
DRAFT STAFF REGULATIONS

Prepared by: IOTC Secretariat

Scope and purpose

The Staff Regulations establish the fundamental working principles, conditions of service and the basic rights, duties and obligations of those persons who, having been formally appointed and receiving remuneration, are employed by the Indian Ocean Tuna Commission hereinafter referred to as “the Commission”.

The provisions of the FAO Administrative Manual, FAO Staff Regulations and FAO Staff Rules shall, *mutatis mutandis*, apply to the Commission and its staff members for matters not specifically covered by these Staff Regulations. The references therein to the Director-General or other FAO official performing functions on his behalf shall be construed as referring to the Executive Secretary, unless the context otherwise requires.

Section I - Duties, obligations and privileges

Article 1 – Standard of Conduct

- 1.1 Members of the Secretariat (hereinafter called "staff members") are international civil servants. By accepting appointment, they pledge themselves to discharge faithfully their duties and to adapt their conduct with the interests of the Commission in mind.
- 1.2 Staff members are subject to the authority of the Executive Secretary and are responsible to him or her in the exercise of their functions.
- 1.3 Staff members shall at all times conduct themselves in a manner compatible with the international character of the Commission. They will avoid all actions, statements or public activities which may be detrimental to the Commission and its aims.
- 1.4 Staff members are not required to renounce their national feelings nor political or religious convictions, but they must always bear in mind the loyalty, discretion and tact imposed on them by their international responsibilities in the discharge of their mission.
- 1.5 In the performance of their duties, staff members may neither seek nor accept instructions from any government or authority other than the Commission.
- 1.6 Staff members shall observe maximum discretion regarding official matters.
- 1.7 Except in the discharge of their duties or with authority from the Commission, they shall abstain from releasing information they possess by reason of their position.
- 1.8 Staff members are expected to devote themselves exclusively to the discharge of their duties in the Secretariat; any other employment is incompatible with that obligation.

Exceptions to the foregoing require the prior authorisation of the Executive Secretary, or of the Commission when it affects the Executive Secretary.

- 1.9 No staff member may be actively associated in the management of a business, industry, or other enterprise, or have a financial interest therein, if as a result of the official position held in the Secretariat, benefit may be derived from such association or interest. Ownership of stock or shares in a company shall not be considered to constitute a financial interest for the purpose of this Article.

Article 2 - Privileges and immunities

- 2.1 Staff members shall enjoy the privileges and immunities to which they are entitled under the Headquarters Agreement signed between the host country and the Commission. These privileges and immunities are conferred in the interests of the Commission. They furnish no excuse to the staff members who enjoy them for non-performance of their private obligations or failure to observe laws and police regulations. They shall also enjoy privileges and immunities in member countries in accordance with agreements negotiated pursuant to Article XIV bis of the IOTC Agreement.

Section II - Classification of posts and staff

Article 3 - Staff structure

- 3.1 Staff members shall be classified in the following categories:

a) *Professional or Higher category*

These are positions of high responsibility of a technical, administrative or scientific nature. They will be filled by professionals, preferably university graduates or persons holding equivalent qualifications. Staff members in this category will normally be recruited internationally.

b) *General Services category*

These include auxiliary technical and administrative positions as well as clerical, secretarial and other office personnel. Staff members in this category will normally be recruited locally.

c) *Contract Personnel*

The Executive Secretary may contract the services of temporary personnel or casual labour on short-term appointment as he or she deems necessary to carry out the responsibilities of the Secretariat.

Section III - Salaries, allowances and other remuneration

Article 4 - Salaries and allowances

4.1 *Professional or Higher categories*

- a) Salary: The salary scale for staff members in the Professional or Higher categories shall be based on the most current salary schedule published by the United Nations and provided by the International Civil Service Commission. This salary schedule, which is established in [U.S. dollars], is subject to post adjustment, is payable net and in convertible currency.
- b) Post Adjustment: A non-pensionable post adjustment shall be applied to the salary rates of the Professional or Higher categories in accordance with the most current post adjustment information for the host country, provided on a monthly basis by the International Civil Service Commission.
- c) Retirement fund and medical, life and disability insurance: It is a condition of employment that each staff member in the Professional or Higher categories will contribute to the retirement fund and the medical, hospital, life and disability insurance cover retained by the Commission. The insurance cover shall include adequate provision for dependants. The Commission's contributions to the retirement fund and of the insurance premiums will equal those employed by FAO for the Professional or Higher categories.

4.2 *General Services Category*

- a) Salary: The salary scale for staff members in the General Services category, as approved and established by the Commission, shall be based on the most current salary schedule published by the United Nations, and provided by the International Civil Service Commission. Salaries for staff in this category are payable net and in local currency.
- b) Retirement fund and medical, life and disability insurance: It is a condition of employment that each staff member in the General Services Category will contribute to the retirement fund and the medical, hospital, life and disability insurance cover retained by the Commission. The insurance cover shall include adequate provision for dependants. The Commission's contributions to the retirement fund and of the insurance premiums will equal those employed by FAO for the General Services Category.

4.3 *Contract Personnel*

The Executive Secretary shall determine the salary rates and the terms and conditions of employment applicable to short-term, contracted personnel.

Article 5 - Overtime

- 5.1 As a general rule, staff members will not receive additional compensation for hours of work performed beyond the normal 40-hours work week.
- 5.2 When, at the request of the Executive Secretary, staff members are required to work more than 40 hours per week and as warranted by special circumstances involving the needs of the service, such additional hours of work shall be compensated:
- a) With compensatory time off equal to the number of additional hours of work performed computed at one and a half times the normally scheduled hours, or
 - b) With remuneration for each hour of additional work performed, the rate of which will be computed at one and a half times the normally scheduled hourly rate.
- 5.3 Staff members in the Professional category are only eligible for compensatory time off as applicable in paragraph a) above. A maximum of 12 days in compensatory time off can be carried over from one calendar year to the next; compensatory time off cannot be accumulated between consecutive years.

Article 6 - Step increase for tenure

- 6.1 The salaries of staff members shall begin at Step 1 of the United Nations classification at which they are appointed.
- 6.2 Only in special cases upon the basis of a proposal and justification by the Executive Secretary, and following consultation with the Chairman of the Standing Committee on Administration and Finance, may a staff member be initially employed at a higher step than Step 1 of the grade.
- 6.3 *Professional or Higher categories:*
Incremental steps within each grade (Step Increase) for staff in the Professional or Higher categories are granted on an annual basis, according to the U.N. salary schedule, payable on the anniversary date of such service, as long as performance has been considered satisfactory by the Executive Secretary.
- 6.4 *General Services category:*
- a) For staff in the General Services category, incremental steps within each grade (Step Increase) are granted on an annual basis until reaching the last top regular step, as long as performance has been considered satisfactory by the Executive Secretary. Thereafter, the qualifying criterion for an in-grade increase to the long-service step, as defined in the U.N. salary schedule, is that the staff member remains at the top regular step of the current grade for at least three years.
 - b) Upon completion of at least three years at the top long-service step of a given U.N. General Services grade, and as long as performance has been considered satisfactory by the Executive Secretary, the staff members in the General Services category are entitled to be upgraded to the next grade, at the corresponding step whose net base salary is at least equal to, but not less than, the staff member's current net base salary.

Article 7 - Remuneration adjustments

- 7.1 Any change in the staff structure and corresponding remuneration requires the prior approval of the Commission; such approval may be retroactive. The approval of the Commission is not required for salary increments or adjustments when these apply to staff structure and scales already approved by the Commission.

Article 8 - Tax exemption

- 8.1 Salaries and emoluments are exempt from payment of taxes under relevant agreements between the Commission and the host country. In the event staff members are required to pay taxes to the host country, they will be reimbursed for such taxes by the Commission. However, reimbursements for such taxes will be limited to that portion which relates to income and emoluments derived from the Commission.

Section IV - Other benefits

Article 9 - Other benefits

- 9.1 Benefits relating to settling expenses, shipment of household goods, rental subsidy, education grant, education travel, dependency allowance, non-resident's allowance, termination indemnity, death grant, and repatriation grant, shall be paid to staff members in accordance, *mutatis mutandis*, with the provisions of the FAO Administrative Manual, FAO Staff Regulations and Staff Rules.

Section V - Recruitment and appointment

Article 10 - Appointment of the Executive Secretary

- 10.1 In accordance with Article VIII of the IOTC Agreement and the Rules of Procedure, the Commission shall appoint the Executive Secretary. The Commission shall establish tenure, remuneration, and other conditions of employment as appropriate.
- 10.2 Either party may terminate the appointment upon six months written notice.

Article 11 - Appointment of other staff members

- 11.1 In accordance with Article VIII.1 of the IOTC Agreement, the Executive Secretary shall appoint, direct and supervise staff members. The paramount consideration in the appointment or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity.
- 11.2 Staff members selected shall initially be given a one-year probationary appointment. Upon satisfactory completion of the probationary period, the Executive Secretary shall confirm their appointment and the terms thereof. During that period, either party may terminate the appointment upon one month's written notice.
- 11.3 The Executive Secretary is empowered to delegate his or her authority to particular staff members to undertake those duties he or she considers necessary to achieve the most efficient operation of the Secretariat.

Article 12 - Terms of appointment

- 12.1 Upon being appointed either on a fixed-term or continuing basis, each staff member shall receive a letter of appointment that states:
- a) That the appointment is subject to the provisions of the Staff Regulations applicable to the category of appointment, and to changes which may be duly made to such Regulations from time to time;
 - b) The nature of the appointment;
 - c) The date at which the staff member is required to report for duty;
 - d) The period of appointment, the notice required to terminate it and the period of probation, if any;
 - e) The category, grade, commencing rate of salary and the scale of increments;
 - f) Any special conditions that may be applicable.
- 12.2 A copy of the Staff Regulations shall be transmitted to the staff member with the letter of appointment. In accepting appointment the staff member shall acknowledge having been made acquainted with, and confirm acceptance, in writing, of the conditions laid down in these Staff Regulations.

Article 13 - Age limits

- 13.1 Unless the Commission otherwise decides, appointments shall not be granted to persons under 18 years of age or over the mandatory retirement age of 62.

Article 14 - Medical examination

- 14.1 Following initial selection and prior to appointment, all prospective staff members shall submit to a medical examination and present a certificate stating that they are fit to work and that they have no disease that might prevent them from performing their duties, or which will endanger the health of others.

Section VI – Hours of work and leave

Article 15 - Hours of work

- 15.1 The Executive Secretary shall establish the work schedule and alter it as conditions warrant.
- 15.2 The normal work schedule shall be eight hours daily, Monday through Friday, for a total of 40 hours weekly.

Article 16 - Holidays

- 16.1 The staff members shall be entitled to a maximum of ten holidays per year. These days shall be officially announced by the Executive Secretary at the beginning of each year. The Executive Secretary shall, to the extent possible, align them to official holidays and customs of the host country.
- 16.2 If, under special circumstances, staff members are required to work on an official holiday, they shall be granted another day in lieu thereof; similarly, if an official holiday falls on a Saturday or Sunday, the holiday shall be observed on another date, to be set by the Executive Secretary subject to service needs and, if possible, staff preference.

Article 17 – Leave

- 17.1 All leave shall be authorised by the Executive Secretary who, insofar as possible, shall bear in mind the personal circumstances, needs and preferences of the staff members.
- 17.2 Entitlements and benefits relating to annual leave, sick leave, maternity leave, home leave, and special leave shall apply to staff members in accordance *mutatis mutandis* with the provisions of the FAO Administrative Manual, FAO Staff Regulations and Staff Rules.

Section VII - Travel

Article 18 - Official travel

- 18.1 All official travel shall be authorised in advance by the Executive Secretary, considering the best interests of the Commission.
- 18.2 Standards of accommodation and allowances relating to official travel shall apply to staff members in accordance, *mutatis mutandis*, with the provisions of the FAO Administrative Manual, FAO Staff Regulations and Staff Rules.

Section VIII - Separation from service

Article 19 - Voluntary separation from service

- 19.1 The Executive Secretary may separate from service by giving six months advance notice to the Chairperson of the Commission.
- 19.2 Staff members in the Professional category may separate from service by giving three months advance notice to the Executive Secretary.
- 19.3 Staff members in the General Services category may separate from service by giving two-months advance notice to the Executive Secretary.

Article 20 - Termination of Employment by the Executive Secretary

- 20.1 The Executive Secretary may terminate the appointment of a staff member if the necessities of the Commission require the abolition of the post or a reduction in staff, or the staff members performance proves unsatisfactory, or for reasons of health the staff member is incapacitated from service. An appointment may also be terminated for misconduct, and in the case of serious misconduct, a staff member may be summarily dismissed.
- 20.2 In all cases, the staff member whose appointment is about to be terminated shall be given the reason or reasons in writing for this action, and an opportunity to reply in writing.

Article 21 - Disciplinary measures

- 21.1 The purpose of disciplinary measures is to protect the integrity and efficiency of the Commission. They are not imposed without a thorough investigation of the facts, and without affording the staff member concerned an opportunity to state his or her case to the Executive Secretary.
- 21.2 The Executive Secretary may impose disciplinary measures on staff members for misconduct, and may summarily dismiss a member of the staff for serious misconduct. Written censure shall be distinguished from a written or oral reprimand of a staff member by the Executive Secretary.
- 21.3 Disciplinary measures shall include written censure, suspension without pay, demotion, dismissal and summary dismissal. A written or oral reprimand shall not be considered a disciplinary measure for the purpose of these regulations.
- 21.4 The terms written censure, suspension without pay, demotion, dismissal, summary dismissal, misconduct, and serious misconduct shall have the same meanings as they have in the FAO Administrative Manual, FAO Staff regulations, and the FAO Staff Rules.
- 21.5 Dismissal for misconduct does not affect a staff member's entitlement to repatriation grant, payment of accrued annual leave, repatriation travel and removal of household goods at the Commission's expense or any pension benefits.
- 21.6 Where a staff member's appointment is terminated for unsatisfactory service or misconduct, the Executive Secretary may at his or her discretion reduce any termination indemnity otherwise payable to the staff member up to one half of the amount to which he or she would have been entitled.
- 21.7 Where a staff member is summarily dismissed for serious misconduct, the dismissal shall take immediate effect. The only terminal emolument payable to a staff member summarily dismissed for serious misconduct is for accrued annual leave. The staff member shall be entitled to repatriation travel and removal of household goods at the Commission's expense.
- 21.8 Staff members whose appointments are terminated by the Executive Secretary or by the Commission, or who are demoted or suspended, shall be entitled to a written statement of cause at the time the notice is given, and an opportunity to reply in writing.

Section IX – Application, recourse and amendment of these Staff Regulations

Article 22 - Application

- 22.1 These Staff Regulations shall be applicable to all staff members.
- 22.2 A Staff Committee may be elected annually by staff members to represent their views and may be consulted by the Executive Secretary on general and specific questions relating to staff issues and welfare.
- 22.3 Until the Commission otherwise provides, complaints alleging the non observance in substance or in form of the terms of appointment of a staff member or of the provisions of these staff regulations shall first be resolved by discussion between the Executive Secretary and the staff member concerned. If, following such discussions, a staff member remains aggrieved, the staff member may request that the matter be submitted to arbitration. Such a request shall be made within two months of the conclusion of discussions between the Executive Secretary and the staff member. The staff member will then be invited to prepare a formal complaint in writing to be submitted to arbitration. This complaint shall be submitted to the Executive Secretary within two months of the conclusion of the discussions between the Executive Secretary and the staff member. The Executive Secretary may prepare a reply to the complaint, which shall be completed within two months of the receipt of complaint.
- 22.4 Where the Executive Secretary is the complainant, the functions to be fulfilled by him or her shall be undertaken by the Chairperson of the Commission.
- 22.5 The arbitration shall comprise three arbitrators. One shall be nominated by the Chairperson of the Commission, the other by the Staff member making the complaint. The two arbitrators shall select a third arbitrator, who shall act as the chairman of the panel. The three arbitrators shall meet to discuss the complaint and the reply. They shall decide whether or not any further information is required from either of the parties.
- 22.6 The arbitrators shall consider the complaint in the context of the IOTC Agreement, the Staff regulations (including any applicable provisions of the FAO Administrative Manual, the FAO Staff regulations and FAO Staff Rules), as well as general principles of law. The jurisprudence of the International Labour Organisation Administrative Tribunal may be used to assist the arbitrators in coming to their decision.
- 22.7 The arbitrators shall hand down a decision on the complaint within three months of the appointment of the third arbitrator unless a longer period is considered by the arbitrators to be needed to allow for the provision of further information or argument. The arbitrators shall conduct the proceedings expeditiously with a minimum of formality. Only in exceptional circumstances will an oral hearing be permitted.
- 22.8 The decision of the arbitrators shall be final and binding on the parties.
- 22.9 Any doubts arising from application of these Staff Regulations shall be resolved by the Executive Secretary following consultation with the Chairman of the Commission and the Chairman of the Standing Committee on Administration and Finance.

Article 23 - Recourse

23.1 Recourse by a staff member to any administrative decision may be taken to the Chairman of the Standing Committee on Administration and Finance through the Executive Secretary.

Article 24 - Amendment

24.1 These Regulations may be amended by a two thirds majority of the Commission, though without prejudice to the acquired rights of staff members.

24.2 Proposals for amendments to these Regulations shall be distributed at least sixty days before the session of the Commission at which they are to be considered.

Section X - General provisions

Article 25 - Financial responsibility

25.1 Staff members may be required to reimburse the Commission either partially or in full for any financial loss suffered as a result of their negligence or of their having violated any applicable regulations, rule or administrative procedure.

Article 26 - Service evaluation reports

26.1 The service of a staff member shall be the subject of evaluation reports made at appropriate intervals by the Executive Secretary. Such reports, which shall be shown to the staff member, shall form a part of the staff member's permanent cumulative record.

Article 27 - Proprietary rights

27.1 All rights, including title, copyright and patent rights, in any work produced by staff members as part of their official duties shall be vested in the Commission.