



**STAFF REGULATIONS**

**AND**

**STAFF RULES**

**OF THE**

**INTERNATIONAL MARITIME ORGANIZATION**

**FEBRUARY 2024**



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### **Scope and purpose**

*The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the Secretary-General and staff of the Secretariat of the International Maritime Organization. They represent the broad principles of human resources policy for the staffing and administration of the Secretariat. The Secretary-General, as the Chief Administrative Officer, shall provide and enforce such staff rules consistent with these principles as the Secretary-General considers necessary.*





## **Article I**

### **DUTIES, OBLIGATIONS AND PRIVILEGES**

*REGULATION 1.1: Members of the Secretariat are international civil servants. Their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interests of the Organization only in view.*

*REGULATION 1.2: Staff members are subject to the authority of the Secretary-General and to assignment by the Secretary-General to any of the activities or offices of the Organization. They are responsible to the Secretary-General in the exercise of their functions. The whole time of staff members shall be at the disposal of the Secretary-General. The Secretary-General shall establish a normal working week.*

*REGULATION 1.3: In the performance of their duties members of the Secretariat shall neither seek nor accept instructions from any Government or from any other authority external to the Organization.*

*REGULATION 1.4 Members of the Secretariat, including the Secretary-General, are subject to the provisions of the Standard of Conduct for International Civil Service and shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the Organization. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their duties with the Organization. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status or on the integrity, independence and impartiality which are required by that status. While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.*

*REGULATION 1.5: Staff members shall exercise the utmost discretion in relation to all matters of official business. They shall not communicate to any person any information known to them by reason of their official position which has not been made public, except in the course of their duties or by authorization of the Secretary-General. Nor shall they at any time use such information to private advantage. These obligations do not cease upon separation from the Secretariat.*

*REGULATION 1.6: No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government excepting for war service; nor shall a staff member accept any honour, decoration, favour, gift or remuneration from any source external to the Organization, without first obtaining the approval of the Secretary-General. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the terms of regulation 1.2 and with the individual's status as an international civil servant.*

*REGULATION 1.7: Staff members may exercise the right to vote but shall not engage in any political activity which is inconsistent with or might reflect upon the independence and impartiality required by their status as international civil servants.*

*REGULATION 1.8: The immunities and privileges attached to the International Maritime Organization are conferred in the interests of the Organization. These privileges and immunities 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. In any case where these privileges and immunities arise, the staff member shall immediately report to the Secretary-General, with whom alone it rests to decide whether they shall be waived. The Council shall decide whether the privileges and immunities shall be waived in the case of the Secretary-General.*

*REGULATION 1.9: Members of the Secretariat shall subscribe to the following oath or declaration:*

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

*REGULATION 1.10: The oath or declaration shall be made orally by the Secretary-General in the presence of the Chairman of the Council or in the presence of a representative of a Member of the Council designated by the Chairman of the Council and by all other members of the Secretariat before the Secretary-General or the Secretary-General's authorized deputy.*

## **Rule 101.1**

### **APPLICABILITY**

Staff rules 101.1 through 111.2 are applicable to all staff members appointed by the Secretary-General except technical assistance project personnel and personnel specifically engaged for conferences and other short-term services.

## **Rule 101.2**

### **STAFF MEMBER OBLIGATIONS AND ACTS OF MISCONDUCT**

- (a) Staff members shall comply with his or her obligations under the Convention on the International Maritime Organization, the Staff Regulations and Staff Rules, the Financial Regulations and Rules and the terms and conditions of his or her appointment. In applying this rule, account shall be taken of all administrative memoranda, directives and policy guidelines and of the Standards of Conduct for the International Civil Service, promulgated by the International Civil Service Commission, as applicable from time to time.
- (b) Disciplinary measures and procedures set out in Article X of the staff regulations and staff rules 110.1 to 110.4 may be instituted against a staff member who commits an act of misconduct or fails to comply with his or her obligations under this rule.
- (c) Staff members shall follow the directions and instructions properly issued by the Secretary-General and their supervisors.
- (d) 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.
- (e) 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, in accordance with the IMO Policy and Procedures on the Right to Work in a Harassment Free Environment, which is attached in appendix E and will be considered to be an act of serious misconduct under this rule.
- (f) Failure by a staff member to comply with the IMO Policy and Procedures on the Prevention and Detection of Fraud, which is attached in appendix F, will be considered to be an act of serious misconduct under this rule.
- (g) Misuse of funds, abuse of trust or mismanagement will be considered acts of serious misconduct under this rule.
- (h) Staff members shall not intentionally misrepresent their functions, official title or the nature of their duties to Member States or to any entities or persons external to the Organization.
- (i) Staff members shall not intentionally appropriate for personal use, alter, destroy, misplace or render useless any official document, record or file entrusted to them by virtue of their functions, which document, record or file is intended to be kept as part of the records of the Organization.
- (j) Staff members shall not seek to influence Member States, principal or subsidiary organs of the Organization or expert groups in order to obtain a change from a position or decision taken by the Secretary-General, including decisions relating to the financing of Secretariat programmes or units, 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.
- (l) Staff members shall not unduly interfere or seek to interfere in the proper establishment or the functioning of the joint bodies established under articles X and XI of the Staff Regulations to advise the Secretary-General on disciplinary matters or on appeals by staff members against an administrative decision. Similarly, staff members shall not unduly influence or attempt to influence any individual participating in the process in the exercise of his or her functions. Nor shall any staff member threaten, retaliate or attempt to retaliate against such individuals or against staff members exercising their right to appeal against administrative decisions.

### ***Representative Activities***

- (m) Staff members, as part of their official activities, will be expected from time to time to attend governmental or other functions, conferences and events associated with IMO's activities. Such attendance is not considered receipt of a favour, gift or remuneration within the meaning of the Staff Regulations and Staff Rules.

### ***Conflict of interest and outside activities***

- (n) A staff member, who has occasion to deal in his or her official capacity with any matter involving a profit-making, business or other concern in which he or she holds a financial interest, directly or indirectly, shall disclose the measure of that interest to the Secretary-General and, except as otherwise authorized by the Secretary-General, either dispose of that financial interest or formally excuse himself or herself from participating with regard to any involvement in that matter which gives rise to the conflict of interest situation.
- (o) No staff member may be actively associated with the management of, or hold a financial interest in, any business concern if it were possible for the staff member to benefit from such association or financial interest by reason of his or her official position with IMO.
- (p) The mere holding of shares in a company shall not constitute a financial interest within the meaning of this rule unless such holding constitutes a substantial control.
- (q) Staff members shall not engage in any continuous or recurring outside occupation or employment without the prior approval of the Secretary-General, who 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.
- (r) The Secretary-General may establish procedures for the filing and utilization of financial disclosure statements as set forth in appendix G.
- (s) Staff members shall not, except in the normal course of official duties or with the prior approval of the Secretary-General, engage in any of the following acts, if such act relates to the purpose, activities or interests of IMO:
  - (i) issue statements to the press, radio or other agencies of public information;
  - (ii) accept speaking engagements;

- (iii) take part in films, theatre, radio or television productions;
- (iv) submit articles, books or other material for publication.

**Membership of Political Parties and Political Activities**

- (t) Membership of 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.

**Rule 101.3**

**HOURS OF WORK**

- (a) The normal working hours for full-time staff members shall be from 9 a.m. to 5.30 p.m. Monday through Friday, with an interruption of one hour for lunch. The normal working hours may be varied by the Secretary-General as the needs of the service may require.
- (b) All staff members shall be required to work beyond their normal working hours whenever requested to do so.

**Rule 101.4**

**OFFICIAL HOLIDAYS**

- (a) Official holidays shall be:

New Year's Day  
Good Friday  
Easter Monday  
May Day Holiday  
Spring Bank Holiday  
August Bank Holiday  
Christmas Day  
Boxing Day  
One extra day during the Christmas season

When one of these days falls on a Saturday or Sunday, the following Monday shall be observed as a holiday in lieu thereof.

- (b) Each staff member shall be credited with one additional day of annual leave to enable them to observe either a national or a religious day not otherwise designated as an official holiday, provided that their contract is in effect on their national day. Periods of special leave with partial pay or without pay for which annual leave does not accrue will not qualify for the additional day.

**Rule 101.5**

**CHANGE OF OFFICIAL DUTY STATION**

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

**Rule 101.6****INTER-AGENCY MOBILITY**

The Secretary-General may approve the transfer, or inter-organization exchange of the services of a staff member for a specified period to the United Nations, a specialized agency or other intergovernmental organization, with the staff member's consent, provided the terms and conditions of such transfer or inter-organization exchange are in no way inferior to the rights or entitlements of the staff member under his or her letter of appointment to IMO. The Inter-Agency Mobility Accord of Chief Executives Board of the United Nations system for Coordination, shall apply to such transfer or inter-organization exchange.

**Rule 101.7****PERFORMANCE OF STAFF**

- (a) Staff members are required to uphold the highest standards of efficiency, competence and integrity in the discharge of their functions. Their performance will be appraised periodically to ensure that the required standards of performance are met.
- (b) The Secretary-General shall seek to ensure that the paramount consideration in the determination of the conditions of service shall be to achieve the standards set forth in subparagraph (a).
- (c) Performance reports shall be prepared regularly for all staff members in accordance with the Organization guidelines on performance appraisal.
- (d) Appropriate learning and development programmes shall be made available.

**Article II**

**CLASSIFICATION OF POSTS AND STAFF**

*REGULATION 2.1: In conformity with principles laid down by the Council, the Secretary-General shall make appropriate provision for the classification of posts and staff according to the nature of the duties and responsibilities required.*





## **Rule 102.1**

### **PROCEDURES FOR CLASSIFICATION OF POSTS**

Professional and General Service posts shall be classified in accordance with the methodology promulgated by the International Civil Service Commission and with procedures established by the Secretary-General.

Classification of posts is the process of post evaluation within the UN system that determines the grade of a post. The classification process only considers the duties and responsibilities inherent to the post and not the skills and capabilities of the person performing the role.

When a post is vacant, the process of grade determination is referred to as classification, when a post is encumbered, the process is referred to as reclassification.

#### ***Request for the classification or reclassification***

- (a) Requests for classification or reclassification may be made in the following circumstances:
  - (i) when a post is newly established or has not previously been classified;
  - (ii) when the duties and responsibilities of a post have changed substantially, for example, when a unit is restructured for better efficiencies;
  - (iii) when, prior to the issuance of a vacancy announcement, a substantive change in the functions of a post has occurred since the previous classification; or
  - (iv) when required by a UN or Organization review, or as mandated by the ICSC.

#### ***Procedure for submission of requests for classification or reclassification***

- (b) Requests for the classification or reclassification of a post shall be made by the Line Manager and the Director of the relevant Division or Department. In cases where no Director is in place, the Acting official/Officer in charge may make the request.
- (c) Requests for classification or reclassification shall be submitted to the Director, Administrative Division.
- (d) Requests shall include:
  - (i) a cover memorandum, which reflects the justification for submission;
  - (ii) a complete and up-to-date job description of the post in question, comprised of job description questionnaires or templates made available on the HRS Intranet portal;
  - (iii) an up-to-date Divisional organogram showing the placement of the post in question and other posts in the Section/Unit that may be affected by the requested classification or reclassification;
  - (iv) a valid and available post number (for an existing post); and
  - (v) consideration and confirmation of the available budget for the post.

- (e) Managers are advised to update their staff on the plans and activities of the Division/Section, including plans for any reclassification of posts, so any incumbent staff members may plan, prepare or update their qualifications as appropriate.

### ***Classification standards***

- (f) Posts shall be classified in accordance with the classification standards established by the ICSC for posts in the Professional and higher categories and for posts in the General Service and related categories.

### ***Procedure for classification of vacant posts***

- (g) For a trial period, classification of vacant posts will be conducted by OneHR, an independent and harmonized UN-wide centre of excellence that conducts job evaluations in adherence to ICSC job evaluation and classification, standards and methodologies.
- (h) The use of OneHR for the classification process will be subject to review in collaboration with the Staff Association Committee (STAC) by 31 December 2022. After the trial period and review, the Procedures may be amended so that OneHR's services are used for classification and reclassification cases.

### ***Procedure for reclassification of encumbered posts***

- (i) As a transitional measure, this procedure for reclassification will remain in effect until 31 December 2021. During this time, reclassification cases will be decided by a tripartite Classification Committee, comprised of:
  - (i) an independent job classification expert, selected by STAC, from a pool of three experts presented by HRS.
  - (ii) a trained representative of Human Resource Services (HRS); and
  - (iii) a trained independent staff member nominated by STAC.
- (j) The Classification Committee will meet once a year and review all cases presented for its consideration.
- (k) A Classification Committee report, including the conclusions reached and recommendations made, shall be presented to the Secretary-General for final decision.

### ***Procedures following classification and reclassification***

- (l) If a post is vacant, it will be advertised at the classified grade.
- (m) If a post is encumbered and reclassified at a grade level below that of the incumbent, the incumbent will retain his or her current grade until his or her departure from the post. Subsequently, the post will be advertised at the new grade, if the duties and requirements have remained unchanged.
- (n) If a post is encumbered and reclassified above the current grade, the following applies:
  - (i) The incumbent shall be assessed by a panel comprised of the Line manager, a representative from HRS and an independent staff member. If the incumbent meets all qualifying requirements satisfactorily, the incumbent shall be accorded the new grade of the post. In this case, the new grade shall be

effective retroactively from the first of the month following receipt of the reclassification request.

- (ii) If the incumbent does not meet the qualifying requirements for the role at the new grade, the incumbent will be allowed up to three years to acquire the relevant qualifications and skills, or necessary experience to meet the requirements of the role. HRS will provide relevant support, including the provisions of the External Studies Programme. No later than by the end of the three-year period, the incumbent shall be reassessed by the panel mentioned in (i) above, and if he or she meets all qualifying requirements satisfactorily, the incumbent shall be accorded the new grade of the post. In this case, the new grade shall be effective from the date of reassessment. If the incumbent still does not meet the requirements the incumbent will retain his or her current grade until his or her departure from the post. Subsequently, the post will be advertised at the new grade, if the duties and requirements have remained unchanged.

### ***Appeal procedure***

- (o) The decision on the classification level of a post may be appealed by the Line Manager/Director or the incumbent of the post at the time of its outcome, on the grounds that the classification procedures were incorrectly applied resulting in the classification of the post at the wrong level. The appeal will follow the appeal procedures of the Organization as provided in Staff Rules 111.1 and 111.2. Since the decision is taken pursuant to advice obtained from a technical body, the staff member is not required to request management evaluation but can appeal directly to the Staff Appeals Board.



### **Article III**

#### **SALARIES AND RELATED ALLOWANCES**

*REGULATION 3.1: Salaries of staff members shall be determined by the Council on the recommendation of the Secretary-General in accordance with the provisions of annex I to the present Regulations.*

*REGULATION 3.2(a): The Secretary-General shall establish terms and conditions under which an education grant shall be available to a staff member serving outside his or her recognized home country, whose dependent child is in full-time attendance at a school, university or similar educational institution of a type which will, in the opinion of the Secretary-General, facilitate the child's re-assimilation in the staff member's recognized home country. The grant shall be payable in respect of the child up to the end of the fourth year of post-secondary studies. The amount of the grant per scholastic year for each child shall be calculated in accordance with the provisions of annex 1, table 3, of the Staff Regulations.*

*REGULATION 3.2(b): The Secretary-General shall also establish terms and conditions under which an education grant shall be available to a staff member whose child is unable, by reason of physical or mental disability, to attend a normal educational institution and therefore requires special teaching or training to prepare him or her for full integration into society or, while attending a normal educational institution, requires special teaching or training to assist him or her in overcoming the disability. The amount of the grant per year for each disabled child shall be 100 per cent of the educational expenses actually incurred up to a maximum amount established by the Secretary-General.*

*REGULATION 3.2(c): The Secretary-General may decide in each case whether the education grant shall extend to adopted children or stepchildren.*

*REGULATION 3.3(a) Staff members in the Professional and higher categories shall be entitled to receive dependency allowances for a dependent child, for a disabled child and for a secondary dependant at the rates applicable in the United Nations common system as follows:*

- (i) The staff member shall receive an allowance for each dependent child, except that the allowance shall not be paid in respect of the first dependent child if the staff member receives a single parent allowance under regulation 3.3(c).*
- (ii) The staff member shall receive a special allowance when a dependent child is determined by the Secretary General, on the basis of medical evidence, to be physically or mentally handicapped either permanently or for a period expected to be of long duration. However, if the staff member is entitled to the single parent allowance under regulation 3.3(c) in respect of a disabled child, the allowance shall be the same as the allowance for a dependent child in subparagraph (i) above;*
- (iii) Where there is no dependent spouse, a single annual allowance shall be paid for either a dependent parent, a dependent brother or a dependent sister.*

*REGULATION 3.3(b): Staff members in the Professional and higher categories shall be entitled to receive a dependent spouse allowance in the amount of 6 per cent of net base salary plus post adjustment.*

*REGULATION 3.3(c): Staff members in the Professional and higher categories without a spouse shall be entitled to a single parent allowance in respect of the first dependent child in the amount of 6 per cent of net base salary plus post adjustment.*

*REGULATION 3.3(d): If both husband and wife are staff members, one may claim, for dependent children, under 3.3(a)(i) above, in which case the other may claim only under 3.3(a)(ii) above, if otherwise entitled.*

*REGULATION 3.3(e): Staff members whose salary rates are set by the Secretary-General under paragraph 6 of annex 1 to these Regulations shall be entitled to receive dependency allowances at rates and under conditions determined by the Secretary General, due regard being given to the circumstances in the locality in which the office is located.*

*REGULATION 3.3(f): Claims for dependency allowances shall be submitted in writing and supported by evidence satisfactory to the Secretary-General. A separate claim for dependency allowances shall be made each year.*

## **Rule 103.1**

### **SALARIES AND ALLOWANCES**

#### ***Salaries***

- (a) The gross and net salaries for the Professional and higher categories shall be those specified in table 1 of annex 1. A staff assessment shall be applied to the gross salary scales at the rates specified in table 2 of annex 1 to determine the net salary. The amount remaining after deduction of the assessment shall be the net salary specified in table 1 of annex 1, and shall be the amount payable to the staff member.
- (b) The gross salary scales for the General Service category shall be those specified in appendix A to these Rules. A staff assessment shall be applied to the gross salary scales at the rates specified in appendix B to the Rules. The amount remaining after deduction of the assessment shall be the net salary specified in appendix A to these Rules and shall be the amount payable to the staff member.
- (c) Except where otherwise provided in these Rules, "salary" shall mean the net salary arrived at under (a) and (b) above.
- (d) Staff assessment shall be applied to language allowances.
- (e) No staff assessment shall be applied to dependency benefits or non-resident's allowances for staff in the General Service category.
- (f) No staff assessment shall be applied to dependency benefits or post adjustment for staff in the Professional category.

#### ***Post adjustment***

- (g) Post adjustments under annex 1, paragraph 8, to the Staff Regulations shall be applied in accordance with paragraph (h) below in the case of staff members in the Professional and higher categories.
- (h) The amount of post adjustment of each level and step of the Professional and higher categories shall be determined for each duty station by applying the multiplier of the post adjustment classification for the duty station to 1 per cent of the corresponding net base salary rates;

#### ***Salary Increments***

- (i) For the award of periodical salary increments, and unless the Secretary-General decides otherwise in a specific instance, satisfactory service shall be defined as satisfactory performance and conduct of staff members in the posts to which they have been assigned, as contained in their performance reports prepared pursuant to staff rule 101.7.
- (j) Periodical salary increments shall be effective as from the first day of the month in which the staff member has completed the required period of service, subject to the application of rule 103.5 when the staff member is promoted. A staff member who resumes his duties after a period of leave without pay shall be entitled to a salary increment only as from the first day of the month in respect of which his or her name again appears on the payroll.
- (k) When a staff member whose service has been satisfactory is moved to a post at a lower grade, the date on which the entitlement to the next periodical salary increment shall be determined taking into account the period of service completed since the last

increment. When a staff member whose service has not been satisfactory is moved to a post with a lower grade, the entitlement to a periodical salary increment shall only be made if his service in the latter post is satisfactory.

- (l) When a salary increment has been withheld, a review will be made after six months have elapsed, on the basis of a written report by the staff member's supervisor or supervisors. If this report recommends that the increment should continue to be withheld, a copy thereof shall be furnished to the staff member who may make representations to the Secretary-General within a specified time. The Secretary-General shall decide whether to grant or continue to withhold the increment, subject to further review after another six months has elapsed.
- (m) For staff in the Professional and higher categories, salary increments within the levels set forth in table 1 of annex 1 shall be awarded annually on the basis of satisfactory service, except that:
  - for grades P-1 to P-5, any increments above step VII shall be preceded by two years at the previous step;
  - for the D-1 level any increments above step IV shall be preceded by two years at the previous step;
  - for the D-2 level any increments shall be preceded by two years at the previous step
- (n) For staff in the General Service category, the difference between steps I-X within grades, set forth in appendix A, indicate annual increments awarded on the basis of satisfactory service. Step XI at all grades is only awarded to staff with over 20 years of service within the United Nations system, who have been at step X for five years and demonstrated an entirely satisfactory service record.

### **Rule 103.2**

#### **NON-RESIDENT'S ALLOWANCE**

- (a) Staff members in the General Service category who have been recruited from outside the United Kingdom shall receive a non-resident's allowance in the amount specified in appendix A to these Rules, provided that in no case shall the allowance be paid to a staff member who has United Kingdom nationality.
- (b) The non-resident's allowance shall be taken into account in determining Joint Staff Pension Fund, medical, and group insurance contributions, overtime compensation and payments and indemnities on separation.
- (c) Non-resident's allowance will not normally be paid to a staff member who, at the time of appointment:
  - (i) is living in the United Kingdom or has been in regular gainful employment there at local salary rates and conditions;
  - (ii) though not in gainful employment, has been resident in the United Kingdom for a period of more than one year;
  - (iii) is the spouse of any person covered by (i) or (ii) above.



- (d) Entitlement to non-resident's allowance will cease in the case of a staff member who, after 1 April 1964:
  - (i) changes his or her residential status in such a way that the staff member may, in the opinion of the Secretary-General, be deemed to be a permanent resident of the United Kingdom;
  - (ii) marries a person who would be regarded as "resident" (if appointed), unless that person would be regarded as a dependent spouse under these Rules;
  - (iii) marries an IMO staff member in the Professional or higher categories (or an official of comparable "international status" outside, for example in a diplomatic mission);
  - (iv) marries another IMO staff member with non-resident's allowance. In this case, the allowance will be continued for the staff member who is regarded as the "head of the family".

### **Rule 103.3**

#### **SETTLING-IN GRANT**

- (a) Subject to the conditions set forth hereunder, a staff member shall be paid, in respect of the staff member and his or her eligible dependants, a settling-in grant when the staff member travels at the expense of the Organization on initial appointment expected to be of at least one year's duration. Such payment shall be the total compensation payable by the Organization towards the initial extraordinary living costs incurred by the staff member and his or her eligible dependants immediately following their arrival at the duty station.
- (b) The amount of the settling-in grant shall, in the case of the staff member, be the equivalent of daily subsistence allowance for 30 days after arrival and, for each accompanying eligible family member who remains at least six months at the duty station, one half of the amount payable to the staff member plus a lump-sum amount equivalent to one month of net base pay plus applicable post adjustment.
- (c) The DSA portion of the grant which is payable to the staff member shall not normally be recoverable. However, with regard to family members who do not remain with the staff member at the duty station for at least six months, the DSA portion paid may be recovered from the staff member, unless the Organization is satisfied that the departure of the family member took place because of compelling circumstances.
- (d) In cases where the staff member has not completed one year of service, the lump-sum portion of the settling-in grant shall be recovered on a pro-rata basis corresponding to the number of months of completed service.
- (e) At the discretion of the Secretary General payment may be authorized of all or part of the settling-in grant in cases where the Organization has not been required to pay travel expenses upon the appointment of a staff member regarded as internationally recruited.

**Rule 103.4****LANGUAGE ALLOWANCE**

- (a) A staff member in the General Service category who passes a test which shall be prescribed by the Secretary-General for this purpose and which shall be held not less than once in each year, shall be paid a language allowance in accordance with annex 1, paragraph 7, to the Regulations.
- (b) The amount of the allowance for a second official language shall be that specified in appendix A to these Rules; the allowance for a third official language shall be half that amount.
- (c) The language allowance shall be taken into account in determining Joint Staff Pension Fund, medical and group insurance contributions, overtime compensation and payments and indemnities on separation.

**Rule 103.5****SALARY POLICY IN PROMOTIONS**

Staff members receiving promotions shall be paid in accordance with the following provisions:

- (a) On promotion, a staff member shall be placed in the lowest step in the grade to which he or she has been promoted which provides an increase in net base salary equal to at least the amount that would have resulted from the granting of two increments at the lower grade, provided that the resulting salary shall in no case be less than the commencing salary or greater than the maximum salary of the grade to which the staff member has been promoted.
- (b) If promotion is effective in the month in which an increment at the lower grade is due, such increment will be included in the salary at the lower grade, to which two increments 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 grade shall be the anniversary date of promotion except that, in the case of those increments that require two years of satisfactory service, the first increment at the higher grade will become due two years from the date of promotion.
- (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 grade 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 grade; and
  - (ii) the post adjustment corresponding to the net base salary for the grade and step in the Professional category to which the staff member is promoted.
- (e) Where the promotion of a staff member from the General Service to the Professional category would result in a reduction of his or her pensionable remuneration, the staff member may retain the level of pensionable remuneration reached immediately prior to promotion until it is surpassed as a result of the staff member's advancement in the new grade or further promotion.

### **Rule 103.6**

#### **SPECIAL POST ALLOWANCE**

- (a) Any staff member shall be expected, as a normal part of his or her functions and without special designation, extra compensation or title, to assume for short periods (such as during sessions of meetings or during the absence of another staff member on mission or on leave) the duties and responsibilities of a higher level post. If, however, a staff member should be required to assume such higher duties and responsibilities for substantial periods of time, the Secretary-General may, in exceptional circumstances, authorize payment to that staff member of a special non-pensionable post allowance. The Secretary-General may also designate that staff member to assume the title of the one who is absent. In either case,
  - (i) the staff member shall be fully qualified to undertake the duties and responsibilities of the higher level post and shall have demonstrated his or her ability to perform the work at this level during a period of not less than three months;
  - (ii) the post to which the staff member is detailed shall be provided in the manning table and shall represent a clearly identifiable individual function.
- (b) The amount of the special post allowance shall be approximately equivalent to the salary increase (including post adjustment and dependency allowances, if any) which the staff member would have received had he or she been promoted to the next higher salary level. Payment of the allowance shall not be retroactive beyond the beginning of the fourth month of service in the higher level post.
- (c) In the case of a staff member assigned to serve on a mission, or when a staff member in the General Service category is required to serve in a post in the Professional category, or when a staff member in any category is required to serve in a post which is classified more than one level above his or her level, the allowance may be paid immediately the staff member assumes the higher duties and responsibilities.

### **Rule 103.7**

#### **OVERTIME AND COMPENSATORY TIME OFF**

- (a) As a general principle, it is recognized that the normal working hours established in rule 101.3(a) should be observed, and that overtime should not be required. However, attendance beyond the normal working hours may be required during periods of peak activity. In that event, compensatory time off for all staff members or additional payment, for staff members in the General Service category only, shall be given, in accordance to this rule, for all hours worked in excess of the normal working hours, provided that more than 40 hours have been worked during that week.
- (b) Time spent in travel is not considered to be overtime.
- (c) Work required to be performed by a staff member on an official holiday shall be compensated in accordance with the provisions of this rule. However, in exceptional circumstances, the Secretary-General may require all staff members to work on an official holiday. In that event, another working day shall be set and observed as the holiday and no overtime payment or compensatory time off shall be granted in respect of work performed on the official holiday.

- (d) Where staff members are given compensatory time off, this shall be equal to the number of hours of overtime worked. Such time off shall be taken at any time during the four months following the month in which the overtime work has been performed.
- (e) The amount of overtime required of a staff member shall normally not exceed 15 hours in any period of seven consecutive calendar days, or 40 hours in any period of 28 consecutive calendar days.
- (f) If time off cannot be granted without seriously hampering the work, staff members in the General Service category shall be compensated for the overtime hours worked by an additional payment at the rate of one and a half times the aggregate of his or her salary and language allowances.
- (g) Overtime payment shall not be rounded to the nearest hour. Daily overtime work periods of less than half an hour shall not be considered for overtime payment or for compensatory time off.

#### **Rule 103.7.1**

#### **NIGHT DIFFERENTIAL**

Staff members shall receive a night differential of 25 per cent of hourly pay in respect of each hour of a regular tour of duty falling between 7 p.m. and 7 a.m. No night differential shall be paid in respect of hours of overtime worked between 7 p.m. and 7 a.m.

#### **Rule 103.8**

#### **EDUCATION GRANT**

#### **Definitions**

- (a) For the purposes of this rule -
  - (i) "child" means a child dependent upon the staff member for main and continuing support. "Disabled child" means a child who is unable, by reason of physical or mental disability, to attend a normal educational institution and therefore requires special teaching or training to prepare him or her for full integration into society or, while attending a normal educational institution, requires special teaching or training to assist him or her in overcoming the disability;
  - (ii) "home country" means the country of home leave of the staff member under rule 105.3. If both parents are eligible staff members, "home country" means the country of home leave of either parent;
  - (iii) "duty station" means the country or area where the staff member is serving;

#### **Eligibility**

- (b) A staff member who is regarded as internationally recruited, who holds a fixed-term or permanent appointment and whose recognized home is outside the country of the duty station shall be entitled to an education grant in respect of each dependent child in full-time attendance at an educational institution. If the staff member is subsequently reassigned to a duty station in his/her recognized home country during the course of a school year, the education grant may be paid for the remainder of that school year.

- (c) The education grant is payable for dependent children in full-time attendance at an educational institution from primary level up to the end of the fourth year of post-secondary studies.
- (d) For the purposes of this grant education shall be deemed "primary":
  - (i) if the child is five years of age at the beginning of the school year; or
  - (ii) from the first day of the term in which the child reaches the age of five.
- (e) The education grant is not payable when the child ceases to be in full-time attendance at an educational institution or beyond the school year in which the child reaches the age of 25, unless the child's education has been interrupted for at least one year by compulsory national service, illness or other compelling reason. In such cases the grant may be extended for the period of interruption beyond the scholastic year in which the child reaches the age of 25. The grant is also not payable in respect of:
  - (i) attendance at a kindergarten or nursery school at the pre-primary level;
  - (ii) attendance at a free school or one charging only nominal fees at the duty station;
  - (iii) correspondence courses, except those which in the opinion of the Secretary-General are the best available substitute for full-time attendance at a school of a type not available at the duty station;
  - (iv) private tuition, except tuition in a language of the home country at duty stations where satisfactory school facilities for learning that language are not available; or
  - (v) vocational training or apprenticeship which does not involve full-time schooling or in which the child receives payment for services rendered.

#### **Admissible educational expenses**

- (f) Admissible expenses shall include tuition (including tuition in the mother tongue and summer courses if certified as necessary by the school) and enrolment-related fees.
- (g) Tuition in the mother tongue may be reimbursed provided that:
  - (i) the staff member serves in a country whose language is different from his/her mother tongue;
  - (ii) the child attends a local school in which the language of instruction is not the staff member's mother tongue.
- (h) The admissible expenses as defined in paragraph (f) above are reimbursed at the rates indicated in annex 1, table 3, of the Staff Regulations.

#### **Boarding costs**

- (i) Boarding costs may exceptionally be reimbursed at a flat amount determined regularly by the ICSC only when a staff member serves at a field duty station classified as A to E and if the child is boarding away from the duty station.

**Capital assessment fee**

- (j) A capital assessment fee charged by a school attended by a child with respect to whom the education grant is paid will be reimbursed at 75 per cent of the actual amount, outside the education grant scheme.

**Scholarships, bursaries or similar grants**

- (k) The amount of all scholarships, bursaries or similar grants received in respect of a child will be deducted from the expenses incurred by staff members in respect of their child's education, before calculation of the grant to which they may be entitled.

**Attendance for periods of less than the full scholastic year**

- (l) The amount of the education grant and special education grant relating to admissible expenses for school attendance shall be prorated if the period of the child's school attendance or the staff member's period of service covers less than two thirds of the academic year. The amount of the grant relating to the flat sum for boarding shall be prorated if the period of the child's school attendance or the staff member's period of service covers less than a full academic year.
- (m) For the purpose of prorating part months:
  - (i) periods of 15 and more days shall be counted as full months;
  - (ii) periods of less than 15 days shall be counted as half months.
- (n) The education grant is not payable in respect of school attendance prior to the staff member's appointment or following the staff member's separation. However, should a staff member die during the course of the school year, education grant shall be paid for the remainder of that school year.

**Education grant advances**

- (o) Eligible staff members who are required to pay all or part of their child's full-time admissible attendance expenses at the beginning of the scholastic year may apply for an education grant advance for the scholastic year, subject to the following conditions:
  - (i) Only one advance per child shall be authorized per school year;
  - (ii) No further advances for subsequent school years shall be authorized until all previous advances have been settled through a final claim or recovered from the staff member.
- (p) Advances may be payable for the following expenses only: tuition fees, capital assessment fees or equivalent, which have to be paid in full at the beginning of the year.
- (q) Final education grant claims must be submitted promptly on completion of the school year or within one month of the child ceasing to attend the institution.
- (r) Upon receipt of the final claim, a settlement shall be paid taking account of the actual admissible expenses incurred during the school year and any advance made. If the amount of the advance is greater than the actual admissible expenses incurred, the difference shall be recovered automatically from the staff member's salary. The rate

of exchange used for the calculation of the grant shall be the same as the one used for the calculation of the advance.

- (s) If both spouses are staff members in the UN common system, only the spouse receiving the child allowance for a child may claim the education grant or special education grant in respect of that child.

### ***Special education grant for disabled children***

#### **Purpose**

- (t) The special education grant is designed to contribute to costs related to the education of disabled children.

#### **Eligibility**

- (u) The special education grant is payable to staff members who hold a fixed-term, permanent or regular appointment, whether or not they serve in their home country, in respect of a disabled dependent child as defined in paragraph (a)(i) of this rule.
- (v) The special education grant is payable in respect of each disabled dependent child from the date on which the special teaching or training is required. Upon recommendation of the IMO Medical Adviser, the special education grant may be authorized for a disabled child attending an institution at the pre-primary level.
- (w) The special education grant shall not normally be paid beyond the end of the school year in which the dependent child reaches the age of 25. In exceptional circumstances and where certified by the IMO Medical Adviser, the grant may be extended up to the end of the school year in which the child reaches the age of 28.

#### **Admissible educational expenses**

- (x) In addition to the expenses admissible under the regular education grant, the following expenses are also admissible under the special education grant:
  - (i) expenses required to provide an educational programme designed to meet the needs of a disabled child in order that he/she may attain the highest possible level of functional ability. These may include:
    - .1 charges for teaching or training services;
    - .2 other costs or fees directly related to educational programmes that are not optional or related to extracurricular activities;
    - .3 expenses for special equipment for educational purposes, if not covered under health insurance;
    - .4 expenses for full board (food and lodging), even in the case of a child attending an institution at the duty station, if, as certified by the institution, such boarding is an integral part of the educational programme;
  - (ii) expenses incurred for local transportation that may be required for a disabled child, if organized by the educational institution.

**Conditions and reimbursement levels of the special education grant**

- (y) The maximum amount of admissible expenses under the special education grant scheme corresponds to the maximum amount shown in the sliding scale of annex 1, table 3, of the Staff Regulations plus the flat rate for boarding when applicable.
- (z) Payment for each disabled child shall be 100 per cent of admissible expenses actually incurred, up to the maximum established for this entitlement.
- (aa) The amount of admissible educational expenses shall be reduced by the amount of benefits or similar payments received from other sources for the child's education and training. Staff members are required to report such benefits.
- (bb) If a disabled child is in full-time attendance at a regular educational institution and no special arrangements are made for the child at that institution, only the regular education grant may be payable, with no entitlement to the special education grant. In such cases, internationally recruited staff members serving in their home country and locally recruited staff members with a child attending a regular educational institution with no special arrangements shall not be entitled to education grant, whether regular or special.
- (cc) When a disabled child is in full-time attendance at a normal education institution, but special arrangements are made at that institution for the child concerned, the staff member may be entitled to reimbursement under special education grant provisions, i.e. 100 per cent of the maximum admissible education expenses. Capital assessment fee is not reimbursable in such case.

**Rule 103.9****DEPENDENCY ALLOWANCES****Definitions**

- (a) A "dependent spouse" shall be a spouse whose gross earnings, if any, do not exceed the gross salary of the General Service salary scale, in force on 1 January of the year concerned, applicable to the G.2, Step I level in London.
- (b) A "child" is any of the following children for whom the staff member provides main and continuing support:
  - (i) a staff member's natural or legally adopted child; or
  - (ii) a staff member's stepchild who is residing with the staff member; or
  - (iii) a child who cannot be legally adopted, for whom the staff member has legal responsibility and who is residing with the staff member;
- (c) A "dependent child" is a child for whom the staff member provides main and continuing support and who meets one of the following criteria:
  - (i) The child is under the age of 18 years;
  - (ii) The child is between the ages of 18 and 21 years and attends university or its equivalent full time; the requirement of residing with the staff member does not



apply in this case; the dependency status is recognized through a period of vacation between school years when the child enrolls for full-time attendance during the regular school year. Otherwise, the dependency status ceases on the last day of full-time attendance at the educational institution.

- (iii) The child is of any age and has a disability that is permanent or for a period that is expected to be long-term that prevents substantial gainful employment;
- (d) A "single parent" is a staff member who does not have a spouse and has a dependent child for whom the staff member provides continuing and main support.
- (e) A staff member claiming a child as a dependant must certify that he or she provides main and continuous support. In this context, "main support" means an amount at least twice the amount of the child allowance. This certification must be supported by documentary evidence satisfactory to the Secretary-General, if the child:
  - (i) does not reside with the staff member;
  - (ii) is married; or
  - (iii) is recognized as a dependant under subparagraph (b)(iii) above.
- (f) A secondary dependant shall be either a father, mother, brother or sister of whose financial support the staff member provides one half or more, and in any case at least twice the amount of the dependency allowance, provided that a dependent brother or sister shall be subject to the same age and school attendance requirements, or otherwise, as a dependent child. No allowance for a secondary dependant shall be paid to a staff member with a dependent spouse.

#### **Amount of dependency allowance**

- (g) 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, regardless of where the spouse resides.
- (h) 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. A staff member who receives a single parent allowance in respect of the first dependent child shall not be eligible for payment of a dependent child allowance for that child.
- (i) Dependent child allowance: eligible staff members shall receive a dependent child allowance for each recognized dependent child.
- (j) Where the staff member or his or her spouse receives a direct governmental grant in respect of the same child the dependent child allowance or single parent allowance payable under this rule shall be reduced by the amount of that grant. No dependent child allowance or single parent allowance is payable if the governmental grant is equal to or exceeds the rate set out under the Staff Regulations and Staff Rules.
- (k) The rates of dependency allowances applicable to the General Service category shall be those set out in appendix A to these Rules. If the dependent child is disabled, a further allowance equal to the allowance for an additional dependent child shall also be payable.

**Transitional measures**

- (l) A staff member in the Professional and higher categories in receipt of the dependent rate of salary in respect of a first dependent child on 31 December 2016 and who is not in receipt of the single parent allowance, 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.
- (m) While in receipt of the transitional allowance, no concurrent payment of the dependent child allowance under staff regulation 3.3(a) shall be paid in respect of that child, except where the child qualifies for a special dependency allowance for a disabled child.
- (n) 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 3.3 (a), at which time the dependent child allowance shall be payable instead.
- (o) 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; the staff member becomes eligible for, and is paid, a dependent spouse allowance or a single parent allowance.
- (p) Once the transitional allowance is discontinued, it shall not be reinstated, regardless of subsequent changes to a staff member's personal status and dependents.

**Rule 103.10****SALARY ADVANCES**

- (a) Salary advances may be made to staff members under the following circumstances and conditions:
  - (i) upon departure for extended official travel or for approved leave involving absence from duty for two or more pay days in the amount that would fall due for payment during the anticipated period of absence;
  - (ii) upon separation, 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 payments due;
  - (iii) in cases where new staff members arrive without sufficient funds, in such amount as the Secretary-General may deem appropriate;
  - (iv) upon change of official duty station or detail to mission duty, in such amount as the Secretary-General may deem appropriate.
- (b) The Secretary-General 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 rate as determined at the time the advance is authorized, in consecutive pay periods commencing not later than the period following that in which the advance is made.

### **Rule 103.11**

#### **PENSIONABLE REMUNERATION**

Pensionable remuneration for a staff member shall be the amount defined in the Regulations of the United Nations Joint Staff Pension Fund.

### **Rule 103.12**

#### **DEDUCTIONS AND CONTRIBUTIONS**

- (a) There shall be deducted, each pay period, from the total payments due to each staff member:
  - (i) contributions to the United Nations Joint Staff Pension Fund, based on the staff member's pensionable remuneration as defined in rule 103.11.
- (b) Deductions from salaries, wages and other emoluments may also be made for the following purposes:
  - (i) for contributions to the National Insurance scheme in the United Kingdom (if applicable);
  - (ii) for accident insurance;
  - (iii) for indebtedness to third parties when any deduction for this purpose is authorized by the Secretary-General and is made with the consent of the staff member concerned.

### **Rule 103.13**

#### **MOBILITY AND HARDSHIP ALLOWANCE**

A mobility and hardship allowance shall be payable to eligible staff members, under the conditions set out by the International Civil Service Commission.

### **Rule 103.14**

#### **RECOVERY OF PAYMENTS MADE IN ERROR**

- (a) The Organization shall be entitled to recover any payment made to a staff member in error or entitlement given in error provided that, except in cases where the bad faith of the staff member is established:
  - (i) the right of the Organization to recovery shall lapse two years after an overpayment has been made or, if several overpayments have been made over a period of time, two years after the last overpayment;
  - (ii) recovery of overpayments made over a period of time shall be limited to an amount equal to the overpayments made during the 12 months immediately preceding the last overpayment.
- (b) Unless otherwise agreed, reimbursement shall be made by deductions, over a period not exceeding 12 months, from the monthly or other payments due to the staff member concerned or from final payments in the case of a staff member separating from service.

**Rule 103.15****RETROACTIVITY OF PAYMENTS**

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

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

**Rule 103.16****SALARY SCALES – TRANSITIONAL MEASURES****Salary scales**

Following the introduction of the unified salary scale on 1 January 2017:

- (a) The salaries of staff members that are 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 General Assembly. Pensionable remuneration at those steps shall be maintained and shall be adjusted corresponding to those salaries when the pensionable remuneration scale is adjusted.

## **Article IV**

### **APPOINTMENT AND PROMOTION**

*REGULATION 4.1: As stated in article 52 of the convention on the International Maritime Organization, the power of appointment of staff members rests with the Secretary-General. Upon appointment each staff member shall receive a letter of appointment in accordance with the provisions of annex 2 to the present Regulations and signed by the Secretary-General or by an official in the name of the Secretary-General.*

*REGULATION 4.2: The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.*

*REGULATION 4.3: Selection of staff members shall be made without distinction as to race, sex or religion. As far as is practicable, selection shall be made on a competitive basis.*

*REGULATION 4.4: Subject to the provisions of regulation 4.2 and without prejudice to the recruitment of fresh talent at all levels, the fullest regard shall be had, in filling vacancies, to the requisite qualifications and experience of persons already in the service of the Organization. This consideration shall also apply on a reciprocal basis to the United Nations and to the specialized agencies brought into relationship with it.*

*REGULATION 4.5(a): Staff members shall be granted either permanent or temporary appointments under such terms and conditions consistent with these Regulations as the Secretary-General may prescribe.*

*REGULATION 4.5(b): The Secretary-General shall prescribe which staff members are eligible for permanent appointments. The probationary period for granting or confirming a permanent appointment shall normally not exceed two years, provided that in individual cases the Secretary-General may extend the probationary period for not more than one additional year.*

*REGULATION 4.6: The Secretary-General shall establish appropriate medical standards which staff members shall be required to meet before appointment.*



### **Rule 104.1**

#### **LETTER OF APPOINTMENT**

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

### **Rule 104.2**

#### **EFFECTIVE DATE OF APPOINTMENT**

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

### **Rule 104.3**

#### **TEMPORARY APPOINTMENTS**

On recruitment staff members may be granted one of the following types of temporary appointment:

(a) ***Probationary appointment***

The probationary appointment may be granted to persons recruited for career service. At the end of the probationary service which shall normally be one year the holder of a probationary appointment shall be granted either a permanent or a regular 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.

(b) ***Fixed-term appointment***

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 a prescribed duration, including persons temporarily seconded by national Governments or institutions for service with IMO. The fixed-term appointment does not carry any expectancy of renewal or of conversion to any other type of appointment.

(c) ***Indefinite appointment***

The indefinite appointment may be granted to persons recruited on a temporary basis other than as laid down under (a) and (b) above. The indefinite appointment does not carry any expectancy of conversion to any other type of appointment.

**Rule 104.4****PERMANENT AND REGULAR APPOINTMENTS****(a) *The permanent appointment***

- (i) The permanent appointment may be granted to staff members who are holders of a temporary appointment and 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 required;
- (ii) permanent appointments shall be subject to review at the end of the first five years of service under such appointment.

**(b) *The regular appointment***

- (i) The regular appointment may be granted to staff members in the General Service category who are holders of temporary appointments and have shown that they meet the high standards of efficiency, competence and integrity required;
- (ii) the regular appointment shall be for an indefinite period and may last until retirement. It shall be governed by the staff regulations and staff rules applicable to temporary appointments which are not for a fixed term. Regular appointments shall be subject to review at the end of the first five years.

**Rule 104.5****MEDICAL EXAMINATION**

Prior to recruitment, all candidates for posts in the Secretariat shall undergo a medical examination by the medical adviser of the Organization, who will satisfy himself or herself that they meet the medical standards established by the medical services of the United Nations.

Serving staff members may be required by the Secretary-General to undergo a medical examination to enable the medical adviser of the Organization to satisfy himself or herself that they are free from any ailment likely to impair the health of others.

**Rule 104.6****LOCAL RECRUITMENT**

Staff members who have been recruited for service in the General Service shall be regarded as having been locally recruited unless:

- (a) they have been recruited from outside the United Kingdom; or
- (b) the post for which the staff member has been recruited is one which, in the opinion of the Secretary-General, it would otherwise have been necessary to fill by recruitment from outside the United Kingdom.



**Rule 104.7**

**NATIONALITY**

- (a) In the application of the Staff Regulations and Staff Rules, the International Maritime Organization shall not recognize more than one nationality for each staff member.
- (b) When a staff member has been legally accorded nationality status by more than one State, the staff member's nationality for the purposes of the Staff Regulations and these Rules shall be the nationality of the State with which the staff member is, in the opinion of the Secretary-General, most closely associated.

**Rule 104.8**

**FAMILY RELATIONSHIPS**

- (a) Except where another person equally well qualified cannot be recruited, appointment shall not be granted to a person who bears any of the following relationships to a staff member: husband, wife, father, mother, son, daughter, brother or sister.
- (b) If two staff members marry, the benefits and entitlements which accrue to them shall be modified as provided in the relevant rules; their appointment status shall not, however, be affected.
- (c) Staff members who bear any of the relationships specified in (a) above shall not be assigned to serve in the same section if one of the posts is subordinate to the other in line of authority.

**Rule 104.9**

**APPOINTMENT AND PROMOTION BOARD**

- (a) The Secretary-General shall establish an appointment and promotion board to advise him or her on the appointment and promotion of staff in the Professional category in grades P.1 to P.3 (inclusive) and in the General Service category, as provided hereunder.
- (b) In tendering advice to the Secretary-General, the board shall be guided by the relevant provisions of article IV of the Staff Regulations.

***Procedures of the board***

- (c) Before a case is referred to a board for advice, the Division or Office concerned shall establish a short list where appropriate, interview suitable candidates, and transmit its recommendations through the Administrative Division to the board.
- (d) The Administrative Division shall provide secretarial assistance for each meeting of the board and shall make available to the board all necessary documentation for each case under review.
- (e) The board shall adopt its own working arrangements and may interview supervisors whenever this is considered desirable.
- (f) Service on the board shall be regarded as official duty.
- (g) The proceedings of the board, including any deliberations, records and recommendations, shall be completely confidential and shall not be divulged except with the express authorization of the Secretary-General.

- (h) The board shall endeavour to reach its recommendations by consensus; where this is not possible, the views of the members shall be transmitted to the Secretary-General.
- (i) The decision of the Secretary-General on appointments and promotions shall be final.

### ***Composition of the Board***

- (j) The Appointment and Promotion Board (APB) shall be composed of:
  - (i) a Chairman, who shall be the Director of Administration or as an alternate The Head, Human Resources Services;
  - (ii) five members, each one nominated by their respective Division Director, with the exception of the Administrative Division; and
  - (iii) a member, appointed on each occasion by the Staff Committee.
- (k) The Head, Human Resources Services or his/her representative, shall act as Secretary to the Board.
- (l) The Board shall consider the following:
  - (i) initial appointments to established posts; and
  - (ii) promotions to vacant posts.

## **Rule 104.10**

### **PERFORMANCE REVIEW BOARD**

- (a) The Secretary-General shall establish a Performance Review Board (PRB) to review and consider performance-related recommendations from each Division for staff members who excelled in their performance or contributed significantly to the work of the Organization, with a view to granting merit promotions or special awards, as appropriate.

### ***Composition of the Board***

- (b) The PRB shall be composed of:
  - (i) the Secretary-General, as Chairman;
  - (ii) all IMO Division Directors, as members;
  - (iii) the Head, Executive Office of the Secretary-General; and
  - (iv) the Head, HRS who will act as Secretary.

### ***Procedures***

- (c) The Secretary-General shall issue documentation describing the procedures for the performance-recognition process.
- (d) The Secretary-General shall make the final decision on all matters presented to the PRB with due consideration to the views expressed by its members. Decisions will be implemented on the first day of the month following communication from the Secretary-General.

***Merit promotion***

- (e) Merit promotion is the highest level of individual staff recognition and should be considered for staff members who have consistently demonstrated excellent performance beyond the normal requirements of their post. Merit promotion will be to a maximum of one grade above the actual classified grade of the post. In this regard, it will be treated as a promotion of the staff member and not as a reclassification of the post.

***Special Awards***

- (f) Special awards honour highly significant contributions and dedication to the work and objectives of the Organization. In this regard, the awards are a prestigious recognition that does not entail promotion or monetary reward. Special awards may be granted to individuals or teams; the number of awards will be determined by the PRB, with no established frequency.



**Article V**

**ANNUAL AND SPECIAL LEAVE**

*REGULATION 5.1: Staff members shall be allowed appropriate annual leave.*

*REGULATION 5.2: Special leave may be authorized by the Secretary-General in exceptional cases.*

*REGULATION 5.3: Eligible staff members shall be granted home leave once in every two years. Staff members whose home country is the country of their official duty station or who continue to reside in their home country while performing their official duties shall not be eligible for home leave.*



### **Rule 105.1**

#### **ANNUAL LEAVE**

- (a) Staff members shall accrue annual leave while in full pay status at the rate of two and a half days per month (i.e. six weeks a year), subject to the provisions of rule 105.2(d). No leave shall accrue when a staff member is receiving compensation equivalent to salary and allowances under rule 106.3. Staff members on part-time arrangements will accrue annual leave at the ratio which part-time employment bears to full-time employment.
- (b) Annual leave may be taken in units of days or half-days.
- (c) 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 Secretary-General, the absence was caused by reasons beyond the staff member's control and the staff member has accrued annual leave, the absence will be charged to that leave.
- (d) All arrangements as to leave shall be subject to the exigencies of the service, which may require that leave be taken by a staff member during a period designated by the Secretary-General. The personal circumstances and preferences of the individual staff member shall, as far as possible, be considered.
- (e) Annual leave may be accumulated, provided that not more than 12 weeks of such leave shall be carried forward beyond 1 January of any year.
- (f) In exceptional circumstances a staff member may be granted advance annual leave up to a maximum of two weeks, provided his or her service is expected to continue for a period beyond that necessary to accrue the leave so advanced.

### **Rule 105.2**

#### **SPECIAL LEAVE**

- (a) Special leave, with full or partial pay or without pay, may be granted in cases of extended illness, or for other important reasons for such periods as the Secretary-General may prescribe.
- (b) A staff member who has completed one year of satisfactory probationary service or who has a permanent or regular 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.
- (c) Staff members shall not accrue service credits towards sick, annual and home leave, salary increments, termination indemnity and repatriation grant during full months of special leave with partial pay or without pay. Periods of less than one calendar month of such leave shall not affect the ordinary rates of accrual; nor shall continuity of service be considered broken by periods of special leave.

**Rule 105.3****HOME LEAVE**

- (a) Staff members who are serving outside their home country and who are otherwise eligible shall be entitled once in every two years of qualifying service to visit their home country at IMO's expense for the purpose of spending in that country a substantial 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 not be entitled to home leave unless his or her service is expected by the Secretary-General to continue at least six months beyond the date of the staff member's return from home leave.
- (c) The country of home leave shall be the country of the staff member's nationality, subject to the following terms, conditions and exceptions:
  - (i) the place of home leave of the staff member within his or her home country shall be, for purposes of travel and transportation entitlements, the place with which the staff member had the closest residential ties during the period of the staff member's most recent residence in his or her home country preceding appointment;
  - (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 IMO;
  - (iii) the Secretary-General, in exceptional and compelling circumstances, may authorize as the home country, for the purposes of this rule, a country other than the country of nationality. A staff member requesting such authorization will be required to satisfy the Secretary-General that he or she maintained normal residence in such other country for a prolonged period preceding the staff member's appointment;
  - (iv) home leave travel to a country other than the home country may be authorized by the Secretary-General, subject to conditions established by the Secretary-General. In such a case, the travel expenses borne by IMO shall not exceed the cost of travel to the home country.
- (d) Except in the case of staff members serving on probationary appointments, the first home leave for an eligible staff member shall fall due in the second calendar year after the one in which he or she was appointed or in which entitlement is acquired. A staff member appointed on a probationary basis shall not be entitled to his or her home leave until the staff member has been granted a permanent appointment or an extension of his or her probationary period.
- (e) 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.
- (f) Subject to the conditions specified in chapter VII of these Rules, a staff member shall be entitled to claim in respect of authorized travel on home leave, travel time and expenses for the staff member and eligible dependants for the outward and return journeys between his or her official duty station and the place of residence in his or her home country.



- (g) Travel of dependants shall be in conjunction with the approved home leave of the staff member provided that exceptions may be granted if the exigencies of the service or other special circumstances prevent the staff member and his or her dependants from travelling together.
- (h) If both husband and wife are staff members eligible for home leave, they shall be granted home leave when due, with or without the other spouse, except that neither shall be entitled to travel more than once every two years. Dependent children whose parents are staff members, each of whom is entitled to home leave, may accompany either parent provided that the frequency of travel does not exceed once in every two years.
- (i) A staff member, and all entitled dependants, travelling on home leave shall be required to spend no less than seven consecutive full nights, exclusive of travel time, in his or her home country. The Secretary General may request a staff member, on his or her return from home leave, to furnish satisfactory evidence that this requirement has been fully met.



**Article VI**

**SOCIAL SECURITY**

*REGULATION 6.1: Provisions shall be made for the participation of staff members in the United Nations Joint Staff Pension Fund in accordance with the Regulations of that Fund.*

*REGULATION 6.2: The Secretary-General shall establish a scheme of social security for the staff, including provisions for health protection, sick leave and parental leave, and reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the Organization.*



## Rule 106.1

### SICK LEAVE

- (a) Staff members who are incapacitated from the performance of their duties by illness or injury or whose attendance is prevented by public health requirements will be granted sick leave in accordance with the following provisions:
- (i) all sick leave must be approved on behalf of the Secretary-General;
  - (ii) a staff member holding a fixed-term appointment of less than one year or unbroken fixed-term appointments totalling less than one year shall be granted sick leave credit at the rate of two working days per month of contractual service;
  - (iii) a staff member holding a probationary appointment, a fixed-term appointment of one year or longer or unbroken fixed-term appointments equal to or in excess of one year shall be granted sick leave up to three months on full salary and three months on half salary in any period of 12 consecutive months;
  - (iv) a staff member holding a permanent or regular appointment, a fixed-term appointment of three years or longer or unbroken fixed-term appointments equal to or in excess of three years shall be granted sick leave up to 18 months in any period of four consecutive years, nine months on full salary and nine months on half salary;
  - (v) staff members shall be responsible for informing their supervisors as soon as possible of absences due to illness or injury;
  - (vi) except with the approval of the Secretary-General, no staff member may be granted sick leave for a period of more than three consecutive working days without producing a certificate from a duly qualified medical practitioner, to the effect that the staff member is unable to perform his or her duties and stating the nature of the illness and the probable duration of incapacity. Such certificate shall, except in circumstances beyond the control of the staff member, be produced not later than the end of the fourth working day following the initial absence from duty of the staff member;
  - (vii) after a staff member has taken periods of non-certified sick leave totalling seven working days within a year (1 January through 31 December), any additional sick leave within that year shall either be supported by a medical certificate or be deducted from annual leave or charged as special leave without pay. Part or all of this seven-day entitlement may be used to attend to family-related emergencies, in which case the limitation of three consecutive working days shall not apply;
  - (viii) 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 the IMO Medical Unit or a medical practitioner designated by the IMO Medical Unit. When, in the opinion of the IMO Medical unit, 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;
  - (ix) a staff member shall not, whilst on sick leave, leave the area of the duty station without the prior approval of the Secretary-General.

- (b) When sickness of more than three consecutive working days occurs within a period of annual leave, including home leave, sick leave may be approved on production of an appropriate medical certificate or other satisfactory evidence. In such circumstances, a staff member should submit his or her request for sick leave together with supporting certificate or other evidence as soon as practical, and in any event immediately on his or her return to duty.
- (c) A staff member shall immediately notify the Medical Unit in any case of contagious disease occurring in his or her household or of any quarantine order affecting the household. A staff member who, as a result of these circumstances, is directed not to attend the office shall receive his or her full salary and other emoluments for the period of authorized absence.
- (d) Entitlement to sick leave shall lapse on the final date of a staff member's appointment.

### **Rule 106.2**

#### **PARENTAL LEAVE**

- (a) Under conditions established by the Secretary-General, staff members shall be granted:
  - (i) Sixteen weeks of parental leave with full pay in the case of the birth or adoption of a child;
  - (ii) An additional period of 10 weeks of prenatal and postnatal leave with full pay for the parent who gives birth, bringing the total duration of their parental leave to 26 weeks. At the request and upon production of a certificate from a duly qualified medical practitioner or midwife indicating that the birth parent is fit to continue working, the absence may commence at least two weeks before the anticipated date of birth;
- (b) Staff members may avail of the 16 weeks of parental leave mentioned in paragraph (a) (i) above at any time within a year following the date of their child's birth or adoption, provided that it is completed during that year.
- (c) Parental leave in the case of the birth or adoption of a child under paragraph (a) (i) above may not be granted more than once in any 12-month period to be counted from the date of birth or adoption of the child. This paragraph (c) shall not apply to a parent who gives birth.
- (d) Sick leave shall not normally be granted for birth parent during the prenatal and postnatal leave mentioned in paragraph (a) (ii) above, except where serious complications arise.
- (e) Annual leave shall accrue during periods of parental leave.

### **Rule 106.3**

#### **COMPENSATION FOR DEATH, INJURY OR OTHER DISABILITIES 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 IMO, in accordance with the rules laid down in appendix D to these rules.

**Rule 106.4**

**COMPENSATION FOR LOSS OR DAMAGE  
TO PERSONAL EFFECTS**

Staff members shall be entitled, at the discretion of the Secretary-General, 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 IMO.





**Article VII**

**TRAVEL AND REMOVAL EXPENSES**

*REGULATION 7.1: Subject to conditions and definitions prescribed by the Secretary-General, the Organization shall in appropriate cases pay the travel expenses of staff members, their spouses and dependent children.*

*REGULATION 7.2: Subject to conditions and definitions prescribed by the Secretary-General the Organization shall pay removal costs for staff members.*



### **Rule 107.1**

#### **OFFICIAL TRAVEL OF STAFF MEMBERS**

- (a) Subject to the conditions laid down in these Rules, IMO shall pay the travel expenses of a staff member under the following circumstances:
  - (i) on initial appointment for internationally recruited staff;
  - (ii) when required to travel on official business;
  - (iii) on home leave, in accordance with the provisions of rule 105.3;
  - (iv) on separation from service.
- (b) Under subparagraph (a)(iv) above, IMO shall pay the travel expenses of a staff member to the place from which he or she was recruited or, if the staff member had a probationary appointment or an appointment for a period of two years or longer or had completed not less than two years of continuous service, to the place recognized as his or her home for the purposes of home leave under rule 105.3. Should a staff member, on separation, wish to go to any other place, the travel expenses borne by IMO shall not exceed the maximum amount that would have been payable respectively on the basis of return transportation to the place of recruitment or of home leave.

### **Rule 107.2**

#### **OFFICIAL TRAVEL OF DEPENDANTS**

- (a) Subject to the conditions laid down in these Rules, IMO shall pay the travel expenses of a staff member's eligible dependants under the following circumstances:
  - (i) on the initial appointment of a staff member who is considered to have been internationally recruited, provided the appointment is for a period of one year or longer, or is a probationary appointment and provided his or her services are expected by the Secretary-General to continue for more than six months beyond the date on which travel of the staff member's dependants commences;
  - (ii) following completion by the staff member of not less than one year of continuous service, provided his or her services are expected by the Secretary-General to continue for more than six months beyond the date on which travel of the staff member's dependants commences;
  - (iii) on home leave, in accordance with the provisions of rule 105.3;
  - (iv) on separation from service, provided the staff member's appointment was for a period of one year or longer or he or she had completed not less than one year of continuous service;
  - (v) on journeys approved in connection with the education of a staff member's child.

- (b) Under subparagraphs (a)(i) and (ii) above, IMO shall pay the travel expenses of a staff member's eligible dependants either from the place of recruitment or from the place recognized as his or her home for the purposes of home leave. Should a staff member wish to bring any eligible dependants to the official duty station from any other place, the travel expenses borne by IMO shall not exceed the maximum amount that would have been payable on the basis of travel from the place of recruitment or home leave.
- (c) Under subparagraph (a)(iv) above, IMO shall pay the travel expenses of a staff member's eligible dependants from the official duty station to the place to which the staff member is entitled to be returned, in accordance with the provisions of rule 107.1.

### **Rule 107.3**

#### **LOSS OF ENTITLEMENT TO RETURN TRANSPORTATION**

- (a) A staff member who resigns before completing one year of service or within six months following the date of return from home leave shall not normally be entitled to payment of return travel expenses for himself or herself or for his or her dependants. The Secretary-General may, however, authorize such payments if he or she is satisfied there are compelling reasons for so doing.
- (b) Entitlement to return travel expenses shall cease if travel has not commenced within six months after the date of separation.

### **Rule 107.4**

#### **ELIGIBLE DEPENDANTS**

- (a) Dependants, for the purposes of official travel, shall be deemed to comprise a spouse and those children in respect of whom a dependency allowance or a single parent allowance is payable under rule 103.9 or in respect of whom such an allowance would be payable if, under the Staff Regulations, the staff member concerned was not specifically excluded from entitlement. A child of more than 21 years of age may also be considered a dependant for travel purposes if totally disabled.
- (b) The Secretary-General may authorize payment of the travel expenses of a child for one trip either to the staff member's duty station or to the staff member's home country beyond the age when the dependency status of the child would otherwise cease under the relevant staff regulations and staff rules, either within one year or upon completion of the child's continuous full-time attendance at a university, when the attendance at the university commenced during the period of recognized dependency status.

### **Rule 107.5**

#### **AUTHORITY FOR TRAVEL**

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

### **Rule 107.6**

#### **TRAVEL EXPENSES**

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

### **Rule 107.7**

#### **ROUTE, MODE AND STANDARD OF TRANSPORTATION**

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

### **Rule 107.8**

#### **ROUTE AND MODE OF TRAVEL**

Travel shall be by the most direct and economical route and mode of transportation unless it is established to the satisfaction of the Secretary-General that the use of an alternative route or mode of transportation is in the best interests of IMO.

### **Rule 107.9**

#### **STANDARDS OF ACCOMMODATION**

- (a) The standard of accommodation for official travel shall in all instances be approved in advance by the Secretary-General.
- (b) For official business travel by air, the standard of accommodation shall be determined in line with guidelines approved by the Secretary-General. The standard of accommodation for the Secretary-General shall, when available, be first class. For other official travel by air, the standard of accommodation shall be economy class whatever the scheduled duration of the flight.
- (c) For all official travel by sea, the standard of accommodation shall be determined by the Secretary-General in accordance with the individual circumstances of the case. For all official travel by train, the standard of accommodation shall be first class.

- (d) Where the circumstances so warrant, the Secretary-General may allow a higher standard of accommodation than prescribed above, including first class travel.
- (e) The Organization shall pay only for the standard of accommodation actually authorized and used.

#### **Rule 107.10**

##### **TRAVEL BY AUTOMOBILE**

- (a) Staff members who are authorized to travel by automobile shall be reimbursed by IMO at rates and under conditions established by the Secretary-General on the basis of operating costs in the area in which the travel is undertaken, and an appropriate minimum distance for the calculation of the daily subsistence allowance.
- (b) Reimbursement for travel within a radius of 35 miles of the official travel duty station shall be based on actual mileage, and for travel beyond the 35 mile radius, on the mileage as shown on official road guides. Commutation between residence and place of business shall not be reimbursable.
- (c) The mileage rate established by the Secretary-General shall be payable to only one of two or more persons travelling together on the same trip and in the same automobile.
- (d) The total of mileage rate of reimbursement and travel subsistence allowance which a staff member may claim in respect of a particular journey shall be limited to the maximum travel expenses to which the staff member would have been entitled, had the staff member and his or her eligible dependants travelled by the most economical route.

#### **Rule 107.11**

##### **PURCHASE OF TICKETS**

- (a) Unless the staff member concerned is specifically authorized to make other arrangements, all tickets for transportation involving official travel of staff members and entitled dependants shall be purchased by IMO in advance of the actual travel or, where circumstances so require, shall be secured by the staff member himself or herself.
- (b) When a staff member requests a standard of accommodation in excess of his or her entitlement under rule 107.9 or is authorized to travel, for reasons of personal preference or convenience, by other than the approved route or mode of transportation as provided for under rule 107.8, the staff member shall be required to reimburse IMO for any additional costs thus incurred, before IMO provides the staff member with the necessary tickets.

#### **Rule 107.12**

##### **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 conditions established by the Secretary-General. 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 the expense of the Organization.

- (b) No terminal expenses shall be paid in respect of an intermediate stop (i) which is not authorized; (ii) which does not involve leaving the terminal; or (iii) which is exclusively for the purpose of making an onward connection on the same day.

### **Rule 107.13**

#### **EXPENSES WHILE IN TRANSIT**

- (a) Travel subsistence allowance, as provided under rule 107.14, shall not be payable during travel by sea. A staff member authorized to travel by sea shall be entitled to a fixed amount to cover such expenditures as he will normally be obliged to incur on board ship. The amount shall be determined in advance by the Secretary-General for specific journeys.
- (b) When the authorized mode of transportation is other than by sea, full travel subsistence allowance shall be payable for the time spent in transit, subject to the conditions laid down in rules 107.4 to 107.7 and provided that in the case of travel other than on official business a maximum of three days' travel time shall be allowed in respect of any specific journey.

### **Rule 107.14**

#### **TRAVEL SUBSISTENCE ALLOWANCE**

- (a) When a staff member is authorized to travel at IMO's expense, except during travel at sea, the staff member shall receive an appropriate daily subsistence allowance which may vary from area to area in accordance with the schedule of rates established from time to time by the Secretary-General of the United Nations.
- (b) The Secretary-General may, in exceptional and compelling circumstances, authorize a reasonable increase in the travel subsistence allowance to be paid to a staff member who is required to accompany a senior official and whose official duties while in travel status require that the staff member's additional living expenses be established at a rate substantially higher than that contemplated in setting the allowance rate for his or her level.
- (c) Except in the case of travel by sea and travel undertaken in accordance with the provisions of rule 103.8, when dependants of a staff member are authorized to travel at IMO's expense, the staff member shall be paid an additional travel subsistence allowance in respect of each such dependant at half the rate applicable to the staff member.
- (d) Except for leave taken at a rate not exceeding one and a half days for each completed month on which a staff member is in travel status on official business, travel subsistence allowance shall not be paid in respect of any period of annual or special leave. It shall not, in any event, be paid in respect of leave taken at the conclusion of active duty on an assignment but prior to the staff member's return to his or her official duty station.
- (e) The travel subsistence allowance shall continue to be paid during periods of sick leave while in travel status, except that, if the traveller is hospitalized, only one third of the appropriate daily rate shall be paid.
- (f) The appropriate travel subsistence allowance shall be paid for any days on which a staff member is required to perform official duties in connection with travel on home leave.

**Rule 107.15****SPECIAL RATES OF TRAVEL SUBSISTENCE ALLOWANCE**

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

**Rule 107.16****COMPUTATION OF THE TRAVEL SUBSISTENCE ALLOWANCE**

- (a) Except during travel by sea, subsistence allowance shall be paid, at the rates and under the conditions prescribed in rule 107.14, for each calendar day or fraction thereof exceeding 12 hours during which a staff member or his or her dependants are in official travel status, provided that a full day's allowance at the appropriate rate shall be paid for the day on which travel is commenced (including return journey from home leave) and that no allowance shall be paid for the day on which travel is concluded.
- (b) Where travel is by sea, a full day's allowance at the appropriate rate shall be paid for the day of arrival at the port of disembarkation provided the traveller remains in official travel status for more than 12 hours thereafter. No allowance shall be paid for the day on which embarkation takes place.
- (c) If more than one rate should apply during the course of any day, the rate applicable to the major portion of the day shall be paid for the entire day. If the traveller completes his or her travel on the same day as he or she commenced it, the rate applicable for the area of the destination shall be paid for that day. No allowance shall be paid when a traveller returns to his or her official duty station within 12 hours after departure.
- (d) When it is necessary, for the purpose of computing the amount of travel subsistence allowance payable, to specify the "hour of departure" and the "hour of arrival" these shall be considered as the time when the train, vessel or airplane used by the traveller actually leaves or arrives at its regular terminal.

**Rule 107.17****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 IMO after completion of travel provided the necessity and nature of the expenses are satisfactorily explained and supported by proper receipts which shall normally be required for any expenditure in excess of £0.75. Such expenses, for which advance authorization shall be obtained to the extent practicable, shall normally be limited to:

- (a) hire of local transportation other than that provided for under rule 107.12;
- (b) telephone, telegraph, radio and cable messages of official business;
- (c) transfer of authorized baggage by railway express or other appropriate agency;
- (d) hire of room for official use;
- (e) stenographic or typewriting services or rental of typewriters in connection with the preparation of official reports or correspondence;
- (f) transportation or storage of baggage or property used on official business.



### **Rule 107.18**

#### **EXCESS BAGGAGE**

- (a) For the purpose of these rules, "excess baggage" shall mean baggage in excess of accompanied baggage carried without extra charge by transportation companies.
- (b) Staff members travelling by air shall be entitled to reimbursement of the cost of excess baggage for themselves and their eligible family members for one bag in addition to their free baggage allowance or up to 10 kilograms per traveller.
- (c) Regardless of the mode of transport, charges for excess baggage shall be reimbursed only on appointment and separation.

### **Rule 107.19**

#### **ILLNESS OR ACCIDENT DURING TRAVEL**

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

### **Rule 107.20**

#### **SHIPMENT OF PERSONAL EFFECTS**

- (a) Subject to the conditions laid down in these Rules, IMO shall pay expenses in connection with the removal of an internationally recruited staff member's personal effects and household goods, under the following circumstances:
  - (i) on initial appointment provided the appointment is for a period of two years or longer;
  - (ii) following completion by a staff member of not less than two years of continuous service;
  - (iii) upon separation from service, provided the staff member had an appointment for a period of two years or longer or had completed not less than two years of continuous service.
- (b) Under subparagraphs (a) (i) and (ii) above, IMO shall pay the expenses of removing a staff member's household goods and personal effects either from the place of recruitment or from the place recognized as the staff member's home for purposes of home leave under rule 105.3, provided that the goods and effects were in the staff member's possession at the time of appointment, were used by the staff member or his or her dependants and are being transported for the staff member's own use. Payment of removal expenses from a place other than those specified may be authorized by the Secretary-General in exceptional cases, on such terms and conditions as the Secretary-General deems appropriate.
- (c) Under subparagraph (a)(iii) above, IMO shall pay the expenses of removing a staff member's household goods and personal effects from his or her official duty station to any one place to which the staff member is entitled to be returned in accordance with the provisions of rule 107.1, or any other one place authorized by the Secretary-General in exceptional cases on such terms and conditions as the Secretary-General deems appropriate, provided the goods and effects were in the staff member's possession at the time of separation, were used by the staff member or his or her dependants and are being transported for the staff member's own use.

- (d) Payment of removal expenses shall be subject to the following conditions:
- (i) the entitlements shall be a standard 20-foot container for single staff members and a 40-foot container for staff members with one or more dependants residing with the staff member at his or her official duty station, regardless of the weight of the household goods;
  - (ii) storage charges, other than those directly incidental to normal transportation expense, shall not normally be allowed;
  - (iii) reasonable costs of packing, crating, cartage, unpacking and uncrating shall be allowed for shipments within the limits of the authorized weight or volume, except that costs for servicing of appliances, dismantling or installation of fixtures or special packing will not be borne by the Organization;
  - (iv) transportation shall be by the most economical means as determined by the Secretary-General, taking into account costs of packing, crating, cartage, unpacking and uncrating;
  - (v) the cost of insurance in transit of personal effects and household goods (excluding any articles of value for which special rates of premium are charged) shall be reimbursed up to a maximum of \$40,000 valuation for a staff member without dependants and \$65,000 valuation for a staff member with one or more dependants. The Organization shall in no case be responsible for loss or breakage;
  - (vi) privately-owned automobiles shall not be transported at IMO's expense.
- (e) Removal costs shall not be payable under this rule in the case of mission service.
- (f) Where both husband and wife are staff members, and each is entitled to removal of personal effects and household goods, the maximum weight and volume that may be removed at IMO's expense for both of them shall be that provided for a staff member with dependants residing with the staff member at his or her duty station.
- (g) A flat rate amount may be paid in lieu of the relocation shipment under conditions established by the Secretary-General.

#### **Rule 107.21**

##### **LOSS OF ENTITLEMENT TO REMOVAL EXPENSES**

- (a) A staff member who resigns before completing two years of service shall not normally be entitled to payment of removal expenses under rule 107.20 above.
- (b) Entitlement to removal expenses under rule 107.20(a)(i) and (ii) shall cease when the staff member's services are not expected to continue for more than six months beyond the proposed date of arrival of the household goods and effects.
- (c) Entitlements to relocation expenses on appointment shall cease if the removal has not commenced within two years of the date on which the staff member became entitled to relocation shipment.
- (d) Entitlements to removal expenses on separation from service shall cease if removal has not commenced within two years after the date of separation.

**Article VIII**

**STAFF RELATIONS**

*REGULATION 8.1: The staff shall be entitled to make proposals to the Secretary-General regarding human resources policies and general questions of staff welfare.*

*REGULATION 8.2: The Secretary-General shall establish joint administrative machinery with staff participation to advise the Secretary-General regarding human resources policies and general questions of staff welfare and to make to the Secretary-General such proposals as the Secretary-General may desire for amendment of staff regulations and staff rules and related administrative practices. Staff participation in the joint administrative machinery shall be through the Staff Association.*



**Rule 108.1**

**STAFF COMMITTEE**

- (a) A Staff Committee elected by the Staff Association shall be established for the purpose of ensuring continuous contact between staff members and the Secretary-General.
- (b) The Staff Committee shall be consulted on general questions relating to staff welfare and administration, including policy on appointments, promotions and terminations and on salaries and related allowances, and shall be entitled to make proposals to the Secretary-General on such questions on behalf of the staff.
- (c) Except in emergency situations, drafts of administration instructions on questions within the scope of (b) above shall be made available to the Staff Committee for comment.
- (d) The Staff Committee shall be composed in such a way as to afford suitable equitable representation to all categories of staff.
- (e) Election of the Staff Committee shall be in accordance with the provisions of the Statutes of the Staff Association approved by the Staff Assembly and agreed to by the Secretary-General.

**Rule 108.2**

**JOINT ADVISORY COMMITTEE**

- (a) The joint administrative machinery provided for in regulation 8.2 shall consist of a Joint Advisory Committee composed of a Chairman or his or her alternate appointed by the Secretary-General in consultation with the Staff Committee, three members or their alternates designated by the Secretary-General and three members or their alternates selected by the Staff Committee.
- (b) The Joint Advisory Committee shall meet as and when necessary at the request either of the Secretary-General or of any member of the Committee.
- (c) The Committee shall consider all matters referred to in rule 108.1(b). It shall not consider appeals against administrative decisions affecting individual staff members.
- (d) The Committee shall submit recommendations, together with any dissenting opinions whose submission has been requested by individual members, to the Secretary-General. Copies of such recommendations and dissenting opinions shall be submitted to the Staff Committee.
- (e) Members of the Joint Advisory Committee shall be designated for a period of two years, and shall be eligible for re-appointment.
- (f) The Secretary-General shall arrange for such clerical or other services as may be necessary for the proper functioning of the Committee.



## **Article IX**

### **SEPARATION FROM SERVICE**

*REGULATION 9.1(a): The Secretary-General may terminate the appointment of a staff member who holds a permanent appointment and whose probationary period has been completed if the necessities of the service require abolition of the post or reduction of the staff, if the services of the individual concerned prove unsatisfactory, or if the staff member is, for reasons of health, incapacitated for further service.*

*The Secretary-General may also, giving his or her reasons therefore, terminate the appointment of a staff member who holds a permanent appointment:*

- (i) if the conduct of the staff member indicates that the staff member does not meet the highest standards of integrity required by the Organization;*
- (ii) if facts anterior to the appointment of the staff member and relevant to his or her suitability come to light which, if they had been known at the time of the staff member's appointment, should have precluded his or her appointment.*

*No termination under (i) and (ii) above shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Secretary-General.*

*Finally, the Secretary-General may terminate the appointment of a staff member who holds a permanent appointment if such action would be in the interest of the good administration of the Organization and in accordance with the standards required by the Organization, provided that the action is not contested by the staff member concerned.*

*REGULATION 9.1(b): The Secretary-General may terminate the appointment of a staff member with a fixed-term appointment prior to the expiration date for any of the reasons specified in 9.1(a) above, or for such other reasons as may be specified in the letter of appointment.*

*REGULATION 9.1(c): In the case of all other staff members, including staff members serving a probationary period for a permanent appointment, the Secretary-General may at any time terminate the appointment, if, in the Secretary-General's opinion, such action would be in the interest of the Organization.*

*REGULATION 9.2: Staff members may resign from the Secretariat upon giving the Secretary-General the notice required under the terms of their appointment.*

*REGULATION 9.3 (a): If the Secretary-General terminates an appointment, the staff member shall be given such notice and such indemnity payment as may be applicable under the Staff Regulations and Staff Rules. Payments of termination indemnity shall be made by the Secretary-General in accordance with the rates and conditions specified in annex 3 to these Regulations.*

*REGULATION 9.3(b): The Secretary-General may, where the circumstances warrant and he or she considers it justified, pay to the staff member terminated under the final paragraph of regulation 9.1(a) a termination indemnity payment not more than 50 per cent higher than that which would otherwise be payable under the Staff Regulations.*

*REGULATION 9.4: The Secretary-General shall establish a scheme for the payment of repatriation grants within the maximum rates and under the conditions specified in annex 4 to these Regulations.*

*REGULATION 9.5: Staff members shall not be retained in active service beyond the age of 65 years regardless of their date of appointment. The Secretary-General may, in the interest of the Organization, extend this age limit in exceptional cases.*





### **Rule 109.1**

#### **RESIGNATION**

- (a) A resignation within the meaning of the Staff Regulations is a separation initiated by a staff member.
- (b) Unless otherwise specified in their letters of permanent appointment, three months' written notice of resignation shall be given by staff members having permanent appointments and 30 days' written notice of resignation by those having temporary appointments. The Secretary-General may, however, accept resignations on shorter notice.

### **Rule 109.2**

#### **NOTICE OF TERMINATION**

- (a) A staff member whose permanent appointment is to be terminated shall be given not less than three months' written notice of such termination.
- (b) A staff member whose temporary appointment is to be terminated shall be given not less than 30 days' written notice of such termination or such notice as may otherwise be stipulated in his or her letter of appointment.
- (c) In lieu of these notice periods the Secretary-General may authorize compensation calculated on the basis of the salary and allowances which the staff member would have received had the date of termination been at the end of the notice period.

### **Rule 109.3**

#### **TERMINATION INDEMNITY**

- (a) Length of service shall be deemed to comprise the total period of a staff member's full time continuous service with the Secretariat, regardless of types of appointment. Continuity of such service shall not be considered as broken by periods of special leave without pay or with partial pay but full months of any such periods exceeding one calendar month shall not be credited as service for indemnity purposes; periods of less than one calendar month shall not affect the ordinary rates of accrual.
- (b) Termination indemnity shall not be paid to any staff member who, upon separation from service, will receive a retirement benefit under Article 28 of United Nations Joint Staff Pension Fund Regulations, or compensation for total disability under rule 106.3.

### **Rule 109.4**

#### **REPATRIATION GRANT**

Payment of repatriation grants under regulation 9.4 and annex 4 to the Regulations shall be subject to the following conditions and definitions:

- (a) "Repatriation" as used in annex 4 to the Regulations shall mean the obligation to return a staff member and his or her dependants, upon separation, following completion of a minimum of five years of expatriate service, at the expense of IMO, to a place outside the country of his or her duty station.
- (b) "Home country" as used in annex 4 to the Regulations shall mean the country of home leave entitlement under rule 105.3 or such other country as the Secretary-General may determine.

- (c) If at any time the staff member was considered to have acquired permanent residence in the country of his or her duty station and subsequently changed from such status, the staff member's continuous service will be deemed to have commenced at the time the change was made. Continuity of such service shall not be considered as broken by periods of special leave without pay or in partial pay, but full months of any such periods shall not be credited as service for the purpose of calculating the amount of the grant payable; periods of less than one calendar month shall not affect the ordinary rates of accrual.
- (d) Current staff members who have not yet completed five years of service will retain their eligibility to repatriation grant within the current grant schedule, limited to the number of years of expatriate service accrued by 30 June 2016.
- (e) Evidence of relocation shall be constituted by documentary evidence that the former staff member has established residence in a country other than that of the last duty station, such as a declaration by the immigration, police, tax or other authorities of the country, by the senior United Nations official in the country or by the former staff member's new employer.
- (f) Payment of the grant may be claimed by the former staff member within two years of the effective date of separation.
- (g) No payments shall be made to a staff member who abandons his or her post, nor to any staff member who is residing at the time of separation in his or her home country while performing his or her official duties.
- (h) Dependants, within the meaning of annex 4 to the Regulations, shall consist of (i) a spouse or (ii) children in respect of whom a staff member, at the time of separation, is receiving dependency allowances under rule 103.9. The repatriation grant shall be paid at the dependency rate to staff members with dependants regardless of the place of residence of the dependants.
- (i) Where both husband and wife are staff members and each is entitled, on separation, to payment of a repatriation grant, payment shall be made to each, at single rates, according to their respective entitlements, provided that, where dependent children are recognized, the first parent to be separated may claim payment at dependency rates. In this event the second parent, on separation, may claim payment at the single rate for the period of qualifying service subsequent thereto; or, if eligible, at the dependency rate for the whole period of his or her qualifying service, from which shall normally be deducted the amount of the repatriation grant paid to the first parent.
- (j) Loss of entitlement to payment of return travel expenses under rule 107.3 shall not affect a staff member's eligibility for payment of the repatriation grant.
- (k) 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 IMO is obligated to return to their home country.

### **Rule 109.5**

#### **RETIREMENT**

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

### **Rule 109.6**

#### **EXPIRATION OF FIXED-TERM APPOINTMENTS**

- (a) A temporary appointment for a fixed term shall expire automatically and without prior notice on the expiration date specified in the letter of appointment.
- (b) Separation as a result of the expiration of any such appointment shall not be regarded as a termination within the meaning of the Staff Regulations and Staff Rules.

### **Rule 109.7**

#### **COMMUTATION OF ACCRUED ANNUAL LEAVE**

If upon separation a staff member has accrued annual leave, he or she shall be paid in lieu thereof a sum of money for the period of such accrued leave up to a maximum of 60 working days. The payment shall be calculated:

- (i) for staff in the Professional and higher categories, on the basis of the staff member's net base salary plus post adjustment at the time of separation;
- (ii) for staff in the General Service category, on the basis of the staff member's net pensionable salary (including language and non-resident's allowances, where applicable).

### **Rule 109.8**

#### **RESTITUTION OF ADVANCE LEAVE AND SICK LEAVE**

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

### **Rule 109.9**

#### **CERTIFICATION OF SERVICE**

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

### **Rule 109.10**

#### **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) upon resignation, the date shall be either the date of expiration of the notice period under rule 109.1 or such other date as the Secretary-General accepts. Staff members will be expected to perform their duties during the period of notice of resignation, except when the resignation takes effect upon the

completion of parental leave or following sick or special leave. Annual leave will be granted during the notice of resignation only for brief periods and for purposes not inconsistent with the provisions of rule 109.7;

- (ii) upon expiration of a fixed-term appointment, the date shall be the date specified in the letter of appointment;
- (iii) upon termination, the date shall be the date provided in the notice of termination;
- (iv) upon retirement, the date shall be the date approved by the Secretary-General for retirement;
- (v) in the case of summary dismissal, the date shall be the date of dismissal;
- (vi) in the case of death, the date on which entitlement to salary, allowances and benefits shall cease shall be the date of death, unless there is a surviving spouse or dependent child. In this event, the date shall be determined in accordance with the following schedule:

<b>Completed years of service in the Secretariat (as defined in rule 109.3)</b>	<b>Months of extension beyond the date of death</b>
3 or less	3
4	4
5	5
6	6
7	7
8	8
9 or more	9

Payment related to the period of extension beyond the date of death may be made in a lump sum as soon as the pay accounts and related matters can be closed. Such payment shall be made only to the surviving spouse or dependent child or children. For staff in the Professional and higher categories, payment shall be in accordance with paragraph 10 of annex 1 to the Staff Regulations. For staff in the General Service category, payment shall be on the basis of net pensionable salary (including language and non-resident's allowances, where applicable). All other entitlements and accrual of benefits shall cease as of the date of death.

- (b) When an internationally recruited staff member has an entitlement to return travel under rule 107.2 (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 fixed-term appointment, termination or retirement, the staff member shall be paid, on separation, an additional amount for days of authorized travel estimated on the basis of uninterrupted travel by an approved route and mode from the duty station to the place of entitlement to return travel. Such amount shall be calculated as is done for commutation of accrued annual leave under staff rule 109.7.

**Rule 109.11**

**TRANSPORTATION OF DECEDENTS**

Upon the death of a staff member or of his or her recognized dependant, IMO shall pay the expenses of transportation of the body from the staff member's official duty station or, in the event of death having occurred whilst in travel status, from the place of death to a place to which the staff member or his or her dependant was entitled to return transportation under rule 107.1 or 107.2. These expenses shall include reasonable costs for preparation of the body.

**Article X**

**DISCIPLINARY MEASURES**

*REGULATION 10.1: The Secretary-General may establish administrative machinery with staff participation which will be available to advise the Secretary-General in disciplinary cases.*

*REGULATION 10.2: The Secretary-General may impose disciplinary measures on staff members whose conduct is unsatisfactory. The Secretary-General may summarily dismiss a staff member for serious misconduct.*

*REGULATION 10.3: Fraud, abuse of trust or the use of official position for personal gain or advantage of any kind whatsoever constitute serious misconduct.*

*REGULATION 10.4: The Internal Oversight and Ethics Office, or the Joint Inspection Unit, as appropriate, will conduct investigations into alleged cases of wrongdoings or misconduct allegedly committed by the Secretary-General.*



### **Rule 110.1**

#### **CO-OPERATION IN THE INVESTIGATION OF MISCONDUCT**

- (a) An allegation that a staff member has failed to comply with an obligation or has committed an act of misconduct under rule 101.2 will be promptly referred to the Director, Administrative Division for examination or investigation under rule 110.3.
- (b) Staff members must respond promptly and fully to requests for information from other staff members of the Organization and/or other officials duly authorized by the Secretary-General to examine or investigate cases of alleged failure to comply with an obligation or of an alleged act of misconduct under rule 101.2.

### **Rule 110.2**

#### **SUSPENSION DURING INVESTIGATION AND DISCIPLINARY PROCEEDINGS**

- (a) If a charge of unsatisfactory conduct or serious misconduct is made against a staff member and the Secretary-General so decides, the staff member may be suspended from duty during investigation and pending completion of disciplinary proceedings for a period necessary to establish facts, which should normally not exceed three months. Such suspension shall be with pay unless, in exceptional circumstances, the Secretary-General decides that suspension without pay is appropriate. The suspension shall be without prejudice to the rights of the staff member and shall not constitute a disciplinary measure.
- (b) A staff member suspended pursuant to paragraph (a) shall be given a written statement of the reason for the suspension and its probable duration.
- (c) If a suspension pursuant to paragraph (a) is without pay and the charge of misconduct is subsequently not sustained, any salary withheld shall be restored.

### **Rule 110.3**

#### **DUE PROCESS**

- (a) No disciplinary proceedings may be instituted against a staff member unless he or she has been notified of the allegations against him or her, as well as of the right to seek the assistance in his or her defence of another staff member or retired staff member, and has been given a reasonable opportunity to respond to those allegations, provided that:
  - (i) subject to (ii) and (iii), an allegation of failure to comply with an obligation or of an alleged act of misconduct under rule 101.2 will be examined, and, when necessary, investigated, in accordance with the procedures set out in appendix H;
  - (ii) an allegation of misconduct under rule 101.2(e) concerning discrimination or harassment will be investigated in accordance with the procedures set forth in appendix E. Where an investigation is conducted, a Joint Disciplinary Committee shall not be convened until the outcome of the investigation is available; and
  - (iii) an allegation of misconduct under rule 101.2(f) and (g) concerning fraud and serious misconduct will be investigated when an initial review by the Head of Human Resources Services (or by the Director of the Administration Division in any case involving the Head of Human Resources Services) determines that the facts as alleged would, if true, constitute an act of misconduct. The

procedures for investigation will conform to those set out in appendix F. Where an investigation is conducted, a Joint Disciplinary Committee shall not be convened until the outcome of the investigation is available.

- (b) Subject to rule 110.2 (a), 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 Secretary-General; or
  - (ii) in respect of summary dismissal imposed by the Secretary-General in cases where the seriousness of the misconduct warrants immediate separation from service.
- (c) In cases of summary dismissal imposed without prior submission of the case to a Joint Disciplinary Committee in accordance with subparagraphs (b)(i) and (ii), the staff member or former staff member concerned may, within two months of having received written notification of the measure, request that the measure be reviewed by such a Committee. A request shall not have the effect of suspending the measure. After the advice of the Committee has been received, the Secretary-General 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 Joint Appeals Board.

#### **Rule 110.4**

#### **DISCIPLINARY MEASURES**

- (a) When a staff member has been found on the basis of procedures set out under these rules to have failed to comply with an obligation or to have committed an act of misconduct under rule 101.2, the Secretary-General may take the following disciplinary measures, taking into account any advice that may be provided by the Joint Disciplinary Committee:
  - (i) written censure by the Secretary-General;
  - (ii) loss of one or more steps-in-grade;
  - (iii) deferment, for a specified period, of eligibility for within-grade increment;
  - (iv) suspension without pay;
  - (v) Fine;
  - (vi) demotion;
  - (vii) separation from service, with or without notice or compensation in lieu thereof, notwithstanding rule 109.2;
  - (viii) summary dismissal.
- (b) The following measures shall not be considered to be disciplinary measures, within the meaning of this rule:
  - (i) Reprimand, written or oral, by a supervisory official;
  - (ii) Recovery of moneys owed to the Organization;
  - (iii) Suspension pursuant to rule 110.2.



**Article XI**

**APPEALS**

*REGULATION 11.1: The Secretary-General shall establish a neutral first instance process to hear and render a decision on any appeal by staff members against an administrative decision alleging non-compliance with their terms of appointment or the contract of employment, including all pertinent regulations and rules, or against disciplinary action.*

*REGULATION 11.2: The United Nations Appeals Tribunal shall, under conditions prescribed in its Statute and rules, exercise appellate jurisdiction over an appeal of a decision rendered by the Staff Appeals Board of the International Maritime Organization submitted by either party.*



### **Rule 111.1**

#### **CONSIDERATION OF AN APPEAL BY THE STAFF APPEALS BOARD (SAB)**

- (a) The Staff Appeals Board, a neutral first instance process that includes a written record and a written decision providing reasons, fact and law, shall be established to consider appeals filed by staff members under the terms of staff regulation 11.1.
- (b) In the event of appeals against an administrative decision taken in response to the advice obtained from a technical body or a disciplinary Committee, the appeals shall be limited to the decision taken in response to the advice.
- (c) The Staff Appeals Board itself shall decide on questions of its competence.
- (d) The Staff Appeals Board may recommend to the Secretary-General such future changes to the appeal procedures set forth in these rules as it may consider desirable.

#### ***Composition of the Staff Appeals Board***

- (e) The Staff Appeals Board constituted for a particular case shall consist of a Chair and two adviser-members as follows:
  - (i) a Chair, selected and appointed by the Secretary-General from a roster of external legal experts established in consultation with the Staff Committee:
  - (ii) an adviser-member selected from a panel of five appointed biennially by the Secretary-General;
  - (iii) an adviser-member selected from a panel of five elected biennially by ballot of the staff organized by the Staff Committee.

Should it be necessary to replace a member of any of the panels for any reason, such replacement shall be made for the remainder of the two-year term in the manner prescribed for the composition of the panels in (ii) or (iii) above, except that the elected staff member shall be replaced by the person who received the next highest number of votes at the same election or, if there were no other candidates, by a person elected in a new ballot of the staff.

- (*ebis*) The Organization shall provide administrative support to the Chair of the Staff Appeals Board to assist with a specific appeal. To provide this support, the Secretary-General and the Staff Committee shall together identify two qualified staff members of highest integrity for appointment by the Secretary-General as "Staff Appeals Board case administrators" for a biennium. One case administrator will be allocated to each SAB convened to consider a specific appeal.
- (f) At the request of the Chair, ad hoc external advice may be engaged by the Administration to support the effective functioning of the Staff Appeals Board, particularly on matters relating to legal, technical, and procedural issues, including the contents of the Board's decision.
- (g) Another member from the same panel shall serve during the consideration of an appeal for which a member is unavailable or disqualified under paragraph (k) below.
- (h) The adviser-members of the Staff Appeals Board shall be eligible for reappointment or re-election.

- (i) An external legal expert may be removed from the roster of chairs by the Secretary-General after consultation with the Staff Committee; the members appointed by the Secretary-General may be removed by the Secretary-General; the members elected by the staff may be removed by a two-thirds majority vote of the Staff Assembly.
- (j) The Staff Appeals Board members and the parties shall observe strict confidentiality. They shall sign a confidentiality statement prior to the start of the procedure.

### ***Disqualification of Staff Appeals Board members***

- (k) The Chair of the Staff Appeals Board, at the request of either party, may disqualify any member from consideration of a specific appeal if, in his or her opinion, such action is warranted to ensure impartiality. The Chair may also excuse any member from consideration of a specific appeal. No person who has served on a technical or disciplinary body during consideration of a specific case may serve on a Board convened to consider an appeal relating to the same case.

### ***Procedures of the Staff Appeals Board***

#### ***Chairman of the Staff Appeals Board***

- (l) The Chair of a Staff Appeals Board convened to consider an appeal shall have all powers necessary to conduct the Board's meetings and hearings. They shall be responsible for the timely completion of the Board's decision.
- (l<sup>bis</sup>) The Board shall have authority to call members of the Secretariat who may be able to provide information concerning the issues before it and shall have access to all documents pertinent to the case. The Board shall determine which documents are to be transmitted to the parties

#### ***Meetings of the Staff Appeals Board***

- (m) The entire Staff Appeals Board must be present at all meetings. The Chair shall conduct the meetings and establish the agenda in consultation with the Board members.
- (n) In order to facilitate the work of the Staff Appeals Board, a copy of the complete case file shall be given to each member.
- (o) The files must be returned to the Legal Affairs Office after the Staff Appeals Board has concluded its deliberations and rendered its decision.

#### ***Oral hearings***

- (p) Either party may request an oral hearing. The Staff Appeals Board shall decide whether or not to grant such a request; its decision shall be final. In determining whether such a hearing is required, the Board shall consider, inter alia, whether the written submissions have adequately covered the issues involved, whether the testimony of the parties, witnesses or experts would be likely to add substantially to the material being considered and whether information unlikely to be obtained in any other way might be obtained by conducting a hearing.
- (q) The Staff Appeals Board may also decide on its own initiative to conduct an oral hearing.

- (r) If an oral hearing is to be held, the Chair of the Staff Appeals Board shall invite participation of the staff member and the representative of the Secretary-General in writing, citing the date and time of the hearing and the names of any witnesses and experts to be called.
- (s) If appropriate in the circumstances, the oral hearings may be held by video link, telephone or other electronic means.
- (t) The Chair shall be responsible for the conduct of the proceedings, including the application and interpretation, in consultation with the Board members, of the rulings of the Board.

### ***Witnesses and Experts***

- (u) The Staff Appeals Board may call witnesses and experts on its own initiative.
- (v) The Staff Appeals Board may also call witnesses and experts at the request of either party. The requesting party must explain why the testimony would be relevant. The Board's decision to call or not to call a witness or expert shall be final.
- (w) In the event of a party requesting the physical presence of a witness or an expert before the Staff Appeals Board, all related costs shall be borne by that party.
- (x) A witness may testify only on matters of which he/she has direct personal knowledge.
- (y) Experts are qualified as such by their knowledge, skill, experience, training or education; they may give testimony in the form of an opinion.
- (z) Any party may object to the testimony of a witness or expert, stating the reasons for the objection. The Staff Appeals Board shall decide on the matter. Its decision shall be final.
- (aa) Once the Staff Appeals Board proceedings have commenced, neither party may discuss the case with any witness or expert acting for the other party.

### ***Evidence***

- (bb) The Staff Appeals Board shall determine the admissibility of any evidence.
- (cc) The Staff Appeals Board may order either party to provide evidence at any time and may require any person to disclose a document or provide information which appears to the Board to be necessary for fair and expeditious disposal of the proceedings.
- (dd) A party wishing to submit evidence which is in the possession of the opposing party or of any other entity may, in the initial application or at any stage of the proceedings, request the Staff Appeals Board to order the production of the evidence.
- (ee) The Staff Appeals Board may, at the request of either party, impose measures to preserve the confidentiality of evidence, where this is warranted by security interests or other exceptional circumstances.
- (ff) The Staff Appeals Board may exclude evidence which it considers irrelevant, frivolous, or lacking in probative value. The Board may also limit oral testimony as it deems appropriate.

**Decision**

- (gg) After in-depth deliberation with the adviser-members, the Chair shall decide the case and draft the decision. The decision shall provide a written record and a written decision providing reasons, fact and law, and shall properly reflect the opinions of the adviser-members should they deviate from those of the Chair.
- (hh) The Chair shall communicate the decision to the parties within four weeks of the Board having received all written submissions and hearing all oral statements concerning the issues before it. The Board may, however, extend this time limit in exceptional circumstances. The decision shall take the form of the template set out under the Staff Appeals Board guidelines
- (ii) The Staff Appeals Board's decision shall also be transmitted to the Staff Committee unless the staff member objects.
- (jj) If the Staff Appeals Board decides that the appeal is devoid of merit or frivolous, and the staff member nevertheless appeals to the United Nations Appeals Tribunal, and the Appeals Tribunal agrees with the decision of the Board, the staff member shall be required to reimburse the Organization for the cost of the Appeals Tribunal. The foregoing, however, shall not limit the right of the Organization to request reimbursement for the cost of the appeals if the Tribunal determines that the staff member has manifestly abused the appeals process.

**Procedural guidelines**

- (kk) The Secretary-General shall publish guidelines, available to all staff, containing information on:
  - (i) The format of the statement of appeal;
  - (ii) The conduct of the hearings; and
  - (iii) The format of the Staff Appeals Board decision.

**Rule 111.2****APPEALS PROCEDURE****Dialogue**

- (a) A staff member wishing to contest an administrative decision shall first write to the Director, Administrative Division requesting the decision to be reconsidered. Such correspondence must be sent within six weeks from the date when the staff member received written notification of the administrative decision. The staff member shall explain in his/her written request the decision he/she wishes to contest and why he/she believes that the decision was improper or unlawful.
- (b) Within four weeks from the date on which the Administrative Division received the request, the Director, Administrative Division shall try to resolve the dispute through dialogue with the staff member. This dialogue may be assisted by a trained third party, who may be a mediator. If the dispute is resolved through dialogue, the staff member and the Administrative Division shall sign a written agreement to the effect that settlement has been reached, and the staff member shall then withdraw the appeal. The option of settling the dispute through such an agreement shall remain open throughout the appeal proceedings.

### **Management evaluation**

- (c) If, within the period mentioned in paragraph b, the dispute is not resolved through dialogue, the staff member shall submit to the Management Evaluation Panel, via the Director, Administrative Division, a written request for a management evaluation of the administrative decision.
- (d) Unless otherwise agreed, a request for management evaluation shall not be receivable by the Management Evaluation Panel unless it is sent within 14 weeks from the date on which the staff member received written notification of the contested administrative decision.
- (e) A staff member wishing formally to contest an administrative decision taken pursuant to advice obtained from technical bodies<sup>1</sup>, as determined by the Secretary-General, or a decision to impose a disciplinary or non-disciplinary measure pursuant to staff rule 110.4 following the completion of a disciplinary process, is not required to request a management evaluation. In such cases the staff member may appeal directly to the Staff Appeals Board in accordance with paragraph m.
- (f) The Management Evaluation Panel shall comprise up to five Directors representing each Division but not including the Director, Administrative Division. Directors may designate senior officers from their respective Divisions to replace them in the Management Evaluation Panel. Directors shall not be allowed to consider cases brought by staff members from their own Divisions. The quorum shall be three.
- (g) The Management Evaluation Panel shall be formed within four weeks of the date on which the staff member requested in writing via the Director, Administrative Division, a management evaluation of the contested administrative decision.
- (h) The Management Evaluation Panel shall consider the facts and circumstances of the case and formulate an opinion on the contested administrative decision.
- (i) The outcome of the management evaluation shall be communicated in writing to the staff member and the Director, Administrative Division within eight weeks of receipt by the panel, of the staff member's request for a management evaluation.
- (j) The Director, Administration Division shall communicate in writing to the staff member, within two weeks of receipt of the outcome of the management evaluation, whether the contested administrative decision is to be amended or not, in view of the outcome of the management evaluation. In the absence of a reply from the Management Evaluation Panel within the deadline specified in paragraph i, the Director, Administrative Division shall inform the staff member accordingly within two weeks of the deadline specified in paragraph i.
- (k) The submission of a request for a management evaluation shall not have the effect of suspending implementation of the contested administrative decision. However, at the request of the staff member, the Management Evaluation Panel may recommend to the Secretary-General the suspension of action on that decision until the management evaluation has been completed and the staff member has received notification of the outcome.
- (l) A staff member may file an appeal against a contested administrative decision, in writing to the Chair of the Staff Appeals Board, via the Director, Administrative Division, within eight weeks from the date on which the staff member received the reply of the Administrative Division as described in paragraph j or in the absence of such a reply ten weeks from the date of the deadline specified in paragraph i.

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<sup>1</sup> For example, the Advisory Board on Compensation Claims.

- (m) Where a staff member files an appeal directly to the Staff Appeals Board pursuant to paragraph e, he/she must do so within 12 weeks from the date on which he/she received notification of the contested administrative decision.
- (n) An appeal shall not be receivable by the Staff Appeals Board unless the time limits stipulated in paragraphs l and m have been met, although the Board may waive the time limits in exceptional circumstances.
- (o) The filing of an appeal with the Staff Appeals Board shall not have the effect of suspending action on the administrative decision which is the subject of the appeal. However, at the request of the staff member, the Board constituted for the appeal may, after summarily hearing both parties, recommend to the Secretary-General the suspension of action on that decision.
- (p) Before the Staff Appeals Board considers an appeal, the staff member concerned shall be notified of the composition of the Board. The Board shall be established within four weeks from the date on which the Director, Administrative Division receives the staff member's application against the contested administrative decision.

### ***Statement of Appeal***

- (q) The staff member shall submit a statement of appeal to the Chair of the Staff Appeals Board, in a sealed envelope, via the Director, Administrative Division, containing information set out in the Staff Appeals Board guidelines.
- (r) An incomplete statement of appeal shall be accepted by the Chair of the Staff Appeals Board as evidence of an attempt to comply with the time limits stipulated in paragraph l above. Upon receipt of an incomplete statement, the Chair of the Board shall request the staff member to provide a full statement of appeal in accordance with the format set out under the Staff Appeals Board guidelines. If the staff member, without explanation, fails to submit a full statement of appeal within four weeks of the Chair's request, the appeal shall be deemed to have been abandoned and the staff member shall lose his/her rights to appeal against the administrative decision.

### ***Response by Administrative Division***

- (s) The representative of the Secretary-General shall submit a written reply to the Chair of the Staff Appeals Board within four weeks of receipt of a full statement of appeal from the Chair of the Board.
- (t) The Chair of the Staff Appeals Board shall forward the Secretary-General's reply to the staff member inviting written comments on that reply within four weeks.
- (u) The representative of the Secretary-General shall forward a copy of the Management Evaluation Panel's report to the Chair of the Staff Appeals Board.

### ***Consideration of an appeal in the absence of a reply***

- (v) Consideration of an appeal shall not normally be delayed by the failure of the Secretary-General to submit a reply within the time limit. If the Secretary-General requests an extension of the time limit, the Chair of the Staff Appeals Board may grant the Secretary-General an additional four weeks to submit its reply and give notice thereof to the staff member.
- (w) In the absence of such a request or upon the expiry of the four-week extension, the Staff Appeals Board shall start considering the appeal.



### ***Additional Submissions***

- (x) The Staff Appeals Board shall limit submissions to: the Staff Appeals Board proceedings; the statement of appeal; the Secretary-General's reply; the written comments of the staff member on the Secretary-General's reply; and the report of the Management Evaluation Panel. The Chair of the Board may accept additional written submissions from the parties, but such submissions shall normally be limited to one per party.

### ***Format and means of written submissions***

- (y) Written submissions and documents, other than the statement of appeal, shall be submitted directly to the Chair of the Staff Appeals Board by messenger or mail (regular or internal in hard copy). All such material shall be submitted in the original where available. The Chair of the Staff Appeals Board shall distribute copies of every submission to the parties and to the Board members.
- (z) Submissions shall be made in English. The Staff Appeals Board may authorize a staff member to submit supporting documents in another working language of the Organization. In such a case, the Organization shall arrange for a translation into English. Documentation in any other languages shall be accompanied by a translation into English.

### ***Representation***

- (aa) A staff member may arrange to have his/her appeal presented to the Staff Appeals Board on his/her behalf by another person at his/her own cost.

### ***Joinder***

- (bb) Before a Staff Appeals Board is constituted to consider an appeal, the Chair of the Board may, upon request or on his/her own initiative, decide to join together in a single procedure any appeals lodged separately by the same staff member and relating to factual or legal elements of a similar nature. The decision of the Chair of the Board in such matters shall be final.
- (cc) The Chair of the Staff Appeals Board may similarly decide to join together several appeals which, although lodged by different staff members, relate to factual or legal elements of the same nature. The decision of the Chair of the Board in such matters shall be final.
- (dd) In the event of two or more appeals being lodged by different staff members before separate Staff Appeals Boards, containing factual or legal elements of the same nature, the Chairs of those Boards, in consultation with each other, may decide to join the appeals. Following that decision, they might constitute a single Board to consider the joined appeals.
- (ee) Depending on the circumstances, the Chair may decide to draft a single decision or separate decisions to cover the joined appeals.

### ***Withdrawal of an appeal***

- (ff) The staff member may withdraw an appeal at any time before the Staff Appeals Board renders its decision. If the staff member withdraws an appeal, they shall lose their right to appeal against the administrative decision. Withdrawal of an appeal must be done in writing and signed by the staff member or, in the case of a person making a claim in the name of an incapacitated or deceased staff member, by that person.

***Time limits for Submissions***

- gg. For the purposes of these rules, a time limit shall take effect at the close of business on the date on which the submission is due. If a time limit falls on a weekend or an official holiday, the time limit shall be deemed to extend to the close of business on the next working day.

**Article XII**

**GENERAL PROVISIONS**

*REGULATION 12.1: These Regulations may be supplemented or amended by the Council, without prejudice to the acquired rights of staff members.*

*REGULATION 12.2: The Secretary-General shall report annually to the Council such staff rules and amendments thereto as he or she may make to implement these Regulations.*



## **ANNEXES TO THE STAFF REGULATIONS**

### **ANNEX 1**

#### **Salaries and allowances**

*The Staff Regulations of the United Nations provide for an Under-Secretary-General level, an Assistant Secretary-General level, a Director level (D.2), a Principal Officer level (D.1) and five levels in the Professional category (P.5 to P.1). The relevant salary scales are shown in table 1 of the present annex.*

#### **Paragraph 1**

*The Secretary-General shall receive a salary equivalent to 110 per cent of the salary of an Under-Secretary-General and the Deputy Secretary-General shall receive a salary equivalent to that of an Assistant Secretary-General in the United Nations salary scale contained in table 1 of the present annex, both subject to post adjustment as provided in paragraph 8 of the present annex.*

#### **Paragraph 2**

*If otherwise eligible, the Secretary-General and the Deputy Secretary-General shall receive the allowances available to staff members generally. The Secretary-General, the Deputy Secretary-General and the Assistant Secretary-General may receive representation allowances, the amounts to be determined by the Council.*

#### **Paragraph 3**

*(a) The gross salaries for the Professional and higher categories shall be those specified in table 1 of the present annex. A staff assessment shall be applied to the gross salary scales at the rates specified in table 2 of the present annex. The amount remaining after deduction of the assessment shall be the net salary specified in table 1 of the present annex, and shall be the amount payable to the staff member.*

*(b) Except where otherwise provided in these Regulations or any Staff Rule, "salary" shall mean the net salary arrived at under (a) above.*

*(c) No staff assessment shall be applied to dependency benefits or post adjustment.*

#### **Paragraph 4**

*For staff in the Professional and higher categories, salary increments within the levels set forth in table 1 of annex 1 shall be awarded annually on the basis of satisfactory service, except that:*

- for grades P-1 to P-5, any increments above step VII shall be preceded by two years at the previous step;*
- for the D-1 level any increments above step IV shall be preceded by two years at the previous step;*
- for the D-2 level any increments shall be preceded by two years at the previous step.*

## **Paragraph 5**

*The Secretary-General shall determine the salary rates to be paid to personnel specifically engaged for conferences and other short-term service and to consultants.*

## **Paragraph 6 - Salary scales - General Service personnel and manual workers**

*The Council on the recommendation of the Secretary-General shall determine the salary scale for staff members in the General Service category and the salary or wage rates for manual workers, normally on the basis of the best prevailing conditions of employment in the locality of the office concerned, provided that the Secretary-General may, where he or she deems it appropriate, establish rules and salary limits for payment of a non-resident's allowance to General Service staff members recruited from outside the local area. The gross pensionable salaries of staff in the General Service category shall be determined in accordance with the methodology specified in article 54 of the Regulations of the United Nations Joint Staff Pension Fund and the sterling amounts are shown in the salary scales applicable to such staff.*

## **Paragraph 7 - Language allowance**

*The Secretary-General shall establish rules under which an extra payment may be made to staff members in the General Service category who pass an appropriate test and demonstrate continued proficiency in the use of two or more official languages.*

## **Paragraph 8 - Post adjustment**

*In order to preserve equivalent standards of living at different offices, the Secretary-General may adjust the net base salaries set out in table 1 of the present annex by the application of non-pensionable post adjustment based on relative costs of living, standards of living and related factors at the office concerned as compared to New York. Such post adjustments shall not be subject to staff assessment and the amounts shall be determined by multiplying one per cent of the net base salary by a multiplier reflecting the classification of the duty station concerned as determined by the International Civil Service Commission.*

## **Paragraph 9 - Pensionable remuneration**

*The scale of pensionable remuneration for staff in the Professional and higher categories shall be as shown in table 5 of the present annex.*

## **Paragraph 10 - Separation payments**

*Separation payments for staff in the Professional and higher categories shall be determined by the net base salary scale shown in table 1 plus, for the purpose of annex 3 of the Staff Regulations only, the application of the post adjustment multiplier in force at the time of separation.*

## **Paragraph 11 - Mobility and hardship allowance**

*The Secretary-General may establish rules concerning the payment of a mobility and hardship allowance to staff in the Professional and higher categories under terms and conditions established by the United Nations common system.*

## **Paragraph 12 – Education grant**

*The scheme for the calculation of the education grant is shown in table 3 of the present annex.*

Table 1

**SALARY SCALE FOR THE PROFESSIONAL AND HIGHER CATEGORIES SHOWING ANNUAL GROSS SALARIES AND NET EQUIVALENTS AFTER APPLICATION OF STAFF ASSESSMENT**  
**(in United States dollars)**  
**Effective 1 January 2023**

		Steps												
Grade		I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII
P-1	Gross	47,471	48,896	50,349	51,905	53,459	55,017	56,570	58,128	59,682	61,239	62,793	64,347	65,904
	Net	39,401	40,584	41,765	42,948	44,129	45,313	46,493	47,677	48,858	50,042	51,223	52,404	53,587
P-2	Gross	61,680	63,512	65,343	67,175	69,011	70,845	72,680	74,507	76,341	78,172	80,005	81,842	83,672
	Net	50,377	51,769	53,161	54,553	55,948	57,342	58,737	60,125	61,519	62,911	64,304	65,700	67,091
P-3	Gross	79,764	81,813	83,863	85,909	87,961	90,008	92,057	94,108	96,155	98,203	100,279	102,501	104,727
	Net	64,121	65,678	67,236	68,791	70,350	71,906	73,463	75,022	76,578	78,134	79,695	81,251	82,809
P-4	Gross	97,139	99,353	101,701	104,104	106,507	108,910	111,317	113,720	116,123	118,523	120,931	123,329	125,733
	Net	77,326	79,008	80,691	82,373	84,055	85,737	87,422	89,104	90,786	92,466	94,152	95,830	97,513
P-5	Gross	118,901	121,393	123,886	126,373	128,866	131,353	133,847	136,336	138,827	141,316	143,809	146,294	148,790
	Net	92,731	94,475	96,220	97,961	99,706	101,447	103,193	104,935	106,679	108,421	110,166	111,906	113,653
D-1	Gross	137,890	140,817	143,750	146,680	149,599	152,683	155,789	158,889	161,998	165,102	168,206	171,308	174,415
	Net	106,023	108,072	110,125	112,176	114,219	116,271	118,321	120,367	122,419	124,467	126,516	128,563	130,614
D-2	Gross	154,212	157,747	161,282	164,820	168,359	171,895	175,429	178,968	182,503	186,038			
	Net	117,280	119,613	121,946	124,281	126,617	128,951	131,283	133,619	135,952	138,285			
ASG	Gross	193,080												
	Net	142,933												
USG	Gross	212,632												
	Net	155,837												

Abbreviations: USG, Under Secretary-General; ASG, Assistant Secretary-General

\*The normal qualifying period for n-grade movement between consecutive steps is one year. The shaded steps in each grade require two years of qualifying service at the preceding step.

**Table 2**

**STAFF ASSESSMENT RATES FOR THE PROFESSIONAL  
AND HIGHER CATEGORIES**

- a) **Common scale of staff assessment applicable to Professional and higher categories and General Service and related categories (effective 1 January 2019)**

<b>Total assessable payments (United States dollars)</b>	<b>Staff assessment rates used in conjunction with pensionable remuneration (percentage)</b>
First 20,000	19
Next 20,000	23
Next 20,000	26
Next 20,000	28

- b) **Staff assessment to be used in conjunction with gross base salaries**

<b>Assessable income (United States Dollars)</b>	<b>Assessment rate (percentage)</b>
First 50,000	17
Next 50,000	24
Next 50,000	30
Remaining assessable amount-	34



**Table 3**

**EDUCATION GRANT ENTITLEMENT IN USD**

**Effective from scholastic year in progress 1 January 2022 Admissible expenses**

<p>Admissible expenses shall include tuition, tuition in the mother tongue and enrolment-related fees. Non-reimbursable capital assessment fees shall be reimbursed outside the education grant scheme, under conditions established by the Secretary-General. Admissible expenses actually incurred shall be reimbursed at the rates indicated in the sliding scale below:</p>	
<i>Claim amount bracket (United States dollars \$)</i>	<i>Reimbursement rate (percentage %)</i>
0-13 224	86
13 225 - 19 836	81
19 837 - 26 448	76
26 449 - 33 060	71
33 061 - 39 672	66
39 673 - 46 284	61
46 285 and above	–

***Table 4***

DELETED

**Table 5**

**Pensionable remuneration for Professional and higher categories  
(in United States dollars)  
Effective 1 February 2024**

Level	Steps												
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII
<b>P-1</b>	94,213	97,225	100,232	103,244	106,251	109,265	112,269	115,284	118,290	121,305	124,312	127,318	130,330
<b>P-2</b>	122,158	125,702	129,246	132,790	136,367	140,015	143,665	147,297	150,945	154,587	158,232	161,885	165,525
<b>P-3</b>	157,753	161,827	165,904	169,973	174,052	178,124	182,221	186,358	190,487	194,616	198,758	202,887	207,021
<b>P-4</b>	192,472	196,935	201,401	205,864	210,327	214,791	219,262	223,725	228,188	232,646	237,120	241,573	246,038
<b>P-5</b>	233,349	237,977	242,607	247,227	251,858	256,477	261,110	265,733	270,361	274,983	279,613	284,231	288,866
<b>D-1</b>	268,620	274,057	279,505	284,947	290,368	295,813	301,253	306,682	312,127	317,561	322,999	328,430	333,873
<b>D-2</b>	298,491	304,681	310,872	317,068	323,267	329,460	335,648	341,847	348,037	354,228	-	-	-
<b>ASG</b>	364,348												
<b>USG</b>	392,445												

Abbreviations: USG, Under Secretary-General; ASG, Assistant Secretary-General

**Table 6**

***Pay protection points for staff in the Professional category***

*Pay protection points for staff members whose salaries are higher than the maximum salaries on the base/floor salary scale, with effect from 1 January 2023, showing annual gross salaries and net salaries after application of staff assessment.*

<b>Level</b>		<b>Pay Protection Point 1</b>	<b>Pay Protection Point 2</b>
P-1	Gross	67,458	
	Net	54,768	
P-2	Gross	85,504	
	Net	68,483	
P-3	Gross	106,950	109,173
	Net	84,365	85,921
P-4	Gross	128,140	130,544
	Net	99,198	100,881

*Pensionable remuneration associated with pay points for staff beyond the maximum salaries on the unified salary scale (in United States Dollars)*

***Effective 1 February 2023***

<b>Level</b>	<b>PP1</b>	<b>PP2</b>
P-1	133,337	
P-2	169,167	
P-3	211,150	215,279
P-4	250,510	254,976

## ANNEX 2

### Letter of appointment

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



**ANNEX 3**

**Termination indemnity**

*Staff members whose appointments are terminated shall be paid an indemnity in accordance with the following provisions:*

- (a) *Except as provided in (b), (c) and (e) below and in regulation 9.3(b), the termination indemnity shall be paid in accordance with the following schedule:*

Months of net separation payments <sup>1</sup> or Months of net pensionable salary (including language and non-resident's allowances, where applicable) <sup>2</sup>			
Completed years of service	Permanent appointments	Temporary appointments which are not for a fixed term	Temporary appointments for a fixed term exceeding six months
Less than 1	Not applicable	Nil	One week for each month of uncompleted service subject to a minimum of six weeks' and a maximum of three months' indemnity pay
1	Not applicable	1	
2	3	1	
3	3	2	
4	4	3	
5	5	4	
6	6	5	3
7	7	6	5
8	8	7	7
9	9	9	9
10	9.5	9.5	9.5
11	10	10	10
12	10.5	10.5	10.5
13	11	11	11
14	11.5	11.5	11.5
15 or more	12	12	12

<sup>1</sup> For staff in the Professional and higher categories, in accordance with paragraph 10 of annex 1 to these Regulations.

<sup>2</sup> For staff in the General Service category.

- b) *A staff member whose appointment is terminated for reasons of health shall receive an indemnity equal to the indemnity provided under (a) of this annex reduced by the amount of any disability benefit that the staff member may receive under the United Nations Joint Staff Pension Fund Regulations for the number of months to which the indemnity rate corresponds.*
- c) *A staff member whose appointment is terminated for unsatisfactory services or who for disciplinary reasons is dismissed for misconduct other than by summary dismissal may be paid, at the discretion of the Secretary-General, an indemnity not exceeding one half of the indemnity provided under (a) of this annex.*
- d) *No indemnity payments shall be made to:*

*A staff member who resigns, except where termination notice has been given and the termination date agreed upon;*

*A staff member who has a temporary appointment which is not for a fixed term and which is terminated during the first year of service;*

*A staff member who has a temporary appoint for a fixed term which is completed on the expiration date specified in the letter of appointment;*

*A staff member who is summarily dismissed;*

*A staff member who abandons his or her post;*

*A staff member who is retired under the United Nations Joint Staff Pension Fund Regulations.*

- (e) *Staff members specifically engaged for conference and other short-term service or for service with a mission, as consultants or as experts and staff members who are locally recruited for service in established offices away from Headquarters may be paid termination indemnity if and as provided in their letters of appointment.*



**ANNEX 4**

**Repatriation grant**

*In principle, the repatriation grant shall be payable to staff members whom the Organization is obligated to repatriate. The repatriation grant shall not, however, be paid to a staff member who is summarily dismissed. Staff members shall be entitled to a repatriation grant only upon relocation outside the country of the duty station. The grant is payable after five years of expatriate service. Detailed conditions and definitions relating to eligibility and requisite evidence of relocation shall be determined by the Secretary-General. The amount of the grant shall be proportional to the length of service in accordance with the following schedule. If service in the final year is less than 12 full months, the grant shall be paid in respect of completed months of service in that year.*

Eligible years of continuous service away from the home country	Staff member with a spouse or dependent child at time of separation	Staff member with neither a spouse nor a dependent child at time of separation	
		Professional and higher categories	General Service category
	Weeks of net separation payments <sup>1</sup> or Weeks of net pensionable salary (including language and non-resident's allowances, where applicable) <sup>2</sup>		
1	4	3	2
2	8	5	4
3	10	6	5
4	12	7	6
5	14	8	7
6	16	9	8
7	18	10	9
8	20	11	10
9	22	13	11
10	24	14	12
11	26	15	13
12 or more	28	16	14

<sup>1</sup> For staff in the Professional and higher categories, in accordance with paragraph 10 of annex 1 to these Regulations.

<sup>2</sup> For staff in the General Service category.



**APPENDIX A**

**General Service category**  
**Table showing annual gross and net salaries after application of staff assessment**  
**(in pounds sterling)**  
**Effective 1 February 2023**  
**Duty Station – LONDON**

<b>Grade</b>		<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>V</b>	<b>VI</b>	<b>VII</b>	<b>VIII</b>	<b>IX</b>	<b>X</b>	<b>XI</b>
<b>G.1</b>	Gross	27,804	28,954	30,105	31,268	32,465	33,662	34,859	36,057	37,254	38,451	39,649
	Gross Pensionable	27,353	28,505	29,657	30,810	31,963	33,115	34,268	35,420	36,571	37,724	38,876
	Total Net/Net Pensionable	22,028	22,914	23,800	24,686	25,572	26,458	27,344	28,230	29,116	30,002	30,888
<b>G.2</b>	Gross	31,245	32,578	33,912	35,246	36,580	37,914	39,247	40,581	41,915	43,249	44,582
	Gross Pensionable	30,789	32,071	33,353	34,635	35,916	37,198	38,481	39,760	41,043	42,325	43,606
	Total Net/Net Pensionable	24,669	25,656	26,643	27,630	28,617	29,604	30,591	31,578	32,565	33,552	34,539
<b>G.3</b>	Gross	35,231	36,728	38,226	39,723	41,220	42,718	44,215	45,712	47,231	48,770	50,309
	Gross Pensionable	34,630	36,066	37,505	38,941	40,379	41,817	43,253	44,691	46,126	47,562	49,041
	Total Net/Net Pensionable	27,619	28,727	29,835	30,943	32,051	33,159	34,267	35,375	36,483	37,591	38,699
<b>G.4</b>	Gross	39,715	41,386	43,058	44,730	46,401	48,118	49,836	51,554	53,273	54,991	56,709
	Gross Pensionable	38,934	40,540	42,146	43,752	45,357	46,963	48,592	50,263	51,933	53,603	55,276
	Total Net/Net Pensionable	30,937	32,174	33,411	34,648	35,885	37,122	38,359	39,596	40,833	42,070	43,307
<b>G.5</b>	Gross	44,739	46,617	48,542	50,467	52,392	54,317	56,242	58,167	60,092	62,018	63,970
	Gross Pensionable	43,755	45,557	47,357	49,203	51,076	52,949	54,825	56,697	58,570	60,444	62,318
	Total Net/Net Pensionable	34,655	36,041	37,427	38,813	40,199	41,585	42,971	44,357	45,743	47,129	48,515
<b>G.6</b>	Gross	50,475	52,629	54,784	56,938	59,092	61,246	63,421	65,606	67,790	69,975	72,159
	Gross Pensionable	49,210	51,306	53,403	55,499	57,597	59,695	61,788	63,886	65,984	68,079	70,176
	Total Net/Net Pensionable	38,819	40,370	41,921	43,472	45,023	46,574	48,125	49,676	51,227	52,778	54,329
<b>G.7</b>	Gross	56,949	59,357	61,766	64,206	66,648	69,090	71,532	73,975	76,417	78,859	81,301
	Gross Pensionable	55,508	57,852	60,196	62,539	64,883	67,225	69,570	71,912	74,417	76,932	79,444
	Total Net/Net Pensionable	43,480	45,214	46,948	48,682	50,416	52,150	53,884	55,618	57,352	59,086	60,820

The difference between steps I-X within grades indicate annual increments awarded on the basis of satisfactory service. Step XI at all grades is only awarded to staff with over 20 years of service within the United Nations system, who have been at step X for five years and demonstrated an entirely satisfactory service record.

**Allowances payable to General Service Staff  
effective 1 March 2022**

<b>Allowances</b>	<b>Staff joining before 1 July 1996 and in receipt of the allowance before 1 August 2007</b>	<b>Staff joining on or after 1 July 1996 and prior to 1 October 1999 and in receipt of the allowance before 1 August 2007</b>	<b>Staff joining on or after 1 October 1999 and prior to 1 August 2007 and in receipt of the allowance before 1 August 2007</b>	<b>Staff joining on or after 1 August 2007 and prior to 1 November 2015 and in receipt of the allowance before 1 November 2015</b>	<b>Staff becoming entitled on or after 1 November 2015</b>
	<b>net per annum</b>	<b>net per annum</b>	<b>net per annum</b>	<b>net per annum</b>	<b>net per annum</b>
<b>Dependent spouse</b>	£430	£285	£258	nil	nil
<b>First dependent child of a married staff member</b>	£1,434	£1,434	£1,434	£1,434	£1,434
<b>First dependent child of a single, widowed or divorced staff member</b>	£1,434	£1,434	£1,434	£1,434	£1,434
<b>Each additional dependent child</b>	£952	£952	£952	£952	£614
<b>Secondary dependant (where there is no dependent spouse, for either a dependent parent, dependent brother or dependent sister)</b>	nil	nil	nil	nil	nil
<b>Language allowance (to be included in pensionable remuneration)</b>	£1,641	£1,641	£1,641	£1,641	£1,641
<b>Second Language (to be included in pensionable remuneration)</b>	£821	£821	£821	£821	£821
<b>Non-resident's allowance (to be included in pensionable remuneration):</b>					
<b>for staff recruited before     1.9.1983</b>	£225	n/a	n/a	n/a	n/a
<b>for staff recruited on or after     1.9.1983</b>	nil	nil	nil	nil	nil

**APPENDIX B**

**Common scale of staff assessment applicable to Professional and higher categories and  
General Service and related categories  
(Effective 1 January 2019)**

<b>Total assessable payments (United States dollars)</b>	<b>Staff assessment rates used in conjunction with pensionable remuneration (percentage)</b>
First 20,000	19
Next 20,000	23
Next 20,000	26
Next 20,000	28
Remaining assessable amount	29



**APPENDIX C**

**Conditions governing overtime and  
Compensatory time off**

Content moved to rule 103.7. Appendix deleted.





## **APPENDIX D**

### **Rules governing compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the Organization**

#### **Section I Scope and general provisions**

##### **Article 1.1**

##### **Purpose and scope**

The present rules provide for compensation for death, injury or illness attributable to the performance of official duties on behalf of the Organization, as set out below. Compensation shall be provided solely to staff members and their dependants, in accordance with the terms and conditions contained in the present rules.

##### **Article 1.2 Exclusiveness of remedy; non-assignment**

Compensation or other forms of recourse provided under the present rules constitute the sole remedy for service-incurred death, injury or illness. The Organization will not accept, consider or provide compensation or benefits for service-incurred death, injury or illness except under the present rules. Except as set forth below, compensation and rights shall not be assignable to third parties.

##### **Article 1.3 Terminology**

The following terminology applies for the purposes of the present rules:

- (a) Claimant: the staff member or dependant, as defined below, bringing a claim under these rules.
- (b) Dependant: the spouse, dependent child, or secondary dependant as set forth in the Staff Rules. Compensation payable on the basis of or benefit payable to a dependent child or secondary dependent sibling ceases on the day the dependent child or secondary dependent sibling reaches the age of 18, or 21 if he or she is attending university or its equivalent full-time. This restriction does not apply where and as long as the dependent child or secondary dependent sibling has a disability that is permanent or for a period that is expected to be long-term that prevents gainful employment.
- (c) Minor: an individual under the age of 18, or the age of majority under the laws of the country of residence of such individual, if the age of majority in the individual's country of residency is less than 18 years of age.
- (d) Illness: a deterioration in health as confirmed by a physician authorized to practise medicine by a competent authority.
- (e) Injury: a physiological impairment as confirmed by a physician authorized to practise medicine by a competent authority.
- (f) Incident: an event causing the death, injury or illness underlying a claim.

- (g) Commute or commuting: travel by reasonable means of transportation and on a direct route, by time or distance, between place of work and residence. A direct route is deemed to commence upon departure from, or be terminated on arrival at, the Organization premises or the property line at the designated place of work or the property line of the staff member's place of residence, such residence including yards, lawns, driveways, garages, stairways, entrances, elevators, basements, hallways or common areas, without deliberate deviation from such route.
- (h) Reasonable means of transportation: a generally accepted means of transportation under the circumstances. Transportation by a particularly hazardous means is not considered a reasonable means of transportation for the purposes of the present rules.
- (i) Service-incurred death, injury or illness: a death, injury or illness where the death, injury or illness is directly attributable to the performance of official duties on behalf of the Organization under the terms and conditions set out in the present rules.
- (j) Pensionable remuneration: the definition of pensionable remuneration is set out in article 51 of the Regulations of the United Nations Joint Staff Pension Fund. If the staff member was not a participant in the Fund at the date of his or her death, injury or illness, remuneration shall be that which, had the staff member been a participant, would have been considered his or her pensionable remuneration at that date.
- (k) Last pensionable remuneration: the pensionable remuneration at the time of (i) the incident, in the case of permanent disfigurement or permanent loss of function; (ii) the separation from service, in the case of total disability; or (iii) the date of death, in the case of death. If the staff member was not a participant in the United Nations Joint Staff Pension Fund at the date of the staff member's death, injury or illness, the remuneration shall be that which, had the staff member been a participant, would have been considered his or her pensionable remuneration at that date.
- (l) United Nations Joint Staff Pension Fund benefits: the definition of Fund benefits is set out in article 3.7 below, on the relation to benefits under the United Nations Joint Staff Pension Fund.
- (m) Lump sum: a one-time payment of compensation.
- (n) Pre-existing medical condition: an illness, injury or impairment that exists prior to the incident resulting in the service-incurred death, injury or illness.
- (o) Total disability: incapacity for further work reasonably compatible with the claimant's abilities, in which such incapacity is due to a service-incurred injury or illness that is likely to be long-term or permanent. The resulting incapacity must have a significant adverse impact on the claimant's actual earnings. A determination of total disability under the Staff Rules shall be independent of a finding of disability under the Regulations of the United Nations Joint Staff Pension Fund.

#### **Article 1.4**

##### **Advisory Board on Compensation Claims**

- (a) The Secretary-General has established the Advisory Board on Compensation Claims to consider claims for compensation arising from a service-incurred death, injury or illness and to make recommendations thereon to the Secretary-General.
- (b) The Board may adopt procedures as it considers necessary for discharging its functions under the present article, provided that, in cases of conflict, the present rules prevail.

- (c) Composition of the Board:
  - (i) Voting members:
    - a. Three representatives of the Administration appointed by the Secretary-General;
    - b. Three representatives of the staff appointed by the Secretary-General on the recommendation of the Staff Committee;
  - (ii) Ex officio members:
    - a. Representatives from the Legal Affairs Office and the Medical Unit of the Secretariat may be appointed by the Secretary-General to serve as ex officio representatives. Representative(s) from the IMO Staff Pension Committee may be appointed by the Secretary-General to serve as ex officio representative(s);
    - b. Such ex officio representatives shall serve in an advisory capacity to the Board to provide guidance to the Board with respect to the interpretation of the rules and issues relevant to their offices.

**Article 1.5**  
**Secretary of the Advisory Board on Compensation Claims**

- (a) The Secretary of the Advisory Board on Compensation Claims shall be designated by the Secretary-General or other authorized official. The Secretary may not, at the same time, be a member of the Board.
- (b) The Secretary of the Board is responsible for preparing claims submitted under the present rules for consideration by the Board or the official with delegated authority to consider de minimis claims, as set forth in article 1.6 below. In discharging his or her functions and responsibilities under these rules, the Secretary will seek to obtain sufficient and relevant documentary evidence from appropriate sources.

**Article 1.6**  
***De minimis* claims**

If it is determined that: (a) the potential cumulative cost to the Organization of a claim is less than an amount determined by the Secretary-General or officials with delegated authority; and (b) the claim is solely for reimbursement of medical expenses, funeral expenses, compensation for permanent disfigurement or loss of function, or granting of sick leave credit, the official with delegated authority to consider such de minimis claims may make determinations on the compensability of a claim, without the consideration of the Advisory Board on Compensation Claims. If the official with delegated authority to consider de minimis claims makes a determination on a claim, and the claim later exceeds the amount for de minimis claims, the claim shall be presented to the Board for new consideration.

**Article 1.7**  
**Role of the Organization's Medical Unit**

- (a) The Medical Unit shall make a medical determination for consideration by the Advisory Board on Compensation Claims or the official with delegated authority to consider de minimis claims. Such a determination may include:
  - (i) Whether a death, injury or illness is directly causatively related to an incident;

- (ii) Whether a death, injury or illness is directly causatively related to the performance of official duties;
  - (iii) Whether treatment or services are directly related to a service-incurred injury or illness;
  - (iv) Whether treatment or services are reasonably necessary for the treatment of such an injury or illness;
  - (v) Whether medical expenses are at a reasonable cost for the treatment or services provided;
  - (vi) Whether absence from work is directly related to a service-incurred injury or illness;
  - (vii) Whether a claimant has reached maximum medical improvement, in order to assess a permanent loss of function;
  - (viii) Permanent disfigurement or loss of function;
  - (ix) Total disability.
- (b) In accordance with staff rule 106.1a) viii, a staff member may be required to undergo a medical examination by a medical practitioner designated by the Organization Medical Adviser, with the cost to be borne by the Organization, in order to clarify findings or to further assess the claim in connection with any of the determinations made pursuant to the present article. A staff member may also be required to provide further information in connection with any of the determinations made pursuant to the present article.

**Article 1.8**  
**General obligations of claimant**

- (a) The claimant must provide the evidence necessary to fully support a claim for compensation in accordance with these rules.
- (b) The claimant must fully and promptly comply with any request by the Organization in connection with a claim, or the recovery of payments from third parties pursuant to section IV of the present rules.
- (c) In accordance with article 3.8 below, the claimant must inform the Advisory Board on Compensation Claims of any compensation under governmental, institutional, industrial or other workers' compensation schemes or insurance for which the claimant may be eligible in connection with the death, injury or illness underlying a claim.
- (d) The claimant must inform the Secretary of the Board of any changes relevant to a claim, including any changes in medical condition.
- (e) The claimant shall provide, as requested, periodic attestation of continued eligibility to receive periodic compensation under the present rules.

## **Article 1.9**

### **Fraud, misrepresentation and omission of material fact**

- (a) If a claimant makes a submission or a claim that is fraudulent, contains a material misrepresentation or omits a material fact, all claims related to the incident by that claimant shall be denied, all compensation or benefits payable to the claimant in relation to the claim shall be terminated and all payments made in relation to the claim shall be subject to recovery.
- (b) When made by staff members, such claims may constitute misconduct under Article X of the Staff Rules, and may result in disciplinary measures.

## **Section II**

### **Requirements and conditions for coverage**

## **Article 2.1**

### **Procedural requirement for the filing of a claim**

#### **Notice**

- (a) As soon as practicable after the incident, a claimant should submit to the relevant human resources officer in writing the following information using the form set out in Annex 1:
  - (i) The staff member's and claimant's name, addresses and staff identification number;
  - (ii) The date of death or of the onset or diagnosis of an injury or illness;
  - (iii) A description of the incident, including its date, time and location.

#### **Claim**

- (b) Within one year of the relevant date, as established below in article 2.1 (c), a claimant shall submit to the Secretary of the Advisory Board on Compensation Claims a signed Advisory Board on Compensation Claims claim form (Annex 2), together with the following information, as applicable:
  - (i) For claims involving injury or illness: a. a description of the injury or illness; b. a description of the relation of the injury or illness to the incident; c. a diagnosis; and d. a prognosis. Such information must be provided in writing by a physician. The claimant must also submit the results of all relevant medical tests;
  - (ii) For claims for reimbursement of medical expenses: a. a completed Advisory Board on Compensation Claims medical expense form (as set out in Annex 2) b. all related medical bills; and c. proof of payment of such bills.

All required forms and supporting documentation may be submitted through a national mail service provider, other international courier service or electronically by e-mail or by other designated tool and are deemed received only upon actual receipt.

#### **Effective dates**

- (c) The time limitations for submission of the required forms and supporting documentation above will be determined on the basis of the following:

- (i) Injury or illness: the date of the incident shall be either the event or the period over which an exposure occurred. It shall be the date of the incident for cases where symptoms are apparent immediately or the date on which the staff member becomes aware, or reasonably should have been aware, of such injury or illness, whichever is earlier;
  - (ii) Death: the date of death shall be established by a duly issued certificate of death.
- (d) A determination on whether the claimant has complied with the time limitations for the filing of a claim, or other such procedural requirements, shall be made by the Advisory Board on Compensation Claims or the official with delegated authority to consider de minimis claims.
- (e) The deadline for the filing of a claim, including all necessary supporting documentation, may be waived on an exceptional basis by the Advisory Board on Compensation Claims or the official with delegated authority to consider de minimis claims, in consultation with the Medical Unit, in cases in which the claimant demonstrates that the delay was the result of incapacity. If a waiver is made, the claim must be submitted within the deadlines set out in article 2.1 (b) above, as applicable, the time frame for which will begin from the date of the cessation of the incapacity.

## **Article 2.2**

### **Eligibility for coverage**

- (a) To be eligible to receive compensation under the present rules, the death, injury or illness underlying a claim must be service incurred, as assessed in accordance with article 2.2 (d) below.
- (b) The Advisory Board on Compensation Claims will assess whether the death, injury or illness is service-incurred and provide its recommendation on a claim to the Secretary-General. For de minimis claims, the official with delegated authority to consider de minimis claims will assess whether the death, injury or illness is service-incurred and take a decision on the claim on behalf of the Secretary-General.
- (c) Such an assessment will be based on the claimant's submissions, and, as appropriate, the recommendations of the Medical Adviser, technical advice from ex officio members of the Advisory Board on Compensation Claims and any other relevant documentary or other evidence.

### **Service-incurred death, injury or illness**

- (d) A death, injury or illness is service-incurred if it is directly attributable to the performance of official duties on behalf of the Organization, in that it occurred while engaged in activities and at a place required for the performance of official duties.
  - (i) Incidents on the Organization premises: if an incident occurs on Organization premises, the resulting injury, illness or death may be service-incurred, unless at the time of the incident the staff member is engaged in an activity outside the scope of the staff member's official duties;
  - (ii) Incidents off the Organization premises: if an incident occurs away from the Organization premises, the resulting injury, illness or death may be service-incurred if such death, injury or illness would not have occurred but for the performance of official duties, and if the incident occurred in any of the following circumstances:

- a. During duly authorized official travel, subject to article 2.3 (a) (iii) below;
  - b. In the course of the staff member's commute, as defined in article 1.3 above;
  - c. While the staff member is otherwise in transit by direct route or at a location required for the performance of official duties.
- (iii) An incident that occurs during the following types of official travel may be service-incurred only in cases in which the incident occurs during travel between the departure location and the destination location, as set out in the applicable travel authorization and itinerary:
- a. Home leave travel;
  - b. Rest and recuperation travel;
  - c. Family visit travel;
  - d. Education grant travel in lieu of the child's travel;
  - e. Medical evacuation travel not related to a prior service-incurred injury or illness; or
  - f. Medical evacuation upon request by the staff member to his or her home country.
- (iv) Special hazards: a death, injury or illness may be service-incurred if a staff member is on official travel or assigned to an area involving special hazards, as documented and addressed by authorized United Nations security and safety officials and the underlying incident occurred as a direct result of such hazards.

### **Aggravation of a pre-existing medical condition**

- (e) Claims based, in whole or in part, upon any aggravation of a pre-existing medical condition shall not be compensated unless such aggravation is service-incurred, and such compensation shall be solely for the proportion of the injury or illness deemed service-incurred.

### **Article 2.3 Excluded claims**

- (a) Claims shall not be compensable under the present rules if compensation is expressly excluded under conditions established by the Secretary-General, or where the death, injury or illness is the direct result of any of, but not limited to the following:
  - (i) Misconduct, recklessness or gross negligence by the staff member, including, but not limited to, an act or omission with the intent to cause harm or death to himself or herself or others;
  - (ii) Disregard by the staff member of security instructions provided or made reasonably accessible to the staff member;
  - (iii) Failure by the staff member to use appropriate safety devices or medical prophylaxis provided by the United Nations or the Organization, unless and only to the extent that the death, injury or illness would have happened even with the use of such device or prophylaxis;

- (iv) Physical confrontation or other violence by the staff member, unless reasonably required by the circumstances or as part of the staff member's official duties;
- (v) Medical condition or other factors unrelated to the performance of official duties of the staff member, including, without limitation, pre-existing medical conditions, as defined in article 1.3;

### **Wear and tear to medical devices**

- (b) Ordinary wear and tear to medical devices, such as prosthetics and hearing aids, are not compensable, unless such device was granted in connection with a previously approved claim.

## **Section III Compensation**

In the event of a service-incurred death, injury or illness, the claimant will be awarded compensation as provided below, without payment of interest thereon. All such compensation, including adjustments thereto, shall be payable solely in Pound Sterling.

### **Article 3.1 Injury or illness**

In the event of a service-incurred injury or illness, the following provisions shall apply:

#### **Expenses**

- (a) The Organization shall pay all medical expenses which are found by the Medical Unit to be:
  - (i) Directly related to a service-incurred injury or illness;
  - (ii) Reasonably medically necessary for the treatment or services provided; and
  - (iii) At a reasonable cost for the treatment or services provided.

#### **Sick leave**

- (b) Initial authorized absences in connection with a service-incurred injury or illness shall be charged to the staff member's sick leave entitlement (both sick leave at full and at half pay) under staff rule 106.1 until such entitlement is exhausted or the staff member returns to active duty. Subject to meeting all requirements, article 3.9 may apply.

### **Article 3.2 Total disability**

In the event of total disability, upon the exhaustion of the sick leave entitlements pursuant to article 3.1 (b) above and upon the cessation of salary and allowances payable under the applicable Staff Regulations and Rules, the staff member shall receive annual compensation equivalent to 66.66 per cent of his or her last pensionable remuneration or, if the staff member has a dependent child, 75 per cent of the last pensionable remuneration. Such compensation shall be payable at periodic intervals for the duration of the disability and in addition to compensation payable under article 3.1 (a), as applicable.



### **Article 3.3 Death**

In the event of the service-incurred death of a staff member, the following provisions shall apply:

#### **Funeral costs**

- (a) The Organization shall pay a reasonable amount for the preparation of the remains and for funeral expenses, but no more than three times the monthly G-2, step 1, pensionable remuneration applicable at the time of death for the country where the funeral takes place, or, where there is no pensionable remuneration scale for the country where the funeral takes place, the pensionable remuneration scale for the United Nations Headquarters in New York.

#### **Expenses**

- (b) The Organization shall pay medical expenses incurred prior to the date and time of a death which is found by the Medical Unit to be:
  - (i) Directly related to a service-incurred injury or illness;
  - (ii) Reasonably medically necessary for the treatment or services provided; and
  - (iii) At a reasonable cost for the treatment or services provided.

#### **Travel and repatriation costs**

- (c) Expenses for the travel of an eligible family member to attend the funeral or for an eligible family member or other designated individual to accompany the remains of a deceased staff member as well as the costs for the repatriation of the remains shall be borne under conditions established by the Secretary-General.

### **Article 3.4 Survivor dependants**

#### **Maximum compensation**

- (a) In the event of a service-incurred death of a staff member, the Organization shall pay the compensation provided below to the staff member's spouse or other eligible dependant(s), provided that the total annual compensation payable shall not exceed 75 per cent of the last pensionable remuneration of the deceased staff member.

#### **Spouse**

- (b) A spouse shall receive annual compensation payments, payable at periodic intervals, equal to 50 per cent of the deceased staff member's last pensionable remuneration. In the event of multiple spouses, such compensation shall be divided equally among the spouses. Upon the death of a spouse, his or her share shall be divided among any remaining spouses.

### **Dependent child**

- (c) (i) Each dependent child shall receive annual compensation, payable at periodic intervals in accordance with article 3.5 below, equal to 12.5 per cent of the deceased staff member's last pensionable remuneration. If there are two or more dependent children, the compensation payable shall not exceed the maximum set out in article 3.4 (a) and shall be divided equally among such dependent children.
- (ii) If there is no surviving spouse, then in lieu of the compensation provided under article 3.4 (c) (i), a dependent child shall receive annual compensation, payable at periodic intervals and in accordance with article 3.5, equivalent to the amount provided under article 3.4 (b) for one dependent child in addition to an annual compensation, payable at periodic intervals and in accordance with article 3.5, equal to the amount provided under article 3.4 (c) (i) for all additional dependent children. Such compensation shall be divided equally among such dependent children.

### **Secondary dependants**

- (d) If there is neither a spouse nor a dependent child and there is a secondary dependant, the following compensation shall be paid:
  - (i) To a dependent parent, annual compensation, payable at periodic intervals, equivalent to 50 per cent of the staff member's last pensionable remuneration;
  - (ii) To a dependent sibling, annual compensation, payable at periodic intervals and in accordance with article 3.5 below, equal to 12.5 per cent of the staff member's last pensionable remuneration.

### **Article 3.5 Payments to minors**

Payment of any compensation under the present rules to a minor shall be made to the minor's parent or legal guardian. All such compensation must be used in its entirety for the sole benefit of the minor.

### **Article 3.6 Permanent disfigurement or loss of function**

- (a) In the case of a service-incurred injury or illness resulting in permanent disfigurement or loss of function, a lump sum shall be paid to the staff member in the amount obtained by multiplying three times the staff member's pensionable remuneration at the time of the incident by the percentage of the degree of loss of function attributable to the service-incurred injury or illness pursuant to guidelines approved by the Medical Services Division of the United Nations for such a determination.
- (b) Regardless of duty station, the staff member's pensionable remuneration utilized in the immediately preceding calculation may not exceed the pensionable remuneration of a P-4, step VI, and may not be less than the pensionable remuneration of a G-2, step I, at the United Nations Headquarters in New York applicable at the time of the incident:
  - (i) In the event that the staff member's pensionable remuneration exceeds the pensionable remuneration of a P-4, step VI, the pensionable remuneration utilized in the immediately preceding calculation shall be that of a P-4, step VI;

- (ii) In the event that the staff member's pensionable remuneration is less than the pensionable remuneration of a G-2, step I, at the United Nations Headquarters in New York, the pensionable remuneration utilized in the immediately preceding calculation shall be that of a G-2, step I, at United Nations Headquarters in New York.

### **Article 3.7**

#### **Relation to benefits under the United Nations Joint Staff Pension Fund**

Compensation awarded pursuant to the provisions set out below is intended to supplement the benefits under the Regulations of the United Nations Joint Staff Pension Fund in accordance with the following provisions:

- (a) Any compensation otherwise payable under articles 3.2 or 3.4 above shall be reduced by the amount of the claimant's disability benefit or a survivor's benefit under the Regulations of the United Nations Joint Staff Pension Fund. Deductions made under the present rules shall in no case have the effect of reducing the compensation otherwise payable to less than 10 per cent thereof, provided in all cases that the total annual amount payable both under the present rules and under the Regulations of the Fund shall in no event exceed 75 per cent of the staff member's last pensionable remuneration.
- (b) The sum of (i) benefits under the Fund and (ii) compensation payable under articles 3.2 and 3.4 above, after being adjusted under the present rules, shall in no event exceed 75 per cent of the staff member's last pensionable remuneration.
- (c) When benefits under the Fund are adjusted for variations in cost of living, compensation payable under articles 3.2 and 3.4 above shall be correspondingly adjusted.

### **Article 3.8**

#### **Relation to non-IMO based compensation**

- (a) In determining the amount of compensation payable under the present rules, the amount of any compensation or benefits under governmental, institutional, industrial or other workers' compensation schemes, but not personal insurance, for which claimants qualify shall be deducted from any amounts payable hereunder.
- (b) The claimant shall not be entitled to compensation or receive reimbursement under the present rules for medical expenses related to a service-incurred death, injury or illness if such expenses:
  - (i) Have already been compensated or are compensable under such governmental, institutional, industrial or other workers' compensation schemes; or
  - (ii) Have been reimbursed by health or medical insurance.
- (c) The claimant shall inform the Advisory Board on Compensation Claims without delay of any compensation under governmental, institutional, industrial or other workers' compensation schemes or insurance for which the claimant may be eligible in connection with the death, injury or illness underlying a claim.

## **Article 3.9**

### **Relation to other benefits under the Staff Rules**

#### **Special leave**

- (a) Once a staff member's sick leave entitlement has been exhausted pursuant to article 3.1 (b), and if such staff member has not separated from the Organization, the staff member may be placed on special leave pursuant to staff rule 105.2.

#### **Sick leave credit**

- (b) Sick leave credit, which is a grant of some or all of the sick leave entitlement which has been used for a service-incurred injury or illness, may be granted in the following cases:
  - (i) To maintain the full pay status of a staff member when sick leave is approved by the Medical Unit for an injury or illness which is not service-incurred and when the claimant has insufficient sick leave for such non-service-incurred injury or illness due to a prior use of sick leave for a separate injury or illness, which was recognized under the present rules as service-incurred. Such a grant is limited to the maximum extent of the prior sick leave used for the separate service-incurred injury or illness. No credit will be granted for any sick leave already revived under the time frames of staff rule 106.1.;
  - (ii) To maintain the full pay status of a staff member being considered for a disability benefit pursuant to article 33 (a) of the Regulations of the United Nations Joint Staff Pension Fund, who has exhausted his or her sick leave entitlement. A determination as to whether a claimant should be considered for such a benefit shall be made in consultation with the Medical Unit pursuant to the established procedures of the Organization and the Regulations of the United Nations Joint Staff Pension Fund. Such sick leave credit may be granted solely to maintain full pay status until the date of termination of the staff member's appointment or other separation from service pursuant to article 33 (a) of the Regulations of the United Nations Joint Staff Pension Fund, unless other arrangements apply during that period under conditions established by the Secretary-General.

#### **Home travel**

- (c) A staff member who is unable to work for a period of at least six months owing to a service-incurred injury or illness, and for whom the Medical Unit has so certified, may request consideration for a special travel allowance for travel of the staff member and eligible dependants to the place of entitlement, pursuant to Article VII of the Staff Rules, and for their return travel when the staff member returns to duty. If such travel is commenced or terminated within 12 months of the staff member's eligibility for home leave entitlement pursuant to staff rule 105.3 and Article VII of the Staff Rules, such special travel allowance shall be deemed to be in lieu of the staff member's home leave entitlement. If the staff member does not return to duty, such special travel allowance shall be deemed to be in lieu of travel on separation pursuant to Staff Rules 107.1 to 107.21.

## **Section IV Recoveries**

### **Article 4.1 Claims against third parties**

#### **Notice**

- (a) All persons who submit a request for compensation for a service-incurred death, injury or illness under the present rules must notify the Secretary-General in writing at the earliest possible time of any claims, demands or rights that they have pursued, that they are pursuing or that they intend in the future to pursue against any third party or parties in connection with such service-incurred death, injury or illness.

#### **Assignment of rights**

- (b) If, in the opinion of the Secretary-General, a claimant has a claim, demand, or right against a third party or parties, including a third party insurance carrier, for damages or other payment(s) in connection with a service-incurred death, injury or illness, the Secretary-General may, as a condition for granting any compensation to the claimant, require the claimant to assign such claim, demand or right to the Organization so that the Organization may pursue or enforce the claim, demand or right in the place of the claimant.

#### **Assistance in pursuing or enforcing claims, demands or rights**

- (c) Where the Organization has decided to pursue a claim, demand or right against a third party or parties pursuant to subparagraph (b) above, the claimant shall provide to the Organization all assistance and cooperation that is necessary for pursuing or enforcing the claim, demand or right, including participating in any suit or proceedings.

#### **Settlement**

- (d) The Organization is entitled to settle any claim, demand or right against a third party or parties pursuant to subparagraph (b) above on such terms and conditions as it determines to be reasonable. A claimant, who has assigned a claim, demand or right under subparagraph (b), shall provide the Organization all assistance as may be required to reach a settlement, including, but not limited to, participating in any settlement negotiations and executing all settlement-related documents. The claimant shall not, under any circumstances, settle any claim, demand or action with any third party or parties without the express written consent of the Organization.

#### **Proceeds**

- (e) Where compensation or proceeds have been received from a third party or parties as a result of a suit, proceedings or a settlement reached pursuant to subparagraphs (b) to (d) above, such compensation or proceeds shall be applied:
  - (i) First, to pay in full the costs of the suit, proceedings or settlement, including reasonable attorney fees;
  - (ii) Second, to reimburse the Organization for any compensation provided to the claimant pursuant to these rules; and
  - (iii) Third, to pay the remaining amounts to the claimant.

## **Future claims**

- (f) Any amount of compensation that a claimant may be entitled to receive in the future pursuant to the present rules shall be first used to offset any monies received by the claimant under subparagraph (e) (iii) above.

## **Article 4.2**

### **Recovery of overpayments**

- (a) If the Organization has paid a claimant in excess of any compensation payable under the present rules, the Organization will notify the claimant of the amount of overpayment and request reimbursement.
- (b) If immediate reimbursement in full is not feasible, any future periodic payments of compensation payable to the claimant under the present rules shall be reduced by 20 per cent until the overpayment has been reimbursed in full. If immediate reimbursement in full of any lump-sum payment made under the present rules is not feasible, the Secretary-General will seek recovery by means including, but not limited to, the reduction of any future lump sum payments of compensation payable to the claimant under the present rules by the entire amount of the overpayment.

## **Section V**

### **Reconsideration, review and appeal**

#### **Article 5.1**

##### **Reconsideration of medical determinations**

Claimants wishing to contest a decision taken on a claim under the present rules, when that decision is based upon a medical determination by the Medical Unit or the Organization's Medical Adviser, shall submit a request for reconsideration of the medical determination under conditions, and by a technical body, established by the Secretary-General.

#### **Article 5.2**

##### **Review and appeal of administrative decisions**

Claimants wishing to contest a decision taken on a claim under the present rules, to the extent that the decision was based on considerations other than a medical determination, shall submit a written request for appeal in accordance with staff rule 111.2.

#### **Article 5.3**

##### **Reopening of claims**

Upon a written request by a claimant, or at the initiative of the Secretary-General, a claim made under the present rules may be reopened when one or more of the following criteria are met:

- (a) The discovery of new material evidence, if such new material evidence may materially affect:
  - (i) A determination as to whether a death, injury or illness was service-incurred; or
  - (ii) A relevant medical determination;
- (b) A worsening or improvement in the condition of the staff member, where such worsening or improvement is directly related to the service-incurred injury or illness, and which may entitle the staff member to additional compensation, or warrant the reduction or elimination of compensation;

- (c) A material mistake was made by the Organization in the processing of a claim that had an impact on its disposition.

When a claim is reopened subject to the provisions above, any such claim shall be considered in accordance with the present rules. The Secretary-General and the claimant shall be bound by determinations previously made, unless new material evidence or material mistake undermines or otherwise calls into question in substantial part those determinations.

**Section VI**  
**Transitional measures**

**Article 6.1**  
**Transitional measures**

- (a) For claims filed for incidents occurring after the entry into force of the present revised rules, such revised rules will be applied.
- (b) For claims filed for incidents that occurred prior to the entry into force of the present revised rules, the previously applicable rules will be applied, except that annual compensation for widows or widowers under the former article 10.2 will continue to be payable provided that the widow or widower has not remarried prior to the entry into force of the present revised rules.





## APPENDIX E

### IMO Policy and Procedures for Investigation of Alleged Breaches of IMO Policy on right to Work in a Harassment Free Environment

The Secretary-General, for the purpose of ensuring that all staff members of the Secretariat are treated with dignity and respect and are aware of their role and responsibilities in maintaining a workplace free of any form of discrimination, harassment, including sexual harassment, and abuse of authority, promulgates the following:

#### Section 1 Definitions

- 1.1 Discrimination is any unfair treatment or arbitrary distinction based on a person's race, sex, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin or other status. Discrimination may be an isolated event affecting one person or a group of persons similarly situated, or may manifest itself through harassment or abuse of authority.
- 1.2 Harassment is any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person. Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or which create an intimidating, hostile or offensive work environment. Harassment normally implies a series of incidents. Disagreement on work performance or on other work-related issues is normally not considered harassment and is not dealt with under the provisions of this policy but in the context of performance management.
- 1.3 Sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.
- 1.4 Abuse of authority is the improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses his or her influence, power or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion. Abuse of authority may also include conduct that creates a hostile or offensive work environment which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion. Discrimination and harassment, including sexual harassment, are particularly serious when accompanied by abuse of authority.
- 1.5 For the purposes of the present appendix, discrimination, harassment, including sexual harassment, and abuse of authority shall collectively be referred to as "prohibited conduct".

## **Section 2 General principles**

- 2.1 Every staff member has the right to be treated with dignity and respect, and to work in an environment free from discrimination, harassment and abuse. Consequently, any form of discrimination, harassment, including sexual harassment, and abuse of authority is prohibited.
- 2.2 The Organization has the duty to take all appropriate measures towards ensuring a harmonious work environment, and to protect its staff from exposure to any form of prohibited conduct, through preventive measures and the provision of effective remedies when prevention has failed.
- 2.3 In their interactions with others, all staff members are expected to act with tolerance, sensitivity and respect for differences. Any form of prohibited conduct in the workplace or in connection with work is a violation of these principles and may lead to disciplinary action, whether the prohibited conduct takes place in the workplace, in the course of official travel or an official mission, or in other settings in which it may have an impact on the workplace.

## **Section 3 Duties of staff members and specific duties of line managers, supervisors and Directors of Divisions**

- 3.1 All staff members have the obligation to ensure that they do not engage in or condone behaviour which would constitute prohibited conduct under the terms of the IMO Staff Regulations and Staff Rules.
- 3.2 Line managers and supervisors have the duty to take all appropriate measures to promote a harmonious work environment, free of intimidation, hostility, offence and any form of prohibited conduct. They must act as role models by upholding the highest standards of conduct. Line managers and supervisors have the obligation to ensure that complaints of prohibited conduct are promptly addressed in a fair and impartial manner. Failure on the part of line managers and supervisors to fulfil their obligations under the present appendix may be considered a breach of duty, which, if established, shall be reflected in their annual performance appraisal, and they will be subject to administrative or disciplinary action, as appropriate.
- 3.3 Directors of Divisions are responsible for the implementation of this appendix in their respective divisions and for holding all line managers and other supervisory staff accountable for compliance with the terms of this appendix.

## **Section 4 Preventive measures**

- 4.1 Prevention of prohibited conduct is an essential component of the action to be taken by the Organization. In the discharge of its duty to take all appropriate measures towards ensuring a harmonious work environment and to protect its staff from any form of prohibited conduct, the following preventive measures will be used.
- 4.2 The Organization shall conduct regular programmes for all Secretariat staff to raise awareness of the Organization's policy on prohibited conduct, to provide guidance on the relevant policy and procedures and to foster the creation of a harmonious working environment, free from intimidation, hostility, offence and any form of discrimination or retaliation. In particular, all staff members shall be required to complete the online training programme on prevention of harassment, sexual harassment and abuse of authority in the workplace.

- 4.3 Other programmes will continue to be offered, including targeted training for line managers and supervisors, completion of which will be a requirement for advancement to successive levels of responsibility. Specific training will be provided to officials involved in informal resolution and the formal procedures set out in section 5 below, including the individuals designated under section 5.13 to investigate allegations of prohibited conduct.
- 4.4 Human Resources Services (HRS) shall ensure that all staff members are provided with a copy of this appendix upon taking up their appointments. A note acknowledging that the staff member has received and read this appendix shall be placed in the staff member's official status file. Directors of Divisions shall also ensure that their staff undertake the available training.
- 4.5 Staff members are responsible for familiarizing themselves with this appendix including the various options and internal channels available for them. Staff members are also reminded of the policy on protection for good faith complainants, contained in the guidelines for the investigation of serious misconduct (Appendix F).
- 4.6 In order to resolve problems which could potentially give rise to instances of prohibited conduct, line managers and supervisors shall maintain open channels of communication and ensure that staff members who wish to raise their concerns in good faith can do so freely and without fear of adverse consequences.
- 4.7 If there is a need for confidential guidance or advice on matters which could give rise to instances of prohibited conduct, staff members may consult any of the other officials listed in section 5.6 below.

## **Section 5**

### **Corrective measures**

- 5.1 Individuals who believe they are victims of prohibited conduct are encouraged to deal with the problem as soon as possible after it has occurred. The aggrieved individual may opt for an informal or a formal process, as explained below. Regardless of the choice made, the aggrieved individual is encouraged to keep a written record of events, noting dates, places, a description of what happened and the names of any witnesses and of anyone who may have information concerning the incident or situation at issue.
- 5.2 All reports and allegations of prohibited conduct shall be handled with sensitivity in order to protect the privacy of the individuals concerned and ensure confidentiality to the maximum extent possible.
- 5.3 Line managers and supervisors have the duty to take prompt and concrete action in response to reports and allegations of prohibited conduct. Failure to take action may be considered a breach of duty and result in administrative action and/or the institution of disciplinary proceedings.
- 5.4 Persons accused of prohibited conduct may seek assistance from any of the persons listed in section 5.6 below.

### ***Informal resolution***

- 5.5 In many cases, the situation can be resolved informally. An informal approach offers the opportunity to resolve a complaint or grievance in a non-threatening and non-contentious manner. Aggrieved individuals are encouraged to notify the offender of their complaint or grievance and ask him or her to stop as, in some instances, the alleged offender may not be aware that his or her behaviour is offensive. However, disparity in power or status or other considerations may make direct confrontation difficult. Aggrieved individuals are not required to confront the offender.
- 5.6 Aggrieved individuals may ask for assistance from a third party in seeking informal resolution. Depending on the situation and on their level of comfort with one official rather than another, they may seek the assistance of any of the following:
- (a) a human resources officer;
  - (b) a member of the Staff Committee;
  - (c) a line manager or supervisor; or
  - (d) any other staff member of the Organization.

In all cases, the Medical Service may be consulted for advice. Aggrieved individuals may also consult an outside adviser, such as an occupational psychologist or stress counsellor, at their own expense.

- 5.7 The official from whom assistance has been requested may, with the consent of the aggrieved individual, meet informally with the alleged offender to apprise him or her of the situation and discuss the manner in which it might be resolved to the satisfaction of all concerned.
- 5.8 All involved in the informal resolution process must recognize the need to treat the situation with sensitivity and confidentiality to the greatest extent possible.
- 5.9 Regardless of the outcome, the officials listed in section 5.6 above shall provide continuing support to the aggrieved party at every stage of the process, in consultation with the appropriate officials, taking into account the positive or negative consequences of the proposed course of action.
- 5.10 An unsuccessful attempt to resolve the matter informally does not preclude it from being pursued formally under the following provisions.

### ***Formal procedures***

- 5.11 In circumstances where informal resolution is not desired or appropriate, or has been unsuccessful, the aggrieved individual may submit a written complaint to the Director of the Division concerned, except in those cases where the official who would normally receive the complaint is the alleged offender, in which case the complaint should be submitted to HRS. Formal resolution may also be initiated by the submission of a report of prohibited conduct from a third party within the Organization who has a direct knowledge of the situation to the Director of the Division concerned or to HRS, as appropriate (hereinafter the "responsible official"). The aggrieved individual or third party shall also copy the written complaint or report to HRS for monitoring purposes.

- 5.12 The complaint or report should describe the alleged incident(s) of prohibited conduct in detail and any additional evidence and information relevant to the matter should be submitted. The complaint or report should include:
- (a) the name of the alleged offender;
  - (b) date(s) and location(s) of incident(s);
  - (c) description of incident(s);
  - (d) names of witnesses, if any;
  - (e) names of persons who are aware of incident(s), if any;
  - (f) any other relevant information, including documentary evidence if available; and
  - (g) date of submission and signature of the aggrieved individual or third party making the report.
- 5.13 Upon receipt of a formal complaint or report, the "responsible official" will promptly review the complaint or report to assess whether it appears to have been made in good faith and whether there are sufficient grounds to warrant a formal fact-finding investigation. If that is the case, HRS shall promptly appoint a panel of at least two individuals who have been trained in investigating allegations of prohibited conduct.
- 5.14 At the beginning of the fact-finding investigation, the panel shall inform the alleged offender of the nature of the allegation(s) against him or her. In order to preserve the integrity of the process, information that may undermine the conduct of the fact-finding investigation or result in intimidation or retaliation shall not be disclosed to the alleged offender at that point. This may include the names of witnesses or particular details of incidents. All persons interviewed in the course of the investigation shall be reminded of the policy on protection for good faith complainants.
- 5.15 The fact-finding investigation shall include interviews with the aggrieved individual, the alleged offender and any other individuals who may have relevant information about the conduct alleged. The alleged offender shall be informed of sufficient relevant details to respond to the allegations.
- 5.16 The panel shall prepare a detailed report, giving a full account of the facts that they have ascertained in the process and attaching documentary evidence, such as written statements by witnesses or any other documents or records relevant to the alleged prohibited conduct. This report shall be submitted to HRS normally no later than three months from the date of submission of the formal complaint or report.
- 5.17 On the basis of the report, HRS shall take one of the following courses of action:
- (a) if the report indicates that no prohibited conduct took place, HRS will close the case and so inform the alleged offender and the aggrieved individual, giving a summary of the findings and conclusions of the investigation;
  - (b) if the report indicates that there was a factual basis for the allegations but that, while not sufficient to justify the institution of disciplinary proceedings, the facts would warrant managerial action, HRS shall decide on the type of managerial action to be taken, inform the staff member concerned, and make arrangements for the implementation of any follow-up measures that may be necessary.

Managerial action may include mandatory training, reprimand, a change of functions or responsibilities, counselling or other appropriate corrective measures. HRS shall inform the aggrieved individual of the outcome of the investigation and of the action taken;

- (c) if the report indicates that the allegations were well-founded and that the conduct in question amounts to possible misconduct, HRS shall refer the matter to the Secretary-General for disciplinary action and may recommend suspension during disciplinary proceedings, depending on the nature and gravity of the conduct in question. The Secretary-General will proceed in accordance with the applicable "disciplinary procedures" (refer to rule 110.4) and will also inform the aggrieved individual of the outcome of the investigation and of the action taken.
- 5.18 Should the report indicate that the allegations of prohibited conduct were unfounded and based on malicious intent, the Secretary-General shall decide whether disciplinary or other appropriate action should be initiated against the person who made the complaint or report.
- 5.19 Where an aggrieved individual or alleged offender has grounds to believe that the procedure followed in respect of the allegations of prohibited conduct was improper, he or she may start appeal procedures in accordance with article XI of the Staff Regulations.

## **Section 6 Monitoring**

### ***General***

- 6.1 HRS shall provide annual reports to the Secretary-General, which shall include an overview of all preventive measures taken with a view to ensuring a harmonious work environment and protecting staff from prohibited conduct; corrective measures taken under section 5 above, as well as any evaluations or assessments relating to such measures and/or activities; report containing statistics on complaints or reports received and requests for protection, and information on the protection that has been provided.

### ***Monitoring during the investigation***

- 6.3 Where a fact-finding investigation is initiated following receipt of a formal complaint of prohibited conduct, appropriate measures shall be taken by the responsible official to monitor the status of the aggrieved party, the alleged offender and the work unit(s) concerned until such time as the fact-finding investigation report has been submitted. The purpose of such monitoring shall be to ensure that all parties comply with their duty to cooperate with the fact-finding investigation and that no party is subjected to retaliation as a result of the complaint or the fact-finding investigation. Where retaliation is detected, the matter shall be handled in accordance with the provisions of the policy on protection for good faith complainants. HRS may request information from the Director of the Division, as necessary.

***Post-investigation review***

- 6.4 Once the investigation has been completed and a decision taken on the outcome, appropriate measures shall be taken by HRS to keep the situation under review. These measures may include, but are not limited to, the following:
- (a) monitoring the status of the aggrieved party, the alleged offender and the work unit(s) concerned at regular intervals in order to ensure that no party is subjected to retaliation as a consequence of the investigation, its findings or the outcome. Where retaliation is detected, the Internal Oversight Services shall be promptly notified;
  - (b) ensuring that any administrative or disciplinary measures taken as a result of the fact-finding investigation have been duly implemented;
  - (c) identifying other appropriate action, in particular preventative action, to be taken in order to ensure that the objectives of the present appendix are fulfilled.

HRS may request information from the Director of the Division, as necessary.





## APPENDIX F

### Policy and Procedures on the Prevention and Detection of Fraud and Serious Misconduct

#### 1 INTRODUCTION

- 1.1 This statement establishes the International Maritime Organization (IMO) policy on the prevention and detection of fraud and the improper use of the Organization's resources. IMO has a zero-tolerance policy vis-à-vis fraud in all its manifestations and does not tolerate, under any circumstances, the diversion of the resources allocated to IMO from serving their ultimate purpose as determined by the Governing Bodies of the Organization.
- 1.2 IMO staff members<sup>1</sup> are international civil servants committed to the highest standards of efficiency and integrity. These requirements ensure that staff members will remain dedicated to the purposes outlined in the Convention on the International Maritime Organization, and will place the interests of the Organization above their own and use its resources in a responsible manner.
- 1.3 The fundamental requirement of integrity is enshrined, inter alia, in the IMO Staff Regulations, which make it clear that by accepting appointment, staff members pledge themselves to discharge their functions and to regulate their conduct with the interests of the Organization only in view (see staff regulation 1.1). The Standards of Conduct for the International Civil Service 2001 (promulgated by the International Civil Service Commission in January 2002) make it clear that the concept of integrity embraces all aspects of behaviour of an international civil servant, including such qualities as honesty, truthfulness, impartiality and incorruptibility. In turn, staff regulation 10.3 provides that fraud, abuse of trust or the use of official position for personal gain or advantage of any kind whatsoever constitute serious misconduct punishable by disciplinary action, including such disciplinary measures as dismissal, or summary dismissal.

#### 2 DEFINITION AND ELEMENTS OF FRAUD

- 2.1 There are many definitions of fraud. Common to all is the element of false representation made knowingly, without belief in its truth, or reckless as to its truth or falsity, with the intention that it be acted or relied upon, with a resulting loss or damage to the Organization. One definition is<sup>2</sup> "*an intentional act by one or more individuals among management, employees, or third parties, which results in a misrepresentation of financial statements. Fraud may involve:*
- *manipulation, falsification or alteration of records or documents;*
  - *misappropriation of assets;*
  - *suppression or omission of the effects of transactions from records or documents;*
  - *recording of transactions without substance; and*
  - *misapplication of accounting policies."*
- 2.2 While the above definition is accepted at IMO with respect to the misrepresentation of financial statements, instances of fraud may include but not be limited to the following:

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1 The present policy statement is also applicable to other personnel contracted by IMO, subject to necessary adaptation.

2 This definition was adopted by the Panel of External Auditors of the United Nations, the Specialized Agencies and the International Atomic Energy Agency in Audit Guide No. 204, issued in December 1996.

- fraud committed to obtain undue financial benefits or entitlements (e.g., fraudulent claims for rental subsidy, education grant, travel, medical insurance);
- fraud involving third parties, notably in procurement or disbursement (e.g., collusion with contractors, preferential treatment, conversion of cheques); and
- fraud committed to cause the Organization to act in a manner other than it would have acted with the full knowledge of the truth (e.g., false curriculum vitae, forged university degrees, fraudulent appraisal reports or certificates).

### **3 RESPONSIBILITIES**

#### **3.1 General**

- 3.1.1 All staff members, managers and oversight bodies have a responsibility to ensure the proper use of the Organization's resources.
- 3.1.2 Staff members are reminded that the property, assets and resources of the Organization may be used for official purposes only. Allowance being made for mere courtesy among colleagues and friends, staff members at all levels may not use the expert services of the Organization for private purposes, except in relation with their own status as officials of the Organization.
- 3.1.3 Each staff member is expected to adhere fully to the principles and practices outlined in this policy statement, in the knowledge that integrity, incorruptibility and transparency are requisite for the Organization's successful execution of its mandate and the protection and preservation of its reputation.

#### **3.2 Staff members**

- 3.2.1 The responsibilities of staff members in respect of fraud prevention and detection go beyond merely abstaining from committing fraud. As part of the duty of loyalty, the Organization expects each staff member to ensure that the prescribed policies and procedures are fully adhered to and that any breakdown in the system of internal control is immediately reported.

#### **3.3 Managers**

- 3.3.1 Managers at all levels have an overall responsibility for preventing fraud. They are expected, with the assistance of the relevant staff members, to adhere to the established system of internal control to prevent fraud and, in particular, to:
- identify the potential perils, factors, and types of risks to which the assets, programme activities and interests that they manage are exposed;
  - assess the identified risks, select risk avoidance options, design and implement cost effective prevention and control measures; and
  - propose to the SMC new or improved measures to prevent the recurrence of incidents.

#### **3.4 Internal Oversight Services**

- 3.4.1 Under its Terms of Reference as approved by the Council, the Internal Oversight Services (IOS) ascertains that the network of control processes, as designed and represented by management, is adequate and functioning in a manner as to provide assurance on the application of financial regulation 10.1. IOS also ascertains that staff members' actions comply with the legal and regulatory framework including applicable policies, standards and procedures, especially with respect to the receipt, custody and disbursement of funds and other resources of the Organization.

### **3.5 The External Auditor**

- 3.5.1 Complementary oversight is also provided by the External Auditor pursuant to Article XII of the Financial Regulations and the appendix to the Financial Regulations (Additional terms of reference governing External Audit). Under the aforementioned terms of reference, the External Auditor reports to the Governing Bodies on cases of fraud or presumptive fraud that may arise in each biennium. In addition, the External Auditor reports on any cases of wasteful or improper expenditure of the Organization's funds or other assets.

## **4 REPORTING FRAUD**

- 4.1 The Internal Oversight Services has been designated as the "reporting facility" to receive complaints or information concerning the possible existence of fraudulent activities. Confidentiality will be respected by the IOS and no reprisal will be taken against staff members making such complaints or providing such information unless it is determined that it was wilfully provided with the knowledge that it was false or with the intent to misinform. To facilitate the reporting of cases of suspected fraud by staff members, specific procedures – "Reporting of cases of suspected fraud" – are attached at annex to this document and forms an integral part of this policy statement.

## **5 INVESTIGATING FRAUD**

- 5.1 The Internal Oversight Services has the primary responsibility for initiating the investigation of suspected fraud. In pursuing this mandate the role of IOS is to establish all the facts of the matter by retrieving information and evidence – both inculpatory and exculpatory. It is not mandated to participate in or to automatically take administrative action or to initiate disciplinary measures. IOS will, at all times, have full, free and prompt access to all accounts, records, property, personnel, operations and functions within the Organization which, in the opinion of IOS, are relevant to its work.
- 5.2 The facts gathered by IOS will be reported to the Secretary-General, who, based on the recommendation provided by IOS on the matter, may take appropriate action, including instituting disciplinary measures against the staff member concerned or referring the matter for further consideration by the Administration.
- 5.3 Where cases of fraud or other alleged breach of staff regulation 10.3 involving the executive head of the Organization has been established and such alleged breach could result in disciplinary measures, IOS may bring the matter directly to the Council, for its consideration, as appropriate, and to seek outside assistance for the conduct of the investigation, including but not limited to assistance from the Joint Inspection Unit of the UN or other oversight/investigation units of the Secretariats of other UN system organizations.
- 5.4 Notwithstanding the primary role of IOS in initiating investigations into suspected fraud, the Secretary-General may request the Directors of the Administrative and/or Legal Affairs and External Relations Divisions to assume the responsibility assigned to IOS under this section in cases where a staff member of IOS is the subject of the investigation or the nature of the case warrants significant administrative and/or legal interventions to establish the facts.

## **6 DISCIPLINARY ACTION**

- 6.1 As provided under article X of the Staff Regulations (Disciplinary Measures), disciplinary measures may be taken against any staff member for unsatisfactory conduct or serious misconduct to protect the integrity and efficiency of the Organization. Examples of

unsatisfactory conduct or serious misconduct warranting disciplinary action include, but are not limited to, the following:

- the use of one's official position for pecuniary gain;
- abuse of trust to the detriment of the Organization; and
- false statement, misrepresentation or fraud.

6.2 The Organization will consistently impose a disciplinary measure, including that of dismissal, or summary dismissal, on staff members found to have committed fraud. Furthermore, in such cases, monies due to IMO by the staff member involved will be recovered in full from salaries or terminal emoluments. Depending on the circumstances of each case, the Organization may pursue recovery through the national judicial authorities of the country where the fraud has been committed.

## ANNEX

### REPORTING OF CASES OF SUSPECTED FRAUD

- 1 Pursuant to the Organization's established policy on fraud, which takes into consideration resolution 48/218B of the UN General Assembly, adopted on 29 July 1994, the Secretary-General has established a reporting facility within the Internal Oversight Services, Office of the Secretary-General, to provide for direct confidential access by staff members and other persons engaged in activities under the authority of the Organization who wish to report cases of suspected fraud.
- 2 The purpose of the present instruction is to inform staff and others of the procedures for such reporting and the measures for ensuring confidentiality and fairness. It is the intention that procedures in this area protect individual rights and the identity of staff members and others, provide due process for all concerned and fairness during any investigation, as well as protection against reprisals. It is also intended that, where warranted, disciplinary and jurisdictional proceedings shall be initiated without delay in cases where the Secretary-General considers it justified. Those falsely accused will be fully cleared.
- 3 Staff and others who wish to report cases of suspected fraud of which they have knowledge may do so in accordance with the form provided in the appendix to the present instruction and send it to the Internal Oversight Services, Office of the Secretary-General. Reports may also be made in person at the Internal Oversight Services. The identity of the reporting source will be fully protected.
- 4 Information received through the reporting facility that proves, upon investigation, to be accurate will be used in such a way that the source is not disclosed except with permission. No action will be taken against a staff member or others who have, in good faith, reported perceived wrongdoing. The transmittal of false or malicious allegations, with knowledge of their falsity or with wilful disregard of their truth or falsity, will be considered misconduct and dealt with under the appropriate Staff Regulations and Staff Rules of the Organization.

Appendix

**CONFIDENTIAL REPORT OF CASES OF SUSPECTED FRAUD**

If you believe you have knowledge of a case of suspected fraud, please provide the Internal Oversight Services with the following information.

- 1 What are the particulars of the allegation? Please describe exactly what took place.
  
- 2 Who is involved in the alleged wrongdoing or mismanagement? Please provide their names, functional titles, telephone number (and if external to Headquarters, their organizational affiliation, addresses and telephone numbers.)
  
- 3 Where did the reported incident or activity take place? Please be specific about the time(s) and place(s) where the incident(s) occurred.

4 Can you provide documentary evidence to support the allegation?

No \_\_\_\_\_ Yes \_\_\_\_\_

5 Please complete the following:

Name: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ (Home, optional) \_\_\_\_\_ (Office)

Division/Section, Address (if external to Headquarters):

\_\_\_\_\_  
\_\_\_\_\_

Your identity will not be disclosed unless expressly authorized by you provided the report is submitted in good faith.

## **GUIDELINES FOR THE INVESTIGATION OF SERIOUS MISCONDUCT**

### **1 INTRODUCTION**

- 1.1 In pursuance of the Organization's commitment to enhance accountability, the Council, at its ninety-sixth session (June 2006), approved staff regulation 10.3 and the Secretary-General, based on the approved staff regulation, promulgated staff rule 110.1 on co-operation in the investigation of misconduct.
- 1.2 To ensure that the above Staff Regulation and Rule are applied consistently and in a transparent manner, with due regard for the rights of all staff members to due process and fairness in cases of alleged serious misconduct, the Secretary-General has issued the Organization's "Policy on the Prevention and Detection of Fraud", which also sets out the modus operandi of Internal Oversight Services (IOS) in the implementation of the Policy and that of the Director of the Administrative Division and/or the Director of the Legal Affairs and External Relations Division or other bodies or individuals duly authorized to investigate cases of alleged fraud.
- 1.3 It is through properly conducted investigations that accountability can be established or the complaints dismissed and the persons accused correctly cleared. Therefore, these Guidelines for the investigation of serious misconduct set out the process for the conduct of fact-finding investigations and the rights and responsibilities of staff in relation to those investigations. They further explain to staff the applicable rules and provide information on the way in which investigations will normally be conducted and how any recommendations will be made to the Secretary-General. All persons authorized to undertake investigations of serious misconduct are hereinafter referred to as "Investigators".
- 1.4 These Guidelines also explain the procedural differences between a fact-finding investigation and the disciplinary measures that are governed by article X of the Staff Regulations.
- 1.5 It is hoped that the Guidelines will enable staff to better understand the investigative process and their rights and obligations in assisting Investigators during these investigations. This will assist the Secretary-General to ensure that the resources of the Organization are efficiently utilized for their intended purpose and that the Organization is protected from fraud, waste and abuse.

### **2 PURPOSE AND SCOPE OF INVESTIGATIONS**

#### **Scope**

- 2.1 IOS receives and investigates reports of any violations of the Organization's regulations, rules and pertinent administrative issuances. These reports may be from the Secretary-General, Directors, staff or persons outside the Organization. IOS is also empowered to initiate and carry out investigations as part of its own programme of work and may carry out investigations at the request of the Secretary-General and Directors. Investigations may also, through the analysis of control systems, focus on the potential for fraud and abuse.
- 2.2 In deciding whether to investigate a report of alleged breach of the regulations, rules or pertinent administrative issuances of the Organization, IOS will consider whether the matter could more appropriately be dealt with by others, such as the Directors of the Administrative and/or Legal Affairs and External Relations Divisions, or other UN investigative bodies. If an allegation relates to a personnel dispute concerning allowances, performance, promotion, conduct of a supervisor, etc., the matter will usually be channelled through the Administrative Division. Of course, IOS may decide to review

such matters when they seem to be due to systemic problems or if there is indication of fraud or if there are other grounds for IOS to conclude that in a particular case it ought to investigate.

- 2.3 IOS should also investigate and assess the risk to the Organization of potential fraud and other violations through analysis of systems control in high-risk areas. This is a proactive rather than a reactive role. IOS will report potential risks to the Secretary-General and make recommendations to prevent potential harm to the Organization.

### **Nature of investigations**

- 2.4 It is important that the fact-finding nature of an investigation be clearly understood. The role of IOS is to establish facts and make recommendations in the light of its findings. It utilizes its administrative authority<sup>1</sup> for direct access to all locations, staff documents and other resources of the Organization. But it does not have enforcement powers (e.g., the ability to subpoena documents). IOS reports the results of its investigations to the Secretary-General or in certain circumstances may bring the matter to the attention of the Council.
- 2.5 IOS is not responsible for deciding whether to initiate disciplinary action under article X of the Staff Regulations or to institute corrective administrative action as a result of its reports and recommendations. That is the responsibility of the Secretary-General or his authorized officials. It follows that an IOS finding that a staff member appears to have engaged in misconduct and a resultant IOS recommendation that disciplinary action be taken are not charges of misconduct. The Secretary-General initiates the disciplinary process by bringing a formal written charge of misconduct against the staff member and providing to the staff member the material on which the charge of misconduct is based. The disciplinary process is governed by the rules set out in articles X and XI of the Staff Regulations and associated provisions of the Staff Regulations and Staff Rules.
- 2.6 An IOS investigation, which is a fact-finding exercise completed prior to any decision to institute disciplinary or administrative action, is governed by the "due process" and "fairness" requirements which are discussed later in these Guidelines and which is distinct from the procedures required for disciplinary actions referred to earlier.

### **Access to information, records and the work place**

- 2.7 The mandate of IOS makes clear that staff members are under obligation to extend to IOS full co-operation. Moreover, staff rule 110.1 provides that staff must respond promptly and fully to requests for information from those authorized to investigate cases of alleged misconduct.
- 2.8 Solely for the purpose of discharging its mandate, IOS has unfettered access to all work areas of the Secretariat, including all office and work records, whether in paper or electronic form. If practicable, such access will be gained/exercised in the presence of the staff member concerned or his or her supervisor or superior.
- 2.9 Generally speaking, IOS will copy whatever material is needed. However, IOS will, on occasion, require original records as evidence. In such cases IOS will take into account the views of the Director of the Division as to the operational needs of the Secretariat entity concerned and will attempt to minimize disruption to work. Original records will be returned as soon as possible and, in any event, at the end of the investigation unless they are needed for follow-up administrative, disciplinary or judicial action. Receipts will be given by IOS for any original material taken from a work area. All material will be kept secure by IOS.

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1 See the Appendix to the Financial Regulations and Financial Rules of the Organization concerning "Additional terms of reference governing Internal Oversight".



- 2.10 Staff must realize that, by virtue of the Staff Regulations and Staff Rules (which "embody the fundamental conditions of service and the basic rights, duties and obligations of the Secretary-General and staff" of the Organization) and, in particular, staff rule 110.1, full co-operation with IOS is part of the terms and conditions of their employment. Staff are thus under a duty to respond fully and completely to IOS. However, staff members responding to IOS are given a range of confidentiality, due process and fairness protections, depending on whether they are complainants, witnesses, suspects or subjects of investigation.
- 2.11 When interviewing staff or others, every effort will be made to have two Investigators participate to ensure that proper procedures are followed. The Investigators will take careful notes and will document the conversation in the case file promptly upon completion of the interview. There is no requirement for a witness or the Investigators to sign a statement because IOS undertakes administrative fact-finding rather than criminal investigations and consequently has no law enforcement powers. However, Investigators may ask for a signed statement, for example in cases where a critical witness who is not an IMO staff member may not be available later. Where special protections are sought by the interviewee, such as in cases of reasonable fear of retaliation or other danger, IOS will shield the identity of the witness in the files.

### **3 PROTECTION FOR GOOD FAITH COMPLAINANTS**

- 3.1 It is the duty of staff members to report any breach<sup>1</sup> of the Organization's regulations and rules to the officials whose responsibility it is to take appropriate action.<sup>2</sup> An individual who makes such a report in good faith has the right to be protected against retaliation.
- 3.2 It is also the duty of staff members to cooperate with duly authorized audits and investigations. An individual who cooperates in good faith with an audit or investigation has the right to be protected against retaliation.
- 3.3 Retaliation against individuals who have reported misconduct or who have cooperated with audits or investigations is prohibited. Such behaviour violates the fundamental obligation of all staff members to conduct themselves at all times in a manner befitting their status as international civil servants, and to discharge their functions and regulate their conduct with the best interests of the Organization in view.
- 3.4 Retaliation means any direct or indirect detrimental action recommended, threatened or taken because an individual engaged in an activity protected by the present policy. When established, retaliation is by itself misconduct.

#### **Scope of application**

- 3.5 Protection against retaliation provided in this policy applies to any staff member (regardless of the type of appointment or its duration), temporary employee or intern who:

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1 For the purpose of this policy, reporting "any breach" shall include reporting of suspected breaches.

2 The duty on staff members to report breaches of IMO regulations and rules is set out in paragraph 20 of the International Civil Service Commission's Standards of Conduct which provides that: "International civil servants have the duty to report any breach of the organization's regulations and rules to the official or entity within their organizations whose responsibility it is to take appropriate action, and to cooperate with duly authorized audits and investigations. An international civil servant who reports such a breach in good faith or who cooperates with an audit or investigation has the right to be protected against retaliation for doing so". IMO Staff Regulations and Staff Rules, Regulation 1.4, Article 1: Duties, Obligations and Privileges, provides that: "all Members of the Secretariat, including the Secretary-General, are subject to the provisions of the Standard of Conduct for International Civil Servants."

- a) Reports the failure of one or more staff members to comply with his or her obligations under the Staff Regulations and Staff Rules, all other relevant administrative issuances, including memoranda, directives and policy guidelines, the Financial Regulations and Financial Rules, or the Standards of Conduct of the International Civil Service, including any request or instruction from any staff member to violate the above-mentioned regulations, rules or standards; or,
  - b) Cooperates in good faith with a duly authorized investigation or audit.
- 3.6 In order to receive the protection provided under this policy, the original report of alleged misconduct or good faith cooperation with a duly authorized investigation or audit, must have taken place within two (2) years prior to the staff member's request for protection.
- 3.7 Further, the individual's request for protection must be made no later than ninety (90) days after the most recent alleged act or threat of retaliation has occurred.
- 3.8 The time limits referred to in 3.6 and 3.7 above, may be extended where, in the opinion of the Head, Internal Oversight and Ethics Office (IOEO), it is in the interest of the Organization to do so or is otherwise necessary to give effect to the overall intent and purpose of this policy.
- 3.9 The present policy is without prejudice to the legitimate application of regulations, rules and administrative procedures, including those governing evaluation of performance, non-extension or termination of appointment.
- 3.10 The transmission or dissemination of unsubstantiated rumours is not a protected activity. Making a report or providing information that is intentionally false or misleading constitutes misconduct and may result in disciplinary or other appropriate measures.

#### **Reporting misconduct through established internal mechanisms**

- 3.11 Protection against retaliation will be extended to an individual who reports misconduct through internal mechanisms to IOEO, Human Resources Services, or the Head of Division, Department or Office concerned. It is the duty of the Organization to protect the confidentiality of the individual's identity and all communications through those channels to the maximum extent possible.

#### **Reporting misconduct through external mechanisms**

- 3.12 Protection against retaliation will also be extended to an individual who reports misconduct to an entity or individual outside of the established internal mechanisms, where the criteria set out in subparagraphs (a), (b) and (c) below are satisfied:
- a) Such reporting is necessary to avoid:
    - i. A significant threat to public health and safety; or
    - ii. Substantive damage to the Organization's operations or
    - iii. Violations of national or international law; and
  - b) The use of internal mechanisms is not possible because:
    - i. At the time the report is made, the individual has grounds to believe that he/she will be subjected to retaliation by the person(s) he/she should report to pursuant to the established internal mechanism; or

- ii. It is likely that evidence relating to the misconduct will be concealed or destroyed if the individual reports to the person(s) he/she should report to pursuant to the established internal mechanisms; or
  - iii. The individual has previously reported the same information through the established internal mechanisms, and the Organization has failed to inform the individual in writing of the status of the matter within six months of such a report; and
- c) The individual does not accept payment or any other benefit from any party for such report.

### **Reporting retaliation to the Internal Oversight and Ethics Office**

- 3.13 Individuals who believe that retaliatory action has been taken against them because they have reported misconduct or cooperated with a duly authorized audit or investigation, should report to IOEO in person, by regular mail or by email<sup>1</sup> The individual must make the report in good faith and must submit all information, documentation or evidence to support a reasonable belief that retaliation has occurred.
- 3.14 IOEO shall also maintain a Hotline for reporting Retaliation. Information on how to find and use the Hotline shall be published and accessible through the IMO website<sup>2</sup>.
- 3.15 The functions of IOEO with respect to protection against retaliation for reporting misconduct or cooperating with a duly authorized audit or investigation are as follows:
- a) To receive complaints of retaliation or threats of retaliation;
  - b) To keep a confidential record of all complaints received;
  - c) To conduct a preliminary review of the complaint to determine whether there is credible evidence that:
    - i. The complainant engaged in a protected activity; and,
    - ii. The action alleged to be retaliatory or threat of retaliation did take place; and,
    - iii. The protected activity was a contributing factor in causing the alleged retaliation or threat of retaliation.

If the preliminary review determines there is credible evidence to support a finding that all conditions in 3.15 c) i-iii are present, then a prima facie case will be established. IOEO will seek to complete the preliminary review within 45 days of receiving the complaint of retaliation.

- 3.16 If IOEO finds that there is no prima facie case of retaliation or threat of retaliation but finds that there is an interpersonal problem within a particular office, it will advise the complainant of the existence of the other informal mechanisms of conflict resolution in the Organization.

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1 Email: [Ethics@imo.org](mailto:Ethics@imo.org).

2 Such information will be located on the Internal Oversight and Ethics Office page, within the Office of the Secretary-General of the IMO Intranet.

- 3.17 If IOEO finds that there is a managerial problem based on the preliminary review of the complaint or the record of complaints relating to a particular Division, Department or Office, it will advise the Head of Division, Department or Office concerned.
- 3.18 If IOEO finds that there is a prima facie case of retaliation or threat of retaliation, it will report the matter to the Secretary-General, proceed to conduct a full investigation and notify the complainant in writing that the matter is being so investigated. IOEO will seek to complete its investigation within 90 days.
- 3.19 The purpose of the investigation undertaken pursuant to section 3.18 above is to determine whether there has been retaliation. The burden of proof shall rest with IMO management to prove by clear and convincing evidence that it would have taken the same alleged retaliatory action absent the protected activity. A finding of retaliation will follow if IMO management is unable to discharge this burden of proof. IMO management shall provide evidence to IOEO, which should be in the form of a statement, with attachments, and shall be included in the investigation report.
- 3.20 The Head, IOEO shall submit the investigation report and his/her recommendations on the case to the Secretary-General. Those recommendations may include disciplinary measures to be taken against the retaliator. The Head, IOEO will also inform the complainant in writing of the outcome of the investigation.
- 3.21 Pending the completion of the investigation, the Head, IOEO may recommend that the Secretary-General take appropriate measures to safeguard the interests of the complainant, including but not limited to temporary suspension of the implementation of the action reported as retaliatory and, with the consent of the complainant, temporary reassignment of the complainant within or outside the complainant's office or placement of the complainant on special leave with full pay.
- 3.22 All staff members, temporary employees and interns, shall cooperate with IOEO and provide access to all records and documents requested by IOEO, except for medical records that are not available without the express consent of the staff member concerned.
- 3.23 Where, in the opinion of the Secretary-General, there may be a conflict of interest in IOEO conducting the investigation as referred to in section 3.16 above, the Secretary-General may refer the complaint to an alternative investigating mechanism.

### **Protection of the person who suffered retaliation**

- 3.24 If retaliation against an individual is established, the Secretary-General may, after taking into account any recommendations made by the Head, IOEO or other concerned office(s) and after consultation with the individual who has suffered retaliation, take appropriate measures aimed at correcting negative consequences suffered as a result of the retaliatory action. Such measures may include, but are not limited to, the rescission of the retaliatory decision, including reinstatement, or, if requested by the individual, transfer to another department or function for which the individual is qualified, independently of the person who engaged in retaliation.
- 3.25 The procedures set out in the present policy are without prejudice to the rights of an individual who has suffered retaliation to seek redress through the internal recourse mechanisms. An individual may raise a violation of the present policy by the Administration in any such internal recourse proceedings.

### **Measures against the person who engaged in retaliation**

- 3.26 Acts or threats of retaliation, if established, constitute misconduct, which will lead to disciplinary measures being taken against those responsible for such acts or threats.
- 3.27 Disciplinary measures will be imposed following.
- a) consideration by the Secretary-General of the recommendations of the Head, IOEO or other concerned office(s) assigned by the Secretary-General; and,
  - b) advice provided to the Secretary-General by the Joint Disciplinary Committee under staff rule 110.4

### **Prohibition of retaliation against outside parties**

- 3.28 Any retaliatory measures against a contractor or its employees, agents or representatives or any other individual engaged in any dealings with the IMO because such person has reported misconduct by IMO staff members will be considered misconduct that, if established, will lead to disciplinary or other appropriate measures.

## **4 CONFIDENTIALITY OF THE INVESTIGATIVE PROCESS**

### **General**

- 4.1 A basic principle of investigative methodology and fairness is that an ongoing investigation be confidential. The unauthorized disclosure of reports received shall constitute misconduct by IOS staff. This protects both those who make the reports and the subject of the investigation. It also protects the integrity of the process. For example, information disclosed without authorization after a few witnesses have been interviewed may be misleading since that information will not be in the context of all the facts uncovered and may turn out to be inaccurate. Confidentiality of an ongoing investigation is equally important to ensure that those with information are not hesitant to come forward and to ensure that the reputation of individuals, offices, projects, organizations, etc., is not damaged by premature disclosure of allegations that may prove to be unfounded in whole or in part. Moreover, a staff member or person being investigated has the right to expect confidentiality of an ongoing investigation to protect his or her reputation. Confidentiality is a cornerstone of an ongoing investigative process and IOS will not normally make any progress reports that disclose the identity of a complainant or subject.
- 4.2 The requirement for confidentiality means that all evidence and investigative records, whether paper or electronic, will be secured by IOS. It is accountable for any failure to do so.
- 4.3 The identity of a witness will be confidential during the investigation in the sense that it will not be disclosed to anyone other than those who must know that identity for the purposes of the investigation. For example, if a witness indicates that the subject was seen at a particular place and time, and if this is an important question of fact, IOS may confront the subject with that evidence and seek comments; but it will not identify witnesses except in reports for administrative, disciplinary or judicial proceedings. In other words, the witness will be anonymous during the investigation vis-à-vis the staff in general and the public; but the identity of a witness may be disclosed to a subject on due process grounds or to others who need to know the identity of the witness for the purposes of enabling IOS to finish the investigation.
- 4.4 It is important to recall that staff whom IOS approaches are under an obligation pursuant to staff rule 110.1 to provide unconditional co-operation and that their testimony may be required in any administrative, disciplinary or judicial proceedings that are decided upon

by the Secretary-General as a result of the IOS report. Although the identity of witnesses is kept confidential during an investigation, such identity may be disclosed in the final report so that the Secretary-General may properly assess what administrative, disciplinary or judicial action ought to be taken as a result of the report.

### **Exceptions to confidentiality during an investigation**

- 4.5 Despite the need for confidentiality, IOS may permit an interpreter to be present if the person being interviewed is not fluent in the language being used at the interview. The selection of the interpreter will be at the discretion of IOS and the interpreter will normally not be associated with the work of the Organization.
- 4.6 Occasionally, IOS may give some account of an ongoing investigation if, for example, such information is needed to prevent further fraud, to protect staff or to counteract misleading press accounts. Such decision will rest with the head of the Internal Oversight Services.
- 4.7 Information might also be released from ongoing investigations into criminal activity in order to obtain co-operation from the appropriate authorities of a Member State.

### **Utilization of outside expertise**

- 4.8 IOS may seek scientific and technical expertise to help with an investigation to establish the facts, e.g., handwriting analysis or analysis of material on a hard drive of a computer. However, IOS will require outside experts to abide by the same duties of confidentiality and discretion that are incumbent on IOS in relation to an investigation.

## **5 DUE PROCESS AND FAIRNESS**

### **General**

- 5.1 In ascertaining the meaning of the concepts of "due process" and "fairness" during an IOS investigation, it is important to recall that staff must co-operate with IOS investigations (see staff rule 110.1). Accordingly, the "due process" and "fairness" principles that are to be applied must be consistent with both the fact-finding nature of the mandate and the obligation of staff to co-operate.
- 5.2 All information received from a confidential source will be subject to independent verification from other sources. If the original information cannot be confirmed from other sources within a reasonable time, then no further action will take place and no implication will be drawn regarding the behaviour of the staff member who is the subject of the allegation. In cases where the staff member has become aware of the allegation, he or she will be informed of the outcome of the initial effort to verify the information and of the decision to take no further action.
- 5.3 If, however, the original information provided by a confidential source is independently confirmed to be accurate or well-founded, then the staff member who is the subject of the allegation will be promptly informed that (a) an investigation is underway or will be taking place and (b) he or she will be provided with a reasonable opportunity, at an early stage in the investigation, (i) to review all of the information which is being used as the basis to support an allegation, (ii) to respond to such information, and (iii) to provide any mitigating or extenuating or exculpatory explanations. The staff member will be entitled to be represented by another staff member or a retired staff member or counsel at all stages of the investigation; however, the cost of outside representation will be the responsibility of the staff member concerned.

### **Due process during an investigation**

- 5.4 As noted earlier in these Guidelines, an IOS investigation is not a disciplinary process but a fact-finding exercise. Staff rule 110.1 provides that staff must respond promptly and fully to requests for information from those authorized to seek such information. If they decline to co-operate they will be informed that their refusal will be set out in the report of IOS and may be characterized by the Secretary-General as misconduct justifying disciplinary action.
- 5.5 As noted in paragraph 5.3 above, a staff member who is interviewed because of misconduct that he or she is alleged to have committed has a right to be given a reasonable opportunity to put forward his or her version of the facts and to present evidence or witnesses. This means that when the staff member is asked to comment on an allegation he or she must be aware of the scope of that allegation. Moreover, IOS is obligated to carefully consider the statements and material put forward by the staff member. This may end the matter. But if it becomes apparent that there are inconsistencies between evidence gathered by IOS and the explanations of the staff member, the staff member may be further questioned. Again, at those interviews the staff member will be told of the inconsistencies that arose as a result of the prior interview and will again be given a reasonable opportunity to comment, explain or present further evidence or witnesses.
- 5.6 If during the investigation, evidence shows that the initial allegation is not reasonably established, but that other instances of misconduct may have occurred, the staff member will be given the opportunity to comment and to present evidence and witnesses concerning the possible new instances of misconduct before IOS reaches any conclusions on the matter.
- 5.7 In other words, due process in the context of a fact-finding exercise means that prior to IOS finalizing its report, the staff member must have been made aware of the scope of the alleged misconduct and must have been given the opportunity to explain why his or her actions were proper and to present further evidence, explanations, information or witnesses as long as this is relevant to the case under investigation.
- 5.8 IOS does not finalize its report without the staff member having been given the opportunity to provide responses to the allegation(s) being considered, as described above. IOS will consider the evidence and the response of the subject. If IOS considers that the evidence demonstrates a reasonable basis to conclude that the subject has engaged in misconduct, its report will so conclude with reasons and with appropriate recommendations. If IOS considers that there is no reasonable basis to conclude that misconduct has occurred it will so indicate in its report.
- 5.9 A staff member who wishes to admit to a violation of the Organization's regulations, rules or pertinent administrative issuances may be asked to prepare and sign a statement.

### **Fairness during an investigation**

- 5.10 The fundamental requirement of fairness during a fact-finding investigation is that Investigators have to approach the matter with an open mind. An Investigator who has formed a concluded opinion on the matter prior to the start of an investigation must not undertake the investigation. Of course, an Investigator may be suspicious and those suspicions may strengthen or lessen during the investigation. However, the task of the Investigator is to establish facts and draw reasonable conclusions from those facts. Allegations from an informant or manager are simply allegations. The Investigator will attempt to ascertain the facts by interviewing witnesses, by seeking documentary or other evidence, such as expert opinions or site visits, on the basis of which IOS will make its recommendations to the Secretary-General.

### **Fairness for witnesses**

- 5.11 A staff member who is a witness or who may have relevant information and who is approached by IOS has an obligation to co-operate fully.
- 5.12 The investigative standards applicable to witnesses are best described by the concept of "fairness". The concept of "fairness" means that questions to witnesses or those with information needed for the investigation will be clear and that the person interviewed will be given full opportunity to respond in their own words. They may be subject to detailed questions and may be re-interviewed.
- 5.13 A witness will be informed of the general nature of the matter under investigation but not the identity of the person under suspicion, unless necessary for the inquiry. If the witness refuses to co-operate, he or she will be told of the obligation of staff to co-operate and supply documents, records or information. Ongoing investigations are confidential and the fact that questions are being asked about the activities of other persons should not be seen as an indication that those persons have done anything improper.
- 5.14 The requirement for confidentiality generally means that only the witness and the Investigators will be present at the interview. Interpreters who are authorized by IOS may be included at the discretion of the Investigators.
- 5.15 Depending on the circumstances, a witness may be informed that information supplied may be used to confront the persons or persons under suspicion. If, as a result of an eventual IOS report, the Secretary-General decides to take disciplinary or administrative action, the witness may be called upon to make a statement.

## **6 REPORTING REQUIREMENTS**

- 6.1 As noted previously, IOS has discretionary authority to decide which matters it should investigate. Following a preliminary review, IOS will assess complaints to determine whether and when to investigate and the priority and resources to be accorded to such investigation. IOS may recommend that the matter be investigated by other appropriate entities of the Organization. The matter may also be closed after a preliminary review and assessment of the complaint and supplementary information provided by the complainant. This assessment will include an evaluation of the contents of the complaint, of its relation to the Organization and to staff, as well as of the credibility of the person making the allegation. The ultimate decision whether and when to investigate depends upon all the circumstances of the case and the overall workload of IOS.
- 6.2 IOS is mandated to report to the Secretary-General its findings and recommendations on matters it has investigated.
- 6.3 An investigation report that recommends disciplinary or judicial action will set out the facts that have been established by IOS and demonstrate how those facts led IOS to reasonably conclude that the staff member concerned has engaged in misconduct. The report will present an account of the views of the staff member against whom evidence of misconduct has been obtained and of the evidence that is relied upon by IOS and that staff member. It must be re-emphasized that the IOS investigation is not a criminal investigation and that IOS must demonstrate only that its conclusions and recommendations reasonably follow from the facts. It will then be for the Secretary-General or his/her designate to review the report and decide whether to conclude that the report of misconduct is well founded and, on that basis, to decide whether the matter shall be pursued.
- 6.4 IOS will also report to the Secretary-General and managers, as appropriate, when it finds that allegations are unfounded and the matter has been closed.



## **Notifications to complainants and witnesses**

- 6.5 Ongoing investigations are confidential. Primary consideration in making notifications rests on the requirement to protect confidentiality. Moreover, if the Secretary-General institutes disciplinary action as a result of an IOS investigation that disciplinary process is also confidential. As a result, detailed information will not be provided to complainants, witnesses or others on what has occurred during, or as a result of, an IOS investigation unless it is determined by the Secretary-General or the head of the Internal Oversight Services, that release of such information is in the interests of the Organization.
- 6.6 Further, during investigations when a matter or issue arises which may pose a risk to the operation, project or department concerned or which may directly affect the proper management of that operation, project or department, IOS may provide specific relevant information prior to the completion of the investigation. Frequently, the difficulty may be more apparent than real because a complainant or witness may often be close to the matter being investigated and so will be aware that an investigation has started or that action has been taken as a result of that investigation.

## **7 DISPOSITION OF CASES AND APPEALS**

- 7.1 Cases of alleged serious misconduct for which the investigation findings indicate that no violations of the Organization's regulations, rules or pertinent administrative issuances have occurred will be reported to the Secretary-General and managers, as appropriate, and considered closed with no further action being required. In those cases where the investigation has found that violations of the regulations, rules or pertinent administrative issuances have occurred, the disciplinary process provided for in article X of the Staff Regulations will be applied.
- 7.2 Should any disciplinary measure be imposed on staff members by virtue of article X of the Staff Regulations, as a consequence of investigations conducted under these Guidelines, such staff members may avail themselves of the administrative machinery established by the Secretary-General for the purpose of appeals, as set out in article XI of the Staff Regulations and its associated Staff Rules.



## APPENDIX G

### Procedures for the Filing and Utilization of Financial Disclosure Statement

#### Purpose

The purpose of the present policy and procedures, which constitutes appendix G to the Staff Rules (in accordance with rule 101.2(r)), is to ensure that potential conflicts of interest arising from staff members' financial holdings, private affiliations or outside activities can be identified, and advice is provided on how to best manage any potential conflicts of interests in the best interests of the Organization. IMO staff rules 101.2(n), (o), (p) (q), (s) and (t) address the issue of conflict of interest and outside activities and set forth in general the preventative measures to avoid such conflict of interest situation, which may give rise to staff members.

#### 1 Definitions

1.1 The following definitions shall apply for purposes of this policy and procedures.

- (a) Spouse: an individual whose personal status has been recognized as such by IMO for purposes of United Nations entitlements;
- (b) Relative: a father, mother, son, daughter, brother or sister;
- (c) Stock Option: a right or option to buy a specific number of shares at a later date and price;
- (d) IMO Focal Point for Financial Disclosure: Head, Internal Oversight and Ethics Office; and
- (e) Third Party Administrator (TPA): An independent service provider which may serve to (a) collect, file, and report on the outcomes of the financial disclosure forms, and (b) advise the IMO Focal Point for Financial Disclosure regarding best practices that may be considered for implementation, with respect to the financial disclosure policy and practice.

#### 2 Obligation to file a financial disclosure statement

2.1 The following staff members have an obligation to file an annual financial disclosure statement:

- (a) All staff members at the D-1 level and above;
- (b) All staff members, who are procurement officers, or whose principal occupational duties are the procurement<sup>1</sup> of goods and services for IMO;
- (c) All staff members, who are financial officers, or whose principal occupational duties relate to the investment of the assets of IMO or of any accounts for which IMO has fiduciary or custodial responsibility;

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<sup>1</sup> Procurement refers to the process of obtaining value for money in the buying of goods and services for the Organization, including the identification and selection of vendors and the negotiation of contracts.

- (d) Other staff members whose direct access to confidential procurement or investment information or whose engagement in procurement activity for a limited duration or under specific exceptional circumstances, warrants the completion of a financial disclosure statement; and
  - (e) All professional staff members serving and performing internal oversight and/or ethics function.
- 2.2 The relevant Director of Division or head of Office shall provide the list of the names, job descriptions and contact information of staff members who shall file financial disclosure statements under section 2.1 above to the IMO Focal Point for Financial Disclosure. They may consult, as needed, with the IMO Focal Point for Financial Disclosure in determining the staff members who shall file financial disclosure statements. The IMO Focal Point for Financial Disclosure shall inform all those individuals of the requirement to file, provide the necessary forms and guidance, and specify the dates for filing.
- 2.3 Staff members who are not able to comply with the disclosure requirements in respect of themselves or their spouse or child shall submit a request for an exemption from financial disclosure with a detailed justification to the IMO Focal Point for Financial Disclosure. The IMO Focal Point for Financial Disclosure shall consider whether such justification is reasonable, with regard to the particular circumstances of each case, and may make recommendations to the staff member and/or to the Secretary-General in respect of each case.

### **3 Review and verification of the financial disclosure statements**

- 3.1 The financial disclosure statements filed by staff members may be reviewed and/or verified by either the IMO Focal Point for Financial Disclosure or a designated TPA.
- 3.2 In case of section 3.1 above, the IMO Focal Point for Financial Disclosure or the TPA shall advise and liaise with the individual staff member in the event any information included in the staff member's financial disclosure statement needs clarification.
- 3.3 Staff members are required to respond promptly to inquiries made by the IMO Focal Point for Financial Disclosure or the TPA about items reported in the statements, and are required to cooperate promptly with any verification exercise, which may require that staff members submit supporting documents.

### **4 Scope of the financial disclosure statements with respect to staff members, their spouses and dependent children**

- 4.1 Staff members who are required to file a financial disclosure statement under section 2.1 above shall report the following in respect of themselves, their spouse (if any), and dependent children (if any):

Assets held that have a market value of \$10,000, or above, per asset, or the equivalent in local currency at the UN operational rate of exchange. Assets include but are not limited to stocks, bonds, mutual fund investments and real estate<sup>1</sup>. Personal property<sup>2</sup> should be reported only if it is held for investment or business purposes. Personal property includes, but is not limited to, items such as motor vehicles, boats, livestock, furniture, carpets, jewelry, and art;

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1 The term "real estate" means land and buildings such as houses, apartments, farms and shops. In some jurisdiction, "real estate" is also called "real property".

2 The term "personal property" means all property other than "real estate". In some jurisdiction, "personal property" is also called "personal effects", "movable property" and "goods and chattel".

- (a) Any profit of more than \$10,000 on the sale of personal property that is held for investment or business purposes;
- (b) All stock options, publicly listed or private, regardless of value;
- (c) Income earned from sources other than IMO in the reporting period, including from investments listed in section 4.1 (a) above, any form of deferred emoluments from prior employment (but excluding United Nations pension benefits received from prior employment), or profit shares from prior employment partnerships, if the total of all such income is over \$10,000 in the reporting period;
- (d) Any form of supplement, direct or indirect, to IMO emoluments, including provision of housing or subsidized housing, or any gift, per diem, reimbursements, entertainment or travel expenses, favour, benefit, remuneration or in kind contribution from any Government, governmental agency or other non IMO source<sup>1</sup> aggregating \$250 or more from a single source during the reporting year, other than dependency benefits under national laws, travel and per diem for approved outside activities and residential accommodation that has been accepted by IMO for its staff members. Gifts from relatives are not required to be reported;
- (e) Liabilities over \$50,000 owed to any creditor, including a mortgage on the staff member's personal and/or vacation residence, as well as liability to a former spouse. Liabilities owed to a parent, sibling, or dependent child are excluded;
- (f) Involvement in any other activity, whether or not the activity is subject to approval under the applicable IMO Staff Regulations and Rules, that could have an impact on the objectivity or independence of the staff member in the performance of duties for IMO or otherwise affect the image or reputation of IMO or the United Nations; and
- (g) A spouse's or dependent child's financial or other interest in, or association with, any entity with which the staff member may be required to have dealings on behalf of IMO, or any entity which has any commercial interest in the work of IMO or a common area of activity with IMO.

4.2 Staff members who are required to file a financial disclosure statement under section 2.1 above shall also report the following:

- (a) Any relatives employed in the United Nations system; and
- (b) Any leadership or policymaking role of the staff member in any non-United Nations entity (including membership on any corporate board).

## **5 Applicable date for values and rates of exchange**

5.1 For the purposes of making the statements required pursuant to the present policy and procedures, the applicable date for all values and rates of exchange is as of 31 December of the reporting year.

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<sup>1</sup> Staff members should ensure that they are aware of, and act in accordance with, staff regulation 1.6 and Circular ADMIN/14/28, 9 May 2014, concerning policy on reporting, accepting and retaining of honours, decorations, favours, gifts or remuneration from governmental and non-governmental sources.

## **6 Filing procedures**

- 6.1 Staff members who are required to file a financial disclosure statement under section 2.1 above shall do so in the financial disclosure form, which is available to staff members on the Organization's Intranet or from the IMO Focal Point for Financial Disclosure.
- 6.2 Staff members who are required to file annual financial disclosure statement pursuant to the present policy and procedures shall do so by 31 March or such later date as determined by the IMO Focal Point for Financial Disclosure in respect of the period from 1 January to 31 December of the previous year.
- 6.3 All statements are to be lodged with the IMO Focal Point for Financial Disclosure, except for the statement of the IMO Focal Point for Financial Disclosure, which shall be submitted to the Secretary-General.
- 6.4 Any person offered an appointment at a level or position that would require financial disclosure pursuant to section 2.1 above, shall file an initial financial disclosure statement. Such a statement shall be submitted to the IMO Focal Point for Financial Disclosure and shall be made in respect of the immediately preceding 12-month period.

## **7 Confidentiality**

- 7.1 The financial disclosure statements are confidential and will be accessible to and used only by the Secretary-General, the IMO Focal Point for Financial Disclosure, the designated TPA, or by offices or persons specifically authorized in writing by the Secretary-General.

## **8 Obligations of staff members**

- 8.1 Staff members making disclosures pursuant to the terms of the present policy and procedures shall submit accurate statements and certify that the information disclosed is true, correct and complete to the best of their knowledge and belief. Disciplinary measures or administrative remedies may be taken against staff members who fail to file the financial disclosure form, or in filing knowingly make false statements or provide inaccurate information, or fail to comply with a review and/or verification exercise.

## **9 Final provisions**

- 9.1 This policy and procedures is effective 1 July 2014.
- 9.2 The IMO Focal Point for Financial Disclosure may issue guidance to effect the implementation of this policy and procedures.

**APPENDIX H**

**Procedures for Investigation of Alleged Acts of Misconduct**

TO BE DEVELOPED

(This refers to rule 110.3(a)(i))

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