



# General Assembly

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## Seventy-third session

Agenda item 141

### Human resources management

## Amendments to the Staff Regulations and Rules

### Report of the Secretary-General

#### *Summary*

The present report is submitted pursuant to staff regulations 12.1 and 12.3 and contains amendments to the Staff Regulations and Rules to support General Assembly resolution 3416 (XXX) on the employment of women in the Secretariat, as well as subsequent resolutions in which the Assembly called upon the Secretary-General to increase efforts to achieve gender parity within the United Nations Secretariat.<sup>1</sup>

The General Assembly is requested to approve the amendments to the Staff Regulations and to take note of the amendments to the Staff Rules set out in the annexes to the present report.

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<sup>1</sup> Resolutions [44/75](#), [44/185 C](#), [45/239 C](#), [46/100](#), [47/93](#), [48/106](#), [49/167](#), [50/164](#), [51/67](#), [65/247](#), [67/255](#), [68/252](#), [70/133](#) and [71/263](#), among others.



1. Over the course of the past 40 years, the General Assembly has repeatedly called for the equal representation of women in the Organization. This supports, and is in alignment with, the principle set forth in Article 101 of the Charter of the United Nations concerning the “highest standards of efficiency, competence and integrity” in the appointment of staff. In view of this mandate and the lack of progress in gender parity over the past several decades, the Secretary-General, in September 2017, published the system-wide strategy on gender parity, a progressive road map to reach parity across the Organization by 2028.
2. In the first year of implementation of the strategy, progress has been made, with parity reached among the Senior Management Group and Resident Coordinators. However, work remains to be done at other levels. A closer look at the distribution of posts reveals that the gap between the number of men and women widens in the higher levels of the Professional category. The gap is largest in field operations, where women made up only 28.7 per cent of international staff holding a permanent, continuing or fixed-term appointment as at 30 November 2018. Moreover, there has been little to no improvement in recent years. A more proactive and accelerated course of action is therefore urgently required to support parity across the system in general and in field operations in particular.
3. In its resolution 3416 (XXX) on the employment of women in the Secretariat, the General Assembly, bearing in mind Articles 8 and 101 of the Charter, reaffirmed that “equitable distribution of the positions between men and women” in the Organization “is a major principle governing the recruitment policy of the United Nations”. Nevertheless, this major principle is not reflected in the Staff Regulations and Rules. In particular, the principle of equitable distribution of the positions between men and women has not previously been a consideration in determining the order of preference for retention of staff when downsizing or closing missions. Instead, priority is given to types of contracts that historically have been held disproportionately by men.
4. Accordingly, there is a need to ensure that measures supporting the principle of equitable distribution of the positions between men and women called for by the General Assembly are expressly included at the highest level in the legal framework of the Staff Regulations and Rules. Specifically, the Secretary-General proposes that the Staff Regulations and Rules be amended to include the equitable distribution of the positions between men and women among the criteria to be considered in the context of both staff selection and retention. Given the planned downsizing of missions in 2019, the Secretary-General considers it important that the Assembly consider these amendments as a matter of priority, as downsizing in the current context will slow the rate of change further in the best-case scenario, and numbers will decline in the worst case.
5. The proposed amendments are based on guidance provided by the General Assembly, specifically in its resolution 3416 (XXX), which established the principle of equitable distribution of the positions between men and women in the United Nations. The Office of Legal Affairs considers that the proposed changes may be implemented in a manner that is consistent with the Charter, for example Articles 8 and 101. These changes are also achievable concurrently with greater geographic diversity.
6. Annex I to the present report contains the proposed amendments to the Staff Regulations. Annex II contains the proposed amendments to the Staff Rules.

## **A. Regulations**

7. Consistent with General Assembly resolution 3416 (XXX), it is proposed that regulation 4.3 be amended to include in matters of selection the principle of equitable distribution of the positions between men and women in the United Nations.

## **B. Rules**

8. Consistent with General Assembly resolution 3416 (XXX), it is proposed that rules 9.6 and 13.1 be similarly amended. A new paragraph (f) is proposed to be added to staff rule 9.6 to take into account the principle of equitable distribution of the positions between men and women when determining the order of preference for retention of staff affected by the abolition of posts and reduction of staff. Similar language is proposed to be added to paragraph (d) of staff rule 13.1.

## **Actions to be taken by the General Assembly**

9. **The General Assembly is requested to approve the amendments to the Staff Regulations contained in annex I to the present report and to take note of the amendments to the Staff Rules contained in annex II at the first part of its resumed session.**

## Annex I

### Amendments to the Staff Regulations

#### Regulation 4.3

In accordance with the principles of the Charter, selection of staff members shall be made without distinction as to, race, sex or religion **and shall take into account the principle of equitable distribution of the positions between men and women in the United Nations**. So far as practicable, selection shall be made on a competitive basis.

## Annex II

### Amendments to the Staff Rules

#### Rule 9.6

#### Termination

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#### Termination for abolition of posts and reduction of staff

(e) Except as otherwise expressly provided in paragraph (fg) below and staff rule 13.1, if the necessities of service require that appointments of staff members be terminated as a result of the abolition of a post or the reduction of staff, and subject to the availability of suitable posts in which their services can be effectively utilized, ~~provided that due regard shall be given in all cases to relative competence, integrity and length of service,~~ staff members shall be retained in the following order of preference **and taking into account paragraph (f) below:**

- (i) Staff members holding continuing appointments;
- (ii) Staff members recruited through competitive examinations for a career appointment serving on a two-year fixed-term appointment;
- (iii) Staff members holding fixed-term appointments.

**(f) In determining the order of preference for retention, due regard shall be given in all cases to relative competence, integrity, length of service and, as necessary, the principle of equitable distribution of the positions between men and women in the United Nations.** When the suitable posts available are subject to the principle of geographical distribution, due regard shall also be given to nationality in the case of staff members with less than five years of service and in the case of staff members who have changed their nationality within the preceding five years.

~~(fg)~~ The provisions of paragraph (e) above insofar as they relate to staff members in the General Service and related categories shall be deemed to have been satisfied if such staff members have received consideration for suitable posts available within their parent organization at their duty stations.

~~(gh)~~ Staff members specifically recruited for service with the United Nations Secretariat or with any programme, fund or subsidiary organ of the United Nations that enjoys a special status in matters of appointment under a resolution of the General Assembly or as a result of an agreement entered by the Secretary-General have no entitlement under this rule for consideration for posts outside the organ for which they were recruited.

#### Termination for unsatisfactory service

~~(hi)~~ The appointment of a staff member may be terminated for unsatisfactory service under conditions established by the Secretary-General.

#### Termination for health reasons

~~(ij)~~ The appointment of a staff member who has not attained the normal age of retirement as defined under article 1 (n) of the Regulations of the United Nations Joint Staff Pension Fund but whose physical or mental condition or extended illness renders him or her incapacitated for further service may be terminated after exhaustion of any sick leave entitlement.

**Rule 13.1**  
**Permanent appointment**

...

(d) If the necessities of service require abolition of a post or reduction of the staff and subject to the availability of suitable posts for which their services can be effectively utilized, staff members with permanent appointments shall be retained in preference to those on all other types of appointments, provided that due regard shall be given in all cases to relative competence, integrity, ~~and~~ length of service **and, as necessary, the principle of equitable distribution of the positions between men and women in the United Nations**. Due regard shall also be given to nationality in the case of staff members with no more than five years of service and in the case of staff members who have changed their nationality within the preceding five years when the suitable posts available are subject to the principle of geographical distribution.

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