

**ST/RB/102**  
**CONSOLIDATED VERSION**  
**5 APRIL 2005**

# **INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA**



## **STAFF RULES**

**STAFF RULES 100.1 to 112.8**

**REGISTRAR'S BULLETIN**

Rule 100.1

Applicability

Staff rules 100.1 to 112.8 are applicable to all staff members appointed by the Tribunal or by the Registrar with the approval of the President of the Tribunal, except staff members specifically engaged for conferences and other short-term services.

Chapter I

## DUTIES, OBLIGATIONS AND PRIVILEGES

Rule 101.1Status of staff

The solemn declaration made by a staff member on appointment pursuant to article 34 or 35 of the Rules of the Tribunal shall be placed in his or her official status file. A new declaration shall be made after a break in service that exceeds three months.

Rule 101.2Basic rights and obligations of staffGeneral

(a) Disciplinary procedures set out in article X of the Staff Regulations and chapter X of the Staff Rules may be instituted against a staff member who fails to comply with his or her obligations and the standards of conduct set out in the Rules of the Tribunal, the Staff Regulations and Rules, the Financial Regulations and Rules, and all administrative issuances.

(b) Staff members shall follow the directions and instructions properly issued by the Registrar and their supervisors.

(c) Staff members must comply with local laws and honour their private legal obligations, including, but not limited to, the obligation to honour orders of competent courts.

Specific instances of prohibited conduct

(d) Any form of discrimination or harassment, including sexual or gender harassment, as well as physical or verbal abuse at the workplace or in connection with work, is prohibited.

(e) Staff members shall not disrupt or otherwise interfere with any meeting or other official activity of the Tribunal, nor shall staff members threaten, intimidate or otherwise engage in any conduct intended, directly or indirectly, to interfere with the ability of other staff members to discharge their official duties.

(f) Staff members shall not intentionally misrepresent their functions, official title or the nature of their duties to States Parties or to any entities or persons external to the Tribunal.

(g) Staff members shall not intentionally alter, destroy, misplace or render useless any official document, record or file entrusted to them by virtue of their functions, which document, record or file is intended to be kept as part of the records of the Tribunal.

(h) Staff members shall not seek to influence States Parties or the Tribunal in order to obtain a change from a position or decision taken by the Tribunal or the Registrar, or in order to secure support for improving their personal situation or the personal situation of other staff members, or for blocking or reversing unfavourable decisions regarding their status or their colleagues' status.

(i) Staff members shall neither offer nor promise any favour, gift, remuneration or any other personal benefit to another staff member or to any third party with a view to causing him or her to perform, fail to perform or delay the performance of any official act. Similarly, staff members shall neither seek nor accept any favour, gift, remuneration or any other personal benefit from another staff

member or from any third party in exchange for performing, failing to perform or delaying the performance of any official act.

(j) Staff members shall not unduly interfere or seek to interfere in the proper establishment or the functioning of the joint bodies established under articles X and XI of the Staff Regulations to advise the Registrar on disciplinary matters or on appeals by staff members against an administrative decision. Similarly, staff members shall not unduly influence or attempt to influence any individual participating in the process in the exercise of his or her functions. Nor shall any staff member threaten, retaliate or attempt to retaliate against such individuals or against staff members exercising their right to appeal against administrative decisions.<sup>1</sup>

Honours, gifts or remuneration

(k) Acceptance by staff members of any honour, decoration, favour, gift or remuneration from non-governmental sources requires the prior approval of the Registrar. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the interests of the Tribunal and with the staff member's status as an international civil servant. However, staff members may occasionally accept, without prior approval, minor gifts of essentially nominal value, provided that all such gifts are promptly disclosed to the Registrar or designated head of section, who may direct that the gift be entrusted to the Tribunal or returned to the donor.

(l) The Registrar may authorize staff members to accept from a non-governmental source or a university academic awards, distinctions and tokens of a commemorative or honorary character, such as scrolls, certificates, trophies or other items of essentially nominal monetary value.

(m) Staff members, as part of their official functions, will be expected from time to time to attend governmental or other functions such as meals and diplomatic receptions. Such attendance is not considered receipt of a favour, gift or remuneration within the meaning of the Staff Regulations and Rules.

(n) The Registrar may, in exceptional cases, provided that this is in the interest of the Tribunal and not incompatible with the staff member's status, authorize a staff member to receive from a non-governmental source an honour, decoration, favour, gift or remuneration other than those referred to in staff rules 101.2 (j) to (l) above.

Conflict of interest

(o) A staff member who has occasion to deal in his or her official capacity with any matter involving a profit-making, business or other concern in which he or she holds a financial interest, directly or indirectly, shall disclose the measure of that interest to the Registrar and, except as otherwise authorized by the Registrar, either dispose of that financial interest or formally excuse himself or herself from participating with regard to any involvement in that matter which gives rise to the conflict of interest situation.

(p) The Registrar shall establish procedures for the filing and utilization of financial disclosure statements.

Outside activities

(q) Staff members shall not, except in the normal course of official duties or with the prior approval of the Registrar, engage in any of the following acts, if such act relates to the purpose, activities or interests of the Tribunal:

- (i) Issue statements to the press, radio or other agencies of public information;
- (ii) Accept speaking engagements;

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<sup>1</sup> Amended pursuant to Staff Regulation 12.2, Staff Rule 112.2(bis). See Registrar's Bulletin ST/RB/120 dated 7 October 2003.

- (iii) Take part in film, theatre, radio or television productions;
- (iv) Submit articles, books or other material for publication.

(r) Membership in a political party is permitted, provided that such membership does not entail action, or an obligation to take action, by the staff member contrary to staff regulation 1.5. The payment of normal financial contributions to a political party shall not be construed as an activity inconsistent with the principles set out in staff regulation 1.5.

(s) The Registrar shall establish procedures whereby staff may seek in confidence clarification as to whether proposed outside activities would conflict with their status as international civil servants.

Travel and per diem for outside activities

(t) Staff members who are authorized by the Registrar to participate in activities organized by a Government, intergovernmental organization, non-governmental organization or other private source, may receive from the Government, intergovernmental organization, non-governmental organization or private source, accommodation and travel and subsistence allowance generally in line with those payable by the Tribunal. In such cases the travel subsistence allowance that may otherwise be payable by the Tribunal shall be reduced as envisaged by staff rule 107.15 (a).

Rule 101.3

Performance of staff

(a) Staff members shall be evaluated for their efficiency, competence and integrity through performance appraisal mechanisms that shall assess the staff member's compliance with the standards set out in the Staff Regulations and Rules for purposes of accountability.

(b) The Registrar shall seek to ensure that appropriate learning and development programmes are available for the benefit of staff.

(c) Performance reports shall be prepared regularly for all staff members in accordance with procedures promulgated by the Registrar.

Rule 101.4

Hours of work and official holidays

(a) The Staff Regulations set the normal number of working hours per week for each duty station. Exceptions may be made by the Registrar as the needs of the service may require. A staff member shall be required to work beyond the normal tour of duty whenever requested to do so.

(b) The number of official holidays at each duty station is fixed by the Staff Regulations. When an official holiday falls on a non-working day, the preceding or following working day which is closest to the holiday shall be observed as an official holiday.

Rule 101.5

Official holidays

(Cancelled)

Rule 101.6Change of official duty station

A change of official duty station shall take place when a staff member is assigned from an office of the Tribunal to another office for a fixed period exceeding six months or transferred for an indefinite period. Detailment of a staff member from his or her official duty station for service with a Tribunal mission or United Nations office, mission or conference shall not constitute change of official duty station within the meaning of these Rules.

Rule 101.7Inter-agency loans and other movements

(a) The Registrar may, with the approval of the President, loan the services of a staff member to the United Nations, a specialized agency of the United Nations or another intergovernmental organization, provided such loan in no way diminishes the right or entitlements of the staff member under his or her letter of appointment to the Tribunal. Such Inter-agency movements may also take place under other arrangements, i.e., secondment or transfer.

(b) Inter-agency loans and secondments are defined in and shall be governed by the Inter-organization Agreement concerning transfer, secondment or loan of staff among the organizations applying the United Nations common system of salaries and allowances, or by any other agreement concluded to this effect.

(c) (not applicable)

Chapter II

CLASSIFICATION OF POSTS AND STAFF

Rule 102.1

Classification of posts and staff

The provisions for the classification of posts and staff of the Tribunal made by the Registrar shall be consistent with appropriate provisions for classification of posts and staff within the United Nations and in conformity with any decisions thereon taken by the Meeting of States Parties.

Chapter III

## SALARIES AND RELATED ALLOWANCES

Rule 103.0Salary scales for Language Teachers

The Registrar shall set the salary scales and conditions of salary increments for staff members appointed as language teachers in conformity with the scales and conditions set by the Secretary-General of the United Nations applicable to the duty station. These rates and conditions shall be published in appendix F to these Rules.

Rule 103.1Salary scales for Field Service personnel

(Not applicable)

Rule 103.2Salary scales for General Service personnel

The Registrar shall set the salary scales and conditions of salary increments for staff members in the General Service category consistent with the scales and conditions set by the Secretary-General of the United Nations applicable to the duty station. These rates and conditions shall be published in appendix B to these Rules.

Rule 103.3Wage rates for Trades and Crafts personnel

The Registrar shall, as necessary, set wage rates and conditions of wage increments for staff members in the Trades and Crafts category consistent with scales and conditions of the United Nations applicable to the duty station and these shall be published in appendix B of these Rules.

Rule 103.4Salary and wages for locally recruited mission personnel

(Not applicable)

Rule 103.5Non-resident's allowance

(a) Staff members in the General Service category who have been recruited from outside the country in which the duty station is located shall receive a non-resident's allowance under conditions established by the Registrar consistent with conditions established by the United Nations provided that in no case shall the allowance be paid to a staff member whose nationality within the meaning of rule 104.8 is that of the country of the duty station or to a staff member while he or she is excluded under rule 104.7. The non-resident's allowance shall be payable at the rate of \$2,400 a year for a staff member with no dependent spouse or child and at the rate of \$3,000 a year for a staff

member with a dependent spouse or child. The allowance shall be paid for a maximum period of five years at the duty station. Where both husband and wife are staff members entitled to the non-resident's allowance, the allowance will be paid to each at the single rate. If they have a dependent child or children, the allowance will be paid at the dependency rate to the spouse having the higher salary level and at the single rate to the other spouse.

(b) (not applicable)

(c) The non-resident's allowance shall not be taken into account in determining Joint Staff Pension Fund, medical and group insurance contributions; overtime and night differential compensation; and payments and indemnities on separation.

(d) (not applicable)

#### Rule 103.6

##### Language allowance

(a) A staff member in the General Service category shall be paid a language allowance if he or she has demonstrated proficiency in the use of both of the two official languages of the Tribunal. Staff members whose mother tongue is an official language of the Tribunal must pass the prescribed examination in the other official language, in which case the language proficiency examination in the mother tongue may be waived. Staff members whose mother tongue is not an official language must pass the examination in the language other than that in which proficiency is required for their job.

(b) Proficiency tests in the use of official languages shall be held not less than once each year, under conditions to be approved by the Registrar.

(c) Staff members in receipt of a language allowance may be required to undergo further tests at intervals of not less than five years in order to demonstrate their continued proficiency in the use of the two official languages of the Tribunal.

(d) The amount of the allowance payable to staff in the General Service category shall be shown in appendix A to these Rules.

(e) The language allowance shall be taken into account in determining Joint Staff Pension Fund, medical and group insurance contributions; overtime and night differential compensation; and payments and indemnities on separation.

#### Rule 103.7

##### Post adjustment

(a) Subject to paragraph (d) below, post adjustments under annex I, paragraph 8, to the Staff Regulations shall be applied in accordance with paragraph (b) below in the case of staff members in the Professional and higher categories who are assigned to a duty station for one year or more.

(b) (i) The amount of post adjustment for each level and step of the Professional and higher categories shall be determined for each duty station by applying the multiplier of the post adjustment classification for the duty station to 1 per cent of the corresponding net base salary rates.

(ii) A staff member who is entitled to salary at the dependency rate shall be paid post adjustment calculated on the basis of such salary regardless of where the dependants reside.

(c) (Cancelled)

(d) While the salary of a staff member is normally subject to the post adjustment of his or her duty station during assignments for one year or more, alternative arrangements may be made by the Registrar under the following circumstances:

- (i) A staff member who is assigned to a duty station classified lower in the schedule of post adjustments than the duty station in which he or she has been serving may continue to receive for up to six months the post adjustment applicable to the former duty station while the members of his or her immediate family (spouse and children) remain at that duty station;
- (ii) When a staff member is assigned to a duty station for less than one year, the Registrar shall decide at that time whether to apply the post adjustment applicable to the duty station and, if appropriate, to pay an assignment grant under rule 107.20 or, in lieu of the above, to authorize appropriate subsistence payments;
- (iii) (Not applicable)

(e) At duty stations where the average rental cost used in calculating the post adjustment index is based on the cost of housing provided by the Tribunal, by a Government or by a related institution, staff members who have to rent housing accommodation at substantially higher commercial rates will be paid a supplement to the post adjustment in the form of a rental subsidy under conditions established by the Registrar consistent with conditions established by the United Nations.

#### Rule 103.8

##### Salary and wage increments

(a) Satisfactory service for the purpose of awarding a salary increment shall be defined, unless otherwise decided by the Registrar in any particular case, as satisfactory performance and conduct of staff members in their assignments as evaluated by their supervisors.

(b) Notwithstanding paragraph (a) of this rule, in the absence of exceptional circumstances, salary increments falling due within a month of the date on which a review of a probationary appointment is due shall be withheld until a permanent appointment has been granted or the probationary period extended. Salary increments granted under this paragraph shall become effective in accordance with the provisions of paragraph (c) below.

(c) Salary and wage increments shall be effective on the first day of the pay period in which the service requirements are completed, provided that the period of service may be shortened to meet the requirements of rule 103.9 and that such increments shall not be effective earlier than the first day of the pay period in which a staff member returns to pay status from a period of leave without pay. No increment shall be paid in the case of staff members whose services will cease during the month in which the increment would otherwise have been due.

(d) If a staff member with satisfactory service is changed to a lower salary level, the period of service since the last increment shall be credited towards the next increment within the lower level. If a staff member whose service has not been satisfactory is changed to a lower salary level, the staff member's eligibility for salary increment in the lower level will be based on satisfactory service in the lower level.

Rule 103.9Salary policy in promotions

(a) On promotion, a staff member shall be placed at the lowest step in the level to which he or she has been promoted 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.

(b) If promotion 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 on promotion in accordance with paragraph (a) above.

(c) The date of the first salary increment at the higher level shall be the anniversary date of promotion, except that:

- (i) 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 promotion; and
- (ii) In the case of accelerated increments, the first increment at the higher level will become due ten or twenty months from the date of promotion, as appropriate.

(d) On promotion from the General Service and related categories to the Professional category and, in order to determine in accordance with paragraph (a) above the step that should be granted within the level to which the staff member is promoted, the following emoluments shall also be taken into account:

- (i) The net amount of any pensionable allowance that the staff member received at the lower level; and
- (ii) The post adjustment that, at the duty station where the staff member was serving prior to promotion, corresponds to the net base salary at the single rate for the level and step in the Professional category to which the staff member is promoted.

(e) Where the total net remuneration before promotion of a staff member in the General Service exceeds that at the Professional level before promotion, established in accordance with paragraph (d) above, a personal transitional allowance in an amount sufficient to meet the requirements of paragraph (a) will be paid until such time as it is overtaken by increases in net remuneration at the Professional level.

Rule 103.10

(Cancelled)

Rule 103.11Special 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) Without prejudice to the principle that promotion under staff rule 104.14 shall be the normal means of recognizing increased responsibilities and demonstrated ability, a staff member who is called upon to assume the full duties and responsibilities of a post at a clearly recognizable higher level than his or her own for a temporary period exceeding three months may, in exceptional cases, be

granted a non-pensionable special post allowance from the beginning of the fourth month of service at the higher level.

(c) When 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 paid immediately the staff member assumes the higher duties and responsibilities.

(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.

#### Rule 103.12

##### Overtime and compensatory time off

(a) Staff members in the General Service category or in the Trades and Crafts category who are required to work in excess of the working week established for this purpose shall be given compensatory time off or may receive additional payment, under conditions established by the Registrar consistent with conditions established by the United Nations. These conditions shall be set forth in appendix B to these Rules.

(b) Should the exigencies of the service permit, and subject to the prior approval of the Registrar, occasional compensatory time off may be granted to staff members serving in the Professional category who have been required to work substantial or recurrent periods of overtime.

(c) (Not applicable)

#### Rule 103.13

##### Night differential

(a) Staff members serving at Headquarter offices who are assigned to night-time tours of duty shall receive a night differential at a rate and under conditions set forth in appendix B to these Rules.

(b) (Not applicable)

(c) Unless otherwise specifically provided in appendix B to these Rules, night differential shall not be paid for the same work for which overtime payment or compensatory time off is allowed or for any hours when the staff member is on leave or in travel status.

(d) (Not applicable)

#### Rule 103.14

##### Salary advances

(a) Salary advances may be made to staff members under the following circumstances and conditions:

- (i) Upon departure on extended official travel or on approved leave involving absence from duty for seventeen or more calendar days, including the end-month pay day, for staff members who work at duty stations where salary payments are still paid by cheque rather than direct deposit, in the amount that

would fall due for payment during the anticipated pay period(s) occurring during the staff member's absence;

- (ii) In cases where staff members have not received their regular pay cheque 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 Registrar may deem appropriate;
- (v) Upon change of official duty station, in such amounts as the Registrar may deem appropriate.

(b) The Registrar may, in exceptional and compelling circumstances, and if the request of the staff member is supported by a detailed justification in writing, authorize 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 authorized, in consecutive pay periods, commencing not later than the period following that in which the advance is made.

#### Rule 103.15

##### 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 written claim:

- (i) 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;
- (ii) In every other case, within one year following the date on which the staff member would have been entitled to the initial payment.

#### Rule 103.16

##### Pensionable remuneration

(a) The pensionable remuneration of a staff member shall, except as provided in paragraph (c) below, be in accordance with articles 1 (q) and 54 of the Regulations of the United Nations Joint Staff Pension Fund.

(b) (Not applicable)

(c) Where a promotion from the General Service category to the Professional category would result in a reduction of the pensionable remuneration used for computing the final average remuneration, the level of pensionable remuneration reached prior to the promotion shall be maintained until it is surpassed by that applicable to the staff member's grade and step in the Professional category. Contributions payable in accordance with article 25 of the Regulations of the United Nations Joint Staff Pension Fund shall be based on either:

- (i) The pensionable remuneration of the staff member used to determine such contributions at the time of promotion; or
- (ii) The pensionable remuneration applicable to the staff member's grade and step in the Professional category,

whichever is higher.

#### Rule 103.17

##### Staff assessment

- (a) In application of the staff assessment plan under staff regulation 3.3:
  - (i) Salaries for staff members in the Professional and higher categories shall be subject to the assessment rates specified in subparagraph (b) (i) of that regulation;
  - (ii) Salaries or wages for staff members in the General Service category and Trades and Crafts category shall be subject to the assessment rates specified in subparagraph (b) (ii) of that regulation.
- (b) The dependency rates of staff assessment under staff regulation 3.3 (b) (i) shall apply when:
  - (i) The staff member's spouse is recognized as a dependant under rule 103.24; or
  - (ii) The staff member provides substantial and continuing support to one or more of his or her children.
- (c) Where both husband and wife are staff members whose salaries are subject to the staff assessment rates specified in staff regulation 3.3 (b) (i), and taking into account rule 104.10 (d), staff assessment shall apply to each at the single rate. If they have a dependent child or children, the dependency rate shall apply to the spouse having the higher salary level and the single rate to the other spouse.

#### Rule 103.18

##### Deductions and contributions

- (a) There shall be deducted, each pay period, from the total payments due to each staff member:
  - (i) Staff assessment, at the rates and subject to the conditions prescribed in staff regulation 3.3 and rule 103.17;
  - (ii) Contributions to the United Nations Joint Staff Pension Fund in accordance with article 25 of the Regulations of the United Nations Joint Staff Pension Fund and rule 103.16.
- (b) Deductions from salaries, wages 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 Rules;

- (ii) For indebtedness to the Tribunal;
- (iii) For indebtedness to third parties when any deduction for this purpose is authorized by the Registrar;
- (iv) For lodging provided by the Tribunal, by a Government or by a related institution;
- (v) For contributions to a 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 Registrar.

Rule 103.19

(Cancelled)

Rule 103.20

Education grant

Definitions

- (a) For the purposes of this rule:
  - (i) "Child" means a child of a staff member who is dependent on the staff member for main and continuing support;
  - (ii) "Disabled child" means a child who is unable, by reasons of physical or mental disability, to attend a normal educational institution and requires special teaching or training to prepare him or her for full integration into society or, while attending a normal 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 rule 105.3. If both parents are eligible staff members, "home country" means the country of home leave of either parent;
  - (iv) "Duty station" means the country, or area within commuting distance notwithstanding national boundaries, where the staff member is serving.

Eligibility

(b) Subject to conditions established by the Registrar consistent with conditions established by the United Nations, a staff member shall be entitled to an education grant in respect of each child, provided:

- (i) The staff member is regarded as an international recruit under rule 104.7 and resides and serves at a duty station which is outside his or her home country;
- (ii) The child is in full-time attendance at a school, university or similar educational institution; and
- (iii) The appointment or assignment of the staff member is for a minimum of six months or, if initially for a period of less than six months, is extended so that total continuous service is at least six months.

(c) If a staff member eligible under paragraph (b) is reassigned to a duty station within his or her home country in the course of a school year, he or she may receive the education grant for the balance of that school year.

(d) The Registrar may also authorize payment of the education grant during mission service of not less than six months to a staff member regarded under rule 104.6 as a local recruit at his or her normal duty station.

#### Duration

- (e) (i) The grant shall be payable up to the end of the school year in which the child completes four years of post-secondary studies or is awarded the first recognized degree, whichever is the earlier;
- (ii) The grant will not normally be payable beyond the school year in which the child reaches the age of twenty-five 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.

#### Amount of the grant

(f) The amounts to which a staff member may be entitled under the grant are set out in appendix G to these Rules.

(g) The amount of the grant to be paid when the staff member's period of service or the child's school attendance does not cover the full scholastic year shall be prorated under conditions established by the Registrar consistent with conditions established by the United Nations.

#### Travel

(h) A staff member to whom an education grant is payable under paragraphs (i), (ii) or (iv) of appendix G in respect of the child's attendance at an educational institution shall be entitled to travel expenses for the child of one return journey each scholastic year between the educational institution and the duty station, under conditions established by the Registrar consistent with conditions established by the United Nations.

- (i) (Not applicable)

#### Tuition in the mother tongue

(j) Tuition in the mother tongue under staff regulation 3.2(c) may be reimbursed subject to conditions established by the Registrar consistent with conditions established by the United Nations.

#### Special education grant for disabled children

(k) A special education grant for disabled children shall be available to staff members of all categories, whether or not serving in their home country, provided that they have an appointment of six months or longer or have completed six months of continuous service. The amounts to which a staff member is entitled under the grant are set out in appendix G to these Rules, under conditions established by the Registrar consistent with conditions established by the United Nations.

#### Claims

(l) Claims for the education grant shall be made in accordance with conditions established by the Registrar consistent with conditions established by the United Nations.

Rule 103.21

Salary and allowances during mission assignments

(Not applicable)

Rule 103.22

Assignment allowance

(Cancelled)

Rule 103.22

Mobility and hardship allowance

(Cancelled)

Rule 103.23

Dependency allowances

(a) The rates of dependency allowances applicable to the General Service category and Trades and Crafts category shall be set out in appendix B to these Rules. The rates of dependency allowances applicable to the language teachers shall be set out in appendix F to these Rules.

(b) Subject to the provisions of staff regulation 3.4 (a), the full amount of the dependency allowance provided under that regulation and the Staff Rules in respect of a dependent child shall be payable, except where the staff member or his or her spouse receives a direct governmental grant in respect of the same child. Where such a governmental grant is made, the dependency allowance payable under this rule shall be the approximate amount by which the governmental grant is less than the dependency allowance set out under the Staff Regulations and Staff Rules. In no case shall the sum of the two payments be less than the rate set out under the Staff Regulations and Staff Rules.

(c) Staff members shall be responsible for notifying the Registrar in writing of claims for dependency allowance and may be required to support such claims by documentary evidence satisfactory to the Registrar. They shall be responsible for reporting to the Registrar 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, and such payment shall not be made when a payment is being made for a dependent spouse.

Rule 103.24

Definition of dependency

For the purposes of the Staff Regulations and Staff Rules:

(a) A dependent spouse shall be a spouse whose occupational earnings, if any, do not exceed the lowest entry level of the United Nations General Service gross salary scales in force on 1 January of the year concerned for the duty station in the country of the spouse's place of work, provided that, in the case of staff in the Professional category or above, the amount shall not at any duty station be less than the equivalent of the lowest entry level at the base of the salary system (G-2, step I, for New York).

(b) A "dependent child" shall be:

- (i) A staff member's natural or legally adopted child; or
- (ii) A staff member's stepchild, if residing with the staff member,

under the age of eighteen years or, if the child is in full-time attendance at a school or university (or similar educational institution), under the age of twenty-one years, for whom the staff member provides main and continuing support. The Registrar shall establish special conditions under which other children, who fulfil the age, school attendance and support requirements indicated above, may be regarded as dependent children of a staff member. If a child over the age of eighteen years is physically or mentally incapacitated for substantial gainful employment, either permanently or for a period expected to be of long duration, the requirements as to school attendance and age shall be waived.

(c) A staff member claiming a child as a dependant must certify that he or she provides main and continuous support. This certificate must be supported by documentary evidence satisfactory to the Registrar, if a child:

- (i) Does not reside with the staff member;
- (ii) Is married; or
- (iii) Is regarded as a dependant under the special conditions referred to above.

(d) 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, provided that the brother or sister fulfils the same age and school attendance requirements established for a dependent child. If the brother or sister is physically or mentally incapacitated for substantial gainful employment, either permanently or for a period expected to be of long duration, the requirements as to school attendance and age shall be waived.

Chapter IV

## APPOINTMENT AND PROMOTION

Rule 104.1Letter 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 letters of appointment.

Rule 104.2Effective 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 staff member internationally recruited 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 104.3Re-employment

(a) A former staff member who is re-employed shall be given a new appointment or, if re-employed within twelve months of being separated from service or within any longer period following retirement or disability under the Joint Staff Pension Fund Regulations, he or she may be reinstated in accordance with paragraph (b) below. If the former staff member is reinstated, it shall be so stipulated in his or her letter of appointment. If he or she is given a new appointment, its terms shall be fully applicable without regard to any period of former service, except that such former service may be counted for the purpose of determining seniority in grade. However, where a staff member of the United Nations common system is granted a new appointment within twelve months of separation, any entitlement, benefit or accrual the staff member may have when separated at the end of the new appointment shall be adjusted to ensure that the total payments for the first and subsequent separations do not exceed the amounts which would have been paid had the service been continuous<sup>2</sup>.

(b) On reinstatement the staff member's services shall be considered as having been continuous, and the staff member shall return to the Tribunal any moneys he or she received on account of separation, including termination indemnity under rule 109.4, repatriation grant under rule 109.5 and payment for accrued annual leave under rule 109.8. The interval between separation and reinstatement shall be charged, to the extent possible and necessary, to annual leave, with any further period charged to special leave without pay. The staff member's sick leave credit under rule 106.2 at the time of separation shall be re-established; the staff member's participation, if any, in the Joint Staff Pension Fund shall be governed by the Regulations of that Fund.

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<sup>2</sup> Amended pursuant to Staff Regulation 12.2, Staff Rule 112.2(bis). See Registrar's Bulletin ST/RB/121 dated 7 October 2003.

Rule 104.4

Notification by staff members and obligation to supply information

(a) Staff members shall be responsible on appointment for supplying the Registrar with whatever information may be required for the purpose of determining their status under the Staff Regulations and Staff Rules or of completing administrative arrangements in connection with their appointments.

(b) Staff members shall also be responsible for promptly notifying the Registrar, in writing, of any subsequent changes affecting their status under the Staff Regulations or Staff Rules.

(c) A staff member who intends to acquire permanent residence status in any country other than that of his or her nationality or who intends to change his or her nationality shall notify the Registrar of that intention before the change in residence status or in nationality becomes final.

(d) 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 Registrar.

(e) A staff member may at any time be required by the Registrar 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 104.5

Geographical distribution

Recruitment on as wide a geographical basis as possible, in accordance with the requirements of staff regulation 4.2, shall not apply to posts in the General Service category or in similar salary levels.

Rule 104.6

Local recruitment

(a) The conditions under which staff members shall be regarded as local recruits for the purposes of these Rules at each duty station are set forth in appendix B to these Rules.

(b) A staff member regarded as having been locally recruited shall not be eligible for the allowances or benefits indicated under rule 104.7.

Rule 104.7

International recruitment

(a) Staff members other than those regarded under rule 104.6 as having been locally recruited shall be considered as having been internationally recruited. The allowances and benefits in general available to internationally recruited staff members include: payment of travel expenses upon initial appointment and on separation for themselves and their spouses and dependent children, removal of household effects, non-resident's allowance, home leave, education grant and repatriation grant.

(b) (Not applicable)

(c) 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 Registrar, be deemed to be a permanent resident of any country other than that of his or her nationality may lose entitlement to non-resident's allowance, home leave, education grant, repatriation grant and payment of travel expenses upon separation for the staff member and his or her spouse and dependent children and removal of household effects, based upon place of home leave, if the Registrar considers that the continuation of such entitlement would be contrary to the purposes for which the allowance or benefit was created. Conditions governing entitlement to international benefits in the light of residential status are shown in appendix B to these Rules.

#### Rule 104.8

##### Nationality

(a) In the application of Staff Regulations and Staff Rules, the Tribunal shall not recognize more than one nationality for each staff member.

(b) When a staff member has been legally accorded nationality status by more than one State, the staff member's nationality for the purposes of the Staff Regulations and these Rules shall be the nationality of the State with which the staff member is, in the opinion of the Registrar, most closely associated.

#### Rule 104.9

(Cancelled)

#### Rule 104.10

##### Family relationships

(a) Except where another person equally well qualified cannot be recruited appointment shall not be granted to a person who bears any of the following relationships to a staff member: father, mother, son, daughter, brother or sister.

(b) The husband or wife 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 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 spouse but their entitlements and other benefits shall be modified as provided in the relevant Staff Regulations and Rules. The same modifications shall apply in the case of a staff member whose spouse is a staff member of another organization participating in the United Nations common system. Where both husband and wife are staff members and maintain separate households because they are assigned to different duty stations, the Registrar may decide to maintain such separate entitlements

and benefits, provided that this is not inconsistent with any staff regulation or other decision of the Tribunal.

#### Rule 104.11

##### Internal candidates and internal vacancies

For the purpose of staff regulation 4.4, the expression "persons already in the service of the Tribunal" means staff members previously recruited under staff regulation 4.1 other than staff specifically engaged for conferences and other short-term services. Vacancies for which eligibility to apply is restricted to such internal candidates shall be referred to as "internal vacancies". The conditions under which persons other than internal candidates may apply for vacancies shall be defined by the Registrar.

#### Rule 104.12

##### Temporary appointments

On recruitment, staff members may be granted one of the following types of temporary appointments: probationary appointment, fixed-term appointment or indefinite appointment.

##### (a) Probationary appointment

- (i) The probationary appointment may be granted to persons under the age of fifty years who are recruited for career service. The period of probationary service under such an appointment shall normally be two years. In exceptional circumstances, it may be reduced or extended for not more than one additional year.

At the end of the probationary service, the holder of a probationary appointment shall either be granted a permanent appointment or be separated from the service.

The probationary appointment shall have no specific expiration date and shall be governed by the Staff Regulations and Staff Rules applicable to temporary appointments which are not for a fixed term.

- (ii) Without prejudice to the provisions of subparagraph (b) (ii) below, the Registrar may, in appropriate cases, reduce or waive the required period of probationary service following an equivalent period of continuous service on fixed-term appointment.

##### (b) Fixed-term appointment

- (i) The fixed-term appointment, having an expiration date specified in the letter of appointment, may be granted for a period not exceeding seven years to persons recruited for service of prescribed duration, including persons temporarily seconded by national Governments or institutions for service with the Tribunal.
- (ii) The fixed-term appointment does not carry any expectancy of renewal or of conversion to any other type of appointment.
- (iii) Notwithstanding subparagraph (ii) above, upon completion of five years of continuous service on fixed-term appointments, a staff member who has fully met the criteria of staff regulation 4.2 will be given every reasonable

consideration for a permanent appointment or a renewal of a fixed-term appointment, taking into account all the interests of the Tribunal.

(c) Indefinite appointment

(Not applicable)

Rule 104.13

Permanent appointments

(a) Permanent appointment

The permanent appointment may be granted, in accordance with the needs of the Tribunal, to staff members who, by their qualifications, performance and conduct, have fully demonstrated their suitability as international civil servants and have shown that they meet the high standards of efficiency, competence and integrity established in the Rules of the Tribunal, provided that:

- (i) They have completed the period of probationary service required by rule 104.12 (a) (i); or
- (ii) The period of probationary service has been waived in accordance with rule 104.12 (a) (ii); or
- (iii) They have completed five years of continuous service under fixed-term appointments and have been favourably considered under the terms of rule 104.12 (b) (iii).

(b) Recommendations proposing the grant of permanent appointments on the ground that a staff member whose probationary period has been either completed or waived under the terms of rule 104.12 (a) (ii) or (b) (iii) has met the requirements of this rule may be made by the Registrar to the Tribunal, following the advice of the Appointment and Promotion Board.

(c) (Not applicable)

Rule 104.14

Appointment and Promotion Board

- (a) (i) An Appointment and Promotion Board shall be established by the Registrar to give advice on the appointment, promotion and review of staff in the General Service and in the Professional category up to and including the Senior Officer level. Other subsidiary panels may be established as may be necessary to assist the Appointment and Promotion Board in the performance of its functions.
- (ii) Subject to the provisions of staff regulations 4.2 and 4.4, the Appointment and Promotion Board shall, in making recommendations for filling of vacancies, normally give preference, where qualifications are equal, to staff members already in the Registry and staff members in organizations within the United Nations common system.

(b) Composition and procedures of the Appointment and Promotion Board

- (i) The Appointment and Promotion Board shall consist of three members and two alternates at the First Officer level and above<sup>3</sup>. The Chief of Administration shall serve *ex officio* as a non-voting member of the Board. The other members of the Board, and the alternates, shall be appointed by the Registrar after consultation with the Staff Committee. Members and alternates shall be appointed for fixed periods, normally of one year, subject to renewal. The Registrar shall ensure that one member and at least one alternate are appointed from persons nominated by the Staff Committee.
- (ii) The Board shall elect its own Chairman and establish its own procedures.

(c) Composition and procedures of the Appointment and Promotion Committees

(Not applicable)

(d) Subsidiary panels

Subsidiary panels, as necessary, may be appointed in the same manner.

(e) For any particular review where promotion is envisaged, the rank of members or alternates serving on the Board or a subsidiary panel shall not be below the level to which promotion is contemplated.

(f) Functions of the Appointment and Promotion Board

The function of the Appointment and Promotion Board shall be to make recommendations to the Registrar in respect of the following:

(i) Appointment

Proposed probationary appointments and other proposed appointments of a probable duration of one year or more.

(ii) Review

a. The suitability for permanent appointment of staff members whose eligibility is established under the terms of rule 104.13 (a) (i). With respect to holders of probationary appointments, recommendations of the Board may include extension of the probationary period for one additional year or separation from the service.

b. (Cancelled)

c. The review of proposals for the termination of permanent appointments for unsatisfactory services under staff regulation 9.1 (a) in accordance with the special procedures established for that purpose by the Registrar.

(iii) Promotion

a. The selection of staff members qualified for promotion.

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<sup>3</sup> Amended pursuant to Staff Regulation 12.2, Staff Rule 112.2(a) and the Decision D/2001/19 adopted by the Tribunal at its 11<sup>th</sup> Session. See Registrar's Bulletin ST/RB/103 dated 17 July 2001.

- b. Minimum periods of service in the grade, as a normal requirement for consideration for promotion, shall be established by the Registrar upon recommendation by the Appointment and Promotion Board.

(iv) Transfer or reassignment

Lateral transfers or reassignments of a probable duration of one year or more.

(g) The foregoing functions with respect to staff in the Professional category and at the Principal Officer level will be performed by the Appointment and Promotion Board. With respect to staff in the General Service category, the same functions will be performed by a subsidiary panel composed of the members of the Appointment and Promotion Board and two members and two alternates<sup>4</sup> of the General Service staff at the G-6 level and above<sup>5</sup>. These two members and the alternates<sup>6</sup> shall be appointed by the Registrar in accordance with the procedure provided for in paragraph (b) (i) above. In case there are too few staff at G-6 level and above to serve on the panel, the vacant seat will be filled by a staff member at G-5 level<sup>7</sup>.

- (h) (Not applicable)

Rule 104.15

Competitive examinations

(Not applicable)

Rule 104.16

Medical examination

(a) Staff members may be required by the Registrar from time to time to undergo a medical examination to satisfy a qualified medical practitioner that they are free from any ailment likely to impair the health of others.

(b) Staff members may also be required by the Registrar to undergo such medical examinations and receive such inoculations as may be required by a qualified medical practitioner before they go on or after they return from mission service.

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<sup>4</sup> Amended pursuant to Staff Regulation 12.2, Staff Rule 112.2 (a). See Registrar's Bulletin ST/RB/111 dated 30 April 2002.

<sup>5</sup> Amended pursuant to Staff Regulation 12.2, Staff Rule 112.2(a) and the Decision D/2001/19 adopted by the Tribunal at its 11<sup>th</sup> Session. See Registrar's Bulletin ST/RB/104 dated 31 July 2001.

<sup>6</sup> Amended pursuant to Staff Regulation 12.2, Staff Rule 112.2 (a). See Registrar's Bulletin ST/RB/111 dated 30 April 2002.

<sup>7</sup> Amended pursuant to Staff Regulation 12.2, Staff Rule 112.2 (a). See Registrar's Bulletin ST/RB/111 dated 30 April 2002.

Chapter V

## ANNUAL AND SPECIAL LEAVE

Rule 105.1Annual leave

(a) Staff members shall accrue annual leave while in full pay status at the rate of six weeks a year, subject to rule 105.2 (c). No leave shall accrue while a staff member is receiving compensation equivalent to salary and allowances under rule 106.4.

- (b) (i) Annual leave may be taken in units of days and half-days.
- (ii) Leave may be taken only when authorized. If a staff member is absent from work without authorization, payment of salary and allowances shall cease for the period of unauthorized absence. However, if, in the opinion of the Registrar, 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 Registrar. 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 twelve weeks of such leave shall be carried forward beyond 1 January of any year or such other date as the Registrar may set. However, upon completion of service with a mission (so designated for this purpose by the Registrar), any accumulation of annual leave which otherwise would have become subject to forfeiture during the mission service, or within two months thereafter, may be utilized to cover all or part of an authorized period of post-mission leave. Any such leave which is not so utilized within four months following departure from the mission area shall be forfeited.

(d) (Cancelled)

(e) A staff member may, in exceptional circumstances, be granted advance annual leave up to a maximum of two weeks, provided his or her service is expected to continue for a period beyond that necessary to accrue the leave so advanced.

(f) (Not applicable)

Rule 105.2Special leave

- (a) (i) Special leave may be granted at the request of a staff member for advanced study or research in the interest of the Tribunal, in cases of extended illness, for child care or for other important reasons for such period as the Registrar may prescribe. In exceptional cases, the Registrar may, at his or her initiative, place a staff member on special leave with full pay if he or she considers such leave to be in the interest of the Tribunal.
- (ii) Special leave is normally without pay. In exceptional circumstances, special leave with full or partial pay may be granted.

- (iii) Subject to conditions established by the Registrar consistent with conditions established by the United Nations, family leave may be granted as follows:
- a As special leave with full pay in the case of adoption of a child;
  - b. As special leave without pay for a period of up to two years for a staff member who is the mother or father of a newly born or adopted child, with a possibility of extension for up to an additional two years in exceptional circumstances. The right of a staff member to be re-absorbed after the end of such special leave without pay shall be fully protected;
  - c. As special leave without pay for a reasonable period, including necessary travel time, upon the death of a member of the immediate family of the staff member, or in case of serious family emergency.
- (iv) Special leave shall not be authorized for governmental service in a political office, in a diplomatic or other representational post or for the purpose of performing any functions that are incompatible with the staff member's continuing status as an international civil servant. In exceptional circumstances, special leave without pay may be granted to a staff member who is requested by his or her Government to render temporary services involving functions of a technical nature.

(b) A staff member who has completed one year of satisfactory probationary service or who has a permanent appointment and who is called upon to serve in the armed forces of the State of which the staff member is a national, whether for training or active duty, may be granted special leave without pay for the duration of such military service, in accordance with terms and conditions set forth in appendix C to these Rules.

(c) The Registrar may authorize special leave without pay for pension purposes to protect the pension benefits of staff who are within two years of achieving age 55 years and 25 years of contributory service, or who are over that age and within two 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.

### Rule 105.3

#### Home leave

(a) Staff members regarded as international recruits under rule 104.7 (a) and not excluded from home leave under rule 104.7 (c), who are residing and serving outside their home country and who are otherwise eligible, shall be entitled once in every two years of qualifying service to visit their home country at Tribunal expense for the purpose of spending in that country a reasonable<sup>8</sup> period of annual leave. Leave taken for this purpose and under the terms and conditions set forth in this rule shall hereinafter be referred to as home leave.

(b) A staff member shall be eligible for home leave provided the following conditions are fulfilled:

- (i) While performing his or her official duties:

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<sup>8</sup> Amended pursuant to Staff Regulation 12.2, Staff Rule 112.2 (bis) (a). See Registrar's Bulletin ST/RB/110 dated 11 February 2002.

- a. The staff member continues to reside in a country other than that of which he or she is a national; or
    - b. In the case of a staff member who is a native of a non-metropolitan territory of the country of the duty station and who maintained his or her normal residence in such non-metropolitan territory prior to appointment, he or she continues to reside, while performing his or her official duties, outside such territory;
  - (ii) The staff member's service is expected by the Registrar to continue:
    - a. At least six months beyond the date of his or her return from any proposed home leave; and
    - b. 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;
  - (iii) In the case of home leave following the return from a family visit travel under rule 107.1 (b), normally not less than nine months of continuous service have elapsed since departure on the family visit travel.
- (c) Staff members whose eligibility under paragraph (b) above is established at the time of their appointment shall begin to accrue service credit towards home leave from that date. Staff members who become eligible for home leave subsequent to appointment shall begin to accrue such service credit from the effective date of their becoming eligible.
- (d) The country of home leave 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 ties 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 authorized, under conditions established by the Registrar.
  - (ii) A staff member who has served with another public international organization immediately preceding his or her appointment shall have the place of home leave determined as though his or her entire previous service with the other international organization had been with the Tribunal.
  - (iii) The Registrar, in exceptional and compelling circumstances, may authorize:
    - a. A country other than the country of nationality as the home country, for the purposes of this rule. A staff member requesting such authorization will be required to satisfy the Registrar 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 5.3.
    - b. Travel in a particular home leave year to a country other than the home country, subject to conditions established by the Registrar. In such a case, the travel expenses borne by the Tribunal shall not exceed the cost of travel to the home country.

- (e) (i) Except in the case of staff members serving on probationary appointment, 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. A staff member appointed on probationary basis shall not be entitled to the first home leave until he or she has been granted a permanent appointment, a fixed-term appointment of at least two years or an extension of probationary period; however, if the Registrar considers that it will not be possible for the Appointment and Promotion Board to review the staff member's case within six months after completion of two years' service, he or she may be granted home leave subject to the other conditions of this rule.
- (ii) Home leave may be taken, subject to the exigencies of the service and to the provisions in subparagraph (i) above in respect of probationary appointment, any time during the calendar year in which it falls due.

(f) In exceptional circumstances, a staff member may be granted advanced home leave, provided that normally not less than twelve months of qualifying service have been completed or that normally not less than twelve months of qualifying service have elapsed since the date of return from his or her last home leave. The granting of advanced home leave shall not advance the calendar year in which the next home leave falls due. The granting of advanced home leave shall be subject to the conditions for the entitlement being subsequently met. If these conditions are not met, the staff member will be required to reimburse the costs paid by the Tribunal for the advanced travel.

(g) 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.

(h) A staff member may be required to take his or her home leave in conjunction with travel on official business or change of official duty station, due regard being paid to the interests of the staff member and his or her family.

(i) Subject to the conditions specified in chapter VII of these Rules, a staff member shall be entitled to claim, in respect of authorized travel on home leave, travel time and expenses for himself or herself and eligible family members for the outward and return journeys between the official duty station 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) If both husband and wife are staff members who are eligible for home leave, and taking into account rule 104.10 (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.

(l) A staff member travelling on home leave shall be required to spend no less than seven days<sup>9</sup>, exclusive of travel time, in his or her home country. The Registrar may request a staff member, on his or her return from home leave, to furnish satisfactory evidence that this requirement has been fully met.

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<sup>9</sup> Amended pursuant to Staff Regulation 12.2, Staff Rule 112.2 (bis) (a). See Registrar's Bulletin ST/RB/110 dated 11 February 2002.

(m) (Not applicable)

Chapter VI

## SOCIAL SECURITY

Rule 106.1Participation in the 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 thirty days shall become participants in the United Nations Joint Staff Pension Fund, provided that participation is not excluded by their letters of appointment.

Rule 106.2Sick leave

(a) Staff members who are unable to perform their duties by reason of illness or injury or whose attendance at work is prevented by public health requirements will be granted sick leave. All sick leave must be approved on behalf of, and under conditions established by, the Registrar.

Maximum entitlement

(b) A staff member's maximum entitlement to sick leave shall be determined by the nature and duration of his or her appointment in accordance with the following provisions:

- (i) A staff member who holds a fixed-term appointment of less than one year shall be granted sick leave at the rate of two working days per month of contractual service.
- (ii) A staff member who holds a probationary appointment or a fixed-term appointment of one year or longer but less than three years shall be granted sick leave of up to three months on full salary and three months on half salary in any period of twelve consecutive months.
- (iii) A staff member who holds a permanent or indefinite appointment or a fixed-term appointment for three years or who has completed three years of continuous service shall be granted sick leave of up to nine months on full salary and nine months on half salary in any period of four consecutive years.

Uncertified sick leave

(c) A staff member may take uncertified sick leave of not more than three consecutive working days at a time, for up to seven working days in a calendar year, when incapacitated for the performance of his or her duties by illness or injury. Part or all of this entitlement may be used to attend to family-related emergencies, or for paternity leave in case of birth or adoption of a child, in which case the limitation of three consecutive working days shall not apply.

Certified sick leave

(d) Sick leave taken by a staff member in excess of the limits set in paragraph (c) above requires approval in accordance with conditions established by the Registrar consistent with conditions established by the United Nations. When those conditions are not met, the absence shall be treated as unauthorized in accordance with rule 105.1(b)(ii).

Sick leave during annual leave

(e) When sickness of more than five working days in any seven-day period occurs while a staff member is on annual leave, including home leave, sick leave may be approved subject to appropriate medical certification.

Obligations of staff members

(f) Staff members shall inform their supervisors as soon as possible of absences due to illness or injury. They shall promptly submit any medical certificate or medical report required under conditions to be specified in conformity with United Nations medical standards.

(g) A staff member may be required at any time to submit a medical report as to his or her condition or to undergo a medical examination by a duly qualified medical practitioner in conformity with United Nations medical standards. When, in the opinion of the Registrar, a medical condition impairs a staff member's ability to perform his or her functions, the staff member may be directed not to attend the office and requested to seek treatment from a duly qualified medical practitioner. The staff member shall comply promptly with any direction or request under this rule.

(h) A staff member shall immediately notify a Tribunal 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, the Registrar shall decide whether the staff member should be excused from attendance at the office. If so, the staff member shall receive full salary and other emoluments for the period of authorized absence.

(i) A staff member shall not, while on sick leave, leave the duty station without the prior approval of the Registrar.

Review of decisions relating to sick leave

(j) Where further sick leave is refused or the unused portion of sick leave is withdrawn because the Registrar is satisfied that the staff member is able to return to duty and the staff member disputes the decision, the matter shall be referred, at his or her request, to an independent practitioner acceptable to both the Registrar and the staff member or to a medical board.

(k) The medical board shall be composed of:

- (i) A medical practitioner selected by the staff member;
- (ii) A medical practitioner designated by the Registrar; and
- (iii) A third medical practitioner, who shall be selected by agreement between the other two members and who shall not be a medical officer of the Tribunal or of the United Nations.

Rule 106.3Maternity leave

(a) A staff member shall be entitled to maternity leave in accordance with the following provisions:

- (i) The leave shall extend for a total period of sixteen weeks from the time it is granted, except as provided in subparagraph (iii) below;
- (ii) The leave shall commence six weeks prior to the anticipated date of birth upon production of a certificate from a duly qualified medical practitioner or midwife

indicating the anticipated date of birth. However, at the staff member's request and upon production of a certificate from a duly qualified medical practitioner or midwife indicating that she is fit to continue working, the absence may be permitted to commence less than six weeks but normally not less than two weeks before the anticipated date of birth. The pre-delivery leave shall extend to the actual date of birth;

- (iii) The post-delivery leave shall extend for a period equivalent to the difference between sixteen weeks and the actual period of pre-delivery leave, subject to a minimum of ten weeks. However, the staff member, on request, may be permitted to return to work after the lapse of a minimum period of six weeks following delivery;
- (iv) The staff member shall receive maternity leave with full pay for the entire duration of her absence under subparagraphs (ii) and (iii) above.

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

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

(d) (Cancelled)

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

(f) (Cancelled)

#### Rule 106.4

##### Compensation for death, injury or illness attributable to service

Staff members shall be entitled to compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the Tribunal, in accordance with standards set forth in appendix D to the United Nations Staff Rules.

#### Rule 106.5

##### Compensation for loss or damage to personal effects attributable to service

Staff members shall be entitled, within the limits and under terms and conditions established by the Registrar, 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 Tribunal.

#### Rule 106.6

##### Medical insurance

Staff members may be required to participate in a Tribunal medical insurance scheme under conditions established by the Registrar.

Chapter VII

## TRAVEL AND REMOVAL EXPENSES

Rule 107.1Official travel of staff members

(a) Subject to the conditions laid down in these Rules, the Tribunal shall pay the travel expenses of a staff member under the following circumstances:

- (i) On initial appointment, provided the staff member is considered to have been internationally recruited under rule 104.7;
- (ii) When required to travel on official business;
- (iii) On change of official duty station, as defined in rule 101.6;
- (iv) On home leave, in accordance with the provisions of rule 105.3;
- (v) On family visit, in accordance with the provisions of paragraph (b) below;
- (vi) On separation from service, as defined by article IX of the Staff Regulations and chapter IX of the Staff Rules, and in accordance with the provisions of paragraph (c) below;<sup>10</sup>
- (vii) On travel authorized for medical, safety or security reasons or in other appropriate cases, when, in the opinion of the Registrar, there are compelling reasons for paying such expenses<sup>11</sup>.

(b) Under subparagraph (a) (v) above, and subject to conditions established by the Registrar consistent with conditions established by the UN, the Tribunal shall pay the travel expenses of a staff member for the purpose of visiting his or her eligible family members at the place of recruitment, the place of home leave or the previous duty station when, during the preceding twelve months, no eligible family member has been present at the duty station after travel at Tribunal expense, except on education grant travel. Family visit travel may be paid in respect of:

- (i) Staff members who are considered as having been internationally recruited under rule 104.7, provided they serve and reside outside their home country.
- (ii) (Not applicable)

Family visit travel may be granted once every year in which the staff member's home leave does not fall due.<sup>12</sup>

(c) Under subparagraph (a) (vi) above, the Tribunal shall pay the travel expenses of a staff member to the place of recruitment or, if the staff member had a probationary appointment or an appointment for a period of two years or longer or had completed not less than two years of continuous service, to the place recognized as his or her home for the purpose of home leave under rule 105.3. Should a staff member, on separation, wish to go to any other place, the travel expenses borne by the

<sup>10</sup> Amended pursuant to Article XII of the Staff Regulation 12.2, Staff Rule 112.2(bis) and the decision taken by the Tribunal at its 12<sup>th</sup> Session. See Registrar's Bulletin ST/RB/106 dated 12 October 2001.

<sup>11</sup> Amended pursuant to Article XII of the Staff Regulation 12.2, Staff Rule 112.2(bis) and the decision taken by the Tribunal at its 12<sup>th</sup> Session. See Registrar's Bulletin ST/RB/106 dated 12 October 2001.

<sup>12</sup> Amended pursuant to Article XII of the Staff Regulation 12.2, Staff Rule 112.2(bis) and the decision taken by the Tribunal at its 12<sup>th</sup> Session. See Registrar's Bulletin ST/RB/106 dated 12 October 2001.

Tribunal 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 107.2

Official travel of family members - established offices

(a) Subject to the conditions laid down in these Rules, the Tribunal shall pay, in the case of service at an established office, the travel expenses of a staff member's eligible family members under the following circumstances:

- (i) On the initial appointment of a staff member who is considered to have been internationally recruited, under the provisions of rule 104.7, provided the appointment is for a period of one year or longer or is a probationary appointment and provided the staff member's services are expected by the Registrar 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 Registrar to continue for more than six months beyond the date on which travel of his or her family members commences;
- (iii) On change of official duty station, provided the services of the staff member at the new duty station are expected by the Registrar to continue for more than six months beyond the date on which travel of his or her family members commences;
- (iv) On home leave, in accordance with the provisions of rule 105.3;
- (v) 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;
- (vi) On journeys approved in connection with the education of a staff member's child;
- (vii) On travel authorized for medical, safety or security reasons or in other appropriate cases, when, in the opinion of the Registrar, there are compelling reasons for paying such expenses;<sup>13</sup>
- (viii) On travel of the spouse to the duty station, in lieu of the staff member's family visit travel under rule 107.1 (a) (v), subject to the same conditions as specified in rule 107.1 (b).

(b) Under subparagraphs (a) (i) and (ii) above, the Tribunal 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 official duty station from any other place, the travel expenses borne by the Tribunal shall not exceed the maximum amount that would have been payable on the basis of travel from place of recruitment or home leave.

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<sup>13</sup> Amended pursuant to Article XII of the Staff Regulation 12.2, Staff Rule 112.2(bis) and the decision taken by the Tribunal at its 12<sup>th</sup> Session. See Registrar's Bulletin ST/RB/106 dated 12 October 2001.

(c) Under subparagraph (a) (v) above, the Tribunal shall pay the travel expenses of a staff member's eligible family members from the official duty station to the place to which the staff member is entitled to be returned in accordance with the provisions of rule 107.1. Where both husband and wife are staff members and either or both are entitled to the payment of travel expenses on separation from service, and taking into account rule 104.10 (d), travel expenses shall be paid for each 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 Tribunal.

#### Rule 107.3

##### Official travel of family members - mission service

(Not applicable)

#### Rule 107.4

##### Loss of entitlement to return transportation

(a) A staff member who resigns before completing one year of service or within six months following the date of his or her return from travel on home leave or family visit shall not be entitled to payment of return travel expenses for himself or herself and family members unless, in the opinion of the Registrar, there are compelling reasons for authorizing such payment.

(b) Entitlement to return travel expenses shall cease if travel has not commenced within two years after the date of separation. However, in accordance with rule 104.10 (d), where both husband and wife are staff members and the spouse who separates first is entitled to return travel expenses, his or her entitlement shall not cease until two years after the date of separation of the other spouse.

#### Rule 107.5

##### Eligible family members

(a) Eligible family members, for the purposes of official travel, shall be deemed to comprise a spouse and those children recognized as dependent under rule 103.24 (b). In addition, those children in respect of whom an education grant is payable, even though they are no longer recognized as dependent under staff rule 103.24 (b), shall be eligible for education grant travel.

(b) The Registrar may authorize payment of the travel expenses of a child for one trip either to the staff member's duty station 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 Staff Rules, either within one year 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 recognized dependency status.

(c) Notwithstanding rule 107.2 (a) (v), the Registrar may also authorize payment of the travel expenses for repatriation purposes of a former spouse.

#### Rule 107.6

##### Authority for travel

Before travel is undertaken it shall be authorized in writing. In exceptional cases, staff members may be authorized to travel on oral orders, but such oral authorization shall require written confirmation. A staff member shall be personally responsible for ascertaining that he or she has the proper authorization before commencing travel.

#### Rule 107.7

##### Travel expenses

(a) Travel expenses that shall be paid or reimbursed by the Tribunal under the relevant provisions of these 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 107.8

##### Route, mode and standard of transportation

(a) Official travel shall, in all instances, be by a route, mode and standard of transportation approved in advance by the Registrar.

(b) Travel expenses or other entitlements, including travel time, shall be limited to the amount allowable for a journey by the approved route, mode and standard. Staff members who wish to make other arrangements for personal convenience must obtain permission to do so in advance and pay all additional costs.

#### Rule 107.9

##### Route and mode of travel

(a) The normal route for all official travel shall be the most direct and economical route. An alternative route may be approved when, in the opinion of the Registrar, it is in the best interest of the Tribunal.

(b) The normal mode of transportation for all official travel shall be by air. An alternative mode of transportation may be approved when, in the opinion of the Registrar, its use is in the best interest of the Tribunal.

(c) If a staff member or family member travels by a more economical mode of transportation than the approved mode, the Tribunal shall pay only for the mode of transportation actually used.

Rule 107.10Standard of accommodation

(a) For all official travel by air, staff members and their eligible family members shall be provided with economy class transportation in accordance with the least costly airfare structure regularly available or its equivalent. However, under conditions established by the Registrar, accommodation immediately below first class may be granted. In exceptional cases, the Registrar may allow first class travel.

(b) The 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 under paragraph (b) of rule 107.9, staff members and their family members shall be provided with the standard of accommodation which is, in the opinion of the Registrar, appropriate to the circumstances of the case.

(d) For all official travel by train approved under paragraph (b) of rule 107.9, 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 Registrar, special circumstances warrant it.

(f) If a staff member or family member travels by more economical accommodations than the approved standard, the Tribunal shall only pay for accommodations actually used at the rate paid by the traveller.

Rule 107.11Travel by automobile

(a) Staff members who are authorized to travel by automobile shall be reimbursed by the Tribunal at rates and under conditions established on the basis of operating costs in the area in which the travel is undertaken and an appropriate minimum distance for the calculation of the daily subsistence allowance.

(b) Reimbursement for travel within a radius of thirty-five miles of the official duty station shall be based on actual mileage, and for travel beyond a thirty-five-mile radius, on the mileage as shown on official road guides. Commutation between residence and place of business shall not be reimbursable.

(c) The mileage rate established under (a) above shall be payable to only one of two or more persons travelling together on the same trip and in the same automobile.

(d) The total of mileage rate reimbursement and travel subsistence allowance which a staff member may claim in respect of a particular journey shall be limited to the maximum travel expenses to which he or she would have been entitled had the staff member and eligible family members travelled by the most economical route.

Rule 107.12Purchase of tickets

(a) Unless the staff member concerned is specifically authorized to make other arrangements, all tickets for transportation involving official travel of staff members and eligible family

members shall be purchased by the Tribunal in advance of the actual travel or, where circumstances so require, shall be secured by the staff member.

(b) When a staff member requests a standard of accommodation in excess of his or her entitlement under rule 107.10 or is authorized to travel, for reasons of personal preference or convenience, by other than the approved route or mode of transportation as provided for under rule 107.9, the staff member shall be required to reimburse the Tribunal for any additional costs thus incurred before the Tribunal provides him or her with the necessary tickets.

#### Rule 107.13

##### Terminal expenses

(a) For all official travel to or from the duty station, a staff member may claim reimbursement of terminal expenses incurred for each required trip by means of public conveyance between the airport or other point of arrival or departure and the hotel or other place of dwelling in respect of himself or herself and in respect of each family member authorized to travel at Tribunal expense, at rates and conditions established by the Registrar consistent with conditions established by the United Nations. No expenses shall be reimbursable in respect of an intermediate stop that:

- (i) Is not authorized;
- (ii) Does not involve leaving the terminal; or
- (iii) Is exclusively for the purpose of making an onward connection.

(b) Terminal expenses shall be deemed to include all expenditures for transportation between the airport or other point of arrival or departure and the hotel or other place of dwelling, including transfer of accompanied baggage and other incidental charges, except the costs provided for under rule 107.19 (iii).

(c) (Cancelled)

#### Rule 107.14

##### Expenses while in transit

(a) A staff member and his or her eligible family members authorized to travel by sea shall be entitled to a fixed amount to cover transit expenses equivalent to the amount of travel subsistence allowances that would have been payable in respect of the travel if the travel had been by air.

(b) When the authorized mode of transportation is other than by sea, full travel subsistence allowance shall be payable for the time spent in transit, subject to the conditions laid down in rules 107.15 to 107.18, and provided that, in the case of travel other than on official business, a maximum of three days' travel time shall be allowed in respect of any specific journey.

#### Rule 107.15

##### Travel subsistence allowance

(a) Except as provided in rule 107.14 (a) and in paragraph (h) below, a staff member authorized to travel at Tribunal expense shall receive an appropriate daily subsistence allowance in accordance with a schedule of rates established from time to time. Such established rates shall be subject to rule 107.16 and to reductions in cases where lodging or meals are provided free of charge by the Tribunal, by an international organization, by a Government or by a related institution.

(b) The Registrar may, in exceptional and compelling circumstances, authorize a reasonable increase in the travel subsistence allowance to be paid to a staff member who is required to accompany a senior official and whose official duties while in travel status require that his or her additional living expense be established at a rate substantially higher than that contemplated in setting the allowance rate for his or her level.

(c) Travel subsistence allowance shall be deemed to comprise the total contribution of the Tribunal towards such charges as meals, lodging, gratuities and other payments made for personal services rendered. Except as provided in rule 107.19, any expenditures incurred in excess of the allowance shall be borne by the staff member.

(d) Except as provided in rule 107.14 (a) and in paragraph (h) below, when the spouse or dependent children of a staff member are authorized to travel at Tribunal expense, the staff member shall be paid an additional travel subsistence allowance in respect of each of them at half the rate applicable to the staff member.

(e) Except for leave taken at a rate not exceeding one and a half days for each completed month on which a staff member is in travel status on official business, travel subsistence allowance shall not be paid in respect of any period of annual or special leave. It shall not, in any event, be paid in respect of leave taken at the conclusion of active duty on an assignment but prior to the staff member's return to his or her official duty station.

(f) The travel subsistence allowance shall continue to be paid during periods of sick leave while in travel status, except that, if the traveller is hospitalized, only one third of the appropriate daily rate shall be paid.

(g) The appropriate travel subsistence allowance shall be paid for any days on which a staff member is required to perform official duties in connection with travel on home leave.

(h) No travel subsistence allowance shall be payable in respect of travel on appointment, assignment or repatriation and in respect on home leave, family visit or education grant<sup>14</sup>, provided that the allowance may be paid for stopovers actually made on such travel under conditions established by the Registrar consistent with conditions established by the United Nations. Where travel at Tribunal expense is authorized for medical, security or other reasons under rule 107.1 (a) (vii) or 107.2 (a) (vii), an appropriate amount of subsistence allowance may be paid at the discretion of the Registrar.

#### Rule 107.16

##### Special rates of travel subsistence allowance

In the event of staff members being assigned to conferences or for other extended periods of duty away from their official duty station, the Registrar may establish a special rate of subsistence allowance.

#### Rule 107.17

(Cancelled)

#### Rule 107.18

##### Computation of the travel subsistence allowance

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<sup>14</sup> Amended pursuant to Staff Regulation 12.2, Staff Rule 112.2 (bis). See Registrar's Bulletin ST/RB/122 dated 7 October 2003.

(a) Except during travel by sea, subsistence allowance shall be paid to a staff member, at the rates and under the conditions prescribed in rule 107.15 for each calendar day or fraction thereof involving an overnight stay away from his or her residence, during which the staff member or his or her family members are in official travel status, provided that for a journey of twenty-four hours or longer a full day's allowance at the appropriate rate shall be paid for the day on which travel is begun and that no allowance shall be paid for the day on which travel is ended. Where travel does not involve an overnight stay away from the residence, no allowance shall be paid for a journey of less than ten hours, and 40 per cent of the allowance shall be paid for a journey of ten hours or more.

(b) Where travel is by sea, a full day's allowance at the appropriate rate shall be paid for the day of arrival at the port of disembarkation, provided the traveller remains in official travel status for more than twelve hours thereafter. No allowance shall be paid for the day on which embarkation takes place.

(c) If more than one rate should apply during the course of any one day or if the traveller completes his or her travel on the same day as he or she commenced it, the rate applicable for the area of destination shall be paid for that day, except that for the last leg of a return travel on official business the allowance shall be paid at the rate applicable to the last authorized place where the staff member spent the night.

(d) When it is necessary, for the purpose of computing the amount of travel subsistence allowance payable, to specify the "hour of departure" and the "hour of arrival", these shall be considered as the time when the train, vessel or airplane used by the traveller actually leaves or arrives at its regular terminal.

#### Rule 107.19

##### Miscellaneous travel expenses

Necessary additional expenses incurred by a staff member in connection with the transaction of official business or in the performance of authorized travel shall be reimbursed by the Tribunal after completion of travel, provided the necessity and nature of the expenses are satisfactorily explained and supported by proper receipts, which shall normally be required for any expenditures in excess of \$20.00. Such expenses, for which advance authorization shall be obtained to the extent practicable, shall normally be limited to:

- (i) Hire of local transportation other than that provided for under rule 107.13;
- (ii) Telephone, telegraph, radio and cable messages of official business;
- (iii) Transfer of authorized baggage by railway express or other appropriate agency;
- (iv) Hire of room for official use;
- (v) Stenographic or word-processing services or rental of equipment required for the preparation of official reports or correspondence;
- (vi) Transportation or storage of baggage or property used on official business.

Rule 107.20Assignment grant

(a) A staff member who travels at Tribunal expense for an assignment expected to be of at least one year's duration shall be paid an assignment grant, subject to the conditions set forth below.

(b) The amount of the assignment grant shall be equivalent to:

- (i) Thirty days of subsistence allowance at the daily rate applicable under subparagraph (c) (i) below; and
- (ii) Thirty days of subsistence allowance at half such daily rate in respect of each family member for whom travel expenses have been paid by the Tribunal under rules 107.2 (a) (i), (ii) or (iii).

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

Where an assignment of less than one year, in respect of which daily subsistence allowance has been paid for six months or more under rule 103.7 (d) (ii), is extended to one year or more at the same duty station, the provisions of (i) above do not apply and only the lump sum portion under paragraph (d) will be paid.

- (c) (i) The travel subsistence allowance rates under rule 107.15 shall be used in computing the assignment grant;
- (ii) Under conditions established by the Registrar consistent with conditions established by the United Nations, the limit of thirty days provided in paragraph (b) above may be extended to a maximum of ninety days. The amount of the grant during the extended period shall be up to 60 per cent of the appropriate prevailing rate.

(d) In addition to any amount of grant paid under paragraph (b) above, a lump sum calculated on the basis of the staff member's net base salary and, where appropriate, post adjustment at the duty station of assignment may be paid under conditions established by the Registrar consistent with conditions established by the United Nations, at the following rate:

A lump sum equivalent to one month's net base salary and, where appropriate, post adjustment provided the staff member is not entitled to removal costs under staff rule 107.27.

(Cancelled)<sup>15</sup>

(e) If a change of official duty station or a new appointment involves a return to a place at which the staff member was previously stationed, the full amount of the assignment grant shall not be payable unless the staff member has been absent from that place for at least one year. In the case of a shorter absence, the amount payable shall normally be that proportion of the full grant that the completed months of absence bear to one year.

(f) Where both husband and wife are staff members who are travelling at Tribunal expense to a duty station, and taking into account rule 104.10 (d), the daily subsistence allowance portion of the assignment shall be paid to each in respect of himself or herself. If they have a dependent child or children, the assignment grant in respect of such child or children shall be paid to the staff member on whom the child is recognized to be dependent.

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<sup>15</sup> Amended pursuant to Staff Regulation 12.2. See Registrar's Bulletin ST/RB/118 dated 30 April 2003.

(g) If both husband and wife would otherwise qualify for the lump sum portion of the grant, such lump sum shall be paid only to the spouse whose lump sum portion yields the higher amount.

(h) In cases where the staff member has not completed the period of service in respect of which the assignment grant has been paid, the grant shall be adjusted proportionately and recovery made under conditions established by the Registrar who, in exceptional circumstances, may decide to waive recovery.

(i) The Registrar may, in appropriate cases, authorize payment of all or part of the assignment grant where the Tribunal has not been required to pay travel expenses upon the appointment of a staff member regarded as internationally recruited under rule 104.7.

#### Rule 107.21

##### Excess baggage and unaccompanied shipments

###### Excess baggage

(a) For the purpose of these rules, "excess baggage" shall mean baggage in excess of accompanied baggage carried without extra charge by transportation companies.

(b) Staff members travelling by air shall be entitled to reimbursement of the cost of excess baggage for themselves and their eligible family members to the extent of the difference between their free baggage allowance and the free baggage allowance in first class air travel, subject to conditions established by the Registrar consistent with conditions established by the United Nations.

###### General provisions on unaccompanied shipments

(c) For the purpose of these rules, "personal effects and household goods" shall mean effects and goods normally required for personal or household use, excluding animals and power-assisted vehicles.

(d) Unaccompanied shipments shall normally be made in one consignment, and shall be reimbursed on the basis of the maximum entitlement provided under this rule for transportation by the most economical means, as determined by the Registrar, between the places of departure and destination of the authorized travel of the staff member or his or her family members.

(e) Normal costs of packing, crating and lift vans, cartage, unpacking and uncrating shall be reimbursed for the unaccompanied shipments authorized under this rule, except for shipments under subparagraph (g) (i) below for which the cost of cartage only shall be paid. Costs for the servicing, dismantling, installing or special packing of personal effects and household goods shall not be reimbursed. Storage and demurrage charges shall not be reimbursed unless, in the opinion of the Registrar, they are directly incidental to the transportation of the consignment.

(f) The weight or volume of unaccompanied shipments of personal effects and household goods for which expenses are borne by the Tribunal under this rule shall include packing but exclude crating and lift vans.

###### Unaccompanied shipments on home leave, family visit or education grant travel

(g) When the authorized travel is by air or by land, charges for unaccompanied shipment of personal effects or household goods relating to travel on home leave, family visit or education grant may be reimbursed up to a maximum of:

- (i) 50 kilograms, or 0.31 cubic metres, by the most economical means, per person and in respect of each journey, except as provided in subparagraph (ii)

below. At the request of the staff member, this entitlement may be converted to 10 additional kilograms of accompanied excess baggage per person;

- (ii) 200 kilograms, or 1.24 cubic metres, by the most economical means, for travel on education grant in regard to the first outward journey to, and the final return journey from, an educational institution.

Unaccompanied shipments for staff appointed or assigned for less than one year

(h) On travel on appointment or assignment for less than one year, or on separation from service of staff appointed for less than one year, charges for shipment of personal effects and household goods by the most economical means may be reimbursed up to a maximum of 100 kilograms or 0.62 cubic metres. Where the appointment or assignment is extended for a total period of one year or longer, the staff member shall be paid expenses for an additional shipment of personal effects and household goods up to the maximum entitlement established in paragraph (i) below.

Unaccompanied shipments for staff appointed or assigned for one year or longer

(i) On travel on appointment or assignment for one year or longer, on transfer to another duty station, or on separation from service of a staff member appointed for one year or longer, charges for shipment of personal effects and household goods by the most economical means may be reimbursed up to a maximum of:

- (i) 1,000 kilograms or 6.23 cubic metres for the staff member;
- (ii) 500 kilograms or 3.11 cubic metres for the first family member; and
- (iii) 300 kilograms or 1.87 cubic metres for each additional family member

authorized to travel at the expense of the Tribunal.

Unaccompanied shipment as advance removal of personal effects and household goods

(j) On travel on appointment, assignment, transfer or separation from service of a staff member for whom removal costs will be paid under staff rule 107.27, a staff member may be reimbursed the costs of advance shipment by the most economical means up to a maximum of:

- (i) 450 kilograms or 2.80 cubic metres for the staff member;
- (ii) 300 kilograms or 1.87 cubic metres for the first family member; and
- (iii) 150 kilograms or 0.93 cubic metres for each additional family member

authorized to travel at the expense of the Tribunal. The weight or volume of any shipment under this paragraph shall be deducted from the maximum weight or volume to which the staff member is entitled under paragraph (d) of rule 107.27.

Additional shipment entitlement for international staff serving at designated duty stations

- (k) (Not applicable)

Conversion of surface shipment to unaccompanied shipment by air

(l) When the most economical means of shipment is by surface, the entitlement may be converted to unaccompanied shipment by air under conditions established by the Registrar consistent with conditions established by the United Nations.

Rule 107.22Insurance

(a) Staff members shall not be reimbursed for the cost of personal accident insurance or of insurance of accompanied personal baggage. However, compensation may be paid, under arrangements in force under rule 106.5, in respect of loss or damage to such baggage determined to be directly attributable to the performance of official duties on behalf of the Tribunal.

(b) In the case of shipments authorized under rule 107.21, except on home leave, family visit or education grant travel, and of shipment and storage of personal effects and household goods under rule 107.27, insurance coverage will be provided by the Tribunal up to a maximum established by the Registrar.

(c) The Tribunal shall not be responsible for loss or damage to unaccompanied shipments.

Rule 107.23Travel advances

(a) Staff members authorized 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 expenses authorized under these Rules. An advance of funds shall be considered reasonable if not more than 80 per cent of the estimated reimbursable expenses. If, in the course of travel, the staff member has earned in subsistence allowance an amount equal to the amount advanced, the staff member may be advanced the balance of the estimated reimbursable expenses.

(b) However, in those cases where a staff member is authorized to travel in accordance with staff rule 107.1 (a) (ii), an advance of funds at the rate of 100 per cent of the estimated travel subsistence allowance payable in accordance with staff rule 107.15 may be made.

Rule 107.24Illness or accident during travel

The Tribunal 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 107.25Reimbursement of travel expenses

The Registrar may reject any claim for payment or reimbursement of travel or removal expenses which are incurred by a staff member in contravention of any provision of these Rules.

Rule 107.26Transportation of decedents

Upon the death of a staff member or of his or her spouse or dependent child, the Tribunal shall pay the expenses of transportation of the body from the official duty station 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 rule 107.1 or 107.2. 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.

#### Rule 107.27

#### Removal costs

#### Eligibility for payment of removal costs

(a) An entitlement to payment of removal costs of personal effects and household goods, as defined in staff rule 107.21 (c), shall arise with respect to internationally recruited staff members, under the following circumstances, and in accordance with conditions established by the Registrar consistent with conditions established by the United Nations:

- (i) On initial appointment to an established office for a period of two years or longer, unless the staff member has elected in writing to be paid a lump sum equivalent to one month's net base salary and, where appropriate, post adjustment, in lieu of the entitlement to payment of removal costs.<sup>16</sup>
- (ii) (not applicable)
- (iii) Upon separation from service from an established office, provided the staff member had an appointment for a period of two years or longer, or had completed not less than two years of continuous service, and
  - a. had been granted removal to the duty station, or to a prior duty station in the course of a period of uninterrupted service, or
  - b. had been recruited at the duty station from which he or she separates, and is repatriated to the place of home leave or other location, in accordance with rule 107.1(c).

(b) (Not applicable)

#### Relationship with non-removal element of mobility and hardship allowance

(c) When an entitlement to payment of removal costs arises under paragraph (a) above, it shall normally be paid in case of service at headquarters duty stations or other duty stations classified in the same category, unless the staff member has elected in writing to be paid a lump sum under Staff Rule 107.27 (a) (i) in lieu of the entitlement to payment of removal costs.<sup>17</sup>

#### Maximum entitlements

- (d) Payment by the Tribunal of removal costs shall be on the basis of the following:
  - (i) 4,890 kilograms or 30.58 cubic metres, including packing but excluding crating and lift vans, for a staff member without a spouse or dependent child, and 8,150 kilograms or 50.97 cubic metres for a staff member with a spouse or dependent child residing at the official duty station. Higher maxima may be authorized if the staff member presents convincing evidence that his or her normal and necessary personal effects and household goods to be removed exceed those limits;

<sup>16</sup> Amended pursuant to Staff Regulation 12.2. See Registrar's Bulletin ST/RB/118 dated 30 April 2003.

<sup>17</sup> Amended pursuant to Staff Regulation 12.2. See Registrar's Bulletin ST/RB/118 dated 30 April 2003.

- (ii) Normal costs of packing, crating and lift vans, cartage, unpacking and uncrating shall be reimbursed. Storage and demurrage charges shall not be reimbursed unless they are directly incidental to the transportation of the consignment;
  - (iii) Transportation of personal effects and household goods shall be by the most economical means;
  - (iv) In addition to the removal expenses under this rule, the cost of transporting a privately owned automobile to one of the duty stations designated for that purpose may be partially reimbursed under conditions established by the Registrar consistent with conditions established by the United Nations.
- (e) Payment of removal expenses shall be on the basis of shipment from and to the following destinations:
- (i) On appointment, from the place of recruitment or the place recognized as the staff member's home for purposes of home leave under rule 105.3, to the official duty station;
  - (ii) Upon separation from service, from the official duty station to any one place to which the staff member is entitled to be returned in accordance with the provisions of rule 107.1;
  - (iii) Payment of removal expenses from or to a place other than those specified may be authorized under terms and conditions defined by the Registrar consistent with conditions established by the United Nations. No expenses shall be paid for removing a staff member's personal effects and household goods from one residence to another at the same duty station.

*Storage of personal effects and household goods*

(f) When a staff member is assigned to a new duty station without payment of removal costs, from a duty station to which he or she had a removal entitlement under paragraph (a) above or would have had such entitlement on appointment from outside the duty station, the Tribunal shall pay the costs of storage of personal effects and household goods, subject to conditions established by the Registrar consistent with conditions established by the United Nations, and provided that the staff member is expected to return to the same duty station within five years.

*Adjustments to entitlements*

(g) Where both husband and wife are staff members and each is entitled to removal of personal effects and household goods under this rule or to unaccompanied shipment under rule 107.21, and taking into account rule 104.10 (d), the maximum entitlement to removal at Tribunal expense for both spouses shall be that provided for a staff member with a spouse or dependent child residing at the official duty station.

(h) In cases where, for reasons not attributable to the Tribunal, the staff member has not completed the period of service in respect of which removal costs have been paid, these costs may be adjusted proportionately and recovery made under conditions established by the Registrar consistent with conditions established by the United Nations.

Rule 107.28

Loss of entitlement to unaccompanied shipment or  
removal expenses

(a) A staff member who resigns before completing two years of service shall not normally be entitled to payment of removal expenses under rule 107.27 above.

(b) Entitlement to removal expenses under rule 107.27 (a) (i), (ii) and (iii) shall normally cease if removal has not commenced within two years after the date on which the staff member became entitled to removal 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 rule 107.21 (h) and (i) or removal expenses under rule 107.27 shall cease if the shipment or removal has not commenced within two years after the date of separation. However, in accordance with rule 104.10 (d), where both husband and wife are staff members and the spouse who separates first is entitled to unaccompanied shipment or removal expenses, his or her entitlement shall not cease until two years after the date of separation of the other spouse.

(d) Entitlement to removal expenses under Rule 107.27 (a) (i) and (iii) shall cease where a staff member has elected under Staff Rule 107.27 (a) (i) to be paid a lump sum in lieu of the entitlement to removal expenses. Where such an election has been made, the staff member will be entitled to be reimbursed for charges for unaccompanied shipments of personal effects and household goods in accordance with Staff Rule 107.21 (i), provided the staff member has an initial appointment of one year or longer.<sup>18</sup>

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<sup>18</sup> Amended pursuant to Staff Regulation 12.2. See Registrar's Bulletin ST/RB/118 dated 30 April 2003.

Chapter VIII

STAFF RELATIONS

Rule 108.1

Staff Committee

Definition (Not applicable)

(a) (Not applicable)

(b) Each member of the staff (other than short-term staff) may participate in elections to the Staff Committee, and such staff shall be eligible for election to it, subject to any exceptions as may be provided in the electoral regulations drawn up by the staff representative body and meeting the requirements of staff regulation 8.

(c) Election officers selected by the staff shall conduct the election of the members of the Staff Committee, on the basis of the electoral regulations of the staff representative body, in such a way as to ensure the complete secrecy and fairness of the vote. The election officers shall also conduct other elections of staff members as required by the Staff Regulations or Staff Rules.

(d) The Staff Committee shall be entitled to effective participation in identifying, examining and resolving issues relating to staff welfare, including conditions of work, general conditions of life and other personnel policies, and shall be entitled to make proposals to the Registrar on behalf of the staff.

(e) In accordance with the principle of freedom of association, staff members may form and join associations, unions or other groupings. However, formal contact and communication on the matters referred to in paragraph (d) shall be conducted through the elected members of the Staff Committee, which shall be the sole and exclusive representative body for such purpose.

(f) General administrative instructions or directives on questions within the scope of paragraph (d) shall be transmitted in advance, unless emergency situations make this impracticable, to the Staff Committee for consideration and comment before being placed in effect.

Rule 108.2

Joint staff-management machinery

(Not applicable)

Chapter IX

## SEPARATION FROM SERVICE

Rule 109.1Special Advisory Board, definition of termination,  
and abolition of posts and reduction of staff(a) Special Advisory Board

(Not applicable)

(b) Definition of termination

A termination within the meaning of the Staff Regulations is a separation from service initiated by the Registrar, other than retirement at the age of 62 years or more or summary dismissal for serious misconduct.

Abandonment of post is a separation initiated by the staff member other than by way of resignation and is not considered a termination initiated by the Registrar within the meaning of staff regulation 9.1 (a).

(c) Abolition of posts and reduction of staff

(i) If the necessities of the service require abolition of a post or reduction of the staff and subject to the availability of suitable posts in which their services can be effectively utilized, staff members with permanent appointments shall be retained in preference to those on all other types of appointments and staff members with probationary appointments shall be retained in preference to those on fixed-term or indefinite appointments, provided that due regard shall be had in all cases to relative competence, to integrity and to length of service. Due regard shall also be had to nationality in the case of staff members with no more than five years of service and in the case of staff members who have changed their nationality within the preceding five years when the suitable posts available are subject to the principle of geographical distribution.

(ii) a. The provisions of subparagraph (i) above in so far as they relate to locally recruited staff members shall be deemed to have been satisfied if such locally recruited staff members have received consideration for suitable posts available at their duty station.

b. (Not applicable)

Rule 109.2Resignation

(a) A resignation, within the meaning of the Staff Regulations, is a separation initiated by a staff member.

(b) Unless otherwise specified in their letters of appointment, three months' written notice of resignation shall be given by staff members having permanent appointments and thirty days' written notice of resignation by those having temporary appointments. The Registrar, however, may accept resignations on shorter notice.

(c) The Registrar may require the resignation to be submitted in person in order to be acceptable.

### Rule 109.3

#### Notice of termination

(a) A staff member whose permanent appointment is to be terminated shall be given not less than three months' written notice of such termination.

(b) A staff member whose temporary appointment is to be terminated shall be given not less than thirty days' written notice of such termination or such notice as may otherwise be stipulated in his or her letter of appointment.

(c) In lieu of these notice periods, the Registrar may authorize 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 109.4

#### 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 categories, on the basis of the staff member's gross salary less staff assessment according to the schedule of rates set forth in staff regulation 3.3 (b) (i);
- (ii) (Not applicable)
- (iii) For staff in the General Service category, on the basis of the staff member's pensionable remuneration, including:
  - a. Language allowance, if any; and
  - b. (Not applicable)

(b) Length of service shall be deemed to comprise the total period of a staff member's full-time continuous service with the Tribunal, 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, upon separation from service, will receive a retirement benefit under article 28 of the United Nations Joint Staff Pension Fund Regulations or compensation for total disability under rule 106.4.

(d) Upon application of a staff member who is to be separated as a result of an agreed termination of appointment or because of abolition of post or reduction in staff and who is within two years of age 55 years and 25 years of contributory service in the United Nations Joint Staff Pension Fund, or who is over that age and within two years of 25 years of contributory service, the Registrar may place such staff member on special leave without pay for pension purposes pursuant to staff rule 105.2 (c), under conditions established by the Registrar consistent with conditions established by the United Nations. Such special leave shall commence from the date on which the separation would otherwise have taken effect for a period of up to two years, for the sole purpose of enabling the staff member to remain a participant in the United Nations Joint Staff Pension Fund during this period.

(e) The Tribunal will, on written request of the staff member prior to being placed on special leave pursuant to the preceding paragraph, pay the pension contribution of the Tribunal and/or the staff member during this period of special leave. The total amount of these contributions will be deducted from the termination indemnity otherwise payable.

(f) A staff member selecting the option of special leave described in paragraph (d) of this rule shall sign an undertaking acknowledging that his or her status on special leave is solely for pension purposes and that his or her entitlements and those of any dependants to all other emoluments and benefits under the Staff Regulations and Rules is determined finally as of the date of commencement of such special leave.

#### Rule 109.5

#### Repatriation grant

##### Purpose

(a) The purpose of the repatriation grant provided by staff regulation 9.4 is to facilitate relocation of expatriate staff members to a country other than the country of the last duty station, provided they meet the conditions contained in annex IV to the Staff Regulations and in this rule.

##### Definitions

(b) The following definitions shall be used in ascertaining whether the conditions contained in annex IV to the Staff Regulations and this rule are met:

- (i) "Country of nationality" shall mean the country of nationality recognized by the Registrar;
- (ii) "Dependent child" shall mean a child recognized as dependent under rule 103.24 (b) at the time of the staff member's separation from service;
- (iii) "Home country" shall mean the country of home leave entitlement under rule 105.3 or such other country as the Registrar may determine;
- (iv) "Obligation to repatriate" shall mean the obligation to return a staff member and his or her spouse and dependent children, upon separation, at the expense of the Tribunal, to a place outside the country of the last duty station;
- (v) "Qualifying service" shall mean one year or more of continuing service and residence away from the home country and the country of nationality of a staff member, or country where the staff member has acquired permanent resident status.

##### Eligibility

(c) Staff members who are internationally recruited shall be eligible for payment of the repatriation grant in accordance with annex IV to the Staff Regulations if they meet the following conditions:

- (i) The Tribunal had the obligation to repatriate the staff member upon separation after qualifying service of one year or longer;

- (ii) The staff member resided outside his or her country of nationality while serving at the last duty station;
  - (iii) The staff member has not been summarily dismissed or separated from service on grounds of abandonment of post.
- (d) No repatriation grant shall be paid to:
- (i) A staff member locally recruited under rule 104.6;
  - (ii) A staff member who has permanent resident status in the country of the duty station at the time of separation.

Evidence of relocation

(e) Payment of the repatriation grant after separation of an eligible staff member shall require prior submission of documentary evidence satisfactory to the Registrar that the former staff member has relocated away from the country of the last duty station.

Amount and computation of the grant

(f) 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 Registrar consistent with conditions established by the United Nations concerning the length of qualifying service for repatriation grant purposes.

(g) When both husband and wife are staff members and each is entitled to payment of a repatriation grant on separation from service, the amount of the grant paid to each shall be calculated in accordance with terms and conditions established by the Registrar consistent with conditions established by the United Nations.

Time limitation for submission of the claim

(h) Entitlement to the repatriation grant shall cease if no claim has been submitted within two years after the effective date of separation. However, when both husband and wife are staff members and the spouse who separates first is entitled to the repatriation grant, the claim for payment of the grant by that spouse shall be considered receivable if made within two years of the date of separation of the other spouse.

Payment in case of death of eligible staff member

(i) 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 Tribunal is obligated to repatriate. If there are one or more such survivors, payment shall be made under terms and conditions established by the Registrar consistent with conditions established by the United Nations.

Rule 109.6

Retirement

Retirement under article 28 of the United Nations Joint Staff Pension Fund Regulations shall not be regarded as a termination within the meaning of the Staff Regulations and Staff Rules.

Rule 109.7Expiration of fixed-term appointments

- (a) A temporary appointment for a fixed term 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 any such appointment shall not be regarded as a termination within the meaning of the Staff Regulations and Staff Rules.

Rule 109.8Commutation of accrued annual leave

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 sixty working days. The payment shall be calculated:

- (i) For staff in the Professional and higher categories, on the basis of the staff member's net base salary plus post adjustment;
- (ii) (Not applicable)
- (iii) For staff in the General Service and related categories, on the basis of the staff member's gross salary, including:
  - a. Language allowance, if any; and
  - b. In respect of staff in receipt of non-resident's allowance under rule 103.5 (d), such non-resident's allowance,

less staff assessment according to the schedule of rates set forth in staff regulation 3.3 (b) (ii) applied to the gross salary alone.<sup>19</sup>

Rule 109.9Restitution 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 Tribunal, equivalent to the remuneration received, including allowances and other payments, in respect of the advance leave period. The Registrar may waive this requirement if in the opinion of the Registrar there are exceptional or compelling reasons for so doing.

Rule 109.10Last 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 shall be determined according to the following provisions:

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<sup>19</sup> Amended pursuant to Article XII of the Staff Regulation 12.2, Staff Rule 112.2(bis) and the decision taken by the Tribunal at its 12<sup>th</sup> Session. See Registrar's Bulletin ST/RB/106 dated 12 October 2001.

- (i) Upon resignation, the date shall be either the date of expiration of the notice period under rule 109.2 or such other date as the Registrar accepts. Staff members will be expected to perform their duties during the period of notice of resignation, except when the resignation takes effect upon the completion of maternity leave or following sick or special leave. Annual leave will be granted during the notice of resignation only for brief periods;
- (ii) Upon expiration of a fixed-term appointment, the date shall be the date specified in the letter of appointment;
- (iii) Upon termination, the date shall be the date provided in the notice of termination;
- (iv) Upon retirement, the date shall be the date approved by the Registrar for retirement;
- (v) In the case of summary dismissal, the date shall be the date of dismissal;
- (vi) In the case of death, the date on which entitlement to salary, allowances and benefits shall cease shall be the date of death, unless there is a surviving spouse or dependent child. In this event, the date shall be determined in accordance with the following schedule:

Completed years of service in the Registry (as defined in rule 109.4)	Months of extension beyond date of death
3 or less .....	3
4 .....	4
5 .....	5
6 .....	6
7 .....	7
8 .....	8
9 or more .....	9

Payment related to the period of extension beyond the date of death may be made in a lump sum as soon as the pay accounts and related matters can be closed. Such payment shall be made only to the surviving spouse and dependent children. For staff in the Professional and higher categories, the payment shall be calculated on the basis of the staff member's gross salary less staff assessment according to the schedule of rates set forth in staff regulation 3.3 (b) (i). For staff in the General Service and related categories, the payment shall be calculated on the basis of the staff member's gross salary, including:

- a. Language allowance, if any; and
- b. In respect of staff in receipt of non-resident's allowance under rule 103.5 (d), such non-resident's allowance,

less staff assessment according to the schedule of rates set forth in staff regulation 3.3 (b) (ii) applied to the gross salary alone.<sup>20</sup> All other entitlements and accrual of benefits shall cease as of the date of death.

- (b) When an internationally recruited staff member has an entitlement to return travel under rule 107.1 (a) (vi), this shall not affect the determination of the last day for pay purposes in

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<sup>20</sup> Amended pursuant to Article XII of the Staff Regulation 12.2, Staff Rule 112.2(bis) and the decision taken by the Tribunal at its 12<sup>th</sup> Session. See Registrar's Bulletin ST/RB/106 dated 12 October 2001.

accordance with the provisions of paragraph (a) above. In the case of resignation, expiration of fixed-term appointment, termination or retirement, the staff member shall be paid, on separation, an additional amount for days of authorized travel estimated on the basis of uninterrupted travel by an approved route and mode from the duty station to the place of entitlement to return travel. Such amount shall be calculated as is done for commutation of accrued annual leave under staff rule 109.8.

Rule 109.11

Certification of service

Any staff member who so requests shall, on leaving the service of the Tribunal, 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.

Chapter X

## DISCIPLINARY MEASURES AND PROCEDURES

Rule 110.1Misconduct

Failure by a staff member to comply with his or her obligations under the Rules of the Tribunal, the Staff Regulations and Staff Rules or other relevant administrative issuances, or to observe the standards of conduct expected of an international civil servant, may amount to unsatisfactory conduct within the meaning of staff regulation 10 (a), leading to the institution of disciplinary proceedings and the imposition of disciplinary measures for misconduct.

Rule 110.2Suspension during investigation and disciplinary proceedings

(a) If a charge of misconduct is made against a staff member and the Registrar so decides, the staff member may be suspended from duty during investigation and pending completion of disciplinary proceedings for a period which should normally not exceed three months. Such suspension shall be with pay unless, in exceptional circumstances, the Registrar decides that suspension without pay is appropriate. The suspension shall be without prejudice to the rights of the staff member and shall not constitute a disciplinary measure.

(b) A staff member suspended pursuant to paragraph (a) shall be given a written statement of the reason for the suspension and its probable duration.

(c) If a suspension pursuant to paragraph (a) is without pay and the charge of misconduct is subsequently not sustained, any salary withheld shall be restored.

Rule 110.3Disciplinary measures

- (a) Disciplinary measures may take one or more of the following forms:
- (i) Written censure by the Registrar;
  - (ii) Loss of one or more steps-in-grade;
  - (iii) Deferment, for a specified period, of eligibility for within-grade increment;
  - (iv) Suspension without pay;
  - (v) Fine;
  - (vi) Demotion;
  - (vii) Separation from service, with or without notice or compensation in lieu thereof, notwithstanding rule 109.3;
  - (viii) Summary dismissal.

(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 moneys owed to the Tribunal;
- (iii) Suspension pursuant to rule 110.2.

#### Rule 110.4

##### Due process

(a) No disciplinary proceedings may be instituted against a staff member unless he or she has been notified, in writing, of the allegations against him or her, and of the right to seek assistance of counsel in his or her defence at his or her own expense, and has been given a reasonable opportunity to respond to those allegations.<sup>21</sup>

(b) No staff member shall be subject to disciplinary measures until the matter has been referred to a Joint Disciplinary Committee for advice as to what measures, if any, are appropriate, except that no such advice shall be required:

- (i) If referral to the Joint Disciplinary Committee is waived by mutual agreement of the staff member concerned and the Registrar;
- (ii) In respect of summary dismissal imposed by the Registrar in cases where the seriousness of the misconduct warrants immediate separation from service.

(c) In cases of summary dismissal imposed without prior submission of the case to a Joint Disciplinary Committee in accordance with subparagraphs (b) (i) and (ii), the staff member or former staff member concerned may, within two months of having received written notification of the measure, request that the measure be reviewed by such a Committee. A request shall not have the effect of suspending the measure. After the advice of the Committee has been received, the Registrar shall decide as soon as possible what action to take in respect thereof. An appeal in respect of such a decision may not be submitted to the Conciliation Committee.

(d) An appeal in respect of a disciplinary measure considered by a Joint Disciplinary Committee pursuant to either paragraph (b) or (c) may be submitted directly to the United Nations Administrative Tribunal.

#### Rule 110.5

##### Joint Disciplinary Committee

(a) A standing Joint Disciplinary Committee is established and shall be available to advise the Registrar at the request of the Registrar in disciplinary matters.

(b) (Not applicable)

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<sup>21</sup> Amended pursuant to Staff Regulation 12.2, Staff Rule 112.2 (bis). See Registrar's Bulletin ST/RB/123 dated 7 October 2003.

Rule 110.6Composition of Joint Disciplinary Committee

- (a) The standing Joint Disciplinary Committee shall be composed of:
- (i) One chairperson, appointed by the Registrar after consultation with the staff representative body;
  - (ii) One member appointed by the Registrar;
  - (iii) Two members elected by the staff.

(b) If necessary, additional members may be selected at any time in the same manner as indicated in paragraph (a).

(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 of the Tribunal.

(d) The chairperson may be removed from the Joint Disciplinary Committee by the Registrar after consultation with the staff representative body of the Tribunal. The member appointed by the Registrar may be removed by the Registrar. The members elected by the staff may be recalled by a majority vote of the staff, taken at the initiative of the Staff Committee.

(e) (Not applicable)

(f) (Not applicable)

At the request of either party, the chairperson or any other member may be disqualified from the consideration of the specific case, if in the opinion of the President of the Tribunal the action is warranted by the relation of that member to the staff member whose case is to be considered or by any possible conflict of interest. The chairperson may also excuse any member at that member's request from the consideration of a specific case.

(g) (Not applicable)

(h) (Not applicable)

Rule 110.7Joint 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 Registrar within four weeks after the case has been submitted to it.

(b) Proceedings before a 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 counsel.<sup>22</sup>

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<sup>22</sup> Amended pursuant to Staff Regulation 12.2, Staff Rule 112.2 (bis). See Registrar's Bulletin ST/RB/123 dated 7 October 2003.

Chapter XI

## CONCILIATION COMMITTEE

Rule 111.1Establishment

- (a) A conciliation committee shall be established in accordance with staff regulation 11.
- (b) (Not applicable)
- (c) (Not applicable)
- (d) The chairman may be removed from the Conciliation Committee by the Registrar in consultation with the Staff Committee. The member appointed by the Registrar may be removed by the Registrar. The member elected by the Staff Committee may be recalled by a majority vote of the Staff Committee.
- (e) The Conciliation Committee shall establish its own rules of procedure in accordance with annex V to the Staff Regulations.
- (f) The Conciliation Committee may, by a majority vote of all its members, recommend to the Registrar changes in the present chapter of the Staff Rules.
- (g) The secretariat of the Conciliation Committee shall consist of a secretary and such other staff as may be required for its proper functioning.

Rule 111.2Appeals

Proceedings before the Conciliation Committee shall be governed by annex V to the Staff Regulations and the rules of procedure adopted by the Conciliation Committee pursuant to rule 111.1 (e).

Rule 111.3

(Cancelled)

Rule 111.4

(Cancelled)

Chapter XII

## GENERAL PROVISIONS

Rule 112.1Gender of terms

In the French text of these Rules reference to staff members in the masculine gender shall apply to staff members of both sexes, unless clearly inappropriate from the context.

Rule 112.2Amendment of, and exceptions to, Staff Rules

(a) Subject to article XII of the Staff Regulations, these Rules may be amended by the Registrar in a manner consistent with the Staff Regulations.

(b) Exceptions to the Staff Rules may be made by the Registrar, provided that such exception is not inconsistent with any staff regulation or other decision of the Tribunal and provided further that it is agreed to by the staff member directly affected and is, in the opinion of the Registrar, not prejudicial to the interests of any other staff member or group of staff members.

Rule 112.2 (bis)United Nations Staff Rules

(a) Whenever amendment is made to the United Nations Staff Rules, the Registrar shall incorporate such amendment into the Staff Rules of the Tribunal with a view to ensuring compatibility between the Staff Rules of the Tribunal and the United Nations Staff Rules in a manner consistent with the Staff Regulations of the Tribunal.

(b) In applying the Staff Rules of the Tribunal, the Registrar will be guided by United Nations instructions, directives and practice to the extent they are implementing Staff Rules of the Tribunal similar to those provisions contained in the United Nations Staff Rules.

Rule 112.3Financial responsibility

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

Rule 112.4Liability insurance

Staff members who own or drive motor cars 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 cars.

Rule 112.5Staff member's beneficiaries

(a) At the time of appointment, each staff member shall nominate a beneficiary or beneficiaries in writing in a form prescribed by the Registrar. It shall be the responsibility of the staff member to notify the Registrar of any revocations or changes of beneficiaries.

(b) In the event of the death of a staff member, all amounts standing to the staff member's credit will be paid to his or her nominated beneficiary or beneficiaries, subject to application of the Staff Rules and of the Joint Staff Pension Fund Regulations. Such payment shall afford the Tribunal a complete release from all further liability in respect of any sum so paid.

(c) If a nominated beneficiary does not survive, or if a designation of beneficiary has not been made or has been revoked, the amount standing to the credit of a staff member will, upon the staff member's death, be paid to his or her estate.

Rule 112.6

(Cancelled)

Rule 112.7Proprietary 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 Tribunal.

Rule 112.8Effective date and authentic texts of rules

Except as otherwise indicated and subject always to the provisions of article XII of the Staff Regulations, rules 100.1 to 112.8 as published in the present edition shall be effective 1 October 2000. The English and French texts of these Rules are equally authoritative.