

Northwest Atlantic Fisheries Organization (NAFO)



Staff Rules

The Headquarters of NAFO
Dartmouth, N. S., Canada

October 2010

Foreword

The NAFO Staff Rules were originally adopted at the 13th Annual Meeting in September 1991 and set out the conditions and principles of employment, duties, rights and responsibilities of staff employed in the NAFO Secretariat. Since then there have been revisions to the NAFO Staff Rules as adopted by the NAFO General Council at the Annual Meetings in 1998, 2005, 2006, 2007, 2008 and 2009. Last update was adopted during the 2010 NAFO Annual Meeting—staff rule 5.3 and it is in effect 1 October, 2010.

NAFO made an effort to base its Staff Rules as much as possible on the guidelines for the Canadian administrative services in Canada as the host country for the NAFO Headquarters. However, these rules also take into account the intergovernmental nature of NAFO and draw on some UN Staff Regulations as well as on those from other intergovernmental bodies. This is reflected by certain rules related to the classification, installation allowance, repatriation grant as well as the salary categories of NAFO employees.

In case of doubt as to the interpretation of application of staff regulations, the staff member concerned shall request a ruling from the Executive Secretary.

Vladimir Shibanov
Executive Secretary

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SECTION 1. Scope and General Provisions

Rule 1.1

These Staff Rules establish the fundamental principles of employment, regulate the working relationships and set out the rights and responsibilities of employees in the service of the Northwest Atlantic Fisheries Organization (hereinafter referred to as the "Organization").

Rule 1.2

The amount of leave with pay, sick leave credits and severance benefits credited to members of the Secretariat, at the time when these Staff Rules become effective, or at the time when those members become subject to them, shall be retained intact.

Rule 1.3

In these Rules:

- 1) "**Staff members**" are the permanent members of the staff of the Secretariat.
- 2) "**Members of the Secretariat**" are the Executive Secretary and the staff members.
- 3) "**Employees**" are all personnel hired or contracted by the Organization for service in the Secretariat.
- 4) "**General Council**", "**Secretariat**" and "**Executive Secretary**" are the entities defined in the text of the International Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa, on 24 October 1978, hereinafter referred to as "the Convention".
- 5) "**Regular Pension Scheme**" is the pension plan of the International Fisheries Commissions Pension Society established by Canada and the United States for all employees of international fisheries commissions with headquarters in either of those two countries.
- 6) "**Social Security Plans**" are the life and disability plans of the Northwest Atlantic Fisheries Organization.
- 7) "**Separation from service**" is the ending of employment for any reason whatsoever, as in lay-off, resignation, retirement, termination of appointment by either side or death.

- 8) The "**Staff Association**" is composed of all NAFO staff on a permanent or at least a one-year contract excluding the Executive Secretary (see Annex 1).
- 9) The "**Staff Representative**" is elected as a spokesperson by the Staff Association (see Annex 1).
- 10) The "**Staff Committee**" is composed of 3 members appointed by General Council to mediate in the event of internal conflicts within the Secretariat (see Annex 2).

SECTION 2. Duties, Obligations and Privileges

Rule 2.1

Members of the Secretariat are international civil servants. Upon assuming their responsibilities they shall discharge their duties faithfully and conduct themselves in the best interests of the Organization.

Rule 2.2

Employees are not expected to renounce their national feelings nor political nor religious convictions while working for the Secretariat. They are however expected to conduct themselves in a manner consistent with the international nature of the Organization. They must always exercise loyalty, discretion and tact in the performance of their duties and shall avoid actions, statements and public activities which might be detrimental to the Organization and its aims.

Rule 2.3

All employees are responsible to the Executive Secretary in the fulfilment of their duties, and shall not accept directions or instructions from any authority other than the Executive Secretary. In the case of the Executive Secretary, the Chairman of the General Council shall give such directions to the Executive Secretary as will ensure that the business of the Organization is carried out efficiently and in accordance with its decisions.

Rule 2.4

Authorization for the release of information for official purposes shall lie with the Organization or the Executive Secretary, as the Convention may

require. Otherwise employees should abstain from releasing information they possess by reason of their position.

Rule 2.5

Employees shall not be restricted in engaging in other employment outside the hours they are required to work for NAFO as long as this work does not represent a conflict of interest with their position in the Organization.

Rule 2.6

No member of the Secretariat 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, that person may benefit from such association or interest. Ownership of non-controlling stock in a company shall not be considered to constitute a financial interest in the meaning of this Rule.

Rule 2.7

All members of the Secretariat shall reside in the area where the headquarters of the Organization is located. A staff member can be specifically exempted from this obligation by the Executive Secretary under extraordinary circumstances.

Rule 2.8

Members of the Secretariat shall enjoy the privileges and immunities to which they are deemed to be entitled as a consequence of the NAFO Convention and pursuant to the Northwest Atlantic Fisheries Organization Privileges and Immunities Order (Order-in-Council P.C. 1980-132, 11 January 1980), or under any agreement signed between the Organization and the Contracting Party concerned.

Rule 2.9

The Executive Secretary is empowered to delegate to any staff member those duties considered necessary to achieve the most efficient operation of the Secretariat.

Rule 2.10

Staff members have the right to form a Staff Association and elect a Staff Representative according to the rules specified in Annex 1.

Rule 2.11

Members of the Secretariat can call upon the Staff Committee in case of conflicts that cannot be solved internally according to the rules specified in Annex 2.

SECTION 3. Recruitment and Appointment*Rule 3.1*

In accordance with Article XV.2 of the Convention, the General Council shall appoint the Executive Secretary and shall establish tenure, remuneration and other conditions and entitlements as appropriate, within the principles of these Rules. The term of the Executive Secretary's office shall be four (4) years subject to the possibility of renewal by the General Council for one (1) more four (4)-year period.

Rule 3.2

In accordance with Article XV.3 of the Convention, the Executive Secretary shall appoint all staff members.

*Rule 3.3***Staff members of the Secretariat are recruited as follows:**

- a) *Coordinators*: Positions of high responsibility of a managerial or scientific nature (Professional category) are to be filled by appropriately qualified professionals, preferably with advanced university qualifications or the equivalent. Staff members in this category will be recruited internationally among citizens of Contracting Parties of the Organization.
- b) *General Services*: Positions of general administrative and technical nature shall be recruited locally, if possible, otherwise nationally from the host country.

Rule 3.4

Staff members are generally appointed under a probation period of six (6) months. During the probation period either party may terminate the appointment upon written notice of one (1) month, or a shorter period if mutually agreed.

Rule 3.5

Upon appointment at the start of the probation period, each staff member shall receive a letter of appointment stating: a) nature of the appointment, specifying the duties of the position and its title; b) date of appointment, coinciding with the beginning of the probation period; c) period of the appointment, either on a fixed term or a continuing basis, from the beginning of the probation period; d) category, level, initial salary, scale of increments and any allowances; e) any special terms and conditions which may be applicable; and f) that the appointment is subject to the Staff Rules.

Upon receipt of the letter of appointment and on or before the end of the period of probation, staff members shall indicate in writing that they are familiar with the terms of the appointment as specified and with the Staff Rules, and that all conditions are acceptable.

As a condition of the appointment, staff members must be willing to submit to a medical examination and present a resulting certificate stating that they have no medical conditions which might prevent them from performing their duties, or which might endanger the health of others; they may be required to undergo further medical examination from time-to-time at the expense of the Organization.

SECTION 4. Hours of Work and Pay Periods*Rule 4.1*

The normal working week shall consist of thirty seven and a half (37-1/2) hours, Monday through Friday.

The Executive Secretary shall establish the detailed working hours, and may alter them for the benefit of the Secretariat, as circumstances may require.

Rule 4.2

The Organization will pay the members of the Secretariat twice a month, the reference days as pay days being the fifteenth (15th) day and the last day of each month. Members of the Secretariat will be given their pay cheques two (2) banking days before the pay days.

SECTION 5. Salaries, Allowances and Other Remuneration

Rule 5.1

The scale of salaries, allowances and any other relevant conditions of employment for staff members shall be established and reflect to the extent possible the salary levels, allowances and conditions pertaining to similarly employed persons occupying similar positions in the public sector of the host country, subject to the NAFO Financial Regulations. The Executive Secretary shall be responsible for the determination of the appropriate public sector analogues following the procedures described by the "*NAFO Staff Classification System*".

Rule 5.2

Classification of staff members follows the procedures established by the "*NAFO Staff Classification System*". A new classification of a staff member can be provisionally authorized by the Executive Secretary and will be submitted for approval of the Organization at its next annual meeting.

Rule 5.3

The Executive Secretary may appoint a Coordinator or the Senior Finance and Staff Administrator to be the Deputy Executive Secretary for the term of one or two years (renewable). This appointment will be compensated with 10% of the Coordinator's or the Senior Finance and Staff Administrator's annual salary.

Rule 5.4

Salaries, allowances and other remuneration shall be paid in the national currency of the host country.

Rule 5.5

The starting salary shall be that established according to the principles of Rules 5.1 and 5.2. Members of the Secretariat will receive a step increase in salary for each year of service to the maximum defined by their category level based on the principles established by the public sector of the host country. This increase can be denied if the staff member's performance has been con-

sidered unsatisfactory by the Executive Secretary, subject to the approval of the Organization at its next annual meeting.

Rule 5.6

When, at the request of the Executive Secretary, staff members are required to work more than thirty seven and a half (37-1/2) hours per week, or outside the detailed normal working hours or days, this will be compensated with leave or pay equivalent to the hours of overtime worked. The Executive Secretary will determine the corresponding equivalent leave or pay based on the principles for payment of overtime by the public sector of the host country.

Rule 5.7

The Organization will pay for justified hospitality and representation expenses incurred by the Executive Secretary, after promptly documented claims for the corresponding expenses have been submitted. Exceptionally the Executive Secretary might authorize a Coordinator or any other member of the staff to participate in this type of activity and the corresponding expenses will be limited to the amounts and circumstances the Executive Secretary will define.

SECTION 6. Leave and Holidays

A. Annual Leave

Rule 6.1

Members of the Secretariat shall be entitled to annual leave with pay at the following rates:

- a) one and one-quarter (1+1/4) days for each calendar month until the month in which the anniversary of the employee's eighth (8th) year of continuous employment occurs;
- b) one and two-thirds (1+2/3) days for each calendar month commencing with the month in which the employee's eighth (8th) anniversary of continuous employment occurs;
- c) one and five-sixth (1+5/6) days for each calendar month commencing with the month in which the employee's sixteenth (16th) anniversary of continuous employment occurs;

- d) one and eleven-twelfths ($1+11/12$) days for each calendar month, commencing with the month in which the employee's seventeenth (17th) anniversary of continuous employment occurs;
- e) two and one-twelfth ($2+1/12$) days for each calendar month, commencing with the month in which the employee's eighteenth (18th) anniversary of continuous employment occurs;
- f) two and one-quarter ($2-1/4$) days for each calendar month commencing with the month in which the employee's twenty-seventh (27th) anniversary on continuous employment occurs;
- g) two and a half ($2-1/2$) days for each calendar month commencing with the month in which the employee's twenty-eighth (28th) anniversary on continuous employment occurs;
- h) for the purposes of leave entitlements in accordance with these staff rules, the Executive Secretary or a Coordinator (Rule 3.3 (a)) may receive credit for continuous years of service prior to joining NAFO in federal or provincial governments (and international equivalencies), and years of service in other international organizations as agreed by a signed contract between the employee and NAFO;
- i) the Executive Secretary will determine the acceptability of past years experience of an employee in the General Services Category (Rule 3.3 (b)).

Rule 6.2

Annual leave shall be authorized in advance by the Executive Secretary who, insofar as possible, shall bear in mind the personal circumstances, needs and preferences of staff members. Nevertheless, the leave period shall not cause disruption of normal Secretariat operations and consequently leave shall be subject to the exigencies of the Organization.

Rule 6.3

Members of the Secretariat are expected to take all their annual leave during the year in which it accrues. When in any year a staff member has not been granted all of their accrued annual leave, a maximum of twenty-five (25) work days of the unused accrued leave may be carried over to the following year.

Rule 6.4

Annual leave in anticipation of future days to be accrued shall be at the discretion of the Executive Secretary.

Rule 6.5

Staff members, while on probation, are not to be granted annual leave, although they shall accrue such a leave from the beginning of their appointment.

B. Official Holidays*Rule 6.6*

Members of the Secretariat shall be entitled to the paid holidays traditionally celebrated in the location of the headquarters of the Organization. Such official holidays shall be announced by the Executive Secretary at the beginning of the year. If any of these dates fall on a Saturday or a Sunday, the holiday shall be observed on another day, to be set by the Executive Secretary, subject to service needs and, if possible, staff preference.

C. Sick Leave*Rule 6.7*

Members of the Secretariat shall earn sick leave credits at the rate of one and a quarter (1-1/4) days for each calendar month during which they worked for at least ten (10) days.

Rule 6.8

No member of the Secretariat shall be granted sick leave for a period of more than three (3) consecutive days, and more than a total of seven (7) working days in any calendar year without producing a medical certificate. A staff member shall not, whilst on sick leave, leave the area of the Organization without the prior approval of the Executive Secretary.

Rule 6.9

Members of the Secretariat shall be granted sick leave with pay when they are unable to perform their duties because of illness or injury provided that:

- i) they satisfy the Executive Secretary of their condition
- ii) They have the necessary leave credits

Rule 6.10

When a staff member has insufficient or no credits to cover the granting of sick leave with pay, sick leave with pay may, at the discretion of the Executive Secretary, be granted for a period of up to fifteen (15) working days, subject to the deduction of such advanced leave from any sick leave credits subsequently earned, and, in the event of termination of employment for reasons other than death or lay-off, subject to the recovery of the advance, from any monies owed the staff member. No deduction and no recovery of the advance are to be affected if the sick leave is considered the result of injury on duty, in which case the advance sick leave credits to a maximum of six (6) months could be provided at the discretion of the Executive Secretary.

Rule 6.11

Accidents at work must be reported immediately to the Executive Secretary.

D. Marriage Leave*Rule 6.12*

After the completion of one (1) year continuous employment, and provided that ten (10) days notice is given, any member of the Secretariat has the right to be granted five (5) days leave with pay for the purpose of getting married.

E. Maternity and Parental Leave*Rule 6.13*

Members of the Secretariat who have completed six months of continuous service with NAFO shall be entitled to maternity leave for pregnancy upon presentation of medical certificate and a written application submitted at least four (4) weeks before such absence is to commence for a period not exceeding seventeen (17) weeks. The maternity leave shall begin no earlier than eight (8) weeks before the anticipated date of delivery set out in the medical certificate and shall terminate no later than 17 weeks following the actual date of birth.

Members of the Secretariat who have completed six months of continuous service with NAFO shall be entitled to parental leave up to a maximum of thirty-seven (37) weeks in the year following either (a) the day the child is born, or (b) the day the child comes into the employee's actual care and custody upon a written application submitted at least four weeks before such leave is

to commence. Either one parent may take all the parental leave or both parents may share the parental leave. In either case, the total parental leave cannot exceed thirty-seven (37) weeks. The total aggregated amount of maternity and parental leave that may be taken by one or both parents in relation to the same birth or adoption is fifty two weeks.

NAFO will pay the employee a maternity and/or parental allowance equivalent to 93 per cent of his/her gross salary. If a Member of the Secretariat is enrolled in the Canadian Employment Insurance the gross amount of his/her EI benefits will be deducted from this allowance.

In the case of maternity leave, NAFO will pay a maternity allowance for up to a maximum of seventeen (17) weeks. In the case of parental leave, NAFO will pay a parental allowance for up to a maximum of thirty seven (37) weeks. The total aggregated amount of maternity and parental allowance that may be received by one or two employees in relation to the same birth or adoption is fifty two (52) weeks.

During maternity or parental leave the Members of the Secretariat shall continue to receive allowances and benefits based on his/her salary, excluding the accrual of sick or annual leave provided he/she continues to remain in the Organization's employment for a period of at least six (6) months after returning to work. Should he/she fail to return to work for the required six (6) month period he/she shall be indebted to the Organization for the amounts received as maternity or parental leave allowances and benefits. At the expiration of the leave, the employee shall be reinstated to the position prior to the commencement of the leave or where this is not possible, to a comparable position with the same wages and benefits and in the same location.

F. Other Leave

Rule 6.14

The Executive Secretary is empowered to grant requests by a staff member for leave with pay in cases of bereavement or exceptional family related responsibilities. In the case of death of an immediate family member the period of leave with pay shall normally be five (5) working days.

Rule 6.15

At the discretion of the Executive Secretary leave may be granted with or without pay for purposes other than those specified in these Rules (e.g. compassionate care).

G. Application for Leave

Rule 6.16

As far in advance of the leave period as possible, a form titled "*Application for Leave*" is to be completed by each staff member.

H. Irregular Leave or Absence

Rule 6.17

Any leave or absence not acceptable within the terms of these Rules shall be deducted from the annual leave and its payment will be at the discretion of the Executive Secretary.

SECTION 7. Social Security

Rule 7.1

It shall be a condition of employment that members of the Secretariat join the Regular Pension Scheme and the Social Security Plans set up by the Organization covering life and disability insurances.

Rule 7.2

It shall be a condition of employment that members of the Secretariat, who have been advised, under the terms of Rule 7.1, that they cannot comply with provision of the Regular Pension Scheme and/or Social Security Plans, make appropriate personal arrangements to cover, as necessary, retirement, medical and hospital, life and disability insurances, which shall be initiated as early as possible and duly documented before the end of the first year of employment. Costs to the member of the Secretariat of achieving this coverage shall be met by the Organization in accordance with such rules as it may prescribe, provided that such costs contributed by the Organization shall not

exceed fourteen percent (14%) of the total of the salary and salary-related allowances of the member concerned. Costs in excess of this figure shall be the responsibility of that member.

SECTION 8. Travel and Transportation

Rule 8.1

All official travel shall require previous authorization by the Executive Secretary.

Rule 8.2

With regard to official travel, members of the Secretariat shall be entitled to a travel allowance, payable in advance for travel expenses, accommodation, daily living expenses, and any other type of expenses necessarily incurred by reason of travel.

Rule 8.3

Economy Class shall be utilized, wherever feasible, for air travel. Business Class shall be used on the authority of the Executive Secretary only. Exceptionally, when no reasonable alternative is available the Executive Secretary may approve the use of First Class. For land travel outside Canada First Class may be utilized on discretion of the Executive Secretary.

Rule 8.4

On completion of travel, the staff member shall submit, normally within 15 days, for the approval by the Executive Secretary, a detailed claim of expenses with, where reasonably possible, proof of expenditure.

Rule 8.5

Under the control of the Executive Secretary, members of the Secretariat who, in the course of their duties, are requested to use private motor vehicles for official travel or transportation purposes, shall be entitled to receive reimbursement of the costs involved in line with those available to the public sector of the host country. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

Rule 8.6

On taking up an appointment and to the degree to be negotiated as part of terms of employment, members of the Secretariat not residing within com-

muting distance, shall be eligible for:

- a) payment of travel expenses for arrival at post for the member and family from the place of residence to the location of the headquarters of the Organization;
- b) a "*subsistence allowance*" calculated on the basis of the relocation rules in force in the public sector of the host country;
- c) payment of removal costs including the shipment of personal effects and household goods from the place of residence to the location of the headquarters of the Organization, subject to the maximum weight and volume limits. Staff members without dependants 4 890 kg and/or a 20' standard international shipping container (33 m³) and staff members with dependants 8 150 kg and/or a 40' standard international shipping container (67 m³);
- d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges, on the basis of the relevant relocation rules in force in the public sector of the host country;
- e) an installation allowance of up to two months net salary in the case of relocating internationally recruited members of the Secretariat;
- f) such payments shall be subject to prior approval by the Executive Secretary.

Rule 8.7

After eighteen (18) months of service, and if the member of the Secretariat is recruited internationally, from outside Canada, the Organization shall pay, in accordance with Regulations 9.3 and 9.4, travel expenses for the member and family to visit the home country on annual leave. This payment to include economy air fare, meal allowance, hotel accommodation and transportation costs to airports and stations while in travel status. Following this, home leave and its travel expenses shall be granted at two (2) year intervals provided that:

- a) family who benefit from this grant have resided in the host country for at least six (6) months prior to travel;

- b) It is understood that the member of the Secretariat will return to continue rendering services for a minimum additional period of six (6) months, or, unless otherwise authorized by the Organization, the accounts paid for his or her travel expenses will have to be returned.

SECTION 9. Separation from Service

Rule 9.1

Staff members may separate from service by giving four (4) weeks notice in writing to the Executive Secretary.

Rule 9.2

The Executive Secretary may terminate the appointment of a staff member by giving three (3) months written notice, when that termination is due to restructuring of the Organization or of any of its constituent bodies, or if the Organization would decide to cease its functions. If at any time the Executive Secretary considers that a staff member does not give satisfactory service or fails to comply with the duties and obligations set out in these Rules, the staff member will receive a formal written warning. If the performance does not improve or the employee continues to fail to comply with the duties and obligations set out in these Rules, the staff member will receive a second formal written warning and if necessary, other disciplinary action (e.g., suspension, demotion) may follow. If after the second formal written warning the staff member's performance does not improve to a satisfactory standard, the appointment of the staff member may be terminated upon written notice of one (1) month in advance subject to the prior notification of the Chair of General Council. In the case of serious misconduct by a staff member that threatens the organization's operations or the organization's staff members (for example, criminal offence, theft, intentional breach of confidentiality), appointment of the staff member may be terminated without prior warning.

Rule 9.3

The normal retirement age in the NAFO Secretariat is 65 years of age. In some circumstances, the Executive Secretary may extend a staff member's service beyond 65 years of age.

Rule 9.4

The effective date of separation is the first working day after the date of termination of the notice period, except in the event of death of a member of the Secretariat, when it is the day after death and on that date all salary and related emoluments shall cease.

Rule 9.5

In the event of separation from service with the Secretariat, members of the Secretariat shall be compensated an indemnity equivalent to the rate of two (2) weeks current salary for every year of service with the Secretariat, free of all deductions except statutory deductions, limited to a maximum of 40 weeks.

Rule 9.6

On separation from service, an internationally recruited member of the Secretariat relocating to his/her home country, or to another country outside Canada, shall be entitled to the following:

- a) payment of travel expenses from the place of residence for arrival at the new residence, for the member and family;
- b) payment of removal costs including the shipment of personal effects and household goods from the place of residence to the location of the new place of residence if not paid by the new employer. Staff members without dependants 4 890 kg and/or a 20' standard international shipping container (33 m³) and staff members with dependants 8 150 kg and/or a 40' standard international shipping container (67 m³);
- c) payment of reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to the relevant rules and criteria applicable on appointment of the same member of the Secretariat;
- d) A repatriation grant. The amount of the grant depends on the length of continuous service with the Secretariat away from the home country in accordance with the table below. The grant is not paid to members of the Secretariat who are dismissed for cause.

Years of continuous service away from home country	Months of salary constituting the repatriation grant
1–2	1
3–4	2
5–6	3
7 and more	4

- e) payments under a, b, and c should be limited to costs that are comparable to relocating to the home country. Such payments shall be subject to prior approval by the Executive Secretary.
- f) with respect to the costs of the Executive Secretary, such payments shall be subject to prior approval by the President in consultation with the Chair of STACFAD.

Rule 9.7

Upon separation, accrued unused annual leave shall be paid to any member of the Secretariat at the rate of the current salary at the time of separation but this monetary compensation will not be paid for more than a maximum of twenty-five (25) days plus the leave accrued during the year of separation. In case of death this money will be paid to the member's estate. In the event of termination of employment for reasons other than death or lay-off, the Organization will recover from the member of the Secretariat an amount equivalent to any unearned annual leave taken by that member, in anticipation of future days to be accrued.

Rule 9.8

In case of death of a member of the Secretariat, the Organization shall pay shipment of the remains from place of death to a place designated by the next of kin, limiting the payment of costs to those that correspond to shipping them to the deceased member's home for purposes of home leave or to the place from which personal effects or household goods were shipped.

Rule 9.9

In case of death, the family of a deceased member of the Secretariat shall be entitled to the payments specified in Rule 9.6 except that this right shall lapse if the travel is not undertaken within the six (6) months of the date of the member's death, except if a reasonable extension of that period of time is approved.

SECTION 10. Temporary Personnel

The Executive Secretary may hire temporary personnel as necessary, by utilizing whenever possible, persons residing in the area in which the headquarters of the Organization are located.

SECTION 11. Application and Amendment of Staff Rules

Rule 11.1

Any doubts concerning the interpretation or application of these Rules shall be resolved by the Executive Secretary unless it applies to the Executive

Secretary in which case the General Council shall be consulted. The Executive Secretary shall submit to approval by the General Council at its next meeting any resolution taken previously under the terms of this Rule.

Rule 11.2

All matters not foreseen in these Staff Rules shall be brought to the attention of the Organization by the Executive Secretary or the Staff Representative after consultation with the Executive Secretary.

Rule 11.3

Any changes in these Staff Rules must be approved by the General Council in accordance with its Rules of Procedure, on the advice of STACFAD.

Annex 1

NAFO Staff Association and Staff Representative

Mandate of the Staff Representative

It is the obligation of the Staff Representative (SR) to ensure that staff interests are adequately presented in relevant decision-making processes. The SR has the obligation to contribute to management transparency by informing the staff in a timely fashion about important developments and decisions. Confidential and personal information cannot be disclosed without consent in writing of the individual(s) concerned. If in need of guidance, the SR can call a Staff Association meeting. In the case of a conflict within the Secretariat that cannot be solved internally, the SR can call upon the Staff Committee.

Staff Association and Election of Staff Representative

The Staff Association (SA) guides and mandates the SR to take specific

¹ If no candidate secures the required number of votes, then:

- a) If there are only two candidates, voting shall be continued until a candidate is elected by simple majority.
- b) If there are three or more candidates, the candidate receiving the lowest number of votes shall be eliminated and voting shall be continued until a candidate is elected. If there are two or more candidates receiving the lowest number of votes, it shall be decided by separate vote which candidate shall be eliminated.

actions or present particular viewpoints to the employer. All NAFO staff on permanent or at least one-year contract excluding the Executive Secretary (ES) form the SA and shall have the right to vote at the SA meetings. Decisions are valid only if at least two thirds of the members participate at the meeting and only if all possible precautions have been taken to ensure that every member had the opportunity to participate. A decision should be reached by consensus; if that is not possible, a simple majority decides. Decisions can be taken by show of hands unless requested otherwise by at least one staff member. The rules of procedure of the SA can only be changed if at least 75% of the staff agrees.

The SA elects the SR (and Vice Staff Representative if such a position is desired by the SA) by secret ballot and by simple majority¹ for a term of 1 year starting January (if a SR is elected after January, his/her term still ends with the calendar year). Each staff member is eligible for the post and can be re-elected without restrictions. The SR can be voted out of office by simple majority at any time. The SA can decide to not have a SR. In this case, the SA must meet the following November, or prior to that upon request of 3 members, to re-discuss the issue. If the SR resigns, a meeting has to be called within a month to deal with the new situation.

The SR can call a Staff Meeting on his/her initiative. In addition, an extraordinary SA Meeting can be called upon request of at least 3 staff members with an agenda circulated at least 3 working days before the meeting.

Rights of the Staff Representative

To fulfil his/her duties the SR has a number of rights, namely;

- Be informed about all issues (facts, events, plans, etc), negative or positive, regarding personnel matters and work situation in a timely and comprehensive fashion

- Advise the Executive Secretary on staff preferences regarding work time regulations, work safety and health issues, review of Staff Rules, and other staff-related matters
- Participate in STACFAD meetings when personnel matters and work situations are discussed
- Be partially freed from ordinary work in order to research issues relevant to his/her function (point in time and amount of time granted to be agreed upon by ES and SA but not to exceed 20% of annual work time).
- Be protected from reprimand/dismissal on the grounds of his/her activities in this function.

Annex 2

Staff Committee

Mandate

Most conflicts within the Secretariat can be and should be solved internally. In the rare case that a conflict cannot be solved internally or that its resolution causes major concern (e.g. perceived unjust dismissal of a staff member) the Staff Committee can be asked to intervene. Solutions should be achieved through mediation between the parties involved in the conflict and, if the Staff Committee finds it necessary, by bringing the case before NAFO Contracting Parties.

The Staff Committee is mandated to advise and mediate in the rare event that conflicts within the Secretariat cannot be solved internally. The Staff Committee is composed of three (3) members nominated by members of the Secretariat and appointed by General Council. Members of the Staff Committee serve one year and can be re-elected at every Annual Meeting.

¹ This means that at least 3 staff members have to agree that a conflict cannot be solved internally and is important enough to be brought before the Staff Committee bypassing Staff Representative and Executive Secretary. This will prevent frequent and unjustified calling on the Committee Members.

Guidelines for Staff Committee

- 1) It is the obligation of Secretariat staff and Executive Secretary to seek internal solutions to all disputes before bringing anything to the attention of the Staff Committee.
 - 2) On a specific issue, one or more members of the Staff Committee can be approached by (a) the Staff Representative, and/or (b) the Executive Secretary and/or (c) 3 staff members¹.
 - 3) The Staff Committee will treat all cases in the strictest confidence. The
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