



General Conference

40th session, Paris, 2019

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United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Организация
Объединенных Наций по
вопросам образования,
науки и культуры

منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

Item 12.1 of the provisional agenda

40 C/48 Add.3
12 November 2019
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STAFF REGULATIONS AND STAFF RULES

ADDENDUM 3

COMMENTS BY THE INTERNATIONAL STAFF ASSOCIATION OF UNESCO (ISAU)

OUTLINE

In accordance with Item 9.2.7 of the UNESCO Human Resources Manual, the International Staff Association of UNESCO (ISAU) comments on the report by the Director-General on the Staff Regulations and Staff Rules (document 40 C/48).

1. ISAU regrets that despite the many criticisms made in its written comments (document 207 EX/5.IV.B Add.2) concerning the Draft Amendments to the Staff Regulations – Amendments to Staff Rules, the Administration has not taken into account in its Addendum a number of key points, thereby violating the staff's rights.

2. With regard to the **post classification policy**, we denounced the fact that the Administration intends to delete Staff Rule 102.2, which stipulates that “*Any staff member who considers that the nature of the duties or the level of responsibilities required of him or her are not compatible with the classification standards or criteria applicable to the grade of his or her post may, at any time, submit to the Director-General a request for the reclassification of the post provided that there has been a substantial modification in the structure and responsibilities of the unit to which the post belongs, and consequently in the responsibilities of the claimant*”.



Job :201913878

3. Moreover, this deletion surreptitiously leads to the proposed amendment of Staff Regulation 4.2, which does not help the career development of staff members. ISAU therefore reiterates its total disagreement with the deletion of Staff Rule 102.2.

4. We have already deplored the fact that the Bureau of Human Resources Management (ADM/HRM) chose not to inform Member States in the documents submitted to the Executive Board and the General Conference that the Administration intends to delete Staff Rule 102.2 of the Manual, thereby depriving staff members of the right to make individual requests for post reclassification, even though this item is the subject of a major draft amendment to the Staff Regulations and Staff Rules.

5. Further to our criticisms, ADM/HRM has informed us that an information meeting was held with delegates of the Member States to explain the changes. We have also learned that in the information document submitted at this meeting, ADM/HRM stated that as a last resort, requests may be sent to the Assistant Director-General for Administration and Management (ADG/ADM). Does this mean that individual requests may ultimately be submitted to ADG/ADM instead of the Director-General? If this is the case, it is therefore not necessary to delete Staff Rule 102.2, but simply to amend it as follows:

*“Any staff member who considers that the nature of the duties or the level of responsibilities required of him or her are not compatible with the classification standards or criteria applicable to the grade of his or her post may, at any time, submit to the ~~Director-General~~ **Assistant Director-General for Administration and Management (ADG/ADM)** a request for the reclassification of the post provided that there has been a substantial modification in the structure and responsibilities of the unit to which the post belongs, and consequently in the responsibilities of the claimant”.*

6. ISAU emphasizes that to deprive staff of the right to make requests for reclassification is a **violation of the acquired rights of staff**. We find it difficult to understand such a decision, given that individual reclassifications concern only very few cases, since such requests are already subject to strict criteria and an external audit. We also recall that the act of making a request does not imply that it must be accepted.

7. It is all the more surprising that ADM/HRM simply states in paragraph 3 of document 40 C/48 that *“The Director-General proposes to implement a new post classification policy, taking into account the External Auditor’s recommendations and United Nations practice. In this context, it is proposed that reclassified posts be advertised in certain cases, as is the practice in other United Nations agencies. These cases will be listed in the Human Resources Manual. They would include cases where the reclassification results in a change of category from G to P or when a post requires substantially different qualifications or eligibility requirements. This change requires an amendment to Staff Regulation 4.2.”*, **without mentioning the deletion of Staff Rule 102.2**.

8. There is no explanation as to why the Administration wants to treat reclassifications from category G to P separately. If an audit confirms that the incumbent of the post is performing the functions of the post, why deprive him or her of the reclassification to category P? The recent reclassification exercise saw the transition of some category G staff to category P, which we welcome. On the other hand, if reclassified posts are published, what are the *“substantially different qualifications or eligibility requirements”*?

9. Contrary to what the Administration claims, there is no common practice of individual requests for reclassification of posts for United Nations agencies. We stress that the International Labour Organization (ILO), International Atomic Energy Agency (IAEA) and United Nations Secretariat provide the opportunity for staff members to make individual reclassification requests.

10. The draft amendment to Staff Regulation 4.2, proposed in paragraph 17 of document 40 C/48, “... the Director-General shall, except in those cases of appointments resulting from post reclassifications **as prescribed by the Director-General...**” is not clear.

11. Indeed, we do not have the information to assess it. What is meant by “**prescribed by the Director-General**”? How can we understand this distinction, this contradiction even, between decisions and prescriptions of the Director-General? This draft amendment requires clarification from the Administration.

12. Regarding the draft amendments to the **Annex A of the Staff Regulations and Staff Rules - Statutes of the Appeals Board**, ISAU welcomes the decision by ADM/HRM to submit, in response to our request, the changes to the Statutes of the Appeals Board in track changes mode in its Addendum. We also welcome the fact that some of our demands were met.

13. Nevertheless, ISAU maintains its disagreement on many points, in particular:

- (a) The proposed amendment on the composition of the Appeals Board contains inconsistencies. Why should the number of members elected be increased to 20 for each group, whereas the Board’s membership is reduced to three members? Moreover, the Appeals Board has informed us of the difficulty of finding 15 elected members for each group. Why then increase the number to 20? Reducing the membership to three members with **only one staff representative is to negate any real debate**.
- (b) ISAU regrets that the Administration has not followed its proposal to set the deadline for the Director-General to decide on cases at 30 days. It must be said that the 90-day period proposed in paragraph 24 is far too long.
- (c) ISAU does not accept that participation by the staff associations should be “**subject to the agreement of the Appellant**”. We do not object to the right for the appellant to challenge a member appointed by the associations, but **we absolutely cannot accept that the associations should be denied the right to participate in hearings of the Appeals Board**. We have also asked for the associations to be able to take the floor during the debate and we regret that the request was not accepted.

14. Concerning the **procedure and disciplinary measures**, ISAU acknowledges the need to simplify the disciplinary procedures, but it cannot fail to stress that a simplification must be **objective, impartial and fair treatment** for all staff.



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Item 12.1 of the provisional agenda

40 C/48

8 October 2019

Original: English

STAFF REGULATIONS AND STAFF RULES

OUTLINE

Source: Staff Regulations 12.1 and 12.2.

Background: As stated in Staff Regulation 12.1 “These Regulations may be supplemented or amended by the General Conference subject to the maintenance of the acquired rights of staff members” and in Staff Regulation 12.2 “The Director-General shall report to each session of the General Conference such Staff Rules and amendments thereto as he may make to implement these Regulations”.

Purpose: This report is divided into two Sections:

Section 1: Proposed amendments to Staff Regulations. The Director-General proposes an amendment to Staff Regulation 9.1.1; Staff Regulation 10.1; and Staff Regulation 10.2 to update the Organization’s disciplinary proceedings. She also proposes amendments to Staff Regulation 11.1 and to the Statutes of the Appeals Board in the context of a review of the Organization’s internal system of justice. The Section also contains a proposed amendment to Staff Regulation 4.2 to implement the Organization’s new post classification policy.

Section 2: Amendments to Staff Rules. This Section sets out the amendments made by the Director-General to the Staff Rules since the 39th session of the General Conference. These amendments concern Staff Rules relating to the recruitment process; the allowances payable to staff; the acceptance of honours, decorations, favours and gifts; remuneration for outside activities; and disciplinary proceedings.

Decision required: paragraph 17.



Job: 201912724

Section 1. PROPOSED AMENDMENTS TO STAFF REGULATIONS

Source

1. The paragraph of the introductory part of the Staff Regulations and Staff Rules entitled “Purpose” reads as follows: “The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of members of the Secretariat of UNESCO, as approved by the General Conference”.
2. Staff Regulation 12.1 provides in this regard that the Regulations may be supplemented or amended by the General Conference subject to the maintenance of the acquired rights of staff members.

Proposal for amendment to Staff Regulation 4.2 (Appointment, Promotion and Transfer)

3. The Director-General proposes to implement a new post classification policy, taking into account the External Auditor’s recommendations and United Nations practice. In this context, it is proposed that reclassified posts be advertised in certain cases, as is the practice in other United Nations agencies. These cases will be listed in the Human Resources Manual. They would include cases where the reclassification results in a change of category from G to P or when a post requires substantially different qualifications or eligibility requirements. This change requires an amendment to Staff Regulation 4.2.
4. The proposed amendment to Staff Regulation 4.2 can be found in **paragraph 17** below.

Proposal for amendments to Staff Regulation 9.1.1; Staff Regulation 10.1 and Staff Regulation 10.2 (Disciplinary Proceedings)

5. On 19 June 2019, the Director-General reviewed the Organization’s policy on disciplinary proceedings, and introduced a number of changes to the disciplinary process. The policy review was the subject of consultations with the Advisory Council on Personnel Policies (ACPP), and the Staff Associations.
6. The review contributed to clarifying concepts; expanding available disciplinary measures; streamlining the procedure and clarifying the roles and responsibilities of the services involved, while at the same time strengthening due process. The changes also aimed at aligning UNESCO’s practise on United Nations practice.
7. To complete the review of the disciplinary process, the Director-General proposes further changes, which require amendments to the Staff Regulations by the General Conference.
8. The proposed changes are as follows:
 - (a) Elimination of the Joint Disciplinary Committee (JDC). The JDC is a committee composed of staff appointed by the Director-General which is tasked with providing advice to the Director-General on individual disciplinary cases. In the new disciplinary process, professional advice is provided to the Director-General by the ADG for Administration following a recommendation by Director HRM. It is therefore proposed to eliminate the JDC in line with the practice within the United Nations system.
 - (b) Elimination of the provisions of the Staff Regulations inconsistent with the new policy on disciplinary proceedings. The Director-General proposes to eliminate the following:

- Termination for “conduct that does not meet the highest standards required by the Constitution and the Staff Regulations”. Such misconduct now falls under the new disciplinary proceedings and is subject to the standard disciplinary process.
- The specific termination procedure requiring advice from the Special Advisory Board. The Director-General proposes to abolish the Special Advisory Board which has not been convened in UNESCO for 20 years or more. All misconduct would therefore be subject to standard disciplinary proceedings.

9. The proposed amendments to Staff Regulation 9.1.1, Staff Regulation 10.1 and Staff Regulation 10.2 can be found in **paragraph 17** below.

Proposal for amendment to Staff Regulation 11.1 and to the Statutes of the Appeals Board

10. The Director-General proposes to update the internal system of justice of the Organization. The purpose of this update is threefold:

- To strengthen the transparency and independence of the Appeals Board, the internal body which provides advice on appeals by staff members;
- To simplify access to internal justice in the interest of staff and the Organization as a whole;
- To introduce best practices from other United Nations agencies.

The review of the Appeals proceedings was the subject of consultations with the Advisory Council on Personnel Policies (ACPP), and the Staff Associations.

11. The key proposed changes are as follows:

- (a) The **composition of the Board** will be reduced from five to three members, namely: the Chairperson; one member appointed by the Director-General; and one member elected by staff.
- (b) The **time limits** are adjusted to ensure fairness and speed up proceedings. Specifically, the time limits applicable to Headquarters and to the field are harmonized; proceedings may be suspended for 60 days when there is an attempt to resolve the dispute informally.
- (c) **Hearings** may now be held remotely as well as in person.
- (d) In terms of **receivability**, failure to abide by the applicable time limits will lead to the appeal being irreceivable. Furthermore, the Chairperson of the Appeals Board is given the power to recommend that the Director-General dismiss appeals that are clearly irreceivable or without merit.
- (e) The authority to make **amendments** to the Statutes of the Appeals Board is vested in the Executive Board. Previously, the Executive Board had the authority to amend only certain provisions, with the General Conference having the authority to amend all provisions. This revision will allow the Organization to implement any future amendments to the Statutes of the Appeals Board which may be required between General Conference sessions.

12. The proposed amendment to Staff Regulation 11.1 and to the Statutes of the Appeals Board can be found in **paragraph 17** below.

Section 2. AMENDMENTS TO STAFF RULES

13. The introductory section of the Staff Regulations and Staff Rules provides, under the heading “Implementation”, that “the Director-General, in his/her capacity as Chief Administrative Officer of the Organization, shall give effect to the present Regulations; he or she shall lay down and enforce Rules and Provisions consistent therewith”. Furthermore, Staff Rule 112.2 (a) provides that “[t]hese Rules may be amended by the Director-General in a manner consistent with the Staff Regulations”.

14. In this regard, Staff Regulation 12.2 provides that “[t]he Director-General shall report to each session of the General Conference such Staff Rules and amendments thereto as he or she may make to implement these Regulations”.

15. In pursuance of Staff Regulation 12.2, the Director-General duly informs the General Conference that the following amendments have been made to the Staff Rules since its 39th session (2017).

16. The amendments in question, set out in the annex to the present document, and the purpose thereof, are indicated below.

Amendments effective on 1 November 2017¹

Rule 104.1 – Advisory Board on Individual Personnel Matters

Rule 104.1 *bis* – Appointment Review Board

Rule 104.2 – Limitations on employment

Rule 10.4.2 *bis* – Eligibility requirements for recruitment

Rule 104.9 – Medical examinations

In September 2015, IOS issued an audit on the Recruitment Process for International Staff, with recommendations to improve its efficiency and rapidity. The Executive Board at its 197th session requested the implementation of the action plan for each recommendation of the audit. Following these recommendations, the advertisement period for posts was reduced to one month and all posts were to be advertised externally, as approved by the General Conference at its 38th session.

The following key changes were introduced:

- Staff Rule 104.1 was amended to specify that the Advisory Board on Individual Personnel Matters is not consulted on appointments of one year or longer of persons subject to the Staff Regulations and Rules.
- Staff Rule 104.1 *bis* was amended to establish the New Appointment Review Board (ARB). This Board replaces the PAB (Personnel Advisory Board) for the review of and advice on appointments to Professional posts (except for appointments to Director category, and above posts, Head of field office posts, Project Appointments, Junior Professional Officers, Young Professionals, and appointments to local field posts) and General Service posts. In its review, the ARB ensures that the recruitment process complies with the rules, policies and procedures in force.

¹ These amendments came into force during the 39th session of General Conference (27 October to 14 November 2017)

- In Staff Rule 104.2, paragraphs b) and c) were deleted and their provisions transposed to Staff Rule 104.2 *bis*.
- Staff Rule 104.2 *bis* was amended to set out specific academic and language requirements for candidates for professional posts and higher categories.
- Staff Rule 104.9 (b) was deleted. It mandated a medical examination at the beginning of each year of service when a staff member was retained in service beyond the age of sixty.

Amendments effective on 1 March 2019

Rule 104.1 *bis* – Updated Recruitment Policy – Delegated authorities in appointment to International Professional posts

Staff Rule 104.1 *bis* was amended to specify that the Director-General retains the authority to appoint Young Professionals, on recommendation from Director HRM.

Amendments effective on 7 May 2019

Rule 103.11 – Mobility incentive, hardship allowance and non-family service allowance

To align UNESCO's practice with those of the United Nations Secretariat, Staff Rule 103.11 was amended to update the payment modalities of the mobility incentive.

Amendments effective on 10 May 2019

Rule 101.7 – Honours, decorations, favours and gifts

Rule 101.8 – Acceptance of remuneration

The following key changes were introduced to give effect to Staff Regulation 1.6 amended by the General Conference at its 39th session.

- Staff Rule 101.7 was amended to regulate the acceptance by staff of honours, decorations, favours or gifts.
- Staff Rule 101.8 was amended to regulate the acceptance of remuneration from external sources.

Amendments effective on 19 June 2019

Rule 101.2 – Financial responsibility

Rule 109.6 – Notice of termination

Rule 109.9 (f) – Repatriation grant

Rule 110.1 – Disciplinary measures

Rule 110.3 – Administrative leave

In the context of the updating of the Organization's disciplinary proceedings, the following key changes were introduced:

- Staff Rule 101.2 was amended to update the definition of financial responsibility.
- Staff Rule 109.6 was amended to grant notice of termination to staff whose appointment is terminated on disciplinary grounds.
- Staff Rule 109.9 (f) was amended to establish that a repatriation grant is not payable to a staff member who abandons his or her post or is summarily dismissed.
- Staff Rule 110.1 was amended to introduce new disciplinary measures.
- Staff Rule 110.3 was amended to establish that the Director-General may grant “administrative leave” with pay or, in exceptional cases, without pay, during the investigation or the disciplinary procedure.

Proposed draft resolution

17. In light of the above, the General Conference may wish to adopt a resolution along the following lines:

The General Conference,

Having examined document 40 C/48,

1. *Takes note* of the information provided in that document,
2. *Decides* to amend Staff Regulation 4.2 as follows:

Regulation 4.2 (*amendments in bold italic*)

In appointing staff members, the Director-General shall, except in **those cases** of appointments resulting from post reclassifications **as prescribed by the Director-General**, use a competitive process in order to secure the highest standards of efficiency, competence and integrity.

3. *Decides* to amend Staff Regulation 9.1.1 as follows:

Regulation 9.1.1 (*amendments in bold italic, deletions in strikethrough*)

The Director-General may also, giving his **or her** reasons therefor, terminate the appointment of a staff member

- ~~(a) — If the conduct of the staff member indicates that the staff member does not meet the highest standards required by Article VI of the Constitution and by Chapter I of the Staff Regulations.~~
- (a) — If facts anterior to the appointment of the staff member and relevant to his **or her** suitability and which reflect on his **or her** present integrity come to light, which, if they had been known at the time of his **or her** appointment, should, under the standards established in the Constitution, have precluded his **or her** appointment.

~~No termination under the provisions of this Regulation shall take effect until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Director-General. This Board shall consist of four staff members chosen by the Director-General in agreement with the staff association or associations and shall have a chairperson nominated~~

~~by the President of the International Court of Justice. Its reports and opinions, accompanied by a statement of the reasons therefor, shall be communicated to the staff members concerned.~~

4. *Decides to amend Staff Regulation 10.1 as follows:*

Regulation 10.1 *(amendments in bold italic, deletions in strikethrough)*

~~The Director-General shall establish administrative machinery with staff participation to advise him or her in disciplinary cases.~~

Failure by a staff member to comply with his or her obligations under the Constitution, the Staff Regulations and Staff Rules or other administrative issuance, or to observe the Standards of Conduct expected of an international civil servant, may amount to misconduct, and may lead to the institution of disciplinary proceedings and the imposition of disciplinary measures for misconduct.

5. *Decides to delete Staff Regulation 10.2 as follows:*

~~Regulation 10.2~~ *(deletion in strikethrough)*

~~The Director-General may impose disciplinary measures on staff members whose conduct is unsatisfactory. Notwithstanding the provisions of Regulation 10.1, The Director-General may summarily dismiss a staff member for serious misconduct.~~

6. *Decides to amend Staff Regulation 11.1 as follows:*

Regulation 11.1 *(amendments in bold italic)*

The Director-General shall maintain an Appeals Board, with staff participation, to advise him or her when a staff member lodges an appeal against disciplinary action ***a disciplinary measure*** or against an administrative decision, alleging that it conflicts with the terms of his or her appointment or with any relevant regulation or rule. ***Staff members shall have access to the Appeals Board in accordance with the Statutes of that Board (see Annex A).***

7. *Decides to amend the Statutes of the Appeals Board as follows:*

Annex A of the Staff Regulations and Staff Rules - Statutes of the Appeals Board

Previous Text	Amended Text
<p>Purpose of the Appeals Board</p> <p>1. The Appeals Board shall advise the Director-General, with whom the final decision shall rest, on appeals made by members of the staff.</p>	<p>Purpose of the Appeals Board</p> <p>1. The Appeals Board (hereinafter referred to as "<i>the Board</i>") shall advise the Director-General, with whom the final decision shall rest, on appeals made by members of the staff.</p>
<p>Membership of the Board</p> <p>2. The Board shall consist of five members, having equal votes, selected as follows:</p> <p>(a) A Chairperson appointed by the Executive Board. An alternate Chairperson may be appointed in the same manner.</p>	<p>Composition of the Board</p> <p>2. The Board shall be composed of three members, all having equal votes, as follows:</p> <p>(a) A Chairperson or one of the two alternate Chairperson (s) appointed by the Executive Board.</p>

<p>(b) Two members appointed by the Director-General, subject to (d) and (e) (i) below, for each appeal.</p> <p>(c) Two members representing the staff, appointed in rotation, subject to (d), (e) and (f) below, for each appeal, by the Chairperson of the Board from a panel divided into two groups elected every two years by a ballot of staff members as follows:</p> <p>Group I: fifteen members from the Principal Officer and Director and the Professional categories. Group II: fifteen members from the General Service category.</p> <p>Not more than two of the fifteen members in Group I and not more than three in Group II shall be of the same nationality.</p> <p>(d) In appointing members for each appeal the Director-General and the Chairperson of the Board shall not appoint any member from the appellant's Division, Bureau or Office and shall observe the principle of equitable geographical distribution.</p> <p>(e)</p> <p>(i) On an appeal by a staff member in the Principal Officer and Director category, or in the Professional category, no member shall be appointed from the General Service category.</p> <p>(ii) On an appeal by a staff member in the General Service category, at least one of the representatives of the staff shall be appointed from Group II of the Panel.</p> <p>(f) A staff member appealing to the Board may object to not more than two members of the staff panel and, in that case, the Chairperson shall appoint two other members of the panel.</p> <p>3. The Director-General shall appoint a Secretary to the Board.</p> <p>4. The Administration and the staff association or associations may each be represented by an observer at all hearings by the Board. Every effort shall be made to select as observers persons to whom the appellant has no personal objection.</p>	<p>(b) One member representing the Administration, appointed by the Director-General or by his/her designated representative, subject to subparagraph (d) and paragraph 3 below, for each appeal.</p> <p>(c) One member representing staff, appointed in rotation, subject to subparagraph (d) and paragraph 3 below, for each appeal, by the Chairperson of the Board from a Staff Panel divided into two groups elected every two years by a ballot of staff members as follows: Group I: twenty members from the Professional category and above; Group II: twenty members from the General Service category. Not more than three of the twenty members in Group I and not more than five in Group II should, to the extent possible, be of the same nationality.</p> <p>d) In appointing members for each appeal the Director-General, or his/her designated representative and the Chairperson of the Board shall not appoint any member from the Appellant's Division, Bureau or Office and shall observe the principle of equitable geographical distribution.</p> <p>3 The Appellant may object to up to two members of the Board, with the exception of the Chairperson or the alternate Chairperson. The Administration may object to the member of the Staff Panel. In such cases, new members shall be appointed in accordance with subparagraphs (b), (c) and (d) above.</p> <p>4. The Director-General shall appoint a Secretary to the Board.</p> <p>5. Associations representative of staff under Staff Regulation 8.1 may be represented by an observer at all hearings of the Board, subject to the agreement of the Appellant.</p>
<p>Jurisdiction of the Board</p> <p>5.</p> <p>(a) The Board shall consider appeals against an administrative decision or against any disciplinary action where a</p>	<p>Jurisdiction of the Board</p> <p>6. The Board shall consider appeals against an administrative decision or against a disciplinary measure where a staff member alleges that it conflicts either in substance</p>

<p>staff member alleges that it conflicts either in substance or in form with the terms of his or her contract, or with any Staff Regulation or Staff Rule relevant to his or her case.</p> <p>(b) In cases in which the decision appealed against is based on grounds of inefficiency or relative efficiency, the Board shall not have jurisdiction to determine the substantive question of efficiency, but only the question as to whether the decision was affected by prejudice or other extraneous factor.</p> <p>(c) In case of doubt, the Board shall itself decide whether it is competent in accordance with these terms of reference.</p> <p>6. A staff member, in agreement with the Director-General, may waive his or her right of recourse to the Board and appeal directly to the Administrative Tribunal and in such case the decision impugned shall be considered as final and the staff member shall be deemed to have exhausted all other means of resisting it.</p>	<p>or in form with the terms of his or her contract, or with any Staff Regulation or Staff Rule relevant to his or her case.</p> <p>7. In cases in which the decision appealed against is based on grounds of performance, the Board shall not have jurisdiction to determine the substantive question of performance, but only the question as to whether the decision was affected by prejudice or other extraneous factor, or whether there was a procedural flaw.</p> <p>8. A staff member, in agreement with the Director-General, may waive his or her right of recourse to the Board and appeal directly to the Administrative Tribunal and in such case the decision impugned shall be considered as final and the staff member shall be deemed to have exhausted all other means of contesting it.</p>
<p>Preliminary procedure</p> <p>7.</p> <p>(a) A staff member who wishes to contest any administrative decision or disciplinary action shall first protest against it in writing. The protest shall be addressed to the Director-General through the Director of the Bureau of Human Resources Management, within a period of one month of the date of receipt of the decision or of the action contested by the staff member if he is stationed at Headquarters and within a period of two months if he or she is stationed away from Headquarters or if he or she has been separated from the Organization.</p> <p>(b) The Director-General's ruling on the protest under (a) above shall be communicated to the staff member by the Director of the Bureau of Human Resources Management within one month of the date of the protest if the staff member is stationed at Headquarters, and within two months if he or she is stationed away from Headquarters or if he or she has been separated from the Organization.</p> <p>(c) If the staff member wishes to pursue his or her contestation, he or she shall address a notice of appeal in writing to the Secretary of the Appeals Board. The time-limit for the submission of a notice of appeal, to be counted from</p>	<p>Preliminary procedure: Administrative Review</p> <p>9. A staff member who wishes to contest an administrative decision or disciplinary measure shall first address a written request for administrative review to the Director-General. The request shall be addressed to the Director-General through the Director of the Bureau of Human Resources Management, <u>within a period of 60 calendar days</u> from the date of receipt of the administrative decision or of the disciplinary measure contested by the staff member. The request for review shall clearly identify the administrative decision or disciplinary measure against which the request for administrative review is directed, including its date of receipt.</p> <p>10. The ruling of the Director-General on the request for administrative review shall be communicated to the staff member by the Director of the Bureau of Human Resources Management <u>within 60 calendar days</u> of the date of receipt of the request.</p> <p>11. If the staff member wishes to pursue his or her recourse, he or she shall address a Notice of Appeal in writing to the Secretary of the Board. The time-limit for the submission of a Notice of Appeal, to be counted from the date of receipt of the Director-General's ruling (or, if no ruling was communicated to the staff member within the time-limit under paragraph 10 above, from the expiry of that time-limit), is</p>

<p>the date of receipt of the Director-General's ruling (or, if no ruling was communicated to the staff member within the time-limit under (b) above, from the expiry of that time-limit), is one month in the case of a staff member stationed at Headquarters and two months in the case of a staff member stationed away from Headquarters or who has been separated.</p> <p>(d) The notice of appeal under (c) above shall state the date and nature of the decision or action against which the appeal is directed, the date of the protest under (a) above and the date of the Director-General's ruling under (b) above or the fact that no ruling was communicated to the appellant within the appropriate time-limit.</p> <p>(e) Unless the staff member concerned provides proof to the contrary, notice of any ruling or action shall be deemed to have been received one day after the date on which it was sent in the case of a staff member stationed at Headquarters and one week in the case of a staff member stationed away from Headquarters.</p> <p>8. The time-limits laid down in paragraph 7 may be extended by the Director-General in exceptional circumstances.</p>	<p><u>30 calendar days.</u></p> <p>12. The Notice of Appeal shall clearly identify the administrative decision or disciplinary measure against which the appeal is directed, including its date of receipt by the Appellant, the date of the request for administrative review and the date of the Director-General's ruling or the fact that no ruling was communicated to the Appellant within the applicable time-limit.</p>
<p>Procedure before the Appeals Board</p> <p>9. A staff member may have his or her appeal presented to the Board on his or her behalf by any other member of the Secretariat, stationed at Headquarters.</p> <p>10. Within one month of the notice of appeal, the appellant or his or her representative shall file a detailed appeal in accordance with the model set forth in the Appendix to these Statutes. If the detailed appeal is irregular in any respect, the Secretary of the Board shall return it for rectification, and may grant up to one month for resubmission.</p> <p>11. Upon receipt of the detailed appeal, the Secretary of the Board shall immediately forward copies to the Chairperson of the Board and to the Administration. Further copies shall be forwarded to the members of the Board, as soon as they are appointed in accordance with paragraph 13.</p> <p>12. Within one month of the receipt of the detailed appeal, the Administration shall submit to the Secretary of the Board its detailed reply with supporting documents in eight copies. The Secretary of the Board shall immediately forward copies to the</p>	<p>Procedure before the Appeals Board</p> <p>13. <u>Within 90 calendar days</u> of the Notice of Appeal, the Appellant or his or her representative shall file an Appeal using the form set forth in the Appendix to these Statutes. If the Appeal is irregular in any respect, the Secretary of the Board shall return it for rectification, and may grant up to 30 calendar days for resubmission. The Appellant shall specify in his or her Appeal whether he or she requests a hearing.</p> <p>14. Upon receipt of the Appeal, the Secretary of the Board shall immediately forward copies to the Chairperson of the Board and to the Administration.</p> <p>15. Within <u>90 calendar days</u> of the receipt of the Appeal, the Administration shall submit its Reply to the Secretary of the Board, with supporting documents. The Secretary of the Board shall immediately forward copies of the Reply to the Chairperson and to the Appellant.</p> <p>16. Upon receipt of the Administration's Reply (or, failing such a Reply upon expiry of the time limit for its submission), the Chairperson and the Director-General</p>

<p>Chairperson, to Board members when appointed and to the appellant.</p> <p>13. Upon receipt of the reply under paragraph 12 (or, failing such a reply upon expiry of the time-limit for its submission), the Chairperson and the Director-General shall appoint members of the Board, in accordance with paragraph 2, to hear the appeal. The Secretary of the Board shall inform the persons appointed and shall inform the appellant of their names. Members so appointed who are unable to serve shall notify the Secretary of the Board immediately. They shall return to the Secretary any documents relating to the case.</p> <p>14. The Secretary of the Board shall convene the Board to hear the appeal as soon as possible and not later than two months after receiving the reply under paragraph 12 (or, failing such a reply, after the expiry of the time-limit for its submission).</p> <p>15. The hearing shall be in camera. It shall commence with a brief oral statement of the case by the appellant or his or her representative, followed by an oral reply by the representative of the Director-General. The parties may give evidence and call witnesses. The parties, and at the discretion of the Chairperson, any member of the Board may question all those who give evidence. The two parties and any member of the Board may request the production of any relevant documents. Evidence shall be voluntary.</p> <p>16. On the completion of the hearing, the Board shall consider the case in private.</p> <p>17. At the end of these deliberations, the Board shall by a majority vote adopt a report summarizing the case and advising the Director-General on what action, if any, he or she should take. Dissenting votes, and dissenting opinions (if the dissenting members desire) shall be stated in the report. The recommendations shall be made in relation to the Staff Regulations and the Staff Rules.</p> <p>18. The Chairperson of the Appeals Board may, in agreement with the Director-General, extend the time-limits provided for in paragraphs 10 and 12 above.</p> <p>19. The Secretary shall forward the report as soon as possible to the Director-General and a copy to the appellant.</p> <p>20. The Director-General shall make a decision thereon as soon as possible and shall notify the Chairperson of the Board and the appellant.</p>	<p>shall appoint members of the Board, in accordance with paragraph 2, to examine the Appeal. The Secretary of the Board shall inform the persons appointed and shall inform the Appellant of their names. Copies of the Appeal and the Administration's Reply shall be forwarded to the members of the Board, as soon as they accept their appointment.</p> <p>17. Members so appointed who are no longer able to serve shall notify the Secretary of the Board immediately. They shall return to the Secretary of the Board any documents relating to the Appeal.</p> <p>18. If the Appellant has requested a hearing, the Secretary of the Board shall convene the Board to hear the Appeal as soon as possible after receiving the Administration's Reply under paragraph 15 (or, failing such a reply, after the expiry of the time-limit for its submission).</p> <p>19. The Chairperson may dismiss an Appeal should the Appellant not present himself or herself at the hearing. The Appellant may request one postponement of the hearing for serious cause.</p> <p>20. Only those persons whose presence is foreseen by these Statutes may attend the hearing. It shall commence with a brief oral statement of the Appeal by the Appellant or his or her representative, followed by an oral reply by the representative of the Director-General. The Parties may give evidence orally and call witnesses. The Parties and the Chairperson may question all those who give evidence. The Chairperson may request the disclosure of evidence from the Parties. Observers may not take the floor during the debate. They may make an oral statement at the end of the hearing.</p> <p>21. On completion of the hearing, the Board shall deliberate in private.</p> <p>22. At the end of these deliberations, the Board shall, by a majority vote, adopt a Report summarizing the Board proceedings and advising the Director-General on what action, if any, he or she should take. Dissenting votes, and dissenting opinions (if the dissenting members desire) shall be stated in the Report. The Report of the Board and the Board's recommendations should be based on the relevant Staff Regulations and Staff Rules and any other administrative issuance governing the conditions of service of staff members of the Organization.</p> <p>23. The Secretary of the Board shall forward</p>
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	<p>the Report to the Director-General and a copy to the Appellant, <u>within 60 calendar days</u> following the end of the session of the Board.</p> <p>24. The Director-General shall make a decision thereon within a reasonable delay, and no later than <u>90 calendar days</u> following the receipt of the Report. The Appellant and the Chairperson shall be notified accordingly.</p>
<p>Records and Reports</p> <p>21.</p> <p>(a) All proceedings of the Board shall be confidential. Records of the Board shall be confidential and shall be kept by the Secretary of the Board.</p> <p>(b) The report of the Board shall be confidential unless otherwise decided by the Director-General. An appellant may disclose the report to the Administrative Tribunal. Reports of the Board and decisions of the Director-General thereon shall be communicated for information to the members of the Executive Board.</p> <p>(c) Intending appellants who have protested under paragraph 7, members of the Board appointed for any particular case and the President or Presidents of the staff association or associations may examine all previous reports of the Board, and decisions made thereon by the Director-General.</p>	<p>General Provisions, Records and Reports</p> <p>25. The term “Party” refers to either the Appellant or the Administration, who are together referred to as “the Parties”.</p> <p>26. Hearings may be held in person or via remote facilities. The Chairperson and the Board members may attend the hearings of the Board either in person or remotely.</p> <p>27. Neither Party shall have the right to external legal representation before the Board. The Appellant may designate a staff member to represent him or her in the Board proceedings.</p> <p>28. All persons involved in the Board proceedings shall maintain strict confidentiality in all matters related to those proceedings. Records of the Board shall be confidential and shall be kept by the Secretary of the Board. The Appellant and the Administration may disclose the Report before the Administrative Tribunal.</p> <p>29. The time limits contained in these Statutes shall run from the day following the receipt of the relevant decision or notification. The Chairperson may extend time limits in exceptional circumstances.</p> <p>30. When the Chairperson considers that an Appeal is manifestly irreceivable or without merit, he or she recommends to the Director-General that the Appeal is dismissed. The Secretary of the Board shall convey the Director-General's decision on the matter to the Appellant.</p> <p>31. Failure by the Appellant to observe the time limits set out in these Statutes will render the Appeal irreceivable.</p> <p>32. In case the Parties agree to engage in informal resolution, the Chairperson may suspend the Board proceedings and the applicable time limits as may be necessary.</p> <p>33. All decisions, notifications, rulings and reports referred to in these Statutes may be conveyed to the Parties by electronic means of communication.</p>

	<p>34. The Director-General may delegate his or her authority under these Statutes.</p>
<p>Appeals by staff members serving away from Headquarters</p> <p>22. In the case of an appeal by a staff member serving away from Headquarters, if the Director-General after consultation with the Chairperson decides that the presence of the appellant is necessary, he may arrange for the journey to be made at the Organization's expense, either by combining it with official travel or otherwise. If the Director-General does not consider the appellant's presence necessary, the appellant has the right nevertheless to attend the hearing provided that he travels at his or her own expense and at a time approved by the Director-General.</p>	<p>Appeals by staff members in Field Duty Stations</p> <p>35. The Appellant and his or her representative have the right to attend the hearing either remotely or in person provided that they travel at their own expense. Upon request from the Appellant, special leave with pay shall be granted for the purpose of attending the hearing either in person or remotely.</p>
<p>Amendment of these Statutes</p> <p>23. Paragraphs 2, 5 and 6 may be amended only by the General Conference. The remainder of the Statutes and the Appendix may be amended only by the General Conference or the Executive Board.</p>	<p>Amendment of these Statutes</p> <p>36. These Statutes, including the Appendix, may be amended by the Executive Board.</p>
<p>Appendix to the Statutes of the Appeals Board</p> <p>Form in which appeals by Staff Members shall be drawn up.</p> <p>Appeals shall be submitted in eight copies in the following form, in one of the working languages.</p> <p>Form</p> <ul style="list-style-type: none"> (a) Surname, first name, and civil status of the appellant. (b) Nationality of the appellant. (c) The appellant's address for the purpose of the proceedings. (d) Grade of the appellant, Sector, Service or Bureau to which he belongs, his or her duty station and a statement of his or her duties. (e) Authority and date of the administrative decision or disciplinary action against which the appeal is directed. (f) Date of the protest submitted under paragraph 7 (a). (g) Date of the Director-General's ruling under paragraph 7 (b) (or date by which such ruling should have been communicated). (h) A signed list of documents submitted. These documents must include the 	<p>Appendix to the Statutes of the Appeals Board</p> <p>Form in which appeals by Staff Members shall be drawn up.</p> <p>Appeals shall be submitted in one copy in the following form, in one of the working languages of the Secretariat.</p> <p>Form</p> <ul style="list-style-type: none"> (a) Surname and first name of the Appellant. (b) Nationality of the Appellant. (c) The Appellant's mailing and e-mail addresses for the purpose of the proceedings. (d) Grade of the Appellant, Sector, Service or Bureau to which he or she belongs, his or her duty station and a statement of his or her duties. (e) The administrative decision or disciplinary measure against which the Appeal is directed, including its Authority and date. (f) Date of the request for administrative review submitted under paragraph 9. (g) Date of the Director-General's ruling under paragraph 10 (or date by which such ruling should have been communicated).

<p>text of the appellant's protest, and the text of the Director-General's ruling on the protest (or a statement that no ruling was made within the statutory time-limit). Additional documents may be included by the appellant.</p> <ul style="list-style-type: none"> (i) A short statement of facts and arguments advanced. (j) Nominations of witnesses whom the appellant wishes to be called on his or her behalf. (k) Conclusions sought by the appellant. (l) Date, and appellant's signature. 	<ul style="list-style-type: none"> (h) A signed list of documents submitted. These documents must include the text of the Appellant's request for administrative review, and the text of the Director-General's ruling on the request (or a statement that no ruling was made within the statutory time-limit). Additional documents may be included by the Appellant. (i) A short statement of facts and arguments advanced. (j) A Statement indicating whether the Appellant requests a hearing. (k) List of witnesses whom the Appellant wishes to hear. (l) Conclusions and Relief sought by the Appellant. (m) Date and Appellant's signature.
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ANNEX

Amendments to the UNESCO Staff Rules

Amendments effective on 1 November 2017

Staff Rule 104.1 Advisory Board on Individual Personnel Matters (*amendments in bold italic*)

- (a) There shall be an Advisory Board on Individual Personnel Matters which shall advise the Director-General on individual staff matters, as provided hereunder. The Board shall examine the cases submitted for its consideration, ensuring their compliance with the Staff Regulations and Rules, the administrative provisions in force and such further instructions as the Director-General may prescribe.
- (b) The Advisory Board on Individual Personnel Matters, for the Professional and General Service categories and except with regard to the cases specified in paragraph (c) below, shall give advice on the following matters:
- ~~(i) appointments of one year or longer of persons subject to the Staff Regulations and Rules, except for the cases specified in paragraph (c) (i) and (ii) below;~~
 - ~~(ii)~~ conversions of fixed-term appointments to indeterminate appointments;
 - ~~(iii) Deleted~~
 - ~~(iiiv)~~ renewal of appointments for less than two years of staff members with more than five years' seniority, except for the cases specified in paragraph (c) (~~vii~~) below;
 - ~~(iiiv)~~ non-renewal of appointments after five or more years of service in the Organization, except for the cases specified in paragraph (c) (~~vii~~) below;
 - ~~(ivi)~~ termination, except for the cases specified in paragraph (c) (~~iii~~), (~~iiiv~~) and (~~vii~~) below;
 - ~~(vii)~~ such other cases as the Director-General may request.
- (c) The Advisory Board on Individual Personnel Matters shall not be consulted on:
- (i) matters relating to posts or to staff in the Director category or above;
 - ~~(ii) appointments to Head of Field Office posts, appointments of limited duration, project appointments, appointments to associate expert posts and local field posts;~~
 - ~~(iii)~~ termination under Staff Regulation 9.1.1 and summary dismissal under Regulation 10.2;
 - ~~(iiiv)~~ disciplinary measures referred to a Joint Disciplinary Committee under Rule 110.2;
 - ~~(ivv)~~ administrative measures other than those specified in paragraph (b) (~~ivi~~) and (~~vii~~) concerning staff appointed through limited duration contracts, local field staff and associate experts;
 - ~~(vi)~~ administrative measures concerning non-staff members appointed by the Director-General;
 - ~~(vii)~~ administrative measures submitted to the Reports Board under Rule 104.11 (a) (v) concerning dismissal or non-renewal of the appointment of a staff member, or non-confirmation of the appointment of a staff member at the end of his or her probationary period, which may be taken if the staff member does not meet expectations.

No changes to (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p)

Staff Rule 104.1 *bis* Appointment Review Board

- (a) There shall be an Appointment Review Board which shall advise the Director-General on fixed-term appointments in the Professional and General Service category, as provided hereunder. The Board shall ensure compliance with the Staff Regulations and Rules and the administrative provisions in force.
- (b) The Appointment Review Board shall give advice on all fixed-term appointments of one year and longer of persons subject to Staff Regulations and Rules, except for appointments to Director category and above posts, Head of Field Office posts, Projects appointments, Junior Professional Officer posts, appointments of Young Professionals, and appointments to local field posts.
- (c) Rules of Procedure for the Board shall be established by the Director-General.

Staff Rule 104.2 – Limitations on employment

- (a) Except when another person equally well qualified cannot be recruited, an appointment shall not be granted to:
 - (i) a candidate who is not a citizen of a Member State;
 - (ii) a candidate who is the father, mother, son, daughter, brother or sister of a staff member.
- (a) *bis* The spouse of a staff member may be appointed provided that he/she is fully qualified for the post for which he or she is being considered and that the spouse is not given any preference by virtue of the relationship to the staff member.
- (a) *ter* A staff member who bears to another staff member any of the relationships specified in (a)(ii) or (a) *bis* above:
 - (i) shall not be assigned to serve in a post which is superior or subordinate in the line of authority to the staff member to whom he or she is related, and/or where there may be a conflict of interest between the two posts. Such a candidate, if appointed, shall not be assigned to service in the same sector or bureau as the person related to him/her.
 - (ii) shall not participate in the process of reaching or reviewing an administrative decision affecting the status or entitlements of the staff member to whom he or she is related.
- ~~(b) A candidate for a post in the Professional category shall be required to possess a university degree or equivalent experience and to show that he has a good knowledge of one of the working languages of the Secretariat.~~
- ~~(c) A candidate for a secretarial or clerical post shall be required to show that he or she has a thorough knowledge of one and a satisfactory knowledge of another working language of the General Conference.~~
- ~~(bd)~~ Posts in the General Service category shall normally be filled by the appointment of persons recruited locally in the country of the duty station with the exception of certain language posts at Headquarters which cannot be filled from the local market.
- ~~(ce)~~ The priority of consideration referred to in Staff Regulation 4.4 shall, in the case of staff members in the General Service category, be limited to vacant posts at the staff member's duty station.

- (~~cf~~) When two staff members in the same Division marry, one of them shall be transferred to the first suitable vacant post in another Division.

Staff Rule 104.2 bis Eligibility requirements for recruitment

- (a) A candidate for a post in the Professional and higher categories shall be required to possess an advanced university degree (Masters or equivalent) in the relevant field.
- (b) Candidates for posts shall demonstrate an excellent knowledge of at least one working language of the Secretariat (English or French). A good knowledge of the other working language is an asset, and in some specific cases, shall be required. Knowledge of other UNESCO official languages – Arabic, Chinese, Russian and Spanish - is an additional asset and in some cases, may be required.

Staff Rule 104.9 Medical examinations

- (a) All appointments shall be conditional upon certification by the Medical Officer designated by the Director General that the candidate meets the medical standards currently in force.
- ~~(b) When a staff member is retained in the service of the Organization beyond the age of sixty in terms of Staff Regulation 9.5, a medical examination, by the Medical Officer designated by the Director General, shall be required at the beginning of each year of service.~~
- (b) Staff members may be required by the Director-General to undergo a medical examination at any time during their term of office, at the expense of the Organization.

Amendments effective on 1 March 2019

Staff Rule 104.1 bis - Appointment Review Board (*amendments in bold italic*)

- (b) The Appointment Review Board shall give advice on all fixed-term appointments of one year ~~of~~ **or** longer of persons subject to Staff Regulations and Rules, except for appointments to Director category and above posts, Head of Field Office posts, Projects appointments, Junior Professional Officer posts, **appointment of Young Professionals**, and appointments to local field posts.

The other paragraphs of Staff Rule 104.1 bis remain unchanged.

Amendments effective on 7 May 2019

Staff Rule 103.11 – Mobility incentive, hardship allowance and non-family service allowance (*amendments in bold italic*)

- (a) **Mobility incentive**
- (i) A non-pensionable mobility incentive may be paid under conditions established by the Director-General to staff members in the Professional and higher categories, provided that they:
- Hold a fixed-term or indeterminate appointment;
 - Are on an assignment of one year or more and are installed at the new duty station; and
 - Have served for five consecutive years or more on a fixed-term appointment in the United Nations common system of salaries and allowances.

- (ii) The amount of the mobility incentive, if any, and the conditions under which it will be paid, shall be determined by the Director-General taking into account the length of the staff member's continuous service in the United Nations common system of salaries and allowances, the number of duty stations at which he or she has previously served for a period of one year or longer and the hardship classification of the new duty station to which the staff member is assigned.
- (iii) The mobility incentive shall be discontinued upon five continuous years at the same duty station. ***In the exceptional case of staff members who remain at the same duty station for more than five years at the explicit request of the Organization or for compelling humanitarian reasons, the mobility incentive shall be payable for one additional year, but in no case for more than a total of six years.***

Amendments effective on 10 May 2019

Staff Rule 101.7 Honours, decorations, favours and gifts (*amendments in bold italic*)

~~Any staff member who is approached by any other body, whether local, national or international, with a view to his or her accepting an honour or prize shall inform the Director-General and obtain his or her authorization in writing before accepting.~~

- (a) ***No staff member shall accept any honour, decoration, favour or gift from any external source. However, if refusal of an unanticipated honour, decoration, favour or gift from an external source would cause embarrassment to the Organization, and where such acceptance is not incompatible with the interests of the Organization and with the staff member's status as an international civil servant, the staff member may receive it on behalf of the Organization, provided that it is reported and entrusted to the Director-General through established procedures.***
- (b) ***Notwithstanding (a), staff members may, on behalf of the Organization, accept and retain gifts or favours of a nominal value which shall be set by the Director-General.***
- (c) ***Staff members shall not accept any honour, decoration, favour or gift from any source having or seeking to have any type of contractual relationship with the Organization.***
- (d) ***Staff members, as part of their official functions, will be expected from time to time to attend governmental or other functions such as meetings, conferences, meals and diplomatic receptions. Such attendance is not considered receipt of a favour, gift or remuneration within the meaning of the Staff Regulations and Staff Rules.***

Staff Rule 101.8 Acceptance of remuneration

- ~~(a) Staff members shall obtain the prior approval in writing of the Director-General before accepting remuneration or an offer of remuneration for outside work done in their spare time.~~
- ~~(b) Without the authorization of the Director-General in writing, staff members shall not accept any fee or gift, other than reimbursement for actual travelling expenses, for statements to the press, for participating in film, radio or television productions, for writing articles or books or furnishing visual information material for publication, or for speaking or similar engagements, when the content of the statement, production, writing or speech is related to the aims and activities of the Organization.~~
- ~~(c) Staff members shall not accept any gratuity or favour from any commercial firm or individual doing or seeking business with the Organization.~~

- (a) ***Acceptance of remuneration from any external source is not permitted, except for approved outside activities, and where acceptance of remuneration has been approved by the Director General, as per established procedures.***

Amendments effective on 19 June 2019

Staff Rule 101.2 Financial responsibility (*amendments in bold italic*)

Any staff member, who, ~~by malice or culpable negligence~~ ***either deliberately, or by gross negligence, or by recklessness, or by failure fails*** to observe any regulation, rule or administrative procedure of the Organization, ***and*** involves the Organization in unnecessary liability, expense or loss, shall be held responsible, and may be required to pay compensation therefor.

Staff Rule 109.6 Notice of termination

- (a) A staff member whose appointment is terminated under Regulations 9.1, 9.1.1, 9.1.2 ***or Staff Rule 110.1(vii)*** shall, subject to the provisions of (c) below, be entitled to notice as follows:
- (i) if he or she holds an indeterminate appointment, three months;
 - (ii) if he or she holds a fixed-term appointment and has completed the probationary period, three months;
 - (iii) if he or she holds a fixed-term appointment and has not completed the probationary period, one month;
 - (iv) if he or she holds a temporary appointment and has completed the probationary period, one week in respect of each unexpired month of service up to a maximum of four weeks' notice;
 - (v) if he or she holds a temporary appointment and has not completed the probationary period, one week.
- ~~(b) A staff member whose appointment is terminated under Regulation 10.2 shall not be entitled to notice but may, in the discretion of the Director General and subject to the provisions of (d) below, be given a period of notice not exceeding that to which he or she would have been entitled had his or her appointment been terminated under Regulations 9.1, 9.1.1 or 9.1.2.~~
- ~~(e) (b)~~ A staff member who is summarily dismissed under ~~Regulation 10.2~~ ***Staff Rule 110.1(viii)*** shall not be entitled to notice.
- ~~(d) (c)~~ The Director-General may authorize payment of salary and allowances in lieu of notice or in part thereof.

Staff Rule 109.9 (f) Repatriation grant

- (f) A staff member who abandons his or her post or is ~~terminated for misconduct or summarily dismissed under Regulation 10.2~~ ***Staff Rule 110.1(viii)***, shall not be entitled to a repatriation grant., ~~subject to the provision that a staff member who is terminated for misconduct under Regulation 10.2 may, at the discretion of the Director General, be granted an amount not exceeding the amount to which he or she would have been entitled if he or she had been terminated under Regulations 9.1, 9.1.1 or 9.1.2.~~

Staff Rule 110.1 Disciplinary measures

- (a) The disciplinary measures which the Director-General may impose on staff members ***for misconduct*** ~~whose conduct is unsatisfactory~~ are:

- (i) written censure
 - (ii) **suspension without pay for a specified period;**
 - (iii) deferment, **for a specified period,** or withholding of within-grade **eligibility for** salary increment;
 - (iv) **loss of one or more steps in grade;**
 - (v) blockage of **deferment, for a specified period, of consideration for** promotion;
 - (vi) demotion by transfer;
 - (vii) termination
 - (viii) summary dismissal.
- (b) In imposing a written censure, the Director-General may decide that it shall be removed from the staff member's record if there has been no recurrence of unsatisfactory conduct within a period to be fixed by the Director-General.
- ~~(c) In imposing the deferment or withholding of within-grade salary increment, the Director-General shall fix the period of deferment or the number of increments to be withheld.~~
- ~~(d) In imposing blockage of promotion, the Director-General shall fix the period during which this measure shall be applied.~~

Staff Rule 110.3 ~~Suspension pending investigation~~ Administrative Leave

~~If the Director-General considers that there is prima facie evidence of serious misconduct by a staff member and that the staff member's continuance in service pending a decision by him or her would prejudice the interests of the Organization, The Director-General may suspend~~ **place a staff member on administrative leave pending investigation or disciplinary proceedings** ~~the staff member from his or her functions, without prejudice to his or her acquired rights. **Administrative leave shall be**~~ with pay, or in exceptional cases, without pay.



United Nations
Educational, Scientific and
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Item 12.1 of the provisional agenda

STAFF REGULATIONS AND STAFF RULES

ADDENDUM

OUTLINE

Background: This addendum is issued as a supplement to document 40 C/48.

Decision required: paragraph 5.



Job: 201913675

Section 1. PROPOSED AMENDMENTS TO STAFF REGULATIONS

Background

1. The draft amendments to the Staff Regulations were set out in Annex IV of the report on the implementation of the Human Resource Management Strategy, submitted to the Executive Board at its 207th session as document 207 EX/5.IV.B. During the debates on this item by the Finance and Administrative Commission, members of the Commission commented on some of the amendments proposed. The purpose of this Addendum is to adjust the proposed amendments, taking into account the debates at the 207th session of the Executive Board.

Proposals for amendment to Staff Regulation 9.1.1

2. Staff Regulation 9.1.1 (a) refers to the termination of the appointment of a staff member who does not meet the highest standards required by Article VI of the Constitution and by Chapter I of the Staff Regulations. In document 207 EX/5.IV, the Director-General proposed to abolish Staff Regulation 9.1.1 (a) on the grounds that it was redundant with standard disciplinary proceedings. However, in light of the debates at the 207th session of the Executive Board, the Director-General proposes to maintain this provision.

Regulation 9.1.1 (*amendments in bold italic, deletions in strikethrough*)

The Director-General may also, giving his ***or her*** reasons therefor, terminate the appointment of a staff member:

- (a) If the conduct of the staff member indicates that the staff member does not meet the highest standards required by Article VI of the Constitution and by Chapter I of the Staff Regulations.
- (b) If facts anterior to the appointment of the staff member and relevant to his ***or her*** suitability and which reflect on his ***or her*** present integrity come to light, which, if they had been known at the time of his ***or her*** appointment, should, under the standards established in the Constitution, have precluded his ***or her*** appointment.

~~No termination under the provisions of this Regulation shall take effect until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Director-General. This Board shall consist of four staff members chosen by the Director-General in agreement with the staff association or associations and shall have a chairperson nominated by the President of the International Court of Justice. Its reports and opinions, accompanied by a statement of the reasons therefor, shall be communicated to the staff members concerned.~~

Proposal for amendment to Staff Regulation 10.2

3. The Director-General proposes to amend Staff Regulation 10.2, to align it with Rule 10.1 of the Staff Regulations and Rules of the United Nations, as follows:

~~“The Director-General may impose disciplinary measures on staff members whose conduct is unsatisfactory ***who engage in misconduct***. Notwithstanding the provisions of Staff Regulation 40.4, The Director-General may summarily dismiss a staff member for serious misconduct”.~~

It formally authorizes the Director-General to impose disciplinary measures and is in line with the new definition of misconduct under Staff Regulation 10.1.

Proposal for amendment to Staff Regulation 11.1 and to the Statutes of the Appeals Board

4. For enhanced reading of the proposed changes to the Statutes of the Appeals Board, the amendments are shown in full track changes in Annex A below. Some provisions have been further clarified, as follows:

Paragraph 2 (a): It is proposed to maintain the current appointment of one Chairperson and one alternate Chairperson

Paragraph 2 (b) and (c): The qualification of Board members as “representing the Administration” and “representing the staff” are removed from the said paragraphs. One member is appointed by the Director-General, and the other member is appointed, in rotation, by the Chairperson of the Board, from a Staff Panel.

Paragraph 13: It is specified that the appeal may be dismissed if the Appellant is not present at the hearing, but also if he/she is not represented at the hearing.

Paragraph 26: The revised Statutes did not make reference to the frequency of sessions of the Board, nor did they set a strict time limit for hearings by the Board, as such time limit could engage the Organization’s liability, in case a session cannot be held for extraneous reasons. However, it is proposed to indicate that the Board shall normally hold two sessions per calendar year.

A provision on transitional measures has been added to the draft resolution.

Proposed draft resolution

5. In light of the above, the General Conference may wish to adopt a resolution along the following lines:

The General Conference,

Having examined documents 40 C/48 and 40 C/48 Add.,

1. *Takes note* of the information provided in these documents,
2. *Decides* to amend Staff Regulation 4.2 as follows:

Regulation 4.2 (*amendments in bold italic, deletions in strikethrough*)

In appointing staff members, the Director-General shall, except in ~~the case~~ **those cases** of appointments resulting from post reclassifications **as prescribed by the Director-General**, use a competitive process in order to secure the highest standards of efficiency, competence and integrity.

3. *Also decides* to amend Staff Regulation 9.1.1 as follows:

Regulation 9.1.1 (*amendments in bold italic, deletions in strikethrough*)

The Director-General may also, giving his or her reasons therefor, terminate the appointment of a staff member:

- (a) If the conduct of the staff member indicates that the staff member does not meet the highest standards required by Article VI of the Constitution and by Chapter I of the Staff Regulations.
- (b) If facts anterior to the appointment of the staff member and relevant to his **or her** suitability and which reflect on his **or her** present integrity come to light, which, if they had been known at the time of his **or her** appointment, should, under the standards established in the Constitution, have precluded his **or her** appointment.

~~No termination under the provisions of this Regulation shall take effect until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Director-General. This Board shall consist of four staff members chosen by the Director-General in agreement with the staff association or associations and shall have a chairperson~~

~~nominated by the President of the International Court of Justice. Its reports and opinions, accompanied by a statement of the reasons therefor, shall be communicated to the staff members concerned.~~

4. *Further decides* to amend Staff Regulation 10.1 as follows:

Regulation 10.1 *(amendments in bold italic, deletions in strikethrough)*

~~The Director-General shall establish administrative machinery with staff participation to advise him or her in disciplinary cases.~~

Failure by a staff member to comply with his or her obligations under the Constitution, the Staff Regulations and Staff Rules or other administrative issuance, or to observe the Standards of Conduct expected of an international civil servant, may amount to misconduct, and may lead to the institution of disciplinary proceedings and the imposition of disciplinary measures for misconduct.

5. *Decides* to amend Staff Regulation 10.2 as follows:

Regulation 10.2 *(amendments in bold italic, deletions in strikethrough)*

The Director-General may impose disciplinary measures on staff members ~~whose conduct is unsatisfactory~~ ***who engage in misconduct.*** ~~Notwithstanding the provisions of Staff Regulation 10.1,~~ The Director-General may summarily dismiss a staff member for serious misconduct.

6. *Also decides* to amend Staff Regulation 11.1 as follows:

Regulation 11.1 *(amendments in bold italic, deletions in strikethrough)*

The Director-General shall maintain an Appeals Board, with staff participation, to advise him or her when a staff member lodges an appeal against ~~disciplinary action,~~ ***a disciplinary measure*** or against an administrative decision, alleging that it conflicts with the terms of his or her appointment or with any relevant Regulation or Rule. ***Staff members shall have access to the Appeals Board in accordance with the Statutes of that Board (see Annex A).***

7. *Further decides* to amend the Statutes of the Appeals Board as follows:

Annex A of the Staff Regulations and Staff Rules - Statutes of the Appeals Board

(amendments in bold italic, deletions in strikethrough)

Previous Text	Amended Text <i>(Amendments in bold italics, deletions in strikethrough)</i>
<p>Purpose of the Appeals Board</p> <p>1. The Appeals Board shall advise the Director-General, with whom the final decision shall rest, on appeals made by members of the staff.</p>	<p>Purpose of the Appeals Board</p> <p>1. The Appeals Board (<i>hereinafter referred to as "the Board"</i>) shall advise the Director-General, with whom the final decision shall rest, on appeals made by members of the staff.</p>
<p>Membership of the Board</p> <p>2. The Board shall consist of five members, having equal votes, selected as follows:</p>	<p>Membership Composition of the Board</p> <p>2. The Board shall consist <i>be composed</i> of five <i>three</i> members, <i>all</i> having equal votes, selected as follows:</p>

<p>(a) A Chairperson appointed by the Executive Board. An alternate Chairperson may be appointed in the same manner.</p> <p>(b) Two members appointed by the Director-General, subject to (d) and (e) (i) below, for each appeal.</p> <p>(c) Two members representing the staff, appointed in rotation, subject to (d), (e) and (f) below, for each appeal, by the Chairperson of the Board from a panel divided into two groups elected every two years by a ballot of staff members as follows:</p> <p>Group I: fifteen members from the Principal Officer and Director and the Professional categories. Group II: fifteen members from the General Service category.</p> <p>Not more than two of the fifteen members in Group I and not more than three in Group II shall be of the same nationality.</p> <p>(d) In appointing members for each appeal the Director-General and the Chairperson of the Board shall not appoint any member from the appellant's Division, Bureau or Office and shall observe the principle of equitable geographical distribution.</p> <p>(e) (i) On an appeal by a staff member in the Principal Officer and Director category, or in the Professional category, no member shall be appointed from the General Service category.</p> <p>(ii) On an appeal by a staff member in the General Service category, at least one of the representatives of the staff shall be appointed from Group II of the Panel.</p> <p>(f) A staff member appealing to the Board may object to not more than two members of the staff panel and, in that case, the Chairperson shall appoint two other members of the panel.</p> <p>3. The Director-General shall appoint a Secretary to the Board.</p> <p>4. The Administration and the staff association or associations may each be represented by an observer at all hearings by the Board. Every effort shall be made to select as observers persons to whom the appellant has no personal objection.</p>	<p>(a) A Chairperson or an alternate Chairperson appointed by the Executive Board. An alternate Chairperson may be appointed in the same manner.</p> <p>(b) Two members One member, appointed by the Director-General or by his/her designated representative, subject to subparagraph (d) and (e) (i) paragraph 3 below, for each appeal.</p> <p>(c) Two members One member representing the staff, appointed in rotation, subject to subparagraph (d) (e) and (f) paragraph 3 below, for each appeal, by the Chairperson of the Board from a panel Staff Panel divided into two groups elected every two years by a ballot of staff members as follows: Group I: fifteen twenty members from the Principal Officer and Director and the Professional categories. category and above; Group II: fifteen twenty members from the General Service category. Not more than two three of the fifteen twenty members in Group I, and not more than three five in Group II shall should, to the extent possible, be of the same nationality.</p> <p>(d) In appointing members for each appeal the Director-General, or his/her designated representative and the Chairperson of the Board shall not appoint any member from the appellant's Appellant's Appellant's Division, Bureau or Office and shall observe the principle of equitable geographical distribution.</p> <p>(e) (i) On an appeal by a staff member in the Principal Officer and Director category, or in the Professional category, no member shall be appointed from the General Service category.</p> <p>(ii) On an appeal by a staff member in the General Service category, at least one of the representatives of the staff shall be appointed from Group II of the Panel.</p> <p>3. The Appellant A staff member appealing to the Board may object to not more than up to two members of the staff panel Board, with the exception of the Chairperson or the alternate Chairperson and, in that case, the Chairperson shall appoint two other members of the panel. The Administration may object to the member of the Staff Panel. In such cases, new members shall be appointed in accordance with subparagraphs 2 (b), (c) and (d) above.</p> <p>4. The Director-General shall appoint a Secretary to the Board.</p> <p>5. The Administration and the staff association or associations Associations representative of staff under Staff Regulation 8.1 may each be represented by an observer at all hearings by of the Board, subject to the agreement of the Appellant. Every effort shall be made to select as observers persons to whom the appellant has no</p>
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<p>Jurisdiction of the Board</p> <p>5.</p> <p>(a) The Board shall consider appeals against an administrative decision or against any disciplinary action where a staff member alleges that it conflicts either in substance or in form with the terms of his or her contract, or with any Staff Regulation or Staff Rule relevant to his or her case.</p> <p>(b) In cases in which the decision appealed against is based on grounds of inefficiency or relative efficiency, the Board shall not have jurisdiction to determine the substantive question of efficiency, but only the question as to whether the decision was affected by prejudice or other extraneous factor.</p> <p>(c) In case of doubt, the Board shall itself decide whether it is competent in accordance with these terms of reference.</p> <p>6. A staff member, in agreement with the Director-General, may waive his or her right of recourse to the Board and appeal directly to the Administrative Tribunal and in such case the decision impugned shall be considered as final and the staff member shall be deemed to have exhausted all other means of resisting it.</p>	<p>personal objection.</p> <p>Jurisdiction of the Board</p> <p>6. (a) The Board shall consider appeals against an administrative decision or against any disciplinary action measure where a staff member alleges that it conflicts either in substance or in form with the terms of his or her contract, or with any Staff Regulation or Staff Rule relevant to his or her case.</p> <p>7. (b) In cases in which the decision appealed against is based on grounds of inefficiency or relative efficiency performance, the Board shall not have jurisdiction to determine the substantive question of efficiency performance, but only the question as to whether the decision was affected by prejudice or other extraneous factor, or whether there was a procedural flaw.</p> <p>(c) In case of doubt, the Board shall itself decide whether it is competent in accordance with these terms of reference.</p> <p>8. A staff member, in agreement with the Director-General, may waive his or her right of recourse to the Board and appeal directly to the Administrative Tribunal and in such case the decision impugned shall be considered as final and the staff member shall be deemed to have exhausted all other means of resisting contesting it.</p>
<p>Preliminary procedure</p> <p>7.</p> <p>(a) A staff member who wishes to contest any administrative decision or disciplinary action shall first protest against it in writing. The protest shall be addressed to the Director-General through the Director of the Bureau of Human Resources Management, within a period of one month of the date of receipt of the decision or of the action contested by the staff member if he is stationed at Headquarters and within a period of two months if he or she is stationed away from Headquarters or if he or she has been separated from the Organization.</p> <p>(b) The Director-General's ruling on the protest under (a) above shall be communicated to the staff member by the Director of the Bureau of Human Resources Management within one month of the date of the protest if the staff member is stationed at Headquarters,</p>	<p>Preliminary procedure: Administrative Review</p> <p>9. A staff member who wishes to contest any an administrative decision or disciplinary action measure shall first protest against it in writing. address a written request for administrative review to the Director-General. The protest request for administrative review shall be addressed to the Director-General through the Director of the Bureau of Human Resources Management, within a period of one month of 60 calendar days from the date of receipt of the administrative disciplinary measure contested by the staff member if he is stationed at Headquarters and within a period of two months if he or she is stationed away from Headquarters or if he or she has been separated from. The request for administrative review shall clearly identify the Organization administrative decision or disciplinary measure against which the request for administrative review is directed, including its date of receipt.</p> <p>10. The ruling of the ruling of the Director-General's ruling on the request for administrative review request for administrative review protest under (a) above shall be communicated to the staff member by the Director of the Bureau of Human Resources Management within 60 calendar days of the date of receipt of the request. one month of the date of the protest if the staff member is</p>

<p>and within two months if he or she is stationed away from Headquarters or if he or she has been separated from the Organization.</p> <p>(c) If the staff member wishes to pursue his or her contestation, he or she shall address a notice of appeal in writing to the Secretary of the Appeals Board. The time-limit for the submission of a notice of appeal, to be counted from the date of receipt of the Director-General's ruling (or, if no ruling was communicated to the staff member within the time-limit under (b) above, from the expiry of that time-limit), is one month in the case of a staff member stationed at Headquarters and two months in the case of a staff member stationed away from Headquarters or who has been separated.</p> <p>(d) The notice of appeal under (c) above shall state the date and nature of the decision or action against which the appeal is directed, the date of the protest under (a) above and the date of the Director-General's ruling under (b) above or the fact that no ruling was communicated to the appellant within the appropriate time-limit.</p> <p>(e) Unless the staff member concerned provides proof to the contrary, notice of any ruling or action shall be deemed to have been received one day after the date on which it was sent in the case of a staff member stationed at Headquarters and one week in the case of a staff member stationed away from Headquarters.</p> <p>7. The time-limits laid down in paragraph 7 may be extended by the Director-General in exceptional circumstances.</p>	<p>stationed at Headquarters, and within two months if he or she is stationed away from Headquarters or if he or she has been separated from the Organization</p> <p>11. If the staff member wishes to pursue his or her contestationrecourse, he or she shall address a noticeNotice of appeal Appeal in writing to the Secretary of the Appeals Board. The time-limit for the submission of a noticeNotice of appeal Appeal, to be counted from the date of receipt of the Director-General's ruling (or, if no ruling was communicated to the staff member within the time-limit under (b)paragraph 10 above, from the expiry of that time-limit), is 30 calendar days. one month in the case of a staff member stationed at Headquarters and two months in the case of a staff member stationed away from Headquarters or who has been separated.</p> <p>12. The noticeNotice of Appeal appeal under (c) above shall stateclearly identify the date and nature of the administrative disciplinary measure against which the appeal is directed, including its date of receipt by the Appellant, the date of the protest under (a) aboverequest for administrative review and the date of the Director-General's ruling under (b) above or the fact that no ruling was communicated to the appellantAppellant within the appropriateapplicable time-limit.</p> <p>(e) Unless the staff member concerned provides proof to the contrary, notice of any ruling or action shall be deemed to have been received one day after the date on which it was sent in the case of a staff member stationed at Headquarters and one week in the case of a staff member stationed away from Headquarters.</p> <p>8. The time-limits laid down in paragraph 7 may be extended by the Director-General in exceptional circumstances.</p>
<p>Procedure before the Appeals Board</p> <p>9. A staff member may have his or her appeal presented to the Board on his or her behalf by any other member of the Secretariat, stationed at Headquarters.</p> <p>10. Within one month of the notice of appeal, the appellant or his or her representative shall file a detailed appeal in accordance with the model set forth in the Appendix to these Statutes. If the detailed appeal is irregular in any respect, the Secretary of the Board shall return it for rectification, and may grant up to one month for resubmission.</p> <p>11. Upon receipt of the detailed appeal, the Secretary of the Board shall immediately</p>	<p>Procedure before the Appeals Board</p> <p>9. A staff member may have his or her appeal presented to the Board on his or her behalf by any other member of the Secretariat, stationed at Headquarters.</p> <p>13. Within 90 calendar days of the Notice of Appeal, the Appellant or his or her representative shall file a detailed appeal in accordance with the model an Appeal using the form set forth in the Appendix to these Statutes. If the detailed appeal Appeal is irregular in any respect, the Secretary of the Board shall return it for rectification, and may grant up to 30 calendar days one month for resubmission. The Appellant shall specify in his or her Appeal whether he or she requests a hearing.</p> <p>14. Upon receipt of the detailed appeal Appeal, the Secretary of the Board shall immediately forward</p>

- forward copies to the Chairperson of the Board and to the Administration. Further copies shall be forwarded to the members of the Board, as soon as they are appointed in accordance with paragraph 13.
12. Within one month of the receipt of the detailed appeal, the Administration shall submit to the Secretary of the Board its detailed reply with supporting documents in eight copies. The Secretary of the Board shall immediately forward copies to the Chairperson, to Board members when appointed and to the appellant.
13. Upon receipt of the reply under paragraph 12 (or, failing such a reply upon expiry of the time-limit for its submission), the Chairperson and the Director-General shall appoint members of the Board, in accordance with paragraph 2, to hear the appeal. The Secretary of the Board shall inform the persons appointed and shall inform the appellant of their names. Members so appointed who are unable to serve shall notify the Secretary of the Board immediately. They shall return to the Secretary any documents relating to the case.
14. The Secretary of the Board shall convene the Board to hear the appeal as soon as possible and not later than two months after receiving the reply under paragraph 12 (or, failing such a reply, after the expiry of the time-limit for its submission).
15. The hearing shall be in camera. It shall commence with a brief oral statement of the case by the appellant or his or her representative, followed by an oral reply by the representative of the Director-General. The parties may give evidence and call witnesses. The parties, and at the discretion of the Chairperson, any member of the Board may question all those who give evidence. The two parties and any member of the Board may request the production of any relevant documents. Evidence shall be voluntary.
- copies to the Chairperson of the Board and to the Administration. ~~Further copies shall be forwarded to the members of the Board, as soon as they are appointed in accordance with paragraph 13.~~
15. Within **90 calendar days** ~~one month~~ of the receipt of the ~~detailed appeal~~ **Appeal**, the Administration shall submit **its Reply** to the Secretary of the Board ~~its detailed reply~~, with supporting documents ~~in eight copies~~. The Secretary of the Board shall immediately forward copies **of the Reply** to the Chairperson, ~~to Board members when appointed and to the appellant~~ **Appellant**.
16. Upon receipt of the ~~reply under paragraph 12~~ **Administration's Reply** (or, failing such a ~~reply~~ **Reply** upon expiry of the time limit for its submission), the Chairperson and the Director-General shall appoint members of the Board, in accordance with paragraph 2, to ~~hear~~ **examine** the ~~appeal~~ **Appeal**. The Secretary of the Board shall inform the persons appointed and shall inform the ~~appellant~~ **Appellant** of their names. **Copies of the Appeal and Administration's Reply shall be forwarded to the members of the Board, as soon as they accept their appointment.**
17. Members so appointed who are ~~unable~~ **no longer able** to serve shall notify the Secretary of the Board immediately. They shall return to the Secretary **of the Board** any documents relating to the ~~case~~ **Appeal**.
18. **If the Appellant has requested a hearing, the** Secretary of the Board shall convene the Board to hear the ~~appeal~~ **Appeal** as soon as possible ~~and not later than two months~~ after receiving the ~~reply~~ **Administration's Reply** under paragraph ~~12~~ **15** (or, failing such a reply, after the expiry of the time limit for its submission).
19. **The Chairperson may dismiss an Appeal if the Appellant is not present or is not represented in accordance with paragraph 28 at the hearing. The Appellant may request one postponement of the hearing for serious cause.**
20. The hearing shall be in camera. **Only those persons whose presence is foreseen by these Statutes may attend the hearing.** It shall commence with a brief oral statement of the ~~case~~ **Appeal** by the ~~appellant~~ **Appellant** or his or her representative, followed by an oral reply by the representative of the Director-General. The ~~parties~~ **Parties** may give evidence **orally** and call witnesses. The ~~parties~~ **Parties** and ~~the~~ **Chairperson** ~~at the discretion of the Chairperson~~ ~~any member of the Board~~ may question all those who give evidence. ~~The~~ **Chairperson** ~~two parties~~ and ~~any member of the Board~~ may request the **disclosure of evidence from the Parties** ~~voluntary production of any relevant documents~~. Evidence shall be voluntary. **Observers may not take the floor during the debate. They may**

<p>16. On the completion of the hearing, the Board shall consider the case in private.</p> <p>17. At the end of these deliberations, the Board shall by a majority vote adopt a report summarizing the case and advising the Director-General on what action, if any, he or she should take. Dissenting votes, and dissenting opinions (if the dissenting members desire) shall be stated in the report. The recommendations shall be made in relation to the Staff Regulations and the Staff Rules.</p> <p>18. The Chairperson of the Appeals Board may, in agreement with the Director-General, extend the time-limits provided for in paragraphs 10 and 12 above.</p> <p>19. The Secretary shall forward the report as soon as possible to the Director-General and a copy to the appellant.</p> <p>20. The Director-General shall make a decision thereon as soon as possible and shall notify the Chairperson of the Board and the appellant.</p>	<p><i>make an oral statement at the end of the hearing.</i></p> <p>21. On the completion of the hearing, the Board shall consider the case deliberate in private.</p> <p>22. At the end of these deliberations, the Board shall, by a majority vote, adopt a report Report summarizing the case Board proceedings and advising the Director-General on what action, if any, he or she should take. Dissenting votes, and dissenting opinions (if the dissenting members desire) shall be stated in the report Report. The Report of the Board and the Board's recommendations shall should be made in relation to based on the relevant Staff Regulations and the Staff Rules of UNESCO and any other administrative issuance governing the conditions of service of staff members of the Organization.</p> <p>18. The Chairperson of the Appeals Board may, in agreement with the Director-General, extend the time-limits provided for in paragraphs 10 and 12 above.</p> <p>23. The Secretary of the Board shall forward the report as soon as possible Report to the Director-General and a copy to the appellant Appellant, within 60 calendar days following the end of the session of the Board.</p> <p>24. The Director-General shall make a decision thereon as soon as possible and shall notify the Chairperson of the Board and the appellant. within a reasonable delay, and no later than 90 calendar days following the receipt of the Report. The Appellant and the Chairperson shall be notified accordingly.</p>
<p>Records and Reports</p> <p>21.</p> <p>(a) All proceedings of the Board shall be confidential. Records of the Board shall be confidential and shall be kept by the Secretary of the Board.</p> <p>(b) The report of the Board shall be confidential unless otherwise decided by the Director-General. An appellant may disclose the report to the Administrative</p>	<p>General Provisions, Records and Reports</p> <p>25. <i>The term "Party" refers to either the Appellant or the Administration, who are together referred to as "the Parties".</i></p> <p>26. <i>The Board shall normally hold two sessions per calendar year.</i></p> <p>27. <i>Hearings may be held in person or via remote facilities. The Chairperson and the Board members may attend the hearings of the Board either in person or remotely.</i></p> <p>28. <i>Neither Party shall have the right to external legal representation before the Board. The Appellant may designate a staff member to represent him or her in the Board proceedings.</i></p> <p>29. All proceedings of the Board shall be confidential. All persons involved in the Board proceedings shall maintain strict confidentiality in all matters related to those proceedings. Records of the Board shall be confidential and shall be kept by the Secretary of the Board. The report of the Board shall be confidential unless otherwise decided by the Director-General. An appellant The Appellant and the Administration may disclose the report to Report before the Administrative</p>

<p>Tribunal. Reports of the Board and decisions of the Director-General thereon shall be communicated for information to the members of the Executive Board.</p> <p>(c) Intending appellants who have protested under paragraph 7, members of the Board appointed for any particular case and the President or Presidents of the staff association or associations may examine all previous reports of the Board, and decisions made thereon by the Director-General.</p>	<p>Tribunal. Reports of the Board and decisions of the Director-General thereon shall be communicated for information to the members of the Executive Board.</p> <p>Intending appellants who have protested under paragraph 7, members of the Board appointed for any particular case and the President or Presidents of the staff association or associations may examine all previous reports of the Board, and decisions made thereon by the Director-General.</p> <p>30. The time limits contained in these Statutes shall run from the day following the receipt of the relevant decision or notification. The Chairperson may extend time limits in exceptional circumstances.</p> <p>31. When the Chairperson considers that an Appeal is manifestly irreceivable or without merit, he or she recommends to the Director-General that the Appeal be dismissed. The Secretary of the Board shall convey the Director-General's decision on the matter to the Appellant.</p> <p>32. Failure by the Appellant to observe the time limits set out in these Statutes will render the Appeal irreceivable.</p> <p>33. In case the Parties agree to engage in informal resolution, the Chairperson may suspend the Board proceedings and the applicable time limits as may be necessary.</p> <p>34. All decisions, notifications, rulings and reports referred to in these Statutes may be conveyed to the Parties by electronic means of communication.</p> <p>35. The Director-General may delegate his or her authority under these Statutes.</p>
<p>Appeals by staff members serving away from Headquarters</p> <p>22. In the case of an appeal by a staff member serving away from Headquarters, if the Director-General after consultation with the Chairperson decides that the presence of the appellant is necessary, he may arrange for the journey to be made at the Organization's expense, either by combining it with official travel or otherwise. If the Director-General does not consider the appellant's presence necessary, the appellant has the right nevertheless to attend the hearing provided that he travels at his or her own expense and at a time approved by the Director-General.</p>	<p>Appeals by staff members serving away from Headquarters in Field Duty Stations</p> <p>36. In the case of an appeal by a staff member serving away from Headquarters, if the Director-General after consultation with the Chairperson decides that the presence of the appellant is necessary, he may arrange for the journey to be made at the Organization's expense, either by combining it with official travel or otherwise. If the Director-General does not consider the appellant's presence necessary, the appellant has the right nevertheless to attend the hearing provided that he travels at his or her own expense and at a time approved by the Director-General. <i>The Appellant and his or her representative have the right to attend the hearing either remotely or in person provided that they travel at their own expense. Upon request from the Appellant, special leave with pay shall be granted for the purpose of attending the hearing either in person or remotely.</i></p>
<p>Amendment of these Statutes</p> <p>23. Paragraphs 2, 5 and 6 may be amended only by the General Conference. The remainder of</p>	<p>Amendment of these Statutes</p> <p>37. Paragraphs 2, 5 and 6 may be amended only by the General Conference. The remainder of the <i>These</i></p>

<p>the Statutes and the Appendix may be amended only by the General Conference or the Executive Board.</p>	<p>Statutes, including and the Appendix, may be amended only by the General Conference or the Executive Board.</p>
<p>Appendix to the Statutes of the Appeals Board</p> <p>Form in which appeals by Staff Members shall be drawn up.</p> <p>Appeals shall be submitted in eight copies in the following form, in one of the working languages.</p> <p>Form</p> <ul style="list-style-type: none"> (a) Surname, first name, and civil status of the appellant. (b) Nationality of the appellant. (c) The appellant's address for the purpose of the proceedings. (d) Grade of the appellant, Sector, Service or Bureau to which he belongs, his or her duty station and a statement of his or her duties. (e) Authority and date of the administrative decision or disciplinary action against which the appeal is directed. (f) Date of the protest submitted under paragraph 7 (a). (g) Date of the Director-General's ruling under paragraph 7 (b) (or date by which such ruling should have been communicated). (h) A signed list of documents submitted. These documents must include the text of the appellant's protest, and the text of the Director-General's ruling on the protest (or a statement that no ruling was made within the statutory time-limit). Additional documents may be included by the appellant. (i) A short statement of facts and arguments advanced. (j) Nominations of witnesses whom the appellant wishes to be called on his or her behalf. (k) Conclusions sought by the appellant. (l) Date, and appellant's signature. 	<p>Appendix to the Statutes of the Appeals Board</p> <p>Form in which appeals by Staff Members shall be drawn up.</p> <p>Appeals shall be submitted in eight copies one copy in the following form, in one of the working languages of the Secretariat.</p> <p>Form</p> <ul style="list-style-type: none"> (a) Surname and first name and civil status of the Appellant. (b) Nationality of the Appellant. (c) The Appellant's address mailing and e-mail addresses for the purpose of the proceedings. (d) Grade of the Appellant, Sector, Service or Bureau to which he or she belongs, his or her duty station and a statement of his or her duties. (e) Authority and date of The administrative decision or disciplinary measure against which the Appeal is directed, including its Authority and date. (f) Date of the protest submitted under paragraph 7 (a) request for administrative review submitted under paragraph 9. (g) Date of the Director-General's ruling under paragraph 7 (b) 10 (or date by which such ruling should have been communicated). (h) A signed list of documents submitted. These documents must include the text of a copy of the Appellant's protest request for administrative review, and the text a copy of the Director-General's ruling on the protest request for administrative review (or a statement that no ruling was made within the statutory time limit). Additional documents may be included by the Appellant. (i) A short statement of facts and arguments advanced. (j) A Statement indicating whether the Appellant requests a hearing. (k) Nominations List of witnesses whom the appellant wishes to hear. be called on his or her behalf. (l) Conclusions and Relief sought by the Appellant. (m) Date and Appellant's signature.