



General Conference

41st session, Paris, 2021

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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 11.1 of the provisional agenda

41 C/43 Add.
11 November 2021
Original: French

STAFF REGULATIONS AND STAFF RULES

ADDENDUM

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) submits its comments on the report by the Director-General on the Staff Regulations and Staff Rules (document 41 C/43).

1. UNESCO's Staff Regulations and Staff Rules, which are the basis of all human resources policies of the Organization, must guarantee, through their provisions, both the proper functioning and efficiency of the Organization and the rights of its staff. Consequently, their revision, while necessary to ensure that the Organization adapts to constantly changing needs, must always be carried out with due regard for the acquired rights of staff, if not to increase their protection.

2. Before presenting our comments on the Administration's document on the Staff Regulations and Staff Rules, we wish to denounce the excessive and incomprehensible delay in the publication of the document. This lack of organization on the part of the Administration hinders the smooth running of our work and that of the Member States. The Staff Regulations and Staff Rules are supposed to guarantee the rights of staff. Any proposed changes made by the Administration thus deserve more time to be carefully studied and analysed. Member States must be in a position to hear and take into account the views of staff associations before adopting decisions. The delay of one working day between the publication of the Administration's documents and their discussion before the Commission is unprecedented and unacceptable.



Job: 202104428

Section 1. Proposed amendments to Staff Regulations

Mobility

3. We welcome the support of Member States for the recommendation by the Internal Oversight Service (IOS) to allow staff to express interest for posts at a higher level, with the aim of integrating professional incentives into mobility. This recommendation is a matter of fairness and efficiency. In addition to encouraging staff to embrace mobility, it would be a first step towards building a career development policy, which would lead to an improvement, albeit modest, in staff motivation.

4. With regard, more specifically, to the two options for the wording of Staff Regulation 4.4.2, as they appear in the draft decision, ISAU would like to express its preference for option 2. Indeed, while both options pursue the same laudable objective, the wording in option 2 seems preferable, particularly in view of the nature of the Staff Regulations as a legal text. ISAU, while thanking Member States for their support for the implementation of the IOS recommendation, sees the following disadvantages in option 1:

- As worded, at least in the French version, the text may suggest that the purpose of this provision would be the *designation* of certain posts by the Director-General as falling within the remit of the mobility exercise, rather than the *limitation* of applications for posts to internal candidates alone;
- The posts referred to are necessarily vacant posts, a clarification that is missing in option 1;
- The term "internal staff" could be confusing. We believe that the term "internal candidates" would be more appropriate.

5. This reform, once adopted and applied, will be part of a mobility policy that must be implemented in accordance with the legal provisions in force, in an equitable and, above all, transparent manner. Attempts to circumvent this policy, which we have already decried, can do nothing but undermine staff confidence and their support for mobility.

Section 2. Amendments to Staff Rules

Reclassification

6. ISAU will continue to express its profound disagreement with the abolition of Rule 102.2 of the Staff Rules, which gave staff members the possibility of making individual requests for reclassification. This fundamental right has simply been abolished, although its purpose was to ensure that the nature of the duties and the level of responsibilities of staff members are consistent with the criteria applicable to the grades in which their posts are placed.

7. We express our concern at the Administration's propensity to insidiously erode the fundamental rights of staff through multiple revisions of the Staff Regulations and Staff Rules and the Human Resources Manual, in disregard of the alarm bells rung by staff members and their representatives.

Performance management

8. We reiterate our opposition to the abolition of the Review Panel and the Reports Board, which allowed staff members to express their disagreement with their appraisal and to contest it by having at their disposal legally defined and supervised means of appeal.

9. The abolition of these bodies and their replacement by the Performance Review Board is a blatant infringement of staff rights. In practice, the new system gives increased powers to supervisors and leaves the door open to arbitrariness and abuse. This is all the more worrying in view of the

legal vacuum regarding the possibilities for staff members to contest their evaluation in the event of disagreement. For example, if a staff member's overall rating is "partially meets expectations", the staff member has no opportunity to challenge his or her appraisal and a performance improvement plan is imposed.

10. Furthermore, if the Performance Review Board is automatically seized of the matter, owing to the results of the appraisal, the staff member cannot be heard before that body, which is not, moreover, subject to any legal time limit within which it must rule. Moreover, the Committee's powers are very limited, as it simply issues a recommendation. In short, the whole process lacks transparency and objectivity, as recent examples in the Organization have shown.

11. In view of all these factors and in order to ensure that corrective measures are taken, ISAU would like an objective and transparent evaluation of this performance management policy to be carried out. It goes without saying that the staff associations must be involved in this exercise.



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Item 11.1 of the provisional agenda

41 C/43

8 November 2021

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 or she 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 4.4. in the context of implementing a recommendation of the evaluation of the Internal Oversight Service (IOS) on the Managed Geographical Mobility Programme. **Section 2: Amendments to Staff Rules.** This Section sets out the amendments made by the Director-General to the Staff Rules since the 40th session of the General Conference. These amendments concern Staff Rules relating to classification policy, disciplinary proceedings, performance management policy, removal entitlements for household goods.

Decision required: paragraph 18.



Job: 202104106

Section 1. PROPOSED AMENDMENTS TO STAFF REGULATIONS

Source

1. The paragraph of the introduction 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.
3. The Executive Board, at its 212th session, reviewed the draft Staff Regulation proposed by the Secretariat with a view to implementing recommendation 9 of the Internal Oversight Service (IOS) in its evaluation of the Managed Geographical Mobility Programme [209 EX/5.III.A.INF], which states : “*Staff members should be allowed to express interest for at least one higher-level post. This will require an open conversation and discussion process with Member States with a view to reconsidering the General Conference decision, which requires all promotions to be subject to internal and external competition.*”
4. Currently, all posts at Professional and above are advertised for a minimum of one month to all applicants (external and internal). In the case of the managed geographical mobility exercise, posts are advertised for internal candidates only; these posts are occupied by staff who are due to move. The managed mobility exercise may also include vacant posts. Staff may only apply and be selected for posts at the same grade as their current grade, i.e., on a lateral transfer basis.
5. The recommendation by IOS that staff should be allowed to apply for posts at a higher grade in the mobility exercise would require that these posts be advertised only to internal candidates. While the process would remain competitive, the competition would be limited to internal staff. Should the post not be filled in the managed mobility programme, it would be advertised externally as per the standard procedure.
6. The proposed amendments to the Staff Regulations were presented to the Executive Board at its 212th session in document [212 EX/5.IV.A](#) - Report on the implementation of the Human Resources Management Strategy 2017-2022. This allowed for any concerns to be raised and addressed before examination by the General Conference.
7. To that effect, the Executive Board reviewed the draft Staff Regulation proposed by the Secretariat as follows:

Staff Regulation 4.4 becomes 4.4.1

Staff Regulation 4.4.2 (New)

“Keeping in mind the importance of transparency and open recruitment to all applicants for the purpose of mobility, the Director-General may designate specific posts intended to fall within the remit of the mobility exercise, for which application may be limited in a first step to internal staff participating in mobility”.
8. It was proposed during the debate that this proposed amendment be reviewed by the Organization’s Office of International Standards and Legal Affairs (LA).
9. In this regard, LA recalled that the purposes of the Staff Regulations and Staff Rules are different. The “*Purpose*” section of the Staff Regulations states that “[t]he 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” (emphasis added). With regard to the Staff Rules, Staff Regulation 12.2 states 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” (emphasis added). It follows that Staff Regulations are quite general in nature and thus afford the Director-General the necessary leeway to devise policies and procedures compatible therewith. Moreover, from an operational standpoint, the more detailed the Staff Regulation, the more difficult it is to devise an appropriate procedure.

10. The proposed Staff Regulation contains a number of details that may not allow the Director-General to devise an appropriate procedure. In fact, the language proposed by the Executive Board for Staff Regulation 4.4.2 might better suit a Staff Rule rather than a Staff Regulation.

11. In light of the above, in addition to the language provided by the Board, the Secretariat wishes to propose an alternative wording which would cater for the concerns expressed by the Executive Board but also address the above issues. This Staff Regulation could read as follows:

“The Director-General may limit eligibility to apply for vacant posts to internal candidates for purposes of geographical mobility.”

12. The relevant Staff Rules would thereafter be amended by the Director-General, consistently with the Staff Regulation as adopted by the General Conference and bearing in mind the concerns expressed by the Executive Board.

13. The text of the proposed amendment to Staff Regulation 4.4 is reproduced in **paragraph 18** below.

Section 2. AMENDMENTS TO STAFF RULES

14. 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”.

15. 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”.

16. 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 40th session (2019).

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

Amendments effective on 9 January 2020

Rule 102.2 – Compatibility with classification standards

Changes were introduced to the Classification policy to implement recommendations of the External Auditor on classification policy, as well as to ensure harmonization with other UN Agencies practices. In the revised Classification policy, reclassification requests are submitted primarily by managers within a defined timeframe and condition. In exceptional cases, such requests may be initiated by a staff member, in the context of the annual performance discussion

with their supervisor, when he/she considers that the nature of the duties or the level of responsibilities assigned to him/her would require a classification review.

Amendments effective on 28 February 2020

In the context of the review of disciplinary proceedings, the General Conference at its 40th session amended Staff Regulations 10.1, 10.2 and 9.1.1, by Resolution 40 C/74, adopted on 25 November 2019. To implement those regulations, the following key changes were introduced:

Rule 109.7 – Indemnity of Termination

Staff Rule 109.7 was amended to specify that an indemnity of termination may be paid in the case of termination for unsatisfactory service and termination for misconduct.

Rule 109.13 – Special Advisory Board

Staff Rule 109.13 and Staff Rule 109.14 were deleted following the abolition of the Special Advisory Board by the General Conference's decision taken at its 40th Session.

Rule 109.14 – Suspension

Staff Rule 109.14 was deleted following the review of the disciplinary proceedings.

Rule 110.1 – Disciplinary measures

Staff Rule 110.1 b) was deleted following the review of the disciplinary proceedings.

Rule 110.2 – Joint disciplinary committees

Staff Rule 110.2 was deleted following the abolition of the Joint disciplinary committee by the General Conference's decision taken on its 40th Session.

Rule 110.3 – Administrative leave

Staff Rule 110.3 on administrative leave was renumbered 110.2.

Rule 103.4 – Salary increments

Staff Rule 103.4 was amended following the review of the disciplinary proceedings which allows the deferment of an increment for misconduct.

Rule 104.1 – Advisory Board on Individual Personnel Matters

In Staff Rule 104.1, the reference to the Joint disciplinary committee was deleted.

Amendments effective on 1 July 2020

Rule 111.2 – Administrative Tribunal

By Resolution 40 C/74, adopted on 25 November 2019, the General Conference at its 40th session, amended Staff Regulation 11.1 and the Statutes of the Appeals Board (Annex A of the Staff Regulations and Staff Rules). The purpose of the amendment was to modernize and simplify

the internal appeal procedure with a view to ensure that appeals are handled in a reasonable timeframe.

Staff Rule 111.2 was revised accordingly to reflect to the amendments as decided by the General Conference.

Amendment effective on 1 January 2021

The performance management policy was updated to align with best practices in other UN Agencies while also taking into account the recommendations of the External Auditor to change from a biennial to an annual evaluation and to simplify the evaluation procedure.

The revised performance management policy adds emphasis on the role of regular dialogue between the staff member and their supervisor in the event of inadequate or deteriorating performance and the consequences of performance were clarified. A new review body, the Performance Review Board (PRB) was established to replace the Reports Board, and provisions applicable in the probationary period were updated. The following changes were introduced:

Rule 104.1 – Advisory Board on Individual Personnel Matters

Staff Rule 104.1 was amended to clarify competencies of the Advisory Board on Individual Personnel Matters.

Rule 104.11 – Reports Board

Staff Rule 104.11 was deleted following the abolition of the Reports Board.

Rule 104.11 bis – Reports on staff members

Staff Rule 104.11 *bis* b) c) d) e) were deleted following the streamlining of the evaluation procedure.

Rule 104.11 ter – Review Panels

Staff Rule 104.11 *ter* was deleted following the abolition of the Reports Board.

A new Staff Rule 104.11 *bis* was introduced to establish the Performance Review Board.

Amendments effective on 4 February 2021

Rule 107.10 - Removal of household goods

The Organization's policy on removal entitlements for household goods was updated. One of the objectives of the update is to introduce a lump-sum option in lieu of a removal managed by the Organization, which aligns the Organization's practices with that of most UN agencies and also streamlines the current procedure.

Staff Rule 107.10 (c) on travel and removal expenses was amended to establish the maximum volumes for the removal of household goods.

Proposed draft resolution

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

The General Conference,

Having examined document 41 C/43,

1. *Takes note* of the information provided in that document,
2. *Decides* to amend Staff Regulation 4.4 as follows (*amendments in bold italic*):

Staff Regulation 4.4.1

Recruitment and appointments shall be made on a competitive basis following formal advertisement of the vacant posts for a minimum of one month. Subject to the provisions of Regulation 4.2, 4.3. and 4.3.1, and without prejudice to the recruitment, at all levels, of fresh talent, staff members (and former staff members with at least one year's service, separated during the previous two years owing to the abolition of posts) shall be given priority of consideration for vacant posts, on the basis of equal competence. Next priority, with regard to advertised posts, shall be given, subject to reciprocity, to applicants already in the service of the United Nations and other Specialized Agencies, on the basis of equal competence.

Staff Regulation 4.4.2 (new Regulation)

Option 1: version contained in [212 EX/55](#) Item 5.IV.A para 9 adopted by the Executive Board

Keeping in mind the importance of transparency and open recruitment to all applicants for the purpose of mobility, the Director-General may designate specific posts intended to fall within the remit of the mobility exercise, for which application may be limited in a first step to internal staff participating in mobility.

Option 2: alternative wording proposed by the Secretariat

The Director-General may limit eligibility to apply for vacant posts to internal candidates for purposes of geographical mobility.

ANNEX

Amendments to the UNESCO Staff Rules

(amendments in bold italic; deletions in strikethrough)

Amendments effective on 9 January 2020

Staff Rule 102.2 - Compatibility with classification standards: Deleted

Amendments effective on 28 February 2020

Staff Rule 109.7 - Indemnity of Termination

- (f) In the case of **termination for** unsatisfactory service ~~under Regulation 9.1, unsuitable conduct misconduct under Regulation 9.1.1~~ or ~~unsatisfactory conduct~~ **misconduct** under Regulation 10.2, a termination indemnity may **be paid**, at the Director-General's discretion, ~~be paid~~ in an amount not exceeding one half of the amount under (a) ~~(b)~~ or (c) above as the case may be.

Staff Rule 109.13 - Special Advisory Board: Deleted

Staff Rule 109.14 - Suspension: Deleted

Staff Rule 110.1 - Disciplinary measures

- ~~(a)~~ The disciplinary measures which the Director-General may impose on staff members for misconduct are:
- (i) written censure
 - (ii) suspension without pay for a specified period;
 - (iii) deferment, for a specified period, of eligibility for salary increment;
 - (iv) loss of one or more steps in grade;
 - (v) 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 misconduct within a period to be fixed by the Director-General.~~

Staff Rule 110.2 - Joint disciplinary committees: Deleted

Staff Rule ~~110.3~~ 110.2 - Administrative leave

The Director-General may place a staff member on administrative leave pending investigation or disciplinary proceedings, without prejudice to his or her acquired rights. Administrative leave shall be with pay, or in exceptional cases without pay.

Staff Rule 103.4 - Salary increments

- (e) An increment may also be deferred ~~or withheld~~ for ~~unsatisfactory conduct~~ **misconduct**, as a disciplinary measure under Rule 110.1

Staff Rule 104.1 Advisory Board on Individual Personnel Matters

- (e) The Advisory Board on Individual Personnel Matters shall not be consulted on:
- (iii) disciplinary measures; ~~referred to a Joint Disciplinary Committee under Rule 110.2;~~

Amendments effective on 1 July 2020

Staff Rule 111.2 - Administrative Tribunal

- (b) Notwithstanding the terms of (a) above, a staff member may, in agreement with the Director-General, waive the jurisdiction of the Appeals Board and appeal directly to the Administrative Tribunal. In such cases 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.

Amendment effective on 1 January 2021

Staff Rule 104.1 - Advisory Board on Individual Personnel Matters

- (a) There shall be an Advisory Board on Individual Personnel Matters which shall advise the Director General on individual staff matters ***pertaining to the Professional and General Service categories on fixed term appointments, or on indeterminate appointments*** 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) conversions of fixed-term appointments to indeterminate appointments;
- (ii) renewal of appointments for less than two years of staff members with more than five years' seniority, ***except when such a decision is taken as a consequence of unsatisfactory service, except for the cases specified in paragraph (c) (vi) below;***
- (iii) non-renewal of appointments after five or more years of service in the Organization, ***except when such a decision is taken as a consequence of unsatisfactory service; ; except for the cases specified in paragraph (c) (vi) below;***
- (iv) termination ***for the abolition of the post or reduction of the staff, or if the staff member, for reasons of health, is incapacitated for further service, except for the cases specified in paragraph (c) (ii), (iii) and (vi) below; ;***
- (v) such other cases as the Director-General may request.

(c) Deleted

(d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) unchanged

Staff Rule 104.11 - Reports Board - Deleted

Staff Rule 104.11 ~~bis~~ - Reports on staff members

- (a) Performance appraisal is fundamental to the career development of staff members. It is both an obligation and a responsibility of supervisors and should be carried out objectively and without fear or favour. Reports in a form and by persons prescribed by the Director-General shall be made on each staff member. Reports shall be made for staff on probation before the end of the probationary period, annually thereafter for all staff members concerned who hold indeterminate and fixed-term appointments, ~~before or~~ upon a change of immediate supervisor or transfer to a different organizational unit, and additionally at any time, when requested by the Bureau of Human Resources Management or the Sector, Bureau or Office concerned.
- ~~(b) A staff member shall be shown and given the opportunity of discussing with his or her supervisor the (draft of any) report made on him or her and of commenting on the Report before its review by the Review Panels; he/she shall thereafter sign the report signifying that he/she has read it, and shall be given a copy; the original shall then be transmitted to the Bureau of Human Resources Management.~~
- ~~(c) If a staff member wishes to contest his or her Performance Report on the basis of any of the grounds indicated in Staff Rule 104.11 (a) and (b) he/she shall, not later than ten working days after receiving the report reviewed by the Review Panel, submit to the Chairperson of the Reports Board through the Director of the Bureau of Human Resources Management, a concise written account of his or her objections and the facts and conclusions on which they are based. The matter shall be brought as soon as possible before the Reports Board. The decision of the Director-General based on the Board's recommendation shall be entered in the Performance Report and communicated to the staff member concerned, his or her supervisor and the Chairperson of the Review Panel.~~
- ~~(d) If a staff member away from Headquarters contests a report, the above time-limit shall be extended to twenty working days.~~
- ~~(e) If the staff member is not satisfied with the decision taken by the Director-General following the recommendation made by the Reports Board, he or she may lodge an appeal in accordance with paragraph 7 (a) of the Statutes of the Appeals Board.~~

Staff Rule 104.11 ~~ter~~ - Review Panels – Deleted

Staff Rule 104.11 bis - Performance Review Board

There shall be a Performance Review Board which shall advise the Director-General or delegated authority on the non- renewal or termination of fixed-term appointments or indeterminate appointments in the case of unsatisfactory service, except for staff members on probation.

Amendments effective on 4 February 2021

Staff Rule 107.10 (c)

- (c) The following quantities of household goods may be transported at the expense of the Organization:
- ***a standard 20-foot container for a staff member without eligible family member(s) 3750 kg (8250 lb) in gross weight or 30 cubic metres (1050 cubic feet) in volume if the staff member is not accompanied by any member of his or her family travelling at the expense of the Organization;***
 - ***a standard 40-foot container for a staff member with eligible family member(s). 5000 kg (11000 lb) in gross weight or 40 cubic metres (1400 cubic feet) in volume if the staff***

~~member is accompanied to the duty station or joined there by at least one member of his or her family travelling at the expense of the Organization.~~

However, where the staff member is also entitled to transportation of his or her personal effects under Rule 107.9, the following deductions shall be made from the above quantities:

- (i) the total weight ~~or volume~~ transported under that Rule by land and/or sea, or by air freight if transportation by another mean is not available, is impractical in view of the geographical circumstances of the duty station or is more expensive;
- (ii) twice the weight ~~or volume~~ transported by air freight ~~in all other cases. When weight has to be converted into volume, it is assumed that 100 kg = 0.8 cubic metres, (10 lb = 1 cubic foot) or, conversely, that 1 cubic metre = 125 kg.~~