff member may appeal against the original administrative decision within one month of the expiration of the time-limit specified in this subparagraph for the Director-General's reply.
- (b) The Director-General, in reviewing the administrative decision in question, may, with the consent of the staff member or at the latter's request, seek the assistance of the chairperson, a member or an alternate of the Appeals Council, to be designated by its presiding officer, with a view to reaching a conciliatory conclusion of the matter. This

procedure is without prejudice to the right of the staff member to pursue an appeal under the provisions of this Rule.

- (c) Neither a request for administrative review under paragraph (a) above nor the filing of an appeal under Staff Rule 11.2.03(a) shall have the effect of suspending action on the contested decision.
  - (i) However, the staff member concerned may request a suspension of action on such a decision by writing to the Secretary of the Appeals Council. The request shall set forth the relevant facts and indicate how implementation would directly and irreparably injure the staff member's rights.
  - (ii) Upon receipt of such a request, the Appeals Council shall be promptly constituted, and shall act expeditiously. If after considering the views of both parties, the Appeals Council determines that the decision has not been implemented and that its implementation would result in irreparable injury to the appellant, it may recommend to the Director-General the suspension of action on that decision until the time-limits specified in paragraph (a)(i) or (ii) above have passed without an appeal having been filed or if an appeal is filed, until a decision on the appeal is taken.
  - (iii) The Director-General's decision on such a recommendation is not subject to appeal.

**Rule 11.2.03**  
**Appeal Procedures**

- (a) An appeal against the Director-General's decision on disciplinary action shall be filed with the Secretary of the Appeals Council within two months from the time the staff member received notification of the decision in writing.
- (b) An appeal pursuant to paragraph (a) above shall be filed with the Secretary of the Appeals Council.
- (c) No person who has assisted the Director-General in a conciliation procedure referred to in Staff Rule 11.2.02(b) shall serve on the Appeals Council for an appeal relating to the same case.
- (d) The Director-General may, at the request of either party, disqualify the chairperson or a member if, in the opinion of the Director-General, such action is warranted to ensure impartiality. The Director-General may also excuse the chairperson or a member from serving on the Appeals Council.
- (e) Any person disqualified or excused in terms of paragraph (d) above shall be replaced by an alternate.
- (f) An appeal shall not be receivable unless the time-limits specified in Staff Rule 11.2.02(a) or paragraph (a) above have been complied with or have been waived, in exceptional circumstances, by the Appeals Council.

- (g) Proceedings before the Appeals Council shall normally be limited to the original written presentation of the case, together with brief statements and rebuttals, which may be made orally or in writing.
- (h) A staff member may arrange to have his or her appeal presented to the Appeals Council on his or her behalf by another staff member or former staff member or by any other person who is a staff member or retired staff member in the context of the United Nations common system. The staff member may not, however, be represented before the Appeals Council by any other person.
- (i) The Appeals Council shall decide its own competence.
- (j) In case of termination or other action on grounds of inefficiency or relative efficiency, the Appeals Council shall not consider the substantive question of efficiency but only evidence that the decision was motivated by prejudice or by some other extraneous factor.
- (k) The Appeals Council shall have the authority to call members of the Secretariat who may be able to provide information concerning the issues before it and shall have access to all documents pertinent to the case. Notwithstanding the preceding sentence, should the Appeals Council wish to have information or documents relating to the proceedings of the Management Board, it shall request such information or documents from the Director-General, who shall decide on the Appeals Council's request, taking into account the interests of confidentiality. This decision of the Director-General is not subject to appeal. The chairperson of the Appeals Council shall determine which documents are to be transmitted to all members of the Appeals Council and the parties.
- (l) In considering an appeal, the Appeals Council shall act with the maximum dispatch consistent with a fair review of the issues before it.
- (m) Within one month of the date on which the consideration of an appeal has been completed, the Appeals Council shall, by majority vote, adopt and submit a report to the Director-General. The report shall be considered as constituting a record of the proceedings in the appeal and may include a summary of the matter as well as all recommendations that the Appeals Council considers appropriate. Votes on the recommendations shall be recorded and any member of the Appeals Council may have his or her dissenting opinion included in the report.
- (n) The final decision on the appeal will normally be taken by the Director-General within one month after the Appeals Council has forwarded its report, and shall be communicated to the staff member, together with a copy of the Appeals Council's report. The Director-General's decision and a copy of the Appeals Council's report shall also be transmitted to a designated officer of the Staff Council, unless the staff member objects.

**Regulation 11.3**

Arrangements shall be made for the hearing by the Administrative Tribunal of the International Labour Organisation of appeals by staff members against the administrative decisions referred to in Staff Regulation 11.1. These arrangements shall fully respect the Annex on the Protection of Confidential Information of the Convention and the OPCW Policy on Confidentiality.

**Rule 11.3.01  
Administrative Tribunal**

- (a) Staff members shall have the right to appeal to the Administrative Tribunal of the International Labour Organisation, in accordance with the provisions of the Statute of that Tribunal, against administrative decisions and disciplinary actions taken, after reference to the Appeals Council.
- (b) A staff member may, in agreement with the Director-General, waive the jurisdiction of the Appeals Council and appeal directly to the Administrative Tribunal of the International Labour Organisation, in accordance with the provisions of the Statute of that Tribunal.

**Regulation 11.4**

In accordance with the Regulations and Rules of the United Nations Joint Staff Pension Fund, the United Nations Appeals Tribunal shall hear and pass final judgment on applications from staff members or former staff members of the OPCW alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund, arising out of decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board.

**ARTICLE XII  
GENERAL PROVISIONS**

**Rule 12.0.01  
Financial responsibility**

Any staff member may be required to reimburse the Organisation either partially or in full for any financial loss suffered by the Organisation as a result of the staff member's negligence or of his or her having violated any regulation, rule or administrative directive.

**Rule 12.0.02  
Performance appraisal**

The service and conduct of all staff members shall be the subject of performance reports made from time to time by the staff member's supervisors. Such reports, which shall be shown to the staff member, shall form a part of his or her permanent cumulative record.

**Rule 12.0.03**  
**Proprietary rights**

All rights, including title, copyright and patent rights, in any work performed by a staff member as part of his or her official duties shall be vested in the Organisation.

**Rule 12.0.04**  
**Liability insurance**

Staff members who own or drive motor vehicles shall carry public liability and property damage insurance in an amount adequate to insure them against claims arising from injury or death to other persons or from damage to the property of others caused by their motor vehicles.

**Rule 12.0.05**  
**Independent Mediation**

- (a) A mechanism for independent mediation shall be established to assist in the prevention, or informal resolution, of work-related disputes. The Director-General shall appoint an independent mediator based on advice from a panel composed of representatives of the Joint Advisory Board, the Staff Council, the Office of the Legal Adviser, and the Human Resources Branch.
- (b) Timelines related to any formal proceedings shall be suspended pending the conclusion of the mediation process.
- (c) The Director-General shall set out in an administrative directive the terms of reference and the administrative arrangements for the independent mediator as well as the procedure for his/her selection.

**Regulation 12.1**

The present Staff Regulations may be supplemented or amended by the Conference of the States Parties, without prejudice to the existing contracts of staff members.

**Regulation 12.2**

The Director-General may make Interim Staff Rules to implement the present Staff Regulations. The Interim Staff Rules shall be provisionally applied until the requirements of Staff Regulations 12.3 and 12.4 below have been met.

**Rule 12.2.01**  
**Amendment of, and exceptions to, Staff Rules**

- (a) Subject to Staff Regulations 12.1, 12.2, 12.3, 12.4 and 12.5, these Staff Rules may be amended by the Director-General in a manner consistent with the Staff Regulations.
- (b) Exceptions to the Staff Rules may be made by the Director-General, provided that such exceptions are not inconsistent with any Staff Regulation or other decision of the Conference of the States Parties or of the Executive Council and provided further that it is agreed to by the staff member directly affected and is, in the opinion of the Director-General, not prejudicial to the interests of any other staff member or group of staff members.

**Regulation 12.3**

The Interim Staff Rules shall be reported by the Director-General to the Executive Council. The Interim Staff Rules shall be approved by the Executive Council.

**Regulation 12.4**

The Interim Staff Rules reported by the Director-General shall enter into force as Staff Rules on the first day of the month following the month in which they are approved by the Executive Council, unless otherwise specified.

**Rule 12.4.01**  
**Effective date of Staff Rules**

Except as otherwise indicated and subject always to the provisions of Staff Regulations 12.2, 12.3, 12.4 and 12.5 these Staff Rules shall enter into full force on 15 November 1999.

**Regulation 12.5**

Interim Staff Rules promulgated by the Director-General under Staff Regulation 12.2 shall not give rise to acquired rights while they are interim within the meaning of Staff Regulation 12.2.



**ARTICLE XIII  
TRANSITIONAL MEASURES**

**Rule 13.0.01  
Participation in the Provident Fund**

- (a) A staff member on a fixed-term appointment, who is a participant in the Provident Fund on 31 December 2024 and who, effective 1 January 2025, is excluded from participation in the United Nations Joint Staff Pension Fund pursuant to Staff Rule 6.1.01, shall continue to be a participant in the Provident Fund.
- (b) Staff members who continue to be participants in the Provident Fund on 1 January 2025 are not entitled to have their period of service with the Organisation included in their contributory service if they become participants in the UNJSPF at a later stage.
- (c) The Provident Fund shall be administered in terms of its charter and the administrative rules thereunder. Without prejudice to the relevant provisions of the charter and administrative rules, the Provident Fund shall be dissolved following completion of its operations in relation to the staff members identified in subparagraph (a).
- (d) Contributions to the Provident Fund by staff members and by the Technical Secretariat shall be calculated as determined in the administrative rules of the Provident Fund and shall be in accordance with the principles generally applied by the United Nations common system. Staff contributions to the Provident Fund shall be deducted each pay period from the total payments due to each staff member.

**Rule 13.0.02  
Dependency allowances**

- (a) A staff member in the Professional and higher category who is not eligible to receive the single parent allowance but was in receipt of the dependent rate of salary in respect of a first dependent child on 31 December 2017, shall be eligible for a transitional allowance in the amount of six per cent of net base salary plus post adjustment in respect of that child, effective 1 January 2018.
- (b) While in receipt of the transitional allowance, no concurrent payment of the dependent child allowance under Staff Regulation 3.4(c) shall be paid in respect of that child, except where the child qualifies for a special dependency allowance for a disabled child under Staff Regulation 3.4(c)(ii).
- (c) The amount of the transitional allowance shall be reduced by one percentage point every 12 months thereafter, until the amount of the transitional allowance is equal or less than the amount of the dependent child allowance provided for under Staff Regulation 3.4(c), at which time the dependent child allowance shall be payable instead.
- (d) The transitional allowance shall be discontinued earlier if the first dependent child in respect of whom the transitional allowance is payable is no longer recognised as a dependent child.

- (e) Where the staff member or his or her spouse receives a direct governmental grant in respect of a child, the transitional allowance payable under this Rule for such a child shall be the approximate amount by which the governmental grant is less than the transitional allowance. In no case shall the sum of the two payments be less than the rate set out under the Staff Regulations and Rules or in the event that the governmental grant equals or exceeds the transitional allowance payable under this Rule, no such allowance will be payable to the staff member concerned.

**Rule 13.0.03**  
**Salary scale**

- (a) The salary levels of staff members in the Professional and higher category that were higher than those at the maximum step of their grade upon conversion to the unified salary scale on 1 January 2018 shall be maintained as a pay-protection measure, until such time as the staff member separates from service.
- (b) Pay protected salaries under Staff Rule 13.0.03 shall be adjusted for any consolidation of post adjustment to base salary as fixed by the Director-General in accordance with the provisions of Staff Regulation 3.1. Pensionable remuneration at those steps shall be maintained and shall be adjusted corresponding to those salaries when the pensionable remuneration scale is adjusted.

## ANNEX I

### SALARY SCALES AND RELATED PROVISIONS

1. Except as provided in paragraph 5 of the present annex, the salary scales for staff shall be fixed in accordance with the provisions of Staff Regulation 3.1.
2. Subject to satisfactory service, salary increments within the Professional levels shall be awarded annually, except that any increments above step VII shall be preceded by two years at the previous step.
3. Salary increments at the D-1 level shall be awarded annually, except that any increments above step IV shall be preceded by two years at the previous step. Salary increments at the D-2 level shall be awarded biennially.
4. Subject to satisfactory service, salary increments within the General Service levels shall be awarded annually, except that any increments to step XI shall be preceded by 20 years of service in the Organisation or in the United Nations common system, including five years at the previous step.
5. The Director-General shall determine the salary rates to be paid to personnel specifically engaged for conferences and other short-term services, to consultants, and to technical assistance experts.
6. No salary shall be paid to staff in respect of periods of unauthorised absence from work unless such absence was caused by reasons beyond their control or duly certified medical reasons.
7. The net base salaries of those staff members in the Professional and higher category referred to in paragraph 1 of the present annex shall be adjusted by application of a post adjustment the amount of which shall be determined in accordance with the terms and conditions promulgated by the ICSC and which shall not be taken into account in calculating the pensionable remuneration.

## ANNEX II

### LETTERS OF APPOINTMENT

- (a) The letter of appointment shall state:
  - (i) that the appointment is subject to the provisions of the Staff Regulations and Rules and to changes that may be made thereto from time to time;
  - (ii) the nature of the appointment;
  - (iii) the date at which the staff member is required to enter upon duty;
  - (iv) the period of appointment, the notice required to terminate it and period of probation, if any;
  - (v) the category, level, commencing rate of salary and, if increments are allowable, the scale of increments, and the maximum attainable;
  - (vi) any special conditions that may be applicable.
- (b) A copy of the Staff Regulations and Rules shall be transmitted to a staff member with the letter of appointment. In accepting appointment the staff member shall state that he or she has been made acquainted with and accepts the conditions laid down in the Staff Regulations and Rules.

**ANNEX III**

**TERMINATION INDEMNITY**

Staff members whose appointments are terminated shall be paid an indemnity in accordance with the schedule of payments as outlined in Annex III of the United Nations Staff Regulations. The Secretariat shall publish the schedule of payments applied at the United Nations, and any amendments, in information circulars.

## **ANNEX IV**

### **REPATRIATION GRANT**

In principle, the repatriation grant shall be payable to staff members who have completed at least three years of qualifying service, whom the Organisation is obliged to repatriate and who at the time of separation are residing, by virtue of their service with the OPCW, outside their country of nationality. The repatriation grant shall not, however, be paid to staff members who are summarily dismissed. Staff members shall be entitled to a repatriation grant only upon relocation outside the Netherlands. Detailed conditions and definitions relating to eligibility and requisite evidence of relocation shall be determined by the Director-General. The amount of the grant shall be determined by the Director-General, proportional to the length of service with the Organisation and based on the relevant United Nations scale as contained in Annex IV of the United Nations Staff Regulations. The Secretariat shall publish that scale, and any amendments thereto, as adjusted, in administrative issuances.

**ANNEX V**

**OPCW TOP STRUCTURE**

Deputy Director-General  
Director of the Office of Strategy and Policy  
Director of the Office of Internal Oversight  
Director of the Office of the Legal Adviser  
Director of the Secretariat for the Policy Making Organs  
Director of the Verification Division  
Director of the Inspectorate Division  
Director of the Administration Division  
Director of the External Relations Division  
Director of the International Co-operation and Assistance Division

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