

**CONSOLIDATED VERSION  
6 APRIL 2018**

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



## **STAFF RULES**

## Chapter I

### DUTIES, OBLIGATIONS AND PRIVILEGES

#### Rule 1.1

##### Status 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. The obligations outlined in the declaration do not lapse upon cessation of his or her service with the Tribunal.

#### Rule 1.2

##### Basic rights and obligations of staff

###### **General**

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

(b) 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.

(c) It is the duty of staff members to report any breach of the Tribunal's Regulations and Rules to the officials whose responsibility it is to take appropriate action and to cooperate with duly authorized audits and investigations. This will not be used as retaliation against the staff member.

(d) 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.

###### **Specific instances of prohibited conduct**

(e) Sexual exploitation and abuse is prohibited. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or the age of consent locally, except where a staff member is legally married to a person who is under the age of 18 but over the age of majority or consent in his or her country of citizenship. Mistaken belief in the age of a child is not a defence. The exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. Staff members are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse.

(f) 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.

(g) Staff members shall not disrupt or otherwise interfere with any meeting or other official activity of the Tribunal, including activity in connection with the administration of justice system, 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 functions. Staff members shall not threaten, retaliate or attempt to retaliate against such individuals or against staff members exercising their rights and duties under the present Rules.

(h) 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.

(i) Staff members shall not intentionally alter, destroy, falsify or 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.

(j) 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.

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

### **Honours, gifts or remuneration**

(l) No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government. However, if refusal of an unanticipated honour, decoration, favour or gift from a Government would cause embarrassment to the Tribunal, the staff member may receive it on behalf of the Tribunal and then report and entrust it to the Registrar, who will either retain it for the Tribunal or arrange for its disposal for the benefit of the Tribunal or for a charitable purpose.

(m) 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. If refusal of an honour, decoration, favour or gift from a non-governmental source would cause embarrassment to the Tribunal, or, when circumstances do not allow for prior approval, the staff member may receive it on behalf of the Tribunal. In both instances, such gift should be reported and entrusted to the Registrar, who will either retain it for the Tribunal or arrange for its disposal for the benefit of the Tribunal or for a charitable purpose. Notwithstanding the requirement to obtain prior approval of the Registrar, 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.

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

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

(p) Staff members shall not accept any gift, remuneration or favour from any individual or entity doing business with or seeking to do business with the Tribunal.

### **Conflict of interest**

(q) 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, including a 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 might give rise to the conflict of interest situation.

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

## **Outside activities**

(s) Staff members are required to exercise the utmost discretion in all matters of official business of the Tribunal. They shall not communicate at any time to any other person, Government or authority external to the Tribunal any information known to them by reason of their association with the Tribunal which has not been made public, nor engage in any of the following acts, if such act relates to the purpose, activities or interests of the Tribunal, except in the course of their duties or by authorization of the Registrar or his designate; nor shall they at any time use such information to private advantage. These obligations do not lapse upon cessation of their services with the Tribunal. 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;
- (iii) Take part in film, theatre, radio or television productions;
- (iv) Submit articles, books or other material for publication, including electronic dissemination.

(t) 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 1.7. The payment of normal financial contributions to a political party shall not be construed as an activity inconsistent with the principles set out in staff regulation 1.7.

(u) 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**

(v) 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, travel and subsistence allowance generally in line with those payable by the Tribunal. In such cases the daily subsistence allowance that may otherwise be payable by the Tribunal shall be reduced as envisaged by staff rule 7.10 (a).

### Rule 1.3

#### 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 Staff 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 1.4

#### Hours of work and official holidays

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

(b) The number of official holidays shall be ten days in each calendar year. 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 1.5

##### Notification by staff members and obligation to supply information

(a) Staff members shall be responsible for supplying the Registrar with relevant information, as required, both during the application process and on subsequent employment, for the purpose of determining their status under the Staff Regulations and Staff Rules as well as for the purpose of completing administrative arrangements in connection with their employment. Staff members shall be held personally accountable for the accuracy and completeness of the information they provide.

(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 the change 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 1.6

##### Staff 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 Regulations of the United Nations Joint Staff Pension Fund. 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 1.7

##### Financial responsibility

Staff members shall exercise reasonable care in any matter affecting the financial interests of the Tribunal, its physical and human resources, property and assets. Any Staff members 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 gross negligence or of his or her having violated any regulation, rule or administrative instruction.

Rule 1.8

Liability 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 1.9

Proprietary rights

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

## Chapter II

### CLASSIFICATION OF POSTS

#### Rule 2.1

##### Classification of posts

The provisions for the classification of posts of the Registry made by the Registrar shall be consistent with appropriate provisions for classification of posts 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 3.1

###### Salary 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 the present Rules.

##### Rule 3.2

###### 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 for staff members in the General Service shall be subject to the assessment rates specified in subparagraph (b) (ii) of that regulation.

(b) The transitional measures governing the salary scales and pensionable remuneration are subject to the provisions of staff rule 13.12.

##### Rule 3.3

###### Salary 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, by satisfactory service performance and conduct of staff members in their assignments as evaluated by their supervisors.

(b) 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 staff rule 3.4 (b) 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.

(c) 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 at the lower level.

##### Rule 3.4

###### Salary 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 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) (Not applicable)

(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 3.5

#### Pensionable remuneration

(a) The definition of pensionable remuneration is set out in article 51 of the Regulations of the United Nations Joint Staff Pension Fund.

(b) (Not applicable)

(c) Where a promotion of a staff member from the General Service 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 3.6

#### Dependency allowances

#### **Definitions**

(a) For the purposes of the Staff Regulations and Staff Rules:

(i) A “dependent spouse” is a spouse whose 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. In the case of staff in the Professional and higher categories, the entry level amount referenced shall not at any duty station be less than the equivalent of the lowest entry level salary at the base of the salary system (G-2, step I, for New York);

(ii) A “child” is any of the following children for whom the staff member provides main and continuing support:

- a. A staff member’s natural or legally adopted child; or
- b. A staff member’s stepchild who is residing with the staff member; or
- c. A child who cannot be legally adopted, for whom the staff member has legal responsibility and who is residing with the staff member;

(iii) A “dependent child” is a child for whom the staff member provides main and continuing support and who meets one of the following criteria:

- a. The child is under the age of 18 years;
- b. The child is between the age of 18 and 21 years and attends university or its equivalent full-time; the requirement of residing with the staff member does not apply in this case;
- c. The child is of any age and has a disability that is permanent or for a period that is expected to be long-term that prevents substantial gainful employment;

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

- a. Does not reside with the staff member;
- b. Is married; or
- c. Is recognized as a dependant under (a) (iii) c. above.

(v) A father, mother, brother or sister of a staff member shall be considered as a secondary dependant if the staff member provides such a person with not less than half of that person’s financial resources, and in any case with not less than twice the amount of the dependency allowance. The conditions regarding age, school attendance and disability are the same for a brother or sister as those applicable to a staff member’s child in paragraph (iii) above.

### **Amount of dependency allowance**

(b) The dependency allowances, which are applicable to the different categories of staff, shall be published in Annex I to the Staff Regulations for staff in the Professional and higher categories and in Appendix B to the Staff Rules of staff in the General Service category. The dependency allowance shall normally be payable in accordance with the applicable rates, unless otherwise provided by the Registrar.

(i) Dependent spouse allowance: a dependent spouse allowance in the amount of 6 per cent of net base salary plus post adjustment shall be paid to a staff member in the Professional and higher categories with a recognized dependent spouse, under conditions established by the Registrar consistent with those established by the United Nations;

(ii) Single parent allowance: a staff member in the Professional and higher categories recognized as a single parent shall receive a single parent allowance in the amount of 6 per cent of net base salary plus post adjustment in respect of the first dependent child, under conditions established by the Registrar consistent with those established by the United Nations. A staff member who receives a single parent allowance in respect of the first dependent child shall not be eligible for payment of a child allowance for that child.

(iii) Dependent child allowance: eligible staff members shall receive a dependent child allowance for each recognized dependent child, under conditions established by the Registrar consistent with those established by the United Nations. Subject to the provisions of staff regulation 3.5

and 3.6 (a), the full amount of the dependency allowance provided under those regulations and under 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 dependent child allowance or single parent allowance payable under this rule shall be the approximate amount by which the governmental grant is less than the dependent child allowance or single parent allowance set out under the Staff Regulations and Staff Rules. No dependency allowance is payable if the governmental grant is equal to or exceeds the rate set out under the Staff Regulations and Staff Rules.

(iv) Secondary dependent allowance: a secondary dependency allowance shall be paid in respect of not more than one secondary dependent and such payment shall not be made when a payment is being made for a dependent spouse. Staff members in the General Service and related categories shall receive a dependency allowance with respect to a secondary dependant when local conditions and/or the practices of comparator employers call for the establishment of such an allowance, under conditions established by the Registrar consistent with those established by the United Nations..

(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. Staff members shall be responsible for reporting to the Registrar any change in the status of a dependant that may affect the payment of this allowance.

#### Rule 3.7

##### Post adjustment and rental subsidy

(a) Post adjustment is an amount paid to staff members serving in the Professional and higher categories, in accordance with Annex I, paragraph 8, of the Staff Regulations, to ensure equity in purchasing power at the duty station.

(b) 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 when a staff member is assigned to a duty station whose post adjustment classification is lower than that of his or her previous duty station he or she may continue to receive for up to six months the post adjustment applicable to the previous duty station while one member of his or her immediate family (spouse and children) remains at that duty station;

(c) At the duty station 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, eligible 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 those established by the United Nations.

#### Rule 3.8

##### Language allowance

(a) A staff member in the General Service category shall be paid a pensionable 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 the present Rules.

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

### Rule 3.9

#### Education grant

#### **Definitions**

- (a) For the purposes of the present rule:
- (i) "Child" means a child of a staff member who is dependent on the staff member for main and continuing support as defined in staff rule 3.6 (a) (ii) and 3.6 (a) (iii);
  - (ii) "Child with a disability" means a child who is unable, by reasons of physical or mental disability, to attend a regular educational institution and who requires special teaching or training to prepare him or her for full integration into society or, while attending a regular educational institution, who requires special teaching or training to assist him or her in overcoming the disability;
  - (iii) "Home country" means the country of home leave of the staff member under staff rule 5.2. 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 those established by the United Nations, a staff member shall be entitled to an education grant in respect of each child, provided that:

- (i) The staff member is regarded as an international recruit under staff rule 4.5 and resides and serves at a duty station which is outside his or her home country; and
- (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) above 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.

#### **Duration**

- (d) (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 attains a first post-secondary degree, whichever comes first;
- (ii) The grant will not normally be payable beyond the school year in which the child reaches the age of 25 years. If the child's education is interrupted for at

least one school year by national service, illness or other compelling reasons, the period of eligibility shall be extended by the period of interruption.

### **Amount of the grant**

(e) The amount to which a staff member may be entitled under the grant are set out in appendix G to the present Rules.

(f) 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 school year shall be prorated under conditions defined by the Registrar consistent with those established by the United Nations. If a staff member in receipt of the education grant dies while in service at the beginning of the school year, the full entitlement for that particular school year shall be granted.

### **Travel**

(g) A staff member to whom boarding assistance is payable under paragraphs (ii) or (iii) of appendix G to the present Rules in respect of the child's attendance at an educational institution at the primary or secondary level 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 those established by the United Nations. If travel to the duty station by the child is not possible, return travel by the staff member or spouse may be authorized in lieu of travel by the child, under conditions established by the Registrar consistent with those established by the United Nations.

### **Tuition in the mother tongue**

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

### **Special education grant for a child with a disability**

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

### **Claims**

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

## Rule 3.10

### Special post allowance

(a) Staff members shall be expected to assume temporarily, as a normal part of their customary work and without extra compensation, the duties and responsibilities of higher level posts.

(b) Without prejudice to the principle that promotion under staff rule 4.15 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 when 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 3.11

##### Overtime and compensatory time off

(a) A staff member in the General Service who is 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 those established by the United Nations.

(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.

#### Rule 3.12

##### Night differential

(a) Staff members who are assigned to regularly scheduled night-time tours of duty shall receive a night differential at a rate and under conditions established by the Registrar consistent with those established by the United Nations.

(b) Unless otherwise specifically provided in appendix B to the present 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.

#### Rule 3.13

##### Mobility allowance

(Not applicable)

#### Rule 3.14

##### Hardship allowance

(Not applicable)

#### Rule 3.15

##### Non-family service allowance

(Not applicable)

#### Rule 3.16

##### Salary advances

(a) Salary advance 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 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 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 3.17

##### 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 3.18

##### Deductions and contributions

(a) Staff assessment shall be deducted, each pay period, from the total payments due to each staff member, at the rates and subject to the conditions prescribed in staff regulation 3.3 and staff rule 3.2.

(b) Contributions of staff members who are participating in the United Nations Joint Staff Pension Fund shall be deducted, each pay period, from the total payments due to them.

(c) Deductions from salaries and other emoluments may also be made for:

- (i) Contributions, other than to the United Nations Joint Staff Pension Fund, for which provision is made under the present Rules;
- (ii) Indebtedness to the Tribunal;
- (iii) Indebtedness to third parties when any deduction for this purpose is authorized by the Registrar;
- (iv) Lodging provided by the Tribunal, by a Government or by a related institution;
- (v) 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 3.19

## Repatriation grant

### **Purpose**

(a) The purpose of the repatriation grant provided by staff regulation 9.4 is to facilitate the relocation of expatriate staff members to a country other than the country of the last duty station, provided that 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 staff rule 3.6 (a) (iii) at the time of the staff member's separation from service;
- (iii) "Home country" shall mean the country of home leave entitlement under staff rule 5.2 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 five years or more of continuous service and residence away from the home country and the country of nationality of a staff member, or the country where the staff member has acquired permanent resident status.

### **Eligibility**

(c) Staff members who are considered internationally recruited pursuant to staff rule 4.5 shall be eligible for payment of the repatriation grant in accordance with annex IV to the Staff Regulations provided that they meet the following conditions:

- (i) The Tribunal had the obligation to repatriate the staff member upon separation after qualifying service as defined in staff rule 3.19 (b) (v);
- (ii) The staff member resided outside his or her home country and recognized country of nationality while serving at the duty station;
- (iii) The staff member has not been dismissed or separated from service on grounds of abandonment of post.
- (iv) The staff member has not been locally recruited under staff rule 4.4;
- (v) The staff member does not have permanent resident status in the country of the duty station at the time of separation.

### **Evidence of relocation**

(d) 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 duty station.

### **Amount and computation of the grant**

(e) 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 those established by the United Nations for determining the length of qualifying service for repatriation grant purposes.

(f) When a staff member receives a new appointment in the United Nations common system less than 12 months after separation, the amount of any payment for repatriation grant shall



be adjusted so that the number of months, weeks or days of salary to be paid at the time of the separation after the new appointment, when added to the number of months, weeks or days paid for prior periods of service, does not exceed the total of months, weeks or days that would have been paid had the service been continuous.

(g) When both spouses 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 those established by the United Nations.

#### **Payment in case of death of eligible staff member**

(h) 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 those established by the United Nations.

#### **Time limitation for submission of the claim**

(i) Entitlement to the repatriation grant shall cease if no claim has been submitted within two years after the effective date of separation or under conditions established by the Registrar consistent with those established by the United Nations. However, when both spouses 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.

## Chapter IV

### APPOINTMENT AND PROMOTION

#### Rule 4.1

##### Letter of appointment

The letter of appointment issued 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 4.2

##### Effective date of appointment

The appointment of a staff member shall take effect from the date on which he or she 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 reports for duty.

#### Rule 4.3

##### Nationality

(a) In the application of the 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 the Staff Rules shall be the nationality of the State with which the staff member is, in the opinion of the Registrar, most closely associated.

#### Rule 4.4

##### Staff in posts subject to local recruitment

(a) All staff in the General Service, except as stipulated in staff rule 4.5 below, shall be recruited in the country or within commuting distance of each office, irrespective of their nationality and of the length of time they may have been in the country. The allowances and benefits available to staff members in the General Service category are set forth in appendix B to the present Rules.

(b) (Not applicable)

(c) A staff member subject to local recruitment under this rule shall not be eligible for the allowances or benefits indicated under staff rule 4.5 (a).

#### Rule 4.5

##### Staff in posts subject to international recruitment

(a) Staff members other than those regarded under staff rule 4.4 as having been locally recruited shall be considered as having been internationally recruited. Depending on their type of appointment, the allowances and benefits available to internationally recruited staff members may include: payment of travel expenses upon initial appointment and on separation for themselves and their spouses and dependent children; relocation shipment; home leave; education grant; and repatriation grant.

(b) (Not applicable)

(c) Under special circumstances and conditions determined by the Registrar, staff members in the General Service could be recruited internationally.

(d) 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 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 relocation shipment, 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 benefits for internationally recruited staff in the light of residential status are shown in appendix B to the present Rules.

#### Rule 4.6

##### 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.

#### Rule 4.7

##### Family relationships

(a) An appointment shall not be granted to a person who is the father, mother, son, daughter, brother or sister of a staff member, unless another person equally well qualified cannot be recruited.

(b) The spouse of a staff member may be appointed provided that he or she is fully qualified for the post for which he or she is being considered and that the spouse is not given any preference by virtue of the relationship to the staff member.

(c) A staff member who bears to another staff member any of the relationships specified in paragraphs (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 not participate 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 staff 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 of salaries and allowances. Where both spouses 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 4.8

##### Change of official duty station

- (a) (Not applicable)
- (b) (Not applicable)
- (c) (Not applicable)

#### Rule 4.9

### Inter-organization movements

a) Inter-organization movements are defined on the basis of Inter-organization agreements among the organizations applying the United Nations common system of salaries and allowances.

(b) Inter-organization movements may be authorized by the Registrar, with the approval of the President, provided that such movement in no way diminishes the right or entitlements of the staff member under his or her letter of appointment with the Tribunal.

### Rule 4.10

#### 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 4.11

#### Types of appointment

A staff member may be granted a temporary, probationary, fixed-term or permanent appointment under staff rules 4.12 and 4.13 below.

### Rule 4.12

#### Temporary, probationary and fixed-term appointments

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

(a) Temporary appointment

- (i) A temporary appointment shall be granted for a period of less than one year to meet seasonal or peak workloads and specific short-term requirements, having an expiration date specified in the letter of appointment.
- (ii) The appointment of a staff member who has served for the maximum period as described in (i) above may be renewed for up to one additional year only when warranted by surge requirements and operational needs related to field operations and special projects with finite mandates under circumstances and conditions established by the Registrar under those established by the United Nations. The initial appointment described under subparagraph (i) above and any subsequent extension shall not exceed a total period of less than 24 months at any given time.
- (iii) A temporary appointment does not carry any expectancy, legal or otherwise, of renewal. A temporary appointment shall not be converted to any other type of appointment.

(b) 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.
- (c) 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 five 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.

#### Rule 4.13

##### Permanent appointments<sup>1</sup>

(a) 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 4.12 (a) (i); or
- (ii) The period of probationary service has been waived in accordance with rule 4.12 (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 4.12 (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 4.12 (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.

#### Rule 4.14

##### Continuing appointments

(Not applicable)

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<sup>1</sup> The Tribunal at its 30<sup>th</sup> Session decided to maintain the current Tribunal's policy regarding the duration of contracts by granting an initial two-year contract, followed by a two-year contract upon first renewal of that contract, and a five-year contract upon subsequent renewals.

## Rule 4.15

### 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 service of the Tribunal 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. The Head of Personnel 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) Subsidiary panels

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

(d) 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.

(e) 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 staff rule 4.13 (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. 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.
- 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.

(f) 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 of the General Service staff at the G-6 level and above. These two members and the alternates 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.

Rule 4.16

Competitive examinations

(Not applicable)

Rule 4.17

Re-employment

(a) A former staff member who is re-employed shall be given a new appointment unless he or she is reinstated under staff rule 4.18.

(b) The terms of the new appointment shall be fully applicable without regard to any period of former service, except when a staff member receives a new appointment in the United Nations common system of salaries and allowances less than 12 months after separation. In such cases, the amount of any payment on account of termination indemnity, repatriation grant or commutation of accrued annual leave shall be adjusted so that the number of months, weeks or days of salary to be paid at the time of the separation after the new appointment, when added to the number of months, weeks or days paid for prior periods of service, does not exceed the total of months, weeks or days that would have been paid had the service been continuous.

Rule 4.18

Reinstatement

(a) A former staff member who held a fixed-term or permanent appointment and who is re-employed under a fixed-term or a permanent appointment within 12 months of separation from service may be reinstated if the Registrar considers that such reinstatement would be in the interest of the Tribunal.

(b) On reinstatement the staff member's services shall be considered as having been continuous, and the staff member shall return any monies he or she received on account of separation, including termination indemnity under staff rule 9.8, repatriation grant under staff rule 3.19 and payment for accrued annual leave under staff rule 9.9. The interval between separation and reinstatement shall be charged, to the extent possible, to annual leave, with any further period charged

to special leave without pay. The staff member's sick leave credit under staff rule 6.2 at the time of separation shall be re-established; the staff member's participation, if any, in the United Nations Joint Staff Pension Fund shall be governed by the Regulations of that Fund.

(c) If the former staff member is reinstated, it shall be so stipulated in his or her letter of appointment.

#### Rule 4.19

##### Medical examination

(a) A staff member may be required by the Registrar from time to time to undergo a medical examination to satisfy a qualified medical practitioner that he or she is free from any ailment likely to impair the health or safety of others.

(b) A staff member 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 going on or after returning from mission service.



## Chapter V

### ANNUAL AND SPECIAL LEAVE

#### Rule 5.1

##### Annual leave

(a) A staff member who holds a temporary appointment shall accrue annual leave while in full pay status at the rate of one and a half days per month, subject to the provisions of staff rule 5.3 (e). No leave shall accrue while a staff member is receiving compensation equivalent to salary and allowances under staff rule 6.4.

(b) A staff member who holds a temporary appointment may accumulate and carry forward up to eighteen working days of annual leave by 1 January of any year or such other date as the Registrar may set for a duty station, subject to Staff Rule 4.12 (a).

(c) A staff member who holds a fixed-term appointment shall accrue annual leave while in full pay status at the rate of two and a half days per month, subject to the provisions of staff rule 5.3 (c). No leave shall accrue while a staff member is receiving compensation equivalent to salary and allowances under staff rule 6.4.

(d) A staff member who holds a fixed-term appointment may accumulate and carry forward up to sixty working days of annual leave by 1 January of any year or such other date as the Registrar may set for a duty station.

- (e)
- (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 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.

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

#### Rule 5.2

##### Home leave

(a) Internationally recruited staff members, as defined under staff rule 4.5 (a) who are residing and serving outside their home country and who are otherwise eligible shall be entitled once in every 24 months of qualifying service to visit their home country at Tribunal's expense for the purpose of spending in that country a reasonable 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:

- 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 24 months of qualifying service;
- (iii) In the case of home leave following the return from a family visit travel under staff rule 7.1 (a) (vii), normally not less than nine months of continuous service have elapsed since the return from 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 recognized 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 may authorize:
    - a. A country other than the country of nationality as the home country, for the purposes of this rule, in exceptional and compelling circumstances. 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. Home leave travel 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 home leave shall fall due upon completion of 24 months 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) After falling due, home leave may be taken within 12 months, subject to the exigencies of service.

(f) A staff member may be granted advance home leave, provided that normally not less than 12 months of qualifying service have been completed or that normally not less than 12 months of qualifying service have elapsed since the date of return from his or her last home leave. The granting of advance home leave shall not advance the eligibility for, or the due date of, the next home leave. The granting of advance 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 advance travel.

(g) If a staff member delays taking his or her home leave beyond the 12-month period after 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 12 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, 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 the present Rules, a staff member shall be entitled to claim, in respect of authorized travel on home leave, 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. A staff member may also claim travel time in respect of authorized travel on home leave.

(j) If both spouses are staff members who are eligible for home leave, and taking into account staff rule 4.7 (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.

(k) A staff member travelling on home leave shall be required to spend no less than seven calendar days, 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.

(l) (Not applicable)

### Rule 5.3

#### Special 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 of time as the Registrar may prescribe.

(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 those 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.

(b) 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 continued 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.

(c) 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 the present Rules.

(d) The Registrar may authorize special leave without pay for pension purposes to protect the pension benefits of staff who are within two years of reaching the applicable qualifying age for an early retirement benefit under article 29 of the Regulations of the United Nations Joint Staff Pension Fund and 25 years of contributory service, or who are over that age and within two years of 25 years of contributory service.

(e) Staff members holding a temporary appointment may exceptionally be granted special leave without pay for compelling reasons for such period as the Registrar deems appropriate.

(f) In exceptional cases, the Registrar may, at his or her initiative, place a staff member on special leave with full or partial pay or without pay if he or she considers such leave to be in the interest of the Tribunal.

(g) Continuity of service shall not be considered broken by periods of special leave with or without pay. However, 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 exceeding one month. Periods of special leave with partial pay or without pay exceeding one month shall not be counted towards accrued years of service for eligibility requirements for a continuing appointment.

## Chapter VI

### SOCIAL SECURITY

#### Rule 6.1

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

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

#### Rule 6.2

##### Sick 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 temporary appointment or 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 12 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 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,

##### **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 those established by the United Nations. When those conditions are not met, the absence shall be treated as unauthorized in accordance with staff rule 5.1(e)(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, and if appropriate after consultation with the United Nations Medical Director, 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's 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 that may affect the health of others, the Registrar, and if appropriate after consultation with the United Nations Medical Director, 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 the staff member's request, to an independent practitioner acceptable to both the Registrar, and if appropriate after consultation with the United Nations Medical Director, 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 if appropriate after consultation with the United Nations Medical Director; 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.

(l) The cost of an independent practitioner or a medical board mentioned in paragraphs (j) and (k) above shall be borne by the Tribunal and by the staff member under conditions established by the Registrar.

## Rule 6.3

### Maternity and paternity leave

(a) Subject to conditions established by the Registrar, a staff member shall be entitled to maternity leave for a total period of sixteen weeks:

- (i) The pre-delivery leave shall commence no earlier than six weeks and no later than two 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;
- (ii) 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;

- (iii) The staff member shall receive maternity leave with full pay for the entire duration of her absence under subparagraphs (i) and (ii) above.
- (b) Subject to conditions established by the Registrar, a staff member shall be entitled to paternity leave in accordance with the following provisions:
  - (i) The leave shall be granted for a total period of up to four weeks. In the case of internationally recruited staff members serving at a non-family duty station, or in exceptional circumstances as determined by the Registrar, leave shall be granted for a total period of up to eight weeks;
  - (ii) The leave may be taken either continuously or in separate periods during the year following the birth of the child, provided it is completed during that year and within the duration of the contract;
  - (iii) The staff member shall receive paternity leave with full pay for the entire duration of his absence.
- (c) Sick leave shall not normally be granted for maternity cases except where serious complications arise.
- (d) Annual leave shall accrue during the period of maternity or paternity leave.

#### Rule 6.4

##### 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 present Rules.

#### Rule 6.5

##### 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 6.6

##### Medical insurance

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

## Chapter VII

### TRAVEL AND RELOCATION EXPENSES

#### Rule 7.1

##### Official 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 staff rule 4.5;
- (ii) When required to travel on official duty;
- (iii) On change of official duty station, as defined in staff rule 4.8;
- (iv) 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 (b) below;
- (v) 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.
- (vi) On home leave, in accordance with the provisions of staff rule 5.2;
- (vii) On family visit.

(b) Under subparagraph (a) (iv) above, the Tribunal shall pay the expenses of a staff member to travel to the place of recruitment. However, if 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, the Tribunal shall pay his or her expenses to travel to the place recognized as his or her home for the purpose of home leave under staff rule 5.2. Should a staff member, on separation, wish to go to any other place, the travel expenses borne by the Tribunal shall not exceed the maximum amount that would have been payable for the return of the staff member to the place of recruitment or home leave, as applicable.

(c) The Registrar may reject any claim for payment or reimbursement of travel or relocation shipment expenses which are incurred by a staff member in contravention of any provision of the present Staff Rules.

#### Rule 7.2

##### Official travel of 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 dependants under staff rule 3.6 (a) (iii).

(b) The Tribunal shall not pay the travel expenses of family members of staff members holding a probationary appointment.

(c) (Not applicable)

(d) The Tribunal shall pay the travel expenses of eligible family members as defined under paragraph (a) above of a staff member holding a fixed-term or permanent appointment, subject to conditions established by the Registrar consistent with those established by the United Nations, under the following circumstances:

- (i) On appointment of a staff member who is considered to have been internationally recruited, under the provisions of staff rule 4.5, provided that the appointment is for a period of one year or longer and provided that the services of the staff member 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 one year or more of continuous service, provided that 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) (Not applicable)
  - (iv) On separation of a staff member from service, provided that the staff member's appointment was for a period of one year or longer or the staff member had completed not less than one year of continuous service;
  - (v) On 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;
  - (vi) On home leave, in accordance with the provisions of staff rule 5.2;
  - (vii) On travel of the spouse to the duty station, in lieu of the staff member's family visit travel under staff rule 7.1 (a) (vii);
  - (viii) On travel approved in connection with the education of a staff member's dependent child.

(e) In the case of staff members holding a fixed-term or permanent appointment, 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 at which 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 or its equivalent, when the attendance at the university commenced during the period of recognized dependency status.

(f) Notwithstanding paragraph (d) (vi) (vii) and (viii) above, the Registrar may also authorize payment of travel expenses for the repatriation of a former spouse of a staff member, provided that the staff member is holding a fixed-term or permanent appointment.

### Rule 7.3

#### Loss of entitlement to return travel expenses

(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, the Registrar determines that there are compelling reasons for authorizing such payment.

(b) A staff member holding a temporary appointment who resigns before completing the full term of his or her appointment shall not be entitled to payment of return travel expenses for himself or herself unless the Registrar determines that there are compelling reasons for authorizing such payment.

(c) Entitlement to return travel expenses shall cease if travel has not commenced within two years of the date of separation. However, in accordance with staff rule 4.7 (d), where both spouses 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 7.4

#### Authorization to 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 responsible for ascertaining that he or she has the proper authorization before commencing travel.

## Rule 7.5

### Travel expenses

(a) Travel expenses that shall be paid or reimbursed by the Tribunal under the relevant provisions of the present Staff Rules include:

- (i) Transportation expenses
- (ii) Terminal expenses;
- (iii) Daily subsistence allowance;
- (iv) Miscellaneous expenses.

## Rule 7.6

### Mode, dates, route and standard of travel

(a) Official travel shall, in all instances, be by a mode, route and standard of travel 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 mode, dates, route and standard. Staff members who wish, for reasons of personal preference or convenience, to make travel arrangements that vary from the approved mode, dates, route or standard of travel must obtain permission to do so in advance and assume the responsibility for all changes, including payment of any additional costs thus incurred above the entitlement authorized by the Tribunal .

#### **Mode of travel**

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

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

#### **Official dates of travel**

(e) The official departure date is normally the day on which travel must start to allow the traveller to arrive at the place of official business before the commencement of duties. The official return date is normally the day after duties on official business have ended.

#### **Route of travel**

(f) The normal route for all official travel shall be the most economical route available, provided that the total time of the whole journey does not exceed that of the most direct route by four hours or more. An alternative route may be approved when the Registrar determines that it is in the best interest of the Tribunal.

#### **Standard of travel**

(g) For all official travel by air, staff members and their eligible family members shall be provided with economy class transportation in accordance with the most economical route available subject to paragraph (f) above.

(h) Under conditions established by the Registrar consistent with those established by the United Nations, staff members and their eligible family members may be granted a standard of travel immediately below first class.

(i) In exceptional cases, a higher standard of travel may be approved by the Registrar.

(j) Children, including those under 2 years of age, travelling by air shall be provided with a ticket entitling them to a seat.

(k) For all official travel by train or commercial ground transportation approved under paragraph (c) above, staff members and their eligible family members shall be granted regular first-class travel or an equivalent standard.

(l) For all official water travel approved under paragraph (c) above, staff members and their eligible family members shall be granted a standard of travel to be determined by the Registrar, appropriate to the circumstances of the case.

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

#### Rule 7.7

##### Travel by motor vehicle

Staff members who are authorized to travel by motor vehicle shall be reimbursed by the Tribunal at rates and under conditions established by the United Nations.

#### Rule 7.8

##### Purchase of tickets

All tickets for official travel of staff members and eligible family members shall be purchased by the Tribunal in advance of the actual travel. A staff member may be authorized to purchase his or her own tickets under conditions established by the Registrar consistent with those established by the United Nations.

#### Rule 7.9

##### Terminal expenses

(a) For all official travel to or from the duty station, a staff member is entitled to payment of terminal expenses at rates and under the conditions established by the Registrar consistent with those established by the United Nations. Terminal expenses shall be deemed to cover all expenditures for transportation and incidental charges between the airport or other point of arrival or departure and the hotel or other place of dwelling in respect of the staff member and each family member authorized to travel at Tribunal expense

(b) No terminal expenses shall be paid in respect of an intermediate stop that:

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

#### Rule 7.10

##### Daily subsistence allowance

(a) Except as provided in paragraph (g) below, a staff member authorized to travel at Tribunal's 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 paragraph (d) below 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) Daily subsistence allowance shall comprise the total contribution of the Tribunal towards such charges as meals, lodging and gratuities and other such payments made for services rendered.

(c) The Registrar may, in exceptional and compelling circumstances, authorize a reasonable increase in the daily 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 set at a rate substantially higher than the established rate.

(d) The Registrar, after consultation with the local United Nations office, may establish a special rate for daily subsistence allowance in cases where he or she deems it appropriate, including in the event of staff members being assigned to conferences or other extended periods of duty away from their official duty station.

(e) 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 daily subsistence allowance for each such family member at half the rate applicable to the staff member.

(f) The Registrar may establish conditions consistent with those established by the United Nations under which daily subsistence allowance may be paid during sick, annual or special leave taken while on travel status.

(g) No daily subsistence allowance shall be payable in respect of travel on appointment, assignment or repatriation or in respect of travel on home leave, family visit or education grant, provided that the allowance may be paid for stopovers actually made during such travel under conditions established by the Registrar consistent with those established by the United Nations. Where travel at Tribunal's expense is authorized for medical, safety, security or other reasons under staff rule 7.1 (a) (v) or 7.2 (d) (v) an appropriate amount of daily subsistence allowance may be paid at the discretion of the Registrar.

(h) Computation of the daily subsistence allowance payable to a staff member and his or her eligible family members shall be made under conditions established by the Registrar consistent with those established by the United Nations.

#### Rule 7.11

##### 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 the completion of travel, provided that 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 30 United States dollars or as established by the Registrar. Such expenses, for which advance authorization shall be obtained to the extent practicable, shall normally be limited to:

- (i) Local transportation other than that provided for under staff rule 7.9;
- (ii) Telephone and other forms of communication required for official business;
- (iii) Space, equipment and services required for official use;
- (iv) Transportation or storage of authorized baggage or property used for conducting official business.

#### Rule 7.12

##### Travel advances

Staff members authorized to travel shall secure advance funds to cover all expenses. An advance of 100 per cent of daily subsistence allowance and terminal expenses payable under the Staff Rules may be made on the basis of an estimate and certification

### Rule 7.13

#### Illness or accident during travel on official business

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

### Rule 7.14

#### Settling-in grant

##### **Definition and computation of the grant**

(a) The settling-in grant is intended to provide staff with a reasonable amount of cash at the beginning of an assignment for costs incurred as a result of the appointment or assignment and is based on the assumption that the main expenses of installation are incurred at the outset of an assignment. 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 settling-in grant, subject to the conditions set forth below.

(b) The settling-in grant consists of two portions:

(i) The daily subsistence allowance portion, which shall be equivalent to:

- a. Thirty days of daily subsistence allowance at the daily rate applicable; and
- b. Thirty days of daily subsistence allowance at half the daily rate in respect of each accompanying eligible family member for whom travel expenses have been paid by the Tribunal under staff rule 7.2 (d) (i)–(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.

(ii) The lump sum portion, which is calculated on the basis of one month's net base salary of the staff member and, where appropriate, post adjustment at the duty station of assignment.

(c) (i) Not applicable

- (ii) Under conditions established by the Registrar consistent with those 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.

##### **Eligibility**

(d) A staff member holding a temporary appointment who travels at United Nations expense pursuant to staff rule 7.1 (a) (i) a above shall be paid only the daily subsistence allowance portion of the settling-in grant, for himself or herself only, as specified in subparagraph (b) (i) a above.

(e) A staff member holding a fixed-term appointment who travels at Tribunal expense to a duty station for an assignment of one year or more shall be paid an settling-in grant in accordance with paragraphs (b) and (c) above.

(f) Not applicable

### Rule 7.15

#### Excess baggage and unaccompanied shipments

##### **Excess baggage**

(a) For the purpose of the present Staff Rules, "excess baggage" shall mean any accompanied baggage not carried free of charge by transportation companies.

(b) Staff members travelling by air shall be entitled to reimbursement of the cost of excess baggage for themselves and, for staff members holding fixed-term and permanent appointments, their eligible family members up to a maximum amount established by the Registrar.

#### **General provisions on unaccompanied shipments**

(c) For the purpose of the present Staff 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 related expenses shall be reimbursed on the basis of the maximum entitlement provided under the present rule for transportation by the most economical means, as determined by the Registrar, between the places of departure and destination of the staff member on official travel or his or her family members.

(e) The normal costs of packing, crating and lift vans, cartage, unpacking and uncrating shall be reimbursed for unaccompanied shipments authorized under the present rule, except for shipments under conditions established by the Registrar for which the cost of cartage only shall be paid. The costs for the servicing, dismantling, installation 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 the present 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 amount established by the Registrar.

#### **Unaccompanied shipments for staff holding a temporary appointment or staff assigned for less than one year**

(h) (i) A staff member holding a temporary appointment may be reimbursed for the shipment of personal effects and household goods, up to a maximum of 100 kilograms or 0.62 cubic metres, by the most economical means on appointment or on separation from service;

(ii) A staff member holding a fixed-term or permanent appointment may be reimbursed for the shipment of personal effects and household goods, up to a maximum of 100 kilograms or 0.62 cubic metres by the most economical means when on assignment for less than one year. Where the 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 on the condition that staff member's services are expected to continue for more than six months beyond the proposed date of arrival of the personal effects and household goods in line with staff rule 7.17 (b).

#### **Unaccompanied shipments for staff for assigned for one year or longer**

(i) On travel on appointment or assignment for one year or longer or when an assignment is extended for a total period of one year or longer, on transfer to another duty station, or on separation from service of a staff member charges for the shipment of personal effects and household goods by the most economical means may be reimbursed up to a maximum amount established by the Registrar consistent with those established by the United Nations;

### **Additional shipment entitlement for staff serving at designated duty stations**

- (j) (Not applicable)
  - (i) (Not applicable)
  - (ii) (Not applicable)
  - (iii) (Not applicable)

### **Conversion of shipment by surface to unaccompanied shipment by air**

(k) 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 those established by the United Nations.

### Rule 7.16

#### Relocation shipment

#### **Eligibility**

(a) An entitlement to relocation shipment for full removal of personal effects and household goods, as defined in staff rule 7.15 (c), shall arise with respect to internationally recruited staff members holding a fixed-term or permanent appointment under the following circumstances and in accordance with conditions established by the Registrar consistent with those established by the United Nations:

- (i) On initial appointment provided that the staff member is expected to serve at the new duty station for a period of two years or longer,
- (ii) (Not applicable)
- (iii) On separation from service provided that 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 relocation shipment to the duty station, or 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 was separating and was repatriating to the place of home leave or other location, in accordance with staff rule 7.1 (b).

(b) (Not applicable)

(c) (Not applicable)

(d) Relocation shipment shall be by the most economical means at rates and under conditions established by the Registrar consistent with conditions established by the United Nations.

#### **Maximum entitlements**

- (e) (i) Payment by the Tribunal of relocation shipment shall be on the basis of maximum entitlement established by the Registrar consistent with those established by the United Nations;
- (ii) The normal costs of packing, crating and lift vans, cartage, unpacking and uncrating shall be reimbursed. Storage and demurrage charges shall not be reimbursed unless the Registrar determines that 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 at rates and under conditions established by the Registrar consistent with those established by the United Nations.

(f) Relocation shipment 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 staff rule 5.2, 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 staff rule 7.1;
- (iii) Relocation shipment from or to a place other than those specified may be authorized under terms and conditions defined by the Registrar consistent with those defined 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**

(g) When a staff member entitled to relocation shipment is assigned to a new duty station without an entitlement to relocation shipment or from a duty station to which he or she had an entitlement to relocation shipment 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 those 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**

(h) Where both spouses are staff members and each is entitled to relocation shipment or unaccompanied shipment under the present rule, and taking into account staff rule 4.7 (d), the maximum entitlement to removal at Tribunal's expense for both spouses shall be that provided for a staff member with a spouse or dependent child residing at the official duty station.

(i) In cases where, for reasons not attributable to the Tribunal, the staff member does not complete the period of service in respect of which the Tribunal has paid relocation shipment, these costs may be adjusted proportionately and recovery made under conditions established by the Registrar consistent with those established by the United Nations.

#### **Lump-sum in lieu of relocation shipment**

(j) A lump-sum may be paid in lieu of relocation shipment under conditions established by the Registrar consistent with those established by the United Nations.

#### Rule 7.17

##### Loss of entitlement to unaccompanied shipment or Relocation shipment

(a) A staff member who resigns before completing two years of service shall not normally be entitled to payment of relocation shipment under staff rule 7.16.

(b) Entitlement to relocation shipment under staff rule 7.16 (a) shall normally cease if the relocation shipment has not commenced within two years of the date on which the staff member became entitled to relocation shipment 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) On separation from service, entitlement to unaccompanied shipment expenses under staff rule 7.15 (h) and (i) or relocation shipment under staff rule 7.16 shall cease if the shipment has not commenced within two years of the date of separation. However, in accordance with staff rule 4.7 (d), where both spouses are staff members and the spouse who separates first is entitled to unaccompanied shipment or relocation shipment, his or her entitlement shall not cease until two years after the date of separation of the other spouse.

#### Rule 7.18

##### Transportation of decedents

In the event of 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 staff rule 7.1 or 7.2 under conditions established by the Registrar consistent with those established by the United Nations.

#### Rule 7.19

##### Insurance

(a) Staff members shall not be reimbursed for the cost of personal accident insurance or insurance of accompanied personal baggage. However, compensation may be paid, under arrangements in force under staff rule 6.5, 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 staff rule 7.15, except for staff members on home leave, family visit or education grant travel and of the shipment and storage of personal effects and household goods under staff rule 7.16, insurance coverage will be provided by the Tribunal up to a maximum amount established by the Registrar consistent with those established by the United Nations.

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

## Chapter VIII

### STAFF RELATIONS

#### Rule 8.1

##### Staff Committee

(a) Each member of the staff (other than staff recruited for a short-term period not exceeding three months) 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.

(b) 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.

(c) 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 human resources policies, and shall be entitled to make proposals to the Registrar on behalf of the staff.

(d) 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 (c) shall be conducted through the elected members of the Staff Committee, which shall be the sole and exclusive representative body for such purpose.

(e) 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 8.2

##### Joint staff-management machinery

(Not applicable)

## Chapter IX

### SEPARATION FROM SERVICE

#### Rule 9.1

##### Definition of separation

Any of the following shall constitute separation from service:

- (i) Resignation;
- (ii) Abandonment of post;
- (iii) Expiration of appointment;
- (iv) Retirement;
- (v) Termination of appointment;
- (vi) Death.

#### Rule 9.2

##### Resignation

(a) A resignation, within the meaning of the Staff Regulations and Staff Rules, 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 calendar days written notice of resignation by those having fixed term 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 9.3

##### Abandonment of post

Abandonment of post is a separation initiated by the staff member other than by way of resignation. Separation as a result of abandonment of post shall not be regarded as a termination within the meaning of the Staff Rules.

#### Rule 9.4

##### Expiration of appointments

A probationary or fixed term appointment shall expire automatically and without prior notice on the expiration date specified in the letter of appointment.

#### Rule 9.5

##### Retirement

(a) A staff member shall retire under article 28 of the Regulations of the United Nations Joint Staff Pension Fund at the end of the last day of the month in which he or she reaches the age of 65 years.

(b) Any decision to grant an exception is taken in accordance with regulation 9.5 of the Staff Regulations of the Tribunal.

## Rule 9.6

### Termination

#### **Definition**

- (a) A termination within the meaning of the Staff Regulations and Staff Rules is a separation from service initiated by the Registrar.
- (b) Separation as a result of resignation, abandonment of post, expiration of appointment, retirement or death shall not be regarded as a termination within the meaning of the Staff Rules.

#### **Reasons for termination**

- (c) The Registrar may, giving the reasons therefor, terminate the appointment of a staff member who holds a probationary, fixed-term or permanent appointment in accordance with the terms of the appointment or on other grounds in accordance with staff regulation 9.1.

#### **Termination for abolition of posts and reduction of staff**

- (d) If the necessities of service require that appointments of staff members be terminated as a result of the abolition of a post or the reduction of staff, and subject to the availability of suitable posts in which their services can be effectively utilized, provided that due regard shall be given in all cases to relative competence, integrity and length of service, staff members shall be retained in the following order of preference:

- (i) Staff members holding permanent appointments;
- (ii) (Not applicable)
- (iii) Staff members holding fixed-term appointments.

#### **Termination for health reasons**

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

## Rule 9.7

### 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 fixed term appointment is to be terminated shall be given not less than thirty calendar days written notice of such termination or such written notice as may otherwise be stipulated in his or her letter of appointment.
- (c) (Not applicable)
- (d) In lieu of the notice period, the Registrar may authorize compensation equivalent to the salary, applicable post adjustment and allowances corresponding to the relevant notice period at the rate in effect on the last day of service.

- (e) No termination notice or compensation in lieu thereof shall be given in case of dismissal.

## Rule 9.8

### 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, on the basis of the staff member's gross salary, including: language allowance, if any; less staff assessment, according to the schedule of rates set forth in staff regulation 3.3 (b) (ii) applied to the gross salary alone.

(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 Regulations of the United Nations Joint Staff Pension Fund or compensation for total disability under staff rule 6.4.

(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 twenty-five 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 5.3 (d), under conditions established by the Registrar consistent with those established by the United Nations.

(e) The Tribunal will, on the 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 the 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 staff rule 9.8 (d) 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 in respect of any dependants to all other emoluments and benefits under the Staff Regulations and Staff Rules are determined as final at the date of commencement of such special leave.

#### Rule 9.9

##### Commutation of accrued annual leave

(a) If upon separation from service a staff member has accrued annual leave, he or she shall be paid a sum of money in commutation of the period of such accrued leave up to a maximum of sixty working days for a fixed term or permanent appointment in accordance with staff rules 4.18 and 5.1. 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, on the basis of the staff member's gross salary, including language allowance, if any; less staff assessment according to the schedule of rates set forth in staff regulation 3.3 (b) (ii) applied to the gross salary alone.

(b) No payment in commutation of the period of accrued annual leave shall be made to a staff member who is dismissed under staff rule 10.2 (a) (ix) for sexual exploitation or sexual abuse in violation of staff rule 1.2 (e).

Rule 9.10

Restitution of advance annual and sick leave

On 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 monies 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 doing so.

Rule 9.11

Last day for pay purposes

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

- (i) In the case of resignation, the date shall be either the date of expiration of the notice period under staff rule 9.2 or such other date as the Registrar accepts. A staff member will be expected to perform his or her duties during the period of notice of resignation, except when the resignation takes effect upon the completion of maternity or paternity leave or following sick or special leave. Annual leave will be granted during the period of notice only for brief periods;
- (ii) In the case of abandonment of post, the date shall be the date of the decision by the Registrar to terminate the appointment or the expiry date specified in the letter of appointment, whichever is earlier;
- (iii) In the case of expiration of a probationary or fixed-term appointment, the date shall be the date specified in the letter of appointment;
- (iv) In the case of retirement, the date shall be the date approved by the Registrar for retirement;
- (v) In the case of termination, the date shall be the date provided in the notice of termination;
- (vi) In the case of dismissal, the date shall be the date on which the staff member is notified in writing of the decision to dismiss him or her;
- (vii) 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 that event, the date shall be determined in accordance with the following schedule:

<u>Completed years of service (as defined in rule 9.8)</u>	<u>Months of extension beyond date of death</u>
3 or less .....	3
4 .....	4
5 .....	5
6 .....	6
7 .....	7
8 .....	8
9 or more .....	9

The months of salary referenced above 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, the payment shall be calculated on the basis of the staff member's gross salary, including language allowance, if any; less staff assessment according to the schedule of rates set forth in staff regulation 3.3 (b) (ii) applied to the gross salary alone. All other entitlements and accrual of benefits shall cease as at the date of death except as provided by staff rule 3.9 (f) for payment of education grant when the staff member dies while in service after the beginning of a school year.

(b) When an internationally recruited staff member has an entitlement to return travel under staff rule 7.1 (a) (iv), this shall not affect the determination of the last day for pay purposes in accordance with the provisions of paragraph (a) above. In the case of resignation, expiration of probationary or 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, mode and standard of travel 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 9.9 above.

#### Rule 9.12

##### 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

#### Rule 10.1

##### Misconduct

(a) 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 misconduct and may lead to the institution of a disciplinary process and the imposition of disciplinary measures for misconduct.

(b) Where the staff member's failure to comply with his or her obligations or to observe the standards of conduct expected of an international civil servant is determined by the Registrar to constitute misconduct, such 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 his or her actions, if such actions are determined to be wilful, reckless or grossly negligent.

(c) The decision to launch an investigation into allegations of misconduct, to institute a disciplinary process and to impose a disciplinary measure shall be within the discretionary authority of the Registrar or officials with delegated authority.

#### Rule 10.2

##### Disciplinary measures

(a) Disciplinary measures may take one or more of the following forms only:

- (i) Written censure by the Registrar;
- (ii) Loss of one or more steps-in-grade;
- (iii) Deferment, for a specified period, of eligibility for salary increment;
- (iv) Suspension without pay for a specified period;
- (v) Fine;
- (vi) Deferment, for a specified period, of eligibility for consideration for promotion
- (vii) Demotion with deferment, for a specified period, of eligibility for consideration for promotion;
- (viii) Separation from service, with notice or compensation in lieu of notice, notwithstanding staff rule 9.7, and with or without termination indemnity pursuant to paragraph (c) of annex III to the Staff Regulations;
- (ix) Summary dismissal.

(b) Measures other than those listed under staff rule 10.2 (a) shall not be considered to be disciplinary measures within the meaning of the present rule. These include, but are not limited to, the following administrative measures:

- (i) Written or oral reprimand;
- (ii) Recovery of monies owed to the Tribunal;
- (iii) Administrative leave with full or partial pay or without pay pursuant to staff rule 10.4.

(c) A staff member shall be provided with the opportunity to comment on the facts and circumstances prior to the issuance of a written or oral reprimand pursuant to subparagraph (b) (i) above.

#### Rule 10.3



### Due process in the disciplinary process

(a) The Registrar may initiate the disciplinary process where the findings of an investigation indicate that misconduct may have occurred. No disciplinary measure may be imposed on a staff member following the completion of an investigation unless he or she has been notified, in writing, of the formal allegations of misconduct against him or her and has been given the opportunity to respond to those formal allegations. The staff member shall also be informed of the right to seek the assistance of counsel in his or her defence through the Legal Office, or from outside counsel at his or her own expense.

(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 Appeals Board 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), or in respect of financial responsibility for gross negligence pursuant to rule 10.5, shall be submitted directly to the Joint Appeals Board.

### Rule 10.4

#### Administrative leave pending investigation and the disciplinary process

(a) A staff member may be placed on administrative leave, subject to conditions specified by the Registrar at any time after an allegation of misconduct and pending the completion of a disciplinary process. Administrative leave may continue until the completion of the disciplinary process.

(b) A staff member placed on administrative leave pursuant to paragraph (a) above shall be given a written statement of the reason(s) for such leave and its probable duration.

(c) Administrative leave shall be with full pay except (i) in cases in which there is probable cause that a staff member has engaged in sexual exploitation and sexual abuse, or (ii) when the Registrar decides that exceptional circumstances exist which warrant the placement of a staff member on administrative leave with partial pay or without pay.

(d) Placement on administrative leave shall be without prejudice to the rights of the staff member and shall not constitute a disciplinary measure. If administrative leave is without pay and either the allegations of misconduct are subsequently not sustained or it is subsequently found that the conduct at issue does not warrant dismissal or separation, any pay withheld shall be restored without delay.

(e) A staff member who has been placed on administrative leave may challenge the decision to place him or her on such leave in accordance with chapter XI of the Staff Rules.

### Rule 10.5

#### 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) The Joint Disciplinary Committee shall also be available to advise the Registrar at his request in matters pertaining to financial responsibility for gross negligence.

#### Rule 10.6

##### Composition 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.

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.

(e) When the advice of the Joint Disciplinary Committee is sought in a matter pertaining to financial responsibility for gross negligence, the level of two members constituting the panel shall be at least the same as the level of the staff member whose financial responsibility may be engaged or at least at the First Officer (P-4) level.

#### Rule 10.7

##### Joint Disciplinary Committee procedure

(a) In considering a case, the Joint Disciplinary Committee shall act with maximum dispatch and shall make every effort to provide its advice to the 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 at his or her own expenses.

(e) Whenever the Joint Disciplinary Committee does not include a Legal Officer, a representative of the Legal Office shall participate in an advisory capacity in the deliberation of the Joint Disciplinary Committee on an ex officio basis when the advice of the Committee has been requested in a matter pertaining to financial responsibility for gross negligence.

## Chapter XI

### APPEALS

#### Rule 11.1

##### Conciliation Committee

- (a) A conciliation committee shall be established in accordance with staff regulation 11.1.
- (b) 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.
- (c) The Conciliation Committee shall establish its own rules of procedure in accordance with annex V to the Staff Regulations.
- (d) 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.

#### Rule 11.2

##### Appeals

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 staff rule 11.1 (c).

#### Rule 11.3 (Not applicable)

#### Rule 11.4

##### Joint Appeals Board

- (a) A joint appeals board shall be established in accordance with staff regulation 11.2.
- (b) The Joint Appeals Board shall establish its own rules of procedure in accordance with annex VI to the Staff Regulations.

#### Rule 11.5

##### United Nations Appeals Tribunal

(a) In accordance with article 2, paragraph 1, of the Agreement between the United Nations and the International Tribunal for the Law of the Sea on access to the UN internal justice system, the United Nations Appeals Tribunal shall be competent to hear and pass judgement on an application filed by staff members of the Registry of the International Tribunal or any other individual referred to in staff regulation 11.2 (c):

- (i) To appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment of the contract of employment;
- (ii) To appeal an administrative decision imposing a disciplinary measure.

(b) An appeal may be filed with the United Nations Appeals Tribunal in accordance with staff regulation 11.2 (m).

(c) A staff member may obtain outside counsel at his or her expense in the presentation of his or her case before the United Nations Appeals Tribunal.

## Chapter XII

### GENERAL PROVISIONS

#### Rule 12.1

##### Applicability

Staff rules 1.1 to 13.13 are applicable to all staff members appointed under the present Rules by the Tribunal or by the Registrar with the approval of the President.

#### Rule 12.2

##### Gender of terms

(a) In the text of the present Staff Rules, reference to staff members in the masculine gender shall apply to staff members of both sexes, unless it is clearly inappropriate from the context to do so.

(b) In the text of the present Staff Rules, reference to the Registrar in the masculine gender shall apply to Registrars of both sexes, unless it is clearly inappropriate from the context to do so.

#### Rule 12.3

##### Amendments of and exceptions to the Staff Rules

(a) Subject to article XII of the Staff Regulations, the present Staff 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 12.3 (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 the Staff Rules of the Tribunal similar to those provisions contained in the United Nations Staff Rules.

#### Rule 12.4

##### Effective date and authentic texts of rules

Except as otherwise indicated and subject always to the provisions of article XII of the Staff Regulations, staff rules 1.1 to 12.4 as published in the present edition shall be effective 1 January 2018. The English and French texts of the Staff Rules are equally authoritative.

Chapter XIII

TRANSITIONAL MEASURES

Rule 13.1

Permanent appointment  
(not applicable)

Rule 13.2

Indefinite appointment  
(not applicable)

Rule 13.3

Probationary appointment  
(not applicable)

Rule 13.4

100-series fixed-term appointment  
(not applicable)

Rule 13.5

200-series appointment  
(not applicable)

Rule 13.6

300-series appointment  
(not applicable)

Rule 13.7

Mission appointment  
(not applicable)

Rule 13.8

Non-resident allowance  
(not applicable)

Rule 13.9

Internal system of justice  
(not applicable)

Rule 13.10

Repatriation grant

A staff member who was eligible for a repatriation grant under staff rule 3.19 in effect on 30 June 2016, but who is no longer eligible for such grant under the present staff rule 3.19, shall be paid a repatriation grant in accordance with the schedule set out in annex IV to the Staff Regulations in effect on 30 June 2016 for the number of years of qualifying service accrued as of 30 June 2016.

Rule 13.11

Dependency allowances

(a) A staff member in the Professional and higher categories, who is not in receipt of the single parent allowance but is in receipt of the dependent rate of salary in respect of a first dependent child on 31 December 2016, shall be eligible for a transitional allowance in the amount of 6 per cent of net base salary plus post adjustment in respect of that child, effective 1 January 2017.

(b) While in receipt of the transitional allowance, no concurrent payment of the dependent child allowance under staff regulation 3.6 (a) shall be paid in respect of that child, except where the child qualifies for a special dependency allowance for a disabled child under staff regulation 3.6 (a) (ii).

(c) The amount of the transitional allowance shall be reduced by one percentage point every 12 months thereafter, until the amount of the transitional allowance is equal or less than the amount of the dependent child allowance provided for under staff regulation 3.6 (a), at which time the dependent child allowance shall be payable instead.

(d) The transitional allowance shall be discontinued earlier if the first dependent child in respect of whom the transitional allowance is payable is no longer recognized as a dependent child.

#### Rule 13.12

##### Salary scales

(a) The salary levels of staff members in the Professional and higher categories that were higher than those at the maximum step of their grade upon conversion to the unified salary scale on 1 January 2017 shall be maintained as a pay protection measure, until such time as the staff member is promoted or separated from service.

(b) Such salaries shall be adjusted for any consolidation of post adjustment to base salaries as approved by the Registrar. Pensionable remuneration at those steps shall be maintained and shall be adjusted corresponding to those salaries when the pensionable remuneration scale is adjusted.

#### Rule 13.13

##### Acquired right to normal retirement age

(a) Staff members have an acquired right to their normal retirement age as defined under article 1 (n) of the Regulations of the United Nations Joint Staff Pension Fund. The normal age of retirement for staff members who became participants in the United Nations Joint Staff Pension Fund prior to 1 January 1990 is 60 years. For staff members whose participation commenced or recommenced between 1 January 1990 and 31 December 2013, the normal age of retirement is 62 years. These staff members may choose to separate from service at their normal age of retirement, or anytime thereafter, before the age of 65.

(b) Staff members who wish to exercise their acquired right as described in staff rule 13.13 (a) above and separate from service at their normal age of retirement or anytime thereafter before the age of 65 shall give written notice of three months. The Registrar may, however, accept shorter notice.

(c) Staff regulation 9.5 (a) is not applicable to staff members who had reached their normal retirement age on or before 31 December 2017 and had received an exceptional extension of service by the Registrar beyond 31 December 2017. They will be required to separate upon the conclusion of their exceptional extension of service.