



CINQUANTE-DEUXIÈME SESSION
7-12 novembre 2016
Yokohama (Japon)

DÉCISION 3(LII)

MODIFICATIONS AU STATUT ET RÈGLEMENT DU PERSONNEL (DEUXIÈME ÉDITION) DE L'ORGANISATION INTERNATIONALE DES BOIS TROPICAUX (OIBT)

Le Conseil international des bois tropicaux,

Reconnaissant les termes énoncés dans la disposition 901 de la deuxième édition du Statut et Règlement du personnel de l'Organisation internationale de bois tropicaux (OIBT) « Amendements et dérogations au Règlement du personnel » ;

Rappelant que la première édition du Statut et Règlement du personnel de l'Organisation internationale des bois tropicaux (OIBT) a été approuvée par le Conseil le 17 novembre 1988 en vue de son application et modifiée par la Décision 3(XLIV) du CIBT ;

Rappelant aussi la Décision 1(LI.1) relative à la révision du Règlement financier, des normes de vérification comptable et des clauses correspondantes du Statut et Règlement du personnel en vigueur à l'OIBT ;

Prenant note des actuels travaux de révision, menés au travers du Comité des finances et de l'administration, de la deuxième édition du Statut et Règlement du personnel de l'OIBT, en vue de l'harmoniser avec le Règlement du personnel et Statut du personnel de l'Organisation des Nations Unies qui fait actuellement l'objet d'une révision majeure ;

Notant en outre la nécessité urgente de réviser les articles correspondants du Statut et Règlement du personnel, pour faire en sorte que soient pris en compte les enseignements utiles tirés de la perte des placements financiers de l'OIBT ;

Rappelant la préconisation du CFA, telle qu'avalisée par le CIBT en sa 49^e session, qui adoptait ainsi les Principes OIBT de dénonciation d'abus ;

Appréciant les travaux du Groupe d'experts créé aux termes de la Décision 1(LI.1), lequel a soumis des propositions de modification des articles correspondants du Statut et Règlement du personnel de l'OIBT ;

Accueillant avec satisfaction les travaux supplémentaires effectués par le CFA sur ce dossier, transcrits dans les préconisations correspondantes de son rapport à la présente session ;

Décide de :

1. Adopter les modifications du Statut et Règlement du personnel de l'OIBT (deuxième édition), telles qu'elles figurent en annexe à la présente Décision ;
2. Approuver l'application de la version révisée (troisième édition) du Statut et Règlement du personnel de l'OIBT avec prise d'effet au 14 novembre 2016 ; et
3. Reprendre l'examen de la troisième édition du Statut et Règlement du personnel de l'OIBT à sa cinquante-troisième session afin de prendre en compte le résultat des travaux correspondants aux Nations Unies.

Annex



STAFF REGULATIONS AND RULES

Third edition

INTERNATIONAL TROPICAL TIMBER ORGANIZATION

November 2016

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STAFF REGULATIONS AND RULES OF THE INTERNATIONAL TROPICAL TIMBER ORGANIZATION

SCOPE AND PURPOSE

The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the staff of the International Tropical Timber Organization. They represent the broad principles of personnel policy for the staffing and administration of the Organization as approved by the Council. The Executive Director, as the Chief Administrative Officer, shall provide and enforce such Staff Rules consistent with these principles as he considers necessary.

The Staff Regulations do not apply to temporary engaged experts, consultants and auxiliary personnel.

1. DUTIES AND RESPONSIBILITIES

Regulation 1.1

Staff members are international civil servants. Their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interest of the Organization only in view.

Regulation 1.2

In the performance of their duties staff members shall neither seek nor accept instructions from any government or from any other authority external to the Organization.

Regulation 1.3

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

Regulation 1.4

Staff members are subject to the authority of the Executive Director and to assignment by him to any of the activities or offices of the Organization. They are responsible to him in the exercise of their functions. The whole time of staff members shall be at the disposal of the Executive Director. The Executive Director shall establish a normal working week.

Regulation 1.5

Staff members shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the Organization. They shall avoid any action, and in particular any kind of public pronouncement, which may adversely reflect on their status, or on the integrity, independence and impartiality which are required by that status.

Regulation 1.6

The status, privileges and immunities attached to the Organization by virtue of its Headquarters Agreement with the Government of Japan are conferred to enable the Organization fully and

efficiently to discharge its responsibilities and fulfill its purpose and functions. The privileges and immunities that international civil servants enjoy are conferred upon them solely in the interests of the Organization. They do not exempt international civil servants from observing local laws, nor do they provide an excuse for ignoring private legal or financial obligations. In any case where questions of privileges and immunities arise, the staff member shall immediately report to the Executive Director, who alone shall decide whether they shall be waived.

The Council shall decide whether the privileges and immunities shall be waived in the case of the Executive Director.

Regulation 1.7

Staff members shall give neither advice nor assistance to any government or person or authority in relation to tropical timber or other commodities except as is necessary for the proper discharge of their duties.

Regulation 1.8

Staff members shall not have any financial interest in the tropical timber industry trade, transportation, publicity or associated commercial activities, including dealings related to tropical timber or other commodities. While employed by the Organization, the staff member shall not acquire or hold any such interest. Staff members shall not engage in any occupation or activity, including political activities, or hold any office or position which is incompatible with the proper discharge of their duties with the Organization, or which might prove a source of embarrassment to the Organization.

Regulation 1.9

No staff member shall accept any honour, decoration, favour, gift or remuneration from any source external to the Organization, in connection with his/her duties in the Organization, without first obtaining the approval of the Executive Director. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the terms of Regulation 1.4 of the Staff Regulations and with the individual's status as an international civil servant.

Regulation 1.10

Staff members may exercise the right to vote but shall not engage in any political activity which is inconsistent with, or might reflect upon, the independence and impartiality required by their status as international civil servants or which prove a source of embarrassment to the Organization.

Regulation 1.11

Upon appointment, each staff member shall subscribe in writing to the following affirmation: "I solemnly affirm that, to the best of my ability, I will carry out my responsibilities in a manner that will further the purpose of the International Tropical Timber Organization; that I will refrain from communicating confidential information to persons outside the Organization; that I will not use to private advantage information known to me by reason of my official position; and that I will not seek or receive instructions from any member or from any other authority external to the Organization in regard to the performance of my duties."

Regulation 1.12

Harassment in any shape or form is an affront to human dignity, and it will not be tolerated. Staff members should not engage in any form of harassment and must be above any suspicion of it.

Rule 101

Hours of Work

- (a) Normal working hours shall be from 9.30 a.m. to 5.45 p.m. Monday through Friday, with

an interval of one hour for lunch. Such times, or the work week, may be altered by the Executive Director as the needs of the service may require, provided that the total number of normal working hours a week is not thereby changed.

(b) The scheduled work week assigned to a staff member may be subject to alteration if the exigencies of the service so require.

(c) A staff member may be required to work beyond the normal working hours if the exigencies of the service so require.

Rule 102

Official Holidays

Official holidays shall be those observed in Japan, 25December, Eid-al-Fitr and Eid-al-Adha.

Rule 103

Outside Activities and Conflict of Interests

(a) Staff members shall not engage in any outside occupation or employment without the prior approval of the Executive Director.

(b) No staff member may be associated with the management of, or hold a financial interest in, any business concern if it were possible for the staff member to benefit from such association or financial interest by reason of his or her official position with the Organization.

(c) A staff member who has occasion to deal in his or her official capacity with any matter in which he or she holds a financial interest, including private investments, shall disclose that potential conflict of interest to the Executive Director.

(d) The mere holding of shares in a company shall not constitute a financial interest within the meaning of paragraph (b) of this rule unless such holding constitutes a substantial control.

(e) Staff members shall not, except in the normal course of official duties or with the prior approval of the Executive Director, perform any one of the following acts, if such an act relates to the purpose, activities, or interests of the Organization

- (i) Issue statements to the press, radio or other agencies of public information;
- (ii) Accept speaking engagements;
- (iii) Take part in film, theatre, radio or television productions;
- (iv) Submit articles, books or other material for publication.

Rule 104

Membership in Political Parties and Political Activities

Membership in a political party is permitted provided that such membership does not entail action, or obligation to action, contrary to Staff Regulation 1.10.

Rule 105

Use of email and social media

Staff members shall use official channels, including ITTO's official business-email services on ITTO servers, to conduct official business of the Organization. All email accounts are the property of ITTO

which has the right to read and keep a record of any email that staff members transmit using the Organization's email system. Employees shall not use personal email accounts to conduct official business and shall adhere to the Information Technology (IT) policies of the Organization.

2. CLASSIFICATION OF STAFF, SALARIES AND RELATED ALLOWANCES

Regulation 2.1

In conformity with the requirements of the Organization, as approved by the Council, the Executive Director shall make appropriate provision for the classification of posts and staff according to the nature of the duties and responsibilities. Classification will be in accordance with the United Nations categories of:

- (a) Professional and higher categories.
- (b) General Service category.

Regulation 2.2

In conformity with the requirements of the Organization, the salaries of staff members shall be fixed by the Executive Director in accordance with the prevailing classification system and salary scales of the United Nations.

Regulation 2.3

All salaries and allowances for staff in the professional and higher categories shall be quoted and paid in US dollars. Salaries of members of the staff in the general service category shall be quoted and paid in Yen. Staff shall receive net salaries as calculated by deducting UN rates of staff assessment from UN notional gross salaries.

Regulation 2.4

Subject to satisfactory service, salary increments within the levels set out in the prevailing salary scales of the United Nations shall be awarded annually, except that any increment above step IV of the Principal Officer level, as well as those at the high steps at each level as indicated in the salary scales of the U.N., shall be preceded by two years at the previous step.

Regulation 2.5

The Executive Director shall determine, within the framework of the approved programmes of work and budget, the rates of salary to be paid to personnel specifically engaged for Council sessions, conferences and other short-term services, to consultants and to technical assistance experts.

Regulation 2.6

The Executive Director may grant a non-resident allowance to staff members in the general service category who have been recruited from outside Japan. This is envisaged only in exceptional circumstances when staff cannot be recruited locally.

Regulation 2.7

In order to maintain standards of living, members of the staff in professional and higher categories shall receive cost-of-living payments in conformity with the prevailing post adjustment schedules of the United Nations.

Regulation 2.8

Staff members in professional and higher categories shall be entitled to receive dependency allowances in conformity with the prevailing dependency allowances schedule and related provisions of the United Nations. Such allowances are payable in respect of:

- (i) Each dependent child of a single, married, widowed or divorced staff member;

- (ii) Where there is no dependent spouse, a single annual allowance for either a dependent parent, a dependent brother or a dependent sister.

Regulation 2.9

Claims for dependency allowances shall be submitted annually in writing and supported by evidence satisfactory to the Executive Director. Staff members shall be responsible for reporting immediately to the Executive Director any change which affects the payment of the allowances during the year.

Regulation 2.10

A staff member who is internationally recruited and who is outside his/her home country shall be entitled to an education grant for his/her children and a staff member with disabled children shall be entitled to a special education grant for such children. These grants shall be in accordance with the prevailing United Nations schedule for such grants.

Regulation 2.11

Where a staff member is subject to national income taxation in respect of the salaries and emoluments paid to him/her by the Organization, the Executive Director is authorized on receiving proof of payment of such national taxation, to refund the amount of taxes paid and payable in respect of the ITTO income only. In making such refunds, the Executive Director will draw only on funds made available by the member concerned for the specific purpose. The Executive Director is authorized to conclude arrangements with members to obtain such funds; such arrangements will be reported to the Council. In the absence of other arrangements, the amount of these funds will normally be equal to the member's share under the UN staff assessment- formula.

Rule 201

Definition of Dependency

(a) A dependent spouse shall be a spouse whose annual occupational earnings, if any, during the calendar year considered do not exceed the lowest entry salary level of the United Nations general service salary scale in effect in Japan.

(b) For purposes of the Staff Regulations and the Staff Rules a "child" shall be the unmarried child of a staff member, under the age of 18 years, or if the child is in full-time attendance at a school or university, or similar educational institution, under the age of 21 years. If the child is totally and permanently disabled, the requirements as to school attendance and age shall be waived.

(c) For the purpose of the dependency allowance a child shall be recognized as dependent when the staff member provides continuing support and submits a claim certifying this; provided that, where divorce has occurred and the child does not reside with the staff member, or if the child is married, dependency allowance will be payable only where the staff member submits satisfactory documentary evidence that he has assumed responsibility for the main and continuing support of the child.

(d) A dependent parent, dependent brother or dependent sister shall be a parent, unmarried brother or unmarried sister of whose financial support the staff member provides one half or more, and in any case at least twice the amount of the dependency allowance; provided that the brother or sister is under the age of 18 years, or, if in full-time attendance at a school or university, or similar educational institution, under the age of 21 years. If the brother or sister is totally and permanently disabled, the requirements as to school attendance and age shall be waived.

Rule 202

Salary Increments

- (a) Annual salary increments shall be effective from the first day following the date on which

the service requirements are completed.

(b) A salary increment may be deferred within an incremental period, or withheld, if service or conduct is unsatisfactory. The staff member involved shall be so informed by the Executive Director.

(c) Satisfactory service for the purpose of awarding a salary increment shall be defined as satisfactory performance and conduct of staff members in their assignments as evaluated by their supervisors.

Rule 203

Salary Policy in Promotions

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

- (i) During the first year following promotion a staff member in continuous service shall receive in salary the amount of two full steps in the level to which the staff member has been promoted more than he or she would have received without promotion except where promotion to the lowest step of the level yields a greater amount. The step rate and date of salary increment in the higher salary level shall be adjusted to achieve this end.
- (ii) When, on promotion, a staff member becomes ineligible for payment of non-resident allowance and/or language allowance which he or she has formerly been receiving, the amount the staff member has been receiving for these allowances shall be added to his or her salary before promotion to establish the step rate and date of next salary increment under (i) above.

Rule 204

Overtime and Compensatory Time Off

(a) Compensatory time off or additional payment under conditions established by the Executive Director shall be given to staff members in the general service category who are required to work:

- (i) in excess of eight hours in a day;
- (ii) on Saturday or Sunday when these days are not part of the scheduled work week; or
- (iii) on official holidays

(b) Compensation for overtime work shall be computed to the nearest half-hour. Less than half an hour on any day during the scheduled work week shall not be considered.

(c) Overtime compensation shall be made at the rate of one-and-a-half times the staff member's hourly basic salary for overtime performed during the scheduled work week or on Saturdays and at the rate of twice the staff member's hourly basic salary on Sunday or on an official holiday.

Rule 205

Allowance for Non-Residents

(a) Staff members in the general service category, who have been recruited from outside Japan may receive a non-resident allowance in accordance with prevailing United Nations rules and scales provided that in no case shall the allowance be paid to a staff member who has Japanese nationality.

(b) The non-resident allowance shall be taken into account in determining Provident Fund, medical, and group insurance contributions; overtime compensation; and payments and indemnities on separation.

(c) Non-resident allowance will not normally be paid to a staff member who, at the time of appointment

- (i) is living in Japan;
- (ii) is the spouse of any person covered by (i).

(d) Entitlement to a non-resident allowance will cease in the case of a staff member who:

- (i) changes his/her residential status in such a way that he/she may, in the opinion of the Executive Director, be deemed to be a permanent resident of Japan.
- (ii) marries a spouse who himself/herself would be regarded as resident (if appointed), unless he/she would be regarded as a dependent spouse under the Rules;
- (iii) marries an ITTO staff member in the Professional or higher categories (or an official in comparable "international status" outside, for example in a diplomatic mission);
- (iv) marries another ITTO staff member with non-resident allowance. In this case, the allowance will be continued for the staff member who is regarded as the "head of the family".

Rule 206

Language Allowance

(a) A staff member in the general service category shall be paid a language allowance in accordance with prevailing United Nations' rules and rates if he/she passes a test, prescribed for this purpose, in any language of the Organization other than the language or the languages in which he/she is required to be proficient by the terms of his/her appointment. No staff member shall be paid a language allowance for more than two official languages of the Organization. Further tests at intervals of not less than five years will be required in order to demonstrate their continued proficiency.

(b) The language allowance shall be taken into account in determining the contributions to the Provident Fund.

Rule 207

Deductions and Contributions

(a) There shall be deducted, each pay period, from the total payments to each staff member:

- (i) staff assessment, at the rates and subject to the conditions prescribed in Staff Regulation 2.3;
- (ii) contributions to the Provident Fund, based on the staff member's pensionable remuneration as defined by the United Nations.

(b) Deductions from salaries, wages and other emoluments may also be made for the following purposes:

- (i) for contributions, other than to the Provident Fund, for which provision is made under these Rules;
- (ii) for indebtedness to the Organization;

- (iii) for indebtedness to third parties when any deduction for this purpose is authorized by the Executive Director and agreed to by the staff member.

Rule 208

Education Grant

(a) For the purpose of this rule:

- (i) "child" means an unmarried child of a staff member who is dependent upon the staff member for continuing support. "Disabled child" means a child who is unable, by reasons of physical or mental disability, to attend a normal educational institution and therefore requires special teaching or training to prepare him or her for full integration into society or, while attending a normal educational institution, requires special teaching or training to assist him or her in overcoming the disability.
- (ii) "home country" means the country of home leave of the staff member under the Rule 403. If both parents are eligible staff members, "home country" means the country of home leave of either parent.
- (iii) "duty station" means the country, or area within commuting distance notwithstanding national boundaries, where the staff member is serving.

(b) A staff member, who is regarded as an international recruit, and whose duty station is outside his/her home country, shall be entitled to an education grant in respect of each dependent child in full-time attendance at a school, university or similar educational institution. The grant shall not, however, be payable in respect of:

- (i) attendance at kindergarten or nursery school at the preparatory level;
 - (ii) attendance at a free school or one charging only nominal fees or a university in the country or area of the duty station;
 - (iii) correspondence courses, except those which, in the opinion of the Executive Director, are the best available at the duty station;
 - (iv) private tuition, except tuition in a language of the home country at duty stations where satisfactory school facilities for learning that language are not available; or
 - (v) vocational training or apprenticeships which either do not involve full-time schooling or which the child receives payment for services rendered.
- (c) (i) The grant shall be payable up to the end of the school year in which the child completes four y of post-secondary studies or is awarded the first recognized degree, whichever is the earlier;
- (ii) the grant will not normally be payable beyond the school year in which the child reaches the age of 25 years. If the child's education is interrupted for at least one school year by national service, illness or other compelling reasons, the period of eligibility shall be extended by the period of interruption.

(d) The amount of the grant shall be in conformity with the prevailing rules and scales of the United Nations.

(e) A staff member to whom an education grant is payable in respect of his or her child's attendance at an educational institution shall be entitled to travel expenses for the child of one return journey each scholastic year between the educational institution and the duty station, provided that:

- (i) such travel expenses shall not be paid if the requested journey is unreasonable, either because of its timing in relation to other authorized travel of the staff member or his dependents, or because of the brevity of the visit in relation to the expense involved;
- (ii) where attendance is for less than two-thirds of the school year, travel expenses shall not normally be payable;
- (iii) transportation expenses shall not normally exceed the cost of a journey between the staff member's home country and the duty station.

(f) The Executive Director will decide in each case whether the education grant shall be paid for tuition of the mother tongue.

(g) Claims for education grant shall be submitted in writing and supported by evidence satisfactory to the Executive Director.

(h) A special education grant for disabled children shall be available to staff members of all categories, regardless of whether they are serving in their home country, provided that they have appointments of one year or longer or have completed one year of continuous service. The amount of the grant shall be in conformity with the prevailing rules and scales of the United Nations.

Rule 209

Assignment Allowance

Subject to the provision of Rule 619, an assignment allowance shall be paid to a staff member in the professional category and above who is appointed or assigned to a duty station outside his or her home country for a specified period of service under circumstances, and at scales, equal to those provided for in the relevant United Nations Staff Regulations and Staff Rules.

3. RECRUITMENT AND APPOINTMENT

Regulation 3.1

Except where expressly provided for in the International Tropical Timber Agreement, 1983 (ITTA) or succeeding Agreements, or as might be otherwise determined by the Council, the Executive Director shall appoint the staff. Upon appointment (or notification of promotion) each staff member shall receive a letter of appointment (or notification of promotion) in accordance with the provisions of these Regulations and Rules.

Regulation 3.2

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

Subject to the provisions of the preceding paragraph and without prejudice to the recruitment of fresh talent at all levels, the fullest regard shall be given, in filling vacancies, to the requisite qualifications and experience of persons already in the service of the Organization. Staff members shall have a working knowledge of at least one of the languages of the Organization in addition to their mother tongue.

Regulation 3.3

Staff members shall be granted either permanent or temporary appointments under such terms and conditions consistent with these Regulations and Rules as the Executive Director may prescribe.

Regulation 3.4

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

Regulation 3.5

The Executive Director shall prescribe which staff members are eligible for permanent appointments. Permanent appointment to the staff of the Organization shall normally be subject to a probationary period of two years. In exceptional circumstances, the period of probationary service may be reduced or extended for not more than one additional year. At the end of this period the member shall be granted a permanent appointment or be separated from the service.

Regulation 3.6

Temporary appointments, having an expiration date specified in the letters of appointment, may be granted for a period not exceeding two years. Temporary appointments do not carry any expectancy of renewal or conversion to any other type of appointment.

Regulation 3.7

Appointments shall be subject to a satisfactory medical examination. Staff members may be required from time to time to undergo further medical examination. These medical examinations shall be at the expense of the Organization.

Regulation 3.8

Part-time staff may be hired within limits set by the Council.

Rule 301

Local Recruitment

Staff members who at the time of recruitment are permanently resident in Japan and those recruited to serve in posts in the general service category, whatever their residential status at the time of recruitment, shall be regarded for purpose of these Regulations and Rules as locally recruited.

Rule 302

International Recruitment

Staff members other than those regarded under Rule 301 as having been locally recruited shall be considered as having been internationally recruited. The allowances and benefits in general available to internationally recruited staff members include payment of travel expenses upon initial appointment and on separation for themselves and their dependents, installation grant, education grant, home leave, repatriation grant and removal of household effects and any other United Nations allowances and benefits granted to internationally recruited staff members.

Rule 303

Letters of Appointment

(a) The letter of appointment granted to every staff member shall contain expressly or by reference all the terms and conditions of employment.

(b) The letter of appointment shall state:

- (i) that the appointment is subject to the provisions of the Staff Regulations and Staff Rules applicable to the grade of appointment in question and to changes which may be duly made in such Regulations and Rules from time to time;
- (ii) the nature of the appointment;
- (iii) the date at which the staff member is required to enter upon his/her duties;
- (iv) the periods of appointment and of probation, if any, and the notice required to terminate the appointment;
- (v) the grade, level, commencing rate of salary and, if increments are allowable, the scale of increments and the maximum attainable;
- (vi) any special conditions which may be applicable.

(c) A copy of the International Tropical Timber Agreement, 1983 (ITTA) or succeeding Agreement and the Staff Regulations and Staff Rules shall be transmitted to the staff member with the letter of appointment. In accepting appointment, the staff member shall state in writing that he/she has been made acquainted with and accepts the conditions laid down in the Staff Regulations and Staff Rules.

Rule 304

Effective Date of Appointment

(a) The appointment of every locally recruited staff member shall take effect from the date on which he/she starts to perform his/her duties.

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

Rule 305

Notification by Staff Members and Obligation to Supply Information

(a) Staff members shall be responsible on appointment for supplying the Executive Director with whatever information may be required for the purpose of determining their status under the Staff Regulations and Rules, or of completing administrative arrangements in connection with their appointments.

(b) Staff members shall also be responsible for promptly notifying the Executive Director, in writing, of any subsequent changes affecting their status under the Staff Regulations and Rules.

(c) A Staff member who intends to acquire permanent residential status in any country other than that of his/her nationality, or who intends to change his/her nationality, shall notify the Executive Director of that intention before the change of his/her residential status or in his/her nationality becomes final.

(d) A Staff member who is arrested, charged with an offence other than a minor traffic violation, or summoned before a court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for any offence other than a minor traffic violation, shall immediately report the fact to the Executive Director.

(e) A Staff member may at any time be required by the Executive Director to supply information concerning facts anterior to his/her appointment and relevant to his/her suitability, or concerning facts relevant to his/her integrity, conduct and service as a staff member.

Rule 306

Nationality

(a) In the application of these Staff Regulations and Staff Rules, the Organization shall not recognize more than one nationality for each staff member.

(b) When a staff member has been legally accorded nationality status by more than one state, the staff member's nationality for the purpose of the Staff Regulations and Rules shall be the nationality of the State with which the staff member is, in the opinion of the Executive Director, most closely associated.

Rule 307

Family Relationships

(a) Except where another person equally well qualified cannot be recruited, a permanent appointment shall not be granted to a person who bears any of the following relationships to a staff member husband, wife, father, mother, son, daughter, brother or sister.

(b) Staff members who bear any of the relationships specified in (a) above shall not be assigned to serve in a post which is superior or subordinate to the other in the line of authority, and shall disqualify himself or herself from participating 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.

(c) The marriage of one staff member to another shall not affect the contractual status of either spouse but their entitlements and other benefits shall be modified as provided in the relevant Staff Regulations and Rules; their appointment status shall not, however, be affected.

Rule 308

Relations with Members of the Council and its Committees

- (a) No member of the staff shall canvass any member of the Council or of the Council's committees and subsidiary bodies with regard to his or her salary or any conditions of employment.
- (b) Applicants for employment shall be informed that such canvassing is not permitted.

4. ANNUAL, HOME AND SPECIAL LEAVE

Regulation 4.1

Staff members shall be allowed appropriate annual leave.

Special leave may be authorized by the Executive Director in exceptional cases.

Regulation 4.2

Eligible staff members shall be granted home leave once in every two years.

Rule 401

Annual Leave

(a) A staff member shall accrue annual leave while in full pay status at the rate of 30 working days a year or 2 1/2 working days per month.

(b) Annual leave may be accumulated provided that not more than 60 working days of such leave shall be carried forward beyond 1 January of any year.

(c) The leave year for each member of the staff for annual leave is the period of 12 months beginning on the date when employment with the Organization begins.

(d) Annual leave for any employee leaving the service of the Organization is calculated in proportion to the period of service during the leave year and, where necessary, a proportionate amount of salary or wages will be refundable to the Organization or, conversely, payable to the employee.

(e) Any absence from duty not specifically covered by other provisions in these Regulations shall be charged to the staff member's accrued annual leave, if any if the staff member has no accrued annual leave, it shall be considered unauthorized, and pay and allowances shall cease for the period of such absence.

(f) All arrangements as to annual leave shall be subject to the exigencies of the service, which may require that annual leave be taken by a staff member during a period designated by the Executive Director. Annual leave may be taken only when authorized, but the personal circumstances and preferences of the individual staff member shall, as far as possible, be considered.

Rule 402

Special Leave

(a) Special leave without pay may be granted for advanced study or research in the interest of the Organization, or in cases of extended illness or for other important reasons for such period as the Executive Director may prescribe.

(b) Staff members shall not accrue service credits toward sick, annual, home and maternity leave, salary increment, termination indemnity and repatriation grant during full months of leave without pay. Periods of less than one calendar month of such leave shall not affect the ordinary rates of accrual; nor shall continuity of service be considered broken by periods of special leave.

Rule 403

Home leave

(a) Staff members other than those considered as local recruits shall be entitled once in

every two years of qualifying service to visit their home country, at the expenses of the Organization, for the purpose of spending in that country a substantial part of their annual leave.

(b) A staff member shall be eligible for home leave provided his/her service is expected by the Executive Director to continue at least six months beyond the date of his/her return from any proposed home leave.

(c) The country of home leave shall be the country of nationality of the staff member subject to the following terms, conditions and exceptions

- (i) The place of home leave of the staff member within his/her home country shall be, for purposes of travel and transportation entitlements, the place with which the staff member had the closest residential ties during the period of his/her most recent residence in his/her home country preceding appointment.
- (ii) The Executive Director, in exceptional and compelling circumstances, may authorize as the home country, for the purposes of this Rule, a country other than the country of nationality. A staff member requesting such authorization will be required to satisfy the Executive Director that he/she maintained his/her normal residence in such other country for a prolonged period preceding his/her appointment, that he/she continues to have close family or personal ties in that country and that his/her taking home leave there would not be inconsistent with the purposes and intent of this Rule. Such exceptional authorization should normally be made at the time of appointment.

(d) Home leave for an eligible staff member shall fall due for the first time after completion of two years of qualifying service.

(e) Home leave may be taken, subject to the exigencies of the service, at any time during the period of 12 months after it falls due.

(f) If, except as provided hereunder, a staff member delays taking his/her home leave beyond the period in which it falls due, he/she shall not be entitled to take his/her next such leave until the second succeeding year thereafter. Should, however, the Executive Director decide that exceptional circumstances, arising out of exigencies of service, make it necessary for a staff member's home leave to be delayed beyond the period in which it falls due, such delayed leave may be taken without altering the time of his/her next and succeeding home leave entitlements provided that not less than 12 months of qualifying service elapse between the date of the staff member's return from the delayed home leave and the date of his/her next home leave departure.

(g) A staff member may be required to take his/her leave in conjunction with travel on official business, due regard being paid to the interest of the staff member and his/her family.

(h) Subject, to the conditions specified in Section 6 of these Regulations, a staff member shall be entitled to claim, in respect of authorized travel on home leave, travel time and expenses for himself/herself and eligible dependents (as defined in Rule 604) for the outward and return journeys between Yokohama and the place of residence in his/her home country.

(i) The Executive Director may request a staff member, on his/her return from home leave, to furnish satisfactory evidence that he/she has spent a substantial period of leave in his/her home country.

5. SOCIAL SECURITY

Regulation 5.1

Provision shall be made for the establishment and operation of a Provident Fund with the joint participation of the Organization and staff members, the contributions to the Provident Fund by the staff member and by the Organization shall be the percentage rates of the staff member's pensionable salary set by the UN Joint Staff Pension Fund (UNJSPF).

Regulation 5.2

The Executive Director with the approval of the Council shall establish a scheme of social security for the staff, including provisions for sick leave and maternity leave and shall make arrangements to provide the staff with adequate accident and health insurance.

Regulation 5.3

Notwithstanding Regulations 5.1 and 5.2, the staff members who are nationals of or permanently resident in Japan shall participate in the Japanese social security scheme and the Executive Director shall make necessary arrangements, including payment of compulsory contributions by the Organization, as required under such scheme. Such staff members also participate in the Provident Fund and their contribution to the Provident Fund will be the percentage rate of the Organization's contribution to the Fund less the compulsory contribution to the Japanese social security scheme.

Rule 501

Provident Fund

- (a) All staff members shall participate in the Provident Fund which shall consist of:
 - (i) a contribution by the staff member and a contribution to be made by the Organization, both at the percentage rates set by the United Nations Joint Staff Pension Fund (UNJSPF); except for staff members who are nationals of Japan or permanently resident in Japan, whose contribution will be the Organization's contribution at the percentage rates set by the United Nations Joint Staff Pension Fund (UNJSPF) less the contribution on the part of the Organization to the Japanese Social Security Plan in respect of such staff members;
 - (ii) the interest accrued from the investment of the above contributions
- (b) Payment of contributions to the Fund shall be effected monthly.
- (c) The administration, investment and control of the Fund is the responsibility of the Executive Director who shall have the assistance of professional money management advisers.
- (d) The staff member's share in the Provident Fund shall be payable to him/her upon separation of the staff member from the Organization or to his/her beneficiary on his/her death, except that a staff member who leaves the Organization before he/she has completed one year's service for other than health reasons shall be entitled only to that part of the fund contributed by himself/herself plus the interest accruing therefrom, if any. In that case, the Organization's contribution plus interest, if any, shall revert to the Administrative Account of the Organization. In the case of summary dismissal as defined in Regulation 8.1(b), the Executive Director may withhold the Organization's contribution to the Provident Fund, plus interest, in order to compensate, either partially or in full any financial loss suffered by the Organization, consistent with the financial responsibilities described in Rule 902, and the money so withheld will be returned to the Administrative Account.
- (e) The staff member may appeal a decision to withhold the Organization's contributions to the Provident Fund, plus interest, using the procedures set out in Rule 805.

(f) The final date used for the calculation of payment of the staff member's share in the Provident Fund shall be determined by application of Rule 705.

(g) The auditing of the Provident Fund shall be carried out in conjunction with the annual auditing of the Administrative Account of the Organization.

Rule 502

Sick Leave

Staff members who are prevented from the performance of their duties by illness or injury or whose attendance is prevented by public health requirements will be granted sick leave in accordance with the following provisions

(a) All sick leave must be approved on behalf of the Executive Director.

(b) A staff member holding a temporary appointment of less than one year shall be granted sick leave credit at the rate of two working days per month of service for the duration of his employment, with a minimum credit of five days.

(c) A staff member holding a probationary appointment of one year or longer but less than three years shall be granted sick leave of up to three months on full salary and three months on half salary in any period of twelve consecutive months.

(d) A staff member holding a permanent appointment or who has completed three years of continuous service shall be granted sick leave up to a maximum of up to nine months on full salary and nine months on half salary in any period of four consecutive years.

(e) A staff member absent for more than two consecutive working days on ground of sickness shall forward to the Executive Director (not later than the third day after the beginning of the absence) a doctor's certificate of sickness. Where absence is longer than five consecutive working days, the member of the staff shall forward to the Executive Director, at weekly intervals, a doctor's certificate of inability to resume work. Non-working days which intervene between working days do not interrupt the consecutive sequence.

(f) No more than seven day's uncertified sick leave will be allowed in any twelve months of employment. Part or all of this entitlement may be used to attend to family-related emergencies, or for paternity leave in case of birth or adoption of a child, in which case the limitation of three consecutive working days shall not apply.

(g) All uncertified sick leave under Rule 502 (f) shall be counted as part of the total sick leave on full pay in Rule 502 (b), (c) and (d).

Rule 503

Maternity Leave

(a) A staff member who will have served continuously for one year at the anticipated time of confinement shall be entitled to maternity leave in accordance with the following provisions:

(i) The leave shall commence six weeks prior to the anticipated date of confinement upon production of a certificate of a duly qualified medical practitioner indicating the anticipated date of confinement;

(ii) The leave shall extend for a total period of sixteen weeks from the time it is granted. The post-confinement leave shall therefore extend to a period equivalent to sixteen weeks less the period between the commencement of the maternity leave to the actual date of confinement, subject to a maximum of ten weeks;

- (iii) The staff member shall be given full pay during maternity leave for the entire duration of her absence in accordance with the provisions of sub-paragraph (i) and (ii) above. No miscalculation on the part of the doctor or midwife as to the date of the confinement shall prevent the staff member from receiving full pay to the actual date of confinement.
 - (iv) Return to duty after maternity leave shall be approved by the Executive Director on the basis of a medical certificate
- (b) Subject to conditions established by the Executive Director, a staff member shall be entitled to paternity leave in accordance with the following provisions:
- (i) The leave shall be granted for a total period of up to four weeks. In exceptional circumstances, leave shall be granted for a total period of up to eight weeks;
 - (ii) The leave may be taken either continuously or in separate periods during the one-year period following the birth of the child, provided it is completed during that year.
 - (iii) The staff member shall receive paternity leave with full pay for the entire duration of his absence.
- (c) Sick leave shall not normally be granted in conjunction with maternity leave and paternity leave, except in the case of maternity leave when serious complications arise.
- (d) Annual leave shall accrue during the period of maternity leave and paternity leave, provided that the staff member returns to service for at least 6 months after the completion of such leave.

Rule 504

Accident and Health Insurance

- (a) The Organization shall provide staff members with:
 - (i) an insurance scheme to compensate staff members in the event of death, injury or illness attributable to the performance of official duties on behalf of the Organization; and
 - (ii) a health insurance scheme.
- (b) The premium for the scheme mentioned under (i) above shall be borne by the Organization.
- (c) The premium for the scheme mentioned under (ii) above shall be subsidized by the Organization at a percentage proposed by the Executive Director for the approval of the Council.

Rule 505

Compensation for Loss or Damage to Personal Effects Attributable to Service

Staff members shall be entitled, within the limits and under the terms and conditions established by the Executive Director, to reasonable compensation in the event of loss or damage to their personal effects determined to be directly attributable to the performance of official duties on behalf of the Organization.

6. TRAVEL AND REMOVAL EXPENSES

Regulation 6.1

Subject to the conditions and definitions prescribed by the Executive Director, the Organization shall, in appropriate cases, pay the travel expenses of staff members and their dependents.

Regulation 6.2

Subject to the conditions and definitions prescribed by the Executive Director, the Organization shall pay removal costs for staff members.

Rule 601

Official Travel of Staff Members

(a) Subject to the conditions laid down in these Rules, the Organization shall pay the travel expenses of a staff member in the following circumstances:

- (i) on initial appointment and on separation from the service for staff recruited internationally;
- (ii) when required to travel on official business;
- (iii) on home leave, in accordance with the provisions of Rule 403;
- (iv) on travel authorized for medical or security reasons or in other appropriate cases, when, in the opinion of the Executive Director, there are compelling reasons for paying such expenses.

(b) The Organization shall pay the travel expenses of a staff member to the place from which he/she was recruited or to the place recognized as his/her home.

Rule 602

Official Travel of Dependents

(a) Subject to the conditions laid down in these Rules, the Organization shall pay the travel expenses of eligible dependents of a staff member recruited internationally in the following circumstances:

- (i) on initial appointment for at least one year;
- (ii) on separation from the service, provided he/she has completed not less than one year of continuous service or earlier if his/her services are terminated by the Organization;
- (iii) on home leave;
- (iv) on journeys approved in connection with the education of a staff member's child;
- (v) on travel authorized for medical or security reasons or in other appropriate cases, when, in the opinion of the Executive Director, there are compelling reasons for paying such expenses.

(b) The Organization shall pay the travel expenses of the eligible dependents of a staff member either from the place of recruitment or from the place recognized as his/her home for the purpose of these Rules. Should a staff member wish to bring any eligible dependents to his/her official duty station from any other place, the travel expenses borne by the Organization shall not exceed the

maximum amount which would have been payable on the basis of travel from the place of recruitment.

Rule 603

Loss of Entitlement to Return Transportation

(a) A staff member who resigns before completing one year of service or within six months following the date of his/her return from travel on home leave shall not normally be entitled to payment of return travel expenses for himself/herself or his/her dependents. The Executive Director may, however, authorize such payments if there are compelling reasons for so doing.

(b) A staff member who resigns in order to take up another appointment within Japan shall not normally be entitled to payment of return travel expenses for himself/herself or his/her eligible dependents.

(c) Entitlement to return travel and removal expenses shall cease if travel has not commenced within six months after the date of separation, except where otherwise approved by the Executive Director.

Rule 604

Eligible Dependents

Dependents, for the purpose of official travel and for home leave, shall be deemed to comprise a spouse and children in respect of whom a dependency allowance is payable. A son or daughter of more than 21 years of age may also be considered a dependent for travel purposes if totally disabled.

Rule 605

Authority for Travel

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

Rule 606 Travel Expenses

(a) Travel expenses which shall be paid or reimbursed by the Organization under the relevant provisions of this Section shall include:

- (i) Transportation expenses i.e. carrier fare (Rules 607, 608 and 609)
- (ii) Terminal expenses (Rule 610)
- (iii) Expenses while in transit (Rule 611)
- (iv) Travel subsistence allowance (Rule 612)
- (v) Miscellaneous travel expenses (Rule 614)
In instances where the Executive Director prescribes the use of all-inclusive per diem rates, the per diem rate employed shall be the prevailing United Nations rate for the particular city, country or region.

(b) Staff members shall exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

Rule 606

Travel Expenses

(a) Travel expenses which shall be paid or reimbursed by the Organization under the relevant provisions of this Section shall include

- (i) Transportation expenses i.e. carrier fare (Rules 607, 608 and 609)
- (ii) Terminal expenses (Rule 610)
- (iii) Expenses while in transit (Rule 611)
- (iv) Travel subsistence allowance (Rule 612)
- (v) Miscellaneous travel expenses (Rule 614)

In instances where the Executive Director prescribes the use of all-inclusive per diem rates, the per diem rate employed shall be the prevailing United Nations rate for the particular city, country or region.

(b) Staff members shall exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

Rule 607

Route, Mode and Standard of Transportation

(a) Official travel shall in all instances be by a route, mode and standard of transportation approved in advance by the Executive Director.

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

(c) Travel shall be by the most direct and economical route and mode of transportation unless it is established, to the satisfaction of the Executive Director, that the use of an alternative route or mode of transportation is in the best interests of the Organization.

Rule 608

Standard of Travel Accommodation

For official travel, travel accommodation shall be provided in accordance with the following general standards:

(a) For all official travel by air, staff members and their eligible family members shall be provided with economy class accommodation or its equivalent, except the Executive Director and his family members, other than on travel in connection with an education grant under Rule 208, who shall be provided with first class accommodation when the duration of a particular flight exceeds nine hours (by the most direct and economical route), including scheduled stops for such purposes as change of planes or refueling, but excluding travel time to and from airports.

(b) When approved travel is by train, staff members and their family members shall be provided with regular first class or equivalent accommodation, including sleeper and other facilities, as appropriate.

(c) Subject to prior permission by the Executive Director, the use of a private car may be

allowed, provided that the expenses claimed do not exceed those which would otherwise apply. Staff members who are authorized to travel by private car shall be reimbursed by the Organization at prevailing United Nations rates for the use of private cars or, in the absence of United Nations rates, reimbursement shall be made under conditions established by the Executive Director.

(d) First class sea travel may be chosen by staff members in lieu of air travel, provided the Organization does not incur any additional expense thereby.

(e) If a staff member or family member travels by more economical accommodation than the approved standard, the Organization shall only pay for accommodation actually used at the rate paid by the traveler.

Rule 609

Purchase of Tickets

(a) Unless the staff member concerned is specifically authorized to make other arrangements, all tickets for transportation involving official travel of staff members and entitled dependents shall be purchased by the Organization in advance of the actual travel or, where circumstances so require, shall be secured by the staff member.

(b) When a staff member requests a standard of transportation in excess of his entitlement under Rule 608 or is authorized to travel, for reasons of personal preference or convenience, by other than the approved route or mode of transportation under Rule 607, he/she shall be required to reimburse the Organization for any additional costs thus incurred.

Rule 610

Terminal Expenses

A staff member traveling to or from Headquarters may claim for himself/herself and for each dependant reimbursement of terminal expenses incurred for each authorized outward or return journey and for each authorized intermediate stop in accordance with the prevailing United Nations rules. Terminal expenses shall be deemed to include all expenditures incurred for the means of public conveyance between the airport or other point of arrival or departure and the hotel or other place of dwelling, including transfer of accompanied baggage and other related incidental charges.

Rule 611

Expenses while in Transit

Full travel subsistence allowance shall be payable for the time spent in transit, subject to the conditions laid down in Rules 607 and 608 and provided that in the case of travel other than on official business a maximum of three day's travel time shall be allowed in respect of any specific journey.

Rule 612

Travel Subsistence Allowance

(a) When a staff member is authorized to travel at the expense of the Organization, he/she shall receive the per diem subsistence allowance according to the prevailing United Nations schedule for per diem travel allowance. Where there is no prevailing United Nations per diem allowance or where the Executive Director considers there are special circumstances, actual reasonable expenses may be allowed subject to such conditions and limitations as the Executive Director may prescribe.

(b) Per diem travel subsistence shall be deemed to comprise the total contribution of the Organization towards such charges as meals, lodging, gratuities and other payments made for personal services rendered, except as provided for in Rule 614. Any expenditure incurred in excess of the allowance shall normally be borne by the staff member.

(c) The travel subsistence allowance shall continue to be paid during periods of sick leave while in travel status, except that, if the traveler is hospitalized, only one-third of the appropriate per diem rate shall be paid.

(d) Travel subsistence allowance shall not be paid in respect of any period of annual or special leave.

(e) When the spouse or dependent children of a staff member are authorized to travel at the Organization's expenses, the staff member shall be paid an additional travel subsistence allowance in respect of each of them at half the rate applicable to the staff member.

(f) Where travel at the Organization's expense is authorized for medical, security or other reasons under Rule 601 (iv) or Rule 602 (v), an appropriate amount of subsistence allowance may be paid at the discretion of the Executive Director.

Rule 613

Computation of Travel Subsistence Allowance

(a) Subsistence allowance shall be paid at the rates under the conditions prescribed in Rule 612 for each calendar day or fraction thereof exceeding twelve hours during which a staff member or his/her dependents are in official travel status, provided that a full day's allowance at the appropriate rate shall be paid for the day on which travel is commenced and, save at the discretion of the Executive Director, that no allowance shall be paid for the day on which the travel is concluded.

(b) No allowance shall be paid when a traveler returns to his/her official duty station within 10 hours after departure, and 40 per cent of the allowance shall be paid for a journey of 10 hours or more.

(c) Where travel is by sea, a full day's allowance at the appropriate rate shall be paid for the day of arrival at the port of disembarkation, provided the traveler remains in official travel status for more than 12 hours thereafter. No allowance shall be paid for the day on which embarkation takes place.

(d) When it is necessary, for the purposes of computing the amount of travel subsistence allowance payable, to specify the "hour of departure" and the "hour of arrival", these shall be considered as the time when the train, vessel or airplane used by the traveler actually leaves or arrives at its regular terminal.

Rule 614

Miscellaneous Travel Expenses

Necessary additional expenses, incurred by a staff member in connection with the transaction of official business or in the performance of authorized travel, shall be reimbursed by the Organization after completion of travel provided the necessity and nature of the expenses are satisfactorily explained and as far as practicable supported by proper receipts which shall normally be required for any expenditure in excess of US\$10. Such expenses, for which advance authorization shall be obtained to the extent practicable, shall normally be limited to:

- (i) hire of local transportation other than provided for under Rule 610;
- (ii) telephone, telegraph, radio and cable messages of official business;
- (iii) transfer of authorized baggage by rail or another appropriate agency;
- (iv) hire of room for official use;
- (v) stenographic or typing services or rental of typewriters in connection with the preparation of official reports or correspondence; and

- (vi) transportation or storage of baggage or property used on official business.

Rule 615

Installation Grant

(a) A staff member recruited from outside Japan, provided that his/her assignment is expected to be of at least one year's duration, shall be paid in respect of himself/herself and his/her eligible dependents an installation grant in the following conditions.

(b) The amount of the installation grant shall be the equivalent of 30 days of subsistence allowance at the appropriate daily rate applicable in accordance with the United Nations scale in respect of a staff member and at one half that rate in respect of a family member for whom travel expenses have been paid by the Organization. This amount shall be calculated on the basis of the rate prevailing on the date of the staff member's or the family member's arrival, as appropriate.

(c) Under the conditions established by the Executive Director, the limit of 30 days provided in paragraph (b) above may be extended up to a maximum of 90 days, subject to approval by the Council. The amount of the grant during the extended period shall be 60 per cent of the appropriate rate applicable to the initial period.

(d) In addition to any amount of grant paid at the daily rates under this rule, the payment of a lump sum may be authorized in accordance with conditions established by the United Nations. The lump sum presently is \$600 for the staff member and \$600 for each eligible family member who joins the staff member at the duty station, up to a maximum of \$2,400.

Rule 616

Excess Baggage and Unaccompanied Shipments

(a) Baggage in excess of the weight or volume carried without extra charge by transportation companies shall be considered as excess baggage within the meaning of these Regulations.

(b) Staff members traveling by air economy class or its equivalent shall be entitled to payment of excess baggage for themselves and their eligible family members to the extent of the difference between the free baggage allowance by first class and by economy class or its equivalent.

(c) Charges for excess baggage by air, other than those authorized under paragraph (b) above, shall not be reimbursable unless, in the opinion of the Executive Director, the circumstances under which the staff member is traveling are of a sufficiently exceptional and compelling nature to warrant such reimbursement.

(d) When the authorized travel is by air or by land, charges for unaccompanied shipment of personal baggage relating to travel on home leave, or education grant, may be reimbursed as follows:

- (i) Up to a maximum of 50 kg (110 lbs) or 0.31 cubic meters (11 cubic feet) by surface means per person in respect of each journey, except as provided in subparagraph (ii) below. At the request of the staff member, this entitlement may be converted to 10 additional kg of accompanied excess baggage or its equivalent as established by the Executive Director.
- (ii) For travel on education grant in regard to the first outward journey to, or the final return journey from, an educational institution up to a maximum of 200 kg (440 lbs) or 1.24 cubic meters (44 cubic feet) by surface means in respect of each journey.

(e) On travel on appointment, or separation from service, where entitlement to removal costs does exist under Rule 619, a staff member shall be paid expenses incurred in transporting a reasonable amount of personal effects and household goods, as an advance removal shipment, by the most economical means, as determined by the Executive Director, up to a maximum, including the weight or volume of packing and crating, but excluding crating and lift vans, of:

- (i) 450 kg (990 lb) or 2.80 cubic meters (99 cubic feet) for the staff member,
- (ii) 300 kg (660 lb) or 1.87 cubic meters (66 cubic feet) for the first family member, and
- (iii) 150 kg (330 lb) or 0.93 cubic meters (33 cubic feet) for each additional family member authorized to travel at the expense of the Organization. The weight or volume of any shipment under this paragraph shall be deducted from the maximum weight or volume to which the staff member is entitled under paragraph (e) of Rule 619.

(f) Where surface shipment under paragraphs (d) (ii), or (e) is the most economical means of transport, such shipment may be converted to air freight on the basis of one half of the weight or volume of the authorized surface entitlement:

- (i) When a staff member elects to convert the whole surface entitlement to air freight; or
- (ii) When, in the opinion of the Executive Director, the conversion to air freight of a portion of the surface entitlement is necessary to meet urgent needs.

(g) When the authorized travel is by air, the staff member may elect to convert the whole surface shipment relating to travel on home leave, or education grant under paragraph (d) (i) above, to air freight on the basis of the one-half rule. No costs for packing, crating, unpacking and uncrating will be paid, but reasonable costs will be paid for cartage of such air freight shipments.

Rule 617

Travel Advances

Staff members authorized to travel shall provide themselves with sufficient funds for all current expenses by securing an advance of funds if necessary. A reasonable advance of funds against the estimated reimbursable travel expenses may be made to a staff member or his dependents for authorized expenses.

Rule 618

Illness or Accident during Travel

The Organization shall pay or reimburse reasonable hospital and medical expenses, in so far as these are not covered by other arrangements, which may be incurred by staff members who become ill or are injured while in travel status on official business and will provide appropriate insurance coverage where necessary.

Rule 619

Removal Costs

(a) Subject to the conditions laid down in these Rules the Organization shall pay expenses in connection with the removal of the personal effects and household goods of staff members recruited internationally in the following circumstances:

- (i) on initial appointment;
- (ii) upon separation from the service, provided he/she has completed not less than two years of continuous service or earlier if his/her services are terminated by the Organization.

(b) The Organization shall pay the expenses of removing household goods and personal effects of a staff member either from the place of recruitment or from the place recognized as his/her home, provided that the goods and effects were in his/her possession at the time of appointment and are being transported for his/her own use. Payment of removal expenses from a place other than those specified may be authorized by the Executive Director in exceptional cases on such terms and conditions as he deems appropriate.

(c) The Organization shall pay the expenses of removing the household goods and personal effects of a staff member from his/her official duty station to the place to which he/she is entitled to be returned in accordance with the provisions of Rule 601 (b) provided the goods and effects were in the possession of the staff member at the time of separation and are being transported for his/her own use.

(d) For the purposes of this Rule, "personal effects" and "household goods" shall not include a motor vehicle.

(e) Payment by the Organization of removal expenses shall be regulated by the Executive Director subject to the following conditions:

- (i) the maximum weight and volume for which entitlement to removal at the Organization's expense exists shall be 4,890 kg (10,800 lbs) or 30.58 cubic meters (1,080 cubic feet), including the weight or volume packing but excluding crating and lift vans, for staff members without dependents, and 8,150 kg (18,000 lbs) or 50.97 cubic meters (1,800 cubic feet) for staff members with one or more dependents residing with them at their official duty station. Higher maxima may be set, however, in the case of a staff member with one or more dependents residing with him/her at his/her duty station, if the staff member presents convincing evidence that his/her normal and necessary household effects to be removed exceed those limits.
- (ii) storage charges other than those directly incidental to normal transportation expenses shall not normally be allowed;
- (iii) reasonable costs of packing, crating, cartage, unpacking and uncrating shall be allowed for shipments within the limits of authorized weight or volume, except that costs for servicing of appliances, dismantling or installation of fixtures or special packing will not be borne by the Organization.
- (iv) transportation shall be by the most economical means as determined by the Executive Director, taking into account costs allowable under the provisions of subparagraph (iii) above; and
- (v) the cost of insurance in transit of household goods and effects, excluding any articles of value for which special rates of premium are charged, shall be payable by the Organization up to a maximum valuation of US\$ 65,000 if the staff member is accompanied by a member or members of his/her family whose travel is authorized at the expense of the Organization or of US\$ 40,000 if he/she is not so accompanied. The Organization shall in no case be responsible for loss or damage.

Rule 620

Loss of Entitlement to Removal Expenses

(a) A staff member who resigns before completing two years of service shall not normally be entitled to payment of removal expenses.

(b) Entitlement to removal expenses shall cease when the staff member's services are not expected to continue for more than six months beyond the proposed date of arrival of the household

goods and effects.

(c) Entitlement to removal expenses on separation from service shall cease if removal has not commenced within one year after the date of separation.

7. SEPARATION FROM SERVICE

Regulation 7.1

(a) The Executive Director shall terminate the appointment of a staff member who holds a permanent appointment and whose probationary period has been completed if the necessities of the service require abolition of the post or reduction of the staff, if the service of the individual concerned proves unsatisfactory, or, if he/she is, for reasons of health, (subject to Rule 502), incapacitated for further service.

(b) The Executive Director may also, giving reasoned justification, terminate the appointment of a staff member who holds a permanent appointment:

- (i) If as a result of a review by a the Joint Disciplinary Committee established under Rule 801, the staff member is found to not meet the highest standards of integrity required by the Organization.
- (ii) If facts anterior to the appointment of the staff member and relevant to his suitability come to light which, if they had been known at the time of his appointment, should have precluded his appointment.

(c) No termination under subparagraphs (i) and (ii) shall take place until the matter has been considered and reported on by the Joint Disciplinary Committee established under Rule 801.

Regulation 7.2

In the case of all other staff members, including staff members serving a probationary period for a permanent appointment, the Executive Director may at any time terminate the appointment, if, in his opinion, such action would be in the interest of the Organization.

Regulation 7.3

Staff members may resign from the Organization upon giving the Executive Director the notice required under the terms of their appointment.

Regulation 7.4

(a) Staff members shall normally not be retained in the service of the Organization beyond the age of 62 years and are expected to retire at that age. Earlier retirement consistent with the rules of the Provident Fund may be agreed between the Organization and the staff member.

(b) The Executive Director may recommend to the Council the retention of a member of the staff aged 62 or over if this would be in the interest of the Organization.

(c) The normal age of retirement shall not debar the Executive Director from appointing to the staff, for a fixed term, a person whose age would exceed the normal retirement age during the course of his/her appointment.

Regulation 7.5

If the Executive Director terminates an appointment, the staff member shall be given such notice and such indemnity payments as may be applicable under these Regulations and Rules. Payments of termination indemnity shall be made by the Executive Director in accordance with the rates and conditions specified by the United Nations.

Regulation 7.6

The Executive Director shall implement a scheme for the payment of repatriation grant within the rates and under the conditions specified by the United Nations.

Rule 701

Definition of Termination

A termination within the meaning of these Regulations is a separation from service initiated by the Executive Director, other than retirement at the age of 62 years or more or summary dismissal for serious misconduct.

Rule 702

Notice of Termination

A staff member whose appointment is to be terminated shall be given written notice of such termination which, unless otherwise determined by the Council, shall be as follows:

- (i) Staff members in the professional and higher categories holding an appointment longer than one year: three months, and
- (ii) Staff members in the (1) general service category and (2) professional and higher categories holding an appointment less than one year: 30 days.

Alternatively, the Executive Director may terminate an appointment with immediate effect provided the staff member is paid the equivalent of the salary and any allowances due for the period of the notice.

Rule 703

Resignations

(a) A resignation, within the meaning of these Regulations and Rules, is a separation initiated by the staff member.

(b) Unless otherwise specified in their letters of appointment, written notice of resignation shall be given by staff members as follows:

- (i) Staff members in the professional and higher categories holding an appointment longer than one year: three months, and
- (ii) Staff members in the (1) general service category and (2) professional and higher categories holding an appointment less than one year: 30 days.

The Executive Director may, however, accept resignations on shorter notice.

(c) The Executive Director may require the resignation to be submitted in person in order to be acceptable.

Rule 704

Computation of Earned Annual Leave

If upon separation a staff member has earned annual leave, he/she shall be paid in lieu thereof a sum of money equivalent to his/her salary and any allowances for the period of such earned leave up to a maximum of 60 working days. Conversely, if separation takes place at a date during the leave year when the staff member has exceeded his/her annual or sick leave entitlement up to the date of separation, a proportionate sum of money equivalent to the salary and allowances for the period of such excess leave will be refundable to the Organization through cash refund or deduction from any salary and allowances due.

Rule 705

Last Day for Pay Purposes

When a staff member is separated from the service, the date on which entitlement to salary and allowances shall cease shall be determined according the following provisions:

- (i) upon resignation, the date shall be the date of expiration of the notice period or such earlier date as the Executive Director accepts;
- (ii) upon retirement, the date shall be the date approved by the Executive Director;
- (iii) upon termination, the date shall be the date provided in the notice of termination;
- (iv) in the case of summary dismissal, the date shall be the date of dismissal;
- (v) In the case of death, the date on which entitlement to salary and allowances shall cease shall be the date of death, unless there is a surviving spouse or dependent child. In this event, the date and payment amount shall be determined and calculated in conformity with the prevailing rules and scales of the United Nations. Payment related to the period of extension beyond the date of death shall be made in lump sum as soon as the pay accounts and related matters can be closed. Such payment shall be made only to the surviving spouse or dependent children;
- (vi) When an internationally recruited staff member is exercising an entitlement to return travel, the last day for pay purposes shall be the date established under (i) and (ii) above, or the estimated date of arrival at the place of entitlement, whichever is later. The estimated date of arrival shall be determined on the basis of the time it would take to travel without interruption by an approved route and mode of direct travel to the place of entitlement, the travel commencing not later than the day following the date established under this title.

Rule 706

Transportation of Decedents

Upon the death of a staff member or of his/her recognized dependant, the Organization shall pay the expenses of transportation of the body from his/her official duty station or, in the event of death occurring whilst in travel status, from the place of death to the place to which the staff member or his/her dependant was entitled to return transportation under Rule 601 or 602. These expenses shall include reasonable costs for preparation of the body. Where the deceased staff member is buried or cremated at the duty station, the Organization will pay reasonable expenses for the funeral or cremation.

Rule 707

Repatriation Grant

(a) A repatriation grant shall be payable to any internationally recruited staff member who, on leaving the Organization, otherwise than by summary dismissal or resignation to take up another appointment within the country of the duty station, has completed a minimum of one year's service outside his/her recognized home country.

(b) The amount of the grant shall be proportional to the length of service with the Organization in accordance with United Nations scales and conditions.

(c) Payment of repatriation grant shall be subject to the following conditions and definitions:

- (i) Obligation to repatriate shall mean the obligation to return a staff member and his/her dependents, upon separation, at the expense of the Organization to his/her

home country or place of recruitment.

- (ii) Home country shall mean the country of home leave entitlement under Rule 403.
- (iii) If at any time the staff member was considered to have acquired permanent residence in the country of his/her duty station and subsequently changed from such status, his/her continuous service will be deemed to have commenced at the time the change was made. Continuity of such service shall not be considered as broken by periods of special leave without pay or with partial pay, but full months of any such periods shall not be credited as service for the purpose of calculating the amount of the grant payable; periods of less than one calendar month shall not affect the ordinary rates of accrual.
- (iv) Payment of the repatriation grant shall be calculated in accordance with the United Nations scale and conditions.
- (v) No payments shall be made to a staff member who abandons his/her post, nor any staff member who is residing at the time of separation in his/her home country while performing his/her official duties.
- (vi) Dependents, for the purpose of the repatriation grant, shall consist of a spouse and children in respect of whom a staff member, at the time of separation is receiving a dependency allowance under Rule 201. The repatriation grant shall be paid at the dependency rate to staff members with dependents regardless of the place of residence of dependents.
- (vii) Loss of entitlement to payment of return travel expenses under Rule 603 shall not affect a staff member's eligibility for payment of the repatriation grant.
- (viii) In the event of the death of an eligible staff member, no payment shall be made unless there is a surviving spouse, or one or more dependent children whom the Organization is obliged to return to their home country. If there is one such surviving dependant payment shall be made at the single rate; if there are two or more such surviving dependents, payment shall be made at the dependency rate.

Rule 708

Termination Indemnity

(a) Staff members whose employment by the Organization is terminated, shall receive an indemnity determined in accordance with the United Nations schedule and scale.

(b) A staff member whose appointment is terminated for reasons of health shall receive an indemnity equal to the indemnity provided under paragraph (a) of this rule reduced by the amount of any disability benefit the staff member receives under the accident insurance scheme established under Rule 504 of these Rules.

(c) No termination indemnity shall be payable to:

- (i) a staff member who resigns;
- (ii) a staff member whose appointment is terminated for unsatisfactory services or who, for disciplinary reasons, is dismissed for misconduct or who is summarily dismissed;
- (iii) a staff member who is retired under the rules of the Provident Fund;
- (iv) a staff member who receives compensation for permanent total disability under the accident insurance scheme established under Rule 504 of these Rules; and

- (v) a staff member who has reached the end of his term of appointment.

Rule 709

Extension of Employment beyond Retirement Age

Extension of employment beyond retirement age may be granted by the Council for one year. Only in exceptional cases shall the total period for extension exceed one year, up to a maximum of three years.

In the exercise of his discretion to recommend to the Council the extension of a staff member's employment beyond retirement age, the Executive Director shall give consideration to such factors as the immediate needs of the service, the performance record of the staff member, and the availability of a suitable replacement, whether by promotion from within the Organization or by recruitment from outside.

Rule 710

Retirement

Retirement under Staff Regulation 7.4 shall not be deemed to be a termination.

Rule 711

Certificate of Service

Any staff member who so requests shall, on separation, be given a certificate specifying the nature of his/her duties and the length of his/her service. On the request of the staff member concerned, the certificate shall include an appraisal of his/her work and behavior.

8. DISCIPLINARY MEASURES

Regulation 8.1

a) The Executive Director may impose disciplinary measures on staff members who fail to comply with obligations under the Staff Regulations and Rules, Financial Rules, the International Tropical Timber Agreement, or any other relevant administrative issuances, whether intentionally or through negligence. Noncompliance with these obligations constitutes misconduct.

b) The Executive Director may summarily dismiss a member of the staff for serious misconduct or gross negligence. Serious misconduct includes but is not limited to fraud, theft, physical violence, sexual abuse or exploitation, use of official status for personal gain, or serious insubordination. Gross negligence is the conscious and voluntary disregard of the need to use reasonable care in fulfilling ones' obligations as an ITTO staff member, resulting in harm to persons, property or both.

(c) All staff members have a responsibility to report violations or suspected violations of the Organization's policies and procedures. All staff members are also obliged to cooperate with duly authorized audits, investigations and other oversight activities, as required and as appropriate. An individual who does so has the right to be protected against retaliation.

Regulation 8.2

The Executive Director shall establish a transparent and objective administrative process, including staff participation, which will be available to advise him in disciplinary cases. Decisions which result in disciplinary measures, including summary dismissal, must be made only after a full and transparent investigation has been instituted where evidence clearly supports that the action taken by the Executive Director, as advised by a Joint Disciplinary Committee, is justifiable and where all tenets of natural justice have been afforded to the staff member affected.

Rule 801

Joint Disciplinary Committee

(a) A Joint Disciplinary Committee shall be established by the Executive Director and will be available to advise him in disciplinary cases involving staff members.

(b) The Joint Disciplinary Committee will consist of three members, namely:

- (i) The Head of Administration
- (ii) The Head of one other division to be appointed by the Executive Director
- (iii) One member elected by the staff.

Rule 802

Disciplinary Measures

Disciplinary measures that may be imposed include written censure, suspension without pay, demotion or, in the case of serious misconduct, dismissal.

Rule 803

Suspension Pending Investigation

If a charge of misconduct is made against a staff member and the Executive Director so decides, the staff member may be suspended from duty pending investigation, the suspension being

without prejudice to the rights of the staff member. Suspension pending investigation shall not be considered a disciplinary measure. Such suspension shall be with pay unless, in exceptional circumstances, the Executive Director, based on the advice of a Joint Disciplinary Committee, decides that suspension without pay is appropriate.

Rule 804

Joint Disciplinary Committee Procedure

In considering a case the Joint Disciplinary Committee shall act with maximum dispatch, while ensuring the staff member's ability to prepare an adequate defense. As a general rule, consideration of a case by the Joint Disciplinary Committee shall be completed and a report made to the Executive Director within thirty (30) days from the time a charge of misconduct is made. The Executive Director shall make a decision within one week after receiving the report and recommendation of the Joint Disciplinary Committee.

Charges of misconduct and supporting evidence shall be presented in writing to the staff member no later than two weeks prior to a hearing before the Joint Disciplinary Committee. The staff member may present a defense either orally or in writing. A staff member shall be permitted to appear before the Joint Disciplinary Committee or may arrange to have his or her case presented by any other staff member. The Joint Disciplinary Committee shall maintain a record of its proceedings.

Rule 805

Appeals

An appeal against the Executive Director's decision on disciplinary action including termination of appointment under Regulation 7.1 (b) may be addressed to the Chairman of the Council within one month from the time the staff member received notification of the decision in writing. The Chair of the Council will refer the appeal to a five member panel composed of himself/herself, the Vice-Chair of the Council, and the Chairs of three of the Committees (to be chosen jointly by the Council Chair and Vice-Chair). The decision of this panel, which shall be taken within thirty (30) days, shall be final.

9. GENERAL PROVISIONS

Regulation 9.1

These Staff Regulations and Rules shall apply to all full-time employees of the Organization. The terms and conditions of service of seconded and part-time employees of the Organization, including the application of any relevant sections of these Regulations and Rules, shall be determined by the Executive Director.

Regulation 9.2

These Regulations may be supplemented or amended by the Council without prejudice to the acquired rights of the staff members.

Rule 901

Amendments of, and Exceptions to, the Staff Rules

(a) Amendments of these Staff Rules may be proposed by the Executive Director to the Council for its approval.

(b) Exceptions to these Staff Rules, in case of emergency, may be made by the Executive Director subject to subsequent approval by the Council, provided that such exceptions are not inconsistent with any Staff Regulations or other decision of the Council and provided further that such exceptions are agreed to by the staff member directly affected by them and are, in the opinion of the Executive Director, not prejudicial to the interests of any other staff member(s).

Rule 902

Financial Responsibility

A staff member may be required to reimburse the Organization either partially or in full for any financial loss suffered by the Organization as a result of his/her negligence or of his/her violation of any Regulation, Rule or administrative instruction.

Rule 903

Beneficiaries of Staff Members

(a) At the time of appointment each staff member shall nominate a beneficiary or beneficiaries in writing in a form prescribed by the Executive Director. It shall be the responsibility of the staff member to notify the Executive Director of any revocations or change of beneficiaries.

(b) In the event of the death of a staff member whilst in service, all amounts standing to his/her credit will be paid to his/her nominated beneficiary or beneficiaries subject to the application of the Staff Rules and the Provident Fund Regulations. Such payment shall release the Organization from all further liability in respect to any sum so paid.

(c) If a nominated beneficiary does not survive, or if a designation of beneficiary has not been made or has been revoked, the amount standing to the credit of a staff member will upon his/her death be paid to his/her estate.

Rule 904

Proprietary Rights

All rights, including title, copyright and patent rights, in any work performed by a staff member as part of his/her official duties, shall be vested in the International Tropical Timber Organization.

Rule 905

Liability Insurance

Staff members who own or drive motor cars shall carry public liability and property damage insurance in an amount adequate to insure them against claims arising from injury or death to other persons or from damage to the property of others caused by their cars.

Rule 906

Performance Evaluation

(a) The performance of every staff member shall be evaluated on an annual basis by his or her direct supervisor. This review shall be based on a mutually agreed, written work plan to be established initially at the time of appointment; each staff member's work plan shall be reviewed and as necessary revised on an annual basis. The results of the annual performance evaluation shall be documented and made available to the employee and shall form a part of his/her permanent cumulative record.

(b) At the time of the annual performance review each staff member shall be given copies of all relevant policies and rules of the Organization, including the Whistleblower Policy, and each staff member shall affirm receipt of those documents and be given the opportunity to confirm agreement with the evaluation or to record areas of disagreement with the annual review assessment.

Rule 907

Reporting Misconduct and Protection from Retaliation

(a) It is the duty of staff members to report any breach of the Organization's Regulations and Rules to the officials whose responsibility it is to take appropriate action. An individual who makes such a report in good faith has the right to be protected against retaliation.

(b) It is also the duty of staff members to cooperate with duly authorized investigations. An individual who cooperates in good faith with an investigation has the right to be protected against retaliation.

(c) Retaliation means any direct or indirect detrimental action recommended, threatened or taken because an individual is engaged in an activity protected by the Organization's Whistleblower Policy, incorporated as Annex 1 to these Regulations and Rules. When established, retaliation is by itself misconduct.

Annex 1

ITTO Whistleblower Policy

Purpose

- 1.1 To ensure that the International Tropical Timber Organization (ITTO) functions in an open, transparent, ethical and equitable manner, with the objective of enhancing protection for individuals who report misconduct or cooperate with duly authorized investigations.

General

- 2.1 It is the duty of staff members to report any breach of ITTO's Regulations and Rules to the officials whose responsibility it is to take appropriate action. An individual who makes such a report in good faith has the right to be protected against retaliation.
- 2.2 It is also the duty of staff members to cooperate with duly authorized and transparent investigations. An individual who cooperates in good faith with an investigation has the right to be protected against retaliation.
- 2.3 Retaliation is defined for the purposes of this Policy as any direct or indirect detrimental action recommended, threatened or taken because an individual is engaged in an activity protected by the present policy. When established, retaliation is by itself misconduct.
- 2.4 Consultants, contractors or their employees, agents or representative or any other individual engaged in business dealings with ITTO have a duty to report any breach of ITTO's Regulations and Rules to the officials whose responsibility it is to take appropriate action.

Scope

- 3.1 Protection against retaliation applies to ITTO Staff members who may use the procedures established in this Whistleblower policy to submit confidential complaints to:
 - (a) Report the failure of one or more staff members to comply with his or her obligations provided in the ITTO Staff Regulations and Rules or other relevant administrative issuances, the Financial Rules and Rules relating to projects of the ITTO, including any request or instruction from any staff member to violate the above-mentioned regulations, rules or standards. In order to receive protection, the report should be made as soon as possible and not later than one (1) year after the individual becomes aware of the alleged misconduct. The individual must make the report in good faith and must submit information or evidence to support a reasonable belief that misconduct has occurred; or
 - (b) Cooperate in good faith with a duly authorized and transparent investigation.
- 3.2 The Whistleblower Policy is without prejudice to the legitimate application of regulations, rules and administrative procedures, including those governing evaluation of performance, non-extension or termination of appointment. However, the burden of proof shall rest with ITTO, which must prove by clear and convincing evidence that it would have taken the same action in the absence of the protected activity referred to in section 3.1 above.

False complaints

- 4.1 A whistleblower who intentionally makes a false, fraudulent, malicious or frivolous complaint and which is subsequently found to be false shall be subject to disciplinary or other appropriate action.

Reporting misconduct through established internal/external mechanisms

- 5.1 Reports of misconduct should in practice be made through the established internal mechanisms of ITTO. It is the duty of the Administration to protect the confidentiality of the reporting individual's identity and all communications through those channels to the maximum extent possible.

- 5.2 Protection against retaliation will be extended to an individual who reports misconduct to an entity or individual outside of the established internal mechanisms of ITTO, where the criteria set out in subparagraphs (a), (b) and (c) below are satisfied:

(a) Such reporting is necessary to avoid:
Substantive damage to ITTO's operations; or
Violations of national or international law; and

(b) The use of internal mechanisms is not possible because:

At the time the report is made, the individual has grounds to believe that he/she will be subjected to retaliation by the person(s) he/she should report to pursuant to the established internal mechanism; or

It is substantially likely that evidence relating to the misconduct will be concealed or destroyed if the individual reports to the person(s) he/she should report to pursuant to the established internal mechanisms; or

The individual has previously reported the identical information through the established internal mechanisms, and ITTO has failed to inform the individual in writing of the status of the matter within six(6) months of such a report; and

(c) The individual does not accept payment or any other benefit from any party for such report.

- 5.3 Individuals unable or unwilling to make a report of misconduct due to the circumstances described in paragraph 5.1 or 5.2 are encouraged to make the report to one of the Council officers (Council Chair, Council Vice-Chair or the Chairperson, Committee on Finance and Administration). Current contact information for Council Officers shall be maintained and posted in a place accessible to all ITTO staff members.

Reporting Retaliation

- 6.1 Individuals who believe that retaliatory action has been taken or may be taken against them because they have reported misconduct or cooperated with a duly authorized and transparent investigation should forward all information and documentation available to them substantiating their complaint to one of the Council Officers (Council Chair, Council Vice-Chair or the Chairperson, Committee on Finance and Administration (CFA) as soon as possible. Complaints may be made in person, by regular mail, fax or by e-mail.

- 6.2 The functions and responsibilities of the Council Officers described in paragraph 6.1 with respect to protection against retaliation for reporting misconduct or cooperating with a duly authorized investigation are as follows:

To receive complaints of retaliation or threats of retaliation;

To keep a confidential record of all complaints received; and

To conduct a preliminary review of the complaint to determine if (i) the complainant engaged in a protected activity; and (ii) there is a prima facie case that the protected activity was a contributing factor in causing the alleged retaliation or threat of retaliation.

These processes will be undertaken in a collaborative manner.

Individuals making the disclosure will be offered and afforded confidential liaison with the Council Officer to whom the disclosure was first made. That Council Officer will serve as the principal point of contact for the duration of these actions.

- 6.3 The Council Officers will seek to complete a preliminary review within 45 days of receiving the complaint of retaliation.
- 6.4 All officers and staff members shall cooperate with the Council Officers and provide access to all records and documents requested by the Council Officers, except for medical records that are not available without the express consent of the staff member concerned.
- 6.5 If the Council Officers find that there is a credible case of retaliation or threat of retaliation, they will normally refer the matter in writing to the Executive Director for investigation and will immediately notify in writing the complainant that the matter has been so referred. The Executive Director will seek to complete his investigation and submit a report to the Council Officers at the next session of the Council. If the Council Officers have concerns that the Executive Director cannot or will not act impartially, the case will be referred to the Council Chair and Vice-Chair.
- 6.6 Pending the completion of the investigation, the Council Officers may recommend that the Executive Director take appropriate measures to safeguard the interests of the complainant, including but not limited to temporary suspension of the implementation of the action reported as retaliatory and, with the consent of the complainant, temporary reassignment of the complainant within or outside the complainant's office or placement of the complainant on special leave with full pay.
- 6.7 Once the Council Officers have received the investigation report, they will inform in writing to the complainant of the outcome of the investigation and make their recommendations on the case to the Executive Director. The recommendations may include disciplinary actions to be taken against the retaliator.
- 6.8 If the Council Officers find that there is no credible case of retaliation or threat of retaliation but finds that there is an interpersonal problem within a particular office, they will advise the complainant to seek recourse via informal mechanisms of conflict resolution within ITTO.
- 6.9 If the Council Officers determine that there is a managerial problem based on the preliminary review of the complaint they will advise the Executive Director accordingly.
- 6.10 Where, in the opinion of the Council Officers, there may be a conflict of interest in ITTO conducting the investigation, they may recommend to the Executive Director that the complaint be referred to an alternative transparent investigating mechanism.

Protection of the person who suffered retaliation

- 7.1 If retaliation against an individual is established, the Council Officers may, after consultation with the individual who has suffered retaliation, recommend to the Executive Director appropriate measures aimed at correcting negative consequences suffered as a result of the retaliatory action. Such measures may include, but are not limited to, the rescission of the retaliatory decision, including reinstatement, or, if requested by the individual, transfer to another office or function for which the individual is qualified, independently of the person who engaged in retaliation. If requested, the individual shall be provided with professional counseling to be paid for by ITTO.

Action against the person who engaged in retaliation

- 8.1 Retaliation against an individual because that person has reported misconduct on the part of

one or more ITTO officials or cooperated with a duly authorized investigation of the ITTO constitutes misconduct which, if established, may lead to disciplinary action and/or transfer to other functions in the same or a different office.

Prohibition of retaliation against outside parties

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