

FIFTH COMMITTEE

PROVISIONAL STAFF REGULATIONS AND STAFF RULES

REPORT OF THE FIFTH COMMITTEE

Rapporteur: Mr. R. HICHENS-BERGSTROM (Sweden)

1. In connection with Section 21 of the Budget Estimates for 1948 relating to Common Staff Costs, the Secretary-General submitted to the Fifth Committee proposals to amend the resolutions relating to children's allowances and education grants and also the provisional staff regulations governing the age of retirement and termination of appointments (documents A/C.5/153 and A/C.5/165). The Fifth Committee considered these questions at its seventy-sixth, ninety-second and ninety-fourth meetings held on 24 October, 8 and 10 November respectively. The Secretary-General also reported to the General Assembly on staff rules and amendments thereto which he had promulgated to implement the regulations (A/435). In this connection, and relating to the discussions in the Fifth Committee on Section 21 of the Budget Estimates, the Secretary-General submitted further information concerning the expatriation allowances and the rules governing home leave (A/C.5/199 and A/C.5/204). The Committee considered these matters further at its ninety-fifth meeting on 10 November. In view of the fact that the issues involved were considerably broader than the financial implications of such rules and regulations and in view of the desirability of grouping together matters relating directly to staff welfare and conditions of employment, the Committee deemed it appropriate to report on these items apart from the report on the Budget Estimates.
2. The Advisory Committee on Administrative and Budgetary Questions had reported on the questions of children's allowances, education grants, expatriation allowances and rules governing home leave in its regular report on the Budget Estimates (A/336). This report concurred in the recommendation of the Secretary-General to increase the rate of the children's allowance from \$144 to \$200 per annum. At its seventy-sixth meeting the Fifth Committee approved this change by thirty-three votes to two, with five abstentions. New regulations relating to this question appear as regulations 30, 31 and 32 in Annex A of the present report.
3. In connection with the Secretary-General's proposal to increase the amount of the education grant and to make the scheme more flexible, the Fifth Committee,

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at its seventy-sixth meeting, approved, by thirty votes to one, with nine abstentions, the increase in rate from \$144 to \$200, but accepted by twenty-eight votes to nine, with five abstentions, the recommendations contained in paragraph 77 of the Advisory Committee's report (A/336). This paragraph provides in substance that should staff members elect to send their children to special national schools in the area where they are serving, rather than to schools in their home countries, the United Nations will pay an allowance equal to the difference in the cost of tuition at the special national school and at a comparable school normally attended by national residents, provided that the allowance shall not exceed \$200, and provided that there is a valid reason why the child does not return to school in the home country. New regulations relating to this question appear as regulations 33 and 34 in Annex A of the present report.

4. The proposals of the Secretary-General to amend regulations 20 and 21 of the Provisional Staff Regulations governing age of retirement and termination of employment were referred to the Advisory Committee for study during the current session. The Advisory Committee reported on these questions on 6 November (A/C.5/202) and, at its ninetieth meeting, the Fifth Committee approved, by thirty-three votes to none, with seven abstentions, the recommendation of the Advisory Committee that the age of retirement should remain at sixty years and that the retention of a staff member beyond the age of sixty should continue to be at the discretion of the Secretary-General, subject to the present regulation 20.

5. With respect to regulation 21 of the Provisional Staff Regulations relating to termination of certain appointments, the Fifth Committee, at its ninety-second meeting, approved, by thirty-three votes to none, with two abstentions, the proposal to establish a new regulation 12 A and a revision of regulation 21 which would clarify the competence of the Secretary-General in connection with the terms of appointment and termination of members of the staff employed on probation or on short-term, including temporary, contracts. The new regulations are attached to this report as Annex B.

6. The expatriation allowances instituted on 16 June 1947 by the Secretary-General for members of the staff recruited outside the country of their official duty stations was discussed at length at the seventy-sixth meeting. The Advisory Committee, in document A/336, recommended that the expatriation allowance be limited to two years. The Committee approved, by nineteen votes to ten, with fifteen abstentions, a resolution proposed by Australia that the Secretary-General be invited to submit for the information of the Fifth Committee a revised staff rule providing that no

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staff member should receive expatriation allowances after the completion of two years' service at any one duty station, together with a statement of the revised appropriations to be voted. After a further intervention by the Secretary-General at the ninety-fifth meeting (A/C.5/199), the Chairman ruled that the payment of expatriation allowances limited to two years had been decided by its action at the seventy-sixth meeting. Appropriate budgetary action, giving effect to this ruling, was taken at the ninety-eighth meeting.

7. The question of home leave was debated at length on the basis of the observations of the Advisory Committee and of proposals by Canada and by New Zealand to extend the period of eligibility from the present two years' service to "once every third year" or to "once every two and one-half years" respectively. The Canadian proposal was rejected at the ninety-fifth meeting by twenty-two votes to fifteen, with four abstentions; at the same meeting the New Zealand proposal was rejected by twenty votes to six, with eleven abstentions.

8. The Committee took note of other staff rules transmitted by the Secretary-General, in accordance with the terms of Provisional Staff Regulation 29, together with some observations concerning the definition of "normal place of residence" in the rules governing home leave, the rule governing promotions, and the necessity for new rules relating to geographical distribution. The representative of the Secretary-General agreed to meet the requests of the Canadian and Belgian delegations to circulate, before the next regular session of the General Assembly, a codification of all staff rules.

9. The Committee recommends, therefore, that the General Assembly adopt the following resolution:

PROVISIONAL STAFF REGULATIONS AND STAFF RULES

THE GENERAL ASSEMBLY

TAKES NOTE of the report of the Secretary-General on the staff rules and amendments thereto which he had promulgated to implement the Provisional Staff Regulations (document A/435);

REQUESTS the Secretary-General to present, four months prior to the third regular session of the General Assembly, a codification of the staff rules for the information of the Assembly;

RESOLVES that the Provisional Staff Regulations relating to children's allowances and education grants, (regulations 30, 31, 32, 33 and 34) be cancelled and superseded, with effect from 1 January 1948, by the amended regulations contained in Annex A; and

RESOLVES that the Provisional Staff Regulations relating to appointment, probation and promotion be amended by the addition of regulation 12 A, and that regulation 21 be revised as contained in

ANNEX A
STAFF REGULATIONS

XII. CHILDREN'S ALLOWANCES AND EDUCATION GRANTS

Regulation 30

As from 1 January 1948, full-time members of the staff, with the exception of those specifically excluded by resolution of the General Assembly, shall be entitled to a children's allowance of \$200 (U.S.) per annum in respect of each child under the age of sixteen years, or, if the child is in full-time attendance at a school or a university (or similar educational institution), under the age of eighteen or twenty-two years respectively; provided that, if both parents are members of the staff of the United Nations only one allowance will be paid in respect of each of their children; and provided further that, where the Secretary-General deems it advisable, no allowance or an allowance of an amount other than \$200 (U.S.) may be paid under special circumstances, as for example, short-term assignments or assignments at duty stations where the levels of United Nations salary scales are fixed at levels varying from the headquarters scale.

Regulation 31

The allowance shall continue to be payable in respect of his children to a full-time member of the staff who becomes entitled under the United Nations Joint Staff Pension Fund Regulations to a retirement or a disability benefit and to a widow if in receipt of a widow benefit.

Regulation 32

Upon the death of a person who receives a children's allowance under these regulations, and following the death of the other parent, there shall be paid to the legal guardian of each child an allowance of \$400 (U.S.), or such other appropriate amount as may be fixed by the United Nations Staff Pension Committee, having regard to the further proviso in regulation 30.

Regulation 33

Each full-time member of the staff, with the exception of those specifically excluded by a resolution of the General Assembly, entitled to receive a children's allowance under regulation 30, who is employed by the United Nations in a country other than his own country as specified in his letter of appointment shall be entitled to the following education grant:

- (a) The sum of \$200 (U.S.) per annum for each child, in respect of whom a children's allowance is payable, in full-time attendance at a school or a university in his home country; provided that where a child attended such an educational institution for a period of less than two-thirds of any one scholastic year, the allowance shall be

reduced to such proportion of \$200 (U.S.) as the period so attended bears to a full scholastic year;

(b) Once in each scholastic year the travelling expenses of the outward and return journey of such a child by a route approved by the Secretary-General;

(c) Should staff members elect to send their children to special national schools in the area where they are serving, including international schools organized for children of United Nations staff members, rather than to schools in their home countries, the United Nations will pay for each child otherwise eligible for the education grant, an allowance equal to the difference between the cost of education at the special school which he attends and the cost at a comparable school attended by children of persons normally resident in the area, provided that the allowance shall not exceed \$200 per year. This allowance shall be payable only when there is a valid reason for the child not to attend school in the home country; for instance, in the case of children under eleven years of age or when the health of the child is such that return to the home country is not feasible.

If both parents are members of the staff of the United Nations only one grant will be paid in respect of each of their children.

Regulation 34

The Secretary-General may decide in each case whether allowances or grants under regulations 30 and 33 shall extend to adopted children or step-children.

ANNEX B

STAFF REGULATIONS

II. APPOINTMENT, PROBATION AND PROMOTION

Regulation 12A

The appointment of any member of the staff for a probationary period on a short-term contract, which shall include any temporary contract, shall be subject to such conditions as the Secretary-General may deem desirable.

Regulation 21

The Secretary-General may terminate the appointment of a member of the staff in accordance with the terms of his appointment if made under the provisions of regulation 12A, or if the necessities of the service require the abolition of the post or a reduction of the staff, or if the services of the individual concerned prove unsatisfactory.